

LIQ14

Notice of final account prior to dissolution in CVL



Companies House

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07/02/2020

#55

COMPANIES HOUSE

1 Company details

Company number 0 7 1 7 5 4 4 5
Company name in full BLUE CHECK RESTAURANT LIMITED

→ Filling in this form
Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename(s) Paul
Surname Appleton

3 Liquidator's address

Building name/number
Street 26 - 28 Bedford Row
Post town London
County/Region
Postcode W C 1 R 4 H E
Country

4 Liquidator's name ①

Full forename(s)
Surname

① Other liquidator
Use this section to tell us about
another liquidator.

5 Liquidator's address ①

Building name/number
Street
Post town
County/Region
Postcode
Country

① Other liquidator
Use this section to tell us about
another liquidator.

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6 Liquidator's release

☐ Tick if one or more creditors objected to liquidator's release.

:

7 Final account

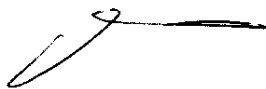
☒ I attach a copy of the final account.

8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

d

0

d

6

m

0

m

2

y

2

y

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y

2

y

0

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Presenter information

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name Philip Kyprianou

Company name David Rubin & Partners

Address Pearl Assurance House
319 Ballards Lane

Post town London

County/Region

Postcode N 1 2 8 L Y

Country

DX Finchley 1

Telephone 020 8343 5900



Checklist

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- ☐ The company name and number match the information held on the public Register.
- ☐ You have attached the required documents.
- ☐ You have signed the form.



Important information

All information on this form will appear on the public record.



Where to send

You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:

The Registrar of Companies, Companies House,
Crown Way, Cardiff, Wales, CF14 3UZ.
DX 33050 Cardiff.



Further information

For further information please see the guidance notes on the website at www.gov.uk/companieshouse or email enquiries@companieshouse.gov.uk

This form is available in an alternative format. Please visit the forms page on the website at www.gov.uk/companieshouse

IN THE MATTER OF
BLUE CHECK RESTAURANT LIMITED - IN LIQUIDATION

AND
THE INSOLVENCY ACT 1986

THE LIQUIDATOR'S FINAL ACCOUNT
PURSUANT TO SECTION 106 OF THE INSOLVENCY ACT 1986
AND
RULE 18.14 OF THE INSOLVENCY (ENGLAND AND WALES) RULES 2016
FOR THE PERIOD FROM 6 JANUARY 2017 TO 10 DECEMBER 2019

CONTENTS

1. Introduction
2. Statutory information
3. Liquidator's name and address
4. Details of the Liquidator's administration of the winding-up
5. Basis of Liquidator's remuneration and staff allocation
6. Liquidation expenses
7. Details of unrealisable assets
8. Investigations
9. Other relevant information
10. Conclusion

APPENDICES

- A. Receipts and Payments Account from 6 January 2019 to 10 December 2019 and Cumulative Receipts and Payments Account from 6 January 2017 to 10 December 2019.
- B. Time analysis for the period from 6 January 2019 to 10 December 2019 and cumulative time analysis for the period from 6 January 2017 to 10 December 2019.

BLUE CHECK RESTAURANT LIMITED - IN LIQUIDATION

1. Introduction

Blue Check Restaurant Limited (“the Company”) was placed into liquidation by a Special Resolution of the members followed by a Decision of the creditors on 6 January 2017. I have now concluded my administration of the liquidation and present my final account of the liquidation, which covers the period since my last progress report.

Rule 18.14 – Content of Final Account

2. Statutory information

Company name: Blue Check Restaurant Limited
Registered office: 26-28 Bedford Row, London, WC1R 4HE
Company number: 07175445
Trading address: 144-146 High Street, Bushey, WD23 3DH and 12-13 Empire Way, Wembley HA9 0RQ

3. Liquidator’s name and address

Paul Appleton of David Rubin & Partners, 26-28 Bedford Row, London, WC1R 4HE was appointed Liquidator of the Company on 6 January 2017.

4. Details of the Liquidator’s administration of the winding-up

At Appendix A, I have provided an account of my Receipts and Payments for the period from 6 January 2019 to 10 December 2019 and cumulative figures for the whole liquidation to 10 December 2019, together with a comparison to the Director’s Statement of Affairs values, which is further explained below.

The work carried out during the liquidation is as set out below in the explanations to my Receipts and Payments Account and in Section 5.3.9.

4.1 Receipts

4.1.1 Sale of business

Immediately following my appointment, I instructed Agents to market and sell the Company’s business and assets. Interest shown in purchasing the business was less than anticipated. Two of the three parties which expressed an interest only wanted to purchase the chattel assets for nominal amounts. The third interested party was the entity that had been trading under the Business Licence during the period leading up to the Liquidation, namely Blue Check Limited (“BCL”).

On 16 January 2017, BCL made an offer for the business and assets of the Company for the sum of £20,000. That offer was rejected, and BCL was asked to submit best and final offers by no later than close of business on 17 January 2017. BCL submitted a revised offer in the sum of £25,000, which was accepted. The sale was finalised on 25 January 2017. BCL has no connection with the Company or its officers.

The sale consideration was paid upon completion of the sale, and has been apportioned as follows:

BLUE CHECK RESTAURANT LIMITED - IN LIQUIDATION

4.1.1 Sale of business ... continued.

	Estimated To Realise £	Realised £
Goodwill	Uncertain	8,000
Furniture & equipment	8,130	15,500
Stock	Nil	1,500
Total	<u>8,130</u>	<u>25,000</u>

4.1.2 Cash at bank

The Director's Estimated Statement of Affairs as at 6 January 2017 ("ESOA") disclosed cash at bank of £3,284. Following my appointment, the Company's bank account with Barclays Bank plc was closed. On closure, the account was overdrawn by a small amount, following the charging of final fees and penalties and, therefore, there were no realisations from the cash at bank.

4.1.3 Cash held on appointment

The amount of £9,000 was held by my firm, prior to my appointment as Liquidator, specifically for the purposes of meeting the costs of the Statement of Affairs fee as detailed at Section 4.2.1 below.

4.1.4 Bank interest received

The funds in hand are held in an interest bearing account with a High Street bank in the Office Holder's name.

Interest earned on the funds in hand amounts to £16.72.

4.2 Payments

4.2.1 Statement of Affairs fee

A fee of £7,500 was paid to my firm for the assistance given to the director of the Company in notifying and convening the members' and creditors' meetings pursuant to Section 98 of the Insolvency Act 1986 and the preparation of the Statement of Affairs and director's report to creditors. This fee was approved at the first meeting of creditors.

4.2.2 Specific bond

The specific bond is the cost of insurance, based on the level of realisations by the Liquidator, as required by the Insolvency Practitioners Regulations 2005. The amount of £117.60 was paid in this regard.

4.2.3 Statutory advertising

This represents the costs for the publishing of statutory advertising in the London Gazette in respect of the first meeting of members and creditors, including notice of the appointment of the Liquidator and for creditors to submit their claims in the liquidation. Statutory advertising costs of £253.80 have been paid.

4.2.4 Meeting costs

The first meetings of members and creditors were held at my offices for which my firm charged a nominal rental of £150 for the provision of the boardroom and ancillary facilities.

4.2.5 Carriage and archiving

My firm uses its own personnel and vehicle for the collection and listing of books and records for which we charge £50 per hour. My firm has been paid £137.50 for 2.75 hours in this regard.

4.2.6 Storage costs

My firm uses a commercial archiving company for storage facilities for the Company's records and papers. This is recharged at the rate of £10 per box per quarter and includes a small charge to cover the administration costs of archiving and retrieval of documents. I am also required to keep my working papers for 6 years from the conclusion of the liquidation. Storage costs of £360 have been charged.

4.2.7 Agents fees

The amount of £3,296 plus VAT was paid to Peter Davies & Sons Limited ("PDS") in respect of its fees for providing the valuation of the Company's assets and assisting in the sale thereof.

PDS was selected as agent on the basis of its experience and expertise in dealing with valuations and sale of assets in insolvency situations, taking into account the locality and size of the Company. The agreed basis of PDS's fees was a commission of 10% of net realisations plus disbursements and a fixed valuation fee of £750.

4.2.8 Travel costs

My staff have incurred travel costs of £19.20 during the course of the liquidation.

4.2.9 Liquidator's remuneration

As shown in the Receipts and Payments Account, I have drawn remuneration, as Liquidator, of £22,181.82. This is explained further at Section 5.3 below.

5. Basis of Liquidator's remuneration and staff allocation

5.1 Basis of remuneration

At the first meeting of creditors the basis of my remuneration as Liquidator was fixed by reference to the time properly spent by my staff and myself in attending to matters arising in the winding-up.

In accordance with the provisions of Statement of Insolvency Practice 9, a schedule of my firm's charge-out rates was issued to creditors at the time the basis of the Liquidator's remuneration was approved. These rates were set in November 2011 and have fallen substantially behind prevailing market rates for a business of our size and expertise. Accordingly, the rates were revised on 1 November 2018. Our current hourly charge-out rates exclusive of VAT, which are charged in units of 6 minutes, are as follows:-

5.1 Basis of remuneration ... continued.

	Previous	Current
	£	£
Senior / Managing Partners	450	550
Partners / Office holders	300 - 395	495
Managers / Senior Managers	250 - 295	350 - 395
Senior Administrators	180 - 220	220 - 295
Administrators	130 - 160	160 - 200
Cashiers and Assistants	120 - 160	150 - 295
Supports	110 - 120	120 - 150

Charge-out rates are normally reviewed annually in November, when rates are adjusted to reflect such matters as inflation, increases in direct wage costs, and changes to indirect costs such as Professional Indemnity Insurance.

5.2 Staff allocation and the use of subcontractors

Our general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case. The constitution of the case team will usually consist of a Partner, Manager, Senior Administrator, and two Administrators. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and additional staff may be allocated to meet the demands of the case.

I have not utilised the services of any subcontractors in this case.

5.3 Liquidator's remuneration

5.3.1 My time costs for the period from 6 January 2019 to 10 December 2019, which covers the period since my last progress report to creditors, are £9,387. This represents 34.9 hours at an average rate of £269 per hour. I attach as Appendix B a time analysis which provides details of the activity during this period, analysed by staff grade, in respect of my firm's remuneration fixed by reference to time properly spent by my staff and me in managing the liquidation.

5.3.2 I have also reviewed my cumulative time costs for the period from 6 January 2017 to 10 December 2019 and would report that my total time costs are £34,514 for 135 hours, which equates to an average cost of £256 per hour. A breakdown of my cumulative time charges is also set out in Appendix B.

5.3.3 I have drawn fees of £22,182.82 and I have outstanding fees of £12,332, which I am unable to recover as there are insufficient funds to meet my full time costs. Accordingly, my firm has been paid an average hourly rate of £163 per hour for the 135 hours worked.

5.3 Liquidator's remuneration

5.3.4 Creditors may recall that I provided them with my fees estimate of £38,540 for the administration of the liquidation, fixing the basis of my remuneration on a time costs basis. I would confirm that it was not necessary during the liquidation to seek further approval to increase this estimate.

5.3 Liquidator's remuneration ... continued.

- 5.3.5 As you may be aware, a Liquidator must comply with various statutory obligations under the Insolvency Act 1986 and other related legislation. Details about the work I carried out in this regard were outlined previously and I would confirm that in this period of the liquidation, the only matters that have affected the costs to any particular extent are reviewing the case for closure and preparing and circulating my annual and final reports.
- 5.3.6 Where the costs of statutory compliance work or reporting to creditors exceeded the initial estimate, it is usually because the duration of the case has taken longer than anticipated, which has in turn placed a further statutory reporting requirement on the Liquidator. In this instance the costs incurred were within the estimates.
- 5.3.7 As noted in my initial fees estimate/information, this work has not necessarily brought any financial benefit to creditors, but is work required on every case by statute.
- 5.3.8 To view an explanatory note concerning Liquidators' remuneration approved by the Joint Insolvency Committee, please visit the Publications folder on our website www.drpartners.com/cases, using the following log-on details:

USERNAME: B464@drco.co.uk

PASSWORD: 464Bgm*!

Alternatively, please contact this office to arrange for a copy to be sent to you.

- 5.3.9 Included in the work undertaken by me and my staff is the following:-
- i) Dealing with creditors' enquiries both by correspondence and by telephone and noting their claims;
 - ii) Carrying out all necessary investigations, including the examination of the Company's statutory books and books of accounts and records in order to enable me to prepare and submit a Liquidator's report on the conduct of the directors pursuant to the requirements of the Company Directors Disqualification Act 1986;
 - iii) Preparation and circulation of my annual progress reports and Receipts and Payments Accounts to creditors pursuant to S104A of the Insolvency Act 1986 and submission of same to the Registrar of Companies;
 - iv) Instructing and liaising with agents to provide a valuation and dispose of the Company's assets;
 - v) Filing the appropriate documents relating to the liquidation at Companies House;
 - vi) Collecting and archiving the Company's books and records;
 - vii) Applying for the Liquidator's bond, as required by the Insolvency Practitioners Regulations 2005;
 - viii) Publishing the necessary statutory advertisements in respect of the liquidation proceedings;
 - ix) Opening a designated bank account and dealing with the movement of funds;

5.3 Liquidator's remuneration ... continued.

- x) Correspondence with the Company's bankers in respect of the closure of the Company's bank account;
- xi) Preparation and submission to HM Revenue & Customs of the relevant VAT and Corporation Tax returns; and
- xii) Preparation of my final report and Receipts and Payments Account to creditors pursuant to Section 106 of the Insolvency Act 1986.

6. Liquidation expenses

Expenses incurred in the liquidation are explained in Section 4.2, above, in my comments on the Receipts and Payments Account.

7. Details of unrealisable assets

Assets that have proved unrealisable have been fully discussed in the Receipts and Payments Account section at 4.1 above.

8. Investigations

- 8.1 Some of the work the Liquidator is required to undertake is to comply with legislation such as the Company Directors' Disqualification Act 1986 (CDDA 1986) and Statement of Insolvency Practice 2 – Investigations by Office Holders in Administration and Insolvent Liquidations and may not necessarily bring any financial benefit to creditors, unless these investigations reveal potential asset recoveries that the Liquidator can pursue for the benefit of creditors.
- 8.2 My report on the conduct of the Directors of the Company to the Department for Business, Energy & Industrial Strategy under the CDDA 1986 was submitted during the first year of the liquidation and is confidential.
- 8.3 Since my last progress report I would advise that no further assets have come to light that may be pursued by me for the benefit of creditors.

9. Other relevant information

9.1 Secured creditors

The Company has no secured creditors.

9.2 Prescribed part

Section 176A of the Insolvency Act 1986 provides for a prescribed part of the Company's net property to be retained from distribution to the floating charge holder, where the debenture was created on or after 15 September 2003, and made available for the satisfaction of unsecured debts.

This regulation does not apply as there are no secured creditors.

BLUE CHECK RESTAURANT LIMITED - IN LIQUIDATION

9.3 Preferential creditors

The Company has no preferential creditors.

9.4 Unsecured creditors

The claims of 5 unsecured creditors totalling £270,587 have been received compared to 13 creditors totalling £359,437 disclosed on the ESOA. However, these claims have not been formally agreed as there was little likelihood of sufficient funds being available to pay a dividend to this class of creditor.

10. Conclusion

This final account will conclude my administration of this case. I trust you will find this report adequate for your purposes but should you require any further information, please do not hesitate to contact in the first instance my Manager, Philip Kyprianou, at this office.



PAUL APPLETON - LIQUIDATOR

10 December 2019

BLUE CHECK RESTAURANT LIMITED - IN LIQUIDATION
LIQUIDATOR'S FINAL RECEIPTS AND PAYMENTS ACCOUNT
FROM 6 JANUARY 2017 TO 10 DECEMBER 2019

	<u>Estimated</u> <u>To Realise</u>	<u>Realised</u>	<u>Period</u> <u>06-Jan-19 to</u> <u>10-Dec-19</u>
	£	£	£
<u>Balance brought forward</u>			4,048.39
<u>Receipts</u>			
Goodwill	Uncertain	8,000.00	-
Furniture & equipment	8,130	15,500.00	-
Stock	Nil	1,500.00	-
Cash at bank	3,284	-	-
Cash held on appointment	<u>9,000</u>	9,000.00	-
Bank interest received		16.72	2.33
		<u>34,016.72</u>	<u>4,050.72</u>
<u>Payments</u>			
Statement of Affairs fee		7,500.00	-
Specific bond		117.60	117.60
Statutory advertising		253.80	84.60
Meeting costs		150.00	150.00
Carriage and archiving		137.50	137.50
Storage costs		360.00	360.00
Agents' fees		3,296.80	-
Sundry expenses		19.20	19.20
Liquidator's remuneration		<u>22,181.82</u>	<u>3,181.82</u>
		<u>34,016.72</u>	<u>4,050.72</u>

BLUE CHECK RESTAURANT LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION

LIQUIDATOR'S TIME COSTS FOR THE PERIOD 6 JANUARY 2019 TO 10 DECEMBER 2019 SIP 9 TIME SUMMARY							
Classification of work function	Hours					Total Cost £	Average hourly rate £
	Partners	Manager / Senior Manager	Admin / Senior Admin	Cashiers	Total hours		
Statutory compliance, admin and planning	00:00	16:42	16:00	02:12	34:54	9,386.50	268.95
Total hours and costs	00:00	16:42	16:00	02:12	34:54	9,386.50	268.95

LIQUIDATOR'S CUMULATIVE TIME COSTS FOR THE PERIOD FROM 6 JANUARY 2017 TO 10 DECEMBER 2019 SIP 9 TIME SUMMARY							
Classification of work function	Hours					Total Cost £	Average hourly rate £
	Partners	Manager / Senior Manager	Admin / Senior Admin	Cashiers	Total hours		
Statutory compliance, admin and planning							
IPS set up & maintenance	00:00	00:00	00:06	00:00	00:06	22.00	220.00
Statutory filings, circulars, notices, etc.	00:00	00:00	02:30	00:00	02:30	358.00	143.20
Case planning, strategy & control	00:00	01:00	01:00	00:00	02:00	503.00	251.50
Taxation: PAYE, C/Tax & VAT	00:00	00:00	10:42	00:00	10:42	1,706.00	159.44
Accounting & Cashiering	00:00	00:42	00:54	10:42	12:18	2,005.50	163.05
Case reviews & Diary maintenance	00:00	00:00	16:42	00:00	16:42	2,436.00	145.87
Statutory reporting and compliance	01:00	30:12	14:18	00:00	45:30	13,099.00	287.89
Investigations							
CDDA preparation & reporting	01:00	06:18	00:06	00:00	07:24	2,324.50	314.12
SIP2 assessment and financial review	00:00	05:18	00:12	00:00	05:30	1,595.50	290.09
Realisation of assets							
Shares & investments	00:00	03:48	00:00	00:00	03:48	1,121.00	295.00
Tangible assets	08:00	06:06	02:06	00:00	16:12	5,753.50	355.15
Creditors							
Unsec'd Creditors: correspondence & claims	01:00	09:36	01:42	00:00	12:18	3,590.00	291.87
Total hours and costs	11:00	63:00	50:18	10:42	135:00	34,514.00	255.66