

WU07

Notice of progress report in a winding-up by the court



Companies House

SATURDAY



A10 *A698S5NK* 24/06/2017 #53
COMPANIES HOUSE

1 Company details

Company number 0 7 4 7 4 7 1 0

Company name in full 375 Live Limited

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

2 Liquidator's name

Full forename(s) Mark

Surname Wilson

3 Liquidator's address

Building name/number RSM Restructuring Advisory LLP

Street 9th Floor
25 Farringdon Street

Post town London

County/Region

Postcode E C 4 A 4 A B

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 ②

Building name/number

Street

Post town

County/Region

Postcode

Country

② Other liquidator
Use this section to tell us about
another liquidator.

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6 Period of progress report

From date	d 0 d 6	m 0 m 5	y 2 y 0 y 1 y 6
To date	d 0 d 5	m 0 m 5	y 2 y 0 y 1 y 7

7 Progress report

☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X

Paul

X

Signature date

d 2 d 3	m 0 m 6	y 2 y 0 y 1 y 7
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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	Mark J Wilson
Company name	RSM Restructuring Advisory LLP
Address	9th Floor, 25 Farringdon Street
Post town	London
County/Region	
Postcode	E C 4 A 4 A B
Country	
DX	
Telephone	0203 201 8000

**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

**375 Live Limited In Liquidation
(‘the Company’)**

Liquidator’s progress report

23 June 2017

**Mark Wilson
Liquidator**

**RSM Restructuring Advisory LLP
9th Floor, 25 Farringdon Street
London EC4A 4AB**

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1 Purpose of report

This report has been prepared in accordance with insolvency legislation to provide creditors and members of the Company with information relating to the progress of the liquidation in the period from 6 May 2016 to 5 May 2017. This report should be read in conjunction with any previous reports that have been issued, copies of which are available on request.

This report has been prepared solely to comply with the statutory requirements of the relevant legislation. The purpose of the report is to provide creditors and members with information relating to the progress of the Winding Up in the period from 6 May 2016 to 5 May 2017. It has not been prepared for use in respect of any purpose, or to inform any investment decision in relation to any debt or financial interest in the Company. Any estimated outcomes for creditors are illustrative and may be subject to significant change.

RSM Restructuring Advisory LLP was previously named Baker Tilly Restructuring and Recovery LLP until 26 October 2015.

Neither the Liquidator nor RSM Restructuring Advisory LLP accept any liability whatsoever arising as a result of any decision or action taken or refrained from as a result of information contained in this report.

2 Liquidator's appointment

I, Mark Wilson of RSM Restructuring Advisory LLP, 9th Floor, 25 Farringdon Street, London EC4A 4AB was appointed Liquidator of 375 Live Limited on 6 May 2014 by The Secretary of State.

3 Receipts and payments summary

I attach as Appendix B a summary of my receipts and payments for the period from 6 May 2016 to 5 May 2017.

VAT basis

Receipts and payments are shown net of VAT, with any amount due to or from HM Revenue and Customs shown separately.

4 Creditors' claims

Creditors' claims as set out in the Statement of Affairs totalled £280,636.39.

I have not yet taken steps to adjudicate on creditor claims, however unsecured creditor claims totalling £3,460,577.32 have been received since my appointment. Steps to agree creditor claims will be undertaken should a dividend become payable to the unsecured creditors.

4.1 Dividend prospects for creditors

Dividend prospects and projected returns to creditors, where known, are detailed in Appendix A, including any amount under the prescribed part. Please note that these are indicative only and should not be used as the sole or principal basis for any bad debt provision or other purposes. They may be subject to revision and additional costs.

4.2 Prescribed part

The 'Prescribed Part' is a statutory amount of the Company's assets subject to a floating charge to be set aside for the benefit of the Company's non-preferential creditors.

There are no creditors secured by charges over the assets and undertakings of the Company. There is therefore no requirement to estimate the amount of the prescribed part of the assets under Section 176A of the Insolvency Act 1986 (as amended).

5 Conduct of the winding-up in the previous twelve months

Voidable Transactions

58G Hatton Garden

As previously reported, interim payments of £227,000 have been made in relation to the adverse costs orders made as a result of the unsuccessful litigation on this matter. I am in on-going correspondence with the other party in the litigation in order to reach a settlement of the outstanding costs. These discussions remain on-going, however it is anticipated that a final settlement will be reached shortly.

Broadhey Farm, Diglee Road, High Peak ("Broadhey")

As previously reported, a settlement was reached and received with certain third parties. During this period, negotiations with other third parties have continued and a further settlement has been agreed. The terms of the settlement noted above cannot be disclosed at this stage as it may impact on possible future claims that I might bring in relation to this matter.

Claim against the Director

The Joint Trustees of the director's bankruptcy estate have concluded their investigations into the affairs of the bankrupt. Insufficient realisations were made to enable the Trustees to pay a dividend to creditors and therefore there is no further action to be taken on this matter.

Funds held by Solicitor

Funds of £6,015.28 were recovered during the period. These represent Company funds held in their client account at the date of liquidation.

5.1 Investigations

I can advise you that, following my initial assessment, further investigations were undertaken in relation to potential claims against third parties. I would confirm that these actions are currently ongoing, however due to the nature of these actions, no further information can be disclosed at this time.

5.2 Administration and planning

The administration functions performed include the handling of receipts and payments to the estate submission of VAT returns as necessary, completion of six month case reviews as well as dealing with general correspondence with third parties.

5.3 Potential claim for compensation for mis-selling of interest rate hedging product

As you may be aware, a settlement agreement was recently reached between the Financial Conduct Authority ('FCA') and certain major banks, in relation to the sale of interest rate hedging products. The Liquidator is currently investigating whether or not the Company was sold a relevant Interest Rate Hedging Product, and whether there is an entitlement to redress whether inside the framework of the FCA settlement, or otherwise.

I am aware that a number of banks are in the process of developing a methodology to implement the terms of the settlement reached with the FCA in respect of the sale of these products. My understanding is that this process will take several months to refine and finalise and, until such time, my own investigations cannot be completed. However, it should be noted that there has not, as yet, been any clarification as to how any such compensation would be treated and thus which creditors would have priority. I am therefore at present unable to ascertain whether any such funds would therefore be available for creditors.

Consequently, to ensure creditors' rights to any potential claim are protected, I am at present unable to conclude the Compulsory Liquidation.

6 Matters preventing closure

6.1 Assets remaining to be realised

I continue to consider potential claims against third parties, however aside from this, there are no assets remaining to be realised.

6.2 Other outstanding matters

As noted above, I am still in negotiations to settle the costs award in relation to the 58G Hatton Garden litigation.

Investigations into potential third party claims are also ongoing.

7 Liquidator's remuneration, disbursements and expenses

7.1 Basis of remuneration

The basis of my remuneration was approved by creditors on 18 December 2014, when the following resolution was passed:

"The Liquidator shall be authorised to draw their remuneration based upon their time costs together with an uplift of up to 75%, by reference to the time properly given by the Liquidator and their staff, in attending to matters arising in the liquidation at RSM Restructuring Advisory LLP standard hourly rates, at the rates prevailing at the time the work is done."

Approval was also given to the drawing of disbursements, including category 2 disbursements. Details of the current rates are attached at Appendix D.

7.2 Remuneration and Disbursements incurred in the period from 6 May 2016 to 5 May 2017

In accordance with insolvency legislation the Liquidators are required to report remuneration 'charged'. This reflects the time charged to the case and is the maximum that can be taken in fees by me. It does not necessarily reflect the amount of remuneration that will ultimately be taken by me in remuneration. If there are insufficient realisations to allow my remuneration to be recovered in full, any balance will be written off. Details of any write off will be set out in the final report.

7.2.1 Liquidator's remuneration

I have incurred time costs of £25,361.10 in respect of work done in the current period (a summary of which is set out in Appendix G). Details of the sums drawn in respect of remuneration for the period covered by this report are set out in the receipts and payments account (Appendix B).

Attached are the following:

- Appendix C: RSM Restructuring Advisory LLP's Charging, Expenses and Disbursements Policy Statement.
- Appendix D: Liquidator's Charge Out and Disbursement Rates;
- Appendix E: Category 2 Disbursements Table; and
- Appendix G: Liquidator's Time Cost Analysis for the period set out above.

7.2.2 Liquidator's disbursements

The basis of me drawing disbursements was approved by creditors on 20 June 2014, when the following resolution was passed:

"The Liquidator be authorised to draw 'category 2' disbursements out of the assets as an expense of the Winding Up, at the rates prevailing when the cost is incurred."

Disbursements incurred in the period in accordance with the resolution above are detailed on Appendix F (Statement of Expenses).

7.3 Total remuneration incurred and paid to date since appointment

I have incurred time costs of £287,465.10 since the date of my appointment in accordance with the resolution set out above. Of this, a total of £80,000.00 (plus VAT) has been paid and £207,465.10 remains outstanding.

Should you require any further information please do not hesitate to contact me at restructuring.london.si@rsmuk.com

7.4 Liquidator's statement of expenses

A statement of the expenses incurred during the period, is attached at Appendix F. This includes all expenses incurred by me as Liquidator in the period of the report irrespective of whether they have been paid or not and may include estimated amounts where actual invoices have not been received. The receipts and payments abstract at Appendix B sets out the expenses actually paid in the period together with cumulative figures.

8 Creditors' right to information and ability to challenge remuneration and expenses

In accordance with the provisions of the relevant legislation creditors have a right to request further information about remuneration or expenses and to challenge such remuneration or expenses.

A request for further information must be made in writing within 21 days of receipt of this report.

Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the unsecured creditors (including that creditor) or the permission of the court, may apply to court that the remuneration charged, the basis fixed or expenses incurred by the Liquidator are in all the circumstances excessive.

Any such challenge must be made no later than eight weeks after receipt of the report which first discloses the charging of remuneration or incurring of the expenses in question.

A Guide to Liquidators Fees, which provides information for creditors in relation to the remuneration of a Liquidator, can be accessed at <http://rsm.insolvencypoint.com> under 'general information for creditors'.

A hard copy can be requested from my office by telephone, email or in writing.

Should you have any further queries please do not hesitate to contact me.



Mark Wilson
RSM Restructuring Advisory LLP
Liquidator

Mark Wilson is licensed to act as an Insolvency Practitioner in the UK by the Institute of Chartered Accountants in England and Wales

Insolvency Practitioners are bound by the Insolvency Code of Ethics when carrying out all professional work relating to an insolvency appointment

Appendix A

Statutory, dividend and other information

Company name:	375 Live Limited
Company number:	07474710
Court & reference:	In the High Court of Justice No. 1520 of 2014
Date of appointment:	6 May 2014
Liquidator:	Mark Wilson
Date of incorporation:	21 December 2010
Previous company names:	N/A
Trading name:	375 Live Limited
Trading address:	58g Hatton Garden, London EC1N 8LX
Principal activity:	Manufacture of Basic Metals
Previous registered office:	58g Hatton Garden, London EC1N 8LX
Registered office:	RSM Restructuring Advisory LLP 9th Floor, 25 Farringdon Street London EC4A 4AB

Dividends	Owed	Paid	Estimated future prospects
Secured creditor	£ Nil	£ Nil	N/A
Preferential creditors	£ Nil	£ Nil	N/A
Unsecured creditors	£3,460,577.32	£ Nil	Not known
Estimated net property	N/A		
Estimated prescribed part available for unsecured creditors	N/A		

Appendix B

Receipts and Payments Abstract: 1062465 - 375 Live Limited In Liquidation

Bank, Cash and Cash Investment Accounts: From: 06/05/2016 To: 05/05/2017

		06/05/2016 to 05/05/2017		Total to 05/05/2017	
		£	£	£	£
SOA Value £					
	ASSET REALISATIONS				
0.00	Bank Interest Gross	159.27		290.89	
0.00	Freehold Land and Property	0.00		138,000.00	
			159.27		138,290.89
	COST OF REALISATIONS				
0.00	Advertisements	0.00		(75.82)	
0.00	Agents / Valuers Fees	0.00		(2,000.00)	
0.00	Appointee Disbursements	0.00		(324.05)	
0.00	Appointee Fees	0.00		(80,000.00)	
0.00	Corporation Tax	(31.85)		(58.18)	
0.00	Expert Witness costs	0.00		(8,625.00)	
0.00	Insurance	0.00		(795.00)	
0.00	Investigation Expenses	0.00		(310.00)	
0.00	ISA Cheque Fees	0.00		(0.15)	
0.00	ISA Quarterly Charges	(88.00)		(264.00)	
0.00	Official Receivers Debit Balance	0.00		(1,360.25)	
0.00	Secretary of State Fees	(1,375.88)		(30,056.92)	
0.00	Specific Bond	0.00		(85.00)	
			(1,495.73)		(123,954.37)
	UNSECURED CREDITORS				
(280,636.39)	Unsecured Creditors	0.00		0.00	
			0.00		0.00
	EQUITY				
(1.00)	Ordinary	0.00		0.00	
			0.00		0.00
(280,637.39)			(1,336.46)		14,336.52
	REPRESENTED BY				
	ISA - LQD4145449			45,065.95	
	VAT Receivable (Payable)			(30,729.43)	
					14,336.52
					14,336.52

Note: There are currently funds being held in my instructed solicitor, Wedlake Bell LLP's client account in order to meet any adverse costs payments and litigation costs associated with the 58G Hatton Garden matter. As these funds have not yet passed through the estate account, the entries are not shown on the receipts and payments account. Details of any costs are shown in Appendix F of this report.

Appendix C

RSM Restructuring Advisory LLP

Charging, expenses and disbursements policy

Charging policy

- Partners, directors, managers, administrators, cashiers, secretarial and support staff are allocated an hourly charge out rate which is reviewed from time to time.
- Work undertaken by cashiers, secretarial and support staff will be or has been charged for separately and such work will not or has not also been charged for as part of the hourly rates charged by partners, directors, managers and administrators.
- Time spent by partners and all staff in relation to the insolvency estate is charged to the estate.
- Time is recorded in 6-minute units at the rates prevailing at the time the work is done.
- The current charge rates for RSM Restructuring Advisory LLP London (SI) are attached.
- Time billed is subject to Value Added Tax at the applicable rate, where appropriate.
- It is the office holder's policy to ensure that work undertaken is carried out by the appropriate grade of staff required for each task, having regard to its complexity and the skill and experience actually required to perform it.
- RSM Restructuring Advisory LLP's charge out rates are reviewed periodically.

Expenses and disbursements policy

- Only expenses and disbursements properly incurred in relation to an insolvency estate are re-charged to the insolvency estate.
- Expenses and disbursements which comprise external supplies of incidental services specifically identifiable to the insolvency estate require disclosure to the relevant approving party, but do not require approval of the relevant approving party prior to being drawn from the insolvency estate. These are known as 'category 1' disbursements.
- Expenses and disbursements which are not capable of precise identification and calculation (for example any which include an element of shared or allocated costs) or payments to outside parties that the firm or any associate has an interest, require the approval of the relevant approving party prior to being drawn from the insolvency estate. These are known as 'category 2' disbursements.
- A resolution to consider approving category '1' disbursements at the rates prevailing at the time the cost is incurred to RSM Restructuring Advisory LLP London (SI) will be proposed to the relevant approving party in accordance with the legislative requirements.
- General office overheads are not re-charged to the insolvency estate as a disbursement.
- Any payments to outside parties in which the office holder or his firm or any associate has an interest will only be made with the approval of the relevant approving party.
- Expenses and disbursements re-charged to or incurred directly by an insolvency estate are subject to VAT at the applicable rate, where appropriate.

Appendix D

RSM Restructuring Advisory LLP

Liquidator's current charge out and disbursement rates

Hourly charge out rates		
	Rates at commencement £	Current rates £
Partner	400 to 475	545
Directors / Associate Directors	300 to 410	255 to 465
Manager	195 to 250	325 to 330
Assistant Managers	180 to 200	185 to 290
Administrators	100 to 145	125 to 265
Support staff	100 to 105	80 to 180

Category 2 disbursement rates	
Internal room hire	Location dependent
Subsistence	£25 per night (from 3 rd September 2013) £23 per night (up to 2 nd September 2013)
Travel (car)	38p per mile (up to and including 31 March 2010) 40p per mile (from 1 April 2010) 42.5p per mile (from 1 April 2011)
'Tracker' searches	£10 per case

Appendix E

RSM Restructuring Advisory LLP

Liquidator's category 2 disbursements table

Amounts paid or payable to the Office Holder's firm or to any party in which the office holder or his firm or any associate has an interest		
Recipient, type and purpose	Paid £	Unpaid £
None	Nil	Nil
Total	Nil	Nil

Appendix F

Statement of expenses incurred by the Liquidator in the period from 6 May 2016 to 5 May 2017

Type and purpose	Incurred in period £
After the event insurance premium	33,000.00
Counsels Fees	3,450.00
Expert Witness Costs – Matthews & Goodman	5,000.00
Library Services	18.00
Solicitors Fees – Wedlake Bell LLP	28,699.00
Solicitors disbursements– Wedlake Bell LLP	6,942.00
Total	77,109.00

Appendix G

Liquidator's time cost analysis for the period from 6 May 2016 to 5 May 2017

Hours Spent	Partners	Directors / Associate Directors	Managers	Assistant Managers	Administrators	Assistants & Support Staff	Total Hours	Total Time Costs (£)	Average Rates (£)
Administration and Planning									
Background information	0.0	0.0	0.0	0.0	0.1	0.1	0.2	24.10	120.50
Case Management	1.6	1.3	0.0	6.2	2.5	2.1	13.7	3,646.50	266.17
Receipts and Payments	0.0	0.2	0.0	0.1	1.2	0.2	1.7	351.50	206.76
Tax Matters	0.0	0.0	0.0	0.3	0.9	0.0	1.2	259.50	216.25
Total	1.6	1.5	0.0	6.6	4.7	2.4	16.8	4,281.60	254.86
Investigations									
Investigations/CDDA	0.0	1.5	0.0	5.9	19.0	0.0	26.4	4,192.50	158.81
Total	0.0	1.5	0.0	5.9	19.0	0.0	26.4	4,192.50	158.81
Realisation of Assets									
Assets - general/other	0.0	0.0	0.0	0.1	0.1	0.0	0.2	46.50	232.50
Land and Property	0.0	0.0	0.0	0.0	0.2	0.0	0.2	40.00	200.00
Total	0.0	0.0	0.0	0.1	0.3	0.0	0.4	86.50	216.25
Creditors									
Other Creditor Meetings and Reports	0.3	0.3	0.0	1.9	1.9	0.0	4.4	1,183.50	268.98
Unsecured Creditors	0.0	0.3	0.0	1.7	0.2	0.0	2.2	579.00	263.18
Total	0.3	0.6	0.0	3.6	2.1	0.0	6.6	1,762.50	267.05
Case Specific Matters - Legal Matters									
Legal Matters	11.5	10.3	0.0	11.5	9.6	0.0	42.9	15,038.00	350.54
Total	11.5	10.3	0.0	11.5	9.6	0.0	42.9	15,038.00	350.54
Total Hours	13.4	13.9	0.0	27.7	35.7	2.4	93.1	25,361.10	272.41
Total Time Cost (£)	6,819.00	5,699.00	0.00	6,780.50	5,858.00	204.60	25,361.10		
Average Rates (£)	508.88	410.00	0.00	244.78	164.09	85.25	272.41		