In accordance with Rule 18.6 of the Insolvency (England & Wales) Rules 2016.

AM10 Notice of administrator's progress report





COMPANIES HOUSE

	Con	npa	iny d	etai	ls ———				
Company number	0	7	7	4	4	2	4	7	→ Filling in this form Please complete in typescript or in
Company name in full	Birmingham Flowers and Plants Limited						bold black capitals.		
2	Adn	nini	istra	tor's	nar	ne			
Full forename(s)	Jai	me	s						
Surname	Fis	sh							
3	Adn	nin	istra	tor's	ado	ires:	s		
Building name/number	Th	e C	Copp	er F	Roor	n			
Street	De	va	Cer	ntre					
Post town	Trinity Way								
County/Region	Manchester								
Postcode	M 3 7 B G								
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4	Adn	nin	istra	tor's	nar	ne (•		
Full forename(s)	Ala	an l	Bria	n					Other administrator Use this section to tell us about
Surname	Сс	ler	man						another administrator.
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Post town	Tri	nity	y Wa	ay					
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AM10 Notice of administrator's progress report

6	Period of progress report						
From date	1 6 0 8 y 9 y 9 y 9 y 9 y 9 y 9 y 9 y 9 y 9 y						
To date	1 5 0 2 70 2 70						
7	Progress report						
	☑ I attach a copy of the progress report						
8	Sign and date						
Administrator's signature	Signature X						
Signature date	1 2 0 3 2 0 2 0						

AM10

Notice of administrator's progress report

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	James Fish
Company name	Royce Peeling Green Limited
Address	The Copper Room
	Deva Centre
Post town	Trinity Way
County/Region	Manchester
Postcode	M 3 7 B G
Country	
DX	
Telephone	0161 608 0000
Cho	eleliet

Checklist

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the

- ☐ 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

Joint Administrators' Progress Report

Birmingham Flowers and Plants Limited- In Administration

Period: 16 August 2019 to 15 February 2020

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- 1 Introduction
- 2 Progress of the Administration
- 3 Pre-administration Costs
- 4 Joint Administrators Remuneration
- 5 Estimated Outcome for Creditors
- 6 Ending the Administration
- 7 Creditors' Rights
- 8 Next Report

APPENDICES

- A Receipts and Payments Account from 16 August 2019 to 15 February 2020
- B Time Analysis for the period 16 August 2019 to 15 February 2020
- C Additional Information in Relation to the Joint Administrators Fees, Expenses & Disbursements

THE ADMINISTRATOR'S PROGRESS REPORT

1 Introduction

- 1.1 I, together with Alan Brian Coleman, was appointed Joint Administrator of Birmingham Flowers and Plants Limited (the **Company**) on 16 August 2019. The appointment was made by the Qualifying Floating Charge holder, Seneca Trade Partners LLP.
- 1.2 This Administration is being handled by Royce Peeling Green Limited at The Copper Room, Deva Centre, Trinity Way, Manchester, M3 7BG. The Administrators' contact details are by phone on 0161 608 0000 or via email at insolvency@rpg.co.uk. The Administration is registered in the High Court of Justice, Business and Property Courts in Manchester, reference number 000778 of 2019.
- 1.3 Information about the way that we will use, and store personal data on insolvency appointments can be found at https://www.rpg.co.uk/insolvency/privacy.pdf. If you are unable to download this, please contact us and a hard copy will be provided to you.
- 1.4 The trading address of the Company is Unit 22 Gravelly Industrial Park, Tyburn Road, Birmingham, B24 8HZ. .
- 1.5 The registered office of the Company is The Copper Room, Deva Centre, Trinity Way, Manchester, M3 7BG and its registered number 07744247.
- 1.6 As Joint Administrator, I am required to provide a progress report covering the period of six months commencing from the date the Company entered Administration and every subsequent period of six months. This progress report covers the period from 16 August 2019 to 15 February 2020 (the Period) and should be read in conjunction with my earlier proposals report.

2 Progress of the Administration

- 2.1 You may recall that the statutory objective being pursued in the Administration was realising property to make a distribution to the secured or preferential creditors. In addition to the pursuance of this statutory objective, the Administrators have duties imposed by insolvency and other legislation, some of which may not provide any financial benefit to creditors.
- 2.2 This section of the report provides creditors with an update on the progress made in the Period, both in terms of the achievement of the statutory objective, but also work which is required of the Administrators under other related legislation.

Statutory Duties

- 2.3 Following our appointment, all statutory documents confirming the appointment were filed at companies house in accordance with Insolvency Law and the relevant SIP16 extract was circulated to creditors, together with the administrators' proposals.
- 2.4 The administrators liaised with the director in order to explain the effect of the appointment and to obtain the necessary information required to enable us to carry out our statutory duties.
- 2.5 The administrators liaised with the Company's bankers in order to obtain bank statements which were fully reviewed whilst complying with our duty to report to the Department of Business, Innovation and Skills on the conduct of the director.
- 2.6 The administrators liaised with the director in order to facilitate the completion of a statement of affairs, which was lodged at Companies House during the period.

Debtors

- 2.7 As outlined within the administrators' proposal, the Company's draft accounts indicated a sales ledger balance of c£195k being due to the Company.
- 2.8 It was our understanding from discussions with the Company's accountants that this balance included significant balances that may not be recoverable due to debtors entering into insolvency procedures and potential counter claims from debtors.
- 2.9 The administrators reviewed the sales ledger and pursued all sums considered payable to the estate, however, in many cases the customer had entered insolvency proceedings whilst the remainder of customers disputed the debts in their entirety.
- 2.10 In addition, the administrators were not provided with sufficient information to enter into negotiations with any customers who disputed their debt.
- 2.11 In light of the limited information in the administrators' possession and the fact that the debts are disputed, it is not considered that any realisations will be achieved from this source, however, we are continuing to work with the director in this regard.
- 2.12 At Appendix A is my Receipts and Payments Account covering the period of this report.

Receipts

Pre-Packaged Sale

- 2.13 As creditors are aware, a pre-packaged sale of the Company's business and assets was concluded on 16 August 2019 to Birmingham Landscape Plants & Flowers Limited.
- 2.14 Full information on the sale pursuant to the requirements of Statement of Insolvency Practice 16 which was circulated with the administrators proposals.
- 2.15 The total consideration for the sale was £30,000, of which £20,000 was paid on completion with £10,000 deferred over 5 months (September 2019 to January 2020). The deferred consideration was supported by a personal guarantee from the Director (Jeff Large).
- 2.16 I can now confirm that the deferred payments totalling £10,000 have now been received in this matter.

Payments

Specific Bond

The administrators are required to take out bonding and the sum of £96 has been paid to Marsh Ltd in this regard.

Pre-Appointment Fees

As outlined in the administrators' proposals, pre-appointment time costs in the sum of £9,764.75 were incurred in this matter, which were subsequently approved for payment by Company's secured creditors.

I can confirm that the sum of £9,764.75 has been drawn during the period.

Joint Administrators Fees

During the period, point appointment fees in the sum of £3,200 have been drawn. Please see below for further details regarding the administrators' remuneration.

Agents Fees & Disbursements

During the period, agents' fees and disbursements in the sum of £2,130 were paid to Wignall Brownlow Chartered Surveyors in relation to their assistance prior to appointment.

Legal Fees & Disbursements

Knights Plc provided assistance prior to appointment and prepared the sale and purchase agreement in respect of the pre-packaged sale.

I can confirm that the sum of £5,276 has been paid during the period.

Marketing Expense

Disbursements of £195 were incurred in connection with the online marketing of the business and assets via www.IP-bid.com.

These costs have been settled during the period.

Statutory Advertising

2.17 The administrators are required to advertise their appointment in the London Gazette and advertising costs in the sum of £87.48 have been paid in this matter.

Petitioning Creditor Costs

- A supplier had issued a winding up petition against the Company on 24 May 2019 and the petition debt could not be paid. The Petition was advertised in the London Gazette on 18 July 2019 and the hearing was scheduled for shortly after the administrators' appointment.
- 2.19 The winding up hearing went ahead and the petition was suspended, however, the court ordered that the petitioning creditors' costs were paid as an expense of the administration
- 2.20 Accordingly, the sum of £2,250 was remitted to the petitioning creditor during the period.

Legal Counsel Fees

- 2.21 Knights Plc, solicitors, were instructed to attend the petition hearing on behalf of the Company and the sum of £500 was paid to them for their services. This was to ensure that the administration was brought to the attention of the judge and the winding up petition suspended.
- 2.22 Attached at Appendix B is a time analysis outlining the time spent by the Administrators and their staff during the Period
- 2.23 Further information about the basis of remuneration agreed in this case and the Administrators' fees estimate can be found in section 4 of this report, together with any relevant information about revisions to my initial estimate, where applicable.

Administration (including statutory compliance & reporting)

2.24 As noted above, the Administrators must comply with certain statutory obligations under the Insolvency Act 1986 and other related legislation. Details about the work that I anticipated would need to be done in this area was outlined in my initial fees estimate/information.

- 2.25 Where the costs of statutory compliance work or reporting to creditors exceeds the initial estimate, it will usually be because the duration of the case has taken longer than anticipated, possibly due to protracted asset realisations, which have in turn placed a further statutory reporting requirement on the Administrators.
- 2.26 As noted in my initial fees estimate/information, this work will not necessarily bring any financial benefit to creditors, but is required on every case by statute.

Realisation of Assets

2.27 It is considered that the work the Administrators and their staff have undertaken to date will bring a financial benefit to creditors. This may be a distribution to secured creditors of the Company only (from which a Prescribed Part fund may be derived for the benefit of unsecured creditors) or may, depending on realisations and the extent of any 3rd party security, result in a distribution to the unsecured creditors of the Company.

Creditors (claims and distributions)

- 2.28 Further information on the anticipated outcome for creditors in this case can be found at section 5 of this report. The Administrators are not only required to deal with correspondence and claims from unsecured creditors (which may include retention of title claims), but also those of any secured and preferential creditors of the Company. This may involve separate reporting to any secured creditor and dealing with distributions from asset realisations caught under their security, most typically a debenture.
- 2.29 Claims from preferential creditors typically involve employee claims and payments made on behalf of the Company by the Redundancy Payments Service following dismissal.
- 2.30 The above work will not necessarily bring any financial benefit to creditors generally, however the Administrators are required by statute to undertake this work. Similarly, if a distribution is to be paid to any class of creditor, work will be required to agree those claims and process the dividend payments to each relevant class of creditor. The more creditors a company has, the more time and cost will be involved by the Administrators in dealing with those claims.

Investigations

- 2.31 Some of the work the Administrators are 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 Administrators can pursue for the benefit of creditors.
- 2.32 I can confirm that I have submitted a report on the conduct of the Directors of the Company to the Department for Business, Energy & Industrial Strategy under the CDDA 1986. As this is a confidential report, I am unable to disclose the contents.
- 2.33 Shortly after appointment, I made an initial assessment of whether there could be any matters that might lead to recoveries for the estate and what further investigations may be appropriate. This assessment took into account information provided by creditors either at the initial meeting (where held) or as a response to my request to complete an investigation questionnaire.
- 2.34 My investigations have revealed issues requiring further investigation in respect of banking transactions in the lead up to the administrators' appointment. It is not yet known if these investigations may result in further potential recoveries which could be pursued for the benefit of creditors.

Connected party transactions

2.35 In accordance with Statement of Insolvency Practice 13, I would advise you that the following assets were sold to a party connected with the Company:

3 Pre-administration Costs

3.1 The following amounts in respect of pre-administration costs were approved:

Professional	Cost
RPG (Administrators)	£9,764.75 plus VAT
Knights Pic (Solicitors)	£5,300 plus VAT
Wignall Brownlow (agents/valuers)	£2,130 plus VAT
Total	£17,194.75 plus VAT

Disbursements of £195 + VAT were also approved in connection with the online marketing of the business and assets via www.IP-bid.com.

- 3.2 The payment of unpaid pre-administration costs set out above as an expense of the Administration was subject to the approval of creditors, separately to the approval of the Administrators' proposals.
- 3.3 As the Administrators think that the Company has insufficient property to enable a distribution to be made to the unsecured creditors (other than via the Prescribed Part), approval was sought from the secured creditors in accordance with insolvency legislation.
- 3.4 Approval of the pre-appointment costs was obtained from the secured creditor.

4 Joint Administrators' Remuneration

- 4.1 The basis of the Administrators' fees has been fixed in the Administration either by reference to the time properly spent by him and his staff in managing the Administration. My fees estimate/information was originally provided to creditors when the basis of my remuneration was approved and was based on information available to me at that time.
- 4.2 My fees estimate/information was originally provided to creditors with my proposals and was agreed by Seneca Trade Partners in their capacity as secured creditor
- 4.3 A copy of that estimate is reproduced below:

Category of work	Estimated Number of Hours	Average blended charge out rate	Estimated cost
Administration (inc statutory compliance & reporting)	61.00	160.41	9,785.00
Realisation of assets	30.00	155.83	4,675.00
Creditors (claims & distributions)	21.00	180.00	3,780.00
Investigations	27.50	155.45	4,275.00
Total estimated fees			£22,515.00

- 4.4 My time costs for the Period are £22,578.25. This represents 130.15 hours at an average rate of £173.48 per hour. Attached at Appendix B is a Time Analysis which provides details of the activity costs incurred by staff grade during the Period in respect of the costs fixed by reference to time properly spent in managing the Administration. To date, £3,200 has been drawn on account.
- 4.5 At the date of this report, I would confirm that my fees estimate for the Administration remains unchanged.
- 4.6 A copy of 'A Creditors' Guide to Liquidators' Fees' is available on request or can be downloaded from:
- 4.7 https://www.icaew.com/-/media/corporate/files/technical/insolvency/creditors-quides/2017/liquidations-creditor-fee-quide-6-april-2017.ashx?la=en
- 4.8 Attached at Appendix C is additional information in relation to the Administrators' fees, expenses and disbursements, including where relevant, information on the use of subcontractors and professional advisers.

5 Estimated Outcome for Creditors

Secured Creditors

Secured Creditors

The following charges are registered at Companies House: -

Charge in favour of	Date of Creation
HSBC Bank Plc	14 April 2014
Seneca Trade Partners Ltd	27 July 2018

At the date of the Administrators' appointment, the sums due to each secured creditor is estimated as follows:

- HSBC Bank Plc £42,000
- Seneca Trade Partners £100,000
- 5.2 I would advise that first and final distribution in the sum of £500 was distributed to HSBC Bank Plc under their fixed charge.
- 5.3 It should be noted that no further distributions to the Company's secured creditors are anticipated in this matter.

Preferential Creditors

- 5.4 Preferential claims relate to employees for arrears of wages, salary and holiday pay.
- 5.5 As a result of the sale of the business and assets and the employees of the Company transferring to the purchaser under the Transfer of Undertakings (Protection of Employment) Regulations 2006, there are no preferential claims in this matter.

Unsecured Creditors

- 5.6 Claims of unsecured creditors are estimated at £861,734.63 per the latest Sage management accounts.
- 5.7 This includes sums due to HM Revenue & Customs, trade suppliers and sums to the director.
- As the Company granted a floating charge, we are required to create a fund out of the Company's net floating charge property for the benefit of unsecured creditors (known as the Prescribed Part).
- 5.9 The Administrators will review and agree the claims of unsecured creditors should a prescribed part distribution become available.
- 5.10 Creditors should note that after the costs of the Administration procedure are considered, we do not envisage any funds being available for distribution to the Company's unsecured creditors.
- 5.11 Any distribution to unsecured creditors was wholly dependent upon the outcome of the debt collection exercise and, as noted at section 2.3 above, the administrators do not consider that any realisations will be achieved from the Company's debtors.

6 Ending the Administration

- 6.1 Based on present information, the Administrator thinks that the Company has insufficient property to permit a distribution to the unsecured creditors and that there may only be a distribution available to the secured and/or preferential creditors of the Company. As a result, once these distributions have been made, a notice will be filed at Court and with the Registrar of Companies with the Administrator's final report, for the dissolution of the Company.
- 6.2 The Administrators' appointment will end following the registration of the notice by the Registrar of Companies.
- 6.3 The Administrators will be discharged from liability under Paragraph 98(3) of Schedule B1 to the Insolvency Act 1986 immediately upon their appointment as Administrators ceasing to have effect.

7 Creditors' Rights

- 7.1 Within 21 days of the receipt of this report, a secured creditor, or an unsecured creditor (with the concurrence of at least 5% in value of the unsecured creditors) may request in writing that the Administrators provide further information about their remuneration or expenses (other than pre-administration costs) which have been itemised in this progress report.
- 7.2 Any secured creditor, or an unsecured creditor (with the concurrence of at least 10% in value of the unsecured creditors) may within 8 weeks of receipt of this progress report make an application to court on the grounds that, in all the circumstances, the basis fixed for the Administrators' remuneration is inappropriate and/or the remuneration charged or the expenses incurred by the Administrators, as set out in this progress report, are excessive.

8 Next Report

8.1 The Administrators are required to provide a progress report within one month of the end of the next six months of the Administration or earlier if the Administration has been finalised or he wishes to extend it.

For and on behalf of

Birmingham Flowers and Plants Limited

James Fish

Joint Administrator

Appendix A

Receipts and Payments Account from 16 August 2019 to 15 February 2020

Birmingham Flowers and Plants Limited (In Administration) Joint Administrators' Summary of Receipts & Payments

Statement of Affairs		From 16/08/2019 To 15/02/2020	From 16/08/2019 To 15/02/2020
	SECURED ASSETS		
500.00	Goodwill	500.00	500.00
000,00		500.00	500.00
	SECURED CREDITORS		
(42,000.00)	HSBC Bank Plc	500.00	500.00
(100,000.00)	Seneca	NIL	NIL
•		(500.00)	(500.00)
	ASSET REALISATIONS	· · ·	
	Bank Interest Gross	2.76	2.76
Uncertain	Book Debts	NIL	NIL
1.00	Business Information	NIL	NIL
7,497.00	Fixtures, Fittings & Equipment	7,500.00	7,500.00
1.00	Intellectual Property	NIL	NIL
5,000.00	Plant & Machinery	5,000.00	5,000.00
17,000.00	Stock	17,000.00	17,000.00
1.00	The Contracts	NIL	NIL
	•	29,502.76	29,502.76
	COST OF REALISATIONS		
	Agent's Fees & Disbursements	2,130.00	2,130.00
	Joint Administrators' Fees	3,200.00	3,200.00
	Legal Counsel Fees	500.00	500.00
	Legal Disbursements	276.00	276.00
	Legal Fees	5,000.00	5,000.00
	Petitioning creditor	2,250.00	2,250.00
	Preparation of S.of A.	9,764.75	9,764.75
	Specific Bond	96.00	96.00
	Statutory Advertising	87.48	87.48
		(23,304.23)	(23,304.23)
	UNSECURED CREDITORS		•
(140,000.00)	Directors	NIL	NIL
(15,695.03)	HMRC - PAYE	NIL	NIL
(22,245.48)	HMRC - VAT	NIL	NIL
(716,569.30)	Trade & Expense Creditors	NIL	NIL
•		NIL	NIL
	DISTRIBUTIONS		
(100.00)	Ordinary Shareholders	NIL	NIL
		NIL	NIL
1,006,609.81)		6,198.53	6,198.53
	REPRESENTED BY		
	Bank 1 Current		62.08
	Trade Debtors		2,000.00
	Vat Control Account		4,136.45
			C 400 E2

James Fish Joint Administrator

Appendix B

Time Analysis for the Period from 16 August 2019 to 15 February 2020

Birmingham Flowers and Plants Limited - In Administration

Time spent by grade in the period from 16 August 2019 to 15 February 2020

	<u>a</u>	Senior Administrator	Administrator	Cashier / Support	Total	Total	Average
					Hours	Cost	Rate
	£300	£160	£105	£105		લ	ы
Administration & Planning	9.75	33.00	3.15		45.90	9,480.75	206.55
Cashiering	•	•	•	9.00	9.00	945.00	105.00
Dealing with Creditors	12.25	9.00	2.90		24.15	5,419.50	224.41
Realisation of Assets	1.50	13.50	7.10	•	22.10	3,355.50	151.83
Investigations / CDDA	1.00	2.50	25.50	,	29.00	3,377.50	116.47
Total hours/Cost	24.50	58.00	38.65	9.00	130.15	22,578.25	173.48

Appendix C

Additional Information in Relation to the Joint Administrators' Fees, Expenses & Disbursements

1 Staff Allocation and the Use of Sub-Contractors

- 1.1 The general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case.
- 1.2 The constitution of the case team will usually consist of a Partner, a Manager, and an Administrator or Assistant. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and the experience requirements of the assignment.
- 1.3 We are not proposing to utilise the services of any sub-contractors in this case.

Professional Advisors

1.4 On this assignment we have used the professional advisors listed below. We have also indicated alongside, the basis of our fee arrangement with them, which is subject to review on a regular basis.

Name of Professional Advisor	Basis of Fee Arrangement
Knights Plc (legal advice)	Hourly rate and disbursements
Wignall Brownlow (valuation and disposal advice)	Hourly rate and disbursements
[Solicitor's name] (legal advice)	Hourly rate and disbursements

1.5 Our choice was based on our perception of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of our fee arrangement with them.

2 Joint Administrators' Expenses & Disbursements

2.1 The estimate of expenses (including disbursements) which were anticipated at the outset of the Administration was provided to creditors in the Administrators' Proposals Report a copy of which is set out below:

Expense	Estimated cost £
Agents' costs	2,130.00
Solicitors' costs	6,800.00
Marketing Expense	195.00
Statutory advertising	169.20
Specific penalty bond	240.00
Bank Charge	75.00

Current position of Joint Administrators' expenses

2.2 An analysis of the expenses paid to the date of this report, together with those incurred but not paid at the date of this report is provided below:

	Paid in prior period £		Incurred but not paid to date £	Total anticipated cost £
Agents' costs		2,130.00	0.00	2,130.00
Solicitors' costs		5,500.00	0.00	5,500.00
Statutory advertising		87.48	0.00	87.48
Specific penalty bond		96.00	0.00	96.00

- 2.3 Category 1 disbursements do not require approval by creditors. The type of disbursements that may be charged as a Category 1 disbursement to a case generally comprise of external supplies of incidental services specifically identifiable to the case, such as postage, case advertising, invoiced travel and external printing, room hire and document storage. Also chargeable will be any properly reimbursed expenses incurred by personnel in connection with the case. These disbursements are included in the tables of expenses above.
- 2.4 Category 2 disbursements do require approval from creditors. These are costs which are directly referable to the appointment in question but are not payments which are made to an independent third party and may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis such as internal room hire, document storage or business mileage. Details of Category 2 disbursements charged by this firm (where appropriate) were provided in the Administrators' Proposals Report and approved by creditors. Any Category 2 disbursements incurred are specifically highlighted in the tables of expenses above.

3 Charge-Out Rates

3.1 Royce Peeling Green Limited's current charge-out rates effective from 1 January 2019 are detailed below. Please note this firm records its time in minimum units of 6 minutes.

	(Per hour)
Insolvency Practitioner	300
Senior Insolvency Administrator	160
Insolvency Administrator / Cashier	105