

LIQ03

Notice of progress report in voluntary winding up



Companies House

SATURDAY



A74U7VMP
A25 28/04/2018 #61
COMPANIES HOUSE

1	Company details	
Company number	0 9 8 3 9 5 4 3 /	→ Filling in this form Please complete in typescript or in bold black capitals.
Company name in full	Robin Hood Hospitality Limited T/A The Robin Hood at Mawdesley, Robin Hood	
2	Liquidator's name	
Full forename(s)	Darren Terence	
Surname	Brookes	
3	Liquidator's address	
Building name/number	The Old Bank	
Street	187a Ashley Road	
Post town	Hale	
County/Region	Cheshire	
Postcode	W A 1 5 9 S Q	
Country		
4	Liquidator's name ①	
Full forename(s)		① Other liquidator Use this section to tell us about another liquidator.
Surname		
5	Liquidator's address ②	
Building name/number		② Other liquidator Use this section to tell us about another liquidator.
Street		
Post town		
County/Region		
Postcode		
Country		

LIQ03

Notice of progress report in voluntary winding up

6 Period of progress report

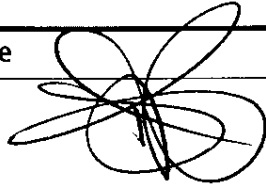
From date	^d 2	^d 6	^m 0	^m 4	^y 2	^y 0	^y 1	^y 7
To date	^d 2	^d 5	^m 0	^m 4	^y 2	^y 0	^y 1	^y 8

7 Progress report☒ The progress report is attached**8** Sign and date

Liquidator's signature

Signature

X



X

Signature date

^d 2	^d 7	^m 0	^m 4	^y 2	^y 0	^y 1	^y 8
----------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------

LIQ03

Notice of progress report in voluntary winding up

**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	Darren Brookes
Company name	Milner Boardman & Partners
Address	The Old Bank
	187a Ashley Road
Post town	Hale
County/Region	Cheshire
Postcode	W A 1 5 9 S Q
Country	
DX	
Telephone	0161 927 7788

**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

Liquidator's Summary of Receipts & Payments

1,180.20



Darren Ference Brookes
Liquidator



MILNER BOARDMAN
& PARTNERS
Corporate Recovery

ROBIN HOOD HOSPITALITY LIMITED T/A THE ROBIN HOOD AT MAWDESLEY- IN LIQUIDATION

Liquidator's Progress Report

Covering the Period
26 April 2017 to 25 April 2018

27 April 2018

Milner Boardman and Partners
The Old Bank
187A Ashley Road
Hale
Cheshire
WA15 9SQ

Our Ref: DTB/AR/2572/24

Liquidator's
Progress Report



CONTENTS

1. Statutory Information
2. Case Overview
3. Liquidator's Actions Since Appointment
4. Assets
5. Liabilities
6. Receipts and Payments
7. Investigation
8. Pre-appointment Remuneration
9. Liquidator's Remuneration
10. Liquidator's Disbursements
11. Further Information
12. Summary

APPENDICES

1. Receipts and Payments Account
2. Practice Fee Recovery Policy
3. Provision of Services Regulation Sheet

1. Statutory Information

Company Name: Robin Hood Hospitality Limited

Trading Name: The Robin Hood at Mawdesley

Company No: 09839543

Trading Address: Bluestone Lane
Mawdesley
Lancashire
L40 2RG

Registered Office: The Old Bank,
187a Ashley Road, Hale,
Cheshire, WA15 9SQ

Former Registered Office: Hewitt House
Winstanley Road
Orrell
Wigan
WN5 7XA

Principal Trading Activity: Public house/ Restaurant

Liquidator's Name: Darren Brookes

Liquidator's Address: Milner Boardman & Partners ("MBP")
The Old Bank, 187a Ashley Road,
Hale, Cheshire, WA15 9SQ

Date of Appointment: 26 April 2017

2. Case Overview

- 2.1 The reasons for the failure of the Company, according to the director, were increased competition in the area, Brexit, excessive business rates and rejection of the proposed CVA.
- 2.2 Prior to the appointment of a Liquidator, the director instructed MBP on 24 January 2017 to assist with drafting a Company Voluntary Arrangement ("CVA") proposal to be put to creditors, where Darren Brookes would be the Supervisor of the CVA. The proposal was prepared, with Darren Brookes acting as Nominee, and issued to creditors on 3 March 2017, however an objection to the proposed CVA was received from HM Revenue & Customs ("HMRC") and therefore the decision was made to cease to trade and commence liquidation proceedings.

2.3 According to the director's statement of affairs the assets of the Company comprised of fixtures and fittings ("FF"), wet and dry stock, a rent deposit and cash in hand.

2.4 The case remains open in order to pursue the outstanding liquidation costs.

3. Liquidator's Actions Since Appointment

3.1 My duties and functions as Liquidator are the realisation of the Company's assets, the agreement of the claims of creditors, the investigation of the director's conduct and the Company's affairs generally, and if applicable, the eventual distribution of the liquidation funds between the creditors in accordance with their legal entitlements.

3.2 In addition to asset realisation, comprising of attempting to secure a sale of the FF and stock, obtaining the rent deposit and pursuing the director in respect of the shortfall with regards to the statement of affairs fee, once the sale of FF and stock fell through, I have undertaken routine statutory work and dealt with a number of administrative matters including reconciling the account and regular reviews of the case. These are tasks that are required by statute or regulatory guidance or are necessary for the orderly conduct of the proceedings, and whilst they do not produce any financial benefit for creditors, they still have to be carried out. I have also had to verify that the cash at bank was not in fact a Company asset. Further details are found at section 5.

3.3 A description of the work which has been carried out in this reporting period is detailed below:

- Case planning - devising an appropriate strategy for dealing with the case and giving instructions to the staff to undertake the work on the case.
- Setting up physical case files
- Setting up the case on the practice's electronic case management system and entering data.
- Issuing the statutory notifications to creditors and other required on appointment as office holder, including gazetting the office holder's appointment.
- Obtaining a specific penalty bond.
- Dealing with all routine correspondence and emails relating to the case.
- Opening, maintaining and managing the office holder's estate bank account.
- Creating, maintaining and managing the office holder's cashbook.
- Undertaking regular bank reconciliations of the bank account containing estate funds.
- Reviewing the adequacy of the specific penalty bond on a quarterly basis.
- Undertaking periodic reviews of the progress of the case.
- Overseeing and controlling the work done on the case by case administrators.
- Preparing, reviewing and issuing fee approval report and annual progress report to creditors and members.
- Filing returns at Companies House.
- Preparing and filing VAT returns.
- Preparing and filing Corporation Tax returns.

- Maintaining up to date creditor information on the case management system.
- Preparing a report or return on the conduct of the directors as required by the Company Directors Disqualification Act.

4. Receipts and Payments

- 4.1 A receipts and payments account for the period 26 April 2017 to 25 April 2018 is enclosed within this report at appendix 1. The balance of funds is held in a non-interest bearing estate account.
- 4.2 Receipts for this period total £5,468.95 and relate to the rent deposit.
- 4.3 Payments for this period total £4,288.75 and relate to the specific bond, statement of affairs fee, statutory advertising and land registry fee.

5. Assets

- 5.1 **FF/Wet & Dry Stock:** As advised in my initial report, dated 2 May 2017, independent (RICS) agents, JPS Chartered Surveyors Limited ("JPS") were instructed to assist with the valuation and the sale of the Company's assets. JPS valued FF at £7,000 in-situ and £2,250 ex-situ, wet stock was valued at £1,200 in situ and dry stock at £200 in situ. Prior to appointment a licence to occupy and trade was signed between the Company and Big Noise Management Limited ("BNML"), who expressed an interest in purchasing the Company's assets. It should be noted that Craig Buckley was the director of the Company and also the director of BNWL. On 14 May 2017 BNML offered £8,400 plus VAT to purchase the FF and stock and on the agent's advice, this offer was accepted. It is not believed that the purchaser was independently advised. Unfortunately, the landlord and BNML could not reach an agreement for the occupation of the premises going forward and on 23 June 2017 BNWL vacated the premises and the sale fell through. The FF were retained by the landlord and BNWL ceased to trade and advised it had no funds to pay for the stock. It has subsequently been dissolved. No monies have therefore been realised in respect of FF and stock.
- 5.2 **Rent Deposit:** A total of £5,468.95 was received from the landlord (Enterprise Inns plc) in respect of a rent deposit paid by the Company.
- 5.3 **Cash in Hand:** As previously advised an amount of £552.99 was paid into clients' account of MBP prior the appointment of a Liquidator, in respect of the final balance which was held with Santander Bank plc. It later transpired that a company called Practical Business Solutions (NW) Limited had deposited the money in error into the Company's bank account and demanded repayment. Upon receipt of the requested evidence, these funds were subsequently repaid to them.
- 5.4 As the asset realisations to date are insufficient to cover the agreed statement of affairs fee plus VAT and disbursements, the director has been asked to provide a contribution

to cover the shortfall. Despite several requests, no payment has been received to date and I continue to chase.

6. Liabilities

6.1 Secured Creditors

6.1.1 According to Companies House, there were no secured creditors in this case.

6.2 Prescribed Part

6.2.1 The legislation requires that if the Company has created a floating charge after 15th September 2003, a prescribed part of the Company's net property (i.e. the money that would otherwise be available to the charge holder), should be ring-fenced for distribution to the unsecured creditors.

6.2.2 In this case, the provision did not apply as there was no charge registered against the Company.

6.3 Preferential Creditors

6.3.1 There are no preferential creditor claims expected in this matter.

6.4 Unsecured Creditors

6.4.1 The statement of affairs included an amount of £29,849 owed to HMRC in respect of VAT and £9,410 in relation to PAYE/NIC. To date a claim of £34,594 has been submitted in respect of VAT and £9,878.75 in respect of PAYE/NIC, which is higher than anticipated due to surcharges and interest applied.

6.4.2 The statement of affairs included other unsecured creditors totalling £111,310 which included a director's loan of £31,411 and a third-party loan in the sum of £25,725. Claims received to date total £100,561.85.

6.4.3 I can confirm that based on current information, there are insufficient funds to enable a dividend to unsecured creditors of the Company.

7. Investigation into the Affairs of the Company

7.1 I undertook an initial investigation into the Company's affairs to establish whether there were any potential asset recoveries or conduct matters that justified further investigation, taking account of the public interest, potential recoveries, the funds likely to be available to fund an investigation, and the costs involved.

- 7.2 Specifically, I recovered, listed and reviewed the Company's accounting records; obtained and reviewed copy bank statements for the three months prior to the Company ceasing to trade from the Company's bankers; and compared the information in the Company's last set of accounts with that contained in the statement of affairs lodged in the liquidation and made enquiries about the reasons for the changes.
- 7.3 There were no matters that justified further investigation in the circumstances of this appointment.
- 7.4 Within three months of my appointment as Liquidator, I am required to submit a confidential report to the Secretary of State to include any matters which have come to my attention during the course of my work which may indicate that the conduct of any past or present Director would make them unfit to be concerned with the management of the Company. I would confirm that my report has been submitted.

8. Pre-appointment Remuneration

- 8.1 The creditors previously authorised the payment of a fee of £7,500 plus VAT for my assistance with preparing the statement of affairs and convening and holding the meeting of creditors, at a meeting held on 26 April 2017. I can confirm that £4,000 has been paid to date from first realisations on appointment and is shown in the enclosed receipts and payments account. The balance of £3,500 plus VAT remains outstanding.

9. Liquidator's Remuneration

- 9.1 My remuneration was approved on a fixed fee basis of £7,500 for all categories of work. I have not been able to draw any remuneration in respect of work done for which my fees were approved as a fixed fee.
- 9.2 I have subcontracted some of the work I am required to undertake as Liquidator, namely dealing with an employee's potential claim, because it is cheaper than doing it in house. This work was subcontracted to an unconnected third party, who have agreed to waive their fee.
- 9.3 Further information about creditors' rights can be found by visiting the creditors' information micro-site published by the Association of Business Recovery Professionals (R3) at www.r3.org.uk/what-we-do/publications/professional/fees. A copy of a Creditors' Guide to Liquidators' fees can also be found here. Alternatively, please go to www.milnerboardman.com and click on "Useful Links" and then "Creditor's Guide to Liquidators fees". Details about how an office holder's fees may be approved for each case type are available in a series of Guidance Notes issued with Statement of Insolvency Practice 9. There are different versions of these Guidance Notes, and in this case please refer to October 2015 version 3 or alternatively a hard copy may be requested from this office. Please note that we have also provided further details in the Practice Fee Recovery Policy at appendix 2.

10. Liquidator's Disbursements

10.1 With regard to disbursements, specific expenditure relating to the administration of the insolvent's estate and payable to an independent third party is recoverable without creditor approval. Payments made in respect of the above are defined as "Category 1 disbursements". Since my appointment, I have incurred category 1 disbursements totalling £1,621.75.

10.2 I have drawn £288.75 to date.

10.3

Type of expense	Amount incurred in reporting period (£)	Amount drawn in reporting period (£)
Specific bond	44.00	44.00
Statutory advertising	222.75	222.75
Land Registry fee	22.00	22.00
Agent's fee	1,333.00	0.00

10.4 Expenditure incidental to the administration of the insolvent's estate, which by its nature includes an element of shared or allocated costs, are recoverable with creditors' approval. Payments in respect of this type of expense are referred to as "Category 2 disbursements". Category 2 disbursements require creditor authorisation before they can be drawn. Category 2 disbursements include staff mileage costs. MBP have not charged Category 2 disbursements.

10.5 All disbursements are shown net of VAT and as the Company was registered for VAT purposes, VAT totalling £844.55 was recoverable for the benefit of the insolvent's estate.

10.6 I have used the following agents or professional advisors in this reporting period:

Agent/Professional Advisor	Nature of work	Basis of fees
JPS	Valuer	Time costs
ERA Solutions Limited ("ERA")	Employment specialists	Waived fee

10.7 JPS were instructed to assist with the valuation and sale of the assets. No fees has been paid to them to date.

10.8 ERA were instructed to deal with a potential employee claim. As ERA assisted only with one employee claim, they agreed to waive their fee in this matter.

10.9 The professional advisers were selected on a basis of my perception of their experience and ability to perform this type of work and nature and complexity and nature of the assignment. I also considered that the basis of my fee arrangement with them

represented value for money. The fees charged have been reviewed and I am satisfied they are reasonable in the circumstances.

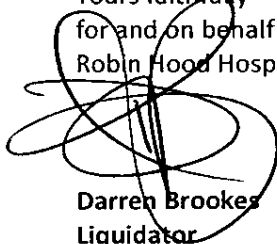
11. Further Information

- 11.1 An unsecured creditor may, with the permission of the Court, or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question), request further details of the Liquidator's remuneration and expenses within 21 days of their receipt of this report. Any secured creditor may request the same details in the same time limit.
- 11.2 An unsecured creditor may, with the permission of the Court, or with the concurrence of 10% in value of the unsecured creditors (including the creditor in question), apply to Court to challenge the amount of remuneration charged by the Liquidator's as being excessive, and/or the basis of the Liquidator's remuneration, and/or the amount of the expenses incurred as being excessive, within 8 weeks of their receipt of this report. Any secured creditor may make a similar application to court within the same time limit.
- 11.3 To comply with the Provision of Services Regulations, some general information about Milner Boardman is in the attached summary sheet at appendix 3.

12. Summary

- 12.1 This concludes the Liquidator's progress report for the year ended 25 April 2018. The liquidation will remain open whilst I pursue the director for a contribution to the costs of the liquidation. Once this matter has been resolved, the liquidation will be finalised and the files closed. If the liquidation has not been finalised, the next report is due within 2 months of the next year's anniversary, i.e. before 25 June 2019.
- 12.2 If creditors have any queries regarding the conduct of the liquidation, they should contact Anna Rayson by email at annar@milnerboardman.co.uk or by phone on 0161 927 7788.

Yours faithfully
for and on behalf of
Robin Hood Hospitality Limited



Darren Brookes
Liquidator



Appendix 1

Receipts and Payments Account

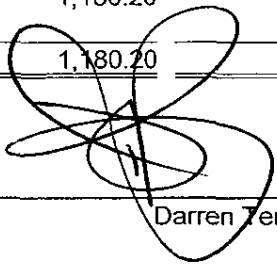
**Robin Hood Hospitality Limited T/A The Robin Hood at Mawdesley, Robin Hood
(In Liquidation)**

LIQUIDATOR'S RECEIPTS AND PAYMENTS ACCOUNT

	Statement of affairs £	From 26/04/2017 To 25/04/2018 £	From 26/04/2017 To 25/04/2018 £
RECEIPTS			
F&F, Wet & Dry Stock	8,400.00	0.00	0.00
Rent Deposit	5,631.00	5,468.95	5,468.95
Cash in Hand	553.00	0.00	0.00
		<u>5,468.95</u>	<u>5,468.95</u>
PAYMENTS			
Specific Bond		44.00	44.00
Preparation of S. of A.		4,000.00	4,000.00
Statutory Advertising		222.75	222.75
Land Registry		22.00	22.00
Trade & Expense Creditors	(54,174.00)	0.00	0.00
Director	(31,411.00)	0.00	0.00
Third Party Loan	(25,725.00)	0.00	0.00
HMRC (VAT)	(29,849.00)	0.00	0.00
HMRC (PAYE/NIC)	(9,410.00)	0.00	0.00
Ordinary Shareholders	(2.00)	0.00	0.00
		<u>4,288.75</u>	<u>4,288.75</u>
Net Receipts/(Payments)		<u>1,180.20</u>	<u>1,180.20</u>

MADE UP AS FOLLOWS

Current Account

1,180.20	1,180.20
<u>1,180.20</u>	<u>1,180.20</u>
	
Darren Terence Brookes Liquidator	



Appendix 2

Practice Fee Recovery Policy

PRACTICE FEE RECOVERY POLICY FOR MILNER BOARDMAN & PARTNERS

Introduction

The insolvency legislation was changed in October 2015, with one or two exceptions, for insolvency appointments made from that time. This sheet explains how we intend to apply the alternative fee bases allowed by the legislation when acting as office holder in insolvency appointments. The legislation allows different fee bases to be used for different tasks within the same appointment. The fee basis, or combination of bases, set for a particular appointment is/are subject to approval, generally by a committee if one is appointed by the creditors, failing which the creditors in general meeting, or the Court.

Further information about creditors' rights can be obtained by visiting the creditors' information micro-site published by the Association of Business Recovery Professionals (R3) at <http://www.creditorinsolvencyguide.co.uk/>. Details about how an office holder's fees may be approved for each case type are available in a series of guides issued with Statement of Insolvency Practice 9 (SIP 9) and can be accessed at www.insolvency-practitioners.org.uk. Alternatively a hard copy may be requested from Milner Boardman & Partners. Please note, however, that the guides have not yet been updated for the revised legislation, so we have provided further details in this policy document.

Once the basis of the office holder's remuneration has been approved, a periodic report will be provided to any committee and also to each creditor. The report will provide a breakdown of the remuneration drawn. If approval has been obtained for remuneration on a time costs basis, i.e. by reference to time properly spent by members of staff of the practice at our standard charge out rates, the time incurred will also be disclosed, whether drawn or not, together with the average, or "blended" rates of such costs. Under the legislation, any such report must disclose how creditors can seek further information and challenge the basis on which the fees are calculated and the level of fees drawn in the period of the report. Once the time to challenge the office holder's remuneration for the period reported on has elapsed, then that remuneration cannot subsequently be challenged.

Under some old legislation, which still applies for insolvency appointments commenced before 6 April 2010, there is no equivalent mechanism for fees to be challenged.

Time cost basis

When charging fees on a time costs basis we use charge out rates appropriate to the skills and experience of a member of staff and the work that they perform. This is combined with the amount of time that they work on each case, recorded in 6 minute units with supporting narrative to explain the work undertaken.

Charge Out Rates

Grade of staff	Current charge-out rate per hour, effective from 1 June 2017 £	Previous charge-out rate per hour, effective from 1 April 2015 £	Previous charge-out rate per hour, effective from 1 November 2008 £
Director	370	370	295 to 370
Appointment Taker	295	N/A	N/A
Senior Manager	255	255	N/A
Manager	215	215	215
Case Administrator	175	175	175
Support Staff	175	175	175

These charge-out rates charged are reviewed each year and may be adjusted to take account of inflation and the firm's overheads.

Time spent on casework is recorded directly to the relevant case using a computerised time recording system and the nature of the work undertaken is recorded at that time. The work is generally recorded under the following categories:

- Administration and Planning
- Investigations
- Realisation of Assets
- Creditors
- Trading
- Case specific matters

In cases where we were appointed prior to 1 October 2015, most of our fees were recovered on a time costs basis and appropriate authority was obtained from the creditors or the committee as set down in the legislation. The legislation changed on 1 October 2015 and on new appointments we now only seek time costs for the following categories, where applicable:

- Investigations
- Distributions
- Trading

When we seek time costs approval we have to set out a fees estimate. That estimate acts as a cap on our time costs so that we cannot draw fees of more than the estimated time costs without further approval from those who approved our fees. When seeking approval for our fees, we will disclose the work that we intend to undertake, the hourly rates we intend to charge for each part of the work, and the time that we think each part of the work will take. We will summarise that information in an average or "blended" rate for all of the work being carried out within the estimate. We will also say whether we anticipate needing to seek approval to exceed the estimate and, if so, the reasons that we think that may be necessary.

The disclosure that we make should include sufficient information about the insolvency appointment to enable you to understand how the proposed fee reflects the complexity (or otherwise) of the case, any responsibility of an exceptional kind falling on the office holder, the effectiveness with which the office holder has carried out their functions, and the value and nature of the property with which the office holder has to deal.

If we subsequently need to seek authority to draw fees in excess of the estimate, we will say why we have exceeded, or are likely to exceed the estimate; any additional work undertaken, or proposed to be undertaken; the hourly rates proposed for each part of the work; and the time that the additional work is expected to take. As with the original estimate, we will say whether we anticipate needing further approval and, if so, why we think it may be necessary to seek further approval.

Percentage basis

The legislation allows fees to be charged on a percentage of the value of the property with which the office holder has to deal (realisations and/or distributions). Different percentages can be used for different assets or types of assets. In cases where we were appointed prior to 1 October 2015, most of our fees were recovered on a time costs basis and appropriate authority was obtained from the creditors or the committee as set down in the legislation. The legislation changed on 1 October 2015 and we now seek remuneration on a percentage basis more often. A report accompanying any fee request will set out the potential assets in the case, the remuneration percentage proposed for any realisations and the work covered by that remuneration, as well as the expenses that will be, or are likely to be, incurred. Expenses can be incurred without approval, but must be disclosed to help put the remuneration request into context.

The percentage approved in respect of realisations will be charged against the assets realised, and where approval is obtained on a mixture of bases, any fixed fee and time costs will then be charged against the funds remaining in the liquidation after the realisation percentage has been deducted.

The disclosure that we make should include sufficient information about the insolvency appointment to enable you to understand how the proposed fee reflects the complexity (or otherwise) of the case, any responsibility of an exceptional kind falling on the office holder, the effectiveness with which the office holder has carried out their functions, and the value and nature of the property with which the office holder has to deal.

If the basis of remuneration has been approved on a percentage basis then an increase in the amount of the percentage applied can only be approved by the committee or creditors (depending upon who approved the basis of remuneration) in cases where there has been a material and substantial change in the circumstances that were taken into account when fixing the original level of the percentage applied. If there has not been a material and substantial change in the circumstances then an increase can only be approved by the Court.

Fixed fee

The legislation allows fees to be charged at a set amount. Different set amounts can be used for different tasks. In cases where we were appointed prior to 1 October 2015, most of our fees were recovered on a time costs basis and appropriate authority was obtained from the creditors or the committee as set down in the legislation. The legislation changed on 1 October 2015 and we now seek remuneration on a fixed fee basis more often. A report accompanying any fee request will set out the set fee that we proposed to charge and the work covered by that remuneration, as well as the expenses that will be, or are likely to be, incurred. Expenses can be incurred without approval, but must be disclosed to help put the remuneration request into context.

The disclosure that we make should include sufficient information about the insolvency appointment to enable you to understand how the proposed fee reflects the complexity (or otherwise) of the case, any responsibility of an exceptional kind falling on the office holder, the effectiveness with which the office holder has carried out their functions, and the value and nature of the property with which the office holder has to deal.

If the basis of remuneration has been approved on a fixed fee basis then an increase in the amount of the fixed fee can only be approved by the committee or creditors (depending upon who approved the basis of remuneration) in cases where there has been a material and substantial change in the circumstances that were taken into account when fixing the original level of the fixed fee. If there has not been a material and substantial change in the circumstances then an increase can only be approved by the Court.

Members' Voluntary Liquidations and Voluntary Arrangements

The legislation changes that took effect from 1 October 2015 did not apply to Members' Voluntary Liquidations (MVL), Company Voluntary Arrangements (CVA) or Individual Voluntary Arrangements (IVA). In MVLs, the company's members set the fee basis, often as a fixed fee. In CVAs and IVAs, the fee basis is set out in the proposals and creditors approve the fee basis when they approve the arrangement.

All bases

With the exception of Individual Voluntary Arrangements and Company Voluntary Arrangements which are VAT exempt, the officeholder's remuneration invoiced to the insolvent estate will be subject to VAT at the prevailing rate.

Agent's Costs

Charged at cost based upon the charge made by the Agent instructed, the term Agent includes:

- Solicitors/Legal Advisors
- Auctioneers/Valuers
- Accountants
- Quantity Surveyors
- Estate Agents
- Other Specialist Advisors

In new appointments made after 1 October 2015, the office holder will provide details of expenses to be incurred, or likely to be incurred, when seeking fee approval. When reporting to the committee and creditors during the course of the insolvency appointment the actual expenses incurred will be compared with the original estimate provided.

Disbursements

In accordance with SIP 9 the basis of disbursement allocation in respect of disbursements incurred by the Office Holder in connection with the administration of the estate must be fully disclosed to creditors. Disbursements are categorised as either Category 1 or Category 2.

Category 1 expenses are directly referable to an invoice from a third party, which is either in the name of the estate or Milner Boardman & Partners; in the case of the latter, the invoice makes reference to, and therefore can be directly attributed to, the estate. These disbursements are recoverable in full from the estate without the prior approval of creditors either by a direct payment from the estate or, where the firm has made payment on behalf of the estate, by a recharge of the amount invoiced by the third party. Examples of category 1 disbursements are statutory advertising, external meeting room hire, external storage, specific bond insurance and Company search fees.

Category 2 expenses are incurred by the firm and recharged to the estate; they are not attributed to the estate by a third party invoice and/or they may include a profit element. These disbursements are recoverable in full from the estate, subject to the basis of the disbursement charge being approved by creditors in advance. Examples of category 2 disbursements are photocopying, internal room hire, internal storage and mileage.

It is proposed that the following Category 2 disbursements incurred in administering the case will be charged as follows:

Room Hire	£30 per hour
Mileage	0.45p per mile (in accordance with HMRC approved rates)
Photocopying	10p per sheet (circulars to creditors only)



Appendix 3

Provision of Service Regulations Summary Sheet.

PROVISION OF SERVICES REGULATIONS SUMMARY SHEET FOR MILNER BOARDMAN & PARTNERS

The following information is designed to draw the attention of interested parties to the information required to be disclosed by the Provision of Services Regulations 2009.

Licensing Body

Darren Brookes and Molly Monks are licensed to act as Insolvency Practitioners in the United Kingdom by the Insolvency Practitioners Association ("IPA").

Rules Governing Actions

All IPs are bound by the rules of their professional body, including any that relate specifically to insolvency. The rules of the professional body that licences Darren Brookes and Molly Monks of Milner Boardman & Partners can be found at - <http://www.insolvency-practitioners.org.uk>. In addition, IPs are bound by the Statements of Insolvency Practice (SIPs), details of which can be found at <https://www.r3.org.uk/what-we-do/publications/professional/statements-of-insolvency-practice>.

Ethics

All IPs are required to comply with the Insolvency Code of Ethics and a copy of the Code can be found at <http://www.insolvency-practitioners.org.uk/regulation-and-guidance/ethics-code>.

Complaints

In the first instance, you should contact the Insolvency Practitioner ("IP") acting as office holder. Please note that within Milner Boardman & Partners there are two Licensed Insolvency Practitioners; Darren Brookes and Molly Monks.

If you consider that the IP has not dealt with your comments or complaint appropriately you should then put details of your concerns in writing to our complaints officer Molly Monks. However, if your complaint is regarding Molly Monks then please contact Darren Brookes.

We will lodge your complaint and open a file, this will be done immediately. We will then investigate your complaint and report to you as soon as possible, usually within five business days.

Most disputes can be resolved amicably either through the provision of further information or following negotiations. However, in the event that you have exhausted our complaints procedure and you are not satisfied that your complaint has been resolved or dealt with appropriately, you may complain to the regulatory body that licences the insolvency practitioner concerned. Any such complaints should be addressed to The Insolvency Service, IP Complaints, 3rd Floor, 1 City Walk, Leeds, LS11 9DA, and you can make a submission using an on-line form available at www.gov.uk/complain-about-insolvency-practitioner; or you can email insolvency.enquiryline@insolvency.gsi.gov.uk; or you may phone 0300 678 0015. Information on the call charges that apply is available at <https://www.gov.uk/call-charges>.

Professional Indemnity Insurance

Milner Boardman & Partners' Professional Indemnity Insurance is provided by Nexus Underwriting Limited of 150 Leadenhall Street, London EC3V 4QT.

VAT

Milner Boardman & Partners is registered for VAT under registration no 693 3180 22.