# **Liquidator's Progress Report**

Pursuant to Sections 92A, 104A and 192 of the Insolvency Act 1986

S.192

•		
·	To the Registrar of Companies	
		Company Number
		OC314724
	Name of Company	
(a) Insert full name of company	(a) Cobbetts LLP	ar area
(b) Insert full name(s) and address(es)	We (b) Lyn Vardy and Toby Underwood LLP, 8 <sup>th</sup> Floor Central Square, 29 Wel	
	the liquidator(s) of the company attach under section 192 of the Insolvency A	
	The Progress Report covers the perio to 30 July 2017.	d from 31 July 2016

Signed

Date (2)/09/2017

Presenter's name, address and reference (if.any)

SATURDAY



23/09/2017 COMPANIES HOUSE #201

# **Private & Confidential**



# Third progress report to members & creditors

22 September 2017

**Companies** 

Cobbetts LLP - in liquidation

**Registered Numbers** 

OC314724

Registered address

Central Square, 29 Wellington Street, Leeds LS1 4DL

**Type of Insolvency** 

**Creditors' Voluntary Liquidation** 

**Date of Appointment** 

31 July 2014

**Appointees** 

Lyn Vardy and Toby Underwood

Address

PricewaterhouseCoopers LLP, 29 Central Square, 29 Wellington Street, Leeds, LS1 4DL

**Dividend Prospects** 

**Current estimate Previous estimate** p in £

**Preferential** 

N/a

N/a

p in £

Unsecured

Uncertain

Uncertain

Please note that the guidance on dividend prospects is indicative only. It should not be used as the sole or principal basis of any bad debt provision.



# To all known creditors

25 September 2016

Our ref: TW/DC/28092017/CobbettsLLP

**Dear Sirs** 

# Cobbetts LLP - in Creditors Voluntary Liquidation ("the Partnership")

Please find attached the third Joint Liquidators Progress Report for the period 31 July 2016 to 30 July 2017. Please note this includes notice of intention to declare an interim dividend.

Please telephone my colleague Thomas Wadey on 0113 289 4322 if you have any other questions on the report.

Yours faithfully

Lyn Vardy Joint Liquidator

Lyn Vardy and Toby Underwood are both licensed in the United Kingdom to act as insolvency practitioners by the Institute of Chartered Accountants of England and Wales.

Both are bound by the Insolvency Code of Ethics which can be found at: <a href="https://www.gov.uk/government/publications/insolvency-practitioner-code-of-ethics">https://www.gov.uk/government/publications/insolvency-practitioner-code-of-ethics</a>.

Both are Data Controllers of personal data as defined by the Data Protection Act 1998. PricewaterhouseCoopers LLP will act as Data Processor on their instructions. Personal data will be kept secure and processed only for matters relating to the administration.



#### Cobbetts LLP - in Creditors' Voluntary Liquidation ("the Partnership")

#### Report to members and creditors

As you are aware, Lyn Vardy and Toby Underwood were appointed Joint Liquidators ("the Liquidators") of the Partnership on 31 July 2014 following a period in Administration from 6 February 2013 to 31 July 2014.

In accordance with Rule 4.49C of the Insolvency Rules 1986 ("IR86"), this is our third progress report to members and all known creditors covering the year to 30 July 2017. Attached at Appendix A is a summary of the financial information relating to the Liquidation.

We have also included a notice of intention to declare an interim dividend to unsecured creditors which can be found later in this report.

#### **Asset realisations**

The Partnership's assets have been realised as follows:-

	Realisations
	(£)
Surplus from Administration	1,479,502.62
Rates Refund	317,128.33
Pre-appointment VAT refund	39,605.55
Bank interest gross	7,872.66
Sundry receipts	8,317.00
Book debts	644.71
SPA settlement	140,000.00
Total	1,993,070,87

## **Interest**

Funds in the estate continue to be held on an interest bearing account and have generated further interest of £801.58 in the period.

#### Monies due under the Sales and Purchase Agreement dated 6 February 2013 ("SPA")

As previously disclosed, an account existed between DWF LLP ("DWF") and the Partnership, which arose under the SPA by which DWF acquired the business and certain of its assets. Discussions with DWF over the terms of the settlement were finally resolved within the period of the report and settlement has now been received. A total of £125,000 has been received in settlement of debtor receivables due to the Partnership under the SPA (after adjustment for monies due to DWF), plus a further £15,000 in settlement of the Partnership's Practising Certificate claim. No further sums are due from DWF.

#### Sundry receipts

A further receipt of funds of £5,709.69 was received in the period as payment of petition costs for Sigourney Ltd in Liquidation.

We also received payment of £330 from the bankruptcy estate of Mark Andrew Grant.



#### Timan shares and Trust Claim

As previously reported, a trust claim had been asserted by certain creditors ("Trust creditors") claiming that certain assets of the Partnership should be treated as being held on trust for their benefit. Those claims were considered unmeritorious, but we were conscious that even claims that should fail do incur legal fees in dealing with them through any Court process. To avoid litigation the Trust creditors' claims were compromised (in a confidential settlement). This was achieved through the assignment of Partnership assets which had a negligible value (and significantly below the costs associated with the Court determining the Trust creditors' status).

The creditors' committee was informed of the terms of settlement during our meeting with them, on 23 February 2017.

#### Unrealised assets

On appointment, we were made aware of various assets that remained to be realised. We have therefore summarised briefly below those remaining assets that continue to be pursued.

#### VAT Bad Debt Relief claim ("VAT BDR")

As previously disclosed, a claim has been submitted for VAT BDR in respect of those Partnership book debts that are deemed uncollectible and have been written off. The claim was submitted on the basis of information provided to us by the administrators (KPMG), and following enquiries with DWF LLP, HMRC and from within the Partnerships own records.

The claim had been challenged by HMRC and remains the subject of a longstanding query raised by us in response. At the time of the issue of this report, we are still awaiting a decision, despite numerous requests.

# Legal actions

As previously disclosed, a number of possible legal claims had been identified and are currently the subject of ongoing legal advice. At present it is not appropriate to disclose any substantive detail concerning the potential claims but there are discussed confidentially with the creditors committee.

#### Miscellaneous balances

A claim for unpaid rent invoices against Straight PLC is currently being pursued, totalling around £6,000.

# **Outcome for creditors**

#### Secured creditor

In our previous report the balance of the secured creditor's claim was disclosed at £336,687. A final distribution to the secured creditor has now been made, which has discharged its claim.

## Preferential creditors

Enquiries into the status of unpaid contributions to the Partnership's pension scheme are still being investigated with the assistance of the PwC pension team. The statement of affairs prepared for the administration disclosed a potential liability of £16,667. Accordingly, should this claim be payable, it will be settled in full in due course.



#### Notice of Intended Dividend ("NOID") - Unsecured creditors

We are proposing to declare a first interim dividend to unsecured creditors of the Partnership no later than 16 December 2017 (being within 2 months from last date of proving).

If you want to participate in the distribution you must on or before 16 October 2017 - the last date for proving, provide a proof of debt to us, to our letterhead address.

If you want to submit a claim (and have not already done so) please complete and return the attached claim form, together with appropriate supporting documentation (such as invoices, statements, purchase orders, copy contracts).

If we don't receive your claim by the last date for proving, 16 October 2017, you may not be able to participate in this dividend.

As the claims agreement process has been ongoing for a while, it is possible that your claim may have already been admitted for dividend purposes. We will be writing to creditors separately who:

- have claims that have been admitted;
- have claims that are yet to be admitted;
- we have details of but have not yet submitted a claim.

If you believe you are owed money by the Partnership but do not hear from us separately please submit a claim form or contact Jenny Hayes on 02890 415 059 or at jenny.s.hayes@uk.pwc.com.

#### **Investigations**

The affairs of the Partnership prior to Liquidation have been considered together with points raised by creditors, in discharging our duties under the Company Directors' Disqualification Act 1986.

Creditors are reminded that we have a statutory obligation to consider the directors' conduct and to submit a return/report to the Insolvency Service. We have complied with this requirement.

We continue to investigate matters which may be pertinent to the legal claims discussed earlier in this report.

#### Other matters

We would advise that a decision has been taken by the Solicitors Disciplinary Tribunal to prosecute certain solicitors (and other(s) connected with the Partnership) in respect of their role prior to its administration. This matter is ongoing and is currently unproven.

## **Professional advisers**

On this assignment (and for the period of this report) we have used the professional advisers listed below.

Name	Nature of Work	Basis of Fee Arrangement
Pinsent Masons LLP	Legal advice	Hourly rates and disbursements
Bond Dickinson LLP	Legal advice	Hourly rates and disbursements
David Mohyuddin QC	Legal advice on claims against former employees of the Partnership	Fixed fee of £7,000

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



## **Liquidation Committee**

A Liquidation Committee was established from the creditors committee formed during the preceding Administration and consisted of:

- · Wesleyan Bank Limited, represented by Steve Wilkinson
- · Syscap Limited, represented by Mark Henry
- · Close Leasing Limited, represented by Liz Wadsworth
- · New Ireland Assurance Company Plc, represented by Niall Browne

Since our last report Syscap Limited have stepped down from the committee. In the period covered by this report the committee has met and corresponded concerning the course of the liquidation.

## Joint Liquidators' remuneration

At the first meeting of the Liquidation Committee held on 7 November 2014, a resolution was passed to enable us to draw remuneration by reference to the time properly given in attending to the matters arising in the winding up. Approval was also given for us to draw fees of £97,494.25 in respect of time costs incurred.

Approval to draw further fees of £261,837.80 was given at the second meeting of the Liquidation Committee on 26 November 2015.

Further approval was given by the committee during the period to draw fees of £140,667.95. Total approvals are therefore £500,000, which we have drawn.

To 30 July 2017, we have incurred time costs of £790,578.42. This represents 2,639.39 hours at an average hourly rate of £302.77, against which some £500,000 has been drawn. These figures include a change in charge out rates effective from 1 July 2017.

It is our policy to delegate the routine administration of the Liquidation to junior staff in order to maximise the cost effectiveness of the work performed. These staff have been supervised by senior staff and by us. Any matter of particular complexity or significance that has required responsibility of an exceptional kind has also been dealt with by senior staff and by us.

Details of the time costs incurred from appointment to 30 July 2017, by work category, are attached at Appendix B.

In common with all professional firms, scale rates increase from time to time over the period of the administration of each insolvency case. PricewaterhouseCoopers LLP, or any successor firm, reserves the right to change the rates and grade structure. Following the passing of the fee resolution on 7 November 2014 the charge out rates were increased on 1 July 2016 and 1 July 2017. Full details of the charge out rates applicable to this case are included at Appendix B.

Specialist departments within PricewaterhouseCoopers LLP, such as tax, VAT, property and pensions, sometimes charge a small number of hours should we require their expert advice. Their rates vary, however, the figures given provide an indication of the maximum rate per hour.



#### Remaining work to be undertaken

We summarise below the key issues remaining in the Liquidation, why the work is necessary (including any financial benefit for creditors) and an estimate of our costs for dealing with that work.

#### Payment of an interim dividend

As disclosed earlier in this report, we have issued a NOID with the intention of paying an interim dividend to unsecured creditors. This is obviously beneficial to unsecured creditors, and will result in a small initial return in respect of their agree claims. The claims agreement process has been ongoing more or less since our appointment and these costs to date are disclosed within this report. Future costs will involve the agreement of the remaining claims and any additional claims that arise following the issue of the NOID. We also anticipate that a second and final dividend to unsecured creditors will be paid and there will be associated costs. We therefore anticipate further costs of approximately £30,000 will be incurred in agreeing claims and distributing to unsecured creditors.

#### VAT Bad Debt Relief claim

As disclosed earlier, there is an ongoing discussion with HMRC over the treatment of the VAT BDR claim. This issue has become protracted and therefore costs in this area have been higher than anticipated.

There is also ongoing VAT reporting as the Partnership remains registered and will do so until the VAT Bad Debt Relied claim is resolved.

We anticipate further costs of approximately £10,000 will be incurred.

## Legal actions

A number of possible legal claims have been identified and are currently the subject of ongoing legal advice. At present it is not appropriate to disclose any substantive detail concerning the potential claims. If these claims are successful then there is obvious benefit to unsecured creditors as it should result in an enhanced return to unsecured creditors.

We anticipate further costs of up to £50,000 could be incurred.

# Statutory costs

We will incur costs arising from the appointment such as reporting to creditors on an annual basis, responding to enquiries, maintaining internal systems and reporting on issues such as Corporation Tax and VAT; as well as dealing with other less substantive issues.

We anticipate further costs of approximately £15,000 on these matters.

## The closure of the liquidation

Once all matters are concluded, a final meeting of creditors is required to bring the Liquidation to an end, at an estimated cost of £4,000.



# Joint Liquidators' disbursements

## Category 1 disbursements

We have incurred the following Category 1 disbursements (excluding VAT), all charged at cost, during the period 31 July 2016 to 30 July 2017 and £333.18 has been drawn in this respect as shown on the attached statement of expenses.

Disbursement	Amount (£)
Courier fees	8.05
Postage	255.88
Archiving	69.25
	333.18

## Category 2 disbursements

Our current disbursements policy, as approved by the creditors, is as follows:

- 1. Photocopying for circulars or any other bulk copying is charged at 5p per sheet;
- 2. Mileage this is reimbursed at a maximum of 71p per mile (up to 2,000cc) and 93p per mile over 2,000cc).

We have not incurred any Category 2 disbursements in the period 31 July 2016 to 30 July 2017. All other disbursements (Category 1) are reimbursed at cost.



#### Statement of expenses

The following expenses have been incurred during the period of the report, irrespective of whether payment has been made:

Expenses incurred	Total Expenses outstanding brought forward from 30 July 2016 (£)	Expenses incurred in this period (£)	Total expenses paid to 30 July 2017 (£)	Expenses outstanding at 30 July 2017 (£)	Total expenses to 30 July 2017 (cumulative) (£)
Agent's fees and disbursements	-	-	-	_	89,524.90
Settlement of insurance claim	-1	-	-	-	83,430.09
Office holders' fees	198,978.45	232,267.92	140,667.95	290,578.42	790,578.42
Officeholder expenses	1,055.58	333.18	1,345.00	43.76	1,715.41
Legal fees and expenses	8,429.19	79,223.14	69,364.30	18,288.03	163,015.23
Legal expeneses relating to administration	-	-	-	-	7,980.00
Statutory advertising		-	-	-	445.27
Bank charges	-	0.01	0.01	-	30.01
Total	208,463.22	311,824.25	211,377.26	308,910.21	1,136,719.33

The above schedule does not include corporation tax, as any amount payable will depend on the position at the end of the applicable tax period. £681.75 of corporation tax was paid in the period relating to this report. £75.33 was deducted in the previous period from interest earned.

#### Additional information

If any creditor requires further explanations on any aspect of this progress report, then please telephone or write to my colleague Thomas Wadey.

Creditors have the right to ask for more information within 21 days of receiving this report as set out in Rule 4.49E of the Insolvency Rules 1986. Any request must be in writing. Creditors can also challenge the Liquidators fees and expenses within eight weeks of receiving this report as set out in Rule 4.131. This information can also be found in the guide to fees via the link below:

http://www.icaew.com/~/media/Files/Technical/Insolvency/creditors-guides/creditors-guide-liquidators-fees-final.pdf



# ${\bf Appendix} \ {\bf A}$

# Cobbetts LLP - in creditors' voluntary liquidation

# Receipts and payments account

		31 July 2014 to 30 July 2016	31 July 2016 to 30 July 2017	Total for the period
		£		1
Floating charge receipts				
	Rates refunds	317,128 33	0.00	317,128 3
	Book debts	644 71	0 00	644 7
	SPA settlement	0 00	140,000.00	140,000 0
	Sundry receipts	2,276 31	6,040.69	8,317 0
	Bank interest	7,180.19	801.57	7,981 7
	Surplus from Administration	1,479,502 62	0 00	1,479,502 6
	Pre-appointment VAT refund	39,605.55	0.00	39,605.5
		1,846,337 71	145,842.25	1,993,179 9
Floating charge payments				
	Agents' fees and disbursements*	89,524 90	0 00	89,524.9
	Settlement of insurance claim	83,430 09	0 00	83,430 0
	Office holders' fees	359,332.05	140,667.95	500,000.0
	Office holders' expenses	326.65	1,345 00	1,671.6
	Legal fees and expenses	75,362 90	69,364.33	144,727 2
	Legal expenses relating to the Administration	7,980 00	00 0	7,980.0
	Statutory advertising	445 27	0.00	445 2
	Corporation Tax*	75 33	681.75	757 0
	Bank charges	30 00	0.01	30.0
		616,507.19	212,059 04	828,566.2
	Payment to Lloyds Banking Group	0 00	335,914 52	335,914.5
Net floating receipts/payments		1,229,830.52	(401,131.30)	828,699.22
	VAT receivable	103,721 74	21,382.58	125,104 3
	VAT refund	(120,808.96)	(42,718 06)	(163,527.02
	VAT balance (receivable)	(17,087.22)	(21,335 48)	(38,422.70
Balance on interest bearing current a	iccount	1,212,743.30	(422,466.78)	790,276.52
*adjusted from prior period			·	

The statement of affairs figures have not been included as a number of asset realisations and repayments were carried out in the Partnership's administration and would not relate to the Liquidation's recoveries/payments.

The Administrators' final receipts and payments account including statement of affairs figures can be found in the Administrators' final progress report dated 1 August 2014.



Cobbetts LLP - in creditors' voluntary liquidation

Analysis of time costs for the period from 31 Jul 2016 to 30 Jul 2017

Aspect of assignment	Partner	Director	Senior Manager	Manager	Senior Associate	Associate	Secretarial	Total hours	Time cost	Average hourly rate
									£	£
Strategy & Planning	•	11.70	0.10	20.30	3.85	4.70	,	40.65	14,818.50	364.54
Secured creditors	•	,		2.00	•	0.25	,	5.22	1,767.50	336.67
Trading	•	1	•	2,20	1.55	2.50		6.25	1,478.50	236.56
Assets	,	8.70	ı	45.85	7.85	•	1	62.40	22,209.25	355.92
Investigations	•	0.60	•	0.45	0.50	1.40	*	2.65	748.25	282.36
Creditors	ı	1.60	16.65	31.25	233.90	43.30	0.48	327.18	68,603.27	209.68
Accounting and treasury	1		0.15	0.70	6.00	6.80	0.20	13.85	2,670.15	192.79
Statutory and compliance	4.00	15.80	3:30	93.25	15.35	22.20	4.35	158.25	52,009.50	328.65
Tax & VAT	2.30	3.45	39.90	31.15	34.65	53.42	1	164.87	64,015.50	388.28
Employees & pensions	,			1.50	7.50			9.00	3,947.50	438.61
Total for the period	6.30	41.85	60,10	231.65	310.85	134-57	5.03	790.35	232,267.92	293.88
Brought forward at 30 Jul 2016								1,849.04	558,310.50	
Total								2,639.39	790,578.42	

Cobbetts LLP – in creditors' voluntary liquidation Joint Liquidators' third progress report for the period 31 July 2016 to 30 July 2017



Appendix B Cumulative analysis of time costs for the entire liquidation period

			Average hourly
Aspect of assignment	Total hours	Time cost	rate
		£	£
Strategy & Planning	229.28	72,536.95	316.37
Secured creditors	8.10	3,251.50	401.42
Trading	14.65	3,586.50	244.81
Assets	255.65	78,364.00	306.53
Investigations	173.15	56,222.00	324.70
Creditors	611.83	136,552.02	223.19
Accounting and treasury	83.80	17,163.65	204.82
Statutory and compliance	767.26	230,094.90	299.89
Tax & VAT	452,22	186,882.15	413.25
Employees & pensions	13.50	5,636.00	417.48
Closure procedures	1.75	288.75	165.00
Total for the period	2,611.19	790,578,42	302.77



# Appendix B

# Narrative of work carried out for the Partnership in the period

Key area of work	Work undertaken in the period includes
Strategy and planning	<ul> <li>Reporting to and meeting with the Liquidation Committee</li> <li>Change of Registered Office</li> <li>Internal meetings to discuss and develop case strategy</li> <li>Internal case notes and progress reviews</li> <li>Reviewing budgets</li> <li>Agreeing and raising fees</li> <li>Reviewing progress and appropriate strategy going forwards</li> <li>Case filing</li> </ul>
Assets & Investigations	<ul> <li>Pursuing the remaining asset realisations</li> <li>Meetings and correspondence with lawyers in respect of potential claims</li> <li>Negotiating and settlement of DWF claim.</li> <li>Concluding the Timan claim</li> <li>Pursuing delayed bad debt relief claim (see also Tax and VAT)</li> <li>Meetings and correspondence in relation to contentious asset recovery issues</li> <li>Performing a forensic review of the Partnership's computer files and documentation</li> <li>Investigating potential antecedent transactions</li> <li>Recovering files</li> </ul>
Creditors & Secured Creditors	<ul> <li>Responding to creditor enquiries</li> <li>Internal meetings to discuss contentious claims</li> <li>Claim adjudication in anticipation of interim dividend to unsecured creditors</li> <li>Collating and maintaining creditor addresses</li> <li>Reviewing creditor claims and uploading data</li> <li>Issuing non-statutory letter to creditors regarding the submission of claims</li> <li>Settlement of the balance of the floating charge creditor claim</li> </ul>



Key area of work	Work undertaken in the period includes
Accounting and treasury & Trading	<ul> <li>Authorising and processing payments and receipts</li> <li>Periodic bank reconciliations</li> <li>Raising fee note and disbursements</li> <li>Creating account journals</li> <li>Receipt of book debts and assets realisations</li> </ul>
Statutory and compliance	<ul> <li>Drafting and issue of second progress report to creditors</li> <li>Risk and quality compliance</li> <li>Maintaining internal case databases and information</li> <li>Reviewing and maintaining internal case management system</li> <li>Filing of case documentation</li> <li>Arranging meetings of the creditors committee</li> <li>Preparing for committee meetings</li> <li>Updating committee constitution on Companies House</li> </ul>
Tax and VAT	<ul> <li>Discussions with internal specialists around only VAT matters</li> <li>Pursuing a response from HMRC regarding the delayed bad debt relief claim with a view to resolving the issue</li> <li>Submission of VAT and Corporation tax return for 2015/2106</li> <li>Dealing with internal VAT return queries</li> <li>Submission of VAT and Corporation tax return for 2015/2016</li> </ul>
Employees and pensions	Pension scheme queries and investigations, possible claim under RP15



## **Hourly rates**

Set out below are the relevant charge out rates per hour worked for the grades of the Liquidators' staff actually or likely to be involved on this assignment. Time is charged by reference to actual work carried out on the assignments. There has been no allocation of any general costs or overhead costs.

	Rate per hour	Rate per hour
	To 30 June 2017	From 1 July 2017
Grade		
Partner	600	620
Director	500	525
Senior manager	435	450
Manager	345	355
Senior associate	260	268
Associate	170	175
Support staff	89	92

Specialist departments within PricewaterhouseCoopers LLP, such as Tax, VAT, Property and Pensions, sometimes charge a small number of hours should the Liquidators require their expert advice. Their rates vary, however, the figures below provide an indication of the maximum rate per hour.

	Rate per hour	Rate per hour
	To 30 June 2017	From 1 July 2017
Grade		
Partner	1,250	1,315
Director	1,175	1,210
Senior manager	1,170	1,230
Manager	700	735
Senior associate	515	545
Associate	255	270
Support staff	150	160



# Cobbetts llp – In Liquidation Statement of claim form

~==		
1	Name of creditor	
2	Address for further correspondence	
	1,,,,	7/2-1/74/
3	Limited Company Registration Number or	
	Proprietors name & home address	
	(to be used only for correspondence should items be	
	returned by the Royal Mail for the above address)	
4	Total amount of your claim, including any Value	
'	Added Tax, as at the commencement of the	£
	liquidation.	
	***	
5	Please provide details of any documents that	
	substantiate your claim, including, where	
	applicable, details of any reservation of title in	
	respect of goods to which the debt relates.	
	Please also provide details of the goods and	
	services provided and, if relevant, attach a	
	statement of account.	<u>-</u>
6	Give details of whether the whole or any part of	Category
	the claim falls within any (and if so which) of the	
	categories of preferential claims under section	
	386 of, and schedule 6 to, the Insolvency Act	A
	1986.	Amount (s) claimed as preferential £
7	If you have security for your debt, please provide	
	details of the type and value of the security and	
	the date it was given. Please also provide details	
	of how you have valued your security.	
8	Signature of creditor or person authorised to act	
	on behalf of the creditor	
	Name in block capitals	
	Date	
	Position with or relation to the creditor (e.g.	
	director, company secretary, solicitor)	