

LIQ03

Notice of progress report in voluntary winding up



Companies House

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18/04/2019

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COMPANIES HOUSE

1	Company details		→ Filling in this form Please complete in typescript or in bold black capitals.
Company number	0 0 1 6 0 1 0 0		
Company name in full	DBC Foodservice Limited		
2	Liquidator's name		
Full forename(s)	Lindsey J		
Surname	Cooper		
3	Liquidator's address		
Building name/number	3 Hardman Street		
Street			
Post town	Manchester		
County/Region			
Postcode	M 3 3 H F		
Country			
4	Liquidator's name ●		
Full forename(s)	Mark		
Surname	Wilson		
	● Other liquidator Use this section to tell us about another liquidator.		
5	Liquidator's address ●		
Building name/number	25 Farringdon Street		
Street			
Post town	London		
County/Region			
Postcode	E C 4 A 4 A B		
Country			
	● Other liquidator Use this section to tell us about another liquidator.		

LIQ03

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6

Period of progress report

From date

2 5 0 2 2 0 1 8

To date

2 4 0 2 2 0 1 9

7

Progress report

☒ The progress report is attached

8

Sign and date

Liquidator's signature

Signature

X

h e j e

X

Signature date

1 5 0 4 2 0 1 9

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 **Mark Wilson**

Company name **RSM Restructuring Advisory LLP**

Address **3 Hardman Street**

Post town **Manchester**

County/Region

Postcode **M 3 3 H F**

Country

DX

Telephone **0161 830 4000**



Checklist

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

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



Important information

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



Where to send

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

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



Further information

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

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

In the matter of

**DBC Foodservice Limited In Liquidation
(‘the Company’)**

Joint Liquidators’ progress report

15 April 2019

**Lindsey Cooper and Mark Wilson
Joint Liquidators**

**RSM Restructuring Advisory LLP
3 Hardman Street
Manchester
M3 3HF
Tel: 0161 830 4000
Email: restructuring.manchester@rsmuk.com**

Sections

1. Progress of the liquidation in the previous twelve months
2. Details of what remains to be done and matters preventing closure
3. Creditors' claims and dividend prospects
4. Receipts and payments summary
5. Joint Liquidators' remuneration, expenses and disbursements
6. Creditors' right to information and ability to challenge remuneration and expenses

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- B Dividend prospects
- C Summary of receipts and payments
- D RSM Restructuring Advisory LLP charging, expenses and disbursements policy statement
- E RSM Restructuring Advisory LLP Manchester current charge out and category 2 disbursement rates
- F Statement of expenses incurred by the Joint Liquidators' in the period from 25 February 2018 to 24 February 2019
- G Joint Liquidators' time cost analysis for the period from 25 February 2018 to 24 February 2019

This report has been prepared in accordance with insolvency legislation to provide creditors, members and the registrar of companies with information relating to the progress of the liquidation in the period from 25 February 2018 to 24 February 2019. It should be read in conjunction with any previous reports that have been issued, copies of which are available on request.

This report has been prepared solely to comply with the statutory requirements of Section 104A of the Insolvency Act 1986 and the relevant legislation. It has not been prepared for use in respect of any other purpose, or to inform any investment decision in relation to any debt or financial interest in the Company. Any estimated outcomes for creditors are illustrative and may be subject to significant change.

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

1 Progress of the liquidation in the previous twelve months

1.1 Realisation of assets

The Joint Liquidators are obliged to realise and get in the Company's property and maximise realisations. In some cases this does not result in sufficient realisations to enable a financial return to creditors, after taking into account the costs and expenses of realisation and dealing with the legislative requirements of administering the case. Details of the realisations made are set out below, with information relating to dividends, if any, contained within Appendix B.

1.1.1 Bank interest gross

Bank deposit interest of £154 has been received in the current period.

1.1.2 Debtors and sundry refunds

The Joint Liquidators have recovered outstanding debtor balances totalling £1,317 in respect of insolvent debtors.

1.1.3 Potential litigation - truck cartel claim

The Joint Liquidators are dealing with a potential reclaim of historic expenditure in respect of trucks operated by the company prior to the appointment of Administrators which has arisen as a result of the 2016 European Commission ruling against a number of European truck manufacturers for illegal price fixing and other cartel activities.

A class action is being brought by the Road Haulage Association ('RHA') on a contingent fee basis. The Liquidators are in correspondence with solicitors for the RHA in respect of joining the class action pending clarification of certain legal and technical issues which are expected to be finalised in the next 2-3 months.

It is too early to estimate the likely outcome of any claim, however, if it is successful it is anticipated there will be a return to unsecured creditors.

1.2 Administration and planning

Certain aspects of the work that the Joint Liquidators undertake are derived from the underlying legal and regulatory framework for cases of this nature. This work, which does not usually result in any direct financial return to creditors, is a necessary aspect of ensuring that the Joint Liquidators are complying with both their legislative and best practice responsibilities, and ensuring that the case is managed efficiently and effectively. It includes matters such as:

- Periodic case reviews, ongoing case planning and strategy
- Maintaining and updating computerised case management records
- Dealing with routine correspondence not attributable to other categories of work
- Ongoing consideration of ethical and anti-money laundering regulations
- General taxation matters, including seeking tax clearance from HMRC
- Preparation of receipts and payments accounts, maintenance of cashiering records
- Preparing, reviewing and issuing final report to creditors and other parties
- Filing of final documentation at Companies House, Court and other relevant parties
- General administrative matters in relation to closing the case

2 Details of what remains to be done and matters preventing closure

2.1 Assets remaining to be realised

There are no assets remaining to be realised apart from the potential truck claims detailed in point 1.1.3. Details of the progress of this matter and any recoveries made will be provided in the Joint Liquidators' next report.

2.2 Other outstanding matters

Once asset realisations and creditor related matters are finalised, the Joint Liquidators intend to take steps to close the liquidation. The closure of the liquidation will be delayed until the Truck Cartel claim has been resolved or concluded. The Joint Liquidators will also continue to provide creditors with statutory reports on the liquidation.

The anticipated costs for completing this work are approximately £30,000. It is difficult to assess the costs of dealing with the Truck Cartel claim but any fees will be reliant on the recovery of funds. The Liquidators will be seeking approval of a revised fee resolution in connection with this claim in due course. Please note that these are estimates and may be subject to revision and additional costs. The anticipated work to conclude the liquidation, such as providing creditors with a final account, will not provide any direct financial benefit for creditors but is required by statute.

3 Creditors' claims and dividend prospects

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

The Joint Liquidators are obliged to deal with a number of matters in relation to creditors to comply with both the legislative and best practice requirements and to ensure creditors are kept informed. Creditors will only derive an indirect financial return from this work on cases where a dividend has been paid. These matters include:

- Preparation and issue of progress reports and associated documentation;
- Maintenance of schedules of preferential and unsecured creditors' claims;
- Dealing with correspondence and telephone calls; and
- Where necessary, consideration of creditors' claims; acceptance or rejection of claims and complying with legislative obligations in relation to adjudication of creditors' claims generally for voting and, if applicable, dividend purposes.

Since the dividend was declared and paid to unsecured creditors the Joint Liquidators have dealt with creditor queries and re-issuing various dividend cheques. This has proved to be time consuming due to the high volume of creditor claims in this matter.

Details of the adjusted agreed creditor claims and dividends declared and paid as at the end of the current period are shown in Appendix B. The total amounts distributed to creditors from the liquidation are shown on the receipts and payments account in Appendix C.

Future dividend prospects to unsecured creditors are dependent on future realisations in respect of the potential truck cartel claims detailed at point 1.1 3. It is not possible to estimate any potential dividend from this source.

4 Receipts and payments summary

We attach as Appendix C a summary of our receipts and payments for the period from 25 February 2018 to 24 February 2019.

4.1 VAT basis

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

5 Joint Liquidators' remuneration, expenses and disbursements

5.1 Authority for remuneration, disbursements and expenses

The Joint Liquidators' remuneration was approved on a time cost basis by creditors on 31 May 2012 during the Company's previous administration proceedings, subject to a modification reducing the hourly charge out rates to those shown in Appendix D. In accordance with the relevant legislation, that

basis continues to apply in the liquidation proceedings

When we have more details on the class action we will seek creditor approval for an uplift on our fees.

5.2 Remuneration and disbursements incurred in the period from 25 February 2018 to 24 February 2019 and since appointment

Sums drawn, both in respect of the current period of the report, and since appointment, in accordance with the relevant approval set out above, are detailed in the attached receipts and payments account.

The Joint Liquidators are required to report remuneration 'charged' to the case in the current period. The Joint Liquidators have incurred time costs of £28,377 at RSM Restructuring Advisory LLP rates (£19,465 on modified rates), in respect of work done in the current period a summary of which is attached. Total time costs of £338,455 at RSM Restructuring Advisory LLP rates (£269,714 on modified rates) have been incurred since appointment. Of this a total of £252,469 (plus VAT) has been paid and £85,986 (£17,245 on modified rates) remains outstanding.

The work that we do as Joint Liquidators is derived from the responsibilities placed upon us by the underlying legal and regulatory framework for work of this nature in general. The actual matters with which we are dealing are set out briefly in both this report and in our earlier reports to creditors.

We believe this case generally to be of average complexity and accordingly no extraordinary responsibility has to date fallen upon us as Joint Liquidators. The underlying basis of charging proposed to and approved by the creditors has been RSM Restructuring Advisory LLP standard charge out rates. RSM Restructuring Advisory LLP charge out rates have been reviewed periodically.

5.3 Expenses and disbursements

Attached are the Joint Liquidators' charging, expenses and disbursement policy statement, together with the current rates. Details of the expenses (including category 1 and category 2 disbursements) that the Joint Liquidators have incurred in the period of the report are also attached at Appendix F. Expenses paid in the period, along with cumulative figures, are shown in the attached receipts and payments account.

5.3.1 Other professional costs

Whilst professional costs are not subject to approval by the relevant approving body, all professional costs are subject to review before being paid.

No professional costs have been incurred or paid in the current period.

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

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

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

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

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

A Guide to Liquidators Fees, which provides information for creditors in relation to the remuneration of a Liquidator, can be accessed at <http://rsm.insolvencypoint.com> under 'general information for creditors'. A hard copy can be requested from my office by telephone, email or in writing.

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



Mark Wilson
RSM Restructuring Advisory LLP
Tel: 020 7424 2222

Appendix A

Statutory and other information

Company information	
Company name:	DBC Foodservice Limited
Company number:	00160100
Date of incorporation:	29 October 1919
Previous company names:	Danish Bacon Company PLC
Trading name:	DBC Foodservice Limited
Trading address:	<ul style="list-style-type: none">• 1 Albany Place, Hyde Way, Welwyn Garden City, Hertfordshire AL7 3BT;• Guardian Industrial Estate, Clydesmuir Road, Cardiff CF24 2QS;• Unit A, Lonebarn Link, Springfield Business Park, Chelmsford CM2 5AR;• Heath Road, Darlaston, West Midlands WS10 8XL;• Olympic Business Complex, Drybridge Road, Dundonald, Ayrshire KA2 9BE;• Denmark House, Kestrel Way, Sowton Industrial Estate, Exeter EX2 7LS;• Industrial Road, Hertburn Road, Washington, Tyne and Wear NE37 2SD;• Denmark House, Studlands Park Industrial Estate, Newmarket, Suffolk CB8 7EB;• Denmark House, Bedford Road, Petersfield, Hampshire GU32 3QR;• Unit 1A, Brookfield Park, Manvers Way, Wath-upon-Deerne, South Yorkshire S63 5DJ;• Unit 1, Aylesford Way, Off Pipers Way, Thatcham, Berkshire RG19 4ND;• Woolston Grange Avenue, Hardwick Grange, Warrington, Cheshire WA1 4RJ
Principal activity:	Agriculture Hunting & Forestry
Registered office:	3 Hardman Street, Manchester, M3 3HF

Liquidation information	
Joint Liquidators:	Lindsey Cooper and Mark Wilson
Date of appointment:	25 February 2014
Functions:	<p>The Joint Liquidators' appointment specified that they would have power to act jointly and severally.</p> <p>The Joint Liquidators' have exercised, and will continue to exercise, all of their functions jointly and severally as stated in the notice of appointment.</p>
Correspondence address & contact details of case manager	<p>Liz Williamson</p> <p>0161 830 4094</p> <p>RSM Restructuring Advisory LLP, 3 Hardman Street, Manchester, M3 3HF</p>

Name, address & contact details of Joint Liquidators	Primary Office Holder Lindsey Cooper RSM Restructuring Advisory LLP 3 Hardman Street, Manchester, M3 3HF 0161 830 4031 IP Number: 008931	Joint Office Holder: Mark Wilson RSM Restructuring Advisory LLP 25 Farringdon Street, London, EC4A 4AB 0203 201 8662 IP Number: 008612
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Appendix B

Dividend Prospects

Dividends	Owed*	Paid to Date	Estimated future Prospects
Secured creditors (paid in full during the administration period)	NIL	NIL	N/a
Preferential creditors (paid 100p in £ during the administration period)	£615 (received during Liquidation period)	100p in £ on 20 March 2017	NIL
Unsecured creditors	£75,673,797 (agreed for dividend purposes at the end of the current period)	3.57p in £ on 13 June 2017	Unable to quantify
Estimated net property	NIL		
Estimated prescribed part available for unsecured creditors	NIL		

*Per claims received

Any estimated outcome for creditors is illustrative and may be subject to change.

DBC Foodservice Limited
In Liquidation
Joint Liquidators' Summary of Receipts & Payments

Statement of Affairs £	From 25/02/2018 To 24/02/2019 £	From 25/02/2014 To 24/02/2019 £
		</

**DBC Foodservice Limited
In Liquidation
Joint Liquidators' Summary of Receipts & Payments**

Statement of Affairs £	From 25/02/2018 To 24/02/2019 £	From 25/02/2014 To 24/02/2019 £
(83,635,931.00)	(77,244.31)	22,721.67
REPRESENTED BY		
RBS Liq Main Acc		78,399.48
Unclaimed Dividends		(55,677.81)
		22,721.67

Appendix D

RSM Restructuring Advisory LLP charging, expenses and disbursements policy statement

Charging policy

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

Expenses and disbursements policy

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

Appendix E

RSM Restructuring Advisory LLP Manchester current charge out and category 2 disbursement rates

Hourly charge out rates	RSM Restructuring Advisory LLP rates at commencement £	RSM Restructuring Advisory LLP current rates £	Modified rates £
Partner	395	525	310
Directors / Associate Directors	300 to 350	385 to 475	310
Manager	260	245 to 335	200
Assistant Managers	190	240 to 245	200
Administrators	130 to 185	105 to 240	125
Support staff	130	195	95

Category 2 disbursement rates	
Internal room hire	£165
Subsistence	£25 per night
Travel (car)	42.5p per mile
'Tracker' searches	£10 per case

Appendix F

Statement of expenses incurred in the period from 25 February 2018 to 24 February 2019

	Incurring	£ Paid	Unpaid
EXPENSES (EXCLUDING CATEGORY 2 DISBURSEMENTS)			
Corporation tax	29.26	NIL	29.26
Storage costs	996.75	NIL	996.75
Appointee disbursements:			
Land searches	3.00	3.00	NIL
Storage costs	1,924.94	77.70	1,847.24
Sub Total	2,953.95	80.70	2,873.25
CATEGORY 2 DISBURSEMENTS			
None			
Sub Total	NIL	NIL	NIL
Total	2,953.95	80.70	2,873.25

Appendix G

Joint Liquidators' time cost analysis for the period from 25 February 2018 to 24 February 2019

SLIP9 Time Report - Level 2

DBC Foodservice Limited

776500-701 Post Appointment CVA

For the period 25/02/2018 to 24/02/2019

Activity	Partners	Direct Associates	Material	Legal Costs	Disbursements	Other Costs	Overhead	Fixed Costs	Variable Costs	Actual
Administration and Planning										
Background information	0.0	0.0	0.0	0.0	0.0	0.0	0.2	0.2	£ 36.00	180.00
Case Management	1.2	1.0	0.0	0.0	10.5	0.6	13.3	13.3	£ 3,105.00	233.46
Post-appointment - general	0.0	0.0	0.0	0.0	0.0	0.6	0.6	0.6	£ 114.00	190.00
Receipts and Payments	0.0	1.5	0.0	0.0	6.3	9.2	17.0	17.0	£ 3,447.50	202.79
Tax Matters	0.3	0.4	0.0	0.0	3.7	0.0	4.4	4.4	£ 989.00	224.77
Total	1.5	2.9	0.0	0.0	20.5	10.6	35.5	35.5	£ 7,691.50	216.86
Realisation of Assets										
Assets - general/other	0.0	0.1	0.0	0.0	5.4	0.0	5.5	5.5	£ 1,062.50	193.18
Debtors & sales finance	0.2	0.6	0.0	0.0	6.0	0.0	6.8	6.8	£ 1,459.00	214.56
Land and Property	0.3	0.2	0.0	0.0	0.6	0.0	1.1	1.1	£ 337.00	306.36
Total	0.5	0.9	0.0	0.0	12.0	0.0	13.4	13.4	£ 2,858.50	213.32
Creditors										
Employees	0.0	0.1	0.0	0.0	0.2	0.0	0.3	0.3	£ 78.50	261.67
Other Creditor Meetings and Reports	0.7	1.4	0.0	0.0	31.6	1.9	35.6	35.6	£ 7,136.00	200.45
Unsecured Creditors	0.3	1.1	0.0	0.0	28.1	0.0	29.5	29.5	£ 5,760.50	195.27
Total	1.0	2.6	0.0	0.0	59.9	1.9	65.4	65.4	£ 12,975.00	198.39
Case Specific Matters - Legal Matters										
Legal Matters	1.8	10.5	0.0	0.0	0.0	0.0	12.3	12.3	£ 4,851.50	394.43
Total	1.8	10.5	0.0	0.0	0.0	0.0	12.3	12.3	£ 4,851.50	394.43
RSM Restructuring Advisory LLP Rates:										
Total Hours	4.8	16.9	0.0	0.0	92.4	12.5	126.6	126.6	£ 28,376.50	224.14
Total Time Cost	£ 2,426.50	£ 6,347.50	£ 0.00	£ 0.00	£ 17,245.00	£ 2,357.50	£ 28,376.50	£ 28,376.50		
Average Rates	505.52	375.59	0.00	0.00	186.63	188.60	224.14	224.14		
Modified Rates:										
Total Hours	4.8	16.9	0.0	0.0	92.4	12.5	126.6	126.6	£ 19,464.50	153.75
Total Time Cost	£ 1,488.00	£ 5,239.00	£ 0.00	£ 0.00	£ 11,550.00	£ 1,187.50	£ 19,464.50	£ 19,464.50		
Average Rates	310.00	310.00	0.00	0.00	125.00	95.00	153.75	153.75		