

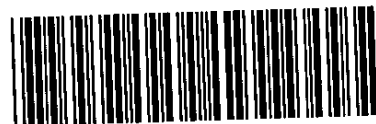
LIQ03

Notice of progress report in voluntary winding up



Companies House

SATURDAY



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A07 25/08/2018 #334
COMPANIES HOUSE

ease
use

1 Company details

Company number 03616068

Company name in full Premier Waste Management Limited

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

2 Liquidator's name

Full forename(s) Howard

Surname Smith

3 Liquidator's address

Building name/number KPMG LLP, 1 Sovereign Square

Street Sovereign Street

Post town Leeds

County/Region

Postcode LS14DA

Country

4 Liquidator's name

Full forename(s) Jonathan Charles

Surname Marston

① Other liquidator
Use this section to tell us about
another liquidator.

5 Liquidator's address

Building name/number KPMG LLP, 1 Sovereign Square

Street Sovereign Street

Post town Leeds

County/Region

Postcode LS14DA

Country

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

LIQ03

Notice of progress report in voluntary winding up

6 Period of progress report

From date	d	0	d	1	m	0	m	7	y	2	y	0	y	1	y	7
To date	d	3	d	0	m	0	m	6	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

Harold Smith

X

Signature date

d	2	d	4	m	0	m	8	y	2	y	0	y	1	y	8
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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 **Clare McCain**

Company name **KPMG LLP**

Address **Quayside House**

110 Quayside

Post town **Newcastle upon Tyne**

County/Region

Postcode **N E 1 3 D X**

Country

DX

Telephone **Tel +44 (0) 191 401 3867**

**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



Joint Liquidators' progress report for the period 1 July 2017 to 30 June 2018

Premier Waste Management
Limited - in Liquidation and
under a Voluntary
Arrangement

24 August 2018

Notice to creditors

This report provides an update on the liquidation of the Company.

We have included (Appendix 2) an account of all amounts received and payments made during the period of 1 July 2017 to 30 June 2018, including the cumulative receipts and payments since the date of our appointment.

We have also explained our future strategy for the liquidation and how likely it is that we will be able to pay each class of creditor.

You will find other important information in this report such as the costs which we have incurred to date.

A glossary of the abbreviations used throughout this document is attached (Appendix 5).

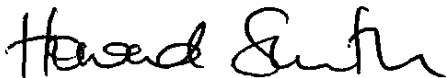
Please also note that an important legal notice about this report is attached (Appendix 6).

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1 Executive summary

- This progress report covers the period from 1 July 2017 to 30 June 2018.
- Asset realisations in the period relate to interest received (Section 2 - Progress to date).
- We are not aware of any secured claims against the Company (Section 3 - Dividend prospects and dividends paid).
- We are not aware of any preferential claims against the Company (Section 3 - Dividend prospects and dividends paid).
- A first and final dividend was declared and paid to the unsecured creditors in a prior period. One claim remains to be agreed and will be progressed once it has been resolved in the CVA. Based on current estimates, we anticipate that there will not be sufficient funds to enable a further dividend (Section 3 - Dividend prospects and dividends paid).
- Please note: you should read this report in conjunction with any previous reports issued to the Company's creditors. Unless stated otherwise, all amounts in this report and appendices are stated net of VAT.



Howard Smith
Joint Liquidator

2 Progress to date

This report covers the period from 1 July 2017 to 30 June 2018. However, please refer to previous reports where information has previously been disclosed.

This section updates you on our strategy for the liquidation and on our progress to date. It follows the information provided in our previous reports.

2.1 Strategy and progress to date

As you are aware the Company was part of a group; Durham County Waste Management Company Limited was its parent company (together the 'Group'). Prior to the CVLs, both companies were subject to CVAs which were interlocking and conditional on the approval of one another.

The CVL must remain open until all assets of the CVA have been realised and the funds distributed.

2.2 Asset realisations

Realisations during the period are set out in the attached receipts and payments account (Appendix 2).

There have been no material or otherwise significant realisations in the period.

2.3 Costs

Payments made in this period are set out in the attached receipts and payments account (Appendix 2).

There have been no payments made during the period.

2.4 Schedule of expenses

We have detailed the costs incurred during the period, whether paid or unpaid, in the schedule of expenses attached (Appendix 3).

Summaries of the most significant expenses which have been incurred in the period but have not yet been paid are provided below.

Joint Liquidators' remuneration

We have accrued time costs of £10,456 during the period, which have not been drawn.

Storage costs

Storage costs of £255 have been incurred in the period but not yet paid to Iron Mountain for storage of the Company's books and records in accordance with KPMG's document retention policy. These costs were accrued in the prior period.

3 Dividend prospects and dividends paid

3.1 Secured creditors

We are not aware of any secured claims against the Company.

3.2 Preferential creditors

Claims from employees in respect of (1) arrears of wages up to a maximum of £800 per employee, (2) unlimited accrued holiday pay and (3) certain pension benefits, rank preferentially.

As previously reported we are not aware of any preferential claims against the Company.

3.3 Unsecured creditors

As previously reported a first and final dividend to unsecured creditors of 3.48p in the pound was declared and paid during a prior period. In accordance with the CVA Proposal the distribution was calculated on 20% of claim value.

There still remains one claim to be agreed which will be progressed once it has been resolved in the CVA.

Based on current estimates, we anticipate that there will not be sufficient funds to enable a further dividend to the unsecured creditors in the CVL.

4 Joint Liquidators' remuneration and disbursements

At a meeting of creditors held on 1 July 2013 the creditors passed a resolution providing approval that:

- our remuneration will be drawn on the basis of time properly given by us and the various grades of our staff according to the charge-out rates included in Appendix 4;
- disbursements for services provided by KPMG (defined as Category 2 disbursements in Statement of Insolvency Practice 9) will be charged in accordance with KPMG's policy as set out in Appendix 4;
- that the charge out rates applied during the liquidation will be the KPMG LLP standard charge out rates with a 20% reduction applied.

Time costs

During the period from 1 July 2017 to 30 June 2018, we have incurred time costs of £13,070, inclusive of the 20% reduction to KPMG LLP standard charge out rates. This represents 40 hours at an average rate of £261 per hour.

Remuneration

During the period, we have not drawn any remuneration.

Disbursements

During the period, we have incurred disbursements of £476 in relation to external printing and postage. None of these have yet been paid.

Additional information

We have attached (Appendix 4) an analysis of the time spent, the charge-out rates for each grade of staff and the expenses paid directly by KPMG for the period from 1 July 2017 to 30 June 2018. We have also attached our charging and disbursements policy.

5 Future strategy

5.1 Future conduct of the liquidation

The following matters are still ongoing in the liquidation:

- the CVL must remain open until all assets of the CVA have been realised and the funds distributed, as detailed in Section 2.1 Strategy and progress to date (as creditors are aware the CVA has been extended to allow the Company to pursue a landfill tax claim);
- processing and payment of the first and final dividend on the unsecured claim that is yet to be agreed;
- payment of final liquidation costs and Liquidators' fees; and
- closure formalities.

5.2 Future reporting

We will report again on the progress of this liquidation by 31 August 2019 or in the final report if matters have been concluded earlier.

Appendix 1 Statutory information

Company information

Company name	Premier Waste Management Limited
Previous company names if applicable	Capitol Waste Management Limited
Date of incorporation	14 August 1998
Company registration number	03616068
Previous registered office	Prospect House, Aykely Heads Business Centre, Aykely Heads, Durham, DH1 5TS
Present registered office	KPMG LLP, Quayside House, 110 Quayside, Newcastle-upon-Tyne, NE1 3DX
Trading address	Prospect House, Aykely Heads Business Centre, Aykely Heads, Durham, DH1 5TS
Nature of business	Waste Management

Liquidation information

Appointed by	Members and creditors pursuant to Section 98 of the Insolvency Act 1986
Date of appointment	1 July 2013
Joint Liquidators' details	Howard Smith and Jonny Marston
Joint Liquidators' address	KPMG LLP, 1 Sovereign Square, Sovereign Street, Leeds, LS1 4DA
EC Regulations	EC Regulations apply and these proceedings will be the Main Proceedings as defined in Article 3 of the EC regulations.

Appendix 2 Joint Liquidators' receipts and payment account

Premier Waste Management Limited - in Liquidation			
Abstract of receipts & payments			
Statement of affairs (£)		From 01/07/2017 To 30/06/2018 (£)	From 01/07/2013 To 30/06/2018 (£)
ASSET REALISATIONS			
	Accrued income	NIL	74,224.90
	Funds due to third parties	NIL	1,949.45
	Funds due to Supervisor	NIL	366.77
231,542.00	Book debts	NIL	226,510.11
19,955.00	Cash at bank	NIL	29,782.13
		NIL	332,833.36
OTHER REALISATIONS			
	Bank interest, gross	66.22	1,515.30
	Bank interest, net	NIL	960.70
	Sundry refunds	NIL	952.18
		66.22	3,428.18
COST OF REALISATIONS			
	Statement of affairs work	NIL	(2,290.00)
	Section 98 costs	NIL	(6,232.00)
	Liquidator's fees	NIL	(145,000.00)
	Legal fees	NIL	(19,523.00)
	Legal disbursements	NIL	(358.50)
	Storage costs	NIL	(1,477.23)
	Re-direction of mail	NIL	(195.00)
	Statutory advertising	NIL	(631.93)
	Funds paid to Supervisor	NIL	(366.77)
	Funds paid to third parties	NIL	(593.30)
		NIL	(176,667.73)
UNSECURED CREDITORS			
(331,101.00)	Trade & expense	NIL	(13,950.24)
(39,929.00)	Employees	NIL	(637.46)
(339,377.00)	HMRC: Landfill tax	NIL	NIL
(653.00)	Finance lease	NIL	(4,006.78)
(296,888.00)	Barclays Mercantile	NIL	(7,165.92)
(185,531.00)	Connected companies	NIL	(5,151.79)
(9,394.00)	Corp tax etc/nonpref PAYE	NIL	NIL
(97,314.00)	Other creditors	NIL	NIL
(158,478.00)	Operating lease liabilities	NIL	NIL
(2,500,000.00)	Pension Scheme liability	NIL	(106,557.60)

Premier Waste Management Limited - in Liquidation

Abstract of receipts & payments

Statement of affairs (£)	From 01/07/2017 To 30/06/2018 (£)	From 01/07/2013 To 30/06/2018 (£)
--------------------------	--------------------------------------	--------------------------------------

NIL	(137,469.79)
-----	--------------

DISTRIBUTIONS

(500,000.00)	Ordinary shareholders
--------------	-----------------------

NIL	NIL
-----	-----

NIL	NIL
-----	-----

(4,207,168.00)

66.22	22,124.02
--------------	------------------

REPRESENTED BY

VAT receivable

35,025.51

Current account

22,124.02

VAT payable

(14,844.96)

Floating ch. VAT control

(20,180.55)

22,124.02

Appendix 3 Schedule of expenses

Schedule of expenses (01/07/2017 to 30/06/2018)			
Expenses (£)	Incurred and paid in the period (£)	Incurred in the period not yet paid (£)	Total (£)
Cost of realisations			
Liquidators' fees	0.00	10,456.00	10,456.00
Storage costs	0.00	255.47	255.47
TOTAL	0.00	10,711.47	10,711.47

Requests for further information and right to challenge our remuneration and expenses

Creditors' requests for further information

If you would like to request more information about our remuneration and expenses disclosed in this report, you must do so in writing within 21 days of receiving this report.

Requests from unsecured creditors must be made with the concurrence of at least 5% in value of unsecured creditors (including, the unsecured creditor making the request) or with the permission of the Court.

Creditors' right to challenge our remuneration and expenses

If you wish to challenge the basis of our remuneration, the remuneration charged, or the expenses incurred during the period covered by this report, you must do so by making an application to Court within eight weeks of receiving this report.

Applications by unsecured creditors must be made with concurrence of at least 10% in value of unsecured creditors (including the unsecured creditor making the challenge) or with the permission of the Court.

The full text of the relevant Rules can be provided on request by writing to Clare McCain at KPMG LLP, Quayside House, 110 Quayside, Newcastle-upon-Tyne, NE1 3DX.

Appendix 4 Joint Liquidators' charging and disbursements policy

Joint Liquidators' charging policy

The time charged to the liquidation is by reference to the time properly given by us and our staff in attending to matters arising in the liquidation. This includes work undertaken in respect of tax, VAT, employee, pensions and health and safety advice from KPMG in-house specialists.

Our policy is to delegate tasks in the liquidation to appropriate members of staff considering their level of experience and requisite specialist knowledge, supervised accordingly, so as to maximise the cost effectiveness of the work performed. Matters of particular complexity or significance requiring more exceptional responsibility are dealt with by senior staff or us.

A copy of "A Creditors' Guide to Joint Liquidators' Fees" from Statement of Insolvency Practice 9 ('SIP 9') produced by the Association of Business Recovery Professionals is available at:

<https://www.r3.org.uk/what-we-do/publications/professional/fees/liquidators-fees>

If you are unable to access this guide and would like a copy, please contact Clare McCain on 0191 4013867.

Hourly rates

Set out below are the relevant charge-out rates per hour worked for the grades of our staff actually or likely to be involved on this liquidation. Time is charged by reference to actual work carried out on the liquidation.

All staff who have worked on the liquidation, including cashiers and secretarial staff, have charged time directly to the liquidation and are included in the analysis of time spent. The cost of staff employed in central administration functions is not charged directly to the liquidation but is reflected in the general level of charge-out rates.

Charge-out rates (£) for: Restructuring	
Grade	From 01 Nov 2016 £/hr
Partner	625
Director	560
Senior Manager	510
Manager	425
Senior Administrator	295
Administrator	215
Support	131

Please note, as stated in Section 4 the charge out rates applied during the liquidation will be the KPMG LLP standard charge out rates shown above with a 20% reduction applied.

The charge-out rates used by us might periodically rise (for example to cover annual inflationary cost increases) over the period of the liquidation. In our next statutory report, we will inform creditors of any material amendments to these rates.

Policy for the recovery of disbursements

Where funds permit the officeholders will seek to recover both Category 1 and Category 2 disbursements from the estate. For the avoidance of doubt, such expenses are defined within SIP 9 as follows:

Category 1 disbursements: These are costs where there is specific expenditure directly referable to both the appointment in question and a payment to an independent third party. These may include, for example, advertising, room hire, storage, postage, telephone charges, travel expenses, and equivalent costs reimbursed to the officeholder or his or her staff.

Category 2 disbursements: These are costs that are directly referable to the appointment in question but not a payment to an independent third party. They may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis, for example, business mileage.

Category 2 disbursements charged by KPMG Restructuring include mileage. This is calculated as follows:

Mileage claims fall into three categories:

- Use of privately-owned vehicle or car cash alternative – 45p per mile.
- Use of company car – 60p per mile.
- Use of partner's car – 60p per mile.

For all of the above car types, when carrying KPMG passengers an additional 5p per mile per passenger will also be charged where appropriate.

We have incurred the following disbursements (excluding VAT) during the period 1 July 2017 to 30 June 2018.

SIP 9 - Disbursements					
Disbursements	Category 1		Category 2		Totals (£)
	Paid (£)	Unpaid (£)	Paid (£)	Unpaid (£)	
External printing	NIL	283.04	NIL	NIL	283.04
Postage	NIL	192.56	NIL	NIL	192.56
Total	NIL	475.60	NIL	NIL	475.60

We have the authority to pay Category 1 disbursements without the need for any prior approval from the creditors of the Company.

Category 2 disbursements have been approved in the same manner as our remuneration.

Narrative of work carried out for the period 1 July 2017 to 30 June 2018.

The key areas of work have been:

Statutory and compliance	■ preparing statutory receipts and payments accounts; and ■ ensuring compliance with all statutory obligations within the relevant timescales.
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Strategy documents, Checklist and reviews	<ul style="list-style-type: none"> ■ dealing with queries arising during the appointment; ■ reviewing matters affecting the outcome of the liquidation; and ■ complying with internal filing and information recording practices, including documenting strategy decisions.
Cashiering	<ul style="list-style-type: none"> ■ reconciling post-appointment bank accounts to internal systems; and ■ ensuring compliance with appropriate risk management procedures in respect of receipts and payments.
Tax	<ul style="list-style-type: none"> ■ working initially on tax returns relating to the periods affected by the liquidation; ■ reviewing the Company's duty position to ensure compliance with duty requirements; and ■ dealing with post appointment tax compliance.
General	<ul style="list-style-type: none"> ■ reviewing time costs data and producing analysis of time incurred which is compliant with Statement of Insolvency Practice 9.
Creditors and claims	<ul style="list-style-type: none"> ■ responding to enquiries from creditors regarding the liquidation and submission of their claims; and ■ drafting our report.

Time costs

SIP 9 –Time costs analysis (01/07/2017 to 30/06/2018)			
	Hours	Time Cost (£)	Average Hourly Rate (£)
Administration & planning			
Cashiering			
General (Cashiering)	1.60	400.00	250.00
Reconciliations (& IPS accounting reviews)	1.30	448.00	344.62
Statutory and compliance			
Checklist & reviews	8.90	2,560.50	287.70
Statutory receipts and payments accounts	0.40	118.00	295.00
Strategy documents	1.10	324.50	295.00
Tax			
Post appointment corporation tax	9.90	3,278.00	331.11
Post appointment VAT	3.70	1,225.00	331.08
Creditors			
Creditors and claims			
Agreement of unsecured claims	0.70	357.00	510.00
Statutory reports	12.20	4,337.00	355.49
Employees			
Correspondence	0.10	21.50	215.00
Total in period	39.90	13,069.50	327.56
Brought forward time (appointment date to SIP 9 period start date)	626.77	206,928.60	
SIP 9 period time (SIP 9 period start date to SIP 9 period end date)	39.90	13,069.50	
Carry forward time (appointment date to SIP 9 period end date)	666.67	219,998.10	

All staff who have worked on this assignment, including cashiers and secretarial staff, have charged time directly to the assignment and are included in the analysis of time spent. The cost of staff employed in central administration functions is not charged directly to the assignment but is reflected in the general level of charge out rates.

All time shown in the above analysis is charged in units of six minutes.

The time costs shown above are at KPMG LLP standard charge out rates. Time costs with a 20% reduction will be applied as outlined at Section 4, which gives time costs for the period of £10,456 and total time costs to date of £175,998.

Appendix 5 Glossary

Company	Premier Waste Management Limited - in Liquidation and under a Voluntary Arrangement
CVA	Company Voluntary Arrangement
CVL	Creditors Voluntary Liquidation
Joint Liquidators/we/our/us	Howard Smith and Jonny Marston
KPMG	KPMG LLP
Proposals	The CVA Proposals approved by creditors on 12 February 2013

Any references in this report to Sections, Paragraphs and Rules are to Sections, Paragraphs and Rules in the Insolvency Act 1986, Schedule B1 of the Insolvency Act 1986 and the Insolvency (England and Wales) Rules 2016 respectively.

Appendix 6 Notice: About this report

This progress report has been prepared by Howard Smith and Jonny Marston, the Joint Liquidators of Premier Waste Management Limited (the 'Company'), solely to comply with their statutory duty under the Insolvency Act 1986 (as amended) to provide members and creditors with an update on the progress of the liquidation of the estate, and for no other purpose.

This report is not suitable to be relied upon by any other person, or for any other purpose or in any other context including any decision in relation to the debt of or any financial interest in the Company or any other company in the Group. Any person that chooses to rely on this report for any purpose or in any context other than under the Insolvency Act (as amended) does so at their own risk. Any estimated outcomes for creditors included in this report are illustrative only and cannot be relied upon as guidance as to the actual outcomes for individual creditors.

Howard Smith is authorised to act as an insolvency practitioner by the Insolvency Practitioners Association.

Jonathan Charles Marston is authorised to act as an insolvency practitioner by the Institute of Chartered Accountants in England & Wales.

We are bound by the Insolvency Code of Ethics.

The Officeholders are Data Controllers of personal data as defined by the Data Protection Act 2018. Personal data will be kept secure and processed only for matters relating to the appointment. For further information, please see our Privacy policy at – home.kpmg.com/uk/en/home/misc/privacy-policy-insolvency-court-appointments.html.

The appointments of the Joint Liquidators are personal to them and, to the fullest extent permitted by law, KPMG LLP does not assume any responsibility and will not accept any liability to any person in respect of this Report or the conduct of the liquidation.

www.kpmg.com

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