

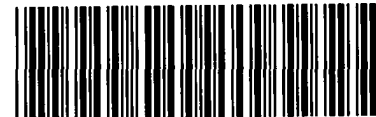
AM10

Notice of administrator's progress report



Companies House

FRIDAY



A9G9SYX7

A07

23/10/2020

#394

COMPANIES HOUSE

1 Company details

Company number 0 4 6 6 9 1 6 8

Company name in full Varden Nuttall Limited

→ Filling in this form

Please complete in typescript or in
bold black capitals.

2 Administrator's name

Full forename(s) Ben

Surname Woolrych

3 Administrator's address

Building name/number 4th Floor

Street Abbey House

Post town Booth Street

County/Region Manchester

Postcode M 2 4 A B

Country

4 Administrator's name ①

Full forename(s) Philip Edward

Surname Pierce

① Other administrator

Use this section to tell us about
another administrator.

5 Administrator's address ②

Building name/number Minerva

Street 29 East Parade

Post town Leeds

County/Region Yorkshire

Postcode L S 1 5 P S

Country

② Other administrator

Use this section to tell us about
another administrator.

AM10

Notice of administrator's progress report

6 Period of progress report

From date	^d 2	^d 4	^m 0	^m 3	^y 2	^y 0	^y 2	^y 0
To date	^d 2	^d 3	^m 0	^m 9	^y 2	^y 0	^y 2	^y 0

7 Progress report

☒ I attach a copy of the progress report

8 Sign and date

Administrator's
signature

Signature

X

B. Watson

X

Signature date

^d 2	^d 1	^m 1	^m 0	^y 2	^y 0	^y 2	^y 0
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AM10

Notice of administrator's progress report



Presenter information

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name Michael Cheetham

Company name FRP Advisory Trading Limited

Address 4th Floor

Abbey House

Post town Booth Street

County/Region Manchester

Postcode M 2 4 A B

Country

DX cp.manchester@frpadvisory.com

Telephone 0161 833 3344



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

Continuation page

Name and address of insolvency practitioner

✓ **What this form is for**
Use this continuation page to tell us about another insolvency practitioner where more than 2 are already jointly appointed. ^①
Attach this to the relevant form.
Use extra copies to tell us of additional insolvency practitioners.

✗ **What this form is NOT for**
You can't use this continuation page to tell us about an appointment, resignation, removal or vacation of office.

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

All fields are mandatory unless specified or indicated by *

1 Appointment type

Tick to show the nature of the appointment:

- ☒ Administrator
- ☐ Administrative receiver
- ☐ Receiver
- ☐ Manager
- ☐ Nominee
- ☐ Supervisor
- ☐ Liquidator
- ☐ Provisional liquidator

① You can use this continuation page with the following forms:

- VAM1, VAM2, VAM3, VAM4, VAM6, VAM7
- CVA1, CVA3, CVA4
- AM02, AM03, AM04, AM05, AM06, AM07, AM08, AM09, AM10, AM12, AM13, AM14, AM19, AM20, AM21, AM22, AM23, AM24, AM25
- REC1, REC2, REC3
- LIQ2, LIQ3, LIQ05, LIQ13, LIQ14, WU07, WU15
- COM1, COM2, COM3, COM4
- NDISC

2 Insolvency practitioner's name

Full forename(s) Paul Robert
Surname Boyle

3 Insolvency practitioner's address

Building name/number 102 Sunlight House

Street

Post town Quay Street

County/Region Manchester

Postcode M 3 3 J E

Country

FRP

Varden Nuttall Limited (In Administration)

In the High Court of Justice, Chancery Division, Leeds District Registry No. 292 of 2016

The Joint Administrators' Progress Report for the period 24 March 2020 to 23 September 2020 pursuant to Rule 18.3 of the Insolvency (England and Wales) Rules 2016

21 October 2020

Contents and Abbreviations



Section	Content	The Joint Supervisors	David Clements (Harrisons Business Recovery and Insolvency Limited) & Anel Andrew
1.	Progress of the Administration in the Reporting Period	The Proposals	The Joint Administrators’ Proposals dated 16 May 2016
2.	Estimated Outcome for the Creditors	The Reporting Period	The Reporting Period 24 March 2020 to 23 September 2020
3.	Joint Administrators’ Remuneration, Disbursements, Expenses and Pre-Appointment Costs	Previous Progress Report	Progress report for the reporting period 24 September 2019 to 23 March 2020
Appendix	Content	The Insolvency Act	The Insolvency Act 1986
A.	Statutory Information regarding the Company and the Appointment of the Joint Administrators	Insolvency Rules	The Insolvency (England and Wales) Rules 2016
B.	Form AM10 – Notice of Joint Administrators’ Progress Report	Walker Morris	Walker Morris LLP
C.	Schedule of Work	Barclays and/or the Bank	Barclays Bank Plc
D.	Details of the Joint Administrators’ Time Costs, Disbursements and Expenses for the Reporting Period and Cumulatively	Reward	Reward Capital LLP
E.	Receipts and Payments Account for the Reporting Period and Cumulatively	The Secured Creditors	Barclays and Reward
F.	Statement of Expenses Incurred in the Reporting Period and Estimate of Future Expenses	Directors	Darren Varden & Philip Nuttall
G.	Harrisons VN – Transaction Report for the Reporting Period	CAR	Client Account Reconciliation
The following abbreviations may be used in this report:		RMG	Release Money Group (RMG) Limited (In Administration)
FRP	FRP Advisory Trading Limited	PTD	Protected Trust Deed
Harrisons	Harrisons Business Recovery and Insolvency Limited	IVA	Individual Voluntary Arrangement
The Company	Varden Nuttall Limited (In Administration)	RPS	Redundancy Payments Service
The Joint Administrators	Ben Woolrych & Philip Pierce of FRP Advisory Trading Limited and Paul Boyle of Harrisons Business Recovery and Insolvency Limited	Harrisons VN or HVN	Harrisons VN Limited, a company set up by Harrisons and incorporated on 2 November 2017
		TUPE	Transfer of Undertakings (Protection of Employment) Regulations 2006
		ICAEW	Institute of Chartered Accountants in England and Wales

1. Progress of the Administration in the Reporting Period

FRP

The Joint Administrators' Actions to Date

This progress report should be read in conjunction with the Proposals and previous progress reports, which provides background information on the Company, details of the events leading up to the insolvency and full details of the decision to continue to trade the business, ongoing trade and the CAR.

A copy of the Proposals and previous progress reports are available on the FRP creditors' portal and copies can be provided on request.

Extensions to the Period of Appointment

As detailed in previous progress reports the Joint Administrators sought an initial 12 month extension of the Administration with the consent of the Secured Creditors.

In order to continue trading the portfolio of personal insolvency cases and completing the CAR, an application was made to Court to extend the Administration for a second 12 months to 23 March 2020, which was granted on 6 March 2018.

A third application was made to Court to extend the Administration for a third 12 months to 23 March 2020, which was granted on 12 March 2019.

During the period covered by the Previous Progress Report, the Joint Administrators obtained a fourth 12 month extension following a fourth Court application and the Administration will now automatically end on 23 March 2021.

During the next reporting period, the Joint Administrators will consider the requirement to extend the Administration further and, if necessary, will make the relevant applications to Court.

Work Undertaken During the Reporting Period

Attached at **Appendix C** is a schedule of work undertaken during the Reporting Period together with a summary of work still to be completed.

Varden Nuttall Limited (In Administration)
The Joint Administrators' Progress Report

Attached at **Appendix E** is a Receipts and Payments Account detailing all transactions for the Reporting Period and cumulatively since the Joint Administrators' appointment.

Trading

As reported in previous progress reports, in order to ensure the viability of the portfolio of insolvency cases and minimise anticipated losses the Joint Administrators outsourced its management to Harrison's VN under a management services agreement.

Harrison's VN continue to deal with the portfolio of personal insolvency cases and discharge the costs associated with this directly.

Attached at **Appendix H** is a transaction report detailing the billings drawn, disbursements paid, and costs associated with managing the portfolio which have been incurred by Harrison's VN during the Reporting Period.

The Joint Administrators continue to monitor the portfolio of insolvency cases managed by Harrison's VN with a summary of cases as follows:

Case	Number
Active	
IVA	254
Scottish Cases	26
Closed (Since appointment)	
IVA	2,177
Scottish Cases	270
Total	2,727

Whilst trading the portfolio, Harrison's VN have continued to close cases thereby reducing the portfolio and number of active remaining cases.

1. Progress of the Administration in the Reporting Period

No further redundancies were made by Harrison's VN during the Reporting Period however further redundancies are expected during the next reporting period as the remaining portfolio continues to reduce. The redundancy fund remitted to Harrison's VN during the period covered by the Previous progress Report will continue to be utilised for this purpose.

Actions following the CAR and Court Proceedings

The Court proceedings issued by the Joint Administrators and Joint Supervisors, and subsequent judgement made against the Directors, is detailed in previous progress reports.

The Joint Administrators continue to adjust the estate accounting records following the CAR across the portfolio of personal insolvency cases in addition to working on historic creditor claims, dividend payments and PPI funds received on closed cases not forming part of the CAR. This process remains ongoing.

Bond Claims

As detailed in the Previous Progress Report, the Company utilised two bond providers across the portfolio of personal insolvency cases.

These claims continue to be progressed and Walker Morris continue to act for the Joint Administrators and Joint Supervisors. The Claims against both bond providers are at final review stages with documents submitted and loss adjusters considering these matters.

Both Bond and PI claims have been delayed slightly due to the ongoing Coronavirus pandemic but will continue to be progressed insofar as possible.

PI Claim

As detailed in previous progress reports, the Joint Supervisors made a claim for negligence on the part of the directors, via the Joint Administrators, with the Company's professional indemnity insurers.

This claim is ongoing, and correspondence has continued with the professional indemnity insurers during the Reporting Period. If this claim cannot be resolved outside of a Court process, the Joint Administrators and Joint Supervisors will consider whether to issue proceedings in order to bring this claim, whilst keeping the level of costs incurred to bring such claim to a minimum.

Investigations

The Joint Administrators' investigations and ongoing actions referred to above include various applications to Court, the CAR and subsequent actions to recover funds for the estates of the portfolio of personal insolvency cases and the Administration estate.

Given the sensitive nature of the Joint Administrators' investigations and ongoing actions specifically in relation to the Bond and PI Claims, it is not appropriate for further details to be provided to creditors at this time.

Following the conclusion of these investigations and any realisations made, details will be provided to creditors in subsequent progress reports.

Anticipated Exit Strategy

It is not currently anticipated that there will be a dividend to unsecured creditors and therefore, the Administration is expected to ultimately end in the dissolution of the Company.

2. Estimated Outcome for Creditors

FRP

The estimated outcome for creditors was set out in the Proposals, a further update is set out below.

Outcome for the Secured Creditors

Barclays Bank Plc

As noted in previous progress reports, in consideration for a formal overdraft facility, the Company granted the Bank a debenture and guarantee, dated 22 May 2012, which contained fixed and floating charges over all of the assets of the Company.

At the Appointment Date, the indebtedness to Barclays in respect of the overdraft was £227,904, subject to accruing interest and charges.

It is not currently anticipated that there will be sufficient realisations to enable a distribution to Barclays.

Reward Capital LLP

In consideration for a term loan advanced to a connected company, RMG, the Company granted Reward a debenture and corporate guarantee, dated 29 October 2014, which contained fixed and floating charges over all of the assets of the Company.

As at 25 July 2016, the indebtedness to Reward was £317,816, subject to accruing interest and charges.

Following the realisation of assets in Silverpoint, an associated Partnership also in Administration, two distributions were made to Reward under its security in the sum of £305,405. There is still a shortfall of £12,411 to Reward.

It is not anticipated that there will be sufficient realisations to enable a distribution to Reward from this Administration.

Outcome for the Preferential Creditors

Certain staff who were made the redundant or who left the Company prior to Administration submitted claims with the RPS for arrears of wages and holiday pay after appointment.

The RPS has submitted a subrogated preferential claim totalling £1,255 and there are residual employee preferential claims of £1,704 calculated in accordance with legislation.

It is currently anticipated that there will be insufficient funds to enable a distribution to preferential creditors in this matter.

Outcome for Unsecured Creditors

According to the Directors' Statement of Affairs, unsecured creditors as at the date of appointment totalled £42,695.

To date, unsecured creditor claims totalling £48,051 have been received.

It is currently estimated that there will be insufficient funds available to make a distribution to unsecured creditors.

Prescribed Part

A Prescribed Part distribution is not currently appropriate in this matter as it is anticipated at this stage that there will be no funds available to the floating charge holders.

3. Joint Administrators' Remuneration, Disbursements, Expenses and Pre-Appointment Costs

FRP

Joint Administrators' Remuneration

The Joint Administrators obtained approval of their remuneration, aside from that granted by the Court in respect of the CAR, during a previous reporting period.

Approval was sought on the basis that the Joint Administrators' remuneration be drawn from the Company's assets and charged by reference to the time incurred in attending to matters arising, based on a fee estimate with a cap of £1,100,445.

This was approved by the Secured Creditors, Barclays and Reward on 6 August 2018 and 23 July 2018 respectively.

During the Reporting Period the Joint Administrators, Harrison's, have drawn remuneration totalling £2,700 from the portfolio of personal insolvency cases. This is in addition to £42,500 drawn during the period covered by the Previous Progress Report. As this has not been drawn directly from the Administration estate, this transaction does not present on the Receipts and Payments Account attached at **Appendix E**.

A breakdown of the time costs incurred during the Reporting Period and cumulatively is attached at **Appendix D**.

In accordance with SIP 9, a breakdown of the key areas of the time incurred by FRP and Harrison's in this Administration are as follows:

- Time costs of £4,469 have been incurred by FRP in dealing with Administration and Planning which mainly relates to ongoing case reviews and strategic planning undertaken by Harrison's regarding the previous progress report.
- Time costs of £4,724 have been incurred by FRP in respect of Statutory Compliance. This time mainly relates to the drafting, review and circulation of the previous progress report incorporating updates provided by the Supervisors of the portfolio of personal insolvency cases.

- Time has also been incurred by FRP and Harrison's totalling £1,678 and £3,900 respectively under the heading Trading, which relates to ongoing correspondence with the Supervisors of the portfolio and dealing with any general queries raised or system requirements.

Time costs incurred by the Joint Administrators in respect of the Administration have continued to exceed the fee estimate circulated to creditors and from which the approval of their remuneration was obtained for the reasons stated in previous progress reports.

During the Reporting Period, time costs in respect of Trading have now exceeded the fee estimate previously circulated. This mainly relates to the ongoing trading requirements of the portfolio and continued correspondence with Harrison's VN regarding redundancies and general trading queries. It is anticipated that the time costs incurred will continue to exceed the fee estimate circulated until the ultimate closure of the case.

It is currently anticipated that future time costs associated with Asset Realisation and Statutory Compliance will exceed the fee estimate circulated, during future reporting periods. Full details will be provided to creditors in subsequent reports when this occurs.

The remuneration recovered by the Joint Administrators, will be restricted to the level of fees approved by creditors and further restricted to the level of funds available.

If appropriate, the Joint Administrators may seek to obtain approval from creditors to increase the basis of their remuneration, which would be obtained separately where applicable.

Remuneration for the Client Account Reconciliation

As detailed in previous progress reports, the Joint Administrators have received Court approval to draw fees from the pre-appointment client account monies for this specific purpose. To date, the Joint Administrators have drawn £3,050,119 plus VAT. No remuneration has been drawn during the Reporting Period in relation to the CAR.

3. Joint Administrators’ Remuneration, Disbursements, Expenses and Pre-Appointment Costs



Joint Administrators’ Disbursements

The Joint Administrators’ disbursements are a recharge of actual costs incurred by the Joint Administrators on behalf of the Company. Mileage payments made for expenses relating to the use of private vehicles for business travel, which is directly attributable to the insolvency estate, are paid by FRP and Harrisons at the HMRC approved mileage rate prevailing at the time the mileage was incurred. Details of disbursements incurred during the Reporting Period are set out in **Appendix D**.

Joint Administrators’ Expenses

A schedule of expenses incurred by the Joint Administrators during the Reporting Period is attached at **Appendix F**.

As detailed in previous progress reports, from 1 January 2018 the expenses in relation to the management of the portfolio of personal insolvency cases has been accounted for by Harrisons VN under the management services agreement. Details of the bills raised and paid from the portfolio and disbursements paid by Harrisons VN during the Reporting Period are attached at **Appendix G**.

Aside from the costs associated with the management of the portfolio and various Court applications, the costs directly associated with the Administration estate were expected to be minimal.

It was therefore appropriate for the Joint Administrators to disclose a statement of anticipated future expenses with a previous progress report dated 19 October 2018 which is also attached at **Appendix F**.

The expenses incurred during the Reporting Period have not exceeded the details previously provided.

When instructing third parties to provide specialist advice and services, or having the specialist services provided by the firm, the Joint Administrators are obligated to ensure that such advice or work is warranted and that the advice or work contracted reflects the best value and service for the work being undertaken. This is reviewed by

Varden Nuttall Limited (In Administration)
The Joint Administrators’ Progress Report

the Joint Administrators periodically throughout the duration of the assignment. The specialists chosen may regularly be used by the Joint Administrators and usually have knowledge specific to the insolvency industry and, where relevant, to matters specific to this insolvency appointment.

Creditors have a right to request further information from the Joint Administrators and further have a right to challenge the Joint Administrators’ remuneration and other expenses, which are first disclosed in this progress report, under the Insolvency (England and Wales) Rules. For ease of reference these are the expenses incurred in the Reporting Period as set out in **Appendix F** only.

Further details of these rights can be found in the Creditors’ Guide to Fees which you can access using the following link <https://creditors.frp.advisory.com/info.aspx> and select the one for administrations. Alternatively, a hard copy of the relevant guide will be sent to you on request. Please note there is a time limit for requesting information being 21 days following the receipt of this progress report. There is a time limit of 8 weeks following the receipt of this report for a Court application that the remuneration or expenses are excessive.

Joint Administrators’ Pre-Appointment Costs

The Secured Creditors, Barclays and Reward, have previously approved a resolution to approve the payment of the Joint Administrators’ pre-Administration costs.

A breakdown of the costs incurred is detailed below:

	Fees (£)	Disbursements (£)
FRP Advisory Trading Limited	5,000	-
Harrisons Business Recovery and Insolvency Limited	64,931	-
Walker Morris LLP	20,000	50

The amounts do not include VAT and to date, no payments in respect of these costs have been made.

Appendix A

Statutory Information regarding the Company and the Appointment of the Joint Administrators

FRP

COMPANY INFORMATION:

Other Trading Names: None

Company Number: 04669168

Registered Office: c/o FRP Advisory Trading Limited
4th Floor
Abbey House
32 Booth Street
Manchester
M2 4AB

Previous Registered Office: Silverpoint
Moor Street
Bury
Lancashire
BL9 5AQ

Former Trading Address: Silverpoint
Moor Street
Bury
Lancashire
BL9 5AQ

New Trading Address: 102 Sunlight House
Quay Street
Manchester
M3 3JZ

The Company is a wholly owned subsidiary of Release Money Group (RMG) Limited, the shareholding of this parent Company is broken down as follows:

Name	Shares	Type	%
Darren Varden	25	Ordinary	25
Carolynn Varden	25	Ordinary	25
Philip Nuttall	25	Ordinary	25
Angela Nuttall	25	Ordinary	25

Appendix A

Statutory Information regarding the Company and the Appointment of the Joint Administrators

FRP

ADMINISTRATION DETAILS:

Joint Administrators:	Ben Woolrych & Philip Pierce of FRP Paul Boyle of Harrisons	
Addresses of the Joint Administrators:	FRP Advisory Trading Limited 4th Floor Abbey House 32 Booth Street Manchester M2 4AB	Harrisons Business Recovery and Insolvency Limited 102 Sunlight House Quay Street Manchester M3 3JZ
Date of appointment of the Joint Administrators:	24 March 2016	
Court in which administration proceedings were brought:	In the High Court of Justice, Chancery Division, Leeds District Registry	
Court reference number:	292 of 2016	
Appointor details:	Appointment made by the Directors, Silverpoint, Moor Street, Bury, BL9 5AQ	
Previous office holders, if any:	Thomas Bowes (Harrisons Business Recovery and Insolvency Limited)	
Extensions to the initial period of appointment:	<ul style="list-style-type: none">- A 12 month extension to the Administration was granted by the Secured Creditors to extend the Administration for 12 months terminating on 23 March 2018.- A second extension was obtained on 6 March 2018 by way of Court Order to extend the	

Administration for 12 months terminating on 23 March 2019.

- A third extension was obtained on 12 March 2019 by way of a Court Order to extend the Administration for 12 months terminating on 23 March 2020.
- A further extension was obtained on 27 February 2020 by way of a Court Order to extend the Administration for 12 months terminating on 23 March 2021.

Date of approval of Joint Administrators' Proposals:

The Proposals were deemed approved on 1 June 2016

Appendix B

Form AM10 – Notice of Joint Administrators' Progress Report

FRP