

In accordance with
Rule 18.7 of the
Insolvency (England &
Wales) Rules 2016 and
Sections 92A, 104A and
192 of the Insolvency
Act 1986.

LIQ03

Notice of progress report in voluntary winding up



Companies House

For further information, please
refer to our guidance at
www.gov.uk/companieshouse

1 Company details

Company number 0 5 0 5 4 0 5 2
Company name in full The Aviary (Trading) Limited

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

2 Liquidator's name

Full forename(s) Freddy
Surname Khalastchi

3 Liquidator's address

Building name/number Lynton House
Street 7 - 12 Tavistock Square
Post town London
County/Region
Postcode W C 1 H 9 L T
Country

4 Liquidator's name ①

Full forename(s) Jonathan David
Surname Bass

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

5 Liquidator's address ②

Building name/number Lynton House
Street 7 - 12 Tavistock Square
Post town London
County/Region
Postcode W C 1 H 9 L T
Country

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

LIQ03
Notice of progress report in voluntary winding up

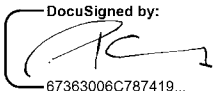
6 Period of progress report

From date	<div>d</div> <div>2</div>	<div>d</div> <div>9</div>	<div>m</div> <div>0</div>	<div>m</div> <div>5</div>	<div>y</div> <div>2</div>	<div>y</div> <div>0</div>	<div>y</div> <div>2</div>	<div>y</div> <div>1</div>	
To date	<div>d</div> <div>2</div>	<div>d</div> <div>8</div>	<div>m</div> <div>0</div>	<div>m</div> <div>5</div>	<div>y</div> <div>2</div>	<div>y</div> <div>0</div>	<div>y</div> <div>2</div>	<div>y</div> <div>2</div>	

7 Progress report

<input checked="" type="checkbox"/> The progress report is attached	
---	--

8 Sign and date

Liquidator's signature	<div>Signature</div> <div>X</div> <div><div>DocuSigned by:</div><div></div><div>67363006C787419...</div></div> <div>X</div>								
Signature date	<div>d</div> <div>1</div>	<div>d</div> <div>4</div>	<div>m</div> <div>0</div>	<div>m</div> <div>7</div>	<div>y</div> <div>2</div>	<div>y</div> <div>0</div>	<div>y</div> <div>2</div>	<div>y</div> <div>2</div>	

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 **Liam Jones**Company name **Menzies LLP**Address **Lynton House****7 - 12 Tavistock Square**Post town **London**

County/Region

Postcode **W C 1 H 9 L T**

Country

DX

Telephone **020 7387 5868****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

MENZIES

THE AVIARY (TRADING) LIMITED - **IN CREDITORS' VOLUNTARY LIQUIDATION**

JOINT LIQUIDATORS' PROGRESS REPORT PURSUANT TO SECTION 104A OF THE INSOLVENCY ACT
1986 AND RULE 18.2 OF THE INSOLVENCY (ENGLAND & WALES) RULES 2016

FOR THE PERIOD 29 May 2021 TO 28 May 2022

DATED 14 July 2021

MENZIES

THE AVIARY (TRADING) LIMITED - **IN CREDITORS' VOLUNTARY LIQUIDATION** – (“THE COMPANY”)

ANNUAL PROGRESS REPORT

CONTENTS

1. Introduction and executive summary
2. Progress/asset realisations
3. Investigations
4. Liabilities, dividend prospects and allocation of costs
5. Pre-appointment fees
6. Joint Liquidators' remuneration and expenses
7. Creditors' rights to further information and to challenge liquidators' remuneration and expenses
8. Further information
9. Concluding remarks

APPENDICES

1. Statutory information
2. Joint Liquidators' receipts and payments account
3. Joint Liquidators' analysis of time costs and narrative of work undertaken

1. INTRODUCTION AND EXECUTIVE SUMMARY

1.1 I was appointed Joint Liquidator of the Company on 29 May 2020. I now present my progress report for the second year of the liquidation, pursuant to Section 104A of the Insolvency Act 1986 ("the Act") and Rule 18.2 of the Insolvency (England & Wales) Rules 2016 ("the Rules").

1.2 The Company's statutory information is attached at Appendix 1 of this report.

1.3 Each creditor has a right under Regulation 11(2) of the Insolvency Regulations 1994 to require the Liquidators to supply a statement of Receipts and Payments free of charge.

Executive summary

1.4 At the date of my appointment the Company had ceased trading. As Liquidator I defrayed my investigatory obligations and investigated the Company's affairs diligently. As a result of investigations from HM Revenue & Customs ("HMRC") becoming protracted, this case has remained open.

1.5 The manner in which the affairs of the Company have been managed since my last progress report is set out below.

1.6 Based on current known information about the Company's financial position, and after taking into account the estimated office holders' fees and expenses, it is anticipated that there will be insufficient realisations to pay a dividend to floating charge, preferential and ordinary unsecured creditors.

1.7 My Receipts & Payments Account for the period from 29 May 2021 to 28 May 2022, which I have reconciled to the financial records that I am required to maintain, is attached at Appendix 2. All receipts and payments are shown net of VAT. Please note, there have been no receipts or payments in the reporting period.

1.8 The Liquidation account holds no funds given there have been no asset realisations during the tenure of the Liquidation.

2. PROGRESS/ASSET REALISATIONS

2.1 As previously reported, there are no known assets of the Company.

3. INVESTIGATIONS

3.1 As previously reported, I faced difficulty in obtaining all the Company's books and records due to the Covid-19 pandemic when I took office. In the last reporting period I have ensured the deliverance of all known books and records to ensure investigations can be progressed.

3.2 Since obtaining these further books and records I have undertaken a review of the records as per my statutory obligations to creditors to investigate further information relating to the Company. This has not however led to any asset realisations to creditors.

3.3 As reported to creditors in my last report, HMRC have been undergoing an investigation into the Company's affairs. Since receipt of the further books and records, I have provided HMRC with the further records and assisted them with queries when required.

3.4 The nature of HMRC's investigations remain confidential however once they confirm they are in a position to complete investigations I will look to close the Liquidation of the Company.

4. LIABILITIES, DIVIDEND PROSPECTS AND ALLOCATION OF COSTS

4.1 LIABILITIES

Secured creditors

4.1.1 I am not aware of any secured creditors.

Preferential creditors

4.1.2 The Company had no preferential creditors.

Non-preferential unsecured creditors

4.1.3 The statement of affairs included three unsecured creditors with an estimated liability of £374,441.96. To date I have not received any unsecured claims.

5. PRE-APPOINTMENT FEES

5.1 A fee for preparing the statement of affairs and arranging the deemed consent procedure for the appointment of a liquidator was £6,400. This was paid for by Koru Holdings Limited before the appointment of the Joint Liquidators.

6. JOINT LIQUIDATORS' REMUNERATION & EXPENSES

Joint Liquidators' remuneration

6.1 As a deemed consent procedure was used for the appointment of the Joint Liquidators, fee approval has yet to be obtained. It is anticipated, taking into account the lack of assets, that no fee approval will be sought.

6.2 My total time costs to 28 May 2022 amount to £10,105.75 representing 45.25 of hours work at a blended charge out rate of £223.33 per hour, of which £5,021.50 was charged in the period since 28 May 2021 at a blended charge out rate of £240.26 per hour.

6.3 I attach at Appendix 3, a breakdown of these time costs by work category and staff grade, together with a narrative explanation of work done in the period since my last report to creditors.

6.4 I have not been able to draw any remuneration in this period.

6.5 Given the size and technical nature of the liquidation, much of the work described in the sections above was undertaken by myself and an administrator. Additional assistance was provided by cashiers dealing with banking and statutory duties, and administrators offering various support services. All time spent on administering various duties was charged directly to the case in 6 minute units.

6.6 Further information about creditors' rights can be obtained by visiting the creditors' information micro-site published by the Association of Business Recovery Professionals (R3) at <http://www.creditorinsolvencyguide.co.uk/>. Details about how an office holder's fees may be approved for each case type are available in a series of Guidance Notes issued with Statement of Insolvency Practice 9, and they can be accessed at <https://www.menzies.co.uk/helping-you/business-recovery/fees-guide/>. There are different versions of these Guidance Notes, and in this case please refer to the version for appointments after April 2021.

MENZIES

Professional and sub-contractors' fees, and other expenses

- 6.7 I have incurred total expenses of £73.97 since my appointment as Liquidator of which none have been incurred in the period since my last report to creditors. I have not been able to draw any expenses in the matter
- 6.8 I have yet to engage any professional advisors and do not intend to if the circumstances of the Liquidation remain the same.

7. CREDITORS' RIGHTS TO FURTHER INFORMATION AND TO CHALLENGE LIQUIDATORS' REMUNERATION AND EXPENSES

Creditors' right to request information

- 7.1 Any secured creditor, or an unsecured creditor with the support of at least 5% in value of unsecured creditors or with the leave of court, may (in writing) request me to provide additional information regarding remuneration or expenses already supplied within this report. In accordance with rule 18.9(2) of the Rules, such a request or application for leave must be made within 21 days of receipt of this report.

Creditors' right to challenge remuneration and/or expenses

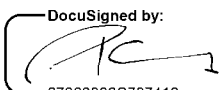
- 7.2 Any secured creditor, or an unsecured creditor with the support of at least 10% in value of the unsecured creditors or with permission of the court, may apply to court for one or more orders under Rule 18.36(4) or 18.37(4) of the Rules. In accordance with rule 18.34(3) of the Rules such applications must be made within eight weeks of receipt of this report.

8. FURTHER INFORMATION

- 8.1 The Joint Liquidators are data controllers of personal data as defined by the relevant provisions of the applicable data protection legislation. Menzies LLP will act as a data processor on their instructions. Personal data will be kept secure and processed only for matters relating to the insolvency appointment. Full details of our privacy notice is at the following link: <https://www.menzies.co.uk/legal/>.
- 8.2 To comply with the Provision of Services Regulations, some general information about Menzies LLP, including about our complaints policy and Professional Indemnity Insurance, can be found at <https://www.menzies.co.uk/legal/> and <https://www.menzies.co.uk/helping-you/business-recovery/making-a-complaint/>.

9. CONCLUDING REMARKS

- 9.1 The liquidation will remain open until HMRC have confirmed their investigations are completed. I am currently unable to estimate the time this may take but once resolved, I will be able to conclude the liquidation.
- 9.2 I will report again on the progress of the liquidation in the draft final account.
- 9.3 If creditors have any queries regarding the conduct of the Liquidation, or if they want hard copies of any of the documents made available on-line, they should contact Liam Jones by email at ljones@menzies.co.uk, or by phone on +44 (0)3309 129186.

DocuSigned by:

 672630060787418
 Freddy Khalastchi
 Joint Liquidator

MENZIES

APPENDIX 1 STATUTORY INFORMATION

Company name:	The Aviary (Trading) Limited
Company number:	05054052
Registered office:	Menzies LLP, 7-12 Tavistock Square, London, WC1H 9LT
Former registered office:	Kinetic Business Centre, Theobald Street, Borehamwood, WD6 4PJ
Former trading address:	N/A
Principal trading activity:	Licensed Clubs
Joint Liquidators' names:	Freddy Khalastchi and Jonathan David Bass
Joint Liquidators' address:	Lynton House, 7-12 Tavistock Square, London, WC1H 9LT
Date of appointment:	29 May 2020
Contact details of Joint Liquidators	Liam Jones on +44 (0)3309 129186 or at ljones@menzies.co.uk
Details of any changes of Liquidator:	There have been no changes of Liquidator during the winding up.

APPENDIX 2

THE AVIARY (TRADING) LIMITED (IN CREDITORS' VOLUNTARY LIQUIDATION) ("THE COMPANY")
JOINT LIQUIDATORS' RECEIPTS AND PAYMENTS ACCOUNT

Summary of Receipts & Payments
29 May 2021 to 28 May 2022

RECEIPTS	Total (£)
	0.00
PAYMENTS	
	0.00
Balance In Hand	0.00
	0.00

APPENDIX 3

THE AVIARY (TRADING) LIMITED (IN CREDITORS' VOLUNTARY LIQUIDATION) ("THE COMPANY")
JOINT LIQUIDATORS' TIME COSTS FOR THE PERIOD FROM 29 MAY 2021 TO 28 MAY 2022

Appendix 3

TIME CHARGE OUT SUMMARY FOR THE PERIOD FROM 29 MAY 2021 TO 28 MAY 2022

Classification of Work Function	HOURS					Total Hours	Time Costs £	Blended Hourly Rate £
	Partner/ Director	Manager	Senior	Administrator	Support			
Brought Forward From 28/05/2021						24.35	5,084.25	-
Administration & Planning	0.60	2.00	13.40	3.00	1.30	20.30	4,744.00	233.69
Realisation of Assets	-	-	-	-	-	-	-	-
Creditors	-	-	-	-	-	-	-	-
Investigations	0.30	0.30	-	-	-	0.60	277.50	462.50
Trading	-	-	-	-	-	-	-	-
Total Hours	0.90	2.30	13.40	3.00	1.30	20.90		
Total Costs	466.50	846.00	3,082.00	497.00	130.00		5,021.50	240.26
Total Carried Forward						45.25	10,105.75	223.33

Fees Drawn for Period Ended:

29 May 2020 - 28 May 2022

-

Total Fees Drawn to Date:

-

Balance of Time Costs Accrued but Unpaid

10,105.75

CHARGE OUT RATES OF INSOLVENCY TEAM MEMBERS

	From 1 June 2022	1 Oct 2021 to 31 May 2022
	£ per hour	£ per hour
Partner/Director	500-580	450-525
Manager	300-450	270-400
Senior	270-280	240-250
Administrator	150-220	135-200
Support Staff	120	105

Note 1 There may have been a number of promotions through the various grades during the period of the administration.

Note 2 Overhead costs are reflected in the charge out rates detailed.

Note 3 The charge-out rate of the Insolvency Practitioner for this assignment is currently £580 per hour, and the administrator is £180 per hour.

Note 4 Time is recorded in minimum units of 6 minutes.

MENZIES

THE AVIARY (TRADING) LIMITED (IN CREDITORS' VOLUNTARY LIQUIDATION) ("THE COMPANY") JOINT LIQUIDATORS' NARRATIVE OF WORK UNDERTAKEN IN THE PERIOD 29 MAY 2021 TO 28 MAY 2022

A description of the work undertaken since my last progress report is as follows:

1 Administration and planning

There are certain aspects of the case that are required by statute and for the efficient running of the case. They are not expected to provide a direct quantifiable benefit to creditors; however, without them, other aspects of the case which do provide a quantifiable benefit to creditors would be less efficient. They include:

- The maintenance of physical case files and electronic case management information.
- Periodic review of files,
- Strategic case planning and the routine administration of the case.
- Preparation of documentation and reports, dealing with correspondence and statutory advertising.

Specifically:

Reporting

- Preparation of a progress report(s) to members and creditors for circulation following anniversary to advise upon the progress made over the year.

Cashiering

- Lodging receipts
- Preparing and processing invoices for payments
- Reconciling the bank account and producing the receipts and payments account.
- Preparation and submission of corporation tax returns.

2 Investigations

Complying with statutory requirements will not necessarily produce a financial benefit to creditors but may identify potential avenues which could lead to a recovery for the benefit of creditors.

Company Books and Records

It is a statutory obligation of the officeholder to ensure that the books and records of the Company are secured. Time spent during the period included:

- Recovering and listing the records and arranging appropriate storage of further records received in the period.
- Reviewing the relevant records to ensure that they were complete and all material assets had been identified.

Further investigation

- Time costs were incurred in relation to assisting HMRC with their investigations.

3 Creditors (claims and distribution)

Time spent in this category included the following:

MENZIES

- Contacting possible creditors and providing them with information as to the Liquidation and how to claim.