

AM10

Notice of administrator's progress report



Companies House

FRIDAY



A6ZX6310
A27 16/02/2018 #160
COMPANIES HOUSE

1 Company details

Company number 08045048

Company name in full Anthill Plant Hire Limited

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

2 Administrator's name

Full forename(s) Martha

Surname Thompson

3 Administrator's address

Building name/number 55 Baker Street

Street

Post town London

County/Region

Postcode W1U 7EU

Country

4 Administrator's name *

Full forename(s) Danny

Surname Dartnaill

* Other administrator
Use this section to tell us about
another administrator.

5 Administrator's address *

Building name/number Level 12

Street Thames Tower, Station Road

Post town Reading

County/Region







Postcode RG1 1LX

Country

* 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	<table border="1"><tr><td>d</td><td>1</td><td>d</td><td>7</td><td>m</td><td>0</td><td>m</td><td>7</td><td>y</td><td>2</td><td>y</td><td>0</td><td>y</td><td>1</td><td>y</td><td>7</td></tr></table>	d	1	d	7	m	0	m	7	y	2	y	0	y	1	y	7	
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7	Progress report																	
	<input checked="" type="checkbox"/> I attach a copy of the progress report																	
8	Sign and date																	
Administrator's signature	<table border="1"><tr><td>Signature</td><td><table border="1"><tr><td>X</td><td></td><td>X</td></tr></table></td></tr></table>	Signature	<table border="1"><tr><td>X</td><td></td><td>X</td></tr></table>	X		X												
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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	Martha Thompson
Company name	BDO LLP
Address	55 Baker Street
Post town	London
County/Region	
Postcode	W 1 U 7 E U
Country	
DX	
Telephone	01512 374 500



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

Anthill Plant Hire Limited
(In Administration)
Joint Administrators' Abstract of Receipts & Payments

Statement of Affairs		From 17/07/2017 To 16/01/2018	From 17/07/2017 To 16/01/2018
119,753.00	FIXED CHARGE ASSETS		
	Factored Invoices	NIL	NIL
		NIL	NIL
	FIXED CHARGE CREDITORS		
(897,714.00)	RBS Invoice Financing	NIL	NIL
(6,170.00)	RBS Invoice Financing charges	NIL	NIL
		NIL	NIL
	HP ASSETS		
	Semi-trailer	45,250.00	45,250.00
	Commercial Drone	5,900.00	5,900.00
(37,823.86)	Dash Finance	(37,823.86)	(37,823.86)
		13,326.14	13,326.14
	ASSET REALISATIONS		
7,049.00	Plant & Machinery	7,049.00	7,049.00
280.00	Furniture & Equipment	280.00	280.00
9,330.00	Motor Vehicles	9,330.00	9,330.00
	Antecedent Transaction Recovery	101,876.00	101,876.00
	Interest Gross	14.37	14.37
	Vehicle Road Tax Refunds	602.90	602.90
	Trading Surplus/(Deficit)	(500.00)	(500.00)
		118,652.27	118,652.27
	COST OF REALISATIONS		
	Agents' Fees & Disbs	5,787.63	5,787.63
	Rents Payable	600.00	600.00
	Insurance	1,254.55	1,254.55
	Bank Charges	1.05	1.05
		(7,643.23)	(7,643.23)
(805,295.86)		124,335.18	124,335.18
	REPRESENTED BY		
	Input VAT		100.00
	Floating Current Account		124,235.18
			124,335.18



Tel: +44 (0)151 237 4500
Fax: +44 (0)151 237 4545
www.bdo.co.uk

5 Temple Square
Temple Street
Liverpool
L2 5RH

16 February 2018

Our Ref 00274717/A6/MHT/AD

Please ask for
Alice Denmark
BRCMT@bdo.co.uk

TO ALL KNOWN MEMBERS AND CREDITORS

Dear Sirs

Anthill Plant Hire Limited - In Administration ('the Company')

It is now six months since the appointment of the Joint Administrators in respect of the Company. In accordance with Rule 18.6 of the Insolvency (England and Wales) Rules 2016 I am now reporting the progress made in implementing the approved proposals and achieving the statutory purpose of the Administration for the period from 17 July 2017 to 16 January 2018 (the 'Period').

1 Statutory Information

The Joint Administrators are Martha Thompson (officeholder number: 8678) of BDO LLP, 55 Baker Street, London, W1U 7EU and Danny Dartnail (officeholder number: 10110) of BDO LLP, 55 Baker Street, London W1U 7EU and they were appointed in respect of the Company on 17 July 2017. Under the provisions of paragraph 100(2) of Schedule B1 to the Insolvency Act 1986 the Joint Administrators carry out their functions jointly and severally meaning any action can be done by one Administrator or by both of them.

The Joint Administrators were appointed by the directors of the Company pursuant to Paragraph 22 of Schedule B1 to the Insolvency Act 1986. The Administration proceedings are dealt with in the High Court of Justice, Chancery Division and the court case number is 005157 of 2017.

The Company's registered office is situated at c/o BDO LLP, 55 Baker Street, London, W1U 7EU and the registered number is 08045048.

2 Receipts and Payments

I enclose, for your information, a summary of my receipts and payments to date showing a balance in hand of £124,335 together with a copy of my summary account covering the Period.

Receipts

I have made the following realisations in the Period.

Assets Subject To Hire Purchase Agreements

Following the realisation of assets on hire purchase ('HP') and settlement of the HP agreements there was a surplus of £13,326.

Antecedent Transaction Recovery

Following a review of the Company's transactions, it was discovered that a payment of £145,023 had been made to a connected party on 20 April 2017. A letter before action was issued to the connected party requesting repayment of the sums paid and this resulted in a

part-payment of £101,876. While it is outside of the reporting Period and does not show on the receipts & payments account, I can confirm that the balance has been received.

Plant & Machinery

On appointment we instructed Peter Davies & Sons to conduct a fixed assets reconciliation and market the available tangible assets for sale. Plant and Machinery items realised £7,049 through an auction process.

Motor Vehicles

The sale of motor vehicles realised £9,330. The majority of the vehicles were under HP agreements and therefore were recovered shortly after our appointment by the respective owners.

Refund of Road Tax

£602 has been received from the refunds of road tax paid on Company vehicles subsequently sold.

Payments***Payroll Costs***

It was necessary to retain one member of staff to assist in the collation and provision of the Company's financial and other information during the orderly wind-down of the Company's affairs. It was necessary for us to engage the services of a payroll management company to deal with payment and deductions. Those services cost £500.

Insurance

The cost of insuring the Company's assets during the period amounted to £1,255.

Rent Payable

In order to carry out an orderly review and recovery of the Company's assets and records it was necessary to remain in occupation at the Company's offices for a period of three weeks after the appointment of the Joint Administrators. Rent was payable for that period totalling £600.

3 Costs in the Administration

I provide a summary of the professional fees and other expenses which have been paid in the Administration to date and the costs which have accrued and not yet been paid.

Since appointment the following costs have been incurred, and where possible, drawn:

Cost	Accrued £	Paid £	Unpaid £
Agents' Disbursements	5,788.00	5,788.00	
Legal Fees	4,226.10		4,226.10
	<u>6,652.67</u>	<u>5,788.00</u>	<u>4,226.10</u>

Agent's Disbursements

Peter Davies & Sons were engaged by the Joint Administrators to value and realise the Company's tangible assets. Their disbursements comprised marketing costs £1,484; collection costs £3,470; and sale and other costs £834.

Peter Davies & Sons have not charged any fees in this matter.

Legal Fees & Disbursements

Pinsent Masons LLP ('Pinsents') were engaged by the Joint Administrators to provide legal advice, primarily in relation to the antecedent transaction. Post-appointment legal fees of £4,226 have been incurred in respect of that advice and work. As the antecedent transaction recovery was not foreseen, these legal costs were not anticipated in the original fee estimate.

4 Pre-Appointment costs

Approval of Pre-Appointment Fees and Expenses

The following fee and costs were incurred by the Joint Administrators' prior to their appointment. In the Joint Administrators' proposals the disbursements were stated as being £6,125.70. In this number Pinsent Masons had included some legal fees which were chargeable in respect of post-appointment work. This has been corrected and the unpaid pre-appointment fees and costs are set out below.

	Costs Incurred (£)	Payment Received (£)	Remaining unpaid (£)
Fees	26,500.00		26,500.00
Disbursements	292.43		292.43
Legal fees	1,750.00		1,750.00
Total	28,542.43		28,542.43

Fees

The Joint Administrators incurred fees totalling £26,500 in relation to work done prior to their appointment.

Disbursements

Prior to the appointment disbursements of £292.43 were paid in respect of travel costs incurred in relation to staff travelling to and from the Company's premises in preparation for the administration.

Legal Fees

The Company engaged Pinsents to prepare the necessary documentation for the appointment of the Joint Administrators. Pinsents incurred fees of £1,750 plus VAT in this regard.

We will require the creditors' approval to the pre-appointment fees and costs to be paid from the administration funds and this is dealt with later in this report.

5 Future of the Administration

In the proposals the Joint Administrators were of the opinion that the third statutory objective of Administration (realisation of secured assets) would be the achievable objective. With the recovery of the antecedent transaction it appears likely that the second statutory objective of achieving a better result for the Company's creditors as a whole than would be likely if the Company were wound up (without first being in Administration) will be achieved.

Proposed Revision of the Agreed Proposals

As detailed later in this document, creditors are being asked to approve a revision to the agreed Joint Administrators' proposals. This has become necessary following a successful challenge of an antecedent transaction.

In summary, following a review of the Company's financial records we recognised that certain large payments had been made in April 2017. Our further enquiries revealed that the payments, totalling £145,000 had been made to a person connected to the director in settlement of a loan made to the director personally.

With the assistance of Pinsent Masons we challenged the transaction and recovered an initial sum of £101,876 with the balance being withheld on the basis that was being offset against sums used to pay the Company's wages. We resisted that contention and issued a letter before action.

On 1 February 2018 the remaining £43,147 was paid in to the Administration account.

The funds realised are not subject to the secured creditors' security and will enable a distribution to be made to unsecured creditors, although the quantum and timing of such a distribution is uncertain.

Under the current insolvency legislation, the Company will have to move to Creditors' Voluntary Liquidation ('CVL') once the Administration is concluded to enable an unsecured distribution to be completed. This was not anticipated in the Joint Administrators' Proposals and it will therefore be necessary for the creditors to approve the modification of the Proposals. The decision process to enable such amendment is detailed later in this report.

Unrealised Assets

The Company may have an interest in approximately 10,000 tonnes of graded soil. Our enquiries into ownership are ongoing.

6 Investigations

The Joint Administrators have a duty to investigate the affairs of the Company and also the conduct of the directors and in respect of the latter, to submit a confidential statutory report to the Secretary of State. I can confirm that the report has been duly submitted.

We are aware of, and are investigating, a number of matters which may provide additional sources of funds for the Administration. While our enquiries continue we are unable to provide creditors with further information.

If creditors wish to bring to our attention any matters that merit investigation they should contact the Joint Administrators c/o BDO LLP, 55 Baker Street, London, W1U 7EU quoting the reference 'Anthill'.

7 Extension of Administration

The Administration is due to end automatically on 16 July 2018 and it is not anticipated that an extension will be required. As mentioned above the Joint Administrators intend moving the Company to CVL in order to make a distribution to the unsecured creditors.

8 Prospects for Creditors

Secured Creditors

The Company utilised an invoice discounting facility and all debtor realisations are payable directly to RBS Invoice Financing ('RBSIF'). RBSIF was owed £890,000 on appointment. It is expected they will suffer a significant shortfall.

Preferential Creditors

Preferential claims are anticipated to be approximately £22,787 in respect of unpaid wages and holiday pay.

It is anticipated that preferential creditors will be paid in full given the recoveries made in the Administration thus far.

Prescribed Part

Under Section 176A of the Insolvency Act 1986 where after 15 September 2003 a company has granted to a creditor a floating charge a proportion of the net property of that company must

be made available purely for the unsecured creditors. The Company has granted a floating charge to RBS which was registered on 15 June 2015 and consequently the Prescribed Part provision will apply.

On current information, the sum available under the Prescribed Part provisions will be in the region of £30,000 and at this time it appears unlikely that those funds will be sufficient to enable a Prescribed Part distribution to be made.

Unsecured Creditors

To date, c£1.2m unsecured creditor claims have been received. It is anticipated that a distribution to unsecured creditors will be made once the Company transitions to CVL following the finalisation of recoveries. On the basis that creditors agree to the total remuneration being capped at £75,000 and the pre-appointment fees of £26,500, the estimated distribution to creditors will be in the region of 5p per £1.

9 Joint Administrators' Remuneration

Pursuant to the Rules, the Joint Administrators are obliged to fix their remuneration in accordance with Rule 18.16. This permits remuneration to be fixed either:

- as a percentage of the assets realised and distributed; and/or
- by reference to the time the Joint Administrators' and the staff have spent attending to matters in the Administration; and/or
- as a set amount; and/or
- as a combination of the above.

In respect of this Administration we ask creditors to approve our remuneration on a time cost basis.

I attach a time cost schedule detailing the time costs incurred to date. The schedule covers the period of this report, 17 July 2017 to 16 January 2018. This records time costs of £148,044 which represents 461 hours spent at an average charge out rate of £321 per hour.

Also attached is a comparison between the original Fees Estimate provided in our Proposals and the actual time costs incurred to date. You will note that the fee estimate has been exceeded as a result of the work carried out in realising assets of the Company.

The recovery of the antecedent transaction was not anticipated so was not included in the original Fee Estimate.

The scheduled time costs include an amount of £47,687 which was exclusively incurred in respect of the recovery of the factored debts. As such, this amount will not be recovered from the Administration.

We are proposing that the total fees to be drawing in respect of the Administration and the subsequent Liquidation, assuming the revision of proposals is agreed, be capped at £75,000 plus VAT.

Any fees drawn will be apportioned between the secured and unsecured recoveries by reference to the benefit received by the respective classes of creditor. Where such benefit is not determinable, the apportionment will be applied equally between the realisation classes.

The enclosed fee estimate showing the previously estimated time costs, actual costs incurred to 16 January has been appended with revised estimates of the costs to completion of the Administration.

We have also included an estimate of the expected fees to be incurred in the subsequent CVL assuming the we are appointed liquidators.

As we did not anticipate a distribution to be made to unsecured creditors in this matter, it was our intention to seek approval from the secured creditors for our remuneration and category 2 disbursements. However, we are now in a position where it appears likely that a distribution will be made to unsecured creditors and we would ask the creditors to consider approving our revised Fees Estimate which takes into account the unanticipated time that we have explained. We have commenced a decision process for approval and further details and guidance are provided later in this report.

10 Joint Administrator's Disbursements

Where disbursements are recovered in respect of precise sums expended to third parties there is no necessity for these costs to be authorised. These are known as category 1 disbursements. In the Period category 1 disbursements of £2,348 have been incurred

Some Administrators recharge expenses, for example printing, photocopying and telephone costs, which cannot economically be recorded in respect of each specific case. Such expenses, which are apportioned to cases, require the approval of the creditors before they can be drawn, and these are known as category 2 disbursements. The policy of BDO LLP in respect of this appointment is not to charge any category 2 disbursements with the exception of mileage on the basis of the mileage scale approved by HMRC, being 45p per mile unless otherwise disclosed to the creditors. No category 2 disbursements have incurred during the Period.

The disbursements incurred in the Period are detailed in the table below.

Disbursement	Cat 1 (£)	Cat 2 (£)	Total £
Travel Costs	162.95		162.95
Statutory Advertising	428.83		428.83
Wages	921.25		921.25
Record Recovery & Storage	348.33		348.33
Statutory Bonding	85.00		85.00
Media Management	402.01		402.01
	<u>2,348.37</u>		<u>2,348.37</u>

The disbursements are self-explanatory but I comment below on those that require further detail.

Wages

This is a cost incurred in the continued employment of one member of staff who assisted us in collating the Company's books and records.

Media Management

Agents were employed to assist in the management of public relations enquiries in relation to the Company and the appointment of the Joint Administrators.

11 Notices of decision procedures

Resolution A - Modification to the Joint Administrators' Proposals

The discovery of a challengeable transaction and recovery of an antecedent transaction has made it likely that a distribution will be made to unsecured creditors. The Joint Administrators can only make an unsecured distribution if they

- a) make an application to the court for permission; or
- b) end the Administration and move the Company to CVL.

The anticipated cost of an application to court would have a negative impact the funds available for distribution.

Therefore, the Joint Administrators are seeking the creditors' consent to modifying the agreed Proposals so that they afford the Joint Administrators the option to move the Company to CVL on conclusion of the Administration. Such an option will entail providing creditors the opportunity to nominate liquidators. If no liquidators are nominated the Joint Administrators will be the liquidators.

Resolution B - Creditors Committee

It is a requirement Rule 3.39(4) of the Rules that when holding a decision process to at the same time deliver to creditors a notice inviting them to decide whether a Creditor Committee should be established, if sufficient creditors are willing to be members of the committee.

To establish a committee there must be between 3 and 5 members. A guide to Creditor Committees is available at <https://www.r3.org.uk/what-we-do/publications/professional/creditors-guides>.

If creditors want to establish a Creditors Committee, they should provide their consent on the attached Decision Process form.

Resolution C - Approval of the Joint Administrators' Revised Fee Estimate

In the event that a Creditors Committee is not formed the Joint Administrators request the general body of creditors to approve the Joint Administrators' revised fee estimate.

In our Proposals we provided a fee estimate that anticipated that the time costs to be incurred in this matter would be £71,482.

As a result of unforeseen matters including the realisation of unscheduled assets of in excess of £145,000, this initial fee estimate has been exceeded. We now ask the creditors to approve the revised Fees Estimate, which takes into account the additional times costs detailed previously, and to agree that the remuneration in respect of the Administration and any subsequent Liquidation is set at £75,000 plus VAT. With the pre-appointment fees of £26,500 this will bring the total remuneration to £101,500 plus VAT.

Under Section 246ZE of the Insolvency Act 1986 I attach a notice of a Decision Process by correspondence together with a written resolution and for guidance, I enclose A creditors' guide to Administrators' fees.

Resolutions to be Considered:

Resolution A

That the Joint Administrators' proposals dated 5 September 2017 and deemed agreed by creditors on 26 September 2017 be amended in accordance with the Statement of Proposed Revision as delivered to creditors with the Notice of Deemed Consent Procedure.

Resolution B

That a Creditors' Committee be established if sufficient creditors are willing to be members.

Resolution C

In the event that a Creditors' Committee is not established:

- a) The pre-appointment fees and costs incurred by the Joint Administrators prior to their appointment totalling £28,542.43 plus VAT be approved and paid from the funds available in the administration. These comprise:

- i. Pre-appointment fees of BDO LLP - £26,500 plus VAT
 - ii. Pre-appointment disbursements of BDO LLP - £292.43 plus VAT
 - iii. Pre-appointment legal fees of Pinsent Masons - £1,750.00 plus VAT
- b) Creditors approve the remuneration of the Joint Administrators on a time costs basis as by reference to the Revised Fee Estimate enclosed with the Joint Administrators' progress report for the period 17 July 2017 to 16 January 2018 which includes an estimate of the fees to be incurred in a subsequent liquidation. The remuneration to be drawn will be capped at £75,000 and will include fees incurred in respect of the Administration and any subsequent Liquidation.

Resolution A will be dealt with using the deemed consent procedure. Creditors having 10% or more of the total unsecured debts of the Company may object to this resolution and request a physical meeting if I receive their objections by 28 February 2018 otherwise the decision will be treated as having been made on the decision date.

Creditors including creditors claiming a small debt (£1,000 or less) who wish to object must send me a proof of debt form with a written notice of their objection. Creditors who have small debt of £1,000 or less must send me a proof of debt in order to object, even though they may receive dividends without sending a proof of debt.

Resolutions B, C a) and C b) will be dealt with using the postal resolution procedure. Creditors are requested to use the attached postal resolution form to vote on this resolution. The decision date for postal resolutions in this case is 5 March 2018 and you should return the postal resolution form to me by 4pm on the business day before this date. If you have not already done so, you will need to send me a proof of debt for your postal resolutions to be included in the decision. Creditors with a 'small debt' of £1,000 or less must send a proof of debt for their postal resolution to count, even though they may receive dividends without sending a proof of debt.

Creditors' Decision Process

Please note that formal notice of Decision Process by correspondence is attached covering matters set out above. Creditors may indicate their decision by completing and returning the written resolution form to this office by no later than the Decision Date which is 5 March 2018. If a creditor has not already submitted a proof of debt, they must include one, when returning the written resolution. Votes received after the Decision date will not be counted. If creditors want to consider the resolutions at a physical meeting they must notify in writing within five business days of delivery of the attached notice. A meeting will be convened if sufficient creditors notify the nominee within the timeframe. Section 246ZE the insolvency Act sets the minimum number of creditors for requisitioning a meeting.

12 Creditor rights and enquiries

Creditors with the concurrence of at least 5% in value of the unsecured creditors may within 21 days of this report request in writing further information regarding the remuneration and expenses set out in this report. In accordance with Rule 18.9(3) of the Rules within 14 days of a request I will provide further information or explain why further information is not being provided. Creditors may access information setting out creditors' rights in respect of the approval of Administrator's remuneration at <https://www.r3.org.uk/what-we-do/publications/professional/fees>.

Creditors with the concurrence of at least 10% of the creditors may apply to the court if they consider that the remuneration of the Joint Administrators, or the basis fixed for the remuneration of the Joint Administrators or expenses charged by the Joint Administrators are

excessive (Rule 18.34 of the Rules). Such an application must be made within 8 weeks of receiving this draft report. The text of Rules 18.9 and 18.34 are set out at the end of this report.

The Joint Administrators are bound by the Insolvency Code of Ethics when carrying out all professional work relating to this appointment. A copy of the code is at www.icaew.com/en/members/regulations-standards-and-guidance/ethics/code-of-ethics-d.

The Insolvency Service has established a central gateway for considering complaints in respect of Insolvency practitioners. In the event that you make a complaint to me but are not satisfied with the response from me then you should visit <https://www.gov.uk/complain-about-insolvency-practitioner> where you will find further information on how you may pursue the complaint.

If you require any further information, please contact me or my colleague Alice Denmark at BRCMT@bdo.co.uk.

Please note, the affairs, business and property of the Company are being managed by the Joint Administrators who act only as agents of the Company and without personal liability.

Yours faithfully
For and on behalf of
Anthill Plant Hire Limited



M Thompson
Joint Administrator
Authorised by the Institute of Chartered Accountants in England & Wales in the UK

**Anthill Plant Hire Limited
(In Administration)
Joint Administrators' Abstract of Receipts & Payments**

Statement of Affairs	From 17/07/2017 To 16/01/2018	From 17/07/2017 To 16/01/2018
(897,714.00)	RBS INVOICING FINANCE	
	Debtor Recoveries	119,753.00
	Paid to RBSIF	(119,753.00)
(6,170.00)	Charges	NIL
		NIL
	HP ASSETS	
	Semi-trailer	45,250.00
	Commercial Drone	5,900.00
(37,823.86)	Dash Finance	(37,823.86)
		13,326.14
	ASSET REALISATIONS	
7,049.00	Plant & Machinery	7,049.00
280.00	Furniture & Equipment	280.00
9,330.00	Motor Vehicles	9,330.00
	Antecedent Transaction Recovery	101,876.00
	Interest Gross	14.37
	Vehicle Road Tax Refunds	602.90
		119,152.27
	COST OF REALISATIONS	
	Payroll Services Fees	500.00
	Agents Fees & Disbs	5,787.63
	Rents Payable	600.00
	Insurance	1,254.55
	Bank Charges	1.05
		(8,143.23)
(925,048.86)		124,335.18
	REPRESENTED BY	
	Input VAT	100.00
	Floating Current Account	124,235.18
		124,335.18

00274717

Detail of Time Charged and Rates Applicable for the Period From 17/07/2017 to 16/01/2018

[illegible]

[illegible]

[illegible]

**Fee Estimate Comparison and Revised Fee Estimate
(Including estimate of liquidators fees)**

		Original Fee Estimate		Actual to 16/01/2018	Revised Fee Estimate		
	Blended Rate £/hour	Estimated hours	Estimated Time Costs £	Actual Time Costs £	Revised Estimated Hours	Revised Estimated Time Costs £	Note
Administration							
A. Pre Appointment Matters	-	-	-	12,698	37	12,698	A
B. Steps on Appointment	417	23	9,373	12,855	31	12,855	A
C. Planning and Strategy	507	15	7,610	3,731	15	7,605	A
D. General Administration	359	31	10,936	25,762	75	26,925	B
E. Assets Realisation	372	65	24,160	68,450	185	68,820	C
Adjustment for fixed realisation						(47,687)	
F. Trading Related Matters	-	-	-	-	-	-	
G. Employee Matters	491	6	2,947	5,376	15	7,365	D
H. Creditor Claims	375	8	2,997	1,150	10	3,750	E
I. Reporting	416	24	9,988	18,021	60	24,960	F
J. Distribution and Closure	386	9	3,472	-	10	3,860	G
	397	180	71,483	148,044	437	121,151	
Liquidation							
A. Pre Appointment Matters	-				-	-	
B. Steps on Appointment	417				5	2,085	H
C. Planning and Strategy	507				1	507	
D. General Administration	359				5	1,795	
E. Assets Realisation	372				-	-	
F. Trading Related Matters	-				-	-	
G. Employee Matters	491				5	2,455	I
H. Creditor Claims	375				30	5,625	I
I. Reporting	416				5	2,080	J
J. Distribution and Closure	386				10	3,860	I
	302				61	18,407	
TOTAL ESTIMATED FEES					498.33	139,558	

Notes

- A We do not anticipate there being any significant increase from current actual in the cost of these work streams.
- B The original estimated cost for these work streams appears to be accurate.
- C Asset Realisations contains an amount of £47,687 which was incurred in respect of the realisation of fixed charge assets and which will not be recoverable from the Administration.
- D Additional work will be necessary in order to make a distribution to preferential creditors.
- E The complexity of the first progress report and decision process has increased the anticipated reporting costs.
- The original Fee Estimate did not anticipate a move to liquidation. The following matters refer to the anticipated liquidation costs.
- F Steps on appointment will include the necessary statutory filings at Companies House, notifications, and the opening of internal files.
- G Planning and strategy includes matters such as setting up the liquidation files and periodic reviews.
- H This is a provision against unanticipated additional matters and allows a degree of headroom in respect of anticipated fees thereby negating the need to seek further approval of creditors for a relatively minor sum.
- I These are the expected costs associated with the agreement of creditor claims and distribution of the anticipated dividends.
- J There will be additional reporting requirements in respect of the liquidation.

Explanations of the work categories can be found in the Joint Administrators Proposals dated 5 September 2017 or a copy of those proposals can be provided on request.

It is proposed that the remuneration drawable in respect of the Administration and any subsequent Liquidation is capped at £75,000 plus VAT.

Statement of Best Practice

Anthill Plant Hire Limited - In Administration

In accordance with best practice I provide below details of policies of BDO LLP in respect of fees and expenses for work in relation to the above insolvency.

The current charge out rates per hour of staff within my firm who may be involved in working on the insolvency, follows:

GRADE	£
Partner	741-827
Manager	328-572
Assistant Manager	295
Senior Administrator	276-295
Administrator	67-249
Other staff	102

This in no way implies that staff at all such grades will work on the case. The rates charged by BDO LLP are reviewed on a regular basis and are adjusted to take account of inflation and the firm's overheads.

Time spent on casework is recorded directly to the relevant case using a computerised time recording system and the nature of the work undertaken is recorded at that time. Units of time can be as small as 3 minutes. BDO LLP records work in respect of insolvency work under the following categories: -

- Pre Appointment
- Steps upon Appointment
- Planning and Strategy
- General Administration
- Asset Realisation/Management
- Trading Related Matters
- Employee Matters
- Creditor Claims
- Reporting
- Distribution and Closure
- Other Issues.

Under each of the above categories the work is recorded in greater detail in sub categories. Please note that the 11 categories provide greater detail than the six categories recommended by the Recognised Professional Bodies who are responsible for licensing and monitoring insolvency practitioners.

Where an officeholder's remuneration is approved on a time cost basis the time invoiced to the case will be subject to VAT at the prevailing rate.

Where remuneration has been approved on a time costs basis a periodic report will be provided to any committee appointed by the creditors or in the absence of a committee to the creditors. The report will provide a breakdown of the remuneration drawn and will enable the recipients to see the average rates of such costs.

(a) Other Costs

Where expenses are incurred in respect of the insolvent estate they will be recharged. Such expenses can be divided into two categories.

(b) Category 1

This heading covers expenses where BDO LLP has met a specific cost in respect of the insolvent estate where payment has been made to a third party. Such expenses may include items such as advertising, couriers, travel (by public transport), land registry searches, fees in respect of swearing legal documents etc. In each case the recharge will be reimbursement of a specific expense incurred.

(c) Category 2

Insolvency practice additionally provides for the recharge of expenses such as printing, stationery, photocopying charges, telephone, email and other electronic communications eg webhosting, which cannot be economically recorded in respect of each specific case. Such expenses, which are apportioned to cases, must be approved by the creditors in accordance with the Insolvency (England and Wales) Rules 2016, before they can be drawn, and these are known as category 2 disbursements.

The current policy of BDO LLP is to recharge this expense on the basis of a figure based upon the number of creditors with whom I have to communicate and report during the insolvency. This is the method of calculation that was historically provided under statutory orders for the Official Receiver.

In respect of the Administration of Anthill Plant Hire Limited I propose to charge £2.00 (plus VAT) for the first year and £1.00 (plus VAT) for each subsequent year, per creditor. This will cover the disbursement costs of for printing and stationery, together with all photocopying, telephone, email and other electronic communications e.g. webhosting. Creditors will be invited to approve a resolution to this effect. During the first year the Administrators will issue 3 reports and in successive years 2 reports.

A further disbursement under this heading is the cost of travel where staff use either their own vehicles or company cars in travelling connected with the insolvency. In these cases, a charge of 45p per mile is raised which is in line with the HM Revenue & Customs Approved Mileage Rates (median - less than 10,000 miles per annum) which is the amount the firm pays to staff. Where costs are incurred in respect of mileage, approval will be sought in accordance with the Insolvency (England and Wales) Rules 2016 to recover this disbursement.

Where applicable, all disbursements will be subject to VAT at the prevailing rate.

BDO LLP

16 February 2018

Rule 15.7
Insolvency
(England
and Wales)
Rules 2016

The Insolvency Act 1986 - NOTICE OF DEEMED CONSENT PROCEDURE

To consider revising the Joint Administrators' proposals

Name of Company Anthill Plant Hire Limited	Company number 08045048
In the High Court of Justice, Chancery Division [full name of court]	Court case number 005157 of 2017

The Joint Administrators are Martha Thompson (Officeholder No: 8678) and Danny Dartnall (officeholder No: 10110) of BDO LLP, 55 Baker Street, London, W1U 7EU, who were appointed on 17 July 2017. The Joint Administrators may also be contacted via Alice Denmark on BRCMT@bdo.co.uk.

NOTICE IS GIVEN, pursuant to Paragraphs 54 Schedule B1 to the Insolvency Act 1986 that the Joint Administrator's Proposals be revised by deemed consent by the Decision Date: 5 March 2018. The resolution is:

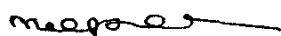
That the Joint Administrators' proposals dated 5 September 2017 and deemed agreed by creditors on 26 September 2017 be amended in accordance with the Statement of Proposed Revision as delivered to creditors with the Notice of Deemed Consent Procedure.

In order to object to the deemed consent procedure a creditor must deliver, to me at the address below, by no later than 28 February 2018 a written notice stating that the creditor objects to the nomination. The objection must be accompanied by a proof of debt (form attached) otherwise the creditor's objection will be disregarded. A creditor with a 'small debt' £1,000 or less must still submit a proof of debt if submitting a notice of objection. The threshold is 10% in value of the creditors who are entitled to vote.

It is the convenor's responsibility to aggregate the objections to see if the threshold is met. If the threshold is met the deemed consent procedure will terminate. It will then be necessary for the convenor to arrange for a meeting of creditors to decide on the resolutions put to creditors. If less than 10% in value of creditors object, the creditors are treated as having approved the nominated Joint Administrators, above.

Appeals against decisions (Rule.15.35): Creditors may appeal to the court in respect of the convenor's decision. Any appeal must be made within 21 days of the Decision Date stated above.

Date: 16 February 2018



Martha Thompson
Joint Administrator and Convenor of the decision process

Objections to the Joint Administrator's Proposals, together with proof of claim must be forwarded to Martha Thompson c/o Business Restructuring, BDO LLP, 5 Temple Square, Temple Street, Liverpool, L2 5RH, by no later than 28 February 2018

Reference: 00254677/C2/SMR/TB

Anthill Plant Hire Limited (In Administration)

Statement of Proposed Revision to Proposals

This statement is made in accordance with Paragraph 54 of Schedule B1 to the Insolvency Act 1986 and Rule 3.42 of the Insolvency (England & Wales) Rules 2016

The Administration

Martha Thompson and Danny Dartnail ('the Joint Administrators') were appointed Joint Administrators of Anthill Plant Hire Limited ('the Company') on 17 July 2017 by Adrian Venni the director of the Company.

The Company has no recorded company secretary and Adrian Venni held 100 £1 ordinary shares of an issued share capital of £400,100.

Summary of Original Proposals

The original proposals were deemed approved by creditors on 26 September 2017. The proposals were that the Joint Administrators would

- Realise the Company's assets in accordance with objective 3 of the statutory purposes.
- Would not continue to trade the Company's business.
- Appoint a creditors' committee if creditors wished to do so.
- Exit the Administration by way of dissolution.

Reason for Proposed Revision

The unexpected realisation of assets not subject to security has resulted in the probability that a distribution will be payable to unsecured creditors. The insolvency legislation required a that a Company must move to Creditors' Voluntary Liquidation ('CVL') in order to make a distribution to unsecured creditors.

The Original Proposals did not allow for the Company to move from Administration to CVL.

Proposed Revision

That the following text be substituted for paragraph 13(b) of the original proposals:

'(b) The Company may exit from Administration by way of dissolution or, if a distribution is to be made to the unsecured creditors, the Joint Administrators may move the Company from Administration to Creditors' Voluntary Liquidation ('CVL') in accordance with paragraph 83 of Schedule B1 to the Insolvency Act 1986.

(b)(ii) If the Company moves to CVL the liquidator(s) for the purposes of the CVL will be such person or persons as are nominated by the creditors or, if there is no such nomination, will be the Joint Administrators.

(b)(iii) If the Joint Administrators are appointed joint liquidators for the purposes of the CVL they will act jointly and severally.'

Assessment of Impact Of Revision

The effect of the revision will be to enable the Joint Administrators to make a distribution to unsecured creditors without the cost of making an application to the court.

Creditors Nomination of Liquidators

The creditors may nominate one or more persons to act as liquidator of the Company should it move to CVL. If the creditors make no nomination the Joint Administrators will be appointed as liquidators.

Any nomination should be sent to the Joint Administrators before the decision date as specified in the decision process notice.

Rule 15.18
Insolvency
(England and
Wales) Rules
2016

The Insolvency Act 1986

**Creditors request for a decision in respect of the
Administration**

Name of Company Anthill Plant Hire Limited	Company number 08045048
In the High Court of Justice, Chancery Division [full name of court]	Court case number 005157 of 2017

Creditor's name &
address

I(a) _____

purpose of decision
process
Rule 15.18(3)

Request a decision procedure for the creditors of Anthill Plant Hire Limited,
Registered office is situated at: c/o BDO LLP, 55 Baker Street, London, W1U
7EU for the purpose of:

Confirm creditor's
claim
Rule 15.18(3)(a)

My claim in the Administration is £_____ (A proof of debt form is
attached/has already been delivered)*(delete as necessary)

Insert full name(s) and
address(es) of creditors
concurring with the
request (if any) and
their claims in the
administration if the
requesting creditor's
claim is below the
required 10% continue
on reverse if necessary
Rule 15.18(3)(a)(ii) &
(b)

Continue overleaf if necessary

The creditors listed above concur with the above request, and I attach copies of
their written confirmation of concurrence.

Signature of creditor or person authorised to act on his behalf

Dated

Name in BLOCK LETTERS

If signing on behalf of the creditor, confirm relation to creditor and address

**The Insolvency Act 1986 - NOTICE OF ARRANGING A DECISION
PROCEDURE FOR CREDITORS BY CORRESPONDENCE**

To consider whether a creditors' committee should be established if sufficient creditors are willing to be members of the committee and if not, to seek approval of the Joint Administrators' remuneration.

Name of Company Anthill Plant Hire Limited	Company number 08045048
In the High Court of Justice, Chancery Division <small>[full name of court]</small>	Court case number 005157 of 2017

The Joint Administrators are Martha Thompson (Officeholder No: 8678) and Danny Dartnaill (officeholder No: 10110) of BDO LLP, 55 Baker Street, London, W1U 7EU, who were appointed on 17 July 2017. The Joint Administrators may also be contacted via Alice Denmark on BRCMT@bdo.co.uk.

NOTICE that the Creditors of the Company are invited to make decisions as to whether to approve or reject the resolutions below.

Decision Procedure: The creditors are invited to indicate by correspondence whether they approve or reject the resolutions. A Decision by Correspondence form is attached for recording your vote. The completed form, together with details of your claim, if not already provided, must be sent to the Joint Administrators, whose details are below and on the attached form. Your response must be delivered to before the Decision date below otherwise it cannot be counted.

Decision date: 5 March 2018.

Creditors may within five business days of this notice require a physical meeting be held to consider the matter. This is explained in more detail overleaf.

Any response may be sent by correspondence, using the attached form. To be valid your response must be received by the Administrator by no later than the Decision date which is 5 March 2018.

RESOLUTIONS

B That a Creditors' Committee be established if sufficient creditors are willing to be members.

In the event that a Creditors' Committee is not established to RESOLVE THAT;

C a) The pre-appointment fees and costs incurred by the Joint Administrators prior to their appointment totalling £28,542.43 plus VAT be approved and paid from the funds available in the administration. These comprise:

- i. Pre-appointment fees of BDO LLP - £26,500 plus VAT
- ii. Pre-appointment disbursements of BDO LLP - £292.43 plus VAT
- iii. Pre-appointment legal fees of Pinsent Masons - £1,750.00 plus VAT

C b) Creditors approve the remuneration of the Joint Administrators on a time costs basis as by reference to the Revised Fee Estimate enclosed with the Joint Administrators' progress report for the period 17 July 2017 to 16 January 2018 which includes an estimate of the fees to be incurred in a subsequent liquidation. The remuneration to be drawn will be capped at £75,000 plus VAT and will include fees incurred in respect of the Administration and any subsequent Liquidation.

Date: 16 February

Martha Thompson
Joint Administrator and Convenor of the decision process

Certain Rules apply to decision procedures. The full text of the Rules is attached but the effect of those Rules is summarised below:

Creditor Voting rights (R.15.28): Every creditor who has this notice is entitled to vote in respect of the debt due to the creditor. Where there is a physical meeting the creditor must submit a proxy form (not relevant at this stage). Creditors, including creditors whose debt is treated as a 'small debt' (£1,000 or less) must still deliver a proof for voting purposes, they have not already done so.

Calculation of creditors voting rights (R.15.31): In respect of this Administration creditors' claims will be calculated as at the date the company entered Administration being: 17 July 2017. Claims that have an uncertain value will be subject to £1, or a higher value if the chairman allows.

Requisite majority of creditors for making a decision (15.34): An Administration decision is approved if a majority of creditors, by value vote, in favour by the Decision date.

Appeals against decisions (R.15.35): Decisions of the Joint Administrator in convening the Decision Procedure and dealing with voting is subject to appeal to the court by a creditor. Any appeal must be made within 21 days of the Decision date.

Physical Meeting: If creditors want to consider the resolutions at a physical meeting they must notify in writing the Joint Administrator, whose details are above, within five business days of delivery of this notice. A meeting will be convened if sufficient creditors notify the Administrators within the timeframe. Section 246ZE The Insolvency Act sets the "minimum number" of creditors for requisitioning a meeting at any of the following:

- (a) 10% in value of the creditors or contributories;
- (b) 10% in number of the creditors or contributories;
- (c) 10 creditors or contributories.

Creditors' voting rights

15.28.—(1) In an administration, an administrative receivership, a creditors' voluntary winding up, a winding up by the court and a bankruptcy, a creditor is entitled to vote in a decision procedure or to object to a decision proposed using the deemed consent procedure only if—

- (a) the creditor has, subject to 15.29, delivered to the convener a proof of the debt claimed in accordance with paragraph (3), including any calculation for the purposes of rule 15.31 or 15.32, and
- (b) the proof was received by the convener—
 - (i) not later than the decision date, or in the case of a meeting, 4pm on the business day before the meeting, or
 - (ii) in the case of a meeting, later than the time given in sub-paragraph (i) where the chair is content to accept the proof; and
- (c) the proof has been admitted for the purposes of entitlement to vote.

(2) In the case of a meeting, a proxy-holder is not entitled to vote on behalf of a creditor unless the convener or chair has received the proxy intended to be used on behalf of that creditor.

(3) A debt is claimed in accordance with this paragraph if it is—

- (a) claimed as due from the company or bankrupt to the person seeking to be entitled to vote; or
- (b) in relation to a member State liquidator, claimed to be due to creditors in proceedings in relation to which that liquidator holds office.

(4) The convener or chair may call for any document or other evidence to be produced if the convener or chair thinks it necessary for the purpose of substantiating the whole or any part of a claim.

(5) In a decision relating to a proposed CVA or IVA every creditor, secured or unsecured, who has notice of the decision procedure is entitled to vote in respect of that creditor's debt.

(6) Where a decision is sought in an administration under sub-paragraph 3.52(3)(b) (pre administration costs), paragraph 18.18(4) (remuneration: procedure for initial determination in an administration) or paragraph 18.26(2) (first exception: administrator has made statement under paragraph 52(1)(b) of Schedule B1), creditors are entitled to participate to the extent stated in those paragraphs.

Calculation of voting rights

15.31.—(1) Votes are calculated according to the amount of each creditor's claim—

- (a) in an administration, as at the date on which the company entered administration, less—
 - (i) any payments that have been made to the creditor after that date in respect of the claim, and
 - (ii) any adjustment by way of set-off which has been made in accordance with rule 14.24 or would have been made if that rule were applied on the date on which the votes are counted;
- (b) in an administrative receivership, as at the date of the appointment of the receiver, less any payments that have been made to the creditor after that date in respect of the claim;
- (c) in a creditors' voluntary winding up, a winding up by the court or a bankruptcy, as set out in the creditor's proof to the extent that it has been admitted;
- (d) in a proposed CVA—
 - (i) at the date the company went into liquidation where the company is being wound up,
 - (ii) at the date the company entered into administration (less any payments made to the creditor after that date in respect of the claim) where it is in administration,
 - (iii) at the beginning of the moratorium where a moratorium has been obtained (less any payments made to the creditor after that date in respect of the claim), or
 - (iv) where (i) to (iii) do not apply, at the decision date;
- (e) in a proposed IVA—
 - (i) where the debtor is not an undischarged bankrupt—
 - (aa) at the date of the interim order, where there is an interim order in force,
 - (bb) otherwise, at the decision date,
 - (ii) where the debtor is an undischarged bankrupt, at the date of the bankruptcy order.

(2) A creditor may vote in respect of a debt of an unliquidated or unascertained amount if the convener or chair decides to put upon it an estimated minimum value for the purpose of entitlement to vote and admits the claim for that purpose.

(3) But in relation to a proposed CVA or IVA, a debt of an unliquidated or unascertained amount is to be valued at £1 for the purposes of voting unless the convener or chair or an appointed person decides to put a higher value on it.

(4) Where a debt is wholly secured its value for voting purposes is nil.

(5) Where a debt is partly secured its value for voting purposes is the value of the unsecured part.

(6) However, the value of the debt for voting purposes is its full value without deduction of the value of the security in the following cases—

- (a) where the administrator has made a statement under paragraph 52(1)(b) of Schedule B1 and the administrator has been requested to seek a decision under paragraph 52(2); and
- (b) where, in a proposed CVA, there is a decision on whether to extend or further extend a moratorium or to bring a moratorium to an end before the end of the period of any extension.

(7) No vote may be cast in respect of a claim more than once on any resolution put to the meeting; and for this purpose (where relevant), the claim of a creditor and of any member State liquidator in relation to the same debt are a single claim.

- (8) A vote cast in a decision procedure which is not a meeting may not be changed.
- (9) Paragraph (7) does not prevent a creditor or member State liquidator from—
 - (a) voting in respect of less than the full value of an entitlement to vote; or
 - (b) casting a vote one way in respect of part of the value of an entitlement and another way in respect of some or all of the balance of that value.

Requisite majorities

- 15.34.—(1) A decision is made by creditors when a majority (in value) of those voting have voted in favour of the proposed decision, except where this rule provides otherwise.
- (2) In the case of an administration, a decision is not made if those voting against it—
 - (a) include more than half in value of the creditors to whom notice of the decision procedure was delivered; and
 - (b) are not, to the best of the convener or chair's belief, persons connected with the company.
 - (3) Each of the following decisions in a proposed CVA is made when three-quarters or more (in value) of those responding vote in favour of it—
 - (a) a decision approving a proposal or a modification;
 - (b) a decision extending or further extending a moratorium; or
 - (c) a decision bringing a moratorium to an end before the end of the period of any extension.
 - (4) In a proposed CVA a decision is not made if more than half of the total value of the unconnected creditors vote against it.
 - (5) For the purposes of paragraph (4)—
 - (a) a creditor is unconnected unless the convener or chair decides that the creditor is connected with the company;
 - (b) in deciding whether a creditor is connected reliance may be placed on the information provided by the company's statement of affairs or otherwise in accordance with these Rules; and
 - (c) the total value of the unconnected creditors is the total value of those unconnected creditors whose claims have been admitted for voting.
 - (6) In a case relating to a proposed IVA—
 - (a) a decision approving a proposal or a modification is made when three-quarters or more (in value) of those responding vote in favour of it;
 - (b) a decision is not made if more than half of the total value of creditors who are not associates of the debtor vote against it.
 - (7) For the purposes of paragraph (6)—
 - (a) a creditor is not an associate of the debtor unless the convener or chair decides that the creditor is an associate of the debtor;
 - (b) in deciding whether a creditor is an associate of the debtor, reliance may be placed on the information provided by the debtor's statement of affairs or otherwise in accordance with these Rules; and
 - (c) the total value of the creditors who are not associates of the debtor is the total value of the creditors who are not associates of the debtor whose claims have been admitted for voting.

Appeals against decisions under this Chapter

- 15.35.—(1) A decision of the convener or chair under this Chapter is subject to appeal to the court by a creditor, by a contributory, or by the bankrupt or debtor (as applicable).
- (2) In a proposed CVA, an appeal against a decision under this Chapter may also be made by a member of the company.
 - (3) If the decision is reversed or varied, or votes are declared invalid, the court may order another decision procedure to be initiated or make such order as it thinks just but, in a CVA or IVA, the court may only make an order if it considers that the circumstances which led to the appeal give rise to unfair prejudice or material irregularity.
 - (4) An appeal under this rule may not be made later than 21 days after the decision date.
 - (5) However, the previous paragraph does not apply in a proposed CVA or IVA, where an appeal may not be made after the end of the period of 28 days beginning with the day—
 - (a) in a proposed CVA, on which the first of the reports required by section 4(6) or paragraph 30(3) of Schedule A1 was filed with the court(a); or
 - (b) in a proposed IVA—
 - (i) where an interim order has not been obtained, on which the notice of the result of the consideration of the proposal required by section 259(1)(a) has been given, or
 - (ii) otherwise, on which the report required by section 259(1)(b)(b) is made to the court.
 - (6) The person who made the decision is not personally liable for costs incurred by any person in relation to an appeal under this rule unless the court makes an order to that effect.
 - (7) The court may not make an order under paragraph (6) if the person who made the decision in a winding up by the court or a bankruptcy is the official receiver or a person nominated by the official receiver.

Extract from the Insolvency Act 1986 (as amended)

Section 246ZE Decisions by creditors and contributories: general

- (1) This section applies where, for the purposes of this Group of Parts, a person ("P") seeks a decision about any matter from a company's creditors or contributories.

- (2) The decision may be made by any qualifying decision procedure P thinks fit, except that it may not be made by a creditors' meeting or (as the case may be) a contributories' meeting unless subsection (3) applies.
- (3) This subsection applies if at least the minimum number of creditors or (as the case may be) contributories make a request to P in writing that the decision be made by a creditors' meeting or (as the case may be) a contributories' meeting.
- (4) If subsection (3) applies P must summon a creditors' meeting or (as the case may be) a contributories' meeting.
- (5) Subsection (2) is subject to any provision of this Act, the rules or any other legislation, or any order of the court—
- (a) requiring a decision to be made, or prohibiting a decision from being made, by a particular qualifying decision procedure (other than a creditors' meeting or a contributories' meeting);
 - (b) permitting or requiring a decision to be made by a creditors' meeting or a contributories' meeting.
- (6) Section 246ZF provides that in certain cases the deemed consent procedure may be used instead of a qualifying decision procedure.
- (7) For the purposes of subsection (3) the "minimum number" of creditors or contributories is any of the following—
- (a) 10% in value of the creditors or contributories;
 - (b) 10% in number of the creditors or contributories;
 - (c) 10 creditors or contributories.
- (8) The references in subsection (7) to creditors are to creditors of any class, even where a decision is sought only from creditors of a particular class.
- (9) In this section references to a meeting are to a meeting where the creditors or (as the case may be) contributories are invited to be present together at the same place (whether or not it is possible to attend the meeting without being present at that place).
- (10) Except as provided by subsection (8), references in this section to creditors include creditors of a particular class.
- (11) In this Group of Parts "qualifying decision procedure" means a procedure prescribed or authorised under paragraph 8A of Schedule 8.

The Insolvency Act 1986 - NOTICE OF CONVENING A DECISION PROCEDURE FOR CREDITORS BY CORRESPONDENCE

To consider whether a Creditors' Committee should be established if sufficient creditors are willing to be members of the committee and if not, to seek approval of the Joint Administrators' remuneration.

Anthill Plant Hire Limited - In Administration
Registered Number: 08045048

RESOLUTION

(* Please indicate voting preference)

B That a Creditors' Committee be established if sufficient creditors are willing to be members.

*Approved/Rejected

Do you consent to be a member of the Creditors' Committee?

*Yes/No

In the event that a creditors' committee is not established to RESOLVE THAT;

C a) The pre-appointment fees and costs incurred by the Joint Administrators prior to their appointment totalling £28,542.43 plus VAT be approved and paid from the funds available in the administration. These comprise:

- i. Pre-appointment fees of BDO LLP - £26,500 plus VAT
- ii. Pre-appointment disbursements of BDO LLP - £292.43 plus VAT
- iii. Pre-appointment legal fees of Pinsent Masons - £1,750.00 plus VAT

*Approved/Rejected

C b) Creditors approve the remuneration of the Joint Administrators on a time costs basis as by reference to the Revised Fee Estimate enclosed with the Joint Administrators' progress report for the period 17 July 2017 to 16 January 2018 which includes an estimate of the fees to be incurred in a subsequent liquidation. The remuneration to be drawn will be capped at £75,000 plus VAT and will include fees incurred in respect of the Administration and any subsequent liquidation.

*Approved/Rejected

TO BE COMPLETED BY THE CREDITOR WHEN RETURNING FORM

Name of Creditor

Signature of Creditor

(If signing on behalf of creditor, state capacity e.g. director/solicitor etc.)

NOTE: This form must be accompanied by a proof of the amount due to the creditor unless a proof of debt/claim form has already been delivered. Creditors whose debt is treated as a 'small debt' (£1,000 or less) must still deliver a proof for voting purposes otherwise their vote will be disregarded.

This form must be returned to Martha Thompson (Officeholder IP No: 8678) at BDO LLP, 5 Temple Square, Temple Street, Liverpool, L2 5RH, by no later than the Decision date 5 March 2018. The Joint Administrator may also be contacted via Alice Denmark on BRCMT@bdo.co.uk.

Martha Thompson
Joint Administrator
28 February 2018

Proof of Debt/Claim Form
Anthill Plant Hire Limited - In Administration
Company No: 08045048

Debt as at the date of the appointment of Administrators: 17 July 2017

1	Name of creditor (If a company please also give company registration number and where registered).	
2	Address of creditor including email address for correspondence.	
3	Total amount of claim, including any Value Added Tax at the above date.	
4	If amount in 3 above includes outstanding un-capitalised interest please state amount.	£
5	Particulars of how and when debt incurred. (If you need more space append a continuation sheet to this form).	
6	Particulars of any security held, the value of the security, and the date it was given.	
7	Particulars of any reservation of title claimed in respect of goods supplied to which the claim relates.	
8	Provide details of any documents by reference to which the debt can be substantiated. (Note: There is no need to attach them now but the Administrator may call for any document or evidence to substantiate the claim at their discretion as may the chairman or convener of any meeting).	
9	Signature of creditor or person authorised to act on his behalf _____	Dated _____
Name in BLOCK LETTERS _____		
Position with or in relation to creditor _____		
Address of person signing (if different from 2 above) _____		

Deliver to the Joint Administrator, Martha Thompson, Business Restructuring, BDO LLP, 5 Temple Square,

Statement from the Insolvency (England and Wales) Rules 2016 regarding the rights of creditors in respect of the Joint Administrators' fees and expenses:

Creditors' and members' requests for further information in administration, winding up and bankruptcy

18.9.—(1) The following may make a written request to the office-holder for further information about remuneration or expenses (other than pre-administration costs in an administration) set out in a progress report under rule 18.4(1)(b), (c) or (d) or a final report under rule 18.14—

- (a) a secured creditor;
 - (b) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question);
 - (c) members of the company in a members' voluntary winding up with at least 5% of the total voting rights of all the members having the right to vote at general meetings of the company;
 - (d) any unsecured creditor with the permission of the court; or
 - (e) any member of the company in a members' voluntary winding up with the permission of the court.
- (2) A request, or an application to the court for permission, by such a person or persons must be made or filed with the court (as applicable) within 21 days of receipt of the report by the person, or by the last of them in the case of an application by more than one member or creditor.
- (3) The office-holder must, within 14 days of receipt of such a request respond to the person or persons who requested the information by—
- (a) providing all of the information requested;
 - (b) providing some of the information requested; or
 - (c) declining to provide the information requested.
- (4) The office-holder may respond by providing only some of the information requested or decline to provide the information if—
- (a) the time or cost of preparation of the information would be excessive; or
 - (b) disclosure of the information would be prejudicial to the conduct of the proceedings;
 - (c) disclosure of the information might reasonably be expected to lead to violence against any person; or
 - (d) the office-holder is subject to an obligation of confidentiality in relation to the information.
- (5) An office-holder who does not provide all the information or declines to provide the information must inform the person or persons who requested the information of the reasons for so doing.
- (6) A creditor, and a member of the company in a members' voluntary winding up, who need not be the same as the creditor or members who requested the information, may apply to the court within 21 days of—
- (a) the office-holder giving reasons for not providing all of the information requested; or
 - (b) the expiry of the 14 days within which an office-holder must respond to a request.
- (7) The court may make such order as it thinks just on an application under paragraph (6).

Remuneration and expenses: application to court by a creditor or member on grounds that remuneration or expenses are excessive

18.34.—(1) This rule applies to an application in an administration, a winding-up or a bankruptcy made by a person mentioned in paragraph (2) on the grounds that—

- (a) the remuneration charged by the office-holder is in all the circumstances excessive;
- (b) the basis fixed for the office-holder's remuneration under rules 18.16, 18.18, 18.19, 18.20 and 18.21 (as applicable) is inappropriate; or
- (c) the expenses incurred by the office-holder are in all the circumstances excessive.

(2) The following may make such an application for one or more of the orders set out in rule 18.36 or 18.37 as applicable—

- (a) a secured creditor,
- (b) an unsecured creditor with either—
 - (i) the concurrence of at least 10% in value of the unsecured creditors (including that creditor), or
 - (ii) the permission of the court, or
- (c) in a members' voluntary winding up—
 - (i) members of the company with at least 10% of the total voting rights of all the members having the right to vote at general meetings of the company, or
 - (ii) a member of the company with the permission of the court.

(3) The application by a creditor or member must be made no later than eight weeks after receipt by the applicant of the progress report under rule 18.3, or final report or account under rule 18.14 which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report").

Applications under rules 18.34 and 18.35 where the court has given permission for the application

18.36. —(1) This rule applies to applications made with permission under rules 18.34 and 18.35.

(2) Where the court has given permission, it must fix a venue for the application to be heard.

(3) The applicant must, at least 14 days before the hearing, deliver to the office-holder a notice stating the venue and accompanied by a copy of the application and of any evidence on which the applicant intends to rely.

(4) If the court considers the application to be well-founded, it must make one or more of the following orders—

(a) an order reducing the amount of remuneration which the office-holder is entitled to charge;

(b) an order reducing any fixed rate or amount;

(c) an order changing the basis of remuneration;

(d) an order that some or all of the remuneration or expenses in question is not to be treated as expenses of the administration, winding up or bankruptcy;

(e) an order for the payment of the amount of the excess of remuneration or expenses or such part of the excess as the court may specify by —

(i) the administrator or liquidator or the administrator's or liquidator's personal representative to the company, or

(ii) the trustee or the trustee's personal representative to such person as the court may specify as property comprised in the bankrupt's estate;

(f) any other order that it thinks just.

(5) An order under paragraph (4)(b) or (c) may only be made in respect of periods after the period covered by the relevant report.

(6) Unless the court orders otherwise the costs of the application must be paid by the applicant, and are not payable as an expense of the administration, winding up or bankruptcy.

Applications under rule 18.34 where the court's permission is not required for the application

18.37. —(1) On receipt of an application under rule 18.34 for which the court's permission is not required, the court may, if it is satisfied that no sufficient cause is shown for the application, dismiss it without giving notice to any party other than the applicant.

(2) Unless the application is dismissed, the court must fix a venue for it to be heard.

(3) The applicant must, at least 14 days before any hearing, deliver to the office-holder a notice stating the venue with a copy of the application and of any evidence on which the applicant intends to rely.

(4) If the court considers the application to be well-founded, it must make one or more of the following orders—

(a) an order reducing the amount of remuneration which the office-holder is entitled to charge;

(b) an order reducing any fixed rate or amount;

(c) an order changing the basis of remuneration;

(d) an order that some or all of the remuneration or expenses in question be treated as not being expenses of the administration or winding up or bankruptcy;

(e) an order for the payment of the amount of the excess of remuneration or expenses or such part of the excess as the court may specify by —

(i) the administrator or liquidator or the administrator's or liquidator's personal representative to the company, or

(ii) the trustee or the trustee's personal representative to such person as the court may specify as property comprised in the bankrupt's estate;

(f) any other order that it thinks just.

(5) An order under paragraph (4)(b) or (c) may only be made in respect of periods after the period covered by the relevant report.

(6) Unless the court orders otherwise the costs of the application must be paid by the applicant, and are not payable as an expense of the administration or as winding up or bankruptcy.