

WU07

Notice of progress report in a winding-up by the court



Companies House

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

1 Company details

Company number	0	0	7	8	6	4	0	5
Company name in full	Fenclove Controllers Limited							

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

2 Liquidator's name

Full forename(s)	Andrew Anderson
Surname	Kelsall

3 Liquidator's address

Building name/number	King Street House
Street	15 Upper King Street
Post town	Norwich
County/Region	
Postcode	N R 3 1 R B
Country	

4 Liquidator's name ①

Full forename(s)	Lee Anthony
Surname	Green

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

5 Liquidator's address ②

Building name/number	King Street House
Street	15 Upper King Street
Post town	Norwich
County/Region	
Postcode	N R 3 1 R B
Country	

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

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6	Period of progress report											
From date	<div>d</div> <div>2</div>	<div>d</div> <div>7</div>	<div>m</div> <div>0</div>	<div>m</div> <div>9</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>6</div>	<div>m</div> <div>0</div>	<div>m</div> <div>9</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>Andrew Kellard</div> <div>X</div>											
Signature date	<div>d</div> <div>1</div>	<div>d</div> <div>8</div>	<div>m</div> <div>1</div>	<div>m</div> <div>1</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>				

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 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	Rachel Briggs
Company name	Larking Gowen LLP
Address	King Street House
	15 Upper King Street
Post town	Norwich
County/Region	
Postcode	N R 3 1 R B
Country	
DX	
Telephone	01603 624181
 Checklist	
We may return forms completed incorrectly or with information missing.	
Please make sure you have remembered the following:	
<input type="checkbox"/> The company name and number match the information held on the public Register.	
<input type="checkbox"/> You have attached the required documents.	
<input type="checkbox"/> 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	

Fenclove Controllers Limited
(In Liquidation)
Joint Liquidators' Summary of Receipts & Payments

Statement of Affairs £	From 27/09/2021 To 26/09/2022 £	From 27/09/2019 To 26/09/2022 £
ASSET REALISATIONS		
Bank exchange rate refund	NIL	807.84
Book Debts	NIL	2,651.39
Civil Recoveries	50,000.00	50,000.00
Factored Book Debts	2,569.91	5,264.28
	<u>52,569.91</u>	<u>58,723.51</u>
COST OF REALISATIONS		
ISA Quarterly Charges	88.00	242.00
Legal Fees	32,059.13	32,059.13
O.R Debit Balance	NIL	9,320.43
Petitioners Costs	5,706.00	5,706.00
	<u>(37,853.13)</u>	<u>(47,327.56)</u>
UNSECURED CREDITORS		
(52,872.21) Banks/Other Financial Institutions	NIL	NIL
(122,213.33) HM Revenue & Customs (CT)	NIL	NIL
(340,614.00) Landlord	NIL	NIL
(312,787.60) Trade & Expense Creditors	NIL	NIL
	<u>NIL</u>	<u>NIL</u>
(828,487.14)	<u>14,716.78</u>	<u>11,395.95</u>
REPRESENTED BY		
Insolvency Services Account		4,984.12
Vat Receivable		6,411.83
		<u>11,395.95</u>

Fenclove Controllers Limited – In Compulsory Liquidation
Formerly Sunvic Controls Limited

LIQUIDATOR'S PROGRESS REPORT TO CREDITORS AND MEMBERS

For the period 27 September 2021 to 26 September 2022

STATUTORY INFORMATION

Company name:	Fenclove Controllers Limited
Company number:	00786405
Trading address:	Units 1-2 Cadzow Industrial Estate, Hamilton, ML3 7QU
Registered office:	King Street House, 15 Upper King Street, Norwich, Norfolk, NR3 1RB
Former registered office:	Jpc Financial Limited, 2nd Floor Lynton House, Station Approach, Woking, Surrey, GU22 7PY
Principal trading activity:	Manufacture of electricity distribution and control apparatus
Joint Liquidators' names	Andrew Anderson Kelsall and Lee Anthony Green
Joint Liquidators' address	King Street House, 15 Upper King Street, Norwich, NR3 1RB
Date of appointment	27 September 2019

LIQUIDATOR'S ACTIONS SINCE LAST REPORT

In the period since my last progress report, I confirm that I have continued to deal with ad hoc creditor correspondence and claims, kept up to date with the Companies tax requirements and completed my general administrative and cashiering duties. I have undertaken regular reviews of the case and circulated my annual progress report as required.

I previously advised that I had instructed Kevin Sullivan of Birkett Long LLP to assist me in connection with this Liquidation and to bring a claim against the Directors regarding the appropriateness of the sale of the business prior to Liquidation.

I can confirm that this matter has now progressed and following a mediation meeting held at Birkett Long LLP on 29 April 2022, a settlement was agreed of £90,000. Further details are contained under the heading 'Civil Recoveries' below.

Following the sale of the Company prior to Liquidation, a secured charge was given to the purchaser 'Sunvic Controls Limited' which Birkett Long LLP have also been reviewing and requested that the charge be set aside due to the nature of the transaction. Sunvic Controls Limited entered Liquidation and therefore Birkett Long LLP contacted the Liquidators to discuss the validity of the charge given.

I confirm that written confirmation was received from the Liquidators on 09 February 2022 to the voluntary setting aside of the charge over Fenclove Controllers Limited. This enabled me to file the relevant MR04 Form with Companies House to confirm that the charge had been satisfied.

I have also been in correspondence with Paragon Bank Plc in respect of further monies they have received from debtors, which have been banked into the Liquidation estate.

I confirm that in the period of this report I have refunded the petitioning creditor in respect of the costs to petition for the winding up of the Company and obtaining the winding up order. These costs were agreed at the total cost of £5,706.00.

There is certain work that I am required by the insolvency legislation to undertake in connection with the liquidation that provides no financial benefit for the creditors. A description of the routine work

RECEIPTS AND PAYMENTS

My Receipts & Payments Account for the period from 27 September 2021 to 26 September 2022 is attached at Appendix 2. All amounts are shown net of VAT. I have reconciled the account against the financial records that I am required to maintain and with the Insolvency Services Account operated by The Insolvency Service in respect of the Liquidation.

The balance of funds is held in interest bearing account at the Insolvency Services Account.

ASSETS

Civil Recoveries

As detailed earlier in this report, my solicitor, Kevin Sullivan of Birkett Long LLP has been assisting me in connection with this Liquidation and to bring a claim against the Directors regarding the appropriateness of the sale of the business prior to Liquidation.

Following lengthy correspondence between the Joint Liquidators, Birkett Long LLP and the solicitor acting on behalf of the director of Fenclove Controllers Limited, it was necessary for this matter to be resolved by mediation. This was held at the offices of Birkett Long LLP on 29 April 2022.

After several rounds of negotiations between the claimants (Joint Liquidator and Birkett Long LLP) and the defendants (Director of Fenclove Controllers Limited and Solicitor) a settlement was agreed of £90,000.00 in full and final settlement of all claims against the director. The payment terms of the agreement was £50,000.00 payable on or before 01 June 2022 and the balance of £40,000.00 to be paid in instalments of a minimum of £5,000.00 per month commencing on 01 July 2022 up to and including 01 February 2023. The agreement was that these funds were to be paid direct to Birkett Long LLP in order that the payments could be monitored to ensure that they are received within the timescale set out in the agreement.

The sum of £50,000.00 was passed to us from Birkett Long LLP on 22 June 2022, in respect of the initial payment which became due on 01 June 2022.

Birkett Long LLP have confirmed that they have been receiving regular monthly payments of £5,000.00 from the director in accordance with the agreement and as at the 26 September 2022, they were holding a further £15,000.00. Since the issue of this progress report, these funds have been passed to the Joint Liquidators and banked into the Insolvency Services Account and will be shown in the next report to creditors.

Factored Book Debts

A further sum of £2,569.91 was received from Paragon Bank Plc on 19 August 2022 in respect of debtor monies received.

LIABILITIES

Secured creditors

There are provisions of the insolvency legislation that require a Liquidator to set aside a percentage of a Company's assets for the benefit of the unsecured creditors in cases where the Company gave a "floating charge" over its assets to a lender on or after 15 September 2003. This is known as the "prescribed part of the net property" ("prescribed part"). A Company's net property is that left after paying the preferential creditors, but before paying the lender who holds a floating charge.

Any costs of the liquidation that are payable before the Liquidator has reached a position to make a distribution to the floating charge holder have to be deducted from floating charge realisations before arriving at an amount for the "net property" of the Company. As a result, the costs associated with realising floating charge assets, paying preferential claims in full, the general costs of winding up and the costs of confirming the validity of the floating charge will have to be deducted before the "net property" is calculated. The "prescribed part" that the Liquidator then has to set aside for unsecured creditors is:

- 50% of the first £10,000 of the net property; and
- 20% of the remaining net property

An examination of the Company's mortgage register held by the Registrar of Companies, showed that the Company has granted a fixed and floating charge to Sunvic Controls Limited on 18 January 2019. However, as advised above the charge has now been set aside by the Liquidators of Sunvic Controls Limited. Accordingly, the prescribed part rules will not apply.

ISA Quarterly Charges

During the period under review, further quarterly charges totalling £88.00 have been charged to the estate, bringing the total charges to £242.00.

Preferential Creditors

The Official Receivers' report anticipated that there were no preferential creditors and I confirm that I have not received any preferential claims.

Crown Creditors

The Official Receiver's report included £122,213.33 owed to HMRC. HMRC's final claim of £122,036.22 has been received.

Non-preferential unsecured Creditors

The Official Receiver's report included 10 non-preferential unsecured creditors with an estimated total liability of £706,273.81 excluding the liability to HMRC. I have received a claim from 1 other creditor totalling £124,628.40. I have not received claims from 9 creditors with original estimated claims in the Statement of Affairs of £581,645.41 which is also excluding the liability to HMRC. I have also received an additional claim totalling £9,310.00 which was not included with the original estimated claims.

DIVIDEND PROSPECTS

I confirm that we have agreed to limit our fees in respect of the Liquidation, as has our solicitor, in order that we can pay a dividend to the unsecured creditors. However, at this stage I am not able to estimate the quantum or timing of this dividend.

INVESTIGATION INTO THE AFFAIRS OF THE COMPANY

As previously report I identified a number of transactions from the Company records that required further investigation and Kevin Sullivan of Birkett Long LLP assisted me in connection with the same. As detailed under 'Civil Recoveries', a settlement was agreed and payments in respect of the agreement are currently being received by Birkett Long LLP.

LIQUIDATOR'S REMUNERATION

My remuneration was approved on a fixed fee of £25,000 plus VAT and disbursements for my work in respect of Administration, Creditors and Investigations.

No remuneration in respect of work done for which my fees were approved as a fixed fee have been paid to date.

I was also authorised to draw 25% of realisations for my work in respect of civil recoveries. No remuneration in respect of work done for which my fees were approved as a % of realisations have been paid to date.

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/>. A copy of 'A Creditors Guide to Liquidators' Fees' also published by R3, together with an explanatory note which shows Larking Gowen LLP's fee policy are available at the link <https://www.larking-gowen.co.uk/privacy-and-cookie-policy/>

Please note that there are different versions of the Guidance Notes and in this case, you should refer to the April 2017 version.

Expenses are any payments from the estate which are neither an office holder's remuneration nor a distribution to a creditor or a member. Expenses also includes disbursements. Disbursements are payments which are first met by the office holder and then reimbursed to the office holder from the estate. Expenses are split into:

- category 1 expenses, which are payments to persons providing the service to which the expense relates who are not an associate of the office holder; and
- category 2 expenses, which are payments to associates or which have an element of shared costs. Before being paid category 2 expenses require approval in the same manner as an office holder's remuneration.

I have incurred total expenses of £2,558.81 of which I incurred £2,179.34 in the period since 27 September 2021. I have not been able to draw any expenses in this matter.

I have used the following professional advisors in the reporting period:

Professional Advisor	Nature of Work	Basis of Fees
Birkett Long LLP	Solicitors	Conditional Fee Agreement (Time Costs)

As previously disclosed, Birkett Long LLP have been instructed as they were aware of the background of the claims prior to my appointment. I also considered their experience and ability to perform this type of work and the complexity and nature of the assignment. Their fees are agreed on a conditional fee agreement by way of time costs and a 75% success fee and have to date incurred costs totalling £32,059.13.

I have incurred the following expenses in the period since the last progress report:

Type of expense	Amount incurred/ accrued in the reporting period
Legal disbursements in relation to the mediating costs	£1,950.00
Milage	£84.74
Specific Bond	£144.60

I confirm that I have drawn any expenses to date.

The below table demonstrates the expenses anticipated when seeking approval of my remuneration against the actual expenses incurred to date:

Nature of expense	Estimated expenses	Expenses incurred to date
Specific Bond	£10.00	£189.60
Statutory Advertising	£165.10	£79.25
Postage	£20.00	£7.80
Photocopying	£20.00	£0.00
Travel expenses	£400.00	£332.16
Legal Fees	£35,000.00	£34,009.13
Total	£35,615.10	£34,617.94

As you can see, the total expenses I incurred were in line with the total expenses I estimated I would incur when my remuneration was approved.

FURTHER INFORMATION

An unsecured creditor may, with the permission of the Court, or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question), request further details of the Liquidator's remuneration and expenses within 21 days of their receipt of this report. Any secured creditor may request the same details in the same time limit.

An unsecured creditor may, with the permission of the Court, or with the concurrence of 10% in value of the unsecured creditors (including the creditor in question), apply to Court to challenge the amount of

remuneration, and/or the amount of the expenses incurred as being excessive, within 8 weeks of their receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

To comply with the Provision of Services Regulations, some general information about Larking Gowen LLP can be found in the attached summary sheet.

SUMMARY

The Liquidation will remain open until all of the funds due under the Civil Recoveries agreement have been paid to Birkett Long LLP and then paid into the Insolvency Services Account. The full balance is expected to be received by February 2022 and I estimate that this may take approximately 6 months from the receipt to pay any dividends to creditors and conclude the Liquidation.

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 Rachel Briggs by email at Rachel.Briggs@larking-gowen.co.uk, or by phone on 01603 624181.



Andrew Anderson Kelsall
Joint Liquidator

Appendix 1

1. Administration

This represents the work involved in the routine administrative functions of the case by the office holder and their staff, together with the control and supervision of the work done on the case by the office holder (and their managers). It does not give direct financial benefit to the creditors, but has to be undertaken by the office holder to meet their requirements under the insolvency legislation and the Statements of Insolvency Practice, which set out required practice that office holders must follow.

- Dealing with all routine correspondence and emails relating to the case.
- Maintaining and managing the office holder's estate bank account.
- Maintaining and managing the office holder's cashbook.
- Undertaking regular bank reconciliations of the bank account containing estate funds.
- Reviewing the adequacy of the specific penalty bond on a quarterly basis.
- Undertaking periodic reviews of the progress of the case.
- Overseeing and controlling the work done on the case by case administrators.
- Preparing, reviewing and issuing an annual progress report to creditors and members.
- Filing returns at Companies House.
- Preparing and filing VAT returns.
- Preparing and filing Corporation Tax returns.

2. Creditors

Claims of creditors - the office holder needs to maintain up to date records of the names and addresses of creditors, together with the amounts of their claims as part of the management of the case, and to ensure that notices and reports can be issued to the creditors. The office holder also needs to deal with correspondence and queries received from creditors regarding their claims and dividend prospects as they are received. The office holder is required to undertake this work as part of his statutory functions.

- Dealing with creditor correspondence, emails and telephone conversations regarding their claims.
- Maintaining up to date creditor information on the case management system.

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REPRESENTED BY		
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General insolvency information referred to in the accompanying report and links to websites referred to in the report, along with information required to be disclosed by the Provision of Services Regulations 2009.

Licensing Body

Andrew Anderson Kelsall (IP No. 009555) and Lee Anthony Green (IP No. 015610) are licensed to act as Insolvency Practitioners in the United Kingdom by the Institute of Chartered Accountants in England and Wales ('ICAEW') and are registered with the Insolvency Service under the IP numbers quoted. Andrew Kelsall is also a Fellow of the Association of Certified Accountants.

Larking Gowen LLP is also a member of the ICAEW.

Information about creditors' rights

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/>.

Information about how an Office Holder's fees may be approved

Details about how an office holder's fees may be approved for each case type are available in a series of guides issued with Statement of Insolvency Practice 9 (SIP 9) and can be accessed at <https://www.larking-gowen.co.uk/what-we-offer/by-service/insolvency-recovery/> and you will need to click on 'Click here for insolvency information and guidance' to the right of the page.

Further details are also provided in the Larking Gowen LLP practice fee recovery sheet at <https://www.larking-gowen.co.uk/what-we-offer/by-service/insolvency-recovery/> and you will need to click on 'Click here for insolvency information and guidance' to the right of the page.

If you would like a paper copy of the relevant guide then please write to Insolvency & Recovery, Larking Gowen LLP, King Street House, 15 Upper King Street, Norwich, NR3 1RB at the above address, email insolvency@larking-gowen.co.uk or phone 0330 024 0888 and ask for the Insolvency & Recovery department.

Information about creditors' Committees

Further information about the role of the creditors' Committee and what might be expected from its members is available at the link <https://www.larking-gowen.co.uk/what-we-offer/by-service/insolvency-recovery/> and you will need to click on 'Click here for insolvency information and guidance' to the right of the page.

The Insolvency Code of Ethics

Insolvency Practitioners, when carrying out all professional work relating to an insolvency appointment, are bound by The Insolvency Code of Ethics which can be found at <https://www.gov.uk/government/publications/insolvency-practitioner-code-of-ethics>

The Institute of Chartered Accountants Code of Ethics (ICAEW)

Andrew Kelsall and Lee Green are bound by the regulations of their professional body, The ICAEW, which can be found at <https://www.icaew.com/technical/ethics/icaew-code-of-ethics/icaew-code-of-ethics>

Professional rules that apply to the Office Holders

All IPs are bound by the rules of their professional body, including any that relate specifically to insolvency. The rules of the professional body that licences' Andrew Kelsall and Lee Green can be found at <https://www.icaew.com/regulation/insolvency/sips-regulations-and-guidance/>. In addition, IPs are

bound by the Statements of Insolvency Practice (SIPs), details of which can be found at <https://www.r3.org.uk/technical-library/england-wales/sips/>.

Complaints Procedure

At Larking Gowen LLP we always strive to provide a professional and efficient service. However, we recognise that it is in the nature of insolvency proceedings for disputes to arise from time to time. As such, should you have any comments or complaints regarding the administration of this case then in the first instance you should contact me at the address given in your letter.

If you consider that I have not dealt with your comments or complaint appropriately you should then put details of your concerns in writing to our complaints officer Bruce Masson, Larking Gowen LLP, King Street House, 15 Upper King Street, Norwich, NR3 1RB. This will then formally invoke our complaints procedure and we will endeavour to deal with your complaint under the supervision of a senior partner unconnected with the appointment.

Most disputes can be resolved amicably either through the provision of further information or following negotiations. However, in the event that you have exhausted our complaints procedure and you are not satisfied that your complaint has been resolved or dealt with appropriately, you may complain to the regulatory body that licences the insolvency practitioner concerned. Any such complaints should be addressed to The Insolvency Service, IP Complaints, 3rd Floor, 1 City Walk, Leeds, LS11 9DA, and you can make a submission using an on-line form available at www.gov.uk/complain-about-insolvency-practitioner or you can email insolvency.enquiryline@insolvency.gov.uk.

Professional Indemnity insurer

In accordance with the disclosure requirements of the Provision of Services Regulations 2009, our principal professional indemnity insurer is AIG Europe Limited who can be contacted via our brokers Howden UK Group Limited, 71 Fenchurch Street, London EC3M 4BS. The territorial and jurisdictional coverage is worldwide.

Privacy Policy

Larking Gowen LLP's privacy policy can be found at <https://www.larking-gowen.co.uk/privacy-and-cookie-policy>.

VAT number

Larking Gowen LLP is registered for VAT under registration no. 105 7234 96.

Bribery Act 2010

Larking Gowen LLP is committed to applying the highest standards of ethical conduct and integrity in its business activities. Every employee and individual acting on Larking Gowen LLP's behalf is responsible for maintaining our reputation and for conducting company business honestly and professionally.

Larking Gowen LLP take a zero-tolerance approach to bribery and corruption and are committed to acting professionally, fairly and with integrity in all our business dealings and relationships wherever we operate.

Larking Gowen LLP requires all those who are associated with it to observe the highest standards of impartiality, integrity and objectivity.

Larking Gowen LLP prohibits anyone acting on its behalf from:

- bribing another person. A bribe includes the offering, promising or giving of any financial or other type of advantage;
- accepting a bribe. This includes requesting, agreeing to receive or accepting any financial, or another kind of advantage;

Index of general insolvency information & links

- bribing a foreign public official; and
- condoning the offering or acceptance of bribes.

Larking Gowen LLP will:

- avoid doing business with others who do not accept our values and who may harm our reputation;
- maintain processes, procedures and records that limit the risk of direct or indirect bribery;
- promote awareness of this policy amongst its staff, those acting on its behalf and entities with which it has any commercial dealings;
- investigate all instances of alleged bribery, and will assist the police, and other authorities when appropriate, in any resultant prosecutions. In addition, disciplinary action will be considered against individual members of staff;
- review this policy regularly and update it when necessary.