

# Liquidator's Progress Report

# S.192

Pursuant to Sections 92A and 104A and 192  
of the Insolvency Act 1986

To the Registrar of Companies

Company Number

01145113

Name of Company

A G N Fencing Limited

I / We

John Russell, 93 Queen Street, Sheffield, S1 1WF, DX 10616 Sheffield

Gareth David Rusling, 93 Queen Street, Sheffield, S1 1WF, DX 10616 Sheffield

the liquidator(s) of the company attach a copy of my/our Progress Report  
under section 192 of the Insolvency Act 1986

The Progress Report covers the period from 02/10/2013 to 01/10/2014

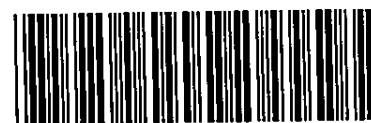
Signed

Date

03/11/14

The P&A Partnership Limited  
93 Queen Street  
Sheffield  
S1 1WF  
DX 10616 Sheffield

WEDNESDAY



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A06

12/11/2014

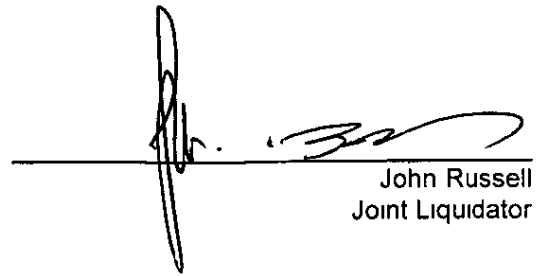
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COMPANIES HOUSE

Ref A149013/JR/J/LH

**A G N Fencing Limited**  
**(In Liquidation)**  
**Joint Liquidators' Abstract of Receipts & Payments**

Statement of Affairs		From 02/10/2013 To 01/10/2014
	<b>ASSET REALISATIONS</b>	
50,000 00	Plant & Machinery	NIL
22,000 00	Motor Vehicle	NIL
8,000 00	Stock	NIL
50,000 00	Book Debts	22,950 99
	Tax Refund	6,199 64
4,430 00	Cash in Hands of Accountants	4,497 48
	Bank Interest Gross	1 93
		<u>33,650 04</u>
	<b>COST OF REALISATIONS</b>	
	Specific Bond	264 00
	Statement of Affairs Fee	5,000 00
	Office Holders Fees	22,390 00
	Incidental Outlay	637 73
	Agents/Valuers Fees	200 00
	Statutory Advertising	226 11
		<u>(28,717 84)</u>
	<b>PREFERENTIAL CREDITORS</b>	
(5,898 00)	Employees - Arrears of Pay & Holiday	NIL
		<u>NIL</u>
	<b>FLOATING CHARGE CREDITORS</b>	
(24,941 00)	HSBC Bank plc	NIL
		<u>NIL</u>
	<b>UNSECURED CREDITORS</b>	
(122,072 00)	Trade & Expense Creditors	NIL
(86,037 00)	Redundancy & Pay in Lieu of Notice	NIL
(46,000 00)	Loans	NIL
(11,957 00)	HM Revenue & Customs - PAYE/NIC	NIL
(18,823 00)	HM Revenue & Customs - VAT	NIL
		<u>NIL</u>
	<b>DISTRIBUTIONS</b>	
(1,560 00)	Share Capital	NIL
		<u>NIL</u>
<b>(182,858 00)</b>		<u><b>4,932.20</b></u>
	<b>REPRESENTED BY</b>	
	VAT Receivable	68 00
	Bank Balance	4,284 20
	VAT Control Account	820 00
	Funds due to third party	(240 00)
		<u><b>4,932.20</b></u>



John Russell  
Joint Liquidator

**A G N FENCING LIMITED  
IN CREDITORS VOLUNTARY LIQUIDATION**

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**Joint Liquidators' First Annual Progress Report  
To Members and Creditors pursuant to Section  
104A of the Insolvency Act 1986  
for the period 2 October 2013 to 1 October 2014**

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**John Russell & Gareth David Rusling  
Joint Liquidators**

**The P&A Partnership Limited  
93 Queen Street  
Sheffield  
S1 1WF**

**3 November 2014**

This report has been compiled by the Joint Liquidators to comply with the statutory requirements of Section 104A of the Insolvency Act 1986 to provide creditors with an annual report of the progress of the Liquidation. The report is private and confidential and may not be used by any person in whole or in part for any purpose whatsoever other than that intended by the Insolvency Act

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6. Debenture Holder
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8. Unsecured Creditors
9. Estimated Outcome for Creditors
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Appendix C The P&A Partnership Limited guide to Fees, Expenses and Disbursements

## STATUTORY INFORMATION

Trading Address	Plumtree Farm Industrial Estate Bawtry Road Harworth Doncaster DN11 9EW
Company Number	01145113
Date of Incorporation	13/11/1973
Registered Office	93 Queen Street Sheffield S1 1WF
Nature of Business	Fencing Installation
Date of Liquidation	2 October 2013
Joint Liquidators	John Russell & Gareth David Rusling
Basis of Remuneration	The Joint Liquidators' remuneration is to be calculated by reference to the time properly spent by the Joint Liquidators' and their staff in carrying out their functions, dealing with all matters arising during the course of the winding-up and to be based on their normal time costs chargeable in insolvency matters
Contact Details	epost@thepandapartnership.com

## 1. INTRODUCTION

- 1 1 At meetings of members and creditors held on 2 October 2013 at 93 Queen Street, Sheffield, S1 1WF it was resolved that John Russell and Gareth David Rusling be appointed Joint Liquidators. The Joint Liquidators are both licensed as insolvency practitioners in the UK by the Insolvency Practitioners Association

## 2. JOINT LIQUIDATORS' RECEIPTS AND PAYMENTS

- 2 1 An abstract of the Joint Liquidators' Receipts and Payments for the period covered by this report is attached at Appendix A
- 2 2 The assets realised during the period of this report are shown below with an estimate of any future anticipated realisations

Statement of Affairs £	Asset Realisation	Para	Realisations In this Period £	Total Realisations £	Anticipated Further Realisations £
50,000	Plant & Machinery	2 3	-	-	-
22,000	Motor Vehicles	2 3	-	-	-
8,000	Stock	2 3	-	-	-
50,000	Book Debts	2 4	22,951	11,951	Not Known
4,430	Cash in Hands of Accountants	2 5	4,497	4,497	-
-	Tax Refund	2 6	6,199	6 199	-

- 2 3 Plant & Machinery, Motor Vehicles & Stock – The directors valuation of the aforementioned was some £60,000. Shortly before the appointment of the Joint Liquidators, the landlord, DMR Accident Repair Centre, advised the proposed Liquidators that in an agreement dated 10 June 2010, the assets of A G N Fencing Limited passed to them to secure a loan of £20,000. In addition, further loans have been advanced to the Company of £26,000 and there was outstanding rent of £11,000

Meetings were held with the landlord and the Joint Liquidators scrutinised the agreement, as if the valuation of the directors was correct, then there could be a substantial equity over and above the sums due to the landlord under the terms of their agreement

Independent chattel asset valuers, Ellis Willis & Beckett, were appointed, who indicated the directors estimates were extremely optimistic and in their view the total valuation of the assets was some £10,123 and possible due to the nature of the plant and equipment, the costs of moving would be in excess of their value. As a consequence, the Joint Liquidators took the view that the assets were properly owned by DMR Accident Repair Centre

- 2 4 Book Debts – At the date of Liquidation there were 30 outstanding debts due to the Company, totalling some £63,046 For the purpose of the Statement of Affairs, the directors indicated that the amount should be written down to £50,000 to provide for bad and doubtful debts Demand was made of the outstanding debtors and at the anniversary of the Liquidation, some £22,951 has been collected in this regard Many of the debts have been disputed and due to the lack of information within the Company's records, it has been difficult to disprove any of the disputes raised. It is anticipated there will only be a nominal amount realised in due course
- 2 5 Cash in Hands of Accountants – This relates to three cheques received by the Joint Liquidators shortly before their formal appointment
- 2 6 Tax Refund – This relates to a tax refund due to the Company.
- 2 7 To assist in the conduct of the Liquidation the Joint Liquidators have given instructions to the following professional advisors on the fee basis as indicated The choice of advisers and agents was based on the Joint Liquidators knowledge of the professional advisors' experience and known ability to perform the type of work to be undertaken and also taking into account the complexity and nature of the assignment and the basis of their fee arrangements

Name of Solicitor or Agent	Work Undertaken	Basis of Fee Arrangement	Fees Incurred/ Paid £
Ellis Willis & Beckett	Valuation Fee	Fixed fee	200 00
Willis	Specific Bond	Risk based premium	264 00

### 3. INVESTIGATIONS

- 3 1 Shortly after appointment, the Joint Liquidators made an initial assessment of whether there could be any matters that might lead to recoveries for the estate and what further investigations may be appropriate This assessment took into account information provided by creditors either at the initial meeting or as a response to their request to complete an investigation questionnaire The Joint Liquidators investigations have not revealed any issues requiring further report
- 3 2 The Joint Liquidators have a statutory obligation to submit a report on the director's conduct to the Insolvency Service and I confirm that this report has been submitted The contents of this report are confidential therefore cannot be disclosed to creditors

### 4. JOINT LIQUIDATORS' EXPENSES AND DISBURSEMENTS

Below is a summary of the disbursements incurred during the period of this report



Category 1 Disbursements	£	Category 2 Disbursements	£
		Company & Money	
		Laundering Searches	55 00
		Business mileage	122 06
		Postage	285 67
		Registered Office	175 00
			<hr/>
<b>Total</b>		<b>Total</b>	637 73
			<hr/>

**Category 1 Disbursements:** Payment of specific expenditure which generally comprise of external supplies and services specifically identifiable to the case which can be made without approval from creditors

**Category 2 Disbursements:** Payments to the Joint Liquidators or any party that is an associate of the Joint Liquidators which generally comprise of disbursements for services provided by the Joint Liquidators' firm. Approval for the re-charge of Category 2 disbursements charged by this firm was obtained at the first meeting of creditors

## 5. JOINT LIQUIDATORS' REMUNERATION

- 5.1 An analysis of the Joint Liquidators' time costs for the period covered by this report is attached at Appendix B
- 5.2 At the first meeting of creditors held on 2 October 2013 it was resolved by the general body of creditors that the Joint Liquidators' remuneration was to be calculated by reference to the time properly spent by the Joint Liquidators and their staff in carrying out their functions, dealing with all matters arising during the course of the winding-up and based on their normal time costs chargeable in insolvency matters
- 5.3 Fees accruing during the first 12 month period covered by this report are shown in the table below together with the fees drawn and the balance of unbilled time costs which remain outstanding. The Joint Liquidators will draw any agreed outstanding fees during the next period

	Time Costs Incurred £	Fees Drawn £	Balance Due £
Period covered by report - 2 October 2013 to 1 October 2014	22,666 50	22,390 00	276 50

5 4 The principal areas of time incurred during the period of this report have been -

- Issuing the appropriate instructions to agents to value the Company assets,
- Identifying and extracting from the Company's records all the necessary documentation to facilitate the collection of the outstanding book debts due to the Company Dealing with all debtor queries arising from the collection of the outstanding debts,
- Issuing and processing various documentation in respect of claims made by the Company's former employees for outstanding wages, holiday pay, redundancy and lieu of notice payments Communicating with the Department of Business, Innovation and Skills answering queries regarding employees claims from the Company's records and agreeing the department's preferential and non-preferential claims in the Liquidation proceedings,
- Corresponding and dealing with the issues relevant to the secured creditor(s),
- Preparation and submission of outstanding Value Added Tax returns up to the date of Liquidation to agree the claim of H M Revenue & Customs,
- Preparation and submission of outstanding Corporation Tax Returns and PAYE Returns up to the date of Liquidation to enable H M Revenue and Customs to lodge their claim in Liquidation proceedings,
- Identifying any antecedent transactions and conducting an investigation thereof and where appropriate issuing instructions to solicitors to pursue the Company's claim through the Courts,
- Preparation and submission of the statutory report on the conduct of the Directors pursuant to the requirements of the Company Directors Disqualification Act 1986,
- Agreeing and admitting of creditors' claims,
- Dealing with all statutory requirements pursuant to the Insolvency Act and Rules and reporting to shareholders and creditors

5 5 A Creditors' Guide to Fees is available and provides explanations of creditors' rights. This can be accessed via the Internet at [www.thepandagroup.co.uk/requirements](http://www.thepandagroup.co.uk/requirements) or alternatively a copy can be requested by telephoning The P&A Partnership Limited Help Desk +44 (0)114 275 5033

5 6 A secured creditor; or any unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (or with permission of the Court), has a period of twenty-one days from the date of this progress report to request further information in respect of the Joint Liquidators' remuneration and expenses

5 7 Any secured creditor, or any unsecured creditor with the concurrence of at least 10% in value of the creditors, including that creditor (or with the permission of the Court), may make an application to the Court on the grounds that, the remuneration charged by the

Joint Liquidators, or the basis fixed for the Joint Liquidators' remuneration, or the expenses incurred by the Joint Liquidators are excessive. Such an application to the Court must be made within eight weeks of the date of receipt of the progress report.

- 5.8 The Joint Liquidators have not utilised the services of any sub-contractors during the period of the Liquidation.

## 6. DEBENTURE HOLDER & SECURED CREDITORS

- 6.1 To secure the bank borrowings the Company granted a debenture to HSBC Bank plc dated 22 October 1993, which created fixed and floating charges over the whole of the Company's undertaking. The debt to the secured creditor at the date of Liquidation totalled £24,941 with interest accruing under the terms of the charge.

- 6.2 There has been no repayment to the debenture holder.

- 6.3 Pursuant to Section 176A of the Insolvency Act 1986, if the Company has entered into a floating charge on or after the 15 September 2003 then the Joint Liquidators are required to set aside a fund called the Prescribed Part from the net realisation of assets subject to the floating charge, for distribution to the unsecured creditors. However, as the floating charge registered against the Company is before the 15 September 2003 there can be no Prescribed Part set aside for the benefit of unsecured creditors.

## 7. PREFERENTIAL CREDITORS

- 7.1 The Company's statement of affairs did not reveal any creditors having preferential status and no preferential claims have been received during the course of the Liquidation.
- 7.2 The category of preferential claims is defined in the Insolvency Act 1986 and mainly relate to employees who are owed outstanding wages and holiday pay. In turn these claims can be paid by the Department for Business, Innovation & Skills (BIS) under the various employment protection acts and BIS will then make a claim in the insolvency proceedings.
- 7.3 The table below compares the preferential creditors' claims estimated on the Company's Statement of Affairs at the date of Liquidation, with the claims received to date and a projection of the total amount of claims anticipated.

Amount of Preferential Claims on Statement of Affairs	£5,898
Amount of Preferential Claims received to date	£5,469
Number of Preferential Claims yet to be submitted	0
Estimated Amount of Preferential Claims yet to be received	£0
Projection of anticipated total Preferential Claims	£5,469

## 8. UNSECURED CREDITORS

- 8 1 The table below compares the unsecured creditors' claims estimated on the Company's Statement of Affairs at the date of Liquidation, with the claims received to date and a projection of the total amount of claims anticipated

Amount of Unsecured Claims on Statement of Affairs	£284,889
Number of Unsecured Claims received to date	23
Amount of Unsecured Claims received to date	£287,375
Number of Unsecured Claims yet to be submitted	38
Estimated Amount of Unsecured Claims yet to be submitted	£11,929
Projection of anticipated total Unsecured Claims	£299,304

## 9. ESTIMATED OUTCOME FOR CREDITORS

- 9 1 The assets realised to date are insufficient to make a distribution to any class of creditor

## 10. CONCLUSION

- 10 1 Due to the significant reduction in the value of assets as explained at 2 3 above, it is unlikely there will be a dividend to the non-preferential creditors. The remaining debts will be pursued and the case closed.

## 11. FUTURE REPORTING

- 11 1 The Joint Liquidators are required to provide creditors with an annual progress report within two months of the anniversary of the Liquidation. Should the Liquidation have been completed prior to the anniversary then a draft final report will be issued prior to the convening and holding of the final meeting of creditors.



**John Russell**  
**Joint Liquidator**

Our Ref A149013/JR/j/LH/L

**A G N Fencing Limited**  
**(In Liquidation)**

**JOINT LIQUIDATORS' RECEIPTS AND PAYMENTS ACCOUNT**

	Statement of affairs £	From 02/10/2013 To 01/10/2014 £
<b>RECEIPTS</b>		
Plant & Machinery	50,000 00	0 00
Motor Vehicle	22,000 00	0 00
Stock	8,000 00	0 00
Book Debts	50,000 00	22,950 99
Tax Refund		6,199 64
Cash in Hands of Accountants	4,430 00	4,497 48
Bank Interest Gross		1 93
		<hr/> 33,650 04
<b>PAYMENTS</b>		
Specific Bond		264 00
Statement of Affairs Fee		5,000 00
Office Holders Fees		22,390 00
Incidental Outlay		637 73
Agents/Valuers Fees		200 00
Statutory Advertising		226 11
		<hr/> 28,717 84
Net Receipts/(Payments)		4,932 20
 <b>MADE UP AS FOLLOWS</b>		
VAT Receivable		68
Bank Balance		4,284 20
VAT Control Account		820 00
Funds due to third party		<hr/> (240 00)
		4,932 20

A149O13      A G N Fencing Limited

31 October 2014

**SIP 9 - Time & Cost Summary**

Period 02/10/13 01/10/14

## Time Summary

Classification of work function	Hours					Time Cost (£)	Average hourly rate (£)
	Partner	Manager	Other Senior Professionals	Assistants	Total Hours		
Administration & planning	11 40	10 40	19 20	12 70	53 70	10,335 80	192 47
Investigations	1 20	0 00	0 00	0 30	1 50	414 00	276 00
Realisations of assets	4 80	4 50	39 60	1 40	50 30	5,867 00	116 64
Trading	0 00	0 00	0 00	0 00	0 00	0 00	0 00
Creditors	1 80	10 40	4 80	12 20	29 20	4,407 30	150 93
Case specific matters	0 00	1 50	6 40	0 00	7 90	1,642 40	207 90
Pre Sip9 Time Recording	0 00	0 00	0 00	0 00	0 00	0 00	0 00
Total Hours	19 20	26 80	70 00	26 60	142 60	22,666 50	158 95
Total Time Cost (£)	6,432 00	6,351 50	8 819 00	1,064 00			

## APPENDIX C

### Creditors Guide to the Fees, Expenses and Disbursements charged by The P&A Partnership Limited Rates applicable from the 1<sup>st</sup> March 2014

#### Insolvency Practitioners at the P&A Partnership Limited

John Russell, Andrew Philip Wood, Gareth David Rusling and Ashleigh William Fletcher are all licensed by the Insolvency Practitioners Association of Valiant House, 4-10 Heneage Lane, London, EC3A 5DQ. Derek Ewan Simpson is licensed by The Institute of Chartered Accountants of Scotland of CA House, 21 Haymarkets Yard, Edinburgh EH12 5BH.

#### Insolvency Practitioners Fees

The Insolvency Rules 1986 entitles the Insolvency Practitioner to receive remuneration for his services and sets out the basis of how such remuneration shall be fixed which includes a percentage of the assets realised and monies distributed to creditors, a set amount, by reference to the time properly given by the office holders, their Directors and staff in attending to matters arising, or one or more of the above bases and different basis may be fixed for different things. Where it has been agreed by resolution of the secured creditors, a creditor's committee or creditors generally, that the office holders remuneration will be calculated by reference to a time basis, then such remuneration will be calculated in units of 6 minutes at the following hourly standard rates -

Grade	Total Hourly Standard Rates	Total Hourly Complex Rates
	£	£
Directors ( London)	450	600
Directors	335	495
Associate	335	495
Senior Managers	305	345
Cashier Managers	290	
Human Resources Managers	290	
Managers	230	
Cashiers	230	
Senior Administrators	230	
Human Resources Administrators	191	
Administrators	191	
Junior Administrators	75	
Assistants	40	

These are our current hourly charge out rates and are exclusive of value added tax. Rates are reviewed annually and creditors will be advised of any alteration thereto. In cases of exceptional complexity or risk, the insolvency practitioner reserves the right to obtain authority from the secured creditors, creditor's committee or the creditors generally, that their remuneration on such time as is agreed shall be charged on the above higher hourly complex rate.

## **Debt Collection, Contested Asset Recovery and Related Services**

Contested debt collection will be referred to P&A Receivables Services PLC, an associated Company of The P&A Partnership Limited and its dedicated legal firm James Peters & Co. The fees of P&A Receivables Services PLC shall be charged by reference to the time properly given by their staff, such fees will be calculated in units of 6 minutes at the hourly rate of £80. P&A Receivable Services PLC may also be used to recover items such as plant and machinery, to locate debtors and to serve documents. The fees for work of this nature will be calculated in accordance with P&A Receivables Services PLC's standard rates. James Peters & Co fees will be charged by reference to time costs properly incurred, calculated in 6 minute units at an hourly rate of between £109 and £213, plus their disbursements. These fees are in accordance with the guideline rates for summary assessment of costs following consultation between the legal profession and the Designated Civil Judge and are typical of legal firms in this geographical area.

## **Expenses and Disbursements**

The payment of **Category 1** disbursements will be a charge against the estate to recover the actual cost of the disbursement paid out in respect of the administration of the estate. All circulars will be sent out by first class post and the actual postage costs will be charged as an expense to the estate. A separate amount will be charged by way of an expense to recover the cost of **Category 2** disbursements for services provided by the insolvency practitioner's firm. Category 2 disbursements will include storage of company's books and records at the insolvency practitioner's own storage facility. The books and records will be stored in banker's boxes and a storage fee will be charged at the rate of £7.50 per box per month. This charge covers the transportation of records from the company's premises, storage, retrieval of books and records in storage for administration purposes and the destruction of such books and records after the first anniversary of the completion of the insolvency administration. The recharge for company searches and electronic identification procedures for all new clients will depend on the documentation requested. Travelling by motor vehicle on business for the administration of the insolvency will be charged to the estate per mile at the appropriate rate currently published by the "AA" for the type of vehicle and engine size used. All circulars will be sent out by first class post and the actual postage costs will be charged as an expense to the estate.

## **Introduction to Lending Sources**

The P&A Partnership Limited may make referrals to P&A Lender Services Ltd ('PALS') being an associated Company. PALS and its authorised representatives are not authorised under the Financial Services and Markets Act 2000 or by the Financial Services Authority to provide specific investment advice but they may be able to introduce funding seeking parties ('FSP's') to one or more reputable lending services ('Lender').

In such circumstances where any party associated with the referral is subsequently subject to any formal insolvency procedure and the Directors of The P&A Partnership Limited are appointed office holders in relation to any formal insolvency, then any arrangement fees or commissions or payments becoming due to PALS (if any) from any Lender in respect of the acquisition or future trading of the business and assets of the insolvent party, will be paid into the realisation fund in the formal insolvency for the benefit of creditors.