

LIQ03

Notice of progress report in voluntary winding up



Companies House

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

1	Company details	
Company number	0 1 3 1 1 9 3 8	→ Filling in this form Please complete in typescript or in bold black capitals.
Company name in full	Arena Leisure Enterprises Limited	
2	Liquidator's name	
Full forename(s)	Stephen	
Surname	Katz	
3	Liquidator's address	
Building name/number	Pearl Assurance House	
Street		
Post town	319 Ballards Lane	
County/Region	London	
Postcode	N 1 2 8 L Y	
Country		
4	Liquidator's name ①	
Full forename(s)		① Other liquidator Use this section to tell us about another liquidator.
Surname		
5	Liquidator's address ②	
Building name/number		② Other liquidator Use this section to tell us about another liquidator.
Street		
Post town		
County/Region		
Postcode		
Country		

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6 Period of progress report

From date	^d 0	^d 5	^m 0	^m 1	^y 2	^y 0	^y 2	^y 3
To date	^d 0	^d 4	^m 0	^m 1	^y 2	^y 0	^y 2	^y 4

7 Progress report

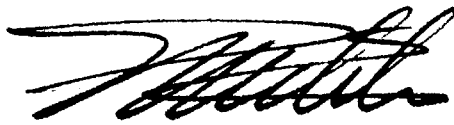
☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

^d 3	^d 0	^m 0	^m 1	^y 2	^y 0	^y 2	^y 4
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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 **Rhiannon McColl**

Company name **Begbies Traynor (London) LLP**

Address **Pearl Assurance House**

319 Ballards Lane

Post town **Finchley**

County/Region **London**

Postcode **N 1 2 8 L Y**

Country

DX

Telephone **020 8343 5900**

**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

Arena Leisure Enterprises Limited (In Members' Voluntary Liquidation)

Progress report

Period: 5 January 2023 to 4 January 2024

Important Notice

This report has been produced solely to comply with our statutory duty to report to members of the Company pursuant to Section 92A of the Insolvency Act 1986. This report is private and confidential and may not be relied upon, referred to, reproduced or quoted from, in whole or in part, by members for any purpose other than this report to them, or by any other person for any purpose whatsoever.

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1. INTERPRETATION

<u>Expression</u>	<u>Meaning</u>
"the Company"	Arena Leisure Enterprises Limited (In Members' Voluntary Liquidation)
"the liquidator", "I", "my" and "me"	Stephen Katz of Begbies Traynor (London) LLP, Pearl Assurance House, 319 Ballards Lane, Finchley, London, N12 8LY
"the Act"	The Insolvency Act 1986 (as amended)
"the Rules"	The Insolvency (England and Wales) Rules 2016 (as amended)
"secured creditor" and "unsecured creditor"	Secured creditor, in relation to a company, means a creditor of the company who holds in respect of his debt a security over property of the company, and "unsecured creditor" is to be read accordingly (Section 248(1)(a) of the Act)
"security"	(i) In relation to England and Wales, any mortgage, charge, lien or other security (Section 248(1)(b)(i) of the Act); and (ii) In relation to Scotland, any security (whether heritable or moveable), any floating charge and any right of lien or preference and any right of retention (other than a right of compensation or set off) (Section 248(1)(b)(ii) of the Act)
preferential creditors	Any creditor of the Company whose claim is preferential within Sections 386, 387 and Schedule 6 to the Act

2. COMPANY INFORMATION

Trading name(s):	N.A
Company registered number:	01311938
Company registered office:	Pearl Assurance House, 319 Ballards Lane, London, N12 8LY
Former trading address:	Arena Essex Raceway, A1306 Arterial Road, Purfleet, Essex, RM19 1AE

3. DETAILS OF APPOINTMENT OF LIQUIDATORS

Date winding up commenced:	5 January 2018
Date of liquidators' appointment:	5 January 2018
Changes in liquidator (if any):	None

4. PROGRESS DURING THE PERIOD

Receipts and Payments

Attached at Appendix 1 is my abstract of receipts and payments account for the period from 5 January 2023 to 4 January 2024, which is explained further below. Also attached at Appendix 1 is a cumulative receipts and payments account for the period since my appointment, further details of which are provided in my previous report dated 22 February 2023.

Receipts

Bank interest gross

The funds in hand are held in an interest bearing account with a High Street bank in my name as Liquidator of the Company.

Interest earned on the funds held during the course of the Liquidation totals £604.82, with £94.72 being received in the period under review.

Payments

There have been no payments made during the period under review.

What work has been done in the period of this report, why was that work necessary and what has been the financial benefit (if any) to members?

Details of the types of work that generally fall into the headings mentioned below are available on our firm's website - <http://www.begbies-traynorgroup.com/work-details> Under the following headings we have explained the specific work that has been undertaken on this case. Not every piece of work has been described, but we have sought to give a proportionate overview which provides sufficient detail to allow members to understand what has been done, why it was necessary and what financial benefit (if any) the work has provided to members.

The costs incurred in relation to each heading are set out in the Time Costs Analysis which is attached at Appendix 2. The details below relate to the work undertaken during the course of the Liquidation.

General case administration and planning

As part of any Liquidation process, the Liquidator must adhere to various statutory requirements in accordance with the insolvency legislation. These practical tasks are necessary but do not provide any financial benefit to the shareholders. During the period under review, time has been spent by myself and I as follows:-

- Opening, maintaining and managing the Liquidation estate cashbook, bank accounts.
- IPS set-up - Creation and update of case files on the firm's insolvency software which include Company information, creditors, debtors and employees' details.

Compliance with the Insolvency Act, Rules and best practice

- Complying with statutory duties in respect of the Liquidator's specific penalty bond.
- Dealing with all pre and post-appointment corporation tax compliance.
- Periodic case progression reviews (typically at the end of month one and every six months thereafter). Although these reviews are not a legal requirement, Regulatory Bodies who monitor the work of the Liquidator see this task as a best practice requirement with which the Office Holder is required to comply.
- Preparing and issuing this progress reports to Members.
- Lodging periodic returns with the Registrar of Companies for the Liquidation.

The above matters have no financial benefit, however they are a statutory requirement.

Other matters which includes meetings, tax, litigation, pensions and travel

You may recall from my previous progress reports that HMRC have opened an enquiry into various aspects of the Corporation Tax returns for the pre appointment period, with particular reference to the calculation of the capital gain on the disposal of the company's freehold property. Until this matter has been resolved, HMRC will not remit any repayments owed to the Company or provide pre liquidation tax clearance.

During the period under review, my staff and I have continued to monitor the progress in respect of the HM Revenue & Customs ("HMRC") enquiry and the repayment of £342,806.49 due to the Company. This matter has become protracted, and the matter is ongoing. Until this has been resolved, HMRC will not remit any repayments to the Company or provide the necessary tax clearance in order to conclude the Liquidation.

5. CREDITORS

As in any liquidation, in a Members' Voluntary Liquidation, creditors are required to prove their claims and the liquidators must examine the proofs and the particulars of the claims and admit them, in whole or in part, or reject them. The liquidators must then settle the priorities of the creditors (as between secured, preferential, secondary preferential and unsecured creditors) before paying them in full with statutory interest.

During the course of the Liquidation, all claims received by creditors have been settled in full.

6. DISTRIBUTIONS TO MEMBERS

No distributions have been declared during the period under review.

The following distributions have been declared during the course of liquidation and represent a total return of capital of £78,850 per ordinary share of £1 each.

- A first interim distribution of £6,700,000 was declared on 5 January 2018, representing a return of £67,000 per £1 ordinary share.
- A second interim distribution of £350,000 was declared on 16 February 2018, representing a return of £3,500 per £1 ordinary share.
- A third interim distribution of £280,000 was declared on 27 April 2018, representing a return of £2,800 per £1 ordinary share.
- A fourth interim distribution of £500,000 was declared on 14 January 2019, representing a return of £5,000 per £1 ordinary share.
- A fifth interim distribution of £55,000 was declared on 30 March 2021, representing a return of £550 per £1 ordinary share.

7. REMUNERATION & EXPENSES

The Company, by Written Resolutions, approved that the basis of my remuneration as Liquidator be a time costs basis, with my initial fee for placing the Company into Liquidation and attending to matters arising on the winding up to be capped at £15,000 plus VAT.

As previously reported, due to factors beyond our control, additional time has had to be spent by my staff and I in dealing with this case, and it has had to remain open longer than anticipated. This has resulted in five annual reports having to be produced in order to meet statutory compliance requirements. Accordingly, as addressed in my previous progress reports, after discussions with the shareholders, I was authorised to draw an additional fee of £10,000 plus VAT to cover my time costs.

In accordance with the approval, I have drawn fees totalling £25,000 plus VAT.

Time Costs Analysis

The following further information in relation to our time costs and expenses is set out at Appendix 2:

- ❑ Time Costs Analysis for the period 5 January 2023 to 4 January 2024;
- ❑ Cumulative Time Costs Analysis for the period 5 January 2018 to 4 January 2024; and
- ❑ Begbies Traynor (London) LLP's charging policy

The Time Costs Analysis' for the period of this report and the cumulative period since my appointment is attached at Appendix 2. This shows the time spent by each grade of staff on the different types of work involved in the case, and gives the total costs and average hourly rate charged for each work type.

My firm's time costs for the period under review amount to £2,661. This represents 9:42 hours at an average rate of £274.33 per hour.

My firm's cumulative time costs for the period from 5 January 2018 to 4 January 2024 amount to £41,613.50. This represents 172:36 hours and an average rate of £241.10 per hour.

Unfortunately, HMRC's enquiries are ongoing and have taken longer than anticipated to finalise, resulting in further time being spent by my staff and I in attending to both additional statutory and practical compliance procedures in addition to the time spent liaising with HMRC. Accordingly, upon receipt of the repayment from HMRC, I will need to agree a final fee with the shareholders of the Company.

8. LIQUIDATORS' EXPENSES

There have been no expenses incurred or paid during the period under review.

A cumulative statement showing the total expenses incurred since the date of our appointment is attached at Appendix 3.

9. ASSETS THAT REMAIN TO BE REALISED AND WORK THAT REMAINS TO BE DONE

Due to the ongoing enquiries and outstanding repayment due to the Company, HMRC are not yet in a position to provide pre or post liquidation tax clearance which is required in order to conclude my administration of the Liquidation. We are currently experiencing extreme delays from HMRC in respect of both matters, however, we are continuing to chase this on a regular basis and once received, the Liquidation will be concluded. We have recently been advised by HMRC that they will no longer be providing tax clearances in solvent liquidations so this case will simply need to remain open until such time as the ongoing HMRC enquiries are resolved. In the meantime, we will continue to administer any statutory compliance tasks required.

On this engagement, the work listed below, which is required to comply with the Statute and best practice, does not hold a direct commercial benefit to shareholders except to the extent that these tasks ensure this particular engagement is dealt with to the standards expected and also in a timely fashion.

General case administration and progression

Whilst the liquidation remains open, I have to perform the following tasks:-

- Update of case compliance checklists;
- Dealing with correspondence (physical and electronic) that is considered routine in the context of the engagement and otherwise does not directly fall into other categories;
- Ensure time recording data is compliant with Insolvency Regulations and the Statement of Insolvency Practice 9;
- Maintenance of case on the Liquidator's computer systems;
- Administrative tasks such as bank account reconciliations and case file reviews;
- Case management and planning;
- Internal case meetings and
- Costs and expenses management and review.

Compliance with the Insolvency Act, Rules and best practice

- Periodically reviewing the adequacy of the specific penalty bond;
- Submission of forms to Companies House;
- Maintain an accurate account of receipts and payments;
- Complying with the requirements of the Insolvency Act and Insolvency Rules; and
- Preparing information for the Annual Progress Report to members including detailed costs and expenses review and analysis.

Other matters which includes meetings, tax, litigation, pensions and travel

- Annual and Final Corporation Tax returns;
- Periodic submission of relevant VAT returns, as applicable; and
- Seeking closure clearance from HM Revenue & Customs once the case has been finalised.

Closure

- Preparing, reviewing and issuing the Final Report to members;
- Filing of final return at Companies House; and
- Update physical and electronic case records following closure.

How much will this further work cost?

It is hard to estimate the future costs as this is dependent on the ongoing enquiries with HMRC, however I would estimate that the costs anticipated to be incurred in liaising with HMRC and the Company's accountant in respect of the group undertaking and preparing the case for closure, to include circulating the final report to the member will be in region of £5,000.

Expenses

No further expenses are anticipated.

10. OTHER RELEVANT INFORMATION

Use of personal information

Please note that in the course of discharging our statutory duties as liquidators, we may need to access and use personal data, being information from which a living person can be identified. Where this is necessary, we are required to comply with data protection legislation. If you are an individual and you would like further information about your rights in relation to our use of your personal data, you can access the same at <https://www.begbies-traynorgroup.com/privacy-notice>. If you require a hard copy of the information, please do not hesitate to contact us.

11. MEMBERS' RIGHTS

Right to request further information

Pursuant to Rule 18.9 of the Rules, within 21 days of the receipt of this report a member or members of the Company with at least 5% of the voting total rights of all the members having the right to vote at general meetings of the Company (or any member or members with less than 5% of the total voting rights, but with the permission of the court) may request in writing that we provide further information about our remuneration or expenses which have been incurred during the period of this progress report.

Right to make an application to Court

Pursuant to Rule 18.34 of the Rules, within 8 weeks of receipt of this progress report any member or 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 any member, or members with less than 10% of the total voting rights, but with the permission of the Court) may make an application to court on the grounds that the remuneration charged or the expenses incurred during the period of this progress report are excessive or, the basis fixed for our remuneration is inappropriate.

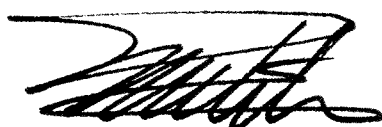
Obtaining information on the remuneration of liquidators and the payment of expenses

The basis of remuneration for acting as liquidators was sought following appointment. Notwithstanding this, beneficiaries of the surplus are able to seek information on their rights in relation to the remuneration and the payment of expenses and can obtain a copy of 'Begbies Traynor Guide for Shareholders. A Guide to the Liquidators' fees – England and Wales' on our website at <https://www.begbies-traynorgroup.com/services-to/shareholders>

Alternatively, if you require a hard copy of the guide, please contact our office and a copy will be sent to you.

12. CONCLUSION

We will report again in approximately twelve months' time or at the conclusion of the liquidation, whichever is the sooner.



Stephen Katz
Liquidator

Dated: 27 February 2024

ARENA LEISURE ENTERPRISES LIMITED - IN LIQUIDATION
LIQUIDATOR'S RECEIPTS AND PAYMENTS ACCOUNT
FOR THE PERIOD FROM 5 JANUARY 2018 TO 4 JANUARY 2024

	<u>Realised</u> <u>to date</u> £	<u>YE</u> <u>4-Jan-24</u> £
Balance brought forward		7,905,318.07
<u>Receipts</u>		
Cash at Bank	6,133,803.25	-
Deferred funds on Sale of Land	999,982.00	-
VAT Refund	85,249.13	-
Shareholder loans and advances	719,002.65	-
Bank Interest Gross	604.82	94.72
	<u>7,938,641.85</u>	<u>7,905,412.79</u>
<u>Payments</u>		
Liquidation fee	5,613.00	-
Specific Bond	960.00	-
Statutory Advertising	253.80	-
Professional Fees	6,675.00	-
Bank charges	330.00	-
Office Holder's Fees	19,387.00	-
Corporation Tax	10.26	-
	<u>33,229.06</u>	<u>-</u>
<u>Funds available for distribution</u>	7,905,412.79	<u>7,905,412.79</u>
<u>Less: DISTRIBUTIONS</u>		
Unsecured Creditors: 100p in the £		
Trade & Expense	(7,158.82)	
	<u>7,898,253.97</u>	
<u>Ordinary shareholders 100 Ordinary Shares of £1</u>		
1st Distribution declared and paid on 5 January 2018	£67,000.00 per £1 ordinary share	6,700,000.00
2nd Distribution declared and paid on 16 February 2018	£3,500.00 per £1 ordinary share	350,000.00
3rd Distribution declared and paid on 27 April 2018	£2,800.00 per £1 ordinary share	280,000.00
4th Distribution declared and paid on 14 January 2019	£5,000.00 per £1 ordinary share	500,000.00
5th Distribution declared and paid on 30 March 2021	£550.00 per £1 ordinary share	55,000.00
		<u>(7,885,000.00)</u>
<u>Balance in hand</u>		<u>13,253.97</u>
<u>Represented by:-</u>		
Balance at bank		<u>13,253.97</u>

COSTS AND EXPENSES

- a. Time Costs Analysis for the period from 5 January 2023 to 4 January 2024;
- b. Cumulative Time Costs Analysis for the period from 5 January 2018 to 4 January 2024; and
- c. Begbies Traynor (London) LLP's charging policy.

SIP9 Arena Leisure Enterprises Limited - Members Voluntary Liquidation - 23A423.MVL : Time Costs Analysis From 05/01/2023 To 04/12/2024

Staff Grade	Consultant/Partner	Snr Mngr	Snr Admin	Admin	Support	Total Hours	Time Cost £	Average hourly rate £
General Case Administration and Planning	Case planning		0.1					
	Administration	0.5		2.8		3.8	905.00	238.16
	Total for General Case Administration and Planning:	0.5	0.8	2.8		4.2	1,043.00	248.33
	Appointment							0.00
Compliance with the Insolvency Act, Rules and best practice	Banking and Bonding	0.2	0.2	0.3	1.3	2.0	393.00	196.50
	Case Closure							0.00
	Statutory reporting and statement of affairs	0.9	1.2	0.5		2.9	958.00	330.34
	Total for Compliance with the Insolvency Act, Rules and best practice:	1.1	1.4	0.8	1.3	4.9	1,351.00	275.71
Other matters which includes meetings, tax, litigation, pensions and travel	Seeking decisions of creditors							0.00
	Meetings							0.00
	Other							0.00
	Tax	0.3				0.6	267.00	445.00
	Litigation							0.00
	Total for Other matters:	0.3				0.6	267.00	445.00
	Total hours by staff grade:	1.9	2.2	3.6	1.3	9.7		
	Total time cost by staff grade £:	346.50	649.00	720.00	195.00		2,661.00	
	Average hourly rate £:	495.00	295.00	200.00	150.00			274.33

Staff Grade	Consultant/Partner	Snr Mngr	Mngr	Snr Admin	Admin	Jnr Admin	Support	Total Hours	Time Cost £	Average hourly rate £
General Case Administration and Planning	Case planning		1.1			0.6	0.3	20.7	4,585.50	220.56
	Administration		3.5			4.9	6.5	42.3	10,057.00	237.75
	Total for General Case Administration and Planning:		4.6			5.5	6.8	63.0	14,622.50	232.10
	Appointment						0.3	0.3	48.00	160.00
Compliance with the Insolvency Act, Rules and best practice	Banking and Bonding					0.8	1.6	21.6	3,688.00	170.74
	Case Closure									0.00
	Statutory reporting and statement of affairs		2.0			0.8	5.0	26.8	6,914.00	257.99
	Total for Compliance with the Insolvency Act, Rules and best practice:		2.0			1.6	6.9	48.7	10,650.00	218.69
Realisation of assets	Debt collection							0.1	35.00	350.00
	Property, business and asset sales		1.8				0.1	3.9	1,237.00	317.18
	Retention of Title/Third party assets									0.00
	Total for Realisation of assets:		1.8				0.1	4.0	1,272.00	318.00
Dealing with all creditors claims (including employees), correspondence and distributions	Secured									0.00
	Others		1.4			0.3		3.5	1,235.50	353.00
	Creditors committee									0.00
	Total for Dealing with all creditors claims (including employees), correspondence and distributions:		1.4			0.3	0.1	3.5	1,235.50	353.00
Other matters which includes meetings, tax, litigation, pensions and travel	Seeking decisions of creditors									0.00
	Meetings		0.2					8.7	1,672.00	192.18
	Other									0.00
	Tax		6.7			2.9	6.9	44.7	12,161.50	272.07
	Litigation									0.00
	Total for Other matters:		6.9			2.9	6.9	53.4	13,833.50	259.05
	Total hours by staff grade:		16.7			10.3	20.7	172.6		
	Total time cost by staff grade £:		7,836.50			1,545.00	5,458.00		41,613.50	
	Average hourly rate £:		469.25			150.00	167.39			241.10

STATEMENT OF EXPENSES

There have been no expenses incurred during the period under review.

CUMULATIVE STATEMENT OF EXPENSES

Type of expense	Name of party with whom expense incurred	Amount incurred £	Amount discharged £	Balance (to be discharged) £
Expenses incurred with entities not within the Begbies Traynor Group				
Specific bond	Aon	£960.00	£960.00	-
Statutory advertising	Courts Advertising	£253.80	£253.80	-
Professional Fees	Rabbow & Co LLP	£6,675.00	£6,675.00	-

ADDITIONAL EXPENSES ANTICIPATED FOR FUTURE WORK

No further expenses are anticipated.