

# 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

01430643

Name of Company

Bewl Valley Sailing Club Limited

I / We

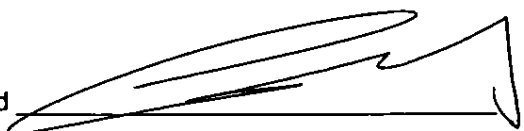
Christopher Latos, 44-46 Old Steine, Brighton, BN1 1NH

Susan Maund, 44-46 Old Steine, Brighton, BN1 1NH

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 06/10/2015 to 05/10/2016

Signed



Date

17 / 11 / 16

White Maund  
44-46 Old Steine  
Brighton  
BN1 1NH

Ref BEWCVL/CL/CL/NH/AG

FRIDAY



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COMPANIES HOUSE

# **Joint Liquidators' Annual Progress Report to Creditors & Members**

**Bewl Valley Sailing Club Limited  
- In Liquidation**

**White Maund  
44-46 Old Steine  
Brighton  
BN1 1NH**

**17 November 2016**

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## **BEWL VALLEY SAILING CLUB LIMITED - IN LIQUIDATION**

### **1 Introduction and Statutory Information**

- 1 1 I, Christopher Latos, together with Susan Maund, of White Maund, 44-46 Old Steine, Brighton, BN1 1NH, was appointed as Joint Liquidator of Bewl Valley Sailing Club Limited ("the Company") on 6 October 2015, following my appointment as Joint Administrator on 16 July 2015. This progress report covers the period from 6 October 2015 to 5 October 2016 ("the Period") and should be read in conjunction with any previous progress reports which have been issued.
- 1 2 The principal trading address of the Company was The Sailing Club, Bewl Water, Lamberhurst, Tunbridge Wells, Kent, TN3 8JH.
- 1 3 The registered office of the Company has been changed to White Maund, 44-46 Old Steine, Brighton, East Sussex, BN1 1NH, and its registered number is 01430643.

### **2 Progress of the Liquidation**

- 2 1 This section of the report provides creditors with an update on the progress made in the liquidation during the Period.
- 2 2 Attached at Appendix A is my receipts and payments account for the Period.
- 2 3 Further information about the basis of remuneration agreed in this case and the Joint Liquidators' fees estimate can be found in section 4 of this report, together with any relevant information about revisions to this estimate, where applicable.

#### ***Administration (including statutory compliance & reporting)***

- 2 4 The Joint Liquidators must comply with certain statutory compliance matters in accordance with The Insolvency Act 1986 and other related legislation. Details about the work I anticipated would need to be done in this area was outlined to creditors in my initial fees information.
- 2 5 Where the costs of statutory compliance work or reporting to creditors exceeds the initial estimate, it will usually be because the duration of the case has taken longer than anticipated, possibly due to protracted asset realisations, which have in turn placed a further statutory reporting requirement on the Joint Liquidators.

#### ***Realisation of Assets***

##### ***Book Debts***

- 2 6 The sum of £2,280 has been realised in respect of the book debts outstanding at the time the Company moved from administration.

##### ***Boats and Equipment***

- 2 7 I have received the sum of £104,513 in respect of the Company's boats and equipment which were realised by my agents.

## **BEWL VALLEY SAILING CLUB LIMITED - IN LIQUIDATION**

### *Rates Refund*

- 2 8 The sum of £305 has been realised in respect of a rates refund due from the council

### *Funds from Administration*

- 2 9 I would confirm that the sum of £9,424 was received in the administration period and was transferred to the subsequent liquidation

### *Creditors (claims and distributions)*

- 2 10 Further information on the anticipated outcome for creditors in this case can be found at section 3 of this report. The Joint Liquidators are not only required to deal with correspondence and claims from unsecured creditors (which may include retention of title claims), but also those of any secured and preferential creditors of the Company. This may involve separate reporting to any secured creditor and dealing with distributions from asset realisations caught under their security, most typically a debenture.
- 2 11 Claims from preferential creditors typically involve employee claims and payments made on behalf of the Company by the Redundancy Payments Service following dismissal.
- 2 12 The above work will not necessarily bring any financial benefit to creditors generally, however the Joint Liquidators are required by statute to undertake this work. Similarly, if a distribution is to be paid to any class of creditor, work will be required to agree those claims and process the dividend payments to each relevant class of creditor. The more creditors a company has, the more time and cost will be involved by the Joint Liquidators in dealing with those claims.
- 2 13 I consider the following matters worth noting in my report to creditors at this stage
- There are approximately 102 unsecured creditor claims in this case with a value per the director's statement of affairs of £204,376
  - I have dealt with the claims of 14 employees
  - I have received claims from preferential creditors totalling £6,584

### *Investigations*

- 2 14 Some of the work the Joint Liquidators are required to undertake is to comply with legislation such as the Company Directors' Disqualification Act 1986 ("CDDA 1986") and Statement of Insolvency Practice 2 – Investigations by Office Holders in Administration and Insolvent Liquidations and may not necessarily bring any financial benefit to creditors, unless these investigations reveal potential asset recoveries that the Joint Liquidators can pursue for the benefit of creditors.
- 2 15 I can confirm that I have submitted a report on the conduct of the directors of the Company to the Department for Business Innovation & Skills under the CDDA 1986. As this is a confidential report, I am unable to disclose the contents.

## BEWL VALLEY SAILING CLUB LIMITED - IN LIQUIDATION

- 2 16 Shortly after appointment, I 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 creditors' meetings or as a response to my request to complete an investigation questionnaire. My investigations have not revealed any issues requiring further report or any further potential recoveries which could be pursued for the benefit of creditors.

### 3 Creditors

#### *Preferential Creditors*

- 3 1 A summary of preferential claims is detailed below

Preferential claim	Agreed Claim £	Statement of Affairs Claim £	Dividend paid pence in the £1
Surplus Claims of 4 Employees	412	584	100p in the £1 paid
Redundancy Payments Service	6,172	6,398	100p in the £1 paid

#### *Unsecured Creditors*

- 3 2 I have received claims totalling £204,376 from 102 creditors. I have yet to receive claims from 81 creditors whose debts total £22,044 as per the director's statement of affairs.

### 4 Joint Liquidators' Remuneration

- 4 1 Where a company in administration subsequently moves into liquidation under Paragraph 83 of Schedule B1 to the Insolvency Act 1986 and the Joint Administrators become the Joint Liquidators, the basis of fees fixed in the earlier administration automatically transfers to the subsequent liquidation. On insolvency appointments after 1 October 2015, an Administrator can provide a fees estimate for the liquidation (if he envisages the Company will move into liquidation on exit from the administration) either with his proposals in the earlier administration or following his appointment as Joint Liquidator. In this case, the basis of my remuneration as Joint Liquidator was approved as a fixed fee of £25,000 plus VAT and disbursements.
- 4 2 The Joint Liquidators have drawn £25,000 against the total set fee agreed of £25,000 approved by creditors.
- 4 3 A copy of 'A Creditors' Guide to Liquidators' Fees' is available on request or can be downloaded from [www.icaew.com/en/technical/insolvency/creditors-guides](http://www.icaew.com/en/technical/insolvency/creditors-guides)
- 4 4 Attached as Appendices B and C is additional information in relation to the Joint Liquidators' fees, expenses and disbursements, including where relevant, information on the use of subcontractors and professional advisers.

**5 Creditors' Rights**

- 5 1 Within 21 days of the receipt of this report, a secured creditor, or an unsecured creditor (with the concurrence of at least 5% in value of the unsecured creditors) may request in writing that the Joint Liquidators provide further information about their remuneration or expenses which have been itemised in this progress report
- 5 2 Any secured creditor, or an unsecured creditor (with the concurrence of at least 10% in value of the unsecured creditors) may within eight weeks of receipt of this progress report make an application to court on the grounds that, in all the circumstances, the basis fixed for the Joint Liquidators' remuneration is inappropriate and/or the remuneration charged or the expenses incurred by the Joint Liquidators, as set out in this progress report, are excessive

**6 Next Report**

- 6 1 I am required to provide a further report on the progress of the liquidation within two months of the next anniversary of the liquidation, unless I have concluded matters prior to this, in which case I will write to all creditors with my final progress report ahead of convening the final meeting of creditors

Yours faithfully



Christopher Latos  
Joint Liquidator

**Bewl Valley Sailing Club Limited**  
**(In Liquidation)**

**Receipts and Payments Account for the Period from 6 October 2015 to 5 October 2016**

Statement of affairs £	From 06/10/2015 To 05/10/2016 £	From 06/10/2015 To 05/10/2016 £
<b>RECEIPTS</b>		
Book Debts	2,280 00	2,280 00
Licence Fee	600 00	600 00
Boats & Equipment	104,512 72	104,512 72
Funds From Administration	9,423 71	9,423 71
Bank Interest Gross	30 47	30 47
Bank Interest Net of Tax	1 62	1 62
Rates Refund	305 22	305 22
	<u>117,153 74</u>	<u>117,153 74</u>
<b>PAYMENTS</b>		
Specific Bond	237 00	237 00
Joint Liquidators' Remuneration	25,000 00	25,000 00
Joint Administrators' Pre-appointment Fee	1,000 00	1,000 00
Joint Administrators' Remuneration	32,660 00	32,660 00
SIA Group (Agents/Valuers Fees)	38,901 35	38,901 35
Sussex Payroll Services Fees	50 00	50 00
Charles Russell Speechlys Legal Fees	1,033 50	1,033 50
Retention of Title Creditor	300 00	300 00
Joint Administrators' Specific Bond	159 00	159 00
Statutory Advertising	68 20	68 20
Mileage	97 78	97 78
Travel	46 62	46 62
	<u>99,553 45</u>	<u>99,553 45</u>
Net Receipts/(Payments)	<u>17,600 29</u>	<u>17,600 29</u>
<b>MADE UP AS FOLLOWS</b>		
Interest Bearing Current A/C	10,850 39	10,850 39
VAT Receivable / (Payable)	6,749 90	6,749 90
	<u>17,600 29</u>	<u>17,600 29</u>

Note VAT on receipts and payments is accounted for net



## Appendix B

### Additional Information in Relation to the Joint Liquidators' Fees, Expenses & Disbursements

#### 1 Staff Allocation and the Use of Sub-Contractors

- 1.1 The general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case
- 1.2 The constitution of the case team will usually consist of a director, a manager, and an administrator or assistant. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and the experience requirements of the assignment
- 1.3 We have not utilised the services of any sub-contractors in this case

#### 2 Professional Advisors

- 2.1 On this assignment we have used the professional advisors listed below. We have also indicated alongside, the basis of our fee arrangement with them, which is subject to review on a regular basis

Name of Professional Advisor	Basis of Fee Arrangement
Charles Russel Speechlys (legal advice)	Hourly rate and disbursements
Buss Murton (legal advice)	Hourly rate and disbursements
SIA Group UK Limited (valuation and disposal advice)	% of realisations plus hourly rate and disbursements

- 2.2 Our choice was based on our perception of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of our fee arrangement with them

#### 3 Joint Liquidators' Expenses & Disbursements

- 3.1 The estimate of expenses (including disbursements) which were anticipated at the outset of the liquidation was provided to creditors when the basis of my fees were approved, a copy of which is set out below

Expense	Estimated cost £
Agents' costs	38,901
Solicitors' costs	1,844
Insurance	
Statutory advertising	277
Payroll Fees	Uncertain
Specific penalty bond	237
Re-direction of the Company's mail	
Case related travel & subsistence	4
Records disposal	130

**BEWL VALLEY SAILING CLUB LIMITED - IN LIQUIDATION**

<b>Category 2 disbursements charged by the firm.</b>	
Business mileage	256

**Current Position of Joint Liquidators' Expenses**

- 3.2 An analysis of the expenses paid to the date of this report, together with those incurred but not paid at the date of this report is provided below

	<b>Paid in the period covered by this report £</b>	<b>Incurred but not paid to date £</b>	<b>Total anticipated cost £</b>
Agents' costs	38,901	Nil	38,901
Solicitors' costs	1,034	810	1,844
Insurance	Nil	Uncertain	Nil
Statutory advertising	Nil	207	277
Specific penalty bond	Nil	237	Nil
Case related travel & subsistence	Nil	4	Nil
<b>Category 2 disbursements</b>			
Business mileage	Nil	256	Nil

## White Maund

### CHARGE OUT RATES & POLICY REGARDING THE RECHARGE OF DISBURSEMENT RECOVERY PURSUANT TO STATEMENT OF INSOLVENCY PRACTICE 9

#### 1 CHARGE-OUT RATES

Work undertaken on cases is recorded in 6 minute units in an electronic time recording system. Time properly incurred on cases is charged at the hourly rate of the grade of staff undertaking the work that applies at the time the work is done. Details of charge-out rates effective from 1 June each year are as follows:

Staff	2015 Per Hour (£)	2016 Per Hour (£)
Directors	275	275
Manager	195	220
Administrators	65 - 115	80 - 125
Assistants & Support Staff	65	70

#### 2 DISBURSEMENT RECOVERY

In accordance with Statement of Insolvency Practice 9 (SIP9) disbursements are categorised as either Category 1 or Category 2.

##### 2.1 Category 1 Disbursements

Category 1 disbursements will generally comprise external supplies of incidental services specifically identifiable to the case. Where these have initially been paid by White Maund and then recharged to the case, approval from creditors is not required. The amount recharged is the exact amount incurred. Category 1 disbursements can be drawn without prior approval, although an office holder should be prepared to disclose information about them in the same way as any other expenses.

Examples of Category 1 disbursements include postage, case advertising, specific bond insurance, company search fees, case management software system, invoiced travel and properly reimbursed expenses incurred by personnel in connection with the case. Also included will be services specific to the case where these cannot practically be provided internally such as printing, room hire and document storage.

##### 2.2 Category 2 Disbursements

Category 2 disbursements include elements of shared or allocated costs incurred by White Maund and recharged to the case; they are not attributed to the case by a third party invoice and/or they may include a profit element. Category 2 disbursements may be drawn if they have been approved in the same manner as an office holder's remuneration. When seeking approval, an office holder should explain, for each category of expenses, the basis on which the charge is being made. Examples of Category 2 disbursements are photocopying, all business mileage, internal room hire and internal storage.

The firm's current policy is that it recharges Category 2 disbursements as follows:

Expense	Recharge £
Destruction of books and records (per box)	3.50
Reports / Letters etc – per creditor	3.25
Correspondence – per debtor	2.00
Mileage at HMRC approved rate – per mile	0.45

All costs are subject to VAT, where applicable and reflect the actual cost of the materials or services used.