# 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

02051682

Name of Company

**ABC Environments Limited** 

We

Steven John Currie, The Old Barn, Caverswall Park, Caverswall Lane, Stoke on Trent, ST3 6HP Lindsey Cooper, 9th Floor, 3 Hardman Street, Manchester, M3 3HF

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

The Progress Report covers the period from 09/01/2015 to 08/01/2016

Signed

Date 2

Currie Young Limited The Old Barn Caverswall Park Caverswall Lane Stoke on Trent ST3 6HP

Ref AB077CVL/SJC/LB/JE

THURSDAY



A25 28/01/2016 COMPANIES HOUSE

#251

# ABC Environments Limited (In Liquidation) Joint Liquidators' Abstract of Receipts & Payments

Statement of Affairs	From 09/01/2015 To 08/01/2016
ASSET REALISATIONS	
Surplus Funds from Administration	332,161 11
Book Debts	3,717 83
	335,878 94
COST OF REALISATIONS	
Liquidators' Expenses	26 64
Debt Collection Commission	89,300 01
General Expenses	6,000 00
Legal Fees	900 00
Statutory Advertising	153 44
Bank Charges	60 16
	(96,440 25)
PREFERENTIAL CREDITORS	
RPO re Arrears/Holiday Pay	1,745 58
Employees - Arrears/Hol Pay	1,482 71
Tax and NI on Employee Claims	697 74
	(3,926 03)
	005 540 00
	235,512 66
REPRESENTED BY	
Bank 1 Current	235,512 66
	235,512.66

Steven John Currie Joint Liquidator Joint Liquidators'
Annual Progress
Report to Creditors &
Members

ABC Environments

Limited - In Liquidation

27 January 2016

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- 2 Realisation of Assets
- 3 Investigations
- 4 Creditors
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- 6 Joint Liquidators' Expenses
- 7 Creditors' Rights
- 8 Next Report

# **APPENDICES**

- A Receipts and Payments Account from 9 January 2015 to 8 January 2016
- B Time Analysis for the period 9 January 2015 to 8 January 2016
- C Additional Information in relation to Liquidator's fees pursuant to Statement of Insolvency Practice No 9

# 1 Introduction and Statutory Information

- I, Steven John Currie of Currie Young Limited, The Old Barn, Caverswall Park, Caverswall Lane, Stoke on Trent, ST3 6HP together with Paul Finnity of RSM Restructuring Advisory LLP, 9th Floor, 3 Hardman Street, Manchester, M3 3HF was appointed as Joint Liquidator of ABC Environments Limited (the Company) on 9 January 2015
- Further to the above, Paul Finnity was replaced by Lindsey Cooper of RSM Restructuring Advisory LLP, 9th Floor, 3 Hardman Street, Manchester, M3 3HF on 30 March 2015
- Please note that on 30 September 2015 the business and assets of the Begbies Traynor LLP
  Stoke office were purchased by Currie Young Limited Also, Baker Tilly Restructuring &
  Recovery LLP now trade as RSM Restructuring Advisory LLP
- 1 4 This report provides an update on the progress in the liquidation for the year ended 8 January 2016
- 1 5 The principal trading address of the Company was Technology House Unit 1, Congleton Business Park, Congleton, CW12 1LB
- The registered office of the Company has been changed to The Old Barn, Caverswall Park, Caverswall Lane, Stoke on Trent, ST3 6HP and its registered number is 02051682

# 2 Realisation of Assets

2 1 Attached at Appendix A is my Receipts and Payments Account for the period from 9 January 2015 to 8 January 2016

### Receipts

# Surplus funds from Administration

Upon our appointment the balance of funds held in the Administration was transferred to the Liquidation, this amounted to £332,161 11

# **Book Debts**

During the period the sum of £3,717 83 has been collected in respect of book debts due to the Company, there are no further collectable debts outstanding to the Company

# **Payments**

# Liquidators' Expenses

Since our appointment we have paid £33 20 plus VAT in respect of the expenses that we have incurred. Further information can be found later in this report.

# **Debt Collection Commission**

We have paid £89,300 01 plus VAT to ABC Collections Limited in respect of the 25% commission due to them from for the work that they carried out in collecting the book debts that were due to the Company. This commission rate was reported on by an independent chartered surveyor and agreed with the creditors committee

# General Expenses

We have paid £6,000 plus VAT in respect of general expenses that we have incurred since our appointment

# Legal Fees

Ashton Bond Gigg Solicitors were instructed to provide advice on a potential legal action that was available to us as Liquidators, they have been paid £900 plus VAT for this

# Statutory Advertising

We have paid £153 44 plus VAT in respect of advertising costs

# Bank Charges

We have incurred bank charges of £60 16 since our appointment

# 3 Investigations

- In accordance with the Company Directors Disqualification Act 1986 I have submitted a report on the conduct of the Directors of the Company to the Department for Business Innovation & Skills (BIS) As this is a confidential report, I am not able to disclose the contents
- 3 2 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 initial meeting or as a response to my request to complete an investigation questionnaire. My

investigations and legal advice received has led to no further action being required

# 4 Creditors

Secured Creditors

4 1 Barclays Bank plc holds a fixed and floating charge over the Company's assets At the date of the liquidation there was no indebtedness due to them

Preferential Creditors

4 2 A summary of preferential claims is detailed below

Preferential claim	Agreed Claim £	Dividend paid p in the £1
Employee claims (Total number of claims = 1)	2,180 45	100p in the £1 paid
Department for Business Innovation & Skills (BIS)	1,745 58	100p in the £1 paid

4.3 Preferential creditors were paid in full on 13 November 2015

**Unsecured Creditors** 

4.4 We are now finalising the claims of the unsecured creditors and will be looking to declare a first and final dividend shortly

# 5 Joint Liquidators' Remuneration

- We are yet to receive approval of the basis of our remuneration. Previously it had been for the creditors committee to approve this, however due to a member of the committee no longer acting, it has fallen below the minimum number of three members and ceases to exist
- In light of the above it is now for the main body of creditors to approve our remuneration basis

  Attached to this report is a notice of business by correspondence and two resolutions enabling you to vote
- We propose that the joint liquidators' remuneration be fixed by reference to the time properly given by them (as liquidators) and the various grades of their staff calculated at the prevailing hourly charge-out rates of their firms for attending to matters ansing in the winding up, details of which can be found at Appendix C

- We also propose to draw category 2 disbursements in accordance with our firms published tariffs
- The time costs for Begbies Traynor from 9 January 2015 to 30 September 2015 are £10,797 50.

  This represents 40 6 hours at an average rate of £265 95 per hour.
- The time costs for Currie Young Limited from 1 October 2015 to 8 January 2016 are £1,072 50.

  This represents 5 hours at an average rate of £214 50 per hour.
- The time costs for RSM Restructuring Advisory LLP from 9 January 2015 to 8 January 2016 are £16,772 50 This represents 75 7 hours at an average rate of £221 57 per hour
- Attached as Appendix B are breakdowns which provides details of the activity costs incurred by staff grade during this period in respect of the costs fixed by reference to time properly spent by us and our firms in dealing with the Liquidation
- During the Liquidation we have worked with ABC Collections Limited in collecting the final remaining book debts due to the Company. We have also concluded our investigations into the affairs of the Company and its directors.
  - We have also agreed and declared a dividend to the preferential creditors and we have now agreed the claims of the unsecured creditors and will be looking to declare a first and final dividend shortly
- Attached as Appendix C is additional information in relation to our firm's policy on staffing, the use of subcontractors, disbursements and details of our current charge-out rates by staff grade
- Since the date of our appointment we have incurred Category 1 disbursements of £101 40 which is made up of £95 bonding and £6 40 of storage costs
- 5 12 Since the date of appointment the following Category 2 disbursements have been incurred

Disbursement	Total amount incurred to date £	Amount incurred in this period £		Amount Outstanding £
Business mileage	6 56	6 56	-	6 56

# 6 Joint Liquidators' Expenses

The following table outlines the expenses that have been incurred to date since my appointment as Liquidator and during the period of this report

Supplier / Service Provider	Nature of expense incurred	Total amount incurred to date	incurred in	paid to date	Amount Outstanding
Ashton Bond Gigg Solicitors	Legal advice	900 00	900 00	900 00	<u>.                                      </u>

# 7 Creditors' rights

- 7 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 Liquidator provide further information about his remuneration or expenses which have been itemised in this progress report
- Any secured creditor, or an unsecured creditor (with the concurrence of at least 10% in value of the unsecured creditors) may within 8 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 Liquidator's remuneration is inappropriate and/or the remuneration charged or the expenses incurred by the Liquidator, as set out in this progress report, are excessive

# 8 Next Report

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

S J Currie Joint Liquidator

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# Appendix A

RECEIPTS AND PAYMENTS ACCOUNT FROM 9 JANUARY 2015 TO 8 JANUARY 2016

# ABC Environments Limited (In Liquidation) Joint Liquidators' Abstract of Receipts & Payments To 08/01/2016

S of A £	£	£
ASSET REALISATIONS		
Surplus Funds from Administration	332,161 11	
Book Debts	3,717 83	
		335,878 94
COST OF REALISATIONS		
Liquidators' Expenses	26 64	
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Tax and NI on Employee Claims	697 74	
		(3,926 03)
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		235,512.66
REPRESENTED BY		
Bank 1 Current		235,512 66
	•	235,512 66

# Appendix B

# TIME ANALYSIS FOR THE PERIOD 9 JANUARY 2015 TO 8 JANUARY 2016

- BEGBIES TRAYNOR
- CURRIE YOUNG LIMITED
- RSM RESTRUCTURING ADVISORY LLP

Begbies Traynor Time and Expenses Report - Summary

65AB077.CVL | CVL - ABC Environments Limited | From 09/01/2015 To 30/09/2015

	AdionGade	Parlmen	Director	Senton	Wanager	Senioridese	: <b>(2239)</b>	Support 8	Other	Total Honra	Trafeli@ast	AvolRefe
				· Manager		Administrator	Administrator	Cersification				
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र्गेट्रा क्रिय		6,715 00	000	620 00	230 00	1,942 50	297 00	693 00	00 0		10,797,50	

Currie Young Limited - SIP9 Time & Cost Summary - 1 October 2015 to 8 January 2016

AB077CVL - ABC Environments Limited Project Code POST From 01/10/2015 To 08/01/2016

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (E)
Admin & Planning	000	100	000	000	1 00	260 00	260 00
Case Specific Matters	0.00	0.50	00 0	000	0 20	97 50	195 00
Creditors	00 0	3.50	000	000	3 50	715 00	204 29
investigations	0000	000	0000	000	00 0	00 0	00 0
Realisation of Assets	0000	000	000	000	000	000	000
Trading	000	00 0	00 0	00 0	0000	000	00 0
Total Hours	00 0	9 00	00 0	00 0	55 GD	1,072 50	214 50
Total Fees Claimed						0 00	
Total Disbursements Claimed						0 0	

ABC Environments Limited in Liquidation Liquidators' SIP 9 time analysis for the period 9 January 2015 to 8 January 2016

Hours Spent  Administration and Planning  Appointment  Case Management  Post-appointment - general	Partners 0 1 2 2 0 3	Directors / Associate   Directors, Directors, 0 0	Managers:		Administratorsi J	Assistants & Support Staff	Total Hours	Total Time Costs  £ 39 50  £ 1,834 00	Average Rates 395 00 273 73
Pre-appointment matters Receipts and Payments Total Investigations Total Total	0 1 1 8 8 8 4 4 4 4 4 6 6 6 6 6 6 6 6 6 6 6 6	000 000	29		2 4 4 5 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0		1 8 4 4 4 4 4 6 6 6 6 6 6 6 6 6 6 6 6 6 6	£ 3,626 00 £ 1,110.50 £ 3,626 00 £ 1,680 00	286 67 258 26 274 70 420 00,
Realisation of Assets ROT/ Third Party Assets Total	000	000,	000	1000	400	000	004	£ 76 00 £ 76 00	190 00
Creditors Committee Employees Other Creditor Meetings and Reports Preferential Creditors Unsecured Creditors	23 000 000 000 000 000 000 000 000 000 0	000,0000	20, 00, 00, 70, 70,	000	000 000 003 37.4 42.9	000	4 4 3 0 0 7 0 0 7 8 8 1 1 2 8 8 1 1 1 1 1 1 1 1 1 1 1 1 1	£ 1,486 001 £ 133 00 £ 124 001 E 1,043 50 £ 8,604 00	345 58 190 00 155 00 179 91 185 03
Total Time Cost	114 £4,768 50	3.1. £930.00	119] £ 3,094 00.	0 7 . £ 133 00	48.3	03 £ 46 50	£ 16,772 50	£ 16,772 50	221 57
	114 £4,768.50 418 29	3 1 1 E 930 00 S	£ 3,094 00 260 00	£ 133 00 190 00	£ 7,800.50	E 46 50°	757 £ 16,772 50 221 57	£ 16,772.50	221 57

# Appendix C

# ADDITIONAL INFORMATION IN RELATION TO LIQUIDATOR'S FEES

# PURSUANT TO STATEMENT OF INSOLVENCY PRACTICE 9 (SIP9)

- BEGBIES TRAYNOR
- CURRIE YOUNG LIMITED
- RSM RESTRUCTURING ADVISORY LLP

# BEGBIES TRAYNOR CHARGING POLICY

# INTRODUCTION

This note applies where a licensed insolvency practitioner in the firm is acting as an office holder of an insolvent estate and seeks creditor approval to draw remuneration on the basis of the time properly spent in dealing with the case. It also applies where further information is to be provided to creditors regarding the office holder's fees following the passing of a resolution for the office holder to be remunerated on a time cost basis. Best practice guidance<sup>1</sup> requires that such information should be disclosed to those who are responsible for approving remuneration.

In addition, this note applies where creditor approval is sought to make a separate charge by way of expenses or disbursements to recover the cost of facilities provided by the firm. Best practice guidance<sup>2</sup> requires that such charges should be disclosed to those who are responsible for approving the office holder's remuneration, together with an explanation of how those charges are calculated

# OFFICE HOLDER'S FEES IN RESPECT OF THE ADMINISTRATION OF INSOLVENT ESTATES

The office holder has overall responsibility for the administration of the estate. He/she will delegate tasks to members of staff. Such delegation assists the office holder as it allows him/her to deal with the more complex aspects of the case and ensures that work is being carried out at the appropriate level. There are various levels of staff that are employed by the office holder and these appear below.

The firm operates a time recording system which allows staff working on the case along with the office holder to allocate their time to the case. The time is recorded at the individual's hourly rate in force at that time which is detailed below.

# EXPENSES INCURRED BY OFFICE HOLDERS IN RESPECT OF THE ADMINISTRATION OF INSOLVENT ESTATES

Best practice guidance classifies expenses into two broad categories

- Category 1 disbursements (approval not required) specific expenditure that is directly related to the case usually referable to an independent external supplier's invoice. All such items are charged to the case as they are incurred.
- Category 2 disbursements (approval required) items of incidental expenditure directly incurred on the case which include an element of shared or allocated cost and which are based on a reasonable method of calculation
  - (A) The following items of expenditure are charged to the case (subject to approval)
    - Internal meeting room usage for the purpose of statutory meetings of creditors is charged at the rate of £100 per meeting,
    - · Car mileage is charged at the rate of 45 pence per mile,
    - Storage of books and records (when not chargeable as a Category 1 disbursement) is charged
      on the basis that the number of standard archive boxes held in storage for a particular case
      bears to the total of all archive boxes for all cases in respect of the period for which the storage
      charge relates

<sup>1</sup> Statement of Insolvency Practice 9 (SIP 9) – Remuneration of insolvency office holders in England & Wales

<sup>2</sup> Ibid 1

- (B) The following items of expenditure will normally be treated as general office overheads and will not be charged to the case although a charge may be made where the precise cost to the case can be determined because the item satisfies the test of a Category 1 disbursement
  - Telephone and facsimile
  - · Printing and photocopying
  - Stationery

# **BEGBIES TRAYNOR CHARGE-OUT RATES**

Begbies Traynor is a national firm. The rates charged by the various grades of staff that may work on a case are set nationally, but vary to suit local market conditions. The rates applying to the Stoke office as at the date of this report are as follows

	Standard 1 May 2011 – until further notice Regional
Partner	395
Director	345
Senior Manager	310
Manager	265
Assistant Manager	205
Senior Administrator	175
Administrator	135
Trainee Administrator	110
Support	110

Time spent by support staff for carrying out shorter tasks, such as typing or dealing with post, is not charged to cases but is carried as an overhead. Only where a significant amount of time is spent at one time on a case is a charge made for support staff.

Time is recorded in 6 minute units

# **CURRIE YOUNG LIMITED CHARGING POLICY**

# INTRODUCTION

This note applies where a licensed insolvency practitioner in the firm is acting as an office holder of an insolvent estate and seeks creditor approval to draw remuneration on the basis of the time properly spent in dealing with the case. It also applies where further information is to be provided to creditors regarding the office holder's fees following the passing of a resolution for the office holder to be remunerated on a time cost basis. Best practice guidance<sup>1</sup> requires that such information should be disclosed to those who are responsible for approving remuneration.

In addition, this note applies where creditor approval is sought to make a separate charge by way of expenses or disbursements to recover the cost of facilities provided by the firm. Best practice guidance<sup>2</sup> indicates that such charges should be disclosed to those who are responsible for approving the office holder's remuneration, together with an explanation of how those charges are calculated

# OFFICE HOLDER'S FEES IN RESPECT OF THE ADMINISTRATION OF INSOLVENT ESTATES

The office holder has overall responsibility for the administration of the estate. He/she will delegate tasks to members of staff. Such delegation assists the office holder as it allows him/her to deal with the more complex aspects of the case and ensures that work is being carried out at the appropriate level. There are various levels of staff that are employed by the office holder and these appear below.

The firm operates a time recording system which allows staff working on the case along with the office holder to allocate their time to the case. The time is recorded at the individual's hourly rate in force at that time which is detailed below.

# EXPENSES INCURRED BY OFFICE HOLDERS IN RESPECT OF THE ADMINISTRATION OF INSOLVENT ESTATES

Best practice guidance classifies expenses into two broad categories

- Category 1 disbursements (approval not required) specific expenditure that is directly related to the case and referable to an independent external supplier's invoice. All such items are charged to the case as they are incurred.
- Category 2 disbursements (approval required) items of expenditure that are directly related to the case which include an element of shared or allocated cost and are based on a reasonable method of calculation, but which are not payable to an independent third party
  - (A) The following items of expenditure are charged to the case (subject to approval)
    - Internal meeting room usage for the purpose of statutory meetings of creditors is charged at the rate of £100 per meeting;
    - · Car mileage is charged at the rate of 45 pence per mile,
    - Storage of books and records (when not chargeable as a Category 1 disbursement) is charged
      on the basis that the number of standard archive boxes held in storage for a particular case
      bears to the total of all archive boxes for all cases in respect of the period for which the storage
      charge relates

<sup>1</sup> Statement of Insolvency Practice 9 (SIP 9) - Remuneration of insolvency office holders in England & Wales

<sup>&</sup>lt;sup>2</sup> Ibid 1

- (B) The following items of expenditure will normally be treated as general office overheads and will not be charged to the case although a charge may be made where the precise cost to the case can be determined because the item satisfies the test of a Category 1 disbursement
  - Telephone and facsimile
  - Printing and photocopying
  - Stationery

# **CURRIE YOUNG LIMITED CHARGE-OUT RATES**

The rates charged by the various grades of staff as at the date of this report are as follows

Grade of staff	Charge-out rate (£ per hour) 1 October 2015 – until further notice
Director	295
Senior Manager	260
Manager	240
Assistant Manager	195
Senior Administrator	165
Administrator	125
Junior	95

Time spent by support staff such as secretarial, administrative and cashiering staff is charged directly to cases. It is not carried as an overhead

Time is recorded in 6 minute units

# IF0340

# CHARGING, EXPENSES AND DISBURSEMENTS POLICY STATEMENT

### Charging policy

- Partners, directors, managers, administrators, cashiers, secretarial and support staff are allocated an hourly charge out rate which is reviewed from time to time
- Work undertaken by cashiers, secretarial and support staff will be or has been charged for separately and such work will not or has not also been charged for as part of the hourly rates charged by partners, directors, managers and administrators
- Time spent by partners and all staff in relation to the insolvency estate is charged to the estate
- Time is recorded in 6-minute units at the rates prevailing at the time the work is done
- The current charge rates for RSM Restructuring Advisory LLP Manchester are attached
- Time billed is subject to Value Added Tax at the applicable rate, where appropriate
- It is the office holder's policy to ensure that work undertaken is carried out by the appropriate grade of staff required for each task, having regard to its complexity and the skill and experience actually required to perform it.
- RSM Restructuring Advisory LLP's charge out rates are reviewed periodically

# **Expenses and disbursements policy**

- Only expenses and disbursements properly incurred in relation to an insolvency estate are recharged to the insolvency estate
- Expenses and disbursements which comprise external supplies of incidental services specifically identifiable to the insolvency estate require disclosure to the relevant approving party, but do not require approval of the relevant approving party prior to being drawn from the insolvency estate. These are known as 'category 1 disbursements.
- Expenses and disbursements which are not capable of precise identification and calculation
  (for example any which include an element of shared or allocated costs) or payments to
  outside parties that the firm or any associate has an interest, require the approval of the
  relevant approving party prior to be being drawn from the insolvency estate. These are known
  as 'category 2' disbursements
- A resolution to consider approving 'category 2' disbursements at the rates prevailing at the time the cost is incurred to RSM Restructuring Advisory LLP Manchester will be proposed to the relevant approving party in accordance with the legislative requirements
- General office overheads are not re-charged to the insolvency estate as a disbursement
- Any payments to outside parties in which the office holder or his firm or any associate has an
  interest will only be made with the approval of the relevant approving party
- Expenses and disbursements re-charged to or incurred directly by an insolvency estate are subject to VAT at the applicable rate, where appropriate

# BAKER TILLY RESTRUCTURING AND RECOVERY LLP

# **MANCHESTER OFFICE**

# **CURRENT CHARGE OUT RATES**

	£
Partner	395
Directors / Associate Directors	300 – 350
Manager	260
Assistant Managers	190
Administrators	130 – 185
Support staff	130

It is the office holder's policy to ensure that work undertaken is carried out by the appropriate grade of staff required for each task, having regard to its complexity and the skill and experience actually required to perform it.

Baker Tilly's charge out rates are reviewed periodically