In accordance with Rule 18.7 of the Insolvency (England & Wales) Rules 2016 and Sections 92A, 104A and 192 of the Insolvency Act 1986.

LIQ03

Notice of progress report in voluntary winding up

Companies House

WEDNESDAY

A97VEØKB

A10 24/06/2020 #52

COMPANIES HOUSE

1 Company details

Company number	0 2 8 3 7 5 5 7
Company name in full	East London Small Business Charity Limited

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

2 Liquidator's name

Full forename(s)	Ryan Kevin
Surname	Grant

3 Liquidator's address

Building name/number	Regent House
Street	Clinton Avenue
Post town	Nottingham
County/Region	
Postcode	N G 5 1 A Z
Country	

4 Liquidator's name ❶

Full forename(s)	Edward
Surname	Kerr

❶ Other liquidator
Use this section to tell us about another liquidator.

5 Liquidator's address ❷

Building name/number	Regent House
Street	Clinton Avenue
Post town	Nottingham
County/Region	
Postcode	N G 5 1 A Z
Country	

❷ Other liquidator
Use this section to tell us about another liquidator.

LIQ03
Notice of progress report in voluntary winding up

6 Period of progress report

From date	d 3 d 0 m 0 m 4 y 2 y 0 y 1 y 9
To date	d 2 d 9 m 0 m 4 y 2 y 0 y 2 y 0

7 Progress report

☑ The progress report is attached

8 Sign and date

Liquidator's signature	Signature X X
Signature date	d 2 d 4 m 0 m 6 y 2 y 0 y 2 y 0

LIQ03

Notice of progress report in voluntary winding up

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: Ryan Kevin Grant

Company name: BDO LLP

Address: Regent House
Clinton Avenue

Post town: Nottingham

County/Region:

Postcode: N G 5 1 A Z

Country:

DX:

Telephone: 01512 374 500

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

East London Small Business Charity Limited
(In Liquidation)
Joint Liquidators' Summary of Receipts & Payments

Statement of Affairs £		From 30/04/2019 To 29/04/2020 £	From 30/04/2019 To 29/04/2020 £
	ASSET REALISATIONS		
	Bank Interest Gross	38.91	38.91
NIL	Book Debts	NIL	NIL
292.55	Cash at Bank	15,457.16	15,457.16
Uncertain	Intercompany debts	NIL	NIL
NIL	Leasehold Improvements	NIL	NIL
NIL	Loan fund Debtors	NIL	NIL
NIL	Loan funds	NIL	NIL
		15,496.07	15,496.07
	UNSECURED CREDITORS		
(162,585.79)	Trade & Expense Creditors	NIL	NIL
		NIL	NIL
(162,293.24)		15,496.07	15,496.07
	REPRESENTED BY		
	Bank 2 Current		15,496.07
			15,496.07

BDO

Tel: +44 (0)151 237 4500
Fax: +44 (0)151 237 4545
www.bdo.co.uk

5 Temple Square
Temple Street
Liverpool
L2 5RH

TO ALL KNOWN CREDITORS

24 June 2020

Our Ref RG/NN/00293085/A6

Please ask for
Nadine Naylor
0151 237 4655
BRCMT@bdo.co.uk

Dear Madams/Sirs

East London Small Business Charity Limited - In Creditors' Voluntary Liquidation ('the Company')
Registered number: 02837557

I set out below an annual progress report in accordance with Section 104A of the Insolvency Act 1986 and Rule 18.4 of the Insolvency (England and Wales) Rules 2016 ('the Rules'). This report covers the period from 30 April 2019 to 29 April 2020 ('the Period').

Professional information regarding the Joint Liquidators

The Joint Liquidators are Ryan Kevin Grant (officeholder No: 9637) and Edward Terence Kerr (officeholder No: 9021) both of BDO LLP, Regent House, Clinton Avenue, Nottingham, NG5 1AZ. The Joint Liquidators were appointed on 30 April 2019 and carry out their functions jointly and severally, meaning any action can be done by one Liquidator or by both of them.

Receipts & Payments

I attach a summary of my Receipts and Payments account, analysed to show activity in the Liquidation. The account shows a balance in hand of £15,496, which is made up of the cash at bank on commencement of liquidation of £15,457 and bank interest of £39.

Costs in the Liquidation

The Joint Liquidators instructed Eversheds Sutherland LLP ('Eversheds') to assist in dealing with matter arising in the Liquidation, primarily in relation to the leasehold premises held by the Company. During the period, legal fees totalling £22,523 have been incurred although, to date, no payment has been made. It is not envisaged that any further legal or other professional fees and expenses will be incurred in this matter.

Progress of the Liquidation

It is not certain whether the cash at bank received in to the Liquidation is the property of the Company, or is in fact repayable to a third party. Until this point has been clarified no disposition of these funds will be made by the Joint liquidators.

BDO LLP, a UK limited liability partnership registered in England and Wales under number OC305127, is a member of BDO International Limited, a UK company limited by guarantee, and forms part of the international BDO network of independent member firms. A list of members' names is open to inspection at our registered office, 55 Baker Street, London W1U 7EU. BDO LLP is authorised and regulated by the Financial Conduct Authority to conduct investment business.

The Joint Liquidators are Data Controllers as defined by the General Data Protection Regulations. BDO LLP will act as Data Processor on the instruction of the Data Controllers. Personal data will be kept secure and processed only for matters relating to the Liquidation of East London Small Business Charity Limited. Please see the privacy statement at https://www.bdo.co.uk/en-gb/privacy-notices/insolvencies

BDO

Following appointment, the Joint Liquidators instructed Eversheds to assist in dealing with the leasehold properties held by the Company. Having resolved that they had no value to the Liquidation, all five property leases were disclaimed by the Liquidators under Section 178 of the Insolvency Act 1986.

Once the position in respect of the cash at bank has been confirmed and all other outstanding matters have been finalised, the Joint Liquidators will take steps to conclude the Liquidation.

Assets

The Joint Liquidators continue to review any potential asset realisations, however, it is unlikely that any further realisations will be forthcoming, save for the intercompany debt with East London Small Business Centre Limited ('ELSBC'). ELSBC is also in Liquidation, and Edward Kerr and I are the Joint Liquidators. Any realisation in this matter will be dependent on funds being distributed from the Liquidation of ELSBC, which at this time has not been confirmed.

I can confirm that there are no assets of a peculiar or special nature which cannot be sold. Consequently there has been no distribution of unsold assets to creditors, as mentioned in Rules18.10/14.13 of the Insolvency (England & Wales) Rules 2016.

Prospects to Creditors

Secured Creditors

There are no secured creditors in this Liquidation.

Preferential Creditors

Preferential claims are those of the former employees for arrears of wages, capped at £800 per employee, and any accrued holiday pay at the date of appointment.

The Company had no employees, therefore there are no preferential creditors in this Liquidation.

Unsecured Creditors

The directors' Statement of Affairs advised that unsecured claims in this Liquidation were estimated at £162,586; claims totalling £18,779 have been received to date. It is not anticipated there will be sufficient funds to enable a distribution to unsecured creditors.

Under the provisions of Section 176A of the Insolvency Act 1986 the Liquidator must estimate the amount of funds available to unsecured creditors in respect of the prescribed part. This provision only applies where a company has granted a floating charge to a creditor after 15 September 2003.

The Company has not granted a floating charge to any creditor after the 15 September 2003 and consequently there will be no prescribed part in this Liquidation.

Investigations

The Joint Liquidators have a duty to investigate the affairs of the Company and also the conduct of the directors and in respect of the latter, to submit a confidential statutory report to the Secretary of State. I confirm that a report has been submitted.

I have completed my review of the Company's affairs and assets to establish whether there are any actions that can be investigated for the benefit of the creditors and concluded that there are no causes of action to be pursued.

BDO

Statement of Affairs Fee

Time spent dealing with pre-appointment matters totals £9,903. On 12 April 2019, at a meeting of the Board of Directors, BDO LLP received approval for fees of £5,000 plus disbursements plus VAT in respect of assisting the directors in preparing the Statement of Affairs, convening the general meeting of shareholders and delivery of notices to members and the delivery of notices to creditors with regard to the deemed consent procedure.

I should now be grateful for the creditors' approval to draw a fee of £5,000 plus disbursements plus VAT in respect of my Statement of Affairs fee. The balance of these fees will be written off.

Joint Liquidators' Remuneration

Pursuant to the Rules, the Joint Liquidators are obliged to fix their remuneration in accordance with Rule 18.16. This permits remuneration to be fixed either:

(1) As a percentage of the assets realised and distributed; and/or

(2) By reference to the time the Joint Liquidators and the staff have spent attending to matters in the Liquidation; and/or

(3) As a set amount; and/or

(4) As a combination of the above.

I attach a schedule that summarises the time that has been spent in administering the Liquidation to date. This records time costs of £27,518 which represents 135 hours spent at an average charge out rate of £204 per hour.

I also attach the Joint Liquidators' Fee Estimate annotated with a column showing the time costs accrued in respect of each activity together with a detailed description of the work undertaken.

The Joint Liquidators now wish to seek creditor approval in relation to their remuneration on a time costs basis, as set out in the attached Fees Estimate.

Under Section 246ZE of the Insolvency Act 1986, I attach a formal notice of decision process by correspondence together with written resolutions. The final date to respond is 10 July 2020.

For guidance, I enclose 'A creditors' guide to Liquidators' fees', together with a document that outlines the policy of BDO LLP in respect of fees and disbursements.

Joint Liquidators' Disbursements

Where disbursements are recovered in respect of precise sums expended to third parties there is no necessity for these costs to be authorised. These are known as category 1 disbursements. To date, category 1 disbursements of £172 have been incurred in respect of statutory bonding and statutory advertising.

Some Liquidators recharge expenses, for example printing, photocopying and telephone costs, which cannot economically be recorded in respect of each specific case. Such expenses, which are apportioned to cases, require the approval of the creditors before they can be drawn, and these are known as category 2 disbursements. The policy of BDO LLP in respect of this appointment is not to charge any category 2 disbursements with the exception of mileage on the basis of the mileage scale approved by HMRC, being 45p per mile unless otherwise disclosed to the creditors. No category 2 disbursements have accrued during the Period.

BDO

	Cat. 1 (£)	Cat. 2 (£)	Total (£)
Statutory Bonding	10.00	-	10.00
Statutory Advertising	162.00	-	162.00
Total	**172.00**	**-**	**172.00**

As detailed above, under Section 246ZE of the Insolvency Act 1986, I attach a formal notice of decision process by correspondence together with written resolutions, which includes a resolution for the approval of category 2 disbursements. The final date to respond is 10 July 2020.

Creditors Decision Process

Please note that formal notice of Decision Process by correspondence is attached covering matters set out above. Creditors may indicate their decision by completing and returning the written resolution form to this office by no later than the Decision Date which is 10 July 2020. If a creditor has not already submitted a proof of debt, they must include one, when returning the written resolution. Votes received after the Decision date will not be counted. If creditors want to consider the resolutions at a physical meeting they must notify me in writing within five business days of delivery of the attached notice. A meeting will be convened if sufficient creditors notify the Joint Liquidators within the timeframe. Section 246ZE of the Insolvency Act sets the 'minimum number' of creditors for requisitioning a meeting at any of the following:—

(a) 10% in value of the creditors or contributories;
(b) 10% in number of the creditors or contributories;
(c) 10 creditors or contributories.

Creditors' rights

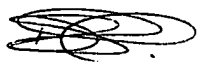
I provide at the end of this report an extract from the Rules setting out the rights of creditors to request further information and/or challenge the remuneration or expenses within the liquidation. Creditors may access information setting out creditors' rights in respect of the approval of the Joint Liquidators' remuneration at https://www.bdo.co.uk/en-gb/insights/advisory/business-restructuring/creditors-guides.

The Insolvency Service has established a central gateway for considering complaints in respect of Insolvency practitioners. In the event that you make a complaint to me but are not satisfied with the response from me then you should visit https://www.gov.uk/complain-about-insolvency-practitioner where you will find further information on how you may pursue the complaint.

The Joint Liquidators are bound by the Insolvency Code of Ethics when carrying out all professional work relating to this appointment. A copy of the code can be found at: https://www.icaew.com/technical/ethics/icaew-code-of-ethics/icaew-code-of-ethics.

If you require any further information please contact me or my colleague Nadine Naylor at BRCMT@bdo.co.uk.

Yours faithfully
For and on behalf of
East London Small Business Charity Limited



Ryan Grant
Joint Liquidator
Authorised by the Insolvency Practitioners Association in the UK

BDO

Enclosures

Receipts and Payments Account
SIP 9 Time Cost Report for the Liquidation
Notice of Arranging a Decision Procedure for Creditors
Decision by Correspondence Voting Form
Proof of debt
Fees Estimate to Accrued Time Comparison
BDO LLP Policy in respect of Fees and Disbursements
Statement of Creditors' Rights in respect of Fees and Disbursements

East London Small Business Charity Limited
(In Liquidation)
Joint Liquidators' Summary of Receipts & Payments

Statement of Affairs £		From 30/04/2019 To 29/04/2020 £	From 30/04/2019 To 29/04/2020 £
	ASSET REALISATIONS		
	Bank Interest Gross	38.91	38.91
NIL	Book Debts	NIL	NIL
292.55	Cash at Bank	15,457.16	15,457.16
Uncertain	Intercompany debts	NIL	NIL
NIL	Leasehold Improvements	NIL	NIL
NIL	Loan fund Debtors	NIL	NIL
NIL	Loan funds	NIL	NIL
		15,496.07	15,496.07
	UNSECURED CREDITORS		
(162,585.79)	Trade & Expense Creditors	NIL	NIL
		NIL	NIL
(162,293.24)		15,496.07	15,496.07
	REPRESENTED BY		
	Bank 2 Current		15,496.07
			15,496.07

Name of Assignment **East London Small Business Charity Limited - In Creditors' Voluntary Liquidation**

Summary of Time Charged and Rates Applicable for the Period From 30/04/2019 to 29/04/2020

00293085

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL		AV RI
	Hours	Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total	£
		£		£		£		£		£		£		£	
A. Pre Appointment Matters			24.65	6,397.95	16.35	3,466.20					0.55	39.05	41.55	9,903.20	238.3
B. Steps on Appointment			1.75	476.85	3.30	699.60	2.35	298.45	15.85	1,116.40			23.25	2,591.30	111.4
C. Planning and Strategy	0.50	266.50	0.80	202.50	0.65	138.70							1.95	607.70	311.6
D. General Administration	1.70	933.30	11.20	2,931.80	5.85	1,268.70	1.90	148.05	13.25	960.90	0.25	20.00	34.15	6,262.75	183.3
E. Assets Realisation/Dealing	1.00	533.00	25.65	6,376.70	3.70	785.00							30.35	7,694.70	253.5
H. Creditor Claims			0.75	176.25	0.50	106.00			0.50	34.50			1.75	316.75	181.0
I. Reporting									2.00	142.00			2.00	142.00	71.0
	3.20	1,732.80	64.80	16,562.05	30.35	6,464.20	4.25	446.50	31.60	2,253.80	0.80	59.05			

Net Total	135.00	27,518.40
Secretarial Expense		0.00
Other Disbursements		0.00
Billed		0.00
Grand Total		27,518.40

BDO

East London Small Business Charity Limited ('the Company')
Registered Number: 02837557

NOTICE OF ARRANGING A DECISION PROCEDURE FOR CREDITORS
SECTION 246ZE OF THE INSOLVENCY ACT 1986
Approval of Joint Liquidators' Remuneration

NOTICE that the creditors of the Company are invited to make decisions as to whether to approve or reject the resolutions below.

Decision Procedure: The creditors are invited to indicate by correspondence whether they approve or reject the resolutions. A Decision by Correspondence form is attached for recording your vote. The completed form, together with details of your claim if not already provided, must be sent to the Joint Liquidators, whose details are below and on the attached form. Your response must be delivered before the Decision Date below otherwise it cannot be counted.

Decision Date: 10 July 2020

Creditors may, within five business days of this notice, require a physical meeting be held to consider the matter. This is explained in more detail overleaf.

Any response may be sent by correspondence, using the attached form. To be valid, your response must be received by the Joint Liquidators by no later than the Decision Date, which is 10 July 2020.

RESOLUTION

That:

1. A Liquidation Committee be established if sufficient creditors are willing to be members.

In the event that a Liquidation Committee is not established, to RESOLVE THAT:

2. The Joint Liquidators be paid the sum of £5,000 plus disbursements plus VAT in respect of convening the general meetings of the Company, assisting in the preparation of the Statement of Affairs and accompanying documents and the delivery of notices and company information to the members and creditors; and
3. The Joint Liquidators' remuneration be approved on a time cost basis in accordance with the Fees Estimate dated 29 April 2020.
4. The Joint Liquidators' category 2 disbursements be approved on the basis of 45p per mile in line with the HM Revenue & Customs approved mileage rates for staff mileage.

Date: 24 June 2020

Ryan Kevin Grant
Joint Liquidator

The Joint Liquidators are Ryan Grant (officeholder No: 9637) and Edward Kerr (officeholder No: 9021) both of BDO LLP, Regent house, Clinton Avenue, Nottingham, NG5 1AZ. The Joint Liquidators may also be contacted via Nadine Naylor at BRCMT@bdo.co.uk.

BDO

Certain Rules apply to decision procedures. The full text of the Rules is attached but the effect of those Rules is summarised here:

Creditor Voting rights (R.15.28): Every creditor who has this notice is entitled to vote in respect of the debt due to the creditor. Where there is a physical meeting the creditor must submit a proxy form (not relevant at this stage). Creditors, including creditors whose debt is treated as a 'small debt' (£1,000 or less) must still deliver a proof for voting purposes, if they have not already done so.

Calculation of creditors voting rights (R.15.31): In respect of this Liquidation creditors' claims will be calculated as at the date of liquidation being 22 February 2016. Claims that have an uncertain value will be valued at £1, or a higher value if the chair allows.

Requisite majority of creditors for making a decision (15.34): A CVL a decision approved if a majority of creditors, by value vote, in favour by the Decision date.

Appeals against decisions (R.15.35): Decisions of the Joint Liquidator in convening the Decision Procedure and dealing with voting is subject to appeal to the court by a creditor. Any appeal must be made within 21 days of the Decision date.

Physical Meeting: If creditors want to consider the resolutions at a physical meeting they must notify in writing the Joint Liquidator, whose details are above, within five business days of delivery of this notice. A meeting will be convened if sufficient creditors notify the nominee within the timeframe. Section 246ZE of the Insolvency Act sets the 'minimum number' of creditors for requisitioning a meeting at any of the following:—

(a) 10% in value of the creditors or contributories;
(b) 10% in number of the creditors or contributories;
(c) 10 creditors or contributories.

BDO

Extract from the Insolvency (England and Wales) Rules 2016

Creditors' voting rights

15.28.—(1) In an Administration, an administrative receivership, a creditors' voluntary winding up, a winding up by the court and a bankruptcy, a creditor is entitled to vote in a decision procedure or to object to a decision proposed using the deemed consent procedure only if—

(a) the creditor has, subject to 15.29, delivered to the convener a proof of the debt claimed in accordance with paragraph (3), including any calculation for the purposes of rule 15.31 or 15.32, and

(b) the proof was received by the convener—

(i) not later than the decision date, or in the case of a meeting, 4pm on the business day before the meeting, or

(ii) in the case of a meeting, later than the time given in sub-paragraph (i) where the chair is content to accept the proof; and

(c) the proof has been admitted for the purposes of entitlement to vote.

(2) In the case of a meeting, a proxy-holder is not entitled to vote on behalf of a creditor unless the convener or chair has received the proxy intended to be used on behalf of that creditor.

(3) A debt is claimed in accordance with this paragraph if it is—

(a) claimed as due from the company or bankrupt to the person seeking to be entitled to vote; or

(b) in relation to a member State liquidator, claimed to be due to creditors in proceedings in relation to which that liquidator holds office.

(4) The convener or chair may call for any document or other evidence to be produced if the convener or chair thinks it necessary for the purpose of substantiating the whole or any part of a claim.

(5) In a decision relating to a proposed CVA or IVA every creditor, secured or unsecured, who has notice of the decision procedure is entitled to vote in respect of that creditor's debt.

(6) Where a decision is sought in an Administration under sub-paragraph 3.52(3)(b) (pre administration costs), paragraph 18.18(4) (remuneration: procedure for initial determination in an administration) or paragraph 18.26(2) (first exception: Joint administrator has made statement under paragraph 52(1)(b) of Schedule B1), creditors are entitled to participate to the extent stated in those paragraphs.

Calculation of voting rights

15.31.—(1) Votes are calculated according to the amount of each creditor's claim—

(a) in an Administration, as at the date on which the company entered Administration, less—

(i) any payments that have been made to the creditor after that date in respect of the claim, and

(ii) any adjustment by way of set-off which has been made in accordance with rule 14.24 or would have been made if that rule were applied on the date on which the votes are counted;

(b) in an administrative receivership, as at the date of the appointment of the receiver, less any payments that have been made to the creditor after that date in respect of the claim;

(c) in a creditors' voluntary winding up, a winding up by the court or a bankruptcy, as set out in the creditor's proof to the extent that it has been admitted;

(d) in a proposed CVA—

(i) at the date the company went into Liquidation where the company is being wound up,

(ii) at the date the company entered into Administration (less any payments made to the creditor after that date in respect of the claim) where it is in Administration,

(iii) at the beginning of the moratorium where a moratorium has been obtained (less any payments made to the creditor after that date in respect of the claim), or

(iv) where (i) to (iii) do not apply, at the decision date;

(e) in a proposed IVA—

(i) where the debtor is not an undischarged bankrupt—

(aa) at the date of the interim order, where there is an interim order in force,

(bb) otherwise, at the decision date,

(ii) where the debtor is an undischarged bankrupt, at the date of the bankruptcy order.

(2) A creditor may vote in respect of a debt of an unliquidated or unascertained amount if the convener or chair decides to put upon it an estimated minimum value for the purpose of entitlement to vote and admits the claim for that purpose.

(3) But in relation to a proposed CVA or IVA, a debt of an unliquidated or unascertained amount is to be valued at £1 for the purposes of voting unless the convener or chair or an appointed person decides to put a higher value on it.

(4) Where a debt is wholly secured its value for voting purposes is nil.

(5) Where a debt is partly secured its value for voting purposes is the value of the unsecured part.

(6) However, the value of the debt for voting purposes is its full value without deduction of the value of the security in the following cases—

(a) where the Joint Administrator has made a statement under paragraph 52(1)(b) of Schedule B1 and the Joint Administrator has been requested to seek a decision under paragraph 52(2); and

(b) where, in a proposed CVA, there is a decision on whether to extend or further extend a moratorium or to bring a moratorium to an end before the end of the period of any extension.

(7) No vote may be cast in respect of a claim more than once on any resolution put to the meeting; and for this purpose (where relevant), the claim of a creditor and of any member State liquidator in relation to the same debt are a single claim.

(8) A vote cast in a decision procedure which is not a meeting may not be changed.

(9) Paragraph (7) does not prevent a creditor or member State liquidator from—

(a) voting in respect of less than the full value of an entitlement to vote; or

(b) casting a vote one way in respect of part of the value of an entitlement and another way in respect of some or all of the balance of that value.

Requisite majorities

15.34.—(1) A decision is made by creditors when a majority (in value) of those voting have voted in favour of the proposed decision, except where this rule provides otherwise.

(2) In the case of an Administration, a decision is not made if those voting against it—

(a) include more than half in value of the creditors to whom notice of the decision procedure was delivered; and

(b) are not, to the best of the convener or chair's belief, persons connected with the company.

(3) Each of the following decisions in a proposed CVA is made when three-quarters or more (in value) of those responding vote in favour of it—

(a) a decision approving a proposal or a modification;

(b) a decision extending or further extending a moratorium; or

(c) a decision bringing a moratorium to an end before the end of the period of any extension.

(4) In a proposed CVA a decision is not made if more than half of the total value of the unconnected creditors vote against it.

(5) For the purposes of paragraph (4)—

(a) a creditor is unconnected unless the convener or chair decides that the creditor is connected with the company;

(b) in deciding whether a creditor is connected reliance may be placed on the information provided by the company's statement of affairs or otherwise in accordance with these Rules; and

(c) the total value of the unconnected creditors is the total value of those unconnected creditors whose claims have been admitted for voting.

(6) In a case relating to a proposed IVA—

(a) a decision approving a proposal or a modification is made when three-quarters or more (in value) of those responding vote in favour of it;

(b) a decision is not made if more than half of the total value of creditors who are not associates of the debtor vote against it.

(7) For the purposes of paragraph (6)—

(a) a creditor is not an associate of the debtor unless the convener or chair decides that the creditor is an associate of the debtor;

(b) in deciding whether a creditor is an associate of the debtor, reliance may be placed on the information provided by the debtor's statement of affairs or otherwise in accordance with these Rules; and

(c) the total value of the creditors who are not associates of the debtor is the total value of the creditors who are not associates of the debtor whose claims have been admitted for voting.

Appeals against decisions under this Chapter

15.35.—(1) A decision of the convener or chair under this Chapter is subject to appeal to the court by a creditor, by a contributory, or by the bankrupt or debtor (as applicable).

(2) In a proposed CVA, an appeal against a decision under this Chapter may also be made by a member of the company.

(3) If the decision is reversed or varied, or votes are declared invalid, the court may order another decision procedure to be initiated or make such order as it thinks just but, in a CVA or IVA, the court may only make an order if it considers that the circumstances which led to the appeal give rise to unfair prejudice or material irregularity.

(4) An appeal under this rule may not be made later than 21 days after the decision date.

(5) However, the previous paragraph does not apply in a proposed CVA or IVA, where an appeal may not be made after the end of the period of 28 days beginning with the day—

(a) in a proposed CVA, on which the first of the reports required by section 4(6) or paragraph 30(3) of Schedule A1 was filed with the court(a); or

(b) in a proposed IVA—

(i) where an interim order has not been obtained, on which the notice of the result of the consideration of the proposal required by section 259(1)(a) has been given, or

(ii) otherwise, on which the report required by section 259(1)(b)(b) is made to the court.

(6) The person who made the decision is not personally liable for costs incurred by any person in relation to an appeal under this rule unless the court makes an order to that effect.

(7) The court may not make an order under paragraph (6) if the person who made the decision in a winding up by the court or a bankruptcy is the official receiver or a person nominated by the official receiver.

Extract from the Insolvency Act 1986 (as amended)

Section 246ZE Decisions by creditors and contributories: general

(1) This section applies where, for the purposes of this Group of Parts, a person ("P") seeks a decision about any matter from a company's creditors or contributories.

(2) The decision may be made by any qualifying decision procedure P thinks fit, except that it may not be made by a creditors' meeting or (as the case may be) a contributories' meeting unless subsection (3) applies.

(3) This subsection applies if at least the minimum number of creditors or (as the case may be) contributories make a request to P in writing that the decision be made by a creditors' meeting or (as the case may be) a contributories' meeting.

(4) If subsection (3) applies P must summon a creditors' meeting or (as the case may be) a contributories' meeting.

(5) Subsection (2) is subject to any provision of this Act, the rules or any other legislation, or any order of the court—

(a) requiring a decision to be made, or prohibiting a decision from being made, by a particular qualifying decision procedure (other than a creditors' meeting or a contributories' meeting);

(b) permitting or requiring a decision to be made by a creditors' meeting or a contributories' meeting.

(6) Section 246ZF provides that in certain cases the deemed consent procedure may be used instead of a qualifying decision procedure.

(7) For the purposes of subsection (3) the "minimum number" of creditors or contributories is any of the following—

(a) 10% in value of the creditors or contributories;

(b) 10% in number of the creditors or contributories;

(c) 10 creditors or contributories.

(8) The references in subsection (7) to creditors are to creditors of any class, even where a decision is sought only from creditors of a particular class.

(9) In this section references to a meeting are to a meeting where the creditors or (as the case may be) contributories are invited to be present together at the same place (whether or not it is possible to attend the meeting without being present at that place).

(10) Except as provided by subsection (8), references in this section to creditors include creditors of a particular class.

(11) In this Group of Parts "qualifying decision procedure" means a procedure prescribed or authorised under paragraph 8A of Schedule 8.

BDO

SECTION 246ZE OF THE INSOLVENCY ACT 1986
DECISION BY CORRESPONDENCE

East London Small Business Charity Limited ('the Company')
Registered Number: 02837557

RESOLUTION
(* Please indicate voting preference)

That:

1) A Liquidation Committee be established if sufficient creditors are willing to be members.

***Approved/Rejected**

Do you consent to be a member of the Liquidation Committee?

***Yes/No**

In the absence of a Liquidation committee, the creditors resolve that:

2) The Joint Liquidators be paid the sum of £5,000 plus disbursements plus VAT in respect of convening the general meetings of the Company, assisting in the preparation of the Statement of Affairs and accompanying documents and the delivery of notices and company information to the members and creditors; and

***Approved/Rejected**

3) The Joint Liquidators' remuneration be approved on a time cost basis in accordance with the Fees Estimate dated 29 April 2020.

***Approved/Rejected**

4) The Joint Liquidators' category 2 disbursements be approved on the basis of 45p per mile in line with the HM Revenue & Customs approved mileage rates for staff mileage.

***Approved/Rejected**

TO BE COMPLETED BY THE CREDITOR WHEN RETURNING FORM

Name of Creditor

_____

Signature of Creditor

_____

(If signing on behalf of creditor, state capacity e.g. director/solicitor etc)

NOTE: This form must be accompanied by a proof of the amount due to the creditor unless a proof of debt/claim form has already been delivered. Creditors whose debt is treated as a small debt (£1,000 or less) must still deliver a proof for voting purposes otherwise their vote will be disregarded.

This form must be returned to Ryan Kevin Grant (officeholder No: 9637) c/o BDO LLP, 5 Temple Square, Temple Street, Liverpool, L2 5RH, or via BRCMT@bdo.co.uk by no later than the Decision Date: 10 July 2020

The Joint Liquidators may also be contacted via Nadine Naylor at BRCMT@bdo.co.uk.

Ryan Kevin Grant
Joint Liquidator
24 June 2020

Rule 14.4
Insolvency (England and Wales) Rules 2016

Ref: 00293085/RG/NN/C2

Proof of Debt/Claim Form
East London Small Business Charity Limited
Company No: 02837557
Creditors' Voluntary Liquidation

Debt as at the date of the winding up Resolution: 30 April 2019

1	Name of creditor (If a company please also give company registration number and where registered).	
2	Address of creditor including email address for correspondence.	
3	Total amount of claim, including any Value Added Tax at the above date.	
4	If amount in 3 above includes outstanding uncapitalised interest please state amount.	£
5	Particulars of how and when debt incurred. (If you need more space append a continuation sheet to this form).	
6	Particulars of any security held, the value of the security, and the date it was given.	
7	Particulars of any reservation of title claimed in respect of goods supplied to which the claim relates.	
8	Provide details of any documents by reference to which the debt can be substantiated. (Note: There is no need to attach them now but the Liquidator may call for any document or evidence to substantiate the claim at his discretion as may the Chair or convener of any meeting).	
9	Signature of creditor or person authorised to act on his behalf _____	Dated _____
	Name in BLOCK LETTERS _____	
	Position with or in relation to creditor _____ Address of person signing (if different from 2 above)	

Deliver to the Joint Liquidator, Ryan Kevin Grant, Business Restructuring, BDO LLP, 5 Temple Square, Temple Street, Liverpool, L2 5RH.

East London Small Business Charity Limited - In Creditors' Voluntary Liquidation

Fees Estimate to Accrued Time Comparison

Below is the original Fees Estimate annotated with a column showing the time costs accrued in respect of each activity.

Fees Estimate as at 29 April 2020

Joint Liquidators' Fees	Total Hours	Blended Rate £	Estimated Fee £
Summary Activity			
A. Pre Appointment Matters	41.55	238.34	9,903.20
TOTAL			9,903.20
B. Steps on Appointment	23.25	153.77	3,575.15
C. Planning and Strategy	12.00	339.50	4,074.00
D. General Administration	68.00	238.43	16,213.00
E. Assets Realisation/Dealing	72.00	301.85	21,733.00
F. Trading Related Matters	0.00	0.00	0.00
G. Employee Matters	0.00	0.00	0.00
H. Creditor Claims	14.00	226.21	3,167.00
I. Reporting	41.05	244.68	10,044.05
J. Distribution and Closure	22.00	224.23	4,933.00
TOTAL			63,739.20

The table above is our estimate of the Joint Liquidators' fees on a time costs basis for this appointment and the anticipated expenses. This estimate and the expenses are prepared on the basis of the information available to us at the date of this estimate. Assuming that there are no major unanticipated factors, we would expect that our fees may be lower than the estimate. In the following pages we provide a summary of the work we believe is necessary. Where applicable, all fees and disbursements will be subject to VAT at the prevailing rate.

In any work of this nature we may have recourse to engage specialists to assist us for example in ensuring that we obtain best value for the estate assets and also to protect the legal interests of the estate including where necessary taking action to recover sums due to the estate. The specialists we engage will invoice us and that will be an expense of the estate. Such expenses are not subject to creditor approval but nevertheless have an effect on the funds available for creditors in the estate.

1. Joint Liquidators' Fees

Fees (remuneration) may be sought on four different bases and a guide for creditors is attached. The four bases are, a time costs basis; a percentage of the assets realised; fixed amount; or a combination of the first three bases. In this insolvency case we are seeking fees on a time cost basis and have estimated a fee of £63,739.20.

Where possible we will delegate work to my staff and by this expedient the work is conducted by suitably qualified and experienced members of staff at different hourly costs. The current charge out rates per hour of staff within my firm's office is below:

GRADE	£
Partner	549
Director/Manager	242-380
Assistant Manager	218
Senior Administrator	206
Administrator	119-185
Other Staff	73-77

These rates are confirmed in an attached document which sets out my firm's policy on time costs and expenses. My firm's hourly time costs rate are normally reviewed on a regular basis and adjusted to take account of inflation and the firm's overheads. We have estimated the time we will spend in respect of the following areas of work in respect of this insolvency. Below we provide the primary work that will be undertaken by us.

Detail of Work Undertaken

A: Pre Appointment Matters

This work entailed attending meetings with key stakeholders, reviewing Company information and providing advice in relation to the options available. Considering the ethical, technical, practical and legal requirements relevant to the appointment, assisting the Company in the creation of the relevant documentation to place the Company into Creditors Voluntary Liquidation, providing guidance and assistance in the deemed consent procedure including ensuring all creditors receive the statutory notice of the Company's proposed liquidation.

This work was overseen by the proposed Joint Liquidators and completed substantially by Director level and below. This work, while not directly benefiting creditors, is necessary in order to place the Company into formal insolvency while ensuring compliance with the statutory requirements.

B: Steps on Appointment

Following appointment, the Joint Liquidators are required to draw up and file statutory notices of appointment including to creditors and Companies House. In addition, internal systems for the administering of the Liquidation are set up.

This work includes some benefit to creditors in terms of notification of the Liquidation and details of how to claim. Other aspects relate to statutory requirements imposed on the Joint Liquidators. The work is completed predominantly by those below manager level with review and approval by Managers and Joint Liquidators where required.

C: Planning and Strategy

This relates to time costs incurred by the Joint Liquidators and their staff in managing/monitoring the case and reviewing the position, in line with internal BDO requirements. This ensures that all on-going matters are progressed efficiently and dealt with in a timely manner.

This work is primarily led by the Joint Liquidators and Managers, with input from the rest of the team where appropriate.

Although there is no direct benefit to creditors, planning and strategy ensures that key issues are identified and resolved/progressed in an effective and efficient manner, allowing for an orderly progression of the case.

D: General Administration

General administration covers time costs incurred by the Joint Liquidators and their staff in dealing with various matters arising in the Liquidation. This includes, but is not limited to, the following matters:

- Completing initial reviews of the Company's VAT and tax matters;
- Compiling and filing VAT returns;
- Preparing and submitting Company tax returns;
- Investigations in relation to, and submission of, the statutory report on the Director's conduct;
- Investigations and liaising with external parties in relation to the affairs of the Company, following information received from third parties;
- Cashiering (processing receipts and payments, bank reconciliations, correspondence with the bank, updating the receipts and payments account);
- Dealing with remuneration matters;
- Dealing with statutory matters required by the Rules;
- General case filing and maintaining internal files in line with BDO requirements;

The majority of this work requires a range of insolvency knowledge and experience, balanced with accounting and administrative skills. Due to the complexities of this case, a significant amount of time has been incurred at assistant manager and above level.

The majority of points referred to above are requirements placed upon us pursuant to the Rules, BDO internal policies and accounting requirements (such as VAT returns, corporation tax returns etc). Although there is no specific benefit to creditors, we are required to deal with these matters as part of our day-to-day responsibilities in managing the case.

E: Asset Realisations/Dealing

This represents time costs incurred by the Joint Liquidators and their staff in securing and realising the Company's assets in the Liquidation, including identifying and controlling recorded assets, evaluating strategy on realising assets and reconciling recoveries, managing third party, HP and leased assets and dealing with leasehold properties.

This also includes engaging and liaising with Valuers/Agents and solicitors, agreeing strategies and monitoring implementation. Dealing with leasehold properties and landlords. Reviewing leases and disclaiming where appropriate.

This area of work requires a greater level of commercial experience and insolvency knowledge, than the general administration category of work, together with decision making skills. The work is led at director or manager level, supported by executives with suitable competencies and almost equal numbers of hours are spent by the two groups. My managers liaise with me as the partner and escalate major decisions to me.

Work performed under this category benefits the body of creditors as it ensures the maximisation of asset recoveries and/or agrees strategy to mitigate costs of the same, ensuring the maximum funds are available for distribution.

H: Creditor Claims

This category relates to the amount of time costs incurred by the Joint Liquidators and their staff in dealing with creditors' correspondence and ad hoc queries. It includes receiving and recording all creditor claims and where a dividend is likely, identifying whether additional supporting evidence is necessary from the creditor, considering and checking and recording all preferential claims, considering and checking and recording all unsecured creditor claims and identifying any claims which might be categorised as deferred claims.

It is important to deal with enquiries from creditors and provide updates where appropriate and ensures that all claims and queries are correctly dealt with.

This work is led at manager level, supported by an assistant manager.

I: Reporting

Preparing periodic reports to creditors regarding the progress achieved, including preparation of receipts and payments accounts, a suitable analysis of time costs accrued and a review of actual costs and accrued costs against this fee estimate.

The Director is responsible for leading the reporting and delegating production of the accounts, fee analysis and comparisons with estimates to suitably experience staff. Much of the basic accounting and analysis is conducted by case administrators, with the reports prepared and finalised by assistant managers and managers.

These activities do not contribute to the financial outcome for creditors - they are statutory duties imposed by the relevant legislation. However they do contribute to the creditors' understanding of the work being undertaken on their behalf.

2. Expense Estimate

2.1 Category 1 Disbursements

Our estimate in respect of this heading covers expenses where the officeholders firm has met a specific cost in respect of the insolvent estate where payment has been made to a third party. Such expenses may include items such as advertising, couriers, travel (by public transport), land registry searches, fees in respect of swearing legal documents, storage of original records of the insolvent estate. In each case the recharge will be reimbursement of a specific expense incurred.

2.2 Category 2 Disbursements

We propose to recover from the estate the cost of travel where staff use either their own vehicles or company cars in travelling connected with the insolvency. In these cases a charge of 45p per mile is raised which is in line with the HM Revenue & Customs Approved Mileage Rates (median - less than 10,000 miles per annum) which is the amount the firm pays to staff. Where costs are incurred in respect of mileage, approval will be sought in accordance with the Insolvency (England and Wales) Rules 2016 to recover this disbursement.

BDO LLP
24 June 2020

BDO

East London Small Business Charity Limited - In Creditors' Voluntary Liquidation

In accordance with best practice I provide below details of policies of BDO LLP in respect of fees and expenses for work in relation to the above insolvency.

The current charge out rates per hour of staff within my firm who may be involved in working on the insolvency, follows:

GRADE	£
Partner	549
Director/Manager	242-380
Assistant Manager	218
Senior Administrator	206
Administrator	119-185
Other Staff	73-77

This in no way implies that staff at all such grades will work on the case. The rates charged by BDO LLP are reviewed on a regular basis and are adjusted to take account of inflation and the firm's overheads.

Time spent on casework is recorded directly to the relevant case using a computerised time recording system and the nature of the work undertaken is recorded at that time. Units of time can be as small as 3 minutes. BDO LLP records work in respect of insolvency work under the following categories:-

Pre Appointment
Steps upon Appointment
Planning and Strategy
General Administration
Asset Realisation/Management
Trading Related Matters
Employee Matters
Creditor Claims
Reporting
Distribution and Closure
Other Issues.

Under each of the above categories the work is recorded in greater detail in sub categories. Please note that the 11 categories provide greater detail than the six categories recommended by the Recognised Professional Bodies who are responsible for licensing and monitoring insolvency practitioners.

Where an officeholder's remuneration is approved on a time cost basis the time invoiced to the case will be subject to VAT at the prevailing rate.

Where remuneration has been approved on a time costs basis a periodic report will be provided to any committee appointed by the creditors or in the absence of a committee to the creditors. The report will provide a breakdown of the remuneration drawn and will enable the recipients to see the average rates of such costs.

1) Other Costs

Where expenses are incurred in respect of the insolvent estate they will be recharged. Such expenses can be divided into two categories.

BDO

2) Category 1

This heading covers expenses where BDO LLP has met a specific cost in respect of the insolvent estate where payment has been made to a third party. Such expenses may include items such as advertising, couriers, travel (by public transport), land registry searches, fees in respect of swearing legal documents etc. In each case the recharge will be reimbursement of a specific expense incurred.

3) Category 2

We propose to recover from the estate the cost of travel where staff use either their own vehicles or company cars in travelling connected with the insolvency. In these cases a charge of 45p per mile is raised which is in line with the HM Revenue & Customs Approved Mileage Rates (median - less than 10,000 miles per annum) which is the amount the firm pays to staff. Where costs are incurred in respect of mileage, approval will be sought in accordance with the Insolvency (England and Wales) Rules 2016 to recover this disbursement.

Where applicable, all disbursements will be subject to VAT at the prevailing rate.

BDO LLP
24 June 2020

BDO

Statement from the Insolvency (England and Wales) Rules 2016 regarding the rights of creditors in respect of the Joint Liquidators' fees and expenses:

Creditors' and members' requests for further information in administration, winding up and bankruptcy

18.9.—(1) The following may make a written request to the office-holder for further information about remuneration or expenses (other than pre-administration costs in an administration) set out in a progress report under rule 18.4(1)(b), (c) or (d) or a final report under rule 18.14—

(a) a secured creditor;

(b) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question);

(c) members of the Company in a members' voluntary winding up with at least 5% of the total voting rights of all the members having the right to vote at general meetings of the Company;

(d) any unsecured creditor with the permission of the court; or

(e) any member of the Company in a members' voluntary winding up with the permission of the court.

(2) A request, or an application to the court for permission, by such a person or persons must be made or filed with the court (as applicable) within 21 days of receipt of the report by the person, or by the last of them in the case of an application by more than one member or creditor.

(3) The office-holder must, within 14 days of receipt of such a request respond to the person or persons who requested the information by—

(a) providing all of the information requested;

(b) providing some of the information requested; or

(c) declining to provide the information requested.

(4) The office-holder may respond by providing only some of the information requested or decline to provide the information if—

(a) the time or cost of preparation of the information would be excessive; or

(b) disclosure of the information would be prejudicial to the conduct of the proceedings;

(c) disclosure of the information might reasonably be expected to lead to violence against any person; or

(d) the office-holder is subject to an obligation of confidentiality in relation to the information.

(5) An office-holder who does not provide all the information or declines to provide the information must inform the person or persons who requested the information of the reasons for so doing.

(6) A creditor, and a member of the Company in a members' voluntary winding up, who need not be the same as the creditor or members who requested the information, may apply to the court within 21 days of—

(a) the office-holder giving reasons for not providing all of the information requested; or

(b) the expiry of the 14 days within which an office-holder must respond to a request.

(7) The court may make such order as it thinks just on an application under paragraph (6).

Remuneration and expenses: application to court by a creditor or member on grounds that remuneration or expenses are excessive

18.34.—(1) This rule applies to an application in an administration, a winding-up or a bankruptcy made by a person mentioned in paragraph (2) on the grounds that—

(a) the remuneration charged by the office-holder is in all the circumstances excessive;

(b) the basis fixed for the office-holder's remuneration under rules 18.16, 18.18, 18.19, 18.20 and 18.21 (as applicable) is inappropriate; or

(c) the expenses incurred by the office-holder are in all the circumstances excessive.

(2) The following may make such an application for one or more of the orders set out in rule 18.36 or 18.37 as applicable—

(a) a secured creditor,

(b) an unsecured creditor with either—

(i) the concurrence of at least 10% in value of the unsecured creditors (including that creditor), or

(ii) the permission of the court, or

(c) in a members' voluntary winding up—

(i) 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

(ii) a member of the Company with the permission of the court.

(3) The application by a creditor or member must be made no later than eight weeks after receipt by the applicant of the progress report under rule 18.3, or final report or account under rule 18.14 which first reports the charging of the remuneration or the incurring of the expenses in question ('the relevant report').

Applications under rules 18.34 and 18.35 where the court has given permission for the application

BDO

18.36.—(1) This rule applies to applications made with permission under rules 18.34 and 18.35.

(2) Where the court has given permission, it must fix a venue for the application to be heard.

(3) The applicant must, at least 14 days before the hearing, deliver to the office-holder a notice stating the venue and accompanied by a copy of the application and of any evidence on which the applicant intends to rely.

(4) If the court considers the application to be well-founded, it must make one or more of the following orders—

(a) an order reducing the amount of remuneration which the office-holder is entitled to charge;

(b) an order reducing any fixed rate or amount;

(c) an order changing the basis of remuneration;

(d) an order that some or all of the remuneration or expenses in question is not to be treated as expenses of the administration, winding up or bankruptcy;

(e) an order for the payment of the amount of the excess of remuneration or expenses or such part of the excess as the court may specify by —

(i) the joint administrator or joint Liquidator or the joint administrator's or joint Liquidator's personal representative to the Company, or

(ii) the trustee or the trustee's personal representative to such person as the court may specify as property comprised in the bankrupt's estate;

(f) any other order that it thinks just.

(5) *An order under paragraph (4)(b) or (c) may only be made in respect of periods after the period covered by the* relevant report.

(6) Unless the court orders otherwise the costs of the application must be paid by the applicant, and are not payable as an expense of the administration, winding up or bankruptcy.

Applications under rule 18.34 where the court's permission is not required for the application

18.37.—(1) On receipt of an application under rule 18.34 for which the court's permission is not required, the court may, if it is satisfied that no sufficient cause is shown for the application, dismiss it without giving notice to any party other than the applicant.

(2) Unless the application is dismissed, the court must fix a venue for it to be heard.

(3) The applicant must, at least 14 days before any hearing, deliver to the office-holder a notice stating the venue with a copy of the application and of any evidence on which the applicant intends to rely.

(4) If the court considers the application to be well-founded, it must make one or more of the following orders—

(a) an order reducing the amount of remuneration which the office-holder is entitled to charge;

(b) an order reducing any fixed rate or amount;

(c) an order changing the basis of remuneration;

(d) an order that some or all of the remuneration or expenses in question be treated as not being expenses of the administration or winding up or bankruptcy;

(e) an order for the payment of the amount of the excess of remuneration or expenses or such part of the excess as the court may specify by —

(i) the joint administrator or joint Liquidator or the joint administrator's or joint Liquidator's personal representative to the Company, or

(ii) the trustee or the trustee's personal representative to such person as the court may specify as property comprised in the bankrupt's estate;

(f) any other order that it thinks just.

(5) An order under paragraph (4)(b) or (c) may only be made in respect of periods after the period covered by the relevant report.

(6) Unless the court orders otherwise the costs of the application must be paid by the applicant, and are not payable as an expense of the administration or as winding up or bankruptcy.