

LIQ03

Notice of progress report in voluntary winding up



Companies House

THURSDAY



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A09

21/07/2022

#333

COMPANIES HOUSE

1 Company details

Company number 0 2 8 5 1 4 9 0

Company name in full South Midlands Construction Limited

→ Filling in this form

Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename(s) Lauren Louise

Surname Auburn

3 Liquidator's address

Building name/number 100 St James Road

Street Northampton

Post town NN5 5LF

County/Region

Postcode

Country

4 Liquidator's name ①

Full forename(s) John William

Surname Rimmer

① Other liquidator

Use this section to tell us about
another liquidator.

5 Liquidator's address ②

Building name/number 100 St James Road

Street Northampton

Post town NN5 5LF

County/Region

Postcode

Country

② 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 2	^d 2	^m 0	^m 5	^y 2	^y 0	^y 2	^y 1
To date	^d 2	^d 1	^m 0	^m 5	^y 2	^y 0	^y 2	^y 2

7**Progress report**☒ The progress report is attached**8****Sign and date**

Liquidator's signature

Signature

X



X

Signature date

^d 1	^d 9	^m 0	^m 7	^y 2	^y 0	^y 2	^y 2
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**Presenter information**

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name **Robert McDonald**

Company name **BRI Business Recovery and
Insolvency**

Address **100 St James Road
Northampton**

Post town **NN5 5LF**

County/Region

Postcode

Country

DX

Telephone **01604 754352**

**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

South Midlands Construction Limited
(In Liquidation)
Joint Liquidators' Summary of Receipts & Payments

Statement of Affairs £		From 22/05/2021 To 21/05/2022 £	From 22/05/2014 To 21/05/2022 £
ASSET REALISATIONS			
Uncertain	Applications and retentions	NIL	106,362.03
	Assignment of debt	NIL	1,350.00
	Bank interest gross	1.39	138.25
12,020.00	Cash at bank - client account	NIL	12,020.00
400.00	Furniture and equipment	NIL	NIL
	Rates refund	NIL	244.68
	Sale of assets	NIL	800.00
		1.39	120,914.96
COST OF REALISATIONS			
	Accountancy Fees	60.00	360.00
	Agents/Valuers Fees (1)	NIL	610.64
	Corporation Tax	NIL	18.81
	Courier fees	NIL	125.00
	Court fee	NIL	255.00
	Indemnity Bond	NIL	396.00
	Legal fees	NIL	1,610.50
	Liquidator's Remuneration	4,750.00	60,850.00
	Petition costs	NIL	2,167.00
	Postage and stationery	NIL	364.99
	Preparation of S. of A.	NIL	9,000.00
	QS fee - review of contract novation	NIL	975.00
	Quantity Surveyor's fees	NIL	26,272.40
	Room hire	NIL	50.00
	Statutory Advertising	NIL	222.00
	Storage Costs	NIL	27.00
		(4,810.00)	(103,304.34)
PREFERENTIAL CREDITORS			
(8,583.00)	Employees wage/holiday arrears	NIL	NIL
	Payment to prefs. 100p in £. 17.10.16	NIL	6,860.43
		NIL	(6,860.43)
FLOATING CHARGE CREDITORS			
(158,259.00)	Lloyds TSB Bank Plc	NIL	NIL
		NIL	NIL
UNSECURED CREDITORS			
(187,098.00)	Directors loan accounts	NIL	NIL
(78,814.00)	Employees	NIL	NIL
(60,906.00)	H M Revenue & Customs (PAYE/NIC)	NIL	NIL
(1,645,598.00)	South Midlands Plant Ltd - associate	NIL	NIL
(1,528,560.00)	Trade & Expense Creditors	NIL	NIL
		NIL	NIL
DISTRIBUTIONS			
(100.00)	100 ordinary shares of £1 each	NIL	NIL
		NIL	NIL
(3,655,498.00)		(4,808.61)	10,750.19
REPRESENTED BY			
	Floating Current A/c		10,008.19
	VAT Receivable		742.00
			10,750.19



Lauren Louise Auburn
Joint Liquidator

SOUTH MIDLANDS CONSTRUCTION LIMITED
(IN CREDITORS' VOLUNTARY LIQUIDATION)
JOINT LIQUIDATORS' ANNUAL REPORT TO MEMBERS AND CREDITORS
FOR THE YEAR ENDING 21 MAY 2022

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- 3 Investigation into the affairs of the Company**
- 4 Dividend prospects**
- 5 Pre-appointment remuneration**
- 6 Joint liquidators' remuneration**
- 7 Joint liquidators' expenses**
- 8 Further information**
- 9 Conclusion**

APPENDICES

- 1 Joint liquidators' receipts and payments account**
- 2 Summary of joint liquidators' time costs**
- 3 BRI guide to fees and expenses**

SOUTH MIDLANDS CONSTRUCTION LIMITED
(IN CREDITORS' VOLUNTARY LIQUIDATION)
JOINT LIQUIDATORS' ANNUAL REPORT TO MEMBERS AND CREDITORS
FOR THE YEAR ENDING 21 MAY 2022

1 Statutory and general information

Company number:	02851490
Joint liquidators	Lauren Louise Auburn and John William Rimmer of BRI Business Recovery and Insolvency, 100 St James Road, Northampton, NN5 5LF
Date of appointment:	22 May 2014
Change of office-holder	On 16 November 2020 following the making of a block transfer order, Peter John Windatt was removed as office holder and replaced by Lauren Lousie Auburn.

Creditors wishing to contact the joint liquidators, should contact Bob McDonald on telephone number 01604 754352 in the first instance.

2 Joint liquidators' actions since the last report

- 2.1 This report should be read in conjunction with my previous progress reports and my receipts and payments account which is attached as Appendix 1; please note that the figures are shown net of VAT.
- 2.2 As noted in my receipts and payments account, realisations are broadly in line with the estimated statement of affairs amounts. Greater detail is provided below.
- 2.3 Applications and retentions

As previously reported, the sum of £257,243 representing a balance due from one debtor remains outstanding. The retention period on this balance has expired and they have not yet provided full information as regards to their remedial costs.

During the previous period, my staff requested details of the costs associated with completion of the Company's works and the adoption of roads and sewers in order to ascertain an amount due after any potential set off.

Upon receipt of a response from the debtor, it was deemed that the information they had provided was insufficient to substantiate their costs incurred, as advised by Leslie Keats Quantity Surveyors, the firm previously instructed to collect applications and retentions. Accordingly, and without the ability to validate their respective position, we have been unable to determine any set off and therefore, the balance of £257,243 still remains due from the debtor. It is my intention to issue the debtor with a legal notice and this matter remains ongoing.

2.4 Bank interest gross

An amount of £0.15 has been received in respect of bank interest within the eighth year of liquidation.

2.5 Other matters

In addition to dealing with the realisation of assets, I have to meet various legislative and best practice requirements and deadlines. These matters include filing of documents with the Registrar of Companies, ensuring that all receipts and payments are dealt with in a timely basis and proper accounting records are maintained, undertaking periodic case progression reviews, advising creditors of the liquidation and recording all claims received, together with other day to day matters that arise.

3 Investigation into the affairs of the Company

- 3.1 I undertook an initial investigation into the Company's affairs to establish whether there were any potential asset recoveries or conduct matters that justified further investigation, taking account of the public interest, potential recoveries, the funds likely to be available to fund an investigation, and the costs involved.
- 3.2 There were no matters that justified further investigation in the circumstances of this appointment.
- 3.3 Within three months of appointment, any liquidator is required to report to the Secretary of State on any matters which have come to their attention during the course of their work which may indicate that the conduct of any past or present director would make them unfit to be concerned with the management of the Company. I have complied with these requirements. However, due to the confidential nature of any return or report, I am unable to make any further comments.

4 Dividend prospects

4.1 Preferential creditors

I have received and admitted for dividend purposes, claims in respect of employees' wages and holiday pay. I have paid a dividend to these creditors amounting to 100p in £.

4.2 Unsecured creditors

I am in the process of reviewing and agreeing unsecured creditors' claims as on current information I believe that there will be sufficient funds to make a distribution. However, and as previously advised, any dividend to unsecured creditors is dependent on the collection of the remaining book debt and the level of realisation (if any) achieved and therefore I am currently unable to give any firm indications of the amount of the distribution of if one is to become available.

To date claims received from creditors are broadly in line with the amounts detailed on the Company's statement of affairs.

4.3 Floating charge creditor and the prescribed part

As there is a floating charge over the assets of the Company, the prescribed part provisions apply.

As detailed in paragraph 4.2 above, on current information, I believe that there will be sufficient net property to enable a distribution to be made to unsecured creditors. However, this is dependent on a number of factors, including; the amount of remedial costs associated with the debtor; the amount that will be realised (if any); and the timing of which it takes to conclude the debtor collection.

If, for any reason, there are further delays and our time costs increase, then the Company's net property may be less than £10,000 and the insolvency legislation does not require me to distribute the prescribed part of the net property to creditors if I think that the costs of distributing the prescribed part would be disproportionate to the benefits to creditors. If this is the case, I am of the view that the costs of distribution would be disproportionate and so will not be making a distribution of the prescribed part of the net property to unsecured creditors.

5. Pre-appointment remuneration

- 5.1 The costs and expenses incurred by BRI Business Recovery and Insolvency in respect of the preparation of the statement of affairs and convening the meeting of creditors have, in accordance with the resolution passed at the meeting of creditors has been paid out of the assets of the liquidation. The amounts are as follows:

Fees	£9,000 plus VAT
Expenses	£81
Category 2 expenses	£222 plus VAT

6. Joint liquidators' remuneration

- 6.1 Changes to charge out rates during the period of this report are detailed in appendices X and Y with appendix Y being the prevailing rates from 1 April 2022.
- 6.2 My total time costs to 21 May 2022 amount to £59,366, which have been charged at an average charge out rate of £160, this includes £2,921 which was charged in the period between 22 May 2021 and 21 May 2022, at an average charge out rate of £204. I have drawn £60,850 to date, this includes £4,750 which was drawn in the period between 22 May 2021 and 21 May 2022. A schedule of my time costs incurred to date is attached at Appendix 2.

7 Joint liquidators' expenses

- 7.1 Details of the expenses that I have paid are shown on the attached receipts and payments account, and are largely self-explanatory. Furthermore, the expenses are in line with the estimate already provided to creditors, and are not likely to exceed this amount.
- 7.2 My choice of professionals was based on my knowledge of their experience and ability to perform the type of work required. I have reviewed the fees charged and as they are in line with original estimates, I am satisfied that they are reasonable in the circumstances of this case.

8 Further information

- 8.1 An unsecured creditor may, with the permission of the court or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question) request further details of the joint liquidators' remuneration and expenses, within 21 days of receipt of this report. Any secured creditor may request the same details in the same time limit.
- 8.2 An unsecured creditor may, with the permission of the court or with the concurrence of 10% in value of the creditors (including the creditor in question), apply to court to challenge the amount and/or basis of the joint liquidators' fees and the amount of any proposed expenses or expenses already incurred, within 8 weeks of receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

9 Conclusion

- 9.1 The liquidation is set to continue until the one remaining debtor position has been finalised and application and retention collections are considered complete.
- 9.2 Should you have any queries regarding this matter please contact Bob McDonald on 01604 754352.

pp. R. Lloyd
Lauren Louise Auburn
Joint Liquidator

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BRI (UK) Limited**SIP 9 Summary of hours and costs***from 22/05/2014 to 21/05/2022*

Client 6452N South Midlands Construction Ltd

Hours								Total	Time Cost £	Average hourly rate £
Classification of work function	Lead IP	Manager	Assistant manager	Senior administrator	Administrator	Junior Administrator	Assistants and support staff			
Admin & planning	0.75	1.40	57.70	89.35	0.95	0.75	2.70	153.60	£25,095.75	£163.38
Cashiering	3.70	7.60		4.65	0.50		37.95	54.40	£9,301.00	£170.97
Creditors	1.00	3.80	2.10	55.60			1.40	63.90	£9,470.50	£148.21
Investigations		0.60	1.60	31.90				34.10	£3,879.50	£113.77
Realisation of assets		1.20	20.50	11.60				33.30	£6,684.50	£200.74
Reporting		0.80	1.50	24.90			5.30	32.50	£4,935.00	£151.85
Posted time	5.45	15.40	83.40	218.00	1.45	0.75	47.35	371.80	£59,366.25	£159.67

*Unposted time**Total time*

Total time costs/grade	1,981.50	5,489.50	17,719.75	28,346.00	229.00	105.00	5,495.50	59,366.25
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19 July 2022

BRI (UK) Limited**SIP 9 Summary of hours and costs**
from 22/05/2021 to 21/05/2022

Client 6452N **South Midlands Construction Ltd**

Hours									
Classification of work function	Lead IP	Manager	Assistant manager	Senior administrator	Administrator	Junior Administrator	Assistants and support staff	Total	Average hourly rate £
Admin & planning			1.30	0.85	0.80	0.75	0.20	3.90	£198.08
Cashiering	0.90			0.50			3.25	4.65	£198.92
Creditors	0.20		0.10	0.20				0.50	£294.00
Realisation of assets				3.50				3.50	£200.29
Reporting			0.30	1.50				1.80	£208.33
Posted time	1.10	0.00	1.70	6.55	0.80	0.75	3.45	14.35	£203.52

Unposted time**Total time**

Total time costs/grade

451.00		425.00	1,316.00	140.00	105.00	483.50	2,920.50
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19 July 2022

BRI BUSINESS RECOVERY AND INSOLVENCY

CREDITORS' GUIDE TO FEES

Charge-out rates

Grade	Charge-out rate (£ per hour, charged in 6 minute units)
Directors/Insolvency Practitioners	320-430
Managers and Assistant managers	265-320
Administrators	150-210
Secretaries & Support Staff	150

Rates are subject to a periodic review and are likely to increase each April. A copy of our previous rates can be found on our website at www.briuk.co.uk

Agent costs

These are charged at cost based upon the charge(s) made by the Agent instructed. The term "Agent" includes:

- Solicitors/legal fees.
- Auctioneers/valuers.
- Accountants.
- Quantity surveyors.
- Estate agents.
- Other specialist advisors

Other expenses

These are payments to those providing the service to which the expense relates who are not an associate of the office holder.

Category 1 expenses

Examples of category 1 expenses include agents costs as detailed above as well as items such as insurance, statutory advertising, external meeting room hire, external storage and specific bond.

Category 2 expenses

These are payments to associates or payments which have an element of shared costs.

Associates are defined as an entity with which the firm, office holder or staff member has a business or personal relationships with, perceived or actual.

In this case there are no category 2 expenses

Subcontractors

Subcontractors are considered to undertake work that can be completed by the office holder or their staff. Payments to subcontractors do not require specific approval and are treated as an expense of the estate, however I am required to provide the following information to you.

It is anticipated that the following subcontractors shall be used in order to undertake the work described below. Subcontractors will be used where a matter requires specialist knowledge or where it is more cost effective to the estate for this to be completed by a third party.

Subcontractor	Work to be undertaken	Anticipated cost
Hawsons Accountants	Corporation Tax Return	£60 plus VAT