

LIQ14

Notice of final account prior to dissolution in CVL



Companies House

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refer to our guidance at
www.gov.uk/companieshouse

1 Company details

Company number 03260954
Company name in full John Cooper Construction Limited

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

2 Liquidator's name

Full forename(s) David
Surname Rubin

3 Liquidator's address

Building name/number Pearl Assurance House
Street 319 Ballards Lane
Post town London
County/Region
Postcode N12 8LY
Country

4 Liquidator's name ①

Full forename(s) Henry
Surname Lan

① Other liquidator
Use this section to tell us about
another liquidator.

5 Liquidator's address ②

Building name/number Pearl Assurance House
Street 319 Ballards Lane
Post town London
County/Region
Postcode N12 8LY
Country

② Other liquidator
Use this section to tell us about
another liquidator.

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6 Liquidator's release

☐ Tick if one or more creditors objected to liquidator's release.

:

7 Final account

☒ I attach a copy of the final account.

8 Sign and date

Liquidator's signature

Signature

X

X

Signature date

d

1

d

5

m

0

m

1

y

2

y

0

y

2

y

1

LIQ14

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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 Philip Kyprianou

Company name David Rubin & Partners

Address Pearl Assurance House
319 Ballards Lane

Post town London

County/Region

Postcode N 1 2 8 L Y

Country

DX Finchley 1

Telephone 020 8343 5900



Checklist

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- ☐ The company name and number match the information held on the public Register.
- ☐ You have attached the required documents.
- ☐ You have signed the form.



Important information

All information on this form will appear on the public record.



Where to send

You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:

The Registrar of Companies, Companies House,
Crown Way, Cardiff, Wales, CF14 3UZ.
DX 33050 Cardiff.



Further information

For further information please see the guidance notes on the website at www.gov.uk/companieshouse or email enquiries@companieshouse.gov.uk

This form is available in an alternative format. Please visit the forms page on the website at www.gov.uk/companieshouse

IN THE MATTER OF
JOHN COOPER CONSTRUCTION LIMITED - IN LIQUIDATION

AND

THE INSOLVENCY ACT 1986

THE JOINT LIQUIDATORS' FINAL ACCOUNT
PURSUANT TO SECTION 106 OF THE INSOLVENCY ACT 1986
AND
RULE 18.14 OF THE INSOLVENCY (ENGLAND AND WALES) RULES 2016
FOR THE PERIOD FROM 22 NOVEMBER 2013 TO 18 NOVEMBER 2020

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7. Details of unrealisable assets
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APPENDICES

- A. Receipts and Payments Account from 22 November 2019 to 18 November 2020 and Cumulative Receipts and Payments Account from 22 November 2013 to 18 November 2020.
- B. Time analysis for the period from 22 November 2019 to 18 November 2020 and Cumulative time analysis for the period from 22 November 2013 to 18 November 2020.

1. Introduction

Henry Lan and I, David Rubin, were appointed Joint Administrators of John Cooper Construction Limited ("the Company") on 13 December 2012 pursuant to an application of the director at the High Court of Justice, and became Joint Liquidators when a notice to move from Administration to Creditors' Voluntary Liquidation was registered at Companies House on 22 November 2013.

Rule 18.14 – Content of Final Account

2. Statutory information

Company name: John Cooper Construction Limited
Registered office: Pearl Assurance House, 319 Ballards Lane, London, N12 8LY
Company number: 03260954
Trading address: Cooper House, 25 Belmont Circle, Kenton Lane, Harrow, HA3 8RF

3. Joint Liquidators' names and addresses

David Rubin and Henry Lan of David Rubin & Partners, Pearl Assurance House, 319 Ballards Lane, London, N12 8LY were appointed Joint Liquidators of the Company on 22 November 2013.

4. Details of the Joint Liquidators' administration of the winding-up

At Appendix A, we have provided an account of our Receipts and Payments for the period from 22 November 2019 to 18 November 2020 and cumulative figures for the whole Liquidation to 18 November 2020, together with a comparison to the Director's Statement of Affairs values, which is further explained below.

The work carried out during the Liquidation is as set out below in the explanations to our Receipts and Payments Account and in Section 5.3.6.

4.1 Receipts

4.1.1 Funds received from Joint Administrators

The sum of £200,694.12 represents the balance held by the Joint Administrators which was transferred to the Liquidation account.

4.1.2 VAT refund

We have received a VAT refund of £12,543.56 from HM Revenue & Customs in respect of recoverable VAT on expenses incurred by the former Administrators.

4.1.3 Retention monies

The amount of £30,266.69 has been received in respect of retention monies.

4.1.4 Assignment of claim and claim settlement

Prior to the appointment of Joint Administrators, the Company was engaged in legal proceedings against Willmott Dixon Construction Limited ("WDCL") in the Technology & Construction Court.

The Joint Liquidators had meetings, discussions and correspondence with the engaged solicitors Pitmans LLP and Counsel and specialist agents GBSqd LLP and Navigant Consulting and other consultants in order to progress matters in the proceedings.

The Administrators had taken out an after the event ("ATE") litigation policy with Gable Insurance AG and paid the inception premium of £48,000 in March 2013. However, Gable Insurance AG, a Liechtenstein company, proceeded into Liquidation on 17 November 2016 with all their policies expiring on 16 December 2016. At that point the Liquidators no longer had a functioning policy of insurance to deal with the Liquidators' cost risk or to deflect a threatened application for security for costs.

The Joint Liquidators made a claim for the return of premium on the Gable ATE policy but after much correspondence with the Financial Services Compensation Scheme ("FSCS") and the run off manager Enstar, the latter confirmed that the premium had been earned and was not returnable.

The Liquidators sought to procure another ATE litigation policy with another insurer but were unable to do so. Our solicitors advised that to continue with the proceedings without an ATE policy of insurance represented an unacceptable risk to the Liquidators.

In these circumstances the Liquidators decided to assign the claim against WDCL on 7 May 2019 for the nominal consideration of £1 to Gregory Shanahan, a former employee and surveyor of the Company. He had assisted the Administrators and Liquidators and had a detailed knowledge of the claim and was prepared to continue with the claim in the absence of any funding or insurance cover.

In the event Mr Shanahan further corresponded and negotiated with WDCL and managed to agree terms of settlement whereby a Consent Order was entered into on 21 October 2019 and he received a settlement of £110,994 from WDCL. Mr Shanahan agreed to pay over 10% of the settlement figure to the Liquidators and an amount of £11,099.49 was received into the Liquidation in October 2019.

4.1.5 Unclaimed dividends from Company Voluntary Arrangement ("CVA")

Prior to the appointment of the Administrators the Company was in a CVA. When the CVA was closed in 2013, the Supervisor was holding a returned dividend of £11.00 which was forwarded to the liquidation estate.

4.1.6 Bank interest received

The funds in hand are held in an interest bearing account with a High Street bank in the Office Holder's name.

Interest earned on the funds in hand amounts to £8,078.99.

4.2 Payments

4.2.1 Statutory advertising

Advertising costs of £169.20 have been paid for the publishing of statutory advertising in the London Gazette in respect of the appointment of the Joint Liquidators and for creditors to submit their claims in the Liquidation.

4.2.2 Carriage and archiving

Our firm uses its own personnel and vehicle for the collection of books and records for which we charged £30 per hour at the onset of the Liquidation and £50 per from 1 November 2015. Our firm has been paid £1,110 for 37 hours at £30 per hour and £62.5 for 1.25 hours at £50 per hour in this regard.

4.2.3 Storage costs

Our firm uses a commercial archiving company for storage facilities for the Company's records and papers. This is recharged at the rate of £10 per box per quarter and includes a small charge to cover the Administration costs of archiving and retrieval of documents. We are also required to keep our working papers for 6 years from the conclusion of the Liquidation. Storage costs of £2,472.08 have been charged.

4.2.4 Legal fees

The amount of £25,000 has been paid to solicitors Speechly Bircham LLP in respect of the proceedings against WDCL.

Speechly Bircham LLP had been the Company's lawyers in the action against WDCL prior to the Administration and had a detailed knowledge of the claim and a specialist insolvency department and were chosen on that basis after taking into account the size and complexity of the legal issues. Speechly Bircham LLP charge their fees on a time cost basis and they have provided us with an analysis of the time they have spent.

When the principal solicitor dealing with the claim moved from Speechly Bircham LLP to Pitmans LLP, that latter firm was instructed to continue with the proceedings against WDCL and an amount of £24,338.90 has been paid to them in respect of their services.

Counsel from 4 Pump Court Chambers were instructed in respect of proceedings against WDCL and have been paid £4,060.

An agreed fee of £1,000 has been paid to solicitors Sylvester Amiel Lewin & Horne in respect of their assistance and advice with regard to the assignment of the claim and consent order. Sylvester Amiel Lewin & Horne have a specialist insolvency department and were chosen on that basis after taking into account the size and complexity of the legal issues.

The amount of £18,783 has been paid to solicitors Edwin Coe LLP in respect of their assistance in the collection of retention monies in the Administration and Liquidation.

Edwin Coe LLP have a specialist insolvency department and they were chosen on that basis after taking into account the size and complexity of the legal issues. Edwin Coe LLP charge their fees on a time cost basis and they have provided us with an analysis of their time.

4.2.5 Professional fees

The Joint Liquidators instructed quantum specialist agents GBsqd LLP and delay specialist agents Navigant Consulting to liaise with the instructed solicitors in order to advance the action against WDCL.

These were agents previously known to Speechly Bircham LLP and both firms charge their fees on a time cost basis and have provided us with an analysis of the time they have spent. The amount of £37,275 has been paid to GBsqd LLP in the Liquidation and £12,437 to Navigant Consulting.

The Joint Administrators and subsequently the Joint Liquidators engaged the services of the Company's former surveyor Gregory Shanahan to assist in the realisation of assets and consultancy fees of £59,583 have been paid in the Liquidation.

4.2.6 Agents fees

Some specialist agents were requested to attend meetings and provide our instructed solicitors with further information and an agreed fee was paid to them. The agents instructed were CAC Consultants Ltd, David Elliot Surveyors Ltd and Ensign Engineering Design and they were paid fees of £500, £400 and £455, respectively.

4.2.7 Corporation Tax

Corporation Tax was due on interest received. The amount of £2,097.80 shown in the receipts and payments account represents tax paid to HM Revenue and Customs.

4.2.8 Joint Liquidators' remuneration

As shown in the Receipts and Payments Account, we have drawn remuneration, as Joint Liquidators, of £72,950. This is explained further at Section 5.3 below.

5. Basis of Joint Liquidators' remuneration and staff allocation

5.1 Basis of remuneration

The creditors approved for the Joint Administrators' fees to be fixed by reference to the time properly given by them and their staff in attending to matters arising in the Administration and to draw fees as and when funds were available.

Where the Administrators become the Liquidators, the basis of remuneration fixed continues to apply in the Liquidation.

In accordance with the provisions of Statement of Insolvency Practice 9, a schedule of our firm's charge-out rates was issued to creditors at the time the basis of the Joint Administrators' remuneration was approved. These rates were set in November 2011 and have fallen substantially behind prevailing market rates for a business of our size and expertise. Accordingly, the rates were revised on 1 November 2018. Our current hourly charge-out rates exclusive of VAT, which are charged in units of 6 minutes, are as follows:-

5.2 Basis of remuneration ... continued.

	Previous	Current
	£	£
Senior / Managing Partners	450	550
Partners / Office Holders	300 - 395	495
Managers / Senior Managers	250 - 295	350 - 395
Senior Administrators	180 - 220	220 - 295
Administrators	130 - 160	160 - 200
Cashiers and Assistants	120 - 160	150 - 295
Supports	110 - 120	120 - 150

Charge-out rates are normally reviewed annually in November, when rates are adjusted to reflect such matters as inflation, increases in direct wage costs, and changes to indirect costs such as Professional Indemnity Insurance.

5.2 Staff allocation and the use of subcontractors

Our general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case. The constitution of the case team will usually consist of a Partner, Manager, Senior Administrator, and two Administrators. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and additional staff may be allocated to meet the demands of the case.

We have not utilised the services of any subcontractors in this case.

5.3 Joint Liquidators' remuneration

- 5.3.1 Our time costs for the period from 22 November 2019 to 18 November 2020, which covers the period since our last progress report to creditors, are £22,158. This represents 64.5 hours at an average rate of £344 per hour. We attach as Appendix B a time analysis which provides details of the activity during this period, analysed by staff grade, in respect of our firm's remuneration fixed by reference to time properly spent by the Joint Liquidators and their staff in managing the Liquidation.
- 5.3.2 We have also reviewed our cumulative time costs for the period from 22 November 2013 to 18 November 2020 and would report that our total time costs are £165,358 for 542.2 hours, which equates to an average cost of £305 per hour. A breakdown of our cumulative time charges is also set out in Appendix B.
- 5.3.3 We have drawn fees of £72,950 and we have outstanding fees of £92,408, which we are unable to recover as there are insufficient funds to meet our full time costs. Accordingly, our firm has been paid an average hourly rate of £136 per hour for the 542.2 hours worked.
- 5.3.4 As you may be aware, the Joint Liquidators must comply with various statutory obligations under the Insolvency Act 1986 and other related legislation. Details about the work we carried out in this regard were outlined previously and we would confirm that in this period of the Liquidation, the only matters that have affected the costs to any particular extent are reviewing the case for closure and preparing and circulating our annual and final reports.

5.3 Joint Liquidators' remuneration ... continued.

5.3.5 To view an explanatory note concerning Liquidators' remuneration approved by the Joint Insolvency Committee, please visit the Publications folder on our website www.drpartners.com/cases, using the following log-on details:

USERNAME: j838.joh@drco.co.uk

PASSWORD: hoj*38J*

Alternatively, please contact this office to arrange for a copy to be sent to you.

5.3.6 Included in the work undertaken by the Joint Liquidators and their staff is the following:-

- i) Dealing with creditors' enquiries both by correspondence and by telephone and noting their claims;
- ii) Carrying out all necessary investigations, including the examination of the Company's statutory books and books of accounts and records in order to enable me to prepare and submit a Joint Liquidators' report on the conduct of the directors pursuant to the requirements of the Company Directors Disqualification Act 1986;
- iii) Preparation and circulation of our annual progress reports and Receipts and Payments Accounts to creditors pursuant to S104A of the Insolvency Act 1986 and submission of same to the Registrar of Companies;
- iv) Correspondence, telephone attendances and meetings with solicitors, Counsel and agents with regard to the legal proceedings with Willmott Dixon and the assignment of the claim and consent order;
- v) Correspondence and telephone attendances with solicitors with regard to the recovery of retention monies;
- vi) Correspondence and telephone attendances with regard to the Liquidation of Gable Insurance AG with solicitors and the FSCS;
- vii) Filing the appropriate documents relating to the Liquidation at Companies House;
- viii) Collecting and archiving the Company's books and records;
- ix) Applying for the Joint Liquidators' bond, as required by the Insolvency Practitioners Regulations 2005;
- x) Publishing the necessary statutory advertisements in respect of the Liquidation proceedings;
- xi) Opening a designated bank account and dealing with the movement of funds;
- x) Applying for the Company's VAT deregistration and correspondence with HM Revenue & Customs on matters pertaining to the Liquidation;
- xi) Preparation and submission of the relevant VAT and Corporation Tax returns to HM Revenue & Customs; and

5.3 Joint Liquidators' remuneration ... continued.

- xii) Preparation of our final report and Receipts and Payments Account to creditors pursuant to Section 106 of the Insolvency Act 1986.

6. Liquidation expenses

Expenses incurred in the Liquidation are explained in Section 4.2, above, in our comments on the Receipts and Payments Account.

7. Details of unrealisable assets

There are no assets remaining to be realised.

8. Investigations

- 8.1 Some of the work the Joint Liquidators are required to undertake is to comply with legislation such as the Company Directors' Disqualification Act 1986 (CDDA 1986) and Statement of Insolvency Practice 2 – Investigations by Office Holders in Administration and Insolvent Liquidations and may not necessarily bring any financial benefit to creditors, unless these investigations reveal potential asset recoveries that the Joint Liquidators can pursue for the benefit of creditors.

- 8.2 Our report on the conduct of the Directors of the Company to the Department for Business, Energy & Industrial Strategy under the CDDA 1986 was submitted during the first year of the Liquidation and is confidential.

- 8.3 Since our last progress report we would advise that no further assets have come to light that may be pursued by us for the benefit of creditors.

9. Other relevant information

9.1 Secured creditors

There are no secured creditors in the Liquidation.

9.2 Prescribed part

Section 176A of the Insolvency Act 1986 provides for a prescribed part of the Company's net property to be retained from distribution to the floating charge holder, where the debenture was created on or after 15 September 2003, and made available for the satisfaction of unsecured debts.

This regulation does not apply as there are no secured creditors.

9.3 Preferential creditors

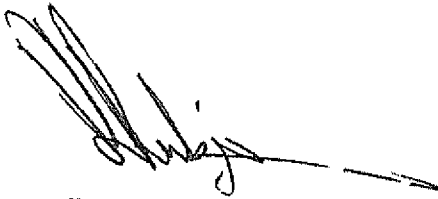
There are no preferential creditors in the Liquidation. The agreed preferential claims received from the Redundancy Payments Service and employees were paid in full in the Administration.

9.4 Unsecured creditors

The claims of 4 unsecured creditors totalling £1,393,368 have been received. However, these claims have not been formally agreed as there was little likelihood of sufficient funds being available to pay a dividend to this class of creditor.

10. Conclusion

This final account will conclude our administration of this case. We trust you will find this report adequate for your purposes but should you require any further information, please do not hesitate to contact in the first instance our Manager, Philip Kyprianou, at this office.



DAVID RUBIN – JOINT LIQUIDATOR

18 November 2020

JOHN COOPER CONSTRUCTION LIMITED - IN LIQUIDATION
JOINT LIQUIDATORS' FINAL RECEIPTS AND PAYMENTS ACCOUNT
FROM 22 NOVEMBER 2013 TO 18 NOVEMBER 2020

	<u>Realised</u>	<u>Period</u> <u>22-Nov-19 to</u> <u>18-Nov-20</u>
	£	£
<u>Balance brought forward</u>		21,586.88
<u>Receipts</u>		
Funds received from Joint Administrators	200,694.12	-
VAT refund	12,543.56	-
Retention monies	30,266.69	-
Assignment of claim	1.00	-
Claim settlement	11,099.49	-
Unclaimed dividends from CVA	11.00	-
Bank interest received	8,078.99	7.70
	<u>262,694.85</u>	<u>21,594.58</u>
<u>Payments</u>		
Statutory advertising	169.20	-
Carriage and archiving	1,172.50	1,172.50
Storage costs	2,472.08	2,472.08
Legal fees - Speechly Bircham LLP	25,000.00	-
Legal fees - Pitmans	24,338.90	-
Legal fees - Counsel	4,060.00	-
Legal fees - Sylvester Amiel Lewin & Horne	1,000.00	-
Legal fees - Edwin Coe	18,783.50	-
Professional fees - GB sqd	37,275.00	-
Professional fees - Navigant Consulting	12,437.50	-
Professional fees - G Shanahan	59,583.37	-
Agents - CAC Consultants Ltd	500.00	-
Agents - David Elliot Surveyors Ltd	400.00	-
Agents - Ensign Engineering Design	455.00	-
Corporation Tax	2,097.80	-
Liquidator's remuneration	72,950.00	17,950.00
	<u>262,694.85</u>	<u>21,594.58</u>

JOHN COOPER CONSTRUCTION LIMITED - IN CREDITORS VOLUNTARY LIQUIDATION

JOINT LIQUIDATORS' TIME COSTS							
FOR THE PERIOD FROM 22 NOVEMBER 2019 TO 18 NOVEMBER 2020							
SIP 9 TIME SUMMARY							
Classification of work function	Hours					Total Cost £	Average hourly rate £
	Partners	Manager / Senior Manager	Admin / Senior Admin	Cashiers	Total hours		
Statutory compliance, admin and planning	01:18	26:18	19:06	03:24	50:06	17,031.00	339.94
Investigations	00:42	00:00	00:00	00:00	00:42	385.00	550.00
Realisations of assets	00:00	06:30	01:30	00:00	08:00	3,010.00	376.25
Creditors	00:00	00:30	05:12	00:00	05:42	1,731.50	303.77
Total hours and costs	02:00	33:18	25:48	03:24	64:30	22,157.50	343.53

JOINT LIQUIDATORS' CUMULATIVE TIME COSTS							
FOR THE PERIOD FROM 21 NOVEMBER 2013 TO 18 NOVEMBER 2020							
SIP 9 TIME SUMMARY							
Classification of work function	Hours					Total Cost £	Average hourly rate £
	Partners	Manager / Senior Manager	Admin / Senior Admin	Cashiers	Total hours		
Statutory compliance, admin and planning							
IPS set up & maintenance	00:00	03:00	12:30	00:18	15:48	3,701.00	234.24
Statutory filings, circulars, notices, etc.	03:36	00:00	17:06	00:24	21:06	5,453.00	258.44
Case planning, strategy & control	31:36	28:00	50:30	00:00	110:06	39,356.50	357.46
Taxation: PAYE, C/Tax & VAT	00:00	00:00	17:12	00:00	17:12	3,896.50	226.54
Accounting & Cashiering	01:00	00:00	06:48	34:50	42:38	7,955.50	186.60
Case reviews & Diary maintenance	02:48	01:30	23:48	00:00	28:06	7,126.00	253.59
Statutory reporting and compliance	00:24	33:48	17:30	00:00	51:42	15,866.00	306.89
Investigations							
Investigating antecedent transactions	02:42	02:30	01:00	00:00	06:12	1,722.50	277.82
Proceedings & recoveries	16:42	00:00	00:00	00:00	16:42	8,445.00	505.69
Realisation of assets							
Freehold & leasehold properties	00:18	00:54	00:00	00:00	01:12	540.00	450.00
Book debts collection	02:00	52:30	02:00	00:00	56:30	16,827.50	297.83
Tangible assets	11:48	97:36	07:30	00:00	116:54	38,445.00	328.87
Creditors							
Unsec'd Creditors: correspondence & claims	10:12	06:30	40:24	00:00	57:06	15,728.50	275.46
Preferential creditors & employees	00:00	00:00	01:00	00:00	01:00	295.00	295.00
Total hours and costs	83:06	226:18	197:18	35:32	542:14	165,358.00	304.96