

LIQ03

Notice of progress report in voluntary winding up



Companies House

SATURDAY



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13/01/2018

#167

COMPANIES HOUSE

1 Company details

Company number **0 3 4 0 7 1 9 7**
Company name in full **Pinnacle Heating Services Limited**

→ Filling in this form

Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename(s) **Edward**
Surname **Kerr**

3 Liquidator's address

Building name/number **Pannell House**
Street
Post town **159 Charles Street**
County/Region **Leicester**
Postcode **L E 1 1 L D**
Country

4 Liquidator's name ①

Full forename(s) **Francis Graham**
Surname **Newton**

① Other liquidator

Use this section to tell us about
another liquidator.

5 Liquidator's address ②

Building name/number **c/o BDO LLP Central Square**
Street **29 Wellington Street**
Post town **Leeds**
County/Region
Postcode **L S 1 1 5 R U**
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	1	d	2	m	1	m	1	y	2	y	0	y	1	y	6
To date	d	1	d	1	m	1	m	1	y	2	y	0	y	1	y	7

7 Progress report

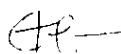
☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

d	1	d	1	m	0	m	1	y	2	y	0	y	1	y	8
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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	Edward Kerr
Company name	BDO LLP
Address	Pannell House
Post town	159 Charles Street
County/Region	Leicester
Postcode	L E 1 1 L D
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

Pinnacle Heating Services Limited
(In Liquidation)
Joint Liquidators' Abstract of Receipts & Payments

Statement of Affairs	From 12/11/2016 To 11/11/2017	From 12/11/2012 To 11/11/2017
ASSET REALISATIONS		
Book Debts	NIL	4,927.44
VAT Bad Debt Receipt	NIL	24,761.39
Director's Loan Account	NIL	167.21
Bank Interest Gross	38.75	667.09
Administration Surplus	NIL	234,799.96
VAT Receivable Transferred from Admi	NIL	7,981.43
Rates Refund	NIL	985.34
	<u>38.75</u>	<u>274,289.86</u>
COST OF REALISATIONS		
Liquidator's Fees	NIL	17,574.67
Liquidators Disbursements	NIL	192.00
Mileage & Parking	NIL	22.32
Press liaison	NIL	233.50
Agents' Fees & Disb - Contract Debts	NIL	1,295.60
Legal Fees	NIL	12,012.02
Corporation Tax	NIL	156.93
Interest on Corporation Tax	NIL	0.31
Photocopying and Postage	269.51	1,348.97
Insurance of Assets	NIL	808.25
Bank Charges	25.75	27.85
	<u>(295.26)</u>	<u>(33,672.42)</u>
PREFERENTIAL CREDITORS		
Preferential E.P.A.	NIL	24,588.73
Preferential Wages and Holiday Pay	NIL	19,688.06
	<u>NIL</u>	<u>(44,276.79)</u>
FLOATING CHARGE CREDTS		
Floating Charge	NIL	154,400.85
	<u>NIL</u>	<u>(154,400.85)</u>
	<u>(256.51)</u>	<u>41,939.80</u>
REPRESENTED BY		
Vat Input		727.96
Bank 2 Current		41,211.84
		<u>41,939.80</u>

Note:

A preferential dividend of 100p in the £ was paid on 24 June 2015 totalling £44,276.79.

No statement of affairs figures are shown as this Company was previously in Administration and the majority of asset realisations were completed in the Administration.

TO ALL CREDITORS AND SHAREHOLDERS

10 January 2018

Our Ref 00182263/C2/ETK/RT

Please ask for
Rebecca Thompson
Email: BRCMT@bdo.co.uk
Dial: 0151 237 4472

Dear Sirs

Pinnacle Heating Services Limited - In Creditors' Voluntary Liquidation ('the Company')
Registered number: 03407197

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').

Professional information regarding the Liquidators

The current Joint Liquidators are Edward Kerr (officeholder No: 9021) of BDO LLP, Pannell House, 159 Charles Street, Leicester, LE1 1LD and Francis Graham Newton (officeholder No: 9310) of BDO LLP, Central Square, 29 Wellington Street, Leeds, LS1 4DL. The Company was placed into liquidation on 12 November 2012. The Joint Liquidators carry out their functions jointly and severally meaning any action can be done by one Liquidator or by both of them.

Please note that on 2 August 2017, an order was made by the High Court of Justice, Chancery Division, Companies Court in London, case number: CR-2017-005555 removing Ian James Gould as Joint Liquidator of the Company following his resignation from BDO LLP. The court order also provided for Francis Graham Newton to be appointed as Joint Liquidator of the Company in place of Ian James Gould. Francis Graham Newton is authorised and licensed in the United Kingdom to act as an insolvency practitioner by the Insolvency Practitioners Association in the UK.

Receipts

I attach for your information a summary of my Receipts and Payments account, analysed to show activity in the last year compared to the whole of the liquidation. The account shows a balance in hand of £41,940 for your information.

Receipts in the period of this report are self-explanatory with only bank interest gross totalling £39 being received.

Payments

A total of £270 has incurred in the period of this report for photocopying and postage and a further amount of £26 in relation to bank charges.



Progress of the liquidation

Please be advised that all claims received to date have now been reviewed and considered including those of the former employees. The vast majority of these claims have been agreed. There are a small number of creditors who will be contacted and further information will be requested. The liquidation bank account has been made non-interest bearing and a final tax return has been prepared. This will be submitted to HM Revenue and Customs together with a request for confirmation that there are no tax issues which would prevent a first and final distribution to unsecured creditors and the conclusion of the liquidation.

Assets

All remaining assets of the Company have now been realised with the exception of a small balance on a director's loan account of c£20. 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 Rules 18.10/14.13 of the Rules.

Future Prospects for creditors

Secured Creditors

As reported previously, the Company granted a fixed and floating charge to the Royal Bank of Scotland Plc ('the Bank') on 27 November 2008 and the Bank's outstanding indebtedness at the date of appointment was £331,775. As at 11 November 2017, the Bank has received £154,401. No distributions have been made during the period of this report. It is not anticipated that there will be any further significant amounts paid under its floating charge.

Preferential Creditors

As previously reported a total of £44,277 was paid to preferential creditors. The preferential creditors have been paid in full.

Unsecured Creditors

Under Section 176A of the Insolvency Act 1986, where, after 15 September 2003, a Company has granted to a creditor a floating charge, a proportion of the net property of the Company must be made available purely for the unsecured creditors. As previously reported, the Company did grant such a charge and, as stated above, payment has been made to the Bank in accordance with its security. Unless there are any further realisations, it is the balance of funds, less a final amount of c£15 due in tax, which it is anticipated will be paid to unsecured creditors as a prescribed part distribution.

The Statement of Affairs prepared for the preceding Administration appointment showed that unsecured creditor claims could exceed £2 million. Whilst the process of reviewing claims has not yet been concluded, a total of 98 claims have been agreed, including those of former employees, and total £1.4m. Information is being requested of claims which total a further c£75,000. Further claims may be received in response to a Notice of Intended Dividend that will be issued to those creditors who have yet to claim. Once the all claims have been agreed, a first and final distribution will be declared to the ordinary unsecured creditors.

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 can also confirm that a 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 has been completed. It was concluded that there are no causes of action to be pursued.

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.

The creditors approved the Joint Administrators' remuneration on a time cost basis in the preceding Administration and the Joint Liquidators' remuneration is fixed on the same basis as that of the Joint Administrators.

To date, the Joint Liquidators have drawn £17,575 in respect of remuneration, none of which was drawn in the period of this report as shown on the enclosed Receipts and Payments account.

I attach two schedules detailing the time costs incurred to date. The first schedule covers the period of this report, 12 November 2016 to 11 November 2017. This records time costs of £9,317 which represents 57 hours spent at an average charge out rate of £165 per hour.

The second schedule covers the whole period of appointment and records time cost of £44,956 which represents 245 hours spent at an average charge out rate of £183 per hour.

For guidance, I enclose a document that outlines the policy of BDO LLP in respect of fees and disbursements.

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.

Joint Liquidators often charge expenses for example printing, stationery, photocopying, telephone and electronic communications, which cannot economically be recorded in respect of a 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. In this matter no category 2 disbursements have been charged, except for mileage allowances paid to staff in respect of motor vehicle use, based on the mileage scale approved by HMRC, being 45p per mile unless otherwise disclosed to creditors.



No Category 1 or Category 2 disbursements have accrued or been paid in the period of this report and no disbursements from a preceding period remain unpaid.

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 Liquidator's remuneration at <https://www.r3.org.uk/what-we-do/publications/professional/fees>.

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 office-holders are bound by the Insolvency Code of Ethics when carrying out all professional work relating to this appointment. A copy of the code is at: <http://www.icaew.com/en/members/regulations-standards-and-guidance/ethics/code-of-ethics-d>

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

Yours faithfully
for and on behalf of
Pinnacle Heating Services Limited

A handwritten signature in black ink, appearing to be 'ET Kerr'.

E T Kerr
Joint Liquidator
Authorised in the UK by the Institute of Chartered Accountants England & Wales

Enc

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

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 administrator or Liquidator or the administrator's or 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 administrator or Liquidator or the administrator's or 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.
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Pinnacle Heating Services Limited
(In Liquidation)
Joint Liquidators' Abstract of Receipts & Payments

Statement of Affairs	From 12/11/2016 To 11/11/2017	From 12/11/2012 To 11/11/2017
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PREFERENTIAL CREDITORS		
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	<u>(256.51)</u>	<u>41,939.80</u>
REPRESENTED BY		
Vat Input		727.96
Bank 2 Current		41,211.84
		<u>41,939.80</u>

Note:

A preferential dividend of 100p in the £ was paid on 24 June 2015 totalling £44,276.79.

No statement of affairs figures are shown as this Company was previously in Administration and the majority of asset realisations were completed in the Administration.

Name of Assignment

Pinnacle Heating Services-CVL

00182263

Summary of Time Charged and Rates Applicable for the Period From 12/11/2016 to 11/11/2017

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL		W R
	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	
B. Steps on Appointment	0.10	52.00	0.10	25.50									0.10	25.50	255.0
D. General Administration			4.05	1,022.55			0.70	102.70	13.95	1,763.00	1.20	83.10	20.00	3,023.35	151.1
G. Employee Matters			0.25	64.95							0.10	6.70	0.35	71.65	204.7
H. Creditor Claims			8.75	1,731.15					16.25	2,878.00	3.70	247.90	28.70	4,857.05	169.2
I. Reporting			0.80	204.00					6.45	1,109.40			7.25	1,313.40	181.1
J. Distribution and Closure			0.10	26.10									0.10	26.10	261.0
	0.10	52.00	14.05	3,074.25	0.00	0.00	0.70	102.70	36.65	5,750.40	5.00	337.70			

Net Total

56.50

9,317.05

Secretarial Expense

0.00

Other Disbursements

0.00

Billed

0.00

Grand Total

9,317.05



Name of Assignment Pinnacle Heating Services-CVL 00182263
Summary of Time Charged and Rates Applicable for the Period From 12/11/2012 to 11/11/2017

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL		£
	Hours	Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total	
B. Steps on Appointment		£	0.10	25.50		£		£	1.75	273.00		£	1.85	298.50	161.3
C. Planning and Strategy	0.10	50.90													509.0
D. General Administration	1.85	876.00	19.60	4,633.20			5.80	1,073.70	68.25	8,876.30	4.40	287.80	99.90	15,747.00	157.6
E. Assets Realisation Dealing	6.50	2,750.50	38.90	8,476.85					0.20	31.00			45.60	11,258.35	246.8
G. Employee Matters									15.10	2,324.25	0.10	6.70	16.05	2,527.70	157.4
H. Creditor Claims			27.00	5,874.00					19.20	3,339.75	3.70	247.90	49.90	9,461.65	189.6
I. Reporting	0.50	214.00	4.10	972.60					26.75	4,303.85			31.35	5,490.45	175.1
J. Distribution and Closure			0.55	121.35									0.55	121.35	220.6
	8.95	3,891.40	91.10	20,300.25	0.00	0.00	5.80	1,073.70	131.25	19,148.15	8.20	542.40	245.30	44,955.90	
Net Total															
Secretarial Expense															0.00
Other Disbursements Billed															0.00
Grand Total															44,955.90

Pinnacle Heating Services Limited - In 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	520
Manager	229-401
Assistant Manager	207
Senior Administrator	195-207
Administrator	72-176
Other staff	71

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.

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

Insolvency practice additionally provides for the recharge of expenses such as printing, stationery, photocopying charges, telephone, email and other electronic communications eg webhosting, which cannot be economically recorded in respect of each specific case. Such expenses, which are apportioned to cases, must be approved by the creditors in accordance with the Insolvency (England and Wales) Rules 2016, 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 recharge any expense which is not a specific cost to the case, therefore there will be no category 2 disbursements charged.

A further disbursement under this heading is 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