

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



A17 \*A80MW0XT\* 06/03/2019 #193  
COMPANIES HOUSE

### 1 Company details

Company number 0 3 7 8 5 7 7 5

Company name in full Behind Bars Limited  
T/A Montpellier Wine Bar

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

### 2 Liquidator's name

Full forename(s) Alisdair J

Surname Findlay

### 3 Liquidator's address

Building name/number Saxon House

Street Saxon Way

Post town Cheltenham

County/Region

Postcode G L 5 2 6 Q X

Country

### 4 Liquidator's name ①

Full forename(s)

Surname

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

### 5 Liquidator's address ②

Building name/number

Street

Post town

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	7	m	0	1	y	2	0	1	8
To date	d	2	6	m	0	1	y	2	0	1	9

### 7 Progress report

☐ The progress report is attached

### 8 Sign and date

Liquidator's signature	Signature	X		X							
Signature date	d	2	8	m	0	2	y	2	0	1	9

**BEHIND BARS LIMITED – IN CREDITORS' VOLUNTARY LIQUIDATION**  
**(Company Number 03785775; England & Wales)**

**LIQUIDATOR'S PROGRESS REPORT TO CREDITORS AND MEMBERS  
FOR THE PERIOD FROM 27 JANUARY 2018 TO 26 JANUARY 2019**

**INTRODUCTION**

*I write further to my appointment as Liquidator of the Company on 27 January 2015. The purpose of this report is to detail my progress in dealing with the liquidation during the 12 month period from 27 January 2018 to 26 January 2019.*

The main causes of failure cited by the Company director were increased competition in the area, the effect of the economic downturn on the business and staffing issues.

**STATUTORY INFORMATION**

Company name:	BEHIND BARS LIMITED
Company number:	03785775
Date of incorporation:	10 June 1999
Company's principal activity:	Bar & Restaurant
Registered office:	Saxon House, Saxon Way, Cheltenham, Gloucestershire, GL52 6QX
Former registered office:	Alstone Manor, Alstone, Gloucestershire, GL20 8JD
Trading address:	Bayshill Lodge, Cheltenham, Gloucestershire, GL50 1SY
Company director:	Andrew Billington
Company secretary:	-
Shareholder:	Andrew Billington
Liquidator:	Alisdair J Findlay of Findlay James (Insolvency Practitioners) Limited, Saxon House, Saxon Way, Cheltenham, Gloucestershire, GL52 6QX
Date of appointment:	27 January 2015

**LIQUIDATOR'S ACTIONS SINCE LAST REPORT**

There is certain work that I am required by the insolvency legislation to undertake in connection with the liquidation that provides no financial benefit for the creditors. A description of the routine work undertaken since my last progress report is contained in Appendix 1.

This is in addition to the case-specific work carried out with regard to asset realisations, creditor claims and investigations, details of which are given below.

## **RECEIPTS AND PAYMENTS ACCOUNT**

My Receipts & Payments Account for the period from 27 January 2018 to 26 January 2019 is attached to this report in Appendix 2.

## **ASSET REALISATIONS**

### ***Chattel Assets***

As previously advised, the Company's assets were sold for the sum of £20,000 plus VAT (£24,000) to Bayshill Bars Limited, the director of which was also the director of Behind Bars Limited. Funds were received in instalments and have now been received in full.

### ***Bank Interest***

An amount of bank interest was also received on funds deposited.

### ***Outstanding matters to be resolved***

The Company operated an Employee Benefit Trust which HMRC consider should be challenged. The director advised that the tax planning scheme was undertaken following professional advice. The matter is currently ongoing.

## **INVESTIGATION INTO THE AFFAIRS OF THE COMPANY**

In accordance with the Company Directors Disqualification Act 1986 / Insolvent Companies (Reports on Conduct of Directors) Rules 1996, a report on the conduct of the directors of the Company has been submitted to the Insolvency Service. As this is a confidential report, I am unable to disclose its contents.

This is a statutory obligation under insolvency law on every appointment accepted by a liquidator. The submission of the report does not necessarily indicate any wrongdoing on the part of the officers of the Company.

## **LIABILITIES**

### ***Secured Creditors***

An examination of the Company's mortgage register held by the Registrar of Companies showed that the Company has no current charges over its assets.

The legislation requires that if the Company has created a floating charge after 15 September 2003, a prescribed part of the Company's net property (i.e. the money that would otherwise be available to the charge holder) should be ring-fenced for distribution to unsecured creditors. In this case there were no creditors secured by a floating charge such that the prescribed part provisions do not apply.

### ***Preferential Creditors***

The statement of affairs anticipated £nil in preferential creditors. No preferential creditor claims have been received by the Liquidator for accrued employee holiday pay or arrears of wages.

### ***Unsecured Creditors***

#### ***Trade and Expense Creditors***

The director's estimated statement of affairs at the outset of the liquidation provided the level of unsecured trade and expense creditor claims to be £99,569.

#### ***Employees & RPO: Payment in Lieu of Notice / Redundancy***

No claims have been received by the Liquidator for outstanding wages, holiday pay, notice pay or redundancy pay.

#### ***HM Revenue and Customs (PAYE/NIC and VAT)***

I have received final claims from HM Revenue and Customs totalling £710,475.08.

In order to minimise the costs associated with any insolvency procedure, it is the policy of Findlay James to only agree the claims of the unsecured creditors in the event that a distribution is declared. Accordingly, I confirm that I have not yet agreed any of the claims of the unsecured creditors.

### **DIVIDEND PROSPECTS**

Based on present information, it is unlikely that there will be sufficient funds available to enable me to declare a dividend to any class of creditor in this matter.

### **LIQUIDATOR'S REMUNERATION**

At the meeting of creditors' held on 27 January 2015, the creditors agreed that my remuneration would be fixed by reference to the time properly given by myself acting as Liquidator of the Company and my staff in attending to matters arising in the Liquidation, and that I may withdraw my fees and disbursements as and when funds are available.

My time costs for the period covered by this report total £1,769.93, which represents 5.75 hours at an average hourly rate of £307.83. My total time costs from the date of my appointment as Liquidator are £19,561.72, which represents 89.91 hours at an average hourly rate of £217.56. To date remuneration of £9,446.48 has been drawn against these time costs.

My time costs are further analysed at Appendix 3 by reference to the grade of staff involved with the case and the tasks in which they have been involved. I have drawn £5,000.00 in respect of Findlay James fees for assisting the directors with the formalities associated with placing the Company into Creditors' Voluntary Liquidation, including the convening of the meetings of members and creditors.

You should have already received details of Findlay James current policy regarding charge out rates and disbursements. Should you require a further copy then please do not hesitate to contact me.

Please go to <http://findlayjames.co.uk/liquidatorsfees.pdf> if you require further information relating to Liquidators' remuneration. This guide also gives important information about creditors' rights. Alternatively a copy is available free of charge upon request.

## **LIQUIDATOR'S EXPENSES**

I have incurred total expenses in the Liquidation of £398.40 of which £nil was incurred in the period since 27 January 2018. I have drawn £398.40 to date of which £nil was drawn in the period since 27 January 2018.

I have used the following agents or professional advisors in the reporting period:

<b>Professional Advisor</b>	<b>Nature of Work</b>	<b>Basis of Fees</b>
James Owen & Co	Asset valuation	Time cost basis
HCB solicitors	Asset sale agreement	Time cost basis

The choice of professionals was based on my perception of their experience and ability to perform this type of work and the complexity and nature of the assignment. I also considered that the basis on which they will charge their fees represented value for money. I have reviewed the charges they have made and am satisfied that they are reasonable in the circumstances of this case.

## **FURTHER INFORMATION**

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 Liquidator's remuneration and expenses, within 21 days of receipt of this final account. Any secured creditor may request the same details in the same time limit.

An unsecured creditor may, with the permission of the Court or with the concurrence of 10% in value of the unsecured creditors (including the creditor in question) apply to Court to challenge the amount and / or basis of the Liquidator's fees and / or the amount of the expenses incurred, within 8 weeks of receipt of this final account. Any secured creditor may make a similar application to Court within the same time limit.

## **CONCLUSION OF THE LIQUIDATION**

A further report will be sent to all known creditors at the next anniversary of my appointment, or after all matters of the liquidation have been concluded, whichever is sooner.

If creditors have any queries regarding the conduct of the Liquidation, or if they want hard copies of any of the documents made available on-line, they should contact my office by email at [info@findlayjames.co.uk](mailto:info@findlayjames.co.uk) or by phone on 01242 576555.

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**Alisdair J Findlay**  
**Liquidator**

**28 February 2019**

## Appendix 1

### 1. Administration

- Case planning - devising an appropriate strategy for dealing with the case and giving instructions to the staff to undertake the work on the case.
- Setting up physical and electronic case files.
- Setting up the case on the practice's electronic case management system and entering data.
- Issuing the statutory notifications to creditors and others required on appointment as office holder, including gazetting the office holder's appointment.
- Obtaining a specific penalty bond.
- Seeking a decision from creditors on the basis of the office holder's remuneration.
- Dealing with all routine correspondence and emails relating to the case.
- Opening, maintaining and managing the office holder's estate bank account.
- Creating, maintaining and managing the office holder's cashbook.
- Undertaking regular bank reconciliations of the bank account containing estate funds.
- Reviewing the adequacy of the specific penalty bond.
- Undertaking periodic reviews of the progress of the case.
- Overseeing and controlling the work done on the case by case administrators.
- Preparing, reviewing and issuing annual progress reports to creditors and members.
- Filing returns at Companies House.
- Preparing and filing VAT returns.
- Preparing and filing Corporation Tax returns.
- Seeking closure clearance from HMRC and other relevant parties.
- Preparing, reviewing and issuing a final report to creditors and members.
- Preparation of final account.
- Filing final returns at Companies House.

### 2. Creditors

- Obtaining information from the case records about employee claims.
- Completing documentation for submission to the Redundancy Payments Office.
- Corresponding with employees regarding their claims.
- Liaising with the Redundancy Payments Office regarding employee claims.
- Dealing with creditor correspondence, emails and telephone conversations regarding their claims.
- Maintaining up to date creditor information on the case management system.

### 3. Investigations

- Submitting an online return on the conduct of the directors as required by the Company Directors Disqualification Act.

**Behind Bars Limited T/A Montpellier Wine Bar  
(In Liquidation)  
Liquidator's Summary of Receipts & Payments**

<b>Statement of Affairs £</b>		<b>From 27/01/2018 To 26/01/2019 £</b>	<b>From 27/01/2015 To 26/01/2019 £</b>
	<b>ASSET REALISATIONS</b>		
5,000.00	Furniture & Equipment	NIL	15,000.00
500.00	Fixtures & Fittings	NIL	500.00
250.00	Stock	NIL	2,000.00
2,500.00	Goodwill	NIL	2,500.00
	Bank Interest Gross	NIL	3.31
	Bank Interest Net of Tax	NIL	5.57
		<u>NIL</u>	<u>20,008.88</u>
	<b>COST OF REALISATIONS</b>		
	Specific Bond	NIL	60.00
	Preparation of S. of A.	NIL	5,000.00
	Liquidator's Fees	NIL	9,446.48
	Agent's/Valuer's Fees (1)	NIL	2,971.00
	Legal Fees	NIL	2,193.00
	Statutory Advertising	NIL	338.40
		<u>NIL</u>	<u>(20,008.88)</u>
	<b>UNSECURED CREDITORS</b>		
(99,569.37)	Trade & Expense Creditors	NIL	NIL
(80,000.00)	Directors	NIL	NIL
(3,668.15)	HMRC - PAYE/NIC	NIL	NIL
(19,248.31)	HMRC - VAT	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
	<b>DISTRIBUTIONS</b>		
(100.00)	Ordinary Shareholders	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
<u>(194,335.83)</u>		<u><b>NIL</b></u>	<u><b>0.00</b></u>
	<b>REPRESENTED BY</b>		
			<u><b>NIL</b></u>



**SIP 9 - Time & Cost Summary**

Period: 27/01/15..26/01/19

## Time Summary

Classification of work function	Hours					Time Cost (£)	Average hourly rate (£)
	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours		
Administration & planning	3.83	23.25	1.00	6.33	34.42	7,604.70	220.97
Investigations	0.00	16.83	0.00	0.00	16.83	3,799.85	225.74
Realisations of assets	0.00	17.67	0.08	0.00	17.75	4,259.83	240.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.00	0.00	0.00	2.33	2.33	241.66	103.57
Case specific matters	1.00	1.00	9.08	7.50	18.58	3,655.69	196.73
Pre Jan 2003 Time	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Previous Office Holder	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Hours	4.83	58.75	10.17	16.17	89.91	19,561.72	217.56
Total Fees Claimed						9,446.48	

**SIP 9 - Time & Cost Summary**

Period: 27/01/18..26/01/19

## Time Summary

Classification of work function	Hours					Time Cost (£)	Average hourly rate (£)
	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours		
Administration & planning	0.50	2.00	0.17	0.50	3.17	934.96	295.26
Investigations	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Realisations of assets	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Case specific matters	1.00	1.00	0.58	0.00	2.58	834.97	323.23
Pre Jan 2003 Time	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Previous Office Holder	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Hours	1.50	3.00	0.75	0.50	5.75	1,769.93	307.83
Total Fees Claimed						0.00	

LIQ03

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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

Company name

Findlay James

Address

Saxon House

Saxon Way

Post town

Cheltenham

County/Region

Postcode

G L 5 2 6 Q X

Country

DX

Telephone

01242 576555



**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](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto: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](http://www.gov.uk/companieshouse)