

AM23

Notice of move from administration to dissolution



Companies House

TUESDAY



A11 *A8ZJWDQ8*
25/02/2020 #153
COMPANIES HOUSE

lease
house

1 Company details

Company number 0 4 4 0 4 0 7 8

Company name in full Astley Facades Limited

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

2 Court details

Court name High Court of Justice Liverpool District Registry

Court number 1 1 5 2 0 1 7

3 Administrator's name

Full forename(s) Peter John

Surname Harold

4 Administrator's address

Building name/number Suite 6

Street

Post town 1-7 Taylor Street

County/Region Bury

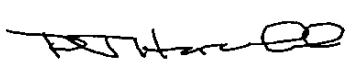
Postcode B L 9 6 D T

Country



AM23

Notice of move from administration to dissolution

5	Administrator's name ①	
Full forename(s)		
Surname		
		① Other administrator Use this section to tell us about another administrator.
6	Administrator's address ②	
Building name/number		
Street		
Post town		
County/Region		
Postcode	[][][][][][][][]	
Country		
		② Other administrator Use this section to tell us about another administrator.
7	Final progress report	
<input checked="" type="checkbox"/> I have attached a copy of the final progress report		
8	Sign and date	
Administrator's signature	Signature X 	X
Signature date	[d][2][4][m][0][2][y][2][0][y][2][0]	



AM23

Notice of move from administration to dissolution



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 Peter John Harold

Company name Bespoke Insolvency Solutions

Address Suite 6

1-7 Taylor Street

Post town Bury

County/Region

Postcode B L 9 6 D T

Country

DX

Telephone 01204 238236



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

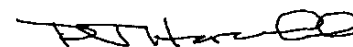


Astley Facades Limited
(In Administration)
Administrator's Summary of Receipts & Payments

Statement of Affairs £	From 03/09/2019 To 24/02/2020 £	From 03/03/2017 To 24/02/2020 £
	ASSET REALISATIONS	
25,002.00	Bank Fee Refund	NIL
	Bank Interest Gross	3.30
6,000.00	Book Debts	42,581.46
1,560.00	Plant & Machinery, Furniture & Equip	NIL
	Rates Refund	NIL
		<u>42,584.76</u>
		81,379.75
	COST OF REALISATIONS	
	Adjudicator Fees	5,468.00
	Administrator's Fees	8,182.81
	Agents/Valuers Fees	310.00
	Bordereau	120.00
	Corporation Tax	NIL
	Counsel's fee	500.00
	Court Fee	95.00
	Debt Recovery Agents Fees	17,806.73
	Legal Fees	750.00
	PAYE & NI	NIL
	Pension Advice	750.00
	Pension Contributions	NIL
	Photocopying	NIL
	Stationery & Postage	NIL
	Statutory Advertising	NIL
	Storage Costs	NIL
	Wages & Salaries	NIL
		<u>(33,982.54)</u>
		(64,691.42)
	PREFERENTIAL CREDITORS	
(12,682.00)	Employee Arrears/Hol Pay	NIL
		<u>NIL</u>
		(6,738.33)
	FLOATING CHARGE CREDITORS	
(731,857.00)	Floating Charge Creditor	9,950.00
		<u>(9,950.00)</u>
		(9,950.00)
	UNSECURED CREDITORS	
(89,618.00)	Employees	NIL
(50,000.00)	HM Revenue & Customs - PAYE & NI	NIL
(50,000.00)	HM Revenue & Customs - VAT	NIL
(294,137.00)	Trade & Expense Creditors	NIL
		<u>NIL</u>
		NIL
	DISTRIBUTIONS	
(100.00)	Ordinary Shareholders	NIL
		<u>NIL</u>
		NIL
(1,195,832.00)		<u>(1,347.78)</u>
		0.00
	REPRESENTED BY	
		<u>NIL</u>

Note:

All Estate Bank Accounts are Interest Bearing





Final Progress Report to Creditors

**ASTLEY FACADES LIMITED
(COMPANY NUMBER:04404078)**

REGISTERED OFFICE: SUITE 6, 1-7 TAYLOR STREET, BURY BL9 6DT

**ADMINISTRATOR'S FINAL PROGRESS REPORT TO CREDITORS IN ACCORDANCE
WITH RULE 18.6 OF THE INSOLVENCY (ENGLAND AND WALES) RULES 2016**

DATE: 24 FEBRUARY 2020

**IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
LIVERPOOL DISTRICT REGISTRY**

COURT NUMBER 115 OF 2017



Contents

1. Glossary
2. Introduction
3. Receipts & Payments
4. Progress of the Administration
5. Investigation
6. Administrator's Fees and Disbursements
7. Creditors' Rights
8. Outstanding Costs
9. Conclusion of the Administration

Appendices

1. Receipts and Payments Account
2. Bespoke Insolvency Solutions' Schedule of Charge Out and Disbursements Rates
3. Notice of move from Administration to dissolution

1. Glossary

the Company	Astley Facades Limited (registration number 04404078)
the Administrator	Peter John Harold of Bespoke Insolvency Solutions, Suite 6 1-7 Taylor Street, Bury BL9 6DT
Bespoke Insolvency Solutions	OBS Recovery Limited trading as Bespoke Insolvency Solutions
the Appointment Date	3 March 2017 being the date of appointment of the Administrator
the Appointor	Shaun Maclean, the QFCH
the Directors	Shaun Maclean Martin Holmes Stephen McGowan
the Bank	The Royal Bank of Scotland, the Company's bankers
the Valuers	JPS Chartered Surveyors
the Solicitors	Goldsmith Bowers Solicitors
Prescribed Part	Pursuant to Section 176A of the Act where a floating charge is created after 15 September 2003 a designated amount of the Company's property (floating charge assets less costs of realisation) shall be made available to the non-preferential unsecured creditors.
QFC	Qualifying Floating Charge
QFCH	Shaun Maclean



ASTLEY FACADES LIMITED
ADMINISTRATOR'S FINAL PROGRESS REPORT TO CREDITORS
DATE: 24 FEBRUARY 2019

CVA	Company Voluntary Arrangement
SoA	Statement of Affairs
RPS	Redundancy Payments Service
TUPE	The Transfer of Undertaking (Protection of Employment) Regulations 2006
BEIS	The Department of Business, Energy and Industrial Strategy
ICAEW	The Institute of Chartered Accountants in England and Wales
the Act	the Insolvency Act 1986 (as amended)
the Rules	the Insolvency (England and Wales) Rules 2016
EC Regulation	EC Regulation on Insolvency Proceedings 2000
Category 1 Disbursements	The Administrator's firms external supplies of incidental services specifically identifiable to the case.
Category 2 Disbursements	The Administrator's firms internal costs and expenses in dealing with the Administration that comprises a cost allocation
SIP 9	Statement of Insolvency Practice 9 (E & W), Remuneration of Office Holders
SIP 13	Statement of Insolvency Practice 13 (E & W), Acquisition of assets of insolvent companies by directors.



ASTLEY FACADES LIMITED
ADMINISTRATOR'S FINAL PROGRESS REPORT TO CREDITORS
DATE: 24 FEBRUARY 2019

SIP 15

Statement of Insolvency Practice 15 (E & W), Reporting and providing information on their functions to Committees in formal insolvencies



2. Introduction

I write to provide you with the final progress report of the Administration in accordance with Rule 18.6 of the Insolvency (England and Wales) Rules 2016, covering the period from 3 September 2019 to 24 February 2020 ("the Period"). Please note that the Administration was extended by the consent of the Secured Creditors of the Company until 2 March 2019. On my application on the 25 February 2019 the High Court of Justice, Business and Property Court in Manchester extended the Administration to 2 March 2020. This report includes certain information required to be provided to creditors in accordance with the Rules

With effect from 20 May 2019 OBS Recovery Limited trades as Bespoke Insolvency Solutions from new premises at Suite 6, 1-7 Taylor Street, Bury BL9 6DT.

Information about the way that we will use, and store personal data on insolvency appointments or can be found at <https://bespokeinsolvency.co.uk/privacy-policy/> If you are unable to download this, please contact us and a hard copy will be provided to you.

This report should be read in conjunction with my previous circulars which can all be found on the following website www.IPS-docs.com. If you would like to receive a hard copy of any previous circulars please contact this office and they will be sent to you. For this reason, it is not proposed to report in detail on matters that have already been dealt with.

As previously advised, Peter John Harold was appointed Administrator of Astley Facades Limited in The High Court of Justice, Chancery Division, Liverpool District Registry on 3 March 2017 under Court administration number 115 of 2017.

The appointment was made by the Appointor, in accordance with Paragraph 14 of Schedule B1 of the Act.

This Administration is being handled by Peter John Harold of Bespoke Insolvency Solutions, Suite 6, 1-7 Taylor Street, Bury BL9 6DT. The Administrator's contact details are by phone on 01204 238236 or via email at info@bespokeinsolvency.co.uk.

ASTLEY FACADES LIMITED
ADMINISTRATOR'S FINAL PROGRESS REPORT TO CREDITORS
DATE: 24 FEBRUARY 2019

The trading address of the Company was Unit 19 Hurricane Court, Hurricane Drive, Liverpool International Business Park, Liverpool L24 8RL.

The registered office of the Company is C/O Suite 6, 1-7 Taylor Street, Bury BL9 6DT and prior to the Administration it was at Unit 19 Hurricane Court, Hurricane Drive, Liverpool International Business Park, Liverpool L24 8RL. The Company's registered number is 04404078.

3. Receipts and Payments

A receipts and payments account for the Period and for the Administration to date is attached at Appendix 1.

4. Progress of the administration

4.1 Administrator's Proposals

The Proposals were circulated to all known members and creditors on 25 April 2017 to consider the Administrator's Proposals. The proposals were deemed approved on 10 May 2017 and notification of the outcome was circulated to creditors on 12 May 2017.

4.2 Asset Realisations

You may recall that the statutory objective being pursued in the Administration is to realise property in order to make a distribution to one or more secured creditors or preferential creditors.

This section of the report provides creditors with an update on the progress made in the Period, both in terms of the achievement of the statutory objective, but also work which is required of the Administrator under other related legislation.

4.2.1 Book Debts & Retentions

As outlined in my previous progress report the outstanding book debts and retentions were referred to Naismiths Chartered Surveyors ("Naismiths"), a book debt collection agent specialising in construction debts.



As previously advised Naismiths had indicated that it is unlikely that there will be any further realisations in this matter. It was proposed that the book debts and retentions of both this company and Astley Facades Limited be passed to Pythagoras Capital who specialise in disputed contract debts. This matter was raised with the QFCH as the charges of Pythagoras Capital are substantial percentage of any recoveries. Therefore, the approval of the QFCH was required before formal instructions could be provided. This has now been obtained and the collection of the book debts and retentions are now being dealt with by Pythagoras Capital. It was at their request that I make the application to extend the Administration as they considered that recovery was likely to be higher than if the Company had not entered into liquidation. During the period one recovery of £42,581.46 (net of VAT) was achieved. Pythagoras Capital have advised that no further realisations are expected.

4.2.2 Gross Bank Interest

A sum of £3 30 has been received in the Period

4.3 Payments

The payments are set out in the receipt and payments account and dealt with below.

4.4. Creditors

The Administrator is not only required to deal with correspondence and claims from unsecured creditors (which may include retention of title claims), but also those of any secured and preferential creditors of the Company. This may involve separate reporting to any secured creditor and dealing with distributions from asset realisations caught under their security, most typically a debenture.

Claims from preferential creditors typically involve employee claims and payments made on behalf of the Company by the Redundancy Payments Service following dismissal.

The above work will not necessarily bring any financial benefit to creditors generally, however if the Administrator is required by statute to undertake this work. Similarly, if a distribution is to be paid to any class of creditor, work will be required to agree those claims and process the dividend payments to each relevant class of creditor. The more creditors a Company has, the more time

and cost will be involved by the Administrator in dealing with those claims. The Administrator sets out below the position of the creditors to date:-

4.4.1 Employees and Preferential Creditors

As previously advised, the Company had eight employees excluding its Directors. Shortly prior to my appointment five employees were made redundant and upon my appointment a further two employees were made redundant on economic grounds. One employee was retained for a period of one week to assist the Administrator in collating the information required to progress the Administration.

A claim has been received from the Redundancy Payments Office in the sum of £2,511.37 in respect of unpaid wages and accrued holiday pay. In addition there were 6 former employees who had residual preferential claims totalling £4,226.96 in respect of wages and accrued holiday pay not met by the Redundancy Payments Office. Therefore the total preferential claims amount to £6,738.33 and a first and final payment of 100p in the £ was declared and paid on 26 July 2018.

4.4.2 Secured Creditors

Following a review of the Register of Mortgages and Charges, held at Companies House on the 15 November 2016 a fixed and floating charge was granted to the QFCH and this was registered at Companies House on 21 November 2016. An estimated sum of £731,857 is owed to the QFCH under this charge and it will not be settled in full from the realisations. During the period a distribution of £9,950.00 was paid to the QFCH.

The Company has no further secured creditors.

4.4.3 Prescribed Part

In accordance with Rule 3.35(6)(a)(i) of the Rules, the Administrator must estimate the amount of funds available to unsecured creditors in respect of the Prescribed Part.

This provision applies where the Company has granted a floating charge to a creditor after 15 September 2003. The Company has granted a floating charge to the QFCH registered on 21

November 2016 The realisation enabled a distribution of £9,950.00 to be made to the OFCH. Based on no further realisation in respect of the contract balance and after deducting costs the Prescribed Part is below the prescribed minimum and therefore the Prescribed Part will not apply. Similarly, the provisions of Section 176A (3) and 176A (5) will not apply.

4.4.4 Other Creditors

During the course of the Administration I have received trade and expense creditor claims totalling £945,541. I have received a claim from H M Revenue & Customs in the sum of £9,454 in respect of PAYE/NIC. I have also received a claim from the Redundancy Payments Office in the sum of £20,878 in respect of employee claims for Redundancy & Notice Pay.

There will be no dividend payable to unsecured creditors within this Administration.

4.4.5 Limitation Act

It should be noted that the Limitation Act 1980 continues to apply to all debts due from the Company. Case law indicates that where a company is in administration, time does not stop running for limitation purposes pursuant to the Limitation Act 1980. If you have any concerns in relation to your claim against the Company becoming time-barred during the course of the administration, we strongly recommend that you seek independent legal advice on the options available to you to prevent this.

5. Investigation

Some of the work the Administrator is 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 Administrator can pursue for the benefit of creditors.

In accordance with SIP 2 I can advise that I have conducted an investigation into the affairs of the Company and I can report that I have not identified any further assets, prior transactions by the Company, or the conduct of any person involved with the Company that could give rise to a recovery for the estate.

During the course of the Administration, to comply with my statutory obligations, I have carried out a review of the Director's conduct and have submitted my report to the Directors Disqualification Unit of the BEIS as required. The contents of this report are confidential.

6. Administrator's Fees and Disbursements

6.1. Pre-Appointment Administrator's Fees and Disbursements

The Administrator's pre-appointment costs were minimal and have therefore been written off.

The Solicitors were instructed to prepare and lodge the appointment documentation and their costs amounted to £1,500 plus VAT. The Solicitors have subsequently agreed to reduce their fee to £500 plus VAT and this has now been paid.

6.2. Administrator's Fees and Disbursements

As there was no prospect of a dividend distribution to the unsecured creditors except by way of the Prescribed Part (further details of which are provided within this report below) I sought approval of the following Resolutions from both the Preferential and Secured Creditors. The Preferential Creditors approved my fees as follows:-

Resolution 1

Under Rule 3.52 of the Insolvency Rules and in the absence of a Creditors' Committee, the unpaid pre-administration fees and disbursements as detailed in the Administrator's Proposals be approved. These are as follows:

The Solicitors costs of £1,500 plus VAT

Resolution 2

Under Rule 18.8 of the Insolvency Rules and in the absence of a Creditors' Committee, the remuneration of the Administrator be a fixed fee of £25,000 plus VAT and 20% of realisations plus VAT after deduction of the fixed fee.

ASTLEY FACADES LIMITED
ADMINISTRATOR'S FINAL PROGRESS REPORT TO CREDITORS
DATE: 24 FEBRUARY 2019

Resolution 3

That the Administrator be authorised to draw Category 2 disbursements in accordance with their firm's published tariff.

Resolution 4

The Administrator will be discharged from liability under Paragraph 98 of Schedule B1 to the Insolvency Act 1986 immediately upon his appointment as Administrator ceasing to have effect.

The Preferential Creditors approved these Resolutions on **2 June 2017**.

The QFCH has approved a total fee of £33,500 for the entire period of the Administration

The fee approvals obtained from both the preferential creditors and the secured creditors exceed the amount of £33,182.81 as drawn by the Administrator

Details of the Administrator's disbursements incurred to date and paid including the comparison with the estimated disbursements previously disclosed in the Administrator's proposals are set out below and are shown net of VAT:

Supplier	Work Undertaken	Costs incurred since last report	Costs paid	Total costs incurred	Total costs paid	Estimated total costs
Courts Advertising	Advertising	£0.00	£0 00	£84.60	£84.60	£169.20
Refresh Recovery Limited	Photocopying	£0 00	£0 00	£87.60	£79.65	£135.00
Refresh Recovery Limited	Postage	£0.00	£0 00	£118.18	£89.03	£175.00
Willis	Bordereau	£120 00	£120.00	£316.00	£316 00	£196.00
Iron Mountain	Storage Costs	£0 00	£0.00	£577.00	£577.00	£1,000.00
High Court of Justice	Court fee	£95 00	£95.00	£95.00	£95.00	£0.00

6.3. Professional Advisors

On this assignment we have used the professional advisors listed below. We have also indicated alongside, the basis of our fee arrangement with them, which is subject to review on a regular basis.

Name of Professional Advisor	Basis of Fee Arrangement
2020 Trustees Limited - for pension advice	Fixed Fee of £750.00
JPS Chartered Surveyors	Valuation fee of £310
Naismiths Chartered Surveyors – for the pursuit of the outstanding book debts and retentions	20% of net realisations
Turner Parkinson Solicitors – for the application of extension of Administration including Counsel's fees of £500	Fixed Fee of £750 plus Disbursements of £500
Pythagoras Capital	50% of net recoveries prior to instigating legal proceedings. 65% of net recoveries after instigation of legal proceedings. Total fee paid of £18,556.73

6.4 Administrator's Charge Out and Disbursement Rates

Details of my firm's current charge out and disbursement rates can be found in the attached schedule.

6.5 Creditors Guide to Fees

A full copy of a creditors' guide to fees can be downloaded from the following site:

https://bespokeinsolvency.co.uk/wp-content/uploads/2019/05/Guide_to_Administrators_Fees_Oct_2015.pdf



7. Creditors' Rights

Within 21 days of the receipt of this report, a secured creditor, or an unsecured creditor (with the concurrence of at least 5% in value of the unsecured creditors) may request in writing that the Administrator provide further information about his remuneration or expenses which have been itemised in this progress report.

Any secured creditor, or an unsecured creditor (with the concurrence of at least 10% in value of the unsecured creditors) may within 8 weeks of receipt of this progress report make an application to court on the grounds that the basis fixed for the Administrator's remuneration, the remuneration charged or the expenses incurred by the Administrator as set out in this progress report are excessive.

8. Outstanding costs

All post appointment expenses that have been incurred and the amounts paid are shown above. There are no other outstanding costs.

9. Conclusion of the Administration

I would confirm that I have sent a notice to the Registrar of Companies to be filed, moving the Company to dissolution as there is no property which might permit a distribution to the unsecured creditors.

The Administrator's appointment will end following the registration of the notice by the Registrar of Companies. A copy of this notice is enclosed.

Yours faithfully



Peter John Harold
Administrator

Appendix 1 – Receipts and Payments Account