

AM10

Notice of administrator's progress report



Companies House

SATURDAY



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23/11/2019

#86

COMPANIES HOUSE

1 Company details

Company number 0 4 8 5 9 5 8 6

Company name in full EMC Advisory Services Limited

→ Filling in this form

Please complete in typescript or in
bold black capitals

2 Administrator's name

Full forename(s) Geoffrey Wayne

Surname Bouchier

3 Administrator's address

Building name/number The Shard

Street 32 London Bridge Street

Post town London

County/Region

Postcode S E 1 9 S G

Country United Kingdom

4 Administrator's name ①

Full forename(s) Paul David

Surname Williams

① Other administrator

Use this section to tell us about
another administrator.

5 Administrator's address ②

Building name/number The Shard

Street 32 London Bridge Street

Post town London

County/Region

Postcode S E 1 9 S G

Country United Kingdom

② Other administrator

Use this section to tell us about
another administrator

AM10
Notice of administrator's progress report

6 Period of progress report

From date	d	2	d	6	m	0	m	4	y	2	y	0	y	1	y	9
To date	d	2	d	5	m	1	m	0	y	2	y	0	y	1	y	9

7 Progress report

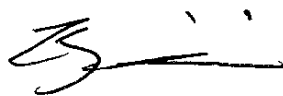
☒ I attach a copy of the progress report

8 Sign and date

Administrator's
signature

Signature

X



X

Signature date	d	2	d	2	m	1	m	1	y	2	y	0	y	1	y	9
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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	Sophie Thomas				
Company name	Duff & Phelps Ltd				
Address	The Shard				
	32 London Bridge Street				
Post town	London				
County/Region					
Postcode	S	E	1		9 S G
Country	United Kingdom				
Dx					
Telephone	020 7089 0906				

**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

Progress Report to Creditors

EMC Advisory Services Limited (In Administration)

22 November 2019

Joint Administrators' Progress Report to Creditors
for the period from 26 April 2019 to 25 October 2019

Duff & Phelps Ltd.
The Shard
32 London Bridge Street
London
SE1 9SG

Definitions

Word or Phrase	Definition
the Act	The Insolvency Act 1986 (as amended)
the Appointment Date	26 April 2019, being the date of appointment of the Joint Administrators
BEIS	Department for Business Energy & Industrial Strategy
Category 1 Disbursements	The Joint Administrators' external and incidental costs and expenses in dealing with the Administration
Category 2 Disbursements	The Joint Administrators' internal costs and expenses in dealing with the Administration
the Company	EMC Advisory Services Limited (In Administration) (Company Number 04859586)
the Creditors Portal	The Joint Administrators have chosen to deliver the majority of the documents they produce to the creditors by making them available for viewing and downloading at the website www.ips-docs.com . Additionally, creditors can also submit their claim via this website
CRS	Charles Russell Speechlys LLP, solicitors instructed by the Joint Administrators to provide legal advice leading up to and during the Administration
the Directors	Messrs Paul Martyn Burgess, Paul Cheriton Wreford, Glenn Harrison, Jason David Drattell, Rupesh Patel and Serkan Dede, the directors of the Company as at the Appointment Date
Duff & Phelps	Duff & Phelps Ltd., The Shard, 32 London Bridge Street, London SE1 9SG
ERV	Estimated Realisable Value
FWJ	Francis Wilks & Jones LLP, solicitors instructed by the Joint Administrators to assist with the collection of book debts
HMRC	HM Revenue and Customs
the Joint Administrators	Geoffrey Wayne Bouchier and Paul David Williams of Duff & Phelps
Michelmores	Michelmores LLP, solicitors originally instructed by the Joint Administrators to assist with the collection of book debts
NatWest	National Westminster Bank PLC, with whom the Company banked
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 net property (floating charge assets less costs of realisation) shall be made available to unsecured creditors

the Proposals	The Joint Administrators' Report to Creditors and Statement of Proposals issued on 20 June 2019
the Reporting Period	The period from 26 April 2019 to 25 October 2019
Rightside	Rightside Financial Services Limited (Company Number: 05659020), a wholly owned subsidiary of the Shareholder and formerly owned subsidiary of Seebeck
RPS	Redundancy Payments Service
the Rules	The Insolvency (England & Wales) Rules 2016 (as amended)
the Secured Creditor	Praesidian Capital Luxco 2 S A R L., the holder of fixed and floating charge security over the Company's assets
Seebeck	Seebeck 62 Limited (Company Number 07468635), a wholly owned subsidiary of the Company
the Shareholder	EMCAS Holdings Limited (Company Number 11178407), the Company's ultimate parent company
SIP 9	Statement of Insolvency Practice 9 – Industry best practice for Insolvency Practitioners in relation to disclosure of remuneration and disbursements
SOA	Statement of Affairs, documentation supplied by the Directors outlining the Company's financial position as at the Appointment Date
TSA	A Transitional Services Agreement entered into between the Company, the Joint Administrators and Rightside dated 2 May 2019
TUPE	The Transfer of Undertaking (Protection of Employment) Regulations 2006
WIP	Work in Progress

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1. Introduction

- 1 1 The Joint Administrators were appointed on the Appointment Date by the Directors pursuant to Paragraph 22 of Schedule B1 to the Act
- 1 2 The Court Reference is 2831 of 2019 in the High Court of Justice, Business and Property Courts of England and Wales, Insolvency and Company List
- 1 3 In accordance with Paragraph 100(2) of Schedule B1 to the Act, the functions of the Joint Administrators are being exercised by either of them
- 1 4 The purpose of this report is to provide details of the progress of the Administration in the Reporting Period
- 1.5 This report should be read in conjunction with the Proposals.
- 1 6 Statutory information on the Company is attached at Appendix 1

2. Joint Administrators' Report to Creditors and Statement of Proposals

- 2.1 In accordance with Paragraph 52(1) of Schedule B1 to the Act, a decision procedure for all creditors was not required to be held as there will be insufficient realisations to enable a distribution to non-preferential unsecured creditors, other than via the Prescribed Part, if any. No meeting was convened and the Proposals were deemed to have been approved by creditors on 3 July 2019
- 2 2 As advised in the Proposals, the Joint Administrators are pursuing the third objective of an Administration, being, realising property in order to make a distribution to the Secured Creditor and the preferential creditors

3. Progress of the Administration

- 3 1 The manner in which the affairs and business of the Company have been managed in the Reporting Period and will continue to be managed and financed are set out below

Sale to Rightside

- 3 2 As advised in the Proposals, certain assets of the Company were sold to Rightside on 28 March 2019
- 3.3 As detailed in the Proposals, it was originally understood that the business assets sold to Rightside for consideration of £759,804 were the Company's WIP, rights to service the existing customers of the Company and its fixed assets
- 3.4 Further investigations into the sale to Rightside have revealed that the sale also included Company debtors which had not been referred to solicitors for collection. We understand that the book value of the debtors included in the sale was c.£1.7m although the eventual recoverable value was expected to be significantly less
- 3 5 Following enquiries made of the Directors, it is understood that, of this amount, c.£1.35m is uncollectable as they relate to either cancellation invoices raised in error or the debtor has entered into an insolvency process. Accordingly, the ERV of the debtors transferred was c.£350,000. Further investigations into this are being conducted.

- 3 6 Furthermore, the Joint Administrators have been advised that the book value of the Company's WIP subject to the sale was c £2.5m. Further enquiries have been made by the Joint Administrators as to the quantum of this WIP that has been invoiced by Rightside since the sale. Although the ERV is currently unknown, it appears as though a large amount of the WIP transferred will not result in tangible income for Rightside.
- 3 7 An updated breakdown of the Joint Administrators' understanding of the sale is summarised below

Asset	Book Value	Consideration
WIP and Rights to Service Existing Customers	c £2,500,000	£500,000
Debtors	c £1,700,000	
Fixed Assets	£259,804	£259,804
Total	c. £4,459,804	£759,804

- 3 8 The Joint Administrators' enquiries into the circumstances of the sale are continuing

Book Debts

- 3 9 As advised in the Proposals, the Directors estimated in their SOA that an amount of £268,517 would be collectible against outstanding book debts in the Administration.
- 3 10 Following a detailed analysis of the Company's debtor book and based on the current rate of collections (£108,569 collected to date), the Joint Administrators have taken the view that the ERV of the Company's debtor book is more likely to be c £200,000.
- 3 11 The main reasons for the reduction in the ERV of the Company's debtor book are set out below
- A number of the debtors have entered into repayment arrangements which, in many cases, are being recovered in small increments over many years.
 - There are debtors who cannot be located, have entered bankruptcy or are deceased, and
 - In certain circumstances, the costs associated with pursuing collection of the debtors outweighs the maximum benefit to the Administration estate, therefore, making these debtors uncommercial to pursue.
- 3 12 During the Reporting Period, Michelmores advised that it will cease providing debt recovery services to its clients. Accordingly, the Joint Administrators have engaged FWJ to take over debt recovery services for all outstanding book debts. FWJ will provide collection services on a commission basis of 20% of recoveries made.
- 3 13 Collections of £108,569 have been made in respect of book debts during the Reporting Period and the debtor ledger continues to be collected by FWJ on instruction from the Joint Administrators.

Cash at Bank

- 3 14 Following circulation of the Proposals, the Joint Administrators were informed by Michelmores that it held an amount of £1,545 on its client account as at the Appointment Date.
- 3 15 This amount has since been realised and, accordingly, total realisations made in respect of cash at bank amount to £40,404 as shown in the abstract of receipts & payments at Appendix 2
- 3 16 It has recently come to the Joint Administrators' attention that, of this amount, an amount of c.£1,700 may have been held in a separate Company NatWest bank account in respect of monies raised by the former staff members for a selected charity and therefore, should not be regarded as Company monies. This is currently being investigated and, in the event that this is accurate, steps will be taken to transfer these monies to the charity

Investment in Subsidiaries

- 3 17 As part of a group restructure in parallel with the sale to Rightside, the shares in Rightside were transferred from Seebeck to the Shareholder
- 3 18 The consideration for this transfer was £1.5m, which was understood to have been satisfied by an inter-company loan adjustment
- 3 19 Further investigations conducted into this transfer revealed that the transaction created a loan account between the Shareholder and Seebeck. This continues to be investigated

TSA

- 3 20 As advised in the Proposals, the Joint Administrators entered into a TSA with Rightside on 2 May 2019 with respect to assistance with the collection of the Company's debtors, providing ad-hoc services to the Company and the occupation of the Company's Exeter premises to complete the same
- 3 21 The Joint Administrators took the decision that the services provided to the Company under TSA were no longer required post 30 June 2019 and therefore allowed the TSA to automatically terminate on same date

4. Investigations

- 4 1 As discussed above, the Joint Administrators' investigations into the Company's affairs are currently ongoing. Should any of the Company's creditors have information concerning these matters and any other affairs of the Company that they would like to bring to the Joint Administrators' attention, please contact this office
- 4 2 The Joint Administrators have complied with their statutory obligation to file a report with the BEIS concerning the conduct of all directors of the Company that served in the three years prior to the Joint Administrators appointment. The content of this report remains confidential

5. Dividend Prospects / Prescribed Part

Secured Creditors

Praesidian Capital Luxco 2 S.A R L

- 5.1 As detailed in the Proposals, the Company granted two debentures dated 25 July 2016 and 28 February 2018 to the Secured Creditor, which confer fixed and floating charges over all of the assets of the Company.
- 5.2 At the date of appointment, the Company's indebtedness to the Secured Creditor was c £5.3m (subject to accruing interest and charges).
- 5.3 To date, no distributions have been made to the Secured Creditor and it is anticipated that the Secured Creditor will suffer a significant shortfall.

Preferential Creditors

- 5.4 Pursuant to the Directors' SOA, the estimated preferential claims in the Administration were £68,808.
- 5.5 The preferential creditors' claims consist of employee claims for arrears of pay and holiday pay, the majority of which will be subrogated to the BEIS following payment to the employees by the RPS. In this regard, the RPS submitted a preferential claim totalling £58,595 on 2 October 2019 in respect of payments made to the majority of the Company's former employees. There may be a further claim from the RPS for any future amounts paid to employees. It is expected that this sum will be relatively low.
- 5.6 The Joint Administrators are currently waiting on information from the Directors in relation to outstanding commissions earned by the former staff in April 2019. This may further increase the quantum of preferential claims in the Administration.
- 5.7 Based on current information, and in particular the difficulties in realising the Company's debtors, it is uncertain as to whether there will be sufficient realisations to pay a dividend to the preferential creditors. An update will be provided in the next report to creditors.

Non-Preferential Unsecured Creditors and the Prescribed Part

- 5.8 As discussed above, the Company granted floating charges to the Secured Creditor and, therefore, the Prescribed Part provisions will apply. It is presently unknown whether realisations will be sufficient enough to allow for a distribution to be made to the non-preferential unsecured creditors from the Prescribed Part. Any distribution will largely depend on the overall debtor collections and the outcome of the investigations into past transactions.
- 5.9 According to the SOA, non-preferential unsecured creditors total £668,466 at the Appointment Date. Claims received to date total £556,931.
- 5.10 If not already done so, creditors of the Company should register their claim in the Administration via the Creditors' Portal.

- 5 11 It should be noted that 44 of the Company's former employees have issued a claim against the Company, and others, in the Bristol Employment Tribunal. The former employees do not believe the proper consultation procedure was undertaken prior to making them redundant and, therefore, a protective award should be made. A preliminary hearing in this respect has been set for late March 2020 and, in the event the Employment Judge rules in favour of the former employees, it will likely result in a significant increase to non-preferential unsecured claims in the Administration.
- 5 12 As advised in the Proposals, there is no prospect of any dividend being paid to ordinary non-preferential unsecured creditors, other than via the Prescribed Part (if any).

6. Joint Administrators' Receipts and Payments Account

- 6 1 A detailed receipts and payments account for the Reporting Period is shown at Appendix 2 and is considered self-explanatory.
- 6 2 There was a cash balance of £99,568 at the end of the Reporting Period.

7. Pre-Administration Costs

- 7 1 The following amounts in respect of Pre-Administration costs (plus VAT) were approved by the preferential creditors and subsequently by the Secured Creditor as an expense of the Administration.

Name of Recipient	Brief Description of Services Provided	Total Amount Approved
Duff & Phelps	Fees & disbursements in providing assistance in placing the Company into Administration	£9,669
CRS	Legal fees & disbursements incurred in placing the Company into Administration	£3,479

- 7.2 To date, only CRS' costs have been paid from the Administration estate.

8. Joint Administrators' Costs and Expenses

Joint Administrators' Remuneration

- 8 1 The Joint Administrators' basis of remuneration was approved on the basis of time costs incurred by the Joint Administrators and their staff, by the Secured Creditor and preferential creditors. As part of the process, the Joint Administrators' fee estimate of £120,485 plus VAT (as detailed in the Proposals) was also approved under the assumption that the Administration would be concluded within 12 months.
- 8 2 The time costs incurred by the Joint Administrators in the Reporting Period were £132,086 representing 408 hours with an average charge out rate of £324 per hour. Time is charged in six minute units. An analysis of these time costs is set out at Appendix 3.
- 8 3 No remuneration has been drawn in the Reporting Period.
- 8 4 In accordance with SIP9, major areas of time spent during the Reporting Period has been incurred in the following areas:

Administration and Planning

- 8 5 The Joint Administrators have incurred costs of £64 040 during the Reporting Period whilst undertaking the following key tasks
- Statutory matters, such as the preparation and distribution of the Proposals,
 - Case strategy meetings on the progress of the Administration and next steps:
 - Reporting and meeting with the Secured Creditor,
 - Dealings with the Directors and management of the Company:
 - Cashiering and Accounting matters
 - The set-up and maintenance of the case,
 - Insurance matters: and
 - Conducting compliance and case reviews to monitor the progression of case matters and monitoring and updating the case management diary.
- 8 6 Whilst the majority of the above is not undertaken to provide a direct financial benefit to the creditors of the Administration estate, the Joint Administrators are required to undertake and / or document these activities in accordance with the various duties and statute. The benefit provided to creditors is that it ensures creditors are advised of relevant matters and progress matters during the continuation of the Administration and ensures the Administration is progressed in an efficient manner
- 8 7 Although the time incurred in relation to administration and planning has not yet exceeded the original amount estimated for this category, it is likely to exceed it shortly as more time was required in preparing the Proposals than what was originally expected and more time was required by senior staff in preparing and adapting the case strategy.

Creditors

- 8 8 The Joint Administrators have incurred costs of £27,735, during the Reporting Period in respect of the time spent by their staff reviewing, resolving and responding to creditor and employee enquires, dealing with the Secured Creditor; receiving, reviewing and analysing creditor and employee claims; and liaising with the Directors and management in order to obtain all creditor / employee information. It is important to liaise with the Secured Creditor as they are significant stakeholders in the Administration and, therefore, need to be kept up to date on the progress, especially during the early stages of the Administration. Time spent dealing with creditors of the Company doesn't provide a direct financial benefit to creditors, however, it is important to ensure the creditors are appropriately informed of Administration matters
- 8 9 Time costs incurred under this category have exceeded the original estimate provided due to greater time being required to review and analyse creditor and employee claims as well as dealing with creditor and employee queries and dealing with matters in relation to the forthcoming tribunal discussed above

Investigations

- 8.10 The Joint Administrators have incurred time costs of £15,418 in the Reporting Period. These time costs have been incurred predominantly in relation to conducting investigations into the sale to Rightside, including, making enquiries of the Directors; conducting detailed reviews and analysis of information provided, liaising with certain former staff members to assist with these investigations, and completing the work required to prepare and file the Joint Administrators' statutory report with the BEIS
- 8.11 The time costs incurred to date have not led to a direct financial benefits to creditors, however, should the Joint Administrators bring any claims as a result of these investigations and are successful in any claims, there will be a direct financial benefit to creditors. In any event, conducting investigations into the Company's affairs are required by statute
- 8.12 Time costs under this category have exceeded the original estimate provided as greater time was required in conducting investigations into the Company's affairs, in particular, conducting investigations into the sale to Rightside than what was originally anticipated

Realisation of Assets

- 8.13 The Joint Administrators have incurred time costs of £24,893 in the Reporting Period in dealing with the collection of the Company's debtor book, including liaising directly with some debtors to collect outstanding debts, analysing the Company's debtor book to determine estimated collectability of same, liaising with and providing instructions to Michelmores and FWJ in order to collect the book debts, and monitoring debtor collections made. Time costs incurred in this respect have led to a direct benefit to creditors and are expected to lead to further realisations being made
- 8.14 The time spent in relation to realisation of assets has exceeded the fee estimate as more time has been required by more senior members of staff in dealing with the collection of the Company's debtors, including liaising with and providing instructions to Michelmores and analysing the Company's debtor book

Joint Administrators' Disbursements

- 8.15 The Joint Administrators have received permission to draw Category 2 disbursements from the Secured Creditor and the preferential creditors
- 8.16 The Joint Administrators' disbursements incurred to date are detailed at Appendix 3. The Joint Administrators have not incurred any Category 2 Disbursements during the Reporting Period.

Joint Administrators' Expenses

- 8.17 The Joint Administrators have incurred expenses in dealing with the Administration during the Reporting Period and these are also detailed at Appendix 3

9. Extension to the Administration

- 9 1 An Administration automatically concludes one year after the date of appointment, unless an extension is granted by the Court or via creditors' consent
- 9 2 The Joint Administrators request that the duration of the Administration is extended for a period of 12 months, from 25 April 2020 to 25 April 2021. A Notice of Deemed Consent is provided for creditors' attention at Appendix 4. If you agree with the proposed extension then no further action is required from you.
- 9 3 The Joint Administrators believe this extension is required in order to allow further time to collect the Company's debtor book, to conclude their enquiries into the sale to Rightside and realise any other identified assets for the benefit of the Company's creditors. The Joint Administrators are requesting the creditors of the Company consent to the proposed extension at this time in order to save costs in the Administration estate
- 9 4 Therefore, if consent to the extension is given, the revised date for the end of the Administration is 25 April 2021. A further extension may be sought in due course if deemed necessary by the Joint Administrators.
- 9 5 If the extension is granted, notice of this will be placed on the Creditors' Portal, in accordance with the Rules
- 9 6 In accordance with the Rules, an option to form a Creditors' Committee must accompany a request for a decision procedure. Accordingly, attached at Appendix 5 is a Notice of invitation to Form a Committee and a Nomination for Membership of the Committee Form

10. Next Report

- 10 1 The Joint Administrators are required to provide a progress report within one month of every 6-month anniversary of the Administration. In the event that the Administration is extended, the next report will be issued no later than 24 May 2020
- 10 2 If you have any queries or require further assistance, please do not hesitate to contact my colleague Andrew Khallouf of this office on Andrew.Khallouf@duffandpHELPS.com

Yours faithfully
For and on behalf of the Company


Geoffrey Bouchier
Joint Administrator

The affairs, business and property of the Company are being managed by the Joint Administrators Geoffrey Wayne Bouchier and Paul David Williams, who act as agents for the Company and without personal liability. Both are licensed in the UK by the Insolvency Practitioners Association and are governed by the Insolvency Code of Ethics

Appendix 1

Statutory Information

Statutory Information

Date of Incorporation 7 August 2003

Registered Number 04859586

Company Director(s)

Appointment Date

Paul Martyn Burgess	21/12/2017
Serkan Dede	15/02/2018
Jason David Drattell	15/02/2018
Glenn Harrison	15/02/2018
Rupesh Patel	21/12/2017
Paul Cheriton Wreford	21/12/2017

Company Secretary N/A

Shareholder EMCAS Holdings Limited

Trading Address Horizon House Guardian Road
Exeter Business Park Exeter
England
EX1 3PD

Registered Office **Current:**
c/o Duff & Phelps Ltd
The Shard
32 London bridge Street
London

Former:
Horizon House Guardian Road
Exeter Business Park Exeter
England
EX1 3PD

Any Other Trading Names EMCAS

Appendix 2

Joint Administrators' Receipts and Payments Account

EMC Advisory Services Limited (In Administration)
Joint Administrators' Summary of Receipts & Payments Account

Statement of Affairs (£)		For the Reporting Period
	Asset Realisations	
	Assets Subject to Floating Charges	
	Bank Interest Gross	175 14
38,720 20	Cash at Bank	40,403 50
268,517 00	Debtors	108,569 44
	Advance for IT Costs (per TSA)	12,532 70
307,237.20		161,680 78
	Costs of Realisations	
	Accountant's Fees	716 00
	Consultants Costs	10 000 00
	Debt Collection Costs	18 069 83
	Debt Collection Disbursements	3,942 00
	Insurance	168 00
	IT Costs	12 545 35
	Legal Disbursements (Pre Administration)	156 00
	Legal Fees (Post Administration)	1 174 00
	Legal Fees (Pre Administration)	3 428 50
	Pension Agent Costs	1 115 00
	Stationery & Postage	292 60
	Statutory Advertising	87 48
	Storage Costs	4,070 22
		55,764.98
	Preferential Creditors	
(68,808 40)	Employee Arrears/Hol Pay	NIL
(68,808 40)		NIL
	Non-Preferential Unsecured Creditors	
(347 202 49)	Employees	NIL
TBC	HMRC	NIL
(321,263 74)	Trade & Expense Creditors	NIL
668,466.23		NIL
	Floating Charge Account	105,915 80
	Represented By:	
	Floating/Main Current Account	99,568 44
	General VAT Control account	4,545 95
	VAT Receivable	1,801 41
	Balance	105,915.80

Appendix 3

Analysis of Time Charged and Expenses Incurred

EMC Advisory Services Limited (in Administration)
Analysis of the Joint Administrators' Time Costs for the Reporting Period

	Managing Director	Manager	Hours Senior	Assistant	Support	Total Hours	Time Cost (£)	Avg Hourly Rate (£)
Administration and Planning								
Case Review and Case Diary Management	0.00	1.40	5.50	1.70	0.00	8.60	2,636.00	306.51
Cashiering and Accounting	0.00	4.90	11.00	8.90	0.00	24.80	7,561.00	304.88
Dealings with Directors and Management	2.30	4.10	0.00	0.30	0.00	6.70	3,384.00	505.07
IPS Update and Review	0.00	1.40	0.00	3.30	0.00	4.70	1,068.00	227.23
Insurance	0.00	0.10	0.60	0.00	0.00	0.70	240.00	342.86
Statement of Affairs	0.00	0.40	1.60	1.10	0.00	3.10	836.00	269.68
Statutory Matters	3.20	7.20	50.60	29.70	0.00	90.70	25,717.84	283.55
Strategy Planning and Control	16.10	11.30	17.30	9.70	0.00	54.40	21,833.00	401.34
Tax Compliance / Planning	0.00	0.60	1.30	0.50	0.00	2.40	754.00	318.33
						196.10	64,038.84	326.57
Creditors								
Communications with Creditors/Employees	1.00	3.20	42.30	9.20	0.00	55.70	16,811.00	301.81
Non Pref Creditors/Employee Claims Handling	0.00	0.40	14.60	9.80	0.00	24.80	6,040.00	243.55
Preferential Claims Adjudication and Distribution	0.00	0.00	0.20	0.00	0.00	0.20	64.00	320.00
Secured Creditors	4.30	0.20	6.70	0.00	0.00	11.20	4,820.00	430.36
						91.90	27,735.00	301.80
Investigations								
CDDA Reports and Communication	0.90	1.30	6.40	0.30	0.00	8.90	3,268.00	367.30
Financial Review and Investigations (S238/239 etc.)	3.20	2.30	15.60	23.40	0.00	44.50	12,149.05	273.01
						53.40	15,418.05	288.73
Realisation of Assets								
Book Debts	8.00	4.90	47.50	0.10	0.00	60.50	22,364.00	369.65
Freehold and Leasehold Property	0.00	2.40	0.20	0.40	0.00	3.00	1,360.82	453.61
Other Intangible Assets	0.00	0.00	0.10	0.00	0.00	0.10	32.00	320.00
Other Tangible Assets	0.00	0.10	1.50	0.00	0.00	1.60	528.00	330.00
Plant, Machinery, Fixtures and Motor Vehicles	0.00	0.30	0.00	0.00	0.00	0.30	144.00	480.00
Sale of Business	0.00	0.70	0.40	0.00	0.00	1.10	464.00	421.82
						66.60	24,892.82	373.77
Total Hours	39.00	47.20	223.40	98.40	0.00	408.00		323.74
Total Fees Claimed (£)	23,400.00	22,566.00	71,632.00	14,487.71	0.00		132,085.71	

EMC Advisory Services Limited (In Administration) ("the Company")
Analysis of the Joint Administrators' costs and expenses for the Reporting Period

Notes	Company / Organisation	Activity	Fee Basis	Reporting Period	
				Incurred (£)	Amount Paid (£)
1 Professional Advisors/Services					
2	Accurate Mailing Services	Stationery and postage	As incurred	292 60	292 60
3	Charles Russell Speechlys LLP	Legal advice	Time cost basis	1 174 00	1 174 00
4	Courts Advertising Limited	Statutory advertising	Fixed Fee	87 48	87 48
5	e2e Payroll Solutions Ltd	Payroll agent	Fixed Fee	716 00	716 00
6	Evolve IS Limited	Pension agent	Fixed Fee	1 115 00	1 115 00
7	High Speed Office Limited	IT costs	As incurred	12 545 35	12 545 35
8	Insolvency Risk Services Ltd	Insurance	As incurred	168 00	168 00
9	Michelmores	Debt collection costs	25% of estimated gross realisations	18 069 83	18 069 83
9	Michelmores	Debt collection disbursements	As incurred	3 942 00	3 942 00
10	Rightside	Consultancy costs	Fixed Fee	10 000 00	10 000 00
11	Total Data Management Ltd	Storage costs	As incurred	4 070 22	4 070 22
		Total		52,180 48	52,180 48
12 Category 1 Disbursements					
13	Bordereau			225 00	NIL
14 Category 2 Disbursements					
	There are no category 2 disbursements				
		Total Expense		52,405 48	52,180 48

- 1 The Joint Administrators' choice of agents was based on their perception of the ability and experience to perform this type of work, the complexity and nature of the assignment and the basis of the Joint Administrators' fee arrangement with them.
- 2 Mailing agents were engaged to assist the Joint Administrators in sending correspondence to the Company's creditors.
- 3 CRS were instructed to assist the Joint Administrators with legal matters throughout the Administration.
- 4 Statutory Advertising of the Joint Administrators' appointment is required under insolvency legislation.
- 5 An external payroll agent was engaged by the Joint Administrators to assist with completing relevant work in respect of April 2019 unpaid wages and preparing and distributing P45s to the former employees.
- 6 A pension agent was engaged to assist the Joint Administrators in dealing with the Company's pension scheme.
- 7 Services provided in respect of IT. A majority of these costs were funded under the TSA.
- 8 Insurers instructed to provide open cover and public product liabilities.
- 9 Legal costs and disbursements incurred in collecting the Company's book debts.
- 10 Consultancy services provided in respect of the collection of the Company's debtors and providing ad-hoc services.
- 11 Books and records collected, listed and stored at an offsite facility. In addition, it is a statutory requirement that books and records of the Joint Administrators must be kept for six years after the conclusion of the Administration. Given the significant number of boxes and the location of these boxes, Total Data Management Ltd required multiple trips to multiple premises to collect all records of the Company.
- 12 Category 1 disbursements are payments to independent third parties where there is specific expenditure directly referable to the Administration.
- 13 It is a statutory requirement for Insolvency Practitioners to have a bond on each case to which they are appointed. The cost is based on the value of the assets.
- 14 Category 2 disbursements are costs that are directly referable to the Administration but not paid to an independent third party.

Appendix 4

Notice of Deemed Consent

EMC Advisory Services Limited ("the Company")

Company number 04859586

NOTICE TO CREDITORS OF DEEMED CONSENT

This Notice is to be read with the accompanying report which details the reasons an extension to the period of Administration is sought

These decisions are to be made by the deemed consent process. The following proposed decisions will be deemed approved unless sufficient objections are received by 23 59 hours on 13 December 2019 ("the Decision Date")

It is proposed that the decisions should be

- 1 That the duration of the Administration is extended to 25 April 2021
- 2 That a Creditors' Committee will not be established (unless sufficient creditors are willing to be members of a Committee)

IF YOU AGREE WITH THE PROPOSED DECISIONS YOU DO NOT NEED TO TAKE ANY ACTION

The creditors will be treated as having made the proposed decisions if insufficient objections are raised

Creditor Options and Guidance

If you agree with the proposed decision, no further action is required

If you wish to object to the proposed decisions then you must deliver a notice to the Joint Administrators (contact details below) stating you are objecting to the proposed decision, no later than the Decision Date, as well as submitting your claim in the Administration on the Creditors' Portal (if not already submitted and including those creditors whose debt is treated as a small debt as being £1,000 or less and creditors who have opted out from receiving notices). Otherwise your objection will be disregarded

It is the Joint Administrators' responsibility to aggregate any objections to see if the threshold is met for the decisions to be taken as not having been made. That threshold is 10% in value of those creditors entitled to vote

If there are sufficient objections to the proposed decisions, the deemed consent procedure will terminate without a decision being made. If the Joint Administrators decide to bring the matter again before creditors, an alternative decision procedure must be used such as seeking a decision by correspondence, electronic voting or a virtual meeting

You may request that the matter be dealt with at a physical meeting of creditors. The threshold for such a request is any of the following

- (a) 10% in value of the creditors
- (b) 10% in number of the creditors
- (c) 10 creditors

The Joint Administrators must receive such a request and your claim must be submitted on the Creditors' Portal, as detailed above, no later than five business days after the deemed receipt by

creditors on 22 November 2019. The Joint Administrators must convene a physical meeting no later than three business days after sufficient requisitions are received

Nothing in this notice precludes opted out creditors from objecting to the Deemed Consent procedure requisitioning a physical meeting or requesting further information

Creditors can appeal to the court on a decision of the Joint Administrators no later than 21 days after the Decision Date.

Contact details for further information, to lodge objections and to request a physical meeting

Geoffrey Wayne Bouchier of Duff & Phelps Ltd. The Shard, 32 London Bridge Street, London SE1 9SG

Telephone 020 7089 0906

Email address: Sophie.Thomas@DuffandPhelps.com

Alternative contact name Ben Stanyon of the above office

Signed



Geoffrey Wayne Bouchier – Joint Administrator

Dated 22-11-2019

Appendix 5

**Notice of Invitation to Form a Committee and Nomination for Membership of the Committee
Form**

EMC Advisory Services Limited (In Administration)

Company number: 04859586

High Court of Justice No 002831 of 2019

NOTICE OF INVITATION TO FORM A COMMITTEE

The primary purpose of a Committee is to assist the Administrators in fulfilling their duties

Further detail on the rights, duties and the functions of the Committee can be found here

<https://www.duffandphelps.co.uk/assets/pdfs-international/uk/a-guide-for-creditors.pdf>

This is a link to the R3 (Association of Business Recovery Professionals) booklet '**Liquidation / Creditors' Committees and Commissioners: A Guide for Creditors**' issued in conjunction with the Recognised Professional Bodies

This notice is an invitation to creditors to decide whether a Committee should be established if sufficient creditors are willing to be members of the Committee

Nominations are therefore invited for membership of the Committee if you wish to be considered please complete the attached **Nomination for Membership of the Committee** form.

Nominations must be delivered to

Geoffrey Wayne Bouchier

Joint Administrator

Duff & Phelps Ltd, The Shard, 32 London Bridge Street, London, SE1 9SG

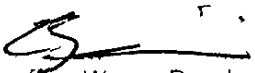
Email: Sophie.Thomas@DuffandPhelps.com

By 13 December 2019

Nominations will only be accepted if the Joint Administrators are satisfied as to the creditor's eligibility

Therefore, the creditor must have submitted a claim in the Administration, the debt is not fully secured and the claim has not been wholly disallowed for voting purposes, or the claim has not been wholly rejected for the purpose of distribution or dividend

Signed


Geoffrey Wayne Bouchier
Joint Administrator

Dated 22-11-2019

Nomination for Membership of the Committee* and Consent to Act

EMC Advisory Services Limited (In Administration)

Company number: 04859586

A creditor can act in person as a Committee member or appoint a representative to act on their behalf on the Committee

PART A: Creditor details

(Name of creditor),

consent to act as a member of the Committee in respect of EMC Advisory Services Limited (In Administration)

Address of Creditor

Reference

I consent further to Committee business being conducted by electronic communication as and when appropriate and for this purpose my/my representative's designated email address is.

(leave blank if consent is not given)

Part B: Creditor's Representative

The following person is duly authorised by proxy to act as the creditor's representative on the Committee

Name of Representative

Address of Representative

Signature of Representative

Representative's Tel:

Signature of Creditor or authorised person

Name in block letters

Date

Position or relationship with creditor/other authority for signature

Appendix 6

Statement of Creditors' Rights

STATEMENT OF CREDITORS' RIGHTS

Rule numbers refer to Insolvency (England & Wales) Rules 2016 (as amended)

Section numbers refer to Insolvency Act 1986.

'Office-holder' is the current Administrator or Liquidator, as applicable.

Information for creditors on remuneration and disbursements of administrators

Information regarding the fees and disbursements of administrators, including details of the Duff & Phelps' disbursements policy and hourly charge out rates for each grade of staff that may undertake work on this case, is in a document called "A Creditors' Guide to Administrators' Fees". This can be viewed and downloaded from the Joint Administrators' website at

<https://www.duffandphelps.co.uk/services/restructuring/corporate-restructuring-and-debt-advisory/creditor-guides-and-employee-fact-sheets>

Should you require a copy, please contact this office

Creditors have the right to request information from the office-holder under rule 18.9

A secured creditor, an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question) or any unsecured creditor with the permission of the court may make a written request to the office-holder for further information concerning remuneration or expenses. Such a request must be made within 21 days of receipt of this report and a response will be provided within 14 days of receipt of the request.

Creditors have recourse to court, application to be made within 21 days of the office-holder giving reasons for not providing all the information requested or the expiry of the 14 days within which an office-holder must respond to a request.

Creditors have the right to challenge the office-holder's remuneration and expenses under rule 18.34

A secured creditor, an unsecured creditor with the concurrence of at least 10% in value of the unsecured creditors (including that creditor) or any unsecured creditor with the permission of the court, may make an application to court on the grounds that the remuneration charged or expenses incurred are excessive and/or that the basis fixed for the office-holder's remuneration is inappropriate. The application to court must be made no later than eight weeks after receipt of the Progress Report where the charging of the remuneration or the incurring of expenses in question occurs.