

Liquidator's Progress Report

S.192

Pursuant to Sections 92A and 104A and 192
of the Insolvency Act 1986

To the Registrar of Companies

Company Number

05055883

Name of Company

O'Brien Plant & Utility Services Limited

I / We

John Russell, Kendal House, 41 Scotland Street, Sheffield, S3 7BS

Gareth David Rusling, Kendal House, 41 Scotland Street, Sheffield, S3 7BS

the liquidator(s) of the company attach a copy of my/our Progress Report
under section 192 of the Insolvency Act 1986

The Progress Report covers the period from 26/08/2015 to 25/08/2016

Signed



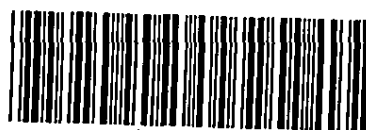
Date

25.10.16

Begbies Traynor (SY) LLP
Kendal House
41 Scotland Street
Sheffield
S3 7BS

Sheffield North@Begbies-Traynor.com
Ref O159815/MH

WEDNESDAY



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26/10/2016

#380

COMPANIES HOUSE

O'Brien Plant & Utility Services Limited
(In Liquidation)
Joint Liquidators' Abstract of Receipts & Payments


| Statement of Affairs | | From 26/08/2015 To 25/08/2016 |
|-----------------------------|------------------------------------|--|
| | MOTOR VEHICLES | |
| 6,750 00 | VW Caddy | 6,800 00 |
| (6,732 00) | VW Finance | (6,731 51) |
| | | <u>68 49</u> |
| | ASSET REALISATIONS | |
| 1,100 00 | Plant & Machinery | 1,500 00 |
| 7,000 00 | Stock | 8,990 00 |
| 51,387 00 | Book Debts | 13,922 06 |
| | Insurance Refund | 91 58 |
| | Bank Interest Gross | 3 33 |
| | Utilities Refunds | 53 10 |
| | | <u>24,560 07</u> |
| | COST OF REALISATIONS | |
| | Specific Bond | 20 00 |
| | Statement of Affairs Fee | 1,000 00 |
| | Office Holders Fees | 15,624 77 |
| | Disbursements | |
| | Mileage | 13 30 |
| | Postage | 34 17 |
| | Storage | 360 00 |
| | Agents Costs | |
| | Post Appointment Fees | 1,685 02 |
| | Post Appointment Disbs | 795 00 |
| | Accountants Fees | 2,000 00 |
| | Statutory Advertising | 210 00 |
| | Rent | 684 84 |
| | Insurance of Assets | 106 00 |
| | | <u>(22,533 10)</u> |
| | PREFERENTIAL CREDITORS | |
| (3,926 00) | Employees - Preferential Creditors | <u>NIL</u> |
| | | NIL |
| | FLOATING CHARGE CREDITORS | |
| (11,821 00) | The Royal Bank of Scotland Plc | <u>NIL</u> |
| | | NIL |
| | UNSECURED CREDITORS | |
| (56,419 00) | Trade & Expense Creditors | NIL |
| (25,865 00) | Employees - Unsecured Creditors | NIL |
| (34,000 00) | Directors Loan Account | NIL |
| (9,376 00) | HM Revenue & Customs - VAT | <u>NIL</u> |
| | | NIL |
| | DISTRIBUTIONS | |
| (100 00) | Ordinary Shareholders | <u>NIL</u> |
| | | NIL |
| <u>(82,002 00)</u> | | <u><u>2,095.46</u></u> |
| | REPRESENTED BY | |

VAT Receivable
Bank Balance

198 44

1,897 02

2,095 46



John Russell
Joint Liquidator

O'Brien Plant & Utility Services Limited (In Creditors' Voluntary Liquidation)

Progress report

Period: 26 August 2015 to 25 August 2016

Important Notice

This progress report has been produced solely to comply with our statutory duty to report to creditors and members of the Company on the progress of the liquidation. The report is private and confidential and may not be relied upon, referred to, reproduced or quoted from, in whole or in part, by creditors and members for any purpose other than this report to them, or by any other person for any purpose whatsoever.

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1 INTERPRETATION

| <u>Expression</u> | <u>Meaning</u> |
|---|--|
| "the Company" | O'Brien Plant & Utility Services Limited (In Creditors' Voluntary Liquidation) |
| "the liquidation" | The appointment of liquidators pursuant to Section 98 of the Act on 26 August 2015 |
| "the liquidators", "we", "our" and "us" | John Russell of Begbies Traynor (SY) LLP, Kendal House, 41 Scotland Street, Sheffield S3 7BS, Sheffield North@Begbies-Traynor.com and Gareth David Rusling of Begbies Traynor (SY) LLP, Kendal House, 41 Scotland Street, Sheffield S3 7BS, Sheffield North@Begbies-Traynor.com |
| "the Act" | The Insolvency Act 1986 (as amended) |
| "the Rules" | The Insolvency Rules 1986 (as amended) |
| "secured creditor" and "unsecured creditor" | Secured creditor, in relation to a company, means a creditor of the company who holds in respect of his debt a security over property of the company, and "unsecured creditor" is to be read accordingly (Section 248(1)(a) of the Act) |
| "security" | (i) In relation to England and Wales, any mortgage, charge, lien or other security (Section 248(1)(b)(i) of the Act), and (ii) In relation to Scotland, any security (whether heritable or moveable), any floating charge and any right of lien or preference and any right of retention (other than a right of compensation or set off) (Section 248(1)(b)(ii) of the Act) |
| "preferential creditor" | Any creditor of the Company whose claim is preferential within Sections 386, 387 and Schedule 6 to the Act |

2. COMPANY INFORMATION

| | |
|---------------------------|--|
| Trading name(s) | None |
| Company registered number | 05055883 |
| Company registered office | The Earl of Strafford, 11 Doncaster Road, Rotherham, South Yorkshire S65 4PF |
| Former trading address | 14-20 Gunhills Lane, Doncaster, South Yorkshire DN3 3EB |

3 DETAILS OF APPOINTMENT OF LIQUIDATORS

| | |
|----------------------------------|----------------|
| Date winding up commenced | 26 August 2015 |
| Date of liquidators' appointment | 26 August 2015 |

Changes in liquidator (if any)

None

4. PROGRESS DURING THE PERIOD

Receipts and Payments

Attached at Appendix 1 is our abstract of receipts and payments for the period from 26 August 2015 to 25 August 2016

Receipts

VW Caddy

Shortly prior to our appointment, the joint liquidators instructed Ellis Willis & Beckett ("EWB") to provide a valuation of the Company's assets. During their valuation, it came to light that the above motor vehicle was subject to a hire purchase agreement with VW Finance and that upon a review of the agreement, it transpired that there was equity available within the agreement.

Therefore, the vehicle was placed in a public auction on Tuesday 18 August 2015 and was subsequently sold on the joint liquidators' appointment for the sum of £6,800.00 plus VAT.

Plant & Machinery and Stock

As detailed above, EWB were instructed to provide a valuation of the Company's assets, prior to the joint liquidators' appointment. It was recommended and agreed that a tender sale be held at the Company's former trading premises due to the nature of the assets that were available for sale. This was held in September 2015 with all assets being disposed of to a number of unconnected third parties on 21 September 2015. These sales resulted in funds totalling £10,490.00 plus VAT being achieved.

Book Debts

Upon the appointment of the joint liquidators, we were advised that the Company had an outstanding debtors ledger in the sum of £64,233.91.

Therefore, the joint liquidators instructed their specialist debt recovery team to commence collections of the outstanding ledger. This resulted in realisations being achieved in the sum of £13,922.06. The remaining balance has either been written off or is subject to disputes. Therefore, we have been advised that it is anticipated that future realisations in the sum of £11,057.32 will be achievable.

Insurance Refund

Funds totalling £91.58 have been received as a result of the joint liquidators' advising the Company's former insurance brokers of the cancellation of the insurance policy which was in place.

Bank Interest Gross

The sum of £3.33 has been realised in respect of the interest accrued on the funds held within the joint liquidators' bank account held at Lloyds Bank plc.

Utilities Refund

As a result of the joint liquidators' advising Yorkshire Water of their appointment, the sum of £53.10 was refunded due to the Company's account being in credit.

Payments

VW Finance

Upon the joint liquidators' agents, EWB, carrying out a valuation of the Company's assets, it transpired that a VW Caddy was subject to a hire purchase agreement with VW Finance. Therefore, the VW Caddy was placed in a public auction by EWB resulting in sufficient funds being realised to discharge VW Finance's indebtedness in full in the sum of £6,731.51

Specific Bond

The joint liquidators' statutory bond has been discharged in the sum of £20.00

Statement of Affairs Fee

As agreed at the Section 98 meeting of creditors, it was resolved that the sum of £1,000.00 would be discharged to the joint liquidators as a result of the assistance provided to the director in completing his statement of affairs. This sum has been discharged in full.

Office Holders Fees

The joint liquidators have drawn remuneration in the sum of £15,624.77 during the period of this report.

Disbursements

The sum of £407.47 has been discharged in respect of the disbursements incurred by the joint liquidators. A full breakdown is provided in Section 6 of this report.

Agents Fees & Disbursements

Fees and disbursements in the sum of £1,685.02 and £795.00 have been discharged to EWB and relate to their assistance in providing their valuation and arranging for a sale of the Company's assets by way of private auction and a tender sale.

Accountants Fees

Funds totalling £2,000.00 have been discharged to the Company's former accountants, Warrens GB Limited, in connection with the assistance they have provided during the course of the liquidation.

Statutory Advertising

As a result of advertising the notice of the joint liquidators' appointment together with the notice of the Section 98 meeting of creditors in the London Gazette, funds totalling £210.00 have been discharged.

Rent

Due to the joint liquidators holding an auction for the disposal of the Company's assets at the former trading premises, the joint liquidators held discussions with the Company's landlord for occupation of the premises in order to facilitate such a sale. Therefore, rent totalling £684.84 was paid to the landlord following the completion of the sale and clearance of the site. This resulted in the premises being vacated and the keys being handed back on 30 September 2015.

Insurance of Assets

As a result of the Company's assets being sold via auction, the joint liquidators' arrange for these to be placed on insurance cover. Such cover was cancelled on 29 September 2015 resulting in the sum of £106 00 being discharged to Peter Hoare & Co (IB) Limited

What work has been done in the period of this report, why was that work necessary and what has been the financial benefit (if any) to creditors?

Details of the types of work that generally fall into the headings mentioned below are available on our firm's website - <http://www.begbies-traynorgroup.com/work-details>. Under the following headings we have explained the specific work that has been undertaken on this case. Not every piece of work has been described, but we have sought to give a proportionate overview which provides sufficient detail to allow creditors to understand what has been done, why it was necessary and what financial benefit (if any) the work has provided to creditors.

The costs incurred in relation to each heading are set out in the Time Costs Analysis which is attached at Appendix 2

General case administration and planning

The joint liquidators have completed works required to maintain the liquidation including periodically reviewing the case to ascertain which works remain outstanding and progressing the case to ensure all statutory requirements have been completed during the course of the liquidation. This has included completion of the statutory checklists and updating both paper files and electronic diaries.

In addition, all statutory documentation which is required to be issued to the relevant parties during the course of the liquidation has been compiled and issued on the statutory due dates. This has included preparing all the relevant documentation for the Section 98 meeting of creditors and also the relevant money laundering checks.

There will be no financial benefit to creditors from our work in this area. However, we have a duty to undertake this work and therefore these costs cannot be avoided.

Compliance with the Insolvency Act, Rules and best practice

The joint liquidators have prepared and submitted to all relevant parties the statutory liquidators Section 98 report and progress report and receipts and payments accounts pursuant to The Insolvency Act 1986 and have dealt with all statutory requirements pursuant to The Insolvency Act and Rules, including preparing appointment documents, reporting to shareholders and creditors and preparing the statement of affairs. The joint liquidators have also conducted periodic reviews to ensure that the liquidation is adequately bonded.

Also, general banking duties have been carried out including the raising and posting of income and expenditure onto the system when required and ensuring all cash functions are carried out periodically.

Again, there will be no financial benefit to the creditors from the work carried out in this area. However, we have a duty to undertake this work and therefore, these costs cannot be avoided.

Investigations

We are required to undertake an initial investigation into the director's actions in respect of the Company and to determine whether or not further detailed investigations are necessary. This included a review of the Company's books and records, including a full review of the Company's accounts and bank statements etc.

Following the outcome of our investigations, we prepared and submitted a confidential report to The Department for Business Innovation and Skills on the directors' conduct.

In addition, the joint liquidators have also entered into correspondence with both the director and the Company's former accountants with regard to the drawing of potential unlawful dividends. This has included reviewing the Company's records and liaising by way of verbal and written communications with the above parties.

There will be no financial benefit to creditors from our work in this area. However, we have a duty to undertake this work and therefore these costs cannot be avoided.

Realisation of assets

The joint liquidators have spent time liaising with EWB with regard to the sale of the Company's assets by way of a public auction and tender sale at the Company's former trading premises.

In addition, time has been spent liaising with the landlord with regard to agreeing occupation of the Company's premises during the period in which the sales were held and agreeing the amount of rent which was payable.

Also time has been spent in realising the third party owned motor vehicle and discharging the liability due to the finance company.

The joint liquidators also instructed their specialist debt recovery team to commence pursuing the outstanding debtors ledger therefore, time has been spent reviewing collections and any potential future realisations that are achievable.

At present, the above work has not financially benefitted the Company's creditors.

Trading

As the joint liquidators did not trade the Company, no time has been spent on this particular matter.

Dealing with all creditors' claims (including employees), correspondence and distributions

The joint liquidators have spent time liaising with the Company's creditors by way of verbal and written communication with regard to their claims and queries which have arisen during the course of the liquidation. This has included entering the creditors' claims onto our system as and when received.

In addition, time has been spent in liaising with the Redundancy Payments Office ("RPO") with regard to the submission of their claim and also the joint liquidators have submitted forms RP14 and RP14a respectively. Also, time has been spent reviewing the RPO'S final claim for admission within the liquidation.

The above work has not financially benefitted the Company's creditors however, has provided the creditors with the necessary information they have requested from their queries.

Other matters which includes meetings, tax, litigation, pensions and travel

The joint liquidators have prepared and submitted the relevant VAT returns as and when they have fallen due. In addition, correspondence has been entered into with HM Revenue & Customs with regard to any tax returns that have required completing during the period of this report.

In addition, the joint liquidators have carried out the relevant S120 notice to ensure that the Company did not have any pension schemes in operation.

The above work has not financially benefitted the Company's creditors however, is a statutory requirement that the joint liquidators must adhere to.

5 ESTIMATED OUTCOME FOR CREDITORS

The sums owed to creditors at the date of appointment (as detailed in the director's statement of affairs) are as follows

Secured creditors

The Royal Bank of Scotland Plc ("RBS")

RBS held security over the Company by way of a debenture which was granted by the Company on 12 February 2010 and provides an undertaking over all of the Company's property and assets. This resulted in funds totalling £11,821 00 being owed to RBS.

Clydesdale Bank PLC ("Clydesdale")

Clydesdale held security over the Company by way of a legal mortgage which was granted by the Company on 3 April 2009. This is secured against the property situated at 44 Alder Holt Close, Armthorpe, Doncaster. At present, we are unaware of the sum owed to Clydesdale's therefore, we are awaiting confirmation from Clydesdale with regard to their indebtedness.

Preferential creditors

Preferential claims of employees for arrears of wages, salary and holiday pay were estimated at £3,926 00 and we have admitted claims in the total sum of £4,028 78.

Unsecured creditors

Unsecured creditors were estimated at £125,660 00 and we have admitted claims in the total sum of £63,031 08. We are not aware of any substantial claims from connected parties in this matter.

On the basis of realisations to date and estimated future realisations we estimate an outcome for each class of the Company's creditors as follows:

Secured creditors

Based on current estimated realisations, we do not anticipate that any distributions will be available to either RBS or Clydesdale in this particular matter. Therefore, we anticipate that RBS will suffer a shortfall of £11,821 00 and we are currently awaiting confirmation from Clydesdale of their indebtedness in this matter.

Preferential creditors

We consider that there will be sufficient funds for a dividend to be paid to preferential creditors.

Based on current estimations, we anticipate that the preferential creditors will be repaid in full however, we are unaware of the timing of such a distribution at present.

Prescribed Part for unsecured creditors pursuant to Section 176A of the Act

Section 176A of the Act provides that, where the company has created a floating charge on or after 15 September 2003, the liquidator must make a prescribed part of the Company's net property available for the unsecured creditors and not distribute it to the floating charge holder except in so far as it exceeds the amount required for the satisfaction of unsecured debts. Net property means the amount which would, were it not for this provision, be available to floating charge holders out of floating charge assets (i.e. after accounting for

preferential debts and the costs of realising the floating charge assets) The prescribed part of the Company's net property is calculated by reference to a sliding scale as follows

- ☐ 50% of the first £10,000 of net property,
- ☐ 20% of net property thereafter,
- ☐ Up to a maximum amount to be made available of £600,000

A liquidator will not be required to set aside the prescribed part of net property if

- ☐ the net property is less than £10,000 and the liquidator thinks that the cost of distributing the prescribed part would be disproportionate to the benefit, (Section 176A(3)) or
- ☐ the liquidator applies to the court for an order on the grounds that the cost of distributing the prescribed part would be disproportionate to the benefit and the court orders that the provision shall not apply (Section 176A(5))

As the floating charges were created on or after 15 September 2003, the Prescribed Part provisions will apply. However, there will be no distribution of the prescribed part as our estimate of the Company's net property is less than the minimum prescribed by the Insolvency Act 1986 (Prescribed Part) Order 2003 and we think, in accordance with Section 176A(3)(b) of the Act, that the costs of making a distribution of the prescribed part to unsecured creditors would be disproportionate to the benefits.

On present information we do not intend to make an application to court under Section 176A(5) of the Act for an order not to distribute the prescribed part of net property to the unsecured creditors. However, we reserve our position generally in this regard should circumstances materially change.

Unsecured creditors

Based upon realisations to date and estimated future realisations it is anticipated there will be insufficient funds available to enable a dividend to be paid to the unsecured creditors.

6. REMUNERATION & DISBURSEMENTS

Remuneration

Our remuneration has been fixed by a resolution of creditors at the meeting held pursuant to Section 98 of the Act by reference to the time properly given by us (as liquidators) and the various grades of our staff calculated at the prevailing hourly charge out rates of Begbies Traynor (SY) LLP in attending to matters arising in the winding up and we are authorised to draw disbursements, including disbursements for services provided by our firm (defined as category 2 disbursements in Statement of Insolvency Practice 9), in accordance with our firm's policy, details of which accompanied the Statement of Affairs and other information presented to the meeting of creditors convened pursuant to Section 98 of the Act and which is attached at Appendix 2 of this report.

Our time costs for the period from 26 August 2015 to 25 August 2016 amount to £18,006.50 which represents 90.4 hours at an average rate of £199.19 per hour.

The following further information in relation to our time costs and disbursements is set out at Appendix 2.

- ☐ Begbies Traynor (SY) LLP's charging policy
- ☐ Time Costs Analysis for the period 26 August 2015 to 25 August 2016

To 25 August 2016, we have drawn the total sum of £15,624.77 on account of our remuneration, against total time costs of £18,006.50 incurred since the date of our appointment.

Time Costs Analysis

The Time Costs Analysis for the period of this report attached at Appendix 2 shows the time spent by each grade of staff on the different types of work involved in the case, and gives the total costs and average hourly rate charged for each work type. As this is our first report, this includes the entire period of the liquidation.

Please note that the analysis provides details of the work undertaken by us and our staff following our appointment only.

As this is our first progress report since the basis of our remuneration was fixed, we are obliged to provide creditors with details of the costs incurred in the period since appointment and a description of the work undertaken for the period since our appointment. A full breakdown of which is detailed in Section 4 of this report.

Work undertaken prior to appointment

In addition to the post appointment time costs detailed in the Time Costs Analysis, the costs relating to work undertaken prior to our appointment in summoning, advertising and holding the creditors' meeting and assisting the directors in preparing the statement of affairs were approved by the creditors at the Section 98 meeting.

Disbursements

To 25 August 2016, we have also drawn disbursements in the sum of £407.47.

Why have subcontractors been used?

The choice of agents was based on the joint liquidators' knowledge of the agents' experience and known ability to perform the type of work to be undertaken and also taking into account the complexity and nature of the assignment and the basis of their fee arrangements. This has included a valuation of the Company's assets together with a sale of the Company's assets by way of a tender sale.

Category 2 Disbursements

In accordance with the resolution obtained in relation to disbursements, the following Category 2 disbursements and disbursements which should be treated as Category 2 disbursements have been charged to the case since the date of our appointment:

| Other amounts paid or payable to the office holder's firm | |
|---|----------|
| Type and purpose | Amount £ |
| Mileage | 13.30 |
| Postage | 34.17 |
| Document Storage | 360.00 |
| TOTAL | 407.47 |

A copy of 'A Creditors' Guide to Liquidators Fees (E&W) 2015' which provides guidance on creditors' rights on how to approve and monitor a Liquidator's remuneration and on how the remuneration is set can be obtained by calling Begbies Traynor (SY) LLP on 0114 2755 033.

7 LIQUIDATORS' EXPENSES

A statement of the expenses incurred during the period of this progress report is attached at Appendix 3

8. ASSETS THAT REMAIN TO BE REALISED AND WORK THAT REMAINS TO BE DONE

The following asset remains to be realised -

Book Debts

Our specialist debt recovery team are continuing to pursue the remaining outstanding book debt ledger and have advised that they anticipate realising future receipts in the sum of £11,057.32

Illegal Dividend

The joint liquidators are continuing to pursue the director with regard to the illegal dividends which were drawn in the periods 2013 and 2014 when there were insufficient reserves in which to draw such funds. These have been calculated in the sum of £50,019.00. At present, realisations in this particular matter are uncertain.

What work remains to be done, why is this necessary and what financial benefit (if any) will it provide to creditors?

General case administration and planning

The joint liquidators will continue to complete works required to maintain the liquidation including periodically reviewing the case to ascertain which works remain outstanding and progressing the case to ensure all statutory requirements have been completed during the course of the liquidation and, in readiness for closure

In addition, all statutory documentation which is required to be issued to the relevant parties during the course of the liquidation will be compiled and issued on the statutory due dates

There will be no financial benefit to creditors from our work in this area. However, we have a duty to undertake this work and therefore these costs cannot be avoided

Compliance with the Insolvency Act, Rules and best practice

The joint liquidators will prepare and submit to all relevant parties the statutory liquidators annual progress report and draft final report and receipts and payments accounts pursuant to The Insolvency Act 1986 and deal with all statutory requirements pursuant to The Insolvency Act and Rules, including reporting to shareholders and creditors

A full review of the case will be conducted to ensure that all matters have been concluded in order that the case can proceed to closure as and when applicable

In addition, banking duties will be carried out by way of reconciliations and the processing of bank statements etc

Again, there will be no financial benefit to the creditors from the work carried out in this area. However, we have a duty to undertake this work and therefore, these costs cannot be avoided

Investigations

The joint liquidators will continue to investigate the illegal dividend position which will include liaising with the Company's director and reviewing the Company's records

At present, it is uncertain as to whether this will provide any financial benefit to the Company's creditors however, the work is necessary to ensure that the joint liquidators investigations are concluded

Realisation of assets

As detailed above, the joint liquidators will continue to liaise with the director with regard to the illegal dividends in an attempt to secure realisations

In addition, we are continuing to pursue the remaining outstanding book debt ledger. This will include liaising with the Company's debtors in an attempt to secure further realisations

As stated previously, it is uncertain as to whether this will provide any financial benefit to the Company's creditors however, the work is necessary to ensure that the joint liquidators have carried out their obligations in pursuing the Company's assets

Trading

As the joint liquidators did not trade the Company, no time will be spent in this particular matter

Dealing with all creditors' claims (including employees), correspondence and distributions

The joint liquidators will continue to correspond with the Company's creditors following receipt of any queries that may be received

As we anticipate that there is no prospect of a dividend to the Company's unsecured creditors, there will be no work carried out with regard to agreeing creditor claims

The Company's creditors will not benefit financially as there are insufficient funds to enable a distribution to be made. Notwithstanding this, the above work is required in order to satisfy the creditors' needs

Other matters which includes meetings, tax, litigation, pensions and travel

The joint liquidators will continue to correspond with HM Revenue & Customs and submit the relevant VAT returns together with their final VAT return as and when required

The above work will not financially benefit the Company's unsecured creditors however, is a statutory requirement which is to be carried out by the joint liquidators

How much will this further work cost?

We anticipate that further costs will be incurred in the approximate sum of £5,000.00 in relation to carrying out the above works. Please note that there will be no financial benefit to the Company's creditors in carrying out such work however, it is necessary to complete this prior to the end of the liquidation

Expenses

Details of the expenses that we expect to incur in connection with the work that remains to be done referred to above are as follows

| | | |
|-----------------------------|---|-----------|
| Future disbursements | | |
| Postage | - | £16 83 |
| Future disbursements | | |
| Storage | - | £1,080 00 |
| Final postage disbursements | - | £16 83 |
| Final advert | - | £88 49 |

9 OTHER RELEVANT INFORMATION

Investigations and reporting on directors conduct

You may be aware that a liquidator has a duty to enquire into the affairs of an insolvent company to determine its property and liabilities and to identify any actions which could lead to the recovery of funds. In addition, as explained in the report circulated at the meeting of creditors convened pursuant to Section 98 of the Act, such report having also been sent to creditors following the meeting, a liquidator is also required to consider the conduct of the Company's directors and to make an appropriate submission to the Department for Business Energy and Industrial Strategy. We can confirm that we have discharged our duties in these respects.

Investigations carried out to date

We have undertaken an initial assessment of the manner in which the business was conducted prior to the liquidation of the Company and potential recoveries for the estate in this respect.

Connected party transactions

We have not been made aware of any sales of the Company's assets to connected parties.

10 CREDITORS' RIGHTS

Right to request further information

Pursuant to Rule 4.49E of the Rules, 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, including that creditor, (or an unsecured creditor with less than 5% in value of the unsecured creditors, but with the permission of the court) may request in writing that we provide further information about our remuneration or expenses which have been incurred during the period of this progress report.

Right to make an application to court

Pursuant to Rule 4.131 of the Rules, any secured creditor or any unsecured creditor with the concurrence of at least 10% in value of the unsecured creditors including that creditor, (or any unsecured creditors with less than 10% in value of the unsecured creditors, but with the permission of the court) may, within 8 weeks of receipt of this progress report, make an application to court on the grounds that the remuneration charged or the expenses incurred during the period of this progress report are excessive or, the basis fixed for our remuneration is inappropriate.

11. CONCLUSION

Once the remaining outstanding debtors have been realised and we have concluded our investigations into the illegal dividends to establish whether any realisations can be achieved, this will result in all matters having been concluded within the liquidation. This will result in the joint liquidators taking steps to call a final meeting and arrange for the case to be closed.

We will report again in approximately twelve months time or at the conclusion of the liquidation, whichever is the sooner.



Gareth David Rusling
Joint Liquidator

Dated 17 October 2016

ACCOUNT OF RECEIPTS AND PAYMENTS

Period 26 August 2015 to 25 August 2016

O'Brien Plant & Utility Services Limited
(In Liquidation)
Joint Liquidators' Summary of Receipts & Payments
To 25/08/2016

| S of A £ | | £ | £ |
|-------------|------------------------------------|------------|-------------|
| | MOTOR VEHICLES | | |
| 6,750 00 | VW Caddy | 6,800 00 | |
| (6,732 00) | VW Finance | (6,731 51) | |
| | | | 68 49 |
| | ASSET REALISATIONS | | |
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| 7,000 00 | Stock | 8,990 00 | |
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| | Insurance Refund | 91 58 | |
| | Bank Interest Gross | 3 33 | |
| | Utilities Refunds | 53 10 | |
| | | | 24,560 07 |
| | COST OF REALISATIONS | | |
| | Specific Bond | 20 00 | |
| | Statement of Affairs Fee | 1,000 00 | |
| | Office Holders Fees | 15,624 77 | |
| | Disbursements | | |
| | Mileage | 13 30 | |
| | Postage | 34 17 | |
| | Storage | 360 00 | |
| | Agents Costs | | |
| | Post Appointment Fees | 1,685 02 | |
| | Post Appointment Disbs | 795 00 | |
| | Accountants Fees | 2,000 00 | |
| | Statutory Advertising | 210 00 | |
| | Rent | 684 84 | |
| | Insurance of Assets | 106 00 | |
| | | | (22,533 10) |
| | PREFERENTIAL CREDITORS | | |
| (3,926 00) | Employees - Preferential Creditors | NIL | |
| | | | NIL |
| | FLOATING CHARGE CREDITORS | | |
| (11,821 00) | The Royal Bank of Scotland Plc | NIL | |
| | | | NIL |
| | UNSECURED CREDITORS | | |
| (56,419 00) | Trade & Expense Creditors | NIL | |
| (25,865 00) | Employees - Unsecured Creditors | NIL | |
| (34,000 00) | Directors Loan Account | NIL | |
| (9,376 00) | HM Revenue & Customs - VAT | NIL | |
| | | | NIL |
| | DISTRIBUTIONS | | |
| (100 00) | Ordinary Shareholders | NIL | |
| | | | NIL |
| (82,002 00) | | | 2,095 46 |

O'Brien Plant & Utility Services Limited
(In Liquidation)
Joint Liquidators' Summary of Receipts & Payments
To 25/08/2016

| S of A £ | £ | £ |
|----------------|---|-----------------|
| REPRESENTED BY | | |
| VAT Receivable | | 198 44 |
| Bank Balance | | 1,897 02 |
| | | <u>2,095.46</u> |

TIME COSTS AND DISBURSEMENTS

- a Begbies Traynor (SY) LLP's charging policy,
- b Time Costs Analysis for the period from 26 August 2015 to 25 August 2016

BEGBIES TRAYNOR CHARGING POLICY

INTRODUCTION

This note applies where a licensed insolvency practitioner in the firm is acting as an office holder of an insolvent estate and seeks creditor approval to draw remuneration on the basis of the time properly spent in dealing with the case. It also applies where further information is to be provided to creditors regarding the office holder's fees following the passing of a resolution for the office holder to be remunerated on a time cost basis. Best practice guidance¹ requires that such information should be disclosed to those who are responsible for approving remuneration.

In addition, this note applies where creditor approval is sought to make a separate charge by way of expenses or disbursements to recover the cost of facilities provided by the firm. Best practice guidance² indicates that such charges should be disclosed to those who are responsible for approving the office holder's remuneration, together with an explanation of how those charges are calculated.

OFFICE HOLDER'S FEES IN RESPECT OF THE ADMINISTRATION OF INSOLVENT ESTATES

The office holder has overall responsibility for the administration of the estate. He/she will delegate tasks to members of staff. Such delegation assists the office holder as it allows him/her to deal with the more complex aspects of the case and ensures that work is being carried out at the appropriate level. There are various levels of staff that are employed by the office holder and these appear below.

The firm operates a time recording system which allows staff working on the case along with the office holder to allocate their time to the case. The time is recorded at the individual's hourly rate in force at that time which is detailed below.

EXPENSES INCURRED BY OFFICE HOLDERS IN RESPECT OF THE ADMINISTRATION OF INSOLVENT ESTATES

Best practice guidance classifies expenses into two broad categories:

- *Category 1 disbursements (approval not required)* - specific expenditure that is directly related to the case and referable to an independent external supplier's invoice. All such items are charged to the case as they are incurred.
- *Category 2 disbursements (approval required)* - items of expenditure that are directly related to the case which include an element of shared or allocated cost and are based on a reasonable method of calculation, but which are not payable to an independent third party.

(A) The following items of expenditure are charged to the case (subject to approval):

- The recharge for Company searches and electronic identification procedures for all new clients depends on the documentation requested,
- Car mileage is charged at the appropriate rate published by the "AA" for the type of vehicle and engine size used,
- All circulars are sent by first class post and the actual postage costs are charged as an expense of the administration,
- Storage of books and records is at the Insolvency Practitioners' own storage facility. The books and records will be stored in banker's boxes and a storage fee will be charged at the rate of £7.50 per box per month. This charge covers the transportation of the records, their storage, retrieval for administration purposes and their destruction.

¹ Statement of Insolvency Practice 9 (SIP 9) – Remuneration of insolvency office holders in England & Wales

² Ibid 1

BEGBIES TRAYNOR CHARGE-OUT RATES

Begbies Traynor is a national firm. The rates charged by the various grades of staff that may work on a case are set nationally, but vary to suit local market conditions. The rates applying to the Sheffield office as at the date of this report are as follows

| Grade of staff | Charge-out rate (£ per hour) |
|--------------------------|--|
| | 1 February 2015 – until further notice |
| Directors/Office Holders | 365 |
| Senior Managers | 325 |
| Managers | 305 |
| Senior Administrators | 230 |
| Administrators | 191 |
| Junior Administrators | 80 |
| Support | 40 |

Time spent by support staff such as secretarial, administrative and cashiering staff is charged directly to cases. It is not carried as an overhead.

Time is recorded in 6 minute units

SIP9 O'Brien Plant & Utility Services Limite - Creditors Voluntary Liquidation - 910159815.CVL : Time Costs Analysis From 26/08/2015 To 25/08/2016

| Staff Grade | Consultant/Partner | Director | Sr Mngr | Mngr | Asst Mngr | Sr Admin | Admin | Jr Admin | Support | N/A | Total Hours | Time Cost £ | Average hourly rate £ |
|---|---|----------|---------|----------|-----------|----------|----------|----------|---------|------|-------------|-------------|-----------------------|
| General Case Administration and Planning | General case planning | 0.7 | | 1.0 | | 2.4 | | | | | 4.1 | 832.40 | 203.02 |
| | Administration | | | 6.4 | | 13.3 | 0.4 | | 0.2 | | 20.3 | 4,354.70 | 214.52 |
| | Total for General Case Administration and Planning | 0.7 | | 7.4 | | 16.7 | 0.4 | | 0.2 | | 24.4 | 6,187.10 | 212.59 |
| Compliance with the Insolvency Act, Rules and best practice | Appointment | | | | | | | | | | | | 0.00 |
| | Banking and Bonding | | | 1.3 | | 3.8 | 1.0 | | 6.0 | | 12.5 | 1,610.50 | 128.84 |
| | Case Closure | | | | | | | | | | | | 0.00 |
| | Statutory reporting and statement of affairs | | | 2.1 | | | | | 2.8 | | 4.9 | 752.50 | 153.57 |
| | Total for Compliance with the Insolvency Act, Rules and best practice | | 0.4 | 3.4 | | 3.8 | 1.0 | | 8.8 | | 17.4 | 2,363.00 | 135.80 |
| Investigations | CDDA and investigations | 0.5 | | 5.3 | | 0.7 | 3.2 | | 0.5 | | 10.2 | 2,563.90 | 251.36 |
| | Total for investigations | 0.5 | | 6.3 | | 0.7 | 3.2 | | 0.5 | | 10.2 | 2,563.90 | 251.36 |
| Realisation of assets | Debt collection | 0.3 | | 6.5 | | 15.6 | 0.4 | | | 3.6 | 26.4 | 5,136.00 | 194.55 |
| | Property business and asset sales | | | 2.7 | | 0.2 | | | | | 2.9 | 861.70 | 297.14 |
| | Retention of Third party assets | | | | | | 0.3 | | | | 0.3 | 57.30 | 191.00 |
| Trading | Total for Realisation of assets | 0.3 | | 9.2 | | 15.8 | 0.7 | | | 3.6 | 29.6 | 6,055.00 | 204.56 |
| | Trading | | | | | | | | | | | | 0.00 |
| | Total for Trading | | | | | | | | | | | | 0.00 |
| Dealing with all creditors claims (on behalf employees), correspondence and distributions | Secured | | | | | | | | | | | | 0.00 |
| | Others | 0.6 | | 2.5 | | 1.8 | 0.2 | | 1.7 | | 6.8 | 1,477.70 | 217.31 |
| | Creditors committee | | | | | | | | | | | | 0.00 |
| Office matters which includes meetings, litigation, pensions and travel | Total for Dealing with all creditors claims (including employees), correspondence and distributions | 0.6 | | 2.5 | | 1.8 | 0.2 | | 1.7 | | 6.8 | 1,477.70 | 217.31 |
| | Meetings | | | | | | | | | | | | 0.00 |
| | Other | | | | | | | | | | | | 0.00 |
| | Tax | | | 0.6 | | 0.2 | 0.6 | | 0.6 | | 2.0 | 359.80 | 179.90 |
| | Litigation | | | | | | | | | | | | 0.00 |
| | Total for Office matters | | | 0.6 | | 0.2 | 0.6 | | 0.6 | | 2.0 | 359.80 | 179.90 |
| | Total for staff grade | 2.1 | 0.4 | 28.4 | | 38.0 | 6.1 | | 11.8 | 3.6 | 90.4 | | |
| | Total time cost by staff grade | 710.50 | 146.00 | 6,662.00 | | 6,850.90 | 1,165.10 | | 472.00 | | | 18,006.50 | |
| | Average hourly rate £ | 338.33 | 365.00 | 305.00 | 0.00 | 180.29 | 191.00 | 0.00 | 40.00 | 0.00 | | | 199.19 |
| | Total fees drawn to date £ | | | | | | | | | | | 15,624.77 | |

STATEMENT OF EXPENSES

| Type of expense | Name of party with whom expense incurred | Amount incurred £ | Amount discharged £ | Balance (to be discharged) £ |
|--|--|----------------------|------------------------|---------------------------------|
| Expenses incurred with entities not within the Begbies Traynor Group | | | | |
| VW Finance | VW Finance | 6,731 51 | 6,731 51 | - |
| Specific Bond | Willis Limited | 20 00 | 20 00 | - |
| Statement of Affairs Fee | The P&A Partnership Limited | 1,000 00 | 1,000 00 | - |
| Agents Fees – Post-Appointment | Ellis Willis & Beckett | 1,685 02 | 1,685 02 | - |
| Agents Disbursements – Post-Appointment | Ellis Willis & Beckett | 795 00 | 795 00 | - |
| Accountants Fees | Warrens GBC Limited | 2,000 00 | 2,000 00 | - |
| Statutory Advertising | TMP (UK) Limited | 210 00 | 210 00 | - |
| Rent | Ellis Willis & Beckett | 684 84 | 684 84 | - |
| Insurance of Assets | Peter Hoare & Co (IB) Limited | 106 00 | 106 00 | - |

The sum of £9,731 51 has been discharged to VW Finance following the disposal of the VW Caddy which was subject to a hire purchase agreement

Funds totalling £20 00 have been paid in respect of the joint liquidators' statutory bond

The joint liquidators have received funds totalling £1,000 00 as a result of the assistance provided to the director with regard to the completion of his statement of affairs

EWB's fees and disbursements in the sum of £1,685 02 and £795 00 have been discharged

Accountants fees of £2,000 00 have been discharged following the assistance provided during the course of the liquidation

Statutory advertising totalling £210 00 has been discharged following the advertisement of the notice of appointment and Section 98 meeting of creditors within the London Gazette

Rent has been discharged to the landlord following the occupation of the Company's premises in the sum of £684 84

The joint liquidators have discharged funds totalling £106 00 in respect of the insurance cover required for the Company's assets