

LIQ03

Notice of progress report in voluntary winding up



Companies House

SATURDAY



A25 *A8DH3KV6* #29
07/09/2019
COMPANIES HOUSE

1 Company details

Company number 0 5 0 5 5 8 8 3

Company name in full O'Brien Plant & Utility Services Limited

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

2 Liquidator's name

Full forename(s) Gareth David

Surname Rusling

3 Liquidator's address

Building name/number 3rd Floor

Street Westfield House

Post town 60 Charter Row

County/Region Sheffield

Postcode S 1 3 F Z

Country

4 Liquidator's name

Full forename(s) Gerald Maurice

Surname Krasner

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

5 Liquidator's address

Building name/number 4th Floor

Street Cathedral Buildings

Post town Dean Street

County/Region Newcastle Upon Tyne

Postcode N E 1 1 P G

Country

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

LIQ03

Notice of progress report in voluntary winding up

6 Period of progress report

From date	^d 2	^d 6	^m 0	^m 8	^y 2	^y 0	^y 1	^y 8
To date	^d 2	^d 5	^m 0	^m 8	^y 2	^y 0	^y 1	^y 9

7 Progress report

☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

^d 0	^d 3	^m 0	^m 9	^y 2	^y 0	^y 1	^y 9
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Notice of progress report in voluntary winding up



Presenter information

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name **Kerry Norton**

Company name **Begbies Traynor (SY) LLP**

Address **3rd Floor**
Westfield House

Post town **60 Charter Row**

County/Region **Sheffield**

Postcode **S 1 3 F Z**

Country

DX

Telephone **0114 2755033**



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

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

Statement of Affairs £		From 26/08/2018 To 25/08/2019 £	From 26/08/2015 To 25/08/2019 £
	MOTOR VEHICLES		
6,750.00	VW Caddy	NIL	6,800.00
(6,732.00)	VW Finance	NIL	(6,731.51)
		NIL	68.49
	ASSET REALISATIONS		
	Bank Interest Gross	NIL	4.23
51,387.00	Book Debts	NIL	34,169.16
	Illegal Dividends Repayment	8,007.96	8,007.96
	Insurance Refund	NIL	91.58
1,100.00	Plant & Machinery	NIL	1,500.00
7,000.00	Stock	NIL	8,990.00
	Utilities Refunds	NIL	53.10
		8,007.96	52,816.03
	COST OF REALISATIONS		
	Accountants Fees	NIL	2,000.00
	Agents Costs		
	Post Appointment Fees	NIL	1,685.02
	Post Appointment Disbs	NIL	795.00
	Bank Charges	12.00	44.00
	Disbursements		
	Mileage	NIL	13.30
	Postage	23.40	100.47
	Storage	1.92	361.92
	Insurance of Assets	NIL	106.00
	Office Holders Fees	7,117.20	36,623.70
	Rent	NIL	684.84
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		NIL	NIL
	FLOATING CHARGE CREDITORS		
(11,821.00)	The Royal Bank of Scotland Plc	NIL	NIL
		NIL	NIL
	UNSECURED CREDITORS		
(34,000.00)	Directors Loan Account	NIL	NIL
(25,865.00)	Employees - Unsecured Creditors	NIL	NIL
(9,376.00)	HM Revenue & Customs - VAT	NIL	NIL
(56,419.00)	Trade & Expense Creditors	NIL	NIL
		NIL	NIL
	DISTRIBUTIONS		
(100.00)	Ordinary Shareholders	NIL	NIL
		NIL	NIL
(82,002.00)		853.44	9,186.27
	REPRESENTED BY		
	Bank Balance-New Handels		7,046.97
	VAT Control Account		1,682.72
	VAT Receivable		456.58
			9,186.27



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

Progress report

Period: 26 August 2018 to 25 August 2019

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.

Contents

- ☐ Interpretation
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- ☐ Details of appointment of liquidators
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- ☐ Assets that remain to be realised and work that remains to be done
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 - 2. Liquidators' time costs and disbursements
 - 3. Statement of Liquidators' expenses

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 on 26 August 2015.
"the liquidators", "we", "our" and "us"	Gareth David Rusling of Begbies Traynor (SY) LLP, 3rd Floor, Westfield House, 60 Charter Row, Sheffield, S1 3FZ, Sheffield.North@Begbies-Traynor.com and Gerald Maurice Krasner of Begbies Traynor (Central) LLP, 4th Floor, Cathedral Buildings, Dean Street, Newcastle Upon Tyne, NE1 1PG
"the Act"	The Insolvency Act 1986 (as amended)
"the Rules"	The Insolvency (England and Wales) Rules 2016
"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):	O'Brien Plant & Utility Service Limited
Company registered number:	05055883
Company registered office:	3rd Floor, Westfield House, 60 Charter Row, Sheffield, S1 3FZ
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 – Gareth David Rusling 26 August 2015 – John Russell 24 April 2017 – Gerald Maurice Krasner

Changes in liquidator (if any):

John Russell has retired from office as joint liquidator of the Company. By an order of the High Court of Justice, dated 24 April 2017, Gerald Maurice Krasner of Begbies Traynor (Central) LLP was appointed joint liquidator in his place. Gerald Maurice Krasner is licenced as an Insolvency Practitioner by the Institute of Chartered Accountants England and Wales.

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 2018 to 25 August 2019. Detailed below is an explanation of the transactions which have occurred during the period covered by this report.

Receipts

Illegal Dividends Repayment

As detailed within our previous report, the joint liquidators were pursuing the director with regard to the illegal dividends drawn prior to the Company entering into liquidation. Following a review of the dividends position, it transpired the funds totalling £16,019.00 remained due to the Company. Upon discussing this matter with the director, repayment terms were agreed over a 24 month period at a rate of £667.33 per month with a final instalment of £667.41. To date, all instalments have been received on the due dates resulting in funds totalling £8,007.96 being received.

Payments

Bank Charges

The sum of £12.00 has been incurred and discharged and relates to the monthly charges incurred in operating the joint liquidators bank account.

Disbursements

Funds totalling £25.32 have been discharged and relate to postage and storage charges incurred within the liquidation proceedings. A full breakdown of these are detailed in Section 6 of this report.

Office Holders Fees

The joint liquidators have drawn fees on account of their remuneration in the sum of £7,117.20 which falls in line with the previously agreed fee basis.

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. There is an analysis for the period of the report and also an analysis of time spent on the case since the date of our appointment. The details below relate to the work undertaken in the period of the report only. Our previous reports contain details of the work undertaken since our appointment.

General case administration and planning

The joint liquidators have continually monitored their electronic diary systems to ensure that all statutory requirements have been carried out and that all statutory deadlines have been met prior to the due dates. In addition, the joint liquidators have ensured that their statutory checklists have also been kept up to date.

Form AD01 – Change of Registered Office has also been completed and submitted to the Registrar following the change in the Company's registered office.

Periodic case reviews have also been carried out at six monthly intervals which has ensured that the joint liquidators are able to monitor the progress of matters within the liquidation proceedings.

The above work has not provided any financial benefit to the Company's creditors however, such work has assisted the joint liquidators in complying with their statutory duties in this matter.

Compliance with the Insolvency Act, Rules and best practice

Time has been spent compiling and issuing the joint liquidators annual report to creditors and accompanying forms to the Registrar for registering at Companies House. Steps have also been taken to ensure that the annual report has been uploaded to the creditor portal for viewing.

Periodic bond reviews have been carried out to ensure that the case remains adequately bonded.

Banking duties have been carried out by carrying out monthly bank reconciliations and posting incoming and outgoing transactions onto the system to ensure that the receipts and payments account remains up to date.

The above work is of a statutory nature which the joint liquidators must adhere to, under their statutory duties therefore, such work cannot be avoided. Such work has not provided any financial benefit to the Company's creditors in this regard.

Investigations

The joint liquidators have not expended any time on this particular matter, during the period covered by this report.

Realisation of assets

The joint liquidators have not expended any time on this particular matter, during the period covered by this report.

Trading

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

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

The joint liquidators have entered into verbal and written communications with Clydesdale Bank PLC ("Clydesdale") in order to obtain their indebtedness figure within the liquidation proceedings.

In addition, correspondence has been entered into with the Company's creditors in relation to their claims within the liquidation proceedings.

The above work has not provided any financial benefit to the Company's creditors in this matter however, such work was necessary in order to provide creditors with information they have requested and ensure that their claims are up to date on the system.

Other matters which includes seeking decisions from creditors (via Deemed Consent Procedure and/or Decision Procedures, tax, litigation, pensions and travel)

The joint liquidators have arranged for their VAT 426 form to be completed and submitted to HM Revenue & Customs ("HMRC") in order that steps can be taken to reclaim the VAT into the liquidation estate.

In addition, time has been spent completing the CT600 form in respect of corporation tax due for the period which has fallen due within the liquidation proceedings.

The above work is of a statutory nature which the joint liquidators must adhere to however, such work has not provided any financial benefit to the Company's creditors in this regard.

5. ESTIMATED OUTCOME FOR CREDITORS

Details of the sums owed to each class of the Company's creditors were provided in our progress report for the period 26 August 2015 to 25 August 2016.

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 anticipate that a distribution will be available to the Company's secured creditors in this matter. As Clydesdale security pre dates The Royal Bank of Scotland Plc's ("RBS") security, any distribution available will initially be made to Clydesdale. However, following discussions with Clydesdale and carrying out investigations with regard to their security, it transpires that the Company is no longer indebted to Clydesdale. Therefore, no funds remain outstanding to Clydesdale in this matter.

As a result, any dividend available will be payable to RBS therefore, we have written to RBS requesting confirmation of the balance due to them from the Company. Until a response is received, we are unable to confirm the quantum of any distribution or shortfall RBS may suffer.

Please note however, that any distribution is entirely dependant upon receipt of the monthly instalments due in respect of the illegal dividends continuing.

Preferential creditors

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

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

Details of how the prescribed part for unsecured creditors is calculated were provided in our progress report for the period 26 August 2017 to 25 August 2018.

We have estimated, to the best of our knowledge and belief, the Company's net property, as defined in Section 176A(6) of the Act, to be £10,114.13 and the prescribed part of the Company's net property to be £5,022.83.

Please note however, that the above is entirely dependant upon receipt of the monthly instalments due in respect of the illegal dividends.

Unsecured creditors

We consider that there are likely to be sufficient funds for a dividend to be paid to unsecured creditors should realisations be received as anticipated however, any such dividend will be distributed under the provisions of the Prescribed Part as detailed above.

Unfortunately, there are insufficient funds to pay a further dividend outside of the Prescribed Part provisions as the balance of funds realised have already been distributed or used or allocated to defray the expenses of the liquidation.

We anticipate that the distribution of the Prescribed Part will be made once all instalments have been received in full in respect of the illegal dividends and the dividend exclusion notice has been issued and creditor claims have been agreed.

6. REMUNERATION & DISBURSEMENTS

Remuneration

Our remuneration has been fixed by a resolution of creditors at a meeting held on 25 August 2015 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, which is attached at Appendix 2 of this report.

Our time costs for the period from 26 August 2018 to 25 August 2019 amount to £5,387.00 which represents 37.0 hours at an average rate of £145.59 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 2018 to 25 August 2019*

To 25 August 2019, we have drawn the total sum of £36,623.70 on account of our remuneration, against total time costs of £36,872.70 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. An additional analysis is also attached which details the time costs for the entire period for which we have administered the liquidation.

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

Disbursements

To 25 August 2019, we have also drawn disbursements in the sum of £510.69.

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. Therefore, Ellis Willis & Beckett ("EWB") were instructed to provide a valuation of the Company's assets together with a sale of the Company's assets by way of a tender sale.

In addition, BTG Corporate Solutions ("BTGCS"), a connected party to Begbies Traynor (SY) LLP, were instructed to commence collection of the outstanding book debts. However, please note, that no fee has been charged by BTGCS for their assistance in this matter as it was agreed previously that no charges would be incurred to the case.

Category 2 Disbursements

In accordance with the resolution obtained in relation to disbursements, the following Category 2 disbursements have been charged to the case since our last report to creditors.

Other amounts paid or payable to the office holder's firm	
Type and purpose	Amount £
Postage	23.40
Document Storage	1.92
TOTAL	25.32

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 online at www.begbies-traynor.com/creditorsguides. Alternatively, if you require a hard copy of the Guide, please contact our office and we will arrange to send you a copy.

7. LIQUIDATORS' EXPENSES

A statement of the expenses incurred during the period of this progress report is attached at Appendix 3. A cumulative statement showing the total expenses incurred since the date of our appointment also appears at Appendix 3.

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

The following asset remains to be realised:-

Illegal Dividends

As detailed in our previous report, repayment terms were agreed with the director over a period of 24 months which consist of 23 monthly instalments of £667.33 and a final instalment of £667.41. The repayments commenced on 31 August 2018. Instalments to date have been paid on the due dates with funds totalling £8,007.96 being paid to date. We are continuing to monitor the monthly instalments.

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 by way of six monthly case reviews 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 reports and 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.

Periodic bond reviews will continue to be carried out to ensure that the case remains adequately bonded.

In addition, banking duties will be carried out by way of reconciliations and the processing of bank statements and arranging for all transactions to be posted onto the system.

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, this work cannot be avoided.

Investigations

The joint liquidators have concluded their investigations within the liquidation proceedings therefore, it is not anticipated that any further work will be carried out in this respect. However, should any matters be brought to the joint liquidators attention which require further investigations, the joint liquidators will of course carry out such work.

Realisation of assets

The joint liquidators will continue to monitor the monthly instalments due in respect of the illegal dividends.

Such work will not provide any financial benefit to the Company's creditors however, once all funds have been received into the liquidation estate, we anticipate that a dividend will be available to the Company's creditors in this matter.

Trading

As the joint liquidators have not traded the Company, no time will be spent on 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 by way of verbal and written communications with regard to any queries which may arise within the liquidation and also entering any claims onto the system.

In addition, the joint liquidators will continue to correspond with Clydesdale in an attempt to obtain confirmation of their indebtedness with the Company.

Should the monthly illegal dividend instalments continue, we anticipate that the a dividend will be available to the Company's creditors in this matter. Therefore, time will be spent issuing a notice of intended dividend and once the date for proving has expired, adjudication will be carried out in respect of the creditor claims and a dividend calculated.

In addition, time will be spent checking the preferential creditor claims prior to any distribution being issued. This will involve liaising with The Redundancy Payments Service.

The above work will assist the Company's creditors to achieve a financial benefit within the liquidation proceedings.

Other matters which includes seeking decisions from creditors (via Deemed Consent Procedure and/or Decision Procedure, tax, litigation, pensions and travel)

The joint liquidators will continue to compile and submit their VAT and tax returns on the due dates to HMRC as and when required.

The above work will not financially benefit the Company's creditors however, it is a statutory requirement of the joint liquidators that such work be carried out.

How much will this further work cost?

We anticipate that further costs will be incurred in the approximate sum of £4,000.00 in relation to carrying out the above works. Should realisations progress as anticipated, we believe there will be a financial benefit achieved by the Company's creditors based on the anticipated distributions to each class of creditor as detailed in Section 5 of this report.

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:

Postage	-	£71.37 + VAT (based on estimates)
Storage	-	£55.20 + VAT (based on estimates)
Statutory advertising	-	£75.00 + VAT
Bank charges	-	£20.00 (based on estimates)

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, 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.

As detailed in previous reports, the joint liquidators were carrying out investigations in relation to the illegal dividends. This matter has now been concluded as repayment terms have now been agreed with the director. Therefore, our investigations into this matter have now been concluded.

Connected party transactions

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

Use of personal information

Please note that in the course of discharging our statutory duties as liquidators, we may need to access and use personal data, being information from which a living person can be identified. Where this is necessary, we are required to comply with data protection legislation. If you are an individual and you would like further information about your rights in relation to our use of your personal data, you can access the same at <https://www.begbies-traynorgroup.com/privacy-notice>. If you require a hard copy of the information, please do not hesitate to contact us.

10. CREDITORS' RIGHTS

Right to request further information

Pursuant to Rule 18.9 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 18.34 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

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

A handwritten signature in black ink, appearing to read 'Gareth David Rusling', with a stylized, sweeping flourish at the end.

Gareth David Rusling
Joint Liquidator

Dated: 3 September 2019

ACCOUNT OF RECEIPTS AND PAYMENTS

Period: 26 August 2018 to 25 August 2019

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(In Liquidation)
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	VAT Control Account		1,682.72
	VAT Receivable		456.58
			9,186.27

TIME COSTS AND DISBURSEMENTS

- a. Begbies Traynor (SY) LLP's charging policy;
- b. Time Costs Analysis for the period from 26 August 2018 to 25 August 2019; and
- c. Cumulative Time Costs Analysis for the period from 26 August 2015 to 25 August 2019.

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. It also applies where payments are to be made to parties other than the firm, but in relation to which the office holder, the firm or any associate has an interest. 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):

- Internal meeting room usage for the purpose of statutory meetings of creditors is charged at the rate of £100 per meeting;
- Car mileage is charged at the rate of 45 pence per mile;
- Storage of books and records (when not chargeable as a *Category 1 disbursement*) is charged on the basis that the number of standard archive boxes held in storage for a particular case bears to the total of all archive boxes for all cases in respect of the period for which the storage charge relates;

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

² Ibid 1

Expenses which should be treated as Category 2 disbursements (approval required) – in addition to the two categories referred to above, best practice guidance indicates that where payments are to be made to outside parties in which the office holder or his firm or any associate has an interest, these should be treated as Category 2 disbursements.

Services provided by other entities within the Begbies Traynor group

The following items of expenditure which relate to services provided by an entity within the Begbies Traynor group, of which the office holder's firm is a member, are also to be charged to the case (subject to approval):

Instruction of BTG Corporate Solutions Ltd to provide debt collection assistance. Their charges will be equivalent to 10% of realisations. However, please note, that no fee will be charged in this matter as agreed previously.

- (B) The following items of expenditure will normally be treated as general office overheads and will not be charged to the case although a charge may be made where the precise cost to the case can be determined because the item satisfies the test of a *Category 1 disbursement*:

- Telephone and facsimile
- Printing and photocopying
- Stationery

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 December 2018 – until further notice
Directors/Office Holders	365
Senior Manager	325
Managers	305
Senior Administrator	230
Administrators	191
Junior Administrator	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 - 91O159815.CVL : Time Costs Analysis From 26/08/2018 To 25/08/2019

Staff Grade	Consultant/Partner	Director	Senr Mngt	Mngt	Asst Mngt	Sr/J Admin	Admin	Jr/J Admin	Support	Total Hours	Time Cost £	Average hourly rate £
General Case Administration and Planning	Case planning	1.8	0.2	0.1		2.2				4.3	1,298.50	299.67
	Administration	0.7	1.6			0.9		1.2	2.6	7.2	1,247.50	173.26
	Total for General Case Administration and Planning	2.5	2.0	0.1		3.1		1.2	2.6	11.5	2,546.00	217.91
	Compliance with the Insolvency Act, Rules and best practice											0.00
	Appointment											0.00
	Banking and Bonding	0.3	0.2			2.9		0.7	14.3	18.4	1,469.50	79.86
	Case Closure											0.00
	Statement reporting and statement of affairs	0.3				4.6			0.5	5.4	1,187.50	219.91
	Total for Compliance with the Insolvency Act, Rules and best practice:	0.6	0.2			7.5		0.7	14.8	23.8	2,657.00	111.44
	Investigations											0.00
Realisation of assets	Total for Investigations:											0.00
	Debt collection											0.00
	Property, business and asset sales											0.00
	Retention of Third/Third party assets											0.00
	Total for Realisation of assets:											0.00
Trading	Trading											0.00
	Total for Trading:											0.00
	Secured					0.4				0.4	82.00	230.00
	Others					0.4				0.4	82.00	230.00
	Creditors committee											0.00
Other matters which includes seeking decisions of creditors, meetings, tax, litigation, pensions and travel	Total for Dealing with all creditors claims (including employees), correspondence and distributions					0.8				0.8	164.00	230.00
	Seeking decisions of creditors											0.00
	Meetings											0.00
	Other											0.00
	Tax							0.1	0.9	0.9	40.00	44.44
	Litigation											0.00
	Total for Other matters:							0.1	0.9	0.9	40.00	44.44
	Total hours by staff grade:	3.1	2.2	0.1		11.4		2.0	16.2	31.0	5,387.00	
	Total time cost by staff grade:	1,131.50	715.00	30.50		2,622.00		160.00	728.00			
	Average hourly rate £:	365.00	325.00	305.00	0.00	230.00	0.00	80.00	40.00			145.59
	Total fees drawn to date £:										7,117.20	

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	Case planning	3.5	0.2	1.2		6.6		4.6			16.1	3,314.40	205.86
	Administration	1.0	3.4	12.3		15.2	1.5	1.2	5.1		39.7	6,567.30	215.50
	Total for General Case Administration and Planning:	4.5	3.6	12.5		21.8	1.5	5.8	6.1		65.8	11,881.70	212.83
	Compliance with the Insolvency Act, Rules and best practice												
	Supplement												
Investigations	Banking and Bonding	0.3	0.9	1.8		7.9	8.4	0.7	38.6		56.7	6,713.80	100.77
	Case Closure												0.00
	Salary reporting and statement of affairs	0.3		3.8		13.7			4.8		22.6	4,611.50	204.05
	Total for Compliance with the Insolvency Act, Rules and best practice:	0.6	0.9	5.6		21.6	8.4	0.7	43.4		76.8	16,335.30	156.87
	CDCA and Investigations	0.5		5.3		2.6	3.2		0.5		12.1	3,000.00	248.01
Realisation of assets	Total for Investigations:	0.6		8.3		2.6	3.2		0.5		12.1	3,000.00	248.01
	Debt collection	0.3		14.1		17.1	0.4				36.5	7,788.00	218.88
	Property, business and asset sales			2.7		0.2					2.9	867.70	297.14
	Retention of Third/Third party assets						0.3				0.3	57.30	191.00
	Total for Realisation of assets:	0.3		16.8		17.3	0.7				39.7	8,753.00	223.27
Trading	Trading												0.00
Dealing with all creditors claims (including employees, correspondence and distributions)	Total for Trading:												0.00
	Secured					0.4					0.4	97.00	239.00
	Others	0.6		2.5		3.2	0.7		2.5		9.5	1,527.20	202.66
	Creditors committee												0.00
	Total for Dealing with all creditors claims (including employees, correspondence and distributions):	0.6		2.5		3.6	0.7		2.5		9.5	1,624.20	202.58
Other matters which includes seeking decisions of creditors, meetings, ex, litigation, pensions and travel	Seeking decisions of creditors												0.00
	Meetings												0.00
	Other												0.00
	Litigation					0.5		0.1	1.7		5.9	927.50	157.20
	Total for Other matters:					0.5		0.1	1.7		6.9	927.50	157.20
Average hourly rate £:	Total hours by staff grade:	6.5	4.5	44.4		62.2	3.3	6.1	1.7		6.9	927.50	157.20
	Total time cost by staff grade:	2,316.50	1,506.50	11,342.00		13,543.80	3,389.80	528.00	2,028.00		26,472.70	182.41	
	Average hourly rate £:	354.38	334.78	205.00	0.00	201.83	191.00	80.00	39.77	0.00	36,623.70	182.41	
	Total fees drawn to date £:												

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				
Bank charges	Svenska Handelsbanken AB (publ) ("Svenska")	12.00	12.00	-
Postage	Royal Mail	23.40	23.40	-
Storage	Restore	1.92	1.92	-

Funds totalling £12.00 have been discharged to Svenska and relate to the monthly charges incurred.

The sum of £23.40 has been discharged in respect of the postage charges incurred in circulating documentation to the Company's creditors.

Also, the sum of £1.92 has been discharged and relates to the storage charges incurred in storing the Company's books and records.

Please note that whilst the funds in relation to postage and storage charges have been paid to third parties, such funds were first paid by Begbies Traynor.

CUMULATIVE STATEMENT OF EXPENSES

Type of expense	Name of party with whom expense incurred	Amount incurred £
Accountants fees	Warrens GBC Limited	2,000.00
Agents fees	EWB	1,685.02
Agents disbursements	EWB	795.00
Bank charges	Svenska	44.00
Mileage	Begbies Traynor (SY) LLP	13.30
Postage	Royal Mail	100.47
Storage	Restore	361.92
Insurance of assets	Peter Hoare & Co (IB) Ltd	106.00
Rent	EWB	684.84
Specific bond	Willis Limited/Marsh	74.00
Statement of affairs fee	Begbies Traynor (SY) LLP	1,000.00
Statutory advertising	TMP (UK) Ltd	210.00