

# LIQ03

## Notice of progress report in voluntary winding up



Companies House

FRIDAY



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22/01/2021

#39

COMPANIES HOUSE

### 1 Company details

Company number 0 5 3 3 4 3 5 4

Company name in full Seaside 5 Limited

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

### 2 Liquidator's name

Full forename(s) Andrew

Surname Pear

### 3 Liquidator's address

Building name/number 82

Street St John Street

Post town London

County/Region

Postcode E C 1 M 4 J N

Country

### 4 Liquidator's name ①

Full forename(s) Michael

Surname Solomons

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

### 5 Liquidator's address ②

Building name/number 82

Street St John Street

Post town London

County/Region

Postcode E C 1 M 4 J N

Country

② Other liquidator  
Use this section to tell us about  
another liquidator.

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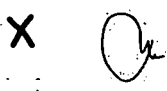
**6** Period of progress report

From date	<sup>d</sup> 2	<sup>d</sup> 0	<sup>m</sup> 1	<sup>m</sup> 1	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 9	
To date	<sup>d</sup> 1	<sup>d</sup> 9	<sup>m</sup> 1	<sup>m</sup> 1	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 0	

**7** Progress report

☒ The progress report is attached

**8** Sign and date

Liquidator's signature	Signature 								
Signature date	<sup>d</sup> 0	<sup>d</sup> 6	<sup>m</sup> 0	<sup>m</sup> 1	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 1	



LIQ03

## 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 **Andrew Pear**

Company name **BM Advisory**

Address **82 St John Street**

Post town **London**

County/Region

Postcode **E C 1 M 4 J N**

Country

DX

Telephone **020 7549 8050**

**Checklist**

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- ☐ The company name and number match the information held on the public Register.
- ☐ You have attached the required documents.
- ☐ You have signed the form.

**Important information**

All information on this form will appear on the public record.

**Where to send**

You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:

The Registrar of Companies, Companies House,  
Crown Way, Cardiff, Wales, CF14 3UZ.  
DX 33050 Cardiff.

**Further information**

For further information please see the guidance notes on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto:enquiries@companieshouse.gov.uk)

This form is available in an alternative format. Please visit the forms page on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)

**Seaside 5 Limited  
(In Liquidation)  
Joint Liquidators' Summary of Receipts & Payments**

Declaration of Solvency £	From 20/11/2019 To 19/11/2020 £	From 20/11/2015 To 19/11/2020 £
REPRESENTED BY	<u>NIL</u>	<u>NIL</u>
		<u>NIL</u>

Note:

19/11/2020 12:51:03



TO ALL MEMBERS AS ADDRESSED

Our ref: NB/SEA001AP

6 January 2021

Dear Sirs

## Seaside 5 Limited – In Members' Voluntary Liquidation ("the Company")

Upon the application of Seaside Holdings Limited, a shareholder of the Company, court orders were made on 21 June 2018 restoring the Company to the Register of Companies to continue into Members' Voluntary Liquidation ("MVL") and that Michael Solomons and I be appointed to act as Joint Liquidators.

As you are aware, the Company was originally placed into MVL on 20 November 2015 with Conrad Pearson and Tim Askham of Mazars LLP appointed Joint Liquidators. This liquidation was concluded on 11 August 2017 and the Company was subsequently dissolved on 23 November 2017.

It should be noted that Michael Solomons and I have been appointed to act over a number of associated companies referred to in this report as the Scarborough Group. The relevant restored Scarborough Group companies are detailed in **Appendix I** to this report.

In accordance with section 92A of the Insolvency Act 1986, I have prepared my third annual progress report on the Company for the period 20 November 2019 to 19 November 2020 (the reporting period). Statutory information regarding the Company is attached at **Appendix II**.

The Liquidators have acted jointly and severally in all matters relating to the Liquidation and there have been no changes in the office holders since my last report. This report should be read in conjunction with my previous reports, copies of which are available on request. Further information can also be found at [www.creditorinsolvencyguide.co.uk](http://www.creditorinsolvencyguide.co.uk) which is designed to provide a step by step guide to the Liquidation process.

## CONDUCT OF LIQUIDATION

As previously advised, the Company was restored to the Register in order to initiate substantial claims against Bank of Scotland Plc and Uberior Investments Limited. As previously reported, whilst the Company was one of the claimants to the action there were numerous associated companies also listed as claimants in addition to those detailed in Appendix I.

The claim was listed for hearing in the High Court of Justice however I can confirm that during this reporting period a settlement was agreed between the Scarborough Group and the Bank. The settlement was not apportioned to the individual claimants and it was been agreed that the settlement be paid to the ultimate beneficial owners of the Scarborough Group.

The Joint Liquidators have been pursuing tax clearance in respect of all the companies in the Scarborough Group in MVL, unfortunately the impact of the COVID pandemic has led to a significant delay in obtaining tax clearance. The Joint Liquidators are also dealing with incorrect tax return requests and penalties that have been raised by HMRC due to the Companies being restored into Liquidation after having been dissolved.

Once clearance has been obtained the Liquidation will be concluded.

## **RECEIPTS AND PAYMENTS ACCOUNT**

There have been no receipts and therefore no payments into the estate account since I was appointed. I would advise that the final return of the former Liquidators show there to have been no receipts for the duration of the original liquidation.

## **ASSETS**

### **Litigation**

The Company was restored to the Register and into Liquidation for the sole purpose of bringing and pursuing a claim against Bank of Scotland Plc and Uberior Investments Limited. As detailed above the Company together with various associated companies were engaged in litigation against these parties.

The Joint Liquidators have taken the advice of their instructed solicitors Pennington Manches Cooper LLP throughout the course of the litigation. As detailed above a settlement has now been agreed, the terms of the settlement means that no direct realisation will be paid into the Liquidation estate as the settlement was not apportioned to the individual companies that make up the Scarborough Group. The settlement was considered by the Joint Liquidators to promote a successful outcome for the ultimate beneficial owners.

## **LIABILITIES**

### **Secured creditor**

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

### **Preferential creditors**

The Company has no known preferential creditors.

### **Unsecured creditors**

The Company has no known unsecured creditors.

### **Share Capital**

No distributions have been made from the Liquidation estate.

## **JOINT LIQUIDATORS' REMUNERATION**

A fee was agreed at the date of my appointment to act as Liquidator in respect of the formalities of placing the Company into liquidation. An initial base fee of £3,500 plus VAT was agreed and this sum was paid from outside of the Liquidation. It was also agreed that time costs in relation to the ongoing litigation would be charged in respect of the group of Companies collectively and these costs have been paid outside of the Liquidation. A breakdown of costs incurred in relation to litigation has been provided to the funding party.

Time costs for this reporting period in respect of the general administration of the case, total £2,228 which represents 8.3 hours, at an average hourly rate of £268. Attached at **Appendix III**, is a schedule of my time costs incurred in this reporting period and for the whole period of the Liquidation, together with details of BM Advisory's policy on fees. I would confirm that an agreed fee of £49,991 plus VAT has been paid towards the cost of administering all 17 Liquidations in the Scarborough Group. This has been paid by a third party outside of the Liquidations.

A description of the work undertaken during this reporting period is as follows:

#### **Administration and planning**

This is work involved in the routine administrative functions of the case. It does not give direct financial benefit to the member, but has to be undertaken to meet our statutory requirements and obligations under the insolvency legislation and the Statements of Insolvency Practice.

- Case planning and administration.

#### **Statutory compliance and reporting**

This is work involved in the statutory functions of the case, together with the necessary control and supervision by senior staff. It does not give direct financial benefit to the members, but has to be undertaken to meet our statutory obligations.

- Dealing with all routine correspondence.
- Maintaining physical case files and electronic case details.
- Case bordereau.
- Preparing reports to members.
- Ensuring statutory lodgements and tax lodgement obligations are met.
- Liaising with HMRC extensively to pursue tax clearance.

#### **Realisation of assets**

This is work required to be undertaken to realise the known assets in the case for the benefit of the members details of which are set out in this report.

- Liaising with the instructed solicitors in relation to final aspects of litigation.
- Attend to all mandatory Court filing/witness statements
- Liaising with solicitors in order to agree settlement and finalise the settlement agreement.

A guide to fees can be found at [www.bm-advisory.com/resources/](http://www.bm-advisory.com/resources/) and provides information relating to Liquidators' remuneration. A hard copy is available on request.

Please note that any member with the permission of the Court, or with at least 5% of the total voting rights of all members having the right to vote at general meetings of the Company, may request further details of the Joint Liquidators' remuneration and expenses, within 21 days of receipt of this report.

Furthermore, any member with the permission of the Court, or with at least 10% of the total voting rights of all members having the right to vote at general meetings of the Company, may apply to Court to challenge the amount and/or basis of the Joint Liquidators' fees and the amount of any proposed expenses or expenses already incurred, within eight weeks of receipt of this report.

#### **JOINT LIQUIDATORS' DISBURSEMENTS**

Category 1 & 2 disbursements are as detailed in BM Advisory's policy on fees, attached at **Appendix III**. Category 1 disbursements do not need approval and can be drawn at the Liquidators' discretion without authority.

No disbursements have been incurred in this reporting period, the only disbursements incurred in the Liquidation have been statutory advertising on appointment and the Liquidators specific penalty bond as previously advised. Expenses incurred have not exceeded the estimate provided to members.

As previously advised, Penningtons Manches Cooper Solicitors were instructed to assist with the ongoing litigation against the Bank of Scotland and Uberior Investments Limited. The legal costs in relation to this case were agreed and paid by the beneficial shareholder of Scarborough Group, the costs were not apportioned to individual Scarborough Group companies.

As previously reported Browne Jacobson LLP, Solicitors were instructed to provide legal advice in respect of an indemnity in favour of the Company. The fee of £2,760.00 plus VAT has been paid outside of the Liquidation.

	<b>Fee arrangement</b>	<b>Estimated total cost £</b>	<b>Incurred in period £</b>	<b>Incurred to date £</b>	<b>Paid during period £</b>	<b>Remains unpaid £</b>
Browne Jacobson LLP - Counsel	Time costs	-	-	2,760	-	-
Pennington Manches	Time costs	Settled outside of Liquidation	-	-	-	-

## SUMMARY

I shall report again on the next anniversary of my appointment, or the closure of the Liquidation, whichever is sooner.

Information about our privacy policy, complaints procedure, Professional Indemnity insurance and the Provision of Services Regulations, can be found at [www.bm-advisory.com/about/legals-compliance/](http://www.bm-advisory.com/about/legals-compliance/). If you have any queries on this report, please contact Nicola Brown of this office, on 020 7549 2916.

Yours faithfully



**Andrew Pear**  
Joint Liquidator



## THE SCARBOROUGH GROUP OF COMPANIES

Company Name	Company No.
Seaside 1 Limited	05998299
Seaside 5 Limited	05335354
USE (Rushden) Limited	05396003
United Scarborough Estates (Richmond) Limited	05728623
USE (Chelmsford) Limited	05757353
Scarduke (Camberley) Limited	05632192
SDG Ireland Limited	03930266
Europa Apartments Limited	05681466
USE (Hanover House) Limited	05934255
USE (Watford) Limited	05969853
USE (Bristol) Limited	05757355
Haymarket House (Belfast) Limited	04327374
Scarborough Watford Limited	07577600
Europa Threadneedle Limited	05999905
SDG Property Holdings Limited	04539814
Scarborough Property Holdings Limited	04515443
Sheffield Digital Campus Limited	05000077

**STATUTORY INFORMATION**

Company name:	Seaside 5 Limited
Registered office:	82 St John Street, London, EC1M 4JN
Former registered office:	Europa House, 20 Esplanade, Scarborough, YO11 2AQ
Former trading address:	Non trading company
Registered number:	05334354
Joint Liquidators' names:	Andrew Pear and Michael Solomons
Joint Liquidators' address:	82 St John Street, London, EC1M 4JN
Liquidators' date of appointment:	21 June 2018

**SEASIDE 5 LIMITED - IN LIQUIDATION**

Summary of work undertaken during the period 20 November 2019 to 19 November 2020

**BM Advis**

Task	REPORTING PERIOD			WHOLE PERIOD		
	Actual hours in period hrs	Actual costs in period £	Average charge out rate £	Actual hours to date hrs	Actual costs to date £	Average charge out rate £
Administration and planning	0.40	114.00	285.00	6.10	2,417.00	396.23
Statutory compliance	7.90	2,114.00	267.59	20.80	5,754.00	276.63
<b>TOTAL</b>	<b>8.30</b>	<b>2,228.00</b>	<b>268.43</b>	<b>26.90</b>	<b>8,171.00</b>	<b>303.75</b>

A summary of the work undertaken in this reporting period is detailed below and was required to be undertaken to deal with the specific circumstances of the case, as well as meet our statutory duties and obligations:

**ADMINISTRATION AND PLANNING**

Maintaining and managing the officeholders' cashbook.

**STATUTORY COMPLIANCE**

Maintaining electronic case files.

Dealing with all correspondence and emails relating to the case.

Reviewing the adequacy of the specific penalty bond on a quarterly basis.

Undertaking periodic reviews of the progress of the case.

Overseeing and controlling the work done.

Preparing, reviewing and issuing progress reports to members.

Filing returns at Companies House.

Preparing and filing Corporation Tax returns.

Liaising with HMRC in relation to tax.

Seeking closure clearance from HMRC.

**Notes:**

- 'Administration and planning' represents the work involved in the routine administrative functions of the case. It does not give direct financial benefit to the creditors, but has to be undertaken to meet our statutory requirements and obligations under the insolvency legislation and the Statements of Insolvency Practice.

- 'Statutory compliance and reporting' represents the work involved in the statutory functions of the case, together with the necessary control and supervision by senior staff. It does not give direct financial benefit to the creditors, but has to be undertaken to meet our statutory obligations.

## BM ADVISORY

### STATEMENT OF POLICY ON FEES

#### Introduction

This statement has been prepared in accordance with guidelines set out in Statement of Insolvency Practice 9 issued by the Association of Business Recovery Professionals (R3).

The following information applies to all appointments of partners, directors, consultants or staff of BM Advisory, to act as any of the following:-

Liquidator, Receiver, Administrator or Administrative Receiver of a Limited Company or Limited Liability Partnership  
Trustee in Bankruptcy  
Supervisor of an Individual, Company or Partnership Voluntary Arrangement  
Administrator under the Insolvent Estates Order

When acting as Nominee, the provisions of the Insolvency Act 1986 ("the Act") require that the amount of the fees payable to the Office Holder be specified within the Debtor's proposals. Such fees will nevertheless be fixed to take account of the Office Holder's expected time costs arising as referred to below.

#### Policy on fees

In accordance with the Act, the Office Holder may seek approval of their remuneration either on a fixed fee basis, on a percentage basis or on a time costs basis. When an Office Holder's fees are charged by reference to time costs, they will be charged at the firm's usual rates applicable at the time the work is carried out. Rates may be varied from time to time, at the sole discretion of BM Advisory, and such changes will be notified in retrospect with each report to Creditors. It is the policy of BM Advisory to use as junior grade of staff as compatible with the efficient conduct of the matter in order to ensure costs are kept to a minimum. Time is recorded in 6 minute units with supporting narrative to explain the work undertaken.

As at 1 March 2020 the hourly rates applicable are:

Grade	£
Partner 1	430
Partner 2	380
Associate Director	360
Senior Manager	340
Manager	310
Assistant Manager	285
Senior Administrator	240
Administrator	185
Junior Administrator	125
Cashier	115
Support staff	85

Rates vary between individuals, reflecting experience and qualification. For certain more complex tasks, BM Advisory may seek to apply a higher rate in respect of work undertaken, but subject to prior authorisation in accordance with the Act.

Further information on the manner in which an Office Holder's fees may be fixed, can be found in the guidance notes on our website: [www.bm-advisory.com/resources/](http://www.bm-advisory.com/resources/).

#### Disbursements

Disbursements are categorised as either Category 1 or Category 2.

Category 1 expenses are directly referable to an invoice from a third party, which is either in the name of the case or BM Advisory; in the case of the latter, the invoice makes reference to, and therefore can be directly attributed to, the case. These disbursements are recoverable in full from the case without the prior approval of creditors either by a direct payment from the case or, where BM Advisory has made payment on behalf of the case, by a recharge of the amount invoiced by the third party. Examples of category 1 disbursements are statutory advertising, external meeting room hire, external storage and specific bond insurance.

Category 2 expenses are incurred by BM Advisory and recharged to the case; they are not attributed to the case by a third party invoice and/or they may include a profit element. These disbursements are recoverable in full from the case, subject to the basis of the disbursement charge being approved by creditors in advance. Examples of Category 2 disbursements are photocopying, internal room hire and internal storage.

It is proposed that the following Category 2 disbursements are recovered:

Meeting room hire	Up to £200
Postage	£0.51 - £2.25
Mileage (per mile)	At the HMRC approved mileage rate at the time the mileage was incurred
Photocopies (per sheet)	£0.15
Storage (per box per month)	£0.35

The costs recharged are based upon the actual cost of the materials used or the costs which would have been incurred if that service had been sourced externally.