

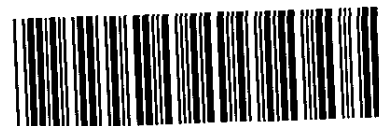
LIQ03

Notice of progress report in voluntary winding up



Companies House

SATURDAY



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29/02/2020

#216

COMPANIES HOUSE

1 Company details

Company number 0 5 3 9 4 7 8 3

Company name in full Smith & Milton Brand Ltd

→ Filling in this form

Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename(s) Kate

Surname Merry

3 Liquidator's address

Building name/number Salisbury House

Street Station Road

Post town Cambridge CB1 2LA

County/Region

Postcode

Country

4 Liquidator's name ①

Full forename(s)

Surname

① Other liquidator

Use this section to tell us about
another liquidator.

5 Liquidator's address ①

Building name/number

Street

Post town

County/Region

Postcode

Country

① 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 2	^m 1	^m 2	^y 2	^y 0	^y 1	^y 7
To date	^d 2	^d 1	^m 1	^m 2	^y 2	^y 0	^y 1	^y 9

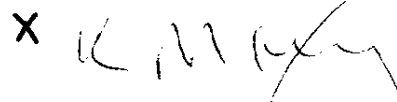
7 Progress report

☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X 

X

Signature date

^d 2	^d 1	^m 1	^m 2	^y 2	^y 0	^y 1	^y 9
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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 **Ben Dyer**

Company name **Peters Elworthy & Moore**

Address **Salisbury House**

Station Road

Post town **Cambridge CB1 2LA**

County/Region

Postcode

Country

DX

Telephone

01223 728222



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

Liquidator's Annual Progress Report to Creditors & Members

**Smith & Milton Brand Limited
- In Liquidation**

20 February 2020

SMITH & MILTON BRAND LIMITED - IN LIQUIDATION

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- 2** Progress of the Liquidation
- 3** Creditors
- 4** Liquidator's Remuneration
- 5** Creditors' Rights
- 6** Next Report

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- A** Receipts and Payments Account for the Period from 22 December 2018 to 21 December 2019
- B** Time Analysis for the Period from the 22 December 2018 to 21 December 2019
- C** Cumulative Time Analysis for the Period from the 22 December 2017 to 21 December 2019
- D** Additional information in relation to Liquidator's Fees, Expenses & Disbursements

SMITH & MILTON BRAND LIMITED - IN LIQUIDATION

1 Introduction and Statutory Information

- 1.1 I, Kate Merry of PEM, Salisbury House, Station Road, Cambridge CB1 2LA, was appointed as Liquidator of Smith & Milton Brand Limited (the **Company**) on 22 December 2017. This progress report covers the period from 22 December 2018 to 21 December 2019 (**the Period**) and should be read in conjunction with any previous progress reports which have been issued.
- 1.2 Information about the way that we will use, and store personal data on insolvency appointments can be found in the Privacy Notice at http://www.pem.co.uk/sites/default/files/PEM_Privacy_Notice.pdf. If you are unable to download this, please contact us and a hard copy will be provided to you.
- 1.3 The principal trading address of the Company was 10 Queen Square, Bristol, BS1 4NT.
- 1.4 The registered office of the Company has been changed to Salisbury House, Station Road, Cambridge, CB1 2LA and its registered number is 05394783.

2 Progress of the Liquidation

- 2.1 This section of the report provides creditors with an update on the progress made in the liquidation during the Period and an explanation of the work done by the Liquidator and his staff.
- 2.2 At Appendix A is my Receipts and Payments Account for the period of this report.

Administration

- 2.3 A liquidator must comply with certain statutory obligations under the Insolvency Act 1986 and other related legislation. This work includes dealing with the Company's creditors and employees together with administrative tasks associated the appointment, such as agreeing the strategy for the liquidation, filing notices of appointment, statutory advertising, opening and maintaining the estate cash book and bank accounts and reporting periodically to creditors, HMRC and the Registrar of Companies.
- 2.4 Creditors should note that this work will not necessarily bring any financial benefit to creditors, but is required on every case by statute.

Realisation of Assets

Book Debts

- 2.5 The Directors estimated statement of affairs detailed book debts totalling, £30,637.64. To date, realisations have totalled £27,857.38, including £5,600.00 in this period. I continue to pursue a debtor balance of £2,774.

Bank Interest Gross

- 2.6 Cash is held in an interest bearing bank account and gross interest of £7.87 has been received.
- 2.7 It is expected that the work the Liquidator and her staff have undertaken to date will bring a financial benefit to creditors. In this case this is likely to be a distribution to preferential creditors.

SMITH & MILTON BRAND LIMITED - IN LIQUIDATION

Creditors (claims and distributions)

- 2.8 Further information on the expected outcome for creditors in this case can be found at section 3 of this report. A Liquidator is not only required to deal with correspondence and claims from unsecured creditors (which may include retention of title claims), but also those of any secured and preferential creditors of the Company. This may involve separate reporting to any secured creditor and dealing with distributions from asset realisations caught under their security, most typically a debenture.
- 2.9 Claims from preferential creditors typically involve employee claims and payments made on behalf of the Company by the Redundancy Payments Service following dismissal.
- 2.10 The above work will not necessarily bring any financial benefit to creditors generally, however a Liquidator is required by statute to undertake this work. Similarly, if a distribution is to be paid to any class of creditor, work will be required to agree those claims and process the dividend payments to each relevant class of creditor. The more creditors a company has, the more time and cost will be involved by the Liquidator in dealing with those claims.

Investigations

- 2.11 Some of the work the Liquidator is required to undertake is to comply with legislation such as the Company Directors' Disqualification Act 1986 (**CDDA 1986**) and Statement of Insolvency Practice 2 – Investigations by Office Holders in Administration and Insolvent Liquidations and may not necessarily bring any financial benefit to creditors, unless these investigations reveal potential asset recoveries that the Liquidator can pursue for the benefit of creditors.
- 2.12 I can confirm that I have submitted a report on the conduct of the Directors of the Company to the Department for Business, Energy & Industrial Strategy under the CDDA 1986. As this is a confidential report, I am unable to disclose the contents.
- 2.13 Shortly after appointment, I made an initial assessment of whether there could be any matters that might lead to recoveries for the estate and what further investigations may be appropriate. This assessment took into account any information provided by creditors. My investigations have not revealed any issues requiring further report or any further potential recoveries which could be pursued for the benefit of creditors.

Matters still to be dealt with

- 2.14 I continue to pursue book debts as detailed above and am currently agreeing preferential creditors in anticipation of making a distribution.

3 Creditors

Secured Creditors

- 3.1 There were no secured creditors in this case.

Preferential Creditors

- 3.2 A summary of preferential claims is detailed below.

Preferential claim	Claims not yet agreed £	Statement of Affairs Claim £	Dividend paid 100p in the £1
Employee claims (Total number of claims = 9)	8,171.47	9,203.07	Nil
Department for Business, Energy & Industrial Strategy (BEIS)	9,584.19		Nil

SMITH & MILTON BRAND LIMITED - IN LIQUIDATION

- 3.3 Claims received have been greater than detailed in the estimated statement of affairs due to not all holiday entitlements having initially been taken into account.
- 3.4 I would confirm that preferential creditors have not been paid to date but I am currently in the process of agreeing these claims ahead of making a distribution.

Unsecured Creditors

- 3.5 I have received claims totalling £269,623 from 16 creditors. I have yet to receive claims from 9 creditors whose debts total £49,793.70 per the Company's statement of affairs.
- 3.6 I would confirm there are insufficient funds realised after defraying the expenses of the liquidation and making a distribution to preferential creditors to pay a dividend to unsecured creditors.

4 Liquidator's Remuneration

- 4.1 The Creditors approved that the basis of the Liquidator's remuneration be fixed by reference to time properly spent by her and her staff in managing the Liquidation. A copy my initial estimated is detailed below:

	£	£	£
Administration	13.00	220.00	2,860.00
Reporting	14.00	197.86	2,770.00
Realisation of assets	25.00	222.00	5,550.00
Creditors (claims & distributions)*	26.00	210.00	5,460.00
Tax/VAT	9.50	171.89	1,633.00
Investigations	14.00	222.85	3,120.00

- 4.2 My time costs for the Period are £5,751.50. This represents 22.10 hours at an average rate of £260.25 per hour. Attached as Appendix B is a Time Analysis which provides details of the activity costs incurred by staff grade during the Period in respect of the costs fixed by reference to time properly spent by me in managing the liquidation. To date, £21,393.00 plus disbursements of £2,184.21 has been drawn on account.
- 4.3 Also attached as Appendix C is a cumulative Time Analysis for the period from 12 December 2018 to 21 December 2019 which provides details of my time costs since the commencement of the liquidation. The time costs total £20,064 which represents 82.80 hours at an average rate of £242.32 per hour. Time costs now exceed those detailed as drawn above.
- 4.4 In considering the remaining work to be done in this liquidation, I currently expect that my time costs to complete the liquidation will be greater than that estimated but will be not requesting an increase in these fees and will be writing the balance of my time costs off.
- 4.5 A copy of 'A Creditors' Guide to Liquidators' Fees' is available on request or can be downloaded from <http://www.pem.co.uk/services/guides-fees>.
- 4.6 Attached as Appendix D is additional information in relation to the Liquidator's fees, expenses and disbursements, including where relevant, information on the use of subcontractors and professional advisers.

SMITH & MILTON BRAND LIMITED - IN LIQUIDATION

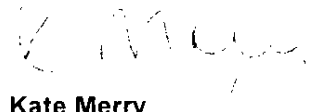
5 Creditors' Rights

- 5.1 Within 21 days of the receipt of this report, a secured creditor, or an unsecured creditor (with the concurrence of at least 5% in value of the unsecured creditors) may request in writing that the Liquidator provide further information about his remuneration or expenses which have been itemised in this progress report.
- 5.2 Any secured creditor, or an unsecured creditor (with the concurrence of at least 10% in value of the unsecured creditors) may within 8 weeks of receipt of this progress report make an application to court on the grounds that, in all the circumstances, the basis fixed for the Liquidator's remuneration is inappropriate and/or the remuneration charged or the expenses incurred by the Liquidator, as set out in this progress report, are excessive.

6 Next Report

- 6.1 I am required to provide a further report on the progress of the liquidation within two months of the next anniversary of the liquidation, unless I have concluded matters prior to this, in which case I will write to all creditors with my final account.

Yours faithfully



Kate Merry
Liquidator

Smith & Milton Brand Ltd
(In Liquidation)

LIQUIDATOR'S RECEIPTS AND PAYMENTS ACCOUNT

	<i>From 22/12/2018 To 21/12/2019 £</i>	<i>From 22/12/2017 To 21/12/2019 £</i>
RECEIPTS		
Goodwill	0.00	0.00
Computer Equipment	0.00	0.00
Book Debts	5,600.00	27,857.38
Cash at Bank	0.00	5,396.25
Bank Interest Gross	0.00	7.87
Vat Payable	1,728.92	5,006.61
	<hr/> 7,328.92	<hr/> 38,268.11
PAYMENTS		
Preparation of S. of A.	0.00	5,000.00
Office Holders Fees	12,250.00	21,393.00
Office Holders Expenses	83.78	2,184.21
IT Fees	0.00	145.00
Employee Arrears/Hol Pay	0.00	0.00
Trade & Expense Creditors	0.00	0.00
Employees	0.00	0.00
Landlord	0.00	0.00
Brandstrong Ltd	0.00	0.00
HM Revenue & Customs - PAYE	0.00	0.00
HM Revenue & Customs - VAT	0.00	0.00
Ordinary Shareholders	0.00	0.00
Vat Receivable	2,466.75	5,744.44
	<hr/> 14,800.53	<hr/> 34,466.65
BALANCE - 21 December 2019		<hr/> 3,801.46

Smith and Milton Brand Limited
(in Liquidation)
Summary of time costs for the period
22 December 2018 to 21 December 2019

	Partner	Director/Manager	Assistant Manager/Senior Administrator	Administrators	Total hours	Time Cost	Average Rate
Administration & planning	0.50	4.40	-	2.50	7.40	1,872.00	252.97
Asset realisations	0.10	0.60	-	2.80	3.50	491.00	140.29
Creditors	-	2.20	-	0.20	2.40	755.50	314.79
HMRC	0.20	1.00	-	0.40	1.60	446.00	278.75
Reporting	0.50	5.70	-	1.00	7.20	2,187.00	303.75
Total Costs	487.50	4,658.00	-	606.00	-	5,751.50	-
Total Hours	1.30	13.90	-	6.90	22.10	-	-

*The charge out rates shown are the average rates for each grade of staff. The total average time cost is £260.25.

Historical charge-out rates

As my firm's fees are based on time costs, Statement of Insolvency Practice 9 requires me to provide you with details of "any material changes in the rates charged for the various grades since the resolution was first passed". I therefore set out below a summary of charge-out rates. You will note that charge-out rates are increased annually. Hourly rates vary depending on market rates, qualifications and experience of various grades of staff. As detailed my firms fees are based on time costs, time is recorded in 6 minute units.

Period commencing	Partner Hourly rate £	Director Hourly/Senior Manager rate £	Manager Hourly rate £	Assistant Manager Hourly rate £	Senior Administrator Hourly rate £	Administrator Hourly rate £	Trainee Administrator (2) Hourly rate £	Insolvency Assistant rate £
November 2017	350.00	320.00	260.00	N/a	N/a	100.00	N/a	85.00
May 2018	350.00	320.00	260.00	200.00	N/a	100.00	N/a	85.00
October 2018	375.00	335.00	260.00	210.00	N/a	150.00	N/a	90.00
October 2019	395.00	350.00	260.00	210.00	N/a	150.00	N/a	95.00

Smith and Milton Brand Limited
(in Liquidation)
Summary of time costs for the period
22 December 2017 to 21 December 2019

	Partner	Director/Manager	Assistant Manager/ Senior Administrator	Administrators	Total hours	Time Cost	Average Rate
Administration & planning	2.10	13.90	-	7.90	23.10	5,723.50	247.78
Asset realisations	0.50	8.10	-	8.80	17.40	3,348.50	192.44
Creditors	-	16.80	-	1.70	19.30	4,989.50	258.52
HMRC	0.20	2.90	-	0.40	3.50	1,054.00	301.14
Investigations	0.60	3.10	-	2.00	5.70	1,186.00	208.07
Reporting	0.50	11.50	-	1.80	13.80	3,763.00	272.68
Total Costs	1,397.50	16,702.00	-	1,965.00	-	20,064.50	-
Total Hours	3.90	56.30	-	22.60	82.80	-	-

*The charge out rates shown are the average rates for each grade of staff. The total average time cost is £242.32.

Historical charge-out rates

As my firm's fees are based on time costs, Statement of Insolvency Practice 9 requires me to provide you with details of "any material changes in the rates charged for the various grades since the resolution was first passed". I therefore set out below a summary of charge-out rates. You will note that charge-out rates are increased annually. Hourly rates vary depending on market rates, qualifications and experience of various grades of staff. As detailed my firms fees are based on time costs, time is recorded in 6 minute units.

Period commencing	Partner Hourly rate £	Director Hourly/Senior Manager rate £	Manager Hourly rate £	Assistant Manager Hourly rate £	Senior Administrator Hourly rate £	Administrator Hourly rate £	Trainee Administrator (2) Hourly rate £	Insolvency Assistant rate £
November 2017	350.00	320.00	260.00	N/a	N/a	100.00	N/a	85.00
May 2018	350.00	320.00	260.00	200.00	N/a	100.00	N/a	85.00
October 2018	375.00	335.00	260.00	210.00	N/a	150.00	N/a	90.00
October 2019	395.00	350.00	260.00	210.00	N/a	150.00	N/a	95.00

SMITH & MILTON BRAND LIMITED - IN LIQUIDATION

Appendix D

Additional Information in Relation to the Liquidator's Fees, Expenses & Disbursements

1 Staff Allocation and the Use of Sub-Contractors

- 1.1 The general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case.
- 1.2 The constitution of the case team will usually consist of a Partner, a Manager, and an Administrator or Assistant. The exact constitution of the case team will depend on the expected size and complexity of the assignment and the experience requirements of the assignment.
- 1.3 We are not proposing to utilise the services of any sub-contractors in this case.

2 Professional Advisors

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

Name of Professional Advisor	Basis of Fee Arrangement
Green & Purple (accountancy)	Fixed fee
AUA Insolvency Services (insurance)	Risk based premium

- 2.2 Our choice was based on our perception of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of our fee arrangement with them.

3 Liquidator's Expenses & Disbursements

- 3.1 An analysis of the expenses paid to the date of this report, together with those incurred but not paid at the date of this report is provided below:

	Paid in the period covered by this report £	Incurred but not paid to date £	Total expected cost £
Accountants' costs	1,500.00	Nil	1,500.00
Statutory advertising	225.00	Nil	225.00
Specific penalty bond	108.00	Nil	108.00
Re-direction of the Company's mail	204.00	Nil	204.00
Postage	81.18	Nil	81.18
Storage	3.68	2.49	6.17
Category 2 disbursements			
Photocopying	62.35	Nil	62.35

- 3.2 Category 1 disbursements do not require approval by creditors. The type of disbursements that may be charged as a Category 1 disbursement to a case generally comprise of external supplies of incidental services specifically identifiable to the case, such as postage, case advertising, invoiced travel and external printing, room hire and document storage. Also chargeable will be any properly reimbursed expenses incurred by personnel in connection with the case. These disbursements are included in the tables of expenses above.

SMITH & MILTON BRAND LIMITED - IN LIQUIDATION

- 3.3 Category 2 disbursements do require approval from creditors. These are costs which are directly referable to the appointment in question but are not payments which are made to an independent third party and may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis such as internal room hire, document storage or business mileage. Details of Category 2 disbursements charged by this firm (where appropriate) were provided at the time the Liquidator's fees were approved by creditors. Any Category 2 disbursements incurred are specifically highlighted in the tables of expenses above.

4 Charge-Out Rates

- 4.1 PEM's current charge-out rates effective from 21 December 2017 are detailed in Appendix B. Please note this firm records its time in minimum units of 6 minute.