

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

06822120

Name of Company

ABV Enterprises Limited t/a Henry's

I / ~~We~~

David Adam Broadbent, 11 Clifton Moor Business Park, James Nicolson Link, Clifton Moor, York, YO30 4XG

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 08/01/2015 to 07/01/2016

Signed



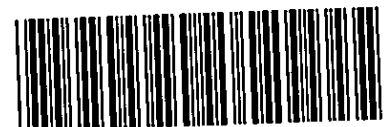
Date

17 / 02 / 16

Begbies Traynor (Central) LLP
11 Clifton Moor Business Village
James Nicolson Link
Clifton Moor
York
YO30 4XG

Ref 83A043/DAB/IG/SA/LT

SATURDAY



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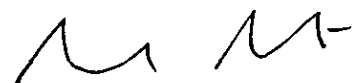
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COMPANIES HOUSE

ABV Enterprises Limited t/a Henry's
(In Liquidation)
Liquidator's Abstract of Receipts & Payments

Statement of Affairs		From 08/01/2015 To 07/01/2016
	ASSET REALISATIONS	
	Cash at Bank	80 14
Uncertain	Rent Deposit Deed	NIL
11,600 00	Book Debt (Sale of Business)	7,500 03
	Bank Interest Net of Tax	1 26
		<u>7,581 43</u>
	COST OF REALISATIONS	
	Preparation of S of A	3,500 00
	Liquidator's fee	1,000 00
	Liquidator's Disbursements	416 24
	Agent's fee	1,718 90
	Legal fees	300 00
		<u>(6,935 14)</u>
	UNSECURED CREDITORS	
(62,067 00)	Trade & Expense Creditors	NIL
(162,000 00)	Utility Warehouse	NIL
(29,613 00)	Directors Loan Account	NIL
(90,908 00)	HM Revenue & Customs	NIL
		<u>NIL</u>
	DISTRIBUTIONS	
(1 00)	Ordinary Shareholders	NIL
		<u>NIL</u>
<u>(332,989.00)</u>		<u><u>646 29</u></u>
	REPRESENTED BY	
	Vat Receivable	429 05
	Bank 1 Current	458 88
	Vat Payable	(333 32)
	Vat Control Account	91 68
		<u><u>646 29</u></u>



David Adam Broadbent
Liquidator

**ABV Enterprises Limited
t/a Henry's
(in Creditors Voluntary Liquidation)**

Progress Report pursuant to
Section 104A of the Insolvency Act 1986
and Rule 4.49C of the Insolvency Rules 1986

Period: 8 January 2015 to 7 January 2016

Important Notice

This Progress Report has been produced solely to comply with my 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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Purchase of Business

It should be noted that on the 31 March 2015, the business and assets of Broadbents Business Recovery Services Limited (formerly Evolution Business Recovery Services Limited) were purchased by Begbies Traynor

1. INTERPRETATION

<u>Expression</u>	<u>Meaning</u>
"the Company"	ABV Enterprises Limited t/a Henry's (in Creditors Voluntary Liquidation)
"the liquidation"	The appointment of a liquidator pursuant to Section 98 of the Act on 8 January 2015
"the liquidator", "I", "my" and "me"	David Adam Broadbent of Begbies Traynor (Central) LLP, 11 Clifton Moor Business Village, James Nicolson Link, Clifton Moor, York, YO30 4XG
"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	Henry's
Company registered number	0682 2120
Company registered office	11 Clifton Moor Business Village, James Nicolson Link, Clifton Moor, York, YO30 4XG
Former trading address	38 Cambridge Street, Sheffield, S1 4HP

3. DETAILS OF APPOINTMENT OF LIQUIDATOR

Date winding up commenced	8 January 2015
Date of liquidator's appointment	8 January 2015

4. PROGRESS DURING THE PERIOD

Attached at Appendix 1 is my abstract of receipts and payments for the period from 8 January 2015 to 7 January 2016

Receipts

Book Debt (Sale of Business)

As outlined in the Directors' Report, the directors sold the company's (unencumbered) business & assets and goodwill to Escafeld Assets Limited (an associated company under their control) for the sum of £3,600 plus VAT and £2,000 (respectively), the company's stock was sold to Henry's Pub & Kitchen Limited (another associated company) for the sum of £4,400 plus VAT

The sales were conducted with the assistance of independent agents (C W Harrisons) and prior to my appointment

You will note from the attached Receipts & Payments Account that £7,500 has been repaid as at the first anniversary – I can confirm that the balance has now been received (i.e. a full recovery)

Rent Deposit Deed

As outlined in the Directors' Report, the landlord to the trading premises held a rent deposit (of £10,000 plus VAT) secured via a Deed (registered at Companies House on 23 December 2009) – this amount was paid personally by the directors' father, who considered he held good title to same

A new lease was subsequently drafted between the landlord and the directors' associated company, with the Rent Deposit being transferred across (with consent of the directors' father)

Legal advice has been taken, which confirms that the company has no claim to the rent deposit.

Cash at Bank

I have recovered the sum of £80 following the closure of the company bank account

Bank Interest

Bank interest in the sum of £1 26 has accrued on funds invested throughout the duration of the case

Payments

Statement of Affairs fee

A resolution was passed at the Meeting of Creditors, in relation to the pre-appointment costs, as follows -

"That Broadbents Business Recovery Services Limited be remunerated in the sum of £3,000 plus VAT and disbursements and Innscribe UK Limited be paid the sum of £500 plus VAT, in settlement of their fees for services rendered to the directors in relation to the preparation of the statement of affairs and associated documentation and for convening the general meeting of the company and the meeting of creditors, pursuant to rules 4 38 and 4 62 of the Insolvency Rules 1986. The payment of these fees to be made from the realisation of the company's assets and to be paid in due course "

Both costs have been paid in full

Agent's fee (C W Hamson)

Agents have provided assistance to the directors (with the pre-appointment sale of the business & assets) and latterly to me (in the collection of the proceeds)

As at the anniversary of the scheme, the agent's costs totalled £1,719 plus VAT, which have been paid in full

Additional costs have, however, been incurred in collecting the remainder of the proceeds (which will be paid from funds in hand)

Legal fees (Parsi Solicitors)

Solicitors have assisted me in providing advice on the title of the rent deposit deed

Their costs (in the sum of £300 plus VAT) have been paid in full

5. ESTIMATED OUTCOME FOR CREDITORS

The sums owed to creditors at the date of appointment (as detailed in the directors' Statement of Affairs) are as follows

Secured creditors

There are no known secured creditors

Preferential creditors

There are no known preferential creditors

Unsecured creditors

Unsecured creditors were estimated at £344,588 and I have received claims in the total sum of £406,201

In the majority of instances, the claims received are in line with (or not materially higher than) the directors' estimates

H M Revenue & Customs have, however, submitted a claim (for unpaid PAYE/NIC and VAT) which is materially higher than the director's estimate – having reviewed the claim, the difference appears to relate to determinations made by H M Revenue & Customs for underpaid PAYE for the periods 2012/2013, 2011/2012 and 2010/2011 along with penalty charges applied to both the PAYE / NIC and VAT liabilities

I have also received a claim from the company's largest creditor, which is materially higher than the directors' estimate – the directors dispute the claim, and further investigation is therefore required to confirm its validity

On the basis of realisations to date (and estimated future realisations) I estimate an outcome for each class of the Company's creditors, as follows

Secured creditors

There are no known secured creditors

Preferential creditors

There are no known preferential creditors

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))

To the best of my knowledge and belief, there are no unsatisfied floating charges created or registered on or after 15 September 2003 – consequently, there is no net property as defined in Section 176A(6) of the Act, and therefore this section does not apply

Unsecured creditors

No dividend is available for unsecured creditors, as the funds realised have already been used or allocated for defraying the expenses of the liquidation

6. REMUNERATION & DISBURSEMENTS

My 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 me (as liquidator) and the various grades of my staff calculated at the prevailing hourly charge out rates of Broadbents Business Recovery Services Limited in attending to matters arising in the liquidation and I am authorised to draw disbursements for services provided by my firm and/or entities within the Begbies Traynor group, in accordance with my 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

My time costs for the period from 8 January 2015 to 7 January 2016 amount to £5,675 which represents 53.3 hours at an average rate of £106.47 per hour

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

- ☐ Table of time spent and charge-out value for the period 8 January 2015 to 7 January 2016
- ☐ Broadbents Business Recovery Services Limited charge-out rates

I have drawn a fee of £1,000 on account of my remuneration, against the total time costs of £5,675 incurred since the date of my appointment

The following "Category one" disbursements have been incurred and drawn from the case -

	£
Travel & Parking	133 79
Storage Fees	20 25
Bordereau	60 00
Statutory Advertising	<u>202 20</u>
	£ <u>416.24</u>

A copy of 'A Creditors' Guide to Liquidators Fees (E&W) 2011', 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 my office and I will arrange to send you a copy

7. LIQUIDATOR'S 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

As mentioned earlier in this report, there is an outstanding balance of £1,500 to recover in respect of the balance owing from the associated companies (as regards the pre-appointment sale of business and assets)

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 Innovation and Skills

I can confirm that I have discharged my duties in these respects

Investigations carried out to date

I 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

A number of concerns were raised from my statutory investigations, and legal advice will therefore be sought to confirm whether any further action is required

Connected party transactions

I have not been made aware of any sales of the Company's assets to connected parties (other than mentioned within the Directors' Report)

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 I provide further information about my remuneration or expenses which have been detailed in 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 as set out in this Progress Report are excessive or, the basis fixed for my remuneration is inappropriate

11. CONCLUSION

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



D A Broadbent
Liquidator

17 February 2016

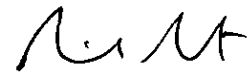
ACCOUNT OF RECEIPTS AND PAYMENTS

Period 8 January 2015 to 7 January 2016

**ABV Enterprises Limited t/a Henry's
(In Liquidation)**

LIQUIDATOR'S RECEIPTS AND PAYMENTS ACCOUNT

	Statement of affairs £	From 08/01/2015 To 07/01/2016 £	From 08/01/2015 To 07/01/2016 £
RECEIPTS			
Cash at Bank		80 14	80 14
Rent Deposit Deed	Uncertain	0 00	0 00
Book Debt (Sale of Business)	11,600 00	7,500 03	7,500 03
Bank Interest Net of Tax		1 26	1 26
Vat Payable - -		333 32	333 32
		<u>7,914 75</u>	<u>7,914 75</u>
PAYMENTS			
Preparation of S of A		3,500 00	3,500 00
Liquidator's fee		1,000 00	1,000 00
Liquidator's Disbursements		416 24	416 24
Agent's fee		1,718 90	1,718 90
Legal fees		300 00	300 00
Trade & Expense Creditors	(62,067 00)	0 00	0 00
Utility Warehouse	(162,000 00)	0 00	0 00
Directors Loan Account	(29,613 00)	0 00	0 00
HM Revenue & Customs	(90,908 00)	0 00	0 00
Ordinary Shareholders	(1 00)	0 00	0 00
Vat Receivable		429 05	429 05
Vat Control Account		91 68	91 68
		<u>7,455 87</u>	<u>7,455 87</u>
BALANCE - 07 January 2016			<u><u>458 88</u></u>



David Adam Broadbent
Liquidator

TIME COSTS AND DISBURSEMENTS

- a Broadbents Business Recovery Services Limited's charge-out rates, and
- b Table of time spent and charge-out value for the period from 8 January 2015 to 7 January 2016

BROADBENTS BUSINESS RECOVERY SERVICES LIMITED

CHARGE OUT RATES AND DISBURSEMENTS

Charge Out Rates

It is proposed that the following charge out rates will apply -

	<u>£ / hr</u>
Director	250
Associate Director	200
Senior Manager	150
Case Manager	100
Administrator	50
Support Staff	50

Category 1 Disbursements

Statement of Insolvency Practice 9 defines "Category 1 Disbursements" as being expenses directly attributable to the insolvent estate, paid to an independent third party, which are recoverable from the insolvent estate (without further creditor approval)

Some examples are -

- *Statutory Searches*, from Companies House or the Land Registry,
- *Travel & Subsistence*, incurred by staff members, and
- *Statutory Advertising*, through the London Gazette or other publication

Category 2 Disbursements

Statement of Insolvency Practice 9 defines "Category 2 Disbursements" as being expenditure incidental to the administration of the insolvent case, which includes an element of shared or allocated costs including payments to the Insolvency Practitioner's firm or connected parties

It is no longer the policy of this firm to charge Category 2 Disbursements for instructions received from 1 March 2012

Staff Grade	Partner	Director	Snr Mgr	Mngr	Asst Mgr	Snr Admin	Admin	Jnr Admin	Support	Total Hours	Time Cost £	Average hourly rate £
General Case Administration and Planning	Case planning	0.5					0.5			2.1	315.00	150.00
	Administration	0.5	1.0				8.3	3.3	4.0	24.0	2,180.00	90.83
	Total for General Case Administration and Planning	1.0	1.0				8.8	3.3	4.0	28.1	2,495.00	95.59
	Appointment											0.00
Compliance with the Insolvency Act Rules and best practice	Banking and Bonding						0.2			2.0	280.00	140.00
	Case Closure											0.00
	Statutory reporting and statement of affairs	1.0					1.5			2.5	325.00	130.00
	Total for Compliance with the Insolvency Act Rules and best practice	1.0					1.7			4.5	605.00	134.44
Investigations	CDOA and Investigations	1.0					5.2			8.0	780.00	97.50
	Total for Investigations	1.0					5.2			8.0	780.00	97.50
Realisation of assets	Debt collection											0.00
	Property, business and asset sales						0.3			7.8	1,110.00	148.05
	Retention of Title/Third party assets											0.00
	Total for Realisation of assets						0.3			7.8	1,110.00	148.05
Trading	Trading											0.00
	Total for Trading											0.00
Dealing with all creditors claims (including employees) correspondence and distributions	Secured											0.00
	Others						3.8			6.7	825.00	93.28
	Creditors committee											0.00
	Total for Dealing with all creditors claims (including employees), correspondence and distributions						3.8			6.7	825.00	93.28
Other matters which includes meetings, tax, litigation, pensions and travel	Meetings											0.00
	Other									0.4	60.00	150.00
	Tax											0.00
	Litigation											0.00
	Total for Other matters						19.8	3.3	4.0	0.4	90.00	150.00
	Total hours by staff grade	3.0	1.0		0.2					53.3		
	Total time cost by staff grade	750.00	250.00		20.00		990.00	165.00	200.00	5,875.00		
	Average hourly rate £	250.00	250.00	0.00	100.00	0.00	50.00	50.00	50.00		1,000.00	108.47
	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) £
Agent's Fee	C W Hamson	1,719	1,719	<i>Uncertain</i>
Legal Fees	Parsi Solicitors	300	300	<i>Nil</i>