

In accordance with Rule 18.7 of the Insolvency (England & Wales) Rules 2016 and Sections 92A, 104A and 192 of the Insolvency Act 1986.

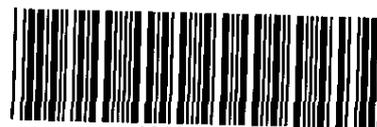
LIQ03

Notice of progress report in voluntary winding up



Companies House

TUESDAY



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14/11/2017

#372

COMPANIES HOUSE

1 Company details

Company number	0	6	8	3	1	6	2	3
Company name in full	F P BREWING LTD (FIREBRAND BREWERY AND RESTAURANT)							

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

2 Liquidator's name

Full forename(s)	GILES RICHARD
Surname	FRAMPTON

3 Liquidator's address

Building name/number	53
Street	FORE STREET
Post town	IVYBRIDGE
County/Region	DEVON
Postcode	P L 2 1 9 A E
Country	UK

4 Liquidator's name ①

Full forename(s)	HAMISH MILLEN
Surname	ADAM

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

5 Liquidator's address ②

Building name/number	53
Street	FORE STREET
Post town	IVYBRIDGE
County/Region	DEVON
Postcode	P L 2 1 9 A E
Country	UK

② **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 7	^m 1	^m 0	^y 2	^y 0	^y 1	^y 6	
To date		^d 2	^d 6	^m 1	^m 0	^y 2	^y 0	^y 1	^y 7	
7		Progress report								
		<input checked="" type="checkbox"/> The progress report is attached								
8		Sign and date								
Liquidator's signature	Signature									
		X								X
Signature date		^d 1	^d 3	^m 1	^m 1	^y 2	^y 0	^y 1	^y 7	

**Liquidators' Annual Progress Report
To
Creditors & Members**

**FP Brewing Ltd
Formerly trading as Firebrand Brewery
and Firebrand Bar & Restaurant
- In Liquidation**

9 November 2017

FP BREWING LTD - IN LIQUIDATION

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- B** Time Analysis for the Period 27 October 2016 to 26 October 2017
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FP BREWING LTD - IN LIQUIDATION

1 Introduction and Statutory Information

- 1.1 I, Hamish Millen Adam together with my partner Giles Richard Frampton of Richard J Smith & Co, 53 Fore Street, Ivybridge, Devon, PL21 9AE, was appointed as Joint Liquidator of FP Brewing Ltd (the **Company**) on 27 October 2016. This progress report covers the period from 27 October 2016 to 26 October 2017 (**the Period**) and should be read in conjunction with any previous progress reports which have been issued.
- 1.2 The principal trading addresses of the Company were 5-7 Southgate Street, Launceston, Cornwall PL15 9DP and Inner Trenarrett, Altarnum. The business traded under the name Firebrand Brewery and Firebrand Bar & Restaurant.
- 1.3 The registered office of the Company has been changed to Richard J Smith & Co, 53 Fore Street, Ivybridge, Devon, PL21 9AE and its registered number is 06831623.

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 Liquidators and their staff.
- 2.2 At Appendix A is my Receipts and Payments Account for the Period from which you will note that realisations and payments for the period amount to £53,471 and £50,629, respectively. Further details of which are set out below.

Administration (including statutory compliance & reporting)

- 2.3 An office holder must comply with certain statutory obligations under the Insolvency Act 1986 and other related legislation. Details about the work I anticipated would need to be done in this area was outlined to creditors in my initial fees estimate/information.
- 2.4 Where the costs of statutory compliance work or reporting to creditors exceeds the initial estimate, it will usually be because the duration of the case has taken longer than anticipated, possibly due to protracted asset realisations, which have in turn placed a further statutory reporting requirement on the Liquidators.
- 2.5 As noted in my initial fees estimate/information, this work will not necessarily bring any financial benefit to creditors, but is required on every case by statute.

Realisation of Assets

- 2.6 From the Receipts and Payments Account at Appendix A, you will note that total realisations in the period amount to £53,471.96.
- 2.7 At the date of liquidation, the assets set out in the director's Statement of Affairs including any equity on charged assets had an overall estimated value of £76,460.
- 2.8 The assets at the date of liquidation included equity in the Company vehicles estimated at £2,860, book debts including the surplus of factored debts estimated at £41,700, plant and equipment and stock estimated at £30,000 and shares in the Beer Cellar estimated at £1,500.

FP BREWING LTD - IN LIQUIDATION

Book Debts

- 2.9 The combined book debts realisations amount to £30,153, of which £19,553 represents surplus factored book debts recovered by Lloyds Commercial Finance. In addition, there are further book debts on the final schedule provided by Lloyds Commercial Finance of circa £56,000. The Liquidators are currently reviewing this schedule to establish whether any of the debts are recoverable. Non-factored book debts realisations amount to £10,600. No further realisations are expected for the initial estimate of non-factored book debts as the debtors are disputing the amount due and the Liquidators have taken the view that the potential costs of recovery including potential legal fees could outweigh any benefit received into the estate if the claims were successful.

Plant, Machinery, Stock, Vehicle and Equipment

- 2.10 The combined value of the above was estimate to realise £32,860 in the director's Statement of Affairs. Following the liquidation of the Company and following legal advice and agent's recommendations, the above assets were sold to companies operated by the directors of FP Brewing Limited for a combined sum of £36,000, in December 2016.
- 2.11 In accordance with Statement of Insolvency Practice 13, I would advise of the following:

Brewery Assets

In December 2016, a sale of the Company's former brewery assets including the fixtures and fittings, stock, van, trade mark and goodwill were sold for a combined sum of £22,425 to Altarnum Brewery Limited, a company operated by the former directors of FP Brewing Limited. The sale was agreed following recommendations from our agents. The terms of the sale allowed for deferred consideration, after the initial deposit, of £1,800 per month. To date, a sum of £9,558 has been paid, of which £7,758 has been received in the period of this report.

Restaurant Assets

In December 2016, a sale of the Company's former restaurant assets including the fixtures, fittings and stock, were sold for a combined sum of £12,071 to Firebrand Bar & Restaurant Limited, a company operated by the former directors of FP Brewing Limited. The sale was agreed following recommendations from our agents. The terms of the sale allowed for deferred consideration, after the initial deposit, of £1,046 per month. To date, a sum of £7,283 has been paid, of which £6,237 has been received in the period of this report.

Shares in Beer Cellar

In December 2016, a sale of the Company's shares in the Beer Cellar, were sold to the former directors for £1,500. The sale was agreed following recommendations from our agents. The shares have been paid for in full.

Creditors (claims and distributions)

- 2.12 Further information on the anticipated 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.

FP BREWING LTD - IN LIQUIDATION

- 2.13 Claims from preferential creditors typically involve employee claims and payments made on behalf of the Company by the Redundancy Payments Service following dismissal.
- 2.14 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 Liquidators in dealing with those claims.

Investigations

- 2.15 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.
- 2.16 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.
- 2.17 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

Book Debts

- 2.18 A full review of the surplus book debts will be undertaken to establish whether any remain recoverable.

Sale of Business Assets

- 2.19 Although there is currently a shortfall in the instalments due under the deferred purchase arrangement following the sale of the Company's assets, as referred to at 2.11 above, estimated at £13,000, the Liquidators will continue to monitor and to recover the payments due, in agreement with the purchasers, failing which, the Liquidators may look to uplift the assets and sell at auction, subject to agent's recommendations.

Share Sale

- 2.20 In the event that the shares are sold within 1 year of the purchase date, the Liquidators can claim 50% of the net sales proceeds over and above £5,000. The former directors have confirmed that they still hold the shares.

FP BREWING LTD - IN LIQUIDATION

Financed Equipment

- 2.21 No claim has been received from the finance creditor and no equity is expected to be realised in the liquidation. Given that the directors are continuing to trade their new brewery company from the former trading address of FP Brewing Ltd it would appear that the finance agreement has been taken over by the directors of the new company.

3 Creditors

Secured Creditors

Lloyds Bank Commercial Finance held a fixed charge over the Company's Book Debts. At the date of the liquidation the indebtedness to the secured creditor was estimated at £68,300. The debt to the bank has now been paid in full from factored book debt realisations.

Preferential Creditors

- 3.2 Preferential claims estimated in the Statement of Affairs at the date of liquidation consisted of £711.13 in respect of Holiday Pay. We have not yet received a Proof of Debt from the Redundancy Payments Service setting out the preferential claims, but expect to receive this in due course.

Unsecured Creditors

- 3.3 I have received claims totalling £431,991.13 from 17 creditors. I have yet to receive claims from 41 creditors whose debts total £114,943.49 as per the Company's statement of affairs.
- 3.4 I would confirm that it is not currently possible to anticipate whether there will be sufficient funds realised after defraying the expenses of the liquidation to pay a dividend to unsecured creditors.

4 Liquidators' Remuneration

- 4.1 The Creditors approved that the basis of the Liquidators' remuneration be fixed by reference to the time properly spent by them and their staff in managing the Liquidation. My fees estimate/information was originally provided to creditors when the basis of my remuneration was approved and was based on information available to me at that time.
- 4.2 A copy of that estimate is reproduced at Appendix D.
- 4.3 My time costs for the Period are £30,369.50. This represents 241.80 hours at an average rate of £125.60 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. Attached at Appendix C is an Expenses and Disbursements Analysis which gives details of costs incurred and paid in the period.
- 4.4 At the date of this report, it would appear that our fee estimate may be exceeded. The Liquidators will therefore, provide creditors with a revised fee estimate if it becomes necessary.
- 4.5 A copy of 'A Creditors' Guide to Liquidators' Fees' is available on request or can be downloaded from www.richardjsmith.com/creditors-guides.

FP BREWING LTD - IN LIQUIDATION

- 4.6 Attached as Appendix E, is additional information in relation to the Liquidators' fees, expenses and disbursements, including where relevant, information on the use of subcontractors and professional advisers.

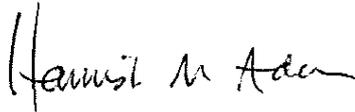
5 Creditors' Rights

- 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 Liquidators' remuneration is inappropriate and/or the remuneration charged or the expenses incurred by the Liquidators, 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.



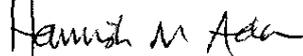
Hamish Adam
Joint Liquidator

IN THE MATTER OF THE INSOLVENCY ACT 1986
AND IN THE MATTER OF FP BREWING LTD
SUMMARY OF THE LIQUIDATOR'S RECEIPTS AND PAYMENTS FOR
THE PERIOD FROM 27 OCTOBER 2016 TO 26 OCTOBER 2017

APPENDIX A

	Notes	Estimated as per S of A £	Reporting Year Realisations 27/10/16 to 26/10/17 £
Receipts			
Assets subject to Finance			
Peugeot Vehicle	1	3,600	
Less: Finance Company		(740)	
		2,860	
Brewery/Kitchen Equipment		53,750	
Less: Finance Company		(79,935)	
Assets subject to Fixed Charges			
Factored Book Debts		87,000	
Less: Lloyds Commercial Finance		(68,300)	
		18,700	19,553.57
Assets Subject to Floating Charges			
Plant, Machinery & Equipment		30,000	
Restaurant plant, machinery & stock			4,334.75
Brewery plant, machinery & stock			7,757.79
3rd interest - The Beer Cellar		1,500	1,500.00
Non Factored Book Debts		23,000	10,600.00
Cash at Bank		400	3,260.09
Bank Interest			5.30
VAT			6,460.46
		76,460	53,471.96
Payments			
Admin & Preparation Costs (S98)			5,000.00
Pre Liquidation Disbursements			164.12
Liquidators Remuneration			25,000.00
Liquidators Disbursements			580.69
Liquidators Bond			250.00
Storage Costs			46.71
Hire of Meeting Room			101.66
Statutory Advert			317.60
Agents Cost			5,700.00
Accountants Costs			200.00
Insurance			275.00
Solicitors Costs			4,600.00
Corporation Tax			1.06
VAT			8,392.16
			50,629.00
Balance Held on Interest Bearing Account			
Reserved for storage costs on Closure			177.79
Current Account			2,665.17
			53,471.96

Dated this 9th day of November 2017


H M Adam
Joint Liquidator

Notes

1. The vehicle sales proceeds are contained within the Brewery plant, and equipment figure.

FP BREWING LIMITED - IN LIQUIDATION

Expenses & Disbursements Analysis for the Period 27 October 2016 to 26 October 2017

	Estimated (Fee Resolution) £	Paid in prior Period £	Paid in the period covered by this report £	Incurred but not paid to date £	Total anticipated cost £
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Expenses

Agents Costs/Commissions	4,750.00		5,700.00		5,700.00
Accountants Costs	200.00		200.00		200.00
Solicitors Costs	4,350.00		4,600.00		4,600.00
Insurance	500.00		275.00		275.00
External Storage of books & records	210.00		46.71		46.71
Hire of Meeting Room	102.00		101.66		101.66
Re-direction of Post	175.00				-
Statutory Advertising	397.00		317.60		317.60
Bond	250.00		250.00		250.00
Total Expenses:	10,934.00	-	11,490.97	-	11,490.97

Category 1 Disbursements

Case related Travel/Subsistence					-
IVA/CVA Registration					-
Postage 1	108.00	-	114.89	-	114.89
Postage 2		-	85.12	-	85.12
Searches		-	3.00	-	3.00
Parking & Toll		-	4.50	-	4.50
Monthly Bank Charges		-	-	-	-
Sundry Disbursements	79.00	-	82.38	-	82.38
Total:	187.00	-	289.89	-	289.89

Category 2 Disbursements

Faxes IN/OUT	15.00	-	0.42	-	0.42
Photocopying	20.00	-	8.85	-	8.85
Business Mileage	88.00	-	116.78	-	116.78
Stationery	108.00	-	164.75	-	164.75
Total:	231.00	-	290.80	-	290.80

Total of Category 1 & 2 Disbursements

Total of Category 1 & 2 Disbursements	418.00	-	580.69	-	580.69
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COPY OF LIQUIDATORS' FEE ESTIMATE TIME COST MATRIX APPROVED BY CREDITORS ON 16 DECEMBER 2016

	Secretarial support	Administrator / Cashier	Assistant Manager	Manager	Partner	Senior Partner	Estimated Hours per Category	Estimated Cost per Category
Admin, Planning & Control (Hours)	20	25	0	10	3	0	58	£6,380.00
Reporting & Meetings (Hours)	2	12	0	10	5	0	29	£4,185.00
Investigation (Hours)	0.2	9	0	3	1	0	13.2	£1,733.00
Forensic (Hours)	0	0	0	0	0	0	0	£0.00
Asset Realisations - Fixed Charge (Hours)	1	5	0	1	1	0	8	£1,025.00
Asset Realisations - Floating Charge (Hours)	0	10	0	19	2	0	31	£4,470.00
Book Debts (Hours)	0	25	0	11	0	0	36	£4,525.00
Trading (Hours)	0	0	0	0	0	0	0	£0.00
Monitoring (Hours)	0	0	0	0	0	0	0	£0.00
Finance Creditors (Hours)	0	2	0	1	0	0	3	£380.00
Preferential Creditors (Hours)	0	6	0	4	0	0	10	£1,290.00
HMRC/Crown Creditors (Hours)	0	5	0	1	0	0	6	£725.00
Unsecured Creditors (Hours)	3	15	0	5	0	0	23	£2,670.00
Employees & Pensions (Hours)	2	7	0	2	0	0	11	£1,235.00
Estate Cashiering (Hours)	2	20	0	0	0	0	22	£2,430.00
Other (Hours)	10	2	0	0	0	0	12	£880.00
Total Estimated Hours per Staff Grade	40.2	143	0	67	12	0	Total Est'd Hours: 262.2	
Charge Out Rate per Staff Grade	£65.00	£115.00	£140.00	£150.00	£235.00	£275.00		
Estimated Costs per Staff Grade	£2,613.00	£16,445.00	£0.00	£10,050.00	£2,820.00	£0.00	Total Est'd Costs: £31,928.00	

Average Charge Out Rate per Hour: £121.77

Additional Information in Relation to the Liquidators’ 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 anticipated 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
Lambert Smith Hampton (Asset disposal)	Hourly rate and disbursements
Stephens Scown LLP (Legal advice)	Hourly rate and disbursements
AUA Insolvency Risk Services (Insurance)	Premium
Clumber Consultancy (Pensions advice)	Fixed Fee

- 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 Liquidators’ Expenses & Disbursements

- 3.1 An analysis of the expenses and disbursements incurred and paid for the period since my appointment is provided at Appendix C.
- 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.
- 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 Liquidators’ fees were approved by creditors.

4 Charge-Out Rates

- 4.1 Richard J Smith & Co's current charge-out rates effective from 1 January 2017 are attached. Please note this firm records its time in minimum units of 6 minutes.

Richard J Smith & Co

CHARGE OUT RATES & POLICY REGARDING THE RECHARGE OF DISBURSEMENT RECOVERY PURSUANT TO STATEMENT OF INSOLVENCY PRACTICE 9

1 CHARGE-OUT RATES

Work undertaken on cases is recorded in 6 minute units in an electronic time recording system. Time properly incurred on cases is charged at the hourly rate of the grade of staff undertaking the work that applies at the time the work is done. Details of charge-out rates effective from 1 January 2017 are as follows:

Staff	(per hour) £
Senior Partner	300
Partner	250
Manager	175
Assistant Manager	150
Administrators	130
Secretarial support	80

2 DISBURSEMENT RECOVERY

In accordance with Statement of Insolvency Practice 9 (SIP9) disbursements are categorised as either Category 1 or Category 2.

2.1 Category 1 Disbursements

Category 1 disbursements will generally comprise external supplies of incidental services specifically identifiable to the case. Where these have initially been paid by Richard J Smith & Co and then recharged to the case, approval from creditors is not required. The amount recharged is the exact amount incurred. Category 1 disbursements can be drawn without prior approval, although an office holder should be prepared to disclose information about them in the same way as any other expenses.

Examples of Category 1 disbursements include postage, case advertising, specific bond insurance, company search fees, case management software system, invoiced travel and properly reimbursed expenses incurred by personnel in connection with the case. Also included will be services specific to the case where these cannot practically be provided internally such as printing, room hire and document storage.

2.2 Category 2 Disbursements

Category 2 disbursements include elements of shared or allocated costs incurred by Richard J Smith & Co and recharged to the estate; they are not attributed to the estate by a third party invoice and/or they may include a profit element. Category 2 disbursements may be drawn if they have been approved in the same manner as an office holder's remuneration. When seeking approval, an office holder should explain, for each category of expenses, the basis on which the charge is being made. Examples of Category 2 disbursements are photocopying, all business mileage, internal room hire and internal storage.

The firm currently charges the following Category 2 disbursements:

Recharge	£
Stationery - per letter	0.57
Photocopying - per sheet	0.03
Fax - in	0.05
Fax - out	0.37
Mileage - per mile @ HMRC rate	0.45

All costs are subject to VAT, where applicable and reflect the actual cost of the materials or services utilised. All rates are subject to half-yearly review.

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

Company name **RICHARD J SMITH & CO LLP**

Address **53**

FORE STREET

Post town **IVYBRIDGE**

County/Region **DEVON**

Postcode **P L 2 1 9 A E**

Country **UK**

DX

Telephone **01752 690101**

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