

Liquidator's Progress Report

**Pursuant to Sections 92A, 104A and 192 of the
Insolvency Act 1986**

S.192

To the Registrar of Companies

Company Number

07023409

Name of Company

(a) Insert full
name of
company

(a) Burnett Consultancy Limited

(b) Insert full name(s) I(b)
and address(es)

Andrew Mark Bland
41 Greek Street
Stockport
Cheshire
SK3 8AX

the liquidator of the company attach a copy of my Progress Report under
section 192 of the Insolvency Act 1986

The Progress Report covers the period from 6 November 2015
To 5 November 2016

Signed



Date 3 January 2017

Presenter's name,
address and
reference
(if any)

THURSDAY



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05/01/2017

#16

COMPANIES HOUSE

**BURNETT CONSULTANCY LIMITED (IN LIQUIDATION)
PREVIOUSLY TRADING AS THE GARDEN OF EDEN**

ANNUAL REPORT

6 November 2016

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1. INTRODUCTION

The purpose of this report is to detail my acts and dealings as Liquidator and it should be read in conjunction with my previous correspondence to Creditors

2. BACKGROUND

Burnett Consultancy Limited t/a The Garden of Eden (In Liquidation), ("the Company")

Registered office 41 Greek Street, Stockport, Cheshire, SK3 8AX

Former registered office Woodhead House, 44/46 Market Street, Hyde, SK14 1AH

Trading address 203 Bramhall Lane, Stockport, SK2 6JA

Registered Number 07023409

Other trading names The Garden of Eden

Appointed by Members & Creditors

Appointment details

The members' and creditors' meetings were held on 6 November 2012, when I was appointed Liquidator of the company

The company's principal activity was that of a local greengrocer and deli

The main causes of failure were due to a lack of working capital and sales apparently being less than those shown in the presale pack, which adversely affected the profitability of the business

3. ASSET REALISATIONS

In Appendix 1 I have provided an account of my receipts and payments for the periods from 6 November 2015 to 5 November 2016, and cumulatively for the period of my appointment, together with a comparison to the director's statement of affairs values, which provides details of the remuneration charged and expenses incurred and paid by the liquidator during the period of this report

Further information of the liquidator's remuneration can be found in section 6 below

According to the statement of affairs lodged in these proceedings, the assets of the company had an estimated to realise value of £10,000, they have realised £14,870 to date as detailed in the attached receipts and payments account and my previous report

Litigation detailed in previous reports has proved difficult to progress SAS Daniels LLP have worked on a contingent basis As the significant creditor, representing approximately 75% of the value of creditors is the sole director, by virtue of his subsequent guarantee obligations to HSBC I have offered Mr Burnett the opportunity to acquire the rights to the litigation, otherwise on the recommendation of SAS Daniels LLP, the matter will be closed

4. INVESTIGATION

The directors' conduct report was submitted to the Department of Business Innovation and Skills on 3 May 2013. The contents of this report are confidential.

5. CREDITORS CLAIMS AND DIVIDEND PROSPECTS

Secured Creditors

An examination of the Company's mortgage register held by the Registrar of Companies showed that there were no secured creditors.

The legislation requires that if the company has created a floating charge after 15 September 2013, a prescribed part of the Company's net property (ie the money that otherwise would be available to the charge holder) should be ring fenced for distribution to unsecured creditors. In this case there were no creditors secured by floating charge and the provisions of the prescribed part do not apply.

Preferential Creditors

There are preferential creditors in respect of employee claims of £4,815.

Unsecured Creditors

The trade and expense creditors, as per the statement of affairs, totalled £117,851, no claims have been lodged to date.

There are no secured creditors although Mr and Mrs Burnett have personally guaranteed the £83,078 debt of HSBC. It is understood from the director that the terms of the guarantee have now been settled.

Dividend Prospects

I hereby give notice as required by 4 186 and Rule 11 7 of the Insolvency Rules 1986 that a dividend will not be paid to unsecured creditors as there are insufficient funds to meet the claims of preferential creditors in full and the cost of the liquidation.

6. COSTS AND EXPENSES

The payments shown on the summary of the Receipts and Payments at Appendix 1 are in the main self-explanatory.

Pre-appointment Remuneration

A statement of affairs fee was taken in respect of the preparation of the Statement of Affairs and producing and circulating the notices for the members and creditors meetings held on 6 November 2012. This amount of £5,000 plus VAT was authorised by creditors at the S98 Meeting on 6 November 2012 and has been paid in full from asset realisations.

Liquidators Remuneration

The Liquidator's remuneration was drawn in accordance with Insolvency Rules 1986 S4 127(2)(b) on a time cost basis in relation to this assignment, as authorised by creditors at the S98 Meeting on 6 November 2012, in accordance with the following resolution:

"That the Liquidator is authorised to draw his remuneration on the basis of time properly spent by him and his staff, such time costs to be drawn on account from time to time as funds permit "

Summary of Costs

The Liquidator's time costs for the period 6 November 2015 to 5 November 2016 total £672 50 representing 3 5 hours at an average hourly rate of £192 14

The Liquidators time costs for the period 6 November 2012 to 5 November 2015 totalled £9,195, representing 39 00 hours at an average hourly rate of £235 77

The Liquidator's total time costs for the period 6 November 2012 to 5 November 2016 total £9,867 50 representing 42 50 hours at an hourly rate of £232 18

In accordance with SIP 9, details of my time costs are provided in appendix 2

Creditors should note that issues surrounding litigations against the former owners of The Garden of Eden, have required significant amounts of senior management time

I have drawn £5,980 plus vat to date, and no remuneration has been drawn in the period from 06 November 2015 to 05 November 2016 The balance remains outstanding and is likely to be written off

A description of the routine work undertaken in the liquidation to date is as follows -

Administration and Planning

- Preparing the documentation and dealing with the formalities of appointment
- Statutory notifications and advertising
- Preparing documentation required
- Dealing with all routine correspondence
- Maintaining physical case files and electronic case details as appropriate
- Review and storage
- Case bordereau
- Case planning and administration
- Preparing reports to members and creditors
- Convening and holding meetings of members and creditors

Cashiering

- Maintaining and managing the Liquidator's cashbook and bank account
- Ensuring statutory lodgements and tax lodgement obligations are met

Creditors

- Dealing with creditor correspondence and telephone conversations
- Assisting creditors with their insurance claims in respect of goods paid for but not delivered
- Preparing reports to creditors
- Maintaining creditor information as appropriate
- Reviewing and adjudicating on proofs of debt received from creditors

Investigations

- Review and storage of books and records
- Prepare a return pursuant to the Company Directors Disqualification Act
- Liaising with BIS in respect of their investigation
- Conduct investigations into suspicious transactions
- Review books and records to identify any transactions or actions a liquidator may take against a third party in order to recover funds for the benefit of creditors

Realisation of Assets

- Liaising with the agent in respect of the sale of assets
- Liaising with the company's bank regarding the closure of the account

A copy of "A Creditors Guide to Liquidators Fees" published by the Association of Business Recovery Professionals is available at the following web address or alternatively a copy is available on request

<http://www.icaew.com/en/technical/insolvency/creditors-guides>

Please note that there are different versions for cases that commenced before or after 6 April 2010, for this case you should refer to the one marked "effective from 1 November 2011"
My complaints policy including reference to The Insolvency Gateway is contained on our website, www.dmc-recovery.co.uk

A hard copy of these documents is available on request

Further information on Creditor processes within insolvencies is available from www.creditorinsolvencyguide.co.uk

Liquidator's Disbursements

The Liquidator's has no category 1 disbursements for 6 November 2015 to 5 November 2016

The Liquidator's category 2 disbursements for the period from 6 November 2015 to 5 November 2016 total £10 20 and have been written off in full

7. FURTHER INFORMATION

An unsecured creditor may, with the permission of the court or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question) request further details of the Liquidator's remuneration and expenses, within 21 days of receipt of this report. Any secured creditor may request the same details in the same time limit

An unsecured creditor may, with the permission of the court or with the concurrence of 10% in value of the creditors (including the creditor in question), apply to court to challenge the amount and/or basis of the Liquidator's fees and the amount of any proposed expenses or expenses already incurred, within 8 weeks of receipt of this report. Any secured creditor may make a similar application to court within the same time limit

8. CONCLUSION

I anticipate being able to close the case shortly, and certainly prior to the next anniversary, once any assignment to the litigation is concluded

If you require any further information please contact 0161 474 0920


Andrew M Bland
Liquidator

Licensed as an Insolvency Practitioner in the UK by the Institute of Chartered Accountants in England and Wales

**Burnett Consultancy Ltd
(In Liquidation)**

Liquidator's Summary of Receipts and Payments

RECEIPTS	Statement of Affairs (£)	From 06/11/2012 To 05/11/2015 (£)	From 06/11/2015 To 05/11/2016 (£)	Total (£)
Fixtures, Fittings & Goodwill	10,000 00	10,000 00	0 00	10,000 00
Book Debts		560 45	0 00	560 45
VAT Refund		1,542 15	0 00	1,542 15
Cash at Bank		2,768 00	0 00	2,768 00
Bank Interest Net of Tax		5 10	0 00	5 10
Vat Payable		2,000 00	0 00	2,000 00
		16,875 70	0 00	16,875.70
PAYMENTS				
Specific Bond		50 00	0 00	50 00
Preparation of S of A		5,000 00	0 00	5,000 00
Forensic Accountants Fees		1,000 00	0 00	1,000 00
Office Holders Fees		6,000 00	0 00	6,000 00
Office Holders Expenses		0 00	340 00	340 00
Agents/Valuers Fees		800 00	0 00	800 00
Legal Fees (1)		800 00	0 00	800 00
Counsels fees		165 00	0 00	165 00
Re-Direction of Mail		60 00	0 00	60 00
Statutory Advertising		211 75	0 00	211 75
Bank Charges		17 40	(2 40)	15 00
Trade & Expense Creditors	(29,773 00)	0 00	0 00	0 00
Employees	(5,000 00)	0 00	0 00	0 00
Banks/Institutions	(83,078 00)	0 00	0 00	0 00
Vat Receivable		2,795 35	0 00	2,795 35
		16,899 50	337 60	17,237 10
Net Receipts/(Payments)		(23 80)	(337 60)	(361 40)

MADE UP AS FOLLOWS

Bank 1 Current	340 30	(337 60)	2 70
Office	(364 10)	0 00	(364 10)
	(23 80)	(337 60)	(361 40)



Andrew Bland
Liquidator

APPENDIX 2

Burnett Consultancy Limited - In Liquidation
Time Entry - SIP9 Time & Cost Summary
Period 06 November 2015 to 05 November 2016

	<u>Partner</u>	<u>Manager</u>	<u>Administrator</u>	<u>Cashier</u>	<u>Total Hrs</u>	<u>Total Cost</u>	<u>Average Rate PH</u>
	£	£	£	£			
Rate	350	275	130	100			
Statutory							
Creditors		0 2	2		2 2	315	
Tax and VAT							
Investigations		1			1	275	
Planning		0 1			0 1	27 5	
Assets		0 2			0 2	55	
Cashier							
Total					3 5	672 5	192 14

Burnett Consultancy Limited - In Liquidation
Time Entry - SIP9 Time & Cost Summary
Period 06 November 2012 to 05 November 2015

	<u>Partner</u>	<u>Manager</u>	<u>Administrator</u>	<u>Cashier</u>	<u>Total Hrs</u>	<u>Total Cost</u>	<u>Average Rate PH</u>
	£	£	£	£			
Rate	350	275	130	100			
Statutory		2 8			2 8		
Creditors	3 2	10	1		14 2		
Tax and VAT			1 8		1 8		
Investigations	0 8	6 2	4 2		11 2		
Planning		4			4		
Assets			2		2		
Cashier				3	3		
Total	4	23	9	3	39	9,195 00	235 77

(please note the total costs to date are a corrected amount, compared to the previous annual report)

Burnett Consultancy Limited - In Liquidation
Time Entry - SIP9 Time & Cost Summary
Period 06 November 2012 to 05 November 2016

	<u>Partner</u>	<u>Manager</u>	<u>Administrator</u>	<u>Cashier</u>	<u>Total Hrs</u>	<u>Total Cost</u>	<u>Average Rate PH</u>
	£	£	£	£			
Rate	350	275	130	100			
Statutory	0	2 8	0	0	2 8		
Creditors	3 2	10 2	3	0	16 4		
Tax and VAT	0	0	1 8	0	1 8		
Investigations	0 8	7 2	4 2	0	12 2		
Planning	0	4 1	0	0	4 1		
Assets	0	0 2	2	0	2 2		
Cashier	0	0	0	3	3		
Total	4	24 5	11	3	42 5	9,867 50	232 18

DMC RECOVERY LIMITED

POLICY ON FEES, BILLING AND DISBURSEMENTS AS AT 1 APRIL 2014

The following is a current schedule of category 2 disbursements which may ^(*) be charged by DMC Recovery Limited

- Mileage shall be recharged up to 45 pence per mile in accordance with the appropriate rates determined by the HM Revenue and Customs
- Destruction of boxes shall be recovered as a category 1 expense, and
- Fixed charge for issue of each and every statutory circular @ £1 per relevant party

(*) DMC Recovery Limited does not ordinarily seek to recover Category 2 disbursements except for travel and business mileage directly attributable to the case, but reserves the right to do so, where such disbursements are substantial and appropriate sanction has been obtained

Disclosure of Use of Connected Parties

Please note that where it is necessary to use the services of an external agent who is associated to the Office Holder's business by way of common directors and/or shareholders, it is advised by law, that this shown as a category 2 disbursement. Kindly note that no additional profit element will be charged in regard to these services if applicable

Charge Out Rates

A table of current hourly charge out rates are provided below

Charges for Cases	(£)
Insolvency Practitioner Partner/Director/Consultant	350
Senior Manager	275
Manager	225
Senior Administrator/	180
Administrator	130
Cashier	100
Support Staff	100

(#) Please note that time charged by cashiers relates only to accounting matters relevant to the case

The Office Holder reserves the right to uplift the hourly rates, and category 2 disbursements periodically without further recourse to the creditors. By law, such increases must be disclosed to creditors within each statutory report

Support Staff

In an effort to minimise costs to the case, it is necessary to use support staff to undertake certain matters. Support staff time is charged in the same manner as technical staff on the rates outlined above.

Recording of Fees

Time is formally recorded in prescribed categories in units of 6 minutes. All units of time properly spent, are recorded on a formal time management system and retained throughout the appointment, irrespective of the basis of fees

Reporting of Fees

All reports and correspondence detailing fees incurred and indeed drawn will provide the legal basis upon which fees have been incurred and from whom sanction was given in relation to those fees

Such information shall be contained within statutory progress reports and be in the prescribed form. When providing such a report, under existing insolvency regulations, creditors are able to request further and better particulars of fees and disbursements where they believe further explanation is required

The exact basis of how requisite members and creditors may request such information will be attached with each statutory progress report subsequently issued

DMC RECOVERY LIMITED

POLICY FOR FEES, BILLING AND DISBURSEMENTS AS AT 1 APRIL 2015

Fee Accrual

The Office Holder is the general name for the Insolvency Practitioner dealing with the case affairs.

In accordance with the Insolvency Act 1986 and Insolvency Rules 1986, the Office Holder shall charge appropriate fees for dealing with the case affairs

It is usual practice for the agreement of fees to be sought on the basis of time properly incurred in dealing with the case. Sometimes fees are agreed as a fixed percentage of assets realised and/or distributions made, or a defined fixed/capped fee

The precise basis of how fees are to be incurred will be formally given to creditors prior to agreement being sought.

The legal agreement and basis upon which post appointment fees are agreed is determined by the relevant category of creditors, details of which are explained within the respective independent creditors' guides to fees

Unless otherwise advised, fees shall be drawn on account from the case funds as and when realisations allow, subject to agreement.

Staff

Each member of staff involved with the case will charge time on an individual basis. The hourly cost of each member of staff shall be calculated in accordance with their experience and resultant grade within the practice

In view of the complexity of the work involved, it is not practice policy to use sub contractors, however we reserve the right to do so should the case require. Details of any sub contractor used shall be provided within the respective statutory report SIP 9 detail.

VAT

Except when acting as a Nominee or Supervisor of an estate, fees will be subject to VAT at the appropriate rate.

Where the case is not registered for VAT, VAT shall be shown as an irrecoverable expense of the estate

Disbursements

Every case will incur disbursements. The Office Holder is required to explain the amount and nature of such disbursements whenever a formal abstract of accounts (Receipts and Payments account) is produced

Regulations require that I separate category 1 and 2 disbursements for your information. An explanation follows

Category 1 Disbursements.

Category 1 disbursements are expenses directly attributable to the case, where exact costs can be recharged without profit. These include insolvency bonds, advertising, company searches, post redirection orders, postage, external room hire, external storage as well as public transport and accommodation costs incurred by staff whilst attending to the administration of the estate

- Postage will be charged at the first class postage rate prevailing
- The list as above is not exhaustive and any other external supplies and services, specifically identifiable to the case will also be recovered as a category 1 disbursement at cost
- All category 1 disbursements shall be shown in the abstract of accounts suffixed by ⁽¹⁾

Category 2 Disbursements

Category 2 disbursements are additional overheads that relate to the estate but are either not directly attributable to it, or the exact cost is not ascertainable and therefore cannot be precisely recharged

These expenses include, inter alia, stationery, photocopying and storage costs

Any authorised category 2 disbursements which have been charged shall be shown in the statutory abstract of accounts suffixed by ⁽²⁾.