

Section 106

Return of Final Meeting in a
Creditors' Voluntary Winding UpPursuant to Section 106 of the
Insolvency Act 1986

To the Registrar of Companies

S.106

Company Number

07024000

Name of Company

Birmingham Education Academy Limited Formerly Cambridge Western Academy Limited

~~Mr~~ Shay Lettice
Salisbury House
Station Road
Cambridge CB1 2LA

Note The copy account must be
authenticated by the written
signature(s) of the Liquidator(s)

1 give notice that a general meeting of the company was duly ~~held on~~/summoned for 15 April 2013 pursuant to section 106 of the Insolvency Act 1986, for the purpose of having an account (of which a copy is attached) laid before it showing how the winding up of the company has been disposed of, ~~and that the same was done accordingly~~ / no quorum was present at the meeting,

2 give notice that a meeting of the creditors of the company was duly ~~held on~~/summoned for 15 April 2013 pursuant to Section 106 of the Insolvency Act 1986, for the purpose of having the said account laid before it showing how the winding up the company has been conducted and the property of the company has been disposed of ~~and that the same was done accordingly~~/no quorum was present at the meeting

The meeting was held at Salisbury House, Station Road, Cambridge, CB1 2LA

The winding up covers the period from 3 April 2012 (opening of winding up) to the final meeting (close of winding up)

The outcome of any meeting (including any resolutions passed) was as follows

No quorum was present for the members or creditors meeting

Signed 

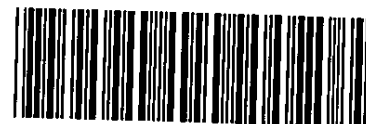
Date 17 April 2013

Peters Elworthy & Moore
Salisbury House
Station Road
Cambridge CB1 2LA

Ref CC028/SL/KM/BD

THURSDAY

COMPANIES HOUSE



A26J5S23

A37

18/04/2013

#186

COMPANIES HOUSE

**Liquidator's
Final Report to
Creditors**

**Birmingham Education Limited
- In Liquidation**

**(Formerly Cambridge Western
Academy Limited)**

17 April 2013

BIRMINGHAM EDUCATION ACADEMY LIMITED - IN LIQUIDATION

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1 Introduction

1 1 This report provides a summary of the outcome of the liquidation of Birmingham Education Academy Limited (the **Company**) At Appendix A, I have provided an account of my Receipts and Payments for the period ended 17 April 2013 with a comparison to the Director's Statement of Affairs values

1 2 The liquidation commenced in April 2012 with estimated asset values of £8,187 63 and anticipated liabilities of £19,163 11, which subject to the cost of liquidation was not expected to provide a return to creditors and this has proved the case

2 Realisation of Assets

2 1 *Leasehold Property/Rent Deposit*

As detailed in the director's statement of affairs, the landlord held a rent deposit of £94,000 which was expected to be offset against the landlords claim in the Liquidation This has proved the case and no realisations have been possible from the rent deposit

2 2 *Office Furniture & Equipment*

I instructed agents to remove and sell the office furniture and equipment Due to the nature of the building occupied by the Company vehicle access was limited and it therefore proved difficult to remove these items in an expedient manner As a result of these timing issues the landlord distrained on the furniture and equipment and subsequently sold these

2 3 *Cash at Bank*

The Director's statement of affairs indicated that there were credit balances at the Company's bank accounts totalling £5,187 63 Following my appointment I received £432 59 from HSBC Bank Plc and £4,717 44 from Yorkshire Bank Plc

2 4 *Insurance Refund*

A refund totalling £79 14 was received via the Company's insurance broker

2 5 *VAT Refund*

The Director's estimated statement of affairs indicated that a refund was due totalling £2,000 I subsequently wrote to HM Revenue & Customs requesting that they forward the refund However, Crown set-off was applied and the monies offset against sums due to the Redundancy Payments Office in respect of payment made to the Company's former employees

2 6 *Bank Interest*

Bank interest totalling 28 pence has been received

3 Investigations

3 1 In accordance with the Company Directors Disqualification Act 1986 I have submitted a report on the conduct of the Directors of the Company to the Department for Business Innovation & Skills (BIS) As this is a confidential report, I am not able to disclose the contents

4 Creditors

Secured Creditors

4 1 As detailed above the landlord held a secured rent deposit which they have retained

Preferential Creditors

4 2 A summary of preferential claims is detailed below

	Agreed Claim £	Statement of Affairs £
Employee Claims / DBIS	5,972 89	9,650 45
	5,972 89	9,650 45

4 3 There is no prospect of a dividend to preferential creditors, although the VAT refund detailed above has been offset against the Redundancy Payments Office claim

Unsecured Creditors

4 4 I received claims totalling £888,500 45 from 15 creditors There is no prospect of a dividend to unsecured creditors

5 Liquidator's Remuneration

5 1 The basis of my remuneration was approved on a time costs basis at the first meeting of the creditors on 3 April 2012

5 2 My final time costs as at 17 April 2013 total £23,378. This represents 163 hours at an average rate of £143.42. Attached as Appendix B is a Time Analysis which provides details of the activity costs incurred by staff grade during this period in respect of the costs fixed by reference to time properly spent by me in managing the Liquidation. I can confirm that £22,500 plus VAT has been paid by a third party. Attached as Appendix B is a Time Analysis in accordance with the provisions of Statement of Insolvency Practice 9 (**SIP9**), which provides details of the activity costs incurred by staff grade for the final period of my administration together with details of cumulative costs.

5 3 A copy of 'A Creditors' Guide to Liquidators' Fees' is available on request or can be downloaded from <http://www.pem.co.uk/how-we-help/business/pem-recovery/insolvency-practitioners-guides>

The activities undertaken include

- Attending to all statutory duties required of the Liquidator
- Investigation into the conduct of the directors
- Realising and arranging for the sale of the company assets
- Advising and dealing with creditors queries, including employees
- Resolving tax issues and submitting the relevant documentation
- Calculating and payment of distribution to secured, preferential and unsecured creditors

Attached as Appendix C is additional information in relation to our policy on staffing, the use of sub-contractors, disbursements and details of our current charge-out rates by staff grade.

5 4 Since the date of appointment the following disbursements have been incurred

	£
Agents Fee	785 00
Company search	9 00
Insurance	265 00
Specific Penalty Bond	40 00
Photocopying	20 10
Postage	33 80
Redirection Fee	114 40
Room Hire	128 00
Statutory Advertising	265 50
Storage	80 00
Telephone	15 12
Travel & Subsistence	273 27
Total	2,029 19

These cost are to be settled by a third party as detailed above

6 Creditors' rights

- 6 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 Liquidators provide further information about their remuneration or expenses which have been itemised in this progress report
- 6 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

7 Conclusion

- 7 1 This report together with final meetings of members and creditors will conclude the administration Details of the final meetings and resolutions to be considered have been circulated with this report

Yours faithfully

Shay Lettice
Liquidator

Birmingham Education Academy Limited Formerly Cambridge Western Academy Limited
(In Liquidation)
Liquidator's Abstract of Receipts & Payments
From 3 April 2012 To 17 April 2013

S of A £		£	£
	SECURED ASSETS		
NIL	Rent Deposit	NIL	NIL
	SECURED CREDITORS		
(1 00)	Landlord	NIL	NIL
	ASSET REALISATIONS		
NIL	Leasehold Property (1)	NIL	
1,000 00	Office Furniture & Equipment	NIL	
2,000 00	VAT Refund	NIL	
	Insurance Refund	79 14	
5,187 63	Cash at Bank	5,150 03	
NIL	Rent Deposit	NIL	
	Bank Interest Gross	0 28	
			5,229 45
	COST OF REALISATIONS		
	Preparation of S of A	5,229 45	(5,229 45)
	PREFERENTIAL CREDITORS		
(9,560 45)	Employee Hol Pay	NIL	NIL
	UNSECURED CREDITORS		
(4,327 96)	Trade & Expense Creditors	NIL	
(5,274 70)	Director/Employees	NIL	NIL
	DISTRIBUTIONS		
(120 00)	Ordinary Shareholders	NIL	NIL
(11,096.48)			NIL
	REPRESENTED BY		
			NIL

Shay Lettice
Liquidator

Appendix B

Birmingham Education Academy Limited – In Liquidation
Summary of time costs for the period
3 April 2012 to 17 April 2013

	Partner	Director/ Manager	Assistant Manager/ Senior Administrator	Administrator	Total hours	Time Cost	Average Rate
Administration & planning	9 70	1 60	36 60	12 00	59 90	8,713 50	145 47
Asset realisations	2 60	0 70	21 30	1 90	26 50	3,777 00	142 53
Creditors	3 20	0 80	49 70	3 30	57 00	8,169 50	143 32
Investigations	0 50	-	14 20	3 20	17 90	2,480 00	138 55
Case Specific Matters	-	-	1 70	-	1 70	238 00	140 00
Total Costs	4,447 00	665 00	16,858 00	1,408 00		23,378 00	-
Total Hours	16 00	3 10	123 50	20 40	163 00	-	-

The charge out rates shown are the average rates for each grade of staff The total average time cost is £143 42

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 £	Senior Manager Hourly rate £	Manager Hourly rate £	Assistant Manager Hourly rate £	Senior Administrator Hourly rate £	Administrator Hourly rate £	Trainee Administrat or (2) Hourly rate £	Insolvency Assistant rate £
May 2012	280 00	230 00	N/a	200 00	170 00	140 00	115 00	75 00	50 00

1 Policy

Detailed below is Peters Elworthy & Moore's policy in relation to

- staff allocation and the use of sub-contractors,
- professional advisors, and
- disbursements

1.1 Staff Allocation and the use of Sub-contractors

Our general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case

The constitution of the case team will usually consist of a Partner, Manager, Administrator and 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. On larger, more complex cases, several staff at all grades may be allocated to meet the demands of the case.

We have not utilised the services of any sub-contractors in this case.

1.2 Professional Advisors

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
GVA Grimly (Agents)	Fixed Fee
AUA Insolvency Risk Services Ltd (insurance)	Risk based premium

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.

1.3 Disbursements

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.

Category 2 disbursements do require approval from creditors. These disbursements can include costs recharged by Peters Elworthy & Moore which incorporate an element of recharged overhead. On this case the following costs have been incurred:

Other amounts paid or payable to the office holder's firm or to any party in which the office holder or his firm or any associate has an interest	£
Type and purpose	
Travel	273.27
Photocopying & postage	53.90
Total	327.17

Charge-out Rates

A schedule of Peters Elworthy & Moore charge-out rates was issued to creditors at the time the basis of the Liquidator's remuneration was approved. There have been no material increases in charge-out rates since that date.