

# LIQ03

## Notice of progress report in voluntary winding up



Companies House

WEDNESDAY



A09 \*A7ZPL0EB\* #209  
20/02/2019  
COMPANIES HOUSE

### 1 Company details

Company number 0 7 7 2 6 2 9 3  
Company name in full Dalesway Windows Limited

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

### 2 Liquidator's name

Full forename(s) Jeremy  
Surname Bleazard

### 3 Liquidator's address

Building name/number Premier House  
Street Bradford Road  
Post town Cleckheaton  
County/Region  
Postcode B D 1 9 3 T T  
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.

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**6** **Period of progress report**

From date	<sup>d</sup> 1	<sup>d</sup> 5	<sup>m</sup> 0	<sup>m</sup> 1	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 8
To date	<sup>d</sup> 1	<sup>d</sup> 4	<sup>m</sup> 0	<sup>m</sup> 1	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 9

**7** **Progress report**

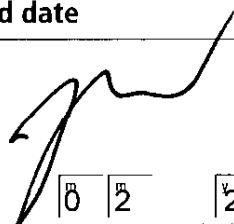
☒ The progress report is attached

**8** **Sign and date**

Liquidator's signature

Signature

X



X

Signature date

<sup>d</sup> 1	<sup>d</sup> 9	<sup>m</sup> 0	<sup>m</sup> 2	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 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 **Graham Harsley**

Company name **XL Business Solutions Ltd**

Address **Premier House**

**Bradford Road**

Post town **Cleckheaton**

County/Region

Postcode **B D 1 9 3 T T**

Country

DX

Telephone **01274 870101/ 01274 870606**



**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](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto: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](http://www.gov.uk/companieshouse)**

# **Liquidator's Annual Progress Report to Members and Creditors**

## **Dalesway Windows Limited In Liquidation**

**19 February 2019**

### **CONTENTS**

- 1** Introduction and Statutory Information
- 2** Progress of the Liquidation
- 3** Creditors
- 4** Notice that no dividend will be Declared
- 5** Liquidator's Remuneration
- 6** Liquidation Committee
- 7** Creditors' Rights
- 8** Next Report

### **APPENDICES**

- A** Receipts and Payments Account for the Period 15 January 2018 to 14 January 2019
- B** Additional information in relation to Liquidator's Fees, Expenses & Disbursements
- C** Time Analysis for the Period from the 15 January 2018 to 14 January 2019
- D** Privacy Notice

## DALESWAY WINDOWS LIMITED - IN LIQUIDATION

### 1 Introduction and Statutory Information

- 1.1 I, J N Bleazard of XL Business Solutions Limited, was appointed as Liquidator of Dalesway Windows Limited ("**the Company**") on 15 January 2018. This progress report covers the period from 15 January 2018 to 14 January 2019 ("**the Period**").
- 1.2 Information about the way that we will use, and store personal data on insolvency appointments can be found in the Privacy Notice attached at Appendix D.
- 1.3 The principal trading address of the Company was 16 Smithies Lane, Birstall, WF17 9EB.
- 1.4 The registered office of the Company has been changed to Premier House, Bradford Road, Cleckheaton, BD19 3TT and its registered number is 07726293.

### 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.
- 2.2 At Appendix A is my Receipts and Payments Account for the Period.

#### ***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 Liquidator.
- 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.
- 2.6 Upon my appointment as liquidator the following work has been undertaken:

- Notifying creditors of the liquidator's appointment and other associated formalities such as statutory advertising and filing relevant statutory notices at Companies House
- Complying with statutory duties in respect of the liquidator's specific penalty bond
- Creation and update of case files on my Company's insolvency software
- Pension regulatory reporting and auto-enrolment cancellation
- Completion and filing of the notice of the Company's insolvency to H M Revenue & Customs
- Periodic case progression reviews (typically at the end of month 1 and every six months thereafter)
- Opening, maintaining and managing the liquidation estate cashbook and bank account

#### ***Investigations***

- 2.7 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.

## DALESWAY WINDOWS LIMITED - IN LIQUIDATION

- 2.8 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.
- 2.9 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 information provided by creditors either at the s98 meeting or as a response to my request to complete an investigation questionnaire. My investigations have not revealed any issues requiring further report or any further potential recoveries which could be pursued for the benefit of creditors.

### ***Realisation of Assets***

#### *Cash at Bank*

- 2.10 According to the director's statement of affairs the Company's cash at bank was estimated to realise the sum of £9,100. I can advise that following my appointment as Liquidator, I wrote to the former Company's bankers requesting the account be closed and any funds remitted to me. I can advise that the sum of £9,046 has been realised from this source.

#### *Furniture and Equipment*

- 2.11 The director's statement of affairs indicated that the Company's furniture and equipment had an estimated to realise value of £250. I can advise that my agents Walker Singleton were instructed to sell this asset however, I have been advised that the cost of uplift and sale far outweigh realisations and as a result there will be no funds available to the liquidation from this source.
- 2.12 It is considered that the work the Liquidator and his staff have undertaken to date will bring a financial benefit to creditors. This may be a distribution to secured creditors of the Company only (from which a Prescribed Part fund may be derived for the benefit of unsecured creditors) or may, depending on realisations and the extent of any 3<sup>rd</sup> party security, result in a distribution to the preferential and unsecured creditors of the Company.

### ***Creditors (claims and distributions)***

- 2.13 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. This may involve separate reporting to any secured creditor and dealing with distributions from asset realisations caught under their security, most typically a debenture.
- 2.14 Claims from preferential creditors typically involve employee claims and payments made on behalf of the Company by the Redundancy Payments Service following dismissal.
- 2.15 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.
- 2.16 I consider the following matters worth noting in my report to creditors at this stage:
- There are approximately 11 unsecured creditors in this case with a value per the director(s) statement of affairs of £29,249
  - Dealing with the claims of three employees
  - I anticipate claims from preferential creditors totalling £2,200

## DALESWAY WINDOWS LIMITED - IN LIQUIDATION

### ***Matters still to be dealt with***

- 2.17 This case will remain open until I have discharged the costs of the liquidation, completed the final vat and tax returns and request VAT and tax clearance.
- 2.18 Once clearance has been granted and the final VAT refund has been received, I will write to creditors with my final report in order to vacate office and obtain my release of the company.

## **3 Creditors**

### ***Preferential Creditors***

- 3.2 Although the statement of affairs indicates that the preferential creditors are estimated to be £2,200, to date I have yet to receive any claims.
- 3.3 I would confirm that there will be no distribution to preferential creditors in this case.

### ***Unsecured Creditors***

- 3.4 I have received claims totalling £11,647 from five creditors. I have yet to receive claims from seven creditors whose debts total £8,046 as per the Company's statement of affairs.
- 3.5 I would confirm that it is anticipated there will be insufficient funds realised after defraying the expenses of the liquidation to pay a dividend to unsecured creditors.

## **4 Notice that no Dividend will be Declared**

- 4.1 In the context of the information herein presented, Notice is hereby given pursuant to Rule 4.186 of the Insolvency Rules 1986 that no dividend will be declared in respect of any class of creditors in this matter for the reason that the funds realised have already been utilised in discharging the costs of the liquidation.

## **5 Liquidator's Remuneration**

- 5.1 Further to my appointment as Liquidator of the Company, I am now writing to make arrangements with creditors to approve the basis of my remuneration as Liquidator and propose dealing with this by way of a decision by correspondence. Accordingly, please find enclosed at Appendix B the following:
- Information on the work I consider will be necessary to deal with the winding-up of the Company's affairs, together with my fees estimate for doing this. I am proposing to agree my fees on the basis of time spent and the enclosed estimate outlines what I consider these costs to be at this stage and provides details of my firm's current charge-out rates and disbursements policy. This enclosure also provides details of the expenses I consider will be, or are likely to be incurred in dealing with the Company's affairs.
  - Creditor agreement to the fees estimate provided with this letter will act as a cap on my fees unless or until such time as further approval is obtained from creditors to increase the amount proposed. I reserve the right to refer back to creditors should I consider that the estimate will be exceeded and will provide creditors with relevant information on the reasons for this and an updated estimate of costs if this proves necessary.
  - Where my initial investigations reveal matters for further detailed investigation or previously unknown assets to be realised, I reserve the right to refer back to creditors to establish how I am to be remunerated for such additional work, which may be proposed on a time cost basis. If such work proves necessary, I will provide creditors with my fees estimate for approval.
  - Notice of the decisions to be considered by correspondence.

## **DALESWAY WINDOWS LIMITED - IN LIQUIDATION**

- A Voting Form, which contains details of the resolutions being proposed. This must be completed and returned to me at the above address by 11 March 2019 in order for you to vote.
  - Proof of debt form - if you have not already submitted a proof of your claim in the liquidation, please return this completed with your Voting Form.
- 5.2 My time costs for the Period are £5,917. This represents 33.30 hours at an average rate of £177.69 per hour. To date, I have not drawn any funds against these costs however, I have drawn my disbursements in the sum of £222.90.
- 5.3 Attached as Appendix C 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.
- 5.4 In accordance with a resolution passed by correspondence, creditors authorised the sum of £1,500 plus disbursements plus VAT to be drawn in respect of the preparation of the statement of affairs and seeking a decision of creditors on the nomination of a liquidator. I can advise that to date I have drawn the sum of £750 plus VAT against these costs.
- 5.5 In addition, creditors authorised the sum of £500 plus VAT to be paid to Howard & Co Accountants for their assistance in the preparation of the statement of affairs. This amount has been paid in full.
- 5.6 A copy of 'A Creditors' Guide to Liquidators' Fees' is available on request or can be downloaded from [www.insolvency-practitioners.org.uk](http://www.insolvency-practitioners.org.uk) under the heading regulation & guidance, creditors guides.
- 5.7 Attached as Appendix C 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.

## **6 Liquidation Committee**

- 6.1 Creditors were invited to decide on the formation of a liquidation committee on the date of my appointment. The decision was taken not to form a committee in this case. Please note that whilst I do not consider a committee to be warranted, I am obliged to invite creditors to consider the formation of a committee each time I seek a decision from them. It is for this reason that the invitation appears on the Voting Form.

## **9 Creditors' Rights**

- 7.1 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.
- 7.2 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.

## **10 Next Report**

- 8.1 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.



## DALESWAY WINDOWS LIMITED - IN LIQUIDATION

- 8.2 If you have any queries in relation to the contents of this report, please contact Graham Harsley on 01274 870101 or by email at [graham@xlbs.co.uk](mailto:graham@xlbs.co.uk).

Yours faithfully



**J N Bleazard**  
Liquidator

**Dalesway Windows Limited**  
**(In Liquidation)**  
**Liquidator's Summary of Receipts & Payments**  
**To 14/01/2019**

<b>S of A £</b>		<b>£</b>	<b>£</b>
	<b>ASSET REALISATIONS</b>		
250.00	Furniture & Equipment	NIL	
9,100.00	Cash at Bank	9,045.88	9,045.88
	<b>COST OF REALISATIONS</b>		
	Preparation of S. of A.	750.00	
	Accountancy Fees	500.00	
	Office Holders Disbursements	222.90	(1,472.90)
	<b>PREFERENTIAL CREDITORS</b>		
(2,200.00)	Employee Arrears/Hol Pay	NIL	NIL
	<b>UNSECURED CREDITORS</b>		
(12,185.36)	Trade & Expense Creditors	NIL	
(8,300.00)	Employees	NIL	
(5,000.00)	Directors	NIL	
(3,763.72)	VAT	NIL	NIL
	<b>DISTRIBUTIONS</b>		
(100.00)	Ordinary Shareholders	NIL	NIL
<b>(22,199.08)</b>			<b>7,572.98</b>
	<b>REPRESENTED BY</b>		
	Vat Receivable		294.58
	Current A/c - Bank 1		7,278.40
			<b>7,572.98</b>

Note:

All estate accounts with less than £250,000 are held on non interest bearing.

## **Dalesway Windows Limited (“the Company”)**

### **Fees Information in accordance with The Insolvency (England and Wales) Rules 2016 and Statement of Insolvency Practice 9**

#### ***Fees Overview***

Prior to an insolvency practitioner agreeing the basis of his remuneration as liquidator, details of the work proposed to be done and the expenses it is considered will be, or are likely to be, incurred in dealing with a company's affairs must be provided to creditors.

In addition, where the liquidator proposes to take all or any part of this remuneration based on the time he and his staff will spend dealing with the affairs of the insolvent company, a **fees estimate** must also be provided. This will outline the anticipated cost of that work, how long it is anticipated the work will take and whether any further approvals may be needed from creditors in due course.

It should be noted that a **fees estimate** may be provided to a particular milestone or for a designated period in a case, where it is not possible to accurately estimate the work that will need to be done at the outset.

Creditors should be aware that the **fees estimate** is based on all of the information available now and may be subject to change due to unforeseen circumstances that may arise during the liquidation. If it is considered that the **fees estimate** will be exceeded, the liquidator will provide an update and seek approval to increase the previously agreed **fees estimate**.

#### ***Work anticipated and the likely return to creditors***

Some of the work undertaken by an insolvency practitioner is required by statute and may not necessarily provide a financial benefit to creditors. Examples of this work include investigations required by Statement of Insolvency Practice 2 and the Company Directors Disqualification Act 1986 or dealing with the claims of former employees via the National Insurance Fund.

Where the work to be done is anticipated to produce a financial benefit to creditors, this will be stated and it may be necessary for the liquidator to instruct third parties to assist in this process because of a particular expertise that the third party may bring such as valuation, tax or legal advice.

Where it is practical to do so, a liquidator will provide an indication of the likely return to creditors when seeking approval for the basis of his remuneration. Again due to the complex nature of the work undertaken by insolvency practitioners and the uncertainties that may exist in relation to the realisation of a company's assets at the outset of a case, this may not be possible. A liquidator is however, required by statute to provide periodic reports to creditors on the progress of a case which will include an update as to the likely return creditors may expect.

#### ***Proposed Fee Basis***

In this case, it is being proposed that the basis of my remuneration as liquidator will be based on the time spent by me and my staff in dealing with the Company's affairs. Attached to this document is my **fees estimate**, together with an explanation of the work I propose undertaking.

Each part of the work to be undertaken will necessarily require different levels of expertise and therefore related cost. In order to aid understanding, for the purposes of my **fees estimate**, I have indicated the rates and grades of staff such as myself, the case manager, the case administrator and cashier when estimating the total hours to be spent on each part of the work.

This **fees estimate** is produced on the basis of all the work I currently propose will be necessary in the liquidation. If I consider the **fees estimate** will be exceeded I will notify creditors accordingly, provide a revised estimate and seek further approval for my increased fees.

### ***Outline of work to be done by the liquidator***

Below are details of the work I propose undertaking in support of the above **fees estimate** for the liquidation:

#### ***Administration (including statutory compliance & reporting)***

Liquidators are required to carry out certain tasks in nearly every insolvency assignment, namely administrative duties and dealing with the Company's creditors. Whilst these tasks are required by statute or regulatory guidance, or are necessary for the orderly conduct of the proceedings, they do not necessarily produce any direct financial benefit for creditors, but nonetheless still have to be undertaken.

This work includes:

- Notifying creditors of the liquidator's appointment and other associated formalities including statutory advertising and filing relevant statutory notices at Companies House
- Preparing and issuing annual progress reports to members and creditors
- Lodging periodic returns with the Registrar of Companies for the liquidation
- Complying with statutory duties in respect of the liquidator's specific penalty bond
- Creation and update of case files on the firm's insolvency software
- Redirection of the Company's mail to the liquidator's office
- Establishing and holding periodic meetings of the liquidation committee and associated filing formalities (if a committee is appointed)
- Securing the Company's books and records
- Pension regulatory reporting and auto-enrolment cancellation
- Completion and filing of the notice of the Company's insolvency to HMRC
- Initial assessment required by Statement of Insolvency Practice 2 and the Company Directors Disqualification Act 1986 (CDDA) including the review of the Company's books and records and the identification of potential further asset realisations which may be pursued in the liquidation
- Submitting a statutory report to the Insolvency Service under the CDDA
- Periodic case progression reviews (typically at the end of Month 1 and every 6 months thereafter)
- Opening, maintaining and managing the liquidation estate cashbook and bank account(s)
- Dealing with employees to provide support and assistance in lodging any claims they may be entitled to make for unpaid wages, holiday pay and other statutory entitlements from the National Insurance Fund and the Company. Liaising with (or appointing) union representatives and payroll providers and reviewing employment contracts as necessary
- Dealing with all post-appointment VAT and corporation tax compliance
- Closing the liquidation and preparing and issuing the liquidator(s) final account to prescribed parties

#### ***Investigations***

As Liquidator, I am required to conduct investigations into the conduct of the director(s) of the Company and transactions entered into prior to the Company's insolvency, as required by the Company Directors Disqualification Act 1986 and Statement of Insolvency Practice 2 (Investigations by Office Holders in Administrations and Insolvent Liquidations).

This work may not necessarily lead to any financial benefit to creditors yet is work I am required to undertake by statute. I have included the time I consider will be needed to comply with the above legislation within **Administration** above.

If however, my initial investigations reveal that further recoveries may be available for the insolvent estate, all work undertaken to pursue these recoveries will be estimated within this time category.

At this stage, I do not foresee any substantial investigation work will be required but if following the conclusion of my initial investigations I consider that further investigation work is then required to pursue assets of the Company, I will provide creditors with an update on my **fees estimate** in due course.

### ***Realisation of assets***

As outlined in Section 2 of the report the Company's assets are as follows:

#### ***Cash at Bank***

According to the director's statement of affairs the Company's cash at bank was estimated to realise the sum of £9,100. I can advise that following my appointment as Liquidator, I wrote to the former Company's bankers requesting the account be closed and any funds remitted to me. I can advise that the sum of £9,046 has been realised from this source.

#### ***Furniture and Equipment***

The director's statement of affairs indicated that the Company's furniture and equipment had an estimated to realise value of £250. I can advise that my agents Walker Singleton were instructed to sell this asset however, I have been advised that the cost of uplift and sale far outweigh realisations and as a result there will be no funds available to the liquidation from this source.

Work done by the liquidator, his staff and any third parties engaged to assist the liquidator in realising the Company's assets will, it is anticipated, provide a financial benefit to creditors. This may involve realising assets to facilitate a distribution to secured creditors of the Company only (from which a Prescribed Part fund may be derived for the benefit of unsecured creditors) or may, depending on realisations and the extent of any 3<sup>rd</sup> party security, result in a distribution to the preferential and/or unsecured creditors of the Company. Further information on the likely outcome of the liquidation process will be provided in the liquidator's subsequent progress reports.

### ***Creditors (claims and distributions)***

As liquidator, I will deal with all secured, preferential and unsecured creditor correspondence and claims as received, including any claims of creditors under retention of title. Based on the Company's estimated statement of affairs, I think that no dividend will be available to creditors in this case.

It should be noted that the above is based on the estimated statement of affairs and the projected realisable value of the Company's assets which at this stage is unconfirmed, together with the anticipated costs of the liquidation. I will undertake appropriate investigations into and obtain valuations of, the Company's assets and will confirm the likely return to creditors in my first progress report.

### ***Liquidator's Expenses***

As also noted I am required to provide creditors with details of the expenses I consider will be, or are likely to be, incurred in the liquidation. These may include expenses such as agent's costs for assisting in the disposal and realisation of the Company's physical assets or other routine expenses associated with an insolvency case such as statutory advertising costs or the office holder's specific penalty bond.

Below is a summary of the expenses I consider will be, or are likely to be, incurred in this case. I will provide a further update in my first progress report to creditors at the anniversary of my appointment as liquidator or sooner, if the case is concluded beforehand.

Expense	Estimated cost £
<i>Agents' costs</i>	750
<i>Solicitors' costs</i>	Nil
<i>Insurance of company assets</i>	Nil
<i>Statutory advertising</i>	163
<i>Specific penalty bond</i>	60
<i>External meeting room hire</i>	Nil
<i>Case related travel &amp; subsistence</i>	Nil
<i>Company Search</i>	Nil
<b><i>Category 2 disbursements charged by XL Business Solutions Ltd:</i></b>	
<i>Business mileage for case related travel @ 45p per mile</i>	Nil
<i>Internal meeting room cost</i>	Nil
<i>Storage boxes @ £2.50 per box for the Company's records</i>	Nil
<i>Records storage @ £10 per box per annum (or part thereof)</i>	Nil

#### ***XL Business Solutions Limited - Charge-out rates and Category 2 disbursements policy***

Attached to this document are details of my firm's current charge out rates and policy regarding the re-charge of Category 2 disbursements.

Category 2 disbursements 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. Any Category 2 disbursements which this firm proposes to charge in this case are reflected in the table of expenses above. Approval to charge these will be sought from creditors when the basis of my remuneration as liquidator is fixed.

It should be noted that my Company's charge-out rates may increase periodically. If any such increases impact on the ***fees estimate*** for the liquidation, creditors will be notified accordingly.

### Liquidator's Fees Estimate

Below is my **fees estimate** for the liquidation. The work I anticipate undertaking in relation to this estimate has been outlined above. It is an estimate for the entire liquidation. If I consider this estimate will be exceeded, I will advise creditors and seek approval for my revised **fees estimate** as appropriate.

	Hours						Average hourly rate £
	Partner/ Director	Senior Manager/ Manager	Other Senior Professionals	Assistants & Support Staff	Total Estimated hours	Total Estimated Cost £	
Administration (inc statutory compliance & reporting)	9.00	5.00	15.00	0.00	29.00	5,260.00	181.38
Investigations	1.00	0.00	2.00	0.00	3.00	520.00	173.33
Realisation of assets	0.50	0.00	2.00	0.00	2.50	400.00	160.00
Trading (where applicable)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors (claims & distributions) *	3.00	0.00	5.00	0.00	8.00	1,420.00	177.50
Case specific matters (where applicable)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total estimated hours by staff grade</b>	13.50	5.00	24.00	0.00	42.50		
<b>Hourly rate</b>	240.00	200.00	140.00	0.00			
<b>Total estimated time costs by staff grade</b>	3,240.00	1,000.00	3,360.00	0.00		£ 7,600.00	£178.82

## **XL Business Solutions Limited**

### **Charge-out rates**

This company's current charge out rates are detailed below:

<b>Grade</b>	<b>Hourly rate</b>
Partner	240
Senior Manager	200
Manager	175
Experienced Senior	155
Senior	140
Administrator	105
Assistant	90

This Company charge in 6 minute units

It should be noted that my company's charge out rates may increase periodically. If any such increase applies, creditors will be notified accordingly.

### **Disbursements**

#### ***Category 1 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, external room hire and external document storage. Also chargeable will be any properly reimbursed expenses incurred by this firm's personnel in connection with the case.

#### ***Category 2 disbursements***

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, internal document storage or business mileage.

This firm charges the following Category 2 disbursements:

- Business mileage for case related travel charged at standard rates which comply with HMRC limits, which is currently 45p per mile
- Internal meeting rooms are charged at between £25 and £100 per meeting
- Storage boxes charged at £2.50 per box
- Box storage is charged at £10 per box per annum (or part thereof)



## **NOTICE OF DECISION(S) BEING SOUGHT BY CORRESPONDENCE (A DECISION PROCEDURE)**

Pursuant to S246ZE of the Insolvency Act 1986 and Rule 15.8 of Part 15 of the Insolvency (England and Wales) Rules 2016 (**the Rules**)

### **DALESWAY WINDOWS LIMITED ("the Company") In Creditor's Voluntary Liquidation**

**Registered Number - 07726293**

#### **THE PROPOSED DECISION(S)**

The following decisions are proposed by the Liquidator (**the Convener**) as decisions to be made by the Company's creditors by correspondence:

- 1. That the basis of the Liquidator's remuneration be fixed as time costs as detailed in the fees estimate/information provided to creditors with this Notice.*
- 2. That the Liquidator be authorised to draw Category 2 disbursements in accordance with his firm's published tariff, provided to creditors with this Notice.*
- 3. Whether a liquidation committee should be established if sufficient creditors are willing to be members of a committee and if so, who the creditors' wish to nominate for membership of the committee.*

#### **ENSURING YOUR VOTES ON THE PROPOSED DECISIONS ARE COUNTED**

In order for votes on the Proposed Decisions to be counted, a creditor must have delivered the **Voting Form** accompanying this Notice, together with a proof of debt in respect of their claim to the Convener (unless already submitted), whose contact details are below, on or before **11 March 2019 (the Decision Date)**, failing which their votes will be disregarded.

#### **Appeal of Convener's decision**

Pursuant to Rule 15.35 of the Rules, any creditor may apply to the court to appeal a decision of the Convener. However, an appeal must be made within 21 days of the Decision Date.

#### **Creditors' committee - nominations**

Although creditors did not make the decision to establish a liquidation committee on my appointment, I am required under insolvency legislation to invite creditors to decide whether one should be established each time I seek a decision from them.

A decision on this matter is therefore included on the Voting Form. Any nominations for membership of the committee must be received by the Convener on or before the Decision Date and will only be accepted if the Convener is satisfied as to the nominee's eligibility to be a member of such committee under Rule 17.4 of the Rules. Please note that nominations for membership can also be made on the Voting Form accompanying this notice.

### **Creditors with a small debt**

Any creditor whose debt is treated as a small debt (less than £1,000 inclusive of VAT) must still deliver a proof of debt in respect of their claim with their Voting Form if they wish to vote on the Proposed Decisions.

### **Request for a physical meeting**

Insolvency legislation also provides that creditors who meet certain thresholds, namely 10% in value of creditors, 10% in number of creditors or 10 creditors, may require a physical meeting to be held to consider the Proposed Decisions. Such a request must be made in writing to the Convener within five business days from **25 February 2019** and should be accompanied by a proof of debt (unless already submitted).

### **Contact details**

Documents required to be delivered to the Convener pursuant to this notice can be sent by post to the Liquidator at XL Business Solutions Limited, Premier House, Bradford Road, Cleckheaton, BD19 3TT or alternatively by email to [enquiries@xlbs.co.uk](mailto:enquiries@xlbs.co.uk). Any person who requires further information may contact Graham Harsley by telephone on 01274 870101 or alternatively by e-mail at [graham@xlbs.co.uk](mailto:graham@xlbs.co.uk).

Dated: 19 February 2019

Signed: .....

Liquidator



# Voting Form (Creditors' Voluntary Winding Up)

Name of Company Dalesway Windows Limited	Company number 07726293
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Please indicate whether you are in favour or against each of the decisions set out below and return this form with a proof of debt (if not already submitted) to XL Business Solutions Limited, Premier House, Bradford Road, Cleckheaton, BD19 3TT, on or before **11 March 2019** (the **Decision Date**) in order that approval may be determined.

1	That the remuneration of the Liquidator be agreed on the basis of the time spent by the liquidator and his staff in attending to matters arising in the winding up. The Liquidator be authorised to draw remuneration on account of costs incurred as and when funds permit		
2	That the Liquidator be authorised to draw Category 2 disbursements in accordance with his firm's published tariff, details of which accompanied the decision notice		

## Liquidation Committee

The Insolvency Rules require that where a decision is sought from creditors, it is necessary to invite creditors to decide on whether a liquidation committee should be established. The Insolvency Rules also state that where the creditors decide that a liquidation committee should be established, it cannot be established unless it has at least three (and no more than five) members. Therefore, if you believe a liquidation committee should be established, please nominate below a member who is prepared to represent you as a member of the committee.

I am seeking that a liquidation committee be established

YES / NO\*

\*delete as applicable

I wish to nominate \_\_\_\_\_ (insert name)

Representing \_\_\_\_\_ (insert name of creditor)

to be a member of the committee

Please complete the section below before returning the form

Name of Creditor	
Signature on behalf of creditor	
Position with creditor or relationship to creditor or other authority for signature - please indicate	
Is the signatory the sole member of a body corporate?	YES / NO
Date of signing	

**DALESWAY WINDOWS LIMITED – IN LIQUIDATION**

**CREDITOR'S STATEMENT OF CLAIM**

Name and address of creditor:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Amount claimed in the liquidation:  
(Including VAT)

£ \_\_\_\_\_

Signature of creditor:

\_\_\_\_\_

Name of creditor:

\_\_\_\_\_

Telephone:

\_\_\_\_\_

Fax:

\_\_\_\_\_

E-mail:

\_\_\_\_\_

Date:

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Please provide appropriate documentation in support of your claim.

If you are registered for VAT the amount claimed should include VAT even if VAT bad debt relief has been claimed under the Value Added Tax Act 1994.

Please return this form when you have completed it to XL Business Solutions, Premier House, Bradford Road, Cleckheaton, BD19 3TT.

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Creditors registered for VAT may be able to claim VAT bad debt relief in accordance with Section 36 Value Added Tax Act 1994. In broad terms relief is available when the debt is six months old and "written off" by the creditor entering it on his VAT refunds-for-bad-debts-account.

Claims lodged in the liquidation should be gross, including any VAT element. If/when dividends are paid, creditors who have claimed VAT bad debt relief must apportion the dividend between VAT and the net element of their claim and account to HM Customs and Excise for the VAT element through their VAT return.

Insolvency practitioners have no role in administering VAT bad debt relief under the Value Added Tax Act 1994. Creditors who are uncertain how to claim should contact their VAT office or take professional advice.

**SIP 9 - Time & Cost Summary**

Period: 15/01/18..14/01/19

## Time Summary

Hours						Time Cost (£)	Average hourly rate (£)
Classification of work function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours		
Administration & planning	7.50	2.80	11.00	0.00	21.30	3,837.00	180.14
Investigations	1.00	0.00	2.00	0.00	3.00	520.00	173.33
Realisations of assets	0.50	0.00	2.00	0.00	2.50	400.00	160.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	2.50	0.00	4.00	0.00	6.50	1,160.00	178.46
Case specific matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Hours	11.50	2.80	19.00	0.00	33.30	5,917.00	177.69
Total Fees Claimed						0.00	

# **Privacy Notice**

## **Appendix D**

### **Use of personal information**

We process personal information to enable us to carry out our work as insolvency practitioners which includes processing data that was held by companies/individuals before our appointment together with data collected during an insolvency procedure or a fixed charge receivership. Our legal obligation to process personal data arises from work we are required to carry out under insolvency and other related legislation.

Insolvency practitioners are Data Controllers of personal data in so far as defined by data protection legislation. XL Business Solutions Limited will act as Data Processor on their instructions about personal data in relation to an insolvency procedure or fixed charge receivership.

Personal data will be kept secure and processed only for matters relating to the insolvency procedure being dealt with.

### **The data we may process**

The personal data insolvency practitioners may process in most cases will be basic details that may identify an individual and will typically be sufficient to allow us to carry out our work as insolvency practitioners, for example, dealing with the claims of individuals who are owed monies by the companies/individuals over whom we have been appointed.

However, insolvency practitioners may be appointed over entities that process personal data that is considered more sensitive, for example health records and this sensitive data will usually have been created before our appointment. Although we will take appropriate steps to safeguard sensitive data (or to destroy it where it is appropriate to do so), subject to limited exceptions, for example, where we identify previous conduct and/or action that requires further investigation, we will not be processing sensitive data.

### **Sharing information**

We may share personal data with third parties where we are under a legal or regulatory duty to do so, or it is necessary for the purposes of undertaking our work as insolvency practitioners. We may also share personal data to lawfully assist the police or other law enforcement agencies with the prevention and detection of crime, where disclosure is necessary to protect the safety or security of any persons and/or otherwise as permitted by the law.

### **How long will we hold it?**

Personal data will be retained for as long as any legislative or regulatory requirement requires us to hold it. Typically, this may be up to 6 years after which it will be destroyed.

### **What are your rights?**

You have the right to receive the information contained in this document about how your personal data may be processed by us.

You also have the right to know that we may be processing your personal data and, in most circumstances, to have information about the personal data of yours that we hold, and you can ask for certain other details such as what purpose we may process your data for and how long we will hold it.

Individuals have the right to request that incorrect or incomplete data is corrected and in certain circumstances, you may request that we erase any personal data on you which may be held or processed as part of our work as insolvency practitioners. If you have any complaints about how we handle your personal data, please contact Jeremy Bleazard, XL Business Solutions Limited, Premier House, Bradford Road, Cleckheaton, BD19 3TT or by email at [enquiries@xlbs.co.uk](mailto:enquiries@xlbs.co.uk) so we can resolve the issue, where possible. You also have the right to lodge a complaint about any use of your information with the Information Commissioners Office (ICO), the UK data protection regulator.