

LIQ14

Notice of final account prior to dissolution in CVL



Companies House

THURSDAY




Q7IS1FI3
QIQ 15/11/2018 #16
COMPANIES HOUSE

1	Company details	
Company number	0 8 0 8 0 9 2 7	→ Filling in this form Please complete in typescript or in bold black capitals.
Company name in full	Burton Kitchenware Limited	
2	Liquidator's name	
Full forename(s)	Philip	
Surname	Booth	
3	Liquidator's address	
Building name/number	Coopers House	
Street	Intake Lane	
Post town	Ossett	
County/Region		
Postcode	W F 5 0 R G	
Country		
4	Liquidator's name ●	
Full forename(s)		● Other liquidator Use this section to tell us about another liquidator.
Surname		
5	Liquidator's address ●	
Building name/number		● Other liquidator Use this section to tell us about another liquidator.
Street		
Post town		
County/Region		
Postcode		
Country		

LIQ14

Notice of final account prior to dissolution in CVL

6	Liquidator's release	
	<input type="checkbox"/> Tick if one or more creditors objected to liquidator's release.	
7	Final account	
	<input checked="" type="checkbox"/> I attach a copy of the final account.	
8	Sign and date	
Liquidator's signature	<div>Signature</div> <div>X  X</div>	
Signature date	<div> <div>d 1 d 4</div> <div>m 1 m 1</div> <div>y 2 y 0 y 1 y 8</div> </div>	

LIQ14

Notice of final account prior to dissolution in CVL



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	Alistair Barnes
Company name	Booth & Co
Address	Coopers House Intake Lane
Post town	Ossett
County/Region	
Postcode	W F 5 0 R G
Country	
DX	
Telephone	01924 263777



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

**BURTON KITCHENWARE LIMITED
IN CREDITORS VOLUNTARY LIQUIDATION**

**Liquidator's Final Report To Members And Creditors Pursuant To
Section 106 Of The Insolvency Act 1986 For The
Period 21 December 2017 to 14 November 2018**

**Philip Booth
Liquidator**

**Booth & Co
Coopers House
Intake Lane
Ossett
WF5 0RG**

Statutory Information

Company Name:	Burton Kitchenware Limited ("the Company")		
Company Number:	08080927		
Date of Incorporation:	23 May 2012		
Principal Activity:	Research, Development and Sale of Sous Vide Cooking Devices		
Registered Office:	Coopers House Intake Lane Ossett WF5 0RG	<i>formerly</i>	c/o Ogden Fulfilment Ltd Unit 2 Dalton Lane Keighley BD21 4JH
Trading Address:	Burton House 8 Church View Burley Lane Menston LS29 6EX		
Date of Liquidation:	21 December 2016		
Liquidator:	Philip Booth		
Basis of Remuneration:	<p>On 12 March 2018 creditors passed a resolution by correspondence to set the Liquidator's remuneration as follows:</p> <ul style="list-style-type: none">• A fixed fee of £7,000 for undertaking the following categories of work in the Liquidation, namely; Administration and Planning, Investigations, Realisation of Assets and Creditors.• Recovery of all Category 1 and Category 2 disbursements.		

1. Introduction

- 1.1 I am writing to provide you with my final report on the conduct of the Liquidation for the period from 21 December 2017 to 14 November 2018.
- 1.2 This report should be read in conjunction with my previous annual progress report which covered the period from 21 December 2016 to 20 December 2017.

2. Receipts

- 2.1 A copy of the Receipts and Payments Account made up to 14 November 2018 is attached, and there have been no receipts in the period covered by this report.
- 2.2 In my previous Annual Progress Report I provided details of the steps taken to realise the Company's assets and the subsequent sale of the unencumbered assets to a connected company called BKW Innovations Limited ('BKW') which was a company owned and controlled by John Brian Whitaker, who is also a director of Burton Kitchenware Limited.
- 2.3 As previously reported, following the sale a number of connected creditor liabilities were novated to BKW and further details of these are provided at Section 6 below.

3. Payments

- 3.1 In accordance with the resolution passed at the Section 98 meeting of creditors, an amount in the sum of £4,250 plus VAT has been paid to Booth & Co in respect of their costs incurred in assisting the Directors with the preparation of the Directors' Report and Statement of Affairs.
- 3.2 During the period covered by this report an amount in the sum of £750 plus VAT has been paid to Michael Steel & Co, in respect of their fees incurred and the valuation of the Company's assets and assisting in negotiations with potential purchasers for their sale.
- 3.3 The only other payment made during the period has been in respect of the Liquidator's remuneration, further details of which are provided at Section 8 below.

4. Secured Creditors

- 4.1 There are no secured creditors in this matter.

5. Preferential Creditors

- 5.1 There are no preferential creditors in this matter.

6. Unsecured Creditors

- 6.1 The Directors estimated in the Statement of Affairs that unsecured creditors amounted to £410,681.
- 6.2 I have received twelve proofs of debt totalling £138,196. As referred to above, following the sale of the assets to BKW, the amounts owed to three connected creditors, being G Whitaker & Co Ltd, F.F.T. 2009 Limited and John Brian Whitaker were novated to BKW. The Statement of Affairs values for these creditors were £138,216, £55,353 and £48,384 respectively.

- 6.3 Insufficient funds have been realised to enable a dividend to be paid to unsecured creditors and in my letter dated 13 September 2018, creditors were provided with formal notice of no dividend in accordance with Rule 14.37 of the Insolvency (England and Wales) Rules 2016.

7. Directors' Conduct Report & Investigation

- 7.1 As required, I have submitted my confidential report to the Insolvency Service. I have also carried out my investigations into the conduct of the business.
- 7.2 Pursuant to the provisions of Statement of Insolvency Practice 2, I can advise creditors that my investigations did not reveal any matters which would require me to take further action against any officer of the Company, or any third parties.

8. Liquidator's Remuneration

- 8.1 No resolutions in respect of the Liquidator's remuneration were passed at the S98 Meeting of Creditors held on 21 December 2016.
- 8.2 On 12 March 2018, resolutions were passed by creditors approving that the Liquidator's remuneration be fixed on the following bases:-
1. A fixed fee of £7,000 plus VAT for undertaking the following categories of work in the Liquidation, namely; Administration and Planning, Investigations, Realisation of Assets and Creditors, and;
 2. Recovery of all Category 1 and Category 2 disbursements.
- 8.3 In respect of the Liquidator's fixed fee in the sum of £7,000 plus VAT, on 10 August 2018 I drew an amount in the sum of £3,883.41 plus VAT, which was limited to the funds available. My time costs incurred to the end of the period covered by this report are £14,862.50 which represents 79.6 hours at an average hourly rate of £186.71. Appendix A shows a breakdown of these costs.
- 8.4 Please note that my firm's charge out rates increased as from 1 January 2018, further details of which are attached to this report.
- 8.5 Disbursements incurred and paid amount to £443.08. Details are provided below:

<u>Category 1</u>	£	<u>Category 2</u>	£
<u>Disbursements</u>		<u>Disbursements</u>	
Statutory Advertising	241.00	Photocopying	22.35
Insurance Bond	80.00	Room Hire	75.00
Postage	21.73		
Bank Charges	3.00		
	<hr/>		<hr/>
	345.73		97.35
	<hr/>		<hr/>

- 8.6 Category 1 disbursements relate to external services provided which are directly attributable to the case. Category 2 disbursements relate to shared or allocated costs which generally relate to internal charges made for items such as document storage, photocopying, room hire and mileage.

- 8.7 Creditor approval is required for Category 2 disbursements to be charged as an expense of the Liquidation in accordance with best practice guidelines as set out in Statement of Insolvency Practice 9.
- 8.8 There is certain work that I am required by the insolvency legislation to undertake in connection with the liquidation that provides no financial benefit for the creditors.
- 8.9 A description of the routine work undertaken in the Liquidation to date is set out as follows. Not all of the examples will apply in every case. Specific work carried out in the period is referred to in the narrative of each section to this report.

Administration and Planning

- Case planning - devising an appropriate strategy for dealing with the case and giving instructions to the staff to undertake the work on the case.
- Setting up physical/electronic case files (as applicable).
- Setting up the case on the practice's electronic case management system and entering data.
- Issuing the statutory notifications to creditors and other required on appointment as office holder, including gazetting the office holder's appointment.
- Obtaining a specific penalty bond (this is insurance required by statute that every insolvency office holder has to obtain for the protection of each estate).
- Convening and holding general meetings of creditors and members (as applicable).
- Dealing with all routine correspondence and emails relating to the case.
- Opening, maintaining and managing the office holder's estate bank account.
- Creating, maintaining and managing the office holder's cashbook.
- Undertaking regular reconciliations of the bank account containing estate funds.
- Reviewing the adequacy of the specific penalty bond on a quarterly basis.
- Undertaking periodic reviews of the progress of the case.
- Overseeing and controlling the work done on the case by case administrators.

Investigations

- Attempting to recover the books and records for the case.
- Submitting a report on the conduct of the directors as required by the Company Directors Disqualification Act.
- Conducting an initial investigation with a view to identifying potential asset recoveries by seeking and obtaining information from relevant third parties, eg the bank, accountants, solicitors, etc.
- Reviewing books and records to identify any transactions or actions the office holder may take against a third party in order to recover funds for the benefit of creditors.

Creditors

- Dealing with creditor correspondence and telephone conversations.
- Preparing reports to members and creditors.
- Maintaining creditor information on IPS case management software.
- Reviewing proofs of debt received from creditors.

Realisation of Assets

- Negotiations with potential purchasers resulting in the sale of the Company's assets.
- Liaising with agents/solicitors regarding the sale of the Company's assets.
- Liaising with the Company's bank regarding the closure of the account

- 8.10 Further information about creditors' rights can be obtained by visiting the r3 website where creditors' information published by the Association of Business Recovery Professionals (R3) at <http://www.creditorinsolvencyguide.co.uk/>.
- 8.11 A copy of 'A Creditors Guide to Liquidators' Fees' also published by R3 is available at the following link: <https://www.r3.org.uk/what-we-do/publications/professional/creditors-guides>.
- 8.12 Pursuant to Rule 18.9 of the Insolvency (England and Wales) Rules 2016, a secured creditor, or an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (or with the permission of the Court), have a period of twenty-one days from the receipt of this final report to request (in writing) further information in respect of the Liquidator's remuneration and expenses.
- 8.13 The liquidator has 14 days from receipt of the request to comply with it, but he is treated as complying if: the time or cost of preparation of the information would be excessive; if the disclosure of the information would be prejudicial to the conduct of the liquidator might reasonably be expected to lead to violence against any person; if the liquidator is subject to an obligation of confidentiality in respect of the information, and he writes to the creditor(s) giving reasons for not providing the information requested.
- 8.14 A creditor may also apply to Court within 21 days of receipt of the reasons for not providing the information requested; or upon the expiry of the 14 day period for the liquidator to provide the information.
- 8.15 Pursuant to Rule 18.34 of the Insolvency (England and Wales) Rules 2016, any secured creditor, or any unsecured creditor with the concurrence of at least 10% in value of the creditors, including that creditor (or with the permission of the Court), may make an application to the Court on the grounds that:-
- The remuneration charged by the Liquidator and, or
 - The basis fixed for the Liquidator's remuneration and, or
 - The expenses incurred by the Liquidator are excessive and, or
 - The basis fixed for the liquidator's remuneration is inappropriate

Such an application to the Court must be made within eight weeks of the date of the receipt of the final report.

9. Conclusion

- 9.1 The winding up of the Company is now for all practical purposes complete and I am seeking my release as Liquidator of the Company. Please note that provided no objections to my release are received I shall obtain my release as Liquidator following the delivery of the final notice to the Registrar of Companies.

Yours faithfully



Philip Booth
Liquidator

Burton Kitchenware Limited
(In Liquidation)
Liquidator's Summary of Receipts & Payments

Statement of Affairs £		From 21/12/2017 To 14/11/2018 £	From 21/12/2016 To 14/11/2018 £
	SECURED ASSETS		
15,000.00	Mould Tooling	NIL	NIL
		NIL	NIL
	SECURED CREDITORS		
(16,724.00)	Knight Precision Tooling Ltd	NIL	NIL
		NIL	NIL
	ASSET REALISATIONS		
3,000.00	Furniture & Equipment	NIL	NIL
NIL	Mould Tooling	NIL	5,000.00
7,000.00	Cash at Bank	NIL	7,335.49
		NIL	12,335.49
	COST OF REALISATIONS		
	Preparation of S. of A.	NIL	4,250.00
	Office Holders Fees	3,883.41	3,883.41
	Office Holders Expenses	NIL	443.08
	Agents/Valuers Fees (1)	750.00	750.00
	Legal Fees (1)	NIL	3,000.00
	Bank Charges	NIL	9.00
		(4,633.41)	(12,335.49)
	UNSECURED CREDITORS		
(155,170.65)	Trade & Expense Creditors	NIL	NIL
(55,353.00)	FFT 2009 Ltd	NIL	NIL
(138,216.00)	G Whitaker & Co Ltd	NIL	NIL
(48,384.00)	Mr B J Whitaker	NIL	NIL
(2,945.00)	HM Revenue & Customs (PAYE/NIC)	NIL	NIL
(8,888.00)	HM Revenue & Customs (VAT)	NIL	NIL
		NIL	NIL
	DISTRIBUTIONS		
(3,370.00)	Ordinary Shareholders	NIL	NIL
		NIL	NIL
(404,050.65)		(4,633.41)	NIL
	REPRESENTED BY		
			NIL



Philip Booth
Liquidator

Time Entry - SIP9 Time & Cost Summary

BUR001 - Burton Kitchenware Limited
All Post Appointment Project Codes
From: 21/12/2017 To: 13/09/2018

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Admin & Planning	0.00	4.60	0.00	3.40	8.00	1,388.00	173.50
Case Specific Matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.50	5.40	0.00	0.00	5.90	1,259.00	213.39
Investigations	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Realisation of Assets	0.00	0.30	0.00	0.00	0.30	63.00	210.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Hours	0.50	10.30	0.00	3.40	14.20	2,710.00	190.85
Total Fees Claimed						0.00	
Total Disbursements Claimed						0.00	

Time Entry - SIP9 Time & Cost Summary

BUR001 - Burton Kitchenware Limited
 Project Code: POST
 To: 13/09/2018

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Admin & Planning	2.00	11.70	0.00	12.90	26.60	4,330.50	162.80
Case Specific Matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.80	11.80	0.00	0.00	12.60	2,574.50	204.33
Investigations	1.10	2.90	0.00	0.00	4.00	813.00	203.25
Realisation of Assets	1.40	35.00	0.00	0.00	36.40	7,144.50	196.28
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Hours	5.30	61.40	0.00	12.90	79.60	14,862.50	186.71
Total Fees Claimed						0.00	
Total Disbursements Claimed						0.00	

Creditors' & Members' request for further information

Rule 18.9 of the Insolvency (England and Wales) Rules 2016

1) The following may make a written request to the office-holder for further information about remuneration or expenses (other than pre-administration costs in an administration) set out in a progress report under rule 18.4(1)(b), (c) or (d) or a final report under rule 18.14—

- (a) a secured creditor;
- (b) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question);
- (c) members of the company in a members' voluntary winding up with at least 5% of the total voting rights of all the members having the right to vote at general meetings of the company;
- (d) any unsecured creditor with the permission of the court; or
- (e) any member of the company in a members' voluntary winding up with the permission of the court.

(2) A request, or an application to the court for permission, by such a person or persons must be made or filed with the court (as applicable) within 21 days of receipt of the report by the person, or by the last of them in the case of an application by more than one member or creditor.

(3) The office-holder must, within 14 days of receipt of such a request respond to the person or persons who requested the information by—

- (a) providing all of the information requested;
- (b) providing some of the information requested; or
- (c) declining to provide the information requested.

(4) The office-holder may respond by providing only some of the information requested or decline to provide the information if—

- (a) the time or cost of preparation of the information would be excessive; or
- (b) disclosure of the information would be prejudicial to the conduct of the proceedings;
- (c) disclosure of the information might reasonably be expected to lead to violence against any person; or
- (d) the office-holder is subject to an obligation of confidentiality in relation to the information.

(5) An office-holder who does not provide all the information or declines to provide the information must inform the person or persons who requested the information of the reasons for so doing.

(6) A creditor, and a member of the company in a members' voluntary winding up, who need not be the same as the creditor or members who requested the information, may apply to the court within 21 days of—

- (a) the office-holder giving reasons for not providing all of the information requested; or
 - (b) the expiry of the 14 days within which an office-holder must respond to a request.
- (7) The court may make such order as it thinks just on an application under paragraph (6).

Remuneration and expenses: application to court by a creditor or member on grounds that remuneration or expenses are excessive

Rule 18.34 of the Insolvency (England and Wales) Rules 2016

(1) This rule applies to an application in an administration, a winding-up or a bankruptcy made by a person mentioned in paragraph (2) on the grounds that—

- (a) the remuneration charged by the office-holder is in all the circumstances excessive;
- (b) the basis fixed for the office-holder's remuneration under rules 18.16, 18.18, 18.19, 18.20 and 18.21 (as applicable) is inappropriate; or
- (c) the expenses incurred by the office-holder are in all the circumstances excessive.

(2) The following may make such an application for one or more of the orders set out in rule 18.36 or 18.37 as applicable—

- (a) a secured creditor,
- (b) an unsecured creditor with either—
 - (i) the concurrence of at least 10% in value of the unsecured creditors (including that creditor), or
 - (ii) the permission of the court, or
- (c) in a members' voluntary winding up—
 - (i) members of the company with at least 10% of the total voting rights of all the members having the right to vote at general meetings of the company, or
 - (ii) a member of the company with the permission of the court.

(3) The application by a creditor or member must be made no later than eight weeks after receipt by the applicant of the progress report under rule 18.3, or final report or account under rule 18.14 which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report").

BOOTH & CO – FEES & DISBURSEMENTS 2018/19**ADDITIONAL INFORMATION IN RELATION TO OFFICE HOLDER'S FEES PURSUANT TO THE PROVISIONS OF STATEMENT OF INSOLVENCY PRACTICE 9**

Please find outlined below a schedule of Booth & Co charge out rates:-

<u>Staff Grade</u>	<u>Rate/Hour £</u> (From 01/01/18)	<u>Rate/Hour £</u> (01/04/15 to 31/12/17)
Insolvency Practitioner (appointment taking)	250 - 275	225 - 250
Senior Manager	210 - 235	195 - 210
Manager	175 - 195	160 - 175
Senior Administrator	150 - 165	140 - 155
Administrator	125 - 140	115 - 130
Cashier/Support	90 - 115	75 - 110

The charge out rates are subject to periodic reviews and change. The higher rates referred to above may be applied on more complex matters. If used, creditors will be informed accordingly.

In cases of exceptional complexity, the insolvency practitioner reserves the right to obtain authority from the committee or the creditors that their remuneration shall be fixed as a percentage of the value of the assets which are realised or distributed, or both.

An analysis of time costs incurred will be provided to creditors under the following areas of activity:

- Administration and planning
- Investigations
- Realisation of assets
- Trading
- Creditors
- Any other case-specific matters

Disbursements

There are two types of disbursements; direct disbursements (known as 'Category 1') and indirect disbursements (known as 'Category 2').

i) Category 1

Category one disbursements do not require approval by creditors. Typically, these include external supplies of incidental services specifically identifiable to the case, such as postage, advertising, invoiced travel and external printing, room hire, insolvency bond and document storage. Also chargeable will be any properly reimbursed expenses incurred by personnel in connection with the case.

Postage, external room hire and insolvency bond costs are charged out at the actual rate incurred.

ii) Category 2

Category two disbursements do require creditor approval and include elements of shared or allocated costs.

- Photocopying is charged at 15p per sheet/copy.
- Internal room hire (only charged for statutory meetings of members, creditors or a creditors' committee) is charged at £75 per hour (minimum charge £75; maximum charge £150).
- Mileage is charged at 45p per mile.

- Internal books and records storage is charged at £6 per box per annum.

Insolvency Guide to Unsecured Creditors

The insolvency trade association, R3, has launched a website, www.creditorinsolvencyguide.co.uk for cases in England and Wales, which is a step-by-step guide to the insolvency process for unsecured creditors, particularly small businesses who are unfamiliar with the insolvency process.

It sets out in straightforward English how creditors can engage in the insolvency process and includes:

- how different insolvency procedures work;
- simple explanations of insolvency terminology,
- useful tips on how to help oversee the running of the insolvency case.

For additional information regarding the remuneration of insolvency practitioners, please use the link <http://www.insolvency-practitioners.org.uk/regulation-and-guidance/england-wales> and click on 'SIP 9'.