

# LIQ14

## Notice of final account prior to dissolution in CVL



Companies House

THURSDAY



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A19

13/02/2020

#79

COMPANIES HOUSE

### 1 Company details

Company number 0 8 3 2 4 4 7 8

Company name in full Cloudy2clear (Leeds) Limited

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

### 2 Liquidator's name

Full forename(s) David Frederick

Surname Wilson

### 3 Liquidator's address

Building name/number 29 Park Square West

Street Leeds

Post town LS1 2PQ

County/Region

Postcode

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 ②

Building name/number

Street

Post town

County/Region

Postcode

Country

② Other liquidator  
Use this section to tell us about  
another liquidator.

# LIQ14

Notice of final account prior to dissolution in CVL

## 6 Liquidator's release

☐ Tick if one or more creditors objected to liquidator's release.

:

## 7 Final account

☒ I attach a copy of the final account.

## 8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

d

0

d

3

m

0

m

2

y

2

y

0

y

2

y

0

# 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	David Frederick Wilson								
Company name	DFW Associates								
Address	29 Park Square West								
	Leeds								
Post town	LS1 2PQ								
County/Region									
Postcode	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>								
Country									
DX									
Telephone	01133907940								



### 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)

**FINAL ACCOUNT TO CREDITORS PURSUANT TO SECTION 106(1) OF THE INSOLVENCY ACT 1986**

**CLOUDY2CLEAR (LEEDS) LIMITED - IN LIQUIDATION  
("THE COMPANY")**

For the period 27<sup>th</sup> February 2018 to 3rd February 2020

David Frederick Wilson was appointed Liquidator of Cloudy2clear (Leeds) Limited on 27<sup>th</sup> February 2018.

David Frederick Wilson is a licensed insolvency practitioner, duly qualified under the provisions of the Insolvency Act 1986.

## **CLOUDY2CLEAR (LEEDS) LIMITED - IN LIQUIDATION**

### **CONTENTS**

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2. Abbreviations
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4. Steps Taken During the Liquidation
5. The Liquidator's Receipts & Payments Account
6. Distributions to Creditors
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8. The Liquidator's remuneration & expenses
9. Other matters and information to assist Creditors
10. Conclusion

### **APPENDICES**

1. Liquidator's Receipts and Payments accounts for the period 27<sup>th</sup> February 2018 to 3rd February 2020 and for the period 28<sup>th</sup> February 2019 to 3rd February 2020
2. Liquidator's Remuneration (SIP 9 Report) for the period 27<sup>th</sup> February 2018 to 3rd February 2020 and for the period 28<sup>th</sup> February 2019 to 3rd February 2020
3. DFW Charging Policy
4. DFW Associates Privacy Notice

## **1. INTRODUCTION**

### **Liquidator's Final Account**

The affairs of the Company are fully wound up.

In accordance with Section 106(1) of the Insolvency Act 1986 I am writing as Liquidator to provide my final account of the Liquidation to members and creditors.

I am obliged by Statute to deliver this account to all known creditors of the Company and to the members of the Company and as this is my final account a copy will be filed with the Registrar of Companies.

This account includes details of matters arising in the Liquidation since my last progress report and as this is my final account, summarises the key issues that arose during the full duration of the Liquidation.

David Frederick Wilson was appointed Liquidator of the company by a general meeting of members and creditors on 27<sup>th</sup> February 2018.

## **2. ABBREVIATIONS**

For the purposes of this report the following abbreviations shall be used:

"the Act"	Insolvency Act 1986 (as amended)
"the Rules"	Insolvency (England and Wales) Rules 2016
"CVL"	Creditors' Voluntary Liquidation
"the Liquidator"	David Frederick Wilson

### **EC Regulations**

Council Regulation (EU) No 1346/2000 applies and these are classed as 'main proceedings' as defined in Article 3(1) of that regulation.

### 3. STATUTORY INFORMATION

Company Number:	08324478		
Date of Incorporation:	10 <sup>th</sup> December 2012		
Principal Activity:	43342 - - Glazing		
Previous Names:	None		
Trading Name:	None		
Former Registered Office:	18 Moor Close, Killingham, Harrogate, North Yorkshire, HG3 2DZ		
Registered Office:	29 Park Square West, Leeds LS1 2PQ		
Trading Address:	18 Moor Close, Killingham, Harrogate, North Yorkshire, HG3 2DZ		
Share Capital:	100 Ordinary shares of £1 each		
Shareholders:	Martin Waite	100 Ordinary Shares of £1 each	
Directors:		<u>Appointed</u>	<u>Resigned</u>
	Martin Waite	03/11/2014	-
	Marcus McGee	03/12/2014	01/03/2016
	Simon Kettlewell	10/12/2012	09/06/2015
		12/06/2015	23/11/2015
Mortgage and charges:	None		

### 4. STEPS TAKEN DURING THE LIQUIDATION

#### Case Strategy

My overall strategy for the Liquidation was to realise the Company's assets as expeditiously as possible (which work also includes carrying out investigations to ensure that all valuable assets have been identified).

It is now clear, all assets having been realised, that there will be no dividend for any class of creditor. Formal Notice to this effect is given later in this report.

I have been assisted in the performance of my duties by a Case Manager and a Case Administrator who have the day to day conduct of the Liquidation and who helped me to ensure that work done was carried out at the appropriate grade, having regard to its complexity.

The only agents used on this case was Sanderson Weatheralls for their assistance in disposing of the assets. Further details can be found in section 8 of this report.

### 5. LIQUIDATOR'S RECEIPTS & PAYMENT ACCOUNT

Attached is a Final Receipts and Payments account, covering the period 27<sup>th</sup> February 2018 to 3rd February 2020, together with a receipts and payments account for the final period.

#### Receipts for the period 27<sup>th</sup> February 2018 to 3rd February 2020

##### *Bank Interest*

The gross sum of £3.52 has been realised in interest from RBS Bank Plc in respect of the balance held in the Liquidator's account.

#### *Cash at Bank*

The sum of £891.55 has been raised from the cash held in the company's bank account.

#### *Vehicle Tax Refund*

The sum of £20.00 has been received as a rebate from the DVLA.

#### *Motor Vehicles*

The sum of £7,000.00 was realised in respect of the company's vehicles. These were realised by Sanderson Weatherall a RICS qualified valuer.

#### Receipts for the final period 27<sup>th</sup> February 2019 to 3rd February 2020

The only receipt during the period is bank interest of £0.02.

#### Payments for the period 27<sup>th</sup> February 2018 to 3rd February 2020

#### *Specific Penalty Bond*

The sum of £80.00 has been paid to Marsh Limited for their provision of the Liquidator's statutory Bond.

#### *Statutory Advertising*

The sum of £162.90 has been has been paid to Courts Advertising for their assistance in the provision of the statutory adverts.

#### *Suzuki Financial Services*

The sum of £778.84 was paid to Suzuki Financial Services in respect of the outstanding balance on the finance agreement for one of the vehicle which was sold.

#### *Agent/Valuers Fees and Costs*

Sanderson Weatherall were paid the sum of £1,480.00 for assisting in the realising of the company's motor vehicles.

#### Payments for the final period 27<sup>th</sup> February 2019 to 3rd February 2020

The only payment during the period was office holder's fees of £251.33 further details can be found in section 8.

## **6. DISTRIBUTIONS TO CREDITORS**

#### Secured Creditor

There are no creditors of this classification.

#### Preferential Creditors

Preferential creditors amount to £2,683.34 representing the amount outstanding for wages and holiday pay due to the employees. There have been insufficient asset realisations to allow a dividend distribution to this class of creditor.

#### Prescribed Part

The Prescribed Part applies where there are floating charge realisations, net of costs, to be distributed to floating charge creditors. No Prescribed Part Calculation has been necessary as there is no floating charge distribution.

## Unsecured Creditors

The statement of affairs, presented to creditors estimated total unsecured debts of £176,246.00. To date, the Liquidator has received claims £102,034.76.

In accordance with Rule 14.36 I confirm formally that no dividend will be declared in the Liquidation as realisations have already been used to contribute towards the costs of the winding up and there are insufficient asset realisations to allow a dividend to any class of creditors.

## **7. PRE-APPOINTMENT COSTS**

On 10<sup>th</sup> July 2018, at a decision procedure held by correspondence, resolutions were presented in conjunction with DFW charging policy. The following resolution was duly passed unanimously, alongside other resolutions

“The basis of the Liquidator’s remuneration on a time cost basis at DFW Associates standard charging rates in accordance with his statutory fee estimate, copies of which have been provided to creditors, and that such remuneration be drawn on account.”

Further details can be found in the fees estimated previously supplied to creditors, however a hardcopy can be provided on request.

I can confirm that total pre-appointment costs of £3,562.00 have been paid to DFW Associates.

## **8. THE LIQUIDATOR’S REMUNERATION AND EXPENSES**

On the 10<sup>th</sup> July 2018 the unsecured creditors resolved by correspondence that my remuneration be paid on the basis of my time costs as set out in my statutory estimate of my fees, which acts as a cap on the amount of remuneration that I can draw out of the assets of the company without further authority from creditors.

By virtue of the approval by creditors to the basis of my remuneration, this cap was set at £16,426.00. The services provided, and to be provided, by me included those required by law and/or professional regulations to deal with the procedure. A full disclosure of the details were provided in the company fee’s estimate,

Generally, time spent has been in-line with the fee estimate. The variances are detailed below with a short explanation and details.

	<b>Fee Estimated</b>	<b>Actual (from SIP 9 time cost report)</b>	<b>£ Difference (-/+)</b>
Admin & Planning	4,325.32	2,642.50	-1682.82
Investigations	1,262.50	360.00	-902.50
Realising Assets	1,789.23	1,138.50	-650.73
Trading	NIL	NIL	NIL
Creditors	3,080.00	1,439.50	-1,640.50
Case Specific	NIL	NIL	NIL
<b>Total</b>			<b>-4,876.55</b>

As illustrated in the table above, the Liquidator’s original cost estimate have not been exceeded in the period has fallen short by £4,876.55. There are insufficient assets to defray all of my fees.

The total time spent on the Liquidation by myself and my staff from the date of appointment on 27<sup>th</sup> February 2018 to 3rd February 2020 is 22.70 hours equating to time costs £5,580.50 at an average rate of £245.84 per hour.

The total time spent on the Liquidation by myself and my staff from the date of appointment on 27<sup>th</sup> February 2019 to 3rd February 2020 is 9.20 hours equating to time costs £2,284.00 at an average rate of £248.26 per hour.

During period of this report I have drawn Liquidator fees in the sum of £1,851.33 on account of these time costs.



The following further information in relation to the Liquidator's time costs is enclosed with this report:

- Table of time spend and charge-out value for the period 27<sup>th</sup> February 2018 to 3rd February 2020;
- Table of time spend and charge-out value for the period 27<sup>th</sup> February 2019 to 3rd February 2020;
- DFW Associates charging policy for disbursements;
- Details of creditors' rights: (Creditors' and members' requests for further information and details of remuneration and expenses: application to court by a creditor or members on grounds that remuneration or expenses are excessive in accordance with Rule 18.9 and 18.34 of the Insolvency (England & Wales) Rules 2016).

Please note an explanatory leaflet "A Creditor's Guide to Liquidator's Remuneration", is also available on request from my office.

SIP 9 which includes "A Creditor's Guide to Liquidator's Remuneration", is available on request from my office.

#### Charge out Rates

A copy of our charging policy has been included with this report.

#### Expenses

There have been no expenses incurred during the Liquidation and no further expenses will be incurred or paid.

#### Other professional costs

The only professional fees incurred during the Liquidation were Sanderson Weatherall for their assistance in valuing and disposing of the company's vans. The Liquidator is required to obtain an independent valuation and therefore this cost was essential. As detailed in section 5 of this report, Sanderson Weatheralls were paid the sum of £1,480.00 for their services.

#### **Disbursements**

The following category 1 disbursements have been incurred and paid in the period of this report:

<b>Services Provided</b>	<b>Charged by</b>	<b>Total Incurred in period £</b>	<b>Total Paid in period £</b>	<b>Balance Remaining To be paid £</b>
Statutory Advertising	Courts Advertising	162.90	162.90	Nil
Specific Penalty Bond	Marsh	80.00	80.00	Nil
Storage Costs	McCarthy's	Nil	Nil	Nil
		<b>242.90</b>	<b>242.90</b>	<b>Nil</b>

There have been no category 2 disbursements paid during the period of this report.

The following expenses have been incurred and paid in the period of this report:

<b>Services Provided</b>	<b>Charged by</b>	<b>Total Incurred in period £</b>	<b>Total Paid in period £</b>	<b>Balance Remaining To be paid £</b>
Valuation/Asset Disposal	Sanderson Weatherall	1,480.00	1,480.00	Nil
		<b>1,480.00</b>	<b>1,480.00</b>	<b>Nil</b>

## 9. OTHER MATTERS TO ASSIST CREDITORS

### Investigations

The Liquidator has a statutory duty to investigate the conduct of the Directors and any person he considers to be or have been a shadow or de facto Director during the period of three years before the date of his appointment, in relation to their management of the affairs of the company and the causes of its failure.

My preliminary investigations revealed no matters that it was in the interests of creditors for me to investigate in depth and no matters came to light subsequently during the Liquidation.

The Liquidator is also obliged to submit confidential reports to the Department for Business Innovation and Skills. I can confirm that I have discharged my duties in this regard.

### SIP 13 (E&W) Transactions with connected parties

In accordance with the guidance given in SIP 13, I can confirm that there have been no transactions with connected parties during the period of this report or in the two years prior to our appointment.

### Benefits for creditors

During the Liquidation:-

- All of the disclosed assets of the Company have been realised
- My investigation into the conduct of the Directors has been carried out and concluded and, whilst it did not give rise to any additional realisations for the benefit of creditors, they can be assured that the situation has been reviewed, and
- All employees have received assistance in making their claims under employment legislation

## 10. CONCLUSION

### **The Liquidator's discharge and release**

In accordance with the provisions of Rule 6.28(2)(f) of the Insolvency Rules (England and Wales) 2016, notice that the Company's affairs had been fully wound up and that I proposed to vacate office as Liquidator has been delivered to all known creditors of the Company in accordance with Section 106 of the Insolvency Act 1986.

I enclose a copy of my final account to members and creditors for the company's file.

The last Delivery Date was 4<sup>th</sup> December 2019 and the Prescribed Period terminated on 4<sup>th</sup> February 2020.

None of the creditors has objected to my release.

Under Section 171 of the Act I vacate office and under Section 174(3)(b) of the Act I receive my discharge as Liquidator on filing form LIQ14 'Notice of a final account prior to dissolution in CVL' and my final account with the Registrar of Companies. The Company will be dissolved automatically by the Registrar of Companies three months after I have lodged my final account attached to form LIQ14.

If you require any further information please do not hesitate to contact my office.



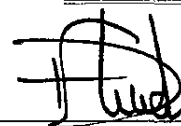
**D F Wilson**  
**Liquidator**

Date: 3rd February 2020

**Cloudy2clear (Leeds) Limited**  
**(In Liquidation)**

**LIQUIDATOR'S RECEIPTS AND PAYMENTS ACCOUNT**

	Statement of affairs £	From 27/02/2019 To 03/02/2020 £	From 27/02/2018 To 03/02/2020 £
<b>RECEIPTS</b>			
HP Asset - Citroen Berlingo	2,850.00	0.00	3,000.00
Motor Vehicle - Citroen Relay	3,175.00	0.00	4,000.00
Vehicle Tax Refund		0.00	20.00
Cash at Bank	891.50	0.00	891.55
Bank Interest Gross		0.02	3.52
Vat Receivable		220.00	0.00
		<u>220.02</u>	<u>7,915.07</u>
<b>PAYMENTS</b>			
Suzuki Financial Services Limited	(1,332.00)	0.00	778.84
Specific Bond		0.00	80.00
Preparation of S. of A.		0.00	3,562.00
Office Holders Fees		251.33	1,851.33
Agents/Valuers Fees and costs		0.00	1,480.00
Statutory Advertising		0.00	162.90
Employee Arrears/Hol Pay	(2,578.00)	0.00	0.00
Trade & Expense Creditors	(167,618.54)	0.00	0.00
Redundancy Pay	(3,912.00)	0.00	0.00
PILON	(3,383.46)	0.00	0.00
Ordinary Shareholders	(100.00)	0.00	0.00
		<u>251.33</u>	<u>7,915.07</u>
<b>BALANCE - 03 February 2020</b>			<u><u>0.00</u></u>



David Frederick Wilson  
Liquidator

Time Entry - SIP9 Time & Cost Summary

CVL0098 - Cloudy2clear (Leeds) Limited  
Project Code: POST  
From: 27/02/2018 To: 03/02/2020

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Admin & Planning	1.60	5.40	0.00	4.00	11.00	2,642.50	240.23
Case Specific Matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.20	4.10	0.00	2.00	6.30	1,439.50	228.49
Investigations	0.00	0.00	0.00	2.00	2.00	360.00	180.00
Realisation of Assets	2.70	0.00	0.00	0.70	3.40	1,138.50	334.85
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Hours	4.50	9.50	0.00	8.70	22.70	5,580.50	245.84

Time Entry - SIP9 Time & Cost Summary

CVL0098 - Cloudy2clear (Leeds) Limited  
Project Code: POST  
From: 27/02/2019 To: 03/02/2020

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Admin & Planning	0.20	4.90	0.00	0.00	5.10	1,279.50	250.88
Case Specific Matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.00	4.10	0.00	0.00	4.10	1,004.50	245.00
Investigations	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Realisation of Assets	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Hours	0.20	9.00	0.00	0.00	9.20	2,284.00	248.26

## **DFW Associates**

### **Privacy Statement for Data Subjects who are Individuals**

#### **Introduction**

A Privacy Statement is a document explaining to you, if you are an individual, how your personal data will be used by us and what your rights are.

This Statement describes in general terms how we collect and use personal data about you. It has been prepared to meet the requirements of the General Data Protection Regulation (GDPR), the Data Protection Act and any other national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK ('Data Protection Legislation').

Please read the following carefully to understand our practices regarding your personal data.

#### **Data Controller**

DFW Associates is a Firm ('the Firm') of Insolvency Practitioners whose sole Principal is David Frederick Wilson ('Mr Wilson'). His and the Firm's contact details are given below. Mr Wilson is licensed to act as an insolvency practitioner in the United Kingdom by the Institute of Chartered Accountants in England and Wales.

Mr Wilson trading as DFW Associates is a Data Controller within the meaning of the Data Protection Legislation when the Firm is engaged to provide a service under the terms of a contract which requires it to process personal data. (The client in respect of whom personal data is being processed is also a Data Controller).

Where Mr Wilson is acting as an Officeholder (Administrative Receiver, Administrator, Liquidator, Nominee or Supervisor of a Voluntary Arrangement or a Trustee in Bankruptcy) under insolvency legislation he is the Data Controller for data processed by him as part of his statutory duties.

In this situation the Company or other legal entity over which he has been appointed as Officeholder will remain the Data Controller in respect of personal data collected and processed by it prior to his appointment (albeit it should now be contacted via the Officeholder).

For all purposes in relation to this Privacy Statement Mr Wilson can be contacted at:

DFW Associates  
29 Park Square West  
Leeds  
LS1 2PQ

E: [david.wilson@dfwassociates.co.uk](mailto:david.wilson@dfwassociates.co.uk)  
T: 0113 390 7940

#### **Personal Data**

*Personal data means any information about an individual from which that person can be identified.*

We may collect, use, store and transfer different kinds of personal data about you as follows:

- Identity Data – the information we use to identify you, which may include data contained in photographs.
- Contact Data – the information we use to contact you.
- Financial Data – details of your income and expenditure, assets and liabilities and ancillary data such as your bank account details
- Transaction Data - includes details about payments to and from you
- Communications Data - your communication preferences, for example any opt out exercised by you under Insolvency legislation.

We may collect some 'special category' personal data from you including (but not restricted to) details of your health, or whether you are a member of a Trade Union, where this is necessary to meet our legal or regulatory obligations. We may also collect information about criminal convictions and offences and whether you have been previously involved in any personal or corporate insolvency proceedings.

## **How we collect Personal Data**

The personal data we initially used to contact you was provided by the Company or Individual on whose instructions DFW Associates is acting or in relation to which Mr Wilson has been appointed as Officeholder. Your personal data may also be collected from the following sources:

- Records that our client or the insolvent Company or individual already holds about you.
- Questionnaires and Forms completed and submitted by you, for example to the Redundancy Payments Service or to us.
- Correspondence and other communications or meetings between you and the Firm.
- Information provided to the Firm by third parties in relation to an appointment, for example your bank, your professional advisers or the Insolvency Service.
- Information held in the public domain (for example, at Companies House and the Land Registry).

Other data controllers (including clients) may also provide your personal data to us.

## **How we use Personal Data**

Most processing is carried out to comply with the Officeholder's legal and regulatory obligations or to enable DFW Associates to provide a service in accordance with its contractual terms. Personal data will be used to verify identity (where this is required), for communications, to maintain records and process transactions. It may also be used to facilitate the performance of investigations (including the prevention of fraud), the realisation of assets and the agreement and settlement of financial claims. Your personal data may therefore be used for more than one purpose.

## **Disclosure of your personal data**

Mr Wilson and the Firm have a legal obligation, in certain circumstances, to disclose personal data to:

- Mr Wilson's regulatory body, the Institute of Chartered Accountants in England and Wales.
- The Secretary of State (including, but not restricted to, the Official Receiver).

Mr Wilson and the Firm may also be under an obligation to provide your personal data to other third parties who have a statutory right to request it (for example, HMRC and Law Enforcement Agencies) or who have obtained an appropriate court order.

We may also share your personal data with:

- Our accountants, solicitors, insurers and sub-contractors
- Other Governmental or relevant regulatory bodies.
- Third parties who support us in providing our IT systems, including our website, e mails, data backup and storage.
- Third parties who archive our paper records
- Third party professional service providers instructed on a case by case basis by the Officeholder or the Firm, including (but not restricted to) accountants and tax advisers, solicitors, valuers, debt collection agencies and service providers who may assist with the calculation of employee claims or pension deficits and contributions. They will only process your data on our instructions and they are under a professional duty of confidentiality.

## **Protection of your personal data**

Policies and commercially reasonable and appropriate procedures are in place to safeguard your personal data from loss, misuse and improper disclosure.

- Staff training
- Digital personal data is held in secure data centres potentially located worldwide (and therefore potentially outside of the EEC).
- Paper personal data is held at the Firm's offices in Leeds, or, if the case has been closed, in a secure off-site third party storage facility.

We also have procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

All our third-party service providers are required to take appropriate security measures to protect your personal information. We only allow third-party service providers to process your personal information for specified purposes and in accordance with our instructions.

## **Retention of Personal Data**

We will only retain your personal data for as long as necessary. This necessity includes the purposes of satisfying any legal, accounting, regulatory or reporting requirements.

In line with these requirements personal data will generally be held for no longer than 6 years after the closure of an assignment or insolvency appointment.

If you have opted out of receiving future correspondence from us, your contact details will remain on our opt-out list to prevent you from receiving any further correspondence from us except where we are obliged to contact you by insolvency legislation.

## **Your rights**

We will maintain an accurate record of personal data submitted to us. Please inform us of any changes to your information.

You are entitled to:

- Be notified that we hold and may process your personal data. This Notice meets that requirement
- Request access to and correction of your personal data.
- Request erasure of your personal data (unless we hold it under a legal obligation)
- Object to the processing of your personal data or seek to restrict its scope (unless we hold it under a legal obligation).
- Request the transfer of your personal data to you or to a third party (unless we hold it under a legal obligation).
- Withdraw consent at any time, where we are relying on consent to process your personal data. (Where the data received was not based on obtaining consent the right to withdraw consent does not apply).

To exercise any relevant rights, or to update your personal data, please contact Mr Wilson at [david.wilson@dfwassociates.co.uk](mailto:david.wilson@dfwassociates.co.uk). We will seek to respond promptly and no later than 28 days.

We may need you to help us to confirm your identity or to ask you for further information to ensure that personal data is not disclosed to any person who has no right to receive it.



## **Complaints**

We trust that this will not be necessary, but if you are concerned about an alleged breach of data privacy law by us please contact Mr Wilson at [david.wilson@dfwassociates.co.uk](mailto:david.wilson@dfwassociates.co.uk) and he will ensure that your complaint is investigated.

You also have the right to complain to the Information Commissioner's Office, the UK supervisory authority for data protection issues. Further information about how to do this can be found on the ICO website [www.ico.org.uk](http://www.ico.org.uk)

## **General**

*We may amplify this Privacy Statement at the point of data collection.*

We may change the terms of this Privacy Statement from time to time and will place any updates on our website [www.dfwassociates.co.uk](http://www.dfwassociates.co.uk) . This version is dated 25 May 2018.

Paper copies of this Privacy Notice can be obtained free of charge by written request to our offices at the address given above.

## **DFW Associates Charging Policy**

### **Introduction**

This note applies where a licenced insolvency practitioner in the firm is acting as an office holder of an insolvent estate and seeks creditor approval to draw remuneration on the time properly spent in dealing with the case. It also applies where further information is to be provided to creditors regarding the office holder's fees. Following a passing of the resolution for the office holder to be remunerated on a time cost basis. Best practice guidance requires that such information should be disclosed to those who are responsible for approving remuneration.

In addition, this note applies where creditor approval is sought to make a separate charge by way of expenses or disbursements to recover the costs of facilities provided by the firm and where payments are to be made to outside parties in which the office holder or his firm or any associate has an interest. Best practice guidance requires that such charges should be disclosed to those who are responsible for approving the office holder's remuneration, together with an explanation of how those charges are calculated.

### **Office Holder's Fees in Respect of the Administration of the insolvent estate.**

The office holder will delegate tasks to colleagues. Such delegation assists the office holder as it allows him/her to deal with the more difficult aspects of the case and ensures that work is allocated and completed at the appropriate level. There are various staff that are employed by the office holder and these appear below.

The firm operates a time recording system which allows the staff working on the case with the office holder to allocate their time to the case. The time is recorded at the individual hourly rate in force at that time which is detailed below.

### **Expenses Incurred By Office Holder In Respect Of the Administration of Insolvent Estates**

Best practice guidance classifies expenses into two broad categories

- Category 1 disbursements (approval not required) – specific expenditure that is directly related to the case usually outsourced to a third party. Once these items of expenditure are incurred they are immediately charged to the case.
- Category 2 disbursements (approval required) – items of incidental expenditure directly incurred on the case which include an element of shared or allocated cost and which are based on a reasonable method of calculation.

(A) The following items of expenditure are charged to the case (subject to approval)

- Car Mileage is charged at a rate of 45p per mile
- Expenses which should be treated as Category 2 disbursements (approval required) – in addition to the 2 categories referred to above best practice guidance indicates that where payments are made to outside parties in which the office holder or his firm or any associate has an interest these should be treated as category 2 disbursements

(B) The following items of expenditure will normally be treated as general office overheads and will not be charged to the case although a charge may be made where the precise cost to the case can be determined because the item satisfies the test of a category 1 disbursement.

- Telephone and facsimile
- Printing and photocopying
- Stationery

### **DFW Charge-Out Rates**

Time is recorded in 6 minute units.

Principal Associate	395
Associate	245