

LIQ03

Notice of progress report in voluntary winding up



Companies House

WEDNESDAY



A08 *A7X AQ37N* 16/01/2019 #97
COMPANIES HOUSE

base
se

1 Company details

Company number 09217713

Company name in full KMC Berkeley Square Limited

→ Filling in this form

Please complete in typescript or in
bold black capitals

2 Liquidator's name

Full forename(s) Darren

Surname Edwards

3 Liquidator's address

Building name/number 40a Station Road

Street Upminster

Post town

County/Region Essex

Postcode RM142TR

Country

4 Liquidator's name

Full forename(s)

Surname

Other liquidator

Use this section to tell us about
another liquidator

5 Liquidator's address

Building name/number

Street

Post town

County/Region

Postcode

Country

Other liquidator

Use this section to tell us about
another liquidator

LIQ03

Notice of progress report in voluntary winding up

6 Period of progress report

From date	0	6	0	1	2	0	1	8
To date	0	5	0	1	2	0	1	9

7 Progress report

☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X

[Handwritten Signature]

X

Signature date

d

15

m

01

y

2019

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.

Darren Edwards

Aspect Plus Limited

40a Station Road

Upminster

Essex

Postcode R M 1 4 2 T R

DX

0800 988 1897

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

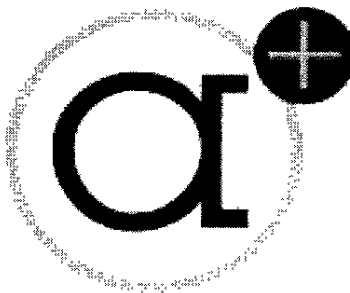
For further information please see the guidance notes on the website at www.gov.uk/companieshouse or email enquiries@companieshouse.gov.uk

This form is available in an alternative format. Please visit the forms page on the website at www.gov.uk/companieshouse

IN THE MATTER OF
KMC BERKELEY SQUARE LIMITED - IN LIQUIDATION
AND
THE INSOLVENCY ACT 1986

THE LIQUIDATOR'S SECOND ANNUAL PROGRESS REPORT
PURSUANT TO SECTION 92A OF THE INSOLVENCY ACT 1986

AND
RULE 4.49C OF THE INSOLVENCY RULES 1986
FOR THE YEAR ENDED 5 JANUARY 2019



Aspect Plus Limited
40a Station Road
Upminster
Essex
RM14 2TR

CONTENTS

- a. Introduction
- b. Statutory Information
- c. Liquidator's name and address
- d. Basis of Liquidator's remuneration
- e. Liquidator's remuneration
- f. Liquidator's expenses
- g. Details of progress for the period under review
- h. Details of any assets that remain to be realised and outstanding matters
- i. Members rights to request information under Rule 4.49e and their right to challenge the Liquidator's remuneration and expenses under Rule 4.148A
- j. Any other relevant information.
- k. Next report

APPENDICES

- 1. Receipts and Payments Account from 6 January 2018 to 5 January 2019
- 2. Time Analysis for the period 6 January 2018 to 5 January 2019
- 3. Disbursement policy
- 4. Detailed work analysis

KMC BERKELEY SQUARE LIMITED - IN LIQUIDATION
Annual Progress Report pursuant to Section 92A of the Insolvency Act 1986

(a) Introduction

The Company was placed into Liquidation by a Resolution of the sole member in accordance with Section 91 of the Insolvency Act 1986, on 6 January 2017. This report provides an update on the progress in the Liquidation for the year ended 5 January 2019.

Rule 4.49C-MVL (5): Progress Report

(b) Statutory Information

Company Name:	KMC Berkeley Square Limited ("the Company")
Registered Number:	09217713
Registered Office:	40a Station Road, Upminster, Essex, RM14 2TR
Trading Address:	35 Great St Helen's, London, EC3A 6AP
Former Company Name:	N/A

(c) Liquidator's names and address

Liquidator Name:	Darren Edwards
Liquidator Firm:	Aspect Plus Limited
Liquidator Address:	40a Station Road, Upminster, Essex, RM14 2TR
Appointment Date:	6 January 2017

(d) Basis of Liquidator's remuneration

Basis of remuneration

The Written Resolution passed by the member approved that the basis of the remuneration of the Liquidator to be fixed at £3,000 plus VAT and disbursements. This fee was paid by a third party and has not been discharged from the Company.

A further £2,000.00 plus has since been agreed with the member and paid. The additional fee is due to the ongoing investigation of HM Revenue & Customs ("HMRC") and time costs incurred that were not originally anticipated.

In accordance with the provisions of Statement of Insolvency Practice 9 ("SIP 9"), a schedule of this firm's charge-out rates was issued to the member at the time the basis of the Liquidator's remuneration was approved.

I can advise that there has been an increase in the charge-out rates during this appointment and I attached at Appendix 3 a summary of these costs.

Staff allocation and the use of subcontractors

The general approach to this firm's resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case. The constitution of the case team will usually consist of a Partner, Manager, Senior Administrator and an Administrator. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and additional staff may be allocated to meet the demands of the case. I have not utilised the services of any subcontractors in this case.

KMC BERKELEY SQUARE LIMITED - IN LIQUIDATION
Annual Progress Report pursuant to Section 92A of the Insolvency Act 1986

(e) Liquidator's remuneration

This firm's time costs for the year under review are £1,287.00. This represents 6.00 hours at an average rate of £214.50 per hour.

This firm's time costs for the two-year period are £3,021.00. This represents 16.30 hours at an average rate of £185.34 per hour.

Please note these time costs do not account for the pre-appointment time charges that have been incurred

I attach at Appendix 2 both time analysis statements, which details the activity during said periods, and analysed by staff grade

Other professional Costs

No other professionals have been instructed.

(f) Liquidator's expenses

My expenses incurred in the case of this engagement total £540.40, which were paid by Intertrust Management Limited.

My expenses comprise:

The sum of £338.40 plus VAT have been incurred and paid in respect of statutory advertising, £110.00 for the case set up on the Insolvency IT System used by Aspect Plus Limited and specific bond insurance of £92.00.

A copy of 'A Creditors Guide to Liquidators' Fees' may be found at -

<http://www.insolvency-practitioners.org.uk/regulation-and-guidance/guides-to-fees>

A hard copy of the Creditors Guide may be obtained on request.

I can advise that R3, the Association of Business Recovery Professionals have a website for creditors, which provides information to assist those creditors who are unfamiliar with the insolvency process. Please copy the following link in your web browser to access information: -

www.creditorinsolvencyguide.co.uk/

(g) Details of progress for the period under review

1. Liaising with HMRC regarding post Liquidation corporation matters,
2. Liaising with HM Revenue & Customs tax specialist team regarding their enquiries into the Company;
3. Preparation of this progress report, and
4. General administrative and statutory tasks.

KMC BERKELEY SQUARE LIMITED - IN LIQUIDATION
Annual Progress Report pursuant to Section 92A of the Insolvency Act 1986

A Receipts and Payments Account is attached at Appendix 1.

Receipts

The Declaration of Solvency disclosed that the Company did not have any assets, and none have been realised.

Payments

No payments have been.

(h) Details of any assets that remain to be realised and outstanding matters

No asset realisations are anticipated.

HMRC's review into Company remains ongoing. I am informed that HMRC are looking to arrange a meeting in January 2019 to resolve their ongoing queries. However, as at writing this progress report I am not aware that a date has been agreed.

Prior to finalising the Liquidation, the final tax position is to be confirmed and statutory matters concluded.

(i) Members rights to request information under Rule 4.49e and their right to challenge the Liquidator's remuneration and expenses under Rule 4.148A

Within 21 days of receipt of a progress report (or 7 business days where the report has been prepared for the purposes of a meeting to receive the Liquidator's resignation) a member may request the Liquidator to provide further information about the remuneration and expenses set out in the report.

A request must be in writing and may be made either by members of the Company with at least 5% of the total voting rights of all the members having the right to vote at general meetings or with the permission of the court.

The Liquidator must provide the requested information within 14 days, unless he considers that the time and cost involved in preparing the information would be excessive, or disclosure would be prejudicial to the conduct of the Liquidation or might be expected to lead to violence against any person, or the Liquidator is subject to an obligation of confidentiality in relation to the information requested, in which case he must give the reasons for not providing the information.

Any member may apply to the court within 21 days of the Liquidator's refusal to provide the requested information, or the expiry of the 14 days' time limit for the provision of the information.

The Liquidator must provide certain information about the time spent on the case, free of charge, upon request by any creditor, director or shareholder of the Company.

The information, which must be provided, is -

- the total number of hours spent on the case by the Liquidator or staff assigned to the case; and;
- for each grade of staff, the average hourly rate at which they are charged out;
- the number of hours spent by each grade of staff in the relevant period.

KMC BERKELEY SQUARE LIMITED - IN LIQUIDATION
Annual Progress Report pursuant to Section 92A of the Insolvency Act 1986

The period for which the information must be provided is the period from appointment to the end of the most recent period of six months reckoned from the date of the Liquidator's appointment, or where he has vacated office, the date that he vacated office

The information must be provided within 28 days of receipt of the request by the Liquidator, and requests must be made within two years from vacation of office.

If a member believes that the Liquidator's remuneration is too high, the basis is inappropriate, or the expenses incurred by the Liquidator are in all the circumstances excessive he may, provided certain conditions be met, apply to the court.

Application may be made to the court by members of the Company with at least 5% of the total voting rights of all the members having the right to vote at general meetings, or he has the permission of the court. Any such application must be made within 8 weeks of the applicant receiving the Liquidator's progress report in which the charging of the remuneration or incurring of the expenses in question is first reported. If the court does not dismiss the application (which it may if it considers that insufficient cause is shown), the applicant must give the Liquidator a copy of the application and supporting evidence at least 14 days before the hearing.

If the court considers the application well founded, it may order that the remuneration be reduced, the basis be changed, or the expenses be disallowed or repaid. Unless the court orders otherwise, the costs of the application must be paid by the applicant.

(j) Any other relevant information:

Secured Creditors

There are no known secured creditors.

Preferential creditors

There are no known preferential creditors.

Unsecured creditors

There are no known unsecured creditors.

(k) Next report

I am required to provide a further report on the progress of the Liquidation within two months of the end of the next anniversary of the Liquidation, unless I have concluded matters prior to that, in which case I will write to all creditors with my final progress report ahead of convening the final meeting of creditors.

I trust you will find this report adequate for your purposes, but should you require any further information, please do not hesitate to contact in the first instance Darren Tapsfield at this office



Darren Edwards
Liquidator of KMC Berkeley Square Limited

**KMC Berkeley Square Limited - In Members Voluntary Liquidation
Liquidator's Abstract of Receipts & Payments**

Declaration of Solvency	06/01/16 to 05/01/17 £	06/01/18 to 05/01/19 £	Total £
£			
RECEIPTS			
NIL			
NIL	NIL	NIL	NIL
PAYMENTS			
	NIL	NIL	NIL
CASH IN HAND	NIL	NIL	NIL



Appendix 2

Liquidator's Remuneration Schedule KMC Berkeley Square Limited Between 06 January 2018 and 05 January 2019

Classification of work function	Partner/ Director	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost	Average Hourly Rate
Administration & Planning	1.00	0 20	4 80	0.00	6.00	1,287.00	214.50
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
Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0 00
Case Specific Matters	0 00	0.00	0.00	0.00	0.00	0.00	0 00
Total hours	1.00	0 20	4 80	0.00	6.00		
Time costs	325.00	50.00	912.00	0 00		1,287.00	
Average hourly rate	325.00	250.00	190.00	0 00			214.50

Description	Total Incurred £	Total Recovered £
	0 00	0.00
Totals	0.00	0.00

Summary of Fees

Time spent in administering the Assignment	Hours	6 00
Total value of time spent to 05 January 2019	£	1,287 00
Total Liquidator's fees charged to 05 January 2019	£	0.00

Appendix 2

Liquidator's Remuneration Schedule KMC Berkeley Square Limited Between 06 January 2017 and 05 January 2019

Classification of work function	Partner/Director	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost	Average Hourly Rate
Administration & Planning	1.60	1.00	7.20	5.80	15.60	2,918.00	187.05
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
Creditors	0.00	0.00	0.40	0.30	0.70	103.00	147.14
Case Specific Matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total hours	1.60	1.00	7.60	6.10	16.30		
Time costs	520.00	250.00	1,444.00	807.00		3,021.00	
Average hourly rate	325.00	250.00	190.00	132.30			185.34

Description	Total Incurred £	Total Recovered £
Statutory Advertising	338.40	338.40
Liquidator's Bond	92.00	92.00
Insolv IT charge	110.00	110.00
Totals	540.40	540.40

Summary of Fees

Time spent in administering the Assignment	Hours	16.30
Total value of time spent to 05 January 2019	£	3,021.00
Total Liquidator's fees charged to 05 January 2019	£	0.00

Charge-out rates

Work undertaken by staff is recorded in 6 minute units in an electronic time recording system. Time properly incurred on cases is charged at the hourly rate of the grade of staff undertaking the work that applies at the time the work is done. Details of charge-out rates effective from 1 January 2019, together with those previously charged are as follows:

Charge Out Rates from 01/01/2019

Partners	£400
Managers	£300
Senior Administrators	£240
Administrators	£190
Junior Administrators	£100

Charge Out Rates Prior to 01/01/2019

Partners	£325
Managers	£250
Senior Administrators	£190
Administrators	£150
Junior Administrators	£90

Expenses

Below is an outline of the expenses that may be incurred during the assignment.

Agents and Valuers	There will be a fixed fee for valuations estimated from £150 to £1,000 plus VAT. Marketing will be on a percentage basis from 2% to 20%. Costs incurred will depend on the size and complexity of the assets to be realised
Debt collection Agents	It is anticipated that the agent will be paid a percentage of debtor realisations. This percentage will vary from approximately 5% to 25% depending upon the age and complexity of the debt
Solicitors	If Solicitors are instructed then this will normally be on a time costs basis which will be monitored by the office holder and disclosed to creditors in future progress reports. Where possible, "no win, no fee" type arrangements will be sought to minimise risk to the assignment.
ERA specialists	Time cost basis which would be monitored by the office holder and disclosed to creditors in future progress reports

Disbursements

Category 1 disbursements are payments to independent third parties where there is specific expenditure directly referable to the case. Specific approval from creditors to draw these expenses incurred is not required and the amount recharged to the case is the exact amount incurred.

Examples of Category 1 disbursements include postage, case advertising, specific bond insurance, company search fees, travel and properly reimbursed expenses incurred by personnel in connection with the case. Also included will be services specific to the case where these cannot practically be provided by Aspect Plus Limited, such as printing and room hire.

Category 2 disbursements are expenses that are directly referable to an insolvency assignment but not paid to an independent third party and include elements of shared or allocated costs incurred by Aspect Plus Limited and recharged to the estate. Category 2 disbursements may be drawn if they have been approved in the same manner as an office holder's remuneration. Examples of Category 2 disbursements are photocopying, all business mileage, internal room hire and internal storage.

Further information

To view an explanatory note concerning Office Holder's remuneration issued by the Joint Insolvency Committee, please contact this office to arrange for a hard copy to be sent to you. Alternatively, you may view a guide to fees online by copying the link below to your web browser:

<http://www.insolvencypractitioners.org.uk/regulation-and-guidance/guides-to-fees>

KMC BERKELEY SQUARE LIMITED - IN LIQUIDATION
Annual Progress Report pursuant to Section 92A of the Insolvency Act 1986

Appendix 4

Narrative detail of work to be undertaken for KMC Berkeley Square Limited in Members' Voluntary Liquidation as at 5 January 2019.

General Description	Includes
Administration and Planning	
Statutory/advertising	Prepare Liquidation papers and letter of engagement Filing of documents to meet statutory requirements Advertising in accordance with statutory requirements
Document maintenance/file review/checklist	Filing of documents Periodic file reviews Periodic reviews of the application of ethical, anti-money laundering and anti-bribery safeguards Maintenance of statutory and case progression task lists/diaries Updating checklists Pension and data protection searches
Bank account administration	Preparing correspondence closing accounts
Planning / Review	Discussions regarding strategies to be pursued Meetings with team members and independent advisers to consider practical, technical and legal aspects of the case
Meeting of Members	Preparation of meeting notices, proxies/voting forms notice of meeting to all members Collate and examine proofs and proxies/votes to decide on resolutions Preparation of meeting file, including agenda, certificate of postage, attendance register, list of members, reports to members and draft minutes of meeting
Progress Report/ Account	Preparing a progress account and relevant papers
Creditors	
HMRC	Dealing with HMRC and obtaining the relevant tax clearances. Liaise with HMRC regarding their review into the pre appointment affairs of the company