

# LIQ03

## Notice of progress report in voluntary winding up



Companies House

WEDNESDAY



A16 \*A8CC71QQ\* #251  
21/08/2019  
COMPANIES HOUSE

### 1 Company details

Company number 0 9 2 7 0 9 8 9

Company name in full Pro-Activate Partners Limited

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

### 2 Liquidator's name

Full forename(s) Michael

Surname Howell

### 3 Liquidator's address

Building name/number 2nd Floor, Shaw House

Street 3 Tunsgate

Post town Guildford

County/Region Surrey

Postcode GU1 3QT

Country

### 4 Liquidator's name ①

Full forename(s) Dermot

Surname Coakley

① Other liquidator  
Use this section to tell us about  
another liquidator.

### 5 Liquidator's address ②

Building name/number 2nd Floor, Shaw House

Street 3 Tunsgate

Post town Guildford

County/Region Surrey

Postcode GU1 3QT

Country

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

LIQ03

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**6** Period of progress report

From date	<sup>d</sup> 1	<sup>d</sup> 6	<sup>m</sup> 0	<sup>m</sup> 8	<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> 5	<sup>m</sup> 0	<sup>m</sup> 8	<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

*[Handwritten Signature]*

X

Signature date

<sup>d</sup> 2	<sup>d</sup> 0	<sup>m</sup> 0	<sup>m</sup> 8	<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 **Shaun Walker**

Company name **MBI Coakley Ltd**

Address **2nd Floor, Shaw House**

**3 Tunsgate**

Post town **Guildford**

Country/Region **Surrey**

Postcode **G U 1 3 Q T**

Country

DX **forum@mbicoakley.co.uk**

Telephone **0845 310 2776**



### 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)

**PRIVATE AND CONFIDENTIAL**  
**Pro-Activate Partners Limited**  
**In Creditors Voluntary Liquidation**

**PRO-ACTIVATE PARTNERS LIMITED**  
**In Creditors Voluntary Liquidation ("the**  
**Company")**

**Annual Progress Report to the Members**  
**and Creditors Pursuant to S104A**  
**Insolvency Act 1986 (as amended) and**  
**Rule 18.2 of the Insolvency (England and**  
**Wales) Rules 2016**

**For the period to 15 August 2019**

**Joint Liquidators' Contact Details**

**MBI Coakley Ltd ("MBI")**  
**2nd Floor, Shaw House**  
**3 Tunsgate**  
**Guildford**  
**Surrey**  
**GU1 3QT**

**Tel: 0845 310 2776**  
**Fax: 0845 450 4464**  
**E-Mail: [Forum@MBICoakley.co.uk](mailto:Forum@MBICoakley.co.uk)**

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## **1. Report**

I write further to my appointment as Joint Liquidator, together with my co-director Dermot Coakley, of the above named company on 16 August 2017 and present the Joint Liquidators' Annual Progress Report on the Liquidation (for the period 16 August 2018 to 15 August 2019) to creditors and members. Please find enclosed the following Appendices for your information.

1. Statutory and Supplementary Information, including a summary of the Joint Liquidators' outstanding expenses
2. Summary of Joint Liquidators' Receipts and Payment Account for the year ending 15 August 2019
3. Summary of Joint Liquidators' time costs for the year ending 15 August 2019
4. MBI Fees and Disbursements Policy

I now report as follows:

## **2. Summary Receipts and Payments Account for the period 16 August 2018 to 15 August 2019**

The contents of the summary receipts and payments account [Appendix A] are self-explanatory. The only realisation made to date has been a recovery in respect of the Directors' Overdrawn Loan Account, which I discuss in further detail below. In addition, the only payments made during the liquidation have been in respect of legal fees which are also discussed below.

## **3. Creditors' Claims**

Creditors' non-preferential claims, received by the Joint Liquidators amount to £25,406.73 against the Directors' Statement of Affairs figure of £34,364.07.

Advertisements for claims were gazetted on the 30 August 2017 following the appointment of the Liquidators. No further claims are expected.

## **4. Directors' Loan Account**

As discussed previously, following a review of the Company's books and records, a number of entries in the Company's ledgers were identified as having been potentially incorrectly treated. This investigation gave rise to a number of potential claims that could be made against the Directors.

As advised previously, the Directors disputed the claims against them and solicitors were instructed to seek a recovery from the Directors. Following this, the Directors, through their solicitors, entered into negotiations with the Liquidators' appointed solicitors. The Directors made a number of offers to settle

the claims against them, however, the Directors' offers were not felt to be reasonable offers considering the merits of the claims against them. Over the previous year of the liquidation negotiations continued.

An offer of £55,000 as full and final settlement of the claims against the Directors was subsequently made by the Directors. This offer to settle out of court was considered by the Liquidators and on the basis that it would allow for a significant recovery for the purposes of a dividend to creditors and that it would avoid the associated costs of continued legal action including possible court proceedings, the offer was deemed economically prudent for the benefit of creditors. As security for the settlement it was agreed that a charge be taken over the Directors' home to be released upon payment of the agreed settlement amount.

The agreed amount of £55,000 has since been received by the liquidators and the charge held over the Directors' home released.

You will note that the total legal costs for dealing with the claims and the negotiations with the Directors' solicitors total £11,830. In this respect the Liquidators' appointed solicitors have dealt with a number of matters relating to the overall claims against the directors, corresponding with the Directors' solicitors, advising on the merits of the claim and the offers to settle as well as dealing with the charge over the Directors' property.

## **5. Dividend Prospects**

### **5.1 Secured Creditors**

There are no secured creditors.

### **5.2 Preferential Creditors**

There were no preferential claims expected as the Company did not have any employees at the date of liquidation and accordingly, no preferential claims have been received.

### **5.3 Non-Preferential Creditors**

A first dividend is expected to be declared shortly with a second and final dividend paid to unsecured creditors upon receipt of a final VAT refund.

## **6. Investigations**

As part of our duties we are required to carry out certain investigations into the affairs of the Company. As advised earlier in this report, in accordance with statute, we have submitted our report online on the conduct of the director with the Department for Business Innovation & Skills.

## 7. Joint Liquidators' Fees and Disbursements

The Joint Liquidators have not drawn any fees during the first and second year of the liquidation, however, it is anticipated that the Liquidators shall draw fees shortly upon receipt of a VAT refund.

The Liquidators attempted to obtain sanction for the basis of their remuneration via a qualifying decision procedure using resolutions of creditors by correspondence. Unfortunately no responses were received from Creditors. Following attempts at contacting creditors in order to arrange for a subsequent decision procedure to be used to seek approval for the basis of the Liquidators' remuneration and disbursements it became apparent that creditors were unwilling to engage in this matter. Accordingly, the Liquidators sought the sanction of the courts for the basis of the liquidators' remuneration. The Court made an order on the 13 March 2019 that the basis of the Liquidators fee be based on time costs incurred subject to the fee estimate limit of £39,763.

As the Liquidators have reached an agreement with the Directors and settled out of court, the Liquidators time costs are substantially under the fee estimate which included a provision for attending court to deal with legal proceedings against the Directors.

A summary of the time spent is attached as Appendix B in accordance with Statement of Insolvency Practice (SIP 9), for the information of the members and creditors.

Detailed Time Analysis Schedules of post Liquidation time costs for this reporting period are enclosed at Appendix 3. As noted below, the Joint Liquidators' time costs to 15 August 2019 amount to £6,464.50 (exclusive of VAT) which represents 25.30 hours at an average hourly rate of £255.51. A comparison is provided on Appendix 3 of the total amount of time spent during the liquidation.

The majority of the Joint Liquidators' time costs during the period reported have been spent dealing with the claims against the Directors and in the negotiations with the Directors. I would draw creditors' attention to the previous annual report in respect of time costs for that period.

The main time cost categories for the period can be summarised as follows:-

- Administration and Planning, to include case specific issues (4.80 hours totalling £ an average hourly rate of £211.87)

This includes work under the following categories:-

- Statutory and compliance work, relating to the Joint Liquidators' appointment, including advertising and dealing with the Joint Liquidators' Bonds;
- Case monitoring and progress reviews;
- Case strategy, including sale of the Company's assets;
- Maintenance of accounting records for the liquidation period;



- General case administration, such as dealing with general enquiries, maintaining case records among other administration duties;
- Case Specific (6.30 hours totalling £1,887.50 at an average hourly rate of £299.60)

This includes the following categories:-

- Dealing with court documentation in respect of obtaining authorisation for the basis of the liquidators' fees and disbursements;
- Court attendance in regards to fee authorisation.
- Creditors (9.00 hours totalling £2,104 at an average hourly rate of £233.78)

This includes the following categories:-

- Dealing with unsecured creditors correspondence and claims received;
- On-going correspondence with creditors, to include all statutory reporting, such as annual reports following the anniversary of the Liquidation;
- Statutory reporting to creditors such as annual report;
- Investigations (3.00 hours totalling £954 at an average hourly rate of £318)

This includes the following categories:-

- Completing statutory obligations in relation to the reporting to the Secretary of State on the conduct of the directors;
- Investigation of company records in respect of any claims for misfeasance, transactions at undervalue and preferences;
- Investigation into the affairs also includes the initial investigative time costs in determining the balance of the DLA in order to make a recovery against the director.
- Realisation of assets (2.20 hours totalling £502 at an average hourly rate of £228.18)

This includes the following categories:-

- Addressing post liquidation asset realisations;
- Reviewing correspondence with solicitors relating to the recovery of the DLA;
- Considering offers to settle and negotiations with the Directors' solicitors regarding recovery of the DLA.

Further information is available online under the Statement of Insolvency Practice 9 (SIP 9). A copy of SIP 9 can be found on the Institute of Chartered Accountants in England and Wales website by entering the following link into a web browser <http://bit.ly/2bXZelC>.

Additional information in relation to Office Holders' Fees [Appendix D] setting out this firm's policies on disbursements and current charge out rates is attached.

**In accordance with Rule 18.9 of the Insolvency (England and Wales) Rules 2016** and within twenty-one days of receipt of this report a secured creditor, an unsecured creditor (with the concurrence of at least 5% in value of the unsecured creditors) or a member (with at least 5% of the total voting rights of all members having the right to vote at a general meeting of the Company), may request in writing that the Joint Liquidators provide further information about their remuneration or expenses, which have been itemised in this report.

**In accordance with Rule 18.34 of the Insolvency (England and Wales) Rules 2016** and within eight weeks of receipt of this report a secured creditor, unsecured creditor (with the concurrence of at least 10% in value of the unsecured creditors) or member (with at least 10% of the total voting rights of all members having the right to vote at a general meeting of the Company), may make an application to Court on the grounds that the basis fixed for the Joint Liquidators' remuneration, the remuneration charged or the expenses incurred by the Joint Liquidators, as set out in this report, are excessive.

## **8. Data Protection**

With regard to Data Protection MBI Coakley Ltd is committed to ensuring the protection of the privacy and security of any personal data which we process. Your attention is drawn to our Privacy Policy that is available for download on our website at <http://www.mbicoakley.co.uk/privacy>. Please contact our office should you require a hard copy of our Privacy Policy.

## **9. Conclusion**

It is anticipated that the liquidation shall shortly be concluded upon the payment of a final dividend which shall be declared upon receipt of a final VAT refund.

If any creditor or member requires any further information or clarification on any matter relating to the Liquidation of the Company, including paper copies of any links or documents referred to in this report as being available online, please contact this office.

Please also note that we are bound by the Insolvency Code of Ethics when carrying out all professional work relating to an insolvency appointment.

For your information the authorising body of myself and my Joint Liquidator, Dermot Coakley, is the Institute of Chartered Accountants in England & Wales.

Please contact me if you require any further information.

Yours faithfully  
For and on behalf of  
Pro-Activate Partners Limited  
In Creditors Voluntary Liquidation

A handwritten signature in black ink, appearing to read 'Michael Bowen', written in a cursive style.

Michael Bowen  
Joint Liquidator  
Licensed as an Insolvency Practitioner in the UK by the Institute of Chartered Accountants in England and Wales

**Pro-Activate Partners Limited  
(In Liquidation)  
Statutory & Supplementary Information**

**APPENDIX A**

**Registered Office**

MBI Coakley Ltd  
2nd Floor, Shaw House  
3 Tunsgate  
Guildford  
GU1 3QT

**Registered Number**

9270989

**Appointment Details**

Joint Liquidator - Dermot Coakley  
2nd Floor, Shaw House, 3 Tunsgate, Guildford, Surrey, GU1 3QT  
Appointment Date - 16/08/2017

Joint Liquidator - Michael Bowell

2nd Floor, Shaw House, 3 Tunsgate, Guildford, Surrey, GU1 3QT  
Appointment Date - 16/08/2017

**Changes to Office Holders**

None

**Additional Information**

N/a

**Dividends / Distributions / Consigned Funds**

Dividend Type	Date	Admitted	Number of creditors	Paid	p in £
None					

**Unrealisable Assets**

The tangible assets of the Company have not been recovered following an offer from the Director for their purchases. The Director has informed the Joint Liquidators that the chattels were damaged. Despite the offer for the purchase of the Company's assets, funds have not to date been received from the Director.

**Details of Basis of Remuneration**

The basis of the Joint Liquidators' fees and disbursements is in accordance with an order of the court dated 11 March 2019. The order of the court was as follows:

1. That the remuneration of the Joint Liquidators' be fixed on the basis of time costs in accordance with a Fee Estimate provided to creditors dated 10 October 2018 and that the Joint Liquidators' be authorised to draw fees as and when funds permit up to the estimated total of £39,763; and
2. That the basis for recharging category 2 disbursements incurred by the Joint Liquidators' be fixed and payable on the basis of MBI Coakley Limited published Disbursements policy.
3. That the costs incurred by the Joint Liquidators in making this application be allowed on a time costs basis and treated as an expense of the liquidation.

**Pro-Activate Partners Limited**

**(In Liquidation)**

**Statement of Remuneration / Expenses**

**For period 16/08/2017 to 15/08/2019**

Account	Incurring In Period	Accrued In Prior Period	Accrued In Period	Total
Joint Liquidators' Time Costs	-	22,790.50	6,463.50	29,254.00
Joint Liquidators' Disbursements:				
Postage	-	1.49	3.61	5.10
Statutory Advertising	-	253.50	-	253.50
IPS Case Management	-	66.24	-	66.24
Specific Bond	-	40.00	-	40.00
	-	23,151.73	6,467.11	29,618.84

**Pro-Activate Partners Limited**  
**(In Liquidation)**

**Joint Liquidators' Summary of Receipts and Payments**  
**For the Period From 16 August 2017 (Date of Appointment) to the 15 August 2019**

	Statement of Affairs (£)	From 16/08/2017 to 15/08/2018 (£)	From 16/08/2018 to 15/08/2019 (£)	Total (£)
<b>RECEIPTS</b>				
Plant and Machinery	1,446.00	-	-	-
DLA Settlement	-	-	55,000.00	55,000.00
	<u>1,446.00</u>	<u>-</u>	<u>55,000.00</u>	<u>55,000.00</u>
<b>PAYMENTS</b>				
Legal Fees		-	11,870.00	11,870.00
VAT		-	2,368.20	2,368.20
		<u>-</u>	<u>14,238.20</u>	<u>14,238.20</u>
<b>Balance held in Barclays Bank Plc</b>				<u><u>40,761.80</u></u>

# Time Entry - Cumulative Detailed SIP9 Time & Cost Summary

625 - Pro-Activate Partners Limited  
From: 16/08/2018 To: 15/08/2019

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Avg Hourly Rate (£)	Hours Cum (POST Only)	Time Costs Cum (POST Only)
100 : Formalities	0.00	1.20	0.00	0.00	1.20	282.00	235.00	4.20	960.00
** 103 : IPS Case Creation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.20	47.00
104 : Case Administration	0.00	0.70	1.90	0.00	2.60	500.00	192.31	11.70	2,308.50
105 : Case Reviews	0.00	1.00	0.00	0.00	1.00	235.00	235.00	3.00	705.00
<b>Admin &amp; Planning</b>	<b>0.00</b>	<b>2.90</b>	<b>1.90</b>	<b>0.00</b>	<b>4.80</b>	<b>1,017.00</b>	<b>211.87</b>	<b>19.10</b>	<b>4,020.50</b>
600 : Case Specific	3.20	3.10	0.00	0.00	6.30	1,887.50	299.60	6.30	1,887.50
<b>Case Specific Matters</b>	<b>3.20</b>	<b>3.10</b>	<b>0.00</b>	<b>0.00</b>	<b>6.30</b>	<b>1,887.50</b>	<b>299.60</b>	<b>6.30</b>	<b>1,887.50</b>
501 : Unsecured Creditors	0.00	0.80	0.00	0.00	0.80	188.00	235.00	1.00	217.00
504 : Statutory Reporting to Creditors	0.40	6.30	1.50	0.00	8.20	1,916.00	233.66	10.10	2,362.50
<b>Creditors</b>	<b>0.40</b>	<b>7.10</b>	<b>1.50</b>	<b>0.00</b>	<b>9.00</b>	<b>2,104.00</b>	<b>233.78</b>	<b>11.10</b>	<b>2,579.50</b>
** 201 : CDDA Reports	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.70	661.50
202 : Pursuing Antecedent Transactions	2.10	0.00	0.00	0.00	2.10	717.50	341.67	5.60	1,651.00
203 : Investigation - general	0.40	0.00	0.50	0.00	0.90	236.50	262.78	21.00	4,479.00
<b>Investigations</b>	<b>2.50</b>	<b>0.00</b>	<b>0.50</b>	<b>0.00</b>	<b>3.00</b>	<b>954.00</b>	<b>318.00</b>	<b>29.30</b>	<b>6,791.50</b>
306 : Other Assets	0.50	0.50	1.20	0.00	2.20	502.00	228.18	77.20	13,741.00
<b>Realisation of Assets</b>	<b>0.50</b>	<b>0.50</b>	<b>1.20</b>	<b>0.00</b>	<b>2.20</b>	<b>502.00</b>	<b>228.18</b>	<b>77.20</b>	<b>13,741.00</b>
<b>Total Hours</b>	<b>6.60</b>	<b>13.60</b>	<b>5.10</b>	<b>0.00</b>	<b>25.30</b>	<b>6,464.50</b>	<b>255.51</b>	<b>143.00</b>	<b>29,020.00</b>
<b>Total Fees Claimed</b>						<b>2,291.67</b>			

\*\* - Denotes codes included in cumulative data that are not present in the period.

## **PRO-ACTIVATE PARTNERS LIMITED IN CREDITORS' VOLUNTARY LIQUIDATION**

### **ADDITIONAL INFORMATION IN RELATION TO OFFICE HOLDER'S FEES PURSUANT TO STATEMENT OF INSOLVENCY PRACTICE 9 (SIP9)**

In accordance with best practice, we provide below details of the policy of MBI Coakley Ltd ["MBI"] in respect of fees and expenses for work in relation to the above insolvency. The policy covers the following:

1. Staff allocation and the use of subcontractors
2. Professional advisers
3. Disbursements
4. Charge out rates and work performed

#### **1. Staff allocation and the use of subcontractors**

The general approach to resourcing assignments is to allocate staff with the skills and experience appropriate to meet the specific requirements of the case, having regard to its nature and complexity. The case team will usually consist of a Director, Manager and Administrator.

It is not our general policy to utilise the services of subcontractors and no subcontractors have been used on this case.

#### **2. Professional Advisers**

On this assignment we have used the services of the professional advisers listed below. We have also indicated the basis of our fee arrangement with them which is subject to periodic review.

<b>Name of Professional Adviser</b>	<b>Basis of Fees</b>
Druces LLP	Time Costs

When choosing professional advisers, we take into consideration their experience and ability to perform the type of work required, the complexity of the assignment, their suitability for the particular case and the basis of the fee arrangement.

#### **3. Disbursements**

It is the policy of MBI to charge and recover all actual disbursements [Category 1 Disbursements] incurred and full records of those disbursements are retained and are available, together with an explanation as to why they have been incurred, to all creditors. Category 1 disbursements do not require specific approval by creditors. This type of disbursement generally comprises of external suppliers of services identifiable to a specific case, such as postage, statutory advertising, room hire, and document collection. In addition, any properly reimbursed expenses of the Office Holders and of their staff will be recovered.

The recovery of Category 2 Disbursements requires the approval of creditors before they can be paid. It is also our policy in all insolvencies to charge the following Category 2 Disbursements at the rates shown:

Travel - Motor Vehicles are charged at 65p per mile and all other forms of travel are charged at actual cost

Company Records Storage – 40p per week per archive box, £6 per box destruction

Photocopying/Facsimiles – 10p per sheet

Room Hire – meetings held at MBI's offices £150. Meetings at any other venue at actual cost

VAT is chargeable on all disbursements at the prevailing rate.

#### 4. Charge-out Rates

The current hourly charge-out rates per staff involved in working on the insolvency are set out below, together with the rates for the previous year.

Grade	Year 2019 £	Year 2018 £	Year 2017 £
Office Holder	395	395	395
Director	325	325	325
Manager 1	295	295	295
Manager 2	235	235	235
Administrator 1	185	185	185
Administrator 2	145	145	145

The rates charged by MBI are reviewed in January of each year and are adjusted to take account of inflation and the firm's overheads.

Time spent on casework is recorded directly to the relevant case using a computerised time recording system and the nature of the work undertaken is recorded at that time. In accordance with best practice, time is charged in 6 minute units.

A description of the work performed under the main activity codes shown on the SIP9 summary attached, are as follows:

Activity	Description
<b>Administration &amp; Planning</b>	Includes: case planning, statutory returns, maintenance of bank accounts and estate records, appointment notification, administrative set-up, maintenance of records, matters relating to tax, general correspondence, general legal advice, meetings
<b>Investigations</b>	Includes: statutory duty of investigation into company's affairs, investigating generally, CDDA reports, legal advice
<b>Realisation of Assets</b>	Includes: realisation of assets, identifying, securing and insuring of assets; costs associated with sale of business and assets, debt collection, legal advice
<b>Trading</b>	Includes: time on site, ordering and supply of goods, supervision of staff, debt collection management of trading operations, accounting for trading, on-going employee issues, legal advice
<b>Creditors</b>	Includes: correspondence and meetings with creditors, pension issues and employees, reporting to creditors, retention of title, adjudicating on creditor claims, employee matters, legal advice