

# LIQ14

## Notice of final account prior to dissolution in CVL



Companies House

THURSDAY



A07 \*A8DBX03D\* #376  
05/09/2019  
COMPANIES HOUSE

### 1 Company details

Company number 0 9 7 6 1 2 8 8

Company name in full W34 LIMITED

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

### 2 Liquidator's name

Full forename(s) STEPHEN MICHAEL JOHN

Surname BERRY

### 3 Liquidator's address

Building name/number OPUS RESTRUCTURING LLP

Street 116 DUKE STREET

Post town LIVERPOOL

County/Region MERSEYSIDE

Postcode L 1 5 J W

Country UNITED KINGDOM

### 4 Liquidator's name

Full forename(s) TIMOTHY JOHN EDWARD

Surname DOLDER

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

### 5 Liquidator's address

Building name/number 1 RADIAN COURT

Street KNOWLHILL

Post town MILTON KEYNES

County/Region BUCKINGHAMSHIRE

Postcode M K 5 8 P J

Country UNITED KINGDOM

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

*J. M.*

X

Signature date

d

2

d

9

m

0

m

8

y

2

y

0

y

1

y

9

# 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	RICHARD SHAW				
Company name	OPUS RESTRUCTURING LLP				
Address	EVERGREEN HOUSE NORTH				
	GRAFTON PLACE				
Post town	EUSTON				
County/Region	LONDON				
Postcode	N	W	1	2	D X
Country	UNITED KINGDOM				
DX					
Telephone	020 3326 6454				



### 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)

**W34 LIMITED (FORMERLY WEST 34 LIMITED) T/A WEST 34 SEAFOOD RESTAURANT LIMITED  
(IN LIQUIDATION)**

**FINAL ACCOUNT**

This report has been prepared for the sole purpose of updating the creditors for information purposes. The report is private and confidential and may not be relied upon, referred to, reproduced or quoted from, in whole or in part, by creditors for any purpose other than updating them for information purposes, or by any other person for any purpose whatsoever.

Stephen Michael John Berry and Timothy John Edward Dolder were appointed Joint Liquidators of W34 Limited (formerly West 34 Limited) t/a West 34 Seafood Restaurant Limited ('the Company') on 27 November 2017. The Joint Liquidators act without personal liability.

## **CONTENT**

1. Executive summary
2. Administration and planning
3. Enquiries and investigations
4. Realisation of assets
5. Creditors
6. Fees and expenses
7. Creditors' rights
8. EC Regulation
9. The General Data Protection Regulation
10. Conclusion

## **APPENDICES**

- I. Statutory information
- II. Joint Liquidators' abstract of receipts and payments for the period 27 November 2018 to 2 July 2019
- III. Time costs and expenses summary for the period 27 November 2018 to 2 July 2019
- IV. Time costs and expenses summary for the total period 27 November 2017 to 2 July 2019
- V. Detailed list of work undertaken for the period 27 November 2018 to 2 July 2019
- VI. Opus Restructuring LLP's charge-out rates and disbursement information
- VII. Notice of no dividend
- VIII. Notice that the Company's affairs are fully wound up
- IX. Privacy notice

## EXECUTIVE SUMMARY

A summary of key information in this report is detailed below.

### Assets

Asset	Estimated to realise per Statement of Affairs (£)	Realisations to date (£)	Anticipated future realisations (£)	Total anticipated realisations (£)
Bank interest gross	-	2.80	-	2.80
Cash at bank	-	2,217.82	-	2,217.82
Purchase price of Scogs lease	Nil	Nil	-	Nil
Rent deposit	Uncertain	9,951.19	-	9,951.19
Stock	5,000.00	4,167.50	-	4,167.50

### Expenses

Expense	Amount per fees and expenses estimates (£)	Expense paid to date (£)	Anticipated further expense to closure (£)	Total anticipated expense (£)
Joint Liquidators' fees	20,087.50	9,621.37	93.23	9,714.60
Statement of Affairs fee	5,000.00	5,000.00	-	5,000.00
Legal fees	Uncertain	416.67	-	416.67
Advertising	253.80	253.80	-	253.80
Anti-money laundering check	16.00	-	16.00	16.00
Bonding	40.00	40.00	-	40.00
Companies House fee	-	10.00	-	10.00
Document storage	160.00	152.81	113.84	266.65
Files and indices	21.00	-	21.00	21.00
Software fee - DocuSoft	45.00	45.00	-	45.00
Software fee - Visionblue	185.00	185.00	-	185.00
Virtual meeting	300.00	-	150.00	150.00
Postage	142.50	75.69	22.80	98.49
Photocopying	225.00	80.10	42.00	122.10

### Dividend prospects

Creditor class	Distribution / dividend paid to date (£)	Anticipated distribution / dividend, based upon the above (£)
Secured creditor	-	-
Preferential creditors	-	-
Unsecured creditors	-	-

## **ADMINISTRATION AND PLANNING**

### Statutory information

Statutory information may be found at Appendix I.

The Joint Liquidators are required to meet a considerable number of statutory and regulatory obligations. Whilst many of these tasks do not have a direct benefit in enhancing realisations for the insolvent estate, they assist in the efficient and compliant progressing of the administration of the case, which ensures that work is carried out to high professional standards. A detailed list of these tasks may be found at Appendix V.

The Joint Liquidators have met their statutory and regulatory duties to report to creditors, as listed below. In consideration of the need for transparency and engagement with creditors, care has been taken to ensure that reports and other communications with creditors have provided useful details of the strategies pursued and the outcomes anticipated. During the review period, from 27 November 2018 to 2 July 2019 ('the Period'), the following key documents have been issued:-

- The Joint Liquidators' annual progress report for the period 27 November 2017 to 26 November 2018; and
- The Joint Liquidators' final progress report for the Period.

### Other administration tasks

During the Period, the following material tasks in this category were carried out:-

- Filing the necessary documentation at Companies House in respect of the Joint Liquidators' annual progress report for the period 27 November 2017 to 26 November 2018;
- Monitoring and maintaining an adequate statutory bond;
- Maintaining case files, which must include records to show and explain the liquidation and any decisions made by the Joint Liquidators that materially affect the liquidation;
- Conducting periodic case reviews to ensure that the liquidation is progressing efficiently, effectively and in line with the statutory requirements;
- Obtaining tax clearance from HMRC in respect of VAT and Corporation tax which included the submission of final returns and assignment documentation where applicable; and
- Maintaining and updating the estate cash book and bank accounts, including regular bank reconciliations and processing receipts and payments.

## **ENQUIRIES AND INVESTIGATIONS**

Outside the Period of this report, the Joint Liquidators carried out an initial review of the Company's affairs in the period prior to appointment. This included seeking information and explanations from the Director by means of questionnaires, making enquiries of the Company's accountants, reviewing information received from creditors and collecting and examining the Company's bank statements, accounts and other records.

The Director provided the books and records and a completed questionnaire as well as a Statement of Affairs.

The information gleaned from this process enabled the Joint Liquidators to meet their statutory duty to submit a confidential report on the conduct of the directors (past and present) to the Insolvency Service.

This work was also carried out with the objective of making an initial assessment as to whether there were any matters that may lead to any recoveries for the benefit of creditors. This would typically include any potential claims which may be brought against parties either connected to or who have past dealings with the Company.

This initial assessment was completed and the Joint Liquidators did not identify any further assets or actions which might lead to a recovery for creditors.

## REALISATION OF ASSETS

David Currie & Co. ('DCC') were instructed by the Director of the Company prior to the appointment of the Joint Liquidators to ascertain the value of the Company remnant stock in trade and consumables. DCC confirmed their independence, have adequate professional indemnity insurance and Rob McArdle, who advised in respect of the valuation and sale, is a member of the National Association of Valuers and Auctioneers.

### Valuation definitions

Market value (in-situ) is the estimated amount for which an asset should exchange on the date of valuation between a willing buyer and a willing seller in an arm's-length transaction after proper marketing, wherein the parties had each acted knowledgeably, prudently and without compulsion. With the added assumption that the assets have been valued as a whole in its working place.

Market value (ex-situ) is the estimated amount for which an asset should exchange on the date of valuation between a willing buyer and a willing seller in an arm's-length transaction after proper marketing, wherein the parties had each acted knowledgeably, prudently and without compulsion. With the added assumption that the assets are valued for removal from the premises at the expense of the purchaser.

On 30 October 2017, the following valuation was provided by DCC:-

Description	Market value (In-situ) (£)	Market value (Ex-situ) (£)
Leasehold property	Nil	Nil
Stock in trade and consumables	3,000.00	500.00
<b>Total</b>	<b>3,000.00</b>	<b>500.00</b>

### Sale to connected parties

In accordance with the requirements of SIP13, details of the sales of assets to parties connected with the Company since the Joint Liquidators' appointment are as follows:-

Requirement	Narrative
Date of the transaction	28 November 2017
Details of the assets	Intellectual property rights; and Stock in trade and consumables.
Nature of the transaction	Invoice
Consideration for the transaction	£4,167.50 plus VAT
When Paid	£2,778.16 (inclusive of VAT) 07/07/2018 £1,666.67 (inclusive of VAT) 23/04/2018 £1,388.89 (inclusive of VAT) 23/04/2018
Name of the Counterparty	Goodfood Holdings Limited ('Newco')
Nature of Connection with Vendor	Common director and shareholder
Pre-appointment Sale	No
Purchaser independently advised	No
Where pre-appointment sale, the level of involvement of the Liquidators	n/a

The assets were sold for the following amount (excluding VAT):-

Description	(£)
Intellectual property rights	0.83
Stock in trade and consumables	4,166.67
<b>Total</b>	<b>4,167.50</b>



The deferred consideration payments in respect of the sale of assets were received, in full, outside of the Period of this report. Accordingly, no further payments are due.

#### Purchase price for Scogs lease

As previously reported, the goodwill of Scogs Restaurant located at 34-36 Banks Road, West Kirby, Wirral, CH38 0RD ('the Premises') was purchased by the Company on 2 November 2015. Accordingly, after continuing to trade as Scogs Restaurant for a short period, in February 2016, the Company relaunched as West 34 Seafood Restaurant.

As part of their instruction to ascertain the value of the Company's assets, DCC commented that, although the restaurant was in a prime location on Banks Road, it was highly unlikely that any unconnected third-party purchaser would be willing to involve themselves in the ongoing legal position regarding the right to a ten year extension of the lease ('the Lease').

DCC confirmed that, in their opinion, the Lease had no immediate premium value, due, in part, to the uncertainty over the right to extend the term. Accordingly, no realisations were made in this respect.

#### Cast at bank

As previously reported, the Company operated two accounts with Barclays Bank Plc ('Barclays'). Accordingly, the Joint Liquidators notified Barclays prior to and immediately on appointment in order to request that all credit balances be transferred to the insolvent estate for the benefit of the general body of creditors. All credit balances were received outside the Period of this report and totalled £2,217.82. No further sums are expected.

#### Rent deposit

Following the appointment of the Joint Liquidators, it was established that a rent deposit totalling £15,000.00 ('the Deposit') had been paid in respect of the Lease. The landlord of the Premises agreed to a formal surrender of the Lease in order to enable Newco to negotiate terms to occupy the Premises going forward. Accordingly, all rent arrears were deducted from the Deposit and the balance of £9,951.19 was paid to the insolvent estate outside the Period of this report. No further sums are expected.

### **CREDITORS**

Irrespective of whether sufficient realisations are achieved to pay a dividend to creditors, the Joint Liquidators have had to carry out key tasks which are detailed in the list at Appendix V. The following sections explain the outcomes to creditors and any distributions paid.

#### Secured creditors

The Company granted the following security over its assets: -

<b>Type:</b>	Fixed and floating charges
<b>Created:</b>	4 July 2017
<b>Delivered:</b>	4 July 2017
<b>Status:</b>	Outstanding
<b>Holder:</b>	Flavour Explosion Limited ('FEL')
<b>Description:</b>	All estates or interest in any freehold or leasehold property belonging to the Company now or at any time after the date of the Debenture together with all buildings, fixtures (including trade and tenant's fixtures), plant and machinery which are at any time on the property. Contains fixed charge. Contains floating charge. Floating charge covers all the property or undertaking of the Company. Contains negative pledge.

It was understood, at the date of liquidation, that the sum due to FEL was £120,187. However, it should be noted that FEL were incorrectly detailed as an unsecured creditor on the Director's Statement of Affairs dated 22 November 2017.

Outside the Period of this report, the Joint Liquidators' legal advisors, Aaron and Partners ('AP'), confirmed the validity of the charge.

#### Preferential creditors

Typically, preferential creditors are former employees of the Company for unpaid wages and holiday pay. The Redundancy Payments Service ('RPS') confirmed that the Company's employees were transferred to Newco in accordance with the Transfer of Undertakings (Protection of Employment) regulations. Accordingly, there are considered to be no preferential creditors in this matter.

#### Unsecured creditors

The trade and expense creditors as per the Director's Statement of Affairs totalled £217,971. However, as reported above, the sum of £120,187 was incorrectly included as a potential unsecured claim. Unsecured claims received total £104,760.67.

Creditors should be aware that, due to low level of realisations in this matter, the Joint liquidators have not issued a formal request for unsecured creditors to submit their claims. Accordingly, the Joint Liquidators will not adjudicate upon unsecured claims.

#### Dividend prospects

The Joint Liquidators give notice confirming that no dividend will be declared in the Liquidation of the Company. *The funds realised have already been used or allocated for paying the expenses of the Liquidation.*

### **FEES AND EXPENSES**

#### Pre-appointment Costs

The creditors authorised the fee of £5,000 for assisting the Director in placing the Company into Liquidation and with preparing the Statement of Affairs. The following resolution was passed on 27 November 2017:-

- I. "That Opus Restructuring LLP be paid in the sum of £5,000 in respect of the convening of the members and creditors meetings, the production of the information for creditors and the preparation of the Statement of Affairs plus VAT and disbursements; such fees to be paid from the assets of the Company."

#### The Joint Liquidators' fees

It is the firm's practice to ensure that work is conducted by the appropriate staff member at the appropriate level of experience. Junior members of staff deal with the day to day administration on cases and a manager and/or partner then oversees the work undertaken. Where the issues are complex and litigious, the work will be closely supervised or undertaken by a manager and/or partner.

The basis of the Joint Liquidators' fees was approved by creditors on 27 November 2018 in accordance with the following resolution:-

- I. "That the basis of the Joint Liquidators' fees be fixed by reference to the time properly given by the Joint Liquidators and their staff in attending to matters as set out in the fees estimate, such time to be charged at the prevailing standard hourly charge out rates used by Opus Restructuring LLP at the time when the work is performed."

The time costs for the Period total £6,202.50, representing 33.10 hours at an average hourly rate of £187.39. The sum of £1,121.37 has been drawn on account of time costs incurred. The time costs for the Period are detailed at Appendix III.

The time costs for the total period total £25,462.50, representing 154.30 hours at an average hourly rate of £165.02. The sum of £9,621.37 has been drawn on account of time costs incurred. The time costs for the Period are detailed at Appendix IV.

The Joint Liquidators' time costs incurred to date (whether or not they have been charged to the estate) are compared with the original fees estimate as follows:-

	Original fees estimate			Time costs incurred during the Period			Time costs incurred to date		
	Number of hours	Blende hourly rate per hour (£)	Total fees (£)	Number of hours	Average hourly rate per hour (£)	Total fees (£)	Number of hours	Average hourly rate per hour (£)	Total fees (£)
Administration	53.50	195.32	10,450.00	33.10	187.39	6,202.50	120.90	158.35	19,145.00
Investigations	12.00	196.87	2,362.50	-	-	-	15.70	168.95	2,652.50
Assets	23.00	210.00	4,850.00	-	-	-	9.00	243.33	2,190.00
Creditors	13.00	186.53	2,425.00	-	-	-	8.70	169.54	1,475.00

The expenses incurred to date are compared with the original expenses estimate as follows:-

Expenses	Original expenses estimate (£)	Expenses paid in the Period (£)	Total anticipated expenses (£)	Reason for any excess (if the expenses are likely to, or have, exceeded the original estimate)
Joint Liquidators' fees	20,087.50	1,121.37	9,714.60	
Statement of Affairs fee	5,000.00	-	5,000.00	
Legal fees	Uncertain	-	416.67	Required instruction was not previously anticipated.
Advertising	253.80	-	253.80	
Anti-money laundering check	16.00	-	16.00	
Bonding	40.00	-	40.00	
Companies House fee	-	-	10.00	
Document storage	160.00	77.46	266.65	Quantum of records larger than anticipated.
Files and indices	21.00	-	21.00	
Software fee - DocuSoft	45.00	-	45.00	
Software fee - Visionblue	185.00	-	185.00	
Virtual meeting	300.00	-	150.00	
Postage	142.50	16.26	98.49	
Photocopying	225.00	2.20	122.10	

Having regard for the costs that are likely to be incurred in bringing this Liquidation to a close, the Joint Liquidators consider that:

- the original fees estimate is unlikely to be exceeded; and
- the original expenses estimate is unlikely to be exceeded.

#### Disbursements

The disbursements that have been incurred and not yet paid during the Period are detailed at Appendix III.

The category 1 disbursements paid for in the Period total £93.72 and are detailed at Appendix III and represent the simple reimbursement of actual out of pocket payments made in relation to the assignment. It is anticipated that an additional £302.64 will be paid outside of the Period of this report prior to closure.

The category 2 disbursements for the Period total £2.20 and these may include an element of overhead charges in accordance with approval given by creditors on 27 November 2017. The basis of calculation of this category of disbursement was disclosed to creditors prior to the resolution being passed and is also detailed at Appendix VI. It is anticipated that an additional £63.00 will be paid outside of the Period of this report prior to closure.

Information about this insolvency process may be found on the R3 website at <http://www.creditorinsolvencyguide.co.uk/>.

A copy of 'A Creditors' Guide to Fees' together with the firm's charge-out rate and disbursement policy may be found at: [www.r3.org.uk/what-we-do/publications/professional/fees](http://www.r3.org.uk/what-we-do/publications/professional/fees). A hard copy of both the Creditors' Guide and the firm's charge-out rate and disbursement policy may be obtained on request.

### Other professional costs

#### *Legal fees*

As detailed above, AP were instructed to confirm the validity of the charge granted to FEL. The fee for this task to be undertaken was £416.67 plus VAT which was paid, in full, outside the Period of this report. No further fees are outstanding in respect of this matter.

### **CREDITORS' RIGHTS**

An unsecured creditor may, with the permission of the Court or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question) request further details of the Joint Liquidators' remuneration and expenses, within 21 days of receipt of this report. Any secured creditor may request the same details in the same time limit.

*An unsecured creditor may, with the permission of the Court or with the concurrence of 10% in value of the creditors (including the creditor in question), apply to Court to challenge the amount and/or basis of the Joint Liquidators' fees and the amount of any proposed expenses or expenses already incurred, within 8 weeks of receipt of this report. Any secured creditor may make a similar application to court within the same time limit.*

### **EC REGULATIONS (WHETHER PROCEEDINGS ARE MAIN PROCEEDINGS OR TERRITORIAL)**

*The Company's centre of main interest was in the UK and their registered office was 34-36 Banks Road, West Kirby, Wirral, CH38 0RD and therefore it is considered that the EC Regulations will apply. These proceedings are main proceedings as defined in Article 3 of the EC Regulation.*

### **THE GENERAL DATA PROTECTION REGULATION ('GDPR')**

GDPR requires that individuals whose data is being held be contacted and provided with information about their rights. A privacy notice is attached.

### **CONCLUSION**

The administration of the case has concluded.

If you require any further information please contact my colleague, Richard Shaw, at this office.



Stephen Michael John Berry  
Joint Liquidator

Dated: 2 July 2019

*Stephen Michael John Berry is licensed to act as an Insolvency Practitioner in the UK by the Insolvency Practitioners Association and is bound by the Insolvency Code of Ethics when carrying out all professional work relating to an insolvency appointment.*

*Timothy John Edward Dolder is licensed to act as an Insolvency Practitioner in the UK by the Insolvency Practitioners Association and is bound by the Insolvency Code of Ethics when carrying out all professional work relating to an insolvency appointment.*

**STATUTORY INFORMATION**

Company name:	W34 Limited	
Former names:	West 34 Limited	29/02/2016 to 18/04/2018
	Toft Restaurants Limited	03/09/2015 to 29/02/2016
Trading name:	West 34 Seafood Restaurant	
Company number:	09761288	
Date of incorporation:	3 September 2015	
Registered office:	c/o Opus Restructuring LLP Evergreen House North Grafton Place Euston London NW1 2DX	
Former registered office:	34-36 Banks Road West Kirby Wirral CH38 0RD	
Former trading address:	34-36 Banks Road West Kirby Wirral CH38 0RD	
Office holders:	Stephen Michael John Berry and Timothy John Edward Dolder	
Office holders address:	Opus Restructuring LLP Evergreen House North Grafton Place Euston London NW1 2DX	
Date of appointment:	27 November 2017	

**W34 LIMITED T/A WEST 34 SEAFOOD RESTAURANT LIMITED (IN LIQUIDATION)**  
**JOINT LIQUIDATORS' ABSTRACT OF RECEIPTS AND PAYMENTS**  
**FOR THE PERIOD 27 NOVEMBER 2018 TO 2 JULY 2019**

Statement of Affairs (£)	As previously reported (£)	27/11/2018 to 02/07/2019 (£)	Anticipated to closure (£)	Total (£)
<b>RECEIPTS</b>				
- Bank interest gross	2.45	0.35	-	2.80
- Cash at bank	2,217.82	-	-	2,217.82
- Purchase price of Scogs lease	-	-	-	0.00
Uncertain Rent deposit	9,951.19	-	-	9,951.19
5,000.00 Sale of stock / intellectual property	4,167.50	-	-	4,167.50
5,000.00	16,338.96	0.35	-	16,339.31
<b>PAYMENTS</b>				
Joint Liquidators' fees	(8,500.00)	(1,121.37)	(93.23)	(9,714.60)
Statement of Affairs fee	(5,000.00)	-	-	(5,000.00)
Legal' fees	(416.67)	-	-	(416.67)
Advertising	(253.80)	-	-	(253.80)
Anti-money laundering check	-	-	(16.00)	(16.00)
Bonding	(40.00)	-	-	(40.00)
Companies House fee	(10.00)	-	-	(10.00)
Document storage	(75.35)	(77.46)	(113.84)	(266.65)
Files and indices	-	-	(21.00)	(21.00)
Software fee - DocuSoft	(45.00)	-	-	(45.00)
Software fee - Visionblue	(185.00)	-	-	(185.00)
Virtual meeting	-	-	(150.00)	(150.00)
Postage	(59.43)	(16.26)	(22.80)	(98.49)
Photocopying	(77.90)	(2.20)	(42.00)	(122.10)
VAT receivable	(215.41)	(243.46)	458.87	(0.00)
	(14,878.56)	(1,460.75)	-	(16,339.31)
<b>CASH AT BANK</b>	1,460.40	(1,460.40)	-	-

# APPENDIX III

## W34 LIMITED (IN LIQUIDATION) JOINT LIQUIDATORS' REMUNERATION SCHEDULE FROM 27 NOVEMBER 2018 TO 2 JULY 2019

Classification of function	Partner/ Director	Manager	Other senior professionals	Assistants & support staff	Total hours	Time cost (£)	Average hourly rate (£)
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<b>Administration &amp; Planning</b>							
Case Closure	-	0.90	3.80	-	4.70	890.00	189.36
Internal Documentation and IT	-	-	0.10	1.50	1.60	127.50	79.69
Case Reviews including MR1s/MR2s	-	0.50	-	-	0.50	125.00	250.00
Statutory Reporting and Compliance	-	1.70	15.10	-	16.80	3,067.50	182.59
Firms Administration - Feeing etc	-	2.00	-	-	2.00	505.00	252.50
Cashiering	-	0.40	-	1.60	2.00	300.00	150.00
Post appointment VAT	-	-	4.00	-	4.00	700.00	175.00
File Review	1.50	-	-	-	1.50	487.50	325.00
	<b>1.50</b>	<b>5.50</b>	<b>23.00</b>	<b>3.10</b>	<b>33.10</b>	<b>6,202.50</b>	<b>187.39</b>

<b>Total hours</b>	1.50	5.50	23.00	3.10	33.10		
<b>Total costs</b>	487.5	1,380.00	4,022.50	312.5	6,202.50		
<b>Average hourly rate</b>	325.00	250.91	174.89	100.81	187.39		

<b>Summary of fees</b>	
Time spent in administering the assignment during the Period	33.10
Total value of time spent administering the assignment during the Period	£6,202.50
Total Joint Administrators' fees charged during the Period	£1,121.37

<b>Disbursements</b>	<b>Total incurred (£)</b>	<b>Total recovered (£)</b>
Category 1 Postage	29.70	16.26
Category 1 Storage costs	191.30	77.46
Category 2 Photocopying	64.80	2.20
<b>Total</b>	<b>285.80</b>	<b>95.92</b>

# APPENDIX IV

## W34 LIMITED (IN LIQUIDATION) JOINT LIQUIDATORS' REMUNERATION SCHEDULE FROM 27 NOVEMBER 2017 TO 2 JULY 2019

Classification of function	Partner/ Director	Manager	Other senior professionals	Assistants & support staff	Total hours	Time cost (£)	Average hourly rate (£)
<b>Administration &amp; Planning</b>							
Case Closure	-	1.20	7.70	-	8.90	1,647.50	185.11
Internal Documentation and IT	-	-	33.30	11.30	44.60	5,025.00	112.67
Case Planning	-	2.80	1.50	-	4.30	925.00	215.12
Case Reviews Including MR1s/MR2s	-	2.60	-	-	2.60	650.00	250.00
Administrative Set Up	0.40	-	-	-	0.40	130.00	325.00
Appointment Notification	0.20	1.30	0.40	-	1.90	440.00	231.58
Maintenance of Records	-	1.00	0.10	1.10	2.20	405.00	184.09
Statutory Reporting and Compliance	-	1.70	16.40	-	18.10	3,230.00	178.45
Firms Administration - Feeing etc	-	4.80	-	-	4.80	1,227.50	255.73
Cashiering	-	2.20	4.80	8.60	15.60	2,240.00	143.59
Statutory forms	-	1.40	-	-	1.40	350.00	250.00
Post appointment Corporation tax	-	0.20	-	-	0.20	50.00	250.00
Post appointment VAT	-	1.30	8.60	-	9.90	1,775.00	179.29
Other post appointment tax matters	-	-	1.30	-	1.30	162.50	125.00
File Review	1.50	-	3.20	-	4.70	887.50	188.83
<b>Total</b>	<b>2.10</b>	<b>20.50</b>	<b>77.30</b>	<b>21.00</b>	<b>120.90</b>	<b>19,145.00</b>	<b>158.33</b>

<b>Investigations</b>							
D Reports	2.00	-	0.70	-	2.70	737.50	273.15
Other Investigations	0.30	-	0.20	-	0.50	122.50	245.00
Analysis of financial records	-	0.40	-	2.40	2.80	280.00	100.00
CDDA Reports	-	2.00	7.30	-	9.30	1,412.50	151.88
Legal Correspondence	-	0.30	-	-	0.30	75.00	250.00
Correspondence with director	-	0.10	-	-	0.10	25.00	250.00
<b>Total</b>	<b>2.30</b>	<b>2.80</b>	<b>8.20</b>	<b>2.40</b>	<b>15.70</b>	<b>2,652.50</b>	<b>168.95</b>

<b>Realisation of Assets</b>							
Initial Actions and Valuations	-	0.50	-	-	0.50	125.00	250.00
Property leases and general issues	0.60	-	-	-	0.60	195.00	325.00
Sale of Assets	-	0.30	0.50	-	0.80	137.50	171.88
Debt Collection	-	-	0.70	-	0.70	87.50	125.00
Internal Documentation	-	0.00	0.70	-	0.70	87.50	125.00
Insurance	-	0.20	-	-	0.20	50.00	250.00
Correspondence with Agent	-	-	0.50	-	0.50	62.50	125.00
Legal Matters	0.50	-	-	-	0.50	162.50	325.00
Identifying, securing, insuring assets	2.10	-	-	-	2.10	682.50	325.00
Pensions, policies and investments	-	0.20	-	-	0.20	50.00	250.00
Other assets	-	0.60	-	-	0.60	150.00	250.00
Stock	-	0.10	-	-	0.10	25.00	250.00
Contributions	-	0.50	-	-	0.50	125.00	250.00
Rent	-	0.30	-	-	0.30	75.00	250.00
Cash at Bank	-	0.70	-	-	0.70	175.00	250.00
<b>Total</b>	<b>3.20</b>	<b>13.40</b>	<b>2.40</b>	-	<b>9.00</b>	<b>2,190.00</b>	<b>243.33</b>

<b>Creditors</b>							
Employees	-	1.30	-	-	1.30	325.00	250.00
Employee Communications	-	-	0.60	-	0.60	75.00	125.00
Communication with creditors	-	-	3.80	-	3.80	475.00	125.00
Secured Creditors	-	1.70	-	-	1.70	425.00	250.00
Ordinary creditors	-	0.10	0.00	-	0.10	25.00	250.00
Employee claims	-	-	1.20	-	1.20	150.00	125.00
<b>Total</b>	<b>0.00</b>	<b>3.10</b>	<b>5.60</b>	-	<b>8.70</b>	<b>1,475.00</b>	<b>169.54</b>

<b>Total hours</b>	<b>7.60</b>	<b>29.80</b>	<b>93.50</b>	<b>23.40</b>	<b>154.30</b>
<b>Total costs</b>	<b>2,470.00</b>	<b>7,482.50</b>	<b>13,295.00</b>	<b>2,215.00</b>	<b>25,462.50</b>
<b>Average hourly rate</b>	<b>325.00</b>	<b>251.09</b>	<b>142.19</b>	<b>94.66</b>	<b>165.02</b>

<b>Summary of fees</b>	
Time spent in administering the assignment during the Period	154.30
Total value of time spent administering the assignment during the Period	£25,462.50
Total Joint Administrators' fees charged during the Period	£9,621.37

Disbursements	Total Incurred (£)	Total recovered (£)
Category 1 Legal fees	416.67	416.67
Category 1 Advertising	253.80	253.80
Category 1 Anti-money laundering check	16.00	-
Category 1 Bonding	40.00	40.00
Category 1 Companies House fee	10.00	10.00
Category 1 Documents storage	266.65	152.81
Category 1 Software fee - DocuSoft	45.00	45.00
Category 1 Software fee - Visionblue	185.00	185.00
Category 1 Virtual meeting cost	150.00	-
Category 1 Postage	98.49	75.69
Category 2 Files and Indices	21.00	-
Category 2 Photocopying	122.10	80.10
<b>Total</b>	<b>1,624.71</b>	<b>1,259.07</b>



**W34 LIMITED (FORMERLY WEST 34 LIMITED) T/A WEST 34 SEAFOOD RESTAURANT LIMITED  
(IN LIQUIDATION)  
DETAILED LIST OF WORK UNDERTAKEN**

<b>General Description</b>	<b>Includes</b>
<b>Statutory and General Administration</b>	
<b>Statutory/advertising</b>	Filing of documents to meet statutory requirements including annual receipts and payments accounts Annual corporation tax returns Quarterly VAT returns Bonding the case for the value of the assets
<b>Document maintenance/file review/checklist</b>	Filing of documents Periodic file reviews documenting strategy 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
<b>Bank account administration</b>	Bank account reconciliations Maintenance of the estate cash book Banking remittances and issuing cheques/BACS payments
<b>Books and records / storage</b>	Dealing with records in storage Sending job files to storage
<b>Reports</b>	Preparing annual progress report Circulating final report to creditors
<b>Closure</b>	Review case to ensure all matters have been finalised Draft final report Obtain clearance to close case from HMRC together with submitting final tax return File documents with Registrar of Companies

## Opus Restructuring LLP

### Information relating to Opus Restructuring LLP's Fees and Expenses

#### Explanation of Opus Restructuring LLP's charging and disbursement recovery policies

##### Time recording

Work undertaken on cases 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. The current hourly charge-out rates are:

	Rate since 9.1.2013 £
Partner	325
Senior Manager / Director	275 - 300
Assistant Manager / Manager	200 - 250
Junior Administrator / Administrator / Senior Administrator	100 – 175
Cashier	125
Support Staff	75

##### Disbursement recovery

Disbursements are categorised as either Category 1 or 2 Category 2.

Category 1 disbursements will generally comprise of external supplies of incidental services specifically identifiable to the case. Where these have initially been paid by Opus Restructuring LLP and then recharged to the case, approval from creditors is not required. The amount recharged is the exact amount incurred.

Examples of Category 1 disbursements include postage, case advertising, specific bond insurance, company search fees, invoiced travel and properly reimbursed expenses incurred by personnel in connection with the case, (including business mileage up to the HMRC approved rate for cases commenced before 1 November 2011.) Also included will be services specific to the case where these cannot practically be provided internally such as printing, room hire and document storage.

Category 2 disbursements include elements of shared or allocated costs incurred by Opus Restructuring LLP and are recharged to the estate; they are not attributed to the estate by a third party invoice and/or they may include a profit element. These disbursements are recoverable in full, subject to the basis of the disbursement charge being approved by creditors in advance. Examples of Category 2 disbursements are photocopying, all business mileage (for cases commencing on or after 1 November 2011), internal room hire and internal storage.

The current levels of Category 2 disbursements recovered by Opus Restructuring LLP are as follows:

	£
Room Hire (for internal room hire outside of London and London)	100 / 150
Virtual Meetings	100
Photocopying/scanning/faxes (internal)	10p per side
Business mileage per mile	45p
Smartsearch per search – UK based	5
Smartsearch per search – rest of world	49.50 - 187
File set-up cost (per file)	6
Company Searches (downloading and printing documents)	10

The costs recharged are based upon the actual cost of the materials used or the costs which would have been incurred if that service had been sourced externally.

**NOTICE OF NO DIVIDEND**

**Company Name:** W34 Limited (formerly West 34 Limited) t/a West 34 Seafood Restaurant  
(in Liquidation) ('the Company')  
**Company Number:** 09761288

This Notice is given under Rule 14.36 of the Insolvency (England & Wales) Rules 2016 ('the Rules'). It is delivered by the Joint Liquidators of the Company, Stephen Michael John Berry of Opus Restructuring LLP, 20 Chapel Street, Liverpool, L3 9AG and Timothy John Edward Dolder, of Opus Restructuring LLP, 1 Radian Court, Knowlhill, Milton Keynes, Buckinghamshire, MK5 8PJ (telephone number 020 7268 3333), who were appointed by the members and creditors.

The Joint Liquidators gives notice confirming that no dividend will be declared in the Liquidation of the Company.

The funds realised have already been used or allocated for paying the expenses of the Liquidation.

The Joint Liquidators will now proceed to conclude the Liquidation and therefore any claims against the assets of the Company are required to be established by 1 August 2019.



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Stephen Michael John Berry  
Joint Liquidator

Dated: 2 July 2019

NOTICE THAT THE COMPANY'S AFFAIRS ARE FULLY WOUND UP

**Company Name:** W34 Limited (formerly West 34 Limited) t/a West 34 Seafood Restaurant  
(in Liquidation) ('the Company')  
**Company Number:** 09761288

This Notice is given under Rule 14.36 of the Insolvency (England & Wales) Rules 2016 ('the Rules'). It is delivered by the Joint Liquidators of the Company, Stephen Michael John Berry of Opus Restructuring LLP, 20 Chapel Street, Liverpool, L3 9AG and Timothy John Edward Dolder, of Opus Restructuring LLP, 1 Radian Court, Knowlhill, Milton Keynes, Buckinghamshire, MK5 8PJ (telephone number 020 7268 3333), who were appointed by the members and creditors.

The Joint Liquidators give notice that the Company's affairs are fully wound up.

Creditors have the right:

- 1) to request information from the Joint Liquidators under Rule 18.9 of the Rules;
- 2) to challenge the Joint Liquidators' remuneration and expenses under Rule 18.34 of the Rules; and
- 3) to object to the release of the Joint Liquidators by giving notice in writing below before the end of the prescribed period to:

Stephen Michael John Berry and Timothy John Edward Dolder of Opus Restructuring LLP,  
Evergreen House North, Grafton Place, London, NW1 2DX

The prescribed period ends at the later of: (i) eight weeks after delivery of this notice, or (ii) if any request for information under Rule 18.9 of the Rules or any application to court under that Rule or Rule 18.34 of the Rules is made, when that request or application is finally determined.

The Joint Liquidators will vacate office under Section 171 of the Insolvency Act 1986 ("the Act") on delivering to the Registrar of Companies the final account and notice saying whether any creditor has objected to release.

The Joint Liquidators will be released under Section 173 of the Act at the same time as vacating office unless any of the Company's creditors objected to release.

Relevant extracts of the Rules referred to above are provided overleaf.



Stephen Michael John Berry  
Joint Liquidator

Dated: 2 July 2019

**RELEVANT EXTRACTS OF RULES 18.9 AND 18.34 OF  
THE INSOLVENCY (ENGLAND & WALES) RULES 2016**

**Rule 18.9**

- (1) The following may make a written request to the office-holder for further information about remuneration or expenses set out in a final report under rule 18.14:
- a secured creditor;
  - an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question); or
  - any unsecured creditor 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 creditor.

**Rule 18.34**

- (1) This rule applies to an application in a winding-up made by a person mentioned in paragraph (2) on the grounds that:
- *the remuneration charged by the office-holder is in all the circumstances excessive;*
  - 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
  - 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 secured creditor; or
  - 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.
- (3) The application by a creditor must be made no later than eight weeks after receipt by the applicant of the final report or account under rule 18.14 which first reports the charging of the remuneration or the incurring of the expenses in question.

## PRIVACY NOTICE

The following information is provided to comply with the requirements of the General Data Protection Regulation.

This privacy statement describes why and how we collect and use personal data and provides information about individuals' rights. It applies to personal data provided to us, both by individuals themselves or by others. We may use personal data provided to us for any of the purposes described in this privacy statement or as otherwise stated at the point of collection.

<b>Identity and contact details of the controller and where applicable, the controller's representative and the data protection officer</b>	<p>Where an insolvency practitioner of Opus Restructuring LLP is not appointed as office holder, the data controller is either the company/individual on whose instructions Opus Restructuring LLP is acting or it is Opus Restructuring LLP. The contact details of Opus Restructuring LLP are: Evergreen House North, Grafton Place, London, NW1 2DX, 020 3326 6454, info@opusllp.com.</p> <p>Where an insolvency practitioner of Opus Restructuring LLP is appointed as office holder and the data processing is carried out as part of their statutory duties, the office holder(s) is/are the data controllers. The Insolvency practitioner(s) can be contacted at: Opus Restructuring LLP, Evergreen House North, Grafton Place, London, NW1 2DX, 020 3326 6454, info@opusllp.com.</p>
<b>How we use your personal information</b>	<p>The purpose for which personal information is processed may include any or all of the following:</p> <ul style="list-style-type: none"> <li>• deliver services and meet legal responsibilities</li> <li>• verify identity where this is required</li> <li>• communication by post, email or telephone</li> <li>• understand needs and how they may be met</li> <li>• maintain records</li> <li>• process financial transactions</li> <li>• prevent and detect crime, fraud or corruption</li> <li>• may also need to use data to defend or take legal actions related to the above</li> </ul>
<b>Lawful basis for the processing</b>	<p>Most processing is carried out to comply with our legal obligations under statute and other regulatory obligations related to the insolvency process. We also believe our processing is for the legitimate interests of all stakeholders in the insolvency process, as they are entitled to be kept informed and may wish to engagement in the insolvency process. Where Opus Restructuring LLP has engaged with a client to perform a service, we will be required to process data to provide the service in accordance with the contractual terms.</p>
<b>What personal information we hold</b>	<p>The categories are: contact details, financial information and location. In rare cases, we may hold some special category data, e.g. trade union membership or information about individual's health, which will be necessary to administer the insolvency process in line with our legal obligations.</p>
<b>Who we share our data with</b>	<p>Personal data held by us may be transferred to:</p> <p><b>Third party organisations that provide applications/functionality, data processing or IT services to us</b></p> <p>We use third parties to support us in providing our services and to help provide, run and manage our internal IT systems. For example, providers of information technology, cloud based software as a service providers, identity management, website hosting and management, data analysis, data back-up, security and storage services. The servers powering and facilitating that cloud infrastructure are located in secure</p>

	<p>data centres around the world, and personal data may be stored in any one of them.</p> <p><b>Third party organisations that otherwise assist us in providing goods, services or information</b></p> <p><b>Auditors and other professional advisers</b></p> <p><b>Law enforcement or other government and regulatory agencies or to other third parties as required by, and in accordance with, applicable law or regulation</b></p> <p>Occasionally, we may receive requests from third parties with authority to obtain disclosure of personal data, such as to check that we are complying with applicable law and regulation, to investigate an alleged crime, to establish, exercise or defend legal rights. We will only fulfil requests for personal data where we are permitted to do so in accordance with applicable law or regulation.</p>
<b>How long we retain your personal information</b>	<p>We retain personal data for as long as is necessary to achieve the purpose listed above and for any other permissible related purpose. For example, we retain most records until the time limit for claims arising from the activities has expired or otherwise to comply with statutory or regulatory requirements regarding the retention of such records.</p>
<b>Your rights</b>	<p>The GDPR provides the following rights for individuals:</p> <p><b>Right to inform</b> This privacy notice meets our requirement to inform you of our processing of your data.</p> <p><b>Access to personal data</b> You have a right of access to personal data held by us as a data controller. This right may be exercised by contacting us at: Opus Restructuring LLP, Evergreen House North, Grafton Place, London, NW1 2DX, 020 3326 6454, <a href="mailto:info@opusllp.com">info@opusllp.com</a>. We will aim to respond to any requests for information promptly, and in any event within one month.</p> <p><b>Amendment of personal data</b> To update personal data submitted to us, you may email us at <a href="mailto:info@opusllp.com">info@opusllp.com</a> or, where appropriate, contact us via the relevant website registration page or by amending the personal details held on relevant applications with which you registered.</p> <p><b>Rights that do not apply in these particular circumstances</b> Not all of the rights under the GDPR are available as one of the reasons we are holding your data is on the basis of it being a legal obligation and therefore the right to erasure, data portability and to object do not apply.</p>
<b>Right to withdraw consent</b>	<p>The data received was not based upon obtaining consent and therefore the right to withdraw consent does not apply.</p>
<b>Changes to our privacy statement</b>	<p>We keep this privacy statement under regular review and will place any updates on our website. Paper copies of the privacy statement may also be obtained by writing to us at Opus Restructuring LLP, Opus Restructuring LLP, Evergreen House North, Grafton Place, London, NW1 2DX.</p> <p>This privacy statement was last updated on 1 May 2018.</p>
<b>Complaints</b>	<p>Should you want to complain about our use of personal data, please contact us at Opus Restructuring LLP, Opus Restructuring LLP, Evergreen House North, Grafton Place, London, NW1 2DX.</p> <p>You also have the right to lodge a complaint with the Information Commissioner's Office ("ICO") (the UK data protection regulator). For</p>

	further information on your rights and how to complain to the ICO, please refer to the <a href="#">ICO website</a> .
<b>Who provided the personal data</b>	The personal data we have used to contact you was provided by the company/individual (or persons acting on their behalf) on whose instructions we are acting or in relation to which our insolvency practitioner has been appointed. We also access information from the Registrar of Companies and other similar public-access data providers.