

In accordance with Rule 18.7 of the Insolvency (England & Wales) Rules 2016 and Sections 92A, 104A and 192 of the Insolvency Act 1986.

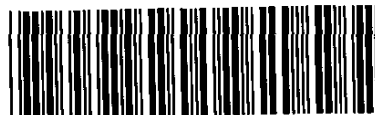
# LIQ03

## Notice of progress report in voluntary winding up



Companies House

MONDAY



A08 \*A7LH2KWZ\* 24/12/2018 #389  
COMPANIES HOUSE

### 1 Company details

Company number 1 0 3 5 6 6 3 0

Company name in full RESOLUTE DEPOT LIMITED

#### Filling in this form

Please complete in typescript or in bold black capitals.

### 2 Liquidator's name

Full forename(s) Jeffrey Mark

Surname Brenner

### 3 Liquidator's address

Building name/number Concorde House

Street Grenville Place

Post town Mill Hill

County/Region London

Postcode N W 7 3 S A

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




|   |  |   |   |   |   |   |   |   |  |  |  |  |
|---|--|---|---|---|---|---|---|---|--|--|--|--|
| <b>6</b>  | <b>Period of progress report</b>   |   |   |   |   |   |   |   |  |  |  |  |
| From date   | d  | d | m | m | y | y | y | y |  |  |  |  |
|   | 2  | 3 | 1 | 1 | 2 | 0 | 1 | 7 |  |  |  |  |
| To date   | d  | d | m | m | y | y | y | y |  |  |  |  |
|   | 2  | 2 | 1 | 1 | 2 | 0 | 1 | 8 |  |  |  |  |
| <b>7</b>  | <b>Progress report</b>   |   |   |   |   |   |   |   |  |  |  |  |
| <input checked="" type="checkbox"/> The progress report is attached |  |   |   |   |   |   |   |   |  |  |  |  |
| <b>8</b>  | <b>Sign and date</b>   |   |   |   |   |   |   |   |  |  |  |  |
| Liquidator's signature  | Signature<br> |   |   |   |   |   |   |   |  |  |  |  |
| Signature date  | 2  | 1 | 1 | 2 | 2 | 0 | 1 | 8 |  |  |  |  |

# LIQ03

## Notice of progress report in voluntary winding up

|  |                        |
|--|------------------------|
|  <b>Presenter information</b>   |                        |
| 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   | Jeffrey Mark Brenner   |
| Company name   | B&C Associates Limited |
| Address  |                        |
| Concorde House   |                        |
| Grenville Place  |                        |
| Post town  |                        |
| Mill Hill  |                        |
| County/Region  |                        |
| London   |                        |
| Postcode   | N W 7 3 S A            |
| Country  |                        |
| DX   |                        |
| Telephone  | 020 8906 7730          |


|   |
|---|
|  <b>Checklist</b>    |
| We may return forms completed incorrectly or with information missing.                                  |
| Please make sure you have remembered the following:   |
| <input type="checkbox"/> The company name and number match the information held on the public Register. |
| <input type="checkbox"/> You have attached the required documents.                                      |
| <input type="checkbox"/> You have signed the form.  |

|  |
|--|
|  <b>Important information</b>   |
| All information on this form will appear on the public record.   |
|  <b>Where to send</b>   |
| 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.<br>DX 33050 Cardiff.   |
|  <b>Further information</b>   |
| For further information please see the guidance notes on the website at <a href="http://www.gov.uk/companieshouse">www.gov.uk/companieshouse</a> or email <a href="mailto:enquiries@companieshouse.gov.uk">enquiries@companieshouse.gov.uk</a> |

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)

**Resolute Depot Limited**  
**(In Liquidation)**  
**Liquidator's Summary of Receipts & Payments**

| Statement<br>of Affairs<br>£ |                                | From 23/11/2017<br>To 22/11/2018<br>£ | From 23/11/2017<br>To 22/11/2018<br>£ |
|------------------------------|--------------------------------|---------------------------------------|---------------------------------------|
|                              | <b>ASSET REALISATIONS</b>      |                                       |                                       |
| 4,500.00                     | Funds held in CGLS account     | 8,787.69                              | 8,787.69                              |
|                              | Bank Interest Gross            | 9.40                                  | 9.40                                  |
|                              |                                | <u>8,797.09</u>                       | <u>8,797.09</u>                       |
|                              | <b>COST OF REALISATIONS</b>    |                                       |                                       |
|                              | Office Holders Expenses        | 227.00                                | 227.00                                |
|                              |                                | <u>(227.00)</u>                       | <u>(227.00)</u>                       |
|                              | <b>UNSECURED CREDITORS</b>     |                                       |                                       |
| (19,997.00)                  | Trade & Expense Creditors      | NIL                                   | NIL                                   |
| (5,455.00)                   | HM Revenue & Customs PAYE & NI | NIL                                   | NIL                                   |
| (5,487.00)                   | H M Revenue & Customs - VAT    | NIL                                   | NIL                                   |
|                              |                                | <u>NIL</u>                            | <u>NIL</u>                            |
|                              | <b>DISTRIBUTIONS</b>           |                                       |                                       |
| (1.00)                       | Ordinary Shareholders          | NIL                                   | NIL                                   |
|                              |                                | <u>NIL</u>                            | <u>NIL</u>                            |
| <b>(26,440.00)</b>           |                                | <b><u>8,570.09</u></b>                | <b><u>8,570.09</u></b>                |
|                              | <b>REPRESENTED BY</b>          |                                       |                                       |
|                              | Vat Receivable                 |                                       | 45.40                                 |
|                              | Bank 1 Current Account         |                                       | 8,524.69                              |
|                              |                                |                                       | <u><b>8,570.09</b></u>                |

  
 \_\_\_\_\_  
 Jeffrey Mark Brenner  
 Liquidator

# **Liquidator's Annual Progress Report to Creditors & Members**

**Resolute Depot Limited  
- In Liquidation**

**Date of Report – 21 December 2018**

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- 3** Creditors
- 4** Liquidator's Remuneration
- 5** Creditors' Rights
- 6** Next Report

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- A** Receipts and Payments Account for the Period from 23 November 2017 to 22 November 2018
- B** Additional information in relation to Liquidator's Fees, Expenses & Disbursements
- C** Decision Notice, Voting Form, Proof of Debt Form and Privacy Notice

## **1 Introduction and Statutory Information**

- 1.1 I, Jeffrey Mark Brenner of B&C Associates Ltd, Concorde House, Grenville Place, Mill Hill, London, NW7 3SA, was appointed as Liquidator of Resolute Depot Limited (the **Company**) on 23 November 2017. This progress report covers the period from 23 November 2017 to 22 November 2018 (**the Period**) and should be read in conjunction with any previous progress reports which have been issued.
- 1.2 Information about the way that we will use, and store personal data on insolvency appointments can be found in the attached Privacy Notice.
- 1.3 Prior to Liquidation the registered office address of the Company was 2<sup>nd</sup> Floor, Princess Mary House, 4 Bluecoats Avenue, Hertford, SG14 1PB. The registered office has been changed to c/o B&C Associates Ltd, Concorde House, Grenville Place, Mill Hill, London, NW7 3SA.
- 1.4 The Company is one of 2040 companies (the **Companies**) operating a similar business model and with a similar creditor base all of which ceased trading on 5 April 2017. Until then the companies carried on business as contracting intermediaries supplying the services of temporary workers. J M Brenner and B&C Associates Ltd were introduced to this matter by CGLS Accountancy Services Ltd ("CGLS") in March 2017 and were subsequently instructed to assist in placing all of the Companies into liquidation. The Companies were placed into liquidation between 31 May 2017 and 8 February 2018 and separate annual reports will be issued in respect of each of the Companies at the appropriate time.

## **2 Progress of the Liquidation**

- 2.1 This section of the report provides creditors with an update on the progress made in the Liquidation during the Period.
- 2.2 At Appendix A is the Liquidator's Receipts and Payments Account for the Period.
- 2.3 The time spent on this case relates to the following matters:
- (i) Attending to correspondence and telephone calls with creditors
  - (ii) Recording and acknowledging creditor claims
  - (iii) Attending to correspondence and telephone calls with employees
  - (iv) Investigation into the affairs of the Company
  - (v) Meeting and interviewing suppliers
  - (vi) Preparation and submission of a statutory report to the Secretary of State
  - (vii) Obtaining bonding and completing bond reviews to enable the Liquidator to continue to act
  - (viii) Updating the Insolvency Practitioners System
  - (ix) Review and statutory compliance which includes submissions to Companies House
  - (x) Debtor Realisations
  - (xi) Correspondence with the bank in regard to release of funds held in client accounts operated by CGLS
  - (xii) Attending meetings with HMRC and other creditors
  - (xiii) Obtaining company books and records
  - (xiv) Opening bank accounts and allocation of funds
  - (xv) Liaising with counsel and solicitors
  - (xvi) Data Protection and Pension searches

### ***Administration (including statutory compliance & reporting)***

- 2.4 An office holder must comply with certain statutory obligations under the Insolvency Act 1986 and other related legislation. Details about the work I anticipated would need to be done in this area was outlined to creditors in my initial fees information.
- 2.5 Where the costs of statutory compliance work or reporting to creditors exceeds the initial estimate, it will usually be because the duration of the case has taken longer than anticipated, possibly due to protracted asset realisations, which have in turn placed a further statutory reporting requirement on the Liquidator.
- 2.6 As noted in my initial fees information, this work will not necessarily bring any financial benefit to creditors but is required on every case by statute.

### ***Realisation of Assets***

- 2.7 Funds held in CGLS Client Account

The funds for all of the Companies were held in four separate client accounts operated by CGLS on behalf of the Companies. CGLS provided accountancy, compliance and back office services to all of the Companies.

For the purposes of the Statement of Affairs the amounts of the funds held in each of the four Client Accounts were added together and the resulting figure was divided by 2040 and allocated equally to each of the Companies, as at the time the specific sum due to each of the Companies was unknown. At that time, this resulted in each Company having assets with a 'book value' of £4,500 and 'estimated to realise' value of the same amount. The funds held in all four of the Client Accounts have subsequently been received by the Liquidator.

The Liquidator has subsequently instructed CGLS to carry out a full reconciliation of the four Client Accounts and apportion the funds precisely to each of the Companies. Accordingly, the sum of £8,787.69 has been allocated to the Company, being its actual share of the funds held in the relevant CGLS Client Account.

- 2.8 Bank Interest Gross

The sum of £9.40 was received on funds held in the Liquidation current account.

- 2.9 It is considered that the work the Liquidator and his staff have undertaken to date may bring a financial benefit to creditors. This may be a distribution to secured creditors of the Company only (from which a Prescribed Part fund may be derived for the benefit of unsecured creditors) or may, depending on realisations and the extent of any 3<sup>rd</sup> party security, result in a distribution to the preferential and unsecured creditors of the Company.

### ***Creditors (claims and distributions)***

- 2.10 Further information on the anticipated outcome for creditors in this case can be found at section 3 of this Report.
- 2.11 The Liquidator is not only required to deal with correspondence and claims from unsecured creditors, but also those of any secured and preferential creditors of the Company. This may involve separate reporting to any secured creditor and dealing with distributions from asset realisations caught under their security, most typically a debenture. In this case there is no secured creditor.
- 2.12 Claims from preferential creditors typically involve employee claims and payments made on behalf of the Company by the Redundancy Payments Service following dismissal.



2.13 The above work will not necessarily bring any financial benefit to creditors generally, however the Liquidator is required by statute to undertake this work. Similarly, if a distribution is to be paid to any class of creditor, work will be required to agree those claims and process the dividend payments to each relevant class of creditor. The more creditors a company has, the more time and cost will be involved by the Liquidator in dealing with those claims.

2.14 I consider the following matters worth noting in my report to creditors at this stage:

- There are 4 unsecured creditor claims in this case
- There are no secured creditors
- No preferential claims have been received

#### ***Investigations***

2.15 Some of the work the Liquidator is required to undertake is to comply with legislation such as the Company Directors' Disqualification Act 1986 (CDDA 1986) and Statement of Insolvency Practice 2 – Investigations by Office Holders in Administration and Insolvent Liquidations and may not necessarily bring any financial benefit to creditors, unless these investigations reveal potential asset recoveries that the Liquidator can pursue for the benefit of creditors.

2.16 I can confirm that I have submitted a report on the conduct of the Director of the Company to the Department for Business, Energy & Industrial Strategy under the CDDA 1986. As this is a confidential report, I am unable to disclose the contents.

2.17 Shortly after appointment, I made an initial assessment of whether there could be any matters that might lead to recoveries for the estate and what further investigations may be appropriate. This assessment took into account any information provided by creditors.

2.18 I would advise that Gateley Plc solicitors have been instructed to assist the Liquidator with the ongoing investigations in this matter. In order to progress the ongoing investigations, the Liquidator and the instructed solicitors have held numerous meetings with the Company's creditors and have also held meetings and interviewed directors of various of the Companies. The Liquidator has been in ongoing communication with HMRC in this matter throughout the Period.

2.19 I continue to investigate whether there are further debts to be realised in relation to certain of the companies.

#### ***Matters still to be dealt with***

2.20 As the Liquidator has received the allocation of the funds held on the relevant CGLS Client Account, he will be reviewing the allocation and issuing any Notice of Intended Dividend (if relevant) in due course.

2.21 As detailed above, investigations in this matter generally are ongoing.

### **3 Creditors**

#### ***Unsecured Creditors***


3.1 I have received claims totalling £44,680.53 from 3 creditors. However, there may be further creditor claims in the Liquidation and the claims received to date have yet to be reviewed and adjudicated.

3.2 I would confirm that it is likely that there will be sufficient funds realised after defraying the expenses of the Liquidation to pay a dividend to unsecured creditors. As above, the claims have yet to be agreed and if appropriate the Liquidator will notify the creditors and a Notice of Intended Dividend will be issued in due course.

#### **4 Liquidator's Remuneration**

4.1 Creditors approved the basis of the Liquidator's remuneration as a fixed fee and percentage of realisations. The fixed fee was set at £2,500 plus VAT, together with 5% of realisations on cash balances, 10% of realisations on tangible assets and book debts and 40% of realisations on assets not detailed on the Statement of Affairs.

4.2 The Liquidator has made the following realisations upon which the creditors have approved a percentage be taken as remuneration. Details of the realisations to date are set out below:

|  |           |           |    |     |         |
|--|-----------|-----------|----|-----|---------|
|  |           |           |    |     |         |
| Cash at bank   | £8,787.69 | £8,787.69 | 5% | Nil | £439.38 |

4.3 The Liquidator has not drawn any remuneration to date on any basis.

4.4 Notwithstanding the approval of creditors to the basis of fees it would be opportune at this stage to have that approval reaffirmed in light of the volume of work undertaken to date and as such a further decision notice is attached: -

- Notice of the decisions to be considered by correspondence
- A Voting Form - please complete this and return it to my office by 18 January 2019. Alternatively, it can be emailed to [besa@bcassociates.uk.com](mailto:besa@bcassociates.uk.com) or faxed to 020 8906 7731.
- Proof of debt form - if you have not already submitted a proof of your claim in the liquidation, please return this completed with your Voting Form.

A simple majority of creditors voting on the decisions proposed will be required for them to be passed.

4.5 A copy of 'A Creditors' Guide to Liquidators' Fees' is available on request or can be downloaded from [www.icaew.com/en/technical/insolvency/creditors-guides](http://www.icaew.com/en/technical/insolvency/creditors-guides).

4.6 Attached as Appendix B is additional information in relation to the Liquidator's fees, expenses and disbursements, including where relevant, information on the use of subcontractors and professional advisers.

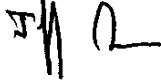
#### **5 Creditors' Rights**

5.1 Within 21 days of the receipt of this report, a secured creditor, or an unsecured creditor (with the concurrence of at least 5% in value of the unsecured creditors) may request in writing that the Liquidator provide further information about his remuneration or expenses which have been itemised in this progress report.

5.2 Any secured creditor, or an unsecured creditor (with the concurrence of at least 10% in value of the unsecured creditors) may within 8 weeks of receipt of this progress report make an application to court on the grounds that, in all the circumstances, the basis fixed for the Liquidator's remuneration is inappropriate and/or the remuneration charged or the expenses incurred by the Liquidator, as set out in this progress report, are excessive.

**6 Next Report**

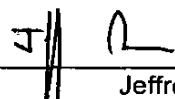
- 6.1 I am required to provide a further report on the progress of the liquidation within two months of the next anniversary of the liquidation, unless I have concluded matters prior to this, in which case I will write to all creditors with my final account.
- 6.2 Should you have any queries in relation to the contents of this report please contact Besa Mustafa of this office on 020 8906 7730 or by email at [besa@bcassociates.uk.com](mailto:besa@bcassociates.uk.com).

A handwritten signature in black ink, appearing to be 'J M Brenner', written in a cursive style.

**J M BRENNER  
LIQUIDATOR**

**Resolute Depot Limited**  
**(In Liquidation)**  
**Liquidator's Summary of Receipts & Payments**

| Statement<br>of Affairs<br>£ |                                | From 23/11/2017<br>To 22/11/2018<br>£ | From 23/11/2017<br>To 22/11/2018<br>£ |
|------------------------------|--------------------------------|---------------------------------------|---------------------------------------|
|                              | <b>ASSET REALISATIONS</b>      |                                       |                                       |
| 4,500.00                     | Funds held in CGLS account     | 8,787.69                              | 8,787.69                              |
|                              | Bank Interest Gross            | 9.40                                  | 9.40                                  |
|                              |                                | <u>8,797.09</u>                       | <u>8,797.09</u>                       |
|                              | <b>COST OF REALISATIONS</b>    |                                       |                                       |
|                              | Office Holders Expenses        | 227.00                                | 227.00                                |
|                              |                                | <u>(227.00)</u>                       | <u>(227.00)</u>                       |
|                              | <b>UNSECURED CREDITORS</b>     |                                       |                                       |
| (19,997.00)                  | Trade & Expense Creditors      | NIL                                   | NIL                                   |
| (5,455.00)                   | HM Revenue & Customs PAYE & NI | NIL                                   | NIL                                   |
| (5,487.00)                   | H M Revenue & Customs - VAT    | NIL                                   | NIL                                   |
|                              |                                | <u>NIL</u>                            | <u>NIL</u>                            |
|                              | <b>DISTRIBUTIONS</b>           |                                       |                                       |
| (1.00)                       | Ordinary Shareholders          | NIL                                   | NIL                                   |
|                              |                                | <u>NIL</u>                            | <u>NIL</u>                            |
| <b>(26,440.00)</b>           |                                | <b><u>8,570.09</u></b>                | <b><u>8,570.09</u></b>                |
|                              | <b>REPRESENTED BY</b>          |                                       |                                       |
|                              | Vat Receivable                 |                                       | 45.40                                 |
|                              | Bank 1 Current Account         |                                       | 8,524.69                              |
|                              |                                |                                       | <u>8,570.09</u>                       |

  
 Jeffrey Mark Brenner  
 Liquidator

## APPENDIX B

### ADDITIONAL INFORMATION IN RELATION TO THE LIQUIDATOR'S FEES, EXPENSES & DISBURSEMENTS

#### 1 Staff Allocation and the Use of Sub-Contractors

The general approach to 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 and an Administrator or Assistant. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and the experience requirements of the assignment.

We are not proposing to utilise the services of any sub-contractors in this case.

#### 2 Professional Advisors

On this assignment we have used the professional advisors listed below. We have also indicated alongside, the basis of our fee arrangement with them, which is subject to review on a regular basis.

|                            |                               |
|----------------------------|-------------------------------|
| Professional Advisors      |                               |
| Gateley Plc (legal advice) | Hourly rate and disbursements |

Our choice was based on our perception of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of our fee arrangement with them.

#### 3 Liquidator's Expenses & Disbursements

The estimate of expenses (including disbursements) which were anticipated at the outset of the liquidation was provided to creditors when the basis of my fees were approved, a copy of which is set out below:

|   | Estimated cost<br>£ |
|---|---------------------|
| <b>Category 1 disbursements</b>         |                     |
| Solicitor's costs                       | 500.00              |
| Statutory Advertising                   | 291.00              |
| Specific penalty bond                   | 90.00               |
| External Storage of books and records   | 50.00               |
| Companies House Searches                | 10.00               |
| <b>Category 2 disbursements</b>         |                     |
| Initial Case set up costs               | 10.00               |
| IPS Accounting System charge            | 15.00               |
| Telephone                               | 10.00               |
| Circularisation to creditors and others | 150.00              |
| Letters & Faxes                         | 150.00              |

#### 4 Current position of Liquidator's expenses

An analysis of the expenses paid to 22 November 2018, together with those incurred but not paid is provided below:

|                                   | Paid in prior period £ | Paid in the period covered by this report | Incurred but not paid to date £ | Total anticipated cost £ |
|-----------------------------------|------------------------|---|---------------------------------|--------------------------|
| <b>Category 1 disbursements</b>   |                        |   |                                 |                          |
| Courier                           | -                      | -   | 0.37                            | 0.60                     |
| Legal Fees                        | -                      | -   | 68.50                           | 300.00                   |
| Computer Costs                    | -                      | -   | 0.06                            | 1.00                     |
| Travel                            | -                      | -   | 4.78                            | 10.00                    |
| Advertising                       | -                      | 137.00                                    | -                               | 250.00                   |
| Specific penalty bond             | -                      | 90.00                                     | -                               | 90.00                    |
| <b>Category 2 disbursements</b>   |                        |   |                                 |                          |
| Initial Case set up costs         | -                      | -   | 10.00                           | 10.00                    |
| IPS Accounting System charge      | -                      | -   | 15.00                           | 15.00                    |
| Telephone                         | -                      | -   | 10.00                           | 10.00                    |
| Circularisation to creditors etc. | -                      | -   | 30.00                           | 150.00                   |
| <b>Total</b>                      | -                      | <b>227.00</b>                             | <b>138.71</b>                   | <b>836.60</b>            |

Category 1 disbursements do not require approval by creditors. The type of disbursements that may be charged as a Category 1 disbursement to a case generally comprise of external supplies of incidental services specifically identifiable to the case, such as postage, case advertising, invoiced travel and external printing, room hire and document storage. Also chargeable will be any properly reimbursed expenses incurred by personnel in connection with the case. These disbursements are included in the tables of expenses above.

Category 2 disbursements do require approval from creditors. These are costs which are directly referable to the appointment in question but are not payments which are made to an independent third party and may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis such as internal room hire, document storage or business mileage. Details of Category 2 disbursements charged by this firm (where appropriate) were provided at the time the Liquidator's fees were approved by creditors. Any Category 2 disbursements incurred are specifically highlighted in the tables of expenses above.

## **RESOLUTE DEPOT LIMITED (the Company)**

### **Fees Information in accordance with The Insolvency (England and Wales) Rules 2016 and Statement of Insolvency Practice 9**

#### ***Fees Overview***

Prior to an insolvency practitioner agreeing the basis of his remuneration as liquidator, details of the work proposed to be done and the expenses it is considered will be, or are likely to be, incurred in dealing with a company's affairs must be provided to creditors.

In addition, where the liquidator proposes to take all or any part of this remuneration based on the time he and his staff will spend dealing with the affairs of the insolvent company, a **fees estimate** must also be provided. This will outline the anticipated cost of that work, how long it is anticipated the work will take and whether any further approvals may be needed from creditors in due course.

In this case, I am not proposing to agree the basis of my remuneration as liquidator based on time spent dealing with the Company's affairs, therefore am not required to provide creditors with a **fees estimate**. I am required to confirm the basis or bases I am seeking in the alternative and details of the work proposed to be done in this case, which can be found below.

#### ***Work anticipated and the likely return to creditors***

Some of the work undertaken by an insolvency practitioner is required by statute and may not necessarily provide a financial benefit to creditors. Examples of this work include investigations required by Statement of Insolvency Practice 2 and the Company Directors Disqualification Act 1986 or dealing with the claims of former employees via the National Insurance Fund.

Where the work to be done is anticipated to produce a financial benefit to creditors, this will be stated and it may be necessary for the liquidator to instruct third parties to assist in this process because of a particular expertise that the third party may bring such as valuation, tax or legal advice.

Where it is practical to do so, a liquidator will provide an indication of the likely return to creditors when seeking approval for the basis of his remuneration. Again, due to the complex nature of the work undertaken by insolvency practitioners and the uncertainties that may exist in relation to the realisation of a company's assets at the outset of a case, this may not be possible. A liquidator is however, required by statute to provide periodic reports to creditors on the progress of a case which will include an update as to the likely return creditors may expect.

#### ***Proposed Fee Basis/Bases***

In this case, I am proposing the following bases for my remuneration as liquidator:

1. That the remuneration of the Liquidator be agreed on the bases of a fixed fee and percentage of realisations. The fixed fee is to be set at £2,500 plus VAT as well as 5% of realisations on cash balances, 10% of realisation on known assets and book debts and 40% of realisations on assets not detailed on the Statement of Affairs such as antecedent transactions. The Liquidator be authorised to draw his remuneration on account of costs incurred as and when funds permit.

The fixed fee of £2,500 plus VAT represents a fair and reasonable reflection of the work to be undertaken by the Liquidator as it would equate to the approximate likely time-costs of the Liquidator complying with his statutory obligations in this case. This is based on experience of work carried out on previous similar assignments and the work carried out on this case to date.

Please note however, that in circumstances where my initial investigations reveal matters for further detailed investigation or previously unknown assets to be realised, I reserve the right to refer back to creditors to establish how I am to be remunerated for such additional work, which may be proposed on a time cost basis. If such work proves necessary, I will revert to creditors with my fees estimate for approval.

### ***Outline of work to be done by the liquidator***

Below are details of the work I propose and have been undertaking in support of the above fee proposal for the liquidation:

#### ***Administration (including statutory compliance & reporting)***

Liquidators are required to carry out certain tasks in nearly every insolvency assignment, namely administrative duties and dealing with the Company's creditors. Whilst these tasks are required by statute or regulatory guidance, or are necessary for the orderly conduct of the proceedings, they do not necessarily produce any direct financial benefit for creditors, but nonetheless still have to be carried out.

This work includes:

- Notifying creditors of the liquidator's appointment and other associated formalities including statutory advertising and filing relevant statutory notices at Companies House
- Preparing and issuing annual progress reports to members and creditors
- Lodging periodic returns with the Registrar of Companies for the liquidation
- Complying with statutory duties in respect of the liquidator's specific penalty bond
- Creation and update of case files on the firm's insolvency software
- Redirection of the Company's mail to the liquidator's office
- Establishing and holding periodic meetings of the liquidation committee and associated filing formalities (if a committee is appointed)
- Securing the Company's books and records
- Pension regulatory reporting and auto-enrolment cancellation
- Completion and filing of the notice of the Company's insolvency to HMRC
- Initial assessment required by Statement of Insolvency Practice 2 and the Company Directors Disqualification Act 1986 (CDDA) including the review of the Company's books and records and the identification of potential further asset realisations which may be pursued in the liquidation
- Submitting a statutory report to the Insolvency Service under the CDDA
- Periodic case progression reviews (typically at the end of Month 1 and every 6 months thereafter)
- Opening, maintaining and managing the liquidation estate cashbook and bank account(s)
- Dealing with all post-appointment VAT and corporation tax compliance
- Closing the liquidation and preparing and issuing the liquidator(s) final progress report to members and creditors and calling the final meetings

#### ***Realisation of assets***

As you will note from the director(s) statement of affairs, the only asset of the Company are the funds held on the Company's behalf by CGLS Accountancy Ltd. If my investigations into the Company's affairs reveal any further assets not disclosed by the directors, I will look to investigate this further and pursue recoveries for the benefit of creditors. The pursuance of any such assets would only be made where the liquidator perceives this will add value to the estate.

Work done by the liquidator, his staff and any third parties engaged to assist the liquidator in realising the Company's assets may provide a financial benefit to creditors. This may involve realising assets to facilitate a distribution to secured creditors of the Company only (from which a Prescribed Part fund may be derived for the benefit of unsecured creditors) or may, depending on realisations and the extent of any 3<sup>rd</sup> party security, result in a distribution to the preferential and/or unsecured creditors of the Company. Further information on the likely outcome of the liquidation process is provided in the liquidator's progress reports.

#### ***Creditors (claims and distributions)***

As liquidator, I will deal with all secured, preferential and unsecured creditor correspondence and claims as received, including any claims of creditors under retention of title. Based on the position to date, I currently think that after taking into consideration the costs of realising the assets and dealing with the statutory formalities of the liquidation process and the related costs and expenses, a distribution is likely to become available to the unsecured creditors. I will deal with the review and adjudication of creditors' claims as appropriate, if and when it is determined that a dividend is to be declared to that class of creditor.

#### ***Investigations***

As Liquidator, I am required to conduct investigations into the conduct of the director(s) of the Company and transactions entered into prior to the Company's insolvency, as required by the Company Directors Disqualification Act 1986 and Statement of Insolvency Practice 2 (Investigations by Office Holders in Administrations and Insolvent Liquidations).



This work may not necessarily lead to any financial benefit to creditors yet is work I am required to undertake by statute. My investigations may reveal that further recoveries could be available for the insolvent estate and if this proves to be the case and I consider that further work will be required to pursue these assets, I will refer back to creditors about the likely costs involved in pursuing such recoveries.

### ***Liquidator's Expenses***

As also noted, I am required to provide creditors with details of the expenses I consider will be, or are likely to be, incurred in the liquidation. These may include expenses such as agent's costs for assisting in the disposal and realisation of the company's physical assets or other routine expenses associated with an insolvency case such as statutory advertising costs or the office holder's specific penalty bond.

| <b>Expense</b>                          | <b>Estimated cost<br/>£</b> |
|---|-----------------------------|
| Legal Costs                             | 300.00                      |
| Statutory Advertising                   | 250.00                      |
| Specific Bond                           | 90.00                       |
| External Storage of books and records   | 50.00                       |
| Companies House – Statutory Products    | 10.00                       |
| Initial case set up cost                | 10.00                       |
| IPS Accounting system charge            | 15.00                       |
| Telephone                               | 10.00                       |
| Circularisation to creditors and others | 150.00                      |
| Letters and faxes                       | 150.00                      |

### ***B&C Associates Limited's Category 2 disbursements policy***

Attached are details of my firm's Category 2 disbursements policy.

Category 2 disbursements require approval from creditors. These are costs which are directly referable to the appointment in question but are not payments which are made to an independent third party and may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis such as internal room hire, document storage or business mileage. Any Category 2 disbursements which this firm proposes to charge in this case are reflected in the table of expenses above. Approval to charge these will be sought from creditors when the basis of my remuneration as liquidator is fixed.

## **NOTICE OF DECISIONS BEING SOUGHT TO BE MADE BY A DECISION PROCEDURE – BY CORRESPONDENCE**

**RESOLUTE DEPOT LIMITED (the Company)**  
**Registered Number – 10356630**

### **THE PROPOSED DECISIONS**

The following decisions are proposed by the Liquidator (**the Convener**) as decisions to be made by the Company's creditors by correspondence:

1. That the remuneration of the Liquidator be agreed on the bases of a fixed fee and percentage of realisations. The fixed fee is to be set at £2,500 plus VAT as well as 5% of realisations on cash balances, 10% of realisations on tangible and intangible assets, book debts and sundry refunds, 40% of realisations on other assets not detailed on the Statement of Affairs such as antecedent transactions. The Liquidator be authorised to draw his remuneration on account of costs incurred as and when funds permit.
2. That the Liquidator be authorised to draw Category 2 disbursements in accordance with this firm's published tariff, provided to creditors with this Notice.
3. Whether a liquidation committee should be established if sufficient creditors are willing to be members of a committee and if so, who the creditors' wish to nominate for membership of the committee.

### **ENSURING YOUR VOTES ON THE PROPOSED DECISIONS ARE COUNTED**

In order for votes on the Proposed Decisions to be counted, a creditor must have delivered the Voting Form accompanying this Notice, together with a proof of debt in respect of their claim to the Convener (unless already submitted), whose contact details are below, on or before 18 January 2019 (the Decision Date), failing which their votes will be disregarded.

#### **Appeal of Convener's decision**

Pursuant to Rule 15.35 of the Rules, any creditor may apply to the court to appeal a decision of the Convener. However, an appeal must be made within 21 days of the Decision Date.

#### **Creditors' committee - nominations**

Although creditors did not make the decision to establish a liquidation committee on my appointment, I am required under insolvency legislation to invite creditors to decide whether one should be established each time I seek a decision from them.

A decision on this matter is therefore included on the Voting Form. Any nominations for membership of the committee must be received by the Convener on or before the Decision Date and will only be accepted if the Convener is satisfied as to the nominee's eligibility to be a member of such committee under Rule 17.4 of the Rules. Please note that nominations for membership can also be made on the Voting Form accompanying this notice.

#### **Creditors with a small debt**

Any creditor whose debt is treated as a small debt (less than £1,000 inclusive of VAT) must still deliver a proof of debt in respect of their claim with their Voting Form if they wish to vote on the Proposed Decisions.

#### **Request for a physical meeting**

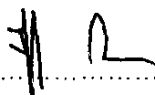
Insolvency legislation also provides that creditors who meet certain thresholds, namely 10% in value of creditors, 10% in number of creditors or 10 creditors, may require a physical meeting to be held to consider the Proposed Decisions. Such a request must be made in writing to the Convener by no later than 5 business days after the date of delivery of this notice and should be accompanied by a proof of debt (unless already submitted).

#### **Contact details**

Documents required to be delivered to the Convener pursuant to this notice can be sent by post to the Liquidator at B&C Associates Limited, Concorde House, Grenville Place, Mill Hill, London, NW7 3SA or alternatively by email to [info@bcassociates.uk.com](mailto:info@bcassociates.uk.com). Any person who requires further information may contact Besa Mustafa by telephone on 020 8906 7730 or alternatively by e-mail at [besa@bcassociates.uk.com](mailto:besa@bcassociates.uk.com).

Dated: 21 December 2018

Signed: .....



**J M Brenner – Liquidator**

Insolvency Act 1986

**Voting Form (Creditors' Voluntary Winding Up)**

Name of Company

RESOLUTE DEPOT LIMITED

Company number

10356630

Please indicate whether you are in favour or against each of the decisions set out below and return this form with a proof of debt (if not already submitted) to B&C Associates Limited, Concorde House, Grenville Place, Mill Hill, London, NW7 3SA, on or before 18 January 2019 (the **Decision Date**) in order that approval may be determined.

|   | Decide in favour   | Decide against |
|---|--|----------------|
| 1 | That the remuneration of the Liquidator be agreed on the bases of a fixed fee and percentage of realisations. The fixed fee is to be set at £2,500 plus VAT as well as 5% of realisations on cash balances, 10% of realisations on tangible and intangible assets, book debts and sundry refunds, 40% of realisations on other assets not detailed on the Statement of Affairs such as antecedent transactions. The Liquidator be authorised to draw his remuneration on account of costs incurred as and when funds permit. |                |
| 2 | That the Liquidator be authorised to draw Category 2 disbursements in accordance with his firm's published tariff, details of which accompanied the decision notice  |                |

**Creditors' Committee**

The Insolvency Rules require that where a decision is sought from creditors, it is necessary to invite creditors to decide on whether a creditors' committee should be established. The Insolvency Rules also state that where the creditors decide that a creditors' committee should be established, it cannot be established unless it has at least three (and no more than five) members. Therefore, if you believe a creditors' committee should be established, please nominate below a member who is prepared to represent you as a member of the committee.

I am seeking that a liquidation committee be established

**YES / NO\*****\*delete as applicable**

I wish to nominate \_\_\_\_\_ (insert name)

Representing \_\_\_\_\_ (insert name of creditor)

to be a member of the committee

**Please complete the section below before returning the form**

|  |                 |
|--|-----------------|
| <b>Name of Creditor</b>  |                 |
| <b>Signature on behalf of creditor</b>   |                 |
| <b>Position with creditor or relationship to creditor or other authority for signature - please indicate</b> |                 |
| <b>Is the signatory the sole member of a body corporate?</b>   | <b>YES / NO</b> |
| <b>Date of signing</b>   |                 |

## Proof of Debt Form

|                               |  |                                       |
|-------------------------------|--|---------------------------------------|
| <b>RESOLUTE DEPOT LIMITED</b> |  |                                       |
| 1                             | Creditor Name<br>(If a company, please also state company registration number)   |                                       |
| 2                             | Address of creditor for correspondence   |                                       |
| 3                             | Email address for creditor   |                                       |
| 4                             | Total amount of claim, including VAT and outstanding uncapitalised interest<br><i>Note: Any trade or other discounts (except discount for immediate or early settlement) which would have been available to the company but for the insolvency proceedings should be deducted from the above claim where relevant. Where any payment is made in relation to the claim or set-off applied after date of winding-up, this should be deducted</i> | £                                     |
| 5                             | If the amount in 4 above includes outstanding uncapitalised interest, please state the amount  | £                                     |
| 6                             | Details of any documents by reference to which the debt can be substantiated (please attach copies)  |                                       |
| 7                             | Particulars of how and when the debt was incurred by the Company   |                                       |
| 8                             | Particulars of any security held, the value of the security, and the date it was given   | Value = £<br>Date given      /      / |
| 9                             | Particulars of any reservation of title claimed, in respect of goods supplied to which the claim relates   |                                       |
| 10                            | Signature of creditor or person authorised to act on his behalf  |                                       |
| 11                            | Name in BLOCK CAPITALS   |                                       |
| 12                            | Date   |                                       |
| 13                            | Position with or in relation to creditor<br><br>Address of person signing (if different from 2 above)  |                                       |

# **Privacy Notice**

## **Use of personal information**

We process personal information to enable us to carry out our work as insolvency practitioners which includes processing data that was held by companies/individuals before our appointment together with data collected during an insolvency procedure or a fixed charge receivership. Our legal obligation to process personal data arises from work we are required to carry out under insolvency and other related legislation.

Insolvency practitioners are Data Controllers of personal data in so far as defined by data protection legislation. B & C Associates Limited will act as Data Processor on their instructions about personal data in relation to an insolvency procedure or fixed charge receivership.

Personal data will be kept secure and processed only for matters relating to the insolvency procedure being dealt with.

## **The data we may process**

The personal data insolvency practitioners may process in most cases will be basic details that may identify an individual and will typically be sufficient to allow us to carry out our work as insolvency practitioners, for example, dealing with the claims of individuals who are owed monies by the companies/individuals over whom we have been appointed.

However, insolvency practitioners may be appointed over entities that process personal data that is considered more sensitive, for example health records and this sensitive data will usually have been created before our appointment. Although we will take appropriate steps to safeguard sensitive data (or to destroy it where it is appropriate to do so), subject to limited exceptions, for example, where we identify previous conduct and/or action that requires further investigation, we will not be processing sensitive data.

## **Sharing information**

We may share personal data with third parties where we are under a legal or regulatory duty to do so, or it is necessary for the purposes of undertaking our work as insolvency practitioners. We may also share personal data to lawfully assist the police or other law enforcement agencies with the prevention and detection of crime, where disclosure is necessary to protect the safety or security of any persons and/or otherwise as permitted by the law.

## **How long will we hold it?**

Personal data will be retained for as long as any legislative or regulatory requirement requires us to hold it. Typically, this may be up to 6 years after which it will be destroyed.

## **What are your rights?**

You have the right to receive the information contained in this document about how your personal data may be processed by us.

You also have the right to know that we may be processing your personal data and, in most circumstances, to have information about the personal data of yours that we hold, and you can ask for certain other details such as what purpose we may process your data for and how long we will hold it.

Individuals have the right to request that incorrect or incomplete data is corrected and in certain circumstances, you may request that we erase any personal data on you which may be held or processed as part of our work as insolvency practitioners. If you have any complaints about how we handle your personal data, please contact Jeffrey Brenner via [jeff@bcassociates.uk.com](mailto:jeff@bcassociates.uk.com) so we can resolve the issue, where possible. You also have the right to lodge a complaint about any use of your information with the [Information Commissioners Office \(ICO\)](#), the UK data protection regulator.