

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

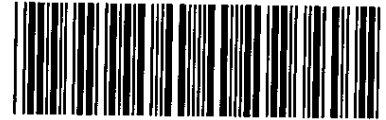
LIQ03

Notice of progress report in voluntary winding up



Companies House

TUESDAY



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A22

17/09/2019

#144

COMPANIES HOUSE

1 Company details

Company number 0 1 6 1 1 3 7 1

Company name in full Cox and Allen (Kendal) Limited

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

2 Liquidator's name

Full forename(s) Richard Ian

Surname Williamson

3 Liquidator's address

Building name/number Ground Floor, Seneca House

Street Links Point

Amy Johnson Way

Post town Blackpool

County/Region Lancashire

Postcode F Y 4 2 F F

Country United Kingdom

4 Liquidator's name

Full forename(s)

Surname

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

5 Liquidator's address

Building name/number

Street

Post town

County/Region

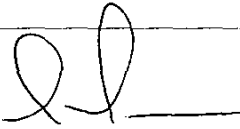
Postcode

Country

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


LIQ03

Notice of progress report in voluntary winding up

6		Period of progress report							
From date	d 1	d 9	m 0	m 7	y 2	y 0	y 1	y 8	
To date	d 1	d 8	m 0	m 7	y 2	y 0	y 1	y 9	
7		Progress report							
		<input checked="" type="checkbox"/> The progress report is attached							
8		Sign and date							
Liquidator's signature	Signature							X	
Signature date	d 1	d 6	m 5	m 9	y 2	y 0	y 1	y 9	

LIQ03

Notice of progress report in voluntary winding up

 **Presenter information**

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name **Francesca Vivace**

Company name **Campbell Crossley & Davis**

Address **Ground Floor, Seneca House**

Links Point

Amy Johnson Way

Post town **Blackpool**


County/Region **Lancashire**

Postcode **F Y 4 2 F F**

Country **United Kingdom**

DX


Telephone **01253 349331**

 **Checklist**

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- The company name and number match the information held on the public Register.
- You have attached the required documents.
- You have signed the form.


 **Important information**

All information on this form will appear on the public record.

 **Where to send**

You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:

The Registrar of Companies, Companies House,
Crown Way, Cardiff, Wales, CF14 3UZ.
DX 33050 Cardiff.

 **Further information**

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

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



BUSINESS RECOVERY

Ian Williamson B.A. (Hons) FCA, FABRP Peter G. C. Riley FCA
Peter Swarbrick B.Sc. (Hons) FCA Steven D. Mondy FCA

Our reference: C0708A/D/RIW/FEV/MB
16 September 2019

LIQUIDATOR'S ANNUAL PROGRESS REPORT

Dear Sirs,

Cox and Allen (Kendal) Limited ('the Company') – In Liquidation

1 Introduction and Statutory Information

- 1.1 I was appointed as liquidator of the Company on 19 July 2018. This progress report covers the period from 19 July 2018 to 18 July 2019 (**'the Period'**). I am bound by the Insolvency Code of Ethics when carrying out all professional work in relation to an insolvency appointment.
- 1.2 Information about the way that we will use and store personal data on insolvency appointments can be found at www.campbell-crossley-davis.co.uk/free-resources. If you are unable to download this, please contact us and a hard copy will be provided to you.
- 1.3 The Company operated in the building and construction sector. The principal trading address was Unit 1, Meadowbank Business Park, Shap Road, Kendal, Cumbria, LA9 6NY.
- 1.4 The registered office has been changed to Ground Floor, Seneca House, Links Point, Amy Johnson Way, Blackpool, FY4 2FF and its registered number is 01611371.
- 1.5 Asset realisations are slightly higher than originally anticipated. Preferential creditors have received 100p in £. We intend to pay a first dividend to unsecured creditors within the next six months.

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 and an explanation of the work done by the liquidator and his staff.
- 2.2 At Appendix A is my receipts and payments account for the Period.
- 2.3 We have dealt with the initial appointment formalities including sending notice of our appointment to all known creditors, filing the relevant appointment documentation at Companies House and advertising our appointment and the resolutions passed in the London Gazette. We have corresponded with the directors, employees and creditors, carried out our initial SIP2 investigations and submitted our directors' conduct report to the Department for Business, Energy and Industrial Strategy within three months of our appointment.

- 2.4 Due to the number of creditors in this case, a significant amount of time has been spent dealing with their enquiries and acknowledging claims. We have also spent time liaising with Wignall Brownlow LLP ('the Agents') in relation to the sale of the chattel assets and corresponded with debtors regarding outstanding retentions.
- 2.5 We have paid a preferential dividend of 100p in £ and are taking steps to declare a first interim dividend to non-preferential creditors.

Administration (including statutory compliance & reporting)

- 2.6 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 estimate/information.
- 2.7 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.
- 2.8 As noted in my initial fees estimate/information, this work will not necessarily bring any financial benefit to creditors, but is required on every case by statute.

Realisation of Assets

Plant, Machinery and Vehicles

- 2.9 Prior to liquidation, the Company's chattel assets were valued by the Agents who conducted a short marketing exercise before holding an auction from the Company's trading premises. The auction went live on 20 July 2018 and following a view day, closed on 26 July 2018.
- 2.10 Plant and machinery included tools and equipment used in the construction industry and four items of heavy plant. It had an estimated value of £25,000 on the Statement of Affairs. Realisations from the auction were significantly higher than anticipated at £65,183.70.
- 2.11 There were four cars and thirteen vans. One vehicle was subject to finance with Borderway Finance. They were estimated to realise £20,000 however, following closer inspection, the condition of some of the vehicles was poor so auction sales were lower than originally anticipated totalling £9,120.

Debtors

- 2.12 Debtors and retentions were estimated to realise £31,338.00. Payments totalling £21,360.71 were received shortly prior to liquidation from debtors. The remaining outstanding debtors have been written off due to counter claims that have arisen as a result of the liquidation. A number of retentions remain outstanding but we do not anticipate additional realisations to be significant.

DVLA Refund

- 2.13 £283.33 was received from DVLA in respect of vehicle tax refunds from four Company vehicles.
- 2.14 The work the liquidator and his staff have undertaken to date has brought a financial benefit to creditors and has resulted in a distribution to preferential creditors. There will also be a distribution to unsecured creditors.

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 Administrations and Insolvent Liquidations and may not necessarily bring any financial benefit to creditors, unless these investigations reveal potential asset recoveries.
- 2.16 I can confirm that I have submitted a report on the conduct of the directors 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. My investigations have not revealed any issues requiring further report or any further potential recoveries.

3 Creditors

- 3.1 Information on the anticipated outcome for creditors in this case can be found below. A liquidator is not only required to deal with correspondence and claims from unsecured creditors (which may include retention of title claims), 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.
- 3.2 Claims from preferential creditors typically involve employee claims and payments made on behalf of the Company by the Redundancy Payments Service following dismissal.
- 3.3 The above work will not necessarily bring any financial benefit to creditors generally, however a 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.

Secured Creditors

- 3.4 There were no secured creditors.

Preferential Creditors

- 3.5 A summary of preferential claims is detailed below.

Preferential claim	Agreed Claim £	Statement of Affairs Claim £	Dividend paid p in the £1
Department for Business, Energy & Industrial Strategy (BEIS)	3,945.73	7,398.00	100p in £ paid on 4 July 2019
Employee claims (Total number of claims = 4)	587.30	Nil	100p in £ paid on 4 July 2019

- 3.6 We anticipate receiving a small additional claim in respect of unpaid pension contributions however this has not yet been quantified by the Redundancy Payments Service.

Unsecured Creditors

- 3.7 On 1 August 2018 we wrote to all proving and non proving non-preferential creditors to establish claims. We also advertised for claims in The London Gazette on 24 July 2018 giving creditors until 10 August 2018 to submit claims.

- 3.8 I have received claims totalling £710,266.49 from eighty-five creditors. I have yet to receive claims from two-hundred and one creditors whose debts total £635,264.15 as per the Company's statement of affairs.
- 3.9 Based upon present information, non-preferential creditors can expect to receive a dividend of 6.7p in the £. I will be writing to all creditors again prior to declaring a dividend to admit or request claims.

4 Liquidator's Expenses & Disbursements

- 4.1 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 was approved. Details of these are set out below together with an analysis of the expenses paid to the date of this report.

	Paid in the period covered by this report £	Total anticipated cost £
Agent's costs and disbursements	23,123.67	21,630.00
Statutory advertising	253.80	254.00
Debt collection costs	Nil	2,500.00
Accountant's fees	1,000.00	1,000.00
Insurance bond	336.00	200.00
Software licence fee	125.00	125.00
Payroll costs	300.00	500.00
Outsourced payroll fees for redundancy calculations	50.00	Nil
Bank fees	42.38	Nil
	25,230.85	26,209.00

- 4.2 The Agent's costs and disbursements relate to the valuation and sale of the Company's chattel assets. This includes all work required to prepare and administer the auction and payment of any associated disbursements.
- 4.3 The statutory advertising covers notice of the liquidator's appointment, notice relating to the passing of the resolutions to place the Company into creditors' voluntary liquidation and notice requiring creditors to submit claims.
- 4.4 Hanley & Co were paid £1,000 for their assistance with the preparation of the statement of affairs.
- 4.5 The insurance bond is taken out by all Insolvency Practitioners on a case by case basis. The premium is based on the value of the assets.
- 4.6 Gary Price, the Company's former finance manager, was paid £300 to close down the payroll scheme and issue P45s to the former employees. Emprove Limited has received £50 for calculating additional employee preferential claims.
- 4.7 As the Company was registered for VAT all expenses are shown net, where applicable.
- 4.8 At the anniversary £110 was outstanding to Emprove Limited and liquidator's fees of £12,702 were outstanding. These are dealt with in more detail below.

5 Liquidator's Remuneration

- 5.1 The creditors approved that the basis of the liquidator's remuneration be fixed by reference to the time properly spent by him and his staff in managing the liquidation. My fees estimate/information was originally provided to creditors when the basis of my remuneration was approved and was based on information available to me at that time.

- 5.2 A copy of that estimate is attached as Appendix B.
- 5.3 My time costs to January 2019 are £13,702.00. This represents 99.6 hours at an average rate of £137.57 per hour. £1,000.00 has been drawn to date.
- 5.4 A breakdown of my time costs to 18 July 2019 is attached as Appendix C.
- 5.5 I anticipate completing an additional 75 hours work totalling £11,025. This work will include time spent drafting this annual progress report to creditors and the next report, agreeing claims and paying dividends to non-preferential creditors, dealing with outstanding retention payments and completing statutory duties. Whilst some of this work will not necessarily bring any financial benefit to creditors, I am required by statute to undertake it.
- 5.6 At the date of this report, my fees estimate for the liquidation remains unchanged.
- 5.7 A copy of 'A Creditors' Guide to Liquidators' Fees' is available on request or can be downloaded from <https://www.campbell-crossley-davis.co.uk/free-resources/>.
- 5.8 Attached as Appendix D 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.

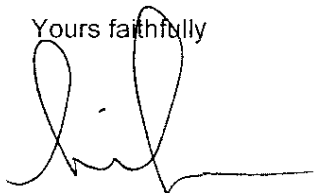
6 Creditors' Rights

- 6.1 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.
- 6.2 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.

7 Next Report

- 7.1 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.
- 7.2 If you have any queries in relation to the contents of this report, Francesca Vivace can be contacted by telephone on 01253 349331 or by email at francesca.vivace@crossleyd.co.uk.

Yours faithfully



Ian Williamson
Liquidator

APPENDIX A

COX AND ALLEN (KENDAL) LIMITED
IN LIQUIDATIONLIQUIDATOR'S RECEIPTS
AND PAYMENTS ACCOUNT FOR THE PERIOD FROM 19 JULY 2018
TO 18 JULY 2019

	Statement of Affairs £	19.07.2018- 18.07.2019 £
RECEIPTS		
Vehicles	20,000.00	9,120.00
Less: Borderway Finance		<u>(767.70)</u>
		8,352.30
Debtors	31,338.00	21,360.71
Plant and Machinery	25,000.00	65,183.70
Stock	1,000.00	Nil
Cash at Bank	13,754.00	13,705.60
DVLA Refund	Nil	<u>283.33</u>
	<u>91,092.00</u>	108,885.64
PAYMENTS		
Statement of Affairs Fee		(6,000.00)
Software Licence Fee		(125.00)
Statutory Advertising		(403.80)
Statutory Insurance Bond		(336.00)
Liquidator's Remuneration		(1,000.00)
Payroll Administration		(350.00)
Bank Fees		(42.38)
Agent's Fees and Expenses		<u>(23,123.97)</u>
		77,504.49
PREFERENTIAL DIVIDEND		
5 proving preferential creditors with claims totalling £4,533.03		<u>(4,533.03)</u>
100p in £ declared on 4 July 2019		72,971.46
VAT		<u>(210.00)</u>
BALANCE AT BANK		<u>72,761.46</u>

NOTES:

1. The Company is VAT registered, so where appropriate, receipts and payments exclude VAT
2. Cash at Bank is held in a non-interest bearing account

Liquidator's Fees Estimate

APPENDIX B

Below is my **fees estimate** for the liquidation. The work the liquidator anticipates undertaking in relation to this estimate has been outlined above. It is an estimate for the entire liquidation. If I consider this estimate will be exceeded, I will advise creditors and seek approval for my revised **fees estimate** as appropriate.

	Hours						Total Estimated Cost	Total Estimated Hours	
	Liquidator	Manager	Senior Administrator	Cashier Administrator	Junior Administrator				
Administration (inc statutory compliance & reporting)	10	20	10	5	10		55	8,650	157.27
Realisation of assets									
- Plant and Machinery	3	10					13	2,550	196.15
- Debtors	2	20	5	10	3		40	5,780	144.50
Creditors (claims & distributions):									
- Employees including pension	5	10	5	5	30		55	6,100	110.91
Investigations	5	10	5				15	2,250	150.00
		10					15	3,150	210.00
Total estimated hours by staff grade	25	80	25	20	43		193		
Hourly rate	300.00	16.00	120.00	140.00	60.00				
Total estimated time costs by staff grade	7,500.00	1,280.00	3,000.00	2,800.00	2,580.00			28,480	2,147.86

The estimated number of hours for dealing with creditor related matters assumes that we will be required to deal with general enquires and correspondence acknowledging claims. There are also employee issues to deal with which increases the time required in this instance.

We take an objective and practical approach to each assignment which includes active partner involvement from the outset. Other members of staff will be assigned on the basis of experience and specific skills to match the needs of the case.

Cox and Allen (Kendal) Limited
(In Creditors' Voluntary Liquidation)

Liquidator's Time Costs from 19 July 2018 to 18 July 2019

	Partner		Manager		Senior Administrator		Junior Administrator		Cashier		Total Units	Average Hourly Rate £
	Units	Cost £	Units	Cost £	Units	Cost £	Units	Cost £	Units	Cost £		
Statutory & Review	10	300.00	10	165.00	-	-	10	60.00	-	-	30	175.00
Receipts & Payments	2	60.00	-	-	8	96.00	-	-	-	-	10	156.00
Insurance	-	-	28	462.00	-	-	-	-	-	-	28	165.00
Assets	65	1,950.00	49	808.50	36	432.00	19	114.00	-	-	169	195.53
Creditors	24	720.00	151	2,491.50	2	24.00	236	1,416.00	-	-	413	112.63
Landlords	4	120.00	3	49.50	-	-	-	-	-	-	7	242.14
General Administration	20	600.00	11	181.50	2	24.00	33	198.00	53	583.00	119	133.32
Appointment	12	360.00	17	280.50	80	960.00	52	312.00	-	-	161	118.79
Investigations	8	240.00	37	610.50	-	-	14	84.00	-	-	59	158.39
Total	145	4,350.00	306	5,049.00	128	1,536.00	364	2,184.00	53	583.00	996	13,702.00
Average Hourly Rate (£)		<u><u>300.00</u></u>		<u><u>165.00</u></u>		<u><u>120.00</u></u>		<u><u>60.00</u></u>		<u><u>110.00</u></u>		<u><u>137.57</u></u>

All Units are 6 minutes

Additional Information in Relation to the Liquidator's Fees, Expenses & Disbursements

1 Staff Allocation and the Use of Sub-Contractors

- 1.1 The general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case.
- 1.2 The constitution of the case team will usually consist of a Partner, a Manager, 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.
- 1.3 On this case we have used the services of the following sub-contractors:

Services	Provider	Basis of fee arrangement	Cost to date £
Payroll administration	Gary Price	Fixed fee	300
Calculation of preferential dividends	Emprove Limited	Fixed fee	160
Assistance with statement of affairs	Hanley & Co	Fixed fee	1,000

2 Professional Advisors

- 2.1 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.

Name of Professional Advisor	Basis of Fee Arrangement
Wignall Brownlow LLP (valuation advice)	Fixed fee of £3,000
Wignall Brownlow LLP (disposal advice and sale by auction)	10% of net realisations plus disbursements

- 2.2 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 Disbursements

- 3.1 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.
- 3.2 This firm does not charge Category 2 disbursements.

4 Charge-Out Rates

- 4.1 Campbell Crossley & Davis' current charge-out rates effective from 1 July 2019 are detailed below. Please note this firm records its time in minimum units of 6 minutes.

	2019 (Per hour) £	2018 (Per hour) £
Partner	330	265
Manager	180	145
Senior Administrator	130	105
Cashier	120	105
Junior Administrator	60	50