

Section 106

Return of Final Meeting in a
Creditors' Voluntary Winding UpPursuant to Section 106 of the
Insolvency Act 1986

To the Registrar of Companies

S.106

Company Number

6922666

Name of Company

Foodcare Supplies Ltd

I/We David Moore
No 1 Old Hall Street
Liverpool
L3 9HFGary N Lee
No 1 Old Hall Street
Liverpool
L3 9HF

Note: The copy account must be
authenticated by the written signature(s)
of the Liquidator(s)

1 give notice that a general meeting of the company was duly held-on/summoned for 25 April 2013 pursuant to section 106 of the Insolvency Act 1986, for the purpose of having an account (of which a copy is attached) laid before it showing how the winding up of the company has been conducted and the property of the company has been disposed of, and that the same was done accordingly - no quorum was present at the meeting,

2 give notice that a meeting of the creditors of the company was duly held-on/summoned for 25 April 2013 pursuant to Section 106 of the Insolvency Act 1986, for the purpose of having the said account laid before it showing how the winding up the company has been conducted and the property of the company has been disposed of and that the same was done accordingly/no quorum was present at the meeting

The meeting was held at the offices of Begbies Traynor (Central) LLP, No 1 Old Hall Street, Liverpool, L3 9HF

The winding up covers the period from 3 March 2011 (opening of winding up) to the final meeting (close of winding up)

The outcome of any meeting (including any resolutions passed) was as follows

N/A - No quorum was present at the meeting

Signed

Date 25 April 2013

Begbies Traynor (Central) LLP
No 1 Old Hall Street
Liverpool
L3 9HF

Ref FO032CVL/DM/GNL/DC/ANB/VC

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COMPANIES HOUSE

Foodcare Supplies Ltd (In Creditors' Voluntary Liquidation)

Final report and account of the liquidation pursuant
to Section 106 of the Insolvency Act 1986 and Rule
4.126 of the Insolvency Rules 1986

Period: 3 March 2011 to 25 April 2013

Important Notice

This report has been produced solely to comply with our statutory duty to report to creditors and members of the Company pursuant to Section 106 of the Insolvency Act 1986. This report is private and confidential and may not be relied upon, referred to, reproduced or quoted from, in whole or in part, by creditors and members for any purpose other than this report to them, or by any other person for any purpose whatsoever.

Contents

- ☐ Interpretation
- ☐ Company information
- ☐ Details of appointment of liquidators
- ☐ Progress since appointment
- ☐ Outcome for creditors
- ☐ Remuneration and disbursements
- ☐ Liquidators' expenses
- ☐ Unrealisable assets
- ☐ Other relevant information
- ☐ Conclusion
- ☐ Appendices
 - 1 Liquidators' account of receipts and payments
 - 2 Liquidators' time costs and disbursements
 - 3 Statement of Liquidators' expenses

1. INTERPRETATION

<u>Expression</u>	<u>Meaning</u>
"the Company"	Foodcare Supplies Ltd (In Creditors' Voluntary Liquidation)
"the liquidation"	The appointment of liquidators pursuant to Section 98 of the Insolvency Act 1986 on 3 March 2011
"the liquidators", "we", "our" and "us"	David Moore of Begbies Traynor (Central) LLP, No 1 Old Hall Street, Liverpool, L3 9HF and Gary N Lee of Begbies Traynor (Central) LLP, No 1 Old Hall Street, Liverpool, L3 9HF
"the Act"	The Insolvency Act 1986 (as amended)
"the Rules"	The Insolvency Rules 1986 (as amended)
"secured creditor" and "unsecured creditor"	Secured creditor, in relation to a company, means a creditor of the company who holds in respect of his debt a security over property of the company, and "unsecured creditor" is to be read accordingly (Section 248(1)(a) of the Act)
"security"	(i) In relation to England and Wales, any mortgage, charge, lien or other security (Section 248(1)(b)(i) of the Act), and (ii) In relation to Scotland, any security (whether heritable or moveable), any floating charge and any right of lien or preference and any right of retention (other than a right of compensation or set off) (Section 248(1)(b)(ii) of the Act)
"preferential creditor"	Any creditor of the Company whose claim is preferential within Sections 386, 387 and Schedule 6 to the Act

This is our final report and account of the liquidation and should be read in conjunction with the progress reports to creditors dated 30 April 2012

2. COMPANY INFORMATION

Trading name(s)	N/A
Company registered number	6922666
Company registered office	No 1 Old Hall Street, Liverpool, L3 9HF
Former trading address	Unit 1 Cowling Business Park, Canal Street, Chorley, PR6 0QL

3. DETAILS OF APPOINTMENT OF LIQUIDATORS

Date winding up commenced	3 March 2011
Date of liquidators' appointment	3 March 2011
Changes in liquidator (if any)	None

4. PROGRESS SINCE APPOINTMENT

Attached at Appendix 1 is our abstract of receipts and payments for the period from 03 March 2011 to 25 April 2013

RECEIPTS

Furniture & Equipment / Stock

Messrs Robson Kay & Co Ltd were instructed to dispose of the assets. The assets held an estimate to realise figure of £300 for the furniture and equipment & £4,000 for the stock, as per the Statement of Affairs. Following the liquidators appointment, the assets were sold by the agents at auction. The furniture & equipment achieved a realisation of £300. The stock achieved realisations of £1,914.00 which was less than anticipated.

Book Debts

As per the Statement of Affairs, the book debts were estimated to realise £19,231. Solicitors were instructed to pursue the outstanding book debts on the liquidators behalf, in which a total amount of £9,983.74 has been recovered. It was established during the collection process that a number of the debtors have been placed into administration, with no dividend to the unsecured creditors anticipated. It was also established that the debtor ledger given to us by the directors of the Company included debts that had already been paid. The remaining debts have been written off.

Cash in Hands of Accountants

As per the Statement of Affairs, the sum of £6,057 was being held by the Company's accountant pending the appointment of a liquidator. The funds have been received in full.

There is a full analysis on the attached receipts and payments account at Appendix 1.

PAYMENTS

The costs incurred in realising the assets and dealing with the liquidation are detailed on the attached receipts and payments account at Appendix 1.

5. OUTCOME FOR CREDITORS

Details of the sums owed to each class of the Company's creditors were provided in the directors statement of affairs included within the report sent to creditors further to our appointment as liquidators.

On the basis of realisations, the outcome for each class of the Company's creditors is as follows

Secured creditor

There are no known secured creditors

Preferential creditors

As detailed in our 1st progress report, we confirm that no dividend is available for preferential creditors as the funds realised have been utilised for defraying the expenses of the liquidation. Consequently we have not taken steps to formally agree the claims of preferential creditors

Prescribed Part for unsecured creditors pursuant to Section 176A of the Act

To the best of our knowledge and belief, there are no unsatisfied floating charges created or registered on or after 15 September 2003 and, consequently, there is no net property as defined in Section 176A(6) of the Act and, therefore, no prescribed part of net property is available for distribution to the unsecured creditors

Unsecured creditors

As detailed in our 1st progress report, we confirm that no dividend is available for unsecured creditors as the funds realised have been utilised for defraying the expenses of the liquidation. Consequently we have not taken steps to formally agree the claims of unsecured creditors

6. REMUNERATION & DISBURSEMENTS

Our remuneration has been fixed by a resolution of creditors at the meeting held pursuant to Section 98 of the Act by reference to the time properly given by us (as liquidators) and the various grades of our staff calculated at the prevailing hourly charge out rates of Begbies Traynor (Central) LLP in attending to matters arising in the liquidation and we are authorised to draw disbursements, including disbursements for services provided by our firm (defined as category 2 disbursements in Statement of Insolvency Practice 9) in accordance with our firm's policy, details of which accompanied the Statement of Affairs and other information presented to the meeting of creditors convened pursuant to Section 98 of the Act and which is attached at Appendix 2 of this report

Our time costs for the period from 03 March 2011 to 25 April 2013 amount to £22,688.00 which represents 104.9 hours at an average rate of £216.28 per hour

The following further information in relation to our time costs and disbursements is set out at Appendix 2

- ☐ Narrative summary of time costs incurred *
- ☐ Cumulative table of time spent and charge-out value for the period 3 March 2011 to 25 April 2013
- ☐ Table of time spent and charge-out value for the period 3 March 2012 to 25 April 2013
- ☐ Begbies Traynor (Central) LLP's policy for re-charging disbursements
- ☐ Begbies Traynor (Central) LLP's charge-out rates

We have drawn the total sum of £10,584.39 plus disbursements of £43.12 on account in accordance with the approval obtained, leaving unbilled time costs of £12,103.61 which have been written off as irrecoverable

Details of the Category 2 disbursements and also disbursements that should be treated as Category 2 disbursements that have been taken in accordance with the approval obtained are provided in the narrative summary of time costs incurred which is at Appendix 2

In addition to the table of time spent by us and our staff in attending to matters arising since our appointment, our table of time spent and charge out value for the period from 3 March 2012 to 25 April 2013 and a description of the work undertaken by us and our staff since our appointment (contained in the narrative summary of time costs incurred) are also attached at Appendix 2

7. LIQUIDATORS' EXPENSES

A statement of the expenses incurred since our last progress report is attached at Appendix 3

8. UNREALISABLE ASSETS

There are no assets that have proved to be unrealisable

9. OTHER RELEVANT INFORMATION

Investigations and reporting on directors conduct

You may be aware that a liquidator has a duty to enquire into the affairs of an insolvent company to determine its property and liabilities and to identify any actions which could lead to the recovery of funds. In addition, as explained in the report circulated at the meeting of creditors convened pursuant to Section 98 of the Act, such report having also been sent to creditors following the meeting, a liquidator is also required to consider the conduct of the Company's directors and to make an appropriate submission to the Department for Business Innovation and Skills. We can confirm that we have discharged our duties in these respects

Investigations completed

As explained in our 1st progress report, we have been investigating the manner in which the business was conducted prior to the liquidation of the Company and potential recoveries for the estate in this respect

Connected party transactions

We have not been made aware of any sales of the Company's assets to connected parties

10. CONCLUSION

The final meetings of the members and creditors were convened for 25 April 2013. There were no attendees either in person or by proxy and consequently no quorum was present at either meeting

In accordance with Section 106 of the Act, a return is made to confirm that the final meetings of the members and creditors were duly summoned and that no quorum was present and upon such return being made the provisions of the section are deemed complied with

Should you require further explanation of any matters contained within this report, you should contact our office and speak to the case manager, Mr Anthony Bailey in the first instance, who will be pleased to assist


D Moore
Joint Liquidator

Dated 25 April 2013

Foodcare Supplies Ltd
(In Liquidation)
Joint Liquidators' Abstract of Receipts & Payments

Statement of Affairs		From 03/03/2012 To 25/04/2013	From 03/03/2011 To 25/04/2013
ASSET REALISATIONS			
310 00	Furniture & Equipment	NIL	310 00
4,000 00	Stock	NIL	1,914 00
19,231 10	Book Debts	2,791 28	9,983 74
6,047 00	Cash in Hands of Accountants	NIL	6,047 00
	Bank Interest Gross	5 09	10 95
		<u>2,796 37</u>	<u>18,265 69</u>
COST OF REALISATIONS			
	Specific Bond	NIL	75 00
	Statement of Affairs Fee	NIL	4,775 00
	Office Holders Fees	5,084 39	10,584 39
	Office Holders Expenses	NIL	34 00
	Agents/Valuers Fees (1)	NIL	1,207 76
	Legal Fees (1)	1,185 00	1,185 00
	Storage Costs	9 12	9 12
	Re-Direction of Mail	NIL	25 96
	Statutory Advertising	90 46	369 46
		<u>(6,368 97)</u>	<u>(18,265 69)</u>
PREFERENTIAL CREDITORS			
(2,000 00)	RPO re Arrears/Holiday Pay	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
UNSECURED CREDITORS			
(54,740 30)	Trade Creditors	NIL	NIL
(500 00)	RPO	NIL	NIL
(6,000 00)	Directors	NIL	NIL
(1,291 00)	HMRC (VAT)	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
DISTRIBUTIONS			
(2 00)	Ordinary Shareholders	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
(34,945 20)		<u>(3,572.60)</u>	<u>NIL</u>
REPRESENTED BY			
	Bank 1 Current		NIL
			<u>NIL</u>

Note

Receipts & Payments are Shown Net of VAT

TIME COSTS AND DISBURSEMENTS

- a Begbies Traynor (Central) LLP's policy for re-charging expenses/disbursements,
- b Begbies Traynor (Central) LLP's charge-out rates,
- c Narrative summary of time costs incurred, and
- d Cumulative table of time spent and charge-out value for the period from 3 March 2011 to 25 April 2013, and
- e Table of time spent and charge-out value for the period from 3 March 2012 to 25 April 2013

BEGBIES TRAYNOR CHARGING POLICY

INTRODUCTION

This note applies where a licensed insolvency practitioner in the firm is acting as an office holder of an insolvent estate and seeks creditor approval to draw remuneration on the basis of the time properly spent in dealing with the case. It also applies where further information is to be provided to creditors regarding the office holder's fees following the passing of a resolution for the office holder to be remunerated on a time cost basis. Best practice guidance¹ requires that such information should be disclosed to those who are responsible for approving remuneration.

In addition, this note applies where creditor approval is sought to make a separate charge by way of expenses or disbursements to recover the cost of facilities provided by the firm. Best practice guidance² requires that such charges should be disclosed to those who are responsible for approving the office holder's remuneration, together with an explanation of how those charges are calculated.

OFFICE HOLDER'S FEES IN RESPECT OF THE ADMINISTRATION OF INSOLVENT ESTATES

The office holder has overall responsibility for the administration of the estate. He/she will delegate tasks to members of staff. Such delegation assists the office holder as it allows him/her to deal with the more complex aspects of the case and ensures that work is being carried out at the appropriate level. There are various levels of staff that are employed by the office holder and these appear below.

The firm operates a time recording system which allows staff working on the case along with the office holder to allocate their time to the case. The time is recorded at the individual's hourly rate in force at that time which is detailed below.

EXPENSES INCURRED BY OFFICE HOLDERS IN RESPECT OF THE ADMINISTRATION OF INSOLVENT ESTATES

Best practice guidance classifies expenses into two broad categories:

- *Category 1 disbursements (approval not required)* - specific expenditure that is directly related to the case usually referable to an independent external supplier's invoice. All such items are charged to the case as they are incurred.
- *Category 2 disbursements (approval required)* - items of incidental expenditure directly incurred on the case which include an element of shared or allocated cost and which are based on a reasonable method of calculation.

(A) The following items of expenditure are charged to the case (subject to approval):

- Internal meeting room usage for the purpose of statutory meetings of creditors is charged at the rate of £100 (London £150) per meeting,
- Car mileage is charged at the rate of 40 pence per mile,
- Storage of books and records (when not chargeable as a *Category 1 disbursement*) is charged on the basis that the number of standard archive boxes held in storage for a particular case bears to the total of all archive boxes for all cases in respect of the period for which the storage charge relates,

¹ Statement of Insolvency Practice 9 (SIP 9) – Remuneration of insolvency office holders in England & Wales

² *Ibid* 1

(B) The following items of expenditure will normally be treated as general office overheads and will not be charged to the case although a charge may be made where the precise cost to the case can be determined because the item satisfies the test of a *Category 1 disbursement*

- Telephone and facsimile
- Printing and photocopying
- Stationery

BEGBIES TRAYNOR CHARGE-OUT RATES

Begbies Traynor is a national firm. The rates charged by the various grades of staff that may work on a case are set nationally, but vary to suit local market conditions. The rates applying to the Liverpool office as at the date of this report are as follows

	Standard 1 May 2011 – until further notice Regional
Partner	395
Director	345
Senior Manager	310
Manager	265
Assistant Manager	205
Senior Administrator	175
Administrator	135
Trainee Administrator	110
Support	110

Prior to May 2011 the following rates applied

Grade of staff	Charge-out Rate (£ per hour)
Partner	350
Director	325
Senior Manager	295
Manager	250
Assistant Manager	195
Senior Administrator	160
Administrator	130
Trainee Administrator	100
Support	100

Time spent by support staff for carrying out shorter tasks, such as typing or dealing with post, is not charged to cases but is carried as an overhead. Only where a significant amount of time is spent at one time on a case is a charge made for support staff.

Time is recorded in 6 minute units

SUMMARY OF OFFICE HOLDERS' TIME COSTS

CASE NAME	FOODCARE SUPPLIES LIMITED
CASE TYPE	CREDITORS' VOLUNTARY LIQUIDATION
OFFICE HOLDERS	David Moore and Gary N Lee
DATE OF APPOINTMENT	3 March 2011

1 CASE OVERVIEW

- 1 1 This overview and the time costs analysis attached is intended to provide sufficient information to enable the body responsible for the approval of the office holders' fees to consider the level of those fees in the context of the case

1 2 The office holders effectiveness

The joint liquidators' appointment enabled the Company's affairs to be resolved by way of the liquidation. The appointment brought about the cessation of trading and an orderly wind down of the Company's affairs.

1 3 Nature and value of property dealt with by the office holders

Please see Section 4 of the report

1 4 Anticipated return to creditors

There is no likelihood of a recovery for any class of creditor

1 5 Time costs analysis

An analysis of time costs incurred between 3 March 2011 and 25 April 2013 prepared in accordance with Statement of Insolvency Practice 9 is attached showing the number of hours spent by each grade of staff on the different types of work involved in the case, and giving the average hourly rate charged for each work type

The time costs analysis provides details of work undertaken by the Liquidators and their staff following their appointment only

1 6 Work undertaken prior to appointment

In addition to the post appointment time costs detailed in the Time Costs Analysis, the costs relating to work undertaken prior to the Liquidators' appointment in summoning, advertising and holding the creditors' meeting and assisting the directors in preparing the statement of affairs were approved by the creditors at the Section 98 meeting

1 7 The views of the creditors

There have been no significant matters that required creditor approval since the initial meeting

1 8 Approval of fees

That the joint liquidators' remuneration be fixed by reference to the time properly given by them (as liquidators) and the various grades of their staff calculated at the prevailing hourly charge-out rates of Begbies Traynor (Central) LLP for attending to matters arising in the winding up

1 9 Approval of Expenses and Disbursements

That the joint liquidators be authorised to draw disbursements, including disbursements for services provided by their firm (defined as Category 2 disbursements in Statement of Insolvency Practice 9), in accordance with their firm's policy, details of which accompanied the information presented to the creditors meeting

1 10 Category 2 Disbursements

In accordance with the resolution obtained in relation to expenses and disbursements, the following Category 2 disbursements and disbursements which should be treated as Category 2 disbursements have been charged to the case since the date of my appointment

Other amounts paid or payable to the office holder's firm	
Type and purpose	Amount £
Mileage – Staff attending Company Premises	34 00

2. SUMMARY OF WORK CARRIED OUT SINCE OUR LAST REPORT

2 1 Since the date of our last report, the following work has been carried out

- Dealing with ongoing legal matters with regards to the outstanding book debts and obtaining further debtor realisations
- Conducting closing file review
- Preparing final Corporation Tax Return
- Preparing final VAT Return
- Requesting clearance from HMRC (VAT and Tax) to close the case
- Preparation of final Report and Notices
- Calling of final meetings of the Company and creditors
- Maintaining records and ensuring our administration is conducted in accordance with the 'Act' and the 'Rules'

216 28

Average hourly rate £	395 00	310 00	265 00	175 00	135 00	110 00	110 00	189 51
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STATEMENT OF EXPENSES

Type of expense	Name of party with whom expense incurred	Amount incurred £	Amount discharged £	Balance (to be discharged) £
Legal Fees	Cope & Co Solicitors Ltd	1,185 00	1,185 00	0 00
Storage Costs	Archive Solution	9 12	9 12	0 00
Statutory Advertising	TMP Worldwide Ltd	90 46	90 46	0 00