

Liquidator's Progress Report

S.192

Pursuant to Sections 92A and 104A and 192
of the Insolvency Act 1986

To the Registrar of Companies

Company Number

02907204

Name of Company

Capital Waste Services Limited

I / We

John Kelmanson, 4 Stirling Court, Stirling Way, Borehamwood, Herts, WD6 2BT

the liquidator(s) of the company attach a copy of my/our Progress Report
under section 192 of the Insolvency Act 1986

The Progress Report covers the period from 11/11/2015 to 10/11/2016

Signed



Date

06/01/2017

Kelmanson Insolvency Solutions
4 Stirling Court
Stirling Way
Borehamwood
Hertfordshire WD6 2BT

Ref C387L/JSK/CJ/NT/KC

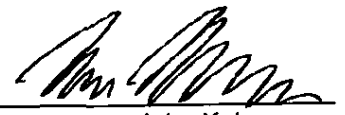
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A09 07/01/2017 #118
COMPANIES HOUSE

Capital Waste Services Limited
(In Liquidation)
Liquidator's Abstract of Receipts & Payments

Statement of Affairs		From 11/11/2015 To 10/11/2016
	ASSET REALISATIONS	
62,626 00	Debtors	NIL
3,600 00	Cash at Clients Accounts	4,800 00
1,904 00	Cash at Bank	1,938 83
	S98 Contribution Fee	9,000 00
	Bank Interest Gross	10 13
		<u>15,748 96</u>
	COST OF REALISATIONS	
	Insurance Bordereau	520 00
	Preperation of S of A	7,500 00
	Office Holders Fees	1,000 00
	Hall For Meeting	125 00
	Agents/Valuers Fees (1)	1,000 00
	Legal fees disbursement	NIL
	Stationery & Postage	36 12
	Storage Costs	648 00
	Statutory Advertising	216 00
		<u>(11,045 12)</u>
	UNSECURED CREDITORS	
(245,431 00)	Trade & Expense Creditors	NIL
(580,208 00)	HM Revenue & Customs (PAYE/NIC/V	<u>NIL</u>
		NIL
	DISTRIBUTIONS	
(2,000 00)	Ordinary Shareholders	<u>NIL</u>
		NIL
<u>(759,509.00)</u>		<u><u>4,703 84</u></u>
	REPRESENTED BY	
	VAT Receivable	200 00
	Bank 1 - Current	4,503 84
		<u><u>4,703.84</u></u>


 John Kelmanson
 Liquidator

2907204

Liquidator's Annual Progress Report to Creditors & Members

**Capital Waste Services Limited
- In Liquidation**

5 January 2017



QIQ

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10/01/2017
COMPANIES HOUSE

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CAPITAL WASTE SERVICES LIMITED - IN LIQUIDATION

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- B** Additional information in relation to Liquidator's Fees, Expenses & Disbursements

CAPITAL WASTE SERVICES LIMITED - IN LIQUIDATION

1 Introduction and Statutory Information

- 1 1 I, John Kelmanson of Kelmanson Insolvency Solutions, 4 Stirling Court, Stirling Way, Borehamwood, Hertfordshire WD6 2BT, was appointed as Liquidator of Capital Waste Services Limited (the **Company**) on 11 November 2015. This progress report covers the period from 11 November 2015 to 10 November 2016 (**the Period**) and should be read in conjunction with any previous progress reports which have been issued.
- 1 2 The principal trading address of the Company was 104 Scrubs Lane, Willesden, London, NW10 6SF.
- 1 3 The registered office of the Company has been changed to 4 Stirling Court, Stirling Way, Borehamwood, Herts, WD6 2BT and its registered number is 02907204.

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 my Receipts and Payments Account for the Period.

Administration (including statutory compliance & reporting)

- 2 3 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 4 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 5 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

Cash at Clients Accounts

- 2 6 A sum of £4,800 has been received from the clients account. This related to a pre-liquidation sale of a Weighbridge and cable stripper. The sale has been ratified and the assets were sold at a willing buyer value as it was purchased by a Company with similar directors/shareholders.

Cash at Bank

- 2 7 A sum of £1,938.83 was received from AIB Bank which represented the balance on account at the date the Company entered Liquidation.

Debtors

- 2 8 As a result of missing books and records, especially debtor invoices, the Liquidator has had difficulty quantifying and chasing up the debtors. Electronic records were only provided in September 2016 which has led to no realisations to date. The Liquidator is currently compiling the debtor list and steps will be taken to realise any debtors once supporting information has been extracted.

CAPITAL WASTE SERVICES LIMITED - IN LIQUIDATION

- 2 9 It is considered that the work the Liquidator and his staff have undertaken to date will 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 3rd 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. 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
- 2 11 Claims from preferential creditors typically involve employee claims and payments made on behalf of the Company by the Redundancy Payments Service following dismissal
- 2 12 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

Investigations

- 2 13 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 14 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 15 My investigations revealed the following issues
- Preference payments totalling £102,000
 - Transaction at Undervalue totalling £100,000
 - Possible misfeasance action against directors
 - Stock being taken by the successor company
- 2 16 I can confirm that a solicitor has been instructed to take action against the various parties in order to attempt to make recoveries for the general body of creditors. The solicitors have agreed to take the appointment on a Conditional Fee Arrangement (CFA) basis, and as such no funding is required from creditors. The Solicitor believes the Liquidator has a strong case on all of the above matters

Connected Party Transactions

- 2 17 In accordance with Statement of Insolvency Practice 13, I would advise you that the following assets were sold to Capital Metal Recycling Limited during the period covered by this report

CAPITAL WASTE SERVICES LIMITED - IN LIQUIDATION

Date of transaction	Assets involved & nature of transaction	Consideration paid & date	Sold to	Relationship
10 November 2015	Plant & Machinery	£4,000 on 10 November 2016	Capital Metal Recycling Limited	Common Director and shareholder

3 Creditors

Secured Creditors

3 1 There are no Secured Creditors

Preferential Creditors

3 2 There are no Preferential Creditors

Unsecured Creditors

3 3 I have received claims totalling £847,684 00 from 1 creditors I have yet to receive claims from 16 creditors whose debts total £606,640 65 as per the Company's statement of affairs

3 4 On current indications, should I be successful with my claims against the various parties it is possible that sufficient funds would arise in order to pay a dividend to unsecured creditors The time or quantum at this stage cannot be confirmed

4 Liquidator's Remuneration

4 1 Creditors approved that the basis of the Liquidator's remuneration be fixed to a set fee of £15,000 plus VAT together with a percentage of the value of the assets he has to deal with 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

4 2 The Liquidator has not drawn a fee against any realisations made to date

4 3 The Liquidator has drawn £1,000 against the total set fee agreed of £15,000 approved by creditors

4 4 At the date of this report, I would confirm that my fees estimate for the liquidation remains unchanged This is because I consider my estimate to be sufficient or because I intend restricting the Liquidator's time costs to be drawn from the estate to the level of my estimate and as a result, any time incurred in excess of this will not be borne by creditors

4 5 A copy of 'A Creditors' Guide to Liquidators' Fees' is available on request or can be downloaded from <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

CAPITAL WASTE SERVICES LIMITED - IN LIQUIDATION

- 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 progress report ahead of convening the final meeting of creditors

Yours faithfully



John Kelmanson
Liquidator

Capital Waste Services Limited
(In Liquidation)
Liquidator's Abstract of Receipts & Payments

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	Insurance Bordereau	520 00	520 00
	Preperation of S of A	7,500 00	7,500 00
	Office Holders Fees	1,000 00	1,000 00
	Hall For Meeting	125 00	125 00
	Agents/Valuers Fees (1)	1,000 00	1,000 00
	Legal fees disbursement	NIL	NIL
	Stationery & Postage	36 12	36 12
	Storage Costs	648 00	648 00
	Statutory Advertising	216 00	216 00
		<u>(11,045 12)</u>	<u>(11,045 12)</u>
	UNSECURED CREDITORS		
(245,431 00)	Trade & Expense Creditors	NIL	NIL
(580,208 00)	HM Revenue & Customs (PAYE/NIC/V	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
	DISTRIBUTIONS		
(2,000 00)	Ordinary Shareholders	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
<u>(759,509.00)</u>		<u>4,703.84</u>	<u>4,703.84</u>
	REPRESENTED BY		
	VAT Receivable		200 00
	Bank 1 - Current		4,503 84
			<u>4,703.84</u>

CAPITAL WASTE SERVICES LIMITED - IN LIQUIDATION

Appendix B

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

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
MHS Sprechier Grier Limited (legal advice)	Hourly rate and disbursements + CFA basis
Marsh Limited (insurance)	Hourly rate and disbursements
Ashwells Nationwider Services (valuation and disposal advice)	Hourly rate and 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 Liquidator's Expenses & Disbursements

- 3.1 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 were approved, a copy of which is set out below

Expense	Estimated cost £
Agents' costs	1,500 00
Solicitors' costs	1,000 00
Statutory advertising	300 00
Specific penalty bond	360 00

Current position of Liquidator's expenses

- 3.2 An analysis of the expenses paid to the date of this report, together with those incurred but not paid at the date of this report is provided below

	Paid in prior period £	Paid in the period covered by this report £	Incurred but not paid to date £	Total anticipated cost £
Agents' costs	0 00	1,000 00	0 00	1,000 00
Solicitors' costs	0 00	0 00	12,970 00	Uncertain
Statutory advertising	0 00	216 00	0 00	350 00
Specific penalty bond	0 00	520 00	0 00	520 00

CAPITAL WASTE SERVICES LIMITED - IN LIQUIDATION

External storage of books & records	0 00	648 00	0 00	648 00
Category 2 disbursements				
Hall for Meeting	0 00	125 00	0 00	125 00
Stationery & postage	0 00	36 12	0 00	200 00

- 3 3 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 4 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.