

LIQ03

Notice of progress report in voluntary winding up



Companies House

FRIDAY



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22/12/2017

#500

COMPANIES HOUSE

1 Company details

Company number 0 2 9 0 7 2 0 4

Company name in full Capital Waste Services Limited

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

2 Liquidator's name

Full forename(s) John

Surname Kelmanson

3 Liquidator's address

Building name/number 4 Stirling Court

Street Stirling Way

Post town Borehamwood

County/Region Herts

Postcode W D 6 2 B T

Country

4 Liquidator's name ①

Full forename(s)

Surname

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

5 Liquidator's address ②

Building name/number

Street

Post town

County/Region

Postcode

Country

② Other liquidator
Use this section to tell us about
another liquidator.

LIQ03

Notice of progress report in voluntary winding up

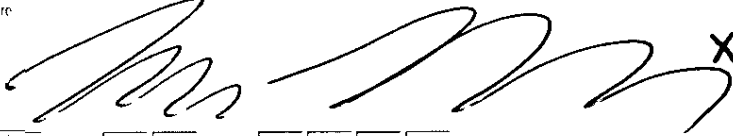
6 Period of progress report

From date	d	1	d	1	m	1	m	1	1	y	2	y	0	y	1	y	6
To date	d	1	d	0	m	1	m	1	1	y	2	y	0	y	1	y	7

7 Progress report

☒ The progress report is attached

8 Sign and date

Liquidator's signature	Signature	X		X													
Signature date	d	2	d	1	m	1	m	2	2	y	2	y	0	y	1	y	7

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 **Craig Jarvis**

Company name **Kelmanson Insolvency Solutions**

Address **4 Stirling Court**

Stirling Way

Post town **Borehamwood**

County/Region **Herts**

Postcode **W D 6 2 B T**

Country

DX

Telephone **020 8441 2000**

**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

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

Statement of Affairs £		From 11/11/2016 To 10/11/2017 £	From 11/11/2015 To 10/11/2017 £
	ASSET REALISATIONS		
62,626.00	Debtors	1,234.66	1,234.66
3,600.00	Cash at Clients Accounts	NIL	4,800.00
	Directors Settlement	100,000.00	100,000.00
1,904.00	Cash at Bank	NIL	1,938.83
	S98 Contribution Fee	NIL	9,000.00
	Bank Interest Gross	4.63	14.76
		<u>101,239.29</u>	<u>116,988.25</u>
	COST OF REALISATIONS		
	Insurance Bordereau	NIL	520.00
	Preperation of S. of A.	NIL	7,500.00
	Office Holders Fees	40,000.00	41,000.00
	Hall For Meeting	NIL	125.00
	Agents/Valuers Fees (1)	NIL	1,000.00
	Legal Fees (1)	35,361.00	35,361.00
	Legal fees disbursement	NIL	NIL
	Stationery & Postage	28.56	64.68
	Storage Costs	NIL	648.00
	Statutory Advertising	NIL	216.00
		<u>(75,389.56)</u>	<u>(86,434.68)</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>25,849.73</u>	<u>30,553.57</u>
	REPRESENTED BY		
	Bank 1 - Current		15,783.97
	Vat Control Account		14,769.60
			<u>30,553.57</u>



John Kelmanson
Liquidator

Liquidator's Annual Progress Report to Creditors & Members

**Capital Waste Services Limited
- In Liquidation**

20 December 2017

CAPITAL WASTE SERVICES LIMITED - IN LIQUIDATION

CONTENTS

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- 2** *Progress of the Liquidation*
- 3** Creditors
- 4** Liquidator's Remuneration
- 5** Creditors' Rights
- 6** Next Report

APPENDICES

- A** Receipts and Payments Account for the Period from 11 November 2016 to 10 November 2017 together with Cumulative Receipts and Payments Account for the Period since the Liquidator's Appointment
- 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 KCBS LLP t/a Kelmanson Insolvency Solutions ("KIS"), 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 2016 to 10 November 2017 (**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 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 together with a cumulative Receipts and Payments Account for the period from the date of my appointment as Liquidator to the end of 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

Debtors

- 2.6 As reported in the last progress report, matters have not progressed due to the lack of supporting records and inaccurate Sage records. To date, only £1,234.66 has been realised and the Liquidator will continue to pursue the debtors.

Directors Settlement

- 2.7 Detailed investigations revealed that the directors/shareholders had made transactions that the Liquidator believed constituted Antecedent transactions, as detailed in the last progress report. As such, solicitors were instructed on a CFA basis to attempt to make recoveries. After protracted negotiations, an offer of £200,000 in full and final settlement of all claims the Liquidator may have against the Directors/Shareholders was accepted, following discussions held with the largest creditor, HM Revenue & Customs. A sum of £100,000 has been received to date, with the final payment of £100,000 due to be paid before 31 March 2018.

CAPITAL WASTE SERVICES LIMITED - IN LIQUIDATION

- 2.8 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)

- 2.9 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.
- 2.10 Claims from preferential creditors typically involve employee claims and payments made on behalf of the Company by the Redundancy Payments Service following dismissal
- 2.11 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.
- 2.12 I consider the following matters worth noting in my report to creditors at this stage:
- There are approximately 17 unsecured creditor claims in this case with a value per the director(s) statement of affairs of £825,639
 - The Company's books and records were inaccurate both physically and electronically. HM Revenue & Customs have been unable to quantify their claim and the Liquidator has had to correspond with HMRC more so than normal to assist them.

Investigations

- 2.13 You may recall from my first progress report to creditors that 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 My report on the conduct of the Directors of the Company to the Department for Business, Energy & Industrial Strategy under the CDDA 1986 was submitted during the first year of the liquidation and is confidential
- 2.15 Since my last progress report I would advise that no further asset realisations have come to light that may be pursued by me for the benefit of creditors

Matters still to be dealt with

- 2.16 The only matters that remain to be dealt with are the debtors and the collection of the directors/shareholders settlement as explained earlier in the report.

CAPITAL WASTE SERVICES LIMITED - IN LIQUIDATION

- 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 present information, it would appear that a dividend may become payable to unsecured creditors if the final payment is received in respect of the settlement and further realisations from debtors.

4 Liquidator's Remuneration

- 4.1 Creditors approved that the basis of the Liquidator's remuneration be fixed to a set amount of £15,000 together with a percentage of the value of the assets. 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 made the following realisations upon which the creditors have approved a percentage be taken as remuneration. Details of the realisations to date and associated remuneration drawn on account of those realisations is set out below:

Asset category	Value of assets realised in period	Total value of assets realised since commencement	Remuneration % agreed	Total fees approved to date	Fees not yet drawn
Debtors	£1,234.66	£1,234.66	20%	Nil	£246.93
Cash at Bank	£0	£1,938.83	15%	Nil	£290.82
Client Account funds	£0	£4,800	15%	Nil	£720
Directors Settlement	£100,000	£100,000	50%	£26,000	£24,000

- 4.3 The Liquidator has drawn £15,000 against the total set fee agreed of £15,000 approved by creditors.
- 4.4 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>.
- 4.5 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

CAPITAL WASTE SERVICES LIMITED - IN LIQUIDATION

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 If you have any queries in relation to the contents of this report, I can be contacted by telephone on 0208 441 2000 or by email at cj@kelmanson.com.

Yours faithfully

A handwritten signature in black ink, appearing to read 'John Kelmanson', with a long, sweeping horizontal stroke extending to the right.

John Kelmanson
Liquidator

Capital Waste Services Limited
(In Liquidation)
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			<u>30,553.57</u>

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 Sprecher Grier (legal advice)	Hourly rate and disbursements + CFA basis uplift
Marsh Limited (insurance)	Fixed based on realisations
Ashwells Nationwide 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:

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.

CAPITAL WASTE SERVICES LIMITED - IN LIQUIDATION

	Paid in prior periods	Paid in this period covered by this report	Included but not paid to date	Total anticipated costs
Agents' costs	1,000.00	0.00	0.00	1,000.00
Solicitors' costs	0.00	35,361.00	42,000 + uplift	Uncertain
Statutory advertising	216.00	0.00	0.00	350.00
Specific penalty bond	520.00	0.00	0.00	520.00
External storage of books & records	648.00	0.00	0.00	648.00
Category 2 disbursements				
Hall for Meeting	125.00	0.00	0.00	125.00
Storage Costs	0.00	648.00	0.00	1,000.00
Stationery & postage	36.12	28.56	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.