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

*AAYRPI1V*

A04 28/02/2022 #13

COMPANIES HOUSE

### 1 Company details

| | |
|---|---|
| Company number | 0 4 2 3 4 4 5 1 |
| Company name in full | Broadley (Group) Limited |

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

### 2 Liquidator's name

| | |
|---|---|
| Full forename(s) | David Frederick |
| Surname | Wilson |

### 3 Liquidator's address

| | |
|---|---|
| Building name/number | 29 Park Square West |
| Street | Leeds |
| Post town | LS1 2PQ |
| County/Region | |
| Postcode | |
| Country | |

### 4 Liquidator's name ❶

| | |
|---|---|
| Full forename(s) | |
| Surname | |

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

### 5 Liquidator's address ❷

| | |
|---|---|
| Building name/number | |
| Street | |
| Post town | |
| County/Region | |
| Postcode | |
| Country | |

❷ **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 0 d 3 | m 0 m 1 | y 2 y 0 y 2 y 1 |
| To date | d 0 d 2 | m 0 m 1 | y 2 y 0 y 2 y 2 |

## 7 Progress report

☑ The progress report is attached

## 8 Sign and date

| | | |
|---|---|---|
| Liquidator's signature | Signature X | X |
| Signature date | d 2 d 4 | m 0 m 2 y 2 y 0 y 2 y 2 |

# 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: David Frederick Wilson

Company name: DFW Associates

Address: 29 Park Square West
Leeds

Post town: LS1 2PQ

County/Region:

Postcode:

Country:

DX:

Telephone: 01133907940


## 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

**The affairs, business and property of the Company are being dealt with by the Liquidator, who acts as the Company's agent and without personal liability.**

Liquidator's Annual Report to Members & Creditors

# Broadley (Group) Limited – In Liquidation

For the period 3rd January 2021 to 2nd January 2022

This report has been produced by the Liquidator solely to comply with his statutory duty to report to members and creditors on the progress of the Liquidation. The report is private and confidential and may not be relied upon, referred to, reproduced, or quoted from, in whole or in part, by members or creditors for any purpose other than this report to them, or by any other person for any purpose whatsoever.

## Broadley (Group) Limited

### Contents


1. Statutory Information
2. Progress during the Period
3. Receipts and Payments Account
4. Outcome for Creditors
5. Pre-Appointment Costs
6. Liquidator's Remuneration, Expenses & Disbursements
7. Investigations into the Affairs of the Company
8. Matters That Remain Outstanding
9. Conclusion


### Appendices


1. Receipts and Payments Account for the period 3rd January 2020 to 2nd January 2022 and for the period 3rd January 2021 to 2nd January 2022
2. Details of the Time Incurred in accordance with Statement of Insolvency Practice 9 for the period 3rd January 2020 to 2nd January 2021 and for the period 3rd January 2021 to 2nd January 2022
3. DFW Charging Policy and Charge Out Rates
4. Extract from Rules 18.9 and 18.34 (Creditors' Rights)
5. DFW Privacy Statement


### Abbreviations

For the purposes of this report the following abbreviations shall be used:

| | |
|---|---|
| "the Act" | Insolvency Act 1986 (as amended) |
| "the Rules" | Insolvency (England and Wales) Rules 2016 |
| "CVL" | Creditors Voluntary Liquidation |
| "the Liquidator" | David Frederick Wilson |

### EC Regulations

Council Regulation (EU) No 1346/2000 applies, and these are classed as 'main proceedings' as defined in Article 3(1) of that regulation.

### Data Privacy

Since 25 May 2018 creditors who are individuals (including former employees) now also have enhanced rights under UK Data Protection legislation. The Liquidator is obliged to process personal data in the performance of his statutory duties. Information about the way that we will use, and store personal data on insolvency appointments is enclosed.

## 1. STATUTORY INFORMATION

| | |
|---|---|
| Company Number: | 04234451 |
| Date of Incorporation: | 14th June 2001 |
| Principal Activity: | General Building Contractor and Property Development |
| Previous Names: | Leodis Building and Maintenance Limited (24/07/2003 – 04/07/2014)<br>A.S.B. Developments Limited (11/07/2001 – 24/07/2003)<br>Spycloak Limited (14/06/2001 – 11/07/2001) |
| Trading Name: | Broadley Group |
| Former Registered Office: | Broadley Group, Whitehouse Street, Leeds LS10 1AD |
| Registered Office: | 29 Park Square West, Leeds LS1 2PQ |
| Trading Addresses: | Broadley Group, 11 Whitehouse Street, Leeds LS10 1AD<br>33 Bretton Street, Dewsbury, WF12 8BJ |
| Share Capital: | 1200 Ordinary Shares of £1 each |

| | Name | Shareholding |
|---|---|---|
| Shareholders: | Park Lane Properties (Leeds) Limited | 600 Ordinary Shares |
| | Mr C. Leonard | 50 Ordinary Shares |
| | Mr G. S. Broadley | 200 Ordinary Shares |
| | Mr I. Campbell | 150 Ordinary Shares |
| | Mr. I. S. Manku | 100 Ordinary Shares |
| | Mr. J. Armitage | 100 Ordinary Shares |

| | | Appointed | Resigned |
|---|---|---|---|
| Directors: | Naveen Nazir Ahmed | 13th January 2016 | - |
| | Jonathan Armitage | 2nd February 2006 | - |
| | Gary Stephen Broadley | 13th July 2001 | - |
| | Ian Stewart Campbell | 28th March 2008 | - |
| | Christopher Leonard | 2nd February 2005 | - |
| | Inderpaul Singh Manku | 13th January 2016 | - |
| | Richard Armitage | 2nd February 2006 | 11th April 2015 |
| | Stephen Allen Jaques | 2nd January 2009 | 30th January 2015 |
| | James Michael Mathers | 2nd February 2005 | 25th August 2006 |
| | Richard Pickles | 11th February 2016 | 18th January 2019 |

Mortgage and charges:

Santander UK PLC – Debenture containing a fixed and floating charge, created 27th August 2010 and registered 2nd September 2010.

Santander UK PLC – Legal charge over Leasehold property at Whitehouse Street, Leeds, created 27th November 2014 and registered 4th December 2014

Park Lane Properties (Leeds) Limited – Legal charge over property at Whitehouse Street, Leeds, created 17th December 2019 and registered 23rd December 2019

Subsidiary Companies

A.S. Broadley (Decorators) Limited – dormant
A.S. Broadley Decorators (London) Limited – dormant
Leodis Building and Maintenance Limited – dormant
Westcliffe Building Services Limited – subsidiary of Leodis Building and Maintenance Ltd - dormant

Connected Companies:

| Name | Number | Connection |
|---|---|---|
| Park Lane Properties (Leeds) Limited | 08383971 | Shareholder of the Company |

## 2. PROGRESS DURING THE PERIOD

Case Strategy

My overall strategy for the Liquidation was and remains to realise the Company's assets as expeditiously as possible. As explained below, recoveries are continuing however they are finite in quantum.

I have been assisted in the performance of my duties by a Case Manager and Case Administrator who have the day-to-day conduct of the Liquidation and who helped me to ensure that work done was carried out at the appropriate grade, having regard to its complexity. There has been no change to my strategy for the conduct of this case since my appointment.

I have sought to provide an update from the last annual report and therefore I have tried to detail the updates and actions in this period.

Contract Debtors

Our work in attempting to realise the outstanding contract debtors and retentions is continuing. Due to the Covid-19 Pandemic ('the pandemic'), collection has rendered both contact with these debtors and collection of the outstanding balances more difficult than initially thought. Additionally, the temporary suspension of various court actions during the pandemic has meant that various actions have been postponed until these suspensions were ended.

In the statement of affairs, it was estimated that the sum of £1,500,000 would be realised. Having reviewed the position with both Leslie Keats, MRICS qualified surveyors and Andrew Jackson Solicitors who were instructed to assist the Liquidator in valuing and collecting these debts, I can confirm that a revised estimated to realise figures are between an upper estimate of £2,800,000 and a lower estimate of £190,039.

My realisations in the period amount to £25,519.78, bringing total realisations in the Liquidation to £263,371.28. As demonstrated, this has already exceeded the lower estimate of £190,039. I cannot give a revised estimate of what realisations will be at this stage as there are uncertainties on many claims, particularly where there is likely to be mediation or court action. I have not detailed the progress of individual contracts that are currently being pursued as these have already been disclosed to the Creditors' Committee. However, our asset realisations are continuing and as several contracts have now reached the end of the defects period, we are able to pursue the outstanding balances.

Physical Assets

As detailed in my last progress report, the asset realisations have concluded in this respect.

Assets Subject to Finance

All assets subject to finance have been returned to the relevant parties.

LPA Receivership of Whitehouse Street, Leeds

I can confirm that Simon Thomas and Tom Straw of Moorfields have filed a notice at Companies House on 12th February 2021, formally ceasing their appointment as LPA Receivers.

Investigations

A considerable amount of time has been expended in dealing with various areas of investigations. The members of the Liquidation Committee, detailed matters that they wished the Liquidator to investigate. I have summarised these matters in section 7 of this report.

## 3. RECEIPTS & PAYMENTS ACCOUNT

I have attached a copy of the receipts and payments account for the period 3rd January 2020 to 2nd January 2021 and have provided an explanatory narrative for the entries during this period.

*Receipts and Payments during the Period*

**Receipts**

*Bank Interest Gross*

Bank interest of £3.02 has been received during the period of this report and represents the interest paid on the funds held in the Liquidator's account.

*Directors Loan Accounts*

The sum of £4,798.33 has been paid by the Directors to date, a full breakdown of the Loan Accounts and repayment progress can be found in section 7 of this report.

*Plant & Machinery*

The final payment from the auction was received in the period, amounting to £428 which brings total realisations to £70,401. There will be no further asset realisations in this regard.

*Contract Debtors and Retentions*

The realisations in the period amount to £25,519.78, bringing total realisations in the Liquidation to £263,371.28.

**Payments**

*Office Holder's Fees*

The sum of £112,000 has been paid in the period in respect of Liquidator's fees, further details can be found in section 6 of this report.

*Quantity Surveyors Fees*

Leslie Keats, an MRICS qualified surveyor, have been paid the sum of £19,502.04 in the period, further details can be found in section 6 of this report.

*Legal Fees*

Andrew Jackson Solicitors have been paid the sum of £5,700 in the period. Further details can be found in section 6 of this report.

*Storage Costs*

The sum of £1,197.31 has been paid to McCarthys for storing the company's records, further details can be found in section 7 of this report.

## 4. OUTCOME FOR CREDITORS

**Secured Creditors**

*Santander UK PLC*

A Legal charge over Long Leasehold property at Whitehouse Street, Leeds was created 27th November 2014 and registered 4th December 2014. As detailed in my last progress report, the Receivers have now sold the premises for the sum of £500,000 (exclusive of VAT) which has been used to reduce the balance owed to Santander. The LPA

Receivers have now ceased to act. The statement of affairs estimated the outstanding balance owed to Santander Bank at £1,449,448 as at the date of this report the outstanding balance is currently at £998,629, subject to additional accruing interest. The remaining deficit from the floating charge will be paid from the net property of the company minus any provision for the prescribed part. It should also be noted that the Bank additionally hold various personal guarantees.

**Preferential Creditors**

In the statement of affairs, preferential creditors amounted to £293,692 representing the amount of £49,143 for pension arrears and £244,549 outstanding for wages and holiday pay due to the employees.

To date, the Redundancy Payments Office have submitted a preferential claim in the sum of £173,345.18 representing amounts due to employees in respect of holiday pay and wages. I am yet to have confirmation from the Pension Trustees regarding the outstanding balance.

On the information based in the estimated outcome statement, provided in the fee approval to the Liquidation Committee, there will be a dividend distribution of 100p in the £ to this class of creditor. However, this will be dependent on the quantum of asset realisations.

**Unsecured Creditors**

As predicted in the estimated outcome statement, it appears that there will be sufficient realisations to allow a dividend to the unsecured creditors under the prescribed part. As the estimated dividend is 0.006p in the £ the Liquidator may however issue a notice in accordance with section 176A to the Insolvency Act 1986 that the costs of making a distribution outweigh the benefits. However, this decision will be made when asset realisations have completed, and the Liquidator is able to make a distribution.

The statement of affairs estimated total unsecured debts of £18,385,780.63. The Liquidator has not assessed all of the creditor claims to date; however, this will be undertaken if a dividend distribution becomes necessary.

**Prescribed part for unsecured creditors pursuant to Section 176a of the Act**

Section 176a of the Act provides that, where the company has created a floating charge on or after 15 September 2003, the Liquidator must make a prescribed part of the company's net property available for the unsecured creditors and not distribute it to the floating charge holder except in so far as it exceeds the amount required for the satisfaction of unsecured debts. It is likely that there will be a prescribed part distribution, but the quantum and timing of this distribution is dependent on asset realisations.

## 5. PRE-APPOINTMENT COSTS

On 24th March 2020 at a decision procedure held by correspondence, the Liquidation Committee resolved that DFW Associates be paid the sum of £21,173 plus VAT for their pre-appointment costs assistance with the statutory decision procedures to place the Company into Liquidation.

I can confirm that DFW Associates have been paid the sum of £21,173 in this regard. No further payments will be made for pre-appointment costs.

## 6. LIQUIDATOR'S REMUNERATION DISBURSEMENTS & EXPENSES

On the 24th March 2020 the Liquidation Committee resolved by correspondence that:

"The basis of the Liquidator's remuneration on a time cost basis at DFW Associates standard charging rates in accordance with his statutory fee estimate, copies of which have been provided to creditors, and that such remuneration be drawn on account at the rates notified to the committee."

My statutory estimate of fees acts as a cap on the amount of remuneration that I can draw out of the assets of the company without further authority from creditors. By virtue of the approval by creditors to the basis of my remuneration, this cap was set at £241,477. The services provided, and to be provided, by me included those required by law and/or professional regulations to deal with the procedure. I have appended to this report a breakdown of the actions that have been and will be undertaken.

Generally, time spent has been in-line with the fee estimate. The variances are detailed below with a short explanation and details.

| | Fee Estimated | Actual (from SIP 9 time cost report) | £ Difference (-/+) |
|---|---|---|---|
| Admin & Planning | 51,341.50 | 37,249.00 | -14,092.50 |
| Investigations | 44,441.00 | 71,439.16 | +26,998.16 |
| Realising Assets | 53,743.00 | 89,429.00 | +35,686.00 |
| Trading | 0.00 | 287.50 | +287.50 |
| Creditors | 91,951.50 | 70,711.12 | -21,240.38 |
| Case Specific | 0.00 | 0.00 | 0.00 |
| **Total** | **241,477.00** | **269,115.78** | **+27,638.78** |

The total time spent on the Liquidation by myself and my staff from 3rd January 2021 to 2nd January 2022 is 227.18 hours equating to time costs £72,591.12 at an average rate of £319.53 per hour. During the period, I have drawn fees of £112,000 on account of these time costs.

The total time spent on the Liquidation by myself and my staff from the date of appointment on 3rd January 2020 is 853.10 hours equating to time costs £269,115.78 at an average rate of £315.46 per hour. During the Liquidation, I have drawn Liquidator fees in the sum of £192,000 on account of these time costs.

As illustrated in the table above, the Liquidator's original cost estimate £241,477 has been exceeded in the period by £27,638.78. This has been due to the investigations and asset realisation matters taking longer to resolve than initially anticipated. I expect to incur significant further time in respect of both of these areas, particularly realising the remaining contract debtors and retentions for the reasons outlined in this report.

As such, my initial fee estimate made several assumptions about the extent of the work required. The most important of the assumptions were:

- The duration of the Liquidation will not exceed 36 months.
- Except expressly referred to herein, it will not be necessary to bring or defend any legal proceedings or tribunal issues.

The Liquidation is now expected to exceed 36 months and there are further legal proceedings required than were initially thought would be necessary. As such, the above listed 'milestones' have been reached and consequently I will be reverting to the creditors' committee with a revised fee estimate for further approval, to accommodate for the extra work necessary to fulfil my duties and legal obligations as Liquidator.

The following additional information in relation to the Liquidator's time costs is enclosed with this report:

- Table of time spent and charge-out value for the period 3rd January 2020 to 2nd January 2022 and for the period 3rd January 2021 to 2nd January 2022
- DFW Associates charging policy for disbursements; and
- Details of creditors' rights: (Creditors' and members' requests for further information and details of remuneration and expenses: application to court by a creditor or members on grounds that remuneration or expenses are excessive in accordance with Rule 18.9 and 18.34 of the Insolvency (England & Wales) Rules 2016).

Please note an explanatory leaflet "A Creditor's Guide to Liquidator's Remuneration", is also available on request from my office.

**Disbursements**

The following category 1 disbursements have been incurred and paid in the period of this report:

| Services Provided | Charged by | Total Incurred in period £ | Total Paid in period £ | Balance Remaining To be paid £ |
|---|---|---|---|---|
| Storage of company records | McCarthys | 1,197.31 | 1,197.31 | 0.00 |
| | | **1,197.31** | **1,197.31** | **0.00** |

There have been no category 2 disbursements incurred or paid in the period of this report.

The following expenses and professional fees have been incurred and paid in the period of this report:

| Services Provided | Charged by | Total Incurred in period £ | Total Paid in period £ | Balance Remaining To be paid £ |
|---|---|---|---|---|
| Legal Advice/Debt Collection | Andrew Jackson | 5,700.00 | 5,700.00 | 0.00 |
| Professional Advice/Debt Collection | Leslie Keats | 19,502.04 | 19,502.04 | 0.00 |
| | | **25,202.04** | **25,202.04** | **0.00** |

Leslie Keats ('LS') have continued to assist with collecting the outstanding contract debtors and dealing with contentious issues regarding retentions and contracts. LS are being remunerated on a percentage of realisations agreed with the Liquidator. This is common practice and is an industry norm.

I have also engaged the services of Andrew Jackson ('AJ'), who have assisted providing legal advice in respect of both matters relating to debt collection and advice in relation to compliance issues. Andrew Jackson are being remunerated on a time cost basis for the time properly given in dealing with matters. This is common practice and is an industry norm. Please note, that the amount incurred in this period has been reflected in the amount that has been invoiced in the period.

Creditors Rights

An unsecured creditor may, with the permission of the court or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question) request further details of the Liquidator's remuneration and expenses, within 21 days of receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

An unsecured creditor may, with the permission of the court or with the concurrence in 10% in value of the creditors (including the creditor in question), apply to court to challenge the amount and/or basis of the Liquidator's fees and the amount of any proposed expenses or expenses already incurred, within 8 weeks of receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

Should you require any further information extracts from the relevant Insolvency Rules are attached.

## 7. INVESTIGATIONS INTO THE AFFAIRS OF THE COMPANY

**Report on the conduct of Directors**

The Liquidator has a statutory duty to investigate the conduct of the Directors and any person he considers to be or have been a shadow or de facto Director during the period of three years before the date of their appointment, in relation to their management of the affairs of the company and the causes of its failure. The Liquidator is obliged to submit confidential reports to the Department for Business Innovation and Skills. I can confirm that I have discharged my duties in this regard.

Best practice guidance requires a Liquidator to make enquiries of creditors regarding the way in which the Company's business has been conducted, or any potential recoveries that they may be aware of, for the estate. If you would like to bring any such issues to our attention, please do so in writing to my office. Such a request for information is standard practice and does not imply any criticism, or cause of action against any person concerned in the management of the company's affairs.

Park Lane Properties ('PLP')

At the date of Liquidation, the bulk of the work being carried out was for PLP, albeit the contracts were carried out for Special Purpose Vehicle companies ('SPV's') set up by PLP and incorporated in Jersey. The company was building a hotel at York which had effectively reached practical completion, a hotel in Newcastle which was close to completion and a student accommodation block in Lincoln, which was completed by alternative contractors post Liquidation. The company records indicate that the sum of £9,840,716 is due. In all these contracts, 'Pay Less Notices' were served which effectively determined the contracts and forced a situation where the account could not be taken further until 12 months after practical completion. As this time limit has now expired, I can confirm that I have initiated legal proceedings to recover the balance, however I do not wish to prejudice these claims by providing any further details.

There was also a concern raised that these jobs may have been costed at incorrect figures at the outset, the Liquidator is investigating this further and where substantiated this could potentially increase the amount due. I can confirm that my duties to pursue these matters are continuing and I do not wish to prejudice this claim by providing any further details.

Claims against Naveen Ahmed

As detailed in my last annual report there are substantial sums due in respect of works done to Mr Ahmed's personal property. Legal proceedings have been initiated and the initial trial in October 2021 resulted in an adjournment until April 2022. I will report the outcome of this court case at the next annual reporting period, as I do not wish to prejudice this claim by providing any further details in this report.

Nadeem Ahmed and Sameer Ahmed

Both individuals, who are Directors of PLP have similarly had substantial works done to their personal properties by the company. These claims are also being pursued and at this stage I do not wish to prejudice this claim by providing any further details.

Debts due for work carried out at various Hentons Offices and the offices of Workspace Hub

Claims have also been formulated against Hentons and Workspace Hub, a company operated by Nadeem Ahmed's wife for work carried out but not paid for. This debt is being pursued and I hope to provide an update in my next report to creditors.

Directors' Loan accounts

*Paul Manku*

Paul Manku had an overdrawn loan account of £35,999.25 and had agreed a repayment plan with the Liquidator, however this has had to be revised due to a failure to pay. I can confirm that the sum of £4,000 has been received to date.

I can confirm that subsequent to the period but prior to the issuing of this report, a revised settlement has been agreed with Mr Manku, prompted by the issuing of a statutory demand by the Liquidator in December 2021. The settlement is to be paid by 11th March.

*Gary Broadley*

Gary Broadley ('GB') had an overdrawn loan account of £33,668.77. An initial part payment of 4,798.33 was made with the balance to be paid on the conclusion of a development project that Mr Broadley was involved in.

GB had a Bankruptcy order made against him on 4th February 2022 and therefore any remaining balance due will be ranked as an unsecured creditor in his Bankruptcy. I will update creditors on any dividend prospects in my next annual report.

Investigations by HMRC

HMRC initially contacted us to investigate the Research and Development tax claims submitted by the company. They

have now been fully briefed in this regard and are now undertaking further significant investigations into the affairs of the company.

## 8. MATTERS THAT REMAIN OUTSTANDING

Investigations

As detailed above, the matters detailed in section 7 are to be resolved.

Contracts Debtors and Retentions

As detailed in the body of the report, our work in pursuing the contract debtors is continuing and is both more involved and protracted than initially thought. Therefore, alongside our continuing work in this regard, it will be necessary to seek approval for a revised fee estimate and I will be contacting the Liquidation Committee in due course.

## 9. CONCLUSION

I will contact you again at the next annual reporting period or at the conclusion of the Liquidation whichever is the sooner. Should you have any further queries please contact my office on 0113 390 7940, alternatively direct any emails to james.nuttall@dfwassociates.co.uk.

**David Frederick Wilson**
**Liquidator of Broadley (Group) Limited**

Dated: 24th February 2022

# Broadley (Group) Limited
# (In Liquidation)

## LIQUIDATOR'S RECEIPTS AND PAYMENTS ACCOUNT

| | Statement of affairs £ | From 03/01/2021 To 02/01/2022 £ | From 03/01/2020 To 02/01/2022 £ |
|---|---|---|---|
| **RECEIPTS** | | | |
| Leasehold Land & Property | 350,000.00 | 0.00 | 0.00 |
| Investment in Subsidiaries | NIL | 0.00 | 0.00 |
| Plant & Machinery | 58,000.00 | 428.00 | 70,401.00 |
| Motor Vehicles | 14,500.00 | 0.00 | 0.00 |
| Decorating & Joinery Stock | 5,000.00 | 0.00 | 8,905.00 |
| Contract debtors and retentions | 1,500,000.00 | 25,519.78 | 263,371.28 |
| Directors Loan accounts | | 4,798.33 | 8,798.33 |
| Road Fund Tax refund | | 0.00 | 2,404.93 |
| VAT Refund | 406,537.00 | 0.00 | 0.00 |
| Insurance excess | | 0.00 | 125.00 |
| Rates Refund | | 0.00 | 1,480.49 |
| Rent Deposit | | 0.00 | 1,500.00 |
| Cash at Bank | | 0.00 | 30,000.00 |
| Water Rates refund | | 0.00 | 341.79 |
| Bank Interest Gross | | 3.02 | 36.28 |
| Rates | | 0.00 | 886.01 |
| Vat Payable | | (1,420.40) | 116,788.17 |
| | | 29,328.73 | 505,038.28 |
| **PAYMENTS** | | | |
| Investment in Subsidiaries | | 0.00 | 0.00 |
| Santander UK PLC | (1,449,448.00) | 0.00 | 0.00 |
| Specific Bond | | 0.00 | 1,400.00 |
| Preparation of S. of A. | | 0.00 | 21,173.00 |
| Office Holders Fees | | 112,000.00 | 192,000.00 |
| Agents/Valuers Fees | | 0.00 | 17,326.00 |
| Quantity Surveyors Fees | | 19,502.04 | 30,012.04 |
| Legal Fees | | 5,700.00 | 77,332.25 |
| Computer software costs | | 0.00 | 4,123.00 |
| Meeting Room Hire | | 0.00 | 333.33 |
| Stationery & Postage | | 0.00 | 5,608.64 |
| Storage Costs | | 1,197.31 | 1,197.31 |
| Re-Direction of Mail | | 0.00 | 211.00 |
| Statutory Advertising | | 0.00 | 364.00 |
| Rent on Dewsbury premises | | 0.00 | 20,846.60 |
| Insurance of Assets | | 0.00 | 3,912.00 |
| Wages & Salaries | | 0.00 | 10,065.70 |
| Arrears & Holiday Pay | (244,549.00) | 0.00 | 0.00 |
| Pension Arrears | (49,143.00) | 0.00 | 0.00 |
| Trade & Expense Creditors | (14,805,406.62) | 0.00 | 0.00 |
| Redundancy Pay & PILON | (724,830.01) | 0.00 | 0.00 |
| Park Lane Properties (Leeds) Ltd | (2,950,000.00) | 0.00 | 0.00 |
| HM Revenue & Customs - PAYE | (378,515.00) | 0.00 | 0.00 |
| HM Revenue & Customs - CIS | (67,926.00) | 0.00 | 0.00 |

**Broadley (Group) Limited**
**(In Liquidation)**

## LIQUIDATOR'S RECEIPTS AND PAYMENTS ACCOUNT

| | Statement of affairs £ | From 03/01/2021 To 02/01/2022 £ | From 03/01/2020 To 02/01/2022 £ |
|---|---|---|---|
| Contingent liability re Vehicle leasing | (50,000.00) | 0.00 | 0.00 |
| Ordinary Shareholders | (1,200.00) | 0.00 | 0.00 |
| Vat Receivable | | 27,679.86 | 106,381.09 |
| Vat Payable | | 1,420.40 | (116,788.17) |
| | | 167,499.61 | 375,497.79 |
| **BALANCE - 02 January 2022** | | | **129,540.49** |

David Frederick Wilson
Liquidator

# Time Entry - SIP9 Time & Cost Summary

CVL0131 - Broadley (Group) Limited
Project Code: POST
From: 03/01/2021 To: 02/01/2022

| Classification of Work Function | Partner | Manager | Other Senior Professionals | Assistants & Support Staff | Total Hours | Time Cost (£) | Average Hourly Rate (£) |
|---|---|---|---|---|---|---|---|
| Admin & Planning | 1.20 | 25.00 | 0.00 | 0.67 | 26.87 | 6,719.06 | 250.09 |
| Case Specific Matters | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Creditors | 7.50 | 6.10 | 0.00 | 14.87 | 28.47 | 7,133.06 | 250.57 |
| Investigations | 81.50 | 4.40 | 0.00 | 39.45 | 125.35 | 40,371.50 | 322.07 |
| Realisation of Assets | 46.50 | 0.00 | 0.00 | 0.00 | 46.50 | 18,367.50 | 395.00 |
| Trading | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| **Total Hours** | **136.70** | **35.50** | **0.00** | **54.98** | **227.18** | **72,591.12** | **319.53** |

# Time Entry - SIP9 Time & Cost Summary

CVL0131 - Broadley (Group) Limited
Project Code: POST
From: 03/01/2020 To: 02/01/2022

| Classification of Work Function | Partner | Manager | Other Senior Professionals | Assistants & Support Staff | Total Hours | Time Cost (£) | Average Hourly Rate (£) |
|---|---|---|---|---|---|---|---|
| Admin & Planning | 30.80 | 100.80 | 0.00 | 2.15 | 133.75 | 37,249.00 | 278.50 |
| Case Specific Matters | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Creditors | 60.60 | 147.80 | 0.00 | 58.68 | 267.08 | 70,711.12 | 264.75 |
| Investigations | 142.00 | 33.67 | 0.00 | 39.45 | 215.12 | 71,439.16 | 332.10 |
| Realisation of Assets | 214.10 | 13.70 | 0.00 | 8.35 | 236.15 | 89,429.00 | 378.70 |
| Trading | 0.50 | 0.00 | 0.00 | 0.50 | 1.00 | 287.50 | 287.50 |
| **Total Hours** | **448.00** | **295.97** | **0.00** | **109.13** | **853.10** | **269,115.78** | **315.46** |

**DFW Associates Charging Policy**
**Introduction**

This note applies where a licenced insolvency practitioner in the firm is acting as an office holder of an insolvent estate and seeks creditor approval to draw remuneration on 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 a passing of the resolution for the office holder to be remunerated on a time cost basis. Best practice guidance 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 costs of facilities provided by the firm and where payments are to be made to outside parties in which the office holder or his firm or any associate has an interest. Best practice guidance 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 the insolvent estate.**

The office holder will delegate tasks to colleagues. Such delegation assists the office holder as it allows him/her to deal with the more difficult aspects of the case and ensures that work is allocated and completed at the appropriate level. There are various staff that are employed by the office holder and these appear below.

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

**Expenses Incurred By Office Holder 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 outsourced to a third party. Once these items of expenditure are incurred they are immediately charged to the case.
- 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)
- Car Mileage is charged at a rate of 45p per mile
- Storage of books and records (when not chargeable as a category 1 disbursement)
- Expenses which should be treated as Category 2 disbursements (approval required) – in addition to the 2 categories referred to above best practice guidance indicates that where payments are made to outside parties in which the office holder or his firm or any associate has an interest these should be treated as category 2 disbursements

(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

**DFW Charge-out Rates – Pre-1st December 2021**

Time is recorded in 6 minute units.

| | |
|---|---|
| Principal Associate | 375 |
| Senior Associate | 220 |
| Junior Associate | 180 |

**DFW Charge-out Rates – Post-1st December 2021**

Time is recorded in 6 minute units.

| | |
|---|---|
| Principal Associate | 420 |
| Senior Associate | 265 |
| Junior Associate | 195 |

**EXTRACT FROM THE INSOLVENCY RULES (ENGLAND AND WALES) 2016**

**Remuneration and expenses: application to court by a creditor or member on grounds that remuneration or expenses are excessive**

**Rule 18.34**

(1) This rule applies to an application in an administration, a winding-up or a bankruptcy made by a person mentioned in paragraph (2) on the grounds that—

(a) the remuneration charged by the office-holder is in all the circumstances excessive;

(b) the basis fixed for the office-holder's remuneration under rules 18.16, 18.18, 18.19, 18.20 and 18.21 (as applicable) is inappropriate; or

(c) the expenses incurred by the office-holder are in all the circumstances excessive.

(2) The following may make such an application for one or more of the orders set out in rule 18.36 or 18.37 as applicable—

(a) a secured creditor,

(b) an unsecured creditor with either—

(i) the concurrence of at least 10% in value of the unsecured creditors (including that creditor), or

(ii) the permission of the court, or

(c) in a members' voluntary winding up—

(i) members of the company with at least 10% of the total voting rights of all the members having the right to vote at general meetings of the company, or

(ii) a member of the company with the permission of the court.

(3) The application by a creditor or member must be made no later than eight weeks after receipt by the applicant of the progress report under rule 18.3, or final report or account under rule 18.14 which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report").

**EXTRACT FROM THE INSOLVENCY RULES (ENGLAND AND WALES) 2016**

**Creditors' and members' requests for further information in administration, winding up and bankruptcy**

**Rule 18.9**

(1) The following may make a written request to the office-holder for further information about remuneration or expenses (other than pre-administration costs in an administration) set out in a progress report under rule 18.4(1)(b), (c) or (d) or a final report under rule 18.14—

(a) a secured creditor;

(b) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question);

(c) members of the company in a members' voluntary winding up with at least 5% of the total voting rights of all the members having the right to vote at general meetings of the company;

(d) any unsecured creditor with the permission of the court; or

(e) any member of the company in a members' voluntary winding up with the permission of the court.

(2) A request, or an application to the court for permission, by such a person or persons must be made or filed with the court (as applicable) within 21 days of receipt of the report by the person, or by the last of them in the case of an application by more than one member or creditor.

(3) The office-holder must, within 14 days of receipt of such a request respond to the person or persons who requested the information by—

(a) providing all of the information requested;

(b) providing some of the information requested; or

(c) declining to provide the information requested.

(4) The office-holder may respond by providing only some of the information requested or decline to provide the information if—

(a) the time or cost of preparation of the information would be excessive; or

(b) disclosure of the information would be prejudicial to the conduct of the proceedings;

(c) disclosure of the information might reasonably be expected to lead to violence against any person; or

(d) the office-holder is subject to an obligation of confidentiality in relation to the information.

(5) An office-holder who does not provide all the information or declines to provide the information must inform the person or persons who requested the information of the reasons for so doing.

(6) A creditor, and a member of the company in a members' voluntary winding up, who need not be the same as the creditor or members who requested the information, may apply to the court within 21 days of—

(a) the office-holder giving reasons for not providing all of the information requested; or

(b) the expiry of the 14 days within which an office-holder must respond to a request.

(7) The court may make such order as it thinks just on an application under paragraph (6).

# DFW Associates

# Privacy Statement for Data Subjects who are Individuals

## Introduction

A Privacy Statement is a document explaining to you, if you are an individual, how your personal data will be used by us and what your rights are.

This Statement describes in general terms how we collect and use personal data about you. It has been prepared to meet the requirements of the General Data Protection Regulation (GDPR), the Data Protection Act and any other national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK ('Data Protection Legislation').

Please read the following carefully to understand our practices regarding your personal data.

## Data Controller

DFW Associates is a Firm ('the Firm') of Insolvency Practitioners whose sole Principal is David Frederick Wilson ('Mr Wilson'). His and the Firm's contact details are given below. Mr Wilson is licensed to act as an insolvency practitioner in the United Kingdom by the Institute of Chartered Accountants in England and Wales.

Mr Wilson trading as DFW Associates is a Data Controller within the meaning of the Data Protection Legislation when the Firm is engaged to provide a service under the terms of a contract which requires it to process personal data. (The client in respect of whom personal data is being processed is also a Data Controller).

Where Mr Wilson is acting as an Officeholder (Administrative Receiver, Administrator, Liquidator, Nominee or Supervisor of a Voluntary Arrangement or a Trustee in Bankruptcy) under insolvency legislation he is the Data Controller for data processed by him as part of his statutory duties.

In this situation the Company or other legal entity over which he has been appointed as Officeholder will remain the Data Controller in respect of personal data collected and processed by it prior to his appointment (albeit it should now be contacted via the Officeholder).

For all purposes in relation to this Privacy Statement Mr Wilson can be contacted at:

DFW Associates
29 Park Square West
Leeds
LS1 2PQ

E: david.wilson@dfwassociates.co.uk
T: 0113 390 7940

## Personal Data

Personal data means any information about an individual from which that person can be identified.

We may collect, use, store and transfer different kinds of personal data about you as follows:

- Identity Data – the information we use to identify you, which may include data contained in photographs.
- Contact Data – the information we use to contact you.
- Financial Data – details of your income and expenditure, assets and liabilities and ancillary data such as your bank account details
- Transaction Data - includes details about payments to and from you
- Communications Data - your communication preferences, for example any opt out exercised by you under Insolvency legislation.

We may collect some 'special category' personal data from you including (but not restricted to) details of your health, or whether you are a member of a Trade Union, where this is necessary to meet our legal or regulatory obligations. We may also collect information about criminal convictions and offences and whether you have been previously involved in any personal or corporate insolvency proceedings.

## How we collect Personal Data

The personal data we initially used to contact you was provided by the Company or Individual on whose instructions DFW Associates is acting or in relation to which Mr Wilson has been appointed as Officeholder. Your personal data may also be collected from the following sources:

- Records that our client or the insolvent Company or individual already holds about you.
- Questionnaires and Forms completed and submitted by you, for example to the Redundancy Payments Service or to us.
- Correspondence and other communications or meetings between you and the Firm.
- Information provided to the Firm by third parties in relation to an appointment, for example your bank, your professional advisers or the Insolvency Service.
- Information held in the public domain (for example, at Companies House and the Land Registry).

Other data controllers (including clients) may also provide your personal data to us.

## How we use Personal Data

Most processing is carried out to comply with the Officeholder's legal and regulatory obligations or to enable DFW Associates to provide a service in accordance with its contractual terms. Personal data will be used to verify identity (where this is required), for communications, to maintain records and process transactions. It may also be used to facilitate the performance of investigations (including the prevention of fraud), the realisation of assets and the agreement and settlement of financial claims. Your personal data may therefore be used for more than one purpose.

## Disclosure of your personal data

Mr Wilson and the Firm have a legal obligation, in certain circumstances, to disclose personal data to:

- Mr Wilson's regulatory body, the Institute of Chartered Accountants in England and Wales.
- The Secretary of State (including, but not restricted to, the Official Receiver).

Mr Wilson and the Firm may also be under an obligation to provide your personal data to other third parties who have a statutory right to request it (for example, HMRC and Law Enforcement Agencies) or who have obtained an appropriate court order.

We may also share your personal data with:

- Our accountants, solicitors, insurers and sub-contractors
- Other Governmental or relevant regulatory bodies.
- Third parties who support us in providing our IT systems, including our website, e mails, data backup and storage.
- Third parties who archive our paper records
- Third party professional service providers instructed on a case by case basis by the Officeholder or the Firm, including (but not restricted to) accountants and tax advisers, solicitors, valuers, debt collection agencies and service providers who may assist with the calculation of employee claims or pension deficits and contributions. They will only process your data on our instructions and they are under a professional duty of confidentiality.

## Protection of your personal data

Policies and commercially reasonable and appropriate procedures are in place to safeguard your personal data from loss, misuse and improper disclosure.

- Staff training
- Digital personal data is held in secure data centres potentially located worldwide (and therefore potentially outside of the EEC).
- Paper personal data is held at the Firm's offices in Leeds, or, if the case has been closed, in a secure off-site third party storage facility.

We also have procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

All our third-party service providers are required to take appropriate security measures to protect your personal information. We only allow third-party service providers to process your personal information for specified purposes and in accordance with our instructions.

## Retention of Personal Data

We will only retain your personal data for as long as necessary. This necessity includes the purposes of satisfying any legal, accounting, regulatory or reporting requirements.

In line with these requirements personal data will generally be held for no longer than 6 years after the closure of an assignment or insolvency appointment.

If you have opted out of receiving future correspondence from us, your contact details will remain on our opt-out list to prevent you from receiving any further correspondence from us except where we are obliged to contact you by insolvency legislation.

## Your rights

We will maintain an accurate record of personal data submitted to us. Please inform us of any changes to your information.

You are entitled to:

- Be notified that we hold and may process your personal data. This Notice meets that requirement
- Request access to and correction of your personal data.
- Request erasure of your personal data (unless we hold it under a legal obligation)
- Object to the processing of your personal data or seek to restrict its scope (unless we hold it under a legal obligation).
- Request the transfer of your personal data to you or to a third party (unless we hold it under a legal obligation).
- Withdraw consent at any time, where we are relying on consent to process your personal data. (Where the data received was not based on obtaining consent the right to withdraw consent does not apply).

To exercise any relevant rights, or to update your personal data, please contact Mr Wilson at david.wilson@dfwassociates.co.uk. We will seek to respond promptly and no later than 28 days.

We may need you to help us to confirm your identity or to ask you for further information to ensure that personal data is not disclosed to any person who has no right to receive it.

## Complaints

We trust that this will not be necessary, but if you are concerned about an alleged breach of data privacy law by us please contact Mr Wilson at david.wilson@dfwassociates.co.uk and he will ensure that your complaint is investigated.

You also have the right to complain to the Information Commissioner's Office, the UK supervisory authority for data protection issues. Further information about how to do this can be found on the ICO website www.ico.org.uk

## General

We may amplify this Privacy Statement at the point of data collection.

We may change the terms of this Privacy Statement from time to time and will place any updates on our website www.dfwassociates.co.uk . This version is dated 25 May 2018.

Paper copies of this Privacy Notice can be obtained free of charge by written request to our offices at the address given above.