

LIQ03

Notice of progress report in voluntary winding up



Companies House

THURSDAY



A900MAMB

A04

12/03/2020

#193

COMPANIES HOUSE

1 Company details

Company number 0 7 6 9 1 9 8 3

Company name in full Serving Sport 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 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 8	^m 0	^m 1	^y 2	^y 0	^y 1	^y 9
To date	^d 1	^d 7	^m 0	^m 1	^y 2	^y 0	^y 2	^y 0

7 Progress report

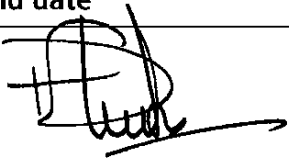
☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

^d 0	^d 4	^m 0	^m 3	^y 2	^y 0	^y 2	^y 0
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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

Serving Sport Limited – In Liquidation

For the period 18th January 2019 to 17th January 2020

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 creditors for any purpose other than this report to them, or by any other person for any purpose whatsoever.

Serving Sport Limited

Contents

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

Appendices

1. Receipts and Payments Account for the period 18th January 2019 to 17th January 2020
2. Details of the Time Incurred in accordance with Statement of Insolvency Practice 9 for the period 18th January 2019 to 17th January 2020
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:	07691983		
Date of Incorporation:	4 th July 2011		
Principal Activity:	82990 – Other business activities not elsewhere classified		
Previous Name:	None		
Trading Name:	None		
Registered Office:	29 Park Square West, Leeds LS1 2PQ		
Former Registered Office:	Ryedale Lodge, Station Road, Nunnington, York YO62 5XB		
Former Trading Address:	Ryedale Lodge, Station Road, Nunnington, York YO62 5XB		
Share Capital:	100 ordinary shares of £1 each		
Shareholders:	Charles Andrew John Hindle Jenifer Hindle	50 Ordinary shares 50 Ordinary shares	
		<u>Appointed</u>	<u>Resigned</u>
Directors:	Charles Andrew John Hindle	8 th October 2018	-
	Geoffrey Alexander Ainsley	29 th April 2012	26 th September 2018
	John Graham Cook	17 th August 2015	30 th June 2016
	David William Elson	1 st May 2012	29 th November 2013
	Jonathon Charles Round	4 th July 2011	4 th July 2011
	David Scott	4 th July 2011	31 st December 2011
Mortgage and charges:	None		
Connected Companies:	International Corporate Entertainment Ltd & Venue Hospitality Ltd		

2. PROGRESS DURING THE PERIOD

Update on the progress of the Liquidation

To date, the Liquidator has significant investigations to undertake, initial details are provided below and where appropriate supplemented in sections 6 & 7. The context of this update should be read in conjunction with the Director's Information Pack, provided to creditors prior to my appointment.

Contract with Mr V. Khakhria

In late 2017, the Rugby Football Union ('RFU') imposed restrictions and an injunction on independent hospitality providers and sold their hospitality operations to two authorised providers, effectively preventing other operators, such as the company from offering hospitality.

In response to this an initial agreement was made between Mr A. Hindle and Mr. Khakhria in January 2018. Mr Khakhria was instructed by Mr A. Hindle to stop an injunction that the RFU had imposed, which was successful. He was also instructed to further the existing claim with the RFU, progress for which is unclear. All payments under this agreement were paid from Serving Sport Limited, despite Mr Khakhria not having a contractual relationship with the company.

Mr A. Hindle became severely ill in latter part of 2018 suffering a heart attack. Mr Ainsley, the former bank manager of the company resigned as a Director in September 2018 and effectively left the company with no Director or

anyone in direct control. There were significant payments to Mr Khakhria during this period amounting to £20,652.30 and our investigations are ongoing as to who authorised these bank transactions.

Subsequently, Mr Charlie Hindle was appointed as the sole Director of the company in October in the absence of any other Director. Mr C. Hindle entered the company into an agreement with Mr Khakhria which had two significant implications. Firstly that it validated all the payments made to Mr Khakhria by the company from October 2017, a time at which Mr Khakhria was not instructed by either Mr A. Hindle or by the company. To date, Mr Khakhria has been paid the sum of £76,678.30 by the company. Our investigations are ongoing with regards to the validity of these payments.

Secondly, that any rights to the claim against the RFU would vest in Mr Khakhria if the company entered into an insolvency procedure. The Liquidator has reviewed the position and taken legal advice and counsel's opinion as to whether this assignment is valid. I do not wish to disclose any further information in this regard as it may prejudice any potential action that may be taken.

Request for a Creditors Meeting

On 2019 a physical meeting of creditors was requested with the purpose to replace the Liquidator. This was instigated by Mr Khakhria on 27th June 2019 via DTM Legal Solicitors. Despite a number of failed requests via the creditor's solicitors, in accordance with rule 15.19 of the Insolvency (England and Wales) Rules 2016 the Liquidator sent details of the deposit for costs as set down in the Insolvency Rules, which amounted to £6,000.00 to hold the decision procedure to replace the Liquidator. However, no such costs have been received and it has been assumed that Mr Khakhria no longer wishes to continue with the process.

Receipts and Payments during the Period

Receipts

Bank Interest

The gross sum of £0.55 has been realised in interest from RBS Bank Plc in respect of the balance held in the Liquidator's account.

Furniture & Equipment

The sum of £125.00 has been realised from the sale of the furniture held at the company's premises. The company's former premises was annexed to Andrew Hindle's property and he therefore purchased the furniture held in the former premises for the sum of £125.00. This was overseen by Sanderson Weatherall a RICS qualified valuer and achieved close to the statement of affairs value of £150.00.

Book Debts

The amount detailed in the statement of affairs amounted to £10,657.50 and I can confirm the sum of £400.00 has been received in respect of book debts.

Insurance Refund

The sum of £96.25 was received from McClarrons Limited in respect of a refund of premium. This sum was not detailed in the statement of affairs.

Transactions with connected parties

In accordance with the guidance given in SIP 13 I confirm that as Liquidator I have made no disposal of any assets of the Company to any connected party other than the furniture and equipment details of which are stated above.

Payments

Specific Penalty Bond

The sum of £150.00 has been paid to Marsh Limited for their provision of the Liquidator's statutory Bond.

Statutory Advertising

The sum of £244.35 has been paid to Courts Advertising for their assistance in the provision of the statutory adverts.

3. OUTCOME FOR CREDITORS

Secured Creditors

There are no creditors of this classification.

Preferential Creditors

Preferential creditors amount to £9,915.44 representing the amount outstanding for wages and holiday pay due to the employees. On present information, it appears that there will be insufficient asset realisations to allow a dividend distribution to this class of creditor.

Unsecured Creditors

The statement of affairs, presented to creditors estimated total unsecured debts of £288,729.09. To date, the Liquidator has received claims of £110,340.42. On present information, it appears that there will be insufficient asset realisations to allow a dividend distribution to this class of creditors.

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. The prescribed part does not apply in this Liquidation as there is no secured creditor.

4. PRE-APPOINTMENT COSTS

The basis for the pre-appointment fees has not yet been agreed with creditors. I will be writing to creditors to arrange a decision by correspondence to agree the basis of the fees for the pre-appointment costs which include assistance with the statutory decision procedures to place the Company into Liquidation and in preparing the Estimated Statement of Affairs. These costs are to be paid out of the assets of the Company as an expense of the Liquidation.

5. LIQUIDATOR'S REMUNERATION DISBURSEMENTS & EXPENSES

I am yet to seek approval for my remuneration as Liquidator and therefore I have not drawn any fees during the period. I will be seeking to initiate a decision procedure by correspondence to agree the basis of my remuneration shortly after the issuing of my annual report. I will outline the full details in that correspondence however, I have detailed my time to date as set out below and appended to this report.

The total time spent on the Liquidation by myself and my staff from the date of appointment on 18th January 2019 is 105.60 hours equating to time costs £31,647.00 at an average rate of £299.69 per hour.

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

- Table of time spend and charge-out value for the period 18th January 2019 to 17th January 2020
- 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. Please be advised that I do not require creditor approval to pay category 1 disbursements.

Services Provided	Charged by	Total Incurred in period £	Total Paid in period £	Balance Remaining To be paid £
Statutory Advertising	Courts Advertising	150.00	150.00	0.00
Specific Penalty Bond	Marsh	244.35	244.35	0.00
Xero Accounting Software	Solve Accounting and Finance	264.00	0.00	264.00
Counsel's Fees	Eleanor Temple QC	1,150.00	0.00	1,150.00
		1,808.35	394.35	1,414.00

In accordance with the instructions from the insolvency service and to carry out a full investigation it was necessary to incur costs keeping the Xero Accounting Software licence going after the date of my appointment. The former accountants, Solve Accounting and Finance have incurred the cost of continuation of the software and are entitled to be repaid from asset realisations. I will discharge this liability when there have been sufficient asset realisations.

The costs of counsel's opinion has been paid by the Liquidator personally and will be reimbursed as a Category 1 disbursement when sufficient funds become available.

There have been no category 2 disbursements paid during the period of this report.

There have been no further expenses paid during the period of this report.

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.

6. 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.

After my preliminary investigation, I can report the following matters which are in the interests of creditors.

Andrew Hindle

As previously detailed the company operated at premises which were annexed to Mr A Hindle's personal property. Despite not being listed as a Director at Companies House, it was clear after some initial investigation that Mr Hindle was acting as a shadow director of the company. Therefore he has been interviewed and investigated as a company Director.

Mrs. J. Hindle

Following receipt of the bank statements, a review of the monies paid out of the company's account reflected that since the last set of filed accounts, Mrs, Jenifer Hindle, had an overdrawn loan account totalling £46,566.50. This amount represented monthly drawings taken by Mrs Hindle albeit she did not work on behalf of the business. I can confirm that a payment schedule has been agreed to repay the loan account and it will be repaid before the end of the next annual reporting period.

Payment to SPSM Limited

Following receipt of the bank statements, a review of the monies paid out of the company's account in the lead up to the insolvency showed that Mr. G. Connelly had setup a company SPSM Limited which had been paid the sum of £8,454.00 on 6th December 2019. I have requested this sum to be repaid but no receipts have been received during the period.

International Corporate Entertainment Limited

Serving Sport Limited was the shareholder of the above company, the company was voluntarily struck off on 21st May 2019 following a notice to strike off being filed on 5th March 2019 by Mr Tim Cox. The Liquidator was unaware of such a strike off and is assessing whether there are any avenues of recovery in this regard, however my suspicion is that no monetary benefit can be gained.

Venue Hospitality Limited

The company was placed into Liquidation on 17th January 2019 and Stephen Berry of Opus Restructuring LLP, 1 Radian Court, Knowlhill, Milton Keynes, Buckinghamshire, MK5 8PJ and Steven John Parker of Opus Restructuring LLP, 1 Radian Court, Knowlhill, Milton Keynes, MK5 8PJ were appointed as joint Liquidators. I am aware from my analysis of the company's records that there was an intercompany account, details of which have been requested but no response has yet been received.

Hunter & Hawkridge

After reviewing the company's former records, there appeared to be a deed of guarantee made between Richard Hunter and Ian Hawkridge and the company in respect of an amount owed by their company HH Events Limited totalling £15,488.00. Whilst attempts have been made to recover the balance, there have been no realisations during the period.

Mr. G Ainsley

Mr G. Ainsley was the former bank manager of the company and was appointed as Director from 29th April 2012 but had resigned on 26th September 2018. After interviewing Mr Ainsley it became clear that his involvement was minimal and confirmed that Mr A. Hindle was in fact a shadow director and came responsible

for all aspects of the company's trading until his illness. However Mr Ainsley's resignation came at a time that Mr A. Hindle became unwell and effectively left the company with no Director. As detailed in section 2, payments continued to be made to Khakhria during this period and our investigations are ongoing as to who authorised these payments.

7. MATTERS THAT REMAIN OUTSTANDING

Assets realisations are not complete and I have detailed below the assets which remain to be realised.

Book Debts

There appears to be a number of payments made to individuals which were in exchange for tickets relating to the six nations internationals in 2019. As the company didn't receive these tickets these payments are to be recovered. As detailed in section 2 of this report, receipts amount to £400.00 in this regard however there remains the sum of £10,257.50 outstanding. I do expect to realise further sums in this regard and will seek to update creditors in my next annual report.

Jennifer Hindle Loan Account

As detailed in section 6 of this report, I confirm that no receipts have been received during the period and this figure did not form part of the statement of affairs I will seek to update creditors at my next annual report.

Payment to SPSM Limited

As detailed in section 6 of this report, I confirm that no receipts have been received during the period and this figure did not form part of the statement of affairs. I will seek to update creditors at my next annual report.

Action against the RFU

The Liquidator has made attempts to sell the rights to the action to third parties, however as the issue with the contract with Mr Khakhria is outstanding no sale can take place. I will seek to update creditors at my next annual report.

Hunter and Hawkridge

As detailed in section 6 of this report, I confirm that no receipts have been received during the period and this figure did not form part of the statement of affairs. I will seek to update creditors at my next annual report.

8. 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 Serving Sport Limited

Dated: 4th March 2020

**Serving Sport Limited
(In Liquidation)**

LIQUIDATOR'S RECEIPTS AND PAYMENTS ACCOUNT

	Statement of affairs £	From 18/01/2019 To 17/01/2020 £	From 18/01/2019 To 17/01/2020 £
RECEIPTS			
Furniture & Equipment	150 00	125 00	125.00
Book Debts	10,657.50	400.00	400.00
Shares in ICE	NIL	0.00	0.00
Insurance Refund		96 25	96.25
Bank Interest Gross		0.55	0.55
Interco. Acct - ICE	NIL	0.00	0.00
Vat Payable		25.00	25.00
		<u>646.80</u>	<u>646.80</u>
PAYMENTS			
Shares in ICE		0 00	0.00
Interco. Acct - ICE		0 00	0.00
Specific Bond		150.00	150.00
Statutory Advertising		244.35	244.35
Wage Arrears & Holiday Pay	(2,636.13)	0 00	0.00
Trade & Expense Creditors	(255,915.75)	0.00	0.00
Employees	(20,962.66)	0.00	0.00
Directors	(3,000.00)	0.00	0.00
HSBC Bank	(8,850.68)	0.00	0.00
Ordinary Shareholders	(100.00)	0.00	0.00
Vat Receivable		48.87	48.87
		<u>443.22</u>	<u>443.22</u>
BALANCE - 17 January 2020			<u><u>203.58</u></u>



David Frederick Wilson
Liquidator

Time Entry - SIP9 Time & Cost Summary

CVL0109 - Serving Sport Limited
Project Code POST
From 18/01/2019 To 17/01/2020

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Admin & Planning	1.30	14.80	0.00	0.00	16.10	4,139.50	257.11
Case Specific Matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	3.30	17.10	0.00	0.00	20.40	5,493.00	269.26
Investigations	19.50	28.60	0.00	0.00	48.10	14,709.50	305.81
Realisation of Assets	14.40	6.60	0.00	0.00	21.00	7,305.00	347.86
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Hours	38.50	67.10	0.00	0.00	105.60	31,647.00	299.69

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).

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").

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.

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
- 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 Rate – From 20th November 2018

Time is recorded in 6 minute units.

Principal Associate	395
Associate	245

Sam Booth

From: Kevin Wood <kwood_123@yahoo.co.uk>
Sent: 11 March 2020 10:00
To: Sam Booth
Subject: Re: Intercept IP claim Kevin Wood
Attachments: Compensation for loss of notice.pdf; Redundancy pay.pdf; Kevin Wood Proof of Debt Form.pdf

Hi Sam,
Thanks for talking to me this morning. As you mentioned, I'm eligible for notice pay minus what the government has given me.

I've filled in section 5 as requested.

If you could double check section 3 for me that would be great.

My gross pay in December 2019
£4,166.67

I've attached the compensation forms from the government and the debt form.

Please let me know if there is anything else you need from me?

Kind regards,

Kevin

On Friday, 6 March 2020, 16:12:09 GMT, Sam Booth <sam.booth@dfwassociates.co.uk> wrote:

Hi Kevin

Apologies for the delay in coming back to you.

You can claim for any shortfall from your contractual wage after the redundancy payments office have settled your claim at their capped rate of £525 per week.

Holiday pay

Notice pay

Redundancy

Kind regards



Sam Booth

29 Park Square West, Leeds, LS1 2PQ

Tel: 0113 3907940 Fax: 0113 2346953

E: sam.booth@dfwassociates.co.uk

W: www.dfwassociates.co.uk

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When addressed to our clients, any opinions or advice contained in this email are subject to the terms and conditions expressed in the governing client engagement letter

David Frederick Wilson is the sole principal of DFW Associates, whose trading and service address is shown above

David Frederick Wilson is licensed to act as an Insolvency Practitioners in the United Kingdom by the Institute of Chartered Accountants in England and Wales.

A copy of the firm's Data Protection Privacy Statement is available from this office on request

From: Kevin Wood [mailto:kwood_123@yahoo.co.uk]
Sent: 27 February 2020 16:17
To: Sam Booth <Sam.Booth@dfwassociates.co.uk>
Subject: Re: Intercept IP claim Kevin Wood

Hi Sam,

Thanks for the form. I wasn't sure what to expect to be honest. The form is pretty vague, I'm just wondering if you can help me.

I worked for the company for over 5 years. As I understand it I'm entitled to money for my years of service for that? How is that calculated? Is that something you can help me with? I'm assuming you'll have access to my salary etc?

Kind regards,

Kevin

On Friday, 21 February 2020, 16:40:01 GMT, Sam Booth <sam.booth@dfwassociates.co.uk> wrote:

Hi Kevin

I've attached a claim form if you could provide a breakdown for each part of your claim for any shortfalls from the Redundancy Payments Service.

Kind regards

Sam Booth



29 Park Square West, Leeds, LS1 2PQ

Tel: 0113 3907940 Fax: 0113 2346953

E: sam.booth@dfwassassociates.co.uk

W: www.dfwassociates.co.uk

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From: Kevin Wood [mailto:kwood_123@yahoo.co.uk]
Sent: 21 February 2020 15:53
To: Sam Booth <Sam.Booth@dfwassassociates.co.uk>
Subject: Intercept IP claim Kevin Wood

Hi Sam,

I'm Kevin Wood. I used to work at Intercept IP before I was made redundant just after Christmas.

I've received my redundancy and notice from the government. However I'd like to move forward and make a claim against the business. What do I need to do to do that?

Kind regards,

Kevin