

LIQ03

Notice of progress report in voluntary winding up



Companies House

For further information, please
refer to our guidance at
www.gov.uk/companieshouse

1 Company details

Company number 09097554
Company name in full BLUE BEAR DINER LIMITED

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

2 Liquidator's name

Full forename(s) Liam Alexander
Surname Short

3 Liquidator's address

Building name/number 3 Waterhouse Square
Street 138 Holborn
Post town London
County/Region
Postcode EC1N 2SW
Country

4 Liquidator's name ①

Full forename(s) Graham Stuart
Surname Wolloff

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

5 Liquidator's address ②

Building name/number Brightfield Business Hub
Street Bakewell Road
Post town Orton Southgate
County/Region Peterborough
Postcode PE2 6XU
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 0	^d 9	^m 1	^m 1	^y 2	^y 0	^y 2	^y 0
To date	^d 0	^d 8	^m 1	^m 1	^y 2	^y 0	^y 2	^y 1

7 Progress report

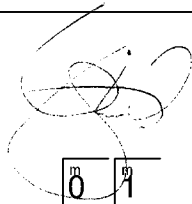
☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

^d 2	^d 8	^m 0	^m 1	^y 2	^y 0	^y 2	^y 2
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**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 **Liam Alexander Short**

Company name **Elwell Watchorn & Saxton LLP**

Address **Brightfield Business Hub
Bakewell Road, Orton Southgate**

Post town **Peterborough**

County/Region

Postcode **P E 2 6 X U**

Country

DX

Telephone **01733 235253**

**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

BLUE BEAR DINER LIMITED
(IN CREDITORS' VOLUNTARY LIQUIDATION)
JOINT LIQUIDATORS' ANNUAL REPORT TO MEMBERS AND CREDITORS
FOR THE YEAR ENDING 8 NOVEMBER 2021

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BLUE BEAR DINER LIMITED
(IN CREDITORS' VOLUNTARY LIQUIDATION)
JOINT LIQUIDATORS' ANNUAL REPORT TO MEMBERS AND CREDITORS
FOR THE YEAR ENDING 8 NOVEMBER 2021

1 Statutory and general information

Company number: 09097554

Joint Liquidators: Liam Alexander Short and Graham Stuart Wolloff of Elwell Watchorn & Saxton LLP, 3 Waterhouse Square, 138 Holborn, London, EC1N 2SW.

Date of appointment: 9 November, 2020 Creditors wishing to contact the joint liquidators, should contact Joanne Goode on telephone number 01905 815 150 in the first instance.

2 Joint Liquidators' actions since the last report

- 2.1 This report should be read in conjunction with my previous report and my receipts and payments account which is attached as Appendix 1; please note that the figures are shown net of VAT.
- 2.2 The receipts and payments account confirms that realisations are not significantly different to the estimated statement of affairs amounts. You will see from my receipts and payments account, that the asset realisation is generally in accordance with that estimated in the statement of affairs. Greater detail is provided below.

Asset

- 2.3 We realised £12.39 from cash held in the Company's bank account.

Other matters

- 2.4 In addition to my responsibility to realise the Company's assets, I am required to comply with various legislative and best practice obligations and deadlines. These obligations include filing of documents with the Registrar of Companies, ensuring that all receipts and payments are promptly dealt with and proper accounting records are maintained. In addition, I have dealt with the administration of the Companies pension accounts with NEST, processed an employee claim with the Redundancy Payments Directorate, undertaken periodic case reviews to monitor progress, advised creditors of the liquidation and recorded all claims received. Furthermore, I have dealt with other day to day matters that arose during the liquidation.

3 Unrealised assets

- 3.1 All assets have now been realised.

4 Investigation into the affairs of the Company

- 4.1 One of the responsibilities the joint liquidators' have is to review the Company's books and records together with any information provided by creditors to establish if there are any areas which may warrant further investigations. The purpose of these investigations is to establish whether there is the possibility of making further recoveries for the benefit of creditors.
- 4.2 After my initial review, I did not identify any matters which I believed required further investigation.
- 4.3 A further responsibility of the joint liquidators' is to report to the Secretary of State on any matters that come to their attention that could lead them to conclude that any past or present director may be unfit to be involved with managing the affairs of a company in the future. This report is

confidential and it is a legal requirement that I do not disclose the content of this report.

5 Creditors and dividend prospects

Preferential creditors

- 5.1 Claims in this category of preferential creditors, being claims from employees for outstanding wages and holiday pay and the Redundancy Payments Service, have been recorded, however they have not been agreed as there is little likelihood of a dividend being paid to this class of creditor.

Floating charge creditor and the prescribed part

- 5.2 The Company has not given any floating charges over its assets and therefore the prescribed part provisions do not apply.

Unsecured creditors

- 5.3 Whilst I have received a number of claims from unsecured creditors, I have not incurred the costs of adjudicating on these claims. Based on current information, regrettably, there is little likelihood of any funds being available to pay a distribution to unsecured creditors.
- 5.4 To date claims received from creditors are broadly in line with the amounts detailed on the Company's statement of affairs.

6 Joint liquidators' remuneration

- 6.1 My total time costs to 8 November 2021 amount to £[amount], which represents [xx] hours at an average charge out rate of £[amount]; this includes £[amount] which represents [xx] hours at an average charge out rate of £[amount] per hour incurred during the period since my last report and 8 November 2021.
- 6.2 I have, to date, been unable to draw any remuneration as there are insufficient funds to enable me to do so.
- 6.3 At present, I believe that the estimate of fees which has been provided to creditors will not be exceeded.
- 6.4 The estimate of fees provided at the time I requested approval to the basis of my remuneration is likely to be exceeded. I will be reporting to creditors further on this matter in due course.
- 6.5 For the benefit of creditors, the Association of Business and Recovery Professionals publish 'A Creditors' Guide to Liquidators' Fees'. This document is available at the following website address, <https://www.r3.org.uk/technical-library/england-wales/technical-guidance/fees/>. A hard copy of this document can be obtained on request from our office.

7 Joint liquidators' expenses

- 7.1 Details of the expenses that I have paid are shown on the attached receipts and payments account. These expenses are in line with the estimate already provided to creditors, and are not likely to exceed this amount.
- 7.2 The following expenses have been incurred but have not yet been paid:

Type of expense	Amount of expense incurred/accrued to date	Amount still to be paid
Estate Bonding	£36.00	£36.00
Gazetting & Advertising	£372.66	£372.66

- 7.3 No expenses have been incurred which have not yet been paid.

- 7.4 My choice of professionals was based on my knowledge of their experience and ability to perform the type of work required. I have reviewed the fees charged and as they are in line with original estimates, I am satisfied that they are reasonable in the circumstances of this case.


8 Further information

- 8.1 Within 21 days of receipt of a progress report a creditor may request that the joint liquidators provide further information about the fees and expenses set out in this report. A request must be in writing, and may be made either by a secured creditor, or by an unsecured creditor with the concurrence of at least 5% in value of unsecured creditors, or the permission of the court.
- 8.2 Any secured or unsecured creditor, if they consider that the joint liquidators' fees are excessive, or that the basis of those fees is inappropriate or that the expenses incurred are excessive, may make an application to the court if at least 10% in value of the unsecured creditors agree. An application must be made within 8 weeks of receipt of this report.

9 Conclusion

9.1 Conclusion

Should you have any queries regarding this matter please contact Liam Short on 01509 815 150.



Liam Short
Joint Liquidator

BLUE BEAR DINER LIMITED
In Creditors' Voluntary Liquidation
Joint Liquidators' Summary of Receipts & Payments

Statement of Affairs £		From 09/11/2020 To 08/11/2021 £	From 09/11/2020 To 08/11/2021 £
	ASSET REALISATIONS		
139.06	Cash at Bank and In Hand	12.39	12.39
	COST OF REALISATIONS		
	Document Hosting	-10.00	-10.00
	UNSECURED CREDITORS		
-35,000.00	Connected Company Loan	NIL	NIL
-50,000.00	Directors' Loan Account	NIL	NIL
-126,000.00	HM Revenue & Customs	NIL	NIL
-76,035.99	Trade & Expense Creditors	NIL	NIL
	DISTRIBUTIONS		
-300.00	Ordinary Shareholders	NIL	NIL
-287,196.93		<u>2.39</u>	<u>2.39</u>
	REPRESENTED BY		
	Current Account Interest Bearing		2.39
			<u>2.39</u>

**BLUE BEAR DINER LIMITED
IN CREDITORS' VOLUNTARY LIQUIDATION**

**SCHEDULE OF REMUNERATION, DISBURSEMENTS AND CASE EXPENSES;
WITH FURTHER INFORMATION**

Firm's charging policy for appointments taken after 1 October 2015

It is the firm's policy that all staff involved on an assignment will record all time spent on dealing with matters arising on that client and that the time will be categorised to show the type of activity carried out. The charge out rates of licensed insolvency practitioners, directors and managers do not therefore include provisions for time spent by secretaries, cashiers and support staff. From 1 October 2015, additional categories of staff activity have been introduced to facilitate more detailed reporting where it is appropriate to do so.

Irrespective of any basis of remuneration agreed, the legislation requires that time spent by all staff on a case is recorded. The recorded time cost is calculated by multiplying the time spent by the individual by their charge-out rate. Time is recorded in units of 6 minutes, with 10 units making up each hour of time spent. Charge-out rates are reviewed annually and are subject to change without prior notice. Full details of the rates applied to a specific case are available on application.

Although for most appointments, the legislation allows the office holders to seek to be remunerated on a combination of any or all of the following bases;

- a. A time cost basis
- b. A percentage of the value of the property dealt with by the office holders (realisations and / or distributions)
- c. A fixed fee

it is the Firm's current policy to seek remuneration on (a) a time cost basis for insolvent appointments.

The arrangements regarding office holder remuneration do not however apply to Members Voluntary Liquidations (MVL's), Company Voluntary Arrangements (CVA's) or Individual Voluntary Arrangements (IVA's). In MVL's, the company members agree the fee basis, usually as a fixed fee. In VA's, the fee basis is incorporated in the arrangement proposal which creditors agree when they approve the arrangement.

Office holders'; remuneration is subject to VAT with the exception of VA's which are VAT exempt.

The Firm has five grades of staff (including the office holders) as detailed below. The office holders ensure that case assignments have been carried out by appropriate grades of staff. The charge-out rates of the persons involved in this case from commencement to the current time are as follows: -

	LONDON Charge-out rate at commencement (up to £ per hour)	OTHER OFFICES Charge-out rate at commencement (up to £ per hour)
Licensed Insolvency Practitioner	395.00	295.00
Director / Senior Manager	295.00	200.00
Manager	225.00	150.00
Other Professionals	150.00	135.00
Administrative Staff	100.00	65.00

Each staff member involved in the case records actual time spent in a computerised time recording system together with a narrative describing the actual work undertaken. Work is analysed by prescribed task descriptors which are recorded under the following standardised categories;

- Administration (including statutory reporting)
- Investigations
- Realisation of assets
- Trading
- Creditors (claims and distribution)

In seeking approval to be remunerated on a time costs basis, the office holders must provide a fee estimate to the creditors which then acts as a cap to ensure that the fees subsequently drawn cannot exceed the fee

estimate without the office holder seeking further approval. The office holders must also provide details of the work intended to be undertaken together with details of the hourly rates proposed to be charged and an estimate of the time envisaged being taken to complete the required work. The office holders will also state whether it is envisaged at this stage whether there may be a future need to seek approval to exceed the original estimate and any reasons for which this could become necessary. To simplify matters, the estimated charges may be presented using a 'blended' (an average time cost) rate for the work carried out detailed in the fee estimate.

Should the office holders subsequently need to seek authority to draw fees in excess of the original fees estimate, details will be provided which include reasons why the original estimate has been or is likely to be exceeded, details of any additional work required to be undertaken, the hourly rates proposed and an estimate of the additional time envisaged being taken to complete the identified work. The office holders will again state whether it is envisaged at this stage whether there may be a future need to seek approval to exceed the estimate and any reasons for which this could become necessary.

Sufficient information will be provided about the appointment to demonstrate how the fee estimate reflects the requirements of the case. This will include any responsibility of an exceptional nature on the office holders, the effectiveness with which functions are carried out and the value and nature of the property dealt with by the office holders. We have not yet provided an estimate of costs as we have not sought a fee resolution, as we do not anticipate there being sufficient realisation to allow for payment of costs.

A guide to help creditors understand the law and their rights in relation to an insolvency process can be found at:-

<http://www.creditorinsolvencyguide.co.uk>

Additional information regarding how the liquidator(s) will be paid can be downloaded under "Fees" at:-

<https://www.r3.org.uk/what-we-do/publications/professional/fees>

Alternatively, a creditor may obtain a printed copy by contacting this office directly.

Disbursements

Disbursements incurred by the office holder in connection with the case must be fully disclosed to creditors. Disbursements are categorised as either Category 1 or Category 2.

Category 1 - disbursements not requiring approval represent a re-charge to the estate for direct costs, payable to independent third parties, specifically incurred in the administration of the estate. In certain instances, these costs were initially met from the firm's resources due to the lack of funds available at the time that payment was due.

Category 2 - disbursements requiring approval, represent a charge to the estate for the costs incurred by the firm specifically in relation to the estate. The basis of payment of category 2 disbursements must be approved by creditors prior to any payment being drawn. If a resolution is sought, it will be proposed that payment shall be made in respect of Category 2 disbursements as follows: -

- Mileage will be charged at 45p per mile.
- Other disbursements where the firm makes payment to an external party for an expense incurred wholly, exclusively and necessarily in relation to the insolvent estate, will be recharged at cost.

Professional advisors engaged

We have not instructed any professional advisors to assist with the administration and progression of the case. However, when we do, the choice of advisor is based on their relevant experience and ability to perform this type of work, the nature and complexity of the specific assignment and the basis of the fee arrangement negotiated. Professional advisors' fees are charged at cost. The office holder provided details of fees to be incurred or likely to be incurred when seeking fee approval.

Remuneration and approved fees estimate

We received payment for advice and services to the Company prior to assisting the company with convening the meetings to place the Company in to Liquidation. The fee agreed and paid for the preparation of the statement of affairs and convening the meetings of members and creditors was £5,000 + VAT, which was paid by the Company prior to circulating notices of liquidation.

We do not consider it likely that realisations will permit for any of our costs to be paid, so do not propose to seek approval from creditors for approval for payment of our costs. However, we provide details of our time costs should this position change.

When Creditors approve an office holder's costs, on a time and rate basis, they should be aware that any fees estimate **total** acts as an overall cap on appointees' remuneration across all of the categories. The individual category totals form an **estimate** of the likely category time cost fees anticipated at the time of presentation. We have ensured throughout that case assignments are carried out by appropriate grades of staff.

Work carried out during the course of the liquidation is detailed below. We are required by the legislation to indicate which of these activities are likely to provide a financial benefit to creditors of the case (shown in *italics*) as opposed to those that are required by statute (shown in normal type).

Administration (including statutory reporting)

- Dealing with initial appointment matters as required by the legislation
- Liaising with all relevant stakeholders (including, but not exhaustively, directors, creditors, employees) regarding appointment matters as necessary
- Sending out statutory appointment paperwork including the initial report to creditors, advertising the appointment
- Obtaining the specific penalty bond – a mandatory insurance to protect the case assets after realisation – and review level on a monthly basis
- Agreeing the outline strategy for progressing the case and briefing the relevant staff
- Management, organisation and coordination of staff involved in the case
- Entering of base data into the in house insolvency management database
- Setting up of case related files and the ongoing filing of paperwork
- Considering and approving the form of publicity and press releases following appointment
- Liaising with company officers and former staff, regarding general liquidation matters
- Dealing with general enquiries and all correspondence regarding the case and routine updating of data in our case management system
- Consulting with Auctioneers and valuers over the outline strategy for dealing with landlords, securing the assets and subsequent asset realisation
- Periodic review of case progress, asset realisations and other statutory case matters.
- Planning and management of strategies for subsequent case progression
- Review and monitoring of the progression of the sale of all assets, debtor collections and Retention of Title claims
- Opening and maintaining the case bank account
- Recording of all receipts and payments made during the course of the liquidation
- Bank reconciliations and production of statements for review purposes
- Initial compliance requirements regarding appointment, identity checks of directors and shareholders
- Boxing up of records on site and sorting records in store at EWS
- Production of VAT returns, PAYE year end returns and Corporation Tax returns as required
- Production and submission of periodic reports to appropriate stakeholders
- Filing of mandatory returns at Companies House
- Convening and holding of meetings of members and creditors
- Dealing with leasehold premises, disclaiming as necessary
- Case closure activities and final report

Investigations

- Uplift of books and records of the company and preparation of inventory
- Review of the company's records including the initial assessment required by Statement of Insolvency Practice 2.
- Establishing any secondary information requirements
- Liaison with former company officers and former company advisors
- Creating necessary correspondence and reviewing responses received
- Compilation of necessary records and minutes
- Undertaking the necessary investigational work to establish the legitimacy or otherwise of any potential issues identified in the initial SIP2 review including any necessary follow up
- Discussions, planning and advice in respect of any potential outcomes
- Investigation and reporting of any matters identified by creditors
- Preparation of content and submission of the confidential report to The Insolvency Service regarding the conduct of the directors
- Liaison with Insolvency Service over report, records and meetings

- Progressing any identified issues to closeout

Realisation of assets

- Identifying, securing and insuring assets

Creditors (claims and distribution)

Liaison with creditors and former employees, dealing with creditor queries, adjudicating on claims as appropriate, and addressing distribution and dividend matters

Employees

- Meeting with redundant employees to provide them with a redundancy letter and to explain the process under which their claims would need to be submitted
- Liaising with those employees with claims against the Company, providing details of the relevant on-line forms for submission to the Redundancy Payments Service and providing assistance as required
- Identifying any pension claims
- Assisting employees with disputed or additional claims with the Redundancy Payments Service
- Addressing subsequent queries of former employees in respect of specific aspects of their claim
- Agreeing the subrogated preferential and non-preferential claims of the Redundancy Payments Service
- Identifying and agreeing any preferential and non-preferential employee balancing claims

Non-preferential creditors

- Dealing with calls and queries from creditors
- Taking, relaying and actioning messages
- Management of correspondence to non-preferential creditors, including e mail queries and claim forms
- Reviewing stock position to identify potential retention of title claims and exposure
- Dealing with creditors on site
- Providing summary updates to creditors as required

Adjudication and distribution

- Entry to our case management system of all secured, preferential and non-preferential claims
- Consideration of secured, preferential and non-preferential claims as appropriate, seeking additional information as required
- Circulation of statutory notice to non-proving creditors

Time costs

The total time costs during the course of our administration to the end of the current reporting period are summarised below: -.

Work category	Licensed Insolvency Practitioner hours	Director/ Senior Manager hours	Manager hours	Professional staff hours	Admin staff hours	Total hours	Time cost £	Average hourly rate £
Administration (inc statutory reporting)	0.90	0.40	9.50	20.30	2.50	33.60	5,084.50	151.32
Investigations	1.50	-	7.30	-	-	8.80	2,235.00	253.98
Realisation of assets	-	-	0.20	-	-	0.20	45.00	225.00
Creditors (claims and distribution)	2.50	-	17.90	1.60	-	22.00	5,231.00	237.77
Totals	4.90	0.40	34.90	21.90	2.50	64.60	12,595.50	194.98

Declaration regarding treatment of VAT and accruals

In accordance with Statement of Insolvency Practice 7, all entries are shown net of VAT, with VAT recorded on a separate line. The receipts and payments account discloses all receipts and payments in the reporting period. However, there may be additional accrued expenditure due in respect of storage of company records

and postage, stationery, telephone, mileage and external disbursements. These charges will be drawn upon case closure in accordance with the resolution already approved by creditors.

Relevant extracts of Rules 18.9 and 18.34 of the Insolvency (England and Wales) Rules 2016

Rule 18.9

- (1) The following may make a written request to the officeholder for further information about remuneration or expenses set out in a final report under Rule 18.14:
- a secured creditor;
 - an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question); or
 - any unsecured creditor 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 creditor.

Rule 18.34

- (1) This rule applies to an application in a winding-up made by a person mentioned in paragraph (2) on the grounds that:
- the remuneration charged by the officeholder is in all the circumstances excessive;
 - 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
 - the expenses incurred by the officeholder 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 secured creditor; or
 - an unsecured creditor with either
 - (i) the concurrence of at least 10% in value of the unsecured creditors (including that creditor), or
 - (i) the permission of the court.
- (3) The application by a creditor must be made no later than eight weeks after receipt by the applicant of the final report or account under Rule 18.14 which first reports the charging of the remuneration or the incurring of the expenses in question.

A copy of our Standard Terms of Business may be downloaded from: -
<http://www.ewslp.co.uk/downloads>

Alternatively, a Creditor may obtain a printed copy by contacting this office directly.