Joint liquidators' second progress report from 16 June 2016 to 15 June 2017

Euromix Concrete Limited (in liquidation)

21 July 2017

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Abbreviations and definitions

The following table shows the abbreviations and insolvency terms that may be used in this report:

Abbreviation or definition	Meaning
Company	Euromix Concrete Limited – in liquidation
Liquidators, we, our	David Baxendale and Zelf Hussain
firm	PricewaterhouseCoopers LLP
IR16	Insolvency (England and Wales) Rules 2016
IA86	Insolvency Act 1986
CVL	Creditors' Voluntary Liquidation
HMRC	HM Revenue & Customs
VAT	Value added tax
unsecured creditors	Creditors who are neither secured nor preferential
prescribed part	The amount set aside for unsecured creditors from floating charge funds in accordance with section 176A IA86 and the Insolvency Act 1986 (Prescribed Part) Order 2003
secured creditors	Creditors with security in respect of their debt, in accordance with Section 248 IA86
preferential creditors	Generally, claims for unpaid wages earned in the four months before the insolvency up to £800, holiday pay and unpaid pension contributions in certain circumstances
Natwest	National Westminster Bank Plc, a secured creditor
RBSIF	Royal Bank of Scotland Invoice Finance Limited, a secured creditor
GRG	Global Restructuring Group (Royal Bank of Scotland)
RPS	Redundancy Payments Service, an executive agency sponsored by the Department for Business, Energy and Industrial Strategy, which authorises and pays the statutory claims of employees of insolvent companies under the Employment Rights Act 1996

. Key messages

Why we've sent you this report

I'm writing to update you on the progress of the liquidation of Euromix Concrete Limited in the 12 months since our last report dated 8 August 2016.

You are still able to view our earlier reports on our website at www.pwc.co.uk/euromix.

How much creditors may receive

The following table summarises the possible outcome for creditors*, based on what we currently know.

Class of creditor	Current estimate (p in £)	Previous estimate (p in £)
Preferential creditors	Not Applicable	Not Applicable
Unsecured creditors	46	44

*Please note this guidance on dividends is only an indication and should not be used as the main basis of any bad debt provision or debt trading.

What you need to do

We have previously paid an interim dividend to unsecured creditors of 31p in the £. We expect a further unsecured distribution to be made.

If you are an unsecured creditor and have not already submitted a claim, please send your claim to us so that it can be agreed. A claim form can be downloaded from our website at www.pwc.co.uk/euromix.

Overview of what we've done to date

On 20 December 2013 Zelf Hussain and I of PricewaterhouseCoopers LLP were appointed joint administrators of the Company. The administration ended on 16 June 2015, when the Company subsequently went into CVL and we were appointed as liquidators.

This is our second progress report. You may wish to refer to our previous report which can be found at www.pwc.co.uk/euromix. As explained in our earlier reports, total funds of $\pounds 2,004,532$ were transferred from the administration to the liquidation.

Please note that all assets specifically pledged to creditors (Natwest and RBSIF) were realised in the previous administration. Therefore there are no assets specifically pledged to a creditor to be realised in the liquidation.

We remain in office mainly because of ongoing investigations, as agreed with the creditors' committee, into a number of transactions which took place prior to the administration. These investigations have formed the main bulk of our work in the liquidation.

Outcome for creditors

Secured creditors

At the date of administration, Natwest was owed £1.203 million, and a further £4.047 million had been advanced by RBSIF. Following the sale of the business in the administration, Natwest's lending was repaid in full from the sale proceeds. RBSIF also recovered its lending in full during the administration.

Preferential creditors (mainly employees)

All employees transferred to the purchaser of the business in the administration therefore avoiding the creation of preferential claims.

Unsecured creditors

Dividends become available for unsecured creditors when there are sufficient funds (after costs of the liquidation) to pay the secured and preferential creditors in full, with an amount left over. In certain circumstances, part of the amount available for secured creditors may be ring-fenced for the benefit of unsecured creditors. This prescribed part is paid out of 'net property', which is floating charge realisations after costs, and after paying - or setting aside enough to pay - preferential creditors in full. But it only has to be made available where the floating charge was created on or after 15 September 2003.

As the secured creditors have been have been repaid in full it is not necessary to ring-fence a prescribed part fund as all surplus realisations (net of costs) will be available for unsecured creditors.

An interim dividend of 31p in the \pounds was paid to unsecured creditors in November 2014 in the administration. Total funds of \pounds 2.253 million were distributed in relation to this dividend.

A catch up dividend of £0.482 million was paid from the liquidation in July 2015 to creditors who had not originally participated in the interim distribution.

We expect a further unsecured dividend will be paid.

The total dividend which may be available to the unsecured creditors (including the 31% already paid) could be as much as 46% based on what we currently know.

The timing and quantum of any future dividend will be dependent on future realisations from our ongoing investigations, liquidation costs and the final level of unsecured creditor claims.

Progress since we last reported

Realisation of assets – assets specifically pledged to creditors

Natwest and RBSIF were both repaid in full in the administration. There are therefore no assets specifically pledged to a creditor to be realised in the liquidation.

Realisation of assets – assets not specifically pledged

To date, we have realised the Company's assets in the liquidation as follows:

	Actual realisations
	£
Assets not specifically pledged	
Book Debts	3,820
RBS Refund + Interest	91,549
Bank interest	5,574
Bank refunds	12
Surplus from administration	2,049,573
	2,150,528

Other issues

Forensic Investigations

In our previous report, we mentioned that we were continuing to investigate a small number of transactions which took place prior to the administration. We have continued (with the agreement of the creditors' committee) these investigations in the liquidation and this has formed the main bulk of our work in the liquidation.

For confidentiality reasons, I am still unable to provide further information. However, if any of our investigations result in recoveries for the unsecured creditors of the Company, we will provide an update on this in due course.

RBS Refund and Interest

In the period, we liaised with RBS in order to receive a repayment of complex fees from RBS that amounted to \pounds 72,046. Subsequent interest on this amount of \pounds 19,503 was also received. The total amount from the refund is therefore \pounds 91,549. No further funds are expected from this source.

Bank Interest

Interest receipts in the period total £1,282 bringing total interest receipts in the liquidation to £5,574.

Statutory and compliance

During the period of this report, we prepared the previous year's progress report and have filed this with Companies House. The liquidators have also undertaken a case review in line with their statutory requirements.

We have also sought to reclaim VAT on costs since the Company's deregistration for VAT purposes in March 2016, and have prepared a submission to HMRC to do so.

Please note that in the period of this report, tax computations have also been completed and submitted to HMRC for the year end June 2016.

Investigations and actions

Nothing has come to our attention during the period under review to suggest that we need to do any more work in line with our duties under the Company Directors' Disqualification Act 1986 and Statement of Insolvency Practice No.2.

Our receipts and payments account

We set out in Appendix A an account of our receipts and payments in the liquidation from 16 June 2016 to 15 June 2017.

Our expenses

We set out in Appendix B a statement of the expenses we've incurred to the date covered by this report and an estimate of our future expenses.

The statement excludes any potential tax liabilities that we may need to pay as a liquidation expense in due course because amounts due will depend on the position at the end of the tax accounting period.

Our fees

We set out in Appendix C an update on our fees, disbursements and other related matters.

Creditors' rights

Creditors have the right to ask for more information within 21 days of receiving this report as set out in Rule 18.9 IR86. Any request must be in writing. Creditors can also challenge our fees and expenses within eight weeks of receiving this report as set out in Rule 18.34 IR86. This information can also be found in the guide to fees at:

https://www.r3.org.uk/media/documents/publications/professional/Liquidations%20Creditor%20Fee%20G uide%20April%202017.pdf

You can also get a copy free of charge by telephoning Clare Davison on 0113 289 4062.

What we still need to do

As previously disclosed, investigations into certain transactions are ongoing and we will continue to liaise with the creditors' committee regarding these.

Following their conclusion, we will pay a final dividend to unsecured creditors, seek our relevant clearances and progress the case to closure.

Next report

We expect to send our next report to creditors at the end of the liquidation or in about 12 months, whichever is the sooner.

If you've got any questions, please get in touch with Clare Davison on 0113 289 4062.

Yours faithfully

David Robert Baxendale Joint liquidator

David Robert Baxendale and Zelf Hussain have been appointed as joint liquidators of Euromix Concrete Limited. Both are licensed in the United Kingdom to act as an Insolvency Practitioner by the Institute of Chartered Accountants in England and Wales. The joint liquidators are bound by the Insolvency Code of Ethics which can be found at: https://www.gov.uk/government/publications/insolvency-practitioner-code-of-ethics.

The joint liquidators are Data Controllers of personal data as defined by the Data Protection Act 1998. PricewaterhouseCoopers LLP will act as Data Processor on their instructions. Personal data will be kept secure and processed only for matters relating to the liquidation.

Appendix A: Receipts and payments

	Total for the period from appointm ent to 15 June 2016 £	Total for the period from 16 June 2016 to 15 June 2017 £	Total for the period from appointment to 15 June 2017 £
Receipts	_	-	-
Book Debts		3,820.06	3,820.06
RBS Refund + Interest		91,549.48	91,549.48
Bank interest	4,292.00	1,281.89	5,573.89
Bank refunds	11.68		11.68
Surplus from administration (note 1)	2,049,573.11		2,049,573.11
	2,053,876.79	96,651.43	2,150,528.22
Payments			
Bank charges	(15.00)		(15.00)
Investigators' fees	(5,000.00)		(5,000.00)
Legal disbursements	(2,229.92)		(2,229.92)
Legal fees	(37,000.00)	(1,000.00)	(38,000.00)
Administrators' fees (time costs)	(40,000.00)		(40,000.00)
Liquidators' fees (time costs)	(100,000.00)		(100,000.00)
Stationery and postage	(320.00)		(320.00)
Statutory advertising	(76.72)		(76.72)
	(184,641.64)	(1,000.00)	(185,641.64)
VAT control account (note 2)	(32,825.28)	32,625.28	(200.00)
Available to secured creditors	1,836,409.87	128,276.71	1,964,686.58
Less: amount paid to secured creditors	-	-	-
Available to preferential creditors	1,836,409.87	128,276.71	1,964,686.58
Less: amount paid to preferential creditors	-	-	-
Available to unsecured creditors	1,836,409.87	128,276.71	1,964,686.58
Catch up dividend to unsecured creditors of 31p in the £ on 1 July 2015 (note 3)	(481,576.64)	-	(481,576.64)
Balance held on high interest current account	1,354,833.23	128,276.71	1,483,109.94

Note 1: A VAT refund from the administration of £45,041.46 is included within this figure. This figure has been re stated due to a previous incorrect categorisation.

Note 2: This figure has been re stated due to a previous incorrect categorisation.

Note 3: Total distributions of \pounds 2,734,454 have been paid to the unsecured creditors in the Administration and Liquidation.

Note 4: There are no figures from the statement of affairs as the Company moved to Liquidation from Administration and a statement of affairs was not produced.

All figures are stated net of VAT

Appendix B: Expenses

The following table provides details of our expenses. Expenses are amounts properly payable by us as liquidators from the estate and includes our fees, but excludes distributions to creditors. The table also excludes any potential tax liabilities that we may need to pay as a liquidation expense because amounts becoming due will depend on the position at the end of the tax accounting period.

The table should be read in conjunction with the receipts and payments account at Appendix A, which shows expenses actually paid during the period and the total paid to date.

	Unpaid and Brought forward from preceding period £	Incurred in the period under review £	Expenses paid in the period £	Cumulative £	Estimated future £	Anticipated total £
Liquidators' Fees	28,740	34,013	-	62,753	39,000 - 53,000	101,753 - 115,753
Liquidators' Expenses	808*	63	-	871	200	1,071
Legal Fees	-	49,600	(1,000)	48,600	Uncertain**	Uncertain**
Legal Disbursements	-	3,250	-	3,250	Uncertain**	Uncertain**
Total	28,740	86,926	(1,000)	115,474	53,200	116,824

* This figure has been re stated due to an error in the previous report

** Due to the nature of the investigations being commercially sensitive it is not appropriate to provide this information

Appendix C: Remuneration update

During the administration, the creditors' committee passed a resolution fixing the administrators' fees by reference to time properly given by the administrators and their staff in dealing with the administration.

The fee basis agreed in the administration continues to apply in the liquidation. This means that our fees as liquidators will also be calculated by reference to time properly given.

The time cost charges incurred in the period from 16 June 2016 to 15 June 2017 are £34,013. This represents 98 hours, which equates to an average hourly rate of £348. The total time costs to date are £162,753.

We set out later in this Appendix details of our work to date, anticipated future work, disbursements, subcontracted work and payments to associates.

Our hours and average rates

Analysis of time costs for the period from 16 Jun 2016 to 15 Jun 2017

Aspect of assignment	Partner	Director	Senior Manager	Manager	Senior Associate	Associate	Secretarial	Total hours	Time cost £	Average hourly rate £
Strategy & Planning	-	-	0.30	0.30	0.60	0.10	-	1.30	385.50	296.54
Assets	-	-	0.40	2.50	3.50	-	-	6.40	1,946.50	304.14
Investigations	2.95	13.50	-	0.25	3.20	-	-	19.90	11,425.00	574.12
Creditors	-	0.50	-	-	2.75	1.45	-	4.70	1,143.50	243.30
Accounting and treasury	-	-	0.05	0.30	4.10	2.30	-	6.75	1,442.25	213.67
Statutory and compliance	3.50	4.95	4.50	4.60	19.45	10.40	0.90	48.30	15,024.60	311.07
Tax & VAT	-	-	1.55	0.10	4.50	4.30	-	10.45	2,645.75	253.18
Total for the period	6.45	18.95	6.80	8.05	38.10	18.55	0.90	97.80	34,013.10	347.78
Brought forward at 15 Jun 2016								319.25	128,740.25	
Total	l							417.05	162,753.35	

Our time charging policy and hourly rates

We and our team charge our time for the work we need to do in the liquidation. We delegate tasks to suitable grades of staff, taking into account their experience and any specialist knowledge that is needed and we supervise them properly to maximise the cost effectiveness of the work done. Anything complex or important matters of exceptional responsibility are handled by our senior staff or us.

All of our staff who work on the liquidation (including our cashiers, support and secretarial staff) charge time directly to the case and are included in any analysis of time charged. Each grade of staff has an hourly charge out rate which is reviewed from time to time. For the avoidance of doubt, work carried out by our cashiers, support and secretarial staff is charged on a time costs basis and is included in the analysis of hourly rates charged by partners or other staff members. Time is charged in three minute units (i.e. 0.05 units). We don't charge general or overhead costs.

We set out below the maximum charge-out rates per hour for the grades of our staff who already or who are likely to work on the liquidation.

Grade	Maximum rate per hour	Maximum rate per hour	Maximum rate per hour
	1 July 2015 to 30 June 2016	1 July 2016 to 30 June 2017	1 July 2017 onwards
Partner	825	840	865
Director	725	740	760
Senior manager	425	560	575
Manager	340	480	495
Senior associate – qualified	255	400	412
Senior associate – unqualified	-	295	304
Associate	165	250	258
Support staff	87	125	129

We call on colleagues in our Tax, VAT, Real Estate and Pensions departments where we need their expert advice. Their specialist charge-out rates vary but the following are the maximum rates by grade per hour.

Grade	Current specialist maximum rate per hour
Partner	1,250
Director	1,150
Senior manager	970
Manager	700
Senior Associate / consultant	515
Associate / assistant consultant	255
Support staff	150

In common with many professional firms, our scale rates may rise to cover annual inflationary cost increases.

Payments to associates

We have not made any payment to associates in the period.

Our work in the period

Earlier in this section we have included an analysis of the time spent by the various grades of staff.

Whilst this is not an exhaustive list, in the following table we provide more detail on the key areas of work:-

Area of work	Work undertaken	Why the work was necessary	What, if any, financial benefit the work provided to creditors OR whether it was required by statute
Strategy & planning	 Review of costs incurred on the case Holding team meeting to discuss the administration of the case and updating the appointees 	• To ensure appropriate management of case	• Ensures proper management of the case
Assets	 Liaising with GRG and providing information as requested in order to receive refund and interest Meetings between liquidators and legal advisors regarding the GRG refund 	• To realise maximum amount for creditors	Potential realisations that could increase dividends to creditors
Investigations	 Liaising with legal advisers in relation to investigatory matters Internal meetings to discuss strategy of investigations Collating forensic information from the company records 	Potential further realisations for creditors	• Potential claims that may be brought on behalf of the Company following the investigations which may increase realisations for creditors
Creditors	 Liaising with creditors' committee and providing updates Dealing with creditor queries Dealing with returned correspondence from creditors Updating website 	• To ensure creditors are kept up to date	• Ensuring creditors are kept updated
Accounting and treasury	• Processing receipts and payments in	• Maintain the company bank	• Ensures the correct stewardship of estate funds

	relation to the CompanyPerforming bank reconciliations	accounts and liquidators' records	
	Ensuring interest is appropriately dealt with.		
Statutory and Compliance	• Preparing and issuing first annual progress report and ensured filed correctly at Companies House	• Required by statute •	No financial benefit
	• Updating office address on Companies House		
	• Maintaining case records		
	• Ensuring books and records are properly stored and costs are paid appropriately		
	• Manager and appointee reviews of case strategy		
Tax & VAT	• Preparation and filing tax returns	 Required by HMRC Ensures correct tax is 	Recovery of funds for the benefit of
	• Dealing with internal tax queries	paid and VAT reclaimed	creditors. Some tasks required by statute.
	• Completion of VAT 426 reclaim to recover costs in Liquidation		
	Liaising with HMRC regarding their queries		

Our future work We still need to do the following work in the liquidation.

Area of work	work Work we need to do		Whether or not the work will provide a financial benefit to creditors		
Strategy & planning	Budgets and cost monitoring	• 1,000 - 2,000	• No financial benefit		
Investigations	 Liaising with legal advisors in relation to investigatory matters Investigation strategy No further information can be provided due to the commercially sensitive nature of the investigations 	• 10,000 – 18,000	• Potential claims that may be brought on behalf of the Company following the investigations which may increase realisations to creditors		
Creditors	 Continuing to liaise with creditors' committee and providing updates Creditor queries Continuing to maintain website Paying final dividend to creditors 	• 3,000 – 8,000	• Facilitating payment to creditors and ensuring they are kept abreast of developments		
Accounting and treasury	 Processing receipts and payments in relation to the Company Performing bank reconciliations Ensuring interest is appropriately dealt with 	• 2,000	• No financial benefit		
Statutory and Compliance	 Preparing and issuing future progress reports and ensured filed correctly at Companies House. Other statutory and compliance matters Maintaining case records Ensuring books and records are properly stored in Iron Mountain and costs are paid appropriately 	• 15,000	• No financial benefit		

	Manager and appointee reviews of case strategy		
Tax & VAT	Preparation and filing tax returns	5,000	• Recovery of funds for the benefit of
	• Dealing with internal tax queries	8	
	• Completion of VAT 426 reclaims to recover costs in Liquidation		
Closure	Obtaining clearances from relevant parties	9,000	• No financial benefit
	• Paying final costs		
	• Drafting and issuing final report		

Disbursements

We don't need to get approval to draw expenses or disbursements unless they are for shared or allocated services provided by our own firm, including room hire, document storage, photocopying, communication facilities. These types of expenses are called "Category 2" disbursements and they must be directly incurred on the case, subject to a reasonable method of calculation and allocation and approved by the same party who approves our fees.

Our expenses policy allows for all properly incurred expenses to be recharged to the liquidation and has been approved by the creditors' committee where required.

The following disbursements arose in the period of this report.

		Costs incurred
Category	Policy	£
2	<i>Photocopying</i> - at 5p pence per sheet copied, only charged for circulars to creditors and other bulk copying.	-
2	<i>Mileage</i> - At a maximum of 71p pence per mile (up to 2,000cc) or 93p pence per mile (over 2,000cc).	2.40
1	<i>Storage</i> – costs relating to storage of the company books and records.	60.77
	Total	63.17

Total disbursements are £871. None have been drawn to date.

Our relationships

We have no business or personal relationships with the parties who approve our fees or who provide services to the liquidation where the relationship could give rise to a conflict of interest.

Details of subcontracted work

None of the work, which we or our staff would normally do, has been done by subcontractors.

Legal and other professional firms

We've instructed the following professionals on this case:

Service provided	Name of firm / organisation	Reason selected	Basis of fees	Amount paid in period (£)
Investigation work	PCR London	Expertise	Fixed Fee	0
Legal Advice	Addleshaw Goddard LLP	Expertise	Time costs	1,000

Our choice was based on the advisors' experience, the complexity and type of work and the basis of the fee arrangement. We're satisfied that the fees charged are reasonable.

Appendix D: Other information

Company's registered name:	Euromix Concrete Limited		
Trading name:	Euromix Concrete Limited		
Registered number:	01720534		
Registered address:	Central Square 8th Floor, 29 Wellington Street, Leeds, LS1 4DL		
Date of the Liquidators' appointment:	16 June 2015		
Liquidators' names, addresses and contact details:	David Baxendale and Zelf Hussain of PricewaterhouseCoopers LLP, 7 More London Riverside, London SE1 2RT.		
	For enquiries, please contact Clare Davison on 0113 289 4062 or by post at PricewaterhouseCoopers LLP, Central Square, 29 Wellington Street, Leeds, LS1 4DL.		

In accordance with rule 1.49 of the Insolvency (England and Wales) Rules 2016

This notice is for use when delivering a particular document and is not a general website notice.

(a) If the company is incorporated outside the UK or is an unregistered company comply with IR16 r1.6

(b) Insert full names of officeholders

(c) insert nature of appointment held e.g. administrator/liquidator

(d) insert date of document

(e) Insert name of document(s) and Notice(s)/form(s) included in it, date and (if applicable) any period to which the document relates

(f) insert website address

(g) select option and insert any password

(h) insert postal address, telephone number and email for hard copy requests

(i) insert a postal address for the office(9(j holder and either an email, or telephone number, through which the office holder may be contacted.

(j) insert postal address for officeholder(s) and either an email address or telephone number through which they may be contacted per IR16 r 1.6

Notice of use of website to deliver a document

Name of company

Euromix Concrete Limited

Company number (a)

01720534

We (b) David Robert Baxendale and Zelf Hussain

the joint liquidators of the company

give notice to creditors and members that the following document dated

(d) 21 July 2017 is available for viewing and downloading on a website:

(e) Progress report for the period 16 June 2016 to 15 June 2017

The website address is

(f) www.pwc.co.uk/euromix

(g) A password is not required to view and download the document.

This document will be available on the website until at least two months after this insolvency procedure ends, or the last office-holder receives their release.

A recipient of this notice may request, free of charge, a hard copy of the document by (h)

- writing to Clare Davison at the address below; or
 - telephoning Clare Davison on 0113 289 4062; or
 - emailing <u>creditorenquiries@uk.pwc.com</u> (*)

(*) Please include in the email title the name of the insolvent company and in the body of the e-mail your/the creditor's name and your postal address, if different from the address to which this notice was sent.

Please use the above email address to request hard copies only and not for general queries.

A hard copy of the documents should be delivered free of charge within 5 business days of the receipt of a request.

Dated: 21 July 2017

The joint liquidators contact details are:

(i)Postal address: PricewaterhouseCoopers LLP, Central Square, 8th floor, 29 Wellington Street, Leeds, LS1 4DL

Email address: clare.n.davison@uk.pwc.com

Telephone number: 0113 289 4062

David Baxendale and Zelf Hussain were appointed as joint liquidators of the Company on 16 June 2015. Both are licensed in the United Kingdom to act as an insolvency practitioner by the Institute of Chartered Accountants in England and Wales. The joint liquidators are bound by the Insolvency Code of Ethics which can be found at: https://www.gov.uk/government/publications/insolvency-practitioner-code-of-ethics

The joint liquidators are Data Controllers of personal data as defined by the Data Protection Act 1998. PricewaterhouseCoopers LLP will act as Data Processor on their instructions. Personal data will be kept secure and processed only for matters relating to the liquidation.