

Rule 1.29/1.54

The Insolvency Act 1986

**R.1.29/
R.1.54**

Notice to registrar of
companies of Completion or
Termination of Voluntary
Arrangement

**Pursuant to Rule 1.29 or Rule
1.54 of the Insolvency Rules
1986**

To the Registrar of Companies

For official use

[Dashed box for official use]

Company number

00128852

Name of Company

Insert full name(s) of
company

David Price Food Services Limited

Insert full name and
address

We Howard Smith
of KPMG LLP
1 The Embankment
Neville Street
Leeds
LS1 4DW

Mark Granville Firmin
KPMG LLP
1 The Embankment
Neville St
Leeds
LS1 4DW

Insert date

the supervisor of a voluntary arrangement approved on 5 September 2012 enclose a copy of my notice to the creditors and members of the above-named company that the voluntary arrangement has terminated, together with a report of my receipts and payments

Signed [Signature]

Dated 30/9/13

Presenter's name, address
and reference (if any)

KPMG LLP
1 The Embankment
Neville Street
Leeds
LS1 4DW United Kingdom

For Official Use

Insolvency section 1 Post room

THURSDAY



A24 24/10/2013 #181
COMPANIES HOUSE

Notice of Termination

In the High Court of Justice

Chancery Division

Leeds District Registry

In the matter of David Price Food Services Limited ("the Company")

and in the matter of the Insolvency Act 1986

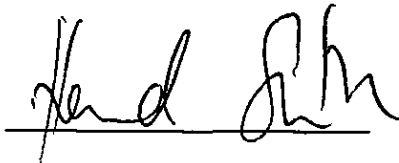
Company Voluntary Arrangement under Part I of the Insolvency Act 1986

To: All holders of CVA claims against the Company

18 October 2013

Notice is hereby given pursuant to rule 1 29(1) of the Insolvency Rules 1986 that

the Company has gone into administration and in accordance with modification 11(a) to the directors' Company Voluntary Arrangement proposal in respect of the Company, the Company Voluntary Arrangement has been terminated with effect from the date hereof

A handwritten signature in black ink, appearing to read 'Howard Smith', is written over a horizontal line.

Howard Smith, Joint Supervisor



**David Price Food
Services Limited under a
voluntary arrangement**

Supervisors' report to
creditors pursuant to Rule
1.29 of the Insolvency Act
1986

KPMG LLP
18 October 2013



Notice: About this Report

This Report has been prepared by Howard Smith and Mark Firmin, the Joint Supervisors of the Company Voluntary Arrangement of David Price Food Services Limited, solely to comply with their statutory duty to report to creditors under rule 1.29 of the Insolvency Rules 1986 and for no other purpose. It is not suitable to be relied upon by any other person, or for any other purpose, or in any other context.

This Report has not been prepared in contemplation of it being used, and is not suitable to be used, to inform any investment decision in relation to the debt of or any financial interest in David Price Food Services Limited.

Any estimated outcomes for creditors included in this Report are illustrative only and cannot be relied upon as guidance as to the actual outcomes for creditors.

Any person that chooses to rely on this Report for any purpose or in any context other than under the Insolvency Rules 1986 does so at its own risk. To the fullest extent permitted by law, the Joint Supervisors do not assume any responsibility and will not accept any liability in respect of this Report to any such person. Mark Firmin is authorised to act as an insolvency practitioner by the Institute of Chartered Accountants in England and Wales. Howard Smith is authorised to act as an insolvency practitioner by the Insolvency Practitioners Association.

The appointments of the Joint Supervisors are personal to them and, to the fullest extent permitted by law, KPMG LLP does not assume any responsibility and will not accept any liability to any person in respect of this Report or the conduct of the Company Voluntary Arrangement.



Glossary

the Company	David Price Food Services Limited
CVA	Company Voluntary Arrangement
the Directors	The directors of the Company as at 5 September 2012 being David Price, Susan Price, Robert Smith, David Lyon and Paul Martin
HMRC	HM Revenue & Customs
the Proposal	the CVA Proposal approved by creditors on 5 September 2012
the Supervisors	Howard Smith and Mark Firmin of KPMG LLP



Contents

1	Introduction	1
2	Purpose of the Proposal	1
3	Termination	1
4	Receipts and payments	2
5	Supervisors' time costs and expenses	2
6	Outstanding matters	3

Appendices

- 1 Joint Supervisors' abstract of receipts and payments for the period 5 September 2012 to 30 September 2013
- 2 Joint Supervisors' time costs and expenses for the period 5 September 2012 to 30 September 2013
- 3 Joint Supervisors' charge out rates

1 Introduction

Howard Smith and Mark Firmin were appointed Joint Supervisors of the Company Voluntary Arrangement on 5 September 2012

The Directors' Proposal was approved by 99.95% of creditors voting at the meeting of creditors held on 5 September 2012

2 Purpose of the Proposal

The purpose of the Proposal was to restore the viability of the Company by compromising approximately £2.1 million of unsecured creditor debt with total contributions to be paid into the CVA of £900,000 over 5 years

The directors retained full control of the affairs of the Company and there have been no modifications to the Proposal following the approval of the CVA on 5 September 2012. Any references to modifications in this report are those modifications presented and approved at the meeting of creditors on 5 September 2012

3 Termination

On 4 September 2013, the Joint Supervisors were advised by HMRC that the Company had made a request for a time to pay agreement, and that this request was to be rejected. The time to pay request was in respect of both VAT and PAYE. At the date of the request, the Company owed VAT of £110,000, which was due for payment on 7 July 2013 and PAYE totalling £240,000. The PAYE liabilities comprise a sum of £157,000 in respect of the tax year 2012/13 and a further sum of £83,000, which was due for payment on 22 August 2013.

As per the modifications to the proposal, the Company was required to submit all post appointment returns and make payments to HMRC on or before the due date. Failure to do so is a breach of the CVA which, if not remedied within 60 days of its occurrence, required the Joint Supervisors to petition for a winding up order.

On 5 September 2013, the Joint Supervisors received formal confirmation from HMRC that the Company's time to pay request had been rejected. HMRC also requested that due to the breach of the CVA, the Joint Supervisors were to fail the arrangement and petition for a winding up order.

Following a meeting with the Directors on 8 September 2013, it was determined that the Company could not remedy the breach. Accordingly, the Joint Supervisors wrote to the Directors on 9 September 2013 to advise them that they were seeking to wind up the Company under the terms of the Proposal.

In order to protect the position of the Company the Directors filed a notice of intention to appoint an administrator on 11 September 2013 and consequently, on 30 September 2013, Howard Smith and Mark Firmin were appointed Joint Administrators of the Company

4 Receipts and payments

An abstract of the Joint Supervisors' receipts and payments account is attached at Appendix 1. Details of receipts and payments are summarised below

The Joint Supervisors currently hold a balance of £135,188 in hand

4.1 Receipts

4.1.1 Contribution payments

Total contributions received from the Company into the CVA are £145,000. Contributions were expected to total £900,000 in accordance with the CVA Proposal

Further contributions totalling £20,000 have been received into the CVA which were subsequently paid into the CVA of David Price (Holdings) Limited, in accordance with the modifications to the proposal

As previously mentioned, the Company is now in administration and the CVA has terminated. Consequently, no further contributions will be received

4.2 Payments

4.2.1 Nominees' Fees and Expenses

As per the CVA Proposal, Nominees' fees of £10,000 for convening and holding the creditors and members meetings have been drawn

5 Supervisors' time costs and expenses

In accordance with the terms of the Proposal, the Joint Supervisors' remuneration is fixed on the basis of time properly spent by them and their staff in dealing with matters in the CVA

Attached at Appendix 2 is a breakdown of the time spent by the Joint Supervisors and their staff for the period 5 September 2012 to 30 September 2013 as required by the Association of Business Recovery Professionals' 'Statement of Insolvency Practice 9', together with a schedule of expenses

In the period 5 September 2012 to 30 September 2013, the Joint Supervisors incurred time costs of £57,987, representing 219 hours at an average rate of £265 an hour



No Supervisors' fees have been drawn to date

Supervisors' expenses of £420 have been incurred to date

Please note that all staff who have worked on this assignment, including cashiers and secretarial staff have charged time directly to this assignment and are included in the analysis of time spent. However, the cost of staff employed in central administration functions is not charged directly but is reflected in the general level of charge out rates

A creditors' guide to fees can be found at

http://www.r3.org.uk/media/documents/technical_library/SIPS/SIP%209%20E&W.pdf

However, if you are unable to access this guide and would like a copy then please contact Andrew Thompson on 0113 231 3317.

6 Outstanding matters

In accordance with the modifications to the Proposal, upon termination of the arrangement, assets already realised will be distributed to the arrangement creditors after provision for Supervisors' fees and disbursements

Accordingly, following the agreement of claims the Joint Supervisors will seek to make a first and final distribution to the CVA creditors. **If you have not already done so**, please forward details of your claim as at the CVA date, 5 September 2012, to the address listed on the cover letter to this report

Following the completion of all outstanding matters, the Joint Supervisors will issue a final receipts and payment account to the Registrar of Companies.

Howard Smith, Joint Supervisor



Appendix 1 – Joint Supervisors' abstract of receipts and payments for the period 5 September 2012 to 30 September 2013

Voluntary Arrangement of David Price Food Services Limited

Statement of Affairs	From 05/09/2012 To 30/10/2013	From 05/09/2012 To 30/10/2013
ASSET REALISATIONS		
CVA Contributions	145,000.00	145,000.00
Holdings CVA contributions	20,000.00	20,000.00
	<u>165,000.00</u>	<u>165,000.00</u>
OTHER REALISATIONS		
Bank interest gross	187.99	187.99
	<u>187.99</u>	<u>187.99</u>
COST OF REALISATIONS		
Holdings CVA contributions	20,000.00	20,000.00
Nominees' fees	10,000.00	10,000.00
	<u>(30,000.00)</u>	<u>(30,000.00)</u>
	<u>135,187.99</u>	<u>135,187.99</u>
REPRESENTED BY		
Floating charge current		135,187.99
		<u>135,187.99</u>



Appendix 2 – Joint Supervisors' time costs and expenses from 5 September 2012 to 30 September 2013

	Partner / Director	Manager	Administrator	Total hours	Time cost (£)	Average hourly rate (£)
Administration & planning						
Cashiering						
General (Cashiering)	0.60	0.00	2.30	2.90	778.00	268.28
Reconciliations (& IPS accounting reviews)	0.00	0.00	3.00	3.00	716.50	231.13
Statutory and compliance						
Appointment and related formalities	2.50	0.00	46.60	49.10	11,411.00	232.40
Bonding and bordereau	0.00	0.00	0.50	0.50	120.00	240.00
Checklist & reviews	1.50	20.50	15.15	37.15	11,677.75	314.34
Closure and related formalities	0.00	4.50	0.00	4.50	1,642.50	365.00
Reports to debenture holders	1.50			1.50	727.50	485.00
Statutory receipts and payments accounts	0.00	0.00	0.20	0.20	50.00	250.00
Strategy documents	3.50	4.25	1.25	9.00	3,565.00	396.11
Cash & profit projections & strategy	0.00	0.00	3.25	3.25	601.25	185.00
Tax						
Initial reviews CT and VAT	1.50	2.75	0.50	4.75	1,851.25	389.74
Post appointment corporation tax	0.00	1.00	0.00	1.00	365.00	365.00
Post appointment VAT	1.60	1.90	1.20	4.70	1,642.50	349.47
	12.70	34.90	74.05	121.65	35,148.25	288.93
Creditors						
Creditors and claims						
Agreement of unsecured claims	0.00	7.20	17.95	25.15	4,128.75	164.17
General correspondence	1.60	8.60	30.30	40.50	10,771.50	265.96
Statutory reports			2.75	2.75	498.75	181.36
Employees						
Pension funds	0.60	0.00	0.00	0.60	291.00	485.00
Pensions reviews	0.00	1.60	12.40	14.00	2,999.50	214.25
Directors						
Correspondence with directors	0.00	8.30	6.05	14.35	4,148.75	289.11
	2.20	24.70	69.45	97.35	22,838.25	234.60
Total in period				219.00	57,986.50	264.78
Brought forward time (appointment date to SIP 9 period start date)				0.00	0.00	0.00
SIP 9 period time (SIP 9 period start date to SIP 9 period end date)				219.00	57,986.50	264.78
Carry forward time (appointment date to SIP 9 period end date)				219.00	57,986.50	264.78



*David Price Food Services Limited under a voluntary arrangement
Supervisors' report to creditors pursuant to Rule 1.29 of the Insolvency Act 1986
18 October 2013*

Expense name	Expense amount (£)
Bordereau	420 00
Total	420.00



Appendix 3 – Joint Supervisors' charge out rates

Grade	From 1 October 2010 £/hr	From 1 October 2012 £/hr	From 1 October 2013 £/hr
Partner	535	565	565
Associate Partner	460	485	485
Director	460	485	485
Senior Manager	425	450	475
Manager	345	365	385
Senior Administrator	240	250	265
Administrator	175	185	195
Support	110	115	120