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The Insolvency Act 1986

Administrator's progress report

Name of Company A & R Services (M & E) Limited
--

Company number 06252830

In the High Court, Chancery Division <small>(full name of court)</small>

Court case number 4693 of 2011
--

(a) Insert full name(s) and address(es) of administrator(s)

I/We (a)
 Simon Franklin Plant
 S F P
 9 Ensign House
 Admirals Way
 Marsh Wall
 London
 E14 9XQ

Daniel Plant
 S F P
 9 Ensign House
 Admirals Way
 Marsh Wall
 London

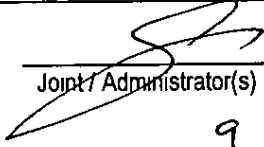
administrator(s) of the above company attach a progress report for the period

(b) Insert date

From (b) 31 May 2011

To (b) 30 November 2011

Signed


 Joint Administrator(s)

Dated

9 | 12 | 11

Contact Details

You do not have to give any contact information in the box opposite but if you do, it will help Companies House to contact you if there is a query on the form

The contact information that you give will be visible to searchers of the p

SFP 9 Ensign House Admirals Way Marsh Wall Docklands E14 9XQ	
DX Number	020 7538 2222 DX Exchange

MONDAY



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 COMPANIES HOUSE

When you have completed and signed this form, please send it to the Registrar of Companies at -
Companies House, Crown Way, Cardiff CF14 3UZ DX 33050 Cardiff

Strictly Private and Confidential

A & R Services (M & E) Limited (In Administration)

Report to Creditors

**Simon Franklin Plant
MIPA FABRP**

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1 Introduction

- 1.1** This report is prepared pursuant to Rule 2.47 of the Insolvency Rules 1986 ("the Rules") in relation to A & R Services (M & E) Limited (in Administration) (Co Number 06252830) ("the Company"). The Rules provide that a progress report is drafted every six months, commencing on the date that the Company entered into Administration. Further, that the appointed Joint Administrators should send a copy of the report to, inter alia all creditors within one month of the end of the period covered by the report.
- 1.2** A report was previously circulated on 23 June 2011, enclosing the Joint Administrators' Report and Proposals ("the First Report"). This detailed progress up to 17 June 2011 and set out the Joint Administrators' proposals to creditors. A subsequent letter was circulated to creditors on 7 July 2011 providing a Notice of Deemed Approval of Proposals confirming that the Joint Administrators' proposals had been approved without modifications.
- 1.3** In view of the information that has already been imparted to the creditors, this Report simply provides an update as to the general progress of the Company's Administration since the First Report, to 30 November 2011. This Report also sets out certain additional information which must be provided to creditors, pursuant to the Rules.

2 General Background

- 2.1** On 31 May 2011, Notice of Appointment of an Administrator by Holder of a Qualifying Floating Charge ("the Notice of Appointment") was presented to High Court of Justice by Solicitors, PDT on behalf of Venture Finance PLC ("Venture").
- 2.2** On the same day, the Notice of Appointment of an Administrator was endorsed with case No 4693 of 2011. Both Simon Franklin Plant and Daniel Plant of SFP, 9 Ensign House, Admirals Way, Marsh Wall, London E14 9XQ were appointed Joint Administrators ("the Joint Administrators"). Pursuant to Schedule B1, Paragraph 100(2) of the Act, the Joint Administrators act jointly and severally.

3 Asset Realisations / Miscellaneous

- 3.1** Following an initial review, the collective opinion of the Joint Administrators and chattel asset valuers, Edward Symmons was that trading the business in Administration would not be possible given the lack of available funding. Accordingly, Edward Symmons advised that an expedient sale of the Company's business and assets on a going concern basis would generate the most effective recovery for creditors.
- 3.2** Upon completion of Edward Symmons' valuation, a director of the Company, Mr Graham Harvey and one of its managers, Mr Alexander Sully explained that they were interested in making an offer for the business and assets. Further, that they represented a company called A & R Services (Electrical S W) Limited ("ARS") which could be used as a purchasing vehicle.
- 3.3** In the circumstances, negotiations were entered into with ARS who made an initial offer of £10,000. Edward Symmons advised that the offer was derisory and accordingly, the Joint Administrators sought an increased offer.
-

- 3.4 Negotiations continued and a number of increased offers were elicited. After several hours, a final offer of £75,000 was made for the Company's business and assets. Edward Symmons endorsed the offer and advised that it represented an excellent realisation in the circumstances. Accordingly, the offer was accepted by the Joint Administrators.
- 3.5 The terms of payment for the sale consideration provided that £3,000 would be paid upon completion with the balance of £72,000 payable in instalments of £7,200 per month between 3 July 2011 and 3 April 2012.
- 3.6 PDT was instructed to draft the Sale and Purchase Agreement ("SPA"). After some minor amendments to the SPA, the sale completed at 16:50pm on 7 June 2011.
- 3.7 In accordance with the SPA, the Joint Administrators have received £39,000 in respect of the deferred sale consideration. The Joint Administrators will continue to collect the deferred payments and a further update will be provided in the final report to creditors, in due course.

Debtors

- 3.8 As at the date of the placing of the Company into Administration, it is understood that its sales ledger was circa £270,000, with Venture having an outstanding commitment of circa £115,720.
- 3.9 As previously stated, an entity associated with the Joint Administrators' firm, SFP Recoveries Limited ("SFP Recoveries") was instructed to monitor the collection of the sales ledger and be on hand to assist Venture, if necessary. SFP Recoveries has since confirmed that Venture is likely to collect its liability in full shortly and if so, will then look to reassign the sales ledger back to the Company.
- 3.10 If the sales ledger is reassigned, SFP Recoveries will seek to collect the remaining debts for the benefit of the Administration. However, from SFP Recoveries and Venture's enquiries, it appears that the Company records were in such disarray that the true sales ledger figure was significantly lower than £270,000 stated in the First Report. Upon reassignment, SFP Recoveries will interrogate the position to establish the value. It is not clear whether or not the reassigned sales ledger will yield a realisation for the Administration estate.
- 3.11 A further update will be provided in the Joint Administrators' final report.

The Company's Trading Premises

- 3.12 As previously stated, the Company occupied its trading premises at The Old Dairy, Durnford Street, Bristol, BS3 2AW ("the Trading Premises") pursuant to an informal arrangement.
- 3.13 The Joint Administrators' property division, SFP Property Limited has advised that the arrangement held no value to the Administration estate and accordingly, obtained a signed letter from the landlord confirming that the Joint Administrators' have no further interest in the Trading Premises.
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4. Investigations

In accordance with the Joint Administrators' duties, investigations were made into the conduct of the Company's current and former directors by a company associated to the Joint Administrators, SFP Forensic Limited ("SFP Forensic") The requisite D Form was submitted to the Insolvency Practitioners Compliance Unit ("IPCU") on 7 November 2011 All information contained in the D form is strictly confidential and the Joint Administrators are not permitted to divulge details of their recommendations to the IPCU

5 Dividend Prospects

Preferential Creditors

- 5.1 As stated in the previous report, five of the Company's employees were made redundant on 7 June 2011 for economical, organisational and technical reasons in order for the sale of the business and assets to complete to ARS In the circumstances, it is anticipated that there will be claims for arrears of wages and outstanding holiday pay The Joint Administrators are yet to receive a claim from the Redundancy Payments Office ("RPO")

Non-Preferential Claims

- 5.2 The non-preferential creditors' claims are summarised below:

Creditor	Estimated Statement of Affairs £	Claims Received as at 30 November 2011 £
HM Revenue and Customs – VAT / NIC / PAYE	291,000	185,553 72
Trade and Expense	46,262	30,216 88

- 5.3 Any potential dividend distribution to unsecured creditors is dependent upon realisations achieved from the collection of the remaining sale consideration, reassigned book debts and any recoveries made from SFP Forensics investigations These would also be subject to any further associated costs Based upon current realisations, it is uncertain whether or not there will be sufficient funds to pay a dividend to unsecured creditors

6. The Joint Administrators' Costs

- 6.1 At **Appendix I** is the Company's Income and Expenditure Account as at 30 November 2011 compared to the estimated statement of affairs figures as at the date of the Joint Administrators' appointment These are in the main self explanatory
- 6.2 At **Appendix II** is a breakdown of the time that has been incurred by the Joint Administrators' firm to date, together with details of charge out rates / activity summaries At **Appendix VIII** is a Guide to Administrator's Fees, being set out in Statement of Insolvency Practice 9 The Joint Administrators' fees have previously been authorised by the creditors
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- 6.3 Within 21 days of receipt of a progress report a creditor may request the Administrator to provide further information about the remuneration and expenses set out in the report. A request must be in writing and may be made by either 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.
- 6.4 In accordance with Rule 2.109 of the Rules, any secured creditor, or any unsecured creditor with the concurrence of at least 10% in value of the unsecured creditors, or with the permission of the Court, may apply to the Court on the grounds that the remuneration or other expenses are excessive. Any such application must be made no later than 8 weeks after receipt of this report.
- 6.5 The First Report detailed the position in relation to disbursements and certain types of expenditure. To ensure that creditors are aware of how this operates, this Report reiterates the position. Disbursements and specific expenditure relating to the administration of an insolvent estate and payable to an independent third party are recoverable without creditor approval. Such expenditure is made, if funds are available from the insolvent estate. If funds are not available the payment is made from the Joint Administrators' firm's office account which is reimbursed from the insolvent estate if and when funds become available.
- 6.6 Payments made out of a firm's office account and re-charged to an insolvent estate are defined as 'Category 1 Disbursements'. This disbursement is explained further under the Expenses and Disbursements heading in the Guide to Administrator's fees, at **Appendix VIII**. The Joint Administrators have incurred the following Category 1 Disbursements to date:

Expenses	£	877 61
Bordereau	£	330 00
Land Registry Search	£	4 00
Company Searches	£	8 00

The following Category 1 Disbursements have been incurred but not yet recharged:

Company Searches	£	20 00
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- 6.7 Expenditure incidental to the administration of the insolvent case, which by its nature includes an element of shared or allocated costs, are recoverable with creditor approval. These payments are defined as 'Category 2 Disbursements' and, once again, this disbursement is explained further in the Guide to Administrator's fees, at **Appendix VIII**.

The Joint Administrators have incurred the following Category 2 Disbursements to date:

Postage	£	135 37
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As detailed in the First Report, SFP Recoveries, SFP Property, SFP Forensic and SFP Datastore Limited's ("SFP Datastore") remuneration will be treated as a Category 2 Disbursement. Creditors have previously provided sanction to recover disbursements of this type.

- 6.8 At **Appendix III** is a breakdown of the time that has been incurred by SFP Forensic to date.
- 6.9 At **Appendix IV** is a breakdown of the time that has been incurred by SFP Recoveries to date.
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- 6.10 At **Appendix V** is a breakdown of the time that has been incurred by SFP Property to date
- 6.11 At **Appendix VI** is a breakdown of the time that has been incurred by SFP Datastore to date, together with details of disbursements Details concerning SFP Datastore are set out in paragraph 6.13
- 6.12 At **Appendix VII** is a breakdown of SFP and its associated entities' charge out rates
- 6.13 The fees incurred by Edward Symmons, SFP Recoveries, SFP Forensic, SFP Property and PDT are calculated on a time cost basis SFP Datastore has been employed by the Joint Administrators to store the Company's books and records as well as providing security services (where appropriate) Its fees for storage and security services are both on a fixed fee basis and on a time cost basis for any additional work carried out
- 7 Additional Points and Conclusion**
- 7.1 Should any creditor have any questions or queries in relation to the above, please contact either the Administrator dealing with this matter, Glenn McGrath or the Joint Administrator on 020 7538 2222

Dated this 9th day of December 2011


Simon Plant
Joint Administrator

A & R Services (M & E) Limited (in Administration)

Report to Creditors

APPENDIX I

- **Income and Expenditure Account / Comparison to Estimated Outcome Statement**

A & R Services (M & E) Limited
(In Administration)

	Statement of affairs £	From 31/05/2011 To 30/11/2011 £
RECEIPTS		
Sale of Business & Assets	75,000 00	39,000 00
Cash at Bank	7,000 00	7,011 01
Refund from supplier		107 76
Bank Interest Gross		2 78
Fuel Refund	7,000 00	3,575 35
TOTAL RECEIPTS		<u>49,696 90</u>
PAYMENTS		
SFP Datastore Fees		1,000 00
SFP Datastore Disbursements		2,035 20
SFP Property Fees		1,800 00
Joint Administrators' Remuneration		23,374 92
Joint Administrators' CAT 1 Disb		1,219 61
Joint Administrators' CAT 2 Disb		135 37
Employee Consultant Services		140 00
Agents/Valuers Fees		6,785 00
Agents/Valuers Disbursements		256 50
Legal Fees		6,500 00
Legal Disbursements		223 80
Courer Charges		593 91
Statutory Advertising		162 45
Insurance of Assets		710 20
TOTAL PAYMENTS		<u>44,936 96</u>
BALANCE IN HAND		<u><u>4,759.94</u></u>
REPRESENTED BY		
VAT Receivable		2,816 30
Bank account		1,943 64
BALANCE IN HAND		<u><u>4,759.94</u></u>

A & R Services (M & E) Limited (in Administration)

Report to Creditors

APPENDIX II

- **Breakdown of Joint Administrators' Fees / Activity Codes**



A & R SERVICES (M & E) LIMITED (IN ADMINISTRATION)

SUMMARY OF TIME AND CHARGE OUT RATES FOR THE PERIOD 31 MAY 2011 TO 30 NOVEMBER 2011

CLASSIFICATION OF WORK FUNCTION	Managing Partner	Partner	Senior Manager	Manager	Senior Administrator	Administrator	Assistant	Total	
Administration and Planning	18 70	-	-	10 80	35 60	2 70	11 00	28 10	243 30
Investigation	-	-	-	-	-	-	-	-	-
Realization of assets	12 80	-	-	1 80	15 40	0 60	-	-	30 80
Trading	-	-	-	-	-	-	-	-	-
Creditors	2 50	-	-	1 60	7 30	7 00	29 50	2 50	54 30
Total hours	34 00	-	-	14 00	58 30	7 60	40 50	30 60	328 40
Average rate £ per hour	456 18	-	-	323 61	286 43	243 09	120 74	78 59	200 91
Total costs £	15 510 00	-	-	4 010 00	14 795 00	1 847 50	4 890 00	2 405 00	66,977 50

Remuneration drawn on account

23,374 92

See Appendix for Summary Charge Out Rates for staff

NB From 1 August 2011, practice rates have increased which would account for variances in the charge out rates

SIP 9 STANDARD ACTIVITY SUMMARIES

Standard Activity	Examples of Work
Administration and Planning	Case Planning Administrative set up Appointment and notification Maintenance of records Statutory reporting Estate accounting Schedule company books and records
Investigation	SIP 2 CDDA report Investigating antecedent transactions
Realisation of assets	Identifying, securing, insuring assets Retention of title Debt collection – pre and post appointment Property, business and asset sales Communication and negotiations with secured creditors
Trading	Planning Management of operation Communication/negotiation with suppliers Communication/negotiation with landlord Communication/negotiation with third parties Monitor goods outward/inwards Stock take On-going employee issues Travel
Creditors	Communication with creditors Creditor claims (including employees and other preferential creditors)

A & R Services (M & E) Limited (in Administration)

Report to Creditors

APPENDIX III

- **Breakdown of SFP Forensic Limited Fees**



A & R SERVICES (M & E) LIMITED (IN ADMINISTRATION)

SUMMARY OF TIME AND CHARGE OUT RATES FOR THE PERIOD 31 MAY 2011 TO 30 NOVEMBER 2011

CLASSIFICATION OF WORK FUNCTION

	Managing Director	Senior Manager	Manager	Senior Administrator	Administrator	Assistant	Total
Investigation	9 30	-	-	7 30	-	19 90	46 20
Total hours	9 30	-	-	7 30	-	19 90	46 20
Average rate £ per hour	500 00	-	-	274 66	-	92 84	220 78
Total costs £	4650 00	-	-	2005 00	-	1847 50	10,200 00

Remuneration drawn on account

See Appendix for Summary Charge Out Rates for staff

NB From 1 August 2011, practice rates have increased which would account for variances in the charge out rates

A & R Services (M & E) Limited (in Administration)

Report to Creditors

APPENDIX IV

- **Breakdown of SFP Recoveries Limited Fees**

SFP



RECOVERIES

A & R SERVICES (M & E) LIMITED (IN ADMINISTRATION)

SUMMARY OF TIME AND CHARGE OUT RATES FOR THE PERIOD 31 MAY 2011 TO 30 NOVEMBER 2011

CLASSIFICATION OF WORK FUNCTION

	Managing Director	Senior Manager	Manager	Senior Administrator	Administrator	Assistant	Total			
Debt Collection	-	-	-	8 60	1 40	-	37 30	81 60	-	129 10
Total hours	-	-	-	8 90	1 40	-	37 30	81 50	-	129 10
Average rate £ per hour	-	-	-	241 85	242 86	-	152 82	100 55	-	126 94
Total costs £	-	-	-	2152 50	340 00	-	5700 00	8195 00	-	16,387 50

Remuneration drawn on account

See Appendix for Summary Charge Out Rates for staff

NB From 1 August 2011, practice rates have increased which would account for variances in the charge out rates

A & R Services (M & E) Limited (in Administration)

Report to Creditors

APPENDIX V

- **Breakdown of SFP Property Limited Fees**

A & R SERVICES (M & E) LIMITED (IN ADMINISTRATION)

SUMMARY OF TIME AND CHARGE OUT RATES FOR THE PERIOD 31 MAY 2011 TO 30 NOVEMBER 2011

CLASSIFICATION OF WORK FUNCTION

	Managing Director	Senior Manager	Manager	Senior Administrator	Administrator	Assistant	Total
Property Issues	2 40	-	-	0 30	-	5 60	7 70
							16 00
Total hours	2 40	-	-	0 30	-	5 60	7 70
Average rate £ per hour	275 00	-	-	175 00	-	91 79	77 27
Total costs £	660 00	-	-	52 50	-	514 00	595 00
							1,821 50

Remuneration drawn on account

1,800 00

See Appendix for Summary Charge Out Rates for staff

NB From 1 August 2011, practice rates have increased which would account for variances in the charge out rates

A & R Services (M & E) Limited (in Administration)

Report to Creditors

APPENDIX VI

- **Breakdown of SFP Datastore Limited Fees / Disbursements**



A & R SERVICES (M & E) LIMITED (IN ADMINISTRATION)

SUMMARY OF TIME AND CHARGE OUT RATES FOR THE PERIOD 31 MAY 2011 TO 30 NOVEMBER 2011

CLASSIFICATION OF WORK FUNCTION

	Storage Tasks Staff Costs	Inventorising Staff Costs	Total
Boxing Up / Collection / Inventorising of Records	23 10	23 30	46 40
Total hours	23 10	23 30	46 40
Average rate £ per hour	25 00	75 00	50 11
Total costs £	577 50	1,747 50	2,325 00
Remuneration drawn on account			<u>1,000 00</u>

Disbursements	£
Storage boxes purchased 19 boxes @ £5 per box	95 00
Mileage 300 6 miles @ £1 10 per mile	330 66
Expenses	1,052 86
Retrival costs	100 00
Destruction costs	171 00
Storage cost	355 68
Disbursements Incurred	<u>2,105 20</u>
Disbursements drawn on account	<u>2,035 20</u>

See Appendix for Summary Charge Out Rates for staff

NB From 1 August 2011, practice rates have increased which would account for variances in the charge out rates

A & R Services (M & E) Limited (in Administration)

Report to Creditors

APPENDIX VII

- **SFP and Associated Entity Charge Out Rates**



Charge out Rates for SFP main practice and associated entities

SFP and the Associated Entities remuneration is calculated on an hourly time cost basis, divided into 6 minute units calculated as follows:

Main Practice		SFP Forensic Limited		SFP Property Limited		SFP Recoveries Limited	
Grade	Rate p/hr	Grade	Rate p/hr	Grade	Rate p/hr	Grade	Rate p/hr
Managing Partner	500	Managing Director	500	Managing Director	350	Managing Director	500
Partner 2	450	Senior Manager 2	350	Senior Manager 2	275	Senior Manager 2	350
Partner 1	400	Senior Manager 1	325	Senior Manager 1	250	Senior Manager 1	325
Senior Manager 2	350	Manager 2	300	Manager 2	225	Manager 2	300
Senior Manager 1	325	Manager 1	275	Manager 1	200	Manager 1	275
Manager 2	300	Senior Administrator 2	250	Senior Administrator 2	175	Senior Administrator 2	250
Manager 1	275	Senior Administrator 1	225	Senior Administrator 1	155	Senior Administrator 1	225
Senior Administrator 2	250	Administrator 2	175	Administrator 2	135	Administrator 2	175
Senior Administrator 1	225	Administrator 1	150	Administrator 1	115	Administrator 1	150
Administrator 2	175	Assistant	100	Assistant	100	Assistant	100
Administrator 1	150						
Assistant	100						

SFP Datastore Limited		SFP Datastore Limited	
Grade	Rate p/hr	Supporting Services	
Storage Tasks (Retrieval and collection)	25	Hire of Security Personnel	£18.50 per hour
Staff costs		Mileage	£1.10 per mile
Inventorising and Additional	75	Chauffeur Services	£1.35 per mile (£50 minimum)
Staff Costs			

A & R Services (M & E) Limited (in Administration)

Report to Creditors

APPENDIX VIII

- **Guide to Administrators Fees**



A CREDITORS' GUIDE TO ADMINISTRATORS' FEES

ENGLAND AND WALES

1 Introduction

1.1 When a company goes into administration the costs of the proceedings are paid out of its assets. The creditors who hope eventually to recover some of their debts out of the assets therefore have a direct interest in the level of costs and in particular the remuneration of the insolvency practitioner appointed to act as administrator. The insolvency legislation recognises this interest by providing mechanisms for creditors to determine the basis of the administrator's fees. This guide is intended to help creditors be aware of their rights under the legislation to approve and monitor fees, explain the basis on which fees are fixed and how creditors can seek information about expenses incurred by the administrator and challenge those they consider to be excessive.

2 The nature of administration

2.1 Administration is a procedure which places a company under the control of an insolvency practitioner and the protection of the court with the following objective:

- rescuing the company as a going concern or
- achieving a better result for the creditors as a whole than would be likely if the company were wound up without first being in administration

or if the administrator thinks neither of these objectives is reasonably practicable

- realising property in order to make a distribution to secured or preferential creditors

3 The creditors committee

3.1 The creditors have the right to appoint a committee with a minimum of 3 and a maximum of 5 members. One of the functions of the committee is to determine the basis of the administrator's remuneration. The committee is normally established at the meeting of creditors which the administrator is required to hold within a maximum of 10 weeks from the beginning of the administration to consider his proposals. The administrator must call the first meeting of the committee within 6 weeks of its establishment, and subsequent meetings must be held either at specified dates agreed by the committee or when a member of the committee asks for one or when the administrator decides he needs to hold one. The committee has power to summon the administrator to stand before it and provide information about the exercise of his functions.

4 Fixing the administrator's remuneration

4.1 The basis for fixing the administrator's remuneration is set out in Rule 2.106 of the Insolvency Rules 1986 which states that it shall be fixed:

- as a percentage of the value of the property which the administrator has to deal with,
- by reference to the time properly given by the administrator and his staff in attending to matters arising in the administration or
- as a set amount.

Any combination of these bases may be used to fix the remuneration and different bases may be used for different things done by the administrator. Where the remuneration is fixed as a percentage different percentages may be used for different things done by the administrator.

It is for the creditors committee (if there is one) to determine on which of these bases or combination of bases the remuneration is to be fixed. Where it is fixed as a percentage it is for the committee to determine the percentage or percentages to be applied and where it is a set amount, to determine that amount. Rule 2.106 says that in arriving at its decision the committee shall have regard to the following matters:

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paragraph 4.3 apply the determination may be made by the same creditors as approve the administrator's remuneration.

6.3 The administrator must convene a meeting of the committee or the creditors for the purposes of approving the payment of pre-administration costs if requested to do so by another insolvency practitioner who has incurred such costs. If there is no determination under these provisions or if there is but the administrator or other insolvency practitioner considers the amount agreed to be insufficient, the administrator may apply to the court for a determination.

7 What information should be provided by the administrator?

7.1 When seeking remuneration approval

7.1.1 When seeking agreement to his fees the administrator should provide sufficient supporting information to enable the committee or the creditors to make a judgement as to whether the proposed fee is reasonable having regard to all the circumstances of the case. The nature and extent of the supporting information which should be provided will depend on:

- the nature of the approval being sought,
- the stage during the administration of the case at which it is being sought, and
- the size and complexity of the case.

7.1.2 Where at any creditors or committee meeting, the administrator seeks agreement to the terms on which he is to be remunerated, he should provide the meeting with details of the charge-out rates of all grades of staff including principals which are likely to be involved on the case.

7.1.3 Where the administrator seeks agreement to his fees during the course of the administration he should always provide an up to date receipts and payments account. Where the proposed fee is based on time costs the administrator should disclose to the committee or the creditors the time spent and the charge-out value in the particular case together with where appropriate such additional information as may reasonably be required having regard to the size and complexity of the case. The additional information should comprise a sufficient explanation of what the administrator has achieved and how it was achieved to enable the value of the exercise to be assessed (whilst recognising that the administrator must fulfil certain statutory obligations that might be seen to bring no added value for creditors) and to establish that the time has been properly spent on the case. That assessment will need to be made having regard to the time spent and the rates at which that time was charged, bearing in mind the factors set out in paragraph 4.1 above. To enable this assessment to be carried out it may be necessary for the administrator to provide an analysis of the time spent on the case by type of activity and grade of staff. The degree of detail will depend on the circumstances of the case but it will be helpful to be aware of the professional guidance which has been given to insolvency practitioners on this subject. The guidance suggests the following areas of activity as a basis for the analysis of time spent:

- Administration and planning
- Investigations
- Realisation of assets
- Trading
- Creditors
- Any other case-specific matters

The following categories are suggested as a basis for analysis by grade of staff:

- Partner
- Manager
- Other senior professionals
- Assistants and support staff

The explanation of what has been done can be expected to include an outline of the nature of the assignment and the administrator's own initial assessment, including the anticipated return to creditors. To the extent applicable it should also explain:

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- the complexity (or otherwise) of the case
- any responsibility of an exceptional kind or degree which falls on the administrator
- the effectiveness with which the administrator appears to be carrying out, or to have carried out, his duties
- the value and nature of the property which the administrator has to deal with

4.2 If there is no creditors committee or the committee does not make the requisite determination (and provided the circumstances described in paragraph 4.3 do not apply) the administrator's remuneration may be fixed by a resolution of a meeting of creditors having regard to the same matters as apply in the case of the committee. If the remuneration is not fixed in any of these ways it will be fixed by the court on application by the administrator but the administrator may not make such an application unless he has first tried to get his remuneration fixed by the committee or creditors as described above and in any case not later than 18 months after his appointment.

4.3 There are special rules about creditors' resolutions in cases where the administrator has stated in his proposals that the company has insufficient property to enable a distribution to be made to unsecured creditors except out of the reserved fund which may have to be set aside out of floating charge assets.

In this case if there is no creditors committee or the committee does not make the requisite determination the remuneration may be fixed by the approval of –

- each secured creditor of the company or
- if the administrator has made or intends to make a distribution to preferential creditors – each secured creditor of the company and preferential creditors whose debts amount to more than 50% of the preferential debts of the company disregarding debts of any creditor who does not respond to an invitation to give or withhold approval

having regard to the same matters as the committee would.

Note that there is no requirement to hold a creditors meeting in such cases unless a meeting is requisitioned by creditors whose debts amount to at least 10 per cent of the total debts of the company.

4.4 A resolution of creditors may be obtained by correspondence.

8 Review of remuneration

5.1 Where there has been a material and substantial change in circumstances since the basis of the administrator's remuneration was fixed the administrator may request that it be changed. The request must be made to the same body as initially approved the remuneration and the same rules apply as to the original approval.

8 Approval of pre-administration costs

6.1 Sometimes the administrator may need to seek approval for the payment of costs in connection with preparatory work incurred before the company went into administration but which remain unpaid. Such costs may relate to work done either by the administrator or by another insolvency practitioner. Details of such costs must be included in the administrator's proposals.

6.2 Where there is a creditors committee it is for the committee to determine whether and to what extent such costs should be approved for payment. If there is no committee or the committee does not make the necessary determination, or if it does but the administrator or other insolvency practitioner who has incurred pre-administration costs considers the amount agreed to be insufficient, approval may be given by a meeting of creditors. Where the circumstances described in

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- Any significant aspects of the case particularly those that affect the amount of time spent.
- The reasons for subsequent changes in strategy.
- Any comments on any figures in the summary of time spent accompanying the request the administrator wishes to make.
- The steps taken to establish the views of creditors particularly in relation to agreeing the strategy for the assignment, budgeting, time recording, fee drawing or fee agreement.
- Any existing agreement about fees.

Details of how other professionals including subcontractors were chosen how they were contracted to be paid, and what steps have been taken to review their fees.

It should be borne in mind that the degree of analysis and form of presentation should be proportionate to the size and complexity of the case. In smaller cases not all categories of activity will always be relevant, whilst further analysis may be necessary in larger cases.

7.1.4 Where the fee is charged on a percentage basis the administrator should provide details of any work which has been or is intended to be sub-contracted out which would normally be undertaken directly by an administrator or his staff.

7.2 After remuneration approval

Where a resolution fixing the basis of fees is passed at any creditors meeting held before he has substantially completed his functions the administrator should notify the creditors of the details of the resolution in his next report or circular to them. In all subsequent reports to creditors the administrator should specify the amount of remuneration he has drawn in accordance with the resolution (see further paragraph 8.1 below). Where the fee is based on time costs he should also provide details of the time spent and charge-out value to date and any material changes in the rates charged for the various grades since the resolution was first passed. He should also provide such additional information as may be required in accordance with the principles set out in paragraph 7.1.3. Where the fee is charged on a percentage basis the administrator should provide the details set out in paragraph 7.1.4 above regarding work which has been sub-contracted out.

7.3 Disbursements and other expenses

There is no statutory requirement for the committee or the creditors to approve the drawing of expenses or disbursements but there is provision for the creditors to challenge them as described below. Professional guidance to insolvency practitioners requires that, where the administrator proposes to recover costs which whilst being in the nature of expenses or disbursements may include an element of shared or allocated costs (such as room hire, document storage or communication facilities provided by the administrator's own firm), they must be disclosed and be authorised by those responsible for approving his remuneration. Such expenses must be directly incurred on the case and subject to a reasonable method of calculation and allocation.

8 Progress reports and requests for further information

8.1 The administrator is required to send a progress report to creditors at 6-monthly intervals. The report must include:

- details of the basis fixed for the remuneration of the administrator (or if not fixed at the date of the report, the steps taken during the period of the report to fix it) if the basis has been fixed, the remuneration charged during the period of the report, irrespective of whether it was actually paid during that period (except where it is fixed as a set amount, in which case it may be shown as that amount without any apportionment for the period of the report);
- if the report is the first to be made after the basis has been fixed, the remuneration charged during the periods covered by the previous reports together with a description of the work done during those periods irrespective of whether payment was actually made during the period of the report;
- a statement of the expenses incurred by the administrator during the period of the report, irrespective of whether payment was actually made during that period.

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- the date of approval of any pre-administration costs and the amount approved.
- a statement of the creditors' rights to request further information as explained in paragraph 8.2 and their right to challenge the administrator's remuneration and expenses
- 8.2 Within 21 days of receipt of a progress report a creditor may request the administrator to provide further information about the remuneration and expenses (other than pre-administration costs) set out in the 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 (including himself) or the permission of the court.
- 8.3 The administrator must provide the requested information within 14 days unless he considers that:
- the time and cost involved in preparing the information would be excessive or
 - disclosure would be prejudicial to the conduct of the administration or might be expected to lead to violence against any person or
 - the administrator is subject to an obligation of confidentiality in relation to the information requested,
- in which case he must give the reasons for not providing the information
- Any creditor may apply to the court within 21 days of the administrator's refusal to provide the requested information or the expiry of the 14 days time limit for the provision of the information
- 9 Provision of information – additional requirements
- The administrator must provide certain information about time spent on a case free of charge upon request by any creditor, director or shareholder of the company
- The information which must be provided is –
- the total number of hours spent on the case by the administrator or staff assigned to the case for each grade of staff, the average hourly rate at which they are charged out,
 - the number of hours spent by each grade of staff in the relevant period
- The period for which the information must be provided is the period from appointment to the end of the most recent period of six months reckoned from the date of the administrator's appointment, or where he has vacated office, the date that he vacated office
- The information must be provided within 28 days of receipt of the request by the administrator and requests must be made within two years from vacation of office
- 10 What if a creditor is dissatisfied?
- 10.1 If a creditor believes that the administrator's remuneration is too high, the basis is inappropriate or the expenses incurred by the administrator are in all the circumstances excessive he may provided certain conditions are met, apply to the court.
- 10.2 Application may be made to the court by any secured creditor or by any unsecured creditor provided at least 10 per cent in value of unsecured creditors (including himself) agree or he has the permission of the court. Any such application must be made within 8 weeks of the applicant receiving the administrator's progress report in which the charging of the remuneration or incurring of the expenses in question is first reported (see paragraph 8.1 above). If the court does not dismiss the application (which it may if it considers that insufficient cause is shown) the applicant must give the administrator a copy of the application and supporting evidence at least 14 days before the hearing
- 10.3 If the court considers the application well founded it may order that the remuneration be reduced, the basis be changed or the expenses be disallowed or repaid. Unless the court orders otherwise the costs of the application must be paid by the applicant and not as an expense of the administration

- 11 What if the administrator is dissatisfied?
- 11.1 If the administrator considers that the remuneration fixed by the creditors' committee is insufficient or that the basis used to fix it is inappropriate he may request that the amount or rate be increased or the basis changed by resolution of the creditors'. If he considers that the remuneration fixed by the committee or the creditors is insufficient or that the basis used to fix it is inappropriate he may apply to the court for the amount or rate to be increased or the basis changed. If he decides to apply to the court he must give at least 14 days notice to the members of the creditors' committee and the committee may nominate one or more of its members to appear or be represented on the application. If there is no committee the administrator's notice of his application must be sent to such of the company's creditors as the court may direct, and they may nominate one or more of their number to appear or be represented. The court may order the costs to be paid as an expense of the administration
- 12 Other matters relating to remuneration
- 12.1 Where there are joint administrators it is for them to agree between themselves how the remuneration payable should be apportioned. Any dispute arising between them may be referred to the court, the creditors' committee or a meeting of creditors
- 12.2 If the administrator is a solicitor and employs his own firm to act on behalf of the company profit costs may not be paid unless authorised by the creditors' committee, the creditors or the court
- 12.3 If a new administrator is appointed in place of another, any determination, resolution or court order which was in effect immediately before the replacement continues to have effect in relation to the remuneration of the new administrator until a further determination, resolution or court order is made
- 12.4 Where the basis of the remuneration is a set amount, and the administrator ceases to act before the time has elapsed or the work has been completed for which the amount was set, application may be made for a determination of the amount that should be paid to the outgoing administrator. The application must be made to the same body as approved the remuneration. Where the outgoing administrator and the incoming administrator are from the same firm they will usually agree the apportionment between them
- 13 Effective date
- This guide applies where a company enters administration on or after 6 April 2010 except where:
- the application for an administration order was made before that date or
 - where the administration was preceded by a liquidation which commenced before that date

A & R Services (M & E) Limited (in Administration)

Report to Creditors

APPENDIX IX

- **Category 2 Disbursement Summary Charge Sheet**



DIRECT EXPENSES (Category 1 Disbursements)

Category 1 Disbursements as defined by SIP 9, which can be specifically identified as relating to the administration of the case, will be charged to the estate as cost, with no uplift. These include, but are not limited, to such items as advertising, bonding and other insurance premiums and properly reimbursed expenses.

INDIRECT EXPENSES (Category 2 Disbursements)

It is normal practice to also charge the following indirect disbursements (Category 2 Disbursements, as defined by SIP 9) to the case, where appropriate. These costs are as follows:

Stationery / Photocopying	Cost Per Page / Envelope
* 1 page of headed paper	0 12
* 1 page of continuation paper	0 10
* 1 page of photocopying paper	0 02
* Envelopes (all sizes)	0 10

Postage	Postage Rate
Postage – 1 st class (small)	0 32
Postage – 1 st class (large)	0 44
Postage – 2 nd class (small)	0 22
Postage – 2 nd class (large)	0 36

Travel

Mileage incurred as a result of necessary travel is charged at the H M Revenue & Customs approved rate of 40p per mile.

Please note that sanction has been obtained to treat the fees of SFP Forensic Limited, SFP Property Limited, SFP Recoveries Limited and SFP Datastore Limited as Category 2 Disbursements.