



21 December 2016

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**TO ALL KNOWN MEMBERS AND CREDITORS**

Dear Sir / Madam

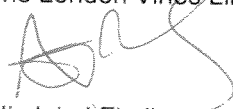
**The London Vines Limited – In Liquidation (“the Company”)**

I refer to my appointment as Liquidator of the company on 31 October 2013.

In accordance with Rule 4.49C of the Insolvency Rules (as amended), I enclose my progress report on the conduct of the liquidation for the period 31 October 2015 to 30 October 2016. This is my third progress report and should be read in conjunction with the previous reports.

Please contact myself or Joanna Wallace of this office should you wish to discuss the contents of the report.

Yours faithfully  
For and on behalf of  
The London Vines Limited – In Liquidation

  
Alisdair J Findlay  
Liquidator

*A Liquidator is a Data Controller of personal data as defined by the Data Protection Act 1998. Findlay James (Insolvency Practitioners) Limited will act as Data Processor on the Liquidator's instructions. Personal Data will be kept secure and processed only for matters relating to the Liquidation.*

*As Liquidator I am bound by the Insolvency Code of Ethics which can be found at:  
<https://www.gov.uk/government/publications/insolvency-practitioner-code-of-ethics>*

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Alisdair J Findlay BSc MBA ACA is licensed to take insolvency appointments in the UK by the Institute of Chartered Accountants in England & Wales. Membership number 8009302. Insolvency Licence number 1226. When acting as either Administrative Receiver or Administrator, Alisdair Findlay acts as agent of the Company without any personal liability whatsoever.

Findlay James (Insolvency Practitioners) Limited is a Company registered in England and Wales. Registration number 8302637. Registered office: Saxon House, Saxon Way, Cheltenham, Gloucestershire, GL52 6QX. A list of shareholders and directors can be provided on request or inspected at this address.

## THE LONDON VINES LIMITED – IN LIQUIDATION (“THE COMPANY”)

### LIQUIDATOR’S PROGRESS REPORT TO CREDITORS PURSUANT TO SECTION 104A OF THE INSOLVENCY ACT 1986 AND RULE 4.49C OF THE INSOLVENCY RULES 1986 FOR THE PERIOD 31 OCTOBER 2015 TO 30 OCTOBER 2016.

21 DECEMBER 2016

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#### 1. INTRODUCTION

The statutory meetings of members and creditors were held on 31 October 2013 at which I, Alisdair J Findlay of Findlay James Chartered Accountants, Saxon House, Saxon Way, Cheltenham, GL52 6QX was appointed liquidator of the Company.

The purpose of this report is to detail my acts and dealings together with the conduct of the liquidation for the twelve month period from 31 October 2015 to 30 October 2016. This report should be read in conjunction with my previous reports.

The main cause of failure cited by the Company director was the financially unsustainable storage and insurance of client wine over a five year period. It was considered that a cheaper alternative would resolve matters however the logistics and administrative costs in moving the wine was prohibitive. In addition due to a dispute between

shareholders, the Director, Robert Phillips claimed that he was unable to access any of the client information from the computers held at the trading premises as the passwords had been changed by Barry Gamble.

## 2. STATUTORY INFORMATION

Company Name: The London Vines Limited

Company Number: 07137198

Incorporation date: 26 January 2010

Company's principal Activity: Wholesaler of Wines & Spirits

Registered office: c/o Saxon House, Saxon Way, Cheltenham, GL52 6QX  
Formerly  
13 Holywell Row, Shoreditch, London, EC2A 4JF

Trading address: 13 Holywell Row, Shireditch, London, EC2A 4JF

Liquidator: Alisdair J Findlay of Findlay James (Insolvency Practitioners) Limited,  
Saxon House, Saxon Way, Cheltenham, Gloucestershire, GL52 6QX

Date of appointment of Liquidator: 31 October 2013

Company directors at date of Liquidation:

<u>Name</u>	<u>Date Appointed</u>	<u>Resigned</u>
Robert Phillips	9 April 2013	N/A
Barry Gamble	26 January 2013	9 April 2013

Company secretary at date of Liquidation:

<u>Name</u>	<u>Date Appointed</u>	<u>Resigned</u>
N/A		

Shareholders:

Barry Gamble	100 ordinary shares
Sylwia Phillips	400 ordinary shares
Amanda Kennedy	100 ordinary shares
Karen Richardson	100 ordinary shares
Bridget Richardson	100 ordinary shares

Share capital: 800 ordinary shares at £1 of which 800 were issued.

Registered charges: David Andrew Martin, Rent deposit deed, created on 16/10/2012 and registered on 23/10/2012

Company's Bankers: Lloyds Bank Plc

Company's Accountants: Oppenheim Scroxtton Limited

## 3. ASSET REALISATIONS

### Misfeasance Claim

A Bankruptcy order was made against Barry Gamble on 5 December 2015. The debtor made an application to court to have the bankruptcy order annulled on the grounds that it should not have been made. I sought the appointment as Trustee of the bankruptcy estate however it was not until 2 June 2016 that I was successful with the appointment which was following Mr Gamble's annulment application being dismissed.

I am in my capacity as Trustee in Bankruptcy investigating the disposal of the net sale proceeds from Barry Gamble's matrimonial property. Barry Gamble claimed that all of the net sale proceeds from the property at 6 Rowan Close were paid to his wife Amanda Gamble. No realisations have been made in the estate of Barry Gamble.

A Statutory Demand was personally served on Mrs Gamble on 22 October 2016 and accordingly, Mrs Gamble has until 09 November 2016 to apply to the Court to have the Demand set aside and we will be able to present a Bankruptcy Petition from 14 November 2016.

A final charging order was obtained against an investment property held in the sole name of Barry Gamble and whilst the Liquidator would have sought to commence possession proceedings in respect of the property an issue has arisen with a restriction which is registered against the property which has halted proceedings and further investigations into this matter are ongoing. It is possible that the outcome of the investigations means that there is little or no equity in the property and therefore it may not be worthwhile continuing with the possession proceedings.

#### **4. INVESTIGATION**

In accordance with the Company Directors Disqualification Act 1986 / Insolvent Companies (Reports on Conduct of Directors) Rules 1996 a report on the conduct of the director(s) of the Company has been submitted to the Insolvency Service. As this is a confidential report, I am unable to disclose its contents.

This is a statutory obligation under insolvency law on every appointment accepted by a liquidator. The submission of the report does not necessarily indicate any wrongdoing on the part of the officers of the Company.

I confirm that I have not undertaken any investigation outside the scope of that ordinarily required during Liquidation proceedings.

#### **5. CREDITOR CLAIMS**

##### ***Secured Creditors***

There are no secured creditors

##### ***Preferential Creditors***

Preferential creditor claims relate to accrued employee holiday pay and arrears of wages within the meaning of Section 386 and Schedule 6 of the Insolvency Act 1986. There were no known formal employees of the company.

No Preferential claims have been received by the Liquidator to date.

##### ***Unsecured Creditors***

In accordance with Section 176A of the Insolvency Act 1986 and the Insolvency Act 1986 (Prescribed Part) Order 2003, where a floating charge is created on or after 15 September 2003, part of the Company's net property ('The Prescribed Part'), shall be made available to unsecured creditors. The Prescribed Part is calculated as a percentage of net property as follows:

- (a) where the Company's net property does not exceed £10,000 in value, 50% of that property;
- (b) where the Company's net property exceeds £10,000 in value, the sum of-

- (i) 50% of the first £10,000 in value; and
- (ii) 20% of that part of the Company's net property which exceeds £10,000 in value.

The value of the prescribed part of the Company's net property to be made available for the satisfaction of unsecured debts of the Company pursuant to section 176A shall not exceed £600,000.

I do not anticipate making an application to the court in accordance with S176A of the Insolvency Act 1986 to disapply the prescribed part.

The net property of the Company has been estimated at £124,092.68. As a floating charge has not been created on or after 15 September 2003, the Prescribed Part Rules will not apply in this matter.

### ***Banks and Institutions***

The Company banked with Lloyds Bank Plc ("the Bank"). The bank account was closed with a credit balance and as such the bank isn't a creditor.

### ***Trade and Expense Creditors***

The director's estimated statement of affairs at the outset of the liquidation provided the level of unsecured trade and expense creditor claims to be £458,580.38. This figure is comprised mainly of customers who had contacted Findlay James as they had heard through third parties that the company was in financial difficulties and had contacted Private Reserves/Octavian in order to establish whether wine which they believed that they owned was actually being held by them. £458,580.38 was the quantum of the claims submitted prior to our appointment as Liquidator.

Following our appointment it became apparent that there would likely be many customers who did not know that the company was in liquidation. Due to the fact that there were no electronic customer records, all of the contact details from paper invoices and correspondence were logged onto our systems. Notices were sent to all known customers of The London Vines. The sending of this notice generated a large volume of written and telephone enquiries from worried customers who were asked to contact Private Reserves in the first instance to establish whether their wine portfolios were stored with them. At the date covered by this report, Findlay James had received claims of £1,636,441.73 from trade and expense creditors, the majority of which are The London Vines Limited Customers.

### ***HM Revenue and Customs (PAYE/NIC and VAT)***

No claims have been received from HM Revenue & Customs in respect of Corporation Tax. The company was not registered for VAT.

In order to minimise the costs associated with any insolvency procedure, it is the policy of Findlay James to only agree the claims of the unsecured creditors in the event that a distribution is declared. Accordingly, I confirm that I have not yet agreed any of the claims of the unsecured creditors.

## **6. DIVIDEND PROSPECTS**

Based on present information, it is unlikely that there will be sufficient funds available to enable me to declare a dividend to any class of creditor in this matter.

## **7. COSTS AND EXPENSES**

### **Preparation of Statement of Affairs**

At the original meeting of the board of director(s) held on 9 October 2013, it was resolved that Findlay James fee for assisting the director(s) with the formalities associated with placing the Company into Creditors' Voluntary Liquidation, including the convening of the associated statutory meetings would be £5,000 plus VAT and disbursements.

This was subsequently ratified at the statutory meeting of creditors held on 31 October 2013 and the figure shown represents sums drawn against this amount.

### **Liquidator's Remuneration**

At the meeting of creditors' held on 31 October 2013, the creditors agreed that my remuneration would be fixed by reference to the time properly given by myself acting as Liquidator of the Company and my staff in attending to matters arising in the Liquidation, and that I may withdraw my fees as and when funds are available.

My time costs for the period covered by this report total £2,092.42 of which represents 11.25 hours at an average hourly rate of £186. My time costs for the period since my appointment total £70,728.84. To date remuneration of £50,100.54 has been drawn against these time costs.

My time costs are further analysed at Appendix 2 by reference to the grade of staff involved with the case and the tasks in which they have been involved.

### **Legal Fees**

HCB Solicitors were instructed issue proceedings against the Directors and shareholders of the company and to assist in the presentation of the bankruptcy orders against Barry Gamble and Amanda Gamble. For the period covered by this report there has been work in progress of £10,223.50 plus VAT and disbursements of £3,217.00.

HCB Solicitors have total unbilled work in progress in the sum of £28,758.50 plus VAT and disbursements in the sum of £4,936.48.

No Liquidator Disbursements and expenses incurred for the period covered by this report are as follows:-

You should have already received details of Findlay James current policy regarding charge out rates and disbursements. Should you require a further copy then please do not hesitate to contact me.

Please go to <http://findlayjames.co.uk/liquidatorsfees.pdf> if you require further information relating to Liquidators' remuneration. This guide also gives important information about creditors' rights. Alternatively a copy is available free of charge upon request.

### **Creditors' Right of Challenge**

In accordance with Rule 4.49E of the Insolvency Rules 1986 (as amended), a creditor may request the liquidator to provide them with further information about his remuneration and / or expenses set out in a report. A request of this nature must be made in writing by:

- A secured creditor
- An unsecured creditor with the concurrence of at least 5% in value of the creditors (including that creditor) or the permission of the court.

The liquidator must provide the requested information within 14 days, unless he considers that:

- The time costs involved in preparing the information would be excessive, or
- Disclosure would be prejudicial to the conduct of the liquidation or might reasonably be expected to lead to violence against any person, or
- The liquidator is subject to an obligation of confidentiality in respect of the information.

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 liquidator's refusal to provide the requested information, or the expiry of 14 days for the provision of the information.

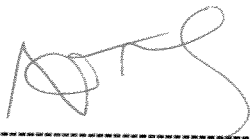
Creditors have a right to challenge my remuneration and / or expenses if they believe they are excessive pursuant to Rule 4.131 of the Insolvency Rules 1986 (as amended). Application may be made to the court by any secured creditor or any unsecured creditor with either the concurrence of at least 10% in value of the creditors (including that creditor) or the permission of the court. An application must be made within 8 weeks of the applicant receiving a progress report

Attached is a full breakdown of my time costs for the period covered by this report.

## **8. CONCLUSION OF THE LIQUIDATION**

The Liquidation cannot yet be brought to a close until matters against the Directors and shareholders have been finalised. As explained in the report, we are still waiting to bankrupt Amanda Gamble and ascertain whether she has any assets which can be personally recovered from her.

Should you have any query with regard to any aspect of this report, please do not hesitate to contact myself or Joanna Wallace of this office.



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**Alisdair J Findlay**  
Liquidator

**APPENDIX 1**

**LIQUIDATOR'S RECEIPTS AND PAYMENTS ACCOUNT**



**The London Vines Limited  
(In Liquidation)**

**Liquidator's Abstract Of Receipts And Payments**

<b>RECEIPTS</b>	<b>Statement of Affairs (£)</b>	<b>From 31/10/2013 To 30/10/2015 (£)</b>	<b>From 31/10/2015 To 30/10/2016 (£)</b>	<b>Total (£)</b>
Furniture & Equipment	200.00	100.00	0.00	100.00
Stock		20,400.00	0.00	20,400.00
Settlement re misfeasance claim		27,000.00	0.00	27,000.00
Director's Loan Account	Uncertain	1,200.00	0.00	1,200.00
Cash at Bank	2,363.91	2,357.77	0.00	2,357.77
Settlement re Misfeasance & Loan Account		71,000.00	0.00	71,000.00
Bank Interest Net of Tax		34.91	0.00	34.91
Deposit for Costs		2,000.00	0.00	2,000.00
		<b>124,092.68</b>	<b>0.00</b>	<b>124,092.68</b>
<b>PAYMENTS</b>				
Specific Bond		600.00	0.00	600.00
Preparation of S. of A.		5,000.00	0.00	5,000.00
Liquidator's Fees		50,100.54	0.00	50,100.54
Agent's/Valuer's Fees (1)		30.00	0.00	30.00
Legal Fees		42,363.69	0.00	42,363.69
Legal Disbursements		5,077.25	0.00	5,077.25
Statutory Advertising		253.80	0.00	253.80
Storage of Stock		432.00	0.00	432.00
Trade & Expense Creditors	(458,580.38)	0.00	0.00	0.00
HMRC - Corporation Tax	(132,059.24)	0.00	0.00	0.00
Ordinary Shareholders	(800.00)	0.00	0.00	0.00
		<b>103,857.28</b>	<b>0.00</b>	<b>103,857.28</b>
<b>Net Receipts/(Payments)</b>		<b>20,235.40</b>	<b>0.00</b>	<b>20,235.40</b>
<b>MADE UP AS FOLLOWS</b>				
Floating Charge Account		4.40	0.00	4.40
VAT Receivable / (Payable)		20,231.00	0.00	20,231.00
		<b>20,235.40</b>	<b>0.00</b>	<b>20,235.40</b>

Note:

**APPENDIX 2**

**LIQUIDATOR'S TIME COSTS**



**SIP 9 - Time & Cost Summary**

Period: 31/10/13..30/10/16

## Time Summary

Classification of work function	Hours					Total Hours	Time Cost (£)	Average hourly rate (£)
	Partner	Manager	Other Senior Professionals	Assistants & Support Staff				
Administration & planning	2.50	39.83	2.00	23.50	67.83	12,368.67	182.35	
Investigations	0.00	88.66	0.00	12.50	101.16	20,690.84	204.53	
Realisations of assets	0.00	101.58	0.00	1.17	102.75	22,084.95	214.95	
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Creditors	0.00	40.25	0.00	30.83	71.08	11,447.88	161.06	
Case specific matters	0.00	11.00	3.58	11.42	26.00	4,136.50	159.10	
Pre Jan 2003 Time	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Previous Office Holder	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
<b>Total Hours</b>	2.50	281.32	5.58	79.41	368.82	70,728.84	191.77	
<b>Total Fees Claimed</b>						50,100.54		