

# Notice of Final Meeting of Creditors

# R4.31

Pursuant to Sections 171(6) and 172(8) of the Insolvency Act 1986 and Rules 4.31(4) of the Insolvency (Scotland) Rules 1986

To the Registrar of Companies

To the Court

and the Accountant in Bankruptcy

For official Use

Company Number

SC020968

SC26487

Name of Company

FITZCHARLES COACHES LIMITED

(a) Insert name of

Company

I/We (b)

Nicholas Robinson of Practiser Chartered Accountants  
4 Burns Drive, Wemyss Bay, Inverclyde, PA18 6BY

\* Delete as applicable

the liquidator of the above company give notice that the Final General Meeting of creditors under section 106 of the Insolvency Act is deemed in terms of Rule 4.31(5) to have been held on (b) 17 January 2017 and I/~~We~~ attach a copy of the report which was laid before the meeting.

(b) Insert Date

- \* No quorum was present at the meeting
- \* ~~The following resolutions were passed by the meeting~~

\* I was/~~was not~~ released as liquidator

Signed

Presenters name  
address and reference  
(if any)

N Robinson CA  
4 Burns Drive  
Wemyss Bay  
Inverclyde  
PA18 6BY  
Ref: WOR/CL/06/08

Date 26 February 2017

For Official Use

Liquidation Section

Post Room

TUESDAY



\*S6180Q9U\*

SCT

28/02/2017

#713

COMPANIES HOUSE

**Fitzcharles Coaches Limited (in Liquidation)**  
**Liquidator's Final Report to Creditors,**  
**Accounts and Scheme of Division**  
**Period from 28 October 2015 to 17 January 2017**

**FITZCHARLES COACHES LIMITED (IN LIQUIDATION)**

**FINAL REPORT TO CREDITORS IN RESPECT OF CONDUCT OF LIQUIDATION**

**FOR THE PERIOD 28 OCTOBER 2015 TO 17 JANUARY 2017**

**MADE BY NICHOLAS ROBINSON CA, LIQUIDATOR**

**Introduction**

I was appointed liquidator of Fitzcharles Coaches Limited on Tuesday, 28 October 2015 by resolution of both the members and creditors of the company at duly convened meetings held in the Leapark Hotel, Grangemouth. 28 October is the effective date of commencement of the liquidation.

**Statutory information**

The company was formed in 1948 and has been operated by the Fitzcharles family since.

The share capital comprises 110,702 ordinary shares of £1 each.

Details of the directors and their shareholdings are as follows:

<b>Directors</b>	<b>Date Appointed</b>	<b>Shares held</b>
George Ronald Fitzcharles	31 December 1989	55,234
Olive Rebecca Mary King	31 December 1989	55,234
<b>Secretary</b>		
Olive Rebecca Mary King		

**Background**

The following was reported to creditors at the meeting convened under S98 of the Insolvency Act 1986 and remains valid for this report.

Fitzcharles Coaches was founded by the father of the current directors in 1948 and operated coach tour holidays until trading ceased in anticipation of liquidation on 2 October 2015. In addition, the company had contracts with various customers to provide school services and deliver employees to their workplace. The company established a reputation for high quality and had many repeat customers. Their customer base, however, was ageing and coach holidays in recent times have become less appealing to generations brought up in an era of cheap foreign travel.

The company also operated a bicycle shop from its premises in Grangemouth.

As a consequence, the company found in recent years that turnover was falling and costs, despite efforts to keep them under control, were rising. Following four years of modest profits, the company made a loss of over £60,000 in the year to January 2015. Essentially, for a number of years the company was not generating sufficient profit to fund its extensive capital requirements in terms of funding its fleet of coaches with new vehicles costing well over £200,000.

Substantial family money was lent to the company to try to keep it going and in the year to January 2015, in a bid to improve the balance sheet, the two directors converted £55,000 each of their loan accounts to share capital but this failed to arrest the decline.

Efforts were made to sell the company but a buyer could not be found, partly because the company had long serving staff and their employment rights gave rise to a very substantial liability which the company could

not fund and no buyer was prepared to take on. Regrettably, the directors came to the view that the company could not carry on and consulted their accountants who referred them to Mr Robinson. Trading ceased on 2 October 2015 and all employees were dismissed with effect from that day.

### **Conduct of liquidation**

Licensed Insolvency Practitioner, Nicholas Robinson, was referred to the company by their auditors and acted as advising accountant in convening meetings of members and creditors under S98 of the Insolvency Act 1986 with a view to putting the company into Creditors Voluntary Liquidation.

At the date of ceasing to trade, the company's assets comprised its coach fleet, stocks of garage equipment, bicycles and trade debts due. Its premises are owned by another company, R A Fitzcharles Limited, and had been so since acquisition many years previously.

A decision was taken to dispose of the coach fleet and stocks immediately following cessation of trade and Messrs Sweeney Kincaid auctioneers were retained for that purpose. The reasoning behind disposing of the assets prior to the appointment of a liquidator were that:

- a) The newer and higher value coaches were subject to finance agreements but had substantial equity relative to the outstanding finance. The terms of the finance agreement allowed the finance company to repossess them and not only settle the outstanding finance but retain any equity arising. Sweeney Kincaid settled the outstanding finance on behalf of the company and were reimbursed from sale proceeds. This has resulted in some £120,000 being available for creditors which might not otherwise have been the case.
- b) The premises are located in the middle of a social housing estate in Grangemouth and comprise an open yard, garage workshop, shop and office premises. The majority of the coaches would have been parked in the open yard with a high risk of vandalism.

The assets were therefore disposed of at the directors' instructions prior to the appointment of the liquidator but the cash arising as due to the company was paid to him shortly after appointment.

The company had debts due to it amounting to £18,849, of which £16,875 has been collected. The rest comprises mostly contracted schools debt where breach of contract means that payment is unlikely.

The liquidator has also been successful in reclaiming balances unexpired in relation to road fund licences on its vehicles and a balance in relation to its insurance premiums.

The necessary reports on director conduct have been submitted to the Director's Disqualification Unit.

The company's creditors were broadly divided into four main categories as follows:

#### **a) Sums due to employees**

The liquidator assisted all employees to submit their relevant claims in relation to arrears of pay, holiday pay, pay in lieu of notice and redundancy pay to the Redundancy Payments Office. Claims, insofar as they were within statutory limits, have been paid by the government to them. Insofar as employees have received payments from the Redundancy Payments Office, their rights to claim such sums from the company are subrogated to the RPO.

The liquidator has paid preferential claims to employees insofar as these were not paid by the Redundancy Payments Office. There is a further preferential liability due to the Redundancy Payments Office of £20,910 and employees and the Redundancy Payments Office have admitted ordinary claims amounting to £236,064.

**b) Sums due arising from deposits or full payment for unfulfilled coach holidays**

The company took deposits and full payments from customers in advance of holiday departure and, as a result of ceasing to trade, approximately £49,000 was refundable to customers. The company was fully bonded by a company called Bonded Coach Holidays (BCH) and they, in turn, held a collateral bond with the company's bankers, Bank of Scotland amounting to £95,000. When the company collapsed, BCH claimed and was paid the full £95,000 from Bank of Scotland, which sum became part of their claim against the company.

At the time of writing, the liquidator has been advised that approximately £45,430 has been paid to holidaymakers with £3,200 deemed not covered by the scheme and disallowed. Consequently, allowing for BCH's administrative charge of £4,500, £45,070 is refundable. As the liquidator has settled sums due to Bank of Scotland, that refund falls to be paid to him and is expected imminently together with a full accounting from BCH.

**c) Sums due to Bank of Scotland secured by floating charge**

After payment of the bonded sum to BCH, the company owed Bank of Scotland £107,097 which was secured by a floating charge over the company's assets. This amount fell to be mitigated by any refund due from BCH after dealing with holidaymakers' claims but the liquidator opted to pay the bank out in full to stop interest running on that part of the overdraft. The bank were paid in full in two instalments in December 2015 and January 2016.

**d) Trade creditors**

Trade creditors including claimed sums due to HMRC for PAYE and VAT amounted to £46,250 but that figure excludes VAT arising from the sale of fixed assets prior to the appointment of the liquidator amounting to £108,670. The liquidator expects an amended claim shortly. As the liquidator anticipated at the time of preparing the statement of affairs that he would dispose of the assets, the figure from assets in the statement of affairs is net of VAT. In reality, the assets were already sold by the date of his appointment and so the proceeds represented a debt due by the auctioneer which was paid including VAT.

Other trade creditors are somewhat larger than anticipated in the statement of affairs due primarily to claims by Close Premium Finance which at £30,000 was significantly larger than the liquidator had been led to expect plus sums due to individuals in respect of coach hires which were not covered by the bonding arrangements.

The liquidator has adjudicated creditor claims and the sum admitted is included in the circular letter to creditors.

A detailed income and expenditure account is attached. The liquidator has repaid sums due to the floating charge creditor, Bank of Scotland as detailed above. Preferential creditors have or will be paid in full and ordinary creditors will be paid a dividend amounting to 40.73p in the pound.

**Liquidator's fees and costs**

The liquidator has had accounts audited by the court which awarded him a fee of £44,000 plus costs (including £2,000 in respect of the court reporter) all of which is detailed in the attached accounts and scheme of division. Creditors were circulated with details of the fee and their right to object to it with details of how to do that. No objections were received and the fees have therefore now been drawn.

Time charges incurred by the liquidator and his staff on this case as disclosed to the court reporter were as follows:

Type of Work	Total	Liquidator	Staff
Pre Insolvency	19.00	19.00	
Administration and Planning	31.50	31.50	
Investigation	1.00	1.00	
Employees	73.00	73.00	
Realisation of Assets	17.00	17.00	
Creditors	92.00	88.00	4.00
Debtors	4.50	4.50	
	<u>228.00</u>	<u>224.00</u>	<u>4.00</u>

The hours detailed above included an allowance of 10 hours to conclude the case.



**Nicholas Robinson CA**  
**Liquidator**  
**Fitzcharles Coaches Limited**  
**17 January 2017**

## Fitzcharles Coaches Limited

### Liquidators Receipts and payments from 28 October 2015 to 18 January 2017 and

### Scheme of Division

Income	£	£	£
Ingathered from Auctioneer in respect of sale of coaches			311396.68
Ingathered from Trade Debts			16740.58
Refunds of Road Fund Licence			2072.50
Refund of part of Insurance premium			7160.71
Unused holiday deposit bond			45070.00
Petty Cash Uplifted			760.00
Interest			384.56
			<hr/>
			383585.03
<b>Expenses of Liquidation</b>			
Sub contracted staff and fees re finalising tax		9510.00	
Settlement re RoT stock		1028.16	
Liquidator's fees as set by court		44000.00	
Court reporter's fees		2000.00	
Bank Charges		48.00	
Postages		232.86	
Travel		413.00	
Advertising		518.86	
Stationary and software		125.15	
Creditor's Meeting Room Hire		52.70	
Court Fees		36.00	
Liquidator's Bond		1500.00	
		<hr/>	
			59464.73
<b>Funds available for creditors</b>			<hr/>
			324120.30
<b>Distributions</b>			
<b>a) Secured creditors</b>			
Settlement of Bank of Scotland Floating Charge			107097.21
			<hr/>
			217023.09
<b>b) Preferential creditors</b>			
Employees to extent not covered by Redundancy Pay Office claims		10070.32	
Redundancy Payments office preferred claim		20910.10	
		<hr/>	
			30980.42
<b>Funds available for ordinary creditors</b>			<hr/>
			186042.67
	<b>Adjudicated</b>	<b>Dividend</b>	
	<b>Claims</b>	<b>P in £</b>	
		<b>40.73</b>	
<b>c) Ordinary Creditors:</b>			
Trade Creditors	220740.16	89900.88	
Employees insofar as ordinary claim not covered by RPO	78086.80	31802.42	
Redundancy Payments Office	157977.11	64339.36	
	<hr/>	<hr/>	
	456804.07		186042.67

Fitzcharles Coaches Limited

Trade Creditors as at 2 October 2015

Creditor	Ordinary Claims submitted	Claim submitted or documentary evidence	Ordinary Claims Admitted	Dividend payable
All Commercial Parts Limited	2132.32	Statement	2132.32	868.43
Bank of Scotland		No Claim		0.00
Biffa Waste Management Services	482.74	Y	482.74	196.61
BIP Solutions Limited	110.00	Statement	110.00	44.80
BOC	13.44	Statement	13.44	5.47
British Gas Business		No claim		0.00
British Telecom		no claim		0.00
Business Stream	1025.54	Y	1025.54	417.67
Cheetham & Co	6000.00	Y	6000.00	2443.62
Mrs Val Chisholm	3200.00	Y	3200.00	1303.26
Clifton Park Leisure Ltd	7050.00	Y	7050.00	2871.25
Close Premium Finance	30568.36	Y	30568.36	12449.58
Confederation of Passenger Transport UK		No claim		0.00
R A Cox	408.00	Statement	408.00	166.17
Dawes Cycles	479.98	Y	479.98	195.48
Dingbro Ltd	320.93	Y	320.93	130.71
Distictive Systems		No claim		0.00
DKV Fuel Cards		No claim		0.00
DMS Office	89.89	Y	89.89	36.61
Eden Project	205.01	Statement	205.01	83.49
EuroShell		No claim		0.00
Falkirk Council	1090.17	Y	1090.17	443.99
Finanzamt Hannover-Nord	208.60	Y	208.60	84.96
Fisher Services Ltd	215.47	Y	215.47	87.75
HDS Pressure Washers Limited	715.80	Statement	715.80	291.52
HM Revenue and Customs	46250.33	Y	46250.33	18836.40
HM Revenue and Customs	102160.22		102160.22	41606.83
Industrial Services	277.68	Statement	277.68	113.09
Jennings CVS Limited		No claim		0.00
Lion Safety	21.12	Y	21.12	8.60
Mackies Coaches Of Alloa				0.00
MAN Truck & Bus Ltd	2241.03	Y	2241.03	912.70
McConechy's Tyres	175.60	Y	175.60	71.52
Merida Cycles	64.04	Y	64.04	26.08
Moore & Large		No Claim		0.00
Moto Hospitality Limited	3094.00	Y	3094.00	1260.09
MTH Autoservices		No Claim		0.00
Murray Power Tools	27.60	Statement	27.60	11.24
P&O Ferries	3735.00	Y	3735.00	1521.15
Pitney Bowes	349.06	Statement	349.06	142.16
Prudential Healthcare		No Claim		0.00
Queens Hotel	4967.00	Y	4967.00	2022.91
Raleigh	0.00	No claim		0.00
Rheged Centre	202.80	Statement	202.80	82.59
Sage		No Claim		0.00
Scottish Prison Service College		No claim		0.00
Shell Oil Products	1656.08	Statement	1656.08	674.47
Smart Local		No Claim		0.00
Standard Life		No Claim		0.00
Transervex UK Ltd	23.70	Statement	23.70	9.65
Transport Scotland	572.49	Y	572.49	233.16
Transport Scotland	606.16	Y	606.16	246.87
First Data		No claim		0.00
Vodafone		No Claim		0.00
Volvo		No Claim		0.00
Yellow Pages		No Claim		0.00
To known trade creditors				0.00
	<u>220,740.16</u>		<u>220,740.16</u>	<u>89900.88</u>



## Employee Creditors as at 2 October 2015

Employee		Total		Paid by RPO		Due by liquidator		Ordinary Dividend
Surname	Forname	Gross Pref	Gross Ord	Pref	Ordinary	Pref	Ordinary	
Jarvie	John	1834.80	16680.00	1834.80	11676.00	0.00	5004.00	2037.98
Tweed	Robert Prentice	1076.64	13204.38	1076.64	13204.38	0.00	0.00	0.00
Wilson	John	189.20	5441.94	189.20	3887.10	0.00	1554.84	633.24
Sneddon	Ronnie	219.90	5644.03	219.90	5644.03	0.00	0.00	0.00
Buckie	Allan	1501.20	12510.00	1501.20	7506.00	0.00	5004.00	2037.98
Farid	Gulum	905.91	4877.33	905.91	4877.33	0.00	0.00	0.00
Flemming	George	630.34	5212.40	630.34	3127.44	0.00	2084.96	849.14
McLelland	Alastair	240.31	3076.20	181.50	1900.00	0.00	0.00	0.00
Graham	Thomas Barry	173.00	3031.53	173.00	3031.53	0.00	0.00	0.00
Gow	Harry	417.00	8101.80	417.00	8101.80	0.00	0.00	0.00
Duncan	Thomas	417.00	4401.30	417.00	4401.30	0.00	0.00	0.00
Flemming	Graham	0.00	46.16	0.00	46.16	0.00	0.00	0.00
Reynolds	Paul	1129.94	2198.35	1129.94	2198.35	0.00	0.00	0.00
McDonald	Craig	335.27	698.48	335.27	698.48	0.00	0.00	0.00
Mooney	Jim	745.00	14760.00	745.00	14760.00	0.00	0.00	0.00
Flynn	James	465.64	473.92	465.64	236.96	0.00	236.96	96.51
McCredie	Stuart	23.00	23.00	23.00	23.00	0.00	0.00	0.00
McCarroll	Scott	374.36	167.80	374.36	167.80	0.00	0.00	0.00
Horn	William	198.76	79.13	198.76	79.13	0.00	0.00	0.00
Mellor	Emily	245.52	120.86	245.52	120.86	0.00	0.00	0.00
Sloss	Kevin	2294.55	22097.08	1900.00	18287.50	394.55	3809.58	1551.53
George	Steven Wilson	2008.52	2283.34	1876.70	1900.00	131.82	383.34	156.12
Gardiner	Deirdre Anne	633.60	1056.00	633.60	1056.00	0.00	0.00	0.00
Dick	Alan	2908.53	29254.80	1995.00	19000.00	913.53	10254.80	4176.47
Henderson	Evelyn	800.80	7700.00	800.80	7700.00	0.00	0.00	0.00
Clark	Ian John	760.49	708.33	475.00	475.00	285.49	233.33	95.03
Anderson	Alan	1251.72	2470.50	1251.72	2470.50	0.00	0.00	0.00
Fitzcharles	David	2920.00	23725.00	1900.00	15437.50	1020.00	8287.50	3375.25
Fitzcharles	George Ronald	2623.61	23954.70	0.00	0.00	2623.61	23954.70	9756.03
King	Olive	2064.48	17278.80	0.00	0.00	2064.48	17278.80	7037.14
Fitzcharles	Brenda	1132.72	13624.80	1132.72	13624.80	0.00	0.00	0.00
McGeorge	William	209.82	6075.96	209.82	6075.96	0.00	0.00	0.00
				23239.33	171714.89	7433.48	78086.80	31802.42

# Practiser

Fitzcharles Coaches Limited

Redundancy Payments Office Proof of Debt

Submitted 12 May 2016

	Claim submitted and admitted £	Ordinary dividend £
Preferential Claim	20910.10	
Ordinary Claim	157977.11	<u>64339.36</u>
	<u>178887.21</u>	