

26 NOVEMBER 2021



Climate Energy Limited

**Progress Report for the
period 29 September 2020-
28 September 2021**

COMPANY NUMBER: 05310564

Table of Contents

Table of Contents..... 2

Glossary 3

1. Introduction 4

2. Progress of the Liquidation 4

3. Estimated Outcomes 9

4. Next Report and Further Questions 10

Appendix A – Statutory Information..... 11

Appendix B – Liquidators’ Receipts and Payments Account..... 12

Appendix C – Liquidators’ Time Costs and Expenses 13

Appendix D – Time Cost Analysis 16

Appendix E – Additional Information in Relation to Liquidators’ Fees Pursuant to SIP9..... 19

Appendix F – Notice of Decision 21

Appendix G – Voting form 22

Appendix H – Notice of Invitation to form a Liquidation Committee 23

Appendix I – Creditors’ Statement of Claim Form 26

Glossary

Abbreviation / Term	Meaning / Definition
The Act	Insolvency Act 1986 (as amended)
Administrators / Liquidator(s) or Joint Administrators / Joint Liquidators	Chad Griffin and Simon Kirkhope for the period to 23 April 2020, Simon Kirkhope thereafter
CEL or the Company	Climate Energy Limited
CEN	CEN (Holdings) Limited
The Companies	CEL, Consulting, NFP, Services
NFP	Climate Energy (NFP) Limited
Consulting	Climate Consulting Limited
CVL	Creditors' Voluntary Liquidation
The Group	CEL, CEN, Consulting, NFP, Services, Solutions
HMRC	HM Revenue and Customs
HSBC / The Bank / The Secured Creditor	HSBC Bank Plc
The Period	29 September 2020 to 28 September 2021
The Previous Reports	Previous progress reports
The Proposals	The Joint Administrators' proposals dated 30 November 2015
The Rules	Insolvency (England & Wales) Rules 2016
Services	Climate Energy Services Limited
SIP	Statement of Insolvency Practice
Solutions	Climate Energy Solutions Limited
WIP	Work in progress

1. Introduction

- 1.1 Chad Griffin and Simon Kirkhope were appointed as Joint Administrators of CEL on 9 October 2015.
- 1.2 The administration of the Company was converted to a CVL on 29 September 2016. The conversion to CVL took place pursuant to Paragraph 83 of Schedule B1 of the Act and Rule 3.60 of the Rules, and in accordance with the Proposals Chad Griffin and Simon Kirkhope were appointed as Joint Liquidators of CEL.
- 1.3 On 23 April 2020 Chad Griffin gave notice of his resignation as Joint Liquidator of the Company to the Registrar of Companies under s171 of the Act. Pursuant to rule 6.25 of the Rules a decision procedure for a replacement liquidator was not sought and Chad Griffin ceased to act as Joint Liquidator of the Company. Following a period of 21 days, Chad Griffin was released as Joint Liquidator of the Company on 14 May 2020.
- 1.4 Full details of the statutory information relating to the appointments are set out in Appendix A.
- 1.5 Further details in respect of both the administration and liquidation process can be found in the Administrators' Proposals or the Administrators' and Liquidators' Previous Reports.
- 1.6 No creditors committee has been formed in either the administration or subsequent liquidation.
- 1.7 This report is prepared pursuant to Section 104A of the Act. The purpose of this report is to provide creditors with an update on the progress of the Liquidation during the period from 29 September 2020 to 28 September 2021 ("the Period").
- 1.8 A creditors' guide to insolvency can be found using the link provided below.
<http://www.creditorinsolvencyguide.co.uk/>
- 1.9 As disclosed in our Previous Reports Chad Griffin and Simon Kirkhope were appointed as Joint Administrators of NFP and Services on 7 October 2015 and Consulting on 6 November 2015. The administrations of the companies were converted to CVLs on 29 September 2016 in respect of Consulting and NFP, with Services converting on 30 September 2016. The conversions to CVLs took place pursuant to Paragraph 83 of Schedule B1 of the Act and Rule 3.60 of the Rules. This report does not cover the affairs of NFP, Services or Consulting as the liquidators have received their release from office and each company has now been dissolved. Please contact our office if you require information in relation to these entities.
- 1.10 Chad Griffin and Simon Kirkhope were also appointed as Administrators of CEN and Solutions on 19 October 2015 and 7 October 2015 respectively. This report does not cover the affairs of CEN or Solutions as both companies have been dissolved.
- 1.11 Two further group companies, Climate Energy Holdings Limited and Climate Energy Homes Limited, were in liquidation and administration respectively, and have subsequently been dissolved. Separate liquidators and administrators were appointed in respect of these two companies.
- 1.12 Since the end of the Period, the Liquidator has issued a Notice of Intention to declare a final dividend to those unsecured creditors who have not yet submitted a proof of debt.
- 1.13 The Liquidator is also seeking approval to revise the fees estimate by seeking a decision by correspondence from the creditors.

2. Progress of the Liquidation

Background Information and Initial Actions

- 2.1 A full background to the administration appointments together with details of the steps taken to pursue a sale of all or part of the businesses, and the actions taken during the wind down of trading was provided in the Proposals and the Previous Reports provided to creditors during both the administration and liquidation.

Receipts and Payments During the Period

- 2.2 A full account of the receipts and payments is provided at Appendix B.
- 2.3 As at the end of the Period, there is £152,162.87 in the liquidation bank account, of which £54,392.43 are unrepresented cheques from the first dividend.
- 2.4 Receipts during the period relate to CPS funds, discussed below in Asset Realisations.
- 2.5 Payments made during the Period include:
 - 2.5.1 Office holder's fees;
 - 2.5.2 Data compliance costs; and
 - 2.5.3 Bank charges.
- 2.6 It is intended that the remaining funds (after fees and expenses) currently held in the liquidation bank account will be distributed to unsecured creditors by way of a final dividend. Further details regarding the dividend and the Liquidator's remuneration are provided later in this report.

Asset Realisations

- 2.7 Asset realisations in prior periods have been discussed in the Previous Reports.
- 2.8 During the Period, £94,011.60 was realised as a result of proceeds from Crown Prosecution Services' enforcement in relation to the case brought against a former employee who had stolen significant amounts from the Company prior to the appointment of the Joint Administrators. These legal proceedings were delayed as a consequence of the COVID-19 pandemic and liaison with Essex Police and HM Courts and Tribunal Services was required to pursue and realise the compensation payment.
- 2.9 The Liquidator is not aware of any further realisations that can be made for the benefit of creditors.

Intercompany Balances

- 2.10 There were several intercompany balances across the Companies. These were treated as unsecured claims in the relevant insolvency estate(s). The Company submitted a claim against NFP (£102,639) and Consulting (£692,572) and Services submitted a claim against the Company totaling £1,688,007.
- 2.11 As the claims could not be directly offset, each of the Companies received funds from distributions from one or more of the other Companies.
- 2.12 An assessment was made of the Company's potential realisations from the abovementioned legal proceedings, and the associated costs of dealing with such realisations. Given the circularity of intercompany balances and costs likely to be incurred, any realisations would have provided negligible value to third party creditors of Services, Consulting and NFP. The decision was therefore taken to conclude each of the liquidations of Services, Consulting and NFP.

Taxation

- 2.13 During the period corporation tax returns were not required for the Company. Since the receipt of the proceeds, we have contacted HMRC regarding the tax treatment. On the basis of current information, we do not believe this will result in a tax charge to the Company.
- 2.14 In respect of VAT, CEL has been deregistered for VAT purposes, and we will look to recover the outstanding VAT receivable and future VAT incurred through a Form VAT 427.

Statutory Investigations

- 2.15 During the administration we undertook investigation work in accordance with SIP2, including a review of the books and records of the Company, to understand realisable assets which we then compared to the values in the directors' statement of affairs.
- 2.16 The data gathered from our investigations assisted with our statutory duties, pursuant to the Company Directors Disqualification Act 1986, to review the conduct of all directors who served in respect of the Company in the three-year period prior to the date of the administration.
- 2.17 We concluded our review and submitted final returns to the Department for Business, Energy and Industrial Strategy during the Administration. The content of our report in relation to this is confidential. As the Liquidation appointment date pre-dated the Rules, which changed with effect from 6 April 2017, there was no requirement to also report on the directors' conduct in the Liquidation.
- 2.18 We have not become aware of any further relevant information during the Liquidation of the Company and therefore further reports to the Department for Business, Energy and Industrial Strategy have not been required.
- 2.19 For the avoidance of doubt, the recovery of stolen funds previously detailed is with reference to a former employee of the Company and not a Company director.

Future Work to be Concluded in the Liquidation

- 2.20 An analysis of our time in accordance with the provisions of SIP9, which provides details of the activity costs incurred by staff grade to the above date is enclosed at Appendix D.
- 2.21 The main areas of our work to be completed and future work streams have been set out in the body of the report but can be summarised as follows:

Category	Description (C- Completed, O – Ongoing, F – Future)	Rationale
Administration & Planning	<ul style="list-style-type: none"> Cashiering and reconciliation of bank accounts - O Complying with statutory formalities including relevant filings and statutory communications – O Maintaining the Liquidation record – O 	Statutory / compliance requirement; to ensure efficient project management
Realisation of Assets	<ul style="list-style-type: none"> Correspondence with Essex Police and HM Courts & Tribunal Services regarding realisation from the fraud case – C 	Identify, assess and seek to realise potential value
Creditors & Shareholders	<ul style="list-style-type: none"> Dealing with unsecured creditor queries where applicable – O Management of a second and final unsecured dividend, including issuing a notice of intended dividend, reviewing proofs of debt, adjudicating new claims, calculating and paying a dividend to creditors, and issuing the notice of declaration of dividend – F 	Statutory requirements; required for orderly case management
Tax / VAT	<ul style="list-style-type: none"> Final CT and VAT returns (as required) – O 	
Reporting & other matters	<ul style="list-style-type: none"> Preparing, reviewing and issuing a final report to creditors and members and Companies House – F Seeking an increase to the current liquidation fee estimate through a decision procedure by correspondence – F 	Required by statute and to inform creditors of progress in the administration of the case

Liquidators' Remuneration

- 2.22 At the initial meetings of creditors held by correspondence on 16 December 2015, the Administrators' remuneration was fixed by reference to the time properly given by the Administrators and their staff. Details of the rules in relation to the

Administrators'/Liquidators' remuneration, together with details of the Liquidators' time costs to date and the Administrators'/Liquidators' revised fee estimates are set out at Appendix C.

- 2.23 Following the Administration, and with consideration given to the additional work required, revised fee estimates were approved by creditors of CEL at meetings held by correspondence on 17 November 2016.
- 2.24 As at the beginning of the Period, £35k (excluding VAT) of fee approval remained undrawn, of which £25k was drawn during the Period.
- 2.25 To date, actual time costs have exceeded the fee estimate. This is largely as a result of the creditor adjudication and distribution process being more complicated than initially anticipated. It is not anticipated that a revision to the fees estimate will be sought in respect of time already incurred in excess of the previous fees estimate.
- 2.26 As additional monies have been received that the payment of a further unsecured dividend is required, we are seeking a revision to the fees estimate (by convening a decision procedure of creditors) in relation to the anticipated time costs in paying a second dividend and remaining tasks to conclude the liquidation.
- 2.27 In the absence of a Liquidation Committee it falls to the creditors to approve, or reject, the request for a fee increase. The Liquidator is seeking a decision by correspondence from the creditors. If you wish to vote on the decision, you must complete and return the enclosed voting form (Appendix G) by no later than 23.59 on 20 December 2021, the decision date. If you have not already submitted proof of your debt, please complete and return it, together with the relevant supporting documentation. Your vote on the resolutions will not count unless you have lodged proof of your debt by no later than 23.59 on 20 December 2021. A proof of debt form, if required, can be found on the Creditors' Portal (<https://www.fticonsulting.com/emea/cip/climate-energy>) or in Appendix I, below.
- 2.28 Details of my revised fees estimate, for which I am seeking approval, are as follows:

Climate Energy Limited	Total Approved Administrators' Fees			Total Approved Office Holders' Fees			Additional Fee Estimate (subject to approval)			Revised Total Office Holders' Fees (subject to approval)			Total Office Holders Fees Incurred		
	Hr	£	£/hr	Hr	£	£/hr	Hr	£	£/hr	Hr	£	£/hr	Hr	£	£/hr
Administration and Planning	724	169,944	235	824	200,944	244	22	5,714	256	846	206,658	244	1,177	274,266	233
Investigations	223	46,631	209	223	46,631	209				223	46,631	209	241	50,347	209
Realisation of assets	285	86,186	302	303	92,546	305	6	1,429	228	309	93,975	304	302	92,147	305
Trading	26	9,513	366	26	9,513	366				26	9,513	366	32	10,591	335
Creditors	412	110,224	268	652	177,714	273	40	9,143	228	692	186,857	270	1,587	375,786	237
Tax	66	22,937	348	105	36,536	348	1	286	286	106	36,822	347	126	40,704	323
Reporting	119	32,434	273	169	48,984	290	13	3,429	265	182	52,413	288	354	91,098	258
Other	27	7,566	280	27	7,566	280				27	7,566	280	30	8,029	272
Fixed charge-related	155	51,196	330	155	51,196	332				155	51,196	330	155	51,196	330
Total	2,037	536,631	263	2,483	671,629	270	83	20,000	242	2,565	691,629	271	4,002	994,163	248

Summary of Fee Position

	£	Hr	£/hr
Lastest Approved Fee Estimate	671,629	2,483	270
Of which: Administration	536,629	2,035	264
Of which: Liquidation	135,000	448	301
Additional Fees expected to end of Period	20,000	82	243
Revised Total Fee Estimate	691,629	2,565	271

- 2.29 As above, remuneration for undertaking all work in the Liquidation was approved on a time cost basis with a fees estimate of £671,629, of which £536,629 related to the Administration of the Company. The fees estimate acts as a cap on remuneration and the Liquidator is unable to draw remuneration in excess of the fees estimate even if time costs exceed it. Total time costs to date amount to £994,163 representing 4,002 hours of work at a "blended" charge out rate of £248 per hour (please see appendix C for further detail). As you can see, time costs exceed the fees estimate previously provided to creditors and further time costs are anticipated in order for the distribution to creditors to be made.
- 2.30 All work completed (or expected to be completed) in relation to closure of the case and statutory reporting was included in the previous fee estimate. As such, costs incurred in excess of the previous estimate in relation to these matters have either been incurred and drawn or written off. This revision of the fee estimate is for time solely in relation to the additional work required to realise the CPS enforcement funds and make a final distribution to creditors.

- 2.31 Additional work has been undertaken that was not envisaged when fee approval was last sought, namely corresponding with Essex Police and HM Courts and Tribunal Services regarding the fraud case brought against a former employee, who had stolen significant amounts from the Company prior to the appointment of the Joint Administrators. These legal proceedings were delayed as a consequence of the COVID-19 pandemic and there was a further delay in the receipt of funds after the individual was found guilty and compensation award made. After liaison with HM Courts and Tribunal Services, £94,011.60 was realised. Consequently, the Liquidator's staff have begun the process of paying an additional dividend to unsecured creditors, again unforeseen. This distribution requires extensive work in cashiering, reconciliation and administration, given the volume of creditors and complexity of the distribution.
- 2.32 This additional work is expected to take 83 hours at a total time cost of £20,000 at a "blended" rate of £242 per hour. This will increase the total fees estimate to £691,629, from the period since 9 October 2015 through to closure of the Liquidation at a "blended" rate of £271 per hour, of which £155,000 will be attributable to the liquidation.
- 2.33 This increased fee estimate will act as a cap on time costs so that fees cannot be drawn of more than the total estimated time costs without further approval from creditors. Further approval to draw fees in excess of this increased estimate is not anticipated, given the expected timeframe for completing the Liquidation.
- 2.34 A creditors' guide to liquidators' fees setting out creditors' rights to further information and how fees are approved can be found here:
<https://www.fticonsulting.com/emea/cip/forms-and-information>
- 2.35 If creditors wish to be supplied with a hard copy of this guidance, they should contact a member of the Liquidator's staff using the details set out at the end of this report.
- 2.36 Additional information in relation to the Administrators' / Liquidators' staffing policies can be found in Appendix E.
- 2.37 Creditors are also invited to determine whether to form a Liquidation Committee, and a notice of invitation to form a Liquidation Committee and further instructions are enclosed at Appendix H.
- 2.38 Creditors have the right to request a physical meeting of creditors. Should any creditor or group of creditors wish to request a physical meeting of creditors, they must do so within 5 business days of the delivery of the notice that accompanies this report. Such requests must be supported by proof of their debt, if not already lodged. I will convene a meeting if creditors requesting a meeting represent a minimum of 10% in value or 10% in number of creditors or simply 10 creditors, where "creditors" means "all creditors". There are no further decisions expected in the Liquidation.

Creditors' Right to Challenge Remuneration and / or Expenses

- 2.39 In accordance with 18.34 of the Rules, any secured creditor or unsecured creditor with the support of at least 10% in value of the unsecured creditors of the relevant entity, or with leave of the Court, may apply to the Court for one or more orders, challenging the amount or the basis of the remuneration which the Liquidators are entitled to charge or otherwise challenging some or all of the expenses incurred. Such applications must be made within eight weeks of receipt by the applicant(s) of the report detailing the remuneration and / or expenses in question.

Creditors' Right to Request Information

- 2.40 Any secured creditor or unsecured creditor with the support of at least 5% in value of the unsecured creditors of the Company or, with leave of the Court, may, in writing, request the Liquidator of the Company to provide additional information regarding remuneration or expenses to that already supplied with this document. Such requests must be made within 21 days of receipt of this report, in accordance with rule 18.9 of the Rules.

3. Estimated Outcomes

3.1 Please see below a table detailing the current level of return and estimated future level of return to creditors:

Estimated Dividend for Creditors				
	Secured Creditors	Preferential Creditors	Unsecured Creditors	Shareholders
CEL				
Estimated debt (£)	524k	100k	9,709k	100
Current Level of Return (p/£)	100	100	5.7	Nil
Estimated Future Level of Return (p/£)	Nil	Nil	0.8	Nil
Total Level of Return (p/£)	100	100	6.5	Nil

1. HSBC had a fixed and floating charge over the assets of three Companies which has been satisfied in full from CEL's fixed charge realisations.

2. At the date of our appointment, under the terms of its security HSBC swept funds of £418,000 held in CEL's bank account.

3.2 The Current Level of Returns and the Estimated Future Level of Returns to creditors assume a pro-rated return to creditors of the same class in accordance with UK insolvency law. Unsecured creditors rank behind both secured and preferential creditors, whilst shareholders rank behind all classes of creditor.

3.3 We note as the Services' liquidation has concluded, the associated unsecured intercompany claim of £1.7m from Services into the Company's liquidation estate will continue to participate in the upcoming distribution on the basis a claim was previously submitted, however any funds payable will be sent to the Treasury Solicitor given Services has now been dissolved.

Secured Creditors

3.4 As previously reported, the Secured Creditor was repaid in full from the fixed asset realisations in the CEL administration.

Preferential Creditors

3.5 Under the Act the main classes of preferential creditor are employees (arrears of wages, holiday pay and pension contributions).

3.6 On 27 September 2017 we wrote to all employees of the Company giving notice of an intended dividend to all preferential creditors of 100 pence in the pound. The notice set a last date for proving of 24 October 2017.

3.7 In the directors' statement of affairs, the Company showed pension contributions as outstanding. We instructed agents to review the position and they spoke with all the pension providers to whom the Company made contributions. The agents were informed that neither employee nor employer contributions remained outstanding.

3.8 Claims totaling £100k were received from preferential creditors of the Company by the last date for proving and the preferential creditors were paid a dividend of 100p in the pound on 17 November 2018.

Unsecured Creditors

3.9 The Liquidators issued a notice to all the Company's known unsecured creditors to submit claims. This was published in the London Gazette and the Times on 11 October 2016.

3.10 Pursuant to rule 14.29 of the Rules the Liquidators issued a notice of intended dividend to all creditors on 19 December 2018. Given the lapse in time from October 2016, creditors who had not yet proved their debts were given notice that the last date for proving was the 25 January 2019. If the unsecured creditors of the Company failed to prove their debts by this date, their claims would not be considered for dividend purposes.

3.11 A first dividend to the Company's unsecured creditors of £557,430 was issued on 20 March 2019, with a return to unsecured creditors of 5.7p in the £. Please see prior report for further detail.

- 3.12 As a result of the proceeds of the Criminal Prosecution Services enforcement, a second and final distribution will be made to the Company's unsecured creditors. Since the end of the Period, the Administrator issued the Notice of Intention to declare a final distribution.
- 3.13 The Notice of Intention to Declare a Dividend was sent by post only to creditors who have not yet proved, with the Notice otherwise displayed on the Creditor Portal (<https://www.fticonsulting.com/emea/cip/climate-energy>). Creditors who have not yet proved have until 20 December 2021, the last date for proving, to do so. No further action is required from creditors who participated in the previous unsecured distribution in March 2019. However, we request that creditors inform us of any changes in the particulars of their claim.
- 3.14 The final dividend will be made within two months of the last date for proving.
- 3.15 Estimated details of the second and final distribution to unsecured creditors are set out below. Please note that this remains an estimate subject to the final fees and expenses in the estate, and any additional claims received.

Final Dividend			
Entity	Value (£)	Rate (p in £)	Date Due to be Paid
CEL	80,000	0.8	Q1 2022

- 3.16 Any unclaimed dividends will be paid over to the unclaimed dividends account. As at the end of the Period, the Liquidator is holding £54,392 in unclaimed dividends from the first dividend.

4. Next Report and Further Questions

- 4.1 This report represents a report into the liquidation of the Company for the period to 28 September 2021.
- 4.2 The Liquidator is required to provide a further progress report to creditors within two months of the anniversary of the end of the Period, or to provide a final account when the affairs of the Company are fully wound up, whichever is sooner.
- 4.3 Should you have any queries in the meantime or wish to be sent a hard copy of this report please contact a member of the Liquidator's staff on climateenergy@fticonsulting.com or 020 3727 1019.

For and on behalf of the Company



Simon Kirkhope
Liquidator

Simon Kirkhope is licensed in the United Kingdom to act as an insolvency practitioner by the Institute of Chartered Accountants in England and Wales, under section 390A(2)(a) of the Insolvency Act 1986.

The Liquidator is bound by the Insolvency Code of Ethics which can be found at: <https://www.gov.uk/government/publications/insolvencypractitioner-code-of-ethics>.

FTI Consulting LLP ("FTI") uses personal information in order to fulfil the legal obligations of our Insolvency Practitioners under the Insolvency Act and other relevant legislation, and also to fulfil the legitimate interests of keeping creditors and others informed about the insolvency proceedings. You can find more information on how FTI uses your personal information on our website at <https://www.fticonsulting-emea.com/~media/Files/emea--files/creditors-portal/cip-emea-forms-info/cip-data-privacy.pdf>.

Appendix A – Statutory Information

Company and Appointment Information

Trading names	Climate Energy Limited
Registered number	05310564
Registered office	C/O FTI Consulting LLP, 200 Aldersgate Street, London EC1A 4HD
Director(s)	Mr Mizanal Choudhury, Mr Andrew Holmes
Company secretary	N/A
Shareholdings	Climate Energy Holdings Limited (100%)
Administration Court reference	6593/2015
Court	High Court of Justice Chancery Division Companies Court
Administration appointment date	9 October 2015
Appointer	Company Directors
Liquidation appointment date	29 September 2016

Liquidator's Information

Name	Simon Kirkhope*
Address	200 Aldersgate Street, London EC1A 4HD
Authorising body	The Institute of Chartered Accountants in England and Wales

*Chad Griffin resigned as one of the Joint Liquidators' on 23 April 2020 receiving his release on 14 May 2020. No replacement was sought.

The appointments of the Administrators were made by the directors of the Company pursuant to Paragraph 22 of Schedule B1 of the Act. We also received written consent to the appointments from the holder of a qualifying floating charge over the assets of the Company along with the necessary consents under the Consumer Credit Act. The validity of the appointments has been confirmed by our former legal advisors, King & Wood Mallesons LLP.

The administration of the Company was converted to Creditors' Voluntary Liquidations on 29 September 2016. The conversion to CVL took place in accordance with Rule 3.60 of the Rules and in accordance with the Proposals Simon Kirkhope and Chad Griffin were appointed as Joint Liquidators of the Companies.

Prior to the resignation of Chad Griffin and pursuant to Paragraph 100 of Schedule B1 of the Act, any function of the Liquidators was exercised by any or both of the Liquidators named above. Since Mr Griffin's release, Mr Kirkhope has acted as the sole Liquidator of the Company.

The center of main interest of the Company is the United Kingdom. Therefore, the EC Regulations on Insolvency Proceedings 2000 apply to the insolvency appointments. The proceedings are main proceedings as defined by Article 3 of those regulations.

Appendix B – Liquidators' Receipts and Payments Account

Climate Energy Limited - Liquidators' Receipts and Payments for the period 29 September 2016 to 28 September 2021			
£	From To	29 Sep 2020 28 Sep 2021	Full Liquidation Period to date
Floating charge receipts			
Book Debts		-	9,474.93
Electricity Refund		-	3,470.40
Bank Interest		-	30.28
Proceeds from CPS enforcement		94,011.60	94,011.60
Recharge of specific bond	1	-	158.00
Transfer of Surplus Cash from Administration		-	932,865.00
Business Rates Refund		-	216.48
Total		94,011.60	1,040,226.69
Floating charge payments			
Postage & Stationery		-	4,894.75
Legal Fees		-	7,929.74
Statutory Advertising		-	308.01
Administrators' Fees		-	102,664.29
Liquidators' Fees	2	25,000.00	125,000.00
Sundry Expenses	3	-	4,331.00
Data Compliance Costs		40.00	120.00
Agents/Valuers Fees		-	2,000.00
Insurance of Assets		-	8,509.45
VAT - Irrecoverable	4	-	19,110.61
Employee Related Costs		-	4,270.00
Bank Charges	5	15.00	29.75
Total		25,055.00	279,167.60
Distributions			
Preferential Dividend	6	-	100,034.29
Unsecured Dividend	7	-	503,037.33
Total		-	603,071.62
Current Surplus / (Deficit)		68,956.60	157,987.47
Represented by			
VAT Receivable	8	5,000.00	5,824.60
Floating Charge Account	9	9,564.17	97,770.44
Floating Charge Account - Unclaimed Dividend	10	54,392.43	54,392.43
Total		68,956.60	157,987.47

ALL AMOUNTS EXCLUSIVE OF VAT

1. Recharge of specific bond payment made on behalf of Group company
2. An additional £10,000 has been approved but not yet drawn.
3. Payment made to collection agents in relation to Administration period
4. Bank charges have been adjusted to reflect charges incurred in the previous period but recorded in the current period.
5. £17,500 capital good adjustment applied following discussions with the FTI tax team this relates to the pre liquidation period but has been applied in the post liquidation period. Additionally there is a further VAT irrecoverable amount totalling £1,610 which we have been unable to recover.
6. Preferential dividend paid to preferential creditors of CEL on 17 Nov 2017 at 100p in the £.
7. Unsecured dividend paid to unsecured creditors of CEL on 20 Mar 2019 at 5.7p in the £ totalling £557,429.80. Of this, £54,392.43 remains unclaimed (Note 10).
8. A VAT 427 Form was submitted in January 2020 and further forms will be submitted as required.
9. Funds held in non-interest bearing accounts to avoid the cost of servicing the account and the need for future tax returns.
10. Within the floating charge account, £54,392.43 is held as unclaimed dividends from the previous dividend. This will be paid to the Insolvency Service Unclaimed Dividend Account

Appendix C – Liquidators' Time Costs and Expenses

Liquidator's fees

Pursuant to rule 18.16 IR 2016 the remuneration of the Administrators/Liquidators can be fixed on the basis of one of the following:

- as a percentage of the value of property with which they have to deal;
- by reference to time properly given by the Administrator/Liquidator and his staff attending to matters arising in the administration/liquidation; or
- a set amount.

As approved by the creditors of the Company by meeting by correspondence held on 16 December 2015, the Administrators/Liquidators will be remunerated by basis b. of the above. The basis of my remuneration for acting as Liquidator is the same as that approved in the preceding Administration.

Liquidator's fee estimate

A breakdown of the actual time incurred to date (including during the administration), the fees estimate previously approved, and the Proposed Revised Fees Estimate to completion (subject to creditor approval) are shown below. All amounts shown are exclusive of VAT.

Climate Energy Limited (29 Sep 16 to 28 Sep 21)									
	Actual Time Incurred (including Administration)			Total Approved Office Holders' Fees			Revised Total Office Holders' Fees (subject to approval)		
	Hr	£	£/hr	Hr	£	£/hr	Hr	£	£/hr
Administration and Planning	1,177	274,266	233	824	200,944	244	846	206,658	244
Investigations	241	50,347	209	223	46,631	209	223	46,631	209
Realisation of assets	302	92,147	305	303	92,546	305	309	93,975	304
Trading	32	10,591	335	26	9,513	366	26	9,513	366
Creditors	1,587	375,786	237	652	177,714	273	692	186,857	270
Tax	126	40,704	323	105	36,536	348	106	36,822	348
Reporting	354	91,098	258	169	48,984	290	182	52,413	288
Other	30	8,029	272	27	7,566	280	27	7,566	280
Fixed charge-related	155	51,196	330	154	51,195	332	154	51,195	332
Total	4,002	994,163	248	2,483	671,629	270	2,565	691,629	271

The previous fees estimate of £671,629 was approved by the creditors of the Company at a meeting convened by the Liquidators and held by correspondence on 17 November 2016. The fees estimate acts as a cap, covering both the administration and liquidation periods, and the office holder cannot draw remuneration in excess of the estimate without first seeking approval from the creditors.

As previously reported, the Administrators incurred total time costs of £536,629 (plus VAT) during the administration of the Company, of which £433,965 was paid in the administration. As covered in previous reports, the remaining time costs in relation to the Administration of £102,664.29 in respect of CEL were subsequently paid during the liquidation.

A further £125k (plus VAT) has been drawn and paid in respect of the Liquidator's time costs during the liquidation, including £25k (plus VAT) during the Period. Currently, £10k (plus VAT) of fee approval remains undrawn. The balance of fee approval remaining will be drawn in due course.

The table above (together with the detailed information in Appendix D) illustrates that the actual fees incurred to date have significantly exceeded the previous fees estimate, largely due to the creditor adjudication process and first distribution being more complicated than originally envisaged.

As a result of further funds being realised from the CPS enforcement and the requirement to undertake a further distribution, the Liquidator is seeking to revise the fees estimate by an additional £20k (plus VAT) to carry out the remaining tasks to completion of the liquidation. It is not anticipated that further revisions to the fees estimate will be sought.

This additional work was not envisaged when fee approval was previously sought, and included corresponding with Essex Police and HM Courts and Tribunal Services regarding the fraud case brought against a former employee, who had stolen significant amounts from the Company prior to the appointment of the Joint Administrators. These legal proceedings were delayed as a consequence of the COVID-19 pandemic and there was a further delay in the receipt of funds after the individual was found guilty and compensation award made. After liaison with HM Courts and Tribunal Services, £94,011.60 was realised. Consequently, the Liquidator's staff have begun the process of paying an additional dividend to unsecured creditors, again unforeseen. This distribution requires extensive work in cashing, reconciliation and administration, given the volume of creditors and complexity of the distribution.

A breakdown of the revised fees estimate, that is being requested to be approved by creditors, is provided below. All amounts shown are exclusive of VAT.

Summary of Fee Position			
	£	Hr	£/hr
Lastest Approved Fee Estimate	671,629	2,483	270
Of which: Administration	536,629	2,035	264
Of which: Liquidation	135,000	448	301
Additional Fees expected to end of Period	20,000	82	243
Revised Total Fee Estimate	691,629	2,565	271

The hourly rates charged by the Administrators, and the subsequent Liquidators, are provided at Appendix E.

Post-appointment time costs and expenses

An analysis of the Liquidators' time in accordance with the provisions of SIP9, which provides details of the activity costs incurred by staff grade to date, is enclosed at Appendix D.

The main areas of our work in the liquidations of the Companies during the Period have been as follows, some of these workstreams continue whilst other have been finalised (these are disclosed as follows O – Ongoing, F – Future, C – Complete):

Category	Description (O – Ongoing, F – Future, C-Complete)	Rationale
Administration & Planning	<ul style="list-style-type: none"> Cashing and establishment and reconciliation of bank accounts – O Complying with statutory formalities include relevant filings and statutory communications – O Maintaining the Liquidation record – O 	Statutory / compliance requirement; to ensure efficient project management
Realisation of Assets	<ul style="list-style-type: none"> Correspondence with Essex Police and HM Courts and Tribunal Services regarding ongoing fraud case and potential realisations – C Looking at the Estimated Outcomes for CEL on receipt of the above funds – C 	Identify, assess and seek to realise potential value
Creditors & Shareholders	<ul style="list-style-type: none"> Responding to creditor queries – O Updating creditors on case progression – O Payment of final unsecured dividend, including issuing Notice of Intention to Declare Dividend, reviewing additional proof of debts, adjudicating additional claims, and calculation and payment of dividend – F 	Statutory requirements; required for orderly case management
Tax / VAT	<ul style="list-style-type: none"> Filing relevant corporation tax returns – O De-registering the Company for VAT purposes – C Recovering any VAT due to the Company through the submission of VAT 427 forms – O 	
Reporting & other matters	<ul style="list-style-type: none"> Preparing, reviewing and issuing annual progress reports to creditors and members and Companies House – O 	Required by statute and to inform creditors; required in order to

- Preparing, reviewing and issuing a final progress report to creditors, members and Companies House – F seek approval as required for administration strategy including disposal of assets subject to security

Creditors should be made aware that a number of the time costs incurred by the office holders and their staff during the period involve work that does not provide a perceived benefit to the estate e.g. the statutory formalities to report to the Companies creditors. However, the primary work carried out during the Period was in respect of realising the funds from the fraud investigation which will result in a further distribution to creditors (currently estimated to be 0.8p/£).

All fees and out-of-pocket expenses incurred to date are detailed in Appendix D.

Category 1 expenses are not subject to creditor approval. Approval to draw Category 2 expenses was given at initial meetings of creditors held by correspondence on 16 December 2015 and relate to costs which are apportioned overheads such as mileage and data storage. Further details in relation to this can be found at Appendix E together with additional information in relation to our policy on staffing, the use of subcontractors, and details of our current charge out rates by staff grade.

Expenses incurred and to be incurred during the remainder of the Liquidation

The table below details the expenses (excluding VAT) incurred to the end of the Period (which have or are anticipated to be paid during the liquidation) as well as an estimate of the likely future expenses remaining to be incurred during the liquidation. Further details of the expenses in the administration are available in our Previous Reports. The future expenses largely consist of the costs for getting an external mailing company to print and provide letters and cheques to the Company's creditors as a result of the second dividend. The previous expenses' estimate is likely to be exceeded due to delays in realising the settlement proceeds.

Liquidation Expenses Estimate and Amount Incurred					
	Overview of costs incurred	Expenses Estimate per previous report	Total Incurred	Future Expenses Estimate	Total Revised Estimate
		(£)	(£)	(£)	(£)
Legacy Administration Expenses paid during Liquidation Period					
Legal Fees	Payment of legal fees incurred during the Administration, and legal fees incurred finalising the surrendered lease	7,930	7,930	-	7,930
Sundry Expenses	Payment of administration expense regarding collection of debts and expenses relating to subsistence	4,331	4,331	-	4,331
Insurance of Assets	Insurance costs due during Administration period	8,509	8,509	-	8,509
Agents/ Valuers Fees	Debtor realisations conducted by JP Associates	2,000	2,000	-	2,000
Employee Related Costs	Costs due to ERA Solutions in handling employee claims during the Administration	3,995	3,995	-	3,995
Total Administration Expenses paid during Liquidation Period		26,765	26,765	-	26,765
Expenses relating to Liquidation Period					
Postage and Stationary	Costs incurred in mail sent to creditors, including issuance of cheques for unsecured distribution	9,895	4,895	5,000	9,895
Statutory Advertising	Costs of advertisements placed in the London Gazettes, including Notices in relation to appointment, dividend and meetings	308	308	-	308
Data Compliance Costs	Annual Information Commissioners Office fee	80	120	40	160
Employee Related Costs	Costs due to ERA Solutions regarding dividend distribution to employees	275	275	275	550
Bank Charges	Incurred through Barclays for urgent payments and to place stops on original cheques ahead of second dividend	20	30	20	50
Disbursements	Expenses incurred for taxis but not yet paid from the Liquidation	146	146	-	146
Total Liquidation Expenses		10,724	5,774	5,335	11,109
Total		37,489	32,539	5,335	37,874
<i>Of which:</i>					
<i>paid</i>		-	32,393	-	-
<i>incurred but not paid</i>		-	146	-	-

Time cost analysis in compliance with SIP9 for the Company for the full Liquidation Period

Climate Energy Limited - Analysis of Time Costs in Accordance with SIP9 for the period 29 September 2016 to 28 September 2021

Task	Senior Managing Director	Managing Director / Director	Senior Consultant / Consultant	Associate	Total Time	Total Cost	Average Cost
Administration and Planning							
Strategy and planning	-	10.7	17.7	6.5	34.9	12,408.5	355.5
Appointment and related formalities	-	1.2	12.0	-	13.2	5,160.0	390.9
Receipts and payments accounts	-	0.6	2.8	9.2	12.6	2,779.0	220.6
Checklist and reviews	-	27.1	8.7	158.0	193.8	42,603.0	219.8
Cashiering and reconciliations	-	1.5	6.9	160.3	168.9	33,607.3	199.0
Bonding and IPS maintenance	-	1.5	0.2	2.0	3.7	955.0	258.1
Case Admin	-	0.8	11.8	13.2	25.8	6,809.0	263.9
Subtotal	-	43.4	60.1	349.4	452.9	104,322.0	
Investigations							
Reports of Directors' conduct	1.5	-	-	0.6	2.1	778.5	370.7
Books and records	-	-	-	5.4	5.4	999.0	185.0
Electronic records	-	-	-	1.2	1.2	222.0	185.0
Other investigations	-	-	0.8	8.0	8.8	1,716.0	195.0
Subtotal	1.5	0.0	0.8	15.2	17.5	3,715.5	
Realisation of assets							
Sale of business	-	-	0.3	-	0.3	88.5	295.0
Book debts	-	10.0	1.0	-	11.0	4,229.0	384.5
Property, plant and vehicles	-	-	2.0	1.6	3.6	834.0	237.2
Other assets	-	0.5	-	-	0.5	197.5	395.0
Health & Safety/insurance	-	0.6	0.4	-	1.0	355.0	355.0
Legal issues/litigation	-	0.6	-	-	0.6	237.0	395.0
Subtotal	-	11.7	3.7	1.6	17.0	5,961.0	
Trading							
Ongoing trading / monitoring	-	0.2	-	5.0	5.2	1,004.0	193.1
Employee - recruitment	-	-	-	0.4	0.4	74.0	185.0
Subtotal	-	0.2	0.0	5.4	5.6	1,078.0	
Creditors (correspondence and claims)							
Unsecured creditors	-	29.8	187.4	890.3	1,107.5	247,209.0	223.2
Pensions	-	-	1.3	-	1.3	513.5	395.0
Employees	-	1.7	43.6	17.1	62.4	16,676.0	267.2
Lease creditors	-	-	3.3	-	3.3	1,163.5	352.6
Subtotal	-	31.5	235.6	907.4	1,174.5	265,562.0	
Tax							
Initial review CT and VAT	-	-	2.0	-	2.0	790.0	395.0
Post appointment CT	0.7	13.5	-	12.5	26.7	10,041.5	376.1
Post appointment VAT	-	1.7	1.4	27.2	30.3	6,687.5	220.7
Tax advice on transactions	-	-	-	0.7	0.7	129.5	185.0
Other post appointment tax	-	0.3	-	-	0.3	118.5	395.0
Subtotal	0.7	15.5	3.4	40.4	60.0	17,767.0	
Reporting							
Other statutory reports/meetings	-	29.7	61.6	143.3	234.6	58,664.0	250.1
Subtotal	0.0	29.7	61.6	143.3	234.6	58,664.0	
Other							
Other	-	-	-	2.5	2.5	462.5	185.0
Subtotal	-	-	-	2.5	2.5	462.5	
Total Time by Grade	2.2	132.0	365.2	1,465.2	1,964.6		
Total Cost by Grade	1,014.0	52,166.0	128,231.0	276,121.0	457,532.0		
Average by Grade	460.9	395.2	351.1	188.5	232.9		
	Time Costs	Category 1	Category 2	Total			
Total Costs to Date	457,532.0	145.8	-	457,677.8			
Amount Billed	(125,000.0)	-	-	(125,000.0)			
Total WIP	332,532.0	145.8	-	332,677.8			

Time cost analysis in compliance with SIP9 for the Companies for the Administration Period

Climate Energy Limited - Analysis of Administrators' Time Costs In Accordance with SIP9 for the period 9 October 2015 to 29 September 2016							
Task	Senior Managing Director	Managing Director / Sr Director / Director	Senior Consultant / Consultant	Associate	Total Time	Total Cost	Average Cost
Administration and Planning							
Strategy and planning	5.0	15.3	23.4	2.7	46.4	16,927.5	364.8
Initial actions	3.0	15.3	15.3	26.2	59.8	17,662.0	295.4
Appointment and related formalities	1.0	26.0	28.6	389.4	445.0	81,194.5	182.5
Receipts and payments accounts	-	-	28.8	46.7	75.5	15,423.0	204.3
Checklist and reviews	-	1.0	33.0	10.3	44.3	12,894.5	291.1
Cashiering and reconciliations	-	-	5.6	5.1	10.7	2,364.0	220.9
Bonding and IPS maintenance	-	0.2	2.7	0.2	3.1	857.0	276.5
Case management	-	-	58.2	0.2	58.4	22,621.0	387.3
Fixed Charge cashiering / funding	-	15.9	3.3	-	19.2	8,320.5	433.4
Subtotal	9.0	57.8	195.6	480.8	743.2	178,264.0	
Investigations							
Correspondence with directors	-	-	-	0.4	0.4	64.0	160.0
Directors questionnaire/checklists	-	1.8	-	-	1.8	801.0	445.0
Statement of affairs	-	-	-	0.7	0.7	112.0	160.0
Reports of Directors' conduct	-	-	-	0.7	0.7	129.5	185.0
Books and records	-	3.9	1.2	65.1	70.2	12,532.5	178.5
Electronic records	-	5.7	106.2	37.1	149.0	32,992.3	221.4
Subtotal	-	11.4	107.4	104.0	222.8	46,631.3	
Realisation of assets							
Cash and investments	3.0	11.7	-	-	14.7	6,541.5	445.0
Sale of business	2.0	23.8	-	-	25.8	11,481.0	445.0
Book debts	1.0	15.4	114.5	0.4	131.3	47,447.0	361.4
Property, plant and vehicles	-	9.4	-	61.3	70.7	13,991.0	197.9
Other assets	-	5.7	8.7	21.9	36.3	9,120.5	251.3
Health & Safety/Insurance	-	-	2.2	16.2	18.4	3,160.5	171.8
Legal issues/litigation	2.0	-	-	0.6	2.6	986.0	379.2
Fixed charge property	-	2.2	31.2	43.9	77.3	19,688.0	254.7
Subtotal	8.0	68.2	156.6	144.3	377.1	112,415.5	
Trading							
Initial control of operations	-	12.7	-	-	12.7	5,651.5	445.0
Ongoing trading / monitoring	-	6.3	-	0.7	7.0	2,933.0	419.0
Closure of trading	-	-	-	5.8	5.8	928.0	160.0
Subtotal	-	19.0	-	6.5	25.5	9,512.5	
Creditors (correspondence and claims)							
Unsecured creditors	-	25.6	89.7	144.1	259.4	65,845.0	253.8
Pensions	-	8.1	-	1.2	9.3	3,796.5	408.2
Employees	-	30.4	94.8	15.3	140.5	40,182.5	286.0
Lease creditors	-	-	-	2.5	2.5	400.0	160.0
Subtotal	-	64.1	184.5	163.1	411.7	110,224.0	
Tax							
Initial reviews CT and VAT	-	2.0	-	-	2.0	890.0	445.0
Pre-appointment CT	-	10.0	-	18.9	28.9	7,474.0	258.6
Pre-appointment VAT	-	1.0	-	3.0	4.0	925.0	231.3
Post appointment CT	-	4.0	0.5	5.4	9.9	3,106.5	313.8
Post appointment VAT	-	5.8	-	9.4	15.2	8,249.0	542.7
Tax advice on transactions	-	4.5	-	1.0	5.5	2,292.5	416.8
Subtotal	-	27.3	0.5	37.7	65.5	22,937.0	
Reporting							
Proposals	0.8	4.6	10.7	23.2	39.3	9,860.0	250.9
Other statutory reports/meetings	-	-	43.8	36.1	79.9	22,574.0	282.5
Secured creditor reports	3.0	7.9	32.4	-	43.3	16,645.5	384.4
Subtotal	3.8	12.5	86.9	59.3	162.5	49,079.5	
Other							
Other	-	11.5	-	15.3	26.8	7,565.5	282.3
Subtotal	-	11.5	-	15.3	26.8	7,565.5	282.3
Total Time by Grade	20.8	271.8	731.5	1,011.0	2,035.1		
Total Cost by Grade	9,256.0	129,954.5	230,858.8	166,560.0	536,629.3		
Average by Grade	445.0	478.1	315.6	164.7	263.7		
	Fixed charge time cost	Floating charge time cost	Total Time Costs	Category 1	Category 2	Total	
Total Costs to Date	51,195.5	485,433.8	536,629.3	8,760.0	5,115.0	550,504.3	
Amount Billed	(51,195.5)	(485,433.8)	(536,629.3)	(8,760.0)	(5,115.0)	(550,504.3)	
WIP	-	-	-	-	-	-	

Appendix E – Additional Information in Relation to Liquidators' Fees Pursuant to SIP9

Detailed below is FTI's policy in relation to:

- staff allocation and the use of sub-contractors;
- professional advisors; and
- disbursements.

Staff Allocation and the Use of Subcontractors

Our general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case.

The constitution of the case team will draw from a Senior Managing Director, Managing Director, Senior Director, Director, Senior Consultant, Consultant and Associate. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment.

Regarding support staff, we would advise that time spent by cashiers in relation to specific tasks on an assignment is charged. Only if there is a large block of time incurred by a member of the secretarial team, e.g., report compilation and distribution, do we seek to charge and recover our time in this regard. All time incurred by the Administrators/Liquidators and their staff is recorded in six-minute increments.

Professional Advisors

Fees paid to professional advisors during the Liquidations are shown below. We have also indicated alongside the basis of our fee arrangements, which are subject to review on a regular basis. Details of fees paid to professional advisors during the administrations of the Companies are included in the Previous Reports.

Professional Advisor Fees		
Name of professional advisor	Basis of fee arrangement	Fees paid to date (Excluding VAT) (£)
King & Wood Malletsons LLP (former legal advisors)	Hourly rate and disbursements	7,010
JP Associates (book debt collectors)	20% of recoveries	2,000
ERA (employee advice and claims processing)	Hourly rate and disbursements	4,270
Brodies LLP (legal advisors re Scottish lease)	Hourly rate and disbursements	920

Note: Fees paid in the liquidations may relate to the administration period.

Our choice was based on our view of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of our fee arrangement with them.

We have utilised the services of other teams within FTI Consulting LLP to assist with the administration processes. The fees of our tax, technology and strategic communications teams have been included in our SIP9 analysis provided to creditors of the Company and allocated to the work streams and entities to which their work related, for approval by those parties approving our fees.

We consider that the rates chargeable for these services are in line with general market practice and that the service is comparable to similar firms of professional advisors. In addition, by working closely with our internal teams, we believe a more coordinated and cost-effective approach to the administration work streams has been possible.

Expenses

Category 1 expenses do not require approval by creditors. The type of expenses that may be charged as a Category 1 expenses to a case generally comprise of external supplies of incidental services specifically identifiable to the case, such as postage, case advertising, invoiced travel and external printing, room hire and document storage. Also, chargeable will be any properly reimbursed expenses incurred by personnel in connection with the case.

Category 2 expenses do require approval from creditors which was given at the initial meetings of creditors held by correspondence on 16 December 2015. These expenses can include costs incurred which relate to payments due to associated companies for the provision of services to the office holder.

On this assignment we have incurred category 2 expenses in the following classes. We have also indicated alongside, the basis of calculation of these costs.

Disbursements	
Type of Expense	Basis of Incurring Cost
Postage and fulfilment by Williams Lea or Mail & Print	Cost incurred based on number of letters printed
IT equipment ordered internally	Cost price
Subsistence for meetings	Charged based on number of attendees per meeting
Data management (10 units)	£25 per unit per month

Category 2 expenses of £5,115 were billed and paid in CEL during the Administration period.

From April 2021, Category 2 expenses also now include shared or allocated payments and require approval prior to payment. No further Category 2 expenses are anticipated to be incurred in the liquidation. We anticipate that there will be further subcontracting of work to ERA Solutions in relation to the second unsecured distribution, in calculating the PAYE and NI due to HMRC on account of distributions to employees.

Charge-Out Rates

A schedule of the FTI charge-out rates, as agreed with the Secured Creditor for this assignment, is as follows. We note that this represents a discount against FTI's standard charge-out rate.

FTI Consulting LLP: Summary of Charge-Out Rates			
Grade	2015 £ (Per Hour)	2016-2020 £ (Per Hour)	2021* £ (Per Hour)
Senior Managing Director	445	495	560
Managing Director	445	495	560
Senior Director	350	395	465
Director	350	395	465
Senior Consultant	350	395	385
Consultant	255	295	325
Associate	160	185	215

*Agreed rates increased on 1 January 2021

Appendix F – Notice of Decision

Notice of decision by correspondence

CLIMATE ENERGY LIMITED - In Creditors' Voluntary Liquidation

(Company Number 05310564)

NOTICE IS GIVEN by Simon Kirkhope to the creditors of Climate Energy Limited that set out below is a resolution for your consideration under rule 18.30 of The Insolvency (England and Wales) Rules 2016. Please complete the voting section below indicating whether you are in favour or against the following decision:

1. That the Liquidators' fees be increased in accordance with the report dated 26 November 2021 prepared in connection with the request for a fee increase and issued with the notice of the proposed decision.

The final date for votes is 20 December 2021, the decision date.

1. In order for their votes to be counted creditors must submit to me their completed voting form so that it is received at FTI Consulting LLP, 200 Aldersgate, Aldersgate Street, London, EC1A 4HD by no later than 23.59 hours on 20 December 2021. It must be accompanied by proof of their debt, (if not already lodged). Failure to do so will lead to their vote being disregarded.
2. Creditors must lodge proof of their debt (if not already lodged) at the offices of Simon Kirkhope by no later than 23.59 on 20 December 2021, without which their vote will be invalid.
3. Creditors with claims of £1,000 or less must have lodged proof of their debt for their vote to be valid.
4. Any creditors who have previously opted out from receiving documents in respect of the insolvency proceedings are entitled to vote on the decision provided they have lodged proof of their debt.
5. Creditors may, within 5 business days of delivery of this notice to them, request a physical meeting of creditors be held to determine the outcome of the decision below. Any request for a physical meeting must be accompanied by valid proof of their debt (if not already lodged). A meeting will be convened if creditors requesting a meeting represent a minimum of 10% in value or 10% in number of creditors or simply 10 creditors, where "creditors" means "all creditors."
6. Creditors have the right to appeal a decision of the convener made under Chapter 8 of Part 15 of The Insolvency (England and Wales) Rules 2016 about Creditors' Voting Rights and Majorities, by applying to court under Rule 15.35 of The Insolvency (England and Wales) Rules 2016 within 21 days of the Decision Date.

Creditors requiring further information regarding the above, should either contact me at 200 Aldersgate, Aldersgate Street, London, EC1A 4HD, or contact a member of the Liquidators staff at climateenergy@fticonsulting.com or 020 3727 1019.

DATED THIS 26TH DAY OF NOVEMBER 2021



Simon Kirkhope

LIQUIDATOR

Appendix G – Voting form

CLIMATE ENERGY LIMITED - In Creditors' Voluntary Liquidation

(Company Number 05310564)

Voting on Decision

1. That the Liquidators' fees be increased in accordance with the report dated 26 November 2021 prepared in connection with the request for a fee increase and issued with this notice.

For / Against

TO BE COMPLETED BY CREDITOR WHEN RETURNING FORM:

Name of creditor: _____

Signature of creditor: _____

(Complete the following if signing on behalf of creditor, e.g. director/solicitor)

Capacity in which signing document: _____

Dated _____

Appendix H – Notice of Invitation to form a Liquidation Committee

Notice of invitation to form a Liquidation Committee

CLIMATE ENERGY LIMITED – IN CREDITORS' VOLUNTARY LIQUIDATION

(Company Number 05310564)

NOTICE IS GIVEN by Simon Kirkhope to the creditors of Climate Energy Limited of an invitation to establish a Liquidation Committee under rule 6.19 of The Insolvency (England and Wales) Rules 2016.

- In addition to seeking a decision on the matters set out in the accompanying notice, creditors are also invited to determine by correspondence, at the same time, whether a Liquidation Committee should be established.
- A Committee may be formed if a minimum of 3 and a maximum of 5 creditors are willing to become members.
- Nominations can only be accepted for a creditor to become a member of the Committee if they are an unsecured creditor and have lodged a proof of their debt that has not been disallowed for voting or dividend purposes.
- The specified date for receipt of nominations for creditors to act as a member of the Committee under rule 6.19 of The Insolvency (England and Wales) Rules 2016 is 20 December 2021, the Decision Date.
- Please complete the form sent with this notice, and include the name and address of any person you wish to nominate to act as a member of the Committee. The completed document should be returned to FTI Consulting LLP, 200 Aldersgate, Aldersgate Street, EC1A 4HD, so that it is received by no later than 23.59 hours on 20 December 2021, the decision date.

Note: Further information on the rights, duties and the functions of a Committee is available in a booklet published by the Association of Business Recovery Professionals (R3). This booklet can be accessed at

<https://www.r3.org.uk/technical-library/england-wales/technical-guidance/creditor-guides/more/29111/page/1/liquidation-creditors-committees-and-commissioners/>

If you require a hard copy of the booklet please contact the Liquidator's staff by email at climateenergy@fticonsulting.com, or by phone on 020 3727 1019.

The final date for votes to establish a committee is 20 December 2021 the decision date.

1. In order for their votes to be counted creditors must submit to me their completed voting form so that it is received at FTI Consulting LLP, 200 Aldersgate, Aldersgate Street, EC1A 4HD by no later than 23.59 hours on 20 December 2021. It must be accompanied by proof of their debt, (if not already lodged). Failure to do so will lead to their vote(s) being disregarded.

2. Creditors must lodge proof of their debt (if not already lodged) at the offices of Simon Kirkhope by no later than 23.59 on 20 December 2021, without which their vote will be invalid.
3. Creditors with small debts, that is claims of £1,000 or less must have lodged proof of their debt for their vote to be valid.
4. Any creditors who have previously opted out from receiving documents in respect of the insolvency proceedings are entitled to vote on the decision provided they have lodged proof of their debt.
5. Creditors may, within 5 business days of delivery of this notice to them, request a physical meeting of creditors be held to determine the outcome of the decision above. Any request for a physical meeting must be accompanied by valid proof of their debt (if not already lodged). A meeting will be convened if creditors requesting a meeting represent a minimum of 10% in value or 10% in number of creditors or simply 10 creditors, where "creditors" means "all creditors."
6. Creditors have the right to appeal a decision of the convener made under Chapter 8 of Part 15 of The Insolvency (England and Wales) Rules 2016 about Creditors' Voting Rights and Majorities, by applying to court under Rule 15.35 of The Insolvency (England and Wales) Rules 2016 within 21 days of the Decision Date.

Creditors requiring further information regarding the above, should either contact the Liquidator's staff at FTI Consulting LLP, 200 Aldersgate, Aldersgate Street, EC1A 4HD, by telephone on 020 3727 1019, or by email at climateenergy@fticonsulting.com.

DATED THIS 26TH DAY OF NOVEMBER 2021



Simon Kirkhope

Liquidator

CLIMATE ENERGY LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION
(Company Number 05310564)

Decision

1. That a Liquidation Committee should be established.

For/Against

Please note that if creditors vote to establish a Committee, then unless at least 3 nominations for creditors to act as Committee members are received at the same time, it will be necessary to convene a further decision procedure to decide which creditors are to act as Committee members. That will involve incurring additional costs, so if you intend to vote to establish a Committee, please also nominate either yourself or another creditor to act as a Committee member.

I wish to nominate the following creditor to act as a member of the Committee:

Name of nominated creditor _____

TO BE COMPLETED BY CREDITOR WHEN RETURNING FORM:

Name of creditor: _____

Signature of creditor: _____

(Complete the following if signing on behalf of creditor, e.g. director/solicitor)

Capacity in which signing document: _____

Dated: _____

Note: The completed form should be delivered to Simon Kirkhope by posting it to FTI Consulting LLP, 200 Aldersgate, Aldersgate Street, EC1A 4HD, or by emailing it to climateenergy@fticonsulting.com.

Appendix I – Creditors’ Statement of Claim Form

Rule 14.4 The Insolvency (England and Wales) Rules 2016

Proof of Debt – General Form

IN THE

HIGH COURT OF JUSTICE BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES INSOLVENCY AND COMPANIES LIST

Number:

CR-2015-6593

Name of Companies in Liquidation:

Climate Energy Limited

Company Registration Number:

05310564

Date of Liquidation:

29 September 2016

1 Name of creditor

(If a company, please also provide the company registration number).

2 Correspondence address of creditor (including any email address)

3 Total amount of claim (£)

(include any Value Added Tax)

4 If amount in 3 above includes (£)

outstanding uncapitalised interest, state amount

5 Details of how and when the debt was incurred.

(If you need more space, attach a continuation sheet to this form)

6 Details of any security held, the value of the security and the date it was given.

7 Details of any reservation of title claimed in respect of goods supplied to which the debt relates.

8 Details of any document by reference to which the debt can be substantiated

9 Signature of creditor
(or person authorised to act on the creditor's behalf)

10 Address of person signing if different from 2 above

11 Name in BLOCK LETTERS:

12 Position with, or relation to, creditor

13 Date of signature

Admitted to vote for

Amount (£)

Date

Admitted for dividend for

Amount (£)

Date

Simon Kirkhope

LIQUIDATOR

Notes:

1. This form can be authenticated for submission by email by entering your name in block capitals and sending the form as an attachment from an email address which clearly identifies you or has been previously notified to the office holder. If completing on behalf of a company, please state your relationship to the company.

Please submit this form along with supporting documentation by email to climateenergy@fticonsulting.com or by post at:

Climate Energy Limited (in Liquidation)

c/o FTI Consulting LLP

200 Aldersgate

London

EC1A 4HD