



Work and Pensions Committee

Oral evidence: Norton pension schemes and the Fraud Compensation Fund, HC 145

Wednesday 13 March 2024

Members present: Sir Stephen Timms (Chair); Debbie Abrahams; Siobhan Baillie; Nigel Mills; Sir Desmond Swayne.

Questions 74-84

Witnesses

I: Kristina Kicks, Joint Trustee in Bankruptcy of Mr Stuart Garner, Interpath Ltd; and Lee Causer, Joint Liquidator of Norton, BDO.

Written evidence from witnesses:

- BDO ([NPS0014](#))
- BDO ([NPS0015](#))



Examination of witnesses

Witnesses: Kristina Kicks and Lee Causer.

Chair: Let's go first to Debbie Abrahams, who has some questions for you.

Q74 **Debbie Abrahams:** Can I quickly clarify the fraud point that you mentioned, Kristina? You will report it to the official receiver, but I think you then said that you don't stop there.

Kristina Kicks: Well, I would be aware of what's happening with the official receiver while I'm administering the bankruptcy estate, and if there are any developments, because sometimes the official receiver might receive information directly. I suppose the point I am trying to make is that there is not a complete separate cut-off between us. It's about working, there is an update of what is happening, and I will be speaking to them, particularly on this matter.

Q75 **Debbie Abrahams:** Okay. So you will not speak to others independently or separately.

Kristina Kicks: I might do as well.

Q76 **Debbie Abrahams:** That is very helpful. My follow-up question is about the scheme members—the pension victims. With Donington Hall, this appears like Stuart Garner has got away with everything and is living the life of Riley in luxury. There are concerns among members that it was bought with pension funds. Were you able to shed any light on that?

Kristina Kicks: Part of the investigation is to see whether he has acquired assets from the companies and businesses that are connected to him. We have received certain information from the administrators of those companies, BDO—because obviously they have the information—and reviewed that. I am also asking for their input—do they think any personal assets have been transferred? For Donington Hall, we had confirmation that there wasn't any personal money taken out from that.

If I may carry on, and then I will hand over to Lee. We looked at the connected companies as well, because one of the assets that a bankrupt has is if they have shares in a company. One of the companies here was called [REDACTED]. It is about looking at whether shares are worth anything—it is about looking at all angles.

[REDACTED]
[REDACTED] there was no certainty or indication that that would end up with a realisation to the bankruptcy estate, so we could not proceed.

Debbie Abrahams: Lee, do you want to add anything to that?



HOUSE OF COMMONS

Lee Causer: I guess I will just pick out a few points to help with clarification.

The Donington Hall building was an asset of Donington Hall Estates Ltd. Mr Garner and his family were resident there under an assured shorthold tenancy agreement, so they were tenants in that property, and it was owned by the business. It was actually a very unpleasant, quite dilapidated old building. When we were appointed, we obviously went round because that was now an asset that we were responsible for, and it wasn't a very nice living environment at all. It is quite interesting seeing what can be shown publicly versus what the reality of those situations were. They were essentially living in three rooms.

Q77 **Chair:** Donington Hall has been sold, hasn't it?

Lee Causer: Yes, it has.

Q78 **Chair:** What has happened to the proceeds from the sale?

Lee Causer: The secured creditor was Metro Bank. They had advanced approximately £3.2 million or £3.3 million of a loan against Donington Hall specifically. We sold it for £4 million, and from that there were a number of different holding costs—for instance, security was quite a significant cost because the site was so large. It was sold for £4 million but the proceeds of that were used either to cover the costs of that particular administration or to repay Metro Bank.

Chair: So there was no contribution from that towards the £47,000 that you said you realised. Okay.

Q79 **Debbie Abrahams:** Could Stuart Garner have transferred assets after appointment to oversee the bankruptcy and the administration of the Norton companies?

Kristina Kicks: Could he have transferred assets after the bankruptcy order dates?

Debbie Abrahams: Yes.

Kristina Kicks: We have obviously reviewed and investigated all assets. The restrictions were placed on the properties to stop that and, in fact, they had been placed earlier by the administrators on the main property, the matrimonial home and the lodge. That was prior to the bankruptcy, because we were protecting those assets. We reviewed bank statements and did forensic analysis of the bank statements to see whether we could find any payments out. From everything we saw during the monitoring, we cannot see that we have not dealt with every asset.

Q80 **Chair:** Can I ask about another asset? I have no idea of the truth of this, but there was talk about Mr Garner owning a safari park or a share of a safari park or something.

Kristina Kicks: Yes, very much. We investigated that situation as well.





[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q82 **Chair:** Were there other assets around that may one day be realised?

Kristina Kicks: No.



HOUSE OF COMMONS

Chair: Just Donington Hall and the game lodge? Okay.

Kristina Kicks: So far as I am aware.¹

Q83 **Chair:** Can I put a point to you, Lee? Scheme members have told us that they gave BDO what they regard as strong evidence of criminality, but they felt that you ignored it and did not refer it to the police. What is your response to that criticism?

Lee Causer: First, the scheme members, or a small number of them, have been very vocal. It is correct that they provided us with certain pieces of information that had fallen into their possession, but none of it was new information. It was information that we were already aware of and had reviewed in depth. It had therefore been part of our wider knowledge pool and was assessed as part of our professional responsibilities.

Given the confidential nature of some of the work that we have to do while communicating with the scheme members—in theory, they are only indirect creditors into the estate—our best line of communication has been through Dalriada as the trustee administering the schemes. Noting the fact that the pension scheme members have been effected, we have sought to help them and communicate with them, but where there is confidentiality about the work we have done, we have to tell them that. We have had to be factual, and I can fully appreciate how frustrating that must be. It is not correct that they have provided things that have been ignored or not assessed properly. They did not provide anything that was new or different to what we had already reviewed in depth, in any case.

Q84 **Chair:** And you are satisfied that you dealt with all the information that you had properly and did what you were required to with it?

Lee Causer: Yes, absolutely.

Chair: Thank you. Does anyone else want to raise any points in this rather unusual, for us, private session? No. Thank you both very much for be willing to stick with us and to help us in that way. I think that now fully concludes the questions we have for you.

¹ Witness comment: I was only responding to this question in respect of the Game Lodge as Donnington Hall had been dealt with by Mr Causer.