

# [Press release: 8 year ban for dodgy property agency director](#)

Nicholas Constable has been disqualified for 8 years for failing to ensure the company dealt with its rental income in the correct manner or maintained or preserved adequate accounting records.

A disqualification undertaking given by Constable on 7 August 2017 prevents him from directly or indirectly becoming involved in the promotion, formation or management of a company for the duration of the term.

Xenex Developments Ltd traded as a property development company from a single site in Weybridge, Surrey.

An Insolvency Service investigation found Constable diverted rental income totalling nearly £900,000 into his personal bank account and that of a connected company. This action contravened the terms of a legal charge and resulted in missed interest of at nearly £400,000 for the charge holders.

Of the total diverted rental income, Constable has failed to provide accounting records which would verify whether £679,063 had ever been repaid or used for the benefit of the company's creditors.

The accounting records also failed to confirm the actual level of creditors of the company or the balance on the Directors Loan account from 31 October 2014 to the date of the administration on 17 November 2015.

Commenting on the disqualification, Robert Clarke, Group Leader of Insolvent Investigations at The Insolvency Service, said:

In this particular case, the director failed to act in the best interest of the company and its creditors and failed to ensure that the company operated in a transparent way by providing sufficient records to explain company transactions.

This disqualification should serve as a reminder to other Company Directors who are tempted to operate in a similar way that the Insolvency Service will rigorously pursue enforcement action and seek to remove the protection of limited liability from them.

## **Notes to editors**

Nicholas Constable's date of birth is 2 May 1958 and he resides in Weybridge, Surrey.

Xenex Developments Ltd (CR0 No. 06295629) was incorporated on 28 June 2007

and traded from Cavendish Rd, St George's Hill, Weybridge,

Constable was an appointed director of Xenex Developments Ltd between 06 August 2007 and the date of the Administration. The Company went into Administration on 17 November 2015 with an estimated deficiency of £6,929,723.

Constable's undertaking was accepted by the Secretary of State on 09 August 2017 and his period of disqualification will commence on 30 August 2017

A disqualification order has the effect that without specific permission of a court, a person with a disqualification cannot:

- act as a director of a company
- take part, directly or indirectly, in the promotion, formation or management of a company or limited liability partnership
- be a receiver of a company's property

Disqualification undertakings are the administrative equivalent of a disqualification order but do not involve court proceedings.

Persons subject to a disqualification order are bound by a [range of other restrictions](#).

The Insolvency Service, an executive agency sponsored by the Department for Business, Energy and Industrial Strategy (BEIS), administers the insolvency regime, and aims to deliver and promote a range of investigation and enforcement activities both civil and criminal in nature, to support fair and open markets. We do this by effectively enforcing the statutory company and insolvency regimes, maintaining public confidence in those regimes and reducing the harm caused to victims of fraudulent activity and to the business community, including dealing with the disqualification of directors in corporate failures.

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