The Insolvency Act 1986

# Notice of move from administration to dissolution

Name of Company

Lighthouse Pub Company Limited

Company number

05890571

In the

High Court of Justice, Leeds District Registry

[full name of court]

Court case number

348 of 2010

(a) Insert name(s) and address(es) of administrator(s)

We Paul James Bates and Francis Graham Newton of BDO LLP, 1 Bridgewater Place, Water Lane, Leeds, LS11 5RU

(b) Insert name and address of registered office of company

having been appointed administrator(s) of (b) <u>Lighthouse Pub Company Limited, BDO LLP, 1 Bridgewater Place, Water Lane, Leeds, LS11 5RU</u>

(c) Insert date of appointment (d) Insert name of applicant / appointor

On (c) 10 February 2010 by (d) Governor and the Company of the Bank of Ireland

hereby give notice that the provisions of paragraph 84(1) of Schedule B1 to the Insolvency Act 1986 apply

We attach a copy of the final progress report

Signed

45

Joint Administrator

Dated

#22

31.7.2013

#### **Contact Details**

You do not have to give any contact information in the box opposite but if you do, it will help Companies House to contact you if there is a query on the form The contact information that you give will be visible to searchers of the public record 

\*A2DV50Q3\* 01/08/2013 COMPANIES HOUSE Companies House, Crown Way, Cardiff, CF14 3UZ

When completed and signed this form please send it to the Registrar of Companies at

DX 33050 Cardiff

	Statement	From 10/02/2013	From 10/02/2010
	of affairs	To 31/07/2013	To 31/07/2013
	£	£	£
RECEIPTS  Rental Income Deposits received Freehold Land & Property Insurance refund: Re Royal Oak Security Refund Legal Fees Property Indemnity Insurance Suspense Account	3,000,000.00	0 00 0 00 0 00 0 00 0 00 0 00 0 00 0 0	148,231.86 2,900.00 1,480,480 56 2,500 00 14,275 36 258.62 106.00 16.11
Property costs paid by Winterhill	1,158 00	0.00	180.00
Rent		0.00	15.80
Sundry Debtors		0.00	12.75
Floats		0.00	0.00
Bank Interest Gross		0.00	1,308.31
VAT Payable		0.00	216,125 95
PAYMENTS Council Tax Repairs & Maintenance Freehold Land & Property Administrators' fees Administrators' expenses Legal Fees Property Indemnity Insurance Winterhill fees Property costs paid by Winterhill Agents/Valuers Fees Site Security Costs Bank of Ireland Rent Suspense - Gordons LLP Administrators Fees Agents/Valuers Fees Agents/Valuers Fees Agents/Valuers Fees Stationery & Postage Insurance of Assets Bank Charges Preferential Creditors Floating Charge Creditor Trade & Expense Creditors Customs & Excise Bonds Due Group Companies	(12,259.00) (1,929,250.00) (1,929,250.00) (31,185.00) (56,057.00) (1,600.00) (566,199.00)	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0	1,581.19 5,212.30 4,451 00 133,466.68 2,829.97 63,266.81 462 00 31,533.17 53,494.94 77,486.11 112,133.19 1,028,071 67 25.00 20.00 24,000.00 5,000.00 3,600.00 14,478.00 45.65 88,794.55 333.14 0.00 0.00 0.00 0.00 0.00 0.00

	Statement of affairs	From 10/02/2013 To 31/07/2013	From 10/02/2010 To 31/07/2013
	£	£	£
Ordinary Shareholders	(1,500,100.00)	0.00	0.00
VAT Receivable		0.00	99,284.91
VAT Control Account		0.00	116,841.04
		0 00	1,866,411.32
BALANCE - 31 July 2013		-	0.00



Tel +44 (0)113 244 3839 Fax +44 (0)113 204 1200 www.bdo.co.uk 1 Bridgewater Place Water Lane Leeds LS11 5RU

TO ALL KNOWN CREDITORS

31 July 2013

Our Ref PB/KB/DC/00150380/A6

Please ask for Donna Berriman Direct line 0113 204 1295

Email donna berriman@bdo co uk

Dear Sirs

Lighthouse Pub Company Limited - In Administration ("the Company")

We now supply our final report in respect of this Administration.

- 1 Statutory Information
- 1.1 Francis Graham Newton and Toby Scott Underwood of BDO LLP, 1 Bridgewater Place,
  Water Lane, Leeds, LS11 5RU, were appointed Joint Administrators of the Company on 10
  February 2010 Toby Scott Underwood left BDO LLP in November 2010
- 1.2 Pursuant to the terms of a Court Order granted on 7 October 2011, Toby Scott Underwood resigned as Administrator of the Company and was replaced by Paul James Bates of BDO LLP, 1 Bridgewater Place, Water Lane, Leeds, LS11 5RU.
- 1.3 Under the provisions of paragraph 100(2) of Schedule B1 to the Insolvency Act 1986 the Administrators carry out their functions jointly and severally and either Administrator has the power to exercise any function
- 1.4 The Administrators were appointed by the Governor and the Company of the Bank of Ireland ("the Bank") being a qualifying floating chargeholder, pursuant to Paragraph 14 of Schedule B1 to the Insolvency Act 1986. The Administration proceedings are dealt with in the High Court of Justice, Leeds District Registry and the court case number is 348 of 2010
- 1.5 The Company's registered office is situated at BDO LLP, 1 Bridgewater Place, Water Lane, Leeds, LS11 5RU and the registered number is 05890571.
- 2 Receipts
- 2 1 Colliers International UK Plc ("Colliers") were appointed as our sales agent All 20 pubs have been sold for total consideration of £1,476,330.
- 2.2 Rental income has been collected by managing agent's Winterhill Leisure Limited ("Winterhill") from the Company's tenanted properties. As a result, the Joint Administrators acted as landlords only in this matter. £148,232 has been received in respect of rental income.
- The properties have all subsequently been sold and relevant tenancy and lease agreements have been terminated as appropriate.





#### 3 Payments

- 3.1 Winterhill has been paid £31,533 plus VAT in respect of professional services and disbursements.
- Property costs totalling £53,315 plus VAT have been paid in relation to essential works in line with Winterhill's recommendations
- 3 3 AUA Insolvency Risk Services Limited has been paid £88,795 to insure the Company's properties
- 3.4 Security costs totalling £112,133 have been incurred in order to safeguard the vacant properties, this being a specific requirement of our insurers
- Our solicitor, Gordons LLP ("Gordons"), has provided legal advice throughout the Administration, and has dealt with the sale of properties and extensions of the Administration. Gordons has been paid £77,486 plus VAT
- 3 6 Colliers has been paid £82,486 in respect of fees and expenses incurred in valuing and facilitating the sale of the properties

#### 4 Extension of the Administration

- In order to continue to progress the sale of all the pubs, we obtained the approval of the Bank, in its capacity as secured creditor, to extend the Administration for an initial period of six months to 9 August 2011.
- 4 2 After obtaining the approval of the secured creditor, a Court Order to further extend the Administration to 8 August 2012 was approved.
- Due to delays in the proposed completion of property sales, as a result of matters outside of our control, a further extension was required. The Administration was subsequently extended for a further period of 12 months to 7 August 2013 by way of a Court Order.

#### 5 Prospects for Creditors

#### 5.1 Secured Creditors

- 5.1.1 The Bank has a debenture dated 26 June 2008, creating a fixed and floating charge over all the property owned by the Company.
- 5 1.2 At the date of our appointment, approximately £5 million was owed to the Bank, principally comprising property loans. Distributions to the Bank totalled £1,028,072.

#### 5.2 Preferential Creditors

5 2.1 Preferential claims would only typically arise in respect of employees' arrears of wages and unpaid holiday pay. The Company did not have any employees at the date of our appointment and so there are no preferential creditors



- 5.3 Prescribed Part and Unsecured Creditors
- 5.3.1 Despite the Prescribed Part provisions of the Insolvency Act applying, the Company's net property is less than the prescribed minimum (currently £10,000).
- 5 3 2 There will therefore be no dividend to unsecured creditors of the Company
- 6 Administrators' Remuneration
- 6.1 The Bank, in its capacity as secured creditor, has approved the Joint Administrators' remuneration. With the Bank's agreement, we have drawn fees of £157,467 plus VAT.
- As detailed in the attached schedule, time costs incurred to date total £369,424. This represents 1,849 hours at an average hourly rate of £200.
- 6.3 Disbursements
- 6.3 1 Where disbursements are recovered in respect of precise sums expended to third parties there is no necessity for those costs to be authorised. These are known as category 1 disbursements. The total drawn to date in respect of category 1 disbursements is £2,830.
- 6.3.2 Some administrators recharge expenses for example postage, stationery, photocopying charges, telephone and fax costs, which cannot economically be recorded in respect of each specific case. Such expenses, which are apportioned to cases, require the approval of the creditors before they can be drawn, and these are known as category 2 disbursements. We have not drawn any category 2 disbursements.
- 7 Proposed exit route from Administration
- 7.1 The Insolvency Act 1986 and Insolvency Rules 1986 provide a variety of options regarding the possible exit routes for the Company from the Administration. Our proposals stated that we would exit the Administration via Creditors' Voluntary Liquidation, Compulsory Liquidation or dissolution.
- 7.2 The Company will immediately move to dissolution.

Please find attached an extract from the insolvency Rules 1986 setting out the rights of creditors to request further information and/or challenge the Administrators fees or disbursements within the Administration.

Should you have any queries please do not hesitate to contact my colleague Donna Berriman on 0113 204 1295.

Yours faithfully
For and on behalf of
Lighthouse Pub Company Limited

P J Bates Joint Administrator

F G Newton & P J Bates are authorised by the Insolvency Practitioners Association The Joint Administrators act as agents of the Company and without personal liability



Statement from the Insolvency Rules 1986 (as amended) regarding the rights of creditors in respect of the Joint Administrators' fees and expenses:-

#### Rule 2.48A Creditors' request for further information

- (1) If-
- (a) within 21 days of receipt of a progress report under Rule 2 47--
  - (i) a secured creditor, or
    - (ii) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question), or
- (b) with the permission of the court upon an application made within that period of 21 days, any unsecured creditor, makes a request in writing to the administrator for further information about remuneration or expenses (other than pre administration costs) set out in a statement required by Rule 2 47(1)(db) or (dc), the administrator must, within 14 days of receipt of the request, comply with paragraph (2)
- (2) The administrator complies with this paragraph by either-
- (a) providing all of the information asked for, or
- (b) so far as the administrator considers that-
  - (1) the time or cost of preparation of the information would be excessive, or
  - (ii) disclosure of the information would be prejudicial to the conduct of the administration or might reasonably be expected to lead to violence against any person, or
  - (iii) the administrator is subject to an obligation of confidentiality in respect of the information, giving reasons for not providing all of the information
- (3) Any creditor, who need not be the same as the creditor who requested further information under paragraph (1), may apply to the court within 21 days of—
- (a) the giving by the administrator of reasons for not providing all of the information asked for, or
- (b) the expiry of the 14 days provided for in paragraph (1),
  - and the court may make such order as it thinks just
- (4) Without prejudice to the generality of paragraph (3), the order of the court under that paragraph may extend the period of 8 weeks provided for in Rule 2.109(18) by such further period as the court thinks just

#### Rule 2 109 Creditors' claim that remuneration is or other expenses are excessive

- (1) Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the unsecured creditors (including that creditor) or the permission of the court, may apply to the court for one or more of the orders in paragraph (4)
- (1A) Application may be made on the grounds that-
- (a) the remuneration charged by the administrator,
- (b) the basis fixed for the administrator's remuneration under Rule 2 106, or
- (c) expenses incurred by the administrator,
  - is or are, in all the circumstances, excessive or, in the case of an application under sub-paragraph (b), inappropriate
- (1B) The application must, subject to any order of the court under Rule 2 48A(4), be made no later than 8 weeks after receipt by the applicant of the progress report which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report")
- (2) The court may, if it thinks that no sufficient cause is shown for a reduction, dismiss it without a hearing but it shall not do so without giving the applicant at least 5 business days' notice, upon receipt of which the applicant may require the court to list the application for a without notice hearing. If the application is not dismissed, the court shall fix a venue for it to be heard, and give notice to the applicant accordingly.



Statement from the Insolvency Rules 1986 (as amended) regarding the rights of creditors in respect of the Joint Administrators' fees and expenses (continued) -

#### Rule 2 109 (continued)

- (3) The applicant shall, at least 14 days before the hearing, send to the administrator a notice stating the venue and accompanied by a copy of the application, and of any evidence which the applicant intends to adduce in support of it
- (4) If the court considers the application to be well-founded, it must make one or more of the following orders—
- (a) an order reducing the amount of remuneration which the administrator was entitled to charge,
- (b) an order fixing the basis of remuneration at a reduced rate or amount,
- (c) an order changing the basis of remuneration,
- (d) an order that some or all of the remuneration or expenses in question be treated as not being expenses of the administration,
- (e) an order that the administrator or the administrator's personal representative pay to the company the amount of the excess of remuneration or expenses or such part of the excess as the court may specify,
  - and may make any other order that it thinks just, but an order under sub-paragraph (b) or (c) may be made only in respect of periods after the period covered by the relevant report
- (5) Unless the court orders otherwise, the costs of the application shall be paid by the applicant, and are not payable as an expense of the administration

	Statement of affairs £	From 10/02/2010 To 31/07/2013 £	From 10/02/2010 To 31/07/2013 £
RECEIPTS Rental Income Deposits received Freehold Land & Property Insurance refund Re Royal Oak Security Refund Legal Fees Property Indemnity Insurance Suspense Account Property costs paid by Winterhill Rent	3,000,000.00	148,231.86 2,900.00 1,480,480.56 2,500.00 14,275.36 258.62 106.00 16.11 180.00	148,231.86 2,900.00 1,480,480.56 2,500 00 14,275 36 258 62 106 00 16 11 180 00 15.80
Sundry Debtors Floats - Bank Interest Gross VAT Payable	1,158 00	12.75 0.00 1,308.31 216,125.95	12 75 0.00 1,308.31 216,125 95
PAYMENTS Council Tax Repairs & Maintenance Freehold Land & Property Administrators' fees Administrators' expenses Legal Fees Property indemnity Insurance Winterhill fees Property costs paid by Winterhill Agents/Valuers Fees Site Security Costs Bank of Ireland Rent Suspense - Gordons LLP Administrators Fees Agents/Valuers Fees Agents/Valuers Fees Agents/Valuers Fees Agents/Valuers Fees Agents/Valuers Fees Agents/Valuers Fees Fees Stationery & Postage Insurance of Assets Bank Charges Preferential Creditors Floating Charge Creditor Trade & Expense Creditors Customs & Excise	(4,929,250.00) - (12,259.00) (1,929,250.00) (31,185.00) (56,057.00)	1,581.19 5,212.30 4,451.00 133,466.68 2,829.97 63,266.81 462.00 31,533.17 53,494.94 77,486.11 112,133.19 1,028,071.67 25.00 20.00 24,000.00 5,000.00 3,600.00 14,478.00 45.65 88,794.55 333.14 0.00 0.00 0.00 0.00	1,581.19 5,212.30 4,451.00 133,466.68 2,829 97 63,266.81 462.00 31,533 17 53,494.94 77,486.11 112,133.19 1,028,071.67 25.00 20.00 24,000.00 5,000.00 3,600.00 14,478.00 45 65 88,794 55 333.14 0.00 0.00 0.00 0.00
Bonds Due Group Companies	(1,600 00) (566,199.00)	0.00 0.00 0.00	0.00 0.00 0.00

### JOINT ADMINISTRATORS' RECEIPTS AND PAYMENTS ACCOUNT

	Statement	From 10/02/2010	From 10/02/2010
	of affairs	To 31/07/2013	To 31/07/2013
	£	£	£
Ordinary Shareholders	(1,500,100.00)	0 00	0.00
VAT Receivable		99,284 91	99,284.91
VAT Control Account		116,841.04	116,841.04
		1,866,411.32	1,866,411.32
BALANCE - 31 July 2013			0.00

Page 2 of 2

	Statement of affairs	From 10/02/2013 To 31/07/2013	From 10/02/2010 To 31/07/2013
	£	10 3 170 7720 13 £	f0 51/0//2015 £
	2	-	2
RECEIPTS			
Rental Income		0 00	148,231 86
Deposits received	3 000 000 00	0 00	2,900 00
Freehold Land & Property Insurance refund: Re Royal Oak	3,000,000.00	0.00 0.00	1,480,480.56 2,500.00
Security Refund		0.00	14,275.36
Legal Fees		0.00	258 62
Property Indemnity Insurance		0 00	106.00
Suspense Account		0.00	16.11
Property costs paid by Winterhill		0.00	180 00
Rent		0.00	15 80
Sundry Debtors		0.00	12.75
Floats	1,158.00	0 00	0 00
Bank Interest Gross		0 00	1,308.31
VAT Payable		0.00	216,125.95
	-	0.00	1,866,411.32
PAYMENTS			
Council Tax		0.00	1,581 19
Repairs & Maintenance		0.00	5,212.30
Freehold Land & Property		0.00	4,451.00
Administrators' fees		0.00	133,466.68
Administrators' expenses		0 00	2,829. <del>9</del> 7
Legal Fees		0 00	63,266 81
Property Indemnity Insurance		0 00	462 00
Winterfull fees		0.00	31,533 17
Property costs paid by Winterhill		0.00	53,494.94
Agents/Valuers Fees		0.00	77,486.11
Site Security Costs Bank of Ireland	(4 020 250 00)	0 00	112,133.19
Rent	(4,929,250.00)	0 00 0.00	1,028,071.67 25.00
Suspense - Gordons LLP		0.00	20.00
Administrators Fees		0.00	24,000.00
Agents/Valuers Fees		0.00	5,000.00
Agents/Valuers Fees - Allsop		0 00	3,600 00
Legal Fees		0.00	14,478.00
Stationery & Postage		0.00	45 65
Insurance of Assets		0.00	88,794.55
Bank Charges		0.00	333.14
Preferential Creditors	(12,259.00)	0 00	0.00
Floating Charge Creditor	(1,929,250.00)	0.00	0.00
Trade & Expense Creditors	(31,185.00)	0.00	0.00
Customs & Excise	(56,057.00)	0.00	0.00
Bonds Due	(1,600.00)	0.00	0.00
Group Companies	(566,199.00)	0.00	0 00

### JOINT ADMINISTRATORS' RECEIPTS AND PAYMENTS ACCOUNT

	Statement of affairs	From 10/02/2013 To 31/07/2013	From 10/02/2010 To 31/07/2013
	£	£	£
Ordinary Shareholders VAT Receivable VAT Control Account	(1,500,100.00)	0 00 0.00	0.00 99,284.91
VAI CONTION ACCOUNT		0.00	1,866,411.32
BALANCE - 31 July 2013		-	0.00

Page 2 of 2

Lighthouse Pub Company Limited - In Administration Summary of Time Charged and Rates Applicable for the

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