

AM10

Notice of administrator's progress report



Companies House

THURSDAY



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A13

13/08/2020

#309

COMPANIES HOUSE

1 Company details

Company number 1 1 3 5 4 3 4 4

Company name in full Bourton Spa Limited

→ Filling in this form
Please complete in typescript or in
bold black capitals.

2 Administrator's name

Full forename(s) Daniel

Surname Richardson

3 Administrator's address

Building name/number Greg's Building

Street 1 Booth Street

Post town Manchester

County/Region

Postcode M 2 4 D U

Country

4 Administrator's name ①

Full forename(s) Edward M

Surname Avery-Gee

① Other administrator
Use this section to tell us about
another administrator.

5 Administrator's address ②

Building name/number Greg's Building

Street 1 Booth Street

Post town Manchester

County/Region

Postcode M 2 4 D U

Country

② Other administrator
Use this section to tell us about
another administrator.

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Notice of administrator's progress report

6

Period of progress report

From date	d	d	m	m	y	y	y	y
	2	2	0	1	2	0	2	0
To date	d	d	m	m	y	y	y	y
	2	1	0	7	2	0	2	0

7

Progress report

☒ I attach a copy of the progress report

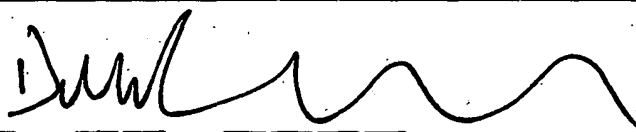
8

Sign and date

Administrator's
signature

Signature

X



X

Signature date	d	d	m	m	y	y	y	y
	1	2	0	8	2	0	2	0

AM10

Notice of administrator's progress report



Presenter information

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

Contact name **Stephanie Adams**

Company name **CG&Co**

Address **Greg's Building**
1 Booth Street

Post town **Manchester**

County/Region

Postcode **M 2 4 D U**

Country

DX

Telephone **0161 358 0210**



Checklist

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- ☐ The company name and number match the information held on the public Register.
- ☐ You have attached the required documents.
- ☐ You have signed the form.



Important information

All information on this form will appear on the public record.



Where to send

You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:

The Registrar of Companies, Companies House,
Crown Way, Cardiff, Wales, CF14 3UZ.
DX 33050 Cardiff.



Further information

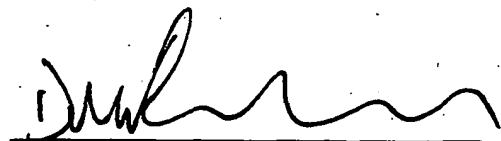
For further information please see the guidance notes on the website at www.gov.uk/companieshouse or email enquiries@companieshouse.gov.uk

This form is available in an alternative format. Please visit the forms page on the website at www.gov.uk/companieshouse

Bourton Spa Limited
(In Administration)
Joint Administrators' Summary of Receipts & Payments

Statement of Affairs £		From 22/01/2020 To 21/07/2020 £	From 22/07/2019 To 21/07/2020 £
	SECURED ASSETS		
2,250,000.00	Freehold Land & Property	NIL	2,300,000.00
		NIL	2,300,000.00
	COSTS OF REALISATION		
	Agents Fee	NIL	48,913.10
	Legal Fees	162.50	3,680.50
	Security, clearance & inspection	NIL	5,485.00
	Bank charges	NIL	90.00
	Insurance	NIL	5,392.35
		(162.50)	(63,560.95)
	SECURED CREDITORS		
(3,635,000.00)	Fiducium	70,000.00	2,170,000.00
(1,900,000.00)	Mysing	NIL	NIL
		(70,000.00)	(2,170,000.00)
	ASSET REALISATIONS		
	Bank Interest Gross	157.69	222.40
		157.69	222.40
	COST OF REALISATIONS		
	Specific Bond	275.00	300.00
	Incidentals	NIL	15.56
	Travel	NIL	126.90
	Irrecoverable Vat	43.75	11,640.36
	Electricity Standing Charge	429.05	429.05
	Statutory Advertising	NIL	71.00
		(747.80)	(12,582.87)
	DISTRIBUTIONS		
(1.00)	Ordinary Shareholders	NIL	NIL
		NIL	NIL
(3,285,001.00)		(70,752.61)	54,078.58
	REPRESENTED BY		
	RBS Account No1		3,078.58
	RBS Account No 2		51,000.00
			54,078.58

Note:


Daniel Richardson
Joint Administrator

Joint Administrators' Progress Report

**Bourton Spa Limited
- In Administration**

21 July 2020

BOURTON SPA LIMITED - IN ADMINISTRATION

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- 3** Pre-administration Costs
- 4** Joint Administrators Remuneration
- 5** Estimated Outcome for Creditors
- 6** Ending the Administration
- 7** Creditors' Rights
- 8** Next Report

APPENDICES

- A** Receipts and Payments Account from 22 January 2020 to 21 July 2020 together with a Cumulative Receipts and Payments Account for Period from 22 July 2019 to 21 July 2020
- B** Time Analysis for the period 22 January 2020 to 21 July 2020
- C** Cumulative Time Analysis for the Period from 22 January 2020 to 21 July 2020
- D** Additional Information in Relation to the Joint Administrators Fees, Expenses & Disbursements
- E** Estimated Outcome Statement as at 21 July 2020

THE ADMINISTRATOR'S PROGRESS REPORT

1 Introduction

- 1.1 I, together with my partner Edward M Avery-Gee, was appointed Joint Administrator of Bourton Spa Limited (the **Company**) on 22 July 2019. The appointment was made by qualifying floating chargeholder, Fiduciam Nominees Limited ("Fiduciam").
- 1.2 This Administration is being handled by CG&Co at Greg's Building, 1 Booth Street, Manchester, M2 4DU. The Administrators' contact details are by phone on 0161 358 0210 or via email at info@cg-recovery.com. The Administration is registered in the High Court of Justice, Business & Property Court, Insolvency & Companies List (ChD), reference number CR-2019-004853.
- 1.3 Information about the way that we will use, and store personal data on insolvency appointment can be found at www.cg-recovery.com. If you are unable to download this, please contact us and a hard copy will be provided to you.
- 1.4 The trading address of the Company was Bourton Hall, Bourton on Dunsmore, Rugby, CV23 9QZ.
- 1.5 The registered office of the Company is c/o CG&Co, Greg's Building, 1 Booth Street, Manchester, M2 4DU and its registered number 11354344.
- 1.6 As Joint Administrator, I am required to provide a progress report covering the period of six months commencing from the date the Company entered Administration and every subsequent period of six months. This progress report covers the period from 22 January 2020 to 21 July 2020 (**the Period**) and should be read in conjunction with my earlier proposals report and the previous progress reports which have been issued.
- 1.7 It should be noted that the Administration has been extended to 21 July 2021.

2 Progress of the Administration

- 2.1 You may recall that the statutory objective being pursued in the Administration was realising property to make a distribution to the secured creditors. In addition to the pursuance of this statutory objective, the Administrators have duties imposed by insolvency and other legislation, some of which may not provide any financial benefit to creditors.
- 2.2 This section of the report provides creditors with an update on the progress made in the Period, both in terms of the achievement of the statutory objective, but also work which is required of the Administrators under other related legislation.
- 2.3 At Appendix A is my Receipts and Payments Account covering the period of this report together with a cumulative Receipts and Payments Account from the date of my appointment as Joint Administrator to 21 July 2020.
- 2.4 Attached at Appendix B is a time analysis outlining the time spent by the Administrators and their staff during the Period together with a cumulative time analysis covering the period since my appointment at Appendix C.
- 2.5 Further information about the basis of remuneration agreed in this case and the Administrators' fees estimate can be found in section 4 of this report, together with any relevant information about revisions to my initial estimate, where applicable.

BOURTON SPA LIMITED - IN ADMINISTRATION

Administration (including statutory compliance & reporting)

- 2.6 As noted above, the Administrators must comply with certain statutory obligations under the Insolvency Act 1986 and other related legislation. Details about the work that I anticipated would need to be done in this area was outlined in my initial fees estimate/information.
- 2.7 Where the costs of statutory compliance work or reporting to creditors exceeds the initial estimate, it will usually be because the duration of the case has taken longer than anticipated, possibly due to protracted asset realisations, which have in turn placed a further statutory reporting requirement on the Administrators.
- 2.8 As noted in my initial fees estimate/information, this work will not necessarily bring any financial benefit to creditors but is required on every case by statute.

Realisation of Assets

Bourton Hall, Burton on Dunsmore, Rugby, CV23 9QZ ("the Property")

- 2.9 As reported in the progress report for the period ended 21 January 2020, the sale of the Property took place on 29 October 2019 for the sum of £2,300,000.

Gross Bank Interest

- 2.10 Gross bank interest in the Period amounts to £157.69. Total gross interest to date amounts to £222.40
- 2.11 It is considered that the work the Administrators and their staff have undertaken to date will bring a financial benefit to creditors.

Future realisations

- 2.12 It has recently been brought to my attention that a council tax refund is due to the Company for £16,234.56. This has been received by Northern Powerhouse Developments Limited (In Administration) as the Company was not part of this group of companies. The transfer of funds has been requested but not received at the time of writing this report.

Creditors (claims and distributions)

- 2.13 Further information on the anticipated outcome for creditors in this case can be found at section 5 of this report. The Administrators are not only required to deal with correspondence and claims from unsecured creditors (which may include retention of title claims), but also those of any secured and preferential creditors of the Company. This may involve separate reporting to any secured creditor and dealing with distributions from asset realisations caught under their security, most typically a debenture.
- 2.14 Claims from preferential creditors typically involve employee claims and payments made on behalf of the Company by the Redundancy Payments Service following dismissal. In respect of this case there are no preferential creditors as there are no employees.
- 2.15 The above work will not necessarily bring any financial benefit to creditors generally, however the Administrators are required by statute to undertake this work. Similarly, if a distribution is to be paid to any class of creditor, work will be required to agree those claims and process the dividend payments to each relevant class of creditor. The more creditors a company has, the more time and cost will be involved by the Administrators in dealing with those claims.

BOURTON SPA LIMITED - IN ADMINISTRATION

2.16 I consider the following matters worth noting in my report to creditors at this stage:

- Fiduciam have been paid a further payment on account in the sum of £70,000.00 during the Period. The total amount paid to Fiduciam under the terms of their charge amounts to £2,170,000.00.
- As previously advised, Fiduciam have a cross guarantee in respect of their lending and have been paid in full under the terms of the cross guarantee.
- As reported in the Joint Administrators proposals a deed of priority was entered into with Mysing Capital Limited ("Mysing"). The second charge has received no funds to date from the asset realisations on this case.

Investigations

2.17 You may recall from my first progress report to creditors that some of the work the Administrators are required to undertake is to comply with legislation such as the Company Directors' Disqualification Act 1986 (CDDA 1986) and Statement of Insolvency Practice 2 – Investigations by Office Holders in Administration and Insolvent Liquidations and may not necessarily bring any financial benefit to creditors, unless these investigations reveal potential asset recoveries that can be pursued for the benefit of creditors.

2.18 My report on the conduct of the Directors of the Company to the Department for Business, Energy & Industrial Strategy under the CDDA 1986 was submitted during the first period of the Administration and is confidential.

2.19 As previously advised, there are wider issues in respect of the trading activities of the Director and associates in respect of the group Northern Powerhouse Developments Limited.

3 Pre-administration Costs

3.1 The following amounts in respect of pre-administration costs have been approved:

Name of recipient	Brief description of services provided	Total amount (plus VAT)
CG & Co	Insolvency advice	2,500.00

4 Joint Administrators' Remuneration

4.1 The basis of the Administrators' fees has been fixed in the Administration by reference to the time properly spent by him and his staff in managing the Administration. My fees estimate/information was originally provided to creditors when the basis of my remuneration was approved and was based on information available to me at that time.

4.2 A copy of that estimate is reproduced below:

Category of work	Estimated Number of Hours	Average blended charge out rate £	Estimated cost £
Administration (inc statutory compliance & reporting)	71.50	284.05	20,310.00
Realisation of assets	48.00	338.96	16,270.00
Creditors (claims & distributions)	11.00	367.33	4,045.00
Investigations	28.50	338.96	16,270.00
Total estimated fees			£48,645.00

BOURTON SPA LIMITED - IN ADMINISTRATION

- 4.3 My time costs for the Period are £8,415.00. This represents 26 hours at an average rate of £323.65 per hour. Attached at Appendix B is a Time Analysis which provides details of the activity costs incurred by staff grade during the Period in respect of the costs fixed by reference to time properly spent in managing the Administration.
- 4.4 Also attached at Appendix C is a cumulative Time Analysis for the period from 22 July 2019 to 21 July 2020 which provides details of my time costs since my appointment. The cumulative time costs incurred to date are £36,914.50 and this represents 113.85 hours at an average rate of £324.24 per hour.
- 4.5 Joint Administrators disbursements in the sum of £275.00 during the Period have been drawn. Total disbursements have been drawn in the sum of £371.00 plus applicable VAT.
- 4.6 An on-account payment in respect of the post appointment fees has been drawn in the sum of £12,500 plus VAT, outside the reporting period.
- 4.6 A copy of 'A Creditors' Guide to Administrators' Fees' is available on request or can be downloaded from <https://www.r3.org.uk/technical-library/england-wales/technical-guidance/creditor-guides/>
- 4.7 Attached at Appendix D is additional information in relation to the Administrators' fees, expenses and disbursements, including where relevant, information on the use of subcontractors and professional advisers.

5 Estimated Outcome for Creditors

- 5.1 An Estimated Outcome Statement as at 21 July 2020 is attached at Appendix E.

Secured Creditors

- 5.2 Fiduciam and Mysing hold a fixed and floating charge over the Company's assets. A deed of priority was entered into in respect of the lending and Fiduciam rank as first charge holder. At the date of the Administration the indebtedness to Fiduciam was £3,635,000.00 plus accruing interest. The amount due to Mysing was approximately £1,900,000.00 plus accruing interest.
- 5.3 As advised at 2.16 Fiduciam have been paid a payment on account of their security during the Period in the sum of £70,000.00 and an on-account payment was made in the previous reporting period in the sum of £2,170,000.00.
- 5.4 Fiduciam have been fully repaid in respect of the amount owing under the terms of the cross guarantee.
- 5.5 There has been no payment to date to Mysing.

Preferential Creditors

- 5.6 There are no preferential creditors.

Unsecured Creditors

- 5.7 The Director did not provide a coherent statement of affairs. I have received claims totalling £538,027.96 from 5 creditors.
- 5.8 The Company granted a floating charge to both Fiduciam and Mysing. Accordingly, I would be required to create a fund out of the Company's net floating charge property for unsecured creditors (known as the **Prescribed Part**), from floating charge realisations.

BOURTON SPA LIMITED - IN ADMINISTRATION

- 5.9 The realisation of floating charge realisations is uncertain and therefore a calculation at the present time is not applicable.

6 Ending the Administration

- 6.1 It is intended that the Company will exit Administration via dissolution. However, if a move to an exit into liquidation is appropriate so that further investigations into the Company's affairs may be carried out for example, an application to Court may be made to exit into Compulsory Liquidation instead. If this exit route is appropriate, at this stage it is anticipated (but is not mandatory) that the Administrators will become the Joint Liquidators in the subsequent liquidation.
- 6.2 The Administrators will be discharged from liability under Paragraph 98(3) of Schedule B1 to the Insolvency Act 1986 immediately upon their appointment as Administrators ceasing to have effect.

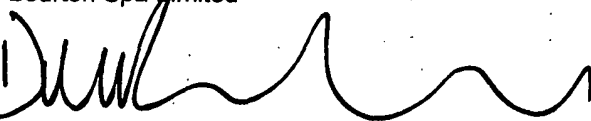
7 Creditors' Rights

- 7.1 Within 21 days of the receipt of this report, a secured creditor, or an unsecured creditor (with the concurrence of at least 5% in value of the unsecured creditors) may request in writing that the Administrators provide further information about their remuneration or expenses (other than pre-administration costs) which have been itemised in this progress report.
- 7.2 Any secured creditor, or an unsecured creditor (with the concurrence of at least 10% in value of the unsecured creditors) may within 8 weeks of receipt of this progress report make an application to court on the grounds that, in all the circumstances, the basis fixed for the Administrators' remuneration is inappropriate and/or the remuneration charged or the expenses incurred by the Administrators, as set out in this progress report, are excessive.

8 Next Report

- 8.1 The Administrators are required to provide a progress report within one month of the end of the next six months of the Administration or earlier if the Administration has been finalised or he wishes to extend it.

For and on behalf of
Bourton Spa Limited



D M Richardson
Joint Administrator

BOURTON SPA LIMITED - IN ADMINISTRATION

Appendix A

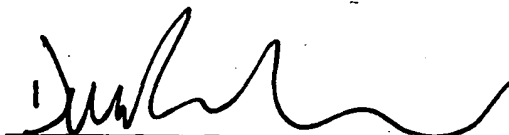
Receipts and Payments Account from 22 January 2020 to 21 July 2020

Bourton Spa Limited
(In Administration)

JOINT ADMINISTRATORS' RECEIPTS AND PAYMENTS ACCOUNT

	Statement of affairs £	From 22/01/2020 To 21/07/2020 £	From 22/07/2019 To 21/07/2020 £
RECEIPTS			
Freehold Land & Property	2,250,000.00	0.00	2,300,000.00
Bank Interest Gross		157.69	222.40
		<u>157.69</u>	<u>2,300,222.40</u>
PAYMENTS			
Agents Fee		0.00	48,913.10
Legal Fees		162.50	3,680.50
Security, clearance & inspection		0.00	5,485.00
Bank charges		0.00	90.00
Insurance		0.00	5,392.35
Fiducium	(3,635,000.00)	70,000.00	2,170,000.00
Mysing	(1,900,000.00)	0.00	0.00
Specific Bond		275.00	300.00
Incidentals		0.00	15.56
Travel		0.00	126.90
Irrecoverable Vat		43.75	11,640.36
Electricity Standing Charge		429.05	429.05
Statutory Advertising		0.00	71.00
Ordinary Shareholders	(1.00)	0.00	0.00
		<u>70,910.30</u>	<u>2,246,143.82</u>
BALANCE - 21 July 2020			<u><u>54,078.58</u></u>

Note:


Daniel Richardson
Joint Administrator

BOURTON SPA LIMITED - IN ADMINISTRATION

Appendix B

Time Analysis for the Period from 22 January 2020 to 21 July 2020

Time Entry - SIP9 Time & Cost Summary

B0064 - Bourton Spa Limited
 Project Code: POST
 From: 22/01/2020 To: 21/07/2020

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Assistant Manager	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Admin & Planning	2.30	12.20	0.00	0.00	1.00	15.50	4,657.50	300.48
Case Specific Matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	6.00	0.90	0.00	0.00	0.00	6.90	2,635.50	381.96
Investigations	0.00	3.00	0.00	0.00	0.00	3.00	885.00	295.00
Realisation of Assets	0.60	0.00	0.00	0.00	0.00	0.60	237.00	395.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Hours	8.90	16.10	0.00	0.00	1.00	26.00	8,415.00	323.65
Total Fees Claimed							0.00	
Total Disbursements Claimed							0.00	

BOURTON SPA LIMITED - IN ADMINISTRATION

Appendix C

Cumulative Time Analysis for the Period from 22 July 2019 to 21 July 2020

Time Entry - SIP9 Time & Cost Summary

B0064 - Bourton Spa Limited
Project Code: POST
From: 22/07/2019 To: 21/07/2020

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Assistant Manager	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Admin & Planning	5.40	34.80	0.00	2.00	3.35	45.55	13,151.50	288.73
Case Specific Matters	0.00	1.60	0.00	0.00	0.00	1.60	472.00	295.00
Creditors	14.90	1.20	0.00	0.00	0.90	17.00	6,374.50	374.97
Investigations	1.30	9.00	0.00	0.00	0.00	10.30	3,168.50	307.62
Realisation of Assets	22.70	15.70	0.00	0.00	1.00	39.40	13,748.00	348.93
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Hours	44.30	62.30	0.00	2.00	5.25	113.85	36,914.50	324.24
Total Fees Claimed							0.00	
Total Disbursements Claimed							0.00	

BOURTON SPA LIMITED - IN ADMINISTRATION

Appendix D

Additional Information in Relation to the Joint Administrators' Fees, Expenses & Disbursements

1 Staff Allocation and the Use of Sub-Contractors

- 1.1 The general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case.
- 1.2 The constitution of the case team will usually consist of a Partner, a Manager, and an Administrator or Assistant. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and the experience requirements of the assignment.
- 1.3 On this case the following sub-contractors have been utilised:

Service(s)	Provider	Basis of fee arrangement	Cost (plus applicable VAT)
Security and site inspections	Humphrey & Gray	Fixed cost	5,485

2 Professional Advisors

- 2.1 On this assignment I have used the professional advisors listed below. I have also indicated alongside, the basis of our fee arrangement with them, which is subject to review on a regular basis.

Name of Professional Advisor	Basis of Fee Arrangement
Brechers LLP (legal advice)	Hourly rate and disbursements
AUA Insolvency Risk Services (insurance)	Premium based on value
Lambert Smith Hampton (valuation and disposal advice)	2% of realisations plus disbursements to a maximum of £5,000.00

- 2.2 Our choice was based on our perception 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. All parties instructed on this matter have vast experience in property sales.

3 Joint Administrators' Expenses & Disbursements

- 3.1 The estimate of expenses (including disbursements) which were anticipated at the outset of the Administration was provided to creditors in the Administrators' Proposals Report a copy of which is set out below:

Expense	Estimated cost (Inclusive of VAT as applicable) £
Agents' costs	61,929.60
Solicitors' costs	15,600.00
Insurance	TBC
Statutory advertising	85.20
Specific penalty bond	25.00
Case related travel & subsistence	150.00

BOURTON SPA LIMITED - IN ADMINISTRATION

Current position of Joint Administrators' expenses

- 3.2 An analysis of the expenses paid to the date of this report, together with those paid in the prior period is provided below, (inclusive of VAT, as applicable) :

	Paid in prior period £	Paid in the period covered by this report £	Total anticipated cost £
Agents' costs	58,695.72	0.00	58,695.72
Solicitors' costs	4,416.60	195.00	4,611.60
Insurance	5,392.35	0.00	5,392.35
Statutory advertising	85.20	0.00	85.20
Specific penalty bond	25.00	275.00	300.00
Bank charges	90.00	0.00	90.00
Incidentals	15.56	0.00	15.56
Travel	126.90	0.00	126.90
Electricity Standing Charge	440.30	0.00	440.30

- 3.3 It was necessary to increase the specific penalty bond as upon the asset realisation of the property, the Joint Administrators were holding surplus funds above the de minimis bond limit.
- 3.4 Category 1 disbursements do not require approval by creditors. The type of disbursements that may be charged as a Category 1 disbursement 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. These disbursements are included in the tables of expenses above.
- 3.5 Category 2 disbursements do require approval from creditors. These are costs which are directly referable to the appointment in question but are not payments which are made to an independent third party and may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis such as internal room hire, document storage or business mileage. Details of Category 2 disbursements charged by this firm (where appropriate) were provided in the Administrators' Proposals Report and approved by creditors. Category two disbursements are not to be charged.

4 Charge-Out Rates

- 4.1 CG&Co's current charge-out rates effective from the onset of the insolvency are detailed below. Please note this firm records its time in minimum units of 6 minutes.

	(Per hour) £
Partner	395.00
Manager	295.00
Assistant Manager	150.00
Administrator	125.00
Support staff	75.00

BOURTON SPA LIMITED - IN ADMINISTRATION

Appendix E

Estimated Outcome Statement as at 21 July 2020

	£
Assets subject to Fixed Charge	
Freehold property	2,300,000.00
Less:	
Cost of Administration	(127,000.00)
Available to Fiduciam	(2,172,857.00)
Amount paid to Fiduciam	(2,170,000.00)
Surplus available to Mysing	3,000.00
Shortfall to Mysing	(1,995,830.00)