

# AM10

## Notice of administrator's progress report



Companies House

FRIDAY



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17/07/2020

#29

COMPANIES HOUSE

### 1 Company details

Company number 00487019

Company name in full A. Levy & Son Limited

→ Filling in this form

Please complete in typescript or in  
bold black capitals.

### 2 Administrator's name

Full forename(s) Neil

Surname Bennett

### 3 Administrator's address

Building name/number Leonard Curtis

Street 5th Floor

Grove House

Post town 248a Marylebone Road

County/Region London

Postcode NW1 6BB

Country

### 4 Administrator's name ①

Full forename(s) Alex

Surname Cadwallader

① Other administrator

Use this section to tell us about  
another administrator.

### 5 Administrator's address ②

Building name/number Leonard Curtis

Street 5th Floor

Grove House

Post town 248a Marylebone Road

County/Region London

Postcode NW1 6BB

Country

② Other administrator

Use this section to tell us about  
another administrator.

AM10

## Notice of administrator's progress report

**6** Period of progress report

From date	d	2	d	2	m	1	m	2	y	2	y	0	y	1	y	9
To date	d	2	d	1	m	0	m	6	y	2	y	0	y	2	y	0

**7** Progress report☒ I attach a copy of the progress report**8** Sign and dateAdministrator's  
signature

Signature

☒ ☒

Signature date

d	1	d	7	m	0	m	7	y	2	y	0	y	2	y	0
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# 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 **Dane O'Hara**

Company name **Leonard Curtis**

Address **5th Floor**

**Grove House**

**248a Marylebone Road**

Post town **London**

County/Region

Postcode **N W 1 6 B B**

Country

DX

Telephone **020 7535 7000**



### 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](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto: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](http://www.gov.uk/companieshouse)



**LEONARD CURTIS**  
BUSINESS RESCUE & RECOVERY

**A. LEVY & SON LIMITED**  
**(IN ADMINISTRATION)**

Registered Number: 00487019

In the High Court of Justice, Business and Property Courts of England and Wales, London  
Court Ref: 2016-000079

**Joint Administrators' Ninth Progress Report to Creditors in accordance  
with Rule 18.3 of the Insolvency (England and Wales) Rules 2016**

**Report period: 22 December 2019 to 21 June 2020**

**Report date: 16 July 2020**

**Leonard Curtis contact details:**

**N A Bennett and A D Cadwallader - Joint Administrators**  
**5th Floor, Grove House, 248a Marylebone Road, London NW1 6BB**  
**Tel: 020 7535 7000 Fax: 020 7723 6059**  
**General enquiries: [creditors@leonardcurtis.co.uk](mailto:creditors@leonardcurtis.co.uk)**  
**Ref: LJ18/DH/ALE06/1010**

## **A. LEVY & SON LIMITED – IN ADMINISTRATION**

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**STRICTLY PRIVATE AND CONFIDENTIAL  
NOT FOR PUBLICATION**

**TO: THE REGISTRAR OF COMPANIES  
ALL CREDITORS  
ALL MEMBERS**

**1 INTRODUCTION**

- 1.1 This report has been produced in accordance with Rule 18.3 of the Insolvency (England and Wales) Rules 2016 ("the Rules") to provide creditors with an update on the progress of the Administration of A. Levy & Son Limited ("the Company") for the period from 22 December 2019 to 21 June 2020.
- 1.2 This is the Joint Administrators' ninth progress report to creditors. The report should be read in conjunction with the Joint Administrators' Statement of Proposals dated 11 February 2016 and the eight previous progress reports issued by the Joint Administrators.
- 1.3 Much of the information contained in this report encompasses the whole period of the Administration. Please be aware, however, that where reference is made to "the period of this report", this specifically means 22 December 2019 to 21 June 2020, being the period since the end of the period covered by the last progress report.

**2 STATUTORY INFORMATION**

- 2.1 Neil Bennett and Alex Cadwallader were appointed as Joint Administrators of the Company in the jurisdiction of High Court of Justice, Business and Property Courts of England and Wales, under Court reference number 2016-000079 on 19 January 2016. The Administration appointment was made by the Director. The Joint Administrators can confirm that there has been no change in office-holder since the date of Administration.
- 2.2 Other statutory information is as set out in the Joint Administrators' report and Proposals dated 11 February 2016.

**3 JOINT ADMINISTRATORS' PROPOSALS**

- 3.1 Attached at Appendix A is a summary of the Joint Administrators' approved proposals for achieving one of the three statutory purposes of Administration ("the Proposals").
- 3.2 The Proposals were approved by creditors on 25 February 2016.
- 3.3 There have been no major amendments to, or deviations from, the Proposals during the course of the Administration to date.
- 3.4 The objective of the Administration is to achieve a better result for the Company's creditors as a whole than would be likely if the Company were to be wound up (without first being in Administration).
- 3.5 It is anticipated that this objective will be achieved as the Administration has resulted in greater realisations and a reduction in creditor claims than would have been received in a liquidation scenario. The Joint Administrators will also be paying a distribution to unsecured creditors by virtue of the prescribed part. The achievement of this objective will not unnecessarily harm the interest of the creditors as a whole.

**4 PROGRESS OF THE ADMINISTRATION**

4.1 Attached at Appendix B is the Joint Administrators' receipts and payments account for the period from 22 December 2019 to 21 June 2020. Cumulative figures for the whole of the Administration period to date have also been provided.

4.2 This report only deals with assets that were recovered during the period of this report or remain outstanding. For further details concerning asset realisations in the Administration please refer to the Joint Administrators' previous progress reports.

**4.3 Sundry Refunds**

A refund of £2,322.43 was received from Lloyds Bank Plc on 7 January 2020 in respect of historic errors in the calculation of interest that was paid by the Company. No further realisations in this regard are anticipated.

**4.4 Bank Interest**

Bank interest of £161.95 has been received during the period of this report.

**4.5 MasterCard/VISA Claim**

As previously advised, the Joint Administrators have joined a group claim against MasterCard and VISA in respect of the overcharge of credit and debit card interchange fees. The claim has been valued at between £200,000 and £1million.

In our previous report we advised that MasterCard and VISA had been granted permission to appeal to the Supreme Court following a Court of Appeal judgment that they had acted unlawfully by setting default multilateral interchange fees and therefore restricting competition.

We were advised in April 2019 that the Court of Appeal dismissed MasterCard's application for permission to appeal to the Supreme Court and handed down a judgment which set aside the original ruling which had refused an application to lodge a class action against MasterCard / VISA.

As previously reported the original judgment has now been referred back to the Competition Appeal Tribunal ("CAT") for a further certification hearing. It is hoped that the CAT will now certify the collective action and allow the claim against MasterCard / VISA to proceed.

There has been no material movement in the status of this claim since the Joint Administrators' last progress report to creditors. We are continuing to monitor the progress of this claim and will provide a further update to creditors in due course.

**4.6 Premises**

The Joint Administrators are continuing to correspond with all relevant landlords to establish:

- Any rent which may still be payable as an expense of the Administration following the termination of licences to occupy and the failure in December 2018 of the Company Voluntary Arrangement entered into by Blue Inc; and
- Any other landlord claims which may rank for prescribed part dividend as set out in section 9 of this report.

**5 ASSETS STILL TO BE REALISED**

Assets still to be realised are:

- Any amounts realisable under the MasterCard and VISA claims referred to in 4.5 above.

**6 INVESTIGATIONS**

- 6.1 Following their appointment, the Joint Administrators considered the information acquired in the course of appraising and realising the business and assets of the Company, together with information provided by the Company's directors and its creditors, to identify any further possible realisations for the estate and what further investigations, if any, might be appropriate.
- 6.2 That assessment did not identify any possible further realisations. In addition, the Joint Administrators concluded that no further investigations were required. If, however, any creditor is aware of any particular matters which they consider require investigation, they should please send full details to this office at the address given at the front of this report.
- 6.3 Regardless of the above, the Joint Administrators have complied with their statutory obligations under the Company Directors Disqualification Act 1986 and the appropriate report has been submitted to the relevant authority.

**7 JOINT ADMINISTRATORS' REMUNERATION AND DISBURSEMENTS**

**Pre-Administration Costs**

- 7.1 On 11 March 2016, the secured and preferential creditors approved payment of the following pre-Administration costs as an expense of the Administration:

Charged by	Services provided	Total approved £	Amount paid £	Amount unpaid £
Leonard Curtis	Meeting with Company and directors, assessing that Administration was the appropriate route, instructing agents and solicitors regarding the sale of the business. Assisting agents with the sale of the business, negotiating with interested parties and secured creditors.	91,298.00	91,298.00	-
Hilco Valuation Services	Asset valuation and sale negotiation	32,192.60	32,192.60	-
Colliers International	Asset valuation	11,250.00	11,250.00	-
Squire Patton Boggs (UK) LLP	Preparation of sale contract and Administration appointment documents and legal advice generally	42,268.50	42,268.50	-
	<b>Total</b>	<b>177,009.10</b>	<b>177,009.10</b>	-

- 7.2 These costs have now been paid and are detailed in the receipts and payments account attached at Appendix B.



**Joint Administrators' Remuneration**

- 7.3 On 11 March 2016, the secured and preferential creditors agreed that the remuneration of the Joint Administrators be fixed by reference to time properly spent by them and their staff in attending to matters as set out in the Fees Estimate (for an amount not exceeding £277,610). Approval was also received to draw category 2 disbursements as referred to in section 8.1 below.
- 7.4 In our progress report dated 9 January 2017, we advised that time incurred in the Administration had exceeded that initial estimate. A Revised Fees Estimate of £650,437.50 was issued and was approved by the secured and preferential creditors on 10 January 2017.
- 7.5 In our previous report dated 15 July 2019, the Joint Administrators' total time costs at 21 December 2019 amounted to £907,330. Since then further time charged by the Joint Administrators for the period of this report amounts to £12,849. This represents 27.4 hours at an average rate of £468.94 per hour. Total time costs to 21 June 2020 therefore total £920,179. A summary of time costs incurred in the period is set out at Appendix C, together with a detailed description of work undertaken in the period, attributable to each category of time costs, and an explanation of why it was necessary for that work to be performed. We also detail where further work is expected to be undertaken and why.
- 7.6 Attached, at Appendix D, is a summary of time costs incurred to date compared with time costs as set out in the Joint Administrators Revised Fees Estimate.
- 7.7 You will note that total time costs incurred during the Administration to date exceed the revised Fees Estimate by £269,741.50. As demonstrated within the attached fee comparison summary at Appendix D, costs attributable to each category of time have been exceeded in most cases, but the principal reason for the excess is the significant additional time costs incurred by senior staff members in the categories of Landlords, Blue Inc's CVA and Legal Assistance. Further details are included in the narrative provided at Appendix C.
- 7.8 The Administration is not yet complete and it is likely that significant further time costs will be incurred in dealing with this matter, largely as a result of the Blue Inc CVA and its subsequent failure. Fees drawn to date against total time costs incurred amount to £340,000. Recovery of our unpaid time costs will be limited to available funds. Accordingly we do not propose requesting secured and preferential creditors to consider a further revision to our fees estimate at this stage, although we reserve the right to in the event that significant further realisations are made.
- 7.9 Further guidance may be found in "A Creditors' Guide to Administrators' Fees" which may be downloaded from:  
<https://www.r3.org.uk/what-we-do/publications/professional/fees>
- 7.10 If you would prefer this to be sent to you in hard copy please contact Dane O'Hara of this office on 020 7535 7000.

**8 JOINT ADMINISTRATORS' EXPENSES**

- 8.1 Creditors will recall that the Joint Administrators have previously circulated a 'Statement of Likely Expenses' in this matter.

Expenses are separated into the following categories:

- (i) Standard Expenses: this category includes expenses payable by virtue of the nature of the Administration process and / or payable in order to comply with legal or regulatory requirements.

## A. LEVY & SON LIMITED – IN ADMINISTRATION

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- (ii) Case Specific Expenses: this category includes expenses likely to be payable by the Joint Administrators in carrying out their duties in dealing with issues arising in a particular case. Also included within this category are costs that are directly referable to the Administration but are not paid to an independent third party (and which may include an element of allocated costs).

These are known as "Category 2 disbursements" and are subject to the approval of the creditors. On 11 March 2016, the deemed approved also approved that category 2 disbursements could be drawn by the Joint Administrators, as detailed at Appendix F.

- 8.2 A copy of the Joint Administrators' statement of likely expenses, together with comparative details of expenses incurred during the current reporting period and confirmation as to whether those amounts are paid or unpaid is set out at Appendix E.
- 8.3 No professional fees or other costs have been incurred or discharged in the period covered by this report.
- 8.4 As previously advised, our agents, Cerberus Recoveries, have incurred significant costs in assisting the Joint Administrators with licence arrears and landlord issues. Cerberus Recoveries have been paid £75,000, none of which has been paid in the period covered by this report. Whilst Cerberus Recoveries continue to assist the Joint Administrators in relation to the licence arrears and landlord issues, in the absence of any further significant realisations we do not anticipate paying Cerberus Recoveries any further fees. We will advise creditors in due course if the position changes.
- 8.5 Attached at Appendix F is additional information in relation to the firm's policy on staffing, the use of sub-contractors, disbursements and details of our current charge-out rates by staff grade. It should be noted that Leonard Curtis's standard charge out rates were increased with effect from 1 August 2019 and the revised rates are confirmed at Appendix F.
- 8.6 Under Rule 18.9 of the Rules, within 21 days of receipt of this report, a secured creditor, or an unsecured creditor with either the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question), or with the permission of the court, may make a written request to the Joint Administrators for further information about remuneration or expenses set out in this report.
- 8.7 Under Rule 18.34 of the Rules, 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, on the grounds that the basis fixed for the Joint Administrators' remuneration is inappropriate, or the remuneration or expenses charged by the Joint Administrators are, in all the circumstances, excessive.
- 8.8 The application must be made no later than eight weeks after receipt of the progress report that first reports the fee basis, the charging of the remuneration or the incurring of the expenses in question.
- 8.9 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.

## 9 ESTIMATED OUTCOME FOR CREDITORS

### Secured Creditors

- 9.1 Barclays hold a fixed and floating charge dated 12 June 2006 over the assets of the Company. Barclays were not owed any monies at the date of Administration.
- 9.2 Blue Inc hold a fixed and floating charge dated 4 November 2014 over the assets of the Company. Blue Inc were owed £4.3million at the date of Administration.

## **A. LEVY & SON LIMITED – IN ADMINISTRATION**

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- 9.3 An amount was retained by Blue Inc as charge holder, by way of set off against the consideration paid for the business. The retention was made in anticipation of future distributions to Blue Inc under the fixed and floating charge held.

### **Preferential Claims**

- 9.4 The only categories of claims which have preferential status are those of employees in respect of unpaid wages, accrued holiday pay and unpaid pension contributions. The Joint Administrators instructed employment specialists, Evolve Group Limited (formerly Insol Group Limited), to deal with the claims of the redundant employees who had worked at the 76 closed stores.
- 9.5 Preferential claims totalling £545,571 have previously been agreed and paid in full.

### **Prescribed Part**

- 9.6 The Act provides that, where a company has created a floating charge after 15 September 2003, we must make a prescribed part of the company's net property available to the unsecured creditors prior to distributing under the floating charge. The Joint Administrators will be paying a prescribed part distribution in this matter.

### **Unsecured Non-Preferential Claims**

- 9.7 From April 2017, the Joint Administrators have had the discretion to admit claims from creditors with claims under £1,000 without receiving a proof of debt. The Joint Administrators confirm that, to date, no claims have been admitted under the small claims provisions.
- 9.8 Unsecured claims of £20,967,867 have been received to date. In addition HM Revenue & Customs ("HMRC") have an open appeal against VAT charges of £9,167,606.
- 9.9 If you have not already done so, please submit details of your claim to my office. A proof of debt form is attached at Appendix G for your ease of use.
- 9.10 The prospect of a distribution to unsecured creditors, other than under the prescribed part provisions, is entirely dependent upon a successful outcome to the Company's MasterCard and VISA claim referred to in 4.5 above.

## **10 MATTERS STILL TO BE DEALT WITH**

Matters still to be dealt with before conclusion of the Administration include the following:

- Finalisation of the group claim against MasterCard and VISA as referred to in paragraph 4.5.
- Assignment or surrender of any outstanding premises leases.
- The formal agreement of creditor claims and payment of a prescribed part distribution to unsecured creditors.
- The payment of the balance of the Administration expenses, including the remuneration of the Joint Administrators.

## **11 EXTENSIONS TO THE ADMINISTRATION**

- 11.1 As previously advised, the Joint Administrators applied to Court for a further extension of the Administration on 1 December 2017. The Court granted this extension on 8 January 2018 and the revised date for the end of the Administration is 18 July 2021.
- 11.2 The extension was granted to allow the Joint Administrators to deal with all outstanding matters pertaining to the Administration, including the receipt of the unsecured dividends due under the terms of the Blue Inc CVA.

## A. LEVY & SON LIMITED – IN ADMINISTRATION

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11.3 The Joint Administrators do not currently consider that a further extension will be necessary given that the Blue Inc CVA has now been terminated, however this may change depending on progress made in respect of the MasterCard / VISA claim.

11.4 The Joint Administrators will be discharged from liability immediately upon their appointment as Administrators ceasing to have effect.

### 12 NEXT REPORT

The Joint Administrators are required to provide a progress report which must be delivered within one month of the end of the next six months of the Administration or earlier if the Administration has been finalised.

### 13 DATA PROTECTION

Finally, when submitting details of your claim in the administration, you may disclose personal data to the Joint Administrators. The processing of personal data is regulated in the UK by the General Data Protection Regulation EU 2016/679 as supplemented by the Data Protection Act 2018, together with other laws which relate to privacy and electronic communications. The Joint Administrators act as Data Controllers in respect of personal data they obtain in relation to this administration and are therefore responsible for complying with Data Protection Law in respect of any personal data they process. The Joint Administrators' privacy notice, which is attached to this report at Appendix I, explains how they process your personal data. Terms used in this clause bear the same meanings as are ascribed to them in Data Protection Law.

If you wish to discuss the issues raised in this report or require any additional information, please contact this office.

Yours faithfully  
for and on behalf of  
**A. LEVY & SON LIMITED**



**NEIL BENNETT**  
**JOINT ADMINISTRATOR**

Neil Bennett is authorised to act as an insolvency practitioner in the UK by the Insolvency Practitioners Association under office holder number 9083 and Alex Cadwallader is authorised to act as an insolvency practitioner in the UK by the Institute of Chartered Accountants in England and Wales under office holder number 9501

The affairs, business and property of the Company are being managed by the Joint Administrators, who act as agents of the Company without personal liability.

**SUMMARY OF JOINT ADMINISTRATORS' APPROVED PROPOSALS**

The following proposals were deemed approved on 25 February 2016:

- 1 The Joint Administrators continue to manage the business, affairs and property of the Company in such a manner as they consider expedient with a view to achieving the statutory purposes of the Administration.
- 2 In the event that there are no monies remaining to be distributed to creditors other than by virtue of the prescribed part the Company be dissolved as soon as all matters relating to the Administration have been completed.
- 3 If appropriate, the Joint Administrators file a notice with the Registrar of Companies in order that the Administration will cease and the Company will move automatically into Creditors' Voluntary Liquidation with a view to distributing the available funds. It is further proposed that N A Bennett and A D Cadwallader be appointed Joint Liquidators of the Company. Any act required or authorised under any enactment to be done by the liquidator is to be done by all or any one or more of the persons for the time being holding the office in question.
- 4 In the event that options 2 and 3 are not appropriate, the Joint Administrators take whatever action(s) they deem appropriate to end of the Administration.

# A. LEVY & SON LIMITED – IN ADMINISTRATION

APPENDIX B

## Summary of Joint Administrators' Receipts and Payments Account for the Period from 22 December 2019 to 21 June 2020

	Estimated Financial Position £	Fixed £	Previously Reported Floating £	Rent Account £	22.12.19 - 21.06.20			Total £
					Fixed £	Floating £	Rent Account £	
<b>RECEIPTS</b>								
Goodwill and Intellectual Property	200,000	200,000.00	-	-	-	-	-	200,000.00
Stock	800,000	-	800,000.00	-	-	-	-	800,000.00
Fixtures & Fittings	150,000	-	150,000.00	-	-	-	-	150,000.00
Motor Vehicles	50,000	-	50,000.00	-	-	-	-	50,000.00
Balance at Bank	1,993,623	-	2,189,983.99	-	-	-	-	2,189,983.99
Prepayments	Uncertain	-	373,782.03	-	-	-	-	373,782.03
	<b>3,193,623</b>	<b>200,000.00</b>	<b>3,563,766.02</b>					<b>3,763,766.02</b>
Sundry Receipts	-	-	43,904.00	-	-	-	-	43,904.00
Service Charge Refund	-	-	257.74	-	-	-	-	257.74
Sundry Refunds	-	-	1,322.16	-	-	2,322.43	-	3,644.59
Licence Fees	-	-	-	6,732,277.39	-	-	-	6,732,277.39
Deposit Interest Gross	-	7.33	3,538.18	285.25	-	312.78	9.21	4,152.75
		<b>200,007.33</b>	<b>3,612,788.10</b>	<b>6,732,562.64</b>		<b>2,635.21</b>	<b>9.21</b>	<b>10,548,002.49</b>
<b>PAYMENTS</b>								
Pre Administration Costs	-	38,876.52	138,132.58	-	-	-	-	177,009.10
Solicitors' Fees and Expenses	-	-	116,693.30	-	-	-	-	116,693.30
Agents' Fees and Expenses - Insol	-	-	42,915.00	-	-	-	-	42,915.00
Other Professional Fees	-	-	105,291.34	-	-	-	-	105,291.34
Professional Fees - Cerberus	-	-	75,000.00	-	-	-	-	75,000.00
Accountants' Fees	-	-	15,250.00	-	-	-	-	15,250.00
Rent	-	-	-	6,752,668.12	-	-	-	6,752,668.12
Landlord's Distraint	-	-	987.27	-	-	-	-	987.27
HMRC Duty Deferment Bond	-	-	197,303.41	-	-	-	-	197,303.41
Bank Interest and Charges	-	-	46,562.16	-	-	-	-	46,562.16
Sundry Payments	-	-	600.42	-	-	-	-	600.42
Pension Scheme	-	-	6,988.08	-	-	-	-	6,988.08
Insurance	-	-	6,559.05	-	-	-	-	6,559.05
Statutory Advertising	-	-	78.75	-	-	-	-	78.75
Bordereau Fee	-	-	750.00	-	-	-	-	750.00
IT Licence Fee	-	-	87.00	-	-	-	-	87.00
Printing, Photocopying & Postage	-	-	4,995.84	-	-	-	-	4,995.84
Sundry Expenses/Disbursements	-	-	722.22	-	-	-	-	722.22
Joint Administrators' Remuneration	-	-	340,000.00	-	-	-	-	340,000.00
		<b>38,876.52</b>	<b>1,098,916.42</b>	<b>6,752,668.12</b>				<b>7,890,461.06</b>
<b>DISTRIBUTIONS</b>								
Blue Inc (UK) Limited - on account	-	150,000.00	1,500,457.62	-	-	-	-	1,650,457.62
Preferential Creditors - paid in full	-	-	545,570.79	-	-	-	-	545,570.79
<b>Balance in Hand</b>		<b>11,130.81</b>	<b>467,843.27</b>	<b>(20,105.48)</b>		<b>2,635.21</b>	<b>9.21</b>	<b>461,513.02</b>

### Represented by:

Fixed Charge Account	11,130.81
Floating Charge Account	425,681.59
Rent Deposit Account	24,700.62
	<b>461,513.02</b>

**SUMMARY OF JOINT ADMINISTRATORS' TIME COSTS FOR THE PERIOD  
FROM 22 DECEMBER 2019 TO 21 JUNE 2020**

	Director		Senior Manager		Manager 1		Total		Average
	Units	Cost £	Units	Cost £	Units	Cost £	Units	Cost £	Hourly Rate £
Statutory & Review	-	-	-	-	3	118.50	3	118.50	395.00
Assets	-	-	-	-	6	237.00	6	237.00	395.00
Liabilities	-	-	-	-	16	632.00	16	632.00	395.00
Landlords	17	892.50	10	445.00	13	513.50	40	1,851.00	462.75
General Administration	-	-	-	-	1	39.50	1	39.50	395.00
Post Appointment Reporting	8	420.00	-	-	73	2,883.50	81	3,303.50	407.84
LEGAL SERVICES - Preparation	77	4,042.50	-	-	-	-	77	4,042.50	525.00
LEGAL SERVICES - Attendance	10	525.00	-	-	-	-	10	525.00	525.00
LEGAL SERVICES - Telephone calls	2	105.00	-	-	-	-	2	105.00	525.00
LEGAL SERVICES - Email out	38	1,995.00	-	-	-	-	38	1,995.00	525.00
<b>Total</b>	<b>152</b>	<b>7,980.00</b>	<b>10</b>	<b>445.00</b>	<b>112</b>	<b>4,424.00</b>	<b>274</b>	<b>12,849.00</b>	
<b>Average Hourly Rate (£)</b>		<u><b>525.00</b></u>		<u><b>445.00</b></u>		<u><b>395.00</b></u>		<u><b>468.94</b></u>	
All Units are 6 minutes									

**DESCRIPTION OF TIME SPENT BY CATEGORY  
PERIOD 22 DECEMBER 2019 TO 21 JUNE 2020**

**Statutory and Review**

This category of activity encompasses work undertaken for both statutory and case management purposes. Whilst this work will not directly result in any monetary value for creditors, it ensures that the case is managed efficiently and resourced appropriately, which will be of benefit to all creditors. The work carried out under this category comprised the following:

- Case management reviews – A periodic review has been carried out during the period covered by this report to ensure that the case is progressing as planned; and
- Review of time costs data to ensure accurate posting of time and to ensure compliance with Statement of Insolvency Practice 9.

The above work will continue to be carried out as the Administration continues. Once the Administration is in a position to be finalised case closing procedures will also be carried out under this category.

**Assets**

Work carried out under this category can be summarised as follows:

- Liaising with Lloyds Bank Plc regarding the sundry refund relating to overpaid interest and accounting for the receipt of these funds.
- Accounting for bank interest accruing on the estate account.

**Liabilities**

This category of time includes both statutory and non-statutory matters.

*Statutory*

- Processing of claims from the Company's creditors. In this case, creditors' claims received have simply been noted and will be adjudicated and agreed in due course.

*Non-statutory*

- Dealing with correspondence from the Company's creditors including trade creditors, utility suppliers, rating authorities and landlord unsecured claims.

The above work will continue to be carried out as the Administration continues.

**Landlords**

- Liaising with the numerous landlords and managing agents of the store portfolio, including both written and telephone enquiries;
- Liaising with solicitors and agreeing lease assignments or surrenders; and
- Dealing with solicitor correspondence.

The above work will continue to be carried out until all the stores contained within the store portfolio have been dealt with accordingly, although it is anticipated that the level of ongoing work will reduce as the number of unresolved leases continues to fall.

**General Administration**

- Maintaining the case files;
- Filing of correspondence; and



## **A. LEVY & SON LIMITED – IN ADMINISTRATION**

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- Dealing with general correspondence.

These are statutory requirements and provide no benefit to creditors. The above work will continue to be carried out as the Administration continues.

### **Post Appointment Creditor Reporting**

- Preparation of the six month progress report to creditors in January 2020.

The above is a statutory requirement but also ensures that creditors remain informed on progress being made in the Administration. Significantly more time has been incurred over and above that in the revised Fees Estimate as a result of the extension to the Administration and further progress reports falling due and additional time necessary to ensure reports are compliant in light of recent changes to the insolvency rules.

Ongoing six monthly progress reports will continue to be issued as the Administration continues. In addition, a final progress report to conclude the Administration will be prepared under this category once the Administration is able to be finalised.

### **Legal Assistance/Services**

- Leonard Curtis Legal Services have assisted in dealing with correspondence received from the landlords of the store portfolio and dealing with solicitor correspondence.

The above work will continue to be carried out until all the stores contained within the store portfolio have been dealt with accordingly.

A. LEVY & SON LIMITED – IN ADMINISTRATION

APPENDIX D

SUMMARY OF JOINT ADMINISTRATORS' TOTAL TIME COSTS TO 21 JUNE 2020  
INCORPORATING A COMPARISON WITH THE JOINT ADMINISTRATORS' APPROVED FEE ESTIMATE

	Director		Senior Manager		Manager 1		Manager 2		Administrator 1		Administrator 2		Administrator 3		Administrator 4		Total		Average	Revised		
	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Hourly Rate	Fees Estimate	Costs	Increase/
		£		£		£		£		£		£		£		£		£	£	£	£	(Decrease)
Statutory & Review	297	13,365.00	100	4,100.00	115	4,206.50	166	5,312.00	28	728.00	-	-	-	-	85	1,275.00	791	28,986.50	366.45	19,356.00	28,986.50	9,630.50
Receipts & Payments	-	-	55	2,255.00	259	9,453.50	285	9,120.00	37	962.00	-	-	-	-	154	2,317.50	790	24,108.00	305.16	16,503.50	24,108.00	7,604.50
Insurance	-	-	-	-	31	1,131.50	65	2,080.00	-	-	-	-	-	-	13	195.00	109	3,406.50	312.52	4,421.50	3,406.50	(1,015.00)
Assets	419	18,855.00	65	2,665.00	402	14,691.00	508	16,256.00	93	2,418.00	1	23.00	-	-	440	6,600.00	1,928	61,508.00	319.02	55,563.50	61,508.00	5,944.50
Liabilities	271	12,195.00	58	2,378.00	367	13,443.50	474	15,168.00	125	3,250.00	67	1,541.00	20	420.00	4190	62,916.00	5,572	111,311.50	199.77	141,661.00	111,311.50	(30,349.50)
Landlords	2,523	113,662.50	186	7,661.00	1,646	60,142.00	5,729	183,328.00	755	19,630.00	800	18,400.00	-	-	4,961	74,419.50	16,600	477,243.00	287.50	340,122.50	477,243.00	137,120.50
Trading	28	1,320.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	28	1,320.00	471.43	-	1,320.00	-
Debenture Holder	139	6,255.00	-	-	82	2,993.00	48	1,536.00	2	52.00	-	-	-	-	15	225.00	286	11,061.00	386.75	11,269.50	11,061.00	(208.50)
General Administration	316	14,295.00	169	6,925.00	191	6,974.50	239	7,648.00	89	2,314.00	42	966.00	30	630.00	723	10,855.50	1,799	50,612.00	281.33	25,850.00	50,612.00	24,762.00
Appointment	12	540.00	10	410.00	-	-	15	480.00	10	260.00	-	-	-	-	40	600.00	87	2,290.00	263.22	2,290.00	2,290.00	-
Post Appointment Creditor Reporting	235	10,635.00	147	6,027.00	234	8,760.00	287	9,184.00	215	5,590.00	20	460.00	15	315.00	413	6,195.00	1,566	47,166.00	301.19	29,330.00	47,166.00	17,836.00
Investigations	12	540.00	-	-	-	-	-	-	-	-	-	-	-	3	45.00	15	585.00	390.00	-	585.00	585.00	-
Blue Inc CVA	397	17,865.00	25	1,025.00	38	1,387.00	461	14,752.00	10	260.00	-	-	-	-	117	1,755.00	1,048	37,044.00	353.47	-	37,044.00	-
Legal Services	1,191	54,577.50	100	4,100.00	-	-	-	-	150	3,900.00	-	-	-	-	64	960.00	1,505	63,537.50	422.18	3,485.00	63,537.50	60,052.50
Total	5,840	264,105.00	915	37,550.00	3,365	123,182.50	8,277	264,864.00	1,514	39,364.00	930	21,390.00	65	1,365.00	11,218	168,358.50	32,124	920,179.00		650,437.50	920,179.00	269,741.50
Average Hourly Rate (£)		452.23		410.38		366.07		320.00		260.00		230.00		210.00		150.08		286.45				

All Units are 6 minutes

## APPENDIX E

**SUMMARY OF JOINT ADMINISTRATORS' EXPENSES  
FROM 22 DECEMBER 2019 TO 21 JUNE 2020  
INCORPORATING A COMPARISON OF THE JOINT ADMINISTRATORS'  
STATEMENT OF LIKELY EXPENSES**

**Standard Expenses**

Type	Charged by	Description	Estimated Amount £	Total Amount Incurred to Date £	Amount Incurred in This Period £	Amount Paid £	Amount Unpaid £
AML Checks	Business Tax Centre	Electronic client verification	10.00	25.00	-	25.00	-
Bond Fee	AUA Insolvency Risk Services	Insurance bond	750.00	750.00	-	750.00	-
Company Searches	-	Extraction of company information from Companies House	10.00	-	-	-	-
Document Hosting	Pelstar Computing	Hosting of documents for creditors	500.00	1,115.80	107.80	576.80	539.00
Software Licence Fee	Pelstar Computing	Case management system licence fee	87.00	87.00	-	87.00	-
Statutory Advertising	Courts Advertising	Advertising	200.00	78.75	-	78.75	-
Storage Costs	Total Data Management	Storage of books and records	1,000.00	20.83	2.50	-	20.83
Postage & Printing	Leonard Curtis	Postage and external Printing relating to reports to creditors	3,500.00	4,281.79	-	3,553.44	728.35
Post Redirection	-	Redirection of post	-	-	-	-	-
Other	Leonard Curtis	Sundry Expenses/Disbursements	-	725.80	-	722.22	3.58
		<b>Total standard expenses</b>	<b>6,057.00</b>	<b>7,084.97</b>	<b>110.30</b>	<b>5,793.21</b>	<b>1,291.76</b>

## A. LEVY & SON LIMITED – IN ADMINISTRATION

### Case Specific Expenses

Type	Charged by	Description	Estimated Amount £	Total Amount Incurred to Date £	Amount Incurred in This Period £	Total Amount Paid £	Total Amount Unpaid £
Agents' Fees	-	Assisting with retention of title and third party assets. Time costs.	10,000.00	-	-	-	-
Agents' Fees	Cerberus Recoveries	Assistance with collection of licence arrears and negotiations with landlord. Time costs.	-	75,000.00	-	75,000.00	-
Legal Fees	Squire Patton Boggs Limited	Legal advice and dealing with lease assignments and surrenders and solicitor correspondence. Time costs.	100,000.00	94,452.47	-	94,452.47	-
Legal Fees	HBJ Gateley	Lease assignments and surrenders of the Scottish properties. Time costs.		6,090.83	-	6,090.83	-
Legal Fees	Addleshaw Goddard LLP	Legal advice in relation to Blue Inc CVA and dealing with Administration Extension. Time costs.	-	16,150.00	-	16,150.00	-
ERA Services	Evolve Group Limited (Formerly Insol Group Limited)	Dealing with employee claims including pension scheme. Fixed fee per employee.	40,000.00	42,915.00	-	42,915.00	-
Accountant's Fees	Harris & Trotter LLP	General accountancy advice. Time costs.	-	7,750.00	-	7,750.00	-
Professional Fees	PwC	Dealing with HMRC VAT appeal. Time costs.	-	16,710.00	-	16,710.00	-
Other Professional Fees	CAPA	Rates refunds – percentage of recoveries (20%)	-	72,262.62	-	72,262.62	-
Other Professional Fees	Kingford Partnership Limited	Rates refunds – percentage of recoveries (20%)	-	1,024.82	-	1,024.82	-
Other Professional Fees	Goodman Nash Ltd	Rates refunds – percentage of recoveries (20%)	-	3,418.14	-	3,418.14	-
Other Professional Fees	Altus UK LLP	Rates refunds – percentage of recoveries (20%)	-	12,428.99	-	12,428.99	-
Other Professional Fees	Kingford Ashton UL	Rates refunds – percentage of recoveries (20%)	-	1,877.59	-	1,877.59	-
Other Professional Fees	Check and Challenge Limited	Rates refunds – percentage of recoveries (20%)	-	27.45	27.45	27.45	-
Photocopying – 10p per copy	Leonard Curtis	Category 2 disbursement requiring specific creditor / committee approval	500.00	1,442.40	-	1,164.40	278.00
		<b>Total case specific expenses</b>	<b>151,300.00</b>	<b>351,550.31</b>	<b>27.45</b>	<b>351,272.31</b>	<b>278.00</b>

## LEONARD CURTIS POLICY REGARDING FEES, EXPENSES AND DISBURSEMENTS

The following Leonard Curtis policy information is considered to be relevant to creditors:

**Staff Allocation and Charge Out Rates**

We take an objective and practical approach to each assignment which includes active director involvement from the outset. Other members of staff will be assigned on the basis of experience and specific skills to match the needs of the case. Time spent by secretarial and other support staff on specific case related matters, e.g. report despatching, is not charged.

Where it has been agreed by resolution that the office holders' remuneration will be calculated by reference to the time properly given by the office holders and their staff in attending to matters as set out in a fees estimate, then such remuneration will be calculated in units of 6 minutes at the standard hourly rates given below. In cases of exceptional complexity or risk, the insolvency practitioner reserves the right to obtain authority from the appropriate body of creditors that their remuneration on such time shall be charged at the higher complex rate given below.

The following hourly charge out rates apply to all assignments undertaken by Leonard Curtis:

6 Jan 2014 onwards	Standard	Complex	1 Aug 2019 onwards	Standard	Complex
	£	£		£	£
Director	450	562	Director	525	656
Senior Manager	410	512	Senior Manager	445	556
Manager 1	365	456	Manager 1	395	494
Manager 2	320	400	Manager 2	345	431
Administrator 1	260	325	Administrator 1	280	350
Administrator 2	230	287	Administrator 2	250	313
Administrator 3	210	262	Administrator 3	230	288
Administrator 4	150	187	Administrator 4	165	206
Support	0	0	Support	0	0

Office holders' remuneration may include costs incurred by the firm's in-house legal team, who may be used for non-contentious matters pertaining to the insolvency appointment.

**Subcontractors**

Where we subcontract out work that could otherwise be carried out by the office holder or his/her staff, this will be drawn to the attention of creditors in any report which incorporates a request for approval of the basis upon which remuneration may be charged. An explanation of why the work has been subcontracted out will also be provided.

**Professional Advisors**

Details of any professional advisor(s) used will be given in reports to creditors. Unless otherwise indicated the fee arrangement for each is based on hourly charge out rates, which are reviewed on a regular basis, together with the recovery of relevant disbursements.

The choice of professional advisors is based around a number of factors including, but not restricted to, their expertise in a particular field, the complexity or otherwise of the assignment and their geographic location.

**Expenses**

We are required to provide creditors with an estimate of the expenses we expect to be incurred in respect of an assignment and report back to them on actual expenses incurred and paid in our periodic progress reports. There are two broad categories of expenses: standard expenses and case specific expenses. These are explained in more detail below:

- a) Standard Expenses – this category includes expenses which are payable in order to comply with legal or regulatory requirements and therefore will generally be incurred on every case. They will include:

Type	Description	Amount
AML checks	Electronic client verification in compliance with the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017	£5.00 plus VAT per search

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Bond / Bordereau fee	Insurance bond to protect the insolvent entity against and losses suffered as a result of the fraud or dishonesty of the IP	£10.00 to £1,200.00 dependent on value of assets within case																								
Company searches	Extraction of company information from Companies House	£1.00 per document unless document can be accessed via the free service																								
Document hosting	Hosting of documents for creditors/shareholders. Cost per upload, plus VAT.	<table> <tr> <th>Type</th><th>First 100</th><th>Every addtl 10</th></tr> <tr> <td>ADM</td><td>£14.00</td><td>£1.40</td></tr> <tr> <td>CVL</td><td>£7.00</td><td>£0.70</td></tr> <tr> <td>MVL</td><td>£7.00</td><td>£0.70</td></tr> <tr> <td>CPL</td><td>£7.00</td><td>£0.70</td></tr> <tr> <td>CVA</td><td>£10.00</td><td>£1.00</td></tr> <tr> <td>BKY</td><td>£10.00</td><td>£1.00</td></tr> <tr> <td>IVA</td><td colspan="2">£10 p.a. or £25 for life of case</td></tr> </table>	Type	First 100	Every addtl 10	ADM	£14.00	£1.40	CVL	£7.00	£0.70	MVL	£7.00	£0.70	CPL	£7.00	£0.70	CVA	£10.00	£1.00	BKY	£10.00	£1.00	IVA	£10 p.a. or £25 for life of case	
Type	First 100	Every addtl 10																								
ADM	£14.00	£1.40																								
CVL	£7.00	£0.70																								
MVL	£7.00	£0.70																								
CPL	£7.00	£0.70																								
CVA	£10.00	£1.00																								
BKY	£10.00	£1.00																								
IVA	£10 p.a. or £25 for life of case																									
Post re-direction	Redirection of post from Company's premises to office-holders' address	0-3 months £204.00 3-6 months £303.00 6-12 months £490.00																								
Software Licence fee	Payable to software provider for use of case management system	£87.00 plus VAT per case																								
Statutory advertising	Advertising of appointment, notice of meetings etc. - London Gazette - Other	£91.80 - £102.00 plus VAT per advert Dependent upon advert and publication																								
Storage costs	Costs of storage of case books and records	£5.07 plus VAT per box per annum plus handling charges																								

- b) Case-specific expenses – this category includes expenses (other than office-holders' fees) which are likely to be payable on every case but which will vary depending upon the nature and complexity of the case and the assets to be realised. They will include:

Type	Description	Amount
Agents' fees	Costs of appointed agents in valuing and realising assets	Time costs plus disbursements plus VAT
Debt Collection fees	Costs of appointed debt collectors in realising debts	Generally agreed as a % of realisations plus disbursements plus VAT
Legal fees	Costs of externally appointed solicitors. Will generally comprise advice on validity of appointment, drafting of sale contracts, advice on retention of title issues and advice on any reviewable transactions.	Time costs plus disbursements plus VAT
Other disbursements	See <b>disbursements</b> section below	See <b>disbursements</b> section below

### Disbursements

Included within both of the above categories of expenses are disbursements, being amounts paid firstly by Leonard Curtis on behalf of the insolvent entity and then recovered from the entity at a later stage. These are described as Category 1 and Category 2 disbursements.

- a) Category 1 disbursements: These are costs where there is specific expenditure directly referable both to the appointment in question and a payment to an independent third party. These may include, for example, advertising, room hire, storage, postage, telephone charges, travel expenses (excl. mileage), and equivalent costs reimbursed to the office holder or his or her staff. Category 1 disbursements may be drawn without prior approval.
- b) Category 2 disbursements: These are costs that are directly referable to the appointment in question but not to a payment to an independent third party. They may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis, for example, business mileage. In the event of charging for category 2 disbursements the following items of expenditure are recharged on this basis and are believed to be in line with the cost of external provision:

Internal photocopying	10p per copy
General stationery, postage, telephone etc	£100 per 100 creditors/ members or part thereof
Storage of office files (6 years)	£81.25 per box
Business mileage	45p per mile

Category 2 disbursements may be drawn if they have been approved in the same manner as an office holder's remuneration.

**Proof of Debt – General Form**  
**Relevant date: 19 January 2016**

Name of Company in Administration:

A. Levy & Son Limited

Company registered number:

00487019

1. Name of creditor (if a company, provide registration number)
2. Correspondence address of creditor (including email address)
3. Total amount of claim (£) at relevant date (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

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8. Details of any document by reference to which the debt relates

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

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10. Date of signing:

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11. Address of person signing (if different from 2 above)

--

12. Name in BLOCK LETTERS

--

13. Position with, or relation to, creditor

--

**Notes:**

1. There is no need to attach them now but the office-holder may ask you to produce any document or other evidence which is considered necessary to substantiate the whole or any part of the claim, as may the chairman or convenor of any qualifying decision procedure.
2. 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 the company, please state your relationship to the company.



**PRIVACY NOTICE**

**Information we collect and hold about you**

By requesting details of your claim in this insolvency, we may collect Personal Data from you, particularly if you are a consumer creditor, a sole trader or are lodging a claim in your personal capacity.

Personal Data is information relating to a living individual. Whenever Personal Data is processed, collected, recorded, stored or disposed of it must be done within the terms of the General Data Protection Regulation ("the GDPR"). Examples of Personal Data include but may not be limited to your name, address, telephone number and email contact details.

If you do not provide us with the information we require, this may adversely affect our ability to deal with your claim, but we would ask you not to submit more Personal Data than we request from you.

**Legal justification for processing your Personal Data**

The processing of your Personal Data by us is necessary to enable us to comply with legal obligations under the Insolvency Act 1986 and associated legislation which we are subject to as Insolvency Practitioners.

**How we use your information**

All information you supply to us is required to enable us to comply with our duties under the Insolvency Act 1986 and associated legislation. It will be used to enable us to assess the extent of the insolvent entity's liabilities, to allow you to vote on any decision procedures, to enable us to communicate with you, to process your claim and to pay any dividends which may be due to you from the insolvent estate.

**Who we share your information with**

We may be required to share some of your Personal Data with other creditors. The data which will be shared with other creditors will be limited to that specifically required to be disclosed under insolvency legislation.

We may share some of your information with our Data Processors. Data Processors include solicitors, accountants and employment law specialists who assist us with our duties where required. We will only share your information with our Data Processors if we require their specialist advice. All of our Data Processors are subject to written contracts with us to ensure that your Personal Data is processed only in accordance with the GDPR.

**How long will we hold your Personal Data for?**

We will need to hold your Personal Data for a period of time after the insolvency has been concluded. This is to enable us to deal with any queries which might arise. Our Records Management Policy requires us to destroy our physical files 6 years after closure of the case. Electronic data files will be removed from our Case Management System 6 years after conclusion of the case but may be held on our server for a longer period of time but with restricted access.

**Your rights in respect of your Personal Data**

You have the right to request access to your Personal Data and to require it to be corrected or erased. You also have the right to request a restriction in the way we process your Personal Data or to object to its processing. You should be aware however that we may not be able to comply with your request if this would affect our ability to comply with our legal obligations.

You have the right to Data Portability. This is a right to have the Personal Data we hold about you to be provided to you in a commonly used and machine-readable format so that you can transfer that Data to another organisation in a way that is not too onerous to upload the Data.

**Your right to complain**

You have the right to be confident that we are handling your Personal Data responsibly and in line with good practice. If you have a concern about the way we are handling your Personal Data you should contact our Privacy Manager in the first instance.

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If you are unable to resolve your concerns with us, you have the right to complain to the Information Commissioners' Office. The Information Commissioner can be contacted at Wycliffe House, Water Lane, Wilmslow, Cheshire SK6 5AF or on 0303 123 1113.

### **Contacting us**

If you have any questions relating to the processing of your Personal Data, please write to our Privacy Manager at Leonard Curtis, 5<sup>th</sup> Floor, Grove House, 248A Marylebone Road, London NW1 6BB Alternatively our Privacy Manager can be contacted by telephone on 0207 535 7000 or by email: [privacy@leonardcurtis.co.uk](mailto:privacy@leonardcurtis.co.uk).

**Data Controller: LEONARD CURTIS**