

CVA3

Notice of supervisor's progress report in voluntary arrangement



Companies House

For further information, please refer to our guidance at www.gov.uk/companieshouse

1 Company details

Company number	0 2 1 7 7 9 3 1
Company name in full	Gusto Restaurants Limited

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

2 Supervisor's name

Full forename(s)	Damian
Surname	Webb

3 Supervisor's address

Building name/number	25 Farringdon Street
Street	
Post town	London
County/Region	
Postcode	E C 4 A 4 A B
Country	

4 Supervisor's name ^①

Full forename(s)	Gordon
Surname	Thomson

① **Other supervisor**
Use this section to tell us about another supervisor.

5 Supervisor's address ^②

Building name/number	25 Farringdon Street
Street	
Post town	London
County/Region	
Postcode	E C 4 A 4 A B
Country	

② **Other supervisor**
Use this section to tell us about another supervisor.

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6	Date of voluntary arrangement																	
Date	<table border="1"><tr><td>^d</td><td>^d</td><td>^m</td><td>^m</td><td>^y</td><td>^y</td><td>^y</td><td>^y</td></tr><tr><td>2</td><td>2</td><td>0</td><td>9</td><td>2</td><td>0</td><td>2</td><td>0</td></tr></table>	^d	^d	^m	^m	^y	^y	^y	^y	2	2	0	9	2	0	2	0	
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7	Period of progress report																	
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2	1	0	9	2	0	2	1											

8	Progress report	
	<input checked="" type="checkbox"/> I attach a copy of the progress report	

9	Sign and date																	
Supervisor's signature	<table border="1"><tr><td>Signature</td><td><i>X Damian Webb</i></td><td>X</td></tr></table>	Signature	<i>X Damian Webb</i>	X														
Signature	<i>X Damian Webb</i>	X																
Signature date	<table border="1"><tr><td>^d</td><td>^d</td><td>^m</td><td>^m</td><td>^y</td><td>^y</td><td>^y</td><td>^y</td></tr><tr><td>0</td><td>3</td><td>1</td><td>1</td><td>2</td><td>0</td><td>2</td><td>1</td></tr></table>	^d	^d	^m	^m	^y	^y	^y	^y	0	3	1	1	2	0	2	1	
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0	3	1	1	2	0	2	1											

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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 **Damian Webb**

Company name **RSM UK Restructuring Advisory
LLP**

Address **Central Square, 5th Floor
29 Wellington Street**

Post town **Leeds**

County/Region

Postcode

L	S	1		4	D	L
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Country

DX

Telephone **0113 285 5000**



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 and dated 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

In the matter of

Gusto Restaurants Limited Under a Voluntary Arrangement

('the Company')

In the High Court of Justice No 3686 of 2020

Joint Supervisors' progress report

3 November 2021

Damian Webb and Gordon Thomson

Joint Supervisors

**RSM Restructuring Advisory LLP
Central Square, 5th Floor
29 Wellington Street
Leeds
LS1 4DL
0113 285 5000
restructuring.leeds@rsmuk.com**

Contents

Sections

1. Purpose of the report
2. Receipts and payments
3. Distributions to creditors
4. Assets
5. Matters preventing conclusion of the arrangement
6. Other matters
7. Costs and disbursements

Appendices

- A. Receipts and payments account
- B. RSM Restructuring Advisory LLP category 2 disbursement rates
- C. Joint Supervisors' category 2 disbursements table
- D. Statement of expenses incurred by the Joint Supervisors in the period from 22 September 2020 to 21 September 2021
- E. RSM Restructuring Advisory LLP disbursements policy statement

1. Purpose of the report

I refer to the appointment of Gordon Thomson and I as Joint Supervisors of the above Company Voluntary Arrangement approved by creditors on 22 September 2020.

I am writing as Joint Supervisor of the Company Voluntary Arrangement ('CVA') to provide my progress report for the period 22 September 2020 to 21 September 2021.

A copy of the report has been sent to the Registrar of Companies, to the Company, and to the Company's auditors.

2. Receipts and payments

A copy of my receipts and payments account drawn up to the anniversary of the approval of the CVA, showing funds in hand of £57,687, is attached.

Please see the below sections for details on the Company's receipts and payments account.

VAT basis

Receipts and payments are shown net of VAT, with any amount due to or from HM Revenue and Customs shown separately.

3. Distribution to creditors

3.1. Secured creditors

The CVA does not affect the rights of any secured creditor.

3.2. Preferential creditors

The CVA does not affect the rights of any preferential creditor. There were 91 employees that were made redundant prior to the approval of the CVA, and they submitted claims to the Redundancy Payments Service ('RPS') for amounts owed in respect of unpaid holidays, arrears of wages, pay in lieu of notice and redundancy pay.

The preferential element of an employee's claim includes amounts owed for unpaid holidays and arrears of wages, subject to certain statutory limits.

Seven claims were agreed, including the RPS, and a dividend of 100 pence in the pound was declared on 25 May 2021 totalling £32,809.26 and this was paid on 24 June 2021.

3.3. Unsecured critical creditors

Unsecured critical creditors are being paid directly by the Company, in line with the approved proposal. The Proposal stated that critical creditors would receive 45 pence in the pound by way of 24 equal monthly instalments. The Company has confirmed that payments have been made in accordance with the proposal.

3.4. Unsecured non-critical creditors

Claims totalling £155,322.73 were agreed in respect of 82 unsecured non-critical creditors. We are waiting for a final claim from HM Revenue and Customs which was included in the Statement of Affairs at £1.7m.

There were also six agreed claims, including the RPS, in respect of the unsecured element of employee claims which totalled £47,187.38.

As provided for in the Proposals, a dividend of 3 pence in the pound was declared in respect of the above claims on 7 June 2021, being £6,075.30.

Upon receipt of the claim from HM Revenue and Customs we will adjudicate on the claim and proceed to pay them an equalising dividend of 3 pence in the pound based on their agreed claim.

3.5. Landlord claims

The proposal stated that landlord claims in respect of dilapidations for Category B, C and D would be compromised and released in full as at the Effective Date, in return for 3% of the value of the Dilapidations Allowance to be paid from the Compromised Creditors' Payment Fund.

Thirteen claims were agreed in respect of dilapidations totalling £936,675 and a dividend was declared on 14 September 2021 of 3 pence in the pound being £28,100.25,

Dividends relating to landlord claims in respect of arrears of rent, service charge and insurance were to be paid directly by the Company in accordance with the terms of the Proposal.

4. Assets

4.1. Voluntary Contributions

I can confirm contributions received to date total £124,669 in respect of preferential, unsecured non-critical and landlord dilapidations claims.

4.2. Other assets: Bank interest

Bank interest totalling £4 has been received during the reporting period.

5. Matters preventing conclusion of the arrangement

The principal outstanding matters in the arrangement are:

- Receipt and adjudication of HM Revenue and Customs' claim; and
- Payment of an equalising dividend to HM Revenue and Customs.

We consider that the CVA will be successfully implemented in full.

6. Other matters

Under the terms of the CVA, the directors continue to remain solely responsible for the Company's affairs and all compliance matters.

Throughout the previous 12 months the Company has continued to co-operate fully with me.

7. Costs and disbursements

A Guide to Supervisor's Fees, which provides information for creditors in relation to the remuneration of a Supervisor, can be accessed at <https://rsmuk.ips-docs.com> under 'general information for creditors'. A hard copy can be requested from my office by telephone, email or in writing.

7.1. Joint Nominees' fees

The basis of the Nominees' fees was dealt with in the Proposal at paragraphs 3.1 in schedule 3 and is exempt of VAT.

The Nominees' fees related to assisting the directors of the Company in the preparation of the Proposal, reporting to court on the Proposal and in calling and chairing the meeting(s) of the Company and the creditors' decision procedure.

The Company paid £57,500 on account of our fees as Nominees prior to the approval of the CVA.

Our disbursements as Nominees amounted to £1,393 in respect of actual postage charges, excluding VAT, and this was paid by the Company prior to the approval of the CVA. No category 2 disbursements were incurred by us as Nominees.

Disbursements charged to the estate as a consequence of the Nominees' services are exempt of VAT. Certain third-party disbursements may include VAT. However, where the Nominees' services are exempt of VAT this VAT cannot be recovered.

7.2. Joint Supervisors' costs

The basis of the Joint Supervisors' remuneration was dealt with in the Proposal at paragraph 29. The Joint Supervisors' remuneration is exempt of VAT.

The Supervisors' fees were fixed at £65,000 and have been paid in full by the Company.

We have also incurred disbursements of £201 which remain outstanding. No category 2 disbursements have been incurred.

Disbursements charged to the estate as a consequence of the Supervisors' services are exempt of VAT. Certain third-party disbursements may include VAT. However, where the Supervisors' services are exempt of VAT this VAT cannot be recovered.

7.3. Joint Supervisors' statement of expenses

A statement of the expenses incurred during the period, is attached. This includes all expenses incurred by the Joint Supervisors in the period of the report irrespective of whether they have been paid or not and may include estimated amounts where actual invoices have not been received. The receipts and payments abstract sets out the expenses actually paid in the period.

If you have any queries please contact Oscar Stamper of my office.

Yours faithfully

Damian Webb

Damian Webb
RSM Restructuring Advisory LLP
Joint Supervisor

restructuring.leeds@rsmuk.com
Direct line: 0113 285 5000

Encls

Damian Webb is licensed to act as an Insolvency Practitioner in the UK by the Institute of Chartered Accountants in England and Wales
Gordon Thomson is licensed to act as an Insolvency Practitioner in the UK by the Institute of Chartered Accountants in England and Wales
Insolvency Practitioners are bound by the Insolvency Code of Ethics when carrying out all professional work relating to an insolvency appointment

Appendix A

Joint Supervisors' Receipts and Payments AccountVoluntary Arrangement of
Gusto Restaurants Limited

Joint Supervisors' Summary of Receipts & Payments

Statement of Affairs £		From 22/09/2020 To 21/09/2021 £	From 22/09/2020 To 21/09/2021 £
	ASSET REALISATIONS		
	Bank Interest Gross	4.16	4.16
6,000.00	Computers	NIL	NIL
	Contributions	124,668.65	124,668.65
257,000.00	Fixtures & Fittings	NIL	NIL
6,000.00	Motor Vehicles	NIL	NIL
5,000.00	Stock	NIL	NIL
66,000.00	Trade Debtors	NIL	NIL
		<u>124,672.81</u>	<u>124,672.81</u>
	COST OF REALISATIONS		
	Bank Charges	0.74	0.74
		<u>(0.74)</u>	<u>(0.74)</u>
	PREFERENTIAL CREDITORS		
(515,000.00)	Preferential liabilities	32,604.66	32,604.66
	PAYE/NIC deductions on Dividends	204.60	204.60
		<u>(32,809.26)</u>	<u>(32,809.26)</u>
	FLOATING CHARGE CREDITORS		
(5,119,000.00)	Floating Charge Holder - Santander	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
	UNSECURED NON-CRITICAL CREDITORS		
(1,162,000.00)	Employees Unsecured	1,404.61	1,404.61
	PAYE/NIC deductions on Dividends	11.00	11.00
(1,765,000.00)	HMRC	NIL	NIL
(7,348,000.00)	Intercompany loan	NIL	NIL
(10,986,000.00)	Landlords - dilapidations	28,100.25	28,100.25
(2,745,000.00)	Non-critical	4,659.65	4,659.65
		<u>(34,175.51)</u>	<u>(34,175.51)</u>
	DISTRIBUTIONS		
(215,000.00)	Ordinary Shareholders	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
<u>(29,515,000.00)</u>		<u>57,687.30</u>	<u>57,687.30</u>
	REPRESENTED BY		
	Bank - (RBS)		57,865.27
	Unclaimed Dividends		<u>(177.97)</u>
			<u>57,687.30</u>

Appendix B

RSM Restructuring Advisory LLP category 2 disbursement rates

Category 2 disbursement rates	
Internal room hire	£165
Subsistence	£25 per night
Travel (car)	42.5p per mile
'Tracker' searches	£10 per case

Appendix C

Joint Supervisors' category 2 disbursements table

Amounts paid or payable to the Office Holder's firm or to any party in which the office holder or his firm or any associate has an interest		
Recipient, type and purpose	Paid £	Unpaid £
N/a	NIL	NIL
Total	NIL	NIL

Appendix D

Statement of expenses incurred by the Joint Supervisors in the period from 22 September 2020 to 21 September 2021

Type and purpose	Incurred in period £
Bank charges	1
Total	1

Appendix E

RSM Restructuring Advisory LLP expenses and disbursements policy statement

Expenses and disbursements policy

- Only expenses and disbursements properly incurred in relation to an insolvency estate are re-charged to the insolvency estate.
- Expenses and disbursements which comprise external supplies of incidental services specifically identifiable to the insolvency estate require disclosure to the relevant approving party, but do not require approval of the relevant approving party prior to being drawn from the insolvency estate. These are known as 'category 1' disbursements.
- Expenses and disbursements which are not capable of precise identification and calculation (for example any which include an element of shared or allocated costs) or payments to outside parties that the firm or any associate has an interest, require the approval of the relevant approving party prior to being drawn from the insolvency estate. These are known as 'category 2' disbursements.
- A decision regarding the approval of category 2 disbursements at the rates prevailing at the time the cost is incurred to RSM Restructuring Advisory LLP London and Leeds will be sought from the relevant approving party in accordance with the legislative requirements.
- General office overheads are not re-charged to the insolvency estate as a disbursement.
- Any payments to outside parties in which the office holder or his firm or any associate has an interest will only be made with the approval of the relevant approving party.
- Expenses and disbursements re-charged to or incurred directly by an insolvency estate are subject to VAT at the applicable rate, where appropriate.