



For further information, please  
refer to our guidance at  
[www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)

### 1 Company details

Company number 03517191

Company name in full Dining Street Limited

#### → Filling in this form

Please complete in typescript or in  
bold black capitals.

### 2 Administrator's name

Full forename(s) William James

Surname Wright

### 3 Administrator's address

Building name/number 10 Fleet Place

Street

Post town London

County/Region

Postcode EC4M7RB

Country

### 4 Administrator's name ①

Full forename(s) Christopher Robert

Surname Pole

#### ① Other administrator

Use this section to tell us about  
another administrator.

### 5 Administrator's address ②

Building name/number c/o Interpath Ltd

Street 10 Fleet Place

Post town London

County/Region

Postcode EC4M7RB

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

<sup>d</sup> 2 <sup>d</sup> 0 <sup>m</sup> 0 <sup>m</sup> 1 <sup>y</sup> 2 <sup>y</sup> 0 <sup>y</sup> 2 <sup>y</sup> 2

To date

<sup>d</sup> 1 <sup>d</sup> 9 <sup>m</sup> 0 <sup>m</sup> 7 <sup>y</sup> 2 <sup>y</sup> 0 <sup>y</sup> 2 <sup>y</sup> 2

7

### Progress report

☒ I attach a copy of the progress report

8

### Sign and date

Administrator's  
signature

Signature

X



X

Signature date

<sup>d</sup> 1 <sup>d</sup> 5 <sup>m</sup> 0 <sup>m</sup> 8 <sup>y</sup> 2 <sup>y</sup> 0 <sup>y</sup> 2 <sup>y</sup> 2

**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 **Sam Henderson**

Company name **Interpath Ltd**

Address **5th Floor, 130 St Vincent Street  
Glasgow**

Post town **G2 5HF**

County/Region

Postcode

Country

DX

Telephone **Tel +44 (0) 203 989 2800**

**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)**

Joint  
Administrators'  
progress report  
for the period 20  
January 2022 to  
19 July 2022

Dining Street Limited - in Administration

15 August 2022

Deemed delivered: 15 August 2022

# Notice to creditors

Please note that KPMG LLP sold its Restructuring practice in the UK to Interpath Ltd ('Interpath Advisory') on 4 May 2021. This will not have an impact on your day to day dealings of the administration of the Company and your case contacts remain the same. Please check the insolvency portal at [www.ia-insolv.com/case+INTERPATH+DL11355407.html](http://www.ia-insolv.com/case+INTERPATH+DL11355407.html) for the latest contact details.

This progress report provides an update on the administration of the Company.

We have included (Appendix 2) an account of all amounts received and payments made since the date of our appointment.

We have also explained our future strategy for the administration and how likely it is that we will be able to pay each class of creditor.

You will find other important information in this progress report such as the costs which we have incurred to date.

A glossary of the abbreviations used throughout this document is attached (Appendix 6).

Finally, we have provided answers to frequently asked questions and a glossary of insolvency terms on the following website, [www.ia-insolv.com/case+INTERPATH+DL11355407.html](http://www.ia-insolv.com/case+INTERPATH+DL11355407.html). We hope this is helpful to you.

**Please also note that an important legal notice about this progress report is attached (Appendix 7).**

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# 1 Executive summary

This progress report covers the period from 20 January 2022 to 19 July 2022.

Please note that on 10 June 2022 an order was made in the High Court appointing Christopher Pole as Joint Administrator of the Company in place of Stephen Absolom following his resignation as office holder. In accordance with the order, creditors were given notice of the replacement of Stephen Absolom as Joint Administrator by advertisement in the London Gazette.

During the period we have continued to attend to property related matters, managing the VAT and tax affairs of the Company and the wider group and secured further realisations for the estate (Section 2 - Progress to date).

We are not aware of any secured claims against the Company (Section 3 - Dividend prospects).

Based on current estimates, we anticipate that ordinary preferential creditors should receive a dividend of 100p in the £ (Section 3 - Dividend prospects).

Based on current estimates, we do not anticipate a dividend due to ordinary preferential creditors to exceed 14p in the £ (Section 3 - Dividend prospects).

Based on current estimates, it is highly unlikely that there will be sufficient realisations to enable a dividend to unsecured creditors (Section 3 - Dividend prospects).

The administration is currently due to end on 19 January 2023

Please note: you should read this progress report in conjunction with our previous progress reports and proposals issued to the Company's creditors which can be found at [www.ia-insolv.com/case+INTERPATH+DL11355407.html](http://www.ia-insolv.com/case+INTERPATH+DL11355407.html). Unless stated otherwise, all amounts in this progress report and appendices are stated net of VAT.



Chris Pole  
Joint Administrator

## 2 Progress to date

This section updates you on our strategy for the administration and on our progress to date. It follows the information provided in our previous progress report.

### 2.1 Strategy and progress to date

#### Strategy

Our proposals and our previous reports discuss in detail the full administration strategy, however we have set out below an overview of the key workstreams we have undertaken during the reporting period.

#### Inter-company debtor

As previously reported, there is an intercompany debtor of £1.1 million owed by Group subsidiary Newultra, to the Company. Newultra is insolvent and its administration process has been concluded with no distribution available to its unsecured creditors. The Administrators of Newultra recently filed a notice to move the Company from administration to dissolution.

#### Corporation tax losses

As reported in detail in our last progress report, a significant capital gain arose within the estate of Richoux, an associated group entity. In order to mitigate Richoux's residual capital gain, the Company effectively provided Richoux with tax losses by making a joint election together with other group entity. This resulted in tax savings within the Richoux administration estate.

It was considered equitable to share equally the tax saving made by Richoux as this approach maximised the return to Dining Street's estate, resulting in a consideration of £21,601 due to the Company. This was received from Richoux during the period.

#### Treatment of VAT Group liability and HMRC secondary preferential status

As reported in our second progress report, due to the complexity of HMRC's secondary preferential claim arising from the Group's outstanding VAT liability, and intercompany claims, we have consulted with our solicitors, IBB, and obtained formal advice from Counsel as to the settlement of HMRC's claim within the Group's insolvent estates.

In late 2021, HMRC resumed its preferential status in relation to VAT, PAYE, employees' National Insurance contributions ('NIC') and Construction Industry Scheme ('CIS') deductions. The Company together with its subsidiaries Richoux and Newultra, are part of a VAT group and therefore joint and severally liable for the Group's outstanding pre-administration VAT liabilities, which HMRC confirmed were £336,000.

The treatment of the secondary preferential claim would impact the level of funds available for unsecured creditors within the respective insolvent estates, as different approaches could result in a decrease of available funds in one entity and an increase in others. We also considered whether a waterfall of subrogated claims might be triggered following the settlement of the overall Group's VAT liability.



Counsel's legal advice confirmed that the Company was primarily liable for the payment of the Group's VAT debt and therefore HMRC's secondary preferential claim should be first discharged within the Company's administration estate subject to available funds, with the shortfall falling due within the remaining VAT group members as a secondary preferential claim. Counsel also confirmed that subrogation does not arise and therefore there will be no waterfall of subrogation claims within the respective insolvent estates.

#### Tax and VAT matters

As previously advised Interpath tax specialists prepared the necessary returns for the final periods affecting the administration in order to finalise the Company's tax position, and to request formal tax clearance. HMRC has confirmed that it has no objection to the administration being concluded.

We are in the process of deregistering the Company for VAT purposes and disbanding the VAT Group and have submitted the relevant forms to HMRC.

## **2.2 Asset realisations**

Realisations during the period are set out in the attached receipts and payments account (Appendix 2).

#### Surrender of tax losses receipt

During the period a payment of £21,601 was received from Richoux in respect of Dining Street's joint election of Group tax losses (as detailed in section 2.1).

## **2.3 Costs**

Apart from the Administrator's remuneration (detailed in section 5) no further payments were made in this period as set out in the attached receipts and payments account (Appendix 2).

## **2.4 Schedule of expenses**

We have detailed the costs incurred during the period, whether paid or unpaid, in the schedule of expenses attached (Appendix 3).

## **3 Dividend prospects**

### **3.1 Secured creditors**

We are not aware of any secured claims against the Company.

### **3.2 Ordinary preferential creditors (employees)**

We estimate the amount of ordinary preferential claims to be £24,340, however this is subject to the Administrators' adjudication.

During the period, our internal ERA specialist continued to attend to all employee related matters, liaising with the Redundancy Payment Services ('RPS') and NEST in respect of outstanding pension contributions and submission of additional details to RPS. In addition, our ERA specialist addressed additional queries received from RPS and NEST which enabled conclusion of the residual employee related matters. RPS have confirmed that all outstanding statutory payments due to employees have been made and a final preferential claim will be provided shortly.

Upon receipt of RPS's final preferential claims, our ERA specialists will finalise the claim agreement process in order to enable us to make a first and final dividend to preferential creditors.

Based on current estimates, we anticipate that ordinary preferential creditors should receive a dividend of 100p in the £. We are working closely with our internal employment ERA specialists in order to conclude the adjudication process with a view to paying dividend as soon as reasonably practicable. A separate communication will be provided to ordinary preferential creditors in due course.

### **3.3 Secondary preferential creditors (HMRC and the Financial Services Compensation Scheme)**

We estimate the amount of secondary preferential claims to be £346,620, the majority of which relates to the pre-administration Group VAT liability.

Based on current estimates, we anticipate that secondary preferential creditors should receive a dividend. We have yet to determine the amount of this, but we will do so when we have completed payment of associated costs and agreement of ordinary preferential creditors' claims. However, due to the level of secondary preferential liability and limited funds available (after discharge of costs) a dividend due to ordinary preferential creditors to exceed 14p in the £.

### **3.4 Unsecured creditors**

Based on current estimates there are insufficient realisations to enable a dividend to unsecured creditors.

## 4 Other matters

### 4.1 Decision procedure

Notice of seeking a decision by correspondence is being sent to unsecured creditors and a further copy is available to download from the insolvency portal at [www.ia-insolv.com/case+INTERPATH+DL11355407.html](http://www.ia-insolv.com/case+INTERPATH+DL11355407.html).

This decision by correspondence procedure is being used to seek approval for a revision of our fees estimate and whether a Creditors' Committee be established.

Please note that if a Creditors' Committee is formed, the votes cast by creditors in relation to the proposed decisions above will be disregarded.

Creditors' right to request a physical meeting

We will summon a physical meeting (1) if asked to do so by (a) creditors whose debts amount to at least 10% of the total debts of the Company, or (b) 10% in number of creditors or (c) 10 creditors and (2) if the procedures set out below are followed.

Requests for a physical meeting must be made within five business days of the date on which notice of the decision procedure was delivered. They must include:

- a statement of the requesting creditors' claim;
- a list of the creditors concurring with the request, showing the amounts of their respective debts in the administration;
- written confirmation of their concurrence from each concurring creditor; and
- a statement of the purpose of the proposed meeting.

In addition, the expenses of summoning and holding a meeting at the request of a creditor must be paid by that creditor. That creditor is required to deposit security for such expenses with us.

If you wish to request a physical meeting, please complete and return the physical meeting requisition form available on our insolvency portal at [www.ia-insolv.com/case+INTERPATH+DL11355407.html](http://www.ia-insolv.com/case+INTERPATH+DL11355407.html).

## 5 Joint Administrators' remuneration and expenses

Approval for the basis of our remuneration was previously obtained from the unsecured creditors.

During the period we have exceeded our previous fees estimate whilst dealing with complex issues arising in the administration as detailed in this report. Therefore, we are seeking approval from the unsecured creditors to draw additional remuneration as per the revised fees estimate included in Appendix 4, however we intend to cap our further fees at £50,000.

### Time costs

From 20 January 2022 to 19 July 2022, we have incurred time costs of £28,269. These represent 60 hours at an average rate of £475 per hour.

### Administrators' Expenses

During the period, we have incurred expenses of £72. None of these have yet been paid.

### Remuneration

During the period we have drawn fees totalling £139,456, all of which related to time costs incurred and reported in the prior periods.

### Additional information

We have attached a revised fees estimate at Appendix 4. Our time costs have increased largely in relation to the complex position surrounding the Company's and the wider Group VAT matters and intercompany transactions, in respect of which we sought Counsel's advice as detailed in section 2.1 above. Increased time has also been spent attending to employee related matters as explained in detail in section 3.2. Our increased costs also include time spent extending the administration that has not been previously envisaged and ongoing compliance with VAT and tax relating obligations during the period of the administration to date. We are therefore seeking approval for further fees.

We have attached (Appendix 5) an analysis of the time spent, the charge-out rates for each grade of staff and the expenses paid directly by Interpath for the period from 20 January 2022 to 19 July 2022. We have also attached our charging and expenses policy.

# 6 Future strategy

## 6.1 Future conduct of the administration

We will continue to manage the affairs, the business and the property of the Company in order to achieve the purpose of the administration. This will include but not be limited to:

- Completing the agreement of preferential creditor claims and making distributions to the preferential (ordinary and secondary) creditors, as appropriate and subject to available funds;
- Complying with ongoing post-appointment tax and VAT requirements for the Company and at a Group level, settling any liabilities (as may be due) and completing the VAT deregistration process;
- Paying the costs of the administration, including the Joint Administrators' remuneration and expenses; and

Completing all statutory and compliance matters.

## 6.2 Future reporting

We intend to provide our final progress report by 19 January 2023 or earlier if the administration has been completed prior to that time.

## Appendix 1      Statutory information

### Company information

Company name	Dining Street Limited
Date of incorporation	25 February 1998
Company registration number	03517191
Present registered office	10 Fleet Place, London, EC4M 7RB

### Administration information

Administration appointment	The administration appointment granted in High Court of Justice, The Business and Property Courts of England and Wales, 000097 of 2021
Appointor	Directors
Date of appointment	20 January 2021
Joint Administrators' details	Will Wright and Chris Pole
Former Joint Administrator	Steve Absolom
Functions	The functions of the Joint Administrators are being exercised by them individually or together in accordance with Paragraph 100(2)
Current administration expiry date	19 January 2023

## Appendix 2

## Joint Administrators' receipts and payments account

Dining Street Limited - in Administration			
Abstract of receipts & payments			
Statement of affairs (£)		From 20/01/2022 To 19/07/2022 (£)	From 20/01/2021 To 19/07/2022 (£)
ASSET REALISATIONS			
	Intellectual Property (SoFA Nil)	NIL	3,333.33
	Book debts (SoFA Uncertain)	NIL	NIL
	Shares and investments (SoFA Nil)	NIL	NIL
	Inter-company Debtors (SoFA Uncertain)	NIL	NIL
	Goodwill (SoFA Nil)	NIL	NIL
390,778.00	Cash at bank	NIL	390,777.77
		NIL	394,111.10
OTHER REALISATIONS			
	Bank interest, gross	284.14	284.14
	Sundry refunds	NIL	160.39
	Surrender of tax losses receipt	21,600.82	21,600.82
		21,884.96	22,045.35
COST OF REALISATIONS			
	Administrators' fees	(139,456.15)	(229,456.15)
	Administrators' expenses	NIL	(1,307.05)
	Pre-administration legal fees	NIL	(563.75)
	Legal fees	NIL	(3,788.00)
	Legal disbursements	NIL	(943.75)
	Storage costs	NIL	(4,475.59)
	Statutory advertising	NIL	(83.00)
	Insurance of assets	NIL	(112.00)
	Wages & salaries	NIL	(2,894.87)
		(139,456.15)	(243,624.16)
PREFERENTIAL CREDITORS			
(6,640.00)	Employees' wage arrears	NIL	NIL
(301,801.00)	HM Revenue & Customs - VAT	NIL	NIL
(711.00)	HM Revenue & Customs - PAYE	NIL	NIL
		NIL	NIL
UNSECURED CREDITORS			
(4,798.00)	Trade & expense	NIL	NIL
(16,693.00)	Employees	NIL	NIL

**Dining Street Limited - in Administration****Abstract of receipts & payments**

Statement of affairs (£)		From 20/01/2022 To 19/07/2022 (£)	From 20/01/2021 To 19/07/2022 (£)
(2,923,073.00)	Trade & expense (property)	NIL	NIL
		NIL	NIL
	DISTRIBUTIONS		
(543,707.00)	Ordinary shareholders	NIL	NIL
		NIL	NIL
<b>(3,406,645.00)</b>		<b>(117,571.19)</b>	<b>172,532.29</b>
	REPRESENTED BY		
	Floating ch. VAT rec'able		48,111.45
	Floating charge current NIB wef 19/10/21		144,997.06
	Floating ch. VAT control		(20,576.22)
			<b>172,532.29</b>



## Appendix 3      Schedule of expenses

### Cost of realisations

Administrators' fees	0.00	28,269.25	<b>28,269.25</b>
Legal fees	0.00	1,505.00	<b>1,505.00</b>
Legal disbursements	0.00	2,700.00	<b>2,700.00</b>
<b>TOTAL</b>	<b>0.00</b>	<b>32,474.25</b>	<b>32,474.25</b>

Please note that there is a difference between the payments made during the as per the receipts and payments account and the expenses incurred and paid in the period per the schedule of expenses. This is due to the fact that some of the payments made in the period relate to expenses incurred in a prior period.

### Requests for further information and right to challenge our remuneration and expenses

#### Creditors' requests for further information

If you would like to request more information about our remuneration and expenses disclosed in this progress report, you must do so in writing within 21 days of receiving this progress report.

Requests from unsecured creditors must be made with the concurrence of at least 5% in value of unsecured creditors (including, the unsecured creditor making the request) or with the permission of the Court.

#### Creditors' right to challenge our remuneration and expenses

If you wish to challenge the basis of our remuneration, the remuneration charged, or the expenses incurred during the period covered by this progress report, you must do so by making an application to Court within eight weeks of receiving this progress report.

Applications by unsecured creditors must be made with concurrence of at least 10% in value of unsecured creditors (including the unsecured creditor making the challenge) or with the permission of the Court.

The full text of the relevant rules can be provided on request by writing to Samuel Henderson at 10 Fleet Place, London, EC4M 7RB.

## Appendix 4 Joint Administrators' revised fees estimate

Dining Street Limited - in Administration		Estimated time costs for the engagement disclosed in Proposals			Additional estimated time costs disclosed in first progress report			Additional estimated time costs for the engagement			Revised total estimated cost
	Note	Estimated total hours	Estimated time cost (£)	Estimated average hourly rate (£)	Additional estimated hours	Additional estimated time cost	Additional estimated hourly rate (£)	Additional estimated hours	Additional estimated time cost	Additional estimated hourly rate (£)	
<b>Administration &amp; Planning</b>											
<b>Bankrupt/Director/Member</b>		2.40	904.10	391.71	9.70	3,011.60	315.64	6.30	2,399.80	380.92	6,315.50
<b>Cashiering</b> - processing receipts, payments and bank reconciliations	1	11.05	3,285.55	297.33	4.65	1,414.85	299.39	11.20	3,904.90	348.65	8,605.30
<b>General</b> - books & records, fees & work in progress	2	31.59	13,125.55	415.50	7.10	2,801.90	411.67	12.05	6,697.20	555.78	22,624.65
<b>Statutory and compliance</b> - appointment & related formalities, bonding, checklist & reviews, reports to secured creditors, advertising, strategy	3	96.65	34,203.20	353.89	61.55	23,577.30	365.24	11.15	7,153.95	641.61	64,934.45
<b>Tax</b> - VAT & Corporation tax, initial reviews, pre and post appointment tax	4	48.30	18,262.80	378.11	6.10	7,907.30	481.07	24.25	11,865.95	489.32	38,036.05
<b>Creditors</b>											
<b>Creditors and claims</b> - general correspondence, notification of appointment, statutory reports	5	79.00	30,643.50	387.89	72.20	26,259.70	376.34	55.80	33,101.60	593.22	90,004.80
<b>Employees</b> - correspondence	6	55.85	17,952.90	321.45	5.10	2,517.50	335.86	13.70	5,668.30	413.74	26,138.70
<b>Investigations</b>											
<b>Directors</b> - correspondence, statement of affairs, questionnaires		24.50	9,198.90	375.47	19.00	6,988.30	372.12	-	-	-	16,187.20
<b>Investigations</b> - director conduct and affairs of the Company		10.40	3,525.90	339.03	(4.10)	(1,066.60)	390.37	-	-	-	2,459.30
<b>Realisation of Assets</b>											
<b>Asset Realisation</b> - including insurance of assets		47.75	19,294.40	404.07	18.50	6,249.00	385.56	(3.22)	(1,683.92)	522.96	23,859.48
<b>Total</b>		<b>407.49</b>	<b>150,396.80</b>	<b>369.08</b>	<b>199.80</b>	<b>79,660.85</b>	<b>398.70</b>	<b>131.23</b>	<b>69,107.78</b>	<b>526.62</b>	<b>299,165.43</b>

The work involved in winding down the Company's operations has proven to be more complex than initially expected at the outset of the administration. The wind-down of activity has been complicated due to the crossover of workstreams among the Group's insolvent entities. As a result, it was also necessary to extend the administrators term of office for further 12 months which resulted in additional costs being incurred to date. This has included work needed to understand the VAT group position, intercompany loan balances, and mixed asset realisations and transaction negotiations as detailed in our Proposals and previous progress report. As detailed in section 5 we propose to cap our further fees at £50,000.

Whilst specific notes have been provided below to give more context around the fees estimate, these should be read in conjunction with the report as a whole. Also please refer to our Proposals and previous progress reports for further details of work undertaken since the appointment. Below is further detail of the work to be undertaken for this engagement:

#### Note 1 – Cashiering

Additional time has been spent on cashiering due to higher volume of transactions being processed than initially expected, related to the asset realisations in the Company. Our work also includes maintaining the administration account, which has included the completion of bank reconciliations and processing receipts and payments. Future costs will include processing and payment of dividends as detailed in section 3 of this report.

#### Note 2 – General

Our costs related to undertaking reconciliation of the Company's and wider records collected following the administration and ongoing storage. Further time will include seeking additional approval and costs of drawing our fees going forward.

#### Note 3 – Statutory and compliance

Our costs to date have exceeded our revised fees estimate due to increased volume of work related to preparing reports and estimated outcome statements as a result of extending the administration period for a further 12 months as previously reported. Future costs will include further progress reports and compliance with statutory obligation.

#### Note 4 – Tax

Time costs related to tax work exceeded our previous estimate as a result of extending the administrations of the Company and its subsidiaries, the entities continued to comply with ongoing tax and VAT reporting obligations and submission of relevant tax and VAT returns. In addition, our work also included obtaining legal advice relating to HMRC's preferential status. Future work will include completion of VAT deregistration process, which is currently underway, settlement of VAT liabilities as applicable and reclaim of final VAT repayment on costs incurred post deregistration.

#### Note 5 – Creditors and claims

Additional costs were incurred for further progress reports as noted in section 5 of the report. Our future work will include agreement of primary and secondary preferential claims and payment of dividends as detailed in section 3 of this report.

#### Note 6 – Employees

As detailed in the report, our ERA specialist spent considerable time liaising with the RPS and NEST in order to conclude residual employee matters. Our further time costs will include the completion agreement process and payment of dividend to ordinary preferential claim as noted in section 3 above.

## Appendix 5 Joint Administrators' charging and expenses policy

### Joint Administrators' charging policy

The time charged to the administration is by reference to the time properly given by us and our staff in attending to matters arising in the administration. This includes work undertaken in respect of in-house Interpath Advisory tax, VAT and employee specialists.

Our policy is to delegate tasks in the administration to appropriate members of staff considering their level of experience and requisite specialist knowledge, supervised accordingly, so as to maximise the cost effectiveness of the work performed. Matters of particular complexity or significance requiring more exceptional responsibility are dealt with by senior staff or us.

A copy of "A Creditors' Guide to Joint Administrators Fees" from Statement of Insolvency Practice 9 ('SIP 9') produced by the Association of Business Recovery Professionals is available at:

<https://www.r3.org.uk/technical-library/england-wales/technical-guidance/fees/more/29113/page/1/guide-to-administrators-fees/>

If you are unable to access this guide and would like a copy, please contact Samuel Henderson on 0121 817 8635.

### Hourly rates

Set out below are the relevant hourly charge-out rates for the grades of our staff actually or likely to be involved on this administration. Time is charged by reference to actual work carried out on the administration; using a minimum time unit of six minutes.

All staff who have worked on the administration, including cashiers and secretarial staff, have charged time directly to the administration and are included in the analysis of time spent. The cost of staff employed in central administration functions is not charged directly to the administration but is reflected in the general level of charge-out rates.

Partner	690	725	725
Director	620	675	675
Senior Manager	560	590	590
Manager	467	495	495
Senior Administrator	325	345	345
Administrator	236	245	245
Support	147	147	155

### Table of charge-out rates

The charge-out rates used by us might periodically rise (for example to cover annual inflationary cost increases) over the period of the administration. In our next statutory report, we will inform creditors of any material amendments to these rates.

## Policy for the recovery of expenses

Where funds permit the officeholders will seek to recover both Category 1 and Category 2 expenses from the estate. For the avoidance of doubt, such expenses are defined within SIP 9 as follows:

*Expenses:* These are any payments which are neither an office holder's remuneration nor a distribution to a creditor or a member. Expenses also includes disbursements which are payments first met by the office holder, and then reimbursed to the office holder from the estate.

*Category 1 expenses:* These are payments to persons providing the service to which the expense relates who are not an associate of the office holder. These may include, for example, advertising, room hire, storage, postage, telephone charges, travel expenses, and equivalent costs reimbursed to the officeholder or his or her staff.

*Category 2 expenses:* These are payments to associates or which have an element of shared costs. They may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis, for example, business mileage.

Category 2 expenses charged by Interpath Restructuring include mileage. This is calculated as follows:

Mileage claims fall into three categories:

Use of privately-owned vehicle or car cash alternative – 45p per mile.

Use of company car – 60p per mile.

Use of partner's car – 60p per mile.

For all of the above car types, when carrying Interpath passengers an additional 5p per mile per passenger will also be charged where appropriate.

We have incurred the following expenses (excluding VAT) during the period 20 January 2022 to 19 July 2022.

Postage	NIL	42.25	NIL	NIL	<b>42.25</b>
Stationery	NIL	29.69	NIL	NIL	<b>29.69</b>
<b>Total</b>	<b>NIL</b>	<b>71.94</b>	<b>NIL</b>	<b>NIL</b>	<b>71.94</b>

Please bear in mind that this table includes expenses incurred by Interpath and is therefore unlikely to reconcile with the expenses shown in the Schedule of Expenses.

We have the authority to pay Category 1 expenses without the need for any prior approval from the creditors of the Company.

## Narrative of work carried out for the period 20 January 2022 to 19 July 2022

The key areas of work have been:

Statutory and compliance	preparing statutory receipts and payments accounts; ensuring compliance with all statutory obligations within the relevant timescales.
Strategy documents, Checklist and reviews	monitoring and reviewing the administration strategy; briefing of our staff on the administration strategy and matters in relation to various work-streams; regular case management and reviewing of progress, including regular team update meetings and calls; meeting with management to review and update strategy and monitor progress; reviewing and authorising junior staff correspondence and other work; reviewing matters affecting the outcome of the administration; allocating and managing staff/case resourcing and budgeting exercises and reviews; liaising with legal advisors regarding the various instructions, including agreeing content of engagement letters; complying with internal filing and information recording practices, including documenting strategy decisions.
Cashiering	preparing and processing vouchers for the payment of post-appointment invoices; creating remittances and sending payments to settle post-appointment invoices; reconciling post-appointment bank accounts to internal systems; ensuring compliance with appropriate risk management procedures in respect of receipts and payments.
Tax	reviewing the Company's pre-appointment corporation tax; reviewing the Company's and the group's VAT position; working on tax returns relating to the periods affected by the administration; submitting the same to HM Revenue and Customs together with tax clearance request; liaising with HM Revenue and Customs and providing additional information as requested; analysing VAT related transactions and submission of quarterly VAT returns; dealing with post appointment tax and VAT compliance.
Shareholders	responding to enquiries from shareholders regarding the administration; providing copies of statutory reports to the shareholders.
General	reviewing time costs data and producing analysis of time incurred which is compliant with Statement of Insolvency Practice 9; drawing remuneration in accordance with the basis which has been approved by unsecured creditors;
Asset realisations	reviewing the inter-company debtor position between the Company and other group companies and seeking legal and Counsel's advice; obtaining further realisations following surrender of tax losses.
Property matters	communicating with landlords regarding rent and other property related issues relating to the Group's Head Office;
Employees	dealing with queries from employees regarding various matters relating to the administration and their employment; communicating and corresponding with NEST and Redundancy Payments Service relating to outstanding contributions; liaising with the Redundancy Payments Office re outstanding employee payments and final final preferential claim.
Creditors and claims	responding to enquiries from creditors regarding the administration and submission of their claims; reviewing completed forms submitted by creditors, recording claim amounts and maintaining claim records; drafting our progress reports.

## Time costs

### SIP 9 –Time costs analysis (20/01/2022 to 19/07/2022)

	Hours	Time Cost (£)	Average Hourly Rate (£)
<b>Administration &amp; planning</b>			
Director/Member			
Dissenting shareholders	0.60	297.00	495.00
General correspondence	2.30	793.50	345.00
Statutory reports	1.50	885.00	590.00
Cashiering			
General (Cashiering)	4.70	1,459.50	310.53
Reconciliations (& IPS accounting reviews)	0.60	147.00	245.00
General			
Books and records	2.70	1,472.00	545.19
Fees and WIP	6.60	3,596.50	544.92
Statutory and compliance			
Bonding & Cover Schedule	0.30	180.50	590.00
Budgets & Estimated outcome statements	0.70	413.00	590.00
Checklist & reviews	3.10	914.50	295.00
Extension related formalities	0.20	145.00	725.00
Strategy documents	1.40	893.50	638.21
Tax			
Post appointment corporation tax	1.10	483.00	439.09
Post appointment VAT	8.05	3,142.75	390.40
<b>Creditors</b>			
Creditors and claims			
Agreement of preferential claims	3.80	2,185.00	575.00
General correspondence	0.80	351.00	438.75
Statutory reports	17.30	8,854.00	511.79
Employees			
Agreeing employee claims	0.40	236.00	590.00
Correspondence	2.10	1,068.00	508.57
<b>Realisation of assets</b>			
Asset Realisation			
Insurance	0.20	118.00	590.00
Leasehold property	0.60	329.50	549.17
Other assets	0.50	295.00	590.00

**SIP 9 –Time costs analysis (20/01/2022 to 19/07/2022)**

	Hours	Time Cost (£)	Average Hourly Rate (£)
<b>Total in period</b>	<b>59.55</b>	<b>28,269.25</b>	<b>474.71</b>
Brought forward time (appointment date to SIP 9 period start date)	588.77	229,820.68	
SIP 9 period time (SIP 9 period start date to SIP 9 period end date)	59.55	28,269.25	
Carry forward time (appointment date to SIP 9 period end date)	648.32	258,089.93	

All staff who have worked on this assignment, including cashiers and secretarial staff, have charged time directly to the assignment and are included in the analysis of time spent. The cost of staff employed in central administration functions is not charged directly to the assignment but is reflected in the general level of charge out rates.

All time shown in the above analysis is charged in units of six minutes.



## Appendix 6      Glossary

<b>Bank</b>	Barclays Bank Plc
<b>Company</b>	Dining Street Limited - in Administration
<b>Crowell &amp; Moring</b>	Solicitors, Crowell & Moring LLP
<b>ERA</b>	Employments Right Act
<b>Group</b>	The Company together with Richoux Limited and Newultra (both in administration)
<b>IBB Law/Solicitors</b>	IBB Law LLP
<b>Interpath/Interpath Advisory</b>	Interpath Ltd
<b>Joint Administrators/we/our/us</b>	From 20 January 2020 to 9 June 2022, Will Wright and Steve Absolom. From 10 June 2022 onwards, Will Wright and Chris Pole.
<b>KPMG</b>	KPMG LLP
<b>Newultra</b>	Newultra Limited
<b>Richoux</b>	Richoux Limited
<b>RPS</b>	Redundancy Payments Service

Any references in this progress report to sections, paragraphs and rules are to Sections, Paragraphs and Rules in the Insolvency Act 1986, Schedule B1 of the Insolvency Act 1986 and the Insolvency Rules (England and Wales) 2016 respectively.

## Appendix 7 Notice: About this report

This report has been prepared by Will Wright and Chris Pole, the Joint Administrators of Dining Street Limited – in Administration (the ‘Company’), solely to comply with their statutory duty to report to creditors under the Insolvency Rules (England and Wales) 2016 on the progress of the administration, and for no other purpose. It is not suitable to be relied upon by any other person, or for any other purpose, or in any other context.

This report has not been prepared in contemplation of it being used, and is not suitable to be used, to inform any investment decision in relation to the debt of or any financial interest in the Company or any other company in the Group.

Any estimated outcomes for creditors included in this report are illustrative only and cannot be relied upon as guidance as to the actual outcomes for creditors.

Any person that chooses to rely on this report for any purpose or in any context other than under the Insolvency Rules (England and Wales) 2016 does so at its own risk. To the fullest extent permitted by law, the Joint Administrators do not assume any responsibility and will not accept any liability in respect of this report to any such person.

William James Wright and Christopher Robert Pole are authorised to act as insolvency practitioners by the Institute of Chartered Accountants in England & Wales.

We are bound by the Insolvency Code of Ethics.

The Officeholders are Data Controllers of personal data as defined by the Data Protection Act 2018. Personal data will be kept secure and processed only for matters relating to the appointment. For further information, please see our Privacy policy at – [www.interpathadvisory.com/privacy-insolvency](http://www.interpathadvisory.com/privacy-insolvency).

The Joint Administrators act as agents for the Company and contract without personal liability. The appointments of the Joint Administrators are personal to them and, to the fullest extent permitted by law, Interpath Ltd does not assume any responsibility and will not accept any liability to any person in respect of this report or the conduct of the administration.

**[www.interpathadvisory.com](http://www.interpathadvisory.com)**

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