In accordance with Rule 2.41 of the Insolvency (England & Wales) Rules 2016

CVA3

Notice of supervisor's progress report in voluntary arrangement



THURSDAY



A11

19/08/2021

#298

		COMPANIES HOUSE	
1	Company details	· · · · · · · · · · · · · · · · · · ·	
Company number	0 9 5 0 2 6 6 1	→ Filling in this form Please complete in typescript or in	
Company name in full	Orasay Restaurant Ltd (formerly Peyotito Restaurant	bold black capitals.	
	Limited)	_	
2	Supervisor's name		
Full forename(s)	Lane		
Surname	Bednash	_	
3	Supervisor's address		
Building name/number	Craftwork Studios		
Street	1-3 Dufferin Street		
		- 	
Post town	London		
County/Region			
Postcode	ECIY 8NA		
Country			
4	Supervisor's name •		
Full forename(s)		• Other supervisor	
Surname		Use this section to tell us about another supervisor.	
5	Supervisor's address [©]		
Building name/number		O Other supervisor	
Street		Use this section to tell us about another supervisor.	
Post town		_	
County/Region			
Postcode			
Country		-	

CVA3
Notice of supervisor's progress report in voluntary arrangement

6	Date of voluntary arrangement
Date	d 8 0 6 7 7 7 8
7	Period of progress report
Date from	d 8 0 6 7 7 9 9
Date to	1 7 0 6 7 7 0 7 7 7 7 7 7 7 7 7 7 7 7 7 7
8	Progress report
	☑ I attach a copy of the progress report
9	Sign and date
Supervisor's signature	X X
Signature date	

CVA3

Notice of supervisor's progress report in voluntary arrangement

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	Lane Bednash
Company name	CMB Partners UK Limited
Address	Craftwork Studios
	1-3 Dufferin Street
Post town	London
County/Region	
Postcode	ECIY8NA
Country	
DX	
Telephone	020 7377 4370

✓ 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.

7 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

Voluntary Arrangement of Orasay Restaurant Ltd (formerly Peyotito Restaurant Limited) Supervisor's Summary of Receipts & Payments

From 28/06/2018 To 27/06/2021 £	From 28/06/2020 To 27/06/2021 £		Statement of Affairs £
		ASSET REALISATIONS	
0.98	0.76	Bank Interest Gross	
50.400.00	16,800.00	CVA Contributions	84,000.00
1,880.00	NIL	Deposit - Winding Up Application Cost	01,000.00
52,280.98	16,800.76	Bopoolt Williams op Application Cost	
02,200.30	10,000.70	COST OF REALISATIONS	
220.00	220.00	Specific Bond	
6,000.00	1,600.00	Supervisor's Fees	
(6,220.00)	(1,820.00)	Cupor 1001 0 1 000	
(0,220.00)	(1,020.00)	UNSECURED CREDITORS	
1,517.72	797.62	HMRC - PAYE	(19,345.00)
15,208.48	7,992.64	HMRC - VAT	(132,978.00)
13,200.40 NIL	7,332.04 NIL	Inter-Co debt (Fishtales Holdings)	NIL
NIL	NIL	Inter-Co debt (Habanero West Ltd)	NIL
11,073.94	5,819.84	Trade & Expense Creditors	(92,633.00)
(27,800.14)	(14,610.10)	Trade & Expense Creditors	(92,000.00)
(27,000.14)	(14,010.10)	DISTRIBUTIONS	
NIL	NIL	Ordinary Shareholders	(100.00)
NIL	NIL	Ordinary Orlane Holders	(100.00)
INIL	MIL		
18,260.84	370.66		(161,056.00)
		REPRESENTED BY	
18,260.84		Bank 1 Current	
18,260.84			

Supervisor's Annual Progress Report to Creditors

Orasay Restaurant Ltd (formerly Peyotito Restaurant Limited) -Company Voluntary Arrangement (CVA)

17 August 2021

CONTENTS

- 1 Introduction
- 2 Progress of the CVA
- 3 Annual Review of Profitability
- 4 Creditors
- 5 Supervisor's Remuneration
- 6 Supervisor's Expenses
- 7 Distributions
- 8 Estimated Outcome

APPENDICES

- A Receipts and Payments Account for the period from 28 June 2020 to 27 June 2021, and a Cumulative Receipts and Payments Account from 28 June 2018 to 27 June 2021
- B Time Analysis for the period 28 June 2020 to 27 June 2021
- C Cumulative Time Analysis for the Period from 28 June 2018 to 27 June 2021
- D Additional Information in relation to Supervisor's fees and Expenses
- E Estimated Outcome Statement as at 27 June 2021

1 Introduction

- 1.1 You will recall that I, Lane Bednash, of CMB Partners UK Ltd, Craftwork Studios, 1-3 Dufferin Street, London E1Y 8NA was appointed Supervisor of the Company Voluntary Arrangement (CVA) of Orasay Restaurant Ltd (formerly Peyotito Restaurant Limited) (the Company), on 28 June 2018.
- 1.2 By way of reminder, the CVA provided in the main for contributions of £1,400 per month for 5 years.
- 1.3 On 1 March 2019 the Company changed its name from Peyotito Restaurant Limited to Orasay Restaurant Limited. It trades from premises at 31 Kensington Park Rd, Notting Hill, London W11 2EU.
- 1.4 This report now provides an update on the progress in the CVA in accordance with R2.41 of the Insolvency (England & Wales) Rules 2016. At Appendix A, I have provided an account of my Receipts and Payments for the year from 28 June 2020 to 27 June 2021 (the Period), and a cumulative account since my appointment, with a comparison to the Director's Statement of Affairs and Estimated Outcome Statement values.
- 1.5 Information about the way that we will use, and store personal data on insolvency appointments can be found at www.cmbukltd,co.uk. If you are unable to download this, please contact us and a hard copy will be provided to you.

2 Progress of the CVA

Voluntary Contributions

- 2.1 Under the terms of the CVA, as modified, the Company is required to make monthly contributions of £1,400 for a period of five years, totalling £84,000.
- 2.2 In the period covered by this report I have received further contributions of £16,800, making a total to date of £50,400. The Company's contributions are fully up to date.

Other Assets

Deposit - Winding Up Application Costs

2.3 In accordance with HM Revenue & Customs ('HMRC') modifications to the Proposals, I have received £1,880 from the Company and these funds are to be held on account in order to petition for a Compulsory Liquidation in the event that the CVA fails. It should be noted that if the CVA is successfully completed then these funds are to be returned to the Company.

Bank Interest

2.4 The CVA funds have earned Bank interest in the Period of £0.76, and total Bank interest of £0.98 to date. The Company will deal with any corporation tax liability.

3 Annual Review of Profitability

- 3.1 The Proposals, as modified, requires that I conduct a review of the Company's annual accounts to determine whether any profits allow for an increase in monthly contributions, which are to be calculated at not less than 50% of any rise in the net income of the Company after provision for tax and allowing for a 5% increase in profits year on year.
- 3.2 The Company is required to provide me with management accounts within 3 months of each year end of the CVA. Any assessed sum must be paid in full within 9 months of the year end with the exception of the final year of the CVA in which payment must be remitted within 4 months.
- 3.3 My review of the management accounts for the second year of the CVA did not allow for any increase in the monthly voluntary contributions.

3.4 The management accounts have been requested for the third year of the CVA from the Company and my review will be undertaken upon receipt of this accounting information. Should this result in an increase of monthly contributions, I will update creditors in the next report that will be issued.

4 Creditors

Secured Creditors

4.1 A fixed and floating charge was created by HSBC Bank plc on 28 September 2016 and this was delivered to Companies House on 29 September 2016. This charge relates to a bank loan and overdraft facility obtained by the business. The Bank will rely on its security, and any outstanding liabilities are excluded from the CVA.

Preferential Creditors

4.2 No preferential claims were anticipated or have been received in this CVA.

Unsecured Creditors

- 4.3 The Director's Statement of Affairs contained within the CVA proposals showed that unsecured claims were estimated to total £427,230.
- However, under the proposed CVA, Habanero West Limited, the parent Company, and an associated business, Fishtales Group Limited, whose claims were estimated at £119,593 and £58,765 respectively, had agreed to waive their rights to participate in any CVA dividends.
- 4.5 In addition, employees with potential claims for notice pay and redundancy, which were estimated to total £3,916 in a liquidation, would not have claims under the continuance of trading under a CVA.
- 4.6 Therefore, creditors estimated to rank for dividend totalled £244,956. This included HM Revenue & Customs (HMRC) for PAYE/NIC of £23,548 and VAT of £135,389.
- 4.7 I have received and agreed claims from 17 creditors totalling £247,480.32. This includes a claim from HMRC of £148,899.35, comprising £13,510.93 for PAYE/NIC and £135,388.42 for VAT. In the period covered by this report I have received a further claim for £222.78, which is under query.
- 4.8 It should be noted that 6 creditors, whose estimated claims at the date of the arrangement totalled £14,291, have no intention of submitting details of any outstanding liabilities. No further claims are expected to be received in the CVA.

5 Supervisor's Remuneration

- 5.1 The CVA proposals, as modified, which were approved by creditors on 28 June 2018 provided that the Supervisor's remuneration would be based on his time costs, limited to the fee estimate of £10,000.
- 5.2 My time costs for the Period are £11,092.50 This represents 31.85 hours at an average rate of £348.27 per hour. Attached as Appendix B is a Time Analysis which provides details of the activity costs incurred by staff grade during the Period in respect of the costs fixed by reference to time properly spent by me in managing the liquidation.
- Also attached as Appendix C is a cumulative Time Analysis for the period from 28 June 2018 to 27 June 2020 which provides details of my time costs since my appointment. The cumulative time costs incurred to date are £25,853.00. This represents 84.75 hours at an average rate of £305.05 per hour.
- 5.4 In the period covered by this report I have drawn further fees of £1,600, and have drawn total fees to date of £6,000.
- 5.5 As per the Cumulative Time Analysis as per Appendix C, and in accordance with the Statement of Insolvency Practices 3.2, it should be noted that my time costs have exceeded the initial estimate of £10,000.

- This increase was as a result of dealing with creditors in order to obtain details of their final claims prior to the first distribution being made in these proceedings, and latterly in obtaining their bank account details for the payment of dividends, rather than making dividend payments by cheque, due to the Covid 19 pandemic. I have also spent time in discussions with the Director with a view to the Company bringing the CVA to an early conclusion. I will consult with creditors further regarding my fees in that event.
- 5.7 Attached, as Appendix D is additional information in relation to our policy on staffing, the use of subcontractors and the expenses and disbursements of the CVA.
- 5.8 A copy of the guide to insolvency practitioners' fees in a Voluntary Arrangement is available on request or can be downloaded from www.cmbukltd.co.uk.

6 Supervisor's Expenses

6.1 The following expenses and disbursements have been incurred since my appointment as Supervisor:

	o)Convent effsb 23	Petoth Prior Period E	මොළුල්සි රණික දේවනානෙ රණනස්ග රණනස්ග	tudbenwall elsb 28
Category 1 expenses				
Specific Penalty Bond	220.00	0.00	220.00	0.00

7 Distributions

- 7.1 Under the terms of the CVA proposal, as modified, creditors are to receive a minimum total dividend of 30 pence in the pound.
- 7.2 On 9 September 2019 I declared and paid a first interim dividend of 5.33 pence in the pound on the claims agreed at that time.
- 7.3 On 9 October 2020 I declared and paid a second interim dividend of 5.90 pence in the pound.
- 7.4 As at 27 June 2021 the CVA funds had a balance of £18,260.84, and I have received the July contribution of £1,400 since that date. As detailed earlier in this report, £1,880 is to be held on account in order to petition for a Compulsory Liquidation in the event that the CVA fails.
- 7.5 Accordingly, with this report I am declaring and paying a third interim dividend to unsecured creditors of 5.77 pence in the pound, amounting to £14,279.61. Creditors have now received dividends totalling £42,071.65, representing a total return to date of 17.00 pence in the pound. This is broadly in accordance with the estimates given in the CVA proposal, as modified.

8 Estimated Outcome

8.1 Attached to this report at Appendix E is a revised estimated outcome statement which gives an update on the anticipated costs of the CVA and the outcome for creditors.

Should you require further information at any time, please do not hesitate to contact Sean Emmett of this office.

Yours faithfully

Lane Bednash Supervisor

Voluntary Arrangement of Orasay Restaurant Ltd (formerly Peyotito Restaurant Limited) Supervisor's Summary of Receipts & Payments

tatement of Affairs £		From 28/06/2020 To 27/06/2021 £	From 28/06/2018 To 27/06/2021 £
	ASSET REALISATIONS		•
	Bank Interest Gross	0.76	0.98
84,000.00	CVA Contributions	16,800.00	50,400.00
,	Deposit - Winding Up Application Cost	NIL	1,880.00
		16,800.76	52,280.98
	COST OF REALISATIONS	,	,
	Specific Bond	220.00	220.00
	Supervisor's Fees	1,600.00	6,000.00
		(1,820.00)	(6,220.00)
	UNSECURED CREDITORS	, ,	,
9,345.00)	HMRC - PAYE	797.62	1,517.72
32,978.00)	HMRC - VAT	7,992.64	15,208.48
NIL	Inter-Co debt (Fishtales Holdings)	NIL	NIL
NIL	Inter-Co debt (Habanero West Ltd)	NIL	NIL
2,633.00)	Trade & Expense Creditors	5,819.84	11,073.94
_,,		(14,610.10)	(27,800.14)
	DISTRIBUTIONS	, , ,	, ,
(100.00)	Ordinary Shareholders	NIL	NIL
(,	,	NIL	NIL
61,056.00)		370.66	18,260.84
	REPRESENTED BY	-	
	Bank 1 Current		18,260.84
			18,260.84

Time Entry - Detailed SIP9 Time & Cost Summary

P0093 - Orasay Restaurant Ltd (formerly Peyotito Restaurant Limited) From: 28/06/2020 To: 27/06/2021 All Post Appointment Project Codes

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
701 : Statutory Reports & Returns 702 : Cashiering	0.00	8.40 0.60	0.30	0.00	8.70 1.25	3,000.00	344.83
703 : Job Planning & Review	0:30	8.00	0.20	0.00	8.50	2,995.00	352.35
704 : Taxation	0.00	0.80	0.00	0.00	0.80	280.00	350.00
705 : Books and Records Collection	0.00	0:30	0.00	0.00	0:30	105.00	350.00
707 : Partner/Manager Review	0.60	0:00	00:00	0.00	090	270.00	450.00
708 : Other	0.00	. 0.40	0.00	0.00	0.40	140.00	350.00
Admin & Planning	1.10	18.50	0.50	0.45	20.55	7,147.50	347.81
503 : Unsecured Creditors (exc Crown)	0.00	3.70	0.40	0.00	4.10	1,395.00	340.24
504 : Unsecured Creditors (Crown - CT, Nier, etc.)	0:00	0.40	0:00	0.00	0.40	140.00	350.00
512 : Unsecured Distributions	0.60	3.50	00:00	0.00	4.10	1,465.00	357.32
Creditors	0.60	7.60	0.40	0.00	8.60	3,000.00	348.84
							:
300 : Debtor Collection	0.00	1.60	0.00	0.00	1.60	260.00	350.00
307 : Other	0.00	0.20	00:00	0.00	0.20	20.00	350.00
309 : Voluntary arrangements - contributions	0.00	0.90	0.00	0.00	0.00	315.00	350.00
Realisation of Assets	0.00	2.70	0.00	0.00	2.70	945.00	350.00
Total Hours	1.70	28.80	0:00	0.45	31.85	11,092.50	348.27
Total Fees Claimed						0.00	

29 June 2021 11:56

Time Entry - Detailed SIP9 Time & Cost Summary

P0093 - Orasay Restaurant Ltd (formerly Peyotito Restaurant Limited) From: 28/06/2018 To: 27/06/2021 All Post Appointment Project Codes

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
700 : General Case Administration	00:00	00.0	0.10	0.00	0.10	22.50	225.00
701 : Statutory Reports & Returns	0.00	12.60	2.40	0.00	15.00	4,806.00	320.40
702 : Cashiering	0.20	2.80	1.00	0.45	4.45	1,287.50	289.33
703 : Job Planning & Review	0:30	10.50	2.40	0.00	13.20	4,747.00	359.62
704 : Taxation	00:00	1.60	00:0	0.00	1.60	260.00	350.00
705 : Books and Records Collection	00:00	09:0	0.00	0.00	09:0	210.00	350.00
707 : Partner/Manager Review	09:0	0.00	0:00	0.00	0.60	270.00	450.00
708 : Other	0.00	2.00	0.00	0.00	2.00	700.00	320.00
Admin & Planning	1.10	30.10	5.90	0.45	37.55	12,603.00	335.63
503 : Unsecured Creditors (exc Crown)	0:00	20.40	14.10	0.00	34.50	9,477.50	274.71
504 : Unsecured Creditors (Crown - CT, Nier, etc.)	0.00	0.40	0:00	0:00	0.40	140.00	350.00
512 : Unsecured Distributions	09:0	3.50	0.00	0.00	4.10	1,465.00	357.32
Creditors	0.60	24.30	14.10	0.00	39.00	11,082.50	284.17
				-			
200 : Directors' and Debtors' Correspondence	0.00	0.00	3.80	0.00	3.80	627.50	165.13
Investigations	0.00	0.00	3.80	0.00	3.80	627.50	165.13
				:		:	
300 : Debtor Collection	0.00	2.30	00:00	00:0	2.30	805.00	350.00
307 : Other	0.00	1.20	0.00	0:00	1.20	420.00	350.00
309 : Voluntary arrangements - contributions	0.00	0.30	0.00	0.00	0.00	315.00	320.00
Realisation of Assets	0.00	4.40	0.00	0.00	4.40	1,540.00	350.00
Total Hours	1.70	58.80	23.80	0.45	84.75	25,853.00	305.05
Total Fees Claimed						0.00	

29 June 2021 11:59

Appendix D

Additional Information in Relation to Supervisor's Fees & Expenses

Staff Allocation and the Use of Sub-Contractors

The general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case.

The constitution of the case team will usually consist of a Partner, a Manager, and an Administrator or Assistant. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and the experience requirements of the assignment.

We have not utilised the services of any subcontractors in this case.

Professional Advisors

We have not utilised the services of any professional advisors in this case.

Supervisor's Expenses

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

Expenses are divided into those that do not need approval before they are charged to the estate (Category 1 expenses) and those that do (Category 2 expenses).

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. Category 1 expenses can be paid without prior approval. Examples include; agent's costs for assisting in the disposal and realisation of assets, legal costs, specialist pensions advice, tax services or other routine expenses associated with an insolvency appointment.

Category 2 Expenses

These are payments to associates or which have an element of shared costs. Before being paid, Category 2 expenses require approval in the same manner as an office holder's remuneration. Category 2 expenses require approval whether paid directly from the estate or as a disbursement.

It is this firm's policy that we do not seek to recover Category 2 expenses.

Details of any Category 1 expenses incurred in the CVA can be found in the body of the Progress Report.

Charge-Out Rates

CMB Partners UK Limited's charge-out rates are detailed below. Please note this firm records its time in minimum units of 6 minutes.

From 1 April 20	18
to 31 August 20	19
Staff	(per hour)
Director/Insolvency Practitioner	£400 - £450
Manager	£275 - £350
Administrator	£125 - £275
Cashier	£100-£125

From 1 September 2019 to 31 May 2020			
Staff	(per hour)		
Director/Insolvency Practitioner	£400 - £450		
Manager	£275 - £375		
Administrator	£125 - £275		
Cashier	£100 - £125		

From 1 June 2020 to date					
Staff	(per hou				
Director/Insolvency Practitioner	£400 - £500				
Senior Manager/Manager	£350 - £39				
Senior Administrator	£275 - £34				
Administrator	£155 - £250				
Cashier/Support	£100 - £150				

Orasay Restaurant Ltd (Formerly Peyotito Restaurant Limited) Estimated Outcome Statement as at 27 June 2021

		Receipts and Payments to 27 June 2021	Estimated Future Movement	Estimated Outcome
	Notes	£	£	£
Assets Subject to Fixed Charge		N/a	N/a	N/a
Fixed Charge Creditors				
Term Loan - HSBC Bank plc		N/a	N/a	N/a
Bank Overdraft -HSBC Bank plc		N/a	N/a	N/a
Surplus/(Deficiency) to Floating Charge Creditors C/D		N/a	N/a	N/a
Assets Subject to Floating Charge				
CVA Contributions (60 months @ £1,400)	1	50,400.00	33,600.00	84,000.00
Bank interest		0.98	uncertain	0.98
Deposit re winding up petition	2	1,880.00		1,880.00
		52,280.98	33,600.00	85,880.98
Estimated Costs				
Deposit re winding up petition repaid	2	0.00	(1,350.05)	(1,350.05)
Supervisor's Fees	3	(6,000.00)	(4,000:00)	(10,000.00)
Specific Bond - Insurance		(220.00)		(220.00)
		(6,220.00)	(5,350.05)	(11,570.05)
Available for Preferential Creditors				74,310.93
Preferential Creditors - Employee Arrears/Holiday Pay		<u>.</u>		N/a
Available for Unsecured Creditors	4			74,310.93
Unsecured Creditors		Claims agreed	Future claims	Total Claims
Trade & Expense Creditors		98,803.75	nil	98,803.75
HM Revenue & Customs - VAT		135,388.42	nil	135,388.42
HM Revenue & Customs - PAYE/NI		13,510.93	nil	13,510.93
Employees - Notice and Redundancy Pay		N/a	N/a	0.00
Intercompany debt		N/a	N/a	0.00
	•	247,703.10	0.00	247,703.10
Estimated p/£ Dividend to Unsecured Creditors	. 5	0.00		30.00