



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

1 Company details

Company number 0 4 1 6 7 0 2 9

Company name in full Mortons The Restaurant Limited

→ Filling in this form

Please complete in typescript or in
bold black capitals.

2 Administrator's name

Full forename(s) Graham

Surname Bushby

3 Administrator's address

Building name/number The Pinnacle

Street 170 Midsummer Boulevard

Post town Milton Keynes

County/Region

Postcode M K 9 1 B P

Country

4 Administrator's name ①

Full forename(s) Nick

Surname Edwards

① Other administrator

Use this section to tell us about
another administrator.

5 Administrator's address ②

Building name/number The Pinnacle

Street 170 Midsummer Boulevard

Post town Milton Keynes

County/Region

Postcode M K 9 1 B P

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	^d	^m	^m	^y	^y	^y	^y
	3	1	0	1	2	0	2	1
To date	^d	^d	^m	^m	^y	^y	^y	^y
	3	0	0	7	2	0	2	1

7 Progress report

☐ I attach a copy of the progress report

8 Sign and date

Administrator's
signature

Signature

X



X

Signature date	^d	^d	^m	^m	^y	^y	^y	^y
	2	5	0	8	2	0	2	1

**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 **Sheryl Goan**

Company name **RSM Restructuring Advisory LLP**

Address **25 Farringdon Street**

Post town **London**

County/Region

Postcode **E C 4 A 4 A B**

Country

DX

Telephone **0203 201 8000**

**Checklist**

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

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

**Important information**

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

**Where to send**

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

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

**Further information**

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

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

MORTONS THE RESTAURANT LIMITED IN ADMINISTRATION

JOINT ADMINISTRATORS' PROGRESS REPORT
FOR THE SIX MONTH PERIOD TO 30 JULY 2021

THE POWER OF BEING UNDERSTOOD
AUDIT | TAX | CONSULTING





INTRODUCTION

Contact details

The key contacts at RSM in connection with this report are:

Primary office holder	Case manager
Graham Bushby	Sheryl Goan
RSM Restructuring Advisory LLP	RSM Restructuring Advisory LLP
The Pinnacle, 170 Midsummer Boulevard,	The Pinnacle, 170 Midsummer Boulevard,
Milton Keynes, MK9 1BP	Milton Keynes, MK9 1BP
Tel: 01908 687800	Tel: 01908 687800

Contents

Sections	
2
3
5
6
8

Basis of preparation

This report has been prepared solely to comply with the statutory requirements of the relevant legislation to provide creditors with information relating to the progress of the Administration. It should be read in conjunction with any previous reports that have been issued, copies of which are available on request.

This report has not been prepared for use in respect of any other purpose, or to inform any investment decision in relation to any debt or financial interest in the Company. Any estimated outcomes for creditors are illustrative and may be subject to revision and additional costs. They should not be used as the basis for any bad debt provision or any other purpose. Neither the Joint Administrators nor RSM Restructuring Advisory LLP accept any liability whatsoever arising as a result of any decision or action taken or refrained from as a result of information contained in this report. The Joint Administrators act as agents of the Company and without personal liability.

General guidance on the Administration process

You can find guidance on the different insolvency processes at the R3 website .
R3 is the trade association for the insolvency profession.

Appendices

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CONDUCT OF THE ADMINISTRATION

Realisation of assets

Leasehold Premises

As previously report we anticipated that the Company could potentially receive a proportion of the sale premium received from the lease which would relate to the sale of the goodwill or the premises licence.

Given the closure and the ongoing effect of the Covid crisis there is no prospect of generating any payment for the sale of goodwill.

Plant & Equipment

As previously reported, the Company owns the plant and equipment within the property at 28 Berkeley Square. The Joint Administrators' appointed agents, Lambert Smith Hampton (LSH), originally indicated a potential value of c. £50,000 to be attributable to the plant and equipment as part of the sale of the lease for that property.

This will be realisable on the sale of the Lease which is hoped will complete shortly.

Stock

As previously reported, the Company owned the stock held at 28 Berkley Square, being wines and spirits. The stock had originally been marketed alongside the lease assignment and the plant & equipment. However, due to the continued delays in the sale of the lease together with the ongoing costs associated with storing the stock, the Joint Administrators instructed their agents to sell the stock to preserve their current value.

Rent Deposit

As previously advised Mortons Club entered into a rent charge deed agreement with the Landlord of 28 Berkeley Square and the Landlord confirmed that they currently held this in the sum of £128,000 in respect of this. On this basis, it was anticipated that the remaining rent deposit held would be repayable to the Company upon the assignment of the lease. However, our solicitors Stephenson Harwood LLP (SHL) have confirmed that as the Company is not a party to the rent charge agreement, the Company would not be entitled to the repayment of the rent deposit.

The value of the rent deposit would therefore constitute as an intercompany loan balance with Mortons Club. It is unlikely that the Joint Administrators of Mortons Club will make a distribution to unsecured creditors and therefore it is not anticipated that the Company will make any recoveries in this respect.

Investigations

All investigative matters have previously been reported.

Statutory and case management matters

The following work does not usually result in a financial return to creditors but is required by legislation, best practice and to ensure that the case is managed efficiently and effectively. Key work done in the period included:

Statutory requirements

- summoning and holding a qualifying decision procedure and associated formalities including recording and reporting outcome to prescribed parties
- preparing, review and issuing a progress reports to creditors and other prescribed parties
- taxation matters, post appointment VAT, pre-appointment VAT & Tax returns, corporation and other post appointment tax returns and payments
- general taxation matters
- pension scheme matters, liaising with the Pension Protection Fund, Pensions Regulator and Trustees, appointing an independent trustee, winding up the scheme and stakeholder formalities

Case management matters

- periodic case reviews, ongoing case planning and statutory
- maintaining and updating computerised case management records
- liaising with former accountants and solicitors
- dealing with routine correspondence not attributable to other categories of work
- maintenance of cashiering records, bank accounts, receipts and payments, billing
- general administrative matters in relation to closing the case

The time costs incurred to date in dealing with these matters is set out in the attached analysis of time costs.

Receipts and payments

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

OUTSTANDING MATTERS

Assets remaining to be realised

The following assets remain to be realised. Details of the work still required and the anticipated costs are set out in the 'Conduct of the Administration' section above, and below.

Nature of asset	Book value (£)	Estimated to realise (£)	Estimated future costs (£)
Intangible assets	0	0	0
Plant & Equipment	0	50,000	3,000
Book debts	0	0	0
VAT refund	0	0	0
Cash at bank	0	0	0
Cash held by 3 rd parties	0	50,000	3,000

Other outstanding matters

The Joint Administrators need to await the assignment of the Lease within Mortons Club Ltd before being able to realise the plant & equipment value. The Joint Administrators will then need to review the position as to whether there will be any prospect of a dividend.

Extension of the Administration

The Administration was previously extended on 17 December 2020 to 30 January 2022 by the creditors.

The Joint Administrators do not consider that a further extension to the period of the Administration will be required.

End of the Administration

It is currently anticipated that the Company will exit Administration by way of Dissolution.

It is not possible to ascertain at present when the Administration will end. Further information will be provided in subsequent progress reports.

CREDITORS' CLAIMS AND DIVIDEND PROSPECTS

Dividend prospects

	Owed (£'000)	Paid to date (£)	Estimated future prospects
Preferential creditors	53	NIL	NIL
Unsecured creditors	527	NIL	NIL
Estimated Net Property	n/a		
Estimated 'Prescribed Part' available for creditors	n/a		

Prescribed Part

The 'Prescribed Part' is a statutory amount set aside for unsecured creditors from funds ('Net Property') available to a Qualifying Floating Charge Holder ('QFCH'). The amount of Net Property is calculated on a sliding scale up to maximum £800,000 depending on when the floating charge was created and whether or not it is a first ranking floating charge.

However, there are no QFCHs and the Prescribed Part does not, therefore, apply.

Agreement of claims

As set out above, it is not anticipated that a dividend will be paid to preferential creditors. The anticipated dividends set out above are subject to future realisations and no work has therefore been done as yet to agree preferential claims, other than that necessary for the purposes of admitting claims for voting, where applicable. Details of the time spent in relation to this work as set out in the attached time analysis.

If you have not already submitted a Proof of Debt, a copy of the form can be obtained at <https://rsmuk.ips-docs.com> or by request to this office.

Creditors whose debts are treated as a small debt in accordance with Rule 14.31(1) of the Insolvency (England and Wales) Rules 2016 must still deliver a proof of debt if they wish to vote. Rule 14.31(1) states that Office Holders may treat a debt, which is a small debt according to the accounting records or the statement of affairs of the company, as if it were proved for the

purposes of paying a dividend. Small debts are defined in Rule 14.1(3) as a debt (being the total amount owed to a creditor) which does not exceed £1,000.

Dividend payments

The timing of any future dividend to preferential unsecured creditors (in relation to the Prescribed Part) is dependent on future realisations. Further information regarding any potential dividend payment will be made in due course.

Creditor communication

The following work was done in the period to comply with legislation, best practice and to ensure creditors were kept informed. It is also necessary to enable a dividend to be paid.

- dealing with communication with creditors
- maintenance of schedules of creditors' claims

Creditors only derive an indirect financial return from this work on cases where a dividend has been, or will be, paid.

The time incurred in dealing with these matters during the period is set out in the attached post appointment analysis of time costs.

JOINT ADMINISTRATORS' FEES, COSTS AND EXPENSES

Guide to Administrator's fees and expenses

A Guide to Administrator's Fees, which provides information for creditors in relation to the fees and expenses of an Administrator, can be accessed at [this link](#) under 'general information for creditors'. A hard copy can be requested from this office by telephone, email or in writing. All fees, costs and expenses are subject to VAT.

Relevant Approving Body

The unsecured creditors are the Relevant Approving Body responsible for approving the Joint Administrators' post appointment fee basis and, where applicable, 'Category 2' expenses. They will also be responsible for approving the payment of outstanding pre-Administration expenses. However, if a creditors' committee is established at any stage, this will become its responsibility and it will be the Relevant Approving Body.

Pre-administration costs

There were un-paid pre-Administration costs of £19,402 plus VAT as set out below and in the Joint Administrators' proposals. Approval for their payment has been received and this have been paid in full.

To whom due / paid	Basis	Total incurred (£)	Amount outstanding (£)
Joint Administrators' fees	time cost	13,397.50	13,397.50
Joint Administrators' 'Category 2' expenses			
- Room hire	(£25/£80)	0	0
- Mileage	42.5p per mile	0	0
- Tracker reports	£10 per report	0	0
- Subsistence	£25 per night	0	0
Subtotal 'Category 2' expenses		0	0
Joint Administrators' costs & 'Category 1' expenses			
- postage		3.98	3.98
Subtotal costs & 'Category 1' expenses		3.98	3.98
Total		13,401.48	13,401.48

Post Appointment fees, costs and expenses

Basis of Remuneration

Insolvency legislation allows an Administrator to charge fees on one of, or a combination of, the following bases:

- as a percentage of the value of the property the Administrator has to deal with (percentage basis);
- to the time spent by the Administrator or their staff on the administration of the case (time cost basis);
- as a set amount (fixed fee basis); or
- a combination of the above (mixed fee basis).

The Relevant Approving Body approved the Joint Administrators' fees on a time cost basis, limited to the sum of £85,733 in accordance with the fee estimate provided to creditors on 26 February 2021. The fee estimate was prepared for the life of the appointment.

Remuneration Charged

Legislation requires that 'remuneration charged' is reported. Remuneration is charged when the work to which it relates is done. It does not mean the Joint Administrators' fees have been paid. Amounts paid to date, if any, are shown in the attached receipts and payments account.

During the period, the fees charged by the Joint Administrators, on the basis set out above, totalled £13,397.50. An analysis of time incurred in the period is attached. Time costs incurred since appointment total £82,686. Please note that where fees are based on time costs, remuneration charged will be limited to the amount approved.

Further fee approval

The amount of fee that can be drawn is limited to the revised amount approved by the Relevant Approving Body, whether calculated on the basis of time in accordance with a fee estimate, or for a fixed amount or a percentage rate, cannot be further increased or the percentage rate changed, without their approval.

The Joint Administrators do not anticipate that it will be necessary to seek any further approval for additional fees.

Expenses and professional costs

The total costs and expenses estimated to be incurred by the Joint Administrators are set out below together with details of those incurred in the period. Amounts incurred in the period may include estimates where actual invoices have not been received. Amounts paid to date are shown in the attached receipts and payments account. The quantum of costs and expenses is in line with the estimates previously provided to creditors.

Category 1 expenses

These comprise external supplies of incidental services specifically identifiable to the insolvency estate. They do not require approval of the Relevant Approving Body prior to being paid.

Type of expense	Total estimated (£)	Incurred in period (£)
Bond	0	0
Statutory advertising	0	0
Website fee	0	0
Books & records collection & storage	0	0
Total	0	0

Category 2 expenses

These are costs which are not capable of precise identification or calculation, or that may include an element of shared or allocated costs. Payments to outside parties that the Office Holder, firm, or any associate has an interest, are also treated as 'Category 2' expenses. These expenses require the specific approval of the Relevant Approving Body before being paid from the insolvency estate.

The Relevant Approving Body has been asked to approve the payment of the 'Category 2' expenses, at the rates prevailing at the date they were incurred. Details of the current rates are set out below.

Type of expense	Total estimated (£)	Incurred in period (£)
Room hire	0	0
Mileage (42.5p per mile)	0	0
Tracker reports (£10 per report)	0	0
Subsistence (£25 per night)	0	0
Total	0	0

Other professional costs

The office holders retained the following advisers based on their experience and expertise. These costs are not subject to approval by the Relevant Approving Body. However, they are subject to review and approval by the Joint Administrators.

Party	Nature of advice	Total estimated (£)	Incurred in period (£)
Lambert Smith Hampton	Asset valuation and disposal	20,000	6,600.21
Total		20,000	6,600.21

Creditors' right to information and ability to challenge fees

Creditors have a right to request further information about fees or expenses (other than pre-Administration costs) and to challenge such fees or expenses.

If you wish to make a request for further information it must be made in writing within 21 days of receipt of this report either by (i) any secured creditor or (ii) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question).

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 court that the fees charged, the basis fixed or expenses incurred by the Administrator are in all the circumstances excessive. Any such challenge must be made no later than eight weeks after receipt of the report which first discloses the charging of remuneration or incurring of the expenses in question.

Any such challenge must be made no later than eight weeks after receipt of the report which first discloses the charging of fees or incurring of the expenses in question.



Graham Bushby
RSM Restructuring Advisory LLP
Joint Administrator

Graham Bushby is licensed to act as an Insolvency Practitioner in the UK by the Institute of Chartered Accountants in England and Wales

Nick Edwards 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

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

APPENDICES

A. STATUTORY INFORMATION

Company information		Administration information	
Company name:	Mortons The Restaurant Limited	Court reference:	High Court of Justice No 81 of 2020
Company number:	04167029	Joint Administrators:	Graham Bushby and Nick Edwards
Date of incorporation:	23/02/2001		
Trading name:		Date of appointment:	31/01/2020
Trading address:	28 Berkeley Square, London, W1J 6EN	Joint Administrators:	<div><div>Primary office holder Graham Bushby RSM Restructuring Advisory LLP The Pinnacle, 170 Midsummer Boulevard, Milton Keynes, MK9 1BP 020 3201 8000 IP Number: 8736</div><div>Joint office holder Nick Edwards RSM Restructuring Advisory LLP The Pinnacle, 170 Midsummer Boulevard, Milton Keynes, MK9 1BP 01908 687841 IP Number: 9005</div></div>
Principal activity:	Licensed restaurants		
Registered office:	RSM Restructuring Advisory LLP 25 Farringdon Street London EC4A 4AB		
Previous company names:			
Directors:	Marlon Ralph Pietro Abela		
Secretary:	Mohamad Khaled Oueida		

B. RECEIPTS AND PAYMENTS SUMMARY

Mortons The Restaurant Limited In Administration Joint Administrators' Summary of Receipts & Payments

Statement of Affairs £		From 31/01/2021 To 30/07/2021 £	From 31/01/2020 To 30/07/2021 £
	SECURED ASSETS		
NIL	Investment in Mortons Club Limi	NIL	NIL
67,567.00	Rent Deposit	NIL	NIL
		NIL	NIL
	SECURED CREDITORS		
-67,567.00	Landlord	NIL	NIL
-12,980,000.00	Lebanese Swiss Bank	NIL	NIL
		NIL	NIL
	ASSET REALISATIONS		
50,000.00	Fixtures & Fittings	NIL	NIL
NIL	Interco Loan - Green's (West E	NIL	NIL
NIL	Interco Loan - Maddox Club Ltd	NIL	NIL
NIL	Interco Loan - Marc (Bakery) Li	NIL	NIL
NIL	Investment - Lone Star Restaur	NIL	NIL
NIL	Prepayments	NIL	NIL
NIL	Sundry Debtors	NIL	NIL
50,000.00	Wine Stock	NIL	84,000.00
		NIL	84,000.00
	COST OF REALISATIONS		
	Agents' Disbursements	1,275.21	10,295.24
	Agents/Valuers Commission	NIL	8,400.00
	Agents/Valuers Fees	5,325.00	8,525.00
	Bank Charges	60.00	65.00
	Gas & Electricity	2,283.46	15,282.45
	Legal Fees	525.00	525.00
	Office Holders Fees	10,000.00	10,000.00
	Pre-appointment Disbursements	8.30	8.30
	Pre-appointment fees	16,893.50	16,893.50
	Property maintenance costs	660.00	660.00
	Rates	2,809.41	2,809.41
		(39,839.88)	(73,463.90)

PREFERENTIAL CREDITORS			
-37,039.00	Employee Arrears/Hol Pay	NIL	NIL
-20,294.00	Pension Schemes	NIL	NIL
		NIL	NIL
UNSECURED CREDITORS			
-115,898.00	Consumer Creditors	NIL	NIL
-39,770.00	Employees / Directors	NIL	NIL
-31,820,640.00	Group Liabilities	NIL	NIL
-994,747.00	HMRC	NIL	NIL
-2,944,670.00	Related Parties	NIL	NIL
-335,852.00	Trade & Expense Creditors	NIL	NIL
		NIL	NIL
DISTRIBUTIONS			
-2,000,000.00	Ordinary Shareholders	NIL	NIL
		NIL	NIL
-51,188,910.00		(39,839.88)	10,536.10
REPRESENTED BY			
	Bank 1 Current		262.96
	Funds held by LSH		4,200.00
	Vat Control Account		5,438.88
	Vat Receivable		634.26
			10,536.10

C. POST-APPOINTMENT TIME ANALYSIS

Joint Administrators' post appointment time cost analysis for the period 31 January 2021 to 30 July 2021

Please note that we have re-designed our SIP9 analysis table to provide a more detailed breakdown of the work carried out. This change does not alter the value of time costs recorded, purely the row within the table to which that time, and cost, has been allocated. On 1 July 2021, RSM Restructuring Advisory LLP changed the job titles of some of their staff, and this is reflected in the SIP 9 analysis table. This change does not alter the value of time costs recorded or the column within the table to which that time has been allocated.

Period	Hours Spent	Partners	Directors / Associate Directors	Managers	Associates	Executives & Analysts	Assistants & Support Staff	Total Hours	Total Time Costs	Average Rates
From Jan 2003	Statutory Requirements									
	Creditors/shareholders decisions, meetings & reports	0.0	0.0	1.3	0.0	8.1	0.0	9.4	£ 1,781.50	189.52
	Pension Scheme	0.0	0.0	0.0	0.2	1.5	0.0	1.7	£ 301.00	177.06
	Taxation	0.0	0.6	3.7	0.0	1.6	0.0	5.9	£ 1,351.50	229.07
	Total	0.0	0.6	5.0	0.2	11.2	0.0	17.0	£ 3,434.00	202.00
	Realisation of Assets									
	Land and Property	1.5	4.8	1.1	0.2	5.9	0.0	13.5	£ 4,188.50	310.26
	Sale of business	0.0	0.2	0.0	0.0	0.0	0.0	0.2	£ 90.00	450.00
	Stock and WIP	0.0	0.0	0.0	0.0	0.2	0.0	0.2	£ 35.00	175.00
	Total	1.5	5.0	1.1	0.2	6.1	0.0	13.9	£ 4,313.50	310.32
	Case Specific Matters									
	Legal Matters	0.0	0.0	0.3	0.0	0.0	0.0	0.3	£ 84.00	280.00
	Total	0.0	0.0	0.3	0.0	0.0	0.0	0.3	£ 84.00	280.00
	Creditors									
	Employees	0.0	0.0	3.5	0.0	0.0	0.0	3.5	£ 861.50	246.14
	Unsecured Creditors	0.7	0.0	0.3	0.0	0.0	0.0	1.0	£ 521.50	521.50
	Total	0.7	0.0	3.8	0.0	0.0	0.0	4.5	£ 1,383.00	307.33
	Administration and Planning									
	Case Management	0.0	0.4	4.1	0.0	7.1	0.0	11.6	£ 2,196.00	189.31
	Cashiering	0.0	0.0	8.3	0.0	2.5	0.0	10.8	£ 1,934.50	179.12
	Pre-appointment & background	0.0	0.0	0.0	0.0	0.3	0.0	0.3	£ 52.50	175.00
	Total	0.0	0.4	12.4	0.0	9.9	0.0	22.7	£ 4,183.00	184.27
	Total Hours (From Jan 2003)	2.2	6.0	22.6	0.4	27.2	0.0	58.4	£ 13,397.50	229.41
	Total Time Cost (From Jan 2003)	£ 1,375.00	£ 2,696.50	£ 5,285.50	£ 97.00	£ 3,943.50	£ 0.00	£ 13,397.50		
Total Hours		2.2	6.0	22.6	0.4	27.2	0.0	58.4	£ 13,397.50	229.41
Total Time Cost		£ 1,375.00	£ 2,696.50	£ 5,285.50	£ 97.00	£ 3,943.50	£ 0.00	£ 13,397.50		
Average Rates		625.00	449.42	233.87	242.50	144.98	0.00	229.41		