



BusinessFocus

SPONSORED BY WORTLEY BYERS

Issue 7, 2011

Brentwood Chamber of Commerce

Learn what we have done for members over the past year

Agenda 2011/12

Have a look at our plans for the coming year to serve our members' business needs

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Welcome

Welcome to **Business Focus 2011**, the seventh issue of Brentwood Chamber of Commerce's annual magazine – the 6th year running it has been sponsored by Brentwood Solicitors and Chamber member, Wortley Byers. We are very grateful to them for their continuing support, making it possible for us to produce a high quality annual magazine to show what Chamber has been doing over the past year and map out our plans for the year ahead.

We hope that this magazine will appeal not only to our members, but also to those who might be thinking of becoming members, as well as to opinion formers and the wider public. This has been another busy year for Chamber as our members, along with the country at large, have battled against this stubbornly continuing recession. Whilst no-one wants to risk mentioning sightings of the 'green shoots of recovery', there are definite signs that things may be on the mend.

But the measures taken by the Coalition Government to grapple with the deficit have had severe knock-on effects, not least on local government. There have been many staff departures from Brentwood Borough Council and even the Town Hall itself is unlikely to survive the cut-backs, certainly not in its present form. Many council services are now being centralised at county level, and we are likely to see more partnership arrangements with other local councils in the search for cost efficiencies. Even the Information Centre at Pepperell House has fallen victim to the cuts.

The year ahead does offer promise, however. As the 2012 Olympics draw ever nearer, excitement levels are bound to rise. Brentwood should enjoy an 'Olympic dividend' as visitors to the games may choose to stay here, and in its capacity as host provider of some Olympic training facilities. We are told that the development of William Hunter Way will start before the end of this year. The new, larger, M&S store will be the flagship cornerstone of a key enhancement to the town's attractions.

It is already evident, in the spring sunshine, that the modernised high street is an attraction in itself and the regular street markets have also helped bring more people into the town centre. The gradual renaissance of the town will resonate throughout the borough and Brentwood Chamber is playing our part in that process. Our membership numbers remain robust and our programme of activities continues to be an attraction. The **Business Club** has had a particularly good year on the networking side, with its monthly business breakfasts supplemented by lunches (with guest speakers) and evening events. A new departure in 2010 was the wine tasting and viewing evening at Sherwins Art Gallery. It seemed to go down well with those who came along, as did the Thai buffet which was part of the occasion, supplied by Chamber members Ian & Sue Page, owners of The Junction Thai Cafe.



Another new departure was the change of venue for the annual Summer Barbeque, held at Ashwells Sports & Country Club. We were blessed with good weather and it was perhaps the most successful barbeque event we have put on. The Christmas dinner dance was also in a new home – Bentley Golf Club, who looked after us well. Our networking programme has been managed for us by our PR Advisor & Events Organiser, Elaine Othen of Brant Design.

The **Member Discount Card** scheme continues to be promoted but we are reviewing whether an on-line version might be more effective. Though there are good purchasing offers available for members who show their card, awareness remains the main issue and email promotion of the product, allied to an on-line version, might make it more effective for members. Further announcements will be made in the near future.

We have continued to publish and send out to all members our colourful monthly **Newsletter**. Each edition is sponsored by members and we welcome further sponsorships in the future. The cost is just £100 which just about covers the cost of producing the paper in colour. It is good publicity for businesses at a modest cost. **Please contact me if you would like to sponsor an edition.**

Information about networking events and all other Chamber activities is given in the monthly Newsletter and can also be found on **Chamber's website** – which we keep informative, relevant and up-to-date. Furthermore, details of every member can be found on the website, set out by business category, including profiles about their businesses – on www.brentwoodchambers.co.uk.

We continue to carry out keen lobbying campaigns on issues of importance to our members, at local and regional level. Twice a year we have a meeting with Council Leaders when we discuss topics of current relevance to local businesses. We are consulted on Council budget proposals and sit on key influential groups such as the Renaissance Group and the Local Strategic Partnership.

Brentwood Chamber also operates another important service, **Town Link Radio (TLR)**, which is an early warning scheme mainly for high street retailers to alert each other about shop-lifting gangs at work in the town or public order problems. The police are also involved, of course, and TLR is widely recognised as playing a key role in the battle against crime and disorder in Brentwood town centre.

Our membership of Essex Chambers of Commerce and, through them, British Chambers of Commerce, gives our members access to expert advice on a variety of difficult business issues. They have full-time staff and specialists who are keen to be of service to our members.

This year's annual meeting in May marks an important milestone as **our Chairman for the past decade, Roger Kelsey, is stepping down** from that role and, indeed, from Chamber. In 2010 he was appointed Chief Executive of the National Federation of Meat & Food Traders, based in Tunbridge Wells and will no longer be involved in what is now Kelseys Butchers in Sheffield. Roger has done a wonderful job as Chairman, deploying his business and diplomatic skills for the benefit of our Chamber. His enthusiasm, dedication and unflinching courtesy will be sadly missed. We thank him for everything he has done for us and wish him success in his new assignment.



Once again our grateful thanks are due to Solicitors Wortley Byers, and particularly to Wortley Byers Partner Sue Dowman, for sponsoring this annual publication for the 6th year running. We are indeed fortunate to have this kind of member support. It is a fine example of the sort of member support which makes this Chamber one of the most successful around. This magazine, as usual, also contains some welcome legal advice from them which I am sure you will find useful and relevant to your business.

We hope you enjoy **Business Focus 2011**. If you want to know more about what Brentwood Chamber of Commerce does, or how we can

help your business, please get in touch at 01277 214814, email us at info@brentwoodchambers.co.uk, or visit our website at www.brentwoodchambers.co.uk where you will also find an online application form.



Mike Hawkins
Executive Secretary

Chamber in Action in 2010/11

NETWORKING EVENTS

The **Business Club** continues to offer good business opportunities for members who can use **Networking Events** to good effect. One regular attendee at **Business Breakfasts** claims to have put on an extra £500,000 of new business over the past couple of years from his networking contacts. They have also proved a fruitful recruiting ground for new members.

Our quarterly networking lunches remain popular, giving members the chance to network and listen to a range of expert guest speakers on relevant topical issues. The big events of each year – the **Summer Barbeque** and the **Members Open Evening** – are also the highlights of a packed and varied programme. If your business could benefit from networking, why not go along to one of them (details are given in the monthly Newsletter and on our website)? Your business could benefit. In late 2010 we also held an Open Evening in Ingatestone and we may well repeat that initiative in the future.

COMMUNICATIONS

Our **monthly Newsletter** is regularly published in colour, made possible by members' sponsorship at a relatively modest cost to them. The newsletter carries articles and adverts about members' businesses, which is free of charge – part of the benefit of membership. We also offer members another free service – we will circulate advertising flyers with our Newsletter. 250 Newsletters are sent out and each one is read by a number of people so there is a good audience for your adverts – and at no extra cost to you.

WORKING FOR MEMBERS

We will continue to step up our efforts to deliver value for our members and do whatever we can to help businesses as the economy hopefully starts to recover properly. One of our objectives will be to help members stimulate sales. We have regular columns in local Newspapers where we air burning issues of the day, and we broadcast from time to time on local radio. Our website is modern and informative. And of course we publish this annual magazine. We will continue to attend all relevant local business conferences, making sure that Chamber has a noticeable presence by displaying our stand; and we will continue to use those opportunities to recruit new members.

INFLUENCING LOCAL OPINION

We maintain strong, though neutral, contacts with Council Leaders, both the political leaders and senior officials. We are consulted on a regular basis by the authorities who make a point of gauging business opinion before taking crucial decisions, for example on the annual Council budget before it is adopted each Spring; and we hold two formal joint meetings each year with the Leaders to cover subjects our members want us to raise. We also represent Chamber on influential Council Groups, including the Renaissance Group, Local Strategic Partnership and Crime and Disorder Prevention Panel.



TOWN CENTRE REDEVELOPMENT

Though Brentwood's revamped high street attracts positive comment as well as visitors, the redevelopment of the town centre is by no means over. Signs are that work will be underway on the redevelopment of William Hunter Way before too long and the announcement of a new much larger Marks & Spencer as the anchor store should ensure other big names to follow. In turn these should attract additional visitors and much needed new business to the town.

MEMBERSHIP

We are very keen to offer the warmest of welcomes to businesses who want to join Chamber and we are always on the lookout for new members, each year sending out a major recruitment mail shot. Also, a number of new members are recruited through our networking events. Hopefully they all share our belief that Brentwood Chamber offers good value for money – especially as we are, by a long way, the least expensive Chamber locally – we have not increased our subscriptions for 6 years. Can anyone in a business-related activity (or any other for that matter) match this record? We have a very full programme of activities designed to help boost local business. In 2010 30 new members joined us.

WEBSITE

Chamber's website is an increasingly important part of our personality, as a Chamber. We will continue to develop it as a tool for members to gain access to topical information and promote their business.

LOCAL COMMUNITY INITIATIVES

We stepped up the level of our activities during the year. In addition to the traditional donations to the Citizens Advice Bureau, to Brentwood in Bloom and Brentwood Theatre and support for the Shenfield Christmas Lights, and 'Best Dressed Window' competition for that area, a major new area of activity was developed. Executive Committee member, Sue Page, took the lead in setting up a partnership arrangement with Shenfield High School. It involved 4 strands of activity for students – a '**Brentwood's got talent**' competition, a '**£10 challenge**' (teams competing to build the most gain from an initial lay-out of £10), a '**interviewing techniques**' session, with members from the business community volunteering to guide students on how to be interviewed effectively and successfully; and, finally, a '**tutorial on the work of magistrates**', for 'A' level law students combined with a visit to a working court. The school is very enthusiastic about this degree of engagement by the business community, as we are, for these students are, after all, future business people and leaders in our community. They are our future.

Agenda 2011/12

A DYNAMIC EVENTS/ NETWORKING PROGRAMME

As we are told by a number of our members that they find networking events really useful for promoting their businesses and we will continue to develop the programme, trying to become ever more inventive in providing variety. This could include having some joint events with other local Chambers and Essex Chambers. For us, however, the business breakfast programme remains the most consistently popular form of networking and that will continue on a frequent basis, varying the venue whenever circumstances change. Lunches with guest VIP speakers continue to attract interest so we will be holding several of them during the year. For the past few years, our major mid-year event has been the **Summer Barbeque** which has always been well-attended, having a central feature of a VIP panel of speakers for a Q & A session. Last year's proved especially lively and we hope that tradition will continue.

KEEP THE COST OF CHAMBER MEMBERSHIP DOWN

We are proud of our record in maintaining annual Chamber membership fees at the 2005 levels. That means that we have been able to offer all our services at **low fee levels which have not increased for 6 years** and we still have no plans to increase subscriptions. There can be few, if any, organisations of any kind who can claim that! It means that we can and do offer real value for money.

EXPERT ADVICE FOR MEMBERS

Our membership of Essex Chambers of Commerce (ECC) gives our members access to expert advice from full-time specialists and this is an area we want to promote more to our members in the year ahead, working closely with new Chief Executive of ECC, Denise Rossiter. Town Link Radio (TLR) – This is an early warning radio system linking high street retailers to each other and to the police, making it possible for them to pass on alerts about shoplifters or hooligan behaviour. It is a well-regarded and important crime prevention initiative aimed at protecting high street businesses. If your business could benefit from this kind of

protection, please get in touch about joining. Lobbying for our Members – We have always maintained extensive personal and formal contacts with decision-makers and opinion-formers in local government and other areas so that we can act swiftly to bring matters which concern our members to the attention of the authorities. We also sit on key influential groups as Chamber representatives. A collective voice is always stronger than individual ones and the Council has been careful to consult with Chamber as the principal local representative of business.

This will become even more important as new and powerful decision-making bodies are emerging from current government reforms. Whilst the official mantra is about returning decision-making to local levels, what we could find is that, in reality, there will be even more centralisation of power at supra-county level. And that could make it more difficult for really local voices, such as Brentwood businesses, to be heard. We will give a great deal of attention to this in the coming year to try and maintain our influence for the benefit of members.

A KEY PART OF THE LOCAL COMMUNITY

We are conscious of Chamber's role as a key and integral part of the local community. We are always looking for ways to play our part in enhancing its well-being. So, our traditional support for Brentwood in Bloom, Citizens Advice Bureau, Brentwood Theatre and the Christmas celebrations in Brentwood, Shenfield and Ingatestone will be maintained. But you have also heard in this edition of Business Focus about our thrilling new initiative with the students of Shenfield High School. We are very enthusiastic about this programme and hope to build, in the coming year, on the good work already established as part of the initiative.

This is not entirely altruistic, though that is in itself would be a good motive. But it is also in the interests of businesses, including our members, that we should support the local community and the environment in which we all operate, to help build a solid platform for a prosperous local economy. We all want to make sure that Brentwood continues to be a great place in which to live and work, and Chamber will do all we can to make that possible.





Wortley Byers LLP

We are delighted to sponsor this publication for a 6th consecutive year. We continue to support the town's Chamber of Commerce in its work in providing a forum for Brentwood businesses.

We hope that you find this publication interesting and informative. We look forward to providing legal support to the Chamber's members, local businesses and individuals.



Sue Dowman for Wortley Byers LLP

Reshuffling the Rulebook

From the 6 April 2011 family information and assessment meetings are being introduced to help the public become aware of mediation and understand how it can support them going through separation and divorce.

Family mediation can help some people reach a resolution where there is a family dispute. It can help in private law disputes between parents relating to children with such disputes often best resolved through discussion and agreement, where that can be managed safely and appropriately.

All potential applicants for a Court Order in relevant family proceedings will be expected before making their application to

If you would like more information or advice regarding any family matter including divorce, children or financial disputes please contact Ros Plumb on 01277 268349 or email at rplumb@wortleybyers.co.uk.



have followed the steps set out in the new Rules. They will be required, except in certain circumstances, to consider with a mediator whether the dispute may be capable of being resolved through mediation.

The court will expect all applicants to have complied with the new Rules before commencing proceedings and (except where exceptional circumstances apply) will expect any opposing party to have attended a Mediation Information and Assessment meeting, if invited to do so.

If court proceedings are taken, the court will wish to know at the first hearing whether mediation has been considered by the parties. In considering the conduct of any relevant family proceedings the court will take into account any failure to comply with the new Rules and may refer the parties to a meeting with a mediator before the proceedings continue further.

In private law proceedings relating to children the court is actively involved in helping parties to explore ways of resolving their dispute. This will include mediation or other alternative means and can give the parties information about services which may be available to assist them.

The role of the Family Mediator, who is an independent and impartial third party, is to facilitate discussions to resolve disputes that arise before during or after the breakdown of a family relationship. It can also be used before, during or after court proceedings. It enables parties to communicate their concerns and needs.

Extension/ Alteration Costs Rising

All property owners should be aware of the provision of the Party Wall etc Act but a recent case highlights the power of the surveyor who determines a Party Wall Award to require security for the obligations of the landowner undertaking the proposed works.

In simple terms, property owner A may wish to build on their own land within 3 metres of the adjoining property or which may affect the foundations of an adjoining property. Owner A serves a notice to Owner B specifying the proposed works. If agreement is not reached Owner B appoints a surveyor at Owner A's cost and if they cannot agree, a third surveyor will make an Award. The Act allowed the surveyor to include provisions for security of costs for any damages that may be occasioned to the adjoining owner's property which is sometimes specified where the two buildings are connected.

The case of *Kaye -v- Lawrence* stipulates such arrangements where there is no physical connection. Whenever the Act applies, Owner B's surveyor should provide an estimate of the likely cost of repairing, Owner B's property if damage is caused by the work, and seek security. New issues arise (1) Is this an obligation on Owner B's surveyor to seek security (2) Should the third party surveyor determining the Award independently attempt to evaluate the risk factor (3) How should Owner A provide that security?

Yet more potential for cost and concerns for surveyors.

Should you require any further advice please do not hesitate to contact Albert Barrett on 01277 268313 or email at abarrett@wortleybyers.co.uk



Wedding Lists

With many turning their attention to weddings this year, we thought that it would be helpful to consider what things the happy couple might usefully add to their "To Do" list in addition to the usual dresses, shoes, flowers, food, venue, guests etc.

In this respect, we suggest that the well-organised couple might also pencil in a visit to their solicitor. Why you may ask?

There are many reasons why wedding planning should include an early consultation with your solicitor, particularly if one or both parties have been married previously and/or have children.

The act of marriage revokes an existing Will so that any provisions you may believe apply for the protection of your children by a prior relationship are immediately null and void and the law of intestacy will apply. This may not suit your requirements, either individually or as a new partnership. You can overcome the revocation of a Will by marriage by entering into a Will before the wedding "in anticipation of the intended marriage". This is an exception to the rule and will continue to be effective even after the wedding.

Without a valid Will the intestacy provisions dictate who will become entitled to your assets. If you leave a spouse and children, your spouse would be entitled to your personal effects and the first £250,000 of your estate. The remainder of your assets would be divided into two equal shares. Your spouse would have a right to

income only in one half. On his or her death your children would become entitled to that share outright when they reach the age of 18 years. The other half would be held in a trust for your children who would become entitled outright on reaching the age of 18 years. Is this really what you would want?

Similarly if you leave a spouse but no children, your spouse would be entitled to the increased amount of £450,000. The balance would, again, be divided into two equal shares. Your spouse would be entitled to one half. Other members of your family would be entitled to the other half. In order of priority family members would be your parents, your brothers and sisters, or if any of them have died, their respective children. All this can be avoided with a Will.

Notwithstanding the wish by all parties for a long and enduring marriage, some may also consider a pre-nuptial agreement. A "pre-nup", as it is becoming increasingly known, constitutes an agreement as to the intentions of the parties should the relationship break down. Most of us like to make provision for our dependents. The pre-nup is an attempt to balance the position where existing capital, such as equity in a house, becomes joined with, on occasion, a significant income but no capital. Each case must, of course, be considered on its own merits. Once those are resolved there is a firmer foundation.

Finally, amongst the many advantages that marriage can offer there are those specifically relating to tax and in particular Inheritance Tax and Capital Gains Tax.

If you would like any advice on the above, please contact Warren Hawkings on 01277 268345 or email at whawkings@wortleybyers.co.uk or contact any other member of our Asset Protection Department who include Warren Hawkings, Poh Shan Chong and Andrew Spearman. Ros Plumb can also advise fully on pre-nuptial agreements and their usefulness.



Changing Terms and Conditions of Employment Contracts – Employer’s Considerations

As businesses develop and adapt, particularly to survive in the current economic climate, it is inevitable that an employee’s terms may need to be altered during the course of their employment. Such changes may be in relation to specific matters such as hours, wages or job role, may be as a result of a restructure or to introduce a standard employment contract across the business which reflects current legislation and provides legal protection to the employer.

Employment contracts are no different to any other contract in that they can only be amended in accordance with the terms contained therein or with the agreement of all parties to the contract. The courts will not allow an employer to use its power or force to vary a contract against the will of the employee.

Changes may not always be by mutual consent of both employer and employee and in such cases extra care must be taken to protect the employer’s business from

any potential claims from an offended employee.

Upon perusing the current contract it may be the case that changes are permitted without fundamentally amending the contract itself so the document should be read in full to identify whether formal alterations do in fact need to be made.

If it is found that no such provisions are contained within the contract, it is likely that formal modification will be required. There are three routes which an employer can consider to achieve this: Firstly, it should try and obtain the agreement of the employee to the changes. This is obviously the most harmonious approach but it may be the case that not all employees will agree and the employer will then need to decide whether to dismiss those who refuse to agree to the amendments. In such circumstances the affected employees may have a claim for unfair dismissal and if the employer does not serve notice, the employee may also be able to claim breach of contract.

The second option for the employer is to terminate all contracts currently held by employees across the board and subsequently offer re-employment on new terms. Again, any such action on the employer’s part may give rise to claims for unfair dismissal from those who refuse the new contracts, though the employee’s failure to accept the new contract may be deemed in such a claim to be a failure on the part of the employee to mitigate their loss and their claim damaged as a result. Further, if the employer fails to serve appropriate notice in either of these situations it may also be leaving the business open to a claim for breach of contract.

The third option is to impose the changes without agreement and wait to see how the employee reacts. An employer may find that the employee reluctantly accepts the new terms. Alternatively, the employee could bring a claim for breach of contract, and could even resign and bring a claim for constructive dismissal.

In addition to the contractual considerations for implementing changes, depending on the variation required, there may also be statutory requirements. Should you require any further advice in this area or assistance in the practical aspects of consultation or amendments then please do not hesitate to contact Sue Dowman on 01277 268355 or email at sdowman@wortleybyers.co.uk.



Services

- Acquisitions and Sales
- Agency, Distribution and Competition
- Arbitration and Dispute Resolution
- Banking and Commercial Finance
- Business Start Up
- Commercial Law
- Commercial Litigation
- Commercial Property
- Company Law
- Construction Disputes
- Consumer Law
- Contract and Contractual Disputes
- Corporate Finance and Tax Planning
- Corporate Law
- Data Protection Law
- Debt Recovery Services
- Directors Rights and Duties
- Employment
- Environmental Law
- Family Law
- Franchising
- Information Technology
- Insolvency and Business Rescue
- Insurance Claims
- Intellectual Property
- Joint Ventures
- Land Acquisitions and Disposals
- Landlord and Tenant Law
- Leasehold Enfranchisement
- Licensing and Licensed Property
- Litigation
- Management Buy-Out and Buy-Ins
- Mergers and Reorganisations
- Notarial Services
- Partnerships
- Personal Injury
- Planning
- Professional Negligence Litigation
- Property Development
- Property Finance
- Residential Conveyancing
- Right to Manage
- Rural Property
- Shareholders Rights and Agreements
- Taxation
- Wills, Trusts and Probate

Join Brentwood Chamber

Have you considered joining the Chamber?

We are an association of local businesses which join together through Chamber to offer a strong voice on local issues, lobby the authorities to provide an encouraging environment for the promotion of our businesses and access a wide range of services.

Benefits for your business

- These are just some of the benefits of membership:
- Regular networking events – lunches and VIP receptions
- A monthly Business Breakfast Club focused entirely on business promotion
- Monthly newsletters with updates on important issues and features on members
- Annual Business Focus magazine
- Opportunity to profile your business in the Newsletters and on the Chamber website
- A modern website, full of useful information which could help your business
- Lobbying and representing members' interests at local, regional and national level
- Network of business contacts
- Access to business information services
- Use of Chamber logo on letterheads as a kind of 'kite mark'
- Free issue of a Member Discount Card (and some extras for key members of staff) to benefit from cash discounts and other benefits at Acceptors
- An Employee Recognition Award scheme to recognise key members of staff

Influence local issues

The more local businesses that join the Chamber, the more effective is our collective voice and influence. You can make your voice heard at special meetings which can be arranged for major issues which may be worrying you and are having an adverse effect on your business. You can also ask our team to raise specific problems at regular Chamber contact meetings with decision-makers at local, regional and national level. If you want to increase your influence still further, you can put yourself forward to serve on Chamber Committees.

Chamber Online

Have you visited our Chamber website?

It is a highly informative, interactive service which offers great opportunities for members to promote their businesses. Find out more and keep up to date with what is happening in Brentwood Chamber by logging on to www.brentwoodchambers.co.uk. The site is constantly being updated and expanded. We have received many favourable comments on the site's content and ease of use. A scrolling banner highlights topical initiatives.



How to get more from the site Trying to find a recent newsletter? They're all available to view on the site and give you extensive information about Chamber's activities.

Planning ahead? Our dynamic programme of Networking Events for the year is shown on the website and you can book as well as pay online. Or if you prefer to download the booking form, you can return it by post or fax.

Would you like to join Brentwood Chamber or make an enquiry? All it takes is a few clicks.

Looking for a particular business or service? It makes sense to support a fellow Chamber member, and it's easy to check their details online. Just type in the company name or select a category from the drop-down menu and choose a member from the list. And to add to the attraction you can use your Member Discount Card to obtain an attractive cash discount from members who are also Acceptors. Our website features a list of Acceptors.

Want to promote your own business to members? Send us your company profile explaining your business or the services you offer. We are always happy to add a profile to members' existing details at no extra cost. And you can sign up to be an Acceptor (no cost involved) if you are happy to offer a cash discount – the percentage is up to you – to people who produce a Member Discount Card.

Not everything in life is black and white

When you need clarity and understanding for all your legal services

