



Brentwood Chamber of Commerce
helping businesses in the Borough of Brentwood

BusinessFocus

Issue 9, 2013

Discover what the Chamber has been doing this past year and what we plan for 2013/14!



DESIGNED & PRODUCED BY



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Wortley Byers
Solicitors

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WELCOME

Welcome to **Business Focus 2013**, the ninth issue of Brentwood Chamber of Commerce's annual magazine – and for an amazing eighth year running it is being sponsored by prominent Brentwood Solicitors and Chamber member, Wortley Byers. We thank them for their wonderful support over all these years. It means that we can tell you in a little more detail than we normally have the chance to do in our monthly Newsletters what we have been up to this past year and what we plan to achieve in the year to come.

Our hope is that **Business Focus** will be of interest to our members, to anyone thinking of becoming a member, to local opinion formers and to the wider public – who, in the end, provide us all with our customers.

What does not seem to have changed much over these past few years, regrettably, has been the difficult economic background against which we all operate. Every year we express a degree of optimism that this seemingly never-ending recession is going to ease, but so far that hope has proved unrequited. Is it too much to believe that this year might at last see a chink of light? Some economic forecasters see that chink as light at the end of the tunnel and we must hope that they are correct. What is extraordinary is the resilience of Brentwood businesses, particularly Chamber members, and their determination to succeed and thrive in the years beyond these straightened times. Chamber's role is to provide support and encouragement for our members. As we know, Essex as a county is renowned as being home to perhaps the UK's leading independent business sector, and Brentwood is right at the heart of it.

Chamber membership is changing. In the past it was composed predominantly of high street shops and professional businesses. Though they are still welcome and influential Chamber members, increasingly our membership reflects the change to small, expert and fast-reacting internet-based businesses. The explosion of social networking and internet communication of every sort means that many of our present-day members are what may be termed virtual businesses – in fact Brentwood has an increasingly UK-wide reputation as a national leader in this field. Every year hundreds of businesses open up in the Brentwood area and many are one-man/one-woman expert on-line businesses.

As a result our activities and priorities have had to adjust. Networking is increasingly important to a growing body of members whose business prospers from that format and we provide plenty of opportunities for them to do so. We never stand still in our exploration of what works best for our members. This year we re-launched our **Business Breakfast** programme (see Chamber in Action in 2012/13 page 3) and the '**Pint and a Chat**' informal evenings have proved very popular. And of course we continue to offer our traditional main networking events of the Chamber year – our **Annual Members Meeting, Summer Barbeque, Autumn Open Evening and Christmas Lunch**.

Brentwood is a very attractive town of which we should all be proud. It compares with the best for our size of borough. High Street occupancy rates currently stand at over 90% compared with the national average of less than 85%. The long wait for the William Hunter Way redevelopment has been frustrating but might at last be on the horizon for the coming year. We hope so as it could provide the catalyst for the revival of the town centre, with all that could follow.

Business Focus is our major annual communications medium, but every month (bar August and December) we publish a Newsletter and it is a good opportunity for members to let us share news about their businesses or insert an advertisement – at no cost. We also offer the free service of mailing a leaflet with our monthly Newsletter. We normally ask for around 230 leaflets and they reach a much wider readership than that. The icing on the cake comes in the shape of the opportunity to sponsor an entire edition of the Newsletter, giving sponsorship recognition on the front page and the whole of page 2 to advertise their company for just the bare cost of the printing – £100.

And of course there is our website. Apart from the wealth of information about Chamber's activities and the help you can get for your business

from Essex Chambers of Commerce (we are members and so, therefore, are you), there are opportunities for you to promote your business – have a look at www.brentwoodchambers.co.uk. If you are looking for contacts, details of every member can be found on the website, set out by business category, including profiles about their businesses.

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.

Finally I would like again to express grateful thanks to Solicitors Wortley Byers, and particularly to Corporate Commercial Partner, Sue Downman, for sponsoring this annual publication for the 8th year running. We are very fortunate indeed to have member support of this kind, which is an excellent example of the sort of backing and involvement from members which makes this Chamber one of the most successful around. Wortley Byers have also taken on the organisation of our monthly business breakfasts this year, and they have already proved hugely successful. This magazine, as usual, features some welcome legal advice from them which I am sure you will find useful and relevant to your business.

We hope you find **Business Focus 2013** interesting. 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 *Chief Executive*

Chairman's Message to Members

I am pleased to report how the Chamber has been successful in the past year with its media and service expansion. We have a good Twitter following and the Chamber has used this resource to help keep in touch on local business issues. Our 'Pint and a Chat' meetings at the Brentwood Theatre have in reality become business surgeries with the Chamber assisting members in resolving issues. All our other networking events are mostly fully subscribed and I must thank Mike and Paula of the Chambers' office in Brentwood for all their industry and hard work; it is very much appreciated. We have been very active in the local education sector and have commenced an incubator business project which, when launched, will help new businesses to succeed. I and Vice-Chairman Sue Page have begun a programme of visits to members' premises in order to establish what their forward business issues are likely to be over the next year and more, so that they can be built into Chamber's forward planning.

With a very good and supportive Executive Committee, I look forward to our Chamber being proactively progressive in working alongside our members with a view to achieving their business goals – by using Chamber's services and representational activities. We have been asked to look into business capital raising which will be a 2013/2014 project that will be reported on in the Chamber's regular newsletter. Please use the Chamber website as it provides information on member businesses, services, activities and contacts.

In closing I trust that all our members will enjoy a very fruitful year ahead.

Clive R. Othen



CHAMBER IN ACTION IN 2012/13

NETWORKING EVENTS

Business Breakfasts were re-launched this year with four sponsors, Wortley Byers Solicitors, NatWest Bank, MJ Bushell Accountants and FRP Advisory.

These are being held on a monthly basis at the Marygreen Manor Hotel, London Road, Brentwood and a complimentary breakfast is provided. They are proving to be hugely popular and are often 'sold out' well in advance. It is not unusual to have the maximum 50 attendees and feedback we receive suggests that these are excellent networking opportunities resulting in increased business.



SUMMER BARBEQUE

Our Summer Barbeque is taking place in July 2013, with the prestigious venue of Ingatestone Hall as the venue. These annual events which have become one of the highlights of the Chamber year, are well attended, with the summer weather and fine venues hopefully providing a relatively



informal setting for excellent networking opportunities. There is a formal side of the Summer Barbeque as the centrepiece is a formal Q & A session with a panel of distinguished guests. Members are also offered the opportunity of booking a space for their company stand so that they can promote their business. Again we receive excellent feedback on the effectiveness of these events for businesses which attend.

OPEN EVENING

Our Autumn Members Open Evening at the Marygreen Manor, sponsored by Havering College for the seventh year running, is being held in November 2013 and it always proves popular. All of these networking events offer opportunities for members to promote their businesses. If you have not tried any of them yet, or have perhaps lapsed through weight of other activities, why not give them a go/ another go.



WORKING FOR MEMBERS

Behind the scenes a great deal of voluntary work has been going on to enable Chamber to offer an efficient, professional but very low-cost service to members. Our Executive Committee is made up of senior business people and other professionals who willingly give their time as well as their expertise and enthusiasm to Chamber so that we can provide valuable support to members; and enable Chamber to play a key role in the local community. Vice Chairman Sue Page continued her excellent work with a local school (Chamber member Shenfield School) which offers a wide variety of challenging business projects for its pupils, to help prepare them for the business world.



We attend Business Conferences and make sure that Chamber's presence is recognised, including displaying our stand; and we will continue to use those opportunities to recruit new members. We also aim to represent the views of our members when consulted by the media, mainly local Radio stations and the press. This includes giving interviews and writing articles.

LOCALISM

With more and more powers now being passed down from central government to local level, under localism legislation, our contacts with the local authorities are increasingly important. Close liaison is maintained with Council Leaders, both at political and senior official level. They consult us regularly on initiatives which impact the business world as it is increasingly important for the Authorities to gauge business opinion before taking crucial decisions, for example on the annual Council budget, before it is adopted each spring. We hold two formal joint meetings each year with the Council Leaders to cover subjects we and our members are keen to raise. The outcomes are reported in our Newsletters. We also represent Chamber on influential Council groups, including the Renaissance Group, Local Strategic Partnership and Crime and Disorder Prevention Panel.

We are equally keen to voice our members' views on topical matters through the local media and often provide articles to the local press, issue press releases and give interviews to local radio etc. We believe we have been operating Big Society initiatives well before Government thought of the idea.



Our picture shows Laurie Edmonds, Executive Committee member and owner of Local by Social, a Chamber member. Laurie is a well-known local personality who is an expert on social media, especially Twitter.

Laurie was responsible for introducing Chamber to Twitter and we now have almost 500 followers. She has also been undertaking an extensive programme of social media training for local retailers and smaller businesses. These are well

appreciated and cover not only Twitter, but also Facebook and Blogging.

COMMUNITY INITIATIVES

We are very proud to support community initiatives and regularly make donations to the Citizens Advice Bureau, to Brentwood in Bloom and Brentwood Theatre. In the past we have supported the Shenfield Christmas Lighting-Up event, and organised the 'Best



Seasonally-Dressed Window' competition for that area. Last year Shenfield Traders initiated a welcome revival of the street activities which characterised the area in decades past. We continue to support them through our membership of the Renaissance Group and wish Shenfield Traders continuing success with this exciting revival.

Brentwood Theatre, hosts to Chamber's very popular 'Pint & a Chat' networking evenings

Agenda 2013/14

A DYNAMIC EVENTS/ NETWORKING PROGRAMME

The acclaimed business breakfast programme will continue to develop, as will the key networking events of the year (Summer Barbeque, Open Evening, Christmas Lunch, Annual Members' meeting) and the Pint & a Chat evenings at Brentwood Theatre. And of course we are continually evaluating new event opportunities. We would also welcome members' suggestions.

COMMUNICATIONS

We will continue to find ways of improving communications – between Chamber and our members and from member to member. The introduction of [Twitter](#) has already helped that process immensely. This will continue to be developed in the coming year. Our monthly Newsletter continues to be published in hard copy not virtual format. We believe our members prefer it that way. It is more likely to have multiple readership in actual newspaper format and can carry leaflets for members as well as articles in the Member News section on business successes and developments. And, for those who prefer reading them electronically, they are available on our website.

These monthly publications also offer a good opportunity for members to sponsor an edition and gain extensive coverage and publicity for their business. We are always on the lookout for sponsors, who only pay a modest price to cover printing costs. It has proved very popular over the years and we welcome approaches from anyone interested in sponsoring a Newsletter.

Finally our website is our constant window on the world and has attracted positive comments. Again it is there for the benefit of members and any suggestions on how it can be made even more effective would be welcome.



EXPERT ADVICE FOR MEMBERS

Our membership of Essex Chambers of Commerce is very important to us as it enables us to offer our members (who become affiliate members of Essex Chambers through us) the facilities which their full-time professional staff provide. This includes:

- Members online Database
- In house online bi-monthly Business Magazine – E-Business Leader
- International Trade Support Discount for European Documents
- DHL 50% off Exporting
- Essex Networking Events - over 120 networking opportunities
- Breakfast and twilight events
- Exhibitions
- Meet the Buyer events, Training courses and Trade Seminars are just some of the events run each year
- Chamber Merchant Services (Discounted card processing rates and added-value services)
- Business Voucher Codes (Member to Member Discount)
- Chamber AA Roadside Assistance 61% discount
- Tenderforce Contract. (Tendering made easier)
- Utility Options and Solutions (Green Chambers Energy Experts)
- Health and Safety Online
- Primary Health Plan (Westfield Health)
- HR Services Online, Essex Libraries Business Information Service
- Free UK Credit Searches. European companies at just £17.00 + VAT (Essex Libraries Business Information Service)
- Sage Training Courses
- New HR Product (Birkett Long and Practical HR).

WORKING FOR OUR MEMBERS

Your Executive Committee will continue to work tirelessly to deliver value for members and ensure that Brentwood Chamber remains a key spokes body for the local business world and becomes the first choice for local businesses, large or small, to join.

LOBBYING

This continues to be one of our priority activities. The authorities listen to us and they do take note of the opinions we express on our members' behalf. The strength of our voice derives from our membership so the more members we have the more powerful and effective it is. Our aim is always to ensure that our members benefit to the maximum.



Wortley Byers LLP

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

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

Sue Dowman for Wortley Byers LLP



F.R.I. – Why?

If you are a tenant negotiating terms for a commercial lease with a landlord's agent, you will often hear those three innocuous sounding letters. The landlord wants you to take an FRI lease or a lease on FRI terms, often mentioned in a casual, throwaway manner! But what does it actually mean?

The letters stand for "Full Repairing and Insuring". The insuring part is fairly simple – the landlord will usually take out the buildings insurance, but the tenant will pay the premium. The repairing part can be a little trickier. What "full repairing" generally means is that the tenant will take on full responsibility for putting and keeping the premises in good repair and condition, keeping them that way all through the term of the tenancy, and handing them back just so – irrespective of the condition they were in at the start of the lease. In the case of a lease of the whole of building, that would include a responsibility for major structural parts such as the roof.

If the lease is to be for a relatively short term, and/or the building is old or dilapidated from the outset, full repairing liability on the part of the tenant could be extremely onerous.

Where the premises in question are part of a building, landlords and their agents may refer to "effective" FRI terms. This usually means that the tenant takes full repairing responsibility for the interior of

the leased premises, but that it also pays its share of the costs of maintenance of the exterior and structure of the building by the landlord, through a service charge. This can also be extremely onerous on tenants. A tenant taking a lease for just a few years probably does not expect to pay a share of the cost of a whole new roof, for example, or for major improvements to the building at or towards the end of its lease from which it will not benefit.

So what are the alternatives? It is possible for a tenant to ask a landlord to agree that its repairing obligations be limited to keeping the premises in no worse condition than they are in at the start of the lease. It is even possible to exclude liability to repair particular defects or parts of the building altogether. Maybe a reduction in the rent in return for taking on the responsibility for repair is appropriate. The important thing is to know the condition of the premises, with the benefit of a surveyor's report, and to take that into account when agreeing just how much responsibility you are prepared to take on.

With service charges, it is a good idea to consider limiting the kinds of expenditure the landlord can charge the tenant for, or even agreeing a financial cap on the service charge.

The time to make decisions about these issues is when the Heads of Terms are being negotiated. It is much harder and

can be more costly to try to renegotiate these points once the lawyers are already drafting and negotiating the detail of the lease.

If you require any further information or assistance, please contact Laura Harrison at Wortley Byers Solicitors on 01277 268354 or email: lharrison@wortleybyers.co.uk



What can a Landlord do with a Tenant in Administration?

Over the past 12 months there has been a string of high-profile high street administrations including Jessops, Blockbuster and HMV in January. What can you do as a landlord if your tenant enters administration?

Administration starts with a statutory moratorium preventing legal and certain enforcement action. This will mean that landlords cannot forfeit leases by re-entry or issue proceedings for possession or payment of rent arrears without the consent of the administrator or the court.

Fortunately for landlords, the case of *Goldacre v Nortel Networks* makes clear that, where premises are being used, ongoing rent should be paid as an expense of the administration and will rank in priority above unsecured creditors (which landlords usually are).

Unfortunately, the case of *Leisure v Luminar* highlights the flip-side. Rent arrears will not rank as an expense. If, as is normal, rent is paid quarterly in advance this means that administrators can potentially use the premises for up to three months before any rent is due as an expense. This has led to tactical timing of administrations, such as with Game, JJB Sports and Optical Express, where the tenants entered administration immediately after the usual quarter day.

Is there anything that landlords can do to improve their position? Landlords can apply to court for permission to forfeit if they are not being paid (done successfully in the *Game* administration). Landlords can also limit their potential losses by taking rent deposits and keeping them topped up, recovering arrears from former tenants or guarantors and insuring against tenant insolvency. If there are signs of financial trouble landlords can act quickly to forfeit leases or distrain for rent before the moratorium. Alternatively, landlords could agree to vary lease terms and allow for monthly payment of rent to limit the time and administrator could use the premises without paying rent as an expense.

If you require further information or assistance please contact Nita King at Wortley Byers Solicitors on 01277 268362 or email nking@wortleybyers.co.uk

HOW TO AVOID PROPERTY FRAUD

It is a sad fact that property fraud seems to be more commonly reported. Whether it is more prevalent or just more topical in light of the current economic climate is uncertain. The Land Registry are continually looking at their anti-fraud measures and since 2009 they have reportedly prevented attempted frauds valued at £52 million. Such frauds can be committed by way of forged documentation or impersonation of the registered owner.

There is a higher risk of fraud if you purchase property on a buy to let basis; if a property lies empty; if you spend prolonged periods of time abroad or absent; if the registered proprietor is in a care home or is infirm or if the property is mortgage free.

For some of our clients, their house is their most valuable asset. It is important that all property owners do what they can to prevent becoming a victim themselves. Such measures include ensuring your property is registered at the Land Registry and that your contact details on the title register are kept up to date. This involves ensuring there is a computerised version of the legal title. This will enable the Land Registry to contact you in the event any form of application is made which relates to your property if appropriate. If your property fits into one of the higher risk categories above, you can also register a restriction on your title. By doing this, whenever anyone attempts to register a sale, mortgage or letting of a property a 'Conveyancer' (which includes Solicitors) must certify to the Land Registry that they have identified the person signing the relevant deed or document. This will create further obstacles to fraudsters and is free if you do not live at the property.

If you require further information or advice in this regard, please contact Anne Elliss, John Southan or Bethan Greig of Wortley Byers Solicitors on 01277 268368



The Late Payment of Commercial Debts Regulations 2013

The Late Payment of Commercial Debts Regulations 2013 came into force on 16 March 2013 and affect commercial contracts for the supply of goods or services entered into after that date.

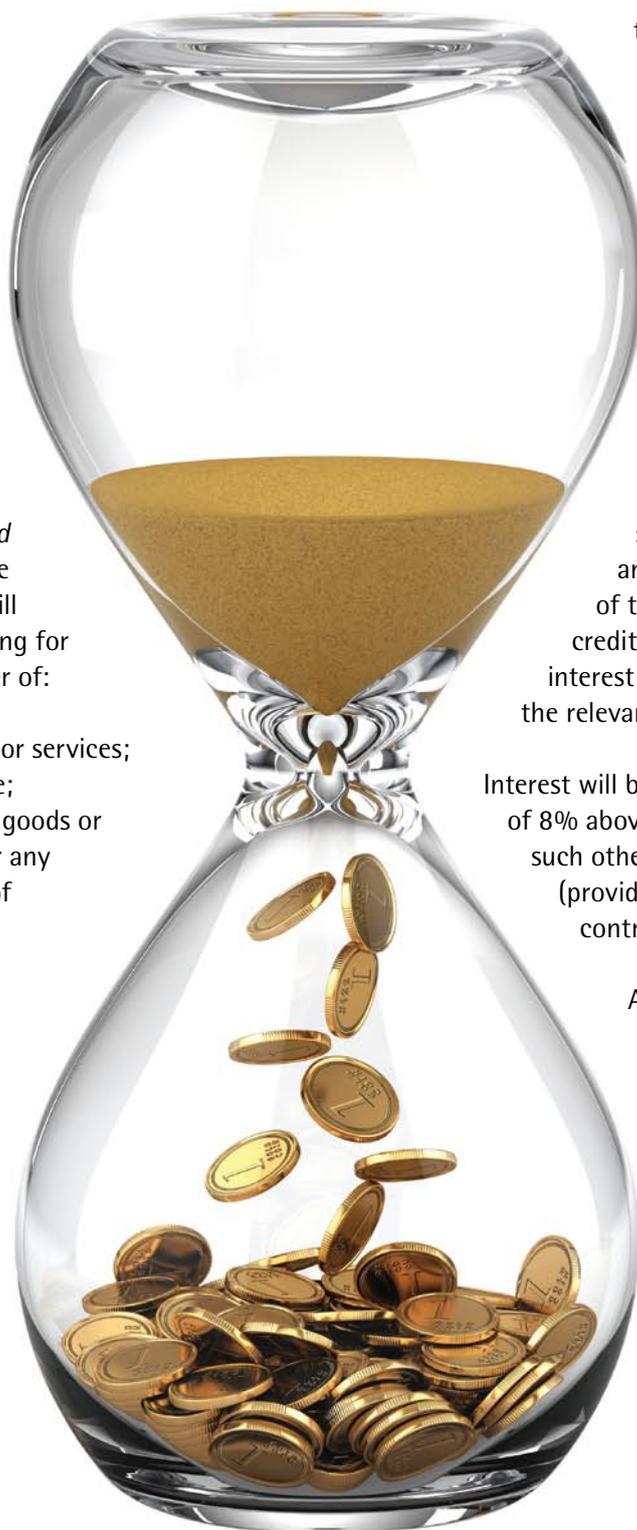
The aim of the Regulations is to encourage a more supplier-friendly approach to payment terms.

The Regulations provide that where the parties *have not agreed a payment period* for invoices, the default position is that interest will accrue on any amounts outstanding for longer than 30 days from the later of:

- receipt of the supplier's goods or services;
- receipt of the supplier's invoice;
- verification/acceptance of the goods or services (provided the contract or any relevant statute includes a right of verification/acceptance)

Where the parties *have agreed a payment period* for invoices, interest will accrue from the expiry of such agreed period provided it does not exceed certain pre-defined limits. These limits are:

- for public authorities, the limit is set at the default 30 day limit referred to above;
- for businesses, the limit is greater - businesses can still agree payment terms of any length, but in the event that such terms are more than 30 days over the default limit mentioned above (ie a total of 60 days) businesses will need



to be able to demonstrate that such period is not 'grossly unfair' to the supplier.

Any payment terms in breach of these limits will result in interest accruing from the expiry of the 30 day statutory limit regardless of the agreed payment terms.

The effect of the Regulations mean that supplier payment terms after 16 March 2013 should be within the new limits and any payment terms in excess of these limits may result in the creditor being entitled to recover interest and charges from the expiry of the relevant limit.

Interest will be recoverable at the statutory rate of 8% above the Bank of England base rate, or such other rate agreed between the parties (provided that such rate is a substantial contractual remedy).

As a result of the Regulations, businesses should review their supplier payment terms carefully to ensure they adhere to the principles of the Regulations and review and amend any internal policies and/or procedures on payments and purchase as appropriate.

If you would like any further information or advice, or you would like us to review your supplier or purchasing terms, please do not hesitate to contact any member of the Corporate Commercial team at Wortley Byers Solicitors on 01277 268368.

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'
- Professional advice and additional benefits through our membership of Essex Chambers
- Crime & disorder reduction through the Town link Radio scheme

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 to 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 together with booking details.

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

