

The Knowledge

building your business law knowledge with Young & Partners LLP

Clow Group celebrates 100 years in business

Weathering the storms and economic hardships of two world wars and multiple worldwide recessions.

This year is the Clow Group's 100th year in business and, from its humble beginnings in 1913 in the east end of Glasgow, it has grown to become a major manufacturer and supplier of access equipment and access solutions throughout the UK and the world.

The company was first established in Broad Street in the east end of Glasgow where William Jarvie Clow started manufacturing timber ladders and steps. He soon evolved the business in both the UK and Ireland and provided associated products and supplies to the trade including professional decorating tools and equipment.



Clow Group success

Douglas Clow, grandson of the founder, took over the company in 1980 and since that time the company has undergone considerable expansion, particularly within the engineering division, where a number of large scale engineering projects were commissioned, including Forth Rail Bridge works and a wide range of Network Rail station projects.

The company has scored a number of notable firsts, including being the first manufacturer in the UK of fibreglass ladders. The company's development of the

all fibreglass Clow Euroglas Ladder (its non-conductive properties being of particular interest to the electrical industry), was recognised in 1991 by the award of the John Logie Baird Award for Innovation.

The company still manufactures hand-



The Clow Group - 100 years in business

made timber ladders, but the bulk of their production today is based on their range of high quality fibreglass and aluminium ladders, all manufactured in the UK at their Glasgow and West Midlands factories.

The company's headquarters are still located in Broad Street and the current managing director, Cameron Clow, is the fourth generation of the Clow family to run the Clow Group.

In 2008 the company was granted a Royal Warrant as Manufacturers of Access Equipment to Her Majesty the Queen. Cameron Clow, Grantee of the Royal Warrant, stated:

"the granting of the Royal Warrant is a great honour for the Clow Group and a compliment to the high quality of Clow products and services."

Ruth Waters, Managing Partner at business law specialists, Young & Partners commented:

"We are proud to represent the Clow group. They have been a long standing client of Young & Partners and we have developed a true business partnership. The 100 year celebration is such an achievement for the Clow Group both for the business success and family business succession. It's rare to find a successful manufacturer and family business in this economic climate, they are a shining example of British manufacturing. We wish them every success for the next 100 years."

As part of their Centenary Celebrations

this year, the Clow Group will be running a number of Clow Centenary Events and Special Centenary Offers throughout 2013. You can find out more about the Clow Group and these events and offers on their website www.clow-group.co.uk.

The law on your side

Protect your business with a website health check

Do you own your website? Do you control it?

These might seem daft questions, but really they are not. All too often we find that clients think they own their site but, in fact, they have given control to someone else. How does this happen?

There are two common problems: design and hosting.

If you have hired someone - whether an individual or a company - to design your web-pages, then take a look at their terms and conditions. Do they say that the customer (that's you!) will hold the copyright - or intellectual property - in the pages? Or do they say that the pages belong to the designer and are licensed to you, for as long as you pay them?

The same problem can arise with hosting. This is where you pay someone to store your pages so that they can be accessed from the internet. Again, you should check what their conditions say. Who controls the hosting? Can they turn it off? Who has the password to change your site?

It's also very common for the design of a site to be done by the company that provides hosting. In that case, be aware of conditions that say the licence to use the pages requires you to keep paying for the hosting - that can sometimes mean that you are a hostage to keep paying for the hosting service, just to have the pages you already paid for to be designed!

Often these issues only arise when there is a dispute with a supplier, when you want to re-design your website or if your business is being sold. The last thing you want is another complication when something like that is going on!

We would recommend you take legal advice before signing up to any website contract. A lawyer who works in this field will know the standard clauses that should be included to protect both parties. This is not costly - a simple case of submitting your contracts for comment before you sign. If you find you have agreed to onerous conditions, and find yourself in a dispute - contact a lawyer immediately. The sooner they can intervene the more time and money you will save when it comes to resolving it.

Derek Hamill is a dual qualified solicitor with Young & Partners. He is registered with both the English and Scottish Law Societies. He also has an LLM (Legal Masters) with distinction in IT and telecommunications law. These qualifications are used in general corporate work to ensure that IT, IP and competition issues are properly addressed in UK wide and multi-national transactions.

You can speak to Derek for a free no-obligation chat to understand how he may be able to help on 0141 428 3876 or email dh@businesslaw.co.uk.

Also in this issue

The bottom line:

Debt recovery tactics in tough times

Avoiding the bear traps (and those pesky bears):

Recent changes to employment law

Special feature:

Renewables in Scotland

Planning for growth:

How do you afford to go global?

And more good news ...:

Fife's Vets Now goes UK wide

Special feature: Renewables in Scotland

Could your phone mast be an untapped goldmine?

With the consolidation that is taking place in the mobile communications industry, and the reduced need for phone masts, many landowners are now exploring how this might affect their businesses.

Whilst it can prove tempting to agree to a deal for alternative revenue generation from your mast site – especially when the ‘untapped goldmine’ carrot is dangled – it is important that you weigh up the potential benefits with the impact that this may have on other business, tax and legal interests.

It's also important to think carefully about the possibility of alternative uses for such a site – including a wind turbine.

There are a range of providers who specialise in the conversion of former telephone mast sites to turbine sites; and, as with all things, you would be best advised to get one of these specialist businesses involved.

They know of the challenges and pitfalls, and can quickly give you an assessment of your site and the revenues that you can expect, if it is suitable for turbine development. From there you can weigh up the overall financial impact this would have on your combined business interests.



It is worth getting in touch: Neil Killick, renewables specialist at Young & Partners can recommend a number of approved contractors and advisors in this field. To have your site reviewed may cost nothing, and could restore an income stream you thought was lost. You can contact Neil on 01383 745 781 or email nk@businesslaw.co.uk.



The Green Deal offers business benefits

The Green Deal – are you eligible for business funding?

Farm, estate and rural businesses should look carefully at the Green Deal to see whether they can benefit from the domestic or business elements of it – or both!

The Green Deal for domestic premises is up and running and offers financial help to provide a better energy use profile. Particular targets are the older style properties, built prior to the 1920s. Subject to the present limit of £10,000 for domestic home owners, it will be possible to install a range of energy efficient measures, but only following a full inspection by a Green Deal accredited advisor, who will assess which measures will return the best results. The Green Deal for homes will enable up to 26 million homes to be upgraded over the next 25 years.

Help is also going to be available for businesses in the forthcoming Green Deal. Businesses will be able to apply for funding to help improve the energy efficiency of their current building. After an assessment has been carried out to establish which technologies will be the most effective, business owners can apply for funding to have that technology installed. The funding that will be available will be of a higher value than is of-

ferred to home owners, although exact details have yet to be finalised.

Businesses of all types and sizes will be offered an individual energy efficiency package that best suits the needs of their building.

If you would like to find out more contact renewables specialist, Tom Johnston at Young & Partners on 01383 721 621 or email tgj@businesslaw.co.uk.

Landlords – new property compliance measures could be funded if you act now

Residential landlords have seen a raft of legislative changes over the last few years and will already be aware of the growing importance of Energy Performance Certificates (EPC's). With rising energy costs and further legislative changes due to come into force landlords may want take time now to review ways to increase the energy efficiency of their properties.

Provisions included in the Energy Act

2011, but not yet brought into effect, will prevent landlords from letting properties which fall below the prescribed level of energy efficiency. The prescribed level has not yet been set, but it is likely to be around the 'E' or 'F' rating. These rules will come into force in Scotland in April 2015, three years ahead of the same proposal for England and Wales. Landlords may want to consider now when and how any upgrades could be achieved, before the change in the law.

In addition to the opportunities under the Green Deal highlighted above, residential landlords using the Green Deal can also currently benefit from the Scottish Government's Green Homes Cash-back Scheme, which offers payments towards certain types of improvements done within a Green Deal package. Other measures are also available.

Landlords may also be able to obtain interest free Private Sector Landlord loans for certain specified types of energy efficiency measures to meet energy efficiency standards.

Individual landlords who pay tax on the profits from letting, or corporate landlords paying corporation tax on letting income, may be able to benefit from the Landlord Energy Saving Allowance which gives a tax allowance, against expenditure on certain types of energy efficiency improvements.

Details of the domestic Renewable Heat Incentive, intended to assist with the installation of domestic renewable heat generating systems, are still awaited and it is not clear yet how these will apply to residential landlords.

One-off grants under the Renewable Heat Premium Payment have in the meantime been extended to April 2014. Feed in tariffs (FiTs) continue to be available (albeit at lower levels than previously) for the installation of certain electricity generating systems.

Some of these schemes have limited availability and eligibility criteria frequently change.

John Cassells, a land and property specialist can advise on all aspects of land and property ownership. You can contact John on 01383 745 791 or email jgc@businesslaw.co.uk

Avoiding the bear traps (and those pesky bears)



Protect your business by staying informed

How to avoid falling foul of human rights laws

The Equality and Human Rights Commission has published two guides to help businesses understand how to prevent discrimination in the workplace and avoid falling foul of human rights laws.

The Equality Act relates to everyone in Britain to some extent, as everyone will have several of the characteristics it covers - age, race, religion and belief, gender and sexual orientation - while others will also have the protected characteristics of disability, gender reassignment, marriage and civil partnership, pregnancy and maternity.

Under the Act people are not allowed to discriminate, harass or victimise another person because they belong to a group that the Act protects, are thought to belong to one of those groups, or are associated with someone who does.

The first, "The Equality Act: Guidance for Small Business", offers practical advice on the 2010 Equality Act and how businesses can make sure that their business practices fall within the law.

The second guide, "A guide to business and human rights", helps businesses identify and manage human rights issues that may arise in their business operations.

These could include supplier considerations and the impact on their customers. For example, businesses might need to think about the right to privacy and the confidential information they hold online about customers and staff.

To discuss how this affects your business contact Graham Millar, Employment Law specialist, for a free consultation on 0141 428 3888 or email grm@businesslaw.co.uk.

Three things employers need to know about changes to parental leave

1. As part of the on-going plan to make the workplace more family friendly, Friday 8 March 2013 saw the amount of unpaid parental leave that can be taken by an employee, increase from 13 to 18 weeks.

2. Employees will still be limited to taking a maximum of four weeks leave in any calendar year, and the leave can only be taken:-

- Before a child's 5th birthday;
- Before the 5th anniversary of the date of adoption; or
- Before the child's 18th birthday in the case of a disabled child.

3. The other key change introduced is that agency workers returning to work following a period of parental leave, will have the same right as an employee to request flexible working.

Given that workers, as well as employees can raise claims with the Employment Tribunal if they believe that these rules are not being applied to them, it may be worth discussing how these changes will affect your organisation, and ensuring that your employee contracts and policies comply with current legislation.

If you would like to discuss how best to approach this for your organisation, contact Alan D Stalker, Employment Law specialist at Young & Partners on 01383 745 789 or email Alan at ads@businesslaw.co.uk.

How do you afford to go global?

Scots businesses are winning in the global market

The latest Global Connections Survey shows Scotland is successfully strengthening its international economic links, with Scottish exports increasing by £1.6 billion to £23.9 billion in 2011. Despite a global slowdown, Scottish exporters experienced a higher rate of growth in 2011 than the previous year. [*Scottish Development International, February 2013*]

Business owners regularly seek advice on how they can (profitably) realise their international business potential. The underlying concern is often that they cannot afford legal advice within different countries to go international, or indeed the fees charged by large global legal firms. So, how do you afford to Go Global?

As the only Scottish member of international legal network, Alluris, Young & Partners hosted the fellow Alluris member firms from around the globe in Glasgow in March this year to discuss emerging international business demands. The global guests were made especially welcome by the Grand Central Hotel where the event was held, and Arisaig Restaurant for a Scottish themed dinner - all supported by Glasgow City Marketing Bureau.

The group set out plans to increase the use of small groups of lawyers across different regions to ensure effective delivery of the "Alluris Advantage" to the combined client base of the 25 law firms that make up the group, and to enhance the already successful business matching part of the Alluris operation.

Alluris Group Chairman, Ulrich Herfurth said:

"The values all members have place Alluris in a unique position to deliver cost effective, quality advice, timeously to businesses operating internationally. Frankly any client thinking about dealing with a business in a foreign jurisdiction should access the network through his own trusted advisor at the earliest opportunity."

An emerging trend for international arbitration clauses helps business succeed

As international trade has increased, so have international disputes, and there has been a steady growth in the practice of submitting those disputes to international arbitration. This is because the parties often wish to avoid such disputes being tried before the national courts of their opponents (with issues of bribery, corruption and bias always being a concern); and the desire to find a neutral decision maker to resolve such transnational disputes.

The relative efficiency and inexpensiveness of international arbitration, as compared to international litigation before national courts, means that often parties choose this method of dispute resolution. Many of our clients are now finding, as they do more transnational business, that this method of dispute resolution is the most suitable for them, as it affords them an ability to adjust the procedures to meet the particular circumstances of the case, and the efficiency and speed of the process.

If you would like to discuss any aspect of international business contact Mirella Marchini, internationally qualified lawyer at Young & Partners, on 01383 745 775 or at mgm@businesslaw.co.uk, for an initial free consultation to understand how Young & Partners might be able to help you.

The bottom line

Hard tactics in tough times

In the current economic climate an increasing number of businesses are finding they are spending a huge amount of their time chasing money due to them. The impact of a wavering cashflow is becoming an ever growing challenge.

These business tips from debt recovery expert Robin Millar may help improve your chances of getting paid:

Check up: You can carry out a credit check. A number of companies will now do this online. Subject to payment of a small fee, this will often provide further useful information and alerts.

If you have checked and found that a business is a bad credit risk, why would you offer them 30 days to pay? If you are in any doubt then ask for payment, at least in part, up front (but beware of bouncing cheques). If you do a credit check and find that a business is good at paying their debts, future sales may be more reliable, however this should always be kept under review.

Check them out: If possible, make a point of visiting any new customer's premises and ensure you have the name of contact/person responsible for paying accounts.



Debt recovery is an ongoing challenge for many businesses

More importantly, make sure you have proper details of who you are actually doing business with. Is it a limited company? If so what is its full name and company registration number (not its VAT number). A company can change its name easily but not its registration number.

It is possible to get personal guarantees from directors, but this requires proper advice to ensure any guarantee is valid. Checks may also be carried out on Companies House, regarding registered office address, director details and accounts

lodged. Alternatively, if you are dealing with a sole trader, get a note of a current home address as a condition of providing any sort of credit facility; that way even if the business stops trading, you may still be able to pursue the business owner.

Agree the terms: Ensure that you have properly agreed contract terms. Spending a little time and money to get legal advice about how to do this at the outset can save a fortune in the long term.

Many businesses have impressive looking terms and conditions but then can't rely on them. You need to be especially sure that your payment terms are clear. Ensure that customers are invoiced regularly by first class post. When sending out invoices for high sums it may be wise to ensure that your customer has actually received the invoice.

It should be noted that often with companies the registered office address detailed on Companies House is not necessarily their trading address. The address detailed is often the address of a professional firm of solicitors or accountants who act as a mailbox for the business. Although the registered office address can be used for service of legal documents (Statutory Demands or Court Writs), it certainly helps to assess how a business is progressing if you can visit their trading address from time to time.

Create systems: You should ensure you have a good credit control system in place. The website www.payontime.co.uk has helpful credit management advice, including a check list to assist in minimising late payments.

Some large organisations have a practice of delaying payment of invoices for as long as possible, in order to maximise their own cash flow. They rely on smaller businesses not wanting to chase away a potentially good long term customer. Ultimately, you need to decide whether you want to do business with people who act like this. Sometimes you may be able to agree proposals for payment by instalments, rather than having to take a debtor to court. While this can certainly assist, if the debtor defaults on the agreed payments, you should consider taking further steps to recover the debt quickly, and it may be that court action requires to be raised.

The single most important piece of advice however is: **DO NOT DELAY!** The longer you allow yourself to be put off with excuses, the less likely it is that you will get paid. **If you would like to discuss any aspect of getting your business paid, contact Robin Millar on 01383 745 783 or email rm@businesslaw.co.uk.**

And more good news ...

Fife's Vets Now goes UK wide

Vets Now group treats more than 100,000 animals every year. With a support centre based in Fife, Vets Now was founded in 2001 by veterinary surgeon Richard Dixon. The group now operates through 52 emergency veterinary clinics across the UK and three referral centres.

Vets Now and Vets Now Referrals offer UK pet owners access to world-class specialists and experienced vets who have all undertaken years of additional training to qualify as experts in their field. As veterinary knowledge and techniques expand all the time, Vets Now Referrals is there to help when vets need to refer animals for specialist treatment.

Just as a human GP might refer a cancer patient to an oncologist, or someone in need of a hip replacement to an orthopaedic surgeon, Vets Now Referrals Specialists are on hand to provide the best diagnosis and treatments for your pets.

Vets Now have emergency vets throughout the UK, from Aberdeen to Portsmouth, and have recently expanded in Glasgow. They have developed their business successfully by ensuring that their team have all been selected, not only for their talent and dedication, but because of their caring, warm approach. Their Specialists work alongside clients' existing vets to give the best care available.

Their Glasgow centre is a state-of-the-art small animal hospital, a five minute walk from Charing Cross. As well as having all the equipment and technology you would expect from a first-class veterinary hospital, they strive to make the environment as relaxed and serene as possible for clients and pets alike.

Glasgow's team of world-class expert vets provide a renowned service across many areas of veterinary medicine including cardiology, internal medicine, oncology, orthopaedics and more.

Stephen Lochrie, a partner at business law specialists Young & Partners, and the lead contact for Vets Now, commented:

"We are delighted to work for and represent Vets Now. Their continued growth is testament to their clear strategic vision and the value that they have placed in investment and people."



Richard Dixon, Founder, Vets Now

If you love your pets as much as they do - and, judging by the number they take to work at Vets Now, they *really* love their pets - you know you're leaving them in safe hands.

To find out more about Vets Now, visit www.vetsnow.com.

Hungry for more Knowledge?

Since 1982, we have played a significant role in the development of businesses in Fife, Tayside, Edinburgh and Glasgow. We now work across Europe (and often beyond), yet remain focused on our core market in Scotland.

We like to learn about other people's businesses and would welcome the opportunity to learn about yours.

You can register for your own free personal copy of The Knowledge to be sent to you. Call us on 01383 721 621 or email enquiries@businesslaw.co.uk.

Blogs: www.businesslaw.co.uk/news

Twitter: @businesslawscot

LinkedIn: Young&PartnersLLP

Facebook: Young & Partners, business lawyers

