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Willans LLP | solicitors

Law News

Newsletter for commercial clients

Spring 2018

Welcome

2017 was a bumper year in terms of legal changes and 2018 looks set to be equally lively, not least due to the imminent arrival of the General Data Protection Regulation. As it steamrolls towards us, don't forget that we can't contact you without your consent - so if you want to continue receiving ***Law News*** then please opt-in by clicking **here**.

This issue, we reflect on a range of recent interesting cases and updates to the law which may be relevant to your business. If any of these strike a chord and you would like to find out more, feel free to contact our lawyers directly - we would be delighted to hear from you.

Bridget Redmond managing partner

What's in this issue?

- Hidden risks in serving a statutory demand
- The menace of Japanese knotweed for commercial landlords
- Employment law latest
- Trust compliance update
- Corporate Governance Reform - where are we now?

How confident are you in dealing with employment law issues?

Join us for seminars or in-house training

If you find the ever-changing landscape of employment law and the reams of jargon-filled official guidance daunting, you're not alone. Many of our clients have found our employment law seminars to be a "lifeline" and an "invaluable resource". Our seminars and breakfast briefings break down the latest case law and need-to-know guidance in an easy-to-digest, interactive way. For a full list of upcoming topics, visit willans.co.uk/events.

Too busy to fit this into your hectic schedule? Our ***Legal 500***-rated team can come to your workplace to deliver training on a myriad of employment law topics, including (but not limited to):

- handling grievances
- running disciplinary procedures
- equality, diversity and workplace culture
- combatting discrimination in the workplace
- the Bribery Act
- the General Data Protection Regulation (GDPR)
- business immigration (including compliance with sponsor licence duties and right-to-work checks)

Employment law knowledge isn't just important for HR teams and management – you may thank yourself later for training a wider range of staff too. Partner and head of department

Matthew Clayton said: "Many employers don't realise that they can be automatically liable for what their employees do, when it comes to discrimination, harassment or bribery. Usually the only defence is that the employer took 'reasonable steps' to prevent the wrongdoing from occurring. It is not just a question of having a policy gathering dust in a folder which nobody has ever read. It is necessary for employers to show that they have spread the right message throughout the organisation, if appropriate by training staff on the issues".

For more information on in-house training, contact Matthew at matthew.clayton@willans.co.uk. Prices are per session, not per delegate.

Do you want to continue hearing from us beyond May?

The General Data Protection Regulation (GDPR) comes into force on 25 May. If you find this bulletin valuable and want to keep receiving it, opt in to hear from us by clicking here.

Corporate Governance Reform - where are we now?

In last year's Spring issue, we reported that the government had published a green paper - *Corporate Governance Reform*. **Sophie Martyn** reports on the government's response to the feedback it received.

The government's green paper, ***Corporate Governance Reform***, sought views from a broad cross-section of business and society on specific aspects of corporate governance – executive pay, corporate governance in large privately held businesses and the steps that company boards take to engage and listen to employees, suppliers and other groups with an interest in corporate performance. The government has now finished analysing the feedback and has published its response, setting out a number of proposals.

These include the introduction of secondary legislation to:

- require quoted companies to report annually on the rate of CEO pay compared to the average pay of their UK workforce and provide a clearer explanation in remuneration policies of a range of potential outcomes from complex, share-based incentive schemes
- oblige all companies of significant size to explain how their directors comply with the requirements in section 172 (directors' duties) of the Companies Act 2006, having regard to the interests of employees and others
- require the UK's largest companies, including privately-held businesses, to disclose their corporate governance arrangements in their directors' report and on their website. This should include whether they follow any formal code except where they are already subject to an equivalent reporting requirement
- invite the Investment Association to maintain a public register of listed companies that encounter opposition to pay awards from more than 20% of the shareholders, as well as a record of what these companies say they are doing to address shareholder concerns.

There are also plans to invite the Financial Reporting Council to include new provisions in the UK Corporate Governance Code:

- giving remuneration committees a broader responsibility for overseeing pay and incentives across the company and explaining how these relate to executive pay incentives;
- requiring companies to be more specific about the steps they should take to address significant shareholder dissent on executive pay (and other matters); and
- requiring companies, on a comply-or-explain basis, to adopt one of three employee engagement mechanisms: a designated non-executive director, an employee advisory council or a director from the workforce.

The response also included proposals for the following business-led initiatives to be taken forward by business and professional bodies:

- inviting the CBI, the Institute of Directors, the British Venture Capital Association and the Institute of Family Businesses to work with the FRC to develop a voluntary set of corporate governance principles for large, privately-held businesses, and
- asking the Investment Association to implement its proposal to establish and maintain a public register of companies receiving significant shareholder votes against resolutions, including on executive pay.

In addition, the government has asked the FRC, the Financial Conduct Authority and the Insolvency Service to conclude new, or in some cases, revised letters of understanding with each other before the end of this year to ensure the most effective use of their existing powers to sanction directors and ensure the integrity of corporate governance reporting.

Following the recent collapse of Carillion and the previous BHS and Sports Direct scandals, only time will tell whether these measures are enough to address the systemic problem with UK corporate governance.

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Sophie Martyn
Solicitor, corporate & commercial

Sophie has general corporate and commercial experience with a particular interest in advising family businesses, LLPs and start-ups. With a background in science, she is naturally analytical in her approach.

What we've been advising on...

Commercial property partner Alasdair Garbutt acted for national charity **Sue Ryder** in the relocation of their head office to Eversholt Street, London, NW1. The new premises required significant refurbishment works by the landlord before a new lease was taken by the charity, and this was a factor that had to be carefully considered in our negotiations and in the documentation.

Feature in *Law News*

If you have worked with us recently and you'd like us to consider publishing your news in the next issue, contact sophie.pope@willans.co.uk.

Don't get strung up on PILONs

As of 6 April this year, the government is changing how payments in lieu of notice (PILONs) are treated for tax. **Matthew Clayton** explains why these new rules are likely to make severances more costly for employers.

Until 6 April 2018, PILONs are subject to income tax and national insurance deductions if they are paid pursuant to a contractual right (e.g. a clause in the employee's employment contract saying "the company reserves the right to pay you in lieu of all or part of your notice period", or words to that effect). However in the absence of any such contractual provision, payments of this nature are generally viewed as damages for breach of contract and can be paid free of tax and national insurance up to a threshold of £30,000.

This distinction is being removed with effect from 6 April 2018. Any part of a termination payment paid on or after that date which represents 'post-employment notice pay' cannot be included within the £30,000 allowance and will be subject to income tax and national insurance contributions.

'Post-employment notice pay' is the employee's basic pay for what would have been the notice period, if it had been worked. Compensation for loss of benefits, overtime, commission, bonuses and allowances can still benefit from the £30,000 exemption.

The formula for calculating 'post-employment notice pay' is set out (in somewhat complicated fashion) in statute and may not accord exactly with your normal method of calculating and accruing pay. This is particularly so if the employee is not paid monthly, or if the payment is in lieu of a portion of the notice period which does not amount to whole months.

These new rules are likely only to increase the costs for employers, because severance packages are usually negotiated by reference to the net benefit to the employee. After all, the employee's net loss will still be the same, and therefore it is the employer which is likely to bear the financial burden of swelling the Exchequer's purse!

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Matthew Clayton
Partner, head of employment law

Matthew leads our employment law team, acting for both national and multi-national clients. ***Chambers and Partners*** says "clients appreciate his down-to-earth, practical and common-sense approach".

No more tribunal fees, but has it made a difference?

Last summer saw the abolition of employment tribunal fees, leading some to predict that numbers of claims may increase. Initial reports suggest that this may be ringing true, says **Helen Howes.**

Following the Supreme Court's decision in ***R (on the application of UNISON) v Lord Chancellor*** last summer, we saw fees for employment tribunals and the Employment Appeal Tribunal being abolished. In the immediate aftermath of the decision, there was speculation as to whether the removal of fees would result in an increase in claims in the future. As figures have become available, those effects have now started to be reported, and make for interesting reading.

Last December the Ministry of Justice (MoJ) published statistics which revealed that claims had increased by 64% between July and September 2017 in comparison to the same period in the previous year. This was the highest increase seen since fees were introduced four years ago. This trend has continued as more recent figures show the increase for October 2017 to December 2017 to be 90% (for single party claims). Rather unsurprisingly, it also records a backlog increase.

The Employment Tribunals National User Group reported in January that the most significant increase was in low-value claims. This is particularly interesting, as it supports the Supreme Court's concern that these were the type of claims which were discouraged most by having to pay fees. So far the government is reported to have refunded 3,400 payments totalling £2.8 million.

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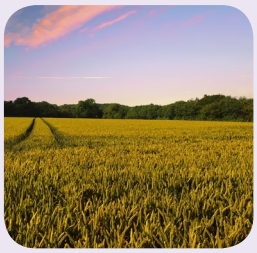
Helen Howes
Paralegal, employment law

Helen is an employment law masters' graduate with extensive experience in employee relations and negotiations.

Agriculture & estates partner **Robin Beckley** acted in a high-value transaction involving the purchase of farmland and an agriculturally-tied house and building, which became complex due to the presence of contamination not originally disclosed by the seller's agents. Specific provisions needed to be drafted in order to protect the clients from liability.



Corporate & commercial partner Paul Symes-Thompson acted for **David Grundy Lettings & Management Ltd** in the sale of its residential lettings and management business to Northwood Cheltenham Ltd. The pragmatic approach adopted by both sides enabled the sale to proceed smoothly and efficiently.

Rachel Sugden
Solicitor, wills, probate & trusts

Rachel helps clients with wills, lasting powers of attorney, inheritance tax planning, trusts and estates administration. She is a full member of professional body STEP (the Society of Trust & Estate Practitioners).

Trust compliance in 2018 – know your obligations

Trustees have found themselves subject to a raft of new requirements lately - the horrors of TRS, LEIs, FATCA and CRS to name a few. Amidst the 'compliance crazy' climate, **Rachel Sugden** explains these new obligations and how trustees can meet them.

The last few years have seen a dramatic increase in trust regulation. The penalties for non-compliance can be onerous so here's a quick look at these new regulations:

- **Trust Registration Service (TRS):** In April 2017, HMRC withdrew the former process for reporting trust tax liabilities (income tax, capital gains tax and stamp duty land tax) and introduced the new TRS in its place. The TRS is a one-stop online portal for the filing of trust tax returns. All trusts (and certain complex estates) with UK tax liabilities must now register with the TRS before 5 October following the tax year in which a liability arises.
- **Legal Entity Identifier (LEI):** Since 3 January 2018, all legal entities invested in capital markets are required to obtain a unique reference code (or LEI) in order to trade. "Legal entities" include trust funds directly invested in stocks and shares here in the UK and/or in foreign markets. Applying for an LEI is a straightforward process, but without it, any future transactions cannot be processed. This may interfere with your trust's investment strategies.
- **Global reporting requirements:** The Foreign Account Tax Compliance Act (FATCA) and the Common Reporting Standard (CRS) implement new global reporting standards allowing tax authorities to access financial data relating to their residents' investments overseas. These alliances impose the requirements for certain trustees to register trusts for international reporting purposes. Registration itself is not limited to trusts with a foreign element and so it is vital that all trustees consider whether registration is required to avoid hefty penalties.

Whilst many trusts will not currently fall under the scope of these regulations, the nature of a trust and the assets it holds can change over time. Therefore, trustees should review the position annually to ensure that the trust remains compliant. If you need assistance with any of the issues mentioned above, please contact us.

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Sophie Martyn
Solicitor, corporate & commercial

Buying a business is a two-way street

When you're buying a business, the legal approach should reflect the main commercial objectives underlying the acquisition. **Sophie Martyn** explains some of the key points you might need to consider.

The legal process of buying a business involves a lot more than just paperwork. A good solicitor will gain a thorough understanding of the buyer's specific commercial objectives, and align the legal approach to these. Here are some of the key points that you might need to consider to help you to get the outcome that you want.

Structure of the transaction: You need to decide whether to buy the shares or assets of a business. As there are fundamental differences in the legal effect and tax treatment of the two transaction types, you should take advice from an accountant at this point. You will also need to consider whether you wish to buy the business in your own name or through a company, as again, there are different tax implications.

Heads of terms: Although not legally binding, this document can be useful for setting out the key terms of the deal early on, thus helping to save both time and costs when drafting and negotiating the sale documentation. It is worth requesting an exclusivity period to prevent the seller from negotiating with or soliciting offers from other interested parties during that time.

Payment mechanism: Rather than having a fixed purchase price, the final price can be ascertained by examining accounts of the business as at the date of completion. If the financial position of the business differs from what you expected, the purchase price can then be adjusted.

Payment terms: Rather than paying the full purchase price on completion, it could be prudent to defer

Our employment law team recently helped a London-based production company to become a registered sponsor of overseas workers with UK Visa & Immigration. Following a TUPE transfer, our client inherited sponsored workers and consequently needed to apply for a Tier 2 (General) Sponsor Licence. Our guidance made the application process quicker and less daunting.

Corporate & commercial partner Paul Symes-Thompson and solicitor Sophie Martyn advised **Miles Mann Ltd** who acquired a jewellers in Gerrards Cross, Buckinghamshire. This is the seventh shop for this family-run business which has been operating since 1741. Partner Susie Wynne and solicitor Jenny Hawrot provided commercial property and employment law support.

payment of a portion of the purchase price until after completion and pay this in instalments.

Due diligence: This is crucial in identifying risks and liabilities arising from the purchase and consequently, what warranties and indemnities to include in the sale agreement. Having an online data room (an online repository of a company's important documentation) can facilitate the process of due diligence for both the buyer and the seller.

Restrictive covenants: You should aim to include restrictive covenants in the sale agreement to prevent the seller from setting up a competing business and/or poaching employees and customers.

Property: Is the seller leasing the premises from which the business is conducted and if so, can you assume the lease on the same terms or enter into a new lease? Whether the property is leasehold or freehold, early legal advice on the property aspects of the transaction is essential.

Staff: If the ongoing success of the business depends on retaining certain key staff, you should consider what agreements/incentive arrangements are in place and whether these are sufficient to retain these individuals.

Intellectual property (IP): Thorough due diligence should be carried out to ensure that you are acquiring the IP rights necessary to conduct the business in the same manner as the seller.

Click here to contact us for commercially-aware, straightforward advice on mergers and acquisitions.

Katie Duthie
Solicitor, litigation & dispute resolution

Japanese knotweed gets Network Rail in a tangle

Japanese knotweed may look innocuous, but it can be a costly nuisance for landowners who find themselves liable for resultant property damage, explains **Katie Duthie**.

Japanese knotweed can be very problematic. It can cause damage to buildings and land by the spreading of its roots, which can affect the value, marketability and the insurability of a property. Further problems for homeowners and occupiers can arise if the knotweed is not controlled and is allowed to spread on to neighbouring land. This can lead to a homeowner or occupier incurring liability in nuisance to compensate the owner of the neighbouring land for the loss of enjoyment of the land, property damage and the cost of removal.

The law in relation to liability for Japanese knotweed is evolving, following the decision in the combined cases of ***Waistell v Network Rail Infrastructure Ltd*** and ***Williams v Network Rail Infrastructure Ltd (2017).*** Although this judgment is a first instance decision, it is thought to be the first decided case on liability for property damage caused by Japanese knotweed.

The claimants' properties abutted a railway embankment and access path owned by Network Rail, where Japanese knotweed had been present for many years. The knotweed had spread from the embankment to underneath the claimants' homes. The claimants alleged in nuisance that Network Rail were liable to compensate them for the encroachment of the knotweed onto their land and for the presence of the knotweed, which was an interference with their quiet enjoyment and the amenity value of their property.

The claimants were successful, despite the court finding that no physical damage had been caused to their properties. In brief, the court held that the presence of the knotweed did indeed interfere with the quiet enjoyment and amenity value of the claimants' homes, as they were unable to sell their properties for their full market value. The court found that Network Rail had failed to carry out its obligation as a reasonable landowner to eliminate the problem and to prevent interference with the quiet enjoyment of the claimants' land. The claimants were awarded damages for the cost of treatment programmes and insurance-backed guarantees, the diminution in value of their properties once treatment had taken place and damages for loss of amenity and interference with quiet enjoyment of their property.

This decision raises the possibility of similar claims being made more frequently in the future. The Court of Appeal is due to hear the appeal of this decision by Network Rail later this year, which will be eagerly awaited by potential claimants and lawyers.

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Litigation partner **Paul Gordon** is advising a client in relation to an inheritance dispute which has given rise to a "significant development" in the law. Paul acted in a successful interim application that the court make an order for parties to provide saliva samples for DNA testing. He said: "This case is a further demonstration that the courts are showing a willingness to control evidence and recognise that scientific reports play a part in modern litigation. This is a case that would otherwise be decided upon competing witness evidence and an order for the provision of DNA testing is a useful and practical step in the process, particularly where it could lead to an early and cheap resolution to the case." Click here to read the full article on our website and interim judgment.

No 'Taylor'-made employment law changes on the horizon

The government has published a response to last year's 'Taylor Review of Modern Working Practices'. Employment law partner **Matthew Clayton** asks: will it lead to positive actions, or is it just empty promises?

July 2017 saw the release of the much anticipated ***'Taylor Review of Modern Working Practices'***, otherwise known by its catchier name, the ***'Good Work Report'.*** It paid particular attention to the gig economy and looked at not only how people are engaged in work, but also the quality of the work arrangement.

The ***Good Work Report*** also endorsed the present system of employment status which distinguishes between employee, worker and self-employed. It recommended that the category of 'worker' (currently used to categorise individuals in less formal employment relationships) be renamed 'dependent contractor', and suggested that those in this group receive at least basic employment rights, alongside a statement of employment on commencement of work.

The report also noted that 'too many' employers rely on zero-hours contracts, short-hours or agency contracts; a higher rate of national minimum wage should be considered for hours not guaranteed by the individual's contract, and that a right should be introduced to request a 'guaranteed hours contract' when an individual has been under a zero-hours contract for 12 months.

The government has now responded to the ***Good Work Report.*** Those expecting a big shake-up in employment legislation will be thoroughly disappointed. Whilst the government has not ignored the recommendations of the report, it has not committed to actually implementing the recommendations. Instead, four consultations have been launched, seeking views on certain aspects of the report, namely:

- employment status - considering the proposals on the definitions of employee and worker
- employment rights recommendations - looking at the problem of unpaid tribunal awards and repeat offenders
- protecting agency workers - the proposal to amend the Agency Workers' Regulations that allow agencies which directly employ the workers they supply to avoid having to match the pay of the end user in certain circumstances
- increased transparency - addressing the proposals on written statements of terms and conditions, holiday pay, continuity of employment etc.

Whilst this may seem like a step in the right direction, the government has not made any proposals of its own; rather, it is simply asking for opinions on the recommendations of the Good Work Report. Very little progress has been made since July 2017.

The government's press release did confirm that it will "seek to protect workers' rights" by (not an exhaustive list):

- taking further action to ensure unpaid interns are not doing the job of a worker
- introducing a new naming scheme for employers who fail to pay employment tribunal awards
- quadrupling employment tribunal fines for employers showing malice, spite or gross oversight to £20,000 and considering increasing penalties for employers who have previously lost similar cases
- providing all 1.2 million agency workers with a clear breakdown of who pays them and any costs or charges deducted from their wages
- asking the Low Pay Commission to consider the impact of higher minimum wage rates for workers on zero-hours contracts
- considering repealing laws allowing agencies to employ workers on cheaper rates.

However, the reality is that there are no actual proposals for new legislation on any of the above, and whilst the government may have the best of intentions, an overhaul of employment legislation is unlikely to happen in the foreseeable future.

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"Take 5" to combat fraud

Cyber-crime is on the increase and it's never been more important to stay alert. We work hard to protect our clients from fraud, and our staff receive regular, in-depth training on how to keep information safe. Remember, we will never tell you of changes to our bank details by email, nor will we accept notification of changes to your bank details by this method (without verifying them with you).

Backed by HM Government, Financial Fraud Action UK has set up a national campaign 'Take Five' to offer practical advice to help everyone protect themselves. To see how clued-up you really are about spotting the signs of fraud, take their quick quiz online at **takefive-stopfraud.org.uk/takethetest**.

Risky business? Take care when serving a statutory demand

A popular way of chasing up debt is to issue a petition for insolvency, which starts with the serving of a statutory demand. But although this route can appear to be relatively straightforward and cheap, you'll need to take steps to ensure you do not score an 'own goal', explains **Paul Gordon**.

If an individual or a business owes you money, there are two ways to start court proceedings; you can issue a claim, or you can issue a petition for the winding-up of a company or bankruptcy of an individual. While there are advantages and disadvantages to both, the insolvency route may be preferred as it tends to be cheaper (for the more significant debts) and is often a quicker process. Serving a statutory demand for the debt is a preliminary step towards issuing a petition at the court.

This can be relatively cheap to do, and can often result in previously reluctant debtors making payment. However, it is important that you (the creditor) are aware of the risks involved in following this route. Having received a statutory demand, the debtor will have the option to apply to the court for an injunction to restrain you from presenting a petition. The debtor may apply to restrain the process on the basis that the debt demanded is the subject of a 'genuine dispute on substantial grounds' or if there is a 'serious and genuine cross claim'.

Before taking this route, it is therefore sensible to consider whether the debtor could raise such arguments, even if you think their grounds are weak.

If the debtor can do so, they will no doubt allege that the case is highly fact-sensitive, requires an evaluation of the evidence and issues at trial, and that the action you are taking in the insolvency courts is an abuse of process. If the debtor applies for an injunction to prevent you from continuing, and the court finds in their favour, then you would normally have to pay the debtor's costs in the application.

This scenario can be very tough on creditors, particularly as they may well have a strong case and would otherwise recover the debt if they were to have followed an alternative route, i.e. by issuing a claim. You should therefore treat any response about the appropriateness of the insolvency process very seriously, and think about the costs risk that such a challenge might bring. In that event, it may be better to pursue the debt by issuing a claim through the courts. Contact us for tailored, expert advice if this affects you.

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Paul Gordon
Partner, head of litigation & dispute resolution

Paul leads our dispute resolution and litigation team. He is noted for his "strong technical knowledge" by leading directory ***The Legal 500.***

It pays to be efficient

Property expert **Nick Cox** discusses the new EPC rules and how these may affect commercial landlords.

As of 1 April 2018, almost anyone seeking to let a commercial property will have to consider an additional complication: whether the property has a suitable Energy Performance Certificate (EPC).

If a non-domestic property is required to have an EPC and it is intended to be rented out, then, provided it already has an EPC with a rating of E or above, the landlord has nothing to worry about.

If the property has a lower F or G rating, then the landlord must take steps to improve its energy efficiency to a minimum rating of E. If he or she doesn't, they will not be permitted to let the property.

In practice, the requirement for these improvements will mean more work for consultants and surveyors, and potentially more expense for landlords. This is not a cost that can legitimately be passed on to tenants.

However, there are some exceptions to the rules. Buildings which are listed or situated in conservation areas may not be required to have an EPC, and if the measures required to comply with minimum standards may alter the character or appearance of the building, then again an EPC may not be legally required.

Also, if it is impossible to install the relevant improvements, either physically or legally, or if the relevant improvements would still leave the property rated at F or G, or if the effect of the relevant improvements would devalue the property, the landlord may be able to register an exemption on the PRS Exemptions Register. This exemption will last for five years, and may be renewed, but cannot be transferred.

These provisions will have a significant effect on the investment value of properties. They will also need serious consideration when renewing a lease or at the end of a lease, when questions of dilapidations arise.

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Nick Cox
Senior partner, head of property litigation

Nick leads our property litigation department. Legal guide ***Chambers and Partners*** describes him as a "superb litigator".

GDPR special feature

GDPR: The latest useful insights from the ICO

With the introduction of the GDPR now less than two months away, **Matthew Clayton** gives an overview of some useful ICO guidance to help with your last-minute preparations...

Much has been written about GDPR, but one of the more useful recent documents is entitled "Preparing for the General Data Protection Regulation – 12 steps to take now", published by the Information Commissioner's Office (ICO) and available at www.ico.org.uk. Some of its more useful insights are as follows.

You don't always need to have a person's consent in order to process (i.e. hold or use) their data. There are other legal justifications for doing so, and in some cases it's actually preferable to rely upon these rather than upon 'consent'. Processing is justified if it's necessary for the performance of a contract with that person – e.g. if they're a customer and you need that data to provide goods or services to them. Processing is also justified if it's in your legitimate business interests, provided that it doesn't outweigh their privacy rights. This can be more difficult to judge, but would probably not extend to marketing to non-customers.

You'll need to provide people with more information about the legal basis for processing their data, what data may be processed and for what purpose, how long it will be stored for, and their legal rights. These are known as privacy notices. Current privacy notices won't be adequate, but we can help you draft new ones.

Unlike now, you'll be legally required to report data security breaches to the authorities, without undue delay, and, where feasible, within 72 hours of becoming aware of the breach. However, a breach will only need to be reported if it is likely to result in a risk to 'the rights and freedoms of individuals'. This can be difficult to assess, but we have helped clients with this process in the past.

Any contracts you have with a 'data processor' such as a payroll bureau or marketing agency will need to be reviewed, as the GDPR requires you to include certain contractual terms guaranteeing data privacy.

We can help you put appropriate terms in place.

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Matthew Clayton
Partner, head of employment law

The Legal 500 says Matthew "provides calm, measured and commercial advice". His particular specialisms include complex staff restructurings and employment issues concerning business transfers.

Video: GDPR Q&A with Cheltenham Chamber of Commerce

In this 5-minute video, Matthew shares tips on how businesses can ensure they're GDPR-compliant come May 25.

Video produced by Julian Wellings, Expertise on Tap

Even though the GDPR is nearly here, it's not too late to 'get your house in order' if you haven't already done so.

We were delighted to team up with Cheltenham Chamber of Commerce for a myth-busting Q&A session. Aimed at businesses and data-handling staff in Cheltenham and beyond, Chamber VP Dan Harris interviewed Matthew Clayton on the upcoming regulations, addressing burning questions including:

- Are non-compliant businesses likely to get a knock on the door from the ICO?
- Is it always necessary for businesses to get consent for email marketing?

Click here (or the image on the left) to watch the YouTube video.

Free GDPR fact sheet to download

We have created a handy fact sheet to explain what business owners may need to do to prepare for the GDPR. Click here to download, or visit the 'downloads' section of our website to view all available fact sheets.

Another strong set of rankings in leading UK guide *Chambers and Partners*

James Grigg, family law partner

Our family law department has retained its place in tier one of the latest edition of independent legal directory ***Chambers and Partners***, and we are now the only firm in the region to achieve the highest ranking. Department head **James Grigg** is described as "very knowledgeable, professional and incredibly helpful".

Our "strong" corporate & commercial arm has also secured a new ranking across the entire South West for its work for SMEs and owner-managed businesses. Head of department **Paul Symes-Thompson** is described by a client in the guide as "an outstanding business lawyer".

Employment law partner **Matthew Clayton**, commercial property partner **Susie Wynne**, agriculture & estates partner **Robin Beckley** and wills, probate & trusts partner **Ruth Baker** are also commended.

New face in our litigation & dispute resolution team

Katie Duthie, solicitor

We are pleased to have appointed solicitor Katie Duthie to our ***Legal 500***-rated litigation & dispute resolution team.

Katie has joined us from the Bristol office of national firm Lyons Davidson. She works with the team across a wide range of private and commercial work, including disputes arising from commercial contracts, landlord and tenant and property. Katie also deals with civil litigation and contentious probate and trust cases.

Litigation & dispute resolution partner Paul Gordon commented: "We are delighted to welcome Katie to our dynamic and innovative team. Her appointment will help us to meet increasing demand from our growing client base, enabling us to continue to deliver the first-class client service that we are known for."

Katie said: "I am really pleased to have joined the highly-regarded litigation & dispute resolution team at Willans, and am looking forward to working with a varied base of clients across Gloucestershire."

Contact

For advice on any of the issues covered in ***Law News*** or any other area of law, these are the people to contact in the first instance.

Corporate & commercial

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Employment law

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