



# The Advocate

The newsletter of **Bennett Griffin** Solicitors | issue 2

## BG Commercial launch

**The launch of BG Commercial – the Corporate Division of Bennett Griffin was celebrated at the Burlington Hotel on the evening of Wednesday 16 May 2007.**



*Peter Bennett,  
Partner and Head of BG Commercial*

The launch was a wine tasting evening to gather together clients and professionals in the commercial property and commercial fields as well as other property professionals and developers in the Sussex area.

The BG Commercial Team is headed on the contentious side by the newly appointed Partner, **Elaine Smith**, freshly covered with academic honours having gained her Masters Degree in Employment Law from Leicester University. Elaine handles all employment matters, a large number of debt collection matters as well as general litigation and contract disputes.

Also in the contentious Commercial Team **Charlotte Hammond** who deals with Employment Tribunal work, General Litigation and Claim resolutions. Last year one of Charlotte's successful employment claims topped £300,000 and so if you are an Employer who wants to win that kind of claim, Charlotte is your answer.

Also at the launch were two more young

Commercial Solicitors, **Kate Hallin**, who is developing corporate support for commercial enterprises, including the drafting and re-drafting of Memorandum and Articles of Association, the raising of venture capital, and defending commercial disputes.

**Darren Edwards** bridges the gap between Contentious Commercial and

Solicitors, **Terry Griffin**, who has been involved in Commercial Property work for many years and who knows the area like the back of his hand and **Peter Bennett** who has played a large part in the development of the Commercial Department at Bennett Griffin dealing with corporate sales including deals valued at over £30m within the last two years.

Our task is to make your legal problems as painless as possible and to add real value to your business. So contact any one of the BG Commercial Team now on [www.bennett-griffin.co.uk](http://www.bennett-griffin.co.uk) for any legal advice and assistance and we will be happy to assist.

The Twisted Vine Company kindly provided a wide range of French, Italian and New World wines ranging from rich plummy Penfolds from South Australia to excellent Sauvignon from Chile. They can be contacted on [www.twistedvine.co.uk](http://www.twistedvine.co.uk)

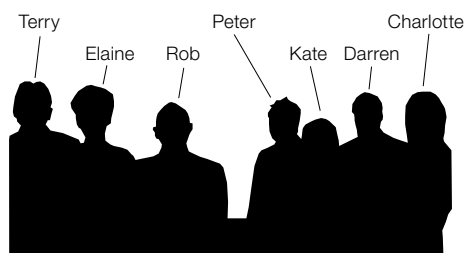
Nearly 100 people attended the launch and an excellent buffet was provided by the Burlington Hotel.



Commercial Property. Darren specialises in terms and conditions, contract drafting as well as property sales.

Heading the Commercial Property Department is **Rob Fawcett** who has established an impressive Client base and who engenders loyalty from his Clients whose testimonials about his work are glowing.

This young team of Commercial Lawyers are supported by two experienced



**Are you up to date on the legal aspects of employment? This article shows how to keep your house in order and avoid the pitfalls of employment law.**

### Contracts of Employment

Most employers are aware of the need to give employees written particulars of their terms of employment. Basic terms may be sufficient in some cases, but it is generally wise to prepare a full contract of employ-

ment you will often wish to introduce new terms of employment or working practices. Prevention is better than cure. Clear policies and contracts help you avoid uncertainty and misunderstandings that could result in problems and disputes. Our specialist employment team offers a free employ-

ment employee's past grievance was sufficient to comply with step one of the statutory grievance procedure under the Employment Act 2002.

This case is yet another reminder to employers of the minimal requirements for a step one Statutory Grievance Procedure letter. No formality is required which makes life potentially tricky for employers, particularly where their own procedures provide



ment covering a wider range of matters. Senior employees will almost certainly require a written service agreement. You might, for instance, consider including in your contracts:

- Terms requiring your employees to move elsewhere if your business relocates
- Garden Leave provisions
- Restrictive covenants to protect your business – worded properly otherwise they may not be enforceable

As a business develops, as an employer

ment contract health check.

### Can a resignation letter be a grievance?

Should a resignation letter that refers to something which has caused the employee some concern be treated as a grievance?

In the recent case of *Lipscombe v Forestry Commission*, the Employment Appeal Tribunal ruled that a resignation letter making a passing reference to an

initial attempt to resolve grievances informally. Therefore where there is any scope for doubt, the employee should be asked to clarify whether their issue is to be treated as a formal grievance.

Employers should be warned that if such a letter is not treated as invoking step one of the procedure there is a risk that if an unfair dismissal claim is brought, and it is successful, the award can be increased by 10% to 50% for failing to follow the statutory procedure.



# Debt collection

**In today's competitive marketplace, effective debt collection is vital if your business is to maintain a healthy cash flow position. Sadly, collecting money which has already been earned is often overlooked in the pressure to gain further sales.**

We would like to help you prevent problems arising and reduce your level of bad debts. We have already had a positive effect on many local firms' cash flow – could yours be improved?

**Terms of trade** – don't give your goods or services away! Keep one step ahead of potential defaulting customers by making sure that your terms of trade give you the best possible protection and assistance. To ensure they are enforceable, these should be incorporated into your contracts by being included on order forms or acknowledgments.

**Security** – if you are entering into a major contract, or have any doubts about being paid promptly, you may consider taking security from your customers to help protect you if they default. We can advise you on what is most appropriate and help you

prepare the documentation.

**Debt Recovery** – even the most cautious businesses will suffer occasional bad debts. We can deal efficiently and effectively with debts of all types and sizes. In the first instance, we will write a letter; most debts are paid at this stage, but if it doesn't work, we will start Court proceedings.

**Enforcing Judgement** – if a case goes to Court and judgement is obtained in your favour, the debtor is obliged to pay you. If the debt is still not settled there are a number of possible enforcement procedures which we can put into action if required.

**Disputes** – not everything goes according to plan. Sometimes there may be a genuine dispute between you and your customer, or supplier, and debt col-

lection procedures will not be relevant. We have an experienced team of lawyers who specialise in handling a range of commercial disputes through to negotiation and, if necessary, trial.

#### How can we help?

Whatever your needs we will respond quickly and efficiently, leaving you free to concentrate on developing your business. Simply contact Elaine Smith for more advice at [es@bennett-griffin.co.uk](mailto:es@bennett-griffin.co.uk) or **01903 706966**



Please call our Debt Collection team if you need advice:  
Elaine Smith at [es@bennett-griffin.co.uk](mailto:es@bennett-griffin.co.uk) T **01903 706966**

### Simon Thornton writes

The Twisted Vine is owned and operated by my wife, Karen and myself. Between us we have over 30 years experience in the wine and spirit industry, but it was my four years experience of expanding the off licence business in Dubai which prompted our decision to return to the UK and start our own business.

With Bennett Griffin's great service we completed the lease on our first shop in Middleton on Sea and opened our doors to customers 4 days before Christmas 2006.

After working for the large off-licence chains the rhetoric was all about customer service, but after working in Dubai for a few years it put into

perspective those companies who really can deliver good customer service and those who pay it lip service.

Being independent we are free to deal with smaller producers who care passionately about their products but are not big enough to supply the big boys. We also class ourselves as real wine enthusiasts as opposed to experts. We are delighted to help you with any advice but we strip out the pomp and ceremony normally associated with wine.

So if it's a £3.99 bottle for the barbecue or a case of Gevrey Chambertin premier cru at £43.99 a bottle delivered to your favourite client, look no further and browse our full portfolio of wines, beers and spirits online at [www.twistedvine.co.uk](http://www.twistedvine.co.uk)

## New advertising for BG Commercial

Look out for the new tongue-in-cheek advertising for Bennett Griffin Commercial hot off the press. The ads were commissioned by up and coming creative agency, Local Web Solutions based in Rustington and were designed to highlight the dynamic nature of corporate law. [www.localwebsolutions.co.uk](http://www.localwebsolutions.co.uk)



## Competition Time

**First out of the hat with all correct answers wins a bottle of Saint Emilion kindly donated by the Twisted Vine.**

1. In which street is the Bank of England
2. Lending her name to a famous brand who was the Greek Goddess of Victory
3. Who was the youngest elected President of the United States of America?
4. What did Dr John S Pemberton concoct in his back yard in 1886?
5. In which Olympics did Steve Redgrave win his first Olympic gold medal?
6. Which peak overlooks the city of Cape Town?
7. Who was the second wife of Henry VIII?
8. Who was the first professional footballer to be knighted?

Sorry, this competition is not open to employees of Bennett Griffin.

## London to Brighton bike ride

On Sunday 17th June, 16 members of Bennett Griffin staff and family participated in the annual London to Brighton bike ride. The event was a great success and raised £2499 for the British Heart Foundation.

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