

The Cloud - with a silver lining

The true value of a trusted partnership

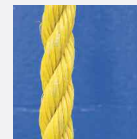
Client relationships are at the heart of what we do best. In the previous issue of Insight, we talked about our "off the clock" approach and the importance of bespoke, tailored advice and providing real solutions specific to your business.

To demonstrate what that means in practical terms, inside we share the experience of one of our clients, CentraStage, and show how the depth and breadth of our expertise has helped the business achieve success every step of the way.

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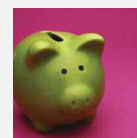
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How relationship-based legal services from B P Collins have helped CentraStage – a visionary UK provider of technology-as-a-service – start-up, settle down and reach for the Clouds.

CentraStage is a UK-based provider of IT management technology, delivered as a service. At the heart of the offering is the CentraStage platform, a cloud-based device management solution that gives IT managers visibility and control over their entire IT estate from a single integrated cloud platform.

The company incorporated in 2006 but effectively began trading in 2008 and, from its inception, has used B P Collins to help set up operations, secure vital investment and offer proactive advice to support the growth of the business.

A key milestone within the relationship was when, a few months after launch, CentraStage was in the advanced stages of an important deal with a potential new client.

The client wanted the added security of an Escrow agreement, but the CentraStage team knew that, as a start-up with limited resources, it couldn't afford the costs involved for a formal arrangement.

The B P Collins team stepped in and, after liaising with the client, drafted a basic Escrow-like agreement which provided the necessary reassurance and enabled the deal to go ahead.

creative and pragmatic approach by a law firm to resolve a common challenge for a young business."

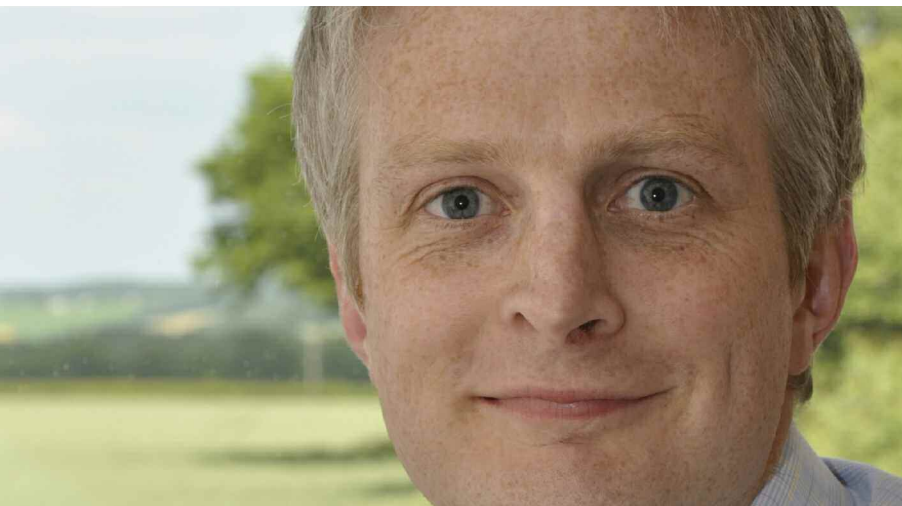
Since then, the two businesses have continued to work closely together and Christian calls it a partnership-based relationship, rather than a traditional law firm/client engagement.

"Unlike many law firms, B P Collins' services are not transactional; there is proactive and ongoing dialogue, rather than reactive, knee-jerk responses to problems as they arise," he said.

"This has helped them develop a greater understanding of our business and its needs, and in turn, we enjoy a much more strategic relationship. Crucially, whenever we seek advice, we will never feel like they've pressed the 'go' button on the time sheet and we're clocking up a bill. That's a really refreshing approach."

Recently, B P Collins has helped CentraStage through its latest financial audit, receiving plaudits from the auditors for the standard of legal housekeeping.

"Having B P Collins undoubtedly made a massive difference with the audit. As with all of the work they do for us, their forensic attention to detail and their ability to get things done quickly and effectively has enabled us to concentrate on developing the business, safe in



"We began working with B P Collins right from the outset, and they were instrumental in helping us find our feet," says Christian Nagele, CEO at CentraStage. "They gave us good, pragmatic and structured advice, and made sure key set-up aspects such as articles and shareholders agreements were effectively in place.

"They also gave us invaluable advice around funding – playing a major part in helping us secure crucial investment to get the business going. Funding is absolutely critical for any software business, but our early partnership with B P Collins helped us navigate important funding rounds and successfully engage with key financial institutions. It got the business going."

"B P Collins continues to make a real impact at every stage of the business's life-cycle, and they do a brilliant job for us every time."

Christian Nagele

Christian continued: "This was our first major deal and the work B P Collins did was genuinely the difference between closing the deal, or closing the business. The customer remains with us today and has been delighted with the service – but our early engagement with the legal team highlights a great example of a

the knowledge that our documentation, processes and agreements are secure and watertight," concluded Christian.

Travails of the unexpected

With the UK economy recovering, Matthew Brandis, partner in the litigation and dispute resolution practice, examines how partnering with a trusted law firm can help companies prepare for growth by mitigating risk throughout the business lifecycle. It's all about avoiding the travails of the unexpected.

Oscar Wilde once claimed that "to expect the unexpected shows a thoroughly modern intellect". Well, as businesses prepare for growth, it's perhaps time for some modern thinking.

The business lifecycle encompasses numerous legal challenges – some of them predictable, some unexpected. But failing to prepare for, or protect against, the unexpected can have damaging repercussions and knock even the best growth plans way off course.

Poor legal protection can be costly to business continuity, productivity and, ultimately, profitability. Yet despite this, many companies remain inadequately protected and pay insufficient attention to key aspects such as shareholder arrangements, standard terms and conditions and environmental obligations.

Moreover, the continued reliance on outdated processes, policies and documentation will almost certainly leave some vulnerable to risks that could damage competitiveness and hinder growth.

However, with a little forethought, companies can do much to safeguard themselves against the unwelcome or the apparently unexpected. Businesses that routinely assess and proactively identify the challenges they may encounter, will ultimately be well placed to grow through the recovery and beyond.

The changing landscape

There's no doubt time and technology have changed the business landscape irretrievably and the ramifications for commercial law have been far-reaching. Today's businesses demand operational flexibility – with implications for aspects as diverse as employment, supply chain relationships, customer loyalty, bank loans, leases and contracts. At the same time, regulation around all types of discrimination has been strengthened significantly.

The legal profession has changed too. Our relationship approach is based on trusted partnership, anticipating our clients' needs and matching them with appropriate services at competitive prices – right across the business lifecycle.

This approach is ideally suited to the dynamic modern business environment and an ongoing relationship can help businesses respond to changing circumstances in a timely fashion as they move along the maturity curve.

Potential risks

Risks exist across all stages of a business, but the most common challenges remain in traditional areas such as shareholder or partnership agreements, employment or commercial contracts and property leases.

At the same time, day-to-day challenges such as debt management, disaster recovery, brand protection and anti-bribery policies all require robust processes and up-to-date documentation to protect against the unexpected. Further, as business channels and practices evolve, issues such as social media policy, online contracts and third party supplier agreements will routinely require due attention.

Be prepared

In a post-recession business, proactivity is critical. The most effective companies will be those that are aware of the challenges and ensure they are well-placed to protect themselves against the dynamics of a changing marketplace.

Having a strong legal partner is part of that success story and the best partnerships will begin with a comprehensive review of companies' existing position and an assessment of whether current operations are both fit for purpose and future proof.

As the economy recovers, the need for that legal health check is more immediate and, to take Oscar Wilde's advice – it's time to not only expect the unexpected, but prepare for it too.

Reap the benefits of a business health check

Understanding the legal requirements for your business and regularly reviewing your current business operations will help minimise risk and maximise opportunities.

Our corporate lawyers are happy to visit you, at no charge, to explain more about their trusted adviser role and learn more about the legal needs of your business, whilst identifying any potential risks through a business health check assessment.

This overview of operational and strategic issues will help you consider what challenges you face and identify the risks that you need to minimise within your business.

To arrange a meeting call 01753 279022 or email your enquiry to commercial@bpcollins.co.uk



Striking a balance is the key to good workplace relationships



The relationship between an employer and employee is an important one – trust, mutual respect and honesty are among the essential components for a good day's work.

Unfortunately, there are times when those elements break down and legal redress has to be pursued by one party or the other. Here, partner and employment law specialist, James Townsend looks at some of the more common disputes he expects to encounter in 2014:

Restrictive covenants and duties of good faith

"We're seeing an increasing number of cases where employers want to put in place restrictive covenants to prevent former employees working with former clients or contacts.

"There's a balance to be sought however, between protecting legitimate business interests and not being so unreasonable that such an agreement restricts competition.

"We often recommend an approach that works for both parties, such as

agreeing focused restrictive covenants for a short duration following termination, usually no more than six months.

"Each case will of course be different and we can advise on the best course of action in any given scenario. The message employers should have in mind

is that you can't enforce restrictive covenants unless they are agreed in the first place."

Equality in the workplace

James draws attention to the following cases and says employers have to be "reasonable" in the way they balance the needs and rights of employees against the commercial realities of running a business and servicing customers.

- In May 2013, the European Court of Human Rights (ECHR) ruled in favour of British Airways employee Nadia Eweida. She previously lost her case at the Court of Appeal that she had been the victim of religious discrimination, after she was suspended from work for refusing to conceal the cross on her necklace when asked to do so, because she regarded it as an important visible expression of her faith.

The ECHR said her rights had been breached under Article 9 of the European Convention on Human Rights, which protects an individual's right to freedom of thought, conscience and religion.

- In October 2013, two Muslim Tesco workers took the supermarket to an Employment Tribunal claiming discrimination on the grounds of their religion. It came after managers set new restrictions on a room, which had previously been set aside as a prayer room for Muslim staff. The restrictions included locking the room when not in use. The Tribunal found Tesco guilty of indirect discrimination and awarded the men an undisclosed sum for "injury to their feelings".

- In December 2013, it was reported that Muslim staff working for Marks & Spencer had been given permission to refuse to serve customers buying alcohol or pork products. The company was quoted as saying it recognised that some employees practise religions which restrict the food or drink they can handle and, where specific requests are made, it would make reasonable adjustments to accommodate them.

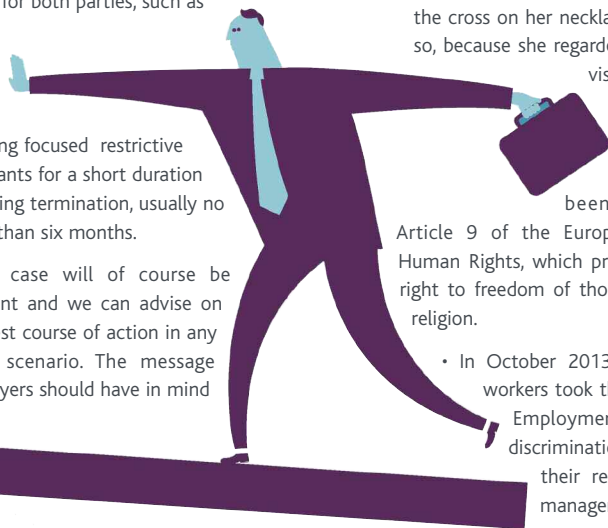
"As this last example shows, it is all about striking a balance and this is where we can help. Employers need to have in mind that if they don't take reasonable steps to accommodate the religious needs of their staff, there is a good likelihood they will be sued," said James.

Sponsoring migrant workers

While recent newspaper headlines have focused on the influx of workers from Romania and Bulgaria – a large number of businesses have been applying to the Home Office to sponsor migrants from outside the EU.

"Immigration is a big issue at present and if you wish to bring individuals in from outside the EU then you need to be aware that the authorities are tightening up on applications," he said.

"We can provide advice on how to apply for a certificate and explain how the sponsorship process works and what your responsibilities are as an employer."



Do joint business ventures need the equivalent of a pre-nup?

As the economy continues to recover, 2014 looks set to see an increasing trend in mergers and acquisitions or joint venture arrangements, with many companies seeking to pool their assets and combine their strengths to tackle new market opportunities and expansion plans.



But what happens when those initial heady days are over and the first stumbling blocks appear? Whilst there may not be a divorce lawyer for warring business partners, issues are common and there's plenty you can do in advance to plan for the unexpected further down the road, as Simon Carroll, an associate in the litigation and dispute resolution practice, explains:

"When joint ventures run into problems, it's all too easy for the parties involved to find themselves in deadlock. Often neither can afford to back down and costs can quickly escalate," he said.

"Our role is two-fold – to provide advice and guidance before any agreement is drawn up and secondly, if problems have already arisen, to help manage any conflict and reach a resolution."

Simon advocates the adage "prior preparation prevents poor performance" and he says taking account of all eventualities beforehand will help save considerable time, cost and frustration, rather than trying to resolve them once something has gone wrong.

Having spent time as in-house litigator at a top 25 FTSE 100 company, Simon is well versed in commercial practice and has considerable experience in dealing with a variety of disputes.

"Joint venture agreements should set out the scope of how parties will work together and what their rights and obligations are – in effect it works in the same way as a commercial arrangement between two individuals," he said.

"The source of a dispute can vary; it may be commercial if one person wants to do

something with the business that the other doesn't agree with, so their business interests are no longer aligned, or it may arise from a breach of a legal obligation.

"No-one sets out intending to fall out, but if two parties reach a deadlock stage where neither can move forward because they are equal partners, that isn't good for either the business or the individuals involved."

While there are legal mechanisms such as a winding-up orders that can be actioned to bring ventures to an end and break the deadlock, these often have disadvantages, such as the likelihood of not realising a good value for joint assets and the cost involved.

Simon says the preferred option is to ensure that joint venture arrangements (as with shareholder agreements) include an internal escalation mechanism in case disputes arise, and to have a fixed timetable for procedures.

He recommends a three-tiered process to cater for different levels of dispute severity, as shown in this example:

Q. Two investment partner companies in a joint venture have fallen out and the parties have been unable to resolve the situation.

A. In the first instance, escalate the problem to CEO level for consideration. If still unresolved, the issue might go to an internal resolution panel or a neutral mediator appointed by both sides. The

final stage would be a referral to arbitration or litigation.

"The key is to ensure there is a defined process in place which all parties know must be adhered to," continued Simon. "While some may prefer to try a more informal approach to resolving differences, we know from experience that this doesn't always work and, if one party isn't satisfied and simply refuses to co-operate, it can cost a great deal more time and money.

"Planning ahead is invaluable and we can provide advice and support to any business which plans to make 2014 the year of the new joint venture."



The right blend for a smooth separation



For all the romantics out there, Marriage Week UK ran from 7 – 14 February, culminating in St Valentine's Day when red roses and chocolates were the favoured gifts of choice.

It's interesting to note that after years of decline between 1972 and 2009, marriage appears to be back in vogue. Figures from the Office for National Statistics show a year-on-year increase in the number of couples getting married since 2009, with the provisional number of marriages in 2011 in England and Wales standing at 247,890, up 1.7% on 2010.

However, statistics also reveal that 42% of marriages in England and Wales end in divorce. In 2011, the number of divorces was highest among couples aged 40 to 44.

The first few months of a new year are often when couples decide to make the break and create a fresh start. For some, the trigger is a major life event, such as the children leaving home or retirement, whereas for others it is the need to end years of unhappiness.

Whatever the reason, the issues can be made so much smoother by seeking expert legal advice and guidance, which is why members of the seven-strong family law team have the following advice when choosing your divorce lawyer and when and how to tell children about future divorce plans.



Choosing your divorce lawyer

Sue Andrews, partner and leader of the family practice group, says the secret to finding a good divorce lawyer is to look for someone in whom you have confidence.

"Of course a good lawyer needs to have the necessary experience and knowledge, but divorce is a very emotional time, so choose someone who is empathetic and who you feel you can relate to," she said.

"We always work in partnership with our clients – the difference between a good divorce and a bad one will impact on someone's life both financially and emotionally for years to come, so it's really important to get it right."

Sue says the most important thing is to be honest with your solicitor, adding: "Too many people will try to play games with their finances and go to great lengths to hide money in different accounts. This can result in lengthy and acrimonious cases where no-one really wins and the legal fees mount up all the time."

Ensuring that the advice and support you receive is cost effective is also key. Sue explains that individuals from the family team have often been in court with their client and counsel to find the "other side" has two or even

three solicitors present. This is frequently so when large London firms are involved.

"This is rarely necessary, but will significantly increase costs," warns Sue. "A benefit of not instructing a large London team is that the lawyer of your choice will have day to day responsibility and conduct of matters for you.

"Paying more for a larger team does not automatically equate to better advice or service," she said. "We have an excellent reputation with both clients and peers and achieve results which regularly exceed expectations."

Sue also advises that keeping track of legal costs is important, as the example in the highly reported case of Mr and Mrs Young shows.

Costs in the proceedings were in excess of £6 million, involved over 65 court hearings and took six and a half years to come to final hearing.

That was, concludes Sue, an example of how not to resolve matters and she urges clients to maintain lines of communication with former partners at all times.

Download our 27 most frequently asked questions about divorce from the Legal Resources section of our website at www.bpcollins.co.uk



Telling the children

"What is best for the children must come first. Don't let your own emotions and preferences overshadow this," is the advice from senior associate Emma Baillie.

"The top priority is to ensure children know they are still loved and wanted by both parents so no matter what their feelings are towards each other, parents must protect the children from any conflict and ensure they don't think it is their fault."

While the age of the children will impact on how much they understand and need to know, she has the following advice:

- what is best for the children must come first - don't let your own emotions and preferences overshadow this
- children need clarity and security, so agree contact arrangements as quickly as possible and make sure they understand they will still see both parents
- allow plenty of time to tell them when one parent is moving out, so they can adjust
- don't let your child feel responsible for the parent left on their own, it's not their role to look after you
- don't compete for the children's attention
- set joint ground rules for things like bedtimes, meals and TV viewing
- where new relationships are involved, realise children won't always want to share their parent
- try to maintain contact with both sets of grandparents
- if necessary, seek counselling which can help parents separate in a calmer and more reasoned way and consider parenting programmes to help resolve conflicts

Timely celebration for the environment team

10 – 16 February marked Go Green Week 2014, focusing on raising awareness of climate change, which makes it the perfect time to report on the latest environmental round table hosted by B P Collins, in conjunction with *The Business Magazine*.



It's also a good opportunity to celebrate the environment team's own success as, for the first time, it was awarded prestigious band one status in the 2014 edition of legal "bible" Chambers UK*, an achievement that Diane Yarrow, partner and environment practice group leader, said she was "delighted" about.

At the round table, Diane and colleague Michael Larcombe were joined by sector experts Simon Copping from Golder Europe, Matthew Farrow from the Environmental Industries Commission, Andrew Hillier, from Ice Energy Heat Pumps, Sean Reel of HiCap Networks, Stephen Roscoe of Grundon Waste Management, together with magazine editor and publisher David Murray.

Central to the discussion was the issue of the "circular economy" – one where today's resources go full circle and are captured, recycled, remanufactured and reused for tomorrow's economy.

Matthew Farrow said it is estimated that the UK recycles around 40% of its waste, whereas to claim a genuine circular economy it needs to

recycle 70-75% and send non-recyclable waste to Energy from Waste (EfW) plants.

The challenges he said, include product design with the need to build-in reusability, technical concerns around the reclamation of different materials, and the need to change the way consumers buy, use and dispose of products.

On the matter of incentives to encourage consumers to recycle more, Stephen Roscoe said Grundon's introduction of a scheme which rewards people who deposit cans in a "reverse vending machine" had seen recycling rates improve.

Although both Diane and Andrew Hillier regretted the need for incentives, they said they recognised such schemes were likely to be necessary to encourage more recycling.

Talking about the increasing role that legislation could play, Stephen Roscoe said England was falling behind Scotland and Wales for landfill bans on items such as food waste, something Matthew Farrow said was because the coalition in England means ministers don't want to risk a radical waste policy.

Attendees agreed that the energy market needed reform and Sean Reel asked if the UK was paying a premium for energy because of the structure of the market. He called for a split in the wholesale and retail market, similar to that of the banking sector, to reduce the dominance of the "Big Six" energy companies.

Debating renewables, Simon Copping said technological advances had improved the efficiency of panels and turbines, but Stephen Roscoe said there was "no prospect" of the UK being entirely dependent on just renewables in the future.

Sean Reel said those who could afford to buy solar panels and install other measures would benefit from cheaper energy, but those who can least afford it will be impacted the most by energy price rises, and he warned that fuel poverty will become a real problem as energy prices double in the next decade.

Andrew Hillier said shale gas should be viewed as a windfall for the nation, taking the pressure off renewables and allowing innovators to develop the right technologies for the future. Others however, were concerned that shale gas development could lead to a slowdown on the development of renewables.

Summing up, Diane said afterwards: "This was a very wide-ranging discussion and an opportunity to share interesting ideas. There is clearly still a long way to go to reach the goal of a circular economy, but the debate was extremely worthwhile."



* Chambers ranks solicitors and barristers in over 60 specialist areas of law and is recognised as the most widely-used directory within the legal sector.

How to ensure a stress-free move

Traditionally, Spring is one of the most popular times of the year for moving home and, with property prices set to increase by between 4% and 8% during 2014, if change is on your agenda, now is a good time to start planning ahead.



It's well documented that moving home is one of life's most stressful events, but there are measures you can take to mitigate the pressures and ensure the process goes as smoothly as possible. Martina McCarthy, associate solicitor in the residential property team, explains:

"Deciding to move home can be very exciting and daunting at the same time. It's always a balance between finding a buyer whilst also looking for a new property and of course, once you've found your dream home, you don't want there to be any delays.

"We recommend appointing a solicitor as soon as you put your house on the market, this ensures they are well prepared to help you move promptly once a sale is agreed. They can ensure all the necessary paperwork is in place and, if some documentation isn't available, they can help you find a solution.

"Local knowledge and personal face-to-face service can also make a real difference. When you're making one of the biggest purchases of your life, you want to deal with a solicitor who takes time to get to know you, rather than simply be a reference number for an online service.

"A good local solicitor will have your best interests at heart and be as keen as you are to get the deal completed, that's the kind of support you require."

Speaking from experience, Martina says she has seen many sales delayed by failure to produce certificates and paperwork such as:

- Planning permission and Building Control completion certificates for extensions,

conservatories (where applicable) or loft conversions.

- FENSA certificates where windows have been installed.
- NICEIC certificates where there has been electrical work.
- Gas safety certificates where there has been any work to gas products eg boiler.
- Current guarantees for any appliances remaining in place

"Sales can be held up for weeks as sellers hunt around trying to find these documents in the middle of a transaction. Not only is that very frustrating from the point of view of the deal not being able to go ahead, but it also means you could be at risk of losing out on your planned new home if you can't proceed in time," she continued.

"You should also locate any paperwork in relation to your original purchase, which may contain title deeds and, when you receive your seller's questionnaire, return it promptly with all the certificates attached, even if you haven't been asked for them."

As well as helping smooth the path for a prompt sale, solicitors can also advise on the steps to be taken to proceed with buying a new home, including agreeing terms of purchase, exchange of contracts and local searches relating to the property.

When a home is being bought in joint names, a solicitor can provide advice on the ways joint buyers can own a property, for example as either joint tenants or tenants in common and, as the sale progresses, will handle issues such as Land Registry searches, checking the seller's

legal title to the property and facilitating the transfer of funds.

"There are so many things to think about, especially if you are selling and buying simultaneously, so good communication is really important." said Martina. "The estate agent will have set out a timetable for each party, and you have to keep on top of developments and react quickly to any problems which might arise during the transaction.

"Stamp Duty Land Tax, Registry fees and other disbursements all need to be paid and a good solicitor can make all the difference between a swift and smooth transaction or a bumpy, slow ride."

B P Collins has produced a comprehensive guide to a stress-free house purchase, available to download from the property page on the website www.bpcollins.co.uk





Court case highlights the need to take care on LPAs

In January, a Vale of White Horse councillor from Oxfordshire was jailed for five years and described as “devious” after stealing £154,000 from a 92-year-old woman who had given him her power of attorney.

John Morgan, 75, from Wantage, gambled the money away between 2004 and 2012, but told the court that Beryl Gittens, from Berkshire, who suffered from Alzheimer’s, had told him to spend the money because she did not want her family arguing over it after her death.

Her son, who lives in Australia and would have inherited the bulk of her estate, had been reported as saying he had trusted Morgan with his mother’s day-to-day finances because he was “so far away”.

The theft was only discovered when Mrs Gittens died and there wasn’t enough money left to pay for her funeral. Speaking at Oxford Crown Court, where Morgan appeared, Judge Mary Mowat said his “devious” actions were a “breach of trust”.

The case has prompted Paul Lowery, partner and leader of the wills, trusts and probate practice group, to warn of the importance of making a lasting power of attorney (LPA) while you are still in good health and able to discuss your plans with your loved ones.

“Clearly Mrs Gittens considered this man to be her friend and trusted him with devastating consequences for her and her family. It shows that you have to be very careful who you choose for such an important decision and you need to remember that you can only take out an LPA while you have the mental capacity to do so, which is why we encourage people of any age to think about it sooner rather than later.”

Paul also raises the little-known point that if two people have a joint bank account and one person loses mental capacity, for whatever reason, then the bank is likely to freeze

withdrawals from the account unless an LPA is in place.

“You don’t have to be elderly to be incapacitated by illness or accident and if no LPA exists, then any monies will be unavailable while the Court of Protection appoints a deputy. Of course, that can cause all sorts of problems as it means people won’t be able to pay bills or access day-to-day living expenses from that account,” he said.

“You don’t have to be elderly to be incapacitated by illness or accident and if no LPA exists, then any monies will be unavailable while the Court of Protection appoints a deputy”

Paul Lowery

More and more people are heeding the call to register an LPA and, to speed up the process and ease pressure on the Office of the Public Guardian which processes LPAs, there are proposals being put forward which would allow LPAs to be submitted and registered using electronic signatures only, without the need for a physical signature by a donor or witnesses.

Paul is concerned however, and says there are potentially increased opportunities for the

system to be abused, especially as the proposals also do away with the requirement for a witness to be present.

“Having a physical signature is a safeguard, especially for those who are more vulnerable or susceptible to duress and I am worried that removing this requirement and the need for a witness, could leave more individuals open to abuse,” said Paul.

“It simply won’t be possible to challenge a digitally created signature in the same way as you can with a physical one, and there is also the fact that having paper documentation to sign, means you are much more likely to take time to reflect on decisions and be sure you are taking the right course of action.

“An LPA is a critical document and, as the earlier case demonstrated, can have devastating consequences if not handled appropriately.”

The Law Society has already expressed concern too, saying that the removal of the role of the witness is likely to increase the risk of fraud and abuse. A consultation on the proposals closed in November.

Paul and the team can provide expert advice on making an LPA and protecting your wealth during later life. Find out more by calling 01753 279030 or email privateclient@bpcollins.co.uk

Biffa wastes no time in acquisition of PHS Wastetech

Corporate lawyers at B P Collins LLP recently advised Buckinghamshire-based waste and recycling company, Biffa Waste Services Limited, on its £2.5m acquisition of the commercial waste business known as PHS Wastetech carried on by PHS All Clear Limited.

The transaction follows Biffa's recent acquisition of Shanks UK's solid waste business and will complement the organisation's long-term strategy to grow its market share, to enhance services and realise profitable synergies.

The business of PHS Wastetech currently has a turnover of £25m and specialises in general dry waste services to a 12,000 strong customer base. The acquisition includes the transfer of four new operating locations and is expected to be completed at the end of February 2014.

The transaction team, made up of B P Collins LLP's corporate and commercial, commercial property and employment teams was led by partner, Alex Zachary, who commented: "Biffa has a strong platform for growth due to its reputation and infrastructure and we're thrilled to have helped the group further consolidate its position as a UK market leader in solid waste."

Ian Wakelin, CEO of Biffa, said this acquisition "is another step forward in our strategy to grow market share and enhance our leading industrial and commercial services.

"We will swiftly integrate PHS Wastetech into Biffa's national infrastructure and excellent customer service platform, further

strengthening our position as the UK's leading integrated waste management company."

Jeff Anderson, MD of Industrial & Commercial at Biffa said: "We fully recognise the value B P Collins LLP brought to this transaction – there was excellent support and effort from all of the lawyers in the team which was instrumental to the success of this acquisition."



Rise in rankings are just the job

B P Collins' specialist expertise in the key sectors of employment and the environment has given the firm a significant boost in the latest 2014 edition of legal "bible" Chambers UK.

For the first time Jo Davis, partner and practice group leader of the employment team, has claimed number one ranking as a leading individual, while colleague and fellow partner James Townsend was singled out as "up and coming" leading individual.

Jo was praised by her peers for her ability to "develop good lines of defence" while James received plaudits for his "formidable knowledge of case law" and "flexible approach", as well as his expertise in boardroom disputes.

Also celebrating a rise to the top ranked band one is the environment team, led by partner Diane Yarrow. The environment team now shares its top placing with the real estate litigation group which retained its number one spot from 2012.

Sarah McLoughlin, leader of the real estate litigation team, was described as "inventive and enthusiastic", with one source saying she is the "star of the show for property litigation at B P Collins" with a "straight-talking, clear-sighted and commercially savvy approach." Sarah was named as an "associate to watch" for the second year in a row.

B P Collins' chief executive, Karl Wingfield, said: "We're extremely pleased with the significant success achieved by our employment and environment teams and the fact that the consistency of our strengths across many areas has been recognised by Chambers. We look forward to continuing to build on that expertise in the year ahead."

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Property litigation, Sarah McLoughlin | Residential property, Chris Hardy

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A Hardy approach to the senior partner role

On 1 February, Chris Hardy took over as senior partner, succeeding into a role which was charismatically filled by David Stanning for the last five years. Insight's editor spoke to Chris about his plans and aspirations for the business.

Ed: Last year you celebrated 30 years at B P Collins, so to step into the senior role must be very satisfying. What are you looking forward to most?

Chris: More than anything, for me it's about capitalising on our abilities and expanding our reputation. I really enjoy getting out and speaking to people, so this is a perfect opportunity for me to spread the message about our depth of expertise and quality of service.

Ed: Tell us about what you see as the firm's strengths.

Chris: We always say we work with clients throughout their whole lifecycle, in other words, wherever they are in life, we can provide a service to help them. On a private client level that could be setting up a trust for a new child,

helping with family and matrimonial advice, buying a house, or handling wills and probate. On the corporate side it could be providing legal advice for the launch of a new business, arranging shareholder agreements, intellectual property advice, right through to exit and succession planning.

Our teams are incredibly experienced and work very well together, it's a huge advantage to have all these services under one roof and I think it sets us apart from our competitors.

Ed: What are some of the future challenges?

Chris: The biggest challenge has to be the change in the way people now access legal services. There are a number of big name brands who offer legal services via call centres and online, and of course anyone can google a particular problem and find information.

The difference is the quality of the advice on offer, and that's really important. I firmly believe people, especially the sophisticated clients in this area, don't want to just be a customer number on a computer or in a call

centre, and would prefer a personal, quality service and that's what we are keen to provide. They want to talk to and meet with the same solicitor who understands them, knows what their problem is and can provide a solution in a way in which a call centre never can.

Of course, we recognise that technology is changing all the time, I want to make sure we continue to use it to streamline the service we provide our clients, but at the same time ensure we don't lose the personal touch.


Ed: Your particular area of expertise is residential property and development, and you led the practice group. Do you plan to continue that role?

Chris: Yes, I will still support my core clients but I will also spend more time as an ambassador for the firm and be very involved in the management role, so there will be some work which I have done previously that I shall need to delegate to my very capable colleagues.

Ed: What do you want your legacy to be?

Chris: I'm passionate about building and maintaining strong relationships. Having been fortunate enough to be with B P Collins all this time and to have grown up and live in this area, I have strong connections with many local people and organisations. As a business, we are well-known for our commitment to the community and I want to build on that still further.

I love talking to people and being involved in many different aspects of Gerrards Cross life. Long may that continue.



"I firmly believe people don't want to just be a customer number in a call centre, and would prefer a personal, quality service and that's what we are keen to provide"