

insight

Giving you a
helping hand

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Note from the editor

Simon Deans, senior partner



I'm delighted to welcome you to the latest edition of Insight, which focuses very much on providing a helping hand to protect what's yours.

It's been a great few months, not least with independent legal directories Legal 500 and Chambers UK awarding top tier status to many practices and lawyers in the firm. We are delighted that our service to clients has been recognised against so many other firms.

I would also like to take this opportunity to congratulate Craig Williams, dispute resolution partner, for being regarded by The Lawyer as one of the best 100 lawyers across the UK - an accolade that is very well deserved. See page 5 for more details.

In this edition we start with expert advice on a very important subject and one which is being covered repeatedly by the media - equal pay between men and women. Employment lawyer Hannah King focuses on how employers should handle a claim and ensure that salaries are awarded fairly in the workplace on page 3.

Simon Carroll, dispute resolution lawyer, looks at Brexit and technology - two concepts that are consuming us all - and gives us a fascinating insight into how they are likely to affect access to justice in this country in the future (page 4).

On page 8, David Smellie, corporate and commercial partner, updates us on his trade mission with the Thames Valley Chamber of Commerce to Japan to see how our local region is set to benefit and how we can help international companies wishing to become established in this country. David then advises on how small businesses are more likely to be affected by the Modern Slavery Act - it isn't just the responsibility of larger companies anymore.

We were delighted to be asked to present at the annual Five Counties Conference in February. Despite the "Beast from the East" there was a huge turnout at the event where Elliott Brookes advised tenants on what their rights are when it comes to service charges. If you couldn't make the event, there's no need to worry as he has included advice on page 5.

We then move on to how business immigration law is continuing to change constantly as Brexit negotiations continue. Chris Brazier has some important advice on page 6 for EU nationals wishing to stay in the UK and employers who have hired EU nationals. The key message is to not

wait but secure a permanent residence document now or you could be caught out.

Maria Mowberry, commercial property partner, focuses on the new Minimum Energy Efficiency Standards (MEES) which came into force at the start of April and advises they are going to become even tougher, so urges landlords to prepare now to avoid hefty fines (page 10).

On page 7, family partner Fran Hipperson warns against parental alienation - a very common phenomenon in families - and advises on the impact it can have on children and how there could now be financial penalties for being an alienator.

Thomas Bird discusses another growing trend, this time amongst older people who wish to live with friends post retirement and what can be done to avoid complex probate issues on page 9 - important advice for anyone thinking about selling their property to buy another one with friends.

Following B P Collins' introduction of a new practice, criminal law, we have invited Jonothan Moss, principal lawyer with over 30 years' experience, to advise on how he can help clients (page 11).

Finally, we are delighted to be launching our Gin & Book Club in Beaconsfield in June - find out more on page 12.

We hope you enjoy reading this edition of Insight. If any of the issues discussed are pertinent to you, please get in touch with our teams to see how we can help.



Handling an equal pay claim

Employment associate Hannah King advises what employers should do to minimise the risk of equal pay claims, a highly topical subject in the media currently, to avoid reputations and profits being seriously damaged.



There are several reasons why there could be a surge in equal pay claims over the coming months. Firstly, there is huge awareness about the issue, since the media reported on how female employees were claiming back pay after the BBC was accused of not paying men and women equally for doing the same job.

Secondly, people mistakenly believe that the gender pay gap and unequal pay are the same issue. However, the gender pay gap is reflective of how women have traditionally held different roles to men in the workplace (with the latter dominating more senior roles) and as such the average pay for men is greater than women's. Despite the discrepancy, employees may be compelled to make an equal pay claim.

Finally, the Equality Act prohibits employers from preventing its employees discussing their salaries internally with colleagues. This could make it a lot easier for employees to discover if there are discrepancies in their salary, basic pay or benefits and raise an equal pay grievance.

Definition of equal pay

Employees are entitled to have a salary that is as favourable as those of a 'comparator' of the opposite sex, if they carry out work that is 'of equal value', 'broadly similar' or 'rated as equivalent'. The 'comparator' has to be an actual former or current employee, not a hypothetical one, from the same or a different organisation.

If an equal pay grievance is raised by an employee - which could be during employment or after the employee has left, with a tribunal claim being able to be brought up to six

"People mistakenly believe that the gender pay gap and unequal pay are the same issue."

Hannah King

months after they've left the organisation - the employer will need to follow their own internal procedures that must adhere to the ACAS code.

If there are differences in pay between employees doing the same job, the employer will need to be able to justify the discrepancy. This should include a record of the rationale behind why there is a larger salary for one employee and not another and a reasoning for the pay rise.

Pay policies

A written pay policy could be created by employers so pay decisions are more likely to be made by reference to objective criteria, which may help to avoid creating pay discrepancies that cannot be justified later if a claim is brought forward.

If the employee is found to have a potentially valid claim, the employer should consider increasing the salary of that person to bring closure to the issue. It would also be prudent to

ask the employee to sign a settlement agreement to avoid further claims.

However, employees can also seek to compare two different job roles as being of equal value and to take their claim to an Employment Tribunal (ET) on this basis. If they do, the ET will assess if one job is of equal value to another, by appointing an expert to compare the roles against a very wide range of factors.

In dealing with a tribunal claim, the employer can have a defence in the form of a "material factor defence" as to why there is a difference in pay for a job role that is identical. This means that an employer can show the variation is not to do with any discriminatory factors, but rather the pay discrepancy is down to experience or the geographical location of its employees.

If the employee wins, the ET can then order the employer to pay the claimant up to six years of back pay (plus interest), as well as require it to carry out an equal pay audit across a particular job level or area of work.

As such, it's best to have a pay policy in place from the outset to avoid future grievances which could cause morale to take a nosedive and highly-skilled people to leave, meaning there could be huge cost to the company - in time, money and reputation.

To speak to Hannah about equal pay claims, call 01753 279029 or email employmentlaw@bpcollins.co.uk



See you in (virtual) court: what does the future hold for our legal system?

Brexit and technology - both have the power to completely change our lives. But how will they affect our judicial system? Simon Carroll, senior associate in the dispute resolution practice, provides his thoughts.

Brexit: a concept that strikes fear into some and suggests opportunity for others. Since the referendum, international investors, global and domestic companies and individuals alike have voiced concerns over what the UK's legal landscape - which has incorporated a vast amount of European law since the mid-1970s - will look like post-Brexit.

The lack of detail in Theresa May's 'Great Repeal Bill' in 2017 did little to address those worries, however unease may well be unfounded considering that:

- 1) The laws currently on our books should not be automatically affected by the referendum result, or any repeal act - whether made by an English parliament or 'passported' in from Brussels. The law currently in existence is unlikely to change, unless expressly repealed by an English parliament post-Brexit. Given the huge undertaking which would be involved and the likely lack of funding available to do it, in the short term at least, that probably means zero change for now, and possibly for years to come.
- 2) Even if Brussels-made laws were to be erased from the statute books overnight, the common law - which are judge-made laws developed from precedent over time, and the foundation of the English justice system - would not be affected. The central tenet of the English judicial system would therefore remain.
- 3) English courts do, in fact, share many similarities with other EU courts on how they approach litigation. This will not change post-Brexit. It is likely that judges in different jurisdictions, who remain apolitical, will continue to collaborate and cooperate

with each other, and exchange ideas and information about their justice systems.

Although there may well be some specific changes to the law, this is unlikely to happen in the short term. England and Wales are - and will continue to be - excellent centres for justice.

Advancing technology

With the advancement of smartphone technology, we are used to having most things at our fingertips. Will that include justice too someday?

The judicial system is already looking into how technology can be used to its, and the public's, advantage particularly as courts are under-resourced and where litigation costs can be prohibitive to those who wish to access justice.

Indeed, technology is already being used within the system. For example, witnesses can be cross-examined in court by video link and lawyers are increasingly being instructed to make filings and communicate online.

It is not unfeasible that courts will begin to investigate online dispute resolution in a serious way over the next few years although, whilst some simple dispute resolution schemes do exist and function well (eBay and Amazon are two examples), we are probably some way from 'tele-litigation' becoming the norm. Of course, if these options were eventually considered suitable platforms for 'everyday' disputes such as parking adjudications, it is quite conceivable that costs would be saved,

"Since the EU referendum, investors, companies and individuals alike have voiced concerns over what the UK's legal landscape will look like post-Brexit."

Simon Carroll

improving access to justice for the lay person.

Such online alternatives, however, may not be an option for everyone. Consideration would need to be given to those who don't have online access and, more seriously, whether those in need of their day in court could ever truly get it from a virtual platform. There are many questions that need to be addressed before online courts become a reality. However, the paradigm is certainly starting to shift to reflect the technological pervasion of our lives.

To get in touch with Simon about a dispute, call 01753 279035 or email disputes@bpcollins.co.uk

Are you fully informed about your service charges?

Service charges for a residential property that you're renting should never be a mystery. Elliott Brookes, property litigation solicitor, highlights how a landlord must always be reasonable and fully transparent with their costs by law.

The relationship between a landlord and tenant can be fractious. Sometimes, this is down to a tenant not being fully aware of what their service charges cover - which is a payment in addition to their rent - or the costs for work carried out on the property are presented to a tenant without any advance notice. However, if each party knows their rights and responsibilities, the relationship should be a lot smoother.

Tenant protection

While the landlord is entitled to recover service charges that it has properly incurred, most tenants are protected from excessive fees under the Landlord and Tenant Act 1985. In fact, the Act says that the landlord has to be reasonable with their service charges and specify how far in advance that they require payment.

The landlord must also consult with tenants before entering into a long-term service charge agreement for more than 12 months or if they wish to carry out works above a cost threshold of £250. The works also have to be to a reasonable standard, whether that's day-to-day repairs, planned maintenance or major improvement works.

When to refuse

There are instances where the tenant may be able to refuse to pay service charges if the landlord has not been transparent about the costs or has missed the deadline to request payment. For example, tenants do not have to pay service charges unless the landlord includes

key information in their demands. Also, tenants do not have to pay the cost for work done to the property if they were incurred more than 18 months before the landlord requests payment.

Seek advice

Even though you're a leaseholder, you still have the right to know what is going on and what works are being done in the property that you're living in, particularly if they will be at your expense. The law is there to protect tenants from excessive payments and dishonest demands from landlords. It is always worth asking a solicitor to review your tenancy agreement before signing to avoid any nasty surprises or hidden costs in the long run.



To speak to Elliott about service charges, call 01753 279035 or email enquiries@bpcollins.co.uk

Partner
recognised
as one of the
best lawyers
in the UK

Craig Williams, dispute resolution partner, has been recognised as one of the best litigators in the country according to The Lawyer's Hot 100.

This highly sought-after accolade comes after Craig simultaneously created new law whilst defending his client in a high profile dispute resolution case, managed B P Collins' private client practice following the departure of its previous practice group leader and was appointed as a member of the firm's strategic board - all whilst maintaining top tier rankings in legal directories Chambers UK and Legal 500 for his dispute resolution expertise.

According to The Lawyer, "Hundreds of nominations poured in from across the legal profession, making the final selection one of the most competitive ever."

Craig shares the honour with some of the "most daring, innovative and creative lawyers from in-house, private practice and the Bar".

Craig said:

"It's fantastic to be recognised nationally by The Lawyer magazine.

"I feel very lucky to work with really interesting clients, and of course, with a brilliant team of lawyers at B P Collins."



Reassure and secure your EU national employees

Approaching two years since the Brexit referendum, Chris Brazier, business immigration lawyer, looks at whether the UK government has changed its approach to immigration.

Should EU nationals still apply for permanent residence?

The short answer is that they should.

Since the referendum, there have been a number of high profile discussions between the European Commission and the UK government about Brexit and the status of EU nationals in the UK.

The latest announcement states that EU citizens must apply for what the Home Office refers to as 'settled status' if they wish to remain in the UK. They say that this includes people who have already applied for and obtained a 'permanent residence document'. Anyone who fails to do so by 29 March 2019 will be committing a criminal offence if they continue to stay in the UK. Whilst the process itself is far from 'settled', the message continues to be that EU nationals should wait before doing anything.

However, the situation continues to be subject to the respective parties reaching agreement on so many other issues. Moreover, timelines and guidance around the process to apply for settled status has not been provided and EU nationals continue to be in limbo about their future. The ever decreasing number of EU nationals entering (and increasing numbers who are leaving) the UK emphasises the effect this uncertainty is having.

Therefore, as we rapidly approach the March 2019 deadline, and before any further details on how to apply for settled status comes to light, applying for permanent residence continues to be a sensible option for EU nationals to take a positive step to secure their status.

Aside from this still being the only route available, government guidance indicates that if an EU national has a document certifying permanent residence, they will automatically be able to 'swap' this for settled status, removing much of the uncertainty from the as-yet unidentified process. With this in mind, my advice remains that eligible EU nationals who want to remain in the UK should take steps to protect themselves and their families now by applying for permanent residence.

Advice for employers

As the uncertainty continues, it is worthwhile for employers to carry out an audit on the immigration status of their workforce to identify who could be caught by any new immigration controls. Having a plan in place to

assist and hopefully protect those employees, will help to show that they are valued and will assist in maintaining a robust and settled workforce which will continue to contribute to the growth and productivity of your business.

As touched on above, this is even more important considering that the number of EU nationals leaving the UK has risen from 95,000 to 130,000 in the three months to February 2018. To put this into context, this figure hadn't risen above 100,000 since 2010. If companies that rely heavily on EU workers do not have a contingency plan in place to help EU workers remain in the UK, there is a very real possibility that there will be fewer people to do their jobs - in the short term at least. This is particularly true when EU migration to Britain is down to its lowest level at 220,000, which is not surprising considering that EU workers have no certainty about their future.

Whether it's a feeling that EU citizens aren't wanted in the UK or uncertainty about their future, there has been a noticeable shift from EU nationals coming to or staying in the UK. Employers could mitigate the risk this poses to them by engaging and informing their EU national employees about their rights.

"The latest announcement states that EU citizens who fail to apply for 'settled status' by 29 March 2019 will be committing a criminal offence if they continue to stay in the UK."

Chris Brazier

To speak to Chris about business immigration matters, call 01753 279029 or email employmentlaw@bpcollins.co.uk

Crackdown on parental alienation

Fran Hipperson, family partner, advises on how CAFCASS (Children and Family Court Advisory and Support Service) is aiming to prevent parental alienation within families.

Parental alienation is a common occurrence in the UK. According to CAFCASS, it exists in a considerable number of the 125,000 cases it deals with every year. Parental alienation is when one parent actively attempts to distance their child from the other parent by, for example, badmouthing or belittling the other or persuading the child that the other parent doesn't love them, to, at its most serious, seeking to persuade the child to permanently exclude the other parent from their life. Anthony Douglas, Chief Executive of CAFCASS, has commented that parental alienation is a type of adult behavior which causes adverse childhood experiences and has suggested it is a form of child abuse.

CAFCASS is attempting to combat this serious issue through a pilot scheme that will initially give parents the opportunity to change their

behaviour through counselling and therapy. Ultimately, in the most serious of cases, if the parental alienation continues, the child or children may no longer be allowed to live with the alienating parent or indeed have contact with them.

It must, of course, be recognised that some parents may have genuine reasons for not wanting their child to have contact with the other parent. Parents with legitimate concerns are not who the scheme is aimed at. This scheme is intended to help families where there are cases involving high conflict, including (but not limited to) parental alienation. It is hoped that when the pilot scheme comes to an end, a full programme will commence in the spring of this year.

At B P Collins, we have sadly seen the impact that the alienation of one parent can have on a child and the fact that in some families the alienation begins even prior to the parents' separation. It can be extremely damaging not only at the time it starts to occur, but as the child continues into adulthood. In some cases one parent may not see their child for months or even years because the child believes everything the parent who they are living with is saying, or may not want to offend or be 'disloyal' to them, and on this basis chooses not to see their other parent.

We believe that this is a positive move from CAFCASS, but of course it remains to be seen how the scheme will work. We are, however, in support of what it is trying to achieve and of the recognition that where there is genuine parental alienation, this can be damaging and action needs to be taken. We also support its

Parental alienation is estimated to be present in 11%-15% of divorces involving children

recommendation of counsellor intervention, which B P Collins often suggests, as the practical advice imparted can really help both parents and the child address this issue before the child feels permanently estranged from one parent.

This is a highly complex issue and if a parent considers that their relationship with their child is deteriorating or their child starts to want to spend an increasingly reduced amount of time with them, then advice should be sought from a specialist family lawyer. The earlier this issue is detected and addressed, the better - hence a new scheme directed at early intervention must be welcomed.

To speak with Fran about parental alienation, call 01753 279046 or email familylaw@bpcollins.co.uk

"CAFCASS is attempting to combat this serious issue through a scheme that gives parents the opportunity to change their behaviour through counselling and therapy."

Fran Hipperson

Helping companies in the land of the rising sun to set (up) in the UK

In January 2018, B P Collins sponsored the Thames Valley Chamber of Commerce's (TVCC) trade mission to Japan. The mission focused on the key sectors of Artificial Intelligence, Internet of Things and renewables. Partner David Smellie (for whom this was the second time being part of such a mission) travelled with the 12-strong delegation to the Kansai region.

On the last TVCC trade mission to Japan in 2016, we saw firsthand how face-to-face meetings can lead to exciting prospects for UK businesses and one of the delegates on that mission signed a memorandum of understanding with two Japanese companies that would not have been possible without the mission. With well over 1,000 Japanese companies directly employing 140,000 people in the UK, Japan is an important contributor to the UK economy.

For over 20 years, B P Collins has advised Japanese businesses that would like to launch in the UK. We have also worked with companies such as Kawasaki Motors and Daiichi Sankyo UK, who were already established in the UK market and wanted to develop their business further in the Thames Valley region. Businesses approach us because we always think commercially, pragmatically and strategically when trying to help them achieve their objectives.

B P Collins also has every practice that a business needs under one roof. If a business has

multiple requirements - from ensuring its international executives can work in the UK through to drafting a contract - each practice will know what the other is doing, allowing for a seamless, cost effective and efficient service.

Key findings from the visit

The effect that Brexit may have on trade between Japan and the UK, and whether it may impact on Japanese companies selling to the UK and then onward selling to Europe, were issues that were repeatedly raised on the visit.

We had interesting discussions with various Japanese companies and are hopeful that we may be able to assist them with any business that they do in the UK. The experience was very worthwhile for everyone involved - and we look forward to working with the TVCC on future missions.

To speak with David, call 01753 279022 or email commercial@bpcollins.co.uk

How can B P Collins help international businesses?

- Advise if your business is seeking growth whether by acquisition, exploring joint ventures or setting up for the first time.
- Advise on the most beneficial business models and legal structures (in conjunction with tax advisers).
- Advise when a business is looking to buy, sell or rent commercial properties.
- Advise on and assist in obtaining visas to enable a company's international employees to work in the UK.
- Offer a network of trusted commercial advisers.
- Advise on compliance for UK specific regulations such as General Data Protection Regulations and the Modern Slavery Act.
- Help with a range of trading contracts securing supply and routes to market, including partnering, distribution, franchising, contracting.

Modern Slavery Act: Government issues new guidance

The Modern Slavery Act (2015) requires that an organisation with a turnover greater than £36 million must produce a Modern Slavery statement every year. The statement should detail the steps the business has taken to ensure that slavery is not taking place in any of its supply chains or within its own business; or that it has not taken any steps whatsoever. A link to the statement must appear on the home page of the website of those organisations.

It's likely that some businesses may not develop a statement as there are currently no financial penalties for non-compliance and the risk of the government going for an injunction to ensure a statement is produced is probably small. However, your company's reputation could be at risk if a statement is not produced, as various websites (including Modern Slavery Registry or Tiscreport) are producing lists of those companies which

comply and by default those that do not. Failure to comply could result in adverse publicity.

Recently, the Government issued updated guidance, which suggests that if you are a small business supplier to a company with a turnover of over £36 million, the larger company may request a Modern Slavery Act statement from you. With the usual abundance of conditions that need to be met when trying to win new business or retain a contract, it would be prudent to have a statement already in place so there is one less thing to worry about.

B P Collins can help with Modern Slavery Act statements and policies. Contact David Smellie by calling 01753 279022 or emailing commercial@bpcollins.co.uk

No place like

HOME

If you and your friends have reached retirement age, are living alone and thinking of selling your homes to buy a larger house together, what can be done to avoid complex probate issues for loved ones? Thomas Bird, private client solicitor, offers advice.

There is a growing trend amongst baby boomers who have wealth tied up in their property and living on their own, to sell up and buy a house together with friends to avoid loneliness in their later years. Sounds like a great idea, but there are several things that you need to consider before moving in.

How will you own the property?

One option is to become 'Joint Tenants' whereby upon your death, your friends will automatically assume your share. However, if you have family, you may not wish for this to happen.

Another option is to become 'Tenants in Common' and to have a Declaration of Trust setting out the proportion of the property that you each own, which is likely to depend on how much money each of you has contributed to the purchase of the house. This is important as your share in the property is likely to form the main part of your estate in your will.

Create a will

This ensures that your assets pass to the individuals that you have chosen, rather than the intestacy rules applying. This is particularly important if there are no children involved as it can become very difficult to ascertain who should benefit from your estate.

Discretionary trust

In your will, you can give your interest in the property to your trustees to hold for your

identified beneficiaries - who will get the benefit of the assets in the future. The assets in the trust are then managed by the trustees, who review the situation at the time of your death in order to make a decision as to which of the beneficiaries should receive your assets. The trustees can be guided by a side letter stored with your will which you can change and amend at any time without having to amend the will itself.

Life interest trust

You can specify that after you pass away, your friends can remain in the property for the rest of their lives and once the last surviving friend is gone, the trust would end and each share of the property would be left to the beneficiaries named in each person's will.

Inheritance tax (IHT)

This is a complex issue, so it is vital to seek the advice of a lawyer. But, generally speaking, if one person leaves their interest in the property (which has a value of over £325,000) entirely to a friend, there would be inheritance tax implications. If, however, the decision is made to leave the share of the property to direct descendants, the residence nil-rate band (RNRB) applies which will result in an additional £100,000 of tax-free allowance, rising to an extra £175,000 in 2020-1, depending on the size of your estate. This might be an issue for remaining friends living in the house, so an agreement beforehand is essential.

Care in later life?

When someone needs to go into a care home, their assets, including property, are usually means tested to ascertain how much they should pay. A lasting power of attorney should be set up to deal with this scenario and agreed and shared with friends.

Lasting powers of attorney

Every member of the group should have a power of attorney (POA) whom they trust, should they lose capacity. A POA can make financial and/or welfare decisions on your behalf when you are no longer able to do so. It's important that your friends know the details.

If you're thinking about buying a home with friends, it's vital that you speak to a private client lawyer beforehand about estate planning.



To speak to Thomas about estate planning, call 01753 279030 or email privateclient@bpcollins.co.uk



Minimum Energy Efficiency Standards: be aware

The new Minimum Energy Efficiency Standards (MEES) came into force for residential and commercial properties on 1 April 2018. Commercial property partner Maria Mowberry advises.



Since 1 April 2018, MEES have been in force to ensure that all properties let after this date in England and Wales have an energy performance rating of at least an E on an energy performance certificate (EPC). Any commercial or residential property below this rating is deemed substandard and a new or renewal lease cannot be granted unless the landlord has secured an exemption or MEES do not apply to the property in question.

These standards are set to rise even further so landlords should get ahead of the game and ensure early compliance on all property assets to avoid increased energy and mortgage costs and the possible devaluation of substandard properties in the future.

From 1 April 2020, MEES will also apply to existing residential lettings and from 1 April 2023 for existing commercial lettings.

Exemptions are permitted when (amongst other conditions):

- Improvements would not be cost effective to the landlord;
- The necessary consent to undertake the required works is refused by a third party; or
- A qualified expert has confirmed that making the relevant energy improvement would result in a devaluation of the property by 5% or more, or that the works would damage the property.

A breach of the new standards could be costly, with penalties reaching up to £150,000 for a commercial property and up to £4,000 for residential properties. Both are potentially substantial amounts

which could financially cripple some landlords.

Looking to the future

There is no doubt that the focus on MEES will continue to rise, particularly off the back of the Clean Growth Strategy published in October 2017. One of its key recommendations is to have a consultation on 'setting longer term energy performance standards'. This may include raising the minimum energy standard above a grade E to a grade C.

A consultation was also launched late last year indicating that from 1 April 2019, it will remove the 'no cost to landlord' code in the government's existing MEES regulations and that a residential landlord may have to spend up to £2,500 per sub-standard property to improve its energy efficiency. It is hoped that this will address the significant issue that c.280,000 properties in England and Wales have an EPC rating of F or G.

Further consultation

A call for evidence will be issued in 2018,

looking at whether an EPC should be required more frequently in comparison to now, when it is only needed when a property is sold or let. The government also plans to consult on raising MEES for rented commercial buildings and separately on the strengthening of Building Regulations to ensure that improvements to new and existing buildings meet upgraded energy performance standards.

Why should landlords act now?

Landlords should pay close attention to their premises with an EPC rating of D or E. The likelihood of higher MEES thresholds and more stringent methodologies for calculating EPC ratings will be factored into letting and acquisition strategies in the future. Valuations of properties and rent reviews could be negatively impacted for properties falling below the specified rating. Issues on dilapidation claims may also occur.

Some could say that the future is already here when certain lenders have started to impose energy efficiency-related conditions on their mortgage agreements. The key is to be prepared.

To ensure you are compliant with MEES, contact Maria by calling 01753 279087 or emailing comproperty@bpcollins.co.uk

B P Collins adds new service for clients

The firm's services have been extended to cover criminal law for the first time. Principal lawyer Jonathan Moss discusses how B P Collins can help.



Jonathan Moss has over 30 years' experience, which includes a £53 million fraud case and environmental and trading standards' regulatory work.

His expertise also lies in road traffic matters, particularly very technical cases - some of which have been heard in the Supreme Court and resulted in the police having to revisit accepted protocol to ensure compliance.

Seismic changes to the criminal justice system

Over the 30 years I've been practicing, there have been a lot of changes to the criminal justice system, which means it's more important than ever before to have a lawyer by your side.

Firstly, the Crown Prosecution Service has been hit by austerity cuts, so it no longer has the same resources to deal with its high volume of cases. This makes it even more important to have a lawyer to battle your corner and keep knocking on the door for answers to ensure justice is achieved.

Secondly, in light of recent criticism towards the Crown Prosecution Service for not complying with disclosure rules (meaning that vital evidence was not submitted and people being wrongly convicted in some cases), it is important to have a lawyer who can ensure that all relevant evidence is uncovered. Everyone has a right to justice, but a lawyer might be needed to enforce this.

Changing a person's life

There are times when I meet clients who feel

they should plead guilty before they've been informed of their rights and potential defences - crucial advice which they may not have received if they'd never spoken to a lawyer with a technical and an intricate knowledge of the law.

Many people don't feel the need to seek expert legal advice when faced with a road traffic charge as they think the process is straightforward. However, this area of law has been described by the Court of Appeal as being as complex as commercial law, so it is vital to seek advice to ascertain if you have any defences, particularly when the consequences could be so life changing such as having to pay a significant fine, facing a prison sentence or losing a job or reputation.

How can B P Collins help?

If you feel you may be under investigation, it is important to choose a lawyer early on, before being interviewed by the police or regulatory authorities.

A good lawyer will consider all of the evidence before providing honest, realistic, bespoke advice.

At B P Collins we don't make decisions for our clients, but instead put them in a position where they can make an informed one themselves. We then look at various strategies to achieve a favourable outcome. We also have access to expert barristers who can strongly defend a client in court.

We will fight with passion for our clients, particularly in the age of austerity when authorities may be cutting corners, which may prevent justice from prevailing.

"In recent years there have been a lot of changes to the criminal justice system, meaning that it's more important than ever to have a lawyer by your side."

Jonathan Moss

Right to a fair trial

Everyone has a right to a fair hearing. Even if someone is guilty, each case is very different and the reasons behind why someone commits a criminal act vary greatly.

It is important that we do all in our power to achieve the best result for you. Justice is something that needs to be achieved; it is never just given.

Jonathan has advised clients in the local area for 25 years. If you would like to speak to Jonathan about road traffic law or any other area of criminal defence, call 01753 889995 or email jonathan.moss@bpcollins.co.uk

Mondays: all booked up

B P Collins is launching its first Gin & Book Club in Beaconsfield. Alongside an exploration of books that fit the month's chosen theme, members will also get the chance to taste a chosen gin and hear information about it.

From 6pm on the first Monday of every month, launching on 4 June 2018, B P Collins will host a Gin & Book Club at The Treehouse in Beaconsfield.

The selected books for discussion and expertly paired gins will reflect a chosen theme for that month. In June, the focus is on wellbeing as a follow up to the firm's Wellbeing Evening being held in Gerrards Cross in May.

Gina Connell, business development and marketing director, said:

"This is networking with a difference. The Gin & Book Club will be an opportunity for people who work or live locally to get together socially, meet new people, talk about books that they might not normally read and to try a new gin (other drinks are available). It's set to be an informal, relaxed and fun evening. It might even be educational too.

"A huge thank you to The Treehouse for partnering with us to host the event every month. We were keen for the club to be in a venue that everyone knows and loves in the local area and The Treehouse ticks all those boxes."

Although there is no need to formally register and people are welcome to just turn up on the evening, we will send an invite out and we would be grateful to hear from you if you are interested in coming along to get an idea of the numbers attending.

To join our book club mailing list or for more information, call 01753 278661 or email tanvi.patel@bpcollins.co.uk



Gin & Book Club 2018

Dates for your diary:

- Monday 4 June 2018
- Monday 2 July 2018
- Monday 6 August 2018
- Monday 3 September 2018
- Monday 1 October 2018
- Monday 5 November 2018

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Practice group leaders: Business immigration, Chris Brazier | Commercial property, Alison Taylor | Corporate and commercial, Alex Zachary
Dispute resolution, Matthew Brandis | Employment, Jo Davis | Environment, Alex Zachary | Family, Sue Andrews | Property litigation, Mira Arezina
Residential property, Alison Taylor | Wills, trusts and probate, Lucy Wood | Notary public, Martin Silverman and David Wilkinson

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