

Elevation - giving that early morning lift!

This year's Elevation Conference, which took place on 30 April, saw us move to a new venue and a new format.

The annual conference, which is aimed at owner managed businesses, was launched seven years ago with the idea of giving directors a day out of the office to work on their business rather than in it. In recognition of the tough times that many businesses are facing at the moment we made the decision to scale back the conference rather than not do it at all, so this year's Elevation was a breakfast event as opposed to a full day affair and we, along with joint hosts Champion Accountants LLP, picked up the bill!

Almost 200 people attended the conference at the City of Manchester Stadium which was a fitting venue for the guest speaker, 55 times capped ex England Rugby Union player and World Cup winner Will Greenwood, who is a lifelong Manchester City fan.

Will was very inspirational, using his experiences in Rugby to highlight the importance of going that extra mile in everything you do not withstanding the setbacks that you may incur along the way.

Managing Partner Mark Hovell commented "Will joins the long list of talented highly sought after speakers who we have attracted to Elevation over the years. He is an excellent speaker and manages to relate his experiences to everyday life so you can see how to utilise his ideas in your business. I saw lots of guests scribbling notes throughout."

We are already busy lining up a speaker for next year's event but, judging by the feedback we received from guests, it is going to be a tough task to match Will...



Mini Mark Hovell with Will Greenwood and Ged Cosgrove (somebody find Mark a box).

The GD Sporting Greats!

The arrival of the Summer has spurred a few of the more sporty staff members at George Davies to don their shorts and try their luck at various sports!

Tennis

Senior Partner Anne Fairhurst returned victorious from the recent Baker Tilly Annual Tennis Tournament where she won a cup for the fastest ladies serve and a racquet for a skills exercise which involved hitting the ball over the net and making it land on a racquet on the other side.

Running - 10k

Associate Catherine Kay and Trainee Solicitor Tina Wirth completed the Wilmslow half marathon earlier in the year and a number of lawyers are taking part in the City of Manchester 10k in July for the various charities that GD are supporting this year. Various solicitors took part in the Great Manchester Run raising money for a number of local charities along the way. Those involved were Partner Caroline Hanratty, Associate Chris Ross and solicitors Nicole Burdett and Louisa Webb who all managed to run the 10k in just over an hour - well done guys.

Time-keeper

Walter Nicholls, a consultant in the sports department was tasked with being one of the official timekeepers at the Great Manchester Run. Walter had the exciting experience of timing Usain Bolt who ran the last 100 metres in just 8.72 seconds - the fastest in history.

Marathon Man

Still on the running theme George Davies Managing Partner Mark Hovell has signed up for the New York Marathon on 1st November. Mark has been training hard and everyone is expecting big things (no pressure there Mark but if you can beat Bolt that would be a start). Mark last ran a full marathon in 1985 at the spritely age of 17 so if he can equal his time of 4 hours 11 minutes he'll be doing well! He's two stone heavier now! Mark is raising money for Whizz Kidz, the charity for disabled children which focuses on helping disabled children lead a more independent life. If you would like to support Mark you can sponsor him at www.justgiving.com/markhovell1.



Anne Fairhurst says "bring on the Williams sisters..."

Football and Netball

Moving on to team sports, George Davies recently hosted a charity netball tournament at the Manchester Velodrome for the Mustard Tree. We are also hosting a charity 5-a-side football tournament in August which will see fee earners of all ages from George Davies taking part (we won't embarrass the veterans by naming them!)

Rounders

Finally, Joanne Frost in the accounts department recently managed to get her rounders team who play in the Bolton Ladies Rounders League to the quarter finals of the Dixon Shield.

Well done to all!

Diary of a soup run

What follows is an account by Kim Aucott, head of Family Law at George Davies of her evening on the soup run with the Mustard Tree.

"It was with a degree of uncertainty that I arrived at the HQ for the Mustard Tree charity on Friday evening to volunteer for the soup run. I had already been "inducted" so had an idea of what to expect but was still rather nervous. I was immediately assigned a job helping to prepare the many sandwiches and hot meals that would be handed out later that evening.

The soup kitchen operates from a pitch below the Mancunian Way and when we arrived, people were already gathering. In seconds, the tables were laid out and people were making a beeline for the hot food. There was plenty of friendly banter and joking, particularly with the regulars. Some were keen to talk. Others kept to

themselves but everyone was polite and it was humbling to see how grateful people were for the food on offer.

The Mustard Tree does so much more than dispensing food and drinks at the soup kitchen. Volunteers are on hand to give assistance and where possible, to signpost to other services. The regular volunteers were soon busy talking to those individuals asking for help or just listening to them.

The evening passed so quickly. The food was dispensed in around an hour and a half and as the van pulled away, most people had already moved on. After returning to HQ and cleaning up in the kitchen we said our goodbyes. I returned home to my family and to my comfortable home and felt truly blessed.

Would I do it again? Certainly, and I would encourage anyone to give up some time to help an organisation that is doing an amazing job looking after the interests of those who don't have a voice."



Soup, soup and more soup - Kim gets to work on the next pot.

GD
GEORGE DAVIES
SOLICITORS LLP

Summer 2009

welcome



to the Summer edition of By George.

In this edition we update you on our fundraising work for the Mustard Tree charity, including Kim Aucott rolling up her sleeves and volunteering for a soup run and Seb Lang becoming the Easter Bunny for the day.

We look at the sporting exploits of the George Davies staff (including my bid to run the New York marathon in November - mid life crisis?!).

Chris Ross introduces us to the George Davies Deal Club which is off to a flying start.

Sara Barrett focuses on expenses and advises employers what to do if their employees are caught fiddling their expenses; Alan Lewis updates us on Personal Account Pensions; Zara Banday looks at selling your home by way of a lottery; Anthony Buxton comments on a recent trademark wrangle between two fish and chips shops and James Knowles advises you on the best way to protect your business.

As always we hope that you find this issue of By George interesting and informative, we welcome any comments you may have.

Mark Hovell

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By **GEORGE**

THE NEWSLETTER FROM GEORGE DAVIES SOLICITORS LLP

George Davies are keen as mustard when it comes to fundraising!

For 2009 the staff and partners of George Davies have chosen to support the Mustard Tree charity through fundraising, donations and volunteer support. This Manchester based charity helps the homeless, families fleeing domestic abuse, people recovering from addictions and others marginalised in society through poverty. Unlike many high profile local charities, the Mustard Tree does not benefit from celebrity endorsement but relies on volunteers to help those in need.

One of the ways the charity offers support is through a soup run every Friday and Sunday night. Food and drinks are distributed to

between 30 and 100 people who live on the streets of Manchester, in hostels or in temporary accommodation. Kim Aucott, Head of the Family department at George Davies recently volunteered to take part in this - see her diary of a soup run on page 4.

The charity also collects gifts for the children of the families it supports at Christmas and Easter time. This Easter the staff at George

Davies lent their support to the Easter Egg campaign and managed to donate more than 100 Easter eggs to the Mustard Tree.

If you would like to make a donation please contact Kim Aucott or Lisa Pearson on 0161 236 8992.



Trainee Seb Lang expanding his experience by impersonating the Easter Bunny

The George Davies Deal Club

Are you a business on the acquisition trail? Are you an investor looking for a new venture to put some cash into? Are you a shareholder looking for an exit? Do you have succession issues in your business? Are you looking for investment in your own business? If so then the George Davies Deal Club is for you.

The Club was established 18 months ago by Chris Ross who is an associate in our corporate department. It was created to assist individuals and businesses who are looking for acquisition and investment opportunities and to circulate the deal opportunities that are notified about by corporate financiers, accountants and insolvency practitioners, and those we become aware of through our own clients. The club aims to match these opportunities (which are often "off market").

How does it work
Chris and his team look at the opportunities

which come from various sources and they then use their knowledge of our existing clients and contacts to match real opportunities with those clients and contacts. When doing this they will have regard to the size of the deal or investment and the sector.

This is a truly tailored and complimentary service. We do not send out mass emails nor do we send unrealistic opportunities. The key to this is really understanding what our clients and contacts are looking for.

The Deal Club has been very successful and has generated lots of introductions between clients and contacts and new transactions.

For more information on the George Davies Deal Club or to receive information on acquisition opportunities or acquisitive businesses, please contact Chris Ross on 0161 234 8852, email: chrisross@georgedavies.co.uk.

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Your business: - Why risk everything?

Bill and Ben own 50% each of the shares in a trading company manufacturing flower pots. It is worth £600,000. They were always so busy growing the business they never really thought about what might happen if one of them were to die.

Unfortunately Bill died suddenly.

Bill and Ben had been so focussed on the company that they'd never got round to making Wills. Under the 'intestacy rules' (i.e. those rules which determine how a person's assets are distributed if they die without a Will) Bill's shares in the company passed to his two children Richard and Judy, neither of whom got on particularly well with Ben. To make matters worse Richard was going through a very acrimonious divorce and Judy, who'd never been very good with money and who'd been involved in a number of failed businesses, was currently being sued by a creditor for £200,000.

Who would end up owning the shares? Even if Ben could afford it (which he doubted) could he buy Bill's shares from Richard and Judy? If he couldn't, would the company have to be sold?

All these problems could have been avoided if Bill and Ben had put in place special 'Business Protection Wills'. These bring together a number of protective mechanisms to ensure that:

- the surviving shareholder ends up owning all the shares.
- the deceased shareholder's family receives an appropriate amount of money; and
- members of the deceased shareholder's family and the surviving shareholder have opportunities in the future to save tax and some protection in the event of a future divorce or a claim by a creditor

Don't take the risk - the result could be catastrophic. Speak with James Knowles, a specialist in Wills, Trusts and Probate on 0161 234 8842 or email jamesknowles@georgedavies.co.uk.

Fiddling Expenses - Is paying it back enough?

The recent Westminster scandal serves as a reminder to employers to review what you would generally imagine to be the least controversial of policies - your expenses policy.

Expense policies should make clear:

- the type of expenses that an employee can expect to cover for example hotels, travel costs; and
- at what level for example standard, business class.

Employers should consider setting limits on expenditure which will be reimbursed on provision of receipts and what levels should be the subject of prior approval. Those with the authority to approve expenses should have the appropriate training and understanding of the policy limits and requirements.

But what about when it goes wrong?

What happens to an employee who has not been claiming within the requirements of the policy or making fraudulent claims e.g. by "rounding up" mileage; claiming for a stay in a hotel unrelated to business?

This would usually be considered as gross misconduct. An act of this nature goes to the heart of the contract of employment and if not fraud in a technical legal sense, it is likely to breach the implied term of trust and confidence.

If the employer has evidence that an employee

- has been "fiddling" their expenses it would be usual to:
- suspend the employee and investigate the claims.
 - Following completion of the investigation a disciplinary hearing would be convened and the employee would be made aware that one outcome of the hearing may be their dismissal without notice or pay in lieu of notice.
 - Dependent on the type of "fiddle" the employer may also consider involving the police.
- So what if any employee offers to pay back what they should not have claimed?**
- In general that would make little difference to any view that an employer may rightly hold that all trust and confidence has gone and despite such an offer an employer may legitimately proceed to a dismissal.
- For further advice on this or any other employment related matters please contact Sara Barrett on 0161 234 8848 or email sarabarrett@georgedavies.co.uk.



Selling your home: Is it a lottery?

With the housing market still stalling people are coming up with innovative ideas to try and offload their properties.

One idea we are seeing more and more is to effectively raffle your home. However, these schemes often fall foul of the gaming legislation. To get round this we have seen sellers trying to introduce an element of skill to the raffle for example making it compulsory that entrants answer a series of questions about the local area and write a tie break detailing why they should win the raffle.

However, the reality is that these schemes rarely

raise sufficient funds to reach the selling price of the house. In these circumstances the money can be returned or, assuming the rules are drafted clearly, the money could go as a prize in the competition or to charity.

The reality is that the old fashioned way of marketing your property and finding a buyer is still the most straightforward! To obtain a quote relating to residential property or for a no obligation discussion regarding the services offered by our residential property team please contact Zara Banday on 0161 234 8838 or email zarabanday@georgedavies.co.uk.

Personal Account Pensions: an update

You may recall that we advised you in last Summer's By George of the new Government sponsored pension scheme, National Pensions Saving Scheme that is to be launched in 2012.

Well, the name has changed and some of the rules have been announced so here's an update.

The new Personal Account Pensions (previously National Pensions Saving Scheme) will replace Stakeholder Pensions. The main points are:-

- These new pensions are aimed at those in the lower earnings bracket (less than £30,000);
- Personal Account Pensions will require contributions from the employer as well as the employee. Employers will be required to contribute 3% whilst employees will have to contribute 4%. The Government will contribute a further 1% through tax relief;
- At this time (although the full rules have not been produced yet) there will be no exceptions to the rules - all employers must implement it regardless of the number of employees they employ;

All employees will be automatically enrolled in the scheme. They will have the option to opt out but employees will have to be re-enrolled by their employer every 3 years (at which stage they can choose to opt out again if they wish);

If employers have an existing scheme in place which offers as good or better provision they will not be obliged to put a Personal Account Pension in place;

There will be maximum contribution limits (expected to be around £3,600 initially but this figure will be updated each year);

The eligibility criteria for employees has not been confirmed but it is likely to apply to all employees aged between 22 and the state pension age and earning more than the Primary Threshold (which was £5,225 in 07/08).

Whilst the Government is keen to plug the pensions gap it does not appear to have considered the massive administrative and financial burden that this scheme is likely to have on employers.

For further information on Personal Account Pensions or any other employment matters please contact Alan Lewis, Partner and Head of Employment on 0161 234 8812.

Something Fishy Going On

A recent dispute between two local fish and chips restaurants has highlighted the importance of protecting your brand.

The owner of "The Battered Cod", which has 5 restaurants in and around South Manchester, was upset to discover that a new restaurant had opened in a nearby suburb with the same name, the same colour scheme and the same layout of the words fish and chips (using love hearts above the "i"'s instead of dots).

If the owner of "the Battered Cod" has registered the restaurant's name as a trademark he will be able to pursue a claim against the new restaurant for trademark infringement. If successful he could force the new restaurant to change its name and even pay damages if he can prove he has suffered loss.

Trademarks are fairly inexpensive to register but, once registered the protection they afford for your brand is huge. For further advice on trademarks or any other form of intellectual property such as patents, copyright and design rights please contact our intellectual property expert Anthony Buxton on 0161 234 8798.



Meet the Team



- In each edition of By George we profile a member of the team at George Davies. In this edition we find out more about Catherine Gasparini.
- 1 What was your first ever job?**
Very nervous teenage waitress. Tomato soup down someone's suit comes to mind!
 - 2 What was your most unusual job?**
Summer job in a shoe factory cutting out leather soles by hand.
 - 3 What is the strangest question you have ever been asked at interview?**
Nothing springs to mind - I think I've been lucky!
 - 4 What do you do at weekends?**
MUFC season ticket; socialise; walks with the dog; garden; visit friends and family; go to concerts - any combination of all these.
 - 5 Where is your favourite holiday destination?**
My first love is Italy but for best all round holidays, it's got to be the USA.
 - 6 Who is your role model?**
Don't have one - although always admire people who achieve great things while retaining their modesty and integrity. A rare commodity these days.
 - 7 What is in your CD player at the moment?**
Bob Dylan's latest - Together Through Life.
 - 8 What is the best aspect of your job?**
Definitely the people I work with.
 - 9 If you were stranded on a desert island what one item would you most like to have with you?**
Some means to play music - I'd be lost without that.
 - 10 What is your favourite children's book?**
It's been a while but loved Enid Blyton's Secret Seven or Famous Five
 - 11 If you weren't in H.R what would you be?**
In my dreams I own an Italian style deli that doubles as a 2nd hand record store. Still waiting for the lottery win to make it happen!