

WELCOME TO THE AUTUMN 2019 EDITION OF

Inside Out

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Welcome to the autumn 2019 edition of *Inside Out*, our newsletter for those with an interest in corporate and commercial services.



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In this edition of *Inside Out* we are delighted to celebrate 15 years since the opening of our Norwich office as well as the appointment of eight new partners. Birketts is proud to have cemented its position as a progressive and innovative frontrunner in the legal arena and this latest round of richly deserved promotions is testament to our high standards and continued hard work across all our practice areas.

This month's issue also examines in detail several high profile acquisitions including Tricon's acquisition of foodservice design consultancy Gratham Winch Partnership, Hydro International's procurement of M&N Electrical and Mechanical Services Ltd and Birketts' impressive appointment as legal adviser to M7 Real Estate in respect of all of its in-house managed funds.

Vicky Mudge also takes us through the finer points of the ISO 27001 framework off the back of Birketts achieving the much coveted ISO 27001 accreditation, explaining its significance and impact on the firm's approach to information processing.

Finally, we finish with a round up of forthcoming events and seminars, including further details of our upcoming [Employment Law Conference](#) led by award-winning speaker Mark Robb.

As always we welcome any questions or comments that you might have, so if there are issues on which you would like us to comment, please do get in touch. The *Inside Out* newsletter is available via subscription so to receive future issues automatically please register [here](#).

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Birketts assists with acquisition for UK consultancy

Birketts has advised Tricon Foodservice Consultants Ltd, one of Europe's largest foodservice design and management consultancies, on its acquisition of foodservice design consultancy Grantham Winch Partnership (GWP).

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The acquisition (which took place for an undisclosed sum) will also see GWP's hugely experienced foodservice design consultant Garry Nokes bring over 35 years of industry experience ... to the company.

“

The influx of new projects and clients that the Grantham Winch Partnership will bring with it ... marks a new chapter in the growth of our business.”

Founded in 1981, Tricon Foodservice Consultants Ltd has offices in London and the United Arab Emirates and employs 45 people. The consultancy has advised on a number of high profile projects, working with The British Museum, the National Portrait Gallery, the Tate Modern, the NATO headquarters in Brussels and the Palace of Westminster.

Based in Melton Mowbray, the Grantham Winch Partnership has worked with clients in the hotel and education sectors for over 20 years. The acquisition (which took place for an undisclosed sum) will also see GWP's hugely experienced foodservice design consultant Garry Nokes bring over 35 years of industry experience and in-depth knowledge to the company when he joins Tricon Foodservice Consultants Ltd's London office this summer.

Tricon Foodservice Consultants Ltd, whose annual turnover at the end of 2018 measured £4.47m, is likely to see its position in the market further strengthened with the attainment of a number of new projects and clients as part of the acquisition.

Mike Coldicott, Managing Director at Tricon stated: *“The acquisition of the Grantham Winch Partnership is a key milestone in the company's continued strategic development, as we look to consolidate our position in the hotel and education markets. The influx of new projects and clients that the Grantham Winch Partnership will bring with it, along with Garry Nokes' expertise marks a new chapter in the growth of our business. We were pleased with Birketts' support, and very much valued having a commercially-minded legal team at our side to manage the process”.*

[Lisa Gray](#), Legal Director of the [Corporate](#) team led the transaction with support from [Abigail Trencher](#) and [Josie Beal](#) (Employment) and with assistance from [Simona Gruodyte](#) (Corporate).

“

I have no doubt that Tricon's international experience will perfectly complement GWP's significant success and experience in the education and hospitality sectors and make for a very bright future.”

Lisa commented: “We were delighted to advise Tricon Foodservice Consultants Ltd on this transaction. I have no doubt that Tricon's international experience will perfectly complement GWP's significant success and experience in the education and hospitality sectors and make for a very bright future. This acquisition marks a key moment in Tricon's growth, seeing them actively undertake ownership of an array of new projects that will help them further develop their business and strengthen their position within an ever-evolving market.”



Birketts assists Hydro International with acquisition of wastewater treatment specialist

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The acquisition will see 140 service professionals join Hydro International's workforce, helping to develop the services the company is able to offer to include planned and reactive servicing of screening equipment.”

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The completion of the transaction demonstrates once again Birketts' strength in depth across a multi-disciplinary team and the excellent level of service it delivers to clients on a daily basis.”

Birketts has advised its client Hydro International, a Clevedon based provider of water management solutions, on the acquisition of M&N Electrical and Mechanical Services Ltd (M&N), a specialist provider of services and equipment for the inlet of wastewater treatment plants.

Hydro International is the leading provider of products and services to industrial and construction customers wishing to streamline their water management processes. The company works closely with treatment plant owners and operators to offer a comprehensive range of technological expertise and services designed to improve day-to-day operations and meet statutory requirements. The acquisition will see 140 service professionals join Hydro International's workforce, helping to develop the services the company is able to offer to include planned and reactive servicing of screening equipment.

The Birketts team acting on this transaction included [Nigel Thompson](#), [Nick Burnett](#), [Alex Forwood](#), and [Ozan Zorba](#) (Corporate) with support provided by [Matthew Grindley](#) (Commercial Property), [John Kahn](#) (Corporate Tax) and [Nick West](#) (Employment).

Michael Jennings, Chief Executive of Hydro, commented: *“This acquisition complements Hydro International's plans to expand its range of services and technologies. We really valued Birketts' specialist knowledge, commercial approach and first-class service in helping us to take this next step in our strategic planning.”*

Nigel Thompson, leading Partner at Birketts, said: *“We were delighted to support Hydro International on this transaction in fulfilling its intended steps for growth. The completion of the transaction demonstrates once again Birketts' strength in depth across a multi-disciplinary team and the excellent level of service it delivers to clients on a daily basis.”*

Birketts appoints eight new partners

Birketts has announced the appointment of eight new Partners, taking the total number of Partners in the firm to 68 (on 1 June 2019).

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I am delighted to welcome all eight new entrants to the partnership. Their promotions are richly-deserved and we're particularly pleased about the diversity of practice areas they represent.”

Those promoted represent a number of different practice areas. Corporate law experts [Alexandra Nelson](#) and [Ed Savory](#), as well as banking and finance specialists [Alex Schaafsma](#) and [Andrew Tubb](#) have all been recognised. Additionally, [Matthew Gowen](#) a Barrister within the firm's [Regulatory and Corporate Defence Team](#) and contentious trust and probate specialist [Bernadette Baker](#) have also joined the Partnership. Finally, the [Commercial Property](#) division is represented by real estate investment expert [Cameron Barlow](#) and [Jeremy Stanton](#) who specialises in strategic land development.

Jonathan Agar, Chief Executive Officer for Birketts, commented: *“I am delighted to welcome all eight new entrants to the partnership. Their promotions are richly-deserved and we're particularly pleased about the diversity of practice areas they represent. We remain committed to ensuring that we recognise the talent coming through at all levels within Birketts while maintaining our high standards of technical excellence and impeccable client service.”*

Jonathan continued: *“Our 2018 / 19 financial year has now drawn to a close and it is very pleasing to be able to report another strong performance for the firm. There are some accounting adjustments still to come but we can be confident that the year has finished on a very satisfactory note as a result of a huge team effort.”*



Birketts advises Countryside Properties on multi-million pound regeneration scheme

Birketts has advised Countryside Properties on the grant of the headlease from its development partner, Royal Borough of Windsor and Maidenhead in relation to the first phase of the development at York Road, Maidenhead.

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This multi-million pound regeneration of Maidenhead will ultimately deliver 1,200 homes alongside new shops, restaurants, offices and a new cultural quarter right in the heart of Maidenhead.

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Birketts' Housebuilder Team has earned a first rate reputation in the sector for its full service offering and approach to client service.

This is the first phase of the first site (of the four sites) that are the subject of the [Framework Agreement entered into in 2017](#). This multi-million pound regeneration of Maidenhead will ultimately deliver 1,200 homes alongside new shops, restaurants, offices and a new cultural quarter right in the heart of Maidenhead. Matters are already in hand for the further sites.

Planning for whole of the York Road site, which includes two further phases, was granted at the end of last year following completion of the s106 agreement, on which Birketts also acted. Works have now commenced to regenerate the site and comprise affordable and private homes, public square, restaurants, café and community space and creating a fully accessible walkway close to York Stream. Following completion of the headlease Countryside granted leases for 61 affordable apartments to Housing Solutions.

Birketts advised on all legal matters with [Tom Newcombe](#), Partner advising on planning and [Jo Cope](#), Legal Director, on the property matters.

Malcolm Wood, Project Director at Countryside, said: *“Birketts' Housebuilder Team has earned a first rate reputation in the sector for its full service offering and approach to client service. Throughout the project the team has been quick to understand our requirements, keep us informed of developments and get the job done.”*

[Steven Kay](#), Head of Birketts [Housebuilder Sector Team](#) commented: *“This was another successful transaction acting for Countryside and demonstrates the depth and breadth of Birketts' expertise in relation to this residential led development. We are thrilled to be involved in such a key development contributing to the regeneration of Maidenhead.”*

Senior Associate appointed to Banking and Finance team

Birketts has announced the appointment of Gillian Creed as a Senior Associate in its highly reputable Banking Team. Gillian is based in Birketts' Cambridge office, but will support colleagues across all four offices in Cambridge, Chelmsford, Ipswich and Norwich.

Gillian qualified in 2004 and has over twelve years' experience as a banking solicitor acting for a wide range of clients, including borrowers and lenders. Prior to joining Birketts, Gillian trained at a London-based global law firm, where she gained experience acting on leveraged finance and conventional lending transactions. Following this, Gillian worked in-house for a bank, providing commercially focussed legal advice on a broad range of lending matters.

Commenting on her appointment, [Gillian Creed](#), said: *"It is exciting to join an area of the firm's practice that has grown steadily over the last few years. I am looking forward to advising clients throughout the business life cycle and applying my knowledge in order to help them obtain positive outcomes."*

[Alex Schaafsma](#), Partner, Banking and Finance Team, commented on Gillian's appointment: *"I am very pleased to announce Gillian's appointment to the Banking and Finance Team. Her varied experience, working both in house and in private practice has equipped her with a comprehensive and commercial understanding of finance transactions, which will be very valuable to the team and the firm as a whole."*



Birketts receives ISO 27001 accreditation

Birketts has been awarded ISO 27001 accreditation (the only auditable international benchmark for information security management).

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To achieve certification, organisations must first identify the information they process, then undertake a systematic review of information security risks and their potential impact.

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At Birketts we are absolutely committed to protecting client information and achieving the highly-coveted ISO 27001 standard demonstrates our commitment to robust security...

To achieve certification, organisations must first identify the information they process, then undertake a systematic review of information security risks and their potential impact. Once all risks are identified and understood, the organisation must design and deploy appropriate processes and controls to deal with any risks that exceed its risk tolerance.

Vicky Mudge, Information Security Manager explained: “ISO 27001 provides the specification for an effective Information Security Management System – a framework that offers a structured, comprehensive approach to managing information security risks across the three pillars of information security: people, processes and technology, and takes a risk-based approach to securing information assets. Importantly, the accreditation places a strong emphasis on continual improvement to ensure controls remain effective over time ensuring standards must be maintained.”

“At Birketts we are absolutely committed to protecting client information and achieving the highly-coveted ISO 27001 standard demonstrates our commitment to robust security, on-going risk management and protecting sensitive information. Achieving certification provides our clients with independent verification of the standard we uphold, giving them confidence and peace of mind in our approach,” added Jonathan Agar, Chief Executive Officer at Birketts.

Birketts advises on £7m deal to expand Norwich airport

Birketts has advised Norwich Airport, a keystone of the regional economy, on a deal to invest £7m in to a new hangar and workshop facilities for KLM UK Engineering.



As well as acting as the headquarters for KLM UK Engineering for over 40 years, Norwich Airport supports a number of other highly successful businesses including Satys Air Livery UK and Saxonair, and serves as a key hub for the oil and gas industry.

The deal will see the construction of a 15,000 sq ft workshop and 54,000 sq ft hangar and will cement KLM UK Engineering's reputation as one of Norwich's foremost employers, with 390 staff.

Although KLM UK Engineering currently has five heavy maintenance bays across three hangars, the expansion project, planned for completion by August 2020, is set to increase the company's capacity providing aircraft maintenance and repair services to customers worldwide, including the larger next generation of aircraft.



The construction of a new hangar also means that Satys Air Livery UK Ltd can take on the hangar vacated by KLM UK Engineering. This will consolidate Norwich as the head office of the Aftermarket and VIP Painting Division of the Satys Group, and the largest place in Europe for repainting narrow body aircraft, with four hangars in total.

The Birketts team acting on this transaction included [Bhargav Trivedi](#) and [Kristian Nelson](#) (Commercial Property) with support from [Rory Abel](#) (Construction).

Managing Director of Norwich Airport, Richard Pace commented: *"This deal is a significant milestone in Norwich Airport's strategy of creating a global aviation centre of excellence and underlines KLM UK Engineering's long-term commitment to the region. I'd like to thank Bhargav and the commercial property team at Birketts for all their support."*



[Bhargav Trivedi](#), leading Partner at Birketts, said: *"This was another successful transaction which ably demonstrated Birketts' commercial expertise in relation to this important strategic development at Norwich Airport. We were pleased to support Norwich Airport, a crucial part of the regional economy, with this expansion. As the new hangar and workshop facilities are likely to provide an unprecedented opportunity for growth against the backdrop of a booming industry, I have no doubt that this is a significant milestone for all involved."*



Birketts advises leading utility infrastructure network provider BUUK on strategic partnership with Sky

Birketts advised the UK's leading provider of last-mile utility networks, BUUK Infrastructure Limited (BUUK), on the formation of a strategic partnership with Sky which will open up significant opportunity for growth in the new build residential fibre market.

BUUK design, own and operate multi-utility networks, providing gas, electricity, fibre, water, waste water and district energy infrastructure solutions across England, Wales and Scotland. Operating in new-build housing and commercial markets, the Bury St Edmund's based company serves 1.5 million homes and BUUK's customers include most of the national housebuilders.

As part of the deal Sky will become anchor tenant for broadband services in new and existing residential developments connected by BUUK. The project aims to boost the rate of connection of full fibre for new-build buyers across the UK.

The Birketts' team acting on this deal was led by Ed Savory, Alex Nelson and Adrian Possener with support from Sarah Branwhite and Lauren Guiler (Corporate), Paul Palik and Ed Bouckley (Commercial), John Kahn (Tax) and Mat Newnham (Employment).

Leading Partner [Ed Savory](#) commented: *"We were delighted to support BUUK with this transaction to strengthen BUUK's position in the new-build division of the residential market. The successful close of this transaction demonstrates the strength of Birketts' full service capabilities, with solicitors co-operating across teams to offer clients the very best level of service and efficiency. It is always a pleasure to advise BUUK."*

CEO of BUUK, Clive Linsdell, added: *"We are excited to embark on this strategic partnership with Sky. By working together to bring full fibre broadband to thousands more new home owners, we hope this relationship will open up space for further growth in this area of the marketplace and also improve connectivity for consumers nationwide. Birketts has provided us with excellent advice throughout the transaction. The firm's specialist knowledge and exceptional client service has been instrumental in getting this over the line."*

M7 Real Estate appoints Birketts as legal adviser for all in-house managed M7 funds

M7 Real Estate has appointed law firm Birketts as legal adviser in respect of all of its in-house managed funds, comprising over 100 industrial, office and retail assets across the UK. Birketts has been appointed in respect of all fund disposals, acquisitions, leasing events and asset management.

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M7 is a leading specialist in the pan-European, regional, multi-let real estate market.

“

We have found the Birketts team to be a breath of fresh air and their exceptional performance has been a real boost for our UK Funds.”

M7 is a leading specialist in the pan-European, regional, multi-let real estate market. Wholly owned by its senior managers it has over 250 employees in 13 countries across Europe. The team manages over 1,400 retail, office and industrial properties with a value of circa €8.5bn.

Cameron Barlow, Partner at Birketts and head of the firm's Real Estate Investment sector group, said: “*We are delighted to be strengthening and growing our relationship with the pre-eminent real estate investor and manager in Europe. It is a great pleasure to be working with the team at M7 who are all professionals of the highest standing and reputation in the real estate community.*”

John Murnaghan, Head of UK and Ireland Real Estate at M7 concluded: “*We have found the Birketts team to be a breath of fresh air and their exceptional performance has been a real boost for our UK Funds. They understand the needs and demands of our business and have the focus, scale and sophistication to consistently deliver impressive results in a timely and cost-effective manner. We look forward to growing our business with Birketts.*”

Are you ready for the changes to off-payroll working in the private sector?

From 6 April 2020, the Government plans to change the rules widely known as 'IR35' as they apply to larger companies, shifting responsibility from the intermediary (e.g. a personal services company) to the 'fee-payer' (which will often be the client).

Although 'small companies' (defined as such by the legislation) will be exempt, large and medium-sized businesses will have to determine the employment status (for tax law purposes) of any off-payroll workers they engage and, if the IR35 rules apply, they will need to operate PAYE and pay National Insurance Contributions (NIC). These new private-sector rules mirror similar changes that have already been introduced to cover off-payroll working in the public sector, but which are still widely misunderstood.

To put this in historical context, during the nineties, the IR35 rules came in to counter tax avoidance through the use of companies. The Government was concerned that many of those individuals who were claiming to be self-employed were in actual fact employed (for tax law purposes), but were nevertheless able to hide or disguise their employment status by contracting through a personal services company.

The IR35 rules (until April 2020) deem the personal services company to be the employer of the individual contractor. They oblige the personal services company, as the deemed employer, to operate PAYE and pay NIC if the individual would be regarded as an employee of the client if the services been provided directly by the individual to the client. Since it is the intermediary that risks being treated as the (deemed) employer for the purposes of tax and PAYE, potential liability, in most situations, lay with the personal services company. Many clients therefore felt comfortable entering into arrangements with contractors who contracted with them via personal services companies.

The Government consider that there is widespread non-compliance with the existing rules, so, from April 2020, the rules are due to change. Under the new rules for engagements involving a large or medium sized client, the obligations to check employment status for tax, to operate PAYE and to pay NIC will shift from the personal services company to the fee-payer (normally the end client).

If you are interested in finding out more on the rules on working through intermediaries or personal services companies, please contact a member of our [Employment team](#).

Birketts celebrates 15 years since the opening of the Norwich office

The Sainsbury's Centre, at the University of East Anglia, recently played host to a sparkling celebratory drinks reception to mark 15 years since Birketts' Norwich office opened in May 2004.

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...the legal entrepreneurs who were the founders of the Birketts' Norwich office in 2004 ... joined to establish Birketts' first office outside of Suffolk and were initially based in four rooms over the offices of an estate agent at the corner of Queen Street and Tombland.”

Addressing the invited guests [Jeanette Wheeler](#), Partner and Head of the [Employment Team](#) at Birketts, reflected on the office's small beginnings, stating that: *“Of the legal entrepreneurs who were the founders of the Birketts' [Norwich office](#) in 2004, four in particular deserve mention by name: Partners Robert Gibbs, Paul Matthews and Neil Sparrow and Associate Frances Berridge. They joined to establish Birketts' first office outside of Suffolk and were initially based in four rooms over the offices of an estate agent at the corner of Queen Street and Tombland. At the time the firm's turnover was about £7m. Roll forward 15 years and Birketts is now aiming for a turnover in the coming year of close to £60m and employs nearly 700 staff; 150 of whom are based in Kingfisher House in Gilders Way.”*

Jeanette continued by thanking valued clients for their support, noting that their confidence and loyalty has enabled Birketts to become one of the most widely recognised law firms in Norwich. A special mention was also made to the clients and supporters who attended the evening for their part in inspiring the firm's innovative efforts.



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The Norwich office has continued to evolve in response to the increase in client demand and development of the vibrant Norfolk business centre. We are proud to have made the progress that we have over the last 15 years.”

The spirit of the occasion was further lifted when a cheque was presented to [Priscilla Bacon Lodge](#) for £20,000 on behalf of the [Birketts' Fund](#) (a reserve administered by the [Norfolk Community Foundation](#)). Through this Fund, Birketts contributes to various community groups with the aim of improving the quality of people's lives across Norfolk and also has the same arrangements with the Community Foundations in Cambridgeshire, Essex and Suffolk.

[Jonathan Agar](#), Chief Executive Officer at Birketts, commented: *“The Priscilla Bacon Lodge, which is based in Norwich, provides specialist advice, care and support for patients with life limiting illnesses and helps their families to cope at a difficult time. Via the Fund, Birketts is delighted to contribute monies towards this essential service and benefit the community in Norwich and Norfolk.”*

[Greg Allan](#), Partner in the [Corporate Finance](#) and [Banking and Finance Teams](#), concluded: *“The Norwich office has continued to evolve in response to the increase in client demand and development of the vibrant Norfolk business centre. We are proud to have made the progress that we have over the last 15 years. Long may we continue to innovate and forge the meaningful client relationships that will help Birketts to further establish its status as a progressive frontrunner in the legal arena.”*



Employment Law Conference 2019

Tuesday 15 October 2019
Rowley Mile Conference Centre, Newmarket

Event details

Date

Tuesday 15 October 2019

Venue

Rowley Mile Conference Centre,
Newmarket

Times

Registration and refreshments
9:00am close by 5:00pm

Cost

£120 inc VAT

More information about the day and details of the breakout sessions to follow. For further details and to book your place, please visit www.birketts.co.uk/events

Event summary

This October, our employment conference will provide you with an annual update covering all the key developments within employment law, with a particular focus throughout the day on employee engagement. Our keynote speaker, Mark Robb will lead a fascinating session on motivating and engaging staff that will resonate with organisations of all sizes and sectors.

Mark Robb is an award-winning speaker, who works around the world delivering talks and programmes for some of the world's largest organisations. He has had a commercially measurable impact on some of the UK's best-known brands over the last 15 years.

Delegates will be able to choose from a range of breakout sessions relevant to their organisation, delivered by our employment law experts. The sessions will cover a wide variety of topics including employee engagement, business immigration and attending an employment tribunal.

Programme

9:00am	Arrival and registration	12:30pm	Lunch
9:30am	Welcome	1:30pm	Annual employment law update: part 2
9:45am	Annual employment law update: part 1	2:20pm	Choice of breakout session
10:35am	Coffee	3:30pm	Refreshments
11:00am	Keynote speaker – Mark Robb 'How to lead, motivate and engage'	4:50pm	Choice of breakout session
		5:00pm	Finish