

**PLAN B** Building up expertise

Construction and engineering law specialist Jonathan Marshall joined Burnetts Construction team recently.

A former partner at national firm Eversheds and Ward Hadaway, Jonathan has worked exclusively in construction and engineering law since 1990. He specialises in drafting and negotiating development contracts and has advised local authorities, universities and schools as well as working with major contractors and sub contractors. Jonathan is a regional Co-ordinator of the PPC 2000 User Group, an industry committee which promotes a cooperative, partnering approach to construction project contracts.

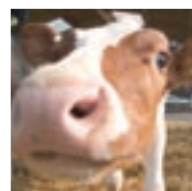
Jonathan said, "I was attracted to Burnetts because there is a great deal of opportunities in my sector in this part of the North and because of the approachability and openness of the people here."

Jonathan Marshall



Tom Leach, Managing Partner said, "We were delighted to welcome another dynamic and high calibre lawyer into our partnership."

**Cumberland First**



For the first time, Burnetts is taking space at North Cumbria's biggest agricultural event, The Cumberland Show. Clients and friends of the firm are welcome at our huge marquee in Rickerby Park, Carlisle on Saturday 19th July where there will be refreshments all day including a barbecue 12pm - 2pm. Head of Agriculture Richard Miller who is also Secretary of Carlisle Young Farmers said, "The Cumberland Show is an important gathering for our local community to celebrate our agricultural industry so we are delighted to play our part in the day."

Burnetts is also supporting other agricultural shows in the region such as the Northumberland Show, the Penrith Show and the Dalston Show.

**Support our Midnight Fundraiser**

On 20th June 2008, a team of 20 women from Burnetts will again be taking part in the Midnight Memory Walk in aid of Eden Valley Hospice. Last year we walked in memory of our late colleague, librarian Shirley Green and raised over £2,000. Since we have one of the biggest teams taking part, the pressure is on to top our 2007 total.

Donations can now be made online at our fundraising page on [www.justgiving.com/burnetts](http://www.justgiving.com/burnetts) or cheques made payable to Eden Valley Hospice can be sent to Sandra Telford, Burnetts, 6 Victoria Place, Carlisle, CA1 1ES

**Special Events**

**Landlords' Legal Update 12th June**

This free annual session for private and commercial property landlords provides an update of the latest legal issues affecting property letting. This year's topics are student lets, managing Houses in Multiple Occupation and dealing with problem tenants. There is a choice of lunchtime (12.30pm - 2.30pm) or teatime session (4.30pm - 6.30pm). A light buffet will be served at both sessions. This event takes place in Burnetts' library at Victoria Place, Carlisle.



**Employment Law for Line Managers 9th September**

This practical full day course will give line managers the confidence, knowledge and skills to deal with difficult, but common employment issues before they get out of hand. Suitable for both new and experienced managers, this seminar takes place from 9.30am to 4.30pm at The Castle Green Hotel, Kendal and costs £95 plus VAT per delegate (lunch included).



**Annual Employment Law Update 4th November**

A concise round-up of the latest legislation, hosted by Burnetts' employment law team will be held 3.45pm - 6.30pm at Carlisle Racecourse, Carlisle. This invaluable session costs just £50 plus VAT. Topics are yet to be confirmed, but last year almost 100 delegates attended so it's worth booking early.



To reserve your places, download a booking form from the events pages at [www.burnetts.co.uk](http://www.burnetts.co.uk) or call Rosanna on 01228 552222.

**Best Behaviour for Burnetts**

Everyone at Burnetts is on their very best behaviour since the firm launched a range of new initiatives under the umbrella of Best Behaviour to promote social awareness and responsibility in our business activities.

The mainstay of Best Behaviour is the new environmental policy which was outlined to teams at meetings earlier in the year but is currently being presented formally to every Partner and staff member.

Although the firm has long been committed to environmentally friendly practices now there is a real momentum behind the campaign to raise awareness amongst everyone at Burnetts and go much further.



Partner Jonathan Marshall is Burnetts' Sustainability Champion.

A construction law expert, Jonathan is also a judge for the Constructing Excellence and the RICS Renaissance Building Awards, judging the Innovation and Sustainability categories.

He said, "As individuals the Partners here felt strongly that this is an important issue. We want to take pro-active steps to integrate environmental best practice into all of our business activities and decisions. The response from Burnetts' people has been fantastically positive and we have come up with lots of ideas to help us develop our action plan and reduce our impact on the environment."

As part of this commitment, Burnetts has registered with The Carbon Trust and Environment Connect as well as joining the Cumbria Business Environment Network (CBEN). Other elements of Best Behaviour include a revised

Equality and Diversity policy, backed up by Diversity Awareness sessions provided by the firm's Employment Law team as well as a cohesive approach to volunteering, charitable giving and sponsorship.

For further information on Burnetts' environmental policy, visit [www.burnetts.co.uk](http://www.burnetts.co.uk)



www.sindair-design.co.uk 01539 737913

**So far, so good**

- In April, Burnetts was awarded CBEN's Bronze Award for our policy and commitment to environmental improvement.
- Working with OyezStraker we have audited our office supplies' needs and switched to greener "Ecoteam" products. We've also signed up to OyezStraker's "Close the Loop" recycling scheme.
- Our water coolers are now mains-fed reducing the need to transport plastic water barrels.
- 70% of our waste is currently recycled. Our target is 85%.
- This newsletter is printed on paper produced from sustainable sources. When you and your colleagues have finished reading it, don't forget to recycle it!

**Also in this issue..**

- The latest done deals
- New law on consulting employees
- Autumn events





## Burnetts tops league for education law

Burnetts continues to hold its position near the top of the national league of legal advisers to the further education sector.

In the latest edition of the Further Education Financial Yearbook ([www.caritasdata.co.uk](http://www.caritasdata.co.uk)), Burnetts maintained fourth place in the rankings.

As well as colleges of further education, Burnetts advises institutions throughout the sector. Now that expertise is being shared in a monthly education law feature for the Cumbria magazine Learning which is published by the CN Group. Learning includes other articles written by leading educationalists as well as education-related news and features.

Cyber bullying and data protection are two of the topics which have already been covered by Burnetts' specialists.

Learning Editor Kelly Eve said, "Learning is one of CN Group's award winning publications and has been very successful in leading debate and celebrating achievement in Cumbria. It's important to our readers that our features are well-informed and relevant so we're very pleased that we have education heavy-weights like Burnetts on board."

To read the articles, visit the Education sector of Burnetts' website or email Angela Huck at [ash@burnetts.co.uk](mailto:ash@burnetts.co.uk) if you would like to receive your own free regular copy of the magazine.



## Done Deals

Burnetts continues to develop its expertise in the nuclear sector:

- Burnetts' corporate team acted in the incorporation of the National Skills Academy for Nuclear and the negotiation of its £2 million contract with educationalists Energy Foresight.
  - Our construction team negotiated and completed the building contract for the new Energen nuclear academy in Cumbria - the first such skill centre to be built in the UK.
- In more traditional industries, some Partners were able to work in world-class locations!**
- Commercial property Partner Alan Chapman has recently acted in the sale of two prestigious Lake District hotels, which sold for £1.2m and £3.25m.
  - Internationally, Jonathan Marshall helped Malta Shipyards Ltd with a conversion contract. Having settled multi million euro claims, HLV Fairstar Fjord sailed from Valetta in March with no outstanding disputes.



## Promotion for Cumbrian Commercial Lawyers

Commercial solicitors recognised in recent promotions.

Sam Lyon and Richard Miller, both from Wigton in Cumbria have been promoted to Associate Solicitors. Richard has also been named Head of Burnetts' Agricultural department.

An active member of Carlisle Young Farmers, Richard (24) first joined Burnetts as a work experience student and completed his solicitor training with the firm. Since joining the agriculture team, Richard has helped the department to grow by almost one third.

Commercial specialist Sam (26) also trained with Burnetts and qualified in 2006. Having assisted on some of Burnetts' big financial deals last summer, Sam had impressed clients and Partners with his performance and potential in a very competitive environment.

As well as a growing commercial client base, Burnetts also has a strong private client practice with Medical Law being one of the niche sectors in which the firm specialises. In recognition of the development of Medical Law, clinical negligence associate Carlisle's Victoria Watson was made a Partner.

Richard Miller



Sam Lyon



## New Energy Ratings for Commercial Property



By 1st October 2008, Energy Performance Certificates will be needed for all commercial buildings when built, sold or let.

An EPC ranks a building according to its energy efficiency, giving an A - G rating (where A is the most efficient) similar to those seen on white goods such as washing machines. The EPC is already a familiar document to the property industry, as the basis for the controversial Home Information Packs. Building owners will have to meet the

cost of employing an Energy Assessor to survey the property but the certificate will be valid for 10 years (assuming the building and its fixed services are not subsequently altered).

Tony Lake is a Partner in Burnetts' Commercial Property department. He said, "The sale and letting of property is driven by market forces including factors such as location, condition, suitability and supply and demand. At the moment, I do not think that improving



energy performance will result in an increased sale price or rental income. If anything, buyers and tenants might in future argue for a price or rent reduction for a poorly rated building. Owners are therefore likely to see this as yet more regulation and cost."

The phased introduction of the EPC began with dwellings. Commercial buildings with a floor space over 10,000m<sup>2</sup> were caught from 6 April 2008. On 1st July, EPC's will be extended to buildings with a floor space over 2,500m<sup>2</sup>. On 1st October, all remaining buildings will be covered.

Tony Lake



## How Talking to Employees Became Complicated

There is wide acceptance that good communication between employer and employee will lead to a more committed workforce with lower rates of absenteeism and staff turnover.

With this in mind, the Government recently extended new legislation on formal "informing and consulting" to businesses with 50 or more employees.

Under The Information and Consultation of Employees Regulations 2004 (visit [www.opsi.gov.uk](http://www.opsi.gov.uk) for details), employees can now ask to be consulted on issues such as upcoming mergers, new areas of business, important successes or failures and upcoming large redundancies or recruitment. The Regulations have applied to organisations with 150+ employees since April 2005 and to those with 100 or more employees since April 2007.

The introduction of these Regulations does not mean that employers must automatically inform and consult with their employees. Unless employees make a valid request or an employer decides to trigger the

Regulations themselves, the employer does not have to do anything. Employers will still have a duty to inform and consult as usual in certain situations (for example, with regards to large scale redundancies) but, once triggered, the Regulations extend the scope of workplace informing and consulting and impose additional obligations on employers eg employers could agree with their employees to inform them about business development plans.

Kuba Strycharczyk, Partner, Employment Law said, "Although these Regulations might at first seem quite straightforward, there are special rules for working out how part time or temporary employees count towards your employment total as well as specific time scales, so employers need to take care and should take legal advice on how the Regulations apply in their own business."

Kuba Strycharczyk

