

Freeths Solicitors have teamed up with the Greater Manchester Chamber of Commerce to provide its members with a **FREE Coronavirus support package** that will help you navigate your business through these uncertain times. Further details can be found below, to book your **free consultation** with our Risk Management Team please email Simon.pick@freeths.co.uk quoting reference – **CHAMBERSUPPORT**.

Employment Support

Clients are experiencing unprecedented challenges surrounding how to manage employees and employee relations through the covid-19 crisis. The government has published new legislation and guidance for the Coronavirus Job Retention Scheme (JRS) and temporary changes to Statutory Sick Pay.

Our employment team are on hand to assist with:

- ✓ Advising on the intricacies of the JRS to ensure compliance with the criteria to access the scheme including how to furlough, which staff are eligible and how to extend the period of furlough.
- ✓ Long-term strategic planning including alternatives to redundancies or how to plan for workplace re-openings.
- ✓ We can also help you to utilise this opportunity to provide training for managers or ensure that your policies and contracts are up-to-date following the April 2020 changes to employment legislation.

>>> Want a free 1-1 consultation call to discuss further?

Commercial Contracts, Crisis Management and Dispute Resolution

Clients are approaching us for urgent advice on strategy and risk management to make sure that they secure the best commercial outcome and protect their businesses going forward. Force majeure, the law on frustration and forbearance are all hot topics.

- ✓ We are here and can pro-actively guide you through the commercial and legal conundrums that you now face – whether that is renegotiating, exiting or enforcing your contracts; working closely with the other side; seizing the initiative or simply buying your business enough time.
- ✓ We can conduct a review of your key commercial contracts to check force majeure and any other provisions that may be of concern or need to be addressed during this period.

>>> Want a quick analysis of the legal and commercial issues?

Banking facilities

We advise you speak to your bank to see what support they may be able to provide. The banks are being generally supportive at this time and many have dedicated guides and helplines for businesses. Some have set aside and pledged significant amounts as being available for emergency working capital support.

However, our team at Freeths are offering the following services for free to support businesses at this challenging time:

- ✓ A high level review of current banking facilities/security arrangements to highlight any key areas that they may wish to consider at this time e.g. impact on financial covenants, security packages, material adverse change provisions.
- ✓ A review of any investment agreements to highlight any areas that should be focused on including material adverse change, deferred consideration structures, financial reporting and information requirements.

>>> Want to discuss this review further?

Landlord and Tenant Issues

Landlords

The Coronavirus Act places temporary but extensive restrictions on the actions that landlords can take if tenants have not paid the rent.

Whilst remedies such as drawing down on deposits, calling on guarantors, charging interest, and commencing debt recovery action, remain available, this may cause difficulties for landlords. Where tenants are paying a turnover rent, the closure of the property will have a significant impact. Landlords will likely have mortgage payments to meet, and may be under a duty to provide services and carry out repairs. Tenants may try to argue that rents are not due because the property cannot be occupied, or that there is a counter claim for quiet enjoyment if the building has been closed by the landlord.

- ✓ We can assist with reviewing the covenants in the lease, the latest updates in the legislation, whether the tenant is able to trade from the property to any degree, and advise accordingly.

Tenants

Times are extremely challenging for tenants who cannot occupy premises but who are still facing demands that rent and service charge be paid in full. Whilst the Coronavirus Act throws tenants a short term lifeline, the legislation does not go so far as to specify the rent does not have to be paid at all. Therefore unless a tenant can negotiate a rent waiver or reduction, the liability is only deferred to a later date. In the meantime, landlords can pursue other remedies, such as adding interest to the arrears, commencing debt recovery action, or calling on any deposits or guarantees.

- ✓ We can assist with reviewing the lease, the up to date and rapidly changing legislation, and the factors that are actually preventing occupation, to advise on the likely liability to continue making payment, and approaching the landlord to negotiate.

Negotiations for Landlords and Tenants

The government is actively encouraging parties to enter into discussions.

- ✓ We can assist and play an important part in these negotiations, and ensure that any agreements are documented correctly for the protection of both parties.
- ✓ If, however, a commercial solution cannot be agreed, we can also support both landlords and tenants in relation to managing any more formal legal processes.

>>> Want a free consultation call to discuss further?

Customer and Supplier Insolvency

It is critical to keep a close eye on payments which are due from your customers. If customers seek longer payment terms then this could be a sign of financial difficulty.

- ✓ We can assist in reviewing your options in the event of non-payment.
- ✓ We also offer “creditor services” to companies which have customers that enter into formal insolvency.
- ✓ We can help if there are difficulties with your suppliers brought about by cash flow problems and can analyse what steps you should take to optimise your position in the event of a supplier going into formal insolvency.

>>> Want a free consultation call to discuss further?