



**MEETING
DATES
2004**

(First Wednesday)

4 August

1 September

6 October

3 November

1 December

2005

(Second Monday)

10 January

14 February

11 April

9 May

13 June

REVIEW

**July
2004**

Review of the Chamber Meeting - 7th July 2004

EMPLOYMENT LAW UPDATE

- Contracts of Employment now required for all sizes of business
- Written Statements of Particulars and Personnel Policies needed
- Statutory Disciplinary Procedures now apply to all businesses
- Statutory Grievance Procedures now apply to all businesses
- Financial Penalties for default will apply from October 2004.

REGIONAL ASSEMBLY & OTHER BODIES

- What would an elected Regional Assembly mean for Harrogate?
- Would an enlarged Harrogate & Craven Council support HIC?
- Royal Mail have still not satisfied PostWatch - or Chamber Members
- A-Boards are going to be licensed in Thirsk

MORE MEMBERSHIP BENEFITS

- Useful Websites for local businesses - hard copy enclosed
- Chamber Meetings - more opportunities for promoting services
- Chamber Meetings - changing dates and venues next year
- Chamber Reps on local Forums provide insight and feedback
- Members' News - a new page of local successes and changes

Future Meetings 2004

Wednesday, 4th August: Ascot House Hotel, Kings Road

Members' Networking Event - safari style: start at 7 tables; "all change" when bell rings

Wednesday, 1st September: Ascot House Hotel, Kings Road

IT Update – Computers & Communications – presentations by members

Wednesday, 6th October: Ascot House Hotel, Kings Road

Grants & Guidance for local Businesses – presentation by HBDC & Business Link

PROMOTING HARROGATE BUSINESS

Harrogate Chamber of Trade & Commerce, PO Box 8, Harrogate, HG2 8XB

Tel: 01423 879208 Fax: 01423 870025 E-mail: info@harrogatechamber.org Web site: harrogatechamber.org

HARROGATE DISTRICT DEVELOPMENTS

Regional Assembly concerns

President, Peter Armitage, expressed his concern that, should the result of the Regional Assembly Referendum in the autumn be in favour of a Regional Assembly, Harrogate Borough Council would be in a state of "limbo" whilst it had a finite life. This would mean it would be virtually impossible for any decisions or major expenditure to be made.

In particular, Peter was concerned that, should this eventuality arise, then **Harrogate International Centre (HIC) could find it difficult to function effectively** during that phase due to its close relations with the Council. He asked members to be aware of what assistance could be offered to keep HIC operating effectively.

Brian Dunsby endorsed the President's comments and quoted from a recent Economic Development Forum Meeting of the Council, where a Community Plan and a Service Improvement Programme had been drawn up around the minutiae of the District, but he felt they failed to address the strategic issues that businesses need - particularly the importance of traffic & transport.

Brian raised these objections at the EDF Meeting and his comments were endorsed and supported by a number of others present.

Royal Mail complaints unanswered

The Postal Watchdog PostWatch have still not been able to obtain a satisfactory response from Royal Mail regarding our complaints already submitted, due to the unprecedented number of complaints Royal Mail have received! Members present still had delivery too late.

Chief Executive, Brian Dunsby, asked members who are still suffering an unsatisfactory delivery service from Royal Mail to contact him with a brief report of their problems and the commercial consequences.

Chamber visit to Menwith Hill?

Following a recent visit by the Chief Executive to Menwith Hill to attend the Change of Command Ceremony, **an invitation has been extended to Chamber members to tour the Base's facilities.**

Members interested in such a visit should contact the Secretariat to express their interest. If sufficient members respond then arrangements will be made.

A-Board Licensing system in Thirsk

Members still having problems with the siting of their A-Boards may be interested to know that a Licensing System has been devised for the centre of Thirsk by Hambleton District Council. Further information can be obtained from Donald Moore, Chairman of Thirsk & District Business Association - Tel: 01642 896272
E-mail: donaldmoore@supanet.com
or direct from Clive Thornton, Engineering Maintenance Officer, Hambleton District Council
Tel: 01609 767052
E-mail: clive.thornton@hambleton.gov.uk

Planning Application Appeal Bus/Rail Station

A Planning Application by Coalhouse Properties (Harrogate) Ltd that was initially refused is now going to appeal at an enquiry on 2 September 2004 by a Government Inspector. The application is for a two-storey building containing 5 retail premises with offices above to be built on land between the Bus Station and the Railway Station on Station Parade, **probably blocking access from one terminal to the other.**

Harrogate Chamber objected to this application originally as it felt the site should be developed in a co-ordinated manner as an **integrated traffic interchange** and retail premises.

For further information on this appeal contact the appeal case officer at Harrogate Borough Council, Mrs E A Smith Tel: 01423 556569 Fax 556620.

Skipton Road closure again!

NEWS EXTRA – We have just been informed that Yorkshire Water Contractors will be excavating deep into the Skipton Road near Kings Road to install large sewers. They say that Phase 1 will start on 25 July and take about 8 weeks to complete. We have protested strongly about such severe disruption to traffic and the impact on local business and residents. Positive comments and suggestions welcome.

MEMBERSHIP BENEFITS

Useful Websites

A new information sheet has been compiled for the benefit of members giving a comprehensive list of useful websites from other local organisations and service providers. A copy is enclosed with this edition of *Review* and it will be published on the Chamber's website in due course – with live links to the websites.

Chamber Meetings Planner 2005

There have been no objections to the announcement in last month's *Review* of the proposed change of monthly meeting day to the **second Monday of each month in 2005**. As Ascot House Hotel is booked every second week, we will be **changing venues each month** in order to sample the different meeting facilities that Chamber members are able to offer. A draft Meetings Planner for 2005 was issued to those present for comment. It can be sent by e-mail on request and it will shortly be posted on our web site. (HC417-Meet05)

It is also planned to ask members with appropriate expertise to hold a joint "**Members' Update**" on their specialised subject for the dual purpose of raising members' awareness of the subject and informing members of the services offered by other members.

The **Networking Safaris** will also continue, as will the Technical Presentations from external organisations and the Focus Group "brainstorming" sessions.

Suggestions for Technical Presentations and Members' Update meetings would be appreciated.

EXTERNAL COMMITTEES

CCTV Monitoring Committee

Granville Simpson of Dream Toys reported following a recent CCTV Monitoring Committee that a number of extra cameras are now in operation, providing a helpful addition to traffic monitoring and public safety.

It is, however, still a **major concern** that **no progress** has been made on the link with the Newby Wiske Police Control Room. This is to be raised at a forthcoming meeting between Harrogate Borough Council and the Chief Constable of North Yorkshire Police.

Digital Industries Forum

Brian Haines of Commpete attended the Digital Industries Forum meeting in June, which included a presentation by Leeds City Council on big tenders and effective process for companies wishing to bid.

The launch of this new forum has been successful and they are now looking for a project that might give the Harrogate Digital Industries Forum a high profile and be beneficial for members - possibly a broadband campaign. **Telephone Brian Haines: 01423 530145**

Health & Safety Forum

Gerald Rigler of Edmond Shipway has attended an initial meeting of the Health & Safety Forum, which asked for local businesses to join in. He would be happy to continue as a member and to raise any Health & Safety matters on behalf of the Chamber membership.

Members should **send any concerns** to the Chamber Secretariat in the first instance, who will forward these on to Gerald.

Harrogate & District Food Safety Forum

Richard Whiteley of the Pavilions of Harrogate attended the recent Food Safety Forum and reported that the objective of this Forum is to act as a **focal point for two-way discussion on food safety** issues between the Environmental Health Division of Harrogate Borough Council and representatives from local food businesses. They work together to develop initiatives to assist businesses to comply with food safety legislation.

Meetings are held quarterly, the next being scheduled for 10am on Tuesday 12th October 2004 at the Millstones Restaurant on the A59 Skipton Road. They provide a **useful opportunity** for businesses to **understand and influence** the implementation of regulations locally.

For more information contact:

**Sylvia Ellis at Harrogate Borough Council
Tel: 01423 556841**

**or Robert Whiteley at Pavilions of Harrogate
Tel: 01423 544544.**

FOCUS GROUP UPDATES

Town Centre Focus Group - HELP!!

Focus Group Leader, Granville Simpson, is appealing for members to help with the latest project to identify how town centre signs can be improved. At the moment **key destinations for visitors are not clearly shown**; for example visitors using the Jubilee Car Park will need to know which direction to go in for the Visitor Information Centre, shops and other attractions.

Granville needs 2 or 3 members who are involved in businesses in the town centre to have an initial meeting to discuss the basic research needs required.

Interested members should contact the Secretariat by e-mail or Granville by phone on 01423 566718.

Promoting Harrogate Focus Group Entente Florale Update

Focus Group Leader and Harrogate in Bloom Chairman, Martin Wilks, gave an update of the preparations for the "judgement day" for Entente Florale on 23rd July.

The 10 Judges, who will be staying at The Yorkshire hotel overnight, will be taken around Harrogate on an 8-hour tour encompassing all aspects of the town. The day will conclude with a Civic Dinner at Hotel du Vin.

The route of the Judges' tour will be publicised in the local press and Martin emphasised that the Judges are not only looking at the floral aspect of the town, but also the quality of life and community aspects. The results will be announced at a ceremony in France on 13th September.

Further information: Martin Wilks Tel: 01423 530708

Traffic & Transport Focus Group

Focus Group Leader, Brian Dunsby, reported that **Arriva Trains** had introduced a new weekday service from Knaresborough to Leeds at 06.47. Also two new Sunday services from Leeds to Harrogate at 09.49 and from Harrogate to Leeds at 10.50.

Even though Arriva's record for reliability has improved to 99.6% the **Northern Franchise will be taken over by Serco Rail/Ned Railways in the autumn**. The Focus Group hopes to meet the new franchisees soon.

Following the presentation by Andy Judge of **Leeds Bradford International Airport** at last month's meeting, Brian will be attending a meeting on 27th July regarding public transport links to the airport.

Any Members who have any suggestions for improvements to links to the airport, or on the recent changes at the airport, please send an e-mail to the Secretariat so they can be raised at this meeting.

AppealNow.com

Having problems with incorrect or invalid Parking Tickets? The **AppealNow.com** website can generate a Parking Ticket appeal for an annual registration of £5 plus £4.99 for each appeal letter. Worth a try?

BERWINS LEGAL UPDATE

Claire Rolston, Head of Employment Law at Berwins, discussed employment law under the heading "Back to Basics". She stressed:

- The importance of a formal contract of employment and the distinction between that and the statutory statement of particulars
- The financial penalties which apply from October where there is no statement of particulars
- Details of what needs to go in a statement of particulars, and how the terms can be changed.

She then looked at the essential policies required by a business, and finished by looking at the statutory disciplinary and grievance procedures which will apply from 1 October 2004. She pointed out that failure to comply with the requirements would make a dismissal automatically unfair.

For more information, please contact:

Claire Rolston at Berwins LLP

Tel: 01423 543106

E-mail: ClaireRolston@berwin.co.uk

Our summary of the presentation follows. Copies of the PowerPoint handout are available from the Secretariat. Please send large s.a.e.

Contract of employment

All employees must have one; it can be verbal but is better in writing. A contract includes both express terms and implied terms.

Written statement of particulars

There is an obligation to provide a Written Statement of Particulars (WSP) as set out in Sections 1-3 of the Employments Rights Act 1996. This should be provided no later than 2 months after employment commences, except where employment lasts less than 1 month. The financial penalty from 1 October 2004 is 2-4 weeks pay. The written statement only becomes a contract when signed by both parties.

Requirements of WSP

These details must be contained in single document:

- Names of employer and employee
- Date employment began
- Date period of continuous employment began
- Rate & frequency of remuneration
- Hours of work
- Holidays
- Job title
- Place of work

In certain circumstances these details are not included in the principal document. The employee can be referred to other sources for: Incapacity and sickness/ Pensions/Notice periods/Disciplinary & grievance rules & procedures.

Changes to terms

Must serve statement of changes. Change cannot be imposed unilaterally if the employee objects.

A statement of changes must be served no later than 1

month after change. This must be expressly or impliedly accepted. In case of non-acceptance - the result may be dismissal.

Policies & Procedures

Set out guidelines (usually in a Company Handbook, not within contract). Type of policies and Codes of Practice depends on size of business.

Basic Policies

Disciplinary & grievance; Attendance; Equal opportunities; Disability; Stress; Email & internet; Data Protection

More policies

Maternity; Paternity; Parental; Redundancy; Bullying/harassment; Alcohol/drugs; Smoking

Statutory Procedures

New from 1 October 2004. Statutory disciplinary & grievance procedures become mandatory.

No exemption for under 20 employees.

Failure to comply = automatic unfair dismissal

Statutory Disciplinary Procedure

- applies when an employer contemplates dismissal or takes "relevant disciplinary action" arising out of employee's conduct or capability.

"Relevant disciplinary action" is defined as:

"action short of dismissal, which the employer asserts to be based wholly or mainly on the employee's conduct or capability, other than suspension on full pay or the issue of warnings (whether oral or written)"
In layman's terms this doesn't apply to: oral/written warnings or suspension on full pay.

It does apply to: dismissals, demotions/transfers or suspension without pay

Standard Procedure

- be used in the majority of situations - comprises 3 steps:

Step 1 - statement of grounds

Step 2 - the meeting, which must take place before any action is taken (except where employee is suspended) and only after the employee has been informed of basis for grounds in statement and has had reasonable opportunity to consider response.

Step 3 - appeal

Compliance only means dismissal is not automatically unfair. Reasonableness under S98(4) ERA is still relevant, as is the ACAS Code of Practice.

Modified Procedure will be used in cases of serious gross misconduct.

What happens if employer fails to adhere?

Dismissal is automatically unfair

Compensation is increased by 10% - 50%.

Statutory Grievance Procedure

This aims to reduce number of claims in Tribunal.

Employees are banned from making a claim unless they have lodged a formal grievance and waited 28 days.

Summary:

Prevention is better than cure!

MEMBERS' NEWS

Philip Morris MBE

We are proud to announce that Chamber member **Philip Morris**, Director of Larchfield Manor Nursing Home, Chairman of the Harrogate Branch of the British Heart Foundation, has been awarded an MBE in the Queen's Birthday Honours List for more than 30 years devotion to improving care for heart patients in the town.

Carers' Resource achieve Queen's Award

The Carers' Resource has won the prestigious **Queen's Award for Voluntary Service** for outstanding achievement by groups of unsung heroes.

A local panel and the Queen's Jubilee Award Committee were satisfied that they met a particular need, provided activities of a very high quality and generated a high level of goodwill and respect in their communities.

Director, Anne Smyth, Carer Support Officer, Sue Clements and volunteer Maureen Stead will attend a reception hosted by the Queen at St James Palace.

RHS Harlow Carr opens "Gardens Through Time"

The new project at RHS Harlow Carr "Gardens Through Time" is **officially opened on 21st July**. This landmark project comprises seven historical gardens and is the subject of a new BBC TWO series to be broadcast this autumn.

The seventh garden has been designed by Diarmuid Gavin and weaves together elements from the last 200 years to create a contemporary garden.

Turkish Baths Re-open

Following a £600,000 renovation, the Turkish Baths on Parliament Street were officially re-opened on 9th July. These are the most historically complete Turkish Baths in the UK and the six-month restoration programme was completed with the aid of a Heritage Lottery Fund covering 75% of the costs. Tel: 01423 556742

Pavilions of Harrogate Finalists in Top Tourism Award

Chamber member **Pavilions of Harrogate** have been nominated as one of five finalists for an award for **Conference Venue of the Year** in the Yorkshire Tourist Board 2004 White Rose Awards for Tourism.

The winners will be announced at an official ceremony to be held at the National Railway Museum, York on Thursday 7 October 2004.

For more information see: www.yorkshiretouristboard.net

For more information on their facilities contact:
Robert Whiteley, General Manager,
Pavilions of Harrogate - Tel: 01423 544544
E-mail: robertw@pavilionsofharrogate.com
Web site: www.pavilionsofharrogate.com

Paul Berwin - Half Ironman?

Paul Berwin of Berwins solicitors will be taking part in a **Half Ironman Triathlon in Dorset on 22nd August**. This involves a 1900 metre open water swim, 90km cycle and a half marathon (41km) - all within 6-7 hours!

For his substantial efforts Paul hopes to raise funds for four charities in the region: St Michael's Hospice; Harrogate Theatre Trust; Leeds Jewish Welfare Board and British Wizo.

More information and a sponsorship form is available by ringing 01423 509000 or e-mail law@berwin.co.uk

Colour-It-In on the move

From 19th July digital print and display company **Colour-It-In**, headed by Past Chamber President, Mark Lancaster, is **moving to new premises** at:

Unit 1, Hydro Business Park, Ripon Road,
Harrogate, HG1 2BS - Freephone 0800 542 0852
E-mail: ci@harrogate.com
Web site: www.colouritin.co.uk

New President for The Harrogate Club

Adrian Holey has been appointed President of The Harrogate Club on Victoria Avenue until May 2006.

The Harrogate Club has also changed their e-mail address to: enquiries@theharrogateclub.wanadoo.co.uk with immediate effect. The telephone number remains the same at: 01423 502344 with Elaine Mawer continuing as Manager.

NEW MEMBERS

Jo Olnier Graphic Design (*Graphic Design*)
Jo Olnier, Graphic Designer
22 Wharfedale Place, Harrogate, HG2 0AY
Tel: 01423 540489
E-mail: mail@joolner.co.uk

pgk limited (*Marketing Communications*)
Carol Rees, PR Account Director
Number 1, Park View, Harrogate, HG1 5LY
Tel: 01423 523000 **Fax:** 01423 523325
E-mail: crees@pgkadvertising.co.uk
Web site: www.pgkadvertising.co.uk

The Iron Duke (*Public House*)
John Shepherd, Director
Cold Bath Road, Harrogate, HG2 0NA
Tel: 01423 526100
E-mail: info@theironduke.co.uk
Web site: www.theironduke.co.uk

Xpertential Ltd (*Business development adviser*)
Richard Marjoribanks, Director
8 Tewit Well Avenue, Harrogate, HG2 8AP
Tel: 01423 547026
E-mail: r.marjoribanks@ntlworld.com

BUSINESS BRIEFINGS

Age discrimination change looms

A large majority of employers have yet to respond to impending changes in employment practices that will prevent age discrimination at work. New legislation will require businesses to comply with measures that must be implemented by December 2006. So far, only one in four employers has adopted the Government's Code of Practice on age diversity, introduced in 1999, according to an Equal Opportunities Review survey. In order to comply with the change in law, businesses will have to review all systems for recruitment, promotion, retirement, redundancy, performance appraisal and dealing with claims of unfair dismissal.

Read more about this at:

www.onrec.com/content2/news.asp?ID=4451

No plans to review hated IR35

Only three months after Gordon Brown pledged to revisit the issue of small business taxation in his April Budget, it has been announced that the Inland Revenue has no plans to include a review of controversial tax rule IR35. Small businesses have long been campaigning against the rule, which affects the tax and National Insurance contributions paid by self-employed contractors.

A survey currently being carried out by the All Party Parliamentary Small Business Group, which will question small, owner-managed businesses as to how the UK's tax system affects them, may force the issue, and the Professional Contractors Group expressed hope that IR35 will be reviewed in the pre-Budget report this autumn.

For more on this, go to:

www.accountancyage.com/News/1137539

Higher interest on late payments

The amount of interest permitted to be charged on late payments rose on 1 July, in line with the recent rise in the Bank of England base rate. Once a commercial debt passes its deadline, interest accrues daily until the debt is settled. Businesses awaiting overdue debts can now calculate interest according to the base rate plus 8%, and claim compensation of up to £100.

Meanwhile, new techniques to trace debtors who fail to respond to demands for overdue payments have been unveiled by the Better Payment Practice Group (BPPG). The guidance provides practical tips on tracking down customers who seem to have disappeared, and steps to minimise the likelihood of this happening in the first place.

For more details of the interest rate rise, see:

www.payontime.co.uk/news/commercial_rise.html

To get the BPPG's latest guidance, go to:

www.payontime.co.uk/collect/tracing_techniques.html

Business Link website up and running

Small businesses looking for information about Government support in the form of grants and loans, as well as advice to help them build their enterprises, can now access the new Business Link website.

Other features of the site include a directory of training courses throughout the UK and information about regulations likely to impact on business activities.

Fresh guidance on employers' liability insurance has been launched on the website to help small businesses keep in touch with the latest developments. The website features a definition of the compulsory liability insurance required by law.

To check out the website, go to:

www.businesslink.gov.uk/bdotg/action/home

Insurance anxieties increasing

Small businesses are increasingly worried about the rising cost of insurance, but there is an awareness of the risks they face from cutting corners on the type of cover they take out. A survey carried out for Norwich Union revealed that even if some forms of insurance were not a legal requirement, few businesses would try to get by without it. Their anxieties follow a previous report about the refusal of some insurers to cover businesses that do not have disaster recovery plans.

For more information about the study, go to:

www.aviva.com/news/release.cfm?section=media&filter=none&ID=1721

Understand Sick Pay

Members can find useful information on all aspects of Sick Pay on the British Chambers of Commerce web site.

Employees are entitled to either Statutory Sick Pay (SSP) or Contractual Sick Pay (CSP) with some exceptions.

It is important that employees are clearly advised about the rules regarding notification of sickness either in a written statement or through a staff handbook.

Notification and payment rules apply equally for full and part-time employees and employers should keep records of SSP as information may be required on forms P14 at the end of the tax year.

For more information go to:

www.chamberonline.co.uk/cmn/ml.jsp?id=000006589816

New address for ACAS office

The ACAS office in Leeds has moved to a new address, but is keeping the same telephone numbers. They are now at The Cube, 123 Albion Street, Leeds, LS2 8ER. Telephone Helpline: 08457 474747. Web site: www.acas.org.uk

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