

BACKHOUSE



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# BACKUP

## The future for legal advice

BACKUP has been devised to cover the pinch points of a transport business, namely the management and safekeeping of the operator licence together with the management of people – all for an affordable fixed monthly fee based on the operator's authorised fleet.

The scheme provides 24/7 immediate access to expert transport lawyers regarding wide ranging road regulatory and HR matters together with representation at Public Inquiry or Employment Tribunal.

Our service minimises the calamities and costs that can be caused by disputes and litigation because, let's be frank, if a crisis happens, the time for preparation has passed.

Our lawyers take the reins, enabling operators to concentrate on the core business of running a transport business.



On a yearly basis we deal with:

# 10,000

- Client calls
- Training sessions
- Compliance reviews
- Webinars

# BACKUP What do I get?

## Regulatory advice, defence and representation

Comprehensive advice on how to obtain and retain your O licence.

**The scheme includes advice on:**

- Applying for an O licence (does not include actually making the application)
- Providing and satisfying undertakings
- Changes to your Transport Managers
- Changes to your operating centre
- Changes to fleet size
- Changes of entity/directors
- Notifications to TAO
- Matters relating to financial standing

- Notifications of convictions
- DVSA intervention whether VE or TE
- Preparing detailed responses to prohibitions (S marked or PG9)
- Dealing with fixed penalties and/or immobilisation
- How HSE and environmental prosecutions can impact on the operator's O licence
- The implications of Insolvency/bankruptcy on the operator's O licence

In addition BACKUP provides full representation:

- At a preliminary hearing before the Traffic Commissioner
- At a Senior Team Leader Meeting
- At a Public Inquiry
- For prosecutions against the operator (TM's & drivers not included) in relation to matters arising from the operation of a vehicle for Construction & Use (weight/length/condition), Drivers Hours and Tachograph Equipment

## Employment advice

Our seamless service is provided to guide you through the irksome management of employees.

BACKUP provides a complete HR service offering daily practical advice and representation at an Employment Tribunal.

**This includes:**

- Drafting settlement agreements
- Representation at an Employment Tribunal

**Advice & assistance on all standard employment enquiries including:**

- The Working Time Regulations 1998 (as amended)
- The Road Transport (Working Time) Regulations 2005
- Misconduct and disciplinary matters (including dismissal)
- Wages, bonuses, attendance bonuses, overtime and general pay disputes
- Holidays
- Unlawful deduction from wages, loans and training costs
- Sickness absence and long term illness
- Maternity and Paternity leave
- Parental leave and time off for dependants
- Flexible working requests
- Confidentiality and restrictive covenants
- The Equality Act 2010 (including sex, disability, race, age, sexual orientation, disability related discrimination)
- Agency Worker Regulations 2010
- Issues relating to casual, self employed and agency staff

## We know transport law

**BACKUP wards**

## What if I wanted more? We'll put our **HDAB** into it.

**HDABUP** includes a free legal consultation and discounted rates in the following areas:

### Commercial

- Commercial contracts (including terms and conditions of trading, supply agreements, contracts for services and agency, distribution and franchising agreements)
- Commercial disputes arising out of any aspect of the business (for example, breach of contract or sale of goods claims)
- Debt recovery
- Advice on clandestine entrants

### Property

- Sale & purchase of property and land
- Leases
- Dilapidation issues
- Landlord & tenant issues
- Option agreements
- Re-financing

### Corporate

- Mergers & acquisitions
- Company disposals
- Management buy-ins / buy-outs
- Group and company restructures
- Joint ventures
- Investment and shareholders agreements
- Banking and finance
- Corporate recovery
- Company formations
- Partnership and LLP advice & information
- Corporate governance





**“The exceptional service, level of competence and support offered for our industry by Backhouse Jones is unrivalled and all for a highly competitive fee. BACKup is a “must have” package that any PCV operator should be looking to invest in to help support their business moving forward.”**

Richard Grey  
Greys of Ely

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## What is not included in the Scheme

**Important: Exclusions and limitations to the provision of the BACKup package.**

- Claims, issues, prosecutions, proceedings or investigations (whether criminal or civil) in any Court, Tribunal, Inquiry or Inquest which are within the contemplation or are brought against or notified to the applicant prior to or within the first three months of the applicant's subscription to BACKup.
- Prosecutions, proceedings or investigations (whether criminal or civil) in any Court, Tribunal, Inquiry or Inquest brought against the applicant where the allegation is one of dishonesty, intentional or reckless acts or omissions of the applicant and/or the applicant's servants or agents.
- Any compensation or other awards or costs ordered or agreed in the course of employment cases.
- Any penalty, fine or other similar imposition, third-party costs or other expenses arising under any fixed penalty process or other penalty scheme or deposit scheme (criminal or civil) howsoever arising (for example: LEZ or any other emissions scheme, congestion scheme, immigration and asylum, foreign deposits, etc).
- All and any matters Backhouse Jones are prevented from acting on due to a conflict of interest.
- Any advice in relation to the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014.
- O Licence applications and variations.
- Prosecutions, proceedings or investigations (whether criminal or civil) in any Court, Tribunal, Inquiry or Inquest brought against the applicant where the allegation is one of dishonesty, intentional or reckless acts or omissions of the applicant and/or the applicant's servants or agents.
- Any compensation or other awards or costs ordered or agreed in the course of employment cases.
- Any penalty, fine or other similar imposition, third-party costs or other expenses arising under any fixed penalty process or other penalty scheme or deposit scheme (criminal or civil) howsoever arising (for example: LEZ or any other emissions scheme, congestion scheme, immigration and asylum, foreign deposits, etc).
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- O Licence applications and variations.
- Fines, damages, awards, costs or similar expenses ordered against or agreed to be paid by the applicant in the course of or in conclusion of any criminal or civil proceedings.
- The cost of appeal against convictions, fixed penalties or other similar impositions, civil or criminal or the cost of appeal against any decision of any Employment Tribunal or Traffic Commissioners.
- The first day of each employment tribunal, Public Inquiry, Preliminary Hearing, Upper Tribunal Hearing, criminal court Trial or Inquest is covered by this scheme. All subsequent days of any employment tribunal, Public Inquiry, Preliminary Hearing, Upper Tribunal Hearing, criminal court Trial or Inquest (whether attendance, advice or costs in connection with the same) are excluded and shall be charged for additionally at a discounted hourly rate plus VAT and disbursements.
- All matters arising out of/in respect of war, riots, civil commotion, insurrection and other force majeure events.
- Any legal expenses exceeding £50,000 per matter.
- Any legal costs and/or fees (including any third party fees) that have not been approved (in writing) by Backhouse Jones.
- Competition related matters.
- Driver offending is not included within the scheme.
- Cases involving allegations of clandestine entrants.
- Any matter which is covered by an insurance policy maintained by the applicant.
- All and any matters upon which the applicant fails to take or follow any and all advice given to the applicant by Backhouse Jones.
- All and any matters the applicant has failed to tell Backhouse Jones about in a timely manner. In the case of employment matters, this should be at the point of ACAS Early Conciliation Notification or before.
- Any and all advice required by any other company, entity, partnership or person which is connected with the client or any of their directors or shareholders.
- All and any matters arising outside England and Wales.
- All and any matters governed by any laws other than the laws of England and Wales.
- In the event that Backhouse Jones advises on any matters which are excluded from the scheme (hereunder or otherwise) it reserves the right to charge the applicant at its standard hourly rates in respect of the same.

# Articulate advice



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