

GETTING TO KNOW YOU

This is a feature where we ask notable clients and/or contacts of HH a range of obscure questions in order to get a better appreciation of their life and interests.

This edition features **Tim Scholes, Managing Director of Maun Industries.**



1. Where were you born?

I was born in Solihull, but have no connection to the town as we lived in a Warwickshire village. I moved when I was two, so my earliest memories are of Stratford-upon-Avon.

2. Can you summarise your education in a few words.

I was fortunate to study mathematics at Oxford University. After working for three years, I applied to Harvard Business School where I gained an MBA.

3. Can you summarise your business career in a few words.

Starting in 1980, I worked for 35 years working as a consultant, advising large corporates on strategy and M&A. The first ten years, I worked for larger firms, before branching out to establish my own business.

4. Where would you like to be in 5 years?

I have just acquired, Maun Industries, a manufacturer of specialist hand tools. The moment of truth has arrived, can I implement my own new strategy? I hope in five years to be able to have helped my new colleagues to transform Maun and its long-term prospects for success.

5. What do you enjoy most about being in business?

I have just taken a five-year break from work. My motivations for 'getting back into the saddle' are that I love the intellectual challenge and want again to be part of a winning team.

6. What one piece of advice would you give to aspiring entrepreneurs?

Surround yourself with talent. You cannot do everything yourself, so focus on hiring the very best people who will go the extra mile for you and your customers.

7. What is your most memorable event in your life?

It has to be marrying my wife, Siân, in the chapel of Oriol College, Oxford. Everything that has happened in the 37 years since is rooted in that day.

8. Who has influenced you the most in your life whether business or not?

As a teenager, I was challenged relentlessly by an inspiring teacher at my school, David Gaine. The result was that I left school with high level of self-belief. My subsequent success is rooted in the conviction that I can win.

9. What is your favourite book?

Bomber, by Len Deighton. It is a fictional account of a single, failed bombing raid on Germany during the Second World War. The book examines the raid from the perspective of different protagonists, highlighting the sheer futility of the action.

10. What fictional character would you most like to be?

John le Carré's George Smiley. Like many, I visualise him as played by Alec Guinness in the BBC's 1980's dramas: brooding and relentlessly questioning his colleagues' loyalties and motivations. It's just a shame that his wife betrayed him so badly.

11. If you were a superhero what would your superpower be?

The power to teleport instantly to another part of the world. That would have been invaluable when working as a consultant, rather than spending weeks a year sitting on aeroplanes.

12. If you could be an animal, what would it be and why?

In my early days as a consultant, I was nicknamed Terrier Tim for my relentless approach to solving client problems. I wore this as a badge of honour (literally).

13. What was the biggest challenge you faced in your business and how did you overcome it?

Moving continents (US to UK) and starting my own consulting business: I wholly underestimated the importance of a network in generating new business leads. I knuckled down and started cold calling, offering silly prices whenever an opportunity presented itself. It took me five years before I was making the same money that I had been discontent with at my former employer - but by then I truly appreciated the value of that money!

14. If you could travel in time, where would you go first?

There are two big choices that I made in my career: first, on graduating from HBS, to join a fledgling start-up, LEK Consulting, not establishment consultants, McKinsey; and second, on leaving LEK, to start my own consulting business, not accept a senior HQ role in strategy at GE. In each case, I would love to go back in time and take the alternate path, just to see what happens!

15. What is your favourite food?

I love my breakfast: a home-made, high protein muesli, topped with milk, protein-rich FAGE Greek yogurt and sliced banana.

16. What are you currently listening to?

I am not a habitual listener to music. Sometimes, I have Classic FM on in the background, but the presenters drive me crazy. Occasionally, when my wife is not around, I will binge listen to a few favourite 70's or 80's tracks, playing the same ones over and over again.

17. What was the last film you watched.

The Sound of Music; it was on over Christmas and I caught the last 45 minutes. I find films both too long (in one sitting) and too short (for full character development). I prefer dramas that smoulder to a crescendo over multiple, hour-long episodes. I persist in viewing the old fashioned way, rationing myself to one episode per week.

18. What country would you most like to visit?

Switzerland: sunshine; crisp, cold air; stunning mountain vistas.

19. What is the highlight of your career to date?

In 2002, advising the Board of Cadbury on its \$4 billion acquisition of Adams Confectionery (Trident chewing gum, Hall medicated sweets). I led a 60-strong, internal Cadbury team who developed a post-acquisition plan to justify making this transformational acquisition. PS, the plan was delivered :-).

20. What makes your approach to business unique/different/special?

David Gaine (see above) said I would never succeed in business because I was too nice. I like to think that being a decent person, who is a team player, leads from the front, looks out for his colleagues and likes to have fun along the way, doesn't disqualify me from achieving success in business. Maybe he's right: I am not a billionaire, perhaps I have not succeeded?

Contact us on: 01384 216840 • 0208 191 7893 • info@hawkinshatton.co.uk

HAPPY BIRTHDAY HH

Sitting at my desk and looking out of the window and reflecting with Harminder sitting opposite me, I genuinely cannot believe it has been 15 years since the inception of HH with the very first deal in my first month being the management buyout of Welconstruct Group on 31st January 2006. A lot of water has passed under the bridge and we have seen a lot of changes, not to mention the financial crash and now the Covid crisis.

15 years are usually symbolised by crystal, I wish I had been given a crystal ball and even then, I know I would never have predicted the times that we are now in no matter how much I pretend to be a soothsayer when not practicing as a lawyer. With any reflection (usually on my birthday after a few drinks) time seems to be encapsulated by certain key historical events and to me, I still recall a very small low-key launch party where Digby Jones a.k.a the Baron Jones of Birmingham helped launch the firm. I know that this year is not a time for celebration and we have



cancelled some key events where we always look to catch up with our friends and clients alike, both locally at Weston Park and also in London but we are undeterred and remain positive about the future.

I know when this reflection is published, Christmas will soon be upon us and 2020 will certainly be a time engrained in all of our minds for years to come.

I have always been the optimist and I can sincerely say that I never thought when I first started HH with Harminder at my side, it would be the success that it has now become. We have, in the last 15 years, received notoriety from both our peers and those who would comment on the profession. This has given HH the recognition it deserves as a niche corporate practice and a bank panel firm within both the Legal 500 and Chamber and Partners.

I have also thought about the clients that we have worked with and people we have helped and I can honestly say that if I had my time again, there would not be many things that I would change as from the experience that I have had, I have learned valuable lessons which in turn have created different opportunities and outcomes and I would never want to change this. I have always strived to work hard knowing that with hard work, success should follow. I appreciate a sprinkling of good fortune always helps create the aura of confidence that enables self-belief to flourish.

I genuinely want to thank each and every one of you who have been part of HH whether as clients, professional contacts, colleagues and more importantly, those of you who both Harminder and I regard as our friends, for all of the help and support that has been afforded to us both and allowed HH to stay true to the niche corporate practice vision that we envisaged when we first started.

On behalf of Harminder and I, we are wishing each and every one of you a peaceful and safe time over the Christmas period with your friends and family and warm wishes and prosperity for the New Year.

Colin Rodrigues (Corporate Partner)

In This Issue

- Happy Birthday HH
- We Will Take The Weight Off Your Shoulders
- What's In A Name? A Lot When It Comes To The Law
- Mobile Purchase Logistics Business
- Getting to Know You - Tim Scholes

Contact us on: 01384 216840 • 0208 191 7893 • info@hawkinshatton.co.uk

WE WILL TAKE THE WEIGHT OFF YOUR SHOULDERS

Given that we are in the business of law, it may come as a surprise to discover that one of the main objectives of our dispute resolution department is to avoid litigation wherever possible by helping our clients resolve commercial disputes in a cost effective and swift manner.

We are very conscious that the time our clients spend focussing on disputes is valuable time diverted from the more productive areas of running their business.

What's more, given that a dispute can often turn personal, it is even more important that we take a strategic approach to managing the issues by ensuring all possible options to resolution are explored at the outset before costs become prohibitive.

The court process can be unpredictable and no matter how strong the case may be it does not necessarily lead to a successful outcome in court. We always remind our clients that we are dealing with a Court of Law not Justice, and as both sides cannot be right there should always be scope for reaching a sensible compromise.

In these difficult economic times we are increasingly encountering disputes regarding unpaid invoices for work rendered or products supplied.

Often both parties are owed substantial sums by the other and each party seeks to identify performance issues to avoid or delay payment.

Our approach to resolving these types of disputes centres on providing clear commercial advice on our client's legal position and robustly defending spurious allegations made by the debtor. We are able to very quickly expose the weaknesses of our opponent's allegations by tactically volunteering evidence to substantiate our client's claim. The key is not to hold

back, but to "lay your cards on the table" and persuade your opponent as early as possible of the strength of your position. This then provides you with the platform to negotiate a commercial settlement.

It is all too easy to become entrenched in a position or matter of principle and lose sight of the commercial relationship with the other business.

This often leads to one or both parties issuing legal proceedings and once litigation commences most lawyers follow the process and commercial compromise becomes more difficult as legal costs escalate.

By taking a refreshingly different approach we are able to review our client's position at every opportunity with the sole aim of ascertaining how we can extract our client from an expensive dispute, whilst agreeing terms which are acceptable to the business.

We would rather our client pay a small sum of money to his opponent to extinguish the risk and time associated with a dispute than our client incur that sum in legal fees with us.

For this reason we offer all our client's a free initial appraisal of their dispute with a view to agreeing a resolution strategy.

Where we believe we can add value we will provide a cost estimate for the implementation of our services and once appointed we provide costs estimates and agree budgets for each stage of the process so clients are always in control of their exposure.

We have extensive experience of alternative forms of dispute resolution including arbitration and mediation.

Harminder Sandhu (Dispute Resolution Partner)

WHAT'S IN A NAME? A LOT WHEN IT COMES TO THE LAW...

A Rose by any other Name or Simply Hard Cheese?

A familiar question I am sure. The reason why I have used this quotation is to ask the question "is a name a label used to distinguish something from another?"

Put simply, if a rose was called something entirely different, would it still smell as sweetly as it does with the name "rose."

Given we all know the answer to this question it may seem odd that I have posed such a question.

However, over time, I have seen people getting very animated over the use of names, especially when these names are entirely descriptive.

Where a name has an overwhelmingly clear and descriptive meaning, then the words in that name will not qualify for a registered trade mark. It is that simple.

I have also seen people trying to extend the argument to claim that they have device mark registration.

The purpose of a design mark is to protect the overall design and appearance that does not contain words or letters. However, where goods and services have very little in common with the design mark used, then device mark registration will fail, especially due to lack of any registered trade-marks in the words.

Therefore, the disgruntled claimant is left with two options; either a claim for passing off or misrepresentation. But,

trying to bring a claim for passing off when people use descriptive words such as "Midlands" does not work, for example if they are creating a new brand of cheese made with beer from the Midlands they are not going to be regarded as having the ownership of the goodwill to the word "Midlands" for their cheese that will help them prove a passing off claim.

So, what about misrepresentation? There will be no misrepresentation where a person simply shows association with generic names such as "Midlands" when branding their cheese which is coming from the Midlands.

So, you could even say that cheese is made in the Midlands and not be able to prove your claim, unless of course, the competitor's cheese infringes the secret recipe of the original cheese maker.

So, you could say it is "hard cheese" if someone is using very generic names such as "Midlands" to claim association with services or products as they cannot stop others from doing the same.

If the claimant had a strong enough name then they should have got a trade mark in the name Midlands for the cheese or at the very least a registered design in the logo.

Colin Rodrigues (Corporate Partner)

MOBILE PURCHASE LOGISTICS BUSINESS

Mobile People Powered Logistics in Birmingham has bought a firm in Buckinghamshire to improve service to the south of England.

We assisted in the deal for PDX Logistics, of Aylesbury, which is involved in warehousing, distribution and logistics.

Mobile said PDX Logistics was a natural fit for its expansion beyond the West Midlands.

The Birmingham business, which dates back to the late 1970s, has continued to expand its business.

Matthew Marriott, managing director of Mobile, said: "There is no wizardry involved in the formula of 'people powered logistics'. It is just simply hard work and commitment and ensuring you do the right thing



every day."

Mobile was assisted by Arran Jones of MDP Accountants and our firm in delivering what was a difficult transaction in a clear and concise way and avoiding the obstacles which could have beset the whole deal.

Colin Rodrigues, our corporate partner, said; "Matthew Marriott and Ian Jolly's sorcery with their ethos and its combination with PDX will transform Mobile into a national player in its sector in the post-Brexit years."

Both firms are members of Wolverhampton-based Pallet-Track and the combined business will make some 250,000 palletised collections and deliveries in 2020.

