

## BUSINESS HEALTH CHECK

Owning a business can be one of life's most rewarding experiences but it is not without its challenges; not least of which is keeping the cash flowing, paying the wages, minimising taxation and, at times, dealing with one's fellow shareholders, directors or partners. Yet many businesses can find themselves in unexpected difficulty resulting from something as simple as not having in place the right agreements. After all, the job isn't finished until the paperwork has been done.

Our free business health check will give you a better idea of whether the things that you thought were properly taken care of are, after all, fit for purpose. If you'd like our help, simply complete the form below and return it to us with the documents you want us to review. Strict confidentiality will be maintained with regard to all information supplied to us.

### Details of Your Business

Name & Address of Business:	
Principal Contact:	
Telephone Number:	
E-mail address:	
Website address:	

### Your Business Structure

Are you: a PLC; Limited Company; Partnership; Limited Liability Partnership; Sole Proprietor?	
Date established:	
Brief description of business:	

If a <b>Limited Company</b> , do you have a Shareholders' Agreement? If <b>YES</b> , does it deal with:	YES	NO	N/A
(a) capital contributions?			
(b) borrowing money?			
(c) shareholders' voting rights?			
(d) procedures for meetings and reaching decisions?			
(e) the resolution of disputes among shareholders?			
(f) removing a shareholder?			
(g) the death or incapacity of a shareholder?			
(h) the distribution of profits / dividends?			
Do you have internal procedures which ensure that all major decisions are referred to the Board for approval, and that all these decisions are recorded in the Minutes of the Board?			
Have you effected Enduring Powers of Attorney?			
Are all Companies House and company secretarial matters up to date?			

If a <b>Partnership, Limited Liability Partnership</b> or <b>Joint Venture</b> , do you have a Partnership Agreement, Memorandum, or J.V. Agreement? If <b>YES</b> , does that Agreement deal with:	YES	NO	N/A
(a) capital contributions?			
(b) borrowing money?			
(c) the voting rights of Partners?			
(d) profits and losses?			
(e) procedures for meetings and reaching decisions?			
(f) the resolution of disputes among Partners?			
(g) the removal of a Partner?			
(h) the retirement, death or incapacity of a Partner?			
Have you effected Enduring Powers of Attorney?			

## Trading Activities

	YES	NO	N/A
If your business supplies goods and / or services, do you have a standard contract / Terms & Conditions for such?			
If <b>YES</b> , do those Terms and Conditions include:			
A specified payment period?			
Interest on late payment?			
Retention of title pending payment (in the case of goods)?			
Termination / cancellation rights?			
Provisions for force majeure?			
Is it policy that all sales are made on your Terms & Conditions?			
When inviting suppliers to provide goods and services to your business, do you have a standard procedure for tendering?			
Do you have a procedure for evaluating tenders?			
When inviting tenders for the supply of goods and services, do you have Terms & Conditions of purchase upon which the supplies are to be provided?			
If not, do you always carefully review the Terms & Conditions offered by the supplier?			
Do you have procedures for checking the credit-worthiness / financial capacity of those with whom you plan to do business?			
Do you have a Business Continuity Plan?			
Are all licences, permits and registrations are in place?			

## Contracts

	YES	NO	N/A
Do you have standard contracts for:			
Appointing contractors who provide maintenance service?			
Purchase of goods and services?			
Procuring consultancy services?			
If your business is involved with the appointment of agents, distributors or representatives, or if you act in any of these rôles, do you have a standard form of appointment?			
If you enter into confidential business negotiations with third parties, are they required to sign a Confidentiality Agreement?			
Were your standard contracts prepared / reviewed / updated within the last 12 months?			

## Personnel

Do you have standard contracts of employment for:	YES	NO	N/A
Directors?			
Senior personnel?			
Junior personnel?			
Hourly paid / temporary staff?			
Do you have:	YES	NO	N/A
Disciplinary rules and procedures?			
Grievance procedures?			
Health and safety policies?			
If you offer loans to staff, do you have a standard form of loan agreement?			
If you are based in the EU, are you aware of the latest EC directive on fixed term contracts and do your contracts comply with it?			
Have your employment contracts been prepared / reviewed / updated in the last 12 months?			

### Internet

If you have a website do you have:	YES	NO	N/A
A privacy policy that complies with the Data Protection Act?			
A Disclaimer Notice?			
If business is transacted via the web do you have Terms & Conditions of sale / business that comply with the relevant legislation?			
A Complaints Procedure?			

### Intellectual Property

Have you applied for / registered your trade names / designs / patents in the U.K.?	YES	NO	N/A
Have you registered these designs, etc., elsewhere in the world where you do business?			
Are your intellectual property rights protected in your contracts with third parties?			
Do you have formal licenses from third parties whose designs and other intellectual property rights are used in your business?			

### Property

If you rent your business premises, do you have a formal lease or tenancy agreement with your landlord?	YES	NO	N/A

