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## A personal service in a commercial field

Commercial property is one of the biggest investments companies make, and a personal approach from legal experts is a must.

Latimer Hinks solicitors, one of Darlington and County Durham's longest established law firms, is able to serve businesses across the world through its team of commercial property experts.

The commercial property department is led by a team of three Partners, Tim Haggie, Neil Stevenson and Nicola Neilson, each with proven track records in the field, and all clients deal directly with these individuals.

Tim, Neil and Nicola provide advice on a wide range of transactions for both sellers and purchasers.

Such services as option agreements, negotiations with developers, developer agreements and advice for landlords and tenants, are delivered to clients in the North East and across the country, as well as to overseas investors looking to establish property portfolios in the UK.

With a wealth of experience spanning 40 years, Tim was recommended in the prestigious Legal 500 directory's agriculture and estates sections in 2009 and 2010. Many of Tim's clients are based in the Midlands, the South of England and abroad, and he has also been listed in the Legal Experts guide in 2007, 2008, 2009 and 2010.

Neil's specialism is acting for retailers and owner occupiers in all manner of business premises, including public houses and leisure property, and he has also been instructed by a number of charities to deal with their property requirements.

A recent President of the Tees Valley Law Society (TVLS), Nicola's work has been



recommended in the real estate category of the Chambers UK guide in 2011. Her landlord clients range from those with a single property to those with a large and varied portfolio.

Both Tim and Neil are experienced in handling matters relating to renewable energy, including wind farms.

Latimer Hinks' Managing and Senior Partner, Tim said: "Our experience with commercial property is extensive and reaches beyond the boundaries of what would be seen as the norm for high street firms, both in terms of service and in the geographical spread of our clients.

"Rather than simply find and solve problems, at Latimer Hinks we believe in anticipating issues and helping our clients to address them before they arise. When we do find problems, we help to create solutions, helping our clients to get to the point they wish to reach."

Neil added: "One of the important aspects of Latimer Hinks' commercial property service

is that, whether it is a matter relating to retail outlets, negotiations, commercial development, or any other commercial property issue, our clients deal directly with us, the Partners, for a direct, personal service."

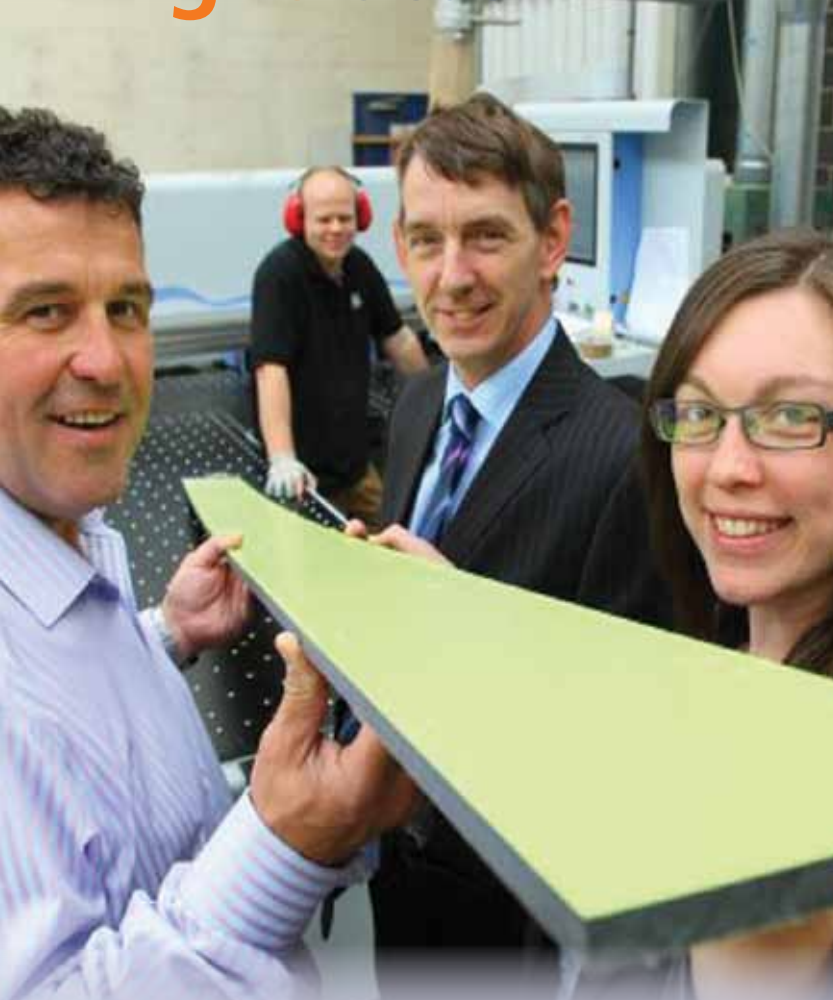
Nicola said: "The specialist knowledge in our team gives clients peace of mind; they know that their matter is in good hands and that we will use our experience and expertise to find the solution they are looking for."

Latimer Hinks, which is based in Darlington's Priestgate, has a team of 50 people serving private and corporate clients.

The firm's range of expertise and services covers legal issues surrounding residential property, wills and lasting powers of attorney, trusts, probate, long-term care, tax planning, commercial law, alternative and renewable energy, property and disputes, business rescue and debt recovery, employment, and land-owning.

For more information about Latimer Hinks' services, visit [www.latimerhinks.co.uk](http://www.latimerhinks.co.uk) or call 01325 341500.

*"Rather than simply find and solve problems, at Latimer Hinks we believe in anticipating issues and helping our clients to address them before they arise."*



## Solicitors help manufacturer's home purchase

**Latimer Hinks Solicitors has helped a leading North East manufacturing firm to purchase its own premises. Taking ownership of its 20,000 sq ft building in West Auckland will allow Atlas Washrooms to make savings of around £20,000 per year, which management is re-investing into the business.**

Nicola Neilson, a partner at Latimer Hinks Solicitors, conducted the legal work on the deal to buy the manufacturing and office facility, which is valued at around £300,000, for £180,000, with the client's lending being supported by HSBC.

Atlas Washrooms, which celebrated its 10th anniversary in April, employs 21 people and is a leading manufacturer and installer of shower and toilet cubicles, wall cladding, bench seating, lockers and ducting.

The company has rented the site, on the Aptec Enterprise Park, since it was formed by former workers of a previous business, which relocated to Suffolk in 2001.

Atlas Washrooms' managing director, Gerald Shervington said: "The help we have received from Latimer Hinks and HSBC has been invaluable in securing the purchase of our building. This will allow us to make savings that can be re-invested in the site and equipment to drive the business forward."

Nicola Neilson said: "Atlas Washrooms is a real success story for the North East, having formed because of a desire by the workforce of the site's previous occupier to stay in the region. The company has now become the North East leader in its field, serving customers all across the UK, and I hope this latest move will help Gerald and his team to bolster that position."

Peter Harvey, commercial manager of HSBC said: "Gerald first mentioned the idea of buying his premises two years ago, as his lease was coming to an end. Having worked with the firm since it was established, I had no hesitation in giving the plans HSBC's backing and I am delighted to have been able to help make this deal a reality."

## BSI develops new anti-bribery standard

**Any company concerned about verifying the rigour of their anti-bribery policy and practices following the introduction during the summer of the new Bribery Act might be interested by the news that the British Standards Institution (BSI) is developing a new standard (BS 10500) to help them do so.**

It is expected that the new standard will be published before the end of 2011 following the consultation period and review by the Anti Bribery Committee.

According to Shirley Bailey-Wood, Operations Director of BSI Standards, "Responsible organisations increasingly see bribery prevention as on a par with safety and quality control. They want a means to demonstrate that they have an adequate system to prevent bribery from taking place. Although a significant amount of guidance already exists, as yet there is no system of measuring to an agreed benchmark that an organisation's anti-bribery practices are adequate. This is what BS 10500 will provide."

It is important that any business still requiring guidance on formulating and implementing an anti-bribery policy takes advice as soon as it can. Our commercial solicitors have experience in helping put workable and effective policies in place.

## Discrimination case highlights individual responsibility

**A recent sex discrimination case has shown that an individual can be held personally responsible for the unlawful dismissal of an employee.**

The case was brought by a woman against the manager who made her redundant immediately after she told him that she was pregnant. The manager argued that only the company, as her employer, should be held liable for sex discrimination.

The Employment Tribunal that heard the case did not agree with him, saying: "It is entirely clear that an individual may be liable for discrimination by dismissal". It ruled that the woman had been dismissed because of her pregnancy and awarded her £22,000 in compensation.

This case highlights how important it is that every employee who is responsible for managing others fully understands the legal implications of unlawful dismissal or other forms of discrimination. It does not release companies from responsibility in such cases, but shows that individuals, whether directors or employees, can also be held liable.

Any company wishing to help its employees understand the detail and implications of anti-discrimination law in the workplace should seek the guidance of our experienced solicitors.



## Law Society accolade is a boost for Latimer Hinks

Latimer Hinks Solicitors has become one of the first law firms in the Tees Valley to receive a prestigious quality standard from the Law Society.

One of Darlington and County Durham's longest established law firms, Latimer Hinks has been recognised under the Conveyancing Quality Scheme.

Through the programme, the Law Society provides a recognised quality standard for residential conveyancing practices. This acknowledges the integrity of senior and key staff, good practice management standards, and "adherence to prudent and efficient conveyancing procedures".

Partner, Nicola Neilson, heads up the residential property department and leads a team of conveyancers which includes Martin Williamson. Martin is a member of the Institute of Licensed Conveyancers.

Nicola is cited in the renowned journal Chambers 2011 for her work in real estate, which quotes a source as stating: "She is very efficient – she knows what we want and delivers."

Nicola said: "For the firm to be recognised by the Law Society's Conveyancing Quality Scheme puts Latimer Hinks at the forefront of residential property law in the Darlington area and at the head of the field within the Tees Valley.

"The Law Society looks at the practices and history of every firm that applies before awarding the standard, and our application process began in November, so this has been a long and thorough process, but very much worth the effort."

Tim Haggie, Managing Partner of Latimer Hinks, said: "Latimer Hinks has a long and proud history of delivering high quality legal services to the community of Darlington and beyond. Our residential conveyancing service is a key part of our work and this accolade is recognition of the hard work and skills of the team."

## Elderly at risk over unqualified Will writing

Latimer Hinks Solicitors is warning people about Will writing by companies who do not have the credentials or insurance.

A recent survey showed that 67% of consumers wrongly believe that all Will writers are solicitors and 82% of the 1,000 people polled thought that training and qualifications are required before someone can become a Will writer. The trade is not in fact, regulated and anyone can write a Will for payment.

The announcement coincides with recent news that around 1,000 confidential files relating to people's Wills were dumped on the doorstep of a legal firm after a rival 'Will writing' company closed down. The files containing sensitive legal information were recovered by officials from a trade body to ensure safekeeping.

The UK's Legal Ombudsmen has called for caution when using will writing companies that offer discounts and pressurise potential customers into buying. Salesmen often claim to be significantly cheaper, however research carried out by Which? Magazine suggested that there is little difference in price between Will writers and fully regulated solicitors.

Andrew Way is a Partner at Latimer Hinks, which has a team comprising qualified members of STEP – Society of Trust & Estate Practitioners and of Solicitors for the Elderly (SFE).

Andrew said: "The figures published show that the elderly can be targeted by unaccredited salesmen, falsely claiming to be qualified in this area. This can often be at a heavily discounted price and companies can apply high-pressure sales techniques to vulnerable people who aren't aware of potential consequences of using untrained Will writers.

"Unaccredited firms that are known to carry out Will writing are also not audited to deal with confidentiality requirements, as we have witnessed with the recent news of over 1,000 files that were disregarded on another firm's doorstep."

Law professionals are calling for Will writing companies to be regulated, after a number of cases where salesmen appoint themselves as executors, selling other services without qualified advice and providing complicated terms and conditions.

Andrew added: "Families should be aware of those companies which are not regulated, unlike solicitors and legal executives who are, have relevant qualifications and undergo continual training. Law professionals are also insured, to ensure peace of mind if any difficulties arise after a loved one has passed away."

## Boundary dispute proves costly

A recent case shows how communicating properly with your neighbours before making any changes to your property can save a great deal of money and stress.

The story concerns a fence built by a West Country couple between their property and that of their neighbours. Unfortunately, not only was the fence built while the neighbours were away on holiday, a court also subsequently decided that it encroached by a critical few inches on to the neighbours' land.

A photograph of the position of an earlier wall played an important role in determining the true line of the boundary, which according to the testimony of an expert was extremely difficult to define accurately.

As a result, the judge ordered the fence to be removed and issued an injunction that now prevents the couple from building fencing on their neighbours' land. Most significant of all for the couple involved was the £20,000-plus cost of legal fees and rebuilding expenses, which must have made this the most expensive garden fence in history!

Anyone who is unclear of where their boundary lies and needs clarification should certainly consult a solicitor in the first instance. They are also advised to approach the issue with sensitivity and seek to bring onside any neighbours who might be affected by a project that alters their outlook.



## Latimer Hinks

Solicitors for families, businesses, farmers & landowners

### Contacts and services

#### you & your family

An understanding approach to house buying and selling, long term care and retirement, wills, trusts and probate and financial and debt problems.

**Private Client Team:** Anne Elliott, Andrew Way, Elizabeth Armstrong, Natalie Palmer, Helen Thomas, Gillian Ibbotson, Nadine Sweeney, Kelly McLoughlin, Victoria Moremon, Daniel Williams

**Residential Conveyancing Team:** Nicola Neilson, Martin Williamson, Dorothy Price

**Litigation Team:** Mark Gardner

#### business & commercial

Advice on commercial property law, employment and contract law, selling a business and succession planning, dispute resolution and debt recovery.

**Commercial Team:** Nick Poole, Anne Elliott

**Commercial Property Team:** Tim Haggie, Neil Stevenson, Nicola Neilson, Michael Shuker

#### farmers, landowners & landed estates

Knowledgeable legal expertise in land sales and purchases, land option agreements, tenancy agreements, diversification schemes and renewable energy developments.

**Agricultural Team:** Tim Haggie, Anne Elliott, Neil Stevenson, Nicola Neilson, Michael Shuker

**Litigation Team:** Mark Gardner

**Private Client Team:** Anne Elliott, Andrew Way, Elizabeth Armstrong, Natalie Palmer, Helen Thomas, Gillian Ibbotson, Nadine Sweeney, Kelly McLoughlin, Victoria Moremon, Daniel Williamson

Simply call to contact the Latimer Hinks Team

Tel: 01325 341500

## Who is responsible for animal damage?

What happens if an animal you own or are responsible for causes damage or injury to somebody else? And what are your rights if you (or your property) are the victim of an animal attack?

In brief, it all depends... for this is a complicated area.

At its simplest, under the Animals Act 1971, there are three main tests that help decide the responsibility of the animal's owner. First, is this the kind of damage that may occur or be severe if the animal is left unrestrained? Second, is the damage due to a characteristic that is not normally found in the species or that comes out at certain times or in particular circumstances? And third, is the animal's owner aware of the characteristic at the root of the damage?

Essentially, if the damage was not due to a characteristic of the animal, then the keeper can avoid liability. On the other hand, if the characteristic was the cause, the next step is to establish if the keeper knew about it in which case they might be held liable.

If you are concerned that you may be held liable for or have been a victim of animal damage, you should consult with one of our solicitors.

## University tests new retirement rules

**A Scottish university has sparked a heated debate about the new laws abolishing the default retirement age by claiming in an email that their principal had retired – a claim that was initially hotly contested by the man himself.**

The principal involved started tribunal proceedings following the university's announcement. A statement issued on his behalf said that "his position is that he has not retired and he remains in dispute with the university over the terms of an extension of contract agreed with the university last year."

While the situation has now been amicably resolved with the principal's agreement to retire, some observers see this as a test case for the new retirement rules that come into full force on 1 October this year.

It clearly highlights the dangers involved in attempting to enforce decisions regarding an employee's future unilaterally without the full agreement of all parties. This is a situation that may become all the more fraught in the absence of a clear age at which retirement becomes mandatory.

In future, it is inevitable that employers and employees will often need to reach individual agreements as to when retirement actually takes place. Any employer seeking advice on the content of such agreements should consult with one of our solicitors.