

CHAT WITH CHEBSEYS

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Happy New Year to you all. I hope that by now you have recovered from the Christmas festivities and that this year is a prosperous one.

With Christmas a distant memory, VAT going up to 20%, the poor weather and no Bank Holidays to look forward to until Easter January is often seen as the most depressing month of the year. Certainly our Family department tells me that this is always the busiest time of the year for new divorce instructions. However, although the year is going to be a difficult one I always think that there are always opportunities as well even if they don't seem obvious at first.

I am pleased to announce that Sally Hills has joined our Entertainment Licensing Department. Sally comes with great experience in this field, both in terms of doing Entertainment Licensing work but also giving training in this field. Look out for further news to come on this front. As I said, there are always opportunities.

Those of you who remember my last column in this newsletter (Don't tell me that with all the excitement of Christmas you have already forgotten!) will remember that I was reflecting on the year gone by and how proud I was of what the firm had achieved during the last 12 months. This month I have been looking at the statistics from the Satisfaction questionnaires that we receive into the offices. I appreciate all the arguments about how only happy people tend to return these sorts of questionnaires and how statistics can be massaged, but we have had hundreds of questionnaires returned over the last year so I believe that the sample is significant enough to be meaningful. I was therefore delighted to see the results of the analysis. I am particularly proud of the fact that 99% of clients that responded have said that they would recommend our services to somebody else.

M. Keith Chebsey
Director and Chairman
January 2011



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It is good practice to send out Satisfaction Questionnaires to clients to monitor how well we are doing. We have been doing this for some time now but until now have never compiled detailed statistics as to the results. We knew that we had good feedback but until we compiled the results in a table we were did not appreciate the exact situation.

We are delighted to announce that of hundreds of satisfaction questionnaires that we received back 98.77% of people rated the service that we provided as being either "Good" or "Excellent" with 76.95% of people saying that they rated our service as Excellent. 99.18% of people said that they would recommend our services.

Sally Hills

We are delighted to welcome Sally Hills to the Entertainment Licensing Department and to the firm generally. Sally will be looking after Entertainment Licences and will also be providing training to companies and individuals on both Entertainment Licensing and Health and Safety issues.

Sally will be based at the Beaconsfield office and can be contacted on 01494 670440 or sjh@chebsey.com

Add to TomTom

With the increased use of Sat Nav in the world we have added a new facility to our website. If you have a TomTom Sat Nav device and connect to your computer using the TomTom Home software it is now possible to add each of our offices as a Point of Interest with just a click of a button. All you need to do is click on the "Add to TomTom" button on our contacts page. The bottom looks like the one to the left.



Litigation

Actions Against the Police



Police officers perform a crucial role in society, and for the most part perform it well. Great responsibilities are imposed on the police to serve and protect the public and they are given extensive powers to perform such duties. However these duties are sometimes neglected which can result in injury and distress to innocent members of the public.

It is probably therefore not surprising that actions against the police are becoming more common with the Crown Prosecution Service issuing an increasing number of criminal proceedings against police officers for offences such as assault.

Not only is criminal action being taken against officers who go beyond their powers but an increasing number of civil actions are being brought against the police for, for example, excessive force causing injury and wrongful arrest.

We are also dealing with an increasing number of complaints against the police including those referred to the Independent Police Complaints Commission. Both complaints and civil actions against the police carry time bars within which to take action and therefore it is important that professional advice is taken promptly to ensure that all avenues remain open to pursue.

Should you wish to discuss any potential matter we offer a **FREE No Obligation initial telephone consultation** contact Amy French (amf@chebsey.com) or Sue Bean (smb@chebsey.com) on 01494 670440.

Entertainment Licensing

Licensing Act 2003 – Update on Mandatory Conditions

The Police and Crime Act 2009 introduced new conditions on all Licences last year but in particular two conditions introduced on 1st October 2010 have, and are causing controversy.

The **first condition** includes off-licences and states:

- 1) "The Premises Licence Holder or Club Premises Certificate Holder shall ensure that an age verification policy applies to the premises in relation to the sale and supply of alcohol.
- 2) the policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark".

A specific policy is not referred to so individual companies may use their existing age



verification policies if it includes the second part of the condition – “a photograph, date of birth and a holographic mark.”

The **second condition** relates to on-sales of alcohol only and that the “responsible person” shall ensure:

- 1) “Where any of the following alcoholic drinks is sold or supplied for the sale or consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - a) beer or cider – ½ pint
 - b) gin, rum, vodka or whisky – 25 ml or 35 ml and
 - c) still wine in a glass – 125 ml and
- 2) customers are made aware of the availability of these measures

Note; Specific spirits are referred to (brandy and tequila are not, for example) and that the measurement of 125ml refers to **still** wine, not sparkling wine or champagne. Separate measuring cups may be the answer rather than replacing all your wine glasses!

For further information on these or other issues relating to Entertainment Licensing or Training Contact Sally Hills (sjh@chebsey.com), or Keith Chebsey (mkc@chebsey.com) or Helen Woodend (hew@chebsey.com) on 01494 670440

Property



Empty Homes Legislation

The last labour government brought in legislation to tackle the problem of housing shortage when it was in power. Under the legislation local authorities can seize properties that have been empty for 6 months.

Eric Pickles, the Communities Secretary, is looking to bring in legislation to restrict when local authorities can exercise these powers. He claims that the current powers are heavy handed and infringe homeowners’ rights. The powers have also allegedly been used in some cases without just cause.

Such cases include a case where a local authority threatened to repossess her house when she was caring for her elderly mother in France or a man who was only using his home at weekends to see his children.

Under the new plans homes would have to be boarded up and be shown to attract vandals, scatters or other forms of anti-social behaviour before the powers can be used.

There are about 750,000 empty homes in the UK. Campbell Robb, chief executive of Shelter urged local authorities to use the legislation to bring properties back into use.

For further information on these or other issues relating to Propetry Law contact Alistair Bertrand (aab@chebsey.com) on 01628 660077, Helen Woodend (hew@chebsey.com) on 01494 670440 David Wachtel (dmw@chebsey.com) on 01923 775651, or Ashley Perkins (aap@chebsey.com) on 01753 833737

Employment



The new right to Additional Paternity Leave

From 3rd April 2011 employees will have the right to Additional Paternity Leave (APL). The regulations are too complex to cover in detail here but the main points to note are:

1. The right applies to parents of a baby due on or after 3rd April 2011.
2. There are similar rights for parents adopting a child.
3. The right is granted to the father of the child or to the spouse or partner (of either sex) of the child’s mother.

4. The employee must have, or expect to have, the main responsibility (apart from the mother) for bringing up the child.
5. The employee has to have been continuously employed for at least 26 weeks by the 14th week before the expected week of birth and remain with that employer before the first week of their APL.
6. The father can take leave to care for the child once the mother has returned to work and leave must last between 2 to 26 weeks and must be taken during a period starting 20 weeks and ending 12 months after the date of birth.
7. The employee must give their employer 8 weeks’ notice of their intention to take APL.

For further information on these or other issues relating to Employment Law contact Laura Poole on (lcp@chebsey.com) on 01494 670440 or Matthew Welch (mrw@chebsey.com) on 01225 401200

Wills, Trusts, Probate, Taxation



New Year's resolutions; review your will !!

Solicitors are always advising that everyone should make a Will, but it is equally important to keep your Will up to date. Circumstances can change so quickly these days and your Will should be reviewed after any major life change to ensure that your chosen beneficiaries will benefit from your assets and that any benefit to them is maximised.

If you marry or enter into a civil partnership after making a Will, then unless the Will specifically states that it is in contemplation of that marriage or civil partnership, it will be revoked by your marriage or civil partnership and will be invalid.

Anyone who in their Will has named guardians of their minor children should keep their Will under review as the circumstances of the guardians may have changed and they may not now be able to care for the children as they had wished.

Nowadays it is common for people to invest in a second home either here or abroad and it is essential that any Will is reviewed in both cases. In the case of a property abroad it may be necessary to make a further Will to cover the foreign assets separately.

Even if your circumstances remain the same, tax legislation changes with increasing frequency. In 2007 the Transferrable nil rate band for Inheritance Tax was introduced which changed much of the previous advice given in respect of inheritance tax planning.

These are only a few of the reasons why Wills should be reviewed on a regular basis there are many more. Make it your New Year's Resolution to ensure your Will is in order.

Should you wish to review your UK will please contact;

Julie Tompkins (jat@chebsey.com) on 01753 833737, Brian Wade (baw@chebsey.com) on 01494 670440, Malcolm Tanner (mjt@chebsey.com) or Helen MacDiarmid (hlm@chebsey.com) on 01628 660077 or Johanna Knott (jlkk@chebsey.com) on 01923 775651

Should you wish to review your Spanish will please contact;

Diego Rubio (drm@chebsey.com) or Peter Esders (pie@chebsey.com) on 01494 670440

Crime & Road Traffic Defence



European Driving Offences

On 2nd December 2010 the European Union Transport Ministers agreed in principle that member states will have access to each others vehicle registration data in order to identify those who breach road safety rules in the European State, other than where they live. The move is hoped to improve road safety and guarantee equal treatment of drivers.

Drivers in the EU driving their own vehicles should expect to be identified as traffic offenders for:

Speeding, driving without wearing a seat belt, failing to stop at a red light, driving under the influence of alcohol or drugs, not wearing a safety helmet, using lanes reserved for special transport or closed for other reasons or illegally using mobile phones when driving.

The EU member state where the offence was committed will be able to identify the registered keeper of the vehicle involved. The authorities will send a letter to the registered keeper outlining the offence and a fine will be imposed according to its law. The letter will be in the language the offender is presumed to understand i.e. the language of the home country. How and to what extent the sanctions will actually be enforced will depend upon the member state and their national laws and only time will tell how effective this will be.

For further information on these or other issues relating to Crime and Road Traffic Defence contact Caroline Dunne cad@chebsey.com or Graham Tolfts (gst@chebsey.com) on 01628 600850.

Family



Pre-nuptial Agreements following Radmacher v Granatino

In the Supreme Court in London, a German multi-millionairess appealed against a decision in favour of her French husband. The parties had entered into a pre-nuptial Agreement in Germany which provided that neither of them would benefit from the capital or income of the other on the termination of their marriage.

The Supreme Court considered the background to the Agreement. The parties had signed it in Germany where it would have been approved under German law. There was no undue influence and both parties had been fully aware of the implications of the Agreement.

In essence, the Supreme Court has decided that pre-nuptial Agreements can be enforced in England and Wales if both parties have freely entered into it and both understand its implications *unless* there is a good reason for not doing so. The ultimate test is whether upholding the Agreement will lead to a fair result.

The effect of Radmacher v Granatino is that the Courts in this country are now considerably more likely to accept and uphold pre-nuptial Agreements. This could be very important where there is, for example, an imbalance of individual or family wealth; in such cases, it would now be very prudent to enter into a pre-nuptial Agreement in the expectation that it will be upheld by the Court if the marriage does come to an end.

For further information on these or other issues relating to Family Law contact

Jeff Thomas (jmt@chebsey.com) on 01494 670440, Manjit Bains (mkb@chebsey.com), Jackie Smith (jas@chebsey.com), Safeena Tufail (sat@chebsey.com) on 01628 660077 or Niki Christopher on 01923 775651

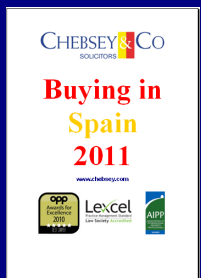
Spain



Anti-smoking Ban

Spain has extended its anti-smoking law. The previous law prohibited smoking in the workplace but allowed bars and restaurants to choose whether they wished to ban it or not. The new law, which came in at the beginning of this year makes it illegal to smoke in all enclosed public spaces and also near playgrounds and hospitals.

Spanish Budget and Buying in Spain 2011 Brochure



The annual budget in Spain was approved shortly after the last newsletter went to press. Now that it has been approved we have been able to publish our "Buying In Spain 2011" brochure. This sets out the process of buying in Spain and explains the common questions that people ask us when they are considering buying in Spain. It also has useful guides on Taxes and checklists to help you through the process. The latest version can be downloaded from our website or alternatively contact us and we can send you a copy either through the post or electronically.

Ten Best Places to Buy 2011



Spain has once again topped *A Place in the Sun* magazine's annual Top 10, being ranked the number one destination to buy abroad in 2011. To see the full article either see *A Place In The Sun* magazine or visit www.aplaceinthesun.com

For further information on these or other issues relating to Spanish Law contact

Diego Rubio (drm@chebsey.com) or Peter Esders (pje@chebsey.com) on 01494 670 440

Local talent



Photo courtesy of Jakob Ebrey

Local Talent - Tom Ingram

At Chebsey & Co we like to encourage local talent from around our offices, even if it is simply to bring their talents to wider audience. Having recently met Tom Ingram we are in no doubt that he is one to watch. For those of you who haven't heard of Tom he hails from High Wycombe and is the 2010 Ginetta Junior Champion with some rather impressive statistics in terms of numbers of wins, laps in the lead and also fastest laps. Almost as impressive is the maturity and professionalism of this 17 year old. You can follow Tom or contact him about Sponsorship opportunities through his website www.tom-ingram.com

Something fun



Limoncello recipe

Our Entertainment Licensing Department are used to dealing with all things associated with making it legal for people to sell or supply alcohol to the public. With the arrival of Sally Hills we thought that "Something Fun" should take on an alcoholic flavour this month so we bring you a recipe for Limoncello that you can make at home - for private consumption of course! Limoncello is an Italian lemon flavoured liqueur often drunk chilled at the end of a meal. This particular recipe is wonderfully refreshing but warming at the same time.

Ingredients;

70cl Vodka

100ml water

6 unwaxed lemons

250g caster sugar

After washing and drying the lemons remove the zest using a vegetable peeler to make fine strips. Pour the water into a small pan and add the zest and sugar. Bring slowly to the boil, stirring until the sugar is dissolved. Reduce the heat and simmer very gently for 15 minutes. Squeeze the juice from the lemons and add to the mixture and then simmer for a further 5 minutes. Remove from heat and let the liquid cool completely.

Pour the vodka into a sterilised preserving jar and add the lemon syrup. Give the mixture a good shake. Leave in a cool dark dry area for a week but shake every day. At the end of the week strain off the zest and decant into a bottle. Enjoy chilled.

Staff profile

Laura Poole Employment Law

Laura studied in Leicester and graduated with a 2:1 Honours Degree in Law. She went on to complete the Legal Practice Course at the College of Law in London. Having completed her studies, Laura gained extensive experience as a Litigation Paralegal in Local Government, before joining the firm as a Trainee Solicitor in 2006.

In February 2008 Laura qualified as a Solicitor and has specialised in employment law since qualification. Laura takes instructions from both employees and employers, and enjoys the opportunity of working with a variety of clients, from junior employees through to senior executives and from small start-ups through to well established businesses.

Laura deals with contentious and non contentious matters, and has extensive experience in advising on the full range of employment legislation as well as in managing tribunal and high court litigation, drafting, and negotiating severance packages.

Laura's approach is to provide clear advice and to work tactically with her clients to find a solution to the issue that they face, whether that be an everyday employment problem or an ongoing complex issue.

Outside the office, Laura likes to keep fit and in particular enjoys jogging, cycling and boxing training.

Why did you become a Solicitor?

After studying law at university I decided to experience jobs in areas not involving the law before deciding on the career path that I would like to pursue. I soon realised that a career in law was for me, and following further vocational study found my passion for employment law.

What is your favourite lawyer joke?

Question - What's the difference between a good lawyer and a great lawyer?
Answer - A good lawyer knows the law. A great lawyer knows the judge.

What gets you up in the morning?

Two alarm clocks. I am not known for being a morning person.

What is your passion?

I enjoy keeping fit but would not say that I have a passion for it!

Which famous person, dead or alive, would you most like to spend a day with?

Having thought long and hard about this one, I would probably like to spend the day with Howard Marks a.k.a. Mr. Nice – at the height of his criminal activity.

Tell us an interesting fact about yourself.

I am not sure it is interesting but is a little unusual; I can say the alphabet backwards 16 times in a minute (which she proved recently at the Chebsey Christmas Party! – Ed)



Laura is based at our Beaconsfield office and can be contacted on 01494 670440 or lcp@chebsey.com



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