

Update

Your quarterly bulletin
on legal news and views
from Lanyon Bowdler

Debating competition success



Youngsters from across Shropshire came together for a debating competition at University Centre Shrewsbury - with the winning team successfully arguing for a second referendum to be held before Britain officially leaves the EU.

The event was organised by the Debate-Ed programme which is run by Holly Edwards, a solicitor at Lanyon Bowdler, who sponsor the programme.

A total of 40 students from Years 7 to 9 from Meole Brace School, Prestfelde School, Moreton Hall and Wrekin College took part, with judges praising the high quality of all entrants.

The winning team was made up of Barney Cansdale and Louis Harris from Meole Brace School, and special awards were given to Eli Jones, who was awarded the best speaker prize, Barney Cansdale, who was the second best speaker and Emma Vivian from Moreton Hall who came third.

Special mention was also made of Finn Pearson who narrowly missed out on a best speaker prize.

The day was supported by numerous staff from Lanyon Bowdler Solicitors, including Brian Evans, the firm's managing partner.

He said: "Public speaking skills are really important and many adults find it daunting, so to see the students throwing themselves into the debating competition was very encouraging.

"The confidence that competitions like this give students, along with the opportunity to develop their analytical and speaking skills, is one of the principal reasons why Lanyon Bowdler have supported the Debate-Ed project since its inception."

The prestigious judging panel also included Judge Tindal, Mayor of Shrewsbury, Councillor Ioan Jones, Martin James of Greenhouse and Young Enterprise Shropshire, and Amanda Moorghen from the English Speaking Union.

New head of finance



The financial controller from one of Shropshire's leading housing associations has taken up a new position at Lanyon Bowdler.

Paul Ellis had been with Severnside Housing for three years before moving to the firm as head of finance ahead of the retirement of existing finance and IT director, Dave Grattage.

Brian Evans, Lanyon Bowdler's managing partner, paid tribute to Mr Grattage, who has been with the firm for more than 16 years.

He said: "We would like to put on record our thanks to Dave, who has worked tirelessly for Lanyon Bowdler during his time with the firm. His efforts are very much appreciated.

"Dave's retirement means we have a new head of finance and we are delighted that Paul Ellis joined us in February.

"Dave retires at the end of April so Paul will have had a good settling in period to find his way around the firm. Dave joined Lanyon Bowdler in September 2000 and has been instrumental in the development of the firm since then.

"The firm is continually growing and developing in a greatly changing world, but Lanyon Bowdler's commitment to excellence remains paramount. We have grown a team of top-quality professional managers to support our legal staff and provide the conditions they need to give first class service to our business and private clients. .

"Dave Grattage has been a major part of that team and I am sure Paul will carry on the good work."

Paul Ellis is a Chartered Certified Accountant (FCCA) and he qualified in 2007. He previously worked at T A Gittins & Co and before that at Mazars in Leeds. He lives in Shrewsbury with his wife and two young children.

“Service was excellent, very welcoming, went above and beyond.”

G Emmot, Telford



Shropshire lawyer returns to her roots

Newport born and educated Rachel Bentley started out in the legal profession in Shropshire before spending a number of years in the south west of the country. She has now moved back ‘home’ and is working out of Lanyon Bowdler’s Telford office.

Adrian Roberts, head of the criminal law team at Lanyon Bowdler, said the firm was delighted to welcome Rachel to its crime team.

“Rachel is Newport born and bred, she was educated at Newport Girls High School and has now returned to live there.” he said.

“Having started her career in her native county, Rachel is pleased to be back home after 20 years practising in the south west. It’s been great to welcome her to our crime team in Telford, where she will be a most valuable addition to the firm.

“Rachel has a vast amount of experience dealing with all types of crime, ranging from motoring offences to murder, and has devoted a number of years to running her own specialist criminal defence firm.

“She is a fearless and tenacious solicitor who has a friendly and sympathetic approach towards clients. Rachel is also recognised for her high level of professionalism, and is renowned for going the extra mile.

“Lanyon Bowdler continues to expand our team of specialist lawyers and covers the full range of legal requirements for our clients. We are proud to boast the very best the profession has to offer and Rachel is a marvellous addition to our team.”

Four years ago Rachel founded the Save UK Justice campaign - launched to protest at plans by the Government to cut back on access to legal advice.

The move led to a parliamentary debate and an invite to the House of Commons to discuss government policy with the Justice Secretary.

As a result of her work on the campaign she received a nomination for the Law Society Gazette Legal Aid Personality of the Year.

Worrying changes for those requiring hip replacements by Beth Harrison



A recent decision means only those who are on the brink of desperation will get the hip replacement they require. A number of Clinical Commissioning Groups in the West Midlands have announced that those requiring a hip replacement will only get surgery when they are in so much pain that they cannot sleep or carry out daily tasks.

The Royal College of Surgeons themselves have spoken out calling the restrictions “alarming” and “arbitrary”. They have stated that they do not consider there is justification for refusing surgery on such grounds.

The vast majority of those requiring hip replacements are pensioners who may have fallen or who are suffering with severe arthritis. Do we really want to see our parents and grandparents enduring endless pain until they are able to access the care they require?

The aim of this decision is to reportedly save £2 million per year. But I question whether you can put a cost on quality of life which, those affected by this restriction will most certainly not have. Furthermore, I suspect any proposed savings will be offset against the increased costs associated with pain control, more complicated surgeries and poor surgical outcomes, all because they have been left so long.

Since 1948 we have been lucky enough to enjoy the incredible benefits of the NHS, which can only be described as a defining service in our country. We are lucky; most people around the world do not have the same access to medical care and those that do, have to pay the price. The NHS is a great service, a valuable service, a service which should not be taken for granted and a service that should be protected to ensure its future.

Not only as a clinical negligence solicitor, but more importantly as a citizen of the UK who accesses the NHS, I am concerned that this is a real lowering of standards. As a team at Lanyon Bowdler we feel strongly about the importance of maintaining standards and ensuring patients get the care they need. This decision comes in the wake of announcements as to cuts to access to drugs and fertility treatment and sadly further restricted access to fundamental care.

It is a sad day when pensioners will be left in agonising and crippling pain due to cost saving and a reduction in services.

“Very helpful, nothing was too much trouble.”

Ms G Wild, Oswestry

Lanyon Bowdler shortlisted for national award



Lanyon Bowdler is celebrating after being the only firm in the county to be nominated for a national training award.

The firm has been shortlisted in the best trainer category in the LawCareers.Net Training and Recruitment Awards, which will take place in London on May 18.

Lanyon Bowdler has been recognised for its continued commitment to providing opportunities for trainees, and will go up against top firms from all over the UK at the awards ceremony.

Colin Spanner, head of the family law team and training partner, said being shortlisted was a great accolade for the firm.

“We have always felt that investing in young talent is an important thing to do, both for us as a firm and the law profession as a whole.” he said.

“In fact, we are just about to welcome our latest trainee, Amy Bills, to the firm as one of our existing trainees, Holly Edwards, qualifies.

“We typically have half a dozen trainees working with the firm at any one time, and it is likely we will be taking more on later this year.

“They all get experience in different disciplines within the firm and work tremendously hard, so we are always very proud when they qualify and go on to have successful careers.”

The LawCareers.Net training and recruitment awards are in their 14th year, they recognise law firms from across the UK who excel at recruiting and training new solicitors.

Colin added: *“It is the first time for several years that we have been shortlisted for a LawCareers.Net award so we are very pleased to be recognised.*

“It is also particularly pleasing because it’s the feedback from our trainees and newly-qualified solicitors that counts, so it’s good to know they value the experience and support given by the more experienced lawyers at the firm.”



Will we see a downward turn in the housing market this year? by Loretta Aston

The start of the year seems to have been very good for us in the residential property department at Lanyon Bowdler, with plenty of transactions reaching completion.

Our busy time as lawyers normally follows on roughly four - six weeks from the estate agents busy selling period, and some Shropshire based agents are telling us they have experienced a slow down in sales since December.

Experts had unsurprisingly predicted that the referendum result, and prospect of Brexit, would see an immediate impact on the property market and create a downturn, particularly in the investment market and top end. This has not been what we have seen at Lanyon Bowdler to date, but we do anticipate it will have an impact as the detail is unveiled, or as the uncertainty continues!

The main impact we have seen so far affecting our clients, has been within the London market, where our clients are buying or selling for themselves in London, or their sale or purchase has a London property within the chain.

What we have seen in Shropshire and Herefordshire is that the investment market, in the last 12 months, has been dominated by the Stamp Duty Land Tax changes, which came into effect in April 2016.

These changes, coupled with tougher affordability checks imposed by lenders, have deterred some investors and this part of the market has become significantly quieter. However, we doubt the buy to let market will become completely stagnant, as alternative investments may still not be as attractive as investing in a rental property, despite the changes.

With change predicted to move us away from the vision of being a nation of home owners, to a nation of renters, the buy to let market still has the interest of those with money to invest, but will definitely be less attractive for those who need to borrow to be able to invest.

“Friendly staff and compassionate as delicate subject to discuss.”

Ms C Cooper, Bromyard

Are you aware of your loved one?



Be aware of your loved one's rights in respect of jointly owned property when they go into a care home.

Going into a care home can be a daunting experience for you and your loved one, particularly if you are not armed with the correct information regarding funding.

Funding can often be overlooked because you are concerned about the health of your loved one, and how they will adapt to being in a care home.

Social services will assess their capital and income to decide what funding, if any, your loved one should be offered.

If your loved one jointly owns a property it will be disregarded entirely if it is occupied by:

- a spouse, partner or former partner (provided that they are not estranged)
- a lone parent who is your estranged or divorced partner
- a relative aged over 60 or a child of the resident aged under 18
- a relative aged under 60 who is disabled or incapacitated.

Social services also have discretion to ignore the value of your home in other circumstances, for example, if it is occupied by a non-disabled relative under 60 who has given up their own home

to provide care for your loved one who has now gone into a care home.

If the above set of circumstances does not apply, many people assume it is correct for social services to value their loved one's share in the property on the basis of the market value of the property.

However, this is not correct.

In a nutshell, the valuation which should be obtained by the Local Authority is what a willing buyer would pay for the individual's interest in the property. This means that the buyer would pay a sum for the individual's interest, and would then jointly own it with the other co-owner(s). In these circumstances, the amount a willing buyer is prepared to pay may be nothing, or much less than the market value.

An example is illustrated below:

Doris lives with her son Ben. Ben is aged 50. They purchased the property as a home for both of them for the duration of their lives many years before Doris went into a care home.

Because they purchased the property with the intention they would both live there for their lives, a third party interested in purchasing Doris' interest in the property may not be able to force a sale of the property until Ben no longer lives in the property.

There are no family members able and willing to purchase Doris' interest. This may deter anyone from buying the property, or a third party investor may be prepared to buy at a discount and wait for their investment to be realised at some future point, which given Ben's age could be many years, and make a profit. In the circumstances, it may be possible to persuade social services that the value of the property is nil or much less than the market rate, which may bring it under the capital threshold so that the property is disregarded.

info@lblaw.co.uk www.lblaw.co.uk blog.lblaw.co.uk



Shrewsbury
Chapter House North
Abbey Lawn
Abbey Foregate
Shrewsbury
SY2 5DE

T: 01743 280280
F: 01743 282340
DX: 144320 Shrewsbury

Bromyard
44 High Street
Bromyard
HR7 4AE

T: 01885 488442
F: 01885 488533

Hereford
Beaumont House
Offa Street
Hereford
HR1 2LH

T: 01432 352345
F: 01432 263708
DX: 17201 Hereford

Ludlow
12 The Business Quarter
Eco Park Road
Ludlow
SY8 1FD

T: 01584 872333
F: 01584 876459
DX: 26883 Ludlow 1

Oswestry
39 - 41 Church Street
Oswestry
SY11 2SZ

T: 01691 652241
F: 01691 670074
DX: 26603 Oswestry

Telford
Hazledine House
Central Square
Telford Town Centre
TF3 4JL

T: 01952 291222
F: 01952 292585
DX: 28071 Telford