

# LiverpoolLaw

October 2019

The magazine for the legal sector in Merseyside and the North West



## Leadership and the Law

This month we feature Keith Jones of the Keith Jones Partnership



## Pro Bono – do what you do best

Alison Lobb discusses the importance of pro bono to the local community



## Wirral Dragon Boat Race

This year's event raised over £4000 for Headway Wirral



## The Annual Walk with Chester and North Wales Law Society

[www.liverpoollawsociety.org.uk](http://www.liverpoollawsociety.org.uk)



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Liverpool Law Society Magazine is produced by and for Liverpool Law Society Members. This is our opportunity to share our news, events and celebrations with our friends in the legal community.

All members' contributions to Liverpool Law are warmly welcomed. Please send your article (and photo captions where possible) or request for further information, or assistance to the editor at [editor@liverpoollawsociety.org.uk](mailto:editor@liverpoollawsociety.org.uk)

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# Welcome to the October 2019 edition of Liverpool Law



**Jennifer Powell**  
**Editor**

editor@liverpoollawsociety.org.uk

The weather may be turning grey but we certainly aren't letting that dampen our spirits. It looks like there was a great turn out for the Hilbre Island Walk and LLS now have their very own football team set for a match on 12 October- I hope as many of you can support them as possible.

In previous months I have focussed on a general theme of articles in the magazine but this month I feel compelled to comment on Alison Lobb's pro bono article in particular and to also focus on the many activities that are going on in our City Region which perhaps don't get the credit they deserve.

Alison is completely right that there are so many ways that you can 'give back' and help those less fortunate. It is only from reading her article that I have personally realised how easy it is to assist and what you may be doing without realising. Those calls we must all receive from friends and family seeking advice on anything and everything because you are a solicitor (I really hope that's not just me!). Family law advice, employment advice, issues buying a house, death of a loved one- the list goes on. On all of those occasions I have put them in touch with colleagues who can help with this specialist area and they will have those conversations, usually in their own time and at no charge.

It is only since becoming a Governor of my local primary school that I have realised so many colleagues are also Governors, or trustees of charities. A lot of the time only general advice is needed, but without realising it a lot of what is discussed is informed advice gained from experience in law or again through colleagues in other departments. My role does not take up a lot of time, we have short meetings once a term in the evening and I find it interesting to see what's going on in my local community.

Alison is again correct that the bigger firms tend to have structured programmes to provide pro bono assistance but there are ways that anyone can get involved. We now feature submissions every month from two local law clinics. These clinics are working under extreme cuts to funding at a time when urgent advice on immigration, benefits and all manner of issues is needed most. As stated these may not be your area of specialism, but you could help that charity to review its new premises contract or setting up its charity status etc.

If you feel you can help in any way please feel free to contact LLS and we will put you in touch with organisations seeking assistance. I promise you helping others doesn't necessarily have to be onerous, and you can find it is quite enjoyable!

**Jennifer Powell**  
**Solicitor**  
**Weightmans**

## Editorial Committee Dates

All meetings start at 1pm

Tuesday 15th October

Tuesday 19th November

Tuesday 17th December

## Diary Dates

Weds 9 October  
Sat 12 October

Sun 13 October  
Mon-Fri 4-8 November  
Thurs 7 November  
Thurs 14 November

Weds 20 November

Mon 25 November  
Fri 27 November  
Weds 4 December

Employment Law Conference  
LLS V Cheshire & North Wales Law  
Society Football Match  
Annual Legal Service  
Pro Bono week  
Annual Dinner  
Joint Social University of Liverpool &  
Women in Law Exhibition Launch  
Conference for Legal Cashiers &  
Managers  
AGM at 1pm  
Public Child Law Conference  
Occupational Disease Conference

**For further information on any of these events, please view our website or contact the Society.**

## Deadlines 2019

25th October

25th November



## The latest news from Chris Topping, the President of Liverpool Law Society...



# President's Mentions

These are turbulent times!

I am writing this article on the day that the Supreme Court has given its judgment and declared that the Prime Minister acted unlawfully when proroguing Parliament. These were wholly unprecedented proceedings pitting a former Prime Minister against the current. The Court were asked to, and did in fact, hold that the proroguing of parliament was null and void. These proceedings showed just how important for democracy it is that no one has unfettered power and that the courts are able to, and will in fact, uphold the rule of law.

Whatever your point of view on the underlying issue of Brexit we should celebrate the independence of the judiciary in this country. As those involved in the business of law we should never forget the importance of what we are trained to do nor that we have the mechanisms to hold the powerful to account. The Supreme Court have made it abundantly clear that no one, not even the Prime Minister, is above the law. As Clive Coleman wrote on the BBC Website "This is legal, constitutional and political dynamite".

We will all be watching and waiting to see what happens next! In less dramatic news ...we held our annual Leaders in Law dinner last month. On one of the tables they were engaged in putting the world to right and I am told had come up with a solution to Brexit before we got to coffee! No doubt Boris Johnson will be in touch shortly..!

There were a lot of other interesting, wide ranging conversations covering Women in the Law; the national Law Society's ongoing challenges; the training needs of the firms in the region; the relevance of our own Awards Event; the amendments needed to the constitution of Liverpool Law Society to widen full membership.

We very much value all the feedback that we get as we are keen to make sure that as an organisation we provide what members need and value. If you have things that you think we should be dealing with do get in touch with me directly or Sarah Poblete at the office.

Sarah and I recently met with Professional Liverpool to hear about their plans and events. They are constantly looking for opportunities to bring businesses in the region together and are a valuable resource for all of us to find out what is being planned locally. They have managed to arrange for Steve Rotherham the Metro Mayor to do a question and answer session with them on 24th October at the Hope Street Hotel. This should be a really enlightening evening. More details at <https://professionalliverpool.com/events/2019/region-of-future-in-conversation-with-steve-rotheram>

The new Merseyside Junior Lawyer Division committee is up and running and planning lots of events for the next year. If there are lawyers up to five years post qualification experience in your firm do encourage them to get involved with the MJLD if they are not already doing so. More details are given elsewhere in this edition of Liverpool Law.

We have a great opportunity coming up to make our voice heard at national Law Society level. Simon Davis, the current President and Louise Hanson, the Executive Director of Member Experience at The Law Society are coming to Liverpool on 17th October to meet with the Joint V Law Society officers. We are keen to hear what the Law Society views as its member offering and how they intend to deal with the loss of the practising certificate fees if the Solicitors Regulation Authority get their way.

### A few dates for your diary.

If you are free on Saturday 12th October do go and cheer on the Liverpool Law Society football team as they take on Cheshire and North Wales Law Society. The match kicks off at 11am at The Cheshire County Sports Club, Plas Newton Lane, Upton, Chester, CH2 1PR. There is even a trophy for the winners!

Our annual dinner is now not that far away on Thursday 7th November at the Shankly Hotel. We are delighted that James Timpson is to be our guest speaker. Timpsons have recently released a film called A Second Chance about their work with ex-offenders. There is a trailer **here** which will give you a flavour of the work they do if you did not see the screening of the full film at Fact last month. The dinner promises to be a great evening so do contact the office to book a table or two.

The other date which is really important to note is our Annual General Meeting on Monday 25th November at 1pm. We need every member to be involved so that we can shape the society into an organisation which is relevant to the needs of the profession in an ever changing world.

**Chris Topping**  
President

Sponsored by



# Helix Highlights

## Leaders in Law Dinner

On 18th September, Chris Topping (President), Julie O'Hare (Vice President) and Steven Zdolyny (Jt. Hon. Secretary) each hosted a table at the 2019 Leaders in Law Dinner. This Dinner has become an annual feature in the Society's diary and enables the directors and I to meet with those in charge of member firms to discuss issues of mutual interest. It also gives the President a chance to mention key events and initiatives, and likewise for us to have valuable feedback from those who attend regarding what Liverpool Law Society is, and is not, doing right.

As well as keeping a note of what discussions were held on the night, we have since followed up with each attendee, asking for further feedback. We have received some comments back and are going to discuss these at our next available meeting.

## Support the game of the season!

Liverpool Law Society v Cheshire & North Wales Law Society football match - playing for the Linenhall Cup on Saturday, 12th October 2019, kick off 11.00 am, all welcome. Thank you to those who make up the LLS team and best of luck to you! Details appear later in this edition.

## Living Wage Employer first anniversary

Liverpool Law Society will shortly be celebrating its first anniversary as a Living Wage Employer. Joining the scheme was a tangible way for the Society to contribute to the Living Wage movement. The real Living Wage is higher than the government's minimum, or National Living Wage, and is an

independently calculated hourly rate of pay that is based on the actual cost of living. It is calculated each year and is announced by the Living Wage Foundation as part of Living Wage Week. Over 5000 organisations have joined the scheme. You can find out more about the Living Wage by visiting [www.livingwage.org.uk](http://www.livingwage.org.uk)

## Liverpool & Sefton Chambers of Commerce free affiliate membership

Corporate members of Liverpool Law Society can benefit from affiliate membership of the Chambers of Commerce. This type of membership includes member discounts on attending Chamber events, company profile listed on the Chamber website and more. Full details and how to apply appear [here](#).

## First paperless conference

As some readers may recall, in my column last month I mentioned Liverpool Law Society was going digital for conference notes. We were very pleased in that delegates adapted to the new system seamlessly when the Residential Property Conference was held on 11th September.

## Halton and Warrington Business Fair, Thursday 7th November 2019, Halton Stadium

Liverpool BA are pleased to offer you a special rate for exhibiting at this business fair. To receive a 20% discount on all packages, use promo code EXCLUB20.

Orders can be placed online. Book online at <https://haltonbizfair.co.uk/exhibit>. The events are free to visit and include a B2B exhibition as well as a range of features to

provide business visitors with lots of invaluable information and advice. For any queries please contact Tony Haines, Liverpool BA (Co. No 05344208) on 0333 900 5657 or at Email: [tony@liverpoolba.com](mailto:tony@liverpoolba.com) Web: [www.businessfairsuk.com](http://www.businessfairsuk.com)

I am always keen to hear from members, readers and delegates so do please get in touch with any queries or comments you may have.

Until next month,

**Sarah**  
**Sarah Poblete**  
**CEO**

[sarah@liverpoollawsociety.org.uk](mailto:sarah@liverpoollawsociety.org.uk)  
**0151 236 6998 Ext 30**

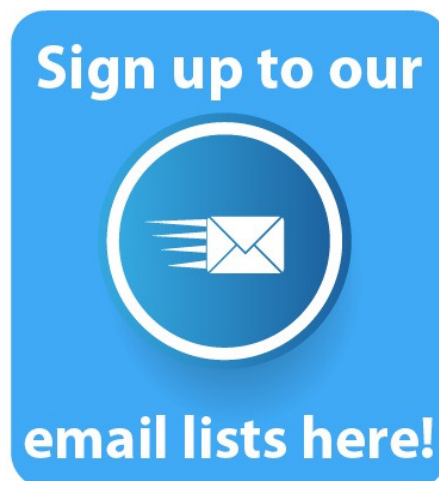


**Sarah Poblete**  
**CEO**

## Enewsletter Sign Up

Subscribe to our email mailing lists to keep up to date with the latest news, legal training programme and other events from Liverpool Law Society.

**Sign up here**





# The Annual Walk

In recent years, most Summers for me have not been complete without the annual Walk where we have the chance to catch up with our Chester and North Wales Law Society (CNWLS) friends. Good views are always a feature, and this year luckily the weather matched the day when we walked to Hilbre Island.

Readers may know that a trip to Hilbre is tide-dependent. Our walk leader, Carol Draycott, President of CNWLS, had found a civilised time for us to walk across the vast sands from West Kirby. On Saturday 07 September, there was warm sunshine and little wind as about a dozen of us set off. The mixture of people was broad, ranging right the way from those of around four years old, leavening the mix of Solicitors with Family members and non-lawyers!

It had been a number of years since I had walked to Hilbre, so it was great fun again to stride out to Little Eye before making the dog leg turn to Middle Eye and finally up to Hilbre, where we paused for a while to explore the hilly island. The views back to the Wirral and across to Wales on the west and Crosby to the east were very clear. The warm conditions had even induced a group of seals to sunbathe on one of the Dee sandbanks.

We then traced our steps back to West Kirby where a group of us then enjoyed a bite of lunch in an open-air café, to round off the trip.

Jeremy Myers

## Call for members to stand for election at the Society's AGM

### Your local Law Society

Becoming a director and member of General Committee is an opportunity to shape the future of one of the most active local Law Societies in England and Wales. You will make professional contacts and friends, learn from other's best practice and work shoulder to shoulder with other legal professionals, regardless of status and seniority.

The General Committee consists of up to 27 directors, who each serve a three-year term. Every year, nine members of the General Committee retire by rotation at the AGM: up to five of those due to retire may be nominated by the Committee for re-election, and the others are not eligible for re-election until the next AGM.

We would like to have a Committee which is as representative as possible of the wide membership the Society encompasses. All members of the Society are eligible for election to the General Committee, but only Full Members can vote in the election, either in person or by proxy.

The nominee must be a member of the Society, be nominated by three members of the Society and serve a three-year term.

Full members of the Society will be receiving an email in mid-October with details on how to nominate a member of the Society to become a director. Elections will then take place at the AGM in November. The nomination form must be completed and returned to the Society's offices by 5.00pm on Friday 26th October 2019.

Elections will take place at the Society's Annual General Meeting to be held at 1.00pm on Monday, 25th November 2019 at the Society's offices at Helix. If you would like further information about the Committee please visit

<http://www.liverpoollawsociety.org.uk/about-the-society/committees> or email [committees@liverpoollawsociety.org.uk](mailto:committees@liverpoollawsociety.org.uk).



Liverpool Law Society

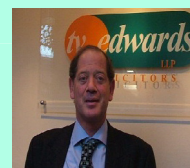
## Criminal Law Update with Anthony Edwards

on Thursday 10th October, 1.30pm - 4.45pm

**This will be Anthony's last ever event in Liverpool before he retires at the end of the year, so please do come along & support**

The course will include consideration of:

- New legislation for 2019 including the major changes by the Offensive Weapons Act 2019
- PACE Code issues; CPS guidance on the prosecution of the mentally ill
- New Criminal Procedure Rules and Criminal Practice Direction 2017
- BCM forms, witness summonses, and other procedural issues
- Homicide and other offences
- Discount for guilty plea
- Sentencing Guidelines
- Mental Health disposals
- Victim surcharge
- Confiscation
- Evidence: hearsay; bad character
- Defence costs orders
- Legal aid issues; Graduated fees including page count



**For more information or to book, [click here](#)**

## Cancer Research UK Solicitors' Continuing Personal Development event

I am delighted to invite you and your colleagues to the Cancer Research UK Solicitors' Continuing Personal Development event in Manchester on 10th October 2019, at the Oglesby Cancer Research Building, (opposite the Christie Hospital).

In brief this free event will include 3 CPD topics delivered by our guest speakers from Brabners and a Legacy Management Officer from CRUK plus a fascinating talk by Dr Caroline Wilkinson, Chief Operating Officer at the CRUK Manchester Institute.

For more information and to reserve your FREE place please click [here](#).

Places are limited and registrations for this event will close on 7th October 2019

Please share this with your colleagues who you think may find this beneficial.

The agenda for the morning will be:

Session	Start Time	End Time
Registration & Breakfast	8:30	8:45
Introduction and Welcome from CRUK	08:45	09:00
Steven Appleton -Partner and Head of Private Client at Brabners: Residential Nil Rate Band -a refresher	09:00	09:30
15-minute coffee break	09:30	09:45
A member of The Litigation Team at Brabners: Inheritance Claims and Disputed Wills	09:45	10:15
Meghan Paul-Legacy Management Officer at CRUK – Charities as Beneficiaries	10:15	11:00
Dr Caroline Wilkinson, Chief Operating Officer at the CRUK Manchester Institute: Research at the CRUK Manchester Institute: Patient Impact & Clinical Collaboration	11:00	11:30
Closing words - CRUK	11:30	11:45

**Helen Soutar**  
**Legacy Partnership Manager: North West Region**  
**Cancer Research UK**  
**E: [helen.soutar@Cancer.org.uk](mailto:helen.soutar@Cancer.org.uk)**

## Speak up!

Wed 16 Oct 2019

In partnership with the Liverpool Society of Chartered Accountants, Northern Power Women and Professional Liverpool, the Merseyside Women in Leadership Network have worked alongside the Everyman & Playhouse to create a unique opportunity for professional women to hone or develop their skills at creating presence and being heard, whether that's one-on-one, in small meetings or in public presentations.

On 16 October a team of highly experienced theatrical tutors will host two interactive practical 3 hour workshops on the Main Stage at the Everyman through which participants will learn how to command the stage and come away with techniques which nurture their confidence, influencing skills and executive presence.

When you look back on conversations or opportunities in your life have you ever thought "I wish I had said/done that"?


You didn't and you wonder why? Most of us have felt this way at some time in our lives.

When we lack confidence, we sometimes let the moment pass and our voice is not heard. Sadly, this seems to be more prevalent amongst women.

This new workshop is aimed at developing the individual's ability to present information to a 'public' audience, whether that's an informal delivery to a small group or a formal delivery in a large auditorium. Through the use of theatrical techniques, we consider the development of voice, delivery, physicality and the establishment of authenticity to build that confidence that will allow our voices to be heard.


The Merseyside Women in Leadership network seeks to promote equality and create opportunities for professional women working in all sectors. To help us to attract as wide an audience as possible and in line with their reputation of being a voice for everyone, the Everyman has agreed an exceptionally low introductory price of £50 per person.

**To book click [here](#).**



School of Law and Social Justice

CELEBRATING THE PAST TO SHAPE THE FUTURE FOR WOMEN IN LAW



## First 100 Years of Women in Law

Two week Exhibition hosted by The School of Law and Social Justice

18<sup>th</sup> 29<sup>th</sup> November, Monday-Friday 9-5pm

**Eleanor Rathbone Building Foyer,** Bedford Street South, Liverpool L69 7ZA

[www.first100years.org.uk](http://www.first100years.org.uk)





School of Law  
and Social Justice



## Liverpool Law Society and the School of Law and Social Justice

Invite you to join us for an evening drinks reception at the University of Liverpool to celebrate the start of the new academic and legal year.

**Thursday 14<sup>th</sup> November 6pm - 8pm**

We will also launch the  
**‘First 100 Years of Women in Law’** Exhibition

The event is free of charge: RSVP by [registering your attendance](#)

**Venue:** School of the Arts Library, 23 Abercromby Square L69 7ZG



Following the launch, the **‘First 100 Years of Women in Law’** Exhibition hosted by The School of Law and Social Justice will be available for viewing from:

18<sup>th</sup> – 29<sup>th</sup> November, Monday-Friday 9-5pm

**Eleanor Rathbone Building Foyer**, Bedford Street South, Liverpool L69 7ZA

[www.first100years.org.uk](http://www.first100years.org.uk)

For further information please email: [slsjmret@liverpool.ac.uk](mailto:slsjmret@liverpool.ac.uk)

# Why E Scooters cannot be used on UK roads

E-Scooters are in the headlines. Following the death of a TV presenter in July and a number of other serious injury collisions, the question of their legality on UK roads has come to the fore. It is generally accepted that they are illegal on UK roads but why?

The answer stems from their inability to be subjected to the UK's 'classification and registration' regime and all that flows in turn from such 'unregisterable' status.

In the UK Section 72 of the Highways Act 1935 forbids the use of vehicles on the footway, save for those exempted – such as motorized wheelchairs, local authority street cleaning vehicles etc. It follows then that by definition unless a vehicle can only be used on private land (are there any such vehicles?) once it comes into existence it instantly becomes capable of being used on the roads. But whether it can be used on the roads then depends upon its ability to be classified and registered.

The law relating to UK vehicle classification – so in turn those requiring registration at the DVLA – is complex and emanates from a web of European Directives. Broadly speaking, however, all vehicles intended for use on the UK's public road system must be designed and constructed in such a way as to make them safe, environmentally friendly and capable of being subjected to the UK's MOT testing, road tax and insurance regulations. Vehicles not designed and constructed so as to fall into the tightly controlled classification system cannot be registered and so cannot be used on UK roads. But such 'unregisterable' vehicles do exist and are considered by the public to be 'modes of transport'. They do not have 'for use on private land only' stamped across them either literally or sub-consciously and the public do not have 'Is this a registerable vehicle?' at the forefront of their thinking as they cross from their private driveway on to the public road aboard their e-scooter.

Paradoxically, the offence they commit comes from the fact that despite their status as incapable of being registered at DVLA and all that entails, they still satisfy the definition of a 'motor vehicle' for the purposes of requiring motor insurance pursuant to the Road Traffic Act 1988 (as amended). Contravention brings the potential of a £300 fine and a licence endorsement of 6 penalty points.

In the UK, classification group 'L' is mopeds, motorcycles and motor tricycles. European Directives, implemented in the UK by the 'Electrically Assisted Pedal Cycles (Amendment Regulations 2015)' exempts certain types of such vehicle from the requirement for registration with the DVLA. In particular, electrically assisted pedal cycles are exempted if they have a maximum power output of 0.25 kW and have the specification of reducing speed and cutting off as the vehicle reaches 25 km/h (15.5 mph). So what distinguishes an electrically assisted pedal cycle from a moped or any other 'electric motorcycle' is its express exemption from the requirement to fall into a classification and be registered with the DVLA. There is no equivalent for e-scooters.

As things stand, although not capable of being registered with the DVLA, if an e-scooter was capable of being registered, it would fall –

without amendment to the current definitions – to be classified akin to a moped (assuming the e scooter could not exceed 50km/h).

People see E scooters as a 'lazy man's scooter' or at least the scooter for the discerning city worker who, naturally, cannot afford to work themselves into a sweat by propelling themselves along with one foot, much as we did as children. That sense of 'but this is just a scooter' causes law-abiding citizens real offence when they find out that they are committing the criminal offence of driving without insurance. That gulf requires bridging. But surely so does the 'use on pavements' issue. If e-scooters were given an exemption akin to electrically assisted bicycles, it would prevent users committing an offence but inevitably driver them off the pavement and onto the road. That feels at odds with the 'last mile' solution that these vehicles offer to most people's daily commute and the increasing pedestrianization of inner city areas. The current and rising tension in this area needs a deep and intelligent review taking in not just the vehicles themselves but how we wish to move about in the future.

In March of this year, the Government recognised the 'blurring of previously long established vehicle definitions' within its paper 'Future of Urban Mobility Strategy'. Indeed, it set out that a consultation was likely on the options for enabling the controlled and legalised use of e-scooters and other micro mobility forms of transport and suggested that the Government is alive to the need to move quickly on an issue which is more closely aligned to the lightning pace of digital technological advancement such as mobile phones than that of slower more 20th century motor pace of vehicle legislation improvement.

**Glyn Thompson**  
**Weightmans**  
**Member of the Civil Litigation Committee**

## HM Courts & Tribunal Service – Warrant of control support centres webinar

Register now to find out more about the HMCTS reform programme and how it's starting to change the way they manage warrant of control in county courts.

Location: Online event

Date: Monday 28 October 2019, 1pm

You'll be updated about HMCTS's work and given an opportunity to feedback on what they've done so far. HMCTS say:

In our new centres we aim to engage with debtors earlier to try to resolve the warrant as soon as possible.

Using this approach, we can provide improved support to those who need it, provide quicker resolution of disputes and reduce the need for bailiff involvement and unnecessary doorstep visits.

In turn, bailiffs' time is released to allow them to work on the cases where debtors can't be easily contacted or where initial contact hasn't resolved the warrant.

The session is aimed at legal professionals, professional court users and the third sector.

It will last between 45 and 60 minutes, be recorded and available to watch afterwards.

You'll be able to submit questions before and during the event.

Register now, click [here](#).

## Business and Property Courts outside of London

CE-file: Are you a Professional Court User of the Business and Property Courts outside London?

To support Professional Users in accessing Electronic Filing, HMCTS are holding a number of free online tutorial events in Autumn 2019. For further details and to book, [click here](#).



# Residential Property Conference 2019

Last month we held our annual Residential Property Conference which was very kindly chaired by Angela Hesketh, Director and Group Head of Property Department, Jackson Lees.

It was a packed room and the day began with Angela providing an update on related government consultations. This was followed by Consultant Ian Quayle who provided two sessions; 'Escalating Ground Rents' then 'Newbuild and recent newbuild issues' (delegates enjoyed a refreshment break in between!). Last session of the morning was provided by Robert Kelly of sponsors Stewart Title, terrifying everybody about the dangers of fraudulent property sales!

Delegates, speakers and sponsors then had the opportunity to network, whilst enjoying a light lunch.

The afternoon opened with Bill Chandler of Hill Dickinson LLP providing a Landlord & Tenant Update. Next, HM Land Registry's Jamie Winch kindly provided us with a useful 'Digital Transformation' update, followed by Stephen Ward informed us about the CLC's approach to outcome focused regulation.

After a short comfort break, we then concluded the day with a very useful case law update, very kindly provided by Brynmor Adams of Exchange Chambers.

Thanks again to sponsors Stewart Title and Powered By Pie. Thanks also to the wonderful speakers involved and each and every delegate who attends.

Keep Wednesday 16th September 2020 free in your diary, so you don't miss out next year!

**Jo Downey**  
Director of Education & Training, Liverpool Law Society.



**Speakers L-R: Ian Quayle, Angela Hesketh, Bill Chandler & Jamie Winch,**



## Annual Legal Service

**Date: Sunday 13th October, 2019**  
**Time: 10.30am**  
**Venue:**  
**Liverpool Cathedral**  
**St James' Mount**  
**Liverpool**  
**L1 7AZ**

**David Steer Esq QC DL – High Sheriff of Merseyside**  
invites you to

**A Service To Mark The Beginning Of The Legal Year**  
on Sunday 13th October, 2019 at 10.30am\* at Liverpool Cathedral

Preacher: The Honorary Recorder of Liverpool, His Honour Judge Andrew Menary QC

**RSVP to [clare.blackburn@liverpoolcathedral.org.uk](mailto:clare.blackburn@liverpoolcathedral.org.uk)**



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**The Eulogy of Sir David Maddison QC will take place on 8th October 2019 at 9.45am at Manchester Crown Square. There will be a live link shown in a court room at Q.E.II. Law Courts, Liverpool.**

**Natasha Morecroft at Manchester Crown Square is organising the Eulogy. Her number is 0161 954 1737.**



Vauxhall Community  
Law & Information  
Centre

# News from Vauxhall Community Law and Information Centre

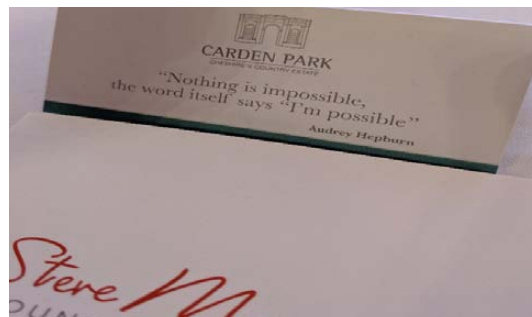
**Our regular column from the team at Vauxhall Community Law and Information Centre who support the local community and promote access to justice.**

So this month has seen a hive of activity at VCLIC. Here are some of the highlights:

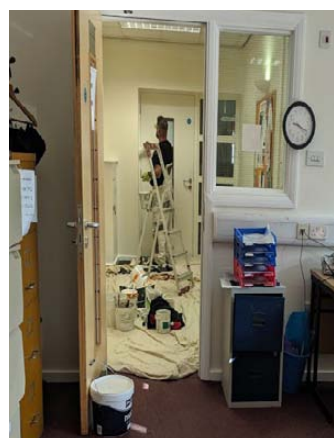
We were delighted to be invited to join the panel at the Justice Conference 2019 held by GMB Union alongside Richard Burgon MP, Ken Loach and various other inspirational speakers. Our Development Officer Alan Kelly delivered a powerful speech on the work of VCLIC over the years and our demands for change. We are pleased that Richard Burgon MP echoed our sentiments. In his speech, he outlined plans for there be an increase in the network of Law Centres, as well as providing opportunities for trainee solicitors in every law centre to promote the next generation of social welfare lawyers.



We also attended the Steve Morgan Foundation annual conference and awards at Carden Park. We heard amazing stories of the voluntary sector collaborating and providing vital services to enable people to 'change their lives' across from Wales and Merseyside.



In these uncertain times, one key thing we must all remember is summarised very nicely by Audrey Hepburn as below:  
**"Nothing is impossible, the word itself says I'm possible."**



## Changes at VCLIC

We are currently in the process of developing new services and our website so please watch this space over the coming months...

Lastly this month has seen our Law Centre undergo a make-over courtesy of the generosity of Carpenter's Solicitors group. Here is Steve, our decorator giving the law centre a new lease of life.



Ngaryan and our Welfare Benefits Caseworker Nancy attended the annual CPAG conference held in Manchester. They heard from experts across the Social Welfare field including Guardian Social Policy Editor, Patrick Butler. The aim of the conference was to navigate the changing benefit landscape especially the situation people face in the event of a No-deal Brexit which can be summarised in one word....uncertain!





# News from Merseyside Law Centre

## Fighting for equality through social justice to combat poverty & homelessness



Since launching in July, MLC's 'Our Liverpool' project has had several successful outcomes which will hopefully have a hugely positively impact on the lives of our clients.

Our first client under this project was suffering from serious mental health issues and had received notice that his Section 4 support and accommodation was due to end as they had come to the end of the asylum process. The hearing was listed within four days of us meeting them and we were able to take instructions, gather evidence and prepare a bundle of evidence and submissions in their case. We instructed Asylum Support Appeals Project (ASAP) to represent them at the tribunal and we were thrilled that the client retained their home and financial support whilst they awaited their appointment and their claim was assessed.

Another client was referred to us due to problems with their housing. The resident had reported serious disrepair but due to the new system of communications with Migrant Help fielding all calls and emails for Home Office and SERCO they had been unable to speak directly with their Housing Officer. The state of their home was causing a great deal of upset and discomfort. We reported the disrepair to SERCO via Migrant Help and escalated to a complaint when the response was not received within the stated timescale. We also reported the property to Liverpool City Council asking them to use their power under the Landlord Licensing legislation. They visited the property and completed a report on the disrepair and any other issues with the house. The client has recently contacted us to tell us they have had a successful outcome and the disrepair has been sorted.

With this project we can help Asylum Seekers and vulnerable migrants with problems they are facing with their Asylum Support and housing; we aim to help them understand their rights. We hope this project will help people feel more secure and at home in our city.

During this month MLC's housing law team attended the Northwest Housing Law Providers Conference in Manchester and staff attended Law Centre Networks Digital Capability event to assess how IT can be better used to assist delivery of quality legal advice across the sector. Both events were very informative and will help us to improve the future services we offer clients.

Local law firms Weightmans and Brabners have both generously pledged to help fund our Justice First Fellows. A massive thanks to both firms for their generosity and support. We are reaching out to other local firms for contributions so we can continue helping the next generation of social welfare lawyers to receive the training they need. If you would to join the list of local firms supporting our Fellows please email [sophie.brown@merseysidelawcentre.co.uk](mailto:sophie.brown@merseysidelawcentre.co.uk)

### Social Media

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# Leadership and the Law

**Continuing our series of articles talking to the leaders of Liverpool law firms. In this edition, Keith Jones, Director of the Keith Jones Partnership gives an insight into his role...**

## **Briefly Describe Your Role As Managing Partner**

Inevitably, with the increasing regulation on solicitors, part of the role has to be devoted to administrative duties, but as we are now reasonably well established, and have a good support team in place, my managerial duties are not particularly onerous, such that the majority of my time is spent on doing what I enjoy most, resolving disputes for clients.

## **What Do You Like Most About Your Role?**

Working for clients. I came into law late in life, and whilst the financial rewards of being a commercial litigator are of course welcome, I am still driven by doing a good job for a client who needs help, and get as much satisfaction from kind words at the conclusion of a case, as I do from being paid for it.

## **What Are The Biggest Challenges?**

Practitioners will be aware that there are constant challenges on law firms. We have been lucky that commercial litigation has been relatively unaffected, but the potential advent of an increase in the small claims limit and fixed fees will undoubtedly provide challenges.

With regard to small claims actions, these are much more likely to go all the way to a contested trial, because as a result of the no costs rule, Defendants with the very weakest of cases are prepared to take their chances in court as they have little to lose. Of the cases we handle, more than 40% of small claims cases go to trial, whereas less than 2% of fast or multi track cases get that far. An increase in the limit will inevitably lead to more trials and cause further delays in the already overstretched court system.

Fixed fees are less of a concern for us, because the fixed fees proposed are generally more than we already charge. The difficulty is that the fixed fee is likely to be set based solely on value, and there is a world of difference between the amount of work that is to be carried out on a case with relatively few documents and one witness, as opposed to one that involves thousands of documents and several witnesses.

## **What Aspects Of Your Firm Are You Most Proud Of?**

I get enormous pride when reflecting that a small firm in Birkenhead has attracted and retained so many large, international clients, including household names such as Western Union, London Excel, Jet2 and Saatchi and Saatchi. I am also proud that we have been listed in the Legal 500 each year since 2013.

What makes me most proud though is our client care record. We have now been trading in a tough environment for 13 ½ years, and yet have not had a single formal complaint made against us. In an era when people are undoubtedly more willing to complain, (and lawyers bear the brunt of this because there are not many professions that have to send out details of their complaints' procedure at the outset of any particular matter), I do think it is a remarkable achievement.

Pursuant to our Lexcel accreditation, we send out a satisfaction survey at the end of every case, and over 98% of clients have rated us either good or excellent, which is testimony to the whole team here and the sound, cost effective service we offer. This has helped us achieve recognition on a local level, and I was particularly honoured



**Keith Jones**

to win the Liverpool Law Society Small Firm Award on two occasions, but also recognition on a national level, including being finalists in several categories in the prestigious Credit Today awards, and winning the Best Legal Services Provider award in 2016. We have again been shortlisted for the same award this year. This puts us up against major law firms from across the country, and it is incredibly rewarding just to be nominated, let alone to come out on top.

## **Where Do You See Your Firm In 10 Years' Time?**

Given the significant client base we have built up, we have had several opportunities to grow the firm by branching out into other areas of law, such as commercial property and employment, but we have always resisted it. I am more than happy with the position we find ourselves in, and if the firm were to grow significantly, I could see my role becoming more and more administrative, which is not something that excites me in any way.

Where the firm will be in 10 years will depend upon whether my successors share the same philosophy. My best guess is that we will be a little larger, and with a bit of luck, pushing for the Liverpool Law Society Medium Firm Award!



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1. A LEGAL RIGHT

2. MANDATORY BY LAW

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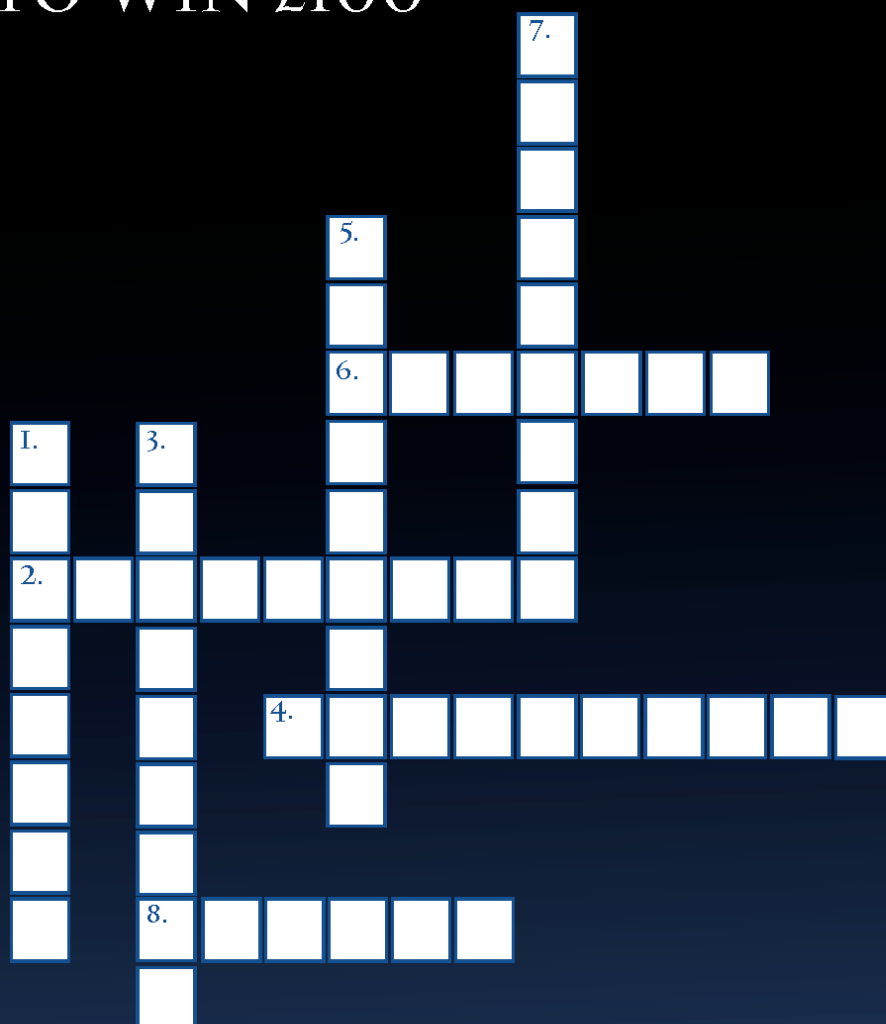
5. THE START OF A POLICY

6. MEDIEVAL LIABILITY

7. INSURER PROVIDES TO PROTECT  
AGAINST POTENTIAL LOSS

8. ONE OF THE PARTIES COVERED  
BY CI SELF-ISSUE POLICIES

HINT: READ BELOW



\*Email a picture of your completed crossword to [competition@legal-contingency.co.uk](mailto:competition@legal-contingency.co.uk) before 5.30pm 30th November 2019 to be entered into a prize draw for a £100 M&S Gift Card in December - one entry allowed per person. Competition terms and conditions can be found on our website: [dxd.conveyancinginsurance.co.uk/cicrossword](http://dxd.conveyancinginsurance.co.uk/cicrossword)

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# Pro Bono – do what you do best.

## Alison Lobb, Managing Partner of Morecrofts looks at the importance of pro bono to Liverpool Law Society and its members

Pro Bono Publica “Professional work done voluntarily and without payment, for the public good”. Most, if not all of us, do it to some extent or another, but the meaning of pro bono can be so very different depending on the firm, its location and its specialisms. We should all be proud of what we do and the difference we can make to society, in whatever way we are able to contribute, and usually the best way to make a valuable contribution is to do what you know, and can do best.

In 2015-16, when I was President of Liverpool Law Society I was invited by Robert Bourns, the then President of The Law Society, to a round table meeting in Chancery Lane to help inform the Law Society’s stance on pro bono. The group comprised of around 30 representatives of different firms, and it was soon clear that the views of those in the room as to what pro bono actually meant to them, were extremely varied.

The majority of people in the meeting I attended were either based in the City of London, or worked for large national or international firms. They were able to tell us about the structured programmes they offered, the people they employed to support those programmes, and the incredible work they were doing, such as assisting with American death row appeals, or working on human rights issues across the globe. I could have come away feeling most inferior! However, the majority of law firms in this country, and the solicitors who work within them, have a different outlook. Of around 135,000 practising solicitors in 2016, the majority did not work in firms with structured pro bono departments. I was there to represent their views.

That meeting changed my perception of what solicitors do as pro bono work, and the myriad of different ways of providing it. What those firms are doing is amazing, and they are the best positioned to make that difference. At Morecrofts however, as, a multi-service firm with a strong local community base, you are not going to find us preparing death row appeals or flying our trainees around the globe. Our expertise lies closer to home and so, in the same vein, we do what we know best, and provide assistance in the most effective way we can. Whether that is through CAB rotas, charity sessions, victims’ groups, church groups, university law clinics, you’ll find us there. We provide our advice free of charge to hundreds of people on a monthly basis, in many different areas and in all walks of life. We support our staff in joining boards or taking on school governorships thus providing expertise in that way. I suspect most other firms do the same. Certainly in Liverpool everyone seems to do what their resources will allow. We are fortunate in that we have a bedrock of support, and passionate individuals who aim to ensure that our efforts are targeted in the most effective way.

Steve Cornforth, President of Liverpool Law Society 2011-12, set up the Society’s Access to Justice Committee that year, in anticipation of the issues which would arise with the implementation of LASPO in April 2013. The committee encourages pro bono initiatives, and organises conferences and forums involving private sector lawyers, third sector agencies, local authorities and members of the local judiciary. As someone who started his career working in a local Law Centre, Steve is passionate about the provision of legal services to those who can not afford to pay, and remains involved in the committee and the promotion of its activities even after his retirement from private practice.

In 2015 the committee organised a conference entitled “Mind the Gap” to highlight areas the need for advice, to emphasise that, contrary to popular belief, Legal Aid was still available in some areas



Alison Lobb

**In my view, the essence of pro bono is doing what you can do to improve the lot of society, and ensuring that provides the most benefit. That is always going to vary depending on your skills and expertise, but there is always somewhere those can be channelled to benefit those in need.**

of work, and to bring together private sector lawyers, third sector employees, volunteers and anyone else involved in the provision of legal services to connect, grow their networks and work together to ensure that pro bono services were aimed in the right direction. There were many positive outcomes from that conference, but one is particularly noteworthy. A property lawyer in the audience asked “What can I do?”. His view was that as he had no knowledge of areas of law where advice was needed, there was nothing he could usefully do to help. One of the panel responded and suggested he offer his commercial skills and business acumen to help a local charity as a trustee. That proved to be a revelation for him and many others in the room, and, as a consequence, not only did he go on to offer his services, but the society’s magazine, Liverpool Law, now regularly highlights pleas from local charities who are looking for trustees who can make a positive difference to their services by using their skills and expertise.

Another off shoot of “Mind the Gap” was the creation of the Access to Advice Forum, which was set up in the same year. The initial aim of that forum was to bring together advice giving bodies who had been adversely affected by LASPO, and to co-ordinate advice provision across the six local authority areas covered by Liverpool Law Society and comprising the Liverpool City Region (LCR).

The forum planned a signposting exercise to help providers to connect those seeking help with the right provision. The aim of the exercise was that whilst we knew we couldn’t plug the gap, we could at least try to address unmet need by identifying what that need was and looking for solutions. However it became apparent that was far too big a task for a group of volunteers, due to the amount of advice providers within the LCR, and also because it identified that in fact signposting was often resulting in those in need being passed from agency to agency without acquiring any useful benefit.



The committee and forum provide advice to politicians, for example through providing statistics on legal advice deserts to local councillors, making them aware of gaps appearing in provision of advice and helping with queries arising through their surgeries. With MPs the information collected has enabled them to carry out their own investigations, raise awareness of need, and has led to their posing questions in the House on vital access to justice issues. Chris Topping, current Liverpool Law Society President, is another who is passionate about access to justice issues. Recognised as Human Rights Lawyer of the Year at the Law Society Excellence Awards in 2016, Chris originally became a director of the Society to succeed Steve as chair of the Access to Justice Committee. His view is that the main success of the Committee has been to start a conversation amongst advice providers, in an arena where their views could be acted upon. Solicitors and advice providers became far more attuned to one another's needs and found ways to work together. This has led for example to an increase in commitment to University legal clinics where students are exposed to several different legal disciplines, with the hope that they will in turn give back to society themselves in a similar way.

The signposting project lives on in a different guise. James Mannouch, the current chair of the committee, highlighted the ongoing project designed to map free legal advice within the city of Liverpool (funded by the City Council through the Mayoral Hardship fund and led by the University of Liverpool), which has risen from the ashes of the original plan. He told me that they are looking beyond the traditional view of pro bono "When we think of free legal advice, we tend to think of third sector organisations (for example, Citizens Advice or Law Centres) but the project lead is keen to account for free advice offered by private law firms too. Some of this free advice will be '30 minute interviews' and some will be legally aided, however some of it will be traditional 'pro bono', and the project should give us an indication of the quantity of pro bono which is typically offered

within a provincial city." The report on that is awaited in due course and the project demonstrates how the forum has been a catalyst for joined-up thinking between the public and private sectors throughout the City.

From the start, the elephant in the room has always been "Why should we give our time and services at our own expense, when this could be funded through legal aid?" The oft-debated issue is a tricky one. When it comes down to it, however the fact is that as all caring and compassionate human beings, none of us can morally justify allowing a situation to continue where there are people in dire need, and we can help, but do not do so. However we should never lose sight of the fact that pro bono can never be a substitute for a properly funded legal system.

In my view, the essence of pro bono is doing what you can do to improve the lot of society, and ensuring that provides the most benefit. That is always going to vary depending on your skills and expertise, but there is always somewhere those can be channelled to benefit those in need. You might not need a formal programme, or a an employee to co-ordinate your efforts. Everyone simply needs to apply some thought as to where their skills can best be applied. There is no point a corporate lawyer giving advice on domestic violence injunctions for example, or a conveyancer addressing employment matters, but find what you do best, find who you can help, and do it the best that you can.

**Alison Lobb**  
Managing Partner  
Morecrofts

**Pro Bono Week runs from 4th - 8th November 2019**

**This article first appeared in the Solicitors Journal**



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# Noise Complaints pauses Wind Farm operation...for now

**Residents claiming a nearby wind farm has been noisy for 20 years have convinced councillors to pause plans to keep it open for another decade. But as Tim Champney, Managing Director of Future Climate Info explains, precedent may have been set on extending the life of old wind farms, prolonging the pain for residents.**



Barrow Council's planning committee heard the application at a meeting in the town hall on Tuesday, September 10.

The accompanying 114-page report showed that the Askam and Ireleth Wind farm near Barrow, Cumbria, continued to provoke residents, saying the noise was "unbearable".

Askam and Ireleth Wind Farm is a group of 7 turbines which were erected in late 1998 and started generating energy in July 1999.

The original operator E.ON claimed that the farm generated enough renewable electricity in 2005 to supply nearly 2,500 homes. However, it is has become clear in recent years, that the farm is running nowhere near its target level of efficiency.

In the last five years, 35 complaints have been lodged with the council. Some have cited 'horrendous' noises, radio interference and low frequency noise (Van den Berg effect). Many blame the site's topography, changes in wind direction and how close the turbines were built to their homes.

The current owners, Cannock Wind Farm Services want to keep it running until August 2029 after its 20-year-old permission expired this summer. In the five years since they took over the site, they state that they have not received a single statutory noise nuisance. Also, Barrow council's Public Protection Officer has not objected to the plan.

Askam and Ireleth Parish Council do not support the time extension and claimed the turbines only run at '14 per cent efficiency'.

## Long history of complaints

Concerns about the wind farm have been running for two decades. The Marton, Askam and Ireleth Wind Farm Action Group (MAIWAG) was formed by local residents of the three villages. They were upset by what they saw as the inconsiderate construction of the wind farm by the developers Wind Prospect.

The group claimed that the final construction of

the wind farm bore little resemblance to the proposed scheme they were first told about. Their concerns related to the size and environmental impact of the development as well as noise it produced.

It was discovered that six of the seven turbines were not constructed in line with the developer's original application and as such did not have planning permission.

Barrow Borough Council signed an agreement with the developer, imposing a range of planning conditions on the turbines already built. As complaints by local residents continued to be made about the noise, the council resolved to take action against the wind farm.

Borough councillors decided to drop planned enforcement action in December 2002. Disappointed by this decision, six members of the group went ahead with a private prosecution against the operators of the wind farm on the grounds it was a "noise nuisance". But their case was unsuccessful.

## Further noise investigations

Now, a decision on an application to extend the wind farm's life has been deferred while Barrow Council seeks independent evidence about the noise it makes.

Councillors were told the site was "recognised as the noisiest site in the UK judged by the huge number of complaints compared to similar other sites". Overall, there had been 152 complaints, compared with "single digits" for other similar farms, the planning committee heard.

Cannock Wind Farm Services say that a recent replacement of the noise management system and further improvements "will reduce the noise nuisance experienced by the affected properties". They say that they had "endeavoured to engage" with any complaints about noise.

Residents said any improvements had done little to reduce the noise and were critical of Barrow Council. Ireleth resident Les Nicholls told councillors: "No action has ever been taken by the council against the developer to my knowledge.

"When repeatedly questioned why, the response has always been that the developer has got deep pockets and the council is skint."

Barrow council's Principal Planning Officer Charles Wilton has recommended that the application be approved – provided that extra noise mitigation measures are introduced and a noise management plan submitted.

## Wind Farms could stay for longer than planned

So it is quite likely that the turbines will start

spinning again, especially in the light of the recent Kirkby Moor wind farm verdict. Kirkby Moor development was one of the UK's first wind farms, coming online in 1993. South Lakeland District Council refused permission to keep the Kirkby Moor wind farm in Cumbria running until 2027.

A government planning inspector, Phillip Ware, upheld an appeal by operators Ventient Energy after a public inquiry, ruling that the controversial farm could stay for another 8 years.

An interesting precedent has now been set where wind energy companies could cite this decision to keep turbines in place for longer than originally permitted. It hinges on a technicality in the 2019 National Planning Policy Framework.

This says new wind farms need the backing of the local community - but the "re-powering of existing wind farms" does not.

## Keeping track with changes

Property purchase decisions are now often made for the next 20-30 years. Homebuyers must consider how the impact of existing and planning wind farms could affect their investment and the quiet enjoyment of their home.

Future Climate Info provides conveyancers and their clients with the latest insight on energy and infrastructure changes that may affect the vicinity of a property. As new schemes come online through planning, we will capture and alert these in a clear and concise way. You can then make an informed decision on whether the investment could be harmed or improved.

## Here is more information on the datasets in our premium environmental report

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**Tim Champney**



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Report Details		Subject Site
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Grid Reference: E: 123456   N: 123456	Date: 27/04/2018	
Report Reference: Sample	Report ID: 100085407	

### Professional Opinion

1. ENVIRONMENTAL	PASS
No further recommendations	
2. FLOOD	PASS
No further recommendations	
3. GROUND STABILITY	PASS
No further recommendations	
4. ENERGY & INFRASTRUCTURE	PASS
Consideration(s): 4.20 Power Stations	

**1. ENVIRONMENTAL** PASS

No further recommendations

**2. FLOOD** PASS

No further recommendations

**3. GROUND STABILITY** PASS

No further recommendations

**4. ENERGY & INFRASTRUCTURE** PASS

Consideration(s):  
4.20 Power Stations

This page should always be read in conjunction with the full report. The Professional Opinion indicates the potential risks and any other potential issues associated with the property. The results should be disclosed to client and/or lender and/or insurer as appropriate.

A 'Pass' is given if no potential property specific risk has been identified.

A 'Pass with Considerations' is given where there are potential hazards in the locality to bear in mind, or if there are features nearby which some clients might consider could affect them.

A 'Further Action' is given if there is a potential property specific risk and a further action is advised.

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(1) RRP for residential properties less than 0.25 hectares. (2) These data modules can be purchased as stand-alone products. Commercial reports are also available.

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# Jackson Lees Group hosts Learnfest week

**North West law firm, Jackson Lees Group, has hosted a week-long festival of learning focused on sharing knowledge, insights, and experiences with its entire team across a broad range of topics.**

The Group, which was celebrated as one of the London Stock Exchange Group's '1,000 Companies to Inspire Britain' earlier this year, hosted the week as part of its internal training academy. The week involved a vibrant series of seminars, talks and workshops across its offices.

The festival covered topics including emotional resilience, financial wellness, virtual reality and public relations, with guest speakers from a variety of different sectors taking part in talks and workshops. Guests during the week included Chanua Health, a research, technology, data and design firm focused on solving organisational challenges and Love, Jasmine, a support organisation for families dealing with the loss of a child. Elkan Abrahamson, a Director of the Group and renowned Solicitor, also held a talk on 'What Hillsborough Taught Us'. Despite the variety of topics covered, the workshops all addressed the Group's core value of Making a Positive Difference (#MAPD) to their people, clients and communities alike.

Gemma Ellison, Director and Head of Culture and Engagement, runs the Group's Training Academy and led LearnFest.

She said: "Learnfest was a festival of learning. We held it to celebrate the first anniversary of our Training Academy and the learning culture that we are creating here at the Jackson Lees Group. Creating an environment which encourages curiosity and lifelong learning will help to support each of us and our business to be the best we can be. The engagement from our people in all of the sessions was amazing; there was a buzz around our offices last week and the energy was infectious. It's important that we all remember that our learning has no limits and we can all benefit from sharing the skills and experiences we have in our amazing business."

"I also want to thank the guest speakers who spent time sharing their knowledge with us. It was a very enlightening week and was the perfect way to celebrate our Academy's first birthday!"



Joanna Kingston-Davies, Group Chief Operating Officer, said: "LearnFest was an incredible way to celebrate and encourage in-house learning. The sessions held over the past week have positively benefitted every single person who attended and gave us all a wonderful opportunity to gain insights from a really wide variety of speakers. Our aim is to make a positive difference to our people and to develop the whole, well-rounded individual. The diversity of events throughout the week absolutely promoted that with thought-provoking and insightful speakers and facilitators.

"A huge thank you to the businesses and organisations which helped to make Learnfest a great success. The pride we feel from seeing our business grow and develop, and the results that our people achieve, make events like these even more worthwhile. We should never stop learning!"



## 2019 Employment Law Conference

On Wednesday 9th October, 9.30am till 3.45pm (lunch included)  
**Venue:** Liverpool Law Society, 2nd Floor, Helix, Edmund Street, Liverpool, L3 9NY

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**Chaired by Lindsey Knowles & with sessions;**

<p><b>The Discrimination Rocket</b>                  Sean Jones QC, 11KBW</p> <p><b>Limitation: The trouble is, you think you have time</b>                  David Campion, 9 St John Street Chambers</p> <p><b>Worker v employee status: where are we and what can we expect?</b>                  Emma Tegerdine, gunnercooke</p> <p><b>Illegality in employment law</b>                  Employment Judge Neil Buzzard</p>	<p><b>Conducting complex investigations: The practicalities</b>                  Thomas Kibling, Matrix Chambers</p> <p><b>Whistleblowing</b>                  Kevin McNerney, St John's Buildings Chambers</p> <p><b>Employment Law Update</b>                  Martin Mensah, Atlantic Chambers</p>
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**Previous attendees of this annual event say:**

"Very impressed - engaging speakers & helpful handouts"

"Enjoyed it, nicely pitched and informative"

"Really good with excellent speakers - thank you"

"Very practical, useful and well organised"

"Useful conference, invaluable yearly refresher. Good selection of topics"

**For further information or to book, [click here](#)**

 Liverpool Law Society

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## Complaints to Compliments

with Vicky Ling on Friday 15th November, 1.30pm - 4.30pm

**This half day course will give complaints partners/officers confidence in running practical and compliant complaints procedures. It includes real life case studies and round table discussions.**

**It includes:**

- Working within the Legal Ombudsman's good practice guidelines
- SRA requirements
- Useful wording for your client care letters
- How to prevent complaints by getting things right from the start
- Good client care
- Risk management
- Fostering a positive culture to prevent complaints escalating
- Learning from complaints

**Competencies: C2**

**For more information or to book, [click here](#)**





Liverpool Law Society

# Annual Dinner 2019

We are delighted to announce the guest speaker is

**James Timpson OBE**

**Chair of the Prison Reform Trust**

*Calling all members of Liverpool Law Society  
and their guests*

Celebrate being part of a strong, proud and vibrant legal  
profession at the Society's flagship event.

**Thursday 7th November 2019, 6.45pm for 7.30pm**  
**Garden of Eden, 6th Floor, The Shankly Hotel,**  
**60 Victoria St, Liverpool, L1 6JD**

Includes a welcome drink on arrival followed by a three course meal, and speeches.

**Dress code:** Black Tie

A table of 10 is £800 + VAT (£960 inc vat)  
Individual reservations £80 + VAT (£96 inc vat)

There will be a collection on the night for the President's nominated charities 'Love, Jasmine' (Registered Charity no 1169397) and the 'North West Legal Support Trust' (Registered Charity no 1131529).

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# Merseyside solicitor marks 50 years of legal life

A well-known Merseyside solicitor is celebrating a legal milestone after notching up 50 years in law.

David Kirwan, managing partner of Kirwans law firm, was admitted to the roll of solicitors in the summer of 1969, and has gone on to become a leading figure of law in the region, acting for clients throughout Merseyside further afield across the UK.

His higher-profile cases have also seen him become a familiar face in the media, and he regularly champions the rights of people facing prosecution by local authorities.

A well-respected, accomplished lawyer, Mr Kirwan has taken on a wide range of legal duties since qualifying, including sitting as a Judge for the Immigration Appellate Authority and acting as a legally qualified chairman of the local NHS committee at Chester, dealing with patients and others who had made complaints against doctors, dentists and opticians.

He was also one of the first solicitors in the region to hold Higher Court advocacy rights in both crime and civil law, which allows him to stand alongside barristers and represent clients in court, as well as acting in the civil courts.

In 1980, Mr Kirwan took over the reins at Kirwans, which was started as a family firm over 70 years ago by his late father, CH Kirwan, and went on to develop a strong and loyal following of clients. These included the late Winnie Johnson, mother of Moors Murderer victim Keith Bennett and more recently Daniel Jones, the Welsh farmer whose prosecution by Conwy Trading Standards collapsed amidst much media interest less than a week into the trial. Another notable case was a successful Judicial Review of Liverpool City Council which had sought to exclude buskers from the Cavern Quarter.

His love of interacting with people means that, unusually for a managing partner, Mr Kirwan still combines client work with operational duties.



He has also been responsible for overseeing the training of many solicitors who have 'graduated' through the firm.

Mr Kirwan said: "I have had some fantastic and varied experiences and opportunities since qualifying, and 50 years on I still believe that the law is the best profession in the world. There have been many changes since I started practising, with technology and the internet in particular being an absolute game-changer.

"However, one thing that hasn't changed is the need for people going through key moments in their lives to be able to access a friendly and professional service that they can rely on.

"Over the decades I have taken great pleasure in working with the people of Merseyside and beyond, and I look forward to many more years of seeing both myself and my team continue to solve their legal problems."



## Civil Procedure Round Up – Autumn 2019

with Helen Swaffield

on Friday 11th October, 10am - 4pm (lunch included)

This is the latest CPR changes and a review of key procedural developments over the year.

Suitable for all types of litigators and a good opportunity to look at key topics in depth.

Covering:

- Pre-action protocols
- ADR and settlement
- New Disclosure rules
- Part 36
- Fixed costs - The Briggs Review
- New Enterprise courts
- Precedent H
- Security for costs
- Summary judgment
- Striker/abuse of process
- Evidence
- Experts



Competencies: D3, C1, B2, B3, B6, B7, A2, A4 & A5

For more information or to book, [click here](#)



## Adult Mental Health First Aider One Day Course

with Samuel Leigh

on Tuesday 15th October, 9.30am - 4.30pm (lunch included)

This one day mental health awareness and skills course qualifies you as an Adult MHFA Champion.

MHFA Champions have:

- An understanding of common mental health issues
- Knowledge and confidence to advocate for mental health awareness
- Ability to spot signs of mental ill health
- Skills to support positive wellbeing

The day includes a mix of presentations, group discussions and workshop activities. You will get an MHFA manual and workbook to keep and refer to whenever you need it.

When you complete the day you'll get a certificate to say you are an MHFA Champion.

Limited to 16 people per course.

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# Jackson Lees group welcomes next generation of trainees

Four paralegals are taking the next step in their careers with award-winning law firm Jackson Lees Group, following a competitive round of internal interviews.

Emily Burns, Chelsea Kearns, Katie Tunstall, and Hetal Hathiwalwa have started their 18 month training contracts as Trainee Solicitors with the firm. The training programme will see the group work across a number of practice areas, gaining valuable experience and insight prior to choosing an area of specialism.

The firm is committed to developing and growing its team at all levels and has a well-established internal training academy and mentoring programme in place. Testament to the firm's commitment to development, four current trainee solicitors are also due to complete their training contracts in December and become qualified solicitors within the firm.

Brian Cullen, CEO of the Jackson Lees Group, said: "At Jackson Lees Group, we're proud to offer young talent the opportunity to develop into brilliant lawyers. Congratulations to all those who were successful this time around. It's wonderful to see the next generation of trainees growing and developing. We actively pursue a strategy of promoting and training from within and I am so proud of the calibre of applications we received for these training positions – it was an incredibly competitive process.

"As a firm that actively promotes diversity, it's particularly encouraging to welcome these four talented young women on board and we look forward to seeing them develop their careers with us and grow into the legal leaders of the future."



**Chelsea Kearns, Katie Tunstall, Hetal Hathiwalwa and Emily Burns**

## Conditional Contracts and Options

with Peta Dollar

on Wednesday 16th October, 10am - 12.45pm

This session will focus on conditional contracts and options, including:

### Conditional Contracts

- Condition precedent or subsequent?
- Drafting landlord's consent conditions
- Drafting planning conditions
- Satisfying/waiving conditions
- Longstop dates and termination
- Remedies – what to do when things go wrong
- Land Registry issues

### Options

- Put and call options
- Option periods
- Pre-conditions
- Exercising on whole or part of the land
- Exercising the option – form and service of notice
- Tax issues
- Land Registry issues
- Lessons from the cases

**Competencies:** A2, A3, A4, B2, B3, B4 & B6

For more information or to book, [click here](#)

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## Commercial Property Update

with Peta Dollar

on Wednesday 16th October, 1.30pm - 4.15pm

This session will focus on the most important recent cases and developments relevant to commercial property lawyers, including:

- Part II of the Landlord and Tenant Act 1954: ground (f) – Franes and Santander; renewal lease terms – Dukeminster
- Easements – Regency Villas, Parker v Roberts, Taurusbuild
- Restrictive covenants – Alexander Devine v Millgate, O'Byrne
- The RICS Professional Statement on Service Charges in Commercial Property
- Dreamvar and the new Law Society Code for Completion
- Frustration of leases – Canary Wharf
- The new Electronic Communications Code – Cornerstone, Elite Embroidery, EE v Islington
- Update on MEES (Minimum Energy Efficiency Standards)
- Contract rescission – Oakley

**Competencies:** A2, A3, A4, B2, B3, B4 & B6

For more information or to book, [click here](#)

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# BLJ Solicitors celebrates record business year

Bell Lamb and Joynson Solicitors is celebrating its most prolific business year on record in its almost 200-year-old history.

The North West legal firm, established in 1821, has seen out its latest business year with a total of 16 new recruits, a duo of award wins and significant growth in turnover of 28% across all departments.

Managing Partner Mike Leeman credits the company's digital approach for contributing to recent achievements, with the ability to streamline processes for both staff and clients improving the quality of services across its branches in Liverpool, Runcorn and Warrington.

Mike said: "We recently came to the end of our business year and reflecting on our success in the past 12 months is incredibly rewarding and a real testament to the work of the entire team across all of our departments. In 2018, we set ourselves quite ambitious targets in terms of company growth and we're pleased to say that we have exceeded those significantly."

"In 2016, we began to digitalise the business, investing heavily into new systems that would aid communication both internally and client facing and it's now that we are starting to see the financial benefits from this strategic operational change. Our conveyancing and criminal departments are among our best performing areas, up by 55% and 26% respectively in terms of the volume of cases. We're pleased to say that we're bucking industry trends and we hope to see other firms follow suit by adopting a more modern and tech-savvy approach to legal services."

Following its annual growth, the firm has increased its staffing by 47% over the last 12 months with further hires in place for the coming months that will bring the team up to 52 employees by 2020.

Mike added: "With such a monumental increase in our workforce in a relatively short space of time, we've had to adapt some of our processes to ensure that communication is efficient and client relationships remain at the forefront. Having recently invested in a number of online communications tools and case management



**Mike Leeman**

systems we can offer prompt 24-hour updates online and through our recently launched app. We're pleased to offer our clients such a pioneering service which was recently recognised in the national Eclipse Proclaim Modern Law Conveyancing Awards where we picked up the accolade for 'Customer Care'. This year we were also awarded the Criminal Law Award at the Liverpool Law Society's Legal Awards, which was a great achievement for the team.

"BLJ Solicitors is keen to support the industry as a whole and lead by example so it has been an honour to be invited to speak at a number of national events this year to discuss the use of technology within the legal sector and the importance of price transparency, which is something that we have offered for a number of years. We hope to see this momentum continue and look forward to what the next 12 months has in store for the sector, which we believe will be heavily shaped by the introduction of technology across more law firms locally and regionally."

## Annual figures reveal major growth for Liverpool City Region solicitors Brown Turner Ross

Liverpool City Region solicitors Brown Turner Ross have reported significant annual growth in the last financial year. The firm, who have offices in Southport and Liverpool, revealed an annual fee income of £2,627,934, a year-on-year increase of 7.5 per cent which is well ahead of the national average for the sector.

The good news has continued for the company which has also enjoyed a bumper start to the year. The solicitors have reported at 71 per cent increase in revenue for Q1 in 2019 compared to the same period last year.

All areas of the business have performed strongly, particularly family law, commercial property and private client alongside the firm's civil litigation work.

Brown Turner Ross has been growing over the last 18 months with a series of new hires and three new directors appointed and that expansion has been reflected in its blossoming financial figures.

Sam Bushell, managing director at Brown Turner Ross, said: "These annual figures show the strength of the firm across our base in Merseyside and the work we have been doing nationally in all of our key sectors. Brown Turner Ross has a reputation for client-focused delivery that produce real results and we are seeing this both in the increasing client list and these positive annual figures which represent the incredible growth of the firm over the last 18 months."

Kevin Ross, director at Brown Turner Ross, added: "It is pleasing to see the strategic investments we've been making in the firm, focusing on our core strengths as a firm in family law, commercial property and private client work, is reflected in this success. The fantastic performance in Q1 this year also puts the business in a strong position for our future work across the Liverpool City Region



**Sam Bushell**



**Kevin Ross**

# poweredbypie Launches Document Portal to Enable Secure Exchange of Sensitive Client Data

Search and software provider poweredbypie has announced the launch of Document Portal, a new solution for solicitors to enable the secure electronic exchange of all documentation within the conveyancing process. By removing the need to 'print and post', Document Portal offers a simple, secure solution to speed-up the exchange of documentation between solicitors and clients.

Carole Ankers, chief product & technology officer, poweredbypie explains: "Document Portal is part of our Brighter Law suite of products. For many years, Brighter Law has allowed solicitors to streamline communication online, by managing new client interaction and providing instant quotations with the aim of increasing conversion rates.

"Following many months of research and development we have taken the time to understand the needs of solicitors and the challenges they face in the conveyancing process," continues Ankers. "The result of this insight is Document Portal, which allows client documents to be stored,



accessed and shared safely online, negating the need for physical copies. It is both simple to use and set-up and takes care of the technology needed to supply a secure 2 Factor Authentication for electronic document exchange, removing the delays associated with paper-based legal forms and mitigating the risks posed by email communications.

"As Cybersecurity continues to be one of the most serious threats facing the legal community, it is essential for firms to take a secure approach to the protection of sensitive client

data. According to the SRA Risk Outlook 2018/19, in the first quarter of 2018 over 70% of all cybersecurity reports were directly attributed to email modification fraud, a sophisticated method of interception designed to capture client bank details and personal information. Document Portal removes this risk, providing secure 2 Factor Authentication to store and share legal documents which are accessible only to those with authorised access."

Document Portal now enables law firms to create a document portfolio which includes intuitive, editable forms and digital signature facility provided by the leading eSignature brand DocuSign. Not only does this provide a secure, streamlined environment for client data, it also highlights to the client exactly what information needs to be filled-in, first time, every time."

On 4 September 2019 the Law Commission set out a statement to end uncertainty and increase

confidence in the use of electronic signatures <https://www.lawcom.gov.uk/project/electronic-execution-of-documents/>. Commercial and Common Law Commissioner, Stephen Lewis said: "Our report aims to provide an accessible statement of the law which makes it clear that an electronic signature can generally be used in place of a handwritten signature as long as the usual rules on signatures are met."

Carole Ankers continues, "As a technical solutions provider and partner to law firms up and down the country, it's our job to look at the issues that affect our clients and come up with solutions. We are very excited to launch our secure portal that enables solicitors to exchange sensitive documentation giving the law firm a real point of difference while inspiring confidence and trust."

For further information please see: [www.poweredbypie.co.uk](http://www.poweredbypie.co.uk)

## InfoTrack's 'Take me to Australia' promotion returns for a fourth year

**InfoTrack have announced the return of their 'Take me to Australia' promotion - a prize draw to win a two week holiday in Australia for two.**

InfoTrack customers are automatically entered into the draw and receive an entry each time they perform a legal task using InfoTrack. The more they submit an eCOS, Indemnity, SDLT, AP1 or Corporate service through InfoTrack, the more entries they will receive.

Adam Bullion, General Manager of Marketing at InfoTrack comments, "Previous winners absolutely love the prize and clients regularly ask when it will return. Last year, we had almost 60,000 entries due to the simple

mechanics of the competition. All you require to enter the competition is an account with InfoTrack!"

Mark Stocker of Stephen Rimmer LLP, winner of the 2018 promotion, says, "It's truly is a fantastic prize offered by InfoTrack and everything from the hotels to the trips were fantastic and well organised. My favourite part, if I had to choose one, would be the day at the Blue Mountains as the views were spectacular. I can't wait to return!"

**For more information and to find out how the promotion works, just visit <http://www.infotrack.co.uk/takemetoaustalia>**

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Brighter Law

# MSB bolsters Employment Law & HR Team

MSB Solicitors has grown its Employment law and HR team in response to increased client demands.

The team was founded in January 2018 by Chris Hayes, following a key strategic hire. Whilst at the helm, Chris has worked tirelessly to grow the team and its presence within Merseyside and the surrounding region.

Following a period of steady and organic growth, with multiple client wins, the team has now expanded significantly.

They have recently recruited Hannah Dowd, who is a specialist employment law solicitor. Hannah joins MSB from a prominent commercial firm and brings with her a good pedigree and solid foundation in employment law and HR matters.

Aimee Benmayor has joined the team as a trainee solicitor as part of her training contract, and Stefanie Connor has joined the team as a legal assistant.

Chris Hayes, senior associate solicitor at MSB, said: "Our team has grown around its core fundamentals of results-focused advice, personalised service and transparency in fees. This has seen our client demand grow and its fantastic to be able to welcome these talented individuals to our expanding team, helping us continue to deliver the very best service to our clients.

"We are proud to boast some of the region's most well-known names as commercial clients. Our commercial offering has gone from strength-to-strength with leading businesses and charities across Merseyside and the North West calling upon us for guidance and support.

"Our ability to offer specialist advice to both companies and



**Mark Forman, Aimee Benmayor, Hannah Dowd, Chris Hayes, Stefanie Connor & Emma Carey**

individuals has placed us in an elite group of firms, who can offer both services to a high standard. We look forward to seeing our team continue to grow."

The team's success to date was noted earlier this year when it was named as one of the top three firms in Merseyside for Employment law, in the Liverpool Law Society's Legal Excellence Awards. This recognition, coupled with the recent expansion, cements the firm's position as a leader in this area of law.

## Preparing for Change -The New PI Landscape Ahead

with Jeff Zindani

on Friday 18th October, 1.30pm - 4.30pm

**With a raft of new reforms, from the new Civil Liability Act and the expected rise in the small claims limit, together with the recent MOJ announcement of an extension of fixed recoverable costs, it is critical for you to understand what the new landscape is likely to look like next year.**

- The seminar will cover the following:
- Civil Liability Act-Key Provisions
- Definition of Whiplash and the Regulations
- The New Portal for Whiplash Injuries
- The Tariff Figures and a Reality Check
- Small Claims Limit Increase-Will this Work for You?
- Jackson Mark II-An Expanded Fast Track
- The Costs "Grid": Case Studies and Problems
- CPR36, Conduct and FRC in Practice
- More Reforms in the Pipeline?

**Competencies: A2**

**For more information or to book, [click here](#)**

## Mental Capacity Act Update

with Helen Clarke

on Wednesday 23rd October, 10am - 1pm

After this course, delegates should have increased their knowledge and understanding of the MCA 2005 including potential problems and pitfalls and where appropriate practical solutions in the following areas:

- Awareness of recent guidance and news from OPG
- Increased knowledge of the knowledge of Court of Protection decisions
- Updated their practical knowledge on drafting points and procedural points relating to LPAs
- Revocation and cancellation of LPAs, EPAs and Deputyships
- The detailed notes will include practical examples, draft clauses and action points

**Competencies: A2 (a), (d), (e), A4(a),(b) and A5(a)**



**For more information or to book, [click here](#)**





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## Case review: Poole Borough Council v GN & Another [2019] UKSC 25 Supreme Court ruling, 6th June 2019

# Claims against public bodies – When may a local authority be liable for causing harm to individuals by act or omission?

On the 6th June 2019, the Supreme Court found that Poole Borough Council did not owe a duty of care to two children whom, as alleged, it failed to protect from foreseeable abusive behaviour of neighbours. Nevertheless, the Supreme Court overruled the Court of Appeal and found that in some situations a duty of care might arise.

Although this may seem like a victory for the Local Authority, we look at how claimants may succeed with action against public bodies following this decision.

### FACTS/BACKGROUND of the case:

Poole Borough Council was accused of failing to protect two children in the care of their mother (therefore not within care proceedings in the Family Court) from the antisocial behaviour of neighbours after being moved to live in the Local Authority's accommodation. One of the children had severe mental and physical disabilities.

The campaign of alleged harassment and abuse against the children and their mother by their neighbours lasted 5 years and included verbal abuse, physical assaults, vandalism, and attacks on the family home, threats of violence. All measures taken by the Local Authority such as possession proceedings, anti-social behaviour injunctions, applications for sentences of imprisonment did not stop the abuse. From a Public Law point of view, it is interesting to note that a Home Office-commissioned independent report cited in this case, criticised the police and the Local Authority's failure to make adequate use of powers available under anti-social behaviour legislation. One of the children ran away from home, leaving a suicide note. The family was finally moved in December 2011, after encountering 5 years of abuse.

### BASIS of the claim

The children brought a claim for personal injuries caused by the campaign of abuse, but it was struck out. The claimants appealed to the Supreme Court.

The Claimants' claims can be summarised as follows:

- 1) The Local Authority had a common law duty to protect children in its area, especially those reported to it as being at foreseeable risk of harm.
- 2) The Local Authority was vicariously liable for the failures by its employees, namely the social workers, to meet their duty of care. That duty of care included duties to protect the Claimants, monitor them, and remove them from the risk of harm.

### Court of Appeal

The Court of Appeal held that the claim should be rejected, finding that imposing liability in negligence in the field of social work, could lead to defensive decision making in these areas which would be contrary to public policy. They relied on two previous cases, one involving social services and one involving the police, which had reached similar conclusions.

They also relied on the principle that, generally, a legal person (The Local Authority was classed as a legal person within these proceedings) is not liable for the wrongdoing of a third party, even if it is foreseeable.

The Claimants appealed.

### Supreme Court

The Supreme Court ruled that the claim should be struck out, but for different reasons from the Court of Appeal. In general, the Supreme Court was of the opinion it is not in the public interest for local authorities to incur the risk and cost involved with litigation proceedings, where the harm is due to a third party.

The Court considered the care required for minors under the Children Act 1989 and the previous cases of *X (minors) v Bedfordshire County Council*, *Michael v Chief Constable of South Wales Police* (2015) and *Robinson v Chief Constable of West Yorkshire Police* (2018).

The above cases raised the issue of there being a risk that local authorities would respond to the imposition of liability by adopting a defensive approach to their decision making, for example there was a risk that local authorities would be more likely to instigate care proceedings as a precaution. As a family lawyer, I can see a great risk should such drastic approach be adopted.

The Supreme Court also quoted a possibility of the risk of vexatious and costly litigation against Local Authorities that are already burdened with fund cuts and the current lack of administrative complaints procedures.

The Claimants alleged that the Local Authority failed to take the children into care to protect them. This claim was also dismissed because they could have only been taken into care in case of parental failures and if the Local Authority was to assume parental responsibility. As there was no question as to the mother's parenting, it would have been an infringement of this family's Human Rights for the Local Authority to intervene.

Later in the Judgment Lord Reed stated that actually the local authority may be sued for breach of duty of care in common law, and may therefore be liable for negligently causing individuals to suffer actionable harm, but not for negligently failing to protect individuals from harm caused by others.

So, when may a Local Authority may be sued for breach of duty of care in common law?

### Assumption of responsibility

A Local Authority may be liable for the wrongdoing of a third party if there has been an assumption of responsibility. The issue would depend on the facts of the particular case.

Two examples of the assumption of responsibility provided in the Judgment were:

- where the local authority has caused or created the source of the danger that has then caused the child harm, or
- where the local authority has assumed responsibility to protect the child from harm (cases of *Phelps v Hillingdon*, *Barret v Enfield*; assumption of responsibility arising from the performance of local authorities' functions under child care legislation, provision of medical or educational services, or the custody of prisoners, under statutory schemes)

Unfortunately in the case *Poole Borough Council v GN & Another* [2019] UKSC 2 Lord Reed found that the facts did not support an assumption of responsibility because:

"the council's investigating and monitoring the claimants' position did not involve the provision of a service to them on which they or their mother could be expected to rely ... Nor could it be said that the claimants and their mother had entrusted their safety to the council, or that the council had accepted that responsibility. Nor had the council taken the claimants into its care, and thereby assumed responsibility for their welfare."

In relation to vicarious liability claimed by the Claimants, the court could not find any facts on which it could base a finding that social workers assumed a responsibility towards the claimants to perform their functions with reasonable care.

#### What does it mean?

### Joanna Jandula, Public Law Solicitor at MSB Solicitors commented on this result:



**Joanna Jandula**

Although the case was dismissed, it is important because it rules that in some circumstances, a local authority can be liable to children if it fails to protect them from third parties.

There has been various legal commentary stating the ruling means that local authorities can now be sued if they fail to protect vulnerable young people and children in their area who are considered to be at risk, regardless of whether they are officially in care.

Whilst there is some truth to this statement, the requirement of assumption of responsibility in any such case cannot be underestimated.

For children who are in care under Children Act 1989 the Judgment is very helpful and can be seen as a great success. For those where the local authority has not stepped in, we will always have to look at the circumstances surrounding the case.

If case relates to failures of local authority to take a child into care, acting for the claimant, we will have to prove that local authority assumed responsibility by showing their conduct in the performance of an obligation, or the operation of a statutory scheme. We will have to show evidence about any particular behaviour by the council towards the claimants that could be classed as assumption of responsibility.

In my opinion, the Judgment does not sufficiently clarify what the assumption of responsibility actually means. However, I assess the assumption of responsibility will arise in cases where pre-proceedings steps and meetings had taken place, where there was Child in Need plan or the client was under Child Protection Plan or there was other intended action towards the client that the local authority ultimately did not see through.

I cannot stop but wonder if this decision somehow amounts to a demonstration of support of the judicial system in the UK for local authorities in upholding the public policy function necessary to house and support many in society. After all, there were nearly 1.6 million Local Authority tenants in April 2018 and greater good might have been expected to prevail.

In this case there was no liability found against the Local Authority but the next case brought against a public body may decide otherwise.

All that is left for us to do now is to watch this space.

## Monthly Competition

**Do you want to be in with a chance of winning a bottle of wine from R&H Fine Wines?**

This month the question is:

### When is Pro Bono week?

Please send your answer to [editor@liverpoollawsociety.org.uk](mailto:editor@liverpoollawsociety.org.uk), no later than 25th October 2019.

Congratulations to Thomas Sutherland of Canter, Levin & Berg for correctly answering the question in the September 2019 edition of 'Liverpool Law'.



Cheshire & North Wales  
**Law Society**



### Support the game of the season!

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**v**

**Liverpool Law Society**

### Playing for the Linenhall Cup

**Saturday, 12th October 2019**

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- Michael Burke – Pure Legal
- Ian Sheridan – MSB
- Alam Minshall, Patrick Corey, Elpidoforos Kokkonis, Ben Beeston, Douglas Pyke, Ian McQueen-Prentice, Charlie Mahoney – DWF
- Liam McGuire, Mark Moriarty, Lewis Hough – Weightmans
- Luke Rafferty – Keoghs

**Liverpool Law Society is grateful to all the team members and in particular we would like to thank Charlie Mahoney for putting the team together.**



# Why do solicitors need a charity?

[www.sba.org.uk](http://www.sba.org.uk)



## Why do solicitors need a charity?

Have you ever wondered why solicitors need a charity? After all, legal professionals are successful, wealthy and live a stable lifestyle, right? You're probably shaking your head at this moment thinking, this sentiment doesn't quite reflect reality. And you'd be right. The truth is, lawyers are vulnerable to life's hazards like everyone else. Simply being a lawyer doesn't shield you from illness, accidents, family breakup, job loss or bereavement and more.

With this in mind, it's no wonder so many solicitors fall into financial hardship each year. Fortunately, there is hope for those in crisis.

## SBA The Solicitors' Charity

When you are in financial difficulty, paying for essential day-to-day items can seem impossible. Imagine having to manage the stress of having little to no income, with bills rising and still having to put food on the table. Add in illnesses, struggling to find a new job or caring for dependents and it can feel like a pot boiling over.

Luckily, solicitors don't need to suffer alone. Lawyers like you have your very own charity to be there for you and colleagues when you are in financial difficulty.

SBA The Solicitors' Charity supports solicitors (and their dependants) through financial assistance. This support pays for essential items most people take for granted. These include:

- Utility bills
- Groceries
- Transport
- Household repairs (leaking roofs etc)

The charity also helps with access to services for debt and welfare advice, mental health and career coaching.

## How can I help?

Last year, Liverpool Law Society's Pritt Fund gave generously to SBA The Solicitors' Charity. In doing this, you and fellow members helped the charity to secure a better quality of life for individuals most in need in Merseyside.

The quote below comes direct from an SBA beneficiary and shows the difference made by supporters like Liverpool Law Society.

"SBA has made a massive difference in my life. I cannot thank you enough for the confidence and security that your help has given me"

On top of the help already provided, there are more ways for you to supported positive changes for those in crisis. These include:

- Donating money yourself or via your firm
- Donating your unclaimed client balances
- Telling your colleagues about SBA The Solicitors' Charity and how it helps solicitors

**Fancy going the extra mile for your colleagues? We can together make an impact and turn the lives around for solicitors in need or crisis. Visit the SBA The Solicitors' Charity website for further details:**

[www.sba.org.uk](http://www.sba.org.uk)

# Championing alternative routes into the Law, Solicitor Apprenticeships

MSB are no strangers to non-traditional routes into the law. With non-solicitor and non-lawyer partners, it is a long standing belief within the company that there is value in recognising all of the skills and roles it takes to run a firm holistically.

The firm has been commended for a string of initiatives that champion inclusion and ensure MSB is representative of the diverse communities it serves including being shortlisted for the national Law Society Legal Excellence Award in Diversity and Inclusion 2019. MSB are determined that a crucial part of redressing the diversity imbalance is improving access to the profession with real action. The firm were proud to become the first Liverpool Law Firm to accommodate the University of Law Solicitor Apprenticeship, with Poppy Hind joining the ranks in 2017 after completing her A Levels.

Poppy says, "It is by no means an 'easier' way to qualify, but it is a more sustainable and affordable way for me. I also have the benefit of pairing first-hand experience with academic study which I think can be lost on an LLB. Not everyone gets this opportunity, especially if you have no connections in the legal world." The Solicitor Apprenticeship offers a unique entry into the field by spreading academic study over five to six years and placing greater

weight on the workplace and legal practice. Apprentices are introduced into a fast paced work environment, committing 4 days a week in a firm, university based 1 day a week and are tasked with on average x1 assignment per week. After 4 years, the Solicitor Apprentice can expect to graduate with a qualifying law degree before moving on to sit the new SQE over 2 years. This means Poppy will be 24 when she can apply to the SRA, fully qualified, with 6 years of practical experience and sound legal knowledge under her belt.

Pivotaly, Solicitor Apprentices are salaried and 'earn while they learn'. What's more, the scheme is paid for by employer and government, meaning the Solicitor Apprentice is able to qualify without accruing tens of thousands of pounds in student debt. The removal of a financial burden therefore widens the cohort of prospective lawyers in a move towards socio-economic inclusivity and accessibility, reflecting MSB company ethos.

Managing Partner, Emma Carey says, "The introduction of the SQE signals a departure from traditional routes into the law that perpetuate inequalities with often antiquated expectations of law graduates. I am delighted that MSB is part of getting this scheme off the ground."



Poppy Hinds



## Termination of Commercial Leases by the Tenant inc vacant property issues with Richard Snape

on Wednesday 13th November, 9.30am - 12.45pm

**An ability to correctly terminate a lease by the tenant is essential, especially in the retail sector in the current market. In addition, landlords need to be aware of statutory requirements and business rate issues whilst the property is empty. The course aims to look at these issues and suggests solutions.**

Topics covered include:

- Exercising break clauses and conditions precedent including recent case law
- Serving the break notice
- Options to renew as opposed to breaks
- Peaceable re-entry and the issues for the landlord
- Statutory requirements and insurance issues whilst the property is empty
- Business rates on empty properties including recent case law

**Competencies: B**

**For more information or to book, [click here](#)**



## Conveyancing Update

with Richard Snape on Wednesday 13th November, 1.30pm - 4.30pm

**Conveyancing continues to undergo major changes and the course will aim to look at the most important changes and their effect on the conveyancer. In particular, ground rents are a cause for major concern and estate rentcharges are causing major problems.**

Topics covered include:

- The new code for Completion by Post and the aftermath of the Dreamvar case
- The latest on ground rents
- Estate Rentcharges and mortgage implications
- Septic tank charges as of January 1st 2020
- Recent developments in relation to SDLT
- Recent case law on service charges
- Japanese Knotweed enquiries
- Responses to enquiries including Compliance with the Protocol
- Stamp Duty Land Tax and additional dwellings including changes made by the Finance Act 2018
- First time buyer relief
- Houses in multiple occupation including changes which came into force on 1st October 2018

**Competencies: B**

**For more details or to book [click here](#)**

# Stolen Dreams – what can you do to give them back ?

*"You have stolen my dreams and my childhood with your empty words. The eyes of all future generations are upon you. And if you choose to fail us, I say we will never forgive you. We will not let you get away with this. Right here, right now is where we draw the line."*

You don't need me to tell you who said that – and I will promise now that I won't mention Greta Thunberg again in this column at least not in 2019! But with her words to the UN General Assembly in New York ringing in my ears I can't help but reflect on what feels like a fairly momentous few weeks for those of us at the sharp end of climate activism. The September Youth Climate Strike saw an estimated 4 million people – many of them adults – join strikes across 185 countries. It was not just the numbers that were remarkable but the diversity of people involved; Trade Unions, businesses, tech companies, parents, teachers and lawyers all taking a day of strike action to make their voices heard.

Delegates to the United Nations Climate Action Summit at the end of September appeared embarrassed not just by Greta's scathing emotional attack as well they might, but by the depressing lack of global commitments in response to the new report 'United In Science', produced for the meeting. It sets out in stark terms some of the realities we face:

- We are experiencing the warmest five year period on record
- A continuing decrease in sea ice and ice mass
- Sea level rise is accelerating and sea water is becoming more acidic
- Greenhouse Gas emissions in the atmosphere have reached record levels

and perhaps most worrying of all, carbon dioxide emissions grew 2% and reached a record high of 37 billion tonnes in 2018 – with no sign of slowing down. The UN Secretary-General António Guterres called on leaders to take action and said in order to meet the targets of the Paris agreement countries would need to cut emissions by 45% by 2030, end fossil fuel subsidies and ban new coal plants after 2020.

The somewhat half hearted response – Germany committing to end coalmining by 2038, and China failing to put any measures forward – means that the responsibility falls not to world leaders but to us as citizens.

Demonstrations act as a rallying cry and as one student activist from UK Student Climate Network said on a recent edition of Planet Pod, "it's a great adrenaline boost just to be there". But demonstrations won't, sadly, change the world. We need concerted and focused action that brings all parties together – a global response. We need to be able to give political leaders, business leaders and professionals a set of goals to work towards and practical actions that can be taken today to make a difference. The UKSCN have set out their four demands for Government – Save the future, Teach the future, Tell the future and Empower the future. So what can we do in our firms and organisations to make a difference?

As hosts of the Legal Sustainability Alliance, Achill Management like to focus on initiatives that are relevant, simple to implement and support the business case for sustainability. I am delighted to invite Bulletin readers to sign up to two such practical schemes that launched this month; The Legal Renewables Initiative – getting to 100% and The Chancery Lane Project.

## Getting to 100% - what can you do?



The LSA in partnership with Good Energy has just launched an initiative to encourage law firms, chambers, schools of law and all our members, including in house counsel, to sign up to a pledge to source all your electricity from 100% renewable sources by 2025. Your firm may already be on a green tariff, an excellent first step, but we would hope that eventually all firms will be able to fully switch to purchasing from a **certified 100% renewable source, by 2025** The Legal

Renewables Initiative is designed to help with that transition over time and we have the support of Good Energy who are offering a range of benefits for firms, as and when they renew their energy contract.

Joining is easy, all you need to do is:

- Make a public commitment to going 100% renewable for your electricity supply for UK locations and **offices by 2025** – preferably from a 100% renewables energy company
- Have a willingness to share green energy ideas and information with staff and employees to encourage shifting attitudes at home as well as at work
- Focus on energy saving and reduced consumption to help drive down carbon and climate impacts
- Be a member of the LSA - don't worry if you are not already it is free and easy to join

## The benefits

- Advice and information around energy saving, reducing consumption and awareness raising through the LSA – including seminars and events
- The opportunity to use 'Legal Renewables Initiative' branding and logo on your website and internal communications
- A clear commitment to green energy that shows your staff, stakeholders and clients that you are serious about reducing your climate impacts

To find out more, and to join Allen & Overy, Macfarlanes and Oxygen House, early adopters of the Legal Renewables Initiative – getting to 100%, then visit the LSA website [legalsustainabilityalliance.com](https://legalsustainabilityalliance.com).

## The Manhattan Project Mark II – The Chancery Lane Project.

So that's your energy emissions sorted. Our second suggestion focuses on using your knowledge, skills and expertise as lawyers to make a difference. Drawing inspiration from The Manhattan Project and 'The Climate Conversation' and LSA event held during Climate Action Week, The Chancery Lane Project is a collaboration between barristers, solicitors and academics to create the legal conditions needed to achieve net-zero carbon emissions.

The lawyers, all of whom are working pro bono, will invent the new contracts and model laws to help communities and businesses shift to renewable energy, reduce energy usage and create new carbon sinks. Their focus will be on lasting impact: plans are in place for a legal 'hackathon' during national pro bono week, from which the Project will produce a Climate Contract Playbook and a Green Paper of new model laws. The Playbook, an open-source and accessible collection of free precedents, will help to align business practices with environmental aims.

It will be professionally and politically neutral, encouraging new ideas from all corners of the legal landscape. UK-based lawyers can pledge time at the hackathon and submit ideas via the Project's website, [www.chancerylaneproject.org](https://www.chancerylaneproject.org)

Joining and supporting these two ventures won't solve all the challenges we face but it should go some way at least to helping us respond to the criticism that we have failed our young people.

Practical, focused actions that can help the planet can form the legal profession's response to the rallying cry of young people.

## Amanda Carpenter is CEO Achill Management

For more information on Achill and our work with the Legal Sustainability Alliance visit our website [www.achillmanagement.com](https://www.achillmanagement.com)





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Faster and Smarter

# What's the difference between a McKenzie Friend and a Paralegal?

By Craig Johnson, NALP Licensed Paralegal & Professional McKenzie Friend

With cuts to legal aid since 2013 and the average person unable to afford to hire expensive legal professionals, a new type of "lawyer" has arisen; the McKenzie Friend and the Paralegal.

Here we look at the differences between the two.

## What is a McKenzie Friend?

The right to a McKenzie friend was established in the 1970 divorce case of McKenzie v McKenzie. Ian Hanger, qualified in Australian law was not allowed to practise as a barrister in London as he didn't have any English Legal Qualifications. Mr McKenzie instructed Mr Hanger to represent him which the court would not allow. The court, however, did allow Mr Hanger to sit as an observer taking notes and advising Mr McKenzie during adjournments.

When Mr McKenzie lost his case, he appealed to the Court of Appeal stating he was denied the right to reasonable legal assistance which led to him losing his case. The Court of Appeal ruled a "McKenzie Friend" could be allowed to all Litigants in Person (LIPs) who are unable to afford legal assistance. Due to this precedent the role has evolved and many Litigants in Person (LIP) hire a McKenzie Friend to attend court with them if they can't afford a solicitor.

There are various types of McKenzie Friends assisting litigants in court proceedings. One is a Professional McKenzie Friend. This is usually someone who charges for their services or someone who's legally qualified and doesn't know the litigant in any capacity other than as a client. Most Judiciaries only classify a Professional McKenzie Friend as someone with a recognised legal qualification.

Another type of McKenzie Friend is an agency worker, for instance a Mental Health Nurse, Social Worker or person appointed by the Citizens Advice, who may not

have any professional qualifications in law nor is charging the client.

Sometimes a McKenzie Friend is a family member assisting their child, sibling, parent, etc. throughout the court case. Technically, a McKenzie Friend can be anyone that the judiciary finds appropriate. They're there to provide moral / emotional support, and a second pair of eyes and ears.

## What is a Paralegal

A Paralegal can be someone who assists a law firm or a solicitor in preparing cases for court or running legal duties within the firm. Or they can operate on their own, i.e. not within an existing solicitor practice. Paralegals were first established as legal assistants and have now progressed into a profession in its own right. The term Paralegal was originally generic as the Paralegal Profession was unregulated until 1987 when the National Association of Licenced Paralegals (NALP) was formed and later (in 2003) the Institute of Paralegals (IOP). Both bodies are self-regulated membership organisations, with NALP being the only body to offer Ofqual qualifications for Paralegals.

Paralegals can do almost everything a solicitor can do – with the exception of what is known as 'reserved' activities. Mostly, the judiciary will only recognise someone as a Paralegal if they're qualified through education and experience and have completed a recognised course, like NALP's Level 4 Diploma in Paralegal Studies, and belong to a membership body.

A lot of Paralegals now attend court on a regular basis to represent clients in small claim proceedings or smaller cases and act as a representative if they belong to a regulated firm which is a part of the Solicitors Regulation Authority (SRA). However, it can be challenging

for an independent Paralegal Firm to obtain the same rights. Although most Paralegals who run their own practice have at least three years' experience, have an Ofqual recognised qualification, and a Licence to Practise - meaning they've been vetted and proven competent - the judiciary will still treat them in accordance with the McKenzie Friend Practise Guidelines, limiting what an experienced Paralegal can do!

## What's the difference?

The one key difference between a McKenzie Friend and a Paralegal is that a McKenzie Friend (Professional or Not) can be anyone. Whereas a Paralegal is a legally qualified person who can perform most of the same tasks a solicitor can (excepting reserved activities). They may be able to represent you in court if the court allows, or if they are supervised by a solicitor.

Many independent Paralegals are asking the judiciary to consider them separate and different from the usual McKenzie Friend roles. It is hoped that in the near future there will be separately drawn up regulations (like Solicitors and Barristers have) which will help progress the professional further.

## ABOUT THE AUTHOR

Craig Johnson A.NALP, from Johnson's Paralegal Services, is a NALP Senior Licensed Paralegal and a Professional McKenzie Friend. Craig is a Member of the National Association of Licensed Paralegal (NALP); a Full Professional Member of The Society of Professional McKenzie Friends (SPMF) and a Fully Professional Member of The McKenzie Friend Organisation (MFO).

National Association of Licenced Paralegals (NALP), a non-profit Membership Body and the only Paralegal body that is recognised as an awarding organisation by Ofqual (the regulator of qualifications in England). Through its training arm, NALP Training, trading as National Paralegal College, accredited recognised professional paralegal qualifications are offered for a career as a paralegal professional. See:  
<http://www.nationalparalegals.co.uk>  
 Twitter: @NALP\_UK  
 Facebook:  
<https://www.facebook.com/NationalAssociationofLicensedParalegals/>  
 LinkedIn -  
<https://www.linkedin.com/in/amanda-hamilton-llb-hons-840a6a16/>

## Training Seat Exchange

Liverpool Law Society has a Trainee Seat Exchange service. The purpose is to assist member firms and member in-house legal departments interchange trainees. The aim is to provide more training contracts on Merseyside and beyond by facilitating an exchange between firms and in-house departments who may otherwise find it difficult to offer their trainees the requisite number of seats in both contentious and non-contentious work.

The Training Seat Exchange, which is open only to members of Liverpool Law Society, is a free, online service. Details of what seat a member firm can offer and what seat they are seeking appears. The exchange must be discussed and agreed between each member firm on an individual basis.

If you would like to appear on the list, please complete our online form at [www.liverpoollawsociety.org.uk/training-seat-exchange-form](http://www.liverpoollawsociety.org.uk/training-seat-exchange-form) and the Society will be in touch with you.



# Invitation Thursday 17th October 12:30-2pm

## The SQE – MCQs and Skills

The University of Law is holding a lunch discussion on Thursday 17th October at our new campus in Liverpool looking at the SQE and in particular, MCQS and the skills elements in both SQE 1 and SQE 2.

As plans for the SQE evolve, we are keen to continue our engagement with the profession. We would like to invite you to our inaugural interactive lunch briefing here in Liverpool to explore how best to prepare your future trainees to pass the MCQ element of SQE 1 and the skills elements in SQE 1 and 2 and be ready to join your firm.

We will be joined by speakers and facilitators from The University of Law to explore such questions as:

- **Update on SQE** - where are we now?
- **Addressing the skills gap** - what skills do your trainees need?
- **Exam success** - how to prepare for MCQs?
- **Preparing for skills assessments** - how best to prepare your future trainees to pass the skills elements of SQE 1 and 2? How long will this take?
- **SQE 2** - when and how is the best way to take this?
- **Getting ready for practice** - will the SQE be enough?
- **Graduate Apprenticeships** - how will this new route to the profession impact your recruitment?

The event will take place at The University of Law on Thursday 17th October from 12:30 pm to 2pm at our new Liverpool campus: The Law and Social Justice Building 2nd Floor, Chatham Street, Liverpool, L69 7ZR.

To reserve your place please email [Jamie.Roberts@law.ac.uk](mailto:Jamie.Roberts@law.ac.uk) by Monday, 14th October 2019. Places will be limited to ensure an informal and engaging discussion. Please book your place early to avoid disappointment. Registration will be from 12 noon and lunch will be provided.

**Carol Draycott**  
**Campus Dean (Chester & Liverpool)**  
**Associate Professor**  
**T: +44 (0)1483 216871**  
**M: +44 (0) 7787 891023**



Training Room



Meeting Room



Both Rooms



### Venue Hire

Liverpool Law Society's premises are **fully equipped** with modern technology. **Complimentary WiFi** access is included. The Society is situated in the heart of Liverpool's commercial business district, and is well-connected to the train and road network. The Society is a two minute walk from Moorfields train station (Old Hall Street exit) and there are several NCP car parks nearby.

### At Liverpool Law Society we can offer:

Professional working environment  
 Refreshments

Lunch ordering service  
 Audio Visual equipment

*Room capacity and daily hire rates:	Classroom Style	Boardroom Style	Theatre Style
<b>Training Room</b> Members £150+VAT   Non-Members £175+VAT	32	20	60
<b>Meeting Room</b> Members £100+VAT   Non-Members £125+VAT	12	12	20
<b>Both Rooms</b> Members £250+VAT   Non-Members £275+VAT	44	32	60

\*Monday to Friday, 9.00am to 5.00pm. Additional charges apply for evening events.

**Enquiries:** [roomhire@liverpoollawsociety.org.uk](mailto:roomhire@liverpoollawsociety.org.uk) Tel: 0151 236 6998 Ext 33  
 Liverpool Law Society, Second Floor, Helix, Edmund Street, Liverpool, L3 9NY

# Can flexible working really work in a Barrister environment?

Five years ago, Claire Labio, Emma Wall and Helen Southworth worked in the same barristers chambers as they had done for many years. They each had specific roles and worked fixed long hours, predominantly at a desk.

Now they share the management of three businesses, Complete Counsel, Complete Mediation and Facilitate Expert Solutions, as well as supporting Pro-VIDE-Law, a pro bono training and education initiative. They each have a defined focus in the management of the businesses.

Claire is the business owner, responsible for the overall management and development to include that of the barristers, mediators and expert witnesses who use the service. Helen manages the business finance and those of the individuals, in particular with regard to fee collection and VAT assistance. Emma undertakes diary management and provides assistance for marketing events. However, although they have specific roles, the three are able to multi-task and cover for each other – this results in significant flexibility in their working arrangements. This flexibility does not just relate to the hours worked, but also as to where the work is undertaken. Although operating from an office in the Plaza, St Pauls Square, the businesses are primarily digital.

Claire Labio said, "We all have children. I felt constrained in my previous workplace and knew I wanted to create a model with flexible/agile working at its heart. We organise our work to fit with our family needs as opposed to the other way around. We are able to continue to provide a service wherever we are, even out of the country. For two weeks last year, the businesses were run from Greece and the south of France – you can imagine where I'd rather work from! There is of course however a need to be focussed and have excellent self discipline. It is all well and good working in the sunshine but if that means less work gets done then that doesn't help the businesses succeed!

"With this in mind, finding the right individuals for the model is key to its succession and that encompasses Barristers who use the model as well as the cogs behind the wheel. With Helen and Emma I know I have found people who will log on and deal with something at midnight if required as in return, they get all the flexibility they want. It is interesting to watch the larger Chambers all now starting to make moves towards flexible, agile working. We have proven over the last four years that the service one provides need not be impacted by the

flexibility offered to its workforce. In fact I feel they work harder for me than they would for anyone else."

Emma Wall said, "For years I endured the commute from North Wales to Liverpool, each morning bringing with it anxiety and stress. A working mum who had to drop the children off and then fight through rush hour traffic to arrive in Chambers by 8.30am, concluding my working day at 6pm to then walk through the door in time for a bedtime story. Like many working parents, having the guilt over wanting a career for myself alongside the need to earn and continue with the lifestyle to which we had grown accustomed to became overwhelming.

"To be approached by Claire who offered me a flexible work-at-home package was a dream come true - enabling me to do the school run and then work hours during the day and evening that suited me. The freedom of technology together with trust, self-discipline and utilising my ability to manage whilst continuing to provide a high quality service, proved to be key.

"I enjoy my work and want the business to flourish. Working with Complete Counsel I now have a functional work life balance. I can have the things that really matter to me, simple ideals of sitting down together for a family meal - something of a rarity before. Life has had a dramatic change for which I am truly thankful. Claire and Charles are continuing to see the business mature and have strong plans for the future"

Charles Feeny said, "It has been a real sea change for Claire, Helen and Emma, but I think a very positive one. At the outset five years ago when Claire and I created Complete Counsel, we knew the way forward was to create a model with flexibility at its heart - not just for those who work with us but for those individuals utilising our services. What is noticeable to me is that as people take control of their working lives, their motivation and performance improves. This is the best supported that I have been in my entire career and it has certainly been worth the wait. I have no concerns about what is going on around me, do not feel any need to check up on things as I used to, and certainly lose no sleep at night. This, I think, can only be beneficial to productivity and lets me concentrate on what I really want to do."

**\*\*If you are a Barrister looking to move Chambers or discuss how we could assist you please contact  
Claire.labio@completecounsel.co.uk\*\***



Claire Labio



Charles Feeny



Helen Southworth



Emma Wall

# Liverpool BID Company

## Our regular update from Julie Johnson, partner at Morecrofts Solicitors and chair of Liverpool BID Company's Commercial District BID operating board

Thanks to nearly £250,000 worth of investment from Liverpool BID Company, funded by the 1,500 BID levy paying businesses in the city centre, shoppers and visitors can expect to see a range of exciting and innovative decorations this Christmas, with one installation in particular sure to hit the headlines. It is all part of the BID's objective to boost visitor footfall and improve the experience in the city centre during the competitive festive period, giving shoppers more reasons to choose Liverpool for their Christmas outings. Christmas is of course one of the most important trading times for BID levy paying businesses on the high street.

Aiming to bring something very different and special to the city this festive season, Liverpool BID Company is working with The Festive Group to replicate its world-famous Christmas display here in Liverpool - showcasing an awe-inspiring, 70-metre, LED tunnel of light and music in the city centre. The installation has appeared on the streets of Málaga in Spain and Oostende in Belgium with great success.

The BID investment will complement Liverpool City Council's investment for the traditional Christmas tree on Church Street and festive decorations in St George's Quarter, Hope Street and other areas of the city centre.

Revealed at the BID's recent Annual Showcase - businesses and visitors can also look forward to Christmas light decorations in the main thoroughfares of Bold Street, Whitechapel, Castle Street, Cook Street, Chapel Street, and Tithebarn Street; lighting on trees across the BID areas - Commercial District BID and Retail & Leisure BID - mainly on Church Street, Lord Street, Derby Square, Old Hall Street and Parker Street, including over 2,000 Christmas baubles; a walk-through, 16-metre high artificial tree in Williamson Square will provide the perfect location for a 'Christmas selfie'; 'angel selfie' display on Castle Street and Clayton Square; as well as the return of the much-loved St Paul's Square Christmas tree - a favourite among the business community since 2014. The BID will also be working with the new owners of Exchange Flags to bring Christmas decorations to this iconic square.

As well as announcing the Christmas programme, the BID Annual Showcase event looked back on what has been a fantastic year for the BID, with over £1.5m invested into BID areas, benefiting and supporting over 1,500 BID levy paying businesses directly through a number of key initiatives.

To find out more about what Liverpool BID Company's festive programme visit [www.liverpoolbidcompany.com](http://www.liverpoolbidcompany.com)

**You can also join the Liverpool BID Company on social media - Twitter - @LpoolBIDCompany / Facebook - LiverpoolBIDCompany / Instagram - LiverpoolBIDCompany / LinkedIn - Liverpool BID Company**



**Julie Johnson, partner at Morecrofts Solicitors and chair of Liverpool BID Company's Commercial District BID operating board**



### **Beginners Guide to Future Losses & The Ogden Tables with Mike Winston**

**on Wednesday 6th November, 10am - 12.45pm**

This comprehensive course looks at schedules of future losses from both the claimant's and the defendant's point of view. All aspects of the use of the Ogden tables are covered, from basic aids and equipment calculations through periodic loss of earnings claims with split multipliers through to dependency claims following fatal accidents.

#### **What you will learn:**

- Multiplicands and multipliers
- Discounting for early receipt and mortality
- Calculating losses for life
- Calculating losses to a fixed age
- Using the reduction factor tables
- Calculating loss of earnings
- Challenging evidential assumptions
- Using Conner v Bradman in disability claims
- Evidential uncertainty – is Blamire appropriate?
- Calculating changes in status
- Loss of earnings claims for children
- Assumptions for educational attainment
- Challenging lost years claims
- Combining tables

**Competencies: A2, A4, B4 & B5**

**For more information or to book, [click here](#)**



# Regulation Update



**Danielle Best**  
**Weightmans LLP**

## The latest regulation news from Danielle Best of Weightmans LLP

Hopefully you are all ready for the new SRA Standards and Regulations (STaRs) and Accounts Rules which will come into force 25 November. There is no grace period so you and your firm will need to take steps to prepare for the changes if you have not already done so. We still have places available on our last couple of seminars in Newcastle on 4 November and Cambridge on 6 November. You can book your place using the following link: <https://www.weightmans.com/events/compliance-seminar-new-sra-standards-rules-and-regulations-ev884/>. We hope to see you there!

If you feel your firm would benefit, we can also deliver training at your offices – please get in touch to discuss this.

### Standards and Regulations resources launched by SRA

On 12 September the SRA launched a new 'one stop shop' webpage aimed at providing solicitors and law firms with access to resources designed to help them to prepare for the introduction of the STaRs on 25 November.

The new webpage includes 'Key New Guidance' within which you can find sections containing 'Authorisation guidance', which includes several subsections for firms and individuals, and 'Other guidance', which includes subsections on various issues such as equality, diversity and inclusion, client care letters and acting with integrity. Guidance on the level of professional indemnity insurance required has also been published. All of the new guidance becomes effective on 25 November 2019. You can access the new webpage using the link below.

<https://www.sra.org.uk/solicitors/standards-regulations/>

### Law Society Guidance Note- Freelance solicitors

September was also a busy month at the Law Society with various guidance notes being released, including some geared towards helping solicitors to comply with the STaRs.

Guidance has been published to assist those who may be looking to take advantage of a new way of working by becoming a freelance solicitor or for anyone who finds themselves dealing with a freelance solicitor post 25 November. The note envisages that working freelance may be attractive for those with a personal client following and a relatively small practice and sets out how the STaRs impose different sets of requirements on freelance solicitors who undertake reserved legal activities and those who don't. As you would expect, the rules are considerably more relaxed for those who do not offer reserved activities including

there being no requirements for formal authorisation or professional indemnity insurance.

The note also contains information on the Transparency Rules, AML obligations, restrictions on employing others and holding client money as well as practical considerations such as file storage and data protection.

### Law Society Guidance Note- Solicitors offering legal services to the public from unregulated entities

Guidance aimed at solicitors who choose to offer legal services to the public from within a business not regulated by a legal services regulator has also been published. It sets out the restrictions on the legal services that can be offered using this model including reserved activities, immigration, claims management services and financial services and offers support to solicitors who work or are considering working in this environment. Examples of opportunities for solicitors to work in unregulated businesses include:

- an accountancy firm offering legal services to clients without having to be authorised as an ABS
- a firm offering HR services to businesses using solicitors (who are regulated and use the title of solicitor)
- in-house solicitors at a local authority providing legal advice to other local authorities
- a solicitors' firm with a separate division of its business that is not regulated and offers only non-reserved services

As the note outlines, solicitors who work in unregulated businesses will be subject to some fairly onerous obligations. These include being responsible to the SRA for any work supervised and for work delivered as part of a team in some circumstances, being responsible for ensuring that the organisation does not give the impression that it is regulated and for ensuring that a sufficient complaints handling procedure is in place for legal services for which the solicitor is responsible.

The guidance recommends measures that can be put in place to deal with risks generally as well as the ethical challenges that solicitors working in unregulated businesses may face, such as where an employer's commercial objectives compete with the solicitor's professional obligations. Advice on a range of important issues including conflicts and confidentiality, legal professional privilege, AML, undertakings, the Transparency Rules and holding client money is also included.

## Law Society Guidance Note- Property Fraud

Further guidance on how to mitigate the risk of property fraud has been issued in response to the ever-increasing and changing ways criminals target property. The note includes information on the techniques used by criminals, the different types of property fraud, warning signs, recommended due diligence and advice on how property fraud can tie in with money laundering. It is a must read for those who deal with property transactions.

### Disciplinary decisions

#### Importance of compliance with terms of authorisation and notifying the SRA of relevant changes

The SDT has ordered that a solicitor should be struck off for providing misleading information to the SRA in respect of a formal response provided during an investigation. Perhaps of more interest in this case is the fate of the second respondent, which should serve as a warning to all to ensure that the SRA is notified of material changes that affect a firm and that firms strictly comply with the terms of their authorisation.

The second respondent was suspended from practice for 12 months, suspended for two years subject to compliance during that period with a restriction order preventing her from being the owner or manager of a firm after she was found to have breached the SRA Authorisation Rules 2011 in that she had failed to notify the SRA of a material change at the firm, namely that the first respondent had become a director. The SRA was eventually notified of the change just under 12 months after the event.

The second respondent had also conducted reserved legal activities when not authorised to do so and without adequate professional indemnity insurance in place. She was also responsible for a website relating to consultancy and mediation services which contained misleading information giving the impression that that company was authorised and regulated by the SRA when it was an unregulated company. The second respondent avoided being struck off because it was found that she had not deliberately misled the regulator; the breaches, although significant, had been inadvertent and there had been no finding of dishonesty or lack of integrity.

In addition to the heavy sanctions imposed, the first respondent was ordered to pay costs of £35,474 and the second respondent was ordered to pay costs of £42,228.

#### Solicitor who preyed on vulnerable clients is struck off

An experienced solicitor who wrote wills that left him and his family substantial legacies has been struck off. The SDT found that he had either failed to recommend independent advice or suggested that advice should be given by a secretary on 10 occasions between 2011 and 2016. In each case the individual was vulnerable with few or no surviving relatives. The respondent had befriended them, often making home visits out of office hours for no legitimate reason.

In some cases, telling clients they needed independent advice was done retrospectively. Some received limited legal advice post-execution of their wills while others had received no advice at all. When advice was given, it was provided on several occasions by a former close colleague of the respondent who was not independent.

The misconduct was reported to the SRA by the firm's co-director and COLP, who claimed that she had been offered an inducement not to report the matter.

The solicitor argued that independent advice did not have to be from a qualified lawyer. The SDT rejected this, and found that all allegations, including that he had acted dishonestly, had been proven against the solicitor.

The SDT described the solicitor's lack of insight into the extent of his misconduct as 'astonishing and disturbing'. He was struck off and ordered to pay costs of £56,381.

## Estates solicitor struck off after undervaluing client assets

A sole practitioner who undervalued assets and overpaid costs to himself has been struck off by the SDT. The probate solicitor undervalued the assets of one client's estate by almost £50,000. He also charged £37,000 in respect of costs when only £16,800 appeared in the estate accounts.

The solicitor also took costs totaling around £6,500 two years after final estate accounts were sent to beneficiaries without raising a bill or explaining why such costs were due. He also agreed to a co-executor receiving £5,000 from an estate to go on holiday, which was not repaid.

The solicitor accepted that he had acted foolishly in respect of costs but insisted that they were incurred before the client's death and he had just been slow in producing a bill. The SDT rejected this finding that the respondent had acted dishonestly and had failed to inform beneficiaries of the estate before taking additional costs. The SDT also found that the respondent had made a false declaration to his insurer.

In addition to being struck off the solicitor was ordered to pay £35,200 in costs.

### Duplicate expenses claim

The SDT ordered that a solicitor who had submitted duplicate receipts and claims for taxi journeys to his employer should pay a fine of £2,500. It was agreed between the parties by way of an agreed outcome, and accepted by the SDT, that, while the respondent's misconduct had arisen as a result of errors, members of the public would not expect a solicitor to duplicate claims for expenses, nor would they expect the claims to be made against the wrong client's file. The respondent had therefore failed to behave in a way that maintains public trust. There was no order as to costs.

### Fine for misleading the court

A solicitor who made untrue statements to the court that the solicitor acting for his opponent in a personal injury claim had agreed an extension of time to file and serve a defence has escaped with a fine. Notwithstanding that the respondent had included untrue and misleading information in his file which he knew or should have known would be relied upon by his employer/colleagues as confirmation that he had agreed an extension to file and serve the defence, and this had led to inaccurate statements being made to the court, it was accepted that the respondent's misconduct was as a result of an error on his part. It was found that the respondent had been frank and open from the outset and that while his conduct had caused harm, the impact was minimal since matters had been settled prior to trial. The respondent had a previously unblemished career and had displayed genuine insight into his conduct. He was fined £5,000 and ordered to pay costs of £7,000.

The standard of proof is to change from beyond reasonable doubt to the balance of probabilities from 25 November 2019. The cases reported above may have had different results if they had occurred after November.

### Case studies

Recently we have advised our clients in relation to:

- The ethics culture at firms by reference to our bespoke Ethics Barometer
- Advising on changes required to clients' policies to adapt to STaRs
- Undertaking onsite Compliance Audits
- Advising on insurance claims relating to client account shortfalls

**Danielle Best  
Weightmans**

# System review – Don't throw the baby out with the bathwater!

By Nicola Moore-Miller, CEO, Jayva UK Ltd & Jayva US Inc

Is your case or practice management system (CMS/PMS) not living up to expectations? Not getting value for money? Considering going elsewhere?

Wait: Don't throw the baby out with the bathwater.

At Jayva, we receive endless enquiries from firms disillusioned with their existing CMS/PMS. They want a new system: bigger, better and faster. Their current applications are clunky; failing to meet their needs.

However, any consultant worth their weight should start with a few questions to ascertain what's actually wanted from a CMS/PMS. What we've found may resonate with you.

We're going to explore the misconceptions regarding expectations of CMS/PMS applications, and share what we've come to recognise: with efficient training from our highly experienced consultants, and a look at a company's approach to change management, many firms discover their existing systems weren't so bad after all.

## Save yourself some money

You'd think that, as consultants generating revenue from advising clients on system migrations, an enquiry about product switches would be music to our ears.

But we know system replacement projects can involve significant investment and have hidden challenges. Our ethos is to deliver the best solutions to clients. Sometimes that means resetting expectations and coaching to get to the root of the problem. Coaching, after all, is what we do. Wholesale change may not be necessary.

## Initial discovery

The first questions we ask are: Why do you want to change systems? What is it you're trying to achieve? Why can't your current system deliver that for you?

Disenchanted firms often struggle to determine a particular, critical issue from these common concerns:

- Lack of system development
- Failing relationship between supplier and client
- Poor communication
- Insufficient training
- Staff turnover
- Changing business needs
- Rising licence fees

If left unattended, these problems feel insurmountable and the appeal of something new is too much to resist.

The decision to jump ship is often made without having real appreciation of what caused those issues in the first place. Guess what happens in five years when they realise a new system wasn't the solution, and the financial and time investment has prevented a focus on more business-critical projects

## Our first recommendation

Our recommendations are driven by the need to pinpoint where your firm is now and what issues you're aiming to overcome. As the adage goes: you need to know where you've been to determine where you're heading. By doing so, there's a distinct chance your current vendor could provide a better solution than wholesale change.

## Change management

No, don't sack your management team. Look at how you manage change. The key stages below are a great starting point to approach change management projects simplistically:

- 1) Identify a need
- 2) Identify the solution
- 3) Implement the solution

There are vital steps preceding those three established stages to ascertain the "why"; these being to discover why change is needed, recognise the end goal, obtain feedback from stakeholders and redefine objectives based on this combined information.

If you opt to implement change, ensure measurements are in place to check the change has met objectives. Ultimately, what does success look like and how is it measured?

## Eight simple questions

Before you decide upon change, ask yourself some questions regarding your

current vendors and systems:

- Is the technology robust with minimal downtime?
- Are helpdesk and support responsive?
- Are account management and service delivery effective?
- Is there an interactive user group or collaboration forum?
- Is there a published development roadmap?
- Are products good value compared with others in the market?
- Do products have good functionality for your areas of law?
- Is the vendor stable financially with proven growth?

## Your answers

If the answer to more than half of these questions is "no", you're right to consider the appropriateness of your current system. Your decision to move systems is probably the right one.

However, if some answers to these questions are "yes", you should be careful of throwing the baby out with the bathwater. Many deficiencies can be improved with a little effort on both sides.

## The current market

The products available within the UK legal sector all present reasonably similar offerings and comply with regulatory requirements. However, there are often major differences in: look and feel; accessibility; ease of deployment; service delivery; matter type coverage; implementation protocols; data conversion process; cost. Ultimately, however, there is no one-size-fits-all solution.

## Organisational priorities

So where do you go now? Finding the right CMS/PMS solution depends on your priorities. Is there high-volume, low-value work which lends itself to automation and workflow/desktop-based functionality?

Are you an agile workforce with mobile accessibility needs for document management and case information? Do you prefer small pond/small fish or big pond/big fish vendors? Do you want a good all-round matter management system but no fancy prescriptive workflows? Seeking a UK-based telephone helpdesk rather than overseas email support? What's your company's attitude to risk? Are you prepared to be an early adopter or beta site for a fledgling vendor, or are you looking for an established, proven technology solution? Do you have in-house resources to support implementation as some firms don't have the capacity to take on project of such magnitude? What's your budget?

## Our experience

When it comes to contract negotiation and pricing, some firms can seek savings in questionable places. By stripping out project management and training time to reduce implementation costs, risk is introduced and it can be a false economy.

An average product implemented alongside quality training and robust project management delivers outstanding results. On the other hand, opting for the most expensive product often leaves little budget for training and implementation, and can lead to catastrophic results.

## The bottom line

Understand the "why" before you embark on a change of CMS/PMS. Make sure the current provider has no way of solving the problem. In some scenarios, the risk of moving systems far outweighs the effort of maximising the benefits of the current system. That is absolutely not to say that changing systems is never the right course of action. In 50% of cases it's likely to be the right idea, but imagine being in one of the other 50% when a few simple questions ahead of any purchasing decision could have generated better outcomes for less time and money.

With a relatively small investment of time and resources, and a significant focus on training, it's entirely possible to overcome the issues with your incumbent system and get things back on the right track. Don't look at a system review as a technology project alone, it's only by reviewing the people, process and technology holistically within your business that you can truly establish where the gaps are. By enlisting specialist legal sector consultants like Jayva, we can ensure that process is managed effectively, maximising value and delivering positive outcomes that deliver real competitive advantage.



Nicola Moore-Miller







IS YOUR LAW FIRM AS STRONG AS IT CAN BE?

Maximise your resources to hit  
the ground running!



Give your firm that kick start and  
choose Jayva for the perfect blend  
(of people, processes and technology, that is!)

# Charity and CSR Matters

Hi everyone

This month we have submissions from Brabners, Carpenters and MSB on their amazing activities and upcoming events. Jeremy Myers has also drafted an article on the Hilbre Islands walk from 7 September 2019, well done to all those who took part.

Inspired by the football matches we have featured recently Saturday 12 October 2019 will see the newly appointed Liverpool Law Society team, consisting of a variety of players from member firms, take on Cheshire and North Wales Law Society for the Linenhall Cup. The event takes place at The Cheshire County Sports Club with an 11am kick off. I hope as many of you as possible can attend and provide your support. As always please send in your pictures!

Many thanks

**Jennifer Powell**  
Associate  
Weightmans



## Success for the 2019 Wirral Dragon Boat Race!

Saturday 7th September saw 15 teams take to the water of West Kirby marine lake to compete in Headway Wirral's ninth annual Wirral dragon boat race, sponsored by Carpenters. As always, it was a brilliant day of competitive racing, teamwork and glorious weather, with the addition of the race being opened by the Lord Mayor of Wirral.

Donna Scully, Director at Carpenters, said, "My highlight of the day was being part of the Fans Supporting Foodbanks boat. To sit alongside the brilliant volunteers who operate the foodbank collections, run the Sunday morning breakfast club, and some of the service users was amazing. We may have placed last but the fun we had along the way was heart-warming. The service users remarked how lovely everybody was to them and how 'normal' they felt for a day, not ostracized as they usually feel. It was wonderful."

Ann Allister, event organiser and Headway Wirral trustee, said, "Headway Wirral is a local charity that works to improve life after brain injury. This event is one of Headway's biggest fundraisers of the year and the charity relies on the money raised to keep their services open. Thank you to Carpenters for their continued support and sponsorship of this event."

The race was a close call, with barely seconds between the teams, but 2018 champions became 2019 champions when West Kirby Sailing Club took first place for the second year, closely followed by CL Warren and Carpenters coming in third place.

Thank you to all the 15 teams who took part: Carpenters Group, Plexus Law, Exchange Chambers, CL Warren, West Kirby Sailing Club, N-Able, DWF, Headway Wirral, Eukes, Mobile Doctors, Tristar Costs, Optimal Solicitors, Birchall Blackburn and Fans Supporting Foodbanks. So far, over £4000 has been raised for Headway Wirral with money still coming in, thank you to all teams for fundraising. If you want to secure your place for the 2020 Wirral Dragon Boat race then please get in touch by messaging on Twitter @WDragonboat.





# Brabners launches new Charitable Foundation

Brabners has launched a new grant-making foundation to support charities and not-for-profit organisations.

The newly established Brabners Foundation is a registered charity with the remit of supporting community organisations and other charities through corporate fundraising. The Foundation will be run entirely by Brabners employees and twice a year provide a series of individual grants of up to £5,000 for specific projects and initiatives.

Charities eligible for support will be nominated by Brabners employees, with five organisations already confirmed as beneficiaries of the first round of funding this autumn. They include the Royal Manchester Children's Hospital, bereavement charity Sunflowers and Liverpool Cares, an organisation focused on reducing loneliness and isolation in the community.

The Foundation is kicking off its autumn fundraising activity with the inaugural 'Brabners 48-hour Dash', a challenge which will see five teams compete to travel the greatest distance away from Brabners' Liverpool office over the weekend of 28-29 September. Teams must rely on free or donated transport and will be tracked as

they travel across land, sea and air in aid of the beneficiaries.

Other major fundraising initiatives already in place include The Brabners Charity Challenge (a Lake District outdoor adventure challenge which raised over £7,000 earlier this year), payroll giving, Ladies Afternoon Tea and the Apprentice-style Big Idea Challenge.

Robert White, chief executive at Brabners and chair of The Brabners Foundation, said: "Brabners has a long and successful history of charitable giving and the level of fundraising has more than doubled in the last 12 months.

"The launch of The Brabners Foundation means that, alongside that increase, we will now have even more flexibility to support a much wider range of charities that are close to our people's hearts. We've raised more than a quarter of a million pounds in the last decade but we know we can do more in the future.

"We look forward to turning that ambition into reality with the support of our people, our clients and our wider community."

To donate to the Brabners Foundation please visit <https://www.justgiving.com/brabners>.



**Robert White**

# Everton in the Community has received a charitable donation from MSB to support veterans living in Liverpool City Region

The donation, totalling £19,776.13, is being made by law firm Cheesman & Company. MSB acquired Cheesman & Company in July 2018 and have since worked alongside Christian Cheesman to donate the funds to Everton in the Community's 'Knowsley Veterans Hub' project, a programme supporting ex-service personnel with the transition from military life to civilian life.

In line with MSB's values and its commitment to the local community, the firm wanted to use the funds raised to support charities within Liverpool City Region.

Everton in the Community's 'Knowsley Veterans Hub' programme supports veterans and offers support, training and social activities to help improve the lives of them and their families. Once veterans return home from a life in the forces they often struggle to adjust and the stress of making the transition from such a structured, highly disciplined lifestyle to civilian life can lead to a host of interlinked problems.

Since its launch in February 2016, the Club's official charity has supported over 550 veterans as well as moved 10 veterans away from homelessness. The programme has also provided support to 60 ex-forces personnel currently in prison and employed 13 veterans as match-day stewards. The charitable donation from MSB will ensure that Everton in the Community can further develop its programme to support more veterans in need across Liverpool City Region.

Everton in the Community delivers over 40 social programmes a year, tackling a range of issues that are most prevalent on the streets of Merseyside including unemployment, mental health, education, poverty, youth engagement and dementia.

Emma Carey, Managing Partner at MSB, said: "As a firm, we are incredibly passionate about supporting charitable organisations in our city region in any way we can. Everton in the Community is a fantastic example of a charity which makes a huge difference to people's lives each and every



day. The support that they provide veterans and their families can be life-changing, which is why we are delighted to be able to make this donation, to help them continue to develop the charity's programme.

"Support for members of the armed forces and their families is something that, as a business, we are dedicated to, as demonstrated by our commitment to the Armed Forces Covenant which has seen us adapt our policies and procedures to align with the organisation's values .

"I am so proud that we have been able to show our support for Everton in the Community in this way and hope that we can assist other organisations to make similar pledges to well deserving local charities."

Michael Salla, Director of Health and Sport for Everton in the Community added: "Thanks to the forward-thinking from MSB, this donation will provide important funding to sustain and grow our Knowsley Veterans Hub project. A large number of veterans will benefit greatly with numerous improved health outcomes, reduced social isolation and having a sense of belonging again."



# LawCare

Supporting the Legal Community

## MENTAL HEALTH MATTERS AT WORK

The Organisation for Economic Cooperation and Development estimates that the cost of mental health issues such as stress, depression and anxiety costs the UK economy £70 billion each year.

There is a strong proven business case for organisations to promote good physical and mental health for all staff. It leads to greater productivity, better morale, better retention of staff, and reduced sickness absence.

Research by Mind, the UK mental health charity, shows that more than 1 in 5 people will call in sick rather than admit to a mental health issue, and over 3 out of 10 people feel they can't talk to their manager. Interestingly, the research also shows that over half of employers would like to do more about staff wellbeing, but don't know how.

Here are some tips on how organisations can start to create a culture that encourages people to be open and honest about their mental health, and to access the support they may need.

## PROMOTE A CULTURE OF ACCEPTANCE

Get commitment from senior leaders, this sends a clear message that staff mental health and wellbeing matters – colleagues take cues from how leaders behave

Staff need to know that their mental health is important and that being open about it will lead to support, not discrimination

Develop clear policies about mental health and wellbeing, make sure these are implemented and communicated to everyone

Challenge the stigma that surrounds mental health by signing the Time to Change Employer Pledge ([www.time-to-change.org.uk](http://www.time-to-change.org.uk)). It demonstrates commitment to change how we all think and act about mental health in the workplace

# Look after others

## Tips for good mental health and wellbeing at work

## ENCOURAGE A BETTER WORK / LIFE BALANCE

Sustained pressure and a poor work/life balance can quickly lead to stress and burnout, reducing staff performance and morale

Monitor workloads to ensure staff are coping and not feeling under excessive pressure

Flexible working benefits both organisations and staff: organisations benefit from increased morale, commitment, productivity and reduced sickness absence – staff feel better able to balance the demands on them from different aspects of their lives

Flexible working can be an important intervention to prevent mental health problems from getting worse and leading to absence – it can also support a phased return to work after a period of absence

Senior leaders and managers can be positive role models for healthier work habits and can encourage staff by leading by example, such as taking lunch breaks and working healthy hours

## RAISE AWARENESS

Embed mental health in inductions and training – staff will then understand how mental health is managed within the organisation and what support is available

Make sure the staff handbook/intranet site includes information about mental health policies and the support provided by the organisation

Invite a speaker to talk about mental health during a mental health or diversity event – the lived experience can help to break down stigma and stereotypes

Communication is key: use existing communication channels – staff meetings, blogs, factsheets, top tips, web links, FAQs, posters, noticeboards, staff newsletters

Encourage mental health champions – people at all levels talking openly about mental health sends a clear message that staff will get support and that a mental health issue is no barrier to career development

## PROVIDE LEARNING AND DEVELOPMENT

Staff need to feel valued and supported and that their work is meaningful – foster a positive culture that values all staff by investing in their skills and development, this builds the trust and integrity essential to maintain commitment and productivity levels

Good line management can help manage and prevent stress – help staff who manage others to develop good people management skills

Consider training line managers in how to spot the early signs of mental ill health and how to respond, let staff know that there are people available who are trained to help

## SIGNPOST TO SUPPORT

Early intervention can stop problems from escalating, Mind ([www.mind.org.uk](http://www.mind.org.uk)) Rethink Mental Illness ([www.rethink.org](http://www.rethink.org)) and Mental Health First Aid England ([www.mhfaengland.org](http://www.mhfaengland.org)) all have helpful resources and offer training

If your organisation offers counselling services or Employee Assistance Programmes, ensure all staff know about them and how to access them

Ensure staff know about LawCare and the support available

Call our free, independent, confidential Helpline on **0800 279 6888** or go to **[www.lawcare.org.uk](http://www.lawcare.org.uk)**



# Why Quill ticks all the boxes

By Julian Bryan, Managing Director, Quill

**Our recently acquired Cyber Essentials accreditation is yet another tick in the growing list of reasons to use Quill's software and outsourced support. Carrying the National Cyber Security Centre's seal of approval with Cyber Essentials certification means our infrastructure is recognised as robust and we're committed to raising the security bar even higher. Clients now have more incentive to choose their trusted full-service supplier.**

But the rationale for designating Quill preferential provider status doesn't end there. No other legal sector software and outsourcing house can boast the unique combination of Cyber Essentials endorsement along with:

## **Continually enhancing software**

Our Interactive Cloud case management, document management and legal accounts application is subject to an extensive development roadmap which is responsive to end users' demands and agile enough to flex as marketplace priorities change. Functionality is added constantly and communicated to clients through our monthly e-newsletters. Law firms using Interactive are assured of having the optimum toolkit for complete practice management from accounting and AML checking to matter management and time recording.

With an absolute focus on compliance, all new and enhanced features are designed with regulatory guidelines at their core. Essentially, we see our role as software provider to lighten the load where compliance is concerned. We liaise intently with regulators, keep abreast of ever-changing rules and develop our systems accordingly way ahead of deadline.

Take the refined SRA Accounts Rules 2019. Although the rules themselves are simplified, being less prescriptive actually makes them more open to interpretation with accompanying higher risk of error. And the penalties for mistakes are no less severe than previously. We've been introducing important changes to Interactive in line with the new rules, for example warning messages about transferring unbilled disbursements (rule 4.3) and narrative-only transactions (rule 2.2) to record monies paid directly from practice to third parties.

## **LSSA founder member**

We've been in close alliance with the UK industry body from day one of its formation. We live and breathe its code of conduct, uphold high quality professional standards always and take our accountability to safeguard clients' best interests extremely seriously. In fact, we assign accountability such gravity that it's literally in our brand.

## **Best Companies status**

If anything demonstrates what a great company Quill is to work for and do business with, it's Best Companies official recognition. Being a 1-star organisation indicates workplace engagement as an integral component of our success and growth. In other words, we look after our employees and they, in turn, look after our clients. It's a win-win situation for everyone involved.

## **Living Wage Employer**

Having voluntarily signed up to the Living Wage Foundation's scheme, we promise to calculate salaries for permanent, temporary, apprenticeship and contracted staff on the higher hourly Living Wage rate rather than the lower Minimum Wage. Our responsible leadership stance is a way of actively closing the gap between what people need to earn in order to live in society and the Minimum Wage as defined by government.

## **ILFM membership**

By fortifying our partnership with the Institute of Legal Finance &

Management, we've credited all of our cashiers, support team and trainers with paid-for-by-Quill membership as well as diploma studies for those at the early stage of their career progressing towards recognised legal cashiership qualifications. As the leading education authority and membership body for the sector, the ILFM is perfectly aligned with Quill, being industry specialists too.

## **Cashiering service provider**

We're not exclusively a software house. We have a team of 60 experienced cashiers who offer outsourced legal accounting support in compliance with the stringent SRA Accounts Rules, CLC Accounts Code or Scottish Accounts Rules. Clients can choose from Pinpoint – complete with deep integration to Interactive – or Precision – remain using an existing accounts application whilst reaping the benefits of the same rigour and knowledge applied to Pinpoint.

## **Payroll and typing outsourcing service provider**

With an extended range of outsourced services in the form of payroll processing and pension management, and typing assistance, there really is no better logic for selecting Quill as the primary supplier for all back-office requirements.

The former – outsourced payroll – is delivered by our in-house specialist payroll clerks who are fully conversant in the latest payroll and pension legislation, PAYE, RTI, AE, SSP, SMP, SPP and attachment of earnings amongst them. The latter – outsourced typing – is powered by the renowned Document Direct team, enabling clients to dictate from anywhere and receive expertly typed-up documents within agreed timescales.

We're setting out our stall like this because lawyers are sometimes surprised to learn the full extent of what we do at Quill. The fact of the matter is we're the one-and-only company who can make bold claims about supplying the complete behind-the-scenes framework to thrive in today's challenging legal environment. We're different and proud of it.

**Why not take a closer look at our accreditations, awards, portfolio and history? Then get in touch with our friendly team to chat about the best blend of tools to optimise the performance of your practice. Please visit [www.quill.co.uk](http://www.quill.co.uk), email [info@quill.co.uk](mailto:info@quill.co.uk) or call 0161 236 2910.**



*Julian Bryan joined Quill as Managing Director in 2012 and was also the Chair of the Legal Software Suppliers Association from 2016 to 2019. Quill has been a leading provider of legal accounting and case management software, and the UK's largest supplier of outsourced legal cashiering services to the legal profession for over 40 years.*



# News from the MJLD

Having been Vice Chair last year, I thought that writing my first LLS article wouldn't be too difficult. As I've discovered with many other things since becoming Chair in August, it's all a lot harder than it looks! To that end, my first task in this article is to thank last year's Committee for all their hard work and for all the help they gave their successors in this year's Committee. In particular, I'd like to thank Hannah Bickley, last year's Chair, not least for being able to make it all look so easy.

I'm also grateful that Hannah has decided to stay on this year in the education role along with a new committee member, Daniel Hall (Bermans), who will split his time and effort between our education and social events. In doing so, he joins our other social representatives Thomas Hampson (Jackson Lees), Laura Moore (Weightmans) and Leila Isajevaite (Weightmans). They'll be aided in organising their events by our sponsorship team David Tardtlin (MSB) and Katie Tunstall (Jackson Lees) and our publicity team, Molly Brislen (Weightmans), Chelsea Kearns (Jackson Lees) and Rachel Taylor (Jackson Lees).

Our 2 charity reps this year, Erin Spadafora and Dee Lawless (both Moorcrofts) have been instrumental in picking our chosen charity and the Committee wouldn't be able to function without Mark Owen (Hill Dickinson), our Vice Chair, and Naomi Fathers (Brabners) and Steven Butchart (MSB), our Secretary and Treasurer respectively.

So far, this Committee have met twice and we've already got a great plan for the year ahead. Our first social event of the year was at Ma Boyle's Alehouse and Eatery on 26 September 2019. Kindly sponsored by G2Legal, we've revealed our chosen charity for the year, Cash for Kids, and unveiled our brand-new, in-house-designed logo.

At the event, we'll have also discussed our 2 year-long plans for the Committee. The first is to harness the interest amongst MJLD members for getting active, raising funds for charity and demonstrating that their

firm is better than others. We are therefore looking to organise an inter-firm charity football tournament and an inter-firm charity rounders tournament in 2020.

The second plan we have relates to our work in careers and professional development. Since taking the education role 2 years ago, I've always thought it strange that there's no single place for an applicant to look for available training contracts. This year's committee is therefore developing the MJLD website to include a training contract noticeboard advertising all training contracts within Merseyside. In doing so, we will need the help of LLS member firms in letting us know of available training contracts but we think the idea benefits both MJLD and LLS members in the long-term.

Ultimately, at the heart of our plans for this year is the MJLD membership. The Committee is determined to not only offer a mix of social occasions and education events but also give members the opportunity to develop their CVs. If you're interested in getting involved with the MJLD in any capacity, please feel free to get in touch at merseysidejldchair@gmail.com or speak with one of the committee members.

**Andrew Ball**  
Chair



## The Essential COFA Update

with Jo Morris on Friday 25th October, 1.30pm - 4.15pm

This half day course will cover many areas including:

- Who is the COFA?
- What do they do and why does the firm need this compliance officer?
- The roles and responsibilities of the COFA
- What policies, procedures and checklists must the COFA have in place?
- Another job for the finance department or the COFA – file reviews!
- The collating of information for the reporting of breaches by the finance team
- Self-reporting and the reporting of material breaches to the SRA
- Whistleblowing
- Training of all staff in relation to their role assisting the COFA
- An update of the SRA Accounts Rules including the new rules coming into force on the 25th November 2019
- An update from the SRA Risk Outlook 2018/19 including the risks affecting the finance departments – cybercrime, anti-money laundering, investment schemes and the protection of client monies
- Legislation changes impacting on the role of the COFA

**Competencies: A**

For more information or to book, [click here](#)



## The Essential COLP Update

with Jo Morris on Friday 25th October, 10am - 12.45pm

**If you are the nominated COLP or deputy COLP this course is for you.**

This half day course will cover many areas including:

- Who is the COLP
- What do they do and why does the firm need this compliance officer
- The roles and responsibilities of the COLP
- What policies, procedures and checklists must the COLP have in place
- Introducing compliance checklists and the introduction of self-certification
- File reviews – who should conduct them, how often and what to look for
- The collating of information for the reporting of breaches including an incident report form
- Self-reporting and the reporting of material breaches to the SRA
- Whistleblowing
- Training of all staff in relation to their role assisting the COLP
- Complaints handling with an update on the Legal Ombudsman (LeO)
- An update from the SRA Risk Outlook 2018/19 including an overview of the eight priority risks
- An overview of the changes in legislation in the next year and how they will impact the role of the COLP

**Competencies: A**

For more information or to book, [click here](#)



# News from the WLD

## MWLD Women in Law Educational Event

On 25th September 2019, MWLD hosted a "Women in Law" educational event at 7 Harrington Street. Attendees were welcomed with some snacks and drinks before we heard from our four guest speakers.

We heard from Laura Samaroo, Senior Lecturer at LJMU about how to move from being in practice to working within the education sector. Laura focused on her own experience and opened up what she enjoyed about lecturing and what she also missed from practising.

HHJ Christine Bispham discussed imposter syndrome, what this is and what this involves. She also touched upon her own experiences and provided many people in the room with the reassurance that there are famous people suffering from this including the President of the Supreme Court Lady Hale!

We then heard from Alison Lobb, Managing Partner of Morecrofts who focused on her career path and discussed with us her experience of transitioning from practice into management. Alison provided us with great advice on how to make this transition if this was something anyone was considering.

The evening was closed with a talk from Christine Millan, Associate Solicitor at O'Connors who was awarded the Rising Star Award at the Liverpool Law Society's Legal Awards in May 2019. Christine is involved with the Black Lawyers Matter Project in Manchester and is setting up the Legal Step Up Programme based in Merseyside. The Programme is aimed to wider participation into the legal sector by providing workshops to schools and youth organisations to inform them of the opportunities and careers in law.

We would like to thank everyone who attended the event who would probably agree that the evening was filled with interesting talks. We would also like to thank 7 Harrington Street for allowing us to host this event at their Chambers.

## Sponsorship

MWLD organises a wide range of events throughout the year including socials, networking and educational events such as financial seminars and career progression seminars. The committee is open to suggestions from members, partnerships and sponsors for new events which we may not have hosted previously.

MWLD relies on sponsors which have included law firms, chambers, recruiters, financial advisers and costs draftsmen to fund our events. We are therefore always interested in hearing from local and national businesses who may wish to sponsor our events.

Our events are well attended by a wide range of persons including solicitors, barristers, judges, costs draftsmen, recruiters and financial advisers. Our sponsors benefit from free tickets to attend the event they are sponsoring, presenting and distributing their promotional materials at the event as well as being included on all of the material when we are advertising the event.

If you would like to be involved in sponsoring an event please contact our sponsorship coordinator Amelia Hayden (amelia.hayden@brabners.com).

## Charity of the Year

The WLD are supporting Help for Heroes for 2019-2020. There will be opportunities throughout the year to give donations to the Charity at all of our events.



## What's Coming Up?

We have many more events planned throughout the year including our Annual Charity Quiz which is due to take place on Friday 25th October 2019. More details to follow, please save the date!

Make sure you keep an eye out on our website, social media and future issues of Liverpool Law for further details about our upcoming events.

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**Email**

**@MerseysideWLD**  
**Womens Lawyers Division – Merseyside**  
**www.wldmerseyside.co.uk**  
**wldevent@gmail.com**



## Future Losses and The Ogden Tables: Intermediate Level

**with Mike Winston**

**on Wednesday 6th November, 1.30pm - 4.30pm**

**This course looks at more advanced uses of the Ogden tables including calculating bereavement and dependency awards in fatal accident and disease claims**

### What you will learn:

- Interpolation techniques
- Variable future losses – splitting multipliers
- Claims for recurring aids and equipment
- Bereavement claims under the Fatal Accidents Act
- Calculating dependency awards following Knauer
- Post-trial financial dependency claims for children
- Services dependency claims
- One-off financial dependency claims
- If Roberts v Johnstone doesn't work, how can housing needs be calculated?

**Competencies: A2, A4, B4, B5**

**For more information or to book, [click here](#)**



# Merseyside Landmarks

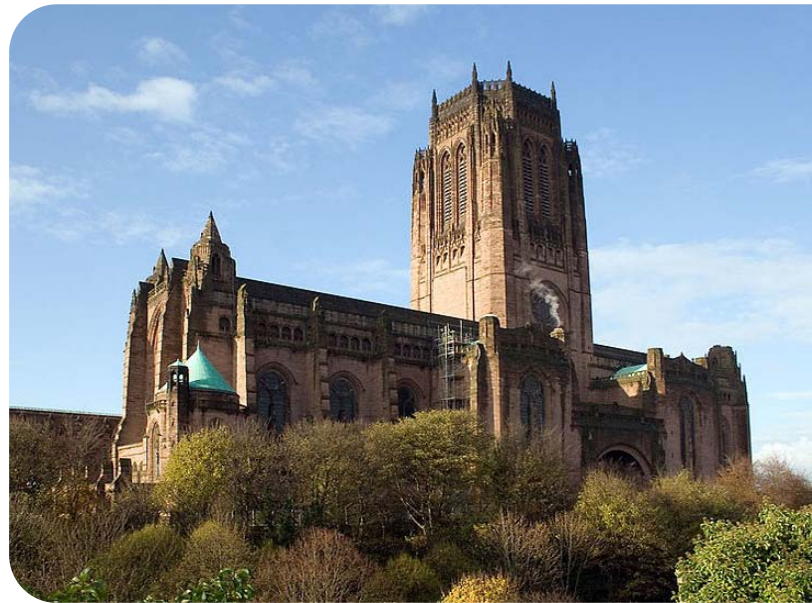
**In this edition we take a look at Liverpool Cathedral, the fifth largest cathedral in the world.**

Grade I listed Liverpool Cathedral is the Church of England Cathedral of the Diocese of Liverpool and the seat of the Bishop of Liverpool.

The cathedral was constructed between 1904 and 1978 on a design by Giles Gilbert Scott, who also designed Cambridge University Library and Battersea Power Station. Scott was also commissioned to design a telephone box to commemorate the Jubilee of King George V.

The first Bishop of Liverpool was J. C. Ryle, but there was no cathedral and was seated at St Peter's parish church. St Peter's was deemed impractical, too small and ugly and a competition was held for the design of a cathedral. However, the scheme was abandoned for several years until Francis Chavasse succeeded Ryle.

The Liverpool Cathedral Act 1902 authorised the purchase of the site and fund raising commenced to fund the construction of a cathedral which was based on the designs of Giles Gilbert Scott who won the competition. The competition attracted a huge amount of interest and included entries from over one hundred architects including Temple Moore and Charles Rennie Mackintosh. Scott was just 22 years old when he won the competition and was an articled pupil working for Temple Moore at the time. However he came from a family of celebrated architects and he was said "to have inherited the architectural genius so marked in the Scott family for the last three or four generations."



The foundation stone was laid by Edward VII in 1904 and work commenced on the construction with the Lady Chapel completed in 1910 and was consecrated by Francis Chavasse in the presence of two Archbishops and numerous other bishops. However WW1 effected the construction of Liverpool Cathedral with a shortage of materials and manpower and Chavasse retired in 1923 realising that it would take many years for the construction to be completed.

In 1924 the main body of the Cathedral, which was constructed from pink sandstone from quarries in Woolton, was completed and consecrated with George V and Queen Mary in attendance. Work on the Cathedral continued until the outbreak of WWII when work slowed again and the building was damaged during the May Blitz in 1941 which wasn't repaired until 1955.

The belltower is one of the tallest in the world standing at 220 feet or 67 metres and the bells are the highest and heaviest ringing peal in the world. Bellringers use a lift which was installed for them to reach the top of the tower. The bells are known as the Bartlett Bells, named after Thomas Bartlett, a local man who provided the funds for the bells. The initial letters of the inscriptions on the thirteen bells spell out the name "Thomas Bartlett" and they are arranged around "Great George" the third biggest bell in the UK.

Scott died in 1960 and he was succeeded by Frederick Thomas who had worked with Scott for many years. Thomas re-designed the west wing of the Cathedral which included the Benedicite Window designed by Carl Johannes Edwards.

Both Giles Gilbert Scott and Francis Chavasse are buried in the grounds of the Cathedral and the ashes of Thomas Bartlett are interred in the ringing room.

Liverpool Cathedral was completed in 1978 and the ceremony of thanksgiving and dedication was attended by Queen Elizabeth II. A pink neon sign by artists, Tracey Emin reads "I felt you and I knew you loved me" and was installed when Liverpool became European Capital of Culture in 2008.

Liverpool Cathedral is open to visitors and can be hired for functions. visit [www.liverpoolcathedral.org.uk](http://www.liverpoolcathedral.org.uk) for more information



<b>S Code</b>	<b>Date</b>	<b>Time</b>	<b>October 2019</b>	<b>Speaker</b>
S4154	9th	9.30-3.45	<b>2019 Employment Law Conference (lunch included)</b>	various
S4240	10th	1.30-4.45	Criminal Law Update	Anthony Edwards
S4240	11th	10-4	Civil Procedure Round Up (lunch included)	Helen Swaffield
S4363	15th	9.30-4.30	Adult Mental Health First Aider One Day Course (lunch included)	Samuel Leigh
S4278	16th	10-12.45	Conditional Contracts and Options	Peta Dollar
S4279	16th	1.30-4.15	Commercial Property Update	Peta Dollar
S4332	18th	1.30-4.30	Preparing for Change - The New PI Landscape Ahead	Jeff Zindani
S4338	23rd	10-1	Mental Capacity Act Update	Helen Clarke
S4220	25th	10-12.45	The Essential COLP Update	Jo Morris
S4286	25th	1.30-4.15	The Essential COFA Update	Jo Morris

<b>S Code</b>	<b>Date</b>	<b>Time</b>	<b>November 2019</b>	<b>Speaker</b>
S4147	6th	10-12.45	Beginners Guide to Future Losses & The Ogden Tables	Mike Winston
S4378	6th	1.30-4.30	Future Losses and The Ogden Tables: Intermediate Level	Mike Winston
S4177	13th	9.30-12.45	Termination of Commercial Leases by the Tenant inc vacant property issues	Richard Snape
S4178	13th	1.30-4.45	Conveyancing Update	Richard Snape
S4364	15th	1.30-4.30	<b>** NEW **</b> Complaints to Compliments	Nicky Ling
S4273	19th	2-3	Intellectual Property Online: Copyright and Communication to the Public	Sarah Jameson
S4274	19th	3.15-4.15	Agency and Dishonest Assistance in a Commercial Context	Arron Walthall

**For full details & to book, visit: [www.liverpoollawsociety.org.uk](http://www.liverpoollawsociety.org.uk)**



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