

LAW FOR LIFE



Pictured:
Paul Dunlop,
Sarah Heath,
Tilly Clarke,
Jerome Dodge

To read our full listings visit www.legal500.com

CELEBRATING MORE NATIONAL RECOGNITION AND AWARD WINS



We have been recognised by The Legal 500 as one of the top firms in the UK for the third year running with a record eight individuals singled out for their work, firmly cementing our status as the first choice for legal advice in Dorset.

As the leading guide to law firms, The Legal 500 ranked us amongst the best in the areas of commercial litigation, employment, agriculture and estates, personal tax, trusts and probate in the UK. The decision was made following intensive and impartial examination of our work and client references.

“Recognition by The Legal 500 demonstrates that we compete with and beat many of the large national players in the industry and across the UK”

In addition to the firm’s recognition, eight of our team have been specifically recommended by The Legal 500 for their personal expertise; double last year’s figure.

“We were delighted to have been named finalists in seven categories at the Dorset Legal Awards – the highest number of any legal firm”

Our personal tax, trusts and probate team triumphed, with Head of Private Client Jerome Dodge, together with Ian Campbell, Linda Hardy and Sue Edwards all specifically recommended for their outstanding skills.

Paul Dunlop, Head of Litigation and Disputes, is recognised for excellence along with Edward O’Brien and Lucy Mignot from his team. Sarah Heath, Head of Commercial Services who is a specialist in commercial and agricultural property, is specifically recommended.

To add to our success we were named as finalists in the Company Commercial, Private Client, Property, Family and Dispute Resolution teams of the year, Small Law Firm of The Year and Contribution to the Community categories at the 2018 Dorset Legal Awards. We were

delighted to win both the Private Client and Dispute Resolution team awards and also receive a special commendation for our Company Commercial team.

Our Principal and Chief Executive, Alan Horne, said, “Recognition by The Legal 500 demonstrates that we compete with and beat many of the large national players in the industry and across the UK. It is also important to note the depth of quality at Blanchards Bailey; the team members throughout the business are recognised as delivering high quality legal advice and service to clients.

We were delighted to be selected as a finalist in seven categories at the Dorset Legal Awards - the highest number of any legal firm; in the face of stiff competition.

It is testament to the hard work throughout the year by our loyal and skilled team across our four offices. I consider it a privilege to be part of such a passionate team providing expert advice and guidance to individual clients and business leaders across Dorset and beyond.”



FOUR GOLDEN RULES OF PROPERTY DISPUTES

Disputes affecting property, whether commercial, residential or agricultural, can be stressful, costly and, very often, unnecessarily acrimonious. By following these four golden rules from the outset, our litigation team has found that the majority of property disputes are capable of being resolved more swiftly and cost effectively with far less stress to our clients.

Our litigation team are specialists in all property disputes with Paul Dunlop, Principal, and Ben Jones, Associate Solicitor, having extensive knowledge and experience.

1. CHECK YOUR DOCUMENTATION

As soon as a property dispute arises it is good practice to check what deeds you hold. If you don't hold any documents, check if your mortgage lender or solicitor has access to them. Original deeds are valuable in property disputes and we recommend you keep them even if your property is registered at the Land Registry. In the majority of cases, historic documents are the starting point when establishing each party's legal position.

By reviewing such documents, you can gain a greater understanding of what rights actually exist in relation to the properties involved,

rather than starting from what you think the position ought to be.

2. GET ADVICE

Whether or not you have any historic documents, it is vital that you seek professional advice before doing anything. If you don't, any correspondence you enter into, or actions you take, could harm your position. Some parties take significant steps (such as blocking up an offending access way) before taking professional advice and, in doing so, create a more serious situation than existed at the outset. We are able to review the matter, advise you on the legal position, your options and the consequences.

3. DO NOT UNDERESTIMATE COSTS

However simple and "clear cut" a matter may seem, costs can still be considerable, especially if the matter runs to trial. The initial investigation work may involve meeting with you, taking your instructions, reviewing documents, obtaining missing or additional documents from third parties, establishing the "other side's" position and then advising you. If a matter cannot be resolved quickly you may incur costs instructing an expert surveyor or other professional, paying court fees, mediation fees and barrister's fees.

The variables which affect costs are virtually endless and, even in a very strong claim, costs can still be considerable due to the obstinance of another party.

We will make sure that we understand your desired outcome and provide practical, as well as legal, advice to help you reach that position as quickly and as cost effectively as possible.

4. MAINTAIN RELATIONS

Even if you have a strong legal position, it is good practice to try to settle the dispute early on. The reason is not just to avoid costs or stress to the parties. Very often with property disputes the parties are neighbours, family or business partners. As such, a dispute can sour relations and the proximity of the parties can heighten tensions. Trying to compromise can avoid unnecessary stress. Also, if the dispute proceeds to court, trying to settle can help mitigate costs. Remember, litigation is an uncertain process and the outcome cannot be guaranteed. When negotiating a settlement, the parties have a wider range of outcomes available and know the consequences.

Finally, be nice! Property disputes are factually and legally sensitive and it is all too easy for tensions to run high from an early stage. By dealing with each other reasonably, the parties can avoid the dispute becoming unnecessarily acrimonious. By keeping dealings amicable, parties can conserve costs, save relations and avoid the feeling of their property having been blighted by the dispute.



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NESTING - CO-PARENTING INITIATIVE FOR DIVORCE



When parents decide they need to separate, the one thing they can most often agree is that neither of them wants to hurt the children.

It is with this in mind that the “bird’s nest” co-parenting idea has developed. Picture a bird’s nest full of small chicks waiting to be fed. Now envisage the parent birds taking it in turns to bring food to the open beaks and you have the basis for a new parenting plan with the children at the heart.

The “bird’s nest” co-parenting arrangement is one that is uniquely child-centred. Rather than the children having to adapt to the parents’ needs by living in two separate dwellings, they remain in the family home and the parents take turns to move in and out.

‘We had argued over who should be the one to leave. There is no easy answer to that when you both want to be with the children’

Just like birds alighting and departing the “nest,” each parent will spend an agreed amount of time in the family home and then move out to separate accommodation to give the other parent the chance to be at home with the children.

Some parents rent a separate house or flat and share the costs between them. This means they both enjoy spending time in the family home, but have the solitude of the other property in between.



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REFUNDS DUE ON POWERS OF ATTORNEY COURT FEES

If you applied to register a power of attorney between 1 April 2013 and 31 March 2017 you will probably be due a partial refund of the Court fees incurred.

The Office of the Public Guardian has announced that they have been overcharging applicants and making a profit from the court fees levied. Government agencies are generally not allowed to charge more than the cost of supplying the service provided.

Children experience much less disruption in their lives, they are still near their school and friends and yet have good quality time with both of their parents.

Jenny, a recently divorced mother of two teenage boys, said: ‘Overall I found it a great solution in the short term. It gave the kids stability by remaining in the same home and meant that there was a gap between separating and settlement. It gave time for the bitterness and anger to calm down.

‘We had argued over who should be the one to leave. There is no easy answer to that when you both want to be with the children and they want to be with mum and dad.

‘So we rented a one bedroom flat which avoided the need for one of us to rent a large property. This worked out cheaper for us both.

‘The downside was that I found it tiring moving from the house to the flat, having to pack and unpack every week. But I did enjoy the peace and quiet and having time away from looking after the boys.

‘We kept it going for 18 months, but after that it made sense for me to move back to the house.’

Nesting will not work for all parents; there has to be a high degree of trust and co-operation between them and the parents have to be able to live close to each other. It is likely to be more challenging when new partners arrive on the scene.

It can, however, offer a cost effective solution; renting a small place as opposed to a family home and not having to kit out two properties with beds, toys, two sets of clothes etc can all save much needed money.

A clearly drafted co-parenting plan or deed of separation at the outset is essential. If parents can agree the fine tuning of their arrangement, this will often shield the children from the worst of the parental fall out.

Refunds range from £34 to £54 plus interest for each document registered depending on the date of application for registration.

The donor or attorney(s) can make the claim for a refund online at:
www.claim-power-of-attorney-refund.service.gov.uk/when-were-fees-paid

Or by telephone on 0300 456 0300 (choose option 6).

The Collapse of Carillion and Directors’ Duties

The dramatic collapse of Carillion has dominated the news recently with reports suggesting its directors will be investigated. This has brought into sharp focus the importance of good corporate governance and careful management. Responsibility for running a company lies with its directors and Carillion is a good example of how things can go dramatically wrong.

Factors contributing to Carillion’s liquidation include overly generous pay for its executives, a large deficit in its pension scheme and lack of transparency of the group’s financial standing. These are issues which are firmly in the control of a company’s directors.

While Carillion is a huge Plc with liabilities far exceeding those of owner managed businesses, the responsibilities of its directors and the traps into which they may fall are the same.

Although external market forces have a large bearing on a business’s success, adopting good corporate governance, acknowledging directors’ responsibilities and managing your business well, puts any business in a better position to succeed.

Not only does it make good business sense for directors to adopt certain practices, all directors of UK companies are required by law to comply with certain duties, some of which are set out in the Companies Act 2006. These include a duty to:

- promote the success of the company for the benefit of the shareholders;
- avoid conflicts of interests;
- exercise reasonable care, skill and judgment; and
- declare interests in proposed transactions with the company.

Failing to do so can result in action against the director personally and could result in the company claiming compensation from the director. In addition, not disclosing an interest in an existing transaction or arrangement with the company carries the risk of a criminal fine.

While most directors of companies will naturally be complying with these duties, it is possible to be caught out. If you are a director of a company, we advise that you make yourself familiar with your obligations. There are very simple processes you can adopt which, if you should ever be challenged, help show that you complied with your duties. These include holding board meetings in compliance with the Companies Act and ensuring records of these meetings are kept.

If, like Carillion, your company finds itself in an insolvency situation, the directors should seek advice as soon as possible. Directors can be personally liable under UK insolvency legislation and the risks in this area are complex, including the potential to be disqualified as a director or being involved in the promotion or management of a company for a period of up to 15 years.



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SUPPORTING THE COMMUNITY



ROLLAPALUZA CYCLING FUNDRAISER HELPS RAISE £2,250 FOR AGE UK

Blanchards Bailey was proud to host the recent Rollapaluza cycling fundraiser, held at Bryanston School in Blandford, to raise money for Age UK (Dorchester). The event comprised of intense 250 metre race heats on stationary bikes, featuring both a male and female competition, with the fastest competitors facing off in their respective grand finals.

Paul Dunlop, Principal at Blanchards Bailey said:

"It was a fantastic night of entertainment and we felt honoured to host it. It was great to see so many people joining in, whether they were seasoned pros, casual cyclists like me or non-cyclists who simply wanted to record a time.

A huge thank you goes out to everyone involved who helped raise much needed finances for Age UK (Dorchester), including the businesses that supported the event by attending, providing sponsorship and donating prizes."

The men's event was won by James Horton in a time of 10.41 seconds, beating Alex Townsend (10.71 secs) for the victory. Julia Hamlyn took the women's title with a time of 12.93 seconds, followed by Blanchards Bailey solicitor Emma Needham on 13.00 seconds.

Alex Townsend, Residential Sales Manager at Symonds & Sampson LLP in Blandford who came second in the men's competition said:

"The Blanchards Bailey team put on a fantastic event. We all really enjoyed it and can't wait for next year to do it all over again. I only started cycling this time last year, so I was really pleased to come second."

Outside of the fun the event was a success, surpassing its fundraising goals as £2,250 was raised for Age UK (Dorchester).

VOLUNTEERS FROM THE BLANCHARDS BAILEY TEAM HELP TRANSFORM CHARITY CENTRE



Staff from Dorchester based charity Age UK were thrilled after volunteers from Blanchards Bailey rolled up their sleeves to help transform the charity's community centre.

The legal firm sent a team to Rowan Cottage Social Club to support its charity of the year Age UK (Dorchester) - an independent local charity which helps older people across rural Dorset to maintain physical and mental wellbeing.

Solicitors from Blanchards Bailey were not afraid to get their hands dirty as they enthusiastically set about renovating the social club with other volunteers, led by handyman Chris Rawlings.

Lisa Holmes, Head of Care and Support at Age UK (Dorchester), said:

"We are all absolutely delighted with how the renovation work has turned out - it is even better than we expected. We are so grateful to everyone who gave up their time and volunteered, including the Blanchards Bailey team, as well as Chris Rawlings and his helpers."

For more information see www.ageuk.org.uk/dorchester



Blanchards Bailey continue Artsreach partnership for 2018

Blanchards Bailey has announced its continued partnership with Dorset's rural touring arts organisation Artsreach throughout 2018, helping to ensure that a diverse programme of high quality events continue to be performed in rural communities.

The announcement comes following the release of the brand new Artsreach Spring Performance Programme, which sees 26 different companies give 68 live performances in 48 community venues across the county.

Yvonne Gallimore, Co-Director at Artsreach, said: "To have the continued support of Blanchards Bailey throughout 2018 is fantastic; we look forward to further developing our partnership and the reach of our events with their backing.

"Our efforts will help ensure the people of rural Dorset enjoy quality arts thanks to the help of a great local business."

Packed with music, theatre, cabaret, dance and more, this year will see an array of styles and genres from both national and international performers. The season, which started with a sell-out weekend from the 11th January, was the first in the charity's 28th year of programming in the county.

For more information see www.artsreach.co.uk

Creating a new category in Taste of Dorset Awards

The Taste of Dorset Awards has garnered a reputation for being one of the most iconic events in the local calendar, with the food and drink community coming together to celebrate the area's best and most innovative companies, pubs and restaurants. We're pleased to announce our renewed support of this prestigious local event again in 2018.

Following the successful launch of a new award category last year - Best Vineyard or Distillery, which we created alongside event organisers Blackmore Vale Magazine - we are reprising this class in the coming year. The award showcases the best the region has to offer from its glorious array of producers, many of which distribute their popular products across the country and abroad.

"We want to show our support for the people who make these businesses so successful and are proud to be sponsoring this award again this year," said Sarah Heath, Head of Commercial Services.

For more information see www.digital-thisis.co.uk/dorset/tasteofdorset

