

Neves awarded Double ACQ Global Award

Neves are pleased to announce that we have this year received two ACQ Global Awards:

UK Regional Law Firm of the Year; and
UK Leading Female lawyer of the Year (Residential Real Estate) - Caroline Hume.

'This is fantastic news as we continue to strengthen our reputation as a leading law firm in the region in what continues to be a competitive marketplace. We really appreciate awards like the ACQ as it provides us recognition for the hard work of all of our staff. The awards also reiterate the consistent, practical and quality service that we strive to provide for our clients'. *Stewart Matthews, Partner at Neves.*

The award comes as a double celebration for Caroline Hume and the Residential Property department with Caroline being awarded the Lawyer Monthly Magazine's Women in Law Awards 2015 for Residential Property earlier in the year and Vishal Sharma being shortlisted for Young Conveyancer of the Year at the Law Firm Services Awards to be held in September.

Every year, ACQ asks its tens of thousands of readers to nominate and recognise industry leaders and organisations that represent the benchmark of achievement and best practice in a variety of fields. The awards are then divided into company, practice area, individual and firm-wide categories within the public and private sectors.



Caroline Hume
Partner & Head of Residential Property

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Team Dons Complete London To Amsterdam Challenge

Neves are delighted to have supported the 145 miles cycling challenge from London to Amsterdam for Prostate Cancer UK over the weekend of 12 – 14 June. The four MK Dons representatives conquered the London to Amsterdam challenge at the weekend, all with the aim to raise money for Prostate Cancer UK.



Corporate partnerships manager Dan Cole, head of media relations Ben Campbell, SET health and wellbeing manager Karl White

and relationship director of the Dons' banking partner Santander Marco Cerrone completed the gruelling 145-mile journey. The quartet left at 9am on Friday morning and cycled 82 miles from Leyton Orient FC to Harwich, where they caught the overnight ferry to Holland. Another early start followed on Saturday, one which saw them ride 63 miles and finish at the Amsterdam Arena, the home of Ajax FC.

Neves are proud to have supported such an achievement and for such a great cause, same time

What Our Clients Say About Us



"Having worked as a lawyer in the City, I believe that Stewart really does explode the myth that you have to appoint a city lawyer to get top quality advice and service"

A satisfied client of Stewart Matthews

"Hope everything with you is fine and you are keeping nice and busy! You should be as we have recommended you and your firm a few times now to friends and associates and will continue to do so as we were very impressed with all your many and efforts hard work on our behalf" **A satisfied client of Simeon Clipstone**

"I would like to take this time and say the service that was received from yourself, and as a company was brilliant. So again thank you for everything you did. I would not hesitate to use your services again."

A satisfied client of Elizabeth McGlone

"Peter was first class, we were always kept informed and up to date on all matters at what was a very stressful time"

A satisfied client of Peter Kelly

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5 Tips for Employers on Shared Parental Leave



We have put together a handful of tips for businesses handling requests over the coming months:

1. Implement a clear Shared Parental Leave policy and notify all staff that it has been put in place. Ensure all managers/team leaders/HR are trained to deal with SPL requests.
2. On receipt of a request for Shared Parental Leave, remember to check whether the employee is eligible and if they are, arrange an informal meeting to discuss their potential requirements. This gives the business the opportunity to understand what pattern of leave the employee may be looking to take.

3. A continuous leave notification must be accepted and the business has to resolve how the employee's work will be covered. On receipt of a notice to take discontinuous Shared Parental Leave the employer should arrange a meeting with the employee within 14 days of receipt of the proposal to discuss the employee's requirements and whether this is viable for the business.

4. Can the business accommodate the Shared Parental Leave? The business must take into consideration future planning, how and if the employee's work can be covered and what arrangements will need to be put in place.

5. If the present notice of discontinuous leave is to be refused, consider whether alternative dates are an option for the business. Any decision taken on the notice of discontinuous leave must be communicated to the employee within 14 days of the date the notification was given to the employer.



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Elizabeth McGlone

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Is Your Smoking Policy Up to Date?



A recent Employment Tribunal (ET) case (Insley v Accent Catering) is a reminder of the importance of keeping workplace policies and procedures abreast of current innovations as well as developments in the law.

Ms Insley been dismissed, the school's smoking policy would have been an important factor in deciding whether or not the decision to dismiss her was reasonable in the circumstances. The policy banned smoking on the school premises but did not expressly prohibit the use of e-cigarettes.

The ban on smoking in pubs, restaurants and workplaces, which was introduced in 2007, does not cover e-cigarettes, which work by vaporising 'e-liquid' rather than by burning tobacco. Ms Insley, a contract catering assistant at a secondary school, was the subject of a complaint by the head teacher to her employer that she had been smoking an e-cigarette in full view of pupils at the school.

Our specialist solicitors can review your policies to ensure that they are up to date with current laws and provide the best protection for your business.

Ms Insley resigned before a disciplinary hearing to decide whether her conduct was serious enough to warrant her dismissal. She brought a claim of constructive dismissal.

The ET dismissed her claim as she had resigned before any decision as to the seriousness of her conduct had been taken.

In reaching its decision, the ET commented that had

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Workplace Stress - Foreseeability of Injury



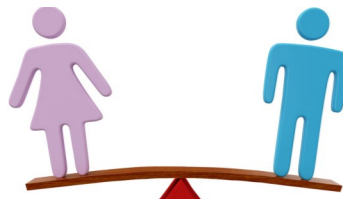
Dealing with workplace stress can be a difficult issue for employers. It is important to be alert to the signs of stress and to investigate and take appropriate action once you become aware that a problem exists. Failure to do so can result in a claim for damages.

The case of *Hatton v Sutherland* is the leading authority on this issue. The Court of Appeal provided 16 points as guidance on the legal position as regards claims for damages in respect of psychiatric injury caused by stress in the workplace. In 2004, the House of Lords endorsed this general statement of the law (in *Barber v Somerset County*

Council) but made clear that it was only guidance and that each case would hinge on the particular facts under consideration.

Employers are only in breach of their duty if they have failed to take reasonable steps in the circumstances to prevent the stress. It is only foreseeable injuries arising from an employer's breach of duty that gives rise to a liability and foreseeability depends on what the employer knows (or ought reasonably to know) about an individual employee. The guidance goes on to state that 'Because of the nature of mental disorder, it is harder to foresee than physical injury, but may be easier to foresee in a known individual than in the population at large. An employer is usually entitled to assume that the employee can withstand the normal pressures of the job unless he knows of some particular problem or vulnerability.'

Gender Pay Reporting



Whilst the Equality Act 2010 requires public sector organisations to consider gender equality within their workplace as part of the Equality Duty and to publish relevant gender equality data, there is currently no requirement for employers in the private and voluntary sectors to do so.

This is set to change, however, as the Government has launched an initial consultation, 'Closing the Gender Pay Gap', with a view to introducing regulations under Section 78 of the Act that will require employers in the private and voluntary sectors with at least 250 employees to publish information about the pay of their male and female workers.

HR Review

How often do you review your HR documents?

Why not book a fixed fee HR Review with an employment law solicitor either at our office in Luton or at your premises.

To book your meeting or for more info contact Elizabeth.

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Buy to Let Landlords in HMRC's Sights



Most house owners regard rising property prices as a good thing, but buy to let landlords who have neglected to deal with their tax obligations after the sale of their buy to let properties have been targeted by HM Revenue and Customs (HMRC), and it is estimated that investigations into property sales have netted an additional £24 million in 2013/2014.

HMRC have access to information relating to property transactions and it is easy for them to cross-reference property sales to the tax returns of the owners. By targeting the buy to let sector over the last two tax years, HMRC have increased the tax take from Capital Gains Tax (CGT) from £83 million to £126 million over the same period.

Where a capital gain has occurred which leads to CGT becoming payable and this is not included on the relevant tax return, the penalties can be severe. The position is worse if the fact that a property was owned as a buy to let and produced profits which have not been disclosed becomes apparent as a result of the sale.



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Failure to Take Legal Advice Costs Tenant



In a cautionary tale for any commercial tenant who thinks professional legal advice is an unnecessary luxury, a shopkeeper who would have been entitled to substantial compensation on the early surrender of her lease will go without a penny – after handing back her keys too early.

A local authority compulsorily acquired leases on a parade of shops which it was intent on demolishing and redeveloping. Shortly before that happened, however, the woman sent back her keys and gave up her lease in the 'misguided and ill-advised' belief that her right to compensation would be maintained. She argued before the Upper Tribunal (UT) that, despite her premature surrender of her rights, she had a

legitimate expectation that compensation would be paid to her. However, in rejecting those arguments, the UT found that earlier negotiations between her and the council had been unequivocally 'subject to contract' and that no such contract had ever been concluded.

The UT noted that the council had taken 'merciless advantage' of the shopkeeper's ignorance of the compulsory acquisition process and that its treatment of her had been 'manifestly unfair'. Nevertheless, she had given up her lease voluntarily and the council was strictly within its legal rights to refuse her compensation.



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Failure to Comply With Purchase Terms Proves Costly



Selling a company can be fraught with difficulties, particularly where payment for shares is deferred and the price payable is calculated on the basis of performance. In one such case, a disagreement between buyer and seller resulted in a round of costly litigation which took them no closer to a final resolution.

The relevant agreement for the sale and purchase of shares made provision for the price payable – or 'earnout' – to be assessed on the basis of profits or losses made

by the company during two future accounting periods. The seller purported to serve an earnout notice, which set the price payable under the earnout, on the buyer. The buyer did not challenge the notice within the time limit laid down by the agreement.

The seller argued that the price specified in the unchallenged notice was therefore decisive and had to be paid. However, the buyer successfully argued before a judge that the notice was invalid in that the earnout had not been calculated by reference to the agreed accounting periods.

In dismissing the seller's challenge to that decision, the Court of Appeal found that the judge's analysis of the agreement could not be faulted. The invalidity of the notice meant that the dispute in respect of the price payable would have to be resolved by an independent accountant in accordance with the agreement.



Stewart Matthews

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Business Start Ups



Neves Small Business team can assist your business by helping draft your terms and conditions of trading, partnership/shareholder agreement or agency agreement, or by providing you with a contract of employment for any staff you may engage, or by collecting unpaid debts. Perhaps you may be considering renting business premises in which case we will review the terms of the lease and advise you accordingly.

If you offer services over the Internet, Neves can guide you in the legal techniques needed to make contracts electronically. It can also ensure that your website complies with the law.

Also if you purchase goods or services over the internet, our experts can advise you on your contractual rights and obligations.

Business start ups - make sure you are getting the right legal advice from the outset
Contact: business@nevesllp.co.uk