

Greater Birmingham Bulletin

The monthly publication of the Birmingham Law Society

May/June 2016

**New President takes
the helm at Birmingham
Law Society**

**Legal Awards
2016**

BLS Networking Event

**In Conversation with
Andy Street, MD of
John Lewis**



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Greater Birmingham Bulletin



Birmingham Law Society
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Editorial Enquiries and
Advertising Sales

Julia Baskerville
01253 829431

editorial@birminghamlawsociety.co.uk
j.baskerville@jbaskerville.co.uk
www.locallawsocietypublications.co.uk

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expressed in The Bulletin are
those of the individual
contributors and not those of
the Birmingham Law
Society.



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On the Cover...

Birmingham Town Hall is a Grade I listed concert hall and venue for popular assemblies opened in 1834 and situated in Victoria Square, Birmingham, England.

The design was based on the proportions of the Temple of Castor and Pollux in the Roman Forum. "Perfect and aloof" on a tall, rusticated podium and marked an entirely new concept in English architecture.

The hall underwent a major renovation between 2002 and 2008. It now hosts a diverse programme of events including jazz, world, folk, rock, pop and classical concerts, organ recitals, spoken word, dance, family, educational and community performances, as well as annual general meetings, product launches, conferences, dinners, fashion shows, graduation ceremonies and broadcasts.



If any member of Birmingham Law Society would like to submit a photograph for future front covers of the Bulletin, please email editorial@birminghamlawsociety.co.uk

News from the President



John Hughes
President

It is a great honour to have been appointed to be your President for the year 2016/17. At the AGM on 26th April I took over from Mushtaq Khan who has performed his duties as President with commendable energy and enthusiasm. I hope that I up to the challenge that he has set!

It is a great honour to have been appointed to be your President for the year 2016/17. At the AGM on 26th April I took over from Mushtaq Khan who has performed his duties as President with commendable energy and enthusiasm. I hope that I up to the challenge that he has set!

There is no doubt that the Society is in excellent shape. With approximately 4500 members it is the largest law society outside London. There is no doubt that we are a voice that is listened to. The number of consultation papers which we receive is testament to that. I do wish to build on that and I am keen to develop our contacts with decision makers not only within our own profession but also with politicians both local and national.

At the Council Meeting in May, John Clancy, the Leader of Birmingham City Council, who was once a solicitor with Lee Crowder, spoke to us about his plans for the city. I want to arrange lunches with our local MPs so that they are made aware of the issues which affect us and so that they have a better understanding of what we do and how important we are to the delivery of justice and to the local economy.

During the short time I have been President I have come to appreciate the hard work undertaken by the Committees and their Chairmen, the Board and the staff in Cheltenham House. The Society is a complex and vibrant organisation relying to a large extent on volunteers and a small team of dedicated staff. Thank you to all of you. During my year I hope to attend each Committee to gain a fuller understanding of what current issues affect particular areas of law.

I would like to express my thanks to Chris Owen who has stood down from being Chairman of the Board. Chris has done incredible work during the 4 years he has been Chairman and it is in no small part due to him that the Society is as secure financially as it is now. I am glad to say that he will continue to chair the property sub committee for the time being. Thanks also to Martin Allsopp who stands down from the Board but, I am glad to say, he will stay on as a Council Member.

I would also like to thank Caroline Coates for her work as Chair of the Personal Injury Committee and ceases to be a co-opted member of the Council. She has made an invaluable contribution to the Society as a former president and as chair of Personal Injury Committee. I am glad that Caroline will carry on with the Think Tank Committee. Special thanks to Bernadette Griffin and Ann Houghton who undertook the duties of Joint Sec-

retaries with tireless efficiency . Bernadette's knowledge of the terms of the Society's Articles was truly awe inspiring !

With the sad departures mentioned above (I am assured they are not connected to me becoming the President !) we have a new Chair of the Board, Eileen Schofield, a former president, who will bring her considerable experience and commercial skills to the board and steer it through what will be challenging and exciting times.I am delighted that Inez Brown and Chatali Desai have been appointed Joint Secretaries I am most grateful to them for taking up such important and influential posts.

I would also like to congratulate Andrew Beedham and James Turner upon being appointed Vice President and Deputy Vice President respectively – their support will be invaluable to me

My first weeks of my Presidency have included giving a valedictory speech upon the retirement of District Judge Tony Davies, attending the President and Secretaries Conference in Chancery Lane, attending a meeting at which the Rt Hon Sajid Javid, M.P. spoke and attending the annual dinner of the Westminster and Holborn Law Society at Vintners Hall. Unfortunately I could not attend the Joint V meeting in Liverpool but delighted that James Tuner and Martin Allsopp attended. We also have had the Referendum Debate initiated by the International Committee which was a sell out.

My charity for the year is the Air Ambulance. I have had a preliminary meeting with them and I assure you some exciting events are planned – watch this space .It is a salutary statistic that 5% of their call outs relate to incidents on golf courses and so I hope the golfers will be particularly supportive of this great charity !

I very much look forward to the forthcoming year with all it exciting challenges.

John Hughes
President

Dates for your Diary

16 June 2016 6pm-9pm
Summer event with BTSS & BSG
The Jam House

28 June 2016 6pm – 9m
Cricket – BLS vs WMP
Tally Ho

30th June 2016
Bringing Business Development to Life
Clarke Willmott, Birmingham

15th September 2016
Risk, Regulation and Due Diligence Conference
St Philips Chambers

21 September 2016 12.00 - 9.00pm
Golf Day
Nailcote Hall

22 September 2016 7.00pm - 9.30pm
Local Law Society conference dinner
Hotel Du Vin

23 September 2016 8.30am - 3.00pm
Local Law Society Conference
Conference Aston

1st October 2016
Family Law Conference
Venue TBC

20 October 2016 7.00pm-00.00
President's Dinner
ICC

04 November 2016 12.30pm-2.30pm
Past Presidents Lunch
TBC

10 November 2016 6pm-8pm
Newly Qualified event
BPP University

Please see website for further details and to book: www.birminghamlawsociety.co.uk or email: events@birminghamlawsociety.co.uk

Bulletin Postage

Last month some copies of the Bulletin were sent out with the incorrect postage. If you were surcharged by Royal Mail, please contact the Publisher Julia Baskerville j.baskerville@jbaskerville.co.uk for a refund.



Outgoing President's AGM Speech



Mushtaq Khan
Immediate Past President

Good evening and welcome to the 197th Annual General Meeting of The Birmingham Law Society.

I would like to start by saying it has been an honour and a pleasure to be the 120th President of the largest and the most dynamic regional law society in the country, during an incredible year.

Before I continue, I would like to show a short video, which I think encapsulates just what a fantastic year it has been.

It's watching videos like that, that make me so proud of this city, the legal community and this great Society.

The AGM is a good opportunity to take stock of what has happened during the year, reflect on the successes that we have had and to set the scene for the future years for the Society, in an ever changing landscape of needs and expectations.

It has been an incredibly busy and enjoyable year; as of the last count earlier today, I have:

- attended over 342 events/meetings;
- exchanged 24,059 emails;
- written numerous articles; and
- made countless speeches.

My focus throughout, has been to deliver, a stronger and more successful society.

As a proud Brummie and solicitor, I have taken every opportunity, to promote Birmingham, the region, the legal profession and this great Society.

I have sought to develop and strengthen the connectivity between the city's business, professional and financial services sectors, so that we are able to speak as a collective with a stronger 'one voice' to better promote and advance the sector and the region.

I do not make this statement lightly. This year will be remembered as a significant year in the history of Birmingham Law Society. It has been a successful year in many respects and I will touch on this later.

Despite this optimism, there is still much more to be done. We are acutely aware that many regional law societies up and down the country are finding it difficult. Difficult to engage with their members and to be financially viable.

The Legal Landscape

The changing legal services market continues to have an impact within the solicitor/barrister professions to varying degrees. There will be challenges and there will be opportunities. After attending/chairing many round table discussions, and after discussions with practitioners from a range of practice types, it seems the key drivers of change in the legal services market are the economy, new entrants, how clients purchase legal services, technological advances, government policy around funding and regulation.

Birmingham Law Society's role is more important than ever during this period of change and uncertainty. The Society brings together the legal community in this city and region by supporting through education and training seminars, hosting conferences and round-table meetings to facilitate debate, discussion and sharing of ideas.

Our collective strength is best demonstrated through the Society's representative function which I shall touch on later.

Our networking events, fundraising, celebrating legal talent at the fantastic Legal Awards last week, have been an important part in keeping everything in perspective as well as helping to make us a more unified, stronger legal community.

What Have Been The Highlights

I have been fortunate to experience many wonderful highlights this year. The

President's Dinner and the Awards night was both a personal and professional milestone for me. Speaking at the Annual Dinner held by the Antwerp Bar was a rather special honour. Successfully securing The National Local Law Societies Conference was a triumph. Exceeding the set target for my chosen charity, Tiny Babies, Big Appeal IS my proudest accomplishment.

What Have Been The Societies Achievements?

There have been many, as a fan of radio I have selected my top ten, if it was good enough for Moses, it's good enough for me(!).

1. Modernising BLS:

a. Updating the Society's constitution – The changes will further assist Council in its representative function, its response to changes on behalf of the profession and its pivotal role in developing policy. The changes have also enabled a wider membership to be embraced by the society which reflects the changes in the legal market and illustrates that Birmingham Law Society is a progressive and receptive organisation.

b. New BLS Logo - The new logo is a modern, minimalist design that captures the heritage and modernity of the Society yet allows for easy reproduction and cross-platform use.

c. Revamped BLS monthly publication – a new publisher, Baskerville Publications. The first edition published in January 2016. It's packed with insightful articles, interviews, entertainment/fun in a fresh new style.

d. Professionalising our videoing! In partnership with our Sponsors MMADigital, we have produced 6 new videos. It will help us better connect with our busy members and allows us to better showcase how good we are at hosting events.

2. Raising profile –

we have had real success in raising the profile of Birmingham/region and the legal profession at a local, national and international level, examples include:

a. Improved coverage in the printed press and online - Articles, interviews, features in a number of publications on the front pages, double page spreads, columns in the Birmingham Post, The Guardian, Solihull Times, Business Quarter magazine, The Gazette, Modern Law

magazine, BDLN – For Professionals, By Professionals and of course the daily Jang for the urdu readers amongst our membership!

b. Radio – I appeared live on radio - BBC WM 95.6 – Interviewed by Pete Morgan on 8th October 2015 and was a guest on Charmaine Burton's show DifferentAnglez a weekly politics and current affairs show broadcast on NewStyle Radio 98.7 FM – Birmingham – 11th February 2016.

c. National events/conferences – We have not only been present at the key events, we have where possible secured speaking slots to promote the city/region and BLS, examples include the Presidents and Secretaries Conference at Chancery Lane and the National Local Societies Conference in Newport.

d. International event – Antwerp Bar - Opening ceremony of the Flemish Legal Year at the Palace of Justice and the Annual Dinner – October 2015. I was given the exclusive honour of being asked to speak at the dinner which was attended by over 800 guests including a number of international dignitaries. It was a tremendous opportunity to promote Birmingham, BLS internationally.

e. Listed in the Birmingham Post Power 250 – March 2016. A list of the regions most influential people, my listing in the Top Ten lawyers for the West Midlands region is a reflection of the growing importance of BLS and the legal services community in the region.

3. Representation – a key role, function for the Society - Over the past year the Society and its 12 committees have been incredibly active in responding to a number of consultation papers on matters relating to legal aid, court closures, court fees, and the Training for Tomorrow Competence Statement as well as many responses relating to employment and Property law related proposed changes. In all there have been 20 responses in the last 11 months to the following bodies:

- The Scottish Government;
- HM Treasury
- Solicitors Regulation Authority
- The Law Society
- Department for Business Innovation & Skills
- HM Revenues & Customs
- Government Equalities Office
- Law Commission
- Low Pay Commission
- Ministry of Justice

This helps underline our status as the most dynamic local law society and credit goes to the Society's hardworking committees.

4. Membership growth, we now have over 4,500, new members joining including the global law firm Hogan Lovells as well as the highly regarded in-house legal team at Jaguar Land Rover.

5. New sponsors/partnership – we continue to work with our existing sponsors/partners and have secured key new sponsors/partners. This demonstrates the strength and value that our sponsors place on BLS. This will help ensure that we can continue to provide the services/events to meet our members' needs. It also plays an important role in helping to secure the

Society's financial future.

6. Success on social/networking events – We hosted a number of excellent events throughout the year of particular note were, BLS President's Dinner at the Birmingham Town Hall, The fantastic Annual BLS Awards Dinner at the ICC last week, BLS Newly Qualified Event, Networking event, co-hosted with Love Brum, Abseiling Event, Annual Legal Eagles Charity Quiz Night jointly co-hosted with BTSS and BSG, Pre-Raphaelite Exhibition & Networking event at the Birmingham Museum and Art Gallery, co-hosting the launch of a new album of a talented local pianist and composer Reis Taylor Dixon at the Symphony Hall as well as hosting a number of roundtable meetings/diners with many key stakeholders.

We also had two key firsts, The BLS President's Clay Pigeon Shooting Cup – sponsored by field sports specialist retailer W Horton & Sons and car dealership Stratstone and Birmingham Law Society's very first football tournament - kindly sponsored by St Philip's Chambers, The 5-a-side football tournament was open to all Birmingham/region based law firms, barristers' chambers and Universities. Fantastic event.

These events proved to be great fun and raised much-needed funds for the chosen charity.

7. New Business/professional services partners/links:

a. Greater Birmingham LEP Growth Hub/BLS Partnership Scheme - exciting Birmingham Law Society initiative. As part of the aim to ensure that our legal services community needs to be at the heart of the local business community I am pleased to tell you that in 2016 BLS has developed an initiative to become a Growth Hub Partner. The aim is to provide opportunities for Member firms to have contact with a range of businesses, all of whom are potential new clients, and to network with other Growth Hub Partners.

b. Greater Birmingham One Voice partnership – another BLS initiative. BLS took the lead in bringing together the Presidents, the Chairs, CEOs of the leading business, professional and financial services sector membership based organisations including the Royal Institute of British Architects, Greater Birmingham Chamber of Commerce, Institute of Chartered Accountants of England and Wales, Birmingham Insurance Institute, Birmingham & West Midlands Institute for Securities & Investment, Royal Institute of Chartered Surveyors, and of course Birmingham Law Society. This forum presents an opportunity for the business, professional and financial services sector membership based organisations to work in partnership for the greater benefit of our respective membership and the city/region. We shall be jointly co-hosting our first event regarding the EU referendum on 25th May 2016.

c. CBI (Confederation of British Industry). We have secured an agreement to jointly co-host an event later this year. This is an exciting opportunity for BLS and the CBI to work in partnership and demonstrate to our members the opportunities to work/network with the business sector, many of our members will place great value on this.

8. We Did It - The National Local Law Societies Conference - I am pleased to report that we successfully secured the 2016 national local law societies conference in Birmingham – we were up against a joint bid by two London local law societies at the national local societies conference in June 2015. This is a huge coup.

[continued on page 8](#)

9. Charity – Funds raised for the BLS President's chosen charity – Tiny Babies, Big Appeal. We smashed the ambitious target of £13,987.80 (which was itself 40% up from the previous year) to purchase the Panda Resuscitaire machine for the Women's Hospital. We have raised £40,003.32 which I understand will be a record breaking achievement for the Society.

I am pleased to report that I and my fellow Officers, John Hughes, the Vice President and Andrew Beedham, the Deputy Vice President and most importantly my mother attended a formal hand-over ceremony of the Resuscitaire machine to the hospital on 21st March 2016.

The objective has been to raise money to buy life saving equipment for the hospital as opposed to simply handing over the money. After discussion with the hospital, an additional target was set to purchase an Information Centre, it will provide in-depth analysis and details of a babies conditions (eg. heart rate, blood saturation and blood pressure) whilst enhancing safety levels. This system will link up with the neonatal equipment's such as ventilators and monitors and incorporates them into one central station.

Both of these pieces of equipment will according to Dr Alison Bedford-Russell (Medical Director) of the hospital save MANY lives. It is an incredible legacy.

It is without doubt one of my proudest achievements. A very big thank you for supporting and turning an aspiration into a reality.



10 The Property – 8 Temple Street – this asset had unfortunately become a drain on the Society's finances due to its dilapidated condition. The property has been left vacated and as a result of this the Society's staff are operating from rented premises. We continue to incur expenditure for this property, including paying rates, insurance and more recently undertaking works to undertake essential repair works as reflected in the accounts.

The Property Subcommittee (of which I have been a member since 2015) has been tasked, by the Board, to undertake an options appraisal and put forward recommendations.

I am pleased to report that the Society is on the cusp of securing a long lease, which will secure the Society's financial future and preserve the Society's historic home.

This is indeed an exciting moment in the history of Birmingham Law Society.

Thank You

When I took office, I made various promises at last year's AGM. Through the combined hard work of many, we have now fulfilled those promises.

We have put on some very successful, high profile events, we have increased our membership, have new key sponsors, have secured new exciting relationships with the business, professional and financial services sectors. We have promoted the city and our legal sector both nationally and internationally. We have secured the Society's financial future and preserved the Society's historic home. Whilst doing this we have raised a record sum for a very worthy cause which leaves a real legacy – one that will save many lives. This is an exciting moment in the history of Birmingham Law Society.

None of these achievements and successes would have been possible without the collective help of many.

I would like to express my thanks to the Board, the Property Sub-committee, the Officers, John Hughes, Andrew Beedham, Professor Bernardette Griffin and Ann Houghton.

To Becky, Liz, Johanna, Denise and Nigel who have shown support and team effort.

To Council for the lively and thought provoking debates that we have had throughout the year.

The Committees for their hard work with particular thanks to Peter Wiseman, the Chair of the Consultation Committee who has provided invaluable support throughout with his intelligent and experienced approach.

A special thank you to Chris Owen, the Chair of the Board and the Property Subcommittee, he has invested significant time and energy to help turn ideas into reality as is very evident with securing the future of the property.

When I took on this role, I was told by some that the President's role can be a lonely one. This has not been my experience. I have had wonderful support throughout. I shall share examples of great support/help:

- A Past President who I very much admire, said to me in his Welsh accent in September 2015, "Mushtaq you have hit the ground sprinting – it's unbelievable – really impressed, keep up the great work!" He didn't realise it, but I felt many inches taller after that conversation. It gave me greater confidence and more energy, since then it has been a marathon sprint! Thank you Dean.

- Whilst attending the Antwerp Bar - Opening ceremony of the Flemish Legal Year at the Palace of Justice and the Annual Dinner – October 2015. I received a text from a past President, Martin Allsopp – he mentioned that FIFA had just announced that Belgium had been ranked as the number one football team in the world. He said I thought I would share this with as it might be useful whilst your in Antwerp. An hour after receiving that text, I was invited by the President of the Antwerp Bar to speak at the dinner later that evening which was attended by over 800 guests including a number of international dignitaries. Martin's text, helped me get the largest cheers and applause that evening. Thank you Martin.

• Chris Owen and I were attending The National Local Law Societies Conference June 2015 at Celtic Manor in Newport. Just before the morning coffee break, an announcement was made that those Societies who wished to host the Conference in 2016, should inform the organisers. I looked to Chris, I said, I think we should go for it. The truth is we had not discussed or planned for this, this was very much a spur of the moment thing.

We also knew that if it was contested we would have to present to the delegates, and it would then go to a vote. Chris, was incredibly supportive – he said lets do it!

The truth is, if Chris had said no, I would not have proceeded with it. I spent approximately 30 minutes scribbling notes on the back of a napkin for the presentation. We beat stiff competition from a joint bid by two local law societies in London. What this demonstrated to me, was the very much can do and supportive approach. Chris thank you

• Final example – It was my first council meeting as President – many President's will tell you that chairing their first council meeting can be daunting – I asked Professor Bernardette Griffin, the Joint Secretary to sit next to me – I knew if there were any difficult moments Bernardette would be THE person to

have next me – Bernardette has been next to me from that very first meeting, to today. Bernardette, has been a great source of strength, wisdom, support. Thank you Bernardette.

I would like to thank my wonderful wife Samina for her patience, continued support throughout a very busy and incredibly demanding year.

The Future

I have every confidence in John Hughes our soon to be new President and Andrew Beedham our Vice President in maintaining the momentum and direction to make this Society more successful.

At the close of such an incredible year, I would like to say it has been a great honour and an absolute pleasure to have served you as your President and to be leaving a stronger, vibrant and more secure Society.

Thank you.

Mushtaq Khan
President
Birmingham Law Society

New President takes the helm at Birmingham Law Society

John Hughes has taken over the reins at Birmingham Law Society.

The banking lawyer, a consultant at Shakespeares Martineau, is the Society's 121st president and succeeds Mushtaq Khan.

A Liverpoolian by birth, John has been practising as a solicitor in Birmingham for more than 20 years. He was a partner at DLA from 1995 – 1999 and senior partner at Needham & James from 1999-2010; he also worked in-house for First National Commercial Bank and the former Midland Bank.

A widely respected lawyer, John is the author of 'Law of Property Act Receivership'; council member of the Non Administrative Receivers Association; and a member of the both the Society of Expert Witnesses and the Notaries Society. He is a regular lecturer on banking and receivership.

During his year in office, John has pledged to carry on the initiatives started by Mushtaq Khan, including developing closer ties with other professional bodies within Birmingham and the West Midlands. He is also keen to engage with both local and national politicians and will be arranging a number of meetings with local councillors and MPs during his year. John also aims to extend membership of the Society to other law societies in the region.

He said: "It is a great honour to be able to represent a great profession in a great city. I am very much looking forward to the challenges that lie ahead. The environment in which the profession is operating is changing rapidly and we



L-R: James Turner, John Hughes and Andrew Beedham take up their new offices at Birmingham Law Society

must ensure that we as a profession adapt accordingly but at the same time maintain the high standards of service and integrity which our clients rightly expect of us."

Taking over the role of vice president is Andrew Beedham of Clarke Willmott; James Turner of Tuckers Solicitors becomes deputy vice president.

Inez Brown, partner at Harrison Clark Rickerbys and Chaitali Desai, a solicitor at Weightmans, replace Professor Bernardette Griffin of The University of Law Birmingham and Ann Houghton of Anthony Collins Solicitors as joint honorary secretaries.

Birmingham Law Society Board



Eileen Schofield
Chairwoman

Eileen was President of BLS 2014/2015 and prior to taking up an Officer position was one of the Marketing Directors on the BLS Board.

Eileen set up Schofield & Associates in 2009 having trained and gained her experience in the employment team at Irwin Mitchell. Schofield & Associates is a niche employment law practice which advises on employment law matters across sectors and clients both nationally and internationally. Eileen advises clients in a range of sectors including the media, manufacturing, education, sport, hospitality, transport, travel and start up businesses.

In 2015 Eileen was invited to take up a non exec Director role with a company which works with the film and media industry. In her non exec position she has recently supported the business in opening its first US office in West Hollywood, LA.

In her role as Chair of the Board Eileen will continue the excellent work of the previous Chairs and in particular Chris Owen who has worked tirelessly to structure a team of Board members which supports the President and the BLS.

In her spare time Eileen keeps fit by cycling and is currently training for a charity cycle ride in Ireland from Giants Causeway to Blarney Castle; that's 950km over 6 days – watch this space for the 'just giving' page details



Ian Shovlin
Vice Chair

Higgs & Sons – Partner & Head of Personal Injury & Clinical Negligence

- Joined Higgs & Sons as an Articled Clerk (Trainee) in 1979, qualified as a Solicitor in 1981, became a Partner in 1988.
- Senior Partner from November 2003 to October 2013 during which time the practice enjoyed considerable growth and success including being named the Birmingham Law Society's Law Firm of the Year.
- HM Deputy Coroner of Hereford & Worcester (North) 1990 to 1997, Chairman of the Motor Accident Solicitors Society (MASS) 2002 to 2004 and President of the Birmingham Medico-Legal Society 2011 to 2013.
- I am currently the Law Society's Director of Claims Portal Limited and Vice-Chairman of the Board and a Marketing Director of the Birmingham Law Society.
- I enjoy good food and wine and spending time with family and friends.



Victoria Duddles
Staff Director

Victoria Duddles is an Associate in the Employment team at Weightmans LLP where she has worked for over 5 years. She has spent most of her legal career working in Birmingham. Victoria trained at Eversheds and after a brief spell working in London after qualification, returned

to Birmingham in 1996 to work for EEF West Midlands. Victoria advises on all aspects of employment law, predominantly advising employers, across a large variety of sectors. She regularly carries out employment law training and contributes to employment law articles.

Victoria has been a member of Birmingham Law Society's Employment Law Committee since 2009.

As well as being a qualified solicitor with over 20 years experience, Victoria is a Fellow of the Chartered Institute of Personnel and Development (CIPD) and sits on the Birmingham CIPD branch as Policy Advisor.



Bernardette Griffin
Learning and Development Director

Professor Bernardette Griffin is Board Director of Learning and Development and Chair of Education and Training at Birmingham Law Society and until May 2016 was Joint Honorary Secretary. Bernardette is a solicitor and academic. From 2001 to 2015 she was Regional Director of the University of Law (formerly the College of Law). Prior to that from 1998 to 2001 Bernardette was Chief Education and Training Officer at the Law Society of England and Wales where she was responsible for the regulation and development of legal education for England and Wales.

Prior to that Bernardette was Associate Dean at the University of Wolverhampton until 1998 where she was the author of numerous articles, conference papers and books as well as a legal practitioner and probate consultant. She has taught overseas in Hong Kong, Malaysia, Japan and Russia as well as in England. Bernardette is currently an External Education Consultant to various regulatory bodies and universities and is a non-executive member of the Policy Committee of the General Osteopathic Council.



Ben Henry
Membership Director

Ben is Membership Director on the Board, with responsibility for membership issues such as renewals, rates and integration, and with particular focus on growing the membership base into new firms and arenas. He is a founding member of the Student Committee and a former Chair, remaining involved in what has become a very dynamic and active committee.

In practice Ben specialises in white collar crime prosecutions and investigations, and is a partner at Jonas Roy Bloom in Birmingham.



John Hughes
President 2016
Ex Officio Member

John is Consultant with Shakespeare Martineau. He was Senior Partner of Needham & James for 10 years before the firm merged with Shakespeares in 2010. John has been on the Council and the Board for many years having previously held the position of Finance Director. He specialises in property

finance and regularly lectures on property receivership. John is also a Notary Public. He is married with 2 adult children and lives outside Stratford upon Avon.



Mushtaq Khan
Immediate Past President
Ex Officio Member

Mushtaq is immediate Past President of Birmingham Law Society and partner at national law firm Freeths LLP. Mushtaq is the national head of the social housing division and advises housing associations and local authorities.

He is a Board Member - Director (non executive) of Acclaim Housing Group. He is highly recommended as a leading lawyer in Chambers UK 2015 and recommended in The Legal 500 directory.

He was born, grew up, works and lives in Birmingham. Mushtaq is a keen hill walker, enjoys music and reading with a particular interest in biographies. In February 2015, Mushtaq and a number of lawyers took part in a play called The Exonerated at the Repertory theatre, Birmingham.



Dee Kundi
Sponsorship and Marketing Director

Dee Kundi, Commercial Litigation Partner at Veale Wasbrough Vizards, has significant debt recovery and commercial litigation experience ranging over a number of sectors, namely; Education, Healthcare, Local and Central Government, Financial Services, SME's and Commercial Businesses. She advises independent schools, colleges, universities, councils, financial institutions and companies ranging from major companies to SMEs on all aspects of managing their debt portfolio providing Litigation, Debt Collection, Recovery Services and Arrears Management to a broad client base. Dee is based in VVV's Birmingham office with a view to helping to continue to grow VVV's commercial litigation offering to clients nationwide.

In May 2014, Dee was appointed as Vice President of the ABCC, part of the Birmingham Chamber of Commerce and continues to sit on the Executive Committee board. Dee has also been a Council Member of the Birmingham Law Society since April 2015 where her role on the Council includes providing representation on the issues important to the legal community; engaging on consultation papers which are relevant to its legal members and arranging networking opportunities for members amongst themselves and with other professional groups.

Dee is an award winning lawyer winning the following awards; NatWest Bank Venus Awards Birmingham for 'Professional of the Year Award 2014'; 'Best in Legal Services Award 2015' at the 3rd Annual BI Awards 2015 in association with BDO and the 'Best in Debt Recovery Services 2015 - UK'; by Acquisition International Legal Awards.



Tony McDavid
Sponsorship and Marketing Director

Practice Director to No5 Chambers

Tony is the Practice Director to No5 Chambers who are the largest set of Barristers Chambers

in the UK with over 260 members of Chambers including 31 Queen's Counsel. He is Vice Treasurer of the Institute of Barristers Clerks and an active member of its national Management Committee. He sits on the Ethics Committee of the Bar Council. He sits on the national award committee of the Spinal Injuries Association. He is an executive and founder member of the West Midlands Irish Business Group.

He has been a participant in all of the major consultations affecting the legal profession over the last 20 years including QASA where he was a committee member for two years. He chairs the International Committee of the Birmingham Law Society where he actively encourages overseas business to invest in both Birmingham and the UK.



Dean Parnell
Finance Director

Dean is a partner of Sydney Mitchell LLP and jointly heads up the Dispute Resolution team at his firm. Dean has been Finance Director for the Society for the last 5 years. He was also President of Birmingham Law Society in 2010/2011 and he currently chairs the Dispute Resolution Committee.

Dean has been a solicitor for over 20 years and specialises in high value complex commercial disputes. He is also a qualified mediator who has mediated over 50 commercial disputes. Dean also acts as a supervising solicitor in relation to search orders. Outside of work Dean is married with two children and enjoys most sports (watching these days as opposed to playing!).



Laura Ralfe
Sponsorship and Marketing Director

Laura has devoted her career to assisting clients who have suffered a life changing injury, often having acquired their disability unexpectedly, and are in need of access to justice. Laura is passionate about clinical negligence achieving the very best outcome for her clients who have previously been let down by their treating clinicians. Laura is Chair of the Birmingham Law Society Student Committee and is also a member of the pro bono committee. She was a finalist in the Birmingham Law Society Legal Awards 2015 in 2 categories, 'Assistant / Associate Solicitor of the Year' and 'Corporate Social Responsibility and Pro bono Lawyer of the Year'.



Linden Thomas
BSG and BTSS Liaison

Linden joined the Birmingham Law Society Board in 2014 as the Liaison Director and is responsible for maintaining the relationship between Birmingham Law Society, Birmingham Trainee Solicitors Society and the Birmingham Solicitors Group. Linden is a solicitor at the University of Birmingham's Law School where she coordinates and supervises the School's pro bono work. She also chairs Birmingham Law Society's Pro Bono Committee.

Annual Award of Prizes

The Society has made the following awards: -

Gold Prize Winner

Sharonpreet Kaur Thandi, Anthony Collins Solicitors LLP, achieved a distinction with The University of Law.



Bronze Prize Winner

Aaron Bradley, DLA Piper UK LLP, and achieved a distinction with The University of Law.



Herbert Willison Prize

Helen Salmon from The University of Law. Helen gained a mark of 75% in her Criminal Law examination.



Silver Prize Winner

Alistair James Smith, Shakespeare Martineau. Alistair achieved a distinction with The University of Law.



Peter Nicholls Prize

Gregory Fearn from The University of Law. Gregory gained a mark of 83% in his Equity and the Law of Trusts examination and has obtained a training contract with Mills & Reeve.



50 years of Service

The following Awards were awarded to commemorate 50 years or more in legal practice to:

PETER MANDER
11/01/1966

DAVID DUMBLETON
11/01/1966

DAVID MESSENGER
11/01/1966

ARTHUR ATTWOOD
01/07/1965

JOHN RITCHIE
01/07/1965



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Winners crowned at Birmingham Law Society Awards 2016



Pinsent Masons was crowned Law Firm of the Year (16 partners or more) at this year's Birmingham Law Society Legal Awards.

The firm saw off strong competition from heavyweight rivals Browne Jacobson, Gateley, Gowling WLG and Mills & Reeve to win the coveted title.

The win marks a triumphant return to the awards for Pinsent Masons, which was last shortlisted in 2010.

In the Law Firm of the Year (5 – 15 partners) and Law Firm of the Year (up to four partners) categories there were wins for Thursfields and Neil Davies & Partners respectively.

This year, Birmingham Law Society introduced two new categories to recognise corporate and in-house legal teams.

The Corporate Team of the Year award was won by Eversheds, while Jaguar Land Rover picked up the award for In-House Legal Team of the Year.

In the individual categories there were awards for Liz Cooper of DWF (Trainee Solicitor of the Year), Kate Oliver of Gateley (Assistant/Associate Solicitor of the Year), Vinesh Mandalia of No5 Chambers (Barrister of the Year), Andrew Verlander of FBC Manby Bowdler (Chartered Legal Executive of the Year), Jaspreet Atwal of Anthony Collins Solicitors (Paralegal of the Year), Inez Brown of Harrison Clark Rickerbys (Partner of the



Gyles Brandreth

Year), and Greg Lawson of Pinsent Masons (Corporate Social Responsibility/Pro Bono Lawyer of the Year).

The winners were announced at an awards ceremony held at the International Convention Centre. More than 560 people attended the event, which was hosted by writer and broadcaster Gyles Brandreth.

Mushtaq Khan, president of Birmingham Law Society, said: "This year's awards were extremely hard fought with all categories well represented, demonstrating the strength and depth of legal talent we have in the region.

"The Legal Awards is not just about rewarding legal excellence; it is also about recognising the valuable contribution lawyers, law firms and other legal professionals make to supporting the local economy and the communities they serve."

In addition to the 12 award categories, a special Lifetime Achievement Award was presented to Professor Bernardette Griffin for her contribution to the legal profession over the past 30 years.

A qualified solicitor, Bernardette has spent the majority of her career working as an academic. After completing a Masters of Law at The University of Birmingham, Bernardette worked at The University of Wolverhampton and in 2001 was appointed as the first regional director of the University of Law (formerly the College of Law).

Bernardette has also occupied a number of voluntary roles within Birmingham Law Society, including joint honorary secretary, director of learning and development and chair of the education and training committee.

Mushtaq said: "Bernardette has been and continues to be a loyal servant of Birmingham Law Society. Her commitment and devotion to the legal profession during her long and distinguished career is exemplary and it is fitting that Bernardette's years of service are recognised with the Lifetime Achievement award."

Sponsors of this year's awards included Advanced Legal, Arthur J Gallagher, Birmingham Airport, Birmingham City University, BPP University Law School, Landmark Information Group, The Law Society, Midshire Business Systems, MMA Digital, No5 Chambers, Severn Trent Searches, St Philips Chambers, TitleSolv, Turkish Airlines, The University of Law, and The University of Wolverhampton.



Trainee of the Year
Liz Cooper, DWF Solicitors LLP

Sponsored by



Barrister of the Year
Vinesh Mandalia, No5 Chambers

Sponsored by



Lifetime Achievement Award
Prof. Bernardette Griffin

Sponsored by



Paralegal of the Year
Jaspreet Atwal, Anthony Collins Solicitors LLP

Sponsored by





Legal Executive of the Year
Andrew Verlander, FBC Manby Bowdler LLP

Sponsored by



Partner of the Year
Inez Brown, Harrison Clark Rickerbys Solicitors

Sponsored by



Assistant Solicitor of the Year
Kate Oliver, Gateley Plc

Sponsored by



Corporate Team of the Year
Eversheds LLP

Sponsored by



**Corporate Social Responsibility/Pro Bono
 Lawyer of the Year**
Greg Lowson, Pinsent Masons LLP

Sponsored by



In House Team of the Year
Jaguar Land Rover Ltd

Sponsored by





Law Firm of the Year (16 plus partners)
Pinsent Masons LLP

Sponsored by

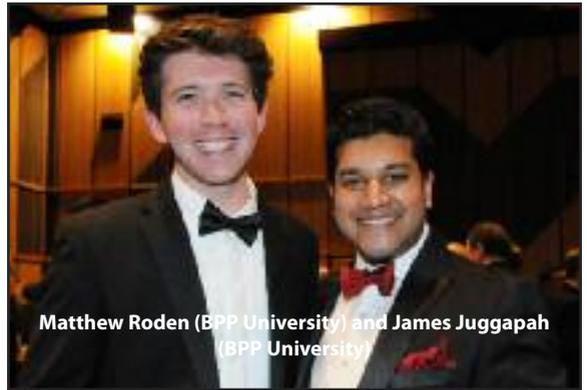


Matthew Roden (BPP University), Suzanne Todd (BPP University/St Philips Chambers), Liz Roddis (BPP University) Catherine Edwards and James Juggapah (BPP University).



Law Firm of the Year (5 to 15 partners)
Thursfields

Sponsored by



Matthew Roden (BPP University) and James Juggapah (BPP University)



Ashleigh Terry (Brighter Law), Jo Stevens (Arthur J Gallagher), Martin Webylove (Arthur J Gallagher) and Sally Gillum (Arthur J Gallagher).



Law Firm of the Year (up to 4 partners)
Neil Davies & Partners

Sponsored by



Jonathan Galbraith (PwC), Sophie Taylor (Squire Patton Boggs), Victoria Teacock (Squire Patton Boggs) and Nick Green (Squire Patton Boggs).



Mushtaq Khan and the Neales



Mushtaq Khan



The Neales



Carl Deane (Midshire Business Systems), Kirsty Deane, Donna Reid (Midshire Business Systems) and Lisa Humphries (Midshire Business Systems)



Abid Mahmood (No5 Chambers), Vinesh Mandalia (No5 Chambers) and Raj Mandalia.



Tom Kollen (Gruhme), Chris Goodwin (TitleSolv), Chris Taylor (TitleSolv) and Denise Morris (Tag Network Midlands).



Sam Nicholls (Intelligent Office), Andrew Beedham (Birmingham Law Society DVP) and Gyles Brandreth (guest host).



John Lloyd, Tracey Allsopp, Chris Owen, John Hughes and Rav Hothi (The Law Society)



Peter Cooke (Cornwall Street Chambers), Tony Rollason (Landmark Information Group), Paul McCluskey (Lloyds Bank), Darren Riley (Lloyds Bank), Neil Mcroft (CBTC) and Jason Nash (Lloyds Bank).



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BLS Networking Event



Mushtaq Khan of Birmingham Law Society, Neelam Alvi of Wesleyan, James Gartland of Estate Research.



Yvonne Field of DBS Law Angelina Aitan and Phil Storey of Bailey Wright & Co



Simon Everington, Zoe Smith, Shay Williams and Lauren Kelly of Irwin Mitchell Solicitors



Carrie Johnson, Lucy Walker and Becky Knott of Barker Brettell LLP



Matthew Smith, Nick Little and Ashleigh Carr of Irwin Mitchell Solicitors



Nicola Caton, Katherine Raison, Sally Essex and Laura Willis of Irwin Mitchell Solicitors



James Juggapah of BPP University of Law, Ramya Nagesh of No 5 Chambers and Matthew Roden of BPP Law School



Iwan Thomas of Iwan Thomas Associates, Jeremy Walker of JMW Associates, Ben McCosker and Trevor Jones of Parklands Legal Services



Sandy Owen of Lewis Onions Solicitors, Jonathan Pyke of RBS, Stuart Turner of Lewis Onions Solicitors and Tobias Hayes of Waterside Legal LLP



Ruman Kaur, Sharon Satungo and Katie Gowans all of Mayflowers



Jason Hadden, Mushtaq Khan, President BLS and Martin Allsopp, Past President BLS



Tinovimba Gwata of BPP, Hera Shaikh of BPP and John Allchin of Cartwright King



Birmingham Law Society Debating Competition

The winners of the Birmingham Law Society Debating Competition were Yasmin Bhaiyat, Mark Tracey and George Croft of the University of Law after a hard fought final against Birmingham City University, represented by Lorenza Nogueira, Jack Rogers and Dominique Owen.

The final took place on 23rd March 2016 and the judges were Mike Burrows QC at No 5 Chambers, John Hughes, Vice President of BLS and consultant at Shakespeare Martineau, John Randall QC at St Philips, Ian Forrest, consultant and former senior partner at Squire Patton Boggs and Chaitali Desai, solicitor of Weightmans.

The topic for debate was: 'This house believes that a properly funded and organised system of legal aid is a fundamental requirement of a decent, just and progressive society and one of the foundations for the rule of law. Pro bono should never be a substitute for that, and nor should it try to be'.

The University of Law team argued very persuasively in favour of the motion, whilst their opponents put forward convincing arguments in response. Both teams responded impressively to some tough questions from the judges before the eventual winners were announced.

The Debating Competition is organised each year and sponsored by No.5 Chambers who also provide the trophy; whilst the final is kindly hosted by Squire Patton Boggs. To reach the final, both teams were required to win their (respective) internal debating competition before proceeding to the semi-finals. These are held at the University of Law and Birmingham University. BCU were successful against BPP, but the UoL won the second semi-final by default after the Birmingham University team withdrew late in the day.

The debate questioned whether the United Kingdom should leave the EU and was judged by Chaitali Desai, Steven Jonas and Kamran Lone. As with the judges for the final, we are very grateful for them in giving up their valuable time to assist in the competition.

The winning finalists of Mark Tracey, Yasmin Bhaiyat and George Croft are to be presented with their trophy at a presentation ceremony at No.5 chambers on 26th April and many congratulations to them on their success.

Amanda Powell
Associate Professor
University of Law



Birmingham Legal Walk 2016

The Midland Legal Support Trust (MLST) would like to invite you to join them for the 2016 sponsored Birmingham Legal Walk on Monday 6 June from 5:00pm.

The annual 10km walk around the sights of Birmingham takes place after work and will raise funds for local legal advice charities to support their work in helping vulnerable people in desperate need of advice.

Sign up your team now

All we need is the name of someone in your organisation! Teams can be any size and there is no registration fee.

Register a team at www.mlst.org.uk and we will send you some additional information and create a fundraising webpage for you.

Anyone can join the walk so we look forward to welcoming any friends, family, colleagues and pets!

P.S. Remember, if you are...

- a legal advice agency
100% of the funds you raise can be kept by your charity!
- a law firm or chambers
you can raise 50% for your favourite legal advice charity and 50% for the MLST by telling us which partner agency you want to raise for.

More information can be found on our website
www.mlst.org.uk



Free Will Writing Service Offered In Stoke-On-Trent

Midlands Air Ambulance Charity has partnered with leading Stoke-On-Trent-based legal firm, RJS Solicitors, to offer a Free Will Writing Service to the public.

Midlands Air Ambulance Charity has partnered with a network of solicitors across the six counties covered by the organisation, which includes Rutherfords LLP in Tamworth and most recently RJS Solicitors.

The charity responds to on average 2,000 incidents each year, with four in every ten missions funded through a gift in a Will. The new Free Will Writing Service, in conjunction with RJS Solicitors has been developed to raise awareness of how vital this type of fundraising is and what a significant part it plays in saving lives.

Jason Levy, fundraising and marketing director for Midlands Air Ambulance Charity, explains: "Donations through a Gift in a Will play an ever increasing part in how we fund our life saving service. We want to ensure people across the Midlands that are considering making or updating their Will are able to do this without any cost. The service is available to everyone aged 55 and over, regardless of whether they are supporters of the charity or not. To enable us to do this, we have partnered with a number of leading firms within the Midlands, including RJS Solicitors in Stoke-On-Trent.

"Those that do decide to use the Free Will Writing Service and leave a gift, no matter how large or small, can take great comfort in knowing their legacy will be saving lives for many years to come."

Sarah Dean from RJS Solicitors, adds: "A Will is a very important document as it ensures a person's assets and belongings go to those they care about the most. It is also an opportunity to leave a gift to a good cause, such as the Midlands Air Ambulance, which relies so heavily on legacies to fund their life saving missions, so we are delighted to be working in partnership with the charity to offer the Free Will Writing Service."

The charity's Free Will Writing Service is available to those aged 55 and over. To find out more and to request a free leaflet about the service, please contact Midlands Air Ambulance Charity on 0800 8 40 20 40 or visit www.midlandsairambulance.com. To contact RJS Solicitors directly, call on 01782 646320 or visit www.rjssolicitors.com

Birmingham Law Society Vs West Midlands Police

Tuesday 28 June 2016
from 6.00pm followed by a buffet
West Midlands Police Sports & Social Club
Tally Ho!
Pershore Road, Edgbaston, Birmingham, B5 7RN

Cricket season is upon us - please join the team!
But if you are dibly-dobbly and don't know your bouncer from your yorker you should still come and join us to support the team! 6.00pm - Cricket game followed by buffet hosted by West Midlands Police

**If you are interested in playing please email:
events@birminghamlawsociety.co.uk**

Changes at Silks Solicitors in Oldbury

The Board of Silks Solicitors Limited have taken the decision to leave the Quality Solicitors brand and to trade as 'Silks Solicitors', with effect from 1st May 2016.

These are exciting times for the firm. Karen Silk, Kevin Jones and Martin Thomas will continue to be the Directors.

Two significant promotions have been made with effect from 1st April namely that Mrs Elisabeth Whybrow has been appointed as the head of the private client department and Mrs Amarjit Chohan has been appointed head of the residential conveyancing department. Both Mrs Whybrow and Mrs Chohan have been associated with the firm for a significant period of time and their appointments reflect the experience and levels of service that they bring to their clients.

Silks Solicitors have been based in Oldbury for 63 years and have very close relationships with individuals, businesses and organisations throughout the local community and further afield.

Karen Silk the current Managing Director said 'our firm was founded by my father John Silk some 63 years ago and its traditions are well established within the community. We are really looking forward to continuing to develop our business in order to actively serve the community that has always been so loyal to us.'



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In conversation ...

Andy Street, Managing Director of John Lewis and Chair of the Greater Birmingham and Solihull Local Enterprise Partnership talks to Julia Baskerville...

Andy Street has spent his entire career at the John Lewis Partnership, joining after graduating from Oxford with a degree in Politics, Philosophy and Economics in 1985. Andy worked in a variety of roles in department stores and manufacturing units before being appointed Managing Director of John Lewis in Milton Keynes in 1993, moving to the Bluewater store in 1998. Andy joined the Partnership Board in 2002 as Director of Personnel and in 2007 took over at the helm as MD of the John Lewis.

In the past nine years, John Lewis's gross sales have increased in excess of 50% to over £4bn. It has opened 18 new shops, and the johnlewis.com business has seen annual sales of over £1bn making the department store one of the UK's most respected and successful retailers.

Andy says that his role as Managing Director has just three key elements. Firstly he is involved in the recruitment and selection of employees, and along with this training, developing and encouraging the staff. Secondly he is involved in the strategic decisions made by the company and finally, representing the John Lewis brand in the media. Andy says that he fully understands the long term value of the media and after undertaking some media training, he says he has come to love this aspect of his role, adding "The media, in whatever form, presents a wonderful opportunity to sell our story."

Andy believes the success of John Lewis can be attributed to a number of factors. He says: "Firstly we understand the internet and online trading, and were quick to see the potential of "Bricks and Clicks". Now 40% of John Lewis's purchases are made online and in the period running up to Christmas 2015, John Lewis were the third highest online retailer after Amazon and Argos." The business has also embraced the opportunities presented by social media. Andy says "The launch of our christ-



mas advert is always a significant event in the run up to Christmas, and in previous years this was viewed evenly between television and online. In 2015 this changed dramatically to 90% of customers viewing the advert online."

Andy says there is no such thing as a typical John Lewis customer, he adds: "They are anything between 25 and 85 and have a variety of backgrounds and income levels. However, what does unite our customers is a set of attitudes - they value service, honest pricing and good service on the front line."

"They are anything between 25 and 85 and have a variety of income levels. What does unite our customers though is a set of attitudes - they value service, honest pricing and good service on the front line."

Andy is also Chair of the Greater Birmingham and Solihull Local Enterprise Partnership. He says that having a brilliant team at John Lewis affords him the opportunity to be involved with the LEP and he has learnt a huge amount during his tenure. Andy says that the LEP offers a huge amount of practical advice and assistance to business in the Greater Birmingham area, and for small businesses the Growth Hub offers the information and advice they need to innovate and expand. Andy adds "We offer support in many different forms, but the LEP is relevant to all firms whether large or small"

Andy was raised in Birmingham, but not born in the city. He

“The Town Hall is not only a fabulous building which is at the centre of municipal life, it is also the beating heart of Birmingham offering a variety of performances and truly is magical.”

says “I was born in Banbury, but my parents moved to Birmingham when I was around six months old, but I do consider Birmingham to be home.” Andy says that there have been many changes in the city during his lifetime. One of the most obvious is the physical change, but says there are two far more significant changes. Firstly, the demography has changed and Andy adds “Birmingham has become genuinely one of the most inclusive and diverse cities in the world.” Secondly, Andy believes there has been a significant shift in attitude: “During the late 1980s the feeling within Birmingham was depressing, downbeat and a lack of confidence. This has changed, there is now a feeling of optimism and there is clarity in our vision. There had been an over-reliance on the manufacturing sector, which is still important, but the city has diversified and one of our real strengths is the business, professional and financial sectors. We now have much great confidence and the recent

investments and re-locations, such as HSBC are symbolic to the regeneration of the city.”

This new-found optimism is reflected in the city’s buildings and developments and Andy found it difficult to choose his favourite building. He says that the IKON Gallery is beautiful and the perfect example of re-utilising a once-derelict building. Similarly the re-development of the Grand Hotel is symbolic in bringing the city back to life. Andy finally opted for the Town Hall. He says “The Town Hall is not only a fabulous building which is at the centre of municipal life, it is also the beating heart of Birmingham offering a variety of performances and truly is magical.”

Looking ahead to the Referndum in June, Andy’s personal view is that the United Kingdom should remain within the European Union and believes that to leave would have an impact on the economy. He says “I do understand why some people have lost confidence in the EU, but we have had the best of both worlds and have been able to trade successfully in Europe, without having to join the Eurozone. This would be jeopardised if we vote to leave and nothing damages more than uncertainty.”

For a busy man, heading up one the UK’s biggest retailers, Andy has very simple tastes when it comes to relaxation. “I go to Wales, I walk in Snowdownia and do some gardening, that’s it, I go to Wales.”

Julia Baskerville

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Legal Indemnity Insurance

Gateley Plc CEO wins Inspiring Leader award

The UK's first publicly-quoted law firm, Gateley Plc, is celebrating success following an award win for its chief executive officer (CEO), Michael Ward.

CEO and Corporate partner, Michael Ward, won the 'Inspiring Leader' award at the Birmingham Young Professional of the Year Awards 2016. The awards celebrate the rising stars of business and professional services in Greater Birmingham.

Michael Ward said: "At Gateley, we take huge pride in nurturing talent – creating an environment where people can develop their skills and careers, and form strong relationships with their colleagues and clients. It's an honour to have won the Inspiring Leader award at an event which celebrates the work of exceptional young professionals in the region."

Described as a "true pioneer", Michael has been at the forefront of Gateley's transition from traditional partnership to a publicly quoted commercial law firm. In June 2015, Gateley Plc became the first UK commercial law firm to be admitted to the AIM market of the London Stock Exchange.

Since being a plc, Gateley Plc has opened a Reading office, and has been joined by a number of senior appointments, boosting its service offering. In addition to this, Michael has been commended for his work as an advocate for Birmingham and the region.

Michael is the current holder of the Law Society Gazette 'Personality of the Year' award, and has been named in Insider's Power 100 and the Birmingham Post's Power 250.

He has been at the forefront of Gateley's success over the past 15 years, including the firm's historic IPO. Michael became partner in 1988, senior partner in 2001 and is now CEO of Gateley Plc.



Gateley Plc works through a network of seven English offices based in Birmingham, Leeds, Leicester, London, Manchester, Nottingham and Reading.

In April Gateley announced its acquisition of tax-specialist Capitus, now Gateley Capitus. This is the first acquisition since the firm became the first UK-based law firm to float on the AIM market of the London Stock Exchange.

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Experienced Commercial Litigation Team appointed at Trowers & Hamlins

Trowers & Hamlins, international law firm, has strengthened its Dispute Resolution and Litigation Team based in Birmingham by appointing three senior commercial litigators.

Helen Briant, Mark Kenkre – long-standing colleagues currently part of the Commercial Litigation Team at DWF in Birmingham – have joined as Partners in Birmingham’s Dispute Resolution and Litigation Team with Keith Mills also joining as a Consultant.

Helen’s focus throughout her career has been on international litigation and arbitration and disputes in the engineering, aerospace, and chemical sectors. She has also advised clients on probate and trust matters as well as delivering expert counsel to public sector bodies on issues including inquests and judicial reviews. In 2014, Legal 500 described Helen as ‘one of the best in the business’.

Mark’s specialisms include commercial litigation on complex fraud disputes acting for organisations subject to both external and internal fraud. He is a Director of the Midlands Fraud Forum and a member of the Fraud Advisory Panel. Mark’s work in the fraud sector has taken him to the Middle East and

Turkey. He is also a regular media commentator on mainstream fraud matters including mortgage fraud and asset recovery.

Keith brings 40 years’ experience in litigation to Trowers & Hamlins, most recently as Head of Dispute Resolution, Birmingham at DWF, managing over 20 lawyers. He has significant expertise in commercial dispute resolution and Alternative Dispute Resolution not only in the UK but also in the USA, Bahamas and across Europe. Keith was appointed by The Charity Commission as receiver and manager of a variety of charities and as trustee of some family trusts.

Anthony Yates, Partner and National Head of Dispute Resolution and Litigation at Trowers & Hamlins, commented: “We are looking for excellence and experience in our lawyers, whose sole purpose is to offer the finest service to our clients. Keith, Mark and Helen exemplify these qualities and it is a genuine pleasure to welcome them to Trowers & Hamlins. An already strong and dynamic team, they bring over 65 years’ legal expertise in dispute resolution and litigation. We look forward to drawing upon their considerable skills to enhance our Birmingham team.”

Double seal of approval for law firm

Leading law firm Harrison Clark Rickerbys has been given a double seal of approval, for both its approach to clients and its approach to its own staff.

The firm is accredited by Lexcel, the Law Society’s quality mark for excellence in legal practice management and excellence in client care, and has also received praise from Investors in People for its “total commitment to client care”, its “open and honest culture” and its “modern and ambitious approach”.

Assessor Barbara Marsh said in her report: “I was impressed by the positive attitude of your people. New arrivals were complimentary about their induction, the welcome they received and the training they are undertaking.” She noted that the firm was “committed to quality and client care at every stage of the process, from the initial meeting with the client through to the end of the matter,” focusing on “growth for tomorrow whilst remaining to give excellent service today.”

Caroline Irvine, the firm’s compliance partner, said: “We are really delighted with the comments – Investors in People is an important standard for us to hold ourselves to, and the assessment highlighted plenty of areas of good practice on which we can build. We know that in order to give our clients the best service, we need to invest in our staff.”

Harrison Clark Rickerbys has 400 staff and partners based at offices in Worcester, Cheltenham, Hereford, the Wye Valley, Birmingham and the Thames Valley, who provide a complete



Caroline Irvine

spectrum of legal services to both business and private clients, regionally and nationwide. The firm also has a number of highly successful teams specialising in individual market sectors, including health and social care, education, agricultural and rural affairs, defence, security and the forces, and construction.

Are you protected?

BLS recently unveiled a new logo which is now being used on the Society's literature and website. But what if a competing society began using an identical or a similar logo? What if, as a result, the public confused this society for BLS? Registered trade mark protection provides BLS with the rights to prevent this from happening.

A brand identity can be an invaluable asset as it enables your customers to recognise your products and services, and it is therefore important to get the right legal protection. There are many aspects to think about when selecting and protecting your brand and, as with any other business matter, it is important to get professional advice. BLS have entrusted Forresters, a specialist patent and trade mark attorney firm, with the registration and management of their latest trade mark.

I have put together a few useful words of advice for anyone who is new to the trade mark world.

What is a trade mark?

A trade mark's purpose is to indicate the origin of goods and services to enable the public to distinguish your goods and services from those made available by other traders. A trade mark is an important tool for creating a brand identity, with the most popular types of marks being word marks, such as KitKat, and logo marks such as the Nike 'swoosh'.

Why register your trade mark?

A trade mark right provides the proprietor with a right to prevent others from using that mark in respect of particular goods and/or services.

Ultimately, you want to prevent third parties from using or registering an identical or confusingly similar mark. Although you may enquire unregistered rights through use, your case will be much stronger based on registered rights.

A registration defines the scope of your legal rights and without a registration, you will need to prove your rights to the relevant Court, which is generally a costly and lengthy process. We therefore encourage our clients register their important marks, including business names, main brands and sub-brands.

Before filing your application

A clearance search is highly recommended starting use of a new trade mark. The search will determine whether it is legally and commercially safe to use your mark based on other prior registered rights and, as a result, will establish whether it is worthwhile to proceed with an application.

Application

Trade mark rights are limited by territory meaning you must apply to register your mark in the places where you would like to prevent use by a third party. Protection in a single territory such as the UK or US is available, as well as an EU-wide application which covers all 28 EU member states.

The application will list the goods and/or services on or in connection with which you intend to use the mark, thus defining the scope of the protection you are seeking.

After registration

It is important to keep a track of new marks which are being applied for, as some may be too close for comfort to your registered mark. A watch service informs you of possibly

conflicting marks to give you the option of opposing application to prevent them from reaching registration and also to request that the applicant ceases use of the mark.

You must also put your mark to genuine use to ensure your registration remains valid and effective.

Rebranding or expanding?

As your business evolves it is possible that you will venture into new territories or undergo a rebrand, and it is vital that your trade mark portfolio is updated to reflect these changes. A review of your portfolio from time to time is recommended as this will highlight any gaps that need addressing.

Please feel free to contact a member of Forresters' trade mark team, situated in the Colmore Business District, if you would like to discuss how to build or strengthen your trade mark portfolio, or those of your clients.

Anne Long
Trainee Trade Mark Attorney,
Forresters
0121 236 0484

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Regulation Report

COLPs, COFAs & sharing the blame

There has been a long review period within which the SRA has concentrated on simplifying the Code of Conduct and Accounts Rules, but it would seem that the roles of the two reporting officers - COLP and COFA - are here to stay. There was, however, a suggestion that the roles might have been abolished for small firms - sole practitioners most obviously - shortly after Paul Philip, the current Chief Executive of the SRA, took up his post in 2014. Commenting at the time Mr Philip announced that one of the issues then to be addressed was whether insisting that smaller practices should have to nominate their COLP and COFA or "whether it's overkill". In the end the SRA opted to retain both roles but instead to simplify the nomination process for solicitors.

The two roles have their origins in the Legal Services Act 2007 which required a "head of legal practice (HOLP)" and also a "head of finance and administration (HOFA)" for the new forms of non-lawyer concerns - alternative business structures - which became possible under the Act. In due course, HOLPs and HOFAs became COLPs and COFAs and, crucially, the SRA chose to extend the requirement for the roles to all of the practices regulated by them, in other words "authorised bodies" (law firms, however constituted, and sole practitioners) as well as "licensed bodies" (ABSs) as required by statute.

Almost as soon as the need for reporting officers arose concerns were then expressed that the appointments would personalise the duties of compliance to too great a degree. So far as the COFA is concerned, therefore, a guidance note was added to rule 6 of the SRA Accounts Rules stressing that the obligation to appoint a COFA was "additional to, not instead of, the duty of all principals to ensure compliance". Likewise, guidance note vii to Rule 8 of the SRA Authorisation Rules states that, notwithstanding both appointments, the firm and its principals "remain fully responsible for compliance".

It is also commonly overlooked that there are more general duties to report financial difficulties and serious misconduct at outcomes 10(3) and (4) of the Code of

Conduct, as illustrated by a recent report of disciplinary action emerging from an intervention by the SRA. Khalid Shahjahan had been a non-executive director of the Yorkshire firm Legal Development Partners which was the subject of an intervention in 2013. Despite evidence of his lack of direct involvement in the management of the practice and the fact that he was a non-executive director of the practice, the SRA alleged "a number of areas of default", including breaches of the Accounts Rules and failure to report serious misconduct. Mr Shahjahan entered into a Regulatory Settlement Agreement with the SRA and agreed to a fine of £2000 plus £5,000 costs.

The point to stress is that the duty to be open with the regulator and the Legal Ombudsman, as found at Principle 7 in the Handbook, extends beyond the reporting officers: non COLPs and COFAs please take note. It is also worth a reminder in the same context of the strict liability imposed by Rule 6 of the SRA Accounts Rules upon principals to ensure compliance with the Rules regardless of personal culpability.

Finally, recent research suggests that an over-emphasis of the obligations of COLP and COFA to ensure compliance within their firms may have produced unwelcome consequences. A research project undertaken by Dr Steven Vaughan of Birmingham Law School concluded that the appointments had led to "insourcing" of professional compliance issues to the compliance departments in larger firms and a "striking lack of awareness" of professional principles on the part of others within the firm.

We might therefore hope that the imminent availability of simpler and more accessible regulation might enable firms to revisit their training programmes and ensure greater general awareness of professional compliance issues, thereby reducing the undue emphasis on the roles of COLPs and COFAs that was always likely as soon as they were appointed.



Jayne Willetts
Solicitor Advocate
Jayne Willetts & Co
*Specialists in
professional regulation*

It is also worth a reminder in the same context of the strict liability imposed by Rule 6 of the SRA Accounts Rules upon principals to ensure compliance with the Rules regardless of personal culpability.

Jayne Willetts is also a director of Infolegal - a law firm compliance and risk management consultancy - www.infolegal.co.uk

Pro Bono Noticeboard

International pro bono Birmingham barrister provides human rights training in Kenya

In March 2016 Mark Jones (St Ives Chambers) travelled to Kenya to facilitate human rights training with Peace Brigades International, together with Joanne Cecil (Garden Court Chambers) and a lawyer from Dubai. The training was attended by 28 prosecutors

from the Office of Director of Public Prosecutions (ODPP) as well as additional representatives from Independent Policing Oversight Authority (IPOA).

The training aimed at increasing awareness of human rights amongst prosecutors. It featured presentations from Nairobi-based human rights defenders from Bunge la Mwananchi and Mathare Social Justice Centre as well as freedom of expression campaigners Article 19.

Issues that were addressed during the week included advocacy and trial preparation, their impact on prosecutorial decision making and their effect on everyday Kenyan cases whilst referring to international norms, conventions and best practice.



Exciting opportunity – Oxfam Twinning Programme

Following the successful launch of Oxfam's twinning programme in March, they are still actively looking for people who want to become a 'twin' with a lawyer from a developing country. This is an exciting opportunity enabling you to share professional experiences and gain valuable insight into other legal systems. The Lawyers twinning project aims to create a community of lawyers across borders, interested in developing personal and professional relations, as well as helping in the fight against poverty.

For more information on the project get in touch with pascalebird@btinternet.com

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If you would like to know more about pro bono in Birmingham you can contact the committee at: probono@birminghamlawsociety.co.uk

Birmingham Law Society

Learning & Development



CONVEYANCING LAW UPDATE

Date: Wednesday, 1 June 2016
Time: 13.00 registration, 13:30 – 16.30 seminar
Venue: Clarke Willmott
CPD: 3 Hours CPD
Fees: member £99 + vat, non-member £115 + vat
Speaker: Richard Snape

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 the Law Society's guidance on the consumer protection from unfair trading regulations seems to abolish the principle of caveat emptor.

Topics covered include:

- Law Society Guidance on consumer protection from unfair trading regulations
- Recent cases on identity fraud
- Third party liability in the light of the Court of Appeal decision in E-surv v Goldsmith Williams 2015
- Changes to the CML Handbook
- Changes to Right to Buy in England including the Housing and Planning Bill 2015-16
- Recent case law
- SDLT changes in relation to buy to let and second homes
- Recent case law on which searches to make and limiting the retainer
- Case Law on Architects Certificates
- Help to buy ISAs
- Any other current topics for 2016

Richard Snape is a consultant with Davitt Jones Bould, the largest niche real estate firm based outside of London. Richard is a renowned speaker on all aspects of Real Estate Law and he lectures nationwide to a wide audience including local law societies, solicitors firms, local authorities and government departments. As a specialist speaker to property lawyers and property professionals, Richard has a reputation for delivering practical advice in an entertaining and engaging way.

This event is kindly sponsored by Landmark Information Group

CLIENT CARE & TIME MANAGEMENT

Date: Wednesday, 29 June 2016
Venue: Shakespeare Martienau
Fees: 1 course: £50 + vat, 2 courses: £80+ vat, 3 courses: £100 + vat
Speaker: Doug Robinson, Kinch Robinson

Smart lawyers know that what differentiates them from the competition, and brings success, is not their legal knowledge - it's their skills. This is reflected in the new Competence Statement which is divided into four sections – and only one of those is related to technical legal practice.

The sections cover:

- A. Ethics, professionalism and judgement
- B. Technical legal practice
- C. Working with other people
- D. Managing yourself and your work

The SRA have set out in their guidance the process they expect solicitors to undertake in relation to the new CPD regime. Solicitors are asked to 'reflect' on their practice to identify any learning needs and source suitable CPD learning activities to address those needs.

To help our members sharpen their skills we've teamed up with Kinch Robinson to offer you a portfolio of short courses covering some of the skills in the Competence Statement. We understand that busy lawyers can struggle to attend long courses so the training has been specifically designed to deliver maximum impact without eating too much into your day. Courses range from 60 minutes to 3 hours.

*** WEBINAR***

PLANNING RISKS IN CONVEYANCING

Date: Wednesday, 25 May 2016
Venue: WEBINAR
Times: 14.00 - 15.00 Fees: FREE
Speaker: Philip Hill, Landmark Information Group

Planning Risks In Conveyancing

Nobody wants to buy a property only to find soon afterwards that there is going to be a development which could severely affect the use and enjoyment of the property as well as its value.

Solicitors have always carried out local authority, CON 29, searches - but these provide very little information outside of the subject property.

This session provides conveyancers with the latest planning policies and legislation, planning changes and their potential impact on homes and businesses.

It will also demonstrate how to provide clients with information and advice that will assist in their understanding of planning issues.

Programme content

- § Understanding planning issues in residential/commercial transactions
- § Planning policy and legislation
- § Planning information available – applications, land use designations
- § Planning case studies
- § How Landmark planning reports can help you and your clients

NEW APPROACH TO CONTINUING COMPETENCE (SRA BIRMINGHAM)

Thursday 2 June 2016 12.00 to 13.30

SRA Offices Birmingham

SRA Speaker: Richard Williams, Policy Associate

Have you adopted the new approach to keeping up to date?

Come along to our free event at our offices in Birmingham on 2 June and get helpful advice on adopting the new continuing competence approach.

This new scheme allows you to reflect on your work and any training needs you might have. It comes in on 1 November, after which our old CPD requirements of 16 hours will no longer apply.

This practical event will help solicitors and firms who have not yet moved to the new approach to training. It offers information on how our toolkit can help you and how others took up the new scheme.

You will be able to ask questions on how you can adopt this either as an individual or firm, how it can align it with your firm's existing systems and what you need to do to comply.

Solicitor Laboratory honoured by Queen for world's fastest DNA tests

Paternity disputes can be extremely distressing and cause difficulties when it comes to making agreements concerning custody, child maintenance payments and contact arrangements.

DNA tests are an effective way of ending doubts so all parties have the evidence they need to move forward. When choosing a DNA test provider, it is important to select a company which offers accuracy, speed and discretion at a competitive price.

AlphaBiolabs offers DNA test results the next working day as standard, making them the fastest in the world. Their efficient approach to DNA testing has now seen the UK-based laboratory honoured by the Queen with an award which was announced on her 90th birthday.

AlphaBiolabs has won a Queen's Award for Enterprise in Innovation for developing a fast DNA testing method. The Queen's Awards scheme is regarded as the UK's most prestigious business awards and each year the winners are announced on the Queen's birthday.

Based in Cheshire, with nationwide Walk-in Centres, AlphaBiolabs works with family law firms all over the UK, carrying out DNA tests for clients who need to establish the paternity of a child. The firm is accredited by the Ministry of Justice to carry out parentage tests as directed by the Civil Courts in England and Wales under Section 20 of the Family Law Reform Act (1969) which means the samples follow a strict chain of custody so the results are suitable to be used as evidence during court proceedings if necessary.

Company offers speed and reliability

Commercial director Rachel Davenport said: "We are delighted to have won a Queen's Award for Enterprise and so pleased that our efforts to offer fast, accurate DNA testing have been recognised. Waiting for DNA test results can be frustrating at times as the result can often change the direction of a case so we have worked hard to make the process as efficient as possible."

"At AlphaBiolabs, we understand the pressure of meeting tight deadlines and preparing evidence in time for important court dates. We offer results the next working day as standard, which is the fastest in the world and we also offer a same day service for legal DNA tests if required."

The company handles all of its testing in-house, and maintains a strict chain of custody for all legal DNA, Drug and Alcohol tests to protect the integrity of each and every sample. It was also the first UK based laboratory to use 24 markers for paternity testing, again ensuring accurate results.

AlphaBiolabs began offering next day results as standard as a result of its work with the Jeremy Kyle Show and local authorities. They are the only company trusted to carry out DNA tests for the ITV show and the team developed a streamlined analysis method so it could provide the programme with results in just five hours after receiving the samples.

Holiday Pay

Voluntary overtime, standby and call out payments to be included in the calculation of holiday pay for the 1st 20 days of annual leave

In **White & Others v Dudley Metropolitan Borough Council** [2016] 1300537/2015 the Midlands West Employment Tribunal have just ruled that in calculating the amount of holiday pay that an employer pays to its workers, it has to include payments for voluntary overtime, voluntary standby and voluntary call out payments, providing that work has been undertaken with sufficient regularity to have become part of the worker's normal pay.

The case concerned 56 workers who were employed by Dudley MBC as specific and multi-skilled tradesman, who were engaged in the repair and maintenance of the Council's housing stock. All of the employees worked a standard 37 hour contract, with some also working 2 or 4 hours additional contractual overtime. The Council calculated their holiday pay based on those core contractual hours (ie basic pay) only. In addition to those hours the employees worked additional voluntary overtime (often at weekends) and, again on a purely voluntary basis, joined a one in four or five week rota in which, when their rota week came round, they remained on standby for out of hours emergency work and if necessary call out if emergency work was required during those hours. The workers would then be paid an additional payment for all voluntary work, standby out of hours and call outs that they undertook. In addition, some were paid a mileage allowance for trips between jobs. Those payments consisted of the cost of the trip plus an additional sum which was taxed as a benefit in kind. The Council excluded all of the additional payments from their calculation of holiday pay, on the grounds that it was not contractual pay. They argued that there was no contractual obligation to do the extra work and as the work was voluntary, it could not be said to have derived from their contracts.

There are three types of holiday leave. The first type is holiday leave under regulation 13 of the Working Time Regulations, which implements Article 7 of the Working Time Directive. It relates to the first 20 days of annual leave that a worker has in any leave year. The second type of holiday leave is under regulation 13A of the Regulations. This covers 8 additional days, essentially the bank holidays. The last type relates to any extra days that a worker may have under their contract. Both regulation 13A and purely contractual days are to be determined by s221-224 of the Employment Rights Act 1996 and relate to work done under the contract of employment. Purely voluntary work cannot be said to be under the contract of employment, so this case concerned the first 20 days' leave only, under regulation 13 of the Working Time Regulations.

The starting point is that workers must be paid their normal levels of remuneration during their rest periods or annual leave. **Article 7 of Working Time Directive** 2003/88/EC states:

Annual leave

Member States shall take the measures necessary to ensure that every worker is entitled to paid annual leave of at least four weeks in accordance with the conditions for entitlement



by Jonathan Gidney
St Philips Chambers

to, and granting of, such leave laid down by national legislation and/or practice.

The Working Time Regulations 1998 (SI 1998/1833), as amended, state:

13 Entitlement to annual leave

... a worker is entitled to four weeks' annual leave in each leave year...

13A Entitlement to additional annual leave

... a worker is entitled in each leave year to a period of additional leave determined in accordance with paragraph (2)

The period of additional leave to which a worker is entitled under paragraph (1) is...

(e) in any leave year beginning on or after 1st April 2009, 1.6 weeks...

16 Payment in respect of periods of leave

A worker is entitled to be paid in respect of any period of annual leave to which he is entitled under regular 13 and regulation 13A, at the rate of a week's pay in respect of each week of leave.

Sections 221 to 224 of the 1996 Act shall apply for the purpose of determining the amount of a week's pay for the purposes of this regulation...

Section 13 of the **Employment Rights Act 1996 ('ERA')** gives workers the right not to suffer unauthorised deductions from wages. Section 23 **ERA** gives workers the right to present a complaint about such a deduction to a tribunal (now to be read as giving workers the right to notify ACAS of a dispute) within three months of the deduction or of the last deduction or payment in a series.

In **British Airways plc v Williams**[1] the Supreme Court determined, following a referral to the CJEU that, for the duration of annual leave remuneration must be maintained and that workers must receive their normal remuneration for that period of rest. The purpose of the requirement of payment for that leave is to put the worker, during such leave, in a position which is, as regards remuneration, comparable to periods of work. The Supreme Court quoted the CJEU (at paras 23 and 24) 'although the structure of the ordinary remuneration of a worker is determined, as such, by the provisions and practice governed by the law of the Member States, that structure cannot affect the worker's right ... to enjoy, during his period of

rest and relaxation, economic conditions which are comparable to those relating to the exercise of his employment. Accordingly, any inconvenient aspect which is linked intrinsically to the performance of the tasks which the worker is required to carry out under his contract of employment and in respect of which a monetary amount is provided which is included in the calculation of the worker's total remuneration, ... must necessarily be taken into account for the purposes of the amount to which the worker is entitled during his annual leave' and 'the concept of normal remuneration as a temporal component. Accordingly to the natural meaning of the word, 'normal' can only refer to something which has existed as a point of reference for comparison ... the expression essentially implies that remuneration which in itself fluctuates at regular intervals is levelled out to an amount representing average earnings'.

In **Lock v British Gas**[2], the Employment Tribunal held (after a referral to the CJEU) that the commission earned by Mr Lock must be taken into account when calculating his holiday pay. In **Bear Scotland Ltd & Ors v Fulton & Ors**[3], the EAT held that non-guaranteed overtime must be taken into account when calculating the pay to which a worker is entitled during a period of paid annual leave. Langstaff P defined 'non-guaranteed overtime' as the situation where there is no obligation on an employer to provide overtime, but if that work is available then the employee is obliged to perform it. He continued: 'voluntary overtime' is work which the employer asks an employee to do but which the employee is free of any contractual obligation to perform unless he agrees at the time to do so'.[4]

Thus, it has been known for some time now that the first 20 days of annual leave (or regulation 13 leave under the Working Time Regulations) must contain all elements of contractual pay including non-guaranteed overtime. It was not at all clear whether it should also include all elements of non-contractual voluntary pay. In a possible landmark decision of the Birmingham West Employment Tribunal, Employment Judge Warren (Birmingham's designated Holiday Pay Judge) accepted that for regulation 13 pay, the question was not whether the work was 'intrinsically linked to the contract' but whether it had become 'normal pay', ie that which is normally received. The Judge referred to the judgment of Langstaff P. (as he then was) in the EAT decision of **Bear Scotland** in which the Judge said in paragraph 29 'The purpose of the requirement for that leave is to put the worker during such leave, in a position which is, as regards remuneration, comparable to periods of work' at paragraph 34 'what was inconvenient in Williams related to what an employee could be required to carry out. The question was not that, but what 'normal remuneration' actually was' and finally in paragraph 44 'despite the subtlety of many of the arguments, the essential point seem relatively simple to me. Normal pay is that which is normally received'. Employment Judge Warren went on to find that for the test Claimants in the case the voluntary overtime, standby, call out work and mileage that they had done, had been done for such period and such regularity to become part of their normal work and accordingly part of their normal pay. In the circumstances the Judge ruled that the payment for that work had to be included in the calculation of holiday pay for the first 20 days of annual leave, under regulation 13 of the Working Time Regulations. The 8 additional days' holiday (essentially the bank holidays) under regulation 13A and any extra purely contractual holiday were based on the contractual work undertaken and thus ex-

cluded purely voluntary work, so holiday leave for those remaining days will continue to be calculated as before.

Two recent cases were put before the Employment Judge, although neither were binding on her, as the first was from the Northern Ireland Court of Appeal and the other was a first instance decision of the Employment Judge Camp, then sitting in the Leicester Employment Tribunal. In **Patterson v Castlereagh Borough Council**[5], the NICA had to determine the status of purely voluntary overtime. In that case the Employer's QC conceded that voluntary overtime should be included for the purposes of regulation 13 leave. The NICA it reviewed **Williams, Lock and Bear Scotland** paragraphs 14 to 18 of the judgment before concluding paragraphs 21 and 22 that the concession had been well made stating 'there is no reason why voluntary overtime should not be included as a part of a determination of entitlement to paid annual leave. It will be a question of fact for each Tribunal to determine whether or not that voluntary overtime was normally carried out by the worker and carried with it the appropriately permanent feature of the remuneration to trigger its inclusion in the calculation' and 'Unravelling the threads of the decision we have come to the conclusion that the Tribunal erroneously determined that voluntary overtime could not as a matter of principle be included in the calculation of holiday pay for the purposes of the **WTR**'.

In **Whitehead & Ors v EMH Housing & Regeneration Limited**[6] EJ Camp awarded the Claimants sums in respect of unauthorised deductions from wages in respect of the Respondent's failure to calculate their holiday pay to take account of the payments they received for standby allowances and call-out payments. EJ Camp found that the standby and call-out payments were not directly linked to tasks any of the claimants was contractually required to carry out, and held that that was not the relevant question[7]. He held that the "real issue in dispute is: are standby and call-out payments parts of remuneration that must be reflected in holiday pay under the Directive?"[8] relying on paragraphs 19 and 20 of **Williams** which state 'for the duration of 'annual leave' within the meaning of [the Directive], remuneration must be maintained... in other words, workers must receive their normal remuneration for that period of rest'. The purpose of paid leave is to put the worker, during such leave, in a position comparable to the one he is when he is working; and a reduction in holiday pay may deter him from taking holiday, contrary to the purpose of Article 7.[9]

The cases of **Patterson, Whitehead** and now this case of **White v Dudley MBC** of the Midlands West Employment Tribunal are important decisions for many thousands of workers who provide standby and call out work and work additional overtime on a voluntary basis. Their holiday pay should now reflect that additional work providing it has become part of their normal work.

[1] [2012] IRLR 1014

[2] [2015] IRLR 438

[3] [2015] IRLR 15

[4] At paragraph 22

[5] [2015] IRLR 721

[6] [2015] 2600493/4/6 (joined cases) 1st instance decision of Leicester Employment Tribunal.

[7] At paragraph 22

[8] At paragraph 23

[9] Paragraphs 30 and 31 of Whitehead

St Philips Barristers join forces to raise over £2,500 for ER Mason Youth Centre

Barristers from St Philips Chambers participated in Birmingham's biggest Business Challenge at the 10K Race on Bank Holiday Sunday (May 1).

Zaheer Afzal, a Barrister from St Philips Chambers Runners (SPCR), and the chairman of our chosen charity E.R. MASON Young Centre, helped raise over £2,500 and led his team of 20 over the finish line. The total amount reflected the culmination of 2 months of fundraising & hard training by the SPCR group containing many novice runners. It has been announced that St Philips Chambers were the overall winners in the medium sized business category.



St Philips Barristers and E.R. Mason Youth Centre



Zaheer Afzal proudly handed over a large cheque to Senior Youth Worker, Claire Hughes

As Chairman of E.R. MASON Youth Centre, Zaheer Afzal said: "We are very grateful to this impressive collection of high calibre professionals including Barristers, Solicitors and Corporate Executives from across the city. They have recognised

the extraordinary youth support work that Claire and her team provide to underprivileged children in Ladywood." The runners from SPCR joined forces with 3 prestigious Midlands Solicitors firms and Corporate Executives from 2 world famous branded companies. The participants included Mark Chatwin (BMV Solicitors), Mark Moore (Abbey Law), Richard Bannister (Harringtons Solicitors), Mr Taheer Afzal (Hasbro PLC) and Mr Obaidullah Khan (Barclays Bank PLC). We would also like to thank DAC Beachcroft who kindly donated. St Philips Barristers started the wave of 80s music, the team enjoyed the run and proudly wore their branded St Philips Barristers / E.R. MASON t-shirts.

E.R Mason Youth Centre is dedicated to the personal and social development of young people. They are committed to empowering young people so that they are able to overcome boundaries and barriers. Please visit www.ermason.org.uk for more information.



St Philips Barristers, Naomi Candlin & Lorna Badham

Kidderminster solicitor and much respected member of the community dies

Roland John Painter, who worked as a solicitor in Kidderminster for more than a quarter of a century, died on Friday, March 25, at the age of 96.

Born the eldest son of Colonel Roland W.A. and Mary Edith Painter, John was educated at Kidderminster High School – now King Charles I – and later as a boarder at Shrewsbury School.

He volunteered for the British Expeditionary Force at the age of 19 and fought with the Royal Artillery at Dunkirk in 1940 where he swan to save his life. He went on to serve in the North Africa campaign, and then in Italy, where he achieved the rank of acting major.

On November 8, 1944, while serving with the 30th Field Regiment, John was very badly wounded near Forli airport, in northern Italy.

He was one of four soldiers travelling in a Jeep which he received a direct enemy hit. His youngest son, James, said: "The other three were killed but John miraculously sur-

vived." However, he lost the sight in one eye and suffered bad injuries to the rest of his body. He recovered, aided by his loving wife Mary, obtaining a law degree from Birmingham University, and passing his law exams in 1949."

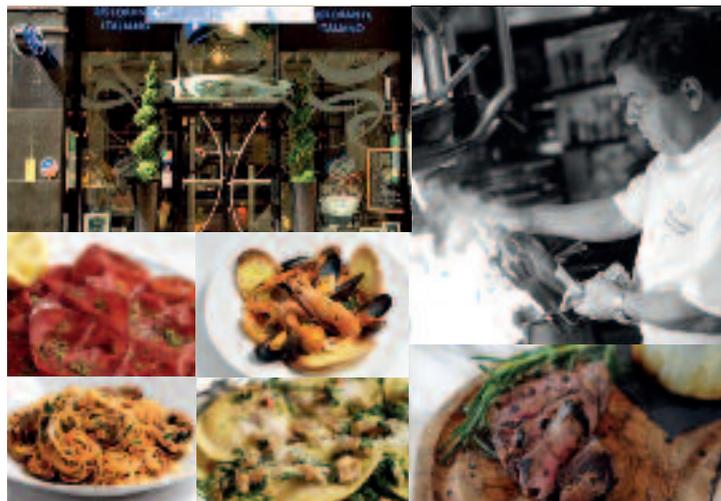
John began his legal career, first at Talbot and Painter, and then as a senior partner for many years at Painter and Sons, in Church Street. Son Richard who was the Managing Partner and later Senior Partner of the firm (now known as Painters) has recently completed 50 years with the Firm, most latterly as a Consultant and will be retiring later this year. John was a member of the Birmingham Law Society Committee during the 1960s.

His failing eyesight forced him to step down from being a solicitor in 1975, but he continued as chairman of the Kidderminster Permanent Building Society, which later was taken over by Northern Rock.

His hero was Sir Winston Churchill and he travelled down to London on the day of his



funeral in 1965 to join the thousands lining the funeral route. He wrote an article for the Kidderminster Shuttle about his experience and the first line captured the sadness of the occasion – "Tears fell unashamedly from the eyes unaccustomed to weep."



"SAN CARLO HAS THE INGREDIENTS OTHERS CAN ONLY DREAM OF"

The Observer



Aldo Zilli now part of the San Carlo team

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E: birmingham@sancarlo.co.uk
T: 0121 633 0251
www.sancarlo.co.uk

Why conveyancers must employ enjoyable technology

by Scott Bozinis, CEO InfoTrack

Recently I found a fascinating book full of very interesting statistics. Did you know that every day the amount of data created grows by 2.5 quintillion bytes? That's 18 zero's! Or did you know that less than 0.5% of all available data is ever analysed and used? Referring to information of this magnitude the buzzword 'big data' is often used, which is simply a term to describe structured and unstructured data. However, I'm more interested in how this growth of data affects law firms.

According to the book 'The Human Face of Big Data', the average person now processes more data in a single day than they did throughout a whole lifetime in the Middle Ages. The majority of this data is, of course, driven by the internet and the sharing of information and creation of content associated with it. So, with the sheer volume of data and amount of stimuli we process day-to-day, what impact does this have on our lives?

On a daily basis employees, colleagues and peers are consuming incredible amounts of information in both personal and professional capacities, between which, the lines are often blurred. So while we're taking time to process and analyse the multitude of data during our working day, it's leaving us with less time to manage operational or administrative tasks.

Working in the conveyancing sector, there is a huge input and output of information generated throughout the process. All this resulting information then needs to be organised, analysed and stored in a way that is easy to access. That's not easy when we're constantly processing and filtering data, so choosing a system that can help do this efficiently is imperative. Furthermore, as client expectations continue to increase, so too does the demand for a faster and more economical service, placing additional pressure upon the conveyancer.

Nowadays we are used to technology in our personal lives that help us easily organise, analyse, store and access information. This begs the question, 'why can't the clever technology that I use in my personal life, be available in my work life?', and as a busy legal professional, I hope this resonates with you.

Commonly raised data challenges in the conveyancing industry include filing matters, reconciling disbursements, and rekeying information for SDLT submissions or AP1 transfers. Now, the good news is that while the issues around the volume and management of information are present, there is simple, intuitive technology built to evolve how conveyancers manage their matters in the most efficient way possible. Choosing to use these systems means less logins and passwords to remember, eliminates the issue of lost disbursements, rekeying errors, and houses all information related to your matters in a central system, providing one source of truth. Opting for the right technology for your firm gives time back to you and your staff, creates efficiencies and minimises risk - why would you work any other way?

By making the change to simple, enjoyable technology, you can change the way you work, store and analyse information related to your matters, and thus, take the headache out of the conveyancing process.



Scott Bozinis

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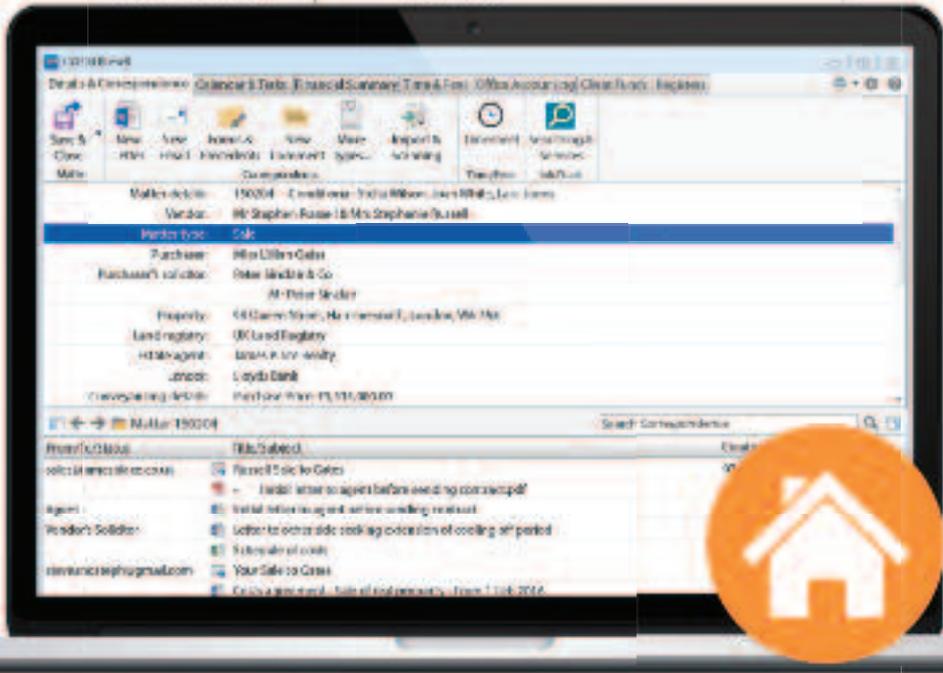
Land Registry
Transfer of whole or registered title(s) TR1

Local Land Charge registered

1. Title number(s) of the property
C072208

2. The property 90 Queen Street, Harmondsworth, London, W6 9AZ

Insert address including postcode (if any) or a full description of the property



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