



Hello &
welcome
to our latest
newsletter.

In this issue you will find articles about our Family Mediation Service and the benefits of clean energy generation, both of which may be relevant to your business or personal life. We also have a guest feature on risk management for SMEs and introduce you to our Scottish agents, Wright, Johnston & Mackenzie. I hope you find the articles useful. If you want to discuss any of the subjects covered then just give me a call on 0113 227 9228.

Thank you to all those who contacted me to discuss the use of social media following our last newsletter. The general consensus is that it is here to stay and all the opportunities it presents should be taken advantage of.

Our focus on delivering a first class service to all clients through our pipeline of talent is getting great results and positive feedback. To maintain that momentum I am pleased to confirm that Charlotte Capes and Beth Laidler have joined the Family and Commercial Property departments respectively, following qualification.

Have a good quarter.

Stay positive.

Chris Allen
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Well done Chris Allen!

Congratulations to Chris Allen who was named as the Managing Partner of the Year at the 2011 Yorkshire Lawyer Awards on 5th October.

On receiving the award, Chris said; "I am pleased to accept the award on behalf of everyone at Blacks, as the results we have achieved would not be possible without our exceptional staff. They have each embraced our objective to be regarded as the best law firm in Leeds for quality of service and client care and this award is another step towards that goal."



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Chris on
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CAllenBlacks](https://twitter.com/CAllenBlacks)

Well done Wildcats!

Congratulations!

Our Sports Ambassador, Robbie Savage, was named as the 2011 Sony DAB Rising Star at this year's award ceremony in May. Thank you to all those who voted.

In February this year, Wakefield Trinity Rugby League Football Club Limited entered administration, casting doubt over whether the Wakefield Wildcats would be able to participate in Super League 2011 and indeed the club's very survival. That was until local businessman Andrew Glover (Managing Director of West Yorkshire Windows), purchased the club from the administrators thus guaranteeing its survival. David Paterson of our Corporate department and Stephen Lownsbrough of our Sports Law department were retained to advise Andrew and Spirit of 1873 Limited (the vehicle used to purchase the club) in respect of the transaction.

The Wildcats were seen by many as the favourites to miss out on a licence to participate in the 2012, 2013 and 2014 Super League seasons due to the administration and a lack of a modern stadium. However, on 26 July 2011, the club received the terrific (and slightly unexpected) news that, along with Widnes Vikings and all the current Super League clubs (except Celtic Crusaders), it would be awarded a licence to participate in Super League for the 2012, 2013 and 2014 seasons.



How to generate power and profit.

Whether you are a homeowner, landlord or tenant, you should be considering how you can benefit from the Feed in Tariff Scheme. With energy costs at an all time high and set to continue to rise, we are going through a revolution which every individual and business needs to plan to respond to.

The scheme was introduced in April 2010 and aims to encourage property owners to invest in renewable energy technologies, such as solar panels and wind turbines. After an initial capital investment, income can be earned whilst protecting the environment.

The benefit for homeowners and property owners is obvious – invest and earn money. Properties that boast renewable energy technologies are also likely to be valued higher than their comparables, especially as the price of energy continues to increase.

Landlords can directly participate in the scheme by putting solar panels on roofs that are excluded from leases. Alternatively, additional rental income can be earned by leasing a roof independently from the rest of a building and permitting the tenant to invest in solar panels and participate in the scheme.

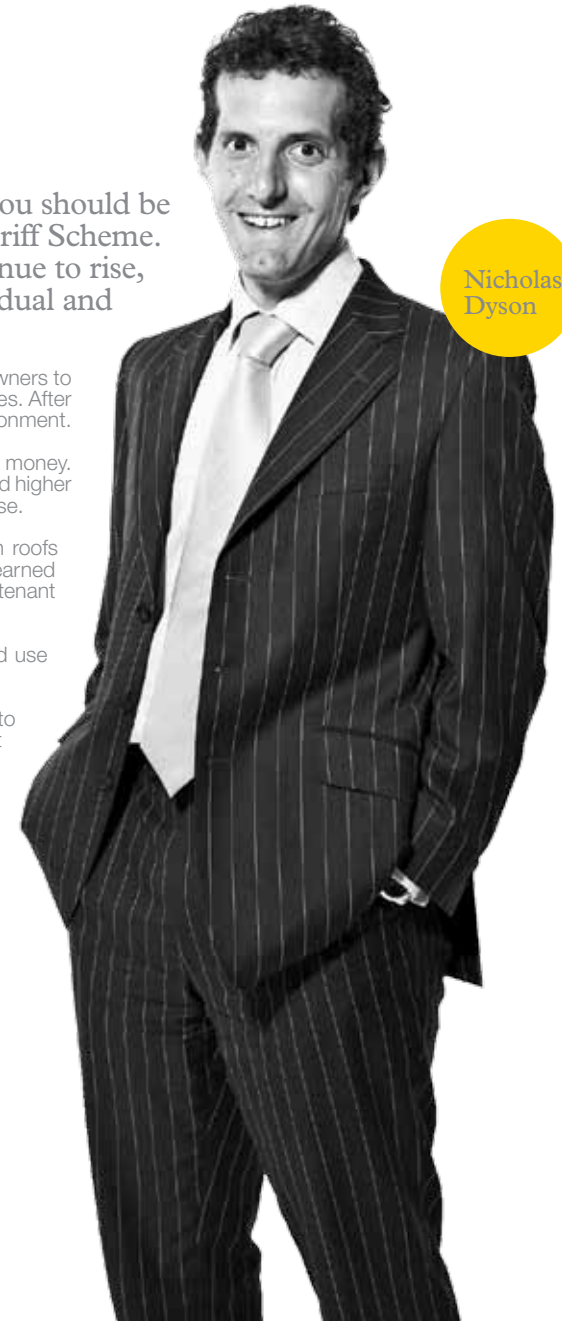
Tenants can participate in the scheme if the roof is included in the lease and use the tariff to contribute to the rent.

The Feed in Tariff Scheme is one of many initiatives that is helping Britain to reduce its non-renewable energy consumption. The initiatives will impact on how property owners manage and lease their properties. For further information or advice on what you could be doing to generate power and profit, please contact a member of the Commercial Property department.

There are three key elements to the scheme:

- The generation tariff – you receive a fixed rate payment for every kilowatt of electricity produced on site
- Savings – you can use the electricity you create and therefore purchase less electricity from costly energy companies
- Export tariff – if you can't use the electricity yourself, you receive a second payment for every kilowatt of surplus electricity that is sold back to the national grid

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To mediate or not to mediate – that is the question.

Family mediation is a process available for couples to resolve important issues arising out of their relationship breakdown such as how to separate the finances or how to look after the children following the separation, without the need to go to court. Following the introduction of the new Family Procedure Rules in April 2011, anyone who wants to issue a court application is required to attend a mediation assessment to find out whether or not mediation is a suitable alternative to pursuing the matter through the courts.

Mediation is not for everyone, but for those whom it does suit, it provides a forum for the couple to reach their own agreement with regard to these issues. It gives the couple complete control over the process and enables the parties to resolve their issues in a way that best suits them and their family.

Mediation usually helps to improve communication between the couple as a result of the support provided throughout the process, helping the parties to deal with issues in a constructive way that may have been difficult or impossible on their own. Mediation aids communication both during the challenging separation process and in the future after the mediation has been concluded and solutions agreed. This is particularly important where there are children involved.

In a typical family mediation session, both parties will sit together in a room with a mediator. The Mediator is trained to facilitate a solution whilst remaining impartial. When both parties are happy with the decisions that have been reached, they take these proposals to their respective solicitors for them to advise upon and, if appropriate, formalise them. It is only at this stage that the decisions reached through mediation become binding.

I have been practising as a Mediator since 1994. Previously, I practised as a Family Lawyer for 20 years until 2007. I also hold a qualification which entitles me to consult directly with children in the mediation process and I am a Professional Practice Consultant which requires me to supervise and mentor other mediators.

In July 2011, I joined Blacks to launch the Blacks Mediation Service. Please feel free to contact me to obtain further information.

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In the first of our guest features, Matthew Lobley of Blondin Risk Management Limited discusses risk management for SMEs.

Is your business at risk?

Many people think that complying with health and safety legislation or paying insurance premiums is tantamount to managing business risk...but have they considered the commercial, financial, reputational and operational risks which might be staring them in the face?

Bad luck in business is rarely just that. The difference between planned profit and the profit you make is usually down to a series of issues which have occurred. In the world of risk management, an issue is what we call a 'triggered risk'.

The important point here is that until it happens, a risk can usually be anticipated and mitigated, lessening the chances of it occurring and reducing its effect if it does. Do you spend time dealing with crises which, looking back, you could have avoided? The process of identifying, assessing, mitigating and managing business risks is one often put off by busy people, but can save you time and money and should not be onerous.

Here are a few questions I often ask:

- What would you do if your most important employee couldn't work?
- How would you prevent staff leaving with your intellectual property?

- What would you do if changes to legislation undermined your business?
- What would you do if an aggressive competitor pursued your customer base?
- How much money would you spend to mitigate the risks above?

If the answers are: "I'd advertise for a new employee"; "I'd pay them more to stay"; "I'd work harder"; "I'd cut my prices" and "As much as is needed", then it's time to consider risk in your business in more depth.

Being aware of the risks facing you is half of the battle, but minimising your exposure and working out how much money to spend in doing so, is the other part. Finally, if you have identified a risk and even tried to mitigate it, have you thought through what you would do if the risk occurred? Having a short, well-considered plan in place can save you the problems associated with panicked decisions.

Done right, business risk management can become part of your decision-making processes, a way of thinking and a tool for costing risk in the contracts for which you bid. It can potentially save you anxiety, stress and thousands of pounds in unnecessary costs.

Matthew Lobley
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Blacks, Wright and...the Tartan Touch.

Our latest alliance sees Blacks teaming up with Scottish lawyers, Wright, Johnston & Mackenzie (WJM), who have offices in Glasgow, Edinburgh and Inverness. WJM is a firm very like us – smart, pragmatic and innovative lawyers who are highly focused on customer service.

Through us, you will be able to tap into their expertise in renewable energy, family businesses and Scottish law. They can offer a trusted local service for Blacks clients north of the border.

In legal terms, as strange as it may seem, Scotland is a separate country. Up until 1707, Scotland was fully independent with its own legal system and parliament. In 1707, the Act of Union was signed and Scotland became part of the British Isles but the separate Scots law was preserved. Today, over 300 years later, Scots law is still different in key areas including licensing, personal law and, in particular, property law.

Those substantial differences can cause confusion when businesses or individuals move to, or do business in Scotland. They often make the incorrect assumption that what applies in England and Wales also applies in Scotland – and that can lead to problems. WJM has been working with us, and our clients, to help overcome these differences by applying the 'tartan touch'.

Colin Brass, WJM's Chairman, said "We're looking forward to our alliance with Blacks, a firm that shares the same vision of client-centric legal services that we do. I'm sure that clients will appreciate the 'tartan touch' as much as they appreciate the advice they receive from Blacks."

Read more about our friends north of the border at www.wjm.co.uk



What else can you use a pub for?

Over the recent years, society has changed its drinking habits, incomes have become tighter and the smoking ban has been brought in. Such changes have meant a fast decline in the number of pubs. In 2010 alone, there were a total of 2,464 pubs that shut in the UK, which despite a number of new pubs opening, led to a net loss of 1,275 pubs over the year. Various large pub chains are also actively closing down unprofitable pubs and reducing the number of pubs that they hold.

This has meant that a number of previously licensed drinking establishments are vacant and available for alternative business ventures to be based on the premises, such as off licences and convenience stores and even conversion into residential units.

The conversion of a pub into either a shop or convenience store benefits from the ease of having a premises licence already in place. This

means the owner will be able to sell alcohol by varying the current licence, rather than the need for the new owner to apply for a new one, which is a longer and more costly process.

To vary the existing licence, an application will need to be made to the Local Licensing Authority to alter the premises plan, change consumption to be off the premises and vary hours of opening. Whilst the forms needed for this are standard, there is no guarantee that the variation will be granted and if there are sufficient objections, the Local Licensing Authority may require a hearing before the Licensing Committee. At this hearing the views of the local residents will be taken into account before a decision is made.

The present Government is currently attempting to bring in stricter regulations governing the variation of licences so that the wider community is given more of a voice to air concern and so that the local authority will itself constitute a responsible authority for the purposes of the Act. Consequently, the local authority would be able to have more say regarding the licensed activity taking place within their area. Therefore if you are considering taking on a former pub and keeping the premises licence, you should consider doing so before any new legislation is brought into force.

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Cakes & Dragons.

Over the summer Blacks has been very busy raising funds for local charities. In May, the "Blacks Magic" team participated in the Martin House Dragon Boat Race at Roundhay Park. A great day was had by all and whilst we did not trouble the leaderboard, we did manage to raise nearly £1,500 in support of Martin House.

In June, staff from Blacks took part in the Marie Curie Blooming Great Tea Party, which raised nearly £300 for Marie Curie Cancer Care. Staff were invited to enter homemade cakes into the cake making competition, which was judged by our very own Sports Consultant Matt Diskin.

To learn more about these two very worthwhile causes, please visit the following:

www.martinhouse.org.uk
www.mariecurie.org.uk



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