INSIDETRACK

Anne Elliott, CEO and Elizabeth Armstrong, Director and Head of the Trust Department.

Industry guide ranks Darlington law firm Latimer Hinks top for Private Wealth Law

Latimer Hinks has again received the highest possible ranking in the Private Wealth Law category in the prestigious Chambers High Net Worth 2018 Guide.

It is the only firm ranked in the top tier in Middlesbrough and Surroundings and one of just seven firms to attain that level in the North East and Yorkshire & Humber regions.

Those ranked as 'Band 1' are Elizabeth Armstrong, a Director in the Private Client Department and Head of Tax and Trusts and Anne Elliott, Latimer Hinks' Chief Executive and Head of the Private Client Department.

The guide, which lists the world's leading high net worth advisers, quotes several client testimonials. One praised Elizabeth Armstrong as a "*competent, thorough and diligent solicitor who is very conversant in hugely complex areas and who has been a pleasure to deal with.*"

Anne Elliott is described as "*very knowledgeable in the farming sector of legal advice and estate management*" and "very competent and experienced".

Another client says of Latimer Hinks: "*They are a serious regional player. Well-connected, solid all-rounders whom I absolutely trust.*"

Chambers High Net Worth Guide features listings and information about many of the top accountancy and tax firms, private banks, wealth management firms and multi-family offices acting for high net worth individuals.

The rankings are based on in-depth research from clients and peers, with Band 1 considered outstanding.

It is used by family offices and professional advisers as a key reference point for private wealth management work and related specialisms.

The guide says Latimer Hinks "*has a great reputation among farmers, landowners and high net worth individuals for wills, trusts, probate, inheritance tax and Court of Protection matters.*"

Andrew Way, Latimer Hinks' Managing Director said: "I'm delighted that Latimer Hinks has once again been recognised for its expertise as well as the range and depth of the legal knowledge we deliver.

"It is gratifying to know that our high ranking in the guide is based directly on the comments of satisfied clients and that Latimer Hinks' success flows from its continuing dedication to providing a first class service."

The LEGAL 500 UNITED KINGDOM LEADING FIRM 2017

TOP RANKED UK CHAMBERS AND PARTNERS 2018 LEADING FIRM

Rosanne Tweddle, Solicitor (front) with owners of Hash, Jasmin and Phil Robson.

Latimer Hinks help 'hatch' a new Darlington business

Latimer Hinks is proud to have helped establish a thriving new business in Darlington town centre.

Jasmin and Phil Robson, owners of Hash Bar and Kitchen on Coniscliffe Road, turned to the firm after deciding to breathe new life into an empty building by creating continental-style luncheonette, Hatch.

Rosanne Tweddle, Senior Solicitor at Latimer Hinks - a major supporter of the 'I'm Backing Darlington' campaign - acted on the couple's behalf throughout the commercial property purchase.

She said: "We want to support and encourage entrepreneurial spirit and local businesses in whatever way we can and so we were delighted to be involved.

"Our business has been in Darlington for more than 125 years so it is very gratifying to play a part in establishing a new and exciting venture which provides hope for the future."

The 'I'm Backing Darlington' campaign was launched to unite the town's businesses and develop initiatives to counter the effects of the impending closure of flagship stores Binns and Marks & Spencer. Chief Executive of Latimer Hinks, Anne Elliott, is part of the group that pioneered the initiative. Anne said: "Latimer Hinks has retained its base in Darlington, in the heart of the town and it is good to see young entrepreneurial businesses like Hash and Hatch, thriving. We need to encourage more businesses to expand and establish themselves here and to support each other."

Jasmin and Phil set up Hash Bar and Kitchen 13 years ago and were interested in launching a new business in the former Thomas Cook office, which had been vacant for two years.

Former Darlington police officer Jasmin said: "It's more or less in the town centre and gets great footfall so when it came up for sale we decided to seize the opportunity."

The light and airy Hatch, on Blackwellgate, is inspired by the various culinary delights the couple discovered on their travels.

It offers a range of brunch-style snacks - including a range of imaginatively-filled sandwiches, bowls and toasted creations, together with a charcuterie board and a variety of cakes and pastries. It uses both locally and ethically-sourced produce whenever possible.

"We wanted to create something a little different. We have tried to take inspiration from wherever we have travelled, including Italy and New York."

The couple, who also support the 'I'm Backing Darlington' campaign, chose Latimer Hinks to represent them because of their excellent reputation and town centre location.

"They were very helpful and liaised with the property agents and were able to resolve a couple of issues which arose," added Jasmin.

"We both come from Darlington and we wouldn't want to open Hatch anywhere else. It's a brilliant place but the switch to internet shopping means things are changing and in future the town centre is likely to become more of a social and leisure destination.

"We hope Hatch will become a firm favourite with residents and draw people in from a wider area and play a part in contributing to the continued vibrancy of Darlington town centre."

For further information call our Property Team on 01325 341500.

Solicitors urge public to clarify end-of-life wishes following Supreme Court ruling

Latimer Hinks is urging people to make a Lasting Power of Attorney (LPA) so their wishes are clearly understood by both relatives and doctors.

It follows a recent UK Supreme Court ruling which gives the right to families – with the agreement of doctors - to withdraw life support for those in a persistent vegetative state without having to first seek a judge's approval.

Natalie Palmer, a Solicitor and Director of Latimer Hinks, welcomed the decision – which no longer requires a court to agree the cessation of artificial feeding and hydration if it is in the patient's best interests.

"Having to go to court only brought extra anguish to families at an already difficult time, so I welcome this change in the law," she explains. "It still requires doctors and families to agree the course of action which is a strong safeguard."

She added that a Health and Welfare LPA would further clarify matters for relatives and make it easier for them to carry out a person's wishes.

A Health and Welfare LPA allows attorneys to make decisions over a person's care. This can include instructions regarding either refusing or agreeing to treatment in circumstances where the person lacks capacity to make such decisions for themselves.

Natalie Palmer, Director at Latimer Hinks.

Natalie continues: "If people make a Health and Welfare LPA then it allows loved ones to stand in the shoes of the person and make the decision they think they would have made themselves.

When making Health and Welfare LPAs we encourage conversations between the person making the LPA and their attorneys to discuss in what circumstances a person would or would not want the withdrawal of life sustaining treatment"

The Supreme Court ruling could affect many thousands of people in the UK kept alive with no quality of life by medical interventions. It has become a growing issue due to advances in medical procedures and treatments which allow people to survive illnesses and conditions which would have been incurable decades ago.

The appeal ruling followed the case of a man in his 50s who suffered a heart attack and brain damage and never recovered consciousness. His family and the doctors agreed it was in his best interests to be allowed to die. The hearing was brought to test the previous principle that every case concerning the withdrawal of life support should go before a court.

A recent report by Solicitors for the Elderly, which polled 1,977 adults across the UK, found almost 99 per cent of people in the North East had not made the necessary provisions should they lose capacity. A further 41 per cent admitted to having made no provisions at all for later life, including making a will, pension, funeral plan or LPA.

Natalie said: It's difficult to have conversations with loved ones about what would happen if they are put in the position of making end of life decisions. By having conversations and setting wishes down in writing (including making a Health and Welfare LPA) it can give you peace of mind that your wishes will be carried out."

For further information speak to our Private Client Team on 01325 341500.

Experts warn that promises are not enough when it comes to farm inheritance

Latimer Hinks Solicitors has issued a warning to farming families to avoid costly inheritance battles by making a will.

It follows a recent High Court case in which a son brought a proprietary estoppel action against his father and brother, claiming he was repeatedly assured he would eventually inherit the £8m family farm he had worked on since the 1970s.

Instead, his father changed his mind and transferred it to his other son, a property developer.

The doctrine of proprietary estoppel has a wide ambit. At its most basic, it can be invoked where, for example, someone has received an assurance of an inheritance and they have acted upon that assurance to their detriment, only to find that the person who made the assurance later reneges on it. If it is invoked successfully, the court has a range of remedies, including a discretion to make good the original assurance.

Elizabeth Armstrong, who is a Director and Head of the Trust Department and a member of Latimer Hinks' Farms and Estates team, said: "This is an example of how the question of property inheritance can tear farming families apart.

"If you are going to make any promises over inheritance, take legal advice and ensure you make a will which accurately reflects your wishes. If you do change your mind, it is crucial to ensure that your will is updated.

"It's also a good idea, if you can, to discuss your intentions with anyone who may expect to inherit. Succession planning is key which involves wills and partnership agreements being put in place and regularly reviewed/ revisited particularly if and as circumstances change."

In the latest dispute, the Oxfordshire farmer, who was supported by his mother, won the case against his father and brother.

Rosanne Tweddle, property solicitor in the Farms and Estates team, added: "It's possible that discussing your wishes could instigate a proprietary estoppel claim but it is more likely to avoid unnecessary anguish and expensive and divisive legal action." "Making lifetime promises or assurances to family members and beneficiaries can be very risky indeed, particularly if your Will doesn't follow through on what you might have said. If you have made any assurances during your lifetime but have later changed your mind, it's a good idea to discuss the reasons for that with the person concerned, so that any risk of a proprietary estoppel claim after your death can be minimised."

"It is important to be clear and set out the terms upon which your children work with or for you, via a contract of employment or partnership deed.

"As land values increase, more proprietary estoppel cases, typically involving farms, are coming before the courts. It is important that farming clients draw up a clear plan of what they intend to achieve, and the reasons behind it."

For further information speak to our Private Client Team on 01325 341500.

Latimer Hinks
SOLICITORS

Solicitors for families, businesses, farmers & landowners

Contacts and services

You & your family

An understanding approach to all your personal legal requirements – from buying and selling your house, your wills, trusts and powers of attorney to tax, long term care, succession planning and retirement issues.

Private Client (Wills, Trusts, Probate, Tax Planning, Long Term Care, Succession Planning and Retirement Issues) **Team**: Anne Elliott, Andrew Way, Elizabeth Armstrong, Natalie Palmer, Jennifer Quayle, Gillian Ibbotson, Luke Busbridge, Daniel Williams, Nadine Kilvington, Kelly Maguire, Nikita Noël, Claire Conway, Julie Porter.

Residential Conveyancing Team: Martin Williamson, Rosanne Tweddle, Jonathan Sturgeon, Laura Richardson, Lisa Stronach, Nicola Neilson.

Business & commercial

Advice on commercial property, employment and contract law, buying and selling a business and succession planning.

Commercial Team: Nick Poole.

Commercial Property Team: Neil Stevenson, Nicola Neilson, Adam Wood, Rosanne Tweddle, Jonathan Sturgeon, Laura Richardson.

Farms & estates

Expertise in land sales and purchases, option agreements, tenancy agreements, succession planning, diversification schemes and renewable energy developments.

Agricultural Team: Anne Elliott, Neil Stevenson, Elizabeth Armstrong, Nicola Neilson, Rosanne Tweddle, Adam Wood, Martin Williamson.

Private Client Team: Anne Elliott, Andrew Way, Elizabeth Armstrong, Natalie Palmer, Jennifer Quayle, Gillian Ibbotson, Luke Busbridge, Daniel Williams, Nadine Kilvington, Kelly Maguire, Nikita Noël, Claire Conway, Julie Porter, Hollie Catt.

Residential Conveyancing Team: Martin Williamson, Rosanne Tweddle, Jonathan Sturgeon, Laura Richardson, Lisa Stronach, Nicola Neilson.

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Not getting a survey could be a costly mistake

Buying a home is likely to be the most expensive purchase we ever make. However, one in five buyers don't choose to have a building survey on a property they are about to stake tens or hundreds of thousands of pounds upon.

Most buyers focus on the main expense of meeting the monthly mortgage payments and often overlook other necessary expenditure including mortgage fees and legal costs.

Home surveys are optional so it's unsurprising they can be ignored by those on a tight budget.

Some choose instead to rely on a mortgage valuation report but this only satisfies the lender that the property is worth what the buyer is paying. It does not necessarily flag up any defects or structural problems.

It is important to gather as much information as possible to ensure a dream home doesn't turn into a money pit nightmare. Think of it as an added insurance on one of life's major investments.

Many buyers may only view a property once or twice before agreeing to take the plunge and, in the excitement, it's easy to miss those tell-tale signs which may spell future misery.

There are several different options of survey to choose – although prices vary and are based on the size, value and location of the property involved.

A survey can prevent a new owner being saddled with huge extra expense, heartache and upheaval. The average cost of remedial work is estimated at more than £6,000 and in the case of a serious problem, such as dry rot, the bill could easily run into tens of thousands of pounds.

A survey which picks up significant issues can allow the prospective buyer to pull out of the deal altogether, renegotiate the price or insist the seller completes any necessary work at their own expense.

It is vital to have a survey for an older property, listed building or one which may have a history of being poorly maintained. It may also resolve some completely unfounded concerns.

It is recommended to have a survey undertaken by a member of the Royal Institute of Chartered Surveyors (RICS) and it is always an advantage to appoint a local surveyor with a detailed knowledge of the local housing market.

The most common problems picked by surveys can all prove very costly. They involve damp, subsidence, problems involving structural timberwork, old wiring, rotten window frames, problems with the roof and the all-pervasive Japanese Knotweed.

Opting for a survey provides peace of mind and can end up saving a substantial amount of money. At the very least they provide an idea of what, if any, work is required and how urgent it is.

Typically, the surveys options are:

- RICS Condition Report (Level One): The cheapest and most basic. It describes the property's general condition and identifies urgent defects, possible risks and legal issues. It doesn't include any detailed information, advice or valuation.
- RICS HomeBuyers Report (Level Two): The most popular survey and suitable for homes in a reasonable condition. It includes all the Condition Report features but includes advice on defects, necessary repairs and ongoing maintenance. There is also an option to include a valuation and insurance rebuild costs.
- RICS Building Survey (Level Three): The most comprehensive report and ideal for larger or older properties. It provides advice on repairs and costings and spells out the consequences of failing to carry out repairs.
- Home Condition Survey: Offered by the Residential Property Surveyors Association (RPSA). Similar to the RICS Building Survey, it does not include a valuation.
- New-Build Snagging Report: Identifies any issues with a new-build home which can then be rectified by the builder.

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