

K NEWS

ALL THE LATEST NEWS AND EVENTS FROM KERSEYS SOLICITORS



IPSWICH INTERPRETATIONS



The Wine Rack, by Jenny George

Kerseys Solicitors will host an art exhibition at its offices based on the theme of 'Ipswich Interpretations'.

Thirteen professional artists will display their work, which features their impressions of landmarks in the town.

Kerseys managing partner and artist Anthony Wooding came up with the theme and The Freudian Sheep Artists have curated the exhibition.

Jenny George's popular 'The Wine Rack' painting will feature, which is a quirky take on the now well-known local landmark. It will also be joined by her illustration of the now defunct Odeon Cinema – portrayed it as if it were in a '1930s heyday'.

Anthony said: "I was so impressed with Jenny's work, for both its striking imagery and the technique involved. It's been created with a palette knife, which I believe took a year to do.

"It depicts a well-known landmark in the town with a touch of humour. Her work is inspiring and I thought a theme based around interpretations of Ipswich would be great for an exhibition."

The exhibition will include a range of styles – from the use of 'hot' and 'cold' colours to more conceptual approaches. It will include art from experienced artist and illustrator Borin Van Loon, Carlos Fernandes, who depicts the changes he's seen in the town since he arrived from Portugal some years ago, and Emma Johnson, who will display her 'dissected maps'.

Experienced photographers Peter Ellis and Tom Owens will bring along some views of Ipswich which often go unnoticed.

Curator and artist Ian Moss said: "We at The Sheep have asked our artists to use their usual unique styles to explore the subject. In most cases they will be providing art specially created for the exhibition. Notable exceptions will come from painters Jenny George and Amy Drayson, who have an existing collection of excellent Ipswich interpretations we've been able to cherry-pick from."

Ian and his wife, Eleanor, used to run The Freudian Sheep until it closed its doors in St Helen Street. They have continued to host contemporary art work under The Freudian Sheep Artists. The couple are looking for an alternative venue to base themselves via a reciprocal arrangement – they display art that attracts visitors to the host premises.



Example of art by Amy Drayson

In the meantime, they continue to enjoy a long association with Kerseys and will display 'Ipswich Interpretations' for six months from December.

Ian said: "We would be interested in hearing from any organisations which wish to attract visitors through art. It has proved a hit at Kerseys and we are grateful for their continued support."

The exhibition will run from December 9, 2016, until June 8, 2017. A private viewing will be held on Thursday, December 8. If you would like to attend, please contact Karen Williams on karen.williams@kerseys.co.uk or call 01473 213 311.

For more information about the gallery, visit www.freudiansheep.co.uk or www.facebook.com/freudiansheepartists

Recovering your debt through enforcement

If you win your case, the court will order the debtor to pay back the money they owe. You will be awarded a 'judgment.' Unfortunately, the court does not automatically enforce a judgment. If the defendant still refuses to pay up, or falls behind on payments, extra time and money may be needed to recover the debt.



Ross Burkitt,
Solicitor

Here are some of the main methods to recover your money:

1. AN ORDER TO OBTAIN INFORMATION FROM A DEBTOR

This is not a method of enforcement per se, but requires the debtor to give details about their finances and circumstances either to an officer of the court or to a judge. This may be useful when little or nothing is known about the debtor's affairs.

Pros: Requiring a debtor to attend court may help to spur the debtor on to pay up in full or make settlement proposals.

Cons: The debtor may not respond and the matter could drag on. It could prove fruitless if the debtor has little or no available assets or income.

2. WARRANTS OF POSSESSION

This can be used where property is concerned, to get tenants to leave by a set date. When the court issues a warrant, the tenants are sent an eviction notice giving a date by which they must leave your property.

Pros: Getting the warrant and an eviction appointment is relatively quick and simple.

Cons: Tenants may stay put until they receive a notice of eviction.

3. WARRANT OF CONTROL (COUNTY COURT)

This authorises Enforcement Agents (Bailiffs) to attend at the judgment debtor's home or business address. They will collect money owed or seek to remove goods from the home or business to sell at auction.

Pros: A relatively cost-effective and quick way to get somebody 'at the debtor's door', perhaps learn of their assets or income, and recoup your money.

Cons: There is a limit on what Bailiffs can do and on the type of goods which they can seize for sale.

4. CHARGING ORDER

A charging order secures a judgment debt against the debtor's home or property. It means they risk losing their home if they do not pay the money they owe.

Pros: This is quite a common, relatively cost-effective way of securing a debt. The charging order stays in place until the property is sold or the money is paid.

Cons: You may not get the money straight away, or at all. The charge will rank behind existing charges such as a mortgage and it can be expensive and time-consuming to try to enforce a charge by applying for an order for sale.

5. THIRD PARTY DEBT ORDER

This allows you to take money directly from a payment due to the debtor. It is usually taken from a bank account in the debtor's sole name. It is possible to freeze the account to the value of money owed.

Pros: You may get the money in one go.

Cons: It could be a stab in the dark and there may be no funds in the account.

6. PETITION TO BANKRUPT

From October 1, 2015, you have to prove you are owed at least £5,000 to present a petition.

A bankruptcy petition is an application to the court to have a debtor adjudged bankrupt and a trustee appointed to realise their available assets for the benefit of the debtor's creditors.

Pros: The threat of bankruptcy and its implications, which includes the potential loss of income and assets, compels many debtors to pay up.

Cons: It can be a lengthy, expensive process and there are no guarantees.

7. WIND UP A COMPANY

You can apply to the court to close or 'wind up' a company if it can't pay its debts. This is also known as compulsory liquidation. Currently, the company's debts must be more than £750. If successful, a liquidator is appointed to realise the company assets and money is collected, with a view to paying the creditors of the business.

Pros: Applying to wind up a company can be a powerful way of compelling a defaulting business to pay its debts.

Cons: It can be a lengthy, expensive process and there are no guarantees.

8. ATTACHMENT OF EARNINGS

If you know where somebody works, you can apply to have money taken directly from their wages. This only applies if they are employed by someone else and taxed on a pay as you earn (PAYE) basis.

Pros: You can get payments made on a regular basis from their income.

Cons: It can take a long time to put re-payments in place and can prove ineffective if the debtor changes jobs and/or working hours.

It can be time consuming and expensive to enforce debt repayment. With this in mind, I would always recommend taking action as soon as a person starts to accrue debt.

Ross Burkitt is an Associate solicitor with Kerseys. Part of the litigation department, he specialises in contractual disputes and contentious property matters. He is experienced in High Court and County Court litigation practice and procedure, as well as Alternative Dispute Resolution techniques. For more information, email ross.burkitt@kerseys.co.uk or call 01473 407181.

Prep before you pop-up

From big names to local artists, pop-up shops have become an increasingly common way to build brand awareness.

The short-term space is usually available at a fraction of a traditional store and is seen as spurring on sales. For landlords, it can fill a space and reduce business rates liability.

Last year alone, around 10,500 pop-up shops were located across the UK, employing 26,000 people.

But despite its temporary nature, similar regulations for permanent premises may still apply.

And breaching planning rules could lead to fines and an enforcement notice to change or remove the pop-up.

PLANNING

A change in planning law has made it easier and cheaper to use pop-up shops. They can be used for up to two years for retail, financial, restaurants, pubs, takeaways, office and leisure.

Planning permission is not needed for use that does not continue for more than 28 days in a 12-month period.

If the shop covers less than 150sq in an existing commercial space, it may be seen as a change of use – and you can simply notify the landlord.

But anything bigger is likely to need planning permission. Due diligence should be carried out, including checking if the area is registered at the Land Registry or has a leasehold interest. This may affect the right to allow temporary occupancy.

LEASING

Granting a licence to occupy may be convenient, but could lead to a tenancy agreement being created. This could put both parties under certain obligations, which may not be ideal given the temporary nature of a pop-up shop.

A short-term lease can be put in place, which is contracted out of Landlord and Tenant Act 1954. This means a tenant will not have rights of security of tenure (the right to occupy it after the lease expires) and the owner will not be giving right to renew.

It may be desirable for both parties to have an option to break the lease, in case the pop-up is not viable or it affects the owner's business.

TERMS

Terms to consider include: payment of rent and rates, any rent-free period, planning consent, repairs, termination and obligations when leaving the premises.

With repairs, for example, photographic evidence prior to moving in should help protect both parties.

Tenants should check if utilities are connected, as it could take weeks to put in place.

LICENCE

If you plan to offer any form of entertainment for over 168 hours, such as music, food or a performance, then you will need to apply for a licence from your local council. You will also need to let them know if you plan to serve alcohol.

INSURANCE

Check the existing building insurance will cover the pop-up use. Tenants should have a separate policy for contents and third party liability costs.

The business should be registered with HM Revenue and Customs and be compliant.

Pop-up shops can be beneficial for both tenants and landlords alike. But it is important to protect both your interests and make sure it complies with planning permission to ensure a successful venture.



If you are thinking of setting up a pop-up shop and would like legal guidance, call Kimat Singh on 01473 407112 or email kimat.singh@kerseys.co.uk



Anthony Wooding,
Managing Partner

Profit with Principles

A speech by the Supreme Court President Lord Neuberger, the top judge in the country, made me think about what makes Kerseys special.

Lord Neuberger urged the legal profession to maintain its fundamental principles and warned about the risks of pressure from external 'non-lawyer investment'.

Speaking to the Association of Liberal Lawyers, he said: "The investors will often have no interest in lawyers' ethical duties and will only be concerned with the bottom line."

He also made a similar remark about lawyer's taking a share in people's claims as their reward if the case is successful. He said that a 'no win, no fee' basis increased the scope for conflict of interest because it gave lawyers a financial interest in the outcome.

Lord Neuberger warned against commercial pressures overpowering the rule of law – and the risk of profits before principles.

Kerseys is a successful, forward-thinking, independent, business. We generally do not apply 'no win no fee' charges.

We are free from 'external investment' and our costing structure is straightforward – there is little financial incentive to encourage clients to continue a case if it is not in their best interest.

Our clients' interest are paramount. We work hard to win their cases or complete their deal. But we also tell them when they are in the wrong, when their case is weak or if they risk doing something illegal.

Acting with integrity is of the utmost importance and we are all lawyers who adhere to ethics and rigorous compliance standards.

This may mean that we do not attract a certain type of clientele, but this is a price worth paying. We believe in profits with principles.



Kerseys Solicitors is praised in annual law sector report

Kerseys Solicitors excels when it comes to advising clients on personal tax, trusts and probate, according to an annual report.

The private client department was marked as a top tier in the Legal 500 – the law sector's industry bible.

The report stated:

“Kerseys is noted for its ‘consistently good level of service’. The ‘helpful and thorough’ Peter Awad leads a six-lawyer team that includes partners Geoffrey Sutton, who advised an estate with complex cross-border and business property relief issues, and Leila Murray.”

Kerseys is recommended in the following five practice areas: corporate and commercial; dispute resolution – commercial litigation; private client (family); real estate – commercial property and real estate – property litigation.

Highlights for Kerseys Solicitors included advising an estate management company on securitising its property portfolio and the sale of commercial units. The ‘proactive, efficient and flexible’ Kimat Singh and consultant James Hayward were recommended.

Twelve lawyers were also recommended: Kimat Singh, Matthew Osborn and Amanda Wheatley (in commercial); Anthony Wooding and Ross Burkitt (for dispute resolution and real estate – property litigation); Clare Thomas, Elaine Webb and Rosemary Carter (family); Geoffrey Sutton, Leila Murray and Peter Awad (private client) and James Hayward and Kimat Singh (real estate – commercial property).

The report found Kerseys ‘provides excellent service and value for money’. Peter Awad, a partner and head of the private client department, said: “We are delighted to see our hard work and dedication receive such recognition from the Legal 500.”

Managing partner Anthony Wooding added: “To have a department marked as a tier 1 and for a dozen lawyers to be individually recommended is no small feat. I’m very proud of the team here at Kerseys.”

See more at: www.legal500.com/firms/1923/1464#sthash.WEBv05iV.dpuf

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