



# The Advocate

The newsletter of Bennett Griffin Solicitors | issue 2

## New partner at Bennett Griffin

**The Partners of Bennett Griffin are delighted to announce that Elaine Smith has become a Partner in the firm. Elaine is a solicitor fully qualified in litigation and employment matters.**

She has recently passed her Masters Degree in Post Graduate Studies specialising in Employment Law with particular emphasis on TUPE (Transfer of Undertakings (Protection of Employees) Regulations) and their new series of Regulations 2006.



Elaine also specialises in swift debt collection and is responsible for all Debt Collection within the firm. Elaine has strong links with Brighton, Worthing and Crawley having served her first few years as a solicitor with James B Bennett in Crawley. Elaine has wide experience in Regulatory enforcement matters based at Worthing Borough Council and some experience with criminal work.

Currently Elaine handles all the firm's Licensing Applications and regularly appears before the Licensing Committee.

Elaine takes an active role in marketing being both a member of the Harbour Chapter of BNI where she has played a

leading role for some years. Elaine also presents seminars where she speaks on employment issues as well as assisting Charlotte Hammond in co-ordinating the Bennett Griffin Employment Club at its regular meetings.

"Elaine is a real asset to the firm" said the Managing Partner, Steve Hollamby, "and we are delighted that she is joining our already strong team to strengthen the Commercial and Employment Team".

*"I am delighted to be joining the partnership at Bennett Griffin, I have thoroughly enjoyed working in the Commercial department for the past five years and with the quality team we have here I am looking forward to growing our business and increasing the firm's presence in the region."*

*Elaine Smith, Partner*



## Increased paid holiday entitlement

Until 1 October 2007, under the Working Time Regulations 1998, workers have been entitled to four weeks' paid holiday. The Regulations did not give workers the right to take bank holidays in addition to their four weeks' paid leave. This meant that employers could count bank holidays as part of a worker's holiday leave entitlement under the Regulations. The Government decided some time ago that this was unfair and should be addressed.

Accordingly, from 1 October 2007, workers' minimum leave entitlement under the Working Time Regulations 1998 will increase from four weeks to 4.8 weeks (20 to 24 days for full-time workers). There will be a second increase from 4.8 to 5.6 weeks (24 to 28 days for full-time workers) with effect from 1 April 2009 (postponed from the original proposed implementation date of 1 October 2008). For those with holiday years starting on dates other than 1 October, the new entitlement is introduced on a pro rata basis.

The changes will mean that workers will (eventually) be entitled to 5.6 weeks' leave – inclusive of bank holidays. For full-time workers this is four weeks plus eight days "on account of" bank holidays – a total of 28 days. There will be no statutory right or obligation for workers to take the additional leave on bank holidays themselves, so as not to unduly affect businesses which require their staff to work on those days.

The changes should not affect employers who already offer at least 20 days annual leave in addition to bank holidays, but it will have a major effect on those who do not.

# Flexible working rights extended

Legal issues

Flexible working rights extended to private foster carers and those adopting from abroad.

On 1 October, private foster carers, those with residence orders in relation to a child (i.e. a court order that the child should live with them) and those adopting via non-UK adoption agencies together with their spouses, civil partners and partners will be added to the list of people eligible to make a request to their employers for flexible working under the statutory procedure to enable them to care for a child.

In other respects, the procedure to be followed and the qualifying requirements with which the employee must comply in order to make a valid request, are the same.

This means that the following employees will be eligible to make flexible working requests under the statutory procedure:

- *Entitled to request a contract variation to care for a child:*
- an employee who is the mother, father,



adopter, guardian, foster parent or private foster carer of the child;

- a person in whose favour a residence order is in force in respect of the child;
- an employee who is married to, the civil partner of or the partner of anyone in the above categories
- *Entitled to request a contract variation to care for an adult:*
- an employee who is or expects to be caring for a person in need of care who is either:
- married to the employee or who is their partner or civil partner;

- a relative of the employee; or
- living at the same address as the employee

A "relative" is widely defined by the relevant regulations, and includes most close relatives as well as step-relatives, in-laws and comparable adoptive and half-blood relationships.

#### Practical advice

- Ensure that any relevant policy you may have is updated as necessary to reflect these changes

# Keeping the web simple

Client focus

**Claire Love-Jones MD of Local Web Solutions writes**

"Building a website for a company shouldn't be a complicated, drawn out process, but it often is. A client should never feel that they are not in control, that they are not getting what they want or are confused by the whole technical side of web design. I was convinced that we could offer a completely new approach by 'keeping the web simple'. That meant creating a team with genuine expertise in every single aspect of web design, finding people who could provide fantastic support, ideas and flexibility to each customer - and manage the project from start to finish. We were lucky enough to find them, and have recently grown from a small web design company to a full service agency. I believe it's our approach that has made the big difference.

We demystify the whole technical side of things and talk in plain English. We concentrate on taking a really good brief and involving the client in every

aspect of the build so that they get what they need and what really fits with their business. We don't tie them into lengthy contracts or sell them endless 'extras'. We avoid the 'website off the shelf' idea too. LWS offer a series of packages to suit every budget and are very clear about what you get. Our clients appreciate our honesty.

Bennett Griffin have been invaluable. If you plan to offer a superb service to your clients you have to have a professional approach to contracts and the legal aspects of the Web. Professional advice is not a luxury, it is an essential to any serious business owner, and Bennett Griffin have been incredibly supportive. We actually feel like they are part of our team."

To find out how your business can benefit from our creative experience please call us on **01903 785568** or visit our website [www.localwebsolutions.co.uk](http://www.localwebsolutions.co.uk)







# Energy

## performance buildings

### Regulations 2007

The Energy Performance of Buildings Regulations are intended to implement the European Union Energy Performance of Buildings Directive 2003 by amending Part M of the Building Regulations.

Its Directives were due to come into force on 4 January 2006, however, the Government has relied upon an opt-out provision under the Regulations in that they currently do not have enough energy assessors. This opt-out and delay can only last until 4 January 2009.

These regulations are important as they implement the much talked about Energy Performance Certificates ('EPC's'). In line with the EU Directive, buildings with few exceptions such as Places of Worship and Premises of less than 50 meters square floor area must have an EPC that is no more than 10 years old before the marketing of that Property commences. This will apply to both residential and commercial properties freehold sales and leaseholds.

The implementation date for this has now been set at the 1st October 2008. As of the 1st October 2008 no freehold sale or grant of a lease can occur without a Certificate being in place. This will include short term commercial leases and potentially six month assured shorthold tenancies.



### Providing information as to the identity of a driver

Until 24 September 2007, the offence of failing to provide information as to the driver of a speeding vehicle was punishable with a fine and three penalty points. BUT, from 24 September onwards, the offence now attracts six penalty points.

The offence of speeding continues to attract a variable number of penalty points between three and six.



The key to a good development is to be able to capitalize on the opportunity as it presents itself. This means having the right finance product in place from the beginning. The main problem with property, generally, is the value of the contribution you are required to put into the project. We have a finance solution that will enable you to develop a project, and provided that you have priced the components of the project correctly, you can develop without contribution.

At the beginning of the project an independent valuer will be asked to

give the GROSS DEVELOPED VALUE (or GDV). In other words the value once the development has completed. If the total cost of the project is less than 70% of GDV then there is NO CONTRIBUTION\* required from you. There is no catch other than hard work and spotting the opportunity.

Manta Finance also offers a range of commercial financial products and for more information please visit our website [www.mantafinance.com](http://www.mantafinance.com) or contact :

Manta Finance Limited, 15-17 Middle Street, Brighton, East Sussex BN1 1AL  
Tel : 08701 211280  
E-mail: [info@mantafinance.com](mailto:info@mantafinance.com)



\*Typical Costs are : Property/land acquisition price, development/build costs, Stamp Duty, Legal fees and the finance plus interest costs.

## Jo Ostrom completes training

The partners are delighted to announce that Jo Ostrom has successfully completed her training contract with Bennett Griffin and was admitted a Solicitor of the Supreme Court of England and Wales on 15 October 2007.



Jo gained an LL.B (Hons) at the University of the Swansea, before undertaking her legal practice course at College of Law, Guildford which she completed with a distinction. Jo joined Bennett Griffin in October 2005 and has undertaken training seats in probate, family, conveyancing and commercial property and will now join Bennett Griffin's Private Client Department. In her spare time Jo enjoys salsa dancing and has recently started golf lessons. She also has a yellow belt in self-defence.

Ian Macara, Partner in the Private Client department, said "As a trainee, Jo very quickly established herself as a real asset to our Private Client team. She is bright, engaging and has an eye for detail - skills that all of us here at Bennett Griffin are encouraged to develop and apply to our work. Now that she has qualified and returned to our Private Client team her undoubted skills will enable us to continue to increase the specialist, timely and proactive advice and support that we can provide our to Private clients. After devoting 7 years to training to become a solicitor we all wish her every success for her long career with us at Bennett Griffin."

## Meet our receptionists

The first members of the Bennett Griffin team you will meet on arrival at our Ferring offices are our receptionists, Helen Gerrish and Hayley Stevens.

Hayley has lived in the local area all her life, growing up in North Lancing and attending Worthing Sixth Form College to complete A-levels in Latin, Ancient History, Geology and Environmental Science. She has travelled around Europe, Egypt and also Asia & Australasia. Hayley moved to Ferring at the beginning of 2007 with her partner Gary following the birth of their daughter Jasmine. Hayley has worked for Bennett Griffin since June 2007 and previously worked for Solicitors, the Council and for a medical company.

Helen also grew up and has spent most of her in the Worthing area apart from 3 years travelling and living in New Zealand. She has two teenagers, David who is at university and Amber, currently studying for her A-levels at college. Helen came to work at Bennett Griffin nearly 2 years ago having previously gained diplomas in counselling, eating disorders and clinical weight control.

The new national minimum wage rates applicable from 1 October 2007	Old rate from 1 October 2006	New rate from 1 October 2007
Standard (adult) rate for workers aged 22 and above	£5.35 p/h	<b>£5.52 p/h</b>
Development rate for workers aged 18-21 incl	£4.45 p/h	<b>£4.60 p/h</b>
Development rate for workers aged 16-17 (who are above compulsory school leaving age)	£3.30 p/h	<b>£3.30 p/h</b>
Apprentices:	Not entitled	Not entitled
Aged under 19	Not entitled	Not entitled
Aged 19 and over who are in the first 12 months of their apprenticeship	Not entitled	Not entitled



**bennettgriffin**  
SOLICITORS AND NOTARIES

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Legal summaries provided in this newsletter are not a definitive statement of the law in any area. Advice should be sought from a solicitor in respect of any information that affects any individual matter with which you may be concerned.