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Rural Newsletter

SUMMER/ AUTUMN 2018



Jacqui Lanning,
Devon Farmer of the Year 2018

Celebrating farming's unsung heroes

We caught up with Devonshire Poultry's Jacqui Lanning – the newly crowned Devon Farmer of the Year – to talk celebrating unsung heroes, inspiring the next generation of farmers and how important taking a commercial approach to farming is.

Two months after winning the coveted Farmer of the Year and Best Woman in Farming titles at the Devon Farm Business Awards, Jacqui Lanning of Devonshire Poultry is still letting the win sink in.

"I entered the Best Woman in Farming category because I feel that there are lots of women like me in farming who look after the compliance and business aspects of a farm. I think they are often the unsung heroes of farming and I wanted to shine a light on this kind of work. I was so excited to win that category, but it never even crossed my mind that I could win the overall award because I'm not a traditional 'hands on' farmer. I was stunned and shocked – and I still am!" says Jacqui.

Jacqui with her husband Robert runs Devonshire Poultry, a broiler chicken business based at Sheldon in the Blackdown Hills. They started the business in 1991 and it has grown to include six farms across three counties. The business now employs 11 people and produces 4.5 million table chickens each year.

An outstanding winner

Although Jacqui was surprised with her win, the judges were in no doubt. Lead judge for the Farmer of the Year award, Mole Valley Farmers' Chairman, Graeme Cock, said of Jacqui: *"Devonshire Poultry is a fantastic business which bases its entire marketing theme on Devon. Jacqui's role in the business is absolutely vital, running as she does six very efficient and high welfare units across three counties from her Devon base. She is an outstanding winner."*

"Her focus and drive is obvious and she clearly loves her work", observed judge Richard Townsend, who placed Jacqui top in the Best Woman in Farming category. *"The future looks bright with a great team in place providing a solid foundation for future growth."*





Jacqui's awards



Jacqui's son



Jacqui and her husband Robert

They started the business in 1991 and it has grown to include six farms across three counties. The business now employs 11 people and produces 4.5 million table chickens each year.

Farming can be for everyone

Neither Jacqui nor her husband has a farming background and she is passionate about showing that farming can be for anyone – even if you are not born into it.

“I’m proud of the fact I grew up on a council estate in the Black Country. I hope that my husband and I are an inspiration to young people and show that it is possible to build a successful farming business from scratch,” says Jacqui.

Jacqui looks after the HR, compliance, cash flow and health and safety for Devonshire Poultry. *“HR regulations in particular are forever changing, so it is a busy role and there is so much to keep on top of. I love the variety of the work I do every day.*

“Across the farming sector there are so many different jobs that young people are not aware about and we are failing these young people with incorrect career advice. As an industry we need to do more to show young people the variety of jobs on offer in farming. There are so many aspects to farming it is possible for us to appeal to children who want to work with animals, those who want to work in business, science-minded kids and the ones who want to work in a practical job in the fresh air. This is an industry to get excited about – let’s share that excitement,” adds Jacqui.

Jacqui is also passionate about helping young people to understand where their food comes from. She says: *“They are the shoppers of tomorrow. The link between farming and education is so important. I’m keen to remove some of the stigma associated with ‘intensive’ farming and farming on a large scale like we do here. I want to show that there is a place for high welfare, quality, affordable, high protein food. I respect all of my fellow farmers and it is important that children understand the different kinds of farming.”*

Jacqui and her family



An industry that deserves to be recognised and celebrated

Representing women in farming is another of Jacqui’s passions. *“Farming isn’t a man’s world any more, but there are definitely many female unsung heroes in the industry and we need to celebrate the role we play. Women can do any job on a farm – from a hands-on role, to being the brains behind the business.”*

What is Jacqui’s advice to anyone thinking about entering themselves or nominating someone for the Devon Farm Business Awards 2019? *“The Devon Farm Business Awards are so important because they show how diverse farming in Devon is and the contribution we all make. Farmers are notoriously humble, but sometimes you have to go for it and put yourself out there. We are an industry that deserves to be recognised and celebrated,”* says Jacqui.

So what is next for our Devon Farmer of the Year and Devonshire Poultry? *“We had to become very commercial very quickly as we are a non-subsidised business. Now that we face the uncertainties of Brexit it is going to be tricky for many in farming. Having a commercial attitude is going to be even more important. Agriculture has shown itself to be resilient before, so I’m sure we will look out for the opportunities ahead and make the most of them.*

“I remain very ambitious for Devonshire Poultry and look forward to exploring how we can grow the business even more over the next few years.”

“I’m proud of the fact I grew up on a council estate in the Black Country. I hope that my husband and I are an inspiration to young people and show that it is possible to build a successful farming business from scratch....”

Rural research project

2

Brexit poses many questions and for the agricultural sector one of the most important ones is what will happen to support payments once we leave the Common Agricultural Policy?

Although the indications from the Government are that support payments will continue, they will be much more closely linked to farm efficiency and protecting the environment.

Recognising the challenges ahead, Stephens Scown have joined forces with the Rural Business School for a project with an innovative new way of helping farmers consider issues such as:

- *Technical efficiency*
- *Succession*
- *Increasing profit*
- *Animal health*
- *Mitigating climate change*

Agriculture in the UK has suffered since the 1990ies from a lack of investment in research and development, with the consequence that the 'average farm efficiency' has fallen below that seen in other countries. The impact on a farm if you are technically inefficient has a ripple effect, it is much harder to generate the cash flow you need to pay bills, keep the bank happy, reinvest in the farm, pay staff and family.

With the internet there is no shortage of advice available to farmers but has this advice been independently verified and is it provided in a way that a farmer can easily digest after a 12/15 hour day?

With assistance from the Cornwall Agri-Tech scheme we are developing a dedicated You Tube channel that addresses crunch farming issues through the use of 2 minute films and videos that can be accessed through a smart phone.



Why 2 minutes?

Many of you will be familiar with the One Minute Manager series of management books written by Kenneth Blanchard + friends. This series has sold millions worldwide but whilst you can teach someone to be a manager in one minute we believe being a farmer is at least twice as difficult – hence the 2 minutes!

More importantly though in the world of smartphone usage 'less is more'. The under 40ies are increasingly reliant on their smartphone as their main source of information – but only if this information is available in short bite size chunks. Any video that is longer than 2 minutes is likely to lose its audience before the end.

The project was launched at Royal Cornwall Show in a joint event with the Rural Business School and feedback has indicated the popularity of the videos. Filming of the first videos will commence in August ready for an autumn launch.



Mike Rowe is a consultant with Stephens Scown's rural and energy teams, bringing over 30 years of banking experience and providing independent expertise to clients regarding the funding of projects. To find out more about the project email rural@stephens-scown.co.uk

“ So... how
does
it FEEL? ”



Guy Singh-Watson

I've been asked that question more than a few times in the weeks since we became employee owned.

The answer? I am starting to feel the soil under my feet again, my shoulders definitely feel lighter, and an unfamiliar smile keeps settling on my face. Maybe I'm imagining it, but I think my fellow co-owners are smiling more too, and everyone's energy has gone up a gear. After 12 years of thought, debate and prevarication, Riverford Organic Farmers became 74% employee owned on Friday 8th June 2018. Amongst all the signings, meetings and legal documentation, I was tearful, grumpy and awash with churning emotions – but doubt was never one of them. The best indication of business efficiency (and most valid prediction of future success) is getting the best out of people while giving the most back; return on capital is a poor, short-term proxy. I want to be part of an organisation that helps us be the best version of ourselves – that facilitates and grows people.

I knew it was the right choice on the day: when we had the best party the farm has ever seen, full of spontaneity and joy; when my staff gave me a seat fashioned from the remains of last winter's fallen oak; when we all signed a giant scroll as witnesses to the occasion; when several staff, old and new, spoke movingly of what Riverford means to them and their hopes for our future, to rapturous applause; when I found myself standing on the shoulders of two acrobats with a rose in my teeth... but most of all when I staggered off, overwhelmed, to take a few minutes on my own and enjoy dusk falling into the valley.

For years I have loved that view, across the fields that I have walked, planted, and hoed so many times – over the reservoir where my children learnt to swim, to the wood-shrouded Tor Hill. After a few moments, I saw that I was not alone: four previously landless co-owners were also taking in the landscape. I shook myself when I realised it was no longer mine – to do with as I pleased, to share if I wanted, or not if I didn't. Now it was ours, forever, with no going back. To my surprise and relief, in the last light of a perfect day, that felt perfect – and it still feels perfect weeks later.



Find out more about a Riverford delivery at www.riverford.co.uk

Employee Ownership – what's in it for your business

One of the biggest challenges facing today's businesses is the need to engage, motivate and reward staff, while at the same time driving business performance.

"I've always believed that great client service starts with having a happy and engaged workforce. Employee ownership is a very tangible way to show that the firm values everyone's contribution, regardless of seniority or job role. And it gives our people a direct stake in the success of the business, which is a powerful motivator."
Robert Camp managing partner.

In May 2016, Stephens Scown became the UK's first large law firm to become employee owned. As well as a positive reaction from employees our employee ownership has also been welcomed by our clients, who receive better service from happy and motivated staff. It has also helped us to differentiate ourselves from other law firms in a competitive recruitment market.

But what benefits does employee ownership bring to a business?

Driving business performance

The benefits of employee ownership stretch beyond engaged staff and happy clients: they can also be seen in improved business performance, even in testing times.

Between 2010 and 2017, employee ownership increased by 60 per cent in the UK. It's not hard to understand why more and more organisations are choosing employee ownership as the best way to develop and strengthen their business. Proven benefits include:

Increased productivity

Productivity in the UK's top 50 employee-owned businesses rose 6.2 per cent in 2017, compared to a nationwide average of just 3.4 per cent.

Increased sales growth

In 2017, the growth in combined sales of the UK's top 50 employee-owned businesses outperformed the growth in GDP by 50 per cent.

Increased trust

The Edelman Trust Survey 2017 found that almost 60 per cent of respondents think employee-owned businesses are more trustworthy than businesses not owned by their employees. Forty-one per cent of UK adults claim they are more likely to buy products or services from an employee-owned business.

Increased resilience

Employee-owned businesses grew sales by 11.1 per cent in the last recession, compared to growth of just 0.6 per cent among non-employee-owned businesses.

Increased recruitment pools

Forty-four per cent of UK adults say they would be more likely to apply for a job at an employee-owned business, giving firms who take this route a much wider pool of potential recruits – perhaps because 80 per cent of employee owners are happy to recommend their organisation as a workplace.

If you're thinking about introducing employee ownership into your business, few law firms are as well placed as Stephens Scown to advise and guide you through the process as smoothly as possible, minimising the risks and giving you the information you need to make the right choices for your business. For more details visit www.stephens-scown.co.uk/employee-ownership

An aerial photograph of a vast agricultural landscape. The foreground and middle ground are dominated by long, straight rows of green crops, likely a vegetable or fruit field. A person wearing a red and black plaid shirt and blue jeans is walking along one of the rows in the lower right quadrant. The background shows a mix of green and brown fields, suggesting different stages of crop growth or different types of land. The sky is a vibrant blue with scattered white cumulus clouds. The overall scene is bright and clear, indicating a sunny day.

5

Rural businesses have long made the most of the free movement of people in the EU, so how will Brexit impact rural businesses and their need for seasonal workers?

SEASONAL WORKERS POST BREXIT

Defra is working closely with the Home Office as they seek to develop a new immigration framework to ensure that the UK has a controlled but flexible migration policy that considers access to seasonal agricultural labour. The draft withdrawal agreement published on 19 March has provided some clarity on what can be expected in terms the rights of EU nationals after the UK leaves the EU.

EU Nationals in the UK

EU nationals who are lawfully residing in the UK as at 31 December 2020 will be able to continue to reside in the UK. It must be noted however that all EU nationals are going to have to make some kind of application to secure their residence status and at some point registration for all EU nationals will come into force.

EU citizens who have been lawfully resident in the UK for five years before 31 December 2020 will be entitled to “settled status” to protect their continued right to reside in the UK.

Those who arrived in the EU before 31 December 2020 but who have not lived in the UK for five years will be allowed to apply for ‘pre-settled status’ to enable them to acquire five years of residence. At that point, they can apply for ‘settled status’.

According to the draft agreement, EU citizens will be able to spend up to five consecutive years outside of the UK without losing their settled status, once it has been obtained. Under the current law, settled persons lose their settled rights after two consecutive years outside of the UK.

NB: under the draft agreement, only those EU citizens who are married before 31 December 2020 have an automatic right to join their spouse in the UK. For those married after that date, normal immigration rules will apply which will mean certain specifics having to be proven before the spouse can remain in the UK.

Questions left unanswered

We don’t know whether there will be free movement of people post 31 December 2020. It seems fairly inevitable that after 31 December 2020 persons moving around will be subject to visa control.

The agreement does not clarify what future arrangements will be for Norway, Iceland, Lichtenstein and Switzerland. The rights of Irish citizens, however, will not change and they will not need to apply for settled status.

There is no clarity on EU citizens who are not lawfully resident after the end of the transition period. It could be assumed that these persons will be liable for removal. This means the EU citizen must be and continue to be a worker, self-employed person, student, or self-sufficient person, or have lawfully retained those rights.

There is also a lack of clarity for EU nationals who have already gained permanent residence but are not in fact resident in the UK on 31 December 2020. The Draft Agreement, on first glance, suggests that those EU citizens who already hold a permanent residence document for the UK but who are not living in the UK as at 31 December 2020 may not be included in the new application process.

The draft agreement is also part of the wider Brexit negotiations, so won’t be agreed until ‘everything is agreed’.

What should employers do now?

Firstly do an audit of your staff and see who may be impacted.

Then reassure them of the likely position and consider arranging for them to speak to a specialist immigration lawyer to understand their personal right to live and work in their country of choice.

Within the UK, there are steps that can be taken now to obtain a permanent residence document. Having this will protect people’s position, reassure them and make it much easier to apply for settled status under the new law.



Jhenna Mortimer is an immigration advisor in the immigration team at Stephens Scown. For advice on how Brexit will impact on you as an employer or employee or if you have a question about immigration, please contact Jhenna or Lisa Mulholland at immigration@stephens-scown.co.uk or 01392 2100700.

WHO OWNS THE FARM?

That would seem to be a straightforward question you would expect most farmers to be able to answer.



Brian Harvey is head of PKF Francis Clark's agricultural sector group, Brian manages a dedicated team of agricultural accountants and tax advisers. To contact Brian please email brian.harvery@pkf-francisclark.co.uk or call 01872 276477.

However, experience shows that whilst many people think they know the answer, they are surprised when they are told that this is not consistent with what the accounts or what the Land Registry says - especially when I explain what the potential implications of this might be.

The majority of farm businesses still trade as partnerships and often this is where the issue lies, as the uncertainty is whether or not the farm is partnership property or an asset of the partners. This subtle difference needs to be understood as it can have significant implications.

As a general guide, if the farm has been purchased the position is clear, as it is more often than not clear who entered into the transaction and in what capacity.

However, it is much more common for uncertainties to occur where the farm has been gifted or inherited. It may be that the farm was left to one or more partners, possibly reflected as such in the updated Land Registry documents, but there may be little documentation as to whether or not the land was then entered into the partnership and, as there was no payment, it is likely that the asset is not listed on the fixed asset register in the accounts.

Given this, it is easy to see how confusion arises over the ownership.

So why does this matter?

How the farm is owned can have significant tax implications if the farm is sold or gifted during lifetime, or is bequeathed on death and ownership is often the root cause of many a farm partnership dispute.

For inheritance tax (IHT) purposes, if land used in the farming business is owned by partners outside of a partnership then Business Property Relief (BPR) would only be available at 50% on death which, depending on the level of hope value, could leave a nasty IHT shock. Similar land owned inside the partnership might achieve 100% BPR.

Supporting documentation, and how matters are presented in the accounts and tax returns are important. If there is uncertainty over ownership then in the absence of a partnership agreement, declarations of trust or well prepared accounts showing specific property capital accounts, there are many farming examples in case law relating to what have proven to be extremely expensive farming family disputes.

If land is to be sold, especially for development, or there is a death, dispute or a divorce, any uncertainty with regards to land ownership will only add to costs that could often have been avoided.

As such, it is imperative that in every case the position with regards to the ownership of the farm is clear, understood and is supported by appropriate legal documents and accounts (including property capital accounts). If this isn't the case for your farm, then I recommend immediate action is taken. Unfortunately the unexpected can happen, and significant problems can arise.

A secondary question is then, even if the farm ownership is clear and well documented, whether the current ownership of the farm remains appropriate for you in terms of succession, wills and tax planning and whether or not a change in ownership can improve and clarify the situation.

These are all areas where we can assist and ensure that all points are properly considered and if you have any concerns with regards to these issues, please do not hesitate to contact your local PKF Francis Clark office.

Planning permission for storage containers

Storage containers on agricultural land have been considered in a recent decision, in which deliberation was given to their degree of permanence, size, and the degree of physical attachment to the land.

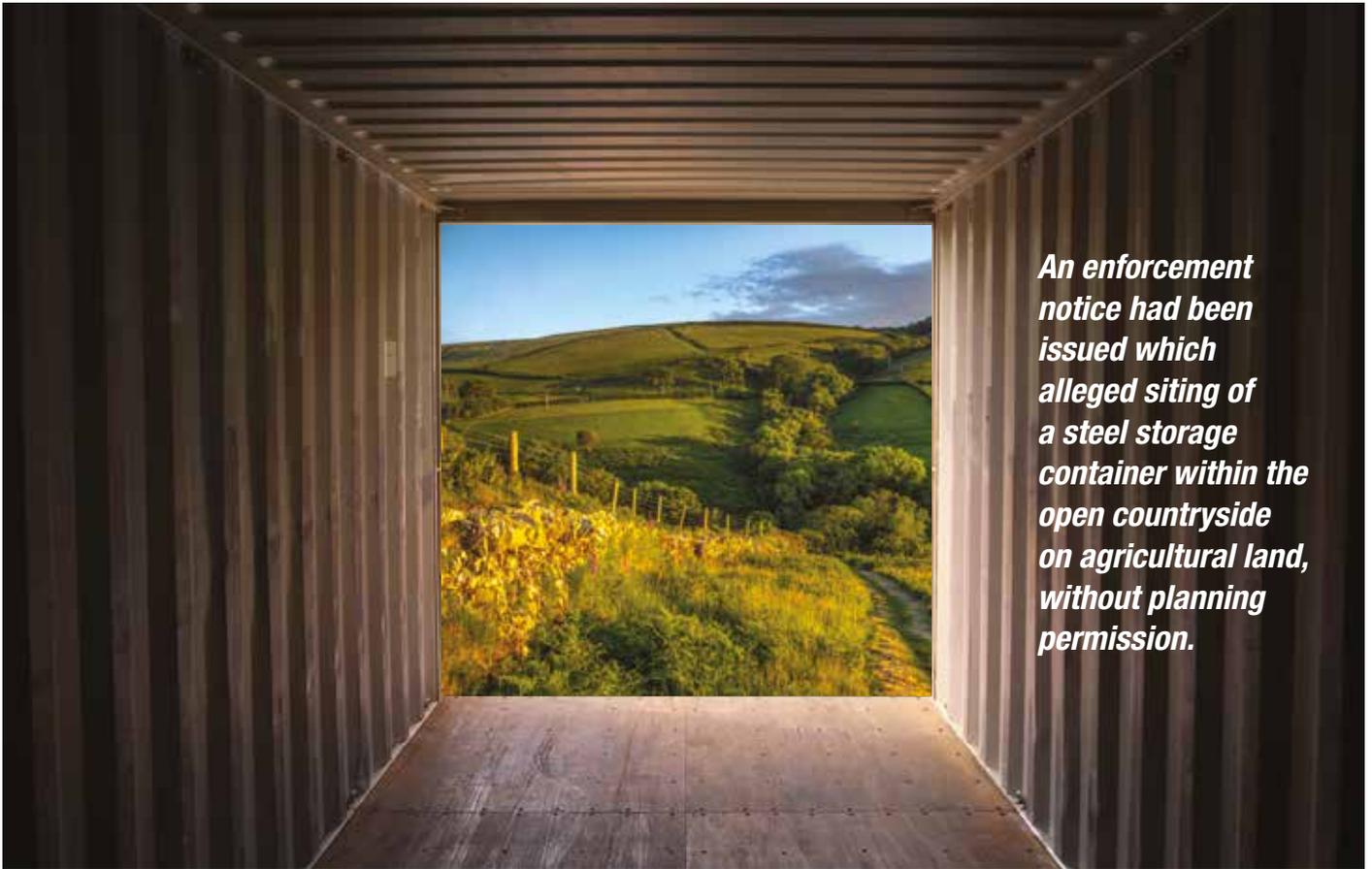
The decision

An enforcement notice had been issued which alleged siting of a steel storage container within the open countryside on agricultural land, without planning permission.

The landowner argued that the storage container did not require planning permission as it did not amount to development within the meaning of section 55 of the Town and Country Planning Act 1990, which provides that development is:

“...the carrying out of building, engineering, mining or other operations in, on, over or under land”

It was argued by the landowner that the storage container was not a building operation. This was due to various factors including: the container did not rest on any foundations; it was relatively small in size; and that it was not connected to any utilities. The container was capable of being moved either on logs or by attaching it to a wheeled container, pulled with a quad bike.



An enforcement notice had been issued which alleged siting of a steel storage container within the open countryside on agricultural land, without planning permission.

There is no single definition as to what constitutes a building operation. However, the size of the building/structure, the degree of permanence and the degree of physical attachment to the land is generally considered on a case by case basis.

While the storage container was small, the backdrop of the field within which it was situated meant that its size was considered to be significant - the field measured approximately 0.25ha.

Furthermore, the container had not been moved since it was placed on the land, 18 months before the enforcement notice was issued, and was considered to have a permanent character, despite the landowner's intention for it to be a non-permanent structure.

It was held by the Planning Inspector that as a matter of fact and degree, the container constituted a building. Therefore, the siting of the container amounted to development for which express planning permission was required. There was therefore a breach of planning control.

Implications

The decision is important to remember in the context of small structures or buildings within the countryside. Decisions on whether containers require planning permission are varied as they depend on the site context and the application of planning judgment. While it was the landowner's intention that this container was not to be a permanent fixture to the land, the various factors meant that the structure was considered to be permanent.

The use of shipping containers as an easy and accessible way to store items should be considered carefully, as their introduction onto land may be more complicated than originally envisioned and planning advice may need to be sought.



Chris Tofts is a partner in our planning law team. If you would like to get in touch with Chris on this topic or any other planning issue you can email planning@stephens-scown.co.uk or call 01872 265100.

Don't Believe The Hype: GDPR Myths Exposed



Recently it has been impossible to miss news about GDPR: the biggest change in how the world deals with data in generations. However, there is a huge amount of confusion and misinformation out there.

You may be asking yourself “do I need to delete my data?”, “do I have to stop emailing people?” or even, “does GDPR mean I can’t use cloud services?”

So what is myth and what is fact in the brave new world of the GDPR.

Myth 1

GDPR is designed to stop marketing activity: FALSE.
GDPR creates rights for EU citizens. Business can still use personal data; they just need to do so in compliance with the law.

Myth 2

Everyone needs to get consent before sending more emails: FALSE.
You will no doubt have seen major household brands emailing you for consent to continue contacting you. Yet consent is just one of the legal bases for contacting people. In other words, many have got this wrong. You may well be able to avoid the need for taking the drastic step of re-consenting by finding another legal basis for the contact.

Myth 3

I can just rely on “Legitimate Interest” as a justification for my activity: FALSE.
Legitimate interest relies upon a balancing test. If you are going to rely on this you need to have a policy setting out how the test will be run, actually run the test each time you intend to rely upon it and document the outcome. Legitimate interest will actually prohibit you from undertaking certain activity.

Myth 4

I don't sell data therefore I don't need to worry about data transfers: FALSE.
Do you rely on cloud services, external payroll, email marketing companies, or any other third party who may have access to personal data? If you do, this will be a transfer under the act and you will need to satisfy the requirements for a transfer. Make sure you have conducted a data mapping exercise to identify data flows and transfers.

Myth 5

If someone sends me data it is their responsibility to make sure it is “clean”: FALSE.
In any data transfer both the recipient and disclosing party have responsibilities and potential liabilities.

Myth 6

I'm not going to make the 25 May 2018 deadline so there is no point trying: FALSE
The 25 of May is the start, not the end. Big cultural change will be required across every organisation from the 25 May 2018 onwards.

Myth 7

This is an HR or IT issue only: FALSE.
Compliance requires a joined up approach from legal, marketing, HR and IT. Anyone who tells you that any one of these disciplines alone can make you compliant has misunderstood.

Myth 8

Brexit will change things: FALSE.

Myth 9

I can't transfer data outside the EEA: FALSE
You can transfer data outside the EEA but there are certain requirements you must meet before you do.

Myth 10

I don't sell to consumers so I don't need to worry about this: FALSE
The legislation applies to all personal data, including that concerning employees, business referers and clients.

Ben Travers is head of intellectual property and IT at Stephens Scown LLP. The firm has a team of data protection specialists and offers a range of fixed fee solutions from light support to completing a full GDPR review. To contact Ben, please call 01872 265100, email solicitors@stephens-scown.co.uk or visit www.stephens-scown.co.uk



Managing a return from sick leave



The media is full of stories about how many business days sick leave costs.

The Chartered Institute of Personnel and Development (CIPD) conduct an annual survey of absence management in partnership with Simplyhealth. The Health and Well-being Survey 2018 reported that, from their survey of 1,000 HR Professionals overall sickness absence levels were 6.6 days per annum, per employee. This is only a slight increase on previous years but more worryingly, the responses highlighted an increase in absence due to mental ill health and the growing prevalence of 'presenteeism' (working when unwell) and 'leavism' (working when on holiday).

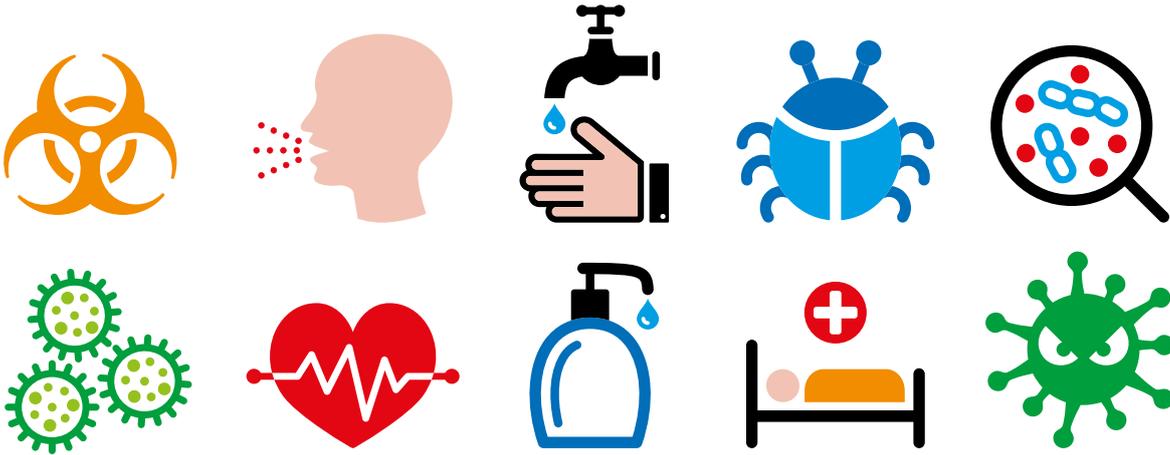
Most businesses are very conscious of the significant impact sickness absence can have on their performance and policies and procedures can be used to reduce absence levels, manage long-term and intermittent absence and improve productivity. This may involve several phases including:

- *measuring the levels of and reasons for absence*
- *implementing "wellbeing" and preventative measures*
- *seeking medical guidance*
- *managing the employee while they are absent*
- *managing their return to work*

The CIPD survey identified that the method organisations rank as most effective for managing both short and long-term absence is a return-to work interview. This is a really important time for a business to catch up with an employee, to make sure they are fit and ready to return to work, to put in place any measures that will give that return the best possible chance of success and to make sure that the employee is updated on things happening within the business. How an employee returns to an organisation after a period of sickness absence is crucial to their future absence record and arguably their motivation.

There is no silver bullet to make the return successful and a range of behaviours will be important, with adjustments to take into account the reasons for and length of the underlying absence. However, the CIPD survey reported that only a third of respondents are managing absence through an organisational focus on health and wellbeing, suggesting that too many businesses are perhaps still not taking enough of a proactive and preventative approach to employee health.

If you are looking to manage a return to work, here are some of our top tips on how to manage that return successfully:



- *At all times use good people management skills including effective communication, sensitivity and understanding.*
- *Make sure you know the latest medical advice on any suggested adjustments to hours, duties and so on but be careful about how widely known this information is and remember that at this point, it's more about the person than their illness or condition.*
- *Talk to the employee's line manager, who is the employee's first contact point and responsible for their day to day management, to identify any possible underlying reasons for the absence e.g. performance issues, conflicts with other employees including the line manager and so on. It is possible that the line manager is part of the reason for poor sickness records of the employee so this would need to be dealt with carefully. Alternatively, there may be broader culture issues within the organisation that need to be addressed.*
- *Get in contact with your employee before they return and make sure they know what's going to happen.*
- *Have a return to work meeting on your employee's first day back and in doing so, offer support and reassurance.*
- *Manage the early days after the employee returns carefully and keep everything under review and maintain regular contact to ensure they are recovered and coping. Make sure that they know where they can go if they need to – feeling ready to come back to work is often quite different once someone is back in the workplace.*
- *Keep going! It's easy to return to business as usual once an employee is back at work but they may need support for some months to come and there need to be routes to make that happen.*

We regularly deal with enquiries through our HRExpress service about how to manage sickness absence and we are well-placed to be able to support you with both short and long-term absence. Sometimes, though, it can be easy to forget that managing someone's return to the workplace, can be just as important and as difficult as managing their absence. If this is a valued employee you have invested in but who needs a little extra support from you to get through a difficult time, don't give up on them at the time when they most need you. Your remaining workforce will see the time and effort you give to their colleague and where that colleague's illness and their need for support has been genuine, you will very often find that that in turn builds engagement and motivation across the whole business.

Our HRExpress team specialises in offering HR and employment law solutions to small and medium sized businesses and organisations and we would be delighted to talk to you if this would be of interest.



Ellie Hibberd is an associate and specialist in employment law in the rural services team at Stephens Scown LLP. To contact Ellie, please call 01392 210700, email solicitors@stephens-scown.co.uk

10

12 tips for getting your business in good shape

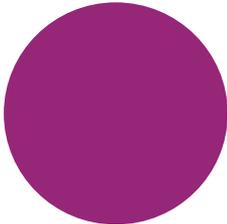
As things cool down and Autumn approaches Susie Murray, partner in the rural team at Stephens Scown suggests 12 things farmers should think about that may help them to increase revenue and cut costs.

Without mentioning the 'B' word, it's fair to say that there's still a lot of uncertainty at the moment, however, there are still many things farmers can do to get their farming business in good shape ahead of the Agricultural Bill.

Here are 12 things to think about when you have your family together.



Susie Murray is a partner and heads the rural team in Devon. If you have a question about a rural related matter please contact Susie and the team by email rural@stephens-scown.co.uk or call 01392 210700.



1 Save costs by working collaboratively with neighbours. Sharing machinery for example can bring costs down significantly.

1

3 Look at marginal gains and ways to cut costs and increase productivity, perhaps through using some new technology that is available.

3

2 Do any of your farm buildings have untapped potential? Permitted development and class Q planning could be an option to consider.

2

4 Look at your energy use and see if there are ways you can reduce it to cut costs.

4

5 Buying additional land could be a good investment and increase your income stream.

5

6 Reviewing your overall tax position and succession is worth the time and effort and could save the business money in the long run.

6

7 Renewable energy could still be a good investment, bringing you cost savings and a new income stream – consider battery storage for optimising existing renewable energy installations.

7

8 Great creative when you think about diversification. Some farmers have diversified into gyms, nurseries, manufacturing products, tourism and speciality crops.

8

9 Do you have any empty buildings you could rent out for storage?

9

10 Think about how your business is structured. Would entering into a partnership or collaborating bring benefits to your business?

10

11 Younger members of the family may be visiting during their Christmas holiday from college or university. They are bound to be full of ideas which could turn into a new income stream.

11

12 Take some time to look to the future prior to making any investments and take time to consider the returns to be made. Look out for any available grants.

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Can I dispute a Will?

In recent years, we have seen numerous high profile cases relating to disputes over estates and farming succession. This could be as a result of an increase in land values, development potential, more children exploring alternative careers and a lack of clear succession planning within families.

It is a common misconception that once a Will has been executed, it becomes final and indisputable. This is simply not the case. A Will can be disputed on a number of grounds.

Why would you dispute the validity of a Will?

You may wish to dispute a Will if you were previously set to benefit under its terms, prior to it being changed to exclude you or decrease your benefit under it. You may even be in a position where this is the first Will which has been prepared but you have been excluded or the provision made for you is not what was expected. This can often be the case when the deceased re-marries and leaves the entirety of their estate to their new partner, or one child is excluded from their parent's Will as a result of pressure from another child.

Grounds for disputing the validity of a Will

There are five grounds under which a Will can be disputed.

If you believe that at the time of making the Will, any of these circumstances applied, you may be able to challenge the validity of the Will:

- *the Testator (the person who made the Will) did not possess the mental capacity to make the Will and/or*
- *the Testator did not fully understand the contents of the Will despite having mental capacity and/or*
- *the Testator was unduly influenced or pressurised by someone or others to make the Will and/or*
- *the execution of the Will did not comply with the statutory requirements to create a valid Will and/or*
- *a clause in the Will or the Will itself was completed in a fraudulent manner*

If you successfully disputed the validity of the last Will of the deceased, the Court would strike out the deceased's last Will and pronounce in favour of the deceased's previous Will (if there is one) or the intestacy rules. The intestacy rules are the rules which govern the distribution of a person's estate where there is no Will or no valid Will. This means that you would either inherit in accordance with the previous Will or the intestacy rules. Clearly there is little point in disputing the validity of the Will unless you stand to receive a greater benefit from the estate under the previous Will (if there is one) or the intestacy rules.



The case of Schrader v Schrader

The case of Schrader v Schrader demonstrated the successful challenge of the validity of a Will as a result of undue influence.

The deceased, Jessica Schrader made a Will in 1990 leaving her Estate equally to her two sons, Nick Schrader and Bill Schrader. In 2006 the deceased made a new Will gifting the entirety of her Estate to Nick. The Estate mainly consisted of South End Farm House. It was anticipated the property was worth in the region of £320,000.

Bill attempted to dispute the validity of the Will made in April 2006 on the grounds that either his mother lacked the necessary mental capacity to make a valid Will or had been “unduly influenced” by his brother to make a new Will which departed from the provisions of the previous Will splitting the Estate equally.

Bill asserted that both his late mother and father had treated both brothers equally over the decades and that his mother would not have intended to depart from this approach of her own will. The Court heard evidence that after Nick moved into the property with the deceased in 2005, she became very quiet and sheepish and was said to have been afraid of Nick.

There were various assertions that Nick was aggressive, short tempered and a violent man. Despite the strained relations between the brothers they continued to live 25 metres apart. It was suggested the deceased was fully aware of the difficulties created by Nick’s hostility to Bill to the extent that when Nick was out the deceased would place a piece of card in her window as a signal to Bill that it was safe for him to visit her.

After a four day hearing the High Court ruled that Jessica had made the new Will leaving the entire Estate to Nick as a result of Nick’s undue influence over her. The original Will made in 1990 was reinstated restoring Bill’s half share of the property worth in the region of £160,000. Not only will Nick lose half of the property but he also faces paying costs in the region of £110,000.



Charisse Crawford is a partner in the inheritance and trust disputes team at Stephens Scown. If you are concerned that a Will of a deceased close to you is not valid or have a query please do contact Charisse on 01392 210700 or email drx@stephens-scown.co.uk.



New role for Richard Baker, former head of rural

We are pleased to announce Richard Baker has been appointed our first deputy managing partner.

The creation of this new role is part of wider succession planning at the firm. It also recognises how much the firm has grown and changed over the last few years.

Richard is a partner and current board member, is a real estate expert and has worked for Stephens Scown for 25 years. It is intended that Richard will take over as managing partner in due course.

Stephens Scown's managing partner Robert Camp said: *"Stephens Scown has transformed over the last five years. We are now employee-owned and have over 300 members of staff – it is the right time to strengthen our leadership with this new role. Richard has played a significant part in our success and I look forward to his input in this new role."*

Richard Baker added: *"Stephens Scown has proved that it is bold and not afraid of doing things differently – leading the way on employee ownership in the legal sector is just one example. I'm really looking forward to this new challenge and the chance to lead on some key strategic projects for the firm."*

Stephens Scown NEWS ROUND UP

Tips for selling land

If you're thinking of selling your farm, land or a barn Susie Murray a partner in our rural team has produced a video packed full of tips to help you with the process.

Visit <https://www.stephens-scown.co.uk/business/specialist-sectors/rural/> to watch it.



New sector heads

Toby Pool, a partner in the firm's real estate team has become head of leisure and tourism, while Thomas Chartres-Moore an associate in the firm's intellectual property team has taken on the role of head of food and drink. Tom is a non-executive director of the not-for-profit organisation Food Drink Devon.

Robert Camp, Stephens Scown's managing partner said:

"Our job is to help our clients to solve problems and seize opportunities. But first we need to understand their businesses inside out, which is something that Toby and Tom are both great at. They share a combination of legal talent and passion for the sectors they are heading up."

Stephens Scown's leisure and tourism team supports a range of businesses in the holiday park, hotel, licensed trade and leisure sectors, including Wookey Hole, Mother Iveys Bay and Palstone Lodges.

The firm's food and drink team works with clients including St Austell Brewery, Trewithen Dairy, Hillside Foods, Chunk of Devon, Sandford Orchard and Westaway Sausages.

Photograph shows (left to right) – Thomas Chartres-Moore and Toby Pool of Stephens Scown.



MBE for Sonya Bedford

Sonya Bedford, partner and head of energy at Stephens Scown LLP has received an MBE in the Queen's Birthday Honours list for her services to community energy.

At Stephens Scown Sonya has built up one of the strongest energy teams in the South West. She has been involved in a large number of innovative projects that aim to ensure the continued deployment of renewable energy including the first grid consortium in the UK, local supply initiatives and grid sharing.

Sonya Bedford MBE said: *"I was astonished when I found out I was to receive this honour. My first thought was for my family and how proud this will make them. My work and voluntary commitments mean a lot of work in the evenings and at weekends when I've been away from them and to have that hard work recognised in this way means a great deal."*

Robert Camp, Stephens Scown's managing partner added: *"This recognition is so well deserved. Sonya's knowledge and passion for the energy sector are second to none. We were one of the first law firms to introduce a dedicated energy team, and Sonya is the driving force behind it. We firmly believe that the sector has a strong future. Sonya is so dedicated she has even gone so far as to have training in high altitude rescue of maintenance personnel from wind turbines!"*

Last year Sonya won a series of awards for her dedication to community energy including being named Community Energy Champion at the Community Energy Awards, Energy Champion at the Energy Institute Awards and Environmental Champion at the Devon Environmental Business Initiative Awards.

Are your contact details up to date?



Are your details up to date? To ensure you receive our regular updates and invitations, please send your email address to marketing@stephens-scown.co.uk

Other ways to stay up to date:
Follow us on Twitter - @stephensscown
Like our Facebook page
Follow us on Instagram



Do you know a future young farmer?

Cornwall YFC has launched a membership campaign 'Project 1000' with the aim to reach 1000 members by 2020! We're already Cornwall's largest rural youth organisation, with 800 members currently, within 20 clubs located across the county. Our clubs are run by members for members.

Our membership campaign aims to showcase YFC to a wider audience, and encourage those both within the farming community and outside to get involved and enjoy the opportunities which are available.

Why join YFC?

YFC provides a vibrant social hub for young people with weekly visits and activities organised by clubs. Beyond the club nights there is also a fantastic opportunity to develop new skills, such as sports, public speaking and performing arts; as well as travel opportunities and endless social events taking place throughout the year. I think past and present members would all agree, you feel part of a community where you make friends for life.

Interested?

To find out more about becoming a Cornwall YFC member visit www.cornwallyfc.co.uk or request a copy of our newsletter YFC Life by calling 01208 893080. If you're able to promote 'Project 1000' please also do get in touch.

Ed Harris, County Chairman of Cornwall YFC 2017/18

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