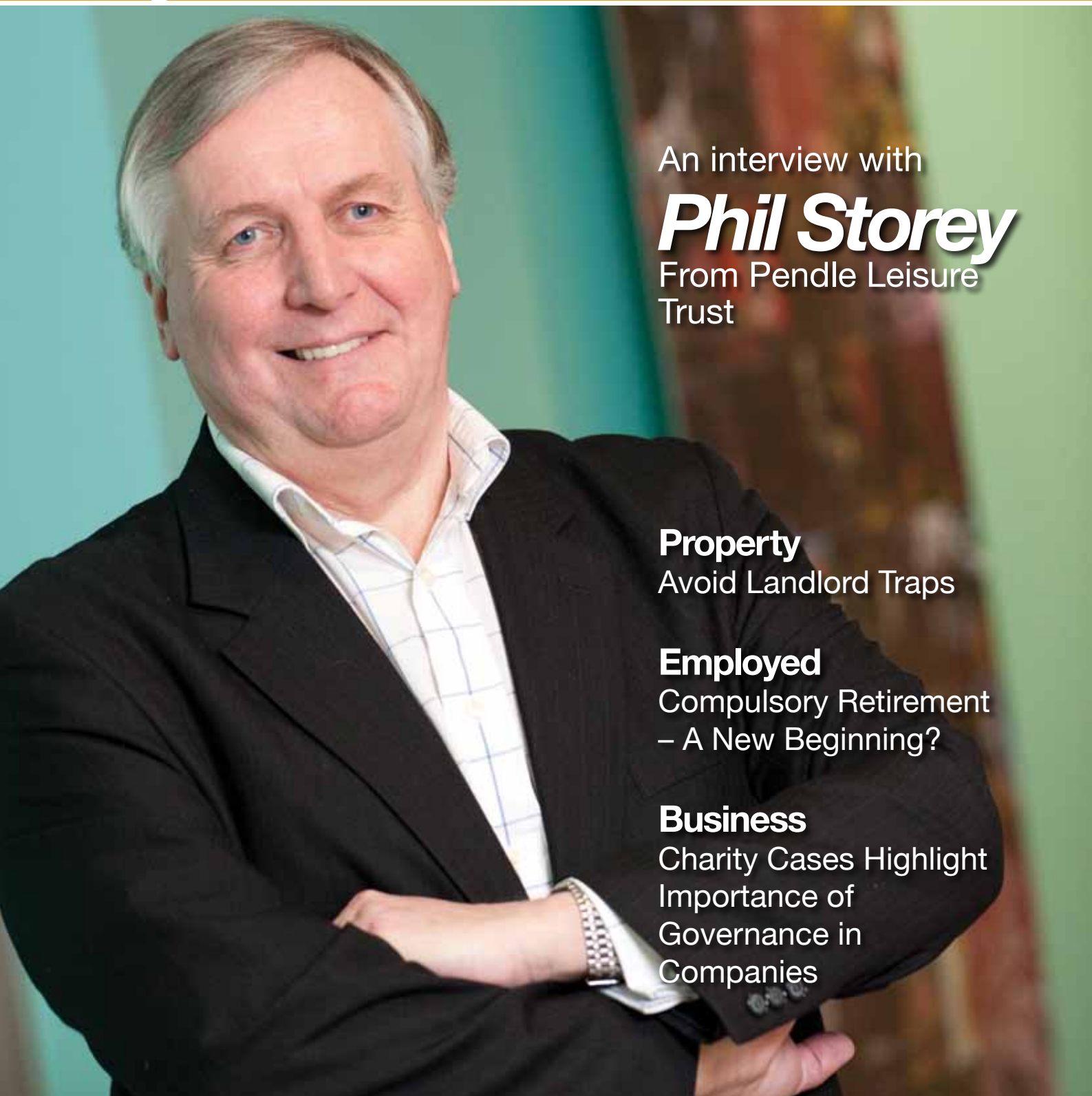


upfront

Vol FIVE // Summer 2012



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Upfront

What's in this issue



Welcome to the latest edition of Upfront.

While there are some clouds on the horizon with doubts about the Euro and issues of sovereign debt once again dominating the news there are also patches of blue sky.... and not just for supporters of Manchester City and Chelsea. In spite of complaints about the loss of production caused by an extra bank holiday the Jubilee celebrations and the successful staging of the Olympics should provide a real boost to the morale of the whole country and hopefully the economy too.

So if you are lucky enough to have got a ticket for the Olympics or the European football championships don't forget to take your copy of Upfront with you so that you have some interesting reading for the intervals!

I hope you all have a good summer.

John Barker, Managing Partner

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SUPPORTING THE PRESTON GUILD 2012

The firm is pleased to have signed up as a major sponsor to Preston Guild 2012. We are backing the Guild's giant event TV's, that will be known as the Forbes Solicitors Big Screens.



The screens will be prominent across the city and at major festivals and events during Guild 2012, as well as at 'pop-up' events across Preston.

Winston Hood, Managing Partner at the Preston office said the firm was delighted to be supporting the Guild with a substantial sponsorship package.

"Forbes is already actively involved in a wide range of sporting and community projects in the Preston area and the Guild is a perfect opportunity to extend this commitment. It is fantastic for us to be involved in such an historic event".

Councillor Peter Rankin, Leader of Preston City Council, added: "Forbes is a well-known local company which is renowned for its community involvement, so we are delighted to have its support for the Guild 2012 celebrations.

"We are gathering increasing support from the area's businesses to help create the biggest and best Guild yet, but there is still plenty of opportunity for companies to do their bit and get involved."

**For further details log on to
www.prestonguild2012.com/business
or contact the Guild 2012 team on 01772 253731.**

ADAM MAKES PARTNER

Congratulations to Adam Bromley who has been made a Partner of the firm. Adam works in the Commercial Property team and has been with the firm almost 10 years specialising in all areas of Commercial Property. Adam is featured in our 'A Day In The Life' feature on page 10.



DEALMAKER DOUBLE

The Business Law team scooped two awards at The Insider Lancashire Dealmakers Awards earlier this year.

Daniel Milnes, Partner and Head of Business Law, was awarded the Flat Cap Award which recognises the Dealmaker in Lancashire who conducts themselves with humour, wit and warmth - all true Lancashire values.

Pauline Rigby took the title of Young Dealmaker of the Year and was credited as being a real rising star. It proved to be third time lucky for Pauline as she had been shortlisted for this award twice before.

Daniel Milnes comments, "Congratulations to Pauline on her success as Young Dealmaker, she thoroughly deserves this after the hard work she has put in. I'm grateful to the judges and to Insider for the Flat Cap Award which is a good illustration of how in this part of the Dealmaking world we do get to know each other and combine professionalism with personality."

The event, held at Ewood Park, gathered together more than 150 of the region's leading professionals to celebrate the successes of the Dealmaking community.



RED ROSE AWARDS

The firm was once again proud to be the headline sponsor of the Lancashire Business View Red Rose Awards.

We were pleased to see such a diverse range of businesses rewarded for their success over the last 12 months.

Each winner had their own success story and was able to demonstrate the reason they deserved to win their category - they had demonstrated their growth, passion and commitment. The strength and vibrancy of the Lancashire business community was clear to see on the night.

Over 850 business people attended the event which took place at the Winter Gardens in Blackpool and we would like to offer a huge congratulations to all those who were winners on the night.



PATRON OF THE



The firm is proud to be a patron of the Blackburn Youth Zone which was opened earlier this year by HRH Prince Edward.

Blackburn Youth Zone is a state of the art facility to turn around the opportunities and options available to young people within Blackburn. Offering world class equipment, cutting-edge resources, tailor made sports and arts programmes and extensive mentoring and personal support - the Youth Zone will irrevocably change the prospects offered to Blackburn's young people.

We are delighted to be involved in such a worthwhile project.

business



CHARITY CASES

HIGHLIGHT IMPORTANCE OF GOVERNANCE IN COMPANIES

The Charity Commission has recently published reports on two charities and both highlight valuable points for charities and commercial companies. The Charity Commission steps in where the shareholders of a commercial company might be expected to and the consequences for the directors/trustees are no better either way.

The Commission intervened in one case because an internal conflict meant that the charity had been operating without any properly appointed directors/trustees. The conflict followed a petition to wind up the charity.

The debt remained unpaid because the majority of the charity's funds were stuck in an account the bank had frozen because it could not ascertain who should have been on the mandate. The Commission intervened and appointed an Interim Manager.

There were two conflicting groups claiming to be the charity's trustees and it was the Commission's job to decide who really was. The Commission concluded that it was the group of individuals with day to day control over the charity, despite not having been properly appointed. That is similar to the company law concept of de facto directorship which applies the duties of a director to anyone performing the role whatever their job title.

The Commission's report highlights the importance of having a clearly identifiable board appointed in accordance with the company's constitution. The Commission were concerned that the charity did not have access to banking facilities or control over its assets as a result of never sorting out who was in charge.

“The Commission were concerned that the charity did not have access to banking facilities”

A reminder to directors and trustees that they must use charity assets in furtherance of the charity's objects



In the second case Liverpool County Council was the sole trustee of a charity which owned land and buildings. Concerns were raised regarding the lack of use of the land over a long period and the fact that a Council employee had been allowed to live rent-free in one property for over twenty years.

The Commission investigated and found that the land had not been used for a significant charitable purpose for many years and by allowing a Council employee to live there rent-free, the Council had breached its trustee duty. The property should either have been used to further the objects of the charity or invested to generate income. The Commission's intervention split the charity's assets, gave them to two other charities and left the Council with a large bill for unpaid rent.

This report is a reminder to directors and trustees that they must use charity assets in furtherance of the charity's objects. It is also a warning to the trustees of charities to ensure that they do not permit their own interests to interfere with those of the charity. The same points apply to all other company directors - assets on the balance sheet need to be there for a reason and use for personal benefit is not always a proper way to exploit them.

For further information or advice please contact Daniel Milnes on 01254 54374 or email daniel.milnes@forbessolicitors.co.uk



STOP PRESS

A new form of Stock Transfer Form is available for use from 6 April 2012 containing a new form of certificate for exemption from Stamp Duty.

For those people familiar with the process of transferring shares or who prepare these forms regularly, you have until 5 September 2012 to use up any old forms as after that date, HMRC will only accept the new version. Despite the transitional phase for old and new forms between April and September, HMRC is recommending use of the new form.

disputed



‘HE THAT GOES TO LAW HOLDS A WOLF BY THE EARS’

In a recent case of *Cameron v Boggiano* Lord Justice Mummery said

‘If the Court’s warning (to settle boundary disputes) is ignored, there will one day be a final reckoning of the total expenditure and immeasurable human misery, and the hoary maxim “he that goes to law holds a wolf by the ears” will strike a chord’

In that case the argument was about a thin strip of land in the corner of a courtyard near two terraced properties in South London. However boundary disputes do not always relate to land of no value, and in some case there are issues relating to boundaries or rights of way over land with valuable development potential. In one recent case a claimant exercised his right to light to obtain an injunction requiring a developer to knock two storeys off a building that had been completed. The Court said that even if it had not granted an injunction it would have awarded the claimant a portion of the developers profit by way of compensation, which it put at £225,000. So claims to boundaries by adjoining landowners cannot be ignored with impunity.

The starting point for any boundary dispute is to look at the title deeds - not the land registry plan but the historic deeds starting with the one by which the boundary was created. Quite often the Deed can be inconclusive or, worse still, contradictory. Then we are involved at gathering what evidence there is - from occupiers of the land or neighbours, perhaps aerial photographs might help, which are available online.

There is inevitably a financial cost in bringing a boundary case, and the effect on the value of the land in the long term has to be considered. However we have recently found clients’ insurers are willing to cover the cost of boundary disputes, so it is worth checking policies to see if a claim can be made. Finally a word about mediation. It is always better to explore whether there is any scope to settle a boundary dispute by agreement, as the parties can reach a settlement that gives them both a bit of what they want, rather than trust to a Judge where inevitably there will be one loser. Mediation can be effective in unlocking even the most protracted of boundary disputes.



For further information or advice on any of the issues raised, please contact Robin Stephens on 01254 54374 or email robin.stephens@forbessolicitors.co.uk

Mediation can be effective in unlocking even the most protracted of boundary disputes.

LATE PAYMENT PROBLEMS BACK IN THE SPOTLIGHT

The Department for Business Innovation & Skills (BIS) is launching a new initiative to promote wider cooperation between businesses and suppliers so that payments are received on time.

The initiative is calling on small firms to follow a number of simple steps to minimise the threat of late payment and to pursue late payers. This includes proactively agreeing payment terms before delivering orders.

Business and enterprise minister Mark Prisk announced the new initiative as part of the Finance Fitness campaign, saying: "It is hugely important that all businesses, particularly small firms, establish clear payment terms to ensure they get paid on time and successfully manage their cashflow."

The drive will provide information supported by a new backbone group of business representatives who will examine the issues behind late payment - an increasing problem that particularly threatens small and medium sized enterprises (SMEs) who are unable to survive resulting cashflow difficulties.

Guidance and support will also be offered to businesses struggling with late payment disagreements and will be

backed by organisations such as the Forum of Private Business (FPB) in the hope that business performance will be boosted.

The Government's other recommendations included signing up to its Prompt Payment Code and using it to raise complaints over late payment from signatories. It also advised SMGs to use electronic invoicing where possible.

According to recent research, 51 per cent of businesses reported that late payment has become worse during the past year. The government initiative is a step in the right direction for those businesses who are struggling with late payers. Late payment can have detrimental effects on cashflow and in the worse cases can threaten their ability to continue trading. It is important that businesses are proactive in chasing late payers.

For further information or advice please contact Alison Nelson on 01254 54374 or email alison.nelson@forbessolicitors.co.uk



IT'S JUST NOT CRICKET

In a ruling thought to be the first of its kind, damages of £90,000 have been awarded to a former international cricketer, Chris Cairns, in respect of defamatory remarks made about him on Twitter. At 140 characters that works out at over £640 per character. The remarks were made by Lalit Modi, formerly the Chairman and Commissioner of the Indian Cricket League and Vice President of the Board of Cricketing Council for India, on his personal page. He said that Cairns had been removed from the Indian Premier League for match fixing. The Court found that there was no substance to this allegation. The original tweet was only read by 65 followers, but it had been republished on an online magazine before it was removed. The Court estimated it had only been seen by 1,000 people. However, due to the seriousness of the allegations against a professional sportsman it held that the damages should not be a trivial amount.

The case itself serves as a reminder that an ill thought out message, which can be written and out in cyberspace in an instant can have damaging repercussions.

AVOIDING LITIGATION

No one likes to get involved in litigation if they can avoid it. But when it cannot be avoided, there are costs and risks to weigh up. We make a point of asking all new clients to check their insurance policies to see if they are covered for legal expenses. We have recently had approval for two different clients to act in relation to boundary/right of way disputes that are being funded by insurers.

So the first point is to check to see if you have legal expenses cover, and if not consider asking your broker to add it. It is not expensive compared to the costs of long running litigation. The second point is that if a claim does arise and your insurers accept it they will often try and direct you to their panel solicitor. One client was recently directed to a firm in Hampshire. They may be a perfectly good firm, but not especially convenient for our client. Fortunately there is a little known provision of insurance law that says that where a client has legal expenses insurance to cover a claim they are entitled to appoint the solicitor of their choosing, and do not have to accept the insurers panel firm. We were able to persuade the insurers to appoint us.

If you have a claim, but are being directed to the insurers panel firm please contact us.

property



BREAK CLAUSES AVOIDING LANDLORD TRAPS

A tenant should rightly feel reassured if it manages to negotiate the inclusion of a break clause in its lease. A break clause would after all provide the tenant with the ability to consider its business needs at certain points in the lease and walk away if need be. However, the tenant still needs to be aware of various traps within the lease that can keep the tenant on the hook once the break date has passed. After all, the landlord does not usually want to be faced with the loss of rental income midway through a lease.

A number of cases have highlighted how, where landlords have attached conditions to tenant's right to break the lease, the tenant must demonstrate the strictest of compliance with these obligations in order to exercise the break, *Avocet Estate LLP v Merol* and another (2011) and *NYK Logistics (UK) Ltd v Ibrend Estates BV* (2011), being recent examples.

- In *Avocet*, the tenant's break option was conditional upon the payment of all sums due to the landlord under the lease. The tenant believed this condition was fulfilled however the landlord challenged the tenant's right to break the lease on the basis that £130 of interest was due following a previously late payment of an insurance premium (as is usual). The landlord had not in fact raised invoices for this default interest and so the tenant was unaware of this liability before exercising its break right. The landlord was even unaware of the interest due until it had sought legal advice after the break date had passed. After a strict reading of the lease terms, the court felt bound to invalidate the break, meaning that the lease continued for a further 5 years at £67,500 per year.

“The landlord was even unaware of the interest due.”



The condition attached to the break option in *NYK Logistics* was for the tenant to provide vacant possession. The tenant served notice of its exercise of the break option and began to perform a series of repairs to the premises in preparation for the ending of the lease. When these repairs became delayed the landlords sensed an opportunity and argued that the break option was invalidated by the tenant's failure to provide vacant possession. The court agreed with the landlord, clarifying that vacant possession meant the premises were to be empty of people, in such a state that the landlord could assume 'immediate and exclusive possession and control' and empty of all chattels that could interfere with the landlord's possession of the premises. Any tenant wishing to break a lease needs to be aware of these conditions.

Lastly, *Quikco Investments v Aspray Transport* illustrates further pitfalls for tenants even when a break option can be successfully exercised. In this instance the landlord failed to successfully challenge the tenant's exercise of the break and the tenant sought a declaration that it was entitled to receive a refund of rent, which it had paid in advance, in respect of any period after the break date. The court clarified that, in the absence of an express clause in the lease requiring such a refund, any rent paid in advance is generally not refundable if the tenant successfully exercises a break option. Depending on the rent payment dates, this could arguably leave a tenant out of pocket for up to a whole year's worth of rent, despite successfully ending the lease.

A tenant therefore needs to consider carefully the exact nature of any break clause negotiated with its landlord. A landlord will not accept a notice to break lightly and any requirements attached to the option need to be complied with very strictly. It is also worth considering the conditions when negotiating a lease.

Any requirement upon the tenant to pay all rent due by the break date should be limited to basic rent only, and should exclude default interest, or should at least be subject to the landlord's prior formal written demand a reasonable time before the break date. The lease should also include a provision requiring the landlord to refund any rent paid in advance in respect of any period after the break date.

A tenant therefore needs to consider carefully the exact nature of any break clause negotiated with its landlord.



For further information or advice please contact Adam Bromley on 01254 54374 or email adam.bromley@forbessolicitors.co.uk

employed



EMPLOYERS NEED TO LIMBER UP FOR A SUMMER OF SPORT

This summer promises to be a feast for sport lovers as the Olympics and the European Championships are taking place. Employers may find themselves faced with requests for time off to attend the various events and employers are required to balance these desires against the needs of the business in deciding whether such requests can be accommodated.

There is no legal requirement for employers to allow time off to watch matches or other sporting events. It is likely that employers will receive a number of requests for holiday during this time. Business needs can, and should, be taken into account when deciding whether to grant time off. Employers may consider establishing a specific holiday policy for the European Championships, or the Olympics alike, to ensure that requests are dealt with consistently and fairly. It is important that any requests for employees of different nationalities to watch their respective home nations are dealt with in the same way.

There are other options open to employers, such as to consider screening key events during working hours. Which events, and which football matches, to show will need to be considered carefully to avoid claims of race discrimination.

Another option is to allow flexibility to watch the England matches, or matches of their home country and require employees to make up for lost time by working though lunch or extending the working day.

Employers should be careful in offering flexibility to employees to watch the events and matches as this would be considered as preferential treatment compared to for example, parents or fans of other types of sport who have been refused requests in the past. There is the potential of complaints of indirect discrimination if policies put one group of employees at a disadvantage to another.

It is important that businesses plan carefully in advance of the European Championships and the Olympics to make their policy clear to Employees. Clear communication of policies to employees is crucial to ensure problems are avoided. Whilst employers should be aware of the wider implications, if this is handled in the right way it can improve morale and productivity in the business.

If you require further advice or assistance in relation to this matter, or the drafting of the relevant policies, please contact Jonathan Holden on 01254 54374 or email jonathan.holden@forbessolicitors.co.uk.



Employers should be careful in offering flexibility to employees to watch the events and matches as this would be considered as preferential treatment

COMPULSORY RETIREMENT

A New Beginning?

The Supreme Court has now handed down important judgments in the eagerly anticipated cases of *Homer v Chief Constable of West Yorkshire Police* and *Seldon v Clarkson Wright and Jakes*. Both of which focus upon the interpretation of a rule that allows employers to justify age discrimination if they can prove it is a "proportionate means of achieving a legitimate aim".



Seldon v Clarkson Wright and Jakes

The Supreme Court held that a compulsory retirement age contained in the firm's deed of partnership was a directly discriminatory measure but that it was capable of justification, and was therefore legally acceptable, as it was founded on legitimate social policy aims - summed up as "intergenerational fairness" and 'dignity'.



Homer v Chief Constable of West Yorkshire Police

The Supreme Court unanimously upheld Mr Homer's appeal and found a compulsory retirement age to be indirectly discriminatory. Mr Homer asserted that he had been treated less favourably on the ground of his age, primarily because he would not be able to obtain a law degree before he was likely to retire, the retirement age having been set at 65, unlike younger employees.

This therefore prevented him from achieving the top grade in the new payment grading structure.

For further information or advice please contact Amy Crabtree on 01254 54374 or email amy.crabtree@forbessolicitors.co.uk



ANNUAL EMPLOYMENT LAW UPDATE

Our specialist Employment Team will be covering all the latest UK and European employment law developments and the implications for your company. The seminars will take place in the morning followed by lunch on the following dates:

11th October 2012

**Stanley House Hotel, Mellor
Blackburn**

6th November 2012

PNE Football Club, Preston

A full programme is yet to be finalised but to register your interest early please contact Catherine Butler on 01254 222305 or email catherine.butler@forbessolicitors.co.uk

personal



“and with all my worldly goods I thee endow...”

Sadly, recent statistics show that there are now very roughly 5 million divorced people in the UK, the highest number in Europe. 4 out of 10 married couples will eventually separate and one thing that many business owners do not consider, is what would happen to their business assets should a marriage unfortunately end in divorce.

It is unlikely that you were thinking about your business assets when you recited your Wedding Vows, but your spouse could certainly be thinking about those assets if you were to separate. There is now hardly any distinction between the breadwinner and the homemaker, both are considered to have made similar contributions to the family wealth. The length of the marriage will determine the scale of the settlement, and no longer can an entrepreneur defend a claim by saying if their spouse took the assets out of the business, the business could “go bust.” In many cases, business owners should be able to re-finance to keep their business afloat, although in difficult economic conditions it could prove tougher to secure that borrowing.

When you divorce, your business assets are up for grabs as much as your home, car and holiday cottage. You might expect this if you have both played an equal part in the business, but the principal is the same if your spouse never worked.

Many entrepreneurs give the impression that their business is much more successful than it really is, or has much lower borrowing. Spouses are understandably suspicious when they are suddenly told the business is struggling financially, and this can lead to nasty disputes. A common sticking point is how to value the business, valuers can give very different figures and this in its self can be a very costly exercise.

With the knowledge therefore that your spouse may never have even set foot on your business premises, but on divorce could claim a part of its assets, the best way of protecting yourself against such circumstances is to enter into a pre-nuptial agreement. Although these are not yet binding in English Law, recent case law has proven that if executed in the right set of circumstances, they may well have some weight in the event of separation. Seeking assistance from a Solicitor at the outset to get advice tailored to your specific circumstances is the best way of protecting your business assets.



For further information or advice please contact Dawn Baker on 01772 220022 or email dawn.baker@forbessolicitors.co.uk

“When you divorce, your business assets are up for grabs as much as your home, car and holiday cottage.”

A DAY *in the* life

Name:

Adam Bromley

Position:

Partner, Commercial Property, Blackburn

What does your job involve?

I deal with all areas of commercial property, including sales, purchases and leases for both landlord and tenants. This extends to both individuals and companies in both the public and private sector. I have a particular specialist expertise in pension work for companies who wish to invest properties into their pension funds.

I also work for clients in the entertainment sector through my knowledge of the licensing laws pursuant to the Licensing Act 2003, including new applications, applications to transfer, committee and appeal hearings.

What is the first thing you do when you get into the office?

After a much needed cup of tea, my typical day usually involves a combination of working on a high volume of files, prioritising work via email, phone and post, attending meetings, both in and out of the office either at clients' premises or site inspections and drafting and negotiating various documents such as contracts and leases.

What is your favourite part of your job?

No job is too big or too small and I pride myself on the day to day contact and personal relationships that I have with my clients.

If you weren't a Solicitor, what would you be?

A professional poker player.

What do you do when you're not in the office?

I have a season ticket at Burnley FC and watch (and play) a lot of football. I also play poker, walk, read and travel.



For further information or advice please
contact Adam Bromley on 01254 54374 or
email adam.bromley@forbessolicitors.co.uk



PHIL STOREY, CHIEF EXECUTIVE AT PENDLE LEISURE TRUST MET UP WITH HELEN GORRELL AT THE ACE CENTRE TO DISCUSS THE TRUST, ITS VISIONS AND PLANS FOR THE FUTURE

For those who don't know much about the Trust, could you please give me a brief overview of Pendle Leisure Trust and the services you provide?

Pendle Leisure Trust was formed on the 1st October 2000 so it's 12 years old this year. We work in partnership with the Council running the leisure service facilities in Pendle. The facilities that we operate are Pendle Wavelengths and Inside Spa, Pendle Leisure Centre which is a swimming pool and sports centre, West Craven Sports Centre which is again a swimming pool and sports centre, Seedhill Athletics and Fitness Centre which is an athletics facility, Marsden Park Golf Course, The ACE Centre where we are now and the Municipal Hall where we do our entertainments. So quite a varied offering really. We run sport and well-being, arts development, entertainments and hospitality for the whole community.

So has the Trust grown a lot since it was started back in 2000?

Yes, obviously it was quite a move for the Council to actually allow us to go into a Leisure Trust because basically we now are an arms length organisation, we have a board of Trustees to manage the Trust and rely on a grant from the Council. When we first moved we didn't have sports development, we didn't have arts development but we have managed to gain grants for that sort of work. We've strengthened the Health & Communities Team and we have also invested heavily in facilities. The first investment we made was a gym at Pendle Leisure Centre in Colne. We then did a change round of a gym in Barnoldswick at West Craven Sports Centre

and then the biggest investment we've done is the extension to Pendle Wavelengths. We did a 3 million pound investment there for a gym, a dance studio, a child friendly room with multi purpose equipment that can be used by children and of course, Inside Spa which was something rather unique to the public sector.

Would you like to just tell us a little bit more about Inside Spa and the success that has been?

Yes, the spa is at Pendle Wavelengths and to some degree it came off the back of a failure for a sports lottery grant. We were looking at expanding Pendle Wavelengths but initially Sport England said that they didn't feel that it was a strategic sort of build. At the time two high schools were looking at sports halls so they told us to go away and re-think the mix of product at Wavelengths. So we sat down with our partners whom we have worked very closely with, namely Alliance Leisure Services who provide funding and full term key facilities for local authorities and trusts and we looked at the next big thing. We felt that the spa experience was something worth considering and from my point of view, we are now all about health and well-being rather than solely sport. That may sound a bit odd but I think we now have to look after people's well-being as much as anything, they will look after their own sport. So the spa was something that we looked at, obviously stress is a killer, people need to relax and they don't take enough time to do so. The spa we built, we stuck our neck out and said lets go for it, we built a fantastic spa including aromatherapy rooms, sanarium, salt inhalation steam room, a sauna, reflexology stations, rasul

mud bath and hydrotherapy monsoon showers. It has got quite an extensive offering really and it's quite amazing to see when you walk through the door. The biggest problem initially was getting people through the door because not many people actually had a regular visit to spas. It tended to be something that you would do if you went on holiday or to a nice hotel for a conference so it wasn't part and parcel of people's regular activity. What we have done is make it accessible with the pricing, it has really taken off and not only for Pendle, we have people coming from all over the place. I don't think they came specifically for the spa but we have had people visit from Australia and Canada. We frequently get people from Manchester, Liverpool and Leeds travelling into the area specifically to use the spa, which is great for Pendle.

You obviously offer a number of services that you wouldn't normally expect from a local leisure trust, where has this vision come from?

I think you have got to constantly be aware of the change in market and constantly be thinking about what you're offering. People are expecting more and you've got to move with the times so I'm quite fortunate, I have a Board who are very good and supportive of us, I have a good Management Team and collectively the partnership with the Authority is good. We have been allowed to develop things and work in partnership with the Authority whilst bringing in lots of new ideas.

Is that how it works, do you all sit down regularly together and discuss any potential new ideas?

Yes, I think from the management point of view, we put ideas in, talk about them and then put it to our Board. We obviously have to do a business case and then talk to the Council because all the facilities are still the Council's, we are leasing from the Council essentially.

Have you found other Trusts are following suite?

Yes they do actually, it's amazing how many Trusts have actually come to see the Spa in particular and Alliance Leisure I know are now building other spas in other Trusts and Authorities. I think we were the first, we like to boast that we were the first real public accessible spa and it has been extremely successful. A lot of my colleagues sat back and waited to see if it was going to rise or fall, I firmly believe if you give people quality they respond with quality and that's where we tried to go with the spa project. It's not about just opening the doors, I think you've got to give quality service and that's what we always try to do.

Are there any other plans for the future that you want to touch on?

At this moment in time we are certainly looking at a development on the all weather pitch at Colne and I am in discussion with the Council and our Boards regarding this. Obviously right now we are all facing pressures over public spending, we do rely on a grant from the council that has been reduced over the last few years and is likely to be reduced in the future so I think we've got to look at the mix of product that we've got and we've got to look at more commercial leisure. We've got to look at who can provide leisure in Pendle, as I've touched on before, there are two super schools that have better sports halls than we've got, is there room to manoeuvre there? Perhaps we can help the schools to open up more to the community. Maybe we help them manage that with our sports development teams and then we look at our space and say, actually in that space we can put in a more commercial leisure activity that would generate income rather than cost. In the past local authorities have only ever run things that cost money and needed subsidy. I think those days have got to be thrown away really and I think the mix of product has got to be something that helps. For example, swimming pools won't make a profit, they have high energy costs and high staffing costs. We've got three swimming pools, we have got to look at that operation, we've got to look at the overall picture and who are our partners. So that's the next challenge that I think we're facing, the who, what, where and how.

How have you found the staff at Forbes during your dealings with the firm?

Wonderful, I first came across the firm at a business networking club and since then we have used a number of the services you offer, you put together a legal agreement with our catering company for us, we have also received advice on some data protection issues which was great, and we have also used you for employment law. Everybody I have come across has been very helpful and professional. The legal profession is sometimes a scary place, solicitors can often talk a different language at times. In fairness everyone I have met at Forbes has talked at my level, been really friendly and I'm always comfortable working with them.



I firmly believe if you give people quality they respond with quality and that's where we tried to go with the spa project. It's not about just opening the doors, I think you've got to give quality service and that's what we always try to do.



forbessolicitors.
with you every step of the way

For legal advice that is straight to the point:

Blackburn Office t: 01254 54374

Preston Office: t: 01772 220022

www.forbessolicitors.co.uk