

## Moore & Tibbits celebrate a successful night at the Modern Law Conveyancing Awards.



We are proud to announce our huge success from the Modern Law Conveyancing Awards.

**Rosie Simms won Rising Star of the Year, beating other national competition to the top spot. Rosie was nominated for her skills, dedication and passion for providing the highest level of client service.**

On her win, Rosie said:

Absolutely amazing to have won this award at such a great event. I couldn't have done it without the support and guidance of the Moore & Tibbits team and the clients' testimonials that are hugely important to me.

Rachel Simmonds received Highly Commended for **Conveyancer of the Year**, again seeing off national competition. Rachel is a shining star at Moore & Tibbits with over 17 years legal experience. She provides clients with outstanding service and sees generations of families returning to her for their conveyancing needs. To top off the night, Moore & Tibbits received Highly Commended for **Conveyancing Firm of the Year, Midlands**.

Christopher Houghton, Managing Director said:

This is a tremendous achievement for our conveyancing team and I'm absolutely delighted that their dedication and commitment to great service has been recognised – with our customers at the heart of everything we do. Rachel and Rosie's success at this award ceremony is outstanding and acknowledges their hard work. I would like to say congratulations to all winners and nominees.

As a well-respected law firm that has been serving Warwick and surrounding West Midlands communities for over 185 years, these wins are a testament to the ongoing high level of service provided by the whole team.

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## Commercial Property Expands



Moore & Tibbits Solicitors are pleased to announce the further expansion of their Commercial Property Team. The existing team welcomes solicitors Sat Bhandal and Becky Tiffin which now makes the team one of the largest Commercial Property Departments in Warwickshire.

Headed by Managing Director Christopher Houghton, the team boasts an impressive portfolio of clients which continues to grow, year on year. However, one thing that continues to remain the same is their friendly, knowledgeable and plain-speaking approach to their clients.

Christopher Houghton said **"We are delighted to have Sat and Becky join our established Commercial Property team. Their experience and knowledge in this specific area of law only enhances and strengthens the services we can offer both our existing and future clients"**.

The teams' wealth of experience ensures that even the most complex of commercial property matters is made simple. From property development, corporate support, investment property sales and purchases to Landlord and Tenant transactions to name but a few, the Moore & Tibbits Commercial Property Department have all bases covered.

If you need help or advice regarding a commercial property, please do not hesitate to get in touch by emailing [CHoughton@moore-tibbits.co.uk](mailto:CHoughton@moore-tibbits.co.uk) or calling 01926 491 181.



## Who's got the power?

Mrs Smith's son John makes a complaint that his Mum is 'always in bed' when he visits in the afternoon. He says that as he is his Mum's attorney, you should follow his instructions and keep her up. Sound familiar?

It's perhaps not surprising that many care providers, when confronted by a relative like John, feel unsure about what decisions an attorney can make.

Powers of Attorney made the headlines last year when a senior Judge remarked that he wouldn't make one himself because of the potential for attorneys to exploit their power. An increase in the number of investigations into attorneys seems to back up his concerns.

There are now more Powers of Attorney registered than ever before – almost 2.5 million according to the latest figures from the Office of the Public Guardian. Care providers increasingly work alongside attorneys and it seems that it's not the power itself that is the problem, but rather an understanding about how to apply the law that governs them. Many attorneys say they didn't realise the work involved and welcome advice and reassurance about how to act. It is also important that providers are confident in how the law works.

### Who decides?

Before any of us make a decision on behalf of someone who lacks mental capacity we need to start from a fundamental principle set out in the Mental Capacity Act 2005 and assume the individual can make the decision themselves.

John may be insisting that Mrs Smith is up when he visits, but whilst she has capacity to decide she wants to stay in bed that is her choice.

### What if Mrs Smith's capacity is variable or declining?

John may think it is easier for everyone if he simply takes over, but this is in direct conflict with the law which states that he should be taking steps to support and enable his Mum to make decisions for herself.

### What if Mrs Smith does lack mental capacity to decide?

Disagreements about whether someone lacks capacity are a whole other article, but assuming everyone agrees that Mrs Smith does lack capacity then it's over to John for all decisions, right?

Well no.

Being an attorney does not give someone free reign when making decisions.

If John is only appointed as Attorney for Property and Finance, he has no legal authority to make decisions about care, but he must be consulted by the person making the decision. If he is Attorney for Health and Care then he can make decisions and give consent on behalf of Mrs Smith. The decisions he makes though, like ANY decision made on behalf of someone who lacks capacity, must be in his Mum's best interests.

Should Mrs Smith be out of bed each afternoon? John needs to have a discussion with the care provider to understand why they return her to bed each afternoon so that he can work out if it is in his Mum's best interests. In this case the provider was following specialist advice to promote wound healing. Once John knew this he agreed that it was undoubtedly in his Mum's best interests for the arrangement to continue whilst the wound healed.

But what if John had still insisted on his Mum staying up each afternoon? If the care provider believed that this was not in Mrs Smith's best interests they would need to give clear reasons why in order to hold firm with the decision, seeking further advice if the disagreement became entrenched. If there was no clear justification the arrangement needs reviewing and John's involvement is vital.

For further information or to speak to a member of our Health & Community Care Team call **01926 491 181** or email [debbiea@moore-tibbits.co.uk](mailto:debbiea@moore-tibbits.co.uk).

# 10 Reasons to use an SFE accredited lawyer



The decisions and plans you make now will have a huge impact on your later life. Getting them right is essential. An SFE accredited lawyer is an expert in older client law and will ensure you get the best possible legal advice for your future.



## Child Arrangement Packages

Our family law team, which includes a Barrister, has a wealth of experience when it comes to helping parents and families make the right arrangements for children following separation.

We offer two Child Arrangement Packages:

### Best Start Package

For a fixed fee of £450 + VAT we will:

- Provide you with initial in-depth advice at a meeting with one of our child arrangement experts
- Assist you in preparing and perfecting a suitable court application
- Send the application, once approved by you, to the court\*

### Best Start Plus Package

For an additional fixed fee of £995 + VAT we will:

- Represent you and keep you advised pending the first hearing
- Represent you at the first hearing\*\*
- Confirm the outcome of the first hearing in writing\*\*\*

For friendly, expert advice about children related issues please contact **Karol Kaliczak** on **01926 491181**.

\*the application court fee is not included in the fixed fee

\*\*inclusive of essential communication with your opponent or your opponent's solicitor

\*\*\*up to half a day (equalling four hours of court time)

- 1 Know their stuff**  
Our members are qualified solicitors, barristers and legal executives who specialise in advising older and vulnerable people and their families and carers.
- 2 Have years of experience**  
SFE lawyers have substantial experience built up over many years of focussing on this area of law.
- 3 Are independently accredited**  
SFE lawyers have all undertaken additional specialist training in older client law to qualify for the Older Client Care in Practice Award, which is independently accredited.
- 4 Follow a strict code of conduct**  
SFE lawyers understand the issues affecting older and vulnerable clients and follow a strict code of practice that has respect and dignity at its heart.
- 5 Speak in a language you understand**  
There is so much jargon in the legal profession. SFE lawyers communicate in clear, straightforward language to make sure you understand everything you're signing.
- 6 Are part of a community of experts**  
SFE lawyers have a community of more than 1,500 members to draw on, so no matter how complex or sensitive your case, you will receive the best possible legal advice.
- 7 Safeguard your interests**  
An SFE lawyer is committed to providing affordable, high quality legal advice and will ensure any decisions are your own.
- 8 Understand the bigger picture**  
SFE lawyers understand the wider, and often sensitive, issues around health, care and family that might affect your plans for later life.
- 9 Offer the best possible care and support**  
SFE lawyers care. They go above and beyond to provide support that is tailored to your needs and individual circumstances.
- 10 Get you the best possible outcome**  
Ultimately, choosing an SFE lawyer means you'll be guided through this complex and sensitive area of law that will enable you to lay solid foundations to protect you and your loved ones in later life.

# Warwick in Watercolour hangs proudly in our boardroom



Moore & Tibbits Solicitors recently hosted the unveiling of the 'Warwick Panoramic Painting' at the Great Hall of The Lord Leycester Hospital in Warwick. Commissioned by Christopher Houghton, Managing Partner of Moore & Tibbits Solicitors, the magnificent 13' watercolour painted by David Birch boasts the impressive view from Guy's Tower, Warwick.

Clive Mason CBE (Chairman of the Charity of Thomas Oken and Nicholas Eyffler) had the honour of unveiling the painting where guests were invited to not only witness the great reveal, but to have the chance to see a selection of work from the same artist. These superb watercolours highlight the iconic scenes and structures of our local town with the unique style of the artist clearly evident.

It was wonderful to see our local Mayor Cllr Stephen Cross admiring the artwork, speaking to guests and enjoying the event as one of his last attendances as the current Mayor of Warwick. The collection remained open for viewing to the public for the remainder of the week, giving visitors a great opportunity to take in the vast array of artwork of the historical town of Warwick.

Following the unveiling and public viewing, the huge watercolour was carefully moved to the High Street offices of Moore & Tibbits Solicitors to hang proudly in their main boardroom. To say clients are in for a treat when they visit their offices, is quite an understatement!

## Landmark case in the ongoing battle of Japanese Knotweed

For many homeowners, the recent landmark Appeal Court ruling against Network Rail will be welcome news! Homeowners Stephen Williams and Robin Waistell recently took Network Rail to court after claiming that they had not taken adequate measures to deal with the highly invasive and fast-growing weed which had encroached onto their properties.



In the first instance, both homeowners were awarded damages through the County Court, but Network Rail appealed the decision. Following the recent ruling in the Appeal Court, the court again sided with the homeowners, meaning that National Rail were deemed to have not been taking adequate responsibility and actions towards controlling the weed.

The recent ruling from the landmark case could now mean that homeowners can take legal action if a neighbouring property suffering from Japanese Knotweed is not being treated accordingly. Due to the weed being so difficult and expensive to control, it can in many cases affect decisions made by mortgage lenders and also insurance companies having a detrimental effect on property value.

Do you have any concerns regarding Japanese Knotweed, boundary queries or disputes? Our Property Team are here to help, call **01926 491 181** or email: **CHoughton@moore-tibbits.co.uk**

**Moore & Tibbits  
Solicitors**



**Lexcel**  
Legal Practice Quality Mark  
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**Changing the way you look at lawyers.**

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