



Taylor *Bracewell*

Your solicitors | Your success

Merry Christmas

DECEMBER 2022 - NEWSLETTER

This month we have 7 new exciting articles, one from each of our departments which link to the festive season!

We also announce our Elf on the Shelf, Law Firm edition which will first make an appearance on our social media on the 13th December 2022

Please note: Our office will be closed for the Christmas period on 23rd December 2022 at 5:00pm and will not re-open till 3rd January 2023 at 8:45pm.

During this time our staff will not be reachable, however you can still email us at Hello@taylorbracewell.co.uk, we will pick up your email upon our return.

TABLE OF CONTENTS

Lasting Powers of Attorney, the perfect gift for any family
P.2

3 C's to deciding where your child spends Christmas
P.3

Checklist for buying a property over winter
P.4

Common misconceptions that employees have at Christmas
P.5

3 common neighbour disputes over Christmas
P.7

11 common injuries that happen at Christmas
P.9

4 must-do things to prepare your Commercial Property over the winter period
P.11



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LASTING POWERS OF ATTORNEY, THE PERFECT GIFT FOR ANY FAMILY

WILLS, PROBATE & TRUSTS

Looking for the perfect gift for your family (and yourself) then Lasting Powers of Attorney may be the perfect gift. Many people assume that if they become ill and unable to make decisions for themselves then a member of their family will automatically be able to make these decisions for them. However, this isn't true unless there are Lasting Powers of Attorney in place.

There are two types of Lasting Powers of Attorney which all allow your Attorneys to do different things. These include:



Lasting Power of Attorney for Property and Financial Affairs

This Lasting Power of Attorney allows your Attorney to deal with your property or finances if you are unable to do so. This may be due to your mental and physical capabilities. The Attorney will be able to manage all aspects of your property and finances, this may include mortgages, bills and debts.



Lasting Power of Attorney for Health and Welfare

This Lasting Power of Attorney allows your Attorney to deal with your Health and Welfare. This may be due to an illness or accident which requires someone to make a medical decision on your behalf if you are unable to make that decision yourself.

We believe that Lasting Powers of Attorney are a perfect gift for any family this Christmas. It gives families the peace of mind that parents, siblings or grandparents are being cared for.

Our Wills, Probate and Trusts team are experts in their field and are happy to offer further advice. They can be contacted by calling 01302 341414 or 0114 272 1884 or you can fill out our online enquiry form.



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3 C'S TO DECIDING WHERE YOUR CHILD SPENDS CHRISTMAS

FAMILY LAW

Christmas is supposed to be full of fun, games and festive cheer however, for many separated parents it can bring up old memories and emotions. For couples who have recently separated, their first Christmas may be a very daunting and stressful time. It can be difficult to decide where your children will spend Christmas.

There are many different options and these can mostly be made between yourselves without a Solicitors help.

Here are the three C's you should consider this Christmas when deciding on your plans:



Communication – Communication with the other parent is key. It's important that you use your usual form of communication to discuss the options, whether this be direct or indirect. It's also necessary that these discussions are had as early as possible as this leaves time to resolve any issues. It might be that you decide to have a non-negotiable schedule early on or you may wish to allow for things to change.



Compromise – it's important that you are both willing to compromise to reach an agreement that suits both of you. This means different options and plans will need to be considered and you will need to listen to the other parent's reasonings. We often see children spending Christmas day at mums and then Boxing day at dads, this means your kids will get two Christmases!



Child's views – if your children are old enough to have their own views, then it's important that these are taken into consideration. However, the child should not be put under pressure to make the decision themselves but should know that their opinions are being listened to. The child's views should be of utmost important, a breakdown in trust and communication between child and parent can be detrimental to a child's upbringing!

Here at Taylor Bracewell we understand that support goes a long way, that's why our team are here to help. Our experienced Family team are always happy to help and offer further advice, they can be contacted by calling 01302 341414 or 0114 272 1884 or you can fill out our online enquiry form.



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CHECKLIST FOR **BUYING** A PROPERTY OVER **WINTER**

RESIDENTIAL PROPERTY

Purchasing a new home around winter can be a very exciting but stressful time. We often see our clients speeding through the conveyancing process in order to be in before Christmas. As much as we wish all purchases were completed ahead of Christmas, this just isn't possible. Purchasing a home in winter can come with its cons and this is often due to the cold weather.



Here is our checklist of things to check before putting an offer on a house around the winter period, it's important that you carry out some essential checks which include:

1

Doors and Windows – check each door and window to see if they are draft-proof. Unless a building is particularly old, the windows and doors should be double-glazed and have solid frames. If there are any issues with these make sure you consider the upgrade costs.

2

Dampness – dampness should be flagged in the house report. However, it's still important to look out for the signs. If there is any dampness you should consider getting this treated professionally to avoid any serious illness!

3

Heating – you must check that the heating system in the property is in good working condition. Without this, you may find yourself shivering under blankets and duvets this winter. We would recommend asking the previous owner regarding this at the viewing. Some sellers may also discuss heating costs with you if you ask politely!

Important Advice – If you do find issues such as dampness or drafts then you can still put an offer in with the seller. However, you need to consider the costs of repair, in some cases, you may be able to negotiate with the seller on getting the repairs fixed or the cost of repairs taken off the offer!

Are you ready to buy or sell your property this winter, our Residential Property Team are experts in their field and are happy to offer further advice. They can be contacted by calling 01302 341414 or 0114 272 1884 or you can fill out our online enquiry form.



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COMMON MISCONCEPTIONS THAT EMPLOYEES HAVE AT CHRISTMAS

EMPLOYMENT LAW

Christmas isn't only celebrated by families but by many businesses too, this may include team bonding activities or even a Christmas party. However, over the festive period, we often see a rise in the same questions being asked.

That's why we have listed the 4 most common questions asked by employees at Christmas:



Can I be fired for getting too drunk at the work Christmas party?



Generally speaking you cannot be fired for simply being 'too drunk' but if this leads to bad behaviour (sexual harassment, discrimination) then disciplinary action can be taken against you if the event you attend is considered to be within the 'course of employment'.

Advice for attending a Christmas Party - It's important to remember to stay professional at all times. By this, we don't mean being uptight but let your hair down with caution and consider your alcohol intake. Alcohol may be provided but you need to consider the impact it could have on your behaviour and employment!



Is it a legal right to have Christmas day off?



There is no legal entitlement for employees to have Christmas day off unless their contract states differently. If you are a Christian, you cannot refuse for religious reasons. However, you could potentially have an indirect religious discrimination claim, if you are refused the day off. For a claim to be successful you would need to establish that you were placed at a disadvantage as compared with someone of a different faith, or no religion. Furthermore, an employer will have a defence if they can evidence that their decision was a proportionate means of achieving a legitimate aim.



What are my rights as a temporary Christmas employee?



You are entitled to the national minimum wage, rest breaks and are protected from discrimination and whistleblowing. If your employment continues for 12 weeks or longer then you qualify for the same rights as someone employed directly. This is known as 'equal treatment'.



Is there a legal minimum workplace temperature?



There is no specific legal temperature that the workplace should not fall below but for sedentary workers, it is recommended to be no lower than 16 degrees.

Our Employment Law Team are experts in dealing with all aspects of employment law. To speak with one of our employment team, please call them on 01302 341414 or 0114 272 1884 or fill out our online enquiry form.

We have further articles on our website relating to employment law, here are three that you may find helpful:

- [How many sick days do I have before disciplinary action?](#)
- [What does discrimination mean and how do I deal with it?](#)
- [What is unfair dismissal?](#)



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Christmas GIVEAWAY

Instructions how to enter, visit our social
media channels



3 COMMON NEIGHBOUR DISPUTES OVER CHRISTMAS

DISPUTE RESOLUTION

Neighbourly arguments or disagreements occur all year round, so it's no surprise that they also happen at Christmas. Despite the festive spirit, some neighbours still remain a "Grinch" and try and ruin your festivities.

So what type of disputes occur over Christmas?

Here are the common disputes between neighbours over the festive period:



Christmas Lights - A lot of people decorate their homes inside and out for Christmas but bright outdoor lights can annoy neighbours especially if they shine into their homes. There is no law against the use of outdoor lights or Regulations but it can come under the 1990 Environmental Act if it prevents your neighbours from enjoying their homes or affects their health.



It's a good idea to use dimmers or timers for your lights so they don't shine too brightly or at night.



Noisy Parties - There is usually an increase in parties over Christmas, and this very often brings an increase in noise. If the noise becomes a regular occurrence it may be classed as anti-social behaviour and should be reported to the council. If you are throwing a Christmas party, you should consider giving your neighbour an advanced warning. There is also a legal time after which you cannot make noise in the evening.



Parking - Christmas means more guests visiting houses which can bring a dispute over parking. However, unless a parking bay is clearly marked or allocated as a disabled space then no one has the right to the space. The only time parking can be reported is if the car is blocking your entry or exit. This then breaks the Highway Code and can be reported to the council.



Communicating with your neighbours prior to these issues occurring often avoids these problems altogether. We would recommend informing your neighbour of any issues you believe may upset or inconvenience them.

Our Dispute Resolution team are experts in their field and are happy to offer further advice. They can be contacted by calling 01302 341414 or 0114 272 1884 or you can fill out our online enquiry form.

We have further articles on our website relating to dispute resolution, here are three that you may find informative:

- [How do you resolve a boundary dispute?](#)
- [What can I do about a problematic tenant?](#)
- [What are my obligations as a landlord?](#)



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This year we will have a special guest joining us for Christmas, **Taylor the Elf!**

Taylor will be first making an appearance on the **13th December** on all of our social media channels.

Make sure to follow us to see what he gets up too!



11 COMMON INJURIES THAT HAPPEN AT CHRISTMAS

PERSONAL INJURY

Typically, Christmas is a much busier time meaning people spend more time out and about, whether that be shopping, celebrating or just enjoying the crisp winter air. However, this also means it's a more common time for accidents to take place.

Below we have listed the eleven most common injuries that occur over Christmas that may mean you may be entitled to compensation:



1

Slips and Trips – over the Christmas period the weather is typically colder meaning there's a higher chance of ice covering the pavements. This can make for a dangerous fall; it is the responsibility of the council or private business to ensure measures are put in place to reduce the risk of these accidents. Places are also typically busier around Christmas meaning overcrowding in places like shops is possible and could lead to a nasty fall particularly if floors are wet and slippery owing to a failure to mop adequately or at all.

2

Choking – more people tend to eat out at Christmas and eat more sweets. There is an increase in the number of choking incidents over the festive period. Any packaging or menus should have adequate warnings for any products that may cause choking.

3

Allergies and Food Poisoning – again more people tend to eat out over the festive period and an increased number of allergic reactions and food poisoning is recorded. Restaurants should ask if you have any allergies and should accommodate these when preparing your meal.

4

Christmas Party – most workplaces host a Christmas party at a third-party venue. It's likely that people will drink alcohol and whilst this alone may lead to accidents, without more, it would be no fault of the venue. However, if an accident occurs due to neglect and/or breach of statutory obligations by the venue, for example, a neglected item, slippery floors or broken glass then you may be entitled to a personal injury claim.

5

Car Park Accidents – as more people head to the shops, car parks will become busier with pedestrians and cars making it more dangerous for pedestrians and cars alike. The festive period sees an increase in car and pedestrian collisions in car parks.



Road Traffic Accidents – more people travel over the festive period than any other time of the year meaning the roads are much busier. People also travel further to visit family meaning more people rely on sat-navs and become distracted. This leads to an increase in RTA's over the festive period.



Drunk Driving – the number of drunk drivers on the road over the Christmas period almost doubles, this leads to an increase in the number of accidents due to drunk drivers.



Pedestrian injuries – given the number of people celebrating over the festive season, it is not always possible to secure taxis as and when needed and/or taxis are late or do not show up increasing the likelihood of people walking to any given destination. With footpaths being covered in leaves, there can be a temptation to walk closer to the edge of the road or on the actual road increasing the risk of being injured on unlit roads.



Electric Shocks / Burns – the festive period sees an increase in the number of electric shocks and burns. This is usually down to faulty lights, heaters, home appliances and extension cords.



Defective Gifts – unfortunately, these injuries are most likely to happen to children as they are given toys or electronics that don't work properly. However, it can also happen with things like jewellery and furniture.



Bikes/scooter accident – often seen as an exciting gift, the pleasure of receiving a bike or scooter can be short lived particularly if such gifts are not complimented with a suitable protective helmet and high visibility clothing and lights. Sadly, inexperienced owners of such gifts can be more vulnerable to significant and serious injuries.

Despite Christmas being a festive season, we understand not everyone will experience the festive spirit. That's why our Personal Injury team are here to help or offer advice on any injury you suffered, which wasn't your fault.

Please contact our team on 01302 341414 or 0114 272 1884 or you can fill out our online enquiry form if you require any further assistance!



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4 MUST-DO THINGS TO PREPARE YOUR COMMERCIAL PROPERTY OVER THE WINTER PERIOD

COMMERCIAL PROPERTY

Winter can be a difficult time for business owners, especially when things start to go wrong with their property. We often see properties with external and internal damage as a result of weather as well as a list of other issues. That's why it's important that steps are carried out in advance to ensure the property is in good working condition.



Here are four things to do to check the condition of your property and keep it safe:



Review your insulation - it's important that the insulation is in good working order. This will mean the pipes are protected and less likely to freeze and burst. If a pipe did burst then your business may need to shut down until repaired. It also means employees are working in pleasant temperatures and conditions.



Get a plumber to check for leaks - a plumber should check all of the pipes for any leaks and damage to save any hassle later down the line.



Health and safety - it's important that you put slip safety measures in place, such as gritting and anti-slip mats. Ensure the outdoor lighting is working and efficient as there is reduced daylight in the winter months which may lead to slips and trips.

When considering the safety of your building and employees you also need to consider your customers. If your customer slips, trips or falls as a result of your negligence then they may want to bring an injury claim against your business.



Check your insurance policy - it's essential that you understand what your insurance policy covers and if you wish to update it you must do this in advance.

Now you know our four things to check, it's time to action. However, if you would like any further advice then our Commercial Property Team are more than happy to help. They can be contacted by calling 01302 341414 or 0114 272 1884 or alternatively by filling out our online enquiry form.



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ABOUT US

Taylor Bracewell Solicitors is a dynamic and forward thinking legal firm with offices in Doncaster and Sheffield. We are passionate about providing individual service and connecting with our clients on a one to one basis. This enables us to fully understand our clients' legal needs and deliver exceptional value in our services

Our Services:

- Commercial Property
- Residential Property
- Family Law
- Employment Law
- Disputes
- Medical Negligence
- Personal Injury Claims
- Business/ Company Law
- Business Disputes
- Charities
- Wills, Probate and Trusts
- Asset Protection
- Inheritance Tax planning
- Powers of Attorney and Court of Protection



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