McCormicks

Briefing

Summer 2025

Deal done
Moonlighting?
Summer of fun

McCormicks
SOLICITORS

Welcome to the Summer edition of the Briefing, our regular newsletter.

Reasons to be cheerful

Peter McCormick OBE

It will come as no surprise to anyone who knows us well to read that this firm has been celebrating the return of Leeds United to the Premier League, particularly in view of my new role as Executive Vice Chairman of the club.

Not only is the promotion a triumph for the club but I also believe that having its own top tier club has many benefits for the region as a whole. It will undoubtedly be a major boost for the city of Leeds but the ripples will be felt more widely, with opportunities for the hospitality sector, suppliers and all kinds of businesses feeling the benefit.

There is an old saying that success breeds success and we have to hope that this is the case again.

We were also pleased to see Harrogate Town finishing the season strongly to end 11 points above the relegation zone in League Two. As a practice, we have friends at many other clubs and we wish them all the best for the new season.

Closer to home, we have also been backing other organisations. We have extended our sponsorship of the Theakston Old Peculier Crime Writing Festival in July by enabling it to continue using its popular tent as a base for events. We sponsored a 10km run at Rudding Park. We are the main sponsor of the Harrogate Homeless Project's forthcoming Golf Day and we are a sponsor for the Great Yorkshire Show in July. You can read more about these in this Briefing.

Our lawyers continue to be busy on a variety of matters and, again, you can read more about them in this newsletter.

Summer seems to have finally arrived, both literally and metaphorically, and I wish you all a long and happy one.

Peter McCormick OBE

Breakfast briefing

We are delighted to announce the first in a new series of events for clients and friends.

Join us for our first Speakers Breakfast at the West Park Hotel, Harrogate, on Thursday 3 July to hear from the Chief Executive of Harrogate International Festivals, Sharon Canavar.

Sharon has kindly agreed to share her time and insights into the amazing series of events she steers, not only Harrogate Music Festival in June and July and the Theakston Old Peculier Crime Writing Festival in July but also throughout the year.

The event begins at 9am. To book your place for this fascinating talk and a delicious breakfast, simply email Francesca Lowe at **f.lowe@mccormicks-solicitors.com**.

We look forward to seeing you there!

Harrogate International Festivals Chief Executive Sharon Canavar is our first guest speaker.

Max Marsden

New face for crime team

We have further strengthened our Crime and Fraud department with the appointment of a new Trainee Solicitor.

Max Marsden joins following two years with a specialist criminal defence practice where he worked on cases including serious sex offences and assaults, conspiracy drugs matters, robbery and burglary. He is already an accredited police station representative which extends the ability of the department to assist people who are interviewed under caution.

Department head, Partner Peter Minnikin, said: *"Max has already demonstrated his capacity for hard work and his commitment to achieving the best outcomes for our clients so I know he will be an asset to the team."*

Max said: *"I am delighted to join such a prestigious practice with high profile clients and interesting cases."*

Outside of work, Max enjoys competitive clay pigeon shooting and recently got married.

CONTENTS

P3 Summer of fun
P4 Partners in crime
P5 Our superstars
P7 2025 Awards
P8 Showroom secrets
P9 Double time
P9 Out of hours

Running at Rudding

Flying the flag for McCormicks were, from left, Rosie, Stephen and supporter Withnail, Jane, Reena and Jessica.

McCormicks was delighted to be a sponsor of Rudding's ParkRace 10k event in May, which attracted a record 693 runners to face the challenges of its hilly off-road course.

The practice fielded its own team, with Managing Partner Stephen Hopwood, his wife, Jane, daughter Rosie, Accounts Assistant Reena Patel and her friend, Jessica Halliday, all completing successfully to finish outside the main house.

The event was raising funds for Saint Michael's Hospice in Harrogate, Rudding's charity of the year.

It was followed by a hog roast for the runners and their supporters.

Stephen Hopwood said: *"This was a great event and it was encouraging to see so many people getting their trainers on to take part. We were delighted to support it with both sponsorship and a team."*

Gold for Lana

Trainee Solicitor Lana Wilks had a very special trip to London recently when she was invited to Buckingham Palace last week to celebrate receiving her Gold Duke of Edinburgh Award

Lana said: *"Having completed my Bronze and Silver awards already, I was delighted when I finally had my Gold signed off in September 2024 and a beautiful (and sunny) day in the palace gardens with the other award holders was a perfect way to finish it off.*

"A huge thank you to everyone who supported this, and my expedition team of course!"

Candidates for the Gold award have to meet a number of challenges, including Physical Recreation, Skills, Voluntary Service, a four-day self-sufficient Adventurous Journey, and a five-day Gold Residential. Lana completed her 12 months of volunteering through the British Heart Foundation, her 12 months of physical recreation working on her climbing and bouldering skills, and her expedition was more than eight hours of daily activity, mostly hiking through the Lake District with challenging steep climbs, including Helvellyn.

It takes a Gold winner to climb out of this deckchair!

Fairway Fun

McCormicks is delighted to be the main sponsor for Harrogate Homeless Project's Golf Day on Monday 7 July.

Harrogate Homeless Project's vision is to ensure that nobody in the Harrogate District has to sleep rough and that those experiencing homelessness have all the support they need to move towards independent living.

Partner Peter Minnikin said: *"We have a long relationship with the project and are delighted to be supporting this fundraising initiative and entering a team for what I am sure will be a great day."*

The event takes place at Oakdale Golf Course in Harrogate and will be followed by a two-course meal, a silent auction and the presentation of prizes.

Congratulations Fiona

Huge congratulations to a long-term friend of this practice and of the Yorkshire Young Achievers Foundation, Fiona Movley.

Fiona, who is Chairman of Harrogate International Festivals, was made an MBE in the King's Birthday Honours in recognition of her services to charity.

She is one of the most well known faces in the town and has worked tirelessly for a number of charities over the years.

Well done Fiona!

Fiona Movley MBE

Partners in crime

We are delighted to have strengthened our ties with Harrogate International Festivals with a new sponsorship package for the Theakston Old Peculier Crime Writing Festival.

The Crime Writing Festival has been based at Harrogate's Old Swan Hotel since it began but in recent years it has used a large tent in the grounds to offer more flexibility for its many events and McCormicks is now the sponsor of this, along with our friends and clients, CHR Group (Jan Fletcher OBE, Neil Smillie and Helena Craven).

Attending the London launch of the Crime Writing Festival are, from left, Kathryn McCormick, Harrogate International Festivals Chair Fiona Movley MBE, Festivals Chief Executive Sharon Canavar and Peter McCormick.

Senior Partner Peter McCormick said: *"The Crime Writing Festival has always been a joy to attend and attracts some of the best crime writers from across the world. Many have been associated with it for a number of years, such as Lee Child, Val McDermid and Mark Billingham.*

"The addition of the tent gave extra capacity and flexibility and we are pleased to have been able to enable the Festival to keep this popular venue."

This year's event takes place from Thursday 17 to Sunday 20 July, with Mick Herron as programming chair. Mick is the bestselling author of the Slough House thrillers which are the basis of the award-winning TV series, Slow Horses.

Writers include Lee Child and Andrew Child, Steph McGovern, Attica Locke, Kate Atkinson, Paula Hawkins, Kate Mosse, Val McDermid, Mark Billingham, the Reverend Richard Coles, and, making his festival debut, Irvine Welsh.

Deal done

The head of our Corporate and Commercial team, Partner James Towler, played a key role in the acquisition of Knaresborough-based Redline Specialist Cars by Leeds-based AMT Auto.

James acted for Redline in its sale to the £60m turnover business which operates in used car sales and finance, AMT in rental, leasing, subscription and insurance. Both AMT Auto and Redline Specialist Cars will continue to operate under their own names from their respective locations.

Redline Specialist Cars was founded in 1997 and has grown to now sell about 2,000 luxury cars annually nationwide. It is one of the UK's largest independent dealers of prestige cars, employing a 34-strong workforce. Its sales include prestige brands such as Aston Martin, Rolls-Royce, Bentley, BMW, Range Rover and Land Rover, along with supercars such as Porsche, Lamborghini, Ferrari and McLaren.

Redline co-director John Graeme said: *"AMT is the number one brand at what they do and Redline is the number one brand at what we do so it all makes perfect sense."*

Redline co-director Robert Milner added: *"This merger is a big step for both Redline and AMT, solidifying our position as a powerful force in the UK automotive industry. We share the same vision and ambition as AMT and by joining forces we will elevate both businesses, offering unparalleled choice and service to our customers. It's a win-win for everyone."*

Celebrating the deal are, from left, Rob Milner of Redline, McCormicks Partner James Towler, Neil McGawley of AMT and John Graeme of Redline.

James said: *"It has been great to represent John and Rob on this sale. They continue as directors of Redline, running it as part of the AMT Group. Both Redline and AMT are leading players in their respective fields and this deal will be good for them both."*

Austin's achievement

Huge congratulations to previous winner Austin Haynes and his team of supporters who completed the Yorkshire Three Peaks to raise money for the Yorkshire Young Achievers Foundation.

They completed the 25-mile course, climbing Pen-y-Ghent, Whernside and Ingleborough, in under 12 hours on Sunday 8 June.

Austin smashed his £1,000 fundraising target by more than £400 but there is still time to give! Anyone who would like to support him can visit his JustGiving page: **justgiving.com/page/austin-haynes-1**.

Pictured with one more climb to go are Austin, third from left, and his team of family and friends. Note that Austin has had to take a short break from his boots!

Amazing ascent

Congratulations and a huge thank you to Yorkshire Young Achievers Foundation Rob Northfield who went more than the extra mile to raise funds.

Rob took on the Burj Khalifa Climb Challenge with the support of Leeds United legend Tony Dorigo who he met at last year's Awards dinner.

The challenge saw 72-year-old Rob make a nonstop four hour climb on a Stairmaster machine.

He raised a stunning total of more than £13,500 to be shared between the Yorkshire Young Achievers Foundation and Henshaws, another friend of the Foundation.

Tony lends a helping hand to Rob

Rob and Tony's Challenge raises a huge sum

Alistair achieves again!

Our congratulations to triple previous winner Alistair Brownlee who received the OBE in the King's Birthday Honours.

Triathlete Alistair is the only athlete to hold two Olympic titles in the individual triathlon event, winning gold medals in the 2012 and 2016 Olympic Games. He received the honour for his services to triathlon and charity.

Alistair took the Achievement in Sport Award in 2010, going on to be named Personality of the Year in 2012 and 2016 with other Yorkshire gold medallists at the Olympics in those years.

A young Alistair Brownlee took the Achievement in Sport Award in 2010 and is now an OBE.

YORKSHIRE young ACHIEVERS foundation

McCormicks is the main sponsor of the Awards which mark the achievements of outstanding young people aged under 35 from across Yorkshire and have now raised more than £1.5m to help youngsters overcome adversity or achieve their potential.

Pictured at the launch are, from left, new Ambassador Jack Marshall, 2024 Achievement in the Arts winner Rocco Haynes, Support Dogs trainer Emily Harrison with Walter, and Chairman Peter McCormick.

Dipesh Mistry, Max Marsden and Sophie Hussain

Francesca Lowe, Sonia Jones and Jess Mayho

Isabelle Clough and Duncan Wood

Sarah Barry, Peter McCormick and Helena Craven

Mike Riley, Simon Nabarro and Linda Gray

Richard Stroud MBE, Chris Blundell and Simon Mackaness

The party has started

We were delighted to welcome previous winners, fundraisers, sponsors and supporters when we launched the 2025 Yorkshire Young Achievers Awards in May at the West Park Hotel in Harrogate.

There was a great turnout for the event, with the venue once again provided by long term supporters the Blundell family.

The race is now on for nominations for this year's winners, with a closing date of 22 August.

Senior Partner and Awards Chairman Peter McCormick said: *"We have had some terrific winners over the years and we know there are many more deserving young people in Yorkshire so we really want to hear about them! It is very simple to nominate – simply visit www.yorkshireyoungachievers.co.uk and click on Awards and then Nominations."*

The Awards are open to anyone aged under 35 who was born, lives or works in Yorkshire. They can be famous or completely unknown outside their own community as long as they have achieved something special, whether attaining success or overcoming adversity.

Among the guests at the launch was previous winner Jack Marshall BEM. Jack was named Youngster of the Year in 2007 when he was nine and went on to be Personality of the Year 2014. He has supported the Foundation throughout this time and recently became a Foundation Ambassador.

Peter McCormick said: *"It was fantastic to welcome Jack, along with many of our sponsors. Without this unstinting support, we would not be able to help other young people to achieve their dreams."*

Lyndsey Snodgrass and Matthew Stamford sample the canapés

There are eight categories as follows:

- Personality of the Year (sponsored by Rudding Park)
- Youngster of the Year (Nabarro McAllister)
- Unsung Hero (Jamboree Entertainment)
- Achievement in the Arts (Articulate Drama School and agency)
- Achievement in Education (Harrogate Town AFC)
- Achievement in Management and Enterprise (The CHR Group)
- Achievement in Sport (Leeds United Football Club)
- The Martin Gerrard Award (GMI Property)

Sharon Canavar, Kathryn McCormick and Fiona Movley MBE

Eddie Gray MBE, Jack Marshall and Gary McAllister

Ambassador India Farmer, Lana Wilks and Fiona Robinson

Rob Selby, Richard Stroud MBE and Rob Northfield

A series of cases around the motor finance provided by dealers have recently been heard.

Showroom secrets

Here Lana Wilks of our Commercial Litigation department drives into the details.

The Supreme Court recently heard a trio of landmark cases – Wrench v FirstRand Bank (UKSC 2024/0159), Johnson v FirstRand Bank (UKSC 2024/0158), and Hopcraft and another v Close Brothers (UKSC 2024/0157) – that have ignited debate over the regulation of motor finance in the UK. There are two forms of car finance under scrutiny: Discretionary Commission Agreements and Commission Disclosure Complaints.

At the heart of these cases are pivotal questions about the duties owed by car dealers to consumers when arranging hire purchase agreements. Specifically, the Supreme Court is considering:

1. Whether car dealers, acting as brokers, owe consumers a "disinterested" and/or fiduciary duty to provide information, advice, or recommendations.
2. If such a duty exists, whether undisclosed commission payments from lenders to dealers render the lenders primary wrongdoers.
3. Whether lenders can be liable in the tort of bribery, and if so, what the appropriate remedies should be.

These issues arise in the context of consumers entering into hire purchase agreements for vehicles, with car dealers brokering the deals. The trio of claimants challenge the practice of presenting only a single finance option without clear, written disclosure that the dealer is receiving a commission from the lender.

While the facts varied between the cases, all claimants argued that the dealerships, as brokers, owed them a duty to provide impartial information, advice, or recommendations. Some of the arguments made out were that the interest amounts charged on car finance details under discretionary commission agreements, were overinflated, purely for the purpose of generating a larger commission for the dealership's brokers. This was evidently not disclosed, and central to the heart of these claims.

The litigation of all three cases has differing procedural history in the first instance but all were granted permission to appeal. The Court of Appeal joined the cases together and ruled in favour of the claimants, holding that the Financial Ombudsman Service (FOS) was entitled to find that the commission arrangements were not adequately disclosed, rendering the relationship 'unfair' under section 140 of the Consumer Credit Act 1974.

The Court of Appeal further held that brokers cannot lawfully receive commission payments from lenders without the customer's fully informed consent.

The lenders have now appealed to the Supreme Court, which heard the cases in the first week of April 2025. A judgment is expected in early summer and is likely to have far-reaching implications for the motor finance industry, consumer protection, and the regulation of commission-based sales. Once the Supreme Court delivers its judgment, the motor finance industry may face a rush to achieve compliance and mitigate the risk of litigation from new consumers.

Many consumers may wonder how a successful claim would translate into compensation. The Financial Conduct Authority (FCA) has indicated that, following the Supreme Court's decision, it will set out their own response, relying on the judgment to be handed down. If the Supreme Court upholds the Court of Appeal's decision, it is likely that the FCA will set up a framework for refunds and redress. This would provide a clear process for affected consumers to claim compensation, with the Supreme Court's ruling serving as the legal foundation for such claims.

Industry estimates suggest that the total payout could exceed £10 billion. The Supreme Court may also require lenders to proactively contact customers who are entitled to compensation, which would create a significant administrative burden for both lenders and dealers.

Lana Wilks is a Trainee Solicitor in our Commercial Litigation Department and assists David Birks and Anmol Roth in all areas of Dispute Resolution and Sports Litigation.

Lana graduated from the University of York in 2024 with a degree in Law and is now studying a Masters in Law at The University of Law which she will complete in September 2025.

Joining McCormicks with a sporting background, specifically in Rugby, Lana sits on the Disciplinary Panel for England RFU and enjoys all Sport related matters that McCormicks is renowned for.

Outside of work at McCormicks, Lana is a published legal writer and explores a variety of practice areas through topics which are developing and prominent.

She is due to qualify as a Solicitor in November 2026.

Polygamous working is a term used for employees who have more than one job.

Double time

Here our Head of Employment, Partner Iain Jenkins, looks at the implications.

This is not as you might imagine being busy with several wives. Polygamous working is a phrase to describe the situation where an employee might have two full-time jobs with two full-time salaries, thus not being able to fulfil either role properly.

Having two jobs might not be unusual where, for example, someone works 9am to 5pm in their main role and then moonlights in an evening job. Indeed, this is quite common for many during the cost-of-living crisis.

Polygamous working can be hard to detect, particularly as working from home has increased over the years. However, having two full-time jobs can cause significant issues for both the employee and employer.

An individual may stretch themselves across two full-time roles, not performing either role adequately which might have serious consequences, for example, where health and safety issues are concerned.

Employees may be sued for overpayment of wages by an employer where they have not fulfilled their contractual obligations because of a role with a different business. The police may also become involved in what amounts to a fraud. The National Fraud Initiative helps to identify polygamous working and the overpayment of wages in the public and private sectors.

Employers must consider their obligations under the Working Time Regulations (WTR). In the absence of an opt-out agreement, it must be ensured that workers do not work more than the statutory limit of 48 hours a week on average. There will be issues around retaining adequate records as by its nature the other role will be done without the employer's knowledge and permission. Employers could face sanctions under the WTR.

Issues may also arise around confidentiality where an employee might be working for a competitor.

There may be obvious indicators of polygamous working such as a decline in performance and engagement, absences and lack of availability.

Employers might consider the following:

1. Ensuring appropriate and adequate pre-employment screening, including references.
2. Making clear the company's position on second jobs in offer letters.
3. Contracts of employment should require employees to devote their whole time and attention to a role and there should be no ambiguity around what is expected of them.
4. A contract might require an employee to disclose a second job or prohibit this by including an exclusivity clause in the employment contract. However, such a clause would only be valid if the employee earns more than the lower earnings limit. Exclusivity clauses will also be void in zero hours contracts.
5. A contract of employment should contain the usual confidentiality and where appropriate, intellectual property provisions.
6. Monitoring working from home might also be a solution but this in itself brings its own difficulties.
7. Consider dealing with these issues sensitively and openly where they arise, there is likely to be a distinction between employees who are in genuine financial difficulties and those who are abusing the system.

Holding down two jobs is possible, indeed moonlighting is quite common, and acceptable where there are no conflicts of interest, and an employee is not asleep with exhaustion during the day. There is a line which will be crossed though where an employee juggles two full-time roles.

Partner Iain Jenkins is our Head of Employment. He has received recommendations in the leading independent Guides to the profession, the UK Legal 500 and Chambers UK.

Iain has advised businesses across a range of sectors including tech, manufacturing, financial services, recruitment, transport and logistics and health and social care.

He is a CEDR accredited mediator and an accredited workplace mediator. He can also be instructed as an independent investigator in relation to employment issues. He also advises on GDPR and Data Protection matters in employment and commercial work, including compliance and data breaches.

Iain advises on all areas of contentious and non-contentious employment matters including:

- Settlement agreements and negotiated exits
- Directors and boardroom disputes
- Claims for unfair/wrongful dismissal, discrimination and whistleblowing in the Employment Tribunal
- Drafting and negotiating contracts of employment and service agreements
- Advising on grievance and disciplinary matters and the termination of employment
- TUPE advice and advising on employment aspects of corporate and property transactions
- Advising on the implementation and enforcement of restrictive covenants and confidentiality obligations
- Trade union issues, redundancy and restructuring
- Partnership matters and disputes

Out of hours

Sophie Hussain is a Graduate Solicitor Apprentice working in our Commercial Property department. She assists Claire Baker-Kemp and Janice Colley with all aspects of the transactional property work undertaken at McCormicks.

Sophie, who holds a first-class dual honours degree in Law and Criminology, is due to qualify as a solicitor in August next year.

When she's not hard at work, she loves to be in the great outdoors, often accompanied by dog Albie.

Other than the law, what would your dream career be?

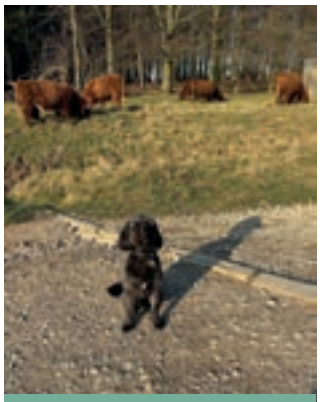
Aside from the legal industry, I love the idea of a career in science, especially research. I can't think of anything more rewarding than being at the forefront of groundbreaking innovations.

If you could win any sporting trophy or title, what would it be and why?

It would have to be the Wimbledon trophy. Tennis is by far the most entertaining sport to watch in my opinion and tennis at Wimbledon in particular is always packed with nail-biting moments. I'm incredibly excited to be attending the men's final at Wimbledon this year!

Where is your favourite place in Yorkshire and why?

My favourite place in Yorkshire is a tough one to call. I have so many great memories growing up in Leeds surrounded by friends and family. However, my fiancée grew up on a farm in Eldwick which is my favourite spot to retreat on a sunny day.



Albie braves the cattle at Harewood

Sophie describes North Lake Tahoe as the most beautiful place she has ever visited

On holiday in Greece

If you could choose your last meal in advance, what would it be?

It would have to be my mum's traditional Chinese food; her rice cooking skills are unmatched.

What is the best piece of advice you have ever been given?

"The harder you work, the luckier you get".

If you suddenly came into a significant amount of money, what would your first five purchases be?

- A farmhouse with lots of land and animals to keep me busy
- The most extravagant coffee machine on the market
- A VIP Glastonbury Ticket!
- A house in North Lake Tahoe
- Skiing trip with friends and family

What do you do to wind down after a busy day in the office?

After a busy day in the office, it really depends on my mood. Sometimes I'll go for a run and other times I prefer to spend a few hours with my kindle. An evening stroll with my dog Albie and listening to a podcast always does the trick.

What is your favourite season of the year and why?

Summer (of course). I love the light mornings and being able to spend more time outdoors. Also, I find that it is the most sociable season, so I tend to see friends a lot more.

It is never too late

Our Private Client team are hitting the road in July to spread the word on their heartfelt messages on the importance of making a will.

Partner Elaine Lightfoot and Executive Victoria Fawcett will be presenting a seminar on how to ensure your wishes are followed, both during your lifetime and after you have passed away, at a Harrogate care home.

Elaine said: *"We know that some older people suffer with mobility and transport issues and have many questions about how they can safeguard their wishes so we felt it was important that we gave them the opportunity to find out some of the answers."*

Elaine Lightfoot

Victoria Fawcett

If you think your residents or group or workforce could benefit from one of our seminars, simply email us at: **e.lightfoot@mccormicks-solicitors.com** or **v.fawcett@mccormicks-solicitors.com** or ring us on **01423 530630**.

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OUR EXPERTISE

McCormicks offers the full portfolio of legal services to all forms of organisation including businesses, charities and sporting bodies, together with private individuals. The firm offers expertise in all areas of corporate and commercial work whilst maintaining a commitment to the personal client in areas such as rural property, tax, Trusts, probate, family matters and crime.

Charities & Community
- Charities
- Not For Profit

Corporate & Commercial
- Acquisitions and Disposals
- Banking and Finance
- Commercial Agreements
- Competition and EU Law
- Corporate Crime, Fraud and Risk
- IT and Data Protection
- Insolvency and Bankruptcy
- Intellectual Property
- Partnership and Company Law
- Regulatory and Disciplinary

Crime
- General Crime
- Corporate Crime, Fraud and Risk

Dispute Resolution and Litigation
- Commercial Disputes
- Mediation and Arbitration
- Partner/Shareholder Disputes
- Property and Construction
- Reputation Management

Employment

Insolvency & Bankruptcy

Mediation & Arbitration

Property
- Agriculture and Estates
- Commercial Property
- Development and Regeneration
- Residental Property

Sport, Media & Entertainment
- Employment
- IT and Data Protection
- Insolvency and Bankruptcy
- Intellectual Property
- Media and Entertainment
- Mediation and Arbitration
- Regulatory and Disciplinary
- Reputation Management
- Sponsorship
- Sport

Tax, Trusts, Wills & Estates
- Agriculture & Estates
- Care of the Elderly
- Tax and Trusts Disputes
- Trust and Tax Planning
- Wills and Probate

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