

Current Property Issues

2015

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SPEAKERS

John Beckett, Solicitor, Consultant and Legal Lecturer

Paul Clark, Consultant, Cripps LLP

Peter Williams, Training Consultant, Falco Legal Training Limited

Philip Freedman CBE, QC (Hon.), Partner, Mishcon de Reya

Mathew Ditchburn, Partner, Real Estate Disputes, Hogan Lovells

Alastair Mant, Head of Sustainability, GVA

Tony Bateman, Managing Director, Pegasus Group

DATE

Wednesday 18th March

VENUE

The Mere Golf Resort & Spa, **Manchester**

6 hours
formal CPD
for £105*

* EXCLUDING LUNCH. £119 INCLUDING LUNCH. ALL COSTS EXCLUDE VAT.

PROFESSIONAL
Conferences

Key Subjects

- ▶ LANDLORD AND TENANT CASE LAW UPDATE
- ▶ NEGLIGENT VALUATIONS
- ▶ THE NEW MODEL COMMERCIAL LEASE - SPEEDING UP LEASE NEGOTIATION
- ▶ HOT TOPICS FOR NEGOTIATING AND MANAGING COMMERCIAL LETTINGS
- ▶ DEVELOPMENT DISPUTES - TIPS AND TRAPS WHEN DEVELOPING PROPERTY
- ▶ SUSTAINABILITY - FROM PROBLEMS TO SOLUTIONS
- ▶ SECURING PLANNING PERMISSION - TOP TIPS FOR 2015 - IMPORTANCE OF CONSULTATION

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Current Property Issues 2015

MANCHESTER - 18th March



Programme

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NOTES & CONDITIONS

Course fee includes light refreshments and seminar documentation and, where specifically booked, lunch. Confirmation of registration and VAT receipt/invoice will be sent in acknowledgement of all bookings. Anyone not having received these details within 48 hours of the course should telephone to confirm a place has been booked. All invoices to be paid regardless of attendance unless a cancellation or transfer is notified in writing at least 14 days before the event. Cancellations must be made in writing and will be subject to a £25 +VAT administration charge per person, transfers will be subject to a £15 +VAT administration fee per person but no refunds or transfers can be made for cancellations notified within 14 days of the event. We are unable to accept cancellations for bookings processed within 14 days of the conference. Substitute delegates will be accepted. Professional Conferences reserve the right to change the venue and/or speaker(s) at any time and without prior notice. We accept no liability if a conference does not take place for reasons beyond our control. We also reserve the right to cancel the event in which case all monies will be refunded. The delegate(s) and employer are jointly and severally liable for payment of all the fees due. In the event of a legal dispute the matter is to be heard in and transferred if necessary to the county court nominated by Professional Conferences. All bookings are subject to these conditions. In light of the DDA, please advise if you have any special requirements. Any personal details you provide may be used by Professional Conferences and other carefully selected organisations. It may be used to contact you to give you information on related products or services which may be of interest. If you do not wish to receive such information, please tick this box

8.45 - 9.20am REGISTRATION

LANDLORD AND TENANT CASE LAW UPDATE

This talk will review some of the most significant recent case law. The content may vary slightly to reflect the latest cases but will include:

- How a tenant's behaviour can affect its lease renewal rights: *Lie v Mohile*
- Issues on calculating service charges and crediting provisional sums: *Friends Life Management Services Ltd v A & A Express Building Ltd*
- Apportionment of rent paid in advance on a tenant's administration: *Pillar Denton Ltd & others v Jervis & others*
- Breaches of dilapidations pre-action protocol considered: *Courtwell Properties Ltd v Greencore PF (UK) Ltd*
- Conflicting obligations in a commercial lease: *Century Projects Ltd v Almacantar (Centre Point) Ltd & others*
John Beckett, Solicitor, Consultant and Legal Lecturer

NEGLIGENT VALUATIONS

We all make mistakes, sometimes through carelessness, sometimes because we are not as competent as we thought. Some mistakes are unforgivable. But not all mistakes are negligent. There are lessons to be learned from recent cases, including:

- Property valued at €135m sold for just €22.5m *Titan Europe v Colliers International (2014)*
- Negligent valuer gets contribution from negligent solicitors *E.Surv v Goldsmith Williams (2014)*
- Damages may include those due to a fall in market values *John Grimes Partnership v Gubbins (2013)*
- The impact of tax on valuation at Chatham Historic Dockyard *Capita v Drivers Jonas (2012)*
- Appropriate comparables, margin for error *Paratus AMC v Countrywide (2011)*
- Does a bank valuer owe a duty of care to the buy-to-let borrower? *Scullion v Bank of Scotland (t/a Colleys) (2011)*
Paul Clark, Consultant, Cripps LLP

THE NEW MODEL COMMERCIAL LEASE - SPEEDING UP LEASE NEGOTIATION

The new Model Commercial Lease (MCL) is an initiative from the property industry itself and is intended to speed up lease negotiations. This session will introduce you to the MCL and consider its advantages and disadvantages.

- An overview of the MCL
- An outline of the MCL's main provisions including repair, alterations, rent review and service charge
- How the MCL measures up to the Code for Leasing Business Premises
- A comparison of the MCL against other standard commercial letting documents
- Advantages and disadvantages of using the MCL

Peter Williams, Training Consultant, Falco Legal Training Limited

HOT TOPICS FOR NEGOTIATING AND MANAGING COMMERCIAL LETTINGS

Landlord and tenant law remains as complicated as ever however this talk will take a practical look at some hot topics to help surveyors avoid traps and get the right deal for the client.

- Consent to assign and the new protocol
- Guarantors and AGAs - the latest position - including the group assignment trap
- Lease break rights - protecting your client - conditions, rent refunds and service charge adjustments
- Use restrictions and non-compete clauses - impact of the latest competition law
- Rent review formulae - revisiting the effect of mentioning the permitted use

Philip Freedman CBE, QC (Hon.), Partner, Mishcon de Reya

DEVELOPMENT DISPUTES - TIPS AND TRAPS WHEN DEVELOPING PROPERTY

The economic recovery brings renewed focus on development related disputes. Developers need to plan ahead, be aware of the potential pitfalls and know how to tackle them so they can be ready to proceed as soon as the time is right. This talk will cover some of the more frequently encountered development traps that can hold up schemes if they are not tackled at an early stage, including:

- Legal obstacles to overcome before developers can gain vacant possession of a site the circumstances in which the landowner can oppose renewal under the Landlord and Tenant Act 1954
- The risk of an injunction being obtained to restrain an actual or anticipated infringement of rights to light
- Tackling restrictive covenants by an application for modification or release and the role of indemnity insurance
- Enfranchisement - recent case law and dealing with rights through different lease structures
- Tenants' pre-emption rights in mixed use schemes and the potential consequences of failing to follow the correct procedure

Mathew Ditchburn, Partner, Real Estate Disputes, Hogan Lovells

SUSTAINABILITY - FROM PROBLEMS TO SOLUTIONS

Rising operating costs, reporting obligations and minimum performance requirements mean that the sustainability of commercial properties must be measured, reported and improved. Surveyors need to navigate regulatory, investor and occupier demands and provide solutions that add value.

- Sustainability in the context of Real Estate
- 2018 minimum energy performance standards (MEPS) regulations - implications of the Government consultation document
- Energy Savings Opportunity Scheme (ESOS) and the potential impact of this regulation in the market
- Addressing some of the key problems in sustainability and looking at how the industry are taking action to manage risks and improve performance - what is a sustainable asset plan and what are the implications for fund, asset, property and facilities managers?

Alastair Mant, Head of Sustainability, GVA

SECURING PLANNING PERMISSION - TOP TIPS FOR 2015 - IMPORTANCE OF CONSULTATION

Positive relationships with the local community and councillors are built through good consultation. The delivery of pre-application consultation should not be seen as 'tick box' or 'tell and sell'; the public and other stakeholders will quickly see through such approaches. There is also a growing body of consultation case law which is used by those looking to oppose, challenge or delay a development - so 'getting it right' is increasingly important.

- The legal and policy requirements
- Public expectations
- The 'Gunning Principles' - *R v Brent Borough Council, ex p Gunning (1985)*
- What makes a 'good' consultation
- Getting positive results

Tony Bateman, Managing Director, Pegasus Group

5.00pm CLOSE OF PROCEEDINGS

Please be aware that the above does not necessarily reflect the exact order of the subjects on the day.