



Public Sector England Webinar – Property Update

Paul Hilsdon, Partner, Clare Hardy, Senior Associate

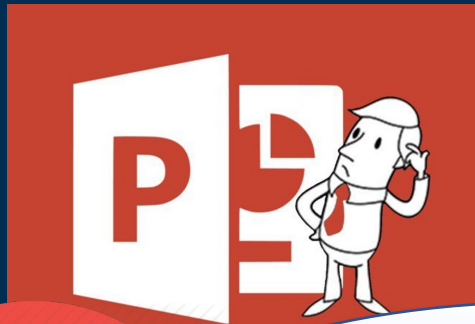
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CHAT

Agenda

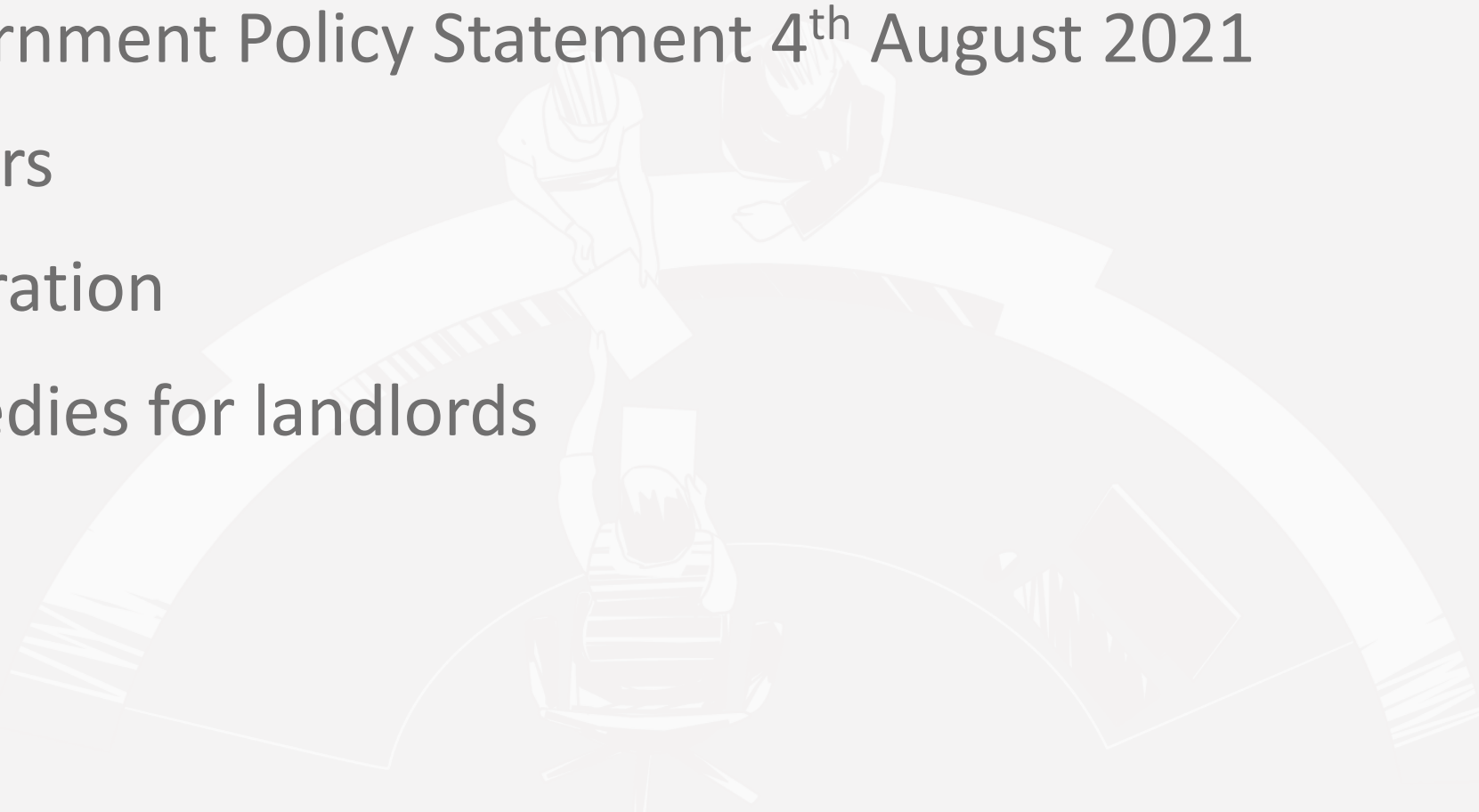
- Leases of Electric Vehicle Charging Points
- Commercial Leases and Unpaid Rent
- Recent cases in relation to the avoidance of Business Rates
- The Building Safety Bill
- Updated guidance on borrowing from the Public Works Loan Board
- Property Case law update

Leases of Electric Vehicle Charging Points

- Planning Covered by GDO
- Lease Terms
- L&TA 1954 implications
- Management and reinstatement issues
- Alienation

Commercial Leases and Unpaid Rent

- Government Policy Statement 4th August 2021
- Arrears
- Arbitration
- Remedies for landlords



Building Safety Bill

- Reforms legislation relating to building safety
- Establishment of Building Safety Regulator
- Power for local authorities and fire and rescue authorities to assist Regulator
- Power for Regulator to issue directions to local authorities and fire and rescue authorities
- Duty for Regulator and local authorities and fire and rescue authorities to co-operate with each other

Building Safety Bill

- Dutyholder regime for higher-risk buildings
- Extension of limitation period for claims relating to defective premises
- Duty to ensure that work does not render dwelling unfit for habitation
- Register of building inspectors

Case Law – Business Rates

- Avoidance Schemes – Court looking closely at validity of arrangements
 - *Hurstwood Properties Ltd and Others v Rossendale Borough Council and another* [2021] UKSC 16
 - *Isle Investments Ltd v Leeds City Council* [2021] EWHC 345 (Admin)
- Rate relief for charities
 - *Nuffield Health v Merton London Borough Council* [2021] EWCA Civ 826
 - Question is whether charity is using premises for its charitable purposes

Borrowing from the Public Works Loan Board

- Local authority must not borrow more than or in advance of need purely in order to profit from investment of extra sums borrowed – Debt for yield
- New guidance published by HM Treasury in August 2021
- PWLB will lend to refinance debt even if project would not now be eligible for PWLB loan
- New Circular 163 – Lending Arrangements For PWLB Loans

Property Case Law Update

- *Poundland Ltd v Toplain Ltd. Unreported County Court Pandemic Clause in lease*
- *Capitol Park Leeds plc v Global Radio Services Ltd [2021] EWCA Civ 995 (5 July 2021)* *Satisfaction of Break condition*
- In *Rittson-Thomas and others v Oxfordshire County Council [2021] UKSC 13* *Schools Sites reverter not triggered*
- *Monsolar IQ Ltd v Woden Park Ltd [2021] EWCA Civ 961* *Rectification of rent review formula*
- *The Royal Parks Ltd and another v Bluebird Boats Ltd [2021] EWHC 2278 (TCC)* *Annexation of fixtures*

Any questions



Next Webinar

Procurement Update

Tuesday 19th October 2021 10:00am - 11:00am

This session will report on any relevant developments in procurement law.

**Hosted by
Tiffany Cloynes & Clare Hardy**



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Cardiff

4 Capital Quarter,
Tyndall Street
Cardiff, CF10 4BZ
Tel: +44 (0)29 2023 8239

London

80 Coleman Street
London
EC2R 5BJ
Tel: +44 (0)20 7620 0888

Derby

Number One Pride Place
Pride Park
Derby DE24 8QR
Tel: +44 (0)1332 331 631

Nottingham

The Arc
Enterprise Way
Nottingham NG2 1EN
Tel: +44 (0)115 983 3650