

PROFESSIONAL *Conferences*

LEARNING OBJECTIVES FOR THE CURRENT PROPERTY ISSUES AUTUMN 2024 CONFERENCE 6 HOURS FORMAL CPD

Session I

CASE LAW UPDATE

Speaker: Sarah Thompson Copsey

At the end of the session delegates will understand:

- The courts' current views under the Landlord and Tenant Act 1954, part 2 as to the tenant's ability to change the size of the "holding", the need for control when looking at "occupation" from the landlord's perspective and the amount of business carried out by the tenant from its perspective, together with the pitfalls of misleading the court in opposing a tenant's application for a new tenancy
- The concept of 'waiver' in a non-standard forfeiture clause and the court's approach to such a clause
- The need for a landlord to clearly state its reasons for refusing consent under a lease and what is reasonable in the context of alterations
- The possible dangers of optimistic drafting & forecasting in property sales
- The meaning of the "but for" test in damages for nuisance

Session II

MEES – WHAT YOU NEED TO KNOW NOW

Speaker: Ben Strange

- MEES statistics – how many properties are at risk, and how to identify issue-properties in a given commercial estate.
- Misleading and inaccurate EPCs – how to spot them, how to challenge them, and how to use them.
- EPC Improvements – worked examples and new technologies
- Lease drafting for MEES – key dos and don'ts.
- PI issues – Avoiding Professional Liability claims.

Session III

PROTECTING AND ENHANCING COMMERCIAL PROPERTY VALUE: TOPICAL ISSUES

Speaker: Sarah Thompson Copsey

At the end of the session the delegates will:

- Be aware of possible alternative methods to resolving rights of light issues in relation to development land to avoid or minimise the risk of court proceedings and the consequent losses entailed
- Understand how best to obtain landlord's consent to change of use and when and how to use s84 of the Law of Property Act 1925 to have restrictions on user and building modified or discharged
- Appreciate the distinction between various types of common headings in documents used in connection with agreeing property contracts and dealing with and resolving property disputes and when/if it is useful/appropriate to use each heading
- Understand the usefulness of detailed heads of terms to avoid costly disputes where the final documentation fails to reflect the agreement reached

Session IV

PROPERTY VALUATION: THE PRACTICAL IMPACT OF ESG ON THE VALUATION OF COMMERCIAL PROPERTIES IN THE UK

Speaker: Nick French

- An understanding of the impact on property values of proposed changes to the MEES legislation to be implemented in 2027 and 2030
- An understanding of the role of retrofitting costs in property valuations and the need to seek professional advice where required
- An understanding of the advantage of explicit DCF models for the valuation of properties requiring retrofitting to achieve the minimum EPC rating in 2027 and/or 2030
- An understanding of the changing nature of EPCs and a recognition that old EPCs may not match the equivalent rating when updated today

Session V

WILL UK MONETARY POLICY 'TRUMP' POLITICAL UNCERTAINTY?

Speaker: Dr Walter Boettcher

- An appreciation of where the UK sits globally in terms of economic performance and how US politics may or may not impact.
- An understanding of the relationship between monetary policy (interest rates), fiscal policy (taxes and spending) and economic performance, and especially their impact on commercial property investor sentiment.
- Clarity about the political future of 'levelling up' and regional development and how it might be funded.
- An understanding of the link between regional investment, productivity and regional employment generally and in connection with the green economy.

Session VI

CURRENT KEY ISSUES IN COMMERCIAL PROPERTY

Speaker: Suzanne Gill

Following the session, attendees will have a better understanding of:

- Differences between source of funds, source of wealth and the relevance of counter-party due diligence
- Issues for landlords and tenants to consider when adding EV charging facilities and solar panels to existing buildings
- Some examples of wording in heads of terms which can be expensive and time-consuming to document
- Using break clauses and rights of first refusal to allow tenants to reduce and increase the amount of space they occupy
- Key terms of promotion agreements, their advantages and disadvantages