

ACES TERRIER

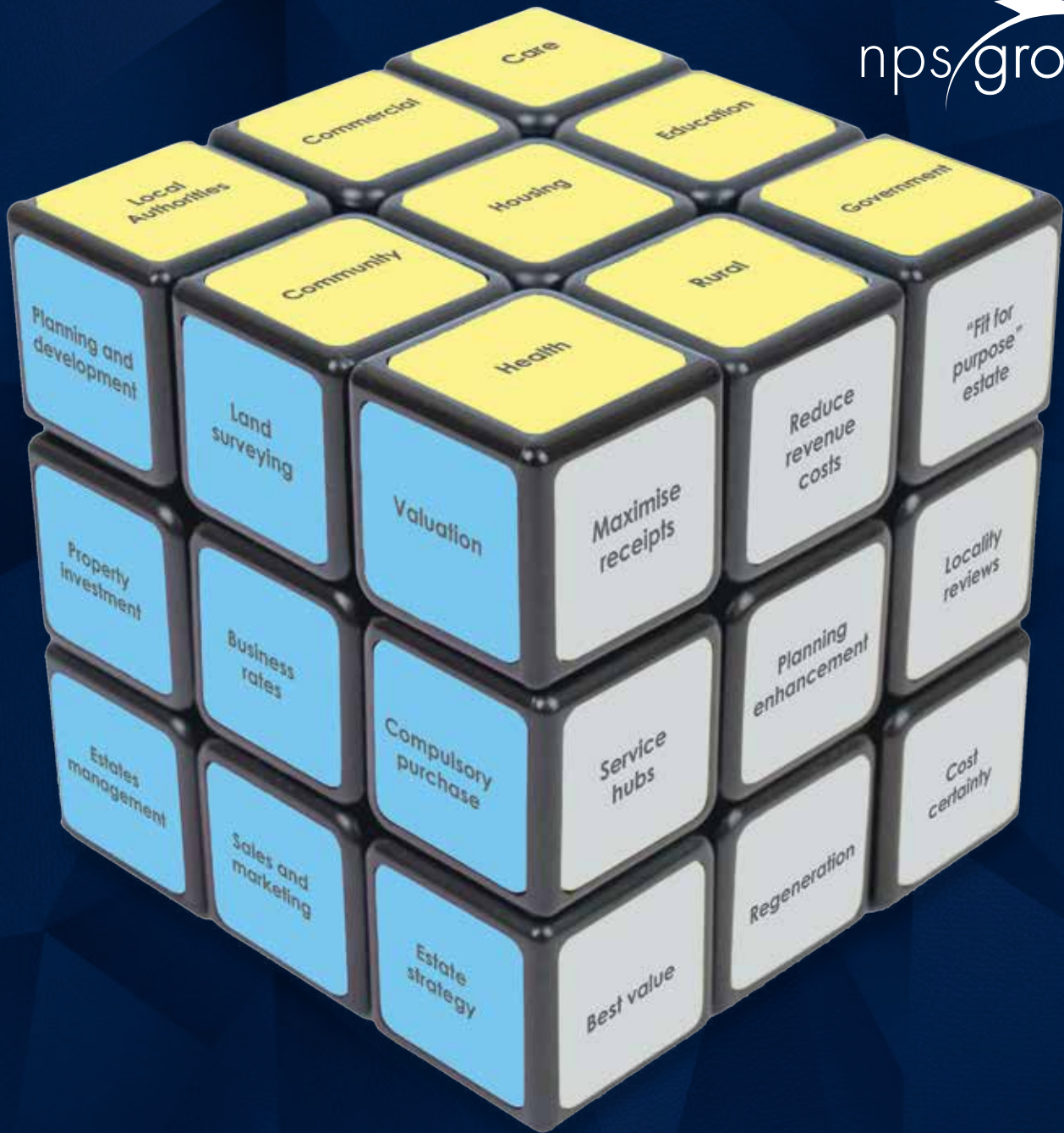
THE ASSOCIATION OF CHIEF ESTATES SURVEYORS & PROPERTY MANAGERS IN THE PUBLIC SECTOR

VOLUME 25 ISSUE 1 SPRING 2020



ACES

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Melvyn Stone - Estates Director

Melvyn.Stone@nps.co.uk | 01603 706151

nps.co.uk



ACES TERRIER

The Journal of ACES - The Association of Chief Estates Surveyors & Property Managers in the Public Sector

EDITORIAL

Betty Albon

I introduced my editorial for Winter Terrier with: "I wonder what bombshells the new decade will bring? Hardly dare contemplate." Famous words, it proves.

Without further ado, please enjoy this Spring Terrier. May I give heartfelt thanks to all the authors who have stepped up to the mark to enable me to produce a bumper edition of 39 articles on an extensive range of subjects – plenty of remote CPD.

This issue is available immediately on ACES' website (www.aces.org.uk/library). Please share it with staff and colleagues.

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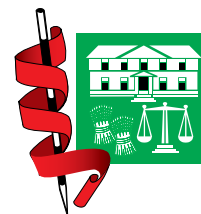
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NATIONAL COUNCIL

Notes of Aces Council Meeting 24 January 2020

Trevor Bishop MRICS, ACES Secretary secretary@aces.org.uk

22 members attended the meeting, which was held at Guildhall Offices, London. A minute's silence for William (Bert) Marshall was observed. Bert was a long-standing and much respected member of ACES and regularly contributed articles to the Terrier under the pseudonym of "The Suffolk Scribbler". A full obituary appeared in 2019/20 Winter ACES' Terrier.

An interesting and informative presentation by Sally Garcia of OGP on its Leadership Initiative was received by members. This prompted a healthy flow of questions and comments from those present [Ed: see report in this issue of ACES' Terrier].

President's report

The President (Peter Gregory) expressed his acknowledgement and thanks to all members and friends who at and since the Glasgow AGM had expressed their best wishes for his year in office. The support of so many people was very much appreciated. He reported on his objectives for the year ahead. In particular, he referred to ACES strengthening its links with the Municipal Journal by way of sponsorship of the MJ Asset Management Award. On the back of this relationship, he was invited to attend the MJ Future Forum North in Manchester in December. The event was attended by local authority leaders and provided an interesting overview of issues facing local government.

A detailed report from the President is contained in the Main Council Report on the website.

Secretary's report

The Secretary reported on matters arising during the period from the last Council Meeting and provided an update as follows:

Membership - An increase in total membership was reported. A number of resignations had been received since invoicing, but the number of new applications had been healthy. In terms of profile, the number of full members had increased, and the number of associate members had decreased recently [Ed – see Membership information in the following report].

2019 Conference - The huge efforts of Graeme Haigh and his team had delivered a very successful and well received conference, with excellent speakers providing valuable CPD and plenty of networking with sponsors and delegates. The financial outcome looked good, despite the slightly lower number of delegates.

AGM 2019 - With Thomas Fleming's assistance, the AGM in the historic surroundings of Glasgow City Chambers in November had been another successful event. The professional presentations by the sponsors, Graham + Sibbald, were well received, and the new President, Peter

Gregory, gave an excellent and inspiring address. The meeting was rounded off by the ACES Award for Excellence to East Riding of Yorkshire Council.

Website - Considerable progress has been made by Ten Creative, with approvals of the structure and design of the new website. In the meantime, the existing website remains operational and functional and the current website providers are still responding promptly to requests for service.

Other Matters - The Secretary reported that he had been assisting lead officers as required on a number of other ongoing matters including implementation of the Business Plan objectives by supporting Neil Webster; the Annual Conference in Manchester; Terrier and advertising matters with the Editor; ACES responses to consultations in support of Simon Hughes; and supporting branch secretaries and chairs on a whole range of matters.

A detailed report is contained in the Main Council Report.

Financial matters

The Treasurer (Willie Martin) presented a report on the financial position of the Association, including a detailed breakdown of the various heads of income and expenditure. He made proposals for combining the 2 ACES bank accounts into one, and identifying and accounting for administrative costs in the ACES

Conference financial accounting. Both proposals were approved.

ACES' Terrier

The Editor reported on advertising revenue, the future of 'Asset' and branch submissions to the ACES Terrier. It was recommended and approved that the advertising costs in the Terrier for 2020 remain the same as 2019, that production of Asset cease, with conference presentations appearing in subsequent ACES' Terrier journals, and that the Editor continues to encourage branches to submit regular reports for publication.

Business Plan

The Business & Marketing Manager (Neil Webster) and the President reported on actions completed, objectives achieved, current progress, and future proposals relating to the Business Plan. Activities and actions during the last 12 months included a revised promotional flyer, approved communication plan, e-briefing emails issued, various articles written and promoted, attended SOLACE, CHOBE and CIPFA events to promote ACES, and at several branch meetings, and established a relationship with Office of Government Property.

Ongoing/future activity included collaborating with Government Property Profession regarding leadership and recruitment, working with Estates Gazette to establish a relationship for ACES involvement in future events, developing relationships with several private sector partners, flyer in Terrier and RICS Journal being pursued and developed a brief for research on the current recruitment challenges in the public sector.

Recruitment focused initiative

The Business & Marketing Manager reported on proposals to address recruitment problems faced by members. He noted that he had been talking to recruitment agencies and was looking to carry out a survey to understand the problems, including any evidence of pay issues in the public sector. It was noted that ACES had a key role to play and needed to target the younger surveyors and spell out the benefits of working in the public sector.

Annual Conference 2020

The President reported on the significant progress made in organising the event. The venue had been secured [Ed – see

flyer in this issue of ACES' Terrier] and a deposit paid; the Conference team had inspected the premises to assist planning. Keith Jewsbury confirmed that substantial sponsorship had been secured and sponsors were thanked for their continuing support. The President advised that he was now making good progress in identifying speakers. It was agreed that Tim Foster would organise the social events and Malcolm Williams would explore venues for the informal meal on the Wednesday.

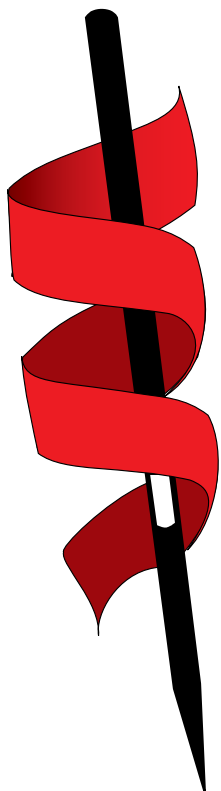
Rachel Kneale was preparing a questionnaire for members to collate facts and figures about the enormous and varied estates managed by members, for marketing purposes. Council members were also asked to start spreading the word.

AGM 2020 venue

The Secretary reported that Antony Phillips of Fieldfisher had confirmed that the meeting room had been booked and the usual arrangements will be made for the annual lunch. It was noted that action was now required to identify a sponsor and speakers for the event.

ACES Award for Excellence/ President's Award

The Senior Vice President (Simon Hughes)



'Why not use the ACES website for free* advertising of your job vacancies?

The ACES Jobs Page (open to all) on its website caters for member and non-member organisations advertising for public sector property posts. **See www.aces.org.uk/jobs/**

The page gives a summary of the available post with the details of location, salary and deadline and provides a link to the organisation's own website for further details and application form etc.

For a limited period, the Jobs Page will now be available to ACES member organisations to advertise posts **at no cost**.

You gain direct access to likely candidates already working in the public sector property arena with the expertise and experience that you are looking for.

*The rate of £100.00 for non-members applies but for a maximum of 4 weeks' exposure on the ACES website; this is still excellent value!!

Contact the ACES Secretary, Trevor Bishop MRICS, at secretary@aces.org.uk for further information.

reported that he was working on the proposed timetable for the Award for Excellence. He noted that the President's Award had not prompted any nominations from members or branches, and it was agreed the approach would be for the Council to make recommendations for the Award when suitable cases came to its attention.

Coordinators and external working groups

A number of reports (written and verbal) were received and reported on by the liaison officers where present

Of note, Andy Kehoe requested feedback on his reports as he is willing to adjust the content. His comments on "carbon neutral" targets prompted significant debate; Daniella Barrow reported very good dialogue with RICS at the most recent meeting, with many matters discussed; Malcolm Williams advised that ACES was now in touch with CIPFA which is considering a post graduate course on asset management; Paul Brooks referred to the impact of PWLB interest rate increase on regeneration; Keith Jewsbury reported on his branch visits for 2020 and further consideration of branch boundaries.

Detailed written reports by the liaison officers are contained in the Main Council Report on the website.

The President referred to earlier discussions about Liaison Officers (LOs)

extending their roles and requested feedback. Comments included "LO" pages on the new website, LOs to submit items for the new e-brief emails now being sent out, enhanced role for LOs at conferences, and the use of WhatsApp as a tool for quickly spreading information and news.

Branches

Branch representatives at the meeting reported on branch matters and issues of particular importance from their recent meetings.

Honorary membership

Paul Over, past President, was nominated for Honorary Membership of ACES following his retirement, and in the light of his extraordinary service to the association. The nomination was unanimously approved by Council.

Other business

News items by non-members on ACES webpage – Following an external request to post a news item on ACES website, Council approved developing this in principle, subject to vetting and time impact on secretary.

Recording of Branch presentations – To assist ACES' Editor, it was proposed that branch secretaries should, where practical, obtain

professional presentation slides at branch meetings and forward them to the Editor, or put the speakers in contact with her.

Approach to MHCLG about influencing future government spending – The Senior Vice President agreed to follow this up.

Future meetings

Annual Conference
24-25 September 2020
Greater Manchester

Annual Meeting
13 November 2020
London (Fieldfisher offices)

Annual Conference
September 2021
Eastern Branch area

Annual Meeting
12 November 2021 Cardiff

ACES Council Virtual Meeting
24 April 2020

ACES Council
10 July 2020
Birmingham

ADVERTISING IN THE TERRIER

The Terrier is a good way to get your company known to public sector surveyors. ACES represents the chief estates officers and their staff, who are the property, strategic asset management and valuation professionals in public sector organisations throughout the UK. Membership includes the range of local authorities, the Government Office, fire, police and health authorities and the Valuation Office Agency.



	4 x The Terrier plus website	The Terrier single edition
Full page	£2300	£800
Half page	£1800	£600
Quarter page	£1500	£500

If you wish to discuss advertising please get in touch.

Betty Albon editor@aces.org.uk or Trevor Bishop secretary@aces.org.uk

Advertising rates for 2020/21 to remain the same

ACES MEMBERSHIP

Trevor Bishop MRICS, ACES Secretary secretary@aces.org.uk

I list below the changes in membership between 1 January 2020 and 31 March 2020.

New members approved

There were 12 new applications approved during the period:

First Name	Surname	Organisation	Branch Ref
Edward	Macfarlane	Buckinghamshire NHS Healthcare Trust	HoE
Matthew	Lazar	City of Wolverhampton Council	HoE
Mitchell	Spencer	City of Wolverhampton Council	HoE
Nick	Howbridge	Hull City Council	NE
Chris	Pritchard	London Borough of Hackney	L
Yvonne	Hardy	London Borough of Lambeth	L
Samuel	Aligbe	London Borough of Waltham Forest	L
Karen	Lister	Oxfordshire County Council	HoE
Ian	Dennis	Place Partnership	HoE
Helen	Bristow	Rushmoor	SE
Andrew	Cartwright	Salford City Council	NW
David	Harris	Sandwell Metropolitan Borough Council	HoE

Members transferred during the period.

Three members transferred during the period.

First Name	Surname	Branch Ref
Judith	Bayes	HoE
Vince	Guz	S
Donna	Best	SW

Resignations

The following 7 members resigned during the period:

First Name	Surname	Organisation	Branch Ref
Chris	Finch	Place Partnership	SW
Suzy	Jeffrey	Lancashire County Council	NW
Bleddyn	Evans	Conwy County Borough Council	W
Freddie	Murray	London Borough of Lewisham	L
Gareth	Evans	NHS Grampian	S
Mark	Halliday	Police Service of Northern Ireland	S
Tom	Putt	South Oxfordshire & Vale of White Horse DC	HoE

Membership

Summary of current membership at 31 March 2020:

Total Membership	
Status	Number
Full	231
Additional	62
Honorary	33
Associate	22
Retired	43
Total	391

LEADERSHIP INITIATIVE

A short presentation to ACES Council

Sally gave a short presentation and question and answer session at ACES Council on 24 January. She has only been in post for 6 months, but has indicated that she may write an article for a future edition of ACES' Terrier.

Sally Garcia

Sally is Head of Talent and Leadership Development at the Office of Government Property (OGP), having previously worked at RICS.

Sally's remit at OGP covers 3 strands – talent, leadership and inclusion across the property sector. Part of the role is to form a leadership network.

The key is around collaboration and how we start to communicate with property professionals across a number of different bodies. It is evident that this opportunity does not currently exist, but it would enable the sharing of ideas in a safe space, and to network. ACES' members are invited to attend future networking events.

In the longer term, Sally hopes to scope what a leadership offer looks like, specifically for property professionals across the civil service and the wider public sector. Progress so far includes undertaking a gap analysis, and if there is anything specific regarding property leadership, and how can this be addressed, and looking at models to apply. It is a matter of complexity and resourcing, but the plan is to formulate final recommendations by the end of March 2020, to present to the property leaders. Following that will be how the OGP reaches out to the broader property sector.

Other strands of development are internal succession planning, and diversity and inclusion, which is likely to be high across the public sector, although from experience working for the RICS, the public sector is far more balanced than private sector property employers, but nowhere near where organisations should be. A strategy is being developed for strategy and inclusion, which OGC hopes will reach out to the wider public sector, as well as civil servants.

Early observations indicate that there are around 4,000 property professionals working across 46 departments and agencies, all of which have degrees of

autonomy, which can have a tendency to work as separate entities, with their own grading structures, rather than as one unified civil service organisation.

Discussion points and questions

- Working with the Treasury can be problematic, particularly for districts in bidding processes. Are there opportunities to help design and test these processes, so they are relevant to all regions of the UK? Would an opportunity be to discuss this at a workshop?
- Are any changes envisaged under this new government, in respect of the property portfolio? The manifesto did include proposals which will require property professionals to work better.
- Do property professionals on the OGP have the standing to take on roles to advise 'service managers'? There is the beginning of a change from the hierarchical structure of the civil service, and a move towards raising the profile of property professionals. There is a cultural change regarding rigid grading, assisted through the 'heads of property' posts in various sections of the organisation. There is an acknowledgement that skills need to be expanded, from technical, through to leadership, and the ability to be able to collaborate with ministers. There remains the challenge of making a shift change to the separate grading systems of departments.

- Diversity. The civil service has a massive challenge to remove the 'blockers' which enable male/female, north/south, and other minority groups to get over the hurdles to promotion, from the established patterns. Such barriers cause stagnation. The OGP is looking to establish champions in each department; the civil service is trying to modernise. There is an initiative to fast stream entrance, looking at diversity, and develop an inclusive culture, which is easier in some departments.

There are teams in the regions, which are happy to speak at ACES' branch meetings, to facilitate collaboration.

CORONAVIRUS CONTRACT ISSUES

Dealing with Coronavirus landlord and tenant and contractual issues

Below are extracts from Mills & Reeve LLP "Real Estate Law blogs" posted between 23 and 31 March, concerning how to react to the current coronavirus emergency. Although the March quarter day has passed, this advice remains relevant to public sector commercial estate managers. My thanks to Richard New, author of all the blogs, and thanks to Mills & Reeve for letting me reproduce them. www.property-matters-law-co.uk

The tenant can't pay the rent – landlords, what are your options?

The March quarter day is Wednesday 25 March 2020, when most leases will require a tenant of business premises to pay the landlord the rent for the period from 25 March to 23 June 2020.

In view of the economic difficulties which the coronavirus shutdown is causing, many tenants may struggle to find the rent. They may therefore ask their landlord for help. Certainly, this is a time when productive dialogue needs to occur between landlords and tenants. So what are your options if your tenant contacts you?

Paying the rent monthly

It may help a tenant's cash flow if you agree they can pay the rent monthly instead of quarterly. It is down to you to agree with the tenant for how long this arrangement lasts. So far we have seen examples of landlords allowing their tenants to pay rent on a monthly basis for a 6 month period, beginning on Wednesday and ending on the autumn quarter day 29 September 2020.

If, come the end of September, the economy has not improved, the landlord can renew the concession for a further period.

Postponing the quarter's rent due on 25 March

The other approach is for the landlord to forgo the rent for this coming quarter. We have seen an example of this, though the

landlord in that instance wants the tenant to pay the March quarter's rent by instalments during the 12 months beginning on the quarter day of 24 June 2020.

If I want to help my tenant how do I go about doing this?

You need to put an offer to the tenant setting out the terms on which you are willing to help. The first thing to decide is whether you want to cancel, postpone or reduce the rent for the March quarter, or agree to the tenant paying it in monthly instalments. Other points you need to consider when putting a proposal to a tenant are:

- Do you want to limit the concession to certain tenants eg leisure and retail or premises where the rateable value does not exceed a certain level?
- The arrangement should benefit the current tenant and not any future tenant
- When should the concession end?
- If postponing the March payment, do you want the tenant to pay it later on in the year eg the 12/24 months beginning on the date when the tenant has to recommence paying the quarter's rent in full, likely to be either the June or September quarter day; if so how will the payment of the arrears be spread over the 12/24 months - monthly or quarterly; what happens if the lease ends before any 12/24 months' period?

- VAT is still payable on any monthly rental payments
- Does the tenant make other payments eg rent, insurance or service charge. Should the concession cover these as well as the annual rent?
- Are there any circumstances where you want to terminate the arrangement eg if the tenant breaches other terms of the lease, falls into insolvency, or fails to stick to the agreement you have with them?
- Does the tenant have a guarantor who has guaranteed that the tenant will perform their obligations in the lease; if so you usually need to get the guarantor to agree to the arrangement.

How do I go about documenting whatever I agree with my tenants?

You will need a letter signed by you and the tenant which records what you have agreed with your tenant. This will be a legal document binding on you and the tenant. The matter can be dealt with by email.

What if my tenant is currently in breach of one of their obligations in the lease?

Whether you can give the tenant a concession on paying the March quarter's rent depends on what you want to do about the tenant's existing breach of covenant. A commercial lease will contain a forfeiture clause. This gives the landlord the right to end the lease in cases where

a tenant has failed to perform their obligations in the lease or has become insolvent. However, the law provides various ways in which a landlord can lose the right to end the lease in these circumstances. One of these is called a "waiver of forfeiture". This is where the landlord wants to end the lease because the tenant is in breach but the landlord does something such as continuing to accept rent from the tenant.

So, if you want to get rid of your tenant by forfeiting the lease, you can't accept any rent from the tenant. It follows that you can't agree to any rental concession as to how the tenant pays rent. However, at the present time, many landlords are thinking how they can keep their tenants rather than get rid of them, and a rental concession is a way in which a landlord can help.

What happens if as well as being a landlord I am also a tenant myself?

Before offering any help to your tenant, you must first talk to your landlord to see if they are willing to help you.

What steps can landlords take in the event of tenant default and preserve any rights?

The full effects of the Covid-19 pandemic on businesses and the economy will take some time before they are fully understood. The government's package of financial aid to help businesses survive the effect of the pandemic and lockdown are unprecedented.

In addition, the government passed the Coronavirus Act 2020 (2020 Act) on 25 March 2020. Section 82 of the 2020 Act imposes a moratorium on landlords of business tenancies from exercising a right of re-entry or forfeiture, for non-payment of rent (**not** any other breach of covenant), by action or otherwise, during the "relevant period". Currently the relevant period will end on 30 June 2020, but can be extended by statutory instrument. That power can be exercised on more than one occasion to extend further this period.

This note considers what steps:

- a landlord can take to protect its position, including early consideration of the potential, if any, to pursue other parties who may be liable under a lease or guarantee; and

- the knock-on consequences for businesses that have assigned a lease of business premises and any guarantors.

Position of landlords

Over the last few years we have seen many businesses get into financial difficulty, including many well-known High Street "names", with the result of the closure of many commercial premises. These financial difficulties will only be exacerbated by the current lockdown and loss of trade caused by the pandemic. This will cause many to suffer and be unable to remain solvent and ultimately fail when the country returns to the new norm. We may therefore see a spate of tenants entering into some form of insolvency procedure in the coming months. We have already seen some businesses call in Administrators.

Although the 2020 Act provides a moratorium to forfeit for non-payment of rent, it does not prohibit a landlord from:

- issuing proceedings for payment of the rent. However, with the Courts also affected by the lockdown, any proceedings may take many months before they can be dealt with
- serving a statutory demand and ultimately issuing winding up proceedings. Again, any such proceedings may take many months before they can be dealt with
- serving a notice under s17 of the Landlord and Tenant (Covenants) Act 1995 (1995 Act). The 1995 Act provides that a landlord cannot claim rent arrears (fixed charge) from a previous tenant or guarantor that are more than 6 months old unless it has first served a s17 Notice, which must be in the prescribed form, informing them of the amount of such arrears.

In view of the current climate, before a landlord decides taking any of the above actions, careful thought should be given not only to its own commercial interests but also for any potential political fallout. We have seen the criticism of Sportsdirect who wished to keep its stores open.

The most pressing consideration of the above options is whether to serve a s17 Notice because of the strict 6-month time limit. If a landlord wishes to serve a s17 Notice, one way of avoiding any potential criticism is to say in its covering letter that because of the time limit under

the 1995 Act, it is being served to protect its position. Only after matters revert to some form of normality, can a landlord then decide whether it wishes to pursue a previous tenant or guarantor and issue proceedings.

Care should therefore be taken not to overlook this time limit and landlords and their managing agents, if any, should ensure to make diary reminders to check the position.

Position of previous tenant or guarantor

As set above, a previous tenant or guarantor that receives a s17 Notice have no protection under the 2020 Act. Failure to pay the sum demanded could lead to legal action to which there is no defence.

If a recipient of a s17 Notice decides to make payment in full, it is entitled to call on the landlord to grant it an overriding lease. An overriding lease is a concurrent lease and makes the previous tenant or guarantor the immediate landlord of the defaulting tenant. It effectively gives the previous tenant or guarantor the ability to then:

- Terminate the lease and occupy the property itself
- Terminate the lease and find a new tenant
- Exercise the remedies available to landlords for non-payment of rent as above.

An overriding lease is not granted automatically and the party claiming one must make a request in writing to the landlord at the time of paying the fixed charge, or within 12 months of the date of that payment.

Landlords, tenants, landowners - check your key dates in your property contracts

Although some sectors have already been hit particularly hard, there are many property issues relating to Covid-19 that do not discriminate. No matter what interest you hold in a property or properties, if you have any important dates coming up within the next 6 months, then you should be looking at these [now](#).

Property owners and their professional advisers are still adapting to the new landscape and the 'occasional' vagaries

of working from home. Public bodies are redeploying their resources to critical functions. These will no doubt have an impact on obligations and deadlines within existing leases, and residential and commercial property contracts.

What could be affected?

While it is impossible to produce an exhaustive list, some of the key provisions which could be affected include:

- Break dates in leases
- Contracting out documentation for business leases
- Lease termination dates
- Rent review notices
- Completion dates and notices to complete
- Trigger dates in development or collaboration agreements.

Some of these dates may be affected or even become impossible to achieve through no fault of either party. Take, for example, a development agreement which is conditional on planning permission being granted within a certain timeframe. If planning officers in local authorities are re-deployed to other departments, the prospects of obtaining planning permission within what had seemed a reasonable timeframe become unattainable. The same applies if construction has to commence by a certain date and builders cannot access site due to safety restrictions.

You must comply with your contract

While the Coronavirus Bill places restrictions on some acts relating to property contracts, most have been untouched. The usual "contract is king" mantra applies. By this, we mean that you must comply with deadlines and obligations inserted into contracts or risk being in breach, leaving yourself open to claims for damages, costs or even termination of the contract.

While we expect the majority of property owners to co-operate during these uncertain times, in order to keep the economy as stable as possible and preserve the viability of businesses, there is the prospect that parties will not agree extensions or variations in all

instances. Without further government intervention, which may be necessary if the UK construction industry comes to a halt and/or all planning applications are suspended, the parties need to know what their options are.

Without the co-operation of all parties, the legal avenues available are often limited. We have advised clients regarding the correction or rectification of contracts, but most contracts contain prescribed dates whereby certain actions have to occur, so appear clear and immune to attack. We have also advised on frustration, where Covid-19 may be seen as an unforeseen, supervening event which discharges the parties from their obligations. However, most parties do not want their contracts to be discharged in their entirety, they merely wish for extensions of time or temporary relaxations. Although we have already seen, in contracts exchanged this month, the insertion of a Covid-19 or pandemic clause, the chances of a lease or property contract having a clause which deals effectively with this pandemic are slim.

What should you do?

Consider 2 main actions above all others:

- Co-operate with the other party to the contract

This sounds simple, but the most effective way that property owners can work through the issues that the whole of the real estate market is experiencing is by being collaborative. This means working together to identify provisions within contracts which should be varied or discharged and then getting this agreement formalised promptly. It also means simple steps like agreeing to accept notices by email or agreeing not to take advantage of any insubstantial missed dates which have occurred through no fault of either party. While the government intervention has not covered all bases from a real estate perspective, if a party has made all efforts to fulfil the terms of a contract but has been unable to comply because of this unprecedented pandemic, then we would hope that a Court would take a sympathetic approach if ever a dispute arose.

- Think about timing

The earlier you identify and seek to deal with the key dates and the key provisions

which are imminent, the better. It makes dialogue with the other party easier. It shows that you have been proactive in dealing with this situation. It gives parties a longer time to negotiate and agree necessary variations. It means you will have more time to take steps in order to comply, if possible. It gives you more time to contact third parties who may be affected. It also ensures that notices and the like can be sent in good time.

CORONAVIRUS AND ASSET VALUATIONS

Asset Valuations 2019/2020, and beyond

Chris Brain FRICS chris@chrisbrainassociates.com

I owe a debt of gratitude to Chris, who kindly agreed to provide the latest guidance on asset valuation requirements for this and the next accounting year, following his virtual discussions with CIPFA and RICS, held up to 2 April 2020.

As the UK response to the COVID-19 crisis continues, there are huge challenges for the local government sector, not least in making sure that local people and communities – particularly the vulnerable – are supported. Local authorities are also quite naturally keen to provide as much support to their business community and keep local economies afloat.

In the context of the ongoing crisis, it seems almost crass to be writing about fairly minor things such as asset valuations for local authority balance sheets. In the scheme of things, it is not an area that will be of the slightest importance to your communities. Yet nevertheless, it falls to me to put together some thoughts on the potential impact that COVID-19 is likely to have on this year's asset valuations. While it may not be the highest of priorities to many, to some it is an area where there is currently quite some degree of uncertainty.

Before I start, though, it is worth saying that at the time of writing this article, the situation is still very fluid, with many things not decided for certain. If you are reading this looking for definitive answers to all of your questions, then I am going to have to disappoint you. What I can do, is provide you with my personal take on where we seem to be and my best guesses as to where we might end up. By the time this article is published, hopefully the situation will have become a little clearer, and we will then be able to judge how good my guesses were! [Ed – I'm sure Chris will continue to participate in website Forum discussions on the topic, where he feels able].

As I see, it there are 2 main aspects that warrant some consideration. The first of these is what the timescale is going to be for the closedown and preparation of local authority financial statements for 2019/2020, and what impact this may have on the pulling together of the balance sheet and subsequent audit. The second

is around any caveats that might need to be put on the 2019/2020 asset valuations, given the uncertainty that is inevitable in the property market as a result of the current crisis, or even whether the valuations already undertaken should be adjusted to reflect the current situation.

2019/2020 accounts

In terms of the first question, it is already clear that scarce finance, property and departmental resources in local government have been diverted from normal financial management and reporting duties, and are being deployed to assist and support frontline services.

The CIPFA/LASAAC Local Authority Code Board on 27 March agreed to seek to replace the 2019/20 Accounting Code with a simplified version, in order to ease the burden on practitioners as they respond to the ongoing COVID-19 emergency. The CIPFA/LASAAC Code Board therefore proposed, extraordinarily, to suspend the requirement to apply the Code of Accounting Practice for 2019/20 in its current format. This is likely to be substituted with a forthcoming Code update from CIPFA which will set out a radically reduced (or simplified) set of financial statements.

CIPFA has issued a statement which says that it is exploring how the revised statements can account for the general fund, collection fund, Housing Revenue Account balance and present a limited balance sheet. They hope to reveal their proposals in detail in early April.

What is meant by a limited balance sheet is not yet known of course, and we will have to await the proposals to find that out. By now, though, all your asset valuations should have been completed, so for any valuers reading this article, any limited balance sheet is not likely to impact

on the 2019/2020 asset valuations. If this health crisis continues, then there could potentially be impact on the 2020/2021 asset valuations, but that is quite some way off to worry about.

This is not entirely in the gift of CIPFA/LASAAC. This is a proposal, which will be subject to approval from the HM Treasury Financial Reporting Advisory Board. It will mean engagement between CIPFA/LASAAC and the Financial Reporting Council, representatives of the audit profession, the Ministry of Housing, Communities and Local Government, and representatives of the devolved administrations. Hopefully these bodies will come together with a common agreement that this is a sensible approach.

If this happens, then I believe we can expect a lighter touch audit of the 2019/2020 accounts, including the balance sheet figures. Time will tell of course, but that is my belief and hope. After all, the audit firms are dealing with their version of this crisis too. We had already seen in the past year how some of the firms were struggling for auditors to undertake the audit work. That can now only be worse for them, as they deal with higher than normal sickness levels or absence due to self-isolation.

At the time of writing we are in lockdown, with all the major audit firms having travel bans in place. This means physical site visits for audit could not happen at the moment in any case. When that lockdown will end is not known. When it does end, it is not entirely inconceivable that we get a second lockdown if we see a second spike in COVID-19 cases? That is unknown too.

CIPFA/LASAAC has also agreed that the date for the closedown of the 2019/2020 accounts should be put back to 30 June 2020. That will clearly postpone the date when the audit will be able to take place.

We might yet see this June date also push on.

The danger of course is that by the time the audits commence, lockdown has finished, memories of the situation are short and auditors apply the usual audit rules, as if none of this had happened. Let's hope not!

2019/2020 asset valuations

Next we turn to the second main issue, which is the materiality of the asset valuations that valuers have been undertaking over the course of the past year, for inclusion in the 2019/2020 accounts. These valuations must be materially accurate as at the balance sheet date, which is 31 March 2020.

I have seen questions being asked – both on the ACES Forum and in my C-19 Property Group on Facebook – around how valuers should respond in their valuation reports. I have also received a number of emails directly, asking this same question. So, there is some uncertainty.

My view on this at the moment is that it is far too early to start thinking about writing down asset valuations. For a valuer to be able to do that, they would need to see market evidence, and I doubt very much that there is much evidence out there to justify amending opinions of value on the majority of local authority assets. More of that in a moment.

But this is a real economic crisis, and the quantitative easing that the UK and other governments are injecting, in an effort to stabilise markets and the economy, tells us all that we are already in a recession. How long and deep a recession this will be remains to be seen.

I tuned into a Cushman & Wakefield webcast last week and, notwithstanding the various understandable caveats, they were suggesting that the economy could bounce back in the second half of 2020. This suggestion relied on the COVID-19 situation easing after April. Personally, I can see neither of those 2 things happening. But obviously that is just my opinion, and I could be wrong. The point is, this is all speculation.

I attended a virtual meeting organised by the RICS on 2 April, where there were representatives from some of the property firms, valuation office agency, devolved administrations, and members of the RICS Public Sector Valuation Group, such as myself. The meeting was conducted under Chatham House rules, so I am not

able to divulge the detail of what was said by whom. But there were clearly some divergence of views.

My take on that meeting is that there is general consensus that where we are dealing with operational property assets, then the current crisis is unlikely to impact on service potential, and so there may be little need to adjust valuation figures. Nevertheless, some valuers appear to be under pressure from their clients to make downward adjustments.

Where you have a portfolio of investment property, then of course you may have evidence that there has been market movement, and it may be more important in that circumstance to make some valuation adjustment.

The most important thing above all, is to keep communicating with your client, explain to them the valuation issues and make sure they understand that even if you are not adjusting values, it is not because you cannot be bothered or you are sat on your hands, but because you do not believe it is the right thing to do.

There were some strong views expressed that any valuation adjustments should only be made if they improve accuracy, and if evidence of market change is scant, then you have to make certain you are happy as a valuer that the evidence you are seeing is strong enough to prompt an adjustment.

Some valuers on the RICS call are revisiting the valuations they have undertaken on development land, adjusting development periods and tweaking yields and profit margins to allow for increased risk. Some mentioned that doing so has seen their land valuations falling between 5% and 10%.

At the very least, I would be inserting a caveat into my 2019/2020 asset valuations which acknowledges the current situation, and provides a health warning that the market could be going through structural change, along the lines of the recent valuation alert issued by the RICS.

Some sales and auctions are still taking place at the moment, but these will be based on due diligence that was undertaken before the current crisis took a firm hold. Current social distancing rules mean of course that due diligence on any future transactions is likely to be very difficult indeed, and so there is a question about whether, now, there is a market at all.

Some have pointed to all the rental holidays that are evident currently, and see this as evidence of market

movement. Personally, I do not see it that way, but everyone will have their own opinion I am sure.

Property values that are most likely to be hit will depend on how long and deep the recession is, and how long any resettling in property markets take. But clearly, at the moment, you would have to conclude that any assets that rely on high levels of public engagement are likely to be the hardest hit. This would, for example, include the hotel and leisure sector, co-worker spaces, offices and retail. Industrials and distribution may perhaps be less affected.

When it comes to DRC, well who knows what current construction costs would be, given the confusion that exists in the current market, with some construction still going on and other sites closing down. There is much market uncertainty. I would avoid trying in any way to quantify that in terms of value. But heavy valuation caveats around market uncertainty are a must.

With the possible exception of development land and assets valued to Fair Value, my advice at the moment – and it is my personal view only – is that unless you have good evidence of a change in the market, then any adjustments could result in inaccuracy no better than the inaccuracy of sticking with the valuation opinions you have already formed.

With accounts closedown now likely to be postponed to at least 30 June, there is an argument, it seems to me, that we should hit the 'time-out' button on all the valuations and revisit nearer the new balance sheet date. But this is a very fluid situation. There will undoubtedly be follow up meetings arranged by the RICS to discuss these issues further, as the situation unfolds. So, remain alert to any statements that the RICS may issue.

2020/2021 accounts and IFRS16

Another announcement by CIPFA/LASAAC at the end of March was the postponement of the implementation of IFRS16. Many of you will remember that this has already been delayed once due to the view being taken that the sector was not as prepared as it needed to be. This postponement is of course for entirely different reasons: it is to relieve the sector of the implementation of a new accounting standard, at a time where the accounts are being simplified temporarily and other priorities sit higher.

So, you have another 12 months' postponement. The standard will still be implemented, and so far, this will be effective from 1 April 2021. I would not expect that date to change again, unless of course the COVID-19 crisis gets an awful lot worse and longer lasting than we all hope it will.

My advice is not to waste this extra 12 months that this postponement gives you. I fully understand that the first part of that period will see you and your colleagues

being pulled away onto other priorities, but when things settle down, please use the extra time to get yourself ready for 2021/2022, if you are not already ready.

Summary

There can be no doubt that these are uncertain times.

The valuation and finance professions in local government will need to remain alert to what might be fast changing

circumstances. Flexibility and realism are key. Listen to predictions by all means, but you have to form your own judgements. Predictions could turn out to be correct or they could turn out to be entirely wrong [Ed – just a light thought: Chris is correct there!].

Everyone (including me!) will have a belief and an opinion, but that does not mean that everyone will be right. Take counsel, watch the news, stay alert and be ready to adapt.



Tim Chapman

Andy has been with the Centre for Mental Health since 2002. Previously working for the King's Fund, he began as Director of Communications, becoming Deputy Chief Executive in 2009. He is a member of the Mental Health Policy Group and was chair of the Mental Health Alliance between 2006 and 2008. Andy has carried out research on the implementation of national mental health policies and on local mental health needs assessments. He writes a regular blog on mental health policy for the Huffington Post.

Tim is programme lead for the built environment, healthy weight and physical activity at Public Health England South East. He is also a Director of UK Deaf Sport and a keen champion for disability access. He has led programmes influencing and shaping the built environment to improve the public's health at national, regional and local levels for over a quarter of a century. He is a University of Oxford graduate and a registered nurse. He also sat on the Health and social value panel at ACES' National Conference in 2019.

HEALTH, WELLBEING AND PROPERTY

How good property management can improve the health and wellbeing of your community

Andy Bell Andy.Bell@centreformentalhealth.org.uk
and Tim Chapman Tim.Chapman@phe.gov.uk

Andy and Tim outline the spectrum of mental health and factors which put us all at risk. They illustrate how councils can use their properties to support community wellbeing.

We're often told that one in four of us will have a mental health problem and poor mental health can affect anyone. And both these are true. But our risk of having a mental health difficulty is far from equal. And the things that affect our mental health are many and complex.

Mental health exists on a spectrum. All of us 'have' mental health. We are all, every day of our lives, somewhere on the spectrum, and many of us will be at different parts of it at different times.

What influences our mental health?

Good mental health can be created, just as poor mental health can be made by the environments we live in, from the first spark of life onwards. Those environments carry in them both protective factors

(things that can help to promote and protect emotional wellbeing) and risk factors (that put our mental health at risk). Overall, the balance in our lives between risk and protective factors influences our chances of having good or poor mental health. Put simply, the more risk factors we experience, the longer we're exposed to them, and the more severe they are, the greater our chances are of experiencing a mental health problem, and of it being more serious and enduring.

Risk factors are many and varied, but evidence shows consistently that they include poverty and inequality, insecurity (for example living in an unsafe neighbourhood or unstable housing), traumatic events, neglect, discrimination and isolation. Protective factors are often the opposite: security, stability, fairness and good social connections.



Mental health spectrum



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Inevitably, the Coronavirus pandemic is in itself a major risk factor for the public's mental health, and particularly for those with the greatest risks before it began, and the fewest resources to withstand the impact of both the illness itself, and the measures being taken to contain it.

How councils can help

Local councils have an important, yet rarely well understood, part to play in helping to shift the balance between risk and protective factors, as far as possible in favour of the latter, for as many people as possible in their communities. There are opportunities in every part of each local authority – including property services and linked areas – to make an impact on people's wellbeing. This can include steps that might prevent people from experiencing mental health difficulties, and those that might improve wellbeing and quality of life for people with poor mental health.

Local authorities all have significant land and property assets. Maximising their potential to improve mental health and reduce inequalities in local communities can make a big difference, even within the constraints of austerity. Local authority buildings, for example, can be used as places for community groups: simply as places for people to meet, or for more structured 'social prescribing' activities that can reduce isolation and create opportunities for social connection. From metropolitan areas where small community groups may not be able to afford premises of their own, to remote rural areas where there are no other spaces people can get together in, community

halls and council buildings have untapped potential in many areas.

Green spaces have particular benefits to mental as well as physical health. There is evidence that 2 hours a week of being in natural environments boosts health (1), which makes it vital that green spaces are well maintained, safe, accessible and provide for a range of activities defined by the local community. Yet access to green spaces is often poorest for those with the fewest resources, exacerbating existing mental health inequalities. Proactively seeking to make green spaces accessible to all, with attention to safety and perceived safety (particularly for vulnerable groups) and transport access (promoting active travel and use of public transport) could offer more people opportunities to improve wellbeing. Allotments may be an especially valuable space for mental health, providing people who may otherwise miss out with opportunities for physical activity, healthy food, contact with nature, and social contacts.

One of the most dangerous conditions to someone's physical and mental health is loneliness. Parks, leisure centres and community centres can often be regarded as generating revenue pressures to a financially hard-pressed council. There are examples where these assets have been closed and sold for redevelopment. Thus, the assets that can create community adhesion and prevent loneliness can be lost. It is always to be encouraged, when considering the potential capital value of the asset to be sold, what will be the impact on local communities, and particularly the most vulnerable, who can, as a result, be left further isolated from the communities within which they abide. It

is acknowledged that assets grow old and can need replacing, but a redevelopment that does not consider community impact can intensify financial pressures on local services, rather than support them.

Many councils are seeking to offset the reduction in revenue streams by the investment of existing capital reserves in commercial property portfolios, including in many instances local shopping parades. While it is acknowledged that income generated by these portfolios will be of key importance to maintaining local services, we would argue that the types of tenants and businesses that populate these parades are of equal importance. For example, an over-concentration of gambling premises, off licences and fast food outlets may in fact intensify the challenges that councils are addressing within their local community. Thus, a poor balance of uses within council commercial portfolios may generate greater revenue pressures dealing with these issues, compared to the value of the income generated.

The environments that we live in are key determinants of our physical and mental health. Obesogenic environments, that is those in which residents have very limited food choices, or where physical activity is limited by poor infrastructure, or personal safety concerns can harm physical and mental health. For example councils can ensure they offer safe, walkable environments (including providing street furniture, toilets, and street lighting, and the policing of antisocial behaviour), working with communities to ensure their recreational offer meets the needs and expectations of the local population

– finding out what people of different ages and social groups want, rather than making assumptions about what’s best for them, nor assuming that physical activity is just for children. Specific attention needs to be paid in this regard to understanding and meeting the needs of minority ethnic communities, who may not feel welcome or safe in some places.

How councils are taking the initiative

Many local authorities are already taking action to make explicit use of their assets – and to bring in additional support from other funding sources – to maximise mental health in their communities. Basildon Borough Council, for example, has secured funding from both Sport England and the Arts Council for projects to extend participation in physical activity for people with mental health difficulties, and to celebrate the town’s culture and communities as a health intervention. It has also supported a local mental health

charity to have a high street presence in a shopping centre (giving them both reduced business rates and help with business planning) and has enabled another to make use of a country park for ecotherapy activity. The council is thus using its own assets to give community organisations access to accessible and high-quality spaces, while also offering them practical help to build their capacity for the longer term.

Over recent years, local councils have found many different ways of promoting and protecting citizens’ mental and physical health. As more local councils have seen the potential of their convening and leadership roles to benefit people’s mental health, so a range of creative approaches have emerged – often using existing or external resources, or finding low-cost ways of making a difference. For instance, most recently many local authorities have also begun to take a systematic Whole Systems Approach to tackling obesity (2). This approach is

now being expanded to explore systems working to increase physical activity too, with a focus on improving both physical and mental health.

Championing good mental health is something all local councils can do. We would encourage you to share your best examples and to engage with other colleagues and departments across your council, particularly colleagues in public health, to see how your initiatives can contribute to the wider system’s strategic objectives.

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Davina is Chief Executive of LionHeart.

SUPPORT FROM LIONHEART

Staying connected in a shrinking world

Davina Goodchild dgoodchild@lionheart.org.uk

Covid-19 is “a perfect storm for many people who haven’t even got their usual coping mechanisms of friends and social outlets.” LionHeart offers some helpful hints and “in these difficult times, you do not have to carry a problem alone.”

When we agreed to submit a piece for ACES’ Terrier, what feels like many moons ago, we were going to talk about LionHeart’s work to support better mental health and wellbeing in the surveying industry.

As with most things, it feels like the world has been divided into pre-

coronavirus and post-coronavirus, and so the original article brief doesn’t feel quite right now. And yet, in such unprecedented times (and they really are unprecedented, even though the phrase can be somewhat overdone) it seems quite clear that the nation is not just facing a physical threat to health in the form of the Covid-19



Gearing up for Covid-19 demand

LionHeart, the charity for RICS professionals, has geared up for an anticipated increase in demand for financial help and other support as the impact of the coronavirus pandemic continues to kick in. A rapidly convened emergency meeting of its board of trustees agreed to ensure maximum flexibility in how the charity responds to requests for help over the next few months, particularly from self-employed surveyors and those who have been let go from contract work or small firms.

Helped by an existing commitment to flexible working for its employees, the charity managed to move its entire operation to home working with no loss or interruption in frontline services, including its helpline.

LionHeart CEO Davina Goodchild said: "We are fortunate that the way we already support people is very bespoke, and the support team responds to need on a case by case basis. In that sense, it will be business as usual for our helpline and there will be a range of ways we can help RICS professionals around the globe affected by this pandemic.

"We have already seen an increase in the number of people approaching us for help, and authorised our first emergency grant to a surveyor whose business fell victim to the lockdown

within a matter of days to bridge the gap until he could access government help. We anticipate that need for help rising even further over the coming weeks and months and are determined to be as responsive as we possibly can.

"We are lucky to have such a supportive board of trustees who are fully prepared for us to loosen some of our current guidelines to enable us to meet these needs in these unusual times.

"All of our frontline support services have operated as usual and I am very proud of the LionHeart team who have risen to the challenge to make sure our move to remote working has no impact on the brilliant service we offer. I would urge any RICS professional who is worried about how they are going to cope during this crisis to give us a call and let us share the burden."

Chair of the board Peter McCrea FRICS said: "We are truly in uncharted waters and simply don't know what the next few months will bring, but one thing is certain: the staff team at LionHeart are rising to the challenge and are all acutely aware that the assistance that they can offer, be it financial, tangible, or equally as valuable being on the end of the phone to provide moral support, will be vital during what for some chartered surveyors and their families might be dark days ahead."

pandemic, but a huge mental health challenge as well.

Coronavirus has set into motion a once-in-a-lifetime set of circumstances which left people reeling. Putting aside the obvious concerns for your health and the health of your loved ones, it's worth reflecting that we humans are largely social animals, and a massive change to life as we usually know it has created a sense of isolation, anxiety and the feeling of having lost control over our usual day-to-day lives and everyday choices.

An unprecedented shift to home and remote working, usual social lives, sports and hobbies on hold, children home from school for an extended period: it's a perfect storm for many people who haven't even got their usual coping mechanisms of friends and social outlets. This lack of usual structure has left many people flailing. When was the last time you spent this much time at home? (Have you ever spent this much time at home?) It feels quite alien for our worlds to have shrunk quite so much.

There is also the economic threat to our wellbeing, from those in the sector whose livelihoods are tied up in the retail and hospitality industry, to small businesses who may be facing a serious fight to survive, which in turn causes a great deal of stress and anxiety for the future.

In these strange times, it's vital that people keep talking and keep connecting,

even if that is in a slightly different way to our usual interaction.

If you find yourself working remotely from your colleagues for the first time, communication will probably feel a bit different. As well as the important taking care of business – and adapting to new ways of working – try and bring some humanity into communicating with each other, as it will be the small talk and the usual office banter that people will miss most. Think about using an instant chat platform purely for social chat between your team. Take time to pick up the phone rather than send an email. Ask your colleagues, your friends and family, if they're ok, whether they have any worries – just checking in on that human level is so important.

You'll be getting used to having video conferencing for meetings, but what about extending that for a purely social chat? Some of the LionHeart team have started to dial in for an occasional virtual lunch break; even (daringly!) a Friday evening after work, to replace our monthly team social at a local bar or restaurant.

While staying connected on social media has been brilliant for keeping in touch and informed, it's also important to recognise if it makes you feel anxious. You may want to limit the time you spend scrolling through your news feeds and also acknowledge that not everything you read is true: use trusted brands as your source – it will help

you keep in touch and informed.

Recognise that this period of uncertainty has, and will continue to have, an impact on your mental health. LionHeart's support officers and counsellors have had several calls from RICS professionals struggling with feelings like anger, fear and anxiety – all of which are completely normal reactions – as well as those people who face more immediate concerns of financial stress and insecurity.

Take time to talk to someone you trust. If you would rather speak to a professional, call LionHeart in confidence. We have a highly trained and experienced support team who can help and, in some cases, can offer financial support to those experiencing hardship during the current crisis.

In these difficult times, you do not have to carry a problem alone.

Find out more: www.lionheart.org.uk or call the helpline free on 0800 009 2960.

WORK AND WELLBEING

COVID-19 – Adjusting to a Change in Working Patterns

John Read

John from the North East Branch agreed to share some thoughts covering well-being issues in these difficult times. Some of us will be home working for quite some time and this will be new to many.

We are moving into an extraordinary time and uncertainty that we have not been in before. During this time, the majority of us will be temporarily working from home, with a different set up to our usual desk and office. Some will have children at home and some will have lots of other distractions, like family members to look after, shop for, dogs to walk, etc.

During these uncertain times, many employers will be looking to retain business continuity, but are not necessarily asking staff to chain themselves to a laptop or computer, or be in the same place for 7.5 hours every day. With the rapid change in working arrangements, we need to work differently and keep things moving, keep on top of questions and queries, and most of all, keep in touch with people you work with. It is important that we look after our personal wellbeing and that of our teams.

At the moment, there is no certainty about when things might start to get back to normality, so our new ways of working might continue for a while yet. It is important that we adjust to this.

There is a lot of advice out there, but here are a few things that you should consider, particularly if working from home for long periods:

- Find somewhere suitable to work, preferably away from the TV and bedrooms
- You should ideally work from a suitable table and be seated in a chair which gives an appropriate level of comfort
- You should try and use a separate keyboard and mouse when using a laptop
- The workstation should be in an area which is warm and quiet with good lighting and ventilation
- Be aware of potential trip hazards caused by trailing computer leads,

especially if you have young children, and be mindful that you manage any risks

- Avoid sitting still in the same position for long periods of time. It is not good for your posture or concentration
- Every 30 minutes or so get up and have a stretch, breathe deeply, or go outside and get some fresh air, which is vital for physical and emotional wellbeing
- Remember to stay hydrated and drink plenty of water
- Do not forget to take a proper lunch break away from your workstation. You will work better if you are well nourished and hydrated.

Minimise distraction

- You will work better when you are focused on one thing
- Move your phone out of the way and avoid excessive time spent on social media
- Use the morning to get the big jobs completed first.

Routine and organisation

Think about how you can carry on your normal routines, and try to do things that are useful or meaningful. Try to get up and get ready in the same way as normal. Establish a 'new normal' routine and try and maintain this routine. This will help you retain a healthy work/life balance, especially if you are home schooling children while continuing to work from home. You should also:

- Discuss your established routine with your family members and children

and agree any necessary parameters

- Establish a work plan, including a set of tasks you need to complete. This will help you attain a feeling of achievement at the end of your day and keep you organised
- Be sensible and avoid the temptation to work late into the night. When it is time to stop working, STOP. Your wellbeing at this time is really important
- Try to set yourself a specific time to read updates and limit the time you spend watching, reading or listening to coverage of the outbreak.

Looking after your body and mind

Our physical health really affects how we feel. Try to make sure you and your family eat healthy, well-balanced meals, drink enough water and exercise regularly.

Keep your mind active with non-work related activities and try to get outside for a walk, a run or go for a bike ride if you can, in line with government guidelines. Alternatively, you could try online home workout videos.

Good-quality sleep makes a big difference to how we feel, so it's important to get enough. Try to maintain your regular sleeping pattern and stick to good sleep practices.

You may feel bored, frustrated or lonely, be low, worried or anxious, or concerned about your finances, your health or those close to you. It is OK to feel like this - everyone reacts in their own way to challenging events and uncertainty. It's important to remember that staying at home may be difficult, but you are helping to protect yourself and others by doing it.

Try to focus on the things you can control, such as how you act, who you speak to, and where you get information from. Make an effort to focus on your

Weekly Wellbeing Checklist

If you are not used to working at home alone, you can start to feel isolated and 'out of touch'. Try using this list each week to check in with your mental health.

Where's my mental health today?

How do I feel today?

Mentally?

Physically?

Self Help – if you are not feeling positive where possible talk to someone you can confide in / can you identify what is the cause. Do you need help?

Looking after my wellbeing

Am I drinking enough water and eating a balanced diet?

How did I sleep last night?

Did I feel rested when I woke up?

Is there anything I can improve?

Self Help – make sure you take exercise each day / avoid over indulgence – snacking as food is available / too much alcohol as you don't have to travel etc

How's my thinking today?

How are my thoughts making me feel?

Am I having unhelpful thoughts?

Self Help – share how you are feeling – call your line manager or manager someone you can talk to.

My stress container

How full is my container?

Am I using helpful coping strategies?

Are they working?

Self Help – too little to do can be as stressful as too much! Set out your working day, try to keep your work area separate to your main living space if you can.

favourite hobby, if it is something you can still do at home. If not, picking something new to learn at home might help - there are lots of ideas online.

The NHS has also provided some really useful guidance on mental health and wellbeing. You can access this at www.nhs.uk/oneyou/every-mind-matters/coronavirus-covid-19-staying-at-home-tips/

Communication, connecting with others and social isolation

- Home working can be socially isolating. Do not forget to stay in touch with colleagues and managers and, more importantly, stay in touch with your friends
- Maintaining healthy relationships with people you trust is important for your mental wellbeing. Think about how you can stay in touch with work colleagues, friends and family while you are at home, whether it's people you usually see often, or reconnecting with old friends or neighbours
- Use a variety of methods to stay in touch. This may be by video call, text messaging, WhatsApp, telephone calls, email and group chat platforms, such as Zoom and Microsoft Teams
- If you live with other people, think about or discuss with them what challenges you might all face if you all need to stay at home, or one of you catches Coronavirus.

The above advice is not exhaustive and there is a lot of good information online; it is best to stick with trusted sources like the NHS and Gov.uk. If we all look after ourselves and our families in these difficult times, and follow the sort of advice outlined above, it will help us adjust to the return to normal working, whenever that may be.

[Ed – see other articles on health and wellbeing in this issue of ACES'Terrier].



LEADERSHIP

A personal perspective

Colonel Lucy Giles BSc MA PGCE Hon LLD

Lucy gave a 'hands on' presentation at ACES' National Conference on practical tips to become good leaders, based on her extensive career in the armed forces.

Lucy was commissioned in 1992 after studying at Exeter University. Early regimental duty in the newly formed Royal Logistic Corps included postings within Germany, UK and South Africa, with deployments to Bosnia, East Timor and Sierra Leone.

After gaining her Master's degree and completing the Advanced Command and Staff Course from 2001-03, she was posted to HQ Northern Ireland. She commanded 47 Air Despatch Squadron, enabling operations in Iraq, Afghanistan and other parts of the world. She also led a training sub-unit prior to her appointment as an instructor at the Joint Services Command and Staff College in 2011. Here she focussed on command, leadership and management, represented the College in military ethics and leadership development, and gained her Post Graduate Certificate in Education in 2013.

She was appointed Commander of New College Royal Military Academy Sandhurst in January 2015, and has received several awards for her inspirational leadership and achievements. Promoted in 2018, she is now President of the Army Officer Selection Board in Westbury.

Introduction

As the professional heads of property and asset management services in public sector organisations, you will understand the importance of effective leadership to improve lives, including your own wellbeing, within and outside your organisation.

I hope that my experiences in the army are useful and offer a slightly different perspective on how we do leadership in the army. But equally, you may be surprised with the number of synergies we have in common.

A professional journey and lessons learnt

After studying biology at Exeter University and enjoying a retrospective 'gap year' of travel and adventure, I decided to join the army and found myself at the Royal Military Academy Sandhurst (RMAS) in 1992.

The key lesson here was THE VALUE OF THE TEAM. This is reflected in that of the 3 people I was closest to during this training, 2 are now my children's god parents. The reason we all bonded is because we had that shared experience of real highs and real lows, made easier because you were part of a team.

I joined the Royal Logistic Corps and was posted to Germany where I learnt, among other things, that commanding from my office was the wrong thing to do - TO KNOW YOUR PEOPLE, YOU NEED TO GET OUT FROM BEHIND YOUR DESK and meet them. This is obvious, but I suppose you could call it 'leadership through drinking lots of tea'!

Back in the UK I did my training to prepare for my first operational tour in 1994, and was deployed for 6 months with the UN to Bosnia. I had a troop of 70+ men and 1 woman, and 110 vehicles of different types; my role was resupplying and transporting British Forces. The challenge here was HAVE SOME DIFFICULT CONVERSATIONS, particularly as I was quite youthful (25 years' old) and you need to have humility. My admin sergeant was 10 years older than me: LISTEN TO THOSE WITH MORE EXPERIENCE.

In 1999 I served back-to-back tours with the international force in East Timor, followed by Sierra Leone: both amazing experiences, but they brought you face to face with the sad reality of man's inhumanity to man, such as operating in the Freetown amputee camp, where I met some lovely people. So what?

- BE COMFORTABLE WITH UNCERTAINTY. I had 24 hours' notice to go to East Timor (which I'd never even heard of)
- APPRECIATE WHAT YOU HAVE GOT
- Recognise that the HUMAN SPIRIT CAN BE FANTASTIC IN ADVERSITY.

My third tour of the Balkans, this time as spokesperson for the UN Multinational Division (MND); I needed to be very careful what I said, as I was not only representing MND, but the British Army, Women in the military services, etc. I was also dealing with broader organisations, sitting next to some colleagues from security and cooperation in Europe, who were doing the elections. Everything was being monitored. My observation is

that I had to BE CAREFUL HOW I COME ACROSS, in case you are representing more than just your organisation.; you also NEED TO LOOK THE PART and be credible for these organisations.

Another observation: WORKING WITH DIFFERENT NATIONALITIES REQUIRES PATIENCE.

A little closer to home, I was in the forefront of the Army's support to the foot and mouth disaster that hit the UK in 2001. The Army was dealing with the disposal of carcasses. Over 2 million animals were buried in just one airfield (sheep, cattle, pigs). I was working alongside government departments, police forces and the National Farmers Union. You must understand who you are working with and ESTABLISH RELATIONSHIPS EARLY, in order to make sure that when you do need to call upon them, you have a trust already established.

I am very proud to have been an Air Despatcher and I commanded the Army's part of the UK's Air Delivery capability for 2 years. Challenges here included maintaining readiness at 5 hours' notice to move, while operating in both Iraq and Afghanistan, while being a parent to Jess, who was a toddler at the time, while my husband was also deployed on operations.

The lesson here is to USE THE SUPPORT NETWORK. I wasn't super woman – it was hard work! But I was willing to make the sacrifices, because I believed in what I did and cared about my people and the organisation. My values were most definitely aligned with that of my squadron and army as a whole, however tiring it was to juggle all these conflicting demands.

So, after 26 years, in 2015 I found myself back at RMAF where it all started! I now find myself "marking the homework" by selecting officers to go there, as the 36th (and first female) President of the Army Officers' Selection Board! As New College Commander, I was responsible for commissioning officers into the regular army. So what?

I have a wealth of experience to draw upon to offer some value, particularly in the area of developing leadership, which I have been studying and applying practically, particularly over the last 8 years.

Developing leadership – a framework

Overleaf is the framework that the

army uses for leadership, which can be developed for other organisations. The framework came out in 2015.

- What leaders are - gets to the heart of the army's values-based approach to leadership, the importance of leading by example
- What leaders know - focuses on the knowledge and skills that are critical for effective leadership
- What leaders do – examines the key activities of a leader - developing individuals, building teams and achieving tasks
- And how they do it - the important part - links to our behaviours and culture.

Context is everything. The part you play in this framework continually moves and should be reviewed, in order that you can both improve yourselves, your well being and that of the organisation's.

What leaders are is about the psychology of leadership; being the champion of values, being the example, taking responsibility for the team and being in the right place to influence. If you examine your own values and they're not in line with the organisation you are part of, or representing at the moment, then I suggest that THERE IS A NEED TO RE-EVALUATE THE SITUATION. That divergence leads to stress and unhappiness, and it doesn't necessarily create any winners.

In the army, our values include courage, discipline, respect for others, integrity, loyalty and selfless commitment. In any organisation, the 'values' or 'vision' may be a list of words/attributes, but you really have to live by them to command respect and develop trust and cohesion. Effectively, these values act as your compass, and it might be your moral compass to help guide you in the right direction. For example, I may tell someone off for not cleaning their boots, but if I haven't ironed my shirt, it can undermine credibility and trust! ie I'm not 'walking the walk'.

Also, you are the standard that you walk by, I am often seen picking up rubbish around the Academy or training area, or around my home, not because I enjoy litter picking, but because it is the right thing to do and the standard that I walk by. Do not be too proud to do things like this. HAVE PRIDE.

What leaders know is about being competent at their job, able to make



decisions and able to communicate those decisions. It's about being professional. In the army, we are expected to complete our basic soldiering tests annually – fitness, navigation, weapon handling, first aid, and diversity and inclusivity training. This is the foundation for building on our competencies.

Training, education and being open to feedback are all included in this. Our service personnel are encouraged to take ownership of their own personal development plan, not just expect to do what they're told. And there are various times set aside to support their preparation for different appointments – to get promoted, or selected to go on a promotion course. Otherwise how are you expected to have the skills and tools to be able to meet the next challenge?

Being competent at your job as the leader is the difference between someone following you because they believe that you know what you are doing and trust your direction, as opposed to merely following you out of curiosity!

What leaders do is the 'art' of leadership; the balancing act shown in the diagram on page 23, of developing individuals, building teams and achieving the task.

On the right hand side of the diagram are the 6 functions of a leader, and these indicate tools you may need to be able to deliver. But the sweet spot for leadership is in the middle of the 3 circles. You can look fairly successful by sitting in the task circle for the whole time. But soon you will leave behind a tired team of unhappy and disillusioned individuals. Sitting in the task circle is easy and looks good: you are given

The framework

People-focused

- Better together: We work collaboratively with colleagues and partners, recognising that everything we do is for the benefit of our residents
- Less judgment, more empathy: We treat people with respect rather than making assumptions about their needs or behaviour
- No decision about me, without me: We believe that everyone has the right to be involved in decisions that affect them

Responsible

- We think for ourselves and take initiative rather than waiting to be told what to do
- We consider options carefully and make judgements, and then we take ownership of our decisions, knowing the risks
- We always act with integrity and can be trusted to do what we say we are going to do. We hold ourselves and our colleagues to account
- We take responsibility for continuing to learn and trying to be better at what we do
- We care about our impact on each other, our partners and our environment

Innovative

- We think creatively, look for solutions and solve problems
- We are always looking for new ideas, learning from our own experiences, each other, and the best in the world
- We actively try new things; we understand that mistakes create opportunities to learn and we manage the risks that arise

Diverse

- We are passionate about everyone having the best opportunities
- We carefully consider the impact of our decisions, and we always seek to act fairly
- We recognise that equality is about understanding that people are different and have different strengths as well as needs, rather than simply treating everyone the same

Enterprising

- We take advantage of new opportunities and manage risk effectively
- We work with the market and with the community to make the best use of public resources
- We are robust in our business relationships to ensure that residents get good value for money.

When you think of your own organisation, I'm not suggesting for one minute that you need to bung on a rucksack and go pounding into the Brecons. But it's worth thinking of creating the opportunity for people to move in those circles, so that you can bring people on, or establish a bit more about yourself, colleagues, and where they fit in. You are then improving their competencies, skill set, whatever.

Behaviours

Linking what leaders are, know and do is a code of conduct for leaders in the framework. The code considers the following behaviours:

- Lead by example
- Encourage thinking
- Apply reward and discipline
- Demand high performance
- Encourage confidence in the team
- Recognise individual strengths and weaknesses
- Strive for team goals.

We apply these using a mixture of coaching techniques just like you might see in a sports team, and equally apply to people developing an army career. BEHAVIOUR IS WHAT PEOPLE SEE, EXPERIENCE AND FEEL – your behaviour HAS AN EFFECT.

So think about your organisation and the role you are currently in. Think of what it feels like to be praised for your work, that additional time working on a presentation that has been recognised by someone, that extra mile that somebody feels has been given. You do it because you're motivated by doing the right thing, not just because you'll be paid. If you think about somebody recognising that and praising you, it feels great, you grow in stature, your confidence is increased and you know you are valued because someone has gone out of their way to tell you!

Think to yourself - when did someone last thank you? When did you last thank someone? I am continuously amazed why do we not do it more, when it can have such a profound impact and costs nothing except 10 seconds of your time!

a task and targets to achieve it. I have seen people sit in this task circle, and I have been on the receiving end of it, but people will breathe a sigh of relief when you are gone – it is a short-term, selfish style of leadership and impacts significantly on the ethos and culture of an organisation, because you don't get the balance right.

For example, at Sandhurst we have an exercise in Wales that involves trekking across the Brecon Beacons via a series of

problems. 75 miles in 2 days. The cadets have to work as a team to achieve the task, while recognising their individual strengths and weaknesses. To lead that activity under the pressure of lack of sleep, austere conditions (wet, cold) and maybe with blisters plus carrying your kit with you, is not easy. BUT THAT IS PRECISELY WHY WE DO IT! We are developing their leadership skills, so they can learn where they sit in those circles.

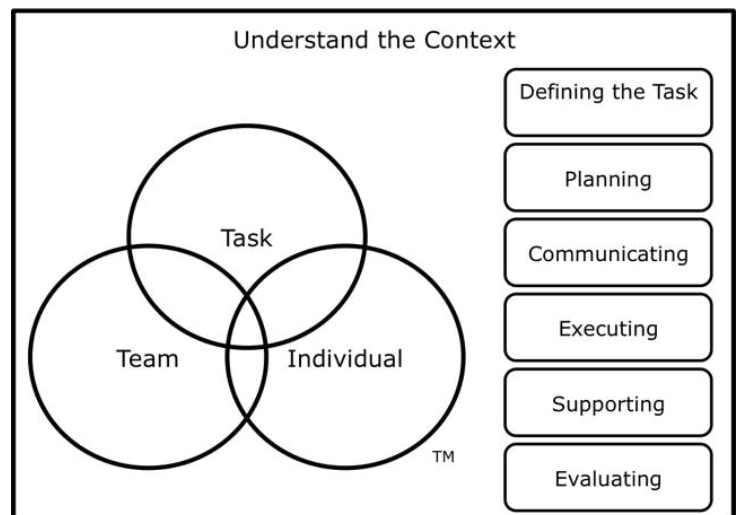
A FRAMEWORK

Values and attributes

Competency and professionalism

Individual, team and task

The Army Leadership Model



Food for thought - diversity

Diversity is not just about males and females. There is a range of diversity; we have reintroduced integrated platoons since 2015 – training as we fight. That diversity is about:

- 18-28
- Graduate, non-graduate
- Previous military experience and those with none
- International and uk
- Different faiths, sexual orientation and races
- Linguists, historians and rockets scientists.

We don't want everyone to be the same! We want diverse thinking as that gives us an advantage in terms of output. In business, this could be measured economically; in commerce this could be thinking outside the box to develop the entrepreneurs; but in the military, this is about solving problems in an innovative way and seizing the advantage.

In recognising diversity, we also can maximise the potential of our people. Why not consider that as part of improving life, you offer flexible or part-time working. We were losing a huge amount of talent from the army because we were blind to doing things differently. Everyone has a talent (although they may not know it) but certainly at RMAS, we see ourselves as a locksmith keen to unlock the potential and

build on the talents of our individuals.

Continuous improvement is critical to the growth of an organisation and the people within it. Be open to feedback, and look at how you might improve an organisation. For us, this is achieved by feedback (peers and line managers), through learning accounts and striving for excellence. I am particularly proud to be part of an organisation at Sandhurst that has just received an 'Outstanding' Ofsted inspection across all 3 areas. We only get there because we continuously navel gaze and look at ways we can improve.

So, something to consider:

- What behavior has made a difference to you?
- What was it that the leader or subordinate did that had an impact, noting that this will have had an effect on your emotions (consciously or sub-consciously)?
- What has made you cross – being the last to know? Nobody thought to tell you
- What makes you happy – being told 'well done'? Thank you very much.

The smallest things can have a profound impact e.g. not just making a monetary contribution to a project, but getting out there in the community you're looking to support, picking up litter, saying thank you and please, helping someone who needs support, talking about mental health, making people feel valued.

Learning points

- Be yourself. Be authentic, be comfortable in that skin
- Leadership involves doing the right thing on a difficult day, when no-one is looking. Off-duty soldiers may step in in a terrorist attack
- It is not enough to know the values of your organisation; you need to live by them to set the right culture. Otherwise it could build distrust and be an unpleasant place to work
- A continuous improvement mindset ensures that complacency never sets in
- Get the small things right. They can make the most massive difference.



QUALITY HOUSING DESIGN

The Building Better Building Beautiful Report

Gail Mayhew gailmayhew@hotmail.com

Gail, Principal of Smart Growth Associates, is a place making and property consultant and was appointed as Commissioner on the Building Better, Building Beautiful Commission in January 2019.

She is a member of the New Anglia LEP Building Growth Group and was on the board of ADAPT at the UEA. She advises Urban Catalyst on its Purfleet Town Centre project to build out a new high street, a creative industries district including TV/film studios and 2,800 new homes, and advises clients across the public, voluntary and private sectors on place making, regeneration and high streets.

She is the co-author of a new RIBA Future Places Report and is a Design Council Built Environment Expert advisor. She worked on the corporate strategy team at English Partnerships, and previously with Charterhouse Estates, DEGW, Morgan Grenfell Lawrie, The Burrell Company and Ove Arup.

I am thrilled that Gail, Commissioner for BBBBC, agreed to write this article, on a subject dear to many public sector surveyors endeavouring to provide quality housing. The report is well worth a read, and she is working with The Princes Foundation and Knight Frank to identify a Stewardship Fund and Kitemark, to draw together a stewardship-led land and infrastructure place making initiative and qualification criteria to support sustainable development. Charles Dugdale's article on stewardship follows.

The Commission

The opening line of the Building Better Building Beautiful (BBBB) report says it all: *"it is not often that a government adopts beauty as a policy objective."* It was a brave move by the Minister of State to ask an aesthetic philosopher to bring together a commission to consider how we can build better and more beautiful residentially led development in England. It was also a brave Sir Roger Scruton who agreed to the task, amid howls from across the built environment sector protesting at the appointment of an architectural outsider, and one with limited knowledge of how things get done. Their mistake. The intelligence, balance and sensitivity Sir Roger brought to the task, coupled with an unerring capacity to get the best out of his rather trenchantly oppositional team of commissioners, was the mark of an extraordinarily inspired appointment. It was tragic, given the events that followed, that Sir Roger didn't live to see the report of the Commission, *'Living with Beauty'*, and the profoundly important supporting evidence published.

Living with Beauty report

Living with Beauty is a heavy duty read at 178 pages and making 44 policy recommendations. This is indicative not of a lack of discipline on the part of the Commission, but a reflection of the

complexity of the problematic at the heart of the question. Anyone involved in trying to meet the multiple requirements of the drive to build more and better housing will no doubt have lost patience at the quest by commentators for a single silver bullet solution. The built environment is inherently complex, with many actors to take account of, and multiple interests at play. From the outset of the Commission, it was acknowledged that what would be needed was a prescription for systemic change, not a few simple tweaks to policy.

Conditions required

As well as considering how better and more beautiful development might be defined, the Commission set itself the task of understanding what the conditions are in planning and development practice that will tend to produce better schemes. To this end, the Commission visited leading edge schemes across the UK, interrogated the motivations of the players involved, the challenges faced, and the characteristics of the development processes that had led to a substantial difference in outcomes. We also set up an evidence gathering process, inviting multiple interests to meet with the Commission, to download their perspective. From this gathering of evidence, we began to see a pattern emerging, namely that: where a confident public planning regime is met with a land



Timekeepers Square, Salford



Images reproduced from the Building in Beauty report.

interest and funder prepared to adopt a patient approach to realising returns, and where a design brief emerges which respects physical context and thoroughly engages stakeholders and affected communities, then there is a more than likely chance of a successful, popular scheme emerging.

We identified this patient, respectful approach as denoting ‘stewardship’ of all the various interests converging on land, and of the land itself. A number of land interests around the UK, both within public and private sectors, have been promoting and developing their land on a stewardship basis for many years. Famously, the Duchy land in the southwest has produced developments at Poundbury, Nansledan and Truro that break the mould in terms of quality and mix of uses [Ed – see Charlie’s report that follows for more detail]. From the Malings in Newcastle (Carillion-Igloo Ltd), to Timekeepers Square in Salford (English Cities Fund/MUSE - Legal & General), the Crown Street Regeneration project, and New Lauriston in Glasgow (New Gorbals Housing Association/Glasgow

City Council), Goldsmith Street in Norwich (Norwich City Council) to Tornagrain near Inverness (Moray Estates Development Company) and Roussillon Park in Chichester (Zero C Holdings), a new wave of architecturally ambitious schemes across the UK is beginning to change the face of residential development - all conforming broadly to the stewardship model.

This observational exercise set up a hypothesis which now sits at the heart of the BBBBC’s recommendations, namely that it is through the combined impacts of robust planning (to secure the right development in the right place); the highest quality design and place making, and detailed, legally enforceable covenants, to secure detailed aspects of the master plan and design quality that run with the land, and which are enforceable by the land interest, that schemes of high quality seem to emerge most consistently. This points to the need to restore dual controls over land, namely through planning and through contract, as was the consistent feature of all great 18th and 19th century urbanism (1).

A further condition identified, which appeared to support better outcomes, was that the timeframe of high quality place making is medium to long term, whereas most housing led schemes are funded on a short-term basis. Stewardship-led schemes, in contrast, commit land and capital on a patient equity basis, to unlock the land, infrastructure and place making. This does not preclude the participation of house builders (and developers of commercial components) but rather enables it, however, on the basis of partnering with the long-term place making entity. It also, potentially, could be a key to opening up the land market to self-commissions and small builders, as plots could be sold, as well as phases within the constraint and quality control of the master plan.

A critical point is that the partnership and scheme should be formulated, such that high quality place making is at its heart, not just the delivery of housing numbers. This has a pragmatic basis, as well as making for more attractive living environments. Earlier research conducted by the Princes Foundation with Savills’ report ‘*Valuing Sustainable Urbanism*’ (2) began to show that the delivery of mixed use and place making elements helps to drive internal demand within a scheme, and to differentiate it within the overall market, and, when combined with identifying the right mix of tenures and housing typologies for a local market, may help to break the standard market ceilings on housing outturn that the Letwin Review (3) focused on.

Clearly, high quality place making also brings a range of wider benefits such as local job creation, business start ups, and productivity gains, as well as helping to reduce carbon emissions through reducing trip dependency, and better health through walkability and well being outcomes. From a public sector perspective, it would be interesting to explore whether areas developed to a mixed use footprint might also help to reduce revenue burdens on the public purse, through building stronger and more self reliant communities which may help to reduce adult social care costs. Research undertaken by Enid Slack CD Howe Institute (4) suggests that settlement foot printing aligned to the principles of community building, as opposed to sprawl, can induce savings both the on the capital and revenue account through building in land use and infrastructure efficiencies.

Knight Frank research

To test its observational analyses, the Commission set Knight Frank 2 tasks, first to consider how these exemplar schemes performed against the mainstream market, in creating and sustaining value across a range of value measures, including non-financial ones. Critically, we asked them to look both at the cost base of exemplary development and at values generated, not least as we were conscious that the argument for high quality building and urbanism would be difficult to sustain, if it meant more cost and higher prices. And in a second exercise, they interrogated the critical path of land from conception to development, to consider the critical decisions along the route, and how decision-making could be adjusted to promote better development outcomes.

The Knight Frank Research can be found at www.gov.uk/government/groups/building-better-building-beautiful-commission. The 'Cost & Value' and 'Building in Beauty' reports underpin the findings of the Commission. *Cost & Value* identifies that a relatively consistent value premium accrues to projects brought forward on the stewardship model; that these do tend to cost more, but that the value uplift outweighs the additional cost. Importantly, it identifies that properties produced tend to hold their value through second hand and onward sales. It also suggests that schemes produced to this model tend to deliver on a relatively high affordable housing component (where this has been required), and on the negotiated community infrastructure obligations in a timely manner. *Building in Beauty* provides a narrative that identifies the complexity of decision making facing the promoter or steward of land, and begins to highlight the barriers to making choices that support better outcomes. While the report characterises the stewardship developer as a farmer, the findings are equally relevant to a local authority or public partnership entity.

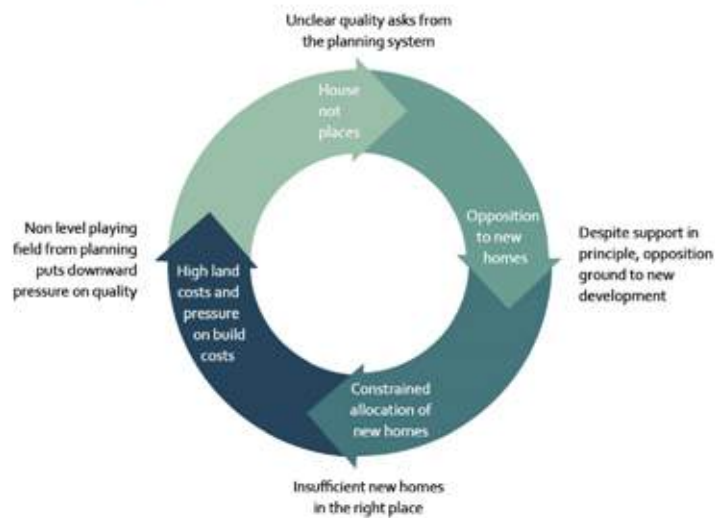
Policy recommendations

It is our hope that the Commission's work will lead to a radical reconsideration by managers of public land of what constitutes 'best public value', and how this can be captured into schemes. The Commission has recommended a review of how best value is calculated, how procurement is governed, and how central targets are set, such that high quality place

From a vicious circle of parasitic development...

#BBBBC

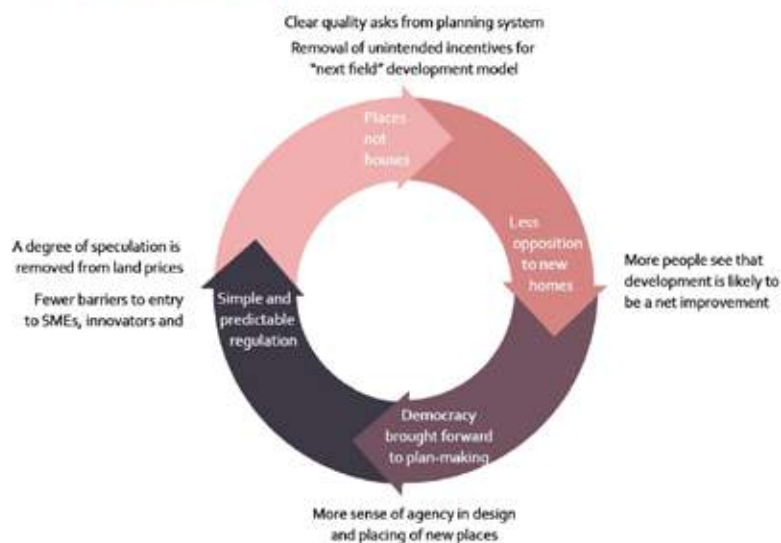
Vicious Circle of Parasitic Development



... to a virtuous circle of regenerative development

#BBBBC

Virtuous Circle of Regenerative Development



making becomes an overarching objective. This is critical. We cannot ask the private sector to embrace this challenge without the same objective being hardwired throughout public sector policy and practice in parallel.

While recognising the critical role that a move towards stewardship might play in terms of providing a new overarching narrative for planning and place making, and describing an innovative, patient capital underpinning for residentially led development, the Commission identified the need for beauty to become a central principle of planning. In Sir Roger's words:

"Beauty includes everything that promotes a healthy and happy life, everything that makes a collection of buildings into a place, everything that turns anywhere into somewhere, and nowhere into home."

The 3 core proposals set out in the report urge the government to:

- Ask for beauty
- Refuse ugliness
- Promote stewardship.

The report considers how each of these aims can be embedded across the range of levers acting on government decision

making, and looks at how these can be applied at all levels of planning and development scale, and further considers how we can create the capacity within the planning system to up-skill participants to be able to deliver a new level of built environment quality. The Commission anticipates that if these 3 aims are successfully hard wired into public policy, professional practice and in the culture of development, then great places can be incentivised as an outcome.

Policy recommendations were identified under 8 thematic headings (see diagram), each with detailed policies identified to support the following aims:

Planning: should create a predictable playing field (for beautiful/better schemes)

Communities: democracy in decision making should be brought forward to engage communities and stakeholders

Stewardship: in all policy and development arrangements responsibility to the future should be incentivised

Regeneration: should end the scandal of left behind places

Neighbourhoods: should be the objective, not just building houses

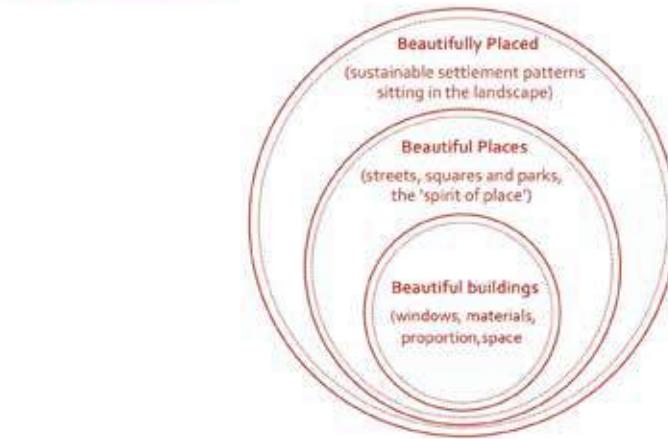
Nature: should be respected in planning development in the first place, and we should green our towns and cities

Education: should promote a wider understanding of place making

Management: targets and KPIs should value planning, count happiness and procure properly; technology should be embraced where it can add value and efficiency.

Many of these propositions are not novel and have been separately promoted for years within planning and development. It is the Commission's hope that government will recognise the inter-connectedness of each measure, to bring about market transformation, to embrace a coordinated place making programme that will help to deliver 'Good Growth' and levelling up in areas in need of regeneration, and better more beautiful places to live and work.

The National Planning Policy Framework would only require very limited adaption to fully support these aims, while MHCLG's recent National Design Guide begins to give physical form to the detailed criteria for more beautiful, contextually sensitive development. The Knight Frank research confirmed the need for a package of measures to encourage land interests to adopt the stewardship approach. These include:



What should be done?



- The creation of a long-term patient capital fund focused on unlocking land, infrastructure and place making, which might be accessed by land interests and stewardship developers, and also public sector bodies, provided these meet the proposed 'stewardship kitemark'
- A certain tax framework that would enable easier land-pooling and would equalise the tax position of a landowner prepared to commit land as equity, to rebalance the situation which presently favours short-termism
- The identification of terms of a stewardship kitemark to identify land interests and promoters with a provable interest in the patient capital approach.

Finally, reflecting on the evidence presented to us, a consistent and critical point that was made: whatever the beauty and ingenuity of a scheme, if it is the wrong development in the wrong place, ill-supported by infrastructure and economic logic, then all of the measures set out above may not be sufficient to overcome resistance. The Commission has

not glossed this fundamental point, and in our recommendations, has highlighted the need for more consideration to be given to the role of upper tier authorities to plan strategically and spatially, so as to secure genuinely sustainable, economically driven development, that is resilient, and at the most basic level, is in the right place.

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STEWARDSHIP: BUILD TO LAST

Why the public sector should adopt a stewardship role

Charles Dugdale Charles.Dugdale@knightfrank.com

Charles is a Proprietary Partner at Knight Frank specialising in development partnerships across the UK. His overarching ambition is to get Britain building homes that people are proud to live in. This ambition straddles public as well as private sector land, and social as well as private housing. Charles recently led 2 research reports for the Building Better, Building Beautiful Commission, providing the evidence base to inform the Commission's policy propositions.

Following on from Gail's summary of the Living with Beauty report, Charlie reflects on the findings of Knight Frank's research for the Building Better, Building Beautiful Commission and concludes that the public sector should be retaining assets to achieve best consideration, using the Stewardship Model. Not only is this an opportunity to maximise long-term value, but also to achieve a more sustainable, resilient economically productive and beautiful built product.

Stewardship

Stewardship is a concept we are all familiar with. It is an ethic that embodies the responsible management of resources. It is the job of responsible supervision and – in respect of the public sector – it is the job of looking after society. As such, stewardship is the ethic that guides the behaviour of the public sector.

Stewardship is fundamentally a long-term activity. Looking after society does not fit within political or planning cycles: it requires a strategic outlook that transcends and extends well beyond any 3 to 5-year plan.

Central to the proposals of the Building Better, Building Beautiful Commission (BBBBC) was the aim of incentivising responsibility to the future through the stewardship approach to land and infrastructure development. Beyond the present crisis there will be an acute need to restart the economy, and the construction of homes and neighbourhoods will be at the heart of this. The public sector has both an opportunity and a responsibility to take the lead.

Stewardship of land

The ownership of land falls squarely into the stewardship ethic. How land is managed determines the activities that use it, and the behaviours of participants.

The 'Great Estates' of the UK are well known as the custodians of multi-generational assets – anyone that has watched Downton Abbey will have a strong appreciation of that. The greatest estate of them all, worth some £450bn, is of course the public sector estate, and public sector bodies have an equal responsibility to manage assets for the long-term benefit of local communities and society at large.

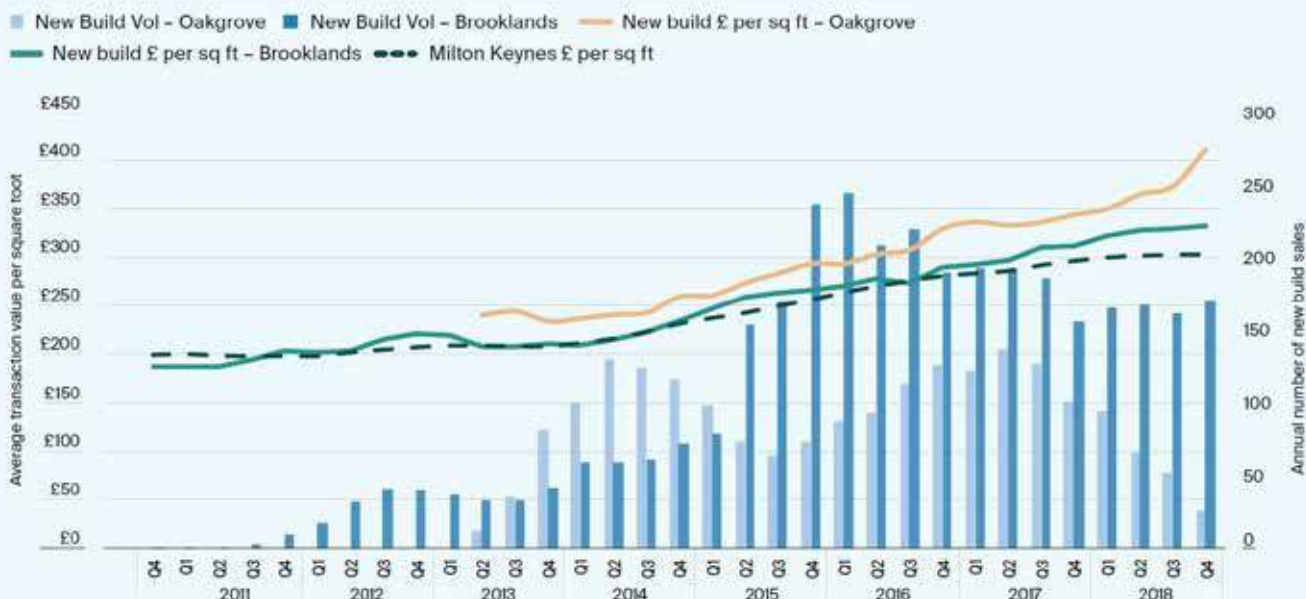
In a residential development context, land is the raw material; construction is the production facility; and housing the product. How land is delivered into that production process determines the behaviours that follow.

The ownership of land can be focussed either on generating short-term profits, or long-term societal and place value through stewardship. If the long-term vested interest of landowners as patient and well-intentioned stewards can be maintained, we can refocus the profit motive into the longer-term, to engender legacy developments that deliver beautiful housing and sustainable communities.

This is what we refer to as the 'Stewardship Model'. It requires that landowners invest their land into development partnerships as equity, adopting a patient capital approach.

The Stewardship Model aligns housing

Sales volumes and new build values in Oakgrove and Brooklands compared to Milton Keynes



Source: Knight Frank

with areas of economic opportunity and sustainable infrastructure, to underpin resilience, productivity and growth. This is a model for delivering 'good growth' and building a sustainable future for the nation.

Best consideration

While we all understand the stewardship ethic, there is a legislative framework to ensure that public servants do not abuse the system. One example is 'best consideration' legislation, which we explored in more detail within our report *'Building in Beauty'* (see pp 24-26) for the BBBBC.

Any readers of the ACES'Terrier will know that the Local Government Act 1972, s123, guides councils how they dispose of land. This tells us that a principal council may dispose of land in any manner it wishes, as long as it achieves the best consideration, subject to the £2m undervalue caveat (see Circular 06/03: Local Government Act 1972 General Disposal Consent 2003).

For many, best consideration legislation guides councils to dispose of land outright, following a transparent marketing process. However, the evidence, set out in our research report *'Cost and Value'* for the BBBBC, suggests that more consideration is generated by not selling up-front. That being the case, if councils are to conform to the best consideration legislation, they should not be selling outright.

We appreciate this is an uncomfortable message for councils that are currently

reliant on disposing of land to cross-subsidise public services, and service debt, pension deficits and the like. For that reason, please be aware that we convey this message sensitively, and in combination with a message to MHCLG that selling the family silver is no way to fund public services. Other funding sources must be made available, to enable land to be disposed of via a Stewardship Model that can sustain public services for the long-term benefit of society.

The value of stewardship

Early in their investigations, the BBBBC recognised the strong correlation between the involvement of landowners (whether public or private) and better quality housing. As a result, one of the BBBBC's key aims is to promote stewardship and support the involvement of landowners in development projects.

The Commission asked Knight Frank to consider whether there is added value where schemes are developed with quality as an explicit aim, compared with mainstream housebuilder-led schemes. In other words, does it pay to build better?

In Knight Frank's report *'Cost and Value'* we conclude that there is added value captured in housing that justifies the additional costs of quality, as well as significant value beyond housing, particularly the value of nurturing local jobs within thriving communities. The relationship with cost also

goes well beyond construction costs and the report considers the costs associated with planning and infrastructure funding. The relationship between cost and value introduces a time horizon which, when aligned with the longer-term interests of the community, creates the landscape for what is considered 'good growth'.

Value endures

The key point in relation to the Stewardship Model is that value endures in quality developments, suggesting that longer-term partnership structures can realise greater value potential.

At developments such as Accordia in Cambridge and Oakgrove in Milton Keynes, pricing was shown to outperform local benchmarks with a premium that widened over time. Oakgrove achieved a weighted average premium of 16.3% above Milton Keynes, as illustrated in the chart. Accordia achieved no premium during the sales period, but this widened to a premium of 12% in the resales since the development completed in 2012. This suggests that the best consideration is achieved through participation beyond the life of the development.

It is worth noting at this point that this '£psf premium' can understate the real value premium. Accordia's dwellings were 40% larger and delivered at a density 54% higher than within the Trumpington Ward. These factors, combined with a £psf premium of



Oakgrove



Poundbury

3%, led to an overall value premium per hectare of 123%.

Long-term investment engenders a higher quality outcome

Among 7 others, the research highlighted the Oakgrove and Newhall case studies. These demonstrated how longer-term alignment between landowner and development partner creates an environment that incentivises good quality development, while also being a commercial success.

The landowner at Oakgrove, English Partnerships and later the HCA, adopted a patient approach, investing its land into the project as equity and taking a share of the profit in lieu of up-front land receipts.

In doing so, it formed an aligned long-term partnership focussed on building value through a good quality development.

At 1,000 homes, the scale of the project appears to have been a critical reason for the alignment of interests. With scale comes more time, which was important because it allowed Crest Nicholson to benefit from increasing values. This suggests that longer-term partnerships between landowners and development partners will encourage the delivery of good quality housing.

Value beyond housing - Poundbury

Poundbury illustrates how stewardship of a development can lead to sustainable growth and add value to all stakeholders over the long term. The value of housing

is sustained, and maintenance costs are reduced by the use of quality materials.

In an unlikely location, commerce has flourished, and 1.3 permanent jobs have been created for every house built. £105m p.a. has been added to the local economy, excluding the short-term influence of construction activity. 44% of residents use sustainable methods to travel to work. This offers us a definition of 'good growth'. It supports and sustains communities, while offering an opportunity for landowners to participate in value creation over the long-term.

Within our research, we included a spatial comparison of the non-residential uses between Poundbury and Elvetham Heath (see plans). This is not to point the finger at a bad example. Elvetham Heath is, in fact, a successful development and a popular place to live. It was selected simply as a typical project of a comparable size to Poundbury. If it is typical of development around the country, the contrast with Poundbury is stark and telling of an opportunity that is being missed across the country.

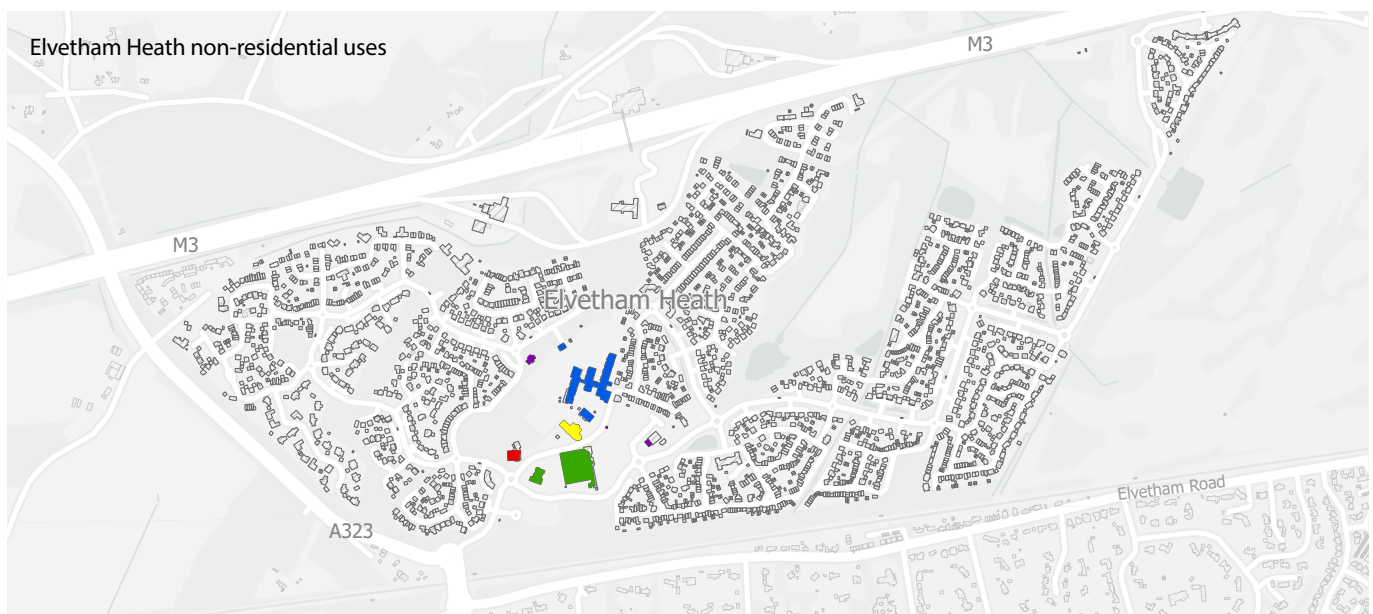
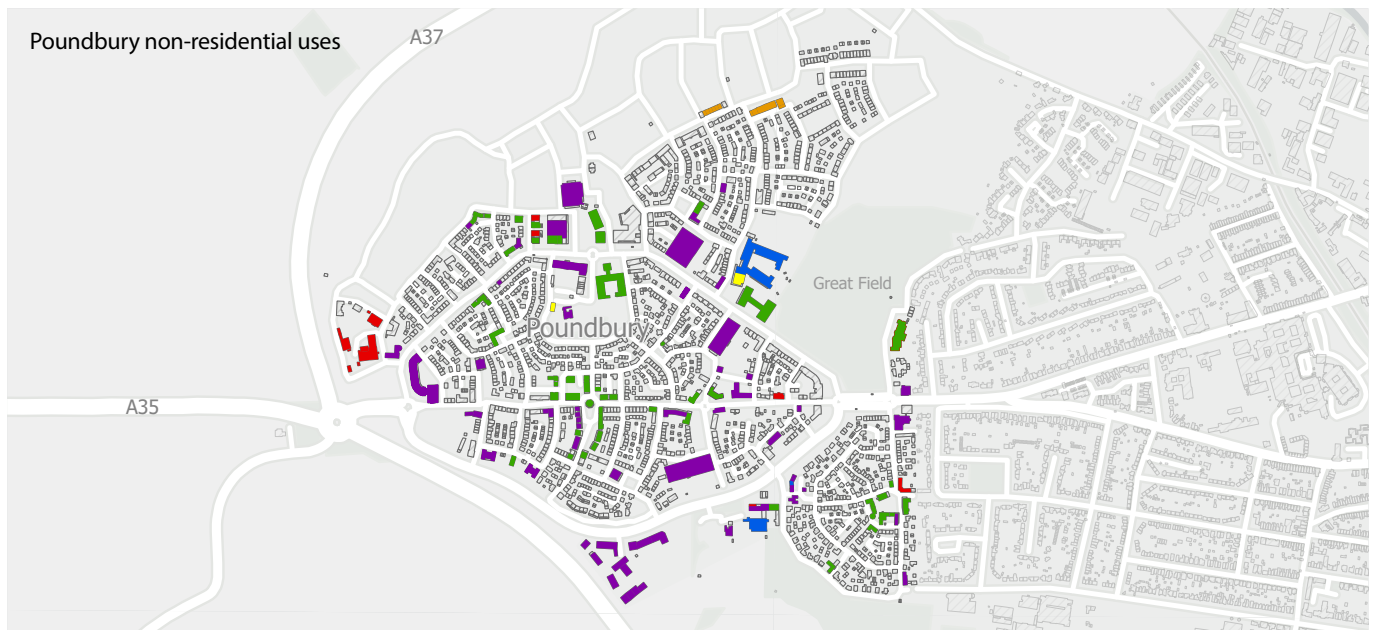
Leon Krier's masterplan for Poundbury kept small, medium and large spaces for shops, business and factories. It is a 'build it and they will come' strategy. Now, 27 years on from the start of construction, Poundbury has shown us that businesses will flourish where they are given a chance. The project is 65% complete, but it already has over 200 businesses employing over 2,300 people, supporting peoples' livelihoods.

All this in a location over 40 miles from the nearest motorway proves that commerce will flourish within a Stewardship Model. Doubters that it would not happen in peripheral locations are again being proven wrong by the Duchy's follow-up project at Nansledan in Newquay.

By weaving the mix of uses through the Poundbury masterplan, car dependency has reduced dramatically, creating a genuinely walkable community. This illustrates how carbon reduction can be approached through footprinting of urban form, not just fabric-first measures.

The focus on mixed-use sustainable urbanism provides an additional income stream for the landowner, as well as supporting peoples' livelihoods. Using the 2017 rateable value as an estimate of commercial income, Poundbury has the potential to generate £5.2m of income for the landowner, in addition to housing.

This shows us how the Stewardship Model provides the twin benefit of



Poundbury	Elvetham Heath
207 businesses	3 businesses
2,306 jobs	63 jobs
£5.2m rateable value	£1.4m rateable value



generating greater long-term value for the landowner, as well as supporting society.

Stewardship Models

The essence of the Stewardship Model is long-term participation; this cannot be achieved without maintaining an interest in land through a development partnership. This binds the landowner with their development partner through an



Affordable housing in Poundbury

aligned structure in which both share in value creation. This is important if we are to refocus the profit motive of private sector development partners into the longer-term objective of building value.

We believe the best stewardship models are those that enable the landowner to participate beyond the life of the development, for example through retention of residential homes – both private and affordable – or through the retention of commercial interests. In doing so, the vested interest of the landowner is completely aligned with the long-term success of the community.

One stewardship model which offers these benefits is an Agreement for Lease (AFL). For all the reasons cited, the AFL is Homes England's preferred delivery model. Within an AFL, both parties share in the value of each house sold – the distribution.

The case study of Newhall was included as an example where an AFL is aligning the landowner with the development partner, Countryside Properties. We were unable to publish the numbers for reasons of commercial sensitivity, but we are aware that the AFL will more than double the returns of the landowner, by comparison to selling outright.

AFLs can include the option to take homes

in lieu of the distribution, thereby giving landowners income in perpetuity. In our research we highlight the case study of Park View, where the Blenheim Estate has elected to keep all the affordable housing within its developments, and in doing so, generate gross yields of approximately 10%. The affordable housing – alongside commercial interests – represents the best long-term investment in the stewardship model.

The 2019/20 Winter ACES' Terrier highlighted Surrey County Council's Public-Private-Partnership with Places for People [Ed – presented at ACES' National Conference, Isle of Wight, in September 2019]. Knight Frank was thrilled to have represented Surrey County Council in forming this joint venture because it represents all facets of the Stewardship Model.

The joint venture is called South Ridge Development LLP and binds the County Council with a highly capable development partner over a long timeframe. It is structured to provide a development return for the development partner, while the council will benefit from an income stream derived from the built residential homes.

Stewardship kitemark

The BBBC proposes a stewardship kitemark

to distinguish long-term patient equity-led development and investment interests from other players whose interest in land is more transactional and short term.

Working with the BBBC, Knight Frank will be lobbying government for a bundle of policy measures in support of stewardship. If adopted, these will encourage public and private landowners to adopt a stewardship approach to development.

In the meantime, the evidence that longer-term participation derives best consideration should compel the public sector to take the lead in adopting stewardship models. In doing so, it will provide the landscape for delivering a better development outcome and lasting value for society.

Acknowledgements

The photographs of Poundbury and Nansledan are reproduced courtesy of the Duchy of Cornwall and are taken from the Cost and Value and Living with Beauty reports, Knight Frank, commissioned by the BBBC.

The photograph of Oakgrove, Milton Keynes, is taken from the Cost and Value report and developed by HCA and Crest Nicolson.

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For further information contact:

James Leaver

Partner

+44 20 7861 1133

james.leaver@knightfrank.com

Alastair Paul

(Rural Consultancy)

+44 1279 213 350

alastair.paul@knightfrank.com

Sarah Moran

Senior Surveyor

+44 20 3866 7872

sarah.moran@knightfrank.com



Brian is Senior Manager Corporate Property at Suffolk County Council and Chairman of ACES Eastern Branch.

HOUSING AND PARTNERSHIPS

Housing and self-build in rural Suffolk

Brian Prettyman

Brian details an imaginative partnership which “demonstrates how the creative and co-operative use of the land asset will produce a significant financial return for the county council as owner, with good social value for existing and future local residents....to keep the community vibrant and diverse through a sustainable social mix.”

The location and establishing need

Cockfield is a village approximately 9 miles south of Bury St Edmunds. It is popular and commands good residential prices which has placed pressure on particularly younger, local peoples’ ability to live in the area.

In 2010 a local needs survey highlighted the need for at least 12 affordable homes. The Village Growth and Development Survey also highlighted a need for between 50 and 100 new homes, to ensure the long-term sustainability of the village and enable a range of local people to remain living within the local community.

The county council is a major local landowner by virtue of its County Farms estate and a site was put forward. This fronts the A1141 Lavenham Road and lies between houses originally constructed by the local authority in the immediate post-war period, and a listed, privately-owned, former windmill and mill-house. To the rear, the land falls to a small river with a former railway line beyond.

Importantly for a rural area, there are bus stops nearby connecting to Bury St Edmunds, Lavenham and beyond. The former railway line is maintained by the parish council and provides an off-road pedestrian connection to the village centre, including: primary school, church, village hall and post office, approximately 1km distant. South along the A1141 is the Horseshoes Pub, again within 1km.

Previously the county council has elsewhere released several “exception” sites

for social housing, selling plots at around £10,000 each. On this occasion, however, there were access issues which would be expensive to resolve, and it was felt a more comprehensive development could both give the county council a larger capital receipt and meet identified needs of the local community. The parish, district and county councils, together with Orwell Housing Association (Orwell), agreed to work together to facilitate a scheme which could meet the needs of all.

A visibility splay needed to be acquired over the mill house garden, and Traffic Orders were required to reduce the speed limit on the A1141. The Mill has been refurbished for high quality holiday lets and B&B, and the owner was very concerned that this business should not be prejudiced by the development. A package was negotiated whereby in exchange for the visibility splay, the council gave a permanent covenant against building within the main line of sight from the windmill, between the proposed development and the river, plus part payment in the form of a building plot within the proposed scheme (which incentivised ongoing support for the project).

The road fronting the site had a 60mph limit, which was already a concern to villagers, and extending the nearby 40 mph limit was needed to make the new junction safe, and the visibility splay feasible. The highway authority would, however, only consider such a reduction within a “built environment”, so the scheme had to include sufficient building along the road frontage.



The scheme

Architects designed a scheme which provided:

- 12 x affordable rented units
- 5 x smaller open market houses aimed at first time buyers
- 10 x 3 and 4 bed detached houses for sale, to generate some financial returns for the scheme and give a richer occupier mix
- 4 x open market semi-detached houses
- 6 x shared ownership units
- 5 x bungalows for sale aimed at (local) older people wishing to downsize
- 4 x large self-build plots
- 5 x small self-build plots for local people.

The scheme would also provide access to enable a further 3 social units for rent on adjoining district council land.

Integral to the proposal were 132 car parking spaces, a pedestrian/cycle link to the former railway footpath and existing community space, and the creation of additional community open areas.

The resultant scheme, as shown on the

plan, demonstrates how the creative and co-operative use of the land asset will produce a significant financial return for the county council as owner, with good social value for existing and future local residents, with a mix of housing needed to keep the community vibrant and diverse through a sustainable social mix.

The rear of the field, between the proposed houses and water course, cannot be built on due to covenants to the mill owner, but can, subject to planning consent, be used for a number of open space/recreation/garden uses. Part will be used for water attenuation and part transferred to the parish for community uses such as allotments, children's play, or community orchard. By separate agreement, the county council had already agreed to sell the meadow between the river and the railway line to the parish council for further open space, at a price based on twice agricultural value.

There was a fear that if the site was sold, a different scheme would be promoted by a commercial developer/housebuilder; however the county council did not feel it had the in-house expertise to promote such a project. It was therefore agreed that Orwell would lead on getting planning permission for the whole scheme. The council and Orwell would share the costs

of this 50/50, on the understanding that the RSL would get the land for social housing at nil cost or, if not, the council would re-reimburse the costs which Orwell had incurred. Failure to get planning permission would be at joint risk.

The site was not allocated in the local plan. Although supported by all 3 tiers of local government, a case was needed to justify a planning application. This was based on a local policy CS11 included, as part of the transition to a new joint local plan, to enable sustainable sites to be brought forward to help meet local need. In addition, the local planning authority could not adequately demonstrate a 5-year housing land supply. The scheme was designed to meet other criteria, such as adequate services and infrastructure, landscaping and environmental issues, helping protect local services and facilities, and addressing climate change through design, adaptation and mitigation.

The planning application was a hybrid approach seeking detailed consent for the social and general needs housing, and outline for 9 self-build plots.

The district and parish councils in particular were keen that the agreed scheme was actually delivered and feared that if some or all of the site was sold, a purchaser would maximise profit by

seeking a replacement planning consent, delivering less social value. The consensus was that the county council should retain involvement in the site throughout the development phases.

Progress and price

The first phase - affordables and social housing - commenced in February 2020. The infrastructure will be in place to access 5 self-build plots. These are comparatively small (for self builds) and are specifically intended to test the appetite of probably younger local people, to build a home as a cheaper alternative to buying one. This does not seem to be an approach widely tested before and initial expressions of interest are currently being invited, with marketing expected to commence at Easter. Buyers will be able to start on site at the end of 2020; in the meantime, they will need to arrange detailed design, planning permission and financing. The county council needed to consider how to market and sell these plots in a way that is equitable, focusses on the target groups, and complies with the requirement to obtain best value (in cash or kind).

It is difficult accurately to estimate value, interest, and asking price, as these are unusual plots and the impact on value of preference for local people is unknown. Auctions and formal tenders might be off-putting for private individuals, especially as complicated finance might need to be arranged in advance.

Working with the district council, a weighted bid process (informal tender), open to all, has been settled on. Bidders will be invited to submit offers for individual plots (they could bid for all 5 but would need to indicate their order of preference, as any buyer can only buy one plot). Buyers will need to understand that they must live in the premises (as their sole/principle residence) for a period of 7 years, to avoid payment of Community Infrastructure Levy (CIL), and early sale will result in penalty payments (overage) to the county council.

Although drafted for the sale of plots at Cockfield, the model is intended for use in other future sales, with the weighting adjusted to meet the specific circumstances and desired outcomes. Although originally intended to support local people, it was felt that the tool could, and should, be used to encourage other target groups associated with the council's corporate objectives.

The criteria

1. Permanently lived or worked in Cockfield for 2 of the last 5 years or have immediate family living in Cockfield for 2 years (weighting factor 1.3)
2. Permanently lived or worked in an adjoining parish for 2 of last 5 years or have immediate family living in an adjoining parish for 5 years (1.2)
3. Permanently lived or worked in the district council area for 2 of last 5 years or have immediate family living in the district area for 5 years (1.1)
4. Registered on the district council's self-build register for 6 months or more (1.1)
5. Current or past member of the Armed forces, with at least 5 years residency in Cockfield or adjoining parish during lifetime, (including bereaved spouses and civil partners) (1.2)
6. People who currently live in Suffolk and who will have someone with a disability living with them. (1.2) (will need penalty if not delivered)
7. Foster parents intending to be available to accommodate a child in care for next 2 years (1.2)
8. People with a child enrolled at Cockfield school if not included in above (1.1)
9. Passivehaus or similar (ultra) low carbon building (1.2) (will need penalty if not delivered)
10. None of the above (1.0).

The criteria also includes definitions of employment, immediate family, disability, self-build register and the pre- and post-criteria penalty payments. [Ed – I am sure Brian will be happy to share the full policy with ACES' members, if requested].

An example of how the criteria work is that if someone fitting category 1 was to offer £75000 (£97k weighted equivalent) and someone from category 3 offered £80,000 (£88k weighted equivalent) the first person would buy the plot for £75k. however, if someone fitting category 1 was to offer £75000 (£97k weighted equivalent) and someone from category 3 offered £90,000 (£99k weighted equivalent) the second bidder would get the plot for £90k.

Future development and conclusions

The remaining 4 self-build plots are at the rear of the development overlooking open land which is covenanted against future development. These will only be available at the end of the whole development and will be sold on the open market to maximise monetary return. As the council owns the land to the rear, there is the possibility of selling additional land in say 1-acre plots, to some, or all, of these 4 self-builders.

Beyond the 3 councils working together, the success of the scheme is underpinned by good consultation/community involvement, with a range of stakeholders at parish, district and county level, all originating from initial village-wide consultations and surveys. A clear need for further new homes was established through the housing needs and Village Growth and Development Surveys, based on information gathered from a survey of all households within the parish. This set the anticipated numbers for development and the basis for discussion with the planning authority.

At the earliest stage, a working group was set up by the primary stakeholders; parish, district and county councils, local councillors and Orwell, and throughout the process, the representatives of each reported back on the emerging project. Regular group meetings included district development control and forward planning/policy representatives. Outline proposals were assembled in a strategic master plan which then formed the basis of on-going dialogue.

District planning officers engaged with County Highways engineers early in the process. This provided 2 key parameters for the design: to present a strong road frontage aligned to the required visibility splay, and to extend the speed limit on Lavenham Road to reduce traffic speed in the vicinity.

There have also been regular reports back to the village via the local parish newsletter as well as parish council meetings and public information events. Support of the principle of such a development has been maintained throughout.



EMPTY HOMES

A loss of power

Jan Ambrose jambrose@rics.org
and Chris Bailey Chris.Bailey@emptyhomes.com

Jan explains why fewer local authorities than ever are using empty dwelling management orders because of difficulties with administration. Chris adds policy recommendations for government and housing associations to alleviate this situation.

Empty Dwelling Management Orders

The Ministry of Justice (MoJ) has responded to a Freedom of Information (Fol) request from modular smart homes provider, Project Etopia, to reveal that local authorities have almost entirely abandoned powers to tackle the rising number of empty homes (bit.ly/EtopiaFol). The MoJ said it could not reveal how many of these applications were successful because of changes in the way it treats court records under the Fol Act 2000. This response has prompted calls for the legislation to be scrapped, and replaced with a scheme that is easier for local authorities to use.

Applications for empty dwelling management orders (EDMOs) have hit an all-time low, amid concerns they are too difficult to administer. The original aspiration was for more than 1,000 applications a year, but this is now in tatters, as the response shows that the number of orders sought dropped to just 6 in 2018, more than halving since the preceding year.

EDMOs were introduced in 2006 and now, more than a decade later, thousands of people remain locked out of the housing market due to rising prices, exacerbated by lack of supply. The influential House of Lords Select Committee on Economic Affairs concluded in 2016 that the

country needs to build 300,000 homes every year to tackle the housing crisis (bit.ly/UKhsgmktinq). Figures from the Ministry of Housing, Communities & Local Government (MHCLG) reveal there are 205,293 long-term vacant properties – those that have been unoccupied for more than 6 months – in England, and the overall number of empty homes grew between 2016 and 2017 (bit.ly/SN03012).

The number of EDMO applications has dropped by more than 85% since their peak in 2012, when councils applied to use the power on a modest 41 occasions. In 2006, only 2 applications were recorded because they had only come into force that July. At their introduction, then housing minister Yvette Cooper said empty and abandoned homes caused considerable distress for neighbours and local communities. In April 2008, Cooper's successor, Caroline Flint, told the Commons: 'I want to ensure that the orders we provided can be used. If there is a reason why they cannot, I want to hear about it. However, simply not using them is no excuse.'

Despite the fighting talk and obviously well-intentioned legislation, the EDMOs fell far short of the 1,000 applications a year envisaged at the outset. Between 2006 and 2018, only 229 applications were made in total.

Jan is editor of the residential section of RICS Property Journal. She has written for a number of RICS publications and has a special interest in the reuse of empty homes and solutions to the housing shortage.

Chris' background is in community-based regeneration, including work on housing. He spent over a decade working in development trusts, including Westway Trust, and was chair of the London region for the Development Trusts Association, and later Locality from 2009 to 2012. He has also worked closely with local authorities on service innovation, housing renewal and community asset management. Prior to joining Action on Empty Homes in 2017, his recent work has been on housing, local social enterprise solutions and sustainability in construction.

The issues

Taking control of an empty property involves much more than slapping an EDMO or compulsory purchase order on the home in question. There may be issues regarding ownership, which require many months – sometimes years – of detective work to sort out. The council may also be unaware that the property is empty, and, if the unoccupied home is in an undesirable area, it may struggle to find a tenant. And this is all before the cash-strapped local authority can arrange the necessary resources for essential repairs, which again may take a long time.

Regardless of the arguments, it is obvious that changes must be made. Joseph Daniels, CEO of Project Etopia, says: 'More than a decade has passed since EDMOs were introduced, and it is clear the policy is not working. If they are too difficult to obtain, then these powers should be replaced by a new scheme that councils are able to use more effectively.'

'Councils want empty homes to be returned to use, and we should be supporting them. Local authorities should be given new powers that recognise the challenges involved, from respecting the difficult circumstances that can sometimes result in these homes sitting vacant, to the rights of those who own these properties. This is a cross-party issue that urgently needs the attention of everyone in Westminster. Politicians need to come together in the national interest, to see that EDMOs are replaced or reformed.'

Daniels' call for action is made more urgent by the current extent of empty housing. On 11 March this year, the Guardian published an article on the shocking rise in long-term empty homes, which is the highest since 2012 ([bit.ly/Engemphsg19](https://www.theguardian.com/society/2019/mar/11/empty-homes-uk)), based on MHCLG figures. This is a year-on-year rise of 10%, with increases in two-thirds of local authorities, and 1 in 10 of them seeing numbers rocket up by 30% or more. The total number of empty homes now stands at more than 634,000.

Two days later, housing minister Kit Malthouse made a presentation at the Local Government Housing, Planning and Infrastructure Conference. He responded to the Guardian article by saying: 'Local authorities have a range of powers at their disposal to tackle long-term empty homes, and I expect them to make full use of them.' These words echo those used by Flint in 2008.

However, Will McMahon, director of Action on Empty Homes, said: 'When Malthouse commented on empty homes' numbers rising at the fastest rate in a decade, he cited councils' powers to act. Project Etopia's Fol request shows these powers are simply not being used to good effect. Councils' much-vaunted enforcement powers, such as EDMOs and rising council tax premiums, seem toothless. They must be empowered to act on boarded-up homes, which blight communities and lock out those in need.'

On 18 March, the Guardian published another article 'Don't make criminals of homeless people' ([bit.ly/Vagractrpl](https://www.theguardian.com/society/2019/mar/18/homeless-people)), which stated that homelessness and social housing waiting lists are peaking, with more than 80,000 families and 120,000 children condemned to live in temporary accommodation, where room sizes can be as small as 13 sq m, at a cost to the nation of £1bn p.a. The streets of our cities are home to thousands. Landlords receive more than £9bn a year in housing benefit and are not even required to provide a decent standard of housing in return.

Alongside this, there are 1.1m people on social housing waiting lists. Shortage of supply, particularly of social homes, has resulted in housing being treated as an asset first, and accommodation a poor second. Local authorities cannot even enforce council tax premiums until a home has been identified as empty for more than 2 years – 4 times the length of most current private-sector tenancies. This is far too long. Although government collects and reports data on empty homes, there is no statutory duty on local authorities to bring them back to use.

The last targeted government funding stopped in 2015, and it is no coincidence that numbers of vacant properties have risen since. That funding worked, and it is time that the government supported local authorities with investment to bring long-term empty homes into use for those in housing need, through incentives and leasing and purchase schemes, as well as through the currently failing enforcement regime.

Recommendations for change

It is widely agreed that we face a national housing crisis which operates on 3 levels – supply, quality and affordability. The rising number of empty homes in England

speaks to all 3 aspects of that crisis. Long-term empty homes numbers have now risen for 3 consecutive years, reaching 226,000 in England alone, according to the latest government data issued by MHCLG.

Recommendations from Action on Empty Homes proposes:

Central government should:

1. Adopt a national investment programme targeted at areas with high levels of long-term empty homes. This programme should enable local authorities, social landlords and community-based organisations to buy or lease empty properties to refurbish them. It should also support wider community-based regeneration approaches that tackle the underlying causes of empty homes in these areas.
2. Re-establish dedicated funding programmes to support local authorities and housing providers, to create affordable housing from long-term empty homes in all parts of England.
3. Ensure that funding programmes to tackle empty homes are also open to community-led organisations who are not registered providers, and invest in capacity building in this sector.
4. Provide support for 'empty home prevention' schemes, by supporting investment in existing homes. This should include a so-called 'new Green Deal', to offer financial support to owners for sustainability measures and home improvements designed to increase the longevity, affordability and environmental efficiency of existing homes, including insulation measures.
5. Conduct a review of how the legal powers available to local authorities to tackle empty homes and poor standards of management in the private rented sector could be improved. This should include: 'no-fault' Empty Dwelling Management Orders (EDMOs), granted purely on long-term lack of use of an empty home; considering whether Council Tax Premiums should be levied after one year long-term empty rather than 2 (as at present), and a

national property ownership and usage register, linked to a national landlords' register – to be used to ensure improved and more consistent standards of housing and management in the private rented sector (PRS) and better utilisation of residential property, delivering reductions in the numbers of empty homes.

Local authorities should:

1. Adopt a strategic approach to empty homes and ensure that approaches in neighbourhoods with high levels of empty homes fit within a local authority-wide empty homes strategy. We believe that the adoption of a strategic approach to empty homes should be a statutory part of local authorities' work in housing, as should prevention strategies.
2. Support community-based regeneration approaches. This should include working with communities to develop neighbourhood improvement plans, to tackle empty homes and the wider linked issues that they face. In doing so, adopt an 'invest to save' approach, recognising how supporting local schemes and services can bring wider benefits to local people, such as jobs and improved community safety, improved health and wellbeing; and increasing the supply of secure affordable housing.
3. Seek funding and allocate resources to buy and refurbish empty properties for people in housing need. As part of this, they should make funding available to community-based organisations wishing to buy and refurbish empty homes. They should also support community-based providers and housing associations seeking funding to bring empty homes back into use.
4. Help community-based organisations wishing to build their know-how and skills to bring empty homes back into use by providing capacity-building support.

Housing associations should:

1. Seek funding and allocate resources to buy and refurbish empty properties for people in housing need, and support

community organisations in building these skills, as the Thirteen Group has done in the North East.

2. Develop ethical disposal policies to balance the financial and operational needs of associations with community interests and priorities. If they intend to exit from a neighbourhood, they should look to dispose of properties to community-based organisations who are committed to the neighbourhood for the long-term and will manage them well. This aligns with Recommendation 8 of the National Housing Federation's 'Great Places Commission: Final Report' (2019). This means that auction sales (so-called 'disposals') of social homes into the PRS should end.
3. Liaise with local authorities to help ensure that they do not contribute to neighbourhood decline and undermine strategies to tackle empty homes; and prioritise the development of ethical supply chain management, which works with local suppliers and offers training and job opportunities to local people.

Recommendations on the classification and recording of residential properties:

Discussions with officers around the country lead Action on Empty Homes to the conclusion that the definition of 'second homes' requires tightening; any burden of proof of their usage as such should be shifted to owners. Furthermore, it has been suggested that a limit of one second home per owner should be considered by the government (with further properties given an alternative classification for taxation purposes). This change should be considered in the context of a national review of the treatment for taxation purposes of all homes not used as a primary residence. We recommend an examination of the impact, regulation and taxation of the short-term or holiday lettings market as a part of this review.

We believe that it may be necessary to take account of the growing impact of Airbnb-style whole home lettings and a resultant reduction of housing stock available for full-time residential use in markets such as destination cities, including London, and high demand coastal and rural areas impacted by tourism. In London, on Airbnb alone,

over 50,000 whole home lettings were advertised in 2018. In January 2020 'London Councils', the body representing London Boroughs, issued a press release stating that one home in every 50 in London was now used primarily for Airbnb rental (that would put the figure for stock sucked out of residential use even higher, at over 70,000 London homes). Currently, enforcement of limits on the time for which short-term let property is rented across the year appears to be lax or non-existent, and reliant on self-reporting. This means that, in effect, these limits appear to be almost wholly unenforced and unenforceable, due to multiple rental platform availability, limited or non-existent enforcement resource, and no legal requirement for rental platforms to share data with local government. This must change.

Finally, we recommend the introduction of a national register of home ownership and usage. This would go beyond the widely proposed national landlords' register, first suggested by government as long ago as 2009. Critically, such a register would record levels of ownership of empty and un-let properties and multiple 'second homes', in a format which would greatly aid taxation and housing enforcement authorities both nationally and locally. It would also introduce transparency and aid public understanding of how all housing recorded as domestic residential stock is really being owned and used in England.

[Ed – Jan's part of this article was first published in RICS Property Journal in October/November 2019. Thanks to RICS for allowing its use by ACES].



Janice is a Visiting Professor in the Bartlett School of Planning at University College London. Janice was on the Planning Committee of the London 2012 Olympic Games. She was a Senior Adviser on local government at DCLG 2000-2005, having been Chief Executive of Rutland CC, Director of Technical Services at Woking, and Professorial Head of the School of Planning and Landscape at Birmingham Polytechnic. Ben is Associate Professor in Spatial Planning and Government at the Bartlett School of Planning, UCL. His research interests centre on the relationship between state modernisation and the planning system in the UK. Recent work has included projects on devolution and spatial planning, planning for national infrastructure, the implications of office-to-residential permitted development, and local authority delivery of housing. He is currently working on a project looking at the relationship between organisational form of planning services and the realisation of the public interest.

Jan has also just published a book 'Changing contexts in spatial planning' (2018 Routledge) and a joint book is being published by Policy Press later this year 'Reviving local authority housing delivery'.

LOCAL AUTHORITY HOUSING

How are local authorities providing housing again?

Janice Morphet, BSc, MA, PhD, Dip TP FRTPI FAcSS j.morphet@ucl.ac.uk and Dr. Ben Clifford ben.clifford@ucl.ac.uk

This is a follow up article by Jan and Ben, having undertaken further research concerning local authority build rates. More councils are now undertaking it, and for some new motivations.

The research and results

In 2017, we undertook research on how local authorities had started to provide housing again [Ed - see 2018 Spring Terrier]. In 2018/19, we undertook a second round of research to assess whether these trends had continued and developed further. We used the same research methods – a direct survey sent to local authority officers to report back to us their own activity, a desk survey of publicly available information in relation to the activity of every English local authority, roundtable discussions with officers and local councillors in every region, and 11 more case studies. What did we find?

In comparison to 2017, the volume of English councils that had established companies for housing and property development and ownership had increased to 78%. Some councils have one company while others have several, each undertaking a different function. For example, South Norfolk DC had 3 companies (under the Big Sky Group). Eastleigh BC reported that it had 4 companies (Aspect Building Communities Ltd, established in 2015; Spurwing Developments Ltd, established in 2018; Spurwing Ventures Ltd, established in 2018; and Pembers LLP, established in 2018). Slough BC similarly reported 4 companies (Development Initiative for Slough Housing – DISH – founded in the early 1990s; Slough Urban Renewal, founded in 2013; James Elliman Homes, founded in 2016; and Herschel Homes, founded in 2016). Exeter CC also reported 4 companies, but noted that only one

was currently active. Oxford CC reported 5 companies (Oxford City Housing Ltd; Oxford City Housing (Investment) Ltd; Oxford City Housing (Development) Ltd; Barton Oxford LLP; and Barton Park Estate Management Co Ltd).

Of the companies found in the desk survey, 119 had been set up between January 2018 and April 2019. While many councils now have companies, those focussing on new development, rather than on acquisition of secondary stock and management, are expected to take about 2 years before they start building on site. This should mean that these companies will start to develop in 2021/2. Other councils have established housing associations (HAs) on traditional lines, such as Lambeth LBC, while Wokingham BC has a HA for profit. We are aware of examples of HAs not wanting to take on affordable homes delivered through s106 negotiations, and so some local authorities are reviewing their whole approach to this type of housing, and deciding to retain it as part of their own provision.

Motivations

As in 2017, we asked about the motivations of local authorities for engaging in direct delivery of housing, what kind of housing they are building, and how it is funded. We also investigated whether councils had started to change their working methods or had any continuing barriers to delivering more housing. The motivations remained the same as in 2017, but with some change in order of importance of

different factors. The most frequently mentioned motivations were those related to any council's core functions – meeting housing needs, dealing with homelessness, and generating long-term secure income, to maintain and run other council services as a replacement for government funding, including the revenue support grant which finishes in 2020.

After this, however, we saw a dramatic increase in the importance of design quality as a factor motivating councils to become directly engaged in housing delivery. Councils are concerned about the poor quality of design in market housing – for example space standards and energy efficiency – as well as the handover finish. Councils are motivated to deliver housing for place making and regeneration reasons. Further, as many market homes are moving into the Buy to Let market, there is a quick deterioration in the quality of the new estates and higher subsequent costs for council support [Ed – see article on Building Better in this issue of ACES' Terrier].

Councils are also frustrated at the slow delivery of housing following planning consent, and the way in which the planning system works to deliver the range of housing tenures and types that are needed to meet local needs. Where councils have been able to agree affordable housing to meet local needs, this is now frequently being renegotiated downwards after the planning consent has been finalised. Overall, we found that councils have come to the view that the planning system is not sufficiently robust to meet the housing needs in their areas, as it can only provide the designation of land for market housing, whereas their needs are for completed homes across a range of tenures. In order to meet these needs, councils are building for older and disabled people, providing housing to rent at affordable levels outside the HRA system, and providing housing for key workers in education and health. Councils are also setting up companies and trusts to provide temporary accommodation for the homeless.

The last group of motivations were associated with meeting social value objectives. Here local housing provision is being used to support local construction and professional businesses, increase the number of apprenticeships in skilled and professional jobs, and to support ex-offenders. Councils are also seeking to

develop their own sites in ways that are compliant with their planning policies and meet higher design standards. In Exeter, Bristol and North Kesteven, the councils are constructing homes that meet sustainable or Passivhaus standards. Nottingham City Homes has started to wrap existing homes to make them more sustainable, as part of a wider range of housing initiatives. In terms of funding, as in 2017, most local authorities are providing housing using their own resources, in particular by building on their own land. Funding through the Public Works Loan Board also remains important.

Funding and emerging practices

While finding an increased rate of companies being formed to provide housing and delivery through building under the Housing Revenue Account, we were also interested to understand in more detail how local authorities are organising to support this delivery. We found a number of changes since 2017. The first is the increase in the involvement of development surveyors with private sector experience. These were being accessed in a range of ways. Some were employing early retirees part-time; were sharing surveyors between councils; others were drawing down advice through their partnerships with the private sector in JVs or with HAs, although the latter relationships were not always reported as being successful.

Some councils, like South Lakeland DC, have a local surveyor employed by a West End firm, providing access to a wider range of skills and advice when required; now this advice is being offered to other neighbouring local authorities. All of this additional expertise is being used to negotiate viability assessments for planning applications; assess the council's own land holdings; advise on the council's own housing development; and negotiate clawback provisions that are now increasingly being inserted into s106 agreements as standard practice.

We also found some other emerging practices. Within local authorities, there is now a move to examine all the land owned by the council in detail, not just considering sites previously assessed as suitable for housing development. Some councils have found hundreds of sites that are now being reviewed by planners, architects and surveyors. While small sites

can cost more to develop, some councils are using modern methods of construction or trying to package up small sites, to be developed together to deal with these challenges. Croydon LBC has published a Supplementary Planning Document that helps with design, layout and density for smaller suburban redevelopment sites. Smaller sites can also be placed on a council's self-build register.

Some councils, like Bournemouth BC, has reviewed its surface car parks and has decided to build housing on over 20 of them, each in different partnership arrangements and retaining the parking provision at ground level. Some councils are going beyond this, by establishing integrated housing development teams for the whole council. These are bringing together housing, planning, surveying, finance, legal and highways professionals and their task is to deal with every housing site, regardless of which organisation is involved in its development. These teams are evolving something similar to a customer relationship management system that is the repository for all information, negotiations and consents relating to the site. In Doncaster and Plymouth, the councils have appointed single contact officers for each site, so that development is not delayed.

While councils are making progress in providing homes directly, some are purchasing existing stock from developers or HAs, such as Brent LBC and Tunbridge Wells BC. This housing might be new or being repurposed for temporary accommodation. Other councils are purchasing housing on the secondary market or Right to Buy properties, particularly where these purchases can support estate management efficiencies, or enable other development.

Challenges

There are, however, also challenges for authorities in trying again to provide housing. A minority of councils are not engaged, with some lacking political or senior officer support, and a number concerned about perceived risks (particularly related to funding). Some councils have closed down their housing companies and others have decided to keep them dormant for the time being. The expected impetus to reopen HRAs after the government removed the debt cap in 2018 has not occurred. While the

debt cap was cited as the biggest barrier to the provision of housing in the 2018 survey (which was undertaken just before this change), in practice the continuation of Right to Buy provisions for HRA housing has meant that councils are finding the other methods they are deploying might be more attractive means to engage in delivery. Councils are providing homes with social or living wage rents through cross subsidies in schemes. Although these do not provide the same security of tenure for tenants as HRA provision, councils are offering 5-year rolling tenancies.

There are other barriers to further development. In particular, there are concerns about the access to professional staff with experience. However, there was some anecdotal experience told at the roundtable discussions that having a more integrated housing team approach is more attractive in achieving the retention of specialists. In London, the Mayor has provided specific funding to help boroughs in relation to these skills challenges. Other

councils are citing their lack of land as a barrier to developing housing, but other councils are purchasing and building for both immediate, or long-term use, operating as patient investors. Finally, funding does remain a key issue in providing truly affordable housing, and even proactive councils struggle to meet the demand for this, if they are reliant on market housing to help fund it, but many are managing to increase provision despite such challenges.

Conclusions

We are continuing to see an evolving picture in relation to local authorities engaging in direct delivery of housing again. There are more local authorities engaging and more activity underway than when we previously surveyed in 2017. This has been an example of localism, and so the exact mix of motivations and means of delivery vary between authorities, who have come to this with differing objectives, levels of experience, and capacity.

Local authorities have a key role to play in providing housing to meet actual local need, and are likely to continue to develop skills and capacity in coming years, albeit there will be barriers and challenges along the way.



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PUBLIC SECTOR PROPERTY THOUGHTS

Public sector property after the virus – a reflection

Chris is Real estate Partner at Trowers & Hamblins. He specialises in large scale public sector regeneration and mixed use development projects. With over 20 years' experience, he is particularly noted for unlocking stalled developments. He works alongside commercial, surveying, financial and property teams to plan and prepare the structures and governance for large scale projects.

Chris has many years of experience working collaboratively with developers, senior officers, in-house lawyers, politicians and other professional advisers within the public, private and emergency sectors. With many large scale and politically sensitive projects to his name, Chris has established a national reputation within the regeneration market. He has helped clients on major property development projects, to devise commercial and risk mitigated structures and ongoing project management.

Chris has published many articles contributing to Lexis Nexis, The Encyclopedia of Local Authority Companies and Partnerships, The MJ and localgovernmentlawyer.com.

Chris gives readers some thoughts on how he thinks public sector property projects will emerge after this crisis. "I wonder if, after the current crisis, there will be a reflection on the need for people to work more closely, value contributions and be clearer about the collective need rather than those of individual entities."

Chris Plumley CPlumley@trowers.com

When I was originally asked to draft this article, it was before we knew the full extent of the disruption Covid-19 would have on our lives and the communities we serve. Clearly some sections of the property industry are going to be hit heavily, and we have already seen an impact on the investment, housing and retail sectors. This makes it all the more important that the public sector keeps going, and adapts rather than stalls projects during this crisis. So here are some of the early trends we are seeing, and some thoughts about what the picture might look like in the coming months.

Emergency shelter

Local authorities provide a critical front line service. We have seen a number of development projects, such as student accommodation blocks, be converted into temporary homeless shelters. People living in hostels are often in dormitory shared space. That creates a significant virus safety risk and so councils need to find single occupancy provision that is much safer and allows social distancing. As hotels and B&Bs aren't available to use, currently under-occupied, student accommodation can be a viable alternative.

Housing projects

The need for good quality and affordable

housing doesn't abate, and councils, housing associations and Combined Authorities are still pressing ahead with housing development projects. Whether these are procured schemes, or partnerships developed as non-contracting authority vehicles, the need for housing delivery goes on. Where projects are in the middle of competitive dialogues, for example, we are seeing them go ahead with virtual meetings, revised timings and an acknowledgement that bidders may be encountering staffing shortages. For non-procured schemes, I would expect a pause period while land values are reassessed, or while funders consolidate and take stock.

The government has moved to ensure that planning committees can continue to make decisions by way of virtual meetings. This will greatly help the development market to keep going and housing delivery targets stay on track. At the time of writing, the Secretary of State is still encouraging physical construction to continue.

Long term projects

Public sector place shaping, infrastructure building and large scale regeneration seems set to continue. Regeneration has always been a by-word for the public sector stepping in to address market failure. That kind of intervention requires a long-term view and a critical delivery path spread over years. Projects such as

UK Central Hub and HS2, housing delivery partnership, town centre developments, Town's Fund and Future High Streets Fund projects and large scale mixed use pre-development infrastructure projects will mainly proceed.

After the crisis

So why might the public sector emerge from this crisis differently to the private sector? Public sector property work is often counter-cyclical or market immune and here are some reasons for that.

- Public sector projects often benefit from and take advantage of patient funding streams. Unlike some purely private sector developers who need cash flow financial return, the public sector has the ability and sometimes necessity for long-term funding partners. This can be through private funding or local authority self-financing via the PWLB, Local Enterprise Partnerships, Combined Authorities, or the increasing number of central government funding pots
- Councils are increasingly looking for outputs other than financial. With the inevitable changes likely to come to the Green Book, councils are evaluating schemes differently. The social impact of schemes will become an ever more important part of projects. This in turn will encourage councils to look at models for inclusive growth, increased social capital and higher quality schemes than ones which have a purely appraisal driven design
- Councils' maintenance programmes are likely to be impacted. The requirement for maintenance continues, but contracting companies are showing increased level of sickness and furloughed staff. This means programmes are likely to become backed up. Where there are statutory obligations, councils should start planning now to meeting those obligations
- PWLB. The trend for councils using PWLB for commercial property investment has come under scrutiny from many viewpoints. Is it the right type of investment? Are the risk profiles understood? Is that a market

distortion and the right use of public sector money? Is it just a modern way to investment in place? Once we know the details of the Chancellor's proposed curtailment in this field, we will no doubt see new ways to use PWLB to keep that line of funding alive

- There has always been a potential tension of having short-term political cycles impact on long term property projects. The flagship scheme of one administration can so easily be brought down by opposition groups in marginal administrations. On the one hand, the impact of Brexit is still to be seen, so it will be some time before that properly influences local decision making. On the other hand, with local elections postponed and a period of more stable national government, we may see less political impact on deals
- Most Combined Authorities are also now firmly established and working well. This means major infrastructure and property projects should stay on track. The funding provided by CAs for many projects is already allocated and so that viability and land supply assistance will have a positive impact
- More consultation. This reflective period may see greater influence of local communities in development work. Already good quality developments benefit from early engagement with the impacted community. The evidence shows that where schemes are imposed, they perform less well than where collective wisdom around local needs are considered up front. This also links into the idea of development's profitability having time to mature. The public sector's response to large scale flooding may also heavily feature in such consultations
- There has been a move over recent years for increased commercialisation of councils. This initially meant a raft of new trading vehicles being set up, but not every council knew how best to use them. As that ideological change has evolved, some councils have developed good business models, so that the trading and partnering vehicles are producing longer term sustainable revenue. As revenue will be more important than capital, we will see more of these schemes

- Behaviour. Even before the crisis I had noticed a growing trend towards real collaboration in property transactions. I wonder if, after the current crisis, there will be a reflection on the need for people to work more closely, value contributions and be clearer about the collective need rather than those of individual entities. Better collaboration also makes better business sense and tends to lead to higher quality schemes.

So while the Covid-19 crisis has hit us all very hard, the public sector is likely to be at the forefront of the recovery period. As we emerge from home working and go back to something resembling normality, we might just dare to be optimistic about the road ahead.



Jon is Head of Sustainability at Avison Young. He has over 18 years of experience spanning corporate real estate strategic consulting, developing, managing and refurbishing buildings, often within large portfolios. Combining his skills and passions as both a chartered environmentalist and chartered surveyor, today he is head of sustainability for Avison Young's UK business.

Working with investors, banks, developers and occupiers, he provides strategic advice to help his clients lead the real estate sectors' transition to a zero carbon future and more socially responsible investment and operating model.

THE CLIMATE CRISIS

Our moral and commercial imperative to act

Jonathan Gibson Jonathan.Gibson@avisonyoung.com

Jon was a member of the Health and social value panel at ACES' National Conference in 2019. In a weak moment, he agreed to expand his contribution on the panel into an article about public sector responsibilities towards climate change. "I can't think of a better profession to lead the drive to achieve the ultimate goal with the ultimate reward - the survival of society."

Change ahead

We have begun the most important decade of our times. Human-induced climate change poses an existential threat to our survival. Society is calling on all areas of business and government to act. This sounds like the start of a George Orwell novel, but it is actually happening! This societal pressure has seen a widespread moral imperative introduced into boardrooms, combining with the business imperative to act. This is further exacerbated through a heightened sense of emergency, delivered through heart-breaking coverage of 'natural' disasters everywhere from the Arctic to Australia, firmly shaping the narrative that now is the time to take action. Throw into the mix a planet on high alert with global emergency measures to protect its people and there's a sense that our entire ecosystem is more at risk than ever before.

If we set aside the Covid-19 pandemic for a moment (admittedly a rather large ask at this time), 2020 has brought with it a major step change in business and public sector outlook towards greenhouse gas emissions and the need to act. After a decade of trying to bring climate change to people's attention, I am relieved to say that the 'awareness raising mission', thank you Greta, Sir David Attenborough, and to some extent Extinction Rebellion, has been largely accomplished. As a result, public sector organisations are

anxious to know what steps they need to take and how they can elicit change.

By now, it is commonly known that the built environment accounts for 40% of global carbon emissions. In light of this, we are at the start of a radical transformation in the way we plan, design, build and operate buildings. Many organisations are asking what side of history they want to be on, and taking leadership positions with ambitious targets to decarbonise their organisations over the next decade. The 2020s will be a crucial decade of delivery and a critical success factor for anyone involved in delivering a low carbon future. There will be winners and losers, with reputations on the line in the face of increased public and investor scrutiny.

In the UK, the response was spearheaded by the government, committing in July 2019, to a net zero greenhouse gas emissions target by 2050. This was enshrined in UK law, following unequivocal cross-party support. However, many organisations are not hanging around for any ensuing national regulations as cities, councils, investors and consumers are the overriding drivers of stronger and more urgent change, setting ambitious net zero targets to be met from 2030 onwards.

So what is changing and how can we as profession deliver a net zero carbon future?

Councils declare a climate emergency

How seriously are local authorities taking this crisis? At the time of writing, 274 of 408 (67%) district, county, unitary and metropolitan councils have declared a Climate Emergency, including 8 Combined Authorities and City Regions. In declaring a climate emergency, councils are taking decisive action to avert man made climate change, assigning priority to the situation, and generating a mindset of urgency. Examples of action include requirements to meet future homes standards, demanding higher Part L energy conservation standards, energy efficiency programmes, and retrofitting existing buildings with improvements in lighting or insulation. Beyond buildings, councils are working with their value chains to improve the carbon intensity of goods and services procured by the organisation, and invest in improved public transport or electric car charging points. Pension funds are divesting from fossil fuels and sourcing carbon finance into mitigation or offsetting schemes, and last and by no means least, promotion and advocacy for a zero carbon future.

Avison Young (AY) has delivered scoping exercises, workshops and net zero strategies to both public and private sector clients, who are all facing the same challenges with their portfolio of buildings – how do they deliver on commitments and objectives to become net zero carbon? There are several common threads to the action taken by each organisation, all requiring a strategic approach to this issue. These actions can take a number of initial workstreams, shown here in order:

Defining boundaries and scopes – What is the scope of the council's net zero carbon target? Council operations - policy leaders e.g. planning policy and standards; existing buildings e.g. private homeowners and non-domestic buildings. Does this include operational carbon only? Or embodied carbon in materials and manufacturing processes? What about travel and supply chain emissions? Buildings, transport and power represent the lion's share of any jurisdiction's emissions and are a central pillar to any strategy.

Developing a strategic plan – What needs to be prioritised first? How can the problem be broken down into more manageable tasks? How quickly and by

what date do you need to decarbonise? Where are the easy wins, which are the more challenging hard to reach areas to decarbonise? How much will it cost and where is investment required the most? How will the strategy be governed? Are the delivery teams sufficiently resourced and trained in carbon literacy to deliver the strategy?

Creating a net zero pathway – Probably the most challenging aspect. As part of creating a strategic plan, local authorities need to calculate at what rate to decarbonise, agree on which interventions need to be made and by when, with interim targets to meet along the pathway. Targets will vary, depending on the carbon intensity of each sector of the local economy, and the degree to which the council has control or influence over the outcome.

Monitoring and reporting – Ensure any target is based on reliable and verified data. Disclose CO2 target performance on an annual basis, explain any deviations away from alignment with the net zero carbon pathway, and explain what actions will be taken in the following period. Ensure the target is in line with the science to avoid the climate crisis. Consider aligning targets with a net zero carbon standard or framework.

AY has a unique perspective on this, having set ourselves the same challenge and signed up to the World Green Building Council's Net Zero Carbon Buildings Commitment, which Avison Young UK has promised to deliver by 2030. This enables us to pinpoint bespoke strategies for individual organisations, based on their requirements and asset holdings, with the understanding that there is no 'one size fits all' approach, despite having the same overarching goal (albeit on different timeframes).

Decarbonisation strategies have to be manageable and realistic, which for most organisations means the earlier their needs are assessed, the easier it is to deliver the requirements and generally, the more cost-effective these will be, with expenditure sequenced over a longer timeframe. Energy efficiency upgrades often translate into a cost saving which can have a real impact on the bottom line. In some cases, additional revenue streams can be identified through renewable energy generation, or demand side response and energy optimisation

tools. So it is important to understand the range of options on the table, particularly as technology improves and efficiencies increase. Furthermore, as we shall see, an increasing number of lenders are starting to back green initiatives to support energy retrofit, heat decarbonisation, and installation of renewable energy.

Finance joins the zero carbon race

Every day there is a new story about councils, investors, pension funds, banks, or businesses, committing to setting zero carbon targets. The ability of the finance industry to mobilise and deploy capital to help this transformation is staggering in scale. The Net Zero Asset Owner Alliance, which includes members such as CDPQ, Zurich, Swiss Re, AVIVA and Allianz (representing \$4 trillion assets under management) have committed to make their investments zero carbon by 2050. Banks, RBS, Lloyds, and other lenders and insurers are going way beyond compliance.

The insurance industry sees climate risk as investment risk, and as Larry Fink said in his 2020 letter to CEOs at the start of the year, they are pricing the future now. Fink clearly sees the risks, with Blackrock (the world's largest fund manager) putting sustainability front and centre in its standard for investing in companies. The sheer influence Blackrock exerts on global investment markets will likely lead to a step-change in strategy, and a race to avoid holding investments with 'stranded asset' potential. Property is highly likely to follow the same path. Green premiums are being replaced by brown discounts, and we may see that current circumstances exacerbate this further, as the industry returns to a new 'normal' in a post-coronavirus world, whenever that may be.

Occupiers demand zero carbon buildings

Business is taking note: RBS (now Natwest Group) has committed to target net zero carbon, not only in its operations, but setting stringent rules to drive its own clients' fight against climate change. As part of this strategy, new CEO Alison Rose announced that RBS will "stop lending and offering underwriting services to major oil and gas producers that do not have credible transition plans in line with Paris climate agreement targets, which aim to limit

global heating to below 2 degrees". RBS also pledges to fully phase out coal financing by 2030, and is aiming to "at least halve" the climate impact of its lending activity by the end of the decade.

Microsoft, has established a huge net zero carbon goal for its business with its setting of "The Moonshot". This involves a target to become zero carbon in operation by 2030, but beyond that, Microsoft plans to account for all the carbon emitted from its business operations since it was founded in 1975! Huge ambition! This will have an immediate influence on the offices they choose to lease and the design of their workplaces and datacentres.

On a note of caution, we wait to see the longer term fallout from the Coronavirus and the government spending that has rightfully been deployed to save lives in the UK. In addition, there have been

a number of drops in the REIT market, not entirely due to Coronavirus, but certainly exacerbated by it. Now is the time to prove the business case for action; this certainly makes the challenge slightly larger, as resources are stretched potentially beyond even the extent seen following the last recession. There will no doubt be a temptation to attempt to rationalise once the Coronavirus threat subsides, and for business to adopt a more short-term approach while it rebuilds its reserves. However, we owe it to the planet, each other and our future generations to be mindful of the commitments made and the actions we must collectively take, in spite of and not instead of, all the challenges we face.

Over the past 12 months, AY's Sustainability team has been working collaboratively with public sector

clients on zero carbon strategies. From advising central government, city and local authority clients on making sense of ambitious net zero carbon targets, to consulting on low carbon measures for new build projects or existing building retrofits. Our work with industry networks such as the UK Green Building Council and the Better Buildings Partnership has enabled us to develop and shape emerging industry best practice; both have published excellent guides on net zero carbon strategies and frameworks.

In conclusion, there is a lot of work to do and we can't do it alone. We all have the opportunity to drive the change towards a zero carbon future. I can't think of a better profession to lead the drive to achieve the ultimate goal with the ultimate reward - the survival of society.



COUNTY FARMS

Reviving county farms: public land for public good

Graeme Willis GraemeW@cpre.org.uk

Graeme has worked as a rural policy campaigner at CPRE national charity in London since 2006 and as agricultural lead since 2019. He represents CPRE on Defra's Rural Development Programme for England monitoring committee, and Environmental Land Management Scheme stakeholder group. He previously worked at PriceWaterhouse Coopers and as a senior lecturer/tutor at Anglia Ruskin and Essex universities. He completed a Masters in Environment, Science and Society at Essex in 2004. He grew up in Cheshire, working frequently on family farms.

Avid watchers of Countryfile in December have seen the feature on CPRE's research into the importance of county farms, at a time when many county councils were increasingly involved in disposal of all or some of their estates. Graeme outlines that research and emphasises its importance, together with the next steps to recognise the value of these assets to the wider community.

Introduction

These are momentous times. Our attention is devoted to the challenges of the day to day, from the mundane to the existential. Public and private life have been pared down by Coronavirus. At this juncture, it is indeed harder to think beyond the here and now.

Yet, until the emergence of Covid 19, debate about critical longer term issues like climate change or global heating had been finally breaking through onto the airwaves - because of deadly wildfires in the US and Australia, disastrous flooding in the UK and to be fair, the activities of Extinction Rebellion. Likewise farming had against type become a core news item,

as the UK move out of the EU presages the end of the Common Agricultural Policy (CAP), of its funding mechanisms and the common trade barriers, tariffs and standards that go with it. To those like me working on what feel like grave agricultural/environmental issues, the attention was welcome, if overdue.

Somewhat ironically, one immediate existential crisis has displaced another and, with the level of public and personal threat it represents, environmental non-governmental organisations face a dilemma: can we raise issues which remain important and urgent as people face economic and, for some, extreme personal crisis? There's a good case to make that this is a false dilemma. During this pandemic, questions are already being asked about our readiness for such an event. There will also surely be much more reflection on the wider priorities of government, of our preparedness for crisis and disaster, and the need to plan to avoid and reduce foreseeable risks over the longer term. If we fail to do this, then we are condemned to relive the failures of our past short termism. But there's a very real need to plan for a better future as an act of hope; and we desperately need that. These arguments give me reassurance that continuing to discuss farming – and more specifically county farms and their future – can in these parlous times be justified.

Policy context

In policy terms, the debate on the future of farming and wider land use has remained live. Withdrawal from the EU requires a new post-CAP agricultural policy, and requires Parliament to give ministers the powers to deliver it. The 2018 Agriculture Bill was lost at the general election but has returned, and is progressing in modified form through the House of Commons. It is still expected to become law by the end of the summer. This will reset how farmers and land managers are supported. It will remove direct payments farmers receive by land holding (Basic Payments Scheme (BPS)) and bring in a new national Environmental Land Management Scheme (ELMS) to reward farmers, foresters and other land managers for delivering a raft of 'public goods'. Defra has just begun to consult widely on the design of the scheme [1]. These 'public goods' will include public access, storing carbon, improving water quality, creating new habitats, as well

as payment for fundamental land use change to restore wetlands, peatlands, and plant trees on a scale not seen since the 1970s and 80s. The ELMS continues to be developed with 'tests and trials' already occurring on aspects of environmental land management; national piloting is planned for 2021 and roll out across England is set for late 2024.

From 2021, the amount farmers can draw down in area-based support from the BPS will be reduced (at the time of writing, but this could well be deferred to 2022) and leading to complete phase out by 2027. This means, in broad terms, that the direction of public policy for farming – and wider land use – has shifted fundamentally, and perhaps irreversibly, towards delivering public goods for public money, to producing food in an environmentally sustainable way, and to using land to lock up carbon to help reduce the severity of climate change. There will also be measures to improve farming productivity and to ensure food security is supported.

Farms on average are reliant for the majority of their income on direct payments from BPS. Some sectors make little or no profit from agriculture, for example, mixed, grazing livestock and cereal farming for the 3 years 2015 to 2018 [2]. What life will look like as BPS is reduced is hard to fathom, given the remaining uncertainties around how ELMS will operate and the potential competition from trade deals. The changes authorised by the Agriculture Act will take time but even so, farmers need to plan for years ahead for their cropping rotation and stocking levels, so are already considering what this means for them, their land, and their livelihoods. With a third of all farms tenanted, landlords will be taking note.

Also recently published is the new policy paper titled more prosaically *'Farming for the future'*, which updates the 2018 *'Health and harmony'* consultation and policy papers [3]. It sets out the broad structure of policy change ahead, mostly covering ELMs and public money for public goods, and the transition from BPS. Notably, there are measures to attract 'new talent' and entrants to farming via investment in providing new tenancy opportunities. This takes the form of an offer of 'funding to councils with County Farm estates, landowners and other organisations who want to invest in creating new opportunities for new-entrant farmers'. Defra indicates there'll be an application

process – with a limited pot, we assume a competitive one – to establish how the landlord will increase the number of holdings for new tenants through 'estate planning and reorganisation activities, or as part of other investments'.

This is wholly welcome. It commits government to measures talked about for some time by the previous and current Defra Secretaries of State, at debates in Westminster and at Environment, Food and Rural Affairs select committee. In a follow up letter to the committee, the government stated it wanted to support county farms and that they were also considering supporting new starter units for peri-urban land, for horticulture, for community and cooperative approaches, and for councils which aren't currently smallholding authorities. We hope these may all still be in the minister, George Eustice's mind, but these are early days and policy detail is generally lacking. There is certainly no indication of when funds will be offered, how much will be available, or how many new tenancies might be created. It's a step forward and, thinking positively, the lack of detail means there should be an opportunity to engage with Defra and to help shape its ambitions for this funding.

CPRE's research and 'Reviving county farms' report

All of this is of great interest to CPRE, which repurposed in 2019 with a new strategy and vision, to campaign to promote, enhance and protect the countryside for everyone's benefit, wherever they live. As part of this vision, we are seeking to promote rural life and to achieve positive progress for the countryside and those who live in it. We want to see new and sustainable models of farming and better environmental land management that supports a thriving rural economy and a low carbon countryside. This also means promoting the rural infrastructure and services that can support local communities and healthy living. We believe local authorities have a primary role in delivering this agenda but we also believe, though less acknowledged, in the potential for them to do this through their land holdings, especially their county farms.

CPRE's interest goes back to at least 2016 when we set out a post-Brexit model for agriculture in *'New model'*

farming' [4]. It proposes diversity for resilience; county farms to be reinvigorated as incubators for new producers; agroforestry to protect soils. Our 'Uncertain Harvest' report in 2017 case studied councils investing in their estates to extend opportunities to new entrants and progressing farmers [5]. That report expressed optimism about the potential of county farms, an optimism we retain.

With a continued focus on supporting the diversity of the farming sector, the opportunity arose to work with the New Economics Foundation (NEF), Shared Assets, and Guy Shrubsole (of 'Who Owns England?'). In early 2019 CPRE commissioned these partners to carry out a short piece of research to: explore the extent and geography of the county farm estate in England; and to survey and interview local authorities, to understand their current and future plans for their county farms, and any social and environmental value they deliver.

Underpinning this work were shared concerns that the national county farm estate has declined in extent for over 40 years, and continues to do so. The public we sense know little about the existence or loss of county farms; nor perhaps do most national policy makers, with honourable exceptions. For instance, despite annual reports to Parliament on smallholdings authorities, these aren't formally debated in Westminster. The last significant public report about the role and future of county farms was by Sir Don Curry in November 2008 [Ed – ACES was involved in this].

In the current climate, it seems opportune and necessary to review the status of county farms and to rethink their role. If the slogan of 'public money for public goods' has successfully shaped this major policy shift, then how public land can deliver public goods has become a more compelling question.

The research team analysed the available annual reports to Parliament of the 53 smallholdings authorities in England and cross-referenced these to council websites; an on-line survey was undertaken of these councils, with 9 responses (17% response rate), followed up by confidential interviews with officers from 2 local authorities. Seven of the 9 respondents were from councils planning to retain their estates, one planning to sell and one under review. The findings were drawn together with a range of recommendations

for legislative and policy change to feed into shaping the Agriculture Bill, now brought forward in modified form. They were published by CPRE as 'Reviving county farms' in December 2019 [6].

Readers are encouraged to download the full report for detail, but the key findings are:

- The size of England's county farm estate (based on let area) has fallen by over 15,600 acres/6,350 ha (2010-2018) – a decline of 7% - with around 75% of small-holding authorities selling parts of their estate since 2010
- A majority of this land (58%) was sold in the 2 years from 2016-2018, particularly in 2 counties
- Austerity is driving sales of land, together with a sense that county farms are a 'thing of the past' and an unwillingness by some councils to develop new income streams or business models
- A quarter of councils have expanded their estates, some significantly; some are taking very different approaches - viewing them as vital public assets giving opportunities for new and existing tenants, as well as an income source for the council, and delivering a range of social and environmental benefits; these include helping councils to address the climate emergency and deliver tangible benefits to local communities through care farming to support vulnerable people, extensive tree planting, and education trips for local schoolchildren.

The report's 3 main recommendations follow on from and reinforce Sir Don Curry's views that county farms are '*an important, strategic, national asset that should be retained*', a '*crucial entry point for new entrants to farming*' and that local authorities '*should make greater effort to develop the wider benefits that their land holding could provide*' [7]. Our report recommends:

- better protection for the future of the national farm estate, by legislating for a ministerial lock on their disposal and linking disposal to a rejuvenated purpose statement; this could be misread as blocking judicious disposal of assets but, as

further recommendations make clear, should follow an acre for acre policy, to combine flexibility with maintaining the overall integrity of the estate, indeed as Gloucestershire and Norfolk councils have long practised

- national government bringing forward measures and funding to enable councils to enhance their estates, including relaxed borrowing constraints and grant aid for investment in and acquiring new farms and land, and to offer wider business support
- stronger promotion of county farms by councils for their role, value and potential to address the climate and ecological emergencies, and to enable them to deliver wider public benefits to meet the needs of local communities; this includes supporting take up of the new ELMS, increasing public access, and building local food supply.

Next steps

The report has been well publicised and received. It was covered nationally. Senior politicians have cited the research during Agriculture Bill debates and Bill Committee scrutiny. The policy change called for in our recommendations is now a government commitment. If the report helped progress that we could be well pleased, but much credit goes to the long-standing engagement by the Tenant Farmers Association, ACES and others. Lastly, the report has fostered new contacts and prospects for working more closely with parliamentarians, the County Councils Network, ACES' rural representatives, individual authorities and their estates managers and tenants.

We recognise the need for broader collaboration and hope much will follow. The opportunity is there: the 2019 work enabled CPRE, NEF and Shared Assets to secure funding for a second more ambitious project. This began in February 2020, and lockdown notwithstanding, should run to early 2021, with 3 main strands of work.

Firstly, we plan to build a stronger evidence base of the role of county farms and their relationship to their local areas. This will include developing a framework for assessing their value in achieving public benefits and exploring the challenges and opportunities to do this. We plan to analyse strategies and plans for county

farm estates and, drawing on best practice for their management, set out what their future could be, for enabling a wider range of public benefits to be delivered locally such as reducing the risks of climate change, delivering local economic resilience through sustainable farming jobs, increasing public access to nature and wildlife, and production of high quality, affordable produce.

A second element recognises that sales of farms might continue. It aims to explore different models of public or community ownership and management, and how they could be applied to retain land for the public good and deliver wider public services, encourage new entrants into the sector, and support new approaches to farming and growing. We will explore the pros and cons of different models and their scalability, and seek to work with local authorities to test their potential for take-up, and to co-create a vision for the future of county farms.

Thirdly, we will continue to advocate for policy change at the national level, to better support county farm estates and investment in them. We believe holding the debate remains an important marker directly to shape future policy, but also to build understanding and consensus on the public value of county farms. We hope to work with Defra, councils, tenants, and prospective new entrants, to help shape delivery of the new funding. Ideally, this will lead to collaboration with beacon councils, to understand and shape their thinking about the plans and strategies for their estates, and commitments to invest in them.

Conclusion

The plans we have for taking this work further forward were already ambitious. Getting the project underway brings us right back to the difficult times we share, to the challenges of working in a lockdown, and coping with a situation beyond all of our experiences.

This isn't ideal but we hope still to collaborate to show to a wider audience the valuable work being done by councils and tenants; to build sectoral and public policy support for county farms, and to explore imaginatively how they can be helped to flourish. Ultimately, we want to examine what works and why, and share that knowledge.

It is clear that when we emerge from this crisis many things will change in ways that

are unpredictable, but it's also clear that farming going forward will be operating in a very new policy context, and one where producing food will go hand in hand with (and be rewarded for) delivering multiple other public benefits. County farms have real potential to induct new waves of farmers in this new reality of farming sustainably, both environmentally and for them financially.

We urge readers to get in touch and to work with us to ensure future generations of farmers – and local communities you serve – continue to benefit from these valuable assets.

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MARK WALTERS
Director
+44 (0) 7894 607 915
mwalters@lsh.co.uk

HARRY GOLDSMID
Associate Director
+44 (0) 7720 497 340
hgoldsamid@lsh.co.uk

lsh.co.uk

BLOCKCHAIN

The new frontier!

James Kavanagh jkavanagh@rics.org

James is Global Director, Land Group, RICS

RICS recently published an insight paper entitled 'Blockchain – an emerging opportunity for surveyors?': <https://www.rics.org/uk/news-insight/research/insights/blockchain--an-emerging-opportunity-for-surveyors/>

My thanks to James Kavanagh and Tony Mulhall, both professional group leads for this paper, who kindly agreed to write this article for ACES.

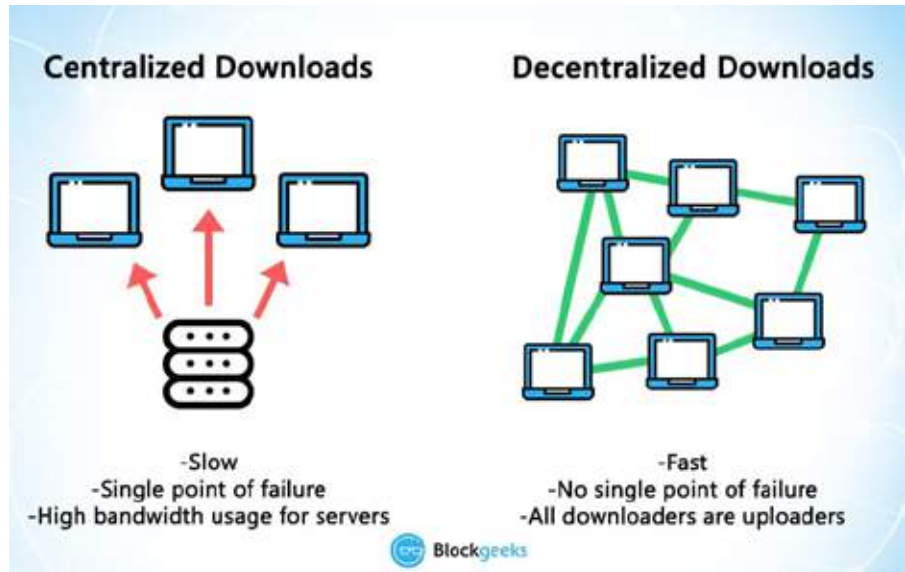
A question mark

The question mark in the paper's title is deliberate because as RICS President, Tim Neal, stated in his foreword, 'a fundamental question still arises whenever professionals encounter new technological developments: how can we distinguish between the hopes of an enthusiastic technical community and the realisable long-term benefits that a given technology can unlock, at an affordable cost.'

The paper has been endorsed by FIG, the International Federation of Surveyors, underlining the interest in this area among the global surveying profession. The intention is to explore the implications of this new technology for surveying and surveyors. It introduces readers to the basic elements of the technology and explores the range of potential applications in the land, property, construction, and the built environment sectors more broadly.

Blockchain came to prominence as the digital architecture underpinning Bitcoin and other crypto currencies that blossomed following the financial crash of 2008. It soon found potential applications in other fields, including a wide range of sectors in which RICS members and RICS-regulated firms operate. Some people speak of blockchain as having the same transformational capabilities as the internet. Others have been more cautious.

The author Nigel Mehdi, an academic, surveyor and practitioner, has been providing training in Dubai, where the Dubai Land Authority has now incorporated blockchain into its land registry system. In addition to the examples provided in the insight paper, RICS will shortly publish a paper focusing on the application of blockchain technology to the real estate sector 'Distributed ledger technology and its application in real estate'.



Fundamentals

Fundamentally blockchain is a digitally based ledger or record of transactions. Its main distinguishing feature, from other forms of ledgers, is that it does not require a central holder of the ledger. So, it is not dependent on a third party. Parties to a transaction do not need to rely on the presence of a third party to validate the transaction. Eliminating the third party in transactions was one of the objectives of the technology. In particular, in the aftermath of the financial crisis with the loss of trust in the financial system, removing the bank as intermediary in financial transactions was its intention.

Dis-intermediation, or removal of the middle-man, is still promoted as one of the technologies' unique selling points. Professionals who act in the middle of a transaction must surely have an interest in a technology which promises the removal of intermediaries, if only in the interest of self-preservation. The second major characteristic of blockchain technology is

that the transaction record is indelible, it cannot be digitally wiped out. Thirdly it is not stored in a single place: it is distributed throughout the network and retrievable through the network.

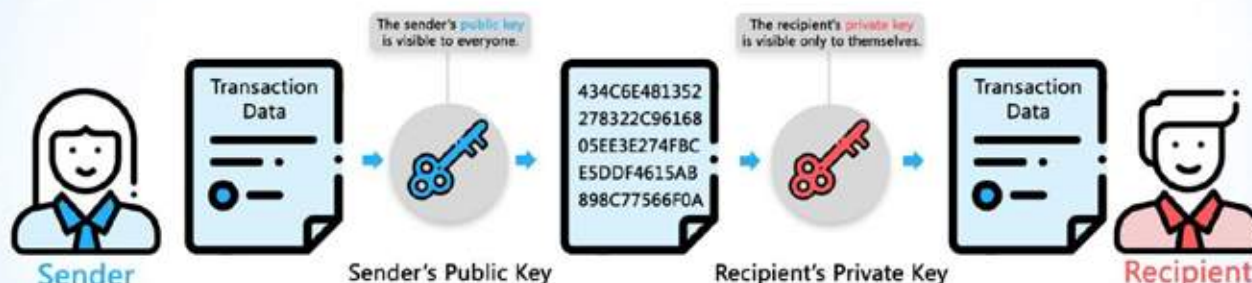
Transaction records are part of the defining infrastructure of our economic and legal system, and they make the construction and management of real estate possible. Transaction registries or ledgers are an essential feature of the real estate industry, underpinning everything from the ownership of private property, to the day-to-day management of buildings and the built environment.

These records are kept and managed by a central authority, such as a bank, for day-to-day financial transactions or a central land registry. This gives all users of the record systems confidence in the accuracy of the records, and serves to protect the assets that are recorded in the central ledger of the record system. But this could all change as a result of blockchain.

The purpose of blockchain is to provide a distributed ledger that can record

Public-Key Cryptography

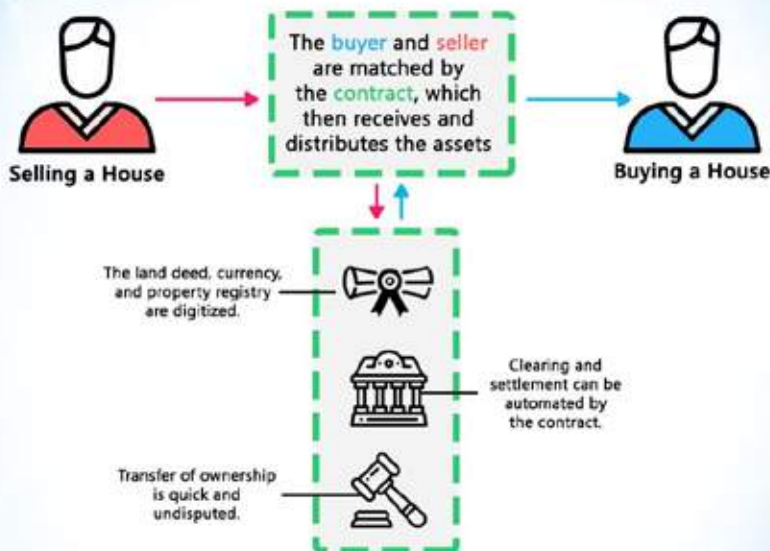
1 Plain Text 2 Encryption 3 Cipher Text 4 Decryption 5 Plain Text



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complete transaction history that is stored by that particular record keeping system. The blockchain can be added to but not edited, making it a trustworthy record of transactions and activity.

Disruptive technology

Blockchain is a disruptive innovation that could have a far-reaching impact on the wider economy and all sectors of government and industry. Disruptive innovations create new markets, new value chains and new business models, which eventually displace existing ones in the process. Disruptive innovation is typically technology driven and is often the domain of pioneering start-up businesses. They usually take advantage of low value or new markets, moving into the higher value end as the business becomes increasingly successful.

The most well-established blockchain implementations have been used for cryptocurrencies, such as Bitcoin and Ethereum. The decentralised structure of a blockchain distributed ledger has the benefit of efficiency, compared to conventional centralised systems; transaction costs are lower but need to be weighed up against the infrastructure costs, both for setting up the blockchain ledger, and for maintaining it. If these costs are amortised across the life cycle and reflected in the transaction costs, the overall costs may be as high as a conventional ledger system.

If feasible over the long term, the real estate sector and construction

transactions between 2 parties in a verifiable and permanent way, and does not rely on a trusted central authority for authentication or custody of the records. This is described as a 'trustless' environment. It refers to the absence of a central validating authority, not the absence of trust between the participants.

It is advocated as a modern approach to maintaining these records that is digital, immutable, transparent, decentralised, frictionless and immediate. Although still in its infancy, blockchain technology is moving steadily into the mainstream; over the next 2 decades, it could change the underlying mechanism of how professional

services are delivered, and how real estate and construction sectors are transacted.

How it fits together

Blockchain is a record-keeping technology that enables a growing list of records to be kept in a digital ledger. The ledger is made up of individual blocks storing transactional data. These blocks are linked using encrypted data to form a chain, with each block linked to the preceding block in the chain. Encrypted messages must be decrypted before reading, using a key to decode the data. When people refer to 'a blockchain', they are often referring to the

industry can take advantage of the low transaction costs and the fast execution speeds of a blockchain ledger. The implications are wide ranging, and could include the registration of land titles, day-to-day transaction records, contract administration, supply chain management, building management and many other areas of practice.

Blockchain has grown out of the financial services industry. But real estate is not finance. Unlike homogenous and incorporeal financial assets, real estate interests are represented by heterogeneous corporeal assets, and the physical nature of the built environment will lessen the full impact of blockchain as a technology. Many applications of

blockchain that are vaunted as bringing transformational change for real estate and the built environment will face limitations caused by the need to inspect, catalogue and record information about a tangible physical asset, each with unique characteristics that may only be identifiable by a site inspection.

The paper explains the difference between decentralised and centralised networks, and defines the different types of blockchain from open blockchains to private blockchains, permissioned blockchains and a variety of hybrid versions.

A key component of the technology is the 'smart contract'. Smart contracts execute themselves autonomously when certain conditions are met, according

to prescribed rules. These may be one of the most significant innovations in blockchain systems.

The insight paper also provides a number of examples of the application of block chain in the various sectors surveyors work in, from real estate and construction, to land.

As with all new technologies there are risks and these are reviewed under a number of headings in the closing sections of the paper. As with any emerging innovation, blockchain suffers from boosterism by blockchain evangelists, engineers and early adopters of the technology. The question is how likely are today's professional firms and other industry players to take advantage of the opportunity that blockchain represents?



ASSET STRATEGIES

Execution of your asset strategy - My top 10 challenges you need to overcome

Chris Brain FRICS chris@chrisbrainassociates.com

This is the second part of Chris' comprehensive article on the 'top 10 challenges' that face both asset managers and organisations which are attempting to implement an asset strategy. The first 4 challenges appeared in 2019/20 Winter Terrier. Challenges 6-10 are explained here.

Resume

In conversation after conversation, the execution of a carefully developed asset strategy comes in as a key problem that evades many local authority asset managers that I talk with. Many acknowledge that they can't seem to get it right. It's one thing to design an asset strategy, and quite another to get it operating at all levels of the organisation.

There are a number of challenges that face both asset managers and organisations that are attempting to implement an asset strategy. If the execution of your asset strategy is faltering, then you might find that one or more of my 'top 10 challenges' is

a cause. Any one of them could prevent the execution of your asset strategy.

Challenges 1-4 were:

- The big prize – keep focused on the agreed main target and the key people to deliver it; don't get distracted by immediate issues
- No strategy at all – an agreed set of clear choices achievable each year
- Depth versus length – have a punchy, direct asset strategy highlighting what we are going to do now
- Call to action – have clear and defined actions: agility combined with strategy.

Chris spent nearly 25 years working in local government, involved in estate management, landlord & tenant work and latterly CCT, best value and strategic asset management. Having moved on to CIPFA in 2003, Chris has been delivering property consultancy and training across the public sector. In 2019, Chris established his own consultancy, Chris Brain Associates, and he continues to support the public sector with property consultancy and training throughout the UK, in strategic asset management, organisational efficiency and asset valuation.

Challenge 5: Engaging narrative

One common big gap between strategy and execution is in the narrative around the strategy. The strategy itself may be sound, but what matters for execution isn't what is said but what is heard.

Strategy is inherently about creating something new or getting somewhere new. But the way humans are wired, it's difficult to process something that is completely unrelated to what we already know; not only that some people are very nervous of change.

A good narrative helps people move from the past to the future. Steve Jobs's genius in announcing the iPhone was explaining it as 3 devices: a touchscreen iPod, a new kind of phone, and an internet communicator. He built a conceptual "horseless carriage" — a bridge between the old and the new. You need to think in these terms with the narrative around your asset strategy.

Challenge 6: The Ikea effect

When everyone in an organisation feels empowered to make decisions that can influence change, it creates a palpable energy: people tend to work harder, offer more ideas, and become far more invested in the process.

If every activity is the result of a command from on high, the organisation runs the risk of sucking all the energy out of the room. But the flip side can be myriad groups of enthusiastic change agents dashing off in multiple, uncoordinated directions. The very nature of strategy objectives works against their execution. They're developed at the organisation level but implementing them involves individuals across a number of service departments.

This requires very careful management to get the balance right. A good asset strategy will have at its heart the Big Prize discussed in the previous article. But this should not constrain those charged with its achievement into the way that achievement should be secured. There needs to be clear direction, but within that, freedom of movement and flexibility that taps into innovation at all levels.

There is an important connection between participation and ownership. In a phenomenon dubbed "the Ikea effect," researchers have found that people preferred things they helped make to things that were preassembled, even if their creations were of lower quality.

What applies to furniture also applies to asset strategy.

Often stakeholders are kept out of the strategy process out of concern that they will slow things down or compromise the quality of the outcome. But this is a short-sighted view. By involving stakeholders earlier, you give them a sense of ownership that speeds things up when it comes time for execution. When decision fall to be made, if those making the decisions were active contributors to the strategy development, they are far more likely to follow the strategic direction set. It is far more likely the asset strategy will stick to its flight plan, because those responsible for its execution will have a stake in defending it.

Challenge 7: Prize versus targets

We've all heard the saying "what gets measured, gets done." Well, it's not quite right. Numbers are important, no doubt. They certainly help to attract people's scrutiny, and they should be employed in any evaluation of your asset strategy. But what we really respond to is attention from other people — especially if that attention comes from those above and around us. The hierarchical structure of organisations dictates this.

As mentioned earlier, a vision of an inspirational Big Prize is essential for getting people to commit to change — a simple narrative that articulates not only why change is necessary but also what life will look and feel like once change is successfully implemented.

However, aggressive "mid-state" targets are also required to provide direction and to challenge people to give their all. An inspiring "prize" without challenging targets will see people going along with your strategy initially. But without a route map that tells you and them whether or not you are the correct course, that is not only inefficient, but quite likely to see you not delivering your asset strategy. At various points along the way, people will start to question why they are doing what they are doing. People need a constant reminder of not only what the "prize" is, but how close you are to it.

It is true, though, that you only measure what you can see. And your mental models determine what is visible or invisible. I consistently see measurement as an afterthought in asset strategy development.

It is vital to assign someone in

authority to be the person or body that will call strategic objective owners to account by regularly inquiring about execution progress.

Challenge 8: Capability versus results

Many asset strategies call for significant changes in the ways an organisation works, which raises questions of whether the organisation needs to develop new capabilities. But the pressure on the asset strategy to deliver immediate results is often so intense that an organisation may be forced to forge ahead within its existing capabilities.

This is a dangerous thing for any asset strategy. It can inhibit the execution of the strategy, result in sub-optimal performance or delivery, create wider financial, operational or political risks, and trigger calls for an unnecessary change in strategy direction. It is so easy for people to become critical of the strategy itself, when in truth the strategy is sound, but the organisational capabilities were not strengthened when the strategy was developed, and it is that which is failing the execution of the strategy.

Asset strategies are nothing if not about change. And a change in strategy often means a required change to capabilities.

Challenge 9: How you think

It's not what you think. It's how you think.

The thinking styles of the people who create strategy are often different from the people who implement it. You will often find that asset strategy is usually developed by people who have a big-picture orientation, while execution is often done by those with a detail orientation. Furthermore, asset strategy is usually done by people who are focused on ideas and connections, while implementation is done by those who focus on process and action.

This difference in thinking styles creates a problem when asset strategy turns into execution. Those who create the asset strategy are often thinking about the destination, particularly the opportunity and intended outcomes. Meanwhile, those responsible for implementation are thinking about the realities of what it will take to get there.

When the asset strategy is presented, implementers naturally begin to ask questions about risks and roadblocks

— a natural consequence of having a detail-oriented thinking style. But to asset strategists who are focused on the big picture, this can sometimes feel like resistance or obstinacy. They fail to understand why the implementers don't see the brilliance of their asset strategy. So, they get defensive and begin working on overcoming the "resistance."

This conflict in thinking styles is not to be underestimated. I see it regularly impacting negatively on strategy execution. It is understandable once you look out for it. It could be the property maintenance team undertaking repairs, or capital works to buildings that are actually scheduled for closure, demolition or disposal, or the estate manager that ploughs on with lease renewals even though the asset is going to be needed for another purpose. It could be the capital programme manager that adopts a capital programme that is influenced entirely around technical maintenance need rather than strategic outcomes.

There are ways to counter this difference in thinking, but you need firstly to be aware that it could exist, be able to identify it in your organisation, and work at changing the way people think.

Challenge 10: The asset management habit

As seen above, your organisation's biggest strategic challenge isn't strategic thinking — it's strategic acting.

However hard it is to devise a solid asset strategy, it's ten times harder to get people to execute on that strategy. And a poorly executed asset strategy, no matter how clever, is worthless.

Most organisations rely on communication plans to make that shift. Unfortunately, strategy communication, even if you do it daily, is not the same as — and is not enough to drive — strategy execution.

Because while strategy development and communication are about knowing something, strategy execution is about doing something. And the gap between what you know and what you do is often huge. Add in the necessity of having everyone acting in alignment with each other, and it gets even huger.

The reason strategy execution is often glossed over by even the most astute asset strategy consultants is because primarily it's not an asset strategy challenge: it's a human behaviour one. To deliver results,

people need to be hyper-aligned and laser-focused on the highest-impact actions that will drive the organisation's most important outcomes. But even in well-run, stable organisations, people are misaligned, too broadly focused, and working at cross-purposes.

A big reason many asset strategy implementation efforts fail is that they usually require changing people's habits. And habits in organisations are notoriously sticky and persistent. Habits are deeply embedded and not easy to change. If they were, then we would not have such a big problem with alcoholism, drugs, smoking and over-eating.

Habits certainly don't change by telling people that they should act differently. Often, people are not even aware that they are doing things in a particular way and that there might be different ways to run the same process. The habit problem applies equally to individuals and to groups of individuals.

Identifying and countering the bad habits that keep your strategy from getting executed is not an easy process, but there are various practices you can build into your organisation to make it work. It just takes a little effort, alongside a willingness to accept that habits actually exist.

Summary

Where should you start? Organisations and teams that perform well across the strategy-to-execution dimensions do the following:

- Spent more time strategising and translating that strategy into actionable goals
- Spent more time engaging all parts of the organisation, surfacing barriers and unmet needs and communicating direction and behavioural guardrails
- Spent more time interacting with key stakeholders to ascertain and anticipate roadblocks and opportunities
- Spent less time fighting fires.

Take a glance at the activities of your teams over the last 6-12 months. Then, ask yourself the following questions:

- What percentage of the team's time was spent firefighting or dealing with issues that could have been dealt with

at the next level down? How much time was invested on the big-ticket strategic items?

- How much time did the team spend thinking proactively about the future of your organisation, the external political and social landscape, your target operating model for services, the regulatory landscape, and your customers, internal and external?
- What percentage of time did the team spend engaging and aligning with the organisation? How about key stakeholders? Does the team have a decent pulse check on their blatant and latent needs?

Perhaps most important, ask yourself, "Have we successfully executed our strategy, and if not, then why might that be?"

Until you begin to think about the reasons why execution of your asset strategy is not happening, you will be powerless to change it. As Einstein famously said, "If you always do what you always did, you will always get what you always got."



FLAGSHIP OFFICES

Kick starting town centre regeneration

Richard Cairns

I spotted this project as a RICS Regeneration Award (summarised in Modus Nov-Dec 2019) and Richard kindly took up my invitation to write a full article for ACES' Terrier. All photographs are credited to Jim Stephenson, who was commissioned by the council to photograph the building on completion.

Richard is Strategic Director of Regeneration, Environment & Growth at West Dunbartonshire Council. He manages over 1,400 staff and a budget of c£300m, with responsibility for housing, economic development and regeneration, business support, roads, transport, waste services and greenspace. He has over 30 years of experience in economic development in the public and private sectors, having previously held posts as Head of Economic Development for a global audit practice, for the Audit Commission in London, and at the City of Glasgow.

He is Chairperson of the Clydebank Property Company, Chairperson of the Glasgow City Region Economic Intelligence Group and a Board member of the UK Institute of Economic Development

Context

West Dunbartonshire Council's (WDC) flagship office building at 16 Church Street Dumbarton provides modern workspace for 500 staff, together with associated public services, in the heart of Dumbarton town centre, replacing the council's dilapidated building at Garshake Road on the outskirts of town.

The site for the new building was identified to create a catalyst for the regeneration in Dumbarton town centre, together with ambitions to conserve the façade of William Leiper's Grade A listed former Burgh Hall and Academy Building

which, until 1976, had formed the heart of the local community.

16 Church Street is a complex project involving its retention, repair and consolidation, which for years has been on the Buildings at Risk Register for Scotland, to develop both a corporate workplace and provision of public facing council facilities.

The main entrance and public fronting accommodation is located within the curtilage of the original Academy. Beyond this, 3 floors of simple office floor plates are organised around a central atrium space, which forms the social heart of the building. The space is used as informal



The Academy



Since announcing the redevelopment in 16 Church Street, many of the vacant shops in the High Street have been reoccupied. With Costa taking the prime corner site with a long-term lease, 2 new cafes have been established; 150 new affordable homes are being constructed immediately adjacent; and Lidl was scheduled to open its newly constructed store in February 2020.

Procurement and specification

The project was procured by WDC through the Scottish Government's hub initiative. This provides speed to the client, as the hub model has already been advertised and is OJEU compliant, removing the need to advertise the project in the European Journal. The project has therefore been able to benefit from Hub West Scotland's pre-determined fee structure, including: caps on contractors' preliminary costs, overhead, profit, pre-established risk % transfer to the contractor at construction, and market tested capped consultant fees. The hub model also provides added value through community benefit, to provide employment, education and SME opportunities through the delivery of the project. The client has worked in partnership with the hub team over a significant investment portfolio, and has a well-tuned working relationship and experience of successful delivery together.

From the project's inception as part of West Dunbartonshire's Office Rationalisation Project and the client's development of a thorough strategic brief for its flagship office in Dumbarton town centre, The British Council for Offices Guide to specification has been used as a reference document throughout the design of the project. The guide has been utilised more specifically in the provision of:

- High quality public realm space to Church Street with new, south facing terraced public and staff amenity, with views to Dumbarton Rock, the location of Dumbarton Castle
- Clear ceilings with exposed concrete soffits, suspended lights and acoustic rafts at upper floors. The ground floor provides an enhanced ceiling height to address connection to the listed façade and provide civic ground floor presence
- Central atrium space with

workspace, for casual meetings and staff presentations, while supporting the naturally lit and ventilated building. In a conscious effort to stimulate the local high street: no canteen was provided within the building.

Externally, the building envelope is subservient to the impressive existing façade (see photo), which itself was subject to a rigorous repair and conservation strategy. This was supported by a £500,000 grant from Historic Environment Scotland.

The project

Only West Dunbartonshire Council could have embarked on such an ambitious project to redevelop the Academy and Burgh Hall, originally constructed in 1865. The front façade had been in decay since 1976, when the building was destroyed by fire, and the rear of the building was demolished in 2007 for safety reasons.

There has been a significant exercise carried out by WDC to establish future headcounts and develop new workstyles for the organisation. This informed the brief and space budget. The previous Garshake Road offices provided an

opportunity to test these workstyles - fixed, flexible and mobile workers - and develop an aspirational sharing ratio that could work for the future organisation of WDC. Headcount and workstyle information was communicated at all of the engagement sessions, with an aspirational desk sharing ratio of 6 desks to 10 staff.

Following business case approval in June 2014, WDC embarked upon an office rationalisation project, which has reduced the office estate by over 53% and delivered operational savings in excess of £400,000 p.a. To achieve the reduction in floor space, the council committed to developing new ways of working practices and changes to service delivery. This has been an evolving process, culminating in the new 16 Church Street offices, which provide excellent workspace for over 500 staff, and has reinvigorated the workforce, by providing best practice working environments for staff and the community.

The delivery of this project has created a landmark development which brings much needed footfall to the town centre, as well as acting as a catalyst for further regeneration within Dumbarton, and gives the town hope for an inspiring future.

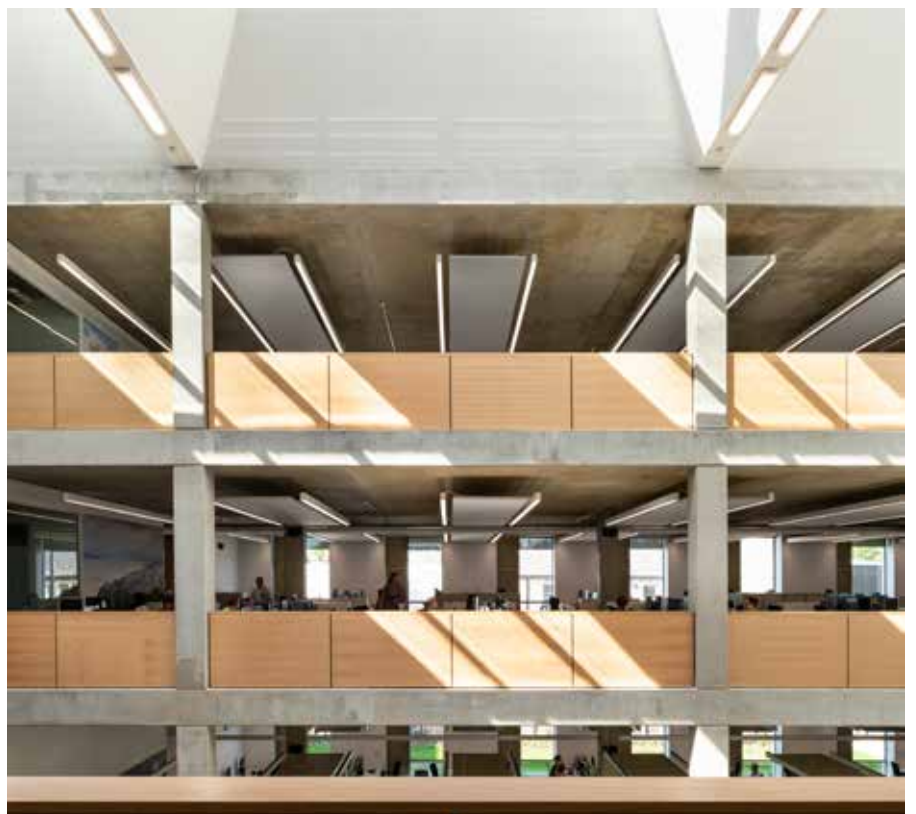
accommodation stair provides a social heart to the building and informal meeting/working space

- Main entrance and reception space provides clear wayfinding security, waiting, meeting and public service information
- Secure cycle parking with dedicated changing, shower and drying areas
- Naturally lit and ventilated, flexible, open plan floor plates with a 7.5m structural and 1.5m planning grid
- Flexible civic and function space with 2 large community training rooms
- Variety of cellular meeting areas including public interview rooms, multi-faith room, 4, 6 and 8-person meeting rooms
- High quality brick façade with regular openings coordinated with space planning grid and natural daylighting and ventilation
- Consolidated and repaired, Grade A listed stone façade to Church Street
- Exposed, in-situ, post-tensioned concrete frame
- Exposed building services
- Central atrium accommodation lift and stair providing connectivity across all floor levels
- Acoustic enhancements throughout all office, breakout, meeting and public spaces
- Bespoke Category B fit-out with corporate branding and colour scheme.

Facilities and design features

The new accommodation naturally extends east from the existing façade to address Church Street, the principle route to the town centre from the train station. The more private, open plan office accommodation extends east, exploiting longer views and abundant daylighting and forming a backdrop to the new civic, south facing, terraced amenity space, in turn framing views to Dumbarton Rock.

Car parking is set back from Castle Street behind a row of new trees where a secondary, staff entrance is located, leading into the central atrium space. Public bike parking is distributed around



the site, with dedicated secure spaces located in the new courtyard to the south, adjacent to the existing tenement buildings.

The primary office floor plates address the north and east aspect, with a recessed group of meeting rooms on the south forming a buffer from solar heat gain. These areas are formed around the central atrium, with principle circulation around the edge of this and centrally within the floor plates themselves.

All of the public facing functions of the council are located, where possible, at the front of the building within the area of the retained façade. The main public reception

and helpdesk area are located on the ground floor, and flexible civic spaces are located on the first floor, which incorporate a public gallery and are flanked by the adjacent conference rooms.

The typical open plan 1,400mm workstations are efficiently set out in clusters of 4 and 6, maintaining a central circulation route and responding where possible to the glazed/solid setting out of the external elevation. The desking is positioned to maximise daylight for users. The open plan landscape is broken up with banks of storage and collaborative areas of informal work settings. Localised support spaces, such as tea preps and print areas,



are generally distributed evenly across the floor next to core areas.

The atrium affords the opportunity to link the different floorplates of the building and gives a visual connection for users. The base of the atrium lends itself to be a lively collaborative space with informal touchdown settings, resource areas and central staff areas. A combination of fixed joinery elements and loose furniture helps define use and encourage staff to breakout from the surrounding office spaces.

The A-Listed Academy has provided constant inspiration to the client, contractor and design team, becoming the catalyst for redevelopment and constant benchmark of quality. As a result, the design has sought to consolidate and repair the existing fabric, reinstate the old, and extend in a sympathetic but in an equally durable manner.

The capital investment in good quality durable materials and structure has helped to minimise maintenance of the building. This in conjunction with early engagement of a contractor, workshops with WDC's Building Management Team and Construction and Design Management advisors, along with constant appraisal of the Design and Access Statement, led to a design focused on buildability, durability and low maintenance.

Knock-on effects

The relocation of council staff from the inefficient and extensive cellular offices in Garshake has acted as a catalyst for regeneration within Dumbarton. It is true that while reviewing business case options, a much more cost-effective office space could have been created on a site at the

edge of town, or within the car park of the Garshake offices. However, the council took 2 essential decisions:

- To reintroduce a footfall of 900 council staff into a town centre location(s) for the benefit of the High Street
- To redevelop the Grade A listed façade, an important part of Dumbarton's heritage.

While easier sites existed, there were advantages to redevelop 16 Church St, part of the Dumbarton Common Good, which had become an eyesore within the town. By bringing the site back into use, a payment of £20,000 p.a. is made to the Dumbarton Common Good fund, which aims to assist with regeneration activity in Dumbarton town centre. The 195 car park spaces also offer a new facility for weekend shoppers and tourists visiting Dumbarton Rock.

The integration of the Grade A listed façade into the design of the new office was welcomed by Historic Environment Scotland (HES), as it had reluctantly provided approval for the rear of the building to be demolished in 2007. Working with HES, Keppie Design, and Andrew Wright, an award of £500,000 was made towards the project which was deemed to have £2.25m of grant eligible items related to the façade conservation works.

Conclusions

16 Church Street is a sensitive public building and council offices, where a 'Building at Risk' has been brought back to life and reintegrated within the local community – a building which historically formed the heart of Dumbarton. The council's brave move to relocate 500 members of staff from the out of town Garshake Offices into the new town centre location, while saving the Auld Academy, can be an inspiration to other local authorities.

West Dunbartonshire Council is leading from the front, creating an inspiring public building, for the local community to be proud of. The RICS summed this up as "the project has skilfully merged old with new, while maintaining functionality



Amy is a Property Transformation Coordinator for Suffolk County Council. Prior to this role, she was Programme Manager for 'The Hold'. A former archaeologist with a Master's in Medieval Archaeology, she also spent many years working in countryside management and rights of way for Cambridgeshire and Cheshire County Councils, before emigrating to Ontario in 2011. While there, she was proud to work for the Canadian Cancer Society, before the sub-arctic winters drove her back to the UK in 2014. As well as lifestyle magazines, Amy has written for the Rights of Way Law Review and is currently working towards her RICS Senior Professional Assessment.

SUFFOLK ARCHIVES BUILDING

'The Hold: A Suffolk Archives Service for the 21st Century' Unlocking the potential of heritage assets...and finding the funding to do so.

Amy Rushton

Amy kindly agreed to write an article on her project, following a presentation to ACES Eastern Branch in December, when the project was not so nearing completion.

Context

Record offices are probably well known to ACES' Terrier readers as strongholds of historical archives, carefully packed into brown, acid-free boxes, and stretching across miles and miles of roller racking. Every county or metropolitan borough has one (unless they share with each other), and as well as providing access to valuable original documents, they also provide learning resources, research support, and professional expertise. Maps, photographs and property deeds abound, to assist the property professional, but they support research endeavours across many disciplines, and the sheer variety of assets held by these institutions can be quite mind-boggling. For example, Suffolk's treasures include a lock of William Pitt's hair (no one is quite sure why/how we acquired it) [Ed – I have declined to include Amy's photo of it!] and the earliest known copy of the first work of English literature ever to be censored on the grounds of obscenity: the 17th Century erotic satire, 'The Farce of Sodom'. Jonny Depp fans may recall it from the 2004 Hollywood film 'The Libertine'. But I digress...

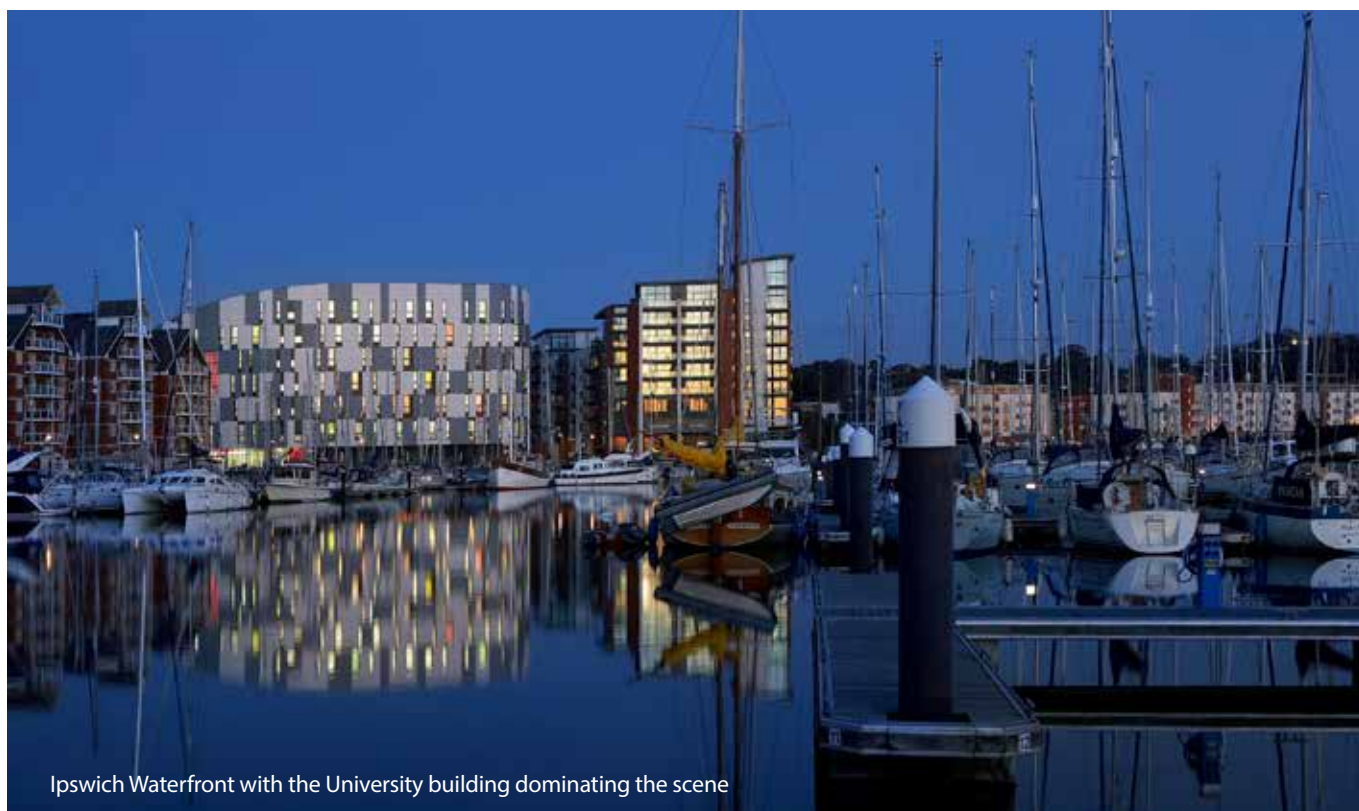
The challenges

A challenge for record offices is they are, quite often, somewhat underfunded. They lack the perceived glamour of a heritage asset such as a museum or gallery, and

are not very well understood in terms of function: people generally understand what happens in a library or museum, but the goings-on inside a record office are steeped in mystery, confused with anything from vinyl records to Registrar services. And then there is the challenge inherent in the fact that pieces of paper are not...well... considered to be terribly 'sexy' by some people (who obviously don't know about The Farce!) compared with 3D artefacts and treasures.

Despite the popularity of genealogy as a leisure pursuit, and TV programmes such as 'Who Do You Think You Are', the lack of profile and understanding over the years has made external funding sources hard to come by, outside of support from The National Archives (which is, possibly, the one record office the wider public is familiar with). At a local level, record offices sometimes have to compete with records management functions, libraries or other arts and cultural services for precious internal resources.

Last but not least, there is a major challenge inherent to archives services' fundamental purpose and function – to collect! Preserving the present as the 'past of the future' is their *raison d'être*, and consequently collections grow, year on year. Little, if anything, can be thrown away and 'accruals' require ever-increasing space to store safely. Archives have to be stored within specialist 'strongrooms', which need to meet stringent standards



Ipswich Waterfront with the University building dominating the scene

in terms of temperature and relative humidity, not to mention meeting the fire, security and management protocols required to ensure a record office can retain its 'place of deposit' status (conferred by The National Archives – without it, you can't run a record office).

Not having space to allow collections to grow is a serious threat that can result in a record office losing its collections entirely, as they can be removed by The National Archives: a last resort power, but one which would come at a cost if ever exercised – the offending institution would have to pay for the removal and storage of its collections (so it is not an 'escape route!').

In 2013, all of Suffolk's strongrooms were deemed to be critically full and its place of deposit status was under threat from not only this, but from shortcomings in the accommodation surrounding the service at large.

The opportunity for Suffolk

The cumulative impact of these challenges has left many record offices 'getting by' with physical accommodation often at the limit of its working life, and often far from ideal, in terms of facilities for document care, for customers, or fit-for-purpose for specialist staff such as conservators, archivists, and research support teams.

Despite this, record offices provide

crucial services, often in pursuit of the discharge of statutory functions (e.g. the Public Records Act 1958), supporting community cohesion (communities that understand their shared history generally function better), contributing to a 'sense of place', and delivering mental wellbeing to the people who use them.

Suffolk's archives are some of the finest in England, stretching back to 1119 and occupying some 9 miles of shelving. The significance of the unique and irreplaceable archive collections was assessed by The National Preservation Office in 2008, which found that 98.31% of collections are unique or likely to be, and 99.76% of collections are judged to be part of the national documentary heritage. Most other counties don't come close (national averages are c66-72%).

As well as these outstanding collections, Suffolk is home to one of the UK's newest universities – the University of Suffolk, located in a splendid position on Ipswich Waterfront, itself a focus of major regeneration, 'place making' activity and an upsurge in cultural investment for the town and county.

In 2013, the magic ingredients were therefore aligned to allow something special to address Suffolk Record Office's challenges, while simultaneously enhancing the university's campus, at a time when it wanted to pursue

independent degree-awarding powers. So, in 2013, the foresight and vision of key colleagues in the county council's Corporate Property Team (Brian Prettyman and Jackie Reeves) used these ingredients to forge an exciting partnership between the University of Suffolk and the Suffolk Record Office, paving the way for the project that would become known as 'The Hold'.

The vision

The original vision was to take advantage of a redundant piece of estate owned by the university (an old, disused, reprographics building) and demolish it, freeing-up a plot of land to construct a new storage unit for the record office, to address the immediate storage crisis. A 'second phase' was envisaged, whereby (pending funding availability) the storage unit would be extended and graced with state-of-the-art public-facing facilities. This facility would not only provide record office staff and customers with much-needed accommodation, but would provide the university with the additional teaching space it needed, as a growing institution with big ambitions.

This 2-phase approach was the subject of a feasibility study in 2014, which revealed the size of the financial investment required (spoiler alert: a lot!).

But as they say, 'Go Big or Go Home' – it was soon determined that it would be more efficient and desirable to both partners if the 2 phases were combined, and thus was born a revised vision: a unique facility - 'The Hold' - including:

- Collections storage to meet Suffolk Record Office's countywide current needs plus expansion space for 20 years+
- State of the art document care facilities
- Shop, café, exhibition gallery
- Bespoke education room for groups of all ages
- Searchroom, audio room and local studies library
- 200 seat auditorium and seminar rooms, primarily for the university's use

It was, however, obvious to anyone that Suffolk County Council and the University of Suffolk would not be able to fund such a venture alone, and external funding would be needed to pull this off – and lots of it!

Show me the money?

The Heritage Lottery Fund (now called the National Lottery Heritage Fund - NLHF) is the country's largest funder of heritage projects. Since 1994, the NLHF has distributed over £8bn to more than 44,000 heritage projects across the UK. Grants of between £3,000 to over £5m are available for an enormous variety of projects, from small-scale community engagement work to large, physical developments. In short, if you are a heritage organisation needing a major investment, it is still regarded as the 'go to' funder. However, it would be an understatement to say that it's challenging to secure funds from its hugely oversubscribed grant schemes. Furthermore, it is not in the business of, say, simply dishing out grants to support a new building, or a change of location for a record office,. To stand a chance of securing funds, you must have identified the broader needs and benefits of a scheme, and must commit to delivering sustained, positive, societal impacts through your project. In other words, your project must be an engine for lasting change that benefits not only the heritage asset itself, but the people and communities who will engage with it, as well as your own organisation.

In our case, encouraged by early positive conversations with the Lottery, we focussed on how the new building could be a driving force:

For heritage

- To safeguard Suffolk's irreplaceable collections with state-of-the-art accommodation
- To create an efficient building and service, bringing more of Suffolk's heritage together on one site
- To create space to showcase Suffolk's heritage and provide interpretation to a broader audience
- To provide an enhanced online offer and allow visitors anywhere in the world to interact with Suffolk's collections
- To enhance Suffolk's collections through an ambitious Activity Plan

For people

- To forge a sustainable, learning partnership with one of the UK's newest universities
- To have a positive impact on the employability of university students
- To create new learning opportunities and drive the renaissance of Suffolk Archives' schools offer
- To remove barriers to engagement and increase our reach to diverse audiences
- To diversify our volunteer base and increase levels of engagement in the service

For communities

- To create an environmentally sustainable building reflecting best practice
- To contribute positively to the critical mass of regeneration activity on Ipswich Waterfront
- To create a resilient, commercially-focussed and outward-facing Suffolk Archives Service
- To empower communities in undertaking their own heritage activities.

Based on these principles, and working with a huge number of stakeholders to further refine our vision, we submitted an application in December 2015,

successfully securing the first stage of our grant the following April - over £0.5m of development funding towards a full grant of £10.8m. This was, needless to say, a wonderful achievement and a testament to the hard work of a multi-disciplinary project team of council and university staff, external specialists, and advocates from the heritage community.

The current picture

Fast forward to the present day, and there are 2 parallel activities happening at The Hold: the construction programme, which is nearing completion (albeit that we have hit 'pause' due to COVID-19 and await a revised practical completion date), and the 'Activity Plan' – the central backbone of how we are delivering the project's wider societal benefits – which is in full swing.



The new building is very striking. It is large (so large, in fact, that it is impossible to photograph the whole building in one shot), a result of keeping most of the accommodation to a single storey, so as to minimise overshadowing. It draws architectural inspiration from the historic maltings buildings in the area, and borrows the colour palette of the Victorian 'social settlement' which occupied the site. This site history is reflected in the roof line and the horizontal brick banding, respectively. It

To this....2019. image courtesy of R G Carter



Searchroom roof showing brick banding



has also opened up a new vista connecting the site to Ipswich Waterfront, fast becoming the jewel in the town's crown.

Pringle Richards Sharratt, the architects, and R G Carter, the contractor, have together created a building that 'wows', welcomes, and invites exploration. Although there is no denying that the building is stunning and never fails to draw attention, it is at the end of the day 'just' a building. The programme of school visits, exhibitions, family activities, events and community engagement that the building drives is a no less valuable component of the project. And this programme is not just happening at The Hold in Ipswich – the grant from NLHF (augmented by grants from others) allowed us to recruit new people, who are delivering these activities around the

whole county, making use of our other record office branches at Bury St Edmunds and Lowestoft, as well as community venues and schools everywhere.

Lasting value

The Hold will allow Suffolk Archives to generate more income, and in the longer term to realise financial savings, through the more efficient nature of the building compared with the estate it replaces – all of which combine to create value for the county council. But the true value of the project has been, for me, to see people enjoying handling and engaging with the archives, especially people who would otherwise not normally come to see us. The rebuilding of our links with schools is another welcome output of the project, inspiring a new

generation to care for their history:

"I enjoyed learning about our school's history. Because I like the feeling I get when I know I am sitting right where other children sat many years ago, doing similar things to what they did." (primary school pupil following outreach activity).

In addition, for the first time, the staff are able to work with marginalised groups such as homeless people, people for whom English is a second language, and children with special educational needs. The archives we look after belong to them as much as to the traditional family historian, and up until now they didn't know about us, or were simply too afraid to come and visit.

Outreach with clients from Ipswich Housing Action Group



Ann-Marie is a chartered quantity surveyor with some 30+ years' work experience. She has been with Strathclyde for the past 5 years as Head of Operations, running the Technology and Innovation Centre). She is currently Project Director for Glasgow City Innovation District.

GLASGOW CITY INNOVATION DISTRICT

Ann-Marie Campbell annmarie.campbell@strath.ac.uk

Ann-Marie was a guest at ACES' AGM in Glasgow and agreed to write this piece about Scotland's first innovation district.

Glasgow City Innovation District

Glasgow City Innovation District (GCID) is Scotland's first innovation district. Building on Scotland's rich heritage of scientific excellence and ingenuity, this is a hub for entrepreneurship, innovation and collaboration. The District is the result of a successful partnership between Glasgow City Council, the University of Strathclyde, Scottish Enterprise, Glasgow Chamber of Commerce, and Entrepreneurial Scotland. It brings together ambitious, forward thinking people focused on driving inclusive economic growth, as well as tackling societal and global challenges. Through partnership working, the District is engaged in placemaking activity to create an inclusive 'live, work, play and innovate' environment for all the areas businesses, residents and visitors.

Located in the heart of Glasgow, the District combines a world-class skills and talent base, a vibrant city atmosphere and a community of companies, researchers and organisations dedicated to supporting and encouraging innovation.

The University of Strathclyde is the anchor institution, creating a city centre location for world-leading innovation and research. It is attracting new research and development co-location investments from the public and private sectors in the university's Technology and Innovation Centre, strengthening both Glasgow and Strathclyde's position as a place for

nurturing new start-ups and established businesses that generate wealth for the city and the wider Scottish economy.

With around 7,000 new businesses starting up in the city region every year, GCID has a thriving entrepreneurial ecosystem. Already attracting significant investment in its businesses, culture and leisure infrastructure, this is the ideal place to live, work and study.

The area is further being transformed through City Deal funding, which will see the development of new transport initiatives, rental homes, hotels, commercial space and public realm.

Placemaking and ensuring the right ecosystem is being created, to allow the District to develop and grow, is key to its success. An exciting programme of events based around GCID's economic and social engagement, community-building and entrepreneurship, as well as engaging local champions and key businesspeople, is helping to expand interest. Other work focuses on providing the community with an insight into what is happening in the area and its successes, awards and spin-out companies.

The Innovation District Model is increasingly viewed around the world as an effective way of developing new ideas, technologies and business practices. With a long history steeped in innovation, Glasgow is perfectly placed to harness its existing credentials, allowing the District to grow and develop by taking advantage of this.

Proximity to the university means



companies benefit from access to a talented, highly-skilled workforce of academics and researchers, as well as close links to the university's dedicated team which fosters industry-academic collaboration.

The District also boasts well-established businesses, education and cultural communities and assets, alongside an existing concentration of innovative organisations and companies working to develop new technologies and designs, while showcasing creative talent. This growing community has resulted in more businesses choosing to locate to GCID.

Key highlights and learnings

The University of Strathclyde has been instrumental in driving the benefits of strong collaboration between industry and academia, investing more than £100m in the pioneering Technology and Innovation Centre and neighbouring Inovo building, enabling co-location of business and research groups.

The District also hosts industry focused research clusters: 3 Catapults, the UK's centres designed to transform capability for innovation; 4 Scottish Innovation Centres; and the UK's only Fraunhofer Institute. This environment has brought new jobs, inward investment and organisations

with innovation at their core. Significant investment has also been made in the creative sector.

By capitalising on the critical mass of leading industry research, innovative companies and support organisations, the District is delivering benefits to companies, the community and the economy.

The District accelerates the impact of creative, new ideas by nurturing an exciting, co-located community of entrepreneurs, academics and businesses. It puts the right infrastructures in place to help deliver social and economic impact to the local community and wider economy.



CONTEXT

Extensive staff & practice project experience of work on the historic built environment infrastructure and enabling them for reuse and repurposing

ermc



concrete roof was in a particularly bad state of disrepair after years of water ingress, due to failure of the asphalt surface.

Case studies

Palmerston fortified barracks

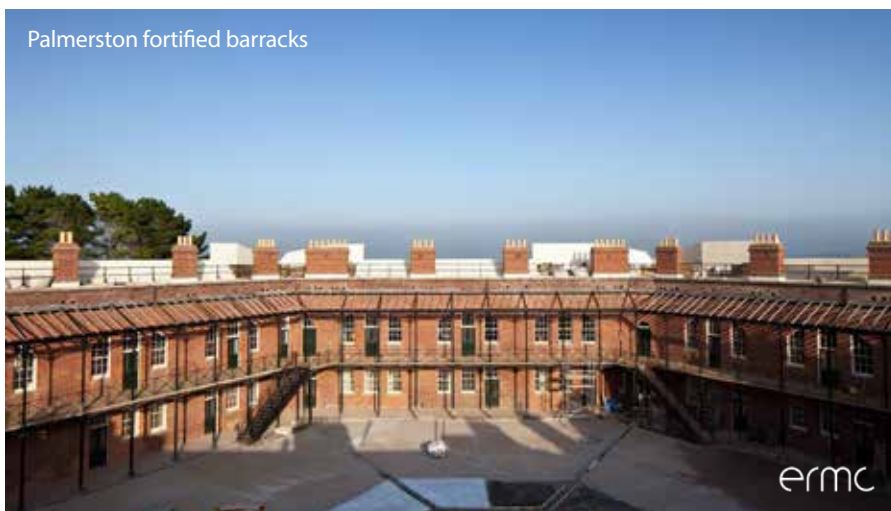
This mid-19th century former Palmerston fortified barracks was repurposed privately, and converted sympathetically into high quality residences, complete with a sloping grass berm, an enclosed, landscaped roof garden, and minimal intervention of the historic fabric. It was the winner of the 'Island Heritage Award' at the Isle of Wight Society Conservation Awards; the 'Best conversion to form a dwelling' at the Local Authority Building Control (LABC) South East Region Building Excellence Awards; and the 'Best domestic extension and conversion' at the LABC National Excellence Awards.

Hotwalls, Portsmouth Harbour

The Hotwalls Studios project has transformed a vacant Victorian fortification into a new community hub and activity space, while supporting the ongoing conservation of an internationally important Scheduled Ancient Monument. What has been delivered is a working cultural centre, where local artists can establish affordable studios, rented from the council, and which subsequently benefit from regular open days and workshops, allowing direct interaction with the public. This unique approach is both inclusive and empowering to both visitors and artists of all ages, abilities and disciplines, and it would be significantly more difficult to achieve such results through private enterprise.

Tenants are encouraged to open their doors and interact with visitors to showcase local arts, and an appropriate infrastructure supports future events, such as markets and exhibitions. Complimentary services such as The Canteen, coffee shop and historical interpretation centre add extra visitor attractions, and along with administrative facilities, ensure a regular presence on site, reducing the likelihood of criminal activity and promoting a safe, inclusive atmosphere.

The cultural value of urban heritage sites has a great potential to help strengthen community bonds through the formation of new hubs of social activity. Sympathetic, sustainable regeneration of heritage assets can often create opportunities for new forms of social enterprise, and the powerful



established the necessity for improved defences against advances in warfare technology and a potential French naval invasion. This network of military structures was the first line and most visible element of Britain's coastal defence system. An effective showcase for the common design principles that characterise this system, Spitbank Fort (east side of The Solent – see map) is also

one of the most well-preserved examples of this kind of building in and around the Solent. It is now repurposed for hire.

The monument was on English Heritage's 'Heritage at Risk' register as a priority Category D case, but was not grant-aided by English Heritage (Category D - slow decay identified, with conservation solutions agreed but not yet implemented). The



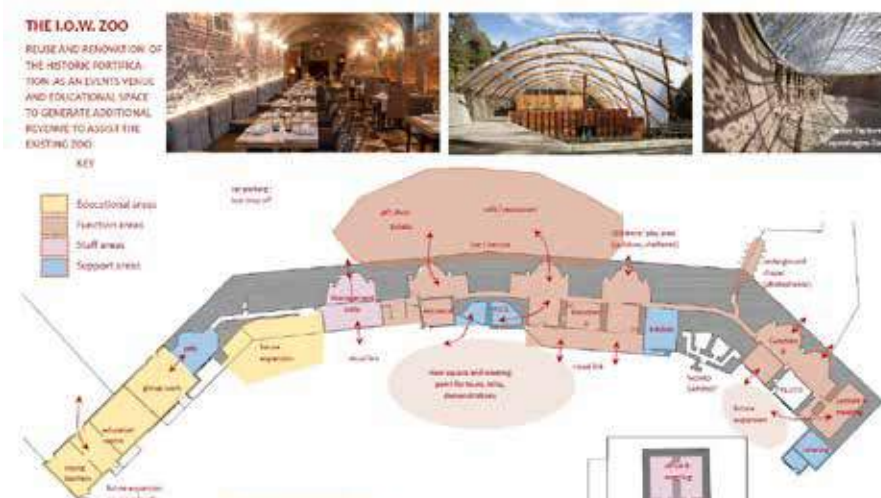
Hotwalls

In 1943, the fort was used to shelter one of the terminals for Operation Pluto, a Second World War operation, whereby oil pipelines were laid under the English Channel, to carry fuel to the Normandy beaches, to aid the allied invasion. It is now an events venue and education space.

Fort Cumberland

Fort Cumberland is an interesting project, where 'Forgotten Veterans' prepared the Scheduled Monument application for conversion of 3 casemates (5, 6, and 7) to be the HQ for this new charity. The founder suffered with Post Traumatic Stress Disorder after he was discharged from the army, and he is now helping people like him. The conversion has been made by the veterans themselves, a process in itself healing, and giving a sense of belonging and importance. Additionally, new skills were learnt, which could be used for adapting into civilian life.

Fort Cumberland has also been converted for the expansion of Portsmouth Distillery's office functions. An original creation of an artist's studio for an artist relocating from Hotwalls Studios has led to demand for more artists' incubation units and business units, including coffee roasters, metal workers, and traditional boat builders. The latest phase was completed in September 2019.



Fort Cumberland

Technology methods

Throughout mankind's history we have had a need to provide shelter or build structures to support various uses. Technology has always been used, but it has changed and developed; it is always moving forward, perhaps today at a faster rate than ever. Many of the evolving tools have been used in delivering the historic building projects described.

Below is a view of current technology tools, and how their adoption and use in the public sector estates may be of benefit. Each technology is explained in terms of how it works, and what are the positives and negatives.

360 camera reality capture

A 360 camera is 2x180 degree camera lenses installed back to back. This captures an image in 2D; software stitches the 2 images together virtually seamlessly, to create either a navigable photo or video. You can zoom around the space and interact with the images.

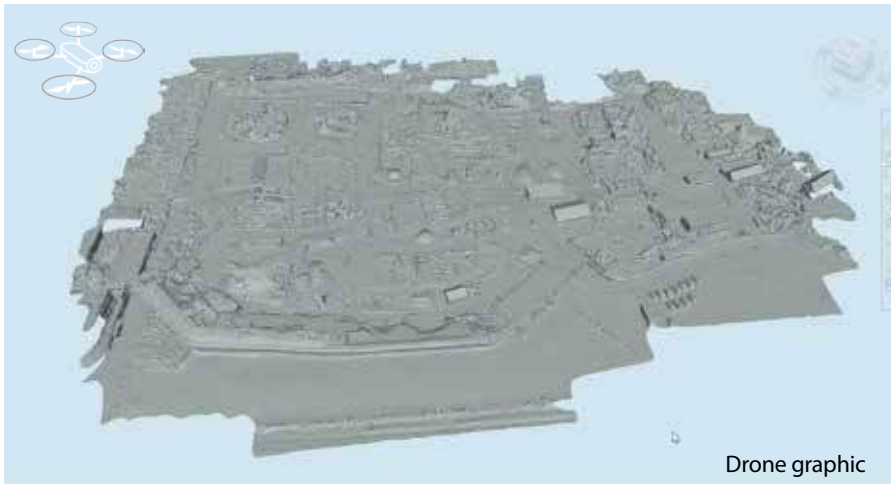
historical identity of these assets can further assist with the concept of placemaking within established urban environments.

Isle of Wight Zoo

The 18-gun casemated fort was completed by 1864, with further changes made before completion, to reduce the number of guns

by their replacement with heavier guns. In 1904, the guns were withdrawn and the fort become a practice battery.

In 1930 it was sold; the site was delisted; and the rear was demolished and converted into a private zoo for the Corney family. Members of the family were regularly seen walking along the beach with tigers on leashes!



CBS News Report on Notre Dame Restoration

Think of all the times you go to a site, but haven't captured the photo you really need. With this technology, you have images showing the whole context and can survey difficult to reach areas or a large site quickly. It is easy to convert the images for display purposes and interactive experiences.

The positives of 360-degree technology? There is improved capture of the context of a scheme and it can capture missed detail from conventional photography; it can give a sense of user connectivity and is versatile for exploration/engagement with interested parties. One recent project is in its use at Notre Dame. It can be used for condition surveys.

For the negatives? There is no physical measurement using this tool. This may lead to challenges of integrating the data in reports or plans; however, it can be worked through using hyperlinks to websites that host the images.

Drone reality capture

We are now used to seeing drones, which are invaluable for using an aerial drone to survey difficult to reach areas, or a large

site extent quickly. They can be used on condition surveys [Ed – see 2018/19 Winter Terrier for article on drone technology and utilisation]. As the drone flies a predetermined path, it captures a series of still and video files. For photogrammetry, these files are uploaded to cloud computers that interrogate the data and create a 3D model and simplistic point cloud onto which the photos are draped.

What are the positives? There is fast data capture; there is a high-quality video output, and the drone can fly close to the subject to give good detail, as illustrated in the output photo of the Isle of Wight Zoo. The cost is relatively cheap.

What are the negatives? Users must follow best practice guidelines for flights. This could lead to difficulties or delays in securing permissions on high security sites. Also, point cloud capture is estimated rather than measured.

Point cloud reality capture

The next step up from a drone, point cloud is a cloud/mesh of 3-dimensional points,

which capture true physical location (within 5mm). It is then overlaid with a 360-degree photograph, to colour each individual point. It works by laser distance measurement, creating 360,000–2,000,000 scanned points per second. In 3.5 minutes, it can capture a complete sphere of content. The scanner 'talks to' an iPad, to produce the images. Both colour and thermal photography is embedded. The technology has been used for Notre Dame and could be important in its rebuilding.

What are the positives? It is versatile, in being able to measure anything you want. Data is scanned to a BIM workflow; it can survey inaccessible areas easily, which might eliminate any health and safety issues, and provides an historic record in perpetuity. However, some of the disadvantages are that smaller space surveys take longer; there are large data storage and computer hardware requirements, and price might be an issue.

Virtual and augmented reality

Virtual reality is the term used to describe a 3-dimensional, computer-generated environment which can be explored and interacted. That person becomes part of this virtual world or is immersed within this environment; while there, the viewer is able to manipulate objects or perform a series of actions.

Augmented reality is an interactive experience of a real-world environment where the objects that reside in the real-world are enhanced by computer-generated information. The primary value of augmented reality is the way in which components of the digital world blend into a person's perception of the real world.

Near field communication

NFC devices are used in contactless payment systems, similar to those used in credit cards and electronic ticket smart cards, and allow mobile payment to replace or supplement these systems. This is sometimes referred to as NFC/CTLS (contactless). NFC is used for social networking, for sharing contacts, photos, videos or files. NFC-enabled devices can act as electronic identity documents and keycards. NFC offers a low-speed connection with simple set-up that can be used to bootstrap more capable wireless connections.

Radio frequency identification

RFID is a form of wireless communication that incorporates the use of electromagnetic or electrostatic coupling in the radio frequency portion of the electromagnetic spectrum, uniquely to identify an object, animal or person.

Quick response code

These QR Codes give a rapid route to additional Information. They can give increased buy into a scheme or proposal, and there is the opportunity to interrogate design in a different method. However, they may need suitable viewing equipment, require public or user training, and connectivity to the network might be an issue, requiring 5G accessibility.

3D printing

The process builds a 3-dimensional object from a computer-aided design model. One of the key advantages of 3D printing is the ability to produce very complex shapes or geometries. It works usually by successively adding material layer by layer, which is why it is also called additive manufacturing.

3D printing technology is being used to restore Northwood House in Cowes. Funded in part by the Coastal Revival fund, the work has included significant restoration of the dome entrance and smaller interior

details. Many of the fine wood and plaster mouldings throughout the Georgian manor house had been lost or damaged over the years and would usually be far too expensive to make today. However, the project team has scanned surviving examples, to print exact 3D copies.

What are the positives? It gives tactile exploration of a model, increased engagement of users, is a semi-automatic process, and has lower cost production than traditional model-making methods. Some negatives are the current cost of acquiring the equipment and of producing the models, and slow production for best detail on some systems.

Conclusion and application

Public sector surveyors are often the custodian of heritage structures. It is very important that while traditional maintenance of these buildings is relevant, there are also massive opportunities to create more cohesive custodianship through using new technology as described above. Equally, progressive physical erosion can be captured for risk management purposes.

Other uses may be for commissioning alterations and refurbishments, for renovation works, condition surveys, etc. The tools are also important for Building Information Modelling and management.

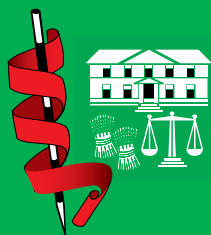
The community has enormous interest in

heritage buildings. Another application may be for visitor experience engagement:

- Physical refurbishment for a visitor experience may cost £10m. A virtualised environment of the same space may cost £10-100,000
- Bring heritage back into the public realm for 1-10% of the potential capital investment and makes the heritage story affordable for cash-strapped local authorities, as a step towards investment
- Using augmented reality to assist with virtual tours, maybe on visitors' mobile phones
- Open up inaccessible areas to all – caves, subterranean spaces
- Create re-enactment within the ruins
- Maybe time travel experiences through using immersive technology?

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REGENERATION

Building a team to win the America's Cup

David Williams

David has been Portsmouth City Council's Chief Executive since January 2007. He came to Portsmouth from Guildford Borough Council, where he was appointed Chief Executive in 2002. On 1 October 2016 David also became the Chief Executive of Gosport Borough Council, under a shared senior management agreement between the councils.

David's background is in town planning. He was Director of Planning at Telford, and worked as a planner in Poole, Nottingham and Durham. He has also acted as Chair of Crime and Disorder Reduction Partnerships in Poole, Guildford and Portsmouth, the Youth Offending Team in Poole and Bournemouth, and the Drug Action team for Surrey. He is a Board member of the NHS Portsmouth Clinical Commissioning Group, a Governor of Solent NHS Trust, and a Director of Portsmouth University Technical College.

David is the lead Chief Executive for the Partnership for Urban South Hampshire, which promotes the economic development of the sub region, in conjunction with the Solent Local Enterprise Partnership.

David gave an inspirational presentation at the 2019 ACES' National Conference, held on the Isle of Wight. Seemingly against all the odds, he managed to attract Ben Ainslie Racing HQ to a site in Portsmouth, and get it up and running in record time, although not without its challenges, which David describes.

David shared the stage with Anne Cains, who was there to assist David, in the absence of Jo Grindley, international yachtswoman and Ben Ainslie's 'right hand woman' for the last 15-20 years, and works for the INEOS Team UK, and before that, for Land Rover BAR (Ben Ainslie Racing).

When the council was undertaking the work towards attracting international yacht racing and BAR to Portsmouth, David worked very closely with Anne, who is a Senior Valuer at the City Council and headed the project team.

How do you galvanise a complex political organisation to grasp an opportunity, if you think that fits into your strategy? How do you make sure that nobody else grasps that opportunity before you do?

Portsmouth has over 500 years of history with the Royal Navy, as evidenced by the battleship grey in the harbour. What the city needed was a bit more razzmatazz and glamour around its offer. The council was also very interested in new technology, the application of new materials, etc. As soon as I heard a whisper that BAR was looking for an HQ, we were pursuing it.

During my 13 years at Portsmouth Council, there have only been 2 years with a majority administration. I have been constantly dealing with political change, and managing how this can be accommodated in a complex project. And how can the dynamics of a specialist group

of individuals and the public sector come together? And how does that meeting of people also accommodate social value and environmental impact?

Timeline

Although the project timeline was very short, the real timeline started a long time ago, in 1851, when a smart yacht sailed over from the USA and arrived in Cowes and challenged the British to a race around the Isle of Wight. That yacht was called 'America' and it became the first America's Cup challenge race; it is the oldest trophy in world sport, and one that has never been won by the UK, despite 21 attempts.

The America's Cup has always been at the cutting edge of technology. That is one of the reasons why the council was particularly interested in getting engaged with it. The last race was typified by the use in sailing crafts of carbon fibre and new information technology. This partly explains why INEOS, a privately owned multinational chemicals company has (personally) put millions of pounds into BAR's campaign.

In 2012, Ben Ainslie won his 4th Olympic Gold. He was also in 2013, the first Briton in the America's Cup winning team, but sailing for the USA! In January 2014, the council was aware of a consortium of wealthy individuals who wanted to mount a campaign and needed a UK base, centred



Objectives

BAR	Portsmouth City Council
Well-located, waterfront, British HQ	Enhance global profile of city
Technically specialist	Enhance high skill employment sector
Inspirational and welcoming	Long-term income generation for city
BREEAM Excellent	Drive visitor numbers
Home to 1851 Trust, Tech-deck etc.	Satisfy multiple tenants and residents
Fast delivery – 18 months from concept to racing	Politically and environmentally sensitive site

BAR
KBB
Baker Trayte crane
KBB crane area
RS Divers
Bridge Tavern Tables



around the abilities of Ben as one of the leading yachts' people. For the council's economic growth strategy and image, this looked like a good fit. The first talks were held about the possible BAR HQ being located at The Camber (see aerial photo).

The only downside was that the brand new spectacular HQ was needed open and ready to race from, by June 2015: a tight timetable. The Camber site needed planning permission and building consent; it is in a conservation area; it is part of an operational port; it is surrounded by gentrified housing; it had an unknown number of subtenants located on it. It is a very technically specified building and a number of criteria needed

to be achieved. All in all, a number of challenges, but planning permission was granted for the new building in June 2014.

The table lists BAR's objectives. In addition to the specialist requirements, it needed kitchens, gyms, design facilities, and be suitable to bring statesmen to for hospitality. BAR had a philosophy around high quality social engagement, especially to involve young people in the sport, recognising the barriers around this. It wanted to encompass the 1851 Charitable Trust, to involve young people in new technology and artificial intelligence.

Portsmouth Council's objectives are also listed in the table, but the main desire

was to give the city a lift and place it on the international stage, for reasons other than military hardware, and enhance key employment sectors, especially around advanced communications and the application of new materials. We knew we would have a difficult job of dealing with the number of different interests in the site, as well as being a local and national politically, high profile, sensitive site.

The plan shows land ownerships, although we found that there were sub tenancies we didn't know existed, but some of whom played a very important part in the operation of the port. For example, in a part of the site which used to be a coal stocking yard, a couple of men who seemed to work out of a transit van were crucial in retrieving within a couple of hours any boat which sank. Other uses also played a crucial role in the maritime economy.

Gradually, we managed to work our way through a sequence which would enable the building of the HQ on the site marked in blue, but also relocate on and off the site those former occupiers. By starting negotiations early, and understanding their issues (and the council's aspirations) we got them on board and could establish options of relocation into better premises. They were very supportive of the opportunities that would arise from having BAR HQ at The Camber. We did in parallel have compulsory purchase options available.

Another requirement was to ensure that the council achieved best value. The site was valued, but as it stood, it had a low value, and likewise for redevelopment purposes. Much of the 'value' was in the vision, and its significant potential impact on the city.

We also managed to keep the nearby residents on board. In May 2015, the HQ construction was completed.

Build and relocation costs and timetable

One of the key issues from the estates and planning perspective was that all this activity was happening at an enormous pace and at risk. In the political domain, there was questioning about why would the council want to commit all this, to what could be seen as multi-millionaires' racing boats? What's in that for the city? The build was a substantial structure on what had previously been a low-rise site.

The council was bidding for an 'exceptional' Regional Growth Fund grant. There was an advantage due at that



Engagement with young people



time to the cessation of ship building in Portsmouth. A grant of £7.5m was achieved, (£6.5m capital, £1m Department for Digital, Culture, Media and Sport for the Tech-Deck); the council put in around £1.4m for relocation and severance costs.

There was a lot of national interest and visitors to the site, including the then Prime Minister, and royalty. During the key build period, there was a shift from a Lib Dem to a Conservative administration, which had to be accommodated. Expectations were high, on the back of confirmation that the UK would be racing in the America's Cup World Series (ACWS) in Portsmouth, firstly in June 2015, and again in 2016.

Off the back of this, we negotiated the Emirates Spinnaker Tower in its new livery, whose naming rights account for £3.5m for a 5-year period! The council would never have secured that deal without BAR locating to Portsmouth.

Looking back at the objectives listed in the slide, both BAR and the council met all their objectives.

Economic contribution of Land Rover BAR (KPMG June 2015)

BAR spent £21m on the building. The bank valuation on completion was in the region of £12m, which indicates the level of commitment of the stakeholders. In the first

year of having Ben Ainslie Racing in the city (2015), some statistics:

- £38m of Gross value Added (GVA) - single year activity
- Generated 555 jobs (87 fte direct)
- First Portsmouth ACWS event £9m GVA and 175 net jobs
- Cumulative audience reach 1,006,819,339!
- Key sponsors: Land Rover, Oracle, Emirates, Soft Bank Japan, Yamaha, Airbus, Omega, Toyota, BMW.

Louis Vuitton America's Cup World Series, Portsmouth 2016

The following year, 2016:

- Teams from France, Sweden, Japan, USA, New Zealand, GB
- 250,000 spectators and 353 'wave-maker' volunteers
- 723 media personnel from 17 countries
- Generated £6.6m GVA
- 'Emirates' Spinnaker Tower naming rights.

Next steps

Ben Ainslie went to Bermuda but failed to win the America's Cup. New Zealand won, so the defender determines the boat, the course and the race. There have only been 21 defences since 1851, the reason being that they normally have court cases to argue about the rules! So the next America's Cup final will be in Auckland in Spring 2021. Ben Ainslie INEOS Team UK will be there, with Italy and USA, using 75' mono-hulls, not catamarans. For Portsmouth, this will require dredging and then extending the port facilities, to accommodate the larger hulls. There will be ACWS events, though, in Portsmouth in June 2020.

If Ben Ainslie is successful in 2021, the ACWS will next be held in Portsmouth.

This development has been a great magnet for international yachting activities. It is the centre of a cluster of sailing excellence – personalities, technology, and events management. There has also been an explosion of new materials for other uses, including fitting out super-yachts.

Young people

Engagement with young people has been massive. If you get the opportunity to go to the Tech-Deck at the HQ, you can get a real feel of the cutting edge of technology and the spin-offs into commercial applications. They are working very hard to dispel the myth that this is just for rich kids, and this is an ongoing struggle. However, the feedback teachers give from their pupils after visiting, is phenomenal.

Conclusions

The project has been successful in:

- Vision and grasping opportunity – changing the image of the sport
- Securing world-class sporting excellence
- Role of local government finance, estates and planning functions – we proved we could move at significant pace, and take as much of the community and politicians with us as we could
- Managing risk and uncertainty – community confidence in the council to deliver – and we did
- Importance of building trust and confidence was absolutely key.



Paul is Professor of Real Estate and Regeneration, Northumbria University. He is widely published in the field of urban policy evaluation and the spatial analysis of commercial real estate markets. Paul's research investigates the implications of government changes to the business rates system in England and the spatial modelling of their potential impact.

HIGH STREET PROSPECTS

Bounce back or recalibrate? A reflection on the prospect for UK high streets and town centres to find a new future in a post COVID-19 world

Dr Paul Greenhalgh MRICS paul.greenhalgh@northumbria.ac.uk

Paul gives some thoughts on the repercussions on and future of town centres after the Coronavirus pandemic has passed. Detailed analysis developed by Paul and colleagues at Northumbria University (featured in previous issues of Terrier) can be used to inform these effects.

This article represents the third in series of articles by R3intelligence academics and researchers in the Department of Architecture and Built Environment, at Northumbria University, about analysing town and city centre retail markets using GIS and big data. It was written during a period of enforced Coronavirus (CV-19) self-isolation during which the author had the opportunity of revisit literature on the challenges facing our high streets and town centres.

Reviews

I was drawn in particular to the painstaking review by Neil Wrigley and colleagues at University of Southampton, of research projects that have sought to measure the performance of towns and city centre retailing in order to better understand the forces, drivers and behaviours that shape its future. In their 2014 report 'Evolving High Streets: Resilience and Reinvention', Wrigley and Brookes acknowledged 3 important structural forces that represented both a threat and opportunity to UK town centres and high streets:

1. Progressive rise in online shopping
2. Long term cumulative impact of competition from out of town retail
3. Progressive shift in consumer behaviour and cultures of consumption.

This article seeks to provide a contemporary perspective of collective knowledge and understanding on the current plight and future prospects of the UK high street post CV-19.

Online shopping

The UK leads the world in online shopping or e-commerce, with internet sales as a percentage of all retail sales already breaking 20% before the end of the decade, according to the Office of National Statistics. This figure is set to increase further as a consequence of the temporary closure of most non-essential retail and leisure 'bricks and mortar' outlets due to Covid-19 lockdown, compounded by people who are social distancing or self-isolating having little choice but to shop on-line. The seemingly inexorable shift from bricks to clicks is predicted, by some, to exceed 50% before 2030.

There is little dispute that high streets in the U.K. will need to adapt to survive. We know we have too much retail space, in the wrong format, in the wrong place, and most town and city centres in the UK were exhibiting systematic failure and waste of potentially productive assets, even before the fall-out from CV-19. The distinction between bricks and mortar and e-commerce is diminishing, through click and collect, multi and onmi-channel, showrooming and, increasingly, for e-tailers

to seek a presence on the high street. So how many physical shops does a retailer need in the digital age? Where should they be located? Will the high street ever recover? Can high streets bounce back or have we reached a tipping point?

Perhaps now is the time for a stock take of town and city centres, for a change in their trajectory, towards a more civic and societal role, providing a wider range of functional and experiential touch points that incorporate enhanced services to improve our well-being. In other words, to recalibrate and reorient towards a new future. Secondary and sub-urban retail nodes can also serve an important role and function, as society returns to a more stable equilibrium of 'just-in-time' convenience consumption that offers the prospect of re-localisation, with increasingly choice edited neighbourhoods providing both functional and experiential touch points at the local level.

The propensity for some locations to recover, and even bounce forward, will depend to a great degree on their relative resilience or vulnerability, and more specifically, on their adaptive resilience e.g. the fundamentals of places to find new uses for redundant spaces, to reabsorb vacant units, that would otherwise blight their surroundings. We are not short of intelligence in this regard, as evidenced by the plethora of studies that were undertaken in the last decade (see list of sources at end of the article).

Public sector intervention?

Perhaps given this surfeit of earnest and well-intentioned scrutiny, there is a dawning realisation of the limitations of what intervention and planning can deliver. There are significant limits as to what can be achieved through planning and development control, in relation to the mix and diversity of the town centre offer. Land use planning, via town centre first policy, focussed on retailing in isolation, is largely irrelevant. Quite simply, you can't buck the market and you can't tell consumers how and where to shop. There needs to be a stronger reason and purpose for visiting and spending time (and money) in a town or city centre, and increasingly politicians and central and local government are looking for quasi autonomous organisations, working with local stakeholders, to help manage changes to the structure and 'offer' of town and city centres.

What we do know is that approaches focused narrowly on land and property development have not been successful in improving town centre vitality and viability. Such direct interventions are often a nil sum game, with inevitable winners and losers, due to subtle shifting of footfall and prime pitch, from one part of the town centre to another, and wider displacement or pulling of trade from nearby retail centres.

The aforementioned report, by Wrigley and Brookes (2014), also proffered 4 ways in which social science research could add considerable value, by:

1. Providing analytical insight to the marked variation in performance of town centres/high streets as they adjust
2. Providing related insight into whether and how drivers of differential performance may have varied in scale and position in the retail hierarchy
3. Providing a conceptual framework that helps make sense of complex variations in performance and of the longer-term evolving configurations of high streets
4. Contributing theoretically informed, evidence based, insight to the development and implantation of policy.

At the time, Wrigley and Brookes' thinking was framed around the economic fallout from the global financial crisis; now it will be how town and city centres recover from the measures implemented to halt the spread of CV-19. We need to understand why some high streets are better able to recover, to bounce back, and others to slide further into terminal decline. Useful insight can be gained from a study of how some of the key drivers, such as the position of a retail centre in the retail hierarchy, its role, size, mix, diversity, vacancy, and physical configuration influence resilience. This is where benchmarking can come in useful and, in this respect, there is no need to reinvent the wheel.

Benchmarking

While many indicators of town centre performance are biased towards retail metrics, there is still much useful data available with which to track performance. For example, 'Town Benchmarking', developed by the now defunct Action for Market Towns, comprised 12 KPIs,

including vacancy rates, retail rents, and car parking provision. GENECON's (2011) report, for the Department of Business Innovation and Skills, recommended 4 KPIs, comprising footfall, consumer and business satisfaction, diversity of offer, and consumer spend and business turnover. The Association of Town Centre Managers proposed a 2-dimensional approach, comprising a first stage personality test linked to a classification matrix, followed by indicators grouped around 4 themes - people and footfall, diversity and vitality, consumer and business perceptions, and economic characteristics. The Distressed Property Task Force (2013) made use of Colliers' Town Performance Matrix that used demand and supply indicators, such as vacancy rates, Zone A rents, catchment area, plus qualitative factors, to place towns into one of 5 classifications: thriving; improving; stable; degenerating; failing.

In combination with footfall and consumer satisfaction, the vacancy rate is perhaps the most powerful 'tell-tale' of relative resilience or vulnerability of high streets to respond to crisis conditions. The persistence of void units, particularly over the medium term (12-24 months) offers the most compelling sense of the relative health or distress of a high street or retail location.

Simplistically, there are 2 types of vacancy - natural, that allows for churn and turnover of retail outlets, and structural, linked to over-supply of retail stock and problems with its physical configuration. While there are many reasons for vacancy to occur, some are more benign, for example, changing retailer requirements, new developments, or a shift in the prime pitch, while others are more malign, such as falling footfall and consumer spend, leading to fundamental unprofitability, and resulting in business failures. The latter is sadly all too apparent due to CV-19 lockdown and, despite government measures aimed at reducing overheads and occupancy costs, it is questionable how many businesses on the high street will survive. There is little doubt that structural vacancy is set to increase on high streets across the UK. How will this be tracked, monitored, reported and evaluated?

Given that town and city centres are highly complex urban ecosystems, comprising a series of markets and sub-markets, with a wide range of stakeholders, it is often hard to bridge across from benchmarking and performance metrics, to more nuanced appreciation of how

these factors are playing out 'on the ground' over time. What is missing is consistent longitudinal place-based analysis with which to both measure performance, and assess resilience or vulnerability, at the micro-scale e.g. at high resolution or fine grain.

Over the last 4 years, R3intelligence has been exploring the potential to use Geographic Information System (GIS) software and Valuation Office (VOA) Rating List data, to filter and segment millions of non-domestic hereditaments by bulk class, using SCAT codes (see aforementioned Terrier articles by Adebayo, Greenhalgh and Muldoon-Smith (Autumn 2017) and Ellis and Richardson (Summer 2019)). Such a tool fulfils some of the ambitions of BIS Retail Unit's suggestion of a toolkit for finer grained, street level data collection and analysis.

The method developed by R3intelligence makes use of data covering all of England and Wales, available under licence from the VOA, and covers all retail units, regardless of size or status. The technique we have developed avoids the tendency of most retail market analyses to ignore secondary and tertiary markets, and smaller units, that are vital to entry level retailers and small businesses. A further level of complexity can be introduced by layering in-depth-map data representing street level configuration and integration, as a proxy for accessibility and pedestrian footfall. The GIS can be further enhanced by feeding in vacancy data, typically compiled by local authorities, and increasingly available in the public domain, based on empty property rates. Such data can then be linked to the base 'rating list' data, using unique property or address reference numbers. The resulting multi-criteria data model can be used to reveal the incidence and concentration of high street voids, in relation to the total stock of retail premises, down to postcode level and potentially even finer grain geo-location, using individual address fields.

The data model can be interrogated, at a variety of scales, to offer an illustration and interpretation of the complex interaction between demand and supply geographies at street level, to track the incidence of voids units, act as a tell-tale of distressed locations, as well as identifying those that exhibit greater resilience. The use of GIS software also permits the opportunity to layer in other spatial datasets, to provide a richer and more complex portrayal of both the characteristics and prospects of

individual high streets and secondary and tertiary retail nodes.

For further information about R3intelligence see r3intelligence.co.uk or email paul.greenhalgh@northumbria.ac.uk

For further illustration of the GIS method developed by R3intelligence please refer to Paper #118 'Investigating retail space performance through spatial configuration of consumer movement: A Comparison of York and Leeds', in the Proceedings of the International Space Syntax Symposium (SSS12) 2019, Beijing, by Adebayo, A., Greenhalgh, P. and Muldoon-Smith, K. available at: <http://www.12sssbeijing.com/upload/file/1562664603.pdf>

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David is an authorised High Court Enforcement Officer with over 35 years' experience in specialist evictions and enforcement. He is the director for corporate governance and compliance at The Sheriff's Office and regularly works with the National Eviction Team, both companies being part of High Court Enforcement Group.

He has a wealth of experience in dealing with high profile enforcement operations and has planned and led operations to remove demonstrators from complex locations, including St Paul's Cathedral (OCCUPY!), Admiralty Arch, Parliament Square, Bexhill-Hastings by-pass, nuclear power sites and numerous fracking sites, including Balcombe.

TRAVELLER INJUNCTIONS

Blanket injunctions banned

David Asker david.asker@hceggroup.co.uk

David updates readers on the current position concerning injunctions. He also covers the position on blanket injunctions, following a recent Court of Appeal ruling.

At the time of writing this article, all forms of enforcement are up in the air. There is a 3-month, possibly longer, ban on residential tenant evictions and a moratorium on commercial tenant forfeiture of leases due to non-payment of rent [Ed – see article on Coronavirus contract issues in this issue of ACES'Terrier].

In terms of removal of "persons unknown", be they travellers or protesters, we are still undertaking some work, but with caution and a great deal of health and safety planning. By the time this article is published, the situation may have changed further.

Blanket injunctions

The current situation aside, the purpose of this article is to cover the recent case in the Court of Appeal about the use of blanket injunctions to ban travellers from stopping on local authority owned land.

There are estimated to be around 58,000 travellers in the UK. The majority live in bricks-and-mortar accommodation and do not travel all the time, but they do consider that travelling is a core part of their identity. There are over 23,000 caravans in England and Wales as of July 2018, and only 4.4% of these were on unauthorised sites not owned by the occupants.

For the past few years, local authorities have been using traveller injunctions. These injunctions prevent trespass by

travellers on publicly owned land, such as parks, car parks and the roadside. In recent years, these types of injunctions have been used by 34 councils, and this has included 14 London boroughs.

However, the Court of Appeal recently dismissed a case brought by the London Borough of Bromley. Back in August 2018, Bromley Council had obtained a blanket injunction banning travellers from stopping on 171 different pieces of land within the borough. The council argued that the injunction was necessary, as it had been experiencing an increase in incursions from the traveller community on publicly owned land. Alongside this, there had been issues with anti-social behaviour and fly tipping.

This injunction was appealed by a group named London Gypsies and Travellers, who argued that the injunction was discriminatory and prevented them from their traditional nomadic way of life. London Gypsies and Travellers also argued that they had a lack of authorised sites and stopping places and that this had led to an increase in unauthorised encampments.

The judge in the case argued that an injunction against persons unknown was effectively penalising the entire traveller community for the anti-social behaviour and fly-tipping of only a few. The judge did, however, grant an injunction against fly tipping, waste disposal and preventing entering car parks and parkland for this purpose.

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Implications for councils

This means that there will be implications for local authorities who were thinking of relying on, or who have previously relied upon, blanket injunctions.

The direction from the judge points to the need for a more collaborative approach that addresses the needs of the traveller community. This means making Equality Act impact assessments, with the wider guidance stating that there needed to be a process of open dialogue and communication between local authorities and the traveller community.

It therefore follows that local authorities must regularly engage with the traveller community (and/or, in the Greater London area, the first intervener). Through a process of dialogue and communication, and following the copious guidance set out by the judge, it should be possible for the need for this kind of injunction to be avoided altogether. 'Negotiated stopping' is just one of many ways referred to in English caselaw in which this might be achieved.

City of Wolverhampton Council has also

recently started the approval of a transit site for travellers, with Councillor Steve Evans, Cabinet Member for City Environment, commenting *"By developing a transit site, we are providing travellers with a place to stay short term as well as reducing incursions in the city."*

The solution in Wolverhampton, which identified particularly vulnerable sites, but did not include all the sites owned by the council, seems to me to be a much more proportionate answer.

Local authorities will need to ensure they have ample provision, as there is a serious shortage of long-standing sites and transit sites for the traveller community. There can also be provisions made for negotiated stopping and the development of transit sites.

Negotiated stopping involves an agreement between the local authority and the travellers to stop on land, with terms including waste disposal and keeping the area clean and tidy. Before removing travellers from land, welfare checks need to be carried out. This is a legal requirement and these checks include that any health or welfare needs

are assessed. After these checks have been made, then the local authority needs to ensure any issues are seen to. A decision will be made as to if it is appropriate for them to remain on site, or if they need to be asked to leave.

In my view, boroughwide injunctions are inherently problematic. They give the traveller community no room for manoeuvre. They are much more likely to be refused by the court as a result, as happened in the Bromley Council case.



CONDITION SURVEYS OF SCHOOLS

Building surveying case study of Tameside Metropolitan Borough Council

Kyle Hargreaves Kyle.hargreaves@g-s.co.uk

Kyle is a Building Surveyor within the newly established Manchester team. Kyle studied Building Surveying at The University of Salford and graduated in 2017 with First Class Honours. Prior to his degree, he also achieved a Distinction in his Higher National Certificate (HNC) at Stockport College in Construction and the Built Environment.

Kyle started working with G+S in March 2019, following 8 years with one of the world's largest building protection manufacturers, where he served as Technical Services Manager. He has a wealth of experience in defect analysis, bespoke detailing and specification writing, and u-value and condensation analysis. His technical expertise has provided key technical assistance in government and Ministry of Defence projects.

Kyle project managed the survey works with Tameside Borough Council and here is an account of the key challenges, results and messages concerning the project. Graham + Sibbald sponsored ACES' AGM 2019 in Glasgow and 2019/20 Winter Terrier featured 3 presentations made at the event. My thanks to G+S for reinforcing that support by advertising in ACES' Terrier.

Project summary

Instructions were received from Tameside Metropolitan Borough Council to undertake condition surveys for 25 primary schools. The team involved were the Manchester Building Surveyors of Graham + Sibbald, project managed by Kyle and the schools are all located in the district, part of Greater Manchester. The survey work took place between October 2019 and February 2020.

G+S was instructed to undertake condition surveys of 25 primary schools, to identify maintenance requirements over

a 5-year period. The purpose of collecting building condition information was to improve the management of the school building stock, and in particular, to:

- Identify backlog maintenance items
- Assign a description of the condition and a priority grading to building elements requiring attention
- Create a priority list of repair schemes from the data collected
- Ensure that centrally funded schemes are prioritised in a fair and transparent manner.





The completed reports would include the condition of building fabric (internal and external), the condition of mechanical + electrical services and provide accurate costings to bring each element into a good standard of repair within that 5-year period.

Approach

Effective communication was therefore critical to the project's success, both in terms of co-ordinating the surveys with each respective school, but also to ensure the client's brief was met on each occasion. As a number of different teams undertook the surveys from different offices, it was also essential that consistency was maintained between each report, in terms of quality, writing style and technical approach.

Regular meetings were therefore held between key staff members and also with the client, Robertson FM, to ensure requirements were being met at every stage of the project. In order to achieve consistency between all reports, regular updates were provided to each surveyor

and draft reports were given to the client for constructive feedback.

This ensured the service offered and reports provided were always in-line with their requirements, and as this was the first time we had delivered a project of this nature for this particular client, we offered a number of different presentation formats, in order to give them added value and substantial control in the product.

Key challenges

Key challenges around the project predominantly related to accessibility and working around live school environments. This meant restrictions were in place with regard to sensitive photography, and ensuring no children or staff members were disturbed or distracted during teaching times. While some of the schools were surveyed out of term time to alleviate such issues, a number of schools still had to be surveyed within term time, in order to meet the client's deadline.

All of the completed reports had to be returned to the client in advance of the current financial year end, to allow the council adequately to plan for works

required during the following financial year. In order to achieve this, surveyors often had to attend early in the morning before the schools officially opened, and also stay late in the evenings once all students had left the premises. Surveyors also had to work closely with school staff, to ensure rooms were only surveyed once fully vacated, which required a large degree of flexibility and adaptability to maximise break times and classroom timetables.

The result was a comprehensive report for each school, which was delivered on time and without any disturbance to the schools. While it would have been advantageous to undertake the surveys during the holidays, the surveying teams worked collectively and diligently together, to meet all of the stakeholders' requirements.

Results

The reports were delivered within the required timeline, despite a number of variations requested to the reporting format and additional information required, which was not included in the original brief. We adapted to the client's needs throughout the project, improving on any sections as required, expanding wherever necessary, and providing additional information at no further cost. The reports have been well received by the client, and also a Carbon Neutral Advisor for all of the Greater Manchester Authorities, with the reports being used as a benchmark for other local councils to adopt.

Key message

Accurate costing was provided to the client to give them a reliable maintenance forecast for each school over the 5-year period. This ensured the client could plan appropriately and with confidence in respect of each defect found, its severity, and priority level against other notable issues.

"We have worked with Kyle and the team at G+S since they came to Manchester. They have delivered various different types of surveys for us and our client and everyone has been very happy with the service and quality provided. They are a very professional company who understand the needs of the end user and are willing to work around your needs. Highly recommend!"

Richard Dawson, Project Manager,
Robertson FM (Client)



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Ian is a Senior Director and head of BNP Paribas Real Estate's (BNPPRE) UK Building Consultancy division. His division works in the private and public sector and is included on the government Crown Commercial Service framework. They complete all aspects of building consultancy work, broadly covering technical due diligence, dilapidations, project management, project monitoring, cost control and building surveying services.

Ian is a chartered building surveyor who has been in practice for 27 years. He has spent his career in London working for large multi-disciplinary real estate firms and was more latterly at GVA (now Avison Young). Ian was on the RICS working group tasked with writing the RICS guidance notes for Technical Due Diligence (TDD) of Commercial Property, 2010, and global guidance note, January 2020. He has completed TDD and project appraisals and monitoring on some of the largest property acquisitions and developments in the UK, and also regularly works throughout mainland Europe.

TECHNICAL DUE DILIGENCE

What is Technical Due Diligence?

Ian Bragg ian.bragg@realestate.bnpparibas

The following article will be useful to readers who are involved with acquiring or disposing of property either for investment or occupation. It aims to explain the purpose of a TDD report, what the report should cover and how TDD can significantly reduce the risk in property transactions.

Introduction

TDD is a term recognised by the real estate and legal professions but its meaning, purpose and scope can be confusing to clients. The RICS guidance note defines the need for TDD as:

"Technical Due Diligence of property, when carried out by an RICS member or RICS registered firm, consists of the systematic review, analysis, discovery and gathering of information about the physical characteristics of a property and/or land (the property). The RICS member or RICS registered firm then undertakes an impartial and professional assessment of the property in the form of a TDD report. This enables a prospective purchaser, occupier or financier of the property to make an informed assessment of the risks associated with the transaction from a technical perspective"

TDD is basically an improved enhanced version of a "building survey" report, covering a far wider scope. Many people will be familiar with building surveys as they are still used in the domestic residential sector, but the scope of a building survey is limited, and broadly covers the condition of a property and the associated risks of acquisition. Building surveys are sometimes incorrectly referred to as structural surveys or schedule of condition reports.

Structural surveys are carried out by structural engineers and specifically

comment on the structural form of construction and risk of failure. They can be instructed as part of a TDD report when the building surveyor needs specialist input on an unusual form of structural design or defect, which exceeds their knowledge and requires expert opinion.

A condition survey is generally a specific report recording the condition of a property at the time of inspection. It includes factual statements rather than opinion and is normally supplemented with photographs. Such reports are commonly referenced in a lease, to record the condition at the start of a tenancy, with the aim of limiting future dilapidations liabilities.

TDD reports are instructed for the main reasons of purchase for investment and/or occupation; sale; and re-financing.

TDD reports

The type of instructing client and some of the issues to be covered in the TDD report are discussed below:

Acquisition for Investment: Instructed by purchasers including pension funds, investment funds, property companies, high net-worth individuals/families and sovereign wealth funds. Local authorities have also been active purchasers of commercial property in recent years,



The Old War Office

using investment proceeds to deliver local services. As the property will often be generating income from tenants, the client will want to understand the lease obligations, particularly around repair, reinstatement at lease termination, and the alterations undertaken by the tenant. Are there any schedules of condition with the leases which could limit the repairing responsibility of the tenants, and are there licences for alteration, with a requirement

to reinstate the premises back to its original layout?

The condition of the property is obviously important, but the client is less likely to want a detailed commentary on all minor defects identified, if they are the tenant's responsibility to repair. Significant defects, key risks and pertinent issues should be highlighted, which may affect the investment value. The surveyor should also comment on how the property

measures against market expectations. Could its condition or design potentially influence a tenant's decision to rent the property? How much will it cost to place the building into repair over the next 10 years? Could the building become obsolete without major intervention at some stage?

Acquisition for occupation: An occupier will want to gain an understanding of the risks of entering into a lease in terms of:

HEADING	CONTENT SUMMARY
Executive summary	<p>Should adopt a Red Amber Green reporting structure to highlight key, pertinent issues. Provides a clear recommendation on whether, from a technical and surveyor's perspective, there are any matters which could materially influence the client's decision to proceed.</p> <p>BNPPRE includes a table of repair costs, prioritised over 10 years - split between the immediate, short, medium and long term. An opinion on whether the costs will be a landlord or tenant/service charge responsibility is also provided</p>
Introduction	Confirms instructions, scope and brief, limitations of survey, any specialists appointed
Description of the property	Brief description of the property, including construction of main building elements, location, size, orientation, and surrounding uses
Elemental condition, covering	Form of construction and condition, highlighting specific defects and recommendations for repair with timelines
<ul style="list-style-type: none"> • Roofs/balconies and canopies 	As above
<ul style="list-style-type: none"> • Rainwater goods 	As above
<ul style="list-style-type: none"> • Walls and cladding/facades 	As above
<ul style="list-style-type: none"> • Windows, doors and joinery 	As above
<ul style="list-style-type: none"> • Structural frame 	As above
<ul style="list-style-type: none"> • Substructure/basement 	As above
<ul style="list-style-type: none"> • Floors 	As above
<ul style="list-style-type: none"> • Internal walls, ceilings, partitions and doors 	As above
<ul style="list-style-type: none"> • Finishes 	As above
<ul style="list-style-type: none"> • Internal and external staircases 	As above
<ul style="list-style-type: none"> • Sanitary fittings and welfare facilities 	As above
<ul style="list-style-type: none"> • Building engineering services installations 	As above
<ul style="list-style-type: none"> • External areas, outbuildings and boundaries 	As above
Legal and compliance (comment on documents provided, assuming a detailed legal review undertaken by lawyers)	<ul style="list-style-type: none"> • Legal interest (title, tenure and boundaries) • Building contract and warranty documents • Statutory compliance • Access/inclusion audits • Fire Risk Assessment
Deleterious materials	Materials hazardous to the building and/or hazardous to health
Environmental, social and governance	Commentary on the building's environmental and sustainable credentials including Energy Performance Certificate or Display Energy Certificate rating. Recommendations to improve energy performance. Summary of any environmental labelling schemes the building has adopted, e.g. BREEAM or SKA. Building orientation and access to public infrastructure and wellness facilities
Asset management considerations	Highlight any options physically to improve the building for added financial value or occupation
Health and safety	Summary of any obvious H&S deficiencies but does not constitute an audit
Appendices	<p>Can include, subject to instructions:</p> <p>Schedule of defects and/or repairs with budget costs.</p> <p>Specialist reports, such as:</p> <ul style="list-style-type: none"> • building engineering services • environmental assessment • Reinstatement cost assessment • structural engineering • cladding/facades • fire engineering • material testing • sustainability <p>Scope of services and standard limitations</p>

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current defects to remedy, likely future maintenance liabilities, running costs and, importantly, the property's ability to suit their occupational needs. The client may therefore want additional scrutiny of defects and the cost of repair, which could result in them insisting the landlord remedies certain defects, caps their service charge, or enters into a schedule of condition to limit future repairing responsibilities. An "agreement for lease" may be entered into, stipulating works the landlord must do, including building improvements.

If the surveyor is made aware of the tenant's intended use of the space, they can comment on the building's suitability. Using an office as an example, the surveyor could comment on: the ease of installing office partitioning and the flexibility of the space; capacity and location of riser ducts and raised access floors for cabling; capacity of engineering services and designed occupational levels; WC provision, disabled access and sustainability credentials.

Sale: A vendor TDD report is instructed by the seller to prepare for sale, and is often provided for the benefit of the future purchaser. The purchasing party and their intentions for the building will therefore not be known, so a vendor report provides factual statements for the purchaser to consider. The aim of the vendor TDD report is to speed up the sale process; it can avoid or minimise purchasers re-considering their offer after completing their own survey. Vendor TDD reports are particularly useful on portfolio instructions where a number of properties are being purchased, or where the occupier has security concerns and does not want multiple inspections.

Re-financing: Instructed by financiers offering debt to landlords who already own the freehold/long leasehold of the property. Depending on the loan to value ratio and covenant strength of the borrower, the financier's risk can be significantly lower as a layer of protection is offered by the borrower. The report may therefore be in a summary form, again highlighting significant risks and pertinent issues, which may affect the investment value of the property, as opposed to more detailed maintenance related items.

Public sector case studies

The Old War Office

The Defence Infrastructure Organisation instructed a vendor TDD report as part of its sale strategy, to account for the high security and sensitivity of the site. The TDD report needed to provide as much information as possible, properly to inform the buyers of the risks of the purchase, without the buyer or their technical advisors being able to fully inspect. It was assumed that the site would be reconfigured to a use with the highest financial return and the vendor TDD pack therefore included, in addition to the standard scope:

- Full measured building plans
- Asbestos reports
- Heritage statement and planning report
- Rights of Light study
- Indicative architectural plans to identify the potential to extend the footprint and reconfigure the space to hotel and residential apartments
- Indicative redevelopment cost plans
- Archaeology desktop review
- Utility services capacity review.

The c41,810 sq. m. (450,000 sq. ft.) building was successfully sold and is currently being redeveloped into hotel and residential accommodation (TDD conducted while at GVA).

Government Property Agency

A TDD report was instructed as part of the GPA's intended lease acquisition of c48,770 sq. m (525,000 sq. ft.) of office space in Canary Wharf for the accommodation of around 6,000 agile working civil servants. BNPPRE's agency team was brokering the deal and the TDD report supported the acquisition process, by providing information on the condition of the building and future maintenance liabilities, to enable the agents to complete negotiations on rental levels and landlord contributions. The report also commented on how the design and condition of the building could affect the fit-out construction process, space plans, costs and programme (Project completed by BNPPRE).

TDD report headings

The typical headings in a TDD report are detailed left. It is worth noting that a TDD report is based on a visual, non-intrusive inspection and will not include for intrusive investigations, tests or validation of services and a measured survey of the building/site. These services may be recommended after the initial inspection.

TDD is an essential part of a property transaction, where key technical risks are highlighted and mitigation measures recommended to help the decision making process. The content of the report should follow the same principles but respond to the client's requirements and intentions for the building.

The RICS guidance note can be found at: <https://www.rics.org/globalassets/rics-website/media/upholding-professional-standards/sector-standards/building-surveying/building-surveys-and-technical-due-diligence-of-commercial-property-4th-edition-rics.pdf>



CONSTRUCTION CONTRACT DISPUTES

Time for a spring clean? Why not dust down those warranties to check for hidden value

Vaughan Burnand BSc MIOB MCIOB vaughan_burnand@hotmail.co.uk and Brian Thompson – brian@realestateworks.co.uk

This article considers a number of practical steps that can be taken to avoid expenditure or preserve/enhance value to your property. "A thorough investigation of any potential or actual patent and latent defects might end up saving you a lot of money that now, more than ever, needs to be directed to front line services."

Vaughan is an experienced construction and property professional who, following an 8-year spell as CEO of Shepherd Construction, has run a very successful interim business working for various public sector clients as a 'Poacher turned Gamekeeper'. He has advised NHS Trusts on PFI management, universities on procurement, delivered schools for the Department for Education as Project Director, and local authorities on project management in the wake of Carillion's demise. More recently, he has advised a developer on the calling of bonds and parent company guarantees in the light of latent defects. He is aware how some contractors operate, where the bodies are buried, and some of the techniques that have been used to cover up defective or unfinished work.

Brian is a regular contributor to ACES' Terrier and has to date successfully hidden the fact that he has worked for 2 of the 'Big 4' accountancy firms. His career path also includes working within local government and running public sector consultancy businesses. He is now an independent consultant and has been a member of the RICS Public Sector Group for 10 years.

The last few months has given most of us an opportunity to reflect and perhaps pay attention to those challenges that have until now never even made it to a 'to do' list, even though we know, if we are completely honest, they most certainly need 'done'.

For the vast majority, an expedition into the loft or the deeper recesses of the garage will uncover nothing but memories and liabilities, but a review of warranties and other protections could help you avoid unnecessary expenditure on your properties, preserve or even enhance the value of those assets.

Many public sector bodies occupy buildings built less than 15 years ago. Depending on the circumstances, you may be able to rely on warranties and other agreements to cover the costs of repair and replacement relating to defective design, materials or workmanship. If a patent of latent defect can be established, why dig into reserves and treat it as just another item of necessary life cycle expenditure that has to be funded using internal precious resources?

Unfortunately, the passage of time and the churn of individuals within property departments can come together in such a way that the corporate memory is lost or, at best, it becomes increasingly difficult to join the dots.

Rather more patent than latent!



This article considers a number of practical steps that, in certain circumstances, can be taken to avoid that expenditure or preserve/enhance that value referred to above – it is not intended to be a legal advisory note, as that is for others much better qualified than the authors to prepare!

The Limitation Act 1980

The key piece of legislation applicable in England and Wales is the Limitation Act 1980. It drew together various provisions that sought to limit the time period within which a party must bring a claim, or give notice of a claim to another party.

The key time periods are 6 years or 12 years. In brief you have:

- 6 years from a negligent act to claim for negligence. If the claim involves physical damage, as may well be the case in relation to property assets, the clock starts to tick from the date of the damage rather than the act of negligence
- 6 years to claim for breach of contract where it comprises a 'simple contract', that is one signed by the parties. The date of the breach of contract is the relevant date. If difficult to ascertain, the relevant date is often regarded as the date of practical completion; and
- 12 years to claim for breach of contract where the contract is sealed and comprises a formal deed.

It is important to note here, however, that the parties may have agreed to limitation periods that are either more or less than those referred to in the Limitation Act, but these instances will be the exception rather than the rule.

The Latent Damage Act 1986

This Act provides for a potential extension to the 6-year rule (or 12 years as applicable) but only in relation to negligence claims for latent defects. If a latent defect is found to exist, the time limit for a claim is the later of:

- 6 years from the date the breach occurred, or the date the negligent act or omission occurred; or
- 3 years from the earliest date at which the material facts were known, or should have been known, to substantiate the claim.

But beware, this Act will not necessarily apply, as many construction contracts specifically exclude claims for negligence other than where it results in death or personal injury.

Hidden value

We typically think of hidden value in the context of alternative use potential, or perhaps marriage value. But there may be significant amounts of hidden value lurking behind warranties that themselves are lurking in a safe, a filing cabinet, or a mysteriously labelled computer folder.

It may be time very well spent to review the existence and status of legal agreements, and link the rights contained therein to the current condition of your relevant property assets and interests. You may be very pleasantly surprised to find that there is something of value left behind in these agreements, where you are aware of or suspect the existence of a patent or latent defect.

Which documents?

A good starting point is to identify buildings less than 12 years old and review the following:

- Building contract - the agreement between client and contractor encompassing the contract, drawings, specification and Bills of Materials on traditional contracts, and Contract, Employers Requirements and Contractors Proposals on design and build contracts. The contract covers the client for both patent and latent defects for the term. Patent defects are those identified during construction and the defects liability periods, while latent defects are those arising after the certificate of making good defects.

Building contracts can be assigned

- Parent Company Guarantee (PCG) - if the contractor is a wholly owned subsidiary and is the named party to the contract, it is normal for the contractor's parent to sign a PCG between the client and the parent. This can also be assigned to succeeding parties, but the number of assignments may be limited to 2 or 3 instances. The PCG puts the parent in the place of the contractor in the event of the contractor going out of business
- Bond - this comprises a tri-partite agreement between Obligor (Client), Principal (Contractor) and a Surety (guarantor) for a sum that typically equates to a percentage of the contract sum. It can be used to rectify issues arising out of contract default – or unforeseen issues leading to cash flow problems. The termination date of this agreement is usually practical completion, but it could be upon the issue of the certificate making good defects. This could be open-ended if the client doesn't issue the certificate simply because the contractor has failed to make good defects
- Collateral warranties – since defects in buildings are an economic loss and not recoverable in tort, collateral warranties create the necessary contractual relationship between parties that would not otherwise exist e.g. a building occupier and the contractor's architect. The warranty allows the building end user, such as a tenant, to enjoy the same rights as the original party to the contract.

A forensic review can pay dividends





NATIONAL CONFERENCE GREATER MANCHESTER 2020

Event Title	Property : Community : Growth Creating Our Legacy for the Next Generation
Date	Thursday 24th and Friday 25th September 2020
Venue	Manchester Science + Industry Museum www.scienceandindustrymuseum.org.uk An all-inclusive package will be available for you in the vibrant heart of the Greater Manchester City Region
Sponsors	We are inviting interest from potential partners to support this key event in the ACES calendar.

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Consequential losses cannot be claimed under collateral warranties and must be claimed separately under tort law.

A hurdle to overcome in the first instance is simply obtaining the documents that you, as client, are entitled to receive. As time goes by, and people, or maybe the property, change hands, the task of recovering and accurately recording the documents and their associated obligations can become less of a priority. Our experience confirms that contractors are not always diligent in providing the necessary documentation, and clients are not always diligent in holding, understanding and acting upon the documentation, where opportunities arise even if the documentation is handed over.

For leasehold accommodation, it goes without saying that the provisions of the lease should be understood, so far as they relate to liability for latent or inherent defects. Under a FRI lease, the tenant will be responsible for repairing damage to the building with an explicit carve out for inherent defects. But depending on the circumstances, it may only be possible to repair the damage by remedying the underlying (or latent) defect – such as by replacing a faulty roof component that resulted to water ingress.

Perhaps an assignable latent defects policy was entered into by the original or previous tenant. If so, make sure you know of its existence and its terms.

Another document worth investigating might relate to the sinking fund for leasehold property, where the tenant separately contributes to a fund for anticipated life cycle investment over and above the payment of a regular service charge.

A recently commissioned condition survey report might have highlighted the existence of a potential underlying defect. If such a document doesn't exist, the forthcoming expiry of the relevant limitation period presents a timely reminder to commission a survey drawing on any evidence of disrepair or defects available.

What else should I think about or do?

It is important to note that the Limitation Act 1980 should not be regarded as providing an 'extended warranty' – it simply sets a time limit for claims

relating to breach of contract or tort, such as negligence. If the normal life of a component is 5 years and it fails, even though it was meticulously maintained since the date of practical completion, the contractor is not liable to replace the item.

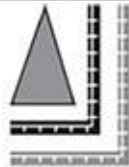
We have set out below some other pointers relating to a potential claim:

- Assemble an evidence base – this may include collating and analysing data from your FM supplier or in-house team on repairs, particularly where repeat events are occurring (such as leaking or ill-fitting windows, or rising floor finishes)
- Conduct due diligence on the parties named in the agreements, for example, to determine if they still exist and, if so, their financial status
- Seek the opinion of those carrying out condition surveys and providing FM services whether defects noted may be traceable to inherent problems with the original workmanship or materials used
- Amend your property management system now to include a reminder date associated with the termination of the limitation period(s)
- Compare the initial construction fire strategy with actual build quality and current Fire Risk Assessments. This may reveal missing components such as firestopping, incorrect materials and/or poor workmanship
- It is conceivable that work may have been carried out in accordance with the contractual specification and in a workmanlike manner, but is still 'defective' because it was not in accordance with a planning consent. This scenario points to the importance of understanding

not only the strictly contractual documentation, but also the context

- The costs of carrying out reviews and 'forensic investigations' will most likely be recoverable in full in the event that a claim is successful. This could include uncovering works, materials, fixings or similar which, experience shows, will often reveal unwelcome surprises
- Time may be of the essence just now, given a reasonable expectation that Covid-19 will lead directly or indirectly to a number of contractors and sub-contractors going out of business
- If leaving matters to the last moment, it is critical to ensure that any notices served are done so strictly in accordance with the contractual requirements.

Don't avoid this year's spring clean – a thorough investigation of any potential or actual patent and latent defects might end up saving you a lot of money that now, more than ever, needs to be directed to front line services.



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Andrew is President of the Institute of Revenues Rating and Valuation, and a Director of Andrew Hetherton Consulting Ltd.

EXPERT WITNESSES

Andrew Hetherton MRICS IRRV (Hons) Cert Ed
andrewhethertonconsultingltd@btinternet.com

Andrew was a guest at ACES Annual Meeting in November 2019 and agreed to write a piece about expert witnesses for inclusion in this edition of ACES' Terrier. Thanks, Andrew, for an extremely detailed article to assist rating (and other) surveyors who find themselves as expert witnesses. The views expressed are personal and may not represent the position of other organisations.

Background

Recent decisions of the Upper Tribunal (Lands Chamber) have through its decisions made recommendations to guide future practice. Some of these requirements are already well-known and draw attention and act as a reminder to the expert witness of their obligations to the Court and as a member of a professional body. A consultation to the Practice Directions in the Upper Tribunal (Lands Chamber) (UTLC), was launched in November 2019. The consultation closed at the end of January 2020. Many of the proposed revisions have been welcomed by professional bodies such as the Institute of Revenues Rating & Valuation (IRRV) although given a number of recent cases, attention was drawn to the particular circumstances surrounding evidence from rating experts and particularly in relation to cases progressing under the simplified procedure. To that end, and having in mind the need for both transparency but also access, recommendations have been made to facilitate such an approach. The UTLC has consulted widely on a number of revisions to its procedure rules but none detract from the expectation that the "overriding objective", is to enable the Tribunal to deal with cases fairly and justly (Rule 2(1)).

The IRRV responded to the draft revisions. We can expect the responses to be reviewed and decisions made soon. There are however a number of issues which any professional should consider in the interim:

1. Lessons for an expert witness – a conditional fee basis must be declared at the outset

Mr Justice Holgate, formerly President of the UTLC addressed the issue in the case of Gardiner and Theobald v Jackson (VO) [2018] RA/3/2017 heard with Valuer Member Andrew Trott FRICS. The case concerned office premises near Tottenham Court Road, London. Particular attention was drawn in the judgment to the expert witness for the appellant, who declared that he was not acting under a success related fee when according to his client he was. The Tribunal reported:

"it remains wholly unacceptable for an expert witness to enter into a conditional fee arrangement, without that fact being declared (and in sufficient detail) to the Tribunal and any other party to the proceedings from the very outset. The Tribunal will treat such a failure as a serious matter"

As a consequence, a copy of the decision has been sent to the President of the RICS, so that the Institution can consider whether the decision has any implications for its Practice Statement, or more generally, and whether further steps should be taken in relation to the circumstances of the case.

Further issues arose in Merlin Entertainments v Wayne Cox (VO) [2018] RA/24/2018 which concerned a Material Change in Circumstance (MCC) appeal. The witness for the appellant, who was acting on a contingency or success-related fee basis, sought to prove that a decline in visitor numbers and thus attendance at Alton Towers, following

the crash of the Smiler ride in June 2015, was an MCC under paragraph 2(7)(d) of Schedule 6 to the LGFA 1988. It was held not to be, but the point made was that the expert did not confine himself to factual evidence, but rather:

“he sought to draw inferences and express opinions on the conclusions to be derived from the data he presented” and this “was an abuse of the Tribunal’s process.” Furthermore, the Tribunal reminded us that: “the concerns raised in Gardiner about the duty of independence owed by an expert related not just to the opinion evidence [given] but also the factual and other material [provided], whether by way of disclosure or evidence. It should have been plain that the decision in Gardiner affected experts, such as surveyors, disclosing information and giving evidence on factual issues and not simply matters of expert opinion.”

It was also pointed that even if an expert provides a purely factual witness statement, there is still a duty to the Tribunal of independence and any remuneration dependent on the outcome of the proceedings must be disclosed. In the normal course of proceedings, the Tribunal will consider the matter and would likely refuse to receive the evidence from an expert. This case was also referred to the RICS.

Senova Ltd v Sykes [2019] UKUT 0275 (LC) RA/87/2018 also involved conditional fees.

2. Lessons for an expert witness (particularly those acting in a dual role) – statement of case

In Hammerson UK Properties plc v Gowlett (VO) [2018] RA 95, the Tribunal provided a reminder to those preparing a statement of case that it is not necessary that all of the evidence in support of the case be referred to in the grounds of appeal, especially if the case is relatively simple and has not changed since the VT. It was also highlighted that it is not appropriate to wait for the results of investigations, which may or may not support the case. What should occur more correctly is that the appellant should just concentrate on getting the grounds of appeal submitted on time. The desire to refine or enhance the case is not a (good enough) reason for delay. According to the Rules, the grounds of appeal [21(3)(d)] must be served with the notice of appeal [24(3)] and the

statement of case must be served with the notice [Practice Directions 6.2(1)] (unless an extension of time is granted).

While the statement of case is a mere summary, it must still identify the issues and set out the basis of facts and law on which the parties intend to rely. If the issue is one of valuation, a valuation and details of comparables must be included. In Hammerson, however, we are reminded that this trio of documentation (the grounds, the notice and the statement) is not an opportunity for a party to set out the evidence, let alone to argue the appeal, and the Practice Direction must not be understood as a requirement, invitation or permission to do so. The detail required must be sufficient to enable the other party to understand the case that is being advanced against it and to enable the Lands Chamber to identify the issues. A case management hearing dealt with the issues in Hammerson and a further extension was granted. However, in Giraffe Concepts v Jackson (VO) [2018] RA 34, the appellant was not quite so fortunate, and the appeal was struck out at the same hearing at which he was asking for an extension in time.

3. Lessons for an expert witness – agreement of facts

As with any case, Experts are encouraged to agree relevant factual matters prior to exchanging their reports (UTLC Practice Directions 8.1) but this can have unintended consequences. In Wilkinson (VO) v Edmundson Electrical Ltd [2018] RA 1, the Tribunal concluded that decking used for storage that was supported by racking and 2 staircases was not rateable. The decision was a departure from previous cases, but the Upper Tribunal said that it was the inevitable consequence of the parties’ agreement that the racking on which the decking was laid was plant. Another case Telereal Trillium v Hewitt (VO) [2019] UKSC 23, saw a majority decision in the Supreme Court concerning the correct approach in relation to a Joint Position Paper which the parties had presented to the Upper Tribunal. In practical terms, it was agreed that at the Antecedent Valuation Date (AVD) there was no-one in the real world that would occupy the offices known as Mexford House – an office block in Blackpool. If that was the correct way to assess the hereditament, the RV would be £1. If on the other hand

a hypothetical tenant had to be assumed under the rating hypothesis, then the rateable value would be £370,000. The appeal was allowed but it was not unanimously decided. At paragraph 58 Lord Carnwath said:

“Whether the hereditament is occupied or unoccupied, or an actual tenant has been identified, at the relevant date is not critical. Even in a ‘saturated’ market the rating hypothesis assumes a willing tenant, and by implication one who is sufficiently interested to enter into negotiations to agree a rent on the statutory basis. As to the level of that rent, there is no reason why, in the absence of other material evidence, it should not be assessed by reference to ‘general demand’ derived from ‘occupation of other office properties with similar characteristics.’”

The 2 dissenting judges didn’t differ on any legal principles but were concerned with the “artificial agreement about the facts made between the parties before the Upper Tribunal, as set out in the Joint Position Paper.” Lord Briggs said at paragraphs 70 and 79: “The agreement recorded in the JPP was not merely that there was no evidence to prove real world demand for a letting of Mexford House, but that the evidence positively showed that there was none ... it was an agreement made in the context of evidence, rather than in an evidential vacuum. The agreement in the JPP was not merely that no hypothetical tenant could actually be identified as at the AVD, but that there was no demand at all for Mexford House.” Provided that the hereditament is not functionally obsolete and provided there is no material evidence to the contrary, the valuer may assess it by reference to the general demand for that mode or category of hereditament in that locality.

4. Lessons for an expert witness – research your case thoroughly and inspect

In McManus Managed Pub Co Ltd v Lewell (VO) [2018] RA 44, Mr Paul Francis FRICS dismissed an appeal which sought a reduction in the rateable value of a public house, assessed with reference to fair maintainable trade, because of an alleged material change of circumstances caused by the opening of a “gastro bar” nearby. The appellant contended that trade had suffered a “sudden and sustained drop, although the trade figures used to support

the contention were not as clear as they should have been.” The Tribunal Member pointed out his concerns: There were differing and unexplained year ends, gaps in the trading accounts and confusing grounds of appeal. The expert for the ratepayer put in no report and his oral evidence was reliant on his recollections of his inspection 16 years’ previous. His toning back was not based on fact and was “nothing more than an unnecessary and unsupported stab in the dark.”

In *Fabulous Collections v Smith (VO)* [2017] RA 29 heard before Peter McCrea FRICS, the issues concerned the effect of a factory outlet, Centre Resorts World, may have had on Fabulous Collections, Poplar Arcade, in Solihull, located around 6 miles away, “whose trade had fallen substantially following the opening of the Centre.” Mr McCrea found that the evidence provided by the expert for the appellant was not very well researched. It was “at best rather thin”; “patchy”; “abandoned part way through”; “came with a health warning”; “pretty confusing”; “all over the place” and Mr McCrea had reservations about the utility of a Table of Evidence submitted in evidence. It turned out that the loss of trade was due to loss of franchise and nothing to do with the opening of the factory outlet village at all.

The tribunal can rightfully expect that basic details are thoroughly researched in advance and that all documentary evidence is to hand, but in *Go Outdoors Ltd v Lacey (VO)* [2019] RA 90 the appellant had proceeded on the basis that the property had “bulky goods” planning consent [only]. In fact, the retail unit had “an open (non-food) retail warehouse consent unfettered by such a restriction.” The agreement for lease can form important evidence particularly in cases where the date of the rent is a key feature of the case, but this was not produced until the second morning of the hearing.

A different case however *GPS (Great Brittan) & Others v Bird (VO)* concerned a detailed analysis of the impact on trade for various retail warehouse units at Fosse Park, Enderby in Leicestershire. The case heard detailed analysis of trade information arising from the opening of a new shopping centre, Highcross, in the centre of Leicester. While there was no direct relationship between turnover and rent, the Tribunal was satisfied that the hypothetical tenant would have reduced the rental bid significantly as a result of the

proposed fall in trade. It was contended by Counsel that turnover information was an important part of the overall evidence picture and it should inform the valuation exercise, as should general economic conditions common to both the Fosse Park data and the benchmark data in each case.

5. Lessons for an expert witness – be truthful

It should hardly be necessary to remind an expert witness that they must be truthful as to fact, honest and impartial as to opinion, and complete as to coverage of all relevant matters, but in *Hussain v Turner (VO)* [2017] RA 61, Mr Peter McCrea heard evidence from a ratepayer whom he said “was prone to being a bit forgetful.” The case concerned a retail unit occupied by Mr Hussain and his wife. Mr Hussain said that he sold small alloy wheels from one half of the shop and his wife sold big wheels from the other half, and that he was going to build a wall to separate the 2 occupations. The VO split the assessment, but on discovering that Mr Hussain had in fact only put in place a row of chairs, merged the assessments back again to form one hereditament. Under cross-examination, counsel for the VO put to Mr Hussain that the reality was that the motive behind the decision to create the 2 businesses was simply to secure a reduction in business rates through Small Business Rates Relief (SBRR). Mr Hussain emphatically denied this.

After the hearing, Mr McCrea requested a copy of the proposal which the ratepayer had not included in his bundle. When he received it, he found applications for SBRR on both units and copies of cheques from the billing authority after SBRR had been applied to the rating bills.

A recent decision of the Court of Appeal suggests that an expert witness could receive a fine or up to 2 years’ immediate committal for misleading the court. In *Liverpool Victoria v Zafar* [2019] (which is not a rating case but the principles will apply).

6. Lessons for an expert witness – adopt a common approach

Semlogistics Milford Haven Limited v Webb (VO) [2018] RA 12 concerned the valuation of an oil storage depot using the contractor’s basis. The valuations of both parties were extensive and complex.

The appellant produced a valuation of 607 lines and 18 columns; the VO, 324 lines of 15 columns. The Tribunal wanted to make changes to a single common valuation, but the fundamental differences in methodology used by the parties precluded this. All the Tribunal could do was to decide the principle issues and ask the parties to work out the detailed valuation. At the end of their decision, the Tribunal referred to the difficulties it encountered without a common valuation format and called on the RICS, the Valuation Office Agency and the RSA to resolve the situation.

In *Hughes (VO) v York Museums and Gallery Trust* [2017] RA 302, the Upper Tribunal specifically rejected the use of the Monsanto scale at Stage 2 of the contractor’s basis valuation. It said that the (age and obsolescence) allowances employed in the valuation of a post-war chemical works have no relevance to historic listed buildings used as museums and art galleries. The Tribunal did not criticise the use of Monsanto allowances where applied to the appropriate class, but said that the use of the scale has no place as a tool for valuing non-industrial buildings.

7. Lessons for an expert witness – it is OK to change your mind!

In the case of *Go Outdoors* mentioned above, the appellant had written, “I regard the actual rent as very important evidence of value ... [it] is compelling and relatively weighty in comparison to tonal evidence ... my conclusions on value derive from the rent ...”. But in his oral evidence, he no longer considered the rent to be the driving factor, but preferred the settlement of a comparable to be the key piece of evidence. Mr Peter McCrea FRICS, who heard the appeal, said: “Quite when he reached this point on the evidential road to Damascus was not entirely clear – but since he had not filed a supplementary expert report his change of position took the VO by surprise ... “The Tribunal does not discourage experts from giving their up to date and honest opinion, and they should not feel that they are pegged to a written report drafted some months before if their view has genuinely changed, or other evidence has come to light. But it might have been better, and fairer to the VO, for [him] to have submitted a short amending written report prior to the hearing.”

Summary

As a result of these cases, the expert witness has something seriously to consider at almost every stage of a typical case – from the commencement of an appeal to the UTLC, a success-related fee must be declared (Gardiner and Merlin). Impartiality is key. The primary duty of the expert is to help the Tribunal – a duty which overrides any duty to the client (Rule 17.1). A statement of case must be submitted on time (Hammerson/ Giraffe) and all cases must be researched thoroughly. McManus and Fabulous Collections are fairly extreme examples of unacceptable practice. Facts should be agreed before and after exchange of expert reports (Practice Directions 8.1 and 8.4), but there is a lesson to be learned from Wilkinson and Telereal. It is helpful to the Tribunal to adopt a

common approach, particularly in complex valuations (Semlogistics and Hughes). It is incumbent on the expert witness to tell the truth (Hussain). The report must be the independent product of the expert, uninfluenced as to form and content by the exigencies of litigation. An expert witness who abuses his privileged position must expect it to result in severe sanctions being imposed by the court (Zafar). And finally, if after writing a report, it is necessary to change our mind, we must let everyone else involved in the case know about it – and in good time (Go Outdoors).

Following the decisions of Gardiner & Theobald and Merlin, the UTLC President, Sir David Holgate, has written to the RICS President drawing attention to the issues. A working group was formed and is currently considering options and reviewing the current guidance – [Surveyors Acting](#)

as [Expert Witnesses, 4th Edition](#) which explains the need for clear instructions and terms of engagement. The guidance also provides details on situations of conflict of interest, clarifies the differences between the roles of expert and advocate and also seeks to address any pressure that may arise upon experts to support their clients' case, irrespective of their honest professional opinion. There is also a [supplementary guide](#) for clients.

The working group is currently reviewing the current guidance and is acutely aware of the implications that may arise from changes to the guidance and the damaging effect that could arise. It is for these reasons that the working group is looking at the scale of the use of the practices under discussion, and the impact of some possible changes. Alternative models and options are also possible.



RICS QUALIFICATION ROUTES

How can I become MRICS?

All about the RICS APC routes to qualification

Jen Lemen jen@property-elite.co.uk

Jen is a co-founder of Property Elite, a chartered surveyor, a Registered Valuer and an APC assessor. She is also an experienced property consultant, with close to 15 years' experience working in the commercial property sector.

She has extensive experience in providing training services to students, RICS AssocRICS, APC and FRICS candidates and corporate clients, together with academic experience as a Senior Lecturer at the University of the West of England, Lecturer at the University of Portsmouth, and Associate Tutor at the University College of Estate Management. jen@property-elite.co.uk

It is acknowledged that there are challenges in the public sector to attracting professional staff. Why that should be beats me (money not being everything), when the public sector can offer prospective chartered surveyors an unmatched range of experience. Here Jen reminds us of the various options to offer to existing and potential staff.

Introduction

In my last article in the 2019 Autumn Terrier, I looked at a general overview of the RICS Assessment of Professional Competence (APC). This is what you will need to pass to become a chartered surveyor – a Member of the RICS (MRICS). I considered briefly the various routes you can take to achieve MRICS status. These depend on your academic background, relevant work experience and memberships of other professional bodies.

In this article, we will take a closer look at the various routes to qualification. It may surprise some of you to find out that these extend beyond the standard 'graduate' route to qualification.

In fact, the RICS has a varied framework of routes which will suit most professionals seeking to achieve MRICS status. This aligns well with the newly published Government Property Career Framework, published by the Government Property Profession, which includes MRICS as a key professional membership of many roles.

What are the routes to qualification?

Candidates can enrol on the APC at any time during their careers. However, before applying for final assessment (written submission followed by an in-person interview) you must meet one of the eligibility requirements set by the RICS. These are:

- Relevant work experience and a RICS-accredited degree
- 5 years' relevant work experience and any bachelor's degree
- 10 years' relevant work experience in a senior professional, specialist industry or academic position.

Depending on which eligibility criteria you meet, there will be an APC route that is best suited to you. I will focus on these below, helping you to identify the route that will give you the best chance of succeeding at your final assessment interview.

These include structured training, straight to interview, preliminary review, direct entry, senior professional, specialist, and academic routes.

What is structured training and when is it required?

Structured training is essentially work-based experience, which is structured and supervised (by your Supervisor/Counsellor) to reach the required levels of competence for the APC. You will need to record details of your structured training in your APC diary, accessed via the Assessment Resource Centre.

This will either be for:

- 24 months (400 days) – if you have a RICS-accredited degree but less than 5 years' relevant work experience, or if you are studying for a part-time RICS-accredited degree and are in full-time employment (e.g. placement or sandwich year)
- 12 months (200 days) – if you have a RICS-accredited degree and more than 5 years' experience (which can include pre-degree experience), the requirement for structured training reduces from 24 to 12 months.

Remember though, these are only the minimum required structured training periods. Many candidates decide or need to gain additional work experience before they have the required breadth and depth of experience and feel sufficiently confident to proceed to the final interview stage.

When is no structured training required?

No structured training is required if you have a RICS-accredited degree and more than 10 years' relevant work experience. This means that you can simply proceed to submit your final assessment submission without the need to record any period of structured training.

What is preliminary review?

Preliminary review essentially means that you submit a 'draft' submission at least 6 months' prior to submitting your final assessment submission. The format and content is exactly the same as the final assessment submission.

The purpose of preliminary review is, therefore, to ensure that candidates understand the requirements of the APC and have sufficient relevant experience and knowledge. This gives all stakeholders the comfort that the candidate has met the relevant APC requirements and is ready to proceed to final assessment.

Candidates will either be approved or referred after submitting their preliminary review assessment. In both cases, a feedback report will be issued by the assessors, which will provide guidance on areas for improvement.

If a referred decision is given, then the candidate will have to submit his/her preliminary review submission again when they are ready. This could be at the next submission window (6 months later), but some candidates may require more time to address the assessors' concerns.

If the candidate is successful at preliminary review, then they can submit their final assessment submission in the next (or subsequent) assessment windows. They should still read the feedback report carefully, to address any minor concerns and to update their submission with any new legislation, RICS guidance or relevant hot topics.

What is direct entry?

Some candidates may already have professional qualifications or hold membership of another professional body, which may make them eligible for direct entry. Depending on what is held, this may lead directly to MRICS status (e.g. MCInstCES or MICFor) or to final assessment via the preliminary review route (e.g. MCIAT, MCIOB, CIHCM or MRTPI). The RICS publishes a full list of relevant qualifications and memberships on its website.

What is the senior professional assessment?

This is for candidates who can demonstrate experience and responsibilities as a senior leader and manager. 10 years' relevant experience is required, which is reduced to 5 years if a post-graduate degree is held.

The written submission and interview format are different to the 'traditional' (structured training/preliminary review) routes outlined above. Namely, the assessment requires 3 case studies with a focus on managing people, managing resources and leadership, as well as technical competence and business skills.

This is often a route that eligible candidates are not aware of and can be far better suited to their senior professional role and associated responsibilities.

What is the specialist assessment?

The specialist assessment is appropriate if you have advanced responsibilities for delivering specialist areas of work. Similar to the senior professional route, 10 years' relevant experience is required, which is reduced to 5 years if a post-graduate degree is held. The assessment is also more aligned to that of the senior professional route.

What is the academic assessment?

Although less common, some candidates in public sector roles may have an academic background. In this case, the academic assessment may be appropriate, requiring 3 years' academic experience and a surveying-related degree. The assessment is again more aligned to that of the senior professional route.

Where can I seek support?

If you would like to discuss confidentially any aspect of your RICS APC, just fill out the form on our website (<https://property-elite.co.uk/free-consultation>), as we provide

each candidate with a free 15-minute consultation. This includes guidance on which route is likely to be the right one for you, your experience and your qualifications.

You can also access substantial free

support resources on our website (<https://www.property-elite.co.uk/free-resources>) and in our blog (<https://www.propertyelite.co.uk/blog>).



Ian is Director of Art Ecology. He has worked in conservation for 35 years, starting with the RSPB and wildlife trusts on nature reserves around England and Wales, before moving on to landscape management and setting up an environment and arts charity on the Isle of Wight.

Ian has worked in public and private practice, combining ecology, community and place, with partners, clients and agencies on projects large and small. He is a director of ecological consultancy Arc, built environment designers Artecoology, and The Common Space, a non-profit organisation working for the regeneration of public land and buildings. Ian is a Fellow of the Royal Society of Biology and the Royal Society of Arts. ian@arc-consulting.co.uk

ART ECOLOGY

Shaping better places – Guide to building natural and social capital

Ian Boyd

Ian had the dubious privilege of delivering the last presentation at ACES National Conference. He made a refreshing and compelling case about why public land and buildings have never been more important.

Isle of Wight biosphere

The Isle of Wight has an extraordinary wealth of environmental qualities and was made a biosphere on 19 June 2019. It is very new, but equally, very important and relevant to surveyors working in the property industry. It has a statutory designation, which involves accreditation, and it has a statement of intent. All stakeholders have bought into protecting and improving the quality of the natural environment, and to put into use the benefit of this to the people who live and work on the island. So it is about melding the

built environment of our settlements and the natural environment of our biodiversity.

A fundamental premise of the biosphere develops a set of techniques which can be used on any piece of public land or public building to deliver additional value and benefit.

The photograph shows vital information which most of us have forgotten. This is human ecology. It was a discipline in the 1970s in the architecture and planning worlds, which was interested in making public and private places that were life sustaining and healthier. Unfortunately, all

“ For a balanced urban habitat we must provide brood cover for small children, safe territory for youthful exploration; flocking, trysting and roosting habitat for young adults; and stable and well-defined territories for older cohorts.”



Forest Stearns 1973

these ideas 'dropped off a cliff' at the end of that decade. It is very simple: the public realm is the one place left that can deliver those objectives.

There are statutory instruments that are demanding that this takes place – mandatory net gain; mandatory environmental net gain; mandatory wellbeing gain. Some of these are already in place in Wales. The public realm demonstrates that we have forgotten how to build 'habitats for people'; we are quite good at habitats for wildlife, but bad at building places that sustain human life.

The number of developments that I look at in plan form, which if built, will make people more ill than when they arrived. This is a drain on the health service and is no longer acceptable. Design-led public health is critical, coupled with increasing biodiversity in public places. The two go together, leading to improved productivity, health, and ability to sustain yourself in the environment, and in your relationship with the natural world.

How do we do it? Shaping better places

Shaping better places is a 9-point plan that reminds us how to do it. It is a place-based regeneration standard, helping communities, environments and economies to prosper and relies on building natural, social and cultural capital.

Shaping better places

Building Natural Capital

- Rewild the urban landscape by supplying life-cycle resources for biodiversity (room to breed, feed, roost and hibernate), and maintaining their benefit, for wildlife and for people
- Act vertically as well as horizontally, from subterranean to high-rise, by punctuating urban spaces with simply constructed opportunities for flora and fauna to colonise
- Build new and resilient urban ecological networks in the built environment, by spacing interventions for wildlife to match the distances of animal and plant dispersal.

Building Social Capital

- Create a public realm that improves

the quantity and diversity of human interactions and everyday meetings and increases the likelihood of future positive events

- Combine and connect public spaces to make coherent networks for communal living by understanding our social field of view and the distances of everyday actions
- Build social life by making it easy for shared activity to happen in a public context, encouraging collaboration and participation to add value to neighbourhoods.

Building Cultural Capital

- Invest in the skills, enterprise, and capacity for action already in place, to build expectations for the future and sustain the value of the past
- Create and extend learning networks, connecting people and projects in a growing body of local knowledge
- Celebrate the distinctive cultural character of a place, its intrinsic values, and whatever is the imprint of human personality upon it.

These action points are integral to each other. Therefore the things that we can deliver that are beneficial for natural capital are also beneficial to human beings.

Natural capital

The first point to remember is about the planted realm. It can be a single box in an

otherwise desolate urban landscape, or an entire park. One of the simple things that you can do to boost biodiversity and add interest and value to wellbeing, is to make it edible! So much of our landscaping that we put in place, and maintain for ever, is pointless, and is not supporting anything.

It is just as easy to make something beautiful and edible for wildlife, which will draw it in from the surrounding area, as it is to make something sterile and awful. So we are interested in high productivity – pollen, nectar – to attract butterflies and insects. It's good to be obsessive about the butterflies, but don't forget about providing for the boring larval stages. You therefore need to undertake life cycle landscaping. It is very simple to provide a palette of food for wildlife.

Think about the structures that you are planting in. There is no reason why the box that contains the plants should not contain nooks and crannies for these same creatures, and increase wildlife value easily in these public places. Biodiversity needs to provide room to breed, feed, roost and hibernate. And involve the stakeholders in new planting.

We can provide nesting and roosting spaces. There are species that depend entirely on our built environment: they have nowhere else to go. Do we realise our obligations in this regard? We don't maintain opportunities for swifts any more, so they are now rarely seen. Swifts nest in houses. If these houses don't have the necessary provision for swifts, they won't come back. And it is the same story for many species of bats.

Every public building should have nest



A photograph of a building with a green roof. The roof is covered in a dense layer of green vegetation, including various plants and flowers. The building has a wooden exterior and a gabled roof. The surrounding area is lush with greenery, and a satellite dish is visible on the left side of the image.

People are terrified of including green roofs and walls in buildings. Use plant species which will not damage the structure. Leave natural colonisation, such as moss growing on roofs. It will erode the surface over 'geological time': it is doing no harm, and only doing good. Allow natural colonisation and do not be obsessed with maintenance which strips natural

Ivy on walls can be incredibly damaging, by aerial roots penetrating the structure and ripping off render. It can, however, be

There are similar conversations in social value: the Project for Public Spaces (see diagram). This also features St Thomas Church (Newport Minster). This is at the edge of the ecological diagram. The interesting thing for councils is how long is the likelihood of people staying in public places? Resting, meeting other people – the ‘bumping into’ factor? It is extraordinary the power it has, when those spaces have good public realm. Research has been undertaken on the GDP effects of increasing the attractions of public





The last photograph is of a project in Dorset, where a length of breeze block wall has had holes made in it, then re-rendered, and planted in parts with food plants, to make homes for bees. Additionally, water is trapped, to make an adjacent pond. Critically, it is people who have achieved this, and changed an anonymous wall in the public landscape into somewhere with identity, a real purpose, and is useful. It is not detrimental, and is really simple to create.

A lot of this work is about organisation and collaboration. There are also possibilities to use derelict and unattractive areas in meanwhile uses. For example in the Isle of Wight, a redundant 1860s Palmerston fort [Ed – see Sarah Chatwin article in this edition of ACES' Terrier] included unhealthy passageways, which had been left for 11 years. A lot of heritage value was going to waste. What is required is the local authority property team collaborating, to release this space to the community, rather than to a single commercial entity – which would be death to making difficult areas available for public use.

Public sector surveyors must think laterally of disused areas, to make them of communal benefit, and so increase public health and happiness.

spaces. It is so obvious. It can also be called the 'school gate' effect, where big conversations and decisions can be made. Very often, these public spaces are hostile, and you just want to traverse them as fast as possible, and not linger. Any street furniture and planting must not be sterile.

This sterility can easily be fixed, by repositioning seating areas, eg having seats within 3m of each other, which is a good distance to give people the option of talking to each other, or not. One stimulus to encourage the 'bump into' effect is to have planters teeming with wildlife, which become a talking point. It is immediate in its effect.

The 200m distance is the same for people as for wildlife, so having stepping stones between these havens helps connectivity, and encourages people to explore public space. An easy way is to have benches every 200m. Have them at crossroads to footpaths, and with adjacent information boards (with appropriate holes for insects!). Orientation is important, to encourage people to sit out in our climate. The bench illustrated is actually made out of concrete, and full of nooks and crannies to attract the species which are likely to live in the landscape around it. You are potentially sitting on a seat full of solitary bees: it sounds terrifying, but they are harmless.

HEATHER HOSKING, LONDON BRANCH

Meeting held on 6 December 2019

The meeting was held at the offices of the Royal Borough of Kensington and Chelsea, chaired by Chris Rhodes. It was attended by 16 members and guests. On taking the chair, Chris commented that he has been involved with ACES for the past 12 years, during which he was secretary for 5 years. He wishes to make ACES as relevant as possible for its members and welcomed members' views on what they would like to get out of their membership and what they would like to see in the future.

Chris confirmed that he has also recently been appointed Junior Vice President at National level. He thanked Alan for all the work he has done over the last 4 years in his role as Branch Secretary, and thanked everyone for their support.

Members received a presentation, summarised below.

An Introduction to Crowd Funding – Michael Havard, Head of Business development, Spacehive

Michael explained the principles behind Spacehive's crowd funding activities, which make projects easier for change makers who focus on local projects, providing a platform for bringing funders together, and putting project makers in contact with potential funders. It promotes local interest and ownership of projects, connecting people to their local area. It is based on the principles of public subscription, which was established in the 19th Century to fund projects such as the provision of parks and statues, with the notable example of the provision of the pedestal for the Statue of Liberty.

Spacehive is working with 35 local authorities to help projects get underway, typically providing 300% leverage of funds. It works with local authorities to encourage people to raise funds and to develop ideas, using their local knowledge, inspiration and connections. The company has been working in London for 4 years, where the Mayor can provide funding of up to £50,000 per scheme, and local authorities, developers and local businesses, including contributions from CSRs (corporate social responsibility)

make contributions. The Mayor has supported 130 projects in London.

In response to questions, Michael advised that Spacehive has seen more ambitious projects coming forward over the last 4 years, with schemes of up to £400,000 seeking funding in London, while the average across the country is £16,000.

Spacehive does not give a return on the funds received – the company is only involved in community and civic projects, where people contribute because they want to achieve an outcome for their area. Schemes can be "owned" by local authorities, but this does not need to be the case.

Spacehive's approach includes a legal agreement being built into the process, requiring the delivery of the project to the best of the ability of the project sponsors. It has only been involved in one project which did not go forward, in which the donors were all refunded.

ACES Matters

Chris Rhodes had attended the annual meeting. All the papers are available on the ACES' website. Next year's National Conference will be held at Manchester Science Museum [Ed – see flyer in this edition of ACES' Terrier].

Neil Webster advised that in his ACES business development role, he is widening engagement with other public sector bodies, and with the private sector. The aim in London is to get representation from all London Boroughs.

RICS Matters

The RICS is going through a fundamental organisational change, with the introduction of a management board reporting to a reduced Council.

Neil Webster advised that he, Daniella Barrow and Graham Haigh had met Paul Bagust of RICS in November. It has been suggested that a theme should be developed around increasing the number of qualified people working in the public sector. The RICS is looking to ACES for proposals and suggestions on how to take this forward.

Neil encouraged ACES members to be involved in the RICS awards.

Exchange of Information.

- A joint initiative between ACES and The Society of London Treasurers is being proposed, which could include consideration of an awareness of asset valuation practice.
- One member stated that his council is rebadging property as 'Social Investment in Communities'. All property is being reviewed; a new stakeholder board has been established. Also, an external accounting firm is reviewing the capital programme governance arrangements.
- One member said that the council has advertised for a JV partner for 3 regeneration sites, to include provision of a new civic centre. There is an intention to invest a further £100m in income producing property, but there is concern as a result of increase in the PWLB interest rate.
- A retired member has been brought in to advise on a property transformation programme, which is looking at all aspects of property. There is an issue around FM and compliance across the portfolio.
- One county council and health partners are working closely together with joint governance, to use LA capital to invest in the health sector, to provide revenue for council and capital for the health sector.
- The Elephant and Castle 2018 planning permission is subject to judicial review and the outcome is awaited; the Canada Water master plan was passed in the autumn: the 53-acre site is subject to a JV with a major developer.
- One member reported that his council's property function is being reunited, with the external contract coming to an end. Currently there are 75% consultants and there is a push to get permanent staff. The council is also acquiring sites for council

housing, with a target of 1,000 units during the current administration. This is partly being met by acquiring new developments, but the housing team is being increased to take on development schemes in-house.

- One county council stated that its office accommodation strategy is to be announced and a new property IT system is being procured; work is progressing on the provision of older people's accommodation.
- One member stated that there are top officer changes in his council; a competitive dialogue is underway for the London Cancer Hub project. There is an active new school development programme, which has planning difficulties for some, but the council's first Passivhaus school opened recently.
- Marcus Perry has advised that he is retiring from the London Branch. He is a former Chairman and Treasurer of the Branch and it was agreed that his significant contribution to the branch should be acknowledged [Ed – quite right!].

AOB

CPD topics were suggested and include artificial intelligence, cyber security and social value, possibly meeting with the Metropolitan Police.

Meeting held on 31 January 2020

The meeting was held at The Guildhall, chaired by Chris Rhodes. It was attended by 16 members and guests. The Chairman expressed appreciation to James Young and Alan Wharton for all the work they had done for ACES in their respective roles of Chairman and Secretary. All members present joined him in thanking them for their work over the years.

Members received a presentation, summarised below.

Data mapping - Christiana Amacker, GLA

Christiana gave a very interesting presentation on a pilot study being undertaken by the London Underground Asset Register within the GLA, to map underground equipment and structures

in a digitalised format, to develop a comprehensive and reliable record that could be used by contractors proposing to carry out excavations to reduce or remove the risk of cable strikes. She showed examples of the mapping that has been carried out during the pilot study and demonstrated its functionality.

The pilot is being carried out under the control of the Geospatial Commission, which is part of the Cabinet Office. It is due to complete in April 2020. It has covered 6 London Boroughs: Camden, City of London, Southwark, Newham, Tower Hamlets and Croydon.

The data is collected from statutory undertakers/service providers, and in the pilot study, all have been willing to participate. It also maps sites that are archaeologically sensitive, using information provided by Heritage England, and includes some planning information, such as the location of trees subject to TPOs.

The mapping system used by the study has been created by the OS. It maps all the information obtained digitally on one plan that can be used by the excavator – previously each utility company provided data separately, in different formats. This makes the identification of assets, and their avoidance when digging, much easier for the excavator. Information on abandoned assets is also included, although their status as “abandoned” is not identified on the system, to ensure that as much care is taken when dealing with these assets as with live equipment. The excavator can also immediately provide information of any unmapped assets found during works using the interactive system.

There is currently no reliable information available on the depths of utilities. If this could be obtained, the assets could be mapped on a 3D system. The system is currently only available to statutory undertakers and local authorities. It is possible that this might be widened to allow developers access, and they could use it to identify whether adequate supplies of services are available for future demand.

A report on the outcomes of the pilot will be published by the Geospatial Commission following the end of the pilot study. The Commission's goal is to extend the pilot to a further 10 boroughs, and eventually to have a national system that would cover the whole country. It is anticipated that £700m p.a. in savings could be achieved through greater

efficiency if the project was rolled out nationally.

ACES Matters

The Terrier is now 25% larger, at no extra cost, because of a larger limit on binding. More articles for inclusion in the Terrier had been requested.

CPD recording for ACES branch meetings – we have previously been advised by the RICS that these should be recorded as “informal”, but it was agreed that the CPD presentation element of the meeting should constitute “formal” CPD.

Recruitment – the possibility of ACES being actively involved in the recruitment of surveyors has been considered, but the recruitment business is heavily regulated, and it did not appear feasible for ACES to be directly involved. However, it might be possible to make employers aware of potential employees.

RICS Registration and Regulation – Jeremy Pilgrim advised that the RICS has clarified the position regarding the need for public sector surveyors to become registered valuers, and for the public sector to be regulated by the RICS. The RICS has agreed that public sector surveyors do not need to be registered valuers, but that it is considered to be good practice and is recommended. They have also advised that regulation by the RICS is not necessary, having recognised that the public sector has many other forms of regulation in place. Jeremy is looking to get this properly recorded in the RICS regulations to ensure there is consistency and clarity.

The RICS public sector group is issuing a mandatory code for leasing, with an emphasis on social value.

Exchange of Information.

- One member said that the council is reviewing desk utilisation rates for the design of a new civic centre, and the introduction of agile working.
- The property team at one council is being reorganised – there is a “growth reorganisation”, with 9 new posts being created, following the end of tri-borough arrangements.
- 5 council-run care homes are the subject of recent fire risk assessments which have identified the need for works at significant cost, but it appears that individual elements are being

considered in isolation, rather than having regard to the overall effect of all the measures in place.

- One council is acquiring properties and is currently buying a new residential development to provide 100 affordable homes. It is also acquiring a NHS property to convert for hostel use. Additional office accommodation in libraries is currently being considered. New hubs are also being developed with the NHS.
- A council is vacating a 90,000 sq ft building and is moving to collaborative working practices.
- A member reported that consultants have been appointed by the CEO to revise the council's asset strategy; the council is considering investing in new primary health care facilities to modernise GP surgery provision, using the PSLB. The rents payable would be underwritten by the NHS and so would provide an attractive investment.
- A member employed with London Ambulance outlined an interest in joint working/sharing of facilities across its substantial portfolio.
- An NHS Trust has a backlog maintenance of approximately a third the book value. An Integrated Care

System is being developed with the county council, involving the merging of the assets of the 2 bodies and will be setting up SPVs or JVs to provide funding in the next 5-6 months.

- A member suggested that Bid1, an on-line auction company which he had recently met, could attend a future meeting to explain its approach to on-line property auctions, which is an emerging business area and likely to become more important.

The date of the next meeting is 27 March at Kensington Town Hall [Ed – conducted using web links].

ALISON HEXT, HEART OF ENGLAND BRANCH

Meeting held on 4 July 2019

Place Partnership hosted this meeting at its Worcester offices. Andrew Pollard, Managing Director, opened the morning CPD session by explaining that the role of Place Partnership was to deliver effective solutions, drive cost savings and maximise value for its clients: public authorities, educational establishments and commercial clients. At the heart of it all was the company's belief in collaboration – a partnership of place, designed to promote regeneration and boost economic growth through long-term partnerships. There were then 2 more presentations in the morning: Andre Hedges of Place Partnership spoke on 'Asbestos Awareness' and Richard Ogden of Land Quality Management on 'Ground Contamination Investigation'.

The presentations had been attended by a number of graduates/junior surveyors for CPD. Unfortunately, the turnout of ACES' branch members was particularly disappointing, as the meeting was attended by the then ACES National President, Graham Haigh. But what the meeting lacked in quantity it made up for in quality. The afternoon session proved to be a very worthwhile and lengthy forum which discussed a wide range of issues and future challenges for ACES, and public sector property and estate surveyors. There was only a short time for estate matters raised by the members, which included discussions on what constitutes undervalue for disposals (s123 of the Local Government Act 1972), needs assessments

for housing/extra-care/restrictions on use, and the property investment focus moving back to regeneration, rather than pure revenue generation from acquisitions in and outside an authority's area.

Branch AGM 7 November 2019

The AGM was held at Birmingham City Council's Woodcock Street Offices, with a better turnout of 11 members. Before the meeting, Philip Andrews, Head of Asset Management at the council gave an update on the council's Central Administrative Buildings Programme. The branch had received a presentation on this in 2009 from Peter Jones, the then Director of Property, when the programme was starting. There was a tour of the large and impressive office which has 2 atriums, giving an immense sense of space. It also has a vast open floor-to-roof area running along the whole front of the building: known as the Street because it includes the cafeteria, chill out zones for staff, and areas for community and voluntary groups to set up displays and stalls. Philip talked through the various benefits and lessons learnt from the office development, and how the service to customers had been enhanced by the scheme.

At the AGM, Philip Colledge, Mansfield District Council, took over as Chair, with Kevin Moore, Worcester City Council, elected Vice Chair. Alison Hext, in her Secretary's report, said that it had been a mixed year of gaining and losing members.

The CPD event organised by Richard Allen in Birmingham in February 2019 had been very successful and was oversubscribed. Richard had announced his retirement from National ACES Council, and that having retired from Nottingham City Council some 11 years ago, he had been a stalwart for the branch, as Secretary and Treasurer for many years, and involved with national ACES Council [Ed – including National President in 2004/05].

Some general estate management matters, including recruitment and retention of staff and payment of market supplements, long ground leases with long rent review patterns, and why some high street retailers are paying more in business rates than rent, were discussed.

Meeting held on 27 February 2020

The recently refurbished Milton Keynes Coroners Court was the venue for the meeting. Attendance numbers were up again and included Peter Seddon and Bob Entwistle, 2 founder members of the Branch in 1987. The ACES National President, Peter Gregory, and the Business and Marketing Manager, Neil Webster, were welcomed as guests.

There were 2 morning CPD sessions facilitated by Jenny Rydon, Partner; Scott Young, and Thuso Selelo of Montague Evans. 'Service-led strategic asset management planning and working with other public sector partners' focused on sharing learning around developing a

strategic asset management plan, with a focus on engagement/partnership opportunities with other public sector partners and the successes and challenges that comes with this. 'Developing a data-rich baseline' looked at how statutory asset valuations underpin any asset strategy, why they matter, and common themes to getting them right, and potential pitfalls.

Both sessions were interactive and generated discussion, debate, and knowledge sharing across the meeting. Views were that AMPs need to focus more on being service led; identify actions that are deliverable; promote the importance of strong leadership and the need for good data; engage with stakeholders early, particularly citizens groups; create partnerships that will identify common goals and that will collaborate and be flexible; and the best way to demonstrate the benefits of strategic asset management planning and raise the profile of the property team was to deliver quick wins [Ed – see Chris Brain's articles in this and 2019/20 Winter issues of ACES'Terrier].

The benefits and drawbacks of asset valuations to help make evidenced-based and informed property decisions were discussed, including assets valued on a DRC basis rather than a value that reflects the open market opportunity cost value. It was agreed that as external audit scrutiny is increasing, the external auditor needs to

be involved early in the process.

Peter Gregory gave a presentation on his role and aims for ACES which were to:- develop partnership working with other bodies such as the RICS, SPACES, NHS, Cabinet Office; governance review which would include looking at branch boundaries; communications, which would be improved shortly through the new website; membership growth to expand ACES' influence; branch engagement, particularly to share best practise and to support the Senior Vice President in responding to national consultation; and staffing and skills shortages, which could be addressed by ACES promoting the wider non-financial benefits of working in the public sector.

It was suggested that getting graduate/newly qualified surveyors involved with ACES early in their careers would be beneficial, and that this should be a topic on the agenda at the next Branch meeting.

Neil Webster explained his role, which was to deliver the business plan objectives and set out the various initiatives, to promote ACES more widely and develop partnerships with other public sector bodies. He clarified that ACES Council's role is to support the branches, not the other way round. Branches can support the Business Plan by sharing best practice, particularly by providing ACES'Terrier articles and branch reports.

Alison Hext provided a written report welcoming new members. Judith Bayes, Rutland CC and past Chair of the branch and Philip Evans, are both retiring and were wished well in their retirement. Alison had attended the national ACES' AGM in Glasgow and the Council meeting in London, to represent the Branch.

It was agreed that the preferred topic for the next meeting on 25 June, to be hosted by Worcester City Council, would be how technology was going to develop and help the estate surveyor in the future. This had been adopted by the South East Branch as their CPD theme for this year.

There were discussions on bidding for funding from the High Streets Fund; how commercial portfolios are being rebalanced through ethical green investments, such as the use of land for solar farms, tree planting schemes, and car charging points, and how to identify quick wins and be carbon neutral by 2050; how to develop an 'Excess Death Strategy' and the specification for an appropriate building that can store bodies (mentioned that Leicestershire CC has developed a strategy) and the use of QR codes on for sale/to let boards.

Colin Packman, Cabinet Office, asked that he be advised if local authorities can offer touchdown and meeting space for government bodies.

JOHN READ, NORTH EAST BRANCH

Like many other members, there has not been a lot of normal branch activity since the last branch news and our spring meeting has been postponed. We did, however, have a Branch Executive meeting in York in early February, when we started to plan our spring branch meeting. Before the planning session, we were joined by Victoria Hampson RICS, Head of Engagement, and Tamsin Livermore, RICS Regional Development Manager. This was a very useful session, in which they outlined some of the initiatives the RICS has in place and is rolling out to improve engagement with members, including those in the public sector. A presentation on this was planned for our next meeting but this has now been put on hold.

Branch Executive members have been keeping in touch over the last few weeks and it is true to say that we are all very

busy dealing with work matters associated with the pandemic, and balancing our normal day jobs. This has involved us all working from home and settling in to the new normal. We have shared information from our employers about the challenges of working from home and this prompted me to pull it together to share [Ed – see John's article in this issue of ACES'Terrier]. It is clear from researching the challenges of working from home, that the current situation gives us all the opportunity to have a close look at our work-life balance. For those in isolation, it is very important to get this right, and hold on to what we learn when we return to something like normality. For my part, 'I'm gonna change my way of thinking, make myself a different set of rules' and I am sure that this will be beneficial to all in the long term.

And finally.... 2 of the past branch

Chairs announced that they were stepping down from the Executive. Brian Ablett and John Murray have both made huge contributions to ACES and the North East Branch over many years, and have provided great leadership and shared their wealth of knowledge and experience throughout their active involvement. John also served on ACES Council as Liaison Officer for Rating and Taxation.

All of the current Branch Executive, and on behalf of the branch members, past and present we would like to thank Brian and John for their service to the public sector and their tremendous work within ACES over the years. We all wish them well... thank you John and Brian [ED – agreed].

REFLECTIONS

"An Englishman's home is his castle?" – a cautionary tale

The Retired Rambler

Away back in those prehistoric times, there were polytechnics where some of us old fogeys went to learn the basics of surveying and estate management before being cast out onto the unsuspecting public. We learned about the principles of common law, statute and the Five Rules (remember them?) What am I talking about? Compulsory Purchase is what! We learned that there was a basic premise in common law that 'An Englishman's home is his castle' and so it should not be taken from him lightly.

Many years later, while working in the estates division of the local authority in a major UK city, I was at my desk when the phone of a colleague, who happened to be on leave, rang. I picked up the call, which was from one of the housing officers. He explained that the council had powers under s17 of the Housing Act 1985 and the Acquisition of Land Act 1981 to compulsorily acquire residential properties vacant for 6 months or more. These powers were delegated to his director and he urgently (don't they always) needed an opinion of value of one such property. I explained that I didn't often deal with residential properties (indeed in 6 different LA posts I managed to avoid ever doing a Right To Buy valuation) and it could surely wait until my colleague's return from leave? No, it couldn't, so despite my protests, he gave me the address, the owner's name and a contact telephone number: would I speak to the owner and provide my opinion of value before the end of the week? The property was a former council-owned 2-bedroomed first-floor flat in the northern suburbs of the city, though from the outside, the flats in the street could, on first sight, have been mistaken for pairs of large semi-detached houses.

I called the owner, who turned out to be a man in his early 70s living in a rented bedsit in a rather less desirable, semi-industrial area in the south of the city, between 6-7 miles from his own home. This seemed to

me rather unusual, so I talked with him a little and, after some cajoling, he gave me a potted life history. He had spent most of his working life in a steelworks, which, just as he was about to retire, went into administration and subsequent liquidation. When the dust settled, it transpired the works pension fund, to which he had contributed for many years, had been appropriated to prop up the ailing company and gone down the swanee with it. With only the state pension for him and his wife to live on, he needed to continue working and had found a job as a night watchman in the south of the city. He initially cycled to work (he could no longer afford a car and the buses didn't run at night) but when he reached 70, his wife died and he was no longer able to ride his bike those miles home every winter morning after his nightshift. Hence his decision to rent the bedsit near to his job while he was still able to work.

I did my research on values in the area and advised the housing officer as to my opinion of a realisation figure at auction. I also enquired if the housing officer was aware of the owner's circumstances (he was aware he was renting a bedsit) and whether there were extenuating circumstances in this case that should be taken into account, before proceeding with the CPO and sale. He advised me it was the council's policy and he must comply with it. The vesting order was made and the flat listed in a local property auction a few weeks later. After sale day, a check of the auctioneer's website showed that the flat had sold for just under 20% less than my estimate of value. I spoke to the housing officer who explained that after the council's legal and auction costs had been deducted, the owner would receive the balance; he was pleased with the sale and felt it was a good all-round result.

Was that the end of it? Not quite – just 6 weeks later I was eating my lunchtime sandwich and looking through the pages of EG when I almost choked. There on the

Auction Results page in the listings of a London auction house I spotted the flat with a sale price just over 25% higher than the provincial auction price; in fact, just a couple of thousand above my estimate.

Who was the biggest winner in all of this? I will leave you to make up your own mind. Was it the speculator who spotted the bargain at the local auction, bought the flat cheaply and immediately re-listed it with the London auction house, making a handsome profit in just a few weeks? Or even the two auction houses?

Was it the man who had lost his wife in the year before the council stepped in, forcing him not only to give up his home (remember: 'An Englishman's home is his castle') but all its contents (virtually his worldly goods) to a house clearance firm?

Was it the council, which could tick a box to say it had brought another residential unit 'back into beneficial use'? The council undeniably had the right under the law to compulsorily purchase 'long term vacant' residential property, but every right carries with it a responsibility. Surely the responsibility here was to be fair to the owner? Six months is a very short time in property terms; just ask anyone who has had to act as executor or administrator of an estate.

Just a little reflection!

WESSEX RETIRED SURVEYORS CLUB

Graham Colbourne

The Wessex Retired Surveyors Club was formed several years ago, with the aim of providing a forum where those no longer in practice could keep in touch with former professional colleagues. The Club meets over lunch 3 times a year and also organises a summer outing and Christmas entertainment.

Lunches are generally followed by guest speakers from a wide range of backgrounds. For example, recent guests have included

a planner from the South Downs National Park and the director of a local charity working to prevent sight loss, particularly in older people.

The Club's catchment area is based on the old Wessex RICS Region, covering Dorset, Wiltshire, Hampshire and the Isle of Wight, but a few attend from Surrey and West Sussex. Membership fluctuates, but is currently 30-40, drawn from various professional backgrounds, including the

private and public sectors and the privatised utilities. Meetings are held at a hotel deep in the New Forest, but not far from the M27. There is currently an annual membership fee of £10.

If any retired, semi-retired or soon to be retired ACES member is interested in joining the WRSC, further details can be obtained from the Secretary, John Bamber FRICS jandckb@gmail.com.



FURTHER MUSINGS FROM THE BOUNDARY

Simon Eades

One of the indeterminate measures at a cricket match is the time it can take to walk around the boundary. Walking around the boundary allows a person the opportunity to watch the match from different angles and to appreciate the subtleties of the match.

- Is the batsman reading the direction of the ball correctly, or did that last shot go for 4 because he read the ball correctly, or he hit it with the full force of the bat?
- Is the wicket keeper standing too close to the wicket, or will he be unable to stop the ball going wide?
- Is the fielder standing at square leg too close to the square leg umpire, and should he be concentrating on the game and not talking to the square leg umpire?
- It is often said that the best position on the cricket ground belongs to the bowler's end umpire.

I finished my initial set of ramblings earlier this year with the comment that "I found

another set of entries – which led me to think again..... and that may have to wait until another time!"

The entries made over 45 years were clear, but perhaps they need some further clarification. Perhaps the walk round the boundary cleared my head! The reality is that that will have to wait for another time as, on reflection, my memory is not as clear as I thought it was.

The clearance of the fourth bedroom continues as grandchild grows, but I have gained some time. Just before Christmas I tracked down the old family cot, when visiting one of my cousins in Norfolk. This was the cot that I used to sleep in when I was a young boy. It was also used by my siblings and after we had outgrown it, another cousin borrowed it. We found out that he had the old family cot in one of his barns.

We took it home and I started to renovate it. The restoration work has bought a bit of time, as it is a large cot and will provide a bed for our grandchild for a few years. They say every cloud has a silver lining - perhaps I bought some time, but the room still needs to be cleared - and I

have made some progress.

I did complete some clearance a few years ago. Course notes prepared some 40 years ago when I was at Trent Polytechnic were of sentimental interest. However, on moving house around 20 years ago, some of these did not make the move. Over time as I practiced, approaches changed and practices taught in the mid 1970s were reviewed and overtaken. I recall the introduction of Continuing Professional Development in 1980. As I qualified as a chartered surveyor, and as I progressed, so I was able to buy text books written by my former lecturers containing the majority of their comprehensive course notes! The 2 names that immediately sprung to mind were Ivor Seeley and David Richmond.

What I did find recently was my old A2 drawing portfolio. I had placed it between the 4-drawer filing cabinet and the central heating radiator. Over the years it had started to gather dust (!) and the laces holding it together had frayed, but it remained in good condition for its age. This cumbersome folder made of strong cardboard contained a selection of

drawings and other items made over the 4-year period. Opening this was looking back at my past, bringing back memories of good old style technical drawing.

I found some pencil drawings on A2 cartridge paper covering my attempts to show that I could actually draw to scale. The drawings have faded over time; some of the specific drawings did have some fundamental omissions: there has to be a secondary support in the roof, to support the purlins supporting the rafters!

The ability to draw was something I remember: it is not the easiest of things to do – perhaps a consequence of being left-handed, but once I felt that I had mastered it, cack-handed things fell into place.

The real find was a site plan of part of the Nottingham Arboretum Park, just up from the main polytechnic buildings. This was the first piece of work that we completed in the first term of the first year. In many respects, it was an opportunity for tutorial

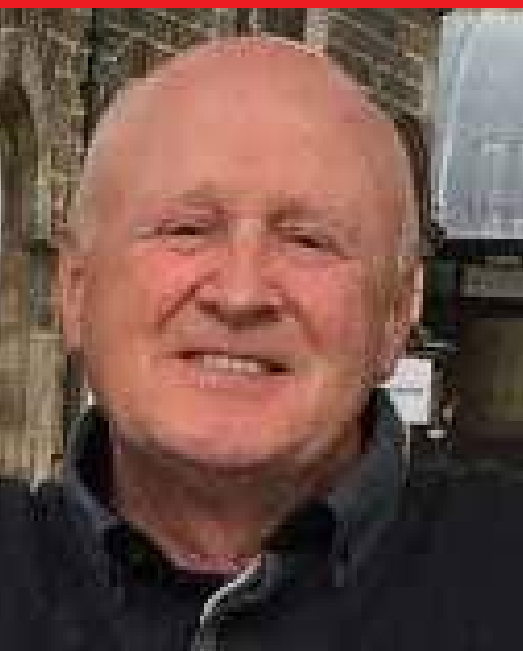
groups to work together, as we had to rely upon information provided by others. An early introduction to sharing of information and to determine who was better at some procedures and who was better at others. The fact that we had only 12 weeks to complete the drawing on tracing paper, in ink, and write a full report of the various procedures was, for many, a challenging start to the course.

One thing I had learnt in my year prior to going to Trent Poly was that tracing paper was not the easiest material to draw on. On the one hand, there was always the temptation to press too hard to ensure that the lines and dimensions were clear, but pressing too hard did sometimes break the top surface of the tracing paper, which could make it difficult to draw a uniform line. I can still recall the disappointment at having to complete a building society plan a second time because I had pressed too hard.

Thankfully I did not have those problems

this time, and I got what I thought was a creditable mark. The plan was accompanied by an extended essay outlining how we had used the various pieces of land surveying equipment, and by Christmas 1974 that was what turned out to be my final foray into land surveying. In the last ACES' Terrier, I mentioned that prior to going to Trent Poly, I gained some experience in land surveying on the Acle Marshes, using a dumpy level and drawing plans for Ministry of Agriculture Applications.

At the start of this article I commented as to whether the fielder standing at square leg was too close to the square leg, and should he be concentrating on the game, and not talking to the square leg umpire? I believe that the answer is the player and umpire can build up a rapport that will help matters as the game progresses. Similarly, I ought to have listened more carefully on the Acle Marshes in 1974 when I was doing the land surveying - and might have got a better mark!



For 50 years until retirement Dave practiced as a surveyor in Lancashire and Cumbria, becoming a Fellow of the RICS and working for the Department of the Environment, Lancashire County Council, South Lakeland District Council and the NPS Group. During that time, he wrote articles on surveying topics and work experiences which allowed him to introduce some controversy, humour and the odd bit of fiction. <https://davidlewiswpogson.wordpress.com>

A MAN OF PROPERTY

Dave Pogson

The Selwyn series is written specifically for the Terrier. Each story is a self-contained episode in the life of an early-retired council property manager from 2002 to the present day and beyond, as he continues to maintain occasional contact with his former colleagues from the fictional Herdwick District Council. The characters often present controversial and outspoken opinions on local and central government policy and practice. The stories are fictitious and occasional historical background details may have been changed to fit the chronology. The views expressed are those of the author, not those of ACES.

'For we brought nothing into this world, and it is certain we can carry nothing out.'

The Vicar of Allhallows Church was reaching the end of the service. The group of about 30 people standing around the open graveside shuffled their umbrellas and some turned to walk away. Others queued

to pick up small amounts of dry earth from a box held out by the undertaker and gently tossed them onto the lowered coffin as they passed. All of them were keen to get out of the relentless drizzle.

Jim, the retired former Senior Committee Clerk and Acting Property Manager for



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Herdwick District Council, cleared his throat and announced to the gathering: 'If anyone wishes to come, there are sandwiches and refreshments provided down the road at the Wandering Tup. All are welcome.'

From the graveyard he could look down across the top of the town and see the clock tower on Shepdale Town Hall and, opposite to it on the main shopping street, the grey, slate roof of the Wandering Tup, the oldest pub in Shepdale. Beyond them, the hills on the far side of the valley provided a darker backdrop, almost invisible in the dullness of the day.

Farah, the current Client Property Manager for the council, linked arms with him and together they followed the small throng of existing and past council colleagues and friends down Allhallows Road to the pub.

'It's a very appropriate view for him,' he said. 'From here he'll be able to look down forever on the 2 places that he frequented the most – the place where he earned his salary and the place where he spent most of it!'

'It's on days like these that I wish Selwyn

was here.'

'Me too, Farah ... me too. Still, I worked with him for so long that I now know enough stories about characters in the council to enable me to put together a eulogy without having to rely upon him.'

They were sat in a booth in the main bar of the Tup. It was still too early for the lunch-time trade. Jim had a pint of Rampant Ram and Farah had her usual water. The other mourners mingled around them, collecting their drinks at the small bar, queuing at the buffet, which was spread on a white tablecloth over a board which covered the whole of the pool table, or speaking quietly in twos and threes seated at the scattered tables. A log fire hissed and crackled in a fireplace to one side of the room. The iron umbrella rack near to it was filled with umbrellas, steaming as they dried out.

'Jim, how come you ended up with the job of organising everything else, as well as giving the eulogy?' Farah asked him.

'Basically there was no-one else. I received a request to go and see him when they were giving him end-of-life-care in the hospice. He'd no remaining relatives, lived on his own and apparently his only friends were those of us that worked with him but who only saw

him at work, or the stalwarts who lined the bar of the Tup to drink with him every night. When I visited him, he asked me to organise this do.'

'It's such a pity that he never got to enjoy his retirement.'

'Did you hear what the vicar was saying at the graveyard earlier? Something about we come into this world with nothing and we leave with nothing. It's a quote from Timothy 6:7 in the Bible – I looked it up once. I don't know if you have the equivalent expression in the Quran. It's a standard part of the Christian burial service. Selwyn once told me that he didn't agree with that particular statement. He thought that there was one property exception to that rule.'

'Selwyn has a theory for everything, especially if it involves property.'

'Do you remember when old Cedric Symons died in the Council Chamber in 2002? [Ed – see 2017/18 Winter Terrier]. Well he was buried in the municipal cemetery at Winander, up by the lakeshore road. Selwyn and Eric and I went to that funeral. You manage its maintenance, Farah, and it's part of the asset valuations work, so you must have seen it on your travels. It's a modern cemetery, unlike all the others managed by

the council, with plenty of room for future burials. The reason for it being modern is that it replaced the old cemetery further down the road which had to be moved. That was in the late 1970s, when we had those prolonged and heavy rainstorms. I was just an admin officer in those days...'

'The lake was on the low side of the road and the cemetery was on the high side, with Winander Ghyll running through it and discharging into the lake via a culvert under the road. The volume of water coming down the Ghyll was so large that the road collapsed and a big part of the cemetery slid down the hill, exposing skeletons and coffins all over the place. The road was closed for ages and temporary road diversions had to be put in place, using the narrow back lanes to get around it. It took about 5 years to sort it all out finally with a permanent solution. The road diversions were a real pain for the locals, especially in summer when the tourists arrived.'

'The county council as highway authority had to clean it all up and sort out the road because it was their wall and culvert that'd collapsed. It decided that the best solution was to ask Herdwick District Council to move the cemetery to a new location, cut a chunk out of the hillside, and then construct a massive new retaining wall and insert a new wider culvert under the road, to prevent flood debris building up and so happening again. The county needed the district council's cooperation in respect of the cemetery land. Selwyn had to buy a nearby field for the replacement cemetery, so he bought a big one to build in extra capacity, so they could then transfer the bodies and sell the old cemetery land to the county.'

'Effectively the county had to pick up the bill for the new cemetery and the specialist cost of relocating all the bodies from the old one. Selwyn was just a young estates

surveyor then, not the property manager, but he was put in charge of a small team for the project. He had an architect to design the new cemetery and manage the works, help from Keith the district's Cemeteries Officer with planning it out from the burial records and the project budgeting, and accounting was done by Eric, who was just a young accountant on his first job with the council. Selwyn and Eric told me that they learnt a lot about cemeteries from that job.'

'Anyway, after we'd buried Cedric - I remember it was raining just like today - I can never remember going to a sunny funeral in my entire life - we all went for a pint in the Winander Arms and that's when Selwyn outlined his theory to us. Selwyn's point was that some of the dead have rights. They might have lost their lives and had all their possessions and wealth and status stripped away from them, to be passed on to relatives after death, but if they'd purchased a plot and exercised a burial certificate, then they would have possession of a grave which nobody could take away from them, not even if the cemetery was destroyed. All those old bodies at Winander had to be relocated to new plots in the replacement cemetery based on Keith's original plan. Selwyn reckoned that while 'we can carry nothing out' covered most cases, especially cremations, it failed to take into account burial rights - if the dead were in possession of the land, then they were left with it permanently ... or at least for a very long time. His rather macabre comment - which was the reason that it popped into my mind today at the graveside when I was listening to the Vicar - was that "even a corpse can be a man of property." That would apply to our friend today.'

They laughed and then lapsed into silence to reflect upon Selwyn's theory.

As if on cue, the door to the back room

opened and Selwyn entered, removing his raincoat and shaking off the raindrops onto the carpet.

'Hello everyone. I'm sorry that I missed the funeral. We've just got off the train and my wife has taken our suitcases home in the taxi. I rushed here as quickly as I could, in the hope of catching you before you left. How did it go Jim?'

'It went as well as could be expected for a funeral. The weather could have been better. Eric's in the ground and those that turned out are all in here drinking to his memory. Go and get yourself a pint of Rampant from the bar ... it's paid for by Eric.'

Selwyn returned with his pint and sat down with them.

'Here's to Eric. He was a good bloke.' They clinked glasses and echoed his sentiment.

Farah looked at Selwyn. 'It's good to have you back. How was the holiday?'

'Great, we enjoyed ourselves. I'm not sure that I'd want to go there again though. Two weeks of sun, sea and sangria was enough for me. We resisted the urge to buy a time-share interest. I think that I'd like to try somewhere else next time, just for the variety.'

'Quite right,' said Jim, smiling. 'You don't want to be investing in property at your time of life. You can't take it with you when you go.'

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The Terrier

ACES Secretary: Trevor Bishop MRICS

07853 262255 - 01257 793009 - secretary@aces.org.uk

ACES Editor: Betty Albon editor@aces.org.uk



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