

THE TERRIER

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

VOLUME 22 - ISSUE 3 - AUTUMN 2017



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EDITORIAL

Betty Albon

Welcome to this edition of The Terrier.

This issue leads with a round-up of a very successful conference organised by ACES President, Daniella Barrow, and her able team of North East Branch, NPS Group, staff at The Royal Armouries, Leeds, and ACES' Secretary Keith Jewsbury. My thanks too to Trevor Bishop for his photography services. I won't apologise for the length of this report. Delegates were treated to 2 full days of excellent presentations, discussions and interactive panel sessions, which makes it very hard to distil into anything shorter. Of course, I now have the task ahead to prepare 'Asset', a much more detailed summary of the conference, which will be uploaded onto ACES website in due course.

There are some very informative articles which showcase the tremendous work that some ACES' members are engaged in, particularly across the area of housing, old and new. Something practitioners are going to have to get more familiar with is big data, which also features in this issue. Other topics include legal issues, compulsory purchase and partnerships.

Autumn Terrier should be available in pdf format in time for me to plug ACES Annual Meeting on 17 November in the splendid Cardiff City Hall, where Daniella will hand over the reins to Neil McManus of Suffolk County Council as the 2018 ACES President. The formal business is followed by the annual lunch, free to members. Please contact Keith Jewsbury to secure your place.

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Cover photo: ACES National Conference, the Royal Armouries Museum, Leeds.



LEEDS CONFERENCE

North East Branch

This report was prepared by North East Branch, co-ordinated by Bernard White (or 'Chalky' White, as we all now know him). My thanks to all scribes, particularly to Bernard, for turning this around in a matter of 3 days.

The full report of conference proceedings will be available as 'Asset' in pdf format and posted on the ACES website. All members will be notified when it is available.

Opening address

President, Daniella Barrow opened the 2017 Annual Conference (theme "What next for public property") by welcoming delegates to the event in the Royal Armouries, Leeds. She mentioned the challenges facing the public sector and that property and those who deal with it, while not immune from those challenges, had a role to play. She hoped the theme, formulated following a survey of members and what issues they faced, and the speakers, would provoke both thought and action.

Daniella mentioned the ACES Award for Excellence, making the point that all too often, initiatives and examples of good practice in the public sector go without mention or credit. In closing her opening address, Daniella thanked the various sponsors and the NHS, for their support in putting on the 2-day event.

Welcome to Leeds

Councillor Richard Lewis, Executive Member for Regeneration, Transport and Planning, Leeds City Council (LCC) also welcomed delegates and spent

a short time setting out the key areas Leeds City Council had been working on and the aims and ambitions for the future. He mentioned that some decisions taken had been bold (The Arena) but that confidence in Leeds was out there, witness the Trinity and Victoria Gate developments and the intended HS2 link. He went on to mention challenges like South Bank and the City Station and the role the public sector would have in delivering such challenges.

Key note debate – The political and economic outlook! What next for public sector property?

This was led by the President with support from John Jones, Senior Director and Chairman Property Management Consultancy, GVA, Neil Evans, Director of Resources and Housing, LCC, and Anthony Phillips, Partner, Fieldfisher. Geoff White, RICS, should have been on the panel, but had been involved in an accident on the way to the conference, so good wishes for a speedy recovery were sent.

Each panel member spoke briefly on a whole range of issues they have, and believe will encounter in the property sector, focusing on how these will affect and influence matters going forward, in particular with reference to the public sector.





There then followed a Q&A session led by the President and with a number of questions from delegates, covering such matters as hopes for the Autumn Statement, technical benefits/risks, and the role of the RICS in supporting public sector members.

LA commercial property investment – opportunities, highlights and pitfalls

The talk was by Tom Southall, Property and Investment Manager, Portsmouth City Council, and Neil Dovey, International Head of Transactions and Capital Markets, GVA, adviser to Portsmouth CC. It considered the issue of property investment by local authorities and used by way of example, the approach Portsmouth has taken (in common with some other authorities). The speakers explained the areas that were looked at in setting up the development of a new portfolio and how in some cases, existing assets were disposed of and the proceeds used to increase the asset and in particular, the rental base.

The talk produced some interesting questions, particularly on how other areas such as council treasurers responded and “bought into the initiative”.

Commercial valuation update

Bruce Allan, Head of Commercial Valuations for the Northern Region, Carter Jonas, presented the audience with some topical issues which might affect public sector surveyors, concentrating on the recent changes to the Red Book [Ed – see article in

2017 Summer Terrier]. He went on to describe in detail the Depreciated Replacement Cost method, outlining issues such as componentisation and the revised method of measuring (International Property Measurement Standard for Office Buildings), which was complex and not something all clients welcomed.

A question from the floor about zoning shops led to an interesting discussion about the appropriateness of this technique for valuing housing estate shops and large stores.

Energy DEC/EPCs – changes and the effect on the property portfolio

This session was led by Brad Johnson, Senior Consultant, Energy, Infrastructure and Sustainability, Cushman & Wakefield. It was very much focused on the implications in April 2018 of proposed changes to Certificates, both in England and Scotland. He outlined research he had been involved in and the implications in respect of those properties not meeting the new thresholds. Mention was made too of the “policing” of Certificates, again with emphasis on those not meeting the criteria.

The valuation of local authority assets for rating

This was a joint talk by Wayne Cox, Head of Leisure and Licensed Property, and Nathan Place, Head of Civics, from the VOA. Mr. Cox outlined the basic principles of rating and compared them to “the real world” situations in which most surveyors find themselves. He

spoke of changes in approach brought about by recent case law and gave a number of examples of the diverse range of local authority properties which, while not necessarily profit-making, were, nevertheless, rated.

Nathan Place added to the examples of the types of properties covered by rating and made particular reference to York Museum and buildings in the museum gardens, given that they had featured in a major rating case.

District heating schemes

This was a joint paper by Peter Mason, Partner, Addleshaw Goddard, and Peter Hamnett, Engie UK. Mention was made of the expensive cost of installations and therefore the need to achieve sales to offset against the costs. The example of an initiative in Leeds was covered and the types of properties, now and in the future, such a scheme could support. Focus was then made on the range of issues which creation of most schemes would encounter and/or need to consider. Such matters as planning, funding, risk, operational matters and actual procurement models [Ed – see also article in 2017 Spring Terrier].

Latest on the Red Book and asset valuation issues

Graham Stalker (Head of Professional Guidance, DVS) gave an insight into the way in which asset valuations were undertaken and the current thinking in specific areas. He mentioned the work a group of professionals (including ACES representation) were reviewing regarding the existing practices of the Depreciated Replacement Cost method of valuation and considering changes, to reflect matters which arose when such valuations were undertaken on a day to day basis.

He gave specific examples of cases looked at and the issues surrounding them. In reviewing the process, it seemed clear that large aspects relating to asset valuations were sound in their approach, but that there were areas where clarity and improvement could be made. He spent some time covering the recent changes to the Red Book and how and why these had arisen.

Smart facilities – how you do things and looking at your buildings, in use, in real time, continuously

Brian Ablett, ACES Associate Member, split his talk into 2 sections: firstly, taking a quick canter through Smart City and work being undertaken; secondly, how to manage buildings using sensors to generate data, which he saw as a great improvement on subjective opinions and manual checks of desk occupancy. Included in the first section was an amusing video of an example of a bad robot car park ticketing machine (where the poor victims remained amazingly calm and polite) and in the second part, Brian illustrated the myriad of potential use of smart data.

A pilot trial has been undertaken by LCC, using sensors in one floor of an office building to measure in real time what is actually happening [Ed – a full account of this trial will appear in a future edition of Terrier]. This BREOS model will be covered by Mike Perry in a session tomorrow. Experience shows that there is still a large amount of under-utilised workstations within office spaces that have gone through this change process. So from the primary programme of work that is being delivered in the city centre portfolio, LCC is reducing its estate from 17 buildings down to 4 primary office buildings.

Hot legal topics

Antony Philips, Partner, Fieldfisher, focussed on the following: - repairs, modifying freehold covenants, breaks option and service of notices, providing an overview of the salient points of the legislation and recent cases.

Repairs – relevant case highlighting that something cannot be in disrepair, and therefore tenant or landlord not liable for its repair, if it was not there in the first place. The case focussed on the death of a visitor to a building who, in the absence of a handrail, fell down a steep set of stairs. The landlord who was responsible for repairs – was not held liable, as the handrail had never been in situ – hence no disrepair. The other issues of “reasonably incurred” and “improvements” rather than repair were also discussed.

Modifying covenants – focussed on the opportunities available to utilise the Law of Property Act 1925 where it could be shown that the covenant was either obsolete, impeding reasonable user, agreement or acquiescence, and discharge or modification would not injure benefitting persons.

Break Options – some salutary and expensive lessons in how not to handle a break clause were outlined – the first concerning demountable partitions and whether the leaving of them constituted vacant possession, and the

second looked at whether there was an intention to break as no handover took place and filing cabinets, notes, etc remained in the premises after the break date. In both instances the tenant lost.

Serving of notices – the serving of notices is a minefield and must be done strictly in accordance with the contract or lease. A number of seemingly innocent errors were identified, all of which led to a decision that the notice has not been served correctly. The message to take away – always employ a solicitor to serve the notice for you – and rely on an indemnity insurance if they get it wrong !

Economic development – unlocking value in assets

Lee Arnell, Principal Regeneration Officer, LCC, enlightened the audience about how Leeds city has developed extensively over the last 10 years. Developments such as the new Arena, Victoria Gate and Trinity Leeds stand proud. Exciting times lie ahead for Leeds, the vision being to double the size of the city by transforming South Bank for investment, living, learning, creativity and leisure. Leeds has gone from a lonely industrial city with no students, to a vibrant, bustling city with over 10,000 students. It is clear that Leeds has a very exciting future and is working and growing together.

Round up and close of Day 1

The President closed the first day, attended by some 150 delegates, with a note of thanks to speakers and those who helped the day run so well, including ACES Secretary and NE Branch members, to Royal Armouries staff.

Day 2 - Welcome

Day 2 opened with a welcome by Daniella, who noted how many positive comments had been made and received on the way Day 1 had gone, including the dinner at Royal Armouries, attended by some 120 delegates, members (present and retired) and invited guests.



President Daniella Barrow and Senior Vice President Neil McManus



having on the board elected members who understood business models and risk, Sarah Lewis, Associate Architect, Sustainability, NPS Group, went into detail about the special features of the Passivhaus. While the built form is airtight, there are regular air changes, which have had the effect of assisting residents suffering from allergies, and impressively had a heating bill of £13.19 over the first 6 winter months.

Melvyn concluded with information about the value of the scheme and returns to the public purse. As a result of positive outcomes, the partnership plans to build more Passivhouses [Ed – see article in 2017 Spring Terrier].

Affordable housing and housing today!

Mike Basquill, UK Residential Associate Director, RICS, gave a presentation on housing and affordable housing in the UK. He firstly outlined the work of the RICS Residential Professional Group which covers workflows including estate agency and lettings, property management, housing supply and survey and information. He outlined the findings of the UK Housing Market Survey (August 2017), which reported that demand had slipped and new sales listings declined further with the lack of supply continuing to support prices, albeit with sluggish price growth with regional variations.

On the issue of affordable housing, Mike advised that owner-occupation had declined by 7% since 2002, with house price growth up 120% and earnings growth up by only 38%. This, with a range of other factors, exacerbated the problem of households not being able to access affordable housing and contributed to the much-reported housing crisis in the UK. He also outlined some of the systemic problems concerning all tenures of housing supply and suggested possible solutions, including the end of Right to Buy in England, following the 2016 decision in Scotland and with Wales expected to follow soon. His presentation provoked a good range of questions from the audience and over the lunch break.



The great housing challenge – panel debate

The President chaired a discussion involving Maggie Gjessing, Head of Housing Growth Asset Management and Regeneration, LCC, Mike Basquill, UK Residential Associate Director, RICS, and Dilys Jones, Head of Home Ownership and Supply, Homes and Communities Association. The speakers each made reference to issues and topics in their area of work and expertise and in doing so, covered both the public and private housing sectors. There were some interesting thoughts and ideas as to how to try and work on getting more of a balance, across the board, between demand and supply, and such issues as how to try and reach better targets in terms of starts and completions of new stock.

Questions posed covered a range of issues; key among them were issues delegates faced in their areas and places of work.

Public sector joint venture development - a Passivhaus case study

Melvyn Stone, Estates Director, NPS Group, set the context for this award-winning development near Norwich of 14 Passivhaus units, NPS working in partnership with Broadland District Council. Melvyn stated that the aim was to make 'homes' not 'houses', including 43% affordable units – a target higher than that generally reached for new developments.

Following his overview and outline of governance and the importance of



ACES Award for Excellence winner 2016 - Public Health England (PHE)

This was the first of 2 presentations concentrating on public health issues. The session was introduced by Michael Brodie, Finance Director for PHE. He said that the NHS isn't health: it deals with fixing people, but doesn't keep them healthy. Good health is about people, choices and places. There are 3 contributing factors – do you have a job? A home? Someone to love?

PHE deals with epidemics and infectious diseases; it endeavours to make 'interventions', such as immunisation and encouraging a 'sugar tax'. He outlined the issues ahead because of demographics and an ageing population, and the effects of deprivation on health.

Peter Gidman, Deputy Director (Head of Estates and Facilities), PHE went on to talk about the estates strategy and what had already been achieved in estate rationalisation, and what was proposed. Of particular importance is working with local authorities, both in terms of co-location and in councils using their assets, such as parks, creatively to improve healthy living.

Finally David Baughan, National Property and Programme Manager Estates and Facilities, PHE, illustrated the partnership working projects with local authorities, which led to PHE being the holders of the ACES Award for Excellence 2016. In particular, the co-location project in the Cunard

Building with Liverpool City Council was outlined, looking at drivers for collaboration. He made brief mention of the major project of the creation of the public health science campus at Harlow, which will bring together infectious diseases research and the behavioural side of public health [Ed – see article in this edition of Terrier].

Healthy assets?

Following on from the Public Health presentation on how it has managed its own estate, Dr Justin Varney, National Lead for Adult Health and Wellbeing, PHE turned the question around and discussed the need for the public sector to focus on creating healthy assets – ie assets that support the health and wellbeing of our population.

The talk focussed on the scale of the problem – ie an ageing population; increase in deprivation; increase in illness – but also outlined that medicine and health intervention could only solve approximately 10% of the problems. However, with changes to the environment in relation to better design, housing, access to healthier food, natural and sustainable environment, and transport could solve 40% of the problems or prevent them from occurring in the first place.

The challenge, though, is encouraging the public sector to consider health and wellbeing as an integral part of its daily business and not just an add-on that only arose in 2013 when the health agenda transferred to local authorities. All delegates were encouraged to go and find their Director of Public Health and ask how their assets could help with PHE's remit.

One Public Estate - theory into practice

This session was led by Philip Callow, Head of Asset and Property Management, City of York Council, and Andrew Pollard, Managing Director, Place Partnership, on the subject of One Public Estate (OPE), giving case studies of how the 2 organisations had approached projects involving co-location and asset sharing. Philip set out the benefits of being part of the OPE programme since Round 2



and outlined 9 different projects, with detailed case studies on West Offices, the new council HQ in the centre of York, which involved a complex asset rationalisation programme and bringing multiple council services into one building, together with several other public and third sector occupiers, including NHS England, the Probation Service, police, Network Rail, the Clinical Commissioning Group, and South Yorkshire Credit Union. Through collaboration and flexible working, the council had reduced its costs.

Flooding and resilience – identifying the impacts, state of the industry, mitigation strategies and supporting resources

Dr Steven Garvin, Centre for Resilience Director, Buildings Research Establishment, gave a talk on flood-based issues and problems. Around 4m properties are at risk of flooding from rivers and the sea; annual flood damage costs for the UK are in excess of 1.1bn! Flooding is certainly a ‘current hot topic’. Both the Met Office and the government have confirmed that flooding will continue – the government has previously stated that it intends to spend 2.5bn over the next 5 years to improve flood defences.

A working group was launched in 2014 at the Centre of Resilience, which was tasked to research resilience and resistance to upskill the industry, develop new standards and create the next generation of resilient materials and products, to ensure the robustness and longevity of the built infrastructure.

The working group successfully created a demonstration home which was adapted to be resistant and resilient to flooding. It was designed to keep water out, but if it does get in, it is designed to manage water removal, dry out quickly and be suitable to move back into the home in a very short period of time after the incident, more details can be found at <https://www.bre.co.uk/floodhouse> [Ed - and in an article in this Terrier].

Your property – make the most of it!: How the Public Sector can maximise returns

A presentation in 2 parts – the first presented by Dai Powell, Director, GVA, looking at the issues facing public sector property disposals and development. How the market has changed in the last 10 years with buyers and developers seeking to have sites as de-risked as possible before making offers, and if not, significantly reducing offers to cover any potential issues – this is not new, but has increased in the last few years as developers/buyers have become more risk averse.

Jonathan Bull-Diamond, Director, GVA, focused on the alternative options to the traditional open market disposal, raising suggestions such as setting up a wholly owned property company, a route which a number of local authorities have undertaken; creating an asset management-focussed JV, where the council benefits from a share of the uplift in value, which has largely been created by the private sector input; or using the asset base as a catalyst to development activity – 2 local authorities were trialling this as present, Sunderland and Haringey, who were using the asset base to borrow against, to fund development activity.

Commercial, socially conscious asset management – making the most of OPE workshop

Continuing with the theme of One Public Estate, 3 speakers from Pick Everard gave presentations with reference to case studies involving work for local authorities. David Harris, National Director, outlined the multi-discipline approach taken by their team to look at all aspects of an instruction and try to consider wider options and scenarios for the benefit of clients.

Deborah Rose, Head of Development Services, presented a case study involving the provision of a combined community hub for Wiltshire Council, involving a library, council leisure and community services and the police. In approaching this commission, the company took a more holistic method

and proposed options that delivered the new hub and helped kick-start delivery in a difficult regeneration area. Edward Carter, Director of Strategic Advisory Services, presented a case study outlining the work and approach taken when advising Kent County Council on the future delivery models associated with the integration of council-wide services in relation to property, asset and facilities management.

Facilities management – overview of the Raising the Bar: from operational excellence to strategic impact in FM

This final session was introduced by Brian Ablett, who provided a summary of a report for the RICS and the International Facility Management Association, March 2017, (written by The Occupiers Journal), which he thought was probably the most searching and detailed report on the subject of FM. Having recommended to delegates that they read the executive summary, he went on to say that managers tended only to be interested in whether the soap dispensers were filled, and did not grasp the ability to make big savings through FM. There needs to be a link between FM, HR and IT.

Mike Perry, Building Research Establishment (BRE), explained in detail the development of BREOS, which had been introduced by Brian at Thursday’s breakout session (see above). He contended that hard real-time data is necessary in order to meet stringent space-savings targets set by programmes such as OPE. The BREOS suite of tools can do that, using sensors to detect occupiers in buildings and analyse a whole range of factors including occupancy rates, internal temperature and humidity and lighting. This was illustrated by a recent trial of one floor of an office building at Leeds City Council, but the tool was powerful and adaptable for use in a range of buildings, such as hospitals [Ed – for outline of BREOS, see 2017 Summer Terrier; Leeds case study to be featured in a future edition].



ACES

Downing College Cambridge North Range and Chapel. Photograph by Tim Rawle and Louis Sinclair ©

NATIONAL CONFERENCE 2018

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Conference close

Daniella brought the conference to a close, again thanking nearly 150 delegates who had attended Days 1 and 2. Particular thanks go to the sponsors and trade stands – Carter Jonas, GVA, DVS, NPS Group, Fieldfisher, Pick Everard, Bellrock, Debt Squared, The technology Forge, Land Solve, Datscha, and VPS. Also to the team at The Royal Armouries, NPS colleagues and IT team, and the North East Branch for all their support.

Daniella intends to ask delegates to complete a Survey Monkey questionnaire, to give feedback for use in developing future ACES conferences.

Finally, Daniella encouraged any delegates who are not members of ACES to join, to experience the benefits of being part of the professional ACES family.

Please make a note in your 2018 diaries for ACES National Conference 2018, to be held in Cambridge (see flyer opposite).



CONFERENCE SOCIAL REPORT, LEEDS SEPTEMBER 2017

Ann Bishop



It was lovely to meet up with all the usual suspects and make our way to the Shears Yard restaurant for our Wednesday evening, informal dinner.

The ambience was superb, the company excellent and the food delicious. We were served by a small team in this busy restaurant, but they were willing and responded quickly to all requests.

On the first day of the conference, our merry band of retired members and delegates' spouses made its way to the Varieties Theatre, passing through the shopping areas of Leeds. We noted

that, despite the usual modern shop frontages, there were many beautiful old buildings, evidence of which could be seen above them.

On arrival at the Theatre we discovered that this was not a place for epics such as *Les Miserables*, but a true old music hall. We were very lucky to have not only a very interesting and knowledgeable guide, but one that was immensely proud of the place that she worked in and who wanted to amaze us all with its history. All areas were open to us: we toured the tiny dressing rooms, the green room, the boxes and

the stage, all of which were fantastic. The walls of the bar and other public areas were adorned with faded pictures of stars from bygone years, many of whom are no longer with us. We also discovered that the theatre was still very much in use and comedians such as John Bishop and Michael McIntire had recently performed there. Having been the place from which *The Good Old Days* had been screened, it was wonderful to hear that the event still took place 3 times a year, with some visitors still getting into character for the show. The theatre had, in recent years, been fully refurbished at a cost of £9.5m, most of which had been spent front of house with the dressing rooms and backstage much less so.

After a short visit to one of the beautiful arcades in the city centre, we made our way to our coach for the next venue, Newsam House.

Starting our visit with lunch in one of the old "still" rooms, we were amazed at the contents of the glass cases which contained an immense amount of white porcelain and china crockery which was ancient. Some of us wondered how it had managed to stay intact, being as ornate and delicate as the bowls and serving dishes were.



in such excellent company at these events, and this one did not disappoint.

Friday morning was a little damp, so rather than walking the 2 miles to the Thackray Medical Museum, we opted for taxis and I have to say that the service we received from the chosen taxi company during our visits was prompt and reasonably priced.

The tour of the facility was very interesting and certainly some of the information on medicines and equipment of more recent times struck a note with most of us, especially the size of some of the syringes used for vaccinations etc! The gory information regarding life in the UK prior to sewers and clean water was horrific to say the least and yet we were amazed that people, even then, did live into their 70s and older in some cases. The museum was very well used by schools, with tours going on while we were there and many mums with pre-school children talking to them about the areas which applied to their childhood, which showed that the museum had also been kept up to date.



After making our way back to The Armouries for an excellent lunch, many of us were preparing for the journey home or looking forward to a little shopping in the city before departure.

I would like to thank ACES, Tim Foster, and its President Daniella for making us so welcome and preparing such a great programme of events for our entertainment. Hope to see you all in Cambridge.

After lunch, we began our tour of the beautiful old building which was packed with history and many, many original items, including wallpapers which, at some point, had been carefully removed, restored and then put back on the walls. Our guide at Newsam House was also very knowledgeable and proud of where he worked. Some of us decided to visit the cafe and shop, the sun had come out while we were indoors so it was lovely to sit in the immense, lawned and tree-lined park area with our beverages and ice creams. I love trees and so was very happy when members among us could name those that I was unsure of, as we sat in the sunshine and relaxed.

We made our way back to our hotel to rest and prepare for the evening festivities at The Royal Armouries.

The Armouries is a very large building which not only contains large function and conference rooms but also a museum, shop and cafe. The artefacts here were also very impressive, with areas like the Steel room and the Oriental areas being my favourites.

We were thoroughly entertained in the Tournament Gallery by swordsmen of bygone times bedecked in original suits of armour, prior to our most excellent dinner for sponsors, members and social members. I am always pleased to see friendly faces and to spend time



NOTES OF ACES NATIONAL COUNCIL MEETING 18 AUGUST 2017

Keith Jewsbury, ACES Secretary

19 members attended the meeting held at the Manchester Conference Centre.

President's report

The President, Daniella Barrow, reported that she had visited the South East, Scottish and South West branch meetings, met the RICS and attended the RICS Diversity Day [Ed – see article from RICS on Inclusive Employer Quality mark in this issue].

Also, she had met with SPACES.

She was pleased to announce that Graeme Haigh of the Isle of Wight

Council had accepted the position of Junior Vice President and welcomed him to the ACES team.

Secretary's report

The Secretary reported on matters arising during the period from the 21 April 2017 Council meeting and informed Council that he had to threaten to cancel ACES membership before some stragglers actually take notice of the reminders and make payment. He commented that too much time is being taken up in pursuing payments.

He had visited the Royal Armouries in

Leeds with the President and visited the 2 hotels to be used.

Financial matters

The Treasurer reported on the finances of the Association and in particular, the final position at the end of the last financial year to 30 June 2017. The non-recoverable cost for the cancellation of the 2016 conference had been off-set by savings in administration, website, publications and AGM costs.

He informed Council that deposits had been paid for both the 2017 Leeds and 2018 Cambridge conference venues.

Why not use the ACES website for advertising your job vacancies?



ACES now has a live Jobs Page (open to all) on the ACES website to cater 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.

At an introductory rate of just £250.00 per advert for ACES' member organisations and £400.00 for non-members for a maximum of 4 weeks' exposure on the ACES website, this is excellent value!!

Just £250.00 to gain direct access to likely candidates already working in the public sector property arena with the expertise and experience that you are looking for.

Contact the ACES Secretary, Keith Jewsbury,
at secretary@aces.org for further information.



The accounting papers for 2016/17 had been passed by him to the auditors and the final figures will be reported to the AGM in November.

He recommended and Council agreed, that the membership subscriptions for 2017/18 should not be increased and that this be placed before members for approval at the AGM.

Honorary membership

Following discussion, the meeting approved the recommendation from the President that Past Presidents Richard Wynne, Kenwyn Brown and Alun Jones be nominated as Honorary Members of the Association.

Rural Branch

The Secretary informed Council of the problems that had beset the organisation of the Rural Branch, following the loss of key members and that a meeting had not been organised for a year. Also, the number of ACES rural members had fallen to 11 and not all of them were active.

Council decided to give time for those rural members and supporters to re-group and hopefully rejuvenate the branch.

ACES website

The Secretary confirmed that the SSL Certificate had been completed and that Team Valley Web had made certain suggestions with regard to the updating and revamping of the site. Council agreed to pursue all of the suggestions but not, at this time, the inclusion of advertising. [Ed – a SSL Certificate concerns security for the organisation and users].

ACES survey on the role, benefits and membership criteria

The Senior Vice President, Neil McManus, set out a timetable for the completion of the survey using Survey Monkey, in time for any proposals to be placed before members at the November 2017 AGM.

Annual Conference 2017 – Leeds

The President confirmed that the organisation of the conference was well in hand and that the delegate numbers were encouraging. She looked forward to seeing as many members that can attend in Leeds [Ed – see report of conference in this edition of Terrier].

The Secretary's post

The President confirmed that Trevor Bishop would take over the role at the November AGM.

Future meetings

Annual Conference	Leeds
28/29 September 2017	
Annual Meeting	City Hall, Cardiff
17 November 2017	
Annual Conference	Cambridge
20 September 2018	
Annual Meeting	London
November 2018	

MEMBERSHIP Keith Jewsbury

I list below the changes in membership between 1 July and 30 September 2017.

New members approved

There were 7 new applications approved during the period.

Jonny	Alford	Cornwall Council
Wisal	Anwar	Environment Agency
Gael	Gamble	HMRC
Darran	Hunter	NHS Property Services Ltd
Dave	Norbury	Urban Vision Partnership Ltd
Mandy	Robinson	Angus Council
Rosalyn	Smith	Unity Partnerships
Keith	Parkinson	St Helens Metropolitan Borough Council

Transfer from full to past membership

2 members transferred to past membership during the period.

Abdul	Qureshi
David	Street

Resignations

10 members resigned during the period.

Laura	Bridges
Gordon	Fisher
Michael	Haynes
Peter	Manley
Jon	McGrath
Graham	Price
Steve	Robson
Steve	Sprason
David	Tibbit
James	Tyler-Morris

I also have to report the death, in September, of Graham Brooker, formerly of the London Borough of Greenwich [Ed – see obituary in this edition of Terrier].

Total membership

Full	223
Additional	55
Honorary	33
Associate	22
Retired	42
Total	375

OBITUARY - GRAHAM BROOKER



What many ACES colleagues may be unaware of, is that Graham had a successful second career as a Registrar of Birth, Deaths and Marriages.

Following early retirement in 1995 he had a thoroughly enjoyable time travelling far and wide with his all-time favourite experiences being a visit to the terra cotta army in China, the beauty of Alaska, the Iguaza Falls, Brazil and a long stay in Australia and New Zealand. Tim Foster reports that he met Graham in Petra, Jordan!

Graham sadly passed away on 23 September, after an extremely long and difficult illness. He will be greatly missed by his widow, Anne, 2 daughters, a step son, and 3 grandchildren.

Graham spent the major part of his public sector career at the London Borough of Greenwich, from 1968 through to the 1990s. In the early 1980s, he was one of 2 Assistant Borough Valuers and Estate Surveyors working with Dick Miller, who later moved on to become Property Director at Norfolk County Council. When Dick left for Norfolk's 'green pastures', Graham succeeded him in 1986 as Borough Valuer & Estates Surveyor, a post he held until his retirement in 1995.

Graham was also an active LAVA and ACES member and held the post of

Honorary Secretary to the London Branch until shortly before he retired. This included organising a conference in the early 1990s in Maidstone. He was also a member of the national executive 1992-1994.

Graham was a good and loyal colleague and a conscientious and effective chief officer at Greenwich. He was well-liked and respected by colleagues and elected members alike, and actively supported the professional development of many staff who passed through Greenwich during his tenure.

The Terrier

The Terrier is published quarterly by ACES. The inclusion of any individual article in the Terrier should not be taken as any indication that ACES approves of or agrees with the contents of the article.

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ONE PUBLIC ESTATE

Sherin Aminossehe

Sherin is current Head of the Government Property Unit (GPU), and Head of the Government Property Profession, a network of 2,000 members with responsibility for property-related activities across the Civil Service. Established in 2010 as part of the Cabinet Office, GPU has oversight over all government land and property, working across the Civil Service to create an effective and efficient government estate, disposing of surplus property in a way that maximises financial return, boosts growth and creates new homes. As Chief Operating Officer of GPU, Sherin established the now national One Public Estate (OPE) initiative with the Local Government Association, bringing together local and central government assets for the first time. She is a Fellow of the RICS and member of the RIBA. In her previous career as an architect, Sherin was a Vice President of the global design firm HOK, leading large master planning, rationalisation and regeneration projects across the world from Jeddah, to St.Petersburg, to Bolton. lizzie.lambert@cabinetoffice.gov.uk

Sherin outlines the next phase of the One Public Estate initiative and what can be achieved: "The programme's successes are the result of the dedication and hard work of councils and their public sector partners. It is councils that are best-placed to know what local people need and how it can be delivered."



The GPU and OPE programme

The work of the Government Property Unit (GPU) involves coordination of the central government estate to ensure that it is run as efficiently as possible. We have made significant progress, having saved over £1bn in running costs from the rationalisation of the estate and overseen £3bn capital receipts from the sale of surplus land and property.

Our work goes further than saving money, however, and we are committed to ensuring that government property is used to deliver public benefit. Our One Public Estate programme is at the forefront of this.

One Public Estate is an initiative delivered in partnership by the Cabinet Office and the Local Government Association. It provides practical and technical support and funding to councils to deliver ambitious property-

focused programmes, in collaboration with central government and other public sector partners.

The programme is unique in the way we bring councils, central government departments, and wider public sector partners together to forge effective partnerships. And it's working. Having started in 2013 with 12 pilot areas, the programme has rapidly expanded to work with more than 250 councils and 13 major government departments across England.

With over 350 projects, One Public Estate is already helping the public sector to manage its land and property better together: creating local jobs, releasing land for housing, providing communities with better access to government and delivering savings for the taxpayer - all through property.

For example, the Nottingham OPE Partnership was responsible for an early success. The council co-located its youth employment services with a Department for Work and Pensions Job Centreplus, delivering more joined-up service for customers, reducing running costs by £500,000 a year, and releasing a former government site for redevelopment.

Outcomes

We're showing that by working together, central and local government and wider public sector partners can create more growth, make bigger improvements to public services and generate larger savings. By 2020, current One Public Estate partnerships expect to deliver at least £615m in capital receipts and £158m running costs savings, create 44,000 jobs and release land for 25,000 new homes.

OPE and Land Release Fund

The programme's next application round is currently underway, open to new and existing partnerships, with funding allocations expected to be announced in December. During this round, One Public Estate has joined up with DCLG to deliver the local

authority Land Release Fund. This £45m capital funding pot will support councils to accelerate the release of council-owned land for new homes by 2020. This combination of OPE revenue funding alongside DCLG capital funds shows our real commitment to delivering new homes alongside the best quality public services.

The programme's successes are the result of the dedication and hard work of councils and their public sector partners. It is councils that are best-placed to know what local people need and how it can be delivered. And the partnerships we've built show how much can be achieved when central and local government work together.



RICS INCLUSIVE EMPLOYER QUALITY MARK

Lucile Kamar

Lucile is an award-winning Diversity and Inclusion (D&I) expert specialising in implementing change, empowering individuals, and influencing stakeholders at national and international level. Lucile's role with RICS involves working closely with stakeholders and member firms across the land, property and construction sector to improve diversity and encourage firms to put inclusivity at the heart of what they do. lkamar@rics.org

"The surveying profession in the UK currently faces a skills shortage and an ageing demographic, the need for change and more diversity in the sector has never been greater."

is supporting workplace diversity and inclusion is through the RICS Inclusive Employer Quality Mark (IEQM). Launched in June 2015, the IEQM is the benchmark for inclusion and diversity within the land, property and built environment sector and is based on 6 principles of:

- Leadership and vision
- Recruitment
- Staff retention
- Staff development
- Staff engagement
- Continuous improvement.

The IEQM aims to drive behavioural change by encouraging all firms, regardless of their size, to look carefully at their employment practices and to put inclusivity at the heart of what they do. More than 150 firms have already signed up to the IEQM, allowing us to reach a workforce exceeding 300,000 people.

A diverse and inclusive workforce is a competitive workforce, mirroring both their clients and the community.



A recent report by McKinsey called "Diversity Matters" looked at the relationship between gender diversity levels and companies' financial performance. The numbers speak for themselves - companies in the top quartile for gender diversity are 15% more likely to have financial returns above their respective national industry medians. Furthermore, bridging the UK gender gap in work has the potential to create an extra £150bn on top of business-as-usual GDP forecasts in 2025, and could translate into 840,000 additional female employees. Businesses that want to be future-ready need to make this a business priority – millennials will account for roughly 75% of the workforce by 2025, and over 50% of them will be female. Leaders simply cannot afford to ignore the issue.

Introduction

RICS report "Our Changing World: Let's be ready" highlighted that one of the key areas employers wanted RICS to address, in conjunction with them, was the "War for Talent".

It's fair to say that the UK land, property and built environment sector has not traditionally been associated with the image of a diverse and inclusive workforce. Coupled with the fact that the surveying profession in the UK currently faces a skills shortage and an ageing demographic, the need for change and more diversity in the sector has never been greater. Attracting the right talent going forward inevitably means drawing upon talent from diverse backgrounds.

Inclusive Employer Quality Mark

Among the many ways in which RICS

Creating a diverse and inclusive environment therefore makes business sense, and is also in line with the 2010 Equality Act. Moreover, the public sector Equality Duty requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.

The Equality Act 2010 brings together over 116 separate pieces of legislation into one single Act. Combined, they make up a new Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.

Everyone in Britain is protected against discrimination because of the protected characteristics that we all have. Under the Act, there are 9 protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation.

Diversity and the surveying profession

What is the current situation regarding diversity across the chartered surveying profession? Our statistics show that there is a long way to go on diversity. Based on recent gender, it will likely be at least another 40 years before the number of female chartered surveyors comes close to equalling the number of males. However, considering the optimistic assumptions underpinning this estimate, in reality this is unlikely to happen this century. Within RICS qualified membership overall:

- 14% of surveyors in the UK are female (however they make up 7% of building surveying, 9% of quantity surveying and construction)
- 1.2% black, Asian and minority ethnic
- Those with disabilities are at less than 1%
- We have no data for lesbian, gay, bisexual and transgender.

How are we going to attract and retain the diverse talent pool necessary to ensure we have a thriving property sector fit for the future? While RICS was developing the IEQM, we began to see that there was huge demand for a one-stop-shop where our members could share best practice and learn from each other how best to embed diversity and inclusion principles in their workplace.

RICS Diversity Hub

To address the demand, we created the industry's first Diversity Hub – an online portal where members and external bodies can share case studies, best practice and research around diversity and inclusion. We have revamped our diversity website by creating the first industry-focused "hub" of best practice and case studies. This has been described by our members as the "missing piece of the puzzle", proving that putting in place diversity and inclusion measures and policies doesn't have to be time-consuming or resource heavy. This is very much in line with RICS' ambition to provide support to our members and members' firms on their journey. We continue to lead the way in the industry by driving the diversity and inclusion agenda.

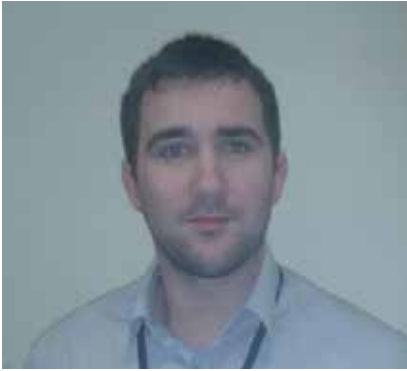
RICS has worked with a range of public sector bodies on the issue of diversity and inclusion. One of these bodies is the Valuation Office Agency (VOA), as Laura Shaw, VOA's Diversity and Inclusion (D&I) Lead, explains: *"In the VOA we recognise that people are our greatest asset. We'll get the best from people if they trust us and feel able to bring their whole selves to work. In a*

competitive market it's really important that as a public sector organisation we create a culture in which people feel included and valued and ultimately want to stay. We've shown our commitment to this in a range of ways and signing up to the IEQM was an important part of that. We fully support the work that RICS is doing on D&I and look forward to continuing to share best practice."

If you've got a new or innovative approach to change, please come and join the conversation in our Hub, we'd love to hear from you. If you fancy a lively lunchtime debate, why not join us for a networking session in your region with our Driving for Diversity free lunches? Each lunch will feature a panel of industry representatives discussing topics related to one of the principles of the IEQM. Visit rics.org/diversity to find an event near you.

RICS is here to support firms in their journey and offer advice, guidance and support. To advance responsible business practices in the profession, we have embarked on a number of initiatives to improve diversity and inclusion across the land, property and built environment sectors.

Get involved now and if you have any questions or comments, please contact Lucile Kamar, Equalities Manager.



RE-USE OF SALFORD'S EMPTY HOMES

Andrew Malone and Bhavesh Chauhan

Andrew is a private sector housing officer for Salford City Council with over 11 years' experience of regulating the private rented sector, where his duties have included housing enforcement and the Housing Health and Safety Rating System, Houses in Multiple Occupation, landlord accreditation and mandatory and selective licensing. He specialises in returning empty properties back into use, with the assistance of grant funding and leasing schemes, while at the same time making effective use of a range of enforcement powers against non-compliant empty property owners. He is a member of the Chartered Institute of Environmental Health and an associate member of the RICS.

Bhavesh is a Principal Chartered Surveyor with Urban Vision, having joined in 2007. He has experience in a wide range of property and development professional services including acquisitions, disposals, regeneration, property management, valuation, viability appraisals and national non-domestic rating for both public and private sector clients. He has a degree in Property Management and Investment and is a member of the RICS.

Andrew and Bhavesh have prepared a practical account of effective measures used by Salford City Council to bring empty properties back into use.

Background

Salford is the fastest growing city in Greater Manchester, covering approximately 9,700 ha of city centre, urban areas and countryside. A decade of growth has produced new residents, additional jobs and £2.6bn-worth of private sector investment.

One of the UK's biggest regeneration areas is central Salford which is creating the new business district of New Bailey. It builds on the phenomenal growth in digital businesses and new housing already seen at Salford Quays with £1bn-worth of investment, to double the size of MediaCityUK yet to come.

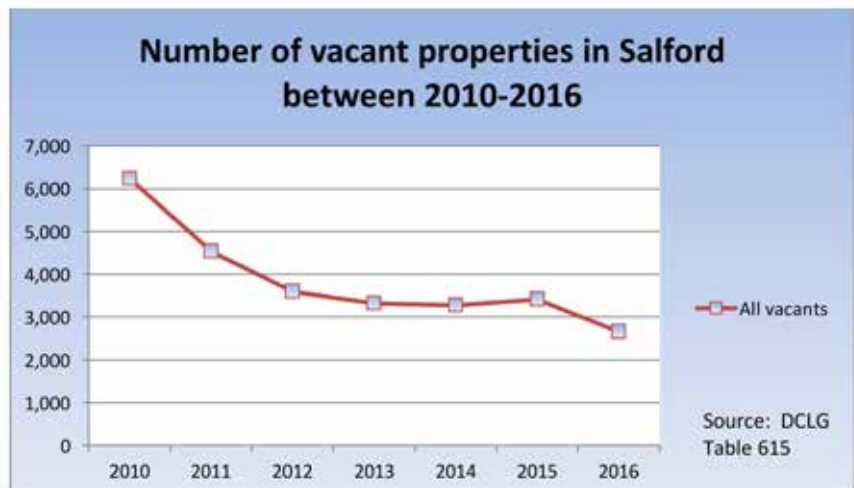
Through significant public and private investment, Salford is now booming. With an estimated population of around 245,000 (ONS Population estimates for UK, England and Wales, Scotland and Northern Ireland, 2015), Salford has experienced significant

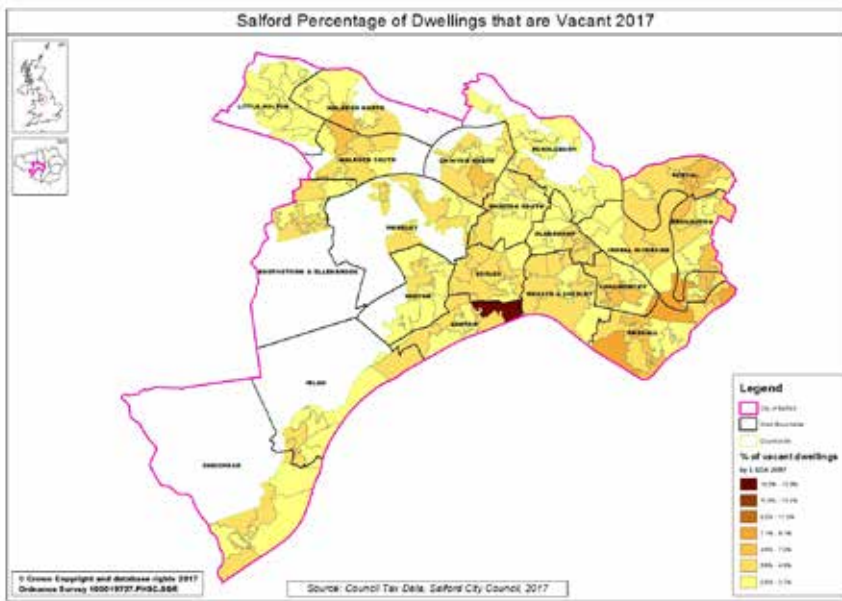
growth and is forecast to have one of the highest projected rates of growth within Greater Manchester, taking its population to 290,000 by 2035 (Salford Draft Local Plan).

Despite this, Salford still has high levels of deprivation and with more than 6,700 people on the housing register in Salford, there is huge demand for affordable housing. Bringing empty properties back into use is quicker and cheaper than building new homes, and improves neighbourhoods blighted by rundown derelict properties, and Salford has proved extremely successful in doing

this. Salford has had the fifth highest rate of reduction in empty homes in the country according to New Homes Bonus data (<https://www.gov.uk/government/publications/2010-to-2015-government-policy-house-building>): New Homes Bonus: aggregate numbers of homes recognised for the 5 years 2011-12 to 2015-16) – and now has one of the lowest rates of empty homes in Greater Manchester.

It is well documented that for decades there have not been enough homes to meet the needs of England's growing and ageing population. Latest



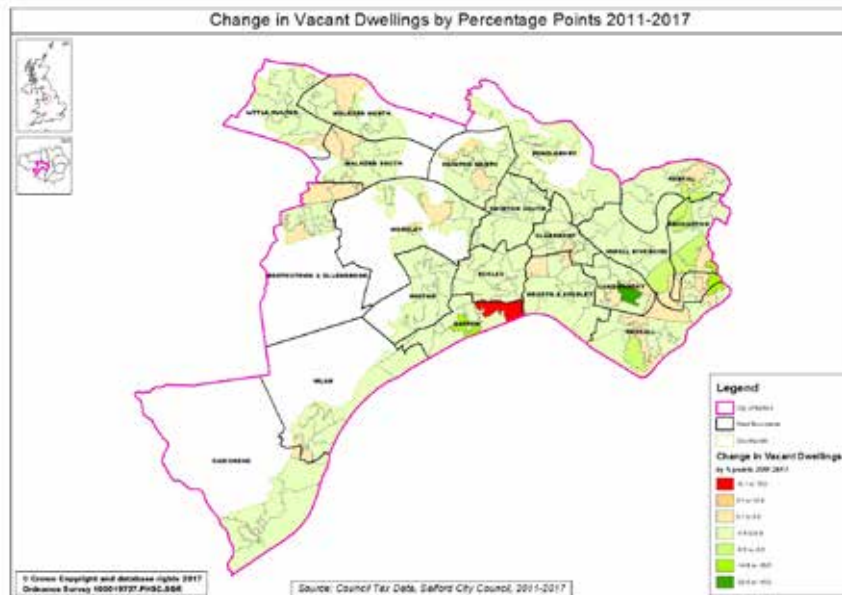


How was it done?

Salford City Council was able to achieve this by establishing a team of housing officers in 2011, the empty properties team, which aimed to:

- halve the number of empty homes in the city within 3 years
- increase housing supply
- reduce the problems associated with empty properties
- provide additional income to the authority through the New Homes Bonus and council tax revenue.

The empty properties team established a good working relationship with the council tax team to locate empty homes and identify any trends. Powers to share and use data for empty property work include s237 of the Housing Act 2004 and s85 of the Local Government Act 2003. The team also called upon the expertise of the council's strategic property advisors, Urban Vision Partnership Ltd, who play a vital role in supporting the council.



Urban Vision Partnership Limited

Urban Vision was formed in 2005 as a joint venture between Salford City Council, Capita and Galliford Try to support, grow and enhance the services of Salford City Council. As well as supporting the council, this multidisciplinary service organisation also delivers services to a large number of public and private sector clients throughout the UK, across property and regeneration services, landscape design, highway and infrastructure, as well as planning and building control services. The partnership model was the first of its kind in the UK and reflected the ideological trend of 'new public management', to transform the delivery and improve the efficiency of public sector services, by joining the public and private sectors in partnership.

To assist the council's empty property work, Urban Vision's Property Services team provides advice on all matters relating to the acquisition of land and

government figures show there are just under 590,000 empty homes in England, of which around 200,000 are considered long-term empty that have been unoccupied for more than 6 months. (Department for Communities and Local Government (2016) 'Live Tables 615 on Dwelling Stock (Including Vacants)': <https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants>).

In Salford in 2010 there were 6,237 vacant properties, or just under 6% of the total dwelling stock. Of these, 3,761 had been empty for more than 6 months and a large proportion were

in the private sector. By 2016, 57% of empties had been returned to use, leaving 2,658 or just under 3% of total dwelling stock still to be tackled (see above reference).

Mapping the reduction in empty properties between 2011 and 2017 demonstrates how they have reduced in the majority of areas in Salford.

In 2017 empty properties are found in every part of the city but with 'hotspots' in the central Salford wards and west of the city.

property. This can be by agreement or under Compulsory Purchase Order (CPO) powers, as well as by the disposal of empty properties. The partnership then implements and progresses the council's instructions.

Acquisition of empty properties with government funding

Salford City Council helped a not for profit organisation to secure a total of £458,500 from the Empty Homes Communities Grant Programme for the purchase and repair of 5 empty properties, delivering 14 bedrooms back to the affordable rent market.

Urban Vision was instructed by the non-profit organisation to search the market, identify long-term empty properties in conjunction with the council, then progress the acquisition of the properties. Urban Vision advised and carried out the full acquisition process on a private treaty basis, which involved contacting property owners and agents, carrying out property inspections and undertaking building and structural surveys. Following the provision of valuation advice, the team then entered into negotiations to complete the acquisition and hand over the properties to the non-profit organisation.

Negotiating the acquisition of these properties was difficult. The market was rapidly changing due to the properties being close to the Salford Central regeneration area, and greater confidence in the housing market meant that the owners of the properties were changing the goal posts in terms of the acquisition price.

Once the properties were acquired, the non-profit organisation instructed a community-based training and construction company, which provides training opportunities to people from disadvantaged groups, to carry out a comprehensive and high standard refurbishment programme, adding extra social value to the scheme.

The non-profit organisation subsequently entered into a 3-year lease agreement with a local housing

association to let all the properties, providing well-managed family homes to rent. The rent was based on the local housing allowance less the management fee. The housing association provided a full management service and guaranteed the rent, even during void periods. Tenants were fully vetted and picked from the council's waiting list, providing much-needed homes to people in need.

This 'joined-up working' harnessing expertise from both the public and private sector, returned long-term empty properties to the market and reduced the council's housing waiting list.

Order of sale of empty properties for non-payment of council tax

New regulations under the Local Government Finance Act 2012 significantly changed the council tax relief available to empty properties and second homes. In Salford, the changes included abolishing the Class C exemption. Owners now had 50% discount for just 2 months instead of full exemption for up to 6 months.

Similarly, the Class A exemption was abolished and replaced with a discount of 10% for 12 months, rather than a 100% exemption. Owners of empty but furnished properties now have to pay the full rate, unless these are job-related second homes. Substantially unfurnished properties that have been unoccupied for more than 2 years are now charged a premium of 50% on top of full council tax. Since its inception, this has applied to 1,400 properties in Salford, generating up to £700,000 in additional revenue.

Properties that are left empty for long periods of time often amass a large council tax liability. Regulation 50 of the Council Tax (Administration and Enforcement) Regulations 1992 allow billing authorities to apply to a county court for a charging order in respect of council tax debts, if the council has registered a liability order at a magistrates' court against a property.

Once a final charging order has been granted by the county court, the council can apply to enforce the charging order using the 'power of sale'. The claim must be made again to the county court using Part 8 of the Civil Procedure Rules unless the debt exceeds £30,000, in which case the claim must be started in the High Court. This allows the council to dispose of the property to recover the outstanding debt from the proceeds of the sale, provided there is sufficient equity remaining when any priority charges such as a mortgage are redeemed.

This cannot happen without the assistance of Urban Vision, which provides valuation advice and implements a disposal process on behalf of the council. The surveyor assesses the market value of the property in its current condition and allows Urban Vision to advise the council on whether there is enough equity in the property, should the sale be enforced, for the council to recoup the debt. This valuation then informs the court's judgement or order which will stipulate that the property shall be sold without further reference to the court, at a price not less than Urban Vision's valuation.

Once the order has been made, Urban Vision and the council secure and clear all properties ready for disposal by auction. Auction is usually chosen as it is transparent and allows the council to demonstrate that best value has been achieved in line with s123 of the Local Government Act 1972. Although auction does not control who purchases the property, the council's empty property team monitors the sale, expecting that it will be in the new owner's best interests to have it occupied.

Urban Vision manages the property auction process, from instruction through to completion, including setting the guide/reserve prices, ensuring the marketing particulars are at their best, obtaining the Energy Performance Certificate, instructing solicitors in relation to the legal pack, viewing, if necessary, and any other special requests.

Once the auction is finished and the property sold, Urban Vision and



2 Dorothy Street – a long-term empty property acquired by agreement



343 Chorley Road - a long term empty property compulsorily purchased

the council ensure that completion occurs and that the capital receipt is apportioned accordingly. The costs of the agency work including officers' time, auction and sales fees are recovered from the proceeds of the sale, making the process cost-neutral. The remainder of the proceeds are sent to the Court Funds Office.

This approach has been adopted by a number of local authorities, including Salford City Council, as an effective way of dealing with long-term empty residential properties. So far this has brought 6 long-term empty properties back into use, prompted a further 37 owners into settling their bills and generated more than £120,000 in revenue.

Enforced sale of empty properties for non-compliance of statutory notices and works in default

Salford City Council and Urban Vision have developed and implemented an enforced sales policy and procedure. Enforced sale is a power executed under the provisions of s103 of the Law of Property Act 1925 for the recovery of debt. An enforced sale can be progressed where a local authority has placed a local land charge against a property for expenditure incurred by the council carrying out "works in default" undertaken in accordance with certain statutory powers (Housing Act, Building Act, Environmental Protection Act, Public Health Act, and Town and Country Planning Act).

In addition, all legal and surveyors' costs are deducted from the proceeds of sale so the cost to the council of using this legislation is nil. All that is required is that the initial expenditure is correctly charged and registered. The usual disposal method is by way of auction. Enforcement of the sales procedures enables the council to sell the property to recover the debt, but, more importantly, allows the vacant land and property to be acquired by a third party for future beneficial use through reuse, redevelopment or refurbishment.

In Salford, the city council in collaboration with Urban Vision, has sought to use the legislation as a proactive tool to deal with empty properties that are limiting the council's regeneration aspirations. The process has so far recovered in excess of £70,000 for the council and has been well received by both the council and the community.

Acquisition by agreement and compulsory purchase of empty properties

Where all attempts have failed to bring a property back into use, the council can use compulsory purchase powers to buy the properties and bring them back into use as housing. CPOs can be made under s17(1)(b) of the Housing Act 1985 and the Acquisition of Land Act 1981, which empower local authorities to acquire properties for the provision of residential accommodation, so long as this will achieve a quantitative or qualitative housing gain and there is a compelling case in the public interest.

Although these powers can be harsh, the council uses them proportionally and as a tool of last resort, supported by firm evidence. In the last 2 years, it has used the power to acquire 2 properties by agreement and is in the process of compulsorily purchasing a further 2 (see photos).

Urban Vision is always instructed to enter into negotiations with empty property owners to acquire by agreement prior to the confirmation of the CPO. Only if negotiations fail, is Urban Vision instructed to begin the compulsory purchase process. The process includes carrying out a property inspection, undertaking a building or structural survey, providing a budget estimate for the refurbishment, and valuation and compensation advice. This is supported by advice to the council on whether using compulsory purchase is the best and most efficient solution. Urban Vision also assists with the statement of case and the statement of reasons, through to public inquiry in some cases.

Once possession is gained, Urban Vision's property team will clear, make safe and secure the property, ready to market it for sale. In Salford, any property that is purchased compulsorily is marketed for sale on or soon after the vesting date, to achieve timely disposal at market value. The method used for disposal is a tender process, so that any potential purchaser details their best offer for the property, their

property experience, and a programme of bringing the property back into use. This ensures that all properties which are compulsorily purchased are sold subject to a legally binding condition that they will be fully refurbished and brought back into use as a residential dwelling. Urban Vision deals with all compensation matters from the vendor, should a claim be brought forward.

Summary

Salford City Council's empty property team and Urban Vision are working well together to bring empty derelict properties back into use as family homes and to generate extra income. To date the council has secured around

£55m in New Homes Bonus – 28% more than if empty properties had not been reduced by the levels they have. From 2011/12 to 2015/16 Salford achieved the fifth highest reduction of empty homes in the country (<https://www.gov.uk/government/publications/2010-to-2015-government-policy-house-building>: New Homes Bonus: aggregate numbers of homes recognised for the 5 years 2011-12 to 2015-16).

Salford is the fastest-growing area of Greater Manchester, with unprecedented levels of planning applications and building work, but nearly 35,000 homes will be needed by 2035, according to its draft local plan

(Salford City Council (2016) A fairer city: Draft Local Plan <https://www.salford.gov.uk/planning-building-and-regeneration/planning-policies/local-planning-policy/salfords-development-plan/salford-local-plan/>). With the support of Urban Vision, continuing with its strategy of turning empty spaces into homes is a key priority and is one part of a much larger council housing programme, to ensure that housing need and demand are met.

An article about the re-use of empty properties in Salford first appeared in RICS Property Journal for July/August 2017. Andrew and Bhavesh tailor-made this version for The Terrier.

ESSEX HOUSING – A CASE STUDY

Gwyn Owen and Adam Thompson

Gwyn joined Essex County Council in 2007. He has led a wide range of partnership projects. One example includes the Essex Countywide Traveller Unit (ECTU). The ECTU launched in 2012 and brought together education, health, enforcement, fire and site safety services for gypsy and traveller communities. The significant improvements in outcomes since its launch were recognised when the ECTU was highly commended in the 2013 LGC Awards. Gwyn's current role is Head of Essex Housing, which aims to bring forward surplus land to address the housing needs of Essex residents. Gwyn.Owen@essex.gov.uk

Adam joined Essex County Council in 2007, having previously worked in local government roles at both district and unitary authorities. Adam has worked on a number of corporate and partnership projects including development of the council's Corporate Outcomes Framework and Commissioning Strategies; Essex's Community Budget pilot programme; strategic leadership of Essex's partnership work to reduce domestic abuse; development of the county's Special Educational Needs and Disability strategy; and leading on satisfying the requirements of central government's Comprehensive Area Assessment. Adam's current role is a Development Operations Manager for Essex Housing. Adam.Thompson@essex.gov.uk

Readers may recall that an article appeared in 2016 Autumn Terrier about the approach being undertaken by Essex County Council to facilitate housing provision. Essex has chosen to set up a housing company to coordinate the activities of public sector parties and to provide a full range of services. This follow-up paper outlines progress through projects in the last year.

Overview

Housing is a cross-cutting issue that transcends multiple policy areas including health and social care, which have a strong interest in ensuring the

availability of safe, secure and suitable homes for the most vulnerable.

Essex Housing is a new function, operational since April 2016 and hosted by Essex County Council on behalf of public sector partners. The operating Essex Housing model was developed through the Housing and Public Sector Land Project, which originated as a flagship project within Essex's Community Budget programme, back in 2013. The project was driven by involvement and engagement of public sector partners, who were aware more can be done with their assets by taking a stake in the development process and keeping more control.

After just one year of operation, Essex Housing is already delivering 12 live schemes (detailed design and development); these will result in around 450 new homes. The function develops a mixture of specialist accommodation which includes provision of appropriate housing for older people and people with learning disabilities, and private housing for market sale or rent. It focuses on sites which are either already vacant or under-utilised publicly-owned assets. Given that many of the sites are in public ownership it is important that best value is achieved.

Essex Housing manages the entire end-

to-end development process, starting at the point of land identification; undertaking design and securing planning permission; overseeing contractor build and sales and marketing of completed schemes. Some sites are sold outright as market homes to generate capital receipts, while some are specialist units which are disposed of to providers, but with the retention of nomination rights into the schemes, to allow public sector partners to target the schemes at those who are often currently in expensive accommodation which does not best meet their needs, improving outcomes for residents while allowing revenue savings to service delivery budgets to be generated.

A holistic approach to value

The function facilitates savings across different services through taking a more holistic approach to value. In using land to provide specialist housing for older people and those with learning disabilities, Essex Housing generates savings against the county council's social care budget. If it could not provide people with homes appropriate to their needs, the council may have to place people in 'high-need' accommodation that is not right for them, or house them out of the county. Both options are less beneficial for individuals, and expensive for the local authority.

This logic also applies to other public service areas. For example, the NHS has an interest in providing appropriate accommodation for people with mental health needs, and can save considerable amounts on inpatient care in doing so. The example of Essex Housing shows local public services should consider the wider holistic value of land rather than selling it outright on the open market.

For housing authorities in Essex, the project provides an opportunity to address their housing responsibilities and generate an ongoing revenue stream through rental income. On the other hand, some partner authorities can decide that it makes more sense for them to hold onto land and wait for it to rise in value.

Getting buy-in

Essex County Council has acknowledged the logic of this approach, as social care is a core responsibility with rising demand and rising costs. While some of the specialist housing may make a capital loss (viewed through their profitability as homes alone), the annual revenue saving for social care alone could be significant. Revenue savings and scheme surplus need to be considered together to provide the genuine scheme value.

It is important to engage local decision-makers on the benefits of this approach and to be able to balance the need to generate funds in the short term, against taking greater risks for greater returns later on. However, selling land is not always straightforward. In some cases, organisations may try to sell land for many years and even when sites are sold subject to planning permission, the process often takes time to achieve.

Other challenges and how these are overcome

A more direct involvement in housing development is a new area for Essex as a county council. However, Essex Housing has appointed a team with extensive private sector development experience, bringing the skills to help mitigate the challenges of the development process.

Achievements and examples of scheme progress

While Essex Housing is still a relatively new service, significant progress has already been made. Through the government's One Public Estate

Programme, partners in Essex have established the Essex Property Asset Map (EPAM), which is hosted by Southend-on-Sea Borough Council. To date over 1,500 pieces of public land have been reviewed in a series of locality reviews, undertaken by all partners and the East of England Local Government Association. From these, around 200 are already being analysed in more detail by Essex Housing. To date, 12 business cases have been approved and a further 25 sites are being progressed by the team at feasibility stage, working for a range of partners across the Essex public sector – and comprising the potential for over 1,000 units.

Work was also commissioned by the team to produce design guides for specialist schemes (independent living, mental health re-ablement and learning disabilities) which are now being used to inform these developments.

In terms of those sites with approved business cases, 3 sites have contractors appointed and are in or entering into their construction phase. Six sites have achieved their planning permissions and a further 4 sites have applications submitted and are awaiting determination.

Brief descriptions and illustrative examples of some of the most advanced developments can be found below:

Goldlay Gardens, Chelmsford

Goldlay Gardens is Essex County Council's former library headquarters. The works for the site included the demolition of existing structures and construction of 32 units in 3 apartment

Goldlay Gardens, Chelmsford





Moulsham Lodge



Rocheway, Rochford

Hillhouse, Epping Forest



blocks of private and affordable housing, together with associated external works. Practical completion is scheduled for September 2018. An indicative image of the scheme is shown.

Moulsham Lodge, Chelmsford

This vacant and extremely heavily constrained site was the former home to a local community organisation (although it had been vacant for some time) and as part of the scheme, a new facility was purchased nearby from Essex Police, securing the long term future of this important community asset.

Planning was achieved in October 2017 for 26 units in 3 apartment blocks of private and affordable housing together with associated external works. Site clearance work is now expected to commence and practical completion of

the scheme is forecast for June 2019.

Rocheway, Rochford

The site is a former 1930s secondary school and subsequently an adult community learning facility. A planning application has been submitted for 14 private sale houses together with a 60-apartment extra care facility. Planning determination is expected in October 2017.

Hillhouse, Epping Forest

Hillhouse is a multi-partner project involving Epping Forest District Council, Essex County Council and NHS England. The Hillhouse site consists of 2 adjoining pieces of land, one owned by Epping Forest District Council and another owned by Essex County Council.

The proposal for the scheme is to develop half of the site (with the remainder to be used for sport and recreation) along with land on which a community centre is currently located (closed and to be demolished). Outline planning has been approved for:

- A new 60-unit Independent Living scheme to help meet the housing needs of older people in the locality
- A new health centre adjacent to the Independent Living scheme, to provide new and improved health facilities
- A new swimming pool and leisure centre to replace the existing facilities on another site which are coming the end of their operational life.

The proposed scheme is illustrated.

Next steps

The Essex Housing model has made significant progress in the first 18 months of full operation. Over the coming 12 months there will be further planning applications made, the first schemes will complete and integration with partner organisations will both broaden and deepen as the number of multi-partner schemes increases.



INDUSTRIAL PROPERTY AND ECONOMIC PROSPERITY

Rory Finnan

As Director, Head of Asset Management for leading industrial developer and asset manager, Chancerygate, Rory is responsible for overseeing all asset management activities associated with the company's multi-let industrial investment portfolio, including acquisition and disposal and mandates from third party investors. He has nearly 20 years' experience as a specialist in the industrial sector and has progressed his career through varying economic climates. With more than £230m of assets under management and an appointment by Carlisle City Council to asset manage 2 major industrial estates, Chancerygate's Asset Management team has a track record of providing various solutions to include redevelopment to enhance local business environments and maximise returns of portfolios held as investments for income or capital growth. rfinnan@chancerygate.com

Rory explains the process Carlisle City Council undertook to set up a partnership with Chancerygate. "By selecting an experienced and knowledgeable asset manager who specialises in industrial property, local authorities can improve their net income as a result of a more proactive and commercial approach."

Context to partnering

Since the end of the recession, collaboration between local authorities and property companies/developers has been on the increase.

A growing number of authorities have recognised that to address the economic damage caused by the recession years they have to take a more hands-on approach to enhance their local business environments.

This trend has been most vividly illustrated in the retail property sector where authorities have geared up to deliver major projects in partnership with property companies. However, it is a model which has the potential to be applied in other sectors including industrial. Our recent appointment by Carlisle City Council to asset manage 2 of its major industrial estates is an indicator of this trend.

The council owns the freehold of the



Kingston and Parkhouse Industrial Estates which are home to more than 140 international and national businesses that employ more than 2,000 people. Their importance as an economic engine is clear, and the council recognised that to maximise the potential of these holdings, they needed expert and dedicated input.

Bringing together private sector expertise with local government vision seems like common sense but the process of creating a partnership is rigorous.

Joint ventures between local authorities and property companies are governed by the 'OJEU' regulations which take their name from the Official Journal of the European Union in which contracts need to be advertised.

Compliance requires a detailed approach and it is a process which only makes business sense if the envisaged joint venture is of an appropriate scale and duration. Of course, it is a moot point how these relationships may be governed post-Brexit but it is unlikely that local authorities would feel comfortable without a similarly thorough procedure.

Ultimately, tendering successfully for these opportunities is not just an exercise in form filling. The Carlisle mandate was awarded to Chancerygate because, in the council's words, our tender was 'fully scrutinised and considered to be the one that offered the best opportunity to the City Council to meet its objectives in enhancing its investment in the Kingston and Parkhouse Industrial

Estates, thus ensuring further growth through a combination of specialist asset management, development and investment skills.

In this context, the value of experience and a credible track record cannot be underestimated.

Creating these partnerships is a challenging process but given the legacy of economic deterioration left by the recession, they can play a vital part in helping local authorities enhance business environments across the UK.

Stopping the rot

Many local authorities benefit from income-producing industrial properties which can significantly contribute to revenues. The derived income from assets can assist with the mitigation of spending and budget cuts as well as supporting the delivery of front line services. In addition, industrial workspaces support local employment and investment opportunities.

However, the issue many local authorities are now facing is that with many of these ground leases having been granted for 99 or 125 years from the 1950s onwards, they now have less than 50 years unexpired. Having a secure income stream for 50 years is great from the council's point of view but from their tenants' point of view there is very little incentive for them to invest in their buildings.

Most banks will not provide debt against the security of the property to tenants with a lease of less than 60 years unexpired. This results in tenants being starved of capital to help them improve their buildings. This can lead to a spiral of decline which adversely affects economic viability of these locations.

What's the way forward?

So what are the options with regard to maintaining and enhancing the income stream from a property portfolio?

1. Do nothing
Not really an option as the assets/ estates will go into terminal decline, and the local authority will suffer from a loss of income, employment

opportunity and a general reduction in the economic prosperity while the leases come to an end

2. Sell the asset
From the local authority's perspective, they will receive a capital receipt from a sale but will no longer receive the rental income and 'the family silver' may have been sold off
3. Active asset management
If the local authority wants to retain and enhance its property income streams, it needs to collaborate with a specialist industrial asset management and development specialist who can provide the expertise that adds value through:

- Sustaining and increasing rental income and returns while decreasing costs
- Ensuring the assets are well managed and attractive to current and future occupiers
- Maximising the latent and embedded value in the asset through the release of marriage and development value.

How does a property asset manager deliver value?

Below are some principles and practices to follow.

Delivering a bespoke business plan

A bespoke business plan will be prepared to inform and steer the future direction of the portfolio. A strategy for each tenancy will be determined, following analysis of the lease and a meeting with the long leaseholder and/or occupier. This information will then feed through to create an overall masterplan and strategy for each asset within the portfolio. The different uses and elements of the portfolio will be taken into account, providing a strategic plan for increasing the net revenue. It will also look at the different ownerships and aspirations for each of the assets in the portfolio and identify opportunities to add value. Improving the net value of the assets within the portfolio will be achieved through the implementation of the

business plan and overall strategy.

Creating economies of scale

It is far more efficient for one company to be responsible for all of the property management, asset management and development associated with the portfolio. This ensures efficient lines of communication through a close-knit team who are focussed on the job in hand, as well as providing a co-ordinated and comprehensive reporting regime. By having a dedicated team working on a larger and wider portfolio delivering a service, economies of scale can be achieved.

Engaging with occupiers

Landlords need to engage with the occupiers of their properties. This identifies opportunities for businesses to expand and acts as an early warning system for when occupiers are struggling. Local authorities are often not equipped to manage this channel of communication. An expert asset manager is used to customer engagement and using it for positive benefit.

Improving the environment

Enhancing commercial environments assists occupier retention and will attract more businesses to a location. Positive estate management which delivers a good standard of security, access and waste management is essential to this.

Property service efficiency

Helping local authorities reorganise the way they currently deliver property services and advising on budgets.

Lease structure consultancy

Taking steps to prevent the slow decline of assets within the portfolio by changing the leasing structure from long term ground rents to new arrangements which are more beneficial to tenants and the local authorities alike. This would be undertaken by re-gearing leases to give tenants a longer term in exchange for a change in the ground rent basis. If a long leaseholder is looking to dispose of its interest, the landlord could acquire it and then benefit from the rental income



it produces. By buying out the tenant's interest, there is an opportunity to create a rack rented investment, thereby increasing the net rental income as well as regenerating older buildings.

Providing tailored marketing expertise

Fresh marketing and promotion of the assets within the portfolio can raise profile and attract new occupiers. This will include the promotion and branding of the individual assets and the estates in which they sit. The aim is to raise their profile in the local, regional and national property markets.

Discover development potential

The asset manager will work to identify latent and future development opportunities within the portfolio. Each development plot will also be assessed for its development potential and appraised to establish the viability for new industrial buildings to be built. The development management would be undertaken by the asset manager. The buildings, when constructed, can then

be let to new tenants, thus renewing the supply of accommodation within the local authority's portfolio as well as significantly improving the rental income and employment opportunities.

The photographs illustrate a multi-let industrial estate that Chancerygate developed in Yate, Bristol.

The 'virtuous circle'

Acquiring a specialist asset manager from the private sector will allow the local authority to step away from the day-to-day management of property assets. By selecting an experienced and knowledgeable asset manager who specialises in industrial property, local authorities can improve their net income as a result of a more proactive and commercial approach.

The terminal decline of industrial estates can be prevented if they are well-managed and maintained. It is a collaborative process which creates a 'virtuous circle' between the local authority, the asset manager and the businesses which

occupy the managed properties and ultimately play a key role in generating economic prosperity in that location.

Ed – Mark Walshe, Strategic Asset Investment Services Manager of Carlisle City Council, has offered to give his view of the joint venture arrangement in the 2017/18 Winter Terrier.



Chancerygate are unlocking value for Carlisle City Council

We provide strategic consultancy, asset and development management services for Carlisle City Council's 200-acre Kingstown and Parkhouse industrial estates.

Services we provide include:

- Developing a robust long term business plan to increase revenue and enhance asset value
- Improving the income from the Estates
- Proactive asset management to improve the estate and help to support business and employment in the city
- Liaison with the tenants and occupiers
- Bringing forward developments on the vacant plots
- Raising the profile of the Estates amongst the business community and the wider region with new marketing initiatives and promotions

To find out how Chancerygate can help you get the most from your industrial assets, call Rory Finnan on 020 7657 1856 or email rfinnan@chancerygate.com

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Chancerygate 



PHE HARLOW – CREATION OF A NATIONAL PUBLIC HEALTH SCIENCE CAMPUS

Dr Tim Harry B.Sc., PhD., C.Biol., M.I.Biol. MPLA

*Tim is Programme Director for the Science Hub Programme and Head of Profession for Programme and Project Management in PHE. He is a scientist by background and training with over 30 years' experience in operations/general management in both the private (pharmaceutical, biotechnology, life sciences) and public sectors (healthcare).
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Those of you who attended the ACES Conference in Leeds will recall the presentations from Public Health England, ACES Award for Excellence winners 2016, which mentioned the future public health science campus. Tim outlines the project, strategic proposals and timeline for this exciting project.

In November 2015 the Chancellor of the Exchequer announced a £400m capital investment for the creation of a national public health science campus at Harlow, Essex that will compare with the best across the globe. This article provides some background and rationale of why this is seen as critical to the future delivery of public health, not only at international and national level but also at a local/ community level. It highlights the leverage that an estates strategy can exert on the transformation of an organisation.

Role of PHE

PHE is the expert national public health agency which fulfils the Secretary of State's statutory duties in relation to the public's health. The government has agreed the remit of PHE to deliver the following 4 functions:

- a. Fulfilling the Secretary of State's duty to protect the public's health from infectious diseases and other hazards to health, working with the NHS, local government and other key partners

- b. Securing improvements to the public's health, through its own actions and by supporting government, local authorities and the NHS to secure the greatest gains in health through evidence-based interventions
- c. Supporting the development and delivery of efficient, effective and affordable health and care services
- d. Ensuring the public health system maintains the capability and capacity to tackle today's public health challenges and is prepared for the emerging challenges of the future.

As the government's public health agency, PHE's prime task is to provide it with independent, evidence-based advice on tackling the major challenges to the public's health and wellbeing. PHE also provides a national network of expert public health professionals that deliver frontline services and directly support local government and the local NHS in their work on health improvement and protection. Delivery of this expert advice requires PHE to be a research-active organisation and so, in the areas relating to its specialist expertise, it has an internationally regarded programme of research that contributes to the evidence-base required for sound practice and policy development.

To meet its remit the organisation employs 5,300 staff and has gross expenditure of

£3,750m, of which £2,663m is the local authority ring fence grant. Of its operating costs of £434m for operations, £170m is income earned by PHE.

Current locations of PHE's functions

PHE Porton – a 68 acre site at Porton Down on the Salisbury Plain, for 800 staff in research laboratories, pharmaceutical manufacturing facilities and the administrative staff in corporate services. The buildings are mostly 70 years old or temporary in nature.

PHE Colindale - a 3.4 ha site in north London for 1,100 staff in national reference microbiology, genomics, bioinformatics and epidemiology surveillance services, working in laboratories, including high containment) and a number of corporate administrative functions. The facilities were constructed in the 1980s.

Central London sites – PHE occupies space in 2 Department of Health buildings and the main base for PHE London is near Blackfriars. PHE HQ and many of the health improvement functions are based here.

PHE Chilton in Oxfordshire is the main base for the Centre for Radiation, Chemical and Environmental Hazards.

Local and regional network of PHE facilities – originally 116 sites, reduced to 81 by April 2015 and will be about 60 by the end of 2017. These are the network of "spokes"

within the hub and spoke model, and include both regional laboratories and the bases for regional and centre teams.

Key drivers for the change and why now?

Across the world, many of the countries at the leading edge of public health science have created centres of national scientific expertise, to protect and improve the health of their population. Their governments have frequently invested in state-of-the-art facilities to deliver core health protection functions supporting the local public health system.

In England the core national public health functions were delivered by about 130 different organisations until they were brought together in April 2013 through the creation of Public Health England (PHE), by the Health and Social Care Act 2012. PHE inherited a disparate estate and is currently based on 62 sites, with some of its most specialist work located in its oldest premises.

Investment in creating a national hub for public health science is required now because:

- Replacement of the ageing facilities at PHE Porton cannot be delayed any further without potentially catastrophic risk to UK public health and emergency preparedness
- With the creation of PHE, the previous disparate model of public health science across 130 different organisations can be brought together into a 'hub and spoke' model that will form the basis for a sustained drive to protect and improve the public's health
- Addressing the new technologies of next generation sequencing, 'personalised' public health interventions and 'big data' will transform the delivery of public health science over the next couple of decades.

Investment in the right facilities at this time will create a multidisciplinary campus composed of a range of diverse and complementary public health facilities which will multiply the benefits for the public's health and for UK plc.

Elements of the 'hub and spoke' model exist now but there is a substantial and serious misalignment between the current and future functions of PHE and its current facilities. Essentially PHE was put together through a complicated transition process and the focus was on ensuring short-term safe transfer of key teams to the new organisation, but not on creating an effective national public health science agency and campus. The Science Hub Programme was created as the driver to address this and is essential to the redesign and transformation of the agency into the government's source of expert public health advice and local delivery support.

This is in the context of public health science going through a period of rapid radical change:

- A revolution in microbiology testing with new Next Generation Sequencing
- The need to link bio-medical and behavioural science
- The challenge of 'big data'.

And the world is ever more complex and changing faster:

- Rising expectations about what science and government can do to protect the public
- Prevention and improvement of health is a global issue
- Public sector austerity is here for the foreseeable future.

Co-locating key PHE services will provide a more effective response to these challenges.

Why Harlow?

PHE submitted an Outline Business Case (OBC) in 2014 generated by the Science Hub programme that proposed England creates a national centre for public health science and expertise. This included 10 shortlisted options, a mixture of different geographical locations and operating models. In 2015 the Chancellor of the Exchequer approved the OBC and the recommendation for Harlow as the

preferred option.

The option appraisal concluded on the basis of both qualitative and economic analysis that this should be located in Harlow, Essex, at the heart of the London-Cambridge corridor. Key factors included:

- An existing flexible modern laboratory building that can be easily and relatively cheaply adapted for PHE's needs and for future technological changes. This provides over £100m in capital savings
- Sufficient space to bring together a range of PHE's national functions and become the new headquarters
- A location that is between London and Cambridge – the London-Cambridge corridor is one of the key global centres for life science research
- PHE has links with Cambridge, Anglia Ruskin, Essex and Hertfordshire Universities and is exploring a range of academic partnerships
- Space for new commercial and academic partnerships.

The economic case demonstrated that the Harlow option provided the best value for money with the lowest capital requirement and whole life costs. Quantitatively assessing the options against the investment objectives, Harlow scored the highest mark.

This approval allowed the programme to commence work on the next phase for the generation and submission of a Full Business Case, anticipated to be in 2019. Key activities needed include: gaining planning approval, more detailed design, greater certainty around construction costs, fully mapped benefits and detailed transition plans.

The link between PHE's Strategic Plan, Vision and PHE Harlow

Our strategic plan describes PHE's place within the public health system and sets out our Vision for success as a future in which our ambition is to deliver our vision for the public health system by working as



'One PHE'. It is clear that only by working together to provide world-class science, advocacy, partnerships, knowledge and intelligence, and specialist public health services, can we make our vision a reality.

The development of PHE Harlow provides an exciting opportunity: to deliver the physical capabilities that will underpin the integrated 'One PHE' approach. It will secure a headquarters for PHE; a home for many of our national functions and services, together with the critical corporate and supporting functions which underpin all of our work. It will provide the chance for our staff to work alongside each other, either through physical co-location or via seamless virtual working capabilities across the whole of PHE.

The design of PHE Harlow will promote health and wellbeing and will be flexible and adaptable to reflect changing work patterns and priorities. It will provide a diverse range of workspaces aligned to our diverse range of activities.

The 'One PHE' approach provides "a bridge" between the current business operating environment and securing a seamless and effective transition to our new Harlow campus, with links across the whole of PHE. We anticipate that some of the new ways of working will be investigated, planned and implemented in advance of the move to the new facilities,

while the implementation of others will be dependent upon the move to Harlow and the benefits of the new facilities and co-location of teams.

Functions and activities to be provided at Harlow

Those functions (currently based at Colindale, Porton or central London) to be co-located are as follows:

- The National Infection Service including:
 - Reference, research and specialist microbiology laboratory functions
 - Specialist epidemiology functions
 - Information and surveillance functions
- National Public Health functions currently based in central London, including health protection, health improvement, nursing, staff health and well-being, marketing
- Hub for public health research and development
- International/global health functions

- International focal point for European Centre for Disease Prevention and Control and World Health Organisation (WHO) liaison
- National focal point for disease notification and outbreak coordination for England
- Key liaison point for health protection issues with UK devolved administrations
- Provision of world-class, specialist training in health protection through research projects, fellowships and structured training courses linking epidemiology and microbiology
- Assessment of public health protection systems (such as training and exercising) and emergency response co-ordination
- Finance and commercial services
- Corporate services
- National functions.

Vision for PHE Harlow

PHE Harlow will be the second largest base for applied public health science in the world where:

- National specialist public health services, translational research and commercial activities can interact and thrive
- There will be for the first time a unified national microbiological reference and research laboratories for England, UK and internationally through WHO
- The national emergency response centre for protecting the public's health will be here
- PHE's new headquarters will be in place
- The PHE 'hub' provides expert advice to support our sites, delivering local public health services across the country.

The strategic benefits

The benefits are expected to be that PHE Harlow will enable PHE to co-ordinate the delivery in England of all the key 'essential functions' of a comprehensive public health system identified by the WHO in 2013. It will bring together disparate functions working on communicable and non-communicable disease to create an integrated response to the major threats to the public's health, resulting in the following benefits:

More effective programmes of disease prevention and health promotion – The Science Hub Programme will provide the national centre where the multi-disciplinary expertise comes together to lead national programmes to improve public health outcomes. The teams in the hub will work with academic institutions and service partners to use evidence to design effective programmes and develop the products that underpin local service delivery for the key programmes such as screening, immunisation, behaviour and lifestyle change.

Improved emergency planning and response – The Science Hub Programme will enable PHE to have the future resilience and capacity to meet the specific responsibilities for protecting the public's health and meet the future expectations resulting from its role as a Category 1 responder. PHE plays a central role in the highest civilian risks and in key military risks, either as the lead organisation when the risks materialise, such as in pandemic 'flu or as a pivotal supporting agency. At present the PHE response comes from 4 main sites and so the Science Hub Programme will create the centre from which PHE will provide the national expert scientific response to emergencies and co-ordinate the regional and local public health responses.

Integrated national surveillance – The Science Hub Programme will support PHE in creating an integrated surveillance system across communicable and non-communicable disease. This will enable PHE to advise government of trends in disease evidence-based public health interventions that should be taken and the impact of these interventions on the public's health. Traditionally in the UK, health surveillance has been undertaken

by many different organisations and individually these are among the best surveillance systems in the world, but there are gaps and limited co-ordination between agencies. Creating an expert centre for surveillance methodology and capacity in PHE, as part of the Science Hub Programme, will enable surveillance activity in England to be better supported and integrated and provide focused intelligence, linking directly with the local public health services in PHE centres, local authorities and national agencies.

The forefront of technological advance: Through the Science Hub Programme, PHE will be in a position to lead on the deployment of genomic and bio-informatic technologies. Integration of PHE's multidisciplinary expertise within the Science Hub will drive the real-time response to emerging infections, pandemics and potential threats to public health. Co-location in a single site will focus future investment and the use of complex biological data to meet the challenges posed to public health, by how variation in the genome affects our health and disease.

Leading edge research partnerships - the Science Hub Programme creates the hub of national expertise for government public health science that will work in partnership with industry and academic science. PHE's focus is on translational and applied research and it will collaborate with the country's leading university departments in its core scientific fields working both from the PHE Harlow campus and in a range of universities.

An engine for the life sciences sector - the Science Hub Programme will create a campus where PHE can work with commercial partners to deliver growth in the life sciences sector. PHE currently generates over £170m of income and the public health science campus is key to ensuring that PHE can offer its specialist facilities and expertise to work in partnership with industry, to not only increase its commercial income, but to support wider growth in the UK life sciences sector, linking with the Harlow Enterprise Zone and the London-Cambridge corridor.

Site development

Space will be created for circa 2,750 staff,

of which 2,450 will be PHE staff relocating. 300 workspaces are unallocated to allow for partner organisations to be accommodated in a laboratory building which is in excess to PHE's requirements.

This will be achieved through a mixture of refurbishment of existing buildings and new facilities as illustrated. Together there will be some 100,000sq m of floor space.

The key design features for the site development include:

- Making a statement about this being the home of PHE
- Quality of place but as appropriate for the public sector, both within facilities and the external space
- Maximising the design features to facilitate collaboration
- Retention and development of external green spaces (an important feature for Harlow Council and planning approval)
- Activity-based office space
- Modular, flexible laboratory space wherever possible but recognising specialist needs
- A robust set of security measures.

The images demonstrate some of the above.

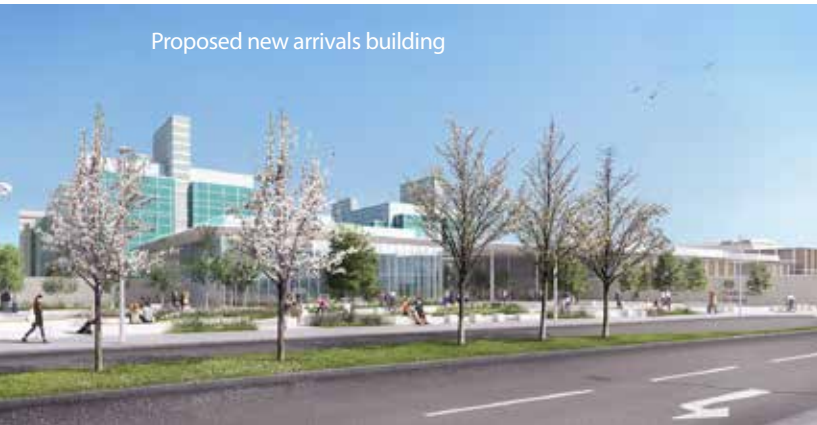
Procurement

There is a heavy reliance on external providers for the specialist skills to design and deliver such a programme – which is not a core PHE capability. To that end use of a non-government framework was agreed, to obtain the highly specialist, design, cost management and technical project management through an OJEU process for the life of the programme. Other less specialist skills, such as programme management and project support office resource has been procured through government frameworks. A small intelligent PHE client side team provides the leadership and connectivity with the organisation.

Following OBC approval, the commercial



PHE science hub



Proposed new arrivals building



Proposed site masterplan

Milestone	Year
Redesign work	2017
Tier One Constructors appointed, further design	2017/18
Planning application submitted/ approved	2017
Commence enabling works	2018
Complete technical design and pricing	2019
Full Business Case approval	2019
Commence construction	2019
Phased occupation	2021 to 2024

strategy for construction procurement was initiated. Agreement on the strategy involved extensive discussion and agreement with key stakeholders, in particular Department of Health procurement. In the end it was agreed to use a New Engineering Contract 3 Engineering and Construction Contract for a 2-stage Design and Build. This was informed by extensive soft market testing and led to 4 lots being procured, reflecting the varying degrees of specialism required.

Timelines

This is a long programme which is currently estimated to finish in 2024, following the commissioning and validation of the new specialist laboratory facility. Key milestones to that point include:

Current status

Major progress is being made, with the planning application submitted on schedule in early August 2017. This followed extensive Harlow community engagement with over 300 key individuals and groups identified and engaged. This included 2 public exhibitions. There has been overwhelming support to date and

determination is expected around the end of 2017. Construction procurement is proceeding well, with bids received from quality organisations on all 4 lots. Redesign work has been completed – this was required as there had been scope and requirement changes since the OBC submission in 2014.

However, there are some major challenges – as would be expected for a programme of this size and complexity and at this stage

of its lifecycle. This includes some cost pressure due to new requirements, but value management and value engineering will provide a counterbalance to ensure that the programme stays within the cost envelope. Another challenge is the competing priorities for PHE staff, that means availability for design work and speed of decision-making can be difficult. Various innovative solutions are being applied, including the programme budget, reflecting a policy of backfill funding being available.

Despite these challenges a recent Gateway Review organised by the Infrastructure Projects Authority gave the programme an AMBER status – essentially reflecting that there are some major challenges, but these are recognised and being actively managed by the programme, and that overall the programme is in good shape to deliver PHE Harlow on time, to cost and to the right quality.



PROPERTY FLOOD RESILIENCE

Graham Hannah

Graeme is the Programme Director for the BRE Centre for Resilience, working across the BRE Group and industry to develop new content, products and services to support resilience within the built environment. He is a Full IEMA member and a Chartered Environmentalist, and a former Young Leader within Scotland's 2050 Climate Change group. Graeme's background is in the performance of assets within the built environment.

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Graeme outlines the activities of the BRE Centre for Resilience to combat climate-change related flooding, now potentially faced by 1 in 6 householders. Graeme spoke at ACES National Conference.

Background and risk

Climate change can have significant implications for the built environment, with increasing risk and impacts for buildings, energy, transport, ICT and infrastructure. Analysis from the UK Climate Change Risk Assessment indicates that the built environment will be increasingly affected by extreme weather events, and that the frequency and severity of flooding will increase with higher temperatures and changing rainfall patterns.

The government's National Flood Resilience Review states '*Record rainfall and river levels have led to widespread floods severely affecting cities and*

communities, bringing misery to the lives of thousands and seriously disrupting businesses and livelihoods... we need to recognise that there is a non-negligible chance that we will see further events of a similar, or maybe even greater, scale over the next decade.' Further to this, the National Trust for Historic Buildings has stated that '*No other 'element' is as destructive to buildings as water.*'

In the last decade, the consequences of climate change have struck close to home, with extreme weather and flooding events in the UK, notably in 2007, 2009, 2012, 2013/14 and 2015, causing billions of pounds' worth of damage to properties and devastation to the lives of thousands of people as a result. More recently Cornwall was hit with a severe flash flooding event, which was described as 'devastating...' by the local Assistant Fire Chief Officer, who also stated that he had '*a real fear that this was going to have a tragic outcome.*'

The Environment Agency has reported that around 6m, or 1 in 6, properties in the UK are now at serious risk of flooding – and up to 150,000 properties in the UK in flood risk areas are sold each year. However, of these properties which are at risk, only around 20,000 (0.3%) of home owners have taken measures to make their homes more resilient to the potentially severe effects of flooding.

BRE Centre for Resilience

Given the significant risks and potentially devastating outcomes, Building Research Establishment (BRE) has established a programme to support both the construction industry and building occupants/owners. BRE is the world's largest research and technology organisation, offering expertise in every aspect of the built environment and associated industries. BRE has led and supported industry in the measurement, reduction and mitigation of climate change impacts, with research and

development in this area of the built environment for many years - and in 2014 launched the BRE Centre for Resilience.

The BRE Centre for Resilience supports the wider aim of the BRE Group to 'build a better world' and to enable positive change in the built environment. We do this through:

- Conducting research in resilience across the built environment
- Trialling and testing innovations for people, products and places
- Communication and dissemination of knowledge and lessons learned
- Developing new training and accreditation programmes to upskill the sector
- Creating new standards for design, planning and products and enabling their implementation.

Since its inception, the BRE Centre for Resilience has worked to identify the critical issues that need to be addressed as we develop and improve the homes, buildings and structures that underpin our lives. While research and learning is still a key focus, the BRE Centre for Resilience now looks to upskill the construction industry, develop new standards and create the next generation of resilient materials, products, designs and innovations that will ensure the robustness and longevity of our built infrastructure.

Property Flood Resilience Action Plan

Following the major flooding events which occurred around the UK in December 2015 Dr Peter Bonfield, CEO of BRE, was asked to chair a round table of private and public sector members on property level flood resilience. The mission of the round table was to identify the reasons why people consistently do not prepare their properties for flooding, and then to determine what we could do to address these challenges. In September 2016, the Property Resilience Action Plan was published by the UK government.

The Property Flood Resilience round table, and resultant action plan, is aimed at bringing key business interests together, to encourage and enable wider uptake of property-level flood resilience measures for properties at high flood risk within the UK. Recommendations fell under 5 key themes:

1. Actions to assist flood victims (such as improving delivery options for property flood resilience grants)
2. Embedding resilience in small businesses (through raising awareness and providing evidence of benefits and impacts)
3. Creating a flood information portal (to make property owners aware of the risks of flooding, how to assess if their property is at risk and procedures to follow if a flood event occurs)
4. Developing and implementing standards, certifications and skills (to establish consumer confidence in products, people and services)
5. Establishing communication and behaviour change (with focus on enablers that encourage people to take up property level resilience measures).

Flood Resilient Repair Home

Given the recommendations within the Action Plan, it was clear that demonstration projects were key to raising awareness and providing research and data which would enable the development of skills, standards and certifications. In response to this, the BRE Centre for Resilience created the Flood Resilient Repair Home on the BRE Innovation Park in Watford. Note, the BRE Innovation Parks feature full-scale demonstration buildings that have been developed by industry partners. These buildings display innovative design, materials and technologies which combine to address the development challenges facing regions across the world.

Typically following a flood, builders repairing a flood damaged home would strip out soggy plasterboard, remove

the flooring and dispose of all saturated furniture, fixtures and fittings. Once the house has dried out, a 'like for like' replacement is to be expected, with no additional or embedded resilience, which means that if the home was to flood again the property, contents and the occupier will suffer the same process. It is not uncommon for a family to be out of their home for more than 6 months following a flood.

The Flood Resilient Repair Home is a retrofit of an existing unit, and has been adapted to be resistant to flooding from water up to 600mm deep, and also to be resilient to the effects of being flooded beyond that. It is designed to prevent water entering the building, but if this happens, then it is designed to dry out quickly and be suitable to move back into in a very short time after a flooding incident.

The Home aimed to show an alternative approach, with products used in the repair process that will not be affected by any subsequent flooding. It also shows how simple products, measures or approaches can help minimise future damage, and includes a range of resilience measures and approaches including:

- Water-resistant insulation in the walls and under the floor (spray-applied Polyurethane foam/injected foamed cavity insulation)
- Waterproof magnesium oxide wall boards instead of plasterboard, or if plasterboard is used, this is fitted horizontally so that in future only the lower boards require replacement if damaged
- Ceramic tiled flooring with an upturn and loose rugs, in place of fitted carpets
- Kitchen units and doors made from resin-bonded board, and fitted with all-ceramic worktops.

As well as these measures, other things have been done to keep vulnerable items out of the way of any future flood water including:

- Placing sockets and switches higher up the wall, with wiring coming from the ceiling



new programme of training, standards and certification. These include:

- [BRE Certification Scheme for Independent Property Flood Resilience Surveyors](#)

The role of the surveyor was defined as key to a successful outcome within the Flood Resilient Repair Home project. As such, the BRE Centre for Resilience (supported by industry partners RICS) has responded to a key recommendation from the Property Flood Resilience Action Plan, with the announcement of the Certification Scheme for Independent Property Flood Resilience Surveyors and a supporting training programme

The Certification Scheme and supporting training programme provides surveyors with the skills to understand risk, specify appropriate resistance and resilience solutions and to document information within the Property Flood Resilience database. The database was developed in partnership by AXA, LexisNexis and BRE, and will create a highly valuable, UK-wide industry database and resource for 'resilient' properties – supporting insurance applications for 'at risk' homes, which often cannot be insured otherwise.



- Mounting appliances in the kitchen (fridge, oven, washing machine) at worktop height.

In terms of resistance, a number of products have been used to prevent water penetrating the building which include:

- Enhanced seals and locks to the doors and windows to make them flood-proof
- Air brick covers
- One-way valves in the main drains and WC to prevent water coming up into the home via the sewers.

The Home was a demonstration/test project, and was purposely flooded (with thanks to the local fire brigade)

and performed well, with minimal damage done and few repairs required. Its surfaces (such as walls, floor and kitchen units) were easy to clean, removing contamination and a sump pump embedded within the floor quickly removed the flood water. The process was documented as part of the BBC Countryfile television programme, and is available via the BBC iPlayer.

BRE training, standards and certification programme

Following this demonstration project, the importance of understanding risks, specifying appropriate and reliable solutions and managing a property's risk were brought to the forefront of discussions. As such, the BRE Centre for Resilience (supported by a range of industry partners) has responded with a

- [BRE Verification Scheme for Flood Resilience Products and Materials](#)

The Property Flood Resilience Action Plan states specifically that there is a requirement to 'develop the approach to certification of building materials, components and products'. The successful uptake of resilience measures requires to be underpinned and driven by strong standards, which support both clarity and consumer confidence in the products that they specify. At present there is no standard for the testing or certification of resilience products.

BRE Centre for Resilience has since developed a new standard and performance verification scheme for resilience product and material

testing, which will be issued for consultation in the latter part of 2017. The scheme will allow homeowners, asset managers and surveyors to search from a wide range of independently verified 'resilient' materials and products, ensuring performance and quality through the specification process. Aspects tested for 'post flood' scenarios include drying time, strength and 'cleanability'. This will also support the Certification Scheme for Independent Flood Resilience Surveyors in providing a useful resource from which to specify products and materials in order to increase property resiliency.

- Property Flood Resilience Awareness for Asset Managers

Flood Resilience Awareness for Asset Managers is a new information package that outlines the risks, approaches and solutions to help protect UK homes and businesses from flooding. This training course outlines what resources are avail-

able for you to identify the flood risk at your property, as well as allowing you to understand the measures and approaches you can take to help manage the risk of flooding.

This course contains 5 modules which cover:


1. An introduction to flooding in the UK
2. The approaches you can take to find out the flood risk of your building
3. What you can do to protect your building from flooding, and limit the damage caused
4. What you should do in the event of a flood
5. A practical understanding of how flood resilient measures have been used via case studies.

Whether you are a home or business owner, a tenant living or working in a

rented property, or an asset manager or building stakeholder (such as facilities managers, landlords, housing associations or local government) this course will provide you with an awareness of the key aspects of flood resilience. It is available from: <https://bre.ac/online-courses/>

Summary

There is a significant flood risk for 1 in every 6 properties in the UK, and action is required to mitigate and manage this level of risk. The BRE Centre for Resilience is working to deliver fast and appropriate responses to climate change-related extreme weather and other unforeseen disruptions to homes, commercial buildings and infrastructure, supporting the industry by providing information, skills and certification for owners, surveyors and designers, and asset managers.



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PUBLIC SECTOR DEVELOPMENT DEALS WITHOUT COMPETITION

Helen Randall



Helen is a nationally recognised procurement and local government law expert at Trowers & Hamlins LLP. She has over 20 years' regeneration experience, starting with her work in-house on Kings Cross and West Euston regeneration projects, subsequently working on Leeds City Council's EASEL regeneration project, Crawley Town Centre, Brighton and Bournemouth Library developments, Isle of Dogs, The Hive Worcester, Hackney Town Centre, Breckland and Hambleton LABVs and the proposed new London Cancer Hub. She has also acted for major developers, Registered Providers, national retailers and development funders. hrandall@trowers.com

I spotted this useful advice from Helen in Modus July/August 2017. My thanks to RICS for allowing me to reproduce it.

Can you do a development for the public sector without competition?

Yes, sometimes. Surveyors in the UK should be aware that sometimes public sector development works can progress without a competitive tender. Two recent cases [Faraday Development v West Berkshire Council](#) and [David Wyld v Waverley Council](#) have clarified how.

Why must public authorities expose development opportunities to competition?

Public authorities must comply with State Aid law and their legal duty to obtain value for money.

Public authorities and utilities must also comply with public procurement legislation and any internal rules imposing tendering requirements.

An independent Red Book Valuation confirming market value before negotiations will usually satisfy value for money and State Aid but navigating public procurement safely can be tricky because development agreements can be "public works contracts". Public works contracts usually need to be procured if above the value threshold of £4,104,394.

When does a public authority not need to go out to tender?

The decision in [Faraday](#) (a case about regenerating an industrial estate in Newbury) confirms that if an authority imposes no legally binding obligations, (for example, there is an option for the developer to elect to do works or to not exercise the option), then such a deal falls outside the procurement rules.

Faraday's tests were:

1. What is the main object of the deal as a whole and what are its essential obligations?
2. Does that main object mean it is a public contract?
3. If "yes", is the developer legally obliged to perform the main object (eg works)?
4. If "no", then the deal falls outside procurement legislation. If "yes" then the deal may fall within procurement subject to other exemptions.

Helpful procurement exemptions include contracts only involving acquisition or rental of land, buildings, immovable property or property rights or if one party has an 'exclusive right'.

Who can challenge a public authority's decision not to procure?

A decision can be challenged only by someone who can show that holding a competitive tender process might have led to a different outcome which would have had a direct impact on them according to the judgement in [Wyld](#) (a case about regenerating Farnham Town Centre). This rules out most residents' groups, private individuals and councillors from succeeding in procurement challenges. The court said that this is because procurement law exists to provide a transparent system for public contracts. Such parties can still challenge under public, planning or environmental law however.

So in conclusion?

Public authorities can enter into some development agreements without competition and without risk of politically rather than commercially motivated procurement challenges. However, the transaction must be structured carefully to be safely exempt - even post-Brexit.



TOWN AND VILLAGE GREENS AND COMMON LAND: 2017 UPDATE

Elle Outram

Elle Outram has recently qualified as an Associate into Mills & Reeve's national Real Estate team. She works on a broad range of property matters for a diverse client base having a particular focus on development issues and projects with rural elements. Elle.Outram@Mills-Reeve.com

Elle provides an update and offers advice on applications to register town and village greens, using recent case law.

The case of Landowners and Legislature v General Public and Judiciary (2017)

Recent years have witnessed a divergence in priorities in respect of open spaces, between private landowners and the legislature on the one hand, and members of the public and the judiciary on the other.

With a growing need for new housing, the government has sought to protect land which is ripe for development by enacting legislation designed to limit successful applications to register land as a town or village green (TVG).

The Growth and Infrastructure Act 2013 (GIA 2013), for example, pared down the period in which an application can be made to register land in England as a TVG, following challenge by the landowner, from 2 years to just one. This change was brought about to reduce the possibility of land becoming undevelopable due to designation as a TVG and to free up otherwise unused land.

Further, the GIA 2013 introduced "trigger" events which serve to prevent applications being made to register land as a TVG. The trigger events are specifically tailored towards keeping land earmarked for development clear from registration as a TVG.

In spite of the government's efforts to limit the ability to register new TVGs, the courts continue to recognise the benefit to the public of the right to use land for recreational purposes and to be softening the harshness of the legislation which now makes it so difficult to register land as a TVG.

We explore some recent cases centred on TVGs and common land and the court rulings which have had the effect of protecting recreational use of open spaces and, conversely, of restricting dealings which might prevent such enjoyment.

TVG applications: procedure over substance?

In the recent case of *R (St John's College, Cambridge) v Cambridgeshire County Council and another* [12 July 2017] EWHC 1753, the High Court considered the effect of delays, oversights and errors by the local authority in dealing with an application for registration of land as a TVG, pursuant to the Commons (Regulation of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 and whether they would invalidate it in its entirety.

Though sympathetic to the claimant landowner, in view of the mishandling of the application by the registration authority, the court ruled that an applicant must be given more than one reasonable opportunity to correct defects in its application. Further, if the defects are remedied, the application is to take effect as of the date it is first

submitted, not the later date on which it is amended such that it is considered "duly made".

As an aside, counsel for both parties in this case criticised the Department for Environment, Food & Rural Affairs' guidance notes on applications to register TVGs as misleading and jointly produced a set of amendments to them to clarify the application process. The court annexed this redraft of the Defra guidelines to its judgment; applicants and registration authorities may find it helpful to refer to this when considering future applications.

In *Somerford PC v Cheshire East BC* [2016] EWHC 619 (Admin), the court also found in favour of a TVG applicant due to procedural errors on the part of the local authority. In that case, the local authority instructed an independent legal expert to assist in determining the outcome of the application.

In his fact-finding, the expert invited both parties to make representations in respect of the application by a set deadline. The local authority missed the date for submission by 2 days. The expert considered the evidence submitted by the local authority regardless of its tardiness, but then denied the applicant the opportunity to raise further arguments in response. The expert recommended that the local authority reject the application and Cheshire East Borough Council acted upon this advice.

The decision, however, was later vitiated by the court due to procedural errors by

the local authority. Additionally, the court found that the evidence raised serious factual disputes which would have been better determined at a public inquiry.

This case highlights that, while it is prudent for decision-makers to seek independent counsel when reviewing TVG applications, it must be shown that both parties were given fair opportunity to make full submissions and that such expert advice was based on a review of the same. Furthermore, where disagreements are founded on factual (as opposed to legal) considerations, public inquiries should be pursued before airing disputes in the courts.

Statutory purpose: the heart of the matter

Turning to a claim regarding common land, but in a similar vein to those cases discussed above, the court in R (on the application of Muir) v Wandsworth LBC [2017] EWHC 1947 (Admin) also found in favour of local inhabitants over private parties. Here, a local authority was denied the power to grant a long lease over part of a metropolitan common to a private company, for use as a nursery.

The local authority held the common on a statutory trust pursuant to s10 of the Open Spaces Act 1906. Under the terms of the trust, the local authority was prevented from making a profit from the land, while also being obligated to maintain access to the common for local inhabitants for recreational purposes.

The court found that the local authority had overestimated its powers to develop the common. Its proposal to let a lodge and cottage located on the premises to a private company for the purposes of operating an independent fee-paying nursery would restrict the public's right of access and fail to provide them with any recreational facilities; such dealings with the land would therefore be ultra vires.

The nursery would control access to the premises, which would usually be limited to its staff, children and visits by parents during term time. The fact that the nursery might admit children who were local authority-funded did not sufficiently mitigate that problem.

The court concluded that the restriction on public access to the common was contrary to its statutory purpose for the use and enjoyment of all local inhabitants.

The case of Lancashire County Council v The Secretary of State for the Environment, Food and Rural Affairs and Anor [2016] EWHC 1238 also provided a recent exploration of the scope of statutory purpose.

In that dispute, a local education authority applied for judicial review of a decision by a planning inspector that the majority of a site near a school should be registered as a new TVG.

The local authority argued that the planning inspector ought to have found that the land was held for educational purposes and that therefore registration as a TVG would be incompatible with the scope of statutory purpose as set out in the Commons Act 2006.

The court found against the local authority, deciding that even if the inspector had concluded that the land was acquired for educational purposes, this would not have been incompatible with the use of the land for recreational purposes. The mere fact that the land was owned by a statutory body for an identified statutory function was not automatically inconsistent with the use of that land as of right for public recreation.

This case therefore clarifies that holding land for a statutory purpose alone is not sufficient to defeat a TVG application: the key point is that the statutory purpose must be incompatible with the registration of the land as a TVG.

Landowners beware: effective prevention of registration as TVG

Finally, an interesting case decided in February this year highlights the importance of proper signage in preventing land from becoming registrable as a TVG due to use "as of right" by members of the public. In TW Logistics Ltd v Essex County Council & Tucker [2017] EWHC 185 (Ch) a landowner was forced to uphold a registration application by Essex County

Council for an area of land on a working quayside to become a TVG.

Local residents had been using the quayside for a period of 20 years for recreational sports and pastimes, including swan-feeding, crabbing and dog-walking, before the landowner fenced off the land.

The case turned on several points, including:

- whether or not signs erected around the land were an adequate indication that the land was intended for use only as private property; and
- whether or not the landowner's commercial vehicle use on the quayside was incompatible with use as a TVG.

In its judgment, the court concluded that the landowner had failed to make reasonable and proportionate efforts to make clear that it objected to use of the land for lawful sports and pastimes. The court considered that the location of the signs would lead a reasonable person to interpret the owner's notices to refer not to the quayside, but to the remainder of its land.

As for the landowner's commercial vehicle use, this had not been incompatible with residential use of the quayside by local inhabitants; the court ruled that different uses could co-exist during the qualifying period.

It is therefore vital for landowners wishing for their land to remain private to note that while the erection of prohibiting signs can prevent the public acquiring rights (either for TVG purposes or prescriptive rights of way), such signage must clearly bring to the attention the activities that are prohibited and the area in respect of which the prohibition applies.

Alternatively, landowners may avoid land qualifying as a TVG by depositing a statement with the local commons registration authority in the form prescribed under the new s15A Commons Act 2006, inserted pursuant to the GIA 2013. Such a statement will have the effect of bringing to an end any period during which persons may have

indulged in lawful sports and pastimes on the relevant land.

The horse has been led to water, but will it drink?

The legislators have provided landowners, like TW Logistics Ltd in the case discussed above, with simple ways to protect their property and have fast-tracked opportunities for development

with the introduction of the “trigger events” under the GIA 2013. The onus is now on the landowners, developers and local authorities to make use of these provisions and to comply with them effectively; until they do so, areas of open space will continue to be used for public enjoyment.



This article offers an overview of the benefits, risk and issues involved in working with Mobile Network Operators (MNOs). It goes on to outline some practical considerations and a case study of work undertaken with the London Borough of Camden, in which significant revenues are achieved.

UTILISING PUBLIC SECTOR ASSETS TO HOST DIGITAL COMMUNICATIONS INFRASTRUCTURE, IMPROVE CONNECTIVITY AND MAXIMISE REVENUE – A COLLABORATIVE APPROACH

Mark Walters

Mark heads Lambert Smith Hampton's National Telecoms team and provides consultancy and advice to public sector, corporate and institutional landlords on telecoms real estate strategy, portfolio management and individual site negotiation. mwalters@lsh.co.uk

Context

National and local public sector bodies are increasingly realising that accommodating electronic communications infrastructure on publicly owned property can help drive additional revenue and realise other benefits. Government strategy reflects this growing importance of mobile telecommunications.

As well as the revenue potential, successful collaboration with network operators can demonstrably benefit landowners, businesses, residents and visitors to a particular area by enhancing coverage of the wireless and mobile

broadband networks. This in turn will stimulate the telecoms market and encourage other network operators to enhance their connectivity, bringing better coverage and competition.

Key drivers

The government's UK Digital Strategy 2017 sets out the rationale and benefits of developing our national communications infrastructure, stating that *“digital connectivity is now a utility, and modern life is increasingly impossible without it. Connectivity drives productivity and innovation, and is the physical underpinning of a digital nation.”*

For businesses and individuals to thrive and grow, government and local authorities need to create the conditions and set the framework for investment in widespread and up-to-date infrastructure which will deliver the government's vision of ubiquitous 4G and 5G mobile and wireless broadband services.

In recognition of the growing importance of this sector, the 2017 Crown Commercial Service Framework for Estates Professional Services has this year reclassified telecoms as a standalone asset class, to be managed separately to the remainder of the public estate.

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The framework defines the focus of specialists working in this sector as delivering an “end-to-end vertical real estate solution to contracting authorities, including the marketing of the government portfolio as new opportunities to Mobile Network Operators”.

Simultaneously, MNOs are victims of their own success. While revenues remain stable, they are struggling to keep up with the explosion in demand for mobile broadband services. There were 92m active mobile subscribers in 2017, only a 5% increase since 2013 as the market matures. Crucially however, the number of 4G (i.e. fast mobile internet access) subscribers has increased from 2.7m in 2013 to 52.4m in 2017, with the average data usage per user increasing by over 300% over the same timeframe. Operators, in order to maintain market share and revenue, have to focus on continuing to deliver additional 4G capacity as well as geographical coverage.

Lastly, councils and other public sector bodies are facing unprecedented pressures on spending and so are often forced to consider additional or previously discounted opportunities to offset central government cuts. Previous concerns around health and safety issues have been proven to be unfounded and there is a growing pressure on public sector bodies to utilise the public estate in more innovative ways.

These converging issues create a time-limited opportunity upon which public sector bodies may capitalise. If implemented correctly, there are multiple benefits in opening up the public sector estate for use by MNOs, both nationally and regionally:

- Help build a resilient and world class mobile communications infrastructure
- Drive long-term revenue
- Improve connectivity and provide low cost, high capacity connection for local residents and businesses.

Risks and issues

Below are some of the risks and issues which have been identified:

Working with MNOs

Local authorities and other public sector bodies need to recognise the importance of their position, as major landowners, in facilitating the provision of a modern telecommunications infrastructure. However, this needs to be balanced against their duty, as a public body, to consider the interests and concerns of the people who live and work in a particular area.

Ideally, landowners should work with network operators as collaboratively as possible, to see if their requirements can be accommodated on public sector buildings and agree the grant of leases at open market rents, to enhance their network rollout. Accurate asset registers and GIS access are essential planning tools and can quickly establish potential requirements.

Importantly, landowners must balance the requirement to maximise income while simultaneously incentivising the network operators to install equipment on property assets.

Site demand and selection

Network planning is a complex and commercially sensitive area. Each operator will initially conduct its own survey of the sites in a particular area, guided by the level of demand and its own internal governance procedures, and submit a proposal to lease a particular site if it is deemed suitable for its purposes.

Site demand is driven by multiple factors, including customer and network demand for coverage, capacity and quality; existing network topology; terrain; population density; traffic flows; self-imposed service criteria and competitor analysis.

A potential site is then assessed to determine how well it will meet this demand. Criteria include: building height and location; space available; position of antennas; adjacent

installations; potential for signal interference; lease costs; build costs and the data link to the main network (backhaul).

Given the inherent complexity of this process, it is impossible for a landowner to determine accurately the potential value of a specific site to a network operator. What may be a valuable site to one operator may have only negligible value to another.

Legal

There are 2 existing frameworks under which any landowner will need to consider telecoms agreements:

1. The Landlord and Tenant Act 1954, and
2. The Electronic Communications Code.

Generally, all new telecoms leases will be excluded from the security of tenure provisions of the 1954 Act and thus a specific tenancy can be terminated by a landowner during the term if so desired. Furthermore, the tenant will have no automatic right to renew its tenancy on expiry of the contractual term.

Code powers do not exist to benefit a particular operator but to protect public access to electronic communications networks and associated services. The increase in network coverage means that it is increasingly difficult for network operators to prove that the loss of a particular site will produce a gap in coverage.

Furthermore, despite widespread misgivings around its construction and implementation, the Code has nonetheless enabled the mobile telecommunications sector to flourish, to the extent that the UK supports several well-established and geographically diverse mobile and wireless networks.

Notwithstanding this success, the Code is in the process of being replaced by the new Code provisions of the 2017 Digital Economy Act which is designed to benefit the operators by granting them increased rights for less rent, although

crucially it will not be retrospective. Rents are forecast to drop in rural areas where the choice of locations may be greater but the impact in central city locations may not be so marked.

Health and safety

Mobile phone base stations are, essentially, radio transmitters with antennas mounted on either freestanding masts or on buildings. Radio signals are fed through cables to the antennas and then launched as radio waves into the area, or cell, around the base station.

Mobile phones and devices are relatively new but the technology is not and research has been going on in this area for almost 75 years. Radio base stations are designed to comply with stringent, precautionary public exposure guidelines set out by the International Commission on Non-Ionizing Radiation Protection.

These guidelines have been developed following a thorough review of the science surrounding radio waves. After this review of the available scientific findings, the World Health Organisation reported:

"To date, the only health effect from RF fields identified in scientific reviews has been related to an increase in body temperature (>1 °C) from exposure at very high field intensity found only in certain industrial facilities, such as RF heaters. The levels of RF exposure from base stations and wireless networks are so low that the temperature increases are insignificant and do not affect human health".

Practical Implementation

Key stakeholder support

Given the inherent sensitivities of locating broadcast and radio transmitters on property and the interaction with staff and residents, there needs to be senior level engagement from the very beginning. This will help not only secure resource and project support, but help overcome internal resistance if key personnel fully understand and can communicate the benefits to others.

In some cases, it can also uncover disparate groups that are potentially working on the same problem but from different angles. For local authorities in particular, senior executive support is essential in driving the programme through multiple directorates or departments with conflicting priorities.

Marketing

Following internal reviews and stakeholder sign-off, portfolios of assets should be released to MNOs and wireless operators to determine likely levels of demand. Multiple surveys are likely to be required to verify suitability.

Approval

A standard process should be put in place for new lettings, with a suite of pre-agreed milestones and timescales. If interest is substantial, consider appointing a dedicated project manager who has the authority and reach to act across all departments involved for:

- Approval of design: planning plus structural, electrical and access issues
- Approval of all commercial terms and legal documentation – ideally an over-arching multi-site agreement (MSA) and standardised lease agreements
- Communication – existing occupier engagement and/or notification for residential and commercially let or corporate property.
- Build programmes – assessment of risk assessment and method statement, supervision and sign-off
- Ongoing tenant management

Case Study – London Borough of Camden

Overview

Led by Martin Olomofe, Head of Asset Strategy & Valuation for the London Borough of Camden, Lambert Smith Hampton (LSH) was appointed in 2016 to help realise the council's vision of improving digital connectivity

across the borough, while maximising revenue from new and existing mobile communications installations.

Martin said; *"Working closely with the council's property, legal and IT teams and with all national mobile network operators; LSH has so far helped us identify in excess of 60 new sites for telecoms installations and completed a significant re-gearing exercise of existing telecoms site leases. The project will secure £1.2m p.a. in additional revenue for the council and, crucially, with no capital expenditure required by Camden."*

Objectives

The council wished to establish deeper relationships with mobile, broadband and broadcast operators and assess the potential for new revenue streams.

Developing and broadening these relationships helped meet the key objectives set out in the "Better mobile coverage and business broadband in Camden" report, the Greater London Authority's London Infrastructure Plan and the Department for Digital, Culture, Media & Sport's Digital Communications Infrastructure Plan.

Key work streams and deliverables include:

- A strategic review of existing telecoms policy
- Review of all individual mobile and wireless communication assets on the council estate and completion of individual site and lease audits
- Implementation of all outstanding lease advisory activities and resolution of any associated technical or estates matters on existing sites
- Provision of an on-line portal of available sites for instant assessment by national and local network operators
- Marketing of the Camden residential, commercial and operational estate to operators
- Technical and commercial assessment of all current and future applications

- Negotiating MSA rate cards and framework heads of terms with each operator
- Negotiating site specific heads of terms and equipment schedules
- Agreeing a precedent form of lease with each operator, managing each transaction through to completion, and resolution of all associated technical and legal matters
- Scoping of a telecoms access control system to include: review of all build, upgrade and access requests; technical assessment of drawings and method statements; liaison with Camden housing and estates personnel; granting or securing consent on the client's behalf and the provision of an online audit trail and reporting tool for all accesses
- Negotiating and implementing an estate-wide code of conduct for access to client's property assets.
- Enhanced digital connectivity and capacity across the borough to provide low cost, high capacity connection to broadband networks
- Fostered competition, potentially leading to lower cost mobile broadband options for Camden residents and businesses
- Removed significant internal resource overheads and risk
- Delivered additional revenue early. LSH provided committed resources and capability to implement delivery of the project immediately upon instruction
- Enabled Camden to become a preferred landlord for future network rollout opportunities in the borough, as opposed to favouring commercial property owners
- Delivered 350% uplift in annual revenue in 2017 from mobile communications infrastructure compared to 2015/16

Outcomes

Over an 18-month period Camden has:

- Maximised the revenue receivable from each operator to meet pressure and cuts to the council's income
- Forecast to deliver 700% increase in annual revenue by contract end.

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A TAXONOMY OF DATA AND SOFTWARE TOOLS FOR GEO-SPATIAL ANALYSIS OF TOWN AND CITY CENTRE RETAIL SPACE

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The theme of big data was one explored at ACES National Conference. Adejimi's article gives readers a useful guide to the available tools to assist in undertaking performance studies of their town and city centres.

Introduction

One of the characteristics of a healthy town centre is the presence of a vibrant retail offer and low vacancy rates. Not all town centres are dominated by retail outlets. However, the importance of retailing to the socio-economic wellbeing of town centres (places and people) and national developments cannot be overemphasised (Dixon, 2007; Oshea, 2017). Despite the increasing consumer preference for online retailing, market share of in-store (bricks & mortar) retailing is still well above 70% (Office for National Statistics 2017). In other words, shoppers still like to visit

shops; they just don't necessarily carry out transactions at the till.

Although the nature of retailing continues to change, retail outlets and town and city centres alike remain reliant on the footfall and spending characteristics of shoppers. Key to understanding this situation is discerning, and then interpreting, the various existing data sets and software tools that can be used to measure and analyse retail space performance.

This article sheds light on this situation by exploring existing datasets in the UK – its final output is a taxonomy of retail

relevant data and software packages. This output can be used as a reference for anyone considering measuring and analysing performance of town and city centre retail spaces using geo-spatial techniques.

Relevance of data taxonomy to retail and town centre stakeholders

Organisations such as the Association of Town and Cities Management and the town centre retail-led business improvement districts are responsible for setting out visions, strategies and action plans with a view to making

Table 1: Sources and Characteristics of Required Datasets

S/No	Sources	Data Supplied	Characteristics	
			Pros	Cons
1	VOA ¹	Rental Value, Addresses and locations of retail outlets	Data is comprehensive and covers both England and Wales. Data is available as open source. Data contains UPRN ² that enables integration of other dataset in a database.	Data covers all rateable hereditaments, hence, non-rateable retail premises are exempted. Data requires additional conversion tool(s) in order to georeferenced addresses into Eastings and Northings for geo-spatial analysis. Additional tasks are required in sorting retail premises from other commercial property.
2	Experian Goad Datasets	Rent, Address of retail premises and Vacancy dataset	Data are supplied (in usable formats, quantities and qualities) as demand by the users. Data is available for both internal (shopping centres) and external (highstreets and city centre) analyses.	Data are highly safeguarded.
3	Local Councils	Footfall, Vacancy/ occupancy data, Addresses of retail outlets	Open data source	Heterogeneity in data holding. i.e. not all local councils holds the same datasets.
4	Local Data Company (LDC)	Footfall, Retail Addresses, Vacancy data, Consumers' dwelling time, Consumer spending data.	Data is available for both internal (shopping centres) and external (highstreets and city centre) analyses.	Data is highly safeguarded
5	Thompson Directory (Thomson local)	Retail Addresses	Available both in print and online Suitable for retail address verification and database update	Data supplied are limited to search engines, hence, cannot be directly utilised in geo-spatial modelling of retail performance.
6	ONS ²	Consumer Spending data, retail sales,	Open data source	Data are available as analysed outputs and cannot be utilised in geo-spatial assessments.
7	Commercial Real Estate Agents and Data Company.	Rents, Address of retail premises	Data are very detailed	Data are not comprehensive and may not cover the entire city or town centre
8	Spring Board	Consumers' footfall, Consumers' dwelling time	Data availability is for both internal (shopping centres) and external (highstreets and city centre) levels.	Data are highly safeguarded
9	PMRS ³	Footfall	Data are available and up-to-date for a number of city and town centres	Data not available for all town and city centres. Not available in the public domain
11	OS Map ⁴	OS MasterMap, OS MasterMap ITN, OS TopoMaps,	Data is readily available in both print and online Data is useful as spatial connecting links for configuration analysis Data useful as base map for geo-spatial modelling.	Further verification including field data validation is necessary.
12	GeoFabrik	Open Street Map	Data is available in public domain Data is suitable for spatial modelling validation	Data supplied in thematic format requires addition spatial tools to convert into vector layer
13	Natural Earth	Natural Earth Maps	Data supplied contain corresponding attribute variables	Data file is large and not suitable for town and city centre analysis

VOA¹ - Valuation Office Agency; ONS² - Office for National Statistics; PMRS³ - Pedestrian Market Research Service; OS Map⁴ - Ordnance Survey Map

decisions, to enhance the socio-economic vitality of town centres. In order to achieve this, various types of data must be considered to inform strategy and to set realistic goals.

As technology advances, big data organisations (such as Google, Amazon, Uber and Microsoft) have adopted Application Programming Interfaces (APIs) for building application software to integrate real time datasets, from many sources, to better inform final data/website users (IBM Research, 2016; 2017). However, such vast applications are inadequate for retail and town centre stakeholders because they require local market data that is not captured in the subroutines of big data company APIs. Nor, when captured, is data habitually tailored towards the purpose of enhancing retail space performance. Consequently, the main challenge for retail and town centre stakeholders is the ability to deduce meaningful information from the variety of datasets available for practicable applications. As such, a logical framework (i.e. the data taxonomy) that captures local retail datasets is useful for strategic retail centre decision-making.

The ability to hold data in usable formats and structure is key to making deductive outputs from the multiple and variegated available datasets (Local Data Company, 2017).

Data for geo-spatial analysis of town and city centre retail spaces

The datasets in this article have been considered and broadly categorised into aspatial and spatial datasets. Herein, the aspatial datasets are non-spatial data for measuring and analysing performance of retail spaces within town and city centres. The spatial datasets are digital maps, including thematic and vector layers, that can be used as base maps for geo-spatial analysis of town and city centre retail spaces. The data for this purpose includes:

- Rental Value
- Consumer footfall
- Retail turnover (sales)
- Retail outlet address and location

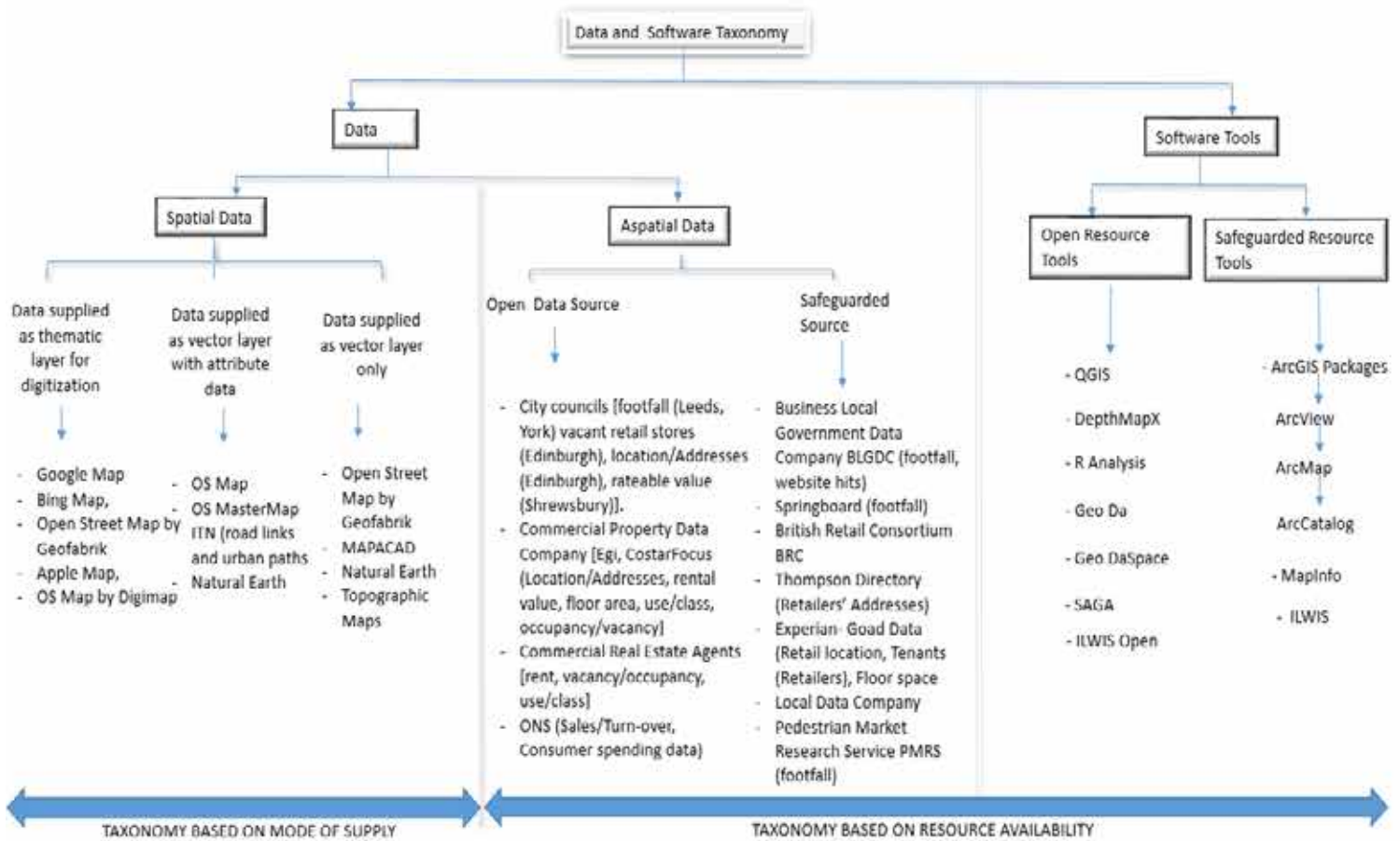
- Retail outlet vacancy/occupancy data
- Consumer spending data
- Consumer dwelling time, and
- Spatial connecting links (digital maps).

Table 1 presents an overview of the sources and characteristics of the datasets. It is important to note that the identified pros and cons of data sources are established based on applicability of data in geo-spatial analysis of town and city centres, and not for any other purposes to which the providers may hold the data.

Software tools for geo-spatial analysis of retail space performance

Spatial software tools are required in order to measure the performance of town and city centre retail spaces, using geo-spatial analysis techniques. Software packages that are useful in conducting geo-spatial analysis on spatial and aspatial datasets have been

Figure 1: Taxonomy of Data and Software Tools



considered, and categorised, based on the availability of the software tools. Hence, software packages have been categorised as:

- Open resource tools, and
- Safeguarded resource tools.

The open resource tools are those that are available in the public domain, and do not require users to obtain authorisation before having access. The safeguarded resource tools are restricted, and require users to obtain authorisation (typically license-based and at significant cost) before having access to such tools. Examples of useful software tools for geo-spatial analysis of retail performance include, but are not limited to, QGIS, ArcGIS, R Analysis, DepthMapx, Geo Da, SAGA and Geo Da Space.

Categorisation of data and software tools

Figure 1 reveals the taxonomy of data and software resource tools. It categorises the required aspatial data and software tools based on

availability of resource. The aspatial data and software tools have been categorised into open and safeguarded data, and open and safeguarded tools respectively. It is important to note that few spatial data resources are safeguarded resources. Hence, spatial data have been categorised based on mode of supply. Figure 1 reveals that spatial data is typically supplied as thematic layers, vector layers, or vector layers with corresponding attributes. Examples of all categorises have been provided in the taxonomy chart.

Figure 2 shows examples of spatial output models of retail space performance, using open data (VOA's rental value and City of York footfall data) and open resource tools (QGIS and DepthMapX). The output can be replicated for any city or town centre in the UK.

Conclusion

Local market data is a crucial ingredient in making reliable decisions on town and city centre retail spaces. A structured data taxonomy will enable town and city centre retail stakeholders (such

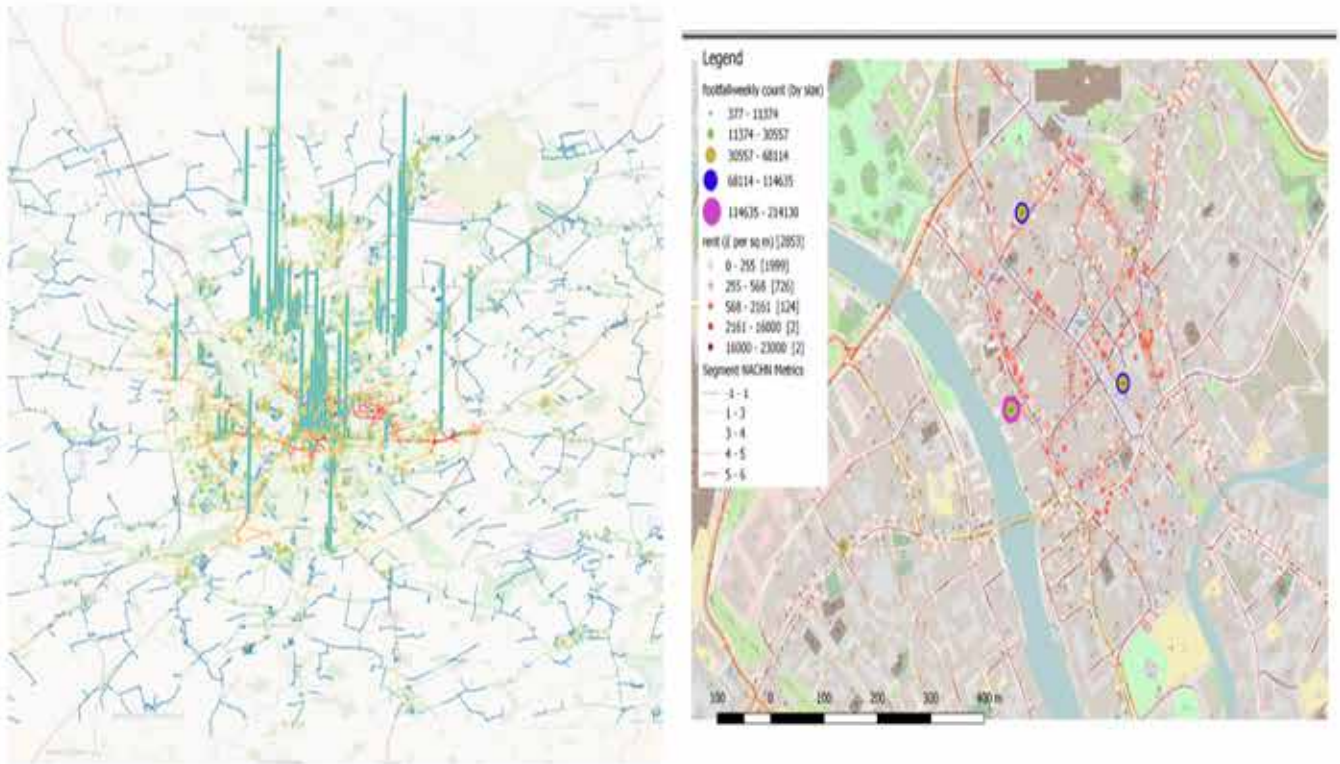
as retailers, local authorities, property investors and developers) to make more use of available, but traditionally unexploited datasets. Decisions geared towards enhancing performance of town and city centre retail space must consider measuring and analysing relevant datasets, before setting realistic plans. Hence, spatial output models using geo-spatial techniques will aid in better understanding town and city centre retail space, since they present measured and analysed datasets in visual representations. This is useful to town and city centre decision-makers when considering developing and/or investing in town and city centre retail spaces. A retail performance model is also useful to local planners when making decisions on spatial distribution of resources, in the event of town and city governance.

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In this article, Roger considers the current state of the surveyor's role in Compulsory Purchase Orders (CPOs) in the public sector, and provides some useful reminders of guidance for surveyors involved in the CPO process.

COMPULSORY PURCHASE IN LOCAL GOVERNMENT

Roger Moore

Roger is a Director in Lambert Smith Hampton's Chelmsford office, and spends his time dealing with compulsory purchase work and land acquisition, principally on behalf of local authority and public sector clients. This is his second stint at LSH, having been a Director there from 2000 to 2009, responsible among other things for major contracts with Essex County Council, Transport for London, and the then Highways Agency. For the 8 years prior to 2017 he was, first, Head of Strategic Asset Management at Essex County Council, and then similarly for LGSS, the shared service organisation supporting Cambridgeshire and Northamptonshire County Councils. Roger returned to LSH in 2017 to concentrate on compensation work, helping to co-ordinate LSH's national CPO resources. He is currently working on Schemes in London, Essex, Herts and Thurrock among others, as well as supporting LSH's contracts for HS2. He is the ACES Compulsory Purchase and Compensation Coordinator, as well as being a longstanding member of the Compulsory Purchase Association. RMoore@lsh.co.uk

CPO expertise in the public sector

I was talking to a colleague recently who was reflecting on the fact that, just as he is coming towards retirement, compulsory purchase has finally become 'fashionable'! There is certainly a lot going on and proposed at the moment, what with HS2, Crossrail, the Thames Tideway Tunnel, and the Lower Thames Crossing, to name but a few major infrastructure projects. But as the amount of CPO work across the country increases, what of the resources, and in particular, what of the skills within the public sector organisations promoting these Schemes?

Admittedly alongside other areas of professional practice, CPO surveyors are a scarce resource at the moment. The Ernst and Young annual CPO survey for 2016 (1) suggests that 77% of surveyors have over 10 years' experience in dealing with CPO matters, and more than half have over 20 years' experience. Putting myself well into the latter category, this does back-up the reality of the current market, with both a current shortage of surveyors coming into the area, and potentially a looming growth in that

shortage in the coming years as well.

I suspect that the situation is even more extreme than this in the wider public sector, and it does beg the question as to where the strategic advice about land and compensation is coming from in the formulation and promotion of infrastructure projects. We often come across situations where the project management for a Scheme is being run from engineering or economic regeneration teams, and specialist land advice is only being provided when an external property consultant is appointed as part of the delivery team. This can lead to decisions being taken which have an adverse impact on the eventual land settlements, or even take initial discussions with landowners down a path which also presents difficulties when seeking to formalise terms.

Although there are increasing numbers of infrastructure projects, they are often still uncommon for each individual public body, and without in-house surveyors who are keeping abreast of developments in the CPO industry and able to advice organisations from the outset, the timing of when external land compensation advice is sought (i.e.

for delivery rather than strategic project development), can have a significant impact on the success or failure of a CPO promotion.

Government infrastructure investment

This also comes as major infrastructure investment continues to be made by the government. The Transport Secretary of State, Chris Grayling, announced in July plans for £1bn p.a., ring-fenced from vehicle excise duty, to upgrade about 3,800 miles of A-roads that are maintained by local authorities, and create a "bypass fund" to take traffic around cities, towns and villages, where there are already about 30 bypasses under construction at present. Chris Grayling also confirmed in July the preferred Phase 2a and 2b routes for HS2 Phase 2 beyond Birmingham to Manchester and Leeds, and there is growing political pressure for further links across the north of England. The government's Housing White Paper has also promised further consideration of the use of compulsory powers in relation to assembling housing sites, although full details are awaited.

It was interesting, and concerning, to note at the recent Compulsory Purchase Association (CPA) annual conference in London, that of the 245 registered delegates, if you take out representatives from Transport for London and Birmingham City Council, there were no local authority or public sector delegates at all. It certainly seems that it is an area of knowledge and skill that is being lost to those organisations which are 'the Acquiring Authority'. The CPA is a significant voice in the development of CPO policy and practice, and the views of the Acquiring Authority side should not be lost to it. Perhaps this is an area where a review of the ACES membership could help to widen areas of representation on CPO matters into both organisations.

RICS Professional Statement and government guidance

Alongside an increased profile and a greater amount of CPO and compensation work comes an increased scrutiny of the professionals involved. This was borne out earlier in April this year with the RICS' publication of its first Professional Statement for 'Surveyors advising in respect of compulsory purchase and statutory compensation' (2).

The Statement sets out a number of areas relating to professional behavior and competence which are now mandatory for RICS members, or which provide guidance on best practice which a member should follow. RICS members **must** be able to demonstrate a proper understanding of the statutes, statutory instruments, case law and government guidance in respect of the compulsory purchase code, and have a responsibility to keep up to date with changes in case law, guidance and legislation, including secondary legislation (page 5). The ability to discharge duties to the required standards is equally mandatory, and applies to those advising Acquiring Authorities on the use of powers, to those negotiating the settlement of claims on their behalf, or on behalf of developers acting in partnership with Acquiring Authorities, or those acting for owners and occupiers affected by a Scheme.

Also of critical importance is the awareness of members as to where their

role may change if a case is referred to the Upper Tribunal (Lands Chamber), and where this happens to provide clear advice of their duty to then comply with the RICS practice statements for surveyors acting as expert witnesses.

Increasingly, the expectation in dealing with the promotion of Schemes for which compulsory powers are sought, is for early engagements between the Acquiring Authorities and landowners to attempt where possible to settle land issues and even acquisitions by agreement, and the surveyor's role is vital in this. Where a Scheme is heading for a public inquiry, the Inspector, along with examining the compelling case for the use of compulsory powers, will be looking for evidence that landowners' concerns are being addressed.

The current government guidance for bringing forward a CPO is set out in the Department for Communities and Local Government's snappily titled 'Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion', published in October 2015 (3). The document is comprehensive at 139 pages in length, and provides a useful summary of the steps involved in the CPO process, covering legal, technical and property issues, as well as a range of suggested approaches to stakeholder engagement in the process. It provides a good basis for strategic advice to a project team to ensure that best practice is followed in bringing forward a CPO.

In particular, paragraphs 3 and 16-18 set out a range of factors that should be considered, including providing as much information as possible to landowners at the earliest opportunity and the benefits of understanding their issues as the Scheme is developed, through to making early offers and entering into agreements to try and avoid the need to acquire the land compulsorily. Paragraphs 30 and 37 give some further approaches for talking to objectors and dealing with the public inquiry stage.

Conclusions

At a time when the use of compulsory purchase powers is on the up, it is

important that promoting authorities get good strategic land advice at the earliest stage, and the opportunity to really influence projects is ideally best served by a ready store of in-house knowledge and experience from property teams who know both the organisations' operational drivers and the best current practice in the wider market. With pressure on those resources, associations such as ACES and the CPA can help keep in touch with best current practice, and it is particularly important that the public sector in-house capacity, and particularly the voice of the Acquiring Authority, is not lost to future policy and Scheme development.

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LEGAL SNIPPETS

Below are extracts from Mills & Reeve "Property Matters" which are of relevance to public sector property professionals. My thanks to Mills & Reeve for letting me reproduce them. Mills & Reeve Property Matters www.property-matters-law.co.uk

Rights of a reverter: gone but not forgotten

It may be time to get back to the classroom: property lawyers should be alert to peculiarities when dealing with property formerly owned by schools, institutions promoting science, the arts and literature or used as a place of worship. There may be trusts of land which should be overreached and sellers ought to be clear as to whether sale proceeds are due to third party beneficiaries.

Pursuant to the School Sites Act 1941, the Literary and Scientific Institutions Act 1854 and the Places of Worship Sites Act 1873 ("Acts"), any freehold interest in property which was granted, transferred or enfranchised (either by gift, sale or exchange) for a specific purpose would revert to the benefactor should use for that purpose cease. Traditionally this could give rise to a title defect as a seller of property subject to the Acts might not have had title to dispose of that property. Clearly this was unsatisfactory, therefore the Reverter of Sites Act 1987 abolished the right of reverter and substituted a trust for sale (now a trust of land).

Owner trustees are free to sell affected property. However, the proceeds of sale are held on trust for those who would otherwise have benefited from reverter rights. If the original use of the property has ceased (which should always be verified), a buyer must ensure overreaching applies by checking the sale is by at least 2 trustees or a trust corporation (provided the corporation's authority to act extends to private trusts – see [Fraser v Canterbury Diocesan Board of Finance and Integrated Services Programme](#) [2007] EWHC 1590). This will ensure the buyer will acquire the land free from the rights of reverter.

If, however, the original use is continuing at the time of disposition, the reverter trust has not yet arisen. If the specific use ceases during the buyer's ownership,

it is the buyer who will then hold the property on trust for the beneficiaries of the right of reverter. The buyer may not therefore be entitled to future sale proceeds.

Although the rights of reverter have been abolished and can be avoided by buyers through overreaching (provided the original use has stopped), it can remain a problem for sellers who oversee a change of use in affected property during their period of ownership: proceeds from sale are then held on trust for the beneficiaries of the right of reverter.

Mind the gap – landlord notices and the pitfalls of the registration gap

There is inevitably a period of time between the date a land transfer is completed and the completion of registration at the Land Registry, otherwise known as the 'registration gap'. In [Stodday Land Ltd v Pye](#) [2016], an incoming landlord was caught by the pitfalls of the registration gap with the consequence of being stuck with an unwanted tenant.

Stodday transferred part of its land to Ripway, subject to an agricultural tenancy which could only be terminated by the landlord serving a notice to quit on the tenant. During the 'registration gap', Ripway served a notice on the tenant. On that same date, Stodday also served a notice to quit in relation to the remainder of its land, which was also subject to the tenancy. The tenant challenged the validity of both notices and the court agreed, finding that:

- Ripway's notice was invalid because Ripway had only an equitable interest in the transferred land when it served its notice (the legal interest did not vest in Ripway until registration had taken place); and
- Stodday's notice was invalid because its notice should have covered the entire holding, including the trans-

ferred part, on the basis that Stodday remained registered proprietor and legal owner.

While this case is clearly important for agricultural landlords, the decision is wider-reaching in its implication, and applies to other forms of notices – including notices served on tenants in commercial premises.

There are practical ways of overcoming the registration gap: notices can be served after registration has taken place; the buyer could serve notice as an agent for the seller pending registration; or the contract for sale could include a clause requiring the seller to serve notice during the registration gap. In all circumstances, however, care must be taken to ensure notices are valid so as to avoid tenants remaining in occupation on the basis of technicalities.

Great Crested Newt vs. the bulldozer – A David and Goliath battle?

In the ongoing battle of the Great Crested Newt vs. the bulldozer, despite perhaps being considered the 'underdog', the Great Crested Newt ('GCN') often comes up trumps, causing major expense and delay to new development. But as the battle continues, has the latest government White Paper – "Fixing our broken housing market" – finally shifted the odds in favour of the bulldozer?

GCN are strictly protected by legislation and currently site-by-site licencing is required where their habitats are affected by development. This often causes considerable costs, delay and uncertainty for developments. In one example in Milton Keynes, a contractor spent more than £1m catching the newts, delaying the construction of 6,500 new homes by up to a year!

Natural England has been piloting a new approach with Woking Borough Council in Surrey, which, following the Housing White Paper, will now be rolled-out

across the country. The government's aim is to help local authorities speed up the delivery of housing and other development. However, the scheme also seeks to minimise the risk of GCN habitat loss by taking a landscape-wide approach and using DNA mapping of GCNs.

Developers will be able to buy into the scheme, rather than undertaking individual site surveys and seeking individual licences, thus saving them time and expense. Surveys and habitat compensation will be undertaken at the district level by Natural England and the local authority. The financial contribution made by developers will assist the local authority to create new or improved GCN habitats in suitable locations elsewhere.

What happens next? Considering the consequences of Grenfell Tower on the residential market

A truly horrifying disaster such as that at Grenfell Tower was previously unthinkable (even if there were warning

signs). What are the consequences for the residential property market now?

Lending requirements in respect of tower blocks certainly, and potentially other residential property, will only be heightened; swiftly followed by insurers' requirements, whose requests for stringent testing, regular reports on compliance/materials and safety checks will test what a landlord can reasonably be expected to produce in satisfaction. Cue also higher insurance premiums.

Individuals may impact the market substantially, particularly if there is reduced demand for leasehold property in high-rise buildings, or if landlords struggle to provide clear assessments of materials and evidence of compliance with regulations during construction. Will individuals, and lenders, drive demand for a higher level of due diligence? Limitations on lending, particularly on older properties constructed when regulations were less demanding, would drive a further wedge between cash investment purchasers and owner-

occupiers requiring financing.

Regulation-compliant constructions could themselves create a soar in their pocket of the market; developers cashing in on the sudden demand, selling stock to local authorities, social and private landlords, as well as individuals. Will lenders and insurers be more willing to support these developers, placing their investment in the 'safer' option?

The social housing sector could be set to benefit from 'all eyes' on the construction of high-rise buildings, with landlords ever more vigilant to compliance requirements and the stakes raised for developers who must now strictly comply with regulations, use compliant materials and consider more than just the cheapest options available.

The constant call for housing in the UK continues to challenge our residential market. Density is key. Limiting high-rise development is not realistic. The sector looks set to be hit by a wave of further demands.

Branches News

PETER BURT, HEART OF ENGLAND BRANCH

Members who attended the July Branch meeting hosted by Erewash Borough Council, and held in the Town Hall in Long Eaton, learnt that the town is the centre of the UK's upholstery manufacturing industry, which has made a bed for the queen and sofa for Vladimir Putin.

Long Eaton is significantly affected by HS2 which will cut through the town and pass within a few hundred metres of the centre. The first presentation in the morning was, therefore, by Simon Powell, Economic Development Officer, Erewash Borough Council, who gave a general introduction on the aims and timescale for HS2. He explained how site assembly would be covered by a Hybrid Bill that will grant powers to build and operate a major infrastructure project of national importance. He presented the Erewash issues, specifically with regard to how the line will go through Long Eaton, either on a 4-metre high embankment or 16-metre high viaduct.

The viaduct is probably the favoured option (since the meeting this has been confirmed), which will provide space for 21st century railway arches to be developed under the line. He covered severance, construction, blight and the ongoing challenges, concluding with the opportunities the line will bring: new development opportunities in the town, possible benefits to the town centre, and it could address road and connectivity issues around the town. Seventy homes will be affected, but the major challenge will be how to relocate a large proportion of the town's upholstery manufacturing that will lose their premises, but needs to still cluster together and remain in the town.

James Dair, Head of Public Sector Finance at Bilfinger GVA, next presented a new model for funding regeneration. He considered the competitive environment cities now operate in, barriers for organic change and shortcomings with

the traditional development funding model to promote regeneration. Using the Birmingham Paradise regeneration development as an example, he considered the challenges, opportunities and building blocks of financial innovation for a new funding model, explaining in some detail its accounting techniques, approach to risk management, benefits and possible wider application (See 2015 Spring Terrier for article on the Regeneration of Paradise Circus, Birmingham jointly written by the speaker).

Prior to lunch, Andrew Moss, also of Bilfinger GVA, explained his firm's proposals to run Espresso CPD events in Birmingham, similar to the very successful breakfast events currently run in London and endorsed by ACES. It was felt by ACES members that, because of travelling, lunchtime events would be more appropriate which Bilfinger GVA will consider.

The general afternoon meeting considered that the inaugural joint ACES/GPU/VOA CPD event held in Birmingham in February had been successful. A capacity audience of over 50 delegates from across the public sector attended. But organisation had not been without its problems due to uncertainty of numbers that would attend, suitability of the venue, losing 3 speakers 2 weeks before the event and difficulty in collecting monies both before and on the day. Three people who had not booked turned up on the day. Regrettably they had to be turned away because the venue was at capacity. Unfortunately, the event did not attract any delegates from non-ACES member local authorities in the West Midlands, apart from one delegate from Stoke-on-Trent. It was agreed that a similar event be held next year.

There was a continued discussion on the role of and skill sets needed by the modern estate surveyor in the public sector, which had featured as a workshop at the joint CPD event (See Spring 2017 Terrier). Although the workshop had concluded that the role of and skills required are changing, it was agreed that the chief estate surveyor will ultimately still be responsible for all aspects of estate

management. The general discussion that then ensued covered staffing issues, particularly the use of and how to attract graduates to grow your own in-house estates set-up, risk taking, benefits of retaining in-house control against outsourcing, and that there will not be a one size fits all answer, as organisations vary with regard to their challenges and current staffing strengths and weakness.

Concern was expressed that lip service was being paid by some senior managers to health and safety. So there was a discussion on how H and S is managed in various organisations and how to move it up the agenda through better corporate management, policies, processes, procedures, risk assessments and the production of tenancy packs for the tenanted non-residential portfolio. As action always follows tragedy it was considered that much of this will inevitably happen following the Grenfell Tower fire disaster.

There was a general discussion on the attitude and approaches to property investment adopted by local authorities, with particular reference to concerns about Brexit, some local authorities' bullish approach to investment in

property assets and how estate surveyors should be advising members on risk and future management.

There were also discussions on a variety of other issue which included the benefits of putting all data onto the e-PIMS data base, which it is believed satisfies transparency requirements to all bodies and so is a time-efficient practice, and that EPCs produced by an external provider did not have to be taken at face value and recommendations in them could be challenged.

On behalf of the branch, in July Richard Allen attended the Nottingham Trent University Graduation Day to present the ACES Prize for the Best Corporate Real Estate Project to James Cuthbert who had completed his degree on the BSc (H) Real Estate course. The Branch will continue its support for this course next year.

The next meeting and Branch AGM will be held in Rutland on 2 November 2017. The meeting will take the form of a workshop day. Branch members will be asked to bring 'one example of good practice and one problem' on behalf of their organisation, to be considered by the workshop.

MIKE ACKROYD - NORTH EAST BRANCH MEETINGS 1991-2016

Mike sent me a full summary of his records when he retired as Secretary, which he delivered to the branch at his last meeting. Richard Allen prepared a similar summary for Heart of England branch. It makes interesting reading (and a touch of Mike's humour), and shows what an excellent organisation ACES is and what a range of work members are engaged with. Sorry Mike, I've had to cut some of the material due to shortage of space.

Meetings and events

75 Branch Meetings; 2,000 members attended;

CPD/APC Training Days – sometimes hosted by solicitors and estate surveyors from Leeds and Sheffield;

Hosted National Conferences in Durham, Newcastle/Gateshead, Barnsley but other colleagues from our area have also hosted National Conferences in Morpeth and Sheffield;

Hosted a Mock Lands Tribunal in Durham;

Involved in awards to students from Northumbria and Sheffield Hallam Universities.

Venues

The Humber Bridge

2 Football Grounds

Some Royal Baths

A Fire Station

A Snooker Centre

A Castle

Some delightful halls

Various Museums including access to a boat which we used for part of the meeting. The branch's one and only 'Floating asset'.

However, as far as challenges are concerned in actually finding a venue, then look no further than the Harperley Hotel, Stanley. Now you have to remember, this was in the pre sat nav

No	Date	Venue	Attendance	Comments
1	18/10/91	County Hall, Durham	22	Branch first meeting, National President
2	21/02/92	County Hall, Durham	29	In and out deals
3	04/06/92	City Hall, Bradford	26	National President
4	12/11/92	The Vitadome, The Spa, Scarborough	24	Asset registers; affordable housing
5	04/03/93	The Guildhall, Quayside, Newcastle	23	Refugees
6	20/05/93	The Three Tuns, Durham	21	Joint meeting with ACES Spring Conference; 300 letters sent out: 21 delegates + partners
7	11/11/93	Metrodome, Barnsley	24	Time keeping; next to Barnsley FC
8	24/03/94	Royal Baths, Harrogate	20	Enterprise Zones
	06/05/94	CCT Seminar – the Bromley Experience		
9	09/06/94	County Hall, Morpeth	26	National President
10	10/11/94	Barbican Centre, York	26	Asset registers
11	23/03/95	Harperley Hotel, Stanley	26	Some delegates arrived 1.5 hours late; BS5750/IS 9001 held over (I wonder why!); National President
12	08/06/95	Wakefield	??	Golf Courses; facilities management
13	09/11/95	Royal Baths, Assembly Rooms, Harrogate	28	CIPFA presentation; Right to Buy; Red Book
14	22/03/96	Preston Hall Museum, Stockton-on-Tees	25	Stockton City Challenge; CCT
15	13/06/96	Sheffield	29	Part 1 claims; National President
16	14/11/96	County Hall, Durham	28	Rating; PFIs
17	20/03/97	Harrogate	20	CCT; VAT
18	10/06/97	Malton	26	CIPFA; Best Value
19	07/11/97	The Vitadome, The Spa, Scarborough	30	Director of Markets RICS; RICS President; National President
20	19/03/98	Rotherham	21	Planning Gain; agricultural tenancies
21	18/06/98	Preston Hall Museum, Stockton	20	Health and safety
22	12/11/98	City Hall, Bradford	25	Market Initiatives
23	25/03/99	Southlands Training Centre, Middlesbrough	18	Best Value; Beacon Councils
24	24/06/99	Wentworth Castle, Barnsley	24	ACES Awards for Excellence; D Varley training matters
	07/09/99	Mock Lands Tribunal Durham hosted by ACES		W. H. Rees; Barry Denyer-Green
25	19/11/99	County Hall, Morpeth	24	Millennium bug raised
26	13/03/00	Humber Bridge, Hull	19	I missed this meeting
27	22/06/00	County Hall, Durham	24	G. Metcalfe and D. Wood first meeting; Presentations by RICS Regulation Directors
28	12/10/00	Clay House, West Vale, Halifax	21	IPF; National President
29	29/03/01	Goole Leisure Centre, Goole	21	Human rights
	22/05/01	Council Chamber, Harrogate		Best Value Workshop – attracted delegates from Crawley and Aylesbury
30	28/06/01	Cannon Hall Museum, Barnsley	20	BA and TB first meeting; procurement of capital schemes Barnsley Miller Partnership
31	08/11/01	Stadium of Light, Sunderland	26	Tour of the changing room; Senior VP RICS; RICS Regional Director NE
32	08/03/02	Grantley Hall, Ripon	25	Section 123; AMPs
33	19/06/02	Harrogate	21	DLTR matters; President of the RICS Should have been Alnwick but numbers wouldn't support it.
34	14/11/02	GOYH Offices, Leeds	29	CPO issues and Section 123; Single Capital Pot
35	04/04/03	Ryedale House, Malton	27	David Varley APC Training issues
36	11/07/03	County Hall, Durham	22	Planning and Compensation Bill
37	13/11/03	GOYH Offices, Leeds	28	Red Book; Single Capital Pot
38	26/03/04	Church Street, Hartlepool	22	Brooke Review; President RICS; Vice President RICS; Regional Chairman RICS; Softening of attitude towards private practitioners joining ACES
39	09/07/04	County Hall, Beverley	20	Asset management and property review; National President
40	12/11/04	Carbrook Hall Road, Sheffield	17	CPO/Crichel Down
41	11/02/05	Town Hall, Wood Street, Wakefield	22	Me absent Disposal of land to housing associations
	01/05/05	Newcastle/Gateshead		ACES Spring Conference hosted by the Branch
42	18/11/05	The Spa, The Vitadome, Scarborough	22	Energy and Construction
43	17/03/06	GOYH Offices, Leeds	12	Surface water charges; branch future under threat, 15 apologies – suggested 3 down to 2 meetings per year!
44	16/06/06	Preston Park Museum, Stockton	18	Red Book DRC; National President [Ed – that was me!]
45	10/11/06	Civic Centre, Gateshead	24	Affordable housing; National President
46	16/03/07	West Plaza 1, Barnsley	20	Biomass in public buildings; woodland supply issues
47	06/07/07	Council Offices, Skipton	18	Local authority asset management and property services

48	09/11/07	County Hall, Morpeth	17	Quirk Report; Pls
49	14/03/08	Town Hall, Darlington	19	Tower crane licences; property regeneration
50	11/07/08	Council Chambers, Harrogate	31	Chairman England Council RICS; Operations Director RICS North; National President
51	07/11/08	Civic Hall, Leeds	26	Current Issues in the telecom sector
52	13/03/09	Mandela Room, Town Hall, Middlesbrough	28	Range of topics from the ACES Forum; discussions site; David Varley on APC matters
53	10/07/09	Yorkshire Fire & Rescue, Eyre St, Sheffield	23	Local authority asset valuations; National President
54	06/11/09	The Guildhall, York	20	PALS Public Available Lavatory Scheme; IFRS; community transfer
55	12/03/10	Old Town Hall, Stockton	30	Roanne Case; revaluation; ROB
56	19/07/10	Pinsent Masons, Park Row, Leeds	27	Sponsored CPD Day; National President
57	12/11/10	Swinton Room, Sewerby Hall, Bridlington	18	National President
58	11/03/11	The Place, Athenaeum Street, Sunderland	??	Showcase; Simon Riggall – how to flog your assets at the best price possible
59	01/07/11	Pinsent Masons, Park Row, Leeds	30	Sponsored CPD Day
60	18/11/11	NPS Humber, Colonial Street, Hull	22	DCLG; Technology Forge; National President
61	24/02/12	Quayside, Hartlepool	24	Monkey Hanging Story; historic quay; KEL; communication skills
62	10/05/12	Holiday Inn, Dodworth, Barnsley	60	Joint meeting with ACES Spring Conference
63	16/11/12	Town Hall, Durham	19	Pub is the Hub; future cities
64	01/03/13	The Quadrant, North Tyneside	22	Capita Symonds; National President
65	05/07/13	Pinsent Masons, Park Row, Leeds	52	Sponsored CPD Day
	01/07/13	RICS/ACES NE Branch APC Workshop		
66	25/10/13	John Snow Meeting Room, Station Rise, York	31	RICS presentation
67	07/03/14	Jacobs Well, Bradford	36	Flooding; Japanese knotweed; DCLG
68	27/06/14	Nabarro, Sheffield	42	Sponsored CPD Day
69	07/11/14	Leisure and Community Heart, Redcar	32	CIPFA; CAD Capture; Network Rail
70	06/03/15	Civic Centre, Regent Street, Gateshead	31	Community asset transfers; Keith Jewsbury National Secretary
71	03/07/15	The Crucible, Sheffield	60+	CPD hosted by Mark Jenkinson; Richard Caborn; National President
72	06/11/15	The Dolphin Centre, Darlington	45	Development Day theme
73	04/03/16	Sewerby Hall, Bridlington	44	Dad's Army theme
74	08/07/16	Bond Dickinson, Quayside, Newcastle	42	CPD hosted by Bond Dickinson; National President
75	04/11/16	Council Chambers, Harrogate	50	75th Branch Meeting and 25th anniversary

days. About 8 colleagues arrived on time, another 12 within the next half hour, a further 5 ten minutes later and the last one an hour and half into the meeting, after ending up at the Police Dog Training Centre at Harperley Hall, which is a good 15 miles off the beaten track! The colleague in question had missed several interesting debates but had seen several fine pairs of canine pearly whites!

Future topics

How to send emails with an attachment

How to send emails with the correct attachment

How to draw a map with a decent north point, to scale, and with the arrow pointing to the right building.

Excuses for absence/missing a meeting

8 times DW has apologised for absence due to holiday commitments

A chairman missed a Branch Meeting as he had marked his diary as being on Friday whereas it was on the Friday – not sure if he actually turned up on the wrong day!

John Read twice missed the start of a meeting after being caught out in traffic jams and once for dropping his wife off at some remote out of town shopping centre.

Others have blamed snow, fog, leaves on the line and in one case, arriving at the venue on the wrong day, having travelled all the way from Scarborough to Stockton and he missed the boat trip!

However, the most feeble excuse of all was when our then Calderdale member David Booth arrived firstly at a meeting in Scarborough without his wallet. Being a Yorkshireman he knew that that he would need his wallet (once he'd blown off the cobwebs), so he went home, came back and then when he realised half way back to the meeting that he was still wearing

his slippers he called it a day. I marked him as absent - ABSENT minded that is!

Several times Gerard D has disappeared early on Race Days – today is either Hexham or Newcastle; tip 2.20pm Hexham – Tenant Farmer.

Lighter moments

Going through the minutes, noticed that 2 lots of minutes not signed (November 2006 and July 2007) but as the Chairman for those 2 meetings is here today, would John Read please stay behind after today's meeting to sign them off!

Certain fees are still o/s from 2 meetings in 1997 and 2003 – Karen will be sending out invoices next week with a bit added on for inflation.

We had a royal wave from our then Chairman at the Royal Hall in Harrogate – sadly she used the wrong hand which is a bit like putting your stamps upside down on an envelope!

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Best meeting

Being a Dad's Army fan, I have to say that without doubt the best day we had was when a group of members and elderly retirees met in a remote bunker in a Yorkshire hall to discuss possible tactics against the latest enemy. Yes, it was that memorable meeting of the Branch Executive in County Hall, Northallerton in September 1994 to discuss the threat of CCT.

Expenses

Quote cost of printing and postage – before the days of emails I used to send out the invitations etc by letter – the cost of printing and postage for 1 year was well over £200 – now it's a fraction of that. Who knows future meetings might be held by Facetime or Skype?

Where did they go

One went to live with a commune on a remote Scottish island

Another now drives vintage buses and was last seen driving one to Aidensfield

Another had a pig farm

Another managed a remote castle in Czechoslovakia and suddenly became very popular at Halloween

One became a bagpipe player and I believe also repairs them.

Branch Officers

We have had 14 Branch Chairmen since I started, 12 for 2 years, 1 for 12 months and one will be for 10 minutes only! Commencing 1991 - Ray Staniland, Peter Handley, Bernard White, Graham Price, Tony Ives, Austin Brown, Dan Gillbanks, John Read, Alison Johnston, Brian Ablett, Daniella Barrow, John Murray, Jenny Dixon, and currently, Stephen Nicholson

National Presidents from our branch

5 out of 25 from 10 branches (including the Rural one) - Colin Bradford, Jill Bungay, Ian Hay, Derek Rowell, and Daniella Barrow.

What next for me?

40,000 emails sent before I set off today. Once I get home tonight I expect to be deleting:

- a. 26,000 emails (this goes back almost 15 years - a bit like Hillary Clinton?)
- b. 9,000 emails from colleagues in response to my emails to them
- c. 1,000 emails from Keith Jewsbury
- d. 1,000 emails from Bernard telling me how good St Helens are
- e. 500 emails from me to Bernard telling him how good FC Halifax Town are
- f. 50 emails from Dan Gillbanks asking if I want to be picked up at the usual place
- g. 25 emails from Dave Wood giving his apologies for a meeting, but he would be on holiday that day
- h. 2,400 junk emails

Leaving me with 25 emails to read at my leisure!

I wish you all well and look forward to telling you a bit more about the branch before lunchtime.

Other interest areas

NEGOTIATING FILMING RIGHTS AND HOW THESE CAN BENEFIT YOUR AUTHORITY

Tim Mander

Tim is Property Manager at Sedgemoor District Council.

Filming rights have featured previously in the Terrier, although past authors (understandably) have been a little coy to state rates in print. Here Tim gives some comparable information on how this Somerset district charges for filming rights.

"Sedgemoor in Somerset" is my district council's tourism catch phrase. While the district council's name originates from the site of the last battle to be fought on English soil in 1685, the Somerset bit was added to give a regional recognition that those not familiar with 17th Century English history could associate with.

Anyway, I am getting a bit distracted here but the point of this article is how being a Sedgemoor's Property Manager can

cut across a number of potential areas of interest. With easy motorway access from the M5, Sedgemoor has proved a popular location for the numerous Bristol and M4-corridor based media outlets looking for a beach or rural location. It would appear to be the 7 miles of beach between Burnham on Sea and Brean Down with good vehicular access, together with substantial dunes which can be portrayed as a desert, which has attracted the interest of various TV production

companies, advertising agencies and music video producers.

Having had a very ad hoc approach to dealing with requests, I felt it important to introduce a more streamline charging regime which can then be subject to negotiation for longer-term projects. The standard charge for filming is £500 per day or £250 for up to 4 hours for commercial film projects and £150 for up to 4 hours for commercial photo shoots. Obviously every application must provide an acceptable risk assessment and public liability of a minimum of £5m. The council has developed a good relationship with Creative England and receives fairly regular updates on film companies' location requirements. The result of one of these such requests led to a canal cutting in Bridgwater being featured in Wolf Hall as the Traitors Gate entry to the Tower of London. A good income was also generated from the film crew using an

adjoining playing field for parking up their large film crew and vehicles.

The benefits of attracting film companies is 3-fold:

- direct income generation via location licences
- economic spin-off to the local community which includes the accommodation and spending generated that film crews bring with them, and
- the chance to promote your local area "as featured in....."

While we are yet to attract a Broadchurch, Poldark or Doc Martin, the following productions have filmed in Sedgemoor: Casualty; Top Gear; Normandy Landing Re-enactment; Alexander the Great; Music Video by McFly; The Crimson Field where the dunes were transformed into

a First World War Field Hospital. The BBC Natural History Unit is a regular visitor.

As an authority we aspire to be "film friendly", in that we positively encourage film companies by seeking to help them and suggest locations even outside the council's ownership. Where we can, we will provide manpower stewarding etc, plus a clean-up service afterwards. The recently released and highly acclaimed film "The Levelling" was filmed in and around our district, which came about as a result of an initial enquiry from Creative England and some hard work nurturing a relationship with the location manager.

So in summary there are many positives in encouraging the world of TV and film, not just as a way of generating some licence fees, but other knock-on benefits. Of course getting celebrities into your area always provides good copy for the local press and media outlets.



THE BLACK PANTHER

Dave Pogson

For 50 years until retirement Dave practised 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://davidlewisvogson.wordpress.com>

This is a true story but 'Harry' has been renamed to avoid any possible embarrassment

Harry barged through the door into the estates office, threw his briefcase on the floor and slumped into the seat of the empty desk opposite me. The surveyors seated at the other 2 desks turned to look at us.

"Bad day?" I asked.

"Bad day? Bad day? You don't know the half of it."

"You were just doing a simple inspection for a rent review. What went wrong?"

"I've been interrogated by the police."

"What for?"

"Murder."

Harry was coming up to 20 years old and had been given a temporary training contract to assist on estates management matters in the County Estates Department. He had a little estates experience and had started on the RICS qualification route with his father's practice but had not made much progress along it. He had other priorities before work and exams - girls, beer and rugby in any order that they

came. Someone had decided that the surveyors in the management section should mentor him and I had given him a simple rent review to start him off. My first instruction to him was to go out and inspect the property, measure it up, note its features and form an opinion of its rental value. He had taken the file and telephoned to book an appointment with the landlord to inspect for the morning of Friday 6 September 1974.

The property comprised the general store and post office in Higher Baxenden, a small village on the south side of Accrington in Lancashire. The village did not warrant a branch library of its own. Instead the County Library Service rented shelves in the post office and a



mobile unit came each week to update the stock of books while Derek Astin, the shopkeeper and postmaster, acted as librarian. The county council saved on the cost of providing and staffing a separate library building and Mr Astin enjoyed a rent for the use of a small part of his premises. The existing rent was inclusive of heating, lighting, power, repairs and decorations, cleaning, rates, insurance and payment for the librarian's time and had not been reviewed for some years. Mr Astin had requested a review to reflect rising values and running costs over time.

All Harry had to do was to measure the shelf space of the entire sales area of the shop, identify and measure the shelf area occupied by the library units and obtain evidence of actual running costs from the landlord. From the measurements, a proportion for the library shelves could be determined and then applied to the costs for the whole shop. Thereafter he needed to assess the rise in value of the rental for the retail floor space occupied by the library shelf units by research against comparable properties elsewhere since the last review. That would then allow him to contrast the new total with the previous total for the rent and running costs and thus give

him a feel for the likely value. This would provide a starting point for negotiation of the review. It should have been straightforward.

Harry never got to meet Mr Astin. When he arrived, he was immediately detained by a burly policeman and taken off to meet the detectives for a grilling. They wanted to know what he was doing there.

Eventually a policeman had telephoned the estates office and spoken to our manager to check Harry's story, but without explaining why they were asking. The manager didn't think to tell us about the call. In those days photo-identity cards had not been invented. When invited to describe Harry he'd simply said "He's a big, dopey-looking b(e?)gger" which seemed to satisfy them. Harry was then released to return to work.

At 4 am on the morning of 6 September 1974 Derek Astin had heard a noise in his shop and got out of bed to investigate. On the way downstairs he'd come face to face with a masked intruder. Fearing for the safety of his family, he had put up a struggle and was shot in the shoulder and the leg and died from his wounds. Mrs Astin described the man as dressed all in black and "so quick, he was like a panther." The press nick-named him 'The Black Panther'.

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Donald Neilson was a former soldier who had failed to make a success of civilian life. He planned his crimes meticulously. He had already committed 400 domestic burglaries before he turned to robbing small post offices because he thought that the returns would be better. In 1972, at night, he entered the Rochdale Road Post Office in Heywood, Lancashire and after a struggle in the bedroom with Leslie Richardson, the Postmaster, when Neilson's shotgun was discharged, he escaped empty-handed. Mr Richardson was left injured on the floor but survived.

In February 1974 Neilson killed Donald Skepper in Harrogate New Park Sub-Post Office. In September 1974, he killed Derek Astin at Higher Baxenden Sub-Post Office. In November 1974, he killed Sidney Grayland in Langley Sub-Post office, West Midlands and also brutally battered his wife, Margaret Grayland, leaving her for dead.

Lesley Whittle, at 17 years old, was his youngest victim. Neilson read that Miss Whittle was a significant beneficiary of her father's will and on the night of 14 January 1975 he broke into the Whittle home in Highley, Shropshire and kidnapped her from her bedroom, leaving a ransom note for £50,000. The ransom delivery went wrong and Miss Whittle's body was found on 7 March 1975 hanging from a wire around her neck at the bottom of the drainage shaft where he had tethered her in Bathpool Park, Kidsgrove, Staffordshire. Her heart had stopped from the shock of the fall from the ledge where Neilson had imprisoned her, alone and in the dark. It was never established if he she had fallen or if he had pushed her.

In December 1975 2 police officers were in a panda car in a side road off the A60 outside Mansfield in Nottinghamshire. They noticed a man hurrying past carrying a holdall and, their suspicions aroused, they called him over to question him. The man pulled out a sawn-off shotgun, ordered one of the policeman into the back of the car and got into the front passenger seat, holding the shotgun aimed at the driver. He told him to drive to Rainworth about 6 miles away. At a junction along the way the

driver swerved the car from side to side, pretending not to know the way, giving his colleague a chance to grab the gun and point it away from him while he slammed on the brakes. They had stopped outside a fish and chip shop and people in the queue rushed to help with the struggle. Neilson was overpowered and severely beaten. His criminal career was ended.

Harry had recovered by the weekend. The rugby season was starting the following day and he had a game to play in the afternoon, with a dance in the clubhouse in the evening. His experience would become a fine tale to relate to his team mates and to impress the girls in the bar at night after the game.

We still had the problem of what to do about the outstanding rent review that had been triggered by Mr Astin.

Simply to ignore it and hope that it would be forgotten about in the terrible circumstances would make the county council appear to be taking financial advantage of the situation. To make Mrs Astin start the process by asking her to suggest an increased rent would look like we were placing a further burden on a grieving woman already suffering under the worst of circumstances. Also, we could hardly return to measure up at a crime scene.

In the event, after waiting for a couple of weeks and working from the historic sketches and notes on the file from the original hiring of the library space, we calculated what we thought to be a reasonable and fair increase for the inclusive rent. Then we instructed the county council's solicitor to compose an appropriate letter to Mrs Astin expressing our condolences, referring to the matter of the rent review raised by Mr Astin and informing her that we had assessed what we considered to be a fair rent and setting out the suggested annual amount. We added that we had instructed the county treasurer to pay that new amount to Mrs Astin from the upcoming review date. However we also confirmed, in accepting the increased payment, that the county council did not consider her to be bound by the amount

and that, if she felt it was not fair and reasonable, then she could still challenge it and negotiate accordingly at some future time when she felt ready to do so, as if that review had not taken place at all.

Harry never did make it as a surveyor. When his temporary contract ended he got a job as a grave-digger, then as an ice-cream salesman and later entered Sandhurst. The last I heard was that on leaving the army he was offered a business opportunity and 'made a killing' in the newly-emerging mobile phone market.

It's strange how some people manage to make the right decisions in life despite early set-backs, while others just keep on making all the wrong ones.

In 1976 Neilson received 5 life sentences for the kidnapping and murder of Leslie Whittle and the murder of 2 sub-postmasters and the husband of a sub-postmistress, and for causing grievous bodily harm to the sub-postmistress. He was also found guilty of other associated charges and the trial judge recommended that Neilson should receive a whole-life tariff, which was upheld on appeal in 2008, meaning in Neilson's case that life really would mean life.

He never left prison, except to visit Norfolk and Norwich University Hospital in the early hours of 17 December 2011 where he died the next day from breathing difficulties, at the age of 75 years.

Acknowledgement of factual sources

Wikipedia – https://en.wikipedia.org/wiki/Donald_Neilson

The Lancashire Telegraph – <http://lancashiretelegraph.co.uk/news/9427668>

Murder UK - http://www.murderuk.com/serial_donald_neilson.html

THE GLOUCESTER GLADIATOR

BATTING FOR THE OTHER SIDE

– SO TO SPEAK

For well over 40 years I operated within the relative comfort zone of the executive side of the fence. I did things; negotiated deals; progressed projects; made decisions; dispensed advice and all that stuff, all within the framework of accountability. In other words, I knew my place, or at least tried to create the impression in the right circles of doing so. Others took the ultimate rap if it went wrong, fortunately infrequently - they were, still are, called politicians.

It's all so different now. Freed from executive constraints, I've crossed the Rubicon; gamekeeper turned poacher, or is it the other way round? You can be the judge. As if by stealth, certainly not deliberate design, I have acquired a raft of new roles and responsibilities. These all bring with them different perspectives, their own constraints and disciplines, and new dynamics in terms of working relationships with others. In short, I've become a client, a politician (whisper it sotto voce), a policy and decision-maker, and an ultimate carrier of the can. How did it all come about? Well, I have a congenital inability to say no, which others appear keen to exploit, so I find myself well and truly lumbered [Ed - Good man, Gladiator!].

My first and reasonably long-standing changed role has been as client. In that guise I have a personal interest in a significant residential development scheme somewhere along the south coast (no names no pack drill to respect confidentiality). I am part of a consortium promoting a scheme which to date has taken some 8 years to get to the point of contemplating a planning application. We have engaged nationally reputable property consultants, accountants, solicitors and a whole phalanx of specialists to conduct interminable surveys, reviews

of surveys, fresh surveys, negotiations, and renegotiations involving 3 tiers of local government, from parish and town, to district, to county councils. The subtle difference now is that I, along with others, foot the bills. That powerfully concentrates the mind. We are regularly assured there will be an ultimate money pot, and I believe them, but its net size is likely to bear little relationship to any headline figure. All that glistens most certainly doesn't turn to gold in this instance. It is said a little knowledge is a bad thing. I'm not so sure: I can ask the searching question; challenge advice and preconceptions, but there are times, all too frequent, when I must sit on my hands and let the experts make the running.

My foray into politics, or should that be public life as political discourse at this level is limited, is as parish councillor. In that capacity I have had responsibility for steering a Neighbourhood Development Plan through to adoption and subsequent application; refreshing a Parish Plan; and representing local opinion through the planning process on a handful of sensitive development schemes. I have learnt a number of lessons. First, you get very little thanks. Second, you are there to be shot down and pulled apart. Third, it's the Parish Clerk who is supposed to do the work, as I am constantly reminded. I'm there to have opinions, but old habits die hard and I'm itching to roll up my sleeves and do things. Admittedly the lines at this level are blurred but one constraint I am freed from is an inability to say exactly what I think. It gets me into trouble, but that's half the fun. Others may, indeed do, disagree but there's nothing wrong with that.

My most recent foray reveals yet another string to the bow. In the absence of

another volunteer (there I go again) last autumn I took on the role of Chairman of the Board of Trustees of the Gloucestershire Rural Community Council. This brings with it a totally different range of responsibilities and powers largely governed by Charity Commission provisions, all of which must be strictly adhered to. A new chief executive has recently been appointed, and the organisation is going through a challenging period of change and readjustment brought on by increasingly constrained financial circumstances. Sound familiar? My role is to be visionary, act as figurehead, see the broad picture, take responsibility, and set the agenda and operating framework, holding the executive to account. This is proving hugely rewarding; endlessly fascinating; and is stretching such abilities as I may possess to their limits.

The organisation, part of a national network of county-based enablers, has a strapline of "helping communities help themselves." We have a very broad remit based on over 90 years of experience, but compete in an increasingly crowded market place littered with flashy titled brash (no, that's unkind) newcomers, and other well-established voluntary or charitable organisations, often providing the same, or at least very similar, offers. Some rigorous shaking-out is afoot, not before time. My challenge is to ensure we retain an influential place at the top table. I'm confident we will. It is satisfying though when somewhat dormant professional experience can be called upon to good effect. We are developing a critical friend service to help town and parish councils and other bodies take on additional public services, delivered from local community buildings by means of community asset transfers. Children's centres are the current focus, but I expect others will follow.

When I ceased gainful employment 2 years ago I wondered whether I would have time on my hands. I should be so lucky. I'm reluctant to use the "R" word, preferring to call myself no longer remuneratively engaged – thank goodness for the pension! My experience, which I'm sure others can equally relate to, is that work per se in its conventional sense need not be the be all and end all. There can be an afterlife which enables transferable skills to be usefully deployed. Some may wish to cling to the lifebuoy of habit and familiarity but set in new contexts; others will be equally relaxed to be freed from such shackles to explore new horizons. For the time being I'm content to have a balance as leisure pursuits certainly have their place. I expect this will change once responsibilities weigh too heavily, perhaps not for the moment though.



Ed – on the eve of sending everything to the publisher, the Gladiator informed me that he had recently become a Guild Member of LionHeart, providing support and advice to the organisation. He had attended a Lunch at RICS headquarters where Davina Goodchild, LionHeart CEO, gave an illuminating presentation on their work – featured in 2016 Winter Terrier.

Lionheart offers both counselling and support services for surveyors and their families experiencing difficult times, but also provide pre-emptive services, courses and seminars across the UK for those currently still in work. For example they run courses on preparing for retirement, financial advice, guidance on work-related stress and how to spot it in one's staff etc.

Davina wishes to develop closer links with ACES. She is an excellent speaker with a really interesting tale to tell. Lionheart is totally focused on the surveying profession and the pressures and concerns which we face. Hopefully none of us will have cause to need their support, but I have no doubt there will be colleagues who will.

To find out more about LionHeart's range of workshops, please visit our events page <https://www.lionheart.org.uk/events>. We may also be able to offer these in-house for your staff. Email events@lionheart.org.uk for more details.

THE SUFFOLK SCRIBBLER

Ed – I'm sorry to report that Scribbler remains under the weather. However, I did manage to squeeze some words of wisdom out of him, hard taskmistress that I am, and I have supplemented this offering with another extract of one of my favourite tales, which we believe merits repeating here.

All Scribbler columns can be found in the bumper book; '60 Not Out' reproduced in pdf format on ACES' website www.aces.org.uk/publications

Things medical

Perhaps I could start by saying sorry that I couldn't write in the last issue. Medical events took over. I must also apologise for the medical tinge to this piece.

I have a few tips to give you on catheters, which many of you might experience as you go along. For example, most male catheters will be inserted by medical personnel. However, maintenance will be a matter for you to deal with [Ed – do I want to know this?]. I would have no hesitation, but recommend strongly that you deal directly with the community nursing service, the former district nurse organisation.

Without wishing to get too technical,

the main implement used in fixing catheter issues is a development of the hypodermic syringe. This has all the mechanics of any doctor's hypodermic syringe, in that it can draw in water from its surroundings and blast it out in a fine jet. In appearance it looks like any prototype of a normal syringe, but is much smaller and has a trigger mechanism and is generally black plastic.

The mechanism for taking the catheter out is virtually the same as the above, but works in reverse, as it were, by drawing out liquid in a fine jet and dispersing this in the container. According to Denis Norden, this mechanism is known as a hypodeemic nurdle!

Denis Norden

Denis Norden, in partnership with Frank Muir, wrote many scripts for radio comedy programmes such as 'Take it from here', 'Faces of Jim' (for Jimmy Edwards) and 'Whack-O'. Norden and Muir also appeared regularly together on radio panel programmes, including 'My Word' and 'My Music'.

Norden's comment about hypodeemic nurdles was made during one of his solo TV appearances, which he undertook after the death of his partner.

Gardening notes 1

I am a fair weather gardener. All things being equal in the summer I am seldom

inside; in the winter I seldom venture out. Lately I have not really wanted to do too much outside and not just because of the inclement weather.

The extensive gardens of Scribbler Towers were dug over and ready for winter by mid-November. All permanent compost heaps were full and battened down and the temporary heap was now only being topped up with kitchen waste. The temporary heap is circular and made from green plastic slats that interlock together. The slats have holes about an inch and a half in diameter to allow the heap to breathe but unfortunately the lid has disappeared so the stuff inside is far too wet. So I popped half a fence panel on the top to keep the wet out and left it.

A week later I was out again clearing away the dying vegetation around the compost heaps. While I was bent over pulling out weeds on one side of the temporary heap something caught my eye and on turning my head I saw the biggest rat I had ever seen about 6 inches away from the end of my nose. "Aaaaarrgh*!##!" I screamed, moving at the same time, very rapidly, to the other side of the garden.

I regained my composure after a minute or two and walked down the path so I could see the rat again while keeping a safe distance. It was still there. Half out of one of the holes in the slats and poised to clear off, but, as I had disturbed it, it was lying doggo waiting for me to go, no doubt. It was big, very big; I could see the glint in its black eye and the wind ruffling its surprisingly thick fur. I actually hate rats and it was at this point I lost my presence of mind.

From about 15 yards away I hurled half a house brick at it and was bang on target. The rat rotated round in the hole and then resumed its earlier position. On closer inspection the rodent turned out to be deceased and had been for a week or so. I had trapped it in the bin with the fence panel (it had been rummaging around in there when I put the panel on!) and it had tried to squeeze out through the hole and had got stuck fast. Mind you even though it had been dead for a week it still had the power to scare the sh*t out of me!

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