



## A Bunch of Fives:

Punchy and practical training by Devonshires

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The Real Estate & Projects Group at Devonshires (with some help from our friends in Construction) have developed a series of free training sessions for our Registered Provider clients. Each looks at a specific area of work undertaken by RPs and highlights 5 key issues. They are intended to be helpful, interesting and, above all, practical.

Whilst we are happy to host at our offices near Liverpool Street Station, we prefer to present in our clients' offices. Your staff are busy people – so we find we have a bigger audience if we come to you. Each session lasts for about an hour. Some clients like arranging a session over a lunch time (with sandwiches). Others aim for late afternoon (with drinks at the end). We are flexible. You can book any or all of the sessions. We have pitched the training to be useful to all levels of experience - from junior to senior. There is plenty of time for questions and we welcome dialogue and interruption. Our experience is that the sessions can often be a catalyst for internal discussions – with junior staff asking how your organisation deals with issues (who to ask, and when) and senior staff being able to share their 'war stories'. For us it's a great way to better understand how you work and what attitude you have historically taken to issues.

**So why not give us a call? It's free. What's the worst that could happen? To book any of the sessions contact Neil Toner on [neil.toner@devonshires.co.uk](mailto:neil.toner@devonshires.co.uk) or 020 7065 1823.**

### 5 Pitfalls on a Development Site

We look at 5 pitfalls that often arise on development sites. How to spot them, how to avoid them and how to deal with them with minimum impact on time and cost. The 5 pitfalls we look at are:-

- Rights to light
- Service media
- Restrictive covenants
- Japanese knotweed
- Access

### 5 Key Points in a Commercial Lease

We discuss 5 key issues that need to be considered when negotiating or reviewing a commercial lease – particularly one for a commercial unit on a mixed use site where the interests of residents are paramount. The 5 key issues are:-

- User covenants
- Alienation restrictions
- Rent reviews
- Break clauses
- Repairing obligations

### 5 Tips for Monitoring a Building Contract

We share 5 tips our clients have picked up over the years. Now, more than ever, it's critical for your delivery teams to be monitoring building projects that are on site to ensure that there are no delays. The 5 tips are:-

- Payment in Construction Contracts
- Cladding Issues
- Construction Insurance and the Insurance Act
- Security Documents in Construction Contracts
- Construction Defects

## 5 Issues in Property Asset Management

Sweating the assets within your commercial property portfolio helps generate better returns for your affordable housing business. Here are 5 issues to address to make commercial asset management that little bit easier:-

- Get a handle on your assets
- Lease events – managing the process
- Engaging with the '54 Act
- Dealing with problematic tenants
- Estate management

## 5 Principles for Procurement

OJEU can be a real pain. But, if the process is run correctly, it can provide a useful framework to help secure best value. We look at 5 principles to achieve that:-

- Preparation, planning and choosing the right procurement route
- Getting the Selection Questionnaire and Invitation to Tender right – reflecting your requirements and setting out evaluation criteria
- Notifying bidders of the outcome – preparing the Award Decision Notices
- Conducting the process in accordance with the key requirements of transparency, fairness and proportionality
- The impact of Brexit – the end of OJEU?

## 5 Questions about Infill Development

As Registered Providers and other landowners continue to reassess their existing portfolios to help overcome the UK's housing shortage, infill development is on the rise. We address that 5 questions, when answered, will help fill you in:-

- What do we mean by infill development?
- What are the benefits?
- How might restrictive covenants / rights to light / underground infrastructure, impact our plans
- What are third party rights and how does appropriation work
- What should we consider when looking at planning and s106 Agreements

## 5 Steps from Acquisition to Sale

We look at 5 key steps to get client teams working better together in a bid to reduce workloads and ensure a successful journey from acquisition of the site, through build and on to sale of completed units:-

- How to ensure delivery of handover information from the developer
- Steps to streamline the flow of information between development and sales teams
- Accommodating the requirements of purchasers to ensure that units can be charged
- The common obstacles for the development team
- The common obstacles for the sales team, and the similarities between the two

## 5 Rational Steps on Stock Rationalisation

Geography, efficiency and money are all reasons for stock rationalisation, But before you know it's right for you, here are 5 things you should know:-

- What is stock rationalisation?
- Considering the reasons for undertaking stock rationalisation
- Understanding how to choose and appraise your assets
- Exploring how stock rationalisation works in practice
- TUPE – does it apply?

## 5 Key elements of a Help to Buy transaction

We discuss the key differences between a standard shared ownership transaction and one where a buyer is purchasing a property with the assistance of a Help to Buy equity mortgage. The 5 key elements are:-

- Additional lease terms
- Undertakings
- Authority to Proceed
- Authority to Exchange
- Form 2

## 5 'Must Haves' on a Site Set Up

One of the keys to sales is ensuring all of the relevant title, planning and construction documents are available at the right time. In this training session we advise why the following documents are needed prior to the issue of the Sales Packs:-

- Plans (Estate Plan and Lease Plans)
- Title documents
- Planning documents(S.106 Agreement & Planning Permission)
- Service Charge Budget / CHP and other 3rd party providers
- New build warranty provider's registration letter

## 5 Top Tips on Final Staircasing

Whilst Interim Staircasing can be a fairly straightforward process of completing a Memorandum of Interim Staircasing, the legal process of Final Staircasing often needs a bit of extra time and care. The 5 top tips for Final Staircasing are:-

- Mortgagee's consent to dealing/redemption of a registered charge
- Drafting the Transfer (TP1 or TR1) / 'Fall Aways'
- Certificates of Compliance/Removal of Restrictions
- Deed of Variation (to remove pre-emption rights following Final Staircasing)
- Clawbacks, licences to assign and deeds of covenant

## 5 Questions to ask about a Communal Heating System

Communal Heating systems have many advantages. But simplicity isn't one of them. The 5 points we think you'll need to remember are:-

- Who is the provider
- Does the Buyer need to enter into an Energy Supply Agreement direct with the third party provider
- Do the costs need to be included in the Service Charge Budget
- What additional terms should be included in the lease
- Who owns and maintains the heat Interface Units and other additional service media

## 5 Fundamental Clauses in a Shared Ownership Lease

Homes England has published standard forms of leases. They contain many common clauses that are found in residential leases, and which can be amended to suit an RP's individual requirements. However, on any Homes England grant funded development the shared ownership lease must contain Homes England's prescribed form 'fundamental clauses' with any variations requiring Homes England's prior approval. The fundamental clauses' are:-

- Alienation – i.e. restrictions on the s/o tenant selling or underletting
- Pre-emption – i.e. the RP's right of first refusal/nomination prior to final staircasing
- Mortgagee Protection Clause
- Rent Review
- Staircasing

## 5 Key components of a Mortgagee Protection Clause

In this session we will break down the various provisions of a Mortgagee Protection Clause and discuss which components are seen by most mortgagees as essential and which are nice to have. We look at:-

- The virtual indemnity of lender by RP
- What can/cannot be included in the 'claim' by the mortgagee
- Mortgagee's obligations
- Staircasing
- Mortgage Approval

## 5 Key aspects of an Older Persons Shared Ownership Lease

An OPSO lease contains a number of specialist clauses which relate to the intention that the flat or house will remain as an OPSO property, without the ability for the leaseholder to carry out final staircasing to 100%. The aspects we look at are:-

- Restricted Equity
- What happens on final staircasing
- What's a Qualifying Person?
- S.106 Agreements
- How the lease can be brought to a close

## None of the above hit the mark?

If you are interested in training for your team – but none of our suggestions fit what you are looking for, then give us a call. We are happy to talk through what your training needs are and hopefully we will be able to come up with a bespoke session just for you.

For further information contact Neil Toner on [neil.toner@devonshires.co.uk](mailto:neil.toner@devonshires.co.uk) or 020 7065 1823.

# Meet the Trainers



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