

CITY OF LONDON LAW SOCIETY LAND LAW COMMITTEE

Minutes of a meeting held on 15 May 2019 at Hogan Lovells LLP, Atlantic House, 50 Holborn Viaduct, London EC1A 2FG

In attendance	Jackie Newstead (Chair) Warren Gordon (Secretary) Kevin Hart (CLLS) Nick Brent Jeremy Brooks Jamie Chapman Caroline DeLaney Jayne Elkins David Hawkins Laurie Heller Victoria Hills John Nevin Tom Pedder Franc Peña Jeremy Shields Sangita Unadkat
Apologies	Anthea Bamford Bruce Dear Martin Elliott Matthew Hooton Paul Kenny Daniel McKimm Jon Pike Ian Waring

1. APPROVAL OF MINUTES

The Minutes for the March 2019 meeting were approved and will be added to the Committee's webpage. Members of the Committee were encouraged to apply for the position of Vice-Chair of the Committee. Please contact Jackie if this is of interest.

2. UPDATE ON ELECTRICITY SUB-STATION LEASE PROJECT

A further drafting meeting of the sub-group has taken place and a revised version of the lease has been produced, which was discussed by the Committee. The Committee

provided some comments by way of initial observation which will be included in the drafting process.

The next meeting of the sub-group is likely to be in June or July. The overall timeframe for the project including accompanying guidance and ancillary documentation such as for title, could extend well into 2020.

3. GLA MOBILE WAYLEAVE PROJECT

There has been a public consultation on the form of the rooftop and greenfield wayleaves, followed by a drafting meeting of the sub-group. There is a further meeting on 23 May to deal with remaining drafting points. It is important that the Committee has a chance to see and comment on the draft before it is published. If the firms represented on the Committee are comfortable with the document, this is likely to reflect the views of firms more generally and increase the chances of the document being adopted.

4. INVESTMENT PROPERTY FORUM'S STREAMLINING TRANSACTIONS GUIDE

The Committee considered the Investment Property Forum's Streamlining Transactions guide. It was felt to be a useful resource, helpful for learning/training purposes and for organisations new to property. The Non-Disclosure and Exclusivity agreements were considered particularly helpful in standardising the position.

5. NEW RICS CODE FOR LEASING BUSINESS PREMISES

The Committee submitted a short response to the RICS's consultation on the Code for Leasing Business Premises. A key point made was the Code should acknowledge that the heads of terms requirements can be departed from in the case of certain types of lease such as long term leases, sub-station leases or reversionary leases. This is especially important in view of the mandatory status of the heads of terms provisions for RICS surveyors.

6. PROPERTY MANAGEMENT AGREEMENT

The Members of the Committee are asked to volunteer for a new project to create a standard Property Management Agreement. While many property managers will have their own forms, a CLLS standard will be a useful comparator. Laurie Heller and Matthew Hooton have already kindly volunteered. Please contact Warren if this is of interest. The date for the first meeting is currently set for 29 May. Please also send to Warren any examples of PMAs that you think may be suitable for an industry standard. A key issue will be the nature and extent of the indemnity given by the manager.

7. NEW CERTIFICATE OF TITLE

The Committee will in the Autumn begin a review of its Certificate of title with a view to creating a new 8th edition. By virtue of it being a new edition, the Committee's consideration will be more extensive than when it produces updates to the Certificate. So consideration will be given to possible further treatment for agreement for lease and construction/development finance; residential in view of the amount of mixed use

schemes; as well as guidance on the planning aspects. Assistance will be sought from representatives of the CLLS Construction and Planning Law committees. In advance of the review commencing, the Committee is asked to provide comments on its wish list for what the 8th edition should cover. Kevin Hart will put together a brief survey, which will be sent to users of the Certificate.

There will be a linked project to create standardised undertakings from a borrower's solicitor to benefit the lender in the context of a proposed facility agreement, covering such matters as priority searches; holding of title deeds; and HM Land Registry applications.

8. **MINDFUL BUSINESS CHARTER**

Vikki Hills mentioned The Mindful Business Charter and details were subsequently emailed to the Committee. The Charter contains an organisation's commitment in relation to openness and respect; smart meetings and emails; respecting rest periods; and mindful delegation. Vikki is very happy to act as the point person for the Committee if anyone would like further details.

9. **LAND REGISTRY CONFIRMATION FROM BORROWER RE REGISTRATION OF MORTGAGE**

Mention was made by Jayne Elkins of Land Registry seeking written confirmation from a borrower that it was happy for a completed mortgage to be registered against its title. While this appears motivated by fraud concerns, it is disconcerting for lenders who have already lent the money and will have registration of their security delayed. Please let Warren know if other members have come across this and if so it will be raised centrally with Land Registry.

10. **AOB**

The CLLS AGM plus drinks will take place on 17 June at Tallow Chandlers Hall near Cannon Street station. Please show your support.

11. **Length of meeting: 1 hour 10 minutes.**

12. **Dates for remaining 2019 Committee meetings** - 25 September and 27 November. Both at 12.30pm at Hogan Lovells LLP, Atlantic House, 50 Holborn Viaduct, London EC1A 2FG.