

STOP PRESS...

BILLS ANNOUNCED IN THE QUEEN'S SPEECH

The Queen's speech delivered on 18 November 2009 included the following bills of interest to the property industry:

- **The Bribery Bill**, which is intended to modernise and simplify the law on bribery. It will introduce a new scheme of bribery offences, including a corporate offence of "negligent failure to prevent bribery" that will apply where a business fails to prevent bribery being committed by persons working on its behalf.
- **The Equality Bill**, which although it was introduced in April 2009 (see our previous newsletter) will largely be considered in the current parliamentary session. The Government wants to "promote equality, narrow the gap between rich and poor and tackle discrimination". The Equality Bill aims to harmonise and in some cases extends existing discrimination law covering the 'protected characteristics' of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. It includes provisions in relation to common parts in leasehold and commonhold properties and will address the effect of recent case law (concerning a housing authority's decision to evict a schizophrenic tenant who had unlawfully sublet his flat), which is generally seen as having weakened discrimination protection, and harmonise provisions defining indirect discrimination.
- **The Flood and Water Management Bill**, which is designed to address the effects of climate change by improving the way in which the risks of flood and drought are managed.
- **The Digital Economy Bill**, which seeks to ensure that communications infrastructure is "fit for the digital age". The Bill will, amongst other things:
 - Amend the Communications Act 2003 to make the promotion of investment in communications infrastructure and content one of Ofcom's principal duties.
 - Require Ofcom to provide a full assessment of UK communications infrastructure every two years.
- **The Energy Bill**, which will support carbon capture and storage schemes. The Bill makes provisions:
 - relating to the demonstration, assessment and use of carbon capture and storage technology;
 - requiring benefits to be provided by holders of gas or electricity supply licences;
 - on the functions of the Gas and Electricity Markets Authority;
 - regarding the general duties of the secretary of state in relation to gas and electricity markets;
 - on electricity generation licences; and (vi) about persons authorised to supply gas or electricity.
- **The Financial Services Bill**, which is a direct consequence of the banking crisis will (inter alia) extend and strengthen the Financial Services Authority's powers.

MARINE AND COASTAL ACCESS ACT 2009

The Marine and Coastal Access Act 2009 gained Royal Assent on 12 November 2009.

The new Act makes provision for a:

- New network of marine conservation zones to protect rare and threatened species and habitats.
- New marine management organisation to regulate development and activity at sea and enforce environmental protection laws.
- New marine planning system to implement the Government's strategic objectives for the marine environment.
- Simpler, more streamlined marine licensing system.
- Better management structure for the fisheries industry.
- New right of access for people to walk round the English and Welsh coasts. A single coastal path around England is to be established, the first section of which will be in Weymouth where the sailing events for the 2012 Olympic and Paralympic Games will be held.

BUSINESS RATES

Revaluation of business rates takes place every five years and the next revaluation will take effect from 1 April 2010. The Valuation Office Agency (VOA) is responsible for valuing all business and non-domestic property in England and Wales for business rates.

On 30 September 2009, the revised draft rating list became available online. During October 2009, the VOA notified ratepayers of the new rateable values, giving them the chance to check their details before local authorities calculate and issue rates bills for 2010. Although appeals against the new rateable values cannot be made until these take effect on 1 April 2010, the rating revaluation may well prompt ratepayers to consider whether they can reduce their rates liability in any way.

The VOA has provided details of various resources to help businesses with the revaluation process:

- A dedicated website: <http://www.2010.voa.gov.uk/rli/> - allows ratepayers to search for more information on the revaluation process, compare their details with other similar properties and, where necessary, contact the VOA for assistance.
- A rates bill "indicator" is available at: <http://www.businesslink.gov.uk/bdotg/action/layer?topicId=1080355862&r.lc=en&furlname=estimatemyrates&furlparam=estimatemyrates&ref=&domain=www.businesslink.gov.uk>
- A leaflet has been published by the VOA with guidance on employing a professional to advise on business rates issues: http://www.2010.voa.gov.uk/rli/static/HelpPages/Documents/professional_advice_leaflet.pdf

The Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2009 (2009 Regulations), which give effect to a transitional relief scheme following the 2010 business rates revaluation in England, came into force on 17 December 2009. The transitional relief scheme phases in the impact of rate increases on the minority of business properties in England that would otherwise see significant rises in their bills following revaluation. The scheme will be funded by way of annual caps on both increases and reductions in rates bills over a five year period, with different caps for small and large properties. The 2009 Regulations set out the caps on increases and reductions in bills for 2010/11 to 2014/15.

The Business Rate Supplements Act 2009 gives county councils, district councils in areas where there is no county council, and the Greater London Authority a discretionary power to levy a supplement (a BRS) on the national non-domestic rate with effect from 1 April 2010. The supplement is limited to two pence per pound of rateable value. The revenue raised must be used on projects that promote local economic development.

RICS PLANNING MEDIATION SERVICE

The Royal Institution of Chartered Surveyors (RICS) recently launched a planning mediation service as part of its RICS dispute resolution service. The service was set up in response to recommendations in the Killian Pretty Review that mediation could be effective to resolve planning disputes quickly and more amicably. In particular, RICS hopes that its mediation service will help to progress section 106 agreements and compulsory purchase orders when disputes arise.

NEW PERMIT SCHEME AFFECTING LONDON'S STREETS

A new system whereby utilities will have to buy permits to dig up London's streets came into force on 11 January 2010. The permits cost up to £240 each. The Mayor of London has said that the new scheme will encourage gas, water and electricity companies to share their trenches and should reduce congestion.

BOILER SCRAPPAGE SCHEME INTRODUCED

On 5 January 2010, the Government introduced its boiler scrappage scheme (the scheme) to make £400 payments to up to 125,000 households to upgrade their old boilers. The scheme was first announced in the 2009 Pre-Budget Review and is only available in England (the power to make similar decisions for Wales and Scotland has been devolved to their regional assemblies).

NEW BBP TOOLKIT TO HELP BUSINESSES MEASURE ENERGY USE FROM COMMERCIAL BUILDINGS

The Better Buildings Partnership (BBP) has launched a new toolkit to help businesses and landlords measure and reduce their energy use from commercial buildings.

Many commercial businesses have difficulties in measuring their energy use accurately. Energy use data is frequently only provided for an entire building, which contains a number of separate businesses. Measuring how much energy a building uses on a more accurate basis is essential to working out how buildings operate and where energy savings can be made most effectively.

The toolkit outlines:

- The BBP experiences of sustainability benchmarking.
- Best practice guidelines on how to install hour-by-hour, floor-by-floor energy meters. The BBP adopts a "graduated approach" encouraging businesses to keep the process of measuring energy simple, building up complexity as and when the understanding of a building's environmental performance grows.

The toolkit encourages those in the property industry to share their own knowledge and experiences. It is hoped that the toolkit will stimulate the industry to define and agree a set of industry standards and common sustainability metrics for reporting and benchmarking environmental performance.

This article offers general guidance, it reflects the law as at February 2010. The circumstances of each case vary and this article should not be relied upon in place of specific legal advice.

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