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Fire law

The biggest overhaul of fire safety legislation came into force on 1st October 2006.

The source of change is the Regulatory Reform (Fire Safety) Order (RRO). The RRO consolidates existing legislation and repeals the Fire Precautions Act 1971.

Fire certificates will be abolished and will cease to have legal status. Responsibility for complying with the Fire Safety Order will rest with the responsible person. In the workplace this is the employer and any other person who may have control such as the owner or occupier.

Where there is more than one person responsible, all must take reasonable steps to work with each other. Fire risk assessments need to be carried out by the responsible person. They should pay attention to special risks such as dangerous substances and those at risk such as the disabled and persons with special needs.

Enforcement of the new rules will be by the local fire services and they will carry out regular inspections with priority to premises presenting most risk to the community.

Our asset management division has organised such assessments where it has a responsibility on behalf of its clients utilising a specialist consultant.

Review of changes to landlord and tenant act 1954

The Government's panel has completed its review of the changes made to the Landlord and Tenant Act 1954 as it promised when they were introduced in 2004. The main changes recommended by the panel are to the contracting out provisions which should become more straightforward for both landlords and tenants, ironing out some of the practical difficulties which have arisen from their implementation.

Sanderson Weatherall core services

- valuation & rating
- licensed & leisure
- corporate services & recovery
- machinery & business assets
- office, retail, industrial & residential agency
- investment acquisitions & disposals
- planning & development
- property & facilities management
- corporate real estate
- landlord & tenant
- building consultancy & project management

Service charges in commercial property

The R.I.C.S. has published a code of practice which will be effective from 1st April 2007. It covers many aspects with an emphasis on communication, transparency, quality of service and the administration of service charges. Best practice requires a duty of care to occupiers and owners. Service standards must be monitored and discharged efficiently and economically.

Communication - The code requires timely and regular consultation to promote good working practices. Reasonable enquiries are to be dealt with promptly and feedback sought and actioned.

Transparency - Communication should be transparent as should the accounts and the explanatory notes to prevent disputes.

Quality of service - This should be provided commercially and professionally. Performance is to be measured and services should aim to achieve value for money. Costs may include enhancements when expenditure is justified by analysis of the options.

Administration - Fees should be reasonable for the total cost of managing the services provided. The apportionment of service costs is to be demonstrably fair, and estimated budget costs are to be submitted one month prior to the service charge year commencement. Accounts to occupiers are to show actual costs against budget and comparisons with the last two years.

The code recognises best practice and a desire for it to be implemented in all new leases. It recognises its adoption is not intended to override existing leases.

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New instruction...



Sanderson Weatherall has been appointed managing agents by Canada Life Assurance (Ireland) and New Ireland Assurance Company plc. Princes Exchange is a state of the art prestige office development situated adjacent to Leeds Railway Station.

The property extends to approximately 110,000 sq ft on 8 storeys and offers over 170 car parking spaces. The building construction was formally completed in 1999. Major tenants include solicitors DLA and Regus Business Centres.

We are providing a full range of services focusing on the day to day estate management operations and in-house facilities building manager. We will be providing high class occupational services, maintaining innovative and enhanced levels of service.

+ Won
+ Won

"Receiving this high profile accolade for the second year running is a tribute to the efforts of all our staff. It highlights the consistent high quality service throughout our network of offices.

It is gratifying that we accomplished this due to so many clients and colleagues in the profession voting for us."

Winners at the Estates Gazette Awards. Property Adviser of the Year for the North East and Yorkshire **2005 & 2006**



New

We have been appointed managing agents by Gregory Property Investments at one of the largest trade parks in the North of England situated on Wheatley Hall Road, Doncaster.

The park comprises 12 units with a total net lettable area of 48,000 sq ft with 135 parking spaces.

Tenants include Jewsons, Bathstore.com, Formula One and Topps Tiles.

Sanderson Weatherall were the appointed project managers of this new build and joint letting agents.

The services provided relate to the initial set up and subsequent full range of general estate management responsibilities relating to all common area maintenance and occupier liaison.

instructions



Strategic Property Due Diligence Advice



Sanderson Weatherall have recently provided strategic property due diligence advice to the 3i Group and Lloyds Acquisition Finance. This was in respect of a property portfolio held by MKM Building Supplies Ltd.

An exciting opportunity developed bringing together a multi-disciplined in-house team covering areas of landlord and tenant, management, valuation, planning, building surveying and agency. We considered:

The existing portfolio - review and evaluation of rental values and lease terms, highlighting the risks and opportunities these may pose to the future disposal of the portfolio and areas of good asset management to mitigate the risks and maximise the opportunities.

Comprehensive valuation advice on the headquarters site, options to purchase and asset management opportunities.

Advice on the future expansion of the portfolio including issues surrounding the acquisition of sites, planning, build process and lease terms.



Strategic Property Due Diligence Advice



John Rastrick, Director - Growth Capital, 3i Investments Plc commented:

Sanderson Weatherall provided an integrated and co-ordinated response whilst recognising the importance of the strict deadlines. The fast response time did not compromise the high level of professionalism we received with all aspects being dealt with by senior members of staff, but channelled through one point of contact. Throughout the process they made themselves available at short notice to resolve property queries that arose ensuring the deal remained on track and thus enabling us to achieve our objectives.

Asbestos and the duty for ongoing management

An Asbestos survey has been a legal requirement since the introduction of the Control of Asbestos at Work Regulations 2002.

A Type 2 survey and asbestos register will generally form the basis of a well constructed management plan. Possessing one does not fulfil all of the duty holders obligations. Such findings have to be available to all persons conducting work in locations where asbestos is known.

Another misconception is that once surveyed no further inspections are required. That is not correct. As a minimum surveys and registers must be updated annually and not just if major alterations or demolition has occurred. All re-inspections monitor both the condition and deterioration of any asbestos containing materials. This practice is followed by our asset management division.

The Energy Performance of Buildings, another EU Directive, was approved in 2003 with a requirement it be implemented at the beginning of 2006.

The UK government has still to announce how it will work. It will bring in energy labelling for building stock. An energy certificate will be required when the building is constructed, bought, sold or let. They will be renewable at least every 10 years. Energy changes in performance will be recorded. In public buildings they will have to be prominently displayed.

When a building is improved or refurbished a different energy performance between pre and post- works could be significant making it more attractive to sell or let. In all the intention is to improve the working environment, reduce the carbon footprint and commit commercial ventures to corporate social responsibility programmes.

It is expected there will be an asset rating based on the insulation value of the fabric and an operational rating on the buildings energy efficiency.

In preparation facilities managers should be accumulating service and operational data so when the time arrives certification can be completed quickly. It will be a key tool to demonstrate good performance and economic occupational costings.

Energy certification of buildings