

Assets of Community Value – Keep on Your Radar

Assets of Community Value were introduced in the Localism Act 2011. The Act and associated regulations give the community a right to identify such assets and apply to the local authority for them to be added to the List of Assets of Community Value. The land or building has to be identified as something that it is believed to be of value to the community's social interests or social wellbeing. Nominations to register such assets can be made by eligible community groups, local parish councils or local neighbourhood forums. Successful nominations are registered by the local authority and will remain registered for five years unless sold under the right to bid process. Any proposal by the owner to sell the property within that five-year period or to grant a lease in excess of 25 years (both with vacant possession) will trigger a right for a community group to bid for the asset (unless an exemption applies). The local authority must be notified of any intention to sell or lease. Starting from that notification date, if no bid is made within six weeks (the interim moratorium period), the owner is free to dispose. If an interested community group expresses an interest, they have six months (which includes the initial six weeks) to put their bid together. The owner has to wait until the end of the six-month "full moratorium" period before they can sell the asset, but there is no requirement to sell to any community group. Assets that can be of value to social interests include cultural, recreational and sporting interest with "social wellbeing" being much broader. Your sports grounds, youth clubs, community centres, swimming pools, nurseries, health centres, buildings for recreation and culture could fall within Assets of Community Value. Keeping a watchful eye, liaising with your local community and the local authority will help ensure that you remain fully aware of the status of any of the land used by or shared with the community.

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JCT Building Contracts – What's Changed?

The JCT is the main form of contract used for building projects in the UK, and recently updated their suite of contracts. The updates represent the most significant changes to the contract suite in a decade and consolidate the various supplements that have been released since the 2011 edition, together with dealing with changes in practice and legislation. A summary of the key changes include:

- **Payment** – Payment provisions are introduced to simplify the current arrangements and to reflect the Fair Payment Principles.
- **Loss and Expense** – Wording has been amended to introduce more timely assessment of loss and expense claims. Claims are to be notified early and an assessment made much earlier.
- **Insurance** – Insurance arrangements have altered in circumstances where there is an existing building.
- **BIM** – Contract options to deal with BIM are added.
- **Collateral documents** – Obligations to provide performance bonds and guarantees is included as standard.
- **CDM 2015** – The revised regulations are automatically incorporated.
- **Public Contracts Regulations 2015** – Includes provisions where public bodies are a contract body. Amendments relate to termination and payment obligations.

Our Construction team is running seminars on the updated documents throughout our four offices throughout March 2017. Please contact events.help@squirepb.com if you would like further information and/or would like to attend one of the sessions.

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What Next for EEA Staff in the UK?

Since the EU referendum, employers of EEA staff in the UK have been understandably concerned about the impact of Brexit and whether they should be advising them to take steps to protect their position. In her January speech outlining her Brexit priorities, Theresa May indicated that she is willing to guarantee the rights of EEA nationals in the UK in exchange for those of British nationals in other members states but that "one or two" EU leaders were not in favour of such an agreement. It seems, therefore, that there will be no certainty before negotiations with the EU are well underway and there is widespread speculation as to whether EEA nationals should apply to the Home Office before the triggering of Article 50, the UK's official notification to leave the EU. However, it should be understood that EEA nationals who have been in the UK for at least five continuous years in a qualifying status will already have acquired permanent residence under the UK's own regulations relating to free movement, and their application to the Home Office will be for a document to confirm that status. EEA nationals who have been in the UK for less than five years can apply for a residence card which will merely confirm their qualifying status in the UK at a certain point. In both cases, therefore, submitting an application before Article 50 is triggered (or indeed, before we actually leave the EU) is not mandatory but, given the continuing uncertainty, obtaining proof of their status is a sensible and practical precaution for all EEA nationals in the UK. Further guidance can be found [here](#).

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