

**PROPERTY LITIGATION ASSOCIATION**

**ANNUAL GENERAL MEETING**

**22 NOVEMBER 2023 AT 6.45pm at**

**IRONMONGERS’ HALL, SHAFTESBURY PLACE, LONDON EC2Y 8AA**

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**COMMITTEE REPORTS 2023**

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# Reports

## Reports on activities for the year 2022/23 were received from:

## **The Chair**

## **The Treasurer (Anna Mullins)**

### The unaudited accounts are presented for approval by the Members.

### Turnover for 2022/23 has nearly doubled. We have gone from £136,370 to £230,208. This is mainly because of an increase in the number of events held post COVID (increasing [revenues] from £540 to £94,939).

### Membership subscriptions remain broadly the same. These have decreased slightly from £135,830 to £135,270.

### Outgoings in 2022/23 have gone up significantly from £111,439 in 2022 to £221,211 in 2023. This again relates to more in person events and increase in TPS time.

### Costs on the website also increased this year from £4,645 to £10,060.

### As we are no VAT registered, additional accountancy fees have been incurred and we also have to account for recoverable residual VAT.

### As a result of all of the above points, the profit for the year was £9,361, a figure which is down from 2021/22’s profit of £24,943.

### However, the PLA retains a healthy balance sheet with net assets of £126,797. This includes, as at 31 August 2023, cash balances of £92,444 in the current account and £21,436.06 in the money market account.

## **The Law Reform Committee (Paul Tonkin)**

### This report reflects upon my first full year as Chair of the LRC. It has been a busy and productive year and I am grateful to the committee members who have given up their time to work on our various projects.

The committee comprised:

**Paul Tonkin (Chair), Emma Pinkerton (Vice-Chair), Nyree Applegarth, Shanna Davison, Sabrina Furneaux-Gotch, Eloise Illingworth, Jacqui Joyce, Lauren King, Sarah Nield, Kate Poole**

Key projects in 2023:

### Reform of the Landlord and Tenant Act 1954

#### The Government’s announcement in March this year that it has commissioned the Law Commission to undertake a full review of the 1954 Act has been a major project for the committee. The 1954 Act is a cornerstone of property litigation and constitutes a large proportion of the work of many of the PLA’s members. There can be few organisations better placed then the PLA to provide valuable practitioner input into this review.

#### One of our first projects was to commission a survey of the PLA’s members seeking their thoughts on the operation of the 1954 Act and areas/options for reform. The response rate to the survey was one of our best ever, with almost 140 responses, underlining the importance of the 1954 Act to our members.

#### The committee did excellent work in distilling the responses and commentary into a paper which we were then able to share with the Department for Levelling Up, Housing and Communities and the Law Commission. Both found the paper extremely valuable and we continue to engage in follow up sessions to discuss its contents and the direction for reform. The survey results make clear that our members are overwhelmingly in favour of retaining the 1954 Act, albeit that there are clearly areas where improvements can be made. The Law Commission is expected to publish its consultation paper early next year and we will have a key role to play in responding to that consultation and shaping the direction of reform.

#### In addition, the survey has also allowed us to secure a significant amount of media coverage. With thanks to Paul Browne, we were able to secure articles and a podcast with Estates Gazette and an article in the RICS Commercial Property Journal.

#### Finally, we will shortly be hosting our panel debate on the 1954 Act: refine, reject or reform?. This is being hosted jointly with the Property Bar Association and is due to take place on 6 December 2023. I am grateful to our panellists: Mark Sefton KC, Lara Kuehl and Professor Graham Chase and to our President Lizzie Cooke for agreeing to moderate the debate.

##### Thanks to all committee members for their hard work on this project.

### Renters Reform

### We continue to monitor progress and developments in relation to the Renters Reform Bill and have assembled comments on the draft bill which we will be submitting to the Government/Parliament for review. Many thanks in particular to Shanna, Lauren and Sabrina for their work on this.

### Party Walls

### We were approached earlier this by a group of RICS party wall surveyors (together with a retired Judge) who expressed concerns around the way in which some solicitors engage with the Third Surveyor in party wall disputes. Having discussed their concerns we concluded that there was merit in producing a protocol which aims to set out best practice for both surveyors and solicitors in dealing with party wall disputes. We are in the process of finalising a draft in conjunction with the surveyors and, subject to consultation, we hope to have this endorsed by the PLA and the RICS early in 2024. Many thanks in particular to Kate for her work on this.

### Registration Gap

Our members have identified the prolonged registration gap which has resulted from Land Registry delays as a practical issue which has day to day implications for their work – for example, in creating difficulties in serving notices or conducting lease renewal proceedings. Whilst we cannot solve the problem of Land Registry delays, we are working with the City of London Law Society with a view to producing standard drafting which can be inserted into sale contracts in order to be better deal with these issues in a way which is balanced as between buyers and sellers. Thanks to Emma for leading on this.

### Court and Tribunal Engagement

#### Committee members continue to attend and participate in users groups for the Central London County Court and the Upper Tribunal. We have also recently been invited to join the newly launched HMCTS Civil Jurisdiction Public Engagement Group Meeting (which seeks engagement from court user representatives in respect of operational issues), with the inaugural meeting taking place on 7 November 2023. These forums provide a valuable opportunity to raise the concerns of PLA members as well as to gather and share useful information of reforms and other changes.

#### Linked to this, we have recently re-issued our County Court Users Survey. The survey was last issued in 2020 and the 2023 version should give a useful insight into how the court has system has coped as we have moved out of the pandemic and back to business as usual – we are particularly interested in members’ experiences of hybrid working – e.g. the continued use of virtual hearings for CCMCs. The survey has already had over 100 responses. Once it closes at the end of November, we will be reviewing the responses and sharing with both operational and judicial members of the Court service. Thanks to Lauren for her work on this.

### Looking Ahead to 2023

#### The 1954 Act Reform project is likely to be a major focus of 2023 for the LRC when the Law Commission publishes its consultation paper. Given that a general election is also expected, that too will mean a focus on whatever reforms any new government may wish to pursue.

#### We will also be continuing to move the projects above to fruition and will be looking for opportunities to raise the profile of the PLA and its law reform work through further media engagement and events.

### Finally, we have issued a call for new members and this has already resulted in significant interest.

## **The Education and Training Committee**

### It’s been a fantastic year for the Education and Training Committee and thanks firstly must go to all our committee members for the continued support and commitment to our events – thank you all for attending. Secondly, we are super grateful to our speakers and the continuing support we receive from the various chambers, clerks and market speakers. Thirdly, thank you to the members of the ETC for giving up their free time to assist with the event planning and the brainstorming. We are always looking to increase and share the knowledge and expertise with our PLA members.

### The ETC remain committed to preparing the highest quality programmes that cover a comprehensive range of academic, practical and market focused topics for members. Members feedback is always gratefully received on all events, read by the committee and put to constructive use in planning future events.

### The key is to provide training on topics which are perhaps playing on the minds of our members and also to give the PLA members the ability to do their everyday jobs and to be the best they can be.

### We are renowned for our flagship face-to-face events and have the chance to chat and network with friends in person. However, other than the Oxford conference, where possible, PLA training events will continue to be either online or HYBRID with: (i) a free livestream to all members wherever they might be on the day; and (ii) in-person attendance (sometimes at a nominal charge (to cover the costs of catering etc)). We want members to support the fact to face ethic and to join us for as many in person seminars as possible.

### The ETC’s proposed objectives for 2023/24 include to:

* 1. Expand the programme of virtual events and offer hybrid events (mix of in-person/online).
	2. Continue to focus on increasing diversity of speakers at ETC events.
	3. Continue to build the profile of and attendance at the Northern Training Day and work with the Regional Committees to explore scope for additional regional training days
	4. Continue to work with the PBA to produce seminars on ad-hoc topics throughout the year.

### It has been a great and eventful year for training with training being in full swing and in person attendance numbers nearly returning to the pre covid period.

### We had an impressive roster of speakers throughout the year in attendance at training days and/or providing talks/seminars, including some impressive barristers such as Stephanie Tozer KC, Tiffany Scott KC, Kerry Bretherton KC, Jonathan Seitler KC, Gary Blaker KC, John McGhee KC and Guy Fetherstonhaugh KC, Brie Stephens-Hoare KC, to name a few.

* 1. **Autumn Training Day – November 2022** (date change for rail strike)

### o Participants in person: [122] (152 booked, 14 refunds for date change)

### o Participants online: [451]

* 1. **PLA/PBA talk – Property Litigation in a Recession**: a joint PLA / PBA panel discussion - 28 February 2023
	2. **Annual Conference – March 2023**

### o Participants in person: [214 + 20 dinner only]

### o No online provision

* 1. **Northern Training Day – September 2023**

### o Participants in person: [73]

### o Participants online: [48]

* 1. **Autumn Training Day – November 2023**

### o Participants in person: [139 reduced to 102 by adverse weather]

### o Participants online: [181]

* 1. **PLA/PBA talk – Building Safety Act – July 2023**
	2. **PLA/PBA talk – Landlord and Tenant Act 1954 – December 2023**

## **The Website and Marketing Committee**

### The WMC has spent the year building on the strong platform established in the previous year, based on the updated website and event booking system, the work of Emma Hill (PLA Events and Communications) and the support of Paul Browne and Meaningful Communications. Together, we’ve succeeded in publishing a number of academic and legal articles for members, promoted the PLA’s various national and local events and helped to increase the PLA’s profile through a series of articles and profiles featured in the property and legal press.

### Google analytics show that the updated PLA website is receiving a significant number of “hits”, almost exclusively from members, visiting events pages, news sections, PLA surveys, blogs and conference papers in particular. The event booking system has coped with the strain of unprecedented demand for Summer Party and Autumn Training Day tickets, but mention must be given to Emma Hill for her work behind the scenes and with the company that maintains and updates the websites functionality for us. Website costs have increased quite substantially during the year, though large parts of that cost can be attributed to one-off troubleshooting work or updates made at our request (for example to the events booking system and membership pages.

### Assisted by WMC Vice Chair, Isabel Emerson-Lich and by other members of the committee, we have secured for the PLA website a series of case articles and academic pieces dealing with a range of topical subjects and the “counsel on the couch” video series has continued this year, to include an interview with PLA President Judge Elizabeth Cooke and interviews with leading counsel involved in cases such as the Tate Modern case. The committee members each act as a liaison between the WMC and their other respective committees, so that the WMC has its finger on the pulse and is ready to promote through direct communications or social media any new events, consultations or breaking stories from the law reform committee.

### The WMC has also liaised between Dellah and Mark from the PLA and Paul Browne of Meaningful, keeping Paul abreast of industry developments, PLA activities and changes within the PLA (including the announcement of the new D&I Committee), helping to place articles, interviews and comments in the property press, and maintaining the profile of the PLA and our Chair in the eyes of the property industry. Paul and Meaningful have made a tremendous contribution this year towards maintaining and elevating the profile of the PLA

## **The Regional Committee (Paul Barker)**

### Committee members are:

**Paul Barker (Midlands) – Chair, Stephen Goldie (Scotland) – Vice-Chair, Matt Pugh (North), Stuart Nevin (Northern Ireland), Emily Van Schalkwyk (South West & South Wales), Nicola Davies (South Coast)**

### The Regional Sub-Committees have been active in 2023 in arranging events for the benefit of members, both at a local and national level.

### Highlights of 2023 include the following events:

* Successful launch of the PLA in Northern Ireland, with litigation trends seminar
* Well attended Northern Training Day;
* Seminar on dilaps, MEES and the Building Safety Act with Landmark Chambers, in the Midlands
* JPLA soft skills/personal brand training in the Midlands;
* Bring a Surveyor event in the North;
* Seminar on applications to the FTT and waiver of forfeiture, with Gatehouse Chambers in the North;
* Seminar on current trends and issues in telecoms litigation, in Northern Ireland
* Seminar with Falcon Chambers, organised by the South Coast region in Bournemouth
* Seminar (Case Law Update) with Landmark Chambers in Newcastle Upon Tyne
* JPLA seminar and social with Kings Chambers in Manchester
* Livestreamed Panel discussion “Property Litigation in a Recession” with Wilberforce, Tanfield and Falcon Chambers, in Leeds and Birmingham
* JPLA social/networking event in the Midlands
* Networking event in Southampton
* Seminar and afternoon tea with Selborne and New Square Chambers, in Southampton
* JPLA Meet the Judges networking event, in Newcastle Upon Tyne

### There is already a healthy pipeline of events being planned for 2022/23, including:

* First PLA seminar in St Albans
* Seminar hosted by St Philips Chambers in the Midlands;
* Bring a Surveyor event in the Midlands;
* Joint PLA/PBA event in the South Coast region
* Seminar in Leeds, hosted by Trinity Chambers
* Northern Training day

### Objectives for the forthcoming year include:

* Continued growth of PLA (in membership and number of events) in Northern Ireland;
* Relaunch of East Anglia Region;
* Focus on events in Wales and in towns/cities where we have not traditionally held in person events;
* Each Region to hold at least one event per quarter;
* Increased collaboration with the PBA;
* Attendance by our President and regional events.

### I would like to thank all of the Regional Chairs (and their committees) for their contributions over the past 12 months. Thanks in particular to James Teagle, for deputising as Chair of the Northern Region. I look forward to another busy year in the Regions, with a growing number of events across all regions and a focus on expanding into areas where we have not traditionally held in person events.

## **The Junior PLA (Lindsey Whittle)**

### In the wake of Covid and as law firms slowly bring people back into the office, the JPLA's focus over the last year has been on networking and bringing members together where we can, as well as continuing to train our members with the ever-changing market in mind. There has been some stellar work put in by our committee members to progress these goals. Thank you to you all and for the support of the wider PLA.

### The current JPLA Committee members are:

### **Chair - Lindsey Whittle, Vice Chair - Erina Kourtis, Rachael Studman (to become chair), Perry Swanson (to become vice chair), Olenka Hrynchak, Lawrence Morley, Kay Cartwright. Megan Davis, Annabel Barrett. Heena Shah. Scotland - Sophie Airth; North/hybrid - Rachel Lindberg; Midlands - Sejal Johar; East - Chris Brand; South West - Emily Geens (now returned from maternity)**

### Over the course of the last year, we were sad to see Liberty Chappel and Ed Gardner in London, and Magnus Miller and Chloe Postlethwaite in Scotland, step down from the committee. They have all been stalwart members and I am hugely grateful for their time and support. Luckily, there are some excellent, keen and enthusiastic new recruits to take over.

### The JPLA is also saying goodbye to Erina Kourtis who has been a fantastic and supportive vice chair for a number of years and who is now moving to the Education and Training Committee where I am certain she will prove invaluable.

### Whilst there has been a focus on the benefits of in-person events, the shift in office attendance and desire for virtual events couldn't be ignored. Therefore, the JPLA has continued to hold hybrid events, particularly for training, which not only makes it easier for many members to attend but also means our events are available throughout the country, in line with the PLA's push for better representation in the regions.

### I mentioned in last year's report that we had reached out to other professional organisations such as BPF Futures and RICS Matrics to rekindle these relationships. They are now proving fruitful, giving JPLA members the chance to connect with a variety of professionals across the property industry.

### Event highlights from 2023 include:

#### **Nuts and Bolts training sessions** – mini-recession series: following the disastrous premiership of Liz Truss, and feeling the ongoing effects of Brexit and Covid, the start of the year saw the country plunged into economic uncertainty. The JPLA therefore sought to anticipate the issues that this shift might bring to the desks of our members, and held three seminars, as part of our series, on Insolvency for property litigators, Rent Reviews, and Vesting Orders. These were hybrid events and overall were well-received across the JPLA membership.

#### **Speed Networking with BPF Futures**: in April we joined forces with the BPF Futures and held an incredibly successful speed networking event, which gave members chance to speak to numerous other property professionals for 2 minutes, then to mingle and swap details afterwards with those who might be useful contacts. A similar event is planned to be held in the North next year.

#### **JPBA Social**: in true property litigator style, JPLA and JPBA members headed to the Tate Modern in September; not to look into people's windows, but to network over drinks and nibbles, with a lovely view of the Thames and St Pauls. It was great for members to catch up with their JPBA counterparts in a relaxed setting.

#### **Regional:** in line with the push from the PLA Chair, Dellah Gilbert, and the main PLA committee, for more regional events and more presence in the regions, the Midlands and North have been pushing ahead with a number of events. Highlights in the North include networking events with Kings Chambers and separately with local dilapidations surveyors, and in the Midlands a highly successful 'How to raise your brand' event. In Scotland, following Sophie's appointment as chair, the committee is being reinvigorated and plans are afoot for events in the new year.

### In addition to events, this year the JPLA have been conducting an overhaul of the written materials available to junior members. As well as updating the current checklists, a new insolvency checklist is being created and a Scottish v English Law paper is in the pipeline.

### The year ahead

#### The committee are already busy organising a number of events, including another clerks' event focussed on instructing Counsel, a networking event with RICS Matrics and an event for trainees to help expand the membership over time and to give trainees a real insight into a career in property litigation.

#### In January, a new 'In Conversation With' podcast will be recorded with Erina Kourtis, on life as an in-house property litigator.

#### The JPLA will also continue to support the other PLA sub-committees including the wellbeing committee and the newly formed D&I committee.

### That is as much as I can say for the future, as the rest will be left in the very capable hands of Rachael and Perry, with the rest of the committee. Whilst I am sorry to be stepping down, I am excited to see what comes next for the JPLA and to watch as they continue to grow, train and nurture the junior members of our beloved profession.

## **The Wellbeing Committee (Frances Richardson)**

### Members

### **Frances Richardson (Chair), Kristine Ng (Vice-chair), Lucie Barnes, Jacqui Joyce, Stephen Scott, Rachael Studman**

### The realisation that the PLA might usefully focus on wellbeing for the benefit of its members, came about following the PLA's first wellbeing survey in 2019. The 2019 survey was pre-pandemic, and 2023 felt like the right time to ask our members again how they were feeling and what the PLA could do to assist with any current challenges they faced.

### We therefore re-ran a wellbeing survey in early Summer 2023, with the original questions from the 2019 survey for consistency but supplementing them with questions such as how members had fared during the pandemic and whether hybrid working brought any new benefits or challenges.

### The Wellbeing Committee has an upcoming wellbeing blog to members which will delve into the results of the survey in more detail. However, in summary, the majority of members of all levels of seniority who completed the survey are still clearly facing challenges on the wellbeing front with their jobs creating high levels of stress. The picture is nuanced with some benefitting from the ability to work from home, while others find this isolating. Employers generally seem more engaged with employees' wellbeing post-pandemic, but some are failing to deal with the root causes of stress including unmanageable workloads and poor management.

### The Wellbeing Committee's programme over the year and looking forward into 2024 has drawn on the feedback from members about what the PLA can most effectively do to assist:

#### Speed mentoring: at the heart of the PLA is the connections formed between its members. The Wellbeing Committee took note of the survey responses saying it would be beneficial to have a safe space to discuss issues members are facing with people who work in the same environment and understand the pressures experienced. During the course of the year, we ran two online speed mentoring events giving more junior members the opportunity to discuss challenges they are facing with two more senior mentors per session. Feedback has been very positive from each side. We are grateful for the enthusiasm of all involved, particularly the mentors who have given up their valuable time for this initiative. We intend to run further speed mentoring events at regular intervals over the coming year.

#### The Committee continues to update resources on the PLA's website for people to contact if they need external help, and promote initiatives focusing on mental health e.g. World Mental Health Day to highlight that this is an important issue for the PLA.

#### We are planning a session on **mental health training for managers** as this was a recurrent theme that came up in the survey feedback.

#### We are planning an interactive online session led by Dr Rob Archer with tips on how to **survive and thrive in a high performance environment**.

#### We are planning a **showcase comedy event in early 2024** to shine a spotlight on the PLA's wellbeing initiatives with a **particular focus on men's mental health**. We particularly want to engage junior members of the PLA through this different format and style of event and allow members the chance to chat informally alongside our more structured events.

### I would like to thank the members of the Wellbeing Committee for their hard work and enthusiasm this year and look forward to the events we have planned for 2024.

**PLA AGM**

**22 NOVEMBER 2023**