

BUILDING AND FIRE SAFETY

Since the Grenfell tragedy and throughout the stages of what is now the landmark Building Safety Act 2022, we have been supporting an increasing number of clients with our market leading specialist team covering all aspects of cladding, building and related fire safety matters for all building types (including residential, hotels and commercial); from audits of property portfolios with values running into the billions, fire safety compliance advice, instructing fire engineering consultants to advise on compliance with the statutory requirements, advising on landlord and tenant implications, making applications for HM Government funding to bringing damages claims against responsible third parties.

HOW AG CAN HELP

ADVICE ON THE BUILDING SAFETY ACT AND FIRE SAFETY ACT

Compliance, rights and obligations.

Being one of the most significant legal changes to the built environment sector in a generation, it is key that you understand how the Building Safety Act applies to your organisation. Our bespoke sessions cover; the new regulatory processes, impact on procurement of residential developments, landlord and tenant implications, remediation and redress.

UNSAFE CLADDING PORTFOLIO AUDITS; INNOVATION AND EFFICIENCY

We use the latest software, developed and tailored by our Innovation & Legal Technology Team, to facilitate audits of property portfolios. We have used this technology to great effect providing a privileged platform to gather and sort key data, elicit gaps in records, create risk profiles in conjunction with client teams and their technical experts and extracting tailored MI reports in real time.

COMPLIANCE WITH FIRE SAFETY LEGISLATION

Advice in respect of the Fire Safety Act 2021 and Regulatory Reform (Fire Safety) Order 2005, including advising clients what their obligations as a Responsible Person are, particularly where the property is managed by a third party, what disclosure obligations are in place and the relevant enforcement powers of various statutory agencies.

SECURING GRANT FUNDING FROM HM GOVERNMENT; RESIDENTIAL BUILDINGS

We continue to work closely with clients to secure funding for remedial works to qualifying unsafe cladding on residential buildings; assisting in the preparation of applications to the Department for Levelling-up, Communities and Local Government and its agencies, Homes England and The Greater London Authority under the Building Safety Fund which has re-opened for applications and successfully negotiating grant funding agreements.

As part of making successful applications for funding, our support to clients also extends to advising on, and drafting communications for, statutory consultation with leaseholders, advising in relation to trust accounts and drafting trust deeds and drafting remedial works building contracts and consultant appointments; providing a complete legal service.

RECOVERY OF REMEDIAL COSTS FROM RESPONSIBLE THIRD PARTIES; REPAYMENT OF GRANT FUNDING AND BUILDING SAFETY ACT IMPLICATIONS; IMPACT

A recipient of HM Government funding for remedial works is required to pursue third parties to recover the costs of the remedial works / funding. In addition, there are an increasing number of developments which are being remediated / funded by developers / owners. With our experience spanning over 25 years of dealing with high value design liability and construction professional negligence claims, (and now with the unprecedented rights given by the Building Safety Act, including the 30 year limitation period for Defective Premises Act 1972 accrued rights claims) and the piercing of the corporate veil which exposes group companies and others to those liabilities, we place clients in the strongest position to secure a settlement as quickly and efficiently as possible. Building and fire safety claims require an investigation as to the responsibilities of the original design / construction teams in the context of compliance with statutory requirements and the relevant contracts. We have already advanced numerous claims against contractors, architects and fire engineers to recover the cost of necessary remedial works, interim safety measures plus professional fees and costs. A number of matters have been settled pre action, preserving relationships between the parties with others being pursued in litigation, with the aim of a mediated solution.



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