

Buildings and operational liabilities - are you covered?

John Kelsey

Felix Zimmermann

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Your speakers today



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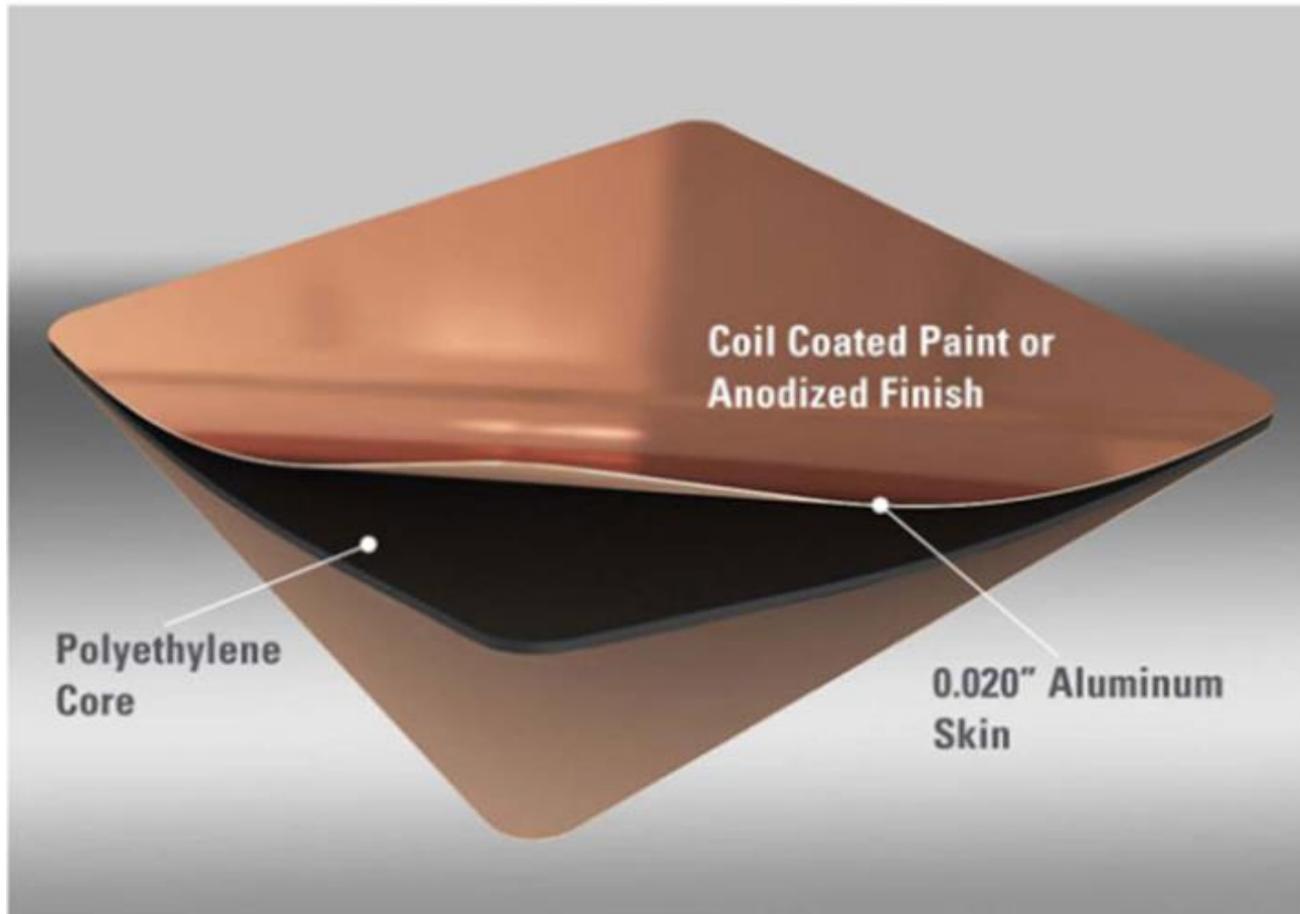
David Lyle

Senior Vice President
- Construction at
Lockton Companies

Outline

- Buildings with real or potential FLS issues
 - Cladding is just one primary example
- What legal duties exist?
- Is there a false sense of security created by the Building Regs regime?
- Who is responsible for FLS related defects?
- What options are available for public bodies, owners (and their lenders) and occupiers?

ALUCOBOND® PE



Building Control
Canary Wharf

Officer: P Crump
Tel No: 020 7364 5258
Fax No: 020 7364 5265
My Ref:

Dear Sir / Madam

BUILDING REGULATIONS
REFERENCE NO:

THE BUILDING ACT 1984
THE BUILDING REGULATIONS 1991 (AS AMENDED)

FIRE SAFETY COMPLETION CERTIFICATE

1	ADDRESS OF BUILDING OR PART: Canary Wharf, London, E14
2	DETAILS OF WORK - DESCRIPTION:
3	DATE FULL PLANS WERE DEPOSITED: 6 August 1999
4	DATE ON WHICH INSPECTION OF BUILDING WORKS WAS MADE: 19 May 2000
5	STATEMENT OF COMPLIANCE: It is hereby certified that the building works described above have been inspected and as far as this Authority, after taking all reasonable steps, have been able to ascertain, comply with Part B of Schedule 1 (Fire Safety) of the Building Regulations. NAME OF AUTHORISED OFFICER: F. McManus SIGNATURE:  DATE: 25 May 2000 For Head of Building Control

This Certificate relates only to the Building works described above. This Certificate does not relate to any work carried out to which the regulations did not apply on this occasion. This Certificate does not indicate compliance with any other requirements of the Building Regulations.

“It is hereby certified that the building works described have been inspected and as far as this Authority, after taking all reasonable steps, have been able to ascertain, comply with Part B of Schedule 1 (Fire Safety) of the Building Regulations”



Building Regulations Certificate of Completion

The Building Act 1984 (as amended)
The Building Regulations 2010 (as amended)

Reference Number: 1

Applicant/Agent:

Description of Work:

Category A fit out to floors one and ten

Location of Building:

Manchester

Deposit of Particulars:

A Full plans application was deposited on 2014 under the Building Regulations Section 1(3) of the Building Act 1984.

Work Completed on: 2015

Compliance with the Building Regulations as stated in Regulation 17:

The above mentioned work has been inspected by the Building Control Section of Manchester City Council and as far as can be ascertained the work has been carried out so that the relevant provisions of the Building Regulations have been complied with.

Limitations of the Certificate:

This document does not convey approval under any other legislation other than the Building Regulations and associated legislation. A 'Certificate of Completion' is evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with. A 'Certificate of Completion' is not an approval of the quality of the work carried out.

Signed: __

Building Control Surveyor

“The above mentioned work has been inspected ... and as far as can be ascertained the works have been carried out so that the relevant provisions of the Building Regulations have been complied with.”

A “Certificate of Completion” evidence (but not conclusive evidence) that the requirements specified have been complied with...”

Section 51 of the Building Act 1984
The Building (Approved Inspectors etc.) Regulations 2010 ("the 2010 regulations")

FINAL CERTIFICATE

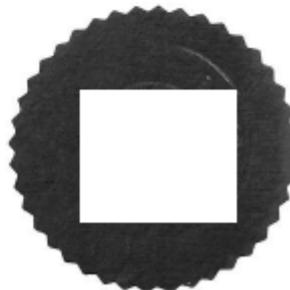
1. This certificate relates to the following work:
Refurbishment and alterations to existing hotel -
London, I. - _____
2. I am an approved inspector and the work described above was the whole of the work described in an initial notice given by me dated _____ 2011.
3. Subject to what is said in paragraph 4 below, the work described above has been completed and I have performed the functions assigned to me by regulation 8 of the 2010 Regulations.
4. Final certificates have now been issued in respect of all the work described in the initial notice referred to in paragraph 2 above.
5. With this certificate is the declaration, signed by the insurer that a named scheme of insurance approved by the Secretary of State applies in relation to the work to which the certificate relates.
6. The work is not minor work.
7. I have had no professional or financial interest in the work described above since giving the initial notice described in paragraph 2 above.

“...the work described above has been completed and I have performed the functions assigned to me by regulation 8 of the 2010 regulations”

Signed

For: Building Control Services

Date September 2012



Tower residents told to pay £500,000 to replace Grenfell-style cladding

Tribunal rules that leaseholders in Croydon block are responsible for making building safe

The Telegraph 'Cost of fixing Grenfell cladding on my upmarket riverside flat is £40,000'



Grenfell: Minister warns building owners over re-cladding costs

12 JUNE, 2018 | BY ZAK GARNER-PURKIS



Student buildings still covered in Grenfell-style cladding

Fifty-four student residential towers have material similar to that at Grenfell Tower



Grenfell Tower fire: Premier Inn expresses concern over cladding on three hotels

Cladding microsite



After the tragic events at Grenfell Tower we have seen a huge surge in claims involving cladding (particularly cladding systems which include Aluminium Composite Materials). We are acting on a number of these claims and this page is intended to provide you with materials that are relevant to dealing with such claims.

We hope that you find these materials useful. If you have any comments or would like to see further materials added then please contact Emily Monastiriotis, Partner at Simmons & Simmons LLP, on +44 20 7825 5718 or by email at emily.monastiriotis@simmons-simmons.com.

Latest news

Construction blog

Our latest blog post in the series on the Hackitt Final Report - ["The new regulatory framework"](#) - considers the further ways in which the final report proposed how the new regulatory framework for building safety should be underpinned.

Expand all +

Simmons & Simmons produced documents +

Hackitt enquiry and government related documents +

Industry technical guidance notes +

Regulations +

Key contacts



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Construction Breakfast Briefing - Cladding Claims



The discussion focused on the potential impact of the findings and recommendations outlined in the report, including professional negligence claims and associated risks for the construction and insurance sectors.

Our cladding microsite

“It is unnerving to think that we allow buildings this difficult to design and construct to go up in the midst of our major cities, with thousands of people inside and tens of thousands more living and working nearby. Doing so seems risky and unwise. But we allow it based on trust in the ability of the experts to manage the complexities.

The biggest cause of serious error in this business is a failure of communication.”

The checklist
manifesto: How
to get things right

Atul Gawande