

CLADDING AND FIRE SAFETY

Since the Grenfell tragedy we have been supporting an increasing number of clients with our market leading specialist team covering all aspects of cladding 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 Building Regulations, making applications for HM Government funding to bringing damages claims against responsible third parties.

HOW AG CAN HELP

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 STATUTORY REQUIREMENTS

Advice in respect of the 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.

REPAIRING OBLIGATIONS AND SERVICE CHARGE

Advising on the often complex obligations on the Landlord to repair the structure of a building, together with related service charge consultation and recovery, independently or as part of the application for HM Government funding.

SECURING GRANT FUNDING FROM HM GOVERNMENT; RESIDENTIAL BUILDINGS OVER 18M

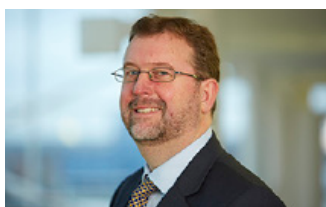
We have worked closely with clients to secure funding for remedial works to qualifying unsafe cladding on residential buildings; assisting in the preparation of applications to the Ministry of Housing, Communities and Local Government under the Private Sector ACM Cladding Remediation Fund; establishing leaseholder liability for the cost of remedial works, review of State Aid requirements and successfully negotiating the funding agreement.

Attention is now turned to the £1billion Non-ACM Cladding Remediation Fund the prospectus and registration information for which was issued on 26 May 2020. **The registration process is open to applicants from 1 June 2020 and closes on 31 July 2020. The prospectus warns that applications for funding will only be available to those who register.** Our experience will help clients secure further funding to enable buildings to be made safe, where those remedial works have not already been carried out, and / or to claim for funding retrospectively where remedial works have already been carried out.

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 DAMAGES FROM RESPONSIBLE THIRD PARTIES; REMEDIAL COSTS / REPAYMENT OF GRANT FUNDING; 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. With our experience spanning over 25 years of dealing with high value design liability and construction professional negligence claims, we place clients in the strongest position to secure a settlement as quickly and efficiently as possible. Cladding and fire safety cases 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 architects, fire engineers and contractors 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, amicably and preserving relationships between the parties with others being pursued in litigation, with the aim of a mediated solution.



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