

CITY OF LONDON LAW SOCIETY – CONSTRUCTION LAW COMMITTEE
Minutes of meeting held on Wednesday 19th June 2019 at Allen & Overy LLP, One
Bishops Square, London, E1 6AD

In attendance:

John Hughes-D'Aeth (Chair)
Matthew Jones (Vice-Chair)
Kevin Hart (CLLS)
Alex Cunliffe
Alistair McGrigor
Drew Norman
Paul Starkey
Paul Cowan (via conference call)
Richard Hill
Victoria Peckett
Eleanor Milne (Secretary)

Apologies for absence

Apologies had been received from Julia Court, James Pratt, Andrew Thornton, Francis Ho, Angus Dawson, Stephanie Canham, Richard Ceeney, David Metzger, Nicholas Downing and Gillian Thomas.

Minutes of last meeting

The Minutes of the meeting held on 21st March 2019 were approved and will be posted on the CLLS website.

Membership of the Committee

The Chair reminded members that, if replacement members of the Committee are needed, then the Committee is required to advertise the vacancies to member firms and invite people to apply.

Kevin Hart confirmed that an advertisement for applications would be published by the end of the week and any applications received could be discussed at the next meeting.

The Committee undertook to promote applications to contacts at member firms.

Update on current activities

Tenant's works and insurance: There has been no feedback as yet from the Land Law Committee on the draft note that was issued by Victoria Peckett. It was noted that the Land Law Committee was meeting next week and there may be some feedback following this. Kevin Hart also agreed to see if he could report back after the Land Law Committee meeting.

Retentions: No response has yet been received from BEIS to the Government consultation on retentions, nor on the CLLS submission that was sent to them on 3rd December 2018. Francis Ho will continue to monitor the situation.

Security assignments in lending transactions: Marc Hanson is progressing the development of this work stream.

Due diligence reporting: The draft framework was discussed by the Committee. It was agreed that the framework would be reviewed further by the sub-group led by Matthew

Jones (taking account of comments received) and that following the completion of this review a final draft would be issued to the Committee for consideration by members.

Other business

Insurance market update: It was reported that contractors were seeing increases in premia, but the majority of insurance was still available on the general UK insurance market. Foreign insurance markets are seeing huge increases in premia and the Committee noted that there may be issues on financings in the future whereby the expense of obtaining insurance could lead to borrowers being unable to comply with their insurance covenants in loan agreements.

Foundation Level Training Programme: The Chair reported that an additional speaker and 2 more venues were still required for the Foundation Level Training Programme. Matthew Jones indicated that Taylor Wessing could make a venue available and Eleanor Milne confirmed that A&O would be happy to provide the other required venue. Kevin Hart confirmed that the CLLS was keen to give the training maximum exposure (its public relations company are lined up to help with advertising) and that the Chair of the CLLS, Ed Sparrow or the Chief Executive of the CLLS, David Hobart would attend the first session.

CLLS Chairs Meeting: The Chair reported that the CLLS Chairs meeting was dominated by discussions on Brexit and that the Brexit Law Committee was liaising with the Ministry of Justice. The Chair also noted that the CLLS Lifetime Achievement Award nominations were open and that the deadline is 13 September 2019.

Potential future work: The Committee agreed to review and update the forms of Novation Agreement and Letter of Intent and the accompanying guidance notes, so that these can also be published on Practical Law. The Chair invited volunteers to form sub-groups to undertake these reviews. [**Post meeting note:** Francis Ho, Matthew Jones and Nick Downing have agreed to review the Letter of Intent and Marc Hanson, Paul Cowan, Alex Cunliffe and James Pratt the Novation Agreement.]

Communications within CLLS member firms: Kevin Hart reported that the CLLS is focussing on engaging with younger lawyers and exploring the social mobility challenges faced by City law firms.

Development Management Agreement: The Chair reported that the updated template DMA had been published by the Land Law Committee, taking into account some (but not all) of the comments made by the Committee. The Land Law Committee had indicated that they would welcome further feedback on the revised template.

Laing O'Rourke Factory Visit: Alex Cunliffe reported that she would be happy to arrange for members of the Committee to visit the LOR modular offsite construction factory in Worksop.

Date of next meeting

The next meeting will be held on 11 September 2019.