

CITY OF LONDON LAW SOCIETY – CONSTRUCTION LAW COMMITTEE
Minutes of meeting held on Wednesday 11th September 2019 at Bryan Cave
Leighton Paisner LLP, Adelaide House, London Bridge, London EC4R 9HA

In attendance:

John Hughes-D'Aeth (Chair)
Matthew Jones (Vice-Chair)
Kevin Hart (CLLS)
Gillian Thomas
Marc Hanson
Nicholas Downing
Richard Ceeney (via conference call)
Alistair McGrigor
Richard Hill
Francis Ho
Paul Starkey
Paul Cowan (via conference call)
Richard Hill
Stephanie Canham
Julia Court
Eleanor Milne (Secretary)

Apologies for absence

Apologies had been received from Alex Cunliffe, Drew Norman, James Pratt, Fiona Edmond, Jane Jenkins, Andrew Thornton, Victoria Peckett, Angus Dawson and David Metzger.

Minutes of last meeting

The Minutes of the meeting held on 19th June 2019 were approved and will be posted on the CLLS website.

Membership of the Committee

The Chair updated the Committee that an advertisement for new members had been posted on the CLLS website and that if members know of interested persons please could they pass on the link to the advertisement (Kevin Hart and the Chair to circulate the link to members).

Matthew Jones suggested targeting contacts at certain firms who were not yet members and there was a discussion regarding further industry representatives.

Members undertook to continue to promote applications to contacts.

Update on current activities

Foundation Level Training Programme: The Chair reported that logistics and speakers for the Foundation Level Training Programme has been resolved. Kevin Hart confirmed that the Chair of the CLLS, Ed Sparrow or the Chief Executive of the CLLS, David Hobart would attend the first session and that there would be a CLLS representative present on all days to welcome attendees. The Chair confirmed he was meeting with the public relations company used by CLLS on 24 September to discuss promotional material.

Tenant's works and insurance: The Land Law Committee is due to meet on 25 September and it is expected that this issue will be discussed and feedback passed on to Victoria Peckett.

Updates to Letter of Intent and Novation Agreement: The Committee Sub-Groups are progressing the reviews of the Letter of Intent and the Novation Agreement. The Chair reminded members that Practical Law are keen to host these precedents (acknowledging them as CLLS documents), as they do with the Escrow Agreement. It was suggested that LexisNexis may also be interested in doing so and the Chair undertook to pursue this.

Security assignments in lending transactions: Marc Hanson confirmed that the draft is ready to share with the Financial Law Committee and the Chair confirmed that this would be actioned.

Due diligence reporting: The Committee Sub-Group is continuing to review the framework and is consolidating comments and expects to issue a final draft in due course.

Reverse charge to VAT: The Committee noted that the Government had decided to delay implementation of the reverse charge until October 2020. However, it was apparently still set on introducing the charge. The Chair undertook to raise this issue with the Revenue Law Committee.

Other business

Insurance market update: Andrew Thornton reported that the professional indemnity (PI) insurance market is undergoing significant wholesale changes which are affecting availability and pricing for contractors. Lloyds had identified PI as its worst performing insurance and insurers are increasingly looking to minimise their exposure to PI related risks. Consultants' PI policies have not been as heavily impacted as yet, but it is expected that there will be movement in this area in the near future. The Committee also considered cyber risk in the context of insurance, as Lloyds has confirmed that property policies must affirm or exclude cyber risk. The Chair agreed to raise these issues with the Insurance Law Committee.

CLLS Lifetime Achievement Award: The Chair reminded the Committee that the deadline for nominations for the Lifetime Achievement Award was the end of the week.

Communications within CLLS member firms: Kevin Hart reported that the CLLS is moving to a new live website at the end of September and is committed to promoting and attending the Foundation Level Training.

Development Management Agreement: The Land Law Committee will welcome further feedback on the revised template.

Date of next meeting

The next meeting will be held in November 2019 after the Foundation Level Training.