

JCTNEWS

THE JCT CONTRACTS UPDATE FOR THE CONSTRUCTION PROFESSIONAL

'PARKSIDE' – IMPERIAL WAR MUSEUM HQ, LONDON

The Imperial War Museum's (IWM) new office headquarters, known as Parkside, combines cutting edge offsite construction and the latest in architectural design to deliver a high-performance building with traditional touches that respect its local surroundings. The building provides a new hub for the IWM to continue its mission to improve public understanding of war and conflict through its exhibitions, events, and programming. A JCT Design and Build Contract was the form of choice.

Parkside is a three-storey modular block that provides office space for the IWM in Lambeth, South London. Overlooking the Geraldine Mary Harmsworth Park, the building sits on a site behind the IWM's existing Grade II-listed All Saints Annexe building. The new building is the principal headquarters for IWM staff – a central hub for employees situated close to the main museum in South London, and to relocate staff working at the current Annexe building, which is due to be repurposed for lease office space. In total, Parkside provides flexible workspace for over 180 staff.

The tight project timescale and limited sight space meant that offsite construction was considered from the start. Offsite specialist contractor Reds10 were engaged to work with architect, Jestico + Whiles. The aim for project team, beyond using offsite construction as a



Imperial War Museum HQ

workaround for the site and timescale restraints, was to achieve the highest possible standards in architectural design and modular construction. The outcome was to deliver a functional and sustainable building that maximised stakeholder and community engagement. Throughout the design and

development stages, the project team worked extensively with IWM's teams to understand how the building's workspaces should be used, whilst developing a scheme to address feedback from neighbours.

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Externally, the building's design blends with the Georgian townhouse vernacular of the surrounding local area in such a way that the use of modular construction is hard to recognise. The modular structure is disguised by a façade of light grey brick constructed in a more traditional way, arranged in a rectangular grid of recessed bays. The historic boundary wall to the park was also reconstructed to contain deep notches which form windows to the ground floor, and the main entrance gate from the park. The outermost masonry planes are coursed vertically to reinforce the openings and the recesses are highlighted with angled brick cills and corduroy panels. The vertical double-height windows, a further echo of the surrounding Georgian style, are framed in dark bronze and, along with the cladding, contrast with the masonry and provide a visual link back to the All Saints building.

The external design and construction were not just set up with the aim of blending in with the surroundings. Their integration has been configured at each stage to balance the works onsite and the works in the Reds10 factory – including the brick façade, multi-angle splays and double height windows. Techniques including 3D laser scanning of the building's units, creating multiple building prototypes, and careful selection of materials, ensured that the quality level could be achieved whilst minimising risk and meeting the tight tolerances.

The purpose of Parkside is to provide a creative hub for innovative thinking and collaboration between the museum's teams. The building also supports a commitment to develop smarter working practices. The building's interior space has been designed to maximise the potential of these working practices. Simply arranged over three floors, the ground-floor houses the shared facilities, including a café, breakout spaces, and welfare facilities. The two upper floors provide a combination of open workspace and formal and informal meeting areas. Both the first and second floors are able to have the layout of the shared spaces fully reconfigured, with the use of raised access floors. This enables the building to have a level of flexibility to meet a variety of uses and long-term needs.

By using the modular construction, the building's floor plates are able to be completely column-free, providing 14m clean spans of space. This is achieved despite having to support 100 tonnes of material, including a brown roof and photovoltaic panel array. The double height windows spanning multiple modules enable the internal spaces to benefit from floods of

natural light and views across Geraldine Mary Harmsworth Park.

Sustainability was a key driver in establishing the building's performance criteria, and in turn its offsite design and construction approach. The project is due to achieve BREEAM 'Excellent' rating, due to a number of features, including the use of triple aspect workspaces using natural ventilation and daylight strategies to minimise demand on active systems, a roof fitted with solar energy panels, a cycle store for 70 bicycles and an electric car charging port to promote sustainable modes of transport, the use of whole-life carbon and embedded carbon construction impact assessments, and the deployment of SMART building technology to help reduce overall energy use and drive 100% space productivity.

The success of Parkside owes much to the collaborative nature of the project and how this approach has been integrated through the project team and its stakeholders. It has enabled the development of a building that combines the very best of architectural design with modern methods of construction. The project team were connected digitally through Red10's common data environment, 'Autodesk Construction Cloud'. This provided a single input point for all parties – client, architect, factory, site staff. The system was able to generate virtual-reality walkthroughs in real time, which meant the parties could collaborate throughout the project lifecycle. Beyond the collaboration within the project team, Reds10 also achieved a Considerate Constructors 'exceptional' score in relation to community engagement. Putting industry best practice at the forefront of the project, they hosted several local apprentices and invested in projects to benefit the local community.

By embedding offsite construction within the architecture and design, this project has pushed the level of quality that can be achieved. With close collaboration, this has resulted in the creation of an impressive and functional space that still benefits from being sustainable and flexible. The use of the JCT Design and Build Contract helps to underpin and support that complexity – where offsite design meets traditional building onsite, and where extensive collaboration across the project team is desired. Where technological credentials in buildings are often displayed ostentatiously in the design, a building that is also sensitive to its historic surroundings, such as Parkside, really does point a way for the future of construction.

PROJECT DATA

START:.....FEBRUARY 2020
 END:JANUARY 2021
 GROSS INTERNAL FLOOR AREA:.....1,063M²
 CONTRACT:.....JCT DESIGN AND BUILD
 CONTRACT 2016
 CLIENT:IMPERIAL WAR MUSEUMS
 ARCHITECT:.....JESTICO + WHILES
 MAIN CONTRACTOR:REDS10
 STRUCTURAL ENGINEER:DESIGN ID
 M&E CONSULTANT:DELAP + WALKER
 QUANTITY SURVEYOR:.....REX PROCTOR + PARTNERS
 LANDSCAPE ARCHITECT:.....EDEN LANDSCAPE ARCHITECTS

ACOUSTIC CONSULTANT:.....DBX ACOUSTICS
 PROJECT MANAGER:.....AMR CONSULT
 APPROVED BUILDING INSPECTOR:MLM
 CAD SOFTWARE:.....REVIT

ENVIRONMENTAL PERFORMANCE DATA:

ON SITE ENERGY GENERATION:.....18.72 %
 AIRTIGHTNESS AT 50PA:.....3.34 M³/N.M²
 HEATING AND HOT WATER LOAD:16.41 KWH/M²/YR
 OVERALL AREA-WEIGHTED U-VALUE: ...0.37 W/M²K
 DESIGN LIFE:.....15 - 60 YEARS
 ANNUAL CO₂ EMISSIONS:.....12.30 KGCO₂/M²/YR

GRENFELL AND THE DRAFT BUILDING SAFETY BILL

MICHAEL HASTE – DIRECTOR, PASCALL+WATSON

Since the tragic Grenfell Tower fire in June 2017 we have within the construction industry started to see a number of important developments that will ultimately re-shape our industry for many years to come. These will have far-reaching consequences on many of us but may have limited impact on others, but all should expect to see change of one form or another. Grenfell should never have happened and the fact that it did will remain for many years to come as a stain on our industry and one that should affect us all and ultimately change us all. My own immediate response to the fire was that it was not possible for it to be happening – a building built or refurbished to modern day standards could not possibly be on fire in the way that this building was – it defied my knowledge and understanding as an architect of what I thought the regulations provided for. But of course it did happen and we have hopefully all learnt the many reasons why it happened. But have we? Have we all read the Grenfell Tower Inquiry reports to date? Have we all read and understood Dame Judith Hackitt's independent review of the building regulations and her condemnation of the construction industry in 'Building a Safer Future'? And have we all read and understood the impact that the draft Building Safety Bill and recent Fire Safety Act, 2021 will have on our industry?

Grenfell Inquiry Phase 1 report

The Phase 1 Inquiry Report Overview published in October 2019 lists many areas where failures occurred both before and during the Grenfell Tower fire within the design, construction, operation, maintenance, fire-fighting, communication and cooperation between the emergency services on the night in question. What has struck me most reading the Report Overview has been just how many instances of failure occurred in this tragedy with almost no area free of some form of defect. From failures of the Tenant Management Organisation (TMO), to failures of the Local Authority, the Royal Borough of Kensington and Chelsea (RBKC), to design and construction defects in the external cladding and fire cavity barriers, to defects in the Building Regulations Approved Document Part B Volume 1 (Residential Dwellings), and then onto failures on the night in question with the lack of provision of plans of the building, of fire-fighting lifts that couldn't be taken under control, to emergency service radio failures, to ineffective fire doors and to a failure of cooperation between the three main emergency services (the MPS, LFB and LAS), where each declared 'major' incidents at different times during the night without informing the others (to some degree preventing the RBKC from enacting their obligations under the Civil Contingencies Act 2004), and lastly, onto the TMO whose own emergency plan was not enacted and anyway was 15 years out of date.

The Grenfell Tower Inquiry Phase 1 Overview Report is only the beginning of Sir Martin Moore-Bick's Inquiry concentrating largely on what happened on the night in question. The Phase

2 review remains on-going but of course has been affected by COVID-19 restrictions throughout 2021 and into 2022 and as such is behind its original reporting programme. It currently expects to report its findings around the latter part of 2022 if its current programme remains on target. The Phase 2 Report is expected to cover mainly the building itself, and will typically cover areas including the decisions leading to the use of highly combustible ACM rainscreen panels and combustible insulation on the outside face of the refurbished tower block, the marketing, testing and certification of materials used in the refurbishment, the role fire doors played in the ensuing fire, the revised window arrangements installed as a part of the refurbishment (which ultimately appears to be reason why fire initially spread to the outside face of the building), the operation of the fire-fighting lifts during the emergency, and the role played by the London Fire Brigade. The Inquiry has reported that some areas no longer require further investigation and this includes the role the escape stairs played during the fire, whether the supply of gas played any part in the fire (it didn't - its contribution was minimal) or whether the fire was caused by a surge in the supply of electricity to the Tower, which has been discounted as there is no evidence that this occurred.

Building a Safer Future

If you work as a professional within the construction industry and you have not read Dame Judith Hackitt's review 'Building a Safer Future' published in May 2018 reporting on the regulatory regime surrounding the construction industry at the time of the Grenfell fire, then I would strongly urge you to do so. The report pulls few punches and describes the industry that we all work in as having cultural issues across the sector, which she describes as a '*race to the bottom*', caused either through ignorance, indifference, or because the system does not facilitate good practice. Dame Judith goes on to say that the regulatory system covering high-rise and complex buildings was '*not fit for purpose*' and that there were '*deep flaws in the current system*' which need to undergo significant if not wholesale reform. These are statements that we must all read, listen and react to if we are not to become secondary and irrelevant in the business world we have inherited and strive to work in. These are not small criticisms – they are game changing remarks that must be respected and we as an industry must come back with solutions to try to change our roles and responsibilities for good so that a fire the likes of Grenfell Tower is not capable of happening again.

Fire Safety Act 2021

This Fire Safety Act received Royal Assent on 29 April 2021 and makes provision about the application of the Regulatory Reform (Fire Safety) Order 2005 where a building contains two or more sets of domestic premises and now confers powers to amend that Order in future for the purposes of changing



the premises to which it applies. Prior to this the Regulatory Reform Order applied to non-residential properties. The new Act clarifies that the responsible person or duty-holder for multi-occupied, residential buildings must now manage and reduce the risk of fire for:

- the structure and external walls of the building, including cladding, balconies and windows;
- entrance doors to individual flats that open into common parts.

The Act also provides a foundation for secondary legislation to take forward recommendations from the Grenfell Tower Inquiry Phase 1 report, which stated that building owners and managers of high-rise and multi-occupied residential buildings should be responsible for a number of areas including:

- regular inspections of lifts and the reporting of results to the local fire and rescue services;
- ensuring evacuation plans are reviewed and regularly updated and personal evacuation plans are in place for residents whose ability to evacuate may be compromised;
- ensuring fire safety instructions are provided to residents in a form that they can reasonably be expected to understand;
- and ensuring that individual flat entrance doors, where the external walls of the building have unsafe cladding, comply with current standards.

Draft Building Safety Bill

The draft 'Building Safety Bill' issued for consultation in July 2020 is the Government's response to Dame Judith Hackitt's overreaching review of the regulatory framework of the construction industry as a whole and represents a wholesale proposal of reform under which clients, designers, contractors and suppliers will be required to work in the future. The Bill is expected to become law sometime in 2023 and the changes enshrined by the Bill will have far reaching consequences on many aspects of the construction industry in order to provide for improved building and fire safety aspects of high-rise residential buildings in particular, with the aim that residents of those buildings will be safer in their homes. This is largely expected to be achieved by the introduction of accountability in the design typically of 'higher-risk' buildings, making it clear where the responsibility for health and safety risks lie throughout the design, construction and occupation of buildings. These requirements are to be backed up by tougher sanctions for those who fail to meet their obligations.

To begin with the draft Bill proposes the role of a new national Building Safety Regulator sitting within the Health and Safety Executive and accountable to the Secretary of State for Housing, Communities and Local Government. The role of the Regulator comes with wide ranging powers for the

implementation of the new regulatory regime, for over-seeing works on 'higher-risk' buildings and the authority to approve, stop, or provide for special measures on building projects that fall under its powers. This is to be achieved by establishing three advisory committees with whom the Regulator will consult on building, competence and resident representation. The Regulator will also oversee change to both Local Authority Building Control and independent Approved Inspectors by the implementation of codes of conduct, disciplinary procedures and suspension of registration if felt necessary. Approved Inspectors' functions are to be transferred to registered building control approvers.

Part 3 of the draft Bill proposes the establishment of competency requirements on 'dutyholders' who work on 'higher-risk' buildings, typically including those we have become used to under the CDM Regulations, being clients, designers and contractors. This duty falls not just to those undertaking the works but also to those appointing them. It is expected that a new 'gateway' system of checks at the early planning and design stages, pre-construction stage and pre-occupation stage will provide evidence that fire and other safety matters have been considered, that proposed works meet the functional requirements of the Building Regulations and that a 'golden thread' of digital information is provided to building owners and managers but that is also in part made available to residents, tenants and leaseholders to review at any time. It is expected that the above requirements will be further set out in secondary legislation expected to be passed following the bringing into law of the Bill.

The draft Bill also establishes two further new roles – those of the Accountable Person and the Building Safety Manager. The former role is for a body or individual to be legally responsible for the safety of 'higher-risk' buildings, who will have responsibilities over either common parts of a building or a repairing obligation in respect of those parts. This role will require the Accountable Person to have on-going obligations to assess, review and prevent fire and other safety risks within a building and to provide updated information on those risks and then to apply for a Building Assurance Certificate before a building can be occupied. The Accountable Person must also appoint a Building Safety Manager being the person responsible for the day-to-day management of fire and structural safety in a 'higher-risk' building. These two roles are required to proactively engage with residents in providing them with key information about all aspects of their building including design, construction and on-going repair and maintenance issues. The Bill also provides for residents to cooperate with the Building Safety Managers, to keep their properties in good repair and not to damage fire safety aspects or equipment within the building. Breaches of the building safety regime and breaches by dutyholders of their safety obligations are to become criminal offences,

whilst breaches of the Building Regulations are to become punishable for up to 10 years (extending the current period for such offences from 2 years).

Lastly, Part 5 of the draft Bill proposes:

- the establishment of a new Homes Ombudsman to allow for complaints to be made by residents where they feel their complaints have not been dealt with by their Landlord;
- for the Secretary of State to establish a new regulatory regime for the marketing, testing and supply of construction products in the UK;
- and for the Architects Act 1997 to be amended to provide for monitoring of the competence of architects. Whilst architects are currently 'expected' to be competent to undertake their works under their ARB Code of Conduct, they are only required to be monitored by their professional body, the RIBA, not by their regulatory body – this will now change.

Much of what is proposed in the draft Bill is still required to be enacted by way of secondary legislation and it is unclear how long such legislation will take to be brought in and how and when it will apply to both new and existing buildings that fall under its scope. What is clear is that nearly some 4 years after the Grenfell tragedy our industry as a whole does not yet have an agreed way forward to provide confidence to others that we are fully in control of what we are doing and with the reporting from Phase 2 of the Grenfell Tower Inquiry still awaited we do not know exactly what other consequences may still be playing out that will affect the way that we as clients, designers, constructors and suppliers will have to change the way we work to ensure the buildings we design, construct and refurbish are safe for their occupiers and users.

This article was written in June 2021.



JCT TRAINING ONLINE – keep informed about Autumn 2021 course dates

Sign up to the JCT Network to keep informed about Autumn 2021 course dates. You will be the first to know what courses are running, who the expert trainers are and the dates available to book. Go to our website to join: corporate.jctltd.co.uk/jct-network

Four things to know about JCT Training Online:

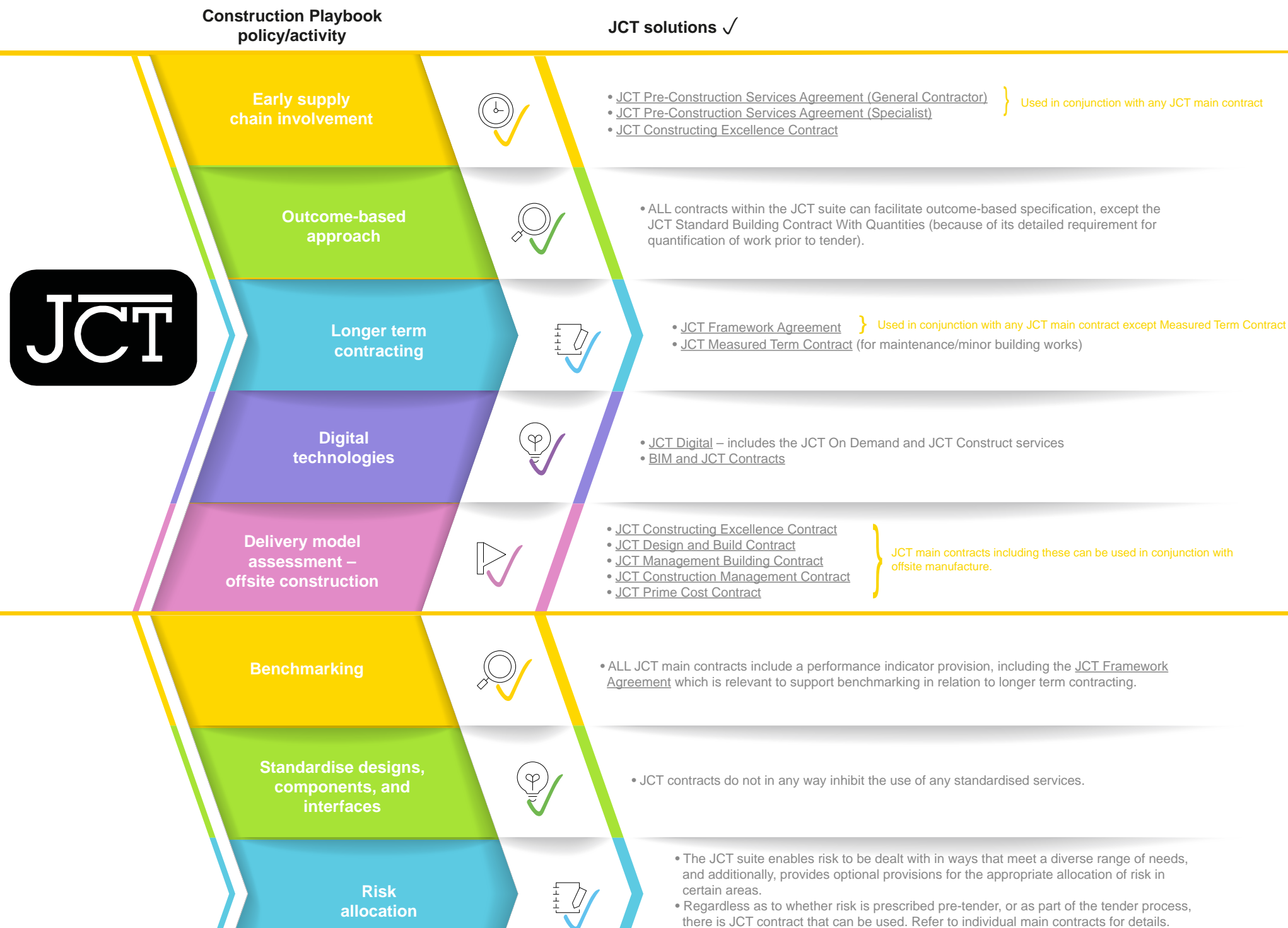
- Courses are 3 hours duration, delivered as live broadcast webinars.
- Courses feature the same expert trainers as our face-to-face courses – all either past or current members of the JCT Council or JCT Drafting Sub-Committee.
- Interactivity is provided with the ability to ask questions through the interface during set aside Q&A segments.
- You will receive course materials, a pre-event questionnaire to establish priority topics, and will be able to test and troubleshoot any technology issues ahead of time to make sure your course runs smoothly on the day.

Find out more about JCT Training Online at www.jctltd.co.uk/jct-training



Construction Playbook delivered through the use of JCT Contracts

Our handy graphic shows the key policy areas and activities of the Construction Playbook for which JCT provides options – in terms of contracts, services, guidance, and other products... For a detailed breakdown, we recommend you read our article '[JCT Contracts Meeting the Objectives of the Construction Playbook](#)'.





Payment mechanisms



- Payment mechanisms are provided throughout the JCT contract suite to meet different procurement routes.
- ALL provisions are fully compliant with the amended Housing Grants, Construction & Regeneration Act 1996.
- Fixed and variable price provisions and optional fluctuation mechanisms are provided for use where appropriate.

Tendering



- [JCT Tendering Practice Note](#)

Resolution planning



- [JCT Dispute Adjudication Board Documentation](#)
- [JCT Project Bank Account Documentation](#)
- JCT provides for a performance or guarantee bond, advance payment bond, retention bond and off-site materials bond.
- Detailed provisions across the suite for insolvency, mitigation of insolvency risk, and termination.

Manage and monitor the execution of construction



- All main JCT contracts include a section on the control of the project/works and a provision on performance indicators and monitoring.
- The [JCT Constructing Excellence Contract](#) includes a section on working together, and primary obligations, including detail on the project programme.

Manage change/variation



- JCT provides comprehensive detail for change and variations across its contract suite. Refer to individual contracts for details.
- The [JCT Constructing Excellence Contract](#) differs as it relies on a collaborative approach and the default option of Target Cost and associated provisions.

Contract completion and transition to operation



- Completion of the works is generally provided by reference in JCT contracts to practical completion.
- [JCT Major Project Construction Contract](#) – makes specific reference to commissioning or completion tests referred to in the documentation.
- [JCT Constructing Excellence Contract](#) – refers to 'certifying completion'.
- Other requirements are to be specified in the other contract documentation. Similarly, maintenance (as separate from rectification), operational manuals and after care, are to be specified in the contract documentation.

Project review



- [JCT Framework Agreement](#) (clause 21) } **Used in conjunction with any JCT main contract except Measured Term Contract**
- [JCT Constructing Excellence Contract](#) (Section 6)
- [JCT Construction Excellence – Project Team Agreement](#) (clause 2.3)

Effective contracting



- Extensive collaboration supported specifically using the [JCT Constructing Excellence Contract](#), or the [JCT Framework Agreement](#) in conjunction with a JCT main contract.
 - JCT contracts also contain provisions for collaborative working, 'cost and value improvements', and 'value engineering'.
 - [Guide to selecting the appropriate JCT main contract](#)
 - [Guide to selecting the appropriate JCT sub-contract](#)
 - [JCT Contracts Discovery](#)
 - [Deciding on the appropriate JCT Contract 2016](#)
- } **Guidance to support the selection, use, and understanding of JCT contracts**

JCT LAUNCHES DISPUTE ADJUDICATION BOARD DOCUMENTATION WITH INTRODUCTORY VIDEO



Nicholas Gould, partner, Fenwick Elliot LLP and Paul Cowan, barrister, 4 New Square at the recording of the DAB 2021 introductory video.

JCT has announced the launch of the Dispute Adjudication Board Documentation 2021 (DAB 2021). The new product, which was made available for pre-order via the JCT online store, was released in May 2021.

An introductory video is now available to watch via the JCT website which explains more about DAB 2021, providing context and background to its production, and explaining the benefits of the DAB as a means to avoid and resolve disputes.

The video features Paul Cowan, barrister, 4 New Square and chair of JCT's Dispute Resolution Group, and Nicholas Gould, partner, Fenwick Elliot LLP, and member of the CI Arb's Policy Sub-committee.

The Chartered Institute of Arbitrators (CI Arb), produced a set of Dispute Board Rules in 2014, which form the basis of the DAB rules used in the new JCT Documentation. Where the CI Arb's rules were geared towards the international market, JCT rules have been adapted to work domestically on UK projects, and are fully compliant with the statutory adjudication provided in the Housing Grants, Construction and Regeneration Act (Construction Act).

DAB 2021 has been designed for use with the JCT Design and Build Contract (DB) and JCT Major Project Construction Contract (MP) forms, both of which are suitable for large, longer-term projects. The rules are for use between the Employer and the Contractor under the main contract.

The document pack, containing a model Tripartite Agreement, enabling provisions for DB and MP, guidance notes, and the

JCT/CI Arb Rules, provide users with the tools needed to establish and operate a Dispute Adjudication Board under a JCT Contract.

Dispute Boards (DBs) have been in use on international projects for many years and are regarded as best practice in the area of dispute avoidance. Their uptake on UK projects has been limited given that statutory adjudication is provided in the form of the Construction Act. However, JCT recognised that there was a potential role for DBs, in the form of Dispute Adjudication Boards (DABs), to be used on UK-based projects, especially larger, longer-term projects, and that this could be done in a way that was consistent with and complemented the parties' statutory right to refer disputes to adjudication under the Act.

Speaking in the video, Paul Cowan, chair of JCT's Dispute Resolution Group, said:

"What the [Dispute Adjudication Board Documentation] offers, for the first time in UK domestic practice, is an additional and different approach to dispute avoidance and dispute resolution [that provides] the parties with options to do things differently, as opposed to simply going to adjudication or going to court, in a way which we hope will enhance both the projects and the parties' relationships with each other."

Find out more by watching the launch video at: corporate.jcttd.co.uk/dispute-adjudication-board-documentation-2021-dab-2021.



YPG membership

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JCT INTERVIEWS...



In the JCT Interviews... series we shine the spotlight on some of the key people who are involved with or give their time to support JCT, showing the diverse range of disciplines across the construction industry that our members represent and the collaborative work that contributes to the development of our contracts. We look at how our interviewees contribute to JCT specifically and gain their views on the wider industry and JCT's role within it.

Steve Medhurst started in the construction industry as a 'measuring surveyor' with Croudace in 1971, having left school at 16 years old. Working primarily on housing developments, he later transferred to their contracts division, working mainly on Local Authority housing in South London. After working with a number of other main contractors, Steve became involved with sub-contractors and spent many years working a variety of roles, including estimator, QS, contracts manager, and even a gofer for bricklayers, carpenters, joinery works, decorators, formworks, shopfitters, and general builders – picking up a few trade skills himself in the process.

In 1998 Steve joined WB Simpson and Sons, a specialist contractor in tiling, terrazzo and stonework. A family firm looking for outside experience in their management, Steve spent a couple of years working as their commercial manager before being offered a director position. Steve retired from WB Simpson and Sons in 2018 after 20 years as commercial manager and director. He now works part time as a consultant for a number of specialist contractors, principally with disputes but also on contract administration.

**STEVE MEDHURST**

Steve Medhurst

Member, JCT Drafting Sub-Committee

Member, JCT Council

JCT: Steve, how did you first come to be involved with JCT? Why do you think it is important to be involved?

SM: As a sub-contractor in the 1980s and 90s I dealt with many versions of contracts and works orders from main contractors that purported to be based on JCT/RIBA forms or similar that frankly were not worth the paper they were printed on. With the Housing Grants, Construction and Regeneration Act 1996 (The Construction Act) coming into force in 1998, I realised the massive changes that were about to occur, in particular the benefits to the specialist industry. If nothing else, it stopped me sitting in main contractors' receptions with muddy boots and a gang of angry bricklayers who would not leave without a cheque!

Around 2002 I was asked to represent The Tile Association (TTA) at the contract committee of NSCC (National Specialist Contractors Council) which was the pre-cursor to BuildUK. This led to my representing TTA at the JCT Council a little later. Although I am now retired from the business, I still represent TTA at the JCT Council.

Attending meetings was a bit daunting at first but it soon became clear that JCT is an industry leading organisation. However, it did strike me that the number of members with real time site practice and experience were few and many meetings turned on high-level legal principles rather than making a working document. Many smaller specialist sub-contractors can be sceptical of organisations like JCT and contracts in general so to be able to take and explain the latest information, trends, and developments to TTA members and their opinions back to JCT is fundamental to the way the organisation works.

JCT: Can you tell us about any specific work you are currently doing with JCT (e.g. any work with working groups/committees/Council/Board)?

SM: I have been involved with a number of Drafting Sub-Committee meetings in the past - specifically about payment and extension of time issues. Much of the other work is pure drafting and high-level changes to meet legislation, insurance, bonds and warranty issues, etc. These are all very important matters of course, but outside of my level of knowledge and better suited to the legal minds in the room. I tend to do my research and pass my thoughts and suggestions through the BuildUK group meetings who then take the collective strategy through the JCT process.

I am however interested in the current proposal to streamline the sub-contract versions for the next edition into a single document, rather than the multiple versions applicable to each contract family. This is principally to simplify and encourage more use of the standard terms and conditions and to promote wider use of the document to justify the amount of work that the organisation puts into producing it.

JCT: Do you have any personal career highlights?

SM: At WB Simpson we were part of many prestigious projects, such as the Kings Cross/St Pancras Station reconstruction, Royal Academy of Arts, several London Underground stations, Wembley Stadium, the Olympic Aquatic Centre, and many other high-end developments throughout London. I always point these out to people when we are there or passing by much to the amusement of my family.

I also appeared on 'Antiques Roadshow' at Chatham Dockyard where I took a collection of company records and Victorian tiled panels made by the company between 1860 and 1900 that are in our office reception. They were valued at around £30,000 but of course we wouldn't sell them!

In terms of JCT and NSCC I was part of the lobby to the Government and DTI for the changes to the Construction Act resulting in the 2011 Local Democracy, Economic Development and Construction Act (LDEDC) amendments. This is still not a perfect solution but the legislation has actually changed many attitudes towards payment throughout the supply chain. This was quite a process over a number of years and felt like I was in an episode of Yes Minister.

JCT: What are you most proud of about the construction industry as a whole and where do you think it most needs to improve?

SM: Construction has given me a good career and many life skills. Politics aside, the industry has provided the country with so many landmark buildings and projects that reflect the skills of people involved - from design through to the trades on site - of which the country can rightly be proud.

I have seen massive steps forward in the environmental and health and safety cultures, which can only be a good thing. In recent years I have seen increasingly a willingness to actually teach and train people in trade skills that should gradually mature into a highly skilled workforce.

JCT provides a well-balanced contractual relationship at each level of the supply chain but real improvement is still needed in the collaboration and co-operation from clients down

to the operatives on site. JCT can encourage but cannot impose this. The specialist contractor is still regarded in some quarters as bottom feeders, often carrying most of the risk and solving problems with design and management that compromise the work and which could have been avoided with early involvement. Some more enlightened employers and contractors have adopted this much-needed best practice but the majority still view the specialist sector as a cash provider, profit centre, and whipping boy when things go wrong.

JCT: What do you see as the main challenges for the construction industry over the next five years?

SM: In terms of contracting, although I have my doubts, I would like to see the current BuildUK proposals for zero retention implemented throughout the industry. The Construction Act already provides adequate mechanisms for withholding payments for work not of the correct standard. Retention is an outdated, abused, and crude tool, as well as an anathema to much of the industry.

There is huge demand for more housing but rather than rely on developers providing so called 'affordable' accommodation, more thought needs to be given to the procurement of social housing through Local Authorities, Housing Associations, and the return of council housing.

The advent of Brexit and a substantial reduction of overseas labour will leave large gaps in the labour market that can only be filled by the current and ongoing programme of training. The COVID pandemic has shown that working from home for many is not what it seems, and the plethora of property and craft TV programmes has shown that producing real things can be more satisfying than working from a screen. I think that more people will enter the industry as a result.

The Grenfell inquiry has also shown that the current systems and specifications of cladding for high-rise residential and industrial buildings is somewhat flawed, and this will no doubt have an impact on design and procurement for a number of years yet. It also begs the question as to what else is hiding out there?

JCT: Does JCT have a wider role to play in the industry beyond producing contracts?

SM: I would be wary of JCT venturing into areas that are unrelated to contracts. I believe JCT should continue doing what it does best and producing the suite of baseline documents for the industry.

JCT does play a wider role in educating the industry on best practice and the use of these contracts, for example with the JCT Contracts Discovery module, and provides speakers, training, and learning opportunities on specialised areas within the various contracts.



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