

# Capability Statement

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RIDGEMONT

We are construction & real estate solicitors that simplify and resolve complex legal issues.

Providing you with the clarity and pragmatic advice you need to make informed commercial decisions.

## Why Ridgemont

The answer to that question is: because we are genuine specialists, tasked with exceeding your expectations and we try to be decent human beings into the bargain.

We know what we are talking about. We have many years of great training and experience behind us, and so our advice is expert. That is what you pay for and that is what we deliver.

Our advice is not legalistic and academic, but commercial and pragmatic. You can apply it to your immediate business needs. We know your industry too, its challenges, ways of doing things and idiosyncrasies. We know intimately the standard form contracts that you negotiate and agree. We have advised many, many times on all the contractual and dispute resolution methods that you get involved in.

We want to do better than you expect from your lawyer. We want to leave you feeling very well served and keen to recommend us to your clients and contacts. We want a proper client / lawyer relationship, not one that you only use when you absolutely have to. We shouldn't be a distress purchase.

We will adapt our service where we can to adjust to your individual needs, as no two clients are the same. We are up front and transparent about our fees, and they are pitched at a fair price for what we do. We use tech to lower our overheads and maintain competitive hourly rates. We tell you how to pay less for legal services by being great clients. You can [download a PDF here](#) that explains more on this important subject.

We make complicated law and strategy as simple as possible so that our discussions are fully understood by you. We try to find the least adversarial route possible because the negotiation and compromise of legal disputes are usually the best way forward for all parties.

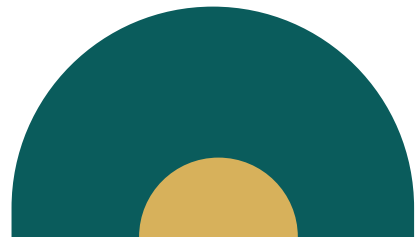
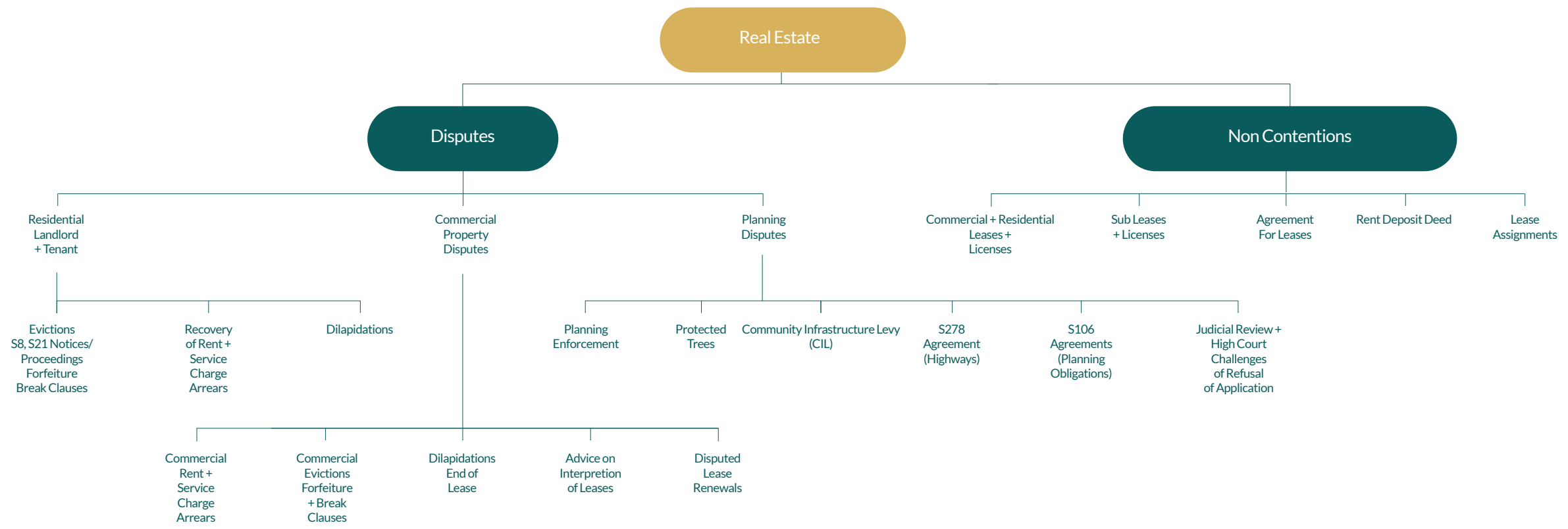
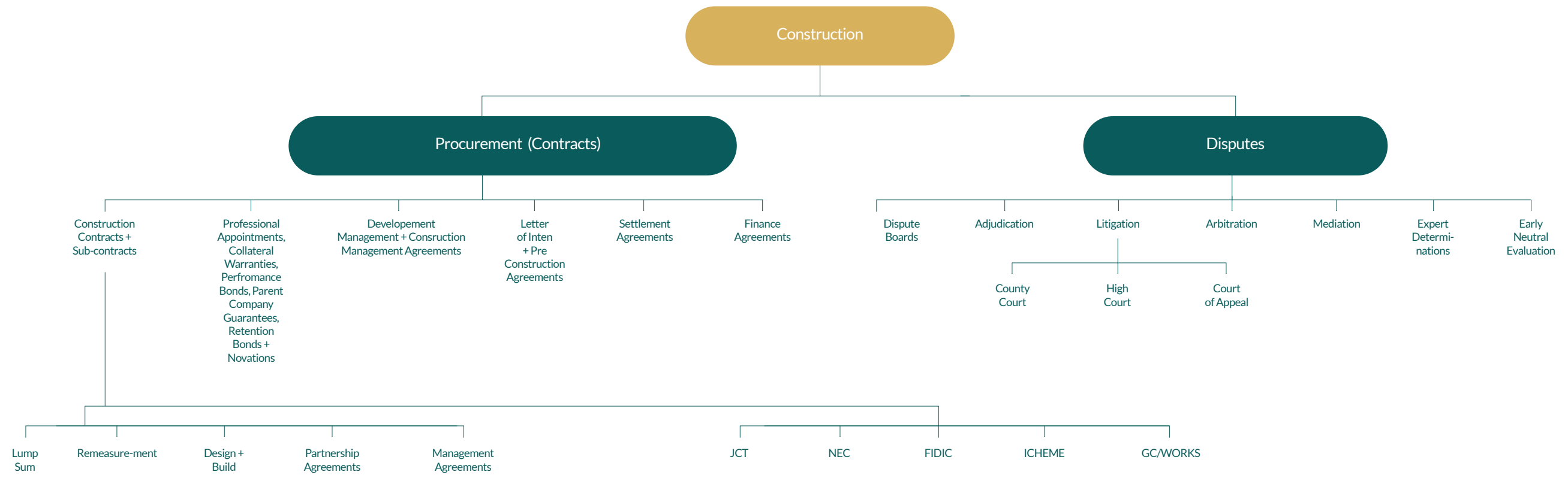
We will give you free knowledge via our website and training. We want you to know more, so that you can help yourselves and need us less. We try to be good people to deal with, acting ethically, openly and not elevating profit ahead of doing the best we can for you.

Ridgemont's commitment to [Community and Pro bono](#) and [B Corp standards on Environment, Sustainability and Social Impact](#) and to [Greener Litigation](#) will contribute towards your own goals.

Many businesses say that they are different from their rivals, but we actually mean it.



# What



# How

We will communicate effectively with you and other parties, provide you with clarity as to where you stand and ensure that what we charge you is proportionate to the work done and the value attributable to that work.

Our advice is led by senior construction and real estate solicitors. We do not allow unnecessary fee earners to sit on calls or in meetings. We only delegate work to juniors where it is more cost effective than the lead solicitor dealing with it themselves.

We are supportive of our fee earning team, taking away all non fee-earning duties enabling them to focus on providing you with great legal advice.

A key value for us is cost transparency. We will update you if a fee estimate needs to be revised and explain why. We are constantly looking for ways to use tech and smart thinking to provide legal advice more cost efficiently.



# Capability

## 1. Construction/ Dispute Resolution

Our considerable experience of and expertise in dealing with construction disputes will help you manage away your problems right from when they arise, before they can develop into a dispute, where that is possible and in your best interests. If the dispute does develop though, we will encourage you to negotiate right through to any trial, in order to find a sensible compromise. That may be by mediation or written settlement offers for example.

Our expert, experienced team will quickly provide you with clarity on your legal position and set out a road map to resolve the issue in a cost proportionate way. We focus on the issues that have the greatest financial value to your business and will often advise you not to pursue lower value elements of a claim, if they cannot be pursued cost proportionately (including taking into consideration the value of your time).

You want to avoid the cost and loss of management time associated with legal proceedings and so we adopt this conciliatory first approach because dispute resolution should in most cases be a last resort, and that is certainly the approach that the Courts take.

We will provide you with clarity as to the most suitable proceedings for you, which may be adjudication, litigation, arbitration, expert determination, early neutral evaluation or dispute boards.

## How can we help you?

We take ownership of disputes, taking them off your desk and enabling you to focus on growing your business. Our experienced team will provide you with clarity as to your legal position and then set out a way forward to achieve your goals in a cost effective way. At the same time, we will provide you with valuable video content to educate your team on the issues that you face, so that you can avoid similar disputes in the future, saving you management time and legal costs.

You need and we deliver clear and concise advice ensuring that you can readily understand and implement what we say. You need pragmatic advice with commercial recommendations, nothing that can't be easily deployed and its business rationale understood. Measured advice and strategy, not unnecessarily hostile advice. We try to preserve your business relationships, not harm them.

We are also always alive to your exposure to paying legal costs, in terms of our fees and disbursements, and the fees of those we instruct on your behalf (eg experts and barristers). Similarly your exposure to paying your opponent's costs if you are unsuccessful in your claim or defence. Therefore we do what we can to keep your costs and your exposure to further costs, low and proportionate to the claim at hand.

We also believe in a close working relationship where that suits you. We want to understand your business and know those that we work with. Our advice can then be more tailored in that way.

## 2. Procurement (Contracts)

Our team of experienced construction contract experts will provide you with a clear traffic light system, identifying the key issues in a contract for you to consider. We will focus on negotiating the clauses that matter to you, using our team's knowledge and experience to produce contracts that you understand, that balance risk and that make the project commercially attractive.

We are experts in all forms of procurement (eg lump sum, re-measurable, design & build, partnering and management contracting) and all standard form construction contracts (eg JCT, FIDIC, NEC, IChemE and GC/Works).

We will provide you with clarity as to how to procure construction works and the pros and cons of each option. We know our way around all the standard form suites of contracts, how they differ and how they have evolved over time. We understand how the industry operates the different contracts and the amendments that need to be made and that are accepted in the market.

We advise on all forms of construction contract, not just the building contract itself. Those include: development agreements, sub-contracts, professional appointments, collateral warranties, bonds, funding agreements, novations and so on.

### How we work?

First, by explaining the mechanics of the contract in a way that you understand and in a way that you can cascade down to your team. Then answering any specific questions that you have, providing you with clarity so that you can focus on commercial decision making. Our advice will be clear, concise, pragmatic and sensitive to your costs as always.

We get to know your commercial needs and risk requirements as fully as possible so that they can be translated into the contracts that we draft / negotiate.

We do not recommend overly onerous contract amendments without good cause, because that risks creating a problem down the line when implementing the contract.

We do not complicate the contractual relationships or provisions, unless that can't be avoided, because complexity breeds lack of clarity and hence uncertainty, and that suits no one. Construction contracts are complex enough already.

## 3. Landlord & Tenant

We act for commercial landlords, property managing agents, investors, developers, and commercial tenants and are commonly asked to advise on high value prime Central London property disputes.

### We are here to take the worry off your hands!

We can explain the benefits and risks to different approaches, and always recommend a way forward. We always put ourselves in our clients shoes and think what we would do in your situation.

### How can we help you?

- Breaches of covenant
- Claims on title
- Contractual advice on leases and licences
- Dilapidations and disrepair disputes
- Undisputed and disputed lease renewals
- Exercising break clauses
- Forfeiture
- Recovery of rent and service charge arrears
- Rent reviews
- Service of notices
- Tenant insolvency – rights and remedies
- Termination of leases
- Property management including rent reviews, licenses for alterations, assignments, sub-lettings and change use
- Dilapidation issues

Our team also advises landlords on agreements for lease (including pre-lets), leases, lease renewals, assignments, authorised guarantee agreements, licences, rent deposits and surrenders.



## 4. Planning Dispute Solicitors

We understand the stress and strain caused by planning issues arising on your development. We can help guide you through the ever-changing planning landscape and get your development back on track. We want you to focus on deliverables, we will take ownership of your planning challenges.

Our team of experienced lawyers will take ownership of your planning issue, provide you with pragmatic advice that is easy to understand.

## 5. Commercial Property

We understand the stress you must be under dealing with legal issues in an ever-changing commercial property landscape.

We commit to providing you with pragmatic advice that enables commercial decision making. We also recommend the best way forward, where other firms would just set out your options.

Our team is full of experienced lawyers are here to help you achieve your goals. And our commitment to you, is to do all of that for a fair price.

### How can we help you?

We provide advice on a wide range of matters, including development projects and commercial leases, asset management, planning, licensing, as well as landlord and tenant issues across all sectors.

We will always provide a recommendation on the best way forward!

We will provide you with clear legal advice to tackle planning disputes head-on.

### How can we help you?

Our team regularly deals with and advises on Judicial Reviews and other High Court Challenges, Certificates of Lawful Development (CLDs), Section 106 Planning Obligations, Section 278 Highways Agreements, Community Infrastructure Levy (CIL), Protected Trees, Planning Enforcement Investigations & Prosecutions and Maladministration Complaints.

We are experienced at advising clients on commercial property lease agreements, alongside drafting bespoke contracts.

Our services include:

- Advice on and drafting deeds of assignment and licences to sub-let, underlet and alter
- Break clauses
- Dispute resolution for landlords and tenants
- Drafting and negotiating agreements for leases
- Lease renewals
- Lease variations
- Rent deposit deeds
- Rent reviews
- Rights of pre-emption
- Service charges
- Termination of leases
- Commercial rent arrears recovery



## 6. Commercial Landlord Solicitors

We understand that the current commercial property market is difficult. You are under more pressure than ever to manage your assets effectively.

We are here to work with you by taking ownership of your asset management issues and resolving them quickly.

We will guide you through the maze of legislation and caselaw, ensure your compliance and enable you to do what you do best, in effectively managing the assets from a commercial perspective.

We are here to take the worry off your hands in respect of any legal issues, explaining the benefits and risks to different approaches.

### How can we help you?

We offer a vast range of legal services to help landlords across a broad range sectors, including leisure and entertainment, retail, offices and industrial.

- Agreements for Lease
- Break clauses
- Business evictions
- Debt Recovery for Business Clients
- Disputes
- Drafting and negotiating leases
- Funding
- Heads of terms
- Lease assignments
- Lease renewals
- Licences to alter
- Licences to occupy
- Licences to underlet
- Rent arrears recovery
- Rent deposits
- Security of tenure
- Service charge disputes
- Tenancy at wil

# Case Studies

## Dispute Resolution

### **Adjudication and enforcement of an Adjudicator's Decision**

This was a highly unusual case. In an adjudication we defended a cladding client against a damages claim brought by a specialist products supplier, for alleged repudiatory breach of contract by omitting a significant portion of the cladding products ordered from the sub-contractor supplier. Then, in the Technology & Construction Court, both resisting enforcement of the Adjudicator's adverse Decision against our client and bringing a related Part 8 claim. An application for permission to appeal to the Court of Appeal was also necessary. The adjudicator made a series of significant errors of law, resulting in him awarding almost 3 times the damages sought by the referring party.

### **High Court Litigation**

Bringing a substantial delay and disruption claim in the Technology & Construction Court for a English/Spanish joint venture company against a waste to energy contractor, in connection with a specialist site located in the south east of England. This involved complex issues of law and expert evidence. The trial last several weeks.

### **Adjudications**

Advising clients from all parts of the supply chain in numerous adjudications under The Scheme for Construction Contracts (England and Wales) Regulations 1998 (as amended) and under specific contractual rules. In particular disputes in connection with alleged building defects, project delay and disruption, disputed final accounts, statutory payment notices (so-called smash & grab claims) and the true valuation of construction works. Some involved cross-claims. Some cases have involved allegations of fraud by a party and one case resulted in a formal complaint against the adjudicator for lack of competence. On many occasions the outcome of an adjudication has resulted in solvency problems for the losing party.

### **Settlement Agreement**

Advising a sub-contractor client on the drafting of a settlement agreement with a specialist sub-sub-contractor that compromised multiple claims by both parties, relating to defective/unpaid lighting works across multiple retail sites throughout England. This was a complicated case particularly because there were only partially investigated health & safety issues behind some of the claims, and allegations of fraud around defective / incomplete works. The agreement needed to be finalised quickly because our client feared that the sub-sub-contractor intended to cease trading imminently and disappear.

### **Arbitration**

Defending a high net worth client in an aborted adjudication (stopped on jurisdictional grounds) followed by arbitration proceedings, regarding a contractor's final account for works to our client's home in London. At the heart of this dispute was a delay claim. A complication arose in that the claim arose primarily on account of alleged negligence by our client's contract administrator and so proceedings had to be threatened against that 3rd party by our client. This matter is ongoing.

### **Procurement**

Acted for the developer in connection with the £90m government funded Vaccine Manufacturing and Innovation Centre in Oxford. The contract structure was particularly complicated but was based on a full turnkey delivery.

Acted for a joint venture developer in respect of a forward funding project valued at £7m in connection with the first endoscopy centre of its kind in Wales. The project comprised development in two phases. Phase 1 is approximately 26,000 square feet, built over 2 floors and providing 15 en-suite bedrooms, 2 endoscopy suites and 2 operating theatres. Phase 2 allows the facility to effectively double in size according to future demand. Dealt with all the construction issues and the forms of Building Contract, Professional Team Appointments and the Warranties to be taken up in favour of third parties.

Acted for various funds which lend on both a straightforward purchase and on a build and purchase basis. Negotiated and reported on construction documentation put forward by the borrower on various developments. Loan facilities dealt with are between £1m and £200m and cater for redevelopment, new build, flats, offices, retail, hotels and multi-purpose ventures.

Acted for a major lending institution lending £7m on a residential development comprising social and private housing.

### **Real Estate**

We acted for a significant Italian property fund in relation to its substantial Prime Central London portfolio. The stand-out work for this client was when we successfully fought off a high Court claim for forfeiture of a trophy Central London apartment by arguing that the alleged breaches of lease were historic and were no longer an issue. This rendered the Claimant's claim sterile and we persuaded the Claimant's solicitors to discontinue the proceedings by way of an agreed settlement.

Advising various celebrities and Premier League footballers on various property litigation matters, including a high-profile recording artist defending a Housing Disrepair claim. We also acted for a well-known Premier League footballer in respect of a multi-million pound Property Fraud, achieving a substantial settlement from the individual's Lender. We also regularly advise High Net Worth individuals on Landlord & Tenant matters in respect of Prime Central London properties and disputes in relation to the payment of CIL contributions.

Our experience includes acting for a household-name Commercial Tenant on a licence to alter and associated construction contract documentation and lease of a retail space in Prime Central London with a difficult Commercial Landlord. We swiftly and successfully negotiated the documents by focusing on key issues, maintaining clear channels of communication and ensuring our construction and real estate teams worked seamlessly on the project. We have acted for a Portfolio Landlord on a large number of occasions obtaining Possession Orders and County Court judgments in respect of rent arrears in residential possession proceedings.

On one occasion, we obtained settlement in High Court proceedings against a high profile individual for rent arrears amounting to six figures, interest and indemnity costs. This avoided the time and cost associated with High Court proceedings and meant that our client was fully compensated for their loss.

### **Corporate Commercial**

We were instructed by a global company to produce a detailed and bespoke shareholder agreement and ancillary documents. The company had grown quickly under the management of the founding directors, with offices all over the world. With the directors now looking to sell, it was time to get corporate governance in order. We worked closely with the three directors to identify how they operated their diverse business and codified it in an easy-to-understand way. The company has since gone from strength-to-strength and we are frequently instructed on corporate and commercial matters.

We advised a UK SME on the acquisition of business assets of a US company. Our team undertook a detailed, but proportionate, due diligence process and drafted and heavily negotiated a sale and purchase agreement that saw our client acquire all of the assets of the business, leaving behind any liabilities. Since the acquisition, our client has grown the business by many multiples and is now looking at other possible acquisitions.

We are regularly asked to draft bespoke terms and conditions for various participants in the construction and real estate sectors. We have drafted such terms for main contractors, sub-contractors, professionals, manufacturers, distributors, real estate brokers and property management companies. Our detailed knowledge of the construction and real estate sectors means that we know the issues we need to cover and the work is done cost-efficiently, as we are not starting from scratch each time.



# Knowledge Hub

Have you visited our comprehensive video Knowledge Hub enabling you and your team to derisk and grow your business?

Best of all it's free and CIPD approved

Course include:

## Building Safety Act

The Building Safety Act, possibly the most important construction legislation in a generation, seeks to improve the safety of buildings in England & Wales, through new regulatory frameworks and accountability.

## Adjudication

Adjudication is a fast track construction-specific alternative dispute resolution procedure whereby an expert adjudicator makes a decision on a single dispute, usually within 28 days of appointment.

## Construction Dispute Resolution

Disputes between 2 or more parties in the construction supply chain are common and often complex. Usually they involve breaches of contract and claims that the works are defective and/or in delay. There are many forums for resolving these disputes.

## Insolvency

Red Flag Alert reports that more than 6,000 construction companies could become insolvent in 2023 and perhaps 100 firms could become insolvent each week. In a receding economy, the insolvency of a developer, contractor or sub-contractor can have major implications on the success of a development.

[Click here to access!](#)

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# Our Management Team

## John Wallace

John is the managing director of Ridgemont! He has been a lawyer for 14 years working in Paris and London. He acts for developers, contractors, sub-contractors and prime central London landlords on property and construction litigation issues.

With years of experience in the enforcement of adjudication awards at the High Court, John has advised on matters relating to subsistence, liquidated damages claims, extensions of time/delay and a range of other matters.

Outside of work he enjoys spending time with his young family, cooking and watching football.

## Tim Seal

Tim has been a qualified lawyer for over 20 years and joined Ridgemont as our Head of Construction, adding huge experience. He is responsible for providing expert advice and building a first-class team of construction lawyers!

Tim acts for all parts of the supply including banks, funders, clients, developers, contractors, subcontractors and professionals.

He loves the arts and is into a range of activities outside of work such as long-distance trail running and adventure sports. He also tries to spend as much time as he can with his two daughters.



# Testimonials

“Ridgemont advised us on potentially high value litigation regarding one of our real estate assets in the UK. They provided us with firm, consistent advice, which resulted in settlement being achieved and any risk associated with the proceedings being avoided.”

**Marco Bigi, Navy Group SRL**

“Impressive real estate and construction advice. Pragmatic with an eye for detail.”

**Aldo d’Aponte, Arbitrage Group**

““Ridgemont acted for us when we were on the periphery of complex litigation relating to a property transaction. They provided advice along the way and achieved our goal at the end of the proceedings. We were really happy with them.”

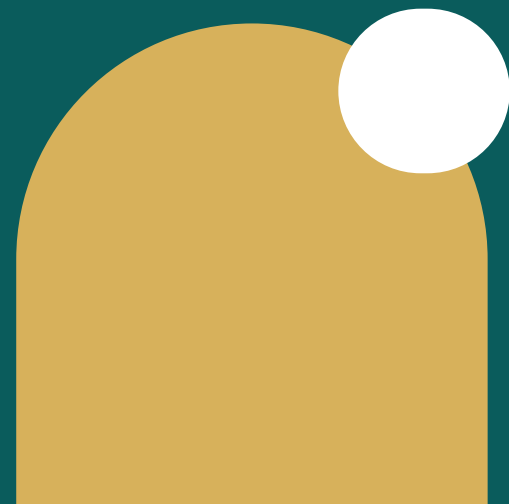
**Charles McDowell, Charles McDowell Properties**

“Ridgemont are sharp and commercially minded lawyers who cut to the crux of the issue quickly and efficiently.”

**Raj Nayyar, Fix Flo**

“Ridgemont has always provided General Demolition with excellent advice in a very user-friendly way.

**Colin McLoughlin, General Demolition**





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