



HOW DID SHAKESPEARE INFLUENCE CONSTRUCTION?

He provided in A Midsummer Night's Dream the name for the group of surveyors who work on party wall matters -The Pyramus and Thisbe Club. In fact Shakespeare took the idea from Greek mythology:

A wall separated the houses of Pyramus and Thisbe which were side by side. The young man and the girl loved each other, and would have married, but their parents forbade it. Not having a go-between they communicated just by nods and signs. Later, their love discovered a slender chink in the wall which became the channel of their speech, and they talked to each other until night came, printing in each side of the wall the kisses they were prevented from giving each other.

Present day surveyors are not so romantic but to learn more contact Geoff Hanna on 01392 218010 or geoff.hanna@wthills.com.

AN AFTERNOON OF FUN, MUD & DUST!

Early in September the staff of Exeter and Torquay offices took the afternoon off to try their skills on quad bikes and off road karts at Ashcombe Adventure Centre near Dawlish. After a safety talk and fifteen minutes spent on the practice circuit with the girls being 'helped' by the young male assistants, each team went off at great speed on a woodland safari track. Fortunately there had not been much rain but this did not prevent Phil driving through all the largest puddles and coming back covered in red Devon mud. He must have been a mucky kid!



Whilst this was happening the other team tried their hand at driving the Stallion off-road kart. This expensive piece of kit from Italy seemed to confuse even the slickest drivers who had to drive twice around the circuit, weave in between rubber tyres and stop the kart in a small box, all against the clock.

After all this activity the bar and buffet were a welcome finish to the day.

WHO'S WHO? [STAFF PROFILE]

EMMA GREENHALGH

[South West Office Manager and PA to Peter Churchill and Phil Rumbelow]



Emma has been with Hills for seven years. "I love working in the Exeter office, it has such a relaxed, happy atmosphere".

Emma is responsible for the smooth running of the Exeter and Torquay offices and her job specification covers everything from supervising the

administrative staff to organising the Hills Annual Cricket Day. However she tells me that her most important job each day is to make Peter's 3.00 pm cup of tea! She has nearly completed NVQ Administration Level III and is keen to encourage the younger secretarial staff to follow her example.

Emma owns four cats and two tropical fish aquariums and enjoys the odd gin and tonic after a hard day at work!

LLOYD HUSBAND

BSc, MRICS
[Associate Director, Exeter]

Lloyd joined Hills in May 1998 after having gained valuable practical experience working for contractors. He gained chartered status in 2002 via a Hills sponsored distance learning course and

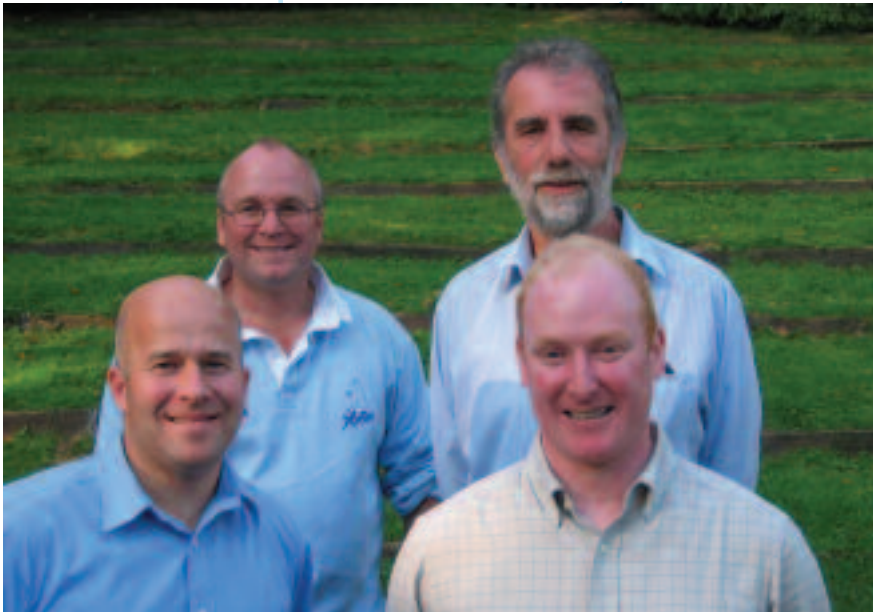
is now responsible for a number of major projects for the University of Exeter and Bridgwater College. Notably the Thornlea Performing Arts School valued at £2.2 million and a new teaching block at Bridgwater College valued at £5million.

Lloyd also works with a number of private developers and feels that Hills has much to offer both new and existing clients. "In addition to the traditional quantity surveying role we are able to offer a 'one-stop shop' for developers by project managing their schemes from design to completion." Hills can also offer assistance with planning, party wall and ownership disputes.

Lloyd lives in Newton Abbot with his wife and two boys aged (nearly) five and two who no doubt will be encouraged to play rugby and golf with him when they get older.

EXPANSION IS ON THE CARDS

At a recent staff social day Peter Churchill gave an upmarket report to the staff of the Exeter and Torquay offices. "We made a record turnover during the last year and have plans for further expansion. Following the appointment of Phil Rumbelow as a director last year we are now further strengthening our management team with the appointment of Geoff Hanna as Regional Director, South West and Lloyd Husband as Associate Director, Exeter."



Lloyd Husband and Geoff Hanna (front) with Phil Rumbelow and Peter Churchill (rear) after the announcement

The directors told the staff that they were actively looking for premises in Plymouth to open a new office which would enable Hills to give an enhanced service to new and existing clients in the Plymouth area and Cornwall.

Contact points: Peter Churchill 01392 218010 or peter.churchill@wthills.com
 Phil Rumbelow 01392 218010 or philip.rumbelow@wthills.com

PARTNERING TO HOUSE THE ELDERLY

Hills have worked with Devon Community Housing Society for fifteen years and have developed a one stop service for them that involves taking the initial brief, sometimes finding a site, obtaining planning approval and providing the financial information to enable funding to be obtained. The project is then taken through detailed design, costing and full project

management and cost monitoring during the construction phase through to the end of defects. DCHS have appreciated this and have appointed Hills as one of their partnering consultants for further projects which are now being dealt with by Laurie Stroud, DCHS Director of Development and Asset Management.

GUY'S EXAM SUCCESS

Months of burning the midnight oil has proved worthwhile for Guy Bolt who recently gained the Diploma in Quantity Surveying from The College of Estate Management in Reading.

Meantime Tom Dodge is sitting his final exams at Christmas for this RICS accredited Diploma. The course is mainly by distance learning but Tom attends one lecture every six weeks and takes exams every six months.

They will both join the RICS as probationers and commence their Assessment of Professional Competence. This takes a minimum of two years, ending in submission of a critical analysis of a project and a final assessment by a panel of chartered surveyors.

Tom says that his interests of rugby, golf and personal fitness are suffering but this is a small price to pay for the opportunity to become a chartered surveyor. We wish them both success. Both Phil Rumbelow and Lloyd Husband gained their qualifications this way.

RUTH JOINS AS TRAINEE

Ruth Carr has joined the company as a trainee quantity surveyor. Hills have a history of employing young people, usually straight from school, and helping them to gain professional qualifications.

TRAINEES OF THE FUTURE?

Too young to join as trainees but two potential recruits for the future arrived in May this year. We send our congratulations to Letitia Morgan who gave birth to Alexandra and also to Gary Pope who is the proud father of Oliver.



Brian to work in Plymouth and Cornwall

Brian Calvert has recently joined Hills from another practice in Cornwall. A chartered quantity surveyor and chartered project manager, Brian has worked in the industry since 1970. He came down to the West Country in 2000 after having been a partner in a practice in the North West.

Brian is working on two major projects for Hills. Plymstock Quarry is a mixed development for Westbury Homes in an old quarry. Brian is currently giving cost advice on the feasibility for the project which will include 1400 residential units designed on a village concept with associated employment land, community facilities and a new primary school.

He is also acting as the 'high level' quantity surveyor for the VA Schools project in Exeter. In this role he will take an overall view of the project, monitoring rates, specifications and standardisation throughout the design and construction.

Brian will be heading up Hills' new Plymouth office with plans to offer an enhanced service to existing clients and to increase the client base. Brian says that his out of work interests centre around eating, drinking and travelling and he is looking forward to a trip to America where he will be visiting Virginia (the Blue Ridge Mountains), Maryland and Maine.

DISPUTE RESOLUTION

The past decade has seen a radical change in the methods adopted within the construction industry with regard to dispute resolution. Prior to the Housing Grants (Construction) Regeneration Act 1996, introduced as a direct result of the Latham and Egan Reports, construction disputes were in the main referred to Arbitration for determination. Arbitration, however, was perceived by the construction industry to be both a lengthy and costly process. As a result it was reserved for disputes that either involved complicated "arguments" and/or significant cost disputes. Thus, the majority of smaller contractors and especially sub-contractors who had disputes either with employers or larger main contractors capitulated in the interest of harmony, cost and time.

Having recognized these facts in researching the construction industry Latham and Egan sought to make "fairness" throughout the industry the key word in future project procurement and dispute resolution. As a result, and from their experiences in projects where clients, contractors and consultants sought to work together for the "common good" and to resolve differences, both quickly and with little expense, the process of Adjudication was born.

Adjudication was introduced to the construction industry via the Housing Grants (Construction) Regeneration Act 1996. The aim of the process was to deliver within 28 days, and at low cost, efficient but non-binding decisions, unless agreed by the parties.

So how has Adjudication fared over the past eight years? Initially the process appeared to be welcomed by all within the industry. Nevertheless, there were those sceptics who considered that this form of dispute resolution would lead to a proliferation of dispute cases. A review of the number of cases shows that whilst Adjudication became popular in the late 1990's, since 2000 the number of cases has plateaued and is even beginning to decrease.

Why? One reason may be the cost. In a recent article, the writer stated that it was not uncommon for adjudication cases to result in Adjudicators' costs of £20,000 plus. From our own experience at Hills, I would certainly concur that the cost of Adjudicators' fees are rising, to a level, dare I say it, that was never envisaged by Latham and Egan.

Another reason for this may be the type of dispute that is being referred for Adjudication. There have certainly been a number of Adjudication cases that have extended beyond the 28 days and even the 42 day periods as laid down in the Act. One must ask therefore whether these cases would have been better served by proceeding direct to Arbitration. It certainly appears that the Adjudication process is becoming more a quasi-arbitration process with the costs to go with it! In so doing it is once again tending to marginalize the smaller clients, contractors and sub-contractors.

Thirdly, differences/disputes are not being dealt with during the construction process, to allow for their swift resolution as originally intended by the Act. Instead the tendency is to let problems fester until the end of the project and in some

EDUCATION, EDUCATION, EDUCATION

Hills' expertise in education projects encompasses quantity surveying, project management and planning supervisory services to a variety of projects including:

- Devon County Council in connection with their Construction Partnership projects

- Rossmore Pyramid Project for Poole Borough Council
- Voluntary Aided schools in Exeter
- Work at Bridgwater College and Cannington College
- A number of primary schools in Torbay and a Sports Hall at Torquay Community College for Torbay Council

N: THE WAY AHEAD

instances years following project completion. This allows team relationships to deteriorate and for the “human element” to distort the facts over the passage of time.

Again I would suggest that this was never the intended use of Adjudication as introduced in the Construction Act 1996.

So where do we go from here? Has Adjudication run its course? In answering the latter question first, there are those who would say that it has. It has become too “legalistic”, time consuming and costly and at the end of all that, if one party doesn't like the decision, they raise what tend to be spurious issues on jurisdiction, or some other legal principle in an attempt to have the Adjudicator's Award set aside by the court.

My own opinion is that it is time the various professional bodies took a good look at the processes and instead of reinventing the wheel, as some are proposing, they return to basics. Perhaps this will need a clearer definition of what categories disputes fall within as to whether they should be Adjudicated or Arbitrated.

To return to my other question, so where do we go from here? Over the past number of years alternative dispute resolution solutions have been reviewed by a number of bodies. The one which appears to be emerging as a possible contender in construction is that of Mediation. Mediation has been used extensively in the past in dealing with family matters, but is now becoming more widely used in the construction industry as a method of resolving disputes, so much so that a number of pilot schemes have been introduced by the courts in Birmingham, Bristol and Exeter. Parties who proceed to litigation for resolution of their disputes are offered the opportunity to mediate their differences. It is hoped that by so doing, the parties will come to some mediated agreement thereby reducing both their costs and the costs and time of the court in dealing with such disputes.

The advantages of Mediation are that there are set time and cost parameters, therefore all parties know the time and cost involved, although this can be varied by agreement by the parties. As with all processes Mediation does have its drawbacks. As the word “mediation” implies it is a settlement by agreement. This tends to result in some form of trading of positions, until both sides reach an agreed position with neither side getting all they ask for. Mediation certainly has its advantages in relation to time and cost, nevertheless, the question as to whether Mediation will become widely used in the UK construction industry remains to be seen.

For further information about Arbitration, Adjudication and Mediation please contact Geoff Hanna on 01392 218010 or geoff.hanna@wthills.com.

COUNTRY HOUSES

Following the completion of the very successful hotel upgrade and modernisation of Whatley Manor in Wiltshire, Hills have now joined with Casson Conder, the well known London architect, to work on a manor house near Honiton to upgrade facilities. This is a private residence and the work includes the installation of a swimming pool inside an existing listed barn.

Practice makes perfect



What could make six of the Exeter office staff stay behind after work? No, not work but training for the Michelmore's Run.

Every Wednesday evening in May they could be seen running together around Ide in order to improve their chances of raising money for charity. In fact they succeeded in completing the course of 5 kms and raising £250 which included a donation from Hills.

WHAT A VIEW!

It is amazing that the staff in the Torquay office ever get any work done – they must have the best view in the town out over the Bay. It's not surprising that Len has chosen the front office - but he does sit with his back to the window!

They are also able to see one of their most

prestigious projects – The Living Coasts' building. This project for Paignton Zoo has now been open for a year and has outperformed all expectations in visitor numbers. The £6 million project to build a marine aviary on a brownfield site is now a landmark on Torquay harbourfront.

