

Special points of interest:

- Initial telephone consultation without charge or obligation.
- Ian Brant joins the team.
- Our full range of Services are detailed overleaf.
- Brant Associates are now on SKYPE making video calls possible. Are you?
- Offering a quality service to our clients is paramount to us. Please help us in our aim by completing our quality questionnaires at the end of each instruction you favour us with.
- Brant Associates will be forwarding E-Newsletters on a quarterly basis.
- Brant Associates supports a different charity each year. This years chosen charity is Cancer Research UK.
- We are pleased to announce the birth of Fraser Harry Brant.

WELCOME TO THE BRANT ASSOCIATES NEWSLETTER



Pictured above: Trevor Brant

Welcome to our inaugural company newsletter.

The aim of this, and future issues, is to keep you up to date with developments within our organisation, as well as providing informative articles on topical subjects. I hope you find this newsletter of interest.

I am delighted to announce that earlier this year Ian (my youngest son) joined us following his successful career in Main Contracting. Ian brings with him experience gained through working for two large Main Contractors along with prior

management skills gained from his previous career in leisure management. Ian will be a very strong addition to our team and will be of great benefit to Mark and I in our bid to progress the business.

Mark and Ian are taking a very active role in the development and management of the business, and are determined to continue providing the high quality of advice, service and accessibility to which our Clients have become accustomed.

I am both delighted and proud that the long term succession of the business will remain in the family.

The second new arrival is Ian & Claire's son Fraser, born on 4th September 2009. Perhaps Fraser, my first grandchild, will be the third generation of the Brant family to join the business in years to come. Time will tell!

Contractual Payment Problems

Payment, or more precisely the lack of payment, is the key focus of the majority of our Clients at present.

We have seen an increasing trend in the use of withholding notices as a means of enhancing cash flow for the payer, to the detriment of the payee.

Understandably, payers have a right to withhold money, providing they comply with the requirements of the Contract or Construction Act, whichever is applicable.

Compliance is, however, very easy. The rub is, whether the underlying reason or ground for withholding is bona fide or spurious.

Please see article over page

If you would like to discuss any payment or other issues which are of concern to you we offer a free one hour telephone consultation without obligation.

CHARITY

3 PEAKS CHALLENGE

On the Weekend of 27th June 2009, Ian, together with four friends raised £1,600.00 for Cancer Research UK by completing the 3 Peaks Challenge.

This involved climbing Ben Nevis, Scafell Pike and Snowdon, consecutively.

We would like to thank our clients for their kind contributions which helped raise this considerable sum for such a worthy cause.

Brant Associates select a worthwhile charity to support each year.

News on the 2010 charity and events will be available in the New year.



Pictured above: (from left Ian Brant with team mates)



E - NEWSLETTERS

This first edition of the Brant Associates Newsletter commences a new form of communication to our Clients.

We will be distributing our Quarterly Newsletter electronically in the best interests of the environment. Should you not wish to receive the E-Newsletter please simply email qs@brantassociates.com and type 'Unsubscribe' in the subject box.

We would like to invite our Clients and prospective Clients to provide us with feedback regarding the content of our e-newsletters.

Furthermore, if there is a subject of particular interest to your business which you would like us to address, and will lend itself to an informative article, please email qs@brantassociates.com and type 'Article' in the subject box.

Please feel free to forward these e-newsletters to interested parties.

Depending on which side of the equation you sit, payer or payee, withholding notices can be either good or bad news.

A Compliant Notice

If serving a withholding notice, provided you stipulate the ground or grounds for withholding, together with the amount you intend to withhold for each ground, and serve the notice timeously, you will be entitled to withhold the sum(s) notified.

Compliance with the above provisions is relatively easy. The quantum does not have to be precise. If the withholding notice is due to the payee's alleged breach of contract the damages do not have to have been incurred. An assessment is all that is needed. The alleged breach does not need to be proven for the purposes of a successful withholding. The Good News – *Friend*.



Picture Courtesy of Microsoft

It is not difficult to see that the process lends itself to abuse in that both the ground(s) and the quantum can be entirely spurious. Compliance with the requirements of the notice provisions however entitles the payer to hold onto the money.

The unscrupulous use of the withholding provisions can significantly increase the payment period stated in the contract. In certain circumstances it can bring about the demise of a payee. The Bad News – *Foe*.

Remedies

The quickest remedy is to commence an adjudication. You must have first written to the payer disputing the withholding notice to crystallise the dispute.

Unfortunately it will take at least five weeks to get an adjudicator's decision, and incur you in cost (as a minimum in terms of your own time if dealt with in-house) before you see any money on the basis you are successful – Further Bad News.

There is also the recourse for final dispute resolution under the Contract either arbitration or litigation. This is unlikely to prove beneficial however in circumstances of withholdings in respect of interim payments. This is due to the length of the process.

Is there a way to prevent the unscrupulous use of withholding notices? **To find out how, please contact us via the details below.**

Brant Associates Review



Brant Associates provide a full range of Quantity Surveying Services with an emphasis on Contractual Issues. In addition we also offer Expert Planning facilities for the analysis of Extension of Time and Disruption issues. The following is a guide to the services we most commonly provide. This list is not exhaustive. If you have any Construction related queries please contact us and we will endeavour to assist you.

Core Services

[Expert Witness & Litigation Support](#)
[Claims Preparation and Settlement](#)
[Adjudication](#)
[Mediation](#)
[Cost Planning & Management](#)
[Procurement Advice](#)
[Project Management](#)
[Bill Preparation](#)
[Project Quantity Surveying Services](#)
[Interim Valuations & Applications for Payment](#)
[Final Accounts](#)

Consultancy Services

In addition to the core services we provide, our varied and comprehensive experience and contacts place us in the enviable position of being able to offer the following services:-

[Planning](#)
[Risk Analysis](#)
[Project Performance Auditing](#)
[Dispute Avoidance](#)
[Feasibility Studies](#)
[Business Performance Enhancement](#)
[Acting as Employer's Agent](#)
[Tender Documentation Formulation](#)

Please see www.brantassociates.com for further details

Trevor has been a Fellow of the Forum For the Built Environment (formally 'The Faculty of Building') for 25 years, and now Ian has joined as a Member. Ian will be attending Seminars and meetings in the West Anglian Region. If you would like to know more about the FBE then visit www.fbe-org.co.uk or contact Ian on the details below.

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We pride ourselves on supplying quality advice and services to Clients on a wide range of Construction related issues

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Associates
Quantity Surveyors