

Franco's Italian Restaurant
Employee capacity of 15
Gross annual turnover of £260,000
Holds a Commercial Legal Protection Insurance (CLPI) policy



Building tension

Franco's is a family run Italian restaurant based in Bath. They have many regular customers as well as the passing trade of tourists visiting the city and because of their large outside seating they were often full to capacity in the summer months. For seven years the adjacent property was a wine bar and the family were very friendly with the owner.

Unfortunately he was forced to sell the business and the new owners decided to completely refurbish the property. The building works started at the beginning of March 2007 and were expected to be completed within three months. In August 2007 the refurbishment was still ongoing and the builders had become careless in their work. Access to Franco's was impeded due to the scaffolding the builders had set up and owing to the work taking place on the scaffolding, dust and debris was settling on their outside furniture and several windows had been cracked by falling rubble.

This resulted in additional costs to Franco's for cleaning of the furniture and repairs to the windows. Their sales had also reduced by 40% over the past three months as a result of the noise and disruption caused by the building work. As Franco's had a CLPI policy with Abbey Legal Protection (ALP) they phoned the Legal Advice line with a view to claiming for nuisance and damage to property.

ALP recommended a solicitor who had experience in this area, and Franco's took the owners of the adjacent property to court. They claimed for nuisance, damages to property and loss of earnings due to the building works taking more than two months longer than originally stated. The court found in favour of Franco's and awarded £15,000 compensation for the disruption, damages and loss of trade. Franco's ALP CLPI policy covered the court costs of £3,500.

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