

RM3788 – Lot 2

Wider Public Sector Legal Services

**Full service**

**Prospectus of Specialisms**



# Mandatory Specialisms

04

**Admin & Public Law**

05

**Banking & Finance**

06

**Contracts**

07

**Competition Law**

08

**Corporate, M&A**

09

**Data Protection &  
Information Law**

10

**Employment Law**

11

**Information & Technology**

12

**Infrastructure**

13

**Intellectual Property**

14

**Litigation & Dispute  
Resolution**

15

**Outsourcing/Insourcing**

16

**Partnerships**

17

**Pensions**

18

**Public Procurement**

19

**Property, Real Estate &  
Construction**

20

**Tax**

# Optional Specialisms

21

**Charities Law**

22

**Child Law**

23

**European Union**

24

**Health & Healthcare**

25

**Health & Safety Law**

26

**Planning**

27

**Projects**

28

**Restructuring & Insolvency**

29

**Telecommunications**

# Mandatory Specialisms

## Admin & Public Law

### Key personnel



Judith  
Barnes

**Partner**

0370 194 5477 | 07769 668 173  
judith.barnes@bevanbrittan.com



Virginia  
Cooper

**Partner**

0370 194 7991 | 07815 188 036  
virginia.cooper@bevanbrittan.com

### Number in team



6

Partners



39

Legal Advisors

Administrative and Public Law lies at the heart of many of our practice areas, and as a result we operate in cross-departmental teams to combine public law expertise with sector knowledge. Our work involves a significant amount of advisory work on governance and vires issues as well as policy development and decision making; working with clients to mitigate the risk of potentially controversial projects or decisions being challenged. We also regularly represent clients in defending judicial review proceedings, providing strategic advice with a view to securing the optimal outcome bearing in mind cost implications and resources. This may involve defending the challenge or taking corrective action to remedy the alleged public law breach.

### Case study:

We represented **NHS England** in successfully defending a judicial review challenge to its decision to include homeopathy in guidance for CCGs on medicines and treatments which should not routinely be prescribed by GPs (*R (British Homeopathic Association) v National Health Service Commissioning Board [2018] EWHC 1359 (Admin)*). The grounds of the claim included challenges to the lawfulness of the consultation exercise carried out by NHS England, as well as NHS England's compliance with its public sector equality duty. The claim also raised a number of issues arising from the use of expert evidence in the judicial review proceedings. We advised NHS England from the initial pre-action exchanges, through each step of the proceedings to a rolled-up hearing in May 2018, and thereafter to settle the subsequent costs dispute.



# Banking & Finance

## Key personnel



Hugo  
Stephens

**Partner**

0370 194 5475 | 0779 597 8081  
hugo.stephens@bevanbrittan.com



Chris  
Harper

**Partner**

0370 194 1306 | 07769 690 676  
chris.harper@bevanbrittan.com

## Number in team



5

Partners



12

Legal Advisors

Our banking and finance team are specialists in development, project and long term finance for local authorities, housing associations and other bodies engaged with the public sector. We have experience of raising funds by way of the capital markets (both public bond issues and private placements) as well as debt funding from the banks and other finance providers. We also have experience in off balance sheet funding structures, such as sale and leaseback deals. We can advise on derivative transactions using the ISDA model documentation and on vires, charity and governance issues in respect of lenders' powers to make loans.

### Case study:

We advised **Places for People** ("PfP") on its joint venture with Liberty Retirement Living ("Liberty") to create Octopus: the largest private sector retirement homes project ever undertaken. Part of the project involved a £200m loan from Liberty to PfP which had to be negotiated in the context of equity investments in the project and subordinated loans as well as various intragroup loans.



# Contracts

## Key personnel



David  
Hutton

**Partner**

0370 194 8972 | 07867 976 835

david.hutton@bevanbrittan.com



Sharon  
Renouf

**Partner**

0370 194 1678 | 07786 396 413

sharon.renouf@bevanbrittan.com

## Number in team



14

Partners



28

Legal Advisors

We advise on all aspects of contract law; drafting, negotiating, enforcing and addressing termination and exit liabilities across all sectors. We are steeped in complex PFI, PPP and outsourcing contracts on which we continue to advise, as well as regular commercial activities including goods, works and services. We are familiar with public sector commissioning and procurement strategies that require a range of contracts from outsourcing, commissioning, shared service arrangements, joint ventures, concessions, grants and other arrangements such as payment by results contracts. Our experience includes supporting contract management activity to deliver a variety of objectives such as service improvement; cost reduction; generation of income; and demand management. Engaging supply chains and ensuring social value as well as managing provider default (including insolvency) are recent issues. Sector range is extensive and includes regulated public infrastructure such as energy, waste, digital, telecommunications and transport and regulated public services such as health, education, housing and the environment.

### Case study:

We are advising the **London Borough of Barnet** on their outsourced contracts with Capita (back office services) and a joint venture with Capita (development and regulatory services). We have been supporting the commercial director in contract management activities to improve services (through a variety of enforcement actions); seeking to settle numerous multi-million pound disputes; dealing with the outcome of a fraud; considering options for a partial or full termination including the exit issues and potential termination liabilities and all the related operational matters. Throughout we have worked with the client to ensure appropriate decisions are recorded; positions are preserved; consultation and procurement considerations are maintained. All whilst the subject of scrutiny, and with a backdrop of local elections and Capita profit warnings.



# Competition Law

## Key personnel



Hugo  
Stephens

**Partner**

0370 194 5475 | 07795 978 081

[hugo.stephens@bevanbrittan.com](mailto:hugo.stephens@bevanbrittan.com)



Matthew  
Waters

**Partner**

0370 194 1271 | 07500 003 684

[matthew.waters@bevanbrittan.com](mailto:matthew.waters@bevanbrittan.com)

## Number in team



4

Partners



8

Legal Advisors

We provide a full range of support services to beneficiaries under the framework, including advice on potential competition law breaches under the Competition act or the EU treaties: abuse of a dominant position which may arise where a public body controls transport access to a public destination, or unlawful agreements or arrangements between organisations which are intended to or may affect competition. We also advise on mergers including in particular mergers within the health sector, including due diligence reports. We advise extensively on state aid issues, ranging from the limitations on the ability to fund infrastructure, though support to business in research and development, and the scope for aid to arise in property and regeneration proposals.

### Case study:

We advised **The Doctors Laboratory** in connection with a proposed joint venture with University College Hospital London and the Royal Free Hospital. The transaction was cleared as a merger by the competition authorities at stage one, but this involved providing significant market analysis to explain the market workings and how the joint venture would affect competition. It also required negotiation and agreement of a confidentiality ring to reflect the need to preserve the confidentiality of the information being shared, and also careful consideration of the ancillary restrictions to support the joint venture to avoid a wider set of restrictions than would be permitted. This enabled the client to proceed and invest in improvements to the service.





# Corporate, M&A

## Key personnel



Chris  
Harper

**Partner**

0370 194 1306 | 07769 690 676

chris.harper@bevanbrittan.com



Monica  
Macheng

**Partner**

0370 194 5024 | 07813 131 978

monica.macheng@bevanbrittan.com

## Number in team



3

Partners



7

Legal Advisors

We advise on all aspects of company law, structuring and transactions, both domestic and cross-border, and often as part of larger cross-disciplinary teams. We represent buyers and sellers of shares/assets, public sector bodies (including local authorities, research councils and health sector entities), public private partnerships, housing associations, individuals, major corporates, charities/NFP, investors, investment funds and banks. Our experience includes M&A, exit strategies, structuring/establishing joint ventures (primarily for urban regeneration and property development, waste and energy, education, health and housing) and wholly-owned delivery vehicles, children's trusts, group restructurings and fund investments. We are often called to advise on sensitive corporate governance and directors' duties issues.

### Case study:

We are advising **Plymouth and Swindon Councils** on the sales of their wholly-owned bus companies to Go Ahead Group for over £30m in total, including advising on all aspects of the auction process alongside corporate finance advisors, due diligence, transactional documentation, tax, employment and pensions arrangements, health and safety/regulatory concerns, transitional services and property transfer mechanics. Our advice and support was provided in the context of heightened political scrutiny, public concern and a sustained campaign over the future of local services, and significant time pressure due to likely competitors' reactions in the market.





# Data Protection and Information Law

## Key personnel



Adam  
Kendall

**Partner**

0370 194 5030 | 07770 857 989  
adam.kendall@bevanbrittan.com



Carlton  
Sadler

**Partner**

0370 194 1633 | 07780 998 188  
carlton.sadler@bevanbrittan.com

## Number in team



1

Partners



5

Legal Advisors

Information is vital for all organisations. We provide a wide range of information law services to help meet obligations under the Data Protection Act 2018 and the General Data Protection Regulation (GDPR), without compromising on innovation. We undertake GDPR compliance projects and data mapping, and undertake complex commercial transactions for data protection purposes. For public authorities we offer specialist support in responding to requests for information made under the Freedom of Information Act 2000 and the Environmental Regulations 2004. In addition to our role in ensuring compliance, we also provide support and representation for organisations following a data breach, a complaint to the Information Commissioner's Office or appeals to the Information Rights Tribunals.

### Case study:

We recently advised an **NHS Trust** on the data protection implications and risks related to a large scale patient data sharing exercise with Google DeepMind for the purposes of an innovative health analytics project. In particular, advising on lawful basis for processing, fairness and transparency, data processing agreement, and advising on correspondence with the ICO.



# Employment Law

## Key personnel



Sarah  
Lamont

**Partner**

0370 194 8943 | 07977 530 495  
sarah.lamont@bevanbrittan.com



Alastair  
Currie

**Partner**

0370 194 7893 | 07795 547 011  
alastair.currie@bevanbrittan.com

## Number in team



5

Partners



18

Legal Advisors

We provide employment advice to clients across the public sector including local and central government, Fire Authorities, housing associations, the Police, NHS, charities and education bodies. Our TUPE expertise is a major strength; advising on the transfer of staff to the public and private sectors or to arm's length bodies/Teckal companies, s75 arrangements, insourcing and frameworks. We have an outstanding record in Employment Tribunal proceedings and appellate jurisdictions and have acted in many seminal and high profile claims at all levels of appeal. We advise on all aspects of employment law including: contracts, policies and collective agreements including nationally negotiated terms such as NJC and Agenda for Change; all types of discrimination and equal pay; industrial action; disciplinary and grievances issues; redundancies and reorganisations; terminations, including settlement agreements; whistleblowing; and immigration.

### Case study:

We provided the employment and pensions support to **Wandsworth and Richmond Councils** to implement new arrangements to share their workforce which are expected to save them up to £10m a year. Under the staffing model the staff at the two councils are jointly employed by both authorities and managed by a single chief executive whilst both councils will continue to be separate sovereign bodies with their own elected councillors, cabinets and leaders. The joint workforce enables them to eliminate duplication in how services are managed and run across the two boroughs and creates the largest staff group in London local government. We advised on the employment law aspects including options for staffing models and drafting the requisite agreements and correspondence for staff documentation, as well as the pensions implications.



# Information & Technology

## Key personnel



Richard  
Lane

**Partner**

0370 194 1703 | 07789 746 986

[richard.lane@bevanbrittan.com](mailto:richard.lane@bevanbrittan.com)



Laura  
Brealey

**Partner**

0370 194 3070 | 07825 171 720

[laura.brealey@bevanbrittan.com](mailto:laura.brealey@bevanbrittan.com)

## Number in team



3

Partners



5

Legal Advisors

We advise on all aspects of information and technology law including software licencing, software development, infrastructure services including traditional hosting, cloud (IaaS, IaaS), managed services (including SaaS arrangements). Whether the client is delivering the services in-house or procuring a fully managed service we can support the full life cycle of IT from developing procurement strategy through to exit management support. And, if things should go wrong we can support any dispute through dispute resolution procedures or ultimately the courts.

### Case study:

We were jointly instructed by the **Department for the Environment and Rural Affairs** and **Natural England** on the procurement of a service to support, maintain and onwards develop a critical IT system which supports its management of common agricultural policy funding. We supported the client from the start of the project in developing the strategy including developing a SIAM type model to support a multi-supplier contract arrangement with a managing supplier controlling those other suppliers, developing and supporting the procurement process, negotiating the contractual arrangements for all suppliers, including an underpinning collaboration agreement through to successful award of the contract. Since the contracts were awarded we have provided additional contract management support including supporting through a dispute resolution procedure issues arising across the suppliers.



# Infrastructure

## Key personnel



David  
Hutton

**Partner**

0370 194 8972 | 07867 976 835

david.hutton@bevanbrittan.com



Rosemary  
Jago

**Partner**

0370 194 3032 | 07780 998 185

rosemary.jago@bevanbrittan.com

## Number in team



12

Partners



23

Legal Advisors

We advise on all aspects of infrastructure law with a twenty year track record in PPP (Public Private Partnerships) work having advised on more than 800 projects. We have experienced teams who created some of the most popular structures including Building Schools for the Future and the template PFI agreement and NHS LIFT. We are leading advisors in the sector looking at the options of expiry of early deals and in health where we created the popular Strategic Estates Partnership Model. We continue to advice on new forms of partnership and are leading advocates of contract management support to these projects to drive performance, value and change. Sector range is extensive and includes regulated public infrastructure such as energy, waste, housing, digital, telecommunications, coast defences; transport including roads, tunnels; and regulated public services such as health, education, housing and the environment. This enables us to advise across all local government and health sectors. The models for delivery of infrastructure continue to develop and we support options appraisals regularly. Our expertise extends to asset (and share) disposals created as well as refinancing and restructuring projects and assets ownership and revenue flows.

### Case study:

We advised the **London Borough of Barking & Dagenham** on their high profile public sector led, energy infrastructure scheme, as part of the Gascoigne Estate mixed use regeneration project. This project has been procured by the local authority to achieve multiple objectives including revenue generation, in-ward investment, smart cities, sustainability, and decarbonisation and targeting fuel poverty



# Intellectual Property

## Key personnel



Adam  
Kendall  
**Partner**  
0370 194 5030 | 07770 857 989  
adam.kendall@bevanbrittan.com



Richard  
Lane  
**Partner**  
0370 194 1703 | 07789 746 986  
richard.lane@bevanbrittan.com

## Number in team



2

Partners



4

Legal Advisors

We advise on all aspects of intellectual property law both from the development of IP (including within joint ventures or other similar collaborative research and development projects), the protection of IP (whether through registration or other forms of protection), the exploitation of intellectual property through to enforcing intellectual property rights against third party organisations who are infringing on such rights.

### Case study:

We are advising **University Hospitals Birmingham** on all aspects of Intellectual Property (IP) owned and developed by the Trust (solely or in collaboration with other third party organisations both private and public). The key focus has been around research and development activity of the Trust. The Trust engaged us to support, on an ongoing basis, on the challenges arising from the development and ownership of Intellectual Property, including contractual relationships with funders and/or joint developers of IP and the proposed exploitation of such IP for the benefit of the Trust.





# Litigation & Dispute Resolution

## Key personnel



Adam  
Kendall

**Partner**

0370 194 5030 | 07770 857 989  
adam.kendall@bevanbrittan.com



Virginia  
Cooper

**Partner**

0370 194 7991 | 07815 188 036  
virginia.cooper@bevanbrittan.com

## Number in team



9

Partners



43

Legal Advisors

We act for public sector bodies across health, local and central government as well as regulators and ombudschemes. We provide a full services litigation offering covering financial services, complex ICT disputes, defamation and harassment claims, contract disputes, negligence and fraud as well as public law challenges. The team have a wealth of experience advising clients on all forms of alternative dispute resolution including mediation, adjudication, arbitration and expert determination. We also have specialist experience of acting on collective actions advising large groups of clients and can advise on funding options.

### Case study:

We advised the **Local Government Association and 365 authorities** on a collective action brought by over two groups comprising 180 personal search companies against them, Central Government and the Welsh Assembly. The cases, which were successfully settled through ADR, involved advising on claims in restitution and for Competition Act damages; a successful reference to the CJEU which enable us to settle at a fraction of the damages claims and clarified authorities' ability to continue to levy certain fees, preserving that income stream. We also prepared a complex application for new burdens funding through which we recovered 92.5% of the sums paid by authorities including interest and costs.documentation, as well as the pensions implications.





# Outsourcing/Insourcing

## Key personnel



Matthew  
Waters

**Partner**

0370 194 1271 | 07500 003 684  
matthew.maters@bevanbrittan.com



Sharon  
Renouf

**Partner**

0370 194 1678 | 07786 396 413  
sharon.renouf@bevanbrittan.com

## Number in



15  
Partners



40  
Legal Advisors

We provide central government, NDPBs, local government and NHS bodies on a wide range of insourcing and outsourcing projects. This includes advising on all legal matters relating to outsourcing of front and back office services; outsourcing on traditional activity basis; innovative outsourcing partnership models partnership principles; payment by results; outsourcing on a concession basis and third party funding. We also act on the increasing trend of insourcing; taking back previously externalised services. This often involves taking back services into new wholly owned structures or partnerships with other public bodies and links into our practice areas around contract management of outsourced services.

### Case study:

We are advising **Stoke-on-Trent City Council** on the insourcing of its £40m per annum housing repairs and maintenance contract with Kier Stoke (a joint venture between the Council and Kier) and the in-sourcing of the service into a newly created a company Unitas wholly owned by the Council and qualifying for the Teckal/ Regulation 12 exemption allowing contracts to be awarded to controlled entities. Unitas was then commissioned by the Council to deliver the service and a number of frameworks publically procured for the outsourcing of a range of the services to be supplied by Unitas to Stoke.



# Partnerships

## Key personnel



David  
Owens

**Partner**

0370 194 1688 | 07770 687 620  
david.owens@bevanbrittan.com



Chris  
Harper

**Partner**

0370 194 1306 | 07769 690 676  
chris.harper@bevanbrittan.com

## Number in team



3

Partners



8

Legal Advisors

We advise on the statutory powers of parties to enter proposed partnership arrangements; advising and drafting appropriate agreements to reflect the partnership terms, and providing for risk and reward, dispute resolution and financial investment and sharing; advice on liabilities flowing from the scheme and risk mitigation. The team also advises on issues in management and governance. We also advise on health and social care partnerships under s75 of the NHS act 2006 both in relating to commission and provision arrangements, as well as less formal joint commissioning arrangements and other means to develop integrated services

### Case study:

We advised a **local authority in the north west** on a set of arrangements designed to substantially increase the pooled funding between the Council and its co-terminus CCG, as well as making provision for joint and lead commissioning. The scheme included provision to enable additional funds outside the remit of a s75 pool to be managed through the joint commissioning function in order to maximise the benefit of integrated commissioning through the scheme, with a view to a significant improvement in the efficiency of commissioning, and better outcomes for the local population.



# Pensions

## Key personnel



Sarah  
Lamont

**Partner**

0370 194 8943 | 07977 530 495  
sarah.lamont@bevanbrittan.com



Judith  
Barnes

**Partner**

0370 194 5477 | 07769 668 173  
judith.barnes@bevanbrittan.com

## Number in



2

Partners



3

Legal Advisors

We provide advice to local and central government, fire authorities, housing associations, the Police, charities and education bodies on all areas of pension legal advice. We have particular expertise in public sector schemes such as LGPS, NHSPS, SHPS, Teachers' Pension Scheme and the Firefighters' Pension Scheme. We advise on pensions issues in transactions, such as outsourcing, joint ventures, mergers and acquisitions, shared services and procurement processes including advice on risks, requirements and complex pensions aspects of TUPE transfers. We also advise on pensions litigation, internal grievances, complaints and Pensions Ombudsman procedures and provide advice to administering authorities of LGPS Pension Funds.

### Case study:

We are advising on the **creation of a wholly-owned but independently managed and regulated Children's Trust** for a city council, involving the transfer of all children's services. Pensions advice included the establishment of Designated Body Status for the Trust, which, following the TUPE transfer, permitted employees to have unbroken pension service within the LGPS, as the Trust's access to LGPS was effectively pooled with the Council's. This generated significant cost savings because: there was no need for a separate admission agreement for the Trust, with an actuarial assessment of its contribution levels; there are no separate administrative, accounting and actuarial costs on an ongoing basis; there will be no exit cost for it to pay/ for the Council to underwrite; and it removed the need for potentially complex and costly bulk transfers of members' benefits from the Council's fund to the Trust's. This was a cutting-edge and significant piece of work in which our pension expertise, combined with our wider advisory experience, provided the best possible pensions solution for the



# Public Procurement

## Key personnel



Emily  
Heard

**Partner**

0370 194 8997 | 07917 792 597

emily.heard@bevanbrittan.com



Matthew  
Mo

**Partner**

0370 194 7815 | 07876 782 654

matthew.mo@bevanbrittan.com

## Number in team



10

Partners



24

Legal Advisors

We are a top ranked team in legal directories and listed in Who's Who for Government Contracts. We provide a full service, offering an end-to-end support in planning and conducting public procurement exercises from soft-market testing; developing procurement documents (prequalification criteria; tender evaluation criteria, and procurement and contractual documents); bid clarifications and tender evaluation; debriefing unsuccessful bidders, managing challenges including strategy and High Court representation.

### Case study:

We are advising the **Peabody Trust** on a procurement to appoint a strategic investment and development partner for the regeneration of the Thamesmead Waterfront in South East London. The site has the potential to deliver 11,500 new homes, a rejuvenated town centre with retail, commercial, leisure and educational facilities as part of a comprehensive redevelopment. The opportunity may also involve managing developed assets held by the JV partnership and/or by Peabody to generate income streams. This is one of the largest regeneration schemes in the UK with an estimated value between £1.5bn to £3.5bn with a duration of up to 40 years.



# Property, Real Estate & Construction

## Key personnel



Mark  
Calverley

**Partner**

0370 194 1632 | 07776 201 122  
mark.calverley@bevanbrittan.com



Andrew  
Tobin

**Partner**

0370 194 7838 | 07795 387 884  
andrew.tobin@bevanbrittan.com

## Number in



23

Partners



57

Legal Advisors

All aspects of property, real estate and construction are covered: acquisitions (for example investment acquisitions for Local Authorities) and disposals (for example for the NHS); landlord and tenant (we manage portfolios for many large public sector/charitable landowners). We have particular expertise, and strength in depth, in development work currently advising on some of the biggest regeneration projects active in the market.

We provide a full service offering on major construction and infrastructure projects across health, education, leisure, highways, energy and housing. We advise on the appropriate procurement strategy, negotiate robust contractual and security documentation and provide ongoing support and strategic input during the course of projects to avoid and/or resolve disputes.

### Case study:

We advised the **London Borough of Havering** in connection with the redevelopment and renewal of 12 sites in Havering including the large Waterloo estate, adjacent to Romford which will result in more than 3,000 new houses being delivered. This is a once in a generation project for the Council which is looking to provide more, better affordable housing within its Borough. We advised the Council on the procurement of a development partner, involving a wide range of skills including title issues; vacant possession; appropriation; CPO; a suite of construction and development documentation; all as part of an efficient procurement process.





# Tax

## Key personnel



Chris  
Harper

**Partner**

0370 194 1306 | 07769 690 676

chris.harper@bevanbrittan.com



Hugo  
Stephens

**Partner**

0370 194 5475 | 0779 597 8081

hugo.stephens@bevanbrittan.com

## Number in team



2

Partners



1

Legal Advisor

We advise the public and private sectors on the tax aspects of corporate, property and contractual structures and joint ventures, for the public and private sectors, including for local authorities and health sector entities, public private partnerships, housing associations, individuals, major corporates, charities/NFP, investors, investment funds and banks. We are experienced in working alongside a client's external or in-house tax advisors.

### Case study:

We are advising **Brighton & Hove City Council** about the VAT, SDLT and corporation tax implications of establishing a wholly owned housing delivery vehicle and a £178m joint venture with Hyde Housing by way of a limited liability partnership. This included extensive dialogue with a Big Four accountant, acting for Hyde Housing. The project as a whole aims to increase the number of Living Wage rental properties and those offered to the market on a shared ownership basis, as well as allow the Council to swap land with a registered provider as part of a scheme to regenerate part of the city.





## Optional Specialisms

### Charities Law

#### Key personnel



Matthew  
Waters

**Partner**

0370 194 1271 | 07500 003 684  
matthew.waters@bevanbrittan.com



David  
Owens

**Partner**

0370 194 1688 | 07770 687 620  
david.owens@bevanbrittan.com

#### Number in



5

Partners



15

Legal Advisors

We have a charity law team with in depth expertise in advising charities and other organisations dealing with charities on the full range of charity law matters including Governance, Land, Constitution Charity Commission regulation and engagement, Commercial activity, Collaboration and joint ventures and Mergers.

#### Case study:

We are advising **Bath & North East Somerset Council** on matters related to its recreation ground held by the Council as trustee on a separate trust and the issues presented by Bath Rugby Plc seeking to develop a permanent stadium on the recreation ground and the on-going use and re-procurement of a developed leisure centre on the site. Including extensive work with the Charity Commission on re-structuring of the trust, governance issues associated with a public body being the sole corporate trustee and the compatibility of permanent developments for private benefit being undertaken on land held in charitable trusts as permanent endowment.



# Child Law

## Key personnel



Judith  
Barnes

**Partner**

0370 194 5477 | 07769 668 173  
judith.barnes@bevanbrittan.com



Simon  
Lindsay

**Partner**

0370 194 1719 | 07970 019 453  
simon.lindsay@bevanbrittan.com

## Number in team



3

Partners



21

Legal Advisors

We regularly advise public authorities on the complex practical and legal issues arising from commissioning and delivering care/support to children and young people; including consent, identifying, scoping and exercising Parental Responsibility, distinguishing between usual parental control restrictions vs. deprivation of liberty/ interferences with human rights, s.20/s.25 Children Act accommodation, managing social/familial/ sexual contact, disclosures and information governance, Court of Protection/Inherent Jurisdiction proceedings and safeguarding. Our experience includes supporting witnesses to or alleged perpetrators (interveners) within Finding of Fact Hearings, advising into Serious Case Reviews and public inquiries (including the Independent Inquiry into Child Sexual Abuse). We can assist with effective joint agency working at the interface of health, education and social care, especially through transition from child to adult services. Often, we advise on responsible commissioner disputes and the overlap between the SEND, Care Act, s.117 aftercare Mental Health Act and NHS Continuing Healthcare arenas. We deliver proactive support to develop robust policies and procedures and we are by your side where a reactive response to an incident is required. We are at the forefront of advising on the establishment of Children's Trusts.

### Case study:

We are advising a **CCG** regarding a Spanish-national young man of Russian descent who presents with significantly challenging behaviours transitioning to adult services, where his residential school has served notice and the Local Authority with ordinary residence responsibility (geographically remote from current placement) intends to cease to maintain his EHC Plan. His parents are appealing in the SEND Tribunal and health recommendations are sought under the Pilot. He is eligible for NHS Continuing Healthcare and his adoptive father holds a deputyship for Health & Welfare. Advising the CCG on commissioning responsibility (dependent on the EHC Plan appeal), its interaction and involvement with the SEND Tribunal and Pilot, its procurement exercise (including NHS England grant application under the Transforming Care Agenda) and regularisation of the significant interferences with his human rights through the Court of Protection in his current and any future placement (including safeguarding enquiries into practices around physical, mechanical and chemical restraint, seclusion and 5:1 continuous observation).



# European Union

## Key personnel



Emily  
Heard

**Partner**

0370 194 8997 | 07917 792 597  
emily.heard@bevanbrittan.com



David  
Owens

**Partner**

0370 194 1688 | 07770 687 620  
david.owens@bevanbrittan.com

## Number in



5

Partners



8

Legal Advisors

We advise on the application of EU law in the context of public procurement, competition, state aid, employment and all other contentious and non-contentious areas.

### Case study:

We acted on **Bristol Missing Link v Bristol City Council** [2015] EWHC 876 (TCC) – described by the High Court in a subsequent judgment as a “paradigm case” whereby the automatic suspension was kept in place in favour of our client (a landmark decision) in relation to effective remedies under the Remedies Directive. Following the judgment, we were tasked with finding a solution to the dispute between the parties, which resulted in a contractually agreed re-evaluation of the parties’ tenders by the Council. As a result, our client was judged to have submitted the winning tender.



# Health & Healthcare

## Key personnel



Simon  
Lindsay

**Partner**

0370 194 1719 | 07970 019 453  
simon.lindsay@bevanbrittan.com



Carly  
Caton

**Partner**

0370 194 7708 | 07787 242 953  
carly.caton@bevanbrittan.com

## Number in team



25

Partners



156

Legal Advisors

We provide a full range of general and specialist legal services to healthcare clients and clients working with others in the healthcare sector. We know our clients need legal solutions that help them to improve their services, deal with ongoing organisational change and balance the books. Our specialist healthcare services include serious incident management, inquests and inquiries, CQC and other regulatory compliance, children's health issues, deprivation of liberty issues and Court of Protection applications, continuing healthcare arrangements and all issues arising from regularising packages of care for vulnerable patients including mental health and safeguarding. We also deal with NHS governance and clinical contracting issues.

### Case study:

We acted in a complex, disputed, **end of life care case** where an elderly patient's daughter refused to accept that her father should have treatment withheld. The clinicians required considerable support and advice to ensure they felt protected in an environment that had the potential to become hostile. We advised on the legality of proposed care plans and management of the patient's relatives' expectations and behaviour, provided guidance decision-making processes, supported clinicians in the preparation of witness evidence, drafted the application and prepared appropriate documents such as the care plan. We supported witnesses at the hearing and provided dynamic advice in parallel to the patient's condition and other parties' approaches. Ultimately, the decision reached was accepted and implemented but more importantly, the stress of a difficult, emotionally charged hearing did not turn into an inquisition and the Trust staff were able to discharge their duty as part of a public authority acting lawfully and appropriately.





# Health & Safety Law

## Key personnel



Adam  
Kendall

**Partner**

0370 194 5030 | 07770 857 989  
adam.kendall@bevanbrittan.com



Stuart  
Marchant

**Partner**

0370 194 7712 | 07872 931 326  
stuart.marchant@bevanbrittan.com

## Number in



3

Partners



9

Legal Advisors

We understand the burden that health & safety regulation and compliance legislation places on our clients. Our legal support around health & safety is broad-ranging, covering advice on statutory powers and functions, policies and rule-setting.

We regularly advise clients on their overarching health and safety duties under the Health and Safety at Work Act etc. 1974, as well as on a wide range of more specific regulations, including those dealing with fire safety, asbestos and legionella. With breaches of health and safety legislation now attracting fines into the millions of pounds, the potential impact of health and safety incidents is greater than ever before. Our first-hand experience of health and safety prosecutions gives us a real, practical insight in to how best to help our clients reduce the commercial and reputational risks and deal with the unexpected. Through training and high level reviews of safety policies and procedures, our specialist team is able to make sure clients have the knowledge and robust frameworks in place in order to minimise the likelihood of incidents occurring. Where incidents do happen, our 24 hour emergency response service can provide immediate and onsite assistance. We robustly defend our clients' position during subsequent investigations by the HSE (or any other regulatory body) and/or the police, dealing with interviews under caution and any enforcement action, including prosecutions in the Magistrates and Crown Court.

### Case study:

We are advising an **NHS Trust** in relation to the numerous and complex investigations and processes arising out of the high profile death of a vulnerable service user with a learning disability and epilepsy, which engaged national media and senior political attention. This included responding to the Trust's internal investigation, police investigation for potential corporate manslaughter, two NHS England-commissioned external investigations, complex Article 2 inquest, staff disciplinary processes, engagement with the GMC and NMC investigations, CQC inspections and HSE prosecution. Our role included advising on the complex disclosure obligations and powers to the various investigations, responding to the significant social media campaign surrounding the incident, supporting Board members and senior management team in interviews for the NHS England investigations, advising and supporting on PACE written submissions to the HSE and representing the Trust at the sentencing hearing.



# Planning

## Key personnel



Kathryn  
Lawrance

**Partner**

0370 194 8940 | 07917 472 894

kathryn.lawrance@bevanbrittan.com



Steven  
Smith

**Partner**

0370 194 7736 | 07884 236 216

steven.smith@bevanbrittan.com

## Number in team



3

Partners



4

Legal Advisors

As a highly experienced planning team we advise on all aspects of planning matters and in bringing forward applications for development so as to minimise the risks of legal challenge, including providing advice on the redevelopment of historic buildings, auditing environmental statements and the application of EU directives. We have a particular expertise in unlocking brownfield land for development including progressing compulsory purchase orders that assist in the delivery of redevelopment and regeneration schemes and dealing with difficult highways, rights of way and town green issues.

### Case study:

We are advising the **London Borough of Hounslow** on the compulsory purchase of land required to facilitate the £750m regeneration of key High Street and Waterside areas in Brentford. This 4.79-hectare waterside site will deliver a new commercial destination and, nearly 900 new homes. We have advised the Council on the confirmation and implementation of a compulsory purchase order that will deliver the land required for the regeneration scheme and also advised on appropriation, planning and highway issues including a stopping up order.





# Projects

## Key personnel



Nadeem  
Arshad

**Partner**

0370 194 8932 | 07795 495 643  
nadeem.arshad@bevanbrittan.com



Rosemary  
Jago

**Partner**

0370 194 3032 | 07780 998 185  
rosemary.jago@bevanbrittan.com

## Number in

 8  
Partners

 20  
Legal Advisors

We advise on all forms of complex infrastructure Projects, including Public Private Partnerships (PPPs), Private Finance Initiatives (PFIs) and joint venture vehicles. We have been market makers in the PPP and PFI sector since its inception and have advised on over 850 PPP/PFI Projects. This includes projects with various funding streams such as bank debt, corporate finance, equity, prudential borrowing and other forms of public sector funding.

We have helped to create many of the innovative UK projects models over the last 20 years, including Strategic Estates Partnerships, Building Schools for the Future and RHIC (Regional Health Infrastructure Companies) Programme. Our areas of focus include social housing, waste, energy, health, education, badged services, highways leisure, rail, roads, social care and university accommodation.

We help clients with the structuring and delivery of new projects, covering all relevant legal disciplines, such as procurement, construction, property, planning, financing, corporate, facilities management, maintenance and regulatory issues. We also support clients once all the major contracts have been signed and throughout the life of a Project. We are experts on dealing with issues in the construction and commissioning period, as well as helping to manage challenges which may arise the operational phase - from poor contractor performance to helping clients deal with the public sector's need for cost savings.

### Case study:

We advised the **South West Devon Waste Partnership** (involving the Plymouth, Torbay and Devon Councils) on their £796m project for the development of the award winning Devonport Energy Recovery Facility (ERF) and district energy network. The ERF is operated as a combined heat and power (CHP) plant, providing sustainable electrical energy and heat to the naval base and dockyard as well as some electricity to the national grid. We advised on all aspects of this innovative and complex PFI project, including the procurement phase, PFI project documentation, funding, construction, energy supply and property arrangements. We continue to advise the Partnership on operational and performance issues.



# Restructuring & Insolvency

## Key personnel



Virginia  
Cooper

**Partner**

0370 194 7991 | 07815 188 036  
virginia.cooper@bevanbrittan.com



Monica  
Macheng

**Partner**

0370 194 5024 | 07813 131 978  
monica.macheng@bevanbrittan.com

## Number in team



3

Partners



7

Legal Advisors

We have extensive experience advising office holders, lenders and corporate and public bodies in a variety of service sectors in connection with a broad range of insolvency, asset tracing and debt recovery matters. We have a demonstrable track record of successfully representing clients on UK and cross border insolvencies involving competing interests and stakeholders; and working with insolvency practitioners/ stakeholders on complex insolvent estates to ensure they are administered effectively and appropriate restructuring options explored. We have been involved in some of the most high profile recent insolvencies including Iceland, those affecting the legal services market and Carillion. We know that maintaining supply is crucial for public bodies and health boards and when insolvencies happen we negotiate, on an individual or collective level, to ensure critical supply is maintained.

### Case study:

We are currently advising **a financial services regulator** on pursuing recoveries in excess of £400m from insolvencies of 9 group companies across the UK and various Caribbean jurisdictions. Our work has involved devising a global insolvency strategy, consideration of complex cross-border insolvency issues, securing our appointment to the various creditor committees and working closely with the administrators and other key stakeholders to maximise recoveries for creditors.



# Telecommunications

## Key personnel



Richard  
Lane

**Partner**

0370 194 1703 | 07789 746 986

[richard.lane@bevanbrittan.com](mailto:richard.lane@bevanbrittan.com)



Steven  
Eccles

**Partner**

0370 194 8933 | 07917 792 599

[steven.eccles@bevanbrittan.com](mailto:steven.eccles@bevanbrittan.com)

## Number in



2

Partners



4

Legal Advisors

We have significant experience advising on telecommunication contracts and services covering broadband, Wifi, networks (LAN and WAN) through to telephony systems. In addition to these traditional telecommunication areas we have been working with a consultancy practice to develop a commercial model around 5G Neutral host for commercialisation by public bodies.

Alongside this, we have advised landowners and telecoms operators on the rights afforded to operators by the Electronic Communications Code, particularly insofar as those rights apply to real property.

### Case study:

We are advising **Bristol is Open** (a Bristol Council and Bristol University joint venture for smart city technologies) on 5G, leasing access to its fibre network as a test bed for smart city technologies and a concession agreement for fibres in the City. Linked to this we have been advising West of England Combined Authority (of which Bristol is Open is a partner) on the potential 5G roll out including advising on central government grant funding applications.



## **Birmingham**

Interchange Place  
Edmund Street  
Birmingham  
B3 2TA

## **Bristol**

Kings Orchard  
1 Queen Street  
Bristol  
BS2 0HQ

## **Leeds**

Toronto Square  
7th Floor  
Toronto Street  
Leeds  
LS1 2HJ

## **London**

Fleet Place House  
2 Fleet Place  
Holborn Viaduct  
London  
EC4M 7RF

Bevan Brittan is a limited liability partnership registered in England & Wales: Number OC309219. Registered office: Kings Orchard 1 Queen Street Bristol BS2 0HQ. A list of members is available from our offices in London, Leeds, Birmingham and Bristol and on our website (which has other regulatory information). Authorised and regulated by the Solicitors Regulation Authority: number 406315. Any reference to a partner in relation to Bevan Brittan LLP means a member, consultant or employee of the firm who is a lawyer.