



RM6179 legal services panel

Lot 1: General legal advice and services
Gowling WLG (UK) LLP

Version 4 - November 2023

Crown
Commercial
Service
Supplier



GOWLING WLG



Introduction

At Gowling WLG, we understand the pressures faced by Government bodies. Our lawyers have a deep knowledge of and exceptional experience in both the public and private sectors and a detailed understanding of the relationship between them. Our lawyers bring a 360-degree perspective that enables them to provide legal, regulatory and public policy advice on virtually any matter.

A law firm you can trust

Our clients include all levels of Government and its agencies, trade and professional associations, non-governmental agencies, Crown corporations, utilities, developers and educational institutions, such as schools and universities. We work with Think Tanks and are active Members of The Whitehall and Industry Group. We host events with politicians, civil servants and academics on policy issues and processes. We understand the importance of being connected and engaged and we respect and value the relationships we have built across Whitehall and Westminster.

We represent the interests of our clients before public sector and Government committees and investigations, Government task forces, and at all levels in the national and regional courts.

Commitment to government work

Our commitment to Government work is demonstrated by the strength and depth of our significant 150+ lawyer Government Sector Team, providing continuity and resilience alongside the skills and experience needed to deliver Government work. As one of our firm's strategic priority sectors, our Government work provides highly prized career opportunities for our people,

of which we are extremely proud. We encourage and allow our lawyers at all levels the chance to work on, and grow their skills and experiences through, nationally significant projects that help improve our country and the lives of those that live here.

Our specialist teams have been providing advice to Government Departments for over 20 years and many of our leading experts have either worked in, or been seconded to, major public sector organisations – including Central Government Departments.

Our Government Sector Team includes lawyers with UKSV clearance including at DV and SC levels.

Working with Government has given us the insight and first-hand experience needed to provide advice on the most complex issues in what is a period of economic and technological turbulence. Government needs advice that will help to ensure it has the operational resilience to deliver its policies and programmes and the insight necessary to anticipate future problems, avoid reputational harm and build confidence in its capacity and capability.

Rising to your challenge

We understand that complex legal issues often need a cross-sector and cross-service approach and we pride ourselves on our collaborative style and our ability to combine these specialisms to deliver the advice that Government needs.

Through our knowledge and understanding of policy, regulation, financial, socio-economic and reputational risk we provide client-specific, strategic input to our Government clients.

Delivering savings and efficiencies is a key concern for government bodies. We have acted on significant programmes that have secured savings and efficiencies by restructuring the delivery of public services and renegotiating existing contractual arrangements.

From reputation management to overhauling service delivery, setting negotiation strategies to project managing deal delivery, defending complex litigation to transferring risk to third parties: we will find the best solution.

Introduction	1	Tax law	29
Team structure	2	Optional specialisms	31
Social value	3	Energy and natural resources	32
Mandatory specialisms	5	Food, rural and environmental affairs	33
Competition law	6	Franchise law	34
Construction law	7	Health and healthcare	35
Contracts	8	Health and safety	36
Corporate law	9	Life sciences	37
Dispute resolution & litigation	10	Media law	38
Employment law	12	Public inquiries and inquests	39
Environmental law	13	Public international law	40
Information law including data protection law	14	Telecommunications	41
Information technology law	15	The law of international trade, investment and regulation	42
Intellectual property law	16		
Non-complex finance and investment	17		
Outsourcing	18		
Partnership law	19		
Pensions law	20		
Planning law	21		
Projects / PFI / PPP	22		
Public law	24		
Public procurement law	25		
Real estate & real estate finance	26		
Restructuring and insolvency	27		
Retained EU law and EU law	28		

Team structure



Relationship team

Michael Luckman, Relationship Manager

✉ michael.luckman@gowlingwlg.com

Sophie Carvalho, Contract Manager

✉ sophie.carvalho@gowlingwlg.com

Robert Breedon, Deputy Relationship Manager

✉ robert.breedon@gowlingwlg.com

Bid and tender opportunities

✉ tenders@gowlingwlg.com

Mandatory specialisms legal delivery key contacts

For optional specialisms and contact details for mandatory specialisms, please see individual pages.

Competition law – 6 legal professionals Bernardine Adkins / Samuel Beighton	Outsourcing – 40+ legal professionals Robert Breedon / Stephen Kenny / Alexandra Poynter
Construction law – 40+ legal professionals Richard Green / Ruth Griffin / Ashley Pigott	Partnership law – 50+ legal professionals Sharon Ayres / Amar Adatia
Contracts – 40+ legal professionals Robert Breedon / Stephen Kenny / Elizabeth Williams	Pensions law – 40+ legal professionals Paul Carberry / Jason Coates
Corporate law – 50+ legal professionals David Vaughan / Amar Adatia	Planning law – 18 legal professionals Vicky Fowler / Ben Stansfield
Dispute resolution and litigation – 170+ legal professionals Davinia Gransbury / Patrick Arben / Helen Davenport	Projects/PFI/PPP – 40+ legal professionals Stephen Kenny / Andrew Newbery / Dominic Richardson
Employment law – 20+ legal professionals Anna Fletcher / Rebecca Jones	Public law – 7 legal professionals John Cooper / Ravi Randhawa
Environmental law – 20+ legal professionals Andrew Litchfield / Ben Stansfield	Public procurement law – 40+ legal professionals Robert Breedon / Chris Brennan
Information law including data protection law – 30+ legal professionals Jocelyn Paulley / Helen Davenport	Real estate and real estate finance – 340+ legal professionals Giles Clifford / Felicity Lindsay / Richard Beckingsale
Information technology law – 30+ legal professionals Jocelyn Paulley / Helen Davenport	Restructuring and insolvency – 20+ legal professionals Julian Pallett / Jasvir Jootla
Intellectual property law – 35 legal professionals Kate Swaine / Luke Kempton	Retained EU law and EU law – 6 legal professionals Bernardine Adkins / Samuel Beighton
Non-complex finance and investment – 20+ legal professionals Julian Pallett / Nath Curtis	Tax law – 8 legal professionals Lee Nuttall

Additional capacity – With 1400 legal professionals worldwide, of which over 700 are based in the UK, we have the strength and depth to draw on further resources as needed to support our Government clients.

Working with key sub-contractors – We have three CCS pre-approved key sub-contractors whom we work with on Government mandates. Specifically in relation to Government Property matters, we have an arrangement with **Davitt Jones Bould** ("DJB") that allows us to offer a further set of highly experienced lawyers in Government Property and maintain continuity of relationships within Central Government. We have engaged with DJB because we are committed to supporting the work of SME's and DJB have a very good relationship and reputation with Government. To give you quality resource in Scotland and Northern Ireland we work with two highly respected and experienced firms – **Burness Paull in Scotland** and **A&L Goodbody in Northern Ireland**. We have good working relationships with both firms, and they have extensive central government experience.

Social value



We take our responsibility to our people, our environment and our communities seriously. Trust and transparency are embedded in everything we do and impact every business decision we make. For us, social value is all about making connections and making a difference - to charities, individuals and suppliers we work with, for the wellbeing and personal and professional development of our people and to strengthen relationships with our communities, clients and suppliers.

Below we have highlighted just a few of the things we are doing to support the Government's drive to deliver social value through its supply chain and The Social Value Model.



COVID-19 recovery

- Implemented an Agile + policy and infrastructure to support our people with their return to office post COVID-19.
- Creation of a toolkit for businesses on how to prevent homelessness and help the homeless and other marginalised groups find pathways to employment
- Use of our sponsorship of the Birmingham 2022 Commonwealth Games to support ongoing campaigns around physical and mental wellbeing.



Tackling economic inequality

- Member of Social Enterprise UK and signatory to UN Global Compact
- Mentoring 10 black social entrepreneurs in partnership with the School for Social Entrepreneurs, Black Talent Bursary at Birmingham University and offering work experience under the PRIME commitment for low-income students (Yr 12)
- Providing work experience to people who have experienced homelessness or other barriers to employment



Fighting climate change

- PLANET+ environmental stewardship programme
- Signed onto UN Global Compact (UNGC) principles drawing on Sustainable Development Goals, created a supplier code of conduct to comply
- Carbon compensation programme via UN Carbon Offsetting platform, sequestration via tree planting partnership with the Woodland Trust and phased out diesel car fleet



Equal opportunity

- Launch of Inclusion for All, a firmwide 5-year strategy to embed accountability for achieving our Diversity and Inclusion ambitions at group, team and individual levels across the firm.
- Founding and co-steering Midlands Ability, employer network sharing best practice on disabilities
- Developed our Black Lives Matter Action Plan to increase black and ethnic minority representation at all levels.



Wellbeing

- Appointed a Board sponsor who champions disability, health and wellbeing and influences strategy and Board decisions.
- Appointment of Mental Health Champions and Domestic Violence Champions to offer listening and signposting service to our people.
- Development of Wellbeing Hub to offer education, resilience and support to all our people.



Mandatory specialisms

Competition law



Our award winning team uses its expert knowledge of competition law to deliver timely, client-focussed results. For example, the team received Legal Business' "Competition Team of the Year" award in 2021 for its work in bringing an innovative abuse of dominance claim before the High Court, which resulted in the grant of an interim injunction against Royal Mail. This prompted a subsequent negotiation between the parties, with a commercial settlement secured as a direct result of the High Court claim.



The team was also a finalist in The Lawyer's "Competition and Regulatory Team of the Year" category in 2020, and its work in acting for E (Gas and Electricity) Limited in the context of Ofgem's first "Chapter I" infringement decision was "Highly Commended" at the British Legal Awards in 2019.



The team advises on a broad range of competition law matters, including subsidy control and State aid; competition law compliance; competition litigation; competition investigations; the interface between competition law and IP; agency, distribution and licensing arrangements; and merger control.



The team regularly acts for public sector clients, who value the relationships that we build. Clients work with a dedicated team, allowing us to gain an in-depth understanding of the issues and risks they face, and enabling us to deliver targeted, practical advice in review of their appetite to risk.

Work highlights

A government department upon a range of subsidy control and State aid issues and risks arising in the context of various projects relevant to the government's response to the COVID-19 pandemic, including reviewing and recommending amendments to project plans and structures, so as to seek to manage identified risks.

A government department upon specific competition law issues and risks arising in the context of a commercial negotiation with a market-leading supplier.

A non-departmental public body upon a range of subsidy control, State aid, and competition law issues and risks, including undertaking a compliance audit addressing existing processes and procedures, and considering and recommending revisions to seek to minimise risk in the context of planned commercial arrangements with international partners.

A government department upon State aid issues and risks arising in the context of a major procurement process for a significant contract.

Various local government bodies upon a range of subsidy control, State aid, and competition law issues and risks, including recommending alternative approaches to planned activities, so as to enable the effective and informed allocation and management of compliance and reputational risks.

Advising various public authorities on a range of subsidy control issues, including in relation to (i) the proposed provision of additional funding to meet a shortfall arising in the context of a development project; (ii) the proposed provision of a loan to an entity facing significant cash flow challenges; and (iii) the proposed provision of increased funding to cover specific costs arising in the context of securing long-term commercial tenants for a mixed-use development.



Bernardine Adkins

Partner

+44 (0)370 733 0649
+44 (0)7841 899302
bernardine.adkins@gowlingwlg.com



Samuel Beighton

Partner

+44 (0)20 3636 7972
+44 (0)7841 899301
samuel.beighton@gowlingwlg.com



Vincent Smith

Consultant

vincent.smith@gowlingwlg.com

Construction law



Our 40-strong construction team advises on the non-contentious and contentious aspects of all types of construction projects.



We provide technically excellent, specialist advice throughout a project: conception, choice of procurement, the tender process, complex negotiations, contract management and dispute avoidance and resolution.



Our team includes specialists in the Building Safety Regulations, modern methods of construction (MMC), off-site manufacturing (OSM) and digital in construction (including BIM).



We appreciate that complex legal issues in the construction & engineering market often need a cross-sector and cross-service approach and we pride ourselves on our collaborative style and our ability to combine our specialist expertise with those of our colleagues across the firm and the client's wider team of advisers, including their own project teams.



We operate our own, in-house e-disclosure solution, which allows us efficiently and cost-effectively to manage high volumes of electronic documents. We have developed for the firm a document tracking app: develApp to enable our clients and their project team to track (in real time) the status of the multitude of contracts involved in their construction projects. The App can be used on a smart phone, tablet and laptop. This is complemented by the firm's use document automation programmes.

Work highlights

Birmingham 2022 Commonwealth Games: advising on the contracts for temporary infrastructure at all venues, including waste, water, power, HVAC and broadcast lighting; fit out of the Organising Committee's offices and the volunteer selection centre; and a new infield at the main athletics stadium.

National Highways: A303 Stonehenge Tunnel - advising on the NEC4 ECC based contract, key risk management and effect of key risks on balance sheet treatment, market engagement with potential bidders, advice on competition structure, preparation of procurement documents, advising on selection, award criteria and development of the contract.

Central Government departments: on their move from NEC3 to NEC4, including workshops on the NEC4 and, in partnership with in-house lawyers, preparing NEC4 templates. Advising on strategic accommodation projects involving the oversight of internal and third-party stakeholders. In collaboration with other external advisers, drafting and negotiating for long-term, multi-estate projects, NEC4 ECC and NEC4 PSC contracts involving ECI and conditionality in line with the client's partnering, two-stage strategy.

TfL/LUL: multi-million pound, large-scale, complex developments affecting TfL's/LUL's assets, including new station entrances, step-free access and over-station developments, negotiating with major developers/contractors. As well as asset agreements such as BAPAs/APAs.

NDA: the decommissioning of the UK's legacy civil nuclear power stations, including reviewing their template NEC Z clauses and updating these for use with NEC4.

DVLA: advising on PFI handback of the DVLA Estate including advising on operational management, enforcement of existing contractual entitlements, and strategic approach to expiry obligations and acting on high value disputes that have arisen under the contract relating to Unavailability Deductions and the condition of the assets to be handed back to DVLA on expiry of the PFI.

Triathlon Homes LLP: advising on claims against the developer of the former Athletes Village at the Olympic Park East London in respect of cladding defects to the housing estate. The estimate of the remedial costs being £100m. The work involves making one of the first applications to the First Tier Tribunal for orders under the Building Safety Act 2022.



Ruth Griffin

Partner

+44 (0)121 393 0275
+44 (0)7921 881480
ruth.griffin@gowlingwlg.com



Ashley Pigott

Partner

+44 (0)121 393 0543
+44 (0)7776 178060
ashley.piggott@gowlingwlg.com



Richard Green

Partner

+44 (0)121 393 0274
+44 (0)7881 502565
richard.green@gowlingwlg.com

Contracts



We are one of the UK's largest dedicated contracts teams with more than 40 lawyers – advising on both volume routine contracts as well as large, strategically important and complex projects.



We have extensive experience of advising on the development, implementation and management of public sector contracts across many diverse service lines, from the routine procurement of goods and services to ground-breaking outsourcing and infrastructure projects.



We help our clients to negotiate and manage contracts so as to secure value, minimise risk exposure, support compliance and maximise opportunities for growth and development.



We advise on the full range of commercial arrangements including distribution agreements, e-commerce solutions, franchise agreements, IT development and software licensing, business process outsourcing, property and facilities management, logistics, merchandising, sales and marketing, procurement, HR, sponsorship, shared services, JVs and restructuring.

Work highlights

Ministry of Defence (MoD): we have worked regularly with MoD for 20 years and have supported them on some of the most complex UK Government projects including the complex multi-party alliance project to design and build two aircraft carriers; the Submarine Enterprise Performance Programme; and Project Marshall - a £1.5 billion PPP for military air traffic management services, saving MoD up to £1 billion over 22 years.

Foreign, Commonwealth and Development Office (FCDO) and the British Council (BC): we are advising FCDO and BC on a global contract for internet and connectivity services for its office in over 170 countries. Our support includes the drafting and finalisation of an overarching framework contract with separate call-off contracts. Separately we have drafted and finalised contract documents to be used on a local or regional basis for internet broadband services under a global dynamic purchasing system.

Department of Health and Social Care and the UK Health Security Agency: Advising on all of its contracts for COVID-19 laboratory services; various other COVID-19 testing services (e.g. lateral flow tests); and genome sequencing services to identify variants of concern. We provided pragmatic, risk-based advice to meet extremely short timescales so that the UK could secure vital provisions during a global supply shortage.

Department of Health and Social Care and the UK Health Security Agency: we have advised on multiple procurements and direct contract awards including a range of contracts for Covid-19 laboratory services (Lighthouse Labs), various Covid-19 testing services (e.g. lateral flow tests) and genome sequencing services to identify variants of concern.

Transport for London (TfL): we have been advising TfL and its affiliate bodies since 2003 on various contracts/matters including on all aspects of the London Cycle Hire Scheme (LCHS) – the initial contract, three contract variations and the re-let of the LCHS in 2016. Throughout, we provided support on procurement and state aid issues, contract drafting/negotiation, competitive dialogue as well as specialist advice including IPR, high profile sponsorship arrangements, insurance, health and safety and property matters.



Elizabeth Williams

Partner

+44 (0)121 393 0760

+44 (0)7841 322720

elizabeth.williams@gowlingwlg.com



Robert Breedon

Partner

+44 (0)370 730 2862

+44 (0)7894 253120

robert.breedon@gowlingwlg.com



Stephen Kenny

Partner

+44 (0)121 393 0367

+44 (0)7979 243818

stephen.kenny@gowlingwlg.com

Corporate law



Over 120 legal professionals offering a complete range of corporate law services, from simple registration to complex reorganisations with extensive experience in undertaking complex corporate transactions.



Specialist restructuring team with dedicated experts focusing entirely on restructuring solutions.



Working with all types of enterprises to develop agile, innovative business strategies to achieve commercial objectives in a constantly changing and increasingly competitive landscape.



Established due diligence team to deliver buy side and sell side due diligence services; in order to provide a more efficient service and a more user friendly product to clients.

London Borough of Barnet: £4 billion regeneration of Brent Cross: advising the Council on the renegotiation of existing documentation with its northern development partners (Hammerson and Standard Life), the procurement of its southern development partners (Argent and Related), the set-up of the joint venture with Argent and we put in place all project documentation. We also advised on all related property, planning and infrastructure matters.

Birmingham City Council and Innovation Birmingham Limited: advising Birmingham City Council and Innovation Birmingham Limited on the sale of the Innovation Birmingham Campus which comprises Birmingham Science Park Aston Limited, iCentrum and related development land. Our work has included pre-sale structuring, best consideration and public law issues.

Guy's and St Thomas' NHS Foundation Trust: Corporate Review: advising one of the UK's largest hospitals on a substantial corporate review of all its commercial ventures including company law governance, the interaction with FT governance and general corporate governance, structuring commercial ventures (joint ventures, partnerships and LLPs), and designing conflict of interests arrangements.

Birmingham City Council: advising on the unwinding of its Services Birmingham joint venture with Capita. Our advice extended to structuring options, review of complex constitutional documents and implementation of the unwinding.

London Legacy Development Corporation (LLDC): advising LLDC on its acquisition of London Stadium 165 Limited from Vinci.

The Nuclear Decommissioning Authority on the re-integration of each of Magnox and Low Level Waste Repository Limited, the restructuring of its transport and waste divisions and the transfer of Dounreay to Magnox.

Work highlights

Birmingham City Council: sale of the NEC Group to private equity firm LDC for £307 million: a particularly complex project that called upon multi-disciplinary expertise from across the firm – from corporate, commercial and tax to real estate, employment and pensions. We unpicked the pre-sale structure and devised a new structure attractive to bidders and their funders to ensure the Council obtained best value. It took a substantial multi-disciplinary effort to negotiate and deliver a complex suite of documentation under intense time pressure. Our work led to a good result for both buyer and seller – which was in the public interest – and facilitates economic development and regeneration.

The Greater London Authority: London & Partners Limited: advising on the formation and set-up of London & Partners Limited as the new body responsible for promoting London, taking over the roles of Think London, Visit London and Study London, along with the arrangements for funding the new company by the Mayor and the Mayor's rights within the company itself.



David Vaughan

Partner

+44 (0)121 393 0716

+44 (0)7774 141349

david.vaughan@gowlingwlg.com



Amar Adatia

Partner

+44 (0)121 393 0005

+44 (0)7921 881424

amar.adiatia@gowlingwlg.com

Dispute resolution & litigation



With one of the largest teams in the UK comprising more than 180 lawyers, we can provide the necessary expertise and resource to handle your dispute. Our team has depth and breadth of experience in high profile and complex cases involving specialist disputes, recovery of monies, procurement challenges, investigatory work, group action litigation, domestic arbitration, adjudications and international arbitration proceedings. Members of our team have acted for the MoD, FCDO, Cabinet Office, BEIS, NHS and a number of local authorities in a range of disputes and related investigatory work.



Recognising that litigation can be expensive, and creates reputational risk, we seek to explore early resolution through all forms of ADR including negotiation, arbitration, mediation, early neutral evaluation and large settlement projects/compensation schemes. We provide early expert advice in your disputes. Are highly experienced in handling contentious work and progressing disputes to trial in the High Court, County Court, Court of Appeal and Supreme Court where necessary. This expertise includes all aspects of the litigation life-cycle – from conducting litigation investigations, large-scale electronic disclosure projects, taking detailed witness statements, to presenting evidence (including expert evidence) at trial. We are committed to focusing on a service which provides value for money and we use specialist technology to enable you to track legal costs throughout disputes and our regular communication enables you to have full control of costs.



Patrick Arben

Partner

☎ +44 (0)121 393 0011
 ☎ +44 (0)7921 881438
 ✉ patrick.arben@gowlingwlg.com



Helen Davenport

Partner

☎ +44 (0)121 393 0174
 ☎ +44 (0)7921 881371
 ✉ helen.davenport@gowlingwlg.com



Whether your dispute requires ADR or preparation for fully contested proceedings we focus on providing strategic plans for your dispute from the outset and our team is highly experienced in dispute resolution strategy which takes into account your aims, objectives and policy imperatives as well as the law.



For areas of specialist disputes and litigation expertise, please also see our Construction, Employment, Intellectual Property, Life Sciences, Public Law, Public Procurement, Real Estate and Real Estate Finance, Restructuring and Insolvency pages.

Work highlights

ADR/Litigation strategy

Arbitration: Breach of investment treaties: acted for the government of Albania in a number of complex and high value disputes governed by the ICSID and ICC arbitration rules. These involved claims by foreign investors for alleged breaches of the Energy Charter Treaty in respect of a concession agreement for the construction and operation of a waste disposal/biomass plant and for alleged breaches of the Albania-Italy Investment Treaty. The quantum in each claim amounted to hundreds of millions of dollars. Albania successfully defended a number of the claims and where annulment proceedings were subsequently brought by the investors, these were also successfully defended.

Negotiation/mediation: contractual dispute: represented the London Legacy Development Corporation (LLDC) relating to an ongoing contractual dispute with the operator of the Olympic Stadium as to who should bear unexpected capital costs. We devised and implemented a litigation strategy for LLDC involving a complex disclosure exercise and limited waivers of privilege to demonstrate that LLDC was justified in its defence of the proceedings; and the preparation of lay and expert accounting evidence. This culminated in a successful mediation shortly before the trial.

ADR strategy: recovery of monies: advised a government agency in connection with a circa £100 million claim for alleged unpaid software licence fees, arising from historic use of enterprise software. We are advising on the merits of the licensor's claim for the recovery of monies based upon complex licensing/sub-licensing arrangements and devising and implementing a dispute resolution strategy which minimises potential liability and preserves service continuity for the government agency.



Davinia Gransbury

Partner

☎ +44 (0)370 733 0637
 ☎ +44 (0)7795 594 930
 ✉ davinia.gransbury@gowlingwlg.com

Adjudication proceedings: acting for the MoD in a number of connected construction contractual disputes. This involves a series of high value adjudications under the House Grants, Construction and Regeneration Act 1996 as well as giving strategic advice on future disputes, termination of contract and insolvency. We are part of a single team with MoD commercial and legal departments, including FCDO and GLD who have sourced and project managed counsel and experts. So far we have been successful on each and every claim.

Investigatory/litigation investigation work

Investigation/settlement: financial regulatory: represented the Executive Council to the Financial Reporting Council ('the FRC') in relation to a high profile and complex investigation culminating in a five week hearing in which the regulator brought proceedings for misconduct against KPMG and its former employees. We were involved in all aspects of the investigation from gathering supporting documents to evidence the allegations, drafting witness statements and representing the FRC in the lead up to and during the tribunal; managing seven separate respondent parties, disclosure requests and working to an expedited timetable. The independent tribunal imposed a £14.4 million fine against KPMG along with sanctions against individuals for their misconduct and breaches of codes of ethics. We continue to advise the FRC in relation to investigations/enforcement actions concerning the collapse of Carillion plc.

Investigation/culture review: corruption: we were appointed by a local authority to investigate allegations of corruption against senior staff by a whistle blower. Over a two year period we worked with the Authority to carefully define the scope of the review and agree appropriate and proportionate investigation terms of reference and methodology. Reviewing over 300,000 documents using a combination of technology assisted/manual reviews we produced a core set of documents and interviewed a large number of internal/external witnesses. We advised the authority on publication and defamation risk, undertaking a Maxwellisation process where individuals were proposed to be criticised in the report. We drafted a carefully documented report setting out findings and recommendations which used by the Authority to help improve practice and procedure within the local authority.



Andrew Smith

Partner

☎ +44 (0)870 733 0643
 ☎ +44 (0)7880 740706
 ✉ andrew.smith@gowlingwlg.com



Susannah Fink

Legal Director

☎ +44 (0)20 7759 6813
 ☎ +44 (0)7725 279196
 ✉ susannah.fink@gowlingwlg.com

Fraud/Recovery of money: we represent the Insolvency Service in pursuing directors' disqualification proceedings through the Courts in the name of the Secretary of State for Business, Energy and Industrial Strategy. Many of these cases are high-profile and frequently involve complex allegations, including fraudulent acts on members of the public or public bodies such as HMRC. We are experienced in taking detailed witness statements, conducting large-scale electronic disclosure exercises and presenting evidence at trial. We commence and pursue public interest winding up proceedings, seeking urgent relief from the Courts via the appointment of a provisional liquidator where required in order to prevent continuing frauds and unfair business practices on members of the public. We also represent the Official Receiver regarding the sale of businesses and assets to achieving recoveries from antecedent and other inappropriate transactions. Our team has worked on over 250 matters involving corporate and personal insolvencies and we have developed a bespoke system to deal with the paperless administration of cases for the benefit of creditors.

Litigation: procurement: we represented the FCDO and British Council in defence of procurement challenge proceedings brought by Vodafone: the case concerned the procurement of a replacement network integration services contract for the FCDO and British Council's embassies worldwide. Vodafone challenged the award of the £150m contract to Fujitsu. We worked with the FCDO to fulfil their aim to ensure that the replacement communication system be implemented quickly to address the FCDO's key strategic national security objectives. We obtained an order conditionally lifting the automatic suspension of the contract and an expedited trial on a significant preliminary issue. We concluded all the steps to trial in 3 months. This involved an intensive period of collaborating closely with colleagues at the FCDO. The dispute was successfully compromised on confidential terms which enabled FCDO to proceed to award the contract to Fujitsu in line with their objectives.

Litigation/judicial review/settlement: procurement: represented the Royal Parks, a registered charity and an agency of BEIS, in the defence of procurement challenge proceedings brought under the Concession Contracts Regulations and related judicial review proceedings brought by Live Nation. The case concerned the letting of the concession for the Hyde Park Music Festival, the largest urban musical festival in Europe and a flagship event for the Royal Parks. Live Nation challenged the award of the 5-year £300 million + concession to its competitor AEG. The proceedings settled on confidential terms immediately before trial.



Andrea McMahon

Partner

☎ +44 (0)20 7759 6634
 ☎ +44 (0)7741 121912
 ✉ andrea.mcmahon@gowlingwlg.com

Employment law

- From the everyday to the strategic, our 21-strong team advises public, private and third sector clients on the full range of employment issues including: handling disciplinaries and grievances, TUPE, settlement agreements, trade union advice, absence management, discrimination and whistle-blowing, national minimum wage compliance, employment status, equal pay and gender pay gap reporting and family friendly rights.
- Commercially-focused support in the context of outsourcing and change of service provision arrangements, as well as other transactions such as mergers, acquisitions, joint venture arrangements, guiding clients through procurement and contract negotiation, employee consultation and workforce issues.
- Represent employers in all forms of litigation arising from employment disputes, covering both Employment Tribunals and High Court and County Court actions and advice on or conduct investigations into misconduct by the workforce, as well as responding to data subject access requests.
- Provide policy advice and training support on implementation of policies and introducing cultural change (e.g. on handling of protected disclosures and respect at work).
- Work seamlessly with our international offices and best-friend network to provide multi-jurisdictional advice across Scotland, Europe and globally.



Anna Fletcher
Partner
+44 (0)121 393 0242
+44 (0)7921 881 498
anna.fletcher@gowlingwlg.com



Jonathan Chamberlain
Partner
+44 (0)370 733 0581
+44 (0)7778 250 966
jonathan.chamberlain@gowlingwlg.com

Work highlights

- Metropolitan Police and other police authorities:** advising on high profile employment matters across the forces. Highlights include the successful defence of a disability discrimination claim following an 8-day hearing and the resolution of commercially-sensitive discrimination issues. Day-to-day advice has been provided on a range of issues from applicability of Police Regulation allowances through to advice on changing shift patterns for police officers on recuperative duties.
- Ofqual:** advising on the disciplinary process against a shop steward for disclosure of confidential information given to her in her union capacity and successfully defending her interim relief application, unfair dismissal claim and appeal. We have also advised on the application of TUPE and related issues arising from an expansion of the activity carried out by Ofqual in relation to external quality assessments for apprenticeship standards.
- Ministry of Defence (MoD):** advising on the application of TUPE and contractual drafting and considerations in respect of a range of matters, including the retender of training services, moving from a multi to single supplier model. This involved a detailed review of the TUPE position in relation to existing contractor employees; reporting on contractual considerations and levers contained within existing supply contracts, including the potential to flow through available protections to achieve beneficial tender pricing; preparing and adapting TUPE schedules for the procurement; and advising on all stages of the procurement process.
- A non-ministerial department:** advising since its inception, on a broad range of issues from the everyday to the strategic including: advice on the applicability of TUPE and COSOP in relation to transfers of functions from a non-departmental public body; structuring and implementing a new pay and grading system; organisational change programmes in relation to both senior management and the rest of the organisation; and day-to-day advice on a range of issues including disciplinary and grievance matters.
- A non-departmental public body with a number of operating group companies:** working with colleagues across the firm we advised on several strategic reorganisations within the group, including implementation of related workforce proposals and bespoke terms of engagement for executive and non-executive appointments. We have also advised the organisation on a broad range of sensitive HR issues, including pay transparency, IR35 compliance, use of social media vetting and a number of speaking up and grievance investigations.



Rebecca Jones
Principal Associate
+44 (0)121 393 0357
+44 (0)7921 811477
rebecca.jones@gowlingwlg.com

Environmental law

- We have deep experience across our environmental law team which allows us to provide advice that is timely, on point and strategic in the context of transactions, development and infrastructure projects, compliance/ regulatory matters, health and safety and environmental insurance.
- Our environmental professionals work collaboratively with other teams across the firm including real estate, litigation, planning, health and safety, corporate and commercial and major projects. The environmental law team has been established for nearly 20 years and is nationally recognised for providing commercial solutions.
- The firm is heavily involved in negotiating and arranging environmental insurance policies for clients (which release deadlocks in relation to environmental issues in the sale of contaminated land).

- Work highlights**
- Non-contentious**
We advise a number of clients on environmental disclosure and reporting matters – whether undertaken voluntarily or due to legal requirements. We advise on the gathering of necessary data, ensuring that all legal requirements are met, and work with client teams to draft the necessary elements.
Advise on all aspects of environmental assessments and site investigations; and deal with knotty questions regarding permitting, licensing and consenting.
Acted for a **regeneration company** on its proposed acquisition of a large former car making facility. This site was contaminated from its historical uses and there was ongoing contamination which needed to be contained and/or remediated.
Counselled the owner of a large facility in relation to its asbestos management duties, including commissioning surveys, advising on remedial works and how to deal with asbestos exposures.
- Contentious**
We have been advising our client in two work streams in connection with the loss of a substantial amount of diesel into the ground at one of its sites following work undertaken to replace a valve in the tank storage farm. The first of these work streams deals with the Environment Agency (EA) investigation. The site is bordered by a river into which the ground water drains. Extensive efforts have been made to locate and track the diesel and prevent it entering the river. The EA is conducting a criminal investigation and we have worked closely with our client in relation to the provision of evidence and with regard to an Enforcement Undertaking. The second work stream involves pursuing a claim for damages against the contractor who carried out the work to the valves.
We advised another client, prosecuted for destroying and causing damage to trees protected by Tree Preservation Orders, by contractors on a housing development in the north of England. We have been advising since the start of the local authority investigation, assisting our client with the provision of evidence to the investigation and in the preparation of a written response under caution. More recently, we have advised them on the plea to enter to the charges and on a plea in mitigation.



Ben Stansfield
Partner
+44 (0)20 7759 6610
+44 (0)7990 530281
ben.stansfield@gowlingwlg.com



Andrew Litchfield
Partner
+44 (0)121 393 0400
+44 (0)7921 881409
andrew.litchfield@gowlingwlg.com

Information law including data protection law

- Our team provides a 'one stop' solution advising on the full range of issues surrounding the use and control of information, particularly personal data, by public and private sector bodies in the UK and through our European offices and best-friend lawyers, across Europe.
- We can help with organisation-wide strategic issues like data protection audits, privacy impact assessments, training and compliance programmes and drafting policies, as well as, for example, data subject access requests, marketing campaigns and deletion of data.
- On the transactional side, we negotiate data processing agreements with processors and increasingly on data sharing arrangements between controllers. We advise on international transfers to countries without adequate protection and use of standard contractual clauses.
- We assist organisations to assess and analyse their cyber risks, including in their supply chain, and provide direction and guidance in the event of a breach.
- We also cover all aspects of litigation concerning cyber security and data protection. From securing return of data and/or recovering damages, defending claims to helping you settle on favourable terms, we can help develop a robust litigation strategy.

Work highlights

- UK's Police and Crime Commissioners and the Ministry of Justice:** on the creation of a national data sharing toolkit across multiple organisations, which received the unofficial approval and high recommendation of the regulator. The toolkit included guidance for a range of different organisations on data sharing compliance, a Privacy Impact Assessment (PIA) template and data security. The data sharing in this context relates to highly sensitive information about vulnerable individuals as well as perpetrators.
- Ofqual:** on the data sharing arrangements for the GRADE (Grading and Admissions Data for England) data sharing project between Ofqual, DfE and UCAS. We reviewed the proposed data sharing proposal from a risk management perspective, drafted the data sharing agreements required to implement the data share, along with supporting privacy notices. We provide ongoing advice to Ofqual in relation to the operation of the data sharing between the parties, ONS (acting as data processor) and accredited researchers.
- Government department:** we worked intensively over a two-month period with a government department to understand a highly complex set of facts and context around their work in relation to identifying and assessing risks of illegal products being imported into the UK. Our team mobilised quickly and became immersed in the facts to be able to give detailed legal advice on a range of data protection and data sharing issues.
- Government body:** we helped a government body with a backlog of GDPR requests, providing technological support using our DSAR review platform, supplying a small team who adopted the organisation's existing processes to ensure consistency and bringing additional thinking for planning for handling future requests.
- Public body:** advising on defending a claim from an individual arising out of an alleged breach of the UK GDPR, including on a strategy for managing the claim to a conclusion and hints and tips for handling future similar claims.

Department for Education (DfE): Advising the DfE on a framework procurement for the delivery of a new consumer facing IT platform for the provision of tutoring services (Multiply).



Helen Davenport
Partner
+44 (0)121 393 0174
+44 (0)7921 881371
helen.davenport@gowlingwlg.com



Jocelyn Paulley
Partner
+44 (0)20 3636 7889
+44 (0)7921 881453
jocelyn.paulley@gowlingwlg.com

Information technology law

- Our specialist Informational Technology (IT) law team comprising of IT contracts and litigation lawyers, have been advising clients on a wide range of IT contracts and disputes for more than 20 years. They understand the context in which to negotiate and deliver a wide range of IT-related projects in Central Government and the wider public sector.
- Commercially-focused advice covering everything from software development, 'traditional' licensing, complex licensing of ERP solutions, SaaS / PaaS / IaaS and cloud computing through to systems implementation and IT outsourcing. We understand digital solutions now commonly used by all kinds of organisations such as apps, platforms, connected devices and we advise on all aspects of these solutions – from the contracts with the suppliers, the consumer/public facing terms, to any competition and marketing issues.
- We are experienced in advising on large and complex IT projects for Central Government organisations, having the knowledge and experience of the Model Services Agreement as well as the IT sector and vendors in order to help clients avoid the pitfalls and gain the most value from IT contracts.
- When disputes happen, our litigation lawyers are ready and have the sector knowledge and experience to assist. We commonly advise on technology projects in distress, supplier underperformance, termination and exit and if a dispute escalates, technology litigation. We will work with you to find solutions that reflect your objectives, keeping cost and inconvenience to a minimum.

Work highlights

- Foreign Commonwealth and Development Office:** global outsourcing across 80 jurisdictions of networking and data requirements, including a dynamic purchasing system.
- Home Office:** Emergency Services Mobile Communications Programme (ESMCP): advising on the design and development of Air to Ground Devices and related services. This involves supporting the ESMCP Commercial Team in delivering the procurement phase from issue of the OJEU Notice through to contract award. Advising on the commercial approach and providing specialist advice on telecommunications, intellectual property rights and licensing and commercial exploitation arrangements.
- Nuclear Decommissioning Authority (NDA):** adapting a generic services agreement to work for agile IT development projects. We worked with the technical and legal teams to find the right balance between contractual certainty/protection vs the flexibility that the technical teams wanted to achieve with an agile approach.
- Cabinet Office:** Model Services Agreement: We worked closely with the Cabinet Office on a substantial project resulting in the creation of the Model Services Agreement for use across Government for the purchase of high value (over £10m) ICT and BPO services. The project involved extensive reviews of existing Government IT contracts and existing terms and conditions and leading a cross-Departmental group of lawyers. We conducted a cross-Government consultation on the new drafting, and supported review of policies such as open book, excess profits, liability for wilful default/ abandonment and data security.
- ADR strategy:** Recovery of monies: Advised a government agency in connection with a circa £100 million claim for alleged unpaid software licence fees, arising from historic use of enterprise software. We are advising on the merits of the licensor's claim for the recovery of monies based upon complex licensing/sub-licensing arrangements and devising and implementing a dispute resolution strategy which minimises potential liability and preserves service continuity for the government agency.
- Test and Trace: Advising **NHS Test and Trace** on numerous of its IT contracts and procurements required in response to the Pandemic, including running a proof of concept for software to read lateral flow tests, the contracts for the genomic sequencing databases, for app development services and IT infrastructure and grants for IT products including the Zoe symptoms app.

Advising the **Department of Education** on a framework procurement for the delivery of a new consumer facing IT platform for the provision of tutoring services.



Helen Davenport
Partner
+44 (0)121 393 0174
+44 (0)7921 881371
helen.davenport@gowlingwlg.com



Jocelyn Paulley
Partner
+44 (0)20 3636 7889
+44 (0)7921 881453
jocelyn.paulley@gowlingwlg.com

Intellectual property law



Our market-leading IP team advises on multi-million pound disputes and billion pound deals to cost-capped litigation for SMEs in the IP courts and licensing deals for start-ups. We also have extensive experience acting for government and academic institutions and understand the particular issues that you face.



We've successfully represented clients in all levels of court and administrative tribunals on cases involving trade mark and patent infringement and validity, the misappropriation of confidential information and theft of trade secrets, IP licensing disputes, and copyright infringement. We have also advised on licences and collaboration deals in many sectors and of varying degrees of complexity.



The team has gained extensive collective knowledge across varied industry sectors around the world. Many members of our team are scientists. Others have experience working as in-house lawyers in leading enterprises like the Forensic Science Service, the Ministry of Defence, Coca-Cola, Unilever, Hasbro and Dyson.

Work highlights

Gemserve, as the company appointed by the Department of Energy and Climate Change (now BEIS) to administer the Biomass Suppliers List: the company had to deal with a member's non-compliance through the use of an infringing brand, but wanted to do so without legal proceedings. Initial contact with the member had proved unsuccessful with the member denying non-compliance. We advised on the alleged infringement, proposing a staged withdrawal of the infringement in issue while detailing the nature of the infringement and potential penalties. The member agreed to withdraw all use of the infringing brand and to withdraw all products utilising the brand in the timeframe required.

Ofqual: on the use and ownership of the GCSE brand, and advising on the position of awarding bodies and the IP rights arising in relation to the Qualifications and Credit framework under which educational institutions can award units towards qualifications. We have also advised Ofqual on enforcement issues arising from infringement of Ofqual's trademarks.

The Office for National Statistics: on branding clearance, protection and licensing in connection with the Census 2021.

Department of Education: on potential trade mark infringement and passing off issues arising from brand name use by competing educational institutions.

Public Health England: on a non-exclusive Material Transfer, Patent and Know-How Licence Agreement with GlaxoSmithKline for the development and manufacture of a 'next generation' polio vaccine which could be a major step in the eradication of polio.

Transport for London: on the naming and sponsorship of the London Cycle Hire Scheme, a genuinely innovative example of the public sector developing new revenue streams.

Lancaster University: on the UK and Chinese IP issues relating to its £5m China Catalyst programme which will generate R&D programmes between 80 UK companies and 80 Chinese companies.

The Medical Research Council: advising on its licensing and spin-out work.

Gloucestershire County Council: advising on the rebranding and protection of one of its public services including securing registered rights.

Sanctuary Group: advising on trade mark enforcement in relation to branding protection for its housing, care and commercial services.

The leading Belgian life sciences research institute, **VIB**, and **Belgian universities** on many licensing and collaboration agreements.



Kate Swaine

Partner

+44 (0)121 393 0672

+44 (0)7921 881382

kate.swaine@gowlingwlg.com



Luke Kempton

Partner

+44 (0)121 393 0365

+44 (0)7921 025365

luke.kempton@gowlingwlg.com

Non-complex finance and investment



Our banking and finance team provides a full service in all types of general corporate and investment grade financing, both in a national and an international context. We work at the cutting edge of new and emerging areas in finance and help clients to proactively manage the risks to their business.



We are leaders in banking and financial services. Whether helping financial institutions, major corporates or public bodies, the team handles the most sophisticated transactions in an effective and efficient manner. With a long-established reputation recognised by financial institutions, clients rely on us for expert advice in all types of financing transactions.



We have developed a strong CV in relation to public sector lending over recent years and our team also works with, or alongside, lenders such as the International Finance Corporation, EDC, the African Development Bank, the Development Bank of South Africa, the Netherlands Development Finance Company, ProparCo, TradeMark East Africa, Nedbank, Standard Chartered, Rand Merchant Bank and GuarantCo and other export credit agencies.



By combining our sector knowledge with our expertise in banking and finance we are able to ensure the structure of the transaction is appropriate for the customer's business and that the terms of the documents, like covenants, are relevant for the business being financed.

Work highlights

HMRC: we are continuing to advise (along with a multi-disciplinary cross-firm team) on its exposure in relation to the expiry of a 21-year contract for the outsourcing of the whole of its office estate, together with related facilities management services, including advising on security structures for residual obligations, and providing contingency planning support regarding the potential insolvency of the outsourcer.



Julian Pallett

Of Counsel

+44 (0)20 3636 7876

+44 (0)7721 780237

julian.pallett@gowlingwlg.com

Harworth Estates on the restructuring of UK Coal:

we advised both on the strategic and tactical aspects, including the legal aspects of the various roles as landlord, creditor, secure lender and credit support providers to the mining business. The matter involved negotiating standstill arrangements with the Coal Authority, pending completion of the main restructuring.

We also assisted **Harworth Estates** to negotiate improved terms with UK Coal, the Coal Authority, the Pension Protection Fund and BEIS in relation to the managed wind down of UK Coal.

Department for Business, Innovation & Skills: following our work on the UK Coal Restructuring, we advised the Secretary of State for Business, Innovation and Skills on a £20 million state aid loan facility to be made available to Hatfield Colliery Partnership Limited, the owner of Hatfield Colliery. The team had to negotiate with creditors (including the National Union of Mineworkers) to put in place complex intercreditor arrangements.

PIDG: continued to advise PIDG group (a multi-government donor group, predominantly funded by DFID) on projects and financings in developing nations (particularly Africa), including advising GuarantCo in 2018 on listings in Ghana and on the London Stock Exchange which facilitated a capital raise for the development of major energy projects in Ghana. This deal was recently awarded "Best local currency bond" in eamefinance's Achievement Awards 2018.

Advising on the first Greenfield project financing and development in Armenia which achieved financial close in 2019. The project completed amid a time of political change in Armenia. We advised sponsors Renco SpA and Siemens Project Ventures on the US\$260 million financing and constructions aspects of a 240MW Combined Cycle Gas Fire power station in Yerevan. We advised the sponsors on all project financing aspects of the senior debt being provided by the International Finance Corporation, Asian Development Bank, DEG, KfW and OFID.

A London Borough Council: advising on development funding projects carried out by its development arm Brick by Brick, dealing with finance state aid and real estate work streams.



Nath Curtis

Partner

+44 (0)20 7759 6743

+44 (0)7880 252738


nath.curtis@gowlingwlg.com


Outsourcing



 One of the UK's largest dedicated commercial, IT and outsourcing teams of more than 30 lawyers advising public and private sector clients, both as customers and suppliers.

 We advise on the full range of outsourcing needs including procurement issues, contract drafting and negotiation, reviewing specifications/Statement of Requirements, attending dialogue/ negotiation meetings; and associated specialisms such as TUPE, pensions, insurance, IPR, sponsorship and dispute resolution.

 We assist clients in the outsourcing of a range of outsourced services including IT, Business Process Outsourcing, Facilities Management, logistics, healthcare and defence, both on first and subsequent generation outsourcings and also when public bodies decide to insource services.

 Projects, Energy and Natural Resources, 2022: shortlisted for individual and team awards by Legal 500.

Work highlights

The Office for National Statistics (ONS) on delivering the 2021 National Census. We advised ONS on running over 15 different procurements simultaneously through a variety of procurement routes, including open, restricted, single source tenders and running mini-competitions utilising existing CCS frameworks. The contracts ranged in size from (£1m - £80m) and type (including IT hardware, applications, and managed services, integration and assurance services, consultancy, logistics, recruitment, HR and advertising services). We also advised ONS on the impact that Covid-19 may have had on its Programme timeline, including an analysis of the payment mechanisms, force majeure and change provisions in its key supplier contracts.



Robert Breedon

Partner

☎ +44 (0)370 730 2862

☎ +44 (0)7894 253120

✉ robert.breedon@gowlingwlg.com



Alexandra Poynter

Principal Associate

☎ +44 (0)121 393 0555

☎ +44 (0)7557 089829

✉ alexandra.poynter@gowlingwlg.com

Foreign, Commonwealth and Development Office (FCDO) in relation to ECHO2, a programme to ensure connectivity across all FCDO office together with those of the British Council (500 locations in 170 countries). We have assisted the FCDO in formulating its procurement strategy for the future provision of global telecommunications network and connectivity services. Our involvement included advising on the strategy for pre-market engagement, advising on the risks of extending the existing contract to ensure continuity of service in order to allow for the procurement and future transition together with providing quality assurance on procurement documentation.

The Office for National Statistics (ONS) in relation to its collaboration with the Oxford University and IQVIA in order to undertake a seroprevalence survey, study and analysis to support the Government in its COVID-19 response.

The Ministry of Defence since 1997 in relation to a number of key projects including on: (i) the procurement of the third generation outsourcing project for the provision of marine services across UK Defence, delivery being in a complex operational environment with bespoke cost and incentivisation mechanisms; (ii) the Future Service Delivery Contract (FSDC) a new transformed pensions and payroll service for the armed forces - we advised on developing tiered transition and transformation arrangements, and on drafting the business continuity and financial distress provisions to conform to the Outsourcing Playbook recommendations; and (iii) the £2bn outsourcing of training for the Royal Navy, a significant contract for training services and equipment and a key part of the Royal Navy's strategic plans for modernisation over the next decade. The project involved consolidating services provided by over 30 different incumbent providers into a single contract and involved complex payment, KPI and service specifications. Our team helped to devise an innovative TCIF payment structure, which incentivises modernisation and greater use of technology in providing training services. The TCIF model includes incentive provisions dealing with supplier collaboration.

The Department for Health and Social Care/UK Health Security Agency in relation to a number of projects relating to the 'Test and Trace' response to the COVID-19 pandemic.



Stephen Kenny

Partner


☎ +44 (0)121 393 0367


☎ +44 (0)7979 243818

✉ stephen.kenny@gowlingwlg.com

Partnership law



 We deal with a wide range of contentious and non-contentious issues that affect public sector participants in partnerships, including securing the right return (financial or otherwise), voting power, incentivising co-partners, exit strategies, dealing with deadlock options and default.

 We advise on all types of partnerships, including limited partnerships, private fund limited partnerships and limited liability partnerships, whether public-public or public-private.

 The team includes experts in corporate, procurement, tax, financial services regulation, finance, subsidy control/state aid and dispute resolution.

Croydon Council: advising on the local authority's £15 million interest in an English Limited Partnership which was established to invest in the private rented sector, and improve homelessness. The Real Letting Property Fund 2 lets property in the Greater London area to house homeless individuals and families. The investment follows on from a preceding successful partnership with the same manager, on which we also advised.

The Greater Manchester Combined Authority: advising in relation to the novation of the Evergreen Fund, a limited partnership. We had previously advised Manchester City Council on the existing Evergreen Fund, a partnership formed by 19 local councils in the Manchester region, in particular on on-lending by the partnership into local projects. The instruction was complex due to the particular corporate structuring and governance advice required, but also due to the interplay of State Aid and procurement issues.

Lakeside Healthcare: advising on its multi-practice partnership merger to form the largest GP partnership 'super-practice' in the NHS. We drafted and negotiated the Partnership Deed for a partnership governed by the Partnership Act 1890.

BEIS (Department for Business, Energy and Industrial Strategy): Advising on the establishment and its cornerstone investment in the Clean Growth Fund. The Clean Growth Fund was formed as a private fund limited partnership and aimed to combine public sector monies alongside private sector. It will invest in early-stage 'clean growth' companies pioneering carbon emission reductions in the areas of power and energy, buildings, transport and waste that are scalable and involved in sustainable technology businesses, primarily in the UK. The focus being UK low carbon, clean tech. BEIS advanced £20m and the Fund attracted further investment (as intended) to take it to £100m.

Suffolk Primary Care, a new NHS super-partnership (under the 1890 Act): advising comprising the merger of 13 separate practices.

Work highlights

The London Borough of Barnet – Brent Cross: advising the local authority on its entry into an English Limited Partnership with a developer, backed by a US investor, on the circa £4 billion redevelopment of Brent Cross. We advised on structuring issues including the usual complex areas of tax, financial services and corporate, which were made more complicated with the interplay of procurement rules and State Aid issues.

Universities Superannuation Scheme (the UK's biggest pension scheme): advising on its establishment of a landmark £100 million+ joint venture, structured as a limited partnership, with Morgan Sindall Investments Limited. The agreement included the scope to increase the investment to £200 million. The team provided advice on the structure of the venture at the outset, the complex suite of documents and advice on the initial acquisition of the assets into the partnership.



Sharon Ayres

Partner

☎ +44 (0)121 393 0019

☎ +44 (0)7921 025376

✉ sharon.ayres@gowlingwlg.com



Amar Adatia

Partner


☎ +44 (0)121 393 0005

☎ +44 (0)7921 881424

✉ amar.adatia@gowlingwlg.com

Pensions law



-  We have one of the UK's largest pensions teams, with 45 pensions lawyers including specialists in public sector pensions, pensions litigation and pensions and human resources. Our clients include employers, trustees, pension managers, independent trustees, advisers and statutory bodies.
-  Our experts regularly advise in relation to the main public service pension schemes (such as the LGPS, NHSPS, CSPS and TPS). Our breadth of experience (from individual benefit queries through to establishing new public service pension schemes) means that there is rarely an issue that we have not advised on before, often from multiple perspectives.
-  We are experienced in advising on the requirements of New Fair Deal, enabling those involved with commissioning or bidding for services to understand their obligations and the associated costs and risks, as well as advising on the complex area of second generation transfers.
-  Members of the team play active roles in the Pensions and Lifetime Savings Association, Society of Pensions Professionals and the Association of Pension Lawyers and Association of Pension Lawyers Public Sector Pensions Committee.

Work highlights

- Government Legal Department:** We advise the GLD on various Pensions legal matters. Through our advice to the GLD, we have advised the Ministry of Justice, the Home Office and the Department of Health and Social Care.
- Crown Commercial Services:** Through our panel appointments we have advised a number of Government departments on special projects, including most recently the establishment of a new public service pension scheme.
- Department for Digital, Culture, Media and Sport:** We advised in connection with the proposed extension of the Crown Guarantee of the BT Pension Scheme for employees transferring from BT to Openreach. This work involved

- reporting and advising on the pension implications of various approaches to achieving the extension of the Crown Guarantee and inputting into instructions to Parliamentary Counsel in connection with the drafting of the statutory instrument setting out the guarantee.
- Isle of Man Government:** We assisted in the design, delivery and drafting of the Rules for the new Unified Scheme for 10,000 public servants on the Island, replacing 15 of the Isle's existing public service pension arrangements. We drafted the Rules governing the new scheme and these Rules were adopted as legislation.
- Remuneration Board of the National Assembly for Wales:** We advised on the requirements of the Public Service Pensions Act 2013 and the drafting of the Rules for the resulting new scheme for Members of the Welsh Assembly.
- Ministry of Defence:** We have advised the MoD over a period of many years on the pension aspects of various service procurement exercises. Our work has included reviewing and preparing the pension provisions of the staff transfer schedule to ensure that they reflect MoD policy and the specifics of each of the projects and assisting with the evaluation of bidder submissions and mark-ups.
- MyCSP (the administrator of the Civil Service Pension arrangements and a mutual joint venture partnership in which Central Government has a 24% stake):** we advised MyCSP on its duties and options as part of its consideration of the pension arrangements it offered to its own employees. We advised on the consultation and communication exercise it undertook with its employees prior to the benefit alterations being introduced.
- Pension Protection Fund (PPF):** we have a long-standing relationship with PPF, providing a range of legal services including pensions litigation.
- Police and Crime Commissioner:** We advised the Commissioner in connection with its response to the Pensions Ombudsman's investigations and complaint and then subsequently on the Commissioner's successful appeal of the Pensions Ombudsman's decision to the High Court.



Paul Carberry
Partner
☎ +44 (0)121 393 0112
📠 +44 (0)7921 881351
✉ paul.carberry@gowlingwlg.com



Hannah Beacham
Legal Director
☎ +44 (0)121 393 0042
📠 +44 (0)7713 998545
✉ hannah.beacham@gowlingwlg.com

Planning law



-  Our planning team represents landowners, developers and public authorities in relation to all aspects of planning law, policy and procedures across the UK and advises on some of the UK's highest profile commercial, residential and infrastructure projects.
-  We have an in-depth understanding of the pressures that the public sector faces on a daily basis for example changing demands and priorities and a reduction in budgets. As a result we are used to, and very comfortable with, being "on call", with the skill and resource to flex capacity in order to meet urgent deadlines, meet key milestones or deliver key outcomes.
-  We have extensive experience in dealing with planning applications, planning obligations and infrastructure agreements in relation to major development sites. We bring a practical, commercially-focused and cost-effective approach to every kind of planning issue.
-  We achieve a negotiated solution wherever possible, but we also have considerable experience of planning appeals and call-in inquiries, examinations into local plans, compulsory purchase orders and judicial review litigation.

Work highlights

- Highways England:** we are currently acting for Highways England, providing support for Road Investment Strategy schemes needing Development Consent Orders. Our team will be advising on a package of schemes located in the North West and Midlands, through all stages of the Development Consent Order process including pre-application consultation; drafting of the Development Consent Orders; and advice on the application documents through to representation during the examination stages. This work was awarded under the CCS RM 3786 framework.
- South Tees Development Corporation:** we act for South Tees Development Corporation who are undertaking a major area regeneration in Teeside on land which had been previously used for iron and steel making. We are providing legal advice connected with the land acquisition strategy including advising on Supplemental Planning Guidance and on

- the preparation and promotion of compulsory purchase orders in case the land cannot be acquired by agreement. This work was awarded under the CCS RM 3786 framework.
- Ebbsfleet Development Corporation:** we advise on all planning related matters in respect of the delivery of up to 15,000 homes and the creation of a new Garden City including negotiating several Section 106 Agreements including Eastern Quarry, Northfleet West, Northfleet East and Ebbsfleet Green. We provided advice on the role of other authorities including Dartford Borough Council; advised the Corporation on judicial review risks arising in a number of contexts; and advised on planning application procedures, including the appropriate use of applications under Section 73 of the Town and Country Planning Act 1990 and potential enforcement issues.
- North London Waste Authority:** we acted for NLWA in relation to its application for a development consent order for an energy recovery facility (70MW) in Enfield. We advised on the consultation, application process, guided them through examination and secured the DCO (and subsequently a non-material change to the DCO).
- We also have extensive experience advising significant public sector clients in London and across the regions. Our experience includes advising **GLA** on the making of the first CPO by the Mayor of London, in order to facilitate the regeneration of the 80-acre Southall Gasworks site for a residential-led, mixed-use development. We advised on the strategy to achieve the authority's objections and the making, confirmation and implementation of the CPO. This was the first use of the Mayor's CPO powers to acquire land to facilitate the regeneration of Southall Gasworks, which resulted in a successful outcome. We have also, for over 13 years, worked collaboratively with Transport for London on a substantial portfolio of work including most of its highway agreement work, on the use of compulsory purchase to deliver highway schemes and on the exercise of its powers under the Road Traffic Regulation Act 1984, the New Roads and Street Works Act 1991 and the Traffic Management Act 2004.



Vicky Fowler
Partner
☎ +44 (0)20 7759 6650
📠 +44 (0)7766 762194
✉ vicky.fowler@gowlingwlg.com



Ben Stansfield
Partner
☎ +44 (0)20 7759 6610
📠 +44 (0)7990 530281
✉ ben.stansfield@gowlingwlg.com

Projects / PFI / PPP



Our lawyers have been at the centre of delivering PFI/PPP projects since the inception of the delivery model in the 1990s. We also have significant experience of other UK models (PF2, Direct Procurement for Customers, Regulated Asset Base) and of other international PPP delivery models (e.g. in Middle East and Africa). Our colleagues in our Canada offices can also provide us with the latest developments in Canadian P3 expertise.



We have developed significant experience advising government departments on significant variations to PFI/PPP projects and on PFI expiry/handbacks. We are currently advising on several of the handbacks that the NAO has identified as being amongst the top 10 PFI contracts by capital value ending in the next 10 years.

Work highlights

Nuclear Decommissioning Authority group (including its transport division (rail and shipping), its waste division and Magnox): we are advising the NDA and its subsidiaries on a range of confidential projects, with specialist advice in many areas including procurement, construction, nuclear liability, state aid / subsidy control, vires, rail, insurance, real estate, planning, governance, intellectual property, international arbitration, corporate and commercial.

National Highways: we are advising on the commercial, procurement and construction aspects of the Amesbury to Berwick Down A303 Stonehenge project which has evolved from a PF2 PPP into a publicly funded model. We are also advising on ongoing management and variations to its 11 DBFO PFIs, including support on arrangements to put in place security over Retention Accounts and advice on arrangements in relation to handback, and on the M25 DBFO PFI, including advice on variations to reflect future amendments / new roads interfacing with the M25 and the agreement with HS2 to enable the construction of the HS2 tunnels under the M25 (and obtaining consent of the Project Company and lenders).

Ministry of Defence – Defence Marine Services – Next Generation: we are advising MoD on the procurement a number of projects, including Defence Marine Services - Next Generation. This is a third generation outsourcing project for the provision of marine services transitioning from the existing PFI project. The procurement is being carried out in a complex operational environment.

Ministry of Defence - Queen Elizabeth 2 and Prince of Wales Aircraft Carrier: we advised MoD on this multi-party alliance with industry to build two aircraft carriers for the Navy, developing a bespoke alliance structure to ensure delivery. The £3.9 billion project was one of the UK's biggest ever defence contracts, central to the Defence Industrial Strategy and pivotal to the future of the British shipbuilding industry.

Ministry of Defence – Project Marshall: we advised on this £1.5 billion PPP for the design, installation and delivery of military air traffic management systems in the UK, the Falklands and Cyprus, including a £350 million upgrade to existing facilities.

Driver and Vehicle Licensing Agency: we are advising DVLA in relation to the expiry and handback of its accommodation PFI contract with Telereal Trillium. The Role includes advice on operational management, enforcement of existing contractual entitlements, strategic approach to expiry obligations, arrangements for early termination of soft services as part of the approach to management of the expiry process.

HM Revenue and Customs: we advised HMRC in relation to the expiry arrangements of the STEPS Real Estate PFI – one of the 10 biggest expiring PFIs identified by the NAO including assisting them in facilitating an exit from those current contractual agreements. This included advising (and consolidating advice including that received from HMRC's original legal advisers) on potential ways to advance claims / resolve problems relating to issues with the condition of the PFI buildings, the financial condition of the Project Co and the operation of the process to expiry.

Government Property Agency: we are advising the Cabinet Office Government Property Agency on the 2 Marsham Street PFI and the Treasury Main Building PFI.

Ministry of Defence – Project Selborne: we advised the MoD on its PPP arrangements with a private sector partner for the establishment of a new submarine training school/ facilities and the long-term provision of training services and facilities for the Royal Navy. This £2bn project involves the modernisation of training services – we helped design a cost incentive fee payment mechanism to incentivise and reward modernisation of training.

Guy's and St Thomas' NHS Foundation Trust (GSTT): we have been working with GSTT for over 5 years and in this time have advised on a number of PPP arrangements including: the strategic procurement of a private sector partner to support GSTT in its development of an international Orthopaedic Centre of Excellence; its competitive procurement to identify a provider of managed services to support GSTT's pain management services at St Thomas' Hospital; and its strategic partnership with private sector provider BOC/Remeo to open new satellite respiratory units across England.

UK Department for Business, Energy and Industrial Strategy (BEIS): we are advising BEIS, the Department for International Development and the Department for Environment, Food, and Rural Affairs as sole legal adviser on its £5.8 billion International Climate Finance programme. The overall aims of the ICF is to drive urgent action to

tackle climate change by supporting low carbon growth and adaptation in developing countries, including Africa.

Water Services Regulation Authority - Direct Procurement for Customers: we are advising OFWAT on its Direct Procurement for Customers initiative, under which a licensed water company procures services on behalf of its customers, they will conduct a competitive tender and appoint an entity to design, build, operate and/or maintain a service.



Stephen Kenny

Partner

☎ +44 (0)121 393 0367

☎ +44 (0)7979 243818

✉ stephen.kenny@gowlingwlg.com



Dominic Richardson

Partner

☎ +44 (0)370 730 2852

☎ +44 (0)7554 416774

✉ dominic.richardson@gowlingwlg.com



Andrew Newbery

Partner

☎ +44 (0)20 7759 6412

☎ +44 (0)7725 279212

✉ andrew.newbery@gowlingwlg.com

Public law



-  An award-winning centre of excellence in all aspects of public administrative law, including judicial review, constitutional and governance issues, and human rights and equalities law. Our public law expertise is concentrated in a dedicated specialist team with relevant knowledge and skills to advise on all public law matters.
-  Extensive experience of acting for public authorities across a range of industry sectors - including regulatory authorities, local authorities and central government (including BEIS/DESNZ, Cabinet Office, DfE, DCMS, DHSC). The team is familiar with the machinery of government, the political and public interest environments within which public authorities operate and the public law principles applicable to their respective powers and functions.
-  Experts in the development and application of robust constitutional and governance arrangements, including rules of procedure, memoranda of understanding and schemes of delegation to assist the executive and non-executive decision-making processes.
-  The team regularly advises on the exercise of statutory and quasi-judicial powers by public authorities, the means of avoiding (and defending) challenges by way of judicial review. We have acted in many leading public law cases, including R (Infinis) v Ofgem; R (Lewisham) v Ofqual; and R (UK Recyclate) v Defra.

Work highlights

Department for Business, Energy & Industrial Strategy (BEIS) - Smart Metering programme: as the legal advisors to the project since 2010 we have helped to develop a regulatory framework governing this ground-breaking regulatory change programme – the largest new technology project of its kind in the UK. The team's input involved consideration of an extensive and diverse range of issues including policy development, compliance with and implementation of EU law, and statutory and public law issues. We have drafted the legal instruments and regulatory documents to facilitate and implement the roll-out and operation of smart meters and all key documents have passed both public and Parliamentary scrutiny. Our work on the programme has led to instructions

on drafting instructions for Parliamentary Counsel for provisions to be included in a forthcoming Energy Bill.

The Northern Ireland Authority for Utility Regulation (NIAUR): the team has acted for the NIAUR since 2003 and advises it on all aspects of its statutory duties and powers under primary and secondary legislation (and EU legislation) as part of the day-to-day running of the regulatory authority, including on how those duties and powers impact on policy development and on the application of public law principles to the exercise of its duties and powers. We have also provided extensive advice on the impact of Brexit on the NIAUR's activities. During 2020 we also advised on a number of COVID-19 queries including whether NIAUR or the relevant NI department has any statutory powers which could or may need to be exercised for the purposes of ensuring security of energy supplies in the context of COVID-19 issues. We are continuing to advise on change of law provisions in the price control conditions of a network operator and whether adjustments are required in respect of the current applicable price control.

The Office of Qualifications and Examinations Regulation (Ofqual): the team has acted for Ofqual since its creation in 2010. Since that time it has advised Ofqual on all aspects of its statutory obligations and powers, and has drafted all aspects of its regulatory framework. This has included assisting with the implementation of the Government's reforms of GCSEs and A levels, and the more recent introduction of apprenticeships and T-levels.

Water Services Regulation Authority (Ofwat): undertaking a detailed and comprehensive licensing review for Ofwat in respect of the water and sewerage licences granted to statutory undertakers, to include the preparation of working copy versions of consolidated licence conditions, an analysis of the existing licensing regimes for statutory undertakers and reporting on whether they are fit for purpose and accord with Ofwat policy and undertaking a comparison of Ofwat's licensing framework against similar frameworks in other regulated sectors and jurisdictions. The team also represented Ofwat in the redetermination of the PR19 price control by the Competition and Markets Authority.



Kieran Laird

Partner

☎ +44 (0)121 393 0384
 📠 +44 (0)7921 881344
 ✉ kieran.laird@gowlingwlg.com







Ravi Randhawa

Legal Director

☎ +44 (0)121 393 0570
 📠 +44 (0)7921 881407
 ✉ ravi.randhawa@gowlingwlg.com

Public procurement law



-  We advise from the initial stages of market engagement and consideration of procurement options, through to the running and management of complex procurement projects, assisting with the evaluation of bids and, where necessary, advising in connection with any procurement law challenges (including through use of judicial review proceedings).
-  We support public sector bodies to plan procurements effectively; set the right evaluation criteria; run hassle-free, compliant procurements from beginning to end; mitigate procurement risks; be alert to issues that may create the risk of state aid; and defend themselves against challenges by unsuccessful bidders. We are also advising authorities on post-Brexit procurement issues and potential changes arising from the Government's Green Paper on Public Procurement.
-  Unlike firms who have specialist procurement 'units', our procurement specialists also lead commercial projects. This means our advice is solution-focused and tailored to the commercial realities of projects, not just provided as an academic opinion.
-  We are fully familiar with Public Contracts Regulations 2015, Utilities Contracts Regulations 2016, Concession Contracts Regulations 2016 and Defence and Security Public Contracts Regulations 2011.

Work highlights

Foreign, Commonwealth and Development Office and The British Council – Echo2 Programme: we worked with FCDO/BC's commercial team and the Government Legal Service on the design and implementation of two complex parallel procurement procedures for (i) a global connectivity service provider to support over 500 office in over 170 countries and (ii) a global dynamic purchasing system (DPS) for regional broadband services. We also advised FCDO and BC in the defence of procurement challenge proceedings brought by the incumbent service provider.

Ofqual – National Reference Tests (NRT): on all stages of the procurement of a supplier to design/develop and operate the new NRT. This included: preparation of an 'exposure draft'

contract to gauge the market's appetite to risk and position on issues such as IPR; reviewing the OJEU notice, PQQ and ITT documentation and commenting on the selection/award criteria, advice on bid compliance and clarifications and preparation/issue of a VTN.

Ministry of Defence: we defended the MoD from multiple procurement challenges, including in respect of a contract for the provision of military training instruction to tank teams (and are now advising on the re-evaluation and re-moderation of the technical questions) and a construction professional services contract. We currently advise MoD on its procurement of career transition partnership services, where we are supporting on the evaluation and moderation of all the questions.

Office for National Statistics (ONS) – National Census in 2021: we assisted ONS with a group of parallel procurements (more than 15) including reviewing the procurement packs and putting in place a suite of contracts to support a large-scale 'rehearsal' in 2019 and the main census in 2021. Our support included defending a threatened challenge against ONS – by early disclosure of evaluation and moderation notes together with a full explanation of the relative merits of the successful bid, we were able to avoid a formal challenge through the courts.

The Royal Parks (a registered charity and an agency of BEIS): advising on the defence of procurement challenge proceedings brought under the Concession Contracts Regulations and a related Judicial Review brought by Live Nation. The case concerned the letting of the concession for the Hyde Park Music Festival, the largest urban musical festival in Europe and a flagship event for the Royal Parks. Live Nation challenged the award of the 5 year £100 million + concession to its competitor AEG. The proceedings settled on confidential terms immediately before trial.

Department of Health and Social Care: advising on its NHS Test and Trace programme. We provided extensive support, including seconding lawyers to help set up the legal function. We advised on all aspects of procurement law, including on transparency obligations in light of challenges from the Good Law Project and the use of Regulation 32 and 72 PCR, and provided training on specific frameworks and procurement procedures.



Robert Breedon

Partner

☎ +44 (0)370 730 2862
 📠 +44 (0)7894 253120
 ✉ robert.breedon@gowlingwlg.com



Christopher Brennan

Legal Director

☎ +44 (0)121 363 0431
 📠 +44 (0)7841 322716
 ✉ christopher.brennan@gowlingwlg.com

Real estate & real estate finance



Home to one of the UK's largest real estate practices with a 300+ team of commercially-minded, innovative and pragmatic legal professionals, we have extensive knowledge and experience of a wide range of transactions and property types – there is rarely anything we haven't seen before!



Specialists in investment, development, regeneration, residential, property litigation, planning, environmental, construction, tax, banking, finance and restructuring as well as public procurement, Subsidy Control, State aid, CPO, governance and vires.



Knowledge and understanding of affordable housing, Build to Rent, stations, transport interchanges, embassies, power stations, river crossings, ports, educational buildings, courts, leisure, health and care facilities, military installations.



Dedicated real estate finance team combines the experience of our banking, structured finance and debt restructuring specialists with the highly regarded expertise of our real estate, planning and construction practice.



Our market position has enabled us to attract the additional support of specialist real estate firm Davitt Jones Bould (DJB), in a sub-contract capacity.

Work highlights

Highways England/National Highways Road Investment Strategy – Conveyancing Services: we have worked on the Stonehenge A303 tunnel project and on DCOs for new road schemes. Since 2018, we have also (working with DJB) carried out conveyancing services and provided related legal advice, in respect of land and property transactions across the road network throughout England.

HMRC – Mapeley STEPS PFI Contract: providing strategic advice to the department to negotiate and facilitate its successful exit from the PFI agreements which governed the majority of its property assets. The advice given maximised value and minimised risk, whilst maintaining operational flexibility until contract expiry and facilitated continuity for post-expiry properties in which HMRC wished to remain. The knowledge gained and lessons learned are now being deployed by the Gowling team for the benefit of DVLA in the advice we are giving to them in relation to their upcoming exit of their PFI contract arrangements with Telereal Trillium.

Government Property Agency (GPA): advising on the documentation and implementation of the new property model of handling government owned properties through the GPA. 'Onboarding' departments and dealing with the subsequent asset management of the on boarded properties. Our appointment also encompasses work on the Government Hubs programme and on strategically important projects, including sales and developments, including construction and procurement advice and the restructuring of the ownership of several buildings in and around Whitehall (including those subject to PFI arrangements).

Ministry of Defence: acting for MoD and DIO on the rent review for the MoD's Service Families Accommodation portfolio, made up of c.39,000 properties on almost 500 sites, which is subject to a long lease and leaseback arrangement with Annington Properties. Our work has included establishing an agreement for arbitration and acting throughout the arbitration hearings.

Real Estate Finance transactions: including advising a UK clearing bank on c£400m development facilities for Knight Dragon's Greenwich Peninsular residential development; GCP Student Living on a £130m acquisition secured on a portfolio of student accommodation; an opportunity fund on the financing and repositioning of an operating airport in the south of England; and Formation Capital on £450m facilities for the acquisition of the NHP Group/former Southern Cross healthcare portfolio.

Sensitive sites: four of the real estate team have the benefit of Developed Vetting enabling them to advise Central Government on the real estate and construction aspects of sensitive property and development opportunities. We are unable to provide details of the projects but can provide referees on request.



Giles Clifford

Partner

+44 (0)370 730 2802

+44 (0)7825 852764

giles.clifford@gowlingwlg.com



Felicity Lindsay

Partner

+44 (0)20 7759 6458

+44 (0)7713 877465

felicity.lindsay@gowlingwlg.com



Richard Beckingsale

Partner

+44 (0)370 730 2816

+44 (0)7968 984110

richard.beckingsale@gowlingwlg.com

Restructuring and insolvency



Specialists who work in the UK, Canada, Europe, Asia and the Middle East and have a broad practice which includes a high level of expertise in multi-jurisdictional, cross-border insolvencies and restructurings.



A team immersed in its industry and both the technical and policy aspects of restructuring and insolvency.



Significant experience of restructuring debt finance transactions, ranging from covenant resets through to complex balance sheet/cashflow restructurings involving negotiations with a wide range of stakeholders.

Work highlights

Advising on a **State aid loan facility** to be made available to Hatfield Colliery Partnership Limited, the owner of Hatfield Colliery (at that time one of the last three remaining deep mines in the country). The facility constituted 'closure aid' to fund the managed wind-down of the colliery, including redundancies and remediation work. The team also had to negotiate with creditors (including the Pension Protection Fund and the National Union of Mineworkers) to put in place complex inter-creditor arrangements.

The directors of a Project SPV in relation to the corporate and financial issues arising out of a dispute with a major local authority in connection with a 25-year PFI outsourcing contract relating to the rehabilitation, maintenance, management and operation of a road and street lighting network. Our work entails advising the clients in relation to corporate and financial issues, together with directors' duties arising out of a significant dispute concerning a very major contract and, in particular, in ensuring the client continues to enjoy the support of its lending syndicate while the dispute is resolved. The matter involves working alongside the firm's specialists in contentious construction project finance to develop and implement a strategy for dealing with the dispute.



Jasvir Jootla

Partner

+44 (0)370 733 0617

+44 (0)7921 881429

jasvir.jootla@gowlingwlg.com



Tom Pringle

Partner

+44 (0)20 7759 6577

+44 (0)7867 348562

tom.pringle@gowlingwlg.com

A joint venture partner on the fallout of the Carillion collapse, including contingency planning for an exit and reposition of a complex set of contractual and financial arrangements. We worked closely with the client's in-house team to enable a timely deal to be struck, minimal disruption to infrastructure and to minimise the losses and additional costs the clients were facing.

A government body on its exposure to the outsourcing of its office and facilities management services, including providing contingency planning support regarding the potential insolvency of the outsourcer.

An energy supplier in relation to its appointment as supplier of last resort, taking a transfer of customers from GB Energy Supply Limited ('GBES') (an electricity and gas utility company with c.160,000 retail consumers), and on the immediately subsequent acquisition from the administrators of certain assets of GBES to ensure a seamless transfer of energy provision to customers.

Grant Thornton LLP, the liquidators of Stanford Bank, on all matters concerning the Bank's UK assets (with an approximate value of US\$110 million). Stanford Bank is widely acknowledged as, at US\$7 billion (£4.3 billion), the second biggest Ponzi scheme in history, after the scheme created by Bernard Madoff. Our work has included seeking the release of a restraint order obtained in 2009 by the Serious Fraud Office on behalf of the US Department of Justice. This involved proceedings before the UK Supreme Court and the Central Criminal Court. We are currently advising the liquidators on a number of consequential issues arising as a result of the ongoing liquidation.

Retained EU law and EU law

- Many areas of the firm's practice require a detailed knowledge of EU law and, since the UK's exit from the EU, retained EU law. We have been at the forefront of developing understanding of retained EU law throughout the legal industry, working with Lexis Nexis and PLC to develop their research tools in relation to retained EU law, drafting the detailed guide to retained EU law on Lexis, and providing extensive training to private and public sector clients on understanding the new category of domestic law.
- We have also helped develop retained EU law, assisting with the drafting of statutory instruments made under section 8 of the EU (Withdrawal) Act 2018 to amend various pieces of EU legislation retained under that Act, as well as advising various public sector bodies and regulators on how their regulatory frameworks should be amended to accommodate the UK's exit from the EU.
- Our various teams across the firm have developed a detailed knowledge of how retained EU law works in practice through assisting our private sector clients to navigate the new requirements across a range of different sectors and areas of practice, including the requirements of the Northern Ireland Protocol to the Withdrawal Agreement and its implementation in UK domestic law.
- Through our membership of the EU Committee of the American Chamber of Commerce, Brussels and our Brussels office we also monitor and advise on EU policy and proposed legislation, notably as to how it will affect UK business.

Work highlights

- Northern Ireland Authority for Utility Regulation (NIAUR):** advising on (i) amendments to a number of draft statutory instruments to amend retained EU law in the energy sector following Brexit, including drafting amendments at the request of BEIS, (ii) a draft of the energy annex to the Withdrawal Agreement and the accompanying briefing documents for government negotiators relating to the cross-border Single Electricity Market to ensure that negotiators understood the issues involved and the NIAUR was able to properly influence the approach taken, (iii) the negotiation and drafting of a memorandum of understanding/ administrative arrangements document between the NIAUR, Ofgem and the European Agency for the Co-operation of Energy Regulators (ACER), including advice on the NIAUR's particular relationship with ACER under the NI Protocol, (iv) conducting an in-depth review of all current electricity, gas and water licences in Northern Ireland, drafting modifications necessary for a no-deal Brexit and assisting with consultation, and (v) the effect of the Retained EU Law (Revocation and Reform) Bill and its interaction with obligations under the NI Protocol.
- Department for Business, Energy and Industrial Strategy:** advising on various aspects of retained EU law, including in relation to its flagship Hydrogen Village project.
- Ofqual:** advising on the impact of Brexit on the recognition of awarding organisations incorporated in the EU and Crown dependencies, changes to its regulatory framework following Brexit and various aspects of retained EU law that affect its operations.
- Distribution Connection and Use of System Agreement (DCUSA):** advising in relation to Ofgem's work to identify amendments that will need to be made to the regulatory framework for energy in Great Britain as a result of Brexit. We undertook an in-depth analysis of the DCUSA, the Supply Point Administration Agreement (SPAA) and the Smart Meter Installation Code of Practice (SMICoP) to identify references to EU law obligations and references to EU bodies and advise on whether the relevant provisions could function post-Brexit, how their operation would be affected by the European Union (Withdrawal) Act 2018 and how they could be amended to ensure effective operation.



Bernardine Adkins
Partner
+44 (0)370 733 0649
+44 (0)7841 899302
bernardine.adkins@gowlingwlg.com



Kieran Laird
Partner
+44 (0)121 393 0384
+44 (0)7921 881344
kieran.laird@gowlingwlg.com

Tax law

- When it comes to tax law you want to be sure that you're getting it right first time and maintaining a robust compliance reputation. Our team is on hand to help with comprehensive and clear advice on what is often a challenging and complex area of the law.
- Combining the skills of lawyers and chartered tax advisers, the eight-strong team advises on the full range of tax issues including corporate, real estate, dispute resolution, funds, individuals and trustees, private capital and employment.
- Our tax team has extensive experience advising on tax matters relating to development, construction and regeneration projects. Our team is known for its technically adept and commercially astute approach, and our tax specialists have a real depth of experience in relation to VAT, the Construction Industry Scheme, tax deductions and capital allowances.
- Clients describe team members as "highly professional" and "very good technically". Ranked as a stand-alone tier one practice in Legal 500 in the West Midlands, it is known for being "practical and commercial" and able to "quickly understand issues".

Work highlights

- The London Borough of Barnet (LBB)** on its £4 billion Brent Cross Cricklewood regeneration scheme, transforming 373 acres of brownfield land into a vibrant new London destination. LBB is developing the site in partnership with Hammerson and Standard Life (Brent Cross North) and Argent and Related (Brent Cross South). We advised LBB on all tax aspects of this large and complex joint venture (including TIF aspects and a new railway hub), including SDLT efficiencies and VAT liabilities and obligations.
- Birmingham City Council** on the acquisition of the Pallasades Shopping Centre (enabling the £600m re-modelling and re-development of New Street Station into the Grand Central complex). We were instructed in part because of our knowledge and experience of buying shopping centres and other property investments held within corporate vehicles. The first stage of our instruction was an assessment of the risk involved in purchasing that corporate vehicle. Because the vehicle was not "clean" and had substantial contingent liabilities we advised against this. We continued our detailed due diligence and worked with the City Council and its appointed agents to negotiate a substantial price reduction for the benefit of the City Council which reflected the additional stamp duty which the City Council would have to pay and to take account of the various issues and problems our due diligence had uncovered.
- The North West Evergreen Fund** from its start-up and for more than four years on funding and investment projects (including associated aspects in areas such as construction and commercial property). The Evergreen project is a pooled investment fund that was established by local authorities in and around Manchester in order to provide loans to selected re-generation projects.
- VINCI St Modwen** (a 50/50 joint venture) on its appointment (following an extensive procurement process) as development partner for the New Covent Garden Authority on the £2 billion re-development and re-configuration of its 57-acre market at the heart of the Nine Elms Regeneration area and redevelopment of New Covent Garden Market. Lee advised on all tax aspects, including working collaboratively with the Authority to devise an acquisition/payment structure to ensure it was able to obtain roll-over relief for its disposal of parts of the site.



Lee Nuttall
Partner
+44 (0)370 733 0584
+44 (0)7884 442840
lee.nuttall@gowlingwlg.com



Optional specialisms

Energy and natural resources

- Our multi-disciplinary team advises across the sector with extensive experience of advising on transition and net zero matters, power generation (including renewable), transmission, emerging technologies (including battery storage and energy efficiency), oil and gas, mining and water. Our advisory activities include M&A and project development, operational issues, infrastructure financing, the deployment of new technology, regulatory reform and environmental matters.
- Where some of our competitors see nuclear as being an adjunct to their project finance practices – we have spent considerable time, money and energy developing our expertise from the ground up, positioning nuclear expertise as a standalone specialism within our Energy group. This focused investment has resulted in Gowling WLG attracting the best nuclear talent through our doors in the UK, Canada and elsewhere, and it's a virtuous circle: our ever deepening talent pool then attracts the best clients and most difficult work.
- We have a deep understanding of policy and regulatory drivers in the sector. Whether we are advising a start-up on the regulatory and contractual issues underpinning its business model, an energy company on its listing, a project developer or network owner on asset development, funders on innovative finance structures for investment, a regulatory body on its regulatory activities, Government on developing a robust regulatory framework for the implementation of a market transformation programme or market participants on complex contractual matters or the implications of policy change, our deep sector knowledge underpins our advice.



Andrew Newbery
Partner

+44 (0)20 7759 6412
+44 (0)7725 279212
andrew.newbery@gowlingwlg.com



Gus Wood
Partner

+44 (0)370 730 2869
+44 (0)7921 881412
gus.wood@gowlingwlg.com

Work highlights

- Advising the **Department for Energy Security and Net Zero** on all regulatory aspects of its **Smart Metering Implementation Programme**. Since our appointment in 2010, our advice has covered a diverse range of issues on the design, implementation and delivery of the programme, including policy development, EU law issues, statutory and public law issues, drafting of industry codes, agreements and licences, and the technical specifications underpinning delivery of the programme. We have also advised the Department on the provisions required in the Energy Bill 2022/2023 for implementing its policy on energy smart appliances and load control and on the Hydrogen Village Trial – a trial which will see 2,000 properties converted from natural gas to hydrogen.
- Advising the **Nuclear Decommissioning Authority** group (including subsidiaries such as Magnox, RWM, INS, DRS) on matters ranging from nuclear waste management and decommissioning through waste transportation and long term waste geological storage. We have been a lead adviser on the group's recent corporate restructuring, including providing corporate, environmental, regulatory, procurement and employment advice.
- Advising the **Northern Ireland Authority for Utility Regulation** (NIAUR) to successfully defend a judicial review challenge brought against it and its SEM Committee on its proposals for licence modifications to be made to the conditions of the NI transmission system operator relating to the independence of its Board and the separation, subject to the granting of derogations, of the TSO business from other businesses in the wider company group.
- Representing **Wales & West Utilities Limited** (a gas distribution company) in its regulatory appeal to the Competition and Markets Authority relating to licence modifications made by the **Gas and Electricity Markets Authority** (Ofgem -the GB energy regulator) to the price control conditions of its gas distribution licence.



John Cooper
Partner

+44 (0)370 730 2878
+44 (0)7921 795137
john.cooper@gowlingwlg.com

Food, rural and environmental affairs

- From the growing of crops to the processing, transportation, distribution and sale of food, beverages and other natural health products and supplements, our international, cross-disciplinary team provides clear, commercial guidance on the interpretation and application of regulations.
- No matter how complex the question, you can expect clear risk-managed answers from us that help you to protect your assets. We are proud to have advised the Department for Environment, Food and Rural Affairs (DEFRA), the Defence Infrastructure Organisation (DIO), the Defence Science and Technology Laboratory (DSTL), the Environment Agency, the Maritime and Coastguard Agency, the Ministry of Defence (MoD), Ofwat, Ordnance Survey and the Rural Payments Agency (RPA).
- Our expertise covers the full spectrum of issues including food, farming, manufacture, supply and regulation, water, air and land use, emissions and pollution, water services and quality, flooding, fisheries and marine, animal and plant health and animal welfare and wildlife and biodiversity.

Work highlights

- Department for Environment, Food and Rural Affairs:** we advised on its strategic 15-year Sustainable Built Environmental & Workplace Support services outsourcing contract (with a core-services value of approximately £500 million and a potential value for non-core services of £400 million). We worked with DEFRA to identify the structure for the outsourcing vehicle and supported them through a complicated Competitive Dialogue process over a compact procurement timetable.
- Ministry of Defence:** we advised on environmental contamination at ports and issues relating to nuclear regulation and contamination liabilities in relation to submarines, carriage of explosives and munitions.
- South London Waste Partnership:** on the procurement of a complex, innovative, long-term contract for waste and recycling collection, street cleaning, winter maintenance, vehicle maintenance and parks and grounds maintenance services across four London Boroughs.
- Rural Payments Agency:** we advised on reviewing a range of contracts for the storage of regulated and controlled waste under the Animal By-Products regulation and the process of settling 3 contractual disputes between the RPA and site owners in relation to the same.
- Ofwat:** assisting it to successfully defend a judicial review challenge brought by an environmental group (Wild Justice) alleging that Ofwat had breached its statutory monitoring and enforcement obligations under the Water Industry Act 1991 and the Urban Waste Water Treatment (England and Wales) Regulations 1994 (UWWT). The claimant (Wild Justice) also took issue with the use by Ofwat of data provided by the Environment Agency and Ofwat's previous handling of complaints in relation to sewerage discharges. The claimant was refused permission for judicial review.
- A leading supermarket:** advising on the statutory marketing standards relating to the provision of country of origin information for fresh fruit and vegetables offered for sale online and how the client can ensure compliance with the applicable requirements.



Dan Smith
Legal Director

+44 (0)20 3636 7989
+44 (0)7921 881465
dan.smith@gowlingwlg.com



John Cooper
Partner

+44 (0)370 730 2878
+44 (0)7921 795137
john.cooper@gowlingwlg.com

Franchise law



-  We advise on all aspects of franchising law for franchisees and franchisors including commercial, intellectual property, employment and real estate issues that arise on franchising as well as the financing structures. We also advise in relation to naming rights.
-  Our team helps franchisors at all stages of their franchising journey – from the initial stages of franchising their business, through day-to-day management of their franchise network, and onwards to the sale of a network to a new owner.
-  Franchising arrangements require strong control; our team advises clients on maintaining high standards and brand consistency whilst allowing the licensee the room to make a return on its investment and to cover the franchise fees for the owner.
-  We are members of the British Franchising Association.

Work highlights

Surecare Community Care: advised a private sector organisation on its franchised network for domiciliary care subject to CQC regulations.

A large semi-governmental organisation based in Dubai: advising and negotiating on its behalf with respect to its leasing and franchise arrangements with a large international regional retailer/franchise holder in the coffee industry.

London Legacy Development Corporation (LLDC): Olympic Stadium: advised the LLDC, in connection with all matters concerning the grant of naming rights over the London Stadium, the former Olympic Stadium and new home of West Ham United FC. This has included supporting LLDC on the development of the naming rights package, drafting the contracts, negotiating with potential sponsors and liaising with West Ham's legal team.

Transport for London: London Cycle Hire Scheme: advised on the naming and sponsorship of the Scheme, including advice in connection with the packaging of rights and the process

for sourcing sponsors and the drafting and negotiation of the relevant naming rights agreement with, first, Barclays and, more recently, Santander. The sponsored asset is quite different from a 'standard' stadium deal (and e.g. handling the rebranding of thousands of bicycles presents particular challenges) but it's probably London's most visible naming rights deal and a genuinely innovative example of the public sector developing new revenue streams.

Department of Health and Social Care (DHSC): brand usage: advised the DHSC on its branding and the implications of advertising and marketing activity, including sponsorship by NHS organisations. The advice included drafting a self-regulatory marketing code and preparation of a comprehensive brand protection manual for the NHS.

Ofqual: National Reference Tests: advised Ofqual on its procurement of a supplier to design/develop and operate the new National Reference Tests – a cutting-edge project with potentially significant reputational risk for Ofqual given that the Tests will be undertaken on its behalf with a licence to use its name.

NHS East of England: Hinchingsbrooke Healthcare NHS Trust: we advised on the procurement to find an organisation to operate Hinchingsbrooke Health Care NHS Trust under a statutory franchise. This was a ground-breaking transaction and a unique franchise agreement. Our work included drafting the first-ever intervention order passed by the Secretary of State.

Ordnance Survey: advised on its copyright and database portfolio and its branded licensing regime (from which a turnover of circa. £100 million is derived).



Sarah Riding

Partner

+44 (0)121 393 0247
+44 (0)7557 184413
sarah.riding@gowlingwlg.com



Nim Tank

Senior Associate

+44 (0)7392 129336
tim.tank@gowlingwlg.com

Health and healthcare



-  Our health & healthcare team understands the structure and functions of the NHS and local authorities and how to navigate and work successfully with the UK's health and care systems.
-  We've earned our reputation by advising on complex, high-value projects as well as managing day-to-day contracting requirements. We provide advice on the implementation of integrated health and care services, and collaboration/alliance arrangements among providers. Our advice includes advising on public procurement law as it applies to health and care services.
-  We have strong experience in public private partnerships in the healthcare sector.
-  We are advising on some of the leading projects around new models of care and sustainability and transformation plans (STPs).

Work highlights

Department of Health and Social Care and the UK Health Security Agency: we have advised on multiple procurements and direct contract awards including a range of contracts for Covid-19 laboratory services (Lighthouse Labs), various Covid-19 testing services (e.g. lateral flow tests) and genome sequencing services to identify variants of concern.

A Non-Departmental Public Body: on the design, implementation and administration of a Medical Benefit Trust.

NHS Mansfield and Ashfield CCG, and NHS Newark and Sherwood CCG on the ongoing development of their system-wide health and care alliance involving the two CCGs, Nottinghamshire County Council and ten provider organisations. Our support included the development of a new payment mechanism utilising capitated budgets and outcomes-based rewards. We advised on and negotiated the completion of the 5-year alliance agreement.



Robert Breedon

Partner

+44 (0)370 730 2862
+44 (0)7894 253120
robert.breedon@gowlingwlg.com



Andrew Litchfield

Partner

+44 (0)121 393 0400
+44 (0)7921 881409
andrew.litchfield@gowlingwlg.com

Department of Health and Social Care: on its procurement for warehousing capacity for the storage of critical medicines in the event of a no-deal Brexit. Instructed at short notice, our team provided support to the Department on three parallel sets of negotiations being undertaken against challenging timescales and in politically sensitive circumstances.

NHS Dudley GP Collaborative: on its leading role in the NHS Dudley multi-specialty community provider project. We are advising on this ground-breaking project for the delivery of combined community and primary care services involving a complex 15-year contractual arrangement and the likely separation of functions within an existing NHS Trust.

Mid-Cheshire Hospitals NHS Foundation Trust in relation to its provider consortium with (i) Cheshire and Wirral Partnership NHS FT (ii) South Cheshire GP Alliance Limited and (iii) Vale Royal GP Alliance Limited. The four partners collectively assumed responsibility for the delivery of community services across central Cheshire. We drafted and negotiated the Partnership Agreement and then acted in relation to the commissioning contract for the provision of community services including district nursing, physiotherapy, podiatry and speech therapy.

A provider of **NHS renal dialysis services:** on a range of regulatory and risk management issues. Our work has included bespoke legislation update training to the clinicians responsible for each service location, advice on internal incident root cause analysis systems and procedures to ensure appropriate filtering and escalation, while ensuring the system is compliant with legislation, and advice in relation to CQC inspection reports, the procedure for challenging the findings and the commercial pros and cons of challenging in different situations and circumstances.

Health and safety



- Managing health and safety risk and preventing accidents has never been more important. Our team of experts in Health and Safety law work alongside our clients to understand and help improve their risk management systems and procedures, advise on statutory interpretation, and advise on compliance, so that risk is managed effectively.
- We advise on the full range of issues including criminal investigations, prosecutions and inquests, and provide bespoke training to improve safety culture and be a sounding board for difficult judgments.
- We work alongside you to prevent accidents and mitigate their effect. If something does go wrong, we will be available when you need us to support in the immediate aftermath of an accident. Our team will be on hand to minimise the cost and disruption of criminal investigations and (if ever needed) guide cases through the courts to protect your organisation.
- We have wide experience of regulatory investigations, including by the Police, Health and Safety Executive (HSE), Environment Agency, local authority environmental health and trading standards officers and Coroner. This means our team can advise you on pragmatic, sensible and effective ways to prevent issues arising and take the best course of action when they do.

Work highlights

A Local Authority: under investigation for Corporate Manslaughter following a road traffic accident. The accident was caused, in part, by a defective road surface laid at the Council's instigation by contractors acting on its behalf. It was necessary to engage with the Police in order to explain how road resurfacing works were procured in the county so that they understood the role that the Council had played. We retained expert evidence at the outset in order to understand at an early stage the role played by the road surface. The case also involved managing the continuing relationship between the Council and other partners involved in the investigation and helping to minimise publicity. We also represented the authority through the inquest process. No charges were brought.

Two separate local authorities: prosecuted by the Health and Safety Executive after accidents involving the movement of waste transfer vehicles. Both accidents involved reversing vehicles in the depot, colliding with Council employees, and failure to manage workplace transport risk. We were able to set the clients' risk management systems into context in terms of the number of vehicle movements as against the number of accidents and were able to reduce the culpability, and risk of harm criteria faced by both councils. We also gathered comprehensive information about each Council's finances in order to make submissions to the Court for a significant discount in accordance with the sentencing guidelines.

A registered social landlord/not for profit care home operator and a charitable provider of mental health recovery services: in relation to a range of investigations, accidents and prosecutions. Examples have included an inquest into the death of an elderly and vulnerable resident of a care home who left the scheme and was subsequently found to have died, a prosecution following an incident in a hostel for homeless older men in which a resident was scalded after the failure of equipment designed to manage the risk from hot water, and an investigation and inquest into the death of a resident in a scheme for those suffering with mental health conditions, who was found having taken an overdose of medication. These cases often involve Care Quality Commission (CQC) and safeguarding investigations as well as HSE investigation.

A local authority: delivering bespoke health and safety and sentencing guidelines training to senior management of each service area. The training was delivered alongside the client's Health and Safety Manager and included risk management and crisis management systems and procedures. It was designed to enhance management's understanding of the legislation and their duties so that they were better placed to manage risk and prevent accidents. The training was specifically prepared so that it was directly relevant to the risk profile of the authority and had the clear intention of improving the health and safety risk management culture across the organisation.



Andrew Litchfield
Partner
+44 (0)121 393 0400
+44 (0)7921 881409
andrew.litchfield@gowlingwlg.com



Michael Hafen
Principal Associate
+44 (0)121 393 0279
+44 (0)7889 748243
michael.hafen@gowlingwlg.com

Life sciences



- From biotech start-ups and research organisations to large pharmaceutical companies, we act for a wide range of entities in life sciences across the world so that we know both sides of the arguments and can help our clients to find a solution. Our advice covers the full range of issues including: transactional, litigious and regulatory issues relating to pharmaceuticals and medical devices including licensing and acquisition of new products. We have one of the leading life sciences transactional teams in Europe with a wealth of experience and 'bench strength' that allows us to work efficiently and effectively with clients of all sizes.
- Many members of our team hold advanced scientific academic degrees so that they not only know the sector, but can interpret the complex scientific information and understand our clients' objectives as well as the short and long-term commercial opportunities within both the public and private sectors.
- Our team members are actively involved in industry bodies such as the UK BioIndustry Association. Through this involvement, as well as regular contributions to the key professional publications, we are thought leaders on the latest issues.

Work highlights

Fujifilm Kyowa Kirin Biologics: in a number of litigation cases against AbbVie Biotechnology relating to biosimilars of 'Humira' the world's best-selling drug, with a global turnover of over \$16 billion and daily UK sales of around £1.4 million. For the first time, a UK court has granted declaratory relief to a company trying to launch a product in the face of myriad patent applications in order to protect it against later infringement claims.

Heptares Therapeutics: on its \$3 billion deal with Allergan for the licensing of exclusive global rights to a broad portfolio of compounds to target the treatment of major neurological disorders, including Alzheimer's disease.

The Kennedy Trust for Rheumatology Research: on the first 'biosimilar' antibody drug case to get to court in the UK. Our team defended three patents belonging to the Kennedy Trust for the treatment of rheumatoid arthritis using the monoclonal antibody infliximab against revocation proceedings brought by a generics company.

AstraZeneca on its cancer drug collaboration with Merck. Merck will pay AstraZeneca up to \$8.5 billion in total consideration, including \$1.6 billion upfront, \$750 million for certain licence options and up to \$6.15 billion contingent upon successful achievement of future regulatory and sales milestones. The companies will develop and commercialise Lynparza jointly, both as monotherapy and in combination with other potential medicines.

GSK: in successfully defending a patent infringement action brought by Vectura.

AstraZeneca: on its collaboration with the University of Oxford to develop the COVID-19 vaccine.

BioNTech: on intellectual property matters relating to the Pfizer/BioNTech vaccine.

Eisai: on various transactions including its recent disposal of the rights to the drug Zonegran.

The leading Belgian life sciences research institute, **VIB**, and the Belgian university **KU Leuven** on many licensing and collaboration agreements.



Luke Kempton
Partner
+44 (0)121 393 0365
+44 (0)7921 025365
luke.kempton@gowlingwlg.com



Patrick Duxbury
Partner
+44 (0)121 393 0212
+44 (0)7818 003973
patrick.duxbury@gowlingwlg.com

Media law



- Our team advises global brands, public sector bodies, household names and agencies on all aspects of media, entertainment and reputational management – whether in the form of defamation issues, advertising clearance and reviews, client/agency deals, media and entertainment transactions (including sponsorship, filming licences, talent agreements etc.) or regulatory investigations and complaints. The team draws on expertise across our advertising, media, intellectual property, commercial litigation and employment teams in order to deliver business-focused solutions which safeguard client reputation and brand value.
- We are also experienced in working with and training media and marketing teams: producing guidelines and advice that reduces the need for legal advice further down the line, and speeds up the process of checking advertising and communications materials; reducing friction and cost.

Work highlights

- Transport for London** on media, entertainment, advertising and sponsorship issues including Santander's sponsorship of the London cycle hire scheme and advertising partnerships in relation to a London Underground line.
- Stadium event, naming rights and sponsorship deals for **E20 (formerly the London Legacy Development Corporation)**.
- Broadcast, production, sponsorship, media and promotions advice to the **Organising Committee of the Birmingham 2022 Commonwealth Games**.
- Major brand owners** on the biggest media agency deals, including global/international media booking and buying deals for **Honda, Nomad Foods (Birds Eye), Fiat Chrysler, Marks & Spencer, A S Watson Group (Superdrug) and others**.
- Influencer and affiliate marketing deals for many major brands including **Volkswagen Group, Carlsberg, Aston Martin, Honda, Marks & Spencer and others**.
- Filming licences and releases for private and public sector landowners.
- Advertising, promotions and communications clearance for brands, agencies and public sector bodies.
- Advice and training on sustainability and environmental messaging in the context of the new Green Claims Code.



Dan Smith
Legal Director
 +44 (0)20 3636 7989
 +44 (0)7921 881465
 dan.smith@gowlingwlg.com

Public inquiries and inquests



- We combine our inquiry and other substantial litigation experience with our public sector awareness and an appreciation of the need for us to act in the public interest independently, objectively and efficiently.
- Extensive experience of working on matters that involve considerations of national security and/or official secrets, which require individual security clearance and/or involve putting in place measures to safeguard classified and commercially restricted material.
- We act for clients in the public and private sectors who are called upon to participate in public inquiries. Our lawyers are also specifically trained in inquisitorial investigation techniques.
- We operate our own, in-house e-disclosure solution, which allows us efficiently and cost-effectively to manage for you high volumes of electronic documents, and are also familiar with using technologies used by our clients and third parties in order to support the efficient gathering of evidence.

Work highlights

Inquiries

- Grenfell Tower public inquiry:** acting for one of the corporate core participants. Our work has involved detailed analysis of the relevant building regulations, and fire safety legislation alongside the product safety-testing regime and quality control procedures and their impact on the design and construction process, as well as marketing and product certification. We have managed a significant disclosure exercise, helped in the preparation of witness statements and co-ordinated the provision of expert evidence.
- Undercover Policing Inquiry:** providing ongoing assistance to the Home Office. The Inquiry is involved in a substantial and multiyear evidence gathering and review exercise from initial document harvest through to evidential hearings. We supported the Inquiry in this exercise. We assembled a team



Andrew Litchfield
Partner
 +44 (0)121 393 0400
 +44 (0)7921 881409
 andrew.litchfield@gowlingwlg.com

- to provide a managed document review service for specified evidence review tasks and call-off legal services provided at an air-gapped secure facility.
- Shrewsbury and Telford Hospital NHS Trust: advising the Chair of the independent review of maternity services at the Trust. Our team has been advising on data privacy and security issues, contractual arrangements with third party providers, advice and liaison with key stakeholders and affected parties and with witnesses. We also provided advice concerning the publication process. Our work has been critical to ensuring that key witnesses were treated fairly, sensitively, impartially and in accordance with best practice.

Inquests

- We are instructed to act across a range of inquests for Registered Social Housing and Care providers as well as in relation to deaths arising in the private sector. For example, we helped a care provider in relation to the Inquest into the death of a resident with serious mental health vulnerabilities who was sadly found dead having left his accommodation. We helped the client piece together the evidence about his last movements, produce witness statements explaining the extent of the service that our client is funded to provide and how that service fits alongside the relevant community mental health NHS trust and we made legal submissions on the relevance of Article 2 of the Human Rights Act on the Inquest process.
- Sheffield City Council – Hillsborough Stadium disaster:** provided support to the Council, preparing for the inquest and supporting with the management and cross-referencing of vast quantities of documentation to facilitate ease of reference to the parts, which relate to issues affecting the Council. There was also a new, and ongoing, police investigation. We assisted with witness statements from previous and current staff employed by the Council and provided additional support to supplement the Council's in-house resource.



Patrick Arben
Partner
 +44 (0)121 393 0011
 +44 (0)7921 881438
 patrick.arben@gowlingwlg.com

Public international law

-  We regularly assist clients in the analysis of the intrinsic risks involved in contracting with overseas counterparties and the level of reliance that they can place on the operation of the various treaties and conventions governing the enforcement and effectiveness of judgements and arbitral awards, and providing for investment protection from state interference.
-  We operate a successful international arbitration practice, whose clients include major construction contractors, insurers, clients in the technology and aerospace industries, and national governments.
-  Our global network of Gowling WLG and best-friends offices gives access to local legal expertise around the world.

Work highlights

- An Eastern European State** in an ICSID arbitration and in a related ICC arbitration for breaches of a concession agreement and the Energy Charter Treaty relating to the construction and operation of a hydroelectric plant and a waste processing plant. The matters have progressed to final hearings, and an award in favour of our client was issued in the ICC arbitration, dismissing comprehensively the claim against it and awarding its counter-claim for termination and substantial damages.
- An Eastern European State** in an ICSID arbitration arising under a Bilateral Investment Treaty concerning the alleged cancellation of telecommunication licences. The case involved allegations that the State had harassed the investor through arbitrary tax and criminal investigations, causing him to shut down its television station.
- An oil & gas exploration and production company** in claims against an African State in relation to the rights to develop and sell natural gas under a product sharing agreement.
- A Non-Departmental Public Body** in respect of settling a potential dispute with an Italian Governmental body.



Gordon Bell
Partner
 +44 (0)20 7759 6703
 +44 (0)7799 343380
 gordon.bell@gowlingwlg.com



Tom Price
Partner
 +44 (0)121 393 0558
 +44 (0)7725 352834
 tom.price@gowlingwlg.com




Telecommunications

-  Our well-established telecoms practice has a proven track-record in delivering complex projects in the telecommunications sector, from advising on mobile infrastructure and transmission projects through to major multi-jurisdictional telecommunications patent litigation.
-  We have worked on some significant IT services agreements, which involved both the acquisition and implementation of key software elements for networks and ongoing support and maintenance. Our work has also included complex managed services agreements for the management of backhaul and transmission in networks.
-  We have been involved in Cloud and Cloud-based solutions (including SaaS) from the outset and can see how these solutions are becoming a key part of Telecommunications services.




Work highlights

- Home Office – ESMCP Air to Ground Project:** we have supported the ESMCP Commercial Team, working on a co-location basis in their Whitehall offices, providing end-to-end support through procurement to contract award including drafting contract documents and supporting schedules (including in specialist areas such as Communications Agreements, End User Licence Agreements and Third Parties Interface Agreements) and drafting the core Master Services Agreement with complex, bespoke intellectual property provisions.
- Croydon Council on its £100m PFI contract with Capgemini for ICT/telephony services,** which expired in 2014 with no scope for further extension. Having advised the Council on the contract since 2001, our team was appointed to implement a disaggregated procurement/contract strategy to move it away from a single, prime contractor, to a multi-vendor service 'tower' arrangement.
- A Police and Crime Commissioner:** on an application to Ofcom for rights under the Electronic Communications Code in relation to a telecommunications mast used for police communications.
- Foreign Commonwealth and Development Office** – global outsourcing across 80 jurisdictions of networking and data requirements, including a dynamic purchasing system.
- Drafting the Distribution Connection and Use of System Agreement for the UK:** throughout the process we engaged with Ofgem and industry stakeholders to develop a document that met the needs of the regulator and electricity licensees.
- Birmingham City Council on the renegotiation of its £1 billion joint venture with Capita, Service Birmingham,** which runs all of the Council's information, communications and technology (ICT) services.



Jocelyn Paulley
Partner
 +44 (0)20 3636 7889
 +44 (0)7921 881453
 jocelyn.paulley@gowlingwlg.com



Alex Brodie
Partner
 +44 (0)20 3636 7818
 +44 (0)7921 025373
 alex.brodie@gowlingwlg.com

The law of international trade, investment and regulation

 Gowling WLG's EU, Trade and Competition team advises on all aspects of trade law within the UK and the EU. Our experienced trade and customs specialists (UK and EU qualified) are based in our Brussels and London offices and provide practical, solutions-led advice on a broad range of cross-border issues and disputes. The team works closely with our specialist colleagues located in Gowling WLG's offices in Canada, China, Singapore, Germany, Dubai and France.

Work highlights

- Trade defence:** advising a leading European manufacturer in commencing a complaint to the European Commission and acting with respect to the subsequent investigation in connection with ceramic foam filters emanating from China.
- Sanctions & Export Control:** advising a leading multinational manufacturer on the potential application of EU and UK sanctions in relation to prospective energy projects in Russia.
- Advising a pan European multi-site remote review of a **Tier 1 supplier** to the defence industry, including conducting on-site reviews, in order to identify compliance risks arising in relation to EU export control law, and to develop solutions to manage these risks.
- Acting for a global mining group in relation to the potential application of the US, EU and UK sanctions regimes in respect of Zimbabwe to the proposed sale of Zimbabwean assets to UK and US buyers.
- Acting for a **South American multi-national exporter** in relation to the potential application of the EU and UK sanctions regimes to exports of certain products to Syria and the steps it should take to comply with EU and UK and EU export control measures more generally.
- FTA Utilisation** (including Rules of Origin & Commodity Code Verification): advising a leading automotive manufacturer on the development of a global customs and trade compliance programme, which resulted in the successful recovery of overpaid customs duties.
- Trade & Customs Compliance** (including Responding to Investigations by Investigating Authorities): advising a billion-dollar turnover wellness brand in relation to a variety of customs compliance matters, including product classification, managing preferential tariff treatment and supply chain management.
- Advising an **international aeronautical manufacturer** on the customs and trade processes and controls required for a successful application for EU Authorised Economic Operator status.



Bernardine Adkins
Partner
 +44 (0)370 733 0649
 +44 (0)7841 899302
 bernardine.adkins@gowlingwlg.com



James Stunt
Senior Associate
 +44 (0)20 7759 6910
 +44 (0)7825 861 958
 james.stunt@gowlingwlg.com



Gowling WLG (UK) LLP
gowlingwlg.com

Gowling WLG (UK) LLP is a member of Gowling WLG, an international law firm which consists of independent and autonomous entities providing services around the world. Our structure is explained in more detail at gowlingwlg.com/legal

DESIGN0002739

