

# RM6240 Public Sector Legal Services

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**Lot 1 a, b, c**  
**Lot 2 a, b, c**  
**Lot 3**

DWF Law LLP

[dwfgroup.com](http://dwfgroup.com)

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# Lot 1 a, b, c

## Full Service Provision

DWF are able to advise on all of the following:

### Mandatory specialisms:

- [Administrative and Public Law](#)
- [Non-Complex Finance and Investment](#)
- [Contracts](#)
- [Competition Law](#)
- [Corporate Law](#)
- [Data Protection and Information Law](#)
- [Employment](#)
- [Information Technology](#)
- [Infrastructure](#)
- [Intellectual Property](#)
- [Litigation and Dispute Resolution](#)
- [Partnerships](#)
- [Pensions](#)
- [Public Procurement](#)
- [Property, Real Estate and Construction](#)
- [Energy, Natural Resources and Climate Change.](#)

### Optional specialisms:

- [Retained EU Law and EU Law](#)
- [Planning](#)
- [Projects](#)
- [Restructuring and Insolvency](#)
- [Education Law](#)
- [Children and Vulnerable Adults](#)
- [Food, Rural and Environmental Affairs](#)
- [Franchise Law](#)
- [Health, Healthcare and Social Care](#)
- [Life Sciences](#)
- [Telecommunications](#)
- [International Trade, Investment and Regulation](#)
- [Public International Law](#)
- [Charities Law](#)
- [Health and Safety](#)
- [Licensing Law](#)
- [Transport Law \(excluding Rail\)](#)
- [Tax](#)
- [Outsourcing / Insourcing](#)
- [Immigration](#)
- [Public Inquests and Inquiries](#)



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# Introductions:

## Global reach

DWF is a global provider of integrated legal and business services, operating across eight key sectors in over 30 global locations with over 4,000 people. Our purpose is to deliver positive outcomes with our colleagues, clients and communities.

## A comprehensive track record

Our Government and Public Sector team works for over 250 UK central government bodies, regional and local authorities, police authorities, charities, education and healthcare providers. We also work for private sector providers and businesses that work with the public sector such as developers, construction companies, outsourced services providers, inward investors and port and transport authorities.

## Why our approach works for Government and the Public Sector

### Government and Public Sector experts

Our Government and Public Sector team is experienced in acting for government departments, combined and local authorities and the European Commission in complex matters. We are focussed on understanding your key challenges. We regularly publish key insights and thought leadership (e.g. Levelling Up, Net Zero, Covid-19, Brexit) and our views are sought at the highest levels (e.g. Select Committees on progress of Subsidy Control Bill).

### Results-driven approach

We work with our clients to deliver the outcomes they are seeking in the most effective manner, balancing efficiency and speed with detail and risk, always with an appreciation of the particular governance, political and prevailing social responsibility context in which the Government and Public Sector operates.

### Local teams on the ground

Many of our Government and Public Sector team have worked for sector bodies and they operate through all 12 of our UK offices including Edinburgh, Glasgow and Belfast.

### Driving social value and ESG

We go beyond being a responsible business. We are pioneering ESG across both our advice to clients and the running of our own business. All our lawyers have ESG objectives and are trained to support our clients in the delivery of social value.

### Data driven foresight

Integrated with our legal advisory service, we offer Mindcrest, our outsourced and process led legal services which standardise, systemise, scale and optimise legal workflows. Our data analytics service is helping clients anticipate and mitigate many of the risks their legal teams are facing today.

250+  
Sector clients

250+ clients across Government and the public sector.

239  
partners

239 partners across all disciplines in the UK with a core team of over 50 partners focussed upon Government and the Public Sector.

1000  
lawyers

1000 lawyers immediately available for volume and complex matters.

12 UK  
locations

12 UK locations and local expertise across the UK with lawyers on the ground in Scotland and Northern Ireland.

# Team structure:

## Dedicated resources

From our 12 UK offices we employ nearly 1000 lawyers including 239 partners across 8 practice areas including: Commercial and Competition, Regulatory and Data; Corporate; Banking, Finance and Restructuring; Dispute Resolution; Real Estate; Tax, Employment and Pensions; and Insurance. Our core team of 100+ lawyers who are dedicated to Government and the Public Sector regularly draw upon the expertise of this wider team.

In addition we can draw upon our Mindcrest service which offers volume managed services across compliance, contracts management, legal analytics, litigation and investigations. Mindcrest can deploy legal teams of between 2 and 200 within 24 hours.

Please contact [Debbie Greig](#), Contract Manager for queries about DWF's service offering.

Please contact [Nicole Rafferty](#), Bid Manager for queries about direct awards and further competitions.



## Our three offerings

### Legal Advisory



Premium legal advice and excellent client service. Our teams bring together commercial intelligence and industry sector relevant experience including a stand-out Government and Public Sector team.

### Mindcrest



Outsourced and process led legal services, which standardise, systematise, scale and optimise legal workflows.

### Connected Services



Products and business services that enhance our legal offerings.

## SUPPLIER RELATIONSHIP MANAGER



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## CORE PANEL TEAM



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## Equality and Diversity

Tackling inequality and improving diversity is embedded in our recruitment, retention and promotion, and all key business decisions. We joined the UN's *SDG Ambition*, a global accelerator initiative challenging companies to set ambitious targets into core management. Our global strategy to 2025 focuses on gender, ethnicity, LGBT+, disability and mental health, and actions for #BlackLivesMatter. Our targets include gender diversity on PLC Board with 3+female (achieved); 33%+ female on Executive Board by 2022; 30%+ female senior leadership by 2022; 10%+ BAME senior leadership by 2022.



## DWF Foundation

The DWF Foundation is an independent charity with the sole aim of providing funds, resources and support to help our communities achieve their full potential. We have supported over 100 charities to date, donating £500k+ in 299 grants. Through our IPO, the DWF Foundation received 1.8m shares of investment to build upon the work we have done with charities and our local communities.



## 5 STAR Futures

5 STAR Futures is our community education programme which enables aspirational young people to unlock their potential by developing their confidence and employability skills to become more work ready. This involves groups of volunteer coaches from DWF delivering workshops to school children on topics such as workplace behaviour, effective communication and resilience.



## UN Global Compact

We support the principles of Human Rights set out in the Universal Declaration of Human Rights and the International Labour Organisation core labour standards and launched our Global Human Rights Policy in February 2018. We are a signatory to the UN Global Compact and its business principles covering human rights, employment standards, environment and anti-corruption. In 2016 we also became a signatory to the UN Women's Empowerment principles. We are accelerating our contribution to address the worst impacts from climate change as an integral and deliberate part of our business strategy aligned to the UN's 2030 agenda and a 1.5C pathway.



## Environment

We are proud to be a member of the Legal Sustainability Alliance, a group of law firms and related organisations committed to taking action to improve the environmental sustainability of their operations. DWF achieved a 24% reduction in its carbon footprint between 2015 and 2018. We have an established environmental management system in place, accredited to the ISO14001:2015 certification in the UK.

# Social value:

Our ambition is to make DWF a world leader at responsible business, mobilising our collective strength and strategic commitments not only for the benefit of all our clients through our services but also as a force for good in society.

For CCS and the Government and public sector clients we work with we will demonstrate value in two ways:

- through our business activities – as an enabler, our panel team will proactively support clients with the ESG challenges they face and constantly look for innovative and effective ways to secure improvements;
- as an exemplar, we communicate on our progress as a responsible business in our own right both transparently and authentically.

## Our priorities

Reporting against clear indicators, we have identified six sustainability issues most relevant to our people, our clients, our communities and our business success – enabling us to prioritise where we can have the greatest impact. Our ESG Leadership Group oversees the effectiveness of our ESG strategy and governance in place and determine actions needed to improve our ESG performance.

1. Climate action
2. Diversity and inclusion
3. Empowering colleagues & our communities
4. Supporting and connecting with our clients
5. Acting with integrity in everything we do
6. Building trust and increasing transparency

**How we can help**

We regularly advise on administrative and public law matters in order to safeguard decision making and ensure that public bodies can deliver policies and priorities.

We advise on:

- the powers (and procedural compliance) that public bodies can rely on in order to deliver their functions;
- vires opinions on complex legal structures to deliver major infrastructure, regeneration and outsourced projects;
- consultation and public sector equality duties to safeguard decision making;
- effective decision making and changes to existing arrangements;
- effective reporting and building of evidence to enable reliable decisions to be taken;
- challenge-proofing intended decisions to safeguard against risk of litigation;

- conducting investigations and audits into officer and elected member conduct, and decision making on major projects;
- reputational matters arising from individual incidents using our 24/7 *Crisis Response* service supported by public law experts;
- defending and prosecuting clawback claims in public funding situations (including dealing with EU institutions);
- responding to challenges to public bodies' decision making (JR, Ombudsman, independent enquiries, procurement challenges); and
- responding to public inquiries (eg. COVID-19) and police investigations.

Our administrative and public specialists are supported by lawyers from our litigation, procurement, Subsidy Control, regulatory, data protection, health and safety teams.

**How we can help**

We regularly advise a variety of central and local government, Combined Authorities, LEPs and other stakeholders and bodies on the following key areas:

- loans, lending and borrowing generally;
- guarantees and security arrangements;
- prudential borrowing;
- equity investment and grant funding;
- funding and security structures for property transactions, including residential and commercial property development finance;
- project finance, including PFI and PPP projects;
- environmental, social and governance (ESG) aspects of lending and investment transactions;
- Subsidy Control and the market economy operator principle;

- trade and export finance;
- securitisation, bonds and debt capital market transactions;
- transfers of loan assets;
- restructuring of loans, insolvency, security enforcement and recoveries;
- finance litigation generally;
- fraud prevention, detection and recovery;
- FCA regulatory advice; and
- data protection, GDPR, confidentiality breaches.

Our expertise in public sector finance enables us to deliver a wide range of services linked to lending, borrowing and investment transactions by local and combined authorities, government departments and agencies and other public sector bodies.

**Case studies****Royal Borough of Kensington & Chelsea (RBk&C) on Grenfell**

Advising in relation to the Public Inquiry and Metropolitan Police Investigation arising from the fire at Grenfell Tower, including an extensive collection and disclosure process involving over 14 million documents, disclosure of around 60,000 relevant documents and preparing over 70 witness statements, responding to 15 complex and wide ranging document requests, advising a large number of FOI requests.

**Durham Council**

Acting for Durham Council in the High Court defence of a claim for damages by a private collector of commercial waste arising from alleged breach of State aid rules issued concurrently with a complaint to the European Commission, and against the background of changeover in law to the new UK Subsidy Control regime post-Brexit. The High Court rejected the claim and subsequent appeal.

**Case studies****Greater Manchester Combined Authority**

We acted for the Greater Manchester Combined Authority on the transfer of the central government-funded Greater Manchester Housing Investment Fund from Manchester City Council, including the negotiation of novation agreements with the MHCLG and the legal transfer of loans to private sector developers. Our problem-solving skills were key to resolving technical legal issues for the successful delivery of the project.

**Warrington Borough Council**

We advised the Council on its infrastructure funding arrangements for the Omega project, one of the largest mixed-use developments in the North West of England, which was implemented with the private developer, Homes England and the Local Enterprise Partnership. Our work included the successful negotiation and completion of a bespoke funding structure through our understanding of the strategic objectives of all partners.



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## Contracts

### How we can help

We regularly advise public authorities and private sector suppliers on all aspects of contract drafting, negotiation and contractual interpretation related to Government and Public Sector matters. Our team brings decades of experience of dealing with a wide variety of arrangements across a wide variety of sectors and with a substantial team of UK commercial contracts advisors at all levels.

Examples of the types of advice include:

- drafting and negotiating agreements on all kinds of commercial activities for works, services and supplies, including large scale outsourcing;
- drafting concession contracts, shared services arrangements, joint ventures, alliancing options and grant funding arrangements;

- advising on contracting strategies, best practice and innovation;
- advising on pricing / payment, risk and reward options, change management, insurance, performance management, programme & planning;
- marking up, advising on and negotiating the GLS model form contract terms and conditions;
- advising on data protection, freedom of information and other regulatory compliance issues.

Our advice can be tailored to the specific sub-sector, whether that is the education, health, defence, culture, energy, water, transport, telecommunications or other industries, introducing experts as necessary to support commercial transactions and/or arrangements.

## Case studies

### Welsh Government – GCRE Project

Advised on the contracting strategy and implementation process involved in the delivery of a complex £150m railway test track on a disused opencast mine, together with provision of linked maintenance arrangements and a research facility. It included aggregation/disaggregation of various work and services packages, the drafting and negotiation of base contract documents, advice on price and payment options, analysis and advice on risk and reward as well as specific training for the delivery team.

### Scottish Government – R100

Advised Scottish Government on its Reaching 100% (R100) broadband programme. It involved advising on the drafting, negotiation and award of contracts for a £600m broadband infrastructure project. The contracts were based on a template form published by DCMS for broadband rollout projects, which we tailored to reflect the Scottish Government's key strategic objectives and policies, then negotiated with multiple bidders as a competitive dialogue procurement.

## Competition Law

### How we can help

Our team advises on the full range of Competition Law issues, including:

- Subsidy Control and EU State aid advice, including NI Protocol and all aspects of the EU/UK Trade and Cooperation Agreement 2020 and the Subsidy Control Act 2022;
- WTO law (including the Agreement on Subsidies and Countervailing Measures);
- training on identifying and managing all Competition Law issues, including subsidy and antitrust management;
- all aspects of UK and EU merger control and related notifications and procedures with the CMA and the European Commission;
- the new National Security Investment Act 2021;
- the proposed EU Foreign Subsidies regime;

- all aspects of anti-competitive agreements and abuse of dominance within the Competition Act 1998 and EU law counterparts, and related CMA and European Commission investigations;
- advising and defending clients in regulated sectors;
- Competition Law-based litigation and proceedings before the Competition Appeals Tribunal; and
- advising clients during dawn raids and in relation to other audits and investigations such as ERDF.

Our team deals with all government funds and related bid administration, for example the Levelling Up Fund, for which we dealt with many successful bids for Round 1. We are currently very active in relation to Round 2 and the new UK Shared Prosperity Fund.

## Case studies

### Subsidy Control adviser for the £1 billion Automotive Transformation Fund

Our specialist Subsidy Control team have advised upon the delivery of the £1 billion *Automotive Transformation Fund* since 2019. The fund is led by the Advanced Propulsion Centre and provides public funding for projects that accelerate the development of the UK's automotive capability, especially with regard to net zero. This includes advising upon inward investment projects, gigafactories and cutting edge R&D investment.

### Subsidy Control adviser to multiple local authorities in Levelling Up Fund and other bids to central government

We advised over ten successful applicants for the LUF Round 1 competition and more recently advised more than 50 bids for Round 2, dealing with a wide range of Subsidy Control scenarios against proposed local authority investments across the UK, for such diverse projects as heritage and culture infrastructure, community and leisure centres, managed workspace, public realm, port infrastructure and new industrial units.



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## How we can help

With a team of over 250 corporate lawyers, we regularly advise public sector clients looking to set up wholly/partly-owned subsidiaries or joint ventures with the private sector, thus providing corporate law advice but having regard to public law context.

We advise on the advantages and disadvantages of the various different corporate forms: Limited or Limited Liability Partnerships; Companies limited by shares (CLS); Companies limited by guarantee (CLG); Community interest companies (CICs); Charitable incorporated organisations (CIOs).

As an increasing number of public sector bodies look to commercialise, we regularly advise on:

- ownership structures;
- tax, procurement policy and Subsidy Control issues arising from setting up a corporate entity;

- governance issues (including how best to deal with potential conflicts of interests, deeds of indemnity for directors);
- public law powers required to form such corporate entities;
- employment and pension issues arising from transferring employees into and out of corporate entities;
- transfer of assets and land to corporate entities in a managed way;
- dissolution and orderly winding up of corporate entities owned by the public sector in a managed way; and
- ongoing legal compliance with regulatory requirements (Modern Slavery, Living Wage, ESG, conduct and probity);
- transfer and disposal of public sector entities into the private sector to generate a financial return for the public sector.

## Case studies

### Greater Manchester Waste Disposal Authority (“GMWDA”)

We advised the councils on their taking over ownership of a corporate entity operating two mechanical biological treatment plants processing around 600,000 tonnes of the county's household waste. The entity was put in place under a £2bn 25 year PFI contract with construction firm Lend Lease and Global Renewables Lancashire Limited. Our corporate, financing, public sector and tax teams advised on the complex corporate acquisition, funding and State aid.

### Scottish Further and Higher Education Funding Council (“SFHEFC”)

We advised SFHEFC (the national strategic body responsible for funding teaching and learning research in Scotland's 41 colleges and 19 universities/higher education institutions) in connection with the proposed merger of Stevenson College, Jewel & Esk and Edinburgh's Telford College.



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## How we can help

DWF's Data Protection and Cyber Security (DPCS) Team provide public sector clients with insightful UK and global support. Our team includes legal advisors and management consultants, who combine to provide truly holistic, end-to-end solutions, across all of DPCS and Freedom of Information (FOI/FOIA) and Environmental Information Requests (EIR).

We help Government in these areas:

**Big litigation and dispute resolution** – whether acting on large data breach claims or high volume lower value compensation claims.

**Regulatory investigations and enforcement actions** – with a wide range of active regulators including those in data protection.

**Incident response and data breach support** – We begin with prevention, through to embedding appropriate controls.

**Organisational DPCS transformation, DPO support and risk management** – we provide end to end support for public sector clients in: (a) Strategy Development; (b) Transformation Project Planning, Assurance and Risk Assessments; (c) controls design and implementation; (d) education, training and awareness; (e) staff augmentation; (f) cyber security maturity and vulnerability assessments (g) legal advice and opinions, including on emerging technology; (h) Data Protection Officer (DPO) support and service provision; (i) contracting and data sharing; (j) support on corporate transactions and vendor selection and due diligence; and (k) ongoing compliance e.g. trends analysis/compliance toolkits/ PrivacyTech deployment.

### Data subject rights handling

### FOI and EIR

## Case studies

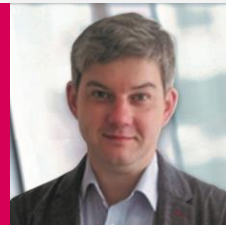
### A healthcare services provider

We seconded two of our expert team members on an emergency basis to support our client in meeting the challenges of Covid-19.

At the heart of the UK's response to the pandemic, they advised on the data protection aspects of the vaccinations programme, alleged data breaches, complex cross-public sector data sharing for research purposes and more, so that data was able to be shared to save lives.

### Setting up new cycle hire schemes

We worked with our procurement and commercial colleagues on the data protection aspects of various new cycle hire schemes in cities. We assessed the organisations involved and their respective data protection status, the vires of the public bodies concerned, reported on our findings and prepared appropriate data sharing arrangements including with transport smartcard providers.



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## Employment

### How we can help

The team acts for a broad range of Central and Local Government clients, advising human resources teams, in-house lawyers, as well as the organisation directly. We have one of the largest employment teams in the UK as well as an international offering. We offer a full range of specialist services.

Our advice for employers includes:

- large scale business transfers, takeovers and transfers of undertakings (TUPE);
- audits;
- atypical workers – including agency workers, fixed term and contractors;
- disputes and litigation;
- discrimination and equality;
- employment policies and procedure, plus Employment status;
- executive compensation and employee benefits;

- executive severance, team moves and injunctions;
- gender pay gap reporting;
- global mobility and business immigration;
- investigations and inquiries;
- IR35 and off-payroll working rules;
- M&A;
- partnerships and LLPs;
- pay issues;
- recruitment, employment contracts;
- restructuring, re-organisations and redundancy; and
- trade union and collective issues.

We recognise that employment issues need to be handled with extreme care and sensitivity to ensure that core functions and services continue to be delivered.

## Information Technology

### How we can help

We act for a variety of public sector bodies as well as suppliers to the Government on matters which span the entire spectrum of information technology law. We understand the challenges faced by both sides and are able to provide pragmatic, commercial advice in a timely and efficient manner.

Innovation is a central part of our client focused approach. This often involves using technology to add value and deliver continuous improvement. We are also able to use Mindcrest, part of our integrated legal management function, to carry out volume and process driven tasks.

We are able to advise on a wide range of Information Technology matters including:

- complex system supply arrangements (including hardware, software and SaaS);
- IT outsourcing projects, from discrete business functions to entire telecommunications portfolios;

- advising on and assisting with procurement under the G-Cloud framework and PSN compliance;
- app development, website support and maintenance, and software development (both waterfall and agile methodology);
- drafting and advising on software licences;
- telecoms procurement (including DAS, WiFi and LoraWAN);
- data centre and hosting arrangements;
- terms and conditions for a variety of services (including those provided to consumers and on websites); and
- hardware/software reseller agreements and End User Licence Agreements.

## Case studies

### A unitary authority

Advising a unitary authority over the removal of a judicial office holder from tenure. Involving consideration of administrative and constitutional law over forced removal under statute as leverage for a negotiated exit on a commercial basis, the ultimate outcome.

### A metropolitan borough council

Advising a Metropolitan Borough Council in a long running claim from a dismissed employee who subsequently brought claims for unfair dismissal and discrimination on the basis of disability, race, religion, and sex together with a detriment claim for whistleblowing. The case generated a large amount of paperwork and the Claimant has sought to appeal to the Employment Appeal Tribunal on 3 different basis during the course of the litigation.

## Case studies

### Liverpool John Moores University

We advised on the compliant public procurement process and contracting of two SaaS (software as a service) systems involving different vendors. Our work included advice on public procurement issues, service levels and risk apportionment mechanisms and data protection issues relevant and appropriate to large scale business critical SaaS services.

### Police

We advised on the structuring and negotiation of a significant IT back office and middle office reorganisation, the first of its kind in the UK police force, resulting in savings for the client in excess of £50m over the life of the project.

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**How we can help**

Our Infrastructure team is one of the largest across our global network, working across major infrastructure projects across the globe. Our UK team has worked on some of the UK's largest infrastructure projects including CrossRail, HS2, Thames Tideway Tunnel and HARP to name a few.

We provide a fully integrated cradle to grave approach to contracting and construction solutions; from feasibility to procurement, from construction through to handover and asset management, our team is there every step of the way to advise. We advise on every aspect of contentious and non contentious construction and infrastructure projects.

Our specialist infrastructure team has a dedicated focus on:

- Transport, including airports, roads, highways, heavy and light rail projects
- Utilities, including acting for regulated businesses, AMPs, water treatment, waste water, sewage, public lighting and renovation works
- Energy, including conversion of traditional power plants, solar, wind, nuclear and hydrogen
- Telecoms, including specialist upgrade projects, private Wi-Fi installation and network infrastructure
- Public Housing, including regeneration, retrofit and development projects

**How we can help**

Protecting and helping our clients to maximise value from their technologies, brands, products, data and services is at the core of our intellectual property offering.

Our team provides commercial and strategically focussed advice ranging from the creation and protection of IP rights through to exploitation and enforcement.

**IP litigation and risk management**

We provide a full legal service in relation to all aspects of IP infringement including trademarks, passing off, copyright, design right, database right, patents, advertising disputes and domain name disputes.

We support our clients with management of IP litigation risk on the launch of new products and brands, providing clear and concise risk assessments and advice on steps to mitigate litigation risk.

Where litigation is unavoidable or the preferred direction, we act decisively and quickly to support our clients in the enforcement of their IP rights. Our team is experienced in enforcing and defending IP claims in the relevant UK courts as well as through alternative dispute resolution forums.

We are experienced in delivering process mapped solutions and implementing policies and procedures for dealing with claims (both incoming and outgoing) in relation to brand and IP protection/infringement matters. By scoping the types of claims and issues which a business typically faces and developing standardised means of reporting and responding, we have seen clients dramatically reduce wasted costs, improve litigation risk profile and combat brand damage.

**Case studies****Welsh Government (GCRE)**

Advising the Welsh Government on the strategy relating to the procurement, commercial and construction of the Global Centre of Rail Excellence, a £150m project to construct two rail test track loops, a depot, office buildings and an on site hotel out of an open cast mine in South Wales (NEC4)

**Liverpool City Council**

Advising the Liverpool City Council on all aspects of strategy, risk assessments and dispute resolution on a number of complex infrastructure projects. This included representing the Council on a number of a serial adjudications brought by a Contractor totalling over £2mil, successfully defending these. Thereafter successfully defending a further adjudication brought by another Contractor and successfully defending enforcement of an adjudication in the TCC ([2022] EWHC 1235 (TCC)).

**Case studies****Gateshead Council**

Supporting Gateshead Council on their investment in the development of an Ibis and Novotel branded hotel complex comprising part a major arena development at Gateshead Quays. This includes arrangements with the brand owner Accor for brand licensing and brand management and support, including development and design sign-off, operational protocol development, IP protection commitments and subcontracted manager brand protection flow-down arrangements.

**Council supplier**

Advising a company which manages a number of entertainment and exhibition centres on behalf of a Council on a range of IP issues. Recent examples of work include advice in relation to a copyright dispute with a film company and advising on new naming rights for a venue with associated sponsorship rights.

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**How we can help**

Our Public Sector litigation team works with clients across the UK and has been particularly involved in public procurement and State aid / Subsidy Control challenges in recent years, alongside dealing with public inquiries such as Grenfell.

Our team has expertise in all aspects of dispute resolution including arbitration (domestic and international) and mediation (including a team of trained mediators).

The team is backed by a large scale insurance claims division dealing with high value and volume claims. The team is further augmented by an ability to deploy volume and technology resource from our Mindcrest division at short notice.

We routinely form multi-disciplinary teams of experienced non contentious public sector

lawyers and commercial litigators to analyse risks faced and adopt a strategic approach in both bringing and defending claims for government and public sector bodies.

By acting on both sides of disputes related to the public sector (including long experience of acting both for and against public sector bodies), we understand both sides' strategies and are able to demonstrate our technical expertise of the relevant substantive law (e.g.. procurement) alongside a strategic approach to dispute resolution and judicial review.

We build our relationships on trust and this includes our pricing. We welcome discussions on alternative pricing structures, incentivising delivery of best outcomes and enabling you to budget your costs and cash flow.

**How we can help**

We are the first law firm to be listed on the main London Stock Exchange and therefore have a unique perspective of the intricacies of corporate partnership law, and the regulatory requirements to operate limited partnership structures within a listed company.

Our corporate team can advise on:

- formation and operation of a LLP and LP ownership structures;
- partnership disputes, which require the application of specialist knowledge of partnership law and its impact on the partners and the members;
- mergers and acquisitions of LLP/LPs;
- tax, procurement and Subsidy Control issues arising from setting up a LLP/LP;

- governance issues (including how best to deal with potential conflicts of interests, deeds of indemnity for directors);
- public law powers required to form a LLP/LP;
- employment and pension issues arising from transferring employees into and out of a LLP/LP;
- transfer of assets and land to a LLP/LP in a managed way;
- dissolution and orderly winding up of a LLP/LP owned by the public sector;
- ongoing legal compliance with regulatory requirements (Modern Slavery, Living Wage, ESG, conduct and probity);
- transfer and disposal of a LLP/LPs into the private sector.

**Case studies****Durham Council**

We acted in a successful reverse summary judgment regarding a claim brought by a private sector waste company for damages and declaratory and injunctive relief arising from alleged unlawful State aid regarding the Council's arrangements for its collection of commercial waste.

This was a critical claim for the client, who was also facing a parallel complaint arising from the same matter to the European Commission, and running through the period of the UK's withdrawal from the European Union. The Council was awarded 95% of its costs at the hearing.

**Leeds City Council**

We defended Leeds City Council in a High Court litigation case brought by Montpelier Estates Limited alleging breach of the Public Contracts Regulations and related breach of public law allegations against the Council concerning the development of a new large scale indoor entertainment arena. We acted for the Council on all procurement and real estate matters for the delivery of the new arena and defended the Council successfully at trial including the recovery of costs.

**Case studies****Scottish Further and Higher Education Funding Council "(SFHEFC")**

We advised SFHEFC (the national strategic body responsible for funding teaching and learning research in Scotland's 41 colleges and 19 universities/higher education institutions) in connection with the proposed merger of Stevenson College, Jewel & Esk and Edinburgh's Telford College.

**Visit Scotland**

We advised in context of Visit Scotland hosting the 2023 Cycling World Championships, we act for the delivery body which is a new SPV which is a wholly-owned subsidiary of Visit Scotland, negotiating Long Form Host Nation agreement between the Scottish Government and UCI, the rights holder as well as advising on the governance structure for the event incorporating Scottish Cabinet Ministers etc.

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## How we can help

Our pensions team covers the whole of the UK, advising on the full range of private and public sector pension arrangements, both contentious and non-contentious:

- providing advice on construction of benefit provisions, overriding pensions law and investment matters;
- negotiation of pension matters with trade unions;
- advising on outsourcing, including New Fair Deal, risk sharing, project agreement negotiation and TUPE/Beckmann rights;
- the drafting of statutory instruments and primary legislation;
- provision of analysis and advice in relation to government intervention in the private sector / stakeholder negotiation;
- advice in relation to the application of legislative change to pension schemes, e.g.. employer cost cap and the *McCloud*

- judgement relating to age discrimination;
- advice in relation to pension scheme governance matters, including best practice and compliance with the requirements of the Public Sector Pensions Act 2013;
- advice in relation to pension scheme investment matters, such as fund formation, risk analysis, compliance with investment regulations and the negotiation of investment documentation;
- pensions related litigation matters, including in relation to member benefit claims, investment issues and court proceedings; and
- interaction with the Pensions Regulator including in relation to information requests, improvement notices and inspections.

## How we can help

We regularly advise on compliance (and associated challenges) with the Public Contracts Regulations 2015, the Utilities Contracts Regulations 2016, the Concession Contracts Regulations 2016, and the Defence and Security Regulations 2011 (and other supporting guidance and caselaw including at EU level).

We advise on:

- soft market testing prior to formal procurement;
- procurement strategies;
- conducting compliant procurement procedures;
- the incentivisation of service providers to deliver carbon efficient solutions through evaluation criteria and delivery of social value/ ESG, Levelling Up priorities, prompt payment of providers and local employment through evaluation criteria;

- the contractualisation of outsourced services in a plain English contract that is clear and enforceable;
- change management to record variations to contracts and compliance with the procurement regulations;
- responding to challenges to procurement decisions;
- safeguarding in-house provision of services (e.g. regulation 12 structures and collaboration agreements between public bodies);
- land deal exemptions relating to regeneration and housing projects and related risk mitigation strategies;
- sub-threshold procurements;
- subsidised contracts and related obligations on beneficiaries of public funds.

## Case studies

### Government

Advising Government on strategy in relation to the British Steel Pension Scheme. The extent of BSPS' liabilities made it difficult to secure the continued investment in Tata Steel's UK operations in Wales. Highly technical legal advice was provided on a variety of options including the eventual solution. This was brokered by the Government with numerous stakeholders with assistance from a member of the pensions team and led to a significant reduction in pension liabilities.

### Cornwall Council

Advising Cornwall Council on all aspects from procurement to completion of the largest waste collection contract in the UK. We worked closely with the in-house team at every stage of the process and helped ensure a smooth process to completion.

## Case studies

### States of Jersey and various Local Authorities (RB Greenwich, Swansea, Conwy, Wirral MBC, Wakefield, Bradford, Manchester Council)

Advising various Contracting Authorities on the procurement strategies and delivery of major regeneration/ infrastructure projects, office accommodation projects, leisure/library and other public buildings, Future High Street Fund and other Levelling Up grant funded projects across the UK.

### Welsh Government

Advising Welsh Government on the procurement implications arising from the largest privately funded development in Wales, Cardiff Central Square, in partnership with Rightacres Property and Legal and General the £400m regeneration scheme of Cardiff Interchange will include 100,000ft<sup>2</sup> of Grade A office space; the much anticipated new bus station; and 318 'build to rent' apartments.

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### Colin Murray, Partner

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**How we can help**

DWF’s global real estate team includes over 135 solicitors and over 30 paralegals advising across all UK jurisdictions. Our Public Sector Real Estate team works hand in glove with our Government and Public Sector experts to ensure that transactions satisfy vires, fiduciary duties, procurement and Subsidy Control requirements.

We advise Public Sector clients in relation to:

- property development including regeneration projects;
- commercial, mixed use and residential real estate including industrial, retail, office, leisure, student accommodation and housing (Inc. social housing);
- acquisition and disposal (freehold and leasehold including relevant tax advice);
- office rationalisation/ office accommodation projects;

- all aspects of property management including leases, lease renewals, applications for consent, licences, re-gears and disposals, surrenders, and notices;
- grant funding programmes;
- port, airport, rail and road infrastructure;
- energy (including renewable energy) infrastructure;
- planning, CPO, land assembly strategy and s.106 agreements;
- litigation including dilapidation claims, repair obligations, adverse possession, prescriptive easements, exercise of break clauses and serving of notices.

Our Asset Management team supports the wider Real Estate team delivering volume, routine asset management transactions across the UK – providing value and flexibility through experienced paralegals.

**Case studies**

**Wolverhampton City Council**

Advising on its Interchange Project including the construction of £150m new railway station entrance, multi-storey car park extension and continuation of the Midland Metro line extension works to the railway station. Provided various commercial real estate advice including property transfers, land assembly and option, clawback, overage, development, funding and grant agreements together with a full construction package.

**Royal Borough of Greenwich**

Our multi-disciplinary team are advising on all of their regeneration projects including a major urban regeneration project requiring infrastructure and collaboration agreements, variation to conditional land sale agreement including CPO land acquisition strategy, regeneration of Woolwich town centre through high street grant funding, redevelopment of the Tramshed Theatre, development of a £80m Leisure Centre and redevelopment of the Plumstead Power Station, negotiating with multiple partners.



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**How we can help**

Our energy team is composed of 150+ fee earners covering the whole gamete of energy law, regulation and practice. We have experienced partners and fee earners covering: public subsidy and procurement law, planning, real estate, energy regulation, energy finance, project/commercial, employment, dispute resolution, tax, corporate and insurance.

Our energy team works as a seamless body to deliver advice in connection with energy related matters. Whether it is energy project structuring; assisting with public subsidy, procurement law; or vires, formation of project-specific special purpose vehicles, advising on energy regulation; such as Electricity and Gas Act licensing for generation and/or supply, market-standard approaches to routes to market; such as power purchase agreements (direct wire, virtual or sleeved), energy purchase and sale, aggregation or arbitrage of energy

prices, funded or financed schemes (with public/private sector investment), security arrangements for such funded schemes; or construction, commissioning, operation and maintenance; and associated disputes in connection with the delivery of or ongoing operation and maintenance of an energy generation scheme.

Key attention is always given to current and future regulation, law and market trends. Advice on future-proofing any energy related advice will always be at the fore; such as technological developments (for instance, energy storage, carbon capture use and storage, hydrogen, zero emissions vehicles and associated charging/refuelling infrastructure, behind the meter energy generation, use and management).

We manage cross/multi jurisdictional issues, with a strong track record of attending to English and Scots law projects.

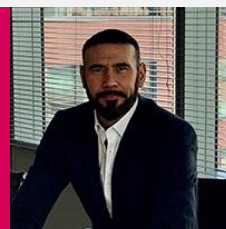
**Case studies**

**Welsh Carbon Capture Utilisation and Storage (CCUS) Road Map**

We are advising on a regulatory road map for Wales to implement CCUS. Applying BEIS’ CCUS flow charts and road map to apply to Wales with specific focus on devolved Government’s role in connection with planning, development, subsidy control/funding and support for encouraging CCUS in Wales.

**Greater Manchester Combined Authority (GMCA) Go Neutral**

We are providing strategic advice to structure a 5 year framework to permit GMCA districts to promote low/zero carbon energy generation. Focus on procurement law, energy policy, decarbonisation and creating a flexible framework to facilitate integrated smart energy solutions for GMCA members.



**Darren Walsh, Partner**

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**How we can help**

Our EU law specialists provide the full range of advisory services, including EU regulatory and non-tariff barriers to trade, EU and WTO trade law, Competition Law, State aid and UK Subsidy Control, Public Procurement, trade defence investigations, customs and EU Funds advice, with a long history of advising in these areas pre-Brexit and across the withdrawal period and now since the conclusion and implementation of the EU/UK Trade and Cooperation Agreement (plus Northern Ireland Protocol), and now the Subsidy Control Act 2022.

What sets us apart is that our advisers have significant personal experience of working within the European Commission (including on secondment from MHCLG/DLUHC) or for UK public bodies applying EU law, appearing before the European Court of Auditors, successfully pleading before the European Courts in Luxembourg, and

working with the European Commission in a wide variety of different investigations and procedures, from clearing State aid notifications to pursuing regulatory complaints, to handling anti-dumping investigations to representing the Commission in European Court cases. As a result we not only have insight into the relevant law, but also the procedures and political contexts around it, and how it may be handled from inside government, and between national governments and the Commission. We also have experience acting on behalf of sovereign governments engaging with the EU from the outside, as the UK is now required to do.

Our team includes several lawyers with long experience of living and working in Brussels and being immersed in EU law. Our UK team also retains dual EU/UK qualifications.

**How we can help**

- planning strategy - options and planning appraisals to support business cases;
- stakeholder engagement strategies, including negotiation of statements of common ground and planning performance agreements;
- development consent orders (DCO), transport works act orders (TWAO), compulsory purchase orders, side road orders, and marine management organisation licences
- promotion of town and country planning applications, including on appeal and secretary of state call-in for operational development and change of use;
- screening, scoping and production of EIA including legal review of environmental statements and other supporting planning/DCO/TWAO documents;

- permitted development rights including promotion of certificates of lawfulness;
- negotiation of s106 planning obligation agreements and unilateral undertakings;
- Habitat Regulations (HRA) screening, scoping and legal review;
- biodiversity net gain advice, strategies and related agreements;
- town and village greens advice and defending applications;
- special category land advice, strategies and special parliamentary procedure;
- high court litigation, including judicial reviews and statutory challenges; and
- negotiation of highway agreements and promotion of stopping-up orders.

**Case studies**

**Successfully defending ERDF project before European Court of Auditors**

We advised a private sector developer accused of breaching EU law (procurement) following an audit, from which a claim for 100% clawback ensued. We acted for the developer in issuing national court proceedings against MHCLG to demonstrate no material breach of EU law and no damage to the fund. This resulted in withdrawal of the claim for clawback. This work also included engaging with the European Commission and Court of Auditors to defend the State aid analysis.

**Successful defence of parallel UK court and European Commission proceedings**

We successfully defended Durham Council in parallel High Court and European Commission proceedings alleging use of unlawful State aid and claiming *Francoovich* damages. We were successful in having all claims struck out and securing full costs. The case contained particular points of interest from a jurisdictional perspective, crossing through the period of withdrawal from the EU and transition to a new regime. (Includes some of first addressing of the Subsidy Control regime by national court).

**Case studies**

**York Central – for Homes England, Network Rail, York City Council**

Devising a planning and highway closure strategy for a politically sensitive significant and part Housing Infrastructure Funded multi-owned mixed use regeneration scheme with 2,500 new homes and enabling infrastructure as part of collaborative site promotion including partnership working, viability assessment, legal review of application documents including EIA, successful promotion of an outline planning permission and negotiation of s106 agreement.

**National Grid, Cadent and National Highways**

Advising in relation to strategy and negotiation of a number of asset protection and interface, crossing, termination and diversion agreements against the effects of third party major infrastructure projects promoted under DCO, TWAO and CPO powers comprising transport and energy related schemes on its gas, electricity and strategic road network assets.



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**How we can help**

The DWF Projects team is a national multi-disciplinary team which provides advice to Central and Local Government clients and other sector bodies in the procurement, modification, termination and delivery of major PPP/PFI projects.

We have a proven track record of guiding our clients through the legal and commercial issues which arise at each stage of a public procurement.

In addition to advising on projects and infrastructure matters, the contractual arrangements, the procurement, early termination and expiry of such arrangements, the DWF Projects team can co-ordinate expert legal advice, during the end to end process, from the following disciplines:

- State aid / Subsidy Control;
- energy;

- insurance;
- environmental law;
- banking and finance law;
- property real estate;
- IP/IT and data protection;
- litigation and dispute resolution;
- tax: SDLT, VAT and corporation tax;
- employment and staff reorganisation, together with business process re-engineering and secondment arrangements;
- pensions;
- corporate, including corporate joint venture arrangements;
- restructuring and insolvency; and
- administrative and public law.

**How we can help**

We have experts in areas that often prove crucial for public sector organisations in distressed situations, such as finance, litigation and dispute resolution, regulation, real estate, pensions, tax and employment.

Our team advises lenders, management teams, boards, capital investors and other key stakeholders across a wide range of complex domestic and international restructuring matters.

This includes covenant breaches/other facility agreement defaults; security reviews; government backed schemes; debt restructuring and capital restructuring; formal insolvency processes; pre-packs; administration sales and acquisitions; distressed financing and asset based lending; new moratorium and restructuring plans; and insolvency litigation fraud and asset tracing.

We regularly advise local authorities and other public bodies on restructuring and insolvency matters. Our experience:

- the insolvency of a supplier in any supply chain can be devastating. We have experience of dealing with small and large failures;
- major projects sometimes need restructuring to avoid insolvency. Our experts work as one team to deliver effective solutions;
- prevention is better than cure. We help structure projects to reduce insolvency risk and protect assets from the outset; and
- extensive public sector experience helps us put advice in a regulatory, practical and commercial context, leading to realistic and achievable solutions.

**Case studies****Greater Manchester Combined Authority (GMCA)**

We have advised GMCA on the options for making significant savings in their £4bn Waste PFI Contract. It involved the development of bespoke terms for the winding up of c.1,200 contracts, repayment of £550m of capital investment, the TUPE and pensions arrangements for over 600 staff and the renegotiation of the Runcorn EfW project, ultimately resulting in savings to GMCA of around £290m.

**Aberdeen City Council**

We are advising Aberdeen City Council on the Torre District Heating Project. This is a follow on to the advice DWF provided to Aberdeen City Council, Aberdeenshire and Moray Councils on the procurement of their £120m joint energy from waste development in Aberdeen.

**Case studies****Liverpool City Council**

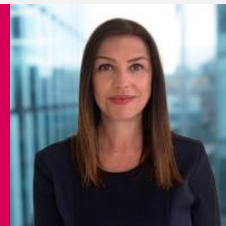
We advised in making demand and enforcing corporate and personal security against a £250k facility for a local festival. This involved the liquidation of various companies connected to the borrower on behalf of the Council and enforcement of a personal guarantee against the director resulting in a significant return for the Council.

**Salford City Council**

Acted with regards to its creditor claim in the CVA of Salford Red Devils Rugby League Team which included negotiations with various parties relating to use of the AJ Bell Stadium, of which the Council are a major stakeholder.

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**How we can help**

Our education team works collaboratively to provide full service legal advice. We advise state and independent schools, and further education providers on the following matters: early years, health and safety, crisis management, school workforce, special educational needs, admissions, exclusions, equalities issues, pupil/student related litigation, clerking independent review/appeal panels, governance, abuse, safeguarding insolvency and reorganisation issues, inspection and regulation, regulatory compliance advice and support with investigations, mediations, policy review and governance, finance and funding issues, higher and further education, student finance, and education-focused charity, contract and property law issues relevant to the educational sector.

Specifically for universities and research organisations we advise on government funding in particular for R&D projects and programmes including major collaborations with industry. This includes working for Innovate UK and with multiple parties in EU programmes FP7 and H2020, including commercial contracts (consortium agreements) and Subsidy Control. We also act for a large number of independent schools across the UK and run 24/7 crisis helpline for them dealing with a range of crises mainly around safety events, abuse, and reputational concerns. We have a dedicated team with experience in representing and advising schools on cases dealt with in the First Tier Tribunal for Health, Education and Social Care.

**How we can help**

We have a specialist team of lawyers who have long experience advising and supporting public bodies on the following matters:

- sexual abuse (care and none care setting);
- physical assault by or upon children or vulnerable adults;
- child sexual exploitation (CSE);
- claims under the Modern Slavery Act 2015 (Human trafficking/exploitation);
- consent, particularly in the case of vulnerable adult;
- claims against social services professionals including failure to remove, Human Rights Act claims

- failure to diagnose;
- claims under the Equality Act 2010;
- stress/bullying/harassment claims from social work/education professionals;
- inquests and civil claims involving death of service users (in residential care, or those being managed, for example, by mental health services and take their own lives);
- inquests and civil claims involving service users causing the death of another person;
- deprivation of liberty claims - service users being detained in care; and
- specialised advice on subject access requests, data protection, freedom of information issues, judicial review.

**Case studies****North West University**

We acted for two large universities in the development of state of the art sensor and Internet of things technology with an international reputation. The funding was from domestic and ERDF sources and we had to ensure the State aid, corporate governance and real estate advice was within the parameters of strict ERDF requirements including cost eligibility, meeting of deliverables, aid intensity and match funding. The project had central government support in terms of match (DBEIS) and we had to ensure the match was aligned to the ERDF funding terms.

**An independent school**

Acted in relation to an attempted suicide of a student at an independent school. The student had known serious mental health diagnoses and was receiving ongoing hospital treatment. Despite this, she had been allowed to leave the classroom unaccompanied. We advised the school, who were cooperating with multi-agency Local Authority-led safeguarding investigations, along with separate investigations by NHS England and the CQC. The school maintained good relations with the family and no further action has been taken in respect of their involvement.

**Case studies****Coventry City Council**

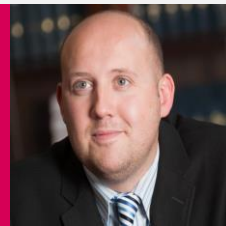
Acted for Coventry City Council and its insurers in successful defence of the first civil trial ever to consider the question of whether a duty of care is owed by a local authority in the conduct of its social care function to children in the community – also the largest failure to remove claim ever pleaded (in excess of £40m).

**Adult social services**

Acted on behalf of Adult Social Services and Social workers employed by the local authority to represent them at an Inquest following the death of a member of the public when a mental health patient tragically assaulted this innocent party in a frenzied attack during an episode of psychosis. Managed to control and limit impact of adjournment and contribute to bringing matter to a swift conclusion following a late change of representation from in-house legal to DWF.

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**How we can help**

What makes us stand-out is the team’s detailed knowledge of the law to assist with compliance **and** when necessary litigate. This, aligned with our knowledge of how the industry works, our work with the OPSS Better Regulation Business Reference Panel, regulators and trade associations as well as private companies, provides us with unparalleled influence in this area - whether in the UK or abroad.

We do not boast about the cases we have taken to court but rather those we have resolved without the need to litigate. Our members are called upon to give evidence for reviews such as Elliott Review, commentate on matters for BBC and Sky News, and teach EU food law for the EU Commission to Chinese students.

As an experienced food compliance and litigation practice, we advise in these areas:

- trade disputes between different bodies including Governments and trade associations and private parties;
- supporting with public inquiries and investigations with regulators;
- Contaminated Land Regime and water pollution issues, including those involving significant damage to the environment;
- advising GLD solicitors in relation to EU food regulation infringement proceedings and trade disputes under WTO;
- all aspects of TCA preferential tariff issues (rules of origin) for EU/UK trade post-Brexit;
- dealing with outbreaks of food poisoning, inquest, recalls and the resulting civil claims.

**Case studies**

**Walsall Metropolitan Borough Council**

We acted for Walsall MBC in relation to the Phoenix10 environmental regeneration project located at Junction10 of the M6 Motorway to recover a major strategic site for the benefit of the West Midlands economy. We helped draft the contracts and environmental liability agreements to ensure that remediation and development works could commence. We also assisted with drafting agreements regarding sourcing bespoke environmental insurance (and dealt with remediation funding and related State aid issues).

**A dairy product producer**

Our client, one of Europe’s large dairy product producers was notified that its product was the subject of proposed infraction proceeding, against the UK government. We met with EU Commission and other member state regulators to demonstrate our client’s product and its legality. By doing so we also ensured that no action was taken against the UK Government.



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**How we can help**

Our team has a wealth of experience in advising the public sector. Franchises vary significantly depending on the value, risk and level of control retained by a franchisor. Our advisory teams are multi-disciplinary to advise on the many facets that are relevant to a franchise operation including IP, real estate, regulatory, tax and commercial specialists to ensure an integrated service offering.

We support our clients through:

- drafting bespoke franchise agreements to cater for the business being franchised, including master franchise arrangements that provide for sub-franchises;
- reviewing standard franchise agreements supplied by the other party including any terms and conditions;

- advising on the interpretation of franchise agreements;
- negotiating franchising agreements to finalisation;
- advising on complex intellectual property rights that arise within franchising relationships including brand protection and ownership of IP;
- advising on any commercial property interests that can arise within a franchise business;
- advising on deed of variations to franchise agreements;
- advising on dispute resolution, mediation and ADR procedures; and
- advising on data protection, freedom of information and regulatory compliance.

**Case studies**

**Scottish Government (Transport Scotland)**

We acted for the Scottish Government in the award and renewal of the ScotRail and Caledonian Sleeper franchises. The ScotRail franchise is the single biggest contract led by the Scottish Government and is worth a total of £7bn over 10 years. We advised on procurement and State aid issues and drafted and negotiated the commercial agreements in connection with the franchises.

**Gateshead Council**

We acted for Gateshead Council in the award of a dual branded franchised hotel (Ibis and Novel) in respect of a new development in Newcastle Gateshead Quays. The development is part of a £260m regeneration scheme that is a first for Gateshead council.



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**How we can help**

Our team of health and social care lawyers have expertise to support you in: Commissioning and contracting initiatives; Procurement challenges; Drafting and negotiation of commercial agreements; Judicial Review proceedings; Inquests; Regulatory and criminal investigations; Public Inquiries supported via a disaster response network; Civil Claims including group action medical products, manufacture and distribution claims; Advising on confidentiality, GDPR issues and data breaches in a healthcare context. Our Regulatory, Compliance and Investigations team has an in depth understanding of issues which arise in the healthcare sector; from abuse allegations and safeguarding concerns to fatal/serious incidents, coroner's inquests and criminal prosecutions.

We are experienced in working with our clients in the early stages of investigations. In devising a crisis management strategy at the early outset following an incident, we respond to safeguarding concerns and help clients to avoid prosecution where ordinarily it would have been expected.

We have extensive experience in:

- police/HSE/CQC investigations and prosecutions including fatalities and manslaughter prosecutions;
- CQC inspections and gradings, inquests;
- H&S training to senior managers/providers of care and support services;
- abuse and safeguarding;
- professional disciplinary; and protection of vulnerable adults.

**How we can help**

DWF provides a fully integrated team focused on delivering comprehensive assistance to clients in all areas of life sciences product and healthcare regulation: from research and development through to commercialisation and product recalls. Our clients include manufacturers of pharmaceuticals, medical devices, and cosmetics; healthcare professionals; universities and research organisations; and trade and professional organisations. Our practice supports virtually every aspect of our clients' regulated business activities, including:

- product liability claims;
- intellectual property rights issues including exploitation and defence, and handling of foreground and background in R&D programmes;

- state funding of R&D and related Subsidy Control and grant funding agreements;
- healthcare protocol and risk management advice;
- insurance coverage and advice;
- corporate M&A;
- venture capital advice;
- research and Pharmacovigilance;
- data protection;
- competition compliance and challenges;
- commercial contracts
- regulatory requirements; and
- Brexit challenges.

**Case studies****Healthcare at Home**

Healthcare at Home on supply and distribution agreements with pharmaceutical companies to secure best terms.

**Health and social care regulator**

Acting for the Regulator in health and social care sector successfully defending JR proceedings where dispute as to timing of fitness to practice procedures when disciplinary investigations are in process.

**COVID-19 Public Inquiry**

We are currently working with a key healthcare advisor preparing the organisation and their staff for this inquiry, managing the significant disclosure exercise and witness preparation.

**A healthcare professional**

Successfully defending a healthcare professional in criminal proceedings involving allegations of willful neglect of a care home resident.

**Case studies****Medicines Discovery Catapult**

We have advised the Medicines Discovery Catapult (among many others) on a series of central and local government funding packages for R&D programmes including collaborative R&D development and knowledge transfer and related commercial contracts for handling of IPRs and grant funding agreements.

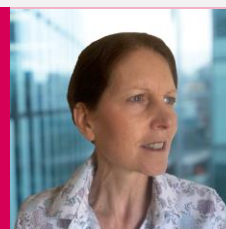
**A medical device manufacturer**

We are advising a well known medical device manufacturer in the defence of their global product liability claims and product recall. One particular incident concerned a trial in Scotland following a fatality allegedly caused by a defect in the electrical wheelchair.



**Vicki Swanton, Partner**

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**How we can help**

We have a large legal team dealing with telecoms work, with recognised and sustained expertise in this fast-paced and demanding sector. Our team spans the whole of the UK, with lawyers based in England, Scotland and Northern Ireland.

Our work covers telecoms network infrastructure projects, industry specific commercial work, regulatory and competition advice.

We have a wide range of experience in dealing with legal agreements for telecoms networks, having acted for clients in the mobile telecommunications sector for approximately 25 years on the full range of cell site acquisition and asset management activities.

We act for clients on large complex IT and telecoms projects of regional and national significance.

We are also involved in various initiatives in the sector, including the government round tables hosted by DCMS to discuss issues in the sector following the introduction of the 'new' Electronic Communications Code in December 2017.

We have a diverse client list which includes the private and public sector giving us a unique insight into the telecoms sector. Our clients include Scottish Government, community broadband companies, local authorities, Telefónica UK (O2), giffgaff, Telefónica Digital, BT, EE, 3, Arqiva, MBNL, BAI Communications and China Unicom.

Our sector lead, Catherine Haslam, sits on the RICS Telecoms Expert Working Group, a position she has held for over 10 years. She also sits on the recently-established Telecoms Body Steering Group that has been borne out of the DCMS round tables in the telecoms sector.

**How we can help**

DWF's International Trade team is led by highly experienced trade lawyers particularly with decades of experience of handling the highest level of EU and international trade matters from Brussels and with respect to the UK and its interests, prior to more recently advising on all aspects of the EU/UK Trade and Cooperation Agreement (TCA) and related issues such as the Northern Ireland Protocol.

The team combines core trade experience with DWF's sector-specific focus on areas like food and agriculture to provide rounded advice on all levels of trade barriers (tariff and non-tariff) alongside regulatory compliance.

The DWF team has hands-on experience in WTO Dispute Settlement, WTO accession negotiations, WTO advisory, trade remedies (all types of anti-dumping, anti-subsidy and safeguard proceedings and reviews), the

TCA and other related agreements such as the Northern Ireland Protocol, free trade negotiations and treaties, GSP, customs law on classification, preferential and non-preferential rules of origin and valuation and tariff quotas.

The team has advised on tariff suspensions and UK (HMRC) and other procedures for customs relief including Freeports.

The team has a strong record with EU Courts on trade remedies and sanctions, having taken and won a number of landmark judgments, including securing the annulment of trade defence measures imposed by the European Commission on behalf of exporters.

The capabilities of our team include export controls, economic sanctions and foreign direct investment screening.

**Case studies****Scottish Government**

Advising the Scottish Government on the delivery of the Reaching 100% programme which aims to make superfast broadband available to all premises in Scotland by 2021. DWF has been advising the Government team on all aspects of the project including the Open Market Review, liaison with BDUK, compliance with the State aid rules which apply to this sector, procurement strategy, development of project specific contract terms and competitive dialogue.

**Landmark decisions under the Code in the Upper Tribunal**

We led some of the first landmark decisions under the Code in the Upper Tribunal (Lands Chamber) ("UT") and have achieved successful results for our clients. These include decisions in the *London Borough of Islington* case (dealing with the valuation of consideration and compensation under the Code), and the *Meyrick Estate* case (dealing with what a site provider needs to show to demonstrate an intention to redevelop).

**Case studies****Securing a protective measure (anti-dumping)**

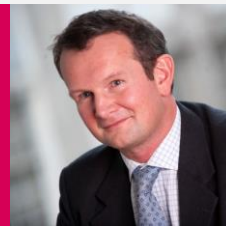
We have represented a European trade association responsible for a significant sector of activity in bringing a complaint and securing initial protection from dumped imports. This has extended to handling requests for interim reviews from particular exporters and into considering how the UK section of the industry will secure its future protection in view of Brexit.

**Defending US government's subsidy programmes against EU countervailing duties (anti-subsidy proceeding)**

Members of the DWF team have represented and advised a US national association of biofuels in the first EU anti-subsidy proceeding against the US. Our assistance included analysis of US subsidy programmes and their susceptibility to countervailing measures according to WTO rules. As a result, several US programmes remained unaffected by EU action.

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**Jonathan Branton, Partner**

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### How we can help

Our experienced disputes team has a strong track record of advising a wide range of clients, both public and private sector, on administrative and public law matters, including in highly contentious and high value situations.

This includes:

- advising as to rights and obligations under international trade treaties;
- enforcing arbitration awards both against states and utilising powers granted under Public International Law;

- representing parties in trade disputes before International Tribunals; and
- litigating points of public international law before competent Courts, including the English High Court.

We have conducted a large number of matters within these areas and the case studies give a flavour of the kinds of matters and range of work we undertake.

### Case studies

#### The SKAT Litigation

£1.5bn claim brought by *Skatteforvaltningen*, the Danish Tax authority) alleging fraud arising out of “cum-ex” trading in the period 2012-2015. We represent three alleged ringleaders, who deny any liability. Following trial of a Preliminary Issue the Court dismissed all of SKAT’s claims on grounds that they infringed the Revenue Rule, essentially comprising an “act of state”. The case is currently pending appeal.

**Outcome and Impact:** pending appeal we have defeated an enormous claim brought by a foreign state with near-infinite resources against private individuals.

#### Polish-Macedonian Investment Treaty Dispute

Advising a Polish private company from construction sector on a potential investment arbitration against Macedonia under the Polish-Macedonian Agreement (“Polish-Macedonian BIT”). Questions focused on whether the Macedonia Courts denied Polish company justice (and thus, breached fair and equitable standard of protection under the Polish-Macedonian BIT) by refusing to enforce an ICC award, in violation of the provisions of the New York Convention.

**Outcome and Impact:** payment of award.

### How we can help

We have a multi-disciplinary team who advise and assist charities, not for profit organisations and their counterparties. Our experience includes advising on English charity law, corporate, governance, compliance, powers, procedure and operational management, including in the context of structuring/restructuring their activities and investments, the incorporation of charities, and tax and trust aspects.

Our extensive experience across everyone from corporates, local government, banks, truss, individuals, families and family offices, on their charity law needs ensures joined-up advice. Our clients have encompassed substantial educational and other exempt charitable bodies, corporate charities with substantial “primary purpose” trades and charitable

trusts with extensive investment portfolios.

Our Private Capital team advises high-net worth individuals and families on the creation of new charities, and we also provide charity tax return and compliance services as required. We regularly advise on the establishment of charities for individuals and families and the options available.

More recently, we have advised a number of substantial existing charities on a conversion from an unincorporated association or charitable trust to a charitable incorporated organisation or charitable company, offering greater protection to charity trustees, as well as other benefits.

### Case studies

#### Life Leisure

Life Leisure is a charitable company comprising the operation of a number of sports centres in the North West of England. DWF advised on the multi-million pound acquisition in corporate form of the freehold to one of its leasehold sports centres, enabling them to realise significant savings. Working with Life Leisure’s executive team and its board, our advice included corporate finance, vires, charities, real estate and tax aspects in structuring and realising the acquisition.

#### Magenta Housing Association

Advising Magenta Housing Association, the charitable recipient of a large-scale voluntary transfer of local authority housing stock, of the corporate, vires, tax and charities regulatory aspects of the incorporation of subsidiary entities for development for market sale, development for market rent, charitable letting and repair and refurbishment of housing stock. The proposed structures enabled Magenta to generate a greater return and maintain the tax advantages of charitable status.



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**John Toon, Partner**

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## How we can help

Our nationwide team includes over 40 lawyers including a former HSE prosecutor. The team benefits from support from paralegals and access to a range of consultants, giving us unrivalled ability to service clients across the country and in the aftermath of any scale of event or incident.

By utilising our Mindcrest service we are also able to optimise, systematise and scale legal work in the aftermath of an incident and deliver cost and time efficiencies.

We support our clients through:

- all forms of public inquiries including ongoing COVID-19 inquiries;
- compliance (auditing; risk analysis; corporate support; and training);
- our 24/7 *Crisis Response* service;
- internal investigations;
- enforcement Notice appeals;
- defending investigation and prosecution by police and regulators; and
- health and safety training and gap analysis work.

## How we can help

We support clients with all their needs for obtaining and maintaining licences of all types for their business operations from alcohol to gambling and any other necessary licence to trade across all of the three different UK licensing regimes.

We have particular experience in obtaining licences for difficult sites and businesses that operate unusual models, such as online only or as platforms. Our clients have included global online retailers, grocery stores, hotels, pubs, clubs and restaurants, sports and hospitality venues and gaming operators.

Our service includes:

- Strategic advice on projects requiring licencing including future proofing any licence requirements to minimise the need for future variation;

- obtaining licenses and personal licences for our client's estates;
- the maintenance of their licenced estate and with making any necessary variations or changes to DPS required;
- advice on policies and procedures to support with meeting duties in licensing law, such as age verification;
- we provide support when properties receive regulatory attention and have significant experience on defending our clients position and demonstrating its due diligence;
- depending on the scale of the estate we can provide data and management insights into the licences held and conditions.

## Case studies

### Royal Borough of Kensington & Chelsea - Grenfell

We continue to be instructed in relation to the fire at Grenfell Tower on 14 June 2017. The incident, ongoing police investigation and coverage of the Public Inquiry is well publicised. The Inquiry, involving no fewer than 592 core participants, will examine wide-ranging issues including construction, design and modification of the premises, fire safety measures and the aftermath of the incident.

### Birmingham City Council

We acted on behalf of Birmingham City Council following two serious separate pedestrian/FLT collisions at a large market site owned by the Council. The Council was landlord and funder of the site development, although responsibility for day to day management of the site lay with a wholly owned BCC subsidiary. Through our efforts and submissions, no further action was taken and prosecution was avoided.

## Case studies

### Food delivery platform

We supported the roll out of a food delivery platform in its move into selling food and alcohol itself through locations colloquially known as 'dark kitchens'. We helped the client develop a strategy and due diligence system to reflect the business and ensure that the conditions applied were not unduly onerous and allowed the business to grow, particularly in respect of age verification where the delivery would usually be done by a third party.

### Grocery businesses

We have supported several online first grocery businesses with the expansion of their businesses into to ensure that their fulfilment operations and any physical stores had licenses that suited their operation and let them grow the model as they desired. By using pre-application desktop reports we reviewed the similar premises in the area and the area's model conditions and adapted our client's standard conditions to maximize the prospects of the license being granted quickly. This reduced cost and increased speed for the client.



**Steffan Groch, Partner**

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**David Crank, Senior Associate / Head of Licensing**

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## How we can help

Our transport team has a wealth of public sector experience in relation to road transport law, logistics, highways / transport infrastructure projects and public transport including:

- operator licensing; applications, issues, managing to licence, public inquiries / preliminary hearings;
- driver/operator prosecutions; vehicle seizures;
- compliance advice; OCRS, earned recognition, DVSA inspections, systems audits;
- carriage of goods; terms of carriage, disputes;
- clandestine entrants/border issues;
- planning, authorisations, land acquisition and exercise of compulsory purchase powers for major highway projects;

- stopping up and diverting highways and public rights of way;
- road construction, operation and maintenance;
- EV charging infrastructure;
- statutory bus schemes and procurement of low emission buses;
- development of bus stations and interchange facilities;
- procurement and implementation of cycle hire schemes;
- Funding agreements, subsidy control and competition law implications of transport schemes;
- aircraft leasing; airline franchise agreements; airport infrastructure projects; and
- harbour infrastructure and lifeline ferry service operating agreements.

## Case studies

### Transport for Greater Manchester

DWF's team advised on the procurement of the Bee Network Cycle Hire scheme. This ambitious network will be one of the largest docked systems outside London, giving the people of Manchester an affordable, convenient and quick way to get around.

### Lifeline transport services

We are advising a public body on the contracting strategy and options to secure ongoing provision of lifeline freight and passenger transport services.

### Highway construction disputes

We are advising on a major product liability claim in respect of quality of bitumen used in road surface across several thousand miles of allegedly defective highway road surfaces in the East of England.

### Bus services

DWF's team recently advised the operator of a multi-operator ticketing system on the implications of the proposed introduction of a capped fare scheme by a regional transport authority.



**Paul Hopton, Director**  
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## How we can help

We have extensive experience advising public bodies on all aspects of taxation arising on a wide range of projects, either acting independently or as part of a wider joint venture with a private sector partner. Our industry recognised multi-disciplinary team of tax specialists is located throughout the UK including Scotland. The tax team acts as a coherent single team on a UK-wide basis to provide a seamless service to all of DWF's clients.

Our areas of specialism include:

- tax issues and efficiencies arising on public sector corporate structuring or transfer of assets;
- tax issues that arise on investment and development projects including SDLT, LTT, LBTT, VAT, capital allowances (including special rules relating to Freeports) and the Construction Industry Scheme;

- employment taxes including IR35 and off-payroll working rules, termination payments and settlement agreements;
- customs procedures and liabilities including inward processing, preferential rules of origin and classification; and
- tax issues arising in commercial contracts.

We properly consider the various (and sometimes competing) tax implications from the perspective of the public body.

Where relevant, we also consider if there may be tax implications arising on other stakeholders engaged on a project to pre-empt any risk of a project not proceeding.

We act closely with our colleagues in other practice areas using our sector knowledge to ensure that our tax advice takes into consideration the commercial context.

## Case studies

### Welsh Government – Cardiff Bus Station

We advised the Welsh Government on the tax aspects of the site assembly and complex redevelopment of an integrated transport hub at Cardiff to including a new 14-bay bus station; c. 100,000 sq. ft. of office space above the interchange; a PRS scheme of over 318 luxury apartments; and car and cycle parking facilities. We successfully navigated complex tax issues including LTT and VAT on the different aspects of the development for different (public and private sector) parties.

### Gateshead Council– Arena Development

Advising Gateshead Council on the tax aspects of the structure and funding of the regeneration of an area of waterfront in Gateshead by the development of an arena complex and associated commercial leisure, retail and offices, with an anticipated development cost of c. £300m involving a funding lease structure and substantial grant funding from the North of Tyne Combined Authority.



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## How we can help

Our experienced immigration team advises multi-nationals, FTSE 100 and AIM listed businesses, financial sector leaders and public bodies.

We provide a comprehensive offering including the obtaining of Home Office sponsorship licences and subsequent assistance in respect of migrant sponsorship applications, together with advising on Home Office reporting obligations.

We also advise in respect of right to work checks, securing a “statutory excuse” from civil fine and penalty and are able to assist with appeals against Home Office fines for unlawful working.

Following Brexit and the ending of the transition period we can also advise in respect of:

- the EU Settlement Scheme;
- all applications under the revised UK Points Based System; and
- permitted activities under the Visitor Visa (including corporate).

We advise both academic institutions and students in respect of worker and study visas together with available options post-graduation.

For individuals we are able to assist in settlement/indefinite leave to remain applications following satisfaction of requisite residency and are further able to assist with citizenship applications. We also have niche experience in sports immigration having advised in respect of prestige international events as well as acting for football clubs and governing bodies.

## Case studies

### A major supermarket

Advising one of the major supermarkets over securing 200 migrant abattoir workers/butchers in respect of the amended Seasonal Worker Visa.

This is strategically important to the business and involves the application of legislation immediately on publication of latest “Statement of Change” from Home Office and advance notifications from DEFRA.



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## How we can help

Drawing on our experience of working on and being actively involved in some of the most significant public inquiries in the UK such as Grenfell, our expert lawyers can navigate through the importance of handling the requirements of an inquiry with candour, sensitivity and transparency.

Across our national team we appear at Inquests on a weekly basis, be they work related incidents including industrial and other accidents, governance and public law propriety investigations, health and safety violations or road traffic collisions.

We can also offer a fast, cost-effective review, collection and disclosure of huge volumes of evidence and documents (up to millions) – we can quickly scale our capacity by utilising Artificial intelligence software and our Relativity product, coupled with our ability to undertake 24/7 day and night document review.

In addition, we can provide:

- a 24/7 emergency response hotline for dealing with any crisis including rapid deployment of resources (including legal and reputational advice) to deal with the most difficult of situations;
- the support of one of the UK’s largest insurance claims and related services legal businesses;
- in house IT Relativity/Epiq/Egress document collection, technology review and paralegal capacity through our Mindcrest division to undertake significant and large document reviews swiftly and efficiently;
- in house paralegal and barrister team to help review documents and assemble question sets and analysis;
- a network of specialist expert witnesses and QCs to support our Inquiry team.

## Case studies

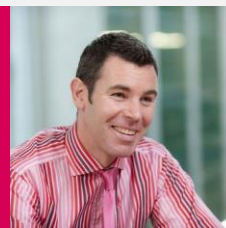
### Royal Borough of Kensington & Chelsea - Grenfell

We are acting on behalf of The Royal Borough of Kensington and Chelsea (RBKC) in relation to the Public Inquiry and Metropolitan Police Investigation arising from the fire at Grenfell Tower on 14 June 2017, which resulted in 72 fatalities.

Results:

- extensive collection and disclosure process involving over 14 million

- documents;
- disclosing around 60,000 relevant documents and preparing over 70 witness statements;
- responding to 15 complex and wide ranging document requests;
- a substantive document provided to the Police responding to over 100 questions;
- advising Executive Officers and elected members, as well as managing and guiding RBKC and its employees.



**Steffan Groch, Partner**

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## How we can help

Our multi-disciplinary team regularly advises Government and the public sector in these areas:

- the statutory basis for the delivery of services/functions;
- procurement strategy when outsourcing services;
- the implementation of procurements to select preferred suppliers (and how to deal with challenges);
- compliance with public sector equality duties, consultation and other regulatory requirements;
- the governance arrangements required to support new delivery arrangements;
- the contractualisation of outsourced services in a plain English contract that is clear and enforceable;
- change management to record variations to contracts and compliance with the procurement regulations applicable in the circumstances;
- the incentivisation of service providers to deliver carbon efficient solutions;
- the delivery of social value, Levelling Up priorities, prompt payment of providers and local employment;
- contract maximisation (ensuring service delivery/value is as anticipated);
- data analytics (using our Mindcrest services) to inform KPIs and other performance mechanisms; and
- the winding up/exiting from outsourced arrangements and procurement of replacement providers or insourcing of previously outsourced services.

## Case studies

### Scottish Government

We advised Scottish Government on its Reaching 100% (R100) broadband programme. It involved advising on all aspects of a £600m outsourcing for the rollout of next generation broadband infrastructure, including the design and conduct of the regulated procurement process and the award of contracts across three Lots, in line with applicable Subsidy Control requirements and deadlines.

### Cornwall Council

We advised the Council on the procurement and contract documentation involved in a second generation £300m outsourcing, including c. £35m of new assets, the transfer of 17 different depots and bespoke storage facilities, the merging of 3 separate arrangements, the transfer of around 600 staff and a novel pensions arrangement.



**Colin Murray, Partner**

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Crown  
Commercial  
Service  
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# RM6240 Public Sector Legal Services

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**Lot 2 a, b, c**  
**General Service  
Provision**  
DWF Law LLP

[dwfgroup.com](http://dwfgroup.com)



# Lot 2 a, b, c

## General Service Provision:

DWF are able to advise on all of the following:

Elective specialisms:

- [Property and Construction](#)
- [Social Housing](#)
- [Child Law](#)
- [Education Law](#)
- [Debt Recovery](#)
- [Planning and Environment](#)
- [Licensing](#)
- [Pensions](#)
- [Litigation / Dispute Resolution](#)
- [Intellectual Property](#)
- [Employment](#)
- [Healthcare](#)
- [Primary Care](#)



**Disclaimer:** The use of information provided throughout this document is not commercially sensitive, and where it is not a matter of public record appropriate permission has been sought for inclusion.

## How we can help

DWF's global real estate team includes over 135 solicitors and over 30 paralegals advising across all UK jurisdictions. Our Public Sector Real Estate team works hand in glove with our Government and Public Sector experts to ensure that transactions satisfy vires, fiduciary duties, procurement and Subsidy Control requirements.

We advise Public Sector clients in relation to:

- property development including regeneration projects;
- commercial, mixed use and residential real estate including industrial, retail, office, leisure, student accommodation and housing (Inc. social housing);
- acquisition and disposal (freehold and leasehold including relevant tax advice);
- office rationalisation/ office accommodation projects;

- all aspects of property management including leases, lease renewals, applications for consent, licences, re-gears and disposals, surrenders, and notices;
- grant funding programmes;
- port, airport, rail and road infrastructure;
- energy (including renewable energy) infrastructure;
- planning, CPO, land assembly strategy and s.106 agreements; and
- litigation including dilapidation claims, repair obligations, adverse possession, prescriptive easements, exercise of break clauses and serving of notices.

Our Asset Management team supports the wider Real Estate team delivering volume, routine asset management transactions across the UK – providing value and flexibility through experienced paralegals.

## Case studies

### Liverpool City Council

Advising the Council on all aspects of strategy, risk assessments and dispute resolution on a number of complex infrastructure projects. This included representing the Council on a number of a serial adjudications brought by a Contractor totalling over £2mil, successfully defending these. Thereafter successfully defending a further adjudication brought by another Contractor and successfully defending enforcement of an adjudication in the TCC ([2022] EWHC 1235 (TCC)).

### Wolverhampton City Council

Advising on its Interchange Project including the construction of £150m new railway station entrance, multi-storey car park extension and continuation of the Midland Metro line extension works to the railway station. Provided various commercial real estate advice including property transfers, land assembly and option, clawback, overage, development, funding and grant agreements together with a full construction package.



**Julie Simms, Partner**

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## How we can help

Our social housing team advise on:

- Urban regeneration;
- site Assembly;
- joint venture and legal structure advice;
- housing Revenue Account and General Fund advice;
- acquisitions and disposals of new build housing stock;
- acquisitions and disposals of tenanted housing stock/ portfolios;
- conditional development agreements for affordable housing;
- S106/s111 planning agreements especially affordable housing provisions;
- turn-key, or golden brick acquisition/disposal transactions;
- use of appropriation, CPO and other planning powers to unlock land;

- complex PPP/PFI regeneration projects;
- procured disposals via building lease including multi phase schemes;
- extra care schemes including shared ownership for the elderly;
- right to Buy, preserved Right to Buy and the Right to Acquire;
- public subsidy advice supporting affordable housing delivery;
- nominations agreements;
- income strip leasehold structures, forward funding and forward purchase;
- construction advice supporting acquisitions or direct delivery;
- setting up frameworks to accelerate procurement of delivery partners;
- contentious asset management and other related litigation advice.

## Case studies

### A London Borough Council

Advised a London Borough on its acquisition and development of 200 affordable housing units across six leasehold blocks from a private sector developer, involving a complex leasehold structure, district heating system, s106 affordable housing obligations, GLA funding and inter-creditor step-in.

### A North Wales local authority

Advised an North Wales local authority on the procurement of a 100% affordable housing scheme with an RSL involving re-gearing complex two-layered overage arrangements; advising the same authority on setting up an affordable housing delivery framework of RSLs to enable acceleration of housing delivery on land owned by the authority.



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**How we can help**

Our Child Law team advises on:

- sexual abuse (care/none care setting);
- physical assault by or upon children or vulnerable adults;
- child sexual exploitation (CSE);
- claims under the Modern Slavery Act 2015 (Human trafficking/exploitation);
- consent, particularly in the case of vulnerable adults;
- claims against social services professionals including failure to remove, Human Rights Act claims and claims relating to the negligent provision of the local authority's social welfare function to children once accepted into care;
- failure to diagnose;
- claims under the Equality Act 2010;
- stress/bullying/harassment claims from social work/education professionals;
- inquests and civil claims involving death of service users (in residential care, or those being managed, for example, by mental health services and take their own lives);
- inquests and civil claims involving service users causing the death of another person;
- deprivation of liberty claims - service users being detained in care;
- specialised advice on subject access requests, data protection, freedom of information issues, judicial review and public inquiries, health and safety and other regulatory issues; and
- personal injury and insurance.

**Case studies****Coventry City Council**

Acted for Coventry City Council and its insurers in successful defence of the first civil trial ever to consider the question of whether a duty of care is owed by a local authority in the conduct of its social care function to children in the community – also the largest failure to remove claim ever pleaded (in excess of £40m).

**Local authority claim under the Human Rights Act**

Instructed directly prior to litigation by local authority clients to act in connection with claim under the Human Rights Act and/or in negligence for failing to protect a young vulnerable adult who was formerly looked after and detained in secure accommodation from abuse and/or exploitation by a drugs gang and who was considered to be a victim of modern slavery.

**How we can help**

Our education team works collaboratively to provide full service legal advice.

We advise state and independent schools, and further education providers on the following matters: early years, health and safety, crisis management, school workforce, special educational needs, admissions, exclusions, equalities issues, pupil/student related litigation, clerking independent review/appeal panels, governance, abuse, safeguarding insolvency and reorganisation issues, inspection and regulation, regulatory compliance advice and support with investigations, mediations, policy review and governance, finance and funding issues, higher and further education, student finance, and education-focused charity, contract and property law issues relevant to the educational sector.

Specifically for universities and research organisations we advise on government funding in particular for R&D projects and programmes including major collaborations with industry. This includes working for Innovate UK and with multiple parties in EU programmes FP7 and H2020, including commercial contracts (consortium agreements) and Subsidy Control. We also act for a large number of independent schools across the UK and run 24/7 crisis helpline for them dealing with a range of crises mainly around safety events, abuse, and reputational concerns. We have a dedicated team with experience in representing and advising schools on cases dealt with in the First Tier Tribunal for Health, Education and Social Care.

**Case studies****North West University**

We acted for universities in the development of state of the art sensor and Internet of things technology with an international reputation. The funding was from domestic and ERDF sources and we had to ensure the State aid, corporate governance and real estate advice was within the parameters of strict ERDF requirements including cost eligibility, meeting of deliverables, aid intensity and match funding. The project had central government support in terms of match (DBEIS) and we had to ensure the match was aligned to the ERDF funding terms.

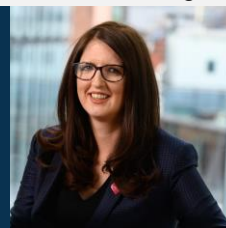
**An independent school**

Acted in relation to an attempted suicide of a student at an independent school. The student had known serious mental health diagnoses and was receiving ongoing hospital treatment. Despite this, she had been allowed to leave the classroom unaccompanied. We advised the school, who were cooperating with multi-agency Local Authority-led safeguarding investigations, along with separate investigations by NHS England and the CQC. The school maintained good relations with the family and no further action has been taken in respect of their involvement.



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**How we can help**

Our experienced debt recovery team has experience in both bringing and defending Claims for clients. The team is supported by our global Dispute Resolution team.

We act for 500+ clients across all sectors, from local government and public bodies, to financial institutions, retailers, utility companies, insurers, telecoms and national blue chip corporates.

We offer an “end-to-end” service to clients utilising our six sub-teams:

1. Pre-legal collections – offering a highly effective letter, call, SMS and email collections strategy. This team also acts as an outsourced managed service for a number of clients “white labelling” the initial activity. Much of this work is undertaken for fixed fees or on a contingent basis.

2. Pre-legal investigations - some types of work require investigations before we attempt recovery, such as fraud, property damage claims and uninsured loss recovery, so we have a team specialising in undertaking these investigations prior to undertaking a bespoke collections process.
3. Legal (consumer and utility), and
4. Legal (B2B) – both teams undertaking the full litigation process from issuing Claims, entry of Judgment, Enforcement of Judgment as well as personal and corporate Insolvency.
5. Technical – dealing with disputed and defended actions.
6. Scotland – dealing with all aspects of recovery in Scotland.

**How we can help**

We advise on the full range of planning and environmental issues including:

- planning strategy - options and planning appraisals to support business cases;
- development consent orders (DCO), transport works act orders (TWAo), compulsory purchase orders (CPO), side road orders (SRO), marine management organisation (MMO) licences, stopping up orders (SUO);
- promotion of town and country planning (TCPA) applications, including on appeal and secretary of state call-in;
- screening, scoping and review of Habitat Regulations (HRA) and EIA;
- advice on planning conditions and permitted development rights;
- biodiversity net gain advice, strategies and related agreements;

- negotiation of s106 planning obligation agreements, planning performance agreements, asset protection agreements, interface, crossing, termination and diversion agreements and highway agreements;
- Advice on town and village greens, assets of community value, crown land, special category land and special parliamentary procedure;
- high court litigation, including judicial reviews and statutory challenges; land compensation claims, including references to Lands Chamber;
- public inquiries and investigations;
- the Contaminated Land Regime and water, air and noise pollution issues, including those involving significant damage to the environment.

## Case studies

**Local authorities (various)**

We support various local authorities across the country in respect of debt recovery issues, ranging from:

- Providing consultancy services to increase the rate of Council Tax (C-Tax) recovery;
- Securing and enforcing Liability Orders, to recover C-Tax and National Non-Domestic Rates (NNDR); and
- Recovery of Sundry Debt, including unpaid social care.

**Public bodies**

We work with many public bodies, for example:

- Defence Business Services in respect of recovering overpayments of salary;
- Maritime and Coastguard Agency, tracing owners and recovering costs awards;
- The Pension Protection Fund in recovery of payments in fraud investigations; and
- Teachers' Pensions in respect of recovering pension payments made to deceased members by mistake.

## Case studies

**Metro Futures Programme**

Advising **Nexus** on its consenting strategy to a Transforming Cities Fund redevelopment of the Metro network including application of TWAo, TCPA and permitted development rights powers and successfully screening out EIA and HRA.

**West Bar CPO**

Advising **Sheffield City Council** in relation to land acquisition strategy, outline planning permission and promotion of a CPO.

**Walsall Metropolitan Borough Council**

Working alongside a private sector development partner in relation to the Phoenix 10 environmental regeneration project located at Junction 10 of the M6 Motorway to draft the contracts and environmental liability agreements to ensure that remediation and development works can commence. We also assisted with drafting agreements regarding sourcing bespoke environmental insurance.



**Kevin Feehan, Senior Director**

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## Licensing

### How we can help

We support clients with all their needs for obtaining and maintaining licences of all types for their business operations from alcohol to gambling and any other necessary licence to trade across all of the three different UK licensing regimes.

We have particular experience in obtaining licences for difficult sites and businesses that operate unusual models, such as online only or as platforms. Our clients have included global online retailers, grocery stores, hotels, pubs, clubs and restaurants, sports and hospitality venues and gaming operators.

Our service includes:

- Strategic advice on projects requiring licencing including future proofing any licence requirements to minimise the need for future variation;

- obtaining licenses and personal licences for our client's estates;
- the maintenance of their licenced estate and with making any necessary variations or changes to DPS required;
- advice on policies and procedures to support with meeting duties in licensing law, such as age verification;
- we provide support when properties receive regulatory attention and have significant experience on defending our clients position and demonstrating its due diligence;
- depending on the scale of the estate we can provide data and management insights into the licences held and conditions.

## Case studies

### Food delivery platform

We supported the roll out of a food delivery platform in its move into selling food and alcohol itself through locations colloquially known as 'dark kitchens'. We helped the client develop a strategy and due diligence system to reflect the business and ensure that the conditions applied were not unduly onerous and allowed the business to grow, particularly in respect of age verification where the delivery would usually be done by a third party.

### Grocery businesses

We have supported several online first grocery businesses with the expansion of their businesses into to ensure that their fulfilment operations and any physical stores had licenses that suited their operation and let them grow the model as they desired. By using pre-application desktop reports we reviewed the similar premises in the area and the area's model conditions and adapted our client's standard conditions to maximize the prospects of the license being granted quickly.

## Pensions

### How we can help

Our pensions team covers the whole of the UK, advising on the full range of private and public sector pension arrangements, both contentious and non-contentious:

- providing advice on construction of benefit provisions, overriding pensions law and investment matters;
- negotiation of pension matters with trade unions;
- advising on outsourcing, including New Fair Deal, risk sharing, project agreement negotiation and TUPE/Beckmann rights;
- the drafting of statutory instruments and primary legislation;
- provision of analysis and advice in relation to government intervention in the private sector / stakeholder negotiation;
- advice in relation to the application of legislative change to pension schemes, e.g.. employer cost cap and the *McCloud*

judgement relating to age discrimination;

- advice in relation to pension scheme governance matters, including best practice and compliance with the requirements of the Public Sector Pensions Act 2013;
- advice in relation to pension scheme investment matters, such as fund formation, risk analysis, compliance with investment regulations and the negotiation of investment documentation;
- pensions related litigation matters, including in relation to member benefit claims, investment issues and court proceedings; and
- interaction with the Pensions Regulator including in relation to information requests, improvement notices and inspections.

## Case studies

### Government

Advising Government on strategy in relation to the British Steel Pension Scheme. The extent of BSPS' liabilities made it difficult to secure the continued investment in Tata Steel's UK operations in Wales. Highly technical legal advice was provided on a variety of options including the eventual solution. This was brokered by the Government with numerous stakeholders with assistance from a member of the pensions team and led to a significant reduction in pension liabilities.

### Cornwall Council

Advising Cornwall Council on all aspects from procurement to completion of the largest waste collection contract in the UK. We worked closely with the in-house team at every stage of the process and helped ensure a smooth process to completion.



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**How we can help**

Our Public Sector litigation team works with clients across the UK and has been particularly involved in public procurement and State aid / Subsidy Control challenges in recent years, alongside dealing with public inquiries such as Grenfell.

Our team has expertise in all aspects of dispute resolution including arbitration (domestic and international) and mediation (including a team of trained mediators).

The team is backed by a large scale insurance claims division dealing with high value and volume claims. The team is further augmented by an ability to deploy volume and technology resource from our Mindcrest division at short notice.

We routinely form multi-disciplinary teams of experienced non contentious public sector

lawyers and commercial litigators to analyse risks faced and adopt a strategic approach in both bringing and defending claims for government and public sector bodies.

By acting on both sides of disputes related to the public sector (including long experience of acting both for and against public sector bodies), we understand both sides' strategies and are able to demonstrate our technical expertise of the relevant substantive law (e.g.. procurement) alongside a strategic approach to dispute resolution and judicial review.

We build our relationships on trust and this includes our pricing. We welcome discussions on alternative pricing structures, incentivising delivery of best outcomes and enabling you to budget your costs and cash flow.

**How we can help**

Protecting and helping our clients to maximise value from their technologies, brands, products, data and services is at the core of our intellectual property offering.

Our team provides commercial and strategically focussed advice ranging from the creation and protection of IP rights through to exploitation and enforcement.

**IP litigation and risk management**

We provide a full legal service in relation to all aspects of IP infringement including trademarks, passing off, copyright, design right, database right, patents, advertising disputes and domain name disputes.

We support our clients with management of IP litigation risk on the launch of new products and brands, providing clear and concise risk assessments and advice on steps to mitigate litigation risk.

Where litigation is unavoidable or the preferred direction, we act decisively and quickly to support our clients in the enforcement of their IP rights. Our team is experienced in enforcing and defending IP claims in the relevant UK courts as well as through alternative dispute resolution forums.

We are experienced in delivering process mapped solutions and implementing policies and procedures for dealing with claims (both incoming and outgoing) in relation to brand and IP protection/infringement matters. By scoping the types of claims and issues which a business typically faces and developing standardised means of reporting and responding, we have seen clients dramatically reduce wasted costs, improve litigation risk profile and combat brand damage.

**Case studies****Durham Council**

We acted in a successful reverse summary judgment regarding a claim brought by a private sector waste company for damages and declaratory and injunctive relief arising from alleged unlawful State aid regarding the Council's arrangements for its collection of commercial waste. This was a critical claim for the client, who was also facing a parallel complaint arising from the same matter to the European Commission, and running through the period of the UK's withdrawal from the European Union. The Council was awarded 95% of its costs at the hearing.

**Leeds City Council**

We defended Leeds City Council in a High Court litigation case brought by Montpelier Estates Limited alleging breach of the Public Contracts Regulations and related breach of public law allegations against the Council concerning the development of a new large scale indoor entertainment arena. We acted for the Council on all procurement and real estate matters for the delivery of the new arena and defended the Council successfully at trial including the recovery of costs.

**Case studies****Gateshead Council**

Supporting Gateshead Council on their investment in the development of an Ibis and Novotel branded hotel complex comprising part a major arena development at Gateshead Quays. This includes arrangements with the brand owner Accor for brand licensing and brand management and support, including development and design sign-off, operational protocol development, IP protection commitments and subcontracted manager brand protection flow-down arrangements.

**Council supplier**

Advising a company which manages a number of entertainment and exhibition centres on behalf of a Council on a range of IP issues. Recent examples of work include advice in relation to a copyright dispute with a film company and advising on new naming rights for a venue with associated sponsorship rights.

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## How we can help

The team acts for a broad range of Central and Local Government clients, advising human resources teams, in-house lawyers, as well as the organisation directly. We have one of the largest employment teams in the UK as well as an international offering. We offer a full range of specialist services.

Our advice for employers includes:

- large scale business transfers, takeovers and transfers of undertakings (TUPE);
- audits;
- atypical workers – including agency workers, fixed term and contractors;
- disputes and litigation;
- discrimination and equality;
- employment policies and procedure, plus Employment status;
- executive compensation and employee benefits;

- executive severance, team moves and injunctions;
- gender pay gap reporting;
- global mobility and business immigration;
- investigations and inquiries;
- IR35 and off-payroll working rules;
- M&A;
- partnerships and LLPs;
- pay issues;
- recruitment, employment contracts;
- restructuring, re-organisations and redundancy; and
- trade union and collective issues.

We recognise that employment issues need to be handled with extreme care and sensitivity to ensure that core functions and services continue to be delivered.

## Case studies

<h3>A unitary authority</h3> <p>Advising a unitary authority over the removal of a judicial office holder from tenure. Involving consideration of administrative and constitutional law over forced removal under statute as leverage for a negotiated exit on a commercial basis, the ultimate outcome.</p>	<h3>A metropolitan borough council</h3> <p>Advising a Metropolitan Borough Council in a long running claim from a dismissed employee who subsequently brought claims for unfair dismissal and discrimination on the basis of disability, race, religion, and sex together with a detriment claim for whistleblowing. The case generated a large amount of paperwork and the Claimant has sought to appeal to the Employment Appeal Tribunal on 3 different basis during the course of the litigation.</p>
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## How we can help

Our team of health and social care lawyers have expertise to support you in: Commissioning and contracting initiatives; Procurement challenges; Drafting and negotiation of commercial agreements; Judicial Review proceedings; Inquests; Regulatory and criminal investigations; Public Inquiries supported via a disaster response network; Civil Claims including group action medical products, manufacture and distribution claims; Advising on confidentiality, GDPR issues and data breaches in a healthcare context. Our Regulatory, Compliance and Investigations team has an in depth understanding of issues which arise in the healthcare sector; from abuse allegations and safeguarding concerns to fatal/serious incidents, coroner's inquests and criminal prosecutions.

We are experienced in working with our clients in the early stages of investigations. In devising a crisis management strategy at the early outset following an incident, we respond to safeguarding concerns and help clients to avoid prosecution where ordinarily it would have been expected. We have extensive experience in:

- police/HSE/CQC investigations and prosecutions including fatalities and manslaughter prosecutions;
- CQC inspections and gradings, inquests;
- H&S training to senior managers/providers of care and support services;
- abuse and safeguarding; professional disciplinary; and protection of vulnerable adults.

## Case studies

<h3>Healthcare at Home</h3> <p>Healthcare at Home on supply and distribution agreements with pharmaceutical companies to secure best terms.</p>	<h3>Health and social care regulator</h3> <p>Acting for the Regulator in health and social care sector successfully defending JR proceedings where dispute as to timing of fitness to practice procedures when disciplinary investigations are in process.</p>	<h3>COVID-19 Public Inquiry</h3> <p>We are currently working with a key healthcare advisor preparing the organisation and their staff for this inquiry, managing the significant disclosure exercise and witness preparation.</p>
<h3>A healthcare professional</h3> <p>Successfully defending a healthcare professional in criminal proceedings involving allegations of willful neglect of a care home resident.</p>		



**How we can help**

We have a team of over 20 healthcare specialists across the UK and Ireland to support those delivering primary care services when facing legal challenges including;

- Judicial review, inquiries, inquests, regulatory, disciplinary, criminal investigations and civil claims; and
- Advising on confidentiality and data security/breaches tailored to the sensitivity of the primary care context.

**Case studies****Serious incident investigation and claim**

A community care provider staff error led to a ventilator running dry leading to patient injury. DWF inputted into root cause analysis, policies, staff training and claim management.

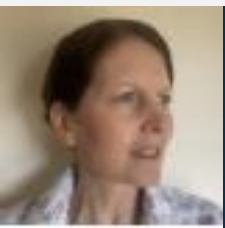
DWF managed issues, including learning, risk management, media attention and compensation payout.

**Criminal prosecution of a community paediatric nurse**

DWF advised on a criminal prosecution of a community paediatric nurse for alleged gross negligent manslaughter following death of a young child.

We conducted a comprehensive review of the client's systems, protocols, policies and procedures and prepared a detailed statement to evidence regulatory compliance.

We assisted the client in engaging with local safeguarding and police investigations, including representation at police interviews, as well as assistance with the associated civil claim.



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# RM6240 Public Sector Legal Services

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**Lot 3  
Transport Rail  
Legal Services**

DWF Law LLP

[dwfgroup.com](http://dwfgroup.com)



# Lot 3

## Transport Rail Legal Services:

DWF are able to advise on all of the following:

Mandatory specialisms:

- [Rail Transport Law](#)
- [Rolling Stock](#)
- [Planning and authorisation \(Rail\)](#)
- [Projects and infrastructure \(Rail\)](#)



**Disclaimer:** The use of information provided throughout this document is not commercially sensitive, and where it is not a matter of public record appropriate permission has been sought for inclusion.

# Team structure:

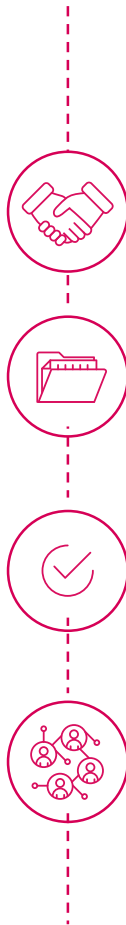
## Dedicated resources

From our 12 UK offices we employ nearly 1000 lawyers including 239 partners across 8 practice areas including: Commercial and Competition, Regulatory and Data; Corporate; Banking, Finance and Restructuring; Dispute Resolution; Real Estate; Tax, Employment and Pensions; and Insurance. Our core team of 100+ lawyers who are dedicated to Government and the Public Sector regularly draw upon the expertise of this wider team.

In addition we can draw upon our Mindcrest service which offers volume managed services across compliance, contracts management, legal analytics, litigation and investigations. Mindcrest can deploy legal teams of between 2 and 200 within 24 hours.

Please contact [Debbie Greig](#), Contract Manager for further details about DWF's service offering.

Please contact [Nicole Rafferty](#) Bid Manager for further details about bid opportunities.



## Our three offerings

### Legal Advisory



Premium legal advice and excellent client service. Our teams bring together commercial intelligence and industry sector relevant experience including a stand-out Government and Public Sector team.

### Mindcrest



Outsourced and process led legal services, which standardise, systematise, scale and optimise legal workflows.

### Connected Services



Products and business services that enhance our legal offerings.

## SUPPLIER RELATIONSHIP MANAGER



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## CORE PANEL TEAM



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**How we can help**

DWF's rail team supports clients on all aspects of rail regulation. We provide clear, focused advice which identifies the relevant legal and commercial issues and helps clients achieve their strategic objectives.

We can advise on:

- Functions and powers under the Railways Acts;
- Negotiating regulated agreements for access to and interface with the rail network, including in relation to connection agreements, asset protection and station / network change;
- Health and safety including the application of The Railways and Other Guided Transport Systems (Safety) Regulations 2006;
- Crisis management following major incidents;
- Claims relating to rail operations, including the application of CAHA; and
- Regulated procurement, competition law and subsidy control (including on the application of Regulation 1370/2007).

**How we can help**

DWF has experience advising on the procurement and leasing of rolling stock for light and heavy rail. Our team's experience includes:

- Advising on the negotiation and implementation of train build, maintenance and technical support agreements for light rail, metro, intercity and high speed train fleets;
- Advising on the grant funding of new rolling stock and associated subsidy control considerations;
- Drafting and negotiating direct agreements;
- Drafting and negotiating lease finance agreements;
- Advising on fleet refurbishment contracts;
- Advising on disputes and claims relating to rolling stock contracts;
- Advising on depot arrangements and access conditions;
- Protecting public sector interests in relation to train supply, maintenance and services agreements; and
- Advising on public / utilities procurement, including in relation to procurement challenges.

## Case studies

**ScotRail**

DWF advised the Scottish Ministers on the procurement, mobilisation and operation of the £7.7bn ScotRail Franchise. We advised on all policy, commercial, regulatory and contractual matters - providing input on devolved rail functions and powers, franchise procurement, contractualisation, the UK rail regulatory frameworks, subsidy control and procurement.

**State aid and Subsidy Control**

The DWF Team assisted the Department for Business, Energy & Industrial Strategy on subsidy support to major inward investment in private manufacturing capability related to rolling stock (via eRGF).

**Impact of Covid on rail passenger services**

DWF have been advising a train operating company on the renegotiation of the terms of their franchise agreement to reflect ongoing changes to travel patterns as the country recovers from the impact of the Covid pandemic.

**Regeneration**

DWF have been working with public sector bodies and developers on projects to regenerate sites around railway land, including advising on asset protection agreements, station and network change.

## Case studies

**Rolling stock procurement**

Members of the DWF team have acted for parties involved in most of the largest UK rolling stock procurements in recent years, including on successful bids to HS2, Avanti West Coast and Abellio East Midlands.

**Fleet refurbishment**

DWF have recently advised on the negotiation of the contract for the refurbishment and upgrade of a fleet of high speed trains to provide an improved travelling environment and connectivity for passengers.

**Train maintenance**

We have advised a large international rolling stock manufacturer on the drafting and negotiation of train maintenance contracts and variations / contract extensions for various UK train fleets, and on bids to supply and maintain rolling stock to customers in the UK and overseas.

**Fleet introduction**

Members of the DWF team have advised on contract implementation throughout the delivery of train build and maintenance contracts for numerous train fleets, including on issues relating to force majeure, delay attribution, train acceptance and change in law / variations.



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**How we can help**

DWF has experience in delivering rail related projects from inception through to operation. We provide advice on obtaining powers for rail projects and on the protection of the interests of clients affected by those powers.

Support we can provide includes:

- Providing strategic advice and legal review in relation to planning, promotion and authorisation, including advising on the use of Transport and Works Act Orders (TWAOs), Development Consent Orders (DCO), compulsory purchase powers (CPO), express planning permissions and related third party consents, application of permitted development rights and securing prior approvals;
- Managing planning appeals, examinations and hearings, including public inquiries;

- Representing clients' in relation to private legislation for heavy rail and transport works orders for metro developments;
- Critically reviewing business case, option appraisals, planning reports and environmental statements;
- Pre-litigation checks and advice to manage and mitigate consenting risks and conducting high court litigation, including judicial reviews and statutory challenges including the application of Alternative Dispute Resolution (ADR);
- Advising upon all aspects of compulsory purchase, including the making, confirmation and implementation of orders; and
- Advising on interface with highways, including on diversions, stopping-up, level crossing closures and bridge agreements.

**Case studies**

**Thameslink Upgrade**

DWF has been advising the DfT and Greater Anglia Trains on the consenting and nuisance mitigation strategy to secure station and depot improvements at Cambridge as part of the wider DfT programme including securing prior approvals under permitted development rights and developing mitigation solutions meeting best practicable means and Railways Act 1993 mitigation requirements.

**Metro Flow Extension**

Members of the DWF Team advised the Tyne & Wear Transport Passenger Executive (Nexus) on the track, depot and infrastructure upgrade to the existing Metro network as part of capacity and station improvements utilising pre-existing Victorian Private Acts of Parliament and permitted development rights to secure planning consent avoiding need for TWAOs in order to meet DfT funding deadlines.



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**How we can help**

Our infrastructure practice advises the public sector on infrastructure procurement throughout the UK.

In addition to our experience of rail franchising and public service contracts, our team has extensive knowledge of construction and engineering contracts in the transport sector. Since our lawyers specialise in both contentious and non-contentious advice, the same team is able to play a valuable role in ensuring that your infrastructure project is delivered smoothly.

We can advise on:

- Providing strategic advice and legal review in relation to planning, promotion and authorisation;
- Site assembly, including the exercise of compulsory purchase powers;
- Development of stations, depots and multi-modal interchanges;

- Negotiation of agreements with network managers for connection, asset protection and implementation works;
- Engaging with the ORR on regulated issues including network and station change, depot and track access;
- The appropriate form of construction contract (including NEC3/4, JCT, FIDIC, IChemE etc.) and negotiation of amendments;
- Funding arrangements, including grant agreements and subsidy control / State Aid compliance.
- Developing a robust procurement strategy, compliance with procurement regulations and handling procurement law disputes; and
- Construction law disputes, including seeking resolution through mediation, adjudication, arbitration and litigation.

**Case studies**

**Global Centre for Rail Excellence**

We are advising Welsh Government on the development of the Global Centre for Rail Excellence, a new £150m facility dedicated to research and testing rail rolling stock and technology. The site is being developed on a former opencast mine site in South Wales and will include two 4.5-6.9km rail test track loops with ancillary workshop, office and research facilities. We are advising on planning, land acquisition, corporate structuring and public sector powers.

**New stations**

Members of the DWF team have advised on the negotiation of implementation agreements between local authorities and Network Rail for the provision of new stations and improvements to facilities.

**Signalling schemes**

We are advising on the contractual arrangements for the provision of Signalling schemes through successive stages of Network Rail's GRIP process.



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DWF is a global provider of integrated legal and business services.

Our Integrated Legal Management approach delivers greater efficiency, price certainty and transparency for our clients.

We deliver integrated legal and business services on a global scale through our three offerings; Legal Advisory, Mindcrest and Connected Services, across our eight key sectors. We seamlessly combine any number of our services to deliver bespoke solutions for our diverse clients.

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