
Legal Services

Prepared for KCS Procurement Services Members

September 2023



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Freeths at a glance

A top 50, full service, commercial law firm covering all legal specialisms and offering market leading sector specific legal advice.



250 partners/
directors and 1,050 members
of staff across our offices. A
fully-integrated, multi-
service business law firm. One
of the largest firms by partner
headcount.



c.£127m turnover



Ranked Top Tier in 21
categories, including for
Public Sector work, and
recommended in 82 practice
areas of The Legal 500, and
ranked Band 1 in 9 categories
of Chambers & Partners, with
rankings in 32 categories.



Birmingham
Bristol
Derby
Glasgow
Leeds
Leicester
Liverpool
London
Manchester
Milton Keynes
Nottingham
Oxford
Sheffield

Our brand values – who we are and how we work

Everything we do is guided by three simple words: smart, bold and together. They may be small, but they reflect something much bigger. These values help us be the best partner we can for you when it matters most.



We are smart because... We are intelligent, enterprising and strive to think beyond the norm. We love solving problems and finding innovative new angles and solutions to help you, always with your needs and best interests at heart.



We are bold because... By being brave and confident in our wide-angle abilities and expertise, we achieve better results for you faster. We are not afraid to make tough calls, provide answers not options, and we don't just think fast – we act fast, too.



We are together because... Life is better together. We work as a tight team, champion inclusiveness and always do the right thing to create trust with and support our clients and communities.

Working with the public sector

Our experienced public sector group of 120+ lawyers nationally understand the culture, political and policy considerations central to advising local government and the wider public sector operations/decision-making. Many team members have worked 'in-house' within the public sector with in-depth knowledge and experience of working with and supporting local authorities and public sector bodies around the country.

In the last 12 months, the team advised over 200 local authorities, and many other public sector bodies including housing associations, schools, colleges, universities and NHS bodies.

As well as offering the full range of legal services to the public sector, we also offer a number of added value services.

Freeths' added value services



Helpline

We can provide a helpline for quick questions (on matters where we are not already instructed) or to brainstorm and discuss new projects and ideas or simply to provide your team with an avenue to check their thinking and bounce ideas around, free for up to 20 minutes per call.



Free scoping meetings

Initial scoping meetings will be available to your organisation either in person or virtually. This will help you get to know the team, each team member's role and responsibilities will be defined so that everyone works together efficiently and understands what is expected.



Monthly communication and quarterly meetings

We provide monthly reports to our clients on costs, case updates and trends, so they are always well informed and in control.

The Client Relationship Partner would also meet with you on a quarterly basis to discuss the relationship, current cases and to update you on trends and learnings.



Webinars

Free access to our webinars, including employment, property, construction, procurement, clean energy and many more. We also deliver sector specific webinars, looking at the latest issues, opportunities and trends.



Regular electronic updates

Receive monthly updates on issues relevant to your organisation including changes in the law or important cases, so you're always up to date. We also deliver sector specific updates and insight too.



Training

We can provide bespoke training sessions to upskill your team, through remote training sessions on topics of your choice.

Freeths in the community

We are passionate about giving back and making a difference in the communities in which we operate. Our ESG Team has overall responsibility for our community outreach programmes but these are delivered through our Charity Committee and our D&I Networks.

Our contribution to Social Value focuses on the following core areas:

- Supporting the local economy and entrepreneurialism
- Encouraging higher academic achievement
- Providing equal opportunities and encouraging diversity and inclusion
- Supporting health and wellbeing in the workforce
- Fighting climate change

Social Value initiatives are led by our dedicated D&I, CSR, HR and ESG teams with input from wide ranging groups across the firm that include the Green Group and CSR committee.



Key contacts

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Our legal services

Business law and acquisition

We can help you with:

- Company law
- Public and private company transactions
- Share acquisition, disposals, capitalisations
- Entity selection and formation
- Joint ventures and venture capital advice
- Directors' duties
- Company secretarial services
- Operating and partnership
- Agreements, mutual arrangements
- Securities and governance matters
- Restructuring of ownership and
- Complex and innovative legal structures and initiatives
- Domestic and international competition law,
- Subsidy control and legacy State Aid

Key contacts

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Case studies

Joint ventures: Advised various local authorities on a number of different town centre schemes; a project to enhance a Shopping Centre (£50m); and a town centre redevelopment project. – through wholly owned local authority companies in others, joint venture limited liability partnerships, and directly respect of joint venture LLP arrangements.

Company law: Acting for a City Council in connection with their participation in a private sector housing LLP and in the process of setting up an LLP another City Council. We have recently been instructed by a London Local authority to set up a registered provider company subsidiary.

Investment partnership: Created an Investment Partnership LLP for a Borough Council, which was key to economic development and stimulating investment in the area. This has resulted in developed sites worth some £50m which are producing profits for the Council.

Complex and innovative legal structures:

Advising on the structuring of a programme to finance, procure, install, aggregate and optimise battery assets at multiple commercial and industrial sites, and on the supply and installation contracts with various different battery manufacturers and the framework aggregation and optimisation services agreement.

Competition/antitrust issues: Advising two local authorities on the competition/antitrust issues such as avoiding facilitating price fixing between transport operators, compliance with the UK's new subsidy control regime, and what information could be shared between the competing bus companies.

“The team is very responsive, practical, and commercial. The attitude is to work constructively to get a deal done. We value the advice in particular because the Freeths corporate team find commercial solutions to problems as they arise.”

The Legal 500 2023

Charity Law

We can help you with:

- Establishing charities
- Charitable trusts
- Finance and fundraising
- Governance and regulation
- Grants
- Legacies, trusts and probate
- Mergers and restructuring
- Procurement and subsidy control
- Charity law related to property
- Tax

Key contacts

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Case studies

Charity law related to property work: Advising an independent charity owning 200,000 sq ft of commercial property, with over 200 tenants and responsible for 6,000 acres of parkland, lakes and green space, for 12 years on their property estate, including sale of land and buildings, ongoing asset management, deeds of easement and wayleave agreements, landlord and tenant advice and property disputes.

Regeneration: Advising a Charitable Trust, leveraging our expertise in regeneration through attracting tenants working in the creative and tech sectors, with associated co-working areas, in the Hat District in Luton. Advice includes lettings, licences for alterations and tenancies at will. The Trust also use the Freeths LeaseBook to carry out lettings to tenants.

Charitable Trusts: Advising a large Metropolitan Borough Council on issues related to a Charity of which they are the Corporate Trustee, in connection with the proposed siting of a mobile phone mast. This has included advising on the terms of a Deed of Gift and Charitable Registration, the scope of the rights granted to providers under the Telecoms Code, the effect of this on retained land and the liability/conflicts inherent in the role of Corporate Trustee, taking into account the overall Fiduciary Duty of a Trustee, caselaw and Charity Commission Guidance. The Deed of Gift prevents disposition of any land, so it may be that this matter has to go to a Tribunal, and/or the consent of the Commission to creating a new Charity Scheme may be required.

“Freeths LLP is ‘a very personable firm that does not baffle clients with legal terms and always has their interests in mind’. The charities team is praised for its strong breadth of experience”

The Legal 500

Child Protection (Court of Protection)

We can help you with:

- The safeguarding responsibilities of local authorities
- Appointment of deputies
- Disputes regarding registration of powers of attorney
- Medical treatment decisions

Case studies

Deputyship: Freeths are Deputy for P managing her property and financial affairs. When FTL first became involved P had been taken away from her home in Nottingham and was living with friends in Lincolnshire. Her only family member, her stepson, lived in Shropshire. P's friends wanted her to remain with them in Lincolnshire and P's stepson wanted her to live in Shropshire, closer to him. Several best interest meetings with social services took place surrounding where P should live. The Deputy along with Social Services felt it would be in P's best interests to live in Nottingham, which is where she is from and was halfway between her friends and stepson. All parties eventually agreed this was in P's best interests, no application to the Court was necessary and P is now happy and well in care home in Nottingham.

Key contacts

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Deputyship P is from a travelling family and has a young child. P previously resided in a rented home but was unable to cope with this and was evicted. The Deputy made an application to the Court and received authority to purchase a property up to the value of £400,000. However, the Deputy was also mindful of P's cultural beliefs and wishes and it was determined that P wanted to reside in a caravan. A caravan was purchased for P and his family, and the Deputy has been trying to locate a travelling site for them to reside on for many months. P has now found a plot of land on a traveller site for sale. The Deputy has concluded it is in P's best interests for this land to be purchased to meet P's accommodation and general wellbeing needs to ensure his quality of life is improved by being in an environment more suited to his background.

"The Freeths LLP team has a consistently high level of excellence amongst all staff and in all dealings. As a client I feel supported and have every confidence in Freeths."

The Legal 500

Commercial property law

We can help you with:

- Property
- Conveyancing
- Funding and finance
- Housing management
- Disputes
- Planning and development.
- Social Housing
- Right to buy
- Landlord and tenant
- Management of pension assets
- Private rented sector and housing companies
- Direct acquisition of property as an investment
- The establishment or participation in corporate structures

Case studies

Property acquisition: Acted for a wholly owned council subsidiary on the acquisition of a just completed development of apartment blocks for £10 million from the council, advising on negotiation of the Sale Contract (including VAT and Capital Allowance advice), Transfer, affordable planning requirements and warranties and the Nominations Agreement.

Golden Brick Developments: Advised a Community Housing Association on a golden brick development agreement for the acquisition of 66 units conditional on the seller completing its acquisition of a serviced parcel within a larger scheme. Ensured client’s interests were protected with appropriate provisions for termination, amendments to planning documents including the s106 agreement, the development agreements, and the maintenance agreements.

Acquisitions: Acted for a Registered Provider in connection with their purchase of the affordable element of a strategically important site in Leicester. Guiding the Seller and the Seller’s lawyer through a Golden Brick arrangement, and due to a difficult contractor, led on the transaction on all fronts providing both legal and commercial solutions to various issues that arose.

Key contacts

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Complex land swap: Acting for a Borough Council in connection with a complex land swap with income generation aspects involving the development of new office accommodation to relocate to – 500,000 sq. feet. New housing (600+ homes) and new public realm. It is estimated that it will create 1200 jobs and bring £35m per year to their economy.

Compulsory Purchase Orders: Assisted a City Council in promoting a CPO for further phases of their high-profile housing redevelopment scheme a joint venture with a housebuilder (£100m project). As a result of our advice, we have saved the Council £1.5m in compensation payments.

Property investment strategy: Supported a London Borough Council with its property investment strategy and acted on the acquisition of a 20-acre logistics hub on the outskirts of Birmingham for £18 million.

Establishing RPs: Assisting a Borough Council in establishing a Registered Provider. Advising on related corporate issues and requirements, the reserved matters, and issue of powers, the legal basis for the Council participating in this arrangement; procurement, subsidy control and taxation, and application to the Housing Regulator for approval.

“The team area experts in their field, combining years of experience and knowledge to deliver first class advice.”

The Legal 500 2023

Construction Law

We can help you with:

- Major urban regeneration schemes
- Town planning, environmental and highways law including compulsory purchase
- Infrastructure projects
- Residential developments
- PFI, PPP and non-profit distributing models
- Asset disposals
- Refinancing and reorganisation
- Regulation
- Vehicle to Grid
- Highways
- Regulation

Case studies

Major urban regeneration schemes: Advising a County Council on the acquisition and development of a new town with 4000+ homes, new schools, commercial retail and public space with a GDV of £450m+ and a new grant funded stadium (estimated delivery cost £20m+).

High value, complex, strategic construction project for a local authority: Advising a District Council on the construction documents for the development of the second phase of a new shopping centre. The second phase will comprise a hotel, a supermarket, a cinema, leisure/retail units, car parking, works to a neighbouring clubhouse under separate ownership, the construction of a bridge over a canal and associated highways works.

Compulsory Purchase Orders: Assisted a City Council in promoting a CPO for further phases of their high-profile housing redevelopment scheme a joint venture with a housebuilder (£100m project). As a result of our advice, we have saved the Council £1.5m in compensation payments.

Judicial reviews: Acted for and advised a unitary authority in defending a Judicial Review application which sought to have an agreement to dispose of land adjacent to the M25 motorway to a Motorway Service Area (MSA) operator for a new service station to serve the M25.

Key contacts

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PPP: Advising a Combined Authority on a £30m digital regeneration project to create a new full fibre digital backhaul network of over 212km of ultra-fast broadband across all 6 Districts. A PPP Project involving a Public Procurement of a consortium bid to form a 50/50 public/private sector joint venture. We advised on a JV Agreement to establish the SPV, Subsidy Control, and status of Local Authority investment into a JV co, bespoke Construction Contract (based on NEC3), collateral agreements, warranties and a long-term Operations and Maintenance Agreement. We also implemented financing and security arrangements through a Shareholders Loan Agreement, Parent Company Guarantees and Performance Bonds, and negotiated a French law Legal Opinion in respect of the obligations of members of the NGE Group.

Highways: Instructed by a Unitary Authority to deal with all of their existing s38 and s278 agreements, as well as all new matters and related highways issues to the agreements, for a period of four years, handling almost 150 cases, and liaising directly with the highways officers and developers.

“Freeths always adopt a proactive approach to problem solving. They have a strong and knowledgeable construction team and always respond timeously.”

The Legal 500 2023

Data Protection and Freedom of Information

We can help you with:

- Use and control of information
- Domestic and EU data protection legislation
- International data transfers
- Data protection laws
- Data requests
- Complying with the principles of transparency
- Freedom of Information.

Key contacts

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Case studies

Freedom of Information Advised a Council of its obligations to disclose information under FOI legislation, where the third party had claimed it was commercially sensitive. Our team of data and information claim litigators, also helped with the subsequent dispute between the Council and the third part following disclosure.

Data Subject Access Request Response

Supported a public sector body in the transport sector with its response to a sensitive data subject access request from an employee going through a disciplinary procedure. By providing project management support; strategic advice; a team to perform a detailed disclosure exercise, applying available exemptions from disclosure under UK data protection law; and the response drafted to the data subject access request; we helped the client reach a good settlement with the employee.

Data Sharing Advice Advised a local authority on its sharing of sensitive health personal data with a healthcare services provider. Reviewed and advised on the commercial agreements, considering the relevant principles of UK data protection law, the need to minimise its data processing, and the requirement to store/delete data within certain timeframes. It involved supporting the client on its obligations under data sharing terms; the application of different principles under UK data protection law, how to assess its risk in relation to the proposed data sharing; and the practical next steps it should take in relation to sharing or deleting the data.

“Freeths have provided us with excellent support on our EU GDPR project. They respond to our need for specialist GDPR advice as we prepare to meet the requirements of the new legislation.”

Valentine Steadman Corporate and Legal Services Manager – RSPB

Dispute Resolution and Litigation

We can help you with:

- Property litigation
- Construction litigation
- Alternative dispute resolution
- Arbitration and mediation
- Contractual resolution procedures
- Advocacy
- Early advice on disputes
- Judicial Reviews
- Defending Town and Village Green applications (council as landowner)
- EU Procurement and State aid challenges
- Proceedings in the Upper Tribunal
- Intellectual Property/Trademark disputes
- Resolving commercial claims Debt recovery

Case studies

IT disputes: Advising a Metropolitan Borough Council on a complex multi-million pounds IT dispute arising out of procurement. Assisting with issues including breach of procurement regulations, precedence and interaction between the applicable Framework and the Council, cause of failure and culpability (IT expert), a barrage of FOI requests and at mediation. Trial listed for December.

Property dispute: Resolved a 5-year long lease renewal dispute between a Local Authority (landlord) and a car mechanic (tenant), providing strategic advice and representing the Authority in court proceedings. Within 4 months of our instruction, the parties agreed heads of terms in settlement of the renewal dispute, arrears dispute and interim rent dispute.

Key contacts

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Licensing: Acting for a local borough council, legal clerk support at Licensing Act 2003 contested hearings, providing support and representation.

Various litigation: Acted for a London Borough Council on a £20m highly political and sensitive dispute, involving a well-known stadium, multiple parties and stakeholders. Advised on contractual issues, funding, public procurement, property, state aid as well as key political and social considerations and public relations. We successfully negotiated the council out of the partnership whilst retaining key legacy benefits for the residents of the borough

“The team were superb and always very informative of their views and reasons for how they approached each complex stage or obstacle.”

Chambers & Partners 2023

Education Law

We can help you with:

- Schools
- Academies
- Reorganisation issues
- Inspections
- Regulation
- Finance and funding issues
- Higher education
- Further education
- Student finance
- Education focused charity
- Education related contract issues
- Education related property law issues
- Education related employment issues

Case studies

Education law: Advised a City Council on 4 cases where applications had been made by or on behalf of parents to the first-tier tribunal relating to alleged discrimination and failure to implement Education, Health and Care plans. Three cases were resolved via discussion and informal mediation with the fourth going to a tribunal hearing, with a finding that the Council made adequate provision and did not discriminate against the pupil.

Governance issues: Advised an Academy School on school Memo and Arts and removal of Governors, clerking an independent review panel with respect to the exclusion of a pupil, dealing with allegations of failure to properly provide for pupils with special educational needs and alleged discrimination, including “off-rolling” and issues related to the interpretation of the Standard Form Memorandum and Articles provided by the Department for Education.

Key contacts

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Academy Conversion: Advising a Borough Council on the initial Local Authority intervention/revision of Governor arrangements and then conversion to an Academy of a Special School incorporating drafting CTA, revising joint use arrangements for a library and leisure facility, drafting lease, proving title and regularising third party occupation and access rights, assigning elements of cross-Authority FM Arrangements, working with Governing Body and Academy Trust Lawyers.

Multi-Academy Trusts: Advising a County Council on Academy Conversion into a Multi-academy Trust and associated Land Swap and disposal with remaining adjacent maintained school. Advising on obtaining s77 consent for playing field disposal, drafting Lease and Commercial Transfer documents.

“It is difficult to recall all of the very significant transactions that Freeths have helped us with, but they have included one highly complex commercial transaction which was successfully completed to all parties satisfaction, to a ridiculously short timescale.”

Loughborough University

Employment Law

We can help you with:

- Day-to-day employment law advice
- TUPE
- COSOP
- Redundancies
- Restructuring
- Outsourcing
- Changes in terms and conditions
- Reorganisations
- Contentious employment law
- Discrimination
- Equality issues
- Litigation and / or dispute resolution.
- Tribunals
- Pensions
- Immigration
- Human Resources

Case studies

Member conduct and officer conduct issues:

We conduct member conduct investigations and seconded one of our partners to a County Council to provide deputy monitoring officer cover.

ET Claims: Advising a Unitary authority on a highly sensitive, complex ET claim involving numerous internal grievance processes (including against senior officers), involving claims of equal pay, unfair dismissal, whistleblowing detriment, disability discrimination and sex discrimination.

Independent legal adviser to the Investigating and Disciplinary Committee for a local authority. On a highly complex and sensitive case involving allegations against the Chief Executive, s.151 Officer and Monitoring Officer – one of the first processes under the new JNC model disciplinary procedure set out in the JNC for Local Authority Chief Executives Conditions of Service Handbook, attracting a lot of media attention.

Discrimination and unfair dismissal: Successfully defending a County Council (including the advocacy) in a 7 day sex discrimination and unfair dismissal claim, claiming substantial costs against the Claimant.

Best Value Direction and New Fair Deal: Assisted with negotiations around risk sharing, pass through, and cap and collar agreements for pensions.

Key contacts

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LGPS: Advised an LGPS fund on the proposed merger of a distressed scheme employer (registered charity) with another registered charity to ensure continuity of certain outsourced services formerly provided by local authorities (including the administering authority of the LGPS Fund).

Appeal and judicial review work: Providing legal support, including appeal and judicial review work to local authorities on behalf of their service users, particularly supporting Looked After Children with precarious immigration status to secure status in the UK. We successfully challenged the Home Office in a judicial review claim brought for the Borough Council and secured a costs order.

Tier 2 immigration: Acted for a Chinese national, employed in a senior position in a university, who had previously received a visa refusal, due to his leave under Tier 2 expiring and falling foul of the 12 month cooling off period. We challenged that refusal and reapplied relying on an exemption to the Tier 2 cooling off period, so the employee was able to return to his key position in the University. We then advised HR on developing a strategy for monitoring absence from the UK with a view to supporting international staff in continuing to satisfy the requirements of their visa category.

“The team at Freeths are incredibly personable, knowledgeable, patient and offer an exceptional service.”

Chambers & Partners 2023

Energy, Waste and Sustainability

We can help you with:

- Energy-from-waste
- Clean energy
- Combined heat and power (CHP)
- Onshore and offshore electricity networks
- Grid connections and Smart metering
- Virtual power plants
- Energy services and energy performance contracting (including ESCO frameworks)
- Route-to-market contracts
- Decarbonisation of heat and heat networks
- Electricity and heat supply contracts
- Distributed generation, asset aggregation and portfolio optimisation
- Balancing/ancillary services
- Energy industry regulation

Case studies

Battery storage development: Advised an energy storage company on its strategic framework with global investor Brookfield Renewable for the development of one of the largest battery storage projects in the UK at 985MW.

Battery storage development: Advised a property investment and asset management group, on the acquisition of project rights to develop a 100MW battery storage asset on the site of a former power station near Leeds.

Hydrogen: Advised an energy company on its strategic investment in a hydrogen production technology company helping to combat climate change with affordable hydrogen produced at scale but without CO2 emissions.

Waste contracts: Advising District Councils on all aspects of procuring fresh waste and recyclates collection contract including change of law provisions to address incoming laws around pEPR, DRS and consistency in waste collections; new green waste collection contracts, and subsequently advising a DC on the dispute with the winning contractor in relation to poor service levels at a contract level and on a practical level.

Key contacts

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Crucial environmental legislation: Advised a newly formed statutory public body on different issues arising from crucial EU derived environmental legislation. Advice and training have included a comprehensive overview of nature conservation law and the manner potential reforms may be approached.

Judicial reviews: Retained in a very significant, high profile, judicial review of a public body's decision on the assessment of licensing of environmental activities. Our team proactively crafted the case from the early stages of appraising the public body's decision making, to obtaining a successful result in the court for our client. The case dealt with European environmental law, the implications of the domestic legislation including the European Union (Withdrawal) Act 2018, and traditional public law principles.

Waste outsourcing: Acting for a District Council on a project for the outsourcing of waste collection, processing and transportation of waste with a separate third-party contract relating to green waste recycling.

“Hand-on experience from senior level to most junior, with in depth knowledge and commercially driven approach to problem solving. Excellent interpersonal skills, unmatched knowledge of the energy sector, excellent management skills”

The Legal 500 2023

Finance Services

We can help you with:

- General banking matters (domestic and overseas, including loan agreements, guarantees and security arrangements), trade finance and financial litigation
- Asset finance
- Capital markets
- Acquisition finance
- Project finance
- Restructuring / insolvency
- Loans / lending
- Tax law
- Direct taxation
- Indirect taxation
- VAT
- Corporation Tax
- Capital Gains
- Stamp Duty Land Tax

Case studies

Secured funding: Acted for a Council on the provision of a secured funding package over £90m for the development of a mixed commercial and residential scheme in central Manchester. Our cross disciplinary team of banking, real estate and construction lawyers worked closely with the Council and external investment advisors to meet the tight timetable for the transaction.

Social impact funds: Acting on an ‘evergreen’ social impact fund’ in the north-west of England. The fund was set up to provide development debt for a wide range of commercial, energy efficiency, low carbon energy generation, regeneration property and infrastructure projects. Over the years, some of the fund’s lending projects we’ve advised on include:

- The development of Base Building, Manchester Science Park
- The Ravens Lock industrial scheme at Little Hulton, Salfords
- Logistics North, Bolton with Harworth Estates
- The development of Citylabs and Citylabs 2, Manchester

Key contacts

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Establishing and operating wholly-owned housing company:

Advised a London Borough Council on the tax implications associated with establishing and operating a wholly-owned housing company and registered provider subsidiary. This included advice on Corporation Tax (generation of profit), Value Added Tax (relevant to the provision of services as between the parent local authority its wholly-owned company and its registered provider subsidiary. We also advised on Stamp Duty Land Tax issues, to the extent that land is transferred into the entity and Residential Property Developer Tax.

Tax Structures: Advised national and regional entities on the tax structures for the delivery of economic development strategies both in London and West Midlands.

“Freeths is always able to provide insight and strong commercial awareness.”

Chambers & Partners 2023

Food, Rural, Environmental, Natural Resources

We can help you with:

- Water, air and land use, including emissions and pollution
- Water services and quality
- Flooding
- Waste and recycling
- Food and farming
- Animal and plant health and animal welfare
- Wildlife

Key contacts

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Case studies

Water services and quality: Provided specialist legal services support to the operating arm of a Ministerial Government Department, on the process of assessment, obligations and risk relating to the impacts on sensitive protected areas rising from a change in regulation of water abstraction licensing in England.

Crucial environmental legislation: Advised a newly formed statutory public body on different issues arising from crucial EU derived environmental legislation. Advice and training have included a comprehensive overview of nature conservation law and the manner potential reforms may be approached.

Judicial reviews: Retained in a very significant, high profile, judicial review of a public body’s decision on the assessment of licensing of activities. Our team proactively crafted the case from the early stages of appraising the public body’s decision making, to obtaining a successful result in the court for our client. The case dealt with European environmental law, the implications of the domestic legislation including the European Union (Withdrawal) Act 2018, and traditional public law principles. Our expertise in the use of the Environmental Information Regulations 2004, instruction and liaison with counsel, civic procedure and extensive knowledge of environmental law provided our client with the comprehensive legal support required.

“Outstanding level of knowledge on nice environmental topics.”

The Legal 500 2023

Health and Safety

We can help you with:

- Investigations
- Enforcements
- Defence of prosecutions
- Appeals against Improvement and Prohibition notices
- Product liability
- Fire safety including cladding issues
- PR and media issues

Case studies

Cladding issues: Regularly advised and represented Local Authorities on fire safety problems and allegations related to inappropriate cladding on high rise residential buildings, and buildings which have inadequate fire stops and compartmentation, throughout leading to investigations and enforcement action by the Fire Service. We instruct external fire safety experts to both challenge and negotiate with the Fire Service in order to agree the necessary remedial measures that are required. Linked to this, we have also advised Local Authorities on PR/media consequences following media interest in such incidents as well as advising as to the position of the tenants as regards future plans.

Key contacts

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“An unrivalled knowledge of commercial law a strong appreciation of litigation tactics ”

The Legal 500

Intellectual Property Rights and Licensing

We can help you with:

- Contentious and non-contentious support
- Patents
- Copyright
- Trademarks
- Trade secrets
- Rights in confidential information
- Database rights
- Design rights
- Advertising and Marketing
- Assignment and licensing of rights
- Commercialisation exploitation of IP

Case studies

Assignment, licensing of right and commercialisation: Advising a County Council on a collaboration project for the 3D scanning of a historic building for use within immersive augmented reality experiences. Drafting heads of terms agreeing ownership rights, royalty bearing licence agreements providing terms for the exploitation of the building’s image and digital model across multimedia platforms including within computer games, film and tv.

Copyright: Advising a public sector member organisation on the protection of IP rights following the discovery of a third-party website using its photography archive without its permission. Strong cease and desist letters quickly resulted in the successful take-down of the website.

Key contacts

Simon Barker

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Trademarks: Advising Councils on the registration, management and enforcement of their trademarks, including those involving inherent complexities due to non-distinctive geographic elements. Recently we obtained a court injunction against a politically sensitive defendant restraining the use of a client’s trademark.

Trademarks: Advised both individuals and businesses falsely claiming endorsements from and connections to public authorities (including universities) through using their name and logos within business materials and online.

Database rights: Advised a third-party education support supplier on a suite of tools including those which track various data points to allow schools to track and make sense of assessment results. Advice given in respect of the ownership of the resulting materials and data and acted in respect of the suspected misuse of confidential information, databases, and the potential breach of an NDA.

“The firm provide an unparalleled and comprehensive IP service, assisting with multinational projects and complex licensing arrangements.”

The Legal 500 2023

Planning and Highways Law

We can help you with:

- Development potential including portfolio reviews and development appraisals
- Preparation and submission of planning applications
- Applications for listed building consent and enforcement notices
- Legal reviews and advice on planning applications
- Enforcement notices, EIA and SEA
- Development plans including public consultation/stakeholder engagement
- Planning appeals
- Section 106 planning, highways and other statutory agreements
- Judicial reviews and statutory challenges
- Compulsory purchase, compensation and highways and other orders

Key contacts

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Case studies

Supporting Planning Committees: Performing the role of an in-house lawyer for a London Borough at their Planning Committee meetings, supporting the process of clearing and advising on reports, dealing with declarations of interest and other issues.

Compulsory Purchase Orders: Assisted a City Council promoting a CPO for further phases of a high profile housing redevelopment scheme/ Instructing and supporting Counsel in preparing for and attending a CPO inquiry including preparing the Statement of Reasons, Statement of Case and all other statutory documents including witness evidence. Also advised on the service of Blight Notices and compensation issues as part of the negotiation process. Our advice saved the Council around £1.5m compensation payments.

Public and politically sensitive planning applications:

Leading on an application for a County Council for the annual extraction of 2.7m tonnes of coking coal for steel making over 50 years. The application has been called-in by the Secretary of State, who has arranged a public inquiry and will determine it. We have played an important role, including the complicated S106 planning agreement ensuring net zero greenhouse gas emissions, the ecological assessment for a protected European site, advising the Council's Planning Committee and ensuring legal compliance.

S106 Planning Agreements: Advising a London Borough on a significant S106 planning agreement and other issues for a mixed-use redevelopment for various towers of up to 16 storeys, 1,750 dwellings and commercial uses.

“They stand out because they engage with the client in more detail and more than anyone else I know. It is very important to build a relationship with the client and engage long enough to fully understand the issues.”

The Legal 500 2023

Procurement and Contract Services

We can help you with:

- Domestic and EU public procurement law
- Strategic procurement advice
- End-to-end support on procurement exercises
- Complex local government regulations
- Subsidy control
- Drafting and negotiating agreements,
- Shared service arrangements, joint ventures and grants
- Contract termination
- First and subsequent generation outsourcing and insourcing

Case studies

Post tender support for complex issues:

Appointed by a London Borough Council following a competitive tender process to advise on procurement options and progress the legal process to exchange of contracts for a 11-storey residential block and office space, involving two different scenarios.

Competitive dialogue: Acted for a Combined Authority in the procurement of private sector partner to deliver an ambitious digital regeneration project. Advising from inception to completion of the project including advice on procurement structure, design and implementation of a highly successful entirely virtual competitive dialogue process.

End-to-End support: Advised a local authority to develop an exemplar new build “wet and dry facility, with associated multi-use games area and long-term service management. Led the OJEU / selection process, advising on presentations, attending numerous evening meetings, negotiating additional cost imposed by District/ County Planners. Our recommendations led to demonstrable outcomes by fighting against specification creep, and negotiating with the provider and other authorities, dealing with environmental aspirations, explaining a complex project to lay members by attending and presenting in person.

Key contacts

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Frameworks: Principal advisers to a company owned by a consortium of 6 Local Authorities which creates and manages Framework Agreements, Access Agreements and Delivery Agreements to be used by over 800 public bodies across the UK. Work involved advising on procurement, difficult areas of public law, drafting Framework documentation, procurement challenges, preparing Access and Delivery Agreements based on NEC Standard Forms (including making amendments to deal with Scottish / Northern Ireland law) and advising on permissible variations and assignments.

Contract renegotiations: Acted for a London Borough Council on a highly political and sensitive, dispute involving a well-known stadium, valued at circa £20m. This complex case involved contractual issues, funding, public procurement, property, state aid as well as key political and social considerations and public relations. We successfully negotiated the council out of the partnership whilst retaining key legacy benefits for the residents of the borough.

Restructuring / outsourcing of leisure services: Advising a local authority on the outsourcing of a leisure centre, including all employment aspects, and advising another in the Southwest of England on the outsourcing of management and operation of 3 leisure centres / construction of new leisure centre.

“The team were a well-oiled machine. They were incredibly organised and had great time management. They also maintain thorough and regular communication throughout the entire project. They were on top of all the key legal and commercial issues that a complex deal could face.”

The Legal 500 2023

Property and Land Law

We can help you with:

- Major urban regeneration schemes
- Landlord and tenant
- Management of pension assets
- Town planning, environmental and highways law including compulsory purchase
- Private rented sector and housing companies
- Direct acquisition of property as an investment
- The establishment or participation in corporate structures

Case studies

Major urban regeneration schemes: Advising a County Council on the acquisition and development of a new town with 4000+ homes, new schools, commercial retail and public space with a GDV of £450m+ and a new grant funded stadium (estimated delivery cost £20m+).

Complex land swap: Acting for a Borough Council in connection with a complex land swap with income generation aspects involving the development of new office accommodation to relocate to – 500,000 sq. feet. New housing (600+ homes) and new public realm. It is estimated that it will create 1200 jobs and bring £35m per year to their economy.

Compulsory Purchase Orders: Assisted a City Council in promoting a CPO for further phases of their high-profile housing redevelopment scheme a joint venture with a housebuilder (£100m project). As a result of our advice, we have saved the Council £1.5m in compensation payments.

Property investment strategy: Supported a London Borough Council with its property investment strategy and acted on the acquisition of a 20 acre logistics hub on the outskirts of Birmingham for £18 million.

Key contacts

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James Hart

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Property acquisition: Acted for a wholly owned council subsidiary on the acquisition of a just completed development of apartment blocks for £10 million from the council, advising on negotiation of the Sale Contract (including VAT and Capital Allowance advice), Transfer, affordable planning requirements and warranties and the Nominations Agreement.

Judicial reviews: Acted for and advised a unitary authority in defending a Judicial Review application which sought to have an agreement to dispose of land adjacent to the M25 motorway to a Motorway Service Area (MSA) operator for a new service station to serve the M25.

High value, complex, strategic construction project for a local authority: Advising a District Council on the construction documents for the development of the second phase of a new shopping centre. The second phase will comprise a hotel, a supermarket, a cinema, leisure/retail units, car parking, works to a neighbouring clubhouse under separate ownership, the construction of a bridge over a canal and associated highways works.

“Freeths has strong knowledge and awareness of the market, particularly with regard to regeneration schemes. It is the depth of its resources that means we turn to Freeths for advice on complex matters.”

Chambers & Partners 2023

Awards and accreditations



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