

Edition 1 – 2023

Legal support for public sector bodies

**Browne
Jacobson**





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We're Browne Jacobson. The law firm for positive change across business and society.

Local authorities and the wider public sector are facing increasing challenges. Re-organisations and structural reform, financial pressures, community engagement and the need to remain dynamic and fair through political, social and economic change; all are complex tasks heightened by intense public scrutiny and media attention.

At Browne Jacobson, we are thought leaders providing world-class advice on current and complex matters of government. Our years of expertise in business and society give us a unique insight into both public and private bodies. This, coupled with our ability to forge strong relationships with governmental organisations, puts us at the centre of public sector modernisation; while our market-leading work in organisational change, the drive to carbon neutrality, digital transformation, regeneration and more, puts us at the forefront of society's biggest issues.

With extensive experience working across all council service areas and in-house, Browne Jacobson's legal experts act as an extension of your team. We'll support you in a collaborative, impactful way to make the complex simple and to deliver your ever-evolving roles and objectives.

As a testament to our commitment to the public sector, we're on all major public sector procurement frameworks – meaning that you can have instant access to our services, at a fair price and without the need for any additional due diligence.

Crown Commercial
Services RM6179
and Public Sector legal
services RM6240

East Midlands
Law Share

KCS (Kent County Council)
Legal Services

London Borough's
Legal Alliance

North West Legal
Consortium

Welsh Government
Commercial Delivery,
formerly the National
Procurement Service

*“Browne Jacobson is excellent.
It has really invested in the
team and they are really good.”*

Chambers (2022)

Our legal expertise

Administrative and public law

Charity law

Children and vulnerable adults

Commercial contracts

Commercial law

Competition law

Construction

Corporate law

Court of Protection

Devolution

Dispute resolution and litigation

Education

Employment and pensions

Energy and natural resources

Food, rural and environmental

Franchising

Governance

Grant funding

Health and safety

Health, healthcare and social care

Highways and transport

Immigration

Information law, including data protection

Information technology (IT)

Infrastructure

Intellectual property

Leisure

Licensing

Life sciences

Leisure

Media relations and brand management

Non-complex finance and investment

Partnerships and corporate vehicles

Licensing

Life sciences

Insourcing and outsourcing

Partnerships and corporate vehicles

PFI, PPP and projects

Planning

Procurement

Public inquiries and inquests

Real estate and property

Regeneration schemes

Regulatory advice and protection

Restructuring and insolvency

Retained EU and EU law

Social housing

Subsidy control (state aid)

Tax

Telecommunications

Waste

Legal project management

To increase efficiency, keep you informed and provide long-lasting peace of mind, we connect commercial and strategic experience with project management methodologies to transform your project or legal matter. Our Legal Project Management (LPM) specialists are market leaders in making

sure your project or legal matter is delivered on time, within scope and on budget.

Our LPM function forms an integral part of our core public sector facing legal teams, ensuring a focus on proactive stakeholder engagement, risk management and client reporting.

“The team are very solution-focused with a can-do attitude. They were available any time and willing to consider any ideas the client had.”

Chambers (2022)

Why choose Browne Jacobson solicitors?

- We're consistently trusted by a client base that includes 200+ local authorities, 50 NHS bodies, 10 central government departments and numerous fire, social care and social housing providers – but we do not come with preconceived notions. We seek to understand and build relationships that are tailored to your individual needs.
- We have offices or strong connections in all major economic regions of the UK, as well as a network of thoroughly and securely vetted partner firms in jurisdictions where we are not present. So, even if we don't have an office nearby, we can still meet your needs.
- We're recognised as 'a true heavyweight' in the public sector, with unparalleled experience. Many of our lawyers have previously worked in the public sector and so have an unrivalled understanding of the environment in which you operate.
- We look to add value where we can, supporting you, and your team with your growth and development. We go the extra mile at no additional cost, providing training, seminars and networking opportunities, as well as issuing regular newsletters providing guidance on technical and sector issues so you are always up to date on the law.

“The practice delivers on the promise of a well rounded team, mixing experience at different levels of tenure and over different specialties. They are able to bring to the team the scope to provide advice over significant project areas.”

Legal 500 (2022)

How we're helping our clients

At a time when we are experiencing one of the most challenging and complex periods in living memory, we're here to improve the outcomes for every person, community and business we serve. Here's some recent examples of how we've helped our clients.

Children and vulnerable adults

We act for the care provider that was working with Jonty Bravery, who attempted to murder a child at Tate Modern. We have advised in all aspects of their response to this incident, including providing support in connection with media interest, internal and external investigation, information and disclosure, and liability.

Contracts

We're advising London Borough of Ealing on the strategically important contracts underpinning the regeneration of Southall Gateway; a £185m housing-led regeneration project supported by housing zone grant funding which will deliver circa 530 new homes, including 85% affordable and shared ownership housing.

Disputes and litigation

We're advising Derbyshire County Council on all legal aspects of a high-value, environmental management Public-Private Partnership, including managing potential variations (or termination) as a result of the failure to meet the contractual deadlines within the agreement to commission the major waste treatment facility

We're also advising Natural Resources Wales on potential civil liabilities arising from extensive flooding that took place in 2020.

Devolution

We're advising on the first cross-county, mayoral-led combined authority devolution deal in the country. The project, co-led by Nottinghamshire County Council, Nottingham City Council, Derby City Council and Derbyshire County Council provides a unique and unprecedented opportunity for the authorities to come together to deliver much-needed investment into the region.

“The firm has very good local government lawyers who really understand the sector.”

Chambers (2022)



Employment and pensions

We supported a local authority Chief Executive to manage their relationship with a Section 151 Officer, avoiding an irretrievable breakdown. And advised a regulator on a serious whistleblowing allegation, raised by staff who had been outsourced. With our advice, their in-house legal teams and senior executives vigorously and promptly dealt with the issues, avoiding any reputational damage should the allegations been made public.

When issues arose with pensions not having been abated for those who were in receipt of disability benefits and ill-health awards, we advised Bedfordshire Fire and Rescue Service in relation to the over- and underpayment of pensions to firefighters. This has led to the repayment of hundreds of thousands of pounds into the public purse.

Freeports and the levelling up agenda

After supporting with their initial business case and submission to the Department for Levelling Up, Housing and Communities, we're advising the project in the establishment of Freeport East, one of just eight special economic zones countrywide. Our experts are overseeing all administrative and legislative aspects, subsidy control and their new corporate structure.

Governance

When the recently incorporated East Midlands Development Corporation was established, we provided legal support to three of the five founding members, advising on the company's constitution, governance, membership, and funding arrangements. We also assisted with the negotiation and drafting of all documents to support the establishment of the vehicle.

Health, safety and regulatory matters

Proactive, strategic risk management advice is our forte. Utilising our experience of defending and representing many local authorities, as well as officers in tragic and often high-profile, sensitive cases, we can help you manage your risks and support you should something go wrong.

For example, we've advised and represented public bodies in respect of fatal and serious accident prosecutions, including case appraisal involving consideration of technical defences/arguments such as abuse of process, human rights challenges and statutory interpretation. And we've prosecuted, on behalf of local authorities and other regulators, in fatal fire cases, fatal food safety cases, national trading standards prosecutions and planning and environmental prosecutions.



Information technology

We advised Croydon Council on the break-up of a large end-to-end IT services agreement and its replacement by five new service lines, tendered and awarded under a series of sequenced procurements and involving partial terminations of the incumbent contract.

Primary and integrated care

Working in collaboration with the Welsh Primary Care Reform team, our legal experts devised and mobilised a strategy that enabled the mass vaccination of over 1.2m 'at risk' individuals during the pandemic.

For many years we have advised NHS England and regional NHS organisations in relation to legislative reform and on complex governance issues. We are now advising a large number of health and care organisations within Integrated Care Systems, on the close down of Clinical Commissioning Groups, and the establishment of Integrated Care Boards and Integrated Care Partnerships. For example, we supported seven clinical commissioning groups to merge into the NHS North East London Clinical Commissioning Group, helping them to develop the wider governance arrangements for their integrated care system. We also advised Wakefield Metropolitan District Council in relation to the West Yorkshire ICS and the place-based relationships that were necessary to support the wider Integrated Care Partnership.

Planning and the environment

We have analysed the Development Consent Orders and sought comments from within Thurrock Council and from externally appointed consultants in relation to the Lower Thames Crossing. We are engaged with National Highways to address concerns and will represent the Council at examination, if a further DCO submission is made.

We also advised a Council in relation to a judicial review of its decision to implement a Low Traffic Neighbourhood and advised an Authority on the use of a former gas works site that an independent expert concluded that should not be designated as contaminated land

Procurement

Our detailed knowledge of the Sport England standard form leisure operating contract combined with experience of working with leading consultants, Strategic Leisure, meant that we were seamlessly able to advise Rushmoor Borough Council on the procurement of an operator to run its leisure centres.

We also advised Milton Keynes Council and Milton Keynes Parks Trust in relation to the real estate, procurement and tax aspects of a disposal of land and a significant development arrangement. And, we advised NHS England on the procurement of the telephony infrastructure used to receive and route calls to the 111 number.

Property and estates

When Cheshire East Council sought legal advice and guidance on all stages of the regeneration of a former royal arcade retail area, we were appointed to help.

We advised throughout the competitive procurement process and on the site assembly of the modern cinema-anchored mixed-use leisure and retail scheme, which also included a new bus station and car park. We drafted the development agreement and short-and-long-term leases and advised on demolition, contracts, collateral warranties and state aid. We also guided the in-house team through the process of appropriation, to deal with development constraints at the site

Public inquiries

When the Department of Health and Social Care ordered an independent inquiry into mental health deaths within the Essex Partnership University NHS Foundation Trust they appointed our experts to help. We're also representing the Welsh Government in the Covid-19 inquiry, the outcome of which will have national implications.

Regeneration

We're acting for Folkestone and Hythe District Council on all aspects of Otterpool Park, a flagship garden town project with an estimated gross development value of £2.8bn. The new town, set to be developed on a 770-hectare site adjacent to the M20 in East Kent, has the long-term potential to deliver up to 10,000 new homes plus employment space that could support up to 8,000 jobs. The town, of which at least half will include green spaces, will include schools, shops, medical facilities and all the other amenities a vibrant and sustainable, low-carbon community needs – both now and in the future

Social housing

We're leading on the property aspects of Local Space's £61m private placement agreement with international pension fund MetLife Investment. The finance supports Local Space's strategy to move homeless families or those in temporary accommodation into permanent homes.

Subsidy Control (state aid)

We're advising an executive non-departmental public body on the subsidy control compliance of a national funding scheme that provided thousands of grant funding interventions in a sector traditionally perceived as high-risk from a subsidy/state aid perspective.

We are also advising the Midlands Net Zero Hub, hosted by Nottingham City Council, on the subsidy control implications of its distribution of funding under several national energy efficiency schemes.

Energy, natural resources and climate change

We are advising Oxford City Council on the world's first transmission connected electric vehicle charging hub project. Once complete, the initiative – which is part-funded by the Government's Industrial Strategy Challenge Fund – will be the country's largest electric vehicle charging super hub and a significant step forward for the city in its drive to becoming carbon neutral.

When Manchester City Council embarked on an ambition district heat project, they appointed us to advise on all aspects of the wholly-owned special purpose vehicle with multiple companies and project agreements to bring their plans to supply heat and power to council buildings and private customers to life.

Waste

Key to the success of the South London Waste Partnership's procurement of food and green waste disposal contracts was the creation of an innovative evaluation matrix which ensured that the Authority's appointed providers delivered the best commercial deal across transport and disposal of both food and green waste streams. We're acting for the Partnership.

Social value

Social and environmental impact are at the top of the business agenda. At Browne Jacobson, we've always worked across business and society, and this expertise sets us apart. Here, we champion fairness, make the complex simple and forge connections between clients to find creative solutions. This is how our lawyers improve outcomes for every person, community and business we serve.

We've established a national reputation for our commitment to promoting greater diversity and inclusion in the legal profession. This is supported by the firm being named as the number one employer in the UK's Top Social Mobility Employer Index 2022, for the second year running, having previously been the first law firm to top the rankings in the history of the Index in 2021.

As part of our commitment to you, we'd welcome the chance to share our experiences, ideas and initiatives, and in return hear what's working for you – so please, get in touch.

FAIRE for all

Recognising that law needs all voices to reflect the society it serves, we're working towards social mobility, diversity and inclusion in our firm – and our profession. And we're focusing on well-being and individuality so that all our people can thrive too.

Created by us and the student network, Young Professionals, our FAIRE (Fairer Access into Real Experience) initiative gives people from lower socio-economic and ethnic minority backgrounds work experience in the legal sector. So far, over 13,000 attendees, including 58% from ethnic minority communities and 68% from lower-socio economic postcodes have participated.

We partnered with the University of Nottingham to remove gender-specific language from job descriptions, changed problematic phrasing, and adopted RARE contextualized recruitment to help eliminate bias from our processes.

We champion and celebrate disabilities of all kinds and have programmes of activity which educate, engage and inspire the firm and our people on the journey to becoming more disability smart.

We've launched a dedicated Black lawyer mentoring scheme to further improve diversity in the profession. We no longer provide any unpaid work placements as we believe that everyone who works for us should be paid at least the Living Wage for their efforts.

We're ensuring our promotion shortlists and panels are gender balanced. This is improving the percentage of women progressing into partnership year on year.

We've adopted, and are monitoring and improving policies on flexible working, parental leave and support for working carers.



We're growing our employee-led networks within our firm: REACH (Race, Ethnicity and Cultural Heritage); LGBTQ+; Disabilities and Long-Term Conditions; Gender and Working Families. These groups influence our antiracism statement; and our diversity and inclusion training programme and our annual diversity survey.

We have an unwavering approach to tackling modern slavery and are committed to improving our practices to enable us to identify and eradicate any modern slavery within our firm and supply chains.

We have a Mental Health First Aid network that provides first aid help from trained colleagues and refers clients to professional experts who can provide exceptional guidance and support.

One world

We fully understand that our activities have an impact on the environment and the communities we serve. Our responsibility is to minimise that impact by raising awareness of the climate emergency, reducing our carbon footprint and energy consumption wherever we can. Just like you, we're keen to engage with businesses across all service areas who share our outlook and ambitions.

We are a carbon neutral company after offsetting our carbon footprint to help support a major environmental project in Brazil.

To further reduce our environmental impact, we regularly review our energy practices. After one review, our IT department amended all printer settings to reduce paper consumption. We've also introduced movement sensors across our buildings to reduce energy use.

On an entirely pro bono basis, we worked with the Midlands Engine over 18 months to develop and deliver its 10-point plan for green growth – a platform for a seismic change across the region and a major step towards achieving Net Zero.

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