**RM6240 PUBLIC SECTOR LEGAL SERVICES**

**Lot 2a GENERAL SERVICE PROVISION (England & Wales)**

**Michelmores LLP**



**PV1 11/11/2022**

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# Introduction to Michelmores LLP

Michelmores is a full-service law firm with a national and international approach. Established as a family business in 1887, the Firm now has offices in London, Exeter, Bristol and Cheltenham, over 70 Partners and a total of around 450 staff.

Our service is built around the delivery of commercially-aligned advice which is flexible, transparent and client-focused. We add value to our clients’ organisations by providing effective strategic solutions - and we are also very comfortable with rolling up our sleeves and getting to grips with day-to-day challenges.

Michelmores recruits and develops individuals who are entrepreneurial and who challenge the norm, who take the initiative and spot the gaps to formulate commercial solutions which deliver value and benefits to our clients. We think of our clients as partners and build relationships with them for the long term.

* **How we will work with Buyers**

We invest time to understand our clients’ organisations, their objectives, and the challenges they face. We will listen to buyers to identify their needs and priorities.

We measure our success against our clients’ success. Our lawyers are trained to align themselves with our clients' preferred ways of operating and to work as a seamless extension of their in-house teams.

Michelmores' systematic approach is designed to deliver commercial gains and advantages. For example, by identifying common methodologies, issues and trends we can help buyers with risk management, as well as spotting opportunities and cost-saving benefits.

Each buyer has a Client Partner with overall responsibility for the quality of the service that we provide. We have robust procedures under which the quality of our work is checked regularly by experienced lawyers or matters subjected to peer review to facilitate delivery to a consistently high standard, to the client's satisfaction. Our dedicated core team is committed to leading, shaping and continuously improving the advice we provide to buyers. We optimise the use of technology to facilitate engagement.

* **What sets Michelmores apart**

We recognise the challenges and opportunities facing our Public Sector clients in today's ever-changing political and financial environment. Our lawyers' expertise, together with our high-quality, cost-effective service delivery, means we are well placed to help our clients meet these challenges and maximise opportunities.

We have an integrated cross-departmental approach to Public Sector work which acknowledges the fact that the issues faced by our clients rarely occur in isolation. Michelmores' lawyers share learning and experience, keeping up-to-date with developments in the law as it affects national and local government, health, and the emergency services, implementing continuous improvement and added-value programmes designed to inform and benefit our clients.

This expertise is complemented by a thorough understanding of the specific regulatory restrictions on individual Public Sector bodies. Our experience in working for the Private Sector, brings invaluable 'other side' insight to our advice to Public Sector clients entering into public/private transactions.

Michelmores' Public Sector solicitors work regularly alongside our clients' in-house legal teams, to enhance and supplement their capacity, as well as undertaking matters which need to be completely outsourced.

# Michelmores' Team Structure

**Supplier Relationship Manager:**

* **Carol McCormack**, Partner – carol.mccormack@michelmores.com

Carol is a highly-experienced framework Client Partner and Supplier Relationship Manager across a variety of Public Sector Contracts. She also advises on all aspects of PPP projects, joint ventures (property & commercial), collaborative arrangements and related financing, construction contracts, facilities management and services contracts, and public procurement.

**Key point of contact for bid/tender opportunities:**

* **Ian McWalter**, Bids Manager – ian.mcwalter@michelmores.com

**Key contacts for Lot 2a Services under RM6240 Legal Service Panel:**

* **Property and Construction** – **Richard Honey**, Partner – richard.honey@michelmores.com

Richard has extensive Public and Private Sector experience in all areas of sales, purchases, lettings and developments, as well as asset management (including clients with nationwide estates). He has advised on complex real estate projects and high-value (and often politically sensitive) acquisitions and disposals.

* **Planning and Environment** – **Mark Howard**, Partner – mark.howard@michelmores.com

Mark advises Public and Private Sector clients on planning and regeneration projects. His practice also covers environmental, commercial and regulatory matters, as well as conducting defence work and advocacy for regulatory, environmental and planning prosecutions.

* **Litigation** – **Jayne Clemens**, Partner – jayne.clemens@michelmores.com

Jayne's practice includes a wide range of high-value complex contractual disputes across the Public and Private Sectors, as well as a niche specialism in reputation management.

* **Employment** – **Andrew Tobey**, Partner – andrew.tobey@michelmores.com

Andrew has over 35 years' experience in advising clients on contentious and non-contentious employment law matters, providing support to both Public and Private Sector organisations.

* **Capacity**

***Experience:*** Wide experience of similar frameworks allows Michelmores to address multiple instructions for different framework clients simultaneously, without sacrificing service quality or cost transparency.

***Prioritisation:*** Instructions will be received and reviewed by the Responsible Partner who will ensure that appropriate resources (lawyer numbers, capacity and expertise) are allocated to deliver a timely service effectively, in line with buyer objectives, which represents best quality and value.

***Allocation and Resilience:*** Work will be allocated to team members based on complexity, factoring in expertise, cost, and related issues and risks. Each lawyer has a specific, non-duplicated role. All understand the appropriate regulatory environment. Additional agreed, fully-briefed subject experts can be drawn upon as needed. Our team has inbuilt capacity to deal with unexpected changes in demand across different framework clients, minimising disruption and ensuring continuity to tight deadlines.

***Efficiency:*** Similar tasks are assigned to the same lawyer to drive continuity and develop relationships. Co-ordinated knowledge-pooling maximises the opportunity for sharing instructions and costs between buyers (subject to confidentiality), avoiding duplication and additional charges, and enhancing quality by delivering a more agile, and accountable service. We talk to our teams to gauge workloads and to clients to understand and plan for future workloads.

# Michelmores and Social Value

What we do, and how we do it, have a wider impact beyond simply delivering legal services and solutions to our clients.

* **The Environment**

Michelmores works to **ESOS** guidelines; **aspires to achieve net zero by 2030**; has just received its accreditation for 2022 under **Environmental/Sustainability Certification Scheme**, **Planet Mark**, and is also engaged actively in the **ISO14001** accreditation process. We promote sustainability issues across our local and professional communities: mentoring start-up and local businesses; presentations to **Law Society** members; **Client Earth** speaking at Michelmores General Counsel Forum; presentations on sustainable real estate development/EV charging; pro-bono Partner involvement on **'Liveable Exeter'** board (carbon-neutral city by 2030).

Involvement in the **Chancery Lane Project**, a pro-bono initiative whereby every contract and/or law should help provide climate crisis solutions. We are signatories to the **Campaign for Greener Arbitrations**. Michelmores’ **ThinkGreen** project promotes best practice Firm-wide, informing and encouraging staff to reduce their environmental impact at work/in their personal lives. Our ground-breaking partnership with **B-Corp impact investor**, **Oxygen House**, sees Michelmores commit a proportion of this client’s legal spend towards measurable environmental initiatives.

* **Tackling Workplace Inequality**

Staff/managers receive training from: **Charlie Waller Trust** (mental health); **Henpicked** (menopause); external speakers (LGBTQ+ community). We **promote HR policies** on: adoption; shared parental leave; for those affected by pregnancy loss, premature birth, fertility treatment and domestic abuse. Our **Women@Michelmores** initiative supports the development/progression of women/improved gender balance. Over 40% of Partners are now women. We promote gender pay-gap reporting to improve pay transparency/inform decisions.

Michelmores partners with **Pathways to Law** (law-firm work experience for state school students), and **VisionPath** (building relationships/career support programmes with local schools). From 2023 we will offer **school-leaver solicitor apprenticeships**, widening access to the profession by creating opportunities for disadvantaged and minority groups. We offer **pro-bono** immigration/employment/family law advice to **Ukrainian refugees** and UK businesses, or individuals wishing to support or house them.

* **Health and Wellbeing**

Michelmores is a signatory of the **Mindful Business Charter** and holds **'achieving' status** with the **City Mental Health Alliance Thriving@Work framework**.

The Michelmores 5K Run Charity turned 21 this year and returned to raise funds for our charity partner, the **Charlie Waller Trust**, which works tirelessly to help people to understand and talk openly about mental health.

* **Creating New Businesses, New Jobs and New Skills**

Michelmores' legal apprenticeship programme promotes social inclusion, skills development/career progression and offers sponsored qualifications in business administration, accounting, tax, paralegal, conveyancing and **CILEX**. The paralegal apprenticeship offers opportunities to progress to conveyancing or legal executive apprenticeships. Several colleagues who joined in administration roles have since become qualified lawyers, and others have completed qualifications up to and including masters degree (Level 7). 2022 sees further recognition of the CILEX route, with the appointment of Michelmores' first CILEX-qualified Partner.

Our award-winning **MAINstream network for business angels**, provides a supportive environment for start-ups to seek funding for growth and jobs/skills creation by presenting their businesses to potential investors.

# Property and Construction Specialism

**Core team of 65 – including 20 Partners**

**Michelmores** provides the full range of expertise for the **Property and Construction** specialism, plus all aspects of real estate finance, as well as advice and support in relation to construction and infrastructure projects, PPP/PFI: crown, commercial and residential real estate including investment; site/property redevelopment; acquisition and disposal (including relevant tax advice); compulsory purchase; freehold, leasehold and licences; landlord and tenant matters; real estate litigation.

**Case Studies**

* Acting for a **London Borough** on the **acquisition of a freehold** newly-developed retail park. ***We enabled our client to achieve their targeted rental income in order to offset funding reductions****.*
* Acting for a **Local Authority** on initial **due diligence** re **strategic development** sites owned by the Council, including highlighting key risks and solutions, as well as advice on terms to be agreed with adjacent landowners in order to unlock the sites. ***We assisted the Council to unlock the development potential of long-term strategic sites/developing an on-going relationship from the planning process to ultimate disposal to developers****.*
* Advising a **London Borough** as to whether the Council (as landlord) could be compelled to consent to the **assignment of a business lease** by a tenant. ***We delivered a solution which permitted the assignment to proceed, whilst securing the Council's position****.*
* Working with several **authorities**, **Private Sector companies** and **FM providers** on **PFI hand-backs** gives us a unique skillset to support any public body approaching hand-backs. ***We ensure that clients are well prepared and have clarity on their rights/obligations as PFI projects near hand-back to the Public Sector****.*
* Acting for a **Unitary Authority's** development subsidiary to establish a **management regime** for a major *'net zero whole-life carbon emission'* development. ***We ensured on-going operational performance of the development in keeping with the sustainable design objectives****.*

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# Planning and Environment Specialism

**Core team of 6 – including 3 Partners**

**Michelmores** provides the full range of expertise for the **Planning and Environment** specialism, including: planning strategy; development projects/schemes; applications for development/ construction/change of use; compulsory purchase orders/s106 agreements; planning/development inquiries/appeals; litigation/ advisory/ transactional support on environmental matters incl. due diligence, inquiries/regulatory compliance.

**Case Studies**

* Acting on a 3,500-home **Garden Village** for a **Unitary Authority** in its capacity as LPA: negotiating and agreeing a comprehensive **s106 Agreement**, where site ownership is fragmented (Council plus several private landowners). ***We provided certainty for developers, who were seeking to begin development as a matter of urgency****.*
* Acting for the **Acquiring Authority** in the making of a complex **Compulsory Purchase Order** (CPO) for a new 3.9-mile link road, covering acquisition of 150 plots of land and associated new rights. ***With the minor landowners settled, we resolved the situation with the final landowner one day before the planning inquiry was due to start: saving months of time****.*
* Acting on odour nuisance for an ***'Energy from Waste'* company** running several plants on behalf of a disposing authority. The **Environment Agency** (EA) were considering prosecution. ***We investigated and******negotiated an undertaking with the EA, including mitigation, a contribution of around £65k towards renovation of local parkland, and an undertaking to prevent future breaches****.*
* Acting for a **Unitary Authority** on two related **s106 Agreements** (necessary to delineate clearly the responsibility of the various plot owners) as part of a significant urban extension. ***Using two s106 agreements assisted with unlocking the disagreement around ownership positions and allowed the development to proceed****.*

# Litigation / Dispute Resolution Specialism

**Core team of 21** **– including 7 Partners**

**Michelmores** provides the full range of expertise for the **Litigation and Dispute Resolution** specialism, including: civil litigation against and on behalf of buyers, including alternative dispute resolution, arbitration, mediation, contractual resolution procedures, advocacy and early advice on disputes; plus health & safety, corporate manslaughter, and reputation management advice.

**Case Studies**

* Acting for **several Police forces** and **PCCs** to resolve a **dispute** involving a ***'Multi-force Shared Services'*** initiative. ***We drafted Particulars of Claim, prepared for, and attended, a formal mediation, continued negotiations and concluded settlement documents***.
* Michelmores robustly and urgently defended a large **NHS Hospital Trust** on multiple urgent **pre-action procurement challenges/processes**. Supply under the tendered contract was business critical. ***Our advice prevented an expensive re-procurement exercise****.*
* Michelmores represented an **SPV** in a business-critical **multi-party dispute** with an **NHS Trust** pursuant to a £200 million Private Finance Initiative (PFI) scheme. We collaborated with specialist colleagues in Michelmores' Projects team to provide seamless contentious and non-contentious advice. ***Our cross-disciplinary approach, and close liaison with our client, enabled us to achieve a number of settlements****.*
* Michelmores **Specialist Defamation** and **Media Advisors** have brought/defended defamation and reputation management claims for an international animal welfare charity, both within/outside the English jurisdiction. ***Our support meant that the client was able successfully to defend the claims at first instance and on appeal****.*
* Advising/representing a large landed estate in a high-profile case involving **Corporate Manslaughter** and **Health & Safety** charges. ***Successful defence of the client on charges of corporate manslaughter and health & safety offences following a 5-week Crown Court trial****.*

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# Employment Specialism

**Core team of 15 – including 5 Partners**

**Michelmores** provides the full range of expertise for the **Employment** specialism, including: non-contentious matters re TUPE, COSOP, redundancies, restructuring, outsourcing, changes in terms & conditions, and reorganisations; plus contentious employment law, including litigation/dispute resolution.

**Case Studies**

* Advising a **County Council** on the employment law issues arising from the formation of a new **Tripartite Authority**, entailing substantial **staff restructuring** issues together with advice on complex TUPE matters. ***Our early involvement avoided substantial loss due to potential litigation claims and associated executive time, as well possible negative publicity associated with defending such claims****.*
* Supporting a **City Council** complex TUPE elements in **outsourcing** its waste management and recycling services. The contract was subject to public procurement rules. ***We minimised risks of claims arising from transferring staff and ensured the agreement of the appropriate indemnities to protect our client against risks of resulting staff claims and related costs****.*
* Advising a **London Borough** on the defence of a politically-sensitive/complex **disability discrimination** and **victimisation claim** brought by the Borough's senior in-house employment solicitor. Negotiating complete withdrawal of all the claimant's claims prior to the hearing of the matter. ***We ensured that the Borough was saved the costs of compensation payments/avoided the substantial irrecoverable costs and potential adverse publicity of a contested hearing****.*
* Advising Head of Legal at a **London Borough** on the defence of politically-sensitive **Employment Tribunal** proceedings for **sex discrimination, harassment** and **victimisation** brought by a senior in-house solicitor. Our team negotiated very favourable terms under which the Borough settled with the Claimant on the basis of payment of their contractual notice only, without additional compensation. ***This approach avoided a costly/lengthy hearing with potential adverse publicity for our client****.*