

HUGH | JAMES

Understanding law, understanding you

RM6240 Public Sector Legal Services

Lot 2a General Service Provision –
England and Wales

Lot 3 Transport Rail Legal Services

4th November 2022

Crown
Commercial
Service
Supplier

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SUPPLIER INTRODUCTIONS

About Hugh James

Hugh James is a top 100 UK law firm with offices in Cardiff, London, Southampton and Plymouth.

The firm has grown from humble beginnings in 1960 to now servicing a vast range of clients across the UK and overseas.

Although our workforce has grown to more than 500, we have retained and nurtured a unique culture which is based on hard work, exceptional talent, ambition, empathy, innovation and good humour. It is those qualities that have helped us grow the business to where we stand today.

We have ambitious plans to become a top 50 UK firm and our culture will be key to this.

What you can expect from working with us

Our clients tell us that it's the following features of our offering that make the greatest difference for them:

Cost-effective, partner-led teams. We always provide a partner-led team, with the Lead Partner being involved across all aspects of our service delivery. Their senior-level input throughout will ensure that you receive a quality service. The team will also include junior lawyers who can advise on less complex, more day-to-day matters, and trainees and paralegals who can support with research and administrative tasks. Where work is done by a more junior member of the team, their work will be peer reviewed and quality checked by the Lead Partner to ensure it is accurate and of the agreed level of quality. We recognise the financial pressures facing organisations in the public, third and social housing sectors, and this approach to staff allocation helps to ensure we strike the right balance between quality, efficiency and value for money.

Accurate scoping. We put a great deal of effort into scoping each piece of work to ensure our quote is accurate. We do not low ball. This means overruns are a rare occurrence and our clients have greater predictability and control over their legal spend.

Deep public sector expertise. For many years the public sector has been a strategic focus for Hugh James. We have a long-established and large Public Sector practice which advises more than 50 public sector clients, including the Welsh Government, local authorities in England and Wales, government-sponsored organisations, and education and healthcare providers. Several of our lawyers have previously worked in-house in central and local government, and many members of the team work solely with the public sector. This depth of expertise and understanding of the sector – the unique challenges, opportunities, political context and culture – enables us to add additional insight and value for our clients.

A commitment to upskilling. We appreciate that many public sector in-house lawyers need to be an expert in all things! We are committed to working in partnership with our clients and to upskilling their teams to enable them to become more self-sufficient. We add value for our clients by offering secondments, as well as regular training and thought leadership. Since 2004 we have run a well-attended Local Authority Training Consortium, which provides a platform for in-house legal teams and other local authority officers to receive the latest training on legal topics of interest, as well as connect with their peers. In addition to this, we deliver regular webinars throughout the year, as well as provide bespoke training to client teams.

Dedicated public sector relationship management. We have a dedicated Client Relations Manager for the public sector, whose role is to ensure we deliver a quality service and keep our promises to our clients. Our Client Relations Manager ensures we have formal review meetings to seek feedback on our performance to support continuous improvement. They ensure that any issues are caught early before they become major hurdles. They also monitor any agreed KPIs, help to arrange any requested training and value-added activity, and provide clients with regular Management Information.

TEAM STRUCTURE

Work done under **Lot 2a General Service Provision – England and Wales** will predominantly be delivered by our sizeable and long-established Public Sector practice.

The practice operates across our offices in Cardiff, London, Southampton and Plymouth and comprises individuals drawn from our specialist teams, including: Property, Construction, Planning, Corporate and Commercial, Procurement, Banking, Employment and Pensions, Dispute Resolution and Regulatory. The breadth and depth of our expertise enables us to advise on every aspect of the law that might be required to help achieve an organisation's social and commercial objectives.

The public sector is a key strategic focus for Hugh James and we advise over 50 public sector clients, including the Welsh Government, local authorities in England and Wales, government-sponsored organisations, and education and healthcare providers. Many of our lawyers have previously worked in-house in central and local government, so understand the culture and values of organisations in the public and third sector.

Our specialist teams are experienced in working together seamlessly on projects which need input from multiple legal disciplines. We have regular knowledge sharing sessions between teams, joint meetings and team building sessions to create a sense of cohesion.

We also have a 40-strong Social Housing practice, another key focus for the firm, which advises over 40 social housing providers across England and Wales, as well as an Education sector team.

Work done under **Lot 3 Transport Rail Legal Services** will be delivered by our dedicated Rail team.

The team operates across our offices in Cardiff, London, Southampton and Plymouth and comprises individuals drawn from our specialist Commercial, Corporate, Procurement, Commercial Property, Construction, Dispute Resolution and Employment practices. The team is led by Partner Aled Walters and includes five other partners as well as a range of other grades of staff.

Key members of the Rail team are also key members of our Public Sector team, ensuring insight and best practice from both teams is shared for the benefit of our clients.

Beyond this, with a workforce of over 500 people, we have a large pool of additional staff to draw from when needed.

Key contacts

Supplier Relationship Partner for Lot 2a



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Supplier Relationship Manager and key point of contact for tender opportunities



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SOCIAL VALUE

We recognise the pressure that our public sector clients are under to secure wider social, economic and environmental benefits through any work that they commission.

We have an embedded culture in our firm of making a positive contribution to the local communities in which we operate, and are committed to supporting our clients' social value goals. Some of the ways in which we contribute to delivering social value are as follows:

Social

- **Supporting volunteering** - Each member of staff is given two working days per year to use on supporting local community projects or fundraising initiatives. Our people are happy to commit their volunteering days to projects of importance to our clients.
- **Providing mentoring** - We are proud to support a mentoring scheme in partnership with Willows High School in Cardiff. Through the scheme, 20 students attend our Cardiff office each month to receive mentoring from a number of Hugh James volunteers, including partners, solicitors, paralegals and Central Services employees.
- **Supporting the wellbeing of our workforce** – We have Mental Health first aiders and an Employee Assistance Programme. Following feedback from a Staff Forum, in 2022 we also introduced a 'wellbeing day', where a member of staff can take a day of their annual leave entitlement, at short notice. We also support initiatives such as Time to Talk Day.
- **Being accredited by positive action schemes** - To help tackle inequality and improve diversity, we have been accredited by a number of positive action schemes. As a Disability Confident Employer we have the skills to take action to improve how we recruit, retain and develop disabled people. As signatories of the Armed Forces Covenant (AFC) we are also committed to seeking to support the employment of veterans, and working with the Career Transition Partnership (CTP) to establish a tailored employment pathway for Service Leavers.

Environmental

- **Minimising our emissions** - We minimise our carbon emissions by using public transport or green transport for site visits where possible, using Teams for meetings, adopting hybrid working, and being a 'paperlite' firm.
- **Adopting a zero waste mindset** - We not only recycle paper, plastic and metal but: redundant IT equipment is removed by Maxitec and repaired by young offenders, then donated to charities; unwanted mobiles are given to charities; and toners are given to a local hospital - to sell and keep the proceeds as a donation.

Economic

- **Closing skills gaps** - Our lawyers can deliver training to communities in presenting, persuasion/negotiation, and having difficult conversations. Our HR team can provide CV toolkits and deliver mock interviews. And our IT team can develop online webinars to tackle digital inclusion.
- **Providing work experience placements** - Our HR team often arranges work experience placements and we are happy to accommodate requests to host our clients' end users.
- **Providing students with access to real-life work experience** - Since 2006 we have run a successful pro bono programme with the Law department of Cardiff University's School of Law and Politics. Over 1,000 students have benefitted from the scheme so far, which focuses on the delicate issue of NHS funding for care home fees. The scheme gives students real-life, hands-on experience of what it's like to work at a law firm and how NHS Continuing Healthcare claims are handled. The scheme is delivered by our Nursing Care team.
- **Creating jobs in the local community** – Hugh James employs 500 people, making a significant contribution to the local economy. We also help to create the next generation of lawyers via our week-long summer placement scheme and our two-year training contract.

LOT 2A SPECIALISMS

Property and Construction

Construction

Our Construction team advises clients in the public sector on projects relating to housing, commercial and retail, infrastructure, transport and renewable energy. We also carry out due diligence work for funders involved in development or project finance, and advise on all types of construction and energy projects and disputes, including professional negligence.

Our Construction team is one of the largest teams in Wales, the Midlands and South West.

Property

Our large Commercial Property team works with a broad range of developers from both the public and private sectors, as well as investors and portfolio occupiers.

Our experience includes advising on site acquisitions and disposals, contract and lease negotiation, strategic property portfolio advice and industry expertise.

Case studies

- We advised **Coleg Gwent** on the £60m Newport Knowledge Quarter. This is one of the main projects to be funded by the Welsh Government Mutual Investment Model (“MIM”) as well as involving capital funding from the local authority. We have been advising on the structure of the transaction, access agreements, option and pre-emption agreements and shared occupational arrangements.
- We successfully represented the **Welsh Government** in an arbitration against Costain Limited in connection with cost and schedule overruns on a £340 million project to expand an eight-kilometre stretch of the A465 Heads of the Valleys Road in South Wales.

Social Housing

Our Social Housing team has been involved in the sector for over 30 years and works with over 40 housing associations and local authorities in England and Wales.

We advise the sector on: property, construction and planning; corporate, commercial and procurement; regulatory matters, employment, HR advisory and pensions; and have teams specialising in housing management, housing disputes and plot sales.

We are innovative in the sector. Our Digital Transformation Manager has been transforming the work of our plot sales team. Following our role in an HMLR pilot, in 2021 we completed the **UK’s first-ever** residential property deal using the revolutionary Qualified Electronic Signature (QES), and in 2022 have completed the **UK’s first-ever** commercial transaction, following rule changes. We are now discussing how to roll out DocuSign across our clients’ businesses. We have also pioneered a range of collaborations, networks and new approaches to help clients “do more with less.”

Case studies

- We are advising **Linc Cymru Housing Association** on a city centre regeneration project of the indoor market in Pentrebanne Caerphilly. This involved dealing with complex title issues, advising on the CPO process, state aid issues and on the funding being provided under the Transforming Towns Programme via the Targeted Regeneration Investment Fund and Social Housing Grant programme.
- We are acting for **Melin Homes Limited** in connection with the development of a site that they acquired from Monmouthshire County Council. The £43m development will include 291 homes, a 48-bed care home and open space. We advised on funding issues, construction contract strategy, site set-up, infrastructure agreements and the transfer of part of the site to Melin’s open market subsidiary organisation, Candleston Homes.

Child Law

We provide outsourced legal services to a number of local authority children's services teams across Wales and the south west of England.

Our work typically includes the conduct of care proceedings, secure accommodation applications, placement and adoption applications and emergency protection order applications. We act for local authorities in applications to prevent forced marriage and in respect of adults with disabilities.

We handle cases of the utmost gravity, including those featuring serious injury, sexual abuse, deprivation of liberty, female genital mutilation and complex jurisdictional and international issues.

We undertake all forms of public law Children Act work from initial and pre-proceedings advice to representation throughout proceedings. Wherever possible, we undertake in-house advocacy, at all court levels. Benefitting from a true breadth of experience, our team comprises partners, senior associates, associates, solicitors and paralegals. This allows us to offer a cost-effective approach to all our work.

Case studies

- We have for many years delivered all child protection legal services to **Blaenau Gwent County Borough Council**, previously comprising around 40 public law cases per year.
- We have acted as Legal Advisers to the Committees and Panels convened by the Care Council for Wales and **Social Care Wales** since 2011. During that time we have dealt with more than a thousand hearings in cases involving many hundreds of Registered Persons, with many cases involving advising on child protection regulation.
- We are a sole external supplier to **Cardiff Council** for advice on child protection matters.

Court of Protection

We are the only provider of out-sourced legal advice in England and Wales to local authorities in respect of Court of Protection proceedings. We take over cases acting as the legal department for the client's Social Services departments, conducting all preparatory stages and all court work. We are also experienced in defending adult social services departments challenged by Judicial Review.

We often advise on complex questions concerning local authority responsibilities to specific individuals. Our expertise includes: applications to prevent forced marriage; defending claims for accommodation and support; defending S21(A) applications for appeals against Standard Authorisations, deferred payments under the Care Act 2014; deprivation of liberty applications (DoLS) both contested and under the streamlined procedure; displacement of Deputies and Nearest Relatives; emergency applications for adult safeguarding; residential educational support application claims; Section 117 aftercare responsibility disputes; the implementation of the Social Services and Well-being (Wales) Act 2014; and welfare and finance matters before the CoP.

Case studies

- We acted for a **local authority** in its application to invoke the inherent jurisdiction of the High Court. The case concerned X, a 14-year-old with significantly reduced mental capacity who weighs more than 19 stone and poses a severe physical risk to himself and his mother. X was accommodated in an adapted hospital ward with a high ratio of carers and, when necessary to prevent significant injury, the use of sedation. His care was transferred to his home with a specially trained team of 24-hour carers during the course of proceedings and it is intended that a bespoke residential placement will be built for X to meet his needs in the long-term. The High Court exercised its jurisdiction to authorise the deprivation of X's liberty in the hospital and home settings in what is thought to be a novel use of those powers. Our team undertook all drafting, including preparation of a detailed skeleton argument summarising the existing law and conducted our own advocacy throughout.

Education Law

Our Education sector team is experienced in advising universities, colleges, schools and local authority education providers.

We can support further and higher education providers with:

- advice on their property and estates portfolio
- advice and conduct of proceedings relating to Judicial Review
- advice on student complaints, including cases before the OIA
- commercial advice, including on public procurement, IP and franchise arrangements
- employment law, HR services and pensions advice
- advice on mergers and acquisitions, restructures and the formation of spin-off companies, and banking advice on funding options for major projects
- advice on H&S, fire and environmental regulations
- fitness to practise issues and student disciplinary matters
- constitutional, charity law and regulatory advice.

We can support schools with: special educational needs tribunals; school appeals panels; school attendance prosecutions; and school re-organisations.

Case studies

- We advised **Cardiff University** on the TUPE transfer of over 300 staff and 3,000 courses from the University to a newly created body, Health Education and Improvement Wales.
- We assisted a **school** in relation to an investigation conducted by the ICO into a data breach.
- We drafted policies and procedures on behalf of the **Welsh Government** giving non-statutory guidance for the Department for Education and Skills in relation to the capability of school teaching staff and Headteachers.

Planning and Environment

Our Planning and Environment team advises public sector organisations and social housing providers on a broad range of issues relating to planning and environmental law.

We act for over 40 housing associations in providing planning advice on their affordable housing and mixed-use schemes as well as advising on judicial reviews and appeals. Our work with local authority planning departments involves providing “overspill” capacity for their in-house planning teams to deal with processing various planning applications including applications to register, divert and stop-up public rights of way. We also provide strategic advice to public authorities in relation to their Compulsory Purchase Powers and undertake work to exercise such powers where necessary.

We are experienced in advising on: planning applications and agreements; enforcement appeals (including advocacy at inquiries); Compulsory Purchase Orders; compensation including Lands Tribunal references; Section 106 agreements; consortium developments; highways and infrastructure agreements; joint venture agreements; local authority issues; Rights of Way; Rights to Light; Town and village Green applications; and Judicial Review.

Case studies

- We advised **Witham Town Council** on challenging a decision made by Braintree District Council to grant planning permission on a site which is protected as ‘Visually Important’.
- We represented our client **Welsh Government** at a four-day Public Enquiry relating to the submission of a Town and Village Green application to develop 460 residential dwellings on land allocated for residential development at Miskin, South Wales.
- We advised **Monmouthshire County Council** on securing permission from the Planning Inspectorate to improve the village green at Chippenham Mead in Monmouth town centre. There was considerable local pressure to undertake the works, and also an anti-works lobby opposing the application. We achieved the outcome the client sought within a short timescale.

Licensing

Our team of licensing solicitors combines expertise in both licensing and regulation to offer a full range of licensing legal services ensuring that licensed premises operated by our clients are running legally and safely. Working in conjunction with our regulatory investigations team, we advise on:

- premises licence applications
- variation applications
- designated premises supervisor variations
- personal licence applications
- objections and temporary events notices
- initial applications and transfers
- appeals and breach proceedings
- street trading and pavement licences
- summary reviews, interim steps applications and full reviews
- defending closure orders.

As a full-service law firm, we can offer licensing work as part of a service with other disciplines such as commercial property or insolvency. We are often engaged to deal with prosecutions for breach of licensing conditions and are known for our work in reviews and in contentious applications.

Case studies

- We have advised the **Welsh Government** and its agencies, including **Cadw**, the Welsh equivalent of Historic England, on the licensing of visitor centres within Welsh castles.
- We have advised on licensing issues in relation to **university** campus bars.

Pensions

Our Pensions team advises on both non-contentious and contentious pension matters and includes partners who are members of the Association of Pension Lawyers.

On the non-contentious side we advise on: pension scheme mergers; termination of accrual; changing benefits; enhanced transfer exercises; corporate transactions; auto enrolment; and drafting various deeds and rules. We also regularly advise on proposals to reduce pension benefits and the closure of final salary pension schemes and provides advice to clients on all issues relating to the auto enrolment process.

On the contentious side we advise on: High Court litigation including applications relating to rectifications and construction of scheme documentation (such as equalisation issues); Trustee claims to the PPF Ombudsman; Pension Ombudsman and TPAS complaints; professional negligence claims acting both for and against employers, trustees and professional advisors; and Alternative Dispute Resolution including mediation.

Case studies

- We were instructed to advise a **social housing provider** in relation to its proposal to change its defined benefit pension offering. We advised on the consultation process to follow and whether the Occupational and Personal Pension Scheme (Consultation by Employers and Miscellaneous Amendment) Regulations 2006 were applicable. We also advised on the proposed communications with employees and the approach to take to ensure the proposed change is clearly explained and the implications of the change understood.
- We recently successfully defended an application made to the Court of Appeal, where judgment in our client's favour was upheld.

Litigation / Dispute Resolution

Our Dispute Resolution department provides cost-effective and commercially-savvy legal advice to clients across a wide spectrum of commercial disputes. We have a proven track record of successfully acting in multi-million-pound disputes.

We provide specialist dispute resolution advice on matters relating to: Alternative Dispute Resolution (ADR); commercial dispute resolution; defamation; and professional negligence. We also have teams specialising in housing management, which advises social housing providers and local authority landlords, and property dispute resolution.

We also have experience of acting for public sector clients in defence of personal injury claims, including relating to public and employers' liability.

Case studies

- We acted for **Natural Resources Wales**, successfully defending a claim at first instance in the High Court in 2020. The Claimants appealed part of the first instance decision, which was heard by the Court of Appeal in the summer of 2021. The Claim involved an in-depth consideration of almost all the fundamental principles of property law, from the way in which freehold tenure has developed in England and Wales to question of adverse possession. Both the trial in the High Court and the Appeal were hybrid trials, with largely only judges and counsel in court. The appeal was streamed on YouTube. The Defendant was also successful on appeal on all counts.
- We are acting for **Aneurin Bevan University Health Board** in its breach of contract claim, with an estimated value of over £3.5m, against the software provider CareWorks Limited. CareWorks Limited was instructed to assist with the integration of a single health and care package throughout Wales. The claim arises because of allegations of contractual failures caused by significant delays on the part of the IT service provider and/or a third party who, whilst not contractually bound, has been actively involved in the project and has caused a number of the resultant delays which have given rise to significant losses.
- We defended a **Higher Education provider** against a personal injury claim for noise-induced hearing loss.

Intellectual Property

Our Intellectual Property team provides advice to help identify, develop, protect, manage and exploit all manner of intellectual property rights, including copyright, design rights, trademarks and patents.

We advise on protecting intellectual property rights; trademarks; acquisition of and exploitation of rights; licensing of such rights; protection of trade secrets and breach of confidence; copyright protection and infringement; data sharing; patent licensing and applications; disputes; registered and unregistered design right protection and exploitation; passing off and media and technology disputes.

We offer intellectual property audits and advice on IP portfolio management to assist organisations in assessing their risks and assets, and advice on how to protect and make the most of these assets.

Our clients range from individuals and SMEs through to larger national and international organisations from across the private sector, public sector and third sector. We have particular experience in the media and technology sectors.

Case studies

- We advised **Welsh Government** on its partnership agreement with the BBC in Wales relating to the funding of television production and funding of new IP. This was a high-profile piece of work and very important to the television production sector in Wales.
- We advised on an IP dispute involving a **Welsh university**. We also advised the **University of Wales** on developing a suite of IP licensing and exploitation agreements relating to its commercial spin-off operations.

Employment

Our Employment and HR Services team provides a range of services to deal with all aspects of professional and operational HR issues. This includes delivering ongoing HR training and advisory work, through to advising on larger-scale employment projects and change management programmes, and including all aspects of contentious and non-contentious employment law.

Our expertise extends to advising on: TUPE; industrial relations and collective bargaining; equal pay; data protection; complex employment tribunal litigation; and business immigration. We also have a team of seven HR Consultants who provide support in relation to reorganisations, investigations, benchmarking exercises and mediation services.

In addition we provide our clients with the option of a Legal Expenses Insurance product with ARAG which provides our clients with absolute cover in the case of an Employment Tribunal claim.

We have recently launched a training calendar of events providing training to our clients on a topics including GDPR, equality and diversity, disciplinary and grievances and TUPE.

Case studies

- We acted for the **City and County of Swansea**, successfully defending two separate highly complex claims (one which was in the Employment Tribunal and another which was currently in the Employment Appeal Tribunal). Both claims included allegations of whistleblowing, disability discrimination and unfair dismissal.
- We provide a full range of employment law advice to **Tai Tarian**, a large social landlord with responsibility for over 9,000 properties. Our Employment team advised this client in relation to a high-profile Employment Appeal Tribunal claim. The Claimant had worked for our client for more than 14 years and was alleged to have made a homophobic comment to a tenant. Our client's investigation found the allegation to have been proven and the Claimant was summarily dismissed. In unfair dismissal proceedings commenced by the Claimant, the ET did not accept that our client held a genuine belief that the Claimant had made homophobic comments as alleged and concluded the complaint of unfair dismissal was well founded. We lodged an appeal with the EAT, following which the EAT upheld our client's appeal in its entirety and remitted the matter to a fresh ET for rehearing.

Healthcare

Our Healthcare team works closely with our healthcare clients to provide focused specialist advice to achieve the required results on a cost-effective basis. We represent public and private healthcare providers, offering straightforward and practical advice. Our clients include healthcare service groups, pharmaceutical, biotech, and medical device companies, banks and private equity institutions.

Our services include advising on: acquisitions, disposals and mergers; contractual relationships with regulatory bodies; partnership/practice (and shareholder) agreements and disputes; collaboration and service-sharing arrangements (including public-private sector arrangements); corporate finance – all aspects of and the securities for investments and funding arrangements; regulatory matters; property – purchases, sales and leases; public procurement – ensuring commissioners of healthcare services comply with public procurement legislation; and employment issues.

Case studies

- We advised the **Development Bank of Wales** and the **Business Growth Fund (BGF)** on their £3.8m investment into healthtech start-up Ceryx Medical Ltd.
- We advised **Shaw healthcare** on the award of contracts to operate 12 care homes in Powys from Powys County Council.
- We are acting for **Aneurin Bevan University Health Board** in its breach of contract claim, with an estimated value of over £3.5m against the software provider CareWorks Limited, which was instructed to assist with the integration of a single health and care package throughout Wales.

LOT 3 TRANSPORT RAIL LEGAL SERVICES

Hugh James has a dedicated Rail team which supports rail operators and the wider rail industry on a broad range of areas involving their operations and commercial activities, infrastructure projects, workforce and real estate. Our team comprises experts from a range of legal disciplines, all of whom have considerable experience representing major operators, franchises and contractors. This means we can tailor our advice to the unique needs of rail sector clients.

Our approach to working with rail clients is to immerse ourselves in our clients' organisation to ensure our understanding of their commercial activities and challenges is as thorough as possible. In the past we have done this by placing secondees within our rail clients to enable knowledge sharing between us. This approach helps us to add value by ensuring we can provide dedicated support from lawyers who are always fully up to speed. Importantly it also helps us build effective and trusted relationships which are vital when it comes to partnering on complex and demanding projects.

Under Lot 3, our team can advise on the following issues relating to the rail network:

- **Operations** – specialist advice on day-to-day rail commercial activities, major strategic projects and complex contractual arrangements relating to passenger and freight operations as well as rail stations and platform services.
- **Franchising** – advice on franchise arrangements and the terms of franchise agreements.
- **Disputes** – rail disputes including litigation, arbitration, adjudications and Alternative Dispute Resolution.
- **Procurement** – specialist advice on the procurement of rail specific works goods and services.
- **Infrastructure** – advice in relation to rail stations, depots, signal boxes and general real estate and rail infrastructure projects.
- **Policy and legislation** – advice on the legislative framework and associated policies and guidance governing how the rail industry operates, covering railway-specific regulations and non-railway-specific regulations as they impact on the operations of our rail sector clients.

Our experience includes advising on:

- a managed service agreement to provide IT support by Keolis Amey to Transport for Wales
- contracts for telecoms providers for fixed and mobile services and Wi-Fi in office premises, at stations and on-board rolling stock
- the provision, maintenance and support of ticket vending machines; and energy contracts
- the terms of franchise agreement and major grant agreements
- amendments to rail operator obligations and grant agreements
- agreements between a rail operator and waste disposal specialist in the rail industry
- agreements with suppliers (utilities, road transport services and catering)
- track access agreements with Network Rail
- multimillion-pound software and hardware supply agreements with suppliers following the grant of the operation of a new rail franchise
- an agreement for the supply of software, hardware, security services, internet connectivity services, back-up, archiving and recovery services and release management
- agreements managing obligations between rail franchise operators
- providing advice on the running of various procurement exercises under the Utilities Contracts Regulations 2016 (UCR)
- advising on the public procurement implications of single source contract awards under the UCR and amending public contracts
- platform lease agreements, property agreements and concession agreements
- leases relating to rail depots and track rights agreements
- disputes in the rail sector, including around catering services and previous franchisees
- H&S, regulatory and compliance advice to operators, including relating to criminal sanctions.

Case studies

Advice to Keolis Amey

Hugh James was appointed to advise Keolis Amey Wales Limited, the entity which was awarded the rail franchise for Wales and the Borders following many years in the hands of Arriva Trains Wales. Hugh James now also advises Transport for Wales Rail on similar high value and complex issues in the industry.

For two years following the franchise award to Keolis Amey, we worked very closely with Keolis Amey on numerous complex and major pieces of legal advice, including advising on its funding and grant agreements, high-value supply arrangements, IT, IP and property matters.

Two members of our team have been seconded to Keolis Amey for significant periods across two years, enabling us to acquire in-depth knowledge of the client, its requirements and personnel.

Amendments to a grant agreement

We advised a rail operator on a project to transfer some of its functions back to the awarding authority. This was a complex project that required us to analyse and understand the grant agreement pursuant to which the franchise had been awarded to fully map the implications of the proposed transfer of the services. Having undertaken this mapping exercise, we then advised on, drafted and negotiated the commercial agreements needed to effect the transfer of the services and to set out the basis on which the awarding authority would supply these back to the operator. This project involved several members of the Rail team with a variety of specialisms. As well as commercial and public procurement considerations, there were also property considerations as well as an employment as a TUPE transfer was triggered by the change in service delivery.

Regulatory issues arising from the Covid-19 pandemic

We advised a rail operator on the steps it needed to take to implement requirements from legislation enacted during the Covid-19 pandemic to ensure the health and safety of passengers and staff. This was an especially complicated picture as the operator in question operated some services which crossed the border into Wales. Both English and Welsh legislation had to be considered, which did not always impose consistent requirements. We therefore needed to advise on a workable solution for services that crossed into Wales.

Agreements in relation to signal box operations

We advised on the terms of an agreement between Network Rail and a rail operator for the operation of additional Sunday services. This needed certain signal boxes to be opened on a Sunday and we drafted and negotiated the commercial agreements making provision for this change.



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Hugh James is authorised and regulated by the Solicitors
Regulation Authority (SRA Number 303202) and is authorised
and regulated by the Financial Conduct Authority.