

RM6240 Public Sector Legal Services

Lot 1b – Full Service Provision

November 2022



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The use of information provided throughout (with particular regard to that given in case studies and key contact biographies) is not commercially sensitive, and where it is not a matter of public record then appropriate permission has been sought for inclusion.

Introduction to Burness Paull

Burness Paull is a law firm with a Scottish heart and a global mind. Headquartered in Edinburgh, Glasgow and Aberdeen, and with 630 partners and staff, we are a full-service firm, providing legal services to clients in Scotland, the UK and internationally.

We are 100% independent. Our independence is important to us because it gives us the licence to support our clients and our people in ways that they genuinely value. We don't have a lengthy 'chain of command' – the team is empowered to make informed decisions that are good for our business and good for our clients.

Our full-service offering is split into three departments under which our divisions sit, as outlined below.

- **Corporate:** Pensions, Company Secretarial, Banking & Funds, Corporate Finance & Tax, Technology & Commercial, Restructuring & Insolvency, Energy, Private Capital and Family Law
- **Property & Infrastructure:** Construction & Projects, Planning, Real Estate
- **Dispute Resolution:** Dispute Resolution, Employment, Public Law & Regulatory.

Why Burness Paull?

We are a long-established firm - with a very modern mindset.

- Our **independence** is important to us because it gives us the license to support our clients and our people in ways that they genuinely value.
- At the heart of everything we do is the desire to be both **human and high-performing**. This is why we're truly individual as a firm. Our clients need the very best legal advice, but they also want it delivered by people with their feet on the ground who understand the context in which their recommendations are being applied. That's why we invest in producing genuinely likeable lawyers with an agile mindset and no weaknesses in technical delivery.
- We **work together** as a unique, compelling collective of individuals and create the right team to meet clients' needs, offer opinions that make a difference and go above and beyond every single day. It's the reason that we successfully service such a wide variety of clients across Scotland, the UK and multiple international jurisdictions.



Full service across
the UK



No.1

dealmaker in Scotland -
six years running



top tier directory
rankings



UK-based member firm
for Lex Mundi - global
network of leading
independent law firms

Team Structure

We are delighted to introduce you to your dedicated and experienced Burness Paull team. Set out below are the key contacts throughout the course of the CCS Framework.

YOUR SUPPLIER RELATIONSHIP MANAGER WILL BE HAZEL MOFFATT



Hazel Moffatt
PARTNER -
PUBLIC LAW AND
REGULATORY

Hazel is head of our public law and regulatory team. She has represented clients including the Scottish, UK and EU Governments, regulatory bodies across the health, education, information and utilities sectors as well as many high profile Scottish, UK and international businesses on matters ranging from judicial review, contentious procurement and public inquiries to cyber-attacks and data breaches, governance and board matters and legislative drafting.

CONTACT DETAILS:

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+44 (0)131 473 6328

YOUR KEY CONTACT: FOR BIDS AND TENDERS

Emma Hart, Bid Manager, emma.hart@burnesspaull.com and bids@burnesspaull.com, +44 (0)141 273 6710

OUR CORE SERVICE LEADERS



Morag Hutchison
Partner • Employment
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Callum Sinclair
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Steven McKinlay
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OVERVIEW OF THE SIZE OF OUR DIVISIONS (EXCLUDING NON CLIENT FACING STAFF) - ALL CCS SERVICES ARE COVERED BY OUR CORE DIVISIONAL TEAMS BELOW

Banking & Funds	33	Family Law	5	Real Estate	112
Company Secretarial	9	Pensions	10	Restructuring &	5
Construction & Projects	24	Planning	5	Insolvency	
Corporate Finance	62	Private Client	10	Technology &	14
Dispute Resolution	40	Public Law &	11	Commercial	
Employment	38	Regulatory			

Social Value

Corporate Social Responsibility is a core value for Burness Paull, not an add-on. We engage with our community; creating a sense of purpose, which energises us all. It makes us better colleagues, better lawyers and a better business.

At the heart of our Corporate Social Responsibility offering is the Burness Paull Foundation, a registered charity established in 2016 and funded by the firm. The Foundation's key objective is to promote the charitable work of the firm on a collective basis as well as the individual efforts of employees - making financial awards to help them fundraise for worthwhile causes of their choice. From Movember moustaches to marathons, swimathons to charity discos, employees have stepped up and taken on challenges to support a staggering 239 charities and counting.

Our ESG journey

Like many businesses, we are on a journey to improve our ESG (Environmental, Social and Governance) impacts and the sustainability of our business. While there is much to do, we were pleased to recently be awarded a gold medal for our sustainability efforts over the last 12 months partnered with EcoVadis, the only universal sustainability ratings provider, to strengthen our sustainability performance and reduce our carbon footprint. Achieving this puts us in the top 5% of companies who submit – including all leading law firms and other professional services firms.

Our Carbon reduction and net zero

An integral part of our ESG strategy is our commitment to achieving net zero carbon emissions by 2030. We have committed to a reduction of 50% in our carbon emissions using 2019/20 as the baseline.

We have two primary focus areas for 2022:

- **1. Carbon Reduction Strategy**

We are prioritising the reduction of our carbon footprint by developing a report outlining reduction opportunities against an agreed timeline.

- **2. Net Zero Plan**

Beyond our reduction targets, we are also exploring opportunities for offsetting our unavoidable carbon emissions.

Administrative and Public Law

Burness Paull's Public Law team in Scotland are experienced lawyers. Their partners have all worked within Government and the Public Sector. They have advised on many high profile and highly sensitive issues e.g. public inquiries, investigations, statutory appeals, procurement challenges, disciplinary proceedings and judicial reviews.

SERVICE PROVISIONS:

All aspects of public law including but not limited to:

- local Government law;
- inquiries and judicial reviews;
- professional disciplinary proceedings;
- public regulatory law; and
- devolved powers of the National Assembly for Wales, Scottish Parliament and Northern Ireland Assembly and sub-national devolution as these relate to Mandatory Service requirements.

CASE STUDIES:

Acted for **an economic development agency** to successfully defend a judicial review challenging a funding decision made by HIE during the pandemic to support businesses. The complex claim involved procedural impropriety, irrationality, bias, and breach of legitimate expectation as well as alleged breaches of state aid / subsidy control.

Advising the Independent Monitoring Authority on compliance of public bodies in Scotland with the UK's obligations under the EU Withdrawal Agreement and changes to public body procedures to ensure compliance.

KEY CONTACT:

Hazel Moffat, Partner

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Non-Complex Finance and Investment

Burness Paull's Finance team has a track record of leading transactions and the delivery of practical solutions and advice. It acts for international and domestic financial institutions, private equity houses and corporate borrowers. Many of the team have City or in-house experience and all have exemplary credentials in a range of financings including oil and gas, renewables, acquisition, asset-backed and real estate as well as restructurings and securitisations.

SERVICE PROVISIONS:

All aspects of finance matters including but not limited to:

- acquisition (leveraged) finance
- real estate finance
- general banking matters (domestic and overseas, including loan agreements, guarantees and security arrangements)
- asset finance
- project finance
- oil & gas finance (incl. upstream and oilfield services)
- renewables finance
- fund finance
- securitisation/receivables

CASE STUDIES:

Acted for the registered social landlord **Sanctuary Scotland Housing Limited** in connection with its various term and revolving credit facilities and associated charging exercises. We have also acted for SSSL in relation to its bond funding programme.

Acted for **Scottish Enterprise** in connection with its loan investment into Meygen plc to support Meygen's development of its tidal stream project on the north coast of Scotland, and the subsequent restructuring of those loan facilities and related intercreditor issues.

KEY CONTACT:

Jonathan Heaney, Partner

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Contracts

Our commercial contracts team supports a wide range of Government and wider public sector contracting and advisory requirements. All organisations enter into a variety of commercial contracts. Whatever the contract type or circumstance, we will advise you on how to ensure that the contract meets your commercial requirements and is in line with market practice, taking account of public sector requirements around audit, value for money, policy matters, FOI/EIRs etc.

SERVICE PROVISIONS:

All aspects of contracts and contract law, including:

- advising on, drafting and negotiating agreements relating to commercial activities including supply of goods and services, outsourcing / contracting out of services, manufacturing, agency and distribution, concession contracts, shared service arrangements, collaboration agreements, joint ventures and grants;
- supporting relationships including advising on rights and obligations, changes, termination / exit and transition between suppliers and advising on commercial / contractual reorganisations and restructuring including novations, assignments and changes in ownership;
- advising on public infrastructure regulation such as UK/EU regulation relating to energy, water, transport and telecommunication industries necessary to support commercial transactions and/or arrangements; and
- advising on grant funding.

CASE STUDY:

We acted as lead advisor to **Scottish Futures Trust (SFT)** on creation of the Scotland 5G Centre in collaboration with the University of Strathclyde and the University of Glasgow. This involved advising on procurement strategy, state aid/subsidy control, corporate structuring, intellectual property and commercialisation, and drafting / negotiating MOUs and collaboration agreement. Working closely with the Universities to ensure their funding criteria and academic requirements were met and optimising the opportunity for 5G research and roll-out in Scotland.

KEY CONTACT:

Callum Sinclair, Partner
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Competition Law

Our competition lawyers have deep connections with top firms in each country, we have immediate access to best in class competition lawyers across the globe and are able to give you advice on international competition law issues, including merger clearance requirements for every issue.

SERVICE PROVISIONS:

All aspects of competition law including but not limited to:

- contentious and non-contentious advice and support in relation to domestic and international competition law, including retained EU law, cartels, abuse of a dominant market position and merger control; and
- all aspects of subsidy control and legacy State Aid.

CASE STUDIES:

We advised a national economic development agency on the extent to which it and its partner public investment body are, as statutory bodies, subject to competition law. If so, then this could carry significant risks to challenges to their activities under competition law. There was, for example, a concern to ensure that the agency and public investment funder were able to share information intended to ensure the stated overlapping objectives of each organisation to support economic development was competition law compliant.

We are advising **Wave Energy Scotland** – a wholly owned subsidiary company of Highlands and Islands Enterprise – on contractual, governance and compliance matters regarding a pan-European project funded by the EU Horizon 2020 programme for the further development of wave energy devices using pre-commercial procurement processes to comply with requirements of the state aid rules (which still apply in the context of an EU funded project). This is a joint cross-border project involving a Spanish and a Belgian entity.

KEY CONTACT:

Colin Miller, Partner
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Corporate Law

We are a large and active M&A team and our clients are amongst the most innovative companies in the UK, with 15 partners and 50 qualified lawyers. In addition to our array of experience on M&A deals of all shapes and sizes, we are greatly experienced in supporting clients across the UK and beyond on intra-group re-organisations and hive-ups.

SERVICE PROVISIONS:

All aspects of corporate law including but not limited to:

- company law;
- public and private company transactions (including mergers and acquisitions and corporate finance);
- share acquisition, disposals, capitalisations;
- entity selection and formation of Government companies and Government joint ventures and venture capital advice;
- directors' duties;
- company secretarial services;
- operating and partnership agreements, mutual arrangements;
- securities and governance matters; and
- restructuring of ownership and complex and innovative legal structures and initiatives.

CASE STUDY:

We are advising **Wellcome**, a company limited by guarantee and the sole trustee of the Wellcome Trust, a charity dedicated to medical research and new drug discoveries, in its recommended public takeover of the entire issued and to be issued share capital of Urban & Civic plc ("Urban & Civic"), a regeneration-focused property development company listed on the Main Market of the London Stock Exchange. The acquisition is to be affected by means of a court-sanctioned scheme of arrangement under Part 26 of the Companies Act 2006 (the "Scheme"). We are advising Wellcome on all Scots law aspects of the Scheme, including the court proceedings and the content of the scheme documentation.

KEY CONTACT:

Catriona Macallan, Partner,
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Data Protection and Information Law

We have one of the largest teams of data privacy lawyers in Scotland, bringing together genuine expertise in both contentious and non-contentious issues in the private and public sector.

Our key expertise is in GDPR compliance, privacy, security and ethics by design, international data flows, focussed M&A advice and breach response action. Our regulatory experience includes advising on issues such as policy influence, legislative drafting, creating and implementing new regulatory structures, and regulatory compliance. We have provided a wide range of governance advice to statutory bodies and regulated entities and have strong credentials in information governance, freedom of information legislation, and other data privacy matters.

SERVICE PROVISIONS:

All aspects of data protection and information law including but not limited to:

- the law surrounding the use and control of information by public and private sector bodies, including domestic and EU data protection legislation;
- international data transfers;
- data protection laws, data requests and complying with the principles of transparency; and
- Freedom of Information.

CASE STUDY:

Advised **Scottish Funding Council** on a range of data protection and information law matters including:

- advising on the interpretation of UK legislation governing the use of statistical data obtained from the higher education sector;
- providing advice on data sharing in the context of European Social Fund monitoring; and
- assisting with complex and high profile issues including handling complaints under its model complaints procedure, accompanied by detailed FOI and subject access requests.

KEY CONTACT:

David Goodbrand, Partner
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Employment

Our highly experienced employment team advise clients on the full 'life cycle' of employment issues, ranging from recruitment; employment contracts/policy documentation; remuneration, benefits and rewards; disciplinary and performance issues; absence management; grievances; through to termination of employment and employment tribunal claims.

SERVICE PROVISIONS:

All aspects of employment law including but not limited to:

- non-contentious employment matters relating to TUPE, COSOP, redundancies, restructuring, outsourcing, changes in terms and conditions, and reorganisations; and
- contentious employment law including discrimination / equal opportunities involving litigation and / or dispute resolution.

CASE STUDY:

We advised **Cornerstone**, one of the largest charities in the social care sector, on industrial relations and trade union law advice. We supported the client following its decision to derecognise UNISON the union, after over 20 years of voluntary recognition. This resulted in application by UNISON for compulsory trade union recognition through the statutory regime. We represented Cornerstone before the Central Arbitration Committee (CAC), conducting the advocacy throughout, with evidence led from Chief Executive level, to determine the appropriate bargaining unit for collective bargaining purposes across the charity. We continue to advise the clients in defending "inducement" class action claims raised by the union on behalf of over 400 members, which are now the subject of an appeal to the Employment Appeal Tribunal (EAT).

KEY CONTACT:

Morag Hutchison, Partner
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Information Technology

Our dedicated IT practice have the combined depth and breadth of expertise in technology contracting and advisory work, IT disputes, and corporate technology transactional matters. We source all of our work from, and carry it out in, Scotland. The size and strength of our team allows us to organise ourselves around technology specialisms which are most important to the Scottish (and wider UK) economy.

SERVICE PROVISIONS:

All aspects of information technology law including but not limited to:

- information technology and telecoms procurement and contracting;
- design, development, maintenance and support contracts;
- restructuring of contracts and/or services, change control work;
- exit and migration/transition; and
- hardware purchasing, software licensing, managed services, E-commerce, cloud based services, convergent technologies, AI, digital/crypto assets and the internet.

CASE STUDIES:

We were lead advisors on the **Financial Services Compensation Scheme (FSCS) Strategic Technology Partner procurement** – a deal to appoint a partner to consider digital transformation and innovation in the services delivered by FSCS for up to the next 10 years. We provided assistance to FSCS with all aspects of the ambitious IT transformation programme,

We advised **Scottish Futures Trust** in connection with all aspects of a DCMS DCIA funding call to support its Infralink Programme, involving 4 local authorities, Connected Places Catapult, Improvement Service and a private sector partner. Our work included a review and flow down of the DCMS Grant Agreement, preparing and negotiating a complex multi-party Collaboration Agreement as well as various ancillary contract documents with programme stakeholders.

KEY CONTACT:

Callum Sinclair, Partner
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Infrastructure

Our team advises on PFI, PPP, NPD, hub, MIM and other bespoke structures projects (each focussed on delivering key policy related outcomes and supporting net zero ambitions) as well as undertaking secondary market deals and providing general and specific project-related advice. We have a high-profile client base, acting on behalf of bidders, public bodies and funders on projects throughout the UK.

SERVICE PROVISIONS:

All aspects of infrastructure law including but not limited to:

- the structure and financing of infrastructure projects and deals including PFI, PPP and non-profit distributing models;
- asset disposals;
- refinancing and reorganisation; and
- advice on regulation.

CASE STUDIES:

We advised [**Highland & Islands Enterprise**] in joint procurement with the University of the Highlands and Islands (UHI) on the Life Sciences Innovation Centre (LSIC) a new build project at Inverness Campus and key commercial, educational and innovation hub for HIE in the Inverness area.

We advised **SFT** in relation it's successful bid for UK DCMS grant funding in support of a digital asset infrastructure project involving a range of public and private sector stakeholders

We sit on a pathfinder healthcare project expert review panel for a devolved administration department under an innovative infrastructure investment programme

KEY CONTACT:

Fenella Mason, Partner
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Intellectual Property

Our contentious IP practice, led by Colin Hulme, is the busiest in the country. In recent years we have acted in over half of all actions raised in the Scottish Intellectual Property Court, raising the majority of those actions. Our non-contentious practice is one of the biggest non-contentious practices in Scotland with thirteen qualified lawyers.

SERVICE PROVISIONS:

All aspects of intellectual property law including but not limited to:

- contentious and non-contentious support and advice relating to patents, copyright, trademarks, trade secrets and rights in confidential information, database rights, design rights, and other forms of intellectual property; and
- assignment and licensing of rights and commercialisation and exploitation of intellectual property.

CASE STUDIES:

We are advising **Scottish Enterprise** on the terms of an IP licence from the University of Glasgow to CENSIS (Scotland's Innovation Centre for Sending, Imaging and Internet of Things) to ensure that its commercial interests are protected, and on related agreements on how the parties will collaborate with the Scottish Government on future development

We are currently acting for **Glasgow City Council** in enforcing copyright held by it in Salvador Dali's iconic work Christ of St John on the Cross. This engagement involved advising on and implementing a strategy for the enforcement of the copyright in the work around the world.

KEY CONTACT:

Colin Hulme, Partner,
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Litigation & Dispute Resolution

Our dispute resolution team is an experienced commercial litigation team. It handles high-value, complex cases for Government agencies, international businesses, global conglomerates, and high-profile individuals across the UK. Our team are skilled in all forms of dispute resolution and will work with clients for the best resolution, whether this is by litigation, negotiation, arbitration, mediation or expert determination.

SERVICE PROVISIONS:

All aspects of litigation and dispute resolution including but not limited to:

- civil litigation against and on behalf of Buyers; and
- alternative dispute resolution, arbitration, mediation, contractual resolution procedures, advocacy and early advice on disputes.

CASE STUDIES:

Acting for **Highlands & Islands Enterprise (HIE)** in pursuing significant, high value, guarantee claims in two Court of Session actions following the insolvency of the Cairngorm Mountain Resort. HIE have a parent company guarantee and a personal guarantee and are pursuing substantial claims from those guarantors.

We have advised the **Insolvency Service (IS)**, an executive agency of the Department for Business Energy and Industrial Strategy, for more than 15 years in connection with its regulation of companies. This is important work in the public interest: ensuring that those dealing with limited companies can have confidence that the behaviour of directors is properly monitored and regulated; and that action is taken to address bad behaviour.

KEY CONTACT:

Gary Moffat, Partner,
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Partnerships

Our corporate finance team have experience advising investors and businesses of all shapes and sizes, we have advised private companies and public bodies for decades. We have a long-standing relationship with Scottish Enterprise (SE), a non-departmental public body of the Scottish Government and have advised them on a variety of investments, including Shot Scope, Intelligent Growth Solutions and Novosound, and the sales of its portfolio companies Current Health and TV Squared to US strategic trade buyers.

We also have a very strong relationship with Housing Growth Partnership who are backed by Lloyds Bank and Homes England.

SERVICE PROVISIONS:

All aspects of partnership law including but not limited to:

- contentious and non-contentious partnership matters.

CASE STUDIES:

We acted for the 12 English local authority pension schemes comprising the **Border to Coast Pensions Partnership** in relation to the setting up of their structures for investing in the alternatives sphere.

We acted for a wholly owned subsidiary of a **Local Authority** established for the purposes of developing industrial sites, including brown-field sites, for economic development purposes and the creation of employment opportunities. We advised in relation to procurement aspects of a joint venture to be established for the development of industrial units; including advising on tender documentation, and requirements of the regulations applicable to such joint ventures.

KEY CONTACT:

Paula Kennedy, Partner
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Pensions

We have one of the largest pensions teams in Scotland with a UK wide reputation. Our team advises on pensions aspects of M&A, corporate restructuring, alternative funding arrangements and insolvency. It also advises trustees, local authorities and NDPBs on all aspects of running pension funds, and insurance companies on the pension products they provide to the market. The team comprises lawyers dual-qualified in English and Scots law.

SERVICE PROVISIONS:

All aspects of pensions law, including but not limited to:

- private and public sector pension schemes;
- pensions litigation;
- regulatory compliance;
- trusteeship; and
- the provision of employee benefits.

CASE STUDIES:

Acting for the trustees of the **Highlands and Islands Enterprise Superannuation Scheme**, successfully negotiating a crown guarantee from the Scottish Ministers guaranteeing in full the liabilities of Highlands and Islands Enterprise to its pension scheme. This was important because the liabilities of the pension scheme are now effectively underwritten by Scottish Government, greatly enhancing the security of benefits provided under the scheme.

Acting for the **Independent Parliamentary Standards Authority** in re-writing the rules of the MPs Pensions Scheme. We advised on benefit design issues and assisted in the preparation of a public consultation document. We drafted a new version of the MPs' Pension Scheme rules to reflect the outcome of the consultation.

Acting for the **Student Loans Company** on the closure of its defined benefit pension scheme, and the transfer of scheme members to the Civil Service pension scheme.

KEY CONTACT:

Margaret Meehan, Partner

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Public Procurement

The focused structure of our public procurement practice is unique in Scotland; it is not simply an adjunct to a broader competition law or projects team. It is a dedicated procurement team which focuses exclusively on meeting the procurement law needs of public sector clients such as Highlands and Islands Enterprise, Scottish Enterprise and Student Loans Company Limited.

SERVICE PROVISIONS:

All aspects of public procurement law including but not limited to:

- the application of domestic and EU public procurement law; and
- end-to-end support on procurement exercises, including drafting specifications, evaluation criteria, tender documentation and associated procurement and contractual documentation.

CASE STUDIES:

We are continuing to act for the **Improvement Service** on major Scotland-wide projects – involving all 32 Scottish local authorities - focusing on shared services in transport related assets. This reflects a major strategic aim of the Scottish Government in seeking to promote shared services to secure efficiencies and higher quality public services across Scotland.

We supported **Energia**, the Northern Ireland based utility company, in its business-critical procurement of a multi-supplier, multi-lot, framework for the development and enhancement of new IT systems and business processes. The framework is critical to the Energia business as its IT systems and associated processes need to adapt to changing business requirements.

KEY CONTACT:

Graeme Palmer, Partner

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Property, Real Estate and Construction

Our property, real estate and construction team is experienced in all aspects of real estate in Scotland. With a proven track record of working successfully with public, quasi-public and private sector bodies on complex projects. We are involved in a wide range of projects, including renewable energy (from on and off-shore wind to solar, biomass, CHP, waste to energy and waste management). We also advise on large-scale housing, social housing, private rented sector and new settlement projects, utilities, ports and harbours, education, health, leisure, commercial and retail.

SERVICE PROVISIONS:

All aspects of real estate and real estate finance including:

- crown, commercial and residential real estate including investment, site/property re-development, acquisition, and disposal (including relevant tax advice), compulsory purchase, freehold/heritable, leasehold and licences, landlord and tenant matters, social housing; and
- real estate litigation.

All aspects of construction law including advice and support in relation to construction and infrastructure projects.

CASE STUDIES:

We advised **Glasgow City Council** in the high profile and high value sale (and leaseback) of a substantial portfolio of property assets to its offshoot, City Property, to create a fundable property investment portfolio and ultimately to secure commercial funding from three separate funders. The project included a number of significant Glasgow landmarks, including Glasgow Royal Concert Hall, Emirates Arena and Riverside Museum.

We advised the **Department for Work and Pensions** on the large scale rationalisation of its estate, involving 20 new leases, 6 lease extensions and 8 lease assignments across its Scottish portfolio. This included the flagship letting of c85,000 sq. ft of office space at 1 Atlantic Quay, Glasgow.

KEY CONTACT:

Steven Mckinlay, Partner

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Energy, Natural Resources and Climate Change

Our firm has over 50 years experience advising clients in respect of all aspects of energy and have a deep understanding of the sector and all its sources (oil, gas, renewables, nuclear etc). We have a team of over 40 energy specialists who provide a full legal service to our clients including upstream, oilfield services, renewables, capital markets, health & safety, regulatory, environment, IP, employment, dispute resolution and technology.

SERVICE PROVISIONS:

All aspects of energy, natural resources and climate change including the permitting, development, financing, taxation, contracting, licensing, management, operation, environmental, climate change impacts and regulatory issues relating to:

- oil and gas, including unconventional oil and gas;
- renewable energy, including electricity generation;
- energy efficiency measures;
- water, air and land use, including emissions and pollution;
- nuclear energy.

CASE STUDIES:

We are exclusively appointed by the **Net Zero Technology Centre (NZTC)** whose purpose is to promote innovation in the energy sector with a focus on the energy transition and net zero technologies. We provide ongoing support and advice in connection with a range of matters including oil & gas contracts, power purchase agreements, corporate finance, commercial contracts, health & safety, intellectual property, and public law & regulatory.

We are providing ongoing strategic and project specific net zero support to a Government department in relation to critical national energy infrastructure including on options for its decarbonisation, related energy transition opportunities and just transition implications

KEY CONTACT:

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Planning

Our Planning team comprises four dedicated full time planning lawyers. They are led by Solicitor Advocate and former Standing Junior to the Scottish Ministers, Alasdair Sutherland. They are known for their expertise in handling strategically important and complex matters. Their experience includes all aspects of development management and development planning – non-contentious and contentious – representing clients at committee hearings, public inquiries and in court. They also have extensive experience of compulsory purchase, acting for the acquiring authority, developers and landowners.

SERVICE PROVISIONS:

All aspects of planning law including but not limited to:

- planning strategy;
- development projects and schemes;
- applications for development,
- construction and change of use;
- compulsory purchase orders and
- s75 (s106) agreements;
- planning/development inquiries;
- appeals;
- judicial review / statutory appeals

CASE STUDIES:

Acting for **Barratt Homes** in a successful appeal to the Scottish Ministers against West Dunbartonshire Council's decision to refuse planning permission for a new residential housing development. Successfully representing Barratt Homes in the subsequent legal challenge, including opposing the Council's application to appeal to the Supreme Court.

Acting for **Clyde Gateway** in its promotion of a compulsory purchase order as part of Glasgow City Council's inner-city regeneration programme.

Acting for various landowners objecting to the exercise of statutory powers to lay services across private land. This includes representing clients in the Lands Tribunal with regards the question of compensation.

KEY CONTACT:

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Restructuring and insolvency

Our restructuring and insolvency team is led by dedicated specialists in their field who can handle all aspects of restructuring and insolvency transactions and litigation. Our restructuring and insolvency lawyers advise on: transactional restructuring and advisory work for lenders and borrowers; advisory work on contentious matters, enforcement, and insolvency litigation; asset sales, advisory work, and litigation for insolvency practitioners; purchasing business and assets out of insolvency; directors' duties for boards of distressed companies.

SERVICE PROVISIONS:

Restructuring and insolvency including but not limited to:

- supplier, partner and supply-chain insolvencies and restructuring; and
- consequences (and mitigation) of insolvency of suppliers.

CASE STUDIES:

Acting for **Highlands and Islands Enterprise** in buying the Cairngorm Mountain Funicular Railway and snow sports centre business out of administration. We completed the purchase in a very compressed timeframe in order that HIE could protect continuity of the business, safeguard the local economy and preserve jobs.

Advising a department of **UK Government** on Scottish insolvency law (and in particular differences between Scottish and English law, and the lack of an Official Receiver in Scotland) for the purposes of contingency planning for distress in a particular sector of the economy during Covid (confidential).

Advising **Scottish Enterprise** on the insolvency of Burntisland Fabrications (BiFab). SE leased a site to BiFab and therefore was a landlord creditor in the administration. We also advised SE on negotiations with the administrator to allowed continued occupation of the site and to agree terms for assigning BiFab's interest in the lease to a buyer.

KEY CONTACT:

Michael Thomson, Partner
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 T: +44 (0)141 273 6861

Food, Rural and Environment Affairs

Our food and drink lawyers have extensive experience across the entire supply chain, from manufacturing through to wholesalers and retailers.

Our rural team continue to work with our clients to provide advice on the purchase and sale of farms and estates across Scotland. We have been involved in many of the largest farming and estate purchases and sales in recent years.

SERVICE PROVISIONS:

All aspects including but not limited to:

- water, air and land use, including emissions and pollution;
- water services and quality;
- flooding;
- waste and recycling;
- fisheries and marine;
- food and farming;
- animal and plant health and animal welfare; and wildlife.

CASE STUDY:

We are well known and highly regarded in providing advice to clients operating in the agriculture and rural sectors on the diversification of land use. The firm has genuine expertise in advising on diversification strategies including in relation to renewables and other commercial and residential development. Examples of this are advising the **Fasque Estate** and **Balnacoil Estates** in respect of proposed renewables projects and advising the **Grandhome Trust** and the **Duke of Fife** in respect of the mixed use development of former agricultural land.

KEY CONTACT:

David Morgan, Partner.

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Franchise Law

We have a range of experience in acting for both franchisors and franchisees on both non-contentious and contentious matters. With lawyers qualified to advise on all aspects of both English and Scots law, including real estate and litigation, we advise on franchise arrangements across the UK and beyond. This advice includes drafting franchising agreements, negotiation, registration of trademarks, employment issues and disputes.

SERVICE PROVISIONS:

All aspects of franchise law including but not limited to:

- the design and establishment of franchise arrangements; and
- advice on contentious and non-contentious aspects of franchise agreements.

CASE STUDIES:

We recently worked with Patisserie Valerie in relation to the master franchising arrangements for its high profile retail brand, including airport franchise agreements and trademark licence agreements.

We also supported Space and People which markets, sells and manages promotional space and short term retail space throughout the UK in high footfall venues such as train stations, shopping centres and retail parks.

KEY CONTACT:

Colin Miller, Partner

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T: +44 (0)141 273 6828

Health, Healthcare Environmental Affairs

Our team of advisors has experience with high-value complex Project deals in the Scottish Healthcare sector. We regularly act across the diversity of healthcare services, from Primary Care through Acute Medical, major infrastructure projects and into community-based care provision and later life living. We support voluntary mental health services and advised the British Medical Association on financial models to enable GP practices to thrive.

SERVICE PROVISIONS:

All aspects of health, healthcare and social care law including but not limited to policy, legislation, commissioning and all transactional, litigious and regulatory issues relating to Central Government and the NHS and to the regulation of health, mental health and social care services or settings.

- Excluding personal injury.

CASE STUDY:

We advised **hub West Scotland** in the SPV in relation to COVID-19 delays to construction relating to Greenock Health & Care Centre; Stobhill Hospital; and Clydebank Health & Care Centre; as well as acting on a phased DBDA project to develop a new North East Health Hub on a site near Parkhead, Glasgow. Having advised Hub West extensively on DBFM and DBDA matters to develop facilities for NHS Greater Glasgow previously, these Projects are further major steps in contributing to the regeneration of primary healthcare provision in the most populous health authority area in Scotland. It is important to the firm to be at the forefront of acting in projects which are prime examples of the dual SFT goals of promoting regeneration and of delivering hub facilities for better value for money.

KEY CONTACT:

Chris Horsley, Director

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T: +44 (0)131 473 6315

Life Sciences

We operate extensively across the life sciences community - we nurture start-ups and spin-out teams as they seek to push the boundaries of medical science, guiding them through funding rounds and calling on our extensive team for a range of relevant, specialist legal services as they grow. Our Corporate and M&A teams are called on by life science investors and management teams alike, to advise them during their most significant business transactions.

SERVICE PROVISIONS:

Advise on all legal aspects affecting the life sciences sector including but not limited to:

- all transactional, litigious, and regulatory issues relating to pharmaceuticals, medical devices and biotechnology including licensing and acquisition of new products.

CASE STUDY:

We are advising **Highland & Islands Enterprise** on the procurement and construction of the Life Sciences Innovation Centre, consisting of a teaching and research facility for the University of the Highlands and Islands and commercial space for Highlands & Islands Enterprise. This is a complex project integrating the requirements of procuring parties via Partnering Collaboration Agreement and the engagement of a main contractor. The project is being built on the Inverness Campus owned and controlled by our clients Highlands & Islands Enterprise. We have taken the lead drafting role to prepare the Partnering Collaboration Agreement. We have supported HIE on a range of matters in relation to developments at this campus, which is a focal point for facilities relating to life sciences.

KEY CONTACT:

Fiona Nicholson, Partner

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Telecommunications

Our teams have expertise across a range of specialist areas in telecoms. Experience in our commercial team includes technology contracts, outsourcing, procurement, regulated telecoms issues, and the use of information. Our team includes dedicated lawyers with specialisms in IT, IP, information law and competition law, covering Scots and English law. We are experienced in dealing on both customer and supplier side so have a robust understanding of key issues and negotiating positions of your contract counter-parties, and issues which will be in focus for regulators, such as Ofcom.

SERVICE PROVISIONS:

Telecommunications advisory and support work including contentious and non-contentious advice and support on commercial, regulatory, compliance, transactional and intellectual property matters concerning telecommunications.

CASE STUDIES:

We are **Vodafone's** Scottish legal provider. We represent them in a number of key areas for their business, including: (i) negotiating and documenting retail site deals; (ii) negotiating and documenting telecoms fixed line site deals; (iii) consumer claims; (iv) infrastructure damage claims; and (v) disputes under the Electronic Communications Code. We were successful in 2020 in defending a consumer claim and are currently instructed in relation to a dispute over a fixed line telecoms site in Stornoway under the Code. We are also advising them on a number of commercial deals for both retail and telecoms sites.

We act for **Scottish Power / Iberdrola**, and recently acted as lead advisor in their SP group-wide, business critical telecommunications outsource project. This was a large, complex and high value outsourcing deal to provide connectivity and related services across a full range of SP group sites from corporate offices to off-shore wind-farms. Our role included preparing draft contracts, strategic procurement support, exit arrangements with the incumbent provider, and negotiating and finalising the new agreement and commercial schedules with the successful supplier (BT).

KEY CONTACT:

Callum Sinclair, Partner

callum.sinclair@burnesspaull.com

T: +44 (0)141 273 6882

Aberdeen, Edinburgh & Glasgow

Charities Law

As well as providing the full spectrum of advice required by charities, trusts, and non-profits, Burness Paull LLP has particular expertise regarding charities' use of corporate legal structures. The firm has advised on a range of charity mergers, as well as on partnerships between private enterprises and charitable bodies, having developed innovative partnership models and consortium structures for a range of clients. In particular, the firm has experience in establishing Scottish Charitable Incorporated Organisations (SCIOs), and formed the first of its kind.

SERVICE PROVISIONS:

All aspects of Charity law, including but not limited to the establishment and governance of Charitable trusts.

CASE STUDIES:

We advised **Pancreatic Cancer** in respect of its merger with Pancreatic Cancer Action (a UK-wide charity). This involved reviewing the articles of association of Pancreatic Cancer Action; drafting and negotiating the Transfer Agreement; advising on the implications of the transfer in respect of bequests etc; advising on OSCR consents. It demonstrates our ability to work on corporate mergers.

We acted for **Sanctuary Scotland** – part of one of the largest charitable housing groups in the UK - in connection with its acquisition of the assets and undertaking of Thistle Housing Association Limited, another charitable social housing provider, based in Glasgow. The transfer was only the second ever asset transfer to be directed under the Scottish Housing Regulator's statutory powers in Scotland to date. We advised on all aspects of project delivery, including: due diligence; regulatory engagement; charity law; corporate governance; property and security aspects; banking and finance; employment; and the mechanics of transfer.

KEY CONTACT:

Emma Maxwell, Senior Associate

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T: +44 (0)141 273 6797

Health and Safety

Our specialist team deals with varied, often novel, or complex, health and safety liability issues that impact our corporate clients and their businesses across any sector. Our advice can relate to people, products, or services. The experience and expertise of our dedicated team straddles energy, healthcare, shipping, construction and food and drink. We also support our corporate colleagues, providing input on commercial transactions, including risk management, and assessing potential exposure, to ensure the best outcome, whether that is through considered decision making or contractually.

SERVICE PROVISIONS:

All aspects of health and safety law including but not limited to:

- Non contentious compliance advice relating to specific statutory requirements or in relation to circumstances, including commercial arrangements or transactions.
- Representation in contentious health and safety matters, including regulatory and criminal investigations, fatal accident inquiries, public inquiries, and tailored crisis response services.

CASE STUDIES:

Advising a **development agency** on health and safety duties under the Construction Design and Management Regulations 2015 in relation to a major infrastructure project where they were Landlord and Client. The case was important for our client due to the scale of the project and significance of safety, including potential liability. A key part of our advice was supporting our clients in constructive negotiations with the Principal Contractor and the putting in place of an appropriate framework to ensure compliance with health and safety duties going forward.

Representing **TEPUK** in the aftermath of a helicopter crash transporting personnel offshore involving multiple fatalities. We advised in the immediate aftermath of the accident, during the Air Accidents Investigation Branch and Police investigations, and represented them at a fatal accident inquiry (the first to be held remotely during the pandemic). This case was important for the offshore industry and helicopter safety and to our client as a major operator in the UK North Sea and internationally.

KEY CONTACT:

Lynne Gray, Partner
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 T: +44 (0)1224 618 511

Licensing Law

We are primarily known for providing liquor licensing advice to restaurants, pubs and hotels and have recently acted for third parties and in respect of public entertainment

We have provided ongoing licensing advice and assistance to new and existing clients as a result of Covid-19 including advising lenders taking security over licensed premises, advising clients from other parts of the firm on coronavirus issues and advising administrators and buyers on the transfer of premises licences for restaurants and hotels.

SERVICE PROVISIONS:

All aspects of licensing law, including but not limited to:

- licensing for sales of alcohol or regulated entertainment;
- taxi licensing;
- licences and permits for gambling;
- licensing due diligence.

CASE STUDY:

We advised **Visitor Centres Limited** who owns and operates the Landmark Centre at Aviemore. We have been providing strategic advice to the Landmark Centre in relation to its public entertainment licenses. This includes advising Visitor Centres on the most appropriate strategy for managing a complaint and adjacent landowner has raised with environmental health regarding an alleged noise nuisance from the roller coaster and water coaster. Management of these issues is incredibly sensitive, and ultimately determines whether the centre can continue to function or has to be adapted.

KEY CONTACT:

Alasdair Sutherland, Partner
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 T: +44 (0)131 370 8955

Transport Law

We act on a variety of high value, complex, novel and niche projects being undertaken very successfully by an extremely strong team with transport expertise in the various transport sectors such as Ports and Harbours, roads and bridges, shipping, bus, trans and aviation.

SERVICE PROVISIONS

All aspects of transport law (excluding rail) including but not limited to:

- road based projects and infrastructure;
- logistics (contentious and noncontentious);
- haulage;
- road regulatory matters.

CASE STUDY:

We are acting for **Oban Community Harbour Development Association** in advising it on its journey from community association to becoming a statutory harbour authority/Trust Port for Oban Bay. We are involved in advising OCHDA on its negotiations with Argyll & Bute Council ("ABC") regarding assuming operations at the North Pier in Oban. We will also be advising OCHDA on the appropriate corporate structure for the new statutory harbour authority together with drafting and promoting the Harbour Order to create the proposed new statutory harbour authority under the Harbours Act 1964. We will be involved in advising OCHDA in relation to negotiations with interested stakeholders such as ABC, CMAL and Transport Scotland, amongst others. This is of very significant local importance as there is significant pressure on all involved to rationalise and consolidate the harbour arrangements with Oban Bay. It is also of national importance as, if successful, it will add a new Trust Port to the vibrant and mixed Scottish Ports Sector.

KEY CONTACT:

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RM6240 Public Sector Legal Services

Lot 2b – Additional Services

November 2022



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The use of information provided throughout (with particular regard to that given in case studies and key contact biographies) is not commercially sensitive, and where it is not a matter of public record then appropriate permission has been sought for inclusion.

Introduction to Burness Paull

Burness Paull is a law firm with a Scottish heart and a global mind. Headquartered in Edinburgh, Glasgow, and Aberdeen, and with 630 partners and staff, we are a full-service firm, providing legal services to clients in Scotland, the UK and internationally.

We are 100% independent. Our independence is important to us because it gives us the licence to support our clients and our people in ways that they genuinely value. We don't have a lengthy 'chain of command' – the team is empowered to make informed decisions that are good for our business and good for our clients.

Our full-service offering is split into three departments under which our divisions sit, as outlined below.

- **Corporate:** Pensions, Company Secretarial, Banking & Funds, Corporate Finance & Tax, Technology & Commercial, Restructuring & Insolvency, Energy, Private Capital, and Family Law
- **Property & Infrastructure:** Construction & Projects, Planning, Real Estate
- **Dispute Resolution:** Dispute Resolution, Employment, Public Law & Regulatory.

WHY BURNESS PAULL?

We are a long-established firm - with a very modern mindset.

- Our **independence** is important to us because it gives us the license to support our clients and our people in ways that they genuinely value.
- At the heart of everything we do is the desire to be both **human and high performing**. This is why we're truly individual as a firm. Our clients need the very best legal advice, but they also want it delivered by people with their feet on the ground who understand the context in which their recommendations are being applied. That's why we invest in producing genuinely likeable lawyers with an agile mindset and no weaknesses in technical delivery.
- We **work together** as a unique, compelling collective of individuals and create the right team to meet clients' needs, offer opinions that make a difference and go above and beyond every single day. It's the reason that we successfully service such a wide variety of clients across Scotland, the UK, and multiple international jurisdictions.



Full service across
the UK



No.1

dealmaker in Scotland -
six years running



top tier directory
rankings



UK-based member firm
for Lex Mundi - global
network of leading
independent law firms

Team Structure

We are delighted to introduce you to your dedicated and highly experienced Burness Paull team. Set out below are the Key contacts throughout the course of the CCS Framework.

YOUR SUPPLIER RELATIONSHIP MANAGER WILL BE HAZEL MOFFATT



Hazel Moffat
PARTNER -
PUBLIC LAW AND
REGULATORY

Hazel is head of our public law and regulatory team. She has represented clients including the Scottish, UK and EU Governments, regulatory bodies across the health, education, information, and utilities sectors as well as many high-profile Scottish, UK and international businesses on matters ranging from judicial review, contentious procurement and public inquiries to cyber-attacks and data breaches, governance and board matters and legislative drafting.

CONTACT DETAILS:

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+44 (0)131 473 6328

YOUR KEY CONTACT: FOR BIDS AND TENDERS

Emma Hart, Bid Manager, Emma.hart@burnesspaull.com and bids@burnesspaull.com, +44 (0)141 273 6710

OUR CORE SERVICE LEADERS



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Gary Moffat
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Steven McKinlay
Partner • Real Estate
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OVERVIEW OF THE SIZE OF OUR DIVISIONS (EXCLUDING NON-CLIENT FACING STAFF) - ALL CCS SERVICES ARE COVERED BY OUR CORE DIVISIONAL TEAMS BELOW

Banking & Funds	33	Family Law	5	Real Estate	112
Company Secretarial	9	Pensions	10	Restructuring &	5
Construction & Projects	24	Planning	5	Insolvency	
Corporate Finance	62	Private Client	10	Technology &	14
Dispute Resolution	40	Public Law &	11	Commercial	
Employment	38	Regulatory			

Social Value

Corporate Social Responsibility is a core value for Burness Paull, not an add-on. We engage with our community; creating a sense of purpose, which energises us all. It makes us better colleagues, better lawyers, and a better business.

At the heart of our Corporate Social Responsibility offering is the Burness Paull Foundation, a registered charity established in 2016 and funded by the firm. The Foundation's key objective is to promote the charitable work of the firm on a collective basis as well as the individual efforts of employees - making financial awards to help them fundraise for worthwhile causes of their choice. From Movember moustaches to marathons, swimathons to charity discos, employees have stepped up and taken on challenges to support a staggering 239 charities and counting.

RESPECT AND INCLUSION

To us, respect and inclusion are about recognising that everyone is different and creating a business that values those differences.

LGBT+ inclusion - The work of our BeProud network in bringing together LGBT+ colleagues and allies to help shape a more inclusive environment for all, regardless of their sexual orientation or gender identity, is fundamental to our commitment to make sure everyone can be their true selves at work and be valued for it. Our policies and practices are designed to be inclusive of all family situations and gender identities. As a Glass Network ally firm, we are proud to champion the work they do to support LGBT+ professionals in the Scottish legal community.

Social mobility - We work hard to make sure we recruit the best teams from the widest pool of talent. We know there are challenges and barriers facing some candidates and we want to make sure bright, ambitious individuals get the same chance to shine. Some of the external organisations we partner with to help us achieve wider inclusivity are: The Robertson Trust, Rare Recruitment - In 2019, PRIME, LawScot Foundation, Race Fairness Commitment.

Race & ethnicity - As part of our commitment to widening access to the legal profession, we are involved in a number of initiatives to widen access to the profession and ensure a supportive workplace culture for those from minority ethnic groups. In October 2020 we signed up to Rare's Race Fairness Commitment to implement data-driven measures to help identify potential barriers that hold back people of colour in the legal sector.

Gender equality - Part of our commitment to being a responsible and inclusive employer is closing the gender pay gap and promoting gender equality throughout the firm. When it comes to gender equality, being a member of the 30% Club and hitting our 30% female partnership target last year was a step in the right direction but there's more to be done. We're building a culture that encourages women to reach their full potential through supportive family policies and the promotion of shared parental leave and flexible working. We've rolled out training, resources, and a policy framework to ensure those impacted by menopause feel supported at work and our employee networks encourage open discussion on difficult topics such as baby loss, fertility, and caring responsibilities.

Property and Construction

Our property and construction team is vastly experienced in all aspects of real estate in Scotland. With a proven track record of working successfully with public, quasi-public and private sector bodies on complex projects. We are involved in a wide range of projects, including renewable energy (from on and off-shore wind to solar, biomass, CHP, waste to energy and waste management).

We also advise on large-scale housing, social housing, private rented sector and new settlement projects, utilities, ports and harbours, education, health, leisure, commercial and retail.

SERVICE PROVISIONS:

All aspects of real estate and real estate finance including but not limited to:

- 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 STUDY:

We advised **Glasgow City Council** in the high profile and high value sale (and leaseback) of a substantial portfolio of property assets to its offshoot, City Property, to create a fundable property investment portfolio and ultimately to secure commercial funding from three separate funders. The project included a number of significant Glasgow landmarks, including Glasgow Royal Concert Hall, Emirates Arena and Riverside Museum.

We advised the **Department for Work and Pensions** on the large scale rationalisation of its estate, involving 20 new leases, 6 lease extensions and 8 lease assignments across its Scottish portfolio. This included the flagship letting of c85,000 sq. ft of office space at 1Atlantic Quay, Glasgow.

KEY CONTACT:

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Social Housing

Burness Paull's housing lawyers act for some of Scotland's largest housing associations. With the increased availability of funding within the sector, we are at the cutting-edge of developing new models and are regularly involved with social housing projects acting for Registered Social Landlords, housebuilders partnering with RSLs and developers who assemble and promote sites.

SERVICE PROVISIONS:

All aspects of social housing law, including but not limited to:

- funding and finance;
- housing management;
- disputes;
- planning and development.

CASE STUDY:

We advised **Perth and Kinross Council** on their strategic forward plan for the purchase of development sites for affordable housing, and the procurement implications of the various options.

KEY CONTACT:

Richard Goodfellow, Partner
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 Tel: +44 (0)1224 618585

Education Law

Burness Paull is committed to providing high-quality legal services to meet the needs of the diverse education sector across Scotland. Our team of education lawyers has a wealth of experience providing support to a wide range of bodies operating in education, including higher education institutions, further education colleges, schools, and commercial education providers.

SERVICE PROVISIONS:

All aspects of education law, including but not limited to:

- early years;
- all aspects of schools and schooling;
- school workforce;
- special educational needs;
- admissions and exclusions;
- equalities issues;
- pupil/student related litigation;
- governance and re-organisation issues;
- inspection and regulation;
- finance and funding issues;
- higher and further education;
- student finance;
- education-focused charity;
- contract and property law issues relevant to the educational sector.

CASE STUDY:

We have been providing specialist advice to **The University of the West of Scotland** in respect of the spin-out of a commercial venture by UWS, following our appointment to provide legal services to Scotland's leading post-92 university, to whom commercialisation and spin-out ventures are a key part of its growth strategy. Our advice includes all aspects of contract law, commercial and intellectual property law, reflecting our significant expertise in dealing with specialist contracts relating to commercialisation of research within the higher education sector and the legal framework that applies to the sector.

KEY CONTACT:

Fiona Killen, Partner

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Debt Recovery

Our debt recovery team has a wealth of experience in debt recovery matters and always has your interests at the front of our minds in everything we do. They offer you an exciting and refreshing combination of experience, passion, fantastic service delivery and innovation. We offer fast, bespoke, cost-effective, and efficient services using junior colleagues where appropriate to keep costs down.

SERVICE PROVISIONS:

All areas of law relating to debt recovery, including but not limited to:

- Pre litigation actions such as pre action and demand letters
- The raising of court proceedings where necessary
- Enforcement of court judgements
- Any litigation or disputes arising from the debt and its recovery.

CASE STUDY:

We have acted on behalf of **Scottish Enterprise**, on several ad-hoc matters such as issues arising out of lease and licences to occupy and termination of the same, instructing them on matters relating to the recovery of rent arrears, service charges and repayment of grants and advising them on any disputes arising from the recovery of debts. Whilst remaining ever mindful of the proportionality in the pursuit of arrears in relation to the costs incurred by our clients.

We have also advised shareholders in relation to the interpretation of the terms of their shareholder agreements and acting on their behalf in litigations brought against them by the company and the majority shareholders.

KEY CONTACT:

Julie Greig, Director

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Planning and Environment

Our planning team is recognised as key advisers to the housebuilding industry, but we are also known more widely for providing both strategic and tactical advice on high profile, controversial and large-scale developments. Our planning team comprises of four dedicated full time planning lawyers who each have their own profile in their respective fields and are sought after by our clients to provide them with expert advice.

SERVICE PROVISIONS:

All aspects of planning and environmental law including but not limited to:

- planning strategy;
- development projects and schemes;
- applications for development, construction and change of use;
- compulsory purchase orders and s106 agreements; and
- planning / development inquiries and appeals.
- litigation,
- advisory and transactional support on environmental matters including due diligence, planning,
- inquiries and regulatory compliance.

CASE STUDY:

Our clients have built a new housing development at Pinkie Mains, Musselburgh. This matter concerned the legal validity of a planning condition requiring them to construct an off-site link path on someone else's land. Our clients considered the condition unreasonable. East Lothian Council disagreed and threatened our client with enforcement action. We assisted our client with devising a strategy to resolve the issue, which ultimately led to a Reporter discharging the condition on appeal, following the Council's prior refusal to discharge the condition. Our involvement included submitting a Section 42 Application to the Council, appearing on behalf of the client at the Planning Committee, and appealing to the Scottish Ministers. The outcome of the appeal was of real importance to our client.

KEY CONTACT:

Alasdair Sutherland, Partner

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T: +44 (0)131 370 8955

Licensing Law

We are primarily known for providing liquor licensing advice to restaurants, pubs and hotels and have recently acted for third parties and in respect of public entertainment. We have provided ongoing licensing advice and assistance to new and existing clients as a result of Covid-19 including advising lenders taking security over licensed premises, advising clients from other parts of the firm on coronavirus issues and advising administrators and buyers on the transfer of premises licences for restaurants and hotels.

SERVICE PROVISIONS:

All aspects of licensing law, including but not limited to:

- licensing for sales of alcohol or regulated entertainment;
- taxi licensing;
- licences and permits for gambling;
- licensing due diligence.

CASE STUDY:

We advised **Visitor Centres Limited** who owns and operates the Landmark Centre at Aviemore. We have been providing strategic advice to the Landmark Centre in relation to its public entertainment licenses. This includes advising Visitor Centres on the most appropriate strategy for managing a complaint and adjacent landowner has raised with environmental health regarding an alleged noise nuisance from the roller coaster and water coaster. Management of these issues is incredibly sensitive, and ultimately determines whether the centre can continue to function or has to be adapted.

KEY CONTACT:

Alasdair Sutherland, Partner

alasdair.sutherland@burnesspaull.com

T: +44 (0)131 370 8955

Pensions

We have one of the largest pensions teams in Scotland with a UK wide reputation. Our team advises on pensions aspects of M&A, corporate restructuring, alternative funding arrangements and insolvency. It also advises trustees and local authorities on all aspects of running pension funds, and insurance companies on the pension products they provide to the market. The team comprises lawyers dual-qualified in English and Scots law.

SERVICE PROVISIONS:

All aspects of pensions law, including but not limited to:

- private and public sector pension schemes;
- pensions litigation;
- regulatory compliance;
- trusteeship; and
- other employee benefits.

CASE STUDY:

Acted for the trustees of the **Highlands and Islands Enterprise Superannuation Scheme**, successfully negotiating a crown guarantee from the Scottish Ministers guaranteeing in full the liabilities of Highlands and Islands Enterprise to its pension scheme.

This was important because the liabilities of their defined benefit pension scheme are now effectively underwritten by Scottish Government, greatly enhancing the security of benefits provided under the scheme.

We also liaised with the Pension Protection Fund to secure an exemption from the annual levy paid by employers of defined benefit schemes, on the basis of the improved security of scheme benefits.

KEY CONTACT:

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Litigation and Dispute Resolution

Our dispute resolution team is a highly experienced commercial litigation team. It handles high-value, complex cases for government agencies, international businesses, global conglomerates, and high-profile individuals across the UK. Our team are skilled in all forms of dispute resolution and will work with clients for the best resolution, whether this is by litigation, negotiation, arbitration, mediation or expert determination.

SERVICE PROVISIONS:

All aspects of litigation and dispute resolution including but not limited to:

- civil litigation against and on behalf of Buyers; and
- alternative dispute resolution, arbitration, mediation, contractual resolution procedures, advocacy and early advice on disputes.

CASE STUDY:

Acting for **Highlands & Islands Enterprise (HIE)** in pursuing significant, high value, guarantee claims in two Court of Session actions following the insolvency of the Cairngorm Mountain Resort. HIE have a parent company guarantee and a personal guarantee and are pursuing substantial claims from those guarantors.

We have advised the **Insolvency Service (IS)**, an executive agency of the Department for Business Energy and Industrial Strategy, for more than 15 years in connection with its regulation of companies. This is important work in the public interest: ensuring that those dealing with limited companies can have confidence that the behaviour of directors is properly monitored and regulated; and that action is taken to address bad behaviour.

KEY CONTACT:

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Intellectual Property

Our contentious IP practice, led by Colin Hulme, is the busiest in the country. In recent years we have acted in over half of all actions raised in the Scottish Intellectual Property Court, raising the majority of those actions. Our non-contentious practice is one of the biggest non-contentious practices in Scotland with thirteen qualified lawyers.

SERVICE PROVISIONS:

All aspects of intellectual property law including but not limited to:

- contentious and non-contentious support and advice relating to patents, copyright, trademarks, trade secrets and rights in confidential information, database rights, design rights, and other forms of intellectual property; and
- assignment and licensing of rights and commercialisation and exploitation of intellectual property.

CASE STUDY:

We are advising **Scottish Enterprise** on the terms of an IP licence from the University of Glasgow to CENSIS (Scotland's Innovation Centre for Sending, Imaging and Internet of Things) to ensure that its commercial interests are protected, and on related agreements on how the parties will collaborate with the Scottish government on future development

We are currently acting for Glasgow City Council in enforcing copyright held by it in Salvador Dali's iconic work Christ of St Joh on the Cross. This engagement involved advising on and implementing a strategy for the enforcement of the copyright in the work around the world.

KEY CONTACT:

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Employment

Our highly experienced employment team advise clients on the full 'life cycle' of employment issues, ranging from recruitment; employment contracts/policy documentation; remuneration, benefits and rewards; disciplinary and performance issues; absence management; grievances; through to termination of employment and Employment Tribunal claims.

SERVICE PROVISIONS:

All aspects of employment law including but not limited to:

- non-contentious employment matters relating to TUPE, COSOP, redundancies, restructuring, outsourcing, changes in terms and conditions, and reorganisations; and
- contentious employment law including discrimination / equal opportunities involving litigation and / or dispute resolution.

CASE STUDY:

We advised **Cornerstone**, one of the largest charities in the social care sector, on industrial relations and trade union law advice. We supported the client following its decision to derecognise UNISON the union, after over 20 years of voluntary recognition. This resulted in application by UNISON for compulsory trade union recognition through the statutory regime. We represented Cornerstone before the Central Arbitration Committee (CAC), conducting the advocacy throughout, with evidence led from Chief Executive level, to determine the appropriate bargaining unit for collective bargaining purposes across the charity. We continue to advise the clients in defending "inducement" class action claims raised by the union on behalf of over 400 members, which are now the subject of an appeal to the Employment Appeal Tribunal (EAT).

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Healthcare

Our team of advisors has experience with high-value complex project deals in the Scottish Healthcare sector. We regularly act across the diversity of healthcare services, from Primary Care through Acute Medical, major infrastructure projects and into community-based care provision and later life living. We support voluntary mental health services and advised the British Medical Association on financial models to enable GP practices to thrive.

SERVICE PROVISIONS:

All aspects of healthcare law including but not limited to:

- advising on the structure and implementation of new models;
- advising on governance, commissioning, inquiries, inquests, and regulatory proceedings, and on all conceivable commercial, employment and contentious matters within the healthcare sector;
- providing advice on all aspects of legislation relevant to either healthcare or mental health; and
- advising on and providing representation at tribunals.

CASE STUDY:

We advised **hub West Scotland** in the SPV in relation to COVID-19 delays to construction relating to Greenock Health & Care Centre; Stobhill Hospital; and Clydebank Health & Care Centre; as well as acting on a phased DBDA project to develop a new North East Health Hub on a site near Parkhead, Glasgow. Having advised Hub West extensively on DBFM and DBDA matters to develop facilities for NHS Greater Glasgow previously, these Projects are further major steps in contributing to the regeneration of primary healthcare provision in the most populous health authority area in Scotland. It is important to the firm to be at the forefront of acting in projects which are prime examples of the dual SFT goals of promoting regeneration and of delivering hub facilities for better value for money.

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