



Registered Providers





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About us

We are a commercial law firm, providing specialist legal services to small and medium-sized businesses, large corporates, listed companies, registered providers, charities and public sector bodies. Our clients are largely based in the North East whilst many span the UK. We service them all from our office in Newcastle upon Tyne. The firm has 28 Partners, 91 lawyers and a total team of 150.

We believe very strongly in trying to understand what we are good at and then working hard to become the very best. Over the last 20 years, we have developed the business to the point where it is now acknowledged as one of the leading commercial law firms in the UK. We have done that by providing clients with the best commercial advice and experience possible. Over time we have developed our specialist practice for Registered Providers that provides first-class expert advice to clients in the sector tailored to these individual needs.

A major part of our investment has been in our people. Strategic lateral hires, combined with the promotion of some exceptionally talented “home grown” Muckle people has meant that we have been able to create a business that provides City quality advice with a North East collegiate feel. That is important to us. Many of our senior lawyers have returned to their roots in this region, having spent time with national and international law firms such as Slaughter and May, Eversheds, DWF, Pinsent Masons and Addleshaw Goddard. This strategy has served us well. We believe that this unique blend of City experience, young hunger and a firm wide passion for service excellence creates a truly unique offering: quality people, providing excellent advice in the sectors that we chose to operate in and excel at.

Understanding your business

We understand the business of Registered Providers (RPs) and we have the desire, capability and expertise to assist with many of your core operational business activities, from dealing with land acquisition and development projects to resolving housing management issues.

As well as assisting RPs with their core operational business activities we also have the experience of advising clients with major projects including handling large funding transactions and stock or group rationalisation projects.

We also understand that good governance is at the heart of your organisation and what you do. We can provide comprehensive governance and regulatory advice which achieves the right balance between prudence and commerciality.

Not only do we understand the business of RPs but we also understand the sector within which you operate. We appreciate and understand the issues facing RPs in light of factors such as the changing grant funding landscape and welfare reform. We recognise the importance of demonstrating value for money in everything you do.

Crucially though, and despite the changing operational and regulatory environment, we appreciate that you place investment in your communities, the people who live in

them and your staff, at the core of your business. These are principles and a business ethos that we here at Muckle LLP also value and mirror within our business. Community engagement and Corporate Social Responsibility are hugely important areas of our business, as they are for yours. We don't believe we can view our success in isolation from the broader communities in which we all live and work. We want to contribute to those communities and that is our primary motivation behind the extensive community based activities we undertake each year.

That activity takes many forms, including:

- committing a percentage of our profits each year to our Charitable Fund managed by the Community Foundation;
- providing pro bono advice which in the last year amounted to well over £120,000 and which directly helped over 32 individual community based charities; and
- encouraging everyone at Muckle to take an additional 2 days' paid leave per annum to use for community activities.

We are genuinely proud of the scope of our activities and the impact of our work and always welcome the opportunity to discuss our activities with our clients to explore ways in which we can add value to their community based activities.

Understanding your business

This capability statement sets out some of the things we see as important in the relationship we have with our clients. It also sets out some of the key areas of skill and expertise our team have which could assist you in meeting your strategic and operational objectives.

We are extremely confident that we have a team that can fully support your business.

How we will work with you

Our clients tell us that they really value the way we work in partnership with their teams and the way that we manage our business relationships with them. To ensure you receive a personal service, tailored to your requirements you are provided with a Client Relationship Partner (**CRP**) who will work both with you and for you to ensure you have direct access to the experts you need, when you need them.

One of the primary responsibilities for your CRP is for them to work with you and develop a strong understanding of your business, its aims and objectives and to develop with you the best way for us to deliver the legal services you require. The CRP is also responsible for ensuring the Muckle team is well informed, communicates regularly and has a good understanding of what is expected of us and when. This approach means that you should receive what you want, when you want it, at the cost you have agreed and in a way that demonstrates real value for money.

Our aim is to ensure that you benefit more by working with Muckle. We will focus on providing genuine value for money, efficiencies and results and collaborate with you to find new solutions for achieving your objectives. We will commit to do that in the following ways:

Working together

- you will have a dedicated, **partner led**, team who will work as part of your team;
- our team will be **tailored** to your requirements and it won't change without your permission;
- **your key transactions and objectives** will dictate how we work with you;
- you will be able to review transactions at **regular quarterly review meetings** or at intervals that suit you;
- you will enjoy our **award winning service excellence**;
- you will find us available **24/7** for whenever you need us; and
- we are confident that our service **out-performs any other** provider.

Providing value and efficiencies for your business

- you will benefit from our **commercial approach** to decision making;
- you will be provided with monthly progress reports at **no extra cost**;
- you can manage your budgets more easily with our **agreed fee structures** and discounted hourly rates;
- you will benefit from **in-house training** and training events at Muckle LLP;
- you will be offered **conference facilities** for your business needs;
- you will only be **invoiced for fees that you agree are fair** for the value we delivered; and
- we will always meet our commitments **on time and within budget**.

Who we act for

We provide legal services to Registered Providers and others with a direct or indirect interest in the sector and the communities within which you operate. We assist those clients not only in their operational business activities but also in major projects and transactions. We have listed some of these clients below:

Registered Providers



Charities and other not-for-profit organisations



Healthcare



Finance



Residential Property Companies



Education



Developers



Operators



Experience and core teams

Real estate

Our 27 strong Real Estate Team consists of 6 Partners, 14 Associate Solicitors/Solicitors, one Trainee Solicitor and a support team of 6. We have a varied, UK wide, client base comprising both national and regional Registered Providers and other private and public sector clients. We can take any project, large or small, through from inception to completion by combining the expertise within our development, landlord and tenant, planning, environmental, construction and real estate finance teams.

We cover a wide range of real estate services including:

- social and affordable housing delivery;
- site acquisition, housebuilding and residential property development;
- industrial, leisure, office and retail development;
- stock rationalisation and asset management;
- development led joint ventures and partnerships;
- landlord and tenant;

- housing and leasehold management;
- planning advice and CPOs;
- real estate finance;
- regeneration projects; and
- real estate dispute resolution.

We are very proud to be involved in delivering many of the major development projects that are transforming the North East and have established excellent working relationships with all the major surveying practices and other professionals in the region. We are also involved with an increasing number of national projects as we continue to win work outside the North East.

We provide services that blend specialist knowledge, expertise and enthusiasm and aim to be commercial and pragmatic. Our clients enjoy working with us and the number of close and long-standing relationships we have developed with them over the years distinguishes us in the marketplace. We strive to excel in everything we do.

“ We use them because of the calibre of the staff they employ and the breadth of experience that they have. The work they do for us is outstanding. Very client-focused and very pragmatic. ”

Chambers & Partners 2015

“ Muckle LLP provides an ‘excellent level of service’ and is valued for its ‘commercial’ approach. The ‘outstanding’ Adrian Hill led advice to Muse Developments on its bid to redevelop and refurbish South Shields town centre in a competitive dialogue run by South Tyneside Council. Department head, Jonathan Combe takes a ‘hands-on approach to the work, with an in-depth knowledge of all matters under review.’ Associate, James Armstrong is an ‘up-and-coming star.’ ”

Legal 500 2014

The core team



Jonathan Combe
Partner and Head
of the Real Estate Team



Russell Hall
Partner and Head
of the Registered
Providers Team



Charlotte McMurchie
Partner and Head
of the Real Estate
Litigation Team



Will McKay
Partner



Adrian Hill
Partner



Adrian Hicks
Senior Associate



James Armstrong
Associate Solicitor



Richard Nixon
Solicitor

Experience and core teams

Charities, governance and regulatory

Effective governance is critical to the success of all Registered Providers and in these times of significant change within the sector, both within the operational environment and with the regulatory framework, that has never been more apparent. The team providing governance and regulatory advice is comprised of 3 Partners, an Associate Solicitor and a Solicitor, all of whom specialise in providing these services to RPs and other charitable and not for profit organisations.

The team recognises the ever changing regulatory regime that affects the sector and pride themselves on providing a first class service which blends technical advice with a pragmatic and practical approach. Members of the team, having worked with the key regulators for the sector including the HCA, the Charity Commission and the FCA for many years, have built strong relationships with key individuals at those regulatory bodies. We also understand those regulators' requirements and key drivers which means the advice we provide to our Registered Provider clients balances prudence with commercial reality.

The team provide advice to clients on a wide range of issues including:

- creation of new Registered Providers and Group rationalisation/restructuring;
- advising on joint ventures SPVs and other partnerships working projects;
- constitutional and corporate governance reviews (including amending governing documentation and vires advice);
- charitable conversion;
- RP regulatory compliance and advice on the Regulatory Framework;
- advice and training to Boards;
- data protection and FOI requests;
- drafting and negotiating Intragroup relationship documentation; and
- reviewing and drafting policy and procedure documentation.

“ Muckle's client service is excellent. They respond efficiently to any requests or queries and show excellent and up-to-date knowledge. They have a good network in the local area, in addition to experienced, knowledgeable staff who have been capable of helping us in the areas we have needed assistance. ”

Chambers & Partners 2015

The core team



Russell Hall
Partner and Head
of the Registered
Providers Team



John Devine
Partner



Joanne Davison
Senior Associate



Chris Hook
Solicitor

Litigation and dispute resolution

The Dispute Resolution Team is 12 strong, including 4 Partners. The team is led by Susan Howe and has four specialised teams, including the Real Estate Litigation Team headed up by Charlotte McMurchie and the Debt Recovery Team.

The team are there to assist you in two main ways. The first is in relation to the management of your estates and housing stock. The team can deal with all tenant rent arrears and anti-social behaviour issues, preparing and bringing applications for possession or for injunctions, and dealing with subsequent hearings and committal applications. The team can deal with demotion claims, resolve access issues (whether for gas safety or for other concerns) and can deal with all manner of disrepair claims, claims for unlawful eviction, succession issues and leasehold management issues.

The second area where our team can assist is in relation to potential disputes in your business dealings. It is a fact that disputes arise and when they do, they can be costly. You need to know that you can obtain clear and proactive advice to resolve disputes effectively and as quickly as possible. Our objective is to help you avoid disputes occurring, where possible. When disputes do emerge, we assist by taking appropriate action to achieve a resolution which is cost effective, practical and protects your interests.

Our team has extensive experience in dealing with acrimonious disputes and we will think laterally and imaginatively to find solutions to your problems. We act swiftly and decisively providing advice that sets out the strength and weaknesses of your position and gives clear objectives.

“ The ‘efficient and professional’ team at Muckle LLP ‘regularly exceeds expectations in all areas.’ It is experienced in contentious IP matters, and multi-party claims. Department head, Susan Howe and provides ‘robust and pragmatic advice.’ The Debt Recovery Team is valued for its ‘technical knowledge’ and delivers ‘swift results.’ ”

Legal 500 2014

The core team



Susan Howe
Partner and Head
of the Dispute
Resolution Team

Charlotte McMurchie
Partner and Head
of the Real Estate
Litigation Team

Julie Adams
Solicitor

Ross Gordon
Solicitor

Bev Oliver
Debt Recovery
Support Manager

Experience and core teams

Banking and finance

The Banking and Restructuring Team provides a Partner-led service based on a specialised knowledge of the banking and financial services industries. The team comprises 10 fee-earners, including 3 Partners specialising in the areas of acquisition, development and property finance work, RP funding and securitisations, all aspects of debt financing including traditional borrowing and bond finance. Our team advise on structured and acquisition finance, project finance and asset finance including sales and lease back arrangements.

Having carried out a number of significant funding transactions in the last 12 months for registered providers we are familiar with the potential issues involved in a funding environment which is constantly changing and we not only know how best to safeguard our clients interests but also what the lenders are looking to achieve and how to deal with other stakeholders in any funding transaction such as obtaining the consent of the HCA as regulator.

Where RPs are looking to place properties into security, the Banking and Restructuring Team works closely with the Real Estate Team where there is a dedicated resource of specialist lawyers, experienced in understanding and delivering large securitisation projects.

Muckle has legal panel appointments for the majority of the major banks and building societies.

“ The customer is at the heart of everything they do. They work with us to meet our client's demands by making sure we set realistic timeframes. They're not just concerned with completing a transaction for us, they also care about giving us support and information about the local market as well. Very well balanced and businesslike in the way they operate. It's a multidiscipline firm, not lacking in any department or area. In my humble opinion, they are the best by some distance in the region. ”

Chambers & Partners 2015

The core team



Louise Duffy
Partner and Head of
the Banking and
Restructuring Team



Nicola Nutley
Senior Associate



Kevin Maloney
Partner



Jessica Swindells
Associate Solicitor

Employment and pensions

We have a strong employment and pensions team here at Muckle with 10 fee-earners, including 3 Partners. The team provide a full service, practical and commercial advice for RPs in relation to all aspects of employment and industrial relations law, including court and tribunal representation. The team also manage significant projects large scale TUPE transfers and reorganisations where we are required to work hand in hand with our registered providers HR and senior management teams. The team promotes best practice and has a “can do” approach to resolving issues in this technical and constantly changing area of law.

The team believes in straight talking and clear communication and take time to understand your concerns so that we can devise a strategy that is specifically designed to achieve your desired outcome.

The team provides in-house legal training to a range of clients including the John Lewis Partnership and offer a regular email update service, an employment group on LinkedIn, and seminars and training events across the country.

Our team covers all aspects of employment and pensions advice, including:

- class actions;
- consultancy agreements;
- disciplinary issues;
- equality and diversity;
- executive restructuring and severance;
- Health and Safety;
- pensions advice;
- policies, procedures and contractual documentation;
- recruitment, redundancy and reorganisations;
- TUPE and outsourcing; and
- tribunal claims.

“ Department head, Chris Maddock is ‘robust in the defence of his clients.’ Chris Maddock and Tony McPhillips ‘provide pragmatic and efficient advice.’ ”

Legal 500 2014

The core team



Chris Maddock
Partner and Head of
the Employment
Team



Tony McPhillips
Partner



Jill Donabie
Senior Associate



Sarah Forster
Associate Solicitor

Experience and core teams

Construction

Our Construction and Engineering Team is internationally recognised with dual qualified barrister and solicitor Rob Langley leading the team comprising 3 Partners, 5 Associate Solicitors/Solicitors, 1 Paralegal and a Trainee Solicitor. The team undertakes the full scope of non-contentious work for our developer and RP clients as well as contractors and consultants but the team also have a strong reputation in contentious work.

The team works closely with clients to provide practical commercial advice from project inception, through the procurement and tender stages, (including OJEU), to completion and beyond. Where problems do arise the team have the skills, capability and experience to help you resolve any dispute appropriately and cost effectively.

Our team provide advice on areas including:

- drafting and negotiation of all major construction contracts (including partnering and framework agreements), including NEC, JCT, ICC, PPC2000, GC Works;
- drafting and negotiation of bespoke construction documents such as professional appointments, novation agreements, warranties, bond and guarantees and other associated project documents;
- advising on PFI/PPP projects and other joint venture development arrangements;
- dispute avoidance and resolution including litigation, mediation, arbitration and adjudication. The team have strong links with both leading construction chambers and are recognised and valued by RICS as a provider of CPD training on construction issues;
- advising in relation to EU public procurement regime and its effect on tender requirements and procedures; and
- the institutional funding requirements of construction projects.

“ Highly experienced litigator Rob Langley leads the team at Muckle LLP, which provides a ‘good service and highly experienced advice.’ ”

Legal 500 2014

The core team



Rob Langley
Partner and Head of
the Construction and
Engineering Team

Keith Bishop
Partner

Lucilla Waugh
Partner

Adam Aston
Associate Solicitor

Daniel Graham
Solicitor

Corporate

Our Corporate Team is one of the largest in the North East with a dedicated team of over 20 fee earners including 6 Partners. Over the last 5 years the team has consistently been ranked top in the Experian CorpFin's league table for lawyers by deal volume in the North East. During the last 2 years we completed over 200 deals with a combined value of around £1 billion, despite the tough economic climate.

Our work has also been acknowledged by the regions corporate finance professionals, having been voted Corporate Law Firm of the Year for six years between 2008 - 2013 at the North East Insider Dealmakers Awards.

We have the skills, the enthusiasm, mindset and resource to handle all types of deals from the smallest to the largest. Our team is recognised for its innovative commercial

approach and for being "more than just lawyers." This comes from constantly striving to really understand our clients' key aims.

The team believes in getting the deal done. That is what our clients engage us for and trust us to do. We focus on keeping things simple and ensuring we deliver when we say we will, within agreed timescales and to agreed budgets.

The team works on a wide range of corporate transactions including:

- sales and acquisitions of businesses;
- outsourcing projects;
- corporate joint ventures and structuring projects; and
- mergers and business restructuring transactions including intra-group reorganisations and rationalisation.

“ The work they do for us is outstanding. They're very client-focused and pragmatic, and we have a friendly, trusting and long-standing relationship with them. They supported us and we relied heavily on them. We felt it was a real team effort – we could contact them at any time and they are all specialised in their areas. ”

Chambers & Partners 2015

The core team



Andrew Davison
Partner



Philip Clare
Partner



Amy Wanless
Associate Solicitor



Stacey Hall
Solicitor

Experience and core teams

Commercial and contracts

The Commercial Team has 10 fee-earners including 4 Partners, the team understand the importance of contractual and trading relationships and take a practical and robust approach to understanding your business and its commercial objectives.

The team handle a wide range of business critical and commercial contractual relationships, from negotiating terms and conditions of trading to handling complex long term outsourcing arrangements. They can provide advice on IP/IT matters through to dealing with issues around data protection and Freedom of Information.

Whether you need assistance in reviewing your contractual obligations, require production of a suite of template documents to operate in your day to day business, or need assistance with negotiation of a high value strategic arrangement the commercial team can assist.

Among the commercial services offered to our Registered Provider clients is advice in relation to:

- facilities management agreements;
- procurement advice and advice on EU and competition law;
- collaborations and consultancy arrangements;
- supply and purchasing agreements;
- IP reviews, protection and strategies;
- IT procurement;
- software and hardware maintenance and support agreements;
- software development and acquisition;
- OEM arrangements;
- E-commerce, mobile-commerce and online trading; and
- data protection and FOI advice.

“ Muckle was good from start to finish. The whole team was very enthusiastic, responsive and proactive. It was clear the team understood the commercial and legal impacts of what they are doing. They are nice people to do business with – they return my calls on time, always deliver and always deal with queries. ”

Chambers & Partners 2015

The core team



Alex Craig
Partner and Head of
the Commercial Team



Alan Grisedale
Partner



Stephen Green
Associate Solicitor



Nicola Barnett
Associate Solicitor

Examples of our work

Raising finance

In the last 12 months we have helped one of the UK's largest affordable housing providers secure a series of loans worth more than £100m. This involved a number of deals including Government-backed funding of £20m and a £44.5m loan from The Housing Finance Corporation – funded by the Department for Communities and Local Government and the European Investment Bank.

We have also recently advised on a loan of £41m from Affordable Housing Finance Plc for new stock. This loan was also backed through the European Investment Bank and had a Government-backed guarantee.

Linked to these funding transactions our team carried out significant property charging projects for the housing stock going into security.

Bond issue

We played a key role in advising a Registered Provider on a first-of-its-kind deal which enabled them to access low interest funding from an 'AAA' rated £208m bond. The bond deal was the first time this mechanism has been used to fund social housing in the UK and we're proud to have played such a pivotal role.

The nature of the bond deal meant the team at Muckle LLP were working to tight timescales dictated by the complexities that came with 13 different registered providers working towards a shared timetable.

IT contracts

We advising a large social housing provider on several high value IT procurement projects including a £20m infrastructure procurement project and an enterprise wide software implementation project.

Development programme

We advise RPs across England and a recent project involved us advising on regenerating a former gravel pit and landfill site in Dagenham that is being transformed into a new £78.4m scheme which will deliver over 400 new homes on public land released by the Mayor of London, Boris Johnson. The first phase of development on the 8.7 hectare brownfield site includes homes for affordable rent and shared ownership properties.

Dispute resolution

We were instructed by a RP who had entered into a sale agreement with a housing association to sell a portfolio of properties. The sale agreement provided for a bonus payment to our client provided that certain conditions were satisfied in accordance with the sale agreement.

Muckle LLP began acting for the RP after another law firm had wrongly advised them. We advised our client to make a professional negligence claim in respect of the loss suffered by our client having only received half of the bonus payment which our client could clearly demonstrate as a loss. We made a claim for professional negligence against the solicitors based upon the loss of the bonus payment. Following a multi-party mediation, an excellent settlement for the client plus cost recovery was achieved.

Governance

We are experienced in advising senior executive teams and boards on a range of governance matters, including interpretation of governing documents, application of procedures set out in the Articles or Rules, management of conflicts of interest, use of Charitable assets and intellectual property, Gift Aid, data protection, intra-group trading structure and commercial contracts with suppliers.

One example involved acting for a grant-making charity. It has agreed to acquire disused properties for renovation by The Cyrenians, which provides training opportunities for ex-offenders, former drug users and the homeless, using funding from the Homes and Communities Agency. The renovated properties would be let to The Cyrenians for a fixed term for use as social housing. We advised our client on:

- structuring the joint venture and prepared the collaboration agreement and model lease agreement;
- its governing document to take account of developments in charity law and trust law as well as preparing the relevant documentation; and
- the charity law implications of making property investments under the project.

We also recently advised a homelessness charity on its reconstitution and incorporation as a charitable company, including the registration of a new charitable company and the transfer of property and other assets. We have also advised a charitable company applying to the HCA to become a RP, including adopting new articles of associations, new charitable objects, reforming its governance arrangements and equalities legislation.

Examples of our work

Employment

Our employment experience extends to dealing with all types of employee situations relevant to registered providers, including the day to day management of issues from long term ill-health, capability and disciplinaries to transfers of staff pursuant to TUPE. We have particular experience of managing complex internal investigations which has led to us being appointed by registered providers, health trusts and local authorities to undertake an investigative and reporting role in relation to sensitive investigations.

We regularly deal with issues requiring consideration of external regulatory body requirements, including for example the Care Quality Commission. We also have extensive employment tribunal experience on unfair dismissal and discrimination issues throughout the United Kingdom. We are used to dealing with trade unions and the different dynamic that their involvement can bring to the management of issues.

We provide tailored and cost-effective training solutions and have developed an accredited "Back to Basics" employment law training package which is great for both HR and operations managers and can help RPs demonstrate value for money from their legal advisers.

Data protection/FOI

Information law team member Nicola Barnett is a qualified data protection practitioner (PC.dp) and to our knowledge is the only qualified solicitor in the region to hold this qualification, which, together with her operational experience makes her exceptionally well-placed to provide pragmatic legal advice. Nicola has delivered numerous introductory and intensive training workshops on specific areas with in-house experts. Nicola also presented at the National Information Security Conference in May 2014, where the delegates ranked her the best speaker at the conference.

Nicola has advised on a wide variety of information law issues, including supporting a public sector body and Counsel throughout the Information Tribunal process and providing advice in relation to the technical and legal merits of the FOI case. The case involved particularly complex technical points relating to the application of the S14 exemption (vexatious requests). The firm secured this engagement as a result of its work on the initial first-stage appeal to the Information Commissioner, in which our client was successful. Our client was also successful at the Tribunal.

Facilities management

Our team has recently advised and provided assistance to a RP on the approach, documentation and processes involved for the management and maintenance of its housing stock. We supported our client as they developed the framework and call-off arrangements, and assisted with the processes for their suppliers to engage with them to provide the necessary facilities management services across the estate.

Our team has also had prominent involvement for the same RP in the outsourcing of facilities management requirements in respect of planned and reactive maintenance across the entire estate of a London Borough. We advised from the outset on the procurement process to be adopted and the contractual documentation required to ensure the delivery of a robust, value for money solution.

Commercial contracts

We have advised on a range of commercial arrangements, either directly for, or relevant to, RPs. Assistance has included:

- the preparation of a suite of purchase terms for use by a RP across its supplier network, utilising a "call-off" approach, and the application of product or service specific terms, to supplement standard core requirements and obligations;
- assisting a RP with its insurance requirements and commercialising potential opportunities by adopting a concession approach; and
- supporting a client in the health sector with its arrangements for providing patient support in the community, utilising a model piloted through the use of social investment.

Our commercial contracts lawyers have worked closely with RP clients (and clients across the wider public and third sectors), to develop robust contractual structures to support their commercialisation.

Examples of our work

Joint ventures

We advised on the establishment of a corporate joint venture by the official charity affiliated to and supported by a Football League professional football club and an urban regeneration charity. This involved the creation of a new joint venture charity and its development of a landmark £7m multi-sports, community, health and education facility adjacent to the club's stadium. The development comprised facilities for indoor and outdoor football, tennis, basketball, badminton, bowls and a range of other healthy sports, a Primary Care Trust hub site and an employment centre supported by Job Centre Plus.

Mergers and charitable business restructuring

We advised a first class county cricket club on the merger by consolidation of four of its affiliated charitable trusts and Development Association into one charitable company. This involved the merger by consolidation of the club's Youth Cricket Charitable Trust in to the new Foundation and the corporate restructuring of the club's Development Association, including advising on Gambling Commission requirements for its society lottery registration and management.

We have also advised a prominent regional school for the deaf on its merger by consolidation in to one of the region's largest disability charities, thereby creating an annual group turnover of approximately £19m. This involved advice on the corporate structure of the combined board, TUPE transfer of affected employees, transfer of the assets and undertaking of the school, including land and buildings, regulatory compliance and approval from the Charity Commission and Department for Education.

Outsourcing projects

We have significant experience and expertise across a wide range of outsourcing projects. We have recently advised a RP on a large scale, multi-million pound IT procurement project for an ERP system, including IT outsourcing and software implementation. Separately, we have advised a large county council on the outsourcing of its IT systems, including drafting the outsourcing contract and negotiating it with the chosen supplier.

Property litigation

We recently advised a RP in a dispute with a developer under a development agreement. Our client purchased two residential blocks of flats but the developer had failed to complete the estate and deal with other matters, such as payment of outstanding contributions under a s.106 Agreement. We were instructed to advise the client generally and to initiate proceedings against the developer, resulting in a letter of claim being submitted.

A negotiated settlement was reached, involving the compliance of the developer with its contractual obligations and the release of retention monies by the client. We advised the client with regard to professional negligence of its contract administrator arising from premature certification of completion and following a satisfactory settlement the client elected not to proceed with intimating a claim.

Regeneration

We have worked with RPs to develop many large scale city regeneration. In a very recent project we advised one of our clients on a project with a large housing provider to provide land and construct 58 pepper potted affordable houses across the regeneration scheme. A phased development agreement was entered into with the RP with mutual buy-back options to ensure the RP was not committed to take units when grant funding became unavailable.

All units were also heated via a communal steam-generating power plant and special provisions needed to be incorporated to deal with this. When the risk of funding for later phases became in jeopardy, we acquired additional land from the local authority and swapped the later phase plots to this and "transferred" the development obligations to the land. This enabled the later-phase units to become built more quickly and within the grant period.

Examples of our work

Housebuilding

One of the most active real estate sectors over the last few years has been housebuilding. We are delighted to be assisting not only our RP clients but also our various housebuilding clients including Persimmon, Barratt, Keepmoat and many others in their site acquisition and development programmes. A recent high profile housing transaction for the Muckle team was acting for Barratt in their purchase of the former La Sagesse School site in Jesmond which is currently being transformed into approximately 50 homes.

Construction

We are experienced in advising on contentious and non-contentious construction matters. We advised on the sub-purchase of a large site of Greenfield land for housing development and to facilitate the construction of an ecological area to comply with planning. The overall deal was a turnkey scheme whereby the head-buyer would acquire the site, sub-sell it to the RP and enter into a development agreement for construction.

Post-completion a claim was made from someone claiming mines and minerals rights (which we had already insured against). The insurer was happy for us to deal with the claim. We prepared a robust defence and rebuttal of this claim based on planning, legal and technical grounds and nothing further was heard from the claimant.

We recently acted for a healthcare developer on a £10m state-of-the-art development in Middlesbrough in partnership with Thirteen Housing Group. The development consisted of a primary neuro-rehabilitation centre which was complimented by transitional housing designed to assist patients towards fully independent living. We negotiated two separate construction contracts and associated suites of professional appointments and collateral warranties.

We acted for Four Housing Group in the review and amendment of a construction contract for energy efficient renovation works to its housing stock in Berwick, Northumberland. This required us to review and amend the contract to reflect grant funding arrangements and draft bespoke amendments to a JCT form of contract.

We have also provided a range of general construction services to Four Housing including the review of facilities management contracts, the preparation of a framework agreement for the appointment of construction professionals and advice and assistance with parent company guarantees and collateral warranties.

Key contacts



Russell Hall
Head of the Registered Providers Team and key contact for the Charities, Governance and Regulatory Team

Tel: 0191 211 7960
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