

HEALTH, SAFETY AND ENVIRONMENT

Health, Safety and Environment Group

A high-quality firm with very good specialists

They've got a particular strength in the North, with a high presence there

Brings all resources to bear. You get all the expertise available

CHAMBERS

A very responsive team that has a detailed knowledge of the sector

Profound attention to detail, coupled with an acute awareness of client's requirements and superb litigation and negotiating skills

LEGAL 500

We understand that good health, safety and environmental management is key to the success of any business. No organisation should wait until things go wrong to manage its risks. Addleshaw Goddard's Health, Safety and Environment Group therefore takes a proactive approach when advising clients in building strong foundations in compliance, including advice on legislation, strategy, policies and risk exposure.

We provide regulatory advice to many large national and multinational organisations in a wide range of contexts, including but not limited to environmental compliance, health and safety responsibilities, director's duties, criminal and civil liability, corporate due diligence and employment grievances.

However, when things do go wrong, we are on hand 24/7 to provide our clients with crisis support when faced with major incidents and investigations by the relevant regulatory authority, whether it be the Police, Health and Safety Executive, the Local Authority, Environment Agency, Fire & Rescue Service or other regulatory enforcement body for breaches of environment, health and safety, fire safety, food safety, trading standards and related regulations. We also represent clients being prosecuted following serious incidents on the road.

We mount our own legally privileged investigations on clients' behalf following serious incidents, in order to protect their position with regard to anticipated civil and criminal proceedings. We also represent them in their initial dealings with regulatory authorities, at formal interviews carried out under the Police and Criminal Evidence Act, and at all stages of criminal prosecutions, right through to trial. We undertake our own advocacy at many hearings in the civil and criminal courts. We also have particular experience of representing clients in the Coroners' Court.

We provide clients with training for their Board of Directors, Senior Managers and employees. For example, we have recently provided training for a number of clients in relation to environmental incidents, crisis management, the Corporate Manslaughter and Corporate Homicide Act 2007 and the Health & Safety (Offences) Act 2008, as well as the new sentencing regime for both environmental and health and safety matters.

The team, led by Erin and Michelle, also comprises of Specialist Counsel, Austin Welch, Lee Hughes and Ruth Cranidge, together with support from solicitors, trainees and paralegals. We also benefit from the insight of our AG Integrate Consultants, primarily made up of former senior officers at the Health & Safety Executive, with both their operational and enforcement experience.

Our considerable expertise in this area has been gained as a result of a combination of both Prosecution and Defence experience, as we have been entrusted with the work of the Health and Safety Executive for over 25 years. We voluntarily handed back this contract to concentrate on defence work. This almost unique and unrivalled offering within the UK's legal market provides us with a platform to give our clients balanced, incisive and commercial advice on any health and safety issues that they may encounter arising out of their business activities. It also enables us to provide practical insight when assessing clients with pro-active audits – we can look at their systems with the "eyes" of the regulator.



Erin Shoesmith
Partner

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Erin leads the health and safety practice in the wider Global Investigations Group. She is regularly instructed by the firm's leading corporate clients and individuals facing prosecution or investigation by the Police, HSE and other authorities in the criminal courts.

Erin has substantial experience in contentious and non-contentious regulatory matters. Until recently she regularly acted for the Health and Safety Executive in a range of matters, leading to prosecutions being brought against third parties in the Magistrate and Crown Courts. She now solely acts for the firm's corporate clients and for individuals on the receiving end of such prosecutions. She has particular experience of dealing with very serious and fatal accidents. Such cases often involve her representing clients in the Coroners' Court. Erin also acts for and advises the firm's clients facing prosecution or investigation by other regulatory bodies, including Local Authorities, Fire & Rescue Service, Information Commissioner's Office, Office of Rail and Road and the Civil Aviation Authority. Many of these matters involve reputation management issues. Erin has been awarded Higher Rights of Audience for both civil and criminal proceedings.

Erin frequently lectures on corporate crime and has recently presented to Heads of Legal, Client Legal Teams, Senior Management and Directors for a number of large listed clients.

Sources described Erin as 'massively talented' and giving 'supreme confidence to clients' whilst 'inspiring a strong following around her' in the Legal Directories.

She's just got everything; works very hard, develops good judgement and looks after clients

CHAMBERS 2012

She gives supreme confidence to clients and inspires a strong following around her

CHAMBERS 2015

An experienced practitioner... Clients praise her as "absolutely brilliant" noting that "she has a balance of commercial need and client concern

CHAMBERS 2016

Very impressive, easy to work with and responsive

Very knowledgeable and able to communicate information excellently

CHAMBERS 2018

Very well respected and has a gift of devising practical and attractive solutions

LEGAL 500

Steers each case to the best conceivable outcome

LEGAL 500



Michelle Headrige

Partner

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Our Environment Team

Michelle heads our Environment team. They provide specialist advice on the environmental aspects of national and international, real estate, corporate and finance transactions. They also advise on regulatory regimes including contaminated land and environmental permitting as well as producer responsibility, waste, and climate change issues. The team act for a range of clients including those in the retail & consumer, manufacturing, waste, real estate and energy sectors.

Formal regulatory investigations and prosecutions by environmental regulators are often unpredictable and 'one-off' incidents requiring a quick response. The team assist clients in putting in place effective strategies to manage such investigations and provide support and representation during enforcement action and prosecutions.

She has a really good commercial balance. You could get lost in environmental law but she is very clear and has a very strong understanding of the area

CHAMBERS DIRECTORY 2017.

Recent experience

- ▶ advising a number of retailers and manufacturers on producer responsibility issues including packaging, WEEE, and Classification, Labelling and Packaging (CLP).
- ▶ advising a landowner of a historically contaminated site during preparation of the site for sale for residential redevelopment including appointment and management of environmental consultants and drafting of environmental provisions within the sale contract to allocate risk;
- ▶ representing several companies during investigations and, in some cases, subsequent prosecutions for effluent discharge offences and groundwater contamination;
- ▶ advising a client making a voluntary disclosure to an environmental regulator following the discovery of unauthorised environmental practices by an employee;
- ▶ acting for a substantial investor on the allocation of risk during its acquisition and leaseback of a historically contaminated site - hydrocarbon contamination - involving complex liability arrangements, negotiation and drafting of complicated environmental indemnity and remediation obligations along with advice on environmental liability insurance to be put in place for the site;
- ▶ advising a food manufacturer in respect of its first environmental permit after becoming subject to regulation following implementation of the Industrial Emissions Directive including strategic advice to the board of directors;
- ▶ assessing and managing environmental risk for a client during its acquisition of a food and drink business; and
- ▶ advising several property investment funds on environmental liabilities and risk during acquisitions, divestments and leasehold arrangements including drafting and negotiation of environment provisions in the contractual documents.



Peter Anderson
Partner

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Peter Anderson recently joined the firm, having worked for over 40 years at Simpson & Marwick and Clyde & Co in Edinburgh. Throughout his career, he assumed the roles of managing partner, chairman of the firm and senior partner. His work has covered most if not all aspects of litigation in Scotland. He has acted both as solicitor and as Counsel in many health and safety, professional negligence, complex high-value personal injury and aviation litigation matters. Major cases include the litigation which followed major accidents such as for Pan American Airways Inc. and insurers in the consequences of the Lockerbie disaster and for Boeing Corporation following two serious helicopter accidents involving their aircraft. He played an instrumental role in the setup of the Piper Alpha investigation and in the subsequent litigation. Peter has also defended company and insurer clients faced with claims and prosecutions arising out of environment and pollution problems. He also deals with fire cases for insurers and advises on policy interpretation and related disputes. He was recently appointed Chair of the pro bono legal service organisers, LawWorks Scotland.

Peter is a solicitor-advocate in Scotland and in fact, was one of the first back in 1994 and has taken key cases to the House of Lords. He was a senior lecturer at Edinburgh University Law School for over 25 years. Peter also sits as a part time Sheriff, presiding over a range of civil cases preparing judgments and decisions in family law disputes; personal injuries litigation; land title disputes and commercial contracts as well as presiding over a large number of criminal trials. He also acts as Procurator Fiscal to the Law Society of Scotland at disciplinary tribunals.

Peter sits as a part-time judge at the Criminal Injuries Compensation Appeal Tribunal and chairs the Police Disciplinary Appeals Tribunal in Scotland. He has been the legal advisor to the Royal Incorporation of Architects in Scotland for more than 25 years and was recently appointed to the post of Competition Appeal Tribunal judge.

Peter is one of few lawyers to be highly rated in Chambers Legal Guide in three categories – professional negligence, dispute resolution and personal injury defendant

An industry leader his various appointments include acting as panel solicitor for the Law Society of Scotland's solicitors' professional negligence master policy, as legal advisor to the Royal Incorporation of Architects in Scotland and acting as a part-time sheriff

Team head Peter Anderson is experienced in employers' liability and product liability matters, as well as aviation litigation

LEGAL 500 2018.

Professional Memberships

- Law Society of Scotland (Solicitor) and solicitor/advocate
- International Bar Association
- International Association of Defense Counsel
- American Bar Association – Associate Member



Sarah Baillie

Partner

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Sarah is a consenting expert and is the only lawyer in the country to be dual qualified as both an accredited specialist in planning law by the Law Society of Scotland and as a chartered town planner with corporate membership of the Royal Town Planning Institute. With an exceptional track record providing strategically focussed advice for some of the most prestigious development projects in Scotland and further afield, Sarah is widely recognised in the legal directories as both a leading planning and environmental lawyer. Major housing, infrastructure, energy, retail, waste, mixed use and regeneration schemes feature strongly in her workload. Her practice covers matters such as advising on statutory process; reviewing & de-risking application submissions; compliance, regulation and enforcement process such as EIA, contaminated land, producer responsibility, pollution prevention and control, special areas of protection including habitats, permitting and licences. Sarah regularly appears as an advocate in inquiries and hearings. Clients include developers, operators, public authorities, central government, financial institutions, large corporates and investors.

She is very responsive and praised for her good attention to detail. She acts on many sophisticated matters including residential, retail and commercial developments

CHAMBERS DIRECTORY 2017

Recent experience

- ▶ Advising an airport operator on Scotland's first Environmental Enforcement Undertaking and negotiating with SEPA
- ▶ Advised a major German utility on the first environmental appeal to the Scottish Ministers under the Water Environment Controlled Activity Regulations
- ▶ Advising the UK's largest independent clinical waste operator in relation to PPC Permit, planning appeals, mediation and regulation by EA/SEPA including undertaking inquiry advocacy for planning, enforcement and variation appeals
- ▶ Advising liquidators on a major illicit landfill including advising on enforcement proceedings and criminal sanctions
- ▶ Advised a chemical manufacturer on Scotland's largest PPC Permit including inputting into missives, advising on hazardous substance consents, COMAH, contaminated land liability, permitting, regulatory and compliance matters in relation to PPC Permit obligations
- ▶ Defended a number of clients facing criminal prosecution brought by SEPA for alleged water pollution
- ▶ Advised a utility plc on gas pipelines and consenting issues
- ▶ Advised on the planning and environmental consenting for the North Clyde Energy Centre (EfW) and the South Clyde Recycling Centre (AD)
- ▶ Advised the landowner in relation to the service of a Contaminated Land Notice at Blackdog Beach, Aberdeen
- ▶ A number of FTSE-100 utility, energy, manufacturing & waste operators in relation to their development and investment asset portfolios including onshore/off shore wind, EfW, gas, solar, biomass, thermal generation, CCS & commercial development.



Anne Struckmeier

Partner

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Anne is a solicitor advocate with rights of audience in the Court of Session and Supreme Court who has been advising clients for over 20 years on all aspects of Health & Safety liability when issues arise in Scotland. She represents a wide range of clients, including local authorities, construction and shipping clients, across a wide variety of sectors.

Recent experience

- ▶ Representing marine client in multiple fatal injury prosecution
- ▶ Representing local authority during investigation and prosecution following serious work related injury
- ▶ Advising construction company during an investigation into fall from height incident
- ▶ Advising government owned body on health & safety liability following collapse of building works.



Tony McGlennan
Legal Director

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Tony has over 20 years' experience in criminal defence litigation in Scotland, during which time he built the firm of Penmans to the position of market leaders. He has conducted a vast number of Sheriff and Jury and Summary trials. In 2008 he obtained Rights of Audience in the Supreme Courts for criminal cases. In that capacity he was frequently instructed as junior counsel in the High Court of Justiciary, and the Appeal Court. He was solicitor and later junior counsel in the landmark "suspect's rights" case of *Cadder v Her Majesty's Advocate* - the first successful Scottish criminal appeal in the UK Supreme Court.

Between 2014 and 2018 Tony was appointed to the national regulatory role of Compliance Officer for the Scottish FA (SFA). This independent prosecutorial role carried sole responsibility for adherence to the Disciplinary Rules by all those participating in Association Football under the jurisdiction of the SFA. The caseload included raising often complex disciplinary complaints against high level and high profile parties, both on and off field, and at both first instance and appeal stage. Tony played a lead role in the Rules revision process of the SFA, provided assistance to IFAB in redrafting of the Laws of the Game, delivered training to internal and external stakeholders, and represented the Association in addressing a number of high level conference events.

Tony is a vastly experienced and respected criminal litigator who has augmented his court skills by serving in a national regulatory role for four years. He has been selected as an ideal candidate to develop Addleshaw Goddard's market leading Global Investigations brand in Scotland.

As part of a team regularly engaged in the areas of corporate crime and contentious regulatory matters, Tony will be focussed upon representing corporates and individuals in relation to; anti-bribery and corruption cases, international sanctions and export controls, AML advice, fraud and market manipulation allegations, FCA investigations and enforcement, Health and Safety, SEPA and other regulatory prosecutions.



Joanne Holbrook
Managing Associate

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Joanne has experience of advising on all aspects of environmental and health and safety compliance, risks and liabilities in real estate, corporate transactions and major infrastructure projects. She has advised many heavily regulated industries, global insurance companies and international investment portfolios. She has also advised on nationally significant infrastructure projects and has defended corporate manslaughter prosecutions.

She has experience of cross-regulator investigations and of related civil claims, media and communication control and stakeholder engagement matters that can often follow major incidents.

Joanne also uses this experience to support businesses in developing effective policies, procedures and risk management processes.

Recent experience

- ▶ Representing a contractor in both criminal and civil actions following a major gas explosion
- ▶ Advising an oil company on the first prosecution sought in the UK based on the 'potential' for damage rather than on actual environmental damage
- ▶ Successfully revoking enforcement action for a construction company alleged to have polluted the private drinking water supply of a village
- ▶ Negotiating a number of successful voluntary undertakings for environmental offences including producer responsibility offences
- ▶ Successfully advising a manufacturing company on statutory nuisance proceedings and group allegations of personal injury
- ▶ Advising a global insurer's environmental claims unit on their incident response claims, policy interpretation and remediation appointments
- ▶ Advising a chemical company throughout an 18 month decommission programme
- ▶ Giving strategic advice on environmental risks and liabilities of abandoned pipelines and transmission/distribution infrastructure
- ▶ Advising a waste disposal authority on a former landfill site designated as contaminated land and then undertaking a risk management exercise for a portfolio of other sites



Priscilla Addo-Quaye
Associate

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Priscilla is experienced in dealing with a range of regulatory matters. Priscilla regularly represents clients under investigation or facing enforcement proceedings brought by the Health and Safety Executive, Fire and Rescue Service, Local Authorities and Trading Standards. Priscilla's background in criminal defence means she can provide clients with insight into key issues from the early stages of an investigation right through to enforcement action in the Magistrates' Court and Crown Court.

She has advised clients across a variety of industry sectors including construction, engineering, health and social care, manufacturing and retail. She has acted on behalf of SMEs to national corporations.

Priscilla has spent time on secondment at a FTSE 100 company with clothing, food and homeware divisions. Priscilla has gained experience dealing with a range of compliance and regulatory issues highly unique to the retail sector such as:

- ▶ food standards, safety and hygiene;
- ▶ health and nutrition claims;
- ▶ packaging and labelling;
- ▶ pricing and promotions; and
- ▶ product safety and recalls.

Priscilla also provides compliance advice and undertakes due diligence in relation to health and safety issues.

Priscilla is described in the Legal 500 as being 'brilliant at eliciting trust in her clients and managing complex cases'.

Recent experience

- ▶ Represented a company alleged to have breached gas safety regulations.
- ▶ Acted on behalf a company that operated a national group of care homes who faced enforcement proceedings following a major fire incident in one of its care homes.
- ▶ Defended a company director facing enforcement action following the collapse of scaffolding.
- ▶ Acted on behalf of a company following a worker's fall from height.
- ▶ Acted on behalf of a food manufacturer facing prosecution after an employee's arm became trapped in a machine.
- ▶ Represented director of a cosmetics and beauty retailer under investigation on suspicion of selling counterfeit make-up products.



Charlotte Scrivens

Associate

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Charlotte recently joined the Environment team as an Associate, having previously trained at an international law firm where she undertook a six month seat in their EHS team.

Charlotte has experience of advising on all aspects of environmental and health and safety compliance, risks and liabilities in corporate and real estate transactions. Charlotte has also assisted her more senior colleagues in advising clients on complex regulatory regimes including REACH, environmental permitting and Veterinary Medicines. She also represents clients being investigated or subject to formal enforcement action by the environmental regulators, including for breaches of permits and waste-related offences.



Lisa McNeill

Associate

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Lisa has a range of experience in dealing with health & safety, regulatory and environmental matters in Scotland. Her background as a criminal defence solicitor has ensured that she has an in depth knowledge of the procedures from the initial investigation stages to actions progressing through the Sheriff Courts and the High Courts in Scotland. She also has extensive experience of civil claims raised in the Sheriff Courts and Court of Session. She regularly liaises with regulatory bodies including HSE, Scottish Environmental Protection Agency (SEPA), the Civil Aviation Authority (CAA), the Air Accidents Investigations Branch (AAIB) and Police Scotland.

She represents a wide range of clients, including local authorities, construction clients, SMEs and individuals across a wide variety of sectors and has a breadth of knowledge in civil, commercial and criminal proceedings.

Recent experience

- ▶ Representing Landfill Company in large environmental prosecution in relation to alleged breaches of Pollution, Prevention and Control Permit for the operation of a landfill quarry. This was one of the largest cases of its type raised in Scotland.
- ▶ Representing care home in health and safety prosecution following a fatality.
- ▶ Advising airport authority during investigations stages following two separate accidents, resulting in multiple fatalities.
- ▶ Advising a company and individual during investigations stages by HSE in to alleged offences under the Health & Safety at Work etc Act 1974, Managing Health and Safety in Construction; Construction (Design and Management) Regulations 2015 and Pipelines Safety Regulations 1996, following damage to a mains gas pipeline during construction works.



Abigail Nicholson
Paralegal

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Abi Nicholson is a Litigation Paralegal aligned to the Transaction Services Team in Manchester. Abi has recently joined the Health, Safety and Environment Team as an embedded paralegal to primarily support Erin Shoesmith and the team.

Abi has previously worked as a court assistant in the Crown Court. Since joining AG in 2015, Abi has gained a wide range of experience within the team for example, assisting on an internal investigation into the suicide of an employee involving alleged issues of work related stress and involvement in the subsequent coronial process; a court case for a manufacturing client in which a contractor fell from height and the investigation of alleged breaches of the management of asbestos regulations for a client with a large estate portfolio. As part of her role, Abi routinely attends client meetings and Court hearings and is experienced in liaising with both clients and legal counsel.

Abi also has experience of drafting statements and submissions. She recently drafted a witness statement taken from an employee of a manufacturing company being prosecuted by the HSE for a number of offences. She has also drafted written submissions for a company being prosecuted for a breach of the Provision and Use of Work Equipment Regulations.

Abi contributes to articles focusing on various aspects of health and safety covering topics such as artificial intelligence, the gig economy, Brexit and food safety and also provides updates for the firm's weekly corporate crime review. Abi also regularly undertakes health and safety horizon scanning exercises focusing on specific sectors such as retail and consumer and industrials.

Abi regularly carries out due diligence work in relation to Health and Safety and Environmental matters and has also recently led a research project focusing on fines imposed since the introduction of the new health and safety sentencing guidelines in February 2016.



Austin Welch
Barrister – Lincoln House Chambers
AG Integrate Consultant

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Austin Welch is an AG Integrate Consultant and 10 year qualified barrister specialising in health and safety enforcement, professional discipline and business crime. Austin is regularly instructed to represent corporate clients and individuals in complex and high profile cases throughout the UK. Austin regularly appears in the Crown Court and Magistrates' Court in relation to criminal breaches of the health and safety legislation, breaches of fire safety legislation, serious fraud, environmental offences and trading standards prosecutions. In addition Austin is particularly experienced in representing clients in inquests, having appeared in some of the most high profile cases in the Coroners' courts in recent years.

Known for his approachability and progressive approach to litigation, Austin is regularly instructed to represent clients at the early stages of proceedings, often before charge. He is able to provide practical, commercially aware advice to those facing potential proceedings and tactical direction from the outset.



Ruth Cranidge
Barrister
AG Integrate Consultant

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Ruth Cranidge is an AG Integrate Consultant who specialises in criminal and regulatory law and was called to the Bar in 2001. Ruth quickly established herself as a strong junior in health and safety, fire safety, environmental, trading standards, professional discipline and general crime matters. Ruth has acted for both the Prosecution and Defence in cases brought by various government departments and executive agencies, including but not limited to the Crown Prosecution Service, Health and Safety Executive and Local Authorities. She has also been instructed in several high profile inquests, including the Selby Rail disaster and Clay Pit Lane inquest.

Known for possessing a professional and self-assured court presence, Ruth is a 'go to' practitioner. With her wide ranging experience, Ruth can provide both corporate and individual clients with her in depth knowledge into the workings of the regulator which is of huge benefit to clients when faced with regulatory and criminal investigations and prosecutions.



Lee Hughes
Barrister – Lincoln House Chambers
AG Integrate Consultant

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Lee is an AG Integrate Consultant and barrister specialising in health and safety enforcement and regulatory crime. Before moving to the Bar in 2017, Lee was a solicitor, most recently at Addleshaw Goddard.

Lee represents clients in the Criminal Courts, Coroners' Courts and the Medical Practitioner's Tribunal Service in relation to health and safety, environmental, trading standards, fraud, general crime (including POCA), road traffic and professional

disciplinary cases. These areas of law are very much complementary, allowing Lee to draw on expertise in one area of practice to inform his work in another, to the benefit of the client.

He has been instructed in matters of national significance, including the Gosport Independent Panel Review and a Public Inquiry following a fire involving multiple fatalities.

Lee was recommended by Legal 500 for his health and safety work as a solicitor, most recently in 2017.



David Shorrock
Health and Safety Consultant
AG Integrate Consultant

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David is a Health and Safety Compliance Consultant. His clients include leading manufacturing and defence systems companies. He undertakes post incident internal investigations to avoid reoccurrence and support management led culture change.

As a former Principal Inspector at HSE, David has experience of managing a large number of investigations and has developed a strong understanding of the legal and enforcement elements of HSE's work.



Steve Smith
Health and Safety Consultant
AG Integrate Consultant

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Stephen is a Health and Safety Compliance Consultant. Stephen has extensive experience of the UK regulatory framework, the policies and practices of the Health and Safety Executive and its regulatory partners. He worked for HSE for over 26 years undertaking many roles including Head of Operations for the North West, the northeast and western Scotland.

He has led and directed numerous complex, multi-agency investigations, multi-site audits and safety partnerships schemes with major corporations in numerous sectors, including defence, nuclear, shipbuilding and services.

He has undertaken national investigation and enforcement reviews for HSE, represented the Executive at the International Labour Organisation, and worked extensively on the ICL Public Inquiry.

Recent experience

- ▶ Leading the HSE investigation teams into the major incident at Bosley, Cheshire
- ▶ Representing HSE at the Investigation Techniques Conference at the ILO in Turin
- ▶ Directing the review of incidents in an NHS Trust following a series of infant deaths
- ▶ Initiated, developed and promoted the national regulatory partnership with the UK's largest defence manufacturer



Dr Louise Smail
Risk & Safety Consultant
AG Integrate Consultant

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Louise is a specialist risk and safety consultant with many years' experience working in the fields of organisational resilience, health safety and environment law within a range of industries including construction, emergency services, local government, process and chemical industries, utilities and waste. Louise has experience in the implementation of safety cases both for off-shore and railways and has been involved in a number of human factors projects.

Louise has worked both as a director of an international consultancy and head of corporate services for a global manufacturing company. She also has a strong understanding of the practical issues when implementing health and safety and environment law. Louise works closely with clients to help them manage risk and uses her experience from industry to provide benchmarking and best practice.