



\*clarke  
willmott

# Hotels

Specialist services for  
the Hospitality Sector

*Great Service... Great People...*

**clarkewillmott.com**

# Our **Hotels services & experience**

Our national, multi-disciplinary team work closely together to provide a holistic service to meet your needs.

The breadth of teams are integral to providing excellent service across the board. Whatever stage of the life cycle your business is at, we can provide tailored solutions to help you achieve your strategic goals.

“The firm is **responsive** and **timely**, while **offering** a **practical approach** and drawing on **specific expertise** across the **business.**”

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# Property

Our partner-led team of 85 commercial property solicitors is one of the largest in the UK, with over half specialising in retail, leisure & hospitality.

The national team are experts in managing all aspects of property law, acting for everyone from multi-national brands to bespoke independent brands.

Whether you are embarking on a portfolio expansion project or considering disposal options, our expert team advise at every stage of the commercial property lifecycle. We can support you with:

- Site acquisitions
- Leases
- Portfolio expansion or disposal
- Secured lending
- Asset management – including lease renewals, and licences for alterations
- Warehousing
- Alternative Energy sources

## Our experience includes:

- Advising a Hotel Group on a number of sales and refinances including two large refinances of hotels in Wales and the Midlands. The combined loan value was £2 million+
- Advising a Hotel Group on an acquisition of a large and prestigious country house hotel with a deal value of just over £6.75m
- Acting for a national pub and hotel operator on acquisitions of sites to convert into premium “pubs with rooms”



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“Technically capable, responsive and commercial. The team includes a **good mix** of **juniors** and **seniors**, meaning they are both **well resourced** but are also able to offer the **right level of experience** for **any given matter**.”

# Property Litigation

Our team is one of the largest property litigation teams in the UK. It is ranked Tier 1 in Legal 500 who report that it is a *“professional multi-faceted team”*.

Our broad expertise means we can support you with all your commercial property litigation needs. Much of the team has worked together for more than 25 years, bringing a wealth of knowledge and stability to our service, our long lasting client relationships over this period are testament to this.

We can assist with all aspects of property management and development disputes including:

- Property management
- Landlord and Tenant advice in respect of restrictions relating to commercial leases
- Lease renewals
- Securing possession of premises and defending such claims including for forfeiture and trespass
- Dilapidations and service charge disputes including advice on structuring leases and licences to alter to benefit parties when it comes to the term end
- Contested break notice disputes
- Service of break notices, 1954 Act Notice and all manner of other property notices
- Landlord and Tenant insolvency events including liquidations, administrations, restructuring plans and company voluntary arrangements
- Rent review
- Disputes relating to assignment or subletting of leases and alterations to premises

Development and real property issues:

- Easements, rights of way, and boundary disputes
- Party wall issues
- Rights of light issues
- Judicial review
- Ratings issues
- Water drainage issues

Our experience includes:

- Advising a Holiday Resorts group on the renewal of a lease of a private road which provides main access to one of their resorts. We resolved a dispute relating to the validity of a notice and are currently in a dispute relating to the rent to be paid to exercise these rights which is substantial.



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“Clarke Willmott are **always so approachable** and **easy to work with**. Always **happy to speak plainly** and set everything out **clearly** so there are **no ambiguities or misunderstandings**. They **work fast** and are **very responsive**.”

*Great service... Great people...*



# Planning

Our nationally recognised planning and the environment solicitors provide expert advice on the full range of contentious and non-contentious planning and environmental law issues.

Our areas of expertise include:

- Advising on all aspects of development projects and applications including environmental impact assessment
- Advising on the planning and environmental regulatory framework
- Planning appeals
- Judicial review and statutory challenges
- Advocacy at planning and other inquiries and representation before Planning Committees
- Section 106 planning agreements
- Highways agreements (including for agreements of works and improvements, adoption/dedication, stopping-up, oversailing and diversions)
- Compulsory purchase and valuation/compensation
- Planning due diligence to support site acquisition
- Drafting and negotiating planning conditionality wording and planning warranties into sale/purchase and financing documentation
- Enforcement proceedings
- Planning and environmental prosecutions
- Advising on heritage issues
- The interpretation of Planning Agreements, conditions and legislation
- Highways and right of way issues
- Untidy sites, town and village greens and common land
- Use of appropriation powers to facilitate redevelopment
- Tree preservation orders
- Permitted development rights
- Certificate of lawfulness applications

“This practice has an **exceptionally good planning team** with a **diverse range** and **depth of experience**. They are, as a team, **very accessible** and **respond in good time** to requests for assistance, **fee estimates** and **follow-up.**”



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# Telecoms

Our specialist transactional and litigation telecoms team act for hotel owners against operators and has advised on telecoms issues for over 20 years.

Our reputation is for providing bullish and commercial advice. We have the necessary expertise to stand up to the operators to achieve a better outcome for our clients.

We are very experienced in:

- Advising on the implications of the Code and on tactics generally in dealing with operators
- Acting in the Tribunal in respect of Code issues
- Working closely with specialist telecoms surveyors and valuers on behalf of landowners
- Negotiating the terms of new code agreements with operators of new and existing sites
- Obtaining vacant possession from code protected operators, serving the appropriate notices and bringing proceedings to obtain vacant possession
- Exercising “lift and shifts” to force operators to re-locate temporarily
- Advising on the validity of Code notices
- Mast planning appeals
- Trespass and dilapidations claims
- Wayleaves and other easements for the installation of fibre optic cabling
- Multi-Skilled Visit (MSV) and other access agreements
- Advising on the commercial and contractual side of information technology including drafting commercial IT agreements (for example to facilitate the wider roll out of fibre)

## Our experience includes:

- Successfully opposing a notice seeking to access a hotel for an MSV to determine if the hotel was suitable for the installation of telecommunications equipment.
- Advising a London Landmark Hotel in connection with the substantial refurbishment of one of their hotel premises which the telecoms operator threatened to prevent, delay or interfere with. We utilised the notice procedure to increase pressure on the operator whilst also avoiding the costs of litigation.
- Advising on several bulk renewal agreements on behalf of a hotel. We worked to secure terms appropriate for our client, preserving security for the building and safety for the hotel residents.
- We successfully advised and negotiated a contentious non-intrusive MSV agreement for a hotel, which involved Tribunal proceedings. We defended proceedings and prepared witness evidence, before the matter was eventually settled and our client’s costs recovered.

“Clarke Willmott’s telecoms practice has a **national reach**, attracting **great clients** from all over the country. They have been **involved** in some of the most **significant telecoms cases** since the new code. They have **extensive experience** of dealing with **code operators** on behalf of **landowners**.”



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# Regulatory

Our Regulatory team will be by your side with advice and representation at every stage.

From anticipating and managing regulatory change for your business, to dealing with enforcement and prosecution by Local Authorities, Trading Standards investigations and prosecutions, compliance with the Advertising Standards Authority, Health and Safety in the workplace, and Fire Safety.

## Advice

- Anticipating and managing regulatory change for hotels
  - Scanning the horizon for regulatory changes (for example in relation to “Natasha’s Law” and the evolution of the fire safety regulatory framework) and working with you to ensure you are ahead of the game
- Reviewing fraud prevention, anti-bribery and other anti-corruption policies and risk mitigations in line with recent regulatory changes to consumer protection regulations and a new corporate fraud offence
- Bespoke training at all levels of an organisation to support and complement the above

## Responding to Regulators

Our experience includes:

- Advertising Standards Authority:
  - Compliance advice helping you understand the CAP Code for non-broadcast advertising and the impact of statements on your website
- Trading Standards investigations and prosecutions
  - Interviews under caution following consumer complaints about services provided
  - Director prosecutions
  - Representation in criminal courts nationwide
- Health and Safety and Fire Safety: responding to Statutory Notices, investigations, and enforcement
  - Advising hospitality businesses in London in connection with food safety and hygiene investigations and a prosecution for breach of food traceability requirements
- Representing a well-known hotel in Cornwall following a fire safety inspection by the local fire and rescue authority that led to Enforcement Notices being issued
- Advising the proprietor of a hotel in Cumbria following his receipt of an Enforcement Notice and invitation to attend an interview under caution
- Advising and representing the owners of residential care homes in the East Midlands following a fatal fire at one such home and in connection with the subsequent prosecution for breach of the overarching fire safety regulation
- Coroners’ Inquests and Public Inquiries.
  - An Inquest is to be expected following a fatal incident. We have experience of representing organisations and directors at Coroners’ Inquests nationwide

**“Clarke Willmott truly care about their clients. They manage all aspects of the case closely and effectively, ensuring that clients understand and are understood. They are proactive in protecting their clients’ interests.”**



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# Commercial

Our team of highly experienced commercial solicitors act for businesses of all sizes and advise on the commercial legal issues that arise on a daily basis.

Our team provides clear, business focused and straightforward advice that will help your business to grow and achieve its objectives. We can advise on all areas of commercial law including:

- Agreements for the supply of goods and services
- Outsourcing projects and contracts
- Reseller and agency arrangements
- Franchising
- Advertising and marketing
- Consumer law
- E-commerce
- Preliminary agreements, including NDAs and confidentiality agreements, heads of terms, letters of intent and interim services agreements

## Our experience includes:

- Advising a hospitality performance company which provides tailored solutions for independent hotels – to maximise the value of the hotel owner's asset and portfolio. We have assisted our client with the following:
  - o Preparing a set of standard supply terms for situations where a hotel requires one-off ad hoc services to be provided by our client. We have also prepared a set of purchase terms for where our client needs to buy in the services of contractors to assist with our client's supply of services to its hotel client – gardeners, cleaners, kitchen and reception staff etc.
  - o We assisted our client in the arrangements entered into by it with a family-owned hotel group to take over the management of the hotels in the group. This involved drafting the hotel management agreement and liaising with our client and the hotel group to negotiate and finalise it within a short timeframe, which helped to achieve a rapid turnaround of the hotel group. We have since assisted with similar arrangements, assisting our client to prepare and finalise contracts for the provision of hotel management services.

**"Clarke Willmott stands out by providing a unique blend of expertise, unwavering dedication, and a commitment to client success that goes beyond the ordinary."**



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# Employment

Our specialists can help you with all employment and HR issues, from providing guidance on day-to-day workforce queries, to advising on restructuring and outsourcing projects and employment tribunal claims.

Our specialist support includes:

- Restructuring and reorganisation projects, including TUPE compliance, collective consultation obligations and advice on outsourcing / insourcing arrangements
- Business immigration
- Advice on pensions law
- Employment contracts and service agreements
- Employment dispute resolution, including employment tribunals and injunctions
- Redundancy, including both individual and collective redundancies
- Settlement agreements
- HR consultancy and support, including on-site support with disciplinary and grievance investigations, attendance at redundancy consultation meetings, and policy drafting and reviews

Our experience includes:

- Advising a chain of hotels on a significant breakdown in the relationship between a manager and one of its employees, culminating in allegations of disability discrimination.



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**“Excellent knowledge of employment law. Very personable team; they offer practical advice that suits the business circumstances which enables the best outcomes. Always on hand to provide advice, wouldn’t hesitate to recommend them.”**

# About Clarke Willmott

Clarke Willmott work with hospitality businesses across the whole supply chain and understand the challenges and pressures that your business faces.

This means we can support you to navigate the changing landscape and make decisions to help your business succeed.

## National Coverage

Clarke Willmott LLP is a national law firm with seven offices across England and Wales (in Birmingham, Manchester, Cardiff, Bristol, London, Southampton and Taunton). We have also developed long-standing relationships with firms in Scotland and Ireland, enabling us to provide full UK coverage.

We invest time in developing relationships with our clients and are known for our high level of service, straightforward manner and transparent fee solutions.

## ESG

Our strong ESG strategy reflects our belief that this is an integral part of being a responsible business. Our people are the very core of our firm and as well as looking after our employees in the present, we recognise we have a responsibility to future generations to operate our business in a way which minimises our impact on the environment as well as adding value to the communities in which we work. Our objectives include:

- Commitment to follow the Science Based Targets Initiative's Corporate Net Zero Standard with the aim of reaching net zero by 2040 (subject to official validation by SBTi) to minimise our impact on the environment. For more information, please visit the [net zero](#) page on our website.
- Improving social mobility to support those preparing for the world of work. We have a national charity partnership with the Social Mobility Foundation and our people are encouraged to get involved through sharing skills.
- Building supportive workplace culture which values people from all sections of society and the contribution everyone can make.



## Offices

**Birmingham   Bristol   Cardiff   London   Manchester   Southampton   Taunton**

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