

Keating Chambers
15 Essex Street
London
WC2R 3AA

DX: LDE1045

T +44 (0)20 7544 2600
F +44 (0)20 7544 2700
keatingchambers.com

KEATING
CHAMBERS



SIMON TAYLOR

Call: 1987, returned to Bar 2012

staylor@keatingchambers.com

Areas of practice

- Procurement & Competition
- Mediation

Clerks' Details

Declan Redmond

T: +44 (0)20 7544 2616
E: dredmond@keatingchambers.com

Will Shrubsall

T: +44 (0)20 7544 2712
E: wshrubsall@keatingchambers.com

Anthony Carroll

T: +44 (0)20 7544 2604
E: acarroll@keatingchambers.com

Shaun Coleman

T: +44 (0)20 7544 2609
E: scoleman@keatingchambers.com

Practice overview

Simon is a competition and procurement specialist, recommended in Legal 500 and Chambers and Partners as a leading junior in public procurement. He returned to the Bar in 2012 after 20 years of practicing as an EU and competition lawyer, including 7 years as a partner in a leading firm of solicitors and 5 years in Brussels.

He has a busy contentious practise, acting both for bidders and authorities in public procurement disputes and also provides strategic advice on the conduct of tenders.

He advises companies and public bodies on competition, state aid and regulatory issues arising from disputes, transactions such as mergers or joint ventures and commercial agreements or conduct. He has specific expertise in regulated sectors such as healthcare, communications, rail and water.

Simon was appointed to the Attorney General's "C" Panel in March 2015.

Recent Cases

Procurement

- Acting for Geodesign in a challenge to a tender procedure for flood barriers, including a successful application for specific disclosure (junior to Sarah Hannaford QC): *Geodesign Barriers Limited v The Environment Agency* [2015] EWHC 1121 (TCC).
- Acting for London Care on its procurement challenge to the award of a social care contract for by the London Borough of Hillingdon.
- Acting for NHS Solent Trust in its challenge to a tender for social care services run by Hampshire County Council.
- Acting for NHS England on various matters, including challenges brought by Health Intelligence and Medical Imaging Limited.
- Acting for InHealth on a challenge to a national tender for the provision of PET-CT scanning services under the EU and NHS procurement rules and EU competition law.
- Acting for a provider of pathology equipment and services on a challenge to a tender conducted by an NHS Trust.

“He understand the client’s perspective and matches this with a forensic approach to detail which is highly valued by clients in difficult situations”...“Very user-friendly and good with clients, particularly more demanding ones.”

Chambers UK Bar, 2015

- Acting for NATS (junior to Sarah Hannaford QC) on its successful application to maintain an automatic suspension of a tender procedure for the provision of air traffic control services to Gatwick Airport: *NATS (Services) Limited v Gatwick Airport Limited* [2014] EWHC 3133 (TCC).
- Acting for the Defendant in *Medical Services Limited v North West London NHS Hospital Trust* (not reported) on a procurement challenge relating to a tender for patient transport services, including successfully striking out part of the claim.
- Acting for MWDA (junior to Sarah Hannaford QC) on an application for an injunction in *Covanta Energy Ltd v Merseyside Waste Disposal Authority* [2013] EWHC 2922 (TCC).
- Advising an operator of a dynamic purchasing system on strategic procurement law considerations, including the implementation of the new Directive 2014/24/EU.

Competition (including EU, merger control and state aid)

- Assisting Basildon & Thurrock University Hospitals NHS Foundation Trust and Southend University Hospital NHS Foundation Trusts on gaining CMA Phase 1 approval for their pathology joint venture with IPP.
- Advising a R&D company on the treatment of eligible costs for the purposes of the state aid General Block Exemption Regulation.
- Advising a development company on the state aid implications of a regeneration project.
- Advising a coffee retailer on the competition law implications of franchising and other distribution methods, on pricing and marketing and the implications of mergers in related sectors.

- Advising a client on the public interest exemption for mergers under UK and EC law and its application to the proposed Pfizer/Astrazeneca merger.
- Advising an English university on the state aid implications of ERDF grant funding for the construction of a science park.
- Advising an English University on the state aid and competition implications of a joint venture with a private provider of higher education services.
- Representing a research company on a procedure brought by the European Commission to claw back funding granted under the FP7 framework.
- Advising an information services provider on the competition, state aid and procurement implications of a public undertaking's involvement in the health information sector.
- Advising a Trade Union on the state aid and procurement implications of the sale of a port services business.

“An effective and likeable adviser.”

Legal 500, 2015

Mediation

- Representing clients in several mediations relating to procurement claims and NHS commercial disputes.
- Acting as assistant mediator on a competition damages follow on claim involving multiple parties.

Judicial Review

- Representing NHS England in judicial review proceedings brought by QSRC Limited.
- Advising a local authority on its response to a letter before action relating to a contract award decision relating to social care services.

NHS Commercial and regulatory

- Advising a Commissioning Consortia Group on a contractual dispute and mediation relating to a 5 year Community services contract.
- Advising a GP practise on restrictions relating to the sale of goodwill.
- Advising a commissioning body on the contractual and regulatory implications of the 2014/15 Monitor tariff changes.

Pro Bono work

- Representing a buy to let tenant in a dispute with a local authority over service charges and on a successful counterclaim for damage caused by breach of repair covenant. Case included notable Housing Act issues as well as a significant distress and inconvenience award. (*Camden v Elshami* - for Bar Pro Bono Unit).
- Representing company directors in a two day unfair dismissal hearing before the employment tribunal, including preparation of witness statements and settlement negotiations (Free Representation Unit).
- Advising the Labour Party on a range of matters in the run up to the 2015 election including the EU free movement law implications of changes to welfare laws and policy, the use of strategic and social criteria in public procurement and the options for changes to rail franchising policy.

Selected Reported Cases

- *Geodesign Barriers Limited v The Environment Agency* [2015] EWHC 1121 (TCC)
 - *NATS (Services) Limited v Gatwick Airport Limited* [2014] EWHC 3133 (TCC)
 - *Covanta Energy Ltd v Merseyside Waste Disposal Authority* [2013] EWHC 2922 (TCC)
-

Education & Professional Career

| | |
|---|-----------|
| Public Access Training | 2015 |
| Appointed to the Attorney General's "C" Panel | 2015 |
| Keating Chambers | 2012 |
| Wragge & Co LLP – Antitrust Partner | 2004-2011 |
| Allen & Overy LLP – Associate | 2000-2004 |
| Enrolled as a Solicitor | 1999 |
| Cable & Wireless Communications – Regulatory counsel | 1996-2000 |
| Norton Rose (Brussels) – Associate | 1992-1996 |
| Squire Sanders & Dempsey (Brussels) – Associate | 1990-1992 |
| Université Libre de Bruxelles (Licence Spéciale en droit communautaire, Grande Distinction) (in French) | 1989-1990 |
| Pupillage, 2 Temple Gardens | 1987-1988 |
| Called to the Bar | 1987 |
| University of Oxford (BA Hons Jurisprudence), Magdalen College | 1983-1986 |

Memberships

Procurement Lawyers Association
Royal Society of Arts
Society of Labour Lawyers
Association of London Welsh Lawyers
Competition Law Association

Seminars, Publications & Papers

- NHS Procurement and Competition: An obligation to tender NHS services? – Nottingham University, Global Revolution VII, June 2015.
- Challenges and Opportunities of the New Procurement Directive – Wales Procurement Week, March 2015.
- Public Procurement in the UK – Practical Law Practice note (with Christopher Brennan), February 2015.
- Socially Responsible Procurement – Co-authored Report by the Labour Finance and Industry Group/Society of Labour Lawyers Task Force on Public Procurement, March 2015.
- The New Procurement Directive – Bangor University, December 2014.
- Chapter on Public Procurement in "Law Reform 2015 – A Manifesto for Change" (with Samuel Townend).

- Chaired and spoke at the CLT Procurement and Competition Issues in the Health Sector Conference June 2014.
- New procurement regulations for NHS healthcare services: big bang or evolutionary competition? – PLC, June 2014
- Workforce Conditions in Procurement – Whitepaper, April/June 2014
- Encouraging Innovation in Procurement – Whitepaper, May 2014.
- Procurement law and NHS healthcare – Competition Law Association, April 2014.
- Giving procurement the competition law treatment: Arriva v Luton – Practical Law, March 2014
- Driving Social Agendas in Public Procurement – Wales Procurement Week, March 2014
- Time Limits and Remedies in Public Procurement Current Trends – MBL webinars, November 2013
- The use of mediation to resolve public procurement disputes – PLC Blog, October 2013
- Contributor to Keating on Construction Contract: Public Procurement Chapter (Supplement) – July 2013
- Mitigating the Procurement Risk of Contract Change – Whitepaper, April 2013
- The challenge of competitive neutrality in public procurement and competition policy: the UK health sector as case study – Competition Policy International, July 2011.
- Cloud computing: challenges from a competition law perspective – Computers and Law Magazine, October/November 2011.

Languages

French (fluent)

Spanish (conversational)

Additional Information

Simon enjoys the theatre, travel, hillwalking, skiing, rugby, food and wine.