



Charles Holland

Call: 1994 **Public Access**

Practice areas:

Licensing, Public Law, Local Government, Rating



Practice Profile

Charles Holland's practice combines licensing work and a broad range of contentious chancery and commercial litigation. He is ranked by the independent legal directories as a leading practitioner in both these areas.

Charles is a results-driven lawyer. He aims to help the client to understand the opportunities and challenges a case presents, to set a goal, and to develop and deliver a focused strategy to get to that goal. He is known as a tenacious, no-nonsense advocate.

Charles is an Associate Member at Francis Taylor Building and practises principally from Trinity Chambers, Newcastle.

Licensing

Charles is one of the leading licensing lawyers in the country. He acts for a wide range of clients, including local authorities, statutory bodies, single and multiple operators, and objectors, in relation to all types of licences and applications.

He has vast experience of appearing before local authority committees in relation to applications and on appeals to the Magistrates' Courts, Crown Court (in taxi and firearms matters) and High Court (in appeals by way of case stated and judicial review). He is also regularly instructed to act as legal advisor to licensing committees.

Charles has advised and appeared in many **bar and nightclub** applications, including the highly contentious "Chase", "Gresham" and "Stack" matters in Newcastle. **In retail** premises he has huge experience of reviews concerning matters such as underage sales, sales to street drinkers and the stocking of counterfeit or duty evaded alcohol and tobacco.

Charles has appeared in several high profile **concert venue, sporting and entertainment** applications including The Sage Gateshead, Newcastle Carling Academy, Birmingham Carling Academy, Darlington FC, Auckland Castle, Kynren and the Tyneside Cinema (which involved a 4.00am bar in Newcastle's cumulative impact zone).

Taxi licensing forms a substantial proportion of Charles's licensing practice, and he is instructed nationally by local authorities, operators, and individual driver/proprietors. He represented Berwick in *R. (on the application of Newcastle City Council) v. Berwick upon Tweed Borough Council* (2009) and the local authority in *Wilcock v. Lancaster City Council* [2013]. On the other side of the fence, he successfully appeared for Mr Henderson in *Gateshead Council v. Henderson* [2012]. He has acted in a series of cases involving the global app-based operator, Uber, including *Uber London Limited v. Transport for London* (2018), *Reading Borough Council v. Ali* (2019), *United Cabbies Group (London) v. Transport for London, Licensed Taxi Drivers' Association and Uber London Limited* (2019), *Uber London Limited v. Transport for London* (2020) and *United Trade Action Group Limited v. Transport for London* (2021). He also acts in criminal cases involving prosecutions for offences under the regulatory scheme. Advisory work includes acting for local authorities in relation to policy formulation and revision. He has appeared on panels with members of the Task and Finish Group on Taxi and Private Hire Licensing. He regularly writes articles, gives talks and hosts seminars on taxi licensing topics. He also advises and represent operators in relation to **Traffic Commissioner** matters.

In **sexual entertainment** cases Charles has advised and acted in many lap-dancing applications, most frequently for operators who are either applying for a licence or pursuing a trade objection against one. He represented the applicant in *R (Ruby May (1) Limited) v. Leeds City Council* [2014]. Other sex licensing matters have included appearing for the applicant in *R. v. Newcastle City Council* (ex parte The Christian Institute) [2001].

Charles acts and advises in **firearms** (both for the police and certificate holders) and **gambling** matters. His property practice crosses over into licensing with selective and HMO licensing cases.

Public Law

Charles is frequently retained in matters concerning the exercise of local authority powers. He has appeared in judicial review proceedings concerning a diverse range of matters, including questions arising under the National Assistance Act, challenges to procurement decisions, the setting of care home fees and the issue of an abatement notice to an individual with involuntary vocalisation syndrome.

During the coronavirus pandemic, Charles became well-known as one of the country's leading legal experts on regulations made under the Public Health (Control of Disease) Act 1984. He has advised numerous local authorities, police forces and operators on issues arising under the regulations, and has written in both the specialist and national press on the subject, as well as giving evidence to the House of Lords Constitution Committee in relation to its enquiries into the constitutional implications of regulatory control.

Local Government

Rating

Chancery / Commercial

Charles has a well-established and broad-ranging chancery and commercial litigation practice. He seeks to achieve pragmatic and commercial resolutions to disputes, with advice delivered in clear user-friendly terms. There is a frequent overlap between Charles's commercial and licensing practices, with Charles acting for licensing clients in ancillary commercial and property matters.

His commercial work concerns contractual disputes, building disputes, guarantees, mortgages and other security, restrictive covenants in employment contracts and confidential information. Cross-overs to licensing work include claims brought by the Premier League against public houses showing live football matches.

Company law matters undertaken include shareholder disputes and cases involving breach of statutory and fiduciary duties by directors and senior employees. Charles acts in partnership disputes, including agricultural and professional partnerships.

In **property** matters, Charles advises and acts in many landlord and tenant cases (often involving licensed premises, including those with beer-tie issues), conveyancing and related land disputes, and cases involving covenant and boundary issues. Covenant work includes the release of covenants prohibiting the sale of intoxicating liquor. He acts in service charge disputes including applications for dispensation from consultation requirements. He has represented applicants and interested parties in village green inquiries, and has advised on issues relating to common land and manorial title.

Charles's **chancery** practice also includes insolvency matters, contentious probate and Inheritance Act claims.

Cases of Note

Licensing

- , Middlesbrough – review application concerning breaches of Coronavirus regulations and conduct towards officers.
- , Ponteland – objection to box park style operation.
- , Newcastle – objection to sexual entertainment venue.
- , North Shields – defending a review arising out of alleged breaches of the Coronavirus Regulations.
- – representing West Midlands Police in relation to an appeal against interim steps imposed on two premises in Birmingham following breaches of the lockdown regulations.
- , London – acting for the Metropolitan Police in a review of a premises licence arising from hosting a

birthday party for Rita Ora during the second national lockdown.

- , Chigwell – bringing a review on behalf of the Metropolitan Police of a premises licence of a restaurant popular with the cast of “TOWIE” following numerous breaches of the lockdown regulations.
- , Ealing – applying on behalf of the Metropolitan Police in relation to the summary reviews of the licences for two neighbouring premises which hosted weddings in breach of the lockdown regulations.
- Licensed Taxi Drivers’ Association [2020] EWHC 00 (Admin) – acting and appearing for the Licensed Taxi Drivers Association as a participant in relation to Uber’s appeal against TfL’s second refusal to renew its London PHV operator’s licence.
- – securing a premises licence for the latest addition to this 5,000-acre conservation project, which has involved the extensive restoration of both land and the historic buildings in the Suffolk countryside over the last 20 years.
- Wold View Farm, Cottam – acting for the sole residential objector in successfully resisting an application for a premises licence for a wedding venue.
- , Gateshead – representing the operator of this public house in relation to review founded on alleged breaches of the Coronavirus regulations and guidance.
- – defending police review of late bars in Stockton (including allegations of wrongful trading during the COVID pandemic).
- , Brighton – securing by way of a compromised appeal the removal of a restaurant condition from premises in Brighton’s Cumulative Impact Zone.
- Newcastle – successful licence application for hotel with restaurant and bar facilities on “Diamond Strip” in Newcastle’s Special Stress Area.
- Stack, Newcastle – resisting appeal by way of case stated in relation to the sufficiency of the application plans
- Stockton – representing the operator in resisting a police-led review.
- – appeal heard over 8 days with a 113 page reserved judgment – representing the successful respondent operator against an appeal by a trade objector.
- , Easington Colliery – representing the club in respect of a review brought by a neighbour – review involved complaints of inappropriately tethered horses and one donkey.
- Uber London Limited v Transport for London –
- Uber Britannia Limited v Brighton & Hove District Council – representing the Brighton Sudanese Taxi Forum and the United Taxi Drivers Association
- reviews, Newcastle – representing various operators in a series of closure order backed reviews relating to cocaine dealing in Newcastle upon Tyne.
- Newcastle – licence application
- Eat Chill Play, Newcastle – licence application for premises in Jesmond.
- Club Bongo International, Middlesbrough – Acting for Cleveland Police and Middlesbrough Public Health in the after a serious assault by door staff on a customer.
- Newcastle – obtained a premises licence for this specialist tobacconist. Involved issues as to what constitutes “sampling” for the purpose of the smoke-free legislation.
- Newcastle – appeal relating to a condition requiring compliance with “reducing the strength” scheme
- – licensing clubhouse for this successful junior football club
- – securing a licence for this well-established festival upon its move from Birmingham to Liverpool. The new licence has a capacity of 60,000 and was granted against heavy opposition. Instructed by the event organiser on a direct access basis.
- the UK’s largest open air night spectacular, based on Puy de Fou, part of Jonathan Ruffer’s £100m vision to regenerate Bishop Auckland. Premises licence application
- Eleven Arches – the UK’s largest open air night spectacular, based on Puy de Fou, part of Jonathan

Ruffer's £100m vision to regenerate Bishop Auckland. Premises licence application

- - judicial review of refusal to renew lapdancing club licence.
- [2013] EWCA Civ 1607 (CA) [2013] EWHC 1231 (Admin) - use of s.68 notices in taxi enforcement.
- Inside Out, Darlington -
- - licence application following Jonathan Ruffer's £25m donation to secure the future of the Castle.
- Middlesbrough Arena -
- Kay v Lancaster City Council - appeals and judicial review brought by hackney carriage driver.
- Gateshead Council v Henderson [2012] EWHC 807 (Admin) - plying for hire.
- Jeffery v Carlisle City Council [2010] - appeal and judicial review relating to revocation of hackney carriage driver's licence.
- Cornerhouse, Middlesbrough -
- Snaith v Scarborough Borough Council - "renting" of hackney carriage proprietor's licences.
- Raw, Whitby - appeal against refusal to grant premises licence.
- - grant of hackney carriage licences by authority A to be used to undertake pre-booked work in authority B's area.
- Bare Elegance, Newcastle upon Tyne - trade objection to lapdancing club.
- - appeal against refusal of variation.
- - licence application.
- - licence application.
- - licence application.
- - licence application for new stadium.
- : [2005] 1 W.L.R. 1732
- R (on the application of Walton) v Castle Morpeth Borough Council [2005] - judicial review arising from advertisement of application in a newspaper not circulating in the vicinity of the premises.
- - chain of lapdancing clubs, licence applications.
- R v Newcastle City Council, ex parte The Christian Institute [2001] L.G.R. 165 - fair of erotica
- New Northumbria Hotel, Jesmond - series of licence applications.
- - special removal of old on-licence.

Regulatory Crime

- Newcastle City Council v H - defending prosecution for non-compliance with s.235 Housing Act 2004 notice in relation to enforcement of selective licensing scheme - no evidence offered following application to stay for abuse of process.
- Rostron v Northumberland County Council [2021] - defending application for noise abatement order in relation to glass recycling centre
- North Tyneside Council v Durham Ice and Sports Stadium Limited [2021] acting for the defendant in a .
- S v A [2019] successfully defending a private prosecution brought by a tenant under s.82 of the Environmental Protection Act 1990
- [2019] EWHC 200 (Admin) - appeal by way of case stated on the issue of whether a driver's use of the Uber App is plying for hire.
- Gateshead Metropolitan Borough Council v X and Y - defending prosecutions for sales of alcohol to underage persons despite review proceedings concluded, appealed and compromised. Prosecutions withdrawn following abuse of process arguments.
- Durham County Council v X - defending taxi driver on multiple charges arising out of a mission of mercy in an unlicensed vehicle - all charges withdrawn.
- Durham County Council v High Hedley Hope Farm - breaches of the Cattle Identification regulations -
- Gateshead MBC v Stafford - Representing the Defendant in relation to a prosecution for offences

involving unlawful lottery. Substantial POCA application threatened. Successfully persuaded prosecution to withdraw on the basis of abuse of process arguments.

- 2012] EWHC 807 (Admin) – plying for hire.

Chancery / Commercial

- Joint opinion with Gregory Jones KC on whether religious user should be treated as a qualifying use
- Acting for an elected panel in relation to dispute over the management of a mosque.
- Advice to the holder of manorial rights in relation to major road development over common land.
- Advising a for the return of money gambled away by a gambling addict.
- Solar panel, cavity wall insulation, energy and financial mis-selling – strategic advice relating to consumer claims against suppliers, funders and brokers.
-) – claims and cross-claims involving property developments in Dubai.
- EHC 2437 (Ch) – quantum meruit claim relating to care home fees.
- – contested probate
- ABC v XYZ [2013] – action for specific performance of contract to sell large remediated brownfield development site, lengthy expert determination before John Male KC.
- Beadnell, Northumberland – , representing applicants, 6 days of evidence.
- – specific performance of contract for sale of land, s.2 Law of Property (Miscellaneous Provisions) Act 1989.
- Lido Leisure Limited v Redcar and Cleveland BC [2006] – lease renewal, judicial review; village green issues.
- Newcastle City Council v Morrison (2000) 32 H.L.R. 891 (CA) – reasonableness of making a possession order.

Public Law

- Advice in relation to effects of the change to the Public Works Loans Board lending criteria.
- Acting for local authorities in defending challenges to Merton-compliant age assessments
- Advising numerous local authorities in relation to issues arising from the Coronavirus Regulations, including those arising from equestrian centres, drive-in shisha bars, winter fairs, department stores, hotels housing asylum seekers and student residences.
- – acting for the claimant in a challenge to Transport for London's decision to renew an operating licence to the FreeNow platform.
- – representing the local authority in its successful defence to a challenge to issue an abatement notice in respect of a statutory noise nuisance caused by an individual with involuntary vocalisation syndrome, challenged on basis of alleged disability discrimination, breach of PSED, breach of human rights and irrationality.
- – representing the LTDA on this challenge the Chief Magistrate's decision to re-licence Uber London Limited.
- R – representing a covert human intelligence source in his judicial review of decisions to that there was no public interest immunity in his identity and to reveal that identity to defendants in the "Operation Sanctuary" trials.
- – judicial review challenge to the setting of care home fees.
- D v Hambleton District Council and Richmondshire District Council – challenge to the procurement of waste disposal services.
- Ejang v Gateshead MBC and Newham LBC [2008] – determination of where vulnerable adult was ordinarily resident for the purposes of the National Assistance Act.

Qualifications, Appointments and Professional Memberships

- University of Nottingham, LL.B. (Hons).
- Inns of Court School of Law, 1994
- Diploma in Advocacy (National Institute of Trial Advocacy)
- Junior Counsel to the Crown (Provincial Panel) (2000–2007)
- Member, North Eastern Circuit
- Member, Institute of Licensing
- Member, Chancery Bar Association
- Member, Environmental Law Bar Association
- Consulting Editor, Paterson's Licensing Acts
- Assistant Editor, Journal of Licensing

Direct Access

Charles Holland is qualified to accept instructions directly from professionals and members of the public in appropriate cases.

Publications and Speeches

- “ – The Spectator (10 December 2021)
- “Cumulative Impact Assessments Post COVID-19” speech to IOL National Training Conference
- “Licensing and Transparency” (2021) speech to regional meetings of the IOL
- “No sex discussions please, we’re British” (with s) –
- – The Spectator (4 April 2021)
- “The Transport Secretary’s Guidance does a disservice to officers” –
- – The Spectator (9 January 2021)
- ” – The Spectator (20 December 2020)
- – Local Government Lawyer (December 2020)
- “Covid 19 and the sale and supply of alcohol” –
- “Regulating Transport Technology” – speech to the IOL National Training Conference (November 2020).
- “(with) – Local Government Lawyer (October 2020).
- (with Peter Rogers) – Institute of Acoustics (September 2020)
- ” (July 2020)
- – Journal of Licensing (July 2020)
-
- “” – Journal of Licensing (March 2020)
- “Life, the universe and everything: Can sense be made of fee regimes?” (Journal of Licensing, November 2019)
- “Uber Wars” (2019)
- (Journal of Licensing, March 2019)
- (Journal of Licensing, November 2018). [please replace previous bullet with this one]
- “ (October 2018)
- (Journal of Licensing, July 2018)
- “A Wider Approach to Licensing” (North East Northern Legal Conference, Gateshead 2018)
- Plans, red lines, cigars: why your clients’ cellars probably should be licensed (and how to drink and

smoke there are the same time) (2018)

- Interim suspensions of taxi driver licences – still lawful? – Journal of Licensing (November 2017)
- Trading without a licence and confiscation orders under the Proceeds of Crime Act 2002 (2017)
- Forster and the implications for planning and licensing changes – Journal of Licensing (November 2016)
- Psychoactive Substances Act 2016 (2016)
- Hire and Reward Insurance: new requirements for PHVs in London (2016)
- Conditions requiring compliance with "police-led initiatives" (2016)
- Why you don't need a licence if all you do is deliver hot food at night (2016)
- Global operators – local regulators – the licensing issues caused by App-based taxi operators (Westminster Briefing, 2016)
- Minimum Unit Pricing in Scotland – Journal of Licensing (November 2015)
- Taxis and the Deregulation Act 2015 (2015)
- Defensible Licensing Decisions (2015)

Quotes

"Charles is second to none when it comes to advising on licensing matters and his research for preparation for hearings is exceptional."

Chambers and Partners, 2024

"Charles is great with lay clients. His written advocacy is strong, which translates into his oral advocacy."

Chambers and Partners, 2024

"Charles is a very good commercial litigation barrister who understands complex material easily."

Chambers and Partners, 2024

"Charles is very clever, hard working and excellent on his feet."

Chambers and Partners, 2024

"Charles is an incredibly dedicated barrister. His research skills are phenomenal. He is pragmatic, thinks strategically and can really be relied on in a crisis. His advocacy skills are excellent."

Legal 500, 2024

"He has it all at his fingertips, he retains detail and knowledge of the law and you can ask him almost anything."

Chambers and Partners, 2023

"He is very approachable, client-friendly and very efficient."

Chambers and Partners, 2023

"He addresses matters before they arise and does not have to be specifically instructed on a point prior to offering the benefit of his experience and expertise."

Chambers and Partners, 2023

"Charles Holland was very thorough, paid great attention to detail and was proactive in the case." "We had a very good experience with Charles Holland. He goes the extra mile and offers very insightful advice."

Chambers and Partners, 2022

"He is a silk in junior's clothing." "He is a superb barrister with an unparalleled grasp of licensing law and developments in this area."

Chambers and Partners, 2021

"Charles Holland was very thorough, paid great attention to detail and was proactive in the case." "We had a very good experience with Charles Holland. He goes the extra mile and offers very insightful advice."

Chambers and Partners, 2021

"He is an exceptional advocate with fantastic research skills. He gives 100% to every case to ensure the client has the absolute best chance of success"

Chambers and Partners, 2020

"He always provide practical advice and has an ability to navigate problems. He is one of the top licensing barristers in the country"

Chambers and Partners, 2020

"He has an eye for detail, is not afraid of challenging situations and has a commercial approach to clients' needs."

Legal 500, 2020