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## Charles Holland

### Practice Profile



Year of call 1994

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.

### Testimonials

"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

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"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

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?He has an eye for detail, is not afraid of challenging situations and has a commercial approach to clients' needs.' - Legal 500, 2020

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'Focused on the details; he uncovers arguments that would have never been found.' - Legal 500, 2016

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'He is straightforward to deal with and always puts 100% into researching his cases, delivering great results.' - Legal 500, 2016

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"He is absolutely first-class. His paperwork is thorough, and his attention to detail on drafting is excellent." - Chambers and Partners, 2015

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"He is extremely personable and very thorough, and goes the extra mile for the client - he does an immense amount of research." "He stands out for his advocacy, his approach is not aggressive but firm and he doesn't talk down to anyone." - Chambers and Partners, 2015

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"He is capable, highly amenable and always goes that extra mile to win the case" ... "Good at developing tactics and strategy for difficult cases."- Chambers and Partners, 2014

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"His no-nonsense but approachable manner is refreshing." - The Legal 500, 2014

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"A reassuringly knowledgeable and confident practitioner, who is good at dealing with difficult individuals." - The Legal 500, 2014

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"Inventive, gets facts very quickly and has a nice habit of getting to the heart of what a case is about." - Chambers UK, 2013

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"Very commercial and analytical." - The Legal 500, 2013

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"Exceedingly good." "Recognised for his vigour and impressive advocacy skills." - Chambers UK, 2012

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"Gets straight to the point with his advice." - The Legal 500, 2012

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## Experience

Charles 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 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 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" and "Gresham" 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.

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 and the Tyneside Cinema (which involved a 4.00am bar in Newcastle's cumulative impact zone). He recently advised a local authority in relation to police concerns arising from a late kick off for a contentious derby football match.

**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]. I have acted in a series of cases involving the global operator, Uber, including *Uber London Limited v. Transport for London* (2018), *Reading Borough Council v. Ali* (2019) and *United Cabbies Group (London) v. Transport for London, Licensed Taxi Drivers' Association and Uber London Limited* (2019). I also appear 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, and has recently 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. I have a regular blog on the National Association of Licensing and Enforcement Officers website. 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 or pursuing a trade objection. 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. He has recently been providing advice and acting as legal advisor in relation to **scrap metal dealing** licence applications.

### **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. He is currently representing a local authority in a significant breach of fiduciary claim. Charles acts in **partnership** disputes, including agricultural and professional partnerships. He has recently been involved in a complex company / insolvency matter involving the breakup of a pub chain.

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. Charles is presently acting in a complex dispute proceeding in the Leeds District Registry concerning substantial property assets in Dubai. He has represented applicants and interested parties in village green inquiries.

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

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## Cases of Note

### Licensing

- Goldies and Ché Bar ? defending police review of late bars in Stockton (including allegations of wrongful trading during the COVID pandemic).
- Twisted Lemon, Brighton - securing by way of a compromised appeal the removal of a restaurant condition from premises in Brighton?s Cumulative Impact Zone.
- Metropolitan House Hotel, 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
- Clock Tower, Stockton - representing the operator in resisting a police-led review.
- Stack, Newcastle - appeal heard over 8 days with a 113 page reserved judgment - representing the successful respondent operator against an appeal by a trade objector.
- Leather Cap, 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 - representing the Licensed Taxi Drivers' Association in relation to their participation in Uber's appeal
- Uber Britannia Limited v Brighton & Hove District Council - representing the Brighton Sudanese Taxi Forum and the United Taxi Drivers Association in their objection to the renewal of Uber's licence
- Operation Doncaster reviews, Newcastle - representing various operators in a series of closure order backed reviews relating to cocaine dealing in Newcastle upon Tyne.
- A Bit on the Side, 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 successful revocation of this nightclub licence after a serious assault by door staff on a customer.
- Cuban Cigar Club, Newcastle - obtained a premises licence for this specialist tobacconist. Involved issues as to what constitutes "sampling" for the purpose of the smoke-free legislation.
- Lifestyle Express, Newcastle - appeal relating to a condition requiring compliance with "reducing the strength" scheme
- Newcastle City Juniors FC Sports Club - licensing clubhouse for this successful junior football club
- Fusion Festival - 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.
- Kynren - 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
- R (Ruby May (1) Limited) v Leeds City Council [2014] EWHC 878 (Admin) - judicial review of refusal to renew lapdancing club licence.
- Wilcock v Lancaster City Council [2013] EWCA Civ 1607 (CA) [2013] EWHC 1231 (Admin) - use of s.68 notices in taxi enforcement.
- Inside Out, Darlington - review of nightclub.
- Auckland Castle - licence application following Jonathan Ruffer's £25m donation to secure the future of the Castle.
- Middlesbrough Arena - premises licence review.
- 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 - review of nightclub licence.
- Snaith v Scarborough Borough Council - "renting" of hackney carriage proprietor's licences.
- Raw, Whitby - appeal against refusal to grant premises licence.
- R (on the application of Newcastle City Council) v. Berwick upon Tweed Borough Council : (2009) B.L.G.R. 195 - 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.
- Carling Academy, Birmingham - appeal against refusal of variation.
- Sage, Gateshead - licence application.
- Barbican Centre, York - licence application.
- Carling Academy, Newcastle - licence application.
- Darlington Football Club - licence application for new stadium.
- R (on the application of Bushell) v Newcastle Licensing Justices : [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.
- For Your Eyes Only - 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.
- Chase Bar, Newcastle - special removal of old on-licence.

## **Regulatory Crime**

- Reading Borough Council v Ali [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 - plea bargain.
- 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.
- Gateshead Council v Henderson [2012] EWHC 807 (Admin) - plying for hire.

## **Chancery / commercial**

- Solar panel and cavity wall insulation mis-selling - strategic advice relating to consumer claims against suppliers and funders.
- Ghura, Ghura, Singh, Boi Trading Co Ltd and Chan Casuals Ltd v Dalal, Dalal and Blackburn Clothing Company Ltd [2015] EWHC 605 (Ch), [2015] EWHC 1685 (Ch) - claims and cross-claims involving property developments in Dubai.
- The Abbeyfield Newcastle upon Tyne Society Limited v Newcastle City Council [2014] EWHC 2437 (Ch) - quantum meruit claim relating to care home fees.
- Paynter & Anor v Hinch [2013] EWHC 13 (Ch) - 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 QC.
- Beadnell, Northumberland - 2 village green applications, representing applicants, 6 days of evidence.
- North Eastern Properties Limited v Coleman and Quinn [2010] 1 W.L.R. 2715 (CA) - 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**

- R. (Susan Fisher) v. Durham County Council [2020] EWHC 1277 ? 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.
- R (United Cabbies Group (London) Ltd) v Westminster Magistrates Court, Transport for London, Licensed Taxi Drivers' Association, Uber London Limited [2019] EWHC 409 (Admin) - representing the LTDA on this challenge the Chief Magistrate's decision to re-licence Uber London Limited.
- R (on the application of XY) v (1) Crown Court sitting at Newcastle (2) Chief Constable of Northumbria, (3) DPP [2016] EWHC 1872 (Divisional Court) - 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.

- R.(on the application of Care North East Newcastle) v Newcastle City Council [2012] EWHC 2655 - 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.
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## 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
- 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.

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## Publications and Speeches

- **?What licence do you need to deliver alcohol??** (March 2020)
- ?Open Justice, agenda papers and the Licensing Act 2003? ? 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)
- **?Understanding how the costs system works?** (Journal of Licensing, March 2019)
- **?The use and abuse of expert witness evidence in licensing?** (Journal of Licensing, November 2018). [please replace previous bullet with this one]
- **?Financial limits and the Consumer Credit Act 1974?** (October 2018)
- **"The wide but often overlooked duties of council decision-making"** (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)

Privacy Notice

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