

James Lake

Call 2005

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James Lake is a **Criminal** and **Regulatory Law** specialist, who prosecutes and defends in equal measure at the highest level.

He has already gained a vast amount of experience for his call in both areas of law that is unparalleled on circuit.

Expertise

Financial & Corporate Crime

James has particular expertise in fraud and financial crime for both the prosecution and defence.

He is recognised in Chambers & Partners [Band 1] as one of the leading juniors in the country in financial crime.

James has considerable experience and expertise in defending and prosecuting VAT Fraud, Financial Services Fraud, Fraudulent Trading, Investment Fraud, Banking Fraud, Film Tax Credit Fraud, Phoenix Fraud and Company Investigations.

He receives instructions for advice pre-charge by both the prosecution, regulatory bodies, companies and individuals in relation to Fraud and Financial Crime.

James is currently instructed in two of the UK's largest frauds which are before the courts.

James' practice over the last 5 years has focused on an even split between prosecuting and defending in serious financial and organised crime.

This has enabled James to build up a detailed knowledge of police procedure and investigative techniques, with particular expertise in disclosure issues, organised crime and intelligence led operations.

James engages pre-trial in pursuing issues of disclosure, abuse of process and admissibility of evidence, which often resulting in successful outcomes for the client.

More often than not James' cases involve multi-handed defendants and he is therefore tactically and strategically astute in identifying issues before they arise at trial.

James is regularly instructed to represent professional individuals and companies accused of serious financial misconduct.

James is also very down to earth with clients which enables him to always have a good working relationship with his clients.

Notable Financial & Corporate Crime cases

R v M

Representing trustee of pension schemes accused of Pension Liberation Fraud.

R v D

Represented Film Director in Film Tax Credit Fraud The case was the first prosecution by HMRC in relation to the new 'film tax credit' scheme.

R v M

Defended principal defendant in multi-million-pound VAT missing trader fraud.

R v R

Represented Company Director accused of multi-million pounds Phoenix Frauds.

National Bank of Abu Dhabi

Provided proactive advice to the bank in relation to jurisdictional regulatory and criminal proceedings.

Operation Felucca

Successfully prosecuted two brothers charged with fraudulent trading arising out of property investment fraud. Ds sold off-plan holiday properties in Bulgaria and Cape Verde to 72 victims diverting £1.6 million to pay off personal debts.

Operation Circus 2

Instructed by SFD to prosecute thirteen Ds charged with offences of fraud and money laundering.

Operation Circus

Successfully prosecuted a Panamanian Land Fraud and Platform Trading Fraud. The case lasted 6 months. The defendants were Financial Advisors and Solicitors and the offences, amongst others, were contrary to the Financial Services and Markets Act 2000.

R v CN

Successfully prosecuted Director of Children's Charity charged with abusing his position.

Serious & Organised Crime

James prosecutes and defends in all areas of criminal law. He is instructed in the full range of criminal cases from fraud and financial crime, drug trafficking, sexual

offences and money laundering often requiring a level of expertise and skill normally associated with somebody of more senior call.

James' practice over the last 5 years have focused on an even split between prosecuting and defending in serious and organised crime.

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James is also very down to earth with the lay clients which enables him to always have a good working relationship with his clients.

James has previously been able to present and critique expert evidence in drugs cases which often involves the analysis of significant evidential data (usually mobile telephone evidence).

Notable Serious & Organised Crime cases

National Bank of Abu Dhabi

Provided proactive advice to the bank in relation to jurisdictional regulatory and criminal proceedings.

R v WM

Complex conspiracy to supply Class A drugs. Represented the first defendant. Successfully challenged the undercover officer's evidence, drugs expert and telephone analyst which led to the acquittal of the client.

R v PL

Multi-handed drugs conspiracies. The case was built entirely on the evidence found on mobile telephoned and the interpretation of messages found on them. Extensively cross-examined the drugs expert witness and presented for the defence considerable phone data and calls which nullified the Prosecutions assertions. Jury could not agree verdict in both trials and therefore client was acquitted.

R v Cosford

Led by Andrew Stubbs QC representing a prison nurse working at HMP Wakefield accused of Misconduct in Public Office. This case attracted nationwide publicity due to its unique factual circumstances. It is also subject to appeal to the Supreme Court in relation to the definition of 'public officer' and is a reported case.

Operation Greengage

Defended in multi-million-pound conspiracy to import drugs and firearms. Featured on a Panorama BBC1 Special.

R v YY

Led by Andrew Stubbs QC representing a defendant charged with 2 x conspiracies to murder. The case was largely conducted in 'camera' due to issues regarding National Security.

Health & Safety

James has gained a strong reputation defending and prosecuting individuals and organisations faced with criminal Health and Safety investigations and subsequent prosecutions. His most recent case involved the prosecution of the David Lloyd Leisure Group for breaches of statutory duty resulting in the death by drowning of a young boy in the indoor pool at its Leeds club.

James is known for his excellent strategic advice and is often instructed at an early stage by those who have received a Notice of Contravention by the Health and Safety Executive (HSE). James can accept instruction under the Public Access Scheme and if the case requires a solicitor, he will make recommendations to suit the requirements of the case.

For more information about how to instruct James Lake, please refer to the Senior Clerk, [Jayne Drake](#)

Regulatory Law Barristers

James regularly receives instructions nationwide to prosecute and defend in Health and Safety, Licensing, Counterfeit goods, Trading standards, Traffic Commissioner Inquiries, Federation Against Copyright Theft (FACT), and environmental cases. James also receives instructions from professionals charged with misconduct who then have to appear before their professional body. This has included nurses, doctors and opticians.

Notable Regulatory Law Barristers cases

R v Morrison & Towers

Successfully prosecuted on behalf of Trading Standards two company directors charged with offences contrary to the Consumer Protection from Unfair Trading Regulations. The case was covered nationwide by the press and television.

HSE v Poundstretcher

Represented the company for over 6 years in relation to breaches of Health and Safety legislation.

Local Authority v Faisals Restaurant

Complicated licensing appeal by a restaurant accused of serious criminal conduct.

Trading Standards v Ali Wholesale Limited

Successful prosecution of a company accused of breaching European legislation in relation to the importation of food stuffs containing Sudan 1, a known carcinogenic.

Environmental Authority v Brotherton

Defence of a family accused of breaching environmental law in relation to the running of a waste disposal site.

Traffic Commissioners Public Inquiries

James has experience defending Operators, Directors, Transport managers and individuals called in to Public Inquiry with the Traffic Commissioner.

James will identify the relevant issues early in the proceedings and, in conjunction with those instructing and the client, find ways to address those issues to neutralise their probative value at the Inquiry. This is likely to include the collating of statements, record/documentary evidence and independent reports. The focus is on, where possible, challenging the reasons for the Inquiry and/or focusing on the outcome stage of the proceedings to ensure any failings result in a proportionate penalty.

Instructing Solicitors can expect timely responses to any request to advise on the case. They can contact James at any time. opinion, attention to detail and preparation are key to success before the TC.

James is very familiar with the TC's Statutory Guidance which include:

- Good Repute and Fitness
- Finance
- Transport Managers
- Operating Centres, Stable Establishments and Addresses for Service
- Legal Entities (including Insolvency and Regulation 31 & Section 57 Applications)
- Vocational Driver Conduct
- Impounding
- Delegation of Authority (in terms of Staff and Multiple Licence Holders)
- Case Management
- Principles of Decision Making & the Concept of Proportionality
- Format of Decisions (including Publication, Written Reasons and Decisions)
- Appeals

Notable Traffic Commissioners Public Inquiries cases

Hallmark Group Products Ltd - Public Inquiry Held Into Goods Vehicle Operators Licence

Judge – TC Blackmore OBE

Instructed by Gordon Sewell – Williamsons

Location – Leeds

The company was called to a Public Inquiry by TC Blackmore for the following reasons:

1. Multiple prohibition notices and fixed penalty notices issued to company drivers.
2. Failure to honour undertakings relating to observing the rules on drivers' hours and tachographs

TC Blackmore took the preliminary view, based on a report by the DVSA, that the company were no longer fit to hold an operator's licence. The drivers had been found to be driving in excess of their allocated daily hours and had been removing their tachographs shortly before their allocated daily hours.

James's concern was whether the company was culpable and had acquiesced to their conduct so as to enable them to complete deliveries on time. This would have meant their licence was at risk of revocation. James therefore focused on driver training records, driver disciplinary procedures and what steps, if any, since the DVSA report, had they taken to implement improved procedures.

James prepared a bundle on behalf of the company which addressed each of the concerns held by TC Blackmore.

James was able to demonstrate that the conduct was as a result of 'rogue' drivers, rather than systemic failure. James demonstrated adequate disciplinary procedures for drivers at the time of the failings. Finally, James demonstrated that significant steps had been taken since the DVSA visit to improve numerous issues relating to driver breaches. This included improved driver training and computer software which would immediately highlight those drivers who had a. exceeded their hours and b. removed their tachographs.

After cross-examination of the DVSA examiner and submissions to TC Blackmore, based on our documentation, the company were issued with a formal warning and an undertaking to their licence to complete an independent audit of the Operators system. This was something James had offered as an undertaking during submissions.

James was commended by TC Blackmore for the preparation of the material for the hearing and the submissions which had been made.

Poundstretcher Ltd - Public Inquiry Held Into Goods Vehicle Operators Licence

Judge – Deputy Traffic Commissioner

Instructed by Robert Brackup – Chadwick Lawrence

Location – Leeds

Poundstretcher Ltd had a turnover of £400 million. They had been called to a Public Inquiry for breaches of their operator's licence namely;

1. Numerous driver prohibition notices
2. Breach of previous undertakings
3. Poor maintenance of vehicles

The company were at serious risk of losing their Operator's Licence based on the fact there had been breaches of previous undertakings. James's first decision was to instruct the Road Haulage Association to prepare an independent report to try and demonstrate that the company were taking their responsibilities seriously. The report was able to demonstrate that whilst previous systems had been inadequate, they had taken serious steps to addressing those issues and that they were willing to take objective independent advice to fulfil those undertakings.

At the Inquiry James called numerous witnesses on behalf of the company, ranging from the Transport Manager to the Independent Expert. James also called one of the Directors to demonstrate the effect on the business if the fleet was suspended or the licence revoked.

James made submissions on outcome which focused on the curtailment of the fleet for a specified period.

The Deputy TC agreed with my submissions and did agree to curtail the fleet for a period of 28 days. This had a limited effect on the business.

James has represented individual drivers who are either a. applying for a licence or b. at risk of losing their licence. The hearings largely focus on the 'fit and proper' person test.

Misfeasance in Public Office

This is a not a straight-forward area of law. There is no simple definition of a public officer, and each case must be assessed individually, taking into account the nature of the role, the duties carried out and the level of public trust involved. James was involved in one of the leading reported cases [CoA] on Misconduct in Public Office. The case concerned a prison nurse who had an inappropriate relationship with in Category A inmate.

James is an experienced criminal and regulatory advocate, having been instructed to represent professionals across many different sectors on matters of a criminal nature, disciplinary and Judicial Review.

Notable Misfeasance in Public Office cases

R v Cosford

One of the leading reported cases [CoA] on Misconduct in Public Office. The case concerned a prison nurse who had an inappropriate relationship with in Category A inmate.

R v B

GMP officer who was accused of stealing and supplying drugs taken from police operations.

R v H

Officer accused of sharing videos/photographs of crime scenes.

R v V

Represented a female police officer who was accused falsifying speeding tickets [NIPs]

Appointments

- Grade 4 General Crime
- Grade 3 Fraud Panel Specialist
- Grade 3 Serious Crime Panel