

Tim Pole

Call: 2001

"He is very pragmatic and technically very good." "He's a really solid performer and well liked by his instructing solicitors." "He is a very good advocate." "He is good with clients and he is tenacious."

Chambers UK 2023



Tim Pole has a wealth of experience in dealing with numerous regulatory offences, as well as general criminal work.

Expertise

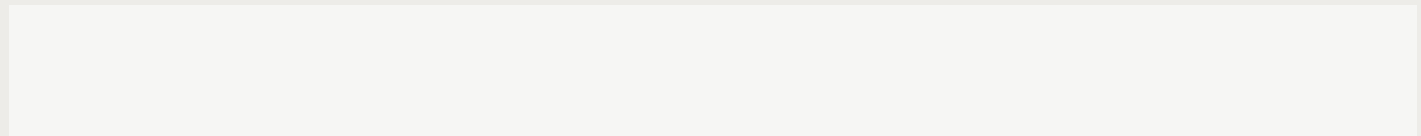
Crime

Tim for many years practiced in general criminal work including cases of Murder, Armed Robbery, Fraud, Sexual Offences, Money Laundering and large scale drugs conspiracies throughout England and Wales. Tim enjoys a national practice operates Chamber's offices in Birmingham, London, Bristol and Leicester.

In recent years Tim has specialised in Regulatory Law and Specialist Criminal Work. Tim does not accept work that is subject to public funding but will on occasion accept general criminal cases on a privately funded basis.

His work in specialist criminal areas has centred around defending directors facing criminal investigations or regulatory/quasi criminal investigations. In the last 12 months he has twice defended directors facing allegations of fraudulent trading. On both occasions he was successful in obtaining acquittals in relation to those allegations. He has extensive experience of Fraud and has prosecuted and defended complex allegations. He has a particular interest in the bringing of Private Prosecutions and has previously been instructed by leading insurers in complex investigations centred around allegations of Fraud.

He has defended cases prosecuted by the specialist business prosecution unit. He has an extensive knowledge of the Proceeds of Crime Act 2002 including asset recovery and the representation of third parties. He represented appellants in a number of cases in the Court of Appeal that arose as a result of errors made by Customs and Excise in confiscation orders concerning the evasion of duty. This in almost all of the cases resulted in Appellants recovering in full that which had previously been confiscated.



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Motoring Law

In addition to heavy weight Crown Court work, Tim has a wealth of experience in all aspects of motoring law where he regularly appears in Magistrates' Courts and Crown courts throughout the country. He regularly deals with cases involving serious injury and fatalities including death by dangerous driving, death by careless driving and causing serious injury by dangerous driving. His experience of such cases has enabled him gain a competitive advantage in understanding and deploying expert evidence in this area. He is instructed on behalf of some of the country's leading insurers. Tim has also represented private individuals including sports stars, people from the world of entertainment and business leaders. His attention to detail and tenacious approach has enabled him to develop an exceptional reputation in this specialist area. He was commended for his work in this area by Chambers and Partners in 2016. His recent cases include successfully defending Philip Potter the driver in the tragic "Bath Tipper Truck Case."

Environment

Tim is Head of the Regulatory Group, and has a wealth of experience in dealing with regulatory offences.

He has appeared in a wide range of cases from Health and Safety to Environmental Offences, Planning breaches Food Safety, Consumer Law and Trademark Offences.

Health and Safety Law

Tim has experience in all aspects of the prosecution and defence of health and safety offences. He has prosecuted and defended in cases involving serious injury and death. He was junior counsel in one of the country's most complex health and safety investigations concerning an outbreak of Legionnaires disease in Wales (see notable cases). He has developed a nationwide practice in relation to health and safety offences. He is regularly instructed in high profile cases by the Health and Safety Executive and a number of local authorities nationally. He has recently prosecuted significant companies such as Warburtons Limited, Poundstretcher Ltd and Tayto Ltd. He is regularly instructed at the pre charge stage to advise prosecuting authorities in relation to the bringing of cases and to advise defendant companies and individuals subjected to health and safety investigations (see Notable cases below.)

Prohibition and Improvement Notices

Tim has appeared in a number of appeals before the Employment Tribunal in relation to prohibition and improvement notices.

Environmental Law

Tim regularly appears both for and against the Environment Agency and is considered one of the leaders in the field in relation to enforcement arising out of environmental relation. He has prosecuted some of the most significant cases brought by the Environment Agency on the Midland Circuit in recent years both as lead counsel and junior counsel.

His vast experience in acting for the Environment Agency provides unrivalled insight and expertise when deployed on behalf of

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companies and directors facing enforcement (of any sort) launched by the agency.

Food Safety and Consumer Law

Tim has significant experience of representing companies, facing allegations of regulatory breaches in relation to food safety, advertising and packaging. He has represented large manufacturers in relation to complex allegations arising from trading standards investigations and investigations by the Food Standards Agency. In particular in relation to claims concerning product 'origin'. He regularly represents and advises local authorities in relation to pre charge and prosecutions concerning complex food safety offences. In the last 12 months his cases have involved representing one of the country's largest meat suppliers. The company faced allegations that it contravened the Food safety and Hygiene (England) Regulations 2013

He represented the company at trial to a successful conclusion. The case involved complex expert evidence from a number of veterinarians.

He has prosecuted on behalf of local authorities in complex cases. He recently advised pre charge and prosecuted one of the country's leading suppliers of meats in the north of England stemming from a complex investigation which led to a number of breaches of food safety law.

He recently represented an abattoir in relation to allegations concerning its operations at plant and prosecution by the Food Standard Agency. The case involved multiple defendants both corporate and individual.

Inquests

Regularly appears at inquests of some of the country's leading insurers. Has dealt with a wide range of inquests involving complex medical, scientific and reconstruction evidence. Tim is able to draw on his wealth of experience in relation to reconstruction evidence derived from his leading practice in offences involving road traffic fatalities. Tim has also been able to draw upon his expertise in relation to Health and Safety Law to assist a wide range of leading companies including those in construction, property management and highway maintenance.

Planning and Enforcement

Regularly advisers developers and local authorities in relation to breaches of planning laws and enforcement notices.

He regularly represents individuals and businesses at first instance and on appeal in relation to breaches of planning law and enforcement notices. He is also experienced in appeals relating to revocation of waste licences.

Noise Abatement

Tim is regularly instructed in appeals against noise abatement notices and offences that arise out of breach of the same. He has appeared in the High Court in relation to applications for injunctive relief as a result of Public Nuisance.

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Proceeds of Crime Act 2002 and Fraudulent Trading

He also has experience of representing directors facing allegations of fraudulent trading and significant experience of applications pursuant to the Proceeds of Crime Act. He has appeared at first instance and in the court of Appeal in a number of reported cases. He represented appellants in a number of the "Chambers Review Cases", the largest review of cases that had been wrongly decided pursuant to P.O.C.A 2002 and in the process recovered sums in excess of 1 million for his clients.

Trademarks

Experience of prosecuting and defending cases concerning infringement of Trademarks and offences contrary to the licensing Act 2003.

Trees

In 2009 he successfully conducted on behalf of Leicester City Council one of the first prosecutions in relation to the breach of a remedial notice issued pursuant to the Anti-Social Behaviour Act 2003. The remedial notice having been issued following a complaint to the local authority concerning a dispute in relation to laylandii.(see notable cases).

Tim has dealt with allegations concerning breaches of Tree Preservation Orders.

Inquests, Public Inquiries & Coronial Law

Health & Safety

Tim has experience in all aspects of the defence and prosecution of health and safety offences. He has experience of both prosecuting and defending cases involving serious injury and death involving complex expert evidence. He was junior counsel in one of the country's most complex health and safety investigations concerning an outbreak of Legionnaires disease in Wales (see notable cases). He is currently instructed to defend in a high profile case of a death as a result of a fall from height.

Inquests

Regularly appears at inquests of some of the country's leading insurers representing companies and families. He has dealt with a wide range of inquests involving complex medical, scientific and reconstruction evidence.

Tim has extensive experience of inquests before juries where he is able to utilise skills honed appearing in complex criminal cases before specialising in regulatory work

Tim has been able to draw upon his expertise in relation to Health and Safety Law to assist a wide range of leading companies including those in construction and highway maintenance. Tim is also able to draw on his wealth of experience in relation to reconstruction evidence derived from his leading practice in offences involving road traffic fatalities to deal with inquests

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concerning death caused by vehicles.

He has regularly appeared on behalf of families and is aware of the sensitivities and care that is required when dealing with such cases. This year he appeared in a lengthy inquest on behalf of the deceased's family following a death at an agricultural site (see Truro Coroners Court below.)

He is currently instructed on behalf of a leading property management company with assets in excess of 1 Billion pounds concerning an inquest into the death of a worker crushed to death by a vehicle at a leading midlands retail park (see Birmingham Coroners Court below.)

Regulatory

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Tim is increasingly asked to represent companies facing confiscation applications as a result of regulatory breaches and planning breaches. Tim is an expert in this field.

He also has experience of representing directors facing allegations of fraudulent trading and significant experience of applications pursuant to the Proceeds of Crime Act. He has appeared at first instance and in the court of Appeal in a number of reported cases. He represented appellants in a number of the "Chambers Review Cases", the largest review of cases that had been wrongly decided pursuant to P.O.C.A 2002 and in the process recovered sums in excess of 1 million for his clients.

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Awards



Accreditations

- Shortlisted for junior Barrister of the Year in 2018
- Ede and Ravenscroft Middle Temple Student of the Year 2001
- Sir Joseph Cantley Scholar 2001
- Sir Robert Micklethwaite Scholar 2001

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Memberships

- CBA
- HSLA

Appointments

- In 2012 Tim was successfully appointed to the list of Specialist Regulatory Advocates in Health and Safety, Environmental Law and the Office of Rail Regulation. He regularly trains health and safety inspectors in relation to case preparation and presentation.

Qualifications

- BA Joint Hons
- P.G Dip
- Post Graduate Diploma in Law, College of Law
- Fluent in French, Ecole Superieure du Commerce
- Sir Joseph Cantley Scholar 2001
- Sir Robert Micklethwait Award 2001
- Ede and Ravenscroft Student of the Year 2001

Languages

- French Fluent

Reported Cases

- R v Billingham and Billingham 2009 2 Cr Ap R 20
Previous inconsistent statements.
- R v Shannon (Ian) (2008) EWCA Crim 2131, (2009) 1 Cr App R (S) 95
Meaning of particularly grave injury.

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