

CONSTANZE BELL

Year of call: 2013

Clerked by: Gary Smith Mark Ronson

AREAS OF EXPERTISE:

Administrative & Public Law Licensing Local Government
Planning & Environment



Licensing

Constanze's varied licensing practice involves regular instruction to appear in the Magistrates and Crown Courts in licence revocation appeals. Constanze is recognised as a 'leading junior' in regulatory and licensing law (Legal 500 2020). She appears before licensing committees as an advocate and acts as legal advisor for licensing committees. Constanze has also represented local authorities in prosecutions for plying for hire and advises on licensing matters including the commission of regulatory offences and POCA proceedings.

Constanze has particular experience in dealing with taxi licence revocation cases in which the revocation is founded upon allegations of the former licence-holder having connections to child sexual exploitation ('CSE'). She has extensive experience of safeguarding in the licensing regime.

Recent cases have included: successfully representing a local authority in the Crown Court in a case which involved special measures for a child complainant; successfully persuading a District Judge that evidence relied upon to support an immediate revocation attracted public interest immunity and, as such, should not be disclosed to the Appellant; and, successfully arguing that an Operator Licence had ceased to exist when the Appellant company was dissolved prior the Crown Court hearing, in a case reported in the Institute of Licensing 'Licensing Flash' newsletter.

Constanze regularly addresses members of various branches of the Institute of Licensing on licensing law matters, recent topics have included: the relationship between planning and licensing; the 'agent of change' principle in NPPF; and safeguarding in licensing. She provides training for the licensing committee members of her local authority clients.

Profile

Constanze has a varied public law, planning and environmental law practice. She is 'up and coming' in the field of planning law (Chambers & Partners 2020) and a 'leading junior' in regulatory and licensing law (Legal 500 2020). Constanze is one of the 'Highest Rated Planning Juniors under 35' (2020 & 2019 Planning Resource Planning Law survey).

During the Covid-19 Pandemic Lockdown Constanze has been involved with efforts to trial videoconferencing technology (Zoom and MS Teams) to hold committee meetings and conduct public inquiries. She writes for the Kings Chambers' 'Law in the Time of Corona' website (<https://lawinthetimeofcorona.wordpress.com/about/>), edited by Gordon Exall, set up to provide practical assistance to the legal and business community during the pandemic.

Constanze was appointed to the Attorney General's Regional Panel in April 2018 and to the Panel of Special Advocates for Health & Safety and Environmental Law in March 2019.

Constanze is the Assistant Editor of the third edition of *Patterson and Karim on Judicial Review*. She is also a member of the Kings Chambers author team who write for and produce the quarterly bulletin for the Encyclopaedia of Local Government Law.

Constanze is a committee member of the Women in Planning network's Yorkshire branch and was recognised as a 'Woman of Influence' in *The Planner* magazine's 2019 survey.

Before coming to the bar Constanze worked in the NGO sector. She was part of the legal team for 'Control Arms', a coalition of NGOs working to secure a human-rights orientated Arms Trade Treaty and attended the July 2012 Arms Trade Treaty Diplomatic Conference and negotiations at the UN in New York. Constanze retains an active interest in human rights law and, in particular, in planning, regulatory and environmental cases involving human rights issues.

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Significant Reported Cases

Regina v Roderick Bloor [2020] EWCA Crim 402, 2020 WL 01290364

Acted for Doncaster Metropolitan Borough Council and successfully resisted an appeal against sentence in the Court of Appeal. The appeal concerned the amount of a fine imposed for failing to comply with an enforcement notice. The Court of Appeal held that the fine was not wrong in principle or manifestly excessive and dismissed the appeal.

R (Preston) v Cumbria County Council [2019] EWHC 1362

Appeared for the Claimant (junior to John Hunter) in a successful judicial review claim. The High Court held that the Council's decision to grant planning permission was unlawful because: there had not been a "screening opinion" for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the "EIA Regs"); and, there had not been an "appropriate assessment" for the purposes of the Conservation of Habitats and Species Regulations 2017 (the "Habitats Regulations").

R (LOGS) v Liverpool CC & Redrow Homes Ltd [2019] EWHC 55 (Admin)

Appeared for Liverpool City Council (junior to Paul Tucker QC) in a challenge brought by a local action group concerning the interpretation of Liverpool's 'green wedge' policies.

Sykes v Cheshire West and Chester BC [2018] EWHC 3655 (Admin)

Appeared for Chester Borough Council in a case concerning the legal principles of consultation and the adequacy of consultation in a planning context.

R (Save Britain's Heritage) v Liverpool City Council and another [2016] EWCA

Successfully resisted an application for an urgent injunction brought by Save Britain's Heritage in the Court of Appeal to prevent deconstruction of the Futurist Cinema in Liverpool.

R (Save Britain's Heritage) v Liverpool City Council and another [2016] EWCA Civ 806

Instructed (as a junior to Anthony Crean QC) on behalf of a Local Authority in an important heritage case. The question before the Court of Appeal was whether paragraph 18a-036 of the Planning Practice Guidance required a local authority to consult the Department for Culture, Media and Sport separately on development proposals for Lime Street, Liverpool which was within the buffer zone of a World Heritage Site. The appeal was dismissed and permission to appeal to the Supreme Court was refused.

Memberships

PEBA (Planning & Environmental Bar Association)

ELF (Environmental Law Foundation)

Women in Planning

Appointments

Panel of Special Advocates for Health & Safety and Environmental Law, C Panel (March 2019-)

Attorney General's Regional Panel, Junior Counsel to the Crown, C Panel (April 2018-)

Qualifications

Bar Professional Training Course, Kaplan London, Very Competent

Graduate Diploma in Law, City University, London, Commendation

History & Philosophy of Science BSc (hons), UCL, First Class. First class in all three years, final year dissertation graded first class.

Recommendations -

Chambers UK, 2021

"Extremely thorough and clear in her advice. She is very good at explaining what are sometimes difficult legal matters to clients." "She is a very capable barrister who is flexible in her approach and very clear and decisive on points of strategy."

Legal 500, 2021

"She is highly intelligent and capable, with the ability to convey the most complicated of legal issues in the simplest manner. She is very approachable and personable, which makes instructing her a real pleasure - she has a real team-mentality of approach which recognises everyone's contribution. She is able to lead and give direction to other team members in an authoritative, assertive manner."

Legal 500, 2020

"Relates well to clients and has excellent advocacy skills."

Chambers UK, 2020

"Always thoroughly well prepared, which provides real authority to her advice."

"She has a knack of establishing a great rapport with the tribunal she's in front of."

Awards

2020: Awarded a Pegasus Scholarship by the Pegasus Trust

2019: Recognised as a "Woman of Influence" by *The Planner Magazine*

2018: Awarded an International Professional & Legal Development Grant by the Bar Council to present a paper at a paper at the 10th International Conference on Sustainable Development & Planning at the University of Siena, Italy

Middle Temple Harmsworth Scholarship (major award) for BPTC & GDL

UCLU Centenary Colours and UCLU Debating Society Honorary Life Membership.

Publications

Lowrison Bell, C. Practice and Procedure. In: Karim QC, S. and Lowrison Bell, C. eds. *Patterson & Karim on Judicial Review*. Third Edition, London: Jordan Publishing.

'Local Authorities' Investigative Powers in Trading Standards', (November 2019) *Encyclopaedia of Local Government Law Bulletin*, Sweet & Maxwell

'Civil Restraint Orders in Law and Practice', (August 2019) *Encyclopaedia of Local Government Law Bulletin*, Sweet & Maxwell

'R. (oao Hollow) v Surrey CC [2019] EWHC 618 (Admin): Case Comment', (March 2019) *Encyclopaedia of Local Government Law Bulletin*, Sweet & Maxwell

Legal Landscape, 'Communities & Decision Making', (May 2019), *The Planner magazine*, (republished by *The Consultation Institute in their digital newsletter*, June 2019)

Bell, C., Sustainable Development in English Planning Policy: A Lawyer's Perspective, *WIT Transactions on Ecology and the Environment*, Volume 217, WIT Press, 2018, ISSN 1743-3541

(presented as a paper at the 10th International Conference on Sustainable Development & Planning at the University of Siena, Italy)

'Case Comment: R. (on the application of Mason) v Winchester Crown Court & CC of Hampshire [2018] EWHC 1182 (Admin), (August 2018) *Encyclopaedia of Local Government Law Bulletin*, Sweet & Maxwell

'It's not fair! Is it?', (April 2018) *Encyclopaedia of Local Government Law Bulletin*, Sweet & Maxwell

