



Nick Ham

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Nick Ham is a regulatory crime specialist with over 20 years' experience. With a wide-ranging practice embracing fraud, trading standards and consumer protection, planning and housing enforcement, environmental crime, unlawful eviction, licensing applications and appeals.

He is instructed by local authorities and private clients to appear in tribunals and courts at all levels, both first instance and appellate. He also advises on restraint, confiscation and other ancillary orders.

He has been praised as a natural communicator, with excellent client-handling and jury advocacy skills. He is efficient, up-to-date and down to earth.

He regularly gives lectures and seminars, most recently dealing with topics as diverse as POCA challenges, social housing fraud, environmental crime, licensing appeals and unlawful eviction.

Expertise

Health & Safety (Consumer & Regulatory offences)

Nick acts for local authorities, companies and individuals in prosecutions under a wide variety of safety legislation, including the Health and Safety at Work Act 1974, the Food Safety and Hygiene (England) Regulations 2013, the Cosmetic Products Enforcement Regulations 2013 and the Trade in Animals and Related Products Regulations 2011.

Notable Health & Safety (Consumer & Regulatory offences) cases

HSE v L B Southwark

advising local authority in a tree-fall case where three children were injured

Bracknell v Co-operative Foodstores Ltd

out of date ready meals, risk of pathogenic bacteria

R v Ikpere

manufacture and sale of dangerous skin-lightening products

R v Marzec

importation of dogs in contravention of rabies controls

Thurrock BC v Sunny Ventures Limited

cheese manufacturer in breach of food safety regulations and remedial action notice

Planning enforcement (Consumer & Regulatory offences)

Nick acts for local authorities, companies and individuals in prosecutions under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990, together with confiscation and restraint proceedings arising from such cases.

Notable Planning enforcement (Consumer & Regulatory offences) cases

R v Knightland Foundation & Friedman [2018] EWCA Crim 1860

terminatory ruling, abuse of process, improper motive

Smart Planning Limited v Brentwood BC [2018] EWHC 2372 (Admin)

rights of entry, vicarious liability

Sarodia v Redbridge LBC [2017] EWHC 2347 (Admin)

alidity of enforcement notice, nullity

R v Mahajan

perverting the course of justice and use of false instruments to evade planning enforcement action

R v Phull

breach of enforcement notice, availability of confiscation order, meaning of 'benefit from criminal conduct'

Forde v Brentwood BC

meaning of 'occupation', warrant of entry

Trademarks

Nick acts for local authorities, companies and individuals in prosecutions under the Trade Marks Act 1994 and Fraud Act 2006, together with confiscation and restraint proceedings arising from such cases.

Notable Trademarks cases

R v S [2002] EWCA Crim 2558

counterfeit goods, statutory defence, human rights, compatibility with presumption of innocence

R v Z L Stores Limited & Zhao

counterfeit goods, product safety, laser pointers

R v Karim

a London Borough's first eBay fraud, counterfeit goods imported from China

R v Kent

manufacture/distribution of counterfeit music and DVDs

Consumer Protection (Consumer & Regulatory offences)

Nick acts for local authorities, companies and individuals in prosecutions under the Consumer Protection from Unfair Trading Regulations 2008, Fraud Act 2006, Companies Act 2006 (fraudulent trading), Licensing Act 2003, Criminal Justice Act 1988 (knife sales), General Product Safety Regulations 2005, and the Cosmetic Products Enforcement Regulations 2013, together with confiscation and restraint proceedings arising from such cases. Nick also appears in appeals heard by the First Tier and Upper Tribunals relating to civil penalties imposed under the Consumer Rights Act 2015 and related legislation.

Notable Consumer Protection (Consumer & Regulatory offences) cases

Blockbuster Entertainment limited

underage sales, abuse of process, scheme of delegation, enforcement policy

Poundstretcher

underage sales, due diligence defence

R v Hussain & Ul Hussain

conspiracy to defraud, fraudulent trading, estate agency

R v Essex and East London Cars Ltd & Kayani

consumer protection regulations, product safety, car sales

London Corporate Relocation Ltd

sham licence agreements, unfair commercial practices

R v Shah

fraud, consumer protection regulations, trade mark infringement, building works

R v Hussain & Butt

conspiracy to defraud, fraudulent trading, mortgage brokers

R v Ikpere

manufacture and sale of dangerous skin-lightening products

Housing (Consumer & Regulatory offences)

Nick acts for local authorities, companies and individuals in prosecutions under the Housing Act 2004, Prevention from Social Housing Fraud Act 2013 and the Fraud Act 2006 (fraudulent right to buy), together with unlawful profit order applications, confiscation and restraint proceedings arising from such cases. Nick also appears in appeals heard by the First Tier and Upper Tribunals relating to civil penalties imposed under the Housing Act 2004.

Notable Housing (Consumer & Regulatory offences) cases

Palmview Estates Ltd v Thurrock Council [2021] EWCA Civ 1871

failure to licence HMO, scope of statutory defence of reasonable excuse

R v Adedeji & Adedeji

fraud/unlawful subletting of social housing by the head of housing of a local authority

R v Thomas, Nelson, Kiel

insider fraud, manipulation of social housing register

London Corporate Apartments Ltd

validity of additional licensing designation, liability of company director

R v Aghalibe, R v Karicho, R v Wamalwa

council tenancy fraud, use of false identity documents

Rockpole Ltd, Woodland Property Management Ltd & Station Estates Ltd

unlicensed HMO, statutory defence, burden of proof

R v Oshodi

right to buy fraud, unlawful subletting, confiscation.

R v Opaleye, R v Warr, R v Nyamu

fraudulently obtaining/subletting social housing.

Environmental Crime (Consumer & Regulatory offences)

Nick acts for local authorities, companies and individuals in prosecutions under the Environmental Protection Act 1990, Control of Pollution Act 1974 and associated legislation.

Notable Environmental Crime (Consumer & Regulatory offences) cases

R v Arrowsmith

deposit of soil on farmland to create bunds, whether constitutes 'waste'

R v Afzal

fly tipping, forged waste transfer notes

R v WY Developments Ltd & Wang

fly tipping, admissibility of interview of director/company

Mabert v North Herts DC

appeal against abatement notice, defects in notice, procedural impropriety

Adewumi v LB Barking & Dagenham

summary proceedings for statutory nuisance, validity of summons, person responsible for nuisance

Licensing

Nick acts for appellants and respondent local authorities in appeals under the Licensing Act 2003.

Unlawful Eviction (Consumer & Regulatory offences)

Nick acts for local authorities in prosecutions under the Protection from Eviction Act 1977.

Notable Unlawful Eviction (Consumer & Regulatory offences) cases

Attorney General's Reference No 1 of 2004 [2004] EWCA Crim 1025

unlawful eviction, statutory defence, human rights, compatibility with presumption of innocence.

R v Shaukat [2014] EWCA Crim 2490

terminatory ruling, harassment of occupier

Sharomi & Sharomi

unlawful eviction, withdrawal of services, excluded tenancy

Narine v LB Newham

residential occupier, deprivation of occupation

Insider Fraud and Misconduct in Public Office

Nick has considerable experience of dealing with sensitive cases involving insider frauds and misconduct within local authorities, often involving very senior officers or heads of department.

Notable Insider Fraud and Misconduct in Public Office cases

R v Adedeji & Adedeji

head of housing convicted of unlawfully subletting social housing

R v Whitehorn

senior financial officer diverting money into her personal bank account

R v Keen

crematorium supervisor using corporate bank card for personal spending

R v Thomas

housing allocations officer manipulating system to help friends jump the queue

Memberships

- Criminal Bar Association

Languages

- French