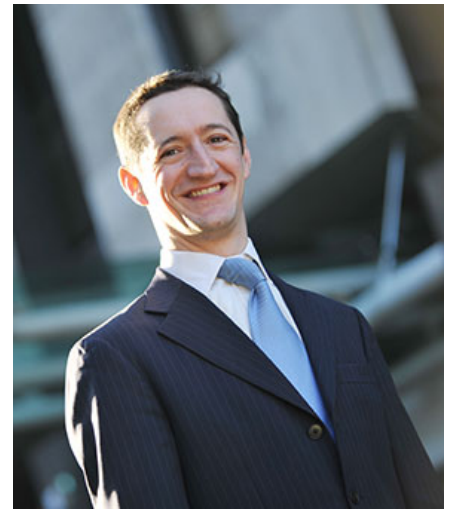


Ben Mills

Year of Call: 2000

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Introduction

In January 2016 Ben Mills was appointed as a Recorder of the Crown Court on the Midlands Circuit.

By his regular inclusion in Chambers and Partners and the Legal 500, Ben is recognised as a leader in the field of regulatory crime. He enjoys a thriving practice working predominantly in Consumer Protection, Health and Safety Law, Environmental Law, Fire Safety, Fraud other serious crime and associated complex confiscation proceedings. At the core of his practice is an acute attention to his client's best interests and a tireless commitment to his cases.

He was Junior Counsel in *R v X* [2013] EWCA Crim 818, the leading authority on the CPUT Regulations 2008 and the application of recklessness to corporate entities. He is one of a small number of expert Counsel instructed nationally in cases focussing on the activities of 'loan sharks'. These predominantly involve Consumer Credit Act offences, blackmail and large scale fraud/money laundering.

In 2017 he appeared in two of that year's most important health and safety cases which helped to define the court's approach to the Definitive Sentencing Guidelines: *HSE v Tata Steel UK Ltd* [2017] EWCA Crim 70 and *HSE v Diamond Box Ltd* [2017] EWCA Crim 1904.

In 2018 he appeared in *R v Lear* [2018] EWCA Crim 69 where the Court of Appeal provided defining guidance on the prosecution of partners and partnerships.

He was Junior Defence Counsel in *R v Shuttleworth and Southerton* (2013) – a 6 month cut-throat baby murder trial which received national attention.

During the House of Lords expenses scandal, he was instructed to advise a Life Peer in all pre-charge matters and police interviews.

After a very competitive process Ben has also been appointed to the Attorney General's List of Specialist Regulatory Advocates in Health and Safety and Environmental Law (Band B).

What the directories say:

- "A marvellous advocate." and "He can immediately put clients at ease." – Legal 500 2019
- "He's very intelligent, always knows the briefs and the law and is respected by judges for that." and "A class act." – Chambers UK 2019
- "Conscientiously performs some sensationally good work" – Chambers and Partners
- "Excellent with lay clients" and "very strong in court" – Legal 500
- "Advocacy is at the top of the list of his strengths – he engages with the judiciary and jurors alike." – Legal 500
- "He has proved virtually unrivalled in his encyclopaedic knowledge and his excellent manner with clients." – Chambers and Partners
- "He is approachable and committed. He is organised and responds quickly to queries, and is an awesome cross-examiner...He has a real commitment to the work, and shows incredible levels of preparation, and a delightful manner in

dealing with juries.” – Chambers and Partners

- “Ben Mills is calm under pressure, a direct questioner and a clear thinker.” – Chambers and Partners
- “He’s brilliant with clients, very bright, down to earth and easy to work with.” “He’s very good with legal arguments and paperwork.” – Chambers and Partners
- “A leading barrister with a national reputation for loan shark prosecutions.” – Legal 500

Reported Cases:

- R v Lear [2018] EWCA Crim 69 – defining guidance on the prosecution of partners and partnerships.
- HSE v Tata Steel UK Ltd [2017] EWCA Crim 70 – defining case on the application of the Health and Safety Definitive Sentencing Guidelines to very large organisations.
- HSE v Diamond Box Ltd [2017] EWCA Crim 1904 – defining case on the application of the Health and Safety Definitive Sentencing Guidelines dealing with the assessment of ‘likelihood of harm’.
- Junior Counsel in R v X [2013] EWCA Crim 818, the leading authority on the CPUT Regulations 2008 and the application of recklessness to corporate entities.
- Instructed in leading sentencing case for illegal money lending: R v Dixon [2012] 2 Cr.App.R.(S)100.
- Dudley MBC v Arif [2011] [2012] R.T.R. 20; [2012] A.C.D. 86- Ben represented Dudley MBC in an appeal by way of case stated from the Magistrates Court where the appellant had been acquitted of an offence of plying for hire contrary to the Town Police Clauses Act 1847 s.45. The issue related to whether the defendant could assert ‘mistake’ when the offence was one of strict liability.
- Brett v DPP, Queens Bench Division of the High Court, [2009] 1 W.L.R. 2530 – Ben represented the DPP in this appeal by way of case stated which related to the admissibility of hearsay evidence served under s 16 of the Road Traffic Offenders Act 1988.

Articles and Publications:

- Contributing Editor: ‘Consumer and Trading Standards: Law and Practice’, 2013, 2015 and 2018.
- A Health and Safety Sentencing Tool-kit – Local Government Lawyer Online – October 2012 – Ben Mills sets out a tool-kit for defence and prosecution lawyers that will establish the foundation for quality advocacy at health and safety sentencing hearings.
- ‘Any time for Money Laundering’ – a guide to the recent authorities setting out the principles of sentencing when ancillary POCA offences are included on an indictment.
- ‘I Drink Therefore I Am’ – Alcohol Dependency Syndrome (R v Woods 2008) – an analysis of the recent changes in this area of law and its application in a defence to murder
- ‘Conduct and Effect – Offences under the Consumer Protection from Unfair Trading Regulations 2008’ – an analysis of the new offences under this legislation and how they operate
- Qualifications and Appointments:
- Crown Court Recorder – January 2016
- Appointed to the Attorney General’s Unified List of Specialist Regulatory Advocates in Health and Safety and Environmental Law (Band B) – 2012 ongoing.
- Attorney General’s Unified List of Prosecuting Advocates (Panel C) – July 2009 – 2012.
- Midlands Circuit Representative for Criminal Bar Association: 2007-2010.
- Diploma in Law at BPP Law School, Lincoln’s InnLaw Commission: Research Assistant 2000-2001.
- BA (Hons) in English and Philosophy at Birmingham University (2:1)

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- Midlands Circuit Representative for Criminal Bar Association: 2007-2010.

Regulatory

Ben enjoys a thriving practice working predominantly in Consumer Protection, Health and Safety Law, Environmental Law, Fire Safety, Fraud other serious crime and associated complex confiscation proceedings. At the core of his practice is an acute attention to his client's best interests and a tireless commitment to his cases. He has appeared in some of the leading Court of Appeal authorities in those areas and is recognised as a leading junior by both Chambers and Partners and the Legal 500.

Ben has extensive expertise in Trading Standards matters and is regularly instructed to advise on pre-charge issues in respect of complex Trading Standards, health and safety and environmental prosecutions.

He is one of a small number of expert Counsel who are instructed to prosecute 'loan sharks' nationally on behalf of the Illegal Money Lending Team, for Consumer Credit Act offences, violence, blackmail and high level money laundering.

Trading Standards, Consumer Protection & Food Safety

Ben is one of only two advocates currently ranked for Consumer Law in Chambers and Partners 2018. He has extensive experience in cases involving Trading Standards offences. He is regularly instructed to advise on pre-charge issues in respect of complex Trading Standards prosecutions, fraudulent trading and fire safety cases.

He was Junior Counsel in R v X [2013] 2 Cr.App.R.15 – the leading authority on the CPUT Regulations 2008 and the application of recklessness to corporate entities.

He is one of a small number of expert Counsel who are instructed to prosecute 'loan sharks' nationally on behalf of the Illegal Money Lending Team, for Consumer Credit Act offences, violence, blackmail and high level money laundering.

Ben has also been appointed to the Attorney General's List of Specialist Regulatory Advocates in Health and Safety and Environmental Law (Band B). At the core of his practice are an acute attention to his client's best interests and a tireless commitment to his cases.

He also has considerable experience in Food Safety matters.

He is a contributing Editor for: 'Consumer and Trading Standards: Law and Practice', Jordans, 2013, 2015 and 2018.

Recent Regulatory instructions include:

- Advising on and assessing the merits of a multi-agency national counterfeiting conspiracy.
- Prosecuting Birmingham City Council's largest ever seizure of counterfeit clothing.
- Prosecuting a multi-handed car-clocking conspiracy – from pre-charge advice through to conviction.

Reported Cases:

- R v Lear [2018] EWCA Crim 69 – defining guidance on the prosecution of partners and partnerships.
- HSE v Tata Steel UK Ltd [2017] EWCA Crim 70 – defining case on the application of the Health and Safety Definitive Sentencing Guidelines to very large organisations.
- HSE v Diamond Box Ltd [2017] EWCA Crim 1904 – defining case on the application of the Health and Safety Definitive Sentencing Guidelines dealing with the assessment of 'likelihood of harm'.
- Junior Counsel: R v X [2013] 2 Cr.App.R.15: leading authority on the CPUT Regulations 2008 and the application of recklessness to corporate entities.
- Prosecuted leading "loan shark" sentencing case: R v Dixon [2012] 2 Cr.App.R.(S)100.
- Contributing Editor for: 'Consumer and Trading Standards: Law and Practice', Jordans, 2013, 2015 and 2016.

Health & Safety, Corporate & Gross Negligence Manslaughter

Ben has been appointed to the Attorney General's List of Specialist Regulatory Advocates in Health and Safety and Environmental Law (Band B) since 2009.

Health and Safety is now a core part of Ben's practice. In 2017 he appeared in two of that year's most important health and safety cases which helped to define the court's approach to the Definitive Sentencing Guidelines: HSE v Tata Steel UK Ltd [2017] EWCA Crim 70 and HSE v Diamond Box Ltd [2017] EWCA Crim 1904.

In 2018 he appeared in R v Lear [2018] EWCA Crim 69 where the Court of Appeal provided defining guidance on the prosecution of partners and partnerships.

At the core of his practice are an acute attention to his client's best interests and a tireless commitment to his cases.

Ben also has considerable experience of representing parties at inquests. His expertise in that field allows him to offer full continuity to clients in cases which are preceded by such a hearing. These are always sensitive hearings and are often highly complex involving a full Article 2 ECHR investigation of the circumstances surrounding a death.

Inquests & Coronial

Ben's practice covers a large variety of regulatory work and he now has extensive experience of inquest work including those that involve complex 'Article 2' issues. He has represented a custody officer where a suspect died whilst under his supervision. This was an 'Article 2' inquest which looked in detail at the practices and procedures of the police in relation to their custody suite operations. The inquest concluded with no criticism of the client and with recommendations made to the Police Force on their future training and monitoring practices.

Ben undertakes the associated health and safety or other criminal trials that follow and in that way can offer continuity of representation to the client throughout the proceedings.

Ben also provides training sessions on inquest practice and procedure.

Licensing

Ben regularly represents local councils in taxi licensing appeal hearings and has prepared detailed skeleton arguments on issues such as what amounts to 'playing for hire' and the scope of evidence which the tribunal are entitled to consider

Reported Cases:

Brett v DPP, Queens Bench Division of the High Court, [2009] 1 W.L.R. 2530 – Ben represented the DPP in an appeal by way of case stated from the Magistrates Court where the appellant had been convicted of drink driving. He did not have conduct of the case in the Magistrates Court. The primary issue was whether the court was right to admit evidence of a certificate of analysis of a blood specimen sent under s.16 of the Road Traffic Offenders Act 1988 [RTOA] when notice had been given pursuant to s.16 (4) of that Act, "requiring" the attendance of the analyst at the hearing. Ben was instructed to represent the DPP in relation to a case stated, questioning the operation of the hearsay provisions within the Criminal Justice Act 2003 in relation to section 16 (4) of the Road Traffic Offenders Act 1988 (certificates of analysis as truth of their contents). As was submitted, the Court concluded that they did apply.

Dudley MBC v Arif [2011] [2012] R.T.R. 20; [2012] A.C.D. 86 – Ben represented Dudley MBC in an appeal by way of case stated from the Magistrates Court where the appellant had been acquitted of an offence of plying for hire contrary to the Town Police Clauses Act 1847 s.45. The issue related to whether the defendant could assert 'mistake' when the offence was one of strict liability

Crime

Ben has developed particular expertise in cases involving the management of large scale disclosure, complex fraud and the representation of those in public service accused of serious criminal conduct.

"Advocacy is at the top of the list of his strengths – he engages with the judiciary and jurors alike." – Legal 500

"He has proved virtually unrivalled in his encyclopaedic knowledge and his excellent manner with clients." – Chambers and Partners

"He is approachable and committed. He is organised and responds quickly to queries, and is an awesome cross-examiner...He has a real commitment to the work, and shows incredible levels of preparation, and a delightful manner in dealing with juries." – Chambers and Partners

"Ben Mills is calm under pressure, a direct questioner and a clear thinker." – Chambers and Partners

"He's brilliant with clients, very bright, down to earth and easy to work with." "He's very good with legal arguments and paperwork." – Chambers and Partners

Fraud, Business and Financial Crime

Ben has substantial experience of both prosecuting and defending high value business crime. He was junior counsel in the successful prosecution of a £23 million fraud conspiracy. He is one of a small team of expert Counsel who are instructed to prosecute 'loan sharks' nationally on behalf of the Illegal Money Lending Team for Consumer Credit Act offences, blackmail and money laundering.

Ben's practice in this area of law has principally involved acting as Junior Counsel on a number of major fraud trials for both the prosecution and the defence. This has included acting as junior counsel in what was described as the largest prosecution CPS York Casework Directorate have ever undertaken.

His particular expertise is in the process of large scale disclosure and distilling information into manageable documents to assist the jury in understanding complex financial evidence.

He has recently been instructed by the Environment Agency to prosecute a £1.5 million pound case of fraudulent trading.

Restraint and Confiscation

Ben has considerable experience of conducting confiscation proceedings for both the prosecution and the defence and the applications for restraint, variation or discharge which inevitably accompany them. He has acted and advised at all stages of these proceedings and in respect of associated forfeiture proceedings in the Magistrates Court.

He regularly delivers training sessions for both the prosecution and the defence on the evolving law and principles that govern these proceedings. Most recently in respect of the implications of R v Waya.

R v K – successfully prosecuted a loan shark charged with 3 million pounds worth of POCA offences and blackmail.