

Sarah Le Fevre

Call: 2001



Sarah Le Fevre practises in licensing, regulatory, criminal, coronial and public law.

She is recommended in the legal directories in the fields of inquests and inquiries, licensing and health and safety.

Licensing

Sarah's regular practice encompasses:

- licensed entertainment under the Licensing Act 2003 (representing and advising applicants, objectors, responsible authorities, local authorities and interested persons in the High, Crown and Magistrates' Courts and before licensing authorities)
- gambling and associated issues under the Gambling Act 2005 (recent instructions have included: consideration of the meaning of 'primary gambling activity'; the adequacy of the safeguarding/vulnerability provisions under the legislation in the context of a fatality following the incurring of extensive gambling debts)
- street trading
- hackney and mini-cabs (advising and representing licensees and local authorities in and outside London)
- goods vehicle operator licensing (including proceedings before traffic commissioners)
- special treatment premises (advising on policy and in multiple appeals)
- sex establishments (advising and representing applicants/licence holders before licensing authority, on appeal and in the High Court)

Notable Licensing cases

- **Hyde Park Festival (2018)**
Representing Royal Parks as applicant for new premises licence for Hyde Park summer festivals.
- **R (Campaign for Fairer Gambling) v HM Treasury (2017)**
Instructed by claimant in judicial review proceedings brought against HM Treasury judicial review challenging the wholesale exemption of gambling operators from the Money Laundering Regulations 2017.
- **Sophisticats (2017-2019)**
Representing applicant for new premises licence and extension of sexual entertainment licence in central Soho.
- **R (Essence Bars Ltd) v Wimbledon Magistrates' Court, Royal Borough of Kingston upon Thames & Anr [2016] EWCA Civ 63**
Instructed as junior counsel for the claimant in judicial review proceedings (High Court and Court of Appeal) in respect of defendant's decision to dismiss statutory appeal following mistake in drafting of complaint. Appeal against High Court decision allowed by Court of Appeal.
- **Street Feast/Dinerama (2016-2018)**
Representing successful applicants for the two largest licensed venues in Hackney.
- **Red Rooms (2016-2019)**
Representing sexual entertainment venue in proceedings before the local authority and in successful challenges to that authority's decision on statutory appeal and in the High Court.

Regulatory

Sarah's regular practice in this field encompasses civil and criminal enforcement and inquest and tribunal work. She has been appointed to the A List of the Attorney General's list of Specialist Counsel in this field since 2012. Specific areas of expertise reflected in current/recent practice include:

- fire safety
- railway safety
- tree preservation
- health and safety at work generally
- food hygiene and food safety
- trading standards, trademarks, hall marks, copyright protection, weights and measures
- product safety and consumer protection
- water pollution and control
- waste management
- noise pollution and control

- data protection and the control of information
- football (including banning orders, special police services, safety at sports grounds/stadium)
- safety)

Notable Regulatory cases

- **R (Health & Safety Executive) v Priory Healthcare Ltd (2018-2019)**

Instructed by the HSE in the prosecution of Priory Healthcare Ltd: charges under the HSWA 74 alleging failures to properly minimise the risk of suicide in sectioned and extremely vulnerable mental health patients.

- **R (Office of Rail & Road) v Network Rail Infrastructure Ltd (2016)**

Representing the ORR in the prosecution of Network Rail for safety failings on a level crossing (Gipsy Lane, Needham Market) over a protracted period of time, resulting in the death of Olive McFarland. Network Rail was sentenced pursuant to the Health and Safety Offences Definitive Guideline (high culpability and category 1 harm), and fined £4m.

- **R (Health & Safety Executive, Environment Agency) v Sellafield Ltd; R (Office of Rail Regulation) v Network Rail Infrastructure Ltd [2014] EWCA Crim 49**

Representing the prosecution in the second appeal against sentence. Sole prosecution counsel throughout proceedings, involving safety failures at a level crossing on private land resulting in serious injuries to a ten year old boy. Network Rail was fined £500,000 following a guilty plea. Consideration by the Court of Appeal of the appropriate approach to sentencing atypically structured and/or very large corporate entities for health and safety and environmental protection offences. Appeals dismissed.

- **R (Environment Agency) v Anglian Water Services Ltd (2014)**

AWS fined £50,000 for alleged Category 1 incidence following (a) the Sellafield decision and (b) publication of the Environmental Offences Definitive Guideline.

- **R (Environment Agency) v Anglian Water Services Ltd (2013)**

Successfully appealing excessive sentence imposed by magistrates on a national water authority under the Environmental Permitting Regulations 2010.

- **R v Michael Wilson [2013] EWCA Crim 1780**

Representing the prosecuting authority on appeal against conviction concerning (a) the relationship between the mens rea for a 'consent, connive, neglect' offence and a statutory due diligence defence, and (b) the indicting of consent, connive, neglect allegations. Appeal dismissed.

Inquests and Public Inquiries

Sarah advises and represents families, regulators, police authorities and other interested persons at all stages of the coronial process. Her inquest practice embraces deaths following contact with police, deaths on the railway and as a

result of fire, and workplace fatalities.

Sarah also sits as an Assistant Coroner for Gwent.

Sarah has been instructed for key core participants in three major ongoing public inquiries, and has extensive experience and knowledge of Inquiry practice and procedure and of the issues underlying and giving rise to those inquiries. She has also appeared in a number of public inquiries before Traffic Commissioners on behalf of national utility companies.

Notable Inquests and Public Inquiries cases

- **Grenfell Tower Inquiry**

Instructed by the London Fire Brigade, led by Stephen Walsh QC.

- **Independent Inquiry into Child Sexual Abuse**

Instructed to represent individual witnesses in respect of certain IICSA investigations/case studies.

- **Public inquiry into Undercover Policing**

Instructed by the Metropolitan Police Service, led by Neil Garnham QC and Jonathan Hall QC.

- **Inquest into the death of YA**

Instructed by the Metropolitan Police Service in respect of the death of a customer of a national casino operator.

- **Inquest into the death of RC**

Instructed by the Metropolitan Police Service in respect of a police shooting in a petrol station.

- **Inquests arising from the Croydon Tram Derailment**

Instructed for the London Fire Brigade.

- **Inquest into the death of MS**

Instructed on behalf of a care home, in respect of the death of a resident (Surrey).

- **Inquest into the death of Francesca Whyatt**

Instructed by the Health and Safety Executive in respect of proceedings arising from the death of Francesca Whyatt on 25th September 2013 at the Priory, Roehampton.

- **Inquest into the death of Arthur Mellar**

Instructed to represent Burghley House Preservation Trust Ltd in the inquest into the death of Arthur Mellar at Burghley House in 2014.

- **Inquest into the death of Brenda Leyland**

Instructed to represent Sky News in the inquest into the death of a 'Twitter troll' following Sky News investigation into the online trolling of the family of Madeleine McCann.

- **Inquest into the death of Mark Duggan**

Instructed with Hugo Keith QC to represent the Commissioner of Police for the Metropolis in this inquest and

related judicial review proceedings. Instructed with Jason Beer QC in related civil claims.

- **Inquest into the death of Anita Trivedi**

Instructed to represent King's College London in the inquest and related judicial review proceedings.

- **Inquest into the death of TG**

Instructed for the family in respect of the fatality of patient restricted under section 3 Mental Health Act 1983 following absconding from secure ward.

Public & Administrative Law

Sarah is experienced in bringing and defending judicial review claims and appeals by way of case stated and advising at all stages of such proceedings, and advising a range of public authorities in respect of the proper exercise of statutory functions in connection with all her areas of specialist practice. She is also experienced in making and advising on applications for public interest immunity in a range of jurisdictions.

Notable Public & Administrative Law cases

- **R (W) v Chief Constable of Avon & Somerset Constabulary (2017)**

Instructed for the claimant officer challenging purported requirement for consent to retire.

- **R (C & W) v HM Treasury (2017)**

Instructed for the claimant in proceedings challenging implementation of Fourth Money Laundering Directive through the Money Laundering Regulations 2017.

- **R (L) v Commissioner of the Police for the Metropolis, Inspector W & Ors [2016] EWHC 2880 (Admin)**

Instructed for the affected officer in article 3 proceedings seeking to prevent retirement through stay of the defendant's decision.

- **R (EA) v Thames Magistrates' Court, London Borough of Hackney (2016)**

Challenge to the lawfulness of District Judge's decision to dismiss a statutory licensing appeal at the conclusion of the appellant's case. Instructed for the 1st Interested Party.

- **R (Essence Bars Ltd) v Wimbledon Magistrates' Court, Royal Borough of Kingston upon Thames & Anr [2016] EWCA Civ 63**

Instructed as junior counsel for the claimant in judicial review proceedings (High Court and Court of Appeal) in respect of defendant's decision to dismiss statutory appeal following mistake in drafting of complaint. Appeal against High Court decision allowed by Court of Appeal.

- **R (HC) v (1) Secretary of State for the Home Department (2) Commissioner of Police for the Metropolis**

[2013] EWHC 982 (Admin)

Representing the Commissioner of Police for the Metropolis in a test case brought by a south London teenager, Hughes Cousins-Chang, against both the Secretary of State for the Home Department and the Commissioner. The case resulted in a finding that the Home Secretary's failure to review Code C PACE 1984 in respect of 17 year olds in custody represented a breach of Article 8 of the European Convention on Human Rights. The Home Secretary was ordered to redraft the Code. The claim did not succeed against the Metropolitan Police.

Crime

In addition to her regulatory expertise, Sarah has lengthy experience, prosecuting and defending, in cases concerning/involving:

- serious violent and sexual crime
- drug and human trafficking
- organised crime
- representation of vulnerable defendants
- representation of police officers

Notable Cases

Inquests and Inquiries

Grenfell Tower Inquiry

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Public inquiry into Undercover Policing

Instructed by the Metropolitan Police Service in the public inquiry into undercover policing, led by Neil Garnham QC and Jonathan Hall QC.

Independent Inquiry into Child Sexual Abuse

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Inquest into the death of Arthur Mellor

Instructed to represent Burghley House Preservation Trust Ltd in the inquest into the death of Arthur Mellor at Burghley House in 2014.

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Instructed to represent Sky News in the inquest into the death of a 'Twitter troll' following Sky News investigation into the online trolling of the family of Madeleine McCann.

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Licensing

Hyde Park Festival

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Sophisticats

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Street Feast/Dinerama

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Red Rooms

Representing sexual entertainment venue in proceedings before the local authority and in successful challenges to that authority's decision on statutory appeal and in the High Court.

Fabric

Representing the Metropolitan Police in its review of the premises licence of Fabric nightclub following a number of fatalities and near misses amongst its clientele. Islington Council imposed the conditions sought by police, including a requirement to deploy drugs dogs. Now instructed by Islington Council on Fabric's appeal.

R (on the application of Akin (t/a Efe's Snooker Club)) v London Borough of Hackney

[2014] EWHC 4633 (Admin)

Representing Hackney in dismissal of claim for the judicial review by the holder of the premises licence; proper application of *ex p Jeyeanthan* [2000] 1 WLR 354 to licensing proceedings.

R (on the application of Akin (t/a Efe's Snooker Club)) v Stratford Magistrates' Court, London Borough of Hackney

Queen's Bench Division

28 November 2014 [2014] EWHC 4633 (Admin)

Representing Hackney in dismissal of claim for the judicial review by the holder of the premises licence; proper application of *ex p Jeyeanthan* [2000] 1 WLR 354 to licensing proceedings.

93 Feet East

Representing the premises licensee during summary review proceedings and on appeal following a massive raid and allegations of drug dealing and misuse on the premises. Appeal allowed in full

MGM Grand Hotels Ltd and another v Vierich

(2012)

Instructed by US based casinos in the UK proceedings to enforce judgment obtained in Nevada against casino client in respect of gambling debts.

Tower Hamlets LBC v Lovebox Festivals Ltd

Administrative Court [2012] EWHC 961 (Admin)

Successfully resisting appellant local authority's appeal by way of case stated against the order of substantial costs (in principle and on quantum); the local authority's decision had not been reasonable.

Marathon v London Borough of Camden

[2011] EWHC 1339 (QB)

Case stated, lawfulness of district judge's determination (a) burden of proof (b) coherency of factual findings (c) nature of hearing (d) sufficiency of reasons.

Miscellaneous **festivals**, including Sunrise Festival; Loxwood Joust; Lovebox; Exhibition Road Show 2012; Womad

Miscellaneous applications for premises licences, including for the Science Museum, the Natural History Museum, the Manchester Museum of Science and Industry, the Royal Society of Arts; Notting Hill Carnival (sound system); Pleasuredrome.

Miscellaneous applications for **sexual entertainment venue licences**, including for Spearmint Rhino (flagship UK

premises on Tottenham Court Road); Pinks Gentlemen's Club; Parkers; Red Rooms

Health and Safety etc

R (Health and Safety Executive) v Priory Healthcare Ltd

Instructed by the HSE in the prosecution of Priory Healthcare Ltd: charges under the HSWA 74 alleging failures to properly minimise the risk of suicide in sectioned and extremely vulnerable mental health patients.

R(Office of Rail and Road) v Network Rail Infrastructure Ltd

Ipswich Crown Court, September 2016

Representing the ORR in the prosecution of Network Rail for safety failings on a level crossing (Gypsy Lane, Needham Market) over a protracted period of time, resulting in the death of Olive McFarland. Network Rail was sentenced pursuant to the Health and Safety Offences Definitive Guideline (high culpability and category 1 harm), and fined £4m.

R (Health and Safety Executive and the Environment Agency) v Sellafield Ltd; R (Office of Rail Regulation) v Network Rail Infrastructure Ltd

[2014] EWCA Crim 49

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R (Environment Agency) v Anglian Water Services Ltd:

Representing the defendant company since 2011, including:

- **2014: Chelmsford Crown Court:** AWS fined £50,000 for alleged Category 1 incidence following (a) the **Sellafield** decision and (b) publication of the Environmental Offences Definitive Guideline
- **2013: Chelmsford Crown Court:** successfully appealing excessive sentence imposed by magistrates on a national water authority under the Environmental Permitting Regulations 2010.

R v Michael Wilson

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Representing the prosecuting authority on appeal against conviction concerning (a) the relationship between the mens rea for a 'consent, connive, neglect' offence and a statutory due diligence defence, and (b) the indicting of consent, connive, neglect allegations. Appeal dismissed.

R (Food Standards Agency) v Selfridges Retail Ltd and another

(2013)

Representing Selfridges (with Stephen Walsh QC) in a prosecution in respect of the sale of raw milk. The case was withdrawn.

R (Mid Suffolk District Council) v 2 Sisters Food Group Ltd and others

(2013)

Instructed to defend the technical director in respect of allegations under the Food Hygiene (England) Regulations 2006.

R (Office of Rail Regulation) v Network Rail Infrastructure Ltd

2011-2012 Chelmsford Crown Court

Junior counsel in the prosecution of Network Rail for systemic failures to properly assess risk at a level crossing, which failures led to the deaths in 2005 of two teenage girls.

R (LFEPa) v Chumleigh Lodge Hotel Ltd (2) Michael Wilson

2011-2012 Blackfriars Crown Court

First contested Crown Court trial under the Regulatory Reform (Fire Safety) Order 2005, resulting in unanimous convictions and substantial financial penalties.

Other Judicial Review

R (HC) v (1) Secretary of State for the Home Department (2) Commissioner of Police for the Metropolis

[2013] EWHC 982 (Admin)

Representing the Commissioner of Police for the Metropolis in a test case brought by a south London teenager, Hughes Cousins-Chang, against both the Secretary of State for the Home Department and the Commissioner. The case resulted in a finding that the Home Secretary's failure to review Code C PACE 1984 in respect of 17 year olds in custody represented a breach of Article 8 of the European Convention on Human Rights. The Home Secretary was ordered to redraft the Code. The claim did not succeed against the Metropolitan Police.

Education

- MA (Hons) (Cantab) Anglo-Saxon, Norse & Celtic (1993)
- Post-graduate Diploma in Law (Merit) (1999)
- LLM Public International Law (Distinction) (2000)

Awards

- Ede & Ravenscroft Student of the Year 2001 (Lincoln's Inn)
- Megarry Scholar 2001
- Buchanan Prize 2001

Appointments

- Assistant Coroner for Gwent (2020-)
- 'A' List, List of Specialist Regulatory Advocates in Health & Safety and Environmental Law (2012-)
- 'C' List, Unified List of Prosecuting Advocates (2006-2012)

Other Information

Sarah is MV/SC security cleared.

Sarah spent 4 years as a multiple licensee in her own right in the West Country, during which time she was Chair of the local Licensed Victuallers Association.

Sarah trained as an actor at The Poor School, London and periodically records audio books and similar for major publishers.

Accreditations

