

John Howell QC

“Highly respected with a light courtroom manner.”

– LEGAL 500, 2021

Year of call: **1979**
Appointed to silk: **1993**
Degree: **BA (Oxon), MA Phil (Lond)**



John Howell QC's practice spans a broad range in the public law arena, including Human Rights, Local Government (including Local Government Finance), Public Procurement, Social Security and Social Services, Environmental and European Law.

John is top ranked by both of the leading independent legal directories, The Legal 500 2018 and Chambers UK 2019, as a leading silk. Chambers UK 2019 recognises him as a Senior Statesperson.

Star of the Bar – “The “first rate” John Howell QC is “a clever, clever advocate,” says one reverential source. “His breadth of knowledge is utterly extraordinary and he has a comforting way of expressing it.” He is rated by peers and instructing solicitors as one of the foremost experts in local government matters, and has additional highly regarded practices in the related areas of public law, procurement, human rights and community care. “He has a very strong intellect, and is full of perceptive arguments,” reports one impressed peer, while another says that “he is one of the best – he has a good chance of turning a ropey case into a good one.” “He is widely respected as one of the sharpest minds at the Bar,” enthuses one source – “he has a phenomenal reputation that is well deserved.”

In December 2013, John was ranked as one of Chambers UK's Top Silk Bar 100, in their inaugural listing of the top barristers practising at the Bar of England & Wales. “a formidable intellectual,” who has “the ability to mount an argument that is compelling and persuasive, and will carry the court.”

EXPERIENCE

Public & Regulatory

John's practice has spanned a wide range of public law for both claimants and defendants including human rights, constitutional law, immigration/asylum, local government (including local government finance), liability of public bodies and their officers, public procurement, social services and social security and environment law. He appears in the High Court, Court of Appeal and Supreme Court. John is recognised as a leading barrister in Administrative & Public law in the independent legal directories.

“Absolutely outstanding on judicial review.”

– CHAMBERS AND PARTNERS, 2021

Cases

R (JG) v the Legal Services Commission

[2014] EWCA CIV 656, [2014] Fam Law 1097

Represented the Law Society on the issue of whether a child who has legal aid may be made responsible for an expert's fees and expenses in private law family proceedings when the other parties cannot afford to pay given the child's Convention rights, notwithstanding section 30(1) of LASPO 2012.

Westminster City Council v SL

[2013] UKSC 27, [2013] 1 WLR 1445

Represented the City Council in its appeal to the Supreme Court on whether an individual whose mental state was monitored by, and who received general advice and encouragement from, his social worker at weekly meeting at that worker's office and who also received social support from gay support groups and a befriender was an individual who was "in need of care and attention which is not otherwise available to him" so as to be entitled to the provision of residential accommodation under section 21 of the National Assistance Act 1948.

Best Origin Ltd v Commissioner of Rating and Valuation

[2012] HKCFA 89

Represented developers in Hong Kong on their appeal to the Court of Final Appeal about the amount of rent payable to the Government while sites are under development in the light of the rebus sic stantibus principle in rating law.

R (Naureen) v Salford City Council

[2012] EWCA Civ 1795

Represented the City Council in case concerning awards of costs in cases where a claim is rendered academic by the actions of a third party.

R (D & S) v Manchester City Council

[2012] EWHC 17 (Admin) [2012] PTSR D15

Represented the City Council in resisting claim to quash its budget and council tax for the year, and to quash its subsequent decision to change its Adult Social Care offer, on the ground that it had failed to comply with its obligations under public sector equality duties.

Al-Rawi and others v the Security Services and others

[2011] UKSC 34, [2012] 1 AC 531

Represented Justice and Liberty in case to determine whether a court has power to order a "closed material" procedure in a claim for damages.

Home Office v Tariq

[2011] UKSC 35, [2012] 1 AC 452

Represented Justice and Liberty in case to determine whether a statutory "closed material" procedure was compatible with article 6 of the ECHR.

R (Milner) v South Central Strategic Health Authority

[2011] EWHC 218, [2011] PTSR D27

Represented the Health Authority in response to a claim that its decision that water should be fluoridated was unlawful.

R (Companies in the Stagecoach Group) v the Secretary of State for Transport

[2010] EWHC 223 (Admin), [2010] 3 CMLR 8, [2010] Eu LR 505

Represented the bus companies in judicial review seeking to determine the basis on which, and the method by which, bus companies were to be compensated for having to provide fare concessions to certain passengers.

Civil Liberties & Human Rights

John's Civil Liberties & Human Rights practice is as formidable as his Public Law practice and he is recognised as a leader in the field in both of the leading independent directories. He appears in the High Court, Court of Appeal and Supreme Court.

“John is absolutely incredible in terms of having all the information at his fingertips; he's a good thinker with wonderful skills of analysis”

— CHAMBERS AND PARTNERS, 2017

Cases

R (JG) v the Legal Services Commission

[2014] EWCA CIV 656, [2014] Fam Law 1097

Represented the Law Society on the issue of whether a child who has legal aid may be made responsible for an expert's fees and expenses in private law family proceedings when the other parties cannot afford to pay given the child's Convention rights, notwithstanding section 30(1) of LASPO 2012.

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Represented Justice and Liberty in case to determine whether a statutory “closed material” procedure was compatible with article 6 of the ECHR.

R (Bary) v the Secretary of State for Justice

[2010] EWHC 587 (Admin)

Represented the Secretary of State and the Governor of a High Security prison in case to determine whether the isolated conditions in which foreign nationals were detained pending removal or extradition were compatible with their rights under articles 3 and 8 of the ECHR.

Environment

John has broad experience of environmental law in diverse fields and he is recognised as a leading barrister in the independent legal directories.

“The go-to choice for really significant environmental governance issues.”

— LEGAL 500, 2018

Cases

R (Badger Trust) v Secretary of State for the Environment and Natural England

[2014] EWCA Civ 1405

Represented Natural England in case in which the Badger Trust alleged that it (and others) had a legitimate expectation that an independent expert panel to review the safety, efficacy and humanness of the controlled shooting of badgers in two pilot areas while there remained any prospect of such shooting being permitted in other areas.

R (Great Yarmouth Port Company Ltd) v Marine Management Organisation and Bourne Leisure Ltd

[2014] EWHC 833 (Admin)

Represented Bourne Leisure in case involving the test to be applied when making a harbour revision order.

R (Boggis) v Natural England

[2009] EWCA Civ 1061; [2010] 1 All ER 159; [2010] Env LR 13

Represented Natural England in case in which it was claimed that there was no power to notify an area as a site of special scientific interest where erosion was required to maintain the feature of interest it contained and whether notification involved a plan which might require appropriate assessment under the Habitats Directive.

Procurement

John has dealt with many major procurement cases and is recognised by the independent legal directories as a leading barrister in the field.

“He comes from a public law background and is absolutely brilliant. He is a very persuasive advocate, both his analysis of the law and his skeletons are as good as you would ever get.”

– CHAMBERS AND PARTNERS, 2017

Cases

Harrow LBC v Risk Management Partners

[2011] UKSC 7, [2011] 2 AC 34

Represented RMP in claim whether Brent was able to rely on the "Teckal" exemption in order not to expose the award of a contract of insurance to a mutual insurance company of which it was a member to competition.

J Varney and Sons Ltd v Hertfordshire CC

[2011] EWCA Civ 708, [2012] PTSR 670

Represented the County Council in resisting a claim that its procurement failed to comply with the principle of transparency.

Countryliner Ltd v Surrey CC

[2011] EWCA Civ 373

Represented the County Council in resisting a claim that its procurement of bus services did not comply with the Public Contracts Regulations 2006.

Alstom Transport v Eurostar and Siemens

[2011] EWHC 1828 (Ch)

Represented Siemens in resisting claim that its contract with Eurostar was ineffective under the Utilities Contracts Regulation 2006.

Alstom Transport v Eurostar and Siemens

[2010] EWHC 2747 (Ch) [2011] Eu LR 229

Represented Siemens in a claim for injunction to stop the award of a contract for the provision of new trains for Eurostar.

EU & Competition

John has dealt with EU law in a number of areas including public procurement, the environment and social security.

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Represented Natural England in case in which it was claimed that there was no power to notify an area as a site of special scientific interest where erosion was required to maintain the feature of interest it contained and whether notification involved a plan which might require appropriate assessment under the Habitats Directive.

Local Government

John has long been one of the key barristers in this area and his expertise is recognised with a 'star' ranking in Chambers UK 2016. A wide range of matters are dealt with under this banner and many of the cases overlap with Public Law and Procurement.

“He has a deeply impressive grasp of very complex legal points and is incredibly clever”

– CHAMBERS AND PARTNERS, 2017

Cases

Westminster City Council v SL

[2013] UKSC 27, [2013] 1 WLR 1445

Represented the City Council in its appeal to the Supreme Court on whether an individual whose mental state was monitored by, and who received general advice and encouragement from, his social worker at weekly meeting at that worker's office and who also received social support from gay support groups and a befriender was an individual who was "in need of care and attention which is not otherwise available to him" so as to be entitled to the provision of residential accommodation under section 21 of the National Assistance Act 1948.

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Community Care

John is top ranked by Chambers UK 2016 in this niche area which overlaps his Public & Regulatory work, which is where the relevant cases can be found.

“He is someone who has a superb academically intelligent mind”

– CHAMBERS AND PARTNERS, 2017

ACHIEVEMENTS

Appointment & Awards

John is a former Chairman of the Constitutional and Administrative Law Bar Association (ALBA). In 2008 John was appointed to sit as a Deputy High Court Judge in the Queen’s Bench Division, including in the Administrative Court.

Selected earlier reported cases

- R (A) v Croydon LBC [2009] UKSC 8; [2009] 1 WLR 2557
- R (RMP) v Brent LBC and others [2009] EWCA Civ 490
- Isle of Anglesey County Council and the Crown Estate Commissioners v the Welsh Ministers and others [2009] EWCA Civ 94; [2009] 3 WLR 813
- R (RJM) v the Secretary of State for Work and Pensions [2008] UKHL 63; [2009] 1 AC 311
- R (M) v Slough BC [2008] UKHL 52; [2008] 1 WLR 1808
- R (Wandsworth LBC and others) v the Secretary of State for Transport [2008] EWHC 1292 (Admin)
- R (TC Projects Ltd) v Newcastle JJ and others [2008] EWCA Civ 428
- Couronne and others and Bontemps and others v the Secretary of State for Work and Pensions [2007] EWCA Civ 1086; [2008] 1 WLR 2762
- R (Law Society) v Legal Services Commission and Dexter Montague & Partners v Legal Services Commission [2007] EWCA Civ 1264; [2008] QB 737.
- R (OSS Group Ltd) v the Environment Agency [2007] EWCA 611
- R (Western Power Distribution Ltd) v Countryside Commission for Wales [2007] EWHC 50 (Admin)
- R (Law Society) v Legal Services Commission and Dexter Montague & Partners v Legal Services Commission [2007] EWCA Civ 1264; [2008] QB 737
- R (Bancoult) v the Foreign Secretary [2007] EWCA Civ 498, [2008] QB 365
- Couronne and others and Bontemps and others v the Secretary of State for Work and Pensions [2007] EWCA Civ 1086; [2008] 1 WLR 2762
- R (OSS Group Ltd) v the Environment Agency [2007] EWCA 611
- Oakley Inc v Animal Ltd [2006] Ch 337 CA
- Colonel Munjaz v Mersey Care NHS Trust [2006] 2 AC 148 HL
- R (K) v West London Mental Health NHS Trust [2006] EWCA Civ 118, [2006] 1 WLR 1865
- Oakley Inc v Animal Ltd [2006] Ch 337 CA

- R (Trailer& Marina Ltd) v the Secretary of State for the Environment, Food and Rural Affairs and English Nature [2005] 1 WLR 1267 CA
- R (European Roma Rights Centre and others) v the Immigration Officer at Prague and the Home Secretary [2005] 2 AC 1 HL
- Hinchey v the Secretary of State [2005] UKHL 16, [2005] 1 WLR 967 HL
- The Chagos Islanders v the Attorney General and the Commissioner for the British Indian Ocean Territory [2004] EWCA Civ 997; [2003] EWHC 2222 (QB)
- Sepet and Bulbul v Secretary of State [2003] UKHL 15, 1 WLR 86 HL
- R v Barnet LBC ex p G, R v Lambeth ex p Walker [2003] UKHL 57, [2004] 2 AC 208 HL
- R v Secretary of State for the Environment Transport and the Regions ex parte Holdings & Barnes plc; ex parte Premier Leisure; ex parte Alconbury Developments Ltd; v General Assurance Society [2001] UKHL 23, [2003] 2 AC 295 HL
- Case C-440/00 R v Environment Agency ex p Mayer Parry Recycling Ltd [2003] ECJ
- R (on the application of Westminster City Council) v National Asylum Support Service [2002] UKHL 38, [2002] 1 WLR 2956 HL
- Magill v Dame Shirley Porter and Weeks [2001] UKHL 67, [2002] 2 AC 357 HL
- Horvath v Secretary of State [2001] 1 AC 489 HL

VAT registration number: 447008068

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