

# Landmark Chambers

## Barrister CV

Richard Drabble KC



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# Richard Drabble KC

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Richard was called to the Bar in 1975, took silk in 1995 and practises in public law. He has appeared in many leading human rights and environmental cases.

## Expertise

Public and Administrative, Planning



## Practice Summary

Richard is a Bencher of Inner Temple; a former Chairman of Administrative Law Bar Association (ALBA) and a current member of the Bar Council's Law Reform Committee (previously Vice-Chair).

His practice has a particular emphasis on social security, immigration, environmental, planning, local government and human rights law. He has appeared at all levels of the domestic court system, including the Supreme Court and House of Lords. He has also appeared before the ECtHR in Strasbourg (for example in **Chapman v UK**; **Stec v UK**; and **Tsfayo v UK**) as well as the CJEU (for example in **Stewart v SSWP** [2012] PTSR 1; and the Grand Chamber hearing of the joined cases of **Tele 2 Sverige and Watson and others v SSHD** [2017] QB 771). He appeared in Trinidad in **Jones v AG** in a successful constitutional challenge to the law criminalizing homosexual activity; and before the Privy Council in **The Minister of Home Affairs (Bermuda) v Barbosa** [2019] UKSC 41. He has recently appeared in the Supreme Court in cases raising important human rights issues, including **KV (Sri Lanka) v SSHD** [2019] 1 WLR 1849; **Kiarie v SSHD** [2017] 1 WLR 2380; and **IT (Jamaica) v SSHD** [2018] 1 WLR 5273.

In terms of social security, Richard appeared in the Supreme Court in the challenges to both versions of the benefits cap; and for the claimants in the bedroom tax case of **R (Carmichael) v SSWP** [2016] 1 WLR 4550 and the later case on remedies **RR (Appellant) v SSWP** [2019] 1 WLR 6430. He is instructed by Sainsburys to resist the Valuation Officers appeal concerning the rating of supermarket ATMs in the Supreme Court in March 2020.

Richard appeared as (very) junior counsel in **CCSU v Minister for the Civil Service** (GCHQ). He acted for the government in connection with the decision to grant planning permission for Terminal 5 at Heathrow; with a judicial review challenge to the Airports White Paper; and resisting a challenge by Greenpeace to consultation on nuclear policy.

Richard is listed in five practice areas in the most recent directory guides. He is also a "Star of the Bar" in that edition, with the comment that he is "quite simply one of the most talented and influential public lawyers of the last forty years".

Richard also lectures frequently on public law matters, particularly on human rights issues in planning.

## Public and Administrative

Richard Drabble KC is one of a small handful of practising public lawyers who may justifiably claim to have laid the foundations for modern constitutional and administrative law. He appeared as a (very) junior barrister with the late Sir Louis Blom-Cooper QC in **CCSU v Minister of the Civil Service** [1984] – arguably the single most influential decision in public law of the past forty years; and an early highlight in a career of distinguished advocacy in a sustained sequence of seminal cases across a wide spectrum of public law practice, including leading cases in immigration, civil liberties and human rights, planning, environmental and rating law. His involvement in the seminal public law cases of the day has continued unabated. Highlights after the CCSU case would include **R (Cart) v Upper Tribunal** [2011], about the reviewability of decisions of the Upper Tribunal, **Beoku-Betts v Secretary of State for the Home Department** [2008], on the Article 8 rights of family members in immigration cases, **R (Lewis) v Redcar and Cleveland BC** [2008] on bias and predetermination in local authority decision-making, and the important social security cases of **Kehoe** [2005] and **Hinchy** [2005]. More recently, he has been involved in the significant re-appraisal of public law by the current Supreme Court in **R (SC) v. Secretary of State for Work and Pensions** [2021] and had a memorable victory in the bedroom tax case of **R (Carmichael) v Secretary of State for Work and Pensions** [2016]. His influence has extended far outside the United Kingdom: in **Jones v. AG of Trinidad and Tobago** [2018] he persuaded the Trinidad and Tobago High Court that laws banning homosexual activity were unconstitutional.

Richard's particular and unrivalled contribution to the development of modern public law is in the field of social security. His deep professional commitment and formidable contribution to that field of law and practice had its origin in his time early on in his career working at the Child Poverty Action Group. Richard's name will be found in the reports of almost all of the important social security law cases decided in the appellate courts in London, in the European Court of Justice and the European Court of Human Rights over the course of the past four decades. Foremost amongst those cases in the Strasbourg Court are **Stec v UK** on retirement and sex discrimination, **Tsfayo v UK** on administrative decision-making and appeal rights and **Chapman v UK** on gypsies, Article 8 and discrimination. In Luxembourg, he has been involved in a range of important cases from **Tele2 Sverige and Watson** [2016] on electronic communications to **CG** [2021] on post-Brexit access to social welfare benefits for those with pre-settled status, via a raft of leading decisions on workers' rights and citizenship.

Richard has long been recognised by the judiciary and by his professional colleagues and peers as an advocate of the highest authority and distinction.

## Planning

Richard appears frequently in court and at inquiries at all levels and provides advisory and advocacy services for a wide range of clients, private and public. In the earlier stages of his career his advocacy was not limited to the higher courts, and included planning inquiry work such as his success in opposing the proposals for a nuclear waste repository in Cumbria.

In 2022, Richard led the successful legal challenge to the decision to grant planning permission for the proposed development of the Holocaust Memorial and Learning Centre in Victoria Tower Gardens, Westminster. Richard also

Richard is described in Chambers and Partners for Planning as "An absolutely brilliant advocate." "A very strong strategist."

## Qualifications

- History at Downing College, Cambridge

## Recommendations

"Richard is absolutely unique in his knowledge and experience." "Richard is thoughtful and he fights difficult cases."

**Administrative and Public Law, Chambers and Partners, 2024**

"He is extremely experienced and has a certain authority in court. He is a heavyweight."

**Civil Liberties and Human Rights, Chambers and Partners, 2024**

"A brilliant advocate, towards whom the court is always very respectful. He is very effective." "Enormously experienced and greatly respected."

**Immigration, Chambers and Partners, 2024**

"Richard is very knowledgeable and he clearly knows this area very well."

**Local Government, Chambers and Partners, 2024**

"Richard Drabble KC is a legend." "Richard Drabble KC is well known in community care, housing and asylum support matters."

**Social Housing, Chambers and Partners, 2024**

"He is formidable; he knows everything about the Administrative Court and has a supremely confident manner." "Watching him is a real master class. He manages to take the court through complex submissions in a logical and extremely persuasive way. He is also excellent with clients."

**Administrative and Public Law, Chambers and Partners, 2023**

"He has a huge wealth of experience in local government. He's got that breadth and depth of knowledge and real respect from the court."

**Local Government, Chambers and Partners, 2023**

"An absolutely brilliant advocate who has been in some big cases."

**Social Housing, Chambers and Partners, 2023**

"Richard is a mastery of the subject."

**Local Government, Legal 500, 2023**

"Richard is a top flight performer in the senior courts where his forensic eye to detail, and the strength of his submission on statutory construction are really second to none."

**Immigration, Legal 500, 2023**

"By some way the country's leading expert in social security." "He has great rapport with judges; they really respect and listen carefully to him."

**Administrative and Public Law, Chambers and Partners, 2022**

"Richard Drabble is a very straight operator and extremely persuasive." "He is an incredibly talented human rights practitioner and continues to deliver excellent results."

**Civil Liberties and Human Rights, Chambers and Partners, 2022**

"A wonderful silk who is lovely to work with and easy to engage with." "He gets amazing results and is very well known for being impressive."

**Immigration, Chambers and Partners, 2022**

"He commands respect in the courtroom but is also approachable, works well with solicitors and has excellent client care skills."

"A great barrister and a clear, concise and formidable advocate."

**Local Government, Chambers and Partners, 2022**

"He is one of the go-to people in this field."

**Social Housing, Chambers and Partners, 2022**

"A pleasure to work with, and precise and insightful on his feet."

**Administrative and Public Law, Legal 500, 2022**

"No one spots a novel point and one which is likely to hit home with the judges like he does."

**Environment, Legal 500, 2022**

"Richard is a mastery of the subject."

**Local Government (including Rating Law), Legal 500, 2022**

"Richard is a mastery of the subject." "One of the most highly regarded silks at the public law Bar."

**Immigration, Legal 500, 2022**

"One of the most highly regarded silks."

**Civil Liberties and Human Rights, Legal 500, 2022**

"He always stands out. He's always very effective in putting cases forward and dealing with more junior people – he's really collaborative." "He's got a very clever way of presenting complex things sensibly and simply to sway the judge. It's a very attractive style."

**Administrative and Public Law, Chambers and Partners, 2021**

"A phenomenal silk."

**Civil Liberties and Human Rights, Chambers and Partners, 2021**

"Very experienced." "He is an extremely dangerous opponent and has the ear of the court."

**Environment, Chambers and Partners, 2021**

"He makes things that appear complicated understandable." "He's absolutely amazing. He has the judges in the palm of his hand."

**Social Housing, Chambers and Partners, 2021**

"He has a lot of experience in European cases of all levels and he is extremely affable and helpful. The courts really like him."

"He is very impressive and produces very authoritative advocacy."

**Immigration, Chambers and Partners, 2021**

"A smooth advocate who knows exactly how to pitch arguments in order to get the court to listen."

**Local Government, Chambers and Partners, 2021**

"Richard is a very competent lawyer and he does a very wide variety of work."

**Planning, Chambers and Partners, 2021**

"A pleasure to work with, and precise and insightful on his feet."

**Administrative and Public Law, Legal 500, 2021**

"Amazing for public law issues."

**Local Government, Legal 500, 2021**

"One of the most highly regarded silks."

**Civil Liberties and Human Rights, Legal 500, 2021**

"He has appeared in a number of leading cases, including those concerning the bedroom tax and duties imposed on local authorities when determining the suitability of accommodation."

**Social Housing, Legal 500, 2021**

"He is so experienced, and the court loves him and listens to anything he has got to say because he is so persuasive."

### **Social Housing, Chambers and Partners, 2020**

"His particular virtue is that he's undoubtedly the leading expert on social security law and so he has a tremendous chronological reach when analysing cases." "He has great gravitas and control of the court, and he's calming and considered as an advocate."  
"The court love him and listen to anything he's got to say because he is so persuasive."

### **Administrative and Public Law, Chambers and Partners, 2020**

"An excellent silk."

### **Environment, Chambers and Partners, 2020**

"Richard is an eminent silk of long standing who has done absolutely fantastic human rights work over the course of his career. The cases he does are all extremely important." "He knows the law inside out and he's very effective." "He's the doyen of social security law and trusted by the judges in that area; nobody knows more about the subject."

### **Civil Liberties and Human Rights, Chambers and Partners, 2020**

"Very popular with juniors and a master of his material, with many years' experience doing cutting-edge cases." "He has a wealth of knowledge and is a lawyer I truly respect and admire."

### **Immigration, Chambers and Partners, 2020**

"He is a phenomenal brain."

### **European Law, Chambers and Partners, 2020**

"A top-quality lawyer." "He is very thorough, knowledgeable and knows how to pitch realistically, always presenting his case to judges in a very attractive manner."

### **Local Government, Chambers and Partners, 2020**

"An absolutely brilliant advocate." "A very strong strategist."

### **Planning, Chambers and Partners, 2020**

## **Cases and inquiries**

30 11 23      Wolverhampton City Council and others (Respondents) v London Gypsies and Travellers and others  
(Appellants) [2023] UKSC 47 (on appeal from [2022] EWCA Civ 13)

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15 11 23      UK Supreme Court dismisses the government's appeal in AAA V SSHD [2023] UKSC 42

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01 12 21      Supreme Court allows appeal on EU-Pre-Settled Status Regime – R (Fratila) v SSWP

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26 06 18      Advisory work for Transport for London and the Greater London Authority

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26 06 18 European Court of Human Rights decides that Mrs Kehoe's application is partly admissible

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26 06 18 Opinion for Natural England on the Thames Basin Heath SPA

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26 06 18 Judgment in 3C Waste Limited on Landfill Directive

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26 06 18 Divisional Court uphold Brian Haw's challenge

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13 06 18 Secretary of State for Work and Pensions v Hinchy [2005] UKHL 16

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13 06 18 R (Corner House Research) v. Secretary of State for Trade and Industry [2005] EWCA Civ 192

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11 06 18 Kehoe v Secretary of State for Work and Pensions in the House of Lords

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08 06 18 Banks v Chief Adjudication Officer

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08 06 18 Callery v Gray (2001)

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08 06 18 Chapman v UK ECHR

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08 06 18 Nessa v Chief Adjudication Officer

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08 06 18 R v. Secretary of State ex p. Camden

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08 06 18 Plewa v Chief Adjudication Officer

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07 06 18 Atkinson v Home Secretary

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07 06 18 Al-Ameri v. Royal Borough of Kensington & Chelsea (HL)

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07 06 18 Drury v. Secretary of State for the Environment, Food & Rural Affairs

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07 06 18 Moyna v Secretary of State for Work and Pensions (House of Lords)

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07 06 18 Knowsley Housing Trust v Revell [2003] EWCA Civ 496

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06 06 18 R (Heffernan) v Rent Service [2007] EWCA Civ 544

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06 06 18 FP(Iran) v Secretary of State [2007] EWCA Civ 13

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06 06 18 R(M) V Secretary of State Court of Appeal 2007 1 WLR 3067

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06 06 18 R on the application of British Union for the Abolition of Vivisection [2007]

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06 06 18 Rowley v Secretary of State for Department of Works and Pensions [2007] EWCA Civ 598 [2007] 1WLR 2861

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06 06 18 Rogers v Merthyr Tydfil BC

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06 06 18 Kehoe v UK

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06 06 18 Tsfayo v United Kingdom

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05 06 18 R (Heffernan) v The Rent Service [2008] UKHL 58

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05 06 18 R (Baiai) v. Secretary of State for the Home Department [2009] 1 A.C. 287 (HL)

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05 06 18 R(Greenpeace Limited) v Secretary of State for Trade and Industry Admin Court 2007 Env LR 29

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05 06 18 R(Weaver) v London and Quadrant [2008] EWHC 1377

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05 06 18 Court of Appeal decides that the Child Support Agency does not owe a common law duty of care

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05 06 18 Legislation on marriages of convenience breaches ECHR - SSHD v Baiai and others

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05 06 18 Odelola v SSHD, Court of Appeal [2008] EWCA Civ 308

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05 06 18 FP (Iran) and MB (Libya) v Secretary of State for the Home Department [2007] Imm. A.R. 450

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05 06 18 Instructed by Persimmon Homes Ltd in the Court of Appeal in R(Lewis) v Redcar BC [2007] EWHC 3166 (Admin)

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05 06 18 3C Ltd v Merseywaste Holdings Ltd

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05 06 18 R (on the applications of Mahmoud Baiai & Izabela Trzcinska, Leonard Bigoku & Agollo Melek Tilki) v Secretary of State for the Home Department; and Joint Council for the Welfare of Immigrants (Intervener)

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05 06 18 Kola v Secretary of State for Work and Pensions House of Lords [2007]

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05 06 18 Sole v Secretary of State for Trade and Industry [2007] EWHC 1527 (Admin)

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05 06 18 MT (Algeria) v Secretary of State Court of Appeal [2007] HRLR 41

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05 06 18 OSS Group Limited v Environment Agency

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05 06 18 R (A) v Secretary of State for Home Department [2007] EWCA Civ 804

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05 06 18 R(Baia) v Secretary of State Court of Appeal 2007 3 WLR 573

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05 06 18	Crane v Canons Leisure Centre
05 06 18	Szoma v Secretary of State for Work and Pensions
05 06 18	Stec & Others v UK
04 06 18	Evans v Gloucester County Council (Court of Appeal)
04 06 18	Beoko-Betts V Secretary of State for the Home Department [2008] UKHL 39
04 06 18	EB (Kosovo) (FC) v Secretary of State for the Home Department [2008] UKHL 41
01 06 18	JO (Uganda) and JT (Ivory Coast) v Secretary of State for the Home Department [2010] 1 W.L.R. 1607
31 05 18	MA (Somalia) v Secretary of State for the Home Department [2010] UKSC 49
31 05 18	R (on the application of Garner) v Elmbridge Borough Council [2001] EWCA Civ 1006
31 05 18	R(on the application of G) and The Governors of X School and Y City Council [2009] EWHC Admin
31 05 18	Court of Appeal refers question on the Citizenship Directive to ECJ
31 05 18	RB (Algeria)(FC) and U v Secretary of State for the Home Department
30 05 18	R (AQ & Ors) v Secretary of State for the Home Department [2015] EWCA Civ 250
30 05 18	R (New London College Ltd) v Secretary of State for the Home Department [2013] 1 WLR 2358
30 05 18	R (Sanneh & Others) v. Secretary of State for Work and Pensions [2015] C.M.L.R. 27
30 05 18	Abdi v UK App 27770/08 [2013]
30 05 18	Mustafa Abdi v United Kingdom (2013) 57 EHRR 16
30 05 18	Court of Appeal hands down judgment in Exceptional Case Funding challenge
30 05 18	Jessy St Prix v Secretary of State for Work and Pensions [2013] 1 CMLR 38
30 05 18	R (Munir) v. Secretary of State for the Home Department [2012] 1 W.L.R. 2192 & R (Alvi) v. Secretary of State for the Home Department [2012] 1 W.L.R. 2208
30 05 18	R (Cart) v. Upper Tribunal [2011] 3 W.L.R. 107 (Supreme Ct); [2011] Q.B. 120 (CA & Div Ct)

30 05 18	Important Supreme Court case on Article 14 discrimination and objective justification
30 05 18	JD (Congo) v. Secretary of State for the Home Department [2012] 1 W.L.R. 3273
30 05 18	R (Patmalniece) v. Secretary of State for Work and Pensions [2011] 1 W.L.R. 783 (SC)
29 05 18	Iran Country Guidance Heard
29 05 18	Whitby v SST [2016] EWCA Civ 444
29 05 18	Mirga v Secretary of State for Work and Pensions, Samin v Westminster City Council [2016] 1 W.L.R. 481
29 05 18	Horada v Secretary of State for Communities and Local Government [2015] EWHC 2512 (Admin)
29 05 18	Abdi v Secretary of State for the Home Department [2014] EWHC 2641 (Admin)
29 05 18	R (on the application of Powell) v Brighton Marina Co Ltd 2014 [EWHC] 2136 (Admin)
29 05 18	Case C-507/12 Saint Prix v Secretary of State for Work and Pensions [2014] P.T.S.R. 1448
29 05 18	R on the application of David Davis MP; Tom Watson MP; Peter Brice and Geoffrey Lewis [2015] EWHC 2092 (Admin)
29 05 18	R (SS) v Secretary of State for the Home Department [2015] EWCA Civ 652
29 05 18	R (Islington LBC & 7 others) v The Mayor of London, London Fire and Emergency Planning Authority and the London Fire Commissioner [2013] EWHC 4142 (Admin)
10 04 18	Akinyemi v Secretary of State for the Home Department [2017] EWCA Civ 236
15 11 17	R (HC) v Secretary of State for Work and Pensions [2017] 3 W.L.R. 1486
01 03 16	Affordable Housing Contributions: West Berks in the Court of Appeal
23 02 16	R (on the application of Gerber) v Wiltshire Council [2016] EWCA Civ 84
20 09 13	Permission refused on alternative remedy grounds in JR of the MMO
01 11 12	Marine Management Organisation succeeds in first judicial review
26 01 11	Supreme Court rules on meaning of "domestic violence" in the Housing Act 1996
17 06 10	Tel-Ka Talk v The Commissioners to HM Revenue and Customs (SCCO-Master Hurst 17/6/10)

23 02 10	Richard Buxton Solicitors v Mills-Owen [2010] EWCA Civ 122
11 12 08	Kier Tankard v John Fredricks [2008] EWCA Civ 1375
01 07 08	R (Lewis) v Redcar & Cleveland Borough Council and Persimmon Homes Teesside Limited [2008] EWCA Civ 746
01 05 08	High Court rejects challenge to grant of planning permission relating to Thames Basin Heaths SPA
19 02 08	R (Howsmoor) v South Gloucestershire District Council
30 07 07	R(Merrick) v Secretary of State for Trade and Industry
30 05 07	High Court rejects further challenge to Olympic Compulsory Purchase Order
04 05 07	High Court rejects challenges to Olympic Compulsory Purchase Order
18 07 06	Garrett v Halton BC [2006] EWCA Civ 1017
11 11 05	Wealden DC v Martin Grant Homes Ltd
01 12 02	Dibden Bay Deep Sea Container Terminal (Nov 2001 - Dec 2002)
09 05 02	Willowslea Farm Kennels v Secretary of State for Transport, Local Government and the Regions
01 01 01	Callery v Gray (Nos 1 & 2) [2001] 1 WLR 2112 and 2142
01 01 01	Richmond upon Thames LBC v Secretary of State for the Environment, Transport and the Regions
01 01 96	R v. Secretary of State ex p. Kirkstall Valley Campaign