

# Nicholas Cotter

**Year of Call:** 1999

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## Public and Regulatory

### Regulatory Law (including maritime, fire regulation, CQC, environmental law and Health and Safety matters)

Nicholas undertakes instructions in a wide variety of regulatory and quasi-criminal matters.

Nicholas has prosecuted for a number of local and national authorities and has extensive experience representing employers, employees, directors and companies often charged with complicated and offences that carry profound reputation damage.

Nicholas is often instructed by insurance firms and risk assessors to provide pre-charge advice on the merits of a matter before action and is well versed in providing realistic, swift and cost appropriate advice to both those insured and self-funding. As such he provides advice and assistance targeted to avoid, challenge or minimise the effects of any regulatory investigation or prosecution whilst maintaining a commercial eye to an individual means and ultimate business reputation of the client.

Recent examples:

### Environmental Law

- **R v X** - Instructed Defence Counsel in an environmental prosecution of a company director for alleged chemical air pollution.
- **R v X** - Instructed Defence Counsel in an environmental prosecution of a farmer for breaching of the clean air act.
- **R v X** - Representing a nationwide Salvage and building demolition Merchants charged with exceeding their landfill license. This case involved advising on the merits of a dismissal argument and the tactical approach this may have on the merits of the protection. The Environmental Agency upon consideration of the potential submission accepted a lower sanction resulting in a significantly lower fine with reduced reputation damage.
- **R v X** - Representing a large property development firm and its primary directors charged with significant TPO breaches.
- **R v X** - Representing a Defendant in relation to a POCA matter linked to light valuation post breach of a TPO.

### Food Safety

- **R v X** - Defence Counsel Representing a firm of nationwide food suppliers who were accused of breaching the EU Regulations on food hygiene involving the storage of milk and the production of cheese. This highly complicated matter met with success in avoiding findings in relation to the storage and hygiene of the primary functions of the business.
- **R x X** - Defence Counsel representing a restaurateur charged with hygiene offences.
- **R x X** - Defence Counsel representing a chain of patisserie charged with hygiene offences.
- **R v X** - Provided advice on Alcohol licensing requirements for a large international warehousing and packaging company.

## Care Quality Commission

- **R v X** - Advising positively on the merits of a Care Quality Commission Appeals tribunal involving the cancellation of a service providers registration across a large and well established care home business.
- **R v X** - Successfully advising and representing a care provider facing sanction from the CQC and potential corporate manslaughter charges.

## Disciplinary Work

- **R v X** - Instructed Defence Counsel representing a nurse before the NMC in relation to fitness to practice allegation.
- **R v X** - Instructed Defence Counsel representing a solicitor sanctioned in relation to dishonesty.
- **R v X** - Instructed Defence Counsel representing a therapist sanctioned for undertaking an unprofessional relationship with a client.

## Trading Standards

- **Dorset Trading standards v X** - Instructed to prosecute on behalf of the council in relation to breaches of trading by this subsidiary of a large nationwide plumbing business. Mr Cotter advised on the instruction of experts plus the digging up of a garden in order to demonstrate that the defendant had undertaken otiose and incompetent work. The trial was ultimately successful against both the company and its employees.
- **Berkshire Trading Standards v X** - Instructed Defence Counsel to defend a vintage clothing company selling items including a substantial number of Converse trainers. The trainers were fake and to compound matters this was a second offence. Mr Cotter negotiated guilty pleas which avoided a prison sentence for his client. However the real impact of the case was POCA. The BTS sought a figure in the high hundreds of thousands. In the end the figure was reduced to close to a hundred thousand albeit after a full hearing and the use of forensic accountants.
- **Trading Standards v X** - Mr Cotter was instructed to advise a management level employee who had been implicated in a large and global mis-selling allegation. Full advice and guidance was given or representations and the Prosecution against the employee was not pursued.

## Health And Safety

- **HSE v X** - A canal garage was being dismantled when a side of the boat fell over and led to an employee being trapped. Sadly he lost his legs. Mr Cotter was instructed as Defence Counsel and was heavily involved in negotiating a plea package, ensuring that only the company was prosecuted and in providing full mitigation to keep the company operational.
- **HSE v X** - A lift engineering company working on the Cross rail project did not ensure appropriate safe guards were in place. The lift fell unexpectedly and severed the thumb of an employee. Mr Cotter was instructed late but negotiated a plea package for the company and provided full mitigation to reduce the impact of a fine.
- **Lincoln Council v X** - A care home was prosecuted under the HS regulations. Three person died and the home was charged that it did not properly safeguard for risk for the HS of the residents of the home. Nick successfully challenged the issue of causation (via a quasi-newton hearing) and ensured that a limited package of pleas in this complex case was advanced plus substantial mitigation.
- **R v X** - Instructed Defence Counsel representing the manager of a care home who was charged with failing to ensure the safety of her residents under the Fire Reform Act. This case sadly in solved the loss of the lives of two residents in a fire but thankfully led to the acquittal of the manager.
- **R v X** - Currently Instructed to Prosecute as Junior Counsel a large holiday nationwide home company charged with failing to ensure the safety of its employees.
- **R v X** - Currently instructed to Defend a construction company accused of failing to ensure the safety of its non-employees on a building site which resulted in a loss of life.

## Recommendations

Nicholas Cotter has a general criminal and regulatory practice, with an emphasis on the Western Circuit and London. He has a track record of acting both for the prosecution and for the defence in cases involving fraud, organised crime, serious sexual offences and murder. His expertise also includes regulatory law, with particular experience handling environmental law and health and safety matters.

Strengths: "Nicholas has a very smooth advocacy style and the jury pay close attention. He is also excellent at putting clients at ease when they are at their most anxious."

"Nicholas invests lots of time in the client's interests and is also very skilled in the courtroom."

"Nicholas is a class act who has a really good relationship with clients."

### **Chambers UK 2024/**Crime/Western Bar

Nicholas Cotter has notable experience of representing private individuals as well as companies in complex health and safety cases. He regularly handles cases arising from a wide spectrum of incidents.

Strengths: "Nicholas is experienced in this field and he's very highly regarded."

"He also goes above and beyond and has meetings with clients to reassure them."

"He's a real specialist in the area."

### **Chambers UK 2024/**Health and Safety/Western Bar/Band 1

Strengths: "His judgement is impeccable."

"Nicholas is very pragmatic and very strategic."

### **Chambers UK 2023/**Crime/Western Bar

Strengths: "Nicholas is a really excellent barrister. He is very pragmatic and very strategic."

"He has a wonderful way with clients."

### **Chambers UK 2023/**Health and Safety/Western Bar/Band 1

Strengths: "He is calm in court and instils confidence in his client from the outset." "He puts his clients at ease and explains things to them in a language that they understand."

Recent work: Defended a man accused of seeking to steal the Magna Carta from Salisbury Cathedral.

### **Chambers UK 2022/**Crime/Western Bar

Strengths: "He instils confidence in his clients and is very responsive. He is also strategic and calm in front of judges." "Very charming and knowledgeable."

Recent work: Represented the director of a demolition firm in a fatal accident case concerning the death of a construction worker during the demolition of a building.

### **Chambers UK 2022/**Health and Safety/Western Bar

Strengths: "Always well prepared and very analytical."

Recent work: Defended a man charged with killing his father through blunt force trauma, whilst under the influence of butane gas.

### **Chambers UK 2021/**Crime/Western Bar

Strengths: "He is very approachable and excellent with clients."

Recent work: Acted for the prosecution in Operation Red Squirrel, a multi-handed case concerning a large drug dealing network across the south coast of England.

### **Chambers UK 2020/**Crime/Western Bar

"A very client-friendly and expert criminal counsel."

Recent work: Defended one of the defendants charged with the aggravated burglary of a Hatton Garden jeweller.

**Chambers UK 2019/**Crime/Western Bar

Strengths: "He has a terrific brain, a formidable work ethic, an unflappable demeanour and his tactical awareness can make the difference in a tricky case."

**Chambers UK 2018/**Crime/Western Bar

'Has a general criminal and regulatory practice, and is active on both the Western and South Eastern Circuits. He has a track record of acting in cases involving fraud, organised crime and serious sexual offences.'

Strengths: "Completely unflappable, he has an extremely good temperament in court. Destined for great things." "A very capable advocate."

**Chambers UK 2017/**Crime/Western Bar

Nicholas Cotter 'is an excellent advocate' who 'quickly commands the respect of the court'. He has a strong presence on the Western Circuit in this area and recently defended a company and director against a charge of corporate manslaughter following two workplace fatalities.

'Nick is a real heavyweight junior with a keen sense for a sound strategy. He has a calm, responsive and pragmatic approach and an excellent manner with judge and jury alike in the heat of courtroom proceedings.'

**Legal 500 2024/**Business and Regulatory Crime (Including Health and Safety)/Western Circuit - Ranked Tier 1

'Nick is a real heavyweight junior; a hugely experienced lawyer with a keen sense for a sound strategy. His calm, responsive and pragmatic approach and his excellent manner with judge and jury alike in the heat of courtroom proceedings is very valuable.'

**Legal 500 2024/**Professional Disciplinary Law/Western Circuit - Ranked Tier 1

Nicholas Cotter is a 'thoughtful advocate' with 'a ruthless legal mind'.

'Nick is a consummate advocate who combines clarity and brevity in a very attractive style. It is only a matter of time before he attains silk status.'

**Legal 500 2024/**Crime (General and Fraud)/Western Circuit/Leading Junior - Tier 1

Nicholas Cotter is 'very calm under pressure and conveys an air of authority which clients find very reassuring in circumstances when they are in crisis. He is extremely knowledgeable in matters of health and safety'.

'Nicholas is an exceptional advocate and a superb tactician. He immediately puts clients at ease with his calm manner and quickly gets to grips with the key issues in large and complex cases.'

**Legal 500 2023/**Business and Regulatory Crime (Including Health and Safety)/Western Circuit - Ranked Tier 1

'Nicholas is a very articulate and personable barrister and an exceptional advocate. He puts clients immediately at ease with his calm manner and quickly gets to grips with the key issues in large and complex cases.'

**Legal 500 2023/**Professional Disciplinary Law/Western Circuit - Ranked Tier 1

'A highly polished advocate with a first-class legal brain. He always inspires clients' confidence.'

Nicholas Cotter is 'a terrific lawyer who is able to display sound tactical and strategic judgement whilst also getting to grips with the smallest detail of a case'.

**Legal 500 2023/**Crime (General and Fraud)/Leading Juniors/Western Circuit

'Nicholas has a measured approach to his cases and provides deliberate and carefully considered advice. He builds excellent

rapport with clients and instructing solicitors. He has excellent knowledge and understanding of health and safety law.'

**Legal 500 2022**/Business and Regulatory Crime (Including Health and Safety)/Western Circuit

'He is extremely calm, persuasive and effective in court, which consistently inspires confidence in the clients.'

**Legal 500 2022**/Crime (General and Fraud)/Leading Juniors/Western Circuit

'He is a superb tactician who has a great manner with clients. He always builds a good rapport, which allows him to easily convey difficult advice and navigate through complex issues in a case.'

**Legal 500 2022**/Professional Disciplinary Law/Western Circuit

'He has a pleasing court style that commends itself to both judges and juries and equal measure.'

"Nicholas Cotter represented a man who was acquitted of murder after the Crown Prosecution Service offered no evidence after forensics suggested the defendant may have stabbed the deceased in self-defence. "

**Legal 500 2021**/Crime

'Meticulous in his paperwork and an accomplished advocate, with a calm and assured approach to clients which inspires confidence.'

"Nicholas Cotter is highly recommended, particularly for matters relating to care homes."

**Legal 500 2021**/Business and regulatory crime (incl. health and safety)

'He has the ability to put any client at ease.'

**Legal 500 2020**/Crime

'He has a very calm and measured approach.'

**Legal 500 2020**/Regulatory, health and safety, and licensing

'A consummately able barrister.'

**Legal 500 2018/19**/Crime

'A formidable advocate.'

**Legal 500 2017**/Crime/Leading juniors/Regional Bar/Western Circuit,

"Now this case is over, may I express my significant grateful thanks for the way you have consistently and over a lengthy period handled the complex case of R v O.

This case was never destined to be easy, and indeed it proved to be one of the most difficult cases I have dealt with in the last 30 years. I am in awe of the skill, professionalism, compassion and knowledge that you put into this case, coupled with your ability to look after, control and satisfy a very difficult Client.

Your willingness to see our Client without Solicitor and to promptly report back to myself was an outstanding pathway to enabling us to deal efficiently with a client of the most demanding nature, who barely spent a day off the telephone whilst in prison.

Notwithstanding the sentence passed, I think it is fair to say that without your extremely high level of expertise, the result could have been tremendously less beneficial to the Client.

I think it would be correct in this case to concentrate on the level of acquittals obtained for O, which speak volumes for your ability and dedication."

## **Academic qualifications**

- Diploma in Law / CPE (Bristol)
- BA (Hons) History

## **Professional qualifications & appointments**

- A Grade 4 Crown Prosecutor
- Member of the Rape Panel of Crown Prosecutors
- Member of the Serious Crime Panel of Crown Prosecutors
- Member of the Serious Fraud Panel of Crown Prosecutors
- ADR Group accredited Civil and Commercial mediator

## **Professional bodies**

- The Honourable Society of Lincoln's Inn
- Association of Commonwealth Criminal Lawyers  
British Association for Sport and Law (BASL)
- Member of the Western Circuit
- Proceeds of Crime Lawyers' Association
- The Health & Safety Lawyers Association
- Member of the Criminal Bar Association