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Gerald Gouriet QC



QC 2006

Year of call 1974

Gerald's licensing practice is principally in alcohol & entertainment, taxi and gambling licensing. He appears at first-instance before licensing committees and magistrates' courts throughout England and Wales, before licensing boards in Scotland, and also at Gambling Commission panel hearings. On appeal he appears before the First and Second Tier Tribunals, the High Court and the Court of Appeal.

His clients include: The Dorchester Hotel; Tottenham Hotspur Football Club; The Football Pools Ltd; Trust Inns Ltd; Mitchells & Butlers; The Royal Opera House; The Albert Hall; John Lewis; Waitrose; The British Beer and Pub Association (BBPA); Caesar's Palace (Las Vegas); Cashino Gaming Ltd; Paddy Power; Ladbrokes; Corals; and William Hill. He was successful in obtaining gaming licences for the last of the great 1968 Act Casinos (against formidable opposition from existing operators) in Liverpool, Middlesbrough, Birmingham and Huddersfield; climaxing with the grant, on appeal, of the Hippodrome Casino in Leicester Square.

Gerald acts for the London Taxi Drivers Association (LDTA) and was heavily involved in its ongoing objections to the renewal of Uber's London licence. In addition, he has recently advised and appeared for a number of taxi and PHV trade organisations throughout England, as well as individual licensed drivers and operators in appeals against regulatory action taken by committees of local authorities.

He is much sought after by licensing authorities and the licensing trade for his clear and

forthright advice. Recent clients include Manchester City Council, Winchester City Council, the City of Wolverhampton, Westminster City Council, and miscellaneous trade bodies in Wakefield, York and Greater London.

Gerald studied piano, conducting and composition at the Royal College of Music, then read for the Bar. Having been in practice for over 15 years he spent the greater part of the 1990s in Hollywood where he composed the musical scores for some 18 films, including 'Madame Sousatzka', for which he received a Golden Globe nomination, and 'A Question of Attribution' by Alan Bennett, for which he received an Ivor Novello nomination. He returned to the Bar in 1999 and took silk in 2006.

Gerald's personal website can be **viewed here**.

Testimonials

"An advocate with a stellar track record?" Chambers and Partners 2021

"One of the finest practitioners operating in this area" Legal 500 2020

"He is at the pinnacle of his profession, and is undoubtedly a leading individual for advice and representation on all gambling-related matters." "A great strategist who brings incredible experience to the job. He's a pleasure to work with." Chambers and Partners 2020

"He's very polished and very smooth. An extremely bright man, he's engaging and very well liked." Chambers and Partners 2018

"He can be utterly devastating in getting to the heart of the case and turning it in his client's favour." Chambers and Partners 2018

Summaries of Recent Cases

Uber London Limited v TfL

Gerald (together with Charles Holland) acted for the Licensed Taxi Drivers Association in its sustained objection to the renewal of Uber's London Operator's licence. Over a

protracted dispute lasting some two years, Uber's licence-renewal was initially refused by TfL (September 2017), then granted on appeal by the Chief Magistrate (June 2018). A further appeal to the High Court (by way of judicial review, brought by the United Cabbies Group) was dismissed in February 2019

Endless Stretch v Newcastle Magistrates' Court

This was an appeal to the High Court by way of Case Stated, on the ground that an application for a premises licence for a large 'Box Park' in Newcastle had been made, and granted, even though the requirements of the Licensing Act 2003 (Premises Licences) Regulations 2005 ('the 2005 Regulations') had not been met. Foremost amongst a number of deficiencies was the failure to comply with Regulation 23(2)(d), which requires that an application for a premises licence must be accompanied by a plan of the premises which shows **in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity.**

The appeal was listed for hearing in the High Court, but the appellant withdrew shortly before the due date. The issue is bound to come before the courts again, however, since non-compliance with the Regulations is becoming almost the norm.

Tottenham Hotspur Football Club v Broadwick Venues Limited

Yet another hotly contested application in which there was a failure to comply with the statutory requirement to lodge detailed plans with an application for a premises licence. Gerald represented THFC in its opposition to the Field Day Festival being held on any date on which the football club had a fixture or was holding a licensed event of its own. The point being that (as the police agreed) the infrastructure of the local area – including public transport – could not cope with the sheer numbers of people if there was a clash of dates.

Because the event-organiser agreed conditions which prevented any such clash, the contested hearing (May 2019) was compromised and the sub-committee was not asked to deal with the applicant's failure to comply with the Regulations. It may be only a matter of time, however, before that issue rears its head again.

Simon Lewis v Test Valley Borough Council

The holder of a PHV operator's licence was in the process of selling his mini-cab business to a large 'out of town' operator. No sale had taken place, but he (for reasons of his own) began to repaint his premises in the 'out-of-towner's' livery colours. The licensing authority decided (albeit with nothing more to go on than the unfortunate repainting of his premises) that the licence holder had sold his business and allowed it to operate under the aegis of his licence, thereby by-passing local licensing control. The authority thereupon revoked his operator's licence. On appeal, the magistrates decided

that although the licensee had contributed to the mistake, it was a disproportionate response to have revoked his licence.

Qualifications & Appointments

- Bachelor of Music (Royal College of Music)
 - Called to the Bar: 1974
 - Queen's Counsel: 2006
 - Appointed a General Editor of Paterson's Licensing Acts: 2015
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Publications

- General Editor - Paterson's Licensing Acts
- General Editor - Smith & Monkcom: the Law of Gambling

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