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Jeremy Phillips QC

Practice Profile



QC 2018

Year of call 2004

Jeremy Phillips QC offers the highest levels of expertise and advocacy as a barrister following, uniquely, an equally successful career as a solicitor, both in his own practice and subsequently handling teams in leading international law firms.

- **Licensing & Disciplinary** - from local authority to Court of Appeal, advising upon and determining novel issues arising in numerous important licensing applications relating to taxi, gambling, alcohol and entertainment legislation in the UK and overseas. As Editor in Chief of *Paterson's Licensing Acts* and a General Editor of *Smith & Monkcom - The Law of Gambling* he has been recognised for the past three decades as leader in this field.
- **Regulatory & Environmental** - representing the Environment Agency, HSE, Marine Management Organisation and local authorities in inquests and prosecutions concerning a range of waste, food, health & safety and breach of licensing offences, as well as companies in relation to due diligence and criminal confiscation issues. Also statutory nuisance abatement appeals and prosecutions. *The Law of Regulatory Enforcement Sanctions - A Practical Guide - OUP (2011)*.
- **Advisory & judicial review** - numerous High Court challenges on a wide range of public law issues ranging from: Standards of Conduct to Assets of Community Value; from the repayment of s.106 monies, to the sufficiency of Reasons. Contributions also to the work of the Law Commission, Department of Culture Media and Sport, Cabinet

Office and former Department for Business, Enterprise & Regulatory Reform, as well as the Bar Council, its Ethics committee and the Licensed Trade Charity (trustee).

- **Public inquiries** - supporting the successful Weymouth Relief Road and South Devon Link Road, objection to the £4.1bn Thames Tideway Tunnel infrastructure project, promoting rail crossing extinguishment orders (Network Rail) and representation of the Ramblers' Association in relation to the Bristol Bus Rapid Transit Scheme. Various footpath, TVG and planning Inquiries.
- **Complex mediations** - including the multi-party multi-issue mediation which he devised arising from the *Business & Enterprise Select Committee (BESC): Relationship Between Pub Companies and Lessees - Seventh Report of Session 2008-09*. Resolution (both as mediator and mediation advocate) of major environmental litigation, as well as smaller property disputes.

Testimonials

"He is formidable in terms of his advocacy and puts the opposition on the back foot quite quickly."

Chambers and Partners [2019]

"He does not approach matters from an ivory tower, but quickly gets in the trenches, helps out and is constructive."

Chambers and Partners [2019]

'Recommended for major infrastructure inquiries.'

Legal 500 [2018 Silks]

"An extremely experienced counsel who brings a very commercial perspective and is very approachable."

Chambers and Partners [2017]

"He's thorough, has excellent attention to detail and is very persuasive."

Chambers and Partners [2017]

"If I instruct him I know I will get someone who is totally committed and extremely thorough in terms of researching the issues, advising and if necessary appearing on behalf of the client."

Chambers and Partners [2016]

"...a good advocate to go to if you have a difficult point."

Chambers and Partners [2016]

"Stands out."

Legal 500 [2016]

"Extremely able and very approachable. He manages to turn work around so quickly."

Chambers and Partners [2015]

"A very good advocate whose courteous and knowledgeable manner instils confidence in clients."

Chambers and Partners [2015]

"He has gravitas before Tribunals."

Chambers and Partners [2015]

"Can always be relied upon to provide swift, effective assistance whenever needed."

Legal 500 [2015]

"Excellent attention to detail and very persuasive when presenting a case."

Legal 500 [2014]

"the 'vastly experienced' Jeremy Phillips, who is 'utterly reliable, and very good value for money'"

The Legal 500 [2013]

"He is terrifyingly good - if you're against him he looks at you and you think 'arrrgggh'"

Chambers and Partners [2013]

Experience

Planning, Infrastructure, Rights of Way & Town and Village Greens

Environment & Regulatory Crime

Licensing

Non-contentious

Mediation Experience / Qualifications

Publications & Articles

Publications

- Editor in Chief of '*Paterson's Licensing Acts*' (Gen Ed since 1997) and advisor to the *Department of Culture Media and Sport* in that capacity.
- General Editor of *Smith & Monkcom - The Law of Gambling* (4th Edition) ? the leading specialist textbook on gambling law.
- *The Law of Regulatory Enforcement and Sanctions - A Practical Guide* (Co-author) was published by the Oxford University Press in 2011.
- *Halsbury's Laws of England* - the authoritative source on the laws of England and Wales (contributor to 4th and 5th Editions) - Volumes 13, 26, 67 & 68.
- *Atkins Court Forms* - UK@s only encyclopaedia of Civil Litigation Forms, Precedents of Pleadings and Procedure - Volume 27 (1).
- '*Phillips' Licensing Guide*' (1st, 2nd and 3rd Editions),
- *Other publications: 'New Law Guide', 'The Lawyer's Remembrancer', 'Gambling for Local Authorities', Westlaw UK Insight & Consulting Editor to Licensing Review'*

Articles include:

- 'The (Underutilised) Role of Mediation in Licensing' (with Conor Fegan) [2019] *Journal of Licensing*
- Two Blue Doors, *Waymark*, Autumn 217
- The Hand We've Been Dealt, *Solicitors Journal*, 5 September 2017
- Calling Time on the Licensing Act, *Solicitors Journal*, 25 April 2017
- Burden of Proof in Licensing Appeals, *Solicitors Journal*, 24 January 2017
- Public Safety Versus Public Health, *solicitors Journal*, 19 January 2016
- Here's to Her Majesty and Other Licensing Developments, 7 June 2016
- Drinking, Gambling and Mistakes and Notices, 11 October 2016
- Noise Nuisance in the Licensing Arena, 22 September 2015

- Licence to Thrill, solicitors Journal, 30 June 2015
- *Hemming*: outcome and implications, 10 February 2015
- Licensing Update, Solicitors Journal, 30 September 2014
- Licensing Update, Solicitors Journal, 1 July 2014

Jeremy has also for many years chaired and spoken at major conferences.

Qualifications & Awards

- Solicitor (1980)
 - Partner, Cartwrights (1982)
 - Co-founder, Holt Phillips (1984)
 - Equity partner Eversheds (1994)
 - Equity Partner Osborne Clarke (2001)
 - Called to the Bar /Inner Temple (2004)
 - Accredited mediator ? CEDR (2008)
 - Elected Bar Council (2015) and Ethics Committee (2016 to date)
 - Appointed Queen's Counsel (2018)
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Interests

* Medieval and local history. Long-distance overland travel. Motorbike racing. Squash. Family.

* not necessarily in order..

Notable Cases

Planning, Infrastructure, Rights of Way & Town and Village Greens

Jeremy Phillips has a broad range of experience in the specialist field of planning work, ranging from major infrastructure inquiries (for an interested party at the hearing stage in the £4bn Thames Tideway Tunnel project to assisting in the promotion of the Weymouth and Newton Abbot bypass schemes), advising on draft Core Strategy, High Court challenges on technical issues (*Beazer Homes* re monies held under a s.106 and *Metro Construction* re designation of conservation areas) to smaller inquiries on

enforcement issues and housing and retail development schemes. Jeremy represented the *Bristol Ramblers Group*, at an **Inquiry** concerning *Bus Rapid Transit* (BRT) system.

Jeremy also gained unique experience at the *Infrastructure Planning Commission*, working in-house on the development of the new regime and policies.

- *Mexico Crossing* and *Buriton Crossing* - securing rail crossing extinguishment orders for Network Rail
- *Thames Tideway Tunnel project* - representing an interested party in relation to the impact of the project, which raised novel issues under the *Planning Act 2008*
- *Taylor v Honiton TC (East Devon DC)* - representing local authority in case deciding duties of principal authorities and the extent of sanctions which may be imposed.
- *UCS new sports pavilion scheme (on behalf of LB of Barnet)* - for local authority seeking to uphold a refusal of permission following officers' recommendation to grant
- *Reliant Building Contractors Ltd v Nuneaton & Bedworth Borough Council*: Midland Road, Nuneaton, Warwickshire (APP/W3710/A/12/2176750) - proposed developments of erection of 84 houses. Successful s.78 appeal against refusal to grant outline planning permission
- *RB of Tunbridge Wells v Arriva Plc (on behalf of Tesco Stores)* [APP/M2270/A/10/2138774] - resisting appeal against refusal of permission for development of new retail store in District Centre
- *Greensquare Residents Association v Higgins Homes PLC & Ors* - TVG Inquiry on behalf of residents association [LLC/MM/004/2008]
- *Hampshire CC v Beazer Homes Ltd* [2010] EWHC 3095 (QB) - declaratory proceedings as to the obligations of LPAs in relation to monies held under a s.106 agreement
- *R (on the application of Metro Construction Ltd) v Barnet London Borough Council* [2009] EWHC 2956 (Admin) - concerning the lawfulness of the designation of sites as Conservation Areas (2009)
- *Weymouth Relief Road* - public inquiry jointly with Leading Counsel into major infrastructure proposal (2008) - resulting in the confirmation of the CPOs needed to enable the construction of the road required for the 2012 Olympics to proceed. Similarly involved in 4 week public inquiry into the *South Devon Link Road* (2009)
- *McCarthy & Stone (Developments) Ltd v Hertsmere Borough Council* [APP/N1920/A/07/2018226] - appeal against refusal to grant planning permission and proposal to meet affordable housing requirement with off-site provision

Environment & Regulatory Crime

Jeremy Phillips' 30 year experience in the regulatory field ranges from defending leading supermarket retailers in smaller scale prosecutions for breach of regulatory legislation, to involvement in major environmental and health and safety criminal cases, both as prosecution and defence counsel.

He is also co-author of the new leading work: *The Law of Regulatory Enforcement and Sanctions - A Practical Guide*, which examines the potential impact of the *Regulatory Enforcement & Sanctions Act 2008*.

- *LB of Newham v Memon* - alleged fatality & 32 cases of food poisoning at outside professionally catered event. Both defendants convicted following 20-day trial but cleared of responsibility for the fatality that had occurred.
- *MMO v Boyce* - prosecuting for breach of licensing requirement for works in the marine environment.
- *Slough BC v Sabar Bros* - H&S prosecution for s.2 and s.3 HSWA offences and breach of LOLER requirements concerning safety of goods lifts, following serious accident.
- *Cheshire West & Chester Council v Ungerer Ltd* - representing local authority in 8-day Odour Abatement Notice appeal
- *Westminster City Council v Maiden London Ltd* - defending heavily contested prosecution for alleged breach of Noise Abatement Notice
- *EA v Stroud* - representing defendant in relation to confiscation proceedings arising from a larger complex environmental prosecution.
- *R (on prosecution by LB of Tower Hamlets) v Fitness & Leisure club* - representing national operator in noxious fumes case.
- *Hart DC v Medvit Ltd* - defence of hotel/conference centre for breach of food hygiene regulations.
- *R (on prosecution by the Environment Agency) v Paul Crabb* - representing EA on range of waste offences
- *Environment Agency v Two Sisters Food Group Ltd* - defending allegations of multiple breaches of Environmental Permitting (England & Wales) Regs 2007
- *HSE v Citytex* - HSE prosecution and Newton hearing into causes of substantial building collapse; having regard to civil issues
- *Health And Safety Executive v KD Childs (1) & Persimmon Homes (Midlands) Limited* - representing HSE re fatality arising from the application of certain building systems on site

Licensing

As a solicitor Jeremy Phillips was recognised for many years as one of the leading practitioners in England and Wales. He has been involved since in many of the leading decisions in this field, before licensing committees, magistrates and in the High Court, enjoying representing operators, residents, police and licensing authorities. He is currently advising an overseas jurisdiction on appellate proceedings and issues of *vires*

Jeremy is Editor in Chief of *Paterson's Licensing Acts*, the only work of reference in this field. He is also a General Editor of *Smith & Monkcom ? the Law of Gambling*.

Notable cases

- *R (Lalli) -v- Metropolitan Police Commissioner and Newham Borough Council* - whether premises associated with serious crime on the basis of a single incident

involving some violence. Permission granted to appeal to the Court of Appeal - case raised issues of national importance.

- *Patel (t/a Funky Brownz) v London Borough of Barnet* - 'food safety' did not specifically engage Public Safety licensing objective LA correct to revoke the licence.
- *Gurgur v London Borough of Enfield* ? determined which policies and versions of S of S Guidance should apply to licensing appeals
- *R (Thompson and Spearmint Rhino Ventures (UK) Limited) v Oxford City Council* - extent to which licensing authority able to refuse renewal without distinguishing from previous grant
- *Chohan v Gambling Commission* [2012] UKFTT (Gen) - duties of a holder of a personal management licence. First ever appeal determined by First Tier Tribunal (Gen - Gambling)
- *Little France Ltd v Ealing London Borough Council* (2013) QBD (Admin) - determined extent of reasons required on licensing appeals.
- *Crawley BC v Attenborough* [2006] EWHC 1278 Admin - entitlement of Justices to order licensing authority to pay costs on appeal - requirement for conditions imposed to be intelligible to parties and those not involved in the proceedings
- *R (on the application of the British Beer and Pub Association and Others) v Canterbury City Council* [2005] EWHC 1318 Admin - clarified the extent of a licensing authority's power in relation to its published policy
- *Hashtroudi v Bournemouth Borough Council* (2012) - Bournemouth magistrates granting licence to a large bar and nightclub in town's Cumulative Impact Zone.
- *Combine Leisure Limited v Chief Constable of Avon & Somerset Constabulary* (2011) - appeal against revocation. Summary review including quashing of High Court stay on suspension of licence. Costs order against director in personal capacity.
- *Chief Constable of Cambridgeshire v JD Wetherspoon* (2007) *Tesco Express* (2009) *Waitrose* (2010) *All Saints Ltd* (2010) - objections on behalf of the police.
- *Marstons Plc (1) and Greene King Pub Company Ltd (2) v Chief Constable of Nottinghamshire* - two separate appeals following a related fatality in the area (2010)

Non-contentious

- *Commercial contracts* - advisory work on issues of overage, conditional contracts, auction particulars etc.
- *Insurers (City of London)* - comprehensive revision of specialist 'loss of licence' policy
- *SIA* - advising international exhibition venue on various technical issues arising under Private Security Industry Act 2001
- *Gambling Commission* - advisory work on various elements of published policy
- *Mediation* - various, including multi-party multi-issue mediation arising from the *Business & Enterprise Select Committee (BESC): Relationship Between Pub Companies And Lessees - Seventh Report of Session 2008-09*. To see further details of Jeremy's mediation profile, please click [here](#)
- *SENDIST* - supporting parents through IPSEA - appeals under the Education Act 1996

Mediation Experience / Qualifications

- Co-Mediator with Michel Kallipetis QC in unprecedented mediation concerning contractual, commercial and property issues affecting the licensed trade (see Seventh Report (2009) Business & Enterprise Select Committee)
 - Successful mediation of long standing major environmental (involving national regulator).
 - Resolving as mediator long-standing local land ownership and boundary disputes
 - Resolution of licensing and environmental disputes concerning a major national sporting event by informal mediation (advocate)
 - CEDR (Centre for Effective Dispute Resolution) - Accredited Mediator (October 2007)
 - SCMA (Standing Conference of Mediation Advocates) - Member
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Pro Bono

Jeremy Phillips is also a member of the Review Panel for LawWorks, a charity which aims to provide free legal help to individuals and community groups who cannot afford to pay for it and who are unable to access legal aid, and for whom he reviews applications for assistance and in a limited number of approved cases, conducts mediations.

He has advised community associations on national issues raised by threatened enforcement action, subsequently discontinued as a consequence.

Jeremy is also a trained volunteer for the work of IPSEA, a national charity providing free legally based advice to families who have children with special educational needs. In appropriate cases he will represent parents and their children before the SENDIST (Special Educational Needs and Disability Tribunal).

He is now a trustee of the Licensed Trade Charity, which has supported licensees since 1756.
