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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 leading 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 gambling, taxi, alcohol & entertainment legislation in the UK and overseas. 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 a leader in these fields.
- **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)* and *LexisPSL: Corporate Crime, Environmental Statutory Nuisance and wildlife Crime (2017)*
- **Advisory & judicial review** - numerous High Court challenges on a wide range of public law issues ranging from: local authorities' Standards of Conduct to Assets of Community Value (ACV); 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/school governor).

- **Public inquiries** - various major footpath, TVG and planning Inquiries as well as 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. Also, supporting the successful Weymouth Relief Road and South Devon Link Road and others.
- **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 involving local authorities and national and international operators as well as smaller property disputes. Head of FTB's Mediation Group.

Testimonials

"He is authoritative and knowledgeable." "Jeremy's attention to detail and thoroughness are second to none."

Chambers and Partners [2021]

"Responsive, unflappable and thoroughly prepared, his experience and commerciality make him a real asset."

Legal 500 [2021]

"He has a unique knowledge of licensing legislation which enables him to provide assistance on a wide range of licensing and gambling issues."

Chambers and Partners [2020]

"His in-depth analysis and consideration of the case are invaluable. He is also very responsive to time pressures."

Chambers and Partners [2020]

"He has long been committed to this area of practice, and is someone who is both a pleasure to be against and fabulously impressive."

Chambers and Partners [2020]

'Especially valued for his encyclopaedic knowledge of licensing law, he is described by sources as being an experienced and persuasive advocate. He advises large-scale corporations and local authorities on various taxi, SEV and gambling issues.'

Chambers and Partners [2020]

'A master tactician who is practical and organised, and gets in the trenches with the client'

Legal 500 [2020]

"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]

'He has a track record of work on infrastructure projects'

Legal 500 [2020 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

Licensing & Disciplinary

Environment & Regulatory Crime

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

Non-contentious

Mediation Experience / Qualifications

Publications & Articles

Publications

- Editor in Chief of '*Paterson's Licensing Acts*' (105th Edition - date: 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* (2017 4th Edition) ? the leading specialist textbook on gambling law.
- Lexis PSL: Corporate Crime, Environmental Statutory Nuisance and Wildlife Crime (2017)
- *The Law of Regulatory Enforcement and Sanctions - A Practical Guide* (Co-author) 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:

- Does the SRA Treat Sexual Misconduct Cases Seriously? (with Esther Drabkin-Reiter). *Solicitors Journal*, April 2020
- 'The (Underutilised) Role of Mediation in Licensing' (with Conor Fegan) [2019] *Journal of Licensing*
- Two Blue Doors (footpaths), *Waymark*, Autumn 217
- The Hand We've Been Dealt (Gambling), *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 & on national radio.

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)
 - Trustee, Licensed Trade Charity (2015)
 - Elected Bar Council (2015) and Ethics Committee (2016)
 - Appointed Queen's Counsel (2018)
 - Disciplinary Panel - Lawn Tennis Association (2019)
 - International Masters of Gaming Law (IMGL) (2020)
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Interests

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

* not necessarily in that order..

Notable Cases

Licensing & Disciplinary

As a solicitor Jeremy Phillips was recognised for some years as the leading practitioner in England and Wales. As a barrister he has since been involved in many of the leading decisions in this field, before licensing committees, magistrates, in the High Court and Court of Appeal enjoying representing trade associations, operators, residents, police and licensing authorities. He has advised in overseas jurisdictions 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* and author of numerous other works and articles in the field.

Notable cases

- *Gambling Commission v Operator* - represents one of the 'Big Five' national gambling operators in relation to a range of high value AML, KYC, SR and RG online gambling issues.
- *NR v Bestway Ltd* - defending overseas online betting operator against civil action concerning customer's alleged AML issues. Claim withdrawn, with costs.
- *Online PHV provider* - representing global PHV 'taxi' service company in relation to its involved dealings with TfL, resulting in the issue of a new London Operator Licence.
- *Chohan v Gambling Commission* [2020] UKFTT (Gen) - duties of a holder of a personal management licence (PML). First ever appeal determined by First Tier Tribunal (Gen - Gambling).
- *Bamboodle Bar and Grill Limited v Stratford District Council* - representing licensing authority and successfully resisting appeal against revocation and closure of premises. Full costs awarded.
- *R (Lalli) -v- Metropolitan Police Commissioner and Newham Borough Council* - Whether on summary review premises associated with serious crime on the basis of a violent incident. 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 s182 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 of an SEV without distinguishing from previous grant in (virtually) identical circumstances.
- *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 Statement of Policy.
- *Hashtroudi v Bournemouth Borough Council* (2012) - Bournemouth magistrates granting first new licence to large/nightclub in town's Cumulative Impact Zone.
- *Combine Leisure Limited v Chief Constable of Avon & Somerset Constabulary* (2011) - representing police in licensee's 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) - successful objections on behalf of the police.
- *Marstons Plc (1) and Greene King Pub Company Ltd (2) v Chief Constable of Nottinghamshire* - two successful licensing appeals for operators following a related fatality in the area (2010).
- *British Horseracing Authority (BHA)* ? advised re inquiry into allegation that overseas national and racehorse owner had profited from ?inside information?.
- *Re Swim Wales* ? advised former swim coach and drafted Statement of Case for High Court civil claim against former employer / club.
- *B v A (an EA licensed coach)* ? advising parents (pro bono via Sports Resolutions UK) of an Paralympic athlete in relation to potential claim for recovery of expenses paid to former coach.
- *GMC v Dr A* ? considering substantial file of papers detailing historic position and advising (pro bono via Advocate) on prospects of success before the MPTS (Medical Practitioners Tribunal Service) on having the right to practice restored.
- *Fitness & propriety* ? has been a key element of the practice over four decades, forming a major element in a large proportion of licensing decisions. Central also to role as law firm Senior Partner, member of Bar Council's Ethics Committee, Law Commission's Panel concerning taxi licence reform, and role as trustee and governor.

Environment & Regulatory Crime

Jeremy Phillips' three decades' 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 examined the potential impact of the *Regulatory Enforcement & Sanctions Act 2008*. Also co-author of *LexisPSL: Corporate Crime, Environmental Statutory Nuisance and Wildlife Crime (2017)*.

- *LB of Newham v Memon* ? defending 32 cases of food poisoning & alleged fatality at professionally catered event. Both defendants convicted following 20-day trial,

but entirely cleared on core issue of responsibility for fatality that occurred.

- *MMO v Boyce* -successful prosecution on behalf of the licensing authority for first national breach of marine environment licensing requirement.
- *Slough BC v Sabar Bros ?* defending 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* - successfully representing local authority in 8-day Odour Abatement Notice appeal. Long-term historic town centre issue resolved.
- *Westminster City Council v Maiden London Ltd; Ealing BC v Nijjar Dairies Ltd* - defending heavily contested prosecutions re Noise Abatement Notice. Both prosecutions withdrawn.
- *EA v Stroud* - representing defendant in relation to confiscation proceedings (POCA) arising from a larger complex environmental prosecution.
- *R (on prosecution by LB of Tower Hamlets) v Fitness & Leisure club* - representing national operator in H&S noxious fumes prosecution.
- *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 ?* prosecuting for the EA on range of waste offences
- *Environment Agency v Two Sisters Food Group Ltd* - defending allegations of multiple breaches of Environmental Permitting Regs
- *HSE v Citytex* - HSE prosecution and Newton hearing into causes of substantial building collapse; having throughout regard to potential civil issues/liability
- *Health And Safety Executive v KD Childs (1) & Persimmon Homes (Midlands) Limited (2)* - representing HSE at inquest re fatality arising from the flawed application of certain building systems on site

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 important local footpath challenges to major infrastructure inquiries. Examples include for an interested party successfully raising objections 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 (e.g. *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 pro bono* at the Inquiry concerning the *Bus Rapid Transit* (BRT) system.

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

- *Marriner v Dorset County Council, Lyme Regis TC et al* (Order Ref: FPS/C1245/7/38) ? successfully resisting confirmation of footpath order from historic town centre to the seafront.
- *Mexico Crossing and Buriton Crossing* - securing rail crossing extinguishment

orders notwithstanding significant local objections, for Network Rail

- *Thames Tideway Tunnel project* ? successfully representing an interested party raising objections in relation to the impact of the £4bn major infrastructure 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 Supermarket in District Centre
- *Greensquare Residents Association v Higgins Homes PLC & Ors* ? Village Green 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 road scheme (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] ? successfully resisting appeal against refusal to grant planning permission and proposal to meet affordable housing requirement with off-site provision

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 civil dispute (involving national regulator).
 - Devising and then resolving (as mediation advocate) to resolve long-standing alleged odour nuisance affecting City Centre, thereby avoiding 3-week magistrates? court appeal.
 - 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 has represented parents and their children before the SENDIST (Special Educational Needs and Disability Tribunal).

He is now a trustee of the Licensed Trade Charity, supporting licensees since 1756.

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