



Francis Taylor Building

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## Jeremy Phillips KC

Call: 2004 QC: 2018 [Public Access](#)

Practice areas:

Licensing, Environment, Planning, ADR, Major  
Infrastructure Projects, Local Government, , Highways,  
Commons and Open Spaces



## Practice Profile

Jeremy Phillips KC 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.

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## Licensing

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

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.

He is a member of International Masters of Gaming Law (IMGL).

#### 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[JP1]
- *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* [2012] 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.
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- *Gurgur v London Borough of Enfield* – determined which policies and versions of S of S s 182 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.
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- *Hashtroudi v Bournemouth Borough Council* (2012) - Bournemouth magistrates granting first new licence to large bar/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* – 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

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## Environment

Jeremy Phillips' three decades' 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 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).

Jeremy is ranked in tier 1 for environmental by the Legal 500 2021 guide. He is described as "Responsive, unflappable and thoroughly prepared, his experience and commerciality make him a real asset."

- *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
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## Planning

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

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## ADR

- Co-Mediator with Michel Kallipetis KC in unprecedented mediation concerning contractual, commercial and property issues affecting the licensed trade (see Seventh Report (2009) Business & Enterprise Select Committee)
- Devising and then resolving (as mediation advocate) to resolve long-standing alleged odour nuisance affecting City Centre, thereby avoiding 3-week magistrates' court appeal.
- 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)
- "Finding Common Ground" ('Planning' magazine March 2008 - with John Parmiter)
- CEDR (Centre for Effective Dispute Resolution) - Accredited Mediator (October 2007)
- SCMA (Standing Conference of Mediation Advocates) - Member

## Publications

'The (Underutilised) Role of Mediation in Licensing' (with Conor Fegan) [2019] Journal of Licensing

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## Major Infrastructure Projects

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## Local Government

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## Highways, Commons and Open Spaces

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## 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

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## 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:

- **Legal Professional Privilege: Reporting AML suspicions is “not black and white”** (with Mark O'Brien O'Reilly)
- Guest Editorial, Journal of Licensing, Number 31, November 2021
- 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.

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## 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)
- Appointed to Sports Resolutions' Mediation & Development Arbitration Panels (2021)

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## Notable Cases

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

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#### Non-contentious

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*& 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 KC 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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#### Interests

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

\* not necessarily in that order..

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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).

#### Privacy Notice

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## Quotes

*"He is the encyclopaedia when it comes to discrete areas of licensing law."*  
*Chambers and Partners, 2023*

*"Jeremy is great, very approachable and personable."*  
*Chambers and Partners, 2023*

*"Jeremy is excellent and obviously a licensing guru."*  
*Chambers and Partners, 2023*

*"He is exceptionally eloquent and persuasive on paper and is able to engage in a positive and constructive manner with the Tribunal when on his feet."*  
*Legal 500, 2023*

*"Jeremy is very engaged and accommodating of his time with clients."*  
*Legal 500, 2023*

*"An expert in his field with excellent knowledge of the licensing sector. He's always bang up to date." "Excellent at giving advice and propounding legal argument. He's always quick to respond and willing to go the extra mile."*  
*Chambers and Partners, 2022*

*"Jeremy is very incisive and excellent at spotting flaws and weaknesses in the opposition's case and developing a strategy around this best suited to the client's business objectives. "*  
*Legal 500, 2022*

*"Calm and responsive with an in-depth knowledge of the subject, clients value his insightful analysis, experience and commerciality."*  
*Legal 500, 2022*

*"He is very thorough and good for written advice."*  
*Chambers and Partners, 2023*

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