



Jeremy Phillips

Year of call: (2004 Inner Temple)



Practice Profile

A feature of Jeremy Phillips' practice is the unusual breadth of his experience, particularly within the retail and leisure sector where his national reputation extends beyond legal circles to a wide range of bodies and organisations involved in the industry generally.

Before transferring to the Bar Jeremy practised as a solicitor, becoming senior partner of a regional law firm and an equity partner leading national teams in Eversheds and Osborne Clarke. For the past two decades he has been recognised as one of the UK's leading specialists in Alcohol, Entertainment and Gaming licensing law. Since moving to the Bar he has also developed successful associated practices in the fields of Planning, Environment, Health and Safety, Judicial Review and Regulatory law.

Solicitors and their lay clients have repeatedly recognised the benefits that such a breadth of experience and practice can bring:

"Former solicitor Jeremy Phillips is 'superb', 'a very competent, thorough, courteous and hardworking barrister with in-depth knowledge in licensing, who handles intricate and delicate cases very well'."

Legal 500 [2011]

".. a composed and creative barrister who is able to think outside the box." Phillips is an expert in alcohol, entertainment and gaming licensing and is also sought after for his expertise in planning, environment, regulatory and administrative and public law."

Chambers and Partners [2010]

"Jeremy's laid back charm and unflappable courtesy belies an incisive cross examination technique and passionate advocacy. He demonstrated great flexibility and creativity in a difficult case where new issues were constantly arising. He was enormously patient in explaining his thinking, generous and a lot of fun to work with."

Resident's Association [2010]

".. worked as a solicitor before he came to the Bar: for many this means he "understands a client's needs in a way other barristers can't." A lawyer who offers "marvellous practical input," he is "pleasant, personable and efficient".

Chambers and Partners [2009]

".. is a 'calm advocate' who 'concentrates on what will win the case'."

Legal 500 [2009]

Experience

Licensing

As a solicitor Jeremy Phillips was recognised for many years as one of the leading practitioners in England and Wales, conceiving and launching the successful High Court decision which enabled pubs and bars throughout the country to open all day for the 2002 World Cup. 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 alike.

In 2009 he co-mediated (with Michel Kallipetis QC) an unprecedented mediation addressing a wide range of contractual, commercial and property issues affecting the licensed trade.

Jeremy has for many years also been a General Editor of *Paterson's Licensing Acts*, the only work of reference in this field.

Notable cases

- *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
- *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
- *Harding & Ors v St Edmundsbury Borough Council and Greene King Brewery* - resisting residents attempted imposition of restrictive conditions on premises licence (2006)
- *Remenham Farm Residents Association v COPAS Partnership* - representing residents following the extended licensing (including festivals) surrounding the Henley Royal Regatta (2006 -2011)
- *Thistle Birmingham City Hotel* - opposing application for Casino licence [2007]
- *Cheshire Sporting Club Limited v Grosvenor Casinos & Ors** - successfully pursuing application for new Casino licence in Manchester (2007)
- *Gambling Commission v Powerhouse Sporting Club* - representing Gambling Commission opposing application by former 'Gutshot' club to re-open under the Gambling Act 2005 as a club offering poker tournaments (2008)
- *Marstons Plc (1) and Greene King Pub Company Ltd (2) v Chief Constable of Nottinghamshire* - representing appellants in two separate appeals against decisions made on premises licence reviews, following a related fatality in the area (2010)
- *Chief Constable of Cambridgeshire v JD Wetherspoon* (2007) *Tesco Express* (2009) *Waitrose* (2010) *All Saints Ltd* (2010) - objecting on behalf of the police to various applications in and around the city centre
- *Combine Leisure Limited v Chief Constable of Avon & Somerset Constabulary* (2011) - successfully resisting an appeal against revocation. Also pursuing application for summary review, overturning High Court stay on suspension of licence and securing an costs order against director in his personal capacity.
- *Jing Chang Enterprise Limited v Chief Constable for the Nottinghamshire Constabulary* (2011) - securing the grant of a new licence in a Cumulative Impact Zone, notwithstanding the objection of the Chief Constable and despite its alleged surrender by the previous occupier.

Environment & Regulatory Crime

Jeremy Phillips' experience in the regulatory field ranges from defending leading supermarket retailers in smaller scale prosecutions for breach of trading standards and food safety legislation, to involvement in major environmental and health and safety prosecutions, 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*.

- *Health And Safety Executive v KD Childs (1) & Persimmon Homes (Midlands) Limited* - representing HSE at inquest into fatality arising from the application of certain building systems on site (2008)
- *Matthew Castle v North East and North West Hampshire JJs* CO/6940/2007 (Admin) - food safety prosecution; judicial review of justices refusal to state a case (2008)
- *HSE v Citytex* - Newton hearing into causes of substantial building collapse; having regard to civil issues (2009)
- *Environment Agency v Two Sisters Food Group Ltd* - appearing on behalf of defendant in relation to allegations of multiple breaches of Environmental Permitting (England & Wales) Regs 2007 (2010)
- *R (on prosecution by the Environment Agency) v Paul Crabb* - representing EA in Crown Court trial for range of waste offences (2010)
- *Hart DC v Medvit Ltd* - prosecution of hotel/conference centre for breach of food hygiene regulations (2011)
- *R (on prosecution by LB of Tower Hamlets) v Fitness & Leisure club* - representing national operator in noxious fumes case though to a highly successful outcome.

Planning, Infrastructure, Rights of Way & TVG

Since joining FTB, Jeremy Phillips has developed a broad range of experience in its specialist field of planning work, ranging from major infrastructure inquiries (e.g. 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.

He has also gained unique experience at the Infrastructure Planning Commission, working in-house in the development of the new regime.

Notable cases

- *McCarthy & Stone (Developments) Ltd v Hertsmere Borough Council* [APP/N1920/A/07/2018226] - resisting appeal against refusal to grant planning permission and proposal to meet affordable housing requirement with off-site provision
- *Land near Briarfield Avenue, Finchley, London N3 2LG* [APP/N5090/A/07/2046984] - opposing proposal for planning permission to develop site used by local residents for recreation (2008)

- *Flood Guard Systems Ltd v Wokingham BC* [APP/X0360/C/08/2068333] - appeal against enforcement notice to cease light industrial use on land (2008)
- *Paul Williams v Secretary Of State For Communities And Local Government* [CO/4278/2008] - judicial review and s.289 appeal concerning enforcement notice (2009)
- *Leeds City Council (Footpaths Modification Order)* - opposing the making of an Order on behalf of Network Rail (2009)
- *Weymouth Relief Road** - public inquiry 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)
- *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)
- *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 (2010)
- *Greensquare Residents Association) v Higgins Homes PLC & Ors* - TVG Inquiry on behalf of residents association [LLC/MM/004/2008] (2010)
- *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 (2011)
- *Infrastructure Planning Commission (IPC)* - secondment with in-house legal department. Assisting in development of policy, guidance and the progression of individual applications (2010)
- *Major windfarm proposal* - advising group of landowners and residents (2011)

* appearance with Leading Counsel

Civil

Training in central London led to early experience of civil litigation (e.g. acting for the petrochemical company in relation to its office accommodation: *Texaco Ltd v. Benton & Bowles (Holdings) Ltd* QBD [1983] EG 355). Subsequently Jeremy gained several years experience acting for major insurers in defended civil claims.

Jeremy has maintained this practice at the Bar.

- *Central Flooring Limited v John William Neill* [6 AL 04026] - civil claim under commercial contract and counterclaim for damages
- *The Globe Pub Company Limited v Michael Richard Salczynski* [2006] EWCA Civ 1330 - civil trial for breach of covenant/tie and counterclaim for damages; Court of Appeal challenge on a finding re delivery of the replacement lease
- *George Blay Limited v Devon County Council* (Claim No.8CM01034) - civil claim for statutory/private nuisance (2010)

Non-contentious

- *Commercial contracts* - advisory work on issues of overage, conditional contracts, auction particulars etc. (2006-7)
- *Insurers (City of London)* - comprehensive revision of specialist 'loss of licence' policy (2007)
- *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 (2008)
- *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 in appeals under the Education Act 1996

Mediation Experience / Qualifications

- CEDR (Centre for Effective Dispute Resolution) - Accredited Mediator (October 2007)
- SCMA (Standing Conference of Mediation Advocates) - Member
- 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)
- Resolution of licensing and environmental disputes concerning a major national sporting event by informal mediation (advocate)
- Instructed in proposed mediation concerning regional party political dispute
- "*Finding Common Ground*" ('*Planning*' magazine March 2008 - with John Parmiter)

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.

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).

Publications

Jeremy has been General Editor of *'Paterson's Licensing Acts'* since 1997 and advises the *Department of Culture Media and Sport* in that capacity. He is a Consulting Editor to *'Licensing Review'* and author of/contributor to many other leading publications in this area, including: *'Halsbury's Laws of England and Wales'* (4th and 5th Editions), *'Phillips' Licensing Guide'* (1st, 2nd and 3rd Editions), *'New Law Guide'*, *'The Lawyer's Remembrancer'*, and *'Gambling for Local Authorities'* and numerous other publications. *The Law of Regulatory Enforcement and Sanctions - A Practical Guide* (Co-author) was published by the Oxford University Press in 2011.

He has for many years chaired and spoken at major conferences.

Qualifications and Appointments

- Barrister: Date of Call - 2004 (Inner Temple)
- Member of Western Circuit; Attorney-General's Panel (2006-date)
- Constitutional and Administrative Law Bar Association (ALBA) Planning & Environment Bar Association (PEBA), Compulsory Purchase Association (CPA), Health & Safety Lawyers Association (HSLA), UK Environmental Lawyers Association (UKELA) and Environmental Lawyers Foundation (ELF).
- Accredited Mediator - Centre for Effective Dispute Resolution (CEDR) (2008 - date)
- Fully qualified to accept Direct and Public Access work (2010 - date)
- Member of the Association of Regulatory & Disciplinary Lawyers (ARDL) (2011 - date)
- Solicitor to the Supreme Court (Admitted: 1980 - now non-practising)
- B.A. Eng Lit (Hons) - University of Southampton

Career

Qualified as solicitor in London in 1980. Partner *Cartwrights* (1982). Co-founder *Holt Phillips* (1984). Equity partner *Eversheds* (following merger with *Holt Phillips*) (1994). *Osborne Clarke* (2001) upon consolidation of South West practices in Cardiff. Leader of national teams in both firms.

Accredited mediator - CEDR (2008).

Called to the Bar in 2004. Member *2-3 Gray's Inn Square* (2004). *Chambers of Robin Purchas QC, Francis Taylor Building, Inner Temple* (2006 - date).