

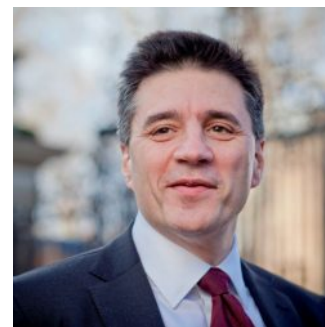
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## Philip Kolvin QC

Philip is one of the country's most eminent licensing QCs. His practice spans all fields of licensing, including alcohol and entertainment, gambling, sexual entertainment, taxis, sport and the security industry. He acts across the board for national and independent operators, national regulators, local authorities and local residents and community groups.

He has been ranked in the top tier for licensing in the Legal 500 and Chambers directories for many years. As one client put it, "There isn't anyone who comes close to his stature" (Legal 500 2020)

He is Patron of the Institute of Licensing, the professional body for licensing practitioners, a board member of the Sports Grounds Safety Authority and an Associate Fellow of Westminster University's Centre for Law, Society and Popular Culture. He is also a Recorder of the Crown Court, sitting as a Judge in jury trials in the Crown Court on a part-time basis.



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### Professional Summary

Called 1985  
Appointed QC 2009

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### Contact Details

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## Specialisms

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### Licensing

Philip is a leading practitioner in all the main fields of licensing.

#### Alcohol and entertainment

Philip's early work in this field was for public authorities. He appeared in the High Court cases which defined the modern law of licensing policy (Canterbury, Guildford, Westminster and Enfield), and advised scores of authorities on their licensing policies, including the first cumulative impact policies.

Over the last decade he has acted principally for leading operators including:

**Festivals.** Clients have included Festival Republic, AEG, Broadwick, Mama Group and Boomtown as well as independent festivals. He acted for Haringey Council in the Court of Appeal case which established the scope of local authority powers to mount festivals in parks.

**Nightclubs.** Philip's clients have included Deltic, Novus Leisure and Tokyo Industries among many others. He acted for the world-leading club Fabric in recovering its licence on appeal following revocation on account of drug deaths in the venue.

**Pubs.** Philip has advised many pub operators including Stonegate, Mitchells and Butler, Brewdog, the Columbo Group and Hall & Woodhouse. He has secured and protected many licences, including in cumulative impact areas.

**Supermarkets.** Philip has advised Sainsbury's, Asda and Morrisons on general licensing issues as well as obtaining licences, including in cumulative impact areas.

**Hotels.** Philip's clients have included The Ritz, The Standard and Mama Shelter, Premier Inns and Holiday Inn. His work has included advised the Standard on its flagship 24 hour licence opposite St Pancras Station.

**Other.** Philip has worked extensively on a *pro bono* basis during the Covid crisis to support the

sector including:

- Convened industry groups and leading operators which commissioned the Institute of Occupational Medicine to advise on re-opening the hospitality sector, leading to a roadmap presented to government.
- Advised the Grand Outdoor Summer Café campaign which successfully proposed legislation to simplify outdoor tables and chairs licences.
- Advising Night Time Industries Association and the leading leisure insurance brokers NDML relating to business interruption policies and the FCA litigation.
- Working with organisations internationally, including Responsible Hospitality Institute (USA), Night Time Industries Association (Sydney) and Vibe-Lab on principles underpinning urban regeneration and reactivating the leisure economy following Covid.

### Gambling

Philip has run a busy gambling practice for 20 years. He acted for Surrey Racing in the renowned *Hestview* case which established the boundaries of the demand test under the old legislation. Based on the test, he acted for William Hill, making and opposing licence applications across England and Wales, and for Gala Casinos in opposing a national roll-out of hotel casinos by Guoman.

**Gambling Commission.** Since the Gambling Act 2005, Philip has been the preferred Counsel of the Gambling Commission, advising and acting in a wide variety of technical, policy, licensing, prosecution and enforcement cases. Notably, he appeared for the Commission in the first gambling case under the Act to reach the Court of Appeal, concerning Greene King's bid to obtain a bingo operating licence for its public houses, leading Chris Knight of 11 KBW.

**Betting.** Philip has acted for William Hill, Ladbrokes, Coral, Betfred, Paddy Power, Sport Pesa and the Association of British Bookmakers.

**Gaming.** Philip has worked for leading providers of machines, online games and machine premises including Blueprint, Novomatic, Gauselmann, Inspired and the trade body BACTA. Philip's land-based clients have included Merkur, Aspers and Gala Casinos. He recently acted for Redbridge Council in the first case of revocation of a gaming machine permit (Wetherspoons). He also acted for all 16 local authorities given permission by Parliament to licence so-called super-casinos, successfully defending all challenges to decisions.

### Taxis

Philip's taxi and private hire work bridges the public and private sector and involves policy, advisory, licensing and enforcement work.

With the publication of the Statutory Taxi and Private Hire Vehicle Standards, Philip is currently training and advising licensing authorities as to the Standards and their implications for policy and governance.

Philip has carried out extensive work for Uber, helping it to consolidate its UK business. This included: *Knowsley* (successful High Court challenge of policy purporting to restrict cross-bordering); *London Cab Drivers Club* (successful defence of High Court challenge to Uber's appeal against revocation by TFL); *Reading v Ali* (successful High Court defence of prosecution alleging that cross-bordering was plying for hire); *Uber v Brighton CC* (successful appeal against Council refusal of licence establishing authorities could not restrict inward cross-bordering by licence condition); *Lalov* (persuaded Director of Public Prosecutions to take over and discontinue private prosecution by a rival trade group based on allegation of plying for hire).

He also advises Wolverhampton City Council, the largest private hire licensing authority outside London, on a number of strategic, operational, constitutional, policy and regulatory matters and have handled contentious revocation applications and appeals for other authorities.

Philip's work for licensing authorities has included appearing for Guildford BC in High Court cases establishing the lawfulness of livery policies and the principles for calculation of taxi licensing fees.

He also advises Committees and appears in appeals on licensing and enforcement matters.

Philip was a member of the Expert Panel to the Law Commission's report on *Taxis and Private Hire*, and wrote the Foreword to *Button*, the leading text on taxi licensing law.

### Sports and security

Philip's work in this field included successful representation at the Hillsborough inquests for Sheffield City Council, which had certificated the safety of the stadium.

Philip also advised the Security Industry Authority on its central policy document *Get Licensed*.

### Insurance

Philip is engaged by the Night Time Industries Association and the leading leisure broker NDML in relation to business interruption insurance on behalf of 150 late night venue operators.

### Sex licensing

Philip has advised operators of sex establishments, including Spearmint Rhino, Platinum Lace, Secrets and Sophisticats among others.

Philip has recently acted for Selfridges in its successful opposition to a new sex establishment next to its flagship Oxford Street store.

Philip acted for the Soho sex shop owners whose legal campaign to reduce licence fees in Westminster went to the Supreme Court and the European Court (the first UK licensing case to do so), and which succeeded in reducing fees by 90%.

He worked *pro bono* for the Fawcett Society and Object in their successful Parliamentary campaign to change the law governing sex establishments. He has also worked with UK Feminista to change the law of prostitution and with Peter Kyle MP and Shelter to prevent landlords offering sex for rent.

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## Recommendations

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### Legal Directories

*"Mr Kolvin QC is an absolute star, and a standout person these days in licensing." "His knowledge is second to none and he is a go-to for the most complex licensing matters."* Chambers and Partners 2020

*"There isn't anyone who comes close to his stature."* The Legal 500 2020

*"We continue to use Philip Kolvin QC on particularly complex matters or matters which involve a difficult point of law or an innovative and lateral piece of thinking." "He understands his clients and wins cases for them. He is a modern QC in that he is not bogged down with history or tradition, but gets on with the job, presenting as a very commercially minded barrister."* Chambers and Partners 2019

*"An extremely accomplished counsel."* The Legal 500 2018

*"Always to be found at the cutting edge of licensing decisions, he has an amazingly incisive mind, and produces proactive and clear advice."* Chambers and Partners 2018

*"Philip's reputation undoubtedly now precedes him. He is, almost certainly, the pre-eminent licensing counsel in England and Wales."* Chambers and Partners 2018

*"You can't talk about licensing without talking about Philip."* Chambers and Partners 2018

*"He is a lateral thinker, and is very knowledgeable but also commercial."* The Legal 500 2017

*"He is calm, gives clear and concise advice, and is fantastic on his feet. He is essentially an encyclopaedia on licensing."* Chambers and Partners 2017

*"He is simply in the top rank in the licensing field and has been for a while."* Chambers and Partners 2017

*"The go-to guy for all licensing matters. He is determined and frighteningly bright. He is able to assess the key issues in any case with speed and precision."* Chambers and Partners 2017

*"Remains the standard-bearer of licensing silks".* The Legal 500 2016

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## **Client testimonials**

Thank you so much, for all your work on this case for us. Everyone was delighted with what you said on our behalf, and we are all pleased with the outcome. For me, it is a delight to work with you – *Local resident*

We are all so very grateful for the work that you have done. You are a true friend of all operators – *Club operator*

We write to say a huge thank you for your expertise and help in the preparation, the hearing and the really positive outcome. It was incredible reassuring for us to have you represent us, I left the hearing in great appreciation for your skills, undoubted expertise and your calm demeanour in the face of the applicant's onslaught. The result was a really positive one for us and the other residents – *Local resident*

Thanking you for not only the help, but the moral support of feeling I wasn't alone, I am very much in your debt – *Club operator*

"I wanted to extend the biggest thank you. I've been meaning to apply for this extension for about seven years, but have always avoided doing so because the process was so off-putting. You all made that process one hundred times easier, and there is no chance that I would have achieved this result without you. Thank you so much for all your hard work and advice, it's been invaluable." – *Kerry Maisey, Dalston bar owner.*

Once again thank you for your continued support in our businesses. You are the greatest legal representative we have worked with – *Late night venue operator*

"Thanks so much for your efforts on this case. I'm embarrassed about how many times we dropped the ball and despite that you got us the result we wanted. I was so impressed with how you performed in front of the committee." – *Late night venue operator, following review proceedings*

"A superb strategist and leader" – *Gary Kilbey, Managing Director, fabric nightclub*

"Working with Philip for the first time has been fantastic." – *Licensing solicitor*

"Many thanks yet again for looking after our client's case with such care and attention. You are simply the best and such a pleasure to work with." – *Licensing solicitor*

"I was struck midway through your submissions that there is a beauty to the form and structure of what is said that, just occasionally one can only marvel at. That was one of those submissions." – *Licensing solicitor*

"I am able to say that I have never felt so protected in my life. It genuinely felt to me as though you were representing a family member. I will always remember the kindness and professionalism you have extended to me." – *Club owner*

"I just wanted to say a huge thank you for all your efforts in getting us to a successful conclusion at the appeal. Getting you on board was perhaps the defining moment. I have many good licensing lawyer friends and they all called me to say we had the right man for the job." – *Peter Marks, Chief Executive, Deltic Group*

"May I thank you for your patience and competence. It restores faith in humanity when you come across someone who can actually deliver what they say they can." – *Gary Oates*

"I'd like to pass on my sincere thanks and appreciation for all the hard work, skill and intelligence that culminated in the outcome of the hearing." – *Paul Harbottle, Group Commercial Director, Enterprise Inns*

"I am immensely grateful to you for getting me out of jail Sir. You did an outstanding job in the face of resolute opposition. You are worth every penny and a lot more. It was a huge pleasure and privilege to see you work at close quarters." – *Club owner*

"Philip Kolvin's knowledge and advice is of the highest standard and I would recommend him to both licensed operators and local authorities." – *Neil Robertson, former Chief Executive, British Institute of Innkeeping*

"I have always had a great admiration for him, not only for his legal knowledge on licensing laws but his endless enthusiasm for the subject and the capacity to inspire others. From time to time, I am asked for details of a good barrister in this field, and there is no better person than him in my opinion." – *Licensing consultant*

"Your expert legal advice and leadership on this made the difference, and enabled us to get the outcome we were looking for." – *Phil Doyle, PDL Consultants*

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## Recent Cases

### **Aldemir v Cornwall Council**

[2019] EWHC 2407 (Admin)

Leading case on third party costs orders in licensing.

### **R (We Love Hackney) v London Borough of Hackney**

[2019] EWHC 1007 (Admin)

Security for costs in licensing JRs.

### **R (United Cabbies Group) v Westminster Magistrates' Court**

[2019] EWHC 409 (Admin)

Defeated challenge to Uber's successful appeal against revocation.

### **Reading Borough Council v Ali**

[2019] EWHC 200 (Admin)

Defeated appeal against acquittal on charge alleging that the Uber booking model involved plying for hire.

### **R (Delta Merseyside) v Knowsley MBC**

[2018] EWHC 757 (Admin)

Succeeded in quashing local authority policy requiring private hire drivers to drive predominantly within the borough.

### **Rostron v Guildford Borough Council**

[2017] EWHC 3141 (Admin)

Defeated challenge to taxi licensing fees based on UK and European law.

### **R (Friends of Finsbury Park) v Haringey London Borough Council**

[2017] EWCA Civ 1831

Defeated *vires* challenge to a large festival in a London Park.

### **R (Hemming) v Westminster City Council**

[2017] UKSC 50

Long-running litigation instructed by Soho sex shop operators, which resulted in 90% reduction of annual licence fees from £29,000 to £3,000 per shop.

### **R (Greene King) v The Gambling Commission**

[2017] EWCA Civ 372

Defeated challenge to Gambling Commission's decision to refuse bingo operating licence to a pub chain, due to incompatibility of high stake and prize gambling and pub environments.

### **Lalli v The Commissioner of Metropolitan Police**

[2015] EWHC 14 (Admin)

Acting for Police, defeated challenge to summary review decision based on allegation that a single incident could not found a summary review application.

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## **News, articles and publications**

### ***Recent articles***

Beyond Regulation

Journal of Licensing, November 2020

Global Night Time Recovery Plan (forthcoming)

Lead author on state assistance chapter

Regulators v Insurers: The Verdict

Publican Morning Advertiser, September 2020

Ensure the curtain doesn't fall: lessons from the panto sector

Propel, September 2020

Statutory Taxi and Private Hire Standards

Local Government Lawyer, September 2020

Rethinking licensing

Journal of Licensing, July 2020

A shout-out for the cultural sector

Propel, June 2020

The outdoor café campaign and roadmap

Publican Morning Advertiser, June 2020

Covid's Metamorphoses

(with Alicia Scholer, Responsible Hospitality Institute, USA)

Institute of Licensing, May 2020

Late night levy in lockdown

(with Claire Eames, Poppleston Allen)

Publican Morning Advertiser, April 2020

Remote hearings are lawful

Local Government Lawyer, March 2020

### ***Publications***

Philip's books are all more than legal texts. They are designed to further legal debate, instigate discourse regarding policy development and provide navigable pathways for practitioners.

- *Encyclopaedia of Forms and Precedents, Licensing* (Lexis Nexis, 2019): editor.
- *Cornerstone on Councillors' Conduct* (Bloomsbury, 2015). Led the editorial team for this book, which deals with standards of conduct for local councillors.
- *Cornerstone on Anti-Social Behaviour, the New Law* (Bloomsbury, 2014): consultant editor.
- *Licensed Premises: Law, Practice and Policy* (Bloomsbury, 2012). Editor and main writer of the second edition of this major work, which is a policy prescription for the creation of sustainable leisure economies and safe, well-regulated licensed premises.
- *Atkins Court Forms on Licensing* (Lexis Nexis, 2011). Editor and writer.
- *Sex Licensing* (Institute of Licensing, 2010). This demonstrates how authorities may regulate the commercial sex industry so as to protect dancers, customers, the public and the character of localities.
- *Gambling for Local Authorities: Licensing, Planning and Regeneration* (Institute of Licensing, 2010). Editor and main writer of second edition of this work, which simplifies and explains the complexities of gambling law, and demonstrates how gambling can be used to further the planning aspirations of local authorities while protecting vulnerable people.
- *Saving Open Space* (GreenSpace, 2005). This set out principles for vigorous and successful local environmental campaigns.

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## Education

Philip was educated in Newcastle upon Tyne, studied law at Balliol College Oxford and was called to the Bar in 1985.

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## Other

### Voluntary activity

Philip's voluntary activity is not merely extra-curricular but is symbiotic with his job, and integral to the development of his thinking about the fields he cares about.

- *Westminster University, Centre for Law, Society and Popular Culture*. Appointed an Associate Fellow to the Centre in 2020.
- *Institute of Licensing*. Chairman of the Institute, which is the professional body for licensing practitioners, from 2004 to 2011 and was then appointed Patron. As Chairman, he led the organisation through its transition to a national charity, the leading educator in the field, a main consultee of government, a broad church for practitioners across the public and private sectors, the publisher of textbooks and a professional journal and the organiser of the leading licensing conference nationally.
- *Sports Grounds Safety Authority*. Appointed, in 2016, to the Board of the SGSA, which is the national regulator of safe stadia in England and Wales, and an advisor to developers and regulatory authorities internationally. Philip was appointed by the Secretary of State for a second term in 2019.
- *Emerge Festival*. In 2018 Philip was invited to join the advisory group for *Emerge*, which is a festival of late events in museums and galleries, starting in September 2019.
- *Crystal Palace Park*. Philip's long-standing interest in this important heritage open space led to his chairing the Crystal Palace Campaign for 7 years, which saved the park from commercial development as a multiplex cinema and secured change in the UK planning laws on environmental assessment through successful litigation in the European Court. They then established a stable, consensual forum of community and public sector organisations to produce a masterplan for the park and guide its future development. In 2016, he was appointed to the Crystal Palace Park Trust, which will in due course take over management of the park from the London Borough of Bromley, financed by music events which Philip has helped introduce to the Park.
- *Feminist campaigns*. In 2009 and 2010 Philip worked *pro bono* with the Fawcett Society and Object in their successful project to promote primary legislation to give local authorities greater powers to regulate the sex industry. He has also worked *pro bono* with UK

Feminista to campaign for the de-criminalisation of prostitution and the criminalisation of those who pay for prostitutes, the “Buyers’ Law”, which operates in some other nations, and also with Peter Kyle MP and Shelter/Centrepoint to criminalise landlords who offer rooms in return for sex.

- *Night Time Commission for London*. From 2017-2018 Philip served on a 12 month contract as the Chair of the Commission, appointed by the Mayor (1 day per week). During his term of office, he wrote the Mayor’s Vision for the Night Time Economy: *From Good Night to Great Night*, appointed the Commission from a diverse range of public, private and third sector bodies, established associated steering and data research groups, devised and implemented a public consultation exercise and established and ran the Night Time Economy Borough Champions Network to share good practice in the field and act as an advisory body and sounding board for the Commission.
- *Purple Flag*. From 2007 to 2015 Philip helped devise and was the Chairman of this national scheme, which aims to define the standards of, and accredit, safe, welcoming, diverse and accessible leisure economies, from the largest (Heart of London) to the smallest (e.g. Stockton Heath near Warrington). During his tenure, the scheme developed from a nascent idea to an established programme, with over fifty participating town and city centres.
- *Best Bar None*. From 2012 to 2014 Philip was chairman of this national organisation, which promotes safe licensed premises. During his tenure, Best Bar None secured industry support for an alliance of social responsibility schemes including Best Bar None, Purple Flag, Community Alcohol Partnerships, Pubwatch and PASS, under the banner of the Social Responsibility Alliance. The work of the Alliance (now the Local Alcohol Partnerships Group) is now recognised in government policy on the night time economy as providing a set of solutions to alcohol-related issues. He also secured funding for the first national director of Best Bar None, and helped raise its profile on the national stage.
- *King’s College Hospital Charitable Trust*. In 2018 Philip was appointed to the board of the charity supporting this major teaching hospital, because of his experience in community engagement and regulation.
- *Member, Law Commission Expert Legal Panel* for taxi law reform (2012).
- *Co-opted expert to Commission for a Sustainable London 2012*, the sustainability assurance body for the London Olympics and Paralympics (2010 – 2012).
- *Chairman, Civic Trust*, a national voice for civic societies (2007-2009).
- *South East London Green Chain Walk* (2006 – 2010). He led a successful campaign involving 22 local groups to extend this walk across the green spaces of South East London from Outer to Inner London, with a disabled-accessible, mapped and way-marked trail, giving further policy protection to all the green spaces en route.
- *Herne Hill Velodrome campaign* (2005 – 2010), which saved this green, historic site (which hosted the 1948 Olympic cycling competition) from redevelopment and gave it a cycling-based future. (Philip is not a cyclist.)
- *Trustee, Campaign to Protect Rural England* (2004 – 2007).

### Speaking engagements

Philip accepts a small number of speaking invitations from government, municipal and trade bodies. Over the last 3 years he has spoken abroad in New Orleans, Austin, Seattle, Amsterdam, Lisbon and Vilnius. In the zoom era he has participated in international webinar spanning four continents.



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