

## Stephen Walsh QC



**Call:** 1983  
**QC:** 2009

**Contact Details:**  
3 Raymond Buildings  
Gray's Inn  
London WC1R 5BH  
Tel: +44 (0)20 7400 6400

**Email Address:**  
[stephen.walsh@3rblaw.com](mailto:stephen.walsh@3rblaw.com)



### Details of practice

Stephen is a leading practitioner in the interrelated fields of regulatory crime, coronial and licensing law. He has been recommended in the legal directories for a number of years in the fields of Health and Safety and Licensing in which he is ranked as a "Star" in **Chambers UK 2018**.

#### Regulatory crime and inquests

Stephen's practice encompasses a range of regulatory legislation, particularly health and safety, food safety, environmental and trading standards. He prosecutes and defends in a broad range of cases, advises regulatory authorities generally on matters of enforcement, and provides guidance to corporate and individual clients on compliance. Stephen has appeared for both the prosecution and defence in a number of health and safety cases arising from accidents resulting in serious injury and death with particular specialisms in the leisure and construction industries and in fire cases. He advises and represents the London Fire and Emergency Planning Authority (LFEPA) on enforcement issues and is regularly consulted by leisure and construction companies in connection with enforcement proceedings arising from serious accidents in the work place.

Stephen has broad experience of coronial proceedings arising from major incidents including the Hillsborough Inquests (Stadium Safety Phase), the Lakanal tower block fire in south London and the latter stages of the inquest into the 7/7 terrorist bombings (in which he advised the London Fire Brigade).

#### Licensing

Stephen's licensing practice is comprehensive. He deals with all forms of licensable activities and is the first port of call for advice and representation by a number of the most prominent operators of bars, night clubs, restaurants and casinos in the UK, while his advice on compliance with licensing law is also sought from manufacturers and suppliers to the licensed trade. Stephen also advises and represents a number of local licensing authorities and the Security Industry Authority for whom he has appeared on a number of appeals concerning "Approved Contractor" issues.

In the field of gambling Stephen has represented most of the notable providers of terrestrial betting and casino facilities in the UK for many years and regularly provides advice on the provision of both terrestrial and remote (internet) gambling products to financial traders and the media. In recent months he has been actively engaged in advising leisure and casino operators on the implementation of the Gambling Act 2005 and the competitive bidding process for new casinos.

#### Public Law

Stephen has extensive experience representing claimants and respondents in the Administrative Court and Court of Appeal in cases concerning regulatory enforcement, gambling and general licensing issues.

### Directory recommendations

Stephen has consistently appeared in the legal directories as a leader in his fields of practice.

He was nominated as Health and Safety Silk of the Year in Chambers & Partners Awards 2014 and is ranked as a "Star" in the field of licensing.

Recommendations in the last three years include:

#### Health and Safety

*'A very good advocate who is good with the clients.'* *'Acts on a range of cases and has a particularly strong reputation in fire safety cases.'* (**Chambers UK 2015**)

*'An excellent advocate who articulates complex issues in an understandable way.'* (**The Legal 500 2014**)

*'fantastic and particularly good at representing individuals in health and safety prosecutions.'* (**Chambers UK 2012**)

*'Stephen Walsh QC is esteemed as being able to connect with tribunals and juries that may not understand the technicalities of a case. His strong licensing practice has fed through a number of defence instructions from retail and leisure clients, and he now has a developing health and safety practice'* (**Chambers UK**)

*"Stephen Walsh continues to make a name for himself in the market, winning over commentators with his confidence and well orchestrated performance in court"* **(Chambers UK)**

### **Licensing**

*'Very cerebral and academically capable, he applies himself well to the legal arguments and has a fantastic relationship with the client.'* *'A leading expert in his field, he takes a hard-working and commercial approach.'* **(Chambers UK 2015)**

*'An extremely effective and client-friendly advocate.'* **(The Legal 500 2014)**

*"outstanding and an all-round advocate. He 'knows the industry inside out and is always able to take a very commercial view'."* **Chambers UK 2012**

*"Stephen Walsh QC is universally respected by peers and, having taken silk in 2009, has gone from strength to strength. Commentators describe him as an exceptional advocate; he has a wonderful courtroom manner"* **(Chambers UK)**

*"Absolutely superb"..."has a good background in criminal law which is helpful for cross over between crime and licensing"* **(The Legal 500)**

*"Stephen Walsh is universally recognized as absolutely top class and the first port of call for any contentious issue...his greatest attribute is his approachable and easy going personality"*

## **Education/professional qualifications**

LL.B (Hons) 1981

Called to the Bar (Middle Temple) 1983

## **Direct access**

Stephen Walsh QC is qualified to accept instructions direct from clients under the Bar Council's Public Access Scheme. This means that members of the public who seek specialist advice can come direct to him. In addition, he welcomes instructions from solicitors, in-house law departments, qualified foreign lawyers, and clients licensed by the Bar Council to give instructions direct to barristers under the Bar Council's Licensed Access Scheme.

For further information please contact our Clerks.

## **Notable cases**

### **Regulatory crime/inquests**

#### **Heathrow Terminal Two – Fatal Accident (2016)**

Representing a company charged with health and safety offences in connection with a fatal accident in the final phase of refurbishment works for Terminal Two

#### **HSE v Explore Manufacturing (2016/17)**

Inquest and subsequent prosecution of a manufacturer of construction materials concerning the death of a factory worker

#### **Grenfell Tower Inquiry (2017/18)**

#### **Hillsborough Inquests (2014/15)**

Representing The FA in the Stadium Safety phase of the inquests

#### **HSE v LO (2015)**

Defending a principle contractor in connection with an accident on a major sewage works project.

#### **London Borough of Enfield v Thames Water Utilities (2015)**

Defending a utility company in a prosecution alleging persistent defective excavations and remedial works

#### **City of Westminster v Stonegate Pub Company (2014)**

Defending a national leisure company in connection with an accident involving an infant in a fall into a restaurant stairwell.

#### **Lakanal House Fire (2013)**

Representing the London Fire and Emergency Planning Authority (LFEPA) at the three month inquest into fatalities following a major fire in a London residential tower block

#### **London Olympics (2012)**

Advising the Olympic Delivery Authority on regulatory compliance

#### **Gambling Commission v Mann Singh, Panchal (2012)**

Defending three former directors of a company in administration charged with operating a chain of unlicensed gambling premises

#### **7/7 Inquests (2011)**

Advising the London Fire and Emergency Planning Authority (LFEPA) in the latter stages of the inquest into the terrorist bombings in London

**R v New Look Retailers plc**

[2010] EWCA

Court of Appeal upheld £450,000 fine for breach of fire safety regulations in a flagship Oxford Street store. Representing the London Fire and Emergency Planning Authority

**R v Precis Holdings Limited**

Defending in a prosecution of occupier of premises in which a security guard died from carbon monoxide poisoning

**R v McDaid**

Defending in a prosecution for health and safety offences arising from a gas explosion in a secure community in which an elderly couple lost their lives

**HSE v Restaurant Group plc**

Defending in Health and Safety prosecution following accident involving deep fat fryer causing serious injuries

**HSE v JD Wetherspoon plc**

Defending in Health and Safety prosecution following accident at work resulting in injuries sustained from a collapsed ceiling

**Environment Agency v Von Essen Hotels**

Defending in a prosecution concerning the discharge of toxic waste from a sewage plant

**Licensing/public law****The London Stadium (2016)**

Representing the London Stadium in application for a premises licence following conversation after the Olympics

**The Ivy Brasserie (2017)**

Advising and appearing on applications for new "Ivy" restaurants in the London area

**R (Qin) v Metropolitan Police**

[2017] EWHC 2750 (Admin)

Representing the Metropolitan Police in two applications for judicial review and an appeal by case stated concerning the test for awards of compensation to owners of premises affected by closure notices and the effect of non-compliance with requirements to inform interested parties of the issue of closure notices

**Southampton Large casino Competition (2015)**

Representing a corporate applicant in the last major new casino project under the Gambling Act 2005

**Damian Hirst Gallery (2015)**

Representing Mr Hirst in his application to licence a substantial new private gallery in South London

**JD Wetherspoon plc v Newcastle City Council (2015)**

Representing the appellant company on an appeal against the refusal of the Licensing Authority to vary licences to avoid payment of the Late Night Levy

**Aspers Casinos (2014)**

Representing Aspers in two reviews brought by the Metropolitan Police of the largest casino in the country.

**Blackpool EMRO (2014)**

Representing Stonegate at the widely publicised hearing to determine the question whether Blackpool Council should adopt an Early Morning Restriction Order impacting on all licensed premises in the centre of Blackpool

**R (on the application of Mawusi) v Cambridge Business Against Crime (2013)**

Representing a private business association in a judicial review concerning the rights of businesses to regulate the behaviour of individuals on their premises and the data protection issues which arise

**London Borough of Newham v Paddy Power Bookmakers (2013)**

Representing the Association of British Bookmakers in a judicial review concerning the correct application of the Gambling Commission's policy on the "primary gambling activity"

**Hong Kong Municipal Appeals Board (Escape from Fenwick) (2013)**

Advising and drafting written submissions to the Municipal Appeals Board on behalf of the licensee of a large night club in the centre of Hong Kong

**General Dental Council v Jamous (2013)**

Representing the respondent in a judicial review concerning the correct approach to private prosecutions by the GDC in "tooth whitening" cases by unlicensed practitioners

**Olympic Concerts in Hyde Park (2012)**

Representing the Royal Parks in the contested application to permit the use of Hyde Park for a series of major concerts in the year of the London Olympics

**R (Clockfair Ltd) v Sandwell Borough Council (2012)**

Representing interested party in a judicial review concerning the power of licensing authorities to correct historical errors in decision making through the licensing review procedure

**Gambling Commission v Mann Singh, Panchal (2012)**

Defending three former directors of a company in administration charged with operating a chain of unlicensed gambling premises

**R(on the application of Prassanan) v West London Magistrates Court (2010)**

High Court (Admin)

Administrative Court ruling on the powers of appellate tribunals to award costs in licensing cases

**R(on the application of Boyle) v Haverhill PubWatch**

(2009) EWHC 2441

Administrative Court ruling concerning the extent to which the actions of private societies of publicans may be susceptible to judicial review

**R(on the application of Proud) v Buckingham Pubwatch Scheme**

[2008] EWHC 2224.(Admin).

Decisions of unincorporated private bodies with links to public authorities may be subject to judicial review

**R(on the application of TC Projects Limited) v Newcastle Licensing Justices**

[2008] EWHC Civ 428; 2008 WL 1867185

Representing three of the largest casino operators in the UK. Landmark case under the Gaming Act 1968 concerning the exercise of discretion by licensing authorities and appellate court

**Luminar Leisure v Wakefield Magistrates Court**

[2008] EWHC 1002 (Admin)

A claim by way of Case Stated concerning the exercise of a district judge's discretion in "cumulative impact" policy licensing cases

**R(on the application of 4Wins Leisure Ltd) v Blackpool D Council**

[2007] EWHC 2213 (Admin)

Judicial review concerning the extent to which local authorities have a discretion to allow representations to licensing applications from local businesses or residents on the grounds that they operate or live in the vicinity of subject premises

**R(on the application of Gala Casinos Ltd) v Beacon Casino and the Northampton Betting and Gaming Justices**

[2007] EWHC 2185 (Admin)

Representing an interested party in a judicial review of a decision of a licensing authority concerning the exercise of discretion under the Gaming Act 1968

**R(on the application of JD Wetherspoon plc) v Guildford Borough Council**

(2006) EWHC 215 (Admin)

First judicial review concerning the implementation of "cumulative impact" policies by licensing authorities

**R(on the application of Borwork) v London Borough of Newham**

(13 December 2005) (Admin)

Acting for licensing authority in a judicial review concerning the extent to which a premises licence may have "lapsed" by reason of insolvency during the transitional period under the Licensing Act 2003