

## Stephen Walsh KC

Call: 1983 / Silk: 2009



Stephen Walsh KC is a leading practitioner in the interrelated fields of health and safety, regulatory crime, coronial and licensing law.

He is recommended in the legal directories in each of these fields of practice including a “Star” ranking in licensing law for the last eight years in Chambers UK.

## Health & Safety, Regulatory Crime & Inquests

Stephen’s practice encompasses a range of regulatory legislation, particularly health and safety, fire safety, environmental protection 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 Commissioner 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.

### Notable Health & Safety, Regulatory Crime & Inquests cases

- **Heathrow Terminal Two (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.

## Inquests & Inquiries

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). He is currently instructed by the London Fire Commissioner as lead counsel in the Grenfell Tower Inquiry.

### Notable Inquests & Inquiries cases

- **Grenfell Tower Inquiry (2017/2018)**

Representing the London Fire Commissioner in Phase 1 of the public inquiry into the catastrophic fire at Grenfell Tower in which 72 people lost their lives.

- **Hillsborough Inquests (2014/2015)**

Representing The FA in the Stadium Safety phase of the inquests.

## 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.

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.

### Notable Licensing cases

- **The London Stadium (2016)**

Representing the London Stadium in application for a premises licence following conversion 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.

## 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.

### Notable Public Law cases

- **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.

## Notable Cases

### Regulatory Crime / Inquests

#### **Grenfell Tower Inquiry**

2017/2018

Representing the London Fire Commissioner in Phase 1 of the public inquiry into the catastrophic fire at Grenfell Tower in which 72 people lost their lives

#### **HSE v Explore Manufacturing**

2016/17

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

#### **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

**LFEPa v London Borough of Southwark**

2016/17

Prosecuting local authority owner of residential tower block for fire safety breaches

**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 Fenwich)**

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.

# Directory Recommendations

## Health and Safety

A strong and measured advocate, who is excellent on strategy and provides cogent advice. **(Legal 500)**

A go-to individual for health and safety, who is a great advocate and good on the law. **(Chambers UK)**

Able to handle complex technical cases with consummate ease. **(Legal 500)**

He proved to be a most effective colleague, understated but very clever and a shrewd tactician. **(Chambers UK)**

## Licensing

“He has the ability to sift through complicated issues and offer first-class advice, never losing sight of the practical aspects which are so important to our clients. His court presentations are faultless and extremely successful.” **(Chambers UK)**

He understands the industry from the operator’s point of view; he has a commercial head on his shoulders. He is very conscientious and puts the client first. **(Chambers UK)**

He has a down-to-earth manner, is highly intelligent and is pragmatic. He is a persuasive advocate with a charming manner, who is very good with clients. **(Chambers UK)**

## Inquests & Inquiries

A reassuring presence. **(Legal 500)**

# Memberships

- Health & Safety Lawyers Association

# Education

- LL.B (Hons) 1981
- Called to the Bar (Middle Temple) 1983



## Accreditations



## Privacy Statement

I, Stephen Walsh KC, am a data controller and can be contacted at 3 Raymond Buildings, Gray's Inn, London WC1R 5BH or by telephone on 020 7400 6400 or by email at [stephen.walsh@3rblaw.com](mailto:stephen.walsh@3rblaw.com). My Data Protection Policy can be found below.

All personal data that I process is for the purposes of providing legal services, conducting conflict-checks, marketing, defending potential complaints, legal proceedings or fee disputes, keeping anti-money laundering records, training other barristers and pupils and when providing work-shadowing opportunities, and/or exercising a right to a lien. The types of data I process vary upon the nature of the legal matter in relation to which I am engaged to advise, but can include names, contact details, biographic details and 'special category personal data' (such as details of racial or ethnic origin, political opinions, religious or philosophical beliefs, health, sex life and criminal convictions and proceedings).

Depending upon the circumstances of the case, the legal bases upon which I process personal data are (i) the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract, (ii) the processing is necessary to comply with legal obligations to which I am subject, or (iii) the processing is necessary for the legitimate interests set out above, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subjects which require protection of personal data, in particular where the data subject is a child. When I rely on (iii) legitimate interests, my 'Legitimate Interests Assessment' can be found [here](#). When I process data which has not been obtained directly from the data subject (e.g. personal data contained in evidential materials), it will have been supplied to me as part of my instructions in circumstances covered by legal professional privilege.

Depending upon the circumstances of the case, I may share the personal data with:

1. my Chambers, which supplies professional and administrative support to my practice;
2. Courts and other tribunals to whom documents are presented;
3. my lay and professional clients;
4. potential witnesses, in particular experts, and friends or family of the data subject;
5. solicitors, barristers, pupils, mini pupils and other legal representatives;
6. ombudsmen and regulatory authorities;
7. current, past or prospective employers;

8. education and examining bodies;
9. business associates, professional advisers and trade bodies.

I retain personal data for no longer than 7 years after the case has come to an end or as otherwise required by law. In exceptional circumstances I may keep personal data for a longer period if the information is necessary to be retained for linked cases.

I do not intend to transfer data to any country which is not either within the European Union, 'white listed' by the EU or otherwise permitted by EU law (e.g. to the USA under the provisions of the 'Privacy Shield').

Under the GDPR, data subjects whose personal data I process have the right to request from me access to, and rectification or erasure of, their personal data, the right to the restriction of processing concerning them, the right to object to processing as well as the right to data portability. Data subjects also have the right to lodge a complaint with the Information Commissioner's Office ([ico.org.uk](https://ico.org.uk)).

In cases where there is a contract between me and the data subject, the provision of personal data is a contractual requirement and the data subject is obliged to provide the personal data in order that I can supply legal services. A failure to provide such data may mean that I will not be able to provide the legal services.

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[Data Protection Policy](#)

[Legitimate Interests Assessment](#)

## Direct Access

Stephen Walsh KC 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](#).