

BEN WILLIAMS

Year of call: 2001

Clerked by: Paul Clarke Jake Brooke

AREAS OF EXPERTISE:
Employment Licensing



Licensing

Ben appears at first instance before licensing committees throughout the country. Ben's appellate work both for and against local authorities regularly takes him before tribunals from the Magistrates' Courts to the Administrative Court. He has extensive experience in liquor and entertainment licensing prosecutions including offences of sales of alcohol to underage persons and breach of license authorisations.

Ben regularly appears in taxi licensing cases both for local authorities and appellants involving both hackney carriage and private hire vehicles. He has advised extensively on the formulation and implementation of licensing policies.

Significant Reported Cases

Kingston upon Hill City Council v Secretary of State for Business, Innovation and Skills and Greggs PLC [2016] EWHC 1064 (Admin)

R (on the application of 4 Wins Leisure Ltd) v (1) Licensing Committee for Blackpool Council (2) Brook Leisure Blackpool Ltd (3) World Wide Clubs (UK) [2007] EWHC 2213 (Admin) (Licensing Act 2003, a successful defence to a challenge to the Council's determination of whether a business was 'in the vicinity's.13 (3))

R (on the application of Blackpool Council) v Blacktax Radio Taxis Ltd [2008] EWHC 2776 (Admin); [2009] A.C.D. 18; (Local Government (Miscellaneous Provisions) Act 1976;Taxi licensing; a successful appeal concerning the right of appeal to the Magistrates Court and the lawfulness of conditions on a licence.

Luminar Leisure Ltd v Wakefield Magistrates' Court & (1) Brooke Leisure Ltd (2) Classic Properties Ltd (3) Wakefield MDC[2008] EWHC 1002 (Admin);: (2008) ACD 56; (2008) 172 J.P. 345; (2008) 172 J.P.N. 547 (Licensing Act 2003,a case concerning the impact of Crime and Disorder happening away from the licensed premises)

R (on the application of Blackpool Council) v (1) Hamish Howitt (2) Secretary of State for Culture Media and Sport (Intervener) [2008] EWHC 3300 (Admin); [2009] 4 All E.R. 154; (2009) 173 J.P. 101; Licensing Act 2003, a successful application for Review concerning the definition of 'crime and disorder' within the 2003 Act)

R (on the application of Mark Eric Morris) v (1) Preston Crown Court & (2) Blackpool Borough Council (interested party) [2012] EWHC 2134 (Admin); taxi licensing, byelaws. Successfully resisted a claim on the correct interpretation of a byelaw in the context of horse drawn hackney carriages.

Leeds City Council v (1) Leeds District Magistrates & (2) Shell UK Products Ltd (interested party) [2013] EWHC 1346 (Admin) Licensing Act 2003, a successful claim for judicial review, quashing a costs order made against the Local Authority following an appeal.

Torfaen County Borough Council v Stubbs [2014] EWHC 4702 (Admin) Street Trading - definition of a 'roundsman', successful case stated in which the High Court overturned the acquittal of a street trader.

Profile

Ben is a member of the Employment team and the equal opportunities officer for Chambers.

His practice has a strong emphasis on Regulatory Law and procedure with a particular expertise in Health and Safety and Environmental Law. Increasingly Ben is asked to advise at an early stage of investigation as well as delivering specialist advice on best practice within varied regulatory fields. Recommended in the Legal 500 United Kingdom 2014 & 2015 editorial Northern Circuit - regulatory, health and safety, and licensing

He regularly prosecutes and defends Health and Safety and Trading Standards matters throughout the country, and is experienced in abatement notices including statutory appeals against such notices.

Ben has a keen interest in Coroner's Court Inquests and Licensing matters including Taxi licensing and public entertainment licensing. He advises a large number of Local Authorities in respect of policy implementation and enforcement.

Ben has also represented a number of professionals before their regulating bodies in the context of disciplinary proceedings. These have included; police officers, medical practitioners, accountants and a number of different sportsmen.

Ben has extensive experience in respect of regulatory law. He regularly appears in health and safety prosecutions brought by local authorities, the health and safety executive and the police.

Ben is experienced in appearing before a jury and before a Coroner alone. Ben is frequently asked to assist in Inquests that run alongside Environmental and Health & Safety investigations by prosecuting authorities.

He is experienced in all areas of Disciplinary Proceedings and has recently acted on behalf of police officers, professional sportsmen and medical professionals.

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Areas of Expertise

Employment

Licensing

Significant Reported Cases

Burns v Kill germ group Ltd (2009) UKEAT/0548/08/CEA; [2009] All ER (D) 111 (Aug) - whether statements in pleadings in County Court proceedings could constitute a grievance.

France v Lancaster Training Services (2009) UKEAT/0235/09/SM; [2009] All ER (D) 318 (Nov) - Consideration of the test applied to the definition of an employee.

Warrington Borough Transport v Unite (2011) - successful injunction application against the Union, restraining them from calling out on strike employees of a Bus Company. The strikes were part of the national strike called by a number of public sector unions in relation to Government proposals to make changes to public sector pensions.

Clark v H2O Water Services Ltd (2012) UKEAT/0149/12/ZT; [2012] All ER (D) 167 (Aug) - whether there were grounds for a Review in circumstances where a claim form was submitted out of time.

Praxis Real Estate Management v Nicholls (2013) UKEAT/0502/12/LA - consideration of the Meek test for tribunal reasons.

Ibarz v University of Sheffield (2015) UKEAT/0018/15/JOJ - determination of a series of similar acts in the context of complaints brought under the Part-Time Workers Regulations 2000 and the Fixed-Term Employees Regulations 2002.

A comprehensive CV reflecting his extensive experience in respect of the following areas can be provided upon request:

- Health & Safety
- Environmental law
- Consumer protection
- Education

Memberships

Road Transport Lawyers Association

Northern & North Eastern Circuits

Member of the Association of Regulatory and Disciplinary Lawyers

Employment Lawyers Association

Employment Law Bar association

Publications

Judicial Review: Law & Practice (ed. Frances Patterson Q.C. asst. ed. Sam Karim) (Jordans 2014) Licensing Chapter

Qualifications

LLB (Hons)

Recommendations

Chambers UK 2021

"He is a safe pair of hands and a very commercially astute barrister, who provides pragmatic advice." "He is down to earth and one of the go-to barristers for most of my clients. He is trusted to put up a robust defence and he is sharp on cross-examination. I enjoy working with Ben."

"Ben is great with the clients. He is technically excellent, extremely approachable, and nothing much fazes him." "An excellent advocate who is easy to deal with." "Ben provided first-rate advocacy."

"A leading counsel in the country for taxi law. He provides superb written advice." "Very experienced and very personable."

Legal 500, 2020

"Well-prepared and a great communicator."

"Well-prepared and clear in his advice."

"Experienced in taxi, entertainment and liquor licensing matters."

Chambers UK 2020

"Ben has good specialist experience in licensing, in relation to both alcohol and taxis, and is practical, commercial and approachable."

"An excellent advocate who is easy to deal with for instructing lawyers and clients alike. He's a first choice for clients because of his quick grasp of the issues and his ability to instil confidence in witnesses. Tenacious but pragmatic, he is able to see the big picture and fight for the best outcome."

Chambers UK 2016

"He is always very clear on the facts and he can go straight to the heart of an issue without too much dilly-dallying."

"He's a very affable barrister, he's got a good manner with witnesses and his understanding of NHS work is fantastic."

"A brilliant barrister. He comes across as being laid back, but is very astute, always very clear on the facts and comes in with the killer questions when necessary."

"He is lovely - really down-to-earth and approachable."

Employment

North Eastern Circuit - Employment - Employment - Leading Junior

- 'He is a very user-friendly barrister.' (Legal 500 2018)

- 'He shows great attention to detail.' (Legal 500 2017)

- 'Puts witnesses at ease, yet still asks those important killer questions' (Legal 500 2015)

- 'Excellent with clients and tactically savvy' (Legal 500 2014)

Northern Circuit - Employment

"A down-to-earth barrister who is brilliant with clients. He is hard-working, thoughtful and always prepared to fight for the best outcome." (Chambers UK 2018)

"I have been impressed by his attention to detail and very quick response to any question." (Chambers UK 2017)

Regulatory

Northern Circuit - Regulatory, health and safety, and licensing - Leading junior

- 'Experienced in licensing matters.' (Legal 500 2018)

- 'He presents very well and is user-friendly.' (Legal 500 2017)

- 'Exceptionally client-focused' (Legal 500 2015)

- 'Regularly represents local authorities, the police and licensees.' (Legal 500 2014)

- "He has a calm manner but an authoritative presence. A lot of the arguments he wins on paper because he's very thorough." "He is practical and prepared" (Chambers UK 2014)

Midlands Circuit - Licencing

"Very experienced, easy to get on with and down-to-earth. We like working with him." (Chambers UK 2018)

"I have been impressed by his attention to detail and very quick response to any question." "His written advice is analytical and a joy to read."
(Chambers UK 2017)



Ben Williams