

Licensed to thrill -- the legal profession is all work and no play; but not so if you are in licensing law, a little-known area that is about to be shaken and stirred by legislative reform

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Fancy a career on the open road, invitations to opening night parties, undercover work with a pint in your hand, or a flutter on the horses? If you do, then you would have been well-advised, when your career adviser told you to take up the law, to have become a licensing solicitor. Although a little-publicised area of the law up to now, the profile of licensing law and lawyers looks likely to grow in the near future.

Last year, the government set up the gambling review body to undertake a study of gambling legislation.

This year saw the publication of a government white paper reforming the liquor licensing laws. Specialist practitioners also seem to be working to raise their profile.

In February, the Association of Licensing Practitioners (ALP) was established.

Its aim, according to co-founder Mark Owen of Weightmans in Liverpool, is to represent specialists in the field and make sure that their voice, and that of their clients, is heard in any process of legal reform. The group now has 91 individual members from 89 organisations, the majority from private practice law firms. Mr Owen says: 'Most licensing solicitors are extroverts.

They do the job because they love the advocacy and because it is an interesting area of work.

Licensing law affects everyone because we all buy wine in supermarkets and off-licences or go to pubs and clubs. For those solicitors who have found themselves in this particular niche, it means a life on the open road.

Average annual mileages of anywhere between 25,000 and 40,000 are frequently quoted by practitioners.

David Clifton, licensing partner at London-based Joelson Wilson & Co, says he spends most of his time 'charging around the country armed with a laptop computer and a mobile phone'. Although a lot of the out-of-office time is spent at court, some is spent in bars, pubs, clubs and betting offices.

As Mr Clifton puts it: 'I would not go into court without familiarising myself with the premises and others in the area.'

If there is an objection to a licence, I want to see what they are objecting to.' Liz Southorn, licensing partner at City firm Richards Butler -- the biggest City firm in the field -- says it is a practical job that improves the practitioner's grasp of geography, 'as you end up in places you have never heard of'.

She describes licensing law as very sociable.

Another solicitor says it is like a travelling circus, where you see the same faces everywhere you go.

Ms Southorn adds: 'You fight each other hammer-and-tongs in court and then go out for lunch.' For Mr Clifton, licensing law has led to unforeseen media spin-offs.

He writes each week for the Publican newspaper and is Sky Television's legal consultant on its pub channel. It is certainly a career that attracts practitioners who want to pursue an advocacy-based career.

Three or four days a week in court seems to be the average for most specialists.

Simon Jones, licensing partner at Cobbetts in Manchester, says he, like many licensing specialists, started in criminal work.

'As I got more experience, I realised that I wanted to continue doing the advocacy but with a corporate base rather than for individuals,' he says tactfully. As a boost to their advocacy experience, licensing practitioners also benefit from a specific practice rule allowing them higher rights of audience without additional qualification where they have already appeared in the magistrates' court on the same case. Most licensing lawyers agree that the past ten years have seen work boom and that the field has become more specialist.

Richard Taylor, licensing solicitor at Gosschalks in Hull, says the area has grown during that time because of the expansion of the leisure industry.

The rise in brand and theme bars has also increased workloads.

'Whatever you do to a pub, you need a licence to do it, meaning a boom in work for licensing lawyers,' he says. Gosschalks' partner Clare Johnson says licensing is now like any other area of law: 'It's dangerous to dabble.'

It is very obvious in court when you see people who dabble in licensing law.

It is very technical and there are a lot of ways that people can get caught out, and they do. 'Unsurprisingly, firms are unwilling to reveal how much money they make from licensing work, but all agree that it is profitable; some will go as far as to say 'very profitable'.

For Joelson Wilson & Co, the firm's niche knowledge means it can also make a profit as consultant to City law firms when corporate deals have a licensing angle. It certainly appears that part of the profitability of licensing law comes from the relatively small number of specialist firms working for a healthy number of busy clients.

It is a field that many specialists think would be hard for firms to break into without at least one experienced person to train up more junior solicitors. Mr Jones says that while licensing produces about 5% of his firm's turnover and is seen as a money maker, it is also seen as part of an all-round service for retail clients who have commercial, employment and property interests. Although the government's white paper is only a steer on how licensing is going to change, practitioners are already concerned about the implications of changes in licensing law for their clients and the work they do.

Under the existing system, liquor licensing applications are dealt with by magistrates, a responsibility which will pass to local authority councillors under the white paper proposals.

Appeals against decisions in the magistrates will only go to the Crown Court on points of law and not for rehearing, as is currently the case. Many practitioners already have real concerns about the ability of councillors to deal fairly with liquor licensing applications.

Weightmans' Mark Owen says practitioners are concerned that local councillors may not be truly impartial: 'They could well be hearing objections from residents who also directly elect them.' He says there is also concern that there could be Human Rights Act 1998 implications.

If people believe they have been denied a fair hearing before local councillors, that will not be redressed by a point-of-law appeal in the Crown Court, he says. For many licensing practitioners, changes in the law will undoubtedly mean a shift away from the standard liquor licensing applications to a more defensive role.

The trade-off for more freedom in the grant of licences means an increased shift in penalties and sanctions on licensees.

In future, practitioners could well be spending more time defending clients against prosecution. But what about the future for licensing practitioners? Like the fortunes of so many firms, it is, in part, tied up with the world of e-commerce -- the growth of on-line betting and gaming is already proving another growth area for some firms.

Liz Southorn of Richards Butler says UK companies that want to get into on-line betting and gaming, are now moving off-shore to take advantage of lower taxes and slightly less restrictive laws.

Applying for licences, working around existing laws and advising clients on how to do business on-line is all new work for lawyers, she says. Even setting up an Internet shopping service to order food and a bottle of wine on-line is not as simple as it sounds, Ms Southorn says.

If you want to order a bottle of wine on the Internet, you still have to deal with legislation drafted in the late 1960s when people bought alcohol from licensed shops. Of course, there is also the fun side to the job.

If a solicitor has represented a client successfully in a licence application, an opening night party inevitably follows.

But even those can be dangerous.

Joelson Wilson's David Clifton recalls: 'I was asked to do a licensing application for a lap dancing club.

My wife said I could do the application but that I was not to go to the opening night party.' A brief history of booze - The sale of alcohol has been controlled in one form or another since the 13th century. -- By the 1660s, the government realised that the sale of alcohol was a good source of revenue and imposed taxes on the sale of beer, as well as on coffee, tea and sugar. -- By 1743, extremely high licensing fees were reduced when the government decided to change its approach in trying to control drunkenness by giving justices the discretion to look at the need for an outlet in their districts. -- In the mid-19th century, the consumption of alcohol had fallen due to the rise in the popularity of the Temperance Society, which campaigned for tighter restrictions on its sale. -- In 1872, it was made illegal to sell spirits in licensed premises to children under 16.

This restriction was extended to the sale of any alcoholic drink to all children under 13 in 1886.

The present age limit of 18 was introduced in 1923. -- The First World War prompted a number of emergency statutes about the sale and consumption of alcohol during wartime.

One measure was to introduce restrictions on pubs' opening hours. -- In 1921, universal 'permitted hours' of opening were introduced.

These allowed pubs to open for eight hours during the week (nine in London) between 10am and 11pm with a break of at least two hours in the afternoon.

Only five hours opening was allowed on Sundays. -- 'Drinking up time' of ten minutes was introduced in 1961. -- In 1964, the Licensing Act, the main statute underpinning today's licensing laws, was introduced. -- All-day opening on weekdays was permitted for the first time in 1988. -- This year, the government launched a white paper looking at the reform of licensing laws.

It suggested that licensing applications should be dealt with by local authorities rather than licensing justices in the magistrates' court, as is presently the case. -- The government has also set up the gambling review body to

undertake a review of all gambling legislation including the Gaming Act 1968, which underpins modern betting and gaming in the UK.