



Alex Grigg

YEAR OF CALL: 2007



Alex has a broad public law practice, with particular expertise in immigration and asylum, housing and planning law. He represents clients in the Tribunals, County Courts, High Court, the Court of Appeal and the European Court of Human Rights.

Alex is a CEDR accreditor mediator, and a member of the [Garden Court Mediation Panel](#). He is also an adviser to [The Oxford Process](#) conflict resolution programme, which facilitates discreet high-level dialogue between the parties to some of the world's most intractable conflicts.

Alex Grigg is a barrister and mediator specialising in public and civil law. His areas of specialist expertise include planning, immigration and asylum, unlawful detention and international law.

If you would like to get in touch with Alex please contact the clerking team:

housingandpropertycl@gclaw.co.uk | [+44 \(0\)20 7993 7600](tel:+442079937600)

You can also contact Alex directly:

[+44 \(0\)20 7993 7698](tel:+442079937698)

IMMIGRATION LAW

Alex's experience at the Tribunal, the Administrative Court, the Court of Appeal and in making Rule 39 and 40 applications to the European Court of Human Rights has involved a wide range of immigration, asylum and deportation issues. This has included appeals by the stateless, victims of trafficking, unaccompanied (often age-disputed) children, spouses and other family members.

Successful judicial review claims have included Dublin removals, unlawful detention, age disputed minors and fresh claims.

He has acted for clients in a number of complex bail applications at the Tribunal and in claims for unlawful detention in the High Court.

NOTABLE CASES

Abdul (section 55 - Article 24(3) Charter) [2016] UKUT 106 (IAC) (Led by Stephen Knafler QC)

An EEA deportation case, where Mr Justice McCloskey held that Article 24(3) of the EU Charter of Fundamental Rights creates a free standing right (although not absolute).

***The Queen (on the application of HOD, by the Official Solicitor as his litigation friend) v Secretary of State for the Home Department* [2015] EWHC 1594 (Admin)**

Where the Court, having previously ordered his release, declared that HOD had been unlawfully detained for seven months and nine days.

***Peart v Secretary of State for the Home Department* [2012] EWCA Civ 568** (Led in the Court of Appeal by Stephen Knafler QC)

Deportation appeal allowed on the basis that the immigration judge had failed to properly consider the

appellant's child's best interests, failed to consider the best interests of all family members cumulatively and in the round, and had failed to give the appellant credit for evidence of positive change.

JO (qualified person - hospital order - effect) Slovakia [2012] UKUT 00237 (IAC)

Lord Justice McFarlane held that an EEA national does not cease to be a qualified person as a result of being detained in a hospital pursuant to an order of the court under the Mental Health Act 1983, having not been convicted of any criminal offence.

Submissions in the Court of Appeal in *SY (Syria) v Secretary of State for the Home Department C5/2010/0388* were described by Lord Justice Moses as 'excellent and helpful', made with 'great good sense' and 'considerable insight'.

HOUSING LAW

Alex regularly advises and represents tenants in a broad range of hearings, including rent arrears, homelessness, disrepair and anti-social behaviour.

NOTABLE CASES

Cutler v Barnet LBC 2014 EWHC 4445 (QB)

This was a successful appeal to the High Court, allowed by Mr Justice Supperstone on five grounds. It was held that the absence of a formal application under CPR 23 was not conclusive. CPR 3.8 & 9 do not require the application for relief to be made in writing. The judge had power under CPR 3.8 to determine the application and indeed could have done so of his own initiative. The Court should have balanced the CPR 3.9 factors and considered proportionality and the overriding objective, but had failed to do so. Debarring the Appellant from defending possession of her home purely on the basis that there had been no formal written application under CPR 23 amounted to a breach of Article 6.

London Borough of Hammersmith and Fulham v Sean Patterson (HHJ Karp, Willesden County Court, 3rd September 2013)

A successful appeal was based on the proposition that a notice under sections 125 and 128 of Housing Act 1996 was invalid when it imposed a mandatory extra-statutory condition to request a review 'in writing'. Alex has advised on the settlement of other similar cases.

In *Fakhari v Newman* (Legal Action June 2010 p35) significant damages were awarded for disrepair and unlawful eviction. Damages included £2,000 for harassment and £2,000 for exemplary damages.

PLANNING LAW

Alex has appeared in planning and environmental cases at public inquiries, in the Magistrates' Court, County Court, Administrative Court and Court of Appeal. He has wide experience of planning inquiries, from pupillage and practice. During pupillage he assisted in the drafting of an application to Strasbourg regarding the Convention compatibility of the construction of 'dwelling house' under s.171(B)(2) TCPA 1990. The case settled, allowing the applicant to remain in a simple and unconventional dwelling. Alex has advised and represented in numerous cases involving Gypsies and Travellers.

NOTABLE CASES

Ashford Borough Council v R & Others (2016) QB

Mr Justice Hickinbottom granted but suspended the operation of an injunction, allowing a Gypsy family to remain on their land pending the outcome of their planning appeal.

The Queen on the Application of Connors and Doe v Secretary of State for Communities and Local Government [2016] EWHC Admin, a judicial review in the wake of the declaration in *R*

(Moore and another) v Secretary of State for Communities and Local Government (Equalities and Human Rights Commission intervening) [2015] EWHC 44 (Admin).

Mr Justice Collins considered *Boddington* principles regarding the lawfulness of decisions pursuant to unlawful policies, but concluded that the proper forum for this was the existing s288 appeal, which Collins J suggested the SSCLG would be 'very sensible' to concede.

Meisels v Secretary of State for Communities and Local Government and East Hampshire District Council (2016) QB section 288 appeal addressing procedural fairness.

Stevens v Secretary of State for Communities and Local Government and Guildford Borough Council [2013] EWHC 792 (Admin)

This was a statutory challenge brought in respect of a planning inspector's decision to refuse temporary planning permission for a Gypsy site. The Claimant argued that the Inspector had failed to take account of the best interests of the children in accordance with the principles laid down by Baroness Hale in the Supreme Court decision in *ZH(Tanzania) v SSHD [2011] UKSC 4*. Mr Justice Hickinbottom accepted that the principles were relevant and gave guidance on their application in planning cases but concluded that on the facts of this case the Inspector had (by other means) complied with those principles (led by Marc Willers QC).

Led by Marc Willers QC, in the High Court ***Broxbourne Borough Council v Robb***

[2011] EWHC 1626 (QB), [2011] All ER (D) 197 (Jun), and Court of Appeal [2011] EWCA Civ 1355.

Mr Justice Cranston held that the local authority had discharged its duty under s.71 of the Race Relations Act 1976. Although it had not made any explicit reference to the provision in its papers, it was found that, in substance, the council had had regard to the special position of Gypsy and Traveller occupants of the site.

It was accepted that the decision to instigate proceedings had been taken in the context of there being no alternative authorised sites available. The presence on the site of long-term residents who were not affected by the injunction did not preclude the local authority from taking committal proceedings against people like Mr Robb who were not long-term residents.

It could not be said that Robb's appeal against change of use had real prospects of success, so that was not a compelling factor in favour of variation. The provision of stability and education for his children was a primary consideration but, in considering proportionality, Mr Justice Cranston held that very great weight had to be given to Robb's 'conscious defiance' of the law in establishing his home on an environmentally protected site.

The Court of Appeal held that Mr Justice Cranston's decision to make Mr Robb subject to a suspended committal order in respect of his failure to comply with an injunction prohibiting any residential development of a plot of land designated for leisure use was a proportionate response and could not be impugned.

WELFARE BENEFITS LAW

Alex's experience in the Social Security Tribunal has included Disability Living Allowance and Housing Benefit appeals.

DISCRIMINATION

Alex has advised and represented clients in the Employment Tribunal on a wide range of grounds and has a particular interest in discrimination claims.

EDUCATION

- MA (Hons)
- LLB

PROFESSIONAL MEMBERSHIP

- Administrative Law Bar Association (ALBA)
- Housing Law Practitioners Association (HLPAs)
- Immigration Law Practitioners' Association (ILPA)

LANGUAGES

- Spanish
- French
- Catalan

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57-60 Lincoln's Inn Fields, London, WC2A 3LJ

Email: info@gclaw.co.uk

Tel: +44 (0)20 7993 7600

DX: 34 Chancery Lane