



Kevin Gannon

YEAR OF CALL: 1993



Kevin practises in all areas of housing law, with special interest in homelessness and possession. In homelessness, he is experienced in dealing with all aspects including priority need, intentionality and suitability. He has a particular interest in housing cases that involve public law or human rights issues.

Kevin's practice also covers social security law and he has expertise in cases involving Housing Benefit and Universal Credit.

Kevin sits part-time as a social security judge in the first-tier tribunal.

Kevin co-writes the Housing Benefit Law Update in the Legal Action journal. He also contributed to the *Housing Law Handbook: A Practical Guide* (The Law Society, 2020) along with other members of the team.

"Kevin is unrivalled amongst all the barristers I have used for knowledge, skill, and immense poise in his advocacy. He has the ability to take the

court with him when making complex, multivalent arguments, by virtue of his calm and sophisticated communication talents."

LEGAL 500, 2022 (SOCIAL HOUSING)

"Kevin is a first-class advocate. He is incredibly calm, practical and focused on his work."

CHAMBERS UK, 2021 (SOCIAL HOUSING)

"A pleasure to work with; he provides quick, reliable and no-nonsense advice. A complete housing lawyer."

CHAMBERS UK, 2020

"He is completely committed to social justice and the defence of housing rights. He's reliable, efficient and someone who earns the respect of everyone around him."

CHAMBERS UK, 2019

"He is very reliable, knowledgeable and fair." "Kevin has a rare ability to crystallise very complex issues into simple terms, and is very dedicated to housing and homelessness."

CHAMBERS UK, 2018

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

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You can also contact Kevin directly:

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HOUSING LAW

Kevin practises in housing law, specialising in homelessness, possession, disrepair, illegal eviction and

nuisance. In homelessness, he is experienced in dealing with cases involving eligibility, priority need, intentionality and suitability. He has a particular interest in housing cases that involve public law issues and human rights arguments.

Kevin also has experience in housing cases with community care or immigration law aspects. He sits part time as a social security tribunal judge and has particular expertise in cases involving social security law including Housing Benefit and Universal Credit.

Kevin co-writes the Housing Benefit Law Update in the Legal Action journal.

NOTABLE CASES

Raufi v LB Islington. The County Court at Central London, 22.5.2018.

Homeless appeal. Issue: vulnerability. Application of test for vulnerability post-Panayiotou. Local authority asserts compliance with Panayiotou but review decision successfully challenged. Variation ordered to a decision that client is in priority need.

Smith v Basildon District Council. The County Court at Chelmsford, 7.7.2017

Homeless appeal. Issue: suitability. Appellant's child with behaviour problems who needed a separate bedroom from his sibling. Council said two bedrooms sufficient. Points of law taken as to council's approach to decision and duty under the Children Act 2004 to have regard to welfare of both children. Appeal allowed, the judge holding that the council's approach had concentrated on medical evidence; welfare considerations were wider.

LB Newham v Berhane. The County Court at Clerkenwell & Shoreditch, 14.12.2016.

D had succeeded to his mother's tenancy after her death. The council sought possession on the basis that the property was larger than D required and it had offered him other accommodation. D maintained it was not reasonable to order possession of his current home because of his longstanding connection with it. The judge found in favour of D. D was relatively young at the date of trial (late 20s).

Noted in March 2017 Legal Action at p 39.

South Anglia HA v Featherstone, Central London County Court, 20.10.2014.

Possession claim defended on public law grounds. Challenge to the HA's operation of its discretionary succession policy. 1 ½ day trial. Cross examination of HA witness and submissions emphasised public law failings. Possession claim dismissed based on the public law arguments.

Forsythe-Young v Redbridge LBC, Central London County Court, 26.10.2015. Homelessness appeal.

Early example of a post-Nzolameso appeal, concerning out of borough placement and application of s11 Children Act 2004. Distance involved was not as far as in Nzolameso and child involved was young. Analysis of the local authority's decision making regarding its purported compliance with the duty in s11(2). The local authority's decision was quashed. The case also involved a decision by the judge to extend time for the appeal which was lodged late, after a full consideration of relevant case law.

***Hounslow LBC v Powell* Supreme Court [2011] UKSC 8; [2011] 2 AC 186**

One of the leading cases on the effect of article 8 Human Rights Act 1998 on possession claims. Led by Jan Luba QC in the Court of Appeal and Supreme Court.

***Hashemi v Gladehurst Properties Ltd* Court of Appeal [2011] EWCA Civ 604; [2011] HLR 36**

Operation of tenancy deposit protection provisions in Housing Act 2004, including whether applicant for payments under s214 had to be a tenant at the time of the application. Led to subsequent statutory amendment.

***R(Cali and others) v Waltham Forest LBC* Administrative Court [2006] EWHC 302 (Admin); [2007] HLR 1**

Judicial review of lawfulness of Waltham Forest's choice-based letting allocation scheme. Very high threshold for highest priority group leaving bulk of applicants' priority dependent on waiting time only. As a result, proper cumulative assessment of need was not possible. Court declared the scheme to be unlawful.

BACKGROUND

Kevin sits as a part-time social security tribunal judge. Before coming to the Bar, he worked for several years in the advice sector as a welfare rights advisor and tribunal representative.

PROFESSIONAL MEMBERSHIP

- **Housing Law Practitioners' Association (HLPA): Executive Committee member**

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