



GARDEN COURT CHAMBERS

# Liz Davies KC

YEAR OF CALL: 1994 (FORMER SOLICITOR, ADMITTED 1989) | YEAR OF SILK: 2022



Liz is a social housing silk ranked in Chambers & Partners and the Legal 500. She acts as a consultant to Crisis and has represented Shelter and Housing Law Practitioner's Association pro bono in interventions.

She specialises in all aspects of housing law, with a particular expertise in homelessness and allocation of social housing. She also practises in areas of community care and Children Act cases, particularly where accommodation might be an issue.

She has a particular specialism in domestic abuse and represented Southall Black Sisters and Solace Women's Aid in the UK Covid-19 Inquiry, Module 2.

Comments on Liz in professional directories, besides those quoted above, include "She is one of the most outstanding, highly regarded and dedicated barristers in the country...She has an infectious passion for social justice and always goes the extra mile for clients."

Chambers UK Bar Guide.

She is committed to acting for the homeless, and for tenants and other occupiers, and has a tenacious and practical approach to conducting her cases. She accepts instructions to appear in the Court of Protection and is also a qualified mediator.

Liz was a finalist for the Legal Aid Barrister of the Year Award 2014.

"Her level of expertise is only matched by her passion for fighting for an individual's right to justice."

CHAMBERS UK, 2024

"Liz Davies KC is extremely helpful, authoritative and timely. She really goes above and beyond."

CHAMBERS UK, 2024

"Liz is a very powerful advocate. Her style is one of highly compelling affability which is a force to be reckoned with."

LEGAL 500, 2024

"Liz is one of the best housing lawyers, who is able to dissect the most complex and challenging of legal cases. Willing to advise at an early stage, even in the right circumstances pro bono, she has helped numerous clients avoid homelessness. Her advocacy is unmatched; it's succinct, nuanced and persuasive."

CHAMBERS UK, 2023

"Liz is one of the most important lawyers working in housing law today. Her knowledge is encyclopaedic and that allied with her passion for social justice makes her a formidable barrister."

LEGAL 500, 2022

"Liz is a superb advocate and knows her areas of law inside out and is one of the main authorities on social housing law."

LEGAL 500, 2021

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

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## HOUSING LAW

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Liz was appointed King's Counsel in 2022. As a junior barrister, she was ranked as a "Star Individual" in social housing by Chambers UK and as a leading individual in social housing (Tier 1) by the Legal 500.

She has undertaken social housing practice as a solicitor and as a barrister since 1989. She is a specialist in all aspects of social housing law and recognised as a leading authority in homelessness law and the allocation of social housing. She is the co-author of *Housing Allocation and Homelessness* (Luba, Davies, Johnston & Buchanan, LexisNexis, 6th ed, 2022).

Her practice is in public law issues: she appears in the Administrative Court and Court of Appeal. She was instructed as the housing specialist as part of a team of counsel representing survivors and bereaved families in the Grenfell Tower Fire Inquiry Phase 1. She is currently instructed to represent Southall Black Sisters in Module 2 of the Covid-19 Inquiry.

She acts as a consultant to the homelessness charity Crisis, and assisted in drafting the Homelessness Reduction Act 2018, amendments to the Domestic Abuse Bill relating to homelessness and Crisis' draft legislation Homelessness and the Prevention of Homelessness (Covid-19 Response) Bill. Liz has also given evidence to the House of Commons Housing Communities and Local Government Select Committee on homelessness and the effect of Covid 19.

### NOTABLE CASES

Past notable cases can be viewed below. [Click here to see a list of recent notable cases.](#)

#### ***Khan v Mehmood [2022] EWCA Civ 791***

Liz represented Housing Law Practitioners' Association, with Marina Sergides, pro bono. The Court of Appeal held that the 10% uplift on general damages, as set out by the Court of Appeal in *Simmons v Castle*, applied to general damages for breach of repairing covenant.

When considering whether accommodation broke the chain of causation from an earlier finding that an applicant had become homeless intentionally, the question for a local housing authority is one of fact and degree, taking into account all relevant circumstances. The fact that accommodation may have been overcrowded is a relevant, but not a determinative, factor. The previous Court of Appeal decision of *Doka v Southwark LBC*, which had referred to an assessment of the relative precariousness of accommodation, was no more than a description of the factual context in that case. Liz led Nick Bano for the appellant.

***R (Hoyte) v Southwark LBC [2016] EWHC 1665 (Admin)***: when a local housing authority is required to accept fresh application for homelessness assistance on the basis of "new facts".

***R (Alansi) v Newham LBC [2013] EWCA Civ 3722 (Admin)***: the issue of legitimate expectation within a local housing authority's allocation scheme.

***Holt v Reading Borough Council [2013] EWCA Civ 641, CA***: a judge was entitled to make an order for possession setting out the conditions under which the local housing authority should secure alternative accommodation.

***Johnson & others v Old [2013] EWCA Civ 415, CA***: On the correct construction of a tenancy agreement, a payment made by the tenant at the start of the tenancy pursuant to a requirement in the agreement to pay the first six months' rent in advance was not a tenancy deposit required to be paid into a deposit protection scheme, but was the advance payment of rent.

***Ali v Birmingham City Council, Moran v Manchester City Council [2009] UKHL 36, [2009] 1 WLR 1506, HL***: Women's refuges are not reasonable to continue to occupy and therefore women occupying refuge accommodation are homeless.

***Ahad v Tower Hamlets LBC [2008] EWCA Civ 606, CA***

***R (Kilby) v Basildon DC; [2007] EWCA Civ 479 [2007] H.L.R. 39, CA***: (variation of terms of secure tenancies).

***R (Conville) v Richmond upon Thames LBC [2006] EWCA Civ 718***: local housing authorities may not take into account their own resources when deciding what period would give intentionally homeless families a "reasonable opportunity" of finding their own accommodation.

***Al-Ameri v Kensington & Chelsea RLBC [2004] 4UKHL 4, [2004] 2 AC 159, [2004] HLR 20***: accommodation provided by NASS does not constitute residence of own choice for purposes of local connection.

**Sheffield City Council v Smart [2002] EWCA Civ 04 [2002] HLR 34:** human rights defences in possession actions for non-secure tenancies.

**Ingle v Scarborough Borough Council [2002] EWCA Civ 290 [2002] HLR 36:** home loss payments for secure tenants.

**Kacar v London Borough of Enfield [2001] 33 HLR 64 CA:** scope of inquiries in homeless applications.

**Warsame v London Borough of Hounslow [1999] 32 HLR 335 CA:** jurisdiction of County Court to hear appeals against decisions discharging homelessness duties.

### **First Instance Cases**

A list of Liz Davies' first instance cases is available [here](#).

## **ADMINISTRATIVE AND PUBLIC LAW**

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Liz practices in administrative and public law cases which involve housing or community care issues.

### **NOTABLE CASES**

#### **R (Ncube) v Westminster City Council [2021] EWHC 578 (Admin)**

Liz represented Shelter pro bono, as interveners, leading Adrian Berry and Connor Johnston. The Court held that councils can lawfully provide emergency accommodation to rough sleepers who are not eligible for assistance under Part 7 Housing Act 1996, using their powers at s.138 Local Government Act 1972 and/or s.2B National Health Service Act 2006. Shelter's evidence and legal submissions showed how the government's guidance on 'Everyone In' was being haphazardly interpreted and the devastating impact on those left without help.

**R (Hoyte) v Southwark LBC [2016] EWHC 1665 (Admin):** when a local housing authority is required to accept fresh application for homelessness assistance on the basis of "new facts".

**R (Alansi) v Newham LBC [2013] EWCA Civ 3722 (Admin):** the issue of legitimate expectation within a local housing authority's allocation scheme.

## COURT OF PROTECTION

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Liz accepts instructions to appear in the Court of Protection and has provided training and written case updates on capacity, deprivation of liberty and other Court of Protection issues.

## MEDIATION

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Liz is a qualified mediator. Further details can be found on the [Garden Court Chambers Mediation website](#).

## PUBLIC INQUIRIES

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Liz Davies KC represents Southall Black Sisters and Solace Women's Aid in the UK Covid-19 Inquiry. She leads Marina Sergides, Ubah Dirie, Angharad Monk, and Fatima Jichi of Garden Court, instructed by Helen Mowatt of Public Interest Law Centre (PILC). Coverage in [BBC News](#), [The Independent](#) and [Evening Standard](#).

## PRO BONO WORK

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Liz is on the panel for the Bar Pro Bono Unit. Liz has represented Shelter pro bono in cases where Shelter was the intervener, including [R \(Ncube\) v Brighton & Hove Council](#). She also represented Housing Law Practitioners' Association in [Khan v Mehmood](#).

## BACKGROUND

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Liz started her professional life as a solicitor at TV Edwards, working in Tower Hamlets and Hackney. She developed a specialism in housing law as a solicitor. She came to the Bar in 1994.

She is a well-known labour movement and peace activist. She was a Labour councillor in Islington between 1990 and 1998 and chaired the council's women's committee. She regularly writes and speaks on issues involving civil liberties, social justice, anti-war and anti-racism campaigns.

Liz is honorary Vice-President of the Haldane Society.

Liz is also appointed to the Equality and Human Rights Commission's [preferred Panel of Counsel](#) (Panel A).

## **PUBLICATIONS**

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*Housing Allocation and Homelessness: Law and Practice*, co-author with HHJ Jan Luba KC, Connor Johnston and Tessa Buchanan (LexisNexis, 2022, 6th edition). A description and reviews are available [here](#).

Contributor to *Housing Law Handbook* (Cottle et al, Law Society, 2009)

*The Homelessness Act 2002: Special Bulletin* (Jordans, 2002) co-author with Jan Luba KC.

Regular contributor to housing law journals and to the *Socialist Lawyer* (Haldane Society of Socialist Lawyers)

*Through the Looking Glass: a dissenter inside New Labour* (Verso, 2001)

Contributor to *Red Pepper*, magazine, Morning Star newspaper and Tribune newspaper.

## **TRAINING AND SEMINARS**

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Liz regularly speaks at conferences and training events, principally on aspects of homelessness or allocation of social housing law, but also on other areas of housing law.

Her keynote speech to Housing Law Practitioners Association, delivered on 12 December 2018, is available [on our website](#). She delivered the closing address to Housing Law Practitioners Association Conference on 17 November 2022.

## **EDUCATION**

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**LL.B University College London (1985)**

**Former solicitor, qualified 1989**

## **PROFESSIONAL MEMBERSHIP**

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**Honorary Vice-President of the Haldane Society**

**Liberty**

**Justice**

**Housing Law Practitioners Association**

**LAG**

**Administrative Law Bar Association**

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

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