

Tim Baldwin

Notable Cases

Court of Appeal

Buckinghamshire County Council (Appellant) v Kingston Upon Thames Royal London Borough Council (Respondent) & (1) SL (By her litigation friend the Official Solicitor) (2) National Society for Epilepsy (3) Secretary of State for Health (Interested Parties) [2011] EWCA Civ 457: Led by Stephen Knafler QC for Kingston. The Court of Appeal held, on dismissing Buckinghamshire's appeal, that a local authority, in moving a person whose care it had funded into supported housing in another local authority's area following a needs assessment had been under no duty to consult the other local authority. The transcript has been made available.

High Court and Upper Tribunal

R (Hakima Alemi) v Westminster City Council [2015] EWHC 1765 (Admin): Led by Jan Luba QC for the Claimant where the Defendant council's allocation scheme for social housing was declared unlawful and quashed in that it suspended the ability of a homeless family to bid for social housing. The transcript has been made available. This case has also been reported in Inside Housing, the BBC, the Independent, the Local Government Lawyer and in local news in West End Extra. With the Labour Party calling on the Council to rethink its entire housing policy as a result.

R (AM) v London Borough of Havering and London Borough of Tower Hamlets [2015] EWHC 1004 (Admin): Led by Jan Luba QC for the Claimant where the Defendant Councils' actions were declared unlawful following successful judicial review application by a homeless family. Mr Justice Cobb described the actions of the two councils as "shameful" which led to a vulnerable family being forcibly evicted on to the streets. The transcript has been made available. This case has also been reported in Inside Housing, Evening Standard, Nearly Legal and Family Law.

SA v Disclosure and Barring Service [2013] UKUT 93 (AAC): Test case of three judge panel to determine the meaning of "relevant conduct" pursuant to paragraph 9 of schedule 2 to Safeguarding Vulnerable Groups Act 2006 and whether theft alone constituted relevant conduct. The transcript has been made available.

R (W) v (1) Dr Fintan Larkin, (2) Secretary of State for Justice and others [2012] EWHC 556 (Admin): Warrants for transfer to prison and the requirements of a Responsible Clinician in completing s. 50 Mental Health Act 1983 (as amended) proforma. The transcript has been made available.

JP v Birmingham and Solihull MH NHS Trust. Appeal number HM/535/2010 (Unreported 30 July 2010) (Administrative Chamber Upper Tribunal): An appeal for JP based on challenge to the reasons given by a First Tier MHT refusing discharge of a patient detained under s 37 and 41 of the Mental Health Act 1983. The challenge was based on a failure to give adequate reasons for preferring the evidence of the Responsible Clinician and the detaining authority over the evidence of independent

experts by applying *BB v South London & Maudsley NHS Trust* [2009] UKUT 157 (AAC) which was similar on the facts. The transcript has been made available.

R (Salami) v Parole Board; R (Robinson) v Secretary of State for Justice [2009] EWHC 2251 (Admin):

Representing the Claimant (Salami) where the Court held the rights of two long-term prisoners under the European Convention on Human Rights 1950 art.6 were not breached as a result of the amendments to the early release provisions in the Criminal Justice Act 1991 Pt II by the Criminal Justice and Immigration Act 2008. The transcript has been made available. The Court of Appeal upheld this decision in *R (Robinson) v Secretary of State for Justice* [2010] EWCA Civ 848.

Lexi Holdings v Luqman and others [2009] EWHC 496 Ch. Represented the second Defendant in contempt proceedings in a major commercial fraud of over £65million.

CH/1098/2007: A successful appeal for the applicant before the Social Security Commissioners (Upper Tribunal) concerning alleged housing benefit overpayment and complex issues of trusts of land.

R (H) v Guildford Youth Court [2008] EWHC 506 (Admin): A successful judicial review application for the Claimant leading to a quashing of a conviction under s 20 OAPA 1861 in respect of a refusal by the Youth Court to stay proceedings as an abuse of process. Essentially the judge quashed the conviction on the papers, with the CPS conceding the case and the Instructing Solicitor taking judgment.

R (Surat Singh) v Stratford Magistrates' Court & Others [2007] EWHC 1582 (Admin); [2007] 1 WLR 3119; [2007] 4 All ER 407; [2008] 1 Cr App R 2; [2007] ACD 72; The Times, March 27 2007: A challenge by way of judicial review of the exercise of a district judge's discretion to refuse to allow the claimant to advance the defence of insanity in summary only proceedings. Leading case as to identifying the common law defence of insanity in summary proceedings. The transcript has been made available.

R v DPP; B v DPP [2007] EWHC 739 (Admin), The Times, March 27 2007. Also reported in the robbery sections of *Archbold and Blackstones*. An appeal by way of case stated which concerned proof of intention, *mens rea* and the use of implied force in robbery by reference to the fortitude of the victim.

County Court: Homelessness Appeals

Qoraishi v City of Westminster (Central London, Mayors & City County Court): A00MY346

Represented Mr Qoraishi, a former "vulnerable" asylum seeker who had been subject to torture, and who successfully appealed the Local Authority's decision not to provide him with homelessness assistance. Initially the City of Westminster, after an assessment, decided that Mr Qoraishi was not vulnerable within the meaning of the test in *Pereira and Osmani*. HHJ Hornby allowed Mr Qoraishi's appeal and quashed the review decision by the City of Westminster and remitted for reconsideration. The Legal Action magazine report has been made available.

Konodyba v Royal Borough of Kensington and Chelsea (Wandsworth County Court): 8WL02932

Represented the Appellant at Wandsworth County Court in a homelessness appeal concerning eligibility of a Polish A8 national who was not classified as “worker” under domestic regulations. The essence of this appeal was that the case fell within the scope of the case of *Ibrahim v Harrow LBC* in reliance on the “*Baumbast doctrine*” and should be stayed and the decision in the case of *Parker v Brent* BC 7WI04442 (LAG 26 December 2008) in the Central London County Court. HHJ Behar disagreed and upheld the decision of the local authority. However the point remained open (see *Konodyba v Royal Borough of Kensington and Chelsea* [2009] EWCA Civ 890. The transcript has been made available.

Inquests

Inquest touching on the death of Nicola Matthews: reported in the *Croydon Guardian*.

Inquest touching on the death of Gary Shaw: reported in *The Sentinel*.

Inquest touching on the death of Robert Edwards: For more information, please see the INQUEST press release.

Reviews

Ranked in *Chambers UK* in two areas of law and in the *Legal 500* as leading junior in three areas of law.

In *Chambers UK 2016* in ranking in social housing described as “**Consistently praised for both his intellect and his enduring commitment to publicly funded work in a difficult climate.**” “**He specialises in social housing cases where the tenant has mental health or capacity issues and he is also noted for his community care work.**” “**He is intellectually fantastic and his work ethic and commitment to the law is incredible.**” “**He's very tactical and very, very intelligent. You would always turn to him for the complicated legal points.**”

In *Chambers UK 2015* Tim is ranked under both ‘Social Housing’ and in ‘Community Care’.

In Social Housing, he is described as a “**real asset**” by instructing solicitors, and known primarily for expertise on welfare benefit and community care cases. he also advises on possession claims and disrepair and am described as “**Extremely well attuned to the law.**” “**He is clever, knowledgeable and up-to-date on the latest changes.**”

In Community Care, he is described as an experienced junior noted for expertise in relation to mental health, with a community care practice which dovetails with his social housing expertise. He is an editor of the Community Care Law Reports and is described as “**Highly regarded for his mental health work.**” “**One of the most industrious members of the successful Garden Court community care team.**”

In *Legal 500 2015* Tim is ranked in Civil Liberties and Human right which states “**He has wide-ranging expertise across areas including community care, social housing and mental health law.**” In

planning law **“He is tactically aware, thorough, hardworking and approachable.”** In social housing **“Very straightforward and realistic.”**

Chambers UK 2014 notes commentators describe him as **“an expert in social welfare”** and in relation to Community Care that **“He finds novel arguments in difficult cases to achieve results for the clients. This is what he’s good at – not just getting results, but getting the right outcome for his clients.”**

In **Legal 500 2014** he is ranked as a leading junior in three areas of law:

In Social Housing he is described as **“Diligent, conscientious and always well informed about developments in the law”**. In Civil Liberties and Human Rights he is described as **“A technically excellent and extremely composed advocate”** and in Planning Law, particularly in respect of issues affecting Gypsies and Travellers, he is described as **“A talented barrister and valuable team member.”**

Chambers UK 2013, reports in relation to Community Care, **“Timothy Baldwin is another to impress at the set due to his ‘calm demeanour, sound judgement and excellent written work.”**