1 The author was instructed to act for Ms Brumby by Simon Marciniak of Miles & Partners, London.
2 Available at: www.housingandpropertylawdaily.co.uk/law-library/2011/05/11/high-court-approves-use-of-nuisance-law-to-require-landlords-to-tackle-problem-tenants2--10097.html.

Recent developments in housing law

Nic Madge and **Jan Luba QC** continue their monthly series. They would like to hear of any cases in the higher or lower courts relevant to housing. In addition, comments from readers are warmly welcomed.

POLITICS AND LEGISLATION

Bringing housing claims

On 22 April 2014, the fees for initiating legal proceedings were increased across the civil courts in England and Wales: the Civil Proceedings Fees (Amendment) Order 2014 SI No 874. The fee to issue a possession claim in a county court has increased from £175 to £280. The fee to issue a possession claim online has gone up from £100 to £250. An application for permission to apply for judicial review now costs £140 (up from £60). Most other fees relating to civil claims have also been raised. The increases follow the completion of a consultation exercise in which the proposals received little support: *Court fees: proposals for reform. Part one consultation response: cost recovery* (Ministry of Justice (MoJ), April 2014).[1]

Enforcement of possession orders

The Civil Procedure (Amendment) Rules 2014 SI No 407 introduced a new Part 83 to the Civil Procedure Rules (CPR), 'Writs and Warrants – General Provisions'. Part 83 consolidates and updates the High Court and county court rules on enforcement previously retained in CPR Schs 1 and 2. County Court Rules Order 26 r17, which had governed the procedure for enforcing possession orders in the county court, is replaced by CPR r83.26. The new part came into force on 6 April 2014.

Homelessness

The UK government has produced a table setting out how many families in England have been placed in bed and breakfast (B&B) accommodation for more than six weeks, for each of the ten years since it became unlawful for local housing authorities to use B&B by virtue of the Homelessness (Suitability of Accommodation) (England) Order 2003 SI No 3326: *Hansard* HC Written Answers col 448W, 27 February 2014.[2]

A special report has been published on the issues faced by homeless women in the UK: *Rebuilding shattered lives* (St Mungo's Broadway, March 2014).[3]

Eligibility

The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2014 SI No 435 came into force on 31 March 2014. They contain new rules on eligibility for Afghan nationals in relation to homelessness and lettings of social housing. They remove special provisions for nationals from Bulgaria, Romania, Montserrat, Lebanon and Zimbabwe which are now spent. On 5 March 2014, the Department for Communities and Local Government (DCLG) wrote to the chief housing officers of all local housing authorities in England to explain the changes.[4]

The Welsh government has launched a consultation exercise on the content of new eligibility regulations for social housing allocation and homelessness in Wales: *Consultation on eligibility regulations regarding allocation of housing and homelessness assistance* (March 2014).[5] Responses were due by 9 May 2014.

Housing and legal aid

The availability of legal aid for housing cases was recast in April 2013 by the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012. Although some housing work was taken out of scope, those cases could be considered for funding on an exceptional basis under section 10. The UK government has published statistics on applications for such exceptional case funding received between April and December 2013: *Legal aid exceptional case funding application and determination statistics: 1 April to 31 December 2013* (MoJ, March 2014).[6] Applications were made in 65 housing cases but only one application was successful.

The Civil Legal Aid (Remuneration) (Amendment) (No 3) Regulations 2014 SI No 607 restrict the availability of legal aid in judicial review cases on housing and other matters. Legal aid is no longer available in

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cases where permission to bring the judicial review claim is refused. Where the case does not reach the permission stage, the Legal Aid Agency (LAA) now has a discretion, rather than an obligation, to grant funding. The changes came into effect on 22 April 2014.

Long leases

The Leasehold Reform (Amendment) Act 2014 received royal assent on 13 March 2014. It repeals (for England) the requirement that all tenants must personally sign notices of collective purchase of freeholds or notices seeking extension of leases. It came into force on 13 May 2014.

The Office of Fair Trading (OFT) has announced that it will undertake a market study on the provision of residential property management services in England and Wales: *Property management services: final statement of scope* (March 2014). It will investigate whether the market is working well for consumers (tenants) and, if not, whether there is potential for improving how it functions. The study will cover service charges and management issues in both the private and social housing leasehold sectors and will report in September 2014.

Social housing lettings and rents

The House of Commons Library has updated several of its excellent free briefing notes covering social rented sector issues:

- *Allocating social housing (England)* (Standard note: SN/SP/6397, January 2014);[8]
- *Under-occupation of social housing: housing benefit entitlement* (Standard note: SN/SP/6272, February 2014);[9]
- *Housing association tenants: right to buy (England)* (Standard note: SN/SP/648, February 2014);[10]
- *Paying the housing element of universal credit direct to tenants in social rented housing* (Standard note: SN/SP/6291, February 2014);[11]
- *Rent setting for social housing tenancies (England)* (Standard note: SN/SP/1090, March 2014).[12]

Private renting

A survey commissioned by Shelter and British Gas, as part of their partnership to improve the conditions of privately rented homes, has set out the scale of 'revenge' or 'retaliatory' evictions by landlords of private tenants who raise concerns about their tenancies or the condition of their homes: *Can't complain: why poor conditions prevail in private rented homes* (Shelter, March 2014).[13]

A similar report has been published in Wales: *Fit to rent? Today's private rented sector in Wales* (Shelter Cymru, March 2014).[14] It suggests that the situation in the private rented sector 'is a shocking one, with nearly two-thirds of tenants experiencing some kind of poor conditions' (page 3).

The National Union of Students has released a report on the quality of private rented accommodation let to students: *Homes fit for study: the state of student housing in the UK* (March 2014).[15] The study found that 76 per cent of respondents had experienced at least one problem with the condition of their home, while 24 per cent reported slugs, mice or other infestations.

The UK government has set up a working group to 'look at what can be done to protect landlords and tenants alike and ensure a fair eviction process in the private rented sector': *Hansard* HL Written Answers col WA352, 10 March 2014.[16] The minister said that: 'The working group is made up of organisations representing landlords and tenants, as well as other property professionals.'

Dr Julian Huppert MP has brought forward another private member's bill seeking to address concerns about the conduct of, and charges made by, letting agents and about other aspects of the private rented sector. On 12 March 2014, the House of Commons ordered a second reading of the bill: *Hansard* HC Debates col 321, 12 March 2014.[17]

Some of the worst conditions in the sector are to be found in outbuildings and extensions adapted for residential use without planning permission. In 2013, Hounslow LBC discovered 270 such cases of 'beds in sheds' in its area. Of these, 23 were taken out of use and 159 enforcement actions have been pursued: *Rogue landlord and community safety project update* (2014).[18]

The House of Commons Library has updated two of its free briefing notes covering private rented sector issues:

- *Selective licensing of privately rented housing (England & Wales)* (Standard note: SN/SP/4634, February 2014);[19]
- *Housing health and safety rating system (HHSRS)* (Standard note: SN/SP/1917, February 2014).[20]

In Wales, the Welsh Local Government Association has published a paper identifying issues acting as barriers to progressing work by local councils to improve the private rented sector: *Private rented sector improvement project: end of project report* (February 2014).[21]

Housing Ombudsman

The UK government has published a summary of the responses to its recent consultation on how the work of the Housing Ombudsman should be funded: *Future funding of the Housing Ombudsman: analysis of consultation responses* (DCLG, February 2014).[22]

Mobile homes

A new briefing from the House of Commons Library outlines the provisions of the Mobile Homes Act 2013: *Mobile Homes Act 2013* (Standard note: SN/SP/6438, April 2014).[23] The Act came into force in England in April 2014: section 15 and the Mobile Homes Act 2013 (Commencement and Saving Provision) (England) Order 2014 SI No 816.

HUMAN RIGHTS

Article 8

■ Southend-on-Sea BC v Armour

[2014] EWCA Civ 231, 12 March 2014

Mr Armour was an introductory tenant. Southend alleged that he had verbally abused a neighbour, a contractor and a member of its managing agents' staff. It also claimed that he had switched on the electricity while the contractors were working and that a workman suffered an electric shock. After service of a notice and a statutory review, a possession claim was issued but the trial was delayed for over 11 months. In the meantime, Mr Armour was said to have Asperger's syndrome and to be suffering from depression. He did not have capacity to defend the claim and a litigation friend was appointed. There were no further incidents before trial and Mr Armour had the support of a number of agencies and family members. Recorder Davies found that it had been proportionate and lawful within article 8 of the European Convention on Human Rights ('the convention') to seek a possession order but that it would now be disproportionate to grant a possession order, having regard to the absence of complaints since the claim was issued, and the effect that eviction would have on Mr Armour and his 14-year-old daughter. Southend appealed. Cranston J dismissed the appeal ([2012] EWHC 3361 (QB), reported in December 2012 *Legal Action* 28).

A second appeal to the Court of Appeal was dismissed. Lewison LJ said:

> *... the test which the courts must apply, whether described as proportionality or as deciding whether eviction is 'necessary in a democratic society' is not ... a bright line test. It is more in the nature of a value judgment. If a judge is required to apply a clear legal rule to a given set of facts, an appeal court can decide for itself whether that given set of facts measure up to the legal rule. But 'the vaguer the standard and the greater the number of factors which the court has to weigh up in deciding whether or not the standards have been met, the more reluctant an appellate court will be to interfere with the trial judge's decision'* (para 17).

The Court of Appeal could only interfere with the decision if it was 'wrong' (para 18). It was open to the judge to refuse to make a possession order. The improvement in behaviour, over a significant period of time, was clearly relevant to the issue of proportionality. What weight to give it was a question for the trial judge.

■ Manchester Ship Canal Developments Ltd and another v Persons Unknown

[2014] EWHC 645 (Ch), 10 March 2014

The claimants owned various plots of open land along a road. They wanted to allow Igas Energy plc to carry out exploratory drilling to discover whether there was natural gas under the land. The defendants were protestors who were opposed to the drilling. The claimants sought possession. The defendants resisted the claim, arguing that it would be a violation of their rights under articles 8, 10 and 11 if a possession order were made.

HHJ Pelling QC, sitting as a judge of the High Court, made a possession order. Articles 10 and 11 did not 'even arguably provide … a defence' (para 34). Although it was, in principle, open to the defendants to rely on article 8, even though the claimants were private landowners with Protocol 1 article 1 rights, the defendants needed to show that each of them occupied the land as his/her home. They had not done so. In one case, the evidence was that the defendant stayed on the land occasionally but had permanent accommodation elsewhere. In another, although the defendant had been camping on the land for some time, he had done so in order to facilitate more efficient conduct of the protest rather than to establish a home and he intended to leave as soon as the exploratory drilling was complete. Even if, contrary to these findings, the defendants were occupying as their home, it was proportionate to grant a possession order.

■ Lambeth LBC v Caruana

Central London County Court, 6 February 2014[24]

Ms Caruana and her daughter lived in adjacent period properties. Both were former 'short-life' occupiers. Ms Caruana's daughter had a young child. Lambeth sought possession to sell the properties on the open market. Ms Caruana's daughter suffered from a number of mental health problems and at times required the care of her mother. Furthermore, when unwell Ms Caruana's daughter was unable to care for her own child. Ms Caruana often had to assume responsibility for her granddaughter at short notice. Lambeth offered an undertaking that it would not enforce a possession order until it had made the family a final offer of suitable alternative accommodation in accordance with its allocation scheme. Several days before the trial, an offer was made, but Ms Caruana and her daughter were unable to view the accommodation. Ms Caruana and her daughter maintained that it would be disproportionate, and a breach of article 8, to make a possession order.

HHJ Saggerson agreed and dismissed both claims for possession. While he did not prejudge the suitability of any offered accommodation or dictate what would be considered suitable, he acknowledged that the family's circumstances were unusual and that the council had so far made limited efforts to find somewhere suitable for them. Therefore, it was not proportionate to make a possession order at this time. Lambeth's application for permission to appeal to the Court of Appeal was dismissed.

POSSESSION CLAIMS

■ Ceballos v Southwark LBC

[2014] EWHC (QBD), 7 March 2014

In 2004, a secure tenant moved to the United States. In 2011, Southwark served a notice to quit and issued a possession claim against Ms Ceballos who had lived in the flat since 2003. Ms Ceballos provided a letter from 2007 in which Southwark had appeared to indicate that she could become the tenant of the property if she could prove that she had lived there for 12 months. At the first hearing, a recorder decided to hear the claim, rather than issue case management directions. He granted a possession order.

Lewis J allowed an appeal. Where a claim is genuinely disputed on grounds which appear to be substantial, it should be allocated to a track and case management directions given (CPR 55.8(1)). That should have happened in this case. There appeared to be substantial grounds on which Ms Ceballos might have been able to resist the claim. The case was remitted to the county court for directions.

DEPOSITS

■ Russell and Clark v Tenzin

[2014] ScotSC 18, 20 December 2013

Two joint tenants rented a property and paid a deposit. The landlord failed to place the deposit with a tenancy protection scheme in accordance with regulation 3 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 SSI No 176. At the end of the tenancy the deposit was returned, but with some deductions for cleaning and repairs. The tenants brought a claim for failure to protect the deposit and were awarded a sum of three times the amount of the deposit. The landlord appealed, contending that the amount of the penalty was excessive. Three times was the maximum multiplier and ought not to have been used.

Sheriff Principal Mhairi M Stephen dismissed the appeal. Judicial discretion permitted up to three times the deposit being awarded and there had been no error in the exercise of that discretion. The judgment contains a useful re-statement of the policy behind deposit protection.

UNLAWFUL EVICTION

■ Hahn v McLeary

Bristol Civil Justice Centre, 17 December 2013[25]

Mr Hahn was an assured shorthold tenant of a single room. On 2 February 2012, Mr McLeary, his landlord, gave Mr Hahn a handwritten note giving him a date on which to vacate the property. No proper notice was served pursuant to Housing Act (HA) 1988 s21. On 9 February 2012, Mr McLeary sent Mr Hahn a text message saying 'taking the piss starting to clear flat in 10 minutes'. Mr Hahn was not at the property at the time. He rushed back to find that the locks had been changed. In addition, at some point, his possessions were removed and placed outside the property. Some of these were lost and some were damaged. Mr McLeary was subsequently advised by the tenancy relations officer of the local authority that he should allow Mr Hahn to re-enter the property. He refused. Immediately following the eviction, Mr Hahn was street homeless for around eight days and spent a further four days sofa-surfing with friends. Following this, he was assisted by a local outreach team who helped him find a place at a Salvation Army hostel. However, the conditions at the hostel were poor. The room was infested with bed bugs and had to be fumigated during Mr Hahn's stay. As a result of the conditions at the hostel, Mr Hahn caught scabies. With the assistance of the staff at the hostel, Mr Hahn was able to obtain an assured shorthold tenancy on 11 June 2012, having spent about 111 days in the hostel. Mr Hahn issued a claim for unlawful eviction. Mr McLeary did not participate in proceedings and judgment was entered in default.

Following a trial on the issue of quantum, Mr Hahn was awarded general damages of £13,764 consisting of £250 per night for the time when he was street homeless, £166 per night for the time sofa-surfing and £100 per night for the time in hostel accommodation, on the basis that the conditions in the hostel were particularly unpleasant. In addition, he was awarded £2,000 for aggravated damages,

£1,600 for exemplary damages and £852 for special damages. The award of exemplary damages was low in the range as there was no direct evidence of the landlord's motives, but it was taken as given that his intention had been to profit by avoiding the cost of legal proceedings.

LONG LEASES

Service charges

■ Riniker v Mattey

[2014] EWCA Civ 202, 17 February 2014

Ms Riniker was the lessee of a flat in a residential block. Mr Mattey was the secretary of the company which owned the freehold. Ms Riniker served a Landlord and Tenant Act (LTA) 1985 Sch 1 para 3 notice on the freehold company, requiring it to allow her to inspect the insurance policy and any associated documents. The company failed to comply with the notice. She issued criminal proceedings against Mr Mattey (LTA 1985 Sch 1 para 6). A district judge (magistrates' court), sitting at Highbury Corner Magistrates' Court, held that there was no case to answer. Even if the notice had been served on the company, it had not been served on Mr Mattey. In any event, Mr Mattey was not the landlord and so could not commit an offence under the Schedule. The Divisional Court dismissed an appeal ([2013] EWHC 1851 (Admin), reported in October 2013 *Legal Action* 33).

It was clear that Mr Mattey was not the landlord but only an agent or employee of the landlord. No notice had been served on him. The secretary was not a proper defendant. If any offence had been committed, it was not by him, but by the freehold company. The Divisional Court made an order requiring the payment of £2,000 costs by Ms Riniker. It refused permission to appeal to the Supreme Court.

Ms Riniker sought permission to appeal to the Court of Appeal against the costs order. Permission was refused. The Court of Appeal had no jurisdiction in relation to a costs order made in a criminal appeal by the Divisional Court.

WATER CHARGES

■ Complaint against Hammersmith and Fulham LBC

12 012 460, 14 January 2014

A council tenant in sheltered housing complained about the way the council charged her for water use. In response to the Local Government Ombudsman's enquiries, the council identified that it had overcharged her and other residents for water use by more than £38,000 since 2008. The council had then issued a refund to the tenant and was in the process of issuing refunds to all residents who had been overcharged.

The ombudsman made a series of recommendations designed to stop councils breaching the Water Resale Order.

HOUSING ALLOCATION

■ Doherty, Re Judicial Review

[2014] NIQB 6, 22 January 2014

The applicant was an owner-occupier. She was the witness to a serious crime and gave evidence relating to what she had seen. She was then subject to a campaign of harassment and violence by associates of the accused in and around her home. The Police Service of Northern Ireland (PSNI) was aware of the campaign and recorded many of the more serious incidents. The applicant applied to the Northern Ireland Housing Executive (NIHE) for admission to the Scheme for the Purchase of Evacuated Dwellings (SPED). The NIHE subsequently rehoused the applicant in rented accommodation on the basis of her personal circumstances but refused to purchase her former home at market value under the SPED because the PSNI's chief constable refused to grant an appropriate certificate. The applicant sought judicial review of the PSNI's decision.

Treacy J dismissed the application. Despite the danger posed to the applicant, the decision was not irrational, had been made with regard to all relevant factors, and did not amount to a breach of the applicant's rights under article 8.

HOMELESSNESS

Reviews

■ Mohamoud v Birmingham City Council

[2014] EWCA Civ 227, 7 March 2014

The council accepted that it owed Ms Mohamoud the main housing duty because she was homeless: HA 1996 s193. It told her she would be made only one offer of accommodation but that she could bid under the council's allocation scheme. In due course, the council made an offer which she refused because it was too small and was 'high rise'. The council decided that its duty had ended: HA 1996 s193(7). Ms Mohamoud asked for a review. She explained in submissions in support of the review that English was not her first language, that she had misunderstood the relationship between bidding and offers and that friends had led her to believe she would get a choice of three properties. The reviewing officer upheld the discharge decision. HHJ McKenna dismissed an appeal.

The Court of Appeal allowed a second appeal. The 'new' material put forward in the submissions in support of the review had not been available to, or considered by, the council in making the original decision. That decision was, accordingly, 'deficient' (para 26). The reviewing officer had in those circumstances been obliged to issue a 'minded to' letter and to follow the procedure in Allocation of Housing and Homelessness (Review Procedures) Regulations 1999 SI No 71 reg 8.

Appeals

■ Bhatia Best Ltd v Lord Chancellor

[2014] EWHC 746 (QB), 17 March 2014

The claimant firm of solicitors brought an action under the terms of its contract with the LAA (acting on behalf of the Lord Chancellor). It claimed to be entitled to payments of civil legal aid in respect of its work on county court appeals made against homelessness decisions under HA 1996 Part 7. Payment had been refused on the basis that HA 1996 s204 appeals did not fall within the 'public law' category of contract that the firm held.

The claim failed. Silber J decided that section 204 appeals did not fall within the definition of 'judicial review' in LASPO Act Sch 1 para 19(10) because a county court when hearing such appeals is not 'required by an enactment to make a decision applying the principles that are applied by the court on an application for judicial review'. Legal aid for such appeals was therefore only available from firms with a 'housing law' contract.

Late appeals

■ Poorsalehy v Wandsworth LBC

[2013] EWHC 3687 (QB), 7 November 2013

The appellant's notice of appeal under HA 1996 s204 was filed in the county court one day out of time. The appellant's notice failed to contain an application for an extension of time. Several months later, the day before the appeal was heard, the appellant made a formal application to extend time, supported by a witness statement about why he had been one day late. The court could only give permission for a late appeal if satisfied that there was both a good reason for the failure to bring the appeal in time and for any delay in applying for permission to extend time: HA 1996 s204(2A). The delay in applying for permission was unexplained. HHJ Welchman refused permission to extend time and accordingly the appeal was dismissed.

On an appeal to the High Court against the

refusal to extend time, the appellant said that the delay and the failure to explain it had been his solicitor's fault.

Jay J dismissed the appeal. The establishment of clear blame on the part of the solicitors did not rule out the possibility of concurrent, albeit slightly different, blame on the part of the appellant personally. It must always depend on the particular facts, or, more precisely, all the available evidence, whether 'good reason' has been made out (para 16). In the absence of any evidence before him about the reasons for the lateness of the application to extend time, the decision of the judge could not be characterised as 'wrong' (para 29).

HOUSING AND CHILDREN

Local Government Ombudsman

Complaint

■ Doncaster MBC

13 001 144,
3 March 2014

The complainant, who was aged 17, ran away from her parental home. She applied to the council for help, telling them that she had been subjected to physical and emotional abuse by her father. Acting under Children Act (CA) 1989 s17, the council gave her £50 for travel and told her to go to the council for her home area and seek help there. She felt too scared to return there, and went back to the same council's offices to apply for homelessness assistance under HA 1996 Part 7. The housing staff telephoned social services and were told that the council had no responsibility because she was not 'ordinarily resident' in its area. The housing staff decided to take no further action on the homelessness application. The complainant lodged a complaint with the council about its conduct but the council failed to respond.

The Local Government Ombudsman found multiple failures causing significant injustice and recommended an apology, compensation and a review of the council's protocol for those aged 16–17 in housing need.

■ R (SJ and LJ) v Surrey CC

[2014] EWHC 449 (Admin),
26 February 2014

The claimants sought to establish that they were 'children in need' for the purposes of CA 1989 s17. The council did not accept that they were. A judicial review of its assessments was sought on grounds of *Wednesbury* unreasonableness and apparent bias.

Popplewell J dismissed the claims. No unlawfulness had been established. He said that:

... the defendant's current assessment is that there are no current indications that SJ is unlikely to maintain a reasonable standard of health or development, or that her health or development is being, or is likely to be, significantly impaired without the provision of local authority services. That is a conclusion which the defendant is reasonably entitled to reach on the available evidence of the position today (para 47).

1 Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/300100/cm8845-court-fees-proposals-for-reform.pdf.
2 Available at: www.publications.parliament.uk/pa/cm201314/cmhansrd/cm140227/text/140227w0001.htm#140227105000070.
3 Available at: http://rebuildingshatteredlives.org/wp-content/uploads/2014/03/Rebuilding-Shattered-Lives_Final-Report.pdf.
4 Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/300914/140311_Letter_to_CHOs_with_OPSI_link_to_regs.pdf.
5 Available at: http://wales.gov.uk/docs/desh/consultation/140314-eligibility-regulations-consultation-en.pdf.
6 Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/289183/exceptional-case-funding-statistics-apr-13-dec_13.pdf.
7 Available at: www.oft.gov.uk/shared_oft/market-studies/OFT1524.pdf.
8 Available at: www.parliament.uk/briefing-papers/SN06397.pdf.
9 Available at: www.parliament.uk/briefing-papers/SN06272.pdf.
10 Available at: www.parliament.uk/briefing-papers/SN00648.pdf.
11 Available at: www.parliament.uk/briefing-papers/SN06291.pdf.
12 Available at: www.parliament.uk/briefing-papers/SN01090.pdf.
13 Available at: http://england.shelter.org.uk/__data/assets/pdf_file/0003/774093/2014_6430_04_9_Million_Renters_Policy_Report_Proof_6_opt.pdf.
14 Available at: www.sheltercymru.org.uk/wp-content/uploads/2014/03/Fit-to-rent-Todays-Private-Rented-Sector-in-Wales.pdf.
15 Available at: www.nus.org.uk/Global/Housing%20research%20report%20executive%20summary_web.pdf.
16 Available at: www.publications.parliament.uk/pa/ld201314/ldhansrd/text/140310w0001.htm#14031010000302.
17 Available at: www.publications.parliament.uk/pa/cm201314/cmhansrd/cm140312/debtext/140312-0001.htm#14031264000005.
18 Available at: http://democraticservices.hounslow.gov.uk/(S(4k323145mbtlkkujhe1zfy45))/mgConvert2PDF.aspx?ID=86370.
19 Available at: www.parliament.uk/briefing-papers/SN04634.pdf.
20 Available at: www.parliament.uk/briefing-papers/SN01917.pdf.
21 Available at: www.wlga.gov.uk/download.php?id=5791&l=1.
22 Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/286018/140226_Future_Funding_of_the_Housing_Ombudsman_-_Analysis_of_Consultation_Responses.pdf.
23 Available at: www.parliament.uk/briefing-papers/SN06438.pdf.
24 Jamie Burton, barrister, London.
25 Frances Barratt, solicitor, South West Law, Bristol and Connor Johnston, barrister, London.

Nic Madge is a circuit judge. Jan Luba QC is a barrister at Garden Court Chambers, London. He is also a recorder. The authors are grateful to the colleagues at notes 24 and 25 for transcripts or notes of judgments.