repudiatory breach of the implied term of trust and confidence in constructive dismissal claims. In so doing, it highlights the dangers of a claimant resigning and then relying on proving constructive dismissal.

■ **Claridge v Daler Rowney Ltd**
UKEAT/0188/08,
4 July 2008,
[2008] IRLR 672, EAT

Believing that he had been demoted, Mr Claridge went on to sick leave with depression. A grievance meeting was held in February 2007, at which it was confirmed that he had not been demoted. The meeting concluded on the basis that the matter would be investigated further. In July 2007, Mr Claridge received a letter stating his grievance had been rejected because he had not been demoted. The delay was because Mr Claridge had refused to attend a meeting to be told the grievance outcome until copies of the notes of the grievance meeting had been exchanged as agreed; delays in exchange were caused partly because Mr Claridge's witness was ill and partly because the company wanted to give Mr Claridge the notes at an outcome meeting. Mr Claridge resigned. He claimed constructive dismissal on the ground that his grievance had not been dealt with properly or 'within a reasonable or timely fashion'.

The tribunal rejected his claim. Although it felt the company had acted unreasonably and had failed to take a thoughtful proactive overview of how to solve these matters as a human employment problem, the tribunal could not say that no reasonable employer could have handled the grievance that way. Mr Claridge appealed.

Applying the same principle as in *Abbey National plc v Fairbrother* [2007] IRLR 320, EAT, although on a slightly different analysis, the EAT rejected Mr Claridge's appeal. Where a constructive dismissal claim relies on an employer's breach of trust and confidence, the employer's behaviour must be so bad that it falls outside the band of responses which a reasonable employer might consider appropriate. Although the tribunal was 'personally critical' of the company's handling of the grievance, it did not go that far. The grievance was not heard promptly for a variety of reasons, not all of which were the employer's fault.

1 Practice Direction (Employment Appeal Tribunal – Procedure) 2008 is available at: www.employmentappeals.gov.uk/FormsGuidance/practiceDirection.htm.

2 See the latest version of the Employment Bill at: http://services.parliament.uk/bills/2007-08/employment.html.

Tamara Lewis and Philip Tsamados are solicitors in the employment unit at Central London Law Centre® (CLLC). Readers are invited to send in innovative unreported cases, information on significant cases in which appeals have been lodged and examples of the use of new legislation. Contributions to be included in the update in May 2009 *Legal Action*, may be sent to the authors at CLLC, 19 Whitcomb Street, London WC2H 7HA. Tamara Lewis is the author of *Employment Law: an adviser's handbook*, LAG, 7th edition, 2007, £30.

Recent developments in housing law

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

POLITICS AND LEGISLATION

Housing and Regeneration Act 2008

The government has begun consulting on the introduction of some of the key provisions of the Housing and Regeneration Act 2008. Most importantly:

■ New social housing regulator: on 11 September 2008 the government published *The Cole report: delivering cross-domain regulation for social housing*.[1] The report makes recommendations about the use of regulation-making powers in the Act to extend the role of the new Tenant Services Authority (TSA) to embrace regulation of council housing (as well as housing association stock). In her foreword, the former housing minister, Caroline Flint MP, indicates that the recommendations will be addressed in a housing green paper to be published later this year. The TSA's chairperson, Anthony Mayer, has said that it will make a 'clean break' from the Housing Corporation (its predecessor as regulator of social housing) with a 'much greater and clearer focus on tenants'.[2]

■ Tolerated trespassers: before the provisions of Schedule 11 of the Act are brought into force, the government has invited views about how they should be applied to those who were tolerated trespassers on the dates that their council 'landlords' sold their stock to housing associations. A new consultation paper, asking how the changes might work in these 'successor landlord' cases, invites responses by 19 December 2008.[3]

■ Gypsy and Traveller sites: when s318 of the Act is brought into force, residents of local authority Gypsy caravan sites will gain security of tenure under the Mobile Homes Act 1983. Views about how the changes might best be introduced are invited by 19 December 2008 in a new consultation paper.[4]

■ Local connection: the government's plans for the commencement of s315 of the Act (removing provisions which prevent many service personnel from obtaining a local connection with a housing authority area) are outlined in a new online briefing.[5]

Homelessness

The homelessness statistics for England for the second quarter of 2008 (April to June) were published in September 2008. They show that although applications to local housing authorities fell by two per cent compared with the same quarter in 2007, acceptances were up by two per cent.[6]

The government has announced that it is supporting the 'National GROW Programme' by committing £100,000 pa for the next two years to homelessness charities to help them achieve a target of employing former homeless people in their own organisations: Communities and Local Government (CLG) news release, 11 September 2008.[7]

Housing and migrants

The Chartered Institute of Housing and the Housing Associations' Charitable Trust have jointly launched a website containing information addressing the housing needs of migrants. The site is designed for use both by new migrants themselves and by those advising them.[8]

Housing management

The Housing (Right to Manage) (England) Regulations 2008 SI No 2361 came into force on 1 October 2008.[9] They replace similar regulations made in 1994 and are designed to make it easier for tenant management organisations (TMOs) to take over the management of local authority houses and flats. To accompany the changes the government has issued statutory guidance in *Local choice, local control: statutory guidance on tenant management for local authorities and local authority tenants* (October 2008).[10] A handbook of non-statutory guidance designed for residents thinking of establishing TMOs has also been published: *Residents' choice: guidance on tenant management and other options supported through the tenant empowerment programme* (October 2008).[11]

Housing for students

The Housing (Approval of a Code of Management Practice) (Student Accommodation) (England) Order 2008 SI No 2345 came into force on 1 October 2008.[12] The order approves the *ANUK/Unipol code of standards for larger residential developments for student accommodation managed and controlled by educational establishments*. It replaces a similar code approved in February 2006. The explanatory memorandum to the order attaches a copy of the code.[13] Much student accommodation is in houses in multiple occupation (HMOs), which are often clustered near to university and college buildings. In September 2008, the government published *Evidence gathering – housing in multiple occupation and possible planning responses Final report*, which identifies ways to help councils manage such high concentrations of HMOs in the private rented sector in their areas.[14]

Housing law reform

In its response to the report, *The supply of rented housing*, produced by the House of Commons CLG Committee (see July 2008 *Legal Action* 19), the government sets out the approach it is taking to the Law Commission's report *Renting homes*, on the reforms needed to housing law.[15] It indicates that it is awaiting the report of the independent inquiry into the private rented sector but is in discussions with the commission and will 'formally respond in detail' to the *Renting homes* report in due course.

Local authority housing powers and duties

In *The strategic housing role of local authorities: powers and duties* (September 2008) the government has listed the extensive powers available to local housing authorities to address housing conditions and housing need in their districts across all housing tenures.[16] The tables in the report not only describe the statutory powers but also offer links to the legislative materials and associated statutory (and non-statutory) guidance.

The former housing minister, Caroline Flint MP, told the Labour Party annual conference in September 2008 that the government would be giving greater emphasis to the role of local authorities in housing matters. She said: ' ... we will provide the opportunity for local authorities to access the grants necessary to build again. In the next decade, I want to see local councils once again play a central role, not only building more homes, but providing leadership in meeting the housing needs of their community, across all sectors.'[17]

Housing statistics

The government has produced *Housing in England 2006/07* (September 2008).[18] Using data from the *Survey of English Housing 2006/07*, the report paints a detailed picture of all aspects of housing in England based on information from over 17,000 households. For example, it offers an overview of tenant responses to having been subject to a transfer from a council landlord to a housing association landlord (at pages 116–118).

Resolving housing disputes

The *Dispute resolution toolkit*, produced by Compas@TPAS, is designed to enable social housing landlords and their tenants to avoid disputes and (where they do arise) to resolve them speedily and effectively without recourse to the courts.[19]

Decent Homes Standard for England

The government's target of making every social rented home in England a 'decent home' by 2010 has been contingent on the restructuring of housing finance and housing management. Three routes have been available to council landlords to finance the work of achieving the standard: stock transfer; establishing an arms length management organisation; or adopting a private finance initiative (PFI). The report *The private finance initiative for housing revenue account housing: the pathfinder schemes baseline report* (September 2008) sets out initial progress in seven pathfinder areas in which the PFI route was adopted.[20]

Rent repayment orders

The local authority organisation LACORS has published *Rent repayment orders: a tenant's guide*.[21] The guide explains how tenants can use provisions in the Housing Act (HA) 2004 to secure refunds of up to 12 months' rent where their landlords have failed to obtain licences for accommodation which should have been licensed before letting. Annex 1 to the guide sets out the relevant provisions of the Act.

Mortgage rescue schemes

Homeowners support package. Impact assessments (CLG, September 2008) set out the likely scale and cost of the latest round of mortgage rescue measures.[22] In respect of the three measures aimed at the most vulnerable households, the estimated monetary benefit is £390m if 6,000 households are helped over two years (see October 2008 *Legal Action* 34).

Housing benefit backdating

The maximum period for backdating of a claim for housing benefit was reduced from 52 weeks to six months from 6 October 2008 for working age claimants by the Social Security (Miscellaneous Amendments) (No 4) Regulations 2008 SI No 2424.[23]

Energy certificates

From 1 October 2008, private and social landlords have been obliged to give all new prospective tenants a copy of the up-to-date energy performance certificate for the home they will be renting. There is an official guide to the new regime for tenants.[24]

HUMAN RIGHTS

■ Krestyaninovy v Russia

App No 27049/05,
25 September 2008

Mr Krestyaninov was a victim of Chernobyl. As such, he was entitled to state housing. As no housing had been provided, he sued the Ministry of Construction. On 14 September 2004, the Oktyabrskiy District Court ordered the ministry to provide him and his wife with a decent flat of at least 45.7m^2 and meeting applicable sanitary and technical standards. On 6 October 2004, at his request, the district court changed the method of enforcement to a cash payment. That decision became binding on 4 November 2004. In February 2005, the authorities informed Mr Krestyaninov that to obtain

payment, he needed to negotiate the purchase of a flat. On 7 July 2005, Mr and Mrs Krestyaninovy negotiated the purchase. On 18 July 2005, the authorities paid the flat's price. Mr and Mrs Krestyaninovy complained to the European Court of Human Rights (ECtHR).

The court considered the application under article 6 and article 1 of Protocol No 1 of the European Convention on Human Rights ('the convention'). It reiterated that:

an unreasonably long delay in the enforcement of a binding judgment may breach the convention … To decide if the delay was reasonable, the court will look at how complex the enforcement proceedings were, how the applicant and the authorities behaved, and what the nature of the award was.

In this case, the enforcement of the judgment lasted eight months and 21 days. That period was compatible with the requirements of the convention. There was no violation of article 6 or article 1 of Protocol No 1.

■ Filonenko v Russia

App No 22094/04,
31 July 2008

As a retired serviceman, Mr Filonenko was entitled to a state flat. On 12 May 2003, the Tsentralnyi District Court ordered the Town Council to 'provide the applicant's family of four with a dwelling by way of, among other means, state housing vouchers valid for acquisition and construction of dwellings and financed by the federal budget, and also by way of off-budget financial sources'. The judgment became binding on 23 May 2003. Several times between 2004 and 2006 the Town Council offered Mr Filonenko vouchers. He refused these offers and asked the district court to change the mode of enforcement to a cash payment. In November 2005, the district court refused this request. In August 2007, a bailiff terminated the enforcement proceedings because Mr Filonenko had refused the vouchers. He alleged violations of article 6 and article 1 of Protocol No 1.

The ECtHR found that there was no violation. The court reiterated that an unreasonably long delay in the enforcement of a binding judgment may breach the convention. It noted that the enforcement proceedings in this case lasted four years and two months and that the judgment could never be enforced. Although that period was considerable, it appeared that the delay was caused by Mr Filonenko's opposition to the enforcement. In compliance with the judgment the Town Council offered him housing vouchers several times, but he refused them and instead sought alternative modes of enforcement. In these circumstances, the court saw no fault on the part of the authorities in the non-enforcement of the judgment.

■ Delaney v Belfast Improved Housing Association

[2007] NIQB 55,
29 June 2007

Ms Delaney rented a two-bedroom 'mobility bungalow'. She applied to purchase it under Belfast Improved Housing Association's (BIH's) statutory house sales policy as governed by the Housing (Northern Ireland) Order 1983 NI 15 article 3A. BIH countered that her bungalow was an excluded property under the statutory scheme and that she was not eligible to purchase it on the basis that the BIH would not sell bungalows with two or fewer bedrooms to its tenants.

Ms Delaney sought judicial review on the grounds that:

■ BIH had acted unlawfully in adopting an over-rigid policy not to sell bungalows with two or fewer bedrooms to its tenants irrespective of circumstances;

■ the sales policy of BIH and the sales scheme of the Department of Social Development (DSD) were unreasonable and irrational insofar as they prohibited the sale of bungalows with two or fewer bedrooms; and

■ the decision of the BIH not to sell and those aspects of the house sales policy of the BIH and the DSD prohibiting sales of bungalows with two or fewer bedrooms were an unlawful interference with her rights under article 1 of Protocol No 1 of the convention.

Gillen J dismissed the application. He was satisfied that the legislation operated as a fixed policy wherein BIH had no discretion and properly refused Ms Delaney's request in the context of the statutory obligations. It was 'a case where, policy having been settled, there is neither scope nor need for the exercise of any residual discretion'. The legislation was 'set in the context of housing needs' and '[i]n those circumstances … it is lawful to have a policy without exception'. Furthermore, the DSD 'acted lawfully in refusing to contemplate any flexibility in the application of the scheme … such a policy is [not] over-rigid given the need to protect the housing stock'. With regards to article 1 of Protocol No 1, Ms Delaney never had a right to buy. Gillen J continued:

At most she had a mere hope which was not based on any legal act or legal provision and she had not fulfilled any of the conditions which required to be fulfilled before the right to buy could arise. In my view therefore the house sale scheme did not retrospectively deprive the applicant of any right to purchase, no such right having existed.

Alternatively, having regard to the state's margin of appreciation, he found that:

the protection of the housing stock particularly for the benefit of elderly people in the context of an aging population and in a market of rising property prices is a lawful and legitimate aim. The steps taken constitute a proportionate response to that aim.

CREATION OF TENANCY

■ Mahdi v Al-Habi

[2008] EWHC 2374 (QB),
9 September 2008

In January 2004, the Muslim World League appointed Mr Al-Habi to the position of director of the Muslim World League London Office Trust. He was also appointed trustee of the London Office Trust. He lived with his family in a property provided by the claimants. When his employment was terminated, he was required to vacate the property. However, he continued to hold himself out as a director and to reside in the property. The claimants applied for injunctive relief and a possession order. He defended, arguing that his occupation of the property was by virtue of a tenancy rather than a licence and that the tenancy had not been properly terminated through failure to comply with the tenancy requirements of a notice to quit.

Foskett J ruled that he had no arguable defence to the claim for possession brought against him. He was neither a tenant, a service occupier nor a licensee. A possession order was made.

ASSURED SHORTHOLD TENANCIES

Housing Act 2004: deposits

■ Harvey v Bamforth

Sheffield County Court,
8 August 2008

Mr Bamforth was the assured shorthold tenant of a property owned by Ms Harvey. A deposit was paid to Ms Harvey via her letting agents. The deposit was lodged with The Dispute Service within 14 days of the start of the tenancy. Rent arrears began to accumulate and, in January 2008, possession proceedings were issued. The proceedings were defended on the basis that the prescribed information about the deposit scheme had not been provided (HA 2004 s213(5) and (6)). It was accepted by the landlord that the prescribed information had not been provided within the time specified in s213(5) and (6), but she said that it had been

provided at a later date. Mr Bamforth then made an application for the return of his deposit and for damages of three times the value of the deposit. His application was heard by a deputy district judge who ordered that the deposit be returned under s214(3)(b) and ordered damages of three times the value of the deposit under s214(4). Both sums were set off against agreed rent arrears. Ms Harvey appealed both the order for the return of the deposit and the damages award, arguing that the power to order the return of a deposit and damages under s214(3) and (4) only arose if the court was satisfied that s213(6)(a) had not been satisfied. She said that compliance with s213(6)(b) was irrelevant for these purposes.

HHJ Bullimore accepted this argument and allowed the appeal. In his judgment,

[t]he failure on the landlord's part was not that 'the prescribed information was not given' but that it was not given within the fourteen days. The district judge … took the view that [s213(6)(a) and 213(6)(b)] were so closely connected that they only made sense if they were read together but I think that was an error. I think that the draftsman in dealing with proceedings relating to tenancy deposits in section 214 was very clear in differentiating between the requirements of giving information and giving the information after a specified period.

Accordingly, as the information had been given before the tenant made his application, the application should have failed.

Housing Act 2004: rent repayment orders

■ O'Hagan v Bahi

BIR/44UF/HMA/2007/0001/2, Midland Residential Property Tribunal, 18 September 2007

Mr O'Hagan was one of a number of students who rented rooms in a HMO from 1 September 2006 to 30 June 2007. During that period the students paid £21,200 in rent. The premises should have been licensed under HA 2004 Part 2. Mr Bahi, the landlord, did not apply for a licence until late May 2007. On 7 June 2007, at Stratford Magistrates' Court, he was convicted of offences under s72(1) (having control of or managing HMOs which are required to be licensed under Part 2 of the 2004 Act but are not so licensed). He was fined £1,000. On learning of the conviction, the students applied to the Residential Property Tribunal for a rent repayment order.

The tribunal found that the property was, during the period of the students' occupation, an unlicensed HMO within the meaning of s73 and that it had jurisdiction to make a rent repayment order under s73(5). It found that the rent paid in respect of the unlicensed period from 1 September 2006 to 23 May 2007 inclusive was £18,540. Section 74(5) states that the amount required to be paid by virtue of a rent repayment order under s73(5) is 'such amount as the tribunal considers reasonable in the circumstances'. In view of the reference to 'conduct' in s74(6), the tribunal decided that complaints by the students about their 'poor experience' during the tenancy were a relevant consideration. Mr Bahi was a 'professional' landlord with a residential and commercial property portfolio, valued at approximately £2.5 million. His monthly rental income was approximately £9,600. His 'failure to apply for HMO licences … was significantly closer to "cynical" than "innocent"'. Having regard to these matters and using its judgment about what was reasonable in the circumstances, the tribunal ordered that Mr Bahi repay an amount equivalent to fifty per cent of the relevant payments – ie, £9,270.

Service charges and alleged apparent bias of Leasehold Valuation Tribunal

■ Subramanian v Stadium Housing Association

LON/00AE/LSC/2007/0292, London Leasehold Valuation Tribunal, 29 August 2008

Mr Subramanian was an assured shorthold tenant. He applied for a determination about whether a service charge of £129.72 per week was payable under Landlord and Tenant Act (LTA) 1985 s27A. As a preliminary issue, counsel for the housing association submitted that the chairperson of the Leasehold Valuation Tribunal (LVT) should not hear the application because he was a member of the Housing Law Practitioners Association (HLPA) and the purpose of HLPA 'was to promote the interests of tenants'.

The LVT rejected the submission of apparent bias. It held that counsel had misrepresented the objectives of HLPA. After noting that HLPA's code of conduct binds all members 'strictly to professional behaviour' and that 'some of HLPA's objectives bear a striking similarity to those of some social landlords', the LVT stated that 'it is difficult to see how an ordinary member of the public could perceive a tribunal member as biased when the objectives of an organisation they belong to would be supported by both tenants and landlords'. If counsel's 'submissions had any foundation, no member of HLPA would ever be appointed to a judicial position'.

As to the substantive issue, the LVT noted that there had been no consultation in relation to service charges. 'Few, if any, of the sums included in the breakdown bore any close relation to the cost of providing services.' There had been 'a total failure of financial management'. Stadium had 'extreme difficulty in locating any supporting documents and in the end came up with very few'. It 'had little or no idea of … the actual cost of many of their services'. Although it was contractually obliged to provide a service charge account each year, it 'had not done so for any tenant within the memory of any of those who gave evidence to the tribunal'. Similarly, it had failed to comply with its contractual obligation to give written notice of any change of service charge 'within the memory of any of those who gave evidence to the tribunal'. Some of the terms of the tenancy agreement relating to service charges failed to comply with the Unfair Terms in Consumer Contracts Regulations 1999 SI No 2083. Many items were not payable because they were 'not sufficiently intelligible'. In the absence of documentary evidence to support the service charges, the LVT rejected Stadium's suggestion that it should rely on 'guesstimates'. Subject to one item about which the parties were to agree a figure, the LVT determined a weekly service charge of £42.75 per week.

LONG LEASES

Service charges

■ Barton v Accent Property Solutions Ltd

LRX/22/2008, Lands Tribunal, 17 September 2008

Lessees issued proceedings in a LVT under the LTA 1985 s27A to determine the service charges payable for a property comprising 20 flats. The property had originally been constructed by the freeholder which granted individual leases of each of the flats. However, it had then formed a management company and issued one share to the leaseholder of each flat. The three respondents to the application were the managing agent, the management company, which was the lessees' direct landlord, and the freeholder.

On appeal to the Lands Tribunal, NJ Rose, FRICS held that in the absence of any contractual relationship with individual lessees, the LVT had no jurisdiction to join the managing agent or freeholder to the application.

INFORMATION ABOUT TENANCIES

■ Turcotte v Information Commissioner and Camden LBC

EA/2007/0129,
Information Tribunal,
12 June 2008

As part of his interest in ensuring succession rights for partners on the death of tenants, Mr Turcotte asked Camden LBC for details of all Community Housing Group (CHG) properties in its area. Later, he asked Camden how many tenants were evicted in total in 2000/2003, their names and addresses, the dates of eviction and the reasons for eviction. Purporting to rely on the Freedom of Information Act (FoIA) 2000 s40(3), Camden refused to supply the first tranche of information, saying that the information requested constituted personal data within the definition of the Data Protection Act (DPA) 1998. With regard to the remaining information, it said that it did not hold it and it would not be practical to obtain it. In 2006, Camden supplied Mr Turcotte with a list of CHG properties in Camden, but redacted the list to remove flat and house numbers. It said the redaction was necessary to fulfil the council's obligations under the DPA. Mr Turcotte appealed to the Information Commissioner against the redaction of the address information. The commissioner agreed with Camden's decision to provide only redacted information. Mr Turcotte appealed to the Information Tribunal.

The tribunal dismissed the appeal. The FoIA is concerned with the right to obtain information held by a public authority but it cannot be used to require a public authority to obtain and act on information that it does not hold. Furthermore, the tribunal was satisfied that the Information Commissioner's decision was correct. Revelation by Camden of the information sought by Mr Turcotte would allow identification of a vulnerable group of individuals in breach of FoIA s40 by reference to DPA s1(1).

HOMELESSNESS

Offers of accommodation

■ Lee v Rhondda Cynon Taf CBC

[2008] EWCA Civ 1013,
16 July 2008

Ms Lee was a Gypsy. She unlawfully parked her caravan on the council's Gypsy caravan site. When the council decided to close the site, she applied for homelessness assistance under HA 1996 Part 7. The council accepted that it owed her the main housing duty (HA 1996 s193) and six days later made a final offer of the tenancy of a conventional house. Ms Lee refused the offer and sought a review of its suitability on the grounds that she had a cultural aversion to living in conventional housing. On that review, the council noted Ms Lee's cultural aversion but upheld the offer of conventional housing on the basis that there was no alternative site on which Ms Lee could place her caravan in its borough. An appeal to the county court failed. Ms Lee pursued a second appeal on the ground that the council had failed to consider acquiring a plot of land on which she could place her caravan.

The Court of Appeal dismissed the appeal. Nothing in the homelessness provisions of the HA 1996 imposed a duty (in the absence of unusual circumstances) on a council to acquire a site for a homeless Gypsy. The inevitable time delay involved in identifying land for a new site, obtaining planning permission for it, and then acquiring and laying out the site, suggested that the homelessness provisions – designed to produce speedy decisions – imposed no such duty.

1 Available at: www.communities.gov.uk/documents/housing/pdf/thecolereport.
2 TSA news release, 18 September 2008, available at: www.housingcorp.gov.uk/server/show/ ConWebDoc.14987/changeNav/431/output Format/print.
3 *Tolerated trespassers: successor landlord cases. A consultation paper*, September 2008, is available at: www.communities.gov.uk/documents/housing/pdf/toleratedtrespassersconsult.pdf.
4 *Implementing the Mobile Homes Act 1983 on local authority Gypsy and Traveller sites. Consultation*, September 2008, is available at: www.communities.gov.uk/documents/housing/pdf/implementingmobilehomesact.
5 See: www.communities.gov.uk/housing/supportandadaptations/servicepersonnel/servicepersonnelcommitments/socialhousingaccess/.
6 *Statutory homelessness: 2nd quarter 2008, England. Housing statistical release*, 11 September 2008, is available at: www.communities.gov.uk/documents/corporate/pdf/963626.pdf.
7 Available at: www.communities.gov.uk/news/corporate/964431.
8 See: www.housing-rights.info/.
9 See: www.opsi.gov.uk/si/si2008/pdf/uksi_20082361_en.pdf.
10 Available at: www.communities.gov.uk/documents/housing/pdf/localchoicelocalcontrol.pdf.
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14 Available at: www.communities.gov.uk/documents/planningandbuilding/pdf/evidencegatheringresearch.pdf.
15 *Government response to the Communities and Local Government Committee's report: The supply of rented housing*, Cm 7326, September 2008, p25, available at: www.official-documents.gov.uk/document/cm73/7326/7326.asp.
16 Available at: www.communities.gov.uk/documents/housing/pdf/strategichousingrole.pdf.
17 See: www.labour.org.uk/caroline_flint_speech.
18 Available at: www.communities.gov.uk/documents/corporate/pdf/971061.pdf.
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21 Available at: www.lacors.gov.uk/LACORS/upload/19122.doc.
22 Available at: www.communities.gov.uk/documents/housing/pdf/Homeownerssupportpackage.
23 Available at: www.opsi.gov.uk/si/si2008/pdf/uksi_20082424_en.pdf.
24 *Energy performance certificates (EPCs) and renting homes: a tenant's guide* (CLG, July 2008), is available at: www.communities.gov.uk/documents/planningandbuilding/pdf/925424.pdf.

Nic Madge is a circuit judge. Jan Luba QC is a barrister at Garden Court Chambers, London. He is also a recorder. He was Legal Aid Barrister of the Year 2007.