



GARDEN COURT CHAMBERS

# Tim Baldwin

YEAR OF CALL: 2001



Tim Baldwin is ranked in Chambers UK for Social Housing and Community Care and is also identified as a leading junior in the Legal 500 for Social Housing; Court of Protection and Community Care; and Administrative Law and Human Rights.

Tim is known for his fierce commitment to representing vulnerable, marginalised and disadvantaged clients including Gypsies, Travellers and Asylum Seekers concerning accommodation and support needs. His practice is focused in the Court of Appeal, High Court, and complex cases in the County Courts.

Tim is the co-chair of Housing Law Practitioner Association, is a member of the LAPG advisory panel, is an editor of the Community Care Law Reports and is a representative on the ACO user group. Tim is co-convenor of the Garden Court Chambers Court of Protection Team.

"Tim is a brilliant barrister. He has an unerring ability to spot the best point to argue before the court. His advocacy style is calm and measured."

LEGAL 500, 2024 (ADMINISTRATIVE LAW & HUMAN RIGHTS)

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"Tim has detailed knowledge of all areas of housing law and comes up with the most clever and inspired legal arguments."

LEGAL 500, 2024 (SOCIAL HOUSING)

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"Timothy Baldwin handles complex matters with ease. His advocacy is clear and convincing. He is always quick to provide a response. He is easy to talk to and great with clients."

CHAMBERS UK, 2024 (SOCIAL HOUSING)

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"Timothy Baldwin is an excellent barrister who exudes confidence and provides great guidance in cases. He is very knowledgeable, therefore one is always assured that they are in good hands."

CHAMBERS UK, 2024 (SOCIAL HOUSING)

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"Timothy Baldwin is a very experienced barrister. He has a wide range of legal knowledge, covering housing, public law and community care cases."

CHAMBERS UK, 2024 (SOCIAL HOUSING)

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"Timothy comes up with creative solutions with intangible stuff. He also knows what are good points and bad points, he only takes good points."

CHAMBERS UK, 2024 (COMMUNITY CARE)

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

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## ADMINISTRATIVE AND PUBLIC LAW

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Tim is highly regarded for his social welfare and public and administrative law practice, which includes housing, community care and social welfare, Court of Protection and DOLS, civil liberties, human rights and inquests, planning, general administrative and public law, commercial judicial review and judicial review of regulatory bodies and Ombudsman cases.

He has appeared in a number of reported cases in the Supreme Court, Court of Appeal, High Court, and Upper Tribunals, as well as significant inquests.

## **NOTABLE CASES**

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

### **Supreme Court, Court of Appeal, High Court and Upper Tribunals**

#### ***R (on the application of SO) v Thanet DC* [2023] EWCA Civ 298; [2023] 1 WLR 3462:**

Judicial review in the Court of Appeal concerning a novel point of law concerning the rights of Gypsies and Travellers given permission to camp on local authority land. Reported in Times law reports and article in Solicitor's Journal.

#### ***R (on the application of SO) v Thanet DC (Costs)* [2023] EWCA Civ 526:**

Reported costs decision arising identifying the approach to determination of liability and interim costs orders.

#### ***Jepsen and others v Rakusen* [2023] UKSC 9:**

A test case concerning the protection and enforcement of the rights of vulnerable tenants using Rent Repayment Orders ("RROs") against Rogue Landlords. This concerned a complex analysis of Statutory construction. The Supreme Court has found that "RROs" can only be made against immediate landlords. This departs from tribunal decisions which found that an RRO could be made against a superior landlord as well as an immediate landlord. The Supreme Court considered the statutory scheme may not have worked as intended. This case was followed with interest by landlords using the rent-to-rent model. Following the judgment on instruction by the Department of Levelling up and Communities to assist in instructing Parliamentary Counsel to introduce and amendment into to Renters (Reform) Bill to capture superior landlord under RROs and to increase the period of liability for 2 years thus reversing the effect of the Supreme Court decision.

#### ***Dassy Jones v (1) Welsh Ministers; (2) Rhondda Cynon Taff County BC* (Administrative Court (Planning (Wales))) CO/2809/2023:**

A successful statutory appeal where the rights of the Travellers children were not lawfully balanced against

highway safety issues in planning enforcement proceedings.

***R (on the application of Teresa Maher) v (1) First Tier Tribunal (Mental Health), (2) The Lord Chancellor and (3) Secretary of State for Justice (Defendants) and RWM (Interested Party)* [2023] EWHC 34 (Admin):**

A successful and novel point of law concerning the rights of victims of crime in Mental Health Tribunals. Also reported in the Guardian newspaper.

***R (on the application of EL) v Royal Borough of Kensington and Chelsea* [2022] EWHC 3185 (Admin):**

Defendant had not acted in breach of its allocation scheme or in breach of its duties under the Housing Act 1996 Pt VI after it had failed to secure alternative accommodation for an individual with physical and mental health disorders who had been rehoused under the Grenfell Rehousing Policy after the Grenfell fire caused him to be evacuated from his previous premises.

***A v Secretary of State for Home Department* [2020] EWCA Civ 858:**

A novel successful 2nd appeal challenging the procedural impropriety in deportation proceedings. Also reported in the Telegraph and the Sun newspapers.

***London Borough of Hackney v Okoro* [2020] EWCA Civ 681, [2020] 4 WLR 85:**

A successful novel test case led by Stephen Knafler QC in the Court of Appeal as to whether the stay on possession proceedings under Covid 19 applied to appeals. A complex issue on construction of the stay. Widely reported.

***Burgos and Amayo v Secretary of State for Communities and Local Government and London Borough of Hackney* [2019] EWHC 2792 (Admin):** Challenge to a Compulsory Purchase order to the demolition of Latin Village in Tottenham. Further litigation on the of market licence management led to a collapse of the CPO and an adoption of the community plan.

***UK Oil & Gas Investments Plc & Ors v Persons Unknown Who Are Protestors and others* [2018] EWHC 2252 (Ch):**

One of the junior counsel led by Stephanie Harrison QC represented named Defendants. The transcript is available [here](#). This case was widely reported in the media, including [Drill and Drop](#), ITV news, [BBC news](#) and [Channel 4](#).

***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.

***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.

## COMMUNITY CARE LAW

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**Housing cases where the tenant has mental health issues and specialist community care needs or in complex cases involving welfare benefits**

**Complex cases concerning social care for adults or children**

**Asylum support and care provision for migrants**

**Advice and representation in cases involving persons who lack capacity in all jurisdictions**

### NOTABLE CASES

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

***R (on the application of JG by his litigation friend the Official Solicitor) v Bristol City Council (Defendant) and Secretary of State for the Home Department (Interested Party)***CO/1241/2016 (unreported) 11 August 2016:

A successful judicial review challenge to an age assessment of an unaccompanied minor from abroad. To learn more [click here](#).

***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.

***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. 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.

## COURT OF PROTECTION

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Considerable experience specialising in Court of Protection proceedings concerning health and welfare decisions, accommodation and DOLS issues for applicants and all respondents, including emergency applications and instruction by the Official Solicitor.

Recent cases have concerned disputes over residence, contact and care together with DOLS and court authorisation of deprivation of liberty including damages claims for false imprisonment.

## NOTABLE CASES

**BST (by the official solicitor) v Darlington BC, 2020:** DJ Eldergill consideration of capacity and living in India Concluded

**NF (by the Official Solicitor) v Derby CC. May 2018 – March 2019:** DJ Price. Complex hoarding issues linked to possession proceedings.

**SD v RD (by his litigation friend the Official Solicitor) v London Borough of Redbridge v NHS Redbridge CCG v Care Home Case 1275114T (From 2020 – 2023)** High Court: Mr Justice MacDonald, Mr Justice Hayden and Mr Justice Peel

**Gloucestershire City Council v AB & Anor [2022] EWCOP 42** (03 October 2022) (bailii.org) Before HHJ Hilder

## HOUSING LAW

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**Housing cases where the tenant has mental health issues and specialist community care needs or in complex cases involving welfare benefits**

**Complex cases concerning social care for adults or children**

**Representation of vulnerable tenants in local authority possession proceedings**

**Tenant claims against local authorities and landlords, especially for disrepair and unlawful eviction**

**Homelessness and allocation of social housing**

**Advising on the lawfulness and completeness of schemes for allocation of social housing**

**Regulatory enforcement against landlords**

Tim is an elected member of the [Housing Law Practitioners Association](#) executive and was appointed co-chair in 2024. He was also a member of the HLPAs subcommittee created to assist tenants in the Grenfell Tower tragedy in 2017.

## NOTABLE CASES

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

***Jepsen and others v Rakusen* [2023] UKSC 9:** Atest case concerning the protection and enforcement of the rights of vulnerable tenants using Rent Repayment Orders (“RROs”) against Rogue Landlords. This concerned a complex analysis of Statutory construction. The Supreme Court has found that “RROs” can only be made against immediate landlords. This departs from tribunal decisions which found that an RRO could be made against a superior landlord as well as an immediate landlord. The Supreme Court considered the statutory scheme may not have worked as intended. This case was followed with interest by landlords using the rent-to-rent model. Following the judgment on instruction by the Department of Levelling up and Communities to assist in instructing Parliamentary Counsel to introduce and amendment into to Renters



(Reform) Bill to capture superior landlord under RROs and to increase the period of liability for 2 years thus reversing the effect of the Supreme Court decision.

***R (on the application of EL) v Royal Borough of Kensington and Chelsea [2022] EWHC 3185***

**(Admin):** Defendant had not acted in breach of its allocation scheme or in breach of its duties under the Housing Act 1996 Pt VI after it had failed to secure alternative accommodation for an individual with physical and mental health disorders who had been rehoused under the Grenfell Rehousing Policy after the Grenfell fire caused him to be evacuated from his previous premises.

***London Borough of Hackney v Okoro [2020] EWCA Civ 681, [2020] 4 WLR 85:*** A successful novel test case led by Stephen Knafler QC in the Court of Appeal as to whether the stay on possession proceedings under Covid 19 applied to appeals. A complex issue on construction of the stay.

***Yildez v London Borough of Hackney [2019] EWCA Civ 1331:*** Court of Appeal case concerning succession rights of tenants.

***London Borough of Islington v Dyer [2017] EWCA Civ 150:*** Case defining the requirements of a notice pursuant to s 128 Housing Act 1996 to terminate an introductory tenancy. A [transcript](#) is available and to learn more click [here](#).

***R (Hakima Alemi) v Westminster City Council [2015] EWHC 1765 (Admin):*** was 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.

***R (AM) v London Borough of Havering and London Borough of Tower Hamlets [2015] EWHC 1004 (Admin):*** was 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. It was ruled that the local authority responsible for assessing the needs of children in these cases should be the borough in which the family were actually living, and the local authority responsible for providing housing whilst an assessment of the children's needs takes place, should be the authority that had placed them there. The [transcript](#) has been made available. This case has also been reported in Inside Housing, [Evening Standard](#), and Family Law. The appeal by Havering and Tower Hamlets was dismissed by the Court of Appeal on 17 November 2015 as academic see Legal Action Magazine February 2016 page 45 for the report.

***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:** was led by Stephen Knafler QC. 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.

**County Court: Homelessness Appeals**

***Razzaq Barakate v London Borough of Brent (Appeal County Court at Central London) Case: C40CL187***

Represented the homeless appellant in a unique and novel decision in a successful appeal against a decision by Brent to discharge its duty owed to the appellant under s 193 Housing Act 1996 by providing permanent private rented sector accommodation in Birmingham.

The appellant applied as a homeless family to Brent Council on being made homeless from private rented sector accommodation due to the impact of a housing benefit cap. The appellant's application was accepted and was owed the full housing duty on the 29 July 2014. In consideration of the ruling in *Nzolameso v Westminster* [2015] UKSC 22, together with Guidance and giving judgment, the judge held in respect of grounds 1 and 2 of the Appeal that it is incumbent on a local authority not merely to investigate the particular needs of a family but, where far distant locality would have a considerable impact on the family's medical, educational, employment or social connections, to investigate the likelihood of more suitable accommodation coming available within a reasonable time. See transcript, coverage in Legal Action Magazine (April 2017 p.42) and [Nearly Legal](#) blog.

***S v London Borough of Waltham Forest C40CLO20 (Central London County Court)***

Represented the Appellant. The appellant had left her home due to severe domestic violence which had left her with chronic mental and physical health problems. She had been provided with supported accommodation in a specialist refuge. This was coming to an end and she applied to Waltham Forest as homeless The Judge allowed the appeal.

Waltham Forest had not lawfully applied the test of vulnerability from *Hotak* and had not completed a composite assessment, as it had not taken into account the risks of harm presented to the appellant arising out of the risk of loss of specialist support and accommodation, which rendered the appellant significantly more

vulnerable than an ordinary homeless person of robust health.

Further, while Waltham Forest had accepted the appellant's disabilities had arisen out of domestic violence but had only considered the protected characteristic of disability in their PSED assessment. The assessment had failed to address the protected characteristic of sex which was directly linked to domestic violence, given the judgment of Lady Hale and Lord Neuberger in *Hotak*, such that it could not be said the PSED had been lawfully discharged. See [Nearly Legal](#) blog.

***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. See *Legal Action* magazine report (page 55).

***Konodyba v Royal Borough of Kensington and Chelsea* (Wandsworth County Court):  
8WLo2932**

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 7WIo4442 (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.

**Other County Court Cases of Interest**

***Del Rio Sanchez v Simple Property Management* F010CL101 (2020):** Before HHJ Clarke. Novel case concerning unlawful eviction which identified the legal status of Accommodation clubs and sham letting. See [Nearly Legal](#) blog.

***Strawberry Vale Residents v Peabody Trust* COOCL493 (Central London County Court).**

Test case concerning the liability of Peabody Estate to provide gas services to the tenants, leaseholders and freeholders. Case arose when a gas supply via a network was operated by Peabody who failed to have proper gas safety regulations in place. Originally 5 claimants now subject to a Group Litigation Order application with

an additional 49 claimants.

Unique point of law as to liability of Landlord to operate and supply gas to residents. Also has involved Martin Westgate QC (Doughty Street Chambers) for residents. The case settled in favour of the Claimants with payment of £30,000 of damages and payment of costs. See [Garden Court news article](#).

### ***Assured Property Services v Olatujoye (County Court at Edmonton) Case DooED913***

Represented Defendant tenant. This was an application to set aside a possession order made in respect of an assured shorthold tenancy provided to a homeless application. The possession order was made pursuant to s 21 of the Housing Act 1988. The set aside concerned a unique and novel point of law in respect of the construction of gas safety regulations. Regulation 36(6) of the Gas Safety (Installation and Use) Regulations 1998 require the landlord to give (a) a copy of the gas safety record to each existing tenant of premises to which the record relates within 28 days of the date of the gas safety check; and (b) a copy of the last gas safety record made in respect of each appliance or flue to any new tenant of the premises before the tenant occupies those premises.

In relation to regulation (a) above, regulation 2(2) of the Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015 applied. It was submitted that Regulation 36(6)(b) does apply and is intended to be given to a new tenant before they occupy and is intended to be part of the prescribed requirement. As such if the latest gas certificate was not in fact given to the tenant before they occupied this cannot be rectified later. The regulation as drafted applies to both limbs of regulation 36(6).

## **INQUESTS AND INQUIRIES**

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**Inquests for families of patients who have died in detention, particularly those subject to detention for psychiatric care, or with learning disability**

**Representation for prisoners and others detained by the state in addition to inquests concerning deaths in custody**

### **NOTABLE CASES**

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

**Inquest touching on the death of Robert Edwards (Suffolk Coroner, 2013):** For more information, please see the INQUEST press release.

**Inquest touching on the death of Brian Quaintmere (Southwark Coroner, 2015):** Critical narrative decision of failures concerning death while in psychiatric care.

**Inquest touching on the death of Matthew Westgarth (Doncaster Coroner, 2016):** Critical narrative decision in respect of NHS failures in discharge from psychiatric hospital without a care plan.

**Inquest touching on the death of Brian Hull (Liverpool Coroner, 2016):** Inquest of death in HMP Walton reported in [Liverpool Echo](#), [BBC](#) and on failures identified in PPO report commented on in the [Liverpool Echo](#).

**Inquest touching on the death of Jerome Rogers (Croydon Coroner, 2017):** Inquest of death of young man who took his own life after the visit of bailiff enforcing motoring tickets reported in the [Guardian](#), [Daily Mirror](#), [Daily Mail](#) and Evening, together with a campaign to address suicide amongst young men and has led to a renewed campaign to change the law on bailiff powers and enforcement, see report of 14 March 2017 '[Taking Control](#)' by StepChange Debt Charity.

This was also dramatised by the BBC in the drama *Killed By My Debt*.

**Inquest touching on the death of Maia Schroder-Lewis (Avon Coroner, 2024):** Inquest of Cardiff university medical student in the community. Deceased persons family have expressed disappointment and frustration that it was an uncritical conclusion in relation to the treatment she received from Avon and Wiltshire Mental Health Partnership (AWP), South Western Ambulance Service NHS Foundation Trust (SWASFT) and Montpelier Health Centre. Reported by INQUEST and leading to independent inquiry [Independent inquiry launched into Bristol woman's tragic death - Bristol Live \(bristolpost.co.uk\)](#) and reported in the Times [Cardiff student struggled to get mental health support before suicide \(timeshighereducation.com\)](#)

## MENTAL HEALTH LAW

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**Representing patients at Mental Health Review Tribunals, in judicial review claims, nearest relative displacement applications and unlawful detention claims.**

### NOTABLE CASES

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***R (on the application of Teresa Maher) v (1) First Tier Tribunal (Mental Health), (2) The Lord Chancellor and (3) Secretary of State for Justice (Defendants) and RWM (Interested Party)* [2023] EWHC 34 (Admin)**, Rights of victims of crime in the Mental Health Tribunal.

***R v Aitchison* [2016] EWCA Crim 739:** Represented the appellant in a successful appeal in the Court of Appeal quashing a sentence of Imprisonment for Public Protection (IPP) and substituting it for a hospital order with restriction post *Vowles*. The [transcript](#) of the judgment 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.

***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.

## IMMIGRATION: ASYLUM AND HUMAN RIGHTS

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Complex cases concerning social care for adults or children including age disputes.

Asylum support, accommodation and care provision for migrants

Right to rent and issues associated with housing for migrants and asylum seekers.

### NOTABLE CASES

***A v Secretary of State for Home Department* [2020] EWCA Civ 858;** test case 2nd appeal in the Court of Appeal concerning procedural defects in deportation proceedings.

***R (on the application of MJ) v Secretary of State for the Home Department* CO/4769/2020 High Court in Cardiff:** Represented the Claimant in a judicial review claim where the Claimant was street homeless and destitute and suffering from Post-Traumatic Stress Disorder and was in receipt of special

treatment in Bristol. The Claimant was not an asylum seeker or failed asylum seeker but was a person from abroad. The dispute concerned that despite the Secretary of State accepting the Claimant was entitled to accommodation and support under paragraph 9(3) of schedule 10 of Immigration Act 2016 to prevent a breach of Article 3 of the European Convention of Human Rights the Claimant was left without accommodation and support in Bristol with deteriorating mental health. This is an example of approximately 50 judicial review claims in 2020 – 2021 challenging lack of provision of support to migrants such as in **R (MW) v Secretary of State for the Home Department CO/1083/2020; SXO v SSHD (CO/2915/2021)** and **R (MK) v Secretary of State for Home Department** as described on this web page.

***R (on the application of JG by his litigation friend the Official Solicitor) v Bristol City Council (Defendant) and Secretary of State for the Home Department (Interested Party)***

**CO/1241/2016 (unreported) 11 August 2016:** A successful judicial review challenge to an age assessment of an unaccompanied minor from abroad. To learn more click [here](#).

## PLANNING LAW

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Planning, particularly representing Gypsies and Travellers

Development, particular concerning provision of social and affordable housing

Planning Enforcement against private and social landlords

Environmental cases, disputes over land use, "fracking" and mineral extraction

Pollution, air quality and climate change

## NOTABLE CASES

***Dassy Jones v (1) Welsh Ministers; (2) Rhondda Cynon Taff County BC (Administrative Court (Planning (Wales))) CO/2809/2023:*** A successful statutory appeal where the rights of the Travellers children were not lawfully balanced against highway safety issues in planning enforcement proceedings.

## PROPERTY DISPUTES

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Provides advice and representation in respect of disputes concerning and property including:

Property and use of land disputes including matters before the Land Adjudicator (Property Chamber):

boundary disputes, restrictive covenants, easements, adverse possession, rights to light and others.

Issues for leaseholders: all Leasehold Valuation Tribunal (Property Chamber) disputes (enfranchisement, lease extension, right to manage, and service charge disputes) right to buy and right of first refusal, lease variations.

**Disputes about title to property and other property rights: trusts of land including Trusts of Land and Appointment of Trustees Act 1996, proprietary estoppel and similar claims**

**Commercial landlord and tenant issues: Landlord and Tenant Act 1954 disputes including advising on security of tenure and contracting out, termination and renewal; compensation, alterations and dilapidations, breaches of covenant, rent review assignment, renewals, rent review, and service charges issues, and disclaimer, forfeiture or surrender.**

## PRISONERS' RIGHTS

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Provides advice and representation to prisoners in respect of challenges to parole decisions and adjudications. Civil claims in respect of infringement of prisoner's rights and discrimination claims. Mental health cases involving prisoners.

### NOTABLE CASES

***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.

***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.

## ROMANI GYPSY AND TRAVELLER RIGHTS

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Provides advice and representation in respect of challenges to planning decisions and unauthorised occupation of land. In particular judicial review claims.

### NOTABLE CASES

***R (on the application of SO) v Thanet DC* [2023] EWCA Civ 298; [2023] 1 WLR 3462:** Judicial

review in the Court of Appeal concerning a novel point of law concerning the rights of Gypsies and Travellers



given permission to camp on local authority land. Reported in Times law reports and article in Solicitor's journal.

***R (on the application of SO) v Thanet DC (Costs) [2023] EWCA Civ 526***: Reported costs decision arising identifying the approach to determination of liability and interim costs orders.

***Dassy Jones v (1) Welsh Ministers; (2) Rhondda Cynon Taff County BC (Administrative Court (Planning (Wales))) CO/2809/2023***: A successful statutory appeal where the rights of the Travellers children were not lawfully balanced against highway safety issues in planning enforcement proceedings.

## WELFARE BENEFITS LAW

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Provides advice and representation in respect of judicial review and tribunal challenges to welfare benefits decisions.

## PRO BONO WORK

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Tim is a case reviewer for the Bar Pro Bono Unit for welfare benefits.

Tim has been nominated in the past for pro bono lawyer of the year.

## BACKGROUND

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Before starting practice Tim was a research assistant in the Public Law Team at the Law Commission where he worked on reform of housing and local authority law. Also he worked as a part-time lecturer at King's College London and the University of Westminster Law Schools. Tim worked as an administrator and researcher at the Public Law Project prior to his legal education and training. Prior to his legal career Tim trained and worked as a scientist specialising in molecular biology and brain development. Tim was a Hardwicke, Thomas More and Cassell scholar of Lincoln's Inn.

Tim was born and brought up in Herefordshire with a love of grassroots football and is an avid supporter of Hereford United (now FC) and is convinced the Ronnie Radford goal is the greatest ever scored. He is also known for his strong commitment to teamwork.

## PUBLICATIONS

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Tim is an editor of the *Community Care Law Reports*.

He is an Editor of Atkins Court Forms and Precedents 33 DEEDS AND RECTIFICATION especially on issues of mental capacity.

He is an editor of Halsbury Law on *Prisons and Prisoners*.

A regular case commentator for Lexis Nexis: Property and planning disputes.

Trainer for Lexis Nexis – Webinar training. Recent examples “Residential Property and Covid 19 – tenant’s perspective”, Judicial Review 2023

He has co-authored a number of articles in *Landlord and Tenant Review* and *Legal Action* on evictions and the Localism Act 2011. He co-authored the *Housing Act 2004: A Practical Guide, 2005* and The Anti-social Behaviour Act 2003: A Special Bulletin.

Tim contributed to *Adult Social Care Law* and *Children's Social Care Law*, authored by Stephen Knafler QC and he co-authored with Marc Willers QC '[Discrimination facing Gypsies, Roma and Travellers in the UK today](#)' in the Discrimination Law Association *Briefings (Volume 67)* (2019).

Tim has contributed to articles in LAG magazine including on climate change Environment Law Update (Jul/Aug 2023).

A contributor to *Housing Law handbook: A Practical Guide* for Law Society 2nd Edition 31 August 2020.

*The Covert Human Intelligence Sources (Criminal Conduct) Act 2021 (CHIS Act); May more “spying cops” without proper control* Institute for Advanced Legal Studies blog 21 May 2021.

Tim will be a contributing author to the next edition of Macdonald’s Immigration Law & Practice

Tim is a regular a contributor to the [Garden Court Chambers Social Welfare Updates Blog](#).

## TRAINING AND SEMINARS

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Tim provides seminars and bespoke training to solicitors on the Mental Capacity Act 2005 including Deprivation of Liberty, Care Act 2014, mental health law, treatment in the NHS, community care, welfare

benefits and equality, prison law and Judicial Review.

Tim was an invited speaker at the following conferences with the **Public Law Project** "*How to Make the Perfect Complaint 2012: Complaints and Remedies*" and "*Public Law & Judicial Review North 2012: Challenges to Justice*" in Manchester and listen to the podcast [here](#). In 2013 at "*Public Law and the Tribunals*" and read Tim's conference paper [here](#).

In 2015, with [Felicity Williams](#), at "*Private Law for Public Law Practitioners*" concerning [Ombudsman remedies](#). In 2015 Tim gave a [webinar master class](#) on reform of Judicial Review.

Tim was involved on PLP conference on Artificial Intelligence in 2023.

Tim provides training for HJT training on civil litigation linked to immigration and asylum cases and, for Edge training on Court of Protection issues.

Tim advised MIND as to amendments to the Bill leading to the Care Act 2014 on changes introduced in the House of Lords to section 117 of the Mental Health Act 1983 and on proposed safeguarding provisions when passing through Parliament.

Tim is registered as a pupil supervisor with the Bar Council.

## EDUCATION

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**BSc (Hons) (Biochemistry) ARCS (London)**

**PhD (Neuroscience)(London)**

**LLB (Hons) (London)**

**MA (Medical Law & Ethics) (London)**

## PROFESSIONAL MEMBERSHIP

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**Housing Law Practitioners Association (HLPa)**

**Constitutional and Administrative Law Bar Association (ALBA)**

**South West Administrative Law Association (SWALA)**

**Personal Injury Bar Association (PIBA)**

**Planning and Environmental Bar Association (PEBA) Professional Negligence Bar Association (PNBA)**

**Court of Protection Bar Association (COPPA)**

**Mental Health Lawyers Association (MHLA)**

**UK Constitutional Law Association**

**Liberty**

**Inquest Lawyers Group**

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

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