

# Kelvin Rutledge K.C.

| Door Tenant | Call 1989 | Silk 2013

"Kelvin is the alchemist of legal complexity and dedication – his ability to condense globalised legal complexities into entirely digestible and persuasive nutrition for Judges is exquisite. He is forensic in his approach but entirely approachable" Legal 500

## EXPERTISE

Kelvin Rutledge K.C. is a specialist in local government law. His practice covers most areas of local authority activities but with particular emphasis on housing, adult social care, children's services, land dealings and governance. He regularly represents local authorities in judicial review cases, appeals, civil trials and inquests. He has related expertise in human rights, European and discrimination law and is also a highly experienced and knowledgeable property lawyer. He is mainly based in London, where he is a member of Cornerstone Barristers, but has a strong client base in the North and North East.

Kelvin was appointed Queen's Counsel in 2013. His wide experience as an advocate includes appearances in the UK Supreme Court and the European Court of Justice. Around 100 of his past cases appear in the law reports. He has for a number of years trained students of Middle Temple on 'Appellate Advocacy'.

Kelvin provides advocacy, advisory and drafting services in relation to a wide range of topics including homelessness and housing allocation schemes, care homes, housing finance, elections, land appropriation, leaseholder's rights, ombudsman's complaints, ordinary residence disputes and equality duties. He regularly provides assistance to authorities on matters of policy and public governance. He also appears and advises in related areas of private law.

Common themes running through the directory entries are that Kelvin is a knowledgeable and technically-able lawyer, a tenacious advocate with a friendly and accessible manner, and that clients enjoy working with him. He has a strong work ethic and can be relied upon to meet deadlines.

Kelvin's past cases include some of the leading authorities in his areas of practice. In the adult social care field he represented the successful councils in *Slough BC v M*, in which the House of Lords redefined "care and attention", and in *McDonald v Royal Borough of Kensington & Chelsea*, in which the Supreme Court gave important judgments on resources, human rights and equality duties. His social housing cases include *Hotak v Southwark LBC* (definition of 'vulnerability'), *Runa Begum v Tower Hamlets LBC* (homelessness reviews), and *Kay v Lambeth LBC*, *Powell v Hounslow LBC* and *Hall v Leeds CC* (possession proceedings and human rights), all decisions of the Supreme Court or House of Lords.

## Public Law & Judicial Review



## Expertise

Administrative & Public Law

Social Housing

Regulatory

Civil Liberties & Human Rights

Court of Protection & Adult Care

International & Offshore

## Clerking team



Paul McNab  
Civil & Criminal Silks' Clerk  
0113 3235 955



Steve Walker  
Lead Civil Clerk  
0191 245 9589



Josh Stewart-Tilling  
Lead Employment Clerk & Civil Clerk  
0191 300 9359

Kelvin has substantial experience and tactical knowledge and expertise of judicial review, especially defence work. In particular, he has considerable knowledge and experience of defending decisions to reduce public services: see, for example, *R(McDonald) v Royal Borough of Kensington & Chelsea* in the Supreme Court. Due to careful handling, many of these cases do not go to a full hearing. For disputes concerning the interplay between local government and health services see *R(LB Greenwich) v Secretary of State for Health* [2006] EWHC 2576 (Admin). For claimant work, see *R (Structadene) v LB Hackney* (2001) 82 P. & C.R. 25 (acted for successful claimant against local authority's failure to sell land for best value). For factually sensitive cases see *R(M) v LB Hackney* [2009] EWHC 2255 (Admin) (successfully defended local authority's decision not to rehouse a highly vulnerable individual who was a convicted paedophile). For politically sensitive cases see *Ibrahim v LB Harrow* [2008] 2 C.M.L.R. 30 (housing duties for spouse of EU worker – appeared in ECJ in Luxembourg, subsequent national press coverage), *R(Beale) v LB Camden* [2004] EWHC 6 (Admin) (the "Camden ALMO case") and *Swords v Secretary of State for Communities & Local Government* [2007] EWCA Civ 795 (both high profile challenges to council housing stock transfers).

## Housing

Chambers & Partners recognises that Kelvin Rutledge has a formidable reputation in the social housing sector describing him as "exceptional", "leaves no stone unturned in his preparation." His thorough and detailed approach is complemented by a "wonderfully accessible and friendly manner," which naturally means he is "adored by clients." The Legal 500 describes him as an "outstanding housing lawyer".

Kelvin's experience includes:

- Housing eligibility for EU 15 and A8 nationals including *Ibrahim v Harrow LBC* in the European Court of Justice
- Adult residential care following *Slough BC v M* (in which he appeared for the successful local authority)
- Supporting "looked after" children through tertiary education
- Contracting out housing functions
- Premises closure orders
- Public/private sector housing finance schemes
- Stock transfers
- Public law defences to possession claims post-Doherty
- Tenancy rights of minors

## Health & Social Care

Representing clients in the Administrative Court, Court of Appeal and the Supreme Court in the full spectrum of health and social care matters, including adult and child social care, mental capacity and mental health law.

Acting on behalf of local authorities, healthcare providers, families and individuals.

Instructed on major strategic matters such as budget setting and formulation of policy and procedure, as well as commercially and reputationally sensitive cases including judicial review proceedings.

## MEMBERSHIPS

Administrative Law Bar Association (ALBA)

## LECTURES & SEMINARS

Kelvin is a well-known speaker at both national and regional conferences and training programmes on topics relating to his fields of specialism. He provided national training on the Care Act 2014 and Homelessness Reduction Act 2017.

## PUBLICATIONS

*Inside Housing - Housing associations could be vulnerable to judicial review if they refuse to sell tenants the homes they are living in under the extended Right to Buy* 22nd June 2016

Inside Housing has published an article which considers a legal opinion by Kelvin Rutledge QC and Ashley Bowes. The legal opinion commissioned by Future Housing Review, states that there is no legal barrier to prevent a housing association exempting its entire portfolio under the extended Right to Buy scheme, providing it adopts a policy explaining why the homes should not be sold. The opinion notes that tenants may have grounds to judicially review the decision to exclude their property.

*Message from the Heads of Team...what lies ahead in Housing?* 14th October 2014

*Solicitors Journal - Cracking down on disruption* 30th March 2009  
'Cracking down on disruption: Premises closure orders' for the Solicitor's Journal

*Judicial Review and Support for Persons From Abroad* 1st January 2009  
The Local Government Group's Judicial Review and Support for Persons From Abroad.

*Housing Law; Lime Legal's Allocation & Homelessness* 1st January 2008  
Annual conference: Jordan's Housing Law; Lime Legal's Allocation & Homelessness

*Solicitor's Journal - In Possession, Blogging the Law* 4th August 2006  
Author of 'In Possession, Blogging the Law' for the Solicitor's Journal.

*Journal of Housing Law: Homelessness Law* 1st January 2006  
Author of 'Homelessness Law: Interim Accommodation and the EEA National' for the Journal of Housing Law.

## What Others Say

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"Highly experienced silk with a particular focus on matters concerning local government. He offers respected expertise in a range of cases, such as those involving homelessness allocation schemes and outer borough placements. He also makes frequent appearances before the Court of Appeal and Supreme Court. Rutledge complements his housing expertise with an impressive community care practice, and is able to act in a range of cases where the two spheres intersect. He also regularly provides counsel to local authority clients on issues of policy." "A very fair and thorough advocate." "A real specialist who deals with difficult cases"

**Chambers & Partners 2021**

"Leading silk with a broad community care practice, who is most active representing local authorities. He has appeared at the highest levels of the judicial system including at the Supreme Court and House of Lords." "Extremely knowledgeable and very thorough Community Care"

**Chambers & Partners 2021**

"Kelvin has an encyclopaedic and enviable knowledge of housing law and its inter-relation with other areas of law, including community care and the Court of Protection. These qualities make him an excellent housing lawyer. He is equally an experienced, authoritative and persuasive advocate."

**Legal 500 2021**

"Kelvin is the alchemist of legal complexity and dedication – his ability to condense globalised legal complexities into entirely digestible and persuasive nutrition for Judges is exquisite. He is forensic in his approach but entirely approachable, his legal analysis and application is swoon-inducing and his courtroom skills are a masterclass in advocacy. He is that rare blend of orchestra and conductor all at the same time"

**Legal 500 2021**

"He is very knowledgeable about his subject matter and he always performs."

**Chambers & Partners 2020**

"He has a particular expertise in homelessness law and is, deservedly, a go-to silk for local housing authorities nationwide"

**Legal 500 2020**

"He's a very nice opponent and has very good judgement."

**Chambers & Partners 2020**

"He has a particular expertise in homelessness law and is, deservedly, a go-to silk for local housing authorities nationwide."

**Legal 500 2020**

"Great on the case detail"

**Legal 500 2020**

"Always extremely fair and very well prepared." "He absolutely knows housing law inside out."

**Chambers & Partners 2019**

"A very competent silk." "A go-to for government and local authorities."

**Chambers & Partners 2019**

"He is forensic in his legal approach, yet makes it seem so simple."

**Legal 500 2018**

"Generous with his time and encyclopaedic in his knowledge of housing law through the ages"

**Legal 500 2018**

"He's a die-hard defender in local authority cases, and a solid silk who has lots of public authorities seeking him out"

**Chambers & Partners 2018**

"Blown away by him, one of the most tenacious advocates around"

**Chambers & Partners 2017**

"A tactical opponent who goes in quite hard but also takes a fair and balanced view"

**Chambers & Partners 2017**

"A tough and excellent advocate, who is easy to work with as part of a team"

**Legal 500 2016**

"He's a very succinct advocate who is dogged in his determination"

**Chambers & Partners 2016**

"He should be singled out for his knowledge of eligibility issues and matters related to EU law"

**Chambers & Partners 2016**

"Very knowledgeable on all aspects of homelessness law"

**Legal 500 2015**

## Notable Cases

### Public Law & Judicial Review

*R (Redcar & Cleveland BC v Secretary of State for Business Enterprise & Regulatory Reform*, HC (offshore wind farm)

*Stanley v Ealing LBC*, CA (house in multiple occupation, conversion of single dwelling into self-contained flats)

*Rogers v Islington LBC*, CA (basic definition of house in multiple occupation)

*Jones v Tower Hamlets LBC*, CA (copyright, design of social housing estate)

*R v Hackney LBC ex p Structadene*, HC (sale of commercial land, meaning of "disposal")

### Homelessness & allocations

*R (M) v Hackney LBC*, HC (transfer application; protection of the public overrides personal need)

*Alam v Tower Hamlets LBC*, HC (reasonable preference for the statutory homeless)

*R(Swords) v Secretary of State for the Communities & Local Government & Tower Hamlets LBC*, CA (stock transfer)

*Cramp v Hastings BC / Phillips v Camden LBC*, CA (homelessness inquiries, second appeals)

*Tower Hamlets LBC v Rikha Begum*, CA (repeat applications)

*Osmani v Harrow LBC*, HL (former asylum-seekers, Government's dispersal policy, local connection, meaning of 'own choice')

*Runa Begum v Tower Hamlets LBC*, HL (homelessness, statutory reviews, compatibility with ECHR Art 6)

*R v Camden LBC ex p Pereira*, CA (definition of "vulnerability")

*Ealing LBC v Surdonja*, CA (definition of local connection)

*O'Rourke v Camden LBC*, HL (availability of damages for breach of statutory duty)

## Housing eligibility

*Konodyba v Kensington & Chelsea RLBC*, CA (A8 national; derogation from EC Treaty)

*Ehiabor v Kensington & Chelsea RLBC*, CA (eligibility of child born in the UK who was not a British citizen)

*Harrow LBC v Ibrahim*, CA/ECJ (EU15 national exercising "Baumbast" rights of residence in the UK)

*Putans v Tower Hamlets LBC*, HC (eligibility, A8 national, free-movement rights, compatibility with EU law of regulations restricting definition of 'worker')

*Mohamed v Harrow LBC*, HC (eligibility, EU15 national, meaning of 'work-seeker', discrimination)

## Community care

*R (McDonald) v Royal Borough of Kensington & Chelsea*, CA (domiciliary care, human rights. Local authority entitled to meet assessed need in most economical manner)

*R (Z) v London Borough of Hillingdon*, HC (blind asylum-seeker, need for care and attention)

*R (JL) v London Borough of Islington*, HC (respite care, eligibility criteria for children's services)

*R v Slough Borough Council ex p M*, HL (definition of "care and attention"; HIV, asylum-seekers)

*R (Greenwich LBC) v SSH & Bexley Council*, HC (responsibility for residential care costs of local authority in whose area applicant ordinarily resided before she became a person in need of care and attention)

*Islington LBC v UCHL NHS Trust*, (availability of damages against tortfeasor by social services authority providing residential care to victim)

*R (Gjini) v Islington LBC*, CA (asylum support by local authority, lawfulness / rationality of payments made)

*Hackney v Satu*, CA (asylum support by local authority, whether authorities were obliged to pay the same rates as NASS)

*R v Newham LBC ex p Gorenkin*, HC (asylum support)

## Secure tenancies

*Alexander-David v Hammersmith & Fulham LBC*, CA (grant of tenancy to 16/17 year olds)

*Bristol CC v Hassan & Glastonbury*, CA (suspended possession orders, appropriateness of prescribed form)

*Kay v Lambeth LBC*, HL ("short-life" housing scheme; rights of sub-tenants; ECHR Art 8 rights)

*Tower Hamlets LBC v Rahanara Begum*, CA (possession proceedings, human rights, public law defences)

*R (Beale & Carty) v Camden LBC*, HC (transfer of management to an ALMO, tenant consultation)

*R v Brent LBC ex p Morris & Walters*, CA (demolition of housing estate, tenant consultation)

*Kingston-Upon-Thames RLBC v Prince*, CA (minor's rights of succession to tenancy)

## Powers & duties of local authorities

*R (Redcar & Cleveland BC v Secretary of State for Business Enterprise & Regulatory Reform*, HC (offshore wind farm)

*Stanley v Ealing LBC*, CA (house in multiple occupation, conversion of single dwelling into self-contained flats)

*Rogers v Islington LBC*, CA (basic definition of house in multiple occupation)

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