



Alice Richardson

Call: 2013
Specialisms: Administrative and
Public, Chancery, Licensing,
Mental Health, Regulatory

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Alice Richardson

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Alice specialises in housing, property and public law. She has a particular interest in cases involving discrimination under the Equality Act 2010, human rights and capacity issues. She has appeared in courts and tribunals at all levels including the Court of Appeal and Supreme Court. Prior to coming to the Bar, Alice worked as a housing advisor for three years. She undertook pupillage, and began her practice, at a leading specialist set of Chambers in London before relocating to the North-East. Alice was appointed to the Attorney General's regional panel of counsel in 2018.

SPE

HOUSING

CIALISMS<

Homelessness

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Alice's practice covers all aspects of housing litigation including possession, homelessness, allocations, anti-social behaviour, tenancy deposits, unlawful eviction, disrepair, succession and assignment.

Alice is particularly interested in homelessness matters and has appeared in appeals under s.204-204A Housing Act 1996 and claims for Judicial Review.

She recently successfully represented the Claimant in a judicial review of a local authority's revocation of a decision made under Part 7, Housing Act 1996. Alice appeared alone in the High Court (R (Sambotin) v Brent LBC [2017] EWHC 1190 (Admin), [2017] PTSR 1154, [2017] HLR 31) and was led in the Court of Appeal (R (Sambotin) v Brent LBC [2018] EWCA Civ 1826).

During pupillage, she assisted on a number of homelessness matters in the High Court and Court of Appeal including Firoozmand v Lambeth LBC [2015] EWCA Civ 952; [2016] PTSR 65; [2015] HLR 45.

Possession

Alice acts for both landlords and tenants in possession cases and has a particular interest in cases involving the Equality Act 2010, human rights and public law defences.

She recently successfully represented a tenant in an appeal against a District Judge's decision to strike out a defence brought under the Equality Act 2010. In another case Alice successfully represented an Introductory Tenant in a possession claim defended on public law grounds.

She is also interested in 'technical defences' particularly those concerning s.21 notices. She recently appeared in an appeal concerning the validity of a s.21 notice where a landlord had not served an EPC certificate on a tenant in shared accommodation.

Anti-Social Behaviour

Alice also has significant experience in matters concerning anti-social behaviour and community safety. She is interested in the use of civil remedies in tackling community safety issues such as domestic violence and gang-related problems.



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Alice was junior counsel in the case of Birmingham City Council v Jerome Jones & 17 others (Birmingham County Court, ex tempore judgment, 12th July 2017) successfully representing the applicant in the largest ever gang-injunction application.

Alice was also junior counsel on behalf of the local authority, in Christie v Birmingham City Council [2016] EWCA Civ 1339 in which the Court of Appeal considered the lawfulness of a suspended sentence for breach of a gang injunction.

Licensing & Regulatory

Alice has advised and represented clients in matters involving:

- Tenancy deposit protection
- Social housing fraud
- The Environmental Protection Act 1990
- Rent Repayment Orders
- Closure Orders
- Public Space Protection Orders
- HMO licensing
- Council Tax and Business Rates.

She has particular experience advising on licensing schemes under the Housing Act 2004.

Alice also represents both landlords and local authorities in prosecutions under the Housing Act 2004. In Mirza (1) City Based Lettings Limited (2) v Newcastle City Council, Newcastle Crown Court, 8th June 2018, she successfully represented a landlord in an appeal against a conviction for failing to license a HMO.

Public Law & Local Government

Alice has a growing public law practise covering a wide-range of areas. In addition to housing and homelessness matters her practise covers social welfare law, community care, environmental law and prison law. She is regularly instructed in claims involving human rights.

Local Government

Alice has advised on council tax reduction schemes, social housing fraud and the right to buy as well as housing policy and procedure. She was recently instructed in a Judicial Review of a decision made under a local authority's introductory tenancy scheme and during pupillage she assisted in R (Regas) v Enfield LBC [2014] EWHC 4173 (Admin); [2015] HLR 14, a successful judicial review challenging a local authority's additional and selective licensing schemes.

Social Welfare

Alice has appeared in both the First Tier Tribunal and the Upper Tribunal in appeals concerning social security benefits. She has been instructed in a wide range of matters including disputes concerning housing benefit and the 'bedroom tax', challenges involving the 'right to reside' and complex claims concerning disability benefits.

Alice appeared in the Upper Tribunal in KD v SSWP, CJS/1156/2018 which concerned the test for "genuine and effective work". UT Judge Ward praised both advocate's "measured and thoughtful questioning and submissions".

Community Care

Alice is also instructed in community care matters, primarily those that involve those facing homelessness or living in unsuitable accommodation. She has been instructed in judicial review proceedings concerning the provision of accommodation under the Children Act 1989 and the Care Act 2014.

Prison Law

Alice has been instructed in a wide range of claims brought by prisoners predominantly in relation to alleged breaches of the Human Rights Act 1998 or the Equality Act 2010.

Business & Property

Alice's practice also covers traditional chancery work and she has particular experience of TOLATA claims, dilapidations, disrepair, possession and related disputes including breach of covenant, forfeiture and relief.



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Alice was junior counsel for the Residential Landlord's Association ("RLA") in the Supreme Court case of *McDonald v McDonald* [2016] UKSC 28; [2017] AC 273; [2016] 3 WLR 45; [2017] 1 All ER 961; [2016] HRLR 18; [2017] BPIR 728; [2016] HLR 28; [2017] L & TR 9; [2016] 2 P & CR.DG 22; Times, June 29, 2016. The RLA intervened by way of written submissions on the applicability of an Article 8 defence in possession proceedings brought by a private landlord.

She accepts instructions in leasehold disputes including service charges, property management and enfranchisement.

Court of Protection

CASES

Alice has a developing Court of Protection practice and is regularly instructed in matters concerning both Property and Affairs and Health and Welfare Matters. She has been instructed by local authorities, professional deputies and on behalf of the Official Solicitor.

Recent cases include: appearing on behalf of a professional deputy seeking authority to litigate following defective works undertaken to a patient's property; advising on injunctive relief where a patient was a victim of anti-social behaviour; acting for a local authority seeking a deprivation of liberty and acting in a trial where lack of capacity was in dispute.

She is also regularly instructed in County Court matters in proceedings involving parties lacking capacity particularly those which arise in the context of housing and homelessness.

KD v SSWP, CJS/1156/2018 (Upper Tribunal, Administrative Appeals Chamber) - represented the Secretary of State in this appeal concerning the test for "genuine and effective work" in relation to an EU citizen's right to reside in the UK. The judge praised Alice's "measured and thoughtful questioning and submissions". *R (Sambotin) v Brent LBC* [2018] EWCA Civ 1826 (junior counsel) – successfully defeated the local authority's appeal to the Court of Appeal. The authority were not entitled to 'revise' their positive decision on Mr Sambotin's homelessness application notwithstanding the fact that a local connection referral was outstanding. *Mirza (1) City Based Lettings Limited (2) v Newcastle City Council*, Newcastle Crown Court, HHJ Gittins, 8th June 2018 – successful appeal against conviction under s.72(1) Housing Act 2004 on the basis of abuse of process. *Birmingham City Council v Jerome Jones & 17 Others*, Birmingham County Court, 12th July 2017 (junior counsel) - successfully represented the applicant in the largest ever gang-injunction application. *R (Sambotin) v Brent LBC* [2017] EWHC 1190 (Admin); [2017] HLR 31 – successfully represented the claimant in a judicial review of a local authority's decision to revoke a decision made under Part 7, Housing Act 1996. *Christie v Birmingham CC* [2016] EWCA Civ 1339 (junior counsel) – successfully opposed an appeal to the Court of Appeal on the lawfulness of a suspended sentence for breach of a gang injunction. *McDonald v McDonald* [2016] UKSC 28; [2017] AC 273; [2016] 3 WLR 45; [2017] 1 All ER 961; [2016] HRLR 18; [2017] BPIR 728; [2016] HLR 28; [2017] L & TR 9; [2016] 2 P & CR.DG 22; Times, June 29, 2016. (junior counsel) – successfully acted for the RLA, an intervener by way of written submissions, in the Supreme Court on the applicability of an Article 8 defence in possession proceedings brought by a private landlord. *Firoozmand v Lambeth LBC* [2015] EWCA Civ 952; [2016] PTSR 65; [2015] HLR 45 (assisted as a pupil) - an appeal to the Court of Appeal on local authorities' duties when a homeless applicant complains about the suitability of accommodation. *R (Regas) v Enfield LBC* [2014] EWHC 4173 (Admin); [2015] HLR 14 (assisted as a pupil) a – a successful judicial review challenging a local authority's additional and selective licensing schemes under the Housing Act 2004.



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APPOINTMENTS

Attorney General's Regional Panel of Counsel (2018)

PUBLICATIONS

Case summariser, Lime Legal, "Housing Law Week" (available here)

Regular contributor, Legal Action Group, Housing Law Blog (available here)

Conviction for managing an unlicensed HMO quashed on appeal: an application must be decided before instigating a prosecution, LondonPropertyLicensing.co.uk, 19th July 2018 (available here)

The right to rent and local authorities' duties (R v Milton Keynes Council), Lexis PSL, 19th January 2018 (available here)

Selective Licensing & Company Directors, Local Government Lawyer, 19th January 2018 (available here)

Securing gang injunctions, Local Government Lawyer, 7th September 2017 (available here).

Revisiting decisions on eligibility for homelessness assistance, Local Government Lawyer, 9th June 2017 (available here).

Proportionality and Private Landlords, Solicitor's Journal 2016, 160(36) Supp (Bar Focus), 24-27.

Ali v United Kingdom: Homelessness Appeals and the Right to a Fair Trial, Journal of Housing Law 2016, Vol.19(2), 38-42.

Alice is a regular contributor to the Legal Action Group Housing Law Blog (available here). Blog posts include:

Bedroom Tax: Round 2, 7 May 2017

Joined up thinking, 13 April 2017

Showing your workings, 2 February 2017

Alice regularly summarises cases for Lime Legal's "Housing Law Week" (available here).

MEMBERSHIPS

Social Housing Law Association

Property Bar Association

Constitutional & Administrative Law Bar Association

Housing Law Practitioners' Association

EDUCATION & AWARDS

Sir Joseph Priestly Scholarship 2013- The Honourable Society of the Inner Temple

Internship Award 2013- The Honourable Society of the Inner Temple

Duke of Edinburgh Scholarship 2012 - The Honourable Society of the Inner Temple

Exhibition Award (BPTC) 2012- The Honourable Society of the Inner Temple



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2011-2013 Bar Professional Training Course (Part-time) "Very Competent", College of Law, London Bloomsbury

2007-2010 LLB (Hons) 2.1, The University of Newcastle-upon-Tyne

ADDITIONAL INFORMATION

Alice is available to deliver CPD training to solicitors, advisors and clients across her specialist areas.

She is also qualified to accept instructions directly from the members of the public through the Direct Access scheme.

Alice undertook a four-month internship with Reprieve working pro-bono on death penalty cases at a Texas law office prior to commencing pupillage. She continues to undertake pro-bono work including through the Bar Pro Bono Unit.

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