



Public Sector Legal News Update

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05 July 2016

Cases

LANDLORD AND TENANT

Willow Court Management Co v Alexander. [2016] UKUT 290 (LC). Upper Tribunal (Lands Chamber) (UT (Lands)). Siobhan McGrath; Martin Rodger QC. June 21, 2016

When The Upper Tribunal gave guidance on the procedure and three-stage analysis to apply when the First-tier Tribunal was considering making a costs order under the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 r.13(1)(b) on account of a party's alleged unreasonable behaviour in bringing, defending or conducting proceedings.

Appeals allowed

Legislation

ELECTORAL PROCESS

Local Government Elections (Referendum) Bill 2016 (HL Bill 46)

A Bill to make provision about the holding of referenda in relation to voting systems in local government elections.

[Read full text here](#)

Lords 1st Reading: 13/6/2016

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Regulatory Development

PLANNING

CIL appeal decision: Change of use from sui generis to dwelling. By Valuation Office Agency. 17 June 2016

Community Infrastructure Levy (CIL) appeal decision notices are to be published in an anonymous form by the Valuation Office Agency in order that precedents can be understood and learnt from more widely. An example of an anonymous redacted report is attached to the press release.

[Read full text here](#)

News

LANDLORD AND TENANT

Class action claim against letting agent fees. *Guardian*, 25 June 2016 (Online edition). By Patrick Collinson.

Letting agents Foxtons is facing an £80 million class action claim that if successful could require the agency to pay back fees and charges to every tenant who had rented a property from them. CaseHub, the law firm behind the class action, has obtained legal opinions from barristers that Foxtons' fees could be illegal under the Unfair Terms in Consumer Contracts Regulations 1999, and the Consumer Rights Act 2015.

Legislation referred: Unfair Terms in Consumer Contracts Regulations 1999 (SI 1999/2083); Consumer Rights Act 2015

Legislation referred: CaseHub; Foxtons

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Further Reading

HOUSING

Housing: recent developments. *Legal Action 2016, Jun, 39-42.* By Jan Luba; Nic Madge.

Highlights legal developments relating to housing, covering: (1) policy and legislative developments including on homelessness, legal aid for housing in the Home Counties, right to buy, welfare reform and social housing; and (2) cases, including on under-occupation, deposits, contempt, housing allocation, homelessness, and local authorities' end of housing duty.

Cases referred: *Ivanova v Bulgaria* (46577/15)~ unreported 21 April 2016 (ECHR); *R. (on the application of H) v Ealing LBC*~ [2016] EWHC 841 (Admin); [2016] H.L.R. 20 (QBD (Admin)); *R. (on the application of Sediqi) v Bournemouth BC*~ [2016] EWHC 699 (Admin) (QBD (Admin))