Housing Law Practitioners' Association

Minutes of the Meeting held on 18 November 2015
University of Westminster

Defending Possession Claims

Speakers: **District Judge Tracey Bloom**
John Gallagher, Principal Solicitor, Shelter

Chair: **Sara Stevens, Anthony Gold Solicitors**

Chair: Good evening, I am Sarah Stevens from Anthony Gold Solicitors and HLPA Executive. Firstly, could I ask if there are any amendments to the minutes of the last meeting? If not, I will introduce our speakers. We have District Judge Tracey Bloom who was a very successful housing barrister at Doughty Street before becoming a full time judge last year, and we have John Gallagher who is the principal solicitor at Shelter and has been a member of the Executive Committee for a number of years

John Gallagher: Good evening. I will be talking about some of the main developments in case law over the past twelve months or so. In fact, it may seem to be more of a homelessness update because by far the most important developments have taken place, at least in case law, in **homelessness** over the past year. There have been three Supreme Court decisions, as I'm sure you know, although we do have a sprinkling of **possession** cases which I'll deal with at the start. I won't deal with the **vulnerability** cases, *Hotak v Southwark LBC; Johnson v Solihull MBC; and Kanu v LB Southwark* because we had a special meeting on that in May, so although the notes do contain details of those cases I will not cover them in the talk.

The first case is *Wandsworth LBC v Tompkins*. This was an unfortunate catalogue of errors in the part of Wandsworth Council because Mr and Mrs Tompkins were homeless applicants who were placed in temporary accommodation under the section 188 duty and then they were asked to report to Wandsworth's offices to sign up for self-contained alternative temporary accommodation. The Housing Officer pulled out the Temporary Accommodation Agreement for them to sign, but unfortunately it was headed `Agreement for Introductory Tenancy', which would have been a nice bonus for the Tompkins, although I'm not sure they appreciated it at the time. So the Council gave them an Introductory Tenancy Agreement to sign in error, and then of course realised their mistake but did not really know what to do about it, so they made a virtue out of necessity and served a Notice to terminate the supposed Introductory Tenancy. They then managed to start possession proceedings one day after the fixed term ended, so that didn't really work for them either. So they amended their Particulars of Claim and relied instead on an argument that the tenancy was granted in the course of homelessness duties and it couldn't be a secure tenancy unless the Council referred specifically to the fact that the tenancy was to be regarded as secure, under the exclusion in paragraph 4 in Schedule 1 of the 1985 Act. If it couldn't be *secure* then by extension it couldn't be *introductory* either. The Court of Appeal, sadly for the Tompkins, agreed and said what was important was actually the function under which the Council granted the tenancy. The function was the s.188 function of providing interim accommodation, and that brought the tenancy within the area of the exception in paragraph 4 of

Schedule 1. The wording in the agreement itself was not enough to constitute a Notice under Paragraph 4 that the tenancy was to be regarded as a secure tenancy: it was purely a notification to the tenant about the implications of a secure tenancy, which is similar in content, but is not actually a notification. But I think the argument about function would have won out in any event. So, sadly for the Tompkins, they came out only with a Temporary Accommodation Agreement at the end of all that.

Our second case is the very important case of *Akerman-Livingstone v Aster Communities Ltd*. In fact we did cover this in our Equality Act session in January but at that stage the case had only reached the Court of Appeal and things were very different from what they are now. So just to remind you about the facts, Mr Akerman-Livingstone suffered from Severe Distress Disorder and he applied as homeless to Mendip District Council, who arranged for temporary accommodation to be provided to him by Aster Communities Ltd, which is quite a major social landlord in the West Country. But he refused an offer of accommodation which Mendip considered suitable - in fact he actually refused eleven offers that Mendip considered suitable, but that was part of his mental illness that he couldn't tolerate change of any kind unless it was managed very carefully. The Council in the end discharged their duty and Aster claimed possession of the temporary accommodation. He filed a defence under section 15 of the Equality Act on the basis that to evict him would amount to discrimination under s.15, which of course is about treating a disabled person unfavourably because of something arising in consequence of their disability - that very general instance of disability discrimination in the Equality Act that doesn't require any comparator. However, when the case came before the Judge at Bristol County Court he said essentially that the defence relied on issues of proportionality and therefore the same criteria must be applied as are applied to Article 8 cases. So he was looking for a `seriously arguable' defence. He did not consider that this defence was seriously arguable, and so he granted possession.

The Court of Appeal dismissed Mr Akerman-Livingstone's appeal and upheld the Judge's decision on the basis that the approach to proportionality adopted in the cases of *Manchester CC v Pinnock* and *Hounslow LBC v Powell* was equally applicable to the Equality Act defence - they both involved the balancing of individual rights against those of the wider community. There was no question that Aster were acting in pursuance of a legitimate aim, that is, to provide temporary accommodation for another homeless applicant. But of course that is not the end of the matter, because Mr Akerman-Livingstone then appealed to the Supreme Court.

The judgments in the Supreme Court from Lady Hale, Lord Neuberger and Lord Wilson are well worth reading, as they treat in some detail the purposes of the Equality Act defence and how it should be dealt with by the courts. The judges were agreed that **disability discrimination** cases are not to be treated in the same way as **human rights** cases at the initial hearing. The disabled tenant has to be given the chance to put his or her case fully. Lord Neuberger did say that clearly if there is manifestly no foundation for a defence then it can be dismissed at the first hearing but otherwise it should be heard. Lady Hale said that Parliament had provided for disabled people to have rights in respect of the accommodation which they occupy which are "different from and extra to" the rights of non-disabled people. And the approach that the court advocated is the structured approach derived from European legislation which requires considering the following four stages in order:

- The landlord's aims in taking steps to evict the occupiers;
- Whether there is a rational link between those aims and the proposed eviction;

Now, with a social landlord there will normally be no problem in satisfying those first two limbs of the test, but the real issues will come with the third and fourth:

- Whether evicting the occupier is no more than is necessary to achieve that aim - in other words is there any other measure short of eviction that would satisfy the landlord's objectives?
- The general proportionality test - whether eviction would strike a fair balance between the landlord's aims and the disadvantages to the disabled person.

So, a really good formulation of the approach to disability discrimination defences. Unfortunately for Mr Akerman-Livingstone that didn't lead to a positive decision in his case. There is an excellent analysis of the background to his case by Lord Wilson, but the conclusion was that his eviction was more or less inevitable and that it would strike a fair balance between Aster's objectives and the disadvantages to him. So sadly after his journey to the Supreme Court it didn't actually benefit him personally in the end.

Moving on to the next of our **possession** cases. This is the case of *Spielplatz Ltd v Pearson* where Mr and Mrs Pearson were tenants of a plot in what *Legal Action* coyly refers to as "a woodland naturist resort near St Albans". Mr Pearson took a tenancy of a plot in 1992, and bought the chalet stationed on the plot from the previous occupier. The chalet was intended to be permanent. It couldn't be moved without being dismantled. The Pearsons put breeze blocks around it, and virtually rebuilt it at a cost of £100,000, and it was clearly too fixed to be moved without being destroyed. So it had ceased to be –a mobile home. The freeholder nevertheless regarded the Pearsons still as tenants, or licensees, of the plot, and served Notice to Quit.

Of course the Pearsons regarded themselves as still the owners of the chalet. But if they were the owners of it, there would have been no way in which he would have any security on the site. The only way in which they would have some form of security was to argue that they had an assured tenancy, and this depended on an argument that the chalet had become annexed to the land and therefore become a dwelling house. But as a result of that the home would of course then belong to the freeholder. But that in fact was what the court decided - that this was in fact an assured tenancy. It was let as a separate dwelling, held by Mr and Mrs Pearson on an assured tenancy. It was irrelevant that both the site owner and the Pearsons believed that the occupiers owned the chalet. It's a somewhat strange outcome, needless to say. Not only because that's not what the Persons intended when the purchased the chalet, but also of course it would have been much worse for them if they'd moved in after 1997 because in that case they would have had a tenancy but it would have been an assured shorthold tenancy, and that's all the Pearsons would have got for their original investment and their £100,000. At least they have some security as things stand, albeit at a market rent. Bearing in mind the nature of the site, the distinguished authors of Recent Developments in Housing Law have a bit of fun with this in their summary in *Legal Action*. They say: "The Court of Appeal also rejected an argument that the Pearsons were bare licensees." Moving on to **homelessness** later on in the notes, we have *Waltham Forest LBC v Hussain* which is a case in which Mrs Hussain suffered persistent racial harassment from a neighbour and she applied as homeless to the Council. In the *Hussain* case, as we know under s.177 it is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to domestic violence or other violence. Now the situation with the Hussains was that they had had to endure intolerable abuse from the neighbours, but it hadn't got to the stage of either physical violence or threatened violence. You will recall a case called *Yemshaw v Hounslow LBC* from a couple of years ago where in the context of domestic violence the Supreme Court held that violence extended to psychological and emotional abuse. But in *Hussain*, the Council said that *Yemshaw* was only about domestic violence, not about violence from outside the home. So, they said, where harassment is occurring outside the home, we apply a narrower test of actual or threatened physical injury and so we don't accept that you are homeless.

Mrs Hussains's appeal to the County Court succeeded and the Council then appealed to the Court of Appeal. The Court of Appeal agreed with the County Court judge, and held that violence must have a single meaning. There can't be a different meaning for domestic violence and violence outside the home. "Other violence" therefore covered not only physical violence, but other threatening or intimidating behaviour or abuse, if it was of such seriousness as to give rise to psychological harm. Now that aspect of psychological harm is something of an additional gloss that didn't appear in *Yemshaw*. The Court of Appeal seemed to recognise this and asked themselves why are we saying that it is necessary to show psychological harm. In answer to their own question, they said that psychological harm is not strictly a requirement, but it's a reality that conduct could not normally be described as violent, as opposed to merely anti-social, unless it was of such nature and seriousness as to be liable to cause psychological harm. So it's a slightly unwelcome additional factor. In fact, in the majority of cases such as Mrs Hussain's I don't suppose there will be much difficulty in proving actual or psychological harm in the event,.

Then we have the case of *Haile v LB Waltham Forest,* which is probably the least celebrated of the three Supreme Court cases, but still a case of great importance, the implications of which have not yet been fully worked out. You may remember that the situation in Ms Haile's case is that she had an Assured Shorthold Tenancy of a single room in a hostel, and she left it in the October when she was some five or six months pregnant because of the unpleasant cooking smells from the communal kitchen which made her feel ill. One of her friends said, come and live with me for the last few months of your pregnancy. Her daughter was born in the February and she applied as homeless, but the Council decided that she had become intentionally homeless for leaving at a time, in October, when it was reasonable for her to continue to occupy her previous accommodation. Ms Haile argued that the question of intentional homelessness should be decided on the basis of the facts as they were known at the date of the decision, which was after the birth of her baby, and it was accepted by both sides that she would not have been able to return to the hostel, which was for single people, with the baby, so she would have inevitably become homeless in any event in the February. But her appeal was dismissed by the Court of Appeal on the basis of the longstanding case of *Din v Wandsworth* (1983), that the test of intentional homelessness was to be applied at the date the applicant left the hostel - the date of departure from the last settled accommodation - not the date of the homelessness decision.

And so we come to the Supreme Court, who found in Ms Haile's favour, and they did so not by overturning *Din v Wandsworth* - in fact they said that the decision in *Din* was still good law and the test of intentionality initially had to be applied at the date when the applicant left her last settled accommodation - but that there still had to be a continuing causal connection between the original deliberate act and the homelessness which existed at the date of the Council's decision. In other words, to maintain a decision of intentional homelessness, the original cause of homelessness must still be the cause of homelessness at the date of the decision. A later event that amounted to an involuntary cause of homelessness could supersede the earlier deliberate conduct, and the birth of her baby would, of course, have led her to become homeless in any event. The Court analysed the issue in terms of what they conceived to be the broad purpose of intentional homelessness, which is to prevent people "jumping the queue" to secure social housing. They said this was not a case of jumping the queue, because Ms Haile would inevitably have become homeless in any case and so she should not have been regarded as intentionally homeless.

It's difficult to know how widely this case is applicable to other scenarios. It appears to have been decided as a question of causation rather than, as Ms Haile argued it, in terms of when the decision is made. So, the approach would be, that while the authority is entitled to look initially at the reason

for departure from the last settled accommodation, it must then ask itself whether there has been a supervening cause of homelessness in the meantime which would inevitably have brought about the current homelessness in an unintentional way. It does, I think, raise as many questions as it solves, although the decision itself is welcome. I'm afraid we don't have time to go into those questions today but I'm sure we would be able to think of scenarios where this reasoning may or may not apply that we could discuss.

You'll be relieved to know that I don't intend to look at all the homelessness cases, but one case I would like to look at is the recent and rather depressing case of *Samuels v Birmingham City Council*. It's a case in which Ms Samuels and her four children were evicted from private rented accommodation because of rent arrears. There was a financial statement, in which she got some things wrong. She put that her housekeeping was £150 a month, where she clearly meant £150 per week. That wasn't really instrumental in the decision but it muddied the waters a bit. The main issue was that there was a shortfall of £151 in her monthly rent and she was in receipt of income support as well as child tax credit, child benefit and housing benefit. So essentially she was on subsistence level income. The council decided that she was intentionally homeless, and this is an extract from the decision in which Birmingham said:

> "… I consider that it is a matter of normal household budgeting that you would manage your household finances in such a way as to ensure that you were able to meet your rental obligation. I cannot accept that there was not sufficient flexibility in your overall household income of in excess of £311 per week to meet a weekly shortfall in rent of £34."

Now, put that way, you can see how the Council have convinced themselves that £34 against £311 per week maybe doesn't sound that much, but of course we have to remind ourselves what the Code of Guidance says in para 17.40, about an applicant's residual income after meeting the costs of the accommodation. Para 17.40 states that the Secretary of State recommends that housing authorities regard accommodation as not being affordable if, effectively, the applicant would have to meet any shortfall in their accommodation expenses out of their income-related state benefits, because by definition that reduces the amount that the state intends you to have for subsistence to below subsistence level. So Ms Samuels was being required to pay £150 a month out of money which was intended for subsistence. In response to Ms Samuels' counsel's argument that this should be regarded as a starting point, the Court of Appeal said there was no starting point that any rent shortfall which had to be paid out of subsistence level income would be unaffordable. Consideration had to be given to all forms of income and relevant expenses, and the 1996 Suitability of Accommodation Regulations (concerning affordability) didn't give benefits income any special status, let alone be treated as a starting point. I think this is the statement that is most surprising:

> Although housing benefit was specifically related to the costs of housing it did not follow that other benefits were not intended to assist with housing costs.

How can that be the case when the assessment of housing benefit takes account of other benefits in deciding what the actual amount of a person's entitlement is? I confess I don't understand that statement. So after a good decision on affordability in the case of *Farah v Hillingdon London Borough Council* which you may remember from about 18 months ago, this decision is a serious disappointment. Let's hope it goes further.

The next case is the other Supreme Court decision in *Nzolameso v City of Westminster*. Ms Nzolameso and her five children had lived happily in Westminster for several years. Their rent was covered by local housing allowance until the benefits cap came along in 2013 and caused them to be evicted. The

Council accepted the full housing duty towards her and offered her temporary accommodation in Bletchley, near Milton Keynes. As we know, s.208 of the 1996 Act provides that the authorities must, so far as practicable, secure that accommodation is available for the applicant in their own district. She refused the offer. The Council discharged its duty. The County Court dismissed an appeal, but by that time things had taken a rather catastrophic turn for Ms Nzolameso, because her five children were now being looked after by the local authority and had been placed with three different foster families and she herself was staying with friends. The Court of Appeal upheld the Council's decision. There was an expedited appeal to the Supreme Court in March and, very unusually, the Supreme Court notified its decision on the facts immediately after the hearing, because of its impact on the children's future. The decision was favourable to Ms Nzolameso.

What the Supreme Court said, with Lady Hale giving the main judgment, was that Westminster had failed to justify why it considered the accommodation to be suitable for this particular family. If it wasn't possible to accommodate an applicant in the local authority's own area, the authority must try to find accommodation that is as close as possible to their previous home. That's what the supplement to the Code of Guidance issued following the Localism Act said - in effect, the authority should fan outwards from its own area and see if it can find accommodation as close as possible that might enable the family to keep its existing network of support, children at the same schools, medical facilities, contact with doctors and so on. The authority was also required to give reasons for any decision on where to accommodate a homeless applicant, including details of enquiries it had made concerning how practicable it would be for the applicant and family to move to a different area. It was not enough just to put the applicant on a coach to Bletchley or Birmingham or Manchester without investigating what awaited them there, not just in terms of accommodation to be provided through a letting agency, but in terms of what schools the children might go to, whether there was space for them there, whether there were any sources of support available, etc.

Section 11 of the Children Act 2004 also requires public authorities to make arrangements for ensuring that they discharge their functions having regard to the need to safeguard and promote the welfare of children. As we know, section 11 applies to functions of a local authority in the individual cases, not just to the determination of policy. It was therefore pertinent to the situation in *Nzolameso* and had the effect that the authority was obliged to assess the needs of the applicant's children and take account of them when making an offer of accommodation.

Finally, in *Nzolameso*, the authority had assumed that it could offer accommodation outside its area and that the burden was on Ms Nzolameso herself to show why it was necessary for the family to remain in Westminster, but that's the wrong way round. It was for Westminster to give reasons why it considered the accommodation outside its area to be suitable, but it did not have evidence of what accommodation was available in or near its area.

Now clearly this does not mean that local authorities are not able to place people outside their area, or, indeed, that they can't place them far outside their area, and of course local authorities are still doing that. The Court accepted that authorities are entitled to take account of the resources available to them, but they must be careful to justify their decision in the ways that the *Nzolameso* case identifies, in terms of taking steps to consider the interests of the children, to identify what awaits the family at the place that the authority has in mind for them, and to give reasons why this particular place has been found suitable for this particular family. Each authority should have a policy for procuring sufficient units of accommodation to meet the demand and for explaining the factors involved in allocating the available properties to particular families.

The case of *Mohamoud v RB Kensington & Chelsea* was an attempt to apply s.11 of the Children Act 2004 in the context of possession proceedings brought to terminate interim accommodation. Kensington & Chelsea had found Mrs Mohamoud to be intentionally homeless and brought possession proceedings to end the interim accommodation. Ms Mohamoud sought to argue that they were under a duty in every case to conduct an assessment of the children's needs before taking possession action, but the Court of Appeal said that was stretching s.11 of the 2004 Act duty too far. The Court considered that such a duty would be extraordinarily burdensome in terms of cost and resources, and in the overwhelming number of case simply futile. And, that the homeless legislation protects the interests of children, which I think is a highly optimistic assessment.

I will now move on to three cases grouped together on **allocations** and then one final case.

The *J* case [*R (Jakimavicute) v Hammersmith and Fulham LBC*] is about qualifying criteria for the allocations scheme. Since the Localism Act 2011 local authorities have had the freedom to decide for themselves what criteria they use for people to be able to join their housing register or allocation scheme, and many authorities have imposed criteria of various kinds, particularly residence criteria. Some authorities require five years' or even ten years' residence. There are negative criteria as well, such as rent arrears and history of anti-social behaviour, which might be used to prevent people joining the scheme. In this case, Hammersmith and Fulham's allocation policy set out various classes of persons who would not normally qualify for the register, and one of those classes was homeless persons placed in `long term suitable temporary accommodation' under the main homelessness duty - that is, people who have been accepted as homeless but placed in temporary accommodation. You may feel there is a slight contradiction between `long term' and `temporary' accommodation, but the council obviously regarded the occupiers as being there for quite some time. Miss J was placed in an assured shorthold tenancy as temporary accommodation under the homelessness duty and she argued that the allocation policy prevented her from being given a `reasonable preference' as a homeless person under s.166A of the Act, which of course specifies five classes of people who are required to be given reasonable preference in the allocation of properties. Two of those classes are to do with homelessness: those who are actually homeless; and those to whom a homelessness duty is owed; as well as other classes such as people with medical and welfare needs.

Hammersmith and Fulham argued that reasonable preference only operates once you get onto the allocations scheme. If you are not eligible for the allocations scheme, reasonable preference doesn't come into it. That argument failed and the Court of Appeal upheld the challenge. The Court held that s.166A sets out the principles to be followed in determining the priorities to be given amongst qualifying persons, but it doesn't only do that because it actually informs the purpose of the scheme itself. The effect of the section was to require the allocation scheme in the round to be framed so as to ensure that reasonable preference was given to the classes set out in s.166A, and that can't happen unless you allow the individuals who might be given reasonable preference onto the allocation scheme in the first place. To exclude people in the reasonable preference classes from consideration was fundamentally at odds with the scheme of the Act.

If a local authority felt that a particular family had a lesser need for social housing because, perhaps, they were placed in what Hammersmith & Fulham would refer to as long term temporary accommodation, this could perhaps be reflected in the banding structure. Applicants could lawfully be given a lower priority within the banding system, but at least they would then have the expectation of being able to bid for permanent accommodation at some point.

Two other cases on allocation schemes:

R (Alemi) v Westminster City Council. Ms Alemi and her family were evicted from private rented accommodation and were accepted as homeless. They were actually placed on the allocations scheme, so this is not a case like the other two about qualifying criteria. However, the council's policy was that homeless persons could not bid for social housing for a period of twelve months after the duty was accepted, but they would be able to bid after the twelve months' period

There is at least one other authority which has a similar policy to Westminster in this respect, and which prevents bidding for three years after the homelessness duty was accepted. In *Alemi*, the Court of Appeal held that the policy was unlawful because it carves out a sub group of those who should be entitled to reasonable preference and excludes them from the possibility of receiving an allocation for twelve months. The council had argued that it was sufficient to assess the giving of reasonable preference over a period of time, and to look at it within the first twelve months would just be taking a snapshot, but the Administrative Court did not accept that argument. We may yet hear more of this case.

The last allocation case is *R (on the application of HA) v Ealing LBC*. Ms HA had fled domestic violence with her children and applied as homeless to Ealing who had accepted a housing duty towards her, but she was not allowed to join their allocation scheme because it had a five years' residence requirement. Of course she was only applying to Ealing because she was escaping domestic violence in another borough, so there is no way in which she could have fulfilled a residence requirement with them.

Ms HA's claim for judicial review was upheld. The scheme was unlawful on all three grounds on which hat she challenged it: first, because it excluded those who were entitled to reasonable preference but who did not meet the residence requirement, so the same conclusion as in the Ms J case; secondly, because it amounted to unlawful discrimination against women as the majority of victims of domestic violence; and lastly, because it was in breach of the duty under s.11 of the Children Act 2004 to take steps to safeguard and promote the interests of children. We have one final case to mark the 800th anniversary of Magna Carta. This is one of those cases where, if it hadn't happened, you would have had to invent it. Here is the familiar injunction "To no one will we sell, to no one deny or delay right or justice." Nothing to do, of course, with "enhanced" court fees or court closures, which appear to be the Ministry of Justice's contribution to the 800th anniversary of Magna Carta. But the case is *Hampson v Orchid Runnymede*, where Mr Hampson and others were squatting in a self-sustaining eco-village 200 yards from the Runnymede memorial. They were squatting on land owned by Orchid, who had purchased it in order to redevelop it. Orchid sought possession against them as trespassers. Mr Hampson and his co-occupiers, who call themselves Diggers 2012, attempted to defend on article 8 Grounds and on the basis of Magna Carta, and of the Charter of the Forest. A summary possession order was made, which Mr Hampson appealed on the basis that the judge had applied a test of exceptional circumstances rather than whether their defence was `seriously arguable'. The judge did in fact say that the defence was not seriously arguable because it would take the most exceptional circumstances for admitted trespassers to succeed with an Article 8 defence. The distinction between "seriously arguable" and "exceptional circumstance" is a little elusive in any case.

In any event, the Court of Appeal had little sympathy with the appeal. It considered that the judge had applied the right test, the `seriously arguable' test. In terms of the Charter of the Forest, this had sadly been repealed in 1971 by the Wild Creatures and Forest Laws Act 1971, which I am sure we are all familiar with. The argument under Magna Carta was on the basis that Mr Hampson had not been able to get legal aid and so his argument was that he had not had access to justice, and therefore had not had a fair trial. It is slightly unfortunate that only three clauses of Magna Carta still survive and they don't really assist, because Magna Carta, or what is left of it, does not have much to say about

legal aid. The Court said that Magna Carta is about arguing the case with due legal process, and that's what Mr Hampson had had in the form of the possession proceedings..

So in this annual update we've had naturism and Magna Carta, which shows the richness of housing law. I will leave you with the Daily Mail's critique of the constitutional issues at stake in the Hampson case, which are encapsulated in the headline: *Dope smoking anarchists sully site where King John sealed the Magna Carta with litter strewn shanty town*.

DJ Tracey Bloom: Good evening to all of you. I will start with a little bit of black letter law on Section 21 and then move onto some other things that I just wanted to talk to you about that have really got not much to do with housing. That's what happens if you ask a judge to come, they just do their own thing.

The new s.21 regime is in place, except it's not really because it applies to tenancies that were granted on or after 1 October and so they are not likely to come into court until the Easter of next year. So they're to take note of, and to start reading about, but you're probably not going to be dealing with them just yet.

Now the first thing, that you will probably all know, is that there is now a prescribed notice for s.21 Notices for tenancies that are granted after the 1 October. When I say tenancies granted after 1 October I mean the original tenancy is from 1 October, not a replacement tenancy, not a periodic tenancy. The original prescribed notice had to be amended and that Statutory Instrument that I've referred to is why I've said there's two Statutory Instruments, because the first one got it wrong although I think if you now print out the first one the amended Notice is attached to it.

So that's the first thing, which is very important. Just on that point you of course all know there's a new s.8 Notice that came out in March of this year. This is worth noting – it might be useful sometimes if you're doing the duty advice scheme just checking that your local landlord is using the right s.8 Notice. You never know, you might get a judge who takes a dim view of the wrong Notice being used.

Now there's no requirement any longer in relation to tenancies for them if you're going to serve a s.21(4) notice. Basically the snappily named s.21(4)(z)(a) has brought statute in line with *Spencer and Taylor* and just said, you do not need to have the Notice end on the last day of the period of tenancy - actually I think most people had started serving s.21(1) Notices anyway to avoid that problem. S.21(4)(B) and (4)(E) deal with the issue that you can't serve a s.21 Notice - now remember this is all in relation to tenancies that are granted after 1 October, so if the one you're looking at was granted before 1 October the old law applies - if it's a new tenancy, from 1 October, you can't serve the s.21 Notice within the first four months of the tenancy. That will be quite interesting for quite a lot of landlords, particularly housing associations who are used to serving the s.21 Notice pretty much when they enter into the agreement or at an earlier date. That doesn't apply to statutory periodic or replacement tenancies. You can't commence the possession proceedings until after the end of six months so there's a time limit on the s21 notice. Now that's going to be a very important issue and I can see there being quite a lot of litigation on that, so just bear those factors in mind.

Then we come onto various prescribed requirements and prescribed information and this is on top of, don't forget, tenancy deposit requirements, and if this doesn't lead to some litigation I will be amazed. The landlord will not be able to serve a s.21 Notice where they're in breach of a prescribed requirement. Those prescribed requirements relate to conditions of house, health and safety and energy performance, and the 1646 Statutory Instrument 2015 relates to this. Basically there has to be a service of an energy performance certificate end a current gas safety certificate. Any issue that is going to arise is when those have to be served. If they haven't been served do they need to be

served before the tenancy starts? And if they haven't been served before the tenancy starts, and if that is what the drafting is requiring, does that mean no s.21 Notice can ever be served? I posit that as a question. I am not suggesting that I have the answer, but you need to look carefully at that section and the Statutory Instrument to see what exactly it is asking of landlords. I anticipate, although I do not know, that the Form N5B, which is the accelerated possession procedure form, will have to be amended. If you can picture it in your minds, there are various tick boxes that you have to tick, and I assume there will now be a tick box from the landlord to say he or she has served these documents and it may also require them to exhibit the Form N5B actually to demonstrate that it exists.

So that's the prescribed requirement. There's then the prescribed information, which is s.21B. This must be given before the tenancy is entered into and is titled "How to Rent: The Checklist for Renting in England". You should look on the Nearly Legal blog because they have highlighted what may be some issues. Basically when that booklet is updated there are circumstances in which a landlord must serve a new updated booklet, but it's not in every circumstance so it's as complicated as it could possibly be. If I say that there are memories of the drafting of the tenancy deposit scheme when you look at the s.21 amendments I think that some of you will think this is another minefield in terms of drafting. There are some real issues about the drafting of the legislation.

There is then s.21C which is to enable the repayment of rent where the tenancy has been brought to an end before the end of a period of the tenancy, the tenancy is paid in advance and is not in occupation for one or more whole days. There is then a formula in the act about how it is to be repaid and it talks about this being dealt with at possession proceedings. Although, if there were possession proceedings I'm not sure how it's brought to an end before the end of a period of tenancy.

We then have retaliatory evictions. These deal with s.21 Notices being served within six months of a relevant notice. A relevant notice is a notice that is served by your local housing authority and it's an improvement notice under the Housing Act 2004 in relation to either Category 1 or Category 2 hazards or an emergent remedial action. Now this is a very brief summary of what has to happen. It is not straightforward. The tenant has to make a complaint, the landlord has to act in some way improperly in not responding properly to it, the tenant then has to go to the local housing authority and they have to serve the notice and if, after they've done all this, the landlord serves a s21 Notice it's a retaliatory eviction. As you can see it will rather depend on how effective your local housing authority is, and how speedily they are willing to act as to whether the landlord or the local housing authority get in first. You will probably all be familiar with local housing authorities who are not that keen on serving Category 1 or Category 2 notices in speedy fashion, but it may be that you will have to be encouraging them to do so.

I am not going to spend a huge amount of time on that. There are some exceptions - one is if the property is genuinely on the market - that will be an interesting legal analysis as to when a property is genuinely on the market. There is a DCLG guidance on the changes but, as I say, it is important to look at all these new steps because it may be that the s21 Notice is invalid and if it is, then the possession claim will be struck out.

I am not going to say anything other than **tenancy deposit requirements** - don't forget they still do apply - and I will not go through all the case law on that because I'm sure you're familiar with it and you will be amazed at how often they still come in front of the court. The only thing I would say to you, if you're dealing with a tenancy deposit case and, as a result of the litigation, either the landlord or the tenant, the deposit is in a custodial scheme and as a result of perhaps a disrepair claim or whatever the deposit is to be paid back to the tenant, it is usually sensible to ask the judge if they will make a direction to the tenancy deposit scheme or whoever is holding it, requesting that the deposit

be paid out to X or Y. Quite often if you don't it comes back to us saying could you indicate on the order who is to get the deposit because the tenancy deposit company are saying we still don't understand who is to get it. Whilst they're not parties to proceedings, if they see a judge saying the TDS is requested to pay this direct to the tenant and it should be offset against the judgment in para 1 that's what the custodial schemes like to see, especially if you're in front of a deputy who's not familiar. I think most of the full timers are used to either landlords or tenants asking for that.

Moving on to **litigants in person**. They are ever present in my life. I am sure for many of you, you will find that you are opposite litigants in person because lots of landlords do their own litigation. You may or may not be aware that the CPR was amended with effect from October and there is now a new CPR 3.1A and I will tell you what it says, because you probably don't know about it. It's to do with case management and what it says is that when the court is exercising their powers of case management they must have regard to the fact that at least one party is unrepresented. Believe you me, we did already. Both parties and the court must, when drafting case management directions in the multi-track and the fast track, take as their starting point any relevant standard directions which can be found online at the justice.gov.uk court procedure rules - you'll have been there - and adapt them as appropriate to the circumstances of the case.

The court must adopt such procedure at any hearing as it considers appropriate for the overriding objective and then at any hearing where the court is taking evidence. This may include ascertaining from an unrepresented party the matters about which the witness may be able to give evidence or on which the witness ought to be cross examined and putting, or causing to be put, to the witness such questions as may appear to the court to be proper.

Now the first part of that rule is probably nothing new to any of you, but there was a sense that under the CPR there was to be no special consideration given to litigants in person. In reality that was a nonsense because of course whilst trying to ensure that there is equality you also have to take into account that litigants in person get things wrong, don't understand, and you have to give them a little bit more leeway.

More interesting I think is probably the second part which is to do with what happens at hearing which is, in effect, allowing judges to step into the arena a bit more.

Now in small claims that's already the position really because you don't have the same rules of evidence and quite often will be asking the questions. What in effect that is saying is in a fast track or multi track trial where you have a litigant in person who is struggling to formulate questions or perhaps being abusive in the way they put questions, that the judge can step in and assist by saying is this what you want to ask and not have the other side appeal on the basis that they have stepped into the arena. But I think it's a helpful rule generally.

Most of you may perhaps know the guidance that's been issued for lawyers in relation to litigants of person in the summer this year. It's actually a helpful document. There are lots of interesting things about it. I think it contains a list where you can find out everyone who is a vexatious litigant, you can find out who's got restraint orders against them, but more to the point at the back of it there's one sheet which is for litigants in person and it tells them how to talk to lawyers, and what they can expect from lawyers on the other side. It's something which perhaps if you're a duty solicitor or you're coming to court knowing you're opposite a litigant in person, or you're dealing with a litigant in person, you can refer them to it because I'm sure that you must all get phone calls and emails from litigants in person who want perhaps more than you are able to offer. So perhaps you can refer them to that or even email it to them saying: Look, this is what I'm allowed to do and this is what you can ask of

me. It also has all sorts of website references to lots of pro bono organisations, so especially if you're opposite a landlord who's struggling with the litigation you may find it of use.

Limited civil restraint orders - linked to the previous part of my talk regarding litigants in person - are something that you may or may not know much about. They only relate to a case in proceedings and they're the only civil restraint orders that a County Court District Judge can make. The general restraint orders which you are perhaps more familiar with are for higher judges. But if you read CPR 3.11 and CPR Practice Direction 3C the position is this: If, before me, or any of my colleagues, the same case appears and we specify that the application is TWM - Totally Without Merit - twice in the same case, on the third occasion we can say that there should be a limited civil restraint order in those proceedings. As you can imagine that has consequences, which are that the party who is facing the CRO in those proceedings cannot make any applications without the permission of the court and if they do they are automatically struck out. Now the reason I raise that is that I don't think necessarily practitioners understand the importance therefore of asking judges to make TWM directions. Because until they have been made on an application you can't start on a limited civil restraint order. And so those of you who perhaps are facing your fourth or fifth application and are tearing your hair out may want to think about whether the moment has come to ask the judge whether the time has come for a TWM specification to be made on this application, because that's one strike. Three strikes and you're out - or not necessarily, but the court can consider then whether to make a civil restraint order.

Landlords are quite savvy about it and they will do it in relation to frequent applications for warrants that are totally without merit to be suspended where the same litigant turns up on the day before, and they will ask for TWM requirements to be written, so I just draw that to your attention as something you may or may not know much about.

Relief from sanctions: It's all much simpler post *Denton* - I hope. There are three stages. I'm sure you're all familiar with *Denton*, and with *Mitchell*. You probably all knew that it wasn't going to last in the *Mitchell* way and was going to be softened, and post *Denton* there's a three stage test: is it a serious or significant failure to comply with the rule, the practice direction or the order?; what's the reason for the failure or default?; and, in all the circumstances of the case, the court has to have been able to deal with the application justly, so you look at all the circumstances. Like all these things, it's about common sense, I think. Some of them are more harsh than others. I've just given a few examples. Any of you who open the white book or the green book will see pages on this. Look it up on Westlaw's pages.

Failure to comply with an Unless Order is highly likely to mean that you struggle to get relief from sanctions. *British Gas Trading v Oak Cash and Carry* is a sad case where there was an Unless Order about filing a pre-trial listing questionnaire and they filed a directions questionnaire by mistake and because it was in breach of the Unless Order the judge would not let them back in under 3.9. One of the points that was made there was that there had been no application to set aside the Unless Order. If there is an Unless Order you should seriously think, not just about making the application for relief from sanctions, but also under 3.1(7) an application to set aside the Unless Order. If you look at that case it does make the point as to why no one applied to set aside the Unless Order so do think outside the box when you're doing these cases.

The snappily named *HRH Prince Abdulaziz Bin Marshall …* and it goes on … the point about that was that they said that when you're looking at relief from sanctions you're not really considering what the merits of the case were. This was a case where millions and millions of pounds were involved and the court said it's not really about the merits. Very exceptionally if you might have got summary judgment

on the case we might look at the merits, but in real terms we are looking at procedural issues in all the circumstances, not an analysis of the merits on a 3.9 application.

Then there's the *Marchment v Frederick Wise* case. I'm bringing these to your attention as they're the more recent cases, and this is an update. *Marchment* this was a case where the trial date was listed, there had been lots of applications before the court and this was an application for relief from sanctions because the engineer's report was late being served. It ought to have been served by 13 February, but wasn't served until a month later which was the date on which the engineer's experts were due to meet. It was said that the failure to serve had a number of adverse consequences for the timetable and it was accepted that the breach was serious and there wasn't a good reason for default so the real issue was the third stage of the *Denton* test. HHJ Malone sitting as a judge at the High Court said that, noting the need to place particular weight on the requirements of 3.91A and B, relief was granted.

There were factors that pointed towards and against the grant of relief. The most important of those in favour of relief was that absent the engineer's report the claimant would not be able to secure a judgment on the merits on a crucial issue of causation. Against it was the fact that the trial date was not going to be met, and the fact that a trial date could not be met if relief was granted would in the majority of case be determinative, but in the present case (i) the trial was a short one (ii) more importantly vacating the trial date would not have a negative effect on the court or use of public resources because the listing office had confirmed that other matters could be listed in place of the trial; the trial could be listed within a reasonable period of time and an adjournment would enable a further report to be obtained. Now that's quite interesting I think because certainly in lots of County Courts fast track trials are multiply listed and so it may be that if you're applying to have a fast track trial taken out it will not cause any adverse consequences to the court because they already have terrible overlisting on that day anyway. What's more problematic is that if you're at Willesden you may have to wait another six months to get your trial date because we are so overlisted.

Cutler v Barnet LBC was in fact a housing case where I think there was an Unless Order about disclosure and the judge decided that although Ms Cutler had given disclosure it was considered not to be sufficient and she was therefore struck out. She made an oral application for relief from sanctions and the judge refused to hear it, saying you can't make oral applications, you have to issue a CPR Part 23 and that he had no discretion at all to hear the application. You won't be surprised to hear that it was appealed to the High Court and the appeal was allowed and that neither CPR 3.8 nor 3.9 require an application to be made in writing, the judge had the power to determine the application and he could have granted it if he considered it to be appropriate. Further, the judge should have balanced the CPR 3.9 factors with proportionality and the overriding objective. In failing to do that and in barring Cutler from defending the possession proceedings the judge had breached Article 6

The *Viridor* case again I use as an example to show how things can go horribly wrong if you oppose an application for sanctions in the wrong case. This was a case where the parties had agreed an extension of time for serving particulars of claim. By error the solicitors sent it second class post rather than first class post which meant it arrived a few hours later than it should have done. The defendants applied to strike out the claim and the claimant applied for an extension of time. The High Court was furious and the court said that this was absolutely the wrong sort of way to deal with these things, and of course it was a case of relief from sanctions. The approach of the defendants was totally deplorable and to be deprecated. The only matter that had taken up the court time was the approach of the defendants. Had they not made this application and dealt with it in this way, court time and resources would not have been used up, and they were ordered to pay indemnity costs.

Briefly, in a CPR 52 there is no sanction as such, you have a time limit to bring your appeal. The Court of Appeal in the *Hysaj* case said that's like an **implied sanction**. If someone is applying for leave to extend the time to appeal you use CPR 3.9 because they call it an implied sanction - because the sanction is that you can't bring your appeal and therefore they used the term implied sanction.

Applicants to set aside default judgments: This is interesting because obviously merits come into applications to set aside default judgments and some judges take the view that it is more of a CPR 3.9 even though the 13.3 is your overriding position. There is a case that was post *Mitchell*, before *Denton*, where the court said that CPR 13.3 applicants did involve consideration of *Denton* principles so just bear that in mind.

Briefly, on **CPR 35 experts**, just remember, is it reasonably required? Do you actually need the expert? What are the issues? The case of *British Airways v Spencer* is a recent case where High Court Judge Warren looked at the issues. He said that the way he would approach it was to say that the first question is: Is the expert evidence necessary? If it is, it comes in; if it's not necessary then you nevertheless have to ask what's the issue? Look at it on an issue basis. Will it reasonably assist the resolution of the proceedings to have an expert? He said that in considering the question the court should take account of the following issues, but it wasn't limited to them: The value of the claim; The effect of the judgment on the parties; Who's going to pay for the evidence, and the cost; The delay if you have to get the evidence - does that include vacation of a trial date; The proportionality of its admission. The judge said that if you applied that filter, it should be possible to analyse it properly.

You will also know, of course, that there are new protocols for both arrear rent, mortgage and disrepair. Make sure you're using the right protocol.

The last point is a little plea of mine. If you come in front of a District Judge in the County Court bear in mind they will be very busy. If it's a deputy they will definitely not have seen the papers until the morning because they don't come in until the morning. If it's a full timer it's quite possible they also haven't seen the papers until the morning so that involves various issues. If you filed a skeleton argument, or late witness statement, the day before, bring a hard copy. The chances are we haven't seen it. So bring your copy with you so that you can hand it in to the usher so that we can see a copy. It's probably in the emails with the 150 other emails that arrived the day before which the staff haven't yet had the chance to look at. Just bear that in mind, but more to the point if you're going to argue that you want damages for disrepair or harassment do what I always did as a practitioner, one sheet of paper - four lines telling what the case was about, two lines what the specials were and then calculating the general damages. How have I worked out that it's worth £15K? It's not a figure I've plucked out of the air is it? If I'm saying harassment, where have I got it from? And bring some authorities. You will be amazed at how many people turn up and say I want £10K. Well, where are we getting that from? Why £10K? There are loads of places to get authorities from. There is a housing encyclopaedia that has a schedule of disrepair, it also has a schedule for harassment and a protection from harassment part. LAG has an updated disrepair book every year. Just bring something. Remember lots of District Judges are not experienced housing lawyers. They need your help. If you give them the help you may find you get the answer you want. If you don't give them the help, they don't know where to start. So it's slightly up to you.

Small claims costs. Just because it's under small claims doesn't necessarily mean there are no cost consequences. In *Chaplair v Kumari* there were contractual rights to costs in the lease, so even though it's a small claim they still received their costs under the lease.

There are two more cases - *Nicholas v SOS; and Birmingham CC v Mondhali*. Nicholas was in John's documents. These are both quite important cases and actually interestingly as when they came out my staff were talking about this very issue and were extremely concerned about what was happening backstage with this type of case. You get your County Court Possession Order, and it then depends on the landlord. Some of them will automatically apply for a transfer to the High Court, and it's a matter for the individual judges in the County Court whether they give permission. Some will do it automatically. Others may not do it the first time. Most County Courts are six to eight weeks for a warrant. I can tell you now that if you apply for a warrant in our court they will not now do it until after Christmas because they won't do evictions over the Christmas.

Once you have the transfer to the High Court the landlord needs the permission of the High Court to get the Writ of Possession, and under the CPR Rules the person who is in possession has to have notice of that application, or of the fact that there's a Writ, and they can apply for relief. What happened in *Nicholas* was that they failed to notify the tenant that they were going for the High Court Writ and the first thing she knew was when there were bailiffs banging on her door. She got the Writ set aside. A similar and actually slightly more worrying case is *Mondhali*. What's happening is that having got their possession order, having got the application to the High Court, people are outsourcing to external High Court enforcement agents and what the agents did in this case was use the N239A form. That is not a form you can use unless it's a trespasser and because it's an assured or assured shorthold tenancy or secure tenancy they're not trespassers until the warrant is executed, so they cannot use that form to get the Writ. They used that form and again it was set aside because it had been obtained using the wrong form. So even at very late stages there are options.

Chair: Thanks to both speakers. I would now like to invite questions.

Nic Nicol, 1 Pump Court Chambers: At a previous HLPA meeting I mentioned that myself and Simon Mullins of Edwards Duthie had two cases in the Court of Appeal, one following on from *Hotak* and one following on from *Nzolameso* and I was really looking forward to arguing these cases in the Court of Appeal. The Local Authorities took a considered look at the Supreme Court's consideration and conceded both cases, so they're not going forward. The facts of the case which was against Westminster again which involved the *Nzolameso* point is worth considering for anyone against Westminster because in comparison with *Nzolameso* this was a better case. They had actually given some reasons for putting our client in Dagenham instead of Westminster, but they still conceded the case. They also insisted they did have a policy on the basis of which they decided to place her in Dagenham and they gave us a copy. I don't think it stands much muster. So if you have a case against Westminster even if they're in a better position than *Nzolameso*, you should still press it.

Following on from *Hotak* the decisions I have seen have latched onto one word in what Neuberger said, which was that the degree of vulnerability had to be significantly greater than ordinary vulnerability. He said that's what the Court of Appeal had cited before. I couldn't recollect any instances where the Court of Appeal had said that but Neuberger said it and I have now seen several decisions - and I'd be really interested to hear what other people have found - where the word significantly is prominently displayed several times over and what the local authority clearly means by the word significantly is substantially. As I pointed out to the previous HLPA meeting there is already a case from some years ago called *Queen v Lambeth ex parte Carol* in which the administrative court judge in that case did actually say that the then Homelessness Code of Guidance was wrong to add the word "substantially" unless it simply meant things that were "more than *de minimis"*. So there is already authority to say that "significantly" does not mean "substantially", it merely means "not insignificantly", but I would be interested to know whether other people have experiences of local authorities latching onto this word as a method of getting rid of priority need cases.

The last point I wanted to raise, on a completely different subject, is to do with tenancy deposit matters. I have done a series of cases where the one absolutely reliable flaw in the provision of information by a landlord or their agent is that they will not have provided, in accordance with the prescribed information order, the landlord's fax or email address. In all the information that's provided you're normally given the deposit holder's information, that is the agent's information, and the deposit scheme information, and the name and address of the landlord will normally, at the very least, be on the tenancy agreement. But the fax number and email address is not normally given anywhere, or the telephone number. Therefore look for that. That is a flaw in the prescribed information. Again I would be interested to hear whether anyone else has picked that up in cases they have seen.

Chair: Thanks Nic. We seem to have drifted slightly onto the information exchange. Before we continue with that can I just check whether anyone has any questions for our speakers?

Emma Bailey, Mary Ward Legal Centre: It's mainly a question for John on suitability - a practical issue. I've had a couple of successful Suitability Reviews in the last month or two, which is great, but then what the Councils tend to be doing is writing to you to say: "Oh we have such a high demand, we note the accommodation is unsuitable but we don't have anywhere suitable to offer you, so we'll just keep you on the list". I'm just wondering practically how long I should give them until I start maybe threatening Judicial Review or some other challenge against it.

John Gallagher: It is really difficult, it parks the problem and puts you in the dilemma of wondering whether or not you should be applying for JR on the failure, because they've more or less admitted that the accommodation is unsuitable so there's no point in applying for review of suitability, but then if you bring a judicial review prematurely the courts may say that we understand the local authority's difficulty, they're doing their best. I wish I could give you some real guidance on that. It's easy to say every case depends on its own circumstances, that is too easy. I would try and impose a deadline in correspondence by saying we expect to hear from you by a certain date and you may have to give them six weeks or something like that, I know it is a bit arbitrary, but you're showing that you acknowledge that they are in difficulty in finding somewhere suitable, but you're giving them something to work to and a period such as six weeks should be enough.

Contributor: I think following on from that what I've done in the past is say: "If that's your argument disclose what efforts you have made to find accommodation" and that normally makes someone do something, because they often haven't picked it up again. They're firefighting as well aren't they but if you continue to show that you still have an interest in that case, something good normally comes of it.

John Gallagher: That's very important, and what efforts have you made to work outwards from the area to find anywhere in the adjoining boroughs if you say there's nothing in your own borough.

Nic Nicol, 1 Pump Court Chambers: On that point, following on from what I was saying earlier, ask them for a copy of their policy. The policy that the case mentions that they're supposed to have on that subject, and then ask them: What have you done to comply with that policy?

Chair: If there are no more questions for the speakers I would like to thank them both for really interesting and informative talks. Does anyone have any more contributions to the information exchange?

Dominic Preston, Doughty Street Chambers: One of the points that Nic raised was the use of this word "significant" and of course one of the problems you have is interpreting exactly what the Local

Authority are thinking - they use the word significant again and again but it's never quite clear what interpretation they've been given. As a practical suggestion I wonder whether we should all be putting in our s.202 decisions a request that they identify and define the word "significant" in their 202 reviews. Without that request they will simply turn up on the 204 appeal and say: Well, it's whatever we thought it meant, and the judge will say, well in fact there isn't any error here because they thought it was x y and z or whatever the judge thinks is the appropriate law. I really do think it is worth effectively putting them to proof on that point, and saying: Tell us what you think significant means and then we can judge the decision you've made in JR terms and we can challenge it if we think it's wrong. So perhaps one paragraph in all our 202 representations on priority need.

Tony Martin, BPP University Pro Bono Centre: I just have one appeal really and it's that the University is looking for solicitors to be mentors to law student. If anyone would like to be a mentor to a law student and perhaps encourage them into the field of housing law you can email me at tonymartin@bbp.com.

Chair: I do not have any other reports from the Executive other than to remind you that HLPA's Conference is on 8 December and if you book by 6pm tomorrow you get 10% off the price. It looks to be a very good line up so we hope to see you there. The next meeting is on 20 January 2016 and the topic is the Private Rented Sector