

Michael Mullin

Called: 2010
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Profile

Michael joined Five Paper in 2018 following a period in employed practice in the public sector. Before joining Chambers Michael acted for a number of high profile public sector bodies including: 3 prominent London Boroughs, a large Housing Association, Transport for London, the Greater London Authority and the Mayor's Office.

He accepts instructions across all areas of housing and property law and also continues a public & regulatory law practice with a particular focus on public sector decision making relating to housing.

Description of Practice

Property

Housing

Michael is instructed in all areas of housing including: complex possession claims, disrepair, leasehold disputes, licensing appeals, anti-social behaviour, and disputes over tenancy deposit schemes. He regularly appears in the County Court and the High Court for landlords and tenants from the public and private sectors.

Michael also has significant advisory experience and has provided detailed advice on statutory and non-statutory policies including: Part VI allocation schemes, temporary accommodation procurement & allocation policies, the Mayor's Housing Strategy, the Mayor's Good Practice Guide for Estate Regeneration and Local Authority schemes for selective and additional licensing.

Michael also has extensive expertise advising on the terms of grant and loan agreements for the development of affordable housing.

Homelessness

Michael is regularly instructed in s204 appeals and has acted in a range of appeals in relation to intentional homelessness, suitability of accommodation, vulnerability and eligibility. He also provides training on the full range of Homelessness issues including the impact of the Homelessness Reduction Act 2017.

Whilst in employed practice Michael had conduct of homelessness matters in the Court of

Appeal and Supreme Court.

Real Property

Michael also has experience of real property and landlord and tenant litigation.

Michael is frequently instructed to provide advice to individuals involved in neighbour disputes including: Party Wall Act appeals and Party Wall surveyor fee recovery, rights of way and rights of access, and boundary disputes.

He is also experienced in providing advice and representation to Private individuals, Housing Associations, Local Authorities, management companies in relation to service charge disputes, leasehold enfranchisement, and leasehold extension.

Public and Regulatory

Public Law

Michael has wide ranging general public law experience with a particular speciality in advising on the lawfulness of decisions made by public sector bodies in a housing context (including Local Authority cabinet decisions and Mayoral decisions).

Michael has also advised extensively on public sector housing policy, grant-funding and licensing initiatives and is regularly instructed to appear at the Administrative court on related judicial review proceedings.

- Other aspects of public law Michael has advised on include:
Consultation exercises – ensuring compliance with statutory and common law requirements.
- Equalities Impact Assessments – advising on the sufficiency and lawfulness of the decision maker's equalities considerations and assisting to minimise the risk of challenge.
- The extent and nature of Local Government statutory powers and duties, and the exercise of any related discretion.
- Data Protection & Freedom of Information.

Regulatory Law

Michael has provided advice and representation in relation to regulatory prosecutions (by the HSE, VOSA and Local Authorities). He has acted both for prosecuting authorities and defendant individuals and organisations.

Michael has also been instructed on licensing appeals across a variety of sectors including: HMO, Selective & Additional Licensing, Alcohol Licensing, Taxi and Minicab Licensing.

Public Access

Michael is qualified to accept instructions directly from members of the public pursuant to the Bar's public access scheme.

Pro Bono

Michael has taken on Pro Bono cases, using his experience working at the Islington Legal Advice centre to provide clear and effective advice directly to clients.

Qualifications

- University of Law – BVC
- University of Law – GDL
- University of Law – LLB
- Hatfield College, University of Durham – Ba(Hons) Theology

Scholarships

Lord Diplock Scholarship – Middle Temple

Notable Cases

Housing

- *Panayiotou v London Borough of Waltham Forest* [2017] EWCA Civ 1624 – appropriate test for vulnerability in homelessness decision making (appeared at first instance).
- *Jackson v London Borough of Waltham Forest* [2016] EWHC 685 (Admin) – Interim accommodation under s.202 Housing Act 1996.
- *R. (S) v Waltham Forest LBC* [2016] EWHC 1240 (Admin) – The nature of the duty to assess an applicant's 'housing needs' pursuant to s.192 Housing Act 1996.
- *London Borough of Camden v Tonello* [2013] EWHC 1861 (Ch) – Whether appeal against a possession order should be by way of rehearing or by review.
- *Haile v London Borough of Waltham Forest* [2015] UKSC 34 – Breaking the chain of causation in cases of intentional homelessness. (as instructing lawyer).
- *Hussain v London Borough of Waltham Forest* [2015] EWCA Civ 14 – The interpretation of 'violence' in s.177 of the Housing Act 1996. (as instructing lawyer).

Public & Regulatory

- *Lycamobile Ltd UK v The London Borough of Waltham Forest* [2014] EWHC 1829 Admin – appeal by way of case stated against a conviction for breach of the advertising regulations.
- *Williams v LB Waltham Forest* [2015] 3907 (Admin) – Statutory appeal against TROs implementing the borough's 'Mini-Holland' cycle scheme. (as instructing lawyer).
- *Newlyn PLC v LB Waltham Forest* [2016] EWHC 771 (TCC) – Procurement challenge against the award of contract for debt recovery. (as instructing Lawyer).