

Jane Hodgson

Called: 2000
janehodgson@fivepaper.com

"Jane is very knowledgeable and approachable."

"Jane is a fearless advocate and is not afraid to advance arguments that other barristers would find tricky or complex. Her advice is always very detailed." Chambers & Partners 2023 and The Legal 500 UK 2023



PROFILE

Jane is a member of the Property Team of Five Paper and ranked as a leading junior in Social Housing for Chambers & Partners and Legal 500.

Prior to becoming a barrister, Jane was an officer in the Royal Navy when she gained valuable experience of working under pressure. Her practical approach to problem solving coupled with her calm and sensitive manner make her ideally suited to dealing with vulnerable witnesses. She is also highly sought after by landlords seeking pragmatic solutions to difficult cases.

Jane is a direct access barrister (she is qualified to accept instructions directly from members of the public).

EXPERTISE

Social Housing

Jane's practice covers all aspects of housing law, including possession proceedings, applications to deal with anti-social behaviour, homelessness appeals and unlawful eviction claims.

Jane has advised and represented clients on housing matters in connection with: security of tenure; death and succession; rent and service charges; housing benefit; interpretation of lease and tenancy clauses; housing conditions and disrepair; compliance with policies (e.g. policies concerning homelessness and allocation, anti-social behaviour, vulnerable adults and disability); and the proportionality of eviction.

Recent/ reported Cases:

- Challenge during contempt proceedings to the enforceability of various clauses of an injunction order prohibiting anti-social behaviour.
- Injunction proceedings against persons unknown.
- **Emambee v LB Islington [2019] EWHC 2835 (QB)** – An application for permission to bring a homelessness appeal after the statutory deadline has expired.
- **Marian Dahir Mohamed v Barnet LBC [2019] EWHC 1012 (QB)** – the occupation of temporary accommodation provided by a local authority did not attract security of tenure by operation of the Housing Act 1985, Schedule 1, paragraph 6(b) because the agreement between the authority and the private landlord allowed the landlord to obtain vacant possession when required.
- **R (on the application of Faizi) v Brent London Borough Council [2015] EWHC 2449 (Admin)** – the Housing Act 1996, s.193(5) made clear that when an offer of suitable accommodation was refused, the duty to provide accommodation ceased. There was a power, but not a duty, to provide accommodation pending a review or appeal against that decision.
- **Holden & Co LLP v Eastborne BC [2014] EWHC 2306 (QB)** – a judge had been entitled to make a wasted costs order where it had been unreasonable for solicitors not to take any steps even though their client's legal aid had been subject to an embargo. The solicitors continued to owe a duty to the court and to the other side not to cause unnecessary costs to be incurred where that could be done at modest costs to themselves.
- **R (on the application of (1) Kelly (2) Mehari (3) JI) v Birmingham City Council [2009] EWHC 3240 (Admin)**
- **Accent Peerless Ltd v (1) Patricia Kingsdon (2) Karen Kingsdon [2007] EWCA Civ 1314** – an immediate possession order in relation to vulnerable tenants whose conduct had been found to constitute a nuisance was appropriate where the evidence showed that, as they would not accept medical treatment, the likelihood of the offending conduct had not changed.
- **Abdi v London Borough of Barnet; Ismail v London Borough of Barnet [2006] EWCA Civ 383** – the obvious construction of the Asylum and Immigration Act 1996, s.13(2) was that a person was subject to immigration control if he could not lawfully remain in the UK without leave. Accordingly, a national of the EEA who was not a qualified person under the Immigration (European Economic Area) Regulations 2000 and had no entitlement to reside in the UK was a person subject to immigration control for the purposes of the Homelessness (England) Regulations 2000, reg.3(1)(i).

Administrative & Public Law

Jane regularly acts for local authorities in homelessness appeals and judicial review proceedings concerning housing duties.

Recent/ reported cases

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Property litigation

Jane's property work includes matters such as: disputes as to the beneficial ownership of properties; trusts of land; proprietary estoppel; adverse possession; boundary disputes and rights of way.

Recent/ reported cases

- Burial plots in a local authority cemetery.
- Beneficial interests in various properties following relationship breakdown.
- ***Athir Al-Balhaa v (1) Burnette Raphael (2) RMG Residential Management Group Ltd (3) Termhouse (Clarendon Court) Management Ltd (4) Clarendon Court (London) Freehold Ltd [2019] EWHC 1323 (QB)*** – a claimant was not entitled to relief from having his claim struck out following non-compliance with an unless order regarding preparation of trial bundles.
- ***James v Chircop [2014] EWHC 4670 (QB)*** – a judge had erred in finding that a litigant in person did not have a good reason for failing to attend a trial as the absence had been caused by a letter from the opponent's solicitor sent the day before the trial indicating that his attendance was not required as the trial would be adjourned for an assessment of their client's capacity.
- ***Soor v LB Redbridge [2013] EWHC 1239 (Admin); [2014] RVR 129*** – a Valuation Tribunal had been entitled to find that the registered owners of a residential property were liable for council tax on the basis that the property had been in multiple occupation within the Council Tax (Liability for Owners) Regulations 1992, reg.2, Class C during the relevant period.
- ***ZN, BB, JHS v LB Redbridge (HB) [2013] UKUT 0503 (AAC)*** – the council had properly determined that ZN was not entitled to housing benefit because the owner of the property, BB, was her partner and her entitlement to income support had been disallowed – accordingly the sum of £97K overpaid housing benefit and £8.5K council tax benefit was recoverable from her.

FURTHER INFO

Directory Quotes



"Jane is very knowledgeable and approachable."
Chambers and Partners 2023

"She is very good. She'll turn around papers quickly and she takes a no-nonsense approach."
Chambers & Partners 2021

"Strengths: calm, astute and excellent in terms of approach."
The Legal 500 UK 2021

"Unflappable and highly regarded by clients." "Very quick to assess a matter and advise on options that may

not have been considered.”

Chambers & Partners 2020

“Jane is a fearless advocate and is not afraid to advance arguments that other barristers would find tricky or complex. Her advice is always very detailed.”

The Legal 500 UK 2023

“She is knowledgeable about security of tenure and succession rights, disrepair and unlawful eviction, among other areas.”

The Legal 500 UK 2020

“A technically excellent barrister who takes a pragmatic approach to cases.” “She is extremely knowledgeable on all areas of housing law, and also exceptionally friendly, which makes her popular with clients.”

Chambers & Partners 2019

“A proven winner in matters involving vulnerable parties and the risk of adverse publicity.”

The Legal 500 UK 2019

“A force to be reckoned with in court.” “She’s very personable and happy to field any follow-up questions if you have them.”

Chambers & Partners 2018

“An excellent social housing barrister and a tough advocate.” “Sensible, very effective and not someone to be brow-beaten.”

Chambers and Partners 2017

“A solid performer”, “She really knows her homelessness case and her skeletons are excellent” and “Clients are very happy with her.”

Chambers & Partners 2016

Qualifications

- BSc(Hons) Combined Studies in Science (Trent Polytechnic, Nottingham) (1987)
- Post Graduate Diploma (Law) (Merit) (UWE) (1999)
- Post Graduate Diploma (Bar Vocational Studies)(Very Competent) (UWE) (2000)

Professional memberships

Jane Hodgson is a member of the following professional organisations:

- The Constitutional and Administrative Law Bar Association (<https://www.adminlaw.org.uk>)
- The Property Bar Association (<https://www.propertybar.org.uk>)
- The Social Housing Law Association (<https://www.shla.org.uk>)
- The London Common Law & Commercial Bar Association (<https://www.lclcba.com>)

Articles and Publications

Jane Hodgson was the co-author of the following publications:

- Harassment and Anti-social Behaviour title of Atkin's Court Forms (2nd Ed), Vol 21 (2006 issue);
- Dealing with Nuisance Neighbours (Lawpack for Tesco's online legal store 2004).

Social Media

LinkedIn