

Michael Mullin

Called: 2010
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PROFILE

Michael is an experienced barrister and part-time judge specialising in property and public law. He accepts instructions across all areas of property law and also maintains a regulatory & public law practice, with a particular focus on public sector decision making relating to housing.

Michael was appointed to as a part-time judge of the First Tier Tribunal, Property Chamber in January 2019.

In November 2020, Michael successfully appeared in the Court of Appeal, leading Elizabeth England, in a homelessness matter concerning whether a homelessness applicant had refused an offer of accommodation under Part VII of the Housing Act 1996.

Before joining Chambers, Michael was in employed practice 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.

EXPERTISE

Property Litigation

Michael has substantial experience of real property and landlord and tenant litigation. He is frequently instructed to provide advice to solicitors and via direct access regarding: rights of way, boundary disputes and party wall matters.

He is also experienced in providing advice and representation to private individuals, Housing Associations, Local Authorities and management companies in relation to forfeiture, service charge disputes, leasehold

enfranchisement, and leasehold extension.

Some recent examples of his work include:

- Advising a developer on how best to engage with the local authority in relation to correspondence received from the 'Trees Team' and its prospects of securing planning permission for a major development
- Advising on the prospects of establishing the creation by prescription of an easement to park, in a case brought by the occupier of a property which formed part of a large estate owned by a religious organisation.
- Advising and drafting a defence resisting a claim for rectification of a long lease to include a ground rent provision.
- Advising and drafting proceedings for the owner of land where a neighbouring boundary wall collapsed into it causing over £100,000 worth of damage.
- Drafting proceedings and appearing for the Claimants on an application for an injunction to remove a boundary fence obstructing a right of way and trapping the client's car in their back garden.
- Appearing for a management company in forfeiture proceedings and making an application to strike out a defence.
- Drafting a defence in residential forfeiture proceedings including a counterclaim for breach of lease.
- Successfully representing a management company at trial for an order for unpaid estate charges.

Social Housing

Michael is head of the social housing practice group in chambers and 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. He is also regularly instructed to prosecute and defend housing regulatory prosecutions in the criminal courts, including prosecutions under the Environmental Protection Act 1990 and offences under the Housing Act 2004.

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.

Notable Cases:

- ***R (on the Application of Notting Hill Genesis) v The Camberwell Green Magistrates Court [2019] 5 WLUK 124*** – Judicial review of the assessment of costs following settlement of a prosecution brought under the Environmental Protection Act 1990.
- ***Jackson v London Borough of Waltham Forest [2016] EWHC 685 (Admin)*** – Interim accommodation under s.202 Housing Act 1996.
- ***(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.
- ***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 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 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.

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.

Notable Cases

- ***Nikolaeva v London Borough of Redbridge*[2020] EWCA Civ 1586** – Michael successfully appeared as lead junior counsel, to Elizabeth England, in the Court of Appeal on the issue of what constitutes a refusal under s.193(7) of the Housing Act 1996.
- ***Panayiotou v London Borough of Waltham Forest*[2017] EWCA Civ 1624** – appropriate test for vulnerability in homelessness decision making (appeared at first instance).
- ***Newlyn PLC v LB Waltham Forest*[2016] EWHC 771 (TCC)** – Procurement challenge against the award of contract for debt recovery. (as instructing Lawyer).
- ***Williams v LB Waltham Forest*[2015] 3907 (Admin)** – Statutory appeal against TROs implementing the borough's 'Mini-Holland' cycle scheme. (as instructing lawyer).
- ***Haile v London Borough of Waltham Forest*[2015] UKSC 34** – Breaking the chain of causation in cases of intentional homelessness. (as instructing lawyer).
- ***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.

FURTHER INFO

Directory Quotes



“Michael is very experienced in housing law and has been at the coalface of local authority work, so he really understands the issues involved.”

The Legal 500 Uk 2023

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

Other

Michael is qualified to accept instructions directly from members of the public pursuant to the Bar’s public access scheme and is a supporter of Pro-Bono work, using his experience working at the Islington Legal Advice centre to provide clear and effective advice directly to clients.