

Christopher Baker

Year of Call: 1984

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Practice Summary

Christopher has been recognised for many years as one of the leaders in his main fields of practice, combining public and private law at all levels of court up to and including the Supreme Court, in addition to tribunal and arbitration work.

Legal 500 describes him as a “top choice for housing and local government cases” and an “excellent all-rounder, who inspires confidence in clients”.

Recommendations in Chambers & Partners say he is “very, very good on technical areas of local authority law” and “go-to for landlord work”; he “routinely leads in high-stakes matters at the upper levels of the courts and tribunal system” and is “very prompt and very accommodating” .

Much of his work has involved cutting-edge issues and landmark decisions. His practice ranges beyond social housing and landlord and tenant, extending into related work such as adult social care and children, governance and powers, regulation, finance, commissioning, property and commercial aspects of local government and registered housing providers.

Aside from highly experienced advocacy and advice for clients within the litigation process, his work also involves keeping them out of court and a substantial portfolio of advisory work. He is a trained mediator, providing experience in civil mediation both conducting mediations and as an advocate, and believes more use should be made of opportunities to avoid disputes and litigation. He has advised in relation to a wide range of projects and problems, including tenancy strategies and allocation schemes, community care and commissioning arrangements, rent policies, housing management and repair, major regeneration schemes, local government standards, local land charge search arrangements and human rights compliance.

Christopher’s clients come from across the country and in other legal jurisdictions. He has acted for a wide range of public bodies, central and local government, social landlords, regulatory bodies and commercial and private clients. His instructions come from all types of professional clients, from big City firms through to sole practitioners and in-house solicitors, both privately- and publicly-

funded. He also works for clients on a public access and licensed access basis.

Christopher's practice spans all aspects of housing and residential landlord and tenant law, involving both private and public law issues and proceedings, covering the private, social and public sectors and areas such as allocations, housing conditions, service charges, possession proceedings, homelessness and governance of registered providers. His cases extend from the Supreme Court and House of Lords through to trial and tribunal work.

Outside litigation, he has experience of successfully using mediation in this field and has also conducted an independent inquiry for a housing association into its ASB procedures.

Much of his work is at the cutting-edge of current issues. He was brought in to lead the legal team for the local authority in the Supreme Court in *Poshteh*, addressing the impact of art 6 and the degree of judicial scrutiny in homelessness appeals. He acted for the local authority in the very first (and still leading) examination by the House of Lords of the legal framework for housing allocations and has advised many local authorities about their housing allocation schemes. He also acted for the housing association in the landmark case on the application of the Human Rights Act 1998 to social housing providers; he was sole counsel for the Secretary of State and lead counsel for the Housing Corporation in leading cases in the House of Lords about tolerated trespassers and rent increases; and he acted for the local authority in the House of Lords' examination of the law on nuisance and the covenant for quiet enjoyment in respect of sound-proofing problems.

In this area, Christopher has wide-ranging experience of work involving and concerning local government bodies and personnel, such as constitutions, powers, governance, ethical standards, liability, accountability and judicial review. His cases span mainstream areas such as spending cuts, rationing of resources, procurement, sale or retention of land, migration and parking, across to some less-travelled aspects such as allotments and protecting individual local government officers against the imposition of personal costs orders.

Among other notable highlights, Christopher acted for the local authority in the advisory and litigation work arising from the high-profile reconsideration of proposals for the Welsh national rugby academy.

He is well-versed in the requirements and practicalities of local government administration, the different roles of elected members and professional officers, and the particular demands of working in and for the public sector, especially questions of reputation and trust. He has experience of dealing with internal disputes between departments, of managing relationships between different bodies and of local government arbitration.

Property-related work has long been one of Christopher's main areas of expertise. Aside from his vast amount of work concerning social housing, he acts and advises in relation to many aspects of residential and non-residential property including recovery of possession, sale and acquisition, leases and leasehold tenure, management issues, major works, service charges, squatters and adverse possession.

Some of his work in this area involves the inter-play between public law and private law, and between judicial review proceedings and ordinary private law claims. Many of his cases have involved ground-breaking issues, including three cases in the House of Lords concerning sound insulation, rent increases and so-called tolerated trespassers.

More recently, he has advised many clients on the implications of projects such as installing solar panel equipment and is often called on to help resolve difficult technical issues.

Christopher also acts a mediator in property disputes, including commercial lease renewals.

Complementing his housing/landlord and tenant work, and his local government practice, Christopher has expertise in general public law and human rights, both in contentious and advisory contexts.

He has formidable strength in depth in judicial review work, encompassing many varied aspects of governmental and statutory activity such as provision and regulation of housing, homelessness, adult social care, care home commissioning, children, use and disposal of land and arrangements between public bodies in areas such as health.

His work routinely involves equality issues and human rights, both within judicial review proceedings and at an advisory and policy level. He regularly advises on equality impact assessments and has been at the forefront of addressing the impact of human rights on domestic law. He acted for the local authority in the leading case in the Supreme Court on the relationship between art.6 and homelessness appeals.

Work involving adults and children who require care and safeguarding is an area of particular interest to Christopher. Many of his cases involve questions about the provision of care for adults and protecting the welfare of children; often these also involve problems of disability and human rights.

Christopher has considerable expertise dealing with judicial review proceedings in relation to welfare issues, both in cases of specific individuals and in relation to policies and multi-agency arrangements. One aspect of his practice has been the arrangements made variously between health bodies, local social services authorities and care providers; and disputes arising from historic, long-term placements about responsibility for and the amount of payment for services provided, especially in relation to those with learning disabilities.

He also has experience of judicial review in areas such as age assessments of unaccompanied minors, assessment of needs, disputes over types of service provision, charging and provision of financial assistance.

Since 2005, he has been involved with the Community Care Law Reports and is one of the editors and editorial board members.

Christopher has extensive experience acting for regulatory and supervisory bodies as well as those who are subject to regulation. He has represented and advised central Government and the Housing Corporation, very many local authorities, and organisations varying from large national operations to small businesses, as well as individuals. He was involved in the first ever reported case on local authority standards committees, before the statutory framework under the Local Government Act 2000 was introduced, defending the exclusion and censure of a senior councillor; and he acted for the chief executive of the local authority in the biggest and longest case ever brought by the Standards Board for England.

Recently, he has been advising on housing licensing schemes in various parts of the country. He also has experience of dealing with inquests and the implications of these and related proceedings

on service operation and safeguarding.

Where possible, Christopher guides people away from litigation as a means of resolving disputes. He has increasingly been involved in facilitative mediation in a wide range of contexts, including commercial litigation, disputes between public bodies, large-scale building defects issues, building management problems, leaseholder service charge cases and private sector landlord/tenant relationship breakdown. Often, there are solutions and benefits to be found by means of mediation which cannot be achieved in courts or tribunals, or through arbitration; and results which are particularly cost-effective.

Christopher is a trained mediator and is available not only as a facilitative mediator but also as an adviser/representative for a participant in mediations. His clients span local government, social landlords and private individuals.

Christopher is pleased to accept instructions from public access clients and on a licensed access basis.

Memberships

- Constitutional & Administrative Law Bar Association
- Housing Law Practitioners' Association
- Property Bar Association
- Social Housing Law Association