Ian Peacock

Year of Call: 1990



Practice Summary

Ian specialises in housing, property, and public law. He is recognised as a leading junior in both Chambers & Partners and Legal 500.

He is an expert in homelessness and allocations law and has appeared in the Court of Appeal, the Administrative Court, and the County Court.

Notably, he has appeared unled (and without a junior) in two Supreme Court cases. The case of *Nzolameso v Westminster City Council* [2015] 2 All ER 942 is still the leading case regarding the scope of local authorities' duties to secure accommodation in their areas. More recently, he has appeared in Court of Appeal cases concerning the test for settled accommodation (*Bullale v City of Westminster City Council* [2021] HLR 21) and local authorities' obligations when approving a private rented sector offer (*Hajjaj v City of Westminster* [2022] PTSR 420).

Earlier in his career, Ian played a part in the development of the concept (now abolished) of the "*tolerated trespasser*" in the case of *Greenwich London Borough Council v Regan* (1996) 28 HLR 469.

He regularly acts in landlord and tenant disputes, whether public or private. He has particular expertise in claims involving local government landlords.

Ian sits as a Recorder on the South Eastern Family Circuit.

Administrative and Public Law

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As well as cases in a housing context, Ian has appeared in public law cases in other contexts, including cases relating to social care, the Equality Act, education and the firefighters' pension scheme.

Recent cases:

R (Jaberi) v City of Westminster [2023] EWHC 1045 (Admin); [2023] PTSR 1402: The claimant challenged the authority's failure to provide alternative accommodation and a provision of the authority's allocation scheme which prevented those in the homeless priority group being considered for inclusion in the medical priority group. The claimant obtained a declaration as to breach of duty but no mandatory order was made. His challenge to the allocation scheme was dismissed.

Khayyat and Ibrahim v Westminster City Council [2023] EWHC 30 (Admin); [2023] All ER (D) 64 (Jan): Under the authority's allocation scheme homeless applicants were entitled to be placed on the housing register only once the main housing duty had been accepted. The claimants successfully challenged the relevant provisions, arguing that they should have been placed on the register as soon as they were accepted as homeless.

R (EL) v Royal Borough of Kensington and Chelsea [2022] EWHC 3185 (Admin): The claimant was rehoused after the Grenfell Tower fire. After the start of his new tenancy the authority obtained an injunction against him following reports of anti-social behaviour. When allegations of breach were made, the authority brought a committal application. The claimant challenged the authority's decision to pursue committal and its failure to offer alternative accommodation, arguing that he had a legitimate expectation of such an offer. The claim was dismissed.

R (Ibrahim) v Westminster City Council [2021] EWHC 2616 (Admin); [2021] All ER (D) 55 (Oct): On two previous homelessness applications to the authority the claimant had been found to have become homeless intentionally. The authority refused to entertain a fresh application relying on further medical evidence. The claimant challenged that refusal on judicial review. The claim raised the question of whether the new facts entitling an applicant to make a fresh application had to have arisen since the previous application was disposed of. The court held that they did not have to postdate the previous decision and that the authority should have accepted a fresh application.

Homelessness

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appeared in Court of Appeal cases concerning the test for settled accommodation (*Bullale v City of Westminster City Council* [2021] HLR 21) and local authorities' obligations when approving a private rented sector offer (*Hajjaj v City of Westminster* [2022] PTSR 420).

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R (Yabari) v City of Westminster [2023] EWHC 1851 (Admin); [2023] PTSR 1039: The claimant was in private sector accommodation which he asserted was unreasonable for him to continue to occupy. He challenged the authority's failure to provide interim accommodation whilst it considered his homelessness application. His claim was dismissed. The court held that, in principle, the duty to provide interim accommodation can be performed in a "homeless at home" case by advising the applicant to remain where they are for the time being.

Hajjaj v City of Westminster; Akhter v Waltham Forest London Borough Council [2021] EWCA Civ 1688; [2022] PTSR: The Court of Appeal considered the correct approach to the approval of private rented sector offers. It was held that the authority must be satisfied that none of the ten bars to suitability in Article 3 of the Homelessness (Suitability of Accommodation) (England) Order 2012 applies. The authority must be satisfied on the basis of evidence rather than assumptions. It is not sufficient for the authority to assume that the property will be in reasonable physical condition merely because the proposed landlord is established and respectable.

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Bullale v City of Westminster Council [2020] EWCA Civ 1587; [2021] HLR 21: The Court of Appeal considered the correct approach to the issue of settled accommodation. It also addressed the status of a previous Court of Appeal decision where the Supreme Court had refused permission to appeal but commented that the reasoning of the Court of Appeal should not be treated as authoritative.

Housing and Property

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Earlier in his career Ian played a part in the development of the concept (now abolished) of the "*tolerated trespasser*" in the case of *Greenwich London Borough Council v Regan* (1996) 28 HLR 469.

Ian has experience of all aspects of housing law, including possession claims, injunctions to restrain anti-social behaviour and disrepair.

In relation to residential tenancies, he has appeared in possession claims based on rent arrears, on neighbour nuisance and on other grounds. He has acted in disrepair claims and claims relating to leasehold enfranchisement and in relation to disputes over service charges, the right to buy and the right to manage.

In relation to business tenancies, he has appeared in claims for a new tenancy under the Landlord and Tenant Act 1954 and in claims for forfeiture and terminal dilapidations. He has acted in appeals arising from rent reviews and in relation to service charge disputes.

Ian has also appeared in mortgage possession proceedings.

Recent cases:

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Lees v Kaye [2022] EWHC 1151 (QB); [2022] 1 WLR 5121: The respondent had obtained judgment against the applicant for nuisance and harassment. In enforcing that judgment he subsequently obtained an order for the sale of the applicant's flat and an order for possession. The respondent obtained possession and sold the flat despite a mental health crisis moratorium being in place. The applicant successfully applied for a declaration that the eviction and sale were null and void.

Local Government

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Ian has acted for and advised a number of local authorities in cases involving a wide range of issues. As well as housing cases, he has acted in cases concerning social care, education and the Equality Act 2010.

He was an elected member of a London local authority for 8 years and has a clear understanding of decision making in local authorities and of the constraints under which they operate.

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Public Access

Ian accepts instructions on a Public Access basis in appropriate cases.

Publications

- Contributor to 'Macdonald on the Law of Freedom of Information and Hill and Redman's Law of Landlord and Tenant'
- Regular case analysis for Lexis Nexis PSL

Qualifications

- Bar Finals (very competent) - The Council of Legal Education
- Diploma in Law (distinction) - City University
- Certificate of Advanced Studies in Mathematics - Trinity College, Cambridge
- BA Hons in Mathematics (first class) - Trinity College, Cambridge
- 5 A Levels, 2 S Levels, 10 O Levels

Areas of Expertise

- Administrative Public Law
- Homelessness
- Housing
- Local Government