



John McCafferty

Year of call: 2000

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Practice Summary

Prior to joining Chambers in 2000, John had been an elected member of a London borough for 18 years, 5 as the leader of the authority. That experience has given John insight and understanding into how local authorities work in practice and the constraints they work under as well as a broad knowledge of local government law.

John has developed a practice covering all areas of housing law; local government law; landlord and tenant (both residential and business tenancies); and aspects of public law.

Housing

John's practice covers all aspects of housing law, including possession proceedings under Housing Acts 1985 and 1988 and the Rent Act 1977; right to buy/acquire; disrepair and nuisance; succession; unlawful eviction and harassment claims.

John has appeared for the landlord as defendant in the magistrates' court in a number of cases on statutory nuisance under section 82, Environmental Protection Act 1990.

Homelessness

John advises and represents both local housing authorities and appellants in section 204 and 204A appeals. He has appeared, as junior counsel, in a number of homelessness cases in the Court of Appeal.

Anti-Social Behaviour

John has extensive experience in this area of work having represented local authorities, registered social providers and defendants under the previous statutory regime in proceedings for possession, injunctions (ASBIs), and anti-social behaviour orders (ASBOs) and more recently in proceedings under the Anti-social Behaviour, Crime and Policing Act 2014.

John's experience covers all aspects of this area of work from drafting pleadings through to committal applications for breach of undertakings/injunction orders.

Local Government

John has extensive practical experience of local government having been an elected member for some 18 years.

He advises local authorities on a wide range of policy issues including finance; housing allocation; freedom of information and data protection.

Residential and Commercial Landlord & Tenant

John advises and represents both landlord and tenants on all aspects of residential landlord and tenant work and on business tenancy issues (possession and renewal) under the Landlord and Tenant act 1954.

Real Property

John advises and appears at FTT (Property) in service charge cases.

Public Law

Memberships

Housing Law Practitioners' Association (HLPAs)
Constitutional & Administrative Law Bar Association (ALBA)

Noteworthy Cases

- *Hackney LBC v Adimaly, Penfold, Penfold & Penfold*, Mayor's & City 21st – 24th September 2015 (Public law challenge to the authority's service of a notice to quit following sub-letting of their property)
 - *Birmingham CC v Balog* [2013] EWCA Civ 1582; [2014] HLR 14 – led by Chris Baker (Application of statutory guidance in homelessness review decisions).
 - *Mohammed v Islington LBC* [2013] EWCA Civ 739; [2013] HLR 41 – led by Andrew Arden QC (Proper application of the Pereira test to determine priority need in homelessness cases).
 - *Ewing v Camden LBC* [2013] EWHC 961 (Admin); [2013] ACD 85 (Local Government; civil procedure; civil restraint orders; vexatious litigants)
 - *Sterling v Cyron Housing Co-op Ltd* [2013] EWHC 4445 (QB) (Co-operative societies; notices to quit; possession orders; rules and tenancy termination)
 - *Ewing v Camden LBC* [2013] EWHC 2542 (Admin) (Local government; housing policy; consent; exchange;
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- authorities' powers and duties; secure tenancies; tenants' rights; vexatious litigants)
- *R (Cranfield-Adams) v Richmond Upon Thames LBC* [2012] EWHC 3334 (Admin) (Local government; housing allocation policy)
 - *Odhams Walk Residents' Management Ltd v Westminster CC* [2009] EWHC 1712 (Admin) (Local authorities' housing management agreements; discrimination; tenant management organisations)
 - *Kay v Lambeth LBC* [2006] UKHL 10; [2006] 2 A.C. 465 – second junior to Andrew Arden QC (Human rights; Landlord and tenant; local authority housing) (Court of appeal: [2004] EWCA Civ 926; [2005] QB 352, and county court)
 - *R (Tower of Refuge Ministry) v Highbury Corner Magistrates Court; Islington LBC* [2004] EWHC 2372 (Admin); [2004] R.V.R. 269 (Charitable business rate relief; liability orders)
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Legal Publications

- **Assistant editor**, Local Government Finance: Law and Practice (Sweet & Maxwell, looseleaf)
 - **Contributor**, Encyclopedia of Local Government Law (Sweet & Maxwell, looseleaf)
 - **Contributor**, Atkin's Encyclopaedia of Court Forms, Vol 20, Housing (2002 Issue) Butterworths
 - **Annotator**, Current Law Statutes (with colleagues from Arden Chambers): Local Government Act 2003; Localism Act 2011; Local Government Finance Act 2012
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