

Jonathan Manning

Year of Call: 1989

Practice Summary

Jonathan specialises in local government, housing and public law. He has, for many years, been recommended by Chambers and Partners and Legal 500 in the fields of social housing and local government work. He regularly appears for individual applicants (including tenants and homeless persons) as well as for local and other public authorities (including private registered providers of social housing), in all courts and tribunals.

Described in Chambers and Partners 2023 as 'known particularly for his local government and judicial review work' and being 'involved in high-profile cases relating to housing benefits and also undertakes cases regarding anti-social behaviour powers'. Jonathan is described by his colleagues as being able to 'grasp any subject with adepth of knowledge which is matched by very few.' Jonathan is described in an earlier legal directory (Chambers 2017) as a “standout practitioner”, “a fountain of knowledge”, “an absolute pleasure to work with”, and “a key player who regularly formulates important points of principle…cuts through issues with ease and is great with clients”.

His practice encompasses all aspects of local government, housing and property work, and involves, in particular, issues of public law, human rights and equalities relating to the public authority governance, powers and service delivery. He frequently also deals with finance, council tax, waste collection and disposal, private sector licensing and enforcement, homelessness and housing rights, housing benefit, mobile homes, landlord and tenant and leasehold service charges. He advises frequently on issues of policy and strategy, including in relation to vires, budgetary reductions, charging, service delivery structures, and joint arrangements with the private and/or third sectors.

Jonathan has particular experience in anti-social behaviour and obtaining civil orders especially in relation to the most serious kinds of behaviour, including organised crime groups and urban street gangs, drug-dealing and firearms, child sexual exploitation, street racers, unauthorised traveller encampments and claims involving consideration of serious mental health issues. Jonathan was leading counsel for the claimant authority in *Birmingham CC v Jones and others*, which received

national media coverage as the largest gang injunction case ever brought (17 gang injunctions and one under Part 1, ASB Crime and Policing Act 2014).

He also appeared in many of the leading decisions in the Supreme Court and Court of Appeal concerning Human Rights Act defences to possession proceedings against non-secure occupiers, including:

- Manchester CC v Pinnock [2010] UKSC 45; [2011] UKSC 6
- Birmingham CC v Frisby [2011] UKSC 8
- Corby DC v Scott [2012] EWCA Civ 276
- Birmingham CC v Lloyd [2012] EWCA Civ 969
- McDonald v McDonald [2016] UKSC

Jonathan's work also includes other gang cases, HMO licence conditions, Art 6 and the standard of proof for civil injunctions (both in the Court of Appeal), judicial review of a landlord licensing scheme, mobile homes possession claims, the redevelopment and disposal of Part II housing stock and other public authority buildings, and a housing benefit appeal to the Upper Tribunal concerning the FTT’s refusal to recognise a representative.

Jonathan delivers training to clients on a regular basis, both at conferences and in bespoke sessions, and is a published author in his fields of practice (Judicial Review Proceedings – a practitioner’s guide (3rd edition) LAG).

Jonathan’s local and public authority practice extends far beyond housing and anti-social behaviour law. He is regularly asked to advise on the full range of governance, vires and finance issues as well as in relation to the delivery of individual services. He has for many years been recommended in Chambers and Partners Bar Guide.

work includes advising on:

- local government reorganisation, constitutional and executive arrangements, delegation and contracting out
- budget setting and finance including pay equalisation, charging for services and service delivery arrangements (including consultation requirements) including special police services
- rights of overview and scrutiny committees, members (to attend meetings and receive information)
- freedom of information and data protection.
- drafting of council tax reduction schemes
- service reductions and closures, including consultation requirements
- contracts and liability

Adult social care and children’s services, including EHCPs, CCG healthcare provision and age assessments.

Jonathan also has considerable experience of performance standards in local government and of ethical issues.

Noteworthy Cases

Governance/vires

R (TQ) v Wolverhampton CC (2016) judicial review challenge to the provision of services for children with autism spectrum disorders

R (Enfield LBC) v Barnet CCG and others (2013) (judicial review challenge to closure of an A&E department)

R (Buckley) v Sheffield City Council [2013] EWHC 512 (Admin) (local authority council tax reduction scheme)

R (East Devon DC) v Electoral Commission, Boundary Committee for England [2009] EWCA Civ 239 [2009] BLGR 589; (local government reorganisation)

R (Enfield LBC) v Secretary of State for Health [2009] EWHC 743 (Admin)

R (Shrewsbury & Atcham BC) v Secretary of State for Communities and Local Government [2008] EWCA Civ 148; [2008] 3 All ER 548; [2007] EWHC 2279 (Admin); (local government reorganisation, ministerial powers)

Wolman v Islington LBC and City of London Corporation [2007] EWCA Civ 823; [2008] 1 All ER 1259 (parking on the highway)

R (Ealing LBC) v Audit Commission [2005] EWCA Civ 556; (2005) 8 CCL Rep. 317; [2005] EWHC 195 (Admin); (comprehensive performance assessment)

R (Ealing LBC) v Audit Commission [2002] EWHC 2852 (Admin); [2003] ACD 11 (comprehensive performance assessment)

Leeds City Council v Spencer [2000] BLGR 68, CA (waste collection; power to require property owner to dispose of refuse)

R v Bridgnorth DC ex p Prime Time Promotions Ltd [1999] COD 265, QBD (sex-shop licensing)

R. v. Broadcasting Complaints Commission, ex p. British Broadcasting Corporation; R. v. Broadcasting Complaints Commission, ex p. Lloyd (1992) The Times, October 16, QBD (broadcasting complaints)

Environmental protection

R (Vella) v Lambeth LBC [2005] EWHC 2473 (Admin); [2006] Env LR 33; [2006] HLR 12 (duty to serve abatement notice; structural cause of noise nuisance)

Camden LBC v London Underground Ltd [2000] Env LR 369,DC; (2000) EHLR 101, DC (statutory nuisance; defence of lawful authority)

Carr v Hackney LBC [1995] Env LR 372, DC (statutory nuisance; defence of refusal to allow landlord access to remedy cause of nuisance)

Ombudsmen and ethical standards

Standards Board for England v Sutton and others (Isle of Wight Council) (2009)

Standards Board for England v Eggington (Mansfield DC) (2007)

Department of Health v Pensions Ombudsman [2000] 1 WLR 561, CA (NHS pensions)

Westminster CC v. Haywood [1997] 2 All ER 84, CA (powers of ombudsman)

Jonathan has appeared in numerous public law cases and regularly advises on such matters including

judicial review and statutory appeals;

ombudsmen complaints

tribunals;

licensing and regulations,

human rights

Equality Act duties.

Jonathan is author of Judical Review (A Practitioner’s Guide) LAG 3rd edition (2013)

Notable cases: See above, under ASB, housing, and local government.

Jonathan is experienced in all aspects of housing law, regularly dealing with issues of housing policy and governance, powers and management, homelessness and allocations, right to buy, and private sector enforcement, housing fraud, disposal of stock and the recent and current developments in Wales. He has for many years been recommended in Chambers and Partners and Legal 500.

He has considerable experience of HMO and private sector landlord licensing, advising and acting successfully for both local authorities and landlords in relation to challenges to schemes, prosecutions for breach of licence conditions and HMO management requirements, and tribunal appeals concerning licence conditions. He represented the landlords in *R (Peat) v Hyndburn BC* [2011] EWHC 1739 (Admin); *R (Regas) v Enfield LBC*; *R (Croydon Property Forum) v Croydon LBC*; *Windsor and Maidenhead RBC v Badiani* (2015) and the local authority in *R (Rotherham Action Group) v Rotherham BC*.

He is also familiar with housing benefit issues including in relation to exempt accommodation both in the tribunals and the higher courts (*Birmingham CC v SA and SS* [2016] EWCA Civ)

Other issues he has dealt with include disaggregation of social rents for the purposes of the Housing and Planning Act 2016, disposal and redevelopment of Part 2 stock, service charge and other leasehold disputes, tenancy deposits and scheme rules, security of tenure and possession proceedings, introductory and demoted tenancies, right-to-buy (especially properties particularly suitable for the elderly), housing benefit (including bedroom tax and benefit cap issues), grants and subsidies and anti-social behaviour.

He also appeared in most of the leading decisions in the Supreme Court and Court of Appeal concerning Human Rights Act defences to possession proceedings against non-secure occupiers, including

- Manchester CC v Pinnock [2010] UKSC 45; [2011] UKSC 6
- Birmingham CC v Frisby [2011] UKSC 8
- Corby DC v Scott [2012] EWCA Civ 276
- Birmingham CC v Lloyd [2012] EWCA Civ 969
- McDonald v McDonald [2016] UKSC

Other Noteworthy cases include:

Homelessness and allocations

- Gavin v Birmingham CC [2015] CC (person not homeless when deliberately worsening housing conditions)
- Samuels v Birmingham CC [2015] EWCA Civ 000 (reasonableness to continue to occupy/ relevance of benefit income to affordability).
- Maswaku v Westminster CC [2012] EWCA Civ 669; [2012] PTSR 1650 (information required to be given when discharging homelessness duty)
- El Goure v Kensington & Chelsea RLBC [2012] EWCA Civ 670; [2012] PTSR 1664 (homelessness, split households, whether exceptional circumstances)
- Nzamy v Brent LBC [2011] EWCA Civ 283; [2011] HLR 20 (homelessness review duties)
- Akhtar v Birmingham CC [2011] EWCA Civ 383 [2011] HLR 28 (homelessness, duty to give reasons)
- Makisi v Birmingham CC [2011] EWCA Civ 355; [2011] PTSR 1545 (homelessness, right to an oral hearing on review)
- Hanton-Rhouila v Westminster CC [2010] EWCA Civ 1335 [2011] HLR 12 (homelessness, gatekeeping)
- Birmingham CC v Ali [2009] EWCA Civ 1279; [2010] PTSR (CS) 6 (meaning of “inform”; duty to notify homeless applicants in languages other than English)

R (van Boolen) v Barking & Dagenham LBC [2009] EWHC 2196 (Admin) (allocation schemes; power to prefer applicants with local connection)

R (Lin) v Barnet LBC [2007] EWCA Civ 132; [2007] HLR 30 (housing allocation schemes; treatment of the homeless)

Cramp v Hastings BC [2005] EWCA Civ 1005; [2005] 4 All ER 1014 (homelessness; extent of enquiries; reasonableness; procedure for conducting appeals)

Hall v Wandsworth LBC [2004] EWCA Civ 1740; [2005] 2 All ER 192 (homelessness reviews; requirements of reg.8(2) to invite further representations)

R (Maughan) v Leicester CC [2004] EWHC 1429 (Admin) (eviction of travellers from unauthorised encampment and homelessness)

R (A) v Lambeth LBC [2002] EWCA Civ 1084, CA; [2002] HLR 57 (allocation schemes; legality of scheme in facilitating composite assessments; treatment of waiting time)

R v East Devon DC ex p Robb (1998) 30 HLR 922, QBD (homelessness; local connection)

R v Kensington & Chelsea RLBC ex p Ben el Mabrouk (1995) 27 HLR 564, CA (homelessness; redevelopment and home loss payments)

Housing Benefit

SS v Birmingham CC and Secretary of State [2013] UKUT 0418 (AAC); [2014] UKUT 0137 (AAC) (exempt housing and unreasonably high rents)

R (SG) v Secretary of State for Work and Pensions Supreme Court, April 2014 [2014] EWCA Civ 156, the challenge to the benefit cap regulations, representing Shelter as an intervener

R (MA) v Secretary of State for Work and Pensions [2013] EWHC 2213 (DC) the challenge to the “bedroom tax”, representing Shelter and Birmingham CC as interveners

R (Bewry) v Norwich City Council [2001] EWHC Admin 657 [2002] H.R.L.R. 2 (housing benefit; human rights)

R (Bono) v Harlow DC [2002] EWHC 423 [2002] 1 WLR 2475, QBD (housing benefit; human rights)

R v Derby CC ex p Third Wave Housing [2001] 33 HLR 61 (housing benefit, contrived tenancies)

R v Doncaster BC, ex p Nortrop (1996) 28 HLR 862, QBD (housing benefit, valuation of capital)

R v Oadby and Wigston BC, ex p Dickman (1995) 28 HLR 806, QBD (housing benefit, vulnerable applicants)

R v Secretary of State for Social Security, ex p AMA (1992) 25 HLR 131, QBD (Secretary of State’s power to amend housing benefit scheme)

R. v. Manchester City Council, ex p. Baragrove Properties Ltd (1991) 23 HLR 337, DC (contrived tenancies)

Housing and possession claims

Dove v Havering LBC [2017] EWCA Civ 156 (only or principal home)

Birmingham CC v Beech [2014] EWCA Civ 830 where possession proceedings were brought against a failed successor; the issues included whether undue influence had been used in obtaining the tenant's notice to quit and whether the authority had acted perversely as a matter of public law in relying on the notice

Lambeth LBC v Loughborough Estate Management Board (Arbitration, 2013) (solvency of estate management board, terms of management agreement)

Birmingham CC v Ashton [2012] EWCA Civ 1557 [2013] HLR 8 (appeal against suspended possession order)

Godfrey v A2 Dominion Homes [2011] EWCA Civ 813 [2012] Ch. 382 (whether a Debt Relief Order precludes a possession order for rent arrears)

Circle 33 Housing Trust v Ellis [2006] HLR 7 (warrants; oppression)

Manchester CC v Finn [2002] EWCA Civ 1998; [2003] HLR 41 (variation of possession orders)

Newcastle City Council v. Morrison (2000) 32 HLR 891, CA (nuisance possession)

Field v Leeds CC (1999) 32 HLR 618 CA (expert evidence in disrepair cases)

Manchester CC v. Cochrane [1999] 1 WLR 809, CA (introductory tenancies; possession proceedings; right to challenge possession claim)

Wandsworth LBC v Osei-Bonsu [1999] 1 WLR 1011, CA (unlawful eviction)

Zionmor v Islington LBC (1997) 30 HLR 822, CA (surrender by operation of law)

Payne v Barnet LBC (1997) 30 HLR 295,CA (right to buy; duty of care; misrepresentation)

Shrewsbury & Atcham BC v Evans (1997) 30 HLR 123, CA (possession, obtaining tenancy by deception)

Darlington BC v. Sterling (1996) 29 HLR 309, CA (nuisance possession)

City of London v Devlin (1995) 29 HLR 58, CA (consolidation of possession proceedings).

Other landlord and tenant

Honeysuckle Properties v Fletcher [2010] EWCA Civ 1224 [2012] 1 WLR 94 (tenancy deposit schemes)

Regent Management v Jones [2010] UKUT 369 (LC)

Andre v Robinson [2007] EWCA Civ 1449

Richmond Housing Partnership v Brick Farm Management Limited [2006] EWHC 1004 (Ch); [2007] L & TR 1 (collective enfranchisement; service of notices)

Richmond Housing Partnership v Brick Farm Management Limited [2005] EWHC 1650 (QB); [2005] 1 WLR 3934 (collective enfranchisement)

R (Park Lane Properties (Leeds) Ltd) v Northern Rent Assessment Committee [2003] EWHC 1837 (Admin) (rent assessment)

Rowe v Matthews (2001) 33 HLR 81, QBD (Rent Act 1977, restricted contract, whether became protected or assured tenancy; Housing Act 1988 transitional provisions).

Bank of Ireland Home Mortgages Ltd v South Lodge Developments Ltd [1996] 1 EGLR 91, ChD (mortgage repossession, grant of new lease).

City of London Corporation v Fell [1994] 1 AC 458, HL (renewal of commercial tenancy)

Jonathan has vast experience of anti-social behaviour cases, having been involved in this area of work since the early 1990s when he obtained some of the first housing estate injunctions using s.222 Local Government Act 1972. Since then, he has been involved in many of the leading cases in this area, in the Supreme Court, Court of Appeal and High Court (see below).

Jonathan's focus has been on the most serious types of ASB in cases involving multiple members of adult gangs and organised crime groups discharging firearms in public places, a rapist of sex workers in a red light district, a cult leader using a PRP tenancy as a base for the sustained physical and sexual abuse of vulnerable young women, organised car and motorcycle cruises, rogue traders and unauthorised traveller encampments.

He is also familiar with ASB cases involving defendants with mental health/capacity and Equality Act/human rights issues, including cases involving Equality Act assessors. Other issues include dealing with spent convictions, whether the current injunction legislation has retrospective effect, the permissible duration of suspended committal orders, cross-examination of vulnerable witnesses by unrepresented defendants and special measures generally.

In August 2017, he obtained (with Alice Richardson) injunctions against 18 gang affiliated defendants in an application brought by Birmingham City Council in conjunction with West Midlands Police, that has received national MEDIA attention (*Birmingham CC v Jones and others*).

Other noteworthy cases:

Birmingham CC v Jones (2017) Birmingham County Court, 12 July. 17 injunctions obtained against rival gang members in the largest application ever brought.

Birmingham CC v Paul [2017] EWHC 1027 (QB). Committal orders made against 3 defendants who breached a High Court injunction against persons unknown, prohibiting street racing.

Christie v Birmingham CC [2016] EWCA Civ 1339 A suspended committal order was lawfully made where it was suspended until further order; a period of suspension defined by reference

to the contemnor's compliance with another order of indefinite duration was lawful.

Birmingham CC v Pardoe [2016] EWHC 2119 (QB) Section 21(7), Anti-social behaviour, Crime and Policing Act 2014 does not preclude the court from taking account of conduct occurring more than 6 months before the Act's commencement date. Such conduct may be relevant to whether conduct within that period occurred or to rebut a defence case, and also to the evaluative exercise of considering whether the making of an order is just and convenient.

Birmingham CC v Jones [2016] EWHC (QB) whether civil standard of proof in injunction cases is compatible with Art.6. (Permission to appeal was granted by the Judge; the appeal is due to be heard by the Court of Appeal in April 2018).

Birmingham CC v Rafiq (2014) Birmingham County Court, 13 February. Injunctions against 9 members of a drug gang.

Birmingham CC v James [2013] EWCA Civ 552 [2014] 1 WLR 23; (gang injunction, human rights)

Swan HA v Gill [2013] EWCA Civ 1566 [2014] 1 P & CR DG12 (injunctions, consideration of public sector equality duty under s,149, Equality Act 2010)

Greenwich LBC v Frank Smith Croydon Crown Court, December 2012 (A20120289) (successful appeal against extension of a closure order)

Westminster CC v Patricia Bailey (2010) Southwark Crown Court (successful appeal against terms of an ASBO)

Birmingham CC v Persons Unknown [2010] EWHC Case No: OBM70352 (s.222 injunctions to prohibit car-cruising)

Birmingham CC v James [2010] EWHC 282 (Admin); (2010) 174 JP 250 (variation of ASBO)

Birmingham CC v Dixon [2009] EWHC 761 (Admin); [2010] 1 WLR 32 (admissible evidence in ASBO cases)

Birmingham CC v Shafi [2008] EWCA Civ 1186; [2009] 1 WLR 1961 (s.222 injunctions in aid of criminal law, to disrupt gang activities)

R (Birmingham CC) v Birmingham Crown Court [2009] EWHC 3329 (Admin); [2010] 1 WLR 1287 (criteria for grant of permission to appeal to Crown Court out of time).

Birmingham CC v VB [2008] EWHC 1224 (QB)

Manchester CC v Lee [2003] EWCA Civ 1256; [2004] 1 WLR 349 (Housing Act 1996 anti-social behaviour injunctions).

Medina Housing Association v Case [2002] EWCA Civ 2001; [2003] 1 All ER 1084 (availability of Housing Act 1996 anti-social behaviour injunctions to enforce tenancy agreement after possession obtained).

R v Manchester Crown Court ex p Manchester CC [2001] ACD 53, DC (ASBO appeals)

Leicester CC v Lewis (2000) 33 HLR 37 (sentence for contempt of court for breach of injunction)

Jonathan acts in residential (see above, Housing) and commercial landlord and tenant cases. He has frequently acted in claims against guarantors, leasehold disputes against commercial tenants (including claims under the Landlord and Tenant Act 1927) and in dilapidations, waste and nuisance claims.

Notable cases: see above under Housing/Landlord and Tenant.

Jonathan is an experienced property litigator (residential and commercial) and is recommended in Legal 500 for his property work. He regularly acts for landlords and tenants in relation to service charge and other leasehold disputes, forfeiture (and relief) and other more unusual types of claim (e.g. conspiracy to injure, unlawful means, secret demolition of flying freehold).

Legal Publications

Author/co-author

Judicial Review Proceedings: A Practitioner’s Guide (with Sarah Salmon and Robert Brown) 3rd ed, LAG 2013

Local Government Constitutional and Administrative Law (with Andrew Arden QC and Christopher Baker) 2nd ed Sweet & Maxwell 2008.

Blackstone’s Guide to the Anti-Social Behaviour Act 2003 (with Claire-Louise Manning and Victoria Osler) OUP 2004

Housing Law: Pleadings in Practice (with Christopher Baker and Jim Shepherd) 2nd ed, Sweet & Maxwell 2003A Guide to the Greater London Authority, Sweet & Maxwell 1999 (General editor)

Public Law & Human Rights in Human Rights Act 1998: A Practitioners Guide (Baker, ed.), Sweet & Maxwell (contributor)

Annotations

Current Law

Elections Act 2001,

Greater London Authority Act 2007

Editor

Local Government Law Reports (1999-2001), Sweet & Maxwell

Updates: Encyclopedia of Local Government Law (1999-date), Sweet & Maxwell

Journal of Local Government Law (Digest) (1997-2000), Sweet & Maxwell

Qualifications

Bar Finals: 1st class, 2nd in year

Scarman Scholarship

Inner Temple Examination Scholarship

Duke of Edinburgh Entrance Award

BA Law (Cantab): 2.1 class

Pembroke College, Cambridge

(1991: MA (Cantab))

8 O levels – 1982; 4 A levels

Memberships

- Administrative Law Bar Association
- Housing Law Practitioners Association

Areas of Expertise

- Administrative Public Law
- Human Rights Equalities
- Elections
- Homelessness
- Housing
- Inquiries And Inquests
- Investigations And Resolutions
- Local Government
- Planning Environment
- Professional Discipline And Regulatory
- Property