



Vivienne Sedgley

Year of call: 2011

'A standout junior'

Legal 500 2021

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Practice Summary

Vivienne is a leading junior with a wide-ranging public law practice.

She is ranked in the Legal 500 as a leading junior for local government, and administrative and public law.

She is described as “*outstanding*”, “*an excellent advocate ... down to earth and persuasive*”, “*very sound judgement*”, “*she responds very well to pressure and tight deadlines*”, ‘*clear, concise, logical and fluent in her advice*’.

She is a published author in her practice areas, writing for *Supperstone, Goudie and Walker: Judicial Review* and *Parker's Law and Conduct of Elections*.

She is known for her approachability and clear written advice, particularly in tricky areas of law.

Public & Administrative

Vivienne acts for public bodies, third sector organisations, companies and individuals.

Judicial review

Vivienne writes for one of the leading legal commentaries: *Supperstone, Goudie and Walker: Judicial Review*. She is well versed in the workings of public bodies, having extensive in-house experience (e.g. local authorities, government departments and the House of Commons) and knowledge of associated issues concerning access to information under the Freedom of Information and Data Protection Acts.

She has experience of judicial review in a wide range of contexts, including commercial disputes between a developer and a local authority, council tax reduction schemes, educational and care provision, housing, local authorities' wholly owned companies, elections, procurement, state aid/subsidy controls, cemeteries, planning, local government executive and non-executive decision-making, challenges to tribunals, professional regulation and the adequacy of consultations.

She has provided urgent and out of hours advice in a variety of matters, including extensive advice concerning local authorities' emergency powers at the outset of the coronavirus pandemic.

Her work includes a case concerning urgent changes to electoral law made by coronavirus legislation (*R (Democracy Newham Limited) v London Borough of Newham* [2021] EWHC 150) and the first reported case regarding combined authorities (*R (Derbyshire CC) v Barnsley, Doncaster, Rotherham and Sheffield Combined Authority* [2016] EWHC 3355).

Elections

Vivienne is an election law specialist. She is Assistant Editor to Richard Price OBE QC for one of the leading election law commentaries: *Parker's Law and Conduct of Elections*. She has varied experience of election law and has acted and advised in a variety of urgent, sensitive and high profile matters. Previous instructions have included:

- advising as emergency 'on call' counsel on election days;
- election expenses, criminal offences and relief;
- access to the full electoral register;
- electoral registration;
- disqualification from office;
- terms of office;
- validity of votes; local government referendums;
- the effects of coronavirus legislation (including *R (Democracy Newham Limited) v London Borough of Newham* [2021] EWHC 150 (Admin)).

Mental capacity and mental health

Vivienne acts in proceedings under the Mental Health Act 1983 and Mental Capacity Act 2005, and in related proceedings affected by capacity and mental health issues.

She has experience of a wide range of cases, including sensitive and high-profile proceedings requiring reporting restrictions and anonymity orders, capacity to conduct relationships, unwise vs incapacitous decision-making, statutory wills, nearest relative applications and deputyship applications

Planning & Environment

Vivienne deals with both large-scale developments and individual planning issues.

Her instructions include:

- Acting as part of the team for the Greater London Authority at the Examination in Public of the London Plan.
- Advising on the application of the public sector equality duty in controversial regeneration projects.
- Advising on powers and duties to carry out works under the Highways Act 1980, and landowners' associated rights to compensation.
- Statutory reviews and judicial reviews of local planning authority decisions.

- Advising on traffic regulation orders.

She has written on the presumption in favour of sustainable development and the application of the Public Sector Equality Duty in the context of planning.

Property & Housing

Vivienne's practice covers a range of housing and property issues, from possession proceedings to local authority accounting for housing expenditure and misrepresentation in the sale of property.

She regularly appears in both the property tribunals and the courts. She has a significant amount of trial experience, including vulnerable and expert witnesses.

Previous instructions include:

- Appeals against financial penalties imposed under the Housing Act 2004, including instructions (led by Jonathan Manning) in two of the first appeals to the Upper Tribunal.
 - Acting for the landlord in complex possession proceedings involving disputes about agency.
 - Representing local authorities seeking to address anti-social behaviour by way of closure orders, possession proceedings and/or injunctions.
 - Advising on the right to buy and the use of right to buy receipts.
 - Advising on relief for registered social landlords and registered providers of social housing.
 - Advising on the exercise of an option to purchase the freehold.
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Regulatory, Professional Discipline & Business Crime

Vivienne is adept at dealing with all stages of professional disciplinary and regulatory proceedings, including challenges by way of judicial review. She acts for both regulators and registrants. Since 2017, she has acted as clerk to the Bar Tribunals and Adjudication Service (which deals with the regulation of barristers).

She has considerable experience of tribunal proceedings at first instance, including hearings lasting several weeks, more than one hundred charges, cross-examination of multiple experts, high-profile cases involving associated criminal investigations, safeguarding investigations and/or media coverage, and sensitive cases, involving vulnerable witnesses, relationships between professionals and clients, and the deaths of patients.

Publications

- Contributor to 'Supperstone, Goudie and Walker: Judicial Review' (6th Ed, 2017) (LexisNexis)
 - Assistant Editor, 'Parker's Law and Conduct of Elections' (2017 to 2019) (LexisNexis)
 - 'Pilot Schemes in the Court of Protection' (Local Government Lawyer, 2016)
 - Court of Appeal decision on jurisdictional challenges: Apex Global Management Ltd v. Global Torch Ltd [2017] EWCA Civ 315
 - Costs budgeting: SARPD Oil International Ltd v. Addax Energy SA [2016] EWCA Civ 120 is overruled by the CPR
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Professional memberships

- Administrative Law Bar Association
 - Commercial Bar Association
 - Property Bar Association
 - South Eastern Circuit
 - Public Access Bar Association
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Education

- The Honourable Society of Middle Temple, Certificate of Honour (awarded for outstanding achievement on the Bar Professional Training Course)
 - The University of Cambridge, MA (Hons) Philosophy
 - The College of Law, LL.B.
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Professional posts

- Appointed to the National Procurement Service for Wales' panel of approved counsel (2017)
 - Appointed as clerk to the Bar Tribunal and Adjudication Service (2017)
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