

The Editor speaks...

Since our last newsletter in August the two matters that “stick out” for me in the Housing world – aside from the wonderful Cornerstone Housing Conference held on 4 October 2016 - are the progress of the Homelessness Reduction Bill 2016/17 and the recent Court of Appeal judgment in [Cardiff County Council v Lee \(Flowers\) \[2016\] EWCA Civ 1034](#). The latter was the subject of no less than 3 e-flashes from myself, starting with my [pre-hearing consideration](#) of the case and its potential impact.

The Lee judgment attracted a lot of publicity and comment as the Court of Appeal held that since 2014 landlords should have been seeking the permission of the court before requesting a warrant of possession in cases where it was said that the terms of a suspended possession order had been breached. Whatever the arguments as to costs and delay such an additional process will bring, or the correctness of the decision or of the concessions made, no-one can say they haven't now been warned, not least by Lady Justice Arden at paragraph 31 of the Judgment:

“...I reiterate that CPR 83.2 constitutes an important protection for tenants. It is not to be taken lightly. Social landlords must ensure that from now on their systems are such that the same mistake will not be made in future. I also hope that the Civil Procedure Rule committee will consider whether any amendment can be made to form N325 to make it clear that there are cases in which permission must be sought first. Hopefully also county court offices will be able to identify cases which are not within CPR 83.26 and this will assist the bailiffs who have to carry out warrants.”

On the legislative front, whilst we await the regulations in respect to significant housing reforms to come (in 2017) such as pay to stay and the voluntary right to buy, the House of Commons gave the Homelessness Reduction Bill its Second reading on 28 October 2016, it is now moving to the Committee Stage. This private member's bill has attracted cross-party and government support, and is one of the subjects dealt with in this newsletter by [Matt Lewin](#). It seeks to refocus English local authorities on efforts to prevent homelessness arising in the first place, and the government has pledged to meet the “reasonable” additional costs to local authorities of the reforms.

We will obviously follow the Bill's progress through the Houses of Parliament, as we will the Housing White Paper Sajid Javid, Secretary of State for Communities and Local Government, [announced](#), on 3 October 2016, would be published later in the year.

Finally, on a chambers front we are delighted that [Ruchi Parekh](#) accepted tenancy after the successful completion of her pupillage here at Cornerstone. She is an important addition to the Housing Team, and will ensure that the quality recognised recently by [The Legal 500](#), when chambers was shortlisted for set of the year in both the Public Law and Real Estate, Environment and Planning categories, is maintained and enhanced.

So as always, enjoy the read and feedback is always welcome!

Andy Lane
Editor