



Barrister

MARTIN HODGSON

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Call: 1980



Specialist in
Housing & Community Care
Public Law
Civil Law
Modern Slavery & Trafficking Team
Direct Access Trained

Experience

With over 35 years' experience across several practice areas, popular Social Housing Barrister Martin Hodgson is dedicated to using the law to champion his clients' rights, and fight injustice. An exceptionally experienced and respected lawyer, Martin has a deep understanding of many areas of law, including Civil, Family and Criminal Law, and has specialised in Social and Private Housing and related Public Law litigation for the last 20 years. Martin has a particular interest in the relationship between housing and family life, and is committed to protecting private sector tenants from unscrupulous landlords. Martin was a finalist in the 2019 Legal aid lawyer of the year awards in the category of Legal aid Barrister of the year, described by the winner as 'an unsung hero of the Bar.' In the past Martin has given seminars to solicitors on aspects of housing, family and personal injury law. He firmly believes that homelessness and the threat of homelessness is a devastating blow to family life and will always try to make himself available to assist where loss of the home is at risk. He accepts work from direct access clients.

Martin accepted an invitation to join 1 Pump Court in September 2008 having practised for many years at chambers based at 8 Kings Bench Walk (now 1 MCB). His practice is predominantly in the area of housing, Local Government law and Public Law although he also undertakes work in the fields of Personal Injury, property disputes and general civil common law. He is also a trained family law mediator.

Martin considers himself fortunate to have come to the Bar at a time when it was still common for Barristers to have mixed practices because this provides invaluable experience. After pupillage at two sets within Francis Taylor Building and a brief period as a common law devil to the late Don Harvey QC, he joined his former set in 1983 (then based at 11 KBW). Over the years, housing, property and local government work became more prominent and these are the areas that he mostly practices in. He ceased practicing Criminal law after about twelve years to concentrate on civil work. During his career Martin has appeared in the Court of Appeal in Crime, Family, Personal Injury, Real Property, Local Government and Housing cases. More recently, he has appeared in the Supreme Court in 2 cases. In the past he has been instructed regularly by social landlords but he is best known for his work representing tenants. After many years, this is an area of law that Martin still enjoys and it gives him tremendous pleasure to have an expertise that can make a real difference to people's lives.

Martin is committed to social housing and protecting private sector tenants from unscrupulous landlords. He would like to work more closely with responsible social landlords who put the needs of their tenants at the forefront and with local authorities dedicated to tackling rogue landlords. In the past Martin has given seminars to solicitors on aspects of housing, family and personal injury

law. In 1994 he was the British Lawyer invited to address a seminar in Brussels of European jurists on the Human Rights aspects of trial by jury, especially in relation to long fraud trials. He firmly believes that homelessness and the threat of homelessness is a devastating blow to family life and will always try (pressure of work permitting) to make myself available to assist where loss of the home is at risk. He has a good working knowledge of French, and has been an approved Pupil supervisor since the late eighties.

Interests

His family, the company of friends, travel, music, scuba diving. When he was younger and slimmer Martin was a keen Karate practitioner. Nowadays, he practices Chi Kung and is trying to learn Kung Fu.

Lomax V Gosport BC (Equality & Human Rights Commission intervening) [2018] EWCA Civ 1846; [2018] HLR 40 A

Housing authority must focus sharply on an applicant's disabilities to comply with its Public Sector Equality Duty and must consider its duty to take steps to meet the different needs of a disabled person which may involve treating her more favourably than a person who is not disabled. Further, the duty arises at each step of the decision making process.

Arnold V Mann & Others [2018] UKFTT 0210 (PC)

Acted for 8 Respondents in successfully resisting a claim for adverse possession of a disputed service road and right of way.

Poplar Housing V Begum & Rohim [2017] EWHC 2040; [2018] 1 P & CR DG4

Illegal sub-letting of social housing. Issue on appeal was whether the trial judge erred in law or was plainly wrong in making a suspended possession order rather than an outright possession order and whether housing benefit should be taken into account when making an unlawful profit order

What the directories say

Chambers & Partners, 2015

Praised by sources as an excellent advocate for vulnerable clients. He advises on a range of housing matters, including appeals against the Housing Act, and is described as having "a brilliant legal mind."

Strengths: "He has such a great way with clients. He's experienced, persistent and appropriately cautious."

Recent work: "He is respected for his work for the tenants in Sharif v Camden LBC."

Chambers & Partners, 2014

Expertise: He is noted for his realism, pragmatism and the measured advice he gives. Sources also say he is someone who can think outside the box and resolve unusual or complicated problems. "He's quietly spoken but very steely in court."

Education

Inns Of Court Bar Vocational Course
Polytechnic of Central London BA (Hons) Law
Worth School

Memberships

HLPA

ALBA

South Eastern Circuit

Hon. Society of Middle Temple

CPBA

Languages

French

Awards

Martin is recognised by Chambers and Partners and Legal 500 as a leading junior in the area of social housing.

CASES

Coleman v Harrow LBC

The Claimant and her children lived in temporary accommodation provided by the local authority under section 193(2) HA 1996. The authority accepted that the accommodation was not suitable as it did not meet the needs the Claimant's severely disabled daughter, but said it was taking reasonable steps, including increasing the family's allocations banding, in order to secure alternative accommodation.

The specific needs of the family, it said, made it difficult to source suitable accommodation. In the meantime, it had offered what it considered to be reasonable temporary adaptations.

Ms Coleman's child was non-verbal and had lifelong and complex developmental and mobility conditions. She needed specialist equipment to allow her to be transferred and to use the home safely, which the existing accommodation could not facilitate. She had therefore been without necessary adaptations for nearly a year. As a result, the Claimant had to lift the child manually and had suffered injuries as a result.

At an expedited hearing, the Court made a mandatory order. The Court considered that the time in which the family had been in unsuitable accommodation was far too long (they had lived there for nearly a year). The witness evidence from the authority fell short of showing it had done all it reasonably could and it had other powers it could use. The property was having a deleterious effect on the family. The temporary adaptations suggested by an occupational therapist were not realistic and did not mitigate against the unsuitability. The Court directed Harrow to secure suitable accommodation within 2 months, and pay Ms Coleman's costs.

The case also raised issues over whether Harrow had acted in breach of the PSED or discriminated, and its failure to act consistently with its obligations under the Children Act 1980. However, the Court

did not consider it necessary to deal with those in order to make the order.
Eleri & Martin were instructed by Radhika Shah, Solicitor, Harrow Law Centre.

Area of Law:

Housing & Community Care, Homelessness & Allocations, Public Law, Housing & Community Care

Related Barristers:

Eleri Griffiths

Martin Hodgson

First Capital East Ltd V Plana

[2015] EWHC 2982 (QB)

First reported case on principles to be applied in exercise of the High Court's discretion to permit civil committal proceedings following acquittal in criminal proceedings based upon the same facts. The first defendant had brought a substantial claim for damages for personal injury sustained at work supported by his son, the second defendant. Following surveillance evidence, the County court dismissed his claim as an abuse of process and referred the case to the High court to consider contempt proceedings. The First defendant was subsequently charged and acquitted by a jury of offences of fraud arising from the claim. The second defendant was not charged and a second issue was whether committal proceedings should be permitted against him alone.

Area of Law:

Public Law, Civil Law

Related Barristers:

Martin Hodgson

Sharif V Camden LBC

[2013] UKSC 10; [2013] 2 All ER 309; [2013] HLR 16

Whether a housing authority could discharge its duty under Part 7 Housing Act 1996 by accommodating a family in 2 adjoining flats.

Area of Law:

Housing & Community Care

Related Barristers:

Martin Hodgson

Murphy V Slough BC

[2013] EWCA Civ 569

Permission hearing where finding of intentional homeless made on basis of rent arrears where tenant had an arguable claim for damages for disrepair.

Area of Law:

Housing & Community Care

Related Barristers:

[Martin Hodgson](#)

Wolverhampton BC V Shuttleworth

Unreported: Transcript on Westlaw

Challenge to Wolverhampton's introductory tenancy scheme

Area of Law:

Housing & Community Care

Related Barristers:

[Martin Hodgson](#)

R (Sadek) V City Westminster

[2012] EWCA Civ 803

Principles to be applied in application for housing pending review/appeal.

Area of Law:

Housing & Community Care

Related Barristers:

[Martin Hodgson](#)

Yemshaw V Hounslow LBC

[2011] UKSC 3; 1 WLR 433; [2011] 1FLR; [2011]; [2011] HLR 16

Domestic violence is not limited to physical assault but includes psychological or any form of abuse which might give rise to the risk of harm.

Area of Law:

Family, Housing & Community Care

Related Barristers:

[Martin Hodgson](#)

Nagi V Birmingham CC

[2010] EWCA Civ 1391

Permission hearing in respect of weight given to NowMedical reports by housing authority review officer.

Area of Law:

Housing & Community Care

Related Barristers:

[Martin Hodgson](#)

Richards V Ipswich CC (reported with Moran V Manchester CC)

[2008] EWCA Civ 378 ; [2008] HLR 39

Whether a women's refuge is accommodation for the purposes of Part 7 Housing Act 1996.

Area of Law:

Family, Housing & Community Care

Related Barristers:

[Martin Hodgson](#)

Redbridge LBC V Low

[2006] EWCA Civ 1679

Whether an old local authority tenancy was governed by the provisions of the Housing Act 1980/1985.

Area of Law:

Housing & Community Care

Related Barristers:

[Martin Hodgson](#)

Beaton V Devon CC

[2002] EWCA Civ 1675

Personal Injury case, duty of care, local authorities powers and duties.

Area of Law:

Civil Law

Related Barristers:

[Martin Hodgson](#)

Birmingham CC V Massop

[2002] EWCA Civ1495

Challenge to Council's offer of alternative accommodation under its allocation scheme.

Area of Law:

Housing & Community Care

Related Barristers:

[Martin Hodgson](#)

R (Yetter) V Enfield LBC

[2001] EWHC 2185 Admin

Mental health priority need claim

Area of Law:

Housing & Community Care

Related Barristers:

[Martin Hodgson](#)

Azimi V Newham LBC

[2001] 33 HLR 51

Whether an appeal to the Court of Appeal from a county court appeal against a review decision constitutes a second appeal.

Area of Law:

Housing & Community Care

Related Barristers:

[Martin Hodgson](#)

Neil V Ryan

(1999) 1 FCR 241

Whether the court of appeal has jurisdiction to increase a sentence for contempt in a domestic violence case and the principles to apply.

Area of Law:

Family

Related Barristers:

[Martin Hodgson](#)

R V Lewisham LBC ex p. Dolan

(1993) 25 HLR 68

Reviewing officer must make a composite decision applying all relevant facts.

Area of Law:

Housing & Community Care

Related Barristers:

[Martin Hodgson](#)

Re F

(1993) 1 FLR 837

Principles to be applied in an application to change a child's surname.

Area of Law:

Family

Related Barristers:

[Martin Hodgson](#)

