

## Mr Jonathon Rushton Called 1997

### **Public Law**

Jonathon receives regular instruction on all aspects of public law, particularly focussed on local government, environmental and education law.

### **Housing Law**

A large proportion of Jonathon's practice is focused within the specialism that is social housing law. He is known for his practical, no nonsense approach to this area of law which has seen him provide advisory and advocacy work up to Court of Appeal level. His areas of specialisation include:

- General issues of local authority and housing association *vires*.
- Assured, secure, and introductory tenancies.
- Anti-social behaviour and racial harassment.
- Service charges, major works & Decent Homes issues.
- Homelessness.
- The right to buy and right to acquire.
- Housing standards, enforcement powers, and grants.
- Housing and other welfare benefits.
- Disrepair.
- Squatter actions.
- Possession actions (rent arrears, nuisance, anti-social behaviour, only or principal home).

Instructions are received from independent solicitors and local authorities in equal measure.

### **NOTABLE CASES**

*Feld v. The London Borough of Barnet* [2004] EWCA (Civ) 1307; [2005] HLR 9

Ward LJ; Mance LJ; and Jackson J.

Mr Andrew Arden QC and Mr Jonathon Rushton (instructed by the Borough Solicitor, London Borough of Barnet)

Homelessness: The Court of Appeal held that there was no apparent bias where a s.202 review of an earlier original homelessness decision had been carried out by the same reviewing officer who had carried out a previous, but unconnected, review; nor was there any apparent bias - or breach of the Review Procedure Regulations - where the reviewing officer had sought the views of her superior officer on the

related issue of allocations.

### **Education**

Jonathon's practice covers all areas of education law including special educational needs, exclusion, admission, discrimination and regulatory matters. He advises and represents schools and local authorities on statutory duties in education law and the challenges brought by parents.

### **Judicial Review**

Jonathon is a regular point of contact for advice and representation in administrative law, advising local authorities and private clients alike on judicial review challenges in the areas of housing and planning, statutory regulators, education and social services.

Regular instruction is received in relation to judicial review challenges to:-

- Adverse section 202 Housing Act 1996 review decisions;
- Refusals to provide interim accommodation pending inquiry into an applicant's homelessness; and
- Education law.

### **Agricultural/Environmental law**

Jonathon continues to develop his agricultural and environmental law practice providing advice and guidance to local authorities and private clients, principally in the areas of:-

- Compulsory purchase
- enforcement actions (civil and criminal)
- Planning control
- Building control
- Environmental Protection Act prosecutions
- Water Resources Act prosecutions.
- Statutory, public and private nuisance including noise nuisance.
- Infestations.

### **Property**

Jonathon's property practice extends to both private and public clients alike and includes:

- Commercial Landlord and Tenant: most aspects of commercial L & T including business tenancies, breach of covenant, rent and service charge

disputes, claims for forfeiture, contracting out, surrender by operation of law and dilapidations.

- Residential Long Leaseholds: all aspects including service charge disputes, breach of covenant claims and variations of leases.
- Real Property: adverse possession claims, easements, restrictive covenants, boundary disputes.
- Injunctions and equitable remedies.

### **General Common Law**

Jonathon also acts extensively in general contract disputes. These usually arise from commercial agreements and raise an assortment of issues including, for example, professional negligence and issues of construction and enforceability of contractual terms.

### **NOTABLE CASES**

*P & I Limited v. SW Inspectorate Limited* [2007] EWCA Civ 663; [2007] BLR 430

Waller LJ; Keene LJ; Dyson LJ:

Mr Jonathon Rushton (instructed by Messrs Jameson & Hill Solicitors)

Construction; Contract Law; Substantial Performance: Where the parties had agreed all the essential terms of a fixed price contract, brought into existence without the requirement of a formal written contract, there could not be introduced into the contract a unit rate of payment where the contract did not make provision for such payment in circumstances where the contractor had been requested to perform less than they had quoted for.