



Archie Madden

Barrister

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Practice overview

Archie is an expert in landlord and tenant law, with a particular specialism in regulations relating to HMOs where he is known as one of the leading experts at the Bar. He is frequently asked to provide advice to landlords and local authorities on the HMO licensing scheme as it applies to hotels being used to house homeless people and asylum seekers, advising the local authority in the case of *Oxford Hotel Investments Limited v Great Yarmouth Borough Council* [2025] UKUT 387(LC).

He is also authoritative on cladding cases having acted in a number of cases relating to improvement notices served on building owners in order to require them to remove flammable cladding. He represented the London Borough of Newham in the case of *Newham v Chaplair* – the first successful prosecution of a tower block owner for failure to remove flammable cladding from the building.

Archie represents residential and commercial landlords and tenants in the civil and criminal courts and the Residential Property Tribunal. He regularly represents local authorities in both the civil and criminal courts and is able to provide a seamless service to clients facing litigation in both jurisdictions.

Prior to returning to practice at the Bar in 2003 Archie headed the prosecution and litigation team at the London Borough of Enfield so is particularly suited to cases relating to local

authority owned property. He is familiar with the constraints facing local authorities, and provides a comprehensive but cost effective service.

Equally at home in either an adversarial courtroom or the more consensual mediation environment Archie is skilled at addressing clients' broader interests including the financial and other costs of the litigation and dispute resolution process.

Property

Archie has a great reputation in HMO cases and acts for landlords and tenants all over the country in both the civil and criminal courts. He knows the law and regulations in the area backwards, and is able to advise clearly and confidently about the likely outcome in court. He is often instructed to provide written advice to local authorities on highly technical aspects of the law in order to allow them to formulate appropriate policy for dealing with HMOs.

Archie is used to dealing in high profile cases with significant media interest, and can advise clients on a strategy for managing the litigation taking into account the wider implications on business and reputation.

Regulatory

Having led a local authority team and subsequently acted for them at the independent Bar, Archie has unrivalled knowledge and understanding of local authority prosecutions. His prosecution work covers almost the entire range of local authority enforcement law from benefit fraud to trading standards. He has a particular interest in noise nuisance prosecutions. His advice work for local authorities has covered areas as diverse as Tree Preservation Orders and the legal basis of Parks Constabularies. He acts in cases under the Regulatory Reform (Fire Safety) Order 2005 concerning fire safety in buildings.

Archie also acts for individuals, either in defending cases or in private prosecutions against local authorities under specialist legislation such as the Environmental Protection Act 1990.

Education

- B.A.(Hons) University of Durham
- University of Glamorgan

Memberships

- Administrative Law Bar Association
- Social Housing Law Association

Prizes

- Hilyard Senior Award (Grays Inn)

Notable Cases

[Newham v Chaplair \(2023\)](#): the first successful prosecution of a tower block owner for failure to remove flammable cladding.

[Leicester City Council v Nikita Morjaria \[2023\] UKUT 129 \(LC\)](#): represented a landlord in the Upper Tribunal in an appeal brought by a local authority concerning the correct level of a penalty notice. The Upper Tribunal found against the council's interpretation of its own penalty policy and also its policy of adding its investigation costs to the amount of penalty.

[Raingate Limited v Camden LBC LON/00AG/HIN/2022/0019](#): represented a local housing authority against a property owner's challenge to an improvement notice served in connection with Grenfell type cladding present on a residential building. The First Tier Tribunal rejected the property owner's contention that the notice should be set aside and instead permitted minor amendments to the requirements of the notice. The council's decision to serve the notice in respect of the cladding was upheld by the tribunal.
LON/00AG/HIN/2022/0019

[London Borough of Barking and Dagenham v NTM Limited \(formerly All Seasons Lettings and Management Limited\) LON/00BB/HBA/2022/0004](#): successfully defended his client against a banning order under the Housing and Planning Act 2016 ("the 2016 act") s.15(1) by showing that the Notice of Intention ("NOI") served by the applicant housing authority was invalid due to its failure to cite sufficiently the reasons for the application being made.

[AA Homes & Housing Limited v Croydon LBC \[2020\] UKUT 181 \(LC\)](#): A successful appeal concerning a local housing authority's application of the penalty notice procedure and specifically the matters that it is permitted to take into account when assessing level of penalty.

[Clark v Manchester City Council \[2015\] UKUT 129 \(LC\)](#): Successfully represented a landlord in a case that clarified the scope of local authorities' powers to set minimum required room size

standards for HMO licences.

[Urban Lettings \(London\) Limited v Haringey L.B.C. \[2015\] UKUT 104 \(LC\)](#): Represented a landlord in a case that clarified the meaning of “person having control” for the purposes of s61 Housing Act 2004 and the term “rack rent”.

R v Goremsandu: Instructed by a London Borough in an ongoing series of prosecutions and appeals relating to HMOs owned by a defendant variously described as “Britain’s worst landlord” by The Guardian and “The Bulgarian Queen of run down bedsits” by The Times.