

**NICHOLAS OSTROWSKI**

**RECENT CASES**

Recent public law instructions:

* Judicial review dealing with imminent deportations to Iraq ([*R (on the application of Naziri and Others) v Secretary of State for the Home Department*](http://www.bailii.org/uk/cases/UKUT/IAC/2015/437.html) [2015] UKUT 437) (permission to appeal to Court of Appeal granted)
* Mis-selling of energy products and breach of licence conditions by SSE, record fine imposed (with Stephen Hockman QC and Monica Carrs Frisk QC, [news report](http://www.bbc.co.uk/news/business-22011717))
* Appearing (unled) in the Court of Appeal to lift a stay on enforcing judgment
* Urgent out of hours application for an injunction in respect of imminent deportation of applicant to his home country
* Advising Ofgem in respect of the appropriate penalty levels for fines in respect of various regulatory breaches (with Stephen Hockman QC)
* Trial to consider whether almshouses are public authorities under the Human Rights Act 1998 and licensees’ rights under Article 8 ECHR
* Resisting applications for permission in judicial reviews on behalf of the Secretary of State
* Numerous prosecutions on behalf of local authorities for breach of Education Act 1996

Recent criminal regulatory law instructions:

* Inquest into the death of a woman in complex circumstances which is the subject of a Serious Case Review
* Defence of a large hotel in Central London for breaches of in respect of The Regulatory Reform (Fire Safety) Order 2005
* Alleged breach of section 2 Health and Safety at Work etc. Act 1974 by well known manufacturer arising out of a very serious injury sustained in a factory
* Appeal against an Hygiene Emergency Prohibition Notice served on a leading chain of restaurants in central London
* Successful appeal against a Prohibition Notice brought by a nationwide holiday company
* Advising a leading manufacturer of fire alarms as to its obligations under the Regulatory Reform (Fire Safety) Order 2005
* Defence of a successful landlord in respect of Fire Safety issues under the Regulatory Reform (Fire Safety) Order 2005
* Appeal against Prohibition Notice brought by a national hotel chain
* Defence and successful acquittal of private individual accused of fare evasion despite confession being made during PACE interview
* Prolonged benefit fraud resulting in successful prosecution after seven day trial and application for forfeiture (R v D, Reading Crown Court)

Other recent regulatory law instructions:

* Inquest hearings into death of a child in a swimming pool
* Hearings at the Conduct and Competence Committee of the Nursing and Midwifery Council (NMC).
* Hearings in front of the British Association for Counselling and Psychotherapy and the United Kingdom Council for Psychotherapy

Recent planning instructions include:

* Successful application on behalf of central London Council for s.187B injunctions in the High Court to restrain work in breach of planning control
* Successful application on behalf of developer to persuade Council to discontinue criminalproceedings
* Successful application on behalf of developer to persuade council to discontinue criminal proceedings for the conversion of an office into flats in breach of an enforcement notice
* Enforcement inquiry where deliberate concealment pursuant to *Welwyn Hatfield Council v. SoSCLG & Beesley* [2011] UKSC 15 and *Jackson v SSCLG* [2015] EWHC (Admin) 20 was alleged
* Successful appeal against S.215 Notice requiring land to be tidied up at significant historical building in London
* Application on behalf of tenant to the Residential Property Tribunal in relation to dispute for £10,000+ of service charges
* Unauthorised development conversion of 4 flats into a luxury single townhouse (Inquiry)
* Erection of two tower blocks in Central London (Inquiry - with Will Upton)
* Numerous Enforcement Inquiries on behalf of various parties across England
* Successfully resisting an appeal against a S.215 notice served by a local authority in respect of a garden square in Central London

Recent environmental instructions include:

* Defence of a Harley Street doctor accused of the alleged unauthorised deposit of clinical waste in central London
* Prosecution for breach of section 33 Environmental Protection Act 1990 for an unauthorised fly-tipping site resulting in significant sentences and application for orders under the Proceeds of Crime Act
* Application for injunction alleging noise nuisance emanating from local business
* Appearing on behalf of the Environment Agency in respect of unauthorised discharge of untreated waste into the sea, significant impact on marine life
* Successfully mitigating on behalf of a Director of a waste operator for breach of an Enforcement Notice
* Appearing on behalf of the Environment Agency in respect of a discharge of waste from a quarrying operation into a watercourse, significant expert evidence as to the impact of the discharge on invertebrates
* Numerous prosecutions for breach of Environmental Protection Act 1990 for littering offences
* Resisting on behalf of the Environment Agency an appeal against an Enforcement Notice served against a large waste operator

Recent civil instructions include:

* Urgent freezing injunction on behalf of national estate agency
* Urgent injunction preventing a winding up petition being granted
* Construction dispute claim for £250,000+ successfully asserting existence of a sham lease
* Multi track claim successfully alleging existence of an Unfair Relationship under the Consumer Credit Act 1974
* Successful pro bono representation of claimant against local authority for failing to inform tenant of cheaper water tariff, council’s case struck out with full costs
* Advising a well known landlord as to the terms of lease used in ‘live work’ properties
* Advising and obtaining interim relief for a business alleging trespass and interference with goods
* Applications for possession on behalf of Almshouses
* Application on behalf of ex-wife for provision from former husband’s will pursuant to the Inheritance (Provisions for Family and Dependents) Act 1975
* Application against client’s former partner that property owned in his name was held on a constructive trust