



YOUR MONTHLY E-BULLETIN

Issue 69; May 2019

LATEST CONSORTIUM NEWS

2019 Annual Training Event - Aintree Racecourse, Tuesday 1st October

Bookings are now being taken

The NWLC Management Board are delighted to announce that this year's NWLC Annual Training Event will be held at Aintree racecourse on Tuesday 1st October.

We are very much looking forward to a stimulating and exciting day to complement this stunning venue.

Bookings are now open through the courses page of the website at www.nwlegalconsortium.com

At the time of issue of this bulletin we have morning speakers confirmed as follows:

Kevin Taylor Managing Director, Crimson Peak Ltd who will give us a hostage negotiator's perspective about "Negotiating with Nothing to Offer" and,

Bethan Evans who will help us with "Working with elected members – are we all speaking the same language?!"

To book yourself or a colleague on to the event its through the website – just as you do for normal course bookings (www.nwlegalconsortium.com) and we will be updating the website with details of further speakers and sessions as they are confirmed.

Coming soon - Consortium Annual Training Survey

Your Annual Survey will be launched in the first week of June.

Watch out for the link in an email alert that week.

Please do take part to tell us what you think of the current training offer, what could be improved and also to let us have your suggestions for next year's FREE training programme.

We want to hear from you!

Consortium Training Programme 2018/19 – we are almost at the end!

You can book yourselves, colleagues or clients on to our FREE courses through the website at www.nwlegalconsortium.com

Coming up you've got:

Fundamentals of Local Government COURSE NOW FULL.

Practice Management on 19th June, presented by Hill Dickinson in Liverpool

More details can be found on the website courses page at www.nwlegalconsortium.com

Don't forget that all this training is **free** and is open to legal staff at member organisations as well as to client department staff.

All course start times are 10am to avoid confusion and to assist all delegates in making their travel arrangements.



Please note that 10am is the actual start of the training session.

And finally a request....

Booked on to a training course but now find that you can't make it?

Recent training sessions have had a significant number of delegates not attending and this can make things difficult for presenters and other delegates.

If you can cancel your place please do so with as much notice as possible.

There is a facility to manage your bookings on the website – just click on 'Book a Course' and you will see 'Manage your Bookings'. Then just highlight the booking you want to manage and you have a choice to edit or cancel that booking.

Or call or email Beryl to let us know not to expect you. It really does help us to manage the training better and shows respect for the trainers and other colleagues.

REMINDERS

Solicitors Framework Re-Procurement

As you know the current framework expires at the end of March 2020 so there's no time to waste in reprocuring a new NWLC framework.

Work has now started.

BUT if you have any comments about how the current framework works, the lots, the numbers of appointed firms etc we would love to hear from you.

Please send any comments or requests as soon as possible to bh_nwlconsortium@btinternet.com

Its your framework –help us make it work best for you.

Course Materials

Presentations and handouts from Consortium training sessions or the sessions at the Annual Training Event are all available in the documents area of the website at www.nwlegalconsortium.com

Website Authorised Users - Are all your colleagues signed up to use the Consortium website?

There is no limit on the number of users that each member organisation can register.

Some organisations have registered all their legal staff, others have been selective.

If you want to add new users we will need the approval of the Head of Service but from there we will sort it out for you!

Please either complete the form on the home page of the website or contact Beryl Heath on bh_nwlconsortium@btinternet.com to add more authorised users for your organisation

Also, if you have staff leaving you please let us know and we will keep your user list up to date.

New Roles up for grabs?

We publish a range of vacancies on the website jobs page at <http://www.nwlegalconsortium.com/jobs/>

We are always adding new roles so keep checking.

If your organisation wants to advertise any vacancies on the website for free contact Beryl Heath on bh_nwlconsortium@btinternet.com

NWLC NOMINATED CHARITY OF THE YEAR

Please support
the North West Air
Ambulance Charity

For the Charity's latest
events go to: nwaa.net





NWLC MONTHLY LEGAL UPDATER

POWERED BY THOMSON REUTERS AND PRACTICAL LAW

01/06/19

This is a selection of legal updates for NWLC powered by Westlaw UK and Practical Law. To read more on these topics, go to westlaw.co.uk or uk.practicallaw.com

CASES

EDUCATION. *Local government.*

Administrative decision-making; Consultation; Education health and care plans; Fairness; Funding; Local authorities' powers and duties; Public sector equality duty; Schools; Special educational needs.

R. (on the application of AD) v Hackney LBC. [2019] EWHC 943 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Supperstone J. April 12, 2019

In adopting policies for determining resource levels to meet special educational needs provision and for formatting education, health and care plans, a local authority had met its obligations to secure provision under the Children and Families Act 2014 s.42 and to have regard to the duty under the Equality Act 2010 s.149 to advance equality of educational opportunity and eliminate discrimination in education. Section 27(2) of the 2014 Act did not impose a duty to consult families before applying a 5% reduction in resource levels which could be absorbed without compromising provision in individual cases.

Application refused

LANDLORD AND TENANT. *Housing.*

Licences; Precedent; Security of tenure; Temporary accommodation; Termination; Vacant possession.

Mohamed v Barnet LBC. [2019] EWHC 1012 (QB). Queen's Bench Division (QBD). Thornton J. April 17, 2019

The occupation of temporary accommodation provided by a local authority did not attract security of tenure by the operation of the Housing Act 1985 Sch.1 para.6(b) because the licence to occupy the property enabled the landlord to obtain vacant possession when required.

Appeal dismissed

LOCAL GOVERNMENT. *Agriculture; Real property.*

Allotments; Appropriation; Disposition of property; Local authorities' powers and duties; Schools.

R. (on the application of Adamson) v Kirklees MBC. [2019] EWHC 1129 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Kerr J. May 09, 2019

A local authority had statutorily appropriated a site for allotment use under the Allotments Act 1925 s.8 in 1935, when it recorded its decision in committee minutes to zone the site for allotments. Therefore, the site could not be appropriated for a different use without the consent of the Secretary of State for Housing, Communities and Local Government.

Application granted



LEGISLATION

MENTAL HEALTH.

Deprivation of liberty safeguards; Medical treatment; Mental capacity; Persons lacking capacity; Social care.

Mental Capacity (Amendment) Act 2019. c.18

An Act to amend the Mental Capacity Act 2005 in relation to procedures in accordance with which a person may be deprived of liberty where the person lacks capacity to consent; and for connected purposes.

Royal Assent: 16 May 2019

Legislation referred: Mental Capacity Act 2005

ADMINISTRATION OF JUSTICE. *Civil procedure; Family law; Information technology.*

Civil proceedings; Employment Appeal Tribunal; Employment tribunals; Family proceedings; First-tier Tribunal; Online services; Upper Tribunal.

Courts and Tribunals (Online Procedure) Bill 2019 (HL Bill 176).

A Bill to provide for online procedures in civil and family courts in England and Wales, in the First-tier Tribunal and Upper Tribunal and in employment tribunals and the Employment Appeal Tribunal.

Website: <https://services.parliament.uk/Bills/2017-19/courtsandtribunalsonlineprocedure/documents.html> [Accessed at 2 May 2019]

Hansard: HL Vol 797 col 970 (1st Reading), 1505 (2nd Reading)

Commons 1st Reading: 1/5/2019 | HL Vol 797 col 970; 2nd Reading: 14/5/2019 | HL Vol 797 col 1505;
Committee Stage: Date to be announced

GOVERNMENT AND REGULATORY DEVELOPMENTS

CIVIL PROCEDURE. *Family law; Information technology.*

Bills; Civil proceedings; Court rules; Divorce; Family proceedings; Online services; Small claims.

Even more people set to benefit from online court reform. By Ministry of Justice. 1 May 2019

Legislation making it even easier for court users to apply for small money claims or divorce online was unveiled in the House of Lords on 1 May 2019. The Courts and Tribunals (Online Procedure) Bill 2019 will establish a judicially chaired committee, the Online Procedure Rule Committee, tasked with developing new, simplified rules around online services in civil, family and tribunal proceedings.

Website: <https://www.gov.uk/government/news/even-more-people-set-to-benefit-from-online-court-reform> [Accessed at 2 May 2019]

Legislation referred: Courts and Tribunals (Online Procedure) Bill 2019 (England and Wales)



EDUCATION. *Local government.*

League tables; Local authorities' powers and duties; OFSTED; Pupils; School exclusions; Teachers.

Teachers say parents need help to resist off-rolling pressure. By OFSTED. 10 May 2019

An OFSTED poll of 1,000 teachers has revealed that a quarter of the respondents have witnessed pupils being "off-rolled" from schools to manipulate league tables, and that two thirds believed that the illegal practice of pressurising parents to remove children without a formal exclusion process is increasing.

Website: <https://www.gov.uk/government/news/teachers-say-parents-need-help-to-resist-off-rolling-pressure> [Accessed at 10 May 2019]

GOVERNMENT ADMINISTRATION. *Construction law; Housing.*

Construction materials; Fire precautions; High rise buildings; Public expenditure; Remedial works.

Government to fund and speed up vital cladding replacement. By Ministry of Housing, Communities and Local Government.

The Government will fully fund the replacement of unsafe aluminium composite material (ACM) cladding on high-rise private residential properties where building owners have failed to do so. Around £200 million will be made available to remove and replace unsafe aluminium composite material cladding from around 170 privately owned high-rise buildings.

Website: <https://www.gov.uk/government/publications/remediation-of-private-sector-residential-buildings-with-unsafe-acm-cladding-ministerial-direction> [Accessed at 10 May 2019]; <https://www.gov.uk/government/news/government-to-fund-and-speed-up-vital-cladding-replacement> [Accessed 10 May 2019]; <https://www.gov.uk/guidance/building-safety-programme-announcements#history> [Accessed 10 May 2019]; <https://www.gov.uk/guidance/building-safety-programme-announcements> and <https://www.gov.uk/guidance/building-safety-programme-letters> [Accessed 10 May 2019]

NEWS ARTICLES

PUBLIC PROCUREMENT. *European Union; Shipping.*

Brexit; Channel Tunnel; Compensation; Ferries; Public procurement.

P&O to sue over £33m Brexit Eurotunnel payout. *Times*, 27 April 2019, 16. By Graeme Paton. Also Reported in Sunday Times, 28 April 2019, 23

P&O is to take legal action against the Government over concerns that a £33 million payout to Eurotunnel will put it at a competitive disadvantage. The Eurotunnel settlement had been agreed after claims that Eurotunnel had unfairly missed out on contracts worth £103 million to three ferry operators to create additional cross-Channel freight capacity to keep food and vital medicine flowing into the UK in the event of a no-deal Brexit.

Organisations Referred: P&O

LOCAL GOVERNMENT. *Criminal procedure.*

Fixed penalty notices; Local authorities' powers and duties; Public spaces protection orders.

Local authorities criticised for overuse of public spaces protection orders. *Daily Telegraph*, 19 April 2019, 5. By Jack Maidment.

Data, published by the Manifesto Club, a civil liberties group, has revealed that local authorities have used public spaces protection orders to impose increasing numbers of fines of up to £100 for what the campaigners described as "entirely innocuous actions", including walking a dog in the wrong place. The use of fixed penalty notices has risen to 10,000 in 2018 from 470 in 2015.

Organisations Referred: Manifesto Club