



# YOUR MONTHLY E-BULLETIN

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**Issue 71; July/August 2019**

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## LATEST CONSORTIUM NEWS

### **NWLC Annual Training Event at Aintree Racecourse, Tuesday 1st October 2019**

#### **Bookings are now being taken**

As you will know by now, this year's NWLC Annual Training Event will be held at Aintree racecourse on Tuesday 1st October.

Bookings are now open through the courses page of the website at [www.nwlegalconsortium.com](http://www.nwlegalconsortium.com) and a number of you have confirmed your places already.

The latest Event Programme is now published to the website so check it out to see what's on offer to you on the day [www.nwlegalconsortium.com/course/annual-training-event-2019](http://www.nwlegalconsortium.com/course/annual-training-event-2019)

We will also have our Event Exhibition – with a range of exhibitors ...all against the background of this iconic racecourse.

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](http://www.nwlegalconsortium.com))

### **Coming soon: Your Consortium Training Programme 2019/20 will be published shortly**

As in previous years, you can book yourselves, colleagues or clients on to our FREE courses through the website at [www.nwlegalconsortium.com](http://www.nwlegalconsortium.com)

And don't forget that all the training will be **FREE**

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

## REMINDERS

### **Solicitors Framework Re-Procurement**

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

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](mailto:bh_nwlconsortium@btinternet.com)

### **Suppliers Getting Ready**

In the run up to the launch of the procurement you may be approached by potential suppliers about the process or timetable.



Please refer these enquiries on to Beryl Heath at [bh\\_nwlconsortium@btinternet.com](mailto:bh_nwlconsortium@btinternet.com) as there is a note prepared that explains the use of The Chest electronic forum and advises early registration so that people can be prepared to respond as soon as the opportunity becomes available.

### **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](http://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](mailto: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 [www.nwlegalconsortium.com/jobs](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](mailto: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](http://nwaa.net)



# NWLC MONTHLY LEGAL UPDATER

POWERED BY THOMSON REUTERS AND PRACTICAL LAW

01/07/19

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](http://westlaw.co.uk) or [uk.practicallaw.com](http://uk.practicallaw.com)

## CASES

### LANDLORD AND TENANT.

**Assured shorthold tenancies; Break clauses; Fixed-term tenancies; Notices seeking possession; Private registered providers; Social housing; Statutory interpretation.**

Livewest Homes Ltd (formerly Liverty Ltd) v Bamber. [2019] EWCA Civ 1174. Court of Appeal (Civil Division) (CA (Civ Div)). Patten LJ; King LJ; David Richards LJ. July 10, 2019

The six-month notice period required under the Housing Act 1988 s.21(1A) and s.21(1B) assumed the expiry of a fixed-term tenancy by effluxion of time, and not as a result of its premature termination under a break clause. Section 21(1)(B) therefore operated as a bar to the court making a possession order only where the term of the assured shorthold tenancy had expired by effluxion of time.

Appeal dismissed

### LOCAL GOVERNMENT. *Civil procedure; Road traffic.*

**Anti-social behaviour; Local authorities' powers and duties; Motor race orders; Prohibitory injunctions; Public spaces protection orders.**

Birmingham City Council v Sharif. [2019] EWHC 1268 (QB). Queen's Bench Division (QBD). Judge McKenna. May 23, 2019

There was no general principle that a court should only grant an injunction to a local authority in exceptional circumstances if an alternative, specific statutory remedy was available, or that the court should not grant the injunction if its breach could carry more severe sanctions than the alternative remedy. A local authority could seek a remedy with more serious consequences for breaches, and the court could grant it if it found it justified and proportionate to do so.

Application refused

### MENTAL HEALTH. *Health; Human rights.*

**Abortion; Best interests; Caesarean sections; Consent to treatment; Learning disabled persons; Persons lacking capacity; Right to respect for private and family life.**

AB (Termination of Pregnancy), Re. [2019] EWCA Civ 1215. Court of Appeal (Civil Division) (CA (Civ Div)). McCombe LJ; King LJ; Peter Jackson LJ. July 11, 2019

In making a declaration that a late abortion was lawful and in the best interests of a pregnant woman lacking capacity, the court had failed to properly balance the woman's wishes and the views of those close to her against the medical opinion, which was predicated upon imponderables.

Appeal allowed



## LEGISLATION

### PUBLIC PROCUREMENT.

#### **Amendments; Single source contracts.**

Single Source Contract (Amendment) Regulations 2019. SI 2019/1106

These Regulations amend the Single Source Contract Regulations 2014 and Single Source Contract (Amendment) (No. 2) Regulations 2018.

In Force: 1 September 2019

### SOCIAL WELFARE.

#### **Change of name; Consequential amendments; Health and Care Professions Council; Social Work England; Statutory orders; Transfer of functions.**

Children and Social Work Act 2017 (Consequential Amendments) (Social Workers) Regulations 2019. SI 2019/1094

These Regulations make consequential amendments to secondary legislation to reflect the transfer of functions to Social Work England, and the change to the title of the Health and Social Work Professions Order 2001 to the Health Professions Order 2001, under the Children and Social Work Act 2017 Pt.2.

In Force: In accordance with reg.1

## GOVERNMENT AND REGULATORY DEVELOPMENTS

### LOCAL GOVERNMENT.

#### **Local authorities' powers and duties; Service provision; Young persons.**

Review launched into statutory guidance for Local Authorities on providing youth services. By Department for Digital, Culture, Media and Sport. 10 July 2019

A review of the guidance for local authorities which sets out how they should secure activities and services for young people has been launched by the Government. A public call for evidence will be open for eight weeks from late July 2019 to September 2019.

Website: [www.gov.uk/government/news/review-launched-into-statutory-guidance-for-local-authorities-on-providing-youth-services](https://www.gov.uk/government/news/review-launched-into-statutory-guidance-for-local-authorities-on-providing-youth-services) [Accessed at 11 July 2019]

### MENTAL HEALTH. *Education.*

#### **Mental health; NHS; Pupils; Schools.**

National mental health programme between schools and NHS. By Department for Education. 12 July 2019

Pupils struggling with mental health are to benefit from more joined up care and support across schools, colleges and specialist NHS services, in a national roll out of a £9.3 million training scheme. Starting in September 2019, the training will be rolled out to schools and colleges in phases over four years, being offered to up to 22,000 schools and colleges, including alternative provision settings. The Government also confirmed that 124 new Mental Health Support Teams will be created in 48 areas across the country.

Website: [www.gov.uk/government/news/national-mental-health-programme-between-schools-and-nhs](https://www.gov.uk/government/news/national-mental-health-programme-between-schools-and-nhs) [Accessed at 12 July 2019]



## ROAD TRAFFIC.

### Disabled persons' badges; Wales.

Statutory guidance needed to end inconsistency around blue badges in Wales. By National Assembly for Wales. 8 July 2019

As part of its inquiry into the Blue Badge Scheme in Wales, the National Assembly's Equality, Local Government and Communities Committee has concluded that Statutory guidance is needed to end the inconsistencies around assessing and granting of blue badges. In a report to be considered by the Welsh Government, the Committee has made 19 recommendations including: a statutory working group of local authority representatives for the Blue Badge scheme should be established; a process to enable those suffering with a life-long or deteriorating condition to renew their blue badge automatically, without further assessment; and the amendment of the Chronically Sick and Disabled Persons Act 1970 s.21 to require local authorities to put in place a "reconsideration" or "review" process to deal with applicants who wish to challenge the authority's decision on a blue badge application.

Website: [www.assembly.wales/en/newhome/pages/newsitem.aspx?itemid=2000&assembly=5](http://www.assembly.wales/en/newhome/pages/newsitem.aspx?itemid=2000&assembly=5)  
[Accessed at 8 July 2019]; [senedd.assembly.wales/mgIssueHistoryHome.aspx?IId=23651](http://senedd.assembly.wales/mgIssueHistoryHome.aspx?IId=23651)  
[Accessed 8 July 2019]

## NEWS RELEASES

### EDUCATION. *Mental health.*

#### Funding; Learning disabilities; Special educational needs.

Families fight ministers in court over chronic lack of special needs funding in landmark hearing. *Guardian*, 27 June 2019, 7. By Sally Weale.

In a landmark legal challenge to the Government's special educational needs and disabilities (SEND) funding policy, lawyers representing children with SEND have told the High Court there is a "crisis in funding" that is depriving children of a proper education and risks "blighting lives forever". Three families have brought the case against the Education Secretary, Damian Hinds, and the Chancellor, Philip Hammond. The hearing is due to last two days.

### FAMILY LAW. Local government.

#### Birth registration; Local authorities' powers and duties; Religion or belief; Social services.

Council wins case to register birth. *Guardian*, 24 June 2019, 10. By Matthew Weaver. Also Reported in Daily Telegraph, 24 June 2019, 2

The High Court has decided Tower Hamlets social services had a right to become a child's "institutional parent" to register his birth after the boy's father refused to register because he did not want his son controlled by the state and had an "eccentric" belief about personal "sovereignty". Hayden J ruled it was "manifestly" in the child's best interest to be registered.

Website: [www.theguardian.com/uk-news/2019/jun/23/man-refused-to-register-sons-birth-high-court](http://www.theguardian.com/uk-news/2019/jun/23/man-refused-to-register-sons-birth-high-court)  
[Accessed at 24 June 2019]; [www.bailii.org/ew/cases/EWHC/Fam/2019/1572.html](http://www.bailii.org/ew/cases/EWHC/Fam/2019/1572.html) [Accessed 24 June 2019]

Cases referred: Re (T (A Child))~ [2019] EWHC 1572 (Fam) (Fam Div)