



YOUR MONTHLY E-BULLETIN

Issue 77; March 2020

LATEST CONSORTIUM NEWS

Solicitors Framework Re-Procurement

We are nearly there!

We are approaching the final stages of our procurement now and intend to have the website updated and ready to go with the new Framework firms and rates for you in time for our 1st April start date.

We'll also have news about the Partner firms who will be working with us for the duration of the Framework and what they are offering to all Consortium members by way of added value.

DATE FOR YOUR DIARY

We have confirmed our booking at Aintree for the next Consortium Annual Training Event. It will take place on Tuesday 6th October 2020.

Please save the date and join us there.

FREE Consortium Training Programme 2019/20

Courses are proving extremely popular this year and are booking up fast. Make sure you reserve your places to avoid disappointment.

Coming up we've got-

On 25th March Weightmans are presenting '**Managing Complex Procurements**' from their Manchester office NB This one is almost full now – so don't delay

On 1st April Hill Dickinson are presenting '**Special Education Needs**' from their Liverpool office

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

And don't forget that all the training is **FREE to delegates from member organisations**

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

If you find you can't make a training session that you have booked on to please do let us know if you can – let Beryl Heath know on bh_nwlconsortium@btinternet.com





REMINDERS

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 www.nwlegalconsortium.com/jobs

We are always adding new roles so do keep checking.

AND

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

01/02/20

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

CASES

FAMILY LAW. *Mental health; Local government.*

Children; Deprivation of liberty; Detention; Right to liberty and security.

Hertfordshire CC v NK. [2020] EWHC 139 (Fam). Family Division (Fam Div). MacDonald J. January 23, 2020

A local authority's application for a deprivation of liberty order in respect of a 16-year-old boy was refused where his current regime did not subject him to continuous supervision and control. When considering whether given restrictions constituted a deprivation of a child's liberty, it was the current situation of the child which ordinarily fell for the court's consideration, not contingent circumstances.

Application refused

LANDLORD AND TENANT.

Assured shorthold tenancies; Dates; Notices; Possession claims; Rent arrears.

Pease v Carter. [2020] EWCA Civ 175. Court of Appeal (Civil Division) (CA (Civ Div)). Underhill LJ; Floyd LJ; Arnold LJ. February 17, 2020

A landlord's notice of possession proceedings under the Housing Act 1988 s.8 was valid, even though the date after which proceedings could begin contained a typographical error. Applying the test in Mannai Investment Co Ltd v Eagle Star Life Assurance Co Ltd [1997] A.C. 749, [1997] 5 WLUK 402, [1997] C.L.Y. 3256, the reasonable recipient would have understood the notice as giving the tenant at least two weeks' warning of the commencement of proceedings, thereby satisfying the statutory purpose of the provision.

Appeal allowed

LOCAL GOVERNMENT. *Real property; Agriculture.*

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

R. (on the application of Adamson) v Kirklees MBC. [2020] EWCA Civ 154. Court of Appeal (Civil Division) (CA (Civ Div)). Lewison LJ; Peter Jackson LJ; Asplin LJ. February 18, 2020

A local authority had not "appropriated" land for use as allotments and was therefore entitled to exercise its power under the Local Government Act 1972 s.122(1) to appropriate the land for use for educational purposes without seeking the consent of the secretary of state. In so deciding, the court considered the meaning of "appropriation" and the evidence required to establish that an appropriation had taken place

Appeal allowed





TORTS. Local government.

Gypsies; Injunctions; Travellers; Trespass; Unauthorised campers.

Bromley LBC v Persons Unknown. [2020] EWCA Civ 12. Court of Appeal (Civil Division) (CA (Civ Div)). Sir Ernest Ryder; Coulson LJ; Haddon-Cave LJ. January 21, 2020

The court gave guidance as to the approach to be taken by local authorities seeking to obtain borough-wide injunctions prohibiting encampment by persons unknown on public spaces.

Appeal dismissed

LEGISLATION

HOUSING.

Licensing; Residential accommodation; Social housing.

Housing Act 2004 (Amendment) Bill 2020 (HC Bill 34).

A Bill to amend the Housing Act 2004 Pt 3 to provide that any selective licensing scheme for residential accommodation extends to social housing.

Website: <https://services.parliament.uk/Bills/2019-20/housingact2004amendment/documents.html> [Accessed at 11 February 2020]

Hansard: HC Vol 671 col 607 (1st Reading)

Commons 1st Reading: 10/2/2020 | HC Vol 671 col 607; 2nd Reading: 16/10/2020 provisional
Legislation referred: Housing Act 2004 Pt 3

LOCAL GOVERNMENT.

Acquisition of land; Investment policy; Local authorities; Local authorities' powers and duties; Restrictions.

Local Authorities (Borrowing and Investment) Bill 2020 (HC Bill 57).

A Bill to make provision about the acquisition of land and property by local authorities in England outside their own local authority boundaries; to limit the power of local authorities to invest in commercial risk-taking enterprises; to limit public borrowing by local authorities for non-core activities; and for connected purposes.

Website: <https://services.parliament.uk/Bills/2019-20/localauthoritiesborrowingandinvestment/documents.html> [Accessed at 11 February 2020]

Hansard: HC Vol 671 col 611 (1st Reading)

Commons 1st Reading: 10/2/2020 | HC Vol 671 col 611; 2nd Reading: 12/6/2020 provisional

LOCAL GOVERNMENT.

Local authorities' powers and duties.

Local Government (Governance) Bill 2020 (HC Bill 84).

A Bill to require local authorities to operate a committee system of internal governance; and for connected purposes.

Website: <https://services.parliament.uk/Bills/2019-20/localgovernmentgovernance/documents.html> [Accessed at 13 February 2020]

Hansard: HC Vol 671 col 616 (1st Reading)

Commons 1st Reading: 10/2/2020 | HC Vol 671 col 616; 2nd Reading: 30/10/2020 provisional





PUBLIC PROCUREMENT. *Criminal law.*

Human trafficking; Public procurement; Slavery.

Public Contracts (Modern Slavery) Bill 2020 (HL Bill 83).

A Bill to make provision for the avoidance of modern slavery in the procurement of public contracts; and for connected purposes.

Website: <https://services.parliament.uk/Bills/2019-20/publiccontractsmodernslavery/documents.html>
[Accessed at 4 February 2020]

Hansard: HL Vol 801 col 1622 (1st Reading)

Lords 1st Reading: 3/2/2020 | HL Vol 801 col 1622; 2nd Reading: Date to be announced

GOVERNMENT AND REGULATORY DEVELOPMENTS

ADMINISTRATION OF JUSTICE. *Local government; Planning; Trusts.*

Duty to provide reasons; Local authorities' powers and duties; Material considerations; Open spaces; Planning permission; Residential development; Statutory trusts.

Appeals outstanding in the Court of Appeal (Civ Div): 19 February 2020. By Ministry of Justice.
19 February 2020

The following appeal is outstanding in the Court of Appeal (Civ Div): R. (on the application of Day) v Shropshire Council (QBD (Admin)).

Website: <https://casetracker.justice.gov.uk/> [Accessed at 19 February 2020]

Cases referred: R. (on the application of Day) v Shropshire Council~ [2019] EWHC 3539 (Admin); [2019] 12 WLUK 366 (QBD (Admin))

EDUCATION. *Local government.*

Funding; Local authorities' powers and duties; Schools.

PM guarantees minimum funding levels for all schools. By Department for Education.

Every secondary school has been guaranteed at least £5,000 per pupil next year, and every primary school at least £3,750 per pupil, after new legislation was laid in Parliament on 30 January.

Website: <https://www.gov.uk/government/news/pm-guarantees-minimum-funding-levels-for-all-schools> [Accessed at 30 January 2020]

Legislation referred: School and Early Years Finance (England) Regulations 2018 (SI 2018/10)

LANDLORD AND TENANT. *Real property.*

Occupation; Private sector tenancies; Protection from eviction; Tenancies; Wales.

New law to provide greater security of occupation for people who rent a home in Wales unveiled. By Welsh Government. 10 February 2020

Under a new law to be unveiled on 10 February 2020 by the Welsh Government, people in Wales who rent their home will have a guaranteed minimum of 12 months' protection against eviction at the start of a new tenancy if they have not breached the terms of their contract. The Renting Homes (Amendment) (Wales) Bill is designed to provide greater security for people who rent their home, particularly those who live in the private rented sector.



Website: <https://gov.wales/new-law-provide-greater-security-occupation-people-who-rent-home-wales-unveiled> [Accessed at 11 February 2020]

Legislation referred: Renting Homes (Amendment) (Wales) Bill 2020 (Draft)

SOCIAL WELFARE. Local government.

Care homes; Local authorities' powers and duties; Top-up payments.

Ombudsman reminds councils about care home top-up fees. By Local Government and Social Care Ombudsman. 12 February 2020

The Local Government and Social Care Ombudsman reminds local authorities of their duties under the Care Act 2014 to administer "top-up fees" for people contributing towards relatives' care after two councils, Dudley MBC and Lincolnshire CC, disputed some of the Ombudsman's recommendations against them.

Website: <https://www.lgo.org.uk/information-centre/news/2020/feb/ombudsman-reminds-councils-about-care-home-top-up-fees> [Accessed at 12 February 2020]

Legislation referred: Care Act 2014

NEWS RELEASES

EDUCATION. Local government.

Attendance; Judicial review; Local authorities' powers and duties; National Curriculum; Parents; Prosecutions; Sexual orientation.

Parent to face prosecution for withdrawing child from LGBT lessons. *Sunday Times*, 2 February 2020, 13. By Sian Griffiths. Also Reported in Sunday Telegraph, 2 February 2020, 2

Jabbar Hussain has become the first parent to face prosecution after withdrawing his child from a school because it offers LGBT lessons and has stated that he is willing to go to prison. If found guilty of failing to ensure his son attends school regularly, he faces a fine of up to £1,000 and the imposition of a parenting order. Refusal to pay the fine could result in a prison term. He has instructed lawyers to launch a judicial review against Birmingham City Council's decision to introduce the lessons, which become compulsory in all English schools in September 2020.

LOCAL GOVERNMENT. Information technology.

Consent; Cookies; Local authorities' powers and duties; Sensitive personal data; Websites.

Local authority websites let private firms access sensitive data. *Guardian*, 4 February 2020, 22-23. By Sarah Marsh.

Johnny Ryan, chief policy officer at the anonymous web browser Brave, has found that more than 400 local authorities share information with at least one third-party company about the individuals who visit their websites, including when they seek help with a benefit claim, or with a disability or alcoholism. Some councils also let companies track use of sensitive sections of their sites, such as searches for financial help or support for substance abuse. The companies assert that they have consent via the acceptance of cookies.

Organisations Referred: Brave