



YOUR MONTHLY E-BULLETIN

Issue 84; October 2020

LATEST CONSORTIUM NEWS

The Consortium AGM took place using Microsoft Teams on 6th October, at 1.30pm

The decisions taken at the meeting included -

- The holding of annual subscription rates for member organisations at the current level for the year 2021–22, and
- the reappointment of current Management Board Members excepting David Wilcock from Rochdale. In his place, as representing the Greater Manchester area is Sian Roxborough who moved organisations from Blackburn with Darwin recently. The Lancashire representative on the Board is now Christian Williams – White who will shortly join Blackpool Council.

Our thanks go to David who has served as a Board member over many years and we wish him well in his future endeavours.

Annual Training Programme 2020/21 - starting in October 2020

We are going to continue to provide our FREE training programme on line.

All our Webinars are free to attend to staff from member organisations including client department staff of course.

The full Annual Training Programme offer is available in the Consortium Quarterly, Autumn edition and is now published to the website.

To attend the live webinar, individuals need to register in advance using the individual link provided for each webinar.

Registration links are published in the secure area of the website – courses pages.

Following each webinar the recorded session will be available to view – by accessing the recording link on the website which can be found by clicking on the Publications tab - podcasts/webinars.

Summer Webinar Programme- did you catch it?

Many of you have enjoyed our Summer Webinar Programme with record numbers ‘attending’ our live sessions on line.

All of those webinars were recorded and are available to view to those who missed out or want to listen again.

To access the link to a recorded session you need to log into the website secure area – Publications tab and go to Webinars/Podcasts.

We will post links to all the full Training Programme webinar recordings after each live event has taken place as well so you won't miss out on any of the webinars.



Did you see the Consortium Quarterly Autumn 2020?

The second edition of your new magazine was published on the day we would have been enjoying our Annual Training Day at Aintree.

In this edition we have topical articles and top tips from our Partner Firms as well as pieces from some of our member organisations.

We have the start of a regular update from LLG and we find out a little more about colleagues and the leads from our Partner firms and there's a photo competition for Trainees/NQs.

You can find it on the website Home Page.

REMINDERS

User Profile on the Consortium Website – is your profile up to date?

Did you know that you can tailor your profile as a registered user on the Consortium website?

By using the user profile skill areas you can use the website Directory to search for colleagues with similar profiles to offer help and assistance, or maybe to ask for it!

We have added a new skill/profile option – Trainee/NQ

Please do update your profile if you fall into this category.

Its very easy to do and might be really helpful in terms of keeping in touch and gaining or providing that really important support from colleagues in a similar position to yourself.

Why not log into the website and take a look and create or update your profile today?

New Roles up for grabs

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

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



Celebrating 21 years of saving lives

North West Air Ambulance Charity (NWAA) makes a lifesaving difference to people in emergency situations by delivering advanced pre-hospital care to critically ill and injured patients across the North West. Since it launched in 1999, the charity has been called to over 22,000 missions across the region, with the service called out an average of seven times a day.

To celebrate 21 years of service, former patients have shared their survival stories to say thank you to the crew members who saved their lives.

In July 2017, Nick from Barrow, was out on a cycle in Ulverston, with friends. After overtaking and mistiming a corner, he collided with a wall at speed and was thrown from his bike to the side of the road. Nick shared: "I remember I was in shock at first, so couldn't really feel any pain. I was more concerned my bike had been mangled! It wasn't until I saw the look on my friends' faces that I realised how serious the situation was. They were begging me to stay still, and I could feel blood pooling in my helmet. I was petrified."

By chance, a nearby mountain rescue team came across the scene, along with local GP Dr. Charley Brankin, who began to assess Nick. The North West Ambulance Service soon arrived, before requesting NWAA to the scene given the severity of his injuries: "The nearest hospital to me was Furness General, but given the state I was in, the air ambulance was alerted. After the crew gave me a thorough assessment, they decided to treat and airlift me to the Royal Preston as soon as possible."



Nick's injuries were extensive: three fractures to his spine, a bleed on the brain and multiple cuts and bruises. Miraculously, he was discharged from the Royal Preston five days after admission and began his recovery. "One momentary lapse of my concentration nearly cost me my life, and if it wasn't for the heroic work of NWAA, my friends, the mountain rescue team and Dr. Brankin, I simply wouldn't be here today."

Operating 365 days a year, NWAA is entirely charity funded. Its crew of Helicopter Emergency Medical Service (HEMS) paramedics and doctors bring specialist care directly to the scene, ranging from anaesthesia and blood transfusions to surgical interventions. The crew's work can make the difference between life and death, especially for urgently unwell patients or those involved in traumatic incidents.

Nearly two years after his accident, Nick took on the Fred Whitton Challenge, a 114-mile ride starting and ending in Grasmere. Cycling as part of the NWAA team, Nick completed the cycle in 11 hours and raised £900 to keep the charity flying: "Whilst I knew the air ambulance was a charity before my accident, I didn't realise it was 100% reliant on donations. It needs to raise over £9.5m a year, and I wanted to help them reach this target, so they can continue to be there for other people who might find themselves in my position."

Nick recently celebrated his daughter's 21st birthday and credits NWAA with making sure he was there to mark the occasion: "Immediately after the crash, when I realised how serious things could be, all I could think about were my wife and daughters. I just wanted them to be okay no matter what happened to me. I'm so thankful I'm still here with them."

If you'd like to support the North West Air Ambulance Charity with a donation, visit nwaa.net/donate-now.



NWLC MONTHLY LEGAL UPDATER

POWERED BY THOMSON REUTERS AND PRACTICAL LAW

01/10/20

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

HEALTH. *Mental health.*

Best interests; Care plans; Human dignity; Life-sustaining treatment; Mental capacity; Mental impairment; Personality disorders; Restraint.

AHK (A Patient), Re. 2020 WL 05240571. null (null). Hayden J. August 26, 2020

The court refused to grant a declaration to an NHS trust that it would be in the best interests of a 26-year-old patient with a severe personality disorder at end-stage renal failure to provide dialysis when he was co-operative and to provide palliative care if he refused treatment, thereby altering an earlier court order sanctioning a regime of coerced dialysis involving chemical and physical restraint. Although the restraint required had compromised his dignity, the proposed alteration to his treatment plan was against his expressed wishes when he had capacity.

Application refused

FAMILY LAW.

Burden of proof; Care orders; Domestic violence and abuse; Expert evidence; Grandparents; Interim orders; Local authorities' powers and duties; Looked-after children; Necessity; Proportionality; Remote hearings; Risk of harm; Sufficiency of evidence.

NP v A Local Authority. [2020] EWCA Civ 1003. Court of Appeal (Civil Division) (CA (Civ Div)). McCombe LJ; Peter Jackson LJ; Baker LJ. July 31, 2020

A recorder making an interim care order in a remote hearing during the COVID-19 pandemic to remove three young children from their family for the first time had failed to consider the proportionality of such an order. He had properly considered the risk of the children remaining with the family but not the emotional harm arising from separation, which would be substantial. The court cautioned that particular care had to be exercised when making such important decisions remotely. It also gave guidance about the approach to obtaining expert psychological assessment where an assessment was necessary to help it to evaluate the issues.

Appeals allowed



CHARITIES. *Trusts; Local government.*

Allotments; Appointments; Charitable trusts; Inclosure Acts; Parish councils; Statutory interpretation; Trustees.

Rettendon Parish Council v Hart. [2020] EWHC 2221 (Ch). Chancery Division (Ch D). Zacaroli J. August 14, 2020

The court considered the apparent conflict between the Local Government Act 1894 Pt I s.5(2)(c) and s.6(1)(c)(iii) on the one hand, and the Charities Act 2011 Pt 15 s.300(4) on the other. It determined that the latter was to be construed as giving parish councils the power to appoint trustees of parochial charities in its place, each appointment being for a fixed term of four years.

Preliminary issue determined

LEGISLATION

HOUSING.

Houses in multiple occupation; Licensing.

Houses in Multiple Occupation Bill 2019-21 (HC Bill 178).

A Bill to amend the law relating to the licensing of Houses in Multiple Occupation; to increase penalties for the contravention of such licences; and for connected purposes.

Commons 1st Reading: 9/9/2020; 2nd Reading: 5/2/2021 provisional

CIVIL PROCEDURE. *Landlord and tenant.*

Conditions; Contingency planning; Coronavirus; Enforcement; Rent arrears; Taking control of goods.

Taking Control of Goods (Amendment) (Coronavirus) Regulations 2020. SI 2020/1002

These Regulations amend Taking Control of Goods Regulations 2013 reg.52 to specify the minimum amount of outstanding rent for the purposes of the Tribunal, Courts and Enforcement Act 2007 s.77(3), which will apply to commercial rent arrears recovery during the relevant period as defined in the Coronavirus Act 2020 s.82. Reg.2(3) provides that, the minimum amount of net unpaid rent before an enforcement action can take place under s.77(3)(a) of the 2007 Act (for a notice of enforcement) and under s.77(3)(b) of the 2007 Act (for the first time goods are taken control of), is 276 days' rent, where it takes place on or before 24 December 2020, and 366 days' rent, where it takes place on or after 25 December 2020.

In Force: 29 September 2020

HEALTH. *Criminal law; Criminal procedure; Environmental health.*

Amendments; Contingency planning; Coronavirus; Fixed penalty notices; Infectious disease control; Non-compliance; Offences; Restrictions.

Health Protection (Coronavirus) (Restrictions on Holding of Gatherings and Amendment) (England) Regulations 2020. SI 2020/907

These Regulations amend the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 to impose restrictions on the holding of gatherings, both inside and outside, of more than 30 people (new reg.5A and 5B of those Regulations). Those Regulations are also amended so that it is an offence to contravene, without reasonable excuse, any of these restrictions, and to enable an authorised person to issue a fixed penalty notice of £10,000 to any person aged 18 or over whom they reasonably believe has committed an offence of contravening these restrictions. These Regulations also make related consequential amendments (see regs 3 to 6 of these Regulations). These Regulations also make minor (but unrelated)



amendments to reg.5 of those Regulations and reg.7 of the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020.

In Force: 28 August 2020

PENSIONS. Local government.

Amendments; Certificates; Deferred payments; Employers' contributions; Local government; Occupational pensions; Public sector employees; Termination payments.

Local Government Pension Scheme (Amendment) (No. 2) Regulations 2020. SI 2020/893

These Regulations amend the Local Government Pension Scheme Regulations 2013. Reg.3 amends reg.64 of the 2013 Regulations to enable an administering authority and a Scheme employer to agree to defer exit payments in return for an ongoing commitment to meet their existing liabilities in a deferred debt agreement. Reg.4 inserts reg.64A to enable an administering authority to obtain a revised rates and adjustments certificate to show changes to Scheme employer contributions, and reg.64B to enable administering authorities to offer employers exiting the Local Government Pension Scheme to spread exit payments by obtaining a revised rates and adjustments certificate setting out the proportion of the exit payments that is to be paid in each year after exit, over a period to be determined by the administering authority.

In Force: 23 September 2020

GOV AND REGULATORY DEVELOPMENTS

HEALTH. Social welfare.

Adult social care; Care homes; Coronavirus; Infectious disease control; Personal protective equipment; Social care workers.

New plan to help protect care homes from coronavirus over winter. By Department of Health and Social Care. 18 September 2020

A new adult social care winter plan is being introduced to curb the spread of coronavirus (COVID-19) infections in care settings throughout the winter months. As part of the plan: people receiving adult social care and care workers will receive free personal protective equipment; a new dashboard will monitor care home infections and help local government and providers respond quicker; and a Chief Nurse for Adult Social Care will be appointed to represent social care nurses and provide clinical leadership to the workforce.

Website: <https://www.gov.uk/government/news/new-plan-to-help-protect-care-homes-from-coronavirus-over-winter> [Accessed at 18 September 2020]; <https://www.gov.uk/government/news/more-than-500-million-for-social-care-to-reduce-coronavirus-transmission-over-winter> [Accessed 18 September 2020]; <https://www.gov.uk/government/speeches/oral-statement-on-coronavirus-and-the-governments-plans-for-winter> [Accessed 18 September 2020]

LANDLORD AND TENANT. Civil procedure; Housing.

Coronavirus; Landlords; Notices seeking possession; Possession claims; Protection from eviction; Stay of proceedings; Tenants' rights.

Government has changed the law so most renters have a 6 month notice period. By Ministry of Housing, Communities and Local Government. 28 August 2020

Legislation has been introduced to compel landlords to give tenants six months' notice before they can evict until March 2021, except in the most serious of cases, such as incidents of anti-social behaviour and domestic abuse perpetrators. The stay on possession proceedings has been extended until 20 September 2020, meaning that in total no tenant can have been legally evicted for six months at the height of the



pandemic. In addition, new court rules will come into force on 20 September 2020 meaning landlords will need to set out in their claim any relevant information about a tenant's circumstances, including information on the effect of the COVID-19 pandemic. Where this information is not provided, judges will have the ability to adjourn proceedings. "Coronavirus (COVID-19):Guidance for Landlords and Tenants"; "COVID-19 (Coronavirus) and the enforcement of standards in rented properties"; and "Technical guidance for landlords on the provisions of the Coronavirus Act 2020" have been updated.

Website: <https://www.gov.uk/government/news/government-has-changed-the-law-so-most-renters-have-a-6-month-notice-period> [Accessed at 1 September 2020]; <https://www.gov.uk/government/publications/covid-19-and-renting-guidance-for-landlords-tenants-and-local-authorities#history> [Accessed 1 September 2020]

ECONOMICS. Health; Housing; Planning.

Coronavirus; Economic recovery; Funding; Housing; Land use.

£30 million boost to help unlock land for new homes. By Ministry of Housing, Communities and Local Government; Cabinet Office. 9 September 2020

Speaking at the Chartered Institute of Housing's annual conference, Minister of State for the Cabinet Office Lord Agnew has announced that the Government is boosting its Land Release Fund and the One Public Estate programme with an additional £30 million to help release surplus public sector land for housing and support local economies following the COVID-19 pandemic.

Website: <https://www.gov.uk/government/news/30-million-boost-to-help-unlock-land-for-new-homes> [Accessed at 10 September 2020]

NEWS RELEASES

EDUCATION. Public procurement.

Examinations; Public procurement; Tendering procedures.

Legal action threatened over exams contract awarded by Ofqual to company with links to MPs. *Independent*, 23 August 2020 (Online edition). By Zoe Tidman. Also Reported in The Good Law Project has threatened to issue High Court proceedings against Ofqual if Irish Times, 7 June 2017 (online edition) does not terminate an exam grading contract with Public First. The not-for-profit organisation claims that the contract was granted without a formal tender process and that, due to the company owners' links with both Michael Gove and Dominic Cummings, was biased. A spokesperson for Ofqual claimed that, due to the cancellation of the exams in exceptional circumstances, usual tendering rules did not apply. Website: <https://www.independent.co.uk/news/uk/politics/ofqual-legal-action-good-law-project-dominic-cummings-michael-gove-public-first-a9683641.html> [Accessed at 24 August 2020]

LOCAL GOVERNMENT. Health.

Coronavirus; Enforcement; Infectious disease control; Local authorities' powers and duties.

New COVID-19 marshals will not have powers of enforcement. *Times*, 11 September 2020, 9. By Francis Elliott. Also Reported in Daily Telegraph, 11 September 2020, 4

Government officials have confirmed that new marshals that are to be deployed to help enforce the latest COVID-19 rules, including limiting gatherings to groups of six, will not have formal powers and must be paid for from local authority budgets. Their responsibilities could include directing pedestrians, providing information, cleaning touchpoints, preventing groups mixing and being a point of contact for information on government guidelines.