



# YOUR MONTHLY E-BULLETIN

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**Issue 89; April 2021**

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## LATEST CONSORTIUM NEWS

### **Your Solicitors Framework – Results May to September 2020**

In this first 5 month period of the new Solicitors Framework the firms appointed to the Framework report that they have received over 380 commissions from Consortium member organisations.

The total spend by all Member Organisations in the same period was over £2.1 million, thus delivering savings of almost £500,000 as against otherwise prevailing fee levels.

### **Annual Training Event 2021**

We are really hoping that we can welcome you to this year's Annual Training Event on 5th October 2021 at Aintree in person and are starting our planning for it now.

Bookings are open and in future E-Bulletins we will keep you updated on our progress.

### **Introducing our new Precedent Service – Now Loading Documents**

We are launching our NWLC Precedent Service on the Consortium website.

Our Partner firms are contributing a range of precedents which will be available to download for free to staff from member organisations.

The precedents will be tailored for the use of member organisations and their work areas.

In the future we also plan to develop the service to include a request service.

## REMINDERS

### **Your Consortium is now on LinkedIn**

Find us [here](#)

We are looking to develop our profile in the future to make sure that we provide the information you want and need on this new additional platform.

If there is anything you'd like to us to add to the profile please let us know.



### **NWLC FREE Webinars Coming Up**

All our programmed webinars are now loaded to the Consortium website at [www.nwlegalconsortium.com](http://www.nwlegalconsortium.com)

In April and May we've got the following to look forward to –

21st April, **State Aid and Subsidy Control, Post Brexit** – DAC Beachcroft

11th May, **Governance Update** – Bevan Brittan

19th May, **Employment Update** – DAC Beachcroft

Registration links for these events are available on the website in the secure area – use the 'Book a Course' tab, or look out for the regular email alerts.

### **How do you access a recorded Webinar?**

Each live webinar is recorded.

Following each webinar the recorded session will be available to view – by accessing the recording link found in the secure area of the website.

You need to log in to the website to access the relevant link which can be found by clicking on the Publications tab - podcasts/webinars.

### **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)

Currently there are roles available at Sefton, Halton, West Lancashire, Oldham and Warrington Councils.

For more details go the Jobs page on the website at [www.nwlegalconsortium.com/jobs](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](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)

Our nominated charity – North West Air Ambulance is still busy with a range of ongoing/upcoming fundraising activities – here is just a couple of things to look forward to or find out more about

### North West Air Ambulance Online Market

- Providing a platform for small businesses to sell their goods during lockdown
- [www.facebook.com/groups/2873781482851579](https://www.facebook.com/groups/2873781482851579)

### Cross Bay Walk

- Saturday 19th June 2021 at 12:15pm
- Iconic guided walk across the sands from Arnside to Grange-over-Sands, guided by the Guide Over Sands Trust.
- £10 entry includes t-shirt
- For more information please contact Fergie on [helen.mcgowan@nwaa.net](mailto:helen.mcgowan@nwaa.net)



# NWLC MONTHLY LEGAL UPDATER

POWERED BY THOMSON REUTERS AND PRACTICAL LAW

01/04/21

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

### **HOUSING. Health; Immigration.**

**Coronavirus; Failed asylum seekers; Homelessness; Local authorities' powers and duties; Local government; Temporary accommodation.**

R. (on the application of Ncube) v Brighton and Hove City Council. [2021] EWHC 578 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Freedman J. March 11, 2021

Local authorities could lawfully provide accommodation to street homeless persons with no recourse to public funds during the COVID-19 pandemic by virtue of their powers and duties under the Local Government Act 1972 s.138 and the National Health Service Act 2006 s.2B.

Declaration granted

### **MENTAL HEALTH. Health.**

**Best interests; Brain damage; Care homes; Coronavirus; Persons lacking capacity; Risk; Vaccination.**

V, Re. [2021] EWCOP 14. Court of Protection (CP). Hayden J. February 10, 2021

It was lawful and in the best interests a care home resident in her 70s who suffered from a form of alcohol-related brain damage to be given the COVID-19 vaccination against the wishes of her daughter. Strongly held views by well-meaning and concerned family members should be taken into account but should not prevail over or be confused with the view's of the patient, as established by the entirety of the evidence.

Application refused

### **PUBLIC PROCUREMENT. Contracts; Health.**

**Broadcasts; Contract award notices; Contracts for goods; Contracts for services; Coronavirus; Locus standi; Public interest; Recordings; Remote hearings; Transparency.**

R, (on the application of Good Law Project Ltd) v Secretary of State for Health and Social Care. [2021] EWHC 346 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Chamberlain J. February 18, 2021

When awarding contracts for goods and services during the COVID-19 pandemic, the Secretary of State for Health and Social Care had unlawfully failed to comply with his obligations under the Public Contracts Regulations 2015 reg.50 and with government policy which required him to publish certain tender and contract documents. The court examined the principles applying to standing to bring claims in the context of challenges to individual procurement decisions.

Application granted



## **SOCIAL WELFARE. *Human rights.***

**Children's homes; Freedom to manifest one's religious belief; Judaism; Learning disabled persons; Local authorities' powers and duties; Looked-after children; Proportionality; Religious discrimination; Religious education; Respite care; Right to respect for private and family life.**

A (Children) v Manchester City Council. [2021] EWHC 455 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Judge Stephen Davies. March 01, 2021

A local authority had breached a child's ECHR art.9 right to manifest his religion by proposing to place him in residential respite accommodation where he would be unable to make/consume kosher food and participate in practices which were a crucial part of his faith as an orthodox Heredi Jew. The decision as to his placement was not proportionate where alternative accommodation had been found which was specifically for orthodox Jewish children, and which would enable him to practice his religion without restrictions.

Application granted in part

## **LEGISLATION**

### **CRIMINAL LAW. *Family law.***

**Domestic violence and abuse.**

Domestic Abuse Bill 2019-21 (HC Bill 96).

A Bill to make provision in relation to domestic abuse; to make provision for and in connection with the establishment of a Domestic Abuse Commissioner; to prohibit cross-examination in person in family proceedings in certain circumstances; to make provision about certain violent or sexual offences, and offences involving other abusive behaviour, committed outside the UK; and for connected purposes.

Website: [bit.ly/2w4tas0](https://bit.ly/2w4tas0) [Accessed at 30 March 2020]

Hansard: HC Vol 672 col 778 (1st Reading), Vol 675 col 233 (2nd Reading), Vol 678 col 683 (Report Stage and 3rd Reading); HL Vol 809 col 19 (2nd Reading), col 1395 (Committee Stage (1st Day)), col 1617 (2nd Day), col 1902 (3rd Day), col 2174 (4th Day), Vol 810 col 20 (5th Day), col 349 (6th Day), Vol 810 col 1318 (Report Stage (Day 1)), col 1625 (Report Stage (Day 2)), Vol 811 col 109 (Report Stage (Day 3)), col 333 (Report Stage (Day 4))

Commons 1st Reading: 3/3/2020 (HC Bill 96) | HC Vol 672 col 778; 2nd Reading: 28/4/2020 | HC Vol 675 col 233; Committee Stage: 17/6/2020 (HC Bill 141); Report Stage: 6/7/2020 | HC Vol 678 col 683; 3rd Reading: 6/7/2020 | HC Vol 678 col 683; Lords 1st Reading: 7/7/2020 (HL Bill 124); 2nd Reading: 5/1/2021 | HL Vol 809 col 19; Committee Stage: 25/1/2021 (1st Day) | HL Vol 809 col 1395, 27/1/2021 (2nd Day) | HL Vol 809 col 1617, 1/2/2021 (3rd Day) | HL Vol 809 col 1902, 3/2/2021 (4th Day) | HL Vol 809 col 2174, 8/2/2021 (5th Day) | HL Vol 810 col 20, 10/2/2021 (6th Day) (HL Bill 171) | HL Vol 810 col 349; Report Stage: 8/3/2020 (Day 1) | HL Vol 810 col 1318, 10/3/2021 (Day 2) | HL Vol 810 col 1625, 15/3/2021 (Day 3) | HL Vol 811 col 109, 16/3/2021 (Day 3) | HL Vol 811 col 333

### **HOUSING. *Local government.***

**Annual reports; Homelessness; Housing supply; Local authorities' powers and duties.**

Housing and Homelessness (Local Accommodation Duty) Bill 2019-21 (HC Bill).

A Bill to place a duty on local authorities to ensure that persons for whom a homeless duty has been accepted are accommodated in the local area, including on discharge into private rented accommodation; to require local authorities to publish annual reports on steps relating to housing demand and supply taken or intended to be taken to meet that duty; and for connected purposes.

Hansard: HC Vol 690 col 550 (1st Reading)

Commons 1st Reading: 8/3/2021 | HC Vol 690 col 550; 2nd Reading: 9/3/2021 provisional



### **ADMINISTRATIVE LAW. *Economics; Local government.***

**Commencement; Equal treatment; Public authorities; Social justice; Wales.**

Equality Act 2010 (Commencement No. 15) (Wales) Order 2021. SI 2021/298 (W.75) (C.10)

This Order commences the Equality Act 2010 ss.1 and 3 insofar as they apply to a relevant authority as defined by s.2(6) of the Act.

Website: [www.legislation.gov.uk/wsi/2021/298/pdfs/wsi\\_20210298\\_en.pdf](http://www.legislation.gov.uk/wsi/2021/298/pdfs/wsi_20210298_en.pdf) [Accessed at 12 March 2021]

In Force: Bringing into operation, in part, ss.1 and 3 of the 2010 Act on 31 March 2021.

### **LOCAL GOVERNMENT.**

**Access to information; Decisions; Documents; Executive arrangements; Meetings; Virtual meetings; Wales; Websites.**

Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) (Amendment) Regulations 2021. SI 2021/357 (W.108)

These Regulations amend the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 to reflect the fact meetings of executives and their committees may be held partly or solely through remote means. They also require notices and agendas for executive meetings, reports connected with those meetings, written statements of executive decisions, reports considered when taking executive decisions and background papers to be published on an authority's website, although background papers are not required to be published on the website of an authority if it would not be reasonably practicable to do so.

Website: [www.legislation.gov.uk/wsi/2021/357/pdfs/wsi\\_20210357\\_en.pdf](http://www.legislation.gov.uk/wsi/2021/357/pdfs/wsi_20210357_en.pdf) [Accessed at 19 March 2021]

## **GOVERNMENT AND REGULATORY DEVELOPMENTS**

### **ADMINISTRATIVE LAW. *Housing.***

**Case management; Housing Ombudsman Service; Investigations; Transparency.**

Housing Ombudsman starts publishing its investigation reports on individual cases. By Housing Ombudsman Service. 9 March 2021

In a major move towards increasing transparency, the Housing Ombudsman Service has begun publishing all individual decisions on cases investigated. Decisions will be published every two weeks, with the first cases highlighting issues including right to buy, moving home, repairs, and anti-social behaviour.

Website: [www.housing-ombudsman.org.uk/2021/03/09/housing-ombudsman-starts-publishing-its-investigation-reports-on-individual-cases](http://www.housing-ombudsman.org.uk/2021/03/09/housing-ombudsman-starts-publishing-its-investigation-reports-on-individual-cases) [Accessed at 9 March 2021]

### **LANDLORD AND TENANT.**

**Business tenancies; Protection from eviction; Residential tenancies.**

Further support for commercial and residential tenants. By Ministry of Housing, Communities and Local Government. 10 March 2021

The ban on commercial evictions has been extended to 30 June 2021 and the bailiff enforced eviction ban extended to 31 May 2021 to protect residential tenants, the Ministry of Housing, Communities and Local Government has announced.



Website: [www.gov.uk/government/news/further-support-for-commercial-and-residential-tenants](http://www.gov.uk/government/news/further-support-for-commercial-and-residential-tenants) [Accessed at 11 March 2021]; [questions-statements.parliament.uk/written-statements/detail/2021-03-11/hcws844](https://questions-statements.parliament.uk/written-statements/detail/2021-03-11/hcws844) [Accessed 12 March 2021]; [questions-statements.parliament.uk/written-statements/detail/2021-03-11/hcws843](https://questions-statements.parliament.uk/written-statements/detail/2021-03-11/hcws843) [Accessed 12 March 2021]; [questions-statements.parliament.uk/written-statements/detail/2021-03-11/hlws836](https://questions-statements.parliament.uk/written-statements/detail/2021-03-11/hlws836) [Accessed 12 March 2021]; [questions-statements.parliament.uk/written-statements/detail/2021-03-11/hlws835](https://questions-statements.parliament.uk/written-statements/detail/2021-03-11/hlws835) [Accessed 12 March 2021]

## **PUBLIC PROCUREMENT.**

**Contracting authorities; Procurement thresholds; Public procurement procedures; Wales.**

Procurement Policy Note adoption for Wales. By Welsh Government. Procurement Policy Note (PPN) 11/20 17 March 2021

Procurement Policy Note (PPN) 11/20 from the UK Government sets out the options that may be considered by contracting authorities when procuring contracts for goods, services and works with a value below the applicable thresholds. The Welsh Government announces it is adopting the PPN and encourages the Welsh public sector to do likewise. It is also considering whether the scope of the PPN can be extended for Wales which would require publication of a Welsh procurement policy note.

Website: [gov.wales/procurement-policy-note-adoption-for-wales](http://gov.wales/procurement-policy-note-adoption-for-wales) [Accessed at 18 March 2021]

## **NEWS RELEASES**

### **LOCAL GOVERNMENT.**

**Freedom of information; Loans; Local authorities' powers and duties; Public interest; Renewable energy; Transparency.**

Tribunal rules that LAs should not hide details of their borrowing and investments from the public. *Times*, 17 March 2021, 18. By Gareth Davies; Andrew Ellson.

Local authorities (LAs) should not hide details of their borrowing and investments from the public, a freedom of information tribunal has ruled in a decision that ordered Thurrock Council to disclose which local authorities it borrowed £800 million from and what "green energy" ventures the money financed.

### **SOCIAL SECURITY. Economics; Health.**

**Coronavirus; Economic conditions; Statistics; Universal credit.**

Number of universal credit claimants doubles since start of pandemic to 6 million. *Independent*, 24 February 2021 (Online edition). By May Bulman.

Government figures have revealed that the number of people claiming universal credit in the UK has doubled from 3 million in March 2020 to 6 million in January 2021 since the start of the COVID-19 pandemic, prompting fresh concerns about plans to remove the £20 uplift to the benefit in April 2021. Claimant numbers have continued to increase month-on-month, rising by 2%, or around 90,000 people, in each of the past three months.

Website: [www.independent.co.uk/news/uk/home-news/universal-credit-claimants-covid-lockdown-dwp-b1806012.html](http://www.independent.co.uk/news/uk/home-news/universal-credit-claimants-covid-lockdown-dwp-b1806012.html) [Accessed at 24 February 2021]