



YOUR MONTHLY E-BULLETIN

Issue 37; August 2015

LATEST CONSORTIUM NEWS

Legal Services Salary Benchmarking Survey

Warrington Borough Council are undertaking a benchmarking survey of legal services salaries. Each Consortium member has been invited to contribute to the survey through their head of service. The survey closes on Friday 4th September and should provide useful comparative data across our region.

We do hope that each organisation will contribute to give as reliable and full a picture of the position as possible.

Over to you!

Its taking shape- NWLC Annual Training Event update

This year at a new venue, we are delighted to announce that courtesy of Thomson Reuters, Glenn Mead, Director of Corporate Programmes from Chimp Management Ltd will headline our event this year. The afternoon will see a range of training sessions provided by our partner firms.

Full details will be published in the emerging programme over the next few weeks.

We are looking forward to an enjoyable and worthwhile event and do hope you can join us!

Its here-our new look Consortium Website is launched!

When next you visit the Consortium website you may notice a distinct new look. Many months in the planning and implementation we hope you like the new layout and more modern look to your website.

Rest assured, the site still has all the functionality that you are used to and is just as user friendly to interrogate.

The only thing to remember is that your use of the website will be enhanced if you are using an up to date browser eg Google Chrome.

We'd like to hear your feedback about the new look and feel – we do hope you like it but of course if you do have any problems accessing the site or finding parts of the site itself then do let us know and we'll do our best to sort it out for you.

REMINDERS

Don't forget to let us know when you have new colleagues joining your organisation (and leaving too of course)

All you need to do is drop a quick e-mail to bh_nwlconsortium@btinternet.com or briangibson2@msn.com with the detail of the staff changes and we'll take it from there!

Free Consortium health checks are available to member authorities to spread the word about the benefits of membership of the Consortium, explain how the website can be used and basically do a bit of a health check as to what each authority uses the Consortium for etc. and how best we can assist.





NWLC Annual Free Training Programme

Your Training Programme takes its summer break this month but it will be up and running again in September.

The new programme will be published in the next week or so for you to book yourself, colleagues or clients on to those courses which will help you in your work in the coming months.

And let's not forget that the **NWLC Annual Training Event 2015 – is NOW OPEN FOR BOOKINGS!** This year's event will be held at the **Langtree Stadium in St Helens on Tuesday 6th October 2015.**

For full details and to make bookings for the course or the ATE for yourself, a colleague or client go to the website at <http://www.nwlegalconsortium.com> - courses page.

NEW ROLES UP FOR GRABS?

Does your authority want to advertise your vacancies on the website for free? If so contact Beryl Heath on bh_nwconsortium@btinternet.com

YOU CAN NOW FOLLOW US ON TWITTER



@NWLConsortium



NWLC NOMINATED CHARITY OF THE YEAR

Please support the North West Air Ambulance Charity

For the Charity's latest events go to: <http://nwaa.net/>





NATIONAL AIR AMBULANCE AWARENESS WEEK 21 – 27 SEPTEMBER 2015

All Air Ambulance Charities nationally are independent charities which fall under the umbrella of the association of air ambulances. Each year there is a dedicated week for air ambulances to demonstrate nationally the vital work that they do in local communities. The North West Air Ambulance Charity costs over £6.6 million per year to sustain our three aircraft, all of which comes via voluntary donations.

Can you help us raise awareness of the work of the Air Ambulance Charities during this week - either at home, in the workplace or amongst your social circles?

Perhaps you could encourage your employer to hold a dedicated week for fundraising?

We will also be holding a series of road shows throughout the region during the week and would welcome volunteers.

Please contact gillian.edwards@nwaa.net for further information.

Wallasey Update

Watch this space... our Wallasey base is near completion for our third aircraft which will mean that our aircraft have a greater geographical spread of the North West.



NWLC MONTHLY LEGAL UPDATER

POWERED BY THOMSON REUTERS

01/08/15

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



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HOUSING. *Local Government.*

Housing allocation; Housing policy; Local housing authorities' powers and duties; Priority needs; Reasonable preference; Unintentional homelessness.

R. (on the application of Alemi) v Westminster City Council. [2015] EWHC 1765 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Judge Blair QC. June 22, 2015

A local authority's housing policy preventing those who were unintentionally homeless and in priority need from bidding for social housing for 12 months was unlawful. The policy breached the duty imposed on local housing authorities under the Housing Act 1996 s.166A(3).

APPLICATION GRANTED

PUBLIC PROCUREMENT. *Tax; European Union.*

Childcare vouchers; EU law; Modification; Non-ministerial departments; Outsourcing; Public procurement procedures; Public services contracts.

Edenred (UK Group) Ltd v HM Treasury. [2015] UKSC 45. Supreme Court (SC). Lord Neuberger PSC; Lord Mance, J.S.C.; Lord Hodge, J.S.C.; Lord Carnwath, J.S.C.; Lord Sumption, J.S.C. July 01, 2015

The prohibition against modifying a public contract to encompass services not initially covered did not preclude a modification which extended the contracted services beyond the level of services provided at the time of the initial contract if the advertised initial contract and related procurement documents envisaged such expansion of services, committed the economic operator to undertake them, and required it to have the resources to do so.

APPEAL DISMISSED





SOCIAL WELFARE.

Care costs; Local authorities' powers and duties; Long-term care; Ordinary residence; Persons lacking capacity; Residential accommodation; Social policy; Vulnerable adults.

R. (on the application of Cornwall Council) v Secretary of State for Health. [2015] UKSC 46. Supreme Court (SC). Lady Hale DPSC; Lord Wilson J.S.C.; Lord Toulson, J.S.C.; Lord Hughes, J.S.C.; Lord Carnwath, J.S.C.. July 08, 2015

The court determined the meaning of "ordinary residence" in the National Assistance Act 1948 s.24(1) and s.24(5) for the purposes of determining which local authority was responsible for providing support and accommodation when a severely incapacitated person reached 18 years of age and had spent his childhood in three different counties.

APPEALS ALLOWED

LEGISLATION:

EDUCATION. *Family law; Local government.*

Academies; Adoption; Local authorities' powers and duties; Powers of intervention; Schools.

Education and Adoption Bill 2015 (HC Bill No.4).

A Bill to make provision about schools in England that are causing concern, including provision about their conversion into academies and about intervention powers; and to make provision about joint arrangements for carrying out local authority adoption functions in England.

Website: <http://services.parliament.uk/bills/2015-16/educationandadoption/documents.html> [Accessed June 4, 2015]

Hansard: HC Vol 596 col 610 (1st Reading); HC Vol 597 col 638 (2nd Reading) Commons 1st Reading: 3/6/2015; 2nd Reading: 22/6/2015; Committee Stage: 30/6/2015 1st Sitting; 2/7/2015 2nd and 3rd Sitting; 7/7/2015 4th and 5th Sitting; 9/7/2015 6th and 7th Sitting; 14/7/2015

LOCAL GOVERNMENT. *Economics.*

Cities; Combined authorities; Economic prosperity boards; Local authorities' powers and duties; Mayors.

Cities and Local Government Devolution Bill 2015 (HL Bill No.1).

A Bill to make provision for the election of mayors for the areas of, and for conferring additional functions on, combined authorities established under Part 6 of the Local Democracy, Economic Development and Construction Act 2009; to make other provision in relation to bodies established under that Part; to make provision about local authority governance; and for connected purposes.

Website: <http://services.parliament.uk/bills/2015-16/citiesandlocalgovernmentdevolution/documents.html> [Accessed June 4, 2015]

Hansard: HL Vol 762 cols 651,672 (2nd Reading), 1362, 1395, 1443, 1596,1666,1806,1855,1887 (Committee Stage); Vol 764 cols 350,438 (Report Stage) Lords 1st Reading: 28/5/2015; 2nd Reading: 8/6/2015; Committee Stage: 22/6/2015, 24/6/2015, 29/6/2015; Report Stage: 13/7/2015

Legislation referred: Local Democracy, Economic Development and Construction Act 2009 Pt 6





GOVERNMENT AND REGULATORY DEVELOPMENTS:

SOCIAL WELFARE. *Care Quality Commission; Children; Safeguarding vulnerable adults.*

Statement on CQC's roles and responsibilities for safeguarding children and adults. Issued by Care Quality Commission. 26 June 2015

The Care Quality Commission (CQC) has issued an updated statement on its role and its responsibilities for safeguarding children and adults. The statement follows the introduction of the Care Act 2014, which for the first time provides a legal framework for safeguarding adults.

Website: http://www.cqc.org.uk/sites/default/files/20150619_safeguarding_statement.pdf
[Accessed June 29, 2015]

Legislation referred: Care Act 201415

NEWS ARTICLES:

PLANNING. *Energy.*

Hydraulic fracturing; Local authorities' powers and duties; Planning applications; Planning permission.

Frackers call for change in law to stop councils blocking drilling plans. *Times*, 30 June 2015, 10. By Ben Webster. Also Reported in Independent, 30 June 2015 (Online edition); Guardian, 30 June 2015, 11; Daily Telegraph, 30 June 2015, 1,3,17

Fracking companies have called for a change in the law to limit the ability of local authorities to refuse planning applications after Lancashire county council's development control committee rejected Cuadrilla's application for their first drilling site at Preston New Road, near Blackpool, against the advice of their own legal advisers. Cuadrilla is considering an appeal.

Companies referred: Cuadrilla

SOCIAL SECURITY. *Human Rights.*

Children; Disability discrimination; Disability living allowance; Disabled persons; In-patients.

Supreme Court victory for disabled boy's family. *Belfast Telegraph*, 8 July 2015 (Online edition).

The family of severely disabled Cameron Mathieson, whose disability living allowance (DLA) was taken away while he was hospitalised, have won a landmark Supreme Court ruling. The family successfully challenged a regulation that suspends DLA after a child's first 84 days in hospital. The Court set aside the Secretary of State for Work and Pensions' decision and substituted that Cameron, who died in October 2012, was entitled to continued payment of DLA.

Website: <https://www.supremecourt.uk/cases/docs/uksc-2014-0166-judgment.pdf>
[Accessed July 8, 2015]

Cases referred: AM v Secretary of State for Work and Pensions~ [2015] UKSC 47 (SC)



PRACTICAL LAW:

[Freedom of information law quarterly digest \(April – June 2015\)](#)

Our quarterly freedom of information law update blogs focus on the latest developments in freedom of information law under the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (SI 2004/3391) (EIR). The blog will enable readers advising on freedom of information law to catch up on the most important cases, issues or developments on the topic. This post looks at freedom of information law developments from April to June 2015.

Website: <http://publicsectorblog.practicallaw.com/freedom-of-information-law-quarterly-digest-april-june-2015/>

[Education law quarterly digest \(April 2015 – June 2015\)](#)

This is the latest in our series of quarterly education update blogs which will enable readers to catch up on the most important cases, issues or developments in education law from April 2015 to June 2015. Please feel free to submit a comment below or send us an Ask query if you have any views on the cases, issues, or legal development that are covered or if you think we have missed something that should be brought to the attention of education law practitioners.

Website: <http://publicsectorblog.practicallaw.com/education-law-quarterly-digest-april-2015-june-2015/>

[Public procurement case digest \(June 2015\)](#)

June's case digest includes a High Court decision considering a challenge the operation of a framework agreement for the supply of locum doctors, and an Advocate General opinion on the interpretation of Articles 47 and 48 of Directive 2004/18.

Website: <http://publicsectorblog.practicallaw.com/public-procurement-case-digest-june-2015/>

[Local government quarterly digest \(May – July 2015\)](#)

This is the latest in our series of quarterly local government update blogs, which will enable readers to catch up on the most important cases, issues or developments in local government from May 2015 to July 2015.

Website: <http://publicsectorblog.practicallaw.com/local-government-quarterly-digest-may-july-2015/>

