



# YOUR MONTHLY E-BULLETIN

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Issue 44; March 2016

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## LATEST CONSORTIUM NEWS

Just a short bulletin this month- watch out for a fuller edition next month.

## REMINDERS

### NEW Consortium Practice Managers Group

The Practice Managers Group met at the Manchester office of Weightmans on Thursday 4<sup>th</sup> February 2016.

If you are interested in hearing more about what the Group plans for the future then contact Beryl Heath on [bh\\_nwlegalconsortium@btinternet.com](mailto:bh_nwlegalconsortium@btinternet.com)

**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\\_nwlegalconsortium@btinternet.com](mailto:bh_nwlegalconsortium@btinternet.com) or [briangibson2@msn.com](mailto:briangibson2@msn.com) with the detail of the staff changes and we'll take it from there!

**Free Consortium healthchecks** 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 healthcheck as to what each authority uses the Consortium for etc and how best we can assist.

## FREE CONSORTIUM TRAINING: COMING SOON

On 16<sup>th</sup> March DLA Piper are providing training on Civil Litigation at their Liverpool offices and on 20<sup>th</sup> April in Manchester, DAC Beachcroft are presenting a Monitoring Officer Update.

Don't forget that all this training is **free**, carries CPD points and is open to legal staff at member organisations as well as to client department staff.

All the details and for bookings its through the website please, courses page at [www.nwlegalconsortium.com](http://www.nwlegalconsortium.com)

## Course Materials

If you or your colleagues have missed out on one or more of our Consortium training sessions (including presentations at the Annual Training Event) you might find it helpful to see the slides/presentation from the session.

These are all available in the documents area of the website at [www.nwlegalconsortium.com](http://www.nwlegalconsortium.com)



## NEW ROLES UP FOR GRABS?

There is currently a range of vacancies advertised on the website jobs page at <http://www.nwlegalconsortium.com/jobs>

Merseytravel are looking for a trainee solicitor, closing date 18<sup>th</sup> March:

Liverpool City Council need a Principal Solicitor – Adult Services, closing date 22<sup>nd</sup> March:  
Cumbria need up to three legal officers to support solicitors in the conduct of litigation, closing date 23<sup>rd</sup> March: and Rochdale are looking for a Child Care Solicitor, closing date 27<sup>th</sup> March.

Interested? Find out more on the website.

Does your authority want to advertise your vacancies on the website for free?

If so contact Beryl Heath on [bh\\_nwlconsortium@btinternet.com](mailto:bh_nwlconsortium@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/>



# NWLC MONTHLY LEGAL UPDATER

POWERED BY THOMSON REUTERS

01/03/16

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:

### **FAMILY LAW.**

**Children; Habitual residence; Inherent jurisdiction; Pakistan; Removal from jurisdiction; Same sex partners.**

*B (A Child) (Habitual Residence: Inherent Jurisdiction), Re. [2016] UKSC 4.* Supreme Court (SC). Lady Hale DPSC; Lord Clarke, J.S.C.; Lord Toulson, J.S.C.; Lord Sumption, J.S.C.; Lord Wilson J.S.C.. February 03, 2016

Children did not lose their habitual residence immediately upon removal from the jurisdiction, even where there was a settled intention that they would no longer live there; they only lost their habitual residence when they had achieved the requisite degree of disengagement from that jurisdiction. It was conceivable that a child might have no habitual residence for a period, but such a situation would be rare.

Appeal allowed

### **SOCIAL SECURITY. *European Union; Housing.***

**Discrimination; EU law; EU nationals; Housing assistance; Income support; Nationality; Proportionality; Rights of entry and residence.**

*Mirga v Secretary of State for Work and Pensions. [2016] UKSC 1.* Supreme Court (SC). Lord Neuberger, J.S.C.; Lady Hale, J.S.C.; Lord Reed, J.S.C.; Lord Clarke, J.S.C.; Lord Kerr, J.S.C.. January 27, 2016

The denial of income support and housing assistance to two economically inactive EU citizens, resulting from the application of domestic legislation, did not give rise to a breach of their rights under the TFEU.

Appeals dismissed





**HUMAN RIGHTS. *Mental health; Local government.***

Children; Deprivation of liberty; Disabled persons; Legal rights; Local authorities' powers and duties; Parental consent; Residential accommodation; Right to respect for private and family life.

Birmingham City Council v D (A Child). [2016] EWCOP 8. Court of Protection (CP). Keehan, J.. January 21, 2016

The confinement in a secure residential care facility of a 16-year-old who suffered from intellectual disabilities and lacked capacity to make his own decisions was a deprivation of his liberty. While his parents had been entitled to substitute consent for his confinement when he was younger than 16, he was now entitled to the full protection of the ECHR art.5 and the local authority which funded and managed his placement had to apply to the court to obtain authorisation for its continuance.

Judgment accordingly

**LEGISLATION:**

**LOCAL GOVERNMENT. *Economics.***

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

Cities and Local Government Devolution Act 2016. c.1

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

Website: [http://www.legislation.gov.uk/ukpga/2016/1/pdfs/ukpga\\_20160001\\_en.pdf](http://www.legislation.gov.uk/ukpga/2016/1/pdfs/ukpga_20160001_en.pdf) [Accessed 29 January 2016]

Royal Assent: 28 January 2016

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

**EDUCATION. *Family law.***

Academies; Conversion; Local authorities' powers and duties; Powers of intervention; Prospective adopters; School performance.

Education and Adoption Bill 2015 (HC Bill 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); Vol 599 col 1077 (3rd Reading) (Remaining Stages); Vol 764 col 1956 (1st Reading); Vol 765 cols 582 (2nd Reading), GC 381, GC 445 (Committee Stage); Vol 767 GC 1 (Committee Stage), cols 1051,2081,2149 (Report Stage); Vol 768 col 1989 (3rd Reading)

Commons 1st Reading: 3/6/2015; 2nd Reading: 22/6/2015; Committee Stage: 30/6/2015 1st and 2nd Sitting; 2/7/2015 3rd and 4th Sitting; 7/7/2015 5th and 6th Sitting; 9/7/2015 7th and 8th Sitting; 14/7/2015 9th and 10th Sitting; Report Stage: 16/9/2015; 3rd Reading: 16/9/2015; Lords 1st Reading: 16/9/2015 (HL Bill 64); 2nd Reading: 20/10/2015; Committee Stage: 1st Sitting 5/11/2015; 2nd Sitting 10/11/2015; 3rd Sitting 17/11/2015; Report Stage: 1st Sitting 1/12/2015; 2nd Sitting 16/12/2015; 3rd Reading: 8/2/2016. Ping pong 23/2/2016

Legislation referred: Education and Adoption Bill 2015 (HL Bill 64)

## **GOVERNMENT AND REGULATORY DEVELOPMENTS:**

### **LANDLORD AND TENANT.**

**Landlords' rights; Tenants; Tenants' rights.**

Right to Rent goes live across England. By Home Office. 1 February 2016

The Government's Right to Rent scheme goes live across England on 1 February 2016: new rules mean that landlords need to carry out quick and simple checks on all new adult tenants to make sure they have the right to rent property in the country. Right to Rent, which also applies to people who are subletting their property or taking in lodgers, was introduced under the Immigration Act 2014 .

Website: <https://www.gov.uk/government/news/right-to-rent-goes-live-across-england> [Accessed 1 February 2016]

Legislation referred: Immigration Act 2014

### **GOVERNMENT ADMINISTRATION. *Housing; Local government.***

**Department for Communities and Local Government; Devolution; Housing; Public services.**

Single departmental plan: 2015 to 2020. Issued by Department for Communities and Local Government. 19 February 2016

The Department for Communities and Local Government departmental plan for 2015 to 2020 sets out the following objectives: driving up housing supply; increasing home ownership; devolving powers and budgets to boost local growth in England; and supporting strong communities with excellent public services.

Website: <https://www.gov.uk/government/publications/dclg-single-departmental-plan-2015-to-2020/single-departmental-plan-2015-to-2020> [Accessed 19 February 2016]



## NEWS ARTICLES:

### **LOCAL GOVERNMENT.**

[Funding; Local authorities' powers and duties; Local authority income; Revenue support grant.](#)

Local authority budgets found to be in a "mess". *Times*, 18 February 2016, 16. Also Reported in Daily Telegraph, 18 February 2016, 6

A survey by the Local Government Information Unit has found that local authority finances are in a "mess" and that 90% of them will need to increase charges to raise more income following funding cuts, and 40% will need to cut frontline services. It warned that core government funding, the revenue support grant, would be cut by 28%, or £2.7 billion, in the next financial year.

### **SOCIAL SECURITY. *Family law; Health; Human rights; Social welfare.*** [Benefit cap; Carers; Disability discrimination; Disabled persons; Social security benefits.](#)

Backtrack on benefit cap for full-time carers for adult relatives. *Guardian*, 26 January 2016 (*Online edition*). By Patrick Butler.

The Government is to abolish a benefits cap on carers who look after adult relatives for more than 35 hours per week. The change comes after the 2015 High Court decision in *Hurley v Secretary of State for Work and Pensions*, which stated that the cap unlawfully discriminated against disabled people.

Cases referred: *Hurley v Secretary of State for Work and Pensions*~ [2015] EWHC 3382 (Admin) (QBD (Admin))