



# YOUR MONTHLY E-BULLETIN

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**Issue 42; January 2016**

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## LATEST CONSORTIUM NEWS

### **Solicitors Framework ...we are getting there!**

We are delighted to let you know that we have had a good response to our tender request for the new NWLC Solicitors framework.

We are now in the evaluation stage and will be reporting on progress in next month's bulletin.

Watch this space....

### **NEW Consortium Practice Managers Group**

Building upon growing interest shown in learning and sharing on matters of practice management we have now arranged the first meeting of a new Consortium group.

The Practice Managers Group will meet at the Manchester office of Weightmans on Thursday 4<sup>th</sup> February 2016 at 10am.

We'll publish the agenda for the meeting on the website but in the meantime if you or a colleague are interested in coming along to the meeting please get in touch at [bh\\_nwlconsortium@btinternet.com](mailto:bh_nwlconsortium@btinternet.com)

### **Thomson Reuters New Offer for Consortium Members**

We are pleased to announce that we are in the final process of agreeing a new framework agreement with Thomson Reuters, who are now in a position to enhance their offering moving forward as well as maintaining the competitive discount that the North West Legal Consortium have achieved.

They are continuing with the Westlaw UK core services, in order to provide the most up to date primary law, through fully consolidated legislation and case analysis, as well as expert commentary, through key local government titles. The framework is further being enhanced with the inclusion of Practical Law and so providing an incredibly powerful end to end legal research solution.

The framework agreement will be sent out shortly to all North West Legal Consortium members and then your TR Account Manager is on hand to answer any questions that you have.

His contact details are as follows:

Sean Duffy  
Senior Account Manager  
0207 542  
9095  
07789 435448  
[sean.duffy@thomsonreuters.com](mailto:sean.duffy@thomsonreuters.com)





## Course Materials

Don't forget that if you or your colleagues have missed out on one or more of our Consortium training sessions 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)

## REMINDERS

### Consortium Collaboration Agreement

Each Consortium member organisation has signed up to an agreement with Sefton Council, as lead organisation to commit to collaborating through the NWLC.

These agreements also end on 31<sup>st</sup> March 2016. So in an effort to get this issue sorted ahead of time we will be circulating a new agreement to heads of service very soon.

### 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](mailto:bh_nwlconsortium@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 20 January, DAC Beachcroft are presenting 'Recovering Possession of Commercial Premises' at their Manchester office.

On 2 February, DLA Piper are providing a 'Planning Update' at their Liverpool office.

And on 11 February Weightmans are presenting a Childcare session in Liverpool – its an update on the latest developments in child care law including the latest case law, practice directions, guidance and legislative changes.

So don't forget that all the 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)

## NEW ROLES UP FOR GRABS?

Cheshire East Council is currently looking to fill a number of solicitor posts following a department restructure. With a closing date of 24<sup>th</sup> January, why not check out what these full time roles require by visiting the jobs page of the website at [www.nwlconsortium@btinternet.com](http://www.nwlconsortium@btinternet.com)

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)

## 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/>





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# NWLC MONTHLY LEGAL UPDATER

## POWERED BY THOMSON REUTERS

19/01/16 – 19/02/16

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)



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## CASES:

### **SOCIAL SECURITY. HUMAN RIGHTS.**

**Affirmative resolution procedure; Benefit cap; Carer's allowance; Carers; Disability discrimination; Disabled persons; Exemptions; Proportionality; Protection of property; Right to respect for private and family life; Wednesbury unreasonableness.**

Hurley v Secretary of State for Work and Pensions. [2015] EWHC 3382 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Collins, J.. November 26, 2015

The failure to exempt from the benefit cap those caring for severely disabled adult family members was unlawful because it amounted to indirect discrimination against disabled people which was not objectively justifiable.

Application granted





## **MENTAL HEALTH. HEALTH.**

### **Best interests; Deprivation of liberty; Medical treatment; Persons lacking capacity.**

A Hospital NHS Trust v CD. [2015] EWCOP 74. Court of Protection (CP). Mostyn, J.. November 13, 2015

When making a decision under the Mental Capacity Act 2005 as to a patient's treatment, it was vital that judges confined the wishes and feelings of the patient to the best interests analysis and did not let them act subtly to undermine a capacity assessment. The instant judge also repeated his concern that the Supreme Court's test for what amounted to a patient's deprivation of liberty in *Cheshire West and Chester Council v P* [2014] UKSC 19, [2014] A.C. 896, [2014] C.L.Y. 2189 was confusing, as was Sch.1A para.3(2) of the Act.

Application granted

## **PLANNING. CIVIL PROCEDURE; GOVERNMENT ADMINISTRATION; EUROPEAN UNION; ADMINISTRATIVE LAW.**

### **Delay; Discrimination; Green belt; Gypsies; Judicial review; Jurisdiction; Ministers' powers and duties; Nullity; Planning appeals; Planning permission; Principle of effectiveness; Reasons; Recovery of appeals; Reviews; Revocation; Secretaries of State; Time limits; Travellers.**

Mulvena v Secretary of State for Communities and Local Government. [2015] EWHC 3494 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Cranston, J.. December 04, 2015

Even though decisions by the Secretary of State for Communities and Local Government to recover planning appeals for traveller sites in the green belt had been unlawful in the light of *Moore v Secretary of State for Communities and Local Government* [2015] EWHC 44 (Admin), [2015] B.L.G.R. 405, the appeal decisions themselves were not a nullity: the statutory framework conferred jurisdiction on him to determine the appeals, whatever the lawfulness of his decisions to recover them for his own determination. Under the Town and Country Planning Act 1990 s.78, he had no jurisdiction to review or revoke an appeal decision once made.

Applications refused





## LEGISLATION:

### EMPLOYMENT. FAMILY LAW; SOCIAL SECURITY.

#### **Child support; Employment; Northern Ireland; Orders in Council; Social security administration; Training.**

Northern Ireland (Welfare Reform) Act 2015. c.34 25 November 2015

An Act to make provision in connection with social security and child support maintenance in Northern Ireland; to make provision in connection with arrangements under the Employment and Training Act (Northern Ireland) 1950 s.1; and for connected purposes.

Website: <http://www.legislation.gov.uk/ukpga/2015/34/introduction/enacted> [Accessed November 26, 2015]

Royal Assent: 25 November 2015

Legislation referred: Employment and Training Act (Northern Ireland) 1950 s.1

### 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), col 1051 (Report Stage)

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

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

## GOVERNMENTAL AND REGULATORY DEVELOPMENTS:

### HOUSING. LOCAL GOVERNMENT.

#### Funding; Homelessness; Local authorities. □

Radical package of measures announced to tackle homelessness. By Department for Communities and Local Government. 17 December 2015

The Government has announced a package of measures to help address homelessness and ensure there is a safety net in place for the most vulnerable people in society. The measures include: maintaining and protecting homelessness prevention funding for local authorities, through the provisional local government finance settlement totalling £315 million by 2019 to 2020; and a commitment to work with homelessness organisations and across departments to consider options, including legislation, to prevent more people from becoming homeless.

Website: <https://www.gov.uk/government/news/radical-package-of-measures-announced-to-tackle-homelessness> [Accessed 17 December 2015]

### PUBLIC PROCUREMENT. □

#### Public contracts; Public procurement procedures. □

Procurement Policy Note: New Threshold Levels 2016. Issued by Crown Commercial Service. 18/15 9 December 2015

A Crown Commercial Service publication provides advanced notification of the new threshold levels to apply for the purposes of the procurement Regulations with effect from 1 January 2016.

Website:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/484497/PPN\\_18\\_15\\_New\\_Thresholds\\_2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/484497/PPN_18_15_New_Thresholds_2016.pdf) [Accessed December 11, 2015]



## NEWS ARTICLES:

### LOCAL GOVERNMENT. FAMILY LAW; SOCIAL WELFARE.

#### **Child abuse; Child neglect; Child protection; Children's services; Local authorities' powers and duties.** □

Failing councils will have child protection powers removed. *Times*, 14 December 2015, 1,2. By Rosemary Bennett. Also Reported in *Guardian*, 14 December 2015, 13; *Daily Telegraph*, 14 December 2015, 1

On 14 December 2015, the Prime Minister will announce that councils that fail to keep children safe will have their powers removed. The announcement was made as Sunderland became the first council to have its child protection services passed to an outside authority, a voluntary trust, under the scheme. In July 2015, an OFSTED inspection found such serious concerns about Sunderland's services that the chief inspector wrote to the Secretary of State for Education.

Website: [http://www.local.gov.uk/web/guest/media-releases/-/journal\\_content/56/10180/7610579/NEWS](http://www.local.gov.uk/web/guest/media-releases/-/journal_content/56/10180/7610579/NEWS) [Accessed December 15, 2015]

