



# YOUR MONTHLY E-BULLETIN

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**Issue 36; July 2015**

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## LATEST CONSORTIUM NEWS

### **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.

### **New Annual Training Programme – whats happening?**

The Annual Consortium Training Survey has been poured over by your Management Board and partner firms. Our Partners are now busy designing a programme that best fits the many requests that have come forward for the FREE NWLC Training Programme for 2015/16.

Just as soon as we have a programme in place we will publish it on the website at [www.nwlegalconsortium.com](http://www.nwlegalconsortium.com).

### **The future of your Solicitors Framework**

Your Consortium Management Board have now agreed to move forward with procuring a new framework for the provision of legal advice and support to Consortium member organisations.

The new framework will run for a period of 4 years from 1st April 2016.

Many thanks to those of you who provided feedback and comments about the proposals and these together with the expert guidance from our small procurement team (drawn from member organisations) will now allow us to develop the procurement timetable and shape the resulting replacement framework.

Progress will be reported to all through future Bulletins over the coming months.

## 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](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.

### Annual Free Training Programme - Whats on this month?

The late but welcome addition to our FREE CPD training is a session provided by our Partner firm, Weightmans who will **round off the year's programme on 17th July in Manchester, with 'Enforcing Money Judgements'**.

And lets 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 [www.nwlegalconsortium.com](http://www.nwlegalconsortium.com) - courses page.

### NEW ROLES UP FOR GRABS

This month Preston City Council urgently require a Land Charges Assistant and Stockport are looking for a Property, Planning and Highways Solicitor (closing date 8th July) and Wigan are looking for a Principal Lawyer

For full details **see the Jobs page** 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/>





## NATIONAL AIR AMBULANCE AWARENESS WEEK 21 – 27 SEPTEMBER 2015

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?

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

Please contact [gillian.edwards@nwaa.net](mailto:gillian.edwards@nwaa.net) for further information.

# NWLC MONTHLY LEGAL UPDATER

## POWERED BY THOMSON REUTERS

01/07/15

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](http://westlaw.co.uk) or [uk.practicallaw.com](http://uk.practicallaw.com)



@localgovlawyer

### **EDUCATION. *Local Government.***

Breach of statutory duty; Budgets; Childcare; Consultation; Funding;  
Local authorities' powers and duties; Nursery education; Public services.

**R. (on the application of Morris) v Rhondda Cynon Taf CBC. [2015] EWHC 1403 (Admin).  
Queen's Bench Division (Administrative Court) (QBD (Admin)). Patterson, J.. May 18, 2015**

There was no inviolable rule established by R. (on the application of Moseley) v Haringey LBC [2014] UKSC 56, [2014] 1 W.L.R. 3947, [2014] C.L.Y. 2087 that alternatives had to be consulted upon in every consultation exercise. Sometimes fairness might require it, so that consultees could make sense of the consultation exercise: when that was the case, the alternatives would have to be realistic alternatives.

APPLICATION REFUSED

### **HOUSING. *Social welfare; Local government.***

Intentional homelessness; Local housing authorities' powers and duties;  
Residential accommodation.

**Haile v Waltham Forest LBC. [2015] UKSC 34. Supreme Court (SC). Lord Neuberger PSC;  
Lady Hale DPSC; Lord Carnwath, J.S.C.; Lord Reed, J.S.C.; Lord Clarke, J.S.C.. May 20, 2015**

An applicant who had applied for accommodation as a homeless person under the Housing Act 1996, had not become homeless intentionally where the cause of her current state of homelessness was not her surrender of her original accommodation but a later event which would have caused her to become homeless in any event. While the decision in Din (Taj) v Wandsworth LBC [1983] 1 A.C. 657, [1982] C.L.Y. 1472 remained good law, it was distinguished on the basis that whether homelessness was intentional had to be judged as at the date of the local authority's inquiry, not the date when the applicant quit her accommodation.

APPEAL ALLOWED





**SOCIAL SECURITY. *Human rights; Administrative law; Government administration.***  
Administrative decision-making; Personal independence payments; Reasonable time;  
Right to fair and public hearing; Secretaries of State.

**R. (on the application of C) v Secretary of State for Work and Pensions. [2015] EWHC 1607 (Admin).  
Queen's Bench Division (Administrative Court) (QBD (Admin)). Patterson, J.. June 05, 2015**

Declarations of unlawfulness were granted to two claimants who had experienced delays of 13 months and 10 months respectively in the processing of their claims for personal independence payments. The scheme had not been properly piloted or resourced so that, at the time of roll-out, it had not been fit for purpose for those whom it targeted, who were the most vulnerable members of society. The claims could not be treated as test cases for other individuals affected because levels of disability and hardship varied between individuals.

APPLICATIONS GRANTED

## 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 January 30, 2015]

Hansard: HC Vol 596 col 610 (1st Reading)  
Commons 1st Reading: 3/6/2015; 2nd Reading: 22/6/2015 provisional

## LOCAL GOVERNMENT.

Local authorities; Wales.

Local Government (Wales) Bill 2015.

A Bill to allow for certain preparatory work to enable a programme of local government mergers and reform and include provisions to facilitate the voluntary early merger of two or more Principal Local Authorities by April 2018.

**Website:** <http://senedd.assembly.wales/mgIssueHistoryHome.aspx?IId=11809> [Accessed January 30, 2015]

Introduced: 26/1/2015; Welsh Stage 1, Consideration: 5/2/2015, 26/2/2015, 4/3/2015, 12/3/2015, 26/3/2015; Stage 1, Debate: 19/5/2015; Stage 2: 20/5/2015. Consideration 24/6/2015 provisional



## GOVERNMENT AND REGULATORY DEVELOPMENTS:

### HOUSING. *Landlord and tenant.*

Assured tenancies; Housing associations; Right to buy.

Extending the Right to Buy (England) - Briefing Paper. Issued by House of Commons Library. 7224  
9 June 2015

A House of Commons Library Briefing Paper explains the Government's proposal to extend the right to buy to assured tenants of housing associations. The measure requires primary legislation and will be included in a Bill on housing

**Website:** <http://researchbriefings.files.parliament.uk/documents/CBP-7224/CBP-7224.pdf>  
[Accessed June 10, 2015]

### PUBLIC PROCUREMENT.

Codes of conduct; Private Finance Initiative; Public private partnerships.

Code of Conduct for Operational PFI/PPP Contracts. Issued by Treasury. 3 June 2015

A Treasury voluntary code of conduct, updated on 3 June 2015, sets out the basis on which public sector bodies and their public private partnership (PPP) partners agree to identify and make savings in operational Private Finance Initiative (PFI) and PPP contracts.

**Website:** [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/206613/Code\\_of\\_Conduct\\_for\\_Operational\\_PPP\\_Contracts.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/206613/Code_of_Conduct_for_Operational_PPP_Contracts.pdf) [Accessed February 4, 2015]

## NEWS ARTICLES:

### EDUCATION. *Local government.*

Academies; Local authorities' powers and duties; School performance; Schools.

Failing schools to be compelled to become academies. *Times*, 3 June 2015, 8. By Greg Hurst. Also Reported in *Guardian*, 3 June 2015, 10; *Daily Telegraph*, 3 June 2015, 10

The Education and Adoption Bill 2015, to be published on 3 June 2015, aims to compel all failing schools that are overseen by local authorities to become semi-independent academies with an outside sponsor. The Department for Education estimates that about 1,000 schools could be removed from local authority control to become academies between 2015 and 2020.

LEGISLATION REFERRED: EDUCATION AND ADOPTION BILL 2015



## PRACTICAL LAW

### Public procurement legislation and policy review: March to May 2015.

Our second post of this year on the key developments in public procurement legislation and policy that lawyers need to be aware of covers the period from March to May 2015.

**Website:** <http://publicsectorblog.practicallaw.com/public-procurement-legislation-and-policy-review-march-to-may-2015/>

### Public procurement case digest (May 2015)

May's case digest includes an ECJ ruling on the meaning of a service concession under Directive 2004/18, and an Advocate General's opinion on the time limits for bringing an action under the Remedies Directive.

**Website:** <http://publicsectorblog.practicallaw.com/public-procurement-legislation-and-policy-review-march-to-may-2015/>

### Housing law quarterly digest (March 2015 – May 2015)

Our quarterly housing law update blogs enable readers specialising in housing law to catch up on the most important cases, issues or developments. The post looks at housing law developments from March to May 2015.

**Website:** <http://publicsectorblog.practicallaw.com/housing-law-quarterly-digest-march-may-2015/>

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