



# YOUR MONTHLY E-BULLETIN

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**Issue 43; February 2016**

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## LATEST CONSORTIUM NEWS

### **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.

The current agreements end on 31<sup>st</sup> March 2016.

The new agreement will be sent out to Consortium organisation leads/Heads of Service for signature very soon.

### **Solicitors Framework ...evaluation well underway**

The evaluation panel are well into their work and the Consortium Board will soon be meeting to consider the appointments to the new Solicitors Framework.

Just as soon as the appointments are made all Consortium members will receive a briefing on the new arrangements in time for the start of contracts on 1<sup>st</sup> April 2016.

Exciting times.

### **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\\_nwlconsortium@btinternet.com](mailto:bh_nwlconsortium@btinternet.com)

## 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.





### **FREE Consortium Training: Coming soon**

On 11<sup>th</sup> February Weightmans are providing Childcare training at their Liverpool office and on 2<sup>nd</sup> March in Manchester, DAC Beachcroft are presenting an Education 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?**

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/>





## **TAKE TO THE SKIES**

**Saturday April 30 and 10 September 2016**

### **Black Knights Parachute Centre**

Take to the skies with the North West Air Ambulance Charity and challenge yourself to an exhilarating skydive!

This is a great opportunity to experience an adrenaline rush like no other, whilst being supported by qualified instructors from the Black Knights Parachute Centre.

By taking on this challenge you will be supporting the lifesaving work that our Pilots, Doctors and Paramedics provide every day of the year across the region. From mountains to motorways, rivers to roads and cities to countryside we have successfully transported thousands of patients, giving the best chance of survival and recovery to all in our care. We fly 365 days a year, across 5,500 square miles to provide a lifesaving service to the 8 million people of the North West.

Your time and fundraising efforts will help us to continue this vital work and be at the right place, at the right time, saving lives.

For an application form and information about sponsorship please contact us via the details below.

## **2016 MORRISONS GREAT MANCHESTER RUN**

**Sunday May 22**

Europe's biggest 10k running event, broadcast live on BBC, will return to the heart of the city on Sunday 22 May and is an event not to be missed! Since 2003 more than a quarter of a million people have taken part and this year will be welcome the 300,000th runner across the finish line...could it be you?

Not only will runners pass some of Manchester's most iconic sights, including Old Trafford, the home of Manchester United, all finishers will also receive a brand new technical t-shirt in their finishers' packs. This North West 10K run has grown into a fantastic weekend for the whole family, including the Junior & Mini Great Manchester Run and the Great City Games Manchester – a unique elite event that attracts some of the world's top athletes on a purpose-built track in the heart of the city centre.

It's thanks to people like you our pilots, doctors and paramedics can provide the region's 8 million people and its visitors with the rapid pre-hospital care needed, giving the very best chance of survival and early recovery. What better way to join the celebrations than to pledge your support and shout 'I want to be there for you' by taking part in one of our many challenge events.

### **Already entered into the Morrisons Great Manchester Run 2016?**

We would love to have you on the North West Air Ambulance Team, please contact us via the details below and we will send you your fundraising pack including your North West Air Ambulance t-shirt to wear with pride on the day!



**NW LEGAL CONSORTIUM**  
Authorities Working Together

**Do you need a place?**

There are a limited number of guaranteed charity places available to the North West Air Ambulance Charity and we'd love to have you join 'Team NWAA'. To help in allocating the places we'd like to know a little more about you and any challenges and fundraising you've done in the past so please complete the application form below in as much detail as possible.

It's the sponsorship you raise from your event that will make a difference to the lives of so many individuals and families in the future. In return for one of our guaranteed charity places, all we ask is that you pledge to raise a minimum of £150 in sponsorship.

If you would like to apply for one of our charity places please let us know.

For further information regarding any of these events please contact [gillian.edwards@nwaa.net](mailto:gillian.edwards@nwaa.net) 07850883438





# NWLC MONTHLY LEGAL UPDATER

POWERED BY THOMSON REUTERS

01/02/16

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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## CASE LAW:

### FAMILY LAW.

Case management orders; Consultation; Final hearings; Local authorities' powers and duties; Parental contact.

RE v North Yorkshire CC. [2015] EWCA Civ 1169. Court of Appeal (Civil Division) (CA (Civ Div)). Moore-Bick, L.J.; Hayden, J.; Lewison, L.J.. November 17, 2015

Although in family proceedings it would only be appropriate occasionally to make final orders at a case management hearing, the court would and always had to consider making final orders at the issues resolution hearing. It was the professional duty of the advocates and lawyers in every case to direct their attention to the obligation to achieve finality at the issues resolution hearing wherever possible. It followed that lay parties were always required to attend the issues resolution hearing, and that if a party was in custody, a Home Office production order should be obtained.

Appeal allowed in part

### PENSIONS. *Local government.*

Dismissal; Early retirement; Local government officers; Occupational pensions; Pensions Ombudsman; Reasons.

Ascham Homes Ltd v Auguste. [2015] EWHC 3517 (Ch). Chancery Division (Ch D). Hildyard, J. December 04, 2015

In the context of an application for payment of retirement pension without reduction pursuant to the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 reg.19, the test of whether the member's dismissal was on grounds of business efficiency within the meaning of reg.19(1)(b) was whether it was made pursuant to some change in the way of conducting the business with a view to ensuring that its resources could be more efficiently deployed, without regard to personal or subjective characteristics or the performance of the post-holder.

Appeal allowed





## LEGISLATION:

### **LOCAL GOVERNMENT. *Electoral process.***

Local Democracy and Boundary Commission for Wales; Local authorities' powers and duties; Principal councils; Reorganisation; Reviews; Wales.

Local Government (Wales) Act 2015. anaw 6 25 November 2015

An Act 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://www.legislation.gov.uk/anaw/2015/6/contents/enacted>  
[Accessed November 26, 2015]

Royal Assent: 25 November 2015

### **FAMILY LAW.**

Childcare; Childcare costs; Local authorities' powers and duties.

Childcare Bill 2015 (HL Bill 9).

A Bill to make provision about free childcare for young children of working parents and about the publication of information about childcare and related matters by local authorities in England.

Website: <http://services.parliament.uk/bills/2015-16/childcare/documents.html>  
[Accessed June 2, 2015]

Hansard: HL Vol 762 cols 161 (1st Reading), 1081 (2nd Reading), 2074,2141 (Committee Stage); Vol 765 cols 235 (Report Stage), 975 (3rd Reading); HC Vol 602 col 1413 (2nd Reading)

Commons 1st Reading: 26/10/2015; 2nd Reading: 25/11/2015; Committee Stage: 1st and 2nd Sitting 8/12/2015; 3rd and 4th Sitting 10/12/2015; Lords 1st Reading: 1/6/2015; 2nd Reading: 16/6/2015; Committee Stage: 1/7/2015, 6/7/2015; Report Stage: 14/10/2015; 3rd Reading: 26/10/2015

Legislation referred: Childcare Bill 2015 (HL Bill 54)

Made under Housing Act 1985 s.176(1)(5)

Legislation amended: Housing (Right to Buy) (Prescribed Forms) Regulations 1986 (SI 1986/2194)

Legislation repealed: Housing (Right to Buy) (Prescribed Forms) (Amendment) (England) (No. 3) Regulations 2005 (SI 2005/2876) (with savings); Housing (Right to Buy) (Prescribed Forms) (Amendment) (England) Regulations 2007 (SI 2007/784) (with savings); Housing (Right to Buy) (Prescribed Forms) (Amendment) (England) Regulations 2014 (SI 2014/1797) (with savings)





## GOVERNMENT AND REGULATORY DEVELOPMENTS

### **EMPLOYMENT. *Mental health.***

**Employment tribunals; Mental health; Zero hours contracts.**

Risk of tribunals increases with rise of flexible, insecure contracts, finds research. By Chartered Institute of Personnel and Development. 24 November 2015

Employers could face numerous employment tribunal claims from "the new workforce", the Chartered Institute of Personnel and Development (CIPD) has warned. The CIPD issued the warning following the publication of research by the University of Cambridge which found that "manager controlled flexible scheduling", which includes the use of zero hours contracts, has a clear impact on employee mental health.

Website: <http://www.cipd.co.uk/pm/peoplemanagement/b/weblog/archive/2015/11/24/risk-of-tribunals-rises-with-growth-of-flexible-insecure-contracts-finds-research.aspx>  
[Accessed November 24, 2015]

### **LOCAL GOVERNMENT.**

**Approvals; Fees; Guidelines; Licences; Local authorities' powers and duties; Local government policy.**

Open for business: LGA guidance on locally set fees. Issued by Local Government Association. 15 December 2015

The Local Government Association has issued guidance on the breadth of issues that should be considered by local councils when setting local fees for licences and approvals relating to statutory and discretionary activities. The guidelines are designed to balance the interests of local taxpayers and those of business, and have been updated to reflect key legal decisions in *R. (on the application of Hemming (t/a Simply Pleasure Ltd)) v Westminster City Council* and *R. (on the application of Cummings) v Council of the City and Council of Cardiff*.

Website: [http://www.local.gov.uk/documents/10180/6869714/L15-496+OpenForBusiness\\_02+FINAL.pdf](http://www.local.gov.uk/documents/10180/6869714/L15-496+OpenForBusiness_02+FINAL.pdf) [Accessed December 16, 2015]

Cases referred: *R. (on the application of Cummings) v Council of the City and Council of Cardiff*~ [2014] EWHC 2544 (Admin) (QBD (Admin)); *R. (on the application of Hemming (t/a Simply Pleasure Ltd)) v Westminster City Council*~ [2015] UKSC 25; [2015] A.C. 1600 (SC)





## NEWS ARTICLES

### **PLANNING. *Energy; Local government.***

Hydraulic fracturing; Ministers' powers and duties; Planning appeals;  
Planning applications.

Government to fast-track fracking decisions. *Times*, 27 November 2015, 2. By Ben Webster.

Following Lancashire County Council's rejection of Cuadrilla's application to drill and hydraulically fracture wells near Blackpool, the Secretary of State for the Department for Communities and Local Government has written to Cuadrilla's lawyers to confirm that he has decided to have the final say on its appeals, which will be treated as a priority for urgent resolution.

Companies referred: Cuadrilla