



YOUR MONTHLY E-BULLETIN

Issue 49; November 2016

LATEST CONSORTIUM NEWS

NWLC Survey

Many thanks to those of you who contributed to the NWLC Survey. Your help and feedback is appreciated.

The survey results have been reported through to the Consortium Board's meeting to look at the strategy of the Consortium going forward.

News from the NWLC Management Board Strategy Meeting 2nd November 2016 will be included in next month's bulletin.

NWLC Practice Managers Group

On 9th February we have Performance Measurement and Benchmarking as our topic for the day. More details of the programme for the day will be announced shortly on the website.

If you or a colleague wish to join the Group that's absolutely fine – we'd welcome further input from Practice Management /Business Development colleagues as well as legal practitioners.

All the presentations from the sessions we held on the 30th June and 17th October are available in the Documents area of the website.

AND DON'T FORGET

In addition we are holding a Risk Management workshop **on 17th November** in Rochdale. The session is all about Legal Risk Management and will be lead by Damon Swindell.

Damon is an independent Lexcel assessor amongst other things! His website at www.lawrisk.co.uk explains what he offers and we are delighted to be welcoming Damon back to lead the Risk Management session in November.

Solicitor/Advocate Services available to member organisations

Nicola Hartley obtained her Higher Rights of Audience in Criminal Advocacy in July 2012 which entitles her to exercise rights of audience in all criminal proceedings in the higher courts. South Lakeland District Council would like to offer her services as a Crown Court solicitor advocate to any Council that wishes to save money on counsel's fees. Nicola is an experienced advocate having dealt with in a range of criminal prosecutions, including food hygiene, revenues and benefits fraud, environmental offences and health and safety.

Please contact Anthea Lowe Solicitor to the Council on anthea.lowe@southlakeland.gvo.uk on 01539 793305 if you wish to wish to make further enquiries.



REMINDERS

FREE Consortium Training

The Consortium Annual Training Programme is now available and loaded to the website – courses page.

You can now book yourselves colleagues or clients on to the courses available through the website.

Coming up we've got:

- DACBeachcroft with **Commercial Contracts and Procurement** on 16th November in Manchester
- Rochdale Council are hosting **Strategic, Regulatory and Operational Risk** in Rochdale on 17th November
- Warrington Council are hosting **Community Right to Bid** at Hill Dickinson's office in Liverpool on 21st November
- Hill Dickinson are providing **Fraud – Fraud Awareness and Detection** in Manchester on 7th December

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.

We hope you are liking our new on-line feedback arrangements – so if you attend one of our courses you'll receive an on-line feedback request – please complete the feedback – its all to help us to help you!

All the details and for bookings its through the website please, courses page at www.nwlegalconsortium.com

Website Authorised Users - Are all your colleagues signed up to use the Consortium website?

There is no limit on the number of users that each member organisation can register.

Some organisations have registered all their legal staff, others have been selective.

If on reflection and so that all staff can appreciate the benefits of using the Consortium website you want to add new users we will need the approval of the Head of Service but from there we will sort it out for you!

Please either complete the form on the home page of the website or contact Beryl Heath on bh_nwlconsortium@btinternet.com to add more authorised users for your organisation

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

Website Log In If you are an authorised user and you do not think you have received your new



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website log in details then do get in touch with either Brian Gibson on briangibson2@msn.com or Beryl Heath at bh_nwlconsortium@btinternet.com and we'll do all we can to assist you.

NEW ROLES UP FOR GRABS?

We publish a range of vacancies on the website jobs page at www.nwlegalconsortium.com/jobs

Currently, Oldham, Trafford, Cheshire East and Bury all have vacancies, details of which are shown on the jobs page of the website at www.nwlegalconsortium.com

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

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: nwaa.net



1. Bring the magic of Christmas to your friends and family by visiting our online Christmas Shop today

This year's collection is brimming with gift-worthy items at great prices and special offers to help you bring the magic of Christmas to your friends and family. We have Christmas cards, home decorations, accessories, jewellery and children's gifts. A gift from your North West Air Ambulance Charity keeps on giving, as we work 365 days a year to save lives all over the region. Order today at <http://www.nwaa.net/shop>

2. We need you! Volunteer with the North West Air Ambulance Charity today!

Without people like you donating your time and skills we would not be able to deliver your local air ambulance service. By giving your time you are enabling others to have the gift of time! Without people like you donating your time and skills we would not be able to deliver an air

Volunteers provide much needed additional support to the North West Air Ambulance Charity by being our presence on the ground, raising our profile, increasing awareness, developing new initiatives and fundraising events and by providing valuable skills and experience.

There are many ways to get involved dependent upon the amount of time you have to give and skills you wish to share, including:

- Support Volunteer – help our office based teams with HR, Health & Safety, Finance and Volunteer services
- Fundraising Event Volunteer – Attending local events to raise awareness and funds
- Volunteer Speaker – Delivering presentations to local groups and organisations
- Retail Volunteer – be the face of our charity in one of our retail shops
- Warehouse Volunteer – help sort donated stock ready for sale

To find out more, take a quick look over here! nwaa.net/fundraising/volunteer/

3. Ready for new challenges and new horizons?

You could join us in the sunshine with a NWAA charity cycle from Vietnam to Cambodia in March 2017. This 400km cycle route will take you from Ho Chi Minh City to the ancient temples of Angkor Wat between 4th & 14th March 2017.

We are here to support you with every step, pedal or jump along the way. Whether you are doing your own thing or want more information on this event email us at fundraising@nwaa.net or call 0800 587 4570 to register and we will provide you with a challenge event pack which includes; your sponsor forms, hints and tips to help you smash your fundraising targets, tattoos and a free t-shirt to wear with pride at your event!

It's your fundraising efforts that help us to remain a North West lifeline, 365 days a year. Find out more here nwaa.net/challenge-events/





NWLC MONTHLY LEGAL UPDATER

POWERED BY THOMSON REUTERS

01/11/16

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 or uk.practicallaw.com



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CASE LAW

ADMINISTRATION OF JUSTICE. *Planning.*

Access to justice; Court administration; Court offices; Issue of proceedings; Planning applications; Time limits; Weekends.

Croke v Secretary of State for Communities and Local Government. [2016] EWHC 2484 (Admin). Queen's Bench Division (QBD). Judge Alice Robinson. October 11, 2016

The principle in *Kaur v S Russell & Sons Ltd* [1973] Q.B. 336, [1973] C.L.Y. 1964 that a claim could be brought on the next working day if the time limit for making it expired on a non-working day did not apply where a litigant had been physically prevented from accessing the court office on the last day before expiry of the time limit. Litigants had to anticipate that a court might be busy, or that there might be security procedures preventing them from accessing the court office before it closed for the day.

Application refused

MENTAL HEALTH.

Admissions for treatment; Deprivation of liberty; Drugs; Eligibility; Mental illness; Persons lacking capacity; Standard authorisations.

BHCC v KD. 2016 WL 05484830. Court of Protection (CP). Judge Farquhar. August 30, 2016

In order to find that a person was ineligible to be deprived of their liberty by virtue of the Mental Capacity Act 2005 Sch.1A Pt 1 para.2 Case E, the court had to find that they were within the scope of the Mental Health Act 1983, that they were not subject to any treatment regime under that Act, and that all of the conditions in Sch.1A para.5(2) were met. It was not sufficient for only some of the Sch.1A para.5(2) conditions to be met.

Judgment accordingly



LEGISLATION

SOCIAL WELFARE.

Children's welfare; Looked-after children; Regulation; Social workers.

Children and Social Work Bill 2016 (HL Bill 1).

A Bill to make provision about looked after children; to make other provision in relation to the welfare of children; and to make provision about the regulation of social workers.

Website: <http://services.parliament.uk/bills/2016-17/childrenandsocialwork.html>
[Accessed 20 May 2016];

<http://login.westlaw.co.uk/maf/wluk/ext/app/document?crumb-action=reset&docguid=IF6B5C1304D5E11E6847683B1FABAD24A>
[Accessed 13 October 2016]

Hansard: HL Vol 773 cols 27 (1st Reading), GC 25, GC 93, GC 199 (Committee Stage); Vol 774 GC 1, GC 115 (Committee Stage)

Lords 1st Reading: 19/5/2016; 2nd Reading: 14/6/2016; Committee Stage: 13/7/2016; Report Stage: 18/10/2016

HOUSING. *Criminal law; Landlord and tenant.*

Agents; Commencement; Homelessness; Housing finance; Offences; Priority needs; Private sector tenancies; Property management; Subsidies; Wales; Welsh ministers.

The Housing (Wales) Act 2014 (Commencement No. 7) Order 2016. SI 2016/1009

This is the seventh commencement order made by the Welsh Ministers under the Housing (Wales) Act 2014. It brings into force a number of provisions on 23 November 2016.

Website: http://www.legislation.gov.uk/wsi/2016/1009/pdfs/wsi_20161009_en.pdf
[Accessed 19 October 2016]

In Force: Bringing into operation various provisions of the Housing (Wales) Act 2014 on 23 November 2016. Made under Housing (Wales) Act 2014 s.145(3) 3

PLANNING.

Acquisition of land; Exemptions; Interpretation; Local authorities' powers and duties; Planning authorities' powers and duties; Registers; Residential development; Self-build.

The Self-build and Custom Housebuilding Regulations 2016. SI 2016/950

The Self-build and Custom Housebuilding Act 2015 requires relevant authorities to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area and, unless exempt, to grant sufficient development permissions to meet the demand for self-build and custom housebuilding. These Regulations make provision in relation to the definition of a serviced plot of land, registers kept under the Act and exemption from the duty.

Website: www.legislation.gov.uk/uksi/2016/950/pdfs/uksi_20160950_en.pdf
[Accessed 11 October 2016]

In Force: 31 October 2016

Made under Self-build and Custom Housebuilding Act 2015 s.2B, s.5, Sch.1 para.1, Sch.1 para.4 Legislation repealed: Self-build and Custom Housebuilding (Register) Regulations 2016 (SI 2016/105)



GOVERNMENT AND REGULATORY DEVELOPMENTS

FAMILY LAW. *Civil procedure.*

Anonymity; Children; Guidelines; Identification; Judgments and orders; Written judgments.

Transparency in the Family Courts: Guidance by the President of the Family Division. Issued by Courts and Tribunals Judiciary. 18 October 2016

President of the Family Division, James Munby, has confirmed that the "Anonymisation and avoidance of the identification of children and the treatment of explicit descriptions of the sexual abuse of children in judgments intended for the public arena: judicial guidance" published by the Association of Lawyers for Children and Dr Julia Brophy has not been approved or issued as formal Guidance. Mr Munby is considering issuing formal guidance, and intends to consult on this.

Website: <https://www.judiciary.gov.uk/announcements/transparency-in-the-family-courts-guidance-by-the-president-of-the-family-division/>

[Accessed 19 October 2016]

HOUSING. *Local government.*

Bills; Homelessness guidance; Local authorities.

Local Government Association briefing Homelessness Reduction Bill. Issued by Local Government Association. 10 October 2016

In a policy briefing on the Homelessness Reduction Bill 2016, the Local Government Association highlights the key problems that councils have with certain proposals outlined in the Bill. The issues relate to new duties the Bill would place on councils as well as the new mandatory code of practice that is planned alongside the Bill. The LGA outlines how councils believe homelessness can be best tackled as well as further information on certain aspects of the Bill.

Website: <http://www.local.gov.uk/documents/10180/49942/1016+LGA+Policy+Briefing+-+Homelessness+Reduction+Bill.pdf/c998a783-d615-4d53-acad-49b4e8ca1379>

[Accessed 10 October 2016]

Legislation referred: Homelessness Reduction Bill 2016



NEWS ARTICLES

LOCAL GOVERNMENT. *Criminal law; Environment.*

Local authorities' powers and duties; Unlicensed disposal of waste;
Waste collection; Waste management.

Local authorities admit waste charges have increased fly-tipping. *Times*, 20 October 2016, 7. By Ben Webster.

Allison Ogden-Newton, chief executive of Keep Britain Tidy, has called on the Government to give local authorities some of the £1.1 billion a year collected in landfill tax, after its survey found that local authorities privately concede that the introduction of certain domestic waste charges and shorter opening hours at waste management sites have been a major cause of fly-tipping, which rose by 5.6% in 2015, at a cost of nearly £50 million to clear up.

SOCIAL WELFARE. *Family Law.*

Child protection; Exemptions; Local authorities' powers and duties;
Ministers' powers and duties; Social care.

Charities oppose Bill that threatens child protection laws. *Independent*, 5 October 2016 (*Online edition*). By Ben Kentish.

The Children and Social Work Bill 2016 will give local authorities significant new powers to opt out of child protection rules, according to a group of charities. Forty charities, including Liberty and the Howard League for Penal Reform, argue the Bill could result in councils ignoring child protection laws, arguing they have better, or cheaper, solutions. The Bill would give ministers the powers to exempt local councils from duties to children in social care.

Website: <http://www.independent.co.uk/news/uk/politics/new-law-child-protection-abuse-parliament-charities-warn-a7344561.html> [Accessed 6 October 2016]

Legislation referred: Children and Social Work Bill 2016 (HL Bill 1)