



# YOUR MONTHLY E-BULLETIN

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**Issue 60; March 2018**

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## LATEST CONSORTIUM NEWS

### Save the date

Your 2018 Annual Training Event will take place on **Tuesday 2nd October** at the Saints Rugby Stadium in St Helens.

We are currently developing our event programme in conjunction with our partner firm, Weightmans, who are supporting us this year.

As the programme emerges we will publish it to the website courses area, but you can reserve your place right now by going to the website at [www.nwlegalconsortium.com](http://www.nwlegalconsortium.com).

### Consortium Reporting Results – First Half Year 2017/18 How are we doing?

Each half year we are collecting reports from the firms appointed to the Solicitors Framework.

In the first half of 2017/18 the total overall spend through the framework from Consortium member organisations was in excess of £2 million.

The total number of commissions through the solicitors framework in the same period more than doubled compared to the full year last year.

On this basis the savings in fees alone to Consortium member organisations was in excess of £400k.

### Apprenticeships – Can you Assist?

Cumbria County Council is looking to offer Paralegal and Solicitor Apprenticeships in the near future. Their initial framework was sent out for procurement but they have so far not had any interest from providers. They are currently making further enquiries with providers.

If other Local Authorities have secured a provider or are currently going through this process they would be grateful if you could contact them to discuss.

Please contact Charlotte by email: [Charlotte.alderson@cumbria.gov.uk](mailto:Charlotte.alderson@cumbria.gov.uk)

### Your FREE Consortium Training Programme

The Consortium Annual Training Programme is available on the website for the training year.

As you know the programme has been developed by our partner firms based upon delegate requests from the feedback from previous training sessions or from the Annual Training Survey undertaken earlier in the year.

Coming up in the next few weeks -

On 18th April Weightmans are presenting '**Employment/TUPE/Pensions**' in Manchester.

On 2nd May DAC Beachcroft are doing '**Health and Safety**' again in Manchester.

All the detail is on the website courses page.



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

Don't forget that all this training is **free** and is open to legal staff at member organisations as well as to client department staff. More details of what will be covered in each session are available on the website Courses page.

And finally a request....

### **Booked on to a training course but now find that you can't make it?**

If this happens to you.....and it might and it does, please try to let us know as soon as you can.

There is a facility to manage your bookings on the website – just click on 'Manage your Bookings'. If you can cancel your place please do so with as much notice as possible.

Or call or email Beryl or Brian to let us know not to expect you. It really does help us to manage the training better and shows respect for the trainers and other colleagues.

Many thanks.

### **Reminders**

#### **Course Materials**

If you or your colleagues have missed out on one or more of our Consortium training sessions or the sessions 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)

### **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 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](mailto:bh_nwlconsortium@btinternet.com) to add more authorised users for your organisation

Also, if you have staff leaving you please let us know and we will keep your user list up to date.

**Website Log In** If you are an authorised user and you do not think you have received your new website log in details then do get in touch with either Brian Gibson on [briangibson2@msn.com](mailto:briangibson2@msn.com) or Beryl Heath at [bh\\_nwlconsortium@btinternet.com](mailto: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/](http://www.nwlegalconsortium.com/jobs/)

Current roles on offer include:

Tameside who are looking for 3 lawyers including two Principal Lawyers.

**Interested? Find out all the details on the website jobs page.**



**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: [nwaa.net](http://nwaa.net)



### **NWAA Kendal Store to star in 'Flipping Profit'**

The BBC visited our shop in Kendal recently to film a brand-new show called 'Flipping Profit'. The show will see an antiques expert, an upcycler and a market trader pitted against each other in the hunt for the biggest profit. Starring trader Melissa Downhill, the programme even saw some staff make their acting debut! Keep an eye out for its release in April. To grab yourself a bargain, visit one of our 10 shops across the region: [www.nwaa.net/retail/](http://www.nwaa.net/retail/)

### **Join Graham and team NWAA at the Great Manchester Run 20th May**

Last October Graham was on the motorway when he got an awful phone call – his grandson Luca had suffered a nasty scald in an accident and the emergency services were on the way.

The North West Air Ambulance paramedics were with him within minutes and transferred him in the helicopter to Alder Hey Children's Hospital, where the paramedics handed him over to the wonderful care of the hospital's nurses and doctors.

Thanks to the speedy arrival to Alder Hey and the care Luca received en route, he didn't sustain any serious injuries. He was in hospital for a few days and is now making a fantastic recovery. Graham was so grateful that he has decided to take on one of the biggest physical challenges of his life in support of the North West Air Ambulance Charity's service; running the Great Manchester Run's Half Marathon.



"I want to give back to the charity and crew who were there for my 17-month old grandson when he needed them most. For anyone who's thought about taking on a physical challenge for the charity, or who might be on the fence about taking the plunge, I say just go for it. The charity offers so much support once you've signed up, and joining Team NWAA means I've been given a lot of good advice and resources for fundraising ahead of the big day. I'd love for you to join me out there – it's just one way you can make a real difference to an amazing charity. It's literally a case of signing up here, pulling on your trainers and getting out there.

"Although it sounds a bit cliché, you honestly never know when you or a loved one will need the North West Air Ambulance Charity's service. Running a half marathon is my way to say thank you for all the charity has done for Luca. Wish me luck for 20th May – and I hope I'll see you at the starting line!"

To find out more about Graham's story or to register for one of our events visit: [nwaa.net/challenge-events/](http://nwaa.net/challenge-events/)



### Our Annual Prize Draw helps the Charity continue to fly high!

We are delighted to announce that our latest prize draw raised nearly £100,000. We would like to extend our thanks to everyone who took part. By purchasing a ticket you will help us to save lives across the North West – we wouldn't be here without you!



At our Barton Air Base, this year's first prize draw was held on Thursday 25th January. Our CEO, Heather Arrowsmith, was joined by some of our crew to draw out the lucky winners. Winning tickets were verified by Lottery Officer, Kristina Ferguson.

The lucky winning ticket numbers are:

**The lucky winning ticket numbers are:**

**Share  
your story**

**1st prize**  
**£5,000**  
430145  
Southport

**Winner**  
430145  
Southport

**Runner-Up Prizes**

| Number  | Prize | Location         |
|---------|-------|------------------|
| 176746  | £100  | Lytham St Annes  |
| 1074250 | £100  | Lowton           |
| 426160  | £100  | Southport        |
| 115003  | £100  | Chorley          |
| 223128  | £100  | Poulton-le-Fylde |
| 1152307 | £100  | Skelmersdale     |
| 224052  | £100  | Poulton-le-Fylde |
| 224052  | £100  | Tarporley        |
| 1592827 | £100  | Leasowe          |
| 1489858 | £100  | Preston          |



# NWLC MONTHLY LEGAL UPDATER

## POWERED BY THOMSON REUTERS

01/03/18

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 REPORTS

### **FAMILY LAW. *Human Rights.***

Care proceedings; Children's welfare; Deprivation of liberty; Foster care; Looked-after children; Right to liberty and security.

A-F (Children), Re. [2018] EWHC 138 (Fam). Family Division (Fam Div). Sir James Munby PFD. January 31, 2018

The President of the Family Division gave guidance on the circumstances in which ECHR art.5 would be engaged in relation to a child in the care of the local authority, and the processes and procedures necessary to ensure there was no breach.

Judgment accordingly

### **PLANNING. *Energy.***

Farms; Green belt; Planning permission; Planning policy; Renewable energy; Wind turbines; Written ministerial statements.

R. (on the application of Holder) v Gedling BC. [2018] EWCA Civ 214. Court of Appeal (Civil Division) (CA (Civ Div)). Lord Burnett LCJ; Sales LJ; Flaux LJ. February 16, 2018

A written ministerial statement which provided that a local planning authority could find a proposal for a wind energy development to be acceptable if it had "addressed the planning impacts identified by local communities" did not require the local authority to be satisfied that all negative planning impacts had been eliminated. In the planning context, the natural meaning of "addressed" was "sufficiently addressed", taking into account mitigating factors and countervailing benefits.

Appeal dismissed

### **SOCIAL WELFARE. *Civil Procedure.***

Care homes; Court of Protection; Jurisdiction; Personal welfare; Persons lacking capacity; Scotland.

Darlington Borough Council, Applicants. 2018 WL 00491019. Sh Ct (Glasgow) (Sh Ct (Glasgow)). Sheriff A M Mackie. January 19, 2018





The court granted orders sought by an English local care authority namely under the Adults with Incapacity (Scotland) Act 2000 Sch.3 para.7(1) recognising an order of the English Court of Protection, that an incapacitated adult be moved from an English care home to a Scottish care home for a six week trial period, and under Sch.3 para.8(1) directing the Office of the Public Guardian to register the order of the Court of Protection in the Register of International Measures.

Orders granted

## LEGISLATION

### HOUSING.

**Discounts; Government grants; Right to acquire; Right to buy; Wales.**

Abolition of the Right to Buy and Associated Rights (Wales) Act 2018. anaw 1

An Act of the National Assembly for Wales to make provision for the abolition of the right to buy, the right to acquire and associated rights; and for connected purposes.

Royal Assent: 24 January 2018

### HOUSING.

**Affordable housing; Stamp duty.**

Affordable Home Ownership Bill 2017 (HC Bill 115).

A Bill to make provision for affordable home ownership; to require the inclusion of rent to buy homes in the definition of affordable housing; to make provision for a minimum proportion of new affordable housing to be available on affordable rent to buy terms; to provide relief from stamp duty when an affordable rent to buy home is purchased; and for connected purposes.

Website: [services.parliament.uk/bills/2017-19/affordablehomeownership/documents.html](https://services.parliament.uk/bills/2017-19/affordablehomeownership/documents.html)

[Accessed 7 February 2018]

Commons 1st Reading: 24/10/2017; 2nd Reading: 16/3/2018 provisional

### HOUSING.

**Commencement; Homelessness; Savings provisions; Transitional provisions.**

The Homelessness Reduction Act 2017 (Commencement and Transitional and Savings Provisions) Regulations 2018. SI 2018/167 (C. 19)

These Regulations bring the Homelessness Reduction Act 2017 into force. Regulation 2 brings three provisions of the Act into force on 12 February 2018, for the purpose of enabling regulations to be made under provisions inserted by them into the Housing Act 1996. Regulation 3 brings the whole of the Act fully into force on 3 April 2018. Regulation 4 makes transitional and savings provisions to ensure that amendments made by the Act do not apply in relation to an application for assistance made under section 183 of the Housing Act 1996 before 3 April 2018, or to a review requested under the Housing Act 1996 s.202(1) before that date.

In Force: Bringing into operation various provisions of the 2017 Act on 12 February 2018. Made under Homelessness Reduction Act 2017 s.13(3)(4)



## **SOCIAL WELFARE.**

### Care; Children; Fees; Wales.

The Care and Support (Charging) (Wales) (Amendment) Regulations 2018. SI 2018/123 (W.29).

These Regulations amend the Care and Support (Charging) (Wales) Regulations 2015. These Regulations amend the amount of the maximum weekly charge for non-residential care and support so it is increased from £70 to £80, the relevant capital limit for residential care is increased from £30,000 to £40,000 and the weekly minimum income amount where a person is provided with accommodation in a care home is increased from £27.50 to £28.50 in the 2015 Regulations.

In Force: 9 April 2018

Made under Social Services and Well-being (Wales) Act 2014 s.50, s.52, s.53(3), s.61, s.66, s.196(2)

Legislation amended: Care and Support (Charging) (Wales) Regulations 2015 (SI 2015/1843)

## **GOVERNMENT AND REGULATORY DEVELOPMENTS**

### **EDUCATION. *Social security.***

#### Free school meals; Pupils; Universal credit.

Eligibility for free school meals, the early years pupil premium and the free early education entitlement for two-year-olds under Universal Credit: Government consultation response. Issued by Department for Education. 7 February 2018.

A Department for Education publication sets out the Government's response to its consultation on free school meals eligibility and early years pupil premium eligibility under universal credit. It notes that the majority did not believe that the proposals would adversely affect children with one or more of the relevant protected characteristics outlined in the Equality Act 2010. It sets out the Government's next steps, including introducing an annual net earnings threshold of £7,400 to ensure that children from the lowest-income families receive free school meals, and benefit from the early years pupil premium.

Website:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/679879/Government\\_response\\_-\\_FSM\\_and\\_EY\\_entitlements\\_under\\_Universal\\_Credit.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/679879/Government_response_-_FSM_and_EY_entitlements_under_Universal_Credit.pdf)

[Accessed 8 February 2018]

Legislation referred: Equality Act 2010

### **LOCAL GOVERNMENT. *Housing.***

#### Dispute resolution; Homelessness guidance; Local authorities' powers and duties.

Procedures for Referrals of Homeless Applicants to Another Local Authority. Issued by Local Government Association. 13 February 2018

A Local Government Association consultation seeks views on draft voluntary guidelines on procedure for referrals of homeless applicants to another local authority, and for invoking the disputes procedure. Comments by 13 March 2018.





Website: [www.local.gov.uk/topics/housing-and-planning](http://www.local.gov.uk/topics/housing-and-planning)

[Accessed 13 February 2018];

[www.local.gov.uk/sites/default/files/documents/LGA%20Consultation%20February%202018%20-%20PROCEDURES%20FOR%20REFERRALSv2\\_0.pdf](http://www.local.gov.uk/sites/default/files/documents/LGA%20Consultation%20February%202018%20-%20PROCEDURES%20FOR%20REFERRALSv2_0.pdf)

[Accessed 13 February 2018]

### **FAMILY LAW. *Administration of justice.***

Administration of justice; Family Court; Family Division; Financial remedies.

View from the President's Chambers (18). Issued by Sir James Munby. 23 January 2018

In his view from the President's Chambers, Sir James Munby details the process of reform, specifically related to financial remedies courts. He sets out his vision of what needs to be done and his current thinking as to how this vision can be achieved. His core ambition for financial remedy work is to improve significantly both the application of procedural justice and the delivery of substantive justice.

Website: [www.judiciary.gov.uk/wp-content/uploads/2014/08/view-from-the-president-of-family-division-20180123.pdf](http://www.judiciary.gov.uk/wp-content/uploads/2014/08/view-from-the-president-of-family-division-20180123.pdf)

[Accessed 24 January 2018]

## **NEWS ARTICLES**

### **ADMINISTRATION OF JUSTICE. *Criminal procedure; Mental health.***

Contempt of court; Court of Protection; Imprisonment; Judgments and orders; Office of the Public Guardian; Reporting restrictions; Transparency.

Landmark litigation over breach of transparency order in CoP. *Belfast Telegraph*, 24 January 2018 (Online edition).

A man could be imprisoned after being accused of publishing private information from a Court of Protection (CoP) public hearing. Officials at the Office of the Public Guardian (OPG) want the court to commit the man to prison for contempt of court, arguing he has breached a judge's transparency order. Justice Williams, sitting in the High Court, heard preliminary issues and advised the man to seek legal advice. Barrister Emma Sutton, who represented the OPG, said it was the first time anyone had faced contempt proceedings as a result of being accused of breaching such an order and the first application of its kind by the OPG.

Website: [www.belfasttelegraph.co.uk/news/uk/man-accused-of-revealing-information-aired-in-court-of-protection-could-be-jailed-36524491.html](http://www.belfasttelegraph.co.uk/news/uk/man-accused-of-revealing-information-aired-in-court-of-protection-could-be-jailed-36524491.html)

[Accessed 24 January 2018]

### **HOUSING. *Construction law.***

Foreign investment; Housing policy; London; Property developers; Residential development.

London mayor calls for foreign homebuyers to be blocked in voluntary agreement. *Times*, 1 February 2018, 2. By Rachel Sylvester; Alice Thomson; Tom Knowles.

Mayor of London Sadiq Khan has called for new homes in London to be offered to local residents under the first scheme of its kind. It follows research which found that more than half of all new homes in London worth between £200,000 and £500,000 are sold to overseas buyers, where overall 13.2% of new-build homes across London are sold abroad, rising to 36% in the most expensive parts of the capital.