



# YOUR MONTHLY E-BULLETIN

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**Issue 70; June 2019**

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## LATEST CONSORTIUM NEWS

### **NWLC Annual Training Event at Aintree Racecourse, Tuesday 1st October 2019**

Booking are now being taken

The NWLC Management Board are delighted to announce that this year's NWLC Annual Training Event will be held at Aintree racecourse on Tuesday 1st October.

We are very much looking forward to a stimulating and exciting day to complement this stunning venue.

Bookings are now open through the courses page of the website at [www.nwlegalconsortium.com](http://www.nwlegalconsortium.com)

Morning speakers confirmed as follows:

Kevin Taylor Managing Director, Crimson Peak Ltd who will give us a hostage negotiator's perspective about "Negotiating with Nothing to Offer" and, Bethan Evans who will help us with "Working with elected members – are we all speaking the same language?!"

In the afternoon we will have sessions from each of our Partner Firms, the topics for which will be decided upon based upon the outcomes of our Training Survey (of which more later)

We will also have our Event Exhibition – with a range of exhibitors ...all against the background of this iconic racecourse.

To book yourself or a colleague on to the event its through the website – just as you do for normal course bookings ([www.nwlegalconsortium.com](http://www.nwlegalconsortium.com))

We will be updating the website with details of sessions and further speakers as they are confirmed.

### **Your Consortium Training Programme 2018/19 is now completed – so whats next?**

Thank you to all those who responded to our Training Survey – alongside the Management Board, the partner firms are now analysing the results to come up with the new NWLC Training Programme for 2019/20.

As soon as we are able we will be publishing the new training programme to the website and bookings will open.

Don't forget that all the training will be **free** and is open to legal staff at member organisations as well as to client department staff.

**All course start times are 10am** to avoid confusion and to assist all delegates in making their travel arrangements.

As in previous years, you can book yourselves, colleagues or clients on to our FREE courses through the website at [www.nwlegalconsortium.com](http://www.nwlegalconsortium.com)



## REMINDERS

### Solicitors Framework Re-Procurement

As you know the current framework expires at the end of March 2020 so theres no time to waste in reprocurring a new NWLC framework.

Work has now started.

BUT if you have any comments about how the current framework works, the lots, the numbers of appointed firms etc we would love to hear from you.

Please send any comments or requests as soon as possible to [bh\\_nwlconsortium@btinternet.com](mailto:bh_nwlconsortium@btinternet.com)

Its your framework –help us make it work best for you.

### Course Materials

Presentations and handouts from Consortium training sessions or the sessions at the Annual Training Event 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.

### 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)

We are always adding new roles so keep checking.

If your organisation wants to advertise any vacancies on the website for **free** 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

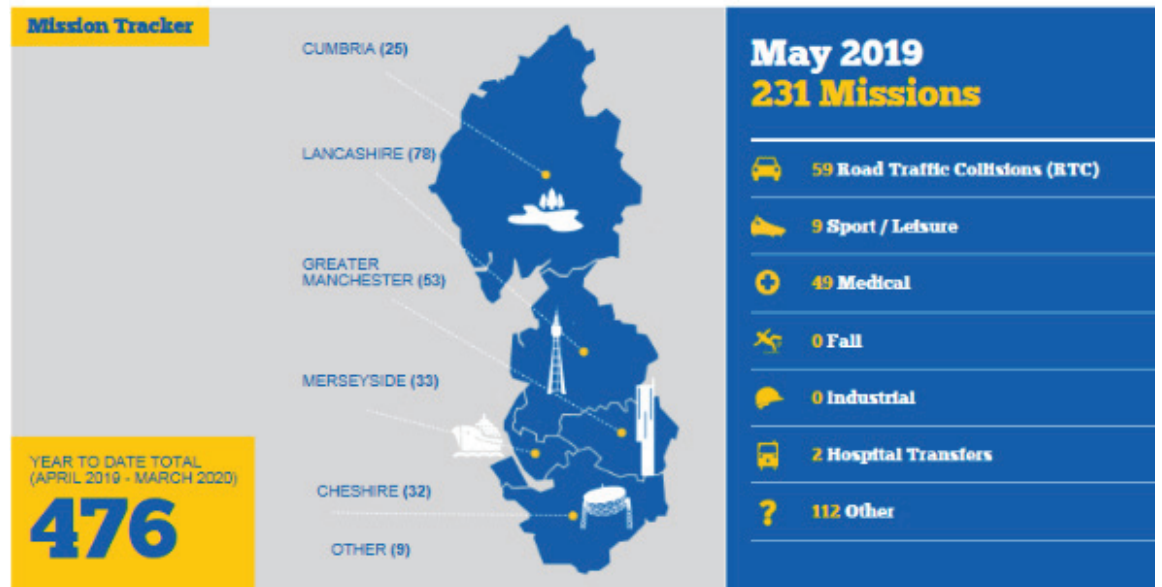
For the Charity's latest events go to: [nwaa.net](http://nwaa.net)



## NORTH WEST AIR AMBULANCE CHARITY NWLC NEWSLETTER JUNE 2019

### Mission Tracker – see the difference your support has made this month

As a charity we receive no government funding and are completely reliant on charitable donations. Thanks to your support, we have been able to fly the following missions in March.



### Pop the kettle on – Brew with the Crew is ready to take off!



To celebrate our 20th birthday, **Brew With The Crew** will be lifting off from the 19th May – and you're invited to brew up to thank our crew **throughout May, June and July!**

You can either **download our digital Brew with the Crew pack**, including full instructions and some additional fun items to help set the occasion off, or **alternatively we can send you a kit in the post**



Our paramedics, pilots and doctors miss over 6,000 brews every year when the air base alarms go off. Brew With The Crew is a chance to raise up your mugs together with family, friends, colleagues, classmates, teammates and anyone else to **celebrate the crew while they work tirelessly 365 days a year, on life-saving missions** all over the North West, often missing out on their own brews. You can host your own Brew With The Crew event to **raise money and support our charity** by having a tea-rific time! Whether you're at home, in the office, at school or out and about, gather your crew for a par-tea, quiet coffee at home or afternoon cakes – however you like!

We attend around 2,000 missions a year, receiving no government funding or National Lottery support – so **every cuppa counts**.

**Your brew could save a life, so sign up today. Register or call 0800 587 4570 to receive your FREE Brew With The Crew pack, brimming with par-tea decorations, games, recipes and more!**





# Join Team NWAA

and make a lifesaving difference



## Cycle with us...

- 7th July 2019 **5 Mile Family Tunnel Ride**  
[www.nwaa.net/familytunnelride](http://www.nwaa.net/familytunnelride)
- 7th July 2019 **Liverpool Chester Liverpool Bike Ride**  
[www.nwaa.net/Liverpoolchesterliverpool](http://www.nwaa.net/Liverpoolchesterliverpool)
- 2nd - 6th Sept 2020 **Euro City Cycle**  
271 miles across UK, Brussels & Holland - request a brochure for details
- Your date **Your ride** register at [www.nwaa.net/our-story/#fundraising](http://www.nwaa.net/our-story/#fundraising) to receive a free fundraising pack, t-shirt and support from our fundraising team

Contact us: [Fundraising@nwaa.net](mailto:Fundraising@nwaa.net) or 0800 687 4670.

Register charity no 1076841





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and make a lifesaving difference



## Take to the Skies

- 20th April and 21st September 2019
- Tandem skydive at Black Knights Parachute Centre, Lancaster
- Visit [www.nwaa.net/taketotheskies](http://www.nwaa.net/taketotheskies) to find out more and to register

Contact us: [Fundraising@nwaa.net](mailto:Fundraising@nwaa.net) or 0800 687 4570.  
Register charity no 1076841





# NWLC MONTHLY LEGAL UPDATER

POWERED BY THOMSON REUTERS AND PRACTICAL LAW

01/07/19

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)

## CASES

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

**Child tax credit; Children; Children's welfare; Housing benefit; Income; Intentional homelessness; Living expenses; Local authorities' powers and duties; Rent arrears; Social security benefits.**

Samuels v Birmingham City Council. [2019] UKSC 28. Supreme Court (SC). Lady Hale PSC; Lord Carnwath JSC; Lady Black JSC; Lord Lloyd-Jones JSC; Lord Kitchin JSC. June 12, 2019

The Supreme Court considered the correct approach to determining whether accommodation was "affordable" for the purposes of the Homelessness (Suitability of Accommodation) Order 1996 art.2, which set out matters to be taken into account when deciding whether it was reasonable for a person to continue to occupy accommodation under the Housing Act 1996 s.191(1). In particular, it considered the use of social security benefits as a guide to assessing income needs, and highlighted the need for government guidance on affordability and reasonable levels of living expenditure.

Appeal allowed

### **LOCAL GOVERNMENT. Negligence.**

**Anti-social behaviour; Children; Duty of care; Harassment; Local authorities' powers and duties; Risk of harm.**

Poole BC v GN. [2019] UKSC 25. Supreme Court (SC). Lady Hale PSC; Lord Reed DPSC; Lord Wilson JSC; Lord Hodge JSC; Lady Black JSC. June 06, 2019

The Supreme Court summarised the circumstances when a local authority could be said to have a duty of care when exercising statutory functions. A local authority which had exercised functions under the Children Act 1989 s.17 and s.47 had not had a duty of care towards the children concerned as it had not assumed responsibility for their safety or welfare.

Appeal dismissed

### **PUBLIC PROCUREMENT. Administrative law.**

**Abandonment; Accrual of cause of action; Breach of statutory duty; Public procurement procedures; Public services contracts; Remedies.**

Amey Highways Ltd v West Sussex CC. [2019] EWHC 1291 (TCC). Queen's Bench Division (Technology & Construction Court) (QBD (TCC)). Stuart-Smith J. May 24, 2019

Lawfully withdrawing a procurement might prevent private law claims by a bidder from coming into existence thereafter, but it would not deprive a bidder of an accrued cause of action where, before the procurement was abandoned, a breach of duty could be proved to have caused loss or damage.

Judgment accordingly



## LEGISLATION

### SOCIAL WELFARE.

**Adoption; Fixed penalty notices; Foster care; Houses in multiple occupation; Offences; Rectification; Service providers; Social care; Wales.**

The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential and Miscellaneous Amendments) Regulations 2019. SI 2019/976

The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2019 and Regulated Services (Penalty Notices) (Wales) Regulations 2019 were made using powers in the Regulation and Inspection of Social Care (Wales) Act 2016. These Regulations make amendments to the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006 and Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010 to correct minor errors which were made to those instruments by the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2019. These Regulations also make a minor amendment to the Regulated Services (Penalty Notices) (Wales) Regulations 2019 to correct a cross-referencing error in reg.8(1) of that instrument.

In Force: 1 July 2019

### ADMINISTRATION OF JUSTICE. *Civil procedure; Family law; Information technology.*

**Civil proceedings; Employment Appeal Tribunal; Employment tribunals; Family proceedings; First-tier Tribunal; Online services; Upper Tribunal.**

Courts and Tribunals (Online Procedure) Bill 2019 (HL Bill 176).

A Bill to provide for online procedures in civil and family courts in England and Wales, in the First-tier Tribunal and Upper Tribunal and in employment tribunals and the Employment Appeal Tribunal.

Website: [services.parliament.uk/Bills/2017-19/courtsandtribunalsonlineprocedure/documents.html](https://services.parliament.uk/Bills/2017-19/courtsandtribunalsonlineprocedure/documents.html) [Accessed at 2 May 2019]

Hansard: HL Vol 797 col 970 (1st Reading), 1505 (2nd Reading), Vol 798 col 278 (Committee Stage)

Lords 1st Reading: 1/5/2019 | HL Vol 797 col 970; 2nd Reading: 14/5/2019 | HL Vol 797 col 1505; Committee Stage: 10/6/2019 | HL Vol 798 col 278; Report Stage: 24/6/2019 provisional

## GOVERNMENT AND REGULATORY DEVELOPMENTS

### NEGLIGENCE. *Family law; Local government.*

**Causes of action; Children; Damages; Duty of care; Harassment; Local authorities' powers and duties; Personal injury; Risk of harm.**

Press summary: Poole Borough Council (Respondent) v GN (through his litigation friend 'The Official Solicitor') and another (Appellants) [2019] UKSC 25. By Supreme Court. 6 June 2019

The Supreme Court has unanimously dismissed the appeal from CN v Poole BC (CA (Civ Div)) relating to the duty of local authorities to protect children from harm under the Children Act 1989. It held that the claimants' particulars of claim did not disclose any recognisable basis for a cause of action and the case should not proceed to trial.

Website: <https://www.supremecourt.uk/cases/uksc-2018-0012.html> [Accessed at 6 June 2019];  
<https://www.supremecourt.uk/cases/docs/uksc-2018-0012-judgment.pdf> [Accessed 6 June 2019];  
<https://www.supremecourt.uk/cases/docs/uksc-2018-0012-press-summary.pdf> [Accessed 6 June 2019]





Cases referred: *CN v Poole BC* [2017] EWCA Civ 2185; [2018] 2 W.L.R. 1693 (CA (Civ Div)); *Poole BC v GN* [2019] UKSC 25 (SC)

Legislation referred: Children Act 1989

## **PLANNING.**

### **Local planning authorities; Notification; Planning Inspectorate; Planning appeals; Planning inquiries.**

Inquiries Review: Notification of inquiry as preferred procedure now required 10 days prior to appeal submission. By Planning Inspectorate. 14 June 2019

The Planning Inspectorate states that it has begun implementing some of the recommendations of the Inquiries Review. With immediate effect, Recommendation 3 advises streamlining the procedure used by appellants when they request an inquiry, recommending they notify the relevant local planning authority at least 10 working days in advance of the submission of the appeal, ensuring they also share the notification with the Inspectorate at the same time.

Website: <https://www.gov.uk/government/news/inquiries-review-notification-of-inquiry-as-preferred-procedure-now-required-10-days-prior-to-appeal-submission> [Accessed at 17 June 2019]

## **SOCIAL WELFARE. *Human rights.***

### **Ethnic groups; Gypsies; Public policy; Race; Travellers.**

New national strategy to tackle Gypsy, Roma and Traveller inequalities. By Ministry of Housing, Communities and Local Government; Lord Bourne of Aberystwyth. 6 June 2019

The Communities Minister launches a national strategy to tackle entrenched inequality and improve the lives of Gypsy, Roma and Traveller communities.

Website: [www.equalityhumanrights.com/en/our-work/news/disabled-woman-wins-court-case-make-necessary-adaptations-her-home](http://www.equalityhumanrights.com/en/our-work/news/disabled-woman-wins-court-case-make-necessary-adaptations-her-home) [Accessed at 6 June 2019]

## **NEWS ARTICLES**

### **LOCAL GOVERNMENT. *Education; Human rights.***

#### **Curriculum; Demonstrations; Exclusion; Injunctions; Local authorities' powers and duties; Primary schools; Safety; Sexual orientation; Transgender identity.**

High Court blocks protests over LGBT classes at primary school. *Times*, 1 June 2019, 8. By Anna Behrmann. Also Reported in *Sunday Times*, 2 June 2019, 16; *Guardian*, 1 June 2019, 24; *Belfast Telegraph*, 10 June 2019 (Online edition)

Anderton Park primary school in Birmingham has become the first in the UK to be protected by a legally enforceable exclusion zone, similar to those outside abortion clinics, after Birmingham City Council succeeded in obtaining a High Court injunction to stop protests in the area immediately surrounding it against its lesbian, gay, bisexual, and transgender (LGBT) teaching curriculum. Warby J later ruled that the interim injunction would remain in place ahead of a full trial.

Website: <https://www.belfasttelegraph.co.uk/news/uk/lgbt-teaching-protesters-to-remain-barred-from-school-gates-judge-rules-38199156.html> [Accessed at 11 June 2019];

<https://www.localgovernmentlawyer.co.uk/community-safety/393-community-safety-news/40756-date-set-for-birmingham-school-protests-injunction-hearing> [Accessed 12 June 2019]



## TRANSPORT

### **Public procurement procedures; Railways; Train operating companies.**

Network Rail in line to take control of trains. *Times, 18 June 2019, 12.* By Graeme Paton.

In the biggest overhaul of the railways for 25 years, a Government review is considering handing increased powers to Network Rail, which currently operates the tracks, to specify and award contracts to private train operators to run passenger services, with the aim of bringing the operation of the tracks and trains closer together. The Department for Transport has stated that it plans to publish a white paper in 2019 and bring in the reforms from 2020.

Organisations Referred: Network Rail