



YOUR MONTHLY E-BULLETIN

Issue 72; September 2019

LATEST CONSORTIUM NEWS

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

Bookings are now being taken

This year's NWLC Annual Training Event will be held at Aintree racecourse on Tuesday 1st October.

The latest Event Programme is now published to the website so check it out to see what's on offer to you on the day <http://www.nwlegalconsortium.com/course/annual-training-event-2019/>

Bookings are through the courses page of the website at www.nwlegalconsortium.com and a number of you have confirmed your places already.

The Consortium AGM will be held as usual as part of the Annual Training Event – all are welcome to attend.

An agenda will be published in due course.

One of our exhibitors this year at **Aintree is Andrew Wilson & Co**

Andrew Wilson and Co is a leading High Court Enforcement Office, specialising in the enforcement of judgment debt and regaining control of property and assets.

With a heritage dating back to the 1800's, Andrew Wilson & Co are proud to be one of the longest established High Court Enforcement Offices in England and Wales.

They provide a comprehensive range of enforcement services, including;

- Removal of Trespassers
- Compulsory Purchase & Development Orders
- Tenant Evictions & Mortgage Repossessions
- Security Services
- Waste Removal & Cleaning
- Recovery of County Court Judgment Debt
- Commercial Rent Arrears Recovery
- Commercial Lease Forfeiture

Andrew Wilson & Co Work With

- Local Authorities
 - Social Housing Providers
 - Law firms
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- Financial Institutions
- Landowners
- Property Agents
- Businesses

Peter Gent, Sales Director says 'We believe that when you instruct Andrew Wilson & Co you are entrusting us with your reputation and our approach to enforcement is in keeping with the ethos of our clients and is reflective of our professional and social responsibilities.

Our team work seriously hard to deliver the results that our clients receive, but we recognise that at all times we are dealing with real people. In the execution of our duties we do not form opinions or make judgements in relation to the individuals that we encounter, and at all times, even under duress, we remain respectful.

Our co-founder and High Court Enforcement Officer, Andrew Wilson, has long been among the most respected authorities on enforcement in England and Wales. He is also the Chairman of the High Court Enforcement Officers Association (HCEOA), a national organisation that provides a voice to Government and aims to raise the standards of enforcement through enhanced enforcement training.'

As an offering to the NW Legal Consortium members Andrew Wilson & Co can provide;

- Free case reviews prior to High Court Enforcement action.
- A Dedicated Local Authority team managing your cases.
- Free training/presentations on High Court Enforcement best practice.

To hear more why not visit the Andrew Wilson & Co stand at the Annual Training Event exhibition at Aintree and meet Peter Gent and Alex Hill.

If you can't make the ATE you can find out more by contacting....

Peter Gent Sales Director, on 07825 426 309 or Alex Hill Property Services Director on 07471 037104.

Your Consortium Training Programme 2019/20 is now published to the website and courses are now open for bookings

As in previous years, you can book yourselves, colleagues or clients on to our FREE courses through the website at www.nwlegalconsortium.com

And don't forget that all the training is **FREE to delegates from member organisations**

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

Reminders

Solicitors Framework Re-Procurement

As you know the current solicitors framework expires at the end of March 2020 and work on the tender documents etc continues.

Suppliers Getting Ready - In the run up to the launch of the procurement you may be approached by potential suppliers about the process or timetable.

Please refer these enquiries on to Beryl Heath at bh_nwlconsortium@btinternet.com as there is a note prepared that explains the use of The Chest electronic forum and advises early registration so that people can be prepared to respond as soon as the opportunity becomes available.



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

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 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 <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

NWLC NOMINATED CHARITY OF THE YEAR



Please support the North West Air Ambulance Charity

For the Charity's latest events go to: nwaa.net



NWLC MONTHLY LEGAL UPDATER

POWERED BY THOMSON REUTERS AND PRACTICAL LAW

01/09/19

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 or uk.practicallaw.com

CASES

FAMILY LAW. *Human rights.*

Best interests; Care orders; Deprivation of liberty; Professionals; Residential care; Right to liberty and security.

Barking and Dagenham LBC v A. [2019] EWHC 2017 (Fam). Family Division (Fam Div). MacDonald J. July 25, 2019.

The significant progress made by a vulnerable 11-year-old boy in a therapeutic residential placement was an important reminder of why continuity of placement and continuity of professionals was so very valuable to vulnerable children in the care system, and why such continuity of care and continuity of professionals should be the rule and not the exception for those children.

Application granted

LANDLORD AND TENANT. *Local government; Housing.*

Local authorities' powers and duties; Notices; Possession; Secure tenancies; Social housing.

Yildiz v Hackney LBC. [2019] EWCA Civ 1331. Court of Appeal (Civil Division) (CA (Civ Div)). Hamblen LJ; Newey LJ; Simler LJ. July 24, 2019

In issuing proceedings to seek possession of a property subject to a secure tenancy pursuant to the Housing Act 1985 Pt IV s.83, a local authority had not been entitled to rely on Sch.2 ground 15A. Although it had served a notice of intention to seek possession, pursuant to s.83 of the Act, the local authority had failed to issue proceedings either within the currency of the notice itself or within 12 months of the relevant date specified in it.

Appeal allowed

MENTAL HEALTH.

Consent; Learning difficulties; Persons lacking capacity; Sexual behaviour; Spouses.

Tower Hamlets LBC v NB. [2019] EWCOP 27. Court of Protection (CP). Hayden J. July 16, 2019

The Court of Protection considered the tests for capacity to consent to marriage and sexual relations and emphasised the need to promote the autonomy and protect the vulnerability of the person said to lack capacity. The relevant tests had to be applied in a way which focused upon the individual's characteristics and circumstances.

Judgment accordingly



HOUSING. Administration of justice.

Antecedents; Appeals; County Court; Disability discrimination; Homelessness; Housing allocation; Jurisdiction; Local housing authorities' powers and duties; Points of law; Statutory reviews.

Adesotu v Lewisham LBC. [2019] EWCA Civ 1405. Court of Appeal (Civil Division) (CA (Civ Div)). Lewison LJ; McCombe LJ; Bean LJ. August 02, 2019

An appeal against a housing decision based on disability discrimination and brought under the Housing Act 1996 s.204(1) was not "a claim for judicial review" within the meaning of the Equality Act 2010 s.113(3)(a) and therefore had to be brought in accordance with s.113(1) of the 2010 Act.

Appeal dismissed

LEGISLATION

HOUSING. Immigration.

Amendments; Entitlement; Foreign nationals; Homelessness; Housing allocation; Wales.

Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) (No.2) Regulations 2019. SI 2019/1149 (W. 199)

These Regulations amend the provisions of the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 which prescribe the classes of persons subject to immigration control who are eligible for housing assistance under ss.66, 68, 73 and 75 of the Housing (Wales) Act 2014, as well as the classes of persons from abroad, not subject to immigration control, who are ineligible for housing assistance under that Act.

In Force: 19 July 2019

SOCIAL WELFARE. Family law.

Barred lists; Child protection; Safeguarding vulnerable adults; Scottish Ministers.

Safeguarding Vulnerable Groups Act 2006 (Specified Scottish Authority and Barred Lists) Order 2019. SI 2019/1161

This Order specifies the Scottish Ministers as a relevant Scottish authority and that the children's list and the adults' list maintained by the Scottish Ministers, under the Protection of Vulnerable Groups (Scotland) Act 2007, correspond respectively to the children's barred list and the adults' barred list maintained under the Safeguarding Vulnerable Groups Act 2006.

In Force: 12 August 2019

SOCIAL WELFARE.

Health and Care Professions Council; Savings provisions; Social Work England; Transfer of functions; Transitional provisions.

Children and Social Work Act 2017 (Transitional and Savings Provisions) (Social Workers) Regulations 2019. SI 2019/1140

These Regulations, which come into force at the same time as s.39(1) of the Children and Social Work Act 2017 comes into force, make transitional and savings provisions which are necessary to facilitate the transfer of functions from the Health and Care Professions Council to Social Work England, the body corporate set up by the 2017 Act.

In Force: In accordance with reg.1.



GOVERNMENT AND REGULATORY DEVELOPMENTS

LOCAL GOVERNMENT. *Constitutional law.*

Brexit; Local authorities' powers and duties.

Government readies whole nation for Brexit with every council to have a designated Brexit lead. By Ministry of Housing, Communities and Local Government. 3 August 2019

The Communities and Local Government Secretary has asked each council to designate a Brexit lead to work with central government and oversee teams in every community who will work with stakeholders in their area to plan intensively for Brexit on 31 October 2019.

Website: <https://www.gov.uk/government/news/government-readies-whole-nation-for-brexit-with-every-council-to-have-a-designated-brexit-lead> [Accessed at 5 August 2019]

SOCIAL WELFARE.

Adult social care; Care; Quality; Reviews; Social services; Wales.

We have published guidance on completing the quality of care review. By Care Inspectorate Wales.

Care Inspectorate Wales has published guidance which will help providers of adult and children's services carry out an effective quality of care review under the Regulation and Inspection of Social Care (Wales) Act 2016. The guidance includes advice on how to carry out an effective quality of care review together with a template for completing the report.

Website: <https://careinspectorate.wales/190802-we-have-published-guidance-completing-quality-care-review> [Accessed at 5 August 2019]

Legislation referred: Regulation and Inspection of Social Care (Wales) Act 2016

HOUSING.

Brexit; Residential development; Restrictions; Segregation; Social housing.

Brokenshire unveils new measures to stamp out "poor doors". By Ministry of Housing, Communities and Local Government. 20 July 2019

Measures to tackle stigma and help end the segregation of social housing residents in mixed-tenure developments have been unveiled by Communities Secretary. The move aims to stop so-called "poor doors" - where entrances for social housing residents stigmatise and divide them from other residents in the development - and other forms of segregation, such as restrictions on access to playgrounds.

Website: <https://www.gov.uk/government/news/brokenshire-unveils-new-measures-to-stamp-out-poor-doors> [Accessed at 22 July 2019]; <https://www.gov.uk/government/publications/public-attitudes-to-social-housing-findings-from-the-british-social-attitudes-survey-2018> [Accessed 22 July 2019]



NEWS ARTICLES

ENVIRONMENT. *Local government.*

Climate change; Environmental protection; Local authorities.

UK's first climate assembly agrees proposals. *Guardian, 22 July 2019, 16. By Molly Blackall.*

The UK's first climate change assembly, convened by Camden council, has agreed 17 proposals to tackle the climate crisis. Proposals centred on housing, transport and green space.

LOCAL GOVERNMENT. *Information technology; Landlord and tenant; Nuisance.*

Holiday lettings; Local authorities' powers and duties; Local authority housing; Noise; Online services; Short leases; Subtenancies.

Local authorities aim to curb sub-lets on Airbnb. *Times, 3 August 2019, 16. By Katie Gibbons.*

Local authorities are increasingly working with the letting industry to prevent their tenants wrongly profiting from sub-letting their homes on Airbnb and are also responding to complaints from private landlords about tenants sub-letting through Airbnb due to neighbours' concerns about noise and rubbish left behind by guests. Westminster Council has called for a new cross-platform registration scheme for short-term lettings to prevent the misuse of council housing, illegal sub-letting and antisocial behaviour including parties and pop-up brothels.

Organisations Referred: Airbnb