



YOUR MONTHLY E-BULLETIN

Issue 73; October 2019

LATEST CONSORTIUM NEWS

NWLC Annual Training Event - They think its all over – it is now!

As you read this latest E-Bulletin this year's event will have taken place.

Lets hope it all went well.

The Management Board will be studying the feedback from the event in due course but if you attended and didn't give us your feedback – please feel free to do so now.

The Consortium AGM was also held as usual as part of the Annual Training day.

In the next edition hear the decisions made at the AGM as regards Management Board appointments and level of Annual Subscriptions for 2020/21.

Solicitors Framework Re-Procurement – We are almost there!

The new Procurement Exercise is almost ready to go....

More news on progress and timetable in future editions.

New NWLC Quarterly Newsletter

A newsletter with no name....so far

A new newsletter for NWLC Member organisations is being launched this Autumn.

Content will include articles of topical interest from our Partner firms as well as NWLC reminders and a bit of personal insight.

(Lets hope a name for this new newsletter was forthcoming at the Annual Training Event – it was worth a bottle of wine!)

See what you think when its launched.

[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.

And also Calling all Child Care lawyers – In response to demand, as part of the programme this year we have included a session entitled Children Social Care. Its on 29th January 2020 and hosted by Weightmans in Liverpool.



Reminders

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

01/10/19

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

HUMAN RIGHTS. *Road traffic; Local government.*

Abortion; Demonstrations; Freedom of assembly and association; Freedom of expression; Freedom to manifest one's religious belief; Justification; Local authorities' powers and duties; Public spaces protection orders; Right to respect for private and family life; Visitors.

Dulgheriu v Ealing LBC. [2019] EWCA Civ 1490. Court of Appeal (Civil Division) (CA (Civ Div)). Sir Terence Etherton MR; King LJ; Nicola Davies LJ. August 21, 2019

A Public Spaces Protection Order made around a women's health clinic pursuant to the Anti-social Behaviour, Crime and Policing Act 2014 s.59 was not quashed. The judge had been entitled to find that the pro-life activists' activities had a detrimental effect on the quality of life of "those in the locality" within the meaning of s.59(2)(a), which included occasional visitors to the area such as women wanting to access the clinic's abortion procedures, that the ECHR art.8 rights of those women had been engaged and that, on the issue of justification, those rights outweighed the activists' rights under art.9, art.10 and art.11.

Appeal dismissed

MENTAL HEALTH. *Civil procedure; Local government; Social welfare; Family law.*

Deprivation of liberty; Inherent jurisdiction; Injunctions; Interim orders; Local authorities' powers and duties; Mental patients; Parental contact; Safeguarding vulnerable adults; Vulnerable adults.

Redcar & Cleveland BC v PR. [2019] EWHC 2305 (Fam). Family Division (Fam Div). Cobb J. September 05, 2019

The court considered the appropriateness of using its inherent jurisdiction to grant local authorities interim injunctions designed to regulate the conduct of a vulnerable adult for the adult's own protection. Local authorities should consider whether the individual was likely to understand the injunction's purpose, whether they would receive knowledge of the injunction, and whether they would appreciate the effect of a breach of that injunction. If the answer to any of those questions was no, the injunction was likely to be ineffectual and should not be applied for or granted.

Judgment accordingly



LEGISLATION

PLANNING.

Compensation; Compulsory purchase; Local authorities' powers and duties; Planning conditions; Planning permission; Valuation.

Compulsory Purchase and Planning Bill 2019 (HC Bill 434).

A Bill to grant local authorities increased powers of compulsory purchase; to amend the law relating to land valuation and compensation; to make provision requiring landowners to fulfil conditions relating to planning permission; and for connected purposes.

Website: <https://services.parliament.uk/Bills/2017-19/compulsorypurchaseandplanning/documents.html>
[Accessed at 5 September 2019]

Hansard: HC Vol 664 col 206

Commons 1st Reading: 4/9/2019 | HC Vol 664 col 206

HOUSING.

Amendments; Housing benefit; Subsidies.

Income-related Benefits (Subsidy to Authorities) Amendment Order 2019. SI 2019/1243

This Order amends the Income-related Benefits (Subsidy to Authorities) Order 1998, which provides for the calculation and payment of housing benefit subsidy to local authorities in England, Wales and Scotland which administer housing benefit.

In Force: 31 October 2019

GOVERNMENT AND REGULATORY DEVELOPMENTS

PENSIONS. *European Union; Social security.*

Brexit; Persons abroad; State pension; Uprating.

Uprating guarantee for UK State Pension recipients living in EU. By Department for Work and Pensions. 1 September 2019

The Government has announced it will continue to uprate the UK State Pension paid to almost half-a-million people currently living in the EU for each of the next three years, until March 2023, regardless of whether there will be a no-deal Brexit.

Website: <https://www.gov.uk/government/news/uprating-guarantee-for-uk-state-pension-recipients-living-in-eu> [Accessed at 2 September 2019]; <https://www.gov.uk/guidance/uk-nationals-in-the-eu-benefits-and-pensions-in-a-no-deal-scenario> [Accessed 2 September 2019]

PUBLIC PROCUREMENT.

Government contracts; Invoices; Payments; Suppliers.

Tough new rules on prompt payment come into force. By Cabinet Office. 5 September 2019

Rules designed to make sure government suppliers pay their bills on time came into force on 1 September 2019. The rules mean all government suppliers must pay 95% of their invoices within 60 days or run the risk of losing out on government contracts.

Website: <https://www.gov.uk/government/news/tough-new-rules-on-prompt-payment-come-into-force>
[Accessed at 5 September 2019]



SOCIAL WELFARE. Local government.

Care homes; Local authorities; Private companies; Social care.

State should tackle the growth of debt-fuelled private firms providing social care, says think tank. By Institute for Public Policy Research.

Research by the Institute for Public Policy Research has found that 84% of care home beds are provided by profit-driven companies, a further 13% are provided by the voluntary sector and just 3% by local authorities and other public sector. This growing “financialization” of the sector has seen these organisations rely on high borrowing, complex corporate structures and cost-cutting measures such as tax avoidance and low staff pay, which makes them potentially unstable.

Website: <https://www.ippr.org/news-and-media/press-releases/state-should-tackle-the-growth-of-debt-fuelled-private-firms-providing-social-care-says-think-tank> [Accessed at 19 September 2019]

NEWS RELEASES

HEALTH. Public procurement.

Hospitals; Loans; NHS trusts; Private Finance Initiative.

Hospitals face £80bn bill to pay back “toxic” PFI loans. *Guardian*, 12 September 2019, 14. By Denis Campbell.

The Institute for Public Policy Research (IPPR) has found that NHS hospital trusts will have to make another £55 billion in payments by the time the last private finance initiative contract ends, and what initially was £13 billion of private sector-funded investment in new hospitals will end up costing the NHS in England £80 billion. The IPPR’s findings have raised concerns over the diversion of such large sums at a time when many trusts are in debt and coping with the fast-rising demand for care.

Organisations Referred: Institute for Public Policy Research

MENTAL HEALTH.

Bipolar disorder; Caesarean sections; Capacity; Court of Protection.

Doctors granted permission to perform caesarean in case of loss of mental capacity. *Guardian*, 2 September 2019 (Online edition).

The Court of Protection has ruled that doctors treating a pregnant woman who suffers from bipolar disorder can perform a caesarean section if the procedure becomes necessary and she loses the capacity to make decisions whilst in labour. The judge, acknowledging that the case was exceptional and hearing that the woman has expressed her wish not to have a caesarean section, granted the order in the interests of the women stating that “doctors must be able to do what was needed to preserve her life and the life of her child”.

Website: <https://www.theguardian.com/society/2019/sep/02/doctors-permission-perform-caesarean-section-woman-mental-health> [Accessed at 2 September 2019]