



YOUR MONTHLY E-BULLETIN

Issue 75; December 2019

LATEST CONSORTIUM NEWS

Annual Training Event 2019 Evaluation and Feedback

Your Management Board have now received the full evaluation report from this year's event. This report can be shared with you if you wish to see it – contact Beryl Heath if you wish to see it at bh_nwlconsortium@btinternet.com

The highlights include –

100% of respondents rated the event organisation and administration as excellent or good

Over 90% of respondents rated the venue as excellent or good

Over 75% of respondents rated the event morning sessions as excellent

So the search is on for next year's speakers – and the Board have booked Aintree for a return visit for next year's event.

Solicitors Framework Re-Procurement

The new Procurement Exercise has started.

The OJEU has been published.

More news on progress and timetable in future editions.

Watch out for your New Newsletter – 'The Consortium Quarterly'

A new newsletter for NWLC Member organisations is being launched in the new Year – January 2020.

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

FREE Consortium Training Programme 2019/20

Courses are proving extremely popular this year and are booking up fast. Make sure you reserve your places to avoid disappointment.

However, if you find you can't make a training session that you have booked on to please let us know if you can – let Beryl Heath know on bh_nwlconsortium@btinternet.com

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 – there are lots of current adverts!

We publish a range of vacancies on the website jobs page at 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

01/12/19

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

CASE REPORTS

HOUSING. *Local government.*

Children; Homelessness; Local housing authorities' powers and duties; Reviews; Suitability; Temporary accommodation.

Waltham Forest LBC v Saleh. [2019] EWCA Civ 1944. Court of Appeal (Civil Division) (CA (Civ Div)). Patten LJ; Asplin LJ; Sir Rupert Jackson. November 19, 2019

In conducting a review of a homelessness decision under the Housing Act 1996 s.202, the review officer had to reconsider the decision in light of all relevant circumstances at the date of the review, and was not limited to a reconsideration of the facts as they stood at the date of the original decision. For that reason, a review officer who was asked reconsider a decision to provide accommodation for a family outside the local housing authority's own district ought to have taken account of the availability, as at the date of review, of any suitable accommodation either within or closer to that district.

Appeal dismissed

LANDLORD AND TENANT. *Human rights; Local government.*

Discrimination; Possession; Right to respect for private and family life; Secure tenancies; Succession.

Simawi v Haringey LBC. [2019] EWCA Civ 1770. Court of Appeal (Civil Division) (CA (Civ Div)). Baker LJ; Bean LJ; Lewison LJ. October 31, 2019

A judge had not erred in finding that the "one succession" rule in the Housing Act 1985 s.87 and s.88 was not incompatible with ECHR art.14 in conjunction with art.8.

Appeal dismissed

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

Case management; Cerebral palsy; Child protection; Court of Protection; Data sharing; Eating disorders; Expert evidence; Expert witnesses; Experts' duties; Recovery of patients.

Southwark LBC v NP. [2019] EWCOP 48. Court of Protection (CP). Hayden J. October 24, 2019

The Vice President of the Court of Protection set out case management guidance, with a particular focus on expert evidence.

Judgment accordingly



SOCIAL SECURITY. *Housing; Human rights; Administration of justice.*

Bedrooms; Courts' powers and duties; Discrimination; Housing benefit; Jurisdiction; Legislation; Local authorities' powers and duties; Reduction of benefits; Right to fair trial; Subordinate legislation; Tribunals' duties.

RR v Secretary of State for Work and Pensions. [2019] UKSC 52. Supreme Court (SC). Lady Hale PSC; Lord Reed DPSC; Lady Black JSC; Lord Briggs JSC; Lady Arden JSC. November 13, 2019

Where a local authority or tribunal found that the percentage reduction in housing benefit required to be made by the Housing Benefit Regulations 2006 reg.B13(3)(a) would be unjustifiably discriminatory and would violate the recipient's ECHR rights, and the claim related to the period before the coming into force of the Housing Benefit and Universal Credit (Size Criteria) (Miscellaneous Amendments) Regulations 2017, the reduction had to be disapplied. Not to disapply it would be to act in a way that the Human Rights Act 1998 s.6 declared to be unlawful.

Appeal allowed

LEGISLATION

LANDLORD AND TENANT.

Landlords' rights; Possession; Residential tenancies; Shorthold tenancies.

Rented Homes Bill 2019 (HL Bill 34).

A Bill to amend the Housing Act 1988 to abolish assured shorthold tenancies; to extend the grounds upon which landlords of residential housing may recover possession; and for connected purposes.

Website: <https://services.parliament.uk/Bills/2019-20/rentedhomes/documents.html>
[Accessed at 29 October 2019]

Hansard: HL Vol 800 col 781 (1st Reading)

Lords 1st Reading: 28/10/2019 | HL Vol 800 col 781; 2nd Reading: Date to be announced

Legislation referred: Housing Act 1988

ADMINISTRATIVE LAW. *Economics; Local government.*

Amendments; Commencement; Public authorities; Public sector equality duty; Social justice; Wales; Welsh ministers.

Equality Act 2010 (Commencement No. 14) (Wales) Order 2019. SI 2019/1469 (W.259)(C.52)

This Order commences the Equality Act 2010 s.2 (power to amend s.1) insofar as it confers a power on the Welsh Ministers.

In Force: Bringing into force s.2 of the 2010 Act insofar as it confers a power on the Welsh Ministers.



PENSIONS. *Local government.*

Civil partnerships; Death benefits; Local government; Occupational pensions; Public sector employees.

Local Government Pension Scheme (Amendment) Regulations 2019. SI 2019/1449

These Regulations amend the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 to cover the extension of civil partnership to opposite-sex couples. Reg.2 amends the Transitional Regulations to provide for the benefits payable to survivors of opposite-sex civil partnerships in respect of service prior to 2014 of a member of the Local Government Pension Schemes preceding the Scheme constituted under the Local Government Pension Scheme Regulations 2013.

In Force: 31 December 2019

GOVERNMENT AND REGULATORY DEVELOPMENTS

LOCAL GOVERNMENT. *Family law.*

Domestic violence and abuse; Local authorities' powers and duties; Service provision; Statutory duties; Victims.

Local Government Secretary confirms new support for survivors of domestic abuse. By Ministry of Housing, Communities and Local Government. 21 October 2019

The Communities Secretary Robert Jenrick has confirmed plans for new legal duty for local authorities to deliver life-saving support to survivors of domestic abuse. As outlined in the Queen's Speech, the Government intends to amend the Domestic Abuse Bill 2019 to include for the first time a statutory duty on councils to provide support.

Website: <https://www.gov.uk/government/news/local-government-secretary-confirms-new-support-for-survivors-of-domestic-abuse> [Accessed at 21 October 2019]

Legislation referred: Domestic Abuse Bill 2019-20 (HC Bill 2)

PUBLIC PROCUREMENT.

Brexit; Contract notices; Public contracts; Tenders Electronic Daily; Wales.

Advertising contracts in a no deal Brexit. By Welsh Government. 25 October 2019

The Welsh Government provides details on where to publish contract notices in the event of a no deal Brexit. UK contracting authorities will publish contract notices to a new UK e-notification service called Find a Tender (FTS). In Wales, public authorities will continue to advertise contract notices on Sell2Wales. Any contracts which would have been above the Official Journal of the European Union (OJEU) threshold and would have been sent onto Tenders Electronic Daily, will be sent to FTS instead. In the event of no deal, Sell2Wales registered suppliers will continue to receive notifications and have access to the published notices. Above threshold notices will also be advertised on FTS, as well as Sell2Wales.

Website: <https://gov.wales/advertising-contracts-in-a-no-deal-brexit> [Accessed at 28 October 2019]



ROAD TRAFFIC.

Debt collection; Drivers; Private parking facilities.

New parking code could give motorists 10-minute grace period in private car parks. By Ministry of Housing, Communities and Local Government. 3 November 2019

Under proposals unveiled by the Local Government Secretary, Robert Jenrick MP, private parking firms would be required to give drivers a 10-minute grace period after their tickets expire as part of the Government's clamp down on rogue car parks. The British Standards Institution (BSI) will develop a new Code of Practice for the private parking industry. The Government is also proposing to crack down on aggressive debt collection in private parking industry in England, Scotland and Wales.

Website: <https://www.gov.uk/government/news/new-parking-code-could-give-motorists-10-minute-grace-period-in-private-car-parks> [Accessed at 4 November 2019]

NEWS ARTICLES

ADMINISTRATIVE LAW. Construction law; Health and safety at work; Local government.

Building regulations; Construction materials; Contingency planning; Fatal accidents; Fire precautions; Fire services; High rise buildings; Public inquiries.

London fire brigade not prepared for Grenfell, concludes report. *Guardian*, 28 October 2019 (Online edition). By Robert Booth. Also Reported in *Independent*, 28 October 2019 (Online edition)

The public inquiry report into the Grenfell Tower fire concludes that London firefighters' readiness was "gravely inadequate" and fewer people would have died if the brigade had been better prepared. The report also found that the building was refurbished in breach of safety regulations and that the cladding on the building was the principle reason the fire spread so rapidly. The report will be published in full on 30 October 2019, but was circulated to the bereaved, survivors and residents on 28 October.

Website: <https://www.theguardian.com/uk-news/2019/oct/28/grenfell-inquiry-finds-fire-brigade-gravely-ill-prepared-for-blaze> [Accessed at 29 October 2019]; <https://www.independent.co.uk/news/uk/home-news/grenfell-tower-london-cladding-public-inquiry-report-martin-moore-bick-a9175291.html> [Accessed 29 October 2019]; <https://www.grenfelltowerinquiry.org.uk/> [Accessed 29 October 2019]

MENTAL HEALTH. Damages; Family law.

Compensation; Court of Protection; Learning disabilities; Marriage; Marriage breakdown; Mental capacity.

Judge rules that man with learning disabilities can get married. *Guardian*, 5 November 2019, 24.

Mr Justice Mostyn at the Court of Protection has ruled that a man, who received "substantial" compensation after being seriously hurt while working as a refuse collector, can marry a mother of two he met more than three years ago, after finding that although he lacked the capacity to administrate for himself, he had the "necessary appreciation" of the "financial ramifications" of a marriage breakdown, and that the law would protect his finances in the event of divorce.