



YOUR MONTHLY E-BULLETIN

Issue 76; January/February 2020

LATEST CONSORTIUM NEWS

A very Happy NWLC New Year to you all

We have lots in store for you in the coming year

Solicitors Framework Re-Procurement

Work is progressing on the new Solicitors Framework.

More news soon.

Watch out for your New Newsletter – ‘The Consortium Quarterly’

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

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.

Coming up we've got-

On 5th February **Making an In-house Team More Commercial**, in Warrington provided by Geldards

On 12th February Hill Dickinson are presenting **Disclosure and Criminal Proceedings – PACE Interview Training in Liverpool**

NB This one is almost full now – so don't delay

On 26th February **GDPR/Information Law** is now full and BOOKINGS ARE NOW CLOSED

On 4th March Geldards are presenting **Local Government Law and Governance** in Warrington

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.

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





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.

Looking for a new challenge in 2020?

New Roles up for grabs

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.

We have current roles at Blackburn with Darwen Council – see jobs page for all the details.

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

01/01/20

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

CIVIL PROCEDURE. *Mental health; Human rights.*

Best interests assessments; Deprivation of liberty; Full and frank disclosure; Mentally disordered persons; Official Solicitor; Right to liberty and security; Supported housing.

JDO, Re. [2019] EWCOP 47. Court of Protection (CP). Judge Hilder. October 22, 2019

A local authority had erred in applying under the streamlined procedure provided for in COP PD 11A for authorisation of deprivation of liberty in the living arrangements of a person with disabilities where it must have known that there were contentious issues regarding the placement.

Judgment accordingly

HOUSING. *Penology and criminology.*

Admissibility; Houses in multiple occupation; Licences; Rehabilitation of offenders; Spent convictions.

HMOs and licensing: Hussain v Waltham Forest LBC [2019] UKUT 339 (LC) Holgate J (President of the UT(LC)); Judge McGrath (President of the FTT(PC)). *J.H.L. 2020, 23(1), D2-D3.*

Notes Hussain v Waltham Forest LBC (UT) on whether the Rehabilitation of Offenders Act 1974 allowed a First-tier Tribunal to take into account the applicant's previous false statements in connection with a licence for houses in multiple occupation (HMO), but not the fact of her spent convictions in connection with such licences, when considering a new application for such a licence under the Housing Act 2004.

Cases referred: Hussain v Waltham Forest LBC~ [2019] UKUT 339 (LC); [2019] 11 WLUK 51 (UT (Lands))

Legislation referred: Rehabilitation of Offenders Act 1974; Housing Act 2004

MENTAL HEALTH. *Conflict of laws.*

Allocation of jurisdiction; Habitual residence; Inherent jurisdiction; Necessity; Persons lacking capacity.

TD v KD. [2019] EWCOP 56. Court of Protection (CP). Cobb J. December 19, 2019

A man with dementia who had been taken by his children from Spain to England as a result of concerns over the care which he was receiving from his second wife remained habitually resident in Spain, with the result that the relevant Spanish court had jurisdiction to, and should, make decisions concerning his welfare. The court considered the meaning of "urgent" in the Mental Capacity Act 2005 Sch.3 Pt 2 para.7(1)(c).

Preliminary issue determined in favour of respondents





LEGISLATION

ADMINISTRATIVE LAW. *Economics; Environment; Social welfare.*

Economic development; Environmental protection; Impact assessments; Power to promote well-being; Public authorities; Public expenditure.

Wellbeing of Future Generations Bill 2020 (HL Bill 8).

A Bill to make provision for requiring public bodies to act in pursuit of the UK's environmental, social, economic and cultural wellbeing by meeting wellbeing objectives, publishing future generations impact assessments, accounting for preventative spending, and through public services contracts; to establish a Commissioner for Future Generations for the UK; to establish a Joint Parliamentary Committee on Future Generations; to require companies to consider the impact of their activities on the United Kingdom's wellbeing; and for connected purposes.

Website: services.parliament.uk/Bills/2019-20/wellbeingoffuturegenerationsbill/documents.html
[Accessed at 9 January 2020]

Hansard: HL Vol 801 col 185 (1st Reading)

Lords 1st Reading: 8/1/2020 | HL Vol 801 col 185; 2nd Reading: Date to be announced

HOUSING. *Health; Local government; Planning.*

County councils; Homes and Communities Agency; NHS trusts; Transfer of functions.

Homes and Communities Agency (Transfer of Property etc.) Regulations 2020. SI 2020/31

The Housing and Regeneration Act 2008 s.53A(1) allows the Secretary of State to make one or more schemes for the transfer to the Homes and Communities Agency of designated property, rights or liabilities of a specified public body. These Regulations specify various NHS trusts and county councils for that purpose.

In Force: 7 February 2020

GOVERNMENT AND REGULATORY DEVELOPMENTS

FAMILY LAW.

Civil partnerships.

First opposite-sex civil partnerships. By Government Equalities Office. 31 December 2019

A change in the law allows opposite-sex civil partnerships, offering couples access to the same tax benefits, pensions and inheritance as similar benefits, rights and entitlements to those available to married couples.

Website: www.gov.uk/government/news/first-opposite-sex-civil-partnerships-to-take-place-on-new-years-eve [Accessed at 2 January 2020]

Legislation referred: Civil Partnership (Opposite-sex Couples) Regulations 2019 (SI 2019/1458)



HOUSING. Local government.

Government grants; Homelessness; Local authorities' powers and duties.

Prime Minister pledges new action to eliminate homelessness and rough sleeping. By Prime Minister's Office; Ministry of Housing, Communities and Local Government. 23 December 2019

Prime Minister Boris Johnson has promised to end rough sleeping by 2024 as he announced £63 million to help the homeless find housing. Local authorities have also been allocated £200 million in grants to help people at risk of becoming homeless.

Website: www.gov.uk/government/news/prime-minister-pledges-new-action-to-eliminate-homelessness-and-rough-sleeping [Accessed at 24 December 2019]

SOCIAL WELFARE.

Regulated activities; Requests for information; Social care; Social care providers; Wales.

Amendment to list of notifications that service providers must make to Care Inspectorate Wales. By Care Inspectorate Wales. 19 December 2019

A letter to service providers informing them of the Welsh Government's proposal to amend Sch.3 of the suite of regulations which place requirements on service providers and responsible individuals of regulated care services in Wales. Care Inspectorate Wales (CIW) intends to amend the list of Sch.3 notifications to require unincorporated organisations to notify it of any change of trustees or committee members. As part of making this notification CIW aims to request information about the new director or equivalent's history in running regulated services. This proposed change will allow CIW to maintain an effective overview of those running regulated services and ensure consistency in the requirements placed on the range of organisations registered as service providers in Wales. Comments by 17 January 2020.

Website: careinspectorate.wales/191219-proposed-changes-notification-requirements-unincorporated-organisations [Accessed at 23 December 2019]; careinspectorate.wales/sites/default/files/2019-12/191219-Proposed-changes-to-notification-requirements-for-unincorporated-organisations--en.pdf [Accessed 23 December 2019]

Legislation referred: Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 (SI 2017/1264) Sch.3; Regulated Adoption Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019 (SI 2019/762) Sch.3; Regulated Fostering Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019 (SI 2019/169) Sch.3; Adult Placement (Service Providers and Responsible Individuals) (Wales) Regulations 2019 Sch.3; Regulated Advocacy Services (Service Providers and Responsible Individuals) (Wales) Regulations

NEWS ARTICLES

LOCAL GOVERNMENT. Human rights.

Fines; Freedom of expression; Local authorities' powers and duties; Public spaces protection orders.

Concerns raised at the growing use by local authorities of PSPOs. *Guardian*, 28 December 2019, 7. By Robert Booth. Also Reported in Daily Telegraph, 28 December 2019, 7

A Guardian survey of nearly 100 of the largest English councils has revealed that the most prolific enforcers of public spaces protection orders (PSPOs) is Peterborough City Council, which raised £270,000 in the year to August 2019 issuing 1,000 fines for unauthorised cycling and more than 2,000 fines for littering. Civil liberties campaigners have warned they are part of a creeping "preventive state", which can stifle freedom of expression and rights to congregate.