



# YOUR MONTHLY E-BULLETIN

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**Issue 81; July 2020**

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## LATEST CONSORTIUM NEWS

### **Launch of your new Consortium Quarterly**

Coming later this month, the first edition of this new, magazine style newsletter will be published.

Look out for your email alert to catch an early look at it.

### **Annual Training Survey 2020 – all sorted now**

Thank you to all of you who took part.

Our four Partner Firms are now working up the new Annual Training Programme – and an exciting Summer Webinar Programme, details of both, coming soon.

And - The winner of our training survey prize draw was Elizabeth Cunningham-Doyle from Oldham Council. Elizabeth won a £25 Amazon voucher.

Congratulations Elizabeth.

### **Annual Training Event 2020 - Cancelled**

Your Management Board have taken the sad decision to cancel this year's event at Aintree.

But we'll be back with our event next year – watch out for the new date coming soon.

### **Your Previous Solicitors Framework 2016 – 2020 – what did it achieve?**

Now that your new Framework is in place, it is a good time to look at what you achieved through the previous Framework.

Over the four years of the 2016 – 2020 Solicitors Framework you Commissioned over 2,000 pieces of work through the Framework to the value of £15.5 million, and made savings of over £2.5 million.

Thank you for your support.

### **Are you Fit for Law?**

**Lawcare** (the Charity supporting and promoting mental health and wellbeing in the legal community) has just launched the first phase of their new free online interactive learning resource 'Fit for Law'. By learning how to manage stress, recognise our emotions and reflect on our behaviour we arguably give ourselves a better chance at coping with and adapting to the challenges posed by covid and beyond.

The following article explains more:

Some think there is no place for emotion in the law and believe emotions interfere with rational thinking. In fact there is a huge body of scientific evidence which proves cognition and emotion are intertwined. If we consider that emotions affect your actions, decision-making, reasoning, thought processes and judgement, we can clearly see the relevance of emotion in the law.



Often lawyers enter the workplace without the emotional competencies needed to meet the demands of an evolving profession. Emotional competency is about how we understand and handle our emotions, as well as identifying and interpreting emotional responses around us.

Providing legal professionals with resources to enable them to understand and develop key emotional competencies such as emotional self-awareness, self-reflection and better strategies for emotional self-regulation is one way to equip them more effectively for practice, enhance their wellbeing and potentially reduce levels of stress, anxiety and depression.

LawCare and academics at The Open University and the University of Sheffield have developed a new free online resource on emotional competency and professional resilience for the legal community.

The interactive resource, called Fit for Law, is part of an on-going project to promote psychologically and emotionally healthier ways of working within law and was developed based on evidence from focus groups with legal professionals across the UK and Ireland. The course takes 2-4 hours in total to complete but is broken down into smaller sections, and includes videos from legal professionals discussing wellbeing issues as well as a range of interactive activities.

The goal is to foster enhanced wellbeing, to support legal professionals to not just survive, but to also thrive, within a challenging work environment.

In addition to providing resources aimed at individual practitioners, the resources we are developing will include a tool kit for employers, to encourage positive organisational and cultural change in the legal workplace.

The resources are available to everyone studying law or working in the legal profession. For more information visit [fitforlaw.org.uk](http://fitforlaw.org.uk)

If you need emotional support call LawCare on 0800 279 6888 or visit [www.lawcare.org.uk](http://www.lawcare.org.uk) to access webchat, email support and other resources.

## Reminders

### FREE Consortium Training Programme 2019/20

**As you already know as a result of the current Coronavirus pandemic all face to face Consortium training courses to the end of the current Annual Training Programme have now been CANCELLED**

**In the meantime, our 4 new Partner Firms** - Bevan Brittan LLP, DAC Beachcroft LLP, Geldards LLP and Weightmans LLP have all developed resources around the Covid 19 issues and beyond.



See how you can access their resources below:

Partner Firm	Website Link	Resources Include
Bevan Brittan	<a href="http://www.bevanbrittan.com/insights">www.bevanbrittan.com/insights</a>	Webinars, webcasts and articles on range of relevant topics
DAC Beachcroft	DACB main website: <a href="http://www.dacbeachcroft.com">www.dacbeachcroft.com</a> DACB COVID-19Collection: <a href="http://www.dacbeachcroft.com/en/gb/collections/covid-19">www.dacbeachcroft.com/en/gb/collections/covid-19</a>	A collection of articles and newsletters relating to the impact of COVID-19 (covers a wide range of legal topics)
Geldards	<a href="http://www.thriveatgeldards.co.uk/webinars">www.thriveatgeldards.co.uk/webinars</a>	Sign up for marketing updates <a href="http://www.geldards.com/sign-up.aspx">www.geldards.com/sign-up.aspx</a> Webinar recordings and copy slides
Weightmans	<a href="http://www.weightmans.com/landing-pages/coronavirus">www.weightmans.com/landing-pages/coronavirus</a>	A 'coronavirus hub' with relevant information and insights Webinars and events at <a href="http://www.weightmans.com/events">www.weightmans.com/events</a>

### 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.

### Why not take the time to tidy up your registered users list?

You can see the users currently registered for your organisation by logging in and going to the Directory page.

Click on People Directory and in search criteria add in the name of your organisation.

A list of your users will appear on screen for you.

Just let us know about deletions and additions by emailing Beryl at [bh\\_nwlconsortium@btinternet.com](mailto:bh_nwlconsortium@btinternet.com)

### 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)

Currently, Warrington are looking for a Lawyer (Childrens Safeguarding)

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



NWAA are excited to announce our brand new partnership with Runclusive – an exclusive series of virtual running events. Runclusive brings together an International programme of virtual running events – there are some trusted favourites in there as well as some exciting new ones to get involved in.....all from the comfort of your own street! You can run how you want, when you want and with rewards available for choosing a charity, why not join Team NWAA on our newest virtual adventure! Check out [www.runclusive.com](http://www.runclusive.com)



# NWLC MONTHLY LEGAL UPDATER

POWERED BY THOMSON REUTERS AND PRACTICAL LAW

01/07/20

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](https://www.westlaw.co.uk) or [uk.practicallaw.com](https://www.uk.practicallaw.com)

## CASES

### **ENVIRONMENTAL HEALTH. *Local government; Human rights.***

**Abatement notices; Disability discrimination; Judicial review; Jurisdiction; Noise; Public sector equality duty; Statutory appeals; Statutory nuisance.**

R. (on the application of Fisher) v Durham CC. [2020] EWHC 1277 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Julian Knowles J. May 21, 2020

A local authority's decision to serve a noise abatement notice on a woman who had a neurological disorder which caused her to make involuntary sounds did not amount to unfavourable treatment by reason of disability contrary to the Equality Act 2010 s.15(1)(a) and s.29(6). Serving the notice was a last resort and a proportionate means of achieving the legitimate aim of abating a statutory nuisance.

Application refused

### **LANDLORD AND TENANT.**

**Anti-social behaviour; Flexible tenancies; Forfeiture clauses; Possession; Public sector tenancies; Rent arrears; Secure tenancies.**

Croydon LBC v Kalonga. [2020] EWHC 1353 (QB). Queen's Bench Division (QBD). Tipples J. June 02, 2020

A flexible tenancy for a fixed term could not be determined before the expiry of the fixed term for a tenant's breach unless the landlord had the benefit of a forfeiture clause. In the absence of such a clause, the tenancy did not fall within the Housing Act 1985 Pt IV s.82(1)(b) and could not be determined under s.82(1A).

Claim dismissed

### **MENTAL HEALTH. *Social welfare.***

**Autistic spectrum disorder; Autonomy; Consent; Decisions; Mental capacity; Mental impairment; Relationships; Sexual behaviour; Vulnerable adults.**

JB (Capacity: Sexual Relations), Re. [2020] EWCA Civ 735. Court of Appeal (Civil Division) (CA (Civ Div)). Sir Andrew McFarlane PFD; Singh LJ; Baker LJ. June 11, 2020

The court gave guidance about the proper approach to determining whether people with a mental impairment, such as a learning difficulty or an acquired disorder of the brain or mind, had capacity to consent to sexual relations. The question was not to be framed exclusively in terms of their capacity to consent, but their capacity to decide whether to engage in such relations and to assess whether there was ongoing consent by their partner. The court defined what was meant by "information relevant to the decision" in the Mental Capacity Act 2005 s.3(1)(a).

Appeal allowed



## **SOCIAL WELFARE. *Administrative law.***

**Adult social care; Care plans; Community care; Discretionary powers; Local authorities' powers and duties; Needs assessments; Reviews; Urgent treatment.**

R. (on the application of Raja) v Redbridge LBC. [2020] EWHC 1456 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Fordham J. June 05, 2020

The court construed and explained the Care Act 2014 s.19(3) and s.27 when examining a local authority's statutory power to make interim provision to meet care and support needs which appeared to be urgent. The court also made observations about the appropriateness of "rolling judicial review" in situations where there was a continuing statutory function, a continuing request for a particular care provision and a continual refusal of that request. It emphasised the importance of local authorities reviewing, reconsidering and reacting so as to avoid court proceedings where possible.

Application granted

## **LEGISLATION**

### **HEALTH. *Environmental health.***

**Amendments; Contingency planning; Coronavirus; Exemptions; Infectious disease control; Restrictions; Savings provisions; Transitional provisions.**

Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No.3) Regulations 2020. SI 2020/558

These Regulations further amend the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020. They amend reg.4 to permit certain businesses to open for the training of elite athletes. They amend reg.5 to clarify that places of worship and community centres may be used to provide early years childcare. Reg.6 is replaced by a prohibition on staying overnight in a place other than where a person lives, without reasonable excuse. Reg.7 is replaced by more detailed provision on prohibited gatherings, and amendments are made to Sch.2. Consequential amendments are made to reg.8 to reflect the amendments to regs 6 and 7, and transitional and saving provision is made by reg.3 of these Regulations.

In Force: 1 June 2020

Made under Public Health (Control of Disease) Act 1984 s.45C(1)(3)(c)(4)(d), s.45F(2), s.45P  
Legislation amended: Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (SI 2020/350)

### **ROAD TRAFFIC.**

**CCTV; Civil evidence; Local authorities' powers and duties; Parking; Penalty charge notices.**

Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2020. SI 2020/548

These Regulations amend the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 to allow local authorities with civil enforcement powers the additional option of being able to issue a penalty charge notice by post when enforcing parking and loading restrictions in mandatory cycle lanes, by using evidence from an approved camera device.

In Force: 22 June 2020

Made under Traffic Management Act 2004 s.78(1)(2), s.78A(2), s.89(2)(3)(4)(6)

Legislation amended: Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)



### **TRANSPORT. *Environmental health; Health.***

**Contingency planning; Coronavirus; Infectious disease control; Passengers; Personal protective equipment; Public transport.**

Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020. SI 2020/592

These Regulations require members of the public to wear face coverings whilst using public transport (such as buses, trains, the London Underground, trams, aircraft and water taxis) in England to protect against the risks to public health arising from coronavirus, except in certain limited cases.

In Force: 15 June 2020

Made under Public Health (Control of Disease) Act 1984 s.45C(1)(3)(c)(4)(d), s.45F(2), s.45P(2)

## **GOVERNMENT AND REGULATORY DEVELOPMENTS**

### **HEALTH. *Local government.***

**Coronavirus; Local authorities' powers and duties; Testing.**

£300 million additional funding for local authorities to support new test and trace service. By Department of Health and Social Care. 24 May 2020

Local authorities will be central to supporting the new test and trace service in England, with the Government providing a new funding package of £300 million. Each local authority will be given funding to develop tailored outbreak control plans, working with local NHS and other stakeholders. The strategy will focus on identifying and containing potential outbreaks in places such as workplaces, housing complexes, care homes and schools.

Website: [www.gov.uk/government/news/300-million-additional-funding-for-local-authorities-to-support-new-test-and-trace-service#history](https://www.gov.uk/government/news/300-million-additional-funding-for-local-authorities-to-support-new-test-and-trace-service#history) [Accessed at 26 May 2020]

### **LANDLORD AND TENANT.**

**Landlords' duties; Protection from eviction; Tenants.**

Ban on evictions extended by 2 months to further protect renters. By Ministry of Housing, Communities and Local Government. 5 June 2020

Secretary of State for Housing, Communities and Local Government Robert Jenrick has announced that millions of renters across England and Wales will receive greater protection following the decision to suspend new evictions until 23 August 2020. The Government has called for landlords and tenants to work together and exhaust all possible options, such as flexible payment plans which take into account a tenant's individual circumstances, to ensure cases only end up in court as an absolute last resort.

Website: [www.gov.uk/government/news/ban-on-evictions-extended-by-2-months-to-further-protect-renters](https://www.gov.uk/government/news/ban-on-evictions-extended-by-2-months-to-further-protect-renters) [Accessed at 8 June 2020]

### **LOCAL GOVERNMENT.**

**Codes of conduct; Councillors; Local Government Association.**

Local Government Association Model Member Code of Conduct. By Local Government Association. 8 June 2020

A Local Government Association (LGA) Model Member Code of Conduct, part of its work on supporting the sector to continue to aspire to high standards of leadership and performance. The purpose of the code is to assist councillors in modelling the behaviour that is expected of them, to provide a personal check and



balance, and to set out the type of conduct against which appropriate action may be taken, in order to create and maintain public confidence in the role of members and local government.

Website: [www.local.gov.uk/local-government-association-model-member-code-conduct](http://www.local.gov.uk/local-government-association-model-member-code-conduct) [Accessed at 17 June 2020]; [www.local.gov.uk/sites/default/files/documents/LGA%20Model%20Member%20Code%20of%20Conduct.pdf](http://www.local.gov.uk/sites/default/files/documents/LGA%20Model%20Member%20Code%20of%20Conduct.pdf) [Accessed 17 June 2020]

### **SOCIAL WELFARE. *Immigration; Local government; Social security.***

**Coronavirus; Immigration status; Local authorities' powers and duties; Social security benefits; Social welfare.**

Councils call for suspension of No Recourse to Public Funds during COVID-19 crisis. By Local Government Association. 12 June 2020

In light of high numbers of people with No Recourse to Public Funds (NRPF), a condition placed on some individuals as a result of their immigration status, approaching councils for support during the coronavirus (COVID-19) pandemic, the Local Government Association (LGA) suggests that a suspension of the NRPF condition would enable people to access welfare benefits, which could prevent them from becoming homeless. The LGA has also expressed a desire to work with government and the current review led by Dame Louise Casey to provide greater clarity and funding for councils' responsibilities for all those who are destitute and homeless because of their migration status.

Website: [www.local.gov.uk/councils-call-suspension-no-recourse-public-funds-during-covid-19-crisis](http://www.local.gov.uk/councils-call-suspension-no-recourse-public-funds-during-covid-19-crisis) [Accessed at 12 June 2020]; [www.theguardian.com/uk-news/2020/jun/12/councils-ask-for-uk-to-lift-bars-on-emergency-help-for-migrants](http://www.theguardian.com/uk-news/2020/jun/12/councils-ask-for-uk-to-lift-bars-on-emergency-help-for-migrants) [Accessed 12 June 2020]

## **NEWS RELEASES**

### **CONTRACTS. *Education; Landlord and tenant; Local government.***

**Commercial contracts; Isle of Wight; Local authorities' powers and duties; Prefabricated buildings; Rent; Secondary schools; Void contracts.**

School avoids £7m rent demand after hire contract deemed void. *Times*, 2 June 2020, 19. By Jonathan Ames; Rosemary Bennett.

In a ruling that lawyers predict could have wide ramifications in the sector and beyond, Christ the King College on the Isle of Wight, a state secondary school, has avoided a £7 million rent bill for dozens of prefabricated buildings that had been hired from a company specialising in the construction of modular buildings. Foxton J at the High Court ruled that the school and the local authority had failed to comply with a statutory obligation for financed deals to be approved by the Education Secretary and that as a result, the rent demand was invalid.

### **LOCAL GOVERNMENT.**

**Demonstrations; Local authorities' powers and duties; Monuments; Race discrimination; Slavery.**

Local authorities could remove dozens of statues over slavery links. *Times*, 10 June 2020, 1,2,6. By Steven Swinford; Mark Bridge; John Simpson; Francis Elliott. Also Reported in Independent, 10 June 2020 (Online edition); Guardian, 10 June 2020, 10; Daily Telegraph, 10 June 2020, 1,8

Dozens of statues of slave traders face being removed after local authorities across the UK announced that they were to review their monuments in the light of the Black Lives Matter demonstrations. Supporters of the protests have drawn up a list of about 60 memorials associated with slavery or colonialism.