



YOUR MONTHLY E-BULLETIN

Issue 82; August 2020

LATEST CONSORTIUM NEWS

Launch of your new Consortium Quarterly

I hope you saw the launch edition of your new Consortium quarterly magazine which was published last month. We've had some really positive feedback from you about not only the content but the modern look and feel of the publication.

If you missed it check out the home page of the website to get a look, or follow this link nwlegalconsortium.com/2020/07/29/nwlc-consortium-quarterly-summer-edition-2020

If you have any comments or feedback please let us know by email to Beryl Heath, Consortium Development Manager on bh_nwlconsortium@btinternet.com

Lets Hear About It

The next, Autumn, edition is already being planned and we would invite you, our readers, to contribute any articles, features or updates that you think are worthy of publication to your colleagues. As far as format goes anything from an article explaining an important case ruling and your part in it or a personal blog or anything in between might hit the spot.

Articles should be a minimum of 150 words and a maximum of 500 words. (Supporting pictures of authors would be preferred)

Please forward any contributions to Beryl Heath as soon as possible.

Summer Webinar Programme – now launched

Webinars are free to attend to staff from member organisations including client department staff of course.

To attend you need to register in advance using the individual link provided for each webinar. Registration links are published in the secure area of the website – courses pages.

-see the full summer programme below

Course title	Firm Course Organiser	Mode of delivery	Date of course	Time of course		Seminar Content	Speakers
Inquests - Law & Practice	Bevan Brittan	Webinar - 45 mins +15 questions	19-Aug-20	10am	11am	This webinar will provide attendees with an: <ul style="list-style-type: none">• update on recent cases• overview of the Chief Coroner's Guidance, including looking at the role of PPE and possible exposure in the workplace• giving evidence at inquests during the Pandemic	Simon Lindsay



Course title	Firm Course Organiser	Mode of delivery	Date of course	Time of course		Seminar Content	Speakers
Highways - what are they?	DAC Beachcroft	Webinar - 45 mins +15 questions	26-Aug-20	9.30am	10.30am	This webinar will provide attendees with an overview on: <ul style="list-style-type: none"> • What is a highway • S38 and S278 Agreements (and interaction with s106) • Highways Adoption, extent and responsibilities (including culverts) • Advanced Payment Codes 	Karen Howe
GDPR & Information law	DAC Beachcroft	Webinar - 45 mins +15 questions	02-Sep-20	2.30pm	3.30pm	This webinar will provide you with an overview of the latest GDPR and Freedom of Information requirements	Abigail Sneller & Sophie Devlin
Delivering regeneration projects	Weightmans	Webinar - 45 mins +15 questions	15-Sep-20	10am	11am	This presentation will cover the practical issues involved in successfully delivering major regeneration projects. This will include:- <ul style="list-style-type: none"> • Scoping the approach around what the parties wish to achieve and tailoring delivery mechanisms. • Planning issues including land value capture. • Land assembly issues including the use of appropriation/overriding third party interests and compulsory purchase. • Managing construction risk 	Clive Bleasdale
Key issues in construction contracts	DAC Beachcroft	Webinar - 45 mins +15 questions	16-Sep-20	10am	11am	This webinar will provide attendees with an overview on: <ul style="list-style-type: none"> • Extensions of time • Practical Completion • Defects Liability • Retention 	Rachel Gibson & Chris Durnien
Special Educational Needs & Disabilities	Bevan Brittan	Webinar - 45 mins +15 questions	17-Sep-20	10.30am	11.30am	This webinar will provide attendees with an update on Special Educational Needs and Disabilities (SEND) and the practicalities	Deborah Jeremiah
Managing complex procurements	Weightmans	Webinar - 45 mins +15 questions	28-Sep	11am	12pm	In this session we will look at planning and delivering a complex procurement using the scenario of a complete outsourcing of all hard and soft FM by a public body across three sites. We will consider: <ul style="list-style-type: none"> • Use of the Competitive Dialogue procedure • Dialoguing the NEC4 form of contract • TUPE transfers 	Martin Vincent, Richard Vaughan, Claire Hollins
Practice management	Geldards	Webinar - 45 mins +15 questions	September	tbc	tbc		Benedict Fisher at the SRA (tbc)



Annual Training Event 2020 – Cancelled

Annual Training Event 2021 – 5th October 2021

As you'll recall your Management Board took the decision to cancel this year's event at Aintree.

But we'll be back with our event next year – we have booked Aintree Racecourse for Tuesday 5th October 2021 and bookings are now open on the website.

Looking After Ourselves

Lawcare is the Charity supporting and promoting mental health and wellbeing in the legal community. Their resources are available to everyone studying law or working in the legal profession.

For more information visit fitforlaw.org.uk

If you need emotional support call LawCare on 0800 279 6888 or visit lawcare.org.uk to access webchat, email support and other resources.

This month, Lawcare have some new resources - a new **podcast** series The Legal Mind has launched, the first two are on sleep and digital wellbeing, have a listen and please share. They will be releasing a new podcast each month. They have also launched **sleep tips** and **time management tips**.

They are also continuing to add new resources to their Covid hub, including a **webinar** former Chair Brownen Still took part in about mental health and regulation. All Lawcare's open access webinars are listed on their **events page**

In addition, Lawcare are currently recruiting for 4 new Trustees, to take up their roles in January 2021. The information about how to apply is here **trustee recruitment**

Are you interested in this role or do you know anyone who might be?

Lawcare can be contacted through Ann Charlton Co-ordinator (England and Wales)

01952 730728 or lawcare.org.uk

FREE Consortium Annual Training Programme 2020/21

Just as soon as your Summer Webinar Programme finishes we will be starting on our usual Annual Training Programme.

In webinar form, at least for the rest of 2020, our Partner Firms are putting this programme together for us now based upon your requested topics.

More news on this coming soon.

Reminders

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.

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

User Profile on the Consortium Website – is your profile up to date?

Did you know that you can tailor your profile as a registered user on the Consortium website?

By using the user profile skill areas you can use the website Directory to search for colleagues with similar profiles to offer help and assistance, or maybe to ask for it!

Why not log into the website and take a look and create or update your profile today?

A new skill area has just been added – ‘Trainee/NQ’, if you fall into this category why not make it known?

New Roles up for grabs

We publish a range of vacancies on the website jobs page at nwlegalconsortium.com/jobs

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

On 19th May 1999, the North West Air Ambulance Charity (NWAA) took its maiden flight from Blackpool Airport. Since then, the charity has completed over 22,000 missions, making a difference to thousands of lives across the region.

In 21 years, the service has grown from one helicopter to three, launched four rapid response vehicles and opened a second airbase in Barton. All along it has been supported by the generosity of donors, fundraisers and volunteers across the North West.

On call 365 days a year, the NWAA crew work tirelessly to bring the hospital to the patient. The service is entirely charity-run, depending on public and corporate support to complete its lifesaving missions, as it does not receive government funding.

David Higgs, 59, Blackpool, is one patient who credits NWAA with saving his life. In September 2019, he was involved in a horrific motorbike collision, leaving him with 14 shattered bones. NWAA paramedics attended the scene, providing vital pre-hospital care which gave David the best possible chance of surviving before receiving further treatment at Royal Preston Hospital.

"I wouldn't be here without the air ambulance, it's as simple as that. I had a broken pelvis, jaw, hip, skull, arm, a dislocated shoulder – I was in a really bad way. If the paramedics at the air ambulance hadn't treated me when they did, I'm not sure how I would have ended up."

"Before my accident, I took it for granted that the air ambulance was government funded and so I was absolutely astounded to learn it's a charity. It's such an important organisation, they are lifesavers after all. I really encourage everyone to dig deep and support any way they can."

One young supporter wishing the charity a happy birthday is 9-year-old Elizabeth, Warrington, who has single-handedly raised over £400 by taking part in a 21-hour sponsored silence. Elizabeth was inspired to fundraise after seeing the air ambulance's paramedics on BBC One's Ambulance: "It was hard not to talk for so long, but it was worth it to raise money for the air ambulance charity. I wanted to say thank you for its work, because its paramedics are my heroes! I want to be a paramedic when I grow up now, and help people just like they do."

Heather Arrowsmith, North West Air Ambulance Charity CEO, celebrated Elizabeth and all those who have made 21 years of service possible: "I want to say a heartfelt thank you to everyone who has supported our charity over the years. In this time our charity has made a truly lifesaving difference to our community, thanks to the hard work of our crew, our team at HQ and volunteers, and the incredible generosity of our fundraisers and donors. Supporters like little Elizabeth make all the difference to our work. It takes over £9.5 million a year to remain operational, and we simply wouldn't be here without this support.

"Our charity's mission is to improve outcomes for patients all across the North West, whether someone needs a blood transfusion by the side of the M6, has gotten into difficulties up in the Lakes or has suffered a heart attack at home. By swiftly bringing the hospital directly to the patient, our crew can make the difference between life and death. Patients like David really drive this home – and we're so grateful to all those who have allowed us to carry out this work since 1999."

To celebrate its 21st birthday and raise urgent funds, the service is calling on people to take on a new challenge: Go21! Challengers can choose any activity to help raise funds and awareness – whether that's completing 21 laps of the garden or running 21 miles over 21 days...

To receive your free Go21! fundraising pack or download a special kid's activity pack, head to nwaa.net/21bday, or contact fundraising@nwaa.net.



NWLC MONTHLY LEGAL UPDATER

POWERED BY THOMSON REUTERS AND PRACTICAL LAW

01/08/20

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

CIVIL PROCEDURE. *Landlord and tenant.*

Automatic stay; Coronavirus; Counterclaims; Possession; Possession claims; Stay of proceedings.

TFS Stores Ltd v Designer Retail Outlet Centres (Mansfield) General Partner Ltd. [2020] EWCA Civ 833. Court of Appeal (Civil Division) (CA (Civ Div)). Sir Geoffrey Vos C; Asplin LJ; Arnold LJ. July 02, 2020

The automatic stay imposed on possession proceedings by CPR PD 51Z due to COVID-19 applied to two appeals. Although the claims had originally been for declarations and were brought under Pt.7, they became "proceedings for possession brought under Pt.55" within the meaning of PD 51Z by virtue of a counterclaim for possession in the first action, and by an agreement that there should be an order for possession in the second action.

Appeals stayed

LANDLORD AND TENANT.

Notices seeking possession; Private landlords; Residential tenancies; Validity; Wales.

Jarvis v Evans. [2020] EWCA Civ 854. Court of Appeal (Civil Division) (CA (Civ Div)). Hickinbottom LJ; Newey LJ; Baker LJ. July 07, 2020

Under the Housing (Wales) Act 2014 s.7(2) unlicensed landlords of domestic tenancies were not permitted to carry out property management services, including "serving notice to terminate a tenancy". That phrase extended to service of a notice under the Housing Act 1988 s.8. A section 8 notice served by an unlicensed landlord in breach of the 2014 Act was invalid.

Appeal dismissed

MENTAL HEALTH. *Health.*

Alcohol abuse; Deprivation of liberty; Mental capacity; Presumptions; Residential accommodation.

Tower Hamlets LBC v PB. [2020] EWCOP 34. Court of Protection (CP). Hayden J. July 03, 2020

The Court of Protection assessed the capacity of a patient who was dependent on alcohol and concluded that his desire to continue to drink, while unwise, did not mean that he lacked capacity to decide where he lived and what type of care he received. The court re-stated the principles to be applied to assessments of capacity and emphasised that the desire to protect vulnerable people from poor decisions should not eclipse their autonomy.

Judgment accordingly



LEGISLATION

ECONOMICS. *Food; Licensing; Planning; Road traffic.*

Contingency planning; Coronavirus; Economic recovery; Pavement cafe licences; Planning control; Premises licences; Vehicle licences; Vehicle tests.

Business and Planning Bill 2019-21 (HC Bill 148).

A Bill to make provision relating to the promotion of economic recovery and growth.

Website: services.parliament.uk/Bills/2019-21/businessandplanning/documents.html [Accessed at 26 June 2020]

Hansard: HC Vol 677 col 1486 (1st Reading), Vol 678 col 51 (2nd Reading, Committee Stage, Report Stage, 3rd Reading); HL Vol 804 col 696 (1st Reading), col 900 (2nd Reading), col 1415 (Committee Stage)
Commons 1st Reading: 25/6/2020 | HC Vol 677 col 1486; 2nd Reading: 29/6/2020 | HC Vol 678 col 51; Committee Stage: 29/6/2020 | HC Vol 678 col 51; Report Stage: 29/6/2020 | HC Vol 678 col 51; 3rd Reading: 29/6/2020 | HC Vol 678 col 51 Bill passed; Lords 1st Reading: 30/6/2020 | HL Vol 804 col 696; 2nd Reading: 6/7/2020 | HL Vol 804 col 900; Committee Stage: 13/7/2020 (1st Day) | HL Vol 804 col 1415; Report Stage: 20/7/2020 provisional; 3rd Reading: 20/7/2020 provisional

HOUSING.

Disabled facilities grants.

Disabled Facilities Grants (Review) Bill 2019-21 (HC Bill 163).

A Bill to require the Secretary of State to review the Disabled Facilities Grants system; and for connected purposes;

Hansard: HC Vol 678 col 1416 (1st Reading)

Commons 1st Reading: 14/7/2020 | HC Vol 678 col 1416; 2nd Reading: 27/11/2020 provisional

HEALTH. *Environmental health; Hospitality and leisure; Media and entertainment.*

Contingency planning; Coronavirus; Infectious disease control; Local authorities' powers and duties; Ministers' powers and duties; Open spaces; Public entertainments; Restrictions.

Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020. SI 2020/750

These Regulations make provision for a local authority to give directions relating to premises, events and public outdoor places in its area. A direction may only be given if the local authority considers that the public health, necessity and proportionality conditions set out in reg.2 are met. The local authority must review a direction given under these Regulations at least once every seven days. The Regulations also give the Secretary of State power to direct the local authority to give a direction under these Regulations, or to revoke (with or without replacement) a direction given by the local authority under these Regulations.

In Force: 18 July 2020



HOUSING.

Derivative rights; Entitlement; Foreign nationals; Homelessness; Housing allocation; Northern Ireland; Right to reside.

Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2020. SI 2020/667

These Regulations amend the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006.

In Force: 24 August 2020

GOVERNMENT AND REGULATORY DEVELOPMENTS

HEALTH. *Social welfare.*

Adult social care; Care homes; Coronavirus; Dementia; Social care workers; Testing.

Regular retesting rolled out for care home staff and residents. By Department of Health and Social Care. 3 July 2020

Staff and residents in care homes for over 65s and those with dementia will receive regular coronavirus tests from the week beginning 6 July 2020 as part of a new social care testing strategy. Staff will be tested for coronavirus weekly, while residents will receive a test every 28 days to prevent the spread of coronavirus in social care. This is in addition to intensive testing in any care home facing an outbreak, or at increased risk of an outbreak.

Website: [gov.uk/government/news/regular-retesting-rolled-out-for-care-home-staff-and-residents](https://www.gov.uk/government/news/regular-retesting-rolled-out-for-care-home-staff-and-residents) [Accessed at 3 July 2020]

LOCAL GOVERNMENT. *Health.*

Coronavirus; Economic recovery; Government grants; Local authorities; Local government finance.

Government confirms allocations of £500 million additional funding for councils. By Ministry of Housing, Communities and Local Government. 16 July 2020

The Ministry of Housing, Communities and Local Government has confirmed additional funding allocations for individual councils in England to help deliver essential services for residents during the coronavirus (COVID-19) pandemic. The extra £500 million, which will help to cover councils' lost income during the pandemic and boost cash flow, will be distributed to councils based on population and levels of deprivation.

Website: [gov.uk/government/news/government-confirms-allocations-of-500-million-additional-funding-for-councils](https://www.gov.uk/government/news/government-confirms-allocations-of-500-million-additional-funding-for-councils) [Accessed at 16 July 2020]

LOCAL GOVERNMENT. *Health.*

Coronavirus; Funding; Local authorities; Local government finance; Non-domestic rates; Sustainability.

Comprehensive new funding package for councils to help address coronavirus pressures and cover lost income during the pandemic. By Ministry of Housing, Communities and Local Government. 2 July 2020

As part of a comprehensive plan to ensure councils' financial sustainability for the future, Secretary of State for Housing, Communities and Local Government Robert Jenrick has announced the launch of a major new support package to help councils respond to the coronavirus (COVID-19) pandemic. It will reimburse councils for lost income and allow council and business rates tax deficits to be repaid over three years instead of one.

Website: [gov.uk/government/news/comprehensive-new-funding-package-for-councils-to-help-address-coronavirus-pressure-and-cover-lost-income-during-the-pandemic](https://www.gov.uk/government/news/comprehensive-new-funding-package-for-councils-to-help-address-coronavirus-pressure-and-cover-lost-income-during-the-pandemic) [Accessed at 2 July 2020]; [parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2020-07-02/HCWS333/](https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2020-07-02/HCWS333/) [Accessed 3 July 2020]



NEWS RELEASES

EDUCATION. *Family law.*

Judicial review; National Curriculum; Opting out; Parental rights; Religion or belief.

Relationship classes face judicial review as parents call for opt-out. *Sunday Telegraph*, 19 July 2020, 12.
By Phoebe Southworth.

The Government's decision to ban parents from withdrawing children from "relationships education" lessons from September 2020 faces a judicial review, following concerns raised by campaign group Let Kids be Kids, which wants these classes to be made optional to avoid children being exposed to ideas which may not correlate with the "religious and philosophical convictions" of their family.

Organisations Referred: Let Kids be Kids

LANDLORD AND TENANT. *Housing; Human rights.*

Disability discrimination; Housing benefit; Indirect discrimination; Lettings agencies; Private sector tenancies; Sex discrimination.

"No DSS" ruled unlawful. *Guardian*, 14 July 2020 (Online edition). By Patrick Butler. Also Reported in Daily Telegraph, 14 July 2020 (Online edition)

In the first "No DSS" discrimination case to be heard by a UK court, Judge Victoria Elizabeth Mark has ruled at York County Court that "rejecting tenancy applications because the applicant is in receipt of housing benefit was unlawfully indirectly discriminatory on the grounds of sex and disability, contrary to the Equality Act 2010". Although the ruling, made in a virtual hearing on 1 July 2020, does not set a legal precedent, Rose Arnall, the Shelter solicitor who fought the case, said it "finally clarifies that discriminating against people in need of housing benefits is not just morally wrong, it is against the law".

Website: theguardian.com/society/2020/jul/14/no-dss-ruled-unlawful-after-mother-rejected-by-lettings-agency [Accessed at 14 July 2020]; localgovernmentlawyer.co.uk/housing-law/397-housing-news/44294-court-finds-it-unlawful-for-landlords-to-operate-no-dss-policy [Accessed 14 July 2020]

Legislation referred: Equality Act 2010 s.19, s.29