



YOUR MONTHLY E-BULLETIN

Issue 85; November 2020

LATEST CONSORTIUM NEWS

Exciting news: NWLC Sponsorship Support for Diploma in Local Government Law and Practice 2021/22

The Management Board have recently approved the offer of support to provide sponsorship to two people from member organisations towards the costs of undertaking the LG Diploma in 2021/22.

Watch out for more details on this coming soon.

Annual Training Programme 2020/21

Your FREE training programme is now underway with live webinars provided over zoom or webex on line.

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

The Annual Training Programme offer is available in the Consortium Quarterly, Autumn edition (available on the website home page) and is now published to the website.

How do you access a live Webinar?

To attend a live webinar, 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.

How do you access a recorded Webinar?

Each live webinar is recorded.

Following each webinar the recorded session will be available to view – by accessing the recording link found in the secure area of the website.

You therefore need to log in to the website to access the relevant link which can be found by clicking on the Publications tab - podcasts/webinars.

Summer Webinar Programme- did you catch it?

Many of you enjoyed sessions provided as part of our Summer Webinar Programme with record numbers 'attending' live sessions on line.

All of those webinars were recorded and are available to view to those who missed out or want to listen again.

To access the link to a recorded session you need to log into the website secure area – Publications tab and go to Webinars/Podcasts.

We will post links to all the full Training Programme webinar recordings after each live event has taken place as well so you won't miss out on any of the webinars.



Coming soon - Consortium Quarterly winter edition, January 2021

In this edition we will again have topical articles and top tips from our Partner Firms as well as pieces from some of our member organisations.

We will also be publishing the final list of training coming up in the Annual Training Programme from March 2021 onwards.

Could you contribute some relevant content?

Perhaps you or a colleague have an update, a blog, achievement, a case you've recently been involved in which might be of wider interest or, maybe a change in working practices etc.

As a guideline, articles should be a minimum of 150 words and a maximum of 500 words. Supporting pictures of authors would be preferred.....

Please contact Beryl Heath at bh_nwlconsortium@btinternet.com if you have something to share.

REMINDERS

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!

We have added a new skill/profile option – Trainee/NQ

Please do update your profile if you fall into this category.

Its very easy to do and might be really helpful in terms of keeping in touch and gaining or providing that really important support from colleagues in a similar position to yourself.

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

New Roles up for grabs

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



NWLC MONTHLY LEGAL UPDATER

POWERED BY THOMSON REUTERS AND PRACTICAL LAW

01/11/20

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

HOUSING. Charities; Local government; Human rights; European Union.

Charitable purposes; EU law; Housing allocation; Housing associations; Housing policy; Judaism; Local housing authorities' powers and duties; Proportionality; Public sector equality duty; Race discrimination; Religious discrimination.

R. (on the application of Z) v Hackney LBC. [2020] UKSC 40. Supreme Court (SC). Lord Reed PSC; Lord Kerr JSC; Lady Arden JSC; Lord Kitchin JSC; Lord Sales JSC. October 16, 2020

A charitable housing association's allocation policy, which effectively meant that it allocated housing only to applicants from the Orthodox Jewish community, was a legitimate and proportionate means of meeting the housing needs of members of that community. It was therefore not unlawfully discriminatory.

Appeal dismissed

MENTAL HEALTH. Local government.

Deprivation of liberty; Interim declarations; Mental capacity; Right to liberty and security; Standard authorisations.

DP v Hillingdon LBC. [2020] EWCOP 45. Court of Protection (CP). Hayden J. September 28, 2020

The Court of Protection issued guidance on the making of interim orders under the Mental Capacity Act 2005 s.48 where there was reason to believe that a protected person lacked capacity. It highlighted the difference between the court's jurisdiction in relation to s.48 orders and its function in relation to applications under s.21A, where its role was limited to reviewing standard authorisations for the deprivation of liberty that were already in force.

Permission to appeal granted, appeal allowed

CIVIL PROCEDURE. Local government.

Change of circumstances; Claim forms; Duty to the court; Gypsies; Interim injunctions; Local authorities' powers and duties; Prohibitory injunctions; Service by alternative permitted method; Travellers; Unknown persons; Unlicensed disposal of waste; Variation.

Enfield LBC v Persons Unknown. 2020 WL 05880520. Queen's Bench Division (Administrative Court) (QBD (Admin)). Nicklin J. October 02, 2020

The court declined to give a local authority retrospective permission to serve by alternative methods a claim form on which it had relied to obtain a three-year injunction to prevent persons unknown from setting up encampments or fly-tipping on public open spaces in its borough. There was a duty to refer an injunction to the court for reconsideration where parties were aware of a material change in circumstances and there was a real prospect of the court amending or discharging it. The Attorney General was invited to appoint an



Amicus to make submissions at the hearing of the local authority's application for a new interim injunction on the effect of *Canada Goose UK Retail Ltd v Persons Unknown* [2020] EWCA Civ 303, [2020] 1 W.L.R. 2802, [2020] 3 WLUK 70, [2020] 8 C.L. 42 on injunctions against persons unknown.

Application refused, Part 8 claim adjourned

LEGISLATION

LOCAL GOVERNMENT. *Electoral process.*

Local elections; Local government; Wales.

Local Government and Elections (Wales) Bill 2019.

A Bill for an Act of the National Assembly for Wales to make provision about local government; local government finance; local government elections; electoral registration and electoral administration; and for connected purposes.

Website: www.senedd.assembly.wales/mgIssueHistoryHome.aspx?Ild=26688 [Accessed at 21 November 2019]

Introduced: 18/11/2019; Welsh Stage 1, Consideration: Equality, Local Government and Communities Committee consideration 21/11/2019, 27/11/2019, 11/12/2019, 9/1/2020, 15/1/2020, 20/1/2020, 23/1/2020. Legislation, Justice Constitution Committee 3/2/2020. Report 13/3/2020; Stage 1, Debate: 8/4/2020; Stage 2: 9/4/2020. Equality, Local Government and Communities Committee consideration 16/7/2020. Notice of amendments 7/9/2020, 22/9/2020, 24/9/2020. Committee Consideration 2/10/2020; Stage 3: 12/10/2020

HEALTH. *Environmental health; Local government.*

Amendments; Contingency planning; Coronavirus; Enforcement; Infectious disease control; Local authorities' powers and duties; Restrictions; Wales.

Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) (Amendment) Regulations 2020. SI 2020/1100 (W. 250)

These Regulations amend the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020. The Regulations: expand the power conferred on local authorities to issue public place directions such that a direction may prohibit specified activities in a public place as well as restrict access to it; make minor and consequential amendments.

Website: www.legislation.gov.uk/wsi/2020/1100/pdfs/wsi_20201100_en.pdf [Accessed at 12 October 2020]

In Force: 12 October 2020

HEALTH. *Environmental health.*

Contingency planning; Coronavirus; Infectious disease control; Quarantine; Restrictions.

Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020. SI 2020/1045

These Regulations make provision for the purpose of enabling public health measures to be taken to reduce the public health risks posed by the spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), which causes the disease Covid-19, including self-isolation requirements in relation to persons who have tested positive for coronavirus and their contacts.



Website: www.legislation.gov.uk/ukxi/2020/1045/pdfs/ukxi_20201045_en.pdf [Accessed at 28 September 2020]

In Force: 28 September 2020

GOV AND REGULATORY DEVELOPMENTS

HEALTH. *Social welfare.*

Funding; Health care; Inquiries; Social care.

Health and Social Care Committee to publish report on Social Care: Funding and Workforce. By House of Commons Health and Social Care Committee. 19 October 2020

Following its inquiry into the reforms needed to the system of funding social care and the level of extra funding required from government in order to relieve pressures on the NHS and on people who need social care, the Health and Social Care Committee will publish its report on "Social Care: Funding and Workforce" at 00.01 on 22 October 2020.

PUBLIC PROCUREMENT. *International law; International trade.*

Brexit; Global procurement; Public contracts; World Trade Organization.

Government secures access for British business to £1.3 trillion of global procurement contracts. By Department for International Trade. 7 October 2020

The Department for International Trade has announced that UK businesses will be able to continue bidding for public sector contracts around the world worth over £1.3 trillion a year, following engagement with World Trade Organization members. The Government Procurement Agreement (GPA) Committee confirmed the UK can join the GPA as an independent nation from 1 January 2021. Following the announcement, the Government published the guidance "Bidding for overseas procurement opportunities: what to expect from 1 January 2021" as part of its transition period collection.

Website: www.gov.uk/government/news/government-secures-access-for-british-business-to-13-trillion-of-global-procurement-contracts [Accessed at 7 October 2020]; www.gov.uk/guidance/bidding-for-overseas-contracts-what-to-expect-if-theres-a-no-deal-brexit [Accessed 7 October 2020]; www.gov.uk/government/speeches/uk-statement-to-the-wto-committee-on-government-procurement [Accessed 7 October 2020]

EDUCATION. *Legislation; Social welfare.*

Child poverty; Free school meals; Ten minute rule Bills.

Lifting children out of poverty and eliminating child hunger is a moral imperative. By Children's Commissioner. 13 October 2020

MPs from across the political divide will support a Ten Minute Rule Bill introduced by the Emma Lewell Buck on 13 October 2020. The School Breakfast Bill 2019-21 seeks to provide schools in disadvantaged areas with the support required to give a free, healthy school breakfast to children. The Bill though is unlikely to become law because it doesn't have the backing of the Government.

Website: www.childrenscommissioner.gov.uk/2020/10/13/lifting-children-out-of-poverty-and-eliminating-child-hunger-is-a-moral-imperative [Accessed at 14 October 2020]

Legislation referred: School Breakfast Bill 2019-21 (HC Bill 194)



NEWS RELEASES

LANDLORD AND TENANT. *Criminal law.*

Coronavirus; Landlords' duties; Rent arrears; Tenants' rights; Unlawful eviction.

Housing experts warn that illegal evictions have risen by 50% since the COVID-19 pandemic began. *Independent*, 22 September 2020 (Online edition). By Ben Chapman.

Housing experts have warned that illegal evictions have risen by 50% in some areas since the coronavirus pandemic began. Solicitor Giles Peaker has accused the Government of failing to confront the growing problem of rent arrears and asserts that courts should be given further discretion to decide whether a landlord can take possession of a home from a tenant who is in arrears.

Website: www.independent.co.uk/business/illegal- eviction- coronavirus- pandemic- housing- tenants- b487020.html [Accessed at 22 September 2020]

REAL PROPERTY. *Administrative law.*

Disabled persons; Evacuation; Fire precautions; High rise buildings; Public inquiries.

Family sues for Grenfell law on disabled evacuation. *Times*, 5 October 2020, 18. By Robert Booth.

The family of Sakina Afrasehabi, a disabled woman who died trapped in Grenfell Tower, is suing the Government to force high rise owners to create evacuation plans for every disabled resident, a recommendation of the Grenfell inquiry. The Government's proposes that personal plans should only apply for people in buildings considered at immediate risk of fire. The legal challenge is the latest sign of frustration at the official response to the disaster which claimed 72 lives.