



# YOUR MONTHLY E-BULLETIN

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**Issue 86; December 2020/January 2021**

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## LATEST CONSORTIUM NEWS

### **NWLC Sponsorship Support for Diploma in Local Government Law and Practice 2021/22**

The Management Board has now published the detail around its offer of support to provide sponsorship to two people from member organisations towards the costs of undertaking the LG Diploma in 2021/22.

**If you are interested an Information Pack can be requested from Beryl Heath at [bh\\_nwlconsortium@btinternet.com](mailto:bh_nwlconsortium@btinternet.com)**

### **Introducing our new Precedent Service**

In January we are launching our NWLC Precedent Service on the Consortium website.

Our Partner firms will be contributing a range of precedents which will be available to download for free to staff from member organisations.

The precedents will be tailored for the use of member organisations and their work areas.

We also plan to develop the service to include a request service.

We'll be updating you on progress with this new service in future editions.

### **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 now published to the website and a further update to the programme will be published in the next edition of Consortium Quarterly in January.

### **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.



### **Coming soon - Consortium Quarterly Winter edition, January 2021**

In this edition we are launching our Consortium Offer which for the very first time brings together and highlights the FREE Added Value offers available to member organisations from our Partner Firms.

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.

Don't miss it!

## **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](http://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](mailto: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](http://nwaa.net)

### The NWAA Virtual Bucket Collection

It's essentially a way for people to donate online to North West Air Ambulance Charity to make up for the charity not having been able to go out and run bucket collections this year.

Usually they would have been at shopping centres, football and rugby matches, city centres, festivals and other events throughout the year – especially over Christmas – with their loyal band of volunteers holding buckets and accepting donations from the public.

So instead they have created the virtual bucket collection at [www.justgiving.com/fundraising/north-west-air-ambulance-virtual-bucket-collection](http://www.justgiving.com/fundraising/north-west-air-ambulance-virtual-bucket-collection) to allow people to donate since they won't have seen them out in public this year.



# NWLC MONTHLY LEGAL UPDATER

POWERED BY THOMSON REUTERS AND PRACTICAL LAW

01/01/21

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

### **ADMINISTRATION OF JUSTICE. *Civil procedure; Mental health; Local government.***

**Clinical commissioning groups; Costs; Court of Protection; Injunctions; Jurisdiction; Learning disabled persons; Local authorities; Persons lacking capacity; Totally without merit applications; Unreasonable conduct.**

JB (Costs), Re. [2020] EWCOP 49. Court of Protection (CP). Keehan J. October 02, 2020

A local authority was ordered to pay the costs occasioned by its application for an injunction to compel a specialist residential unit to keep a patient who lacked capacity accommodated there. It was clear from N (An Adult) (Court of Protection: Jurisdiction), Re [2017] UKSC 22, [2017] A.C. 549, [2017] 3 WLUK 546, [2017] C.L.Y. 1536 that the Court of Protection's power was limited to making decisions on a patient's behalf that they could make if they had capacity and did not extend to the injunction sought. The local authority's pursuit of a totally without merit application amounted to unreasonable conduct that justified a departure from the Court of Protection's general rule of no order for costs.

Costs determined

### **CIVIL PROCEDURE. *Local government.***

**Anti-social behaviour; Injunctions; Local authorities' powers and duties; Public spaces protection orders; Unknown persons.**

Sharif v Birmingham City Council. [2020] EWCA Civ 1488. Court of Appeal (Civil Division) (CA (Civ Div)). Sir Terence Etherton MR; Bean LJ; Holroyde LJ. November 10, 2020

A local authority had been entitled to an injunction pursuant to the Local Government Act 1972 s.222 prohibiting street cruising in its area. The local authority was not obliged to make a public spaces protection order instead.

Appeal dismissed

### **LANDLORD AND TENANT. *Succession; Civil procedure.***

**Certainty; Date of termination; Death; Notices to quit; Periodic tenancies; Personal representatives; Public Trustee; Service; Validity.**

Gateway Housing Association v Ali (Deceased). [2020] EWCA Civ 1339. Court of Appeal (Civil Division) (CA (Civ Div)). Sir Terence Etherton MR; Lewison LJ; Carr LJ. October 22, 2020

The court interpreted the Law of Property (Miscellaneous Provisions) Act 1994 s.18, which set out a procedure for terminating a periodic tenancy following the death of a tenant and before probate or letters of administration had been granted. The operative document for determining a tenancy was the original



notice to quit served under s.18(1)(a), not the copy sent to the Public Trustee under s.18(1)(b). The expiry date of the notice to quit was calculated by reference to the original notice, and, provided that a copy was served on the Public Trustee before the date on which the original expired, the original was valid to determine the tenancy.

Appeal allowed

## LEGISLATION

### 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/mglssueHistoryHome.aspx?lId=26688](http://www.senedd.assembly.wales/mglssueHistoryHome.aspx?lId=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, 10/11/2020; Stage 4: 18/11/2020 provisional

### EDUCATION. *Local government.*

**Contingency planning; Coronavirus; Extensions of time; Local authorities' powers and duties; Reports; Reviews; School performance; Strategic planning; Wales; Welsh language.**

Welsh in Education Strategic Plans (Wales) (Amendment) (Coronavirus) Regulations 2020. SI 2020/1194 (W. 271)

These Regulations make amendments to the Welsh in Education Strategic Plans (Wales) Regulations 2019 so that the requirement on local authorities in Wales to submit their first ten year plan by 31 January 2021 is amended to 31 January 2022. As a result of these Regulations, that first 10 year plan will have effect on 1 September 2022 until 31 August 2032 (instead of 1 September 2021 until 31 August 2031). These Regulations also amend the requirement to submit the first review report no later than 31 July 2022 so that the first review report is to be submitted no later than 31 July 2023.

Website: [www.legislation.gov.uk/wsi/2020/1194/pdfs/wsi\\_20201194\\_mi.pdf](http://www.legislation.gov.uk/wsi/2020/1194/pdfs/wsi_20201194_mi.pdf) [Accessed at 4 November 2020]

In Force: 1 December 2020

## GOVERNMENT AND REGULATORY DEVELOPMENTS

### HEALTH. *Employment; Information technology; Mental health.*

**Coronavirus; Digital technology; Inquiries; Mental health; Remote working.**

Living online: the long-term impact on wellbeing: Inquiry - Call for Evidence. By House of Lords COVID-19 Committee. 5 November 2020

The House of Lords COVID-19 Committee seeks views to inform its initial inquiry into looking at the long-term impact on wellbeing of an increasing reliance on digital technology which has been accelerated by the coronavirus (COVID-19) pandemic. Written contributions by 11 December 2020.



Website: [committees.parliament.uk/committee/460/covid19-committee/news/120534/committee-to-kickoff-new-inquiry-by-exploring-digital-exclusion](https://committees.parliament.uk/committee/460/covid19-committee/news/120534/committee-to-kickoff-new-inquiry-by-exploring-digital-exclusion) [Accessed at 6 November 2020]; [committees.parliament.uk/work/742/living-online-the-longterm-impact-on-wellbeing](https://committees.parliament.uk/work/742/living-online-the-longterm-impact-on-wellbeing) [Accessed 6 November 2020]

## **LANDLORD AND TENANT.**

### **Coronavirus; Eviction; Restrictions; Tenants' rights.**

New protections for renters over duration of national restrictions. By Ministry of Housing, Communities and Local Government. 5 November 2020

Measures to protect renters during the latest national restrictions include a pause on evictions starting in December 2020, meaning evictions will not be enforced until 11 January 2021 at the earliest, except for the most egregious cases such as anti-social behaviour or are the perpetrator of domestic abuse in social housing.

Website: [www.gov.uk/government/news/new-protections-for-renters-over-duration-of-national-restrictions](https://www.gov.uk/government/news/new-protections-for-renters-over-duration-of-national-restrictions) [Accessed at 6 November 2020]

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## **NEWS RELEASES**

### **ADMINISTRATIVE LAW. Health; Public procurement.**

#### **Contact tracing; Coronavirus; Personal protective equipment; Pharmaceuticals; Public contracts; Transparency.**

High Court challenge to lack of transparency over COVID public contracts. Guardian, 9 November 2020 (Online edition). By Juliette Garside.

The Good Law Project and a cross-party group of MPs is suing the Health Secretary in the High Court over his failure to publish information about £4 billion of coronavirus (COVID-19)-related contracts awarded to public companies. The group is accusing the Government of "egregious and widespread failure to comply with legal duties and established policies" and is pushing for an independent judge-led inquiry into the money spent on personal protective equipment, medicines and virus testing and tracing since the pandemic began.

Website: [www.theguardian.com/world/2020/nov/09/uk-government-fails-to-publish-details-of-4bn-covid-contracts-with-private-firms](https://www.theguardian.com/world/2020/nov/09/uk-government-fails-to-publish-details-of-4bn-covid-contracts-with-private-firms) [Accessed at 9 November 2020]

Organisations Referred: Good Law Project



**CRIMINAL PROCEDURE. *Health; Local government.***

**Coronavirus; Fixed penalty notices; Infectious disease control; Local authorities.**

Local authorities yet to receive monies raised from lockdown fines. *Times, 14 November 2020, 15.*  
By Fariha Karim.

Acro, the criminal records office, has been criticised for not distributing monies it has collected in fines imposed under coronavirus laws to local authorities as it is still “trying to locate” their payment details, where legislation stated that money collected in such fixed penalty notices was supposed to be given to local authorities. It has collected £373,330 from fixed penalty notices up to 20 September 2020 from 9,466 fixed penalty notices, about half of all 18,912 that had been issued by that date. The other half remain unpaid.