



# YOUR MONTHLY E-BULLETIN

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**Issue 87; February 2021**

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## LATEST CONSORTIUM NEWS

**Consortium Quarterly Winter edition, January 2021 – have you seen it? It is published to the website but its available [here](#)**

In this edition we have launched 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.

Please take a look at what is on offer and take advantage of them.

In the coming months we will be highlighting how some organisations are using this added value to best effect.

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

Applications for the NWLC sponsorship offer are now closed.

The Management Board are pleased with the level of interest and applications received. A small panel drawn from the Board membership hope to make their selection decisions by mid – March to enable the two successful applicants to make timely application to the Law Society for a place on the Diploma course.

### **Introducing our new Precedent Service – Latest Update**

We will shortly be 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.

### **Your Consortium is now on LinkedIn**

Find us [here](#)

We are looking to develop our profile in the future to make sure that we provide the information you want and need on this new additional platform.

If there is anything you'd like to us to add to the profile please let us know.

### **Annual Training Programme 2020/21**

Your FREE training programme is now well 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.

To attend a live webinar, you need to register in advance using the individual link provided for each webinar.

Look out for the e-mail alerts which provide you with the individual registration links for upcoming webinars or go to the website secure area and click on 'book a course' to find the links.



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

## **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 [nwlegalconsortium.com/jobs](http://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)

This month, our nominated charity – NORTH WEST AIR AMBULANCE have asked us to give this upcoming event a plug – fingers crossed it can proceed -

### **Macclesfield Treacle Market - 28th March 2021**

A street market in a churchyard in Macclesfield. It's a lovely market with local food and drink producers, crafts, art etc.

North West Air Ambulance will have a stall at the market to raise funds and awareness.

**See lots of further details [here](#)**



# NWLC MONTHLY LEGAL UPDATER

POWERED BY THOMSON REUTERS AND PRACTICAL LAW

01/02/21

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

### **ADMINISTRATIVE LAW. *Civil procedure; Road traffic.***

**Access to information; DVLA; Disclosure; Freedom of information; General Regulatory Chamber; Law enforcement; Personal data; Powers rights and duties; Provision of information; Registered keepers; Registrars' powers and duties; Regulatory bodies; Requests for information.**

Driver and Vehicle Licensing Agency v Information Commissioner. [2020] UKUT 334 (AAC). Upper Tribunal (Administrative Appeals Chamber) (UT (AAC)). Judge Wikeley. November 26, 2020

The Upper Tribunal interpreted various provisions of the Freedom of Information Act 2000 in determining that the DVLA had not been exercising its "functions" within the meaning of s.31(1)(g), read with s.31(2)(a) or s.31(2)(b), when investigating whether the sale of driver details and unpaid parking penalty notices to a debt collector was a breach of the contract enabling access to vehicle keeper details. The DVLA had no regulatory responsibility for ensuring compliance with the contract and it could not invoke s.31(1)(g) simply because it was assisting a regulator.

Appeal dismissed

### **PUBLIC PROCUREMENT. *Civil procedure.***

**Award decision notices; Information; Knowledge; Limitation periods; Oral evidence; Public procurement procedures; Striking out; Tenders.**

Bromcom Computers Plc v United Learning Trust. [2021] EWHC 18 (TCC). Queen's Bench Division (Technology & Construction Court) (QBD (TCC)). Judge Eyre QC. January 07, 2021

In assessing whether a potential claimant had the requisite knowledge that it had a claim for breach of the Public Contracts Regulations 2015 so as to start time running for the purposes of reg.92(2), it was relevant whether the information was given orally or in writing. The court concluded that a claimant who was given some information orally in two meetings conducted remotely over Microsoft Teams had not been able to properly assess that information given the heated nature of the discussions. Accordingly, an application to strike out its claim failed, because it could not be taken to have had the requisite knowledge until receipt of subsequent letters setting out detailed information.

Application refused



### **RESTITUTION. Local government; Health.**

**Autistic spectrum disorder; Care costs; Change of position; Clinical commissioning groups; Community care; Dispute resolution; Eligibility assessments; Error of law; Health care; Judicial review; Limitations; Local authorities' powers and duties; Residential accommodation; Statutory duties; Ultra vires; Unjust enrichment.**

Surrey County Council v NHS Lincolnshire Clinical Commissioning Group. [2020] EWHC 3550 (QB). Queen's Bench Division (QBD). Thornton J. December 21, 2020

A clinical commissioning group which had unlawfully refused to accept commissioning responsibility for a young adult with autism had been unjustly enriched by its actions at the expense of a local authority which had paid for the young adult's care for several years while the dispute was resolved. While the commissioning group was entitled to raise a defence of change of position as a result of spending the money on other patients, it had failed to discharge the evidential burden required to establish that defence.

Judgment for claimant

### **SOCIAL WELFARE. Local government; Human rights.**

**Care costs; Community care; Contributions; Disability discrimination; Indirect discrimination; Justification; Local authorities' powers and duties; Minimum income guarantee; Personal independence payments; Protection of property.**

R. (on the application of SH) v Norfolk CC. [2020] EWHC 3436 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Griffiths J. December 18, 2020

A local authority's decision to change the basis on which it calculated the charges made to disabled people in respect of their care needs, by reducing the local authority's minimum income guarantee and bringing into account the previously disregarded personal independence payment daily living component, discriminated against severely disabled people, contrary to ECHR art.14 read with Protocol 1 art.1. Severely disabled people were disadvantaged compared to disabled people who could earn money from work because earnings from employment or self-employment continued to be disregarded.

Application granted

## **LEGISLATION**

### **CRIMINAL LAW. Family law.**

**Domestic violence and abuse.**

Domestic Abuse Bill 2019-21 (HC Bill 96).

A Bill to make provision in relation to domestic abuse; to make provision for and in connection with the establishment of a Domestic Abuse Commissioner; to prohibit cross-examination in person in family proceedings in certain circumstances; to make provision about certain violent or sexual offences, and offences involving other abusive behaviour, committed outside the UK; and for connected purposes.

Website: [bit.ly/2w4tas0](https://bit.ly/2w4tas0) [Accessed at 30 March 2020]

Hansard: HC Vol 672 col 778 (1st Reading), Vol 675 col 233 (2nd Reading), Vol 678 col 683 (Report Stage and 3rd Reading); HL Vol 809 col 19 (2nd Reading)

Commons 1st Reading: 3/3/2020 (HC Bill 96) | HC Vol 672 col 778; 2nd Reading: 28/4/2020 | HC Vol 675 col 233; Committee Stage: 17/6/2020 (HC Bill 141); Report Stage: 6/7/2020 | HC Vol 678 col 683; 3rd Reading: 6/7/2020 | HC Vol 678 col 683; Lords 1st Reading: 7/7/2020 (HL Bill 124); 2nd Reading: 5/1/2021 | HL Vol 809 col 19



## **RATES.**

### **Non-domestic rates.**

Abolition of Business Rates Bill 2019-21 (HC Bill 237).

A Bill to abolish business rates; and for connected purposes.

Website: [services.parliament.uk/Bills/2019-21/abolitionofbusinessrates/documents.html](https://services.parliament.uk/Bills/2019-21/abolitionofbusinessrates/documents.html)  
[Accessed at 13 January 2021]

Hansard: HC Vol 687 col 202 (1st Reading)

Commons 1st Reading: 12/1/2021 | HC Vol 687 col 202; 2nd Reading: 15/1/2021 provisional

## **EDUCATION. *Environmental health; Health.***

### **Appeals; Contingency planning; Coronavirus; Extensions of time; Infectious disease control; Maintained schools; Parents; Pupils; School admissions; School exclusions; Temporary provisions.**

School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2021. SI 2021/14

These Regulations amend the School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2020 to extend the duration of their operation.

Website: [www.legislation.gov.uk/ukSI/2021/14/pdfs/ukSI\\_20210014\\_en.pdf](https://www.legislation.gov.uk/ukSI/2021/14/pdfs/ukSI_20210014_en.pdf) [Accessed at 8 January 2021]

In Force: 31 January 2021

## **LANDLORD AND TENANT.**

### **Contingency planning; Coronavirus; Protection from eviction.**

Public Health (Coronavirus) (Protection from Eviction) (England) Regulations 2021. SI 2021/15

These Regulations prevent, except in specified circumstances, attendance at a dwelling house for the purpose of executing a writ or warrant of possession, delivering a notice of eviction.

Website: [legislation.gov.uk/ukSI/2021/15/pdfs/ukSI\\_20210015\\_en.pdf](https://legislation.gov.uk/ukSI/2021/15/pdfs/ukSI_20210015_en.pdf) [Accessed at 8 January 2021]

In Force: 11 January 2021



## GOVERNMENT AND REGULATORY

### **EDUCATION. *Family law; Information technology.***

#### **Childcare; OFSTED; Online services.**

Childcare providers: telling Ofsted about significant events. By Ofsted. 4 January 2021

An Ofsted publication provides information for childcare providers on telling Ofsted about significant events. From the end of January 2021, childminders, nurseries and all other childcare providers must use an online notification form to tell Ofsted about significant events.

Website: [gov.uk/government/news/childcare-providers-telling-ofsted-about-significant-events](https://www.gov.uk/government/news/childcare-providers-telling-ofsted-about-significant-events) [Accessed at 4 January 2021]

### **HOUSING. *Landlord and tenant.***

#### **Coronavirus; Homelessness; Mediation; Protection from eviction; Tenants' rights.**

Extra covid protections for rough sleepers and renters. By Ministry of Housing, Communities and Local Government. 8 January 2021

Extra support to help protect rough sleepers and renters from the effects of coronavirus (COVID-19) has been announced by the Communities Secretary. Measures include: an additional £10 million in funding to house rough sleepers and ensure they are registered with a GP; the ban on bailiff enforced evictions extended until at least 21 February 2021; and confirmation of court support for landlords and renters and the launch of a mediation pilot.

Website: [gov.uk/government/news/extra-covid-protections-for-rough-sleepers-and-renters](https://www.gov.uk/government/news/extra-covid-protections-for-rough-sleepers-and-renters) [Accessed at 8 January 2021]; [questions-statements.parliament.uk/written-statements/detail/2021-01-11/HLWS691](https://questions-statements.parliament.uk/written-statements/detail/2021-01-11/HLWS691) [Accessed 12 January 2021]; [lawgazette.co.uk/news/lockdown-3-government-extends-evictions-ban-again/5106953.article](https://www.lawgazette.co.uk/news/lockdown-3-government-extends-evictions-ban-again/5106953.article) [Accessed 8 January 2021]

### **MENTAL HEALTH.**

#### **Best interests; Detention; Mental health; Mental illness; Patients.**

Landmark reform of mental health laws. By Department of Health and Social Care. 13 January 2021

The Government has announced that people with mental health issues who are detained under the Mental Health Act 2007 will benefit from landmark reforms which provide more choice and autonomy for patients in a mental health crisis. It is expected to consult on a number of proposed changes, including: implementing the right for an individual to choose a nominated person who is best placed to look after their interests under the Act if they aren't able to do so themselves; and ensuring mental illness, rather than autism or a learning disability, is the reason for detention under the Act.

Website: [gov.uk/government/news/landmark-reform-of-mental-health-laws](https://www.gov.uk/government/news/landmark-reform-of-mental-health-laws) [Accessed at 13 January 2021]



## NEWS RELEASES

### **EMPLOYMENT. *Health; Social welfare.***

**Care homes; Coronavirus; Employees' rights; Employers' powers and duties; Social care workers; Vaccination.**

Legal ruling requested as a fifth of care home staff refuse COVID-19 vaccination. *Daily Telegraph*, 16 January 2021, 4. By Sarah Knapton.

The National Care Association is seeking legal advice on whether care workers could be forced to take the coronavirus (COVID-19) vaccination, where it has emerged that up to a fifth of care home staff are refusing to be vaccinated. Care groups have also called for daily figures so they can check if the Government is on track to have offered vaccines to all residents by 24 January 2021 and address any take-up issues.

### **LANDLORD AND TENANT. *Health.***

**Anti-social behaviour; Bailiffs; Coronavirus; Eviction; Landlords' rights; Tenants' rights.**

Eviction ban extended by six weeks. *Times*, 9 January 2021, 4. By Eleni Courea. Also Reported in *Independent*, 10 January 2021 (Online edition); *Sunday Times*, 10 January 2021, 4

The Government has extended the ban on evictions by six weeks to 22 February 2021 at the earliest after pressure from the opposition and private renters. Courts can still process cases and landlords can issue eviction notices but bailiffs will not be able to act on them before that date except in "egregious cases" such as antisocial behaviour.

Website: [independent.co.uk/news/uk/politics/eviction-ban-loophole-substantial-arrears-six-months-b1784836.html](https://www.independent.co.uk/news/uk/politics/eviction-ban-loophole-substantial-arrears-six-months-b1784836.html) [Accessed at 11 January 2021]