



# YOUR MONTHLY E-BULLETIN

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**Issue 91; June 2021**

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## LATEST CONSORTIUM NEWS

### NWLC Annual Training Event 2021

#### 5th October 2021 at Aintree Racecourse

Covid restrictions permitting, we are hoping to welcome a good number of you to your Annual Training Event 2021.

Bookings are now open - please email Beryl Heath at [bh\\_nwlconsortium@btinternet.com](mailto:bh_nwlconsortium@btinternet.com) to reserve your place.

### NWLC Precedent Service – now live

Your new NWLC Precedent Service is now live on the Consortium website.

To find the precedents just log into the website secure area and use the drop down list under the Publications tab to select 'Precedent Service' to access the documents.

All the precedents have been provided by our Partner firms and new precedents will be added over time. They cover a variety of subjects and are tailored for the use of member organisations and their work areas.

All of the published precedents are available to download **for free** to staff from member organisations.

We are also running a **precedent service on demand** so if you require a precedent which you cannot find you can email [simon.goacher@weightmans.com](mailto:simon.goacher@weightmans.com) and he will try and obtain it for you.

We would also welcome any precedents created by member organisations which you think would be of use to colleagues.

Please email any such examples to Simon Goacher or Beryl Heath at [bh\\_nwlconsortium@btinternet.com](mailto:bh_nwlconsortium@btinternet.com)

### Barristers Portal 2021–2025

The NWLC Barristers Portal is being extended for a further period of 4 years to end March 2025.

Existing sets have been asked if they wish to remain on the Portal and we are looking to recruit new sets to offer you an even greater range of chambers from whom to commission work.

If you know of a set of Chambers who might be interested in this opportunity please contact Beryl Heath at [bh\\_nwlconsortium@btinternet.com](mailto:bh_nwlconsortium@btinternet.com) so she can arrange for them to receive a Registration Pack.

In next month's E-Bulletin we will publish the new full list of Chambers on the Portal.



## NWLC Annual Training Programme 2021–22

Following this year's Annual Training Survey and informed also by the consolidated feedback from those attending our online webinars this year, our Partner firms will be working hard to come up with our new programme for 2021-2022.

We will publish the emerging programme as soon as possible to the website to allow you to book ahead, but we will also keep you up to date with progress in future E-Bulletins.

If you haven't yet completed our Annual Training Survey, there's still an opportunity to do so - it will take you 5 minutes. Just follow this link:

[www.surveymonkey.co.uk/r/NWLCtraining](https://www.surveymonkey.co.uk/r/NWLCtraining)

## REMINDERS

### 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.

### Accessing A Recorded Webinar

Each live NWLC webinar has been recorded, so we have quite a library of recordings on the website now.

The recorded sessions are available to view **free of charge** – by accessing the recording link found in the secure area of the website.

[Find your recording by following these easy steps](#) – You need to log in to the website to access the secure area, click on the Publications tab – and then on Podcasts/Webinars.

### Looking for a new role?

### See Vacancies at other Member Organisations

We publish a range of vacancies on the website jobs page at [www.nwlegalconsortium.com/jobs](https://www.nwlegalconsortium.com/jobs)

Currently there are roles available at **Warrington, St Helens, Cheshire West and Chester and Wirral**.

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](https://nwaa.net)

### **Our nominated charity – the North West Air Ambulance Charity have places in the Liverpool-Chester-Liverpool bike ride on 4th July!**

Join #TeamNWAA today and raise vital funds to keep us flying to save lives!

With route options ranging from 5 miles to 100 miles, there's something for everyone. Our charity places cost just £10, and your £50 sponsorship target will help us continue flying lifesaving missions across the North West.

Visit [nwaa.net/event/lclbikeride2021](https://nwaa.net/event/lclbikeride2021) to secure your place today.

More information on the event available at [liverpoolchesterliverpool.com](https://liverpoolchesterliverpool.com).

### **Lets also hear a NWAA Patients' story**

## **Family thank North West Air Ambulance Charity after life-changing picnic**

### **Staffordshire family thank North West Air Ambulance Charity after life-changing picnic**

Nearly four years on from a traumatic car accident in Crewe, a family are giving back to the charity that saved their lives.

In July 2017, while on a day trip to a farm in Crewe 35-year-old Emma Mountford and her 3-year-old daughter Lily were enjoying a picnic when they were caught in a serious accident as an elderly driver lost control of his car and drove on top of Emma.

The car struck Lily in the face and came to a stop on Emma's chest. Emergency services were called and the North West Air Ambulance Charity (NWAA) raced to the scene.

With two patients requiring different medical attention, two of NWAA's helicopters arrived to take Emma to Aintree University Hospital and Lily to Alder Hey Children's Hospital for urgent care. Emma suffered a complex fractured pelvis, a broken hip, broken ribs, a blood clot on her lung and a haemothorax, where blood collects between the chest wall and lung. She remained in surgery for ten hours at Aintree and stayed in hospital for six months.

When the accident happened, Steve Mountford, Emma's husband and Lily's dad, was on a walking trip to Snowdon, and their son Josh was on a camping weekend with Cubs. With Emma and Lily in separate hospitals, Steve needed to make the difficult decision on who to visit first. Lily, now 7, spent a night in Alder Hey before being discharged. The incident affected her considerably, with Lily later undergoing counselling to process the distressing day.

Despite suffering severe nerve damage to her left leg, which no longer has any feeling from the waist down, Emma has returned to her role as a dental nurse with the NHS. Both Emma and Steve are key workers, and have juggled working with home schooling throughout the pandemic.

Meanwhile, Steve has fundraised with his colleagues at DHL Stoke by doing the Three Peaks with the firm. Funds raised have gone to both the North West Air Ambulance Charity and their local air ambulance, the Midlands Air Ambulance Charity.



Emma said: "The crews who came to us were fantastic. On such a distressing day, they helped to calm us and got us the support and care we needed. I remember joking with them about my fear of flying and how it was worse than the car that just ran into us!

"Even though it was awful being separated from Lily, the fact that they were able to get us both to specialist care centres to receive the right treatment quickly was incredible, and I'm so grateful that the crew were there for us that day. Since the accident, their support hasn't ended, with the charity supporting Lily's therapy after the accident. The bravery certificates and knitted gifts have helped her so much, rebuilding her confidence after such a traumatic accident."

Andy Duncan, Lead HEMS Paramedic at the North West Air Ambulance Charity, said: "When multiple people are involved in a serious accident, it's really important that each patient gets to the most appropriate specialist hospital that will provide them with the best care. That we were able to get two helicopters to the scene, and treat and transport both patients as they travelled to opposite sides of Liverpool, is testament to the value of the air ambulance, and our collaboration with other services in the region.

"It's great to hear that Emma and Lily are both recovering, and that the family is involved in fundraising and supporting our work all these years later. It wouldn't be possible to carry out missions such as these without the support of people like Emma, Steve and Lily."

NWAA is a charity and receives no government or NHS funding, relying solely on the generous support of the people of the North West, and corporate donors. It takes over £9.5 million a year to fund the lifesaving work of its highly skilled Helicopter Emergency Medical Service (HEMS) paramedics, doctors and pilots, who bring the hospital to the patient 365 days a year. In 2020 alone, the charity attended 2,570 missions across the North West.





# NWLC MONTHLY LEGAL UPDATER

POWERED BY THOMSON REUTERS AND PRACTICAL LAW

01/06/21

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. *Human rights; Family law; Constitutional law.***

**Best interests; Children; Children's welfare; Discrimination; Domestic violence and abuse; Foreign law; Freedom of information; Habitual residence; Inhuman or degrading treatment or punishment; Ministerial acts; Parental consent; Parental responsibility; Passports; Right to respect for private and family life; Royal prerogative; Secretaries of State.**

R. (on the application of GA) v Secretary of State for the Home Department. [2021] EWHC 868 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Chamberlain J. April 12, 2021

In judicial review proceedings of a refusal by HM Passport office (HMPO) to process passport applications to enable a mother and her children living abroad in an abusive relationship to return to the UK, the court examined HMPO's powers to issue passports to British citizens, how matters of foreign law should be addressed in judicial review proceedings, and the application of the Hague Convention on Parental Responsibility and Child Protection 1996 art.22, under which courts and administrative bodies could refuse to apply foreign law if it was "manifestly contrary to public policy, taking into account the best interests of the child". On the facts, HMPO's refusal to issue the passports was vitiated by error.

Application granted

### **EDUCATION. *Trusts; Local government; Real property; Charities.***

**Charitable trusts; Local authorities' powers and duties; Power of sale; Proceeds of sale; Reverter to settlor trusts; School premises; Schools; Statutory interpretation; Statutory trusts; Trustees' powers and duties; Vacant possession.**

Rittson-Thomas v Oxfordshire CC. [2021] UKSC 13. Supreme Court (SC). Lord Lloyd-Jones JSC; Lady Arden JSC; Lord Sales JSC; Lord Burrows JSC; Lord Stephens JSC. April 23, 2021

A site granted to a charitable trust under the Schools Sites Act 1841 s.2 to be used by a school or for other educational purposes did not cease to be used for the purposes of s.2, and so did not trigger a reverter to the grantor, where it was considered advisable to use the trustees' power under s.14 to sell the site and apply the proceeds of sale in the purchase of another site, or in the improvement of other premises used or to be used by the school. The s.14 power included a power to sell with vacant possession.

Appeal allowed



### **HOUSING. Local government.**

**Disability discrimination; Disabled persons; Housing allocation; Housing policy; Indirect discrimination; Local authorities' powers and duties; Proportionality; Reasonable adjustments.**

R. (on the application of Nur) v Birmingham City Council. [2021] EWHC 1138 (Admin). Queen's Bench Division District Registry (Birmingham) (QBD (Birmingham)). David Lock QC. May 04, 2020

A local authority's housing allocation policy, under which families with dependent children were given priority for houses, indirectly discriminated against households with disabled adult members and no children. The court also confirmed that local authorities operating such allocation policies were bound by the pro-active duty to make reasonable adjustments under the Equality Act 2010 Pt 3. The local authority in question had been in breach of that duty as it had failed to make adjustments to its policy to ensure that households with disabled members had a fair and reasonable opportunity of securing a suitable property.

Judgment for claimants

### **HOUSING. Local government; Administrative law.**

**Homelessness; Housing assistance; Legitimate expectation; Local housing authorities' powers and duties; Mandatory orders; Public sector equality duty; Suitable alternative accommodation; Temporary accommodation.**

R. (on the application of Elkundi) v Birmingham City Council. [2021] EWHC 1024 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Steyn J. April 23, 2021

A local housing authority's duty to secure suitable accommodation under the Housing Act 1996 Pt VII s.193(2) was immediate, unqualified and non-deferrable and could not be interpreted as being a duty to secure suitable accommodation within a reasonable period of time. The operation of a "waiting list" system for applicants needing to move from unsuitable temporary accommodation constituted a misunderstanding of the s.193(2) duty and was unlawful. Where applicants were disabled, that system also failed to meet the public sector equality duty under the Equality Act 2010 s.149.

Judgment for claimants in part

### **CIVIL PROCEDURE. Housing; Landlord and tenant.**

**Anti-social behaviour; Flexible tenancies; Forfeiture clauses; Possession claims; Termination.**

Possession proceedings: Croydon LBC v Kalonga [2021] EWCA Civ 77 Arnold, King, Asplin LJJ. J.H.L. 2021, 24(3), D55-D56.

Notes Croydon LBC v Kalonga (CA) on whether the landlord of a flexible tenancy could obtain possession during the fixed term on the basis of anti-social behaviour within the Housing Act 1985 Sch.2 ground 2 if the lease did not have a forfeiture clause. Considers the requirements of the Housing Act 1985 ss.82(1) and 107D in relation to termination of flexible tenancies, depending on whether they contained a forfeiture clause.





## HOUSING.

**Breach of statutory duty; Disabled persons; Housing allocation; Local authorities' powers and duties; Mandatory orders; Reasonable adjustments; Suitable alternative accommodation.**

The duty to provide suitable accommodation under s193(2) of the Housing Act. *H.L.M. 2021, May, 5-12.*

Considers *R. (on the application of Imam) v Croydon LBC (No.2) (Admin)* on: whether, where a local authority had failed to provide suitable accommodation for a wheelchair bound claimant in breach of the Housing Act 1996 s.193(2), she was entitled to a mandatory order to provide her with suitable accommodation; whether the local authority was in breach of the duty to make reasonable adjustments under the Equality Act 2010 s.20; and whether the local authority had unlawfully failed to determine the request to be given Band 1 priority under its housing allocation scheme.

Cases referred: *R. (on the application of Imam) v Croydon LBC (No.2)*~ [2021] EWHC 739 (Admin) (QBD (Admin))

Legislation referred: Housing Act 1996 s.193; Equality Act 2010 s.20

## LANDLORD AND TENANT. *Housing; Real property.*

**Complaints; Electrical equipment; Electrical safety; High rise buildings; Inspections; Residential property; Social landlords.**

High-rise Properties (Electrical Safety) Bill 2019-21 (HC Bill 292).

A Bill to require social landlords of residential properties in high-rise buildings to undertake regular safety inspections of electrical installations; to establish a complaints procedure for tenants of such properties who have electrical safety concerns; and for connected purposes.

Website: [bills.parliament.uk/bills/2855/publications](https://bills.parliament.uk/bills/2855/publications) [Accessed at 27 April 2021]

Hansard: HC Vol 693 col 81 (1st Reading)

Commons 1st Reading: 26/4/2021 | HC Vol 693 col 81; 2nd Reading: Date to be announced

## PUBLIC PROCUREMENT. *International trade.*

**Agreements; Amendments; Brexit; Public procurement; Retained EU legislation.**

Public Procurement (International Trade Agreements) (Amendment) Regulations 2021 Draft. SI 2021 Draft 14 May 2021

These Regulations make amendments to various UK and Scottish public procurement regulations for the purpose of implementing various international trade agreements to which the UK is a signatory.

Website: [www.legislation.gov.uk/ukdsi/2021/9780348223507](https://www.legislation.gov.uk/ukdsi/2021/9780348223507) [Accessed at 14 May 2021]

Made under Trade Act 2021 s.2, s.5(1)

Legislation referred: Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 (SI 2020/1319); Public Procurement etc. (EU Exit) (Scotland) (Amendment) Regulations 2020 (SSI 2020/468)



## **PUBLIC PROCUREMENT. *International law.***

### **Implementation; Public procurement; Treaties.**

Public Procurement (Agreement on Government Procurement) (Amendment) Regulations 2021. SI 2021/573

These Regulations make amendments to various UK and Scottish public procurement regulations for the purpose of implementing the Agreement on Government Procurement. This includes consequential amendments.

Website: [www.legislation.gov.uk/ukxi/2021/573/pdfs/ukxi\\_20210573\\_en.pdf](https://www.legislation.gov.uk/ukxi/2021/573/pdfs/ukxi_20210573_en.pdf) [Accessed at 12 May 2021]

In Force: 11 June 2021

## **ADMINISTRATIVE LAW. *Dispute resolution; Local government; Public procurement.***

### **Data retention; Dispute resolution; Judicial review; Local government; Public procurement.**

An empirical study of the frequency and distribution of judicial review in resolving public procurement disputes within the UK: proposals for legal and policy reform. *E.P.L.* 2021, 27(1), 131-166. By Stephen Clear; Dermot Cahill.

Uses data from approximately 400 local government bodies to assess the regional frequency and distribution of public procurement disputes that lead to judicial review applications. Makes recommendations for reform to improve the objectives of administrative justice in resolving public procurement disputes and for better data retention practices within local government.

## **EDUCATION. *Human rights; Local government.***

### **Additional support needs; Children's rights; Decisions; Local authorities' powers and duties; Scotland; Special educational needs.**

Autonomy, education and the rights of children with special and additional support needs and disabilities in England and Scotland: a new paradigm?. *J. Soc. Wel. & Fam. L.* 2021, 43(1), 42-59. By Sheila Riddell; Neville Harris; Gail Davidge.

Explores the differences in legislation in England and Scotland concerning the rights of children with special and additional support needs to be involved in decision making by local authorities about their education. Uses case studies to examine issues arising in the practical realisation of such rights. Comments on the extent to which these rights have been significantly enhanced in reality in the two jurisdictions.

## **HOUSING. *Civil procedure; Health; Landlord and tenant; Legal advice and funding.***

### **Anti-social behaviour; Coronavirus; Disability discrimination; Electrical safety; Homelessness; Housing allocation; Legal aid; Possession claims; Private landlords; Rent repayment orders; Service charges; Tenants.**

Housing: recent developments. *Legal Action* 2021, May, 37-42. By Sam Madge-Wyld; Jan Luba.

Summarises housing-related: news and legislation including on possession proceedings during the coronavirus pandemic, protecting tenants and rough sleepers during the pandemic, electrical safety in tenancies, housing and legal aid, and eligibility for housing; and cases on status of occupation, disability discrimination, anti-social behaviour, rent repayment orders; service charges, housing allocation, and homelessness.





## **HOUSING. Government administration.**

### **Funding; Homelessness; Ministry of Housing Communities and Local Government; Temporary accommodation.**

Homelessness: Rough Sleeping Accommodation Programme: Prospectus and Guidance (Outside of Greater London), MHCLG March 2021. *J.H.L. 2021, 24(3), D53.*

Notes the March 2021 publication by the Ministry of Housing Communities and Local Government of the "Rough Sleeping Accommodation Programme: Prospectus and Guidance (Outside of Greater London)", outlining how to apply for funding of "move on" accommodation for those sleeping rough and currently in emergency accommodation, together with the appropriate application deadlines.

## **HOUSING.**

### **Funding; Residential development; Self-build.**

Over £150 million funding to kickstart self building revolution. By Ministry of Housing, Communities and Local Government. 24 April 2021

The Secretary of State for Housing, Communities and Local Government has announced a new £150 million "Help to Build" scheme to make it easier and more affordable for people to build their own homes. By lowering the required deposit, capital will be freed up, allowing people to build the home that they want, whether it is a commissioned, made to order home, or a new design from scratch. The scheme, which is part of the Government's Plan for Jobs, will provide an equity loan on the completed home, similar to the Help to Buy scheme.

Website: [www.gov.uk/government/news/over-150-million-funding-to-kickstart-self-building-revolution](https://www.gov.uk/government/news/over-150-million-funding-to-kickstart-self-building-revolution) [Accessed at 26 April 2021]

## **HOUSING.**

### **Homelessness.**

Councils given further £200 million in next stage of successful rough sleeping programme. By Ministry of Housing, Communities and Local Government. 15 May 2021

More rough sleepers are set to be helped off the streets and into safe accommodation thanks to a further £203 million in funding from the Ministry of Housing, Communities and Local Government. The funding will be allocated to councils across England and will support vital projects such as shelters, specialist mental health or addiction services, and targeted support to help rough sleepers off the streets for good. It will be used by councils, charities and other local groups to fund up to 14,500 bed spaces and 2,700 support staff across England.

Website: [www.gov.uk/government/news/councils-given-further-200-million-in-next-stage-of-successful-rough-sleeping-programme](https://www.gov.uk/government/news/councils-given-further-200-million-in-next-stage-of-successful-rough-sleeping-programme) [Accessed at 17 May 2021]

## **SOCIAL WELFARE.**

### **Adult social care; Funding.**

Reform of adult social care funding: developments since July 2019 (England). Issued by House of Commons Library. CBP-8001 12 May 2021

A House of Commons Library research briefing provides a summary of developments in respect of efforts towards reforming the funding of adult social care, including how people pay for care.

Website: [commonslibrary.parliament.uk/research-briefings/cbp-8001/](https://commonslibrary.parliament.uk/research-briefings/cbp-8001/) [Accessed at 13 May 2021]; [researchbriefings.files.parliament.uk/documents/CBP-8001/CBP-8001.pdf](https://researchbriefings.files.parliament.uk/documents/CBP-8001/CBP-8001.pdf) [Accessed 13 May 2021]



### **HOUSING. *Local government.***

#### **Councillors; Homelessness guidance; Local authorities' powers and duties.**

A councillor's guide to leading the homelessness sector. By Local Government Association. 11 May 2021

A Local Government Association (LGA) guide for councillors provides an overview of the issues surrounding homelessness, looks at the legislative framework within which councils work and how they discharge their duties and responsibilities, and provides best practice examples of action by councils that has made a difference to the issue. It covers the homelessness strategy, different forms of homelessness, temporary accommodation, housing allocations, wider housing supply issues, rural homelessness, universal credit and local housing allowance, the impact of the coronavirus (COVID-19) pandemic, working with the voluntary sector, and councillor roles in tackling homelessness.

Website: [www.local.gov.uk/publications/councillors-guide-leading-homelessness-sector](https://www.local.gov.uk/publications/councillors-guide-leading-homelessness-sector)  
[Accessed at 11 May 2021]

### **LOCAL GOVERNMENT. *Information technology.***

#### **Administrative decision-making; Algorithms; Ethics; Government departments.**

Ethics, Transparency and Accountability Framework for Automated Decision-Making. By Cabinet Office; Office for Artificial Intelligence; Central Digital and Data Office. 13 May 2021

An Office for Artificial Intelligence publication, produced in collaboration with the Cabinet Office and the Central Digital and Data Office, aims to help government departments with the safe, sustainable and ethical use of automated or algorithmic decision-making systems.

Website: [www.gov.uk/government/publications/ethics-transparency-and-accountability-framework-for-automated-decision-making/ethics-transparency-and-accountability-framework-for-automated-decision-making](https://www.gov.uk/government/publications/ethics-transparency-and-accountability-framework-for-automated-decision-making/ethics-transparency-and-accountability-framework-for-automated-decision-making) [Accessed at 18 May 2021]; [www.scl.org/news/12267-office-for-ai-issues-framework-for-automated-decision-making-in-the-public-sector](https://www.scl.org/news/12267-office-for-ai-issues-framework-for-automated-decision-making-in-the-public-sector) [Accessed 18 May 2021]