



# YOUR MONTHLY E-BULLETIN

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**Issue 93; August 2021**

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## LATEST CONSORTIUM NEWS

### Your NWLC Annual Training Event 2021 is back

#### Are You Joining Us on 5th October 2021 at Aintree Racecourse?

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

We've not quite finalised our programme but it will be published to the website as soon as it is complete, but what we have for you so far is:

Our morning sessions will concentrate on our health and wellbeing with speakers including Russell Treasure ([fretusgroup.co.uk/meet-the-team](http://fretusgroup.co.uk/meet-the-team)) and Dr Judith Mohring ([www.drjudithmohring.com](http://www.drjudithmohring.com))

In the afternoon, delegates will be able to choose from a number of options for topical training, with sessions from our Partner firms and we will also have a range of exhibitors.

And of course there is the opportunity to connect again with colleagues and friends past and present – and all in this fabulous setting.

Don't miss out.

### Breaking News!

#### Consortium Offers from Lexis Nexis and Thomson Reuters

We have just concluded negotiations with both **Lexis Nexis** and **Thomson Reuters** who are both offering favourable rates on their publications and research tools to Consortium member organisations.

More detail of both firm's offers will be released by email to Heads of Service at member organisations.

If you haven't yet seen the detail of whats on offer then contact Beryl at [bh\\_nwlconsortium@btinternet.com](mailto:bh_nwlconsortium@btinternet.com).

#### NWLC Annual Training Programme 2021- 22

The new free training programme is virtually complete and will be published to the website shortly.

You will get an early look at whats coming up in your next quarterly magazine – Consortium Quarterly 5 is due for publication in early September – don't miss it!

As a start to the new programme Bevan Brittan are hosting a free webinar on **22 September** 1-2pm – more detail below.



## Practice Management

### Work/Life balance: What could the new routines look like for legal teams?

There has been a fundamental change in our working environment during the past 18 months, with disruption likely to continue for the foreseeable future. Join us as we invite you to share your experiences and ideas on how we can take forward and develop a new way of working, chatting through our experiences including:

- How have we managed our work style and team culture: what proves effective in maintaining quality advice and a team environment
- Managing work/life boundaries
- Maintaining confidentiality
- Building relationships with clients and our teams
- Effective supervision techniques
- Ensuring new people are successfully embedded and re-examining the recruitment process
- Split in home/office working
- Creating a supportive and social environment
- How to take holidays
- New approach to training
- Impact of being paperless

This roundtable event is sure to be popular so please book your place early as numbers are limited.

**To book** - go to the website secure area and access the link under 'Book a Course'

## Accessing A Recorded Webinar

Each live NWLC webinar from last year's programme 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.

## Reminders

### 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)

## 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.

## 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](http://www.nwlegalconsortium.com/jobs)

Currently there are lots of roles available at member organisations all across our region – including Preston, Wigan, Cheshire East, Cheshire West, Knowsley, Chester and Burnley.

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)

### EMT takes on gruelling 80-mile run to raise funds



An emergency medical technician (EMT) from the North West Air Ambulance Service (NWAS) has raised over £1,000 for the North West Air Ambulance Charity (NWAA) in a sponsored run across Hadrian's Wall.

Working with NWAS, Glossop's Will Griffin, 29, had seen first-hand the impact of the air ambulance, working alongside them on a number of jobs. Inspired to fundraise, he decided to take on a gruelling 80-mile run across Hadrian's Wall, completing it in just 18 hours.

Will said: "The pandemic has hit everyone so hard this year, in particular the emergency services. I wanted to use lockdown to do something valuable and signed up

to the challenge so I could get training for an important cause. The air ambulance is always at hand to help on some of the most severe jobs I've seen in my time. The crew do an incredible job, and when I learned they don't receive any government support, I wanted to do something to give back. It's been a lifeline for so many people over the years."

Beating his target of £1,000, fundraisers such as Will are vital to keeping NWAA in the skies. As the charity is not part of the NHS or a recipient of government funding, it instead relies on generous donations, volunteers, and fundraisers to remain operational. It takes over £9.5 million a year to fund the work of its highly skilled Helicopter Emergency Medical Service (HEMS) paramedics, doctors and pilots, who attend to cases of serious illness and traumatic injury 365 days a year. In the last twelve months, the charity attended 2,640 missions in total, including 937 in Greater Manchester.

Will added: "Not many people realise that the air ambulance is charity-funded, so it's really important to do what you can to support it. I was proud to be able to do my bit to allow them to continue with their work. I've seen first-hand what the crew bring to the scene and the enormous impact they can have on the lives of patients."

Victoria Jones, NWAA's regional fundraiser, said: "Our amazing community of supporters and fundraisers like Will are crucial to keeping our service running, and ensuring our brilliant crews can be there for patients in their time of need. They work closely with the emergency services in the region so that together we can get the best possible outcomes for our patients, and the fact that Will, an NWAS EMT himself, chose to support us means so much. On behalf of the whole charity, especially our crew, we want to say thanks to Will for his fantastic efforts, and congratulations on completing such a tough run!"

If you have an idea for fundraising, the NWAA team can help to bring it to life. For inspiration or information, call 0800 587 4570, email [nwairambulance.org.uk](mailto:nwairambulance.org.uk) or visit [nwairambulance.org.uk/fundraising](http://nwairambulance.org.uk/fundraising).



# NWLC MONTHLY LEGAL UPDATER

POWERED BY THOMSON REUTERS AND PRACTICAL LAW

01/08/21

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. *Education; Public procurement.***

**Confidentiality; Exempt information; Freedom of information; Personal data; Provision of information; Public contracts; Public procurement procedures; Requests for information; Schools; Tenderers; Trustees.**

Church v Information Commissioner. *2021 WL 03055034*. First-tier Tribunal (General Regulatory Chamber) (FTT (GRC)). Judge Chris Hughes; Aimee Gasston; Naomi Matthews. July 15, 2021

On a request for information about a local authority's tendering process for the provision of a new school, the exemptions in the Freedom of Information Act 2000 Pt II s.40(2) and s.43(2) did not entitle the local authority to withhold the names of the members of its selection panel, the applications made by the rival bidders, the scores awarded to the winning bidder, and documents detailing the selection panel's assessment of the winning bid.

Appeal allowed in part

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

**Expiry; Flexible tenancies; Local housing authorities' powers and duties; Notices; Possession; Time limits.**

R. (on the application of Kalonga) v Croydon LBC. *[2021] EWHC 2174 (Admin)*. Queen's Bench Division (Administrative Court) (QBD (Admin)). Cavanagh J. August 04, 2021

A local housing authority had no power or discretion to accept a request for a review of its proposal not to grant another tenancy on the expiry of the fixed term of the tenant's existing flexible tenancy if that request was made more than 21 days after the service of a notice pursuant to the Housing Act 1985 Pt IV s.107D(3).

Application refused

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

**Adequacy of damages; Balance of convenience; Expedited trials; Firefighting equipment; Public procurement procedures; Suspension.**

Draeger Safety UK Ltd v London Fire Commissioner. *[2021] EWHC 2221 (TCC)*. Queen's Bench Division (Technology & Construction Court) (QBD (TCC)). O'Farrell J. August 04, 2021

The balance of convenience lay in maintaining an automatic suspension which arose under the Public Contracts Regulations 2015 reg.95 on issue of a procurement challenge regarding the provision of respiratory protective equipment to the London Fire Brigade where the court was able to offer the parties an expedited trial of the dispute.

Application refused



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

**Assured shorthold tenancies; Energy performance certificates; Landlords' duties; Notices seeking possession; Periodic tenancies; Social landlords; Validity.**

EPCs and service of a section 21 notice. *E.G. 2021, 2128, 42.* By Elizabeth Dwomoh.

Examines *Minister v Hathaway* (CA) that a landlord could serve a possession notice under the Housing Act 1988 s.21 on a tenant with a statutory periodic tenancy despite the failure to provide the tenant with an energy performance certificate (EPC).

Cases referred: *Minister v Hathaway*~ [2021] EWCA Civ 936 (CA (Civ Div))

Legislation referred: Housing Act 1988 s.5, s.21, s.21A, s.21B; Deregulation Act 2015 s.38, s.39, s.41

### **HOUSING.**

**Homelessness guidance; Intentional homelessness; Living expenses; Local authorities' powers and duties; Reasonableness; Rent arrears.**

Intentional homelessness and affordability of accommodation. *H.L.M. 2021, Jul/Aug, 1-4.*

Considers *Patel v Hackney LBC* (CA), an appeal against a review decision that the applicant had become intentionally homeless when he had been evicted for rent arrears, where the review officer had recalculated the applicant's income and expenditure and concluded that he could have afforded his rent.

Cases referred: *Patel v Hackney LBC*~ [2021] EWCA Civ 897 (CA (Civ Div))

### **PUBLIC PROCUREMENT. *Administrative law.***

**Bias; Communications; Coronavirus; Negotiated procedure without prior publication; Procedural impropriety; Public contracts.**

He knew he was right.... *N.L.J. 2021, 171(7942), 11-12.* By Nicholas Dobson.

Discusses *R. (on the application of Good Law Project) v Minister for the Cabinet Office* (TCC) that a Cabinet Office appointment of a research agency during the COVID-19 pandemic without following the usual public procurement procedures was tainted by apparent bias.

### **HOUSING.**

**Collaboration; Coronavirus; Social housing.**

The social housing sector - better together?. *H.L.M. 2021, Jul/Aug Supp (Social Housing Bulletin), ii-iii.* By Gemma Bell.

Discusses how the coronavirus pandemic has improved collaboration in the social housing sector. Reports on the publication of NHF Code 20, social housing governance guidance which promotes collaboration, and highlights the benefits of collaborative practice.

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

**Houses in multiple occupation; Licences; Reasonable excuse; Rent repayment orders.**

Rent repayment orders and the defence of reasonable excuse. *H.L.M. 2021, Jul/Aug, 8-12.*

Discusses *D'Costa v D'Andrea* (UT), an appeal against a rent repayment order imposed for the offence of failing to have a licence for a house in multiple occupation (HMO), on the ground that the landlord had a reasonable excuse where a housing officer had told her she did not need an HMO licence.



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

### **Costs capping orders; Public interest; Public procurement procedures.**

Cost-capping in “public interest proceedings”: *Good Law Project Ltd v Minister for the Cabinet Office*. *P.P.L.R.* 2021, 5, NA155-NA159. By Kate Gough; Lucy Jones.

Notes *Good Law Project Ltd v Minister for the Cabinet Office* (TCC) clarifying when a procurement challenge via judicial review is deemed a public interest claim for the purposes of capping a defendant’s costs under the Criminal Justice and Courts Act 2015 to prevent the claimant’s possible withdrawal.

Cases referred: *Good Law Project Ltd v Minister for the Cabinet Office*~ [2021] EWHC 1083 (TCC) (QBD (TCC))

Legislation referred: Criminal Justice and Courts Act 2015

## **PUBLIC PROCUREMENT.**

### **Commercial activities; Public authorities; Public contracts.**

Good practice guidance: *Managing the commercial lifecycle*. Issued by National Audit Office. 20 July 2021

National Audit Office (NAO) guidance draws on 20 years of NAO reports to provide advice on how to best manage each part of the commercial lifecycle. It provides examples of good practice to support the advice at each stage and is developed with input from commercial experts across government and other stakeholders. The “commercial lifecycle” means the entire process starting with the identification of a requirement that may be delivered by a supplier to government through to the selection and appointment process, contract management activity, and ending with contract termination or transition to alternative arrangements.

Website: [www.nao.org.uk/report/good-practice-guidance-for-managing-the-commercial-lifecycle](http://www.nao.org.uk/report/good-practice-guidance-for-managing-the-commercial-lifecycle) [Accessed at 20 July 2021]; [www.nao.org.uk/wp-content/uploads/2021/03/Good-practice-guidance-managing-the-commercial-lifecycle.pdf](http://www.nao.org.uk/wp-content/uploads/2021/03/Good-practice-guidance-managing-the-commercial-lifecycle.pdf) [Accessed 20 July 2021]

## **INTERNATIONAL LAW. *Public procurement.***

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

The United Kingdom’s Revised Coverage Schedule to the Agreement on Government Procurement as a result of the modification to the United Kingdom’s Appendix I. Issued by Cabinet Office. CP 487 28 July 2021

A Cabinet Office command paper sets out details of the UK’s revised coverage schedule to the Agreement on Government Procurement (GPA) as a result of modifications. In March 2021 the UK notified GPA Parties of the update to its list of entities and as a result this update has now come into force.

Website: [assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1006817/Standard\\_Print\\_-\\_CP487\\_-\\_The\\_UK\\_s\\_Revised\\_Coverage\\_Schedule\\_to\\_the\\_Agreement\\_on\\_Government\\_Procurement.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1006817/Standard_Print_-_CP487_-_The_UK_s_Revised_Coverage_Schedule_to_the_Agreement_on_Government_Procurement.pdf) [Accessed at 29 July 2021]; [www.gov.uk/government/publications/the-united-kingdoms-revised-coverage-schedule-to-the-agreement-on-government-procurement-as-a-result-of-the-modification-to-the-uks-appendix-i](https://www.gov.uk/government/publications/the-united-kingdoms-revised-coverage-schedule-to-the-agreement-on-government-procurement-as-a-result-of-the-modification-to-the-uks-appendix-i) [Accessed 29 July 2021]



**SOCIAL WELFARE. *Health; Local government.***

**Adult social care; Bereavement; Care homes; Coronavirus; Death; Employees; Local authorities' powers and duties.**

Guidance: Steps to take following the death of a person who worked in adult social care in England. By Department of Health and Social Care. 9 August 2021

Department of Health and Social Care updated guidance sets out actions for local authorities and social care providers following a coronavirus (COVID-19) related death of an employee or volunteer in adult social care, which includes bereavement resources for the social care workforce.

Website: [www.gov.uk/government/publications/steps-to-take-following-the-death-of-a-person-who-worked-in-adult-social-care-in-england](https://www.gov.uk/government/publications/steps-to-take-following-the-death-of-a-person-who-worked-in-adult-social-care-in-england) [Accessed at 9 August 2021]; [www.gov.uk/government/publications/steps-to-take-following-the-death-of-a-person-who-worked-in-adult-social-care-in-england/steps-to-take-following-the-death-of-a-person-who-worked-in-adult-social-care-in-england](https://www.gov.uk/government/publications/steps-to-take-following-the-death-of-a-person-who-worked-in-adult-social-care-in-england/steps-to-take-following-the-death-of-a-person-who-worked-in-adult-social-care-in-england) [Accessed 9 August 2021]; [www.gov.uk/government/publications/steps-to-take-following-the-death-of-a-person-who-worked-in-adult-social-care-in-england/bereavement-resources-for-the-social-care-workforce](https://www.gov.uk/government/publications/steps-to-take-following-the-death-of-a-person-who-worked-in-adult-social-care-in-england/bereavement-resources-for-the-social-care-workforce) [Accessed 9 August 2021]