



YOUR MONTHLY E-BULLETIN

Issue 94; September 2021

LATEST CONSORTIUM NEWS

We are almost there!

Your NWLC Annual Training Event 2021 5th October at Aintree Racecourse

Places still available - please email Beryl Heath at bh_nwlconsortium@btinternet.com to reserve your place for this year's event.

The full programme is published on the home page of the website – in the blue box under 'LATEST CONSORTIUM NEWS AND MORE'.

And if you have reserved a place and can't make it could you let Beryl know too please?

Consortium Offers from Lexis Nexis and Thomson Reuters

We have now 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.

Details of what's on offer have gone out to Heads of Service but if you haven't yet seen the detail contact Beryl at bh_nwlconsortium@btinternet.com.

Both organisations will be exhibiting at the Annual Training Event at Aintree too.

In the two articles below we hear from both Lexis Nexis and Thomson Reuters about their latest products and services.

Firstly – from Lexis Nexis

We look forward to seeing you at the NWLC Annual Training Event 2021 on 5th October 2021 to discuss what's new from us as well as our monthly Local Authority Insight Series events.

Upcoming Events:

LexisNexis Local Authority Insight Series – Deprivation of Liberty Safeguards

Tuesday 28th September 2021, 13:30 - 14:30 (Microsoft Teams)

In partnership with Local Government Lawyer, join Alex Ruck-Keen, Barrister at 39 Essex Chambers and author of the Mental Capacity Law and Policy blog, and Emma Harrison Senior Solicitor from Devon County Council look how the new Liberty Protection Safeguards will work in practice when they replace the Deprivations of Liberty Safeguards (DOLS) next year.

Register for the event >



What's new from LexisNexis?

- Brand new topic: Environmental law and climate change topic housed in Local Government including sub-topics on:
 - Environmental information regulation
 - Air quality and emission reduction
 - Transition to low carbon and renewables
 - LA energy products
 - Energy efficiency in building
- Commentary, case law and practical guidance can be found directly from the TCPA 1990, with one click linking between Lexis PSL and Lexis Library
- Newly published 'TCPA 1990 practical guidance index' in PSL which allows subscribers in the PSL environment to immediately see and access PSL content relevant to key provisions of the TCPA 1990
- Enhancement and update to all current Public Procurement PSL content including new contracts

Get your complimentary access to LexisNexis >

For any further information on the offer available to NWLC members, please contact Lewis Williams lewis.williams@lexisnexis.co.uk

And secondly from Thomson Reuters

Thomson Reuters is proud of our partnership with NW Legal Consortium and are pleased to announce we have agreed to continue our partnership through a new, more flexible consortium framework agreement for the 2021–24 period.

We have recently introduced **Practical Law Dynamic Tool Set**, comprising next-generation features in Practical Law that help legal professionals in the public sector work better, more quickly, and with greater confidence. Of the new features we have added, the below three would provide significant benefit to NW Legal Consortium members:

- Dynamic Search uses the power of AI to provide answers to legal research questions based on natural-language questions.
- Knowledge Map allows users to quickly navigate topics and resources by graphically exploring Practical Law content.
- Interactive Matter Maps provide a graphical overview of the phases and core tasks necessary for the planning, management and execution of a legal matter.

We are also transforming customer's research experiences through Westlaw Edge, our most intelligent legal research platform empowering you to carry out more efficient, insightful research than ever before. The increased functionality offered by Edge includes the following cutting edge tools:

- Westlaw Questions - takes the hard work out of researching in unfamiliar areas with immediate answers to commonly asked questions in a key paragraph & a curated list of further resources.
- Legislation Compare Tool – allows you to compare two versions of the same legislation over time.
- UK-EU Divergence Tracker - the only comparison tool of its kind allows you to easily compare retained UK and EU regulations side by side at the click of a button avoiding an otherwise painstaking manual process.



- Legislation Alerts – allow you to create tailored alerts on specific legislation, so you never miss a change or reference.
- Case Analytics - transforms case research through meaningful data visualisation using the most powerful and intuitive analysis tool on the market.

To find out more about these services, to arrange a demonstration or trial access or to discuss the various renewal options available, please contact your Thomson Reuters Key Account Manager, Rachel Price at rachel.price@tr.com or on 020 7513 8173

NWLC Annual Training Programme 2021–22

The 2021 sessions of your new free training programme have now been published to the website.

Log in to the website secure area to register for a webinar with the individual link provided or look out for Beryl's emails with the link included.

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 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



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

Currently there are lots of roles available at member organisations all across our region.

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

Paralympian champion thanks heroes who saved his life after cycle crash

Published: 6th September 2021

This National Air Ambulance Week (6th – 12th September), the North West Air Ambulance Charity (NWAA) is raising awareness of the lifesaving impact its service has had on people across the North West.

From 1st September 2020 – 31st August 2021, the charity completed 2,590 missions across the region, including 399 in Cheshire. With three helicopters and 4 HEMS response vehicles across its Barton and Blackpool air bases, the charity's crew of highly skilled specialist doctors and helicopter emergency medical services (HEMS) paramedics deliver enhanced pre-hospital care to the most critically ill and injured patients. In cases of serious incidents and accidents, their care can make a lifesaving difference to patients, such as Rik Waddon.

Rik, 44, from Chester, is a Paralympian cyclist with numerous medals under his belt. In March 2020, he was out on his bike training for the Tokyo Paralympic games, when his plans were upended in an instant.

Cycling along remote lanes in Trafford Bowland, a motorbike collision saw Rik catapulted from his bike. Knocked unconscious, when Rik came to, his injuries were extensive: broken ribs, a broken collar bone, a punctured lung and a nearly amputated arm. Unable to move or call for attention, a local passer-by eventually came upon him, and the NWAA crew was quickly alerted.

Arriving on scene, the NWAA HEMS Paramedics stabilised Rik's condition and administered pain relief. He was airlifted to Royal Preston Hospital, a major trauma centre, in a matter of minutes, undergoing surgery for his collar bone and arm during a ten-day hospital stay. The speed of the crew's response helped to minimise the severity of Rik's injuries.

Rik recalled the day: "Had it not been for how quickly the crew got to me that day, I really think my injuries would have been so much worse. Getting into trouble in such a remote area, I was terrified I wouldn't be found in time, so when I heard the helicopter arrive, the relief was immense. I was in a similar accident when I was 5 years old, back before the air ambulance existed, and the difference in care I received this time around was incredible. This is such a vital service, and truly deserves every ounce of support it can get. I dread to think what the statistics for these types of accidents would be like if the region didn't have an air ambulance service."

In cases of serious trauma or illness, the NWAA Critical Care Paramedics and consultant-level doctors can administer highly advanced interventions before reaching the hospital, such as anaesthesia, blood transfusion or intubation. It can make the difference between life and death for patients like Rik.

As a charity funded operation that does not receive any government or NHS funding, NWAA must raise over £9.5m a year to remain operational, relying on generous donations, fundraisers and volunteers to maintain its 365-days-a-year service.

Discharged from hospital in the early days of lockdown, Rik's road to recovery has been complicated.





"I'm still coping with the aftershock of the accident to this day. Memory can sometimes be a struggle, and my training for the Tokyo games was completely thrown off schedule meaning I was unable to compete. However, I'm fighting every day to make a positive recovery, and I'm now back into training. I'm set on qualifying for Paris 2024 and ending my career on a high note!

"I owe a huge thank you to everyone who was there for me during my accident and recovery, especially the air ambulance crew. I still cannot believe it is a charity. The work it carries out is so important, and there are many people still here today thanks to the service. I'm testament to that."

Heather Arrowsmith, CEO at the North West Air Ambulance Charity, commented: "Hearing from patients like Rik demonstrates just how important the charity's work is. Our crew are out there every day, having a life-changing impact on people's lives, and it wouldn't be possible without the incredible support we receive from supporters, donors, fundraisers and volunteers."

"The nature of our work means there will always be patients in need, and public support, no matter how big or small, makes an incredible difference. It keeps our helicopters in the air, our rapid response vehicles out on the road, and provides vital funds to enable us to continually adapt our service to make sure we're always offering the best possible care and emergency interventions for our patients."





NWLC MONTHLY LEGAL UPDATER

POWERED BY THOMSON REUTERS AND PRACTICAL LAW

01/09/21

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 [Accessed at 20 July 2021]; 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 [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 [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 [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 [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 [Accessed 9 August 2021]