



# YOUR MONTHLY E-BULLETIN

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**Issue 95; October 2021**

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## LATEST CONSORTIUM NEWS

### NWLC Annual Training Event 2021

On 5th October at Aintree Racecourse we welcomed around 100 delegates to our face to face event... and the feedback has been very positive indeed.

Exhibitors, presenters and delegates enjoyed their day and had lots to inspire them and learn from. Read more about the day in our next Consortium Quarterly magazine – out in early December.

All the slides from the morning and afternoon training sessions can be found on the website in the Documents area for those who want to see them/download them.

**NWAA Raffle** Thank you to our partner firms and exhibitors who donated prizes for our raffle in aid of NWAA. We raised an amazing £400 for the charity on the day, a big thank you to all who took part.

As part of our day we also held the NWLC AGM -

AGM Decisions made

- Subscriptions for member organisations will be held at the same level for 2022/23 as in previous years.
- Board Members were reappointed to the Board for the year to next year's Annual Training Event/AGM

**BUT** There is now a vacancy for a Trainee NWLC Board Member. If you are a trainee at one of our member organisations and are interested in learning more about the role or wish to express an interest in applying for the role please drop an email to Beryl Heath at [bh\\_nwlconsortium@btinternet.com](mailto:bh_nwlconsortium@btinternet.com)

### Consortium Offers from Lexis Nexis and Thomson Reuters

**Lexis Nexis** and **Thomson Reuters** are both offering favourable rates on their publications and research tools to Consortium member organisations.

Details of what is on offer have gone out to Heads of Service but if you haven't yet seen the detail contact the suppliers directly or Beryl at [bh\\_nwlconsortium@btinternet.com](mailto:bh_nwlconsortium@btinternet.com)

#### For LEXIS NEXIS

For any further information on the offer available to NWLC members please contact Lewis Williams [lewis.williams@lexisnexis.co.uk](mailto:lewis.williams@lexisnexis.co.uk)

**Get your complimentary access to LexisNexis**

#### For THOMSON REUTERS

To find out more about TR 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](mailto: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.

Before Christmas we still have the following FREE webinars for you:

**9th November** – Procurement Update

**18th November** – Enforced Sales – A additional tool within your Empty Homes Strategy Toolkit

**24th November** – Adult Social Care

## 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 – More Precedents Now Uploaded

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

Currently there are roles available at a number of 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](mailto:bh_nwlconsortium@btinternet.com)

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CHARITY IS FUNDED BY THE NHS RIGHT?  
WRONG.  
IT'S FUNDED SOLELY BY YOU.**

*flying to save lives.*

 NORTH WEST  
Air Ambulance  
CHARITY

### 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)



# NWLC MONTHLY LEGAL UPDATER

POWERED BY THOMSON REUTERS AND PRACTICAL LAW

01/10/21

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

### **FAMILY LAW. *Social welfare; Local government.***

**Children's homes; Deprivation of liberty; Inherent jurisdiction; Looked-after children; OFSTED; Residential accommodation; Residential care.**

Tameside MBC v AM. [2021] EWHC 2472 (Fam). Family Division (Fam Div). MacDonald J. September 08, 2021

It remained open to the High Court to authorise, under its inherent jurisdiction, the deprivation of liberty of a child under the age of 16 where the placement in which the restrictions that were the subject of that authorisation would be applied was a placement that was prohibited by the terms of the Care Planning, Placement and Case Review (England) Regulations 2010 as amended from 9 September 2021, by the Care Planning, Placement and Case Review (England) (Amendment) Regulations 2021, without cutting across that amended statutory scheme.

Judgment accordingly

### **MENTAL HEALTH. *Health; Human rights.***

**Best interests; Coronavirus; Death; Expert evidence; Life-sustaining treatment; Medical treatment; Persons lacking capacity; Religion or belief; Withdrawal.**

Cambridge University Hospitals NHS Foundation Trust v AH. [2021] EWCOP 51. Court of Protection (CP). Hayden J. September 03, 2021

The Court of Protection determined that it was in the best interests of a patient who had sustained irreversible brain damage following a COVID-19 infection for her ventilation to be continued for a short time until all of her children could be with her. Her family and her children had been the focus of her life and she would have been prepared to endure further pain in order to be with them when she died.

Best interests determined

### **PUBLIC PROCUREMENT. *Insolvency; European Union.***

**EU law; Insolvency; Public contracts; Public procurement procedures.**

Advania Sverige AB v Dustin Sverige AB (C-461/20). EU:C:2021:729. Advocate Generals Opinion (AGO). September 09, 2021

Advocate General opinion on the conditions for the insolvency exception set out in the Public Procurement Directive art.72(1)(d)(ii) under which a replacement for an insolvent contractor may be appointed without a new procurement procedure: The replacement contractor was not required to take over the initial contractor's business.

Preliminary ruling given



## LEGISLATION

### **TAX. Health; Social welfare.**

#### **Direct taxes; Health care; National insurance contributions; Social care.**

Health and Social Care Levy Bill 2021-22 (HC Bill 160).

A Bill to make provision imposing a tax (to be known as the health and social care levy), the proceeds of which are payable to the Secretary of State towards the cost of health care and social care, on amounts in respect of which national insurance contributions are, or would be if no restriction by reference to pensionable age were applicable, payable; and for connected purposes.

Website: [uk.westlaw.com/Document/I898E6C1012AC11EC8C2AA2B6073087C1/View/FullText.html](https://uk.westlaw.com/Document/I898E6C1012AC11EC8C2AA2B6073087C1/View/FullText.html)  
[Accessed at 15 September 2021]

Hansard: HC Vol 700 col 323 (1st Reading), Vol 700 col 840 (2nd Reading, Committee Stage, 3rd Reading); HL Vol 814 col 1392 (1st Reading)  
Commons 1st Reading: 8/9/2021 | HC Vol 700 col 323; 2nd Reading: 14/9/2021 | HC Vol 700 col 840;  
Committee Stage: 14/9/2021 | HC Vol 700 col 840; 3rd Reading: 14/9/2021 Bill passed | HC Vol 700 col 840;  
Lords 1st Reading: 15/9/2021 (HL Bill 52) | HL Vol 814 col 1392; 2nd Reading: 11/10/2021 provisional  
Legislation referred: Social Security Contributions and Benefits Act 1992; Social Security Contributions and Benefits (Northern Ireland) Act 1992; Social Security Administration Act 1992; Social Security Administration (Northern Ireland) Act 1992

### **CRIMINAL LAW. Criminal procedure; Family law; Penology and criminology.**

#### **Commencement; Domestic Abuse Commissioner; Domestic violence and abuse; Victim support.**

Domestic Abuse Act 2021 (Commencement No. 2) Regulations 2021. SI 2021/1038 (C. 58)

These Regulations bring into force ss.1 and 2 (so far as not already in force), 3 (partially), 63 and Pt 4 (ss.57-61) of the Act on 1 October 2021, and s.3 (partially), Pt 2 (sections 4-21), s.79 and s.84 of the Act on 1 November 2021.

Website: [legislation.gov.uk/uksi/2021/1038/pdfs/uksi\\_20211038\\_en.pdf](https://legislation.gov.uk/uksi/2021/1038/pdfs/uksi_20211038_en.pdf) [Accessed at 14 September 2021]

In Force: Bringing into operation, fully or in part, ss.1-3, 57-61, 63, of the 2021 Act on 1 October 2021 and ss.3, 4-21, 79 and 84 on 1 November 2021.

Made under Domestic Abuse Act 2021

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

#### **Appeals; Coronavirus; Environmental health; Extensions of time; Infectious disease control; Maintained schools; Parents; Pupils; Temporary provisions.**

School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) (No.2) Regulations 2021. SI 2021/992

These Regulations amend the School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2020.

Website: [legislation.gov.uk/uksi/2021/992/pdfs/uksi\\_20210992\\_en.pdf](https://legislation.gov.uk/uksi/2021/992/pdfs/uksi_20210992_en.pdf) [Accessed at 8 September 2021]

In Force: 30 September 2021



## LANDLORD AND TENANT.

### **Coronavirus; Notices; Notices seeking possession; Residential tenancies.**

Coronavirus Act 2020 (Residential Tenancies and Notices) (Amendment and Suspension) (England) Regulations 2021. SI 2021/994

These Regulations amend the Coronavirus Act 2020 Sch.29 and suspend various of its provisions. They also prescribe replacement notices: notices seeking possession under the Housing Act 1988 s.8; notices requiring possession under the Housing Act 1988 s.21(1) and (4); and notices seeking termination of a fixed term tenancy and recovery of possession under the Housing Act 1985 s.83. Sch.29 modified various statutory provisions with the effect that during the "relevant period" landlords are, in some circumstances, required to provide a longer period of notice of intention to claim possession of housing let under a Rent Act 1977 protected or statutory tenancy, a secure tenancy, a flexible tenancy, an assured tenancy, an assured shorthold tenancy, an introductory tenancy or a demoted tenancy let by a local authority or housing action trust. "Relevant period" is defined in Sch.29 para.1.

Website: [legislation.gov.uk/uksi/2021/994/pdfs/ukxi\\_20210994\\_en.pdf](https://legislation.gov.uk/uksi/2021/994/pdfs/ukxi_20210994_en.pdf) [Accessed at 9 September 2021]

## GOVERNMENT AND REGULATORY DEVELOPMENTS

### **LOCAL GOVERNMENT. Electoral process; Police.**

#### **Elected mayors; Police and crime commissioners; Voting.**

First Past the Post to be introduced for all local mayoral and police and crime commissioner elections. By Cabinet Office; Home Office; Ministry of Housing, Communities and Local Government. 15 September 2021

Minister for the Constitution and Devolution Chloe Smith has announced measures to apply the system of First Past the Post to the election of council and "metro" mayors across England, and to Police and Crime Commissioners (PCCs) across England and Wales. Under the system, which will further strengthen the accountability of elected mayors and PCCs to their electorate, making it easier for voters to express a clear choice, the person chosen to represent a local area should be the one who directly receives the most votes.

Website: [gov.uk/government/news/first-past-the-post-to-be-introduced-for-all-local-mayoral-and-police-and-crime-commissioner-elections](https://gov.uk/government/news/first-past-the-post-to-be-introduced-for-all-local-mayoral-and-police-and-crime-commissioner-elections) [Accessed at 16 September 2021]

### **MENTAL HEALTH. Information technology.**

#### **Digital technology; Electronic signatures; Lasting powers of attorney; Vulnerable adults.**

Most vulnerable should be key consideration in any changes to most important legal document. By Law Society. 9 September 2021

In response to a Ministry of Justice consultation on modernising lasting powers of attorney (LPA), the Law Society of England and Wales has warned that the proposed changes to the LPA regime could risk undermining vital safeguards for some of the most vulnerable people. It argues the consultation has failed to address: how the proposals will work for those who cannot access a digital service; and the need to ensure that the role of the certificate provider works within a digital process as was intended when the Mental Capacity Act 2005 was passed. The Law Society's response also warns that the consultation has not provided a secure, reliable way of deploying electronic signatures.

Website: [lawsociety.org.uk/contact-or-visit-us/press-office/press-releases/most-vulnerable-should-be-key-consideration-in-any-changes-to-most-important-legal-document](https://lawsociety.org.uk/contact-or-visit-us/press-office/press-releases/most-vulnerable-should-be-key-consideration-in-any-changes-to-most-important-legal-document) [Accessed at 10 September 2021]

Legislation referred: Mental Capacity Act 2005



## LOCAL GOVERNMENT. *Tax.*

### **Council tax; Local authorities' powers and duties; Tax administration.**

Council tax collection: best practice guidance for local authorities. By Ministry of Housing, Communities and Local Government. 16 August 2021

Ministry of Housing, Communities and Local Government guidance shares the experience of innovative authorities and the methods they use when collecting council tax. These include investing in clear communication, supportive recovery techniques, and proactive engagement with the debt advice sector.

Website: [gov.uk/government/publications/council-tax-collection-best-practice-guidance-for-local-authorities/council-tax-collection-best-practice-guidance-for-local-authorities](https://www.gov.uk/government/publications/council-tax-collection-best-practice-guidance-for-local-authorities/council-tax-collection-best-practice-guidance-for-local-authorities) [Accessed at 27 August 2021]; [localgovernmentlawyer.co.uk/governance/396-governance-news/47990-ministry-issues-best-practice-guidance-on-council-tax-collection](https://www.localgovernmentlawyer.co.uk/governance/396-governance-news/47990-ministry-issues-best-practice-guidance-on-council-tax-collection) [Accessed 27 August 2021]

## NEWS RELEASES

### HEALTH. *Social welfare.*

#### **Coronavirus; Funding; NHS; National insurance contributions; Social care; Waiting lists.**

Prime Minister to announce the biggest reform of England's health and social care system for a generation. *Times*, 7 September 2021, 1,2. By Oliver Wright; Henry Zeffman; Chris Smyth. Also Reported in *Guardian*, 7 September 2021, 1,5; *Daily Telegraph*, 7 September 2021, 1,4,14-15

Prime Minister Boris Johnson is to announce the biggest reform of England's health and social care system for a generation on 7 September 2021, including £5.4 billion funding to cover the cost of increasing NHS capacity by 10% over the next three years to deal with the waiting list backlog due to COVID-19, paid for by a rise in national insurance contributions. NHS leaders have warned that the backlog could take seven years to clear, even with £10 billion a year extra, and could take 14 years if only half as much is available. Other plans to be announced include: a cap on the amount people will have to contribute to their care in old age that is expected to be set at between £50,000 and £80,000; a more generous means test so that only those with assets of more than £100,000 pay for all their own care, up from £23,250; and a plan for wider reform of the social care system and funding for both NHS and social care.

### LOCAL GOVERNMENT. *Economics; Real property.*

#### **Commercial property; Economic conditions; Local authorities' powers and duties; Local government finance.**

Councils found to own £6.4 billion of commercial property. *Times*, 17 September 2021, 24. By George Greenwood.

Analysis by The Times of freedom of information disclosures obtained by the Taxpayers' Alliance has revealed that 37 councils now own £6.4 billion of commercial property including shopping centres, office blocks and industrial buildings worth more than their annual spending power, and for 24 councils, their commercial holdings are double their core spending, despite critics calling this practice a "disaster waiting to happen". Much of the property bought by councils has been accumulated over the last decade, as they sought to plug gaps in budgets due to cuts in central government grants.