**NWLC Quarterly Legal Update**

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# CASES

## Governance

**Administrative Court allows charity’s claim in judicial review of a planning decision for apparent bias of planning committee member (R (on the application of CPRE (Somerset)) v South Somerset District Council)**

***R (on the application of CPRE (Somerset)) v South Somerset District Council*** [**[2022] EWHC 2817 (Admin)**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66TX-W1M3-GXF6-84M0-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_10_November_2022&linkInfo=F%23GB%23EWHCADMIN%23sel1%252022%25year%252022%25page%252817%25&A=0.5279743704883164&bct=A&ps=null&risb=&service=citation&langcountry=GB)

The court held that the planning permission had been vitiated by apparent bias, given that: (i) while it was not determinative, a fair-minded individual would consider the defendant's Code of Conduct (the code), and the definition of 'prejudicial interests' therein, when determining whether there had been a real possibility of bias; (ii) notwithstanding the fact that the vicechair had not promoted the first interest party's application, or voted in its favour, on a proper construction of the code he had a prejudicial interest which had disqualified him for participating in the decision making process; and (iii) while the code had been of no assistance in relation to the planning committee chair, the test in *Porter v Magill*[**[2001] All ER (D) 181 (Dec)**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66TX-W1M3-GXF6-84M0-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_10_November_2022&linkInfo=F%23GB%23ALLERD%23sel1%252001%25vol%2512%25year%252001%25page%25181%25sel2%2512%25&A=0.12195782570487268&bct=A&ps=null&risb=&service=citation&langcountry=GB) had been satisfied.

See: [**[2022] EWHC 2817 (Admin)**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66TX-W1M3-GXF6-84M0-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_10_November_2022&linkInfo=F%23GB%23EWHCADMIN%23sel1%252022%25year%252022%25page%252817%25&A=0.5279743704883164&bct=A&ps=null&risb=&service=citation&langcountry=GB)

**Local authority powers to prosecute consumer offences (R v AUH and others)**

***R (on the application of City of York Council) v AUH and others (Secretary of State for Business, Energy and Industrial Strategy intervening)*[[2022] EWCA Crim 1113](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66N7-0BG3-GXF6-81R3-00000-00/linkHandler.faces?psldocinfo=Local_authority_powers_to_prosecute_consumer_offences__R_v_AUH_and_others_&linkInfo=F%23GB%23EWCACRIM%23sel1%252022%25year%252022%25page%251113%25&A=0.9213937723838937&bct=A&risb=&service=citation&langcountry=GB" \t "_parent)**

Richard Heller, barrister at 2 Hare Court, Chambers of Jonathan Laidlaw KC considers the conjoined appeals in R (on the application of City of York Council) v AUH and others and R (Birmingham City Council) v BIY and ARA (Sec of State for Business Energy and Industrial Strategy intervening) (‘the York Case’ and ‘the Birmingham Case’), in which the Court of Appeal held that paragraph 46(1), Schedule 5 to the Consumer Rights Act 2015 (CRA 2015), provides a free-standing power to prosecute consumer offences arising outside a local authority’s geographical boundaries, without the need for reference to the expediency provision at section 222 of the Local Government Act 1972 (LGA 1972).

See News Analysis: [**Local authority powers to prosecute consumer offences (R v AUH and others)**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66N7-0BG3-GXF6-81R3-00000-00/Local_authority_powers_to_prosecute_consumer_offences__R_v_AUH_and_others_)

## Children’s Social Care

**Failure to act negligence claims against local authorities (HXA v Surrey CC, YXA v Wolverhampton CC)**

***HXA v Surrey County Council; YXA (a protected party by his litigation friend, the Official Solicitor) v Wolverhampton City Council*** [**[2022] EWCA Civ 1196**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66F7-DHJ3-GXF6-83SJ-00000-00/linkHandler.faces?psldocinfo=Failure_to_act_negligence_claims_against_local_authorities__HXA_v_Surrey_CC__YXA_v_Wolverhampton_CC_&linkInfo=F%23GB%23EWCACIV%23sel1%252022%25year%252022%25page%251196%25&A=0.2178482507011693&bct=A&ps=null&risb=&service=citation&langcountry=GB)***,***[**[2022] All ER (D) 18 (Sep)**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66F7-DHJ3-GXF6-83SJ-00000-00/linkHandler.faces?psldocinfo=Failure_to_act_negligence_claims_against_local_authorities__HXA_v_Surrey_CC__YXA_v_Wolverhampton_CC_&linkInfo=F%23GB%23ALLERD%23sel1%252022%25vol%2509%25year%252022%25page%2518%25sel2%2509%25&A=0.9932944058719375&bct=A&ps=null&risb=&service=citation&langcountry=GB)

The court considered the circumstances in which a local authority and/or its social workers, for whom it is vicariously liable, owe a duty of care to a child to whom the local authority is providing services and what amounts to an assumption of responsibility in the context of child protection. Lord Justice Baker delivered the lead judgment and decided that circumstances in which a local authority may assume responsibility for a child to give rise to a duty of care under the law of negligence are not confined to cases where it acquires parental responsibility under the Children Act 1989 (ChA 1989) and that it was arguable that other circumstances may amount to ‘something more’ so as to give rise to an assumption of responsibility. Yaa Dankwa Ampadu-Sackey, barrister at Lamb Building Chambers, considers the implications of the decision.

See News Analysis: [**Failure to act negligence claims against local authorities (HXA v Surrey CC; YXA v Wolverhampton CC)**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66FF-X6F3-CGX8-0004-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_22_September_2022&ps=null&bct=A&homeCsi=0&A=0.9056605268274973&urlEnc=ISO-8859-1&&dpsi=0S4D&remotekey1=DOC-ID&remotekey2=0S4D_4391306&service=DOC-ID&origdpsi=0S4D).

## Education

# Specificity in Education, Health and Care Plans (DM v Cornwall CC)

# DM V Cornwall CC (SEN) [[2022] UKUT 230 (AAC)](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66KX-SNR3-GXF6-82H4-00000-00/linkHandler.faces?psldocinfo=Specificity_in_Education__Health_and_Care_Plans__DM_v_Cornwall_CC_&linkInfo=F%23GB%23UKUTAAC%23sel1%252022%25year%252022%25page%25230%25&A=0.3240737284190798&bct=A&risb=&service=citation&langcountry=GB)

In the first appeal case dealing with the specificity of an Education, Health and Care plan where a child receives education otherwise than at school, the Upper Tribunal explores the extent to which flexibility in special education provision is lawful taking into account the child’s needs and circumstances, in particular where professional input and additional documents and plans are provided for. Written by Katharine Elliot, barrister at Landmark Chambers.

See News Analysis: [**Specificity in Education, Health and Care Plans (DM v Cornwall CC)**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66KX-SNR3-GXF6-82H4-00000-00/Specificity_in_Education__Health_and_Care_Plans__DM_v_Cornwall_CC_)**.**

**Healthcare**

## ‘Expedient and necessary’ and/or ‘just and convenient’? The Court of Appeal clarifies the proper test for injunctions in the Court of Protection (Re G)

# Re G (Court of Protection: injunction) [[2022] EWCA Civ 1312](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66VJ-KSC3-CGX8-039C-00000-00/linkHandler.faces?psldocinfo=_Expedient_and_necessary__and_or__just_and_convenient___The_Court_of_Appeal_clarifies_the_proper_test_for_injunctions_in_the_Court_of_Protection__Re_G_&linkInfo=F%23GB%23EWCACIV%23sel1%252022%25year%252022%25page%251312%25&A=0.007809607207865832&bct=A&ps=null&risb=&service=citation&langcountry=GB)

This case concerned an injunction granted to an NHS Trust and an Integrated Care Board (ICB) against the family of P. The Trust and ICB sought to restrain the family from impeding the efforts to move P from hospital to an intermediate residential placement, the family’s preference being that she returned home with them. The family appealed principally on the basis that the judge had erred in the test he had applied, relying on the ‘expedient and necessary’ test set out in the [Mental Capacity Act 2005](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66WD-DC23-GXF6-804N-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_17_November_2022&linkInfo=F%23GB%23UK_LEG%23num%252005_9a_Title%25&A=0.35449019773230495&bct=A&risb=&service=citation&langcountry=GB) ([MCA 2005](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66WD-DC23-GXF6-804N-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_17_November_2022&linkInfo=F%23GB%23UK_LEG%23num%252005_9a_Title%25&A=0.9154471722700274&bct=A&risb=&service=citation&langcountry=GB)) rather than the ‘just and convenient’ test of the inherent jurisdiction of the High Court. The Court of Appeal clarified that the CoP’s power to grant injunctions was based on [MCA 2005](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66WD-DC23-GXF6-804N-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_17_November_2022&linkInfo=F%23GB%23UK_LEG%23num%252005_9a_Title%25&A=0.6793036724218158&bct=A&risb=&service=citation&langcountry=GB) but that when it does so it was exercising the inherent jurisdiction of the High Court. The court decided that the CoP can grant an injunction if necessary or expedient to give effect to a previous order but that it had to be satisfied that that it was just and convenient to do so. Written by Sebastian Elgueta, barrister at Garden Court Chambers.

See News Analysis: [**‘Expedient and necessary’ and/or ‘just and convenient’? The Court of Appeal clarifies the proper test for injunctions in the Court of Protection (Re G)**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66WD-DC23-GXF6-804N-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_17_November_2022&ps=null&bct=A&homeCsi=0&A=0.0753045268432706&urlEnc=ISO-8859-1&&dpsi=0S4D&remotekey1=DOC-ID&remotekey2=0S4D_4407895&service=DOC-ID&origdpsi=0S4D).

**Highways**

## No requirement to consult owner/occupier for works to kerb and footway where requester pays for works (Anwar v LB Ealing)

***Anwar v Ealing London Borough Council***[**[2022] EWHC 2464 (KB)**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66TP-RF03-CGX8-015H-00000-00/linkHandler.faces?psldocinfo=No_requirement_to_consult_owner_occupier_for_works_to_kerb_and_footway_where_requester_pays_for_works__Anwar_v_LB_Ealing_&linkInfo=F%23GB%23EWHCKB%23sel1%252022%25year%252022%25page%252464%25&A=0.6006645132958891&bct=A&risb=&service=citation&langcountry=GB)

The court held that works carried out to enable a car to drive onto the kerb to park in the neighbour’s forecourt fell under section 184(11) of the Highways Act 1980 (HiA 1980) and therefore there was no requirement to consult the owner/occupier, because under HiA 1980, s 184(11), the requester pays for the works. This interpretation did not result in any interference with the owner’s property rights and the slice of land comprising the highway itself belongs not to the owner of the house but to the authority. Written by Odette Chalaby, barrister at No 5 Chambers.

# See News Analysis: [No requirement to consult owner/occupier for works to kerb and footway where requester pays for works (Anwar v LB Ealing)](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66TP-RF03-CGX8-015H-00000-00/No_requirement_to_consult_owner_occupier_for_works_to_kerb_and_footway_where_requester_pays_for_works__Anwar_v_LB_Ealing_).

**Judicial review**

## Administrative court dismisses JR of education decision for lack or standing—R (AB) v A county council

***R (on the application of AB) v A county council***[**[2022] All ER (D) 05 (Nov)**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66SD-V9R3-GXF6-80VN-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_3_November_2022&linkInfo=F%23GB%23ALLERD%23sel1%252022%25vol%2511%25year%252022%25page%2505%25sel2%2511%25&A=0.4490007339301729&bct=A&ps=null&risb=&service=citation&langcountry=GB)

In the case of R (on the application of AB) v A county council [2022] All ER (D) 05 (Nov), the Administrative Court refused the claimant's renewed application for permission to apply for judicial review. The claimant was a teacher at child X's school. By bringing the proceedings, she sought to ventilate what she called 'substantive safeguarding concerns' about child X. The court held, among other things, that the claimant had not established that she herself had a reasonable concern in child X's welfare as opposed to others involved in child X's care, education and development. The court was not persuaded that she had standing or even that it was arguable that she had standing.

See: [**[2022] All ER (D) 05 (Nov)**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66SD-V9R3-GXF6-80VN-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_3_November_2022&linkInfo=F%23GB%23ALLERD%23sel1%252022%25vol%2511%25year%252022%25page%2505%25sel2%2511%25&A=0.1022033310885927&bct=A&ps=null&risb=&service=citation&langcountry=GB).

## Standing in public procurement judicial review claims take a tumble (R (Good Law Project Ltd) v Secretary of State for Health and Social Care)

**R (on the application of Good Law Project Ltd) v Secretary of State for Health and Social Care**[**[2022] EWHC 2468 (TCC)**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66P9-8BV3-CGX8-0265-00000-00/linkHandler.faces?psldocinfo=Standing_in_public_procurement_judicial_review_claims_take_a_tumble__R__Good_Law_Project_Ltd__v_Secretary_of_State_for_Health_and_Social_Care_&linkInfo=F%23GB%23EWHCTCC%23sel1%252022%25year%252022%25page%252468%25&A=0.906986723934631&bct=A&risb=&service=citation&langcountry=GB)

This was one a series of cases in which the Good Law Project (‘GLP’) sought to challenge the award of contracts awarded by the Department of Health and Social Care (‘DHSC’) in the midst of the coronavirus (COVID-19) pandemic. In this case, it judicially reviewed DHSC’s award of three contracts to Abingdon Health plc (‘Abingdon’), a diagnostics company, in respect of the development of antibody lateral flow tests (‘LFTs’). GLP argued that the decisions to enter into the contracts were irrational (in a wide array of ways); that there was a real possibility of bias and/or predetermination arising in relation to DHSC’s conduct by reason of a number of factors; that DHSC had failed to manage a conflict of interest and that its actions were vitiated by unlawful nationality discrimination/preference. It further maintained that DHSC had breached the principles of equal treatment, transparency, and proportionality and granted unlawful state aid. Mr Justice Waksman dismissed every aspect of GLP’s grounds. Further, he found that GLP did not have standing to bring this challenge. Written by Jonathan Lewis, barrister at Henderson Chambers (who has been instructed by DHSC in respect of some claims brought by GLP).

# See News Analysis: [Standing in public procurement judicial review claims take a tumble (R (Good Law Project Ltd) v Secretary of State for Health and Social Care)](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66P9-8BV3-CGX8-0265-00000-00/Standing_in_public_procurement_judicial_review_claims_take_a_tumble__R__Good_Law_Project_Ltd__v_Secretary_of_State_for_Health_and_Social_Care_).

## Public Procurement

# Application for strike out—time limits for claims re: alleged conflicts of interest and breaches of stated procedure in utilities procurement (Siemens Mobility Ltd v HS2)

**Siemens Mobility Ltd v High Speed Two (Hs2) Ltd**[**[2022] EWHC 2451 (TCC)**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66R4-VFK3-GXF6-80D9-00000-00/linkHandler.faces?psldocinfo=Application_for_strike_out_time_limits_for_claims_re__alleged_conflicts_of_interest_and_breaches_of_stated_procedure_in_utilities_procurement__Siemens_Mobility_Ltd_v_HS2_&linkInfo=F%23GB%23EWHCTCC%23sel1%252022%25year%252022%25page%252451%25&A=0.6407378047150862&bct=A&risb=&service=citation&langcountry=GB)

In a claim regarding a conflict of interest between the parties involved in the procurement process and to an alleged breach of the Tender Opening Evaluation Procedure (TOEP), the court struck out one element of the claim on the basis that it was out of time as the claimant (Siemens) ought to have had knowledge at the point of disclosure (and on the basis that a reasonably well informed and diligent (RWIND) tenderer acting reasonably ought to have made further enquiries as to the context of certain messages when they were received in disclosure). The court further held that the remaining element of the claim was in time on the basis that HS2 could not demonstrate constructive or actual knowledge of relevant financial interests of certain employees based on the information that had been originally provided to Siemens. The judgment is a useful reminder to contracting authorities to ensure conflicts of interest declarations are completed fully at the outset of the procurement to identify any potential or actual conflict. The case is also a timely reminder for contracting authorities of the importance of full disclosure in order to give certainty on the timescales for commencing procurement challenges. Additionally, the judgment highlights the importance for bidders to consider whether, in light of information they have been provided, the RWIND tenderer acting reasonably ought to seek further clarification of information received (or whether what has been provided would be likely to give rise to constructive knowledge). Written by Lucy Doran, partner and Stuart Brown, associate at Trowers & Hamlins LLP.

# See News Analysis: [Application for strike out—time limits for claims re: alleged conflicts of interest and breaches of stated procedure in utilities procurement (Siemens Mobility Ltd v HS2)](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66R4-VFK3-GXF6-80D9-00000-00/Application_for_strike_out_time_limits_for_claims_re__alleged_conflicts_of_interest_and_breaches_of_stated_procedure_in_utilities_procurement__Siemens_Mobility_Ltd_v_HS2_)

**Automatic suspension lifted following withdrawal of appeals (Camelot UK Lotteries Ltd and others v Gambling Commission)**

***Camelot UK Lotteries Ltd and others v Gambling Commission***[**[2022] EWHC 1664 (TCC)**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66J2-1TR3-CGX8-00WP-00000-00/linkHandler.faces?psldocinfo=Automatic_suspension_lifted_following_withdrawal_of_appeals__Camelot_UK_Lotteries_Ltd_and_others_v_Gambling_Commission_&linkInfo=F%23GB%23EWHCTCC%23sel1%252022%25year%252022%25page%251664%25&A=0.5645061804923607&bct=A&ps=null&risb=&service=citation&langcountry=GB)

On 29 June 2022, the High Court (Technology and Construction Court) (TCC) decided that an automatic procurement suspension in the case of Camelot UK Lotteries Ltd and others v Gambling Commission [2022] EWHC 1664 (TCC) should be lifted on the application of the defendant. Written by Christopher Brennan, Legal Director at Gowling WLG (UK) LLP.

See News Analysis: [**Camelot UK Lotteries Ltd and others v Gambling Commission**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66JF-GCJ3-CGX8-04CD-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_6_October_2022&ps=null&bct=A&homeCsi=0&A=0.007571794852901159&urlEnc=ISO-8859-1&&dpsi=0S4D&remotekey1=DOC-ID&remotekey2=0S4D_4395089&service=DOC-ID&origdpsi=0S4D).

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## Planning

**Supreme Court rules on implementability of multi-unit planning permission where subsequent development is carried out (Hillside Parks v Snowdonia NPA)**

***Hillside Parks Ltd v Snowdonia National Park Authority***[**[2022] UKSC 30**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66S7-M5R3-CGX8-02CC-00000-00/linkHandler.faces?psldocinfo=Supreme_Court_rules_on_implementability_of_multi_unit_planning_permission_where_subsequent_development_is_carried_out__Hillside_Parks_v_Snowdonia_NPA_&linkInfo=F%23GB%23UKSC%23sel1%252022%25year%252022%25page%2530%25&A=0.3992810582375562&bct=A&ps=null&risb=&service=citation&langcountry=GB)

 In Hillside Parks v Snowdonia National Park Authority, the Supreme Court ruled on the correct interpretation of a series of planning permissions for residential development on a site, dating back to a masterplan for 401 dwellings permitted in 1967. The court decided that in accordance with the Pilkington principle, the development authorised by the original 1967 planning permission could no longer be built-out, as the intervening development of dwellings on the site had made it physically impossible to complete the original development in accordance with the original permission.

See News Analysis: [**Supreme Court rules on implementability of multi-unit planning permission where subsequent development is carried out (Hillside Parks v Snowdonia NPA)**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66SD-V9R3-GXF6-80VN-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_3_November_2022&ps=null&bct=A&homeCsi=0&A=0.6063012316638845&urlEnc=ISO-8859-1&&dpsi=0S4D&remotekey1=DOC-ID&remotekey2=0S4D_4405068&service=DOC-ID&origdpsi=0S4D) and [**[2022] All ER (D) 09 (Nov)**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66SD-V9R3-GXF6-80VN-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_3_November_2022&linkInfo=F%23GB%23ALLERD%23sel1%252022%25vol%2511%25year%252022%25page%2509%25sel2%2511%25&A=0.396675526676286&bct=A&risb=&service=citation&langcountry=GB).

**Lawful or unlawful? Use of hotels as asylum seeker accommodation in planning terms (Ipswich Council v Fairview Hotels (Ipswich) and Serco Ltd, East Riding Council v Mears Group and others)**

***Ipswich Borough Council v Fairview Hotels (Ipswich) Ltd and another***[**[2022] EWHC 2868 (KB)**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66XY-38W3-CGX8-04PP-00000-00/linkHandler.faces?psldocinfo=Lawful_or_unlawful__Use_of_hotels_as_asylum_seeker_accommodation_in_planning_terms__Ipswich_Council_v_Fairview_Hotels__Ipswich__and_Serco_Ltd__East_Riding_Council_v_Mears_Group_and_others_&linkInfo=F%23GB%23EWHCKB%23sel1%252022%25year%252022%25page%252868%25&A=0.648609716266358&bct=A&risb=&service=citation&langcountry=GB)

This judgment considered two distinct although similar cases. Although only applications for injunctions were heard with the substantive matters of the cases to be dealt with at a later date, the ruling sheds light on the planning law implications of the Home Office’s current use of hotels to temporarily house asylum seekers. The High Court considered the much argued, at local planning level, planning use for asylum seeker accommodation. The court considered the implications of asylum seekers being housed in C1 use class hotel accommodation against two local planning authorities’ (LPAs') assertions that the use should be considered a more ‘hostel-style’ sui generis use which would render the housing of asylum seekers in hotel accommodation unlawful in planning terms. With both LPAs being unsuccessful in their applications, these cases also consider the implications of LPAs requesting injunctive relief from the courts and the practical and legal considerations that must be followed if such a request is to be successful. Written by Rebecca Roffe, partner at CMS Cameron McKenna Nabarro Olswang LLP.

See News Analysis: [**Lawful or unlawful? Use of hotels as asylum seeker accommodation in planning terms (Ipswich Council v Fairview Hotels (Ipswich) and Serco Ltd, East Riding Council v Mears Group and others)**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66XY-38W3-CGX8-04PP-00000-00/Lawful%20or%20unlawful?%20Use%20of%20hotels%20as%20asylum%20seeker%20accommodation%20in%20planning%20terms%20(Ipswich%20Council%20v%20Fairview%20Hotels%20(Ipswich)%20and%20Serco%20Ltd,%20East%20Riding%20Council%20v%20Mears%20Group%20and%20others))

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## Social Housing

**Homelessness private rented sector offers (PRSOs)—a lesson in scrupulous compliance (Norton v LB Haringey)**

***Norton v Haringey London Borough Council***[**[2022] EWCA Civ 1340**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66PX-W5R3-GXF6-80BM-00000-00/linkHandler.faces?psldocinfo=Homelessness_private_rented_sector_offers__PRSOs__a_lesson_in_scrupulous_compliance__Norton_v_LB_Haringey_&linkInfo=F%23GB%23EWCACIV%23sel1%252022%25year%252022%25page%251340%25&A=0.11650370443197922&bct=A&ps=null&risb=&service=citation&langcountry=GB)

This is a Court of Appeal decision addressing the technical requirements imposed on local housing authorities when making final private rented sector offers of accommodation (PRSOs) to bring the main homeless duty to an end under section 193(7AA), (7AC) of the Housing Act 1996 (HA 1996). The court has adopted a highly rigorous approach to the statutory provisions and thereby set an exacting test for what must be met in any such offer of accommodation. The case is likely to lead to a number of successful reviews and appeals in existing PRSO discharge cases. Written by Kevin Long, solicitor at Hackney Community Law Centre.

See News Analysis:[**Homelessness private rented sector offers (PRSOs)—a lesson in scrupulous compliance (Norton v LB Haringey)**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66SD-V9R3-GXF6-80VN-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_3_November_2022&ps=null&bct=A&homeCsi=412012&A=0.6966804681789759&urlEnc=ISO-8859-1&&dpsi=0S4D&remotekey1=DOC-ID&remotekey2=0S4D_4402426&service=DOC-ID&origdpsi=0S4D)**.**

# An innovative way to tackle tenancy fraud (The Royal Borough of Kensington and Chelsea v AirBnB Payments UK Ltd)

**Royal Borough of Kensington and Chelsea v AirBnB Payments UK Ltd**[**[2022] EWHC 2209 (Ch)**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66PH-4R63-CGX8-0173-00000-00/linkHandler.faces?psldocinfo=An_innovative_way_to_tackle_tenancy_fraud__The_Royal_Borough_of_Kensington_and_Chelsea_v_AirBnB_Payments_UK_Ltd_&linkInfo=F%23GB%23EWHCCH%23sel1%252022%25year%252022%25page%252209%25&A=0.5508373393438253&bct=A&risb=&service=citation&langcountry=GB)

The Royal Borough of Kensington and Chelsea obtained a pre-proceedings Norwich Pharmacal order for disclosure against a third party who had potentially innocently been caught up in wrongdoing, namely, unlawful subletting. The order required the online short term letting business AirBnB to disclose information concerning financial transactions associated with properties let to social housing tenants in two large blocks of flats. The Council was aware that some of its tenants were unlawfully subletting. The two blocks identified were in popular prime locations and contained a high proportion of key safes for individual properties which gave rise to the suspicion that short term subletting was taking place. The order sought was designed to enable the Council to identify the individual wrongdoers. AirBnB did not oppose the order sought but was unwilling to disclose the information without a court order. Written by Ian Peacock and Anneli Robins, barristers at 4–5 Gray’s Inn Square specialising in housing and local government law.

See News Analysis:[**An innovative way to tackle tenancy fraud (The Royal Borough of Kensington and Chelsea v AirBnB Payments UK Ltd)**](ttps://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66PH-4R63-CGX8-0173-00000-00/An_innovative_way_to_tackle_tenancy_fraud__The_Royal_Borough_of_Kensington_and_Chelsea_v_AirBnB_Payments_UK_Ltd_).

**Social Care**

## Local Authority’s decision under section 18 of the Care Act 2014 unlawful (R(P) v London Borough of Croydon)

**R (on the application of P (by her litigation friend)) v Croydon London Borough Council**[**[2022] EWHC 2886 (Admin)**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66X8-S8N3-GXF6-81HF-00000-00/linkHandler.faces?psldocinfo=Local_Authority_s_decision_under_section_18_of_the_Care_Act_2014_unlawful__R_P__v_London_Borough_of_Croydon_&linkInfo=F%23GB%23EWHCADMIN%23sel1%252022%25year%252022%25page%252886%25&A=0.6593642513778254&bct=A&risb=&service=citation&langcountry=GB)

The Care Act 2014 (CA 2014) imposes a duty on local authorities to assess and meet needs for care and support. In this case, the Local Authority assessed P as having 24-hour needs. The Local Authority then produced a Care and Support Plan which provided for 35 hours of direct payments per week. This set level of payments assumed that an amount of care could be provided by P’s parents. David Pievsky KC (sitting as a Deputy Judge of the High Court) held that the defendant’s failure to involve the parents in the care planning process as required by the Statutory Guidance rendered the Care and Support Plan unlawful. Written by Laura Shepherd, barrister at 30 Park Place.

See News Analysis[: **Local Authority’s decision under section 18 of the Care Act 2014 unlawful (R(P) v London Borough of Croydon)**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66X8-S8N3-GXF6-81HF-00000-00/Local_Authority_s_decision_under_section_18_of_the_Care_Act_2014_unlawful__R_P__v_London_Borough_of_Croydon_).



# POLICY PAPERS AND GUIDANCE

**Governance**

**UK Covid-19 Inquiry launches second investigation on government decision-making**

The UK Covid-19 Inquiry has launched a second investigation, ‘Module 2’, which will examine the UK and devolved governments’ political and administrative decision-making, with a particular focus on early 2020. The UK Covid-19 Inquiry has said that it will hold preliminary hearings for Module 2, 2A, 2B and 2C from late autumn, witnesses will give evidence in summer 2023 and evidentiary hearings will be held for Modules 2A, 2B and 2C subsequently.

See: [**LNB News 31/08/2022 39**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/6690-K0K3-GXF6-80CP-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_1_September_2022&linkInfo=F%23GB%23LNBNEWS%23sel1%252022%25month%2508%25year%252022%25page%2539%25day%2531%25&A=0.6358222143993593&bct=A&risb=&service=citation&langcountry=GB).

**Government publishes updates to Consultancy Playbook**

The Cabinet Office, and Government Commercial Function, has updated the Consultancy Playbook, which provides information on sourcing consultancy services, building on the original version with new and refreshed guidance notes on a range of topics.

See: [**LNB News 05/09/2022 44**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66BG-JTY3-CGX8-00TP-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_8_September_2022&linkInfo=F%23GB%23LNBNEWS%23sel1%252022%25month%2509%25year%252022%25page%2544%25day%2505%25&A=0.036550332025191756&bct=A&risb=&service=citation&langcountry=GB).

**NAO publishes guide to corporate finance in public sector**

The National Audit Office (NAO) has published a guide to corporate finance in the public sector using insights from 139 NAO reports. The guide sets out key questions for senior decision-makers to consider when overseeing corporate finance activities and covers 14 themes over the the following three core areas: principles and concepts, organisations and functions and transactions.

See: [**LNB News 21/09/2022 47**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66FF-X6F3-CGX8-0004-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_22_September_2022&linkInfo=F%23GB%23LNBNEWS%23sel1%252022%25month%2509%25year%252022%25page%2547%25day%2521%25&A=0.1329794567508391&bct=A&risb=&service=citation&langcountry=GB).

**Education**

**Ofsted updates inspectors and providers code of conduct guidance**

Ofsted has updated its guidance on the code of conduct expected by its inspectors and its providers during inspections or wider regulatory activities. The updates include that those inspectors carrying out visits must ask providers to read the code of conduct and must explain the expectations to inspectors and providers. The updates also clarify expectations around integrity, transparency and honesty. It has also updated its guidance documents on deferring Ofsted inspections, the unregistered school inspection handbook, and inspecting safeguarding in early years, education and skills settings.

See: [**LNB News 01/09/2022 45**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66BG-JTY3-CGX8-00TP-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_8_September_2022&linkInfo=F%23GB%23LNBNEWS%23sel1%252022%25month%2509%25year%252022%25page%2545%25day%2501%25&A=0.44717313759193966&bct=A&risb=&service=citation&langcountry=GB) and [**LNB News 01/09/2022 48**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66BG-JTY3-CGX8-00TP-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_8_September_2022&linkInfo=F%23GB%23LNBNEWS%23sel1%252022%25month%2509%25year%252022%25page%2548%25day%2501%25&A=0.5502413279103205&bct=A&risb=&service=citation&langcountry=GB).

**DfE publishes updated guidance for sixth-form colleges converting to academies**

The Department for Education (DfE) has published updated guidance for sixth-form colleges considering converting into 16 to 19 academies. DfE has said that the updated guidance follows the [Skills and Post-16 Education Act 2022](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66JF-GCJ3-CGX8-04CD-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_6_October_2022&linkInfo=F%23GB%23UK_LEG%23num%252022_21a_Title%25&A=0.329932432449765&bct=A&risb=&service=citation&langcountry=GB) and Schools White Paper 2022.

See: [**LNB News 03/10/2022 16**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66JF-GCJ3-CGX8-04CD-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_6_October_2022&linkInfo=F%23GB%23LNBNEWS%23sel1%252022%25month%2510%25year%252022%25page%2516%25day%2503%25&A=0.5526435439691437&bct=A&risb=&service=citation&langcountry=GB).

**DfE publishes guidance on early years education recovery programme**

The Department for Education (DfE) has published guidance on the early years education recovery programme which provides new continuing professional development, qualifications and support for the early years sector. The programme also aims to address the impact of the pandemic on the youngest, most disadvantaged children offering continuing professional development, additional funding for qualifications and support and guidance to early years settings via stronger practice hubs and experts. This programme forms part of the £180m fund package which was also announced by DfE to support early years professionals.

See: [**LNB News 20/10/2022 55**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66PX-W5R3-GXF6-80CN-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_27_October_2022&linkInfo=F%23GB%23LNBNEWS%23sel1%252022%25month%2510%25year%252022%25page%2555%25day%2520%25&A=0.3867509105861531&bct=A&risb=&service=citation&langcountry=GB).

## Healthcare

**NAO publishes report on Integrated Care Systems**

The National Audit Office (NAO) has published a report on the introduction of Integrated Care Systems (ICS), which join up local care services from the NHS, local government and other partner organisations to improve health outcomes by planning and delivering services together. ICSs were introduced into legislation by the [Health and Care Act 2022](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66NF-3JD3-GXF6-8487-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_20_October_2022&linkInfo=F%23GB%23UK_LEG%23num%252022_31a_Title%25&A=0.34023866400530056&bct=A&risb=&service=citation&langcountry=GB) and have been in effect since 1 July 2022. The report includes an introduction to ICSs, describing their structure, objectives, and governance arrangements, an assessment of the ICSs finances, staffing and activity levels, some of the wider challenges facing the health and care sector and an assessment of ICSs’ prospects and recommendations from the NAO on how best to manage the risks and realise the opportunities ICSs are likely to face.

See: [**LNB News 17/10/2022 13**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66NF-3JD3-GXF6-8487-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_20_October_2022&linkInfo=F%23GB%23LNBNEWS%23sel1%252022%25month%2510%25year%252022%25page%2513%25day%2517%25&A=0.41171783337380496&bct=A&risb=&service=citation&langcountry=GB).

**Licensing**

## Reflections by Sir John Saunders on the part that licensing authorities can play in preventing or mitigating the effects of a terrorist attack

General Editor of Paterson’s Licencing Acts, Sir John Saunders, discusses his views on whether licencing committees dealing with an application for a large arena should consider how the applicant will seek to prevent a terrorist attack or mitigate the effect of any that occur. This commentary was originally written for publication in the 131st edition of Paterson’s Licencing Acts.

See News Analysis: [**Reflections by Sir John Saunders on the part that licensing authorities can play in preventing or mitigating the effects of a terrorist attack**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66XR-1NW3-GXF6-80GT-00000-00/Reflections_by_Sir_John_Saunders_on_the_part_that_licensing_authorities_can_play_in_preventing_or_mitigating_the_effects_of_a_terrorist_attack).

## Public Procurement

**The Procurement Bill—Analysis series**

The following series first published by Freshfields Bruckhaus Deringer LLP examines the Procurement bill’s provisions on exclusion and debarment, contract performance, direct awards and the modification of contracts.

See News Analyses: [**The Procurement Bill—exclusion and debarment**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66BG-JTY3-CGX8-00TP-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_8_September_2022&ps=null&bct=A&homeCsi=0&A=0.42064406214989025&urlEnc=ISO-8859-1&&dpsi=0S4D&remotekey1=DOC-ID&remotekey2=0S4D_4388410&service=DOC-ID&origdpsi=0S4D), [**The Procurement Bill—contract performance**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66BG-JTY3-CGX8-00TP-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_8_September_2022&ps=null&bct=A&homeCsi=0&A=0.42064406214989025&urlEnc=ISO-8859-1&&dpsi=0S4D&remotekey1=DOC-ID&remotekey2=0S4D_4388425&service=DOC-ID&origdpsi=0S4D), awards, and [**The Procurement Bill—modification of contracts**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66D0-4BR3-GXF6-83GH-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_15_September_2022&ps=null&bct=A&homeCsi=0&A=0.8284524575360086&urlEnc=ISO-8859-1&&dpsi=0S4D&remotekey1=DOC-ID&remotekey2=0S4D_4388880&service=DOC-ID&origdpsi=0S4D).

**Subsidy Control Act 2022—An update**

Following the Subsidy Control Bill 2021 receiving Royal Assent on 28 April 2022, the UK government and Competition and Markets Authority (CMA) have published draft guidance on the new UK subsidy control regime. The [Subsidy Control Act 2022](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66FF-X6F3-CGX8-0004-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_22_September_2022&linkInfo=F%23GB%23UK_LEG%23num%252022_23a_Title%25&A=0.007792431181725457&bct=A&risb=&service=citation&langcountry=GB) ([SCA 2022](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66FF-X6F3-CGX8-0004-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_22_September_2022&linkInfo=F%23GB%23UK_LEG%23num%252022_23a_Title%25&A=0.4575930098782549&bct=A&risb=&service=citation&langcountry=GB)) provides a new framework for the provision of subsidies within the UK, replacing the EU State aid regime which was repealed in the UK following Brexit, subject to the Northern Ireland Protocol to the EU Withdrawal Agreement dated 30 January 2020. [SCA 2022](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66FF-X6F3-CGX8-0004-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_22_September_2022&linkInfo=F%23GB%23UK_LEG%23num%252022_23a_Title%25&A=0.8920878252493787&bct=A&risb=&service=citation&langcountry=GB) in addition, the CMA has published its own draft guidance document and a draft Statement of Policy which we outline in this briefing. The Bill has not yet been fully implemented. It is expected that the Act will come fully into force during late 2022 or early 2023 following the implementation of secondary legislation. In this briefing, Anthony Woolich of HSF (Holman Fenwick Willan LLP), discusses the government’s draft guidance, as well as the parallel draft guidance and Statement of Policy published by the CMA.

See News Analysis: [**Subsidy Control Act 2022—An update**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66FF-X6F3-CGX8-0004-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_22_September_2022&ps=null&bct=A&homeCsi=0&A=0.8588664200940562&urlEnc=ISO-8859-1&&dpsi=0S4D&remotekey1=DOC-ID&remotekey2=0S4D_4391398&service=DOC-ID&origdpsi=0S4D).

**Social Care**

**DHSC updates statutory guidance on Care Act 2014**

The Department of Health and Social Care (DHSC) has updated the [Care Act 2014](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66BG-JTY3-CGX8-00TP-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_8_September_2022&linkInfo=F%23GB%23UK_LEG%23num%252014_23a_Title%25&A=0.22258657223694744&bct=A&risb=&service=citation&langcountry=GB) ([CA 2014](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66BG-JTY3-CGX8-00TP-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_8_September_2022&linkInfo=F%23GB%23UK_LEG%23num%252014_23a_Title%25&A=0.6793530495644429&bct=A&risb=&service=citation&langcountry=GB)) 'Care and support’ statutory guidance to add a note explaining that some parts of the guidance are out of date and are in the process of being updated as a result of the [Health and Care Act 2022](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66BG-JTY3-CGX8-00TP-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_8_September_2022&linkInfo=F%23GB%23UK_LEG%23num%252022_31a_Title%25&A=0.8138160270844577&bct=A&risb=&service=citation&langcountry=GB) revoking Schedule 3 and amending [CA 2014, s 74](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66BG-JTY3-CGX8-00TP-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_8_September_2022&linkInfo=F%23GB%23UK_LEG%23num%252014_23a_SECT_74%25&A=0.687664437986699&bct=A&risb=&service=citation&langcountry=GB) on 1 July 2022.

See: [**LNB News 02/09/2022 32**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66BG-JTY3-CGX8-00TP-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_8_September_2022&linkInfo=F%23GB%23LNBNEWS%23sel1%252022%25month%2509%25year%252022%25page%2532%25day%2502%25&A=0.5956858777211606&bct=A&risb=&service=citation&langcountry=GB).

**Social Housing**

**RSH issues letters to registered housing providers following social rent cap consultation**

The Regulator of Social Housing (RSH) has written letters to both local authority registered providers and private registered providers encouraging responses to the Department for Levelling Up, Housing and Communities' consultation on changing the cap on social housing rent increases. The letters also urge providers to immediately start preparing for a possible increase in costs as a result of the upcoming consultation outcome. The current cap is CPI+1%, which is expected to be around 11% for 2023–2024. The consultation proposes a lower cap on rent rises, at 3%, 5% or 7%, and is seeking views on whether the lower cap should be put in place for one or two years. The social housing rent policy will be implemented from 1 April 2023. The consultation closes at 11.45 pm on 12 October 2022.

See: [**LNB News 07/09/2022 70**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/412012/66BG-JTY3-CGX8-00TP-00000-00/linkHandler.faces?psldocinfo=Local_Government_weekly_highlights_8_September_2022&linkInfo=F%23GB%23LNBNEWS%23sel1%252022%25month%2509%25year%252022%25page%2570%25day%2507%25&A=0.31001767883439013&bct=A&risb=&service=citation&langcountry=GB).

**DLUHC launches resident-led social housing panel**

The Department for Levelling Up, Housing and Communities (DLUHC) has launched a new resident-led panel, formed of over 250 social housing tenants from across England. The panel met for the first time on 26 November 2022, to share their experiences with ministers, inform policy change and ensure resident voices are properly heard. The panel was formed as part of the government’s commitments in the Social Housing White Paper, and will be used to rebalance the relationship between tenants and landlords by giving residents the ability to shape policy through choosing what topics to cover including how to raise awareness of the complaints process, or improving tenants’ access to information about their landlords. The panel will be involved a series online sessions and focus groups over the next year, and the full panel is expected to convene every four months for an update on progress.

See: [**LNB News 28/11/2022 70**](https://www.lexisnexis.com/uk/lexispsl/localgovernment/document/281955/66YS-R7S3-CGX8-04V3-00000-00/DLUHC%20launches%20resident-led%20social%20housing%20panel).



## Local Authority Insight Series Events

In partnership with Local Government Lawyer, the LexisNexis Local Authority Insight Series hosts a string of events which take a deep dive into topical issues and key legal movements which affect the public sector, particularly those working in local government.

**Regeneration and the local authority estate**

Austerity, local government reorganisation, climate change and Covid have all radically changed local authorities’ requirements for the property they own. At the same time, the need for more housing and the regeneration of town centres is more pressing than ever. How can local authorities utilise their property and land estates to achieve these ends and what are the legal issues and barriers that they may encounter?

They will outline and examine:

* Where are the regeneration opportunities arising from councils’ changing use of their own property?
* What are barriers to this use?
* What opportunities (or barriers) may be presented by the Levelling Up and Regeneration Bill?
* How will Sustainability/environmental/carbon neutral issues (e.g. renew or refurbish) need to be considered?
* What is the scope to use investment properties for regeneration?
* What effect might the proposed changes to the CPO regime have on regeneration projects?
* What changes to planning laws (e.g. converting council offices to residential) need to be considered?
* What effect might forthcoming changes to procurement have?
* How might changes to social housing regulation affect those councils that still own their own housing stock?

**[Watch the webinar →](https://www.lexisnexis.co.uk/video/overview.html?segment=public-sector&product=all)**

**Regime change - the Liberty Protection Safeguards**

How will the new Liberty Protection Safeguards work in practice when they replace the Deprivations of Liberty Safeguards (DOLS)?

Alex Ruck Keene KC (Hon), Barrister at 39 Essex Chambers and author of the Mental Capacity Law and Policy blog, and Emma Harrison, Senior Solicitor at Devon County Council and LLG National Lead for Adult Social Care and Health, evaluate how the Liberty Protection Safeguards might work in reality in the light of the publication of the draft Code of Practice.

They will outline and examine:

* How key aspects of the LPS regime differ from the DOLS and in which regards it will remain the same.
* Consider the operation of the ‘acid test’ established in the *Cheshire West* decision of the Supreme Court when the LPS are in force.
* Whether the new regime will act to streamline the process or create more work for lawyers and health and social care professionals.
* Where litigation may arise in future to clarify the operation of the Liberty Protection Safeguards.

**[Watch the webinar →](https://www.lexisnexis.co.uk/video/overview.html?segment=public-sector&product=all)**

**Neighbourhood Planning- 10 years on**

Since the introduction of the neighbourhood planning system by the Localism Act 2011, this webinar takes a look at how successful (or otherwise) it has been and what it might look like in future.

Planning specialists Sue Chadwick and Stephen Morgan explore:

* How the courts have interpreted the role of neighbourhood plans against other frameworks and priorities, such as the Housing Delivery Test, local plans and other aspects of the NPPF when challenged.
* What effect the expansion of permitted development rights had on the effectiveness of neighbourhood plans.
* How the approach and effectiveness of neighbourhood forums towards neighbourhood planning has differed between parish and town councils.
* How the approach of examiners has changed over time.
* Where neighbourhood planning fits in the future of planning law. In what ways might it need to change if it is to stay relevant?

**[Watch the webinar →](https://www.lexisnexis.co.uk/video/overview.html?segment=public-sector&product=all)**

**Making highways fit for future**

Following the agreement at COP26 in Glasgow, councils look set to play an important role in the UK’s efforts to move to net zero.

For local authorities, the biggest single issue within their purview is how to minimise the carbon (and other pollution) created by road traffic and how to encourage less carbon intensive forms of transport.

The panel explores:

* Local Traffic Networks
* Cycle lanes and cycle or pedestrian infrastructure
* Lower speed limits
* Charging infrastructure for EVs
* Clean air zones (CAZs)

**[Watch the webinar →](https://www.lexisnexis.co.uk/video/overview.html?segment=public-sector&product=all)**

**Effectively tackling anti-social behaviour (ASB)**

Lockdown has led to a new surge in anti-social behaviour with data from the Housing Ombudsman, Resolve ASB and National Police Chiefs’ Council (NPCC) showing an increase in complaints during the pandemic.

Expert Housing barrister, Kuljit Bhogal – author of Cornerstone on Anti-Social Behaviour (Bloomsbury) - and Susan Taylor, Senior Solicitor at Capsticks outline the latest thinking on effectively tackling ASB.

Together, the panel explore:

* Which ASB tools are most effective for local authorities and landlords?
* In what circumstances can these be used and how can these be deployed most effectively?
* When is possession appropriate and how is this changing as lockdown ends?
* Are the courts being stricter about agreeing to injunctions? How should practitioners approach applications?

[**Watch the webinar →**](https://www.lexisnexis.co.uk/video/overview.html?segment=public-sector&product=all)

**Deprivation of Liberty Safeguards (DoLS)**

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

The panel explores:

* The key respects will the LPS regime differ from the DOLS and in which regards will it remain the same?
* The operation of the ‘acid test’ established in the Cheshire West decision of the Supreme Court following the introduction of the LPS.
* Whether the LPS will streamline the process or create more work for lawyers and health and social care professionals?
* What litigation is likely to arise to clarify the operation of the LPS?

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**Intercountry adoption**

A bird’s eye view of legal landscape focusing on Local Authority duties in these complex cases.

Ruth Cabeza, barrister and author of the text, International Adoption, from Harcourt chambers and Joy Hopkinson Principal Social Care Lawyer from London Borough of Lambeth host an interactive conversation considering:

* The legal framework for local authorities dealing with overseas placements both in a private and public law context
* Practical steps for legal teams and social workers to consider when an overseas placement is in play
* How to go about ensuring that the process runs smoothly by anticipating and avoiding pitfalls
* How to determine the most effective approach to achieve the desired depending on the options available in that jurisdiction

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**Climate change**

According to Friends of the Earth, there are more than thirty actions that local authorities could and should be taking to help the fight against climate change. But, in practice, what legal powers can local authorities use to put these plans into action and what legal obstacles do they face?

The panel explores:

* How local authorities can use their own assets to combat climate change.
* The levers available to the local authorities and the potential impact of the Environment Bill
* The obligations that declaring a climate emergency place on a local authority.
* Using the planning system to combat (and deal with the consequences of) climate change.

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**Elections**

Electoral law experts Mark Heath and Emyr Thomas look at the challenges faced by returning officers when running elections and look forward to how the new Elections Bill might change the landscape in future.

They address:

* What are most common – and tricky – issues encountered by local authorities when running an election?
* How changes to electoral law and guidance might affect this year’s elections, especially in Wales.
* Dealing with a crisis: what should returning officers do if things fall apart and who can they turn to?
* The progress of The Elections Bill 2022 and how might this effect the running of future elections.

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**A balancing act- Public Sector Employment post-Covid**

The public sector has been an enthusiastic adopter of remote and hybrid working patterns, but the transition to more permanent hybrid working patterns comes with a number of legal risks.

Employment experts Felicia Epstein and Allison Cook explore:

* In what circumstances can employees request or demand remote or otherwise flexible working?
* In what circumstances can employees be required to return to the office?
* How can employers provide (or refuse) remote/hybrid working while remaining compliant with the Equality Act? Where do the potential pitfalls lie?
* Can the medically vulnerable be required to work at the office?
* Should employment contracts be amended to facilitate remote/hybrid working? How straightforward would it be to change the balance of remote/office-based working if the needs of the employer change in future?
* How much control do public sector employers have over hybrid working and staff employed by contractors?

**[Watch the webinar →](https://www.lexisnexis.co.uk/video/overview.html?segment=public-sector&product=all)**

**The Procurement Bill explained**

The procurement bill promises some radical – and not-so-radical – changes to the public procurement regime following the UK’s withdrawal from the European Union. Experienced procurement experts Kieran McGaughey and Andrew Millross outline the changes in the Procurement Bill and how they might work in practice for contracting authorities.

They cover:

* What are the major changes from the EU-derived status quo? What doesn’t change?
* What has changed from the Green Paper published last year?
* What are likely to be the key elements for local authorities (and housing associations)?
* What remains to be revealed in the subordinate legislation or is generally unclear at present?
* Is the Bill likely in practice to provide the greater flexibility the government promises it will?
* What practical steps can authorities take now to get ready for the reforms?

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