



Public Sector Legal News Update

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Cases

Local Government

R. (on the application of Galaxy Land Ltd) v Durham CC. [2015] EWHC 16 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Cranston, J. January 15, 2015

Although the Local Government Act 1972 s.123 did not require any particular process in a local authority's disposal of property, discharge of a duty under the section could be impugned on ordinary public law principles. A local authority's decision to dispose of land had been flawed because it had not been provided with the necessary information to enable it to take into account obviously relevant considerations.

Application granted

Planning

Timmins v Gedling BC. [2015] EWCA Civ 10. Court of Appeal (Civil Division) (CA (Civ Div)). Richards, L.J.; Mitting, J.; Tomlinson, L.J. January 22, 2015

For the purposes of the National Planning Policy Framework, the creation of a cemetery would be "inappropriate development" in the green belt.

Appeal dismissed

Official Publications

Charities

Charity tax reliefs: guidance on Charity Commission policy.

Issued by Charity Commission. January 21, 2015

A Charity Commission policy paper sets out the Commission's regulatory guidance to trustees on the use of fiscal reliefs available to charities, including participation by charities in tax avoidance arrangements.

[Read full text here](#)

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Housing

Consultation on the future shape of the English Housing Survey.

Issued by Department for Communities and Local Government. January 21, 2015

A Department for Communities and Local Government (DCLG) consultation seeks views on changes to the English Housing Survey as part of the DCLG's on-going need to make administrative savings. Comments by February 17, 2015

[Read full text here](#)

Licensing

Licensing Laws: Written question - HL4343. Issued by Home Office. January 27, 2015

A written question asks whether the Government intends to take steps to reduce late night drunkenness and disorderly behaviour in public places by encouraging local and licensing authorities to order the closure of public houses and clubs where clients cause such a disturbance and place demands on public services. The written answer sets out the measures the Government has already taken including: powers in the Anti-social Behaviour, Crime and Policing Act 2014 which restrict the sale of alcohol in the early hours; and lowering the evidence threshold so that a review of a premises licence can be undertaken where it is "appropriate" rather than "necessary" for the promotion of the licensing objectives.

[Read full text here](#)

Further Reading

CHARITIES

The Law Commission's charity law project. *C.L. & P.R. 2014, 17, 65-89*

Discusses the Law Commission's final recommendations relating to social investment by charities. Explains the meaning of "social investment" and highlights the Charity Commission's guidance on the investment of charitable funds. Considers, with reference to case law, some of the legal barriers to social investment by charities, focusing on "catch-all powers", and the powers to spend and invest and examines a charity trustees' duties when making social investments. Comments on the law relating to private benefit.

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