



# Public Sector Legal News Update

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## Cases

### CIVIL PROCEDURE

**Venn v Secretary of State for Communities and Local Government. [2014] EWCA Civ 1539. Court of Appeal (Civil Division) (CA (Civ Div)). Sullivan, L.J.; Vos, L.J.; Gloster, L.J.. November 27, 2014**

Under CPR r.45.41, the availability of protective costs orders for environmental cases falling within the Aarhus Convention 2001 had been deliberately limited to judicial review claims and did not extend to statutory appeals or applications. It was not appropriate for the court to exercise its discretion to grant costs protection in respect of an application to quash planning permission under the Town and Country Planning Act 1990 s.288 as that would side-step a limitation deliberately enacted in the CPR to give effect to a Convention which had not been directly incorporated into domestic law. Legislative action was necessary to remedy r.45.41's non-compliance with the Convention.

**Appeal allowed**

## Legislation

### HOUSING

**Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2014 (SI 2014/3126)**

This Order informs rent officers which Local Housing Allowance (LHA) rates should be increased by up to 4 per cent, rather than the lower of the previous rate increased by 1 per cent or the 30th percentile of market rents, based on the category of accommodation and the broad rental market area. It changes the date that the LHA rates are determined for the purposes of Housing Benefit and Universal Credit. It also makes changes to the date that the LHA rates take effect for Universal Credit only.

[Read full text here](#)

**In Force:** January 8, 2015

**Made under:** Housing Act 1996 s.122(1)(6)

**Legislation amended:** Rent Officers (Housing Benefit Functions) Order 1997 (SI 1997/1984); Rent Officers (Housing Benefit Functions) (Scotland) Order 1997 (SI 1997/1995); Rent Officers (Universal Credit Functions) Order 2013 (SI 2013/382)

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## Official Publications

### CHARITIES

**Decision: Inquiry reports: Charity Commission.** Issued by Charity Commission. December 4, 2014

A Charity Commission publication sets out reports of Charity Commission inquiries carried out under s.46 of the Charities Act 2011.

[Read full text here](#)

**Legislation referred:** Charities Act 2011 s.46

### HOUSING

**Transparency in Social Housing Assets Value: Summary of Consultation Responses and Government Response.** Issued by Department for Communities and Local Government. November 26, 2014

A Department for Communities and Local Government publication summarises responses to its consultation on transparency in social housing assets value. Generally respondents agreed with the Government's aim to increase transparency in the value of the social housing stock held by local authorities as in their view this builds on the existing requirements under the Housing Revenue Account (Accounting Practices) Direction 2011.

[Read full text here](#)

## Further Reading

### ADMINISTRATIVE LAW

**Judicial review.** *P.L. 2015, Jan, 151-153.*

Discusses cases on a public authority's duty to consult: (1) the Supreme Court ruling in *R. (on the application of Moseley) v Haringey LBC* on whether the common law requirements of procedural fairness applied to the consultation duty even when it arose under statutory law; and (2) the Court of Appeal judgment in *R. (on the application of United Company Rusal Plc) v London Metal Exchange* on whether the requirements of fairness extended to the provision of information about other reform options.

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**Cases referred:** R. (on the application of Moseley) v Haringey LBC~ [2014] UKSC 56; [2014] 1 W.L.R. 3947 (SC); R. (on the application of United Company Rusal Plc) v London Metal Exchange~ [2014] EWCA Civ 1271 (CA (Civ Div))

### CHARITIES

**Charity accounts - new SORPs.** *S.P.C.L.R.* 2014, 49(Nov), 3-4.

Discusses the two statements of recommended practice (SORPs) for charity accounts which were published on July 16, 2014 and are applicable to accounting years commencing on or after January 1, 2015.