



Public Sector Legal News Update

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30 April 2015

Cases

HOUSING

R. (on the application of AM) v Havering LBC. [2015] EWHC 1004 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Cobb, J. April 17, 2015

Where a family had moved to a different local authority area after making a housing application on the basis of homelessness, and where a referral had been made by the first local authority under the Housing Act 1996 s.213A(3) to assess whether there were children in need, it was an inexcusable failure of good social work practice for that local authority to fail to provide continuity by completing the assessment even though it was under no ongoing duty to assess the family once it had left its area.

Judgment for claimant

PLANNING

Wenman v Secretary of State for Communities and Local Government. [2015] EWHC 925 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Lang, J. April 21, 2015

The secretary of state had erred in her application of the National Planning Policy Framework when upholding the refusal of planning permission for the stationing of a mobile home for residential purposes, together with the formation of a hard standing and utility/dayroom ancillary to that use, on the edge of a village, where the claimant had been unable to find space on the local gypsy sites.

Application granted

Legislation

LOCAL GOVERNMENT

The Local Government (Democracy) (Wales) Act 2013 (Commencement No. 2) Order 2015. SI 2015/1182 (W.79) (C.71)

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Public Sector Legal News Update

This Order brings into force provisions of the Local Government (Democracy) (Wales) Act 2013 which: require a community council to make certain information about the community council available electronically; require a public notice given by a community council to be published electronically; and enable relevant authorities to establish joint standards committees with one or more other authorities.

[Read full text here](#)

In Force: Bringing into operation various provisions of the 2013 Act on May 1, 2015.

Made under: Local Government (Democracy) (Wales) Act 2013 s.75(3)

Further Reading

CHARITIES

Quicker off the mark. *Charity F. 2015, Apr, 16-23.* By Alice Sharman.

Examines how long charities are taking to file their accounts with the Charity Commission, with tabular illustration looking at the average of the last three years. Comments on whether the legal requirement in England of filing accounts within ten months of their year-end is too long, noting filing times for other countries. Highlights the benefits of filing early.

CHARITIES

What is a charity? *T.E.L. & T.J. 2015, 166(May), 16-19.* By Simrun Sehra

Analyses the First-tier Tribunal decision in Human Dignity Trust v Charity Commission for England and Wales on whether an organisation could qualify as a charity if its objective was to defend human rights abroad by challenging foreign laws which criminalised sexual acts between consenting adults. Reviews case law on political objectives, exclusively charitable purpose and public benefit.

Cases referred: Human Dignity Trust v Charity Commission for England and Wales~ unreported 9 July 2014 (FTT (GRC))

Legislation referred: Charities Act 2011 s.3#



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LOCAL GOVERNMENT

LGA calls for new banning order in drive to prevent child sexual exploitation. *L.G.L. 2015, Apr 2, Internet*

Details a proposal by the Local Government Association to introduce child sexual exploitation disruption orders, a banning order aimed at stopping sexual predators suspected of grooming children. Reports that the orders could be granted by the magistrates' court on application by local authorities, the NHS, schools, and other concerned parties.

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