



# Public Sector Legal News Update

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29 May 2015

## Cases

### HOUSING

*Hotak v Southwark LBC. Times, May 25, 2015 [2015] UKSC 30. Supreme Court (SC). Lord Neuberger PSC; Lady Hale DPSC; Lord Hughes, J.S.C.; Lord Wilson J.S.C.; Lord Clarke, J.S.C. May 13, 2015*

The assessment of whether a homeless applicant was "vulnerable" for the purposes of the Housing Act 1996 s.189(1)(c) involved asking whether he would be more vulnerable than others in the same position. Any support that would be offered to him by family members while he was homeless had to be taken into account.

### Appeals allowed in part

### PLANNING

*R. (on the application of Luton BC) v Central Bedfordshire Council. [2015] EWCA Civ 537. Court of Appeal (Civil Division) (CA (Civ Div)). Longmore, L.J.; Sales LJ; Tomlinson, L.J.. May 20, 2015*

Paragraph 83 of the National Planning Policy Framework, requiring exceptional circumstances to be shown before a proposal to alter the boundaries of a green belt in a local plan was allowed, did not lay down a presumption or create a requirement that the green belt boundaries had first to be altered via the process for changing a local plan before development might take place at that site. Paragraphs 87 and 88 of the NPPF plainly contemplated that development might be permitted on land within the green belt, without the need to change its boundaries in the local plan, provided that "very special circumstances" existed.

### Appeal dismissed

## Official Publications

### HOUSING

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*Over a million more people given the chance to own their own home.* Issued by Department for Communities and Local Government. 26 May 2015

The Queen's speech will include a bill that will extend the right to buy to England's housing association tenants and offer them discounts to buy their own homes. The bill aims to deliver 200,000 starter homes, which will be available at a 20 per cent discount to first-time buyers under the age of 40, and will also include a right to build.

[Read full text here](#)

### LOCAL GOVERNMENT

*English devolution: local solutions for a successful nation.* Issued by Local Government Association. 21 May 2015

A Local Government Association report sets out: the benefits of English devolution for the democratic process; how specific arrangements for devolution should be customised to the priorities and readiness of areas to assume responsibilities; and how a legislative framework could be put in place to extend the benefits of devolution to all parts of England.

[Read full text here](#)

## Further Reading

### ADMINISTRATIVE LAW

**Judicial review: the new law: the Criminal Justice and Courts Act 2015 Chapter 2.** *J.P.L.* 2015, 7, 754-758. By Alec Samuels.

Discusses the amended judicial review procedures introduced by the Criminal Justice and Courts Act 2015. Outlines the aims of the reforms, and examines key measures concerning: (1) the "likelihood of a substantially different outcome" provisions; (2) information about an applicant's financial resources; (3) interveners and costs; (4) planning challenges; (5) the leapfrog system; (6) capping of costs; and (7) judicial review in criminal cases.

**Legislation referred:** Criminal Justice and Courts Act 2015

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## CHARITIES

**New annual return will force charities to report on financial controls.** *Accountancy 2015, 154(1460), 48.* By Sara White.

Reports on the Charity Commission's online return form to be completed by registered charities, including new questions about central or local government grants, contracts for services, staff remuneration and financial controls in place. Considers which charities are obliged to complete the form and explains their compliance obligations.