



Public Sector Legal News Update

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27 July 2015

Cases

PUBLIC PROCUREMENT

Portsmouth City Council v Ensign Highways Ltd. [2015] EWHC 1969 (TCC). Queen's Bench Division (Technology & Construction Court) (QBD (TCC)). Edwards-Stuart, J. July 14, 2015

The court construed a Private Finance Initiative contract between a local authority and a service provider. It focused particularly on the extent of the local authority's duty to act in good faith when dealing with breaches by the service provider and when discharging its best value duty.

Judgment for claimant in part

Official Publications

LOCAL GOVERNMENT

Cornwall to be first county to gain historic new powers. By Department for Communities and Local Government. 16 July 2015

Cornwall is to be the first county to be given new powers to control local services. The devolution arrangement will give the council more control over franchising and will make it easier for the Cornwall and Isles of Scilly Local Enterprise Partnership to help local firms expand. The announcement is part of the Government's commitment to devolve powers to local authorities across the country.

[Read full text here](#)

LOCAL GOVERNMENT

4th Report of Session 2015-16: Cities and Local Government Devolution Bill [HL]: Government Amendments. By House of Lords Delegated Powers and Regulatory Reform Committee, 16 July 2015

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Public Sector Legal News Update

A House of Lords Delegated Powers and Regulatory Reform Committee report considers amendments to the Cities and Local Government Devolution Bill 2015 which would transfer public authority functions to local authorities. The Committee believes that the amendments would constitute an inappropriate delegation of powers and called for the Government to provide a fuller explanation of the amendments and explain how wider local engagement will be ensured.

[Read full text here](#)

Legislation referred: Cities and Local Government Devolution Bill 2015

Series: HL Paper No.20 (Session 2015-16)

Further Reading

ADMINISTRATIVE LAW

Council legal chief warns against curbs to judicial review. *Law Society Gazette*, 15 July 2015 (Online edition). By Chloe Smith.

The reasons given by former Lord Chancellor Chris Grayling to curb the right to bring judicial review proceedings have been questioned by Shirley Jarlett, the assistant director of Essex Legal Services, the in-house service of Essex County Council. Speaking at a Westminster Legal Policy Forum seminar, Ms Jarlett stressed the vital role judicial review plays in local government decisions and added that the role of the monitoring officer would be made harder without judicial review.

CHARITIES

The Charities Bill reappears. *Charity F. 2015, Jul, 14.* By Donald Taylor.

Considers the Charities (Protection and Social Investment) Bill 2015, focusing on the Charity Commission's powers to disqualify trustees and trustees' new powers to make social investments.

Legislation referred: Charities (Protection and Social Investment) Bill 2015

CHARITIES

The ins and outs of legal advice. *Charity F. 2015, Jul, 36-42.* By Diane Sim.

Reports the findings of the Charity Finance fourth annual legal survey of 25 mid- to large-sized charities. Focuses on the growth of in-house legal advice teams, use of law firms, the merits of internal versus

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Public Sector Legal News Update

external advice, and mixing the two. Highlights charities' concern about value for money from their external advisers, rising demand for advice, and the role of pro bono support.

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