



Public Sector Legal News Update

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Cases

FAMILY LAW

Williams v Hackney LBC. [2015] EWHC 2629 (QB). Queen's Bench Division (QBD) Robert Francis QC. September 17, 2015

Parents were awarded damages of GBP 10,000 each against a local authority which had kept their children in foster care on the basis of an agreement under the Children Act 1989 s.20 to which the parents had not validly consented because they had not been given all the necessary information.

Judgment for claimants

PLANNING

R. (on the application of Brooks) v Islington LBC. [2015] EWHC 2657 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Lewis, J. September 22, 2015

The court construed the Housing Act 1996 s.188 to determine whether a local authority's temporary duty to secure the provision of accommodation ended where it was satisfied that the claimant had refused an offer of suitable accommodation. The local authority had performed its s.188 duty where accommodation had been offered, subject to a material change of circumstances, but the duty continued pending notification of the final decision of whether a duty existed under another provision of the Act.

Application refused

Regulatory Development

HEALTH

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Mums and dads to see massive benefits for young children as health responsibilities transfer to councils. Issued by Local Government Association. 28 September 2015

The Local Government Association (LGA) advises that, from 1 October 2015, the commissioning of key services, including health visitors - registered nurses or midwives who lead and deliver health services for children - and family nurses, who provide services such as intensive support for young mothers, will switch to local authorities from the NHS. The LGA, which has campaigned for the 0-5 transfer, says the move will ensure councils are responsible for health "from the cradle to the grave".

[Read full text here](#)

Further Reading

ADMINISTRATIVE LAW

Judicial review in austerity. *S.J. 2015, 159(36), 30-31.* By Huw Williams.

Summarises the changes made by the Criminal Justice and Courts Act 2015 regarding judicial review applications. Considers crowdfunding as a means of funding judicial review applications, a local authority's duties where it cannot afford to defend a judicial review application, councillors' codes of conduct, and English and Welsh case law on whether restrictions in codes of conduct are compatible with councillors' right to political expression.

Cases referred: *Heesom v Public Services Ombudsman for Wales*~ [2014] EWHC 1504 (Admin); [2014] 4 All E.R. 269 (QBD (Admin)); *R. (on the application of Calver) v Adjudication Panel for Wales*~ [2012] EWHC 1172 (Admin); [2013] P.T.S.R. 378 (QBD (Admin)); *R. (on the application of Midcounties Co-operative Ltd) v Forest of Dean DC*~ [2015] EWHC 1251 (Admin); [2015] P.T.S.R. D32 (QBD (Admin)); *Sanders v Kingston (No.1)*~ [2005] EWHC 1145 (Admin); [2005] B.L.G.R. 719 (QBD (Admin))
Legislation referred: Criminal Justice and Courts Act 2015; European Convention on Human Rights 1950 art.10

LOCAL GOVERNMENT

Harassment and injunctions. *L.G.L. 2015, Sep 18, Internet.* By Wesley O'Brien; Jonathan Moore

Considers the Queen's Bench Division ruling in *Cheshire West and Chester Council v Pickthall* granting an interim injunction to prevent a local resident from publishing allegations that a local authority, its officers, employees and councillors had committed criminal or other misconduct.

Cases referred: *Cheshire West and Chester Council v Pickthall*~ [2015] EWHC 2141 (QB) (QBD)

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TRANSPORT

State aid and community transport organisations. *L.G.L. 2015, Sep 25, Internet.* By Edward Reynolds.

Considers the guidance offered by Commission Decision NN 34403 on alleged unlawful state aid granted by Nottinghamshire and Derbyshire County Councils to community transport organisations for those looking to rely on the exemption for funding for services of general economic interest.

Legislation referred: Decision NN 34403 on alleged unlawful state aid granted by Nottinghamshire and Derbyshire County Councils to community transport organisations COM(2015) 3657 final