



Public Sector Legal News Update

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01 March 2016

Cases

PLANNING

Newham LBC v Ahmed. 2016 WL 00386283. Divisional Court (DC). Hamblen, J; Laws, L.J.. February 02, 2016

A local authority had been entitled to serve an enforcement notice on property owners at their address as it appeared on the Land Registry proprietorship register, and to have done so by ordinary post, pursuant to the Local Government Act 1972 s.233(2) and the Interpretation Act 1889 s.26. It was not necessary for it to send the notice by recorded delivery or registered post as required by the Town and Country Planning Act 1990 s.329(1)(c).

Appeal allowed

Legislation

LOCAL GOVERNMENT

The Transfer of Functions (Fire and Rescue Services) Order 2016. SI 2016/162

This Order provides for the transfer of property, rights and liabilities from the Secretary of State for Communities and Local Government to the Secretary of State for the Home Department (Home Secretary) in consequence of the transfer of functions in relation to fire and rescue services from the Department for Communities and Local Government to the Home Secretary.

[Read full text here](#)

In Force: 1 April 2016

Made under Ministers of the Crown Act 1975 s.2

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Public Sector Legal News Update

Regulatory Development

CRIMINAL EVIDENCE

Complying with surveillance camera code of practice: self assessment and third party certification. By Surveillance Camera Commissioner. 22 February 2016

Guidance by the Surveillance Camera Commissioner sets out the tools that have been developed to make it easier for local authorities and organisations to show that they comply with the surveillance camera code of practice.

[Read full text here](#)

News

LOCAL GOVERNMENT

Local authority budgets found to be in a "mess". *Times*, 18 February 2016, 16. Also Reported in Daily Telegraph, 18 February 2016, 6

A survey by the Local Government Information Unit has found that local authority finances are in a "mess" and that 90% of them will need to increase charges to raise more income following funding cuts, and 40% will need to cut frontline services. It warned that core government funding, the revenue support grant, would be cut by 28%, or £2.7 billion, in the next financial year.

CRIMINAL PROCEDURE

Care home director jailed over death by neglect. *Times*, 6 February 2016, 14. Also Reported in Daily Telegraph, 6 February 2016, 11

Yousaf Khan, a care home director, has been sentenced by Nottingham Crown Court to three years two months in prison for the death of an 86-year-old woman weighing less than 4st who died from pneumonia after neglect. Sherwood Rise Ltd, which ran the care home, was fined £300,000 after admitting corporate manslaughter, the first such prosecution against a company running a care home in England and Wales.

Companies referred: Sherwood Rise Ltd

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Further Reading

HOUSING

Homelessness roundup. *L.G.L. 2015, Dec 4, Internet.* By Catherine Rowlands.

Highlights key case law decided by the Court of Appeal during 2015: (1) *Firoozmand v Lambeth LBC* on the suitability of accommodation offered to a homeless applicant; (2) *Mohamoud v Kensington and Chelsea RLBC* on the impact of the Children Act 2004 s.11 where an applicant with dependent children has been found to be intentionally homeless; and (3) *Johnston v City of Westminster* on whether a local authority was entitled to decide an applicant for housing was not homeless where another local authority was prepared to provide accommodation for him.

Cases referred: *Firoozmand v Lambeth LBC*~ [2015] EWCA Civ 952; [2015] H.L.R. 45 (CA (Civ Div)); *Johnston v City of Westminster*~ [2015] EWCA Civ 554; [2015] P.T.S.R. 1557 (CA (Civ Div)); *Mohamoud v Kensington and Chelsea RLBC*~ [2015] EWCA Civ 780; [2015] H.L.R. 38 (CA (Civ Div))

Legislation referred: Children Act 2004 s.11