



Public Sector Legal News Update

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Cases

ELECTORAL PROCESS

Parkinson v Lewis. [2016] EWHC 725 (QB). Queen's Bench Division (QBD). Judge Saffman. March 18, 2016

Three local election candidates had not been duly elected because the proposers and seconders who subscribed their nomination papers were not from the electoral area in question. That was a defect in the nominations themselves, not the nomination papers, and so the election could not be saved under the Representation of the People Act 1983 s.48 or the Local Elections (Parishes and Communities) (England and Wales) Rules 2006 Sch.3 para.8(7) and had to be rerun.

Petition granted

HOUSING

R. (on the application of H) v Ealing LBC. [2016] EWHC 841 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Judge Waksman QC. April 18, 2016

A scheme introduced by a local authority to incentivise tenants to work and to encourage good tenant behaviour whereby 20% of available lettings were removed from the general pool and reserved for working households and model tenants indirectly discriminated against women, disabled and elderly persons within the meaning of the Equality Act 2010 s.19(2) and was not justified. The scheme could have provided means for those unable to work through disability, age or caring responsibilities to demonstrate some other qualifying contribution as other local authorities had done without any real difficulty.

Judgment for claimants

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Legislation

SOCIAL SECURITY

The Welfare Reform Act 2012 (Commencement No. 28) Order 2016. SI 2016/511

This Commencement Order brings into force the Welfare Reform Act 2012 s.112, which limits local authorities' powers to prosecute housing benefit and council tax benefit fraud.

[Read full text here](#)

In Force: Bringing into operation various provisions of the 2012 Act on 24 May 2016.

Made under Welfare Reform Act 2012 s.150(3)(4)(a)

Regulatory Development

CHARITIES

The 2015 charity fundraising controversy: lessons for trustees, the Charity Commission, and regulators: Government response to the Committee's Third Report of Session 2015-16 - Sixth Special Report of Session 2015-16. Issued by House of Commons Public Administration and Constitutional Affairs Committee. HC Paper No.980 (Session 2015/16) 27 April 2016

A Public Administration and Constitutional Affairs Committee special report sets out the Government response to the Committee's third report of Session 2015/16, "The 2015 charity fundraising controversy: lessons for trustees, the Charity Commission, and regulators". It states that the Government agrees with the Committee's conclusion that, while the majority of charities are well run, some large organisations have damaged the reputation of the sector through irresponsible and immoral practices. It adds that the Government has supported the establishment of a tougher self-regulatory environment but charities have a key role to play in putting their own house in order.

[Read full text here](#)



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News

LOCAL GOVERNMENT

Lords force climb down on Housing and Planning Bill. *Times*, 14 April 2016, 2. By Lucy Fisher. Also Reported in Guardian, 13 April 2016 (Online edition)

The Government has been compelled by the House of Lords to grant concessions on its Housing and Planning Bill 2015 to ensure that all high-value council homes that are sold are replaced one-for-one and like-for-like. An exemption from the policy in national parks and areas of outstanding natural beauty was also granted to avoid further defeats as the Bill goes through the committee stage in the Lords.

Legislation referred: Housing and Planning Bill 2015 (HC Bill 801)

LOCAL GOVERNMENT

Local authority charges joggers for use of park. *Times*, 14 April 2016, 1,2,11. By Simon de Bruxelles. Also Reported in Independent, 14 April 2016 (Online edition); Daily Telegraph, 14 April 2016, 5

Stoke Gifford parish council has become the first in the UK to charge joggers who go for a weekend run in their local park, stating that the number of people taking part has put a strain on facilities. It is the first time that Parkrun, which has organised a free fun run every weekend in Little Stoke, South Gloucestershire, since 2012, and which also organises 850 weekly runs in 12 countries, has been charged to use a public space.

Companies referred: Parkrun

Further Reading

FAMILY LAW

A cautionary tale of failings in perceived and procedural fairness. *Fam. Law* 2016, 46(Apr), 421-424. By Elizabeth Tomlinson.

Looks at the Family Division decision in Nottingham City Council v LM concerning a local authority application for an interim care order in respect of a new born baby. Comments on the judge's criticism of the delay and procedural unfairness caused by the local authority. Outlines the steps a local authority should take to be timeously prepared for such proceedings.

Cases referred: Nottingham City Council v LM~ [2016] EWHC 11 (Fam) (Fam Div)

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