



Public Sector Legal News Update

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Cases

SOCIAL WELFARE

R. (on the application of GS) v Camden LBC. [2016] EWHC 1762 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Peter Marquand. July 27, 2016

A local authority was not obliged under the Care Act 2014 to provide a homeless Swiss national who was wheelchair dependent with accommodation where that was her sole requirement; a need for accommodation did not amount to a "need for care and support". However, it had a duty to provide her with accommodation by exercising its power under the Localism Act 2011 s.1, as the seriousness of her physical disabilities and mental disorder were such that homelessness would breach her rights under ECHR art.3.

Application granted

Legislation

SOCIAL SECURITY

The Tax Credits (Income Thresholds and Determination of Rates) (Amendment) Regulations 2016. Draft

These Regulations are made by the Treasury under the Tax Credits Act 2002 s.7. Regulation 2 amends the Tax Credits (Income Thresholds and Determination of Rates) Regulations 2002 so as to decrease from £5,000 to £2,500 the amount of income that is disregarded for the purposes of determining entitlement to tax credits for the current year where the income for that year exceeds the income from the previous year.

[Read full text here](#)

Made under Tax Credits Act 2002 s.7(3)(a)(b), s.65(1), s.67

Legislation amended: Tax Credits (Income Thresholds and Determination of Rates) Regulations 2002 (SI 2002/2008)

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Regulatory Development

LOCAL GOVERNMENT

Home Office publishes fire procurement information for the first time. By Home Office. 24 August 2016

As the first step in the Government's programme of reform for the fire and rescue sector, the Home Office has, for the first time, published an overview of what each authority in England pays for 25 common items of uniform and equipment. Brandon Lewis, Minister of State for Policing and the Fire Services, hopes that by publishing the procurement information, transparency will be increased and the sector will be encouraged to "take on the challenge of reforming its own commercial landscape".

[Read full text here](#)

News

LOCAL GOVERNMENT

Local authorities fail to discipline planning officials who perform poorly. *Times*, 16 August 2016, 6. By Andrew Ellson; Louis Ashworth.

It has been revealed that only one planning official out of an estimated workforce of 12,000 has been disciplined for poor performance in the past five years despite a rising backlog of applications, with St Albans the only local authority out of 336 to take action against an incompetent member of staff. However, 15 planning officials have been dismissed for fraud, gross misconduct or breaches of council policy.

Further Reading

PLANNING

Simply the best?. *P.L.J.* 2016, 344, 12-15. By Stephen Ashworth.

Explains what the term "best consideration" means for local authorities seeking to dispose of land. Considers the local authority's role as trustee when disposing of land. Notes guidance on when local authorities may exercise discretion to dispose of land at less than best consideration. Answers three practical questions about: (1) what consideration is; (2) the process required to deliver best consideration; and (3) competing considerations.

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Cases referred: *Buttle v Saunders*~ [1950] 2 All E.R. 193 (Ch D); *R. v Darlington BC Ex p. Indescon Ltd*~ [1990] 1 E.G.L.R. 278 (QBD); *Roberts v Hopwood*~ [1925] A.C. 578 (HL)

Legislation referred: Local Government Act 1972 s.123, s.128; Town and Country Planning Act 1990 s.233; Housing and Planning Act 2016

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