



Public Sector Legal News Update

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Cases

LANDLORD AND TENANT

Southwark LBC v Akhtar. [2017] UKUT 150 (LC). Upper Tribunal (Lands Chamber) (UT (Lands)). Judge Elizabeth Cooke. April 20, 2017

A landlord had validly served notices of estimated service charges upon a tenant. Although one of the notices was invalid because it had been served late, the tenant had agreed a payment plan for the amount requested on account and had thereby waived the invalidity. The court also considered the presumption of service provisions of the Interpretation Act 1978 s.7 and determined that notices under the Landlord and Tenant Act 1985 s.20B had been validly served.

Appeal allowed

Legislation

PLANNING

The Historic Environment (Wales) Act 2016 (Commencement No.1 and Transitional Provisions) Order 2017. SI 2017/633 (W.143) (C.55)

This Order is the first commencement order made by the Welsh Ministers under the Historic Environment (Wales) Act 2016. Article 2 brings s.30(6) (urgent works: extension of scope and recovery of costs) of the 2016 Act into force, so far as it confers power to make orders under the Planning (Listed Buildings and Conservation Areas) Act 1990, on the day after this Order is made.

[Read full text here.](#)

In Force: Bringing into operation various provisions of the 2016 Act on 4 May 2017.
Made under Historic Environment (Wales) Act 2016 s.41

Regulatory Development

HOUSING

Council tax : discount on second homes and long-term empty properties - Briefing Paper. Issued by House of Commons Library. 02857 28 April 2017

A House of Commons Library Briefing Paper outlines the changes that have taken place in relation to:

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certain council tax discounts which have been awarded at the discretion of local authorities, in England, since 1 April 2013; and the "empty homes premium", allowing up to 150% council tax on long-term empty properties, which was introduced at the same time.

[Read full text here](#)

News

SOCIAL WELFARE

Judge urges social workers to stop splitting up elderly couples. *Times*, 10 May 2017, 1,2. By Greg Hurst; Rosemary Bennett. Also Reported in Independent, 10 May 2017 (Online edition); Daily Telegraph, 10 May 2017, 1,2

President of the Family Division Sir James Munby has urged social workers to apply a "common decency test" and do more to keep couples together, whether in their own homes or in residential care, and has called on officials to give higher priority to the happiness of those who had been together for decades and spend less time complying with procedures and safety rules.

Further Reading

LOCAL GOVERNMENT

Devolution and local growth: borrowing powers. *L.G.L.* 2016, Nov 18, *Internet*. By Judith Barnes.

Considers the benefits of greater borrowing powers for combined authorities. Notes the aims of the Cities and Local Government Devolution Act 2016 but argues that there appears to be a lack of trust in central government in the ability of local authorities to run combined authorities.

Legislation referred: Local Government Act 2003 s.1