



Democracy direct 9 September 2019

EXTENDED BREXIT FOCUS

This week's coverage has been extended due to events in Parliament and to provide the latest news on the date of the next General Election (latest items are shown as usual at the top of each topic / category):

European Resources:

Brexit: European Commission slides on negotiations; (2 September):

On 2 September 2019, the European Commission published a set of slides setting out its position on the Brexit negotiations. The slides were presented by Michel Barnier to stakeholders in Poland on 29 August 2019. Interesting...

https://ec.europa.eu/commission/publications/slides-used-michel-barnier-stakeholders_en

Parliament:

MPs vote against motion for an early general election: (4 September);

<https://www.parliament.uk/business/news/2019/september/mps-vote-on-an-early-general-election/>

and the voting...

<https://commonsvotes.digiminster.com/Divisions/Details/715>

European Union (Withdrawal) (No.6) Bill: Commons stages; (4 September):

<https://www.parliament.uk/business/news/2019/september/commons-european-union-withdrawal-no6-bill/>

European Union (Withdrawal): Sir Oliver Letwin's motion submitted under Standing Order No. 24 – CommonsVotes: vote on 3 September:

<https://commonsvotes.digiminster.com/Divisions/Details/711>

Government:

Press release; 'Get Ready for Brexit' campaign launched; (1 September):

Launch of largest ever government public information campaign to get public and business owners ready for Brexit.

<https://www.gov.uk/government/news/get-ready-for-brexit-campaign-launched>

'Get Ready for Brexit' Tool: (1 September);

<https://www.gov.uk/brexit>

Guidance; Actions for adult social care providers to prepare for Brexit; (30 August):

What adult social care providers and local authorities need to do to prepare for a no-deal Brexit.

<https://www.gov.uk/guidance/actions-for-adult-social-care-providers-to-prepare-for-brexit>

Commentary:

BBC: Brexit: PM's plan 'an unlawful abuse of power'; (5 September):

Boris Johnson's decision to suspend parliament is an unlawful abuse of power, lawyers representing businesswoman Gina Miller have said.

Outlining her case against prorogation at the High Court in London, Lord Pannick QC said it breached the legal principle of Parliamentary sovereignty.

He added that a five-week suspension was of "exceptional length", saying in most cases it was for a week or less. Judgment is due on 6 September but is likely to be appealed

<https://www.bbc.co.uk/news/uk-49592100>

The Guardian:

Corbyn poised to reject demand for 15 October election: (5 September):

Labour leader is expected to hold out for a later date on the party's own terms

https://www.theguardian.com/politics/2019/sep/05/corbyn-poised-to-reject-demand-for-15-october-election?CMP=Share_iOSApp_Other

Commons chaos: is no deal blocked? Is an election happening? (5 September)

After another dramatic day in the House of Commons, what happens next? (5 September):

https://www.theguardian.com/politics/2019/sep/04/commons-chaos-is-no-deal-blocked-is-an-election-happening?CMP=Share_iOSApp_Other

IFG: Parliamentary Snapshot (5 September)

In September 2018, the Institute for Government launched Parliamentary Monitor, an annual data-driven analysis of Parliament's activity. As the 2017–19 session comes to an end, following Prime Minister Boris Johnson's decision to prorogue Parliament, this short 'snapshot' paper draws on currently available data to highlight some of the most interesting aspects of Parliament's work.

<https://www.instituteforgovernment.org.uk/publications/parliamentary-monitor-2019-snapshot>

Fixed-term Parliaments Act 2011: Briefing:

<https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06111>

and commentary...

<https://www.parliament.uk/business/committees/committees-a-z/lords-select/constitution-committee/news-parliament-2017/ftpa-effectiveness-evidence-session-2/>

BBC News: Brexit: Bill designed to stop no-deal 'will clear Lords'; (5 September):

<https://www.bbc.co.uk/news/uk-politics-49588186>

IFG: Early Election... (4 September):

<https://www.instituteforgovernment.org.uk/explainers/early-election>

The Benn-Burt Bill: Another Article 50 extension? (4 September):

<https://commonslibrary.parliament.uk/brexit/negotiations/the-benn-burt-bill-another-article-50-extension/>

Guide to Brexit, the UK constitution, and procedure in the House of Commons (2019) | Hansard Society;

<https://www.hansardsociety.org.uk/publications/brexit-guide-uk-constitution-procedure-house-of-commons-2019>

Brexit: Boris Johnson defeated as MPs take control; (4 September)

<https://www.bbc.co.uk/news/uk-politics-49573555>

IFG: How are MPs planning to stop a no-deal Brexit on 31 October? (3 September)

<https://www.instituteforgovernment.org.uk/explainers/mps-plan-legislate-against-no-deal-brexit>

IFG: The Brexit battle is fundamentally changing the constitution; (2 September);

<https://www.instituteforgovernment.org.uk/blog/brexit-battle-fundamentally-changing-constitution>

Scottish Parliament Briefing Paper: Preparing for a no-deal Brexit; (2 September);

<https://sp-bpr-en-prod-cdnep.azureedge.net/published/2019/9/2/Preparing-for-a-no-deal-Brexit/SB%2019-54.pdf>

The Law Society: Brexit and the legal sector; updated 2 September:

<https://www.lawsociety.org.uk/support-services/brexit-and-the-legal-sector/>

IFG: Parliament still has power to shape Brexit – if MPs can agree how to use it: (28 August):

<https://www.instituteforgovernment.org.uk/blog/parliament-still-has-power-shape-brexit-if-mps-can-agree-how-use-it>

IFG: Parliament: Emergency Debates:

<https://www.instituteforgovernment.org.uk/explainers/emergency-debates>

Lewis Silkin: UK employment rights in a no-deal Brexit;

<https://www.internationallawoffice.com/Newsletters/Employment-Benefits/United-Kingdom/Lewis-Silkin/UK-employment-rights-in-a-no-deal-Brexit#>

Robert Craig: Judicial Review of Advice to Prorogue Parliament – UK Constitutional Law Association;

In a recent Times article, Lord Pannick QC – leading Counsel in the Miller litigation – argues that if a Prime Minister were to advise HMQ to prorogue parliament to achieve a No Deal exit, an application could be made to the courts to determine the lawfulness of such advice. Sir John Major said on the Today programme on 10 July that he would personally bring a judicial review of any decision by the Prime Minister to advise prorogation.

<https://ukconstitutionallaw.org/2019/07/12/robert-craig-judicial-review-of-advice-to-prorogue-parliament/>

MINISTRY OF HOUSING COMMUNITIES AND LOCAL GOVERNMENT

Press release; Communities to see how housing developers cash benefits them thanks to new planning rules; (1 September);

Local people will be able to see how every pound of property developers' cash, levied on new buildings, is spent supporting the new homes their community needs.

<https://www.gov.uk/government/news/communities-to-see-how-housing-developers-cash-benefits-them-thanks-to-new-planning-rules>

and LGA response...

<https://www.local.gov.uk/about/news/lga-responds-new-planning-rules-showing-how-developers-cash-spent-communities>

Guidance; Publish your developer contributions data; (1 September):

When publishing your developer contributions data, follow this guidance on how to format, label and publish the data.

<https://www.gov.uk/guidance/publish-your-developer-contributions-data>

Guidance; Planning obligations; (1 September):

Use of planning obligations and process for changing obligations.

<https://www.gov.uk/guidance/planning-obligations>

Guidance; Community Infrastructure Levy; (1 September):

This guidance explains what the Community Infrastructure Levy is and how it operates.

<https://www.gov.uk/guidance/community-infrastructure-levy>

Related Courses:

23 September 2019; London: Right to Buy Workshop; London

22 November 2019; Local Authority Climate Change Conference: London

Guidance; Viability; (1 September):

Sets out key principles in understanding viability in plan making and decision taking.

<https://www.gov.uk/guidance/viability>

CABINET OFFICE

Guidance; Public-sector procurement after a no-deal Brexit; (4 September);

Information for public authorities, businesses and other organisations on the outcome for public procurement policy in a no-deal Brexit scenario.

<https://www.gov.uk/guidance/public-sector-procurement-after-a-no-deal-brexite>

Guidance; Registering to vote qualitative research project; (3 September):

The Constitution Group Analysis Team within Cabinet Office designed a qualitative research project to explore barriers to registering to vote.

<https://www.gov.uk/government/publications/registering-to-vote-qualitative-research-project>

Guidance; Community resilience development framework; (3 September);

This guidance helps emergency planners ensure communities are central to emergency planning, response and recovery.

Many senior lawyers have resilience related roles...

<https://www.gov.uk/government/publications/community-resilience-development-framework>

Guidance; Procurement Policy Note 04/19: Taking account of a supplier's approach to payment in the procurement of major contracts; (29 August);

This Procurement Policy Note (PPN) sets out how payment approaches can be taken into account in the procurement of major government contracts.

<https://www.gov.uk/government/publications/procurement-policy-note-0419-taking-account-of-a-suppliers-approach-to-payment-in-the-procurement-of-major-contracts--2>

HOME OFFICE

News story; New system to simplify and speed up modern slavery referrals; (3 September):

Digitisation of National Referral Mechanism to support victims of modern slavery.

<https://www.gov.uk/government/news/new-system-to-simplify-and-speed-up-modern-slavery-referrals>

HM TREASURY

Policy paper; Spending Round 2019: document; (4 September);

This is the Spending Round in full.

<https://www.gov.uk/government/publications/spending-round-2019-document>

and commentary...

<https://www.local.gov.uk/about/news/lga-responds-government-spending-round>

and more...

<http://email.publicfinance.co.uk/q/17IK16HjnM1ol5pfGdZGkF/wv>

more still

<https://www.local.gov.uk/sites/default/files/documents/On%20the%20Day%20Briefing%20SRo%202019.pdf>

DEPARTMENT FOR ENVIRONMENT FOOD AND RURAL AFFAIRS

Press release; Public concern for nature reaches all-time high; (4 September):

New national statistics show changes in how people use and relate to the natural environment.

<https://www.gov.uk/government/news/public-concern-for-nature-reaches-all-time-high>

DEPARTMENT FOR EDUCATION

Statutory guidance; Keeping children safe in education; (2 September):

Statutory guidance for schools and colleges on safeguarding children and safer recruitment.

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

Related LLG Courses:

14 November 2019: Education - Admissions Update; London - [Read more](#)

HM LAND REGISTRY

News story; Avoid errors caused when corporate bodies execute deeds; (4 September):

Practice guide 8 has been updated to make it clearer what wording is acceptable where deeds are executed by corporate bodies.

https://www.gov.uk/government/news/avoid-errors-caused-when-corporate-bodies-execute-deeds?utm_medium=email&utm_source=govdelivery&utm_term=

Guidance; Notices under the Land Registration Rules 2003 and directions made under the Land Registration Act 2002;

When dealing with applications by means other than post, DX or personal delivery, the Chief Land Registrar may give notice publicising this.

<https://www.gov.uk/government/publications/land-registration-act-2002-schedule-2>

PLANNING INSPECTORATE

Guidance; Carrying out works on common land; (2 September):

When you need to apply for consent, how to apply, and the works that you can do without consent.

<https://www.gov.uk/guidance/carrying-out-works-on-common-land>

Guidance; Local Plans; (29 August);

The Local Plan examination process and the role the Planning Inspectorate plays.

<https://www.gov.uk/guidance/local-plans>

Selected Planning Appeals:

Lack of parking rules out community pizzeria;

Plans to convert a disused garage in Chesterfield into a community café and pizzeria have been blocked by an inspector, who ruled that a lack of parking nearby meant the scheme would affect highway safety.

<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3228280&CoID=0>

Withdrawn local plan helps to justify 322-home scheme;

An inspector has granted outline permission for a major housing scheme in Nottinghamshire after the council withdrew its emerging local plan at a late stage, delaying the process of identifying new sites for housing by 'at least three years'.

<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3213342&CoID=0>

Zero-carbon AONB eco-home not allowed under NPPF paragraph 79;

Plans for a new home with a curved green roof intended to integrate it into the surrounding High Weald AONB have been rejected because an inspector ruled that the scheme did not meet the 'high bar' of NPPF paragraph 79.

<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3226865&CoID=0>

Build-to-rent Kingston scheme contrary to regeneration plan;

Plans to demolish a popular former music venue and other post-war buildings in Kingston-upon-Thames to make way for a mixed-use scheme including 311 flats would conflict with the council's vision for the area, an inspector has ruled.

<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3226865&CoID=0>

Restoration of Victorian school's pre-war quadrangle is rejected;

An inspector has dismissed plans for a boldly designed extension to a listed school in London that would restore its formerly enclosed courtyard, which was exposed to the street as a result of Second World War bomb damage.

<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3204269&CoID=0>

Related LLG Courses:

16 September 2019; Introduction to Planning Enforcement London - Read more

7 October 2019; Planning Law - Basic Survival Guide
18 November 2019 : London: Planning Committees
26 November: 2019 London: Town and Country Planning: Agreements under Section 106 of the
Town and Country Planning Act 1990
2 December 2019: 26th Annual Planning Conference: London

OFFICE OF THE REGULATOR OF COMMUNITY INTEREST COMPANIES

Guidance; Community interest companies: forms and step-by-step guides; (2 September);

The processes you need to follow, and the documents you need to submit, when you are a community interest company or you wish to form (or convert to) a community interest company.

<https://www.gov.uk/government/publications/community-interest-companies-business-activities>

FOOD STANDARDS AUTHORITY

Official Statistics; Local Authority Food Law Enforcement Returns 2018/19; (4 September)

The release summarises local authority activity in relation to food law enforcement at food establishments. It includes summary statistics on the numbers of inspections conducted as well as the outcomes of these inspections.

<https://www.gov.uk/government/statistics/local-authority-food-law-enforcement-returns-201819>

COMMITTEE ON STANDARDS IN PUBLIC LIFE

Intimidation remains a real danger to our democracy; (republished 3 September):

<https://cspl.blog.gov.uk/2019/05/28/intimidation-remains-a-real-danger-to-our-democracy/>

Related Courses:

18 September: 2019 London: Advanced Masterclass in Political Awareness
19 September 2019: London: Committees - Stage 2
15-17 October 2019: Burton on Trent: Annual Governance Conference,
25 October 2019: Essential guide to Overview & Scrutiny Committees: London
28 October 2019; Essential Guide to Political Awareness; London
11 November 2019 : Leeds: Committees - Stage 2
29 November 2019: The Local Authority Company Secretary: Birmingham
10 December 2019; Committees; Basic Survival Guide: London

HMCTS

Government response; Response to Public Accounts Committee: Transforming courts and tribunals; (30 August);

HMCTS and MOJ responses to Public Accounts Committee's recommendations, Fifty-Sixth Report of Session 2017 to 2019.

<https://www.gov.uk/government/news/response-to-public-accounts-committee-transforming-courts-and-tribunals>

THE LAW SOCIETY

First law school unveils SQE course plans; (3 September):

<https://www.lawgazette.co.uk/news/first-law-school-unveils-sqe-course-plans/5101303.article>

Professional Update; (30 August):

http://emailcc.com/rv/ff0050f05f240191fdb561445c428dcc0d8430ad?utm_source=concepsend&utm_medium=email&utm_campaign=PU-2019-August-31

CIPFA

Former advisor to Gove calls for abolition of academies; (3 September):

The introduction of academy schools has “fragmented” the education system and they should be abolished; an education think-tank has urged.

<https://www.publicfinance.co.uk/news/2019/09/former-advisor-gove-calls-abolition-academies>

Council leaders express hope £3.5bn for town halls is ‘new money’; (2 September):

The prime minister’s £3.5m package for councils, expected to be announced in this week’s Spending Round, would be a “very welcome contribution” if it is not money that has already been announced.

<https://www.publicfinance.co.uk/news/2019/09/council-leaders-express-hope-ps35bn-town-halls-new-money>

Authorities not including carbon targets in Local Plans risk legal action; (2 September):

Lawyers from an environmental charity are writing to 100 councils in England to remind them of their legal obligations to include carbon reduction targets in their Local Plans.

<https://www.publicfinance.co.uk/news/2019/09/councils-not-including-carbon-targets-local-plans-risk-legal-action1>

Government’s spending plans ‘will push it over borrowing limits’; (31 August);

The chancellor cannot fulfil the prime minister’s spending commitments without exceeding borrowing limits, a think-tank has warned.

<https://www.publicfinance.co.uk/news/2019/08/governments-spending-plans-will-push-it-over-borrowing-limits>

LAW COMMISSION

Electronic Execution of Documents Report: (3 September):

<https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2019/09/Electronic-Execution-Report.pdf>

NAO

The National Audit Office (NAO) has launched a public consultation on its proposed update of the Code of Audit Practice ahead of it coming into effect in April 2020.

The Code sets out what local auditors of relevant local public bodies (such as councils, police, fire and NHS bodies) are required to do to fulfil their statutory responsibilities under the Local Audit and Accountability Act 2014.

<https://www.nao.org.uk/code-audit-practice/code-of-audit-practice-consultation/>

LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN

Dorset County Council leaves boy with special needs without proper education; (4 September):

A boy with autism was left without proper education for two years by the former Dorset County Council after it failed to provide him with appropriate alternatives when it became clear mainstream school was not suitable for him.

<https://www.lgo.org.uk/information-centre/news/2019/sep/dorset-county-council-leaves-boy-with-special-needs-without-proper-education>

Staffordshire fails to complete agreed remedy following Ombudsman complaint; (4 September):

The Local Government and Social Care Ombudsman has criticised Staffordshire County Council for failing to apologise to a woman in good time following an earlier investigation.

<https://www.lgo.org.uk/information-centre/news/2019/sep/staffordshire-fails-to-complete-agreed-remedy-following-ombudsman-complaint>

Birmingham bin problems highlighted in Ombudsman report; (29 August)

From repeated missed collections to failing to return vulnerable people's bins to the proper place, Birmingham's refuse service has been criticised in a report by the Local Government and Social Care Ombudsman.

<https://content.govdelivery.com/accounts/UKLGO/bulletins/25bb6bf>

Weekly Decision Updates:

Planning:

<https://content.govdelivery.com/accounts/UKLGO/bulletins/25bb3dc>

Housing:

<https://content.govdelivery.com/accounts/UKLGO/bulletins/25bb3bc>

Adult Social Care:

<https://content.govdelivery.com/accounts/UKLGO/bulletins/25bb3dc>

Children and Education:

<https://content.govdelivery.com/accounts/UKLGO/bulletins/25bb3db>

Benefits and Taxation:

<https://content.govdelivery.com/accounts/UKLGO/bulletins/25bb3d9>

LOCAL GOVERNMENT ASSOCIATION

Selected Daily Bulletin items:

6 September:

Indonesia returns 19 containers full of British waste to the UK

Nineteen containers full of British rubbish waste, plastics and hazardous materials, have been returned to the UK by Indonesia after they were redirected to its shores following China's decision to stop taking foreign refuse last year. Cllr David Renard, LGA Environment spokesman, said national action was needed to "expand the UK market for recycling". He added: "The problem of exported waste being returned to their countries of origin would not exist if producers stopped using poor quality materials that are becoming increasingly difficult for councils to process."

[Telegraph p19](#)

Sprinklers planned for new blocks of flats

All new blocks of flats six storeys or higher could be required to have sprinkler systems as part of plans being considered by the Government. The Housing Secretary Robert Jenrick has drawn up plans to improve safety regulations following the Grenfell Tower fire in 2017.

i p4, [ITV News](#)

Government 'committed' to review support for special needs pupils

A major review into support for children with special needs and their families is being launched by the Government, following concerns about funding pressures and a "postcode lottery" of services. The review will look at improving services for families, better equipping school staff to meet pupils' needs, and what is driving increasing demand for support.

[i p12](#)

5 September:

Spending Round: £3.5bn funding boost for councils

The Chancellor Sajid Javid used his Spending Round to announce a £3.5 billion funding package for councils in 2020/21. Social care will receive £1 billion, with councils able to raise a further £500 million through an adult social care council tax precept, while services for children with special needs will receive £700 million. Cllr James Jamieson, LGA Chairman, who discussed the announcement on BBC News and across BBC Radio 2 news bulletins, said it represented "the biggest year-on-year real terms increase in spending power for local government in a decade and will allow councils to meet the rising cost and demand pressures they face in 2020/21". He added: "The LGA has worked hard to demonstrate to the Government the financial pressures facing councils next year. We are pleased it has responded to our calls and acted by finding desperately-needed new money." The LGA's response was also reported on Sky News and LBC radio.

Sun p2, FT p4, Mail p13, i p8, Guardian p10, Mirror p5, Times p12, Telegraph p8, FT p4, Star p4, Express p6, [Sky News Online](#), BBC Online

4 September:

MPs take control of parliamentary business

MPs voted 328 to 301 to take control of the parliamentary agenda last night, allowing them to bring a bill requesting a Brexit delay. It follows the Prime Minister losing his working majority in

the Commons yesterday as former minister Phillip Lee defected to the Liberal Democrats.
[BBC Online](#), All papers p1

Children living in poverty badly hampered at schools – report

Children living in poverty are being severely disadvantaged by the British school system, according to a new survey. Buttle UK polled 1,200 child support workers across the country to gain their insights into how poverty affected a child's education and found that 88 per cent of frontline workers had seen parents unable to afford basics such as food, fuel and other household items at least once a week.

[ITV Online](#), Mirror p12, Express p2, Sun p28

Tree planting in UK 'should be doubled'

Significant rises in tree planting in the UK "need to happen quickly" if other targets to cut carbon are not met, government advisers have warned. The Committee on Climate Change recommends 30,000 hectares of woodlands should be planted yearly.
i paper p2, Guardian (Life & Arts) p8

3 September:

Fly-tipping costs councils millions to clear up

Columnist Deborah Colcutt writes about her personal experience in forcing fly-tippers to clear up their dumped building waste, which they were about to leave in the open countryside. Fly-tipping in England has increased by 40 per cent in six years, blighting towns, villages and the countryside and costing millions of pounds in clean-up costs, the LGA has said. According to LGA figures, the number of reported incidents had increased by 39.6 per cent since 2012. The LGA's former Environment spokesman, Cllr Martin Tett, previously said: "The normal residential customer doesn't fly-tip. If it's a reasonable charge to use a tip, or it's closed on a particular day, they'll come back. What we've seen is a growth in the criminal market." The LGA is calling for tougher sentences and more government funding in the upcoming Spending Round to tackle fly-tippers.

Express p18

Spending Round

The Spending Round, to be announced by Chancellor Sajid Javid in a statement to Parliament tomorrow, is the first major economic pronouncement from the government since the Spring Statement in March. It will give details of how much money will be allocated to different departments during the 2020-21 financial year.

[BBC Online](#)

Self-funders pay £12,500 more for care, says report

People who pay for their own care home placements are charged 43 per cent more than those funded by their local council, according to a report. Analysis by retirement specialists Just Group found that care home residents who front their own fees are charged an average of £12,532 per year more than their council-funded counterparts – typically paying £44,252 a year compared to £31,270.

[Telegraph Online](#), Mirror p13, Sun p6, Express p8

Public backs extra efforts to save parks

A majority of the British public want more done to save parks, community centres and libraries from closure, according to a poll. The Charity Locality and Co-op poll also found nearly 50 per cent said they would volunteer to save community hubs following statistics that show the UK is losing around 4,000 public spaces a year with a further 16,000 at risk by 2022.

Express p25, Mirror p2

2 September;

Councils taking in refugees

LGA Deputy Chairman Cllr David Simmonds appeared on BBC's Countryfile last night to discuss how councils take in refugees as part of an episode looking at how the UK countryside is still providing sanctuary to refugees of modern-day conflict. Cllr Simmonds said: "When we asked councils to step forward, there was no pattern. People from rural areas, people from big cities, were all stepping up to the plate and saying they could provide offers of accommodation. Many areas are crying out for that. It's what existing residents want to see to keep those communities

alive.”

[BBC Countryfile](#)

Home Office planning to end family reunion for children after Brexit

The Home Office is preparing to end the current system of family reunification for asylum-seeking children if the UK leaves the EU without a deal, it is reported. Open cases may be able to progress, but a no-deal Brexit would mean no new applications after 1 November from asylum-seeking children to be reunited with relatives living in the UK.

[Guardian p1](#)

Brexit: 'Get ready' advertising campaign launches

The Government has launched a public information campaign in a bid to prepare the British public for leaving the EU. The Get Ready for Brexit campaign states that the UK will be leaving the EU on 31 October and urges the public to visit a website to check what they need to do to prepare for a no-deal exit.

[BBC Online](#), Sky News Online, FT p3, i p6, Mirror p11, Sun p9

UK funding to tackle climate crisis needs to increase significantly, government warned

Britain's biggest environmental groups have warned the Government that funding to tackle the climate emergency needs to increase from roughly £17 billion a year at present to at least £42 billion over the next three years. More than a dozen leading environment charities, including Greenpeace and Friends of the Earth, said urgent action was required to raise spending and that further increases would be required in the future should the Government wish to meet its promise of net zero carbon emissions by 2050.

[Guardian p20](#)

Mayors call for fund to clean city air

Mayors of 14 cities with illegal levels of pollution are calling for a £1.5 billion clean air fund to get polluting vehicles off their roads. UK100, an umbrella group for mayors of cities, commissioned a report that found that investing in clean air zones and compensating drivers on low pay for scrapping vehicles would deliver £6.5 billion of benefits, including improved health and reduced congestion.

[Times p2](#), i p4

Close down academies says think-tank

The academies programme should be closed down to put all schools on a “level playing field”, according to think-tank EDSK. Its report says academies lack transparency and, because they are responsible for their own admissions, are more likely to refuse to accept vulnerable pupils.

[i p9](#)

Pay rise for teachers

The Government has said the minimum salary for teachers in England of £23,720 will rise to £30,000 by 2022/23 in a bid to improve retention rates.

[BBC Online](#), Times p2, Guardian p6, i p9, Mirror p20, Star p2, Sun p2, Mail p14, Telegraph p10, Sky News Online

Bulletins:

Research Bulletin: August:

<https://content.govdelivery.com/accounts/UKLGA/bulletins/25cb589>

Publications:

First Magazine: Current Edition:

<https://www.lgafirst.co.uk>

Briefing; Debate on the British housebuilding industry; House of Commons 5 September 2019;

<https://www.local.gov.uk/sites/default/files/documents/LGA%20briefing%20-%20the%20British%20housebuilding%20industry%20-%20HC%20050919.pdf>

Briefing; Specialist Supported Housing Providers; Joint Briefing/Advice note prepared by NHS England and NHS Improvement, Local Government Association and ADASS; (2 September);

https://www.local.gov.uk/sites/default/files/documents/Specialist%20Supported%20Housing%20Providers%20Briefing%20FINAL%20WEB_0.pdf

Briefing; House of Commons Debate on Treasury funding for the Department of Health and Social Care House of Commons 4 September 2019;

<https://www.local.gov.uk/sites/default/files/documents/LGA%20briefing%20-%20Treasury%20funding%20of%20the%20Department%20of%20Health%20and%20Social%20Care%20-%20040919%20docx.pdf>

LOCAL GOVERNMENT INFORMATION UNIT

LGIU Fortnightly 30th August – Community action...in action; (30 August);

<https://www.lgiu.org.uk/2019/08/30/lgiu-fortnightly-30th-august-community-action-in-action/>

CLIENTEARTH

Lawyers put local authorities on notice over climate inaction | ClientEarth; (2 September);

Read this!

<https://www.clientearth.org/climate-lawyers-put-local-authorities-on-notice/>

and more...

<https://www.clientearth.org/press/lawyers-put-local-authorities-on-notice-over-climate-inaction/>

and commentary...

<https://www.localgovernmentlawyer.co.uk/planning/401-planning-news/41365-environmental-lawyers-put-local-authorities-on-notice-over-alleged-climate-inaction>

PARLIAMENT

House of Lords:

Electoral registration officers questioned on the operation of the Act; (2 September)
The Select Committee on the Electoral Registration and Administration Act 2013

questions electoral registration officers from three local councils on the operation of the 2013 Act.

<https://www.parliament.uk/business/committees/committees-a-z/lords-select/electoral-registration-act-2013-committee/news-parliament-2017/ero-witnesses/>

Update: here is a link to the proceedings:

<https://www.parliamentlive.tv/Event/Index/d732f8cc-99ff-4e34-ae36-978510f4de9f>

How effective is the Gambling Act 2005? Committee asks: (30 August);

The Select Committee on the Social and Economic Impact of the Gambling Industry hears evidence on the Gambling Act 2005 and regulation from the former Chair of the Gambling Review Body, Regulus Partners, Queen Mary University, and a former barrister specialising in gambling.

I will track this item and report further.

<https://www.parliament.uk/business/committees/committees-a-z/lords-select/gambling-committee/news-parliament-2017/gambling-act-2005-effectiveness/>

Publications:

Background to the 2019 Spending Round; (30 August):

On Wednesday 4th September the Chancellor will present the conclusions of the 2019 Spending Round to Parliament. This briefing provides background on Spending Reviews and lists the spending commitments that have already been made, as well as covering the fiscal rules that the Chancellor is operating within and showing the recent trends in spending.

<https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-8651>

Must planning committees follow officers' advice in reaching decisions? (30 August);

This briefing examines the relationship between planning officers and councillors and how published guidance deals with the considerations that might arise when planning committees overturn officers' advice. It applies to England only.

<https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN01030>

Petitions in the UK: (recently republished);

This briefing paper sets out trends in petitioning to the UK Parliament and devolved institutions. It provides a range of statistics on the number of petitions, the geography of participation in petitioning, and provides information on the largest petitions submitted to the UK Parliament and other bodies.

<https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-8620>

CASES

AFR: legal Issues:

Bridges, R (On Application of) v The Chief Constable of South Wales Police [2019] EWHC 2341 (Admin) (04 September 2019)

The algorithms of the law must keep pace with new and emerging technologies. This case raises novel and important issues about the use of Automated Facial Recognition technology ("AFR") by police forces. The central issue is whether the current legal regime in the United Kingdom is adequate to ensure the appropriate and non-arbitrary use of AFR in a free and civilized society. At the heart of this case lies a dispute about the privacy and data protection implications of AFR. Counsel inform us that this is the first time that any court in the world had considered AFR.

Authorities contemplating AFR use in enforcement situations will be interested in this case

<https://www.bailii.org/ew/cases/EWHC/Admin/2019/2341.html>

and commentary

<https://panopticonblog.com/2019/09/04/police-use-of-automated-facial-recognition-a-justified-privacy-intrusion/>

Civil Procedure:

High Court rules offer to settle for no damages can be genuine Part 36 offer.

MR v Commissioner of Police for the Metropolis [2019] EWHC 1970 (QB) (21 August 2019)

The High Court has partially allowed an appeal regarding an order that there be no order for costs following a trial. It was held that the trial judge had correctly exercised their discretion regarding costs up to the relevant date for a Part 36 offer by the claimant. However, they had erred in determining that that Part 36 offer, which was to settle for no damages but with an admission of liability, was not a valid Part 36 offer.

<https://www.bailii.org/ew/cases/EWHC/QB/2019/1970.html>

Contract: Evidential burdens:

Volumatic Ltd v Ideas for Life Ltd [2019] EWHC 2273 (IPEC) (29 August 2019)

A contract law case dealing with the evidential onus to establish intention to contract ... see para 11 et seq

[https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/IPEC/2019/2273.html&query=\(a\)](https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/IPEC/2019/2273.html&query=(a))

Modification of Restrictive Covenants:

Shaviramnormandy Limited v Basingstoke And Deane Borough Council (RESTRICTIVE COVENANTS - modification) 2019] UKUT 256 (LC) (30 August 2019)

Restrictive Covenants - modification – 1980s office building let on long lease - covenants restricting use to offices only and controlling terms of underletting – modification sought to permit conversion to residential use and letting on assured shorthold tenancies – Law of Property Act 1925 section 84(1) (aa) and (c) – modification of user covenant ordered – modification of restriction on underletting refused

<https://www.bailii.org/uk/cases/UKUT/LC/2019/256.html>

Council not a "person aggrieved" following decision in favour by Secretary of State (High Court)

Tewkesbury Borough Council v Secretary of State for Communities Housing and Local Government & Ors [2019] EWHC 1775 (Admin) (08 July 2019)

In a recent case, the High Court has looked at whether a claimant under section 288 of the Town and Country Planning Act 1990 needs to be a "person aggrieved" as provided for in the legislation.

<https://www.bailii.org/ew/cases/EWHC/Admin/2019/1775.html>

Scots Case: JR: Proroguing of UK Parliament Challenge:

(FIRST) JOANNA CHERRY QC MP AND OTHERS FOR JUDICIAL REVIEW [2019] ScotCS CSOH_68 (30 August 2019)

This is the first hearing seeking expedited consideration

https://www.bailii.org/scot/cases/ScotCS/2019/2019_CSOH_68.pdf

Update: the first instance judgment is here:

<https://www.scottishlawreports.org.uk/publications/exceptional-cases.html>

JR: Service Reduction:

L (An Infant), R (On the Application Of) v Buckinghamshire County Council [2019] EWHC 1817 (Admin) (12 July 2019)

A campaign group has failed to obtain permission to appeal a High Court ruling that a decision by the Cabinet at Buckinghamshire County Council to close 19 out of its 35 children's centres was lawful.

<https://www.bailii.org/ew/cases/EWHC/Admin/2019/1817.html>

First-tier Tribunal dismisses Liberal Democrats' appeal against Assessment Notice (First-tier Tribunal (Information Rights));

The Liberal Democrats and The ICO Appeal Reference: EA/2019/0161

The First-tier Tribunal (Information Rights) (FTT (IR)) has dismissed the Liberal Democrats' appeal against an Information Commissioner's (IC) Assessment Notice issued under section 146(1) of the Data Protection Act 2018 (DPA 2018), prior to the European Parliamentary elections set for 23 May 2019.

[http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i2478/Liberal%20Democrats%20EA-2019-0161%20\(15.08.19\).pdf](http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i2478/Liberal%20Democrats%20EA-2019-0161%20(15.08.19).pdf)

Related LLG Courses:

If you prosecute for your local authority, or represent it in children cases or handle claims, then these courses may interest you!

09 September 2019: Local Authority Prosecutions

25 September 2019: Understanding the Basics of Child Care Law: London

2 October 2019: Webinar: The Restriction of a Child's Liberty

07 November 2019; Child Care Advocacy Workshop

20 November 2019: Defending Health & Safety Prosecutions: London

9 December 2019: Prosecutions in the Magistrates Court - An Advocacy Workshop

ARTICLES PODCASTS AND VIDEO CLIPS

LGL: Investigator clears council and officers of maladministration in planning enforcement row, takes different view on inducement to Crown Court and Court of Appeal judges; (4 September):

<https://www.localgovernmentlawyer.co.uk/planning/401-planning-news/41346-investigator-clears-council-and-officers-of-maladministration-in-planning-enforcement-row-takes-different-view-on-inducement-to-crown-court-and-court-of-appeal-judges>

IFG: Which public services face the biggest pressures ahead of the spending round?: (4 September):

<https://www.instituteforgovernment.org.uk/publication/public-services-spending-round>

Fullfact: Election law needs to change before any election to safeguard our democracy; (3 September);

The government has agreed that election law must be updated and that the integrity of our elections is at risk. But that work has not yet been done. This means that any election held today would be open to abuse.

<https://fullfact.org/blog/2019/sep/election-law-needs-change-any-election-safeguard-our-democracy/>

SEND reforms have “failed to make system less adversarial for parents”; (3 September):

<https://localgovernmentlawyer.co.uk/education-law/394-education-news/41370-send-reforms-have-failed-to-make-system-less-adversarial-for-parents>

County to pay mother £24k after Ombudsman report into overcrowding and failure to comply with care order; (29 August);

<https://www.localgovernmentlawyer.co.uk/housing-law/397-housing-news/41344-county-to-pay-mother-24k-after-ombudsman-report-into-overcrowding-and-failure-to-comply-with-care-order>

CCN Analysis: Adult social care funding & the Spending Review;

<https://www.countycouncilsnetwork.org.uk/download/2397/>

ADASS: Sorting Out Social Care for All, Once & For All;

<https://www.adass.org.uk/media/7350/sorting-out-social-care-for-all-once-and-for-all.pdf>

SELECTED OPEN CONSULTATIONS

These are consultations that LLG will wish to make a response to. If you would like to be involved, please contact: Helen@llg.org.uk

House of Lords Select Committee on the Electoral Registration & Administration Act 2013

Call for Evidence; The House of Lords Select Committee on the Electoral Registration

and Administration Act 2013 was appointed by the House on 13 June 2019. The remit of the Committee is to carry out post-legislative scrutiny of the Electoral Registration and Administration Act 2013 (ERA Act, the Act) and to make recommendations to the Government. The Committee is required to agree its report by the end of March 2020.

Closing Date: 9 September 2019

<https://www.parliament.uk/documents/lords-committees/electoral-registration-act/Call-for-Evidence-final-24-07-2019.pdf>

MHCLG: Open consultation; Homelessness Reduction Act 2017: call for evidence;

This call for evidence seeks to gather evidence on:

- the impact the Act has had and the outcomes that are being achieved
- how has the Act changed the approach of local housing authorities and their partners to tackling homelessness and supporting those in need
- the experience of people approaching their local housing authority for help
- how the implementation of the Act has been resourced, including the level of new burdens funding to assist this
- what elements of the Act and processes are working well, and which might need adjustment?

Closing Date: 15 October 2019

<https://www.gov.uk/government/consultations/homelessness-reduction-act-2017-call-for-evidence>

OPENING BULLETIN LINKS:

Access to podcasts and video clips, if listed, may require you to first download relevant apps/programs.

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