



Public Sector Legal News Update

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Cases

Employment

Aderemi v London and South Eastern Railway Ltd. 2012 WL 6774469.

Employment Appeal Tribunal (EAT)

Langstaff, J. (President); BV Fitzgerald; M Singh. December 06, 2012

A tribunal had taken the wrong approach in determining that a station attendant's disability did not have a substantial adverse effect on his ability to do normal day-to-day activities. The focus of a tribunal had to be upon what a claimant maintained that he could not do as a result of his impairment, not on what he could do.

Legislation

Local Government

The Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) (Amendment) (England) Order 2013 (Draft)

This Order amends the Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) Order 1996 (SI 1996/1880) to add additional functions relating to the administration and enforcement of council tax which may be contracted out by a billing authority in England.

Made under: Deregulation and Contracting Out Act 1994 (c.40) s.69(4) s.70(4)

Amended legislation: Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) Order 1996 (SI 1996/1880)

[Read the full text here](#)



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Official Publications

Local Government

Consultation on changes to the delegation and inspection of functions for looked after children and care leavers

Issued by Department for Education. January 15, 2013

The Department for Education seeks views on proposals to allow all local authorities in England to delegate relevant care functions to providers of social work services and to remove requirements for separate registration and inspection of providers of social work services in England. Comments by February 28, 2013.

[Read the full text here](#)

Licensing

Entertainment licensing reform - ministerial written statement

Issued by Department for Culture, Media and Sport. January 7, 2013

The Department for Culture, Media and Sport has outlined the new Government policy for entertainment licensing, which aims to reduce unnecessary regulation arising from the Licensing Act 2003 for low-risk activities that restrict charities and prevent small businesses from diversifying. The Government intends to bring the measures into effect as the parliamentary timetable allows.

Legislation referred: Licensing Act 2003

[Read the full text here](#)



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Further Reading

Charities

A missed opportunity. T.E.L. & T.J. 2013, 143(Jan/Feb), 15-17

By Joshua Winfield

Comments on the Chancery Division judgment in *Berry v IBS-STL (UK) Ltd (In Liquidation)*, also known as *Re Longman (Deceased)*, on what to do about a legacy to a named charity, if the will made the gift conditional on the charity being in existence at the time of testator's death, but by that time the charity had merged with another, and the merged charity relied on the Charities Act 1993 s.75F to claim the legacy. Advises caution when wills are drafted using established precedents.

Cases referred: *Berry v IBS-STL (UK) Ltd (In Liquidation)*~ [2012] EWHC 666 (Ch); [2012] P.T.S.R. 1619 (Ch D) Legislation referred: Charities Act 1993 s.75F

Planning

Current topics. J.P.L. 2012, 4, 355-356. By Ed.

Discusses the level of consultation undertaken by the Government prior to modifying the planning rules for houses in multiple occupation, and the subsequent Court of Appeal decision in *R. (on the application of Milton Keynes Council) v Secretary of State for Communities and Local Government* on whether the provisions of the relevant statutory instruments should be quashed as they failed to reflect the results of the relevant consultation and the Government failed to seek the opinions of local planning authorities themselves during the consultation process.

Cases referred: *R. (on the application of Milton Keynes Council) v Secretary of State for Communities and Local Government*~ [2011] EWCA Civ 1575; [2012] J.P.L. 728 (CA (Civ Div))