



Public Sector Legal News Update

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31 May 2013

Cases

Housing

Hotak v Southwark LBC. 2013 WL 1904290

Court of Appeal (Civil Division) (CA (Civ Div)). Moore-Bick, L.J.; Pitchford, L.J.; Richards, L.J.
15 May 2013

When assessing whether an applicant had a priority need for accommodation under the Housing Act 1996 s.189(1)(c), the local authority was entitled to have regard to support which the applicant had been receiving from a family member with whom he was currently living and which he would continue to receive were he to become homeless.

Appeal dismissed.

Licensing

R. (on the application of Hemming (t/a Simply Pleasure Ltd)) v Westminster City Council. 2013 WL 2110763

Court of Appeal (Civil Division) (CA (Civ Div)). Lord Dyson (M.R.); Beatson, L.J.; Black, L.J..
24 May 2013

Under Directive 2006/123 art.13(2) and the Provision of Services Regulations 2009 reg.18(4), the costs of enforcing a licensing system against unlicensed operators could not be reflected in licence fees charged by a local authority, since such costs were not costs of "authorisation procedures and formalities".

Appeal allowed in part.



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Legislation

Planning

Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2013 (Draft)

These Regulations amend the Town and Country Planning (Fees for Applications, Deemed Applications, Requests for Site Visits) (England) Regulations 2012 (SI 2012/2920) to give effect to provisions in the Growth and Infrastructure Act 2013 that enable certain planning applications to be made directly to the

Secretary of State, and provisions in the Enterprise and Regulatory Reform Act 2013 that remove the requirement to seek conservation area consent to demolish certain buildings in conservation areas.

[Read the full text here](#)

Made under: Town and Country Planning Act 1990 s.303, s.333(2A)

Legislation amended: Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920)

Legislation referred: Growth and Infrastructure Act 2013

Official Publications

Charities

Developing the content of the annual return and information displayed on the register of charities. Issued by Charity Commission. 22 May 2013

The Charity Commission seeks view on proposed change to the information it collects from the annual return from 2014 onwards, including: allowing charities to use the free text box in part A of the annual return to briefly describe a charity's aims, objectives and activities for the year; and introducing a new question which asks whether a charity pays its trustees. Comments by July 17, 2013.

[Read the article here](#)



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Further Reading

Family Law

All Change. Fam. L.J. 2013, 126(May), 2-5. By Elizabeth Isaacs.

Discusses the likelihood in the near future of a greater number of challenges to local authority childcare decisions and the reasons for this. Focuses on four areas where the scope of challenge is likely to increase, namely decision-making about whether a child should be placed for adoption as the decision will be made by a single decision-maker rather than an independent panel, and the reductions in judicial scrutiny of care plans, in independent scrutiny of a local authority's work by the guardian and in the use of independent experts.

Legislation referred: Children and Families Bill 2013; Adoption Agencies Regulations 2005 (SI 2005/389) reg.17, reg.19; Adoption Agencies (Panel and Consequential Amendments) Regulations 2012 (SI 2012/1410); Children Act 1989 s.1, s.31A; Adoption and Children Act 2002 s.1; Family Procedure Rules 2010 (SI 2010/2955) r.25.1