



# Public Sector Legal News Update

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**05 April 2013**

## Cases

### Civil Procedure

#### **Enfield LBC v Phoenix 2013 WL 617729. Queen's Bench Division (QBD)**

Judge Reddihough, 19 March 2013

A local authority had acted inappropriately in issuing a possession claim in the High Court rather than the county court as the claim clearly did not satisfy the requirements of CPR PD 55A para.1.3(3).

Claim dismissed.

### Planning

#### **R. (on the application of Daws Hill Neighbourhood Forum) v Wycombe DC 2013 WL 617599**

Queen's Bench Division (Administrative Court) (QBD (Admin)), Supperstone, J. 13 March 2013

The discretion given to local authorities by the Town and Country Planning Act 1990 s.61G, as inserted by the Localism Act 2011, was broad. The exercise of that discretion turned on the specific factual and policy matrix that existed in the individual case at the time the determination was made.

Application refused.

## Legislation

### Housing

#### **The Localism Act 2011 (Commencement No. 2 and Transitional Provisions) Order 2013 (SI 2013/722) (C.33)**

The Stationery Office

This Order brings into force, in relation to England provisions of the Localism Act 2011 (matters relating to the housing ombudsman).

[Read the full text here](#)

**In Force:** Bringing into operation various provisions of the 2011 Act on 1 April 2013.

Made under: Localism Act 2011 s.240(2)(7) Civil Procedure

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## Local Government

### **Parish and Town Council Precepts (Referendums) Bill 2013 (HC Bill No.151)**

A Bill to give effect to the Localism Act 2011 Sch.5; to amend the Government Finance Act 1992 s.52ZC (inserted by that Schedule) to require parish and town councils to conduct local referendums in the event that they choose to increase their precept by two per cent or more in the following financial year; and for connected purposes.

Legislation amended: Local Government Finance Act 1992 s.52ZC  
Hansard: HC Vol 560 col 820 (1st Reading)  
Commons 1st Reading: 19/3/2013; 2nd Reading: 26/4/2013 provisional  
Legislation referred: Localism Act 2011 Sch.5

## Official Publications

### Local government

#### **Buying better outcomes: Mainstreaming equality considerations in procurement: A guide for public authorities in England**

By Equality and Human Rights Commission, 25 March 2013

Equality and Human Rights Commission guidance explains how public authorities in England may approach the task of ensuring that they comply with the public sector equality duty obligations at different stages of the procurement cycle, and advises on the equality issues that public authorities may need to consider at each stage.

[Read more here](#)

## Further Reading

### Charities

#### **Transferring assets to a new-model charity**

P.C.A. 2013, 18(4), 31  
By Stephen Roberts

Outlines how unincorporated charities will be able to transfer assets to charitable incorporated organisations, noting how the transfer is simpler than the transfer to a charitable company.

Legislation referred: Charities Act 2011 s.310

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