



# Public Sector Legal News Update

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**8 February 2013**

## Cases

### Housing

**Ibrahim v Wandsworth LBC. 2013 WL 128408**

Court of Appeal (Civil Division) (CA (Civ Div)).

Etherton, L.J.; Mummery, L.J.; Sir Stephen Sedley. January 30, 2013

The Allocation of Housing and Homelessness (Review Procedures) Regulations 1999 reg.8(2) requirement that a reviewer of a homelessness decision notify an applicant if she was minded to make a decision that was against the applicant's interests where there had been a deficiency or irregularity in the original decision did not apply where the applicant had not complained about the original error, the reviewer had not upheld the erroneous part of the decision, and the reviewer made no decision against the applicant about which she was entitled to complain.

Appeal dismissed

## Legislation

### Real Property

**Housing Market Reform Bill 2013**

A Bill to amend s.157 of the Housing Act 1985 to extend the use of local occupancy clauses to certain urban areas with the permission of the Secretary of State; to increase the qualifying period of local occupancy clauses from three years to either five or ten years; to place a duty on the Homes and Communities Agency and local authorities with housing and planning responsibilities to promote co-operative and mutual housing options and report annually in this regard; to require the Homes and Communities Agency, local authorities and the Land Registry to identify land available for housing development which has not been developed and to publish a report on the available options for development of housing on such land; and for connected purposes.

[Read the full text here](#)



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## Official Publications

### Local Government

#### **Significant boost to social enterprises as the Social Value Act comes into force** **By Cabinet Office, January 31, 2013**

The Public Services (Social Value) Act 2013 came into force on January 31, 2013 and will require local authorities and other commissioners to consider how they can improve the social impact of their public service contracts and benefit people living in the local community.

**Legislation referred:** Public Services (Social Value) Act 2013

[Read the full text here](#)

## Further Reading

### Charities

#### **Charities and insolvency. Gov. 2013, Jan, 18-19** **By Mindy Jhittay**

Outlines the effect of insolvency law on corporate charities and unincorporated charities with particular reference to wrongful trading and who is liable for the charity's debts. Offers practical advice as to the steps trustees should take should they foresee insolvency.

### Planning

#### **EU Plants Ltd v Wokingham BC. J.P.L. 2013, 3, 373-374** **By Ashley Bowes**

Comments on the Administrative Court decision in EU Plants Ltd v Wokingham BC on whether a local authority was entitled to conclude that it was expedient in the interests of amenity to confirm a tree preservation order as required by the Town and Country Planning Act 1990 s.198(1), given arboricultural evidence that many of the trees were unsafe, and whether the planning committee chairman, who lived near the affected land, was biased. Considers the case an example of the courts' approach to councillors' opinions since the coming into force of the Localism Act 2011 s.25(2).

**Cases referred:** EU Plants Ltd v Wokingham BC~ [2012] EWHC 3305 (Admin) (QBD (Admin))

**Legislation referred:** Town and Country Planning Act 1990 s.198; Localism Act 2011 s.25