



Public Sector Legal News Update

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08 March 2013

Cases

Planning

Tewkesbury BC v Secretary of State for Communities & Local Government 2013 WL 552349

Queen's Bench Division (Administrative Court) (QBD (Admin))

Males, J. February 20, 2013

The Localism Act 2011 had made significant changes to the planning system but it had not brought about a fundamental change in the proper approach to planning applications so as to eliminate the role of the Secretary of State for Communities and Local Government in determining such applications.

Application refused.

Legislation

Licensing

Licensing Act 2003 (Forms) (Amendment) Regulations 2013 (SI 2013/432)

These Regulations amend the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42) to prescribe the form of: an application for the variation of a premises licence; an application for the minor variation of a premises licence or club premises certificate; and an application for the variation of a club premises certificate.

[Read the full text here](#)

In Force: 21 March 2013

Made under: Licensing Act 2003 s.34(2), s.41A(2), s.54, s.84(2), s.86A(2), s.91, s.193

Legislation amended: Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42)

Pensions

Local Government Pension Scheme (Management and Investment of Funds) (Amendment) Regulations 2013 (SI 2013/410)

These Regulations are intended to increase the proportion of their funds that local authority pension funds can invest in partnerships from a maximum of 15 per cent of the fund to 30 per cent.

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In Force: 1 April 2013

Made under: Superannuation Act 1972 s.7, Sch.3

Legislation amended: Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009 (SI 2009/3093)

Further Reading

Administrative Law

Time limits and section 288 challenges

J.P.L. 2013, 4, 393-395

Considers the Administrative Court judgment in *San Vicente v Secretary of State for Communities and Local Government* on whether the six week time limit for appealing against a planning decision by way of judicial review provided by the Town and Country Planning Act 1990 s.288 was a period of limitation under the Limitation Act 1980 or met other conditions for the application of CPR r.17.4 restricting the amendments that could be made to the grounds of appeal after the time limit's expiry otherwise permissible under CPR r.17.1. Outlines how the r.17.1 discretion should be exercised.

Cases referred: *Eco-Energy (GB) Ltd v First Secretary of State*~ [2004] EWCA Civ 1566; [2005] 2 P. & C.R. 5 (CA (Civ Div)); *San Vicente v Secretary of State for Communities and Local Government*~ [2012] EWHC 3585 (Admin) (QBD (Admin))

Legislation referred: Town and Country Planning Act 1990 s.288; Civil Procedure Rules 1998 (SI 1998/3132) Pt 17 r.17.1; Civil Procedure Rules 1998 (SI 1998/3132) Pt 17 r.17.4; Limitation Act 1980

Charities

New powers for investment for permanent endowment

S.J. 2013, 157(9), 15

By Stephen Roberts

Outlines the existing rules on the duties of charity trustees in relation to permanent endowment capital. Explains how trustees may take a total return approach to investment and Charity Commission proposals for draft regulations that would introduce greater flexibility for trustees.