



Public Sector Legal News Update

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Cases

Family Law

Suffolk CC v Nottinghamshire CC. [2012 WL 6044061] Court of Appeal (Civil Division) (CA (Civ Div)). Thorpe, L.J.; Hedley, J.; Black, L.J. 11 December 2012

The court examined the law relating to the special guardianship procedure in the Children Act 1989 s.14A to s.14F and gave guidance about its operation, particularly in the context of out-of area placements. It outlined how responsibility for the execution and funding of statutory duties was to be shared between the two local authorities.

Appeal allowed.

Licensing

Taylor v Manchester City Council [2012 WL 6044051]. Queen's Bench Division (Administrative Court) (QBD (Admin)). Hickinbottom, J. 7 December 2012

Where a licensee applied to vary its licence under the Licensing Act 2003 s.34 and, following representations from responsible authorities or interested parties, indicated its willingness to agree to a modification to the licence conditions, that did not amount to a formal amendment of his application and it was not necessary to start the variation process again. It was perfectly appropriate for the licensing authority to liaise with the licensee and responsible authorities or interested parties to see whether a compromise could be reached.

Appeal dismissed.

Legislation

Charities

The Charities Act 2011 (Commencement No. 1) Order 2012 (SI 2012/3011) (C.120)

This Order brings into force certain provisions in the Charities Act 2011 relating to charitable incorporated organisations.

[Read the full text here](#)

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[Accessed 10 December 2012]

In Force: Bringing into operation various provisions of the 2011 Act on 2 January 2013

Local Government

The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2012 (Draft)

These Regulations makes provision for the steps to be taken by local authorities in exercising certain public health functions, for the exercise by local authorities of the Secretary of State's public health functions and the making and recovering of charges by local authorities in respect of their public health activities. They also make provision in relation to Local Healthwatch organisations.

[Read the full text here](#)

News and Press

Local Government

New EU environ-legislation risks councils facing huge fines.

By Local Government Association, 7 December 2012

The Local Government Association has warned that new European environmental regulation risks bankrupting councils if it is not implemented properly, due to powers in the Localism Act 2011 allowing the UK Government to more easily pass on fines. Once ratified, the draft EU 7th Environmental Action Programme, a plan for future Europe-wide regulation, will be the framework with which all councils must abide before it is reviewed again in 2020.

[Read the article here](#)

Legislation referred: Localism Act 2011

Further Reading

Administrative Law

Promoting religious equality. O.J.L.R. 2012, 1(2), 386-401.

By Julian Rivers

Discusses the background to the introduction of a general public sector equality duty under the Equality Act 2010. Reviews case law to assess the impact of the duty so far. Identifies five dimensions to the

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"equality" concept that pose difficulties for the interpretation of the duty. Considers the particular challenges affecting the duty of public authorities to promote religious equality.

Legislation referred: Equality Act 2010; Race Relations Act 1976 s.71

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