



**LLG Weekend School 2019  
The Courthouse Hotel, London  
Legal Programme Breakout Session Overviews**

**Saturday 30th March 2019 (5 CPD HOURS)**

**Breakout Sessions 1a to 1d**

**Session 1a: Organisational Change: Employment Implications**

**Huw Rolant-Jones, Eversheds Sutherland LLP**

Change cannot be avoided or prevented but must be embraced and properly managed. This session will explore the practical and legal employment and HR considerations when embarking on organisational change in local government, drawing on real life experiences and knowledge and intended to promote a “can-do” approach to implementation.

**Session 1b: Data Protection, and GDPR One Year On**

**Penny Bygrave, VWV LLP**

We have seen significant criticism of the big data companies, with Google fined 50 million Euros, but it's still not clear how the ICO will approach enforcement against 'ordinary' organisations. This session will consider the data protection highs and lows of the past year, and consider good practice to take forward.

**Session 1c: Apps, Maps and Automobiles - what's hot and what's not in Licensing World**

**Stephen Turner, Kingston upon Hull City Council and LLG Deputy National Lead for Licencing**

2019 is already busy with Government Consultations, Responses, Supreme and High Court Judgments flying about. There is much to discuss as we take an express excursion around the major attractions, pausing only to reflect on the changes of the past year. Climb aboard and enjoy this Brexit Free Zone!

**Session 1d: Procurement and Development Agreements post-*Faraday***

**Kathrine Eddon, Womble Bond Dickinson & David Elvin QC, Landmark Chambers**

The latest position on dealing with property projects and development agreements under procurement law, from David Elvin QC (Landmark Chambers) and Kathrine Eddon (WBD). The session will look in particular the recent Court of Appeal decision in *Faraday v West Berkshire Council*, in which the local authority was advised by Landmark Chambers and WBD.

**Breakout Sessions 2a to 2d**

**Session 2a: New Model Code of Conduct**

**Simon Goacher, Weightmans LLP & Paul Hoey, Hoey Ainscough Limited**

The session will consider the key findings and recommendations from the CSPL report. We will look at practical steps authorities can take to assess their arrangements and ensure that they comply with best practice. We will also look at what a good code should include and what may be in a new model code if and when there is one.



**Session 2b: Leases, income generation and the Concession Contracts Regulations 2016.  
Owen Wilcox, Thomson Reuters Practical Law Company**

A review of the decision in *Ocean Outdoor UK Ltd v Hammersmith and Fulham* and its implications for contracting authorities considering leasing land for advertising purposes. The judgment is of interest because of its consideration of the possible application of the Concession Contracts Regulations 2016 to the arrangements.

**Session 2c: Saving retail: Roles and Responsibilities in regenerating retail facilities  
Tiffany Cloynes, Clare Hardy and Rebecca Gilbert, Geldards LLP**

This session will look at the role that local authorities can play in achieving thriving city and town centres and retail facilities that meet the needs of their communities. Geldards will consider how city centres and high streets have changed over the years and consider relevant legal issues such as local authority powers and property law. This session is intended to stimulate practical discussion and help you develop practical strategies for your area.

**Session 2d: Learning the Lessons of local authority trading companies  
Robert Patterson, Head of Internal Audit and Counter Fraud, Invicta Law**

Kent County Council has been at the forefront of developing arm's length trading organisations. They vary in size of turnover and maturity. One of the new LATCO's is 'Invicta Law' which at its inception comprised most of the council's legal functions.

Clearly as Kent has innovated in this area top level lessons have been learnt. In 2018 the Council's internal audit team was commissioned to carry out a comprehensive review of the issues and challenges of setting up and developing LATCO's. This presentation outlines the key findings

**Breakout Sessions 3a to 3d**

**Session 3a: Crisis, what crisis! What do you really need to know about the NHS  
Olwen Dutton, Anthony Collins Solicitors LLP**

The NHS Long Term Plan is the first time in the NHS' 70 year history when there will be a new guarantee that investment in primary, community and mental health care will grow faster than the growing overall NHS budget. This will fund a £4.5 billion new service model for the 21st century across England, where health bodies come together to provide better, joined up care in partnership with local government.

How is the NHS approaching this partnership?

Olwen will go through some of the emerging issues in the NHS and cover some key points that will affect local government over the next few years.

**Session 3b: Agile in the Workplace: a methodology, a movement or a mindset?  
Tanya Corsie, Iken**

This session will closely focus on the workplace and consider:

- What is Agile Working
- How it works at its best
- Some pitfalls
- Can legal teams be Agile

### **Session 3c: Community Care Update**

**Andrew Sharland QC, 11KBW**

This lecture will cover:

- i) *Williams v Hackney LBC*: Supreme Court's judgment on the scope of LA powers under section 20 Children Act 1989;
- ii) *R (Hutchinson) v SS Health and Social Care*: Challenge to creation of new model for the provision of health and social care in England
- iii) *R (VI) v Lewisham* Care Act 2014 and lawful assessments (application of *Davey*)
- iv) *R (Care England) v Essex CC*: Setting care home fees under the Care Act 2014
- v) *Royal Mencap Soc v Tomlinson-Blake*: The CA judgment on the National Minimum Wage and night time carers
- vi) Recent Local Government Ombudsman's decisions in the Community Care field including the recent complaint against Wiltshire and cost capping
- vii) The missing Green paper on Social Care

### **Session 3d: Immigration in a Post Brexit Era: Managing your resources**

**Louise Shaw, Pinsent Masons**

This session will cover the meaning of the end of free movement for employers, and how this will impact their workforce. We will look at the UK immigration routes available for European workers post-Brexit, how employers can support existing staff and how to prepare for the changes that lie ahead.

#### **Breakout Sessions 4a to 4d**

### **Session 4a: How to deal with hopeless legacy contracts**

**Virginia Cooper, Bevan Brittan and Louise Robling, Bevan Brittan**

As councils continue to be challenged with limited budgets and rising demand for services, the ideal scenario planning is often frustrated by existing legacy contracts that may not be delivering the change or outcomes required in the new environment. The purpose of this session will be to provide practical advice, based on case studies, that will give an insight into dealing with hopeless legacy contracts.

The session will look at:

- 1 practical advice on how councils can seek improvements and/or find a path through change, negotiation, and termination of existing contracts.
- 2 identifying some of the key decision points in that process, and the issues to be tackled that may avoid traps including:
  - Repudiatory breach
  - Procurement challenge
  - Consultation duties and minimising the risks of judicial review
- 3 thoughts on the broader challenge of redesigning services.



#### **Session 4b: The future of the Mental Capacity Act & the Mental Health Act**

**Alex Ruck Keene, 39 Essex Chambers**

This session will cover the background to and the implications of the replacement of Deprivation of Liberty Safeguards by the Liberty Protection Safeguards, drawing upon Alex's insights as consultant to the Law Commission's Mental Capacity and Deprivation of Liberty project. It will also cover the prospects for reform of the Mental Health Act, from his perspective as legal adviser to the independent Review of the Mental Health Act conducted by Sir Simon Wessely.

#### **Session 4c: Keep your career burning – proactive ways to avoid career burnout and remain agile as a legal professional**

**Hannah Cottam, Sellick Partnerships**

These days, public sector legal professionals have a great deal more to contend with and building a long and successful career is more challenging than ever. Today's lawyer needs to have exemplary technical knowledge, agility, resilience and be commercially minded, but can you 'have it all'? This session will look at proactive ways legal professionals can avoid 'burning out' and ensure they have a long and healthy career.

#### **Session 4d: What is Local Government for?**

**Helen Randall, Lucy Doran and Paul McDermott, Trowers & Hamlin LLP**

Our session is based on research we have conducted with senior commentators from the public, private and third sectors for their views on the future role of local government. This is an interactive session where we will share views from industry leaders and invite your views on what are the changing political and social priorities and what's currently important for you? We invite you to join in our conversation on the future vision for local government in today's fast changing world.

### **Breakout Sessions 5a to 5d**

#### **Session 5a: Procurement Challenges : A mini workshop**

**Peter Ware and Louise Bennett, Browne Jacobson LLP**

An introductory session on early stage public procurement challenges. What to do if you receive a challenge and how might you best deal with them tactically to ensure that the best result is achieved. To get the best out of this session delegates should have at least a basic understanding of procurement law and practice.

#### **Session 5b: Employment law update**

**Elaine Banton, 7 Bedford Row**

Elaine will deliver a review and update regarding important discrimination cases with a look forward to pertinent and developing issues and areas of interest in this dynamic field of law. This will also include recent developments in non disclosure agreements (NDAs) as well as the recent religious discrimination case involving a Jewish Orthodox School.



### **Session 5c: Local plans and the 5-year Housing Land Supply**

**James Findlay QC Cornerstone Barristers and Rob Williams, Cornerstone Barristers**

Identifying the appropriate housing requirement and establishing a sufficient housing land supply is often one of the most controversial elements of a Local Plan examination. This truism is unlikely to change in the age of the standard method.

Drawing on their experience of acting for promoters of and objectors to Local Plans, James Findlay QC and Rob Williams will give practical advice on ensuring these matters are sound.

### **Session 5d: Not Skint - high street revitalisation in a coastal town**

**Jonathan Goolden, Wilkin Chapman LLP**

In his role as Clerk to the Enrolled Freemen of Grimsby, regular LLG speaker and former Monitoring Officer Jonathan Goolden gives a practical and entertaining case study of the ingredients (legal and otherwise) of a successful community led high street revitalisation in a deprived coastal and port town made (in)famous by Skint and Sasha Baron Cohen. In addition to covering the findings of the 2018 Timpson Report on the high street, Jonathan will show how a 1,000 year old charity used insolvency rules to recover ownership of a derelict site and even how Harry Haddock and his Mariners fans helped put the scheme on the map.

## **Breakout Sessions 6a – 6c**

### **Session 6a: Public Sector Contracts, a legal update**

**Stephen Pearson, Freeths LLP**

An overview of recent cases in the Contract law area likely to affect local authorities-as Councils operate increasingly in the commercial arena, what is the extent of their duties? How can openness and commercial confidence be aligned ? What does “fettering discretion” mean in the 21st Century ? How has the Haringey case changed perceptions of what contracts can be entered into by local authorities ? Is Ultra Vires still a way to get out of onerous contracts ? How should you deal with Contractors who threaten to walk away ? Stephen Pearson, Commercial Partner at Freeths LLP gives his views gained from many years at the Contracts Coalface.

### **Session 6b: CPO & Compensation**

**Andrew Piatt, Gatley PLC**

This session will consider compulsory purchase and compensation and the important changes to planning and compulsory purchase law. Specifically:

- Understanding the provisions relevant to compulsory acquisition and the Neighbourhood Planning Act 2017 and the Housing and Planning Act 2016.
- An update of the changes relating to the timetable for confirmation of Compulsory Purchase Orders.
- The application of compensation after withdrawal of a Notice to Treat.
- How to apply the Advance Payments Code.
- Understanding the no-scheme principle.



**Session 6c: Elections and the role of returning officers**

**Timothy Straker QC, 4-5 Gray's Inn**

Timothy Straker QC will provide an update on electoral law in the context of the role of a returning officer. He will explain the approach to the running of an election and, in particular, its timetable. Tim will describe how to avoid an election petition.