

WELCOME



I was struck by some of the messages coming from contributors to this issue of *Training Brief*.

David Monks makes the sobering point that, like it or not, there will be fewer of us working in local

government and those left will almost certainly be charged with overseeing as much (if not more). This brings issues of training to the fore as skills shortages become inevitable, personnel find themselves likely to be acquiring new skills or areas of responsibility and with teams and departments merged or downscaled.

LGG recognises that in difficult times training may not be seen as a priority but I think we all know by now that as recessions go this one has been different and it has been unpredictable.

We have been actively working with local authorities to expand and adapt what we offer in areas such as bespoke and localised training, where neighbouring councils may be able to pool resources and bring staff together for a particular course or event.

As I write, the comprehensive spending review is just weeks away and I am determined that LGG should continue to be a training partner of choice for local government in the months and years ahead. To that end, I want to ensure that we are doing everything we can to make sure our courses and conferences deliver exceptional value for money.

I would also like to encourage you to tell us what we can do to help make things easier for you while we all face difficult choices.

We also want to help you ensure you have teams ready and equipped with the knowledge required to address both current and future challenges and opportunities.

If you think we can help or you have an idea or suggestion, it will be welcomed and appreciated.

Dudley Lewis
Director of Training

AS PUBLIC SPENDING REVIEW LOOMS, WORDS OF WISDOM FROM LGG'S FLAGSHIP CONFERENCES



The much-anticipated autumn review of public spending will come slap bang in the middle of LGG's traditional conference season – a time of year when key agendas are given a wider platform for discussion, analysis and the sharing of knowledge and best practice.

First off the agenda is Education Law. Held once again in partnership with 11KBW, this has become an established and respected forum led by representatives described earlier this year by Chambers as having "...an extensive team... that provides exhaustive coverage of the entire education market. An excellent set".

Topics on this year's agenda include the equality act, an update on and look ahead to legislation and a focus on areas such as misconduct, discipline and access to children, special education needs as well as case study and case law review.

11KBW's Tim Kerr QC says: "The coalition's leading politicians have not yet lost the *élan* characteristic of those still new to office. There is no sign yet of a "bonfire" of education laws but secretary of state Michael Gove's enthusiasm for change is unbridled."

Adoption Law, an area which is not just complex but emotive, will take centre-stage in early December, providing access to some of the most learned minds in family law, an insight into current thinking and the always invaluable review of recent case law.

Traditionally LGG's annual Planning Law Conference – presented again in conjunction with Landmark Chambers – has been a key forum for areas spanning the entire planning process, but what in the opinion of Landmark's team of experts are the issues likely to influence the agenda as a new political will meets a period of public sector belt-tightening?

The last of the autumn's conference set pieces is Judicial Review – an event that made a return last year following a two-year break and which proved to be a winning formula with its blend of knowledge sharing, breakout sessions and a panel/delegate Q&A session.

Ann Harlow, LGG's business manager, says: "Partnering with leading chambers to deliver a series of conferences addressing large, complex topics has always been the key feature of our autumn programme. This year, minds will obviously be focused on the difficult economic challenges but we can't lose sight of the fact that local government will still be expected to deliver, and that acquiring the latest knowledge will be absolutely vital."

• *The Education Law Conference takes place on November 9, Adoption Law on December 3, Planning on December 6 and Judicial Review on December 9. For full details and to book visit www.lgg.org.uk*

You can read Tim Kerr's preview of the Education Law Conference on page 2.

BIG ISSUE FOUNDER TO ADDRESS SOCIAL HOUSING CONFERENCE

Big Issue founder and editor-in-chief John Bird will address this autumn's LGG's Social Housing Conference, presented in association with Hardwicke Chambers.

The social entrepreneur, who launched the Big Issue Foundation with Gordon Roddick in 1991 to address issues of homelessness and empower those who find themselves living on the streets, will speak as part of a wide-ranging programme.

Bird will talk about housing the vulnerable and the targets and challenges facing the coalition government and he will be joined on the platform by barristers from chambers.

Andrew Lane will look at the question of a local authority's homelessness duties short of the full housing duties of section 193 Housing Act 1996, the section 190 duty and compliance with/enforcement of the duty, which overlaps with the Children Act 1989 and section 213A of the Housing Act 1996, and out- of-area placements. Dean Underwood will address appeal-proof decision making and getting vulnerability decisions right as well as giving an update on recent case law, the duties and powers of local authority decision making and tips for avoiding common pitfalls.

Other speakers so far confirmed for the day include the Department for Communities and Local Government's Tim Gray on "where are we now and where are we heading", and Lisa Barker, head of housing needs at Birmingham City Council, will look at the law in practice and the issue facing local authorities.

"Following the success of our inaugural social housing conference in 2009, this year's event focuses on the hot topics of homelessness and vulnerability," says Dean Underwood.

"We've an impressive line-up of expert speakers and panellists - both legal and political - so the conference is certain to provoke informed discussion and offer valuable guidance to housing and legal professionals."

• *LGG's Social Housing Conference, held in association with Hardwick Chambers, will take place at Prospero House in London on October 27. The day carries 5.5 CPD points. For further details and to book visit www.lgg.org.uk*



UNCHARTERED TERRITORY: EDUCATION LAW UNDER THE COALITION GOVERNMENT

As in previous years, LGG's 2010 Education Law Conference will be presented in association with 11kbw. Training Brief asked this year's chair, Tim Kerr QC, to preview the day.



The Prime Minister's comments this summer that this is a new government determined to "completely change the way this country is run" and make "the best schools open to the poorest children" calls for a fresh approach to this year's Education Law Conference.

Traditional topics such as exclusions and admissions, special needs provision, school transport and travel and school reorganisations are generating fewer ground breaking court and tribunal decisions. We will not neglect the ever-important case law update but the format will be different with a sharp focus on legislative innovation. For the first time we will include a case study in a litigious form, with submissions from 11kbw advocates based on fictitious but not unlikely facts.

Soon, almost anyone can set up a state funded school if they can persuade the Secretary of State to fund it. Perhaps the money will come from savings on cancelled building projects, since the government is giving up *Building Schools for the Future* - at least for the present.

We will look carefully at the academies bill (by then, an act). Maintained primary and special schools will be eligible to become academies, no sponsor will be required and academies will not be confined to failing schools. Schools are already reported to be applying in droves to become academies but what will be the role of the local authority where one of its schools does so and will any public consultation be required?

Can the authority itself become a founder member of a company that contracts with central government to run the academy? Could local authority officers or members become directors of the company? Are academies "public authorities" bound by the Human Rights Act 1998? Do they owe the public duties to promote and defend equality? Will contracts relating to the school's premises transfer to the academy along with TUPE-transferred staff? Will the Freedom of Information Act 2000 apply to academies?

If the government's proposals are sufficiently developed and prove relevant to local authority lawyers, we will look also at the Swedish inspired proposal to allow parents, teachers, charities, religious groups (more controversy in the making there) and philanthropists to fashion new schools and classrooms out of disused offices and commercial premises. Press reports suggest the first such "free schools" could open as early as September 2011.

Local authorities are again regarded with disfavour as providers and funders of education in this latest drive to reconfigure provision but the system cannot manage without them and their role will remain important. We will look at the ways in which that role will change and the impact on the work of local authority education lawyers.

James Goudie QC will consider the Equalities Act 2010, squeezed into law just before Labour left office but not yet in force and now under review. By November we should know more about how much of it will survive and its implications in the education field.

Will legislation change the effect on faith schools, particularly Jewish ones, of the Supreme Court's decision in *R(E) v. JFS Governing Body* [2010] 2 WLR 153? And what will become of Labour's intention to overturn *Lewisham LBC v. Malcolm* [2008] 1 AC 1399, with its implications for educational provision for disabled children?

Nigel Giffin QC will grapple with staff misconduct, discipline and access to children - an increasingly difficult topic - and our case studies will also feature teacher disciplinary issues and information rights in the education context.

The Education Law Conference, presented by LGG in partnership with 11kbw, takes place at the Royal College of Surgeons in London on 9 November and carries 4.5 CPD points. For further details and to book visit: www.lgg.org.uk.

LEADERSHIP EXCELLENCE

Leadership Excellence is the theme of the ACSeS Annual Conference 2010 – a recognition that its role in service delivery must go hand in hand if the public sector is to prosper in an age of austerity.

The event - being held at The Belfry, near Birmingham in November - is a flagship event for senior corporate governance managers and statutory monitoring officers in English and Welsh local authorities to share best practice and to reflect on what the future may hold.

Dr Mirza Ahmad, president of ACSeS and corporate director of governance at Birmingham City Council, says: "Having successfully launched ACSeS' First Leadership Summit in London this summer, our focus now turns to ensuring the success of this year's annual conference.

"In the coming decade, leadership excellence will be absolutely vital for local governance as we continue to ensure the delivery of high quality public services which not only match demand - based on need - but are continuously redesigned, transformed and decommissioned as necessary during a period of unprecedented contracting of public resources.

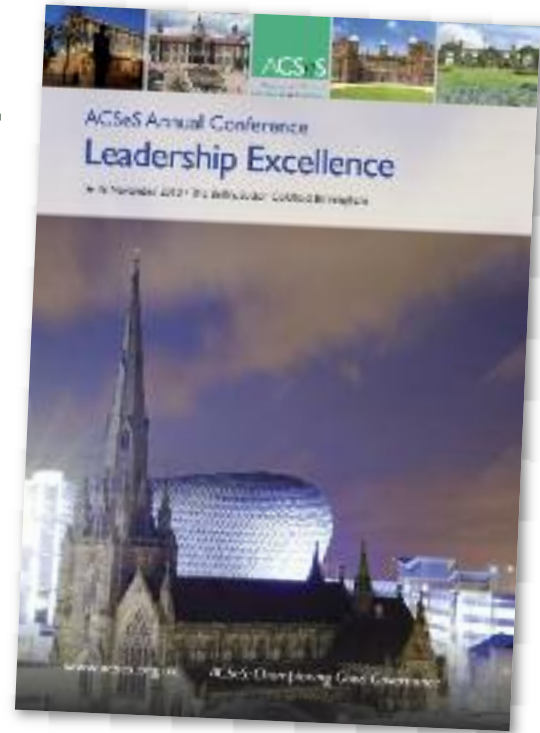
"Exceptional leaders will undoubtedly emerge and make the difference between success and failure.

"I know all of this will not be an easy ask but there will always be great opportunities for those who are prepared to lead from the front."

Inspirational leadership, shared services and 'looking beyond total place' are themes that dominate day one, along with the changing face of the legal profession and how that might impact on in-house lawyers.

Day two will focus on what the future might hold in terms of human rights, employment, housing, planning and environment law. There will also be introductory sessions for new monitoring and deputy monitoring officers along with a workshop on achieving success through positivity.

The ACSeS Conference 2010 takes place at The Belfry on the outskirts of Birmingham from November 16 to 18. For further details and to book please visit www.ACSeS.org.uk



SHARE AND SHARE ALIKE

We have had a decade of government encouraging councils to "join up" public services and "Total Place" is a phrase that has now entered the public service lexicon. But is it just another piece of government speak or a tangible alternative at a time of constraint and belt-tightening?

Total Place is not exactly a new concept but it has been part of a range of initiatives aimed to produce consistency in public service delivery rather than an approach designed to save money.

But with council tax freezes, potential referenda, the devolving of planning powers, policy "commissioners" to replace authorities and partly-elected health bodies, *Total Place* is – for the time being anyway - assuming ever-greater political, fiscal and social prominence.

And while we know the likes of John Prescott and David Miliband have been strong supporters, we are still waiting for Eric Pickles, Secretary of State for Communities and Local Government (DCLG), to fully lay his cards on the table.



Giving the keynote address at an LGG event on July 5, Professor Tony Travers of the London School of Economics, said: "With a likely increase in separately-elected institutions it may make it more difficult to enact the concept of *Total Place*. There will also be legal barriers and institutional obstacles to joint working and the pooling of budgets.

"You also have to recognise that the DCLG is often weak and reluctant compared to the service department baronies. For example, will Mr Pickles be prepared to take on Mr Lansley (at health)? And there is a real risk that all the other changes will be seen in Whitehall as a reason not to carry on with the idea of *Total Place*."

But with public spending now certain to fall more radically and to a greater extent than any of us might have expected pre-election, how are our public services going to cope?

"This is very different from anything we've seen before," said Professor Travers. "*Total Place* is a good idea but it is, as we all know, one in a long line of government initiatives and performance drivers. The idea is strong enough to move forward but a common sense approach is required.

"It will survive if real savings and improvements can be demonstrated and if Whitehall ministers and officials are given the right incentives by the Treasury and cabinet. However, it is equally as likely to be abolished if someone in government comes up with a better idea."

The coalition government is encouraging radical thinking and wants to be seen as a radical administration – the "big society". Part of that is the possibility of councils bidding for a major shift in powers and resources to a local level, with some already moving to join-up elements of their administrative functions.

"I think *Total Place* will survive, probably into 2011 and even beyond but thus far at least it has been a powerful idea but without sufficiently powerful weight behind it," says Tony Travers.

"It is a good idea but I suspect it could work best by being given a chance to be really radical in a number of experimental areas. But time is pressing. By April next year, we will be into the implementation of cuts. This is an opportunity for local government but possibly not one for Whitehall.

"It could also do with a new name. I think it's more likely to survive, given there is a new government, if it's called something other than *Total Place*!"

• If your department or authority has a training need in respect of *Total Place* and would like to know how LGG can help, please contact us on 01403 788240.



"VICTORIAN", "ARCHAIC" – WHAT NOW FOR BRITAIN'S OUTDATED VOTING SYSTEM?

This summer the Electoral Commission urged ministers to take "immediate action" to rebuild confidence in the voting system ahead of the next general election – something likely to result in a re-evaluation of how the delivery of future polls unfold.

Polling booths running out of voting papers, doors being closed on those exercising their democratic right, reports of under age citizens successfully exercising theirs, and postal ballot fraud. If you didn't know otherwise, you could have woken up on May 7 thinking you were witnessing tales from a general election in some rather suspect third world country.

Serious issues, serious concerns - but what do some of the events surrounding the United Kingdom's 2010 general election mean for the country's returning officers and their staff.

"Whatever people may think we have a system that is well past its sell-by date. It's archaic, it's Victorian and everyone struggles to make it work in the 21st century," says David Monks, chief executive of Huntingdonshire District Council and chair of the SOLACE (Society of Local Authority Chief Executives) elections panel.

"With several people having been caught out this time and with at least a couple of returning officers having to make public apologies we go back, yet again, to the huge responsibility placed on these people and, crucially, the need for training."

But there were examples of "best practice" on election night 2010. Officials in Lewisham, south east London, brought a queue of voters indoors and issued them with voting papers prior to the legally-stipulated 10.00 pm deadline and before closing doors. At the opposite end of the spectrum, others who chose to divide a line of voters into students and residents would appear to have acted in a way that really does defy logic.

"No matter how experienced the team, mistakes do get made – and people do strange things when under pressure," adds David Monks. "Given that we have a system that isn't fit for purpose and with little prospect of change, the key things we have to concentrate on are training and communication.

"There are rules and there are laws governing our electoral process. Returning officers and others involved in that have huge responsibilities. We have a media that in my view is often part of the problem and we have the heated debate around whether to count on the night or on the Friday. But at the end of the day, or night, we must stick to the rules, we must know those rules, returning officers and teams must communicate and, when in doubt, people *must* ask for advice."

• *If your department or authority has a need in respect of training for elections and would like to know how LGG can help, please contact us on 01403 788240.*

HOUSE TRAINED

As budgets come under scrutiny and fewer public sector employees seem destined to be charged with delivering more, what's the future for training and why is it now more important than ever?

Training is something to which most professions and responsible employers attach great importance.

But what happens when financial constraints and economic uncertainty raises its ugly head? Training has traditionally been among the first budgets to face threat when the going gets tough. Yet history – and research – shows organisations and employees who invest in training remain stronger through and beyond recession and, crucially, have the right skills mix in place to identify threats and seize opportunities.

So are the days when we travel to a formal training event and take our place among a room full of like minded individuals numbered, or will the radical change – such as that which faces our public sector – actually be a catalyst for even greater professional development?

Ann Harlow, business manager at LGG – which organises around 150 events each year for some 5000 local authority lawyers, governance, monitoring and other professionals – believes training will be key but the ways in which it is delivered and consumed will have to change to reflect the market.

"Certainly, we see continued demand for our 'set piece' courses and conferences that address major service delivery areas but what we also see is councils and local authority lawyers wanting training delivered in other

ways, whether it's taking one of our existing courses and delivering it on their premises or adapting a module to local needs.

The latter affords councils a number of benefits in terms of savings on travel, the better use of time and the ability to train relatively large groups of people from one authority in a local setting. It also helps ensure relevant training provision can be delivered to managers at all levels, transferring knowledge and ensuring the correct skills are in place across the organisation.

"One of the key strengths of the LGG programme is our ability to attract some of the most respected speakers, whether it is leading barristers or someone such as the London School of Economics' Tony Travers," says Ann Harlow.

"It wouldn't always be feasible to take people like this into a localised training setting so our aim is to continue to stage flagship events in our major cities while at the same time talking to councils about their training needs and how we can tailor them to the individual authority.

"There is also likely to be an increased demand for on-line training, whether it's through the webinar environment or by making resources available digitally. But, like any training provider, the key is to ensure that quality is maintained if methods of delivery are to be adjusted and that a balance is struck between online and face-to-face learning."

In recent months LGG has worked with Southampton City Council running four separate training days covering anti-social and nuisance behaviour and with the Local Government Ombudsman staging events – one in London and another in York – on safeguarding vulnerable adults and safeguarding vulnerable children.

The LGG team has also partnered with authorities in Greenwich, Lewisham, Ealing, Oldham, Leicester and Sandwell to deliver training in areas as diverse as anti-social behaviour, truancy, school, transport, licensing, RIPA (Regulation of Investigatory Powers) and – recognising the need to develop talent across the workplace – a *highly effective skills for team* workshop.

"These are excellent examples of the partnership working we are trying to develop at a local level," says Ann Harlow. "Delegate numbers here ranged from 12 to 40 and we worked closely with these organisations to identify their needs and to modify, where necessary, the course content to reflect localised demand. We also ensured the organisations had direct access to the trainers ahead of the day to make sure the provision was carefully aligned to objectives."

Although it is always easy to cut training budgets, David Monks, chief executive of Huntingdonshire District Council, cautions that such a move will have implications down the road.

"We are quite obviously in a period of severe economic restraint, there will be redundancies, there will be fewer people working in our councils and – we have to accept – more roles and responsibilities for those of us who are left.

"But this is - and always will be - a delivery-led industry so we have to make sure those employed in local government in the years ahead can not only tune up their own skill set but that they also have the opportunity to extend those skills in order to ensure their organisation can respond to the needs of the public."

A longer version of this article first appeared on www.localgovernmentlawyer.co.uk

HANDS OFF OUR GARDENS

It might have seemed a slightly odd early pledge from the new coalition government but, within weeks of taking office, they signalled plans to equip councils in England with greater powers to stop developers building on gardens.

Tom Graham, head of planning and environment at KJD Freeth LLP, looks at the issues.

"Garden grabbing" is a phrase now so well known that it has a dictionary definition in its honour - "the process in which homeowners sell off their large gardens to developers who then build new houses on them." In fact, developers often go further. They sometimes buy adjoining houses with large gardens, knock them down and then redevelop the resulting assembled site, usually for housing.

Government figures for 2008 show that development on previously residential land that includes gardens rose nationally from 11 per cent to 23 per cent between 1997 and 2008, but was much higher in some local areas.

Whether garden grabbing appears to be good or bad depends on one's perspective. Gardens can provide habitats that encourage wildlife and biodiversity, provide safe places for children, reduce rainwater run off and lock up carbon in plants.

The density of built development is always a significant part of the character and appearance of an urban area and many people favour lower densities of development for their townscapes. On the other hand, the number of houses in the UK does not meet the current let alone future demand.

There is a strong argument that - far from being characterised by the somewhat pejorative phrase "garden grabbing" - the process should be seen as releasing land in already built up areas, thereby saving green fields outside urban areas from development.

The Department of Communities and Local Government issues "guidance" for planning authorities which, ironically, are mandatory rules for them that are cast in tablets of stone.

Speaking over the summer, Greg Clark, the decentralisation minister said: "We can see from these (the latest) statistics that last year an even higher proportion of homes were built on previously residential land, which includes back gardens.

"Building on gardens robs communities of green breathing space, safe places for children to play and havens for urban wildlife. For years local people were powerless to do anything about the blight of garden grabbing as the character of their neighbourhoods was destroyed and their wishes ignored. Now we have changed the classification of garden land, councils and communities will no longer have their decisions constantly overruled."

This alteration of housing policy was followed by the abolition, on July 6, 2010, of regional spatial strategies - the regional policy documents which set, among other things, housing targets for local planning authorities. This has caused a policy vacuum in many areas and resulting uncertainty among developers and planning departments.

The government's policy is that councils should have the power to decide where housing is going to be built, instead of being subject to "top down" regional targets. The national problem is a paucity of new housing.

Ultimately, there is no choice but to take a robust approach to increased housing densities in urban areas and the development of green field and green belt sites. It remains to be seen whether the typical local response is going to be "not in my back yard".

• *If your department or authority has a training need in respect of garden grabbing and planning law and would like to know how LGG can help, please contact us on 01403 788240.*

You can read a fuller version of Tom Graham's article on the LGG website - www.lgg.org.uk

EXPLAINING BRITAIN'S EQUALITY LAWS

The history of the UK's equal opportunities legislation has been relatively swift and, for the most part, successful in addressing inequalities in our society.

The 1970s brought us laws requiring people of different races to be treated fairly and equal rights for men and women in the workplace; the 90s addressed the needs of the disabled; in 2003, rights against discrimination were extended to religious and sexual orientation grounds, and in 2006, legislation was brought in to protect against age discrimination.

The Equality Act 2010 fulfils a manifesto commitment by the Labour Party in 2005 designed to consolidate the complicated array of anti-discrimination legislation into a single act.

The act will be the subject of a one-day conference this autumn presented by LGG in association with Field Court Chambers.

Leading barristers will address a portfolio of topics and issues, while the day's keynote speech will be delivered by John Wadham, group director legal of the Equality and Human Rights Commission (EHRC) who will consider The Equality Act 2010 - how did we get here?,

why the new act was necessary?, the processes gone through and the general concerns of the EHRC that may have led to some revisions of the act.

The day's agenda will also include the effect of the act on disability discrimination (with reference to the Malcolm v Lewisham reversal), prohibited areas under the Equality Act and, crucially for the target audience, the specific impact of the act on public authorities.

The panel will also look at equal pay and equality clauses in areas such as sex and maternity equality clauses and rules, pay discussions and gender pay gap reporting. The day will feature a case study session delving deeply into problems that might arise by reason of the new act and will include a Q&A session with the expert panel.

• *The Equality Act 2010 Conference, presented by LGG in partnership with Field Court Chambers, will take place in London on November 4. The day carries 5.0 CPD points. For further details and to book visit www.lgg.org.uk*



DIARY DATES

Here are details of just a few training opportunities over the coming months. For a full programme visit the forthcoming events section, accessed through the home page of our website – www.lgg.org.uk

BENEFIT FRAUD

Date: September 24, 2010
Time: 10.00 – 16.00
Venue: Bewley's Hotel, Leeds
Cost: £215 plus VAT
CPD: 4.5



DATA PROTECTION AND FREEDOM OF INFORMATION

Date: September 28, 2010
Time: 10.00 – 16.30
Venue: Hunton & Williams, 30 St Mary Axe ("The Gherkin"), London
Cost: £235 plus VAT
CPD: 5.0



HOUSING UPDATE 2010

Date: October 1, 2010
Time: 10.00 – 16.00
Venue: ETC Venues, London
Cost: £215 plus VAT
CPD: 4.5



CHILDCARE ADVOCACY WORKSHOP

Date: October 15, 2010
Time: 10.00 – 16.00
Venue: Pinsent Masons, Birmingham
Cost: £215 plus VAT
CPD: 4.5

ANTI-SOCIAL BEHAVIOUR AND MENTAL HEALTH

Date: October 22, 2010
Time: 10.00 – 16.00
Venue: ETC Venues, London
Cost: £215 plus VAT
CPD: 4.5

LOCAL AUTHORITY SUPPORT FOR PEOPLE FROM ABROAD

Date: November 25, 2010
Time: 09.30 – 16.30
Venue: Hallam Conference Centre, London
Cost: £235 plus VAT
CPD: 5.5

MEDIATION - BASIC SURVIVAL GUIDE

Date: November 30, 2010
Time: 09.45 – 16.30
Venue: 39 Essex Street Chambers, Manchester
Cost: £215 plus VAT
CPD: 5.0

WE'VE MOVED...

LGG moved offices over the summer and our new contact details are:

General Enquiries 01403 788240
Course Enquiries 01403 788246
Conference Enquiries 01403 788247
Accounts 01403 788248
Fax 01403 788241
Email bookings@lgg.org.uk

Afon Building
Worthing Road
Horsham
West Sussex RH12 1TL.

HOW TO BOOK AN LGG EVENT FIVE EASY WAYS



Book online at www.lgg.org.uk



EMAIL a booking to bookings@lgg.org.uk



Call 01403 788240



FAX a booking to LGG on 01403 788241



POST a booking to LGG, Afon Building, Worthing Road, Horsham, West Sussex RH12 1TL.

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