


Public matters - January 2023

26 January 2023  Alex Kynoch

The impact of the new Subsidy Control regime on public regeneration projects

Nearly three years after leaving the European Union, the United Kingdom now has its own subsidy control regime. While the new Subsidy Control Act broadly follows the core themes of the interim subsidy regime introduced under the Trade and Cooperation, there are several aspects which are specifically relevant to regeneration projects.

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Legal considerations in procuring digital twin solutions

As we continue into 2023 with economic uncertainty, utilising lessons learned from the Covid pandemic and the ongoing ramifications of the local and global measures put in place to manage the spread of that virus, organisations continue to seek efficiencies, retain or obtain a competitive edge and measures to improve productivity. One of the ways in which they are doing this is by implementing digital solutions.

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Supreme Court grants permission to appeal in landmark housing case

In May we reported on the challenge of balancing homelessness duties and housing stock and specifically the Court of Appeal's judgment in *R (Elkundi and others) v Birmingham City Council* and *R (Imam) v London Borough of Croydon*. The Supreme Court has now granted permission in the landmark case.

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The future of mediation

In an effort to build a stronger justice system, a shift in priorities has emerged away from adversarial court battles, towards opportunities for consensual resolution. One of the most popular forms of alternative dispute resolution, mediation has become increasingly encouraged.

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A first for Natural England as a sentence of imprisonment is imposed on a farmer

Earlier this month, a farmer from Devon received a suspended prison sentence and was ordered to pay over £73,000 in costs for breaching a Stop Notice by unlawfully allowing his cattle to graze on a Site of Special Scientific Interest. It is believed to be the first time a sentence of imprisonment has been imposed in such circumstances.

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Unlawful delegation of decision-making powers

Last month the Planning Court handed down a judgment in relation to a statutory review under Section 288 of the Town and Country Planning Act 1990 that could have wider implications for the delegation of decision-making powers by public bodies.

In this article we review recent case law and their impact on the unlawful delegation of decision-making powers.

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Government response to the consultation on the Higher-Risk Buildings Regulations

In the run up to Christmas the Government published its response to its consultation on the Higher-Risk Buildings regulations.

In this article we summarise the major points arising from the consultation – including the highly debatable definition of what constitutes ‘higher-risk’.

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Dangerous dogs

A petition to have American Bully dogs added to the banned list of dangerous dogs is gathering momentum, following a series of reports in the media about attacks on humans and other dogs.

While in the majority of cases, it is the police who will take proceedings against the owners of dangerous dogs, where deemed necessary, local authorities can also do so. Councils, also have sole responsibility for stray dogs – particularly those who are causing nuisance within communities. In this article we review your legal obligations and share examples of what some authorities are doing to address the issue.

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Coroner’s refusal to issue a Prevention of Future Deaths Report following death in prison custody inquest was lawful

In this Legal Opinion, the case *R (Diarra Dillon) v HM Assistant Coroner for Rutland and North Leicestershire* [2022] EWHC 3186 (KB) where an inquest touching upon the death of Eshea Nile Dillon, which occurred in prison, led to the family applying for a judicial review of the coroner’s decision to not issue a PFD report.

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