

Statement to parliament: Controlling the costs of defamation cases

The Government is committed to controlling the costs of civil litigation while allowing appropriate cases to proceed. Part 2 of the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 reformed the operation of no win no fee conditional fee agreements in order to address the high costs of civil litigation. In particular, section 44 of the LASPO Act provided that the lawyer's success fee would no longer be recoverable from the losing party. This provision came into effect for the majority of cases in April 2013 but was delayed in respect of defamation and privacy claims pending the outcome of the Leveson Inquiry. The then Coalition Government accepted the Leveson recommendation that there should be a costs protection regime in place for defamation and privacy claims, before commencing the LASPO Act conditional fee agreement reforms. It consulted on a draft bespoke costs protection regime in 2013. In the event, there was opposition to the detail of that regime, and the then Coalition Government did not implement the proposal.

Having considered the responses to the consultation, the Government has now decided on a different approach that will further control the costs of these cases and will also give effect to our legal obligations under the MGN v UK judgment of the European Court of Human Rights in 2011. In the MGN case, the court concluded that the obligation for the defendant to pay a 100% 'success fee' to the claimant was disproportionate, and that the conditional fee agreements regime was therefore in breach of the defendant's rights under Article 10 (freedom of expression) of the European Convention on Human Rights.

The Government will therefore now commence section 44 of the LASPO Act in relation to defamation and privacy cases. However, the Government will keep in place, at least for the time being, the existing costs protection regime. This means that after the event insurance premiums will remain recoverable for these cases. After the event insurance covers the risks of having to pay the other side's costs in unsuccessful cases.

This approach – of abolishing recoverability of the conditional fee agreement success fee, but retaining it for the after the event insurance premium – will protect access to justice, since parties with good cases can still benefit from recoverable after the event insurance in respect of adverse costs; after the event insurance discourages weaker cases as these are unlikely to be insured. This provision will come into force for new cases on 6 April 2019.

The Government has also published today its response to the 2013 consultation, [‘Costs protection in defamation and privacy claims: the Government's proposals’](#).

Press release: First progress report of commissioners at Northamptonshire county council published

- Report sets out action by Commissioners to stabilise the council
- Government grants council's request to use £70 million capital receipts

The [first progress report](#) from the Commissioners sent in to rebuild Northamptonshire county council after serious failings were uncovered has been published today (29 November 2018).

The document re-affirms the seriousness of the financial situation at the council following an independent report by the Chartered Institute of Public Finance and Accountancy (CIPFA), and the series of measures the Commissioners have implemented to restore balance to the budget, deliver savings and bring about cultural change.

In the report the Commissioners Tony McArdle and Brian Roberts outline their priorities to stabilise the council. This focuses on financial recovery, the re-creation of a corporate centre, engagement with residents and local partners and sets out the next steps they will take.

The Commissioners' findings include:

- the "dysfunction" at Northamptonshire council has resulted in some services lacking resilience and "active, engaged and capable leadership" is paramount in carrying the local authority through its difficulties
- positive cultural changes have started to take effect at the council as a result of the appointment of new senior staff, including a new Chief Executive and a new Finance Director
- local stakeholders including residents, councillors and MPs have been consulted on the changes they are implementing to restore the council to a "proper set of operating principles" which can continue into the potential new unitary organisations

Communities Secretary the Rt Hon James Brokenshire MP said:

Clearly, the situation in Northamptonshire is very serious. I am grateful to the Commissioners for uncovering the council's true financial position and the robust steps they have taken to improve

its financial management and governance.

Since this report, Northamptonshire county council has taken the positive step of agreeing the Stabilisation Plan and made significant progress appointing a new Chief Executive and a new Finance Director which has instilled a positive cultural change.

There is still much to do, but I fully support their resolve to ensure the people of Northamptonshire receive the efficient, effective and sustainable services they deserve.

A [Stabilisation Plan](#), published last month, sets out the approach for addressing the £35 million unfunded deficit from the last financial year (2017/18) and a detailed plan on how to balance this year's budget (2018/19). Measures included freezing all non-essential spending with funding allocated against a 'hierarchy of need' in core spending areas.

The government has granted the council's request to use £70 million of capital receipts to help balance its books. This significant step – called capitalisation dispensation – will help the council to reduce its deficit and put it on a more sustainable financial footing.

The Commissioners are due to be in place until 31 March 2021 and will continue to update the Secretary of State every 3 months on progress.

View the [full report along with the Secretary of State's response](#).

The capitalisation direction allows Northamptonshire county council to use its capital receipts to rebuild its revenue reserves and manage the financial risks to the stabilisation plan presented by the Commissioners to the Secretary of State.

Press release: Northamptonshire local government shake-up proposal



Ministers are seeking evidence on proposals to shake-up the way local government operates in Northamptonshire as part of a public consultation launched today (29 November 2018).

Seven councils in the county have submitted a proposal to the Communities Secretary the Rt Hon James Brokenshire MP to replace the current 2-tier system of local government with 2 new unitary authorities.

If implemented, this would see one unitary authority covering the area of Daventry, Northampton and South Northamptonshire while the another would oversee Corby, East Northamptonshire, Kettering and Wellingborough.

Communities Secretary the Rt Hon James Brokenshire MP said:

I'm determined to ensure the people of Northamptonshire receive the very best public services from local authorities which are well-connected, make best use of public funds and give people more choice over how their communities are run.

I look forward to hearing views on the proposals from the people of Northamptonshire.

The Secretary of State also announced today that he proposes to delay elections in Northamptonshire due in May 2019 until May 2020. This follows a request from all of the 8 Northamptonshire councils to do so and will be done as soon as practically possible.

View the [consultation](#).

Responses must be received by 25 January 2019.

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Press release: Young people most at risk in a flood, warns Environment Agency & British Red Cross

- 18-34s least aware of dangers of flooding in their area
- More than half of 18-34s would not know what to do in an emergency
- Mental health impacts of flooding can last for two years or more

[#JustOneThing](#)

The Environment Agency and British Red Cross are urging young people to learn how to protect themselves and help their communities when flooding hits after research shows a lack of knowledge is putting them at risk.

According to Environment Agency research, 18-34 year olds are least likely to know if the area where they live is at risk of flooding and least likely to know how to protect their homes and possessions. Less than half (48%) of under 35s would know what to do if a flood warning was issued.

This week, the government published [new climate change projections](#) which show that sea levels are set to rise over this century and more frequent, extreme weather requires urgent action. This means that knowing your flood risk and understanding what action to take in a flood is more important than ever.

5.2 million homes and businesses in England are at risk of flooding and the average cost of flood damage to a home is £30,000 but the devastating consequences can go beyond the material. Those who experience flooding in their own home are also at high risk of suffering from negative mental health impacts which can last for years after flooding has hit. The most recent Public Health England [research](#) shows that over a third of people who were flooded in 2014 suffered with depression, anxiety or PTSD and nearly a quarter of people were still experiencing these negative mental health impacts two years later.

In December 2015, Storm Desmond struck North West England and caused extensive flooding, leaving 45,000 homes without power. Thousands of properties in Cumbria were flooded including a church in Kendal where local resident, Jonny Gios still works. He said:

Being flooded turned our world upside down for a whole year. The community came together in an amazing way during the recovery process but the stress and worry in the months that followed was devastating. It was difficult to unpack the trauma and took several months of counselling – suffering physical and emotional symptoms of post-traumatic stress.

I can't underline how important it is to be prepared and to know what to do when flooding hits. Simple actions can make a huge difference and could save you months of trying to gather your life and home back together.

The Environment Agency has today launched its Flood Action Campaign, partnering with the Red Cross, to encourage young people to learn how to [Prepare Act Survive](#) in a flood to reduce the impacts of damage, and to join a new national network of [Community Reserve Volunteers](#) to help their communities if disaster strikes.

Caroline Douglass, Director of Incident Management & Resilience at the Environment Agency said:

The terrible impacts of flooding can last long after the flood waters have receded. But simple actions can lessen the damage to your home, protect your wellbeing and help you recover more quickly.

Our flood defences protect thousands of homes around the country but we can never entirely eliminate the risk of flooding, which is why it's crucial to know how to protect yourself when it hits.

Simon Lewis, Head of Emergency Response at the British Red Cross, said:

We respond to an emergency every four hours in the UK, from major fires to devastating floods. Flooding can have a catastrophic impact on homes and communities, causing untold damage to the things and the people we treasure most. That's why it's vital we all know what to do, and how to help, to lessen the impact and help communities rebuild and recover faster.

Sadly we cannot always stop things like this from happening, but by becoming a community reserve volunteer, young people across the UK could help make a difference should the worst happen.

The British Red Cross wants to create a national network of 10,000 community reserve volunteers who can be called upon to help in a crisis. Over 5,000 people have already signed up to the scheme so far.

To be a community reserve volunteer you don't need specialist skills to make a difference and simple acts of kindness can make big difference. Any necessary training will be given at the scene of the crisis and you can confirm your availability when you are contacted. With these two initiatives the Environment Agency and the Red Cross want to see younger people not only better prepared for flooding but also more actively involved in supporting the community in times of need.

The Environment Agency is spending more than £2.6 billion to build flood schemes around the country as part of its current programme, which will better protect 300,000 homes by 2021.

News story: UK first for the nuclear industry

To achieve this, and gain regulatory approval, both of the Essex nuclear power station's reactor buildings have been defuelled, decommissioned and covered in weatherproof cladding to create 'safestores' – with all

intermediate level waste (ILW) packaged and safely stored on site.

This is the first Magnox site to make its transition into care and maintenance (C&M) and represents a significant milestone along the decommissioning journey towards eventual final site clearance and cleaning up the legacy from the earliest days of the UK's nuclear industry.

Bradwell has been a pathfinder site, delivering hazard reduction safer and sooner, making many first-of-a-kind innovations and developing innovative approaches to decommissioning. For example, the equipment and techniques developed to retrieve, condition and package ILW are now being used to progress decommissioning and hazard reduction work at other Magnox sites.

The lessons learned from reaching C&M at Bradwell will help inform the Nuclear Decommissioning Authority's (NDA) strategy for decommissioning and hazard reduction at its other sites in the UK.

Minister for Nuclear, Richard Harrington, said:

Bradwell's success in reaching this milestone marks a new and welcome chapter in its environmental clean-up journey, protecting the public from hazards. Through our modern Industrial Strategy, we want to keep the UK as a world leader in cutting-edge decommissioning, which has significant export opportunities, delivering highly skilled jobs, innovation and regional growth.

[Bradwell Site into care and maintenance](#)

Bradwell's Magnox-type reactors were brought into service in 1962 and are two of the UK's oldest. They generated low-carbon electricity for more than 40 years. On an average day, Bradwell produced enough power to serve an urban area the size of Chelmsford, Colchester and Southend put together.

Since the station ceased generation in 2002 and all the fuel was removed from the site, a large-scale decommissioning programme has been safely undertaken at the site, with the focus on preparing it for C&M.

David Peattie, the NDA's Chief Executive, said:

Bradwell becoming the first of the UK's legacy sites to enter care and maintenance is a historic moment, not just for Magnox Ltd and the NDA, but for the country. I'd like to give my thanks to all who have been involved in the collaborative effort to deliver this significant achievement.

Together we have developed a vision for our seventeen sites around the UK, with ambitious targets to accelerate decommissioning and secure savings. Within this, Bradwell has pioneered methods for tackling the challenges we face at many of our Magnox reactor sites, and has contributed to an important body of expertise that

is being shared across the NDA Group.

A celebration event was held at the nearby Steeple Village Hall on 29 November to mark the work completed to take the site into its C&M phase.

Simon Bowen, on behalf of the Cavendish Fluor Partnership, the Joint Venture which owns Magnox said:

The success of delivering the first UK nuclear reactor site into care and maintenance is due to the dedication of the team at Bradwell aided by the support from the wider Magnox team.

From the ambition to mobilise and fund the accelerated programme; the drive and determination of the Bradwell team, the support from other Magnox sites and programme teams, along with the supply chain – this has truly been a team effort.

Now in care and maintenance, the site will be managed by Sizewell A following lengthy preparation for this task. Entry to the reactors and associated buildings will only be required once year initially and then every five years for routine inspection and maintenance.

The site has new state of the art security systems installed and will have a fully manned security presence in place while it continues to receive ILW packages from Dungeness A Site in Kent and Sizewell A Site in Suffolk. These will be stored in the site's interim storage facility along with Bradwell's waste packages.

[Read more about Bradwell Site: 60 years at the heard of the community](#)