

From: Julie Calleya <Julie.Calleya@cornwall.gov.uk>
Sent: 03 April 2025 12:15
To: CornwallALC Enquiries
Subject: CALC: NALC LEGAL BULLETIN - MARCH 2025

Information Classification: CONTROLLED

Dear All -

We have recently received the following Legal Update Notes from the NAC Legal Team which contains items of interest:

New procurement legislation

The Procurement Act 2023 and the Procurement Regulations 2024 came into force on 24 February 2025. Schedule 1 of the 2023 Act contains the thresholds for contracts for the supply of goods, services and the provision of works. The new legislation replaces previous legislation, such as the Public Contracts Regulations 2015. We will update Model Standing Orders later this month. We worked with Parkinson Partnership LLP to update the [Model Financial Regulations](#). The Parkinson Partnership LLP will also update the procurement advice note.

Parish poll thresholds

We considered a recent question on whether the law has changed. Our [advice note on meetings of parish meetings](#) says: "A poll may be demanded before the conclusion of an assembly on any question arising at the assembly, but no poll shall be taken unless either (i) the person presiding at the meeting consents or (ii) the poll is demanded by not less than ten, or one-third of the local government electors present at the meeting, whichever is less."

This confirms the wording in Paragraph 18 (4) of Schedule 12 to the Local Government Act 1972. Confusion may have arisen because www.legislation.gov.uk shows changes proposed but not appointed rather than the current version in force. The correct position is in the advice note.

Keeping hens on allotments

A council came to us with a question from an allotment tenant about whether tenants can keep female bird species other than chickens on allotments. There is no definition of "hen" in the Allotments Act 1950. Where an Act does not define a common word, we can turn to dictionary definitions. The [Collins English Dictionary](#) defines "hen" as "the female of any bird, especially the adult female of the domestic fowl". The [Oxford English Dictionary](#) says, "The female of the domestic chicken, esp. one that lays eggs". It also says, "The female of birds other than chickens". The [National Allotment Society guidance](#) says, "When referring

to hens, the law means the female of the species and excludes cockerels, which aren't needed for hens to lay eggs". Our general understanding is that it tends to be female chickens, that is, hens, that are kept on allotments, and that is how the term is understood.

New waste duties

From 31 March 2025 (or 31 March 2027 for micro-firms), all workplaces (businesses and non-domestic premises) in England have a [legal duty to separate recycling and food waste](#) from their non-recyclable waste. "Micro-firms" are workplaces with fewer than 10 full-time employees in total. Offices and premises used only or mainly for public meetings are included within the relevant non-domestic premises to which the rules apply. We are seeking urgent clarification from the government as to whether parish and town councils are included within the definition and micro-firm definition.

Change of town name mistake

We had an unusual request, where a new council was formed following a community governance review, and after a year or so, the council realised that the order had used a slightly different name. Our advice was that the name in the order was the legal name for the council but that it should put the issue to the principal authority, who had made the error, for them to deal with any associated costs needed. Our view was that any contracts entered into would still be valid.

Recent team activity

In addition to the team's work on procurement, we have reissued the [Code of Recommended Practice on Local Authority Publicity and publicity during the pre-election period \(England\)](#), further to the Local Government Association updating its guidance. We hope to see as many of you as possible at the County Association Staff Day on 23 April 2025.

Disclaimer: Information and commentary on the law contained in this bulletin are provided free of charge for information purposes only. Whilst every reasonable effort is made to make the information and commentary accurate and up to date, no responsibility for its accuracy and correctness, or for any consequences of relying on it, is assumed by any member of NALC's legal team.

Kind regards,

Julie Calleya
Administration Assistant
Cornwall Association of Local Councils
Unit 1a, 1 Riverside House
Heron Way
Newham
TRURO
Cornwall TR1 2XN

Tel : 01872 326969

Email : training@cornwallalc.org.uk or enquiries@cornwallalc.org.uk
URL: www.cornwallalc.org.uk

The content of this email is intended for the named Council in membership of the Association and is based on the information provided at the time of the enquiry. The Association is neutral and unbiased and the advice given is for the benefit of the named council as a whole and the information provided is in line with current best practice. Details of the CALC Privacy Statement can be accessed from our website www.cornwallalc.org.uk.

This e-mail and attachments are intended for above named only and may be confidential. If they have come to you in error you must take no action based on them, nor must you copy or show them to anyone; please e-mail us immediately at enquiries@cornwall.gov.uk. Please note that this e-mail may be subject to recording and/or monitoring in accordance with the relevant legislation and may need to be disclosed under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004. Security Warning: It is the responsibility of the recipient to ensure that this e-mail and any attachments are virus free. The Authority will not accept liability for any damage caused by a virus.