



nalc
National Association of Local Councils

CAPALC CONFERENCE, 20 SEPTEMBER 2024

Jane Moore, Legal Services Manager

1

NEW GOVERNMENT, NEW CHANGES?

- The King's Speech in July set out the Government's legislative programme for the coming year including an Employment Rights Bill and a draft Equality Bill.
- Proposals include banning "exploitative" zero hours contracts, ending "fire and rehire", granting additional rights to all workers from day one of employment e.g. unfair dismissal protection.
- NALC will update when we have more information.
- Remote meetings? The Liberal Democrat Daisy Cooper MP put down a recent question as requested by a CALC. NALC continues to lobby Government to give councils the choice to hold remote meetings.



2

MARTYN'S LAW

- The Terrorism (Protection of Premises) Bill had its first reading last week (12 September)
- Long way to go – don't panic!
- NALC lobbied successfully for the standard tier threshold capacity for venues to be raised from 100 to 200 persons.
- NALC continues to work with Government and sector bodies on preparing for Martyn's Law. Preparedness is the message.
- See [Terrorism \(Protection of Premises\) Bill 2024 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/bills-2024) and <https://www.nalc.gov.uk/news/entry/2021-nalc-and-slc-welcome-the-introduction-of-martyn%E2%80%99s-law-in-parliament%20>



3

DEPENDANTS' CARERS' ALLOWANCE

- The Local Authorities (Members' Allowances) (England) Regulations 2003 makes provision for the specific payment of allowances to members of principal authorities in respect of any caring duties but nothing is provided for members of parish councils.
- Welsh community councils can pay their councillors a DCA.
- Use of the general power of competence?
- NALC continues to lobby.



4

COUNCILLOR ATTENDING A DEMONSTRATION

- The question has arisen whether the fact that a councillor has attended a protest or demonstration may be the basis of a disqualification. The answer is no as none of the specified causes of disqualification would include attendance at a protest or demonstration.
- Behaviour at a demonstration could be a basis for a Code of Conduct complaint.



5

CO-OPTING A COUNCILLOR WHO LIVES OVERSEAS

- We were asked by a council if they could co-opt a person who owns a property and business in the parish but resides in Canada and intended to remain in Canada.
- Our answer was that although the person could meet the eligibility requirements under section 79 of the Local Government Act 1972, they wouldn't be able to make their declaration of acceptance of office remotely and they wouldn't be able to attend council meetings remotely.



6

NALC LEGAL TEAM WORK

- Update to “Local Councils Explained” - the team is working on a first draft.
- Updating our legal advice for the new NALC website (briefings and Legal Topic Notes).



7

Contact

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8