

Milly Southworth

From: Isabelle Risner <Isabelle.Risner@cornwall.gov.uk> on behalf of CornwallALC Enquiries <enquiries@cornwallalc.org.uk>
Sent: 01 June 2022 14:44
To: CornwallALC Enquiries
Cc: Sarah Mason
Subject: FW: NALC Legal Update – June 2022

Information Classification: CONTROLLED

Dear All-

Please find below for your information: **Legal Update for June 2022, received today from NALC.**

Kind regards

Isabelle Risner

From: Legal Team at NALC. <legal@nalc.gov.uk>
Sent: 01 June 2022 10:45
To: Legal Team at NALC. <legal@nalc.gov.uk>
Subject: NALC Legal Update – June 2022

NALC Legal Update – June 2022**The Official Controls (Plant Protection Products) Regulations 2020**

We wanted to draw your attention to the above Regulations, which concern plant protection products (PPP) used to control pests, weeds, and diseases and which recently came to our attention. Examples of PPPs covered by the Regulations include insecticides, fungicides, and herbicides.

The Regulations impose registration requirements on persons placing plant products on the market and persons and businesses using PPPs and any adjuvants in Great Britain in a professional capacity. In our view the Regulations would apply to local councils where there is professional PPP use, e.g. by gardeners and landscaper employees in council parks etc. We do not know if councils would be using PPPs or products not subject to the Regulations and recommend that they speak to their grounds staff to assess if unsure. Councils using contractors can reasonably expect that they comply with such requirements. The Regulations do not apply to amateur PPP use, which we take to mean domestic use.

Users of professional PPPs must register using a gov.uk link by 22 June 2022 - Regulation (5) (2) (b). The government has produced a number of helpful [documents](#) and [guidance](#), which contain the registration link.

New legislation – councillor disqualification for sexual offences

We notified you in the April bulletin about the forthcoming Local Government (Disqualification) Act 2022, which was inserting a new section 81A to the Local Government Act 1972 essentially disqualifying anyone listed on the sex offenders' register from being a councillor or being elected to a council whilst they are listed on the register. The Act was passed on 28 April and comes into force on 28 June.

As per the last bulletin, we will update LTN 8 with the relevant detail when the provision comes into force.

Declaring casual vacancies

We were asked about a scenario where a council had not declared a casual vacancy forthwith as required under s.86 of the Local Government Act 1972 further to a person becoming disqualified as a councillor by virtue of the six-month rule under s.85 of the 1972 Act. The question was can that person continue in office because of the lack of declaration. The answer was no. S.85 has automatic effect and cannot be undone.

Recent activity

Since April's legal update we have updated and reissued Model Standing Order 18 to take account of the changes to the procurement thresholds and to bring it in to line with the LTN 87 guidance. We also reissued LTN 80 (Members' conduct and the registration and disclosure of their interests (England)) further to the government's response to the 2019 Committee on Standards in Public Life recommendations and for the purposes of Wales only, LTN 5W and 8.

With best regards for the Jubilee weekend,

NALC Legal

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