

DALC LEGAL UPDATE

7 OCTOBER 2026

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LEGSLATION UPDATE

Removal of requirements to publish a local government member's home address

- As of 29 June 2026, local authorities must not publish an elected or co-opted member's home address in local authority registers of interest.
- A new section 32A of the Localism Act 2011 makes clear that a member's home address must not be disclosed on the authority's public register of interest unless the member has requested otherwise.
- The requirement to not publish a member's home address extends to parish and town councils who publish registers of interest on their own website in line with section 29(7) of the LA 2011.
- To aid transparency, public registers of interest will still state that a member has an interest the address of which is withheld. The exact address details are still declared to the monitoring officer, remain available internally to authorities and will continue to prevent conflicts of interest.

New data protection requirements – data complaints handling

- Changes to the Data Protection Act 2018 on complaints handling came into force in June 2026.
- NALC's data protection partner Breakthrough Communications has also produced [guidance](#) for councils, available on their website.
- Parish councils (as data controllers) must have a process in place for handling data protection complaints. It is not as daunting as it may first appear. If a council has an existing complaints procedure, it may already cover much of what is needed.
- “The key is making sure individuals can raise concerns about how their personal data has been handled, and that your council has a clear way to acknowledge, investigate and respond to those concerns”.
- If the existing process meets the requirements then there is no further action needed.

RIGHTS OF WAY

- Under section 56 of the Countryside and Rights of Way Act 2000 footpaths and bridleways that are not recorded on the Definitive Map by 1 January 2031 that have only been classified as a footpath or bridleway and that were in use before 1949 will automatically be stopped up on that date.
- Rights of way shown on the Definitive Map will be restricted on that date to the rights shown (e.g. a right acquired before 1949 to ride a horse over a footpath will be extinguished).
- The deadline was extended from 1 January 2026.

THE SUBSIDY CONTROL ACT 2022

- The Subsidy Control Act 2022 came into force on 4 January 2023 and creates a regime covering any financial assistance by a public authority to an outside commercial enterprise. The controls apply to any situation where a local council has provided more than “minimal financial assistance”.
- Minimal financial assistance is defined as not exceeding £315,000 in total over the current financial year, and the two immediately preceding financial years.
- The official statutory guidance can be found at [Statutory Guidance for the United Kingdom Subsidy Control Regime \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/114444/statutory-guidance-for-the-uk-subsidy-control-regime.pdf).
- A quick guide to the system can be found at [Subsidy Control rules: quick guide to key requirements for public authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/subsidy-control-rules-quick-guide-to-key-requirements-for-public-authorities).
- A helpful assessment template can be found at [Subsidy control principles assessment template - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/subsidy-control-principles-assessment-template).
- A short animated introduction to the system can be found at [The new UK Subsidy Control regime - YouTube](https://www.youtube.com/watch?v=Kd8j8j8j8j8).
- A subsidy is where a public authority provides support to an enterprise that gives them an economic advantage. The Act does not apply to local authorities giving financial support to other local authorities.

REMOTE MEETINGS AND STANDARDS

- In spite of NALC and sector wide lobbying, there was nothing in the May King's Speech or the English Devolution and Community Empowerment Act 2026.
- On standards, NALC is a member of a Task & Finish Group convened by MHCLG, which met recently after being reconvened.
- The remit is to provide advice and intellectual challenge to the officials leading the development of measures to strengthen the local government standards regime.

Removing restrictive covenants on land

- A parish council successfully applied to the Upper Tribunal under section 84 (1) of the Law of Property Act 1925 to modify a restrictive covenant on the council's land.
- The parish council was gifted a piece of land in the 1980s for use as a doctors' surgery. A covenant restricted the use of a building to a doctors' surgery. In 2022 the medical practice that had operated from the surgery moved out and no doctor could be found who wishes to use the building as a surgery. The council was successful in widening the scope of the covenant to "medical and health uses". A link to the case can be found [here](#).
- There may be times when a council feels it is bound by a restrictive covenant that no longer serves a purpose and this case provides an example of a practical solution.

LEGAL CASEWORK

Votes of no confidence and parish polls

- Can a vote of no confidence in a parish council trigger a parish poll and is the principal authority obliged to carry out the parish poll if all statutory requirements are met on a vote of no confidence?
- In short, the answer was no.
- The request raises two separate points. Firstly, the vote of no confidence (VONC). VONC have no effect in law and a parish council is not bound by a VONC.
- The next issue is the parish poll. The following guidance is contained within our meetings of parish meetings [advice note](#) and quotes paragraph 18 (4) of Schedule 12 to the Local Government Act 1972:

“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”.

- In short, a parish poll has no connection with a vote of no confidence.

LEGAL CASEWORK

Council burials error

- The original exclusive rights of burial expired.
- Council's approved fee for renewal was £1,750 per plot. Two plots were renewed and only £500 was charged in total (£250 per plot). The resulting shortfall was £3,000.
- The council wished to know if it could seek to recover the shortfall from the owner.
- Contractual issue.
- There is an obligation to publish a list of charges for internment but the fact that the council did not charge the published amount and accepted a lower fee does not mean that they can automatically claim the shortfall. There are frequently circumstances where discretion should be exercised.

LEGAL CASEWORK

No minutes taken

- Council held a meeting and no minutes were produced. What should the council do?
- No legal solution for where something that is required to be done has not been done.
- Take a practical and pragmatic approach e.g. call an extraordinary meeting and retake the decisions at the next meeting.

2026 LEGAL ADVICE NOTE UPDATES

- Advice notes updated as part of NORA project.
- NORA live as of 5 October!
- Most recently, our advice note on [data protection](#) following the statutory changes to data protection complaints handling. We have also updated our advice note on [members' conduct and the registration and disclosure of their interests in England](#), further to the legislative change to the Localism Act 2011 introducing a requirement for councillors' residential addresses not to be published in the public register of interests.

NORA

NALC's Online Resource Assistant

- NORA is NALC's new AI-powered resource assistant, available now to NALC member councils.
- Ask NORA questions about the parish and town council sector. Its answers are based on NALC resources and it does not search the wider internet.
- Find relevant guidance more quickly. NORA signposts and links you to the NALC resources used in its answers.
- Check before you act. Use the NALC resources links to verify important information and explore the guidance in more detail.
- To access NORA: Log in to the NALC website and click the star icon in the bottom-right corner of the screen.

The background of the slide is a photograph of a street scene, likely in a European city. It features a multi-story stone building with several windows. In the foreground, there is a person pushing a stroller. The entire image is overlaid with a semi-transparent teal or blue color. A white vertical line is positioned on the left side of the slide, and a white horizontal line is at the bottom, forming a frame for the text.

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Local Councils Explained

2025

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