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To: CornwallALC Enquiries
Cc: Training Cornwall ALC
Subject: NALC LEGAL BULLETIN 31/3/26 AND ADVICE NOTES

Information Classification: CONTROLLED

Dear Members,

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

Does a councillor commit an offence under the Bribery Act 2010 if they make a donation for selection boxes for local children?

We were asked about a scenario in which a councillor proposed donating £300 to their council to purchase chocolate selection boxes for local children attending a council Christmas event, prompting concern from another councillor that this could raise potential bribery issues under the Bribery Act 2010. The first point we made was that the council received a cash donation (under Section 139 of the Local Government Act 1972). The council's internal financial processes would detail the donation, so there would be a record of it. Our view on the bribery point was that for a matter to constitute bribery, there must be evidence that the donation was made for the purposes of obtaining a benefit that would not otherwise be available, whether or not the desired benefit was actually received. We could not see any evidence that the donor was seeking a benefit from the council.

CCTV and the Data (Use and Access) Act 2025

We have referred in previous bulletins to The Data (Use and Access) Act 2025 (the 2025 Act). Our view is that it will have limited application to the sector. The 2025 Act modifies the UK GDPR and the Data Protection Act 2018 to improve clarity and streamline certain processes.

We were asked about council CCTV use. Our advice was that parish and town councils need to comply with the basic data protection framework when operating CCTV that captures personal data (people identifiable in footage), for example, CCTV use for safeguarding council property. The 2025 Act also introduces a new lawful basis in the GDPR framework for processing personal data: "recognised legitimate interests". It includes things like crime prevention and safeguarding vulnerable people. While the requirement for the processing to be necessary remains, the need for a detailed legitimate interests' assessment, which balances the data controller's interest against the individual's interest, has been removed. That could make it easier for parish and town councils to justify recording CCTV in some situations without needing a full balancing test, as long as rights and safeguards are respected. It does not replace existing legal bases. Parish and town councils still need to decide and document which legal basis will apply to their CCTV data (such as legitimate interests and legal obligation). Parish and town councils cannot just record and use footage without a lawful basis.

The Information Commissioner's Office has produced a [factsheet](#) on this subject.

The 2025 Act is being commenced in stages, and we will issue advice as and when any further relevant points come into effect.

Meeting notice — Press and public excluded

We were asked whether the ordinary notice requirements would still apply where a council had called an extraordinary meeting for the purpose of dealing with a matter that would be held in confidential session with the press and public excluded. Our view is yes, it would. Whether the press and public are excluded from a meeting or part of a meeting has no bearing on the statutory notice period. The notice requirements in Paragraph 10 (2) of Schedule 12 to the Local Government Act 1972 still apply.

Annual council meeting dates for councils with elections

We are asked every year if there is an election to provide dates for annual council meetings. The principle for our calculation remains the same every year. It is the dates that vary. The 2026 local election date is Thursday 7 May, and councillors will take office on Monday 11 May. Our view is that the relevant 14-day meeting period for Paragraph 7 (2) of Schedule 12 to the Local Government Act 1972 is Tuesday 12 May to Wednesday 27 May inclusive. We are aware that there have been different interpretations of the computation of days, and we have not counted Sundays in our 14-day calculation.

We are also asked about the earliest date a council annual meeting can be held where there is no contested election. Our view is that where there is no contested election, so it is known whom to summons, the summons can be served with the requisite three clear days' notice, which could be the day councillors take office. Parish and town councils have to know who they need to summons so notice cannot be given before the results are known, where there are contested elections.

Use of the words "summons" and "summoned" in the meeting summons

We were asked if the meeting summons to members must include the word "summons" in order to be lawful and valid. Our advice was that Paragraph 10 (2) (b) of the Local Government Act 1972 says that three clear days at least before a meeting of a parish or town council a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and certified by the proper officer of the council, shall be sent to every member of the council by an appropriate method. The provision does not specify a form of words to be used or whether the word "summons" has to be used or the person "summoned". Our view was that specifying it makes it clear what it is, so it should be used as good practice and to avoid any uncertainty.

Recent team activity

We have reissued several advice notes:

- [Basic charity law](#) to update the advice on procurement.
- [Code of Recommended Practice on Local Authority Publicity and publicity during the pre-election period \(England\)](#) to reflect the Local Government Association's guidance for the 2026 local elections.
- [Parish council meetings \(England\)](#) to add definitions (e.g. the Easter break period) to the notice to be given for council meetings section.
- [Planning for local councils](#) to give more clarification on the parish and town council roles.
- [Procurement](#), produced by our finance advisor, Parkinson Partnership LLP, provides clear explanations of the procurement framework under the Procurement Act 2023.
- [Public Rights of Way](#) to reflect the extended date of 1 January 2031 for recording footpaths and bridleways on the Definitive Map, which was brought in by the last government and extended the

previous January 2026 deadline. The current government has expressed its intention to repeal the cut-off date altogether. This has yet to be enacted, and the 2031 deadline remains.

Additionally, our solicitor, Gary Barker, delivered a legal update for the Buckinghamshire and Milton Keynes Association of Local Councils on 30 January 2026.

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Kind regards,

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