

Navigating legal realities for new councillors

23 June 2025  Bill Cordingley

Recent local elections have seen Reform UK councillors gain control in several areas across the UK, notably securing an outright majority in Lincolnshire, Lancashire, Staffordshire, Nottinghamshire, Derbyshire and Durham County Councils.

This shift in the political landscape has prompted immediate changes to the way these local authorities operate, reflecting the party's national policy stances. However, the implementation of these changes is likely to grind against the established legal framework governing local government, potentially presenting significant challenges for the newly elected councillors.

In Durham, the new Reform UK leadership has swiftly moved to rebrand and restructure several key departments and cabinet portfolios in line with the party's political worldview.

For instance, the 'neighbourhood and climate change' position has been renamed 'neighbourhoods and environment,' and 'equality and inclusion' has become 'stronger communities and belonging.' The party has also taken down LGBTQ+ Pride and Ukrainian flags from council buildings, citing a focus on national and local flags as symbols of unity.

These changes are aligned with Reform UK's broader scepticism towards climate change initiatives and diversity, equality, and inclusion (DEI) programmes. Furthermore, the new leadership has introduced altered rules governing committee and scrutiny meetings, aiming to provide greater autonomy to the party and its members.

These initial moves reflect Reform UK's commitment to delivering on their electoral promises, which include a focus on reducing perceived "wasteful" spending, opposing large-scale housing developments, and prioritising what they term "common sense" decisions. The party's chairman has also indicated a willingness to use legal instruments, such as judicial reviews and injunctions, to challenge issues like the housing of asylum seekers.

However, local authorities in the UK operate within a complex legal and statutory framework, and this is likely to present significant hurdles to such fundamental changes.

Legal challenges and considerations

Statutory duties

Local councils have numerous statutory duties, meaning they are legally obligated to provide certain services (e.g. adult social care, children's services, education, waste management). While the names of departments can be changed, the underlying legal requirements to provide these services remain. Any attempt to significantly reduce or withdraw these services without proper legal justification would likely face legal challenges, including judicial review.

Discrimination and equality legislation

The renaming of 'equality and inclusion' to 'stronger communities and belonging' and the removal of national flags has sparked quite some debate. While the specific display of flags may not be a statutory requirement, councils are bound by the Equality Act 2010.

This legislation places a public sector equality duty on local authorities to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different groups. Any actions perceived to undermine these duties

could be subject to legal challenge or lead to formal complaints. One only needs to consider the list of protected characteristics under the act to see issues will almost inevitably arise.

Planning law

Reform UK's stated opposition to certain developments or their desire to influence planning decisions (e.g. related to asylum seeker accommodation) must operate within existing [planning law](#). While councils have powers in this area, [central government](#) holds key levers, and decisions can be challenged through appeals or judicial review if they are not based on valid planning grounds. Councils attempting to reject developments without proper justification could face significant costs.

Financial constraints and fiduciary duty

Councillors have a fiduciary duty to act in the best financial interests of their council and local taxpayers. While Reform UK aims to cut "wasteful" spending, a large proportion of local authority budgets are allocated to statutory services. Drastic cuts could impact service provision and potentially lead to financial instability, which could be challenged as a breach of fiduciary duty. Proposals such as a zero percent council tax increase may also face practical and legal difficulties given existing budgetary pressures.

Governance and scrutiny

The new rules giving the ruling party greater autonomy over committee and scrutiny meetings could face scrutiny themselves. Local government operates with checks and balances to ensure transparency and accountability. While changes to internal procedures are permitted, they must not undermine the fundamental principles of good governance, the role of opposition councillors, or the ability of residents to hold the council accountable.

Employment law

Any proposals to remove employees working on specific initiatives, such as diversity and inclusion, would need to comply with [UK employment law](#). This includes considerations around unfair dismissal and discrimination.

Conclusion

The changes implemented by Reform UK councillors in places like Durham signify a clear departure from previous approaches, reflecting their party's core ideology. While they have the democratic mandate to enact their policies, the legal and statutory framework within which local authorities operate provides important checks and balances. The coming months will likely see these new policies tested against established legal norms and the practical realities of local governance.

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