

CHAPTER 6

PREDETERMINATION

25 Prior indications of view of a matter not to amount to predetermination etc

- (1) Subsection (2) applies if—
 - (a) as a result of an allegation of bias or predetermination, or otherwise, there is an issue about the validity of a decision of a relevant authority, and
 - (b) it is relevant to that issue whether the decision-maker, or any of the decision-makers, had or appeared to have had a closed mind (to any extent) when making the decision.
- (2) A decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because—
 - (a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and
 - (b) the matter was relevant to the decision.
- (3) Subsection (2) applies in relation to a decision-maker only if that decision-maker—

- (a) is a member (whether elected or not) of the relevant authority, or
- (b) is a co-opted member of that authority.

(4) In this section –

“co-opted member”, in relation to a relevant authority, means a person who is not a member of the authority but who –

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question which falls to be decided at any meeting of the committee or sub-committee;

“decision”, in relation to a relevant authority, means a decision made in discharging functions of the authority, functions of the authority’s executive, functions of a committee of the authority or functions of an officer of the authority (including decisions made in the discharge of any of those functions otherwise than by the person to whom the function was originally given);

“elected mayor” has the meaning given by section 9H or 39 of the Local Government Act 2000;

“member” –

- (a) in relation to the Greater London Authority, means the Mayor of London or a London Assembly member, and
- (b) in relation to a county council, district council, county borough council or London borough council, includes an elected mayor of the council;

“relevant authority” means –

- (a) a county council,
- (b) a district council,
- (c) a county borough council,
- (d) a London borough council,
- (e) the Common Council of the City of London,
- (f) the Greater London Authority,
- (g) a National Park authority,
- (h) the Broads Authority,
- (i) the Council of the Isles of Scilly,
- (j) a parish council, or
- (k) a community council.

- (5) This section applies only to decisions made after this section comes into force, but the reference in subsection (2)(a) to anything previously done includes things done before this section comes into force.