

LOCALISM ACT 2011 – PREDETERMINATION

CHAPTER 6

PREDETERMINATION

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

The Fire Authority does not appear in the list of types of public bodies that the section applies to. Therefore, the section does not appear to apply to Members in their role on the Fire Authority!

The following description may be informative for Members in their role as local authority members.

(Section 25(4))

If as a result of an allegation of bias or predetermination, or otherwise, there is an issue about the validity of a decision and 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 then...

(Section 25(1))

A decision-maker (Member (whether elected or not) and co-opted members) 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.**

(Section 25(2))

A “co-opted member”, is 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

(Section 25(4))

A “decision”, in relation to the Authority, means a decision made in discharging functions of the Authority, 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).

(Section 25(4))