

Title: **Standards Committee – Pre-determination and Bias**

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Purpose

To inform members of a paper issued by the Standards Board on the issues of pre-determination and bias.

Background

The Standards Board has published a paper to have clarified as a position for members as to when they can take part in a debate and vote on an issue in the light of case law on pre-determination bias. This paper is based on advice from a leading QC.

Key Issues

Pre-determination and bias issues often arrive when members have expressed views on a matter prior to making a final decision. The law on these issues has been established by judges in the Courts and does not form part of the Code of Conduct. Members do need to have knowledge of these issues, however, as local authorities decisions can be set aside if a member is found by the Court to have been pre-determined or biased when making a decision.

What is Pre-determination of Bias?

Having a closed mind and not listening to and taking into account all the arguments. It is to be noted that this is not the same as pre-disposition where a member holds a view that keeps an open mind so that all the arguments can be taken into account before a final decision is made. Councillors can be pre-disposed as the Courts will only set aside decisions where there is pre-determination or bias.

The Standards Board papers sets out some examples of pre-determination or bias in practice.

Recommendation

Members are asked to note the paper to consider if they would like a copy of the paper to be circulated to all councillors via the MIS and to Parish and Town Councils through the Clerks.