



OFFICER REPORT TO LOCAL COMMITTEE (WAVERLEY)

IMPLICATIONS OF THE LOCALISM ACT 2011

24 FEBRUARY 2012

KEY ISSUE

To note the legal guidance on predetermination in decision-making annexed to this report.

SUMMARY

The Government has used the Localism Act 2011 to clarify the rules on 'predetermination'. These rules had been developed to ensure that councillors came to council discussions with an open mind but, it was felt, had sometimes been applied in such a way as to constrain debate. The new legislation makes it clear that it is proper for councillors to play an active part in local discussions, and that they should not be liable to legal challenge as a result. This will help them better represent their constituents and enrich local democratic debate. Section 25 of the Localism Act 2011 provides the mechanism to clarify the rules. It applies to decisions taken after 15 January 2012 by Councillors and Co-opted Members (and consequently therefore all future decisions of this Local Committee). It does not apply to decisions taken by officers. A legal guidance note is annexed to this report (**Annex 1**).

OFFICER RECOMMENDATIONS

The Local Committee (Waverley) is asked to agree to note the legal guidance contained in Annex 1.

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BACKGROUND PAPERS: Localism Act 2011
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>