



# Regulatory Committees





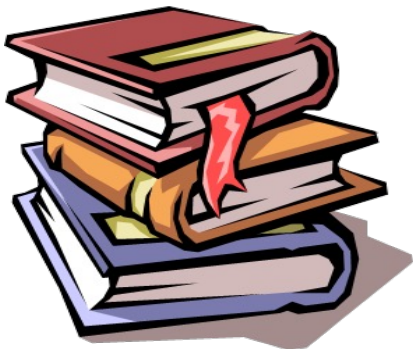
## Regulatory Functions

- ❖ Functions which involve determining an application for a licence, approval, consent, permission or registration
  - Planning (unitaries, counties and districts)
  - Licensing (unitaries and districts)
  - But also appeals eg. school admissions and exclusions, and staffing



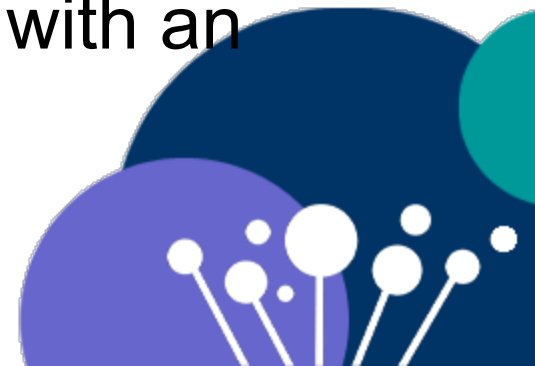
# SEE Regulatory Decisions

- ❖ Decisions are based on balancing competing interests and making an informed judgement against a local and national policy framework
- ❖ Decisions must be taken openly, impartially, with sound judgement - and for justifiable reasons



# SEE Principles of Decision-making for Regulatory Committees

- ❖ Decisions must be based on clearly written reports which address all of the relevant issues
- ❖ Reasons must be given
- ❖ All relevant matters must be fully taken into account
- ❖ And nothing irrelevant
- ❖ Members must come to meetings with an open mind



# SEE Principles of Decision-making for Regulatory Committees

- ❖ Decisions must be free from the appearance of bias
- ❖ Decisions must not be influenced by any pecuniary interests or party-political direction
- ❖ Minutes of meetings must be clear on the actual decisions made and the reasons for decisions must be fully recorded



# Localism Act 2011

- ❖ s.25 states that 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:
  - 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
  - the matter was relevant to the decision





## Predetermination and Bias

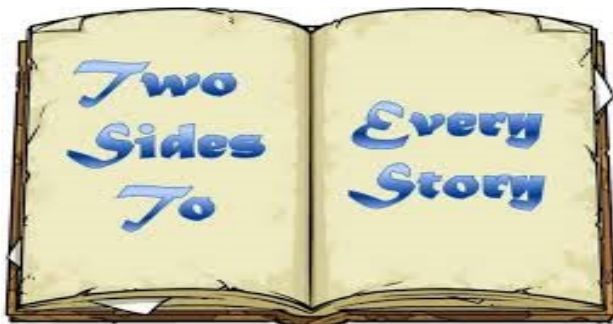
- ❖ Councillors must avoid any appearance of bias or of having predetermined their views before taking a decision on a planning/licensing application





## Rules of Natural Justice

- ❖ The rule against bias
- ❖ The right to a fair hearing
  - Hear the other side







## Planning/Licensing

- ❖ Public speaking at Planning and Licensing committee meetings
- ❖ Structured procedure for conducting Licensing hearings – plus Planning?
- ❖ Pre-application discussions
- ❖ Lobbying of, and by, members
- ❖ Role of the Ward Member?
- ❖ Site Visits?

