



Gunning Principles: Golden Rules of Public Consultation

Origin

United Kingdom

They were coined by Stephen Sedley QC in a court case in 1985 relating to a school closure consultation (R v London Borough of Brent ex parte Gunning).

Mandatory in UK

The Gunning Principles were reaffirmed in subsequent court judgements, including in a Supreme Court case in 2014, which endorsed the legal standing of the four principles, making them applicable to all public consultations that take place in the UK.

The Gunning Principles form a strong legal foundation from which the legitimacy of public consultations is assessed, and are frequently referred to as a legal basis for judicial review decisions.

The Gunning Principles are a prescription for fair and meaningful consultation.

4 KEY PRINCIPLES

▶ 1. Proposals are still at a formative stage

A final decision has not yet been made, or predetermined, by the decision-makers.

▶ 2. There is sufficient information to give “intelligent consideration”

The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response.

▶ 3. There is adequate time for consideration and response

There must be sufficient opportunity for consultees to participate in the consultation. Adequate time (widely accepted 12-week consultation period in UK) is provided for those consulted to consider and respond. The length of time given for consultees to respond can vary depending on the subject and extent of impact of the consultation.

▶ 4. Conscientious consideration must be given to the consultation responses before a decision is made

Decision-makers should be able to provide evidence that they took consultation responses into account.

ADDITIONAL PRINCIPLES

In addition to the four key principles, successful public consultation depends on a variety of other factors including:

- ▶ the capacity of those consulted to assess and respond;
- ▶ the context for the consultation; and
- ▶ the inclusiveness of who is able to participate.

WHO uses the Gunning Principles?

IN UK:

- Local governments - Borough / County Councils
- School Boards
- Health Authorities
- Police Commissions
- Other public bodies

OUTSIDE UK:

- WWF
- CIVIL AVIATION AUTHORITY, etc.