



Subject:	Call in – Newington FC Football Fund Application
Date:	1 st April 2025
Reporting Officer:	Nora Largey, City Solicitor
Contact Officer:	Nora Largey, City Solicitor Jim Hanna, Democratic Services & Governance Manager

Restricted Reports

Is this report restricted?

Yes No

Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.

Insert number

1. Information relating to any individual
2. Information likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the council holding that information)
4. Information in connection with any labour relations matter
5. Information in relation to which a claim to legal professional privilege could be maintained
6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction
7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

- After Committee Decision**
- After Council Decision**
- Sometime in the future**
- Never**

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1.0	Purpose of Report or Summary of main Issues
1.1	<ul style="list-style-type: none"> To provide Council with a copy of the legal opinion which was obtained in relation to the call-in of the Council decision regarding an application to the Football Fund on behalf of Newington FC (A copy of the draft minutes of the March Council meeting are due to be ratified at April's Council meeting are attached at Appendix One).
2.0	Recommendation
2.1	<p>Council is asked to:</p> <ul style="list-style-type: none"> Note the contents the legal opinion; Note that the call-in was not considered to have merit on community impact grounds; Note that officers had made an application to the Football Fund on a protective basis suitably caveated as such.
3.0	Main Report
	<u>Background</u>
3.1	At its meeting on 3 rd March 2025, Council ratified a decision taken at February SP&R Committee to apply to the Football Fund for support to develop a grass pitch at Ballysillian Playing Fields developed to the standard required by Newington FC.
3.2	On 3 March 2025, the Council ratified the minute of the SP&R Committee of 21st February 2025. The Chief Executive received a valid call-in on 10 th March 2025, which called the decision in on community impact grounds.
	<u>Call-in Process</u>
3.3	Members will be aware that the call-in process is provided for in Section 41 of the Local Government Act (NI) 2014 ('the 2014 Act'), with more detailed provision about how that process operates being contained within the Council's Standing Orders.
3.4	In accordance with Section 41 of the 2014 Act, 15% of members may ask for a decision to be called-in because they consider that the decision is flawed on "either or both of the following grounds— (a) that the decision was not arrived at after a proper consideration of the relevant facts and issues; (b) that the decision would disproportionately affect adversely any section of the inhabitants of the district". Members will note that the call-in requisition referred to the latter ground, namely an alleged disproportionate adverse impact upon a section of the inhabitants.

<p>3.5</p> <p>3.6</p> <p>3.7</p> <p>3.8</p>	<p>In accordance with Standing Orders, on receipt of an admissible call-in under Section 41(1)(b), the opinion of a practicing barrister was sought on whether the call-in has merit. Counsel’s opinion was sought and a copy of their opinion is attached at Appendix Two. Members are asked to note that counsel considered that the call-in did not have merit.</p> <p>In accordance with Standing Order 48(b)(9), the legal opinion is being placed before the next available meeting of the Council.</p> <p>Given the deadline for making an application to the Football Fund expired on 14th March 2025, an application was made by officers on a protective basis in order to preserve the status quo until such times as counsel’s opinion was received and considered by Council. The application made clear that it was being lodged on a protective basis pending the outcome of the call-in process.</p> <p>Council is therefore asked to note the legal opinion and consider whether it wishes to proceed with the protective application which has been made to the Football Fund.</p>
<p>4.0</p>	<p>Recommendations</p> <p>Council is asked to:</p> <ul style="list-style-type: none"> • Note the contents the legal opinion; • Note that the call-in was not considered to have merit on community impact grounds; <p>Note that officers had made an application to the Football Fund on a protective basis suitably caveated as such.</p>
<p>5.0</p>	<p>Equality & Good Relations Issues</p> <p>None other than those detailed in the report above and considered in counsel’s opinion.</p>
<p>6.0</p>	<p>Appendices</p> <p>Appendix - Legal Opinion on call-in requisition</p>