



Belfast District Council (Shadow)

Report to	Shadow Strategic Policy and Resources Committee
Subject:	Operation of Call-In
Date:	20th February, 2015
Reporting Officer:	Stephen McCrory, Democratic Services Manager (Ext 6314)

1	Relevant Background Information
1.1	<p>Section 41 of the Local Government Act (Northern Ireland) 2014 provides that a Council's Standing Orders must make provision requiring reconsideration of a Committee decision (Call In) if 15% (9 Members) present to the Chief Executive a requisition on either of the following grounds:</p> <ol style="list-style-type: none">1. That the decision was not arrived at after a proper consideration of the relevant facts and issues (Procedural Grounds); or2. That the decision would disproportionately affect adversely any section of the inhabitants of the district (Community Impact).

2	Key Issues
2.1	<p>The Local Government (Standing Orders) Regulations (Northern Ireland) 2015 are expected to be passed by the Assembly later this month. These Regulations will provide detail of how the Call In procedure should be followed and what mandatory provision will have to be included in the Council's own Standing Orders to facilitate this. It is expected that the Regulations will be accompanied by guidance on a number of matters, including the operation of Call-In. To date, neither the Regulations nor the guidance have been sent to the Council and, therefore, the issues raised in this report and the suggested adoption of a Call-In requisition form may need to be revisited if the Regulations say something which is different from what we expect</p>

2.2	<p>These Model Standing Orders provide that all decisions taken by a Committee under a Traditional Committee system, whether under delegated powers or ones which require Council ratification, will be subject to Call In <u>except</u> if the decision is one:</p> <ol style="list-style-type: none"> 1. Of a regulatory or quasi-judicial nature which is subject to a separate appeal mechanism (such as decisions of the new Planning Committee and new Licensing Committee from April 2014 onwards but this category will not apply during the Shadow Year); 2. Where an unreasonable delay could be prejudicial to the Council's or the public's interests
2.2	<p>In order to provide the Committees with the information which they require when taking decisions, each summary report will include a section which highlights if the decision is subject to Call In (the default position) or if it is not, or if it is recommended that the Committee decide that it should not be, then the reason should be stated in the summary report.</p>
2.3	<p>Either a set of draft minutes of the Committee meeting or a register of decisions taken at the meeting will be required to be published by Democratic Services no later than 2 working days after the meeting. This publication will commence the period for requests for Call In to be submitted by Members.</p>
2.4	<p><u>Requests for Call In on Procedural Grounds</u></p>
2.4.1	<p>If at 10.00am on the fifth working day following the publication of the draft minutes or decision register at least 9 Members have requested a decision which is subject to Call In to be reconsidered (on procedural grounds) and have stated on their request the reasons why this should be the case, the Chief Executive shall at the earliest opportunity arrange a meeting of an Ad Hoc Committee comprising the Chairpersons and Deputy Chairpersons of the Standing Committees will be convened to consider if the Call In request is a valid one. That Ad Hoc Committee will be entitled to:</p> <ol style="list-style-type: none"> 1. Conclude that the request is valid and refer the decision back to the Committee which made it for reconsideration. In which case the decision will <u>not</u> be up for ratification at the Council meeting; 2. Conclude that the request is not valid and, in the case of a decision for ratification by the Council, refer the decision to the Council.
2.4.2	<p>If any Call In request from a Member has not highlighted on their request why the decision should be reconsidered and have not redressed that omission upon being advised of such by the Chief Executive within the Call In period, then the Chief Executive will deem that request to be inadmissible.</p>
2.5	<p><u>Requests for Call In on Community Impact Grounds</u></p>
2.5.1	<p>Any request for Call In of a decision on Community Impact Grounds must state in the reasons given as to why the decision should be called in:</p> <ol style="list-style-type: none"> 1. The section of the inhabitants that would be affected by the decision; and

	2. The nature and extent of the disproportionate adverse impact
2.5.2	The identification of the section of the inhabitants could be on the basis of location or by a common interest or by any other clearly identifiable category.
2.5.3	Those Members requesting the call in will also need to consider in what manner the decision, if implemented, would disproportionately affect adversely that section of the inhabitants. The Equality Commission for Northern Ireland, in its Guide for Public Authorities on Section 75 of the Northern Ireland Act 1998, defines “adverse impact” as an effect on those affected by a policy that is less favourable. The Oxford Dictionary defines disproportionate as “out of proportion”. Members will wish to take account of such definitions in their consideration of whether to call in a decision
2.5.4	After the expiry of the five working days from the publication of the draft minutes or the decision register if the minimum required number of Members (9) have properly called in a decision and given the required evidence then the Chief Executive will within two working days seek the opinion of a practising solicitor or barrister on whether the Members have articulated their case for the decision to be reconsidered..
2.5.5	When the opinion is received by the Chief Executive she will: <ul style="list-style-type: none"> 1. Circulate the legal opinion to all Members; and 2. Include the decision in question on the agenda for the next available meeting of the Council at which any decision will be required to be taken by a qualified majority (80%) of Members present and voting.
2.5.6	A Call-In requisition form has been developed to assist members in the operation of this process and is attached at Appendix 1. Copies of this form will be made available from Democratic Services upon request.

3	Resource Implications
3.1	None directly associated with this report.

4	Equality and Good Relations Implications
4.1	There are no equality or good relations considerations associated with this report.

5	Call In
5.1	This decision is subject to Call-In.

6	Recommendations
6.1	The Committee is requested to note the information on the operation of the Call-In process and to approve the use of the Call-In requisition form.

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7	Decision Tracking
Stephen McCrory, Democratic Services Manager March, 2015	

8	Abbreviations

9	Documents Attached
Appendix 1 – Call-In Requisition Form	