

Call-in Requisition

We, the undersigned, require that the following decision of the Committee be called in for reconsideration.

Name and date of Committee			
Minute Heading			
Section under which call-in is being requested (please tick)	Section 41(1)(a) Procedural grounds		Section 41(1)(b) Community impact grounds

Print name	Signature
Councillor	
Councillor	
Councillor	
Councillor	
Councillor	
Councillor	
Councillor	
Councillor	
Councillor	
Councillor	

Date _____ / _____ / _____

Please outline below the reasons why you consider that the decision should be called in. Failure to provide adequate reasons to support your request may invalidate the Call In.

A. Call-in under Section 41(1)(a) – Procedural grounds

That the decision was not arrived at after a proper consideration of the relevant facts and issues

Reasons	
1	
2	
3	

B. Call-in under Section 41(1)(b) – Community impact grounds

That the decision would disproportionately affect adversely any section of the inhabitants of the district

Reasons		
1	The community affected by the decision	
2	The nature and extent of the disproportionate adverse impact	

Call-in requisitions must be delivered to the Chief Executive no later than 10.00am on the fifth working day following the publication of the draft minutes or decision register.

To be completed by Chief Executive's Office only		
Time received	Date received	Received by
:	/ /	

Section 41(1) of the Local Government Act (Northern Ireland) 2014 provides that a decision of the Council or one of its Committees can be called in for reconsideration if at least 15% (9 Members) of the total number of Members request it on the basis that the decision:

- a) was not arrived at after a proper consideration of the relevant facts and issues; and/or**
- b) would disproportionately affect adversely any section of the inhabitants of the district.**

Explanatory Notes

A. Call-in under Section 41(1)(a) – Procedural grounds

If the decision is properly requisitioned for Call In by at least 9 Members of the Council and the number of Members so requesting the Call In remains at that number at the expiration of the call in period, the decision will not be submitted to the Council for ratification and the Chief Executive will summon a meeting of an Ad-Hoc Committee comprising the Chairpersons and Deputy Chairpersons of the 4 Standing Committees, and that Ad Hoc Committee will be empowered to make the following decisions on the matter which has been called in:

- Refer the decision back to the Committee which took it for further consideration; or
- Refer the decision of the Committee which originally took it to the next available meeting of the Council for ratification; or

The Members who submitted requisitions on the decision called in shall be invited to attend the meeting of the Ad-Hoc Committee which is considering the request and may, with the consent of the Committee, address the meeting but they shall not have voting rights.

The Chairperson and Deputy Chairperson of the Committee where the decision in question was originally taken shall also not have voting rights at the Ad-Hoc Committee which is considering the request.

The following grounds are suggested as legitimate reasons why a Member or Members might seek for a decision to be called in on procedural grounds:

- Misapplication/misunderstanding as to legal requirements
- Failing to take into account relevant considerations/failure to exclude irrelevant considerations including factual mistake
- Failure to follow a procedural requirement
- Failure to have a fair hearing
- Failure to give reasons

B. Call-in under Section 41(1)(b) – Community impact grounds

If the decision is properly requisitioned for Call In by at least 9 Members of the Council and the number of Members so requesting the Call In remains at that number at the expiration of the call in period, the decision will not be submitted to the Council for ratification and the Chief Executive will within 2 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.

When the opinion of the solicitor or barrister is received by the Chief Executive she shall:

- circulate the opinion to the Members of Council; and
- include the decision of the Committee on the agenda for the next available meeting of the full Council for decision.

Please note that the full Council will be required to decide on such a matter by way of a qualified majority vote where at least 80% of the members present and voting will be required to support a decision.

The following advice is offered to assist Members considering calling in a decision on Community Impact grounds

- The decision or policy was not screened for compliance with Section 75 of the NI Act 1998
- The decision in question is contrary to a strategic or community plan or policy agreed by the council
- The decision is in conflict with the council's equality scheme
- For decisions requiring an equality impact assessment, the assessment was not properly conducted
- The disproportionate impact of a decision outweighs its beneficial effect
- The decision does not comply with the council's best value duty
- That the decision does not comply with the Human Rights Act 1998

The requirement is for a decision to be reconsidered- accordingly disproportionate adverse impact is necessarily qualified in that those decisions in which an adverse impact is identified may still be adopted if the impact is reasonably justified.