



Subject:	Counsel's Opinion – Call-in of the decision regarding the Armed Forces Covenant
Date:	28th May, 2025
Reporting Officer:	Nora Largey, City Solicitor/Director of Legal and Civic Services
Contact Officer:	Jim Hanna, Democratic Services and Governance Manager

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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	<input type="checkbox"/>
<ol style="list-style-type: none">1. Information relating to any individual2. Information likely to reveal the identity of an individual3. 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 matter5. Information in relation to which a claim to legal professional privilege could be maintained6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction7. 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	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
	To bring to the Committee's attention Counsel's opinion on the call-in of the decision on the Armed Forces Covenant.
2.0	Recommendation
3.0	Main Report
3.1	<p><u>Key Issues</u></p> <p>Members will recall that a motion on the signing of the Armed Forces Covenant was referred to the Strategic Policy and Resources Committee by the Standards and Business Committee on 21st November 2024.</p>
3.2	A report was submitted to the Strategic Policy and Recourses Committee on 13th December, 2024 at which it was agreed to reject the motion and that no further action be undertaken
3.3	This decision was rejected by the Council on 9th January, 2024 at which it was agreed that the Council adopt the motion, subject to equality screening.
3.4	A further report on the outcome of the equality screening was then submitted to the Strategic Policy and Resources Committee at its meeting on 27 th January, 2025. Again the Committee agreed to reject the motion and that no further action be undertaken.
3.5	That decision was ratified by the Council on 3rd February, 2025.
3.6	Subsequently, that decision was called-in on procedural grounds pursuant to Section 41(1)(a) of the Local Government Act (Northern Ireland) 2014 and, in accordance with Standing Order 48(c)(5), the City Solicitor sought a legal opinion, and this is appended to the report.
3.7	<p>The requisition for call in outlines 3 procedural reasons:</p> <p><i>"1. The motion was incorrectly referred to SP&R at the Standards and Business Committee citing financial implications. There were no financial implications attached to the motion.</i></p> <p><i>2. The Motion was passed at the January 2025 Full Council Meeting and due to there being no finance or resource implications, was not required to go back to SP&R as a fresh motion.</i></p>

3. The motion should have been proposed for adoption, debate at full council or rejection at the Standards and Business Committee.”

3.8 In relation to points 1 and 3, the opinion indicates that they are related and can be considered together. It concludes at paragraphs 14 and 15:

14 It may well be that in some cases, the absence of financial implications will be obvious. But where it is not clear it is arguably prudent to refer the matter to the relevant Committee for a report on that matter.

15 I do not therefore consider that there was an obvious procedural error in the Standards and Business Committee referring the matter to the SP&R Committee.

3.9 Regarding Point 2, the legal opinion states at paragraph 21:

21. For all the reasons outlined above, it is my view that no obvious procedural error has occurred. I do consider it important to note that, even if a procedural error did occur, the Council still had a full opportunity to consider the matter and no procedural detriment arose.

3.10 **Next Steps**

1. This process adopted in coming to the decision which is the subject of the procedural call-in must now be considered by the Ad-Hoc Committee. As this advice has been provided at the request of the City Solicitor to assist with addressing the issues raised by the call-in, the Committee must consider this advice before making its decision on the call-in.

2. The powers of the Ad-Hoc Committee are set out at Standing Order 47(8) and (9):

(9) A committee appointed in accordance with sub-paragraph (4) of this standing order may—

(a) refer the decision back to the decision maker;

(b) in the case of a decision taken under delegated authority, support the decision;

or

(c) in the case of a decision for ratification by the council, refer the decision to the council.

	<p>(10) Where a decision has been supported in accordance with sub-paragraph (8) of this standing order, that decision shall—</p> <ul style="list-style-type: none"> (a) be approved; (b) be inserted in the Register of Decisions; and (c) become operative from the date of the meeting at which the committee appointed in accordance with sub-paragraph (4) of this standing order confirmed support for the decision. <p>3.11 <u>Composition of the Ad Hoc Committee</u></p> <p>The Ad Hoc Committee comprise the Chairpersons and Deputy Chairpersons of the 8 Standing Committees.</p> <p>3.12 <u>Voting</u></p> <p>Members should note that the Chairperson and the Deputy Chairperson of the (Strategic Policy and Resources) Committee which made the decision do not have any voting rights. Also, it should be noted that, while those Members who submitted the call-in are invited to the meeting, they do not have voting rights unless they are voting Members of the Ad Hoc Committee.</p> <p><u>Financial and Resource Implications</u></p> <p>None associated with this report.</p> <p><u>Equality or Good Relations Implications / Rural Needs Assessment</u></p> <p>None associated with this report.</p>
4.0	Documents Attached
	<p>Appendix 1 - Call-in requisition form</p> <p>Appendix 2 - Legal opinion</p>