



Subject:	Counsel's Opinion – Call-in of the decision regarding the Standards and Business Committee
Date:	14 th June, 2021
Reporting Officer:	John Walsh, City Solicitor
Contact Officer:	Jim Hanna, Senior Democratic Services Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time 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
1.1	To bring to the Committee's attention Counsel's opinion on the call-in of the decision on extension of the remit of the Standards Committee to include a business element.
2.0	Recommendation
2.1	The Members of the Committee are asked to consider the opinion and decide how it wishes to proceed.
3.0	Main Report
	<u>Key Issues</u>
3.1	Members will recall that a report on the extension of the remit of the Standards Committee to incorporate a business element, and to include also a delegated power in relation to

Notices of Motions, was submitted to the Strategic Policy and Recourses Committee on 23rd April, 2021 and subsequently agreed.

3.2 This decision was ratified by the Council on 4th May, 2021.

3.3 Subsequently, the decision was called-in and, in accordance with Standing Order 47(c)(5), the City Solicitor sought a legal opinion, and this is appended to the report.

3.4 In relation to the Standards and Business Committee it concludes, at paragraph 21, *“There was therefore no requirement for the subject decision to be taken by a qualified majority vote. It is my opinion that there is no merit in the reason specified for call in.”*

Next Steps

3.5 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.

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

(8) 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.

(9) Where a decision has been supported in accordance with sub-paragraph (8) of this standing order, that decision shall—

(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.

Voting

3.7 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.

3.8	<p>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.</p> <p><u>Equality or Good Relations Implications</u></p> <p>This decision, if agreed, may have potential equality, good relations and rural needs implications and should be subject to our normal screening process as appropriate.</p>
4.0	Appendices - Documents Attached
	Appendix 1: Counsel's Opinion