

**Democratic Services Section  
Legal and Civic Services Department  
Belfast City Council  
City Hall  
Belfast  
BT1 5GS**



**Belfast  
City Council**

21st May, 2025

## **HYBRID MEETING OF THE AD HOC COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet via Microsoft Teams and in the Lavery Room - City Hall on Wednesday, 28th May, 2025 at 4.15 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

### **AGENDA:**

1. **Election of Chairperson**
2. **Apologies**
3. **Declarations of Interest**
4. **Call-in of Decision - Armed Forces Covenant** (Pages 1 - 14)

This page is intentionally left blank



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

☐  
☐  
☐  
☐

## Call-in

**Is the decision eligible for Call-in?**

**Yes**

☐

**No**

☒

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
	To bring to the Committee's attention Counsel's opinion on the call-in of the decision on the Armed Forces Covenant.
<b>2.0</b>	<b>Recommendation</b>
<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>
3.1	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.
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 <sup>th</sup> 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&amp;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&amp;R as a fresh motion.</i></p>

<p>3.8</p> <p>3.9</p> <p>3.10</p>	<p><i>3. The motion should have been proposed for adoption, debate at full council or rejection at the Standards and Business Committee.”</i></p> <p>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:</p> <p><i>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.</i></p> <p><i>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&amp;R Committee.</i></p> <p>Regarding Point 2, the legal opinion states at paragraph 21:</p> <p><i>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.</i></p> <p><b><u>Next Steps</u></b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. The powers of the Ad-Hoc Committee are set out at Standing Order 47(8) and (9): <ol style="list-style-type: none"> <li>(9) A committee appointed in accordance with sub-paragraph (4) of this standing order may— <ol style="list-style-type: none"> <li>(a) refer the decision back to the decision maker;</li> <li>(b) in the case of a decision taken under delegated authority, support the decision;</li> <li>or</li> <li>(c) in the case of a decision for ratification by the council, refer the decision to the council.</li> </ol> </li> </ol> </li> </ol>
-----------------------------------	--

	<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"> <li>(a) be approved;</li> <li>(b) be inserted in the Register of Decisions; and</li> <li>(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.</li> </ul>
3.11	<p><b><u>Composition of the Ad Hoc Committee</u></b></p> <p>The Ad Hoc Committee comprise the Chairpersons and Deputy Chairpersons of the 8 Standing Committees.</p>
3.12	<p><b><u>Voting</u></b></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><b><u>Financial and Resource Implications</u></b></p> <p>None associated with this report.</p> <p><b><u>Equality or Good Relations Implications / Rural Needs Assessment</u></b></p> <p>None associated with this report.</p>
<b>4.0</b>	<b>Documents Attached</b>
	<p>Appendix 1 - Call-in requisition form</p> <p>Appendix 2 - Legal opinion</p>


### Call-in requisition form

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..

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

Date of Committee meeting	<i>MONDAY 3RD FEBRUARY 2025</i>			
Minute Heading	<i>B915 - ARMED FORCES COVENANT (3b)</i>			
Section under which call-in is being requested (please tick)	Section 41(1)(a) Procedural grounds	<input checked="" type="checkbox"/>	Section 41(1)(b) Community impact grounds	

	Print name	Signature
Alderman	James Lawlor	
Councillor	Ruth Brooks	
Councillor	Sarah Bunting	
Councillor	Tracy Kelly	
Councillor	Davy Douglas	
Councillor	Sammy Douglas	
Alderman	Dean McCullough	
Councillor	Jordan Doran	
Councillor	Bradley Ferguson	
Councillor	Ian McLaughlin	
Councillor	Nicola Verner	
Councillor	Andrew McCormick	
Councillor	Fred Cobain	
Alderman	Frank McCoubrey	

Date 12/02/2025

## Reasons for call-in

(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	The Motion was incorrectly referred to SP&R at the Standards & Business Committee citing financial implications. There were no financial implications attached to the motion.
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.
3	The Motion should have been proposed for adoption, debate at full council or rejection at the Standards and Business Committee.

### Explanatory Notes

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 Chairs and Deputy Chairs of the 7 Committees.

On a procedural call-in, authority is delegated to the City Solicitor, in consultation with the Chief Executive, to obtain legal to be tabled at the meeting of the ad hoc committee, if it is their view that this will assist in addressing the issues raised within the call-in.

That Ad Hoc Committee will be empowered to make the following decisions on the matter which has been called in:

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

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 Chair and Deputy Chair 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:



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

## **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	

### **Explanatory Notes**

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 1 working day seek the opinion of a practising solicitor or barrister on the validity of the Call in.

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

#### **Where the opinion confirms that the call in has merit**

1. circulate the opinion to the Members of Council; and
2. 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.

#### **Where the opinion indicates that the call in does not have merit**

1. circulate the opinion to the Members of Council; and
2. include the decision on the agenda for the next meeting of the full Council for ratification by way of a simple majority decision.

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

- A. The decision or policy was not screened for compliance with Section 75 of the NI Act 1998

- B. The decision in question is contrary to a strategic or community plan or policy agreed by the council
- C. The decision is in conflict with the council's equality scheme
- D. For decisions requiring an equality impact assessment, the assessment was not properly conducted
- E. The disproportionate impact of a decision outweighs its beneficial effect
- F. The decision does not comply with the council's best value duty

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.

### **Note**

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.

<i><b>Time received</b></i>	<i><b>Date received</b></i>	<i><b>Received by</b></i>
4:35 pm	12/02/25	

(for completion by Chief Executive's Office)

## **BRIEF TO ADVISE**

### **QUERIST: BELFAST CITY COUNCIL (“the Council”)**

#### **RE: CALL-IN OF A DECISION RELATING TO THE ARMED FORCES COVENANT**

#### **Introduction**

1. I am asked to provide my opinion on a decision which has been called-in pursuant to section 41 of the Local Government Act (NI) 2014 (“the 2014 Act”). The decision, which rejected a proposal to sign up to the Armed Forces Covenant, was made by the Council on 03 February 2025.
2. The completed call in requisition form was received on 12 February 2025. The decision has been called in on the procedural ground only, pursuant to section 41(1)(a) of the 2014 Act.
3. Section 42 of the 2014 Act requires the clerk of the Council to obtain an opinion of a practising barrister or solicitor where an opinion is called on community impact grounds (pursuant to section 41(1)(b)). There is no similar requirement to obtain an opinion when a decision is called in on procedural grounds. However the City Solicitor does have discretion to seek advice and has asked that I consider the issues raised and advise accordingly.

#### **Background**

4. The subject motion reads as follows:

*“That this Council recognises the unique skills that are held by Armed Forces services leavers; recognises that many veterans can face disadvantages compared to the general population, arising from military life, when accessing services and as such, this Council commits to signing up to the Armed Forces Covenant immediately.”*

5. The motion was first considered by the Council’s Standards and Business Committee on 21 November 2024. The Committee agreed that the motion *“be referred, in the first instance, to the Strategic Policy and Resources Committee (SP&R).”* I am instructed that the referral was made with reference to Standing Order 13(I), which provides:

*“No notice of motion seeking to commit the Council to expenditure not previously agreed through the committee process will not be considered but shall instead be referred to the appropriate Committee for consideration and report.”*

6. The motion was placed on the agenda of the SP&R Committee on 13 December 2024. Councillors discussed the potential for a report be prepared and brought back to Committee. However a proposal was made not to proceed with the motion at all.

That proposal was voted on and carried. The minutes of the meeting therefore record the decision *“to reject the motion and that no further action be undertaken.”*

7. The minutes of the SP&R Committee on 13 December 2024 were placed on the agenda of the next Council meeting for approval and adoption. The full Council meeting took place on 09 January 2025. It was proposed by Alderman Lawlor that the SP&R Committee minute under the heading *“Notice of Motion-Armed Forces Covenant”* be rejected, and that the Council adopt the motion, subject to equality screening. The proposal was voted on and carried.
8. Equality screening was duly carried out. The matter was placed on the agenda of the SP&R Committee again on 27 January 2025. A report was presented to the Committee with the outcome of the draft equality screening exercise. A proposal was made that the Council adopt the motion and sign up to the armed forces covenant. A vote was taken and the proposal was lost. The minute records *“Accordingly, the Committee agreed to reject the motion and that no further action be undertaken.”*
9. The minute of the SP&R Committee of 27 January 2025 was placed on the agenda of the next Council meeting, which took place on 3 February 2025, for approval and adoption. Alderman Lawlor proposed that the minute of the meeting under the heading *“Notice of Motion-Armed Forces Covenant”* be rejected, and that the motion be adopted by the Council to sign up to the armed forces covenant. The proposal was voted upon and was lost. The relevant minute of the SP&R Committee was therefore approved and adopted.

### **The call-in request**

10. The requisition for call in outlines 3 procedural reasons:
  - “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.*
  - 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.*
  - 3. The motion should have been proposed for adoption, debate at full council or rejection at the Standards and Business Committee.”*
11. Reasons 1 and 3 are related and can be considered together. The crux of the complaint here appears to be that the Standards and Business Committee should never have referred the motion to the SP&R Committee, as it had no financial implications.

12. Reason 1 contends that it was incorrect for the Standards and Business Committee to refer the motion to SP&R. Standing Orders 37(h) provides that the purpose of the Standards and Business Committee is:

*“to receive and review all Notices of Motion and using the Committee’s delegated power to recommend either adoption or debate at the next Council meeting.”*

Whilst, if read in isolation, that provision may suggest that the Standards and Business Committee only has the power to refer directly to the Council, it must in fact be read with Standing Order 13(n) which states:

*“The Standards and Business Committee will refer all Notices of Motion directly to a standing committee when the matter to which the Notice of Motion refers falls within the remit of that Committee. At Council, the Lord Mayor will indicate that the Notice of Motion was received and rereferred. There will be no speakers on such Notices of Motion at Council.”*

13. The Standards and Business Committee evidently considered that it did fall within the remit of SP&R. SP&R Committee is responsible for *“ensuring effective use of resources and value for money for rate payers”*. Whilst the requisitions contend that there were no financial implications to the motion, that is something which may not have been known until the motion was subject to a report on that particular matter. Arguably, the financial implications of a motion are not evident until it has been considered by officers to ascertain what is involved in the motion and what commitments would be required by the Council. It is only once that step is taken that the existence or not of financial implications can be known. Indeed, this is demonstrated by the report which was later presented to SP&R on 27 January 2025, which noted, under the heading *“financial and resource implications”*: *“none associated with this report as the Motion only commits to signing the Armed Forces Covenant”*.
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 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.
16. I now turn to the second reason for call-in, that the matter did not require to go back to the SP&R Committee after the Council decision in January 2025. The Council decision was to approve the motion *subject to equality screening*. Standing Orders do not specify the procedure to be adopted in circumstances where the Council makes a decision contingent on further work being carried out. There is therefore a discretion to choose the appropriate course. What is appropriate must be considered in light of the particular circumstances of each matter.

17. It is important to note that when this matter did go back to SP&R Committee on 27 January 2025 it was for a report on the equality screening outcome. I note that Standing Order 37(a) lists one of the functions of the SP&R Committee as

*“Developing and implementing the organisation’s Good Relations and Equality Strategies.”*

18. It appears to me that a report on the equality screening outcome was an arguably legitimate basis for returning the matter to the Committee given the above remit. I also note that the report which was placed before the SP&R Committee on 27 January 2025 notes the purpose of the report to be to set out the financial and resource implications of the proposal. That chimes with the SP&R Committee’s role in ensuring effective use of resources and value for money for ratepayers. As I have addressed above, the requisitioners claim that there were no financial resource implications, but that was only known for sure once the report was prepared and the matter assessed.
19. I therefore consider that there was a reasonable basis upon which to return the matter to SP&R Committee following the Council’s decision because of:
- i. The lack of specific direction in Standing Orders as to what should happen in the circumstances which arose.
  - ii. The remit of the SP&R Committee.
20. But even if I am wrong about that, and taking the requisitioners claims at their height for the sake of the fullest consideration of this issue, even if there was a procedural error, it is hard to see what difference it would have made if the matter was returned to the Council directly. Requisitioners state that the matter should, instead of going to SP&R, have returned directly to the Council. Had that occurred, the motion would have been discussed and voted upon at Council. The reality is that the Council did in discuss and vote upon the motion again, notwithstanding the fact that it was recommended for rejection by SP&R Committee. That opportunity arose as a result of Councillor Lawlor’s proposal to amend the minute to reject the SP&R Committee’s recommendation and to agree to the notice of motion and to sign up to the Covenant. That proposal was discussed and voted upon at the 03 February 2025 meeting. The vote was lost. The import of that is, in my view, that even if there was a procedural error in the route which the motion took to make it back to the Council, it did ultimately make it back on the Council’s agenda and was duly discussed and considered and voted upon. In other words, there was no ultimate procedural detriment.

## **Conclusions**

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.

22. I trust that the above is of assistance. Should any queries arise, instructing solicitors should not hesitate to contact me.

**Denise Kiley**  
**The Bar Library**  
**27 March 2025**

This page is intentionally left blank