

Ad Hoc Committee

Wednesday, 28th May, 2025

MEETING OF AD HOC COMMITTEE

Members present: Alderman Rodgers (Chairperson);
Alderman Lawlor; and
Councillors Bower, Bradley, R. Brooks, Carson,
R-M Donnelly, Ferguson, Garrett, I. McLaughlin,
Murphy, Nelson and Walsh.

In attendance: Ms. N. Largey, City Solicitor/Director of Legal
and Civic Services;
Mr. J. Hanna, Democratic Services and
Governance Manager; and
Mr. B. Flynn, Committee Services Officer.

Election of Chairperson

Alderman Rodgers was proposed by Alderman Lawlor and seconded by Councillor Ferguson; and Councillor Carson was proposed by Councillor Garrett and seconded by Councillor Walsh.

On a vote, seven Members voted for Alderman Rodgers and five for Councillor Carson. Accordingly, Alderman Rodgers was elected as Chairperson for the duration of the meeting.

(Alderman Rodgers in the Chair.)

Apologies

An apology was reported on behalf of Councillor Smyth.

Declarations of Interest

No declarations of interest were reported.

THE MEMBERS OF THE AD HOC COMMITTEE CONSIDERED THE FOLLOWING ITEM IN ACCORDANCE WITH STANDING ORDER 47(8) AND (9):

Call-in of the decision regarding Armed Forces Covenant

The City Solicitor submitted for the Committee's consideration the undernoted report:

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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.

3.0 Main Report

3.1 Key Issues

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, 2025 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 27th 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 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."***

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- 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 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;
 - (c)** in the case of a decision for ratification by the council, refer the decision to the council.
 - (10)** 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

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- (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.

3.11 Composition of the Ad Hoc Committee

The Ad Hoc Committee comprise the Chairpersons and Deputy Chairpersons of the 8 Standing Committees.

3.12 Voting

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.

After discussion, it was

Moved by Alderman Lawlor,
Seconded by Councillor Ferguson and

Resolved - that the decision of the Council of 3rd February under the heading 'Armed Forces Covenant', in accordance with Standing Order 47 (9) Part (C), be referred to the meeting of the Council on 2nd June for reconsideration.

Standing Order 14 - Submission of Minutes

In accordance with Standing Order 14, the Committee agreed, since the meeting had been held later than seven clear days before the meeting of the Council, that the minutes be submitted to the Council on 2nd June for ratification.

Chairperson