



Subject:	Call in – Flying of the Palestinian Flag to mark the UN Day of Solidarity with the Palestinian People
Date:	1 st December 2025
Reporting Officer:	Nora Largey, City Solicitor/Director of Legal & Civic Services
Contact Officer:	Nora Largey, City Solicitor/Director of Legal & Civic Services Jim Hanna, Democratic Services & Governance Manager

Restricted Reports

Is this report restricted?

Yes

☐

No

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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

1.0	Purpose of Report or Summary of main Issues
1.1	<p>The purpose of this report is to:</p> <ul style="list-style-type: none"> • Provide Council with a copy of the call-in requisition which was received in relation to the call-in of the Council decision at its meeting of 4th November 2025 to mark the UN day of Solidarity with the Palestinian People by erecting the flag of Palestine at City Hall; • Provide Council with a copy legal opinion which was obtained in respect of the call-in; • Provide Council with a copy of the screening which was undertaken in respect of the decision; and • Request that Council reconsider the original decision having regard to all relevant material considerations and determine whether there is a disproportionate adverse impact on a section of inhabitants of the district.
2.0	Recommendation
2.1	<p>Council is asked to:</p> <ul style="list-style-type: none"> • Note the contents of this paper and the appended documents; • Note that the call-in was considered by counsel to have merit on the ‘procedural’ ground but not on the ‘community impact’ ground; • Note that the decision of 4th November 2025 has since been screened in accordance with the Council’s Equality Scheme and has been decision screened out; • Note that, notwithstanding the current provisions in Standing Orders, the Local Government Act (NI) 2014 requires Council members to reconsider their decision and determine whether there is a disproportionate adverse impact on a section of inhabitants of the district, having regard to the legal opinion received and any other relevant considerations. • Council is therefore asked to reconsider the decision which was taken on 4th November 2025.
3.0	Main Report
3.1	<p><u>Background</u></p> <p>At its meeting on 3 November 2025, the Council agreed to mark the UN day of Solidarity with the Palestinian People by erecting the flag of Palestine at City Hall.</p>

3.2	<p>On 11th November 2025, the Chief Executive received a call-in requisition, which called-in the decision on both procedural grounds and community impact grounds. A copy is attached at Appendix One.</p>
3.3	<p><u>Call-in Process</u></p> <p>Members will be aware that the call-in process is provided for in Section 41 of the Local Government Act (NI) 2014 ('the 2014 Act'), with more detailed provision about how that process operates being contained within the Council's Standing Orders.</p>
3.4	<p>In accordance with Section 41 of the 2014 Act, 15% of members may ask for a decision to be called-in because they consider that the decision is flawed on either or both of the following grounds:</p> <p>(a) that the decision was not arrived at after a proper consideration of the relevant facts and issues; ('procedural ground'); and/or</p> <p>(b) that the decision would disproportionately affect adversely any section of the inhabitants of the district ('community impact' ground).</p>
3.5	<p>Members will note that the call-in requisition referred to both grounds, namely that the decision was not arrived at after proper consideration of the relevant facts and issues AND an alleged disproportionate adverse impact upon a section of the inhabitants.</p>
3.6	<p>In accordance with Standing Orders, on receipt of an admissible call-in under Section 41(1)(b), the opinion of a practicing barrister was sought on whether the call-in has merit. Counsel's opinion was sought and a copy of their opinion is attached at Appendix Two. Members are asked to note that Counsel considered that the call-in had merit on ground (a) – i.e., on procedural grounds. This is due to the decision not being screened in advance and also that, given City Hall is also work place, the Council did not have regard to its obligations under the Fair Employment and Treatment (NI) Order 1998. Counsel did not consider the call-in on community impact grounds to be made out.</p>
3.7	<p>Members will note the draft screening at Appendix Two of the report. This screening exercise was commenced after the Council decision on 4th November 2025. Members will note that the screening document also discusses the Council's obligations under the Fair Employment and Treatment (NI) Order 1998.</p>
3.8	

	Members will be aware that, notwithstanding the current wording of Standing Order 48, in recent years all legal opinions in respect of call-in requisitions are presented to Council for consideration when they are received regardless of whether the legal opinion considers the call-in has merit.
3.9	There is a conflict between Standing Orders as currently drafted and the 2014 Act. A paper on amending Standing Orders was discussed by the Strategic Policy & Resources Committee at its meeting on 21 st November 2025. Those changes are however subject to call-in and will require ratification before coming into force.
3.10	In the interim, and for the avoidance of doubt, Council is advised that the legal opinion cannot be treated as determinative. It is for the Council itself to determine whether there is merit in the community impact ground; i.e., that the original decision would have a disproportionate adverse impact upon a section of inhabitants in the district, having regard to the appended documents and any other relevant considerations.
3.11	Should the Council decide there is merit in the community impact ground relied upon, that decision will dictate the voting mechanism then to be undertaken on the reconsideration of the original decision. If it is determined that there is no merit in the ground, then the decision should be taken by simple majority. If it is determined that there is merit in the ground, then the decision should be taken by qualified majority.
4.0	<p>Recommendations</p> <p>Council is asked to:</p> <ul style="list-style-type: none"> • Note the contents of this paper and the appended documents; • Note that the call-in was considered by counsel to have merit on procedural grounds but not on community impact grounds; • Note that, notwithstanding counsel's opinion and the current provisions in Standing Orders, the Local Government Act (NI) 2014 requires Council members to reconsider their decision. It is for the Council to determine whether there is a disproportionate adverse impact on a section of inhabitants of the district, having regard to the legal opinion received and any other relevant considerations; and • Reconsider the decision which was taken on 4th November 2025.
5.0	<p>Equality & Good Relations Issues</p> <p>None other than those detailed in the report above and considered in Counsel's opinion.</p>
6.0	Appendices

	Appendix 1 –Copy call-in requisition Appendix 2 - Legal Opinion on call-in requisition dated XX Appendix 3 – Draft screening
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