

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	3 November 2025			
Minute Heading	Strategic Policy & Resources Amendments Human Rights Day 2025 - Flag Requests			
Section under which call-in is being requested (please tick)	Section 41(1)(a) Procedural grounds	X	Section 41(1)(b) Community impact grounds	X

	Print name	Signature
Councillor	Sarah Bunting	
Councillor	Dean McCullough	
Councillor	James Lawlor	
Councillor	Davy Douglas	
Councillor	Ruth Brooks	
Councillor	Frank McCoubrey	
Councillor	Jordan Doran	
Councillor	Nicola Verner	
Councillor	Ian McLaughlin	
Councillor	Bradley Ferguson	
Councillor	Sonia Copeland	
Councillor	Ron McDowell	

Date 12/11/25

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	<p>Section 41 (1) (a)</p> <p>The decision arrived at was done so without a proper consideration of the relevant issues, in particular the council's obligations under section 75 (1) and (2) and section 76 of the Northern Ireland Act 1998 ('the 1998 Act').</p> <p>Breach of section 75 (2) of the Northern Ireland Act 1998</p> <p>Belfast City Council is a public authority within the meaning of section 75 (3) of the the 1998 Act.</p> <p>Section 75 (1) of the 1998 Act provides:</p> <p style="padding-left: 40px;"><i>"(1) A public authority shall in carrying out its functions relating to Northern Ireland have due regard to the need to promote equality of opportunity—</i></p> <p style="padding-left: 40px;"><i>(a) between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation"</i></p> <p>Section 75 (2) of the 1998 Act provides:</p> <p style="padding-left: 40px;"><i>"(2) Without prejudice to its obligations under subsection (1), a public authority shall in carrying out its functions relating to Northern Ireland have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group."</i></p> <p>There has not been a full EQIA carried out in respect of this issue which, given the context, is plainly divisive and controversial. The Israeli-Palestine conflict generates strong viewpoints in Northern Ireland, with significant community division in respect of who is 'right' or 'wrong'. There is further a strong Jewish community in Northern Ireland, and in the Belfast City Council area in particular. The decision to fly the flag of Palestine plainly represents Belfast City Council taking a side in a divisive International conflict, and thus alienates the Jewish community of the district who will be left feeling fearful and abandoned by their local council. The decision damages good relations between the Jewish community and others in the council area, and also between the unionist</p>

and nationalist traditions given the generally strong divisive lines that exist between the two main political traditions on this issue.

The council are in breach of the obligation in section 75 (1) and section 75 (2) of the 1998 Act.

Section 76 (1) of the 1998 Act provides:

"(1) It shall be unlawful for a public authority carrying out functions relating to Northern Ireland to discriminate, or to aid or incite another person to discriminate, against a person or class of person on the ground of religious belief or political opinion"

The decision discriminates against the Jewish community, by actively "taking a side" in an ongoing international conflict. This is straightforward discrimination against a class of persons on grounds of religious belief and political opinion.

Breach of obligations under the Fair Employment and Treatment (NI) Order 1998

As succinctly summarised in the 2012 legal opinion of David Scofield QC (as he then was) to Belfast City Council in respect of the flying of the Union flag at Belfast City Hall

"Article 19 of the Fair Employment and Treatment (Northern Ireland) Order 1998 (FETO) has been interpreted as requiring employers to provide, and take steps to maintain, a 'neutral working environment' for employees. This concept is defined further in guidance, in which employers are urged to "promote a good and harmonious working environment"; a policy reflected in the Council's own Equal Opportunities Policy. In essence, the obligation is to create a working environment in which employees should not be subjected to a detriment by feeling intimidated or harassed, or being subjected to a 'chill factor'"

Those employees who are of a Jewish background, or supportive of Israel as a general political opinion, will feel intimidated and harassed by Belfast City Council taking a side by hoisting the flag of those who have openly declared their intention to murder and ethnic cleanse the Jewish community from their homeland.

There has been no due consideration or legal advice obtained in respect of the potential liabilities under Article 19 of FETO.

It is noted that for completeness there is a significant difference between the flying of the flag of a divisive international foreign state, than the flying of the Union flag, which has been held to be a neutral act in so far as it simply reflects the legal constitutional status of Northern Ireland. Kerr J (as he then was) in *Re Murphy's Application* [2001] NI 425) stated:

"... the flying of the Union flag [in the context of the Flags Regulations] is not designed to favour one tradition over another;

	<i>it merely reflects Northern Ireland's constitutional position as part of the United Kingdom."</i>
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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	The Jewish community
2	The nature and extent of the disproportionate adverse impact	<p><u>Section 41 (1) (b)- adverse impact on a section of the inhabitants of the Belfast City Council area</u></p> <p>This decision will have a specific adverse impact on, in particular, the Jewish community. The Jewish community have repeatedly and consistently spoken out about their concerns around antisemitism, and there have been attacks on their properties, threats to boycott their goods and a general campaign of hate against that community. This has sadly been encouraged by the aggressive political campaign of those championing the cause of Palestine, who have openly expressed their determination to remove the Jewish community from their Israeli homeland, including by use of extreme violence.</p> <p>There is an ongoing extremely divisive international conflict between Israel and Palestine. This evokes strong views on all sides, but Belfast City Council is actively taking a "side" in this international conflict, which is outside any statutory or policy responsibilities of the council, and it is therefore properly to be described as a pure 'brute force' political decision designed to weaponise the council's prime civic building to send a message which is overtly hostile to the Jewish community. It is rhetorically asked: how could that do anything other than have an adverse impact on the Jewish community within the Belfast City Council area?</p> <p>The test under section 41 (1) (b) is self-evidently satisfied. As set out in more detail below, whether the decision has an adverse impact is primarily a political rather than a legal question, which is for the elected members of the council (see Humphreys J in <i>Re Bryson's Application</i> [2024] NIKB 86, at paragraph [40]). The statutory scheme put in place by Parliament (subject to any public law challenge on grounds of <i>Wednesbury unreasonableness</i>) entrusts to 15% of councillors the ability to call-in a decision on this ground; that is a political decision, and Parliament has determined that if 15% requisition, the matter must be referred back for reconsideration. This then requires a qualified majority to sustain the decision.</p> <p><u>Procedural issues in respect of this call-in</u></p> <p>As set out by Humphreys J at paragraph [40] of <i>Re Bryson's Application</i> [2024] NIKB 86 the question as to whether there is significant community detriment is essentially a classically political rather than legal question. Therefore, the statutory scheme envisages that in circumstances whereby 15% of</p>

		<p>councillors form the view a particular decision will have significant detrimental impact, then that is sufficient. Any challenge to such a position could only be amounted on grounds of Wednesbury unreasonable. Whether a call-in has merit is not properly a legal question, and is further entirely subjective: put simply, depending on who you ask.</p> <p>This call-in is clearly nowhere near the irrationally threshold. It is therefore a valid call-in under section 41 (1) (b) of the 2014 Act, which commences a process that requires (i) a legal opinion to be obtained under section 41. (2); (iii) the matter to be brought back before the council for a vote, in which an 80% majority is required in order to sustain the decision, in so far as the question of 'merit' is not to be determined by a opinion under section 41 (2).</p> <p>It is noted that the call-in form provides that, if a legal opinion obtained under section 41 (2) of the Local Government (NI) Act 2014 deems a call-in without merit, then the call-in shall not be subject to a qualified majority vote.</p> <p>These standing orders are made under powers conferred by section 37 (1) of the 2014 Act, however these powers are subject to section 37 (3) which requires that standing orders are subject to "the other provisions of the Act". They must therefore be consistent with, inter alia, section 41.</p> <p>Section 41 (2) requires the obtaining of a legal <u>opinion</u>; however nothing in this provision permits the legal opinion to be treated as adjudicatory or determinative. Rather, it must merely be put before the council at the next meeting.</p> <p>The elevation of the legal opinion to a binding adjudication is contrary to section 41 (2), and therefore the standing orders purporting to provide for such an adjudication are ultra vires section 37 (3) owing to their inconsistency with section 41 (2).</p> <p>Therefore, this call-in is valid, in order and therefore must be reconsidered by the council, with a qualified majority required.</p>
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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>Time received</i>	<i>Date received</i>	<i>Received by</i>
13:40 (approx)	12/11/25	

(for completion by Chief Executive's Office)