



Subject:	Amendments to Standing Orders
Date:	20 September 2019
Reporting Officer:	John Walsh, City Solicitor / Director of Legal & Civic Services
Contact Officers:	Jim Hanna, Democratic Services Russell Connelly, Policy, Research & Compliance 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 checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	The purpose of this report is to seek Committee approval to amend Standing Order 47 (in relation to call in) in order to properly reflect the Council's statutory obligations under Section 41 of the Local Government (NI) Act 2014 ("the 2014 Act").
2.0	Recommendations
2.1	The Committee is asked to <ul style="list-style-type: none">• Agree to make the changes outlined in the report to the Standing Order 47.
3.0	Main report
3.1	<u>Decisions of council subject to call in</u> Standing Order 47 in relation to call-in does not (as currently drafted) reflect the council's statutory obligations arising from the 2014 Act, which specifically provides that, when

	<p>Section 41(1) requires Council's to make provision for reconsideration of decisions, a "decision" includes a decision of the council.</p> <p>Counsel recommends that Standing Order 47(a)(1) be amended to include "<i>a decision of the council</i>" in the list of decisions which may be subject to call-in.</p>
3.2	<p><u>Sections of the inhabitants of the district</u></p> <p>Section 41(4) of the 2014 Act requires that Standing Orders specify the section of the inhabitants of the district who may claim to be adversely affected under Section 41(1)(b). The statutory requirement is not that the persons seeking the call-in of the decision specify the section of the inhabitants of the district, rather, the statute requires that standing orders do that in advance. The Council's standing orders do not appear to do so as currently drafted.</p> <p>In order to rectify this situation the City Solicitor recommends that as a minimum, the Council specify at least those categories of persons set out in Section 75 of the Northern Ireland Act 1998 in standing orders. It is of course open to the Council to specify further sections of the inhabitants of the district, subject to the usual public law boundary of Wednesbury reasonableness.</p> <p>Whilst the Act is not prescriptive as to the sections which should be specified, the Draft Standing Order Regulations 2016 (which have not yet been ratified by the NI Assembly) – do provide a legislative interpretation of sections of the inhabitants of the district which is wider than just the Section 75 groups:</p> <p><i>"section of the inhabitants of the district" means any section of the inhabitants that is clearly identifiable by location, interest or other category</i></p> <p>It is recommended that Council amend Standing Order 47(3)(b) to incorporate the above wording from the draft Standing Order Regulations with reference to the Section 75 categories as one of the "other" categories.</p> <p>This approach would appear to reflect the intention of the legislation as originally drafted and would prevent call in being limited to just those section 75 groups.</p> <p><u>Suggested wording to be included after Standing Order 47(3)(b)(3)</u></p> <p><i>(4) In this part, "section of the inhabitants of the district" means any section of the inhabitants that is clearly identifiable by location, interest or other category (including those categories identified in Section 75(1) of the NI Act 1998).</i></p>
3.3	<p><u>Financial & Resource Implications</u></p> <p>None.</p>
3.4	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>None.</p>
4.0	<p>Appendices – Documents Attached</p>

4.1	None
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