

Title of Report: Call-In C342/20 (BC146/20)	Officer Presenting: Lead Legal Services Officer Author: Lead Legal Services Officer
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1 Purpose of Report/Recommendations

- 1.1 To advise Members of the process to be following in respect of the Call-in of item C342/20.

2 Background

- 2.1 At the meeting of the Council on Thursday 29th October 2020 the following motion was passed:-

That given the injustice of partition, that this Council will not celebrate and commemorate in any event in relation to the centenary of NI2021.

The vote was 27 for, 10 against and 0 abstentions.

- 2.2 On Wednesday 11th November 2020, the Chief Executive received a request that the decision be reconsidered pursuant to Sections 41(1)(a) and 41(1)(b) of the Local Government Act (NI) 2014. A copy of the requisition is at Appendix 1.
- 2.3 Where Call-In is received under Section 41(1)(b) of the Local Government Act (NI) 2014 the Chief Executive is required to obtain a legal Opinion from a practicing solicitor or barrister. Accordingly, an Opinion will have to be received from Counsel and this will be circulated to Members once received.

3 Key Issues

- 3.1 Where Call-In is received under Section 41(1)(a) of the Local Government Act (NI) 2014 of a decision of Council, Standing Order 21.5(3) provides that the Council shall refer the matter for further consideration at the next meeting of Council.
- 3.2 The Members who submitted the Call-In, or Member on their behalf shall be invited to address the meeting and shall have voting rights. The Council may: -
- (a) Refer the decision for further consideration by a Committee where the subject matter of that decision falls within the remit of the Committee;
 - (b) Support the decision or;
 - (c) Overturn the decision.

- 3.3 Any vote taking in relation to a decision pursuant to a Call-In under Section 41(1)(a) of the Act shall be taken on the basis of a simple majority of those present and voting.

4 Financial, Equality, Legal, HR, Improvement, Rural Needs and other Implications

- 4.1 There are no financial implications associated with this report.

5 Recommendations

- 5.1 That Members reconsider the decision C342/20 (BC146/20) and either: -
- (a) Refer the decision for further consideration by a Committee where the subject matter of that decision falls within the remit of the Committee; or
 - (b) Support the decision; or
 - (c) Overturn the decision.

Background Papers

- **C342/20**

- **BC146/20**