

## CALL-IN PROCEDURE FOR STATUTORY TRANSITION COMMITTEES

1. The use of 'call-in' and Qualified Majority Voting will be available for matters to be decided upon by a statutory transition committee in the following circumstances:
  - a. where members express the view that the correct agreed procedures were not followed in developing a recommendation for consideration (procedural call-in),or
  - b. where members consider that the decision, if taken, would result in an adverse impact on either the unionist or nationalist community in the new Council area (adverse impact call-in).
2. The trigger for a 'call-in' is 15% of the members of the statutory transition committee, always rounded up to the nearest whole number. The threshold for a decision to be agreed is 80% of the members of the statutory transition committee who are present at the meeting and voting.
3. Decisions relating to statutory council duties including making a rate, those of a quasi-judicial nature and the appointment of staff are excluded from 'call-in' and qualified majority voting procedures.
4. For the purposes of the 'call-in' procedure the Duly Appointed Officer, is the officer appointed by the statutory transition committee for purposes of ensuring the appropriate regulation of the committee's business.

### The process

5. Standing Orders shall make provision with respect to the procedure to be followed in processing a 'call-in' request.

- a. Notification of a 'call-in' must be given in writing either in advance of the meeting of the statutory transition committee at which the issue is to be considered and/or decided or in exceptional circumstances in writing at the start of that meeting.
- b. Notification must include the names of those seeking the 'call-in', state the basis on which the 'call-in' is requested and in the case of a 'call-in' under criterion 1b, the nature and scale of the [potential] adverse impact.
- c. Following receipt of a written request the Duly Appointed Officer shall identify whether the decision on which 'call-in' has been requested is excluded from the 'call-in' procedure by virtue of its nature (see para 3 above). If the decision is identified as one which is excluded from the 'call-in' procedure the Duly Appointed Officer will inform the statutory transition committee in writing at or before its next scheduled meeting that the request is not a valid 'call-in' and the matter will proceed as stipulated in the meeting summons.
- d. If the decision is subject to the 'call-in' procedure the Duly Appointed Officer shall determine whether the required number of members of the statutory transition committee have indicated in writing their request for a 'call-in' to apply to a specified decision. Where the Duly Appointed Officer determines that the required number of members have not signed the request for 'call-in' he/she will inform the statutory transition committee in writing at or before its next scheduled meeting that the request is not a valid 'call-in' and the matter will proceed as stipulated in the meeting Summons.
- e. Where it is determined that the request for a 'call-in' is not excluded by virtue of the nature of the decision to be taken, and that the required number of members have supported the request it shall then be determined under which criterion the 'call-in' has been requested.

f. Procedural 'call-in'

- i) Where the request for 'call-in' is on the basis of agreed procedures not being followed in arriving at the recommendation (criterion 1a) the Duly Appointed Officer will, within a period not exceeding 5 working days from the date of receipt of the 'call-in', prepare a report for consideration by the statutory transition committee. The report will detail the procedures followed in arriving at the decision and provide copies of all relevant background papers.
- ii) If it is determined that the 'call-in' is valid the matter shall be referred back to the appropriate sub committee or officer for further consideration.
- iii) If it is determined that all the appropriate procedures were followed and that the 'call-in' is therefore not valid the matter shall be added to the agenda for the next scheduled meeting of the statutory transition committee.

g. Adverse impact call-in

- i) Where the 'call-in' is on the basis of a potential adverse impact (criterion 1b) the Duly Appointed Officer shall, within a period not exceeding 5 working days from receipt of the 'call-in', arrange for independent legal advice on the validity of the 'call-in'. This advice should be provided to the Duly Appointed Officer within a period not exceeding 5 working from the date of the request. The independent advice will indicate whether in their opinion the 'call-in' request demonstrates that the decision, if taken, would result in an adverse impact on either the unionist or nationalist community in the new Council area.
- ii) The Duly Appointed Officer shall, within a period not exceeding 1 working day from receipt of the advice, distribute the advice on the validity of the 'call-in' to all members of the statutory transition committee.

iii) If it is determined that the 'call-in' request is valid, the decision to which the request refers shall be scheduled on the agenda for the next meeting of the statutory transition committee. In these circumstances it will automatically be subject to a qualified majority vote of at least 80% of members of the statutory transition committee who are present and voting.

iv) If it is determined that the 'call-in' request fails to demonstrate that the criterion has been met, the matter will be scheduled on the agenda for the next available meeting of the statutory transition committee for consideration as per standing orders.

6. Any matter which has been the subject of a 'call-in' shall not be precluded from being open to be the subject of further 'call-in'.