

Ref: FOI / 5480

06th January 2025

Email:

Dear

Freedom of Information Act 2000 Request - Information Regarding the "Call-in" Mechanism

I refer to your FOI request and respond as follows:

Request

This is a Freedom of Information request in relation to research I am conducting for the Committee on the Administration of Justice. The request is for information regarding the use of call-in mechanism under the [Local Government Act \(Northern Ireland\) 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2014/22/section/1).

I am specifically interested in the operation of Provision 41 1) (b) i.e. 'call-in' on the basis that a 'decision would disproportionately affect adversely any section of the inhabitants of the district'.

This Provision provides that:

(2) Standing orders must require the clerk of the council to obtain an opinion from a practising barrister or solicitor before reconsideration of a decision on a requisition made wholly or partly on the ground mentioned in subsection (1)(b).

I am keen to establish the number of times (if at all) the Council has obtained an opinion from a practising barrister or solicitor under subsection (1)(b) of the Act. I want to establish how often this mechanism has been used by the Council *since the legislation was enacted in 2014*.

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Response

I can confirm that the Council holds this information. The Council does not hold a central schedule of all call-ins received, however I have undertaken a trawl of files in relation to Calls-in received and so far as I am able to ascertain the Council has only had to obtain the opinion of Counsel in relation to a Call-in received under section 41(1)(b) of the Local Government Act (Northern Ireland) 2014 on 2 occasions.

If you are dissatisfied with our response, you have rights of review and appeal; these rights consist of two review processes.

Firstly, our internal review procedure is available by contacting:

John Kelpie
Chief Executive
Derry City and Strabane District Council
98 Strand Road
Derry BT48 7NN
Tel: 028 71253253 or email: john.kelpie@derrystرابane.com

Secondly, you can appeal directly by contacting the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
CHESHIRE SK9 5AF
Tel: 0303 123 1113 (local rate) or email: casework@ico.org.uk

I would however advise that the Information Commissioner has indicated that a review will not be undertaken unless the Council has first had an opportunity to re-consider its decision.

Yours sincerely



Philip Kingston LLB
Lead Legal Services Officer