



Northern Ireland  
Assembly

## Research and Information Service Briefing Paper

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**Suzie Cave**

# Call –in: Protection of minorities in divided societies

The following paper is a response to a request from the Environment Committee on call-in procedures in divided societies and the consideration of minorities. The paper explores examples from the UK and internationally in relation to commitments made under the Constitution for Kosovo.

## Introduction

The following paper relates to the protection of minorities in divided societies in relation to decision making at the local government level. The paper explores the arrangements and provisions provided throughout local authorities in England which show some difference. This is largely due to that fact that under the 2000 Act, which was consolidated by the Localism Act 2011, local authorities are required to establish their own separate decision-making executive, with a series of overview and scrutiny committees. Reconsideration of a decision (or call-in) can only be used if it is felt that a decision was not reached due to failure of the process; there is no similar element in relation to the 'disproportionate impact on a section of the community' that is provided under the Local Government Bill for Northern Ireland.

However, while there is no requirement written into national legislation, it appears that a number of local authorities in England have used a variety of arrangements at their own discretion to ensure that their communities have a say and can influence decisions being made. It should be noted that many of these arrangements are not specifically for the minority sections of a particular community; rather they are for the community as whole. There is also no evidence to suggest whether minority groups avail of these opportunities or not.

Finally in providing international context, the paper explores at the situation in Kosovo, where due to a divided past has had to ensure inclusion of minority groups in decision making in general at both the Assembly level and municipal level.

## England

### Oldham

Oldham, which is notorious for its segregated community based on race and religion hit the headlines in 2001 for riots led by Muslim Asian Youths which spread to Barnley and Bradford.

According to a study by the Joseph Rowntree Foundation (2007) the tensions emanate from economic decline and high levels of inactivity in the area as whole, resulting in inter community tensions with certain minority groups feeling polarised and disadvantaged.<sup>1</sup>

The study found that deprivation and disadvantage played a pivotal role in neighbourhood relationships. Racial tensions were driven by struggles for resources such as housing and employment, and residents feeling 'unfairness' of resource allocation.

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<sup>1</sup> M. Hudson, J Phillips (JRF), 2007, *Social Cohesion in Diverse Communities* <http://www.jrf.org.uk/publications/social-cohesion-diverse-communities>

## Community Call-in

Oldham Council is slightly unique compared to other local authorities in England in that it offers 'Community Call-in'. This allows local residents to challenge a decision taken by their District Executive. If a decision is successfully called in it is put on hold while the Council's Overview and Scrutiny review the decision and make recommendations. However if Overview and Scrutiny decide to make no recommendations, the decision is enacted as originally intended.

Planning and licensing decisions are exempt from Community Call-in because these decisions are covered by national legislation that the council must adhere to.

Community Call-in requires 100 signatures from residents of the district area, however only 50 are required if the call-in is sponsored by a Ward Member of the effected ward. The petition must be sent to the Overview and Scrutiny within ten days of the decision being published in the Executive's minutes.

Under the Localism Act 2011, local authorities are given a power to offer petitions, and according to correspondence with the Centre for Public Scrutiny (CFPS)<sup>2</sup>, the Community Call-in appears to be a unique combination of the council's petition powers and call-in powers.

The CFPS also explained that this mechanism is unusual as it not only creates further delay on the implementation of any Executive decision ( 5 days is the limit for normal call-in, whereas the community call-in extends this to 10 days for the petition), it also gives the Council uncertainty over decisions as they will not know whether they will be subject to Community Call-in or not.

## Scrutiny Request

A number of local authorities give the local residents the opportunity to suggest a topic for scrutiny by their councils' Overview and Scrutiny, however in this instance suggestions are not limited to decisions already made by the council, for example:

### Bradford

In Bradford, within the function of Overview and Scrutiny, the Improvement Committee has the power to recommend that a decision made by the Executive or an Area Committee, but not yet implemented, be "called-in" for consideration as requested by members of the council.

Suggestions for scrutiny can also be made (by email) to the Improvement Committee by members of the public, interest groups or businesses. However, for a suggestion to warrant review, it must fit the following criteria:

- Affect a group of people living within the Bradford District Council area ;

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<sup>2</sup> Correspondence made on the 4<sup>th</sup> February 2014. For information on the CFPS see <http://www.cfps.org.uk/>

- Relate to a service, event or issue in which the Council has a significant stake or over which the Council has an influence ;
- Not relate to an individual service complaint;
- Not relate to matters dealt with by another Council committee, unless the issue deals with procedure; and
- Must come from a resident of the District<sup>3</sup>

### **Peterborough**

Peterborough City Council offers an online Scrutiny Request form for local residents to request the appropriate committee to review a subject or matter of concern in the city. It can cover any aspects of public services provided in the City and not just those provided by the Council itself.<sup>4</sup>

### **Councillor call for Action**

The Councillor Call for Action came into force on 1st April, 2008 under the Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008, which formed part of the implementation of the Local Government and Public Involvement in Health Act 2007. While this is a mechanism available to all local authorities, according to information provided by the Centre for Public Scrutiny, this has not been widely used nor had the impact it had hoped for.<sup>5</sup>

Wigan Council offers a Councillor Call for Action (CCfA) which allows councillors to resolve issues and problems on behalf of residents. A councillor can use a CCfA to formally request a scrutiny committee to consider further investigation and recommend a course of action.<sup>6</sup>

However this is to be last resort, where the councillor must have tried other means available to resolve an issue before using the CCfA

The following diagram shows the process used by Wigan Council:

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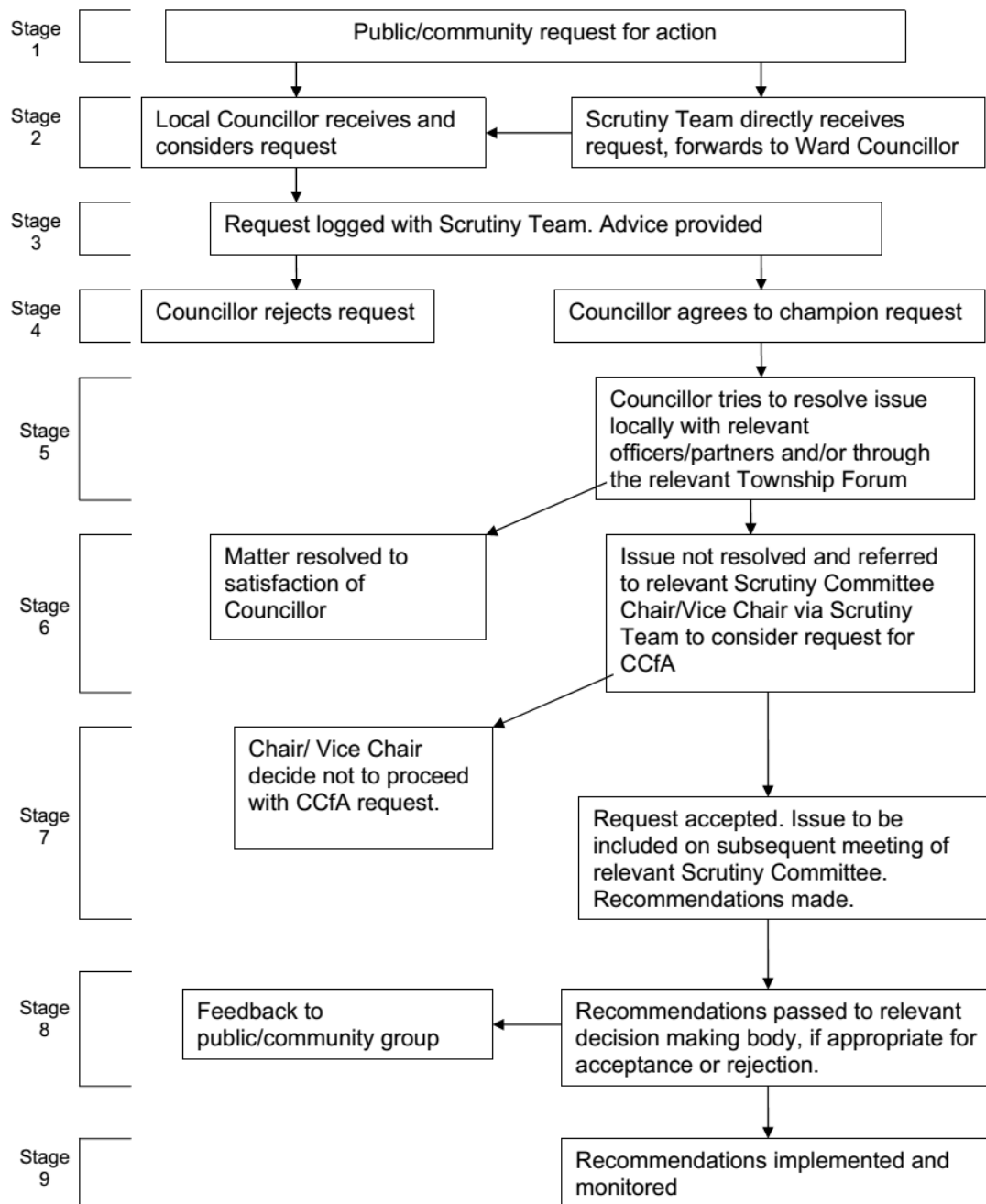
<sup>3</sup> City of Bradford Metropolitan District Council *Your Council* [online] [http://www.bradford.gov.uk/bmdc/government\\_politics\\_and\\_public\\_administration/scrutiny/can\\_members\\_of\\_the\\_public\\_become\\_involved](http://www.bradford.gov.uk/bmdc/government_politics_and_public_administration/scrutiny/can_members_of_the_public_become_involved) (accessed 5th February 2014)

<sup>4</sup> Peterborough City Council *How you can get involved* [online] [http://www.peterborough.gov.uk/council\\_and\\_democracy/overview\\_and\\_scrutiny/how\\_you\\_can\\_get\\_involved.aspx](http://www.peterborough.gov.uk/council_and_democracy/overview_and_scrutiny/how_you_can_get_involved.aspx) (accessed 5th February 2014).

<sup>5</sup> Telephone conversation with Centre for Public Scrutiny 4<sup>th</sup> February 2014

<sup>6</sup> Wigan Council, *Councillor Cal-in Protocol* [online] <http://www.wigan.gov.uk/Council/Councillors-and-Committees/Scrutiny.aspx> (accessed 5th February 2014)

### Councillor Call for Action – Protocol



Source: Wigan Councillor Call-in Protocol<sup>7</sup>

North East Lincolnshire County Council also provides Councillor Call for Action; its Protocol can be viewed [here](#)

<sup>7</sup> The Protocol is available at the link on the right side of the page <http://www.wigan.gov.uk/Council/Councillors-and-Committees/Scrutiny.aspx>

## International considerations: Kosovo

Kosovo was a region of Yugoslavia up until the break-up of that state in the 1990s. Its status varied as regards levels of autonomy, never being a constituent republic of the Yugoslav federation, but in the late 1980s, Kosovo was absorbed into Serbia.

The region has a majority ethnic Albanian population and a minority Serb population, although the balance of populations has been a matter of dispute over the years. Certainly by the 1990s, the Serb community comprised around 10% of Kosovo. There are also smaller numbers of other ethnic groups: Roma, Ashkali, Egyptian, Bosniak, Turkish and Gorani.

In the course of a conflict between the Kosovo Liberation Army (KLA) and Serbian forces 1998-1999, and in the context of failed peace talks in Rambouillet in France, NATO intervened against Serbian forces, leading to international administration of Kosovo under the auspices of UN Resolution 1244 and the establishment of a Kosovo Assembly. Kosovo declared independence on 17 February 2008 and formal international supervision ended on 10 September 2012, when Kosovo achieved sovereignty under the constitution of 15 June 2008.

## Provisions for Minorities

Provisions for minorities at municipal level are written into the Constitution of Kosovo<sup>8</sup> which determines the operation of the Kosovo Assembly. Chapter III sets out the rights of minority communities and outlines the establishment of certain bodies and arrangements to advise and ensure on the consideration of minority issues.

### **At the municipal level this includes:**

#### **Article 62**

In municipalities where at least 10% of the residents belong to the minority (or non-majority) communities, the Vice President post of the Municipal Assembly for Communities (similar to a local council committee on communities at Northern Ireland level) is to be reserved for a representative of these communities.

This post is:

- given to the non-majority candidate with the most votes for election to the Municipal Assembly;
- to promote inter-community dialogue and raise expressed non-majority concerns and interests in meetings of the Assembly and its work; and

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<sup>8</sup> Constitution of Kosovo: <http://www.kryeministri-ks.net/repository/docs/Constitution1Kosovo.pdf>.

- responsible for reviewing claims by communities or their members that the acts or decisions of the Municipal Assembly violate their rights, and refer these matters to the Municipal Assembly for reconsideration of the act or decision.

Should the Municipal Assembly choose not to reconsider the act or decision, or if the Vice President is unhappy with the decision, the Vice President may submit the matter directly to the Constitutional Court to decide whether or not to accept the matter for review.