

Report on	Mid Ulster Bonfires - Update Report
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Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To update members on the work of the Mid Ulster District Council – Bonfire Working Group and recommendations to address public safety concerns in regards to Bonfires held on Council property in the Mid Ulster area.
2.0	Background
2.1	<p>The Working Group was established in early 2017 following confirmation of a Council Motion on 25th June 2015 (as detailed below):</p> <p><i>“We welcome that the Minister of the Environment through his Agency the NIEA will bring in appropriate measures which adequately deal with used tyres as the current system does not rigidly control how suppliers do this. That this Council does not clean up the remains from bonfires from any other property that does not belong to the Council. On Council property that is used for bonfires, only suitable materials are used and all other materials such as tyres, rubbish, flags, election posters or effigies of individuals are removed. That this Council seeks to prosecute through its powers anyone who illegally dumps any hazardous materials on public or private lands associated to bonfires”.</i></p> <p>The Environment Committee was subsequently tasked to establish a Task and Finish - Bonfire Working Group to review and prepare Guidelines to assist with the provision of safer bonfires .</p> <p>The key objectives of the Working Group were identified as:</p> <ul style="list-style-type: none"> • Review the current position regarding bonfires set up on Council property. • Explore the options for reducing negative environmental impacts around bonfires in conjunction with other statutory bodies. • Propose mechanisms for promotion of Bonfire Safety and sustainable bonfires/celebration events going forward. <p>The Working Group considered a range of issues pertaining to local bonfire events held throughout the year and met with representatives from the various statutory agencies. Following discussion, it was agreed that Draft Guidelines be developed to assist local communities celebrate their cultural events safely. A copy of the Guidelines on Celebrate Safely is attached at Appendix 1.</p> <p>It should be noted that Council does not actively encourage or facilitate the use of Council property for the purposes of a bonfire activity. Examination of the roles and</p>

	<p>responsibilities of the relevant statutory organisations are as set out in the attached Position Paper (Appendix 1).</p> <p>The Working Group concluded in June 2017 that the best way to encourage positive outcomes for communities was to take forward an Inter Agency approach in conjunction with other statutory bodies . This approach followed the Partnership Working model identified in the Mid Ulster Community Plan and Council's Notice of Motion.</p>
2.2	<p><u>Recommendations from Working Group Discussions – June 2017</u></p> <p>The following recommendations were brought to Committee for members consideration following discussions with other partner agencies :</p> <ul style="list-style-type: none"> • The establishment of a formal Inter Agency Working Group in order to develop a Short /Medium and Long term Action Plans to address bonfire safety. • Engagement with local communities who wish to host bonfires on Council land in order to ensure adherence to Good Practice from Council and other Statutory Agencies to promote public safety at bonfires .
2.3	<p><u>Members concerns – August 2017 issues for consideration</u></p> <p>Following the celebration events held during the month of July 2017 a special meeting was called during the month of August to discuss a number of members concerns . These resulted from resident's complaints arising from events held on Council premises , in particular at Killymoon Play park , Cookstown and Killymerron Walkway ,Dungannon during the previous month .</p> <p>The Statutory Agencies (PSNI , NIEA and NIFRS) were also in attendance at the meeting to update members on their services response to complaints received .</p>
2.4	<p><u>Special Meeting August 2017 – Next Steps</u></p> <p>Following discussions at the Environment Committee meeting in August 2017 (Minute reference SE001/17) , it was resolved:</p> <p>That it be recommended to the Council that approval be given to:</p> <ol style="list-style-type: none"> 1) Members continuing on their work with the Bonfire Working Group and wait until the findings of the Flags and Emblems Committee being made known before inviting other agencies ie. PSNI, Fire Service and NIEA to becoming involved. 2) Engagement with local communities who wish to host bonfires and those who don't wish to host bonfires on Council land to ensure adherence to Good Practice with Council and other Statutory Agencies to promote public safety at bonfires. 3) Officers to prepare an Options Paper for the introduction of an application and licencing process, which should meet certain criteria for building bonfires, with this being done through the Bonfire Working Group and then brought back to committee for consideration. 4) Illegal bonfires being put on the Risk Register and being brought back to committee.

3.0	Main Report
	<p><u>Draft Options Paper – Bonfire Working Group – January 2018</u></p>
3.1	<p>Strategic Context</p> <p>No definitive guidance or direction has been provided by the NI Executive or Assembly in relation to how bonfires should be facilitated within local communities. It is recognised that in each of the 11 Council areas there are bonfires of varying scales to mark the 12th July Celebrations together with Halloween and Anti-Internment events.</p> <p>Within the Mid Ulster District Council area the most common types of bonfires are those held to mark the 12th July celebration. There are also a number of Halloween bonfires held across the District, however these are not held on Council property.</p> <p>Mid Ulster District Council has a number of policies and procedures which are applicable to the temporary use of Council land. Outside bodies who wish to use Council land to host events are obliged to comply with a specified set of guidelines defined for this purpose .</p>
3.2	<p>Event Management</p> <p>For the purpose of Council's guidance an 'event' is defined as, 'a planned and organised occasion taking place on an outdoor Council facility, outside the normal day to day business of the Council service, attracting members of the public or invited guests to the event'.</p> <p>Council's Event Safety Guidance requires outside bodies to complete a proforma in order to gain access to Council property. This process requires the organisers to demonstrate the following: (See Appendix 1)</p> <ul style="list-style-type: none"> • Details of an Event Organiser and event management • Safeguarding Policies of children and adults at risk of harm (when applicable) • Public Liability Insurance <p>Outside of this general policy context Mid Ulster Council is not insured to have bonfires on its property. Unregulated Bonfires can carry a risk of serious injury being caused to someone, either during the building process or when the bonfires are lit if they are not appropriately managed and controlled.</p>
3.3	<p>Good Practice – Celebration Events – Appendix 2 & 3 sets out some draft guidance for the management and construction of Bonfires / Beacons on Council sites . The Good Practice Guidance contained within the documentation incorporates structured draft guidance previously agreed by statutory agencies to address safety at celebration events and issued by legacy Councils to promote bonfire safety as part of a community / family event held on Council premises .</p> <p>The draft Guidance may be used to assist local communities in promoting safe and sustainable events as part of a wider community / family celebration event .</p>

4.0

DRAFT OPTIONS

The following Draft Options were identified by the Working Group for Committee consideration :

Option No.	Option Title
1.	Do Nothing- Maintain the Status Quo
2.	Examine Current NIHE Procedures with a View to Emulating
3.	Address Key Areas Where Risk has been Identified
4.	Develop a Strategic Action Plan (2 – 5 years)

4.1 Option 1: Do Nothing: Maintain the Status Quo

This option would involve not taking any action to improve and minimise the risk presented in the circumstances.

4.2 Option 2: Review and Current NIHE Procedures or Similar

This option would involve adopting programmes similar to those put in place by NIHE. This could include a bonfire management programme, a beacon project, funding for events provided by constituted group who meet Council's health and safety requirements for bonfire events.

4.3 Option 3: Address Key Areas Where Risk has been identified

This option would involve providing specific support for bonfire events in the District that are identified as having the highest levels of risk and are therefore most likely to cause damage to property and potentially damage good relations within the host community. Based on the information in Section 2 the sites would mostly likely include: Killymerron (Dungannon), Killymoon (Cookstown).

4.4 Option 4: Strategic Action Plan (2 – 5 years)

This option would involve developing and adopting a long-term strategy in relation to how bonfire events can be safely facilitated in the District over the next 5 years. This could include the production of an application procedure for use of Council facilities and open spaces for cultural celebrations while also providing alternative events and types of cultural expression.

5.0

OPTIONS APPRAISAL

This section of the report examines the feasibility of each of the options identified in Section 4.

5.1 Option 1: Do Nothing: Maintain the Status Quo

Council's motion passed in June 2015 together with the direction provided by the Environment Committee in August 2017 determines that this option is not credible because Council has indicated that the status quo is unworkable due to the breaches of Council's policy and the health and safety implications that occur as a result of the current situation.

5.2 Option 2: Review and emulate Current NIHE Procedures or Similar

Activities undertaken by the NIHE include the following:

- A 'beacon design and manufacture project' under the Fresh Start Agreement. These beacons will be used through Bonfire Management Programmes in Belfast and North Down and Ards Councils.
- The NIHE provide funding relating to the management of events dependant upon compliance with a number of conditions such as:
 - Tyres and toxic materials should not be collected or burnt on the bonfire and materials should be restricted to wood
 - Clearance space between bonfires and surrounding buildings should be at least 5 times the height of the bonfire
 - Groups should refrain from displaying of paramilitary trappings and paramilitary flags on or in the vicinity of the bonfire site
- A regional bonfire policy is being developed to encourage communities to improve bonfire management. The issue of 'designating' bonfire sites is currently being discussed at their Good Relations Steering Panel.

The NIHE maintain that there is a need 'to use local solutions to local issues and no one size fits all with regard to dealing with bonfires, particularly contentious ones'. They also indicate that both formal and informal approaches work best when alleviating some of the issues associated with bonfires.

However some aspects of NIHE schemes have been criticised. In recent times bonfires held on disused NIHE land have caused damage to adjacent private property.

5.3 Option 3: Address Key Areas Where Risk has been Identified

This option would involve focusing on the bonfires held on Council lands that present the highest level of risk. These risk levels are identified on the basis of whether or not toxic materials are burnt on the bonfire, the height of the bonfires in proximity to any houses in the surrounding areas and potential damage to homes and adjacent property and resident complaints. This option would require working with community representatives to implement solutions to the issues individual to each of the sites identified , and enable appropriate control to be brought to the high level risks being presented .

5.4 Option 4: Develop a Strategic Action Plan (2 – 5 years)

This option would involve the development of a 2 - 5 year strategy. This would involve examining the current risks associated with bonfire events. It would include assessing each of the host areas and identify where areas of risk exist and how they can be minimised. The aim of the strategy would be to support communities in the celebrating their cultural heritage in a positive way via managed events that will ensure that health and safety is paramount and that communities, businesses and residents who are near bonfire sites are not negatively impacted upon as a result.

6.0	<p>Alternative Future Events</p> <p>One suggestion has been for Council to run an inclusive festival, similar to the Temple (Burning Man) that was hosted by the legacy Derry City Council. This could be located in a Council park and could include schools and the wider community. It could be a family event that people would want to participate in and could be offered as an alternative to local bonfires, an inducement that could show there is a better and alternative way to celebrate culture.</p> <p>This type of festival would take significant effort and organisation and would involve sourcing a large number of volunteers and management of the health and safety implications.</p> <p>While a project such as this may not meet the needs of those individuals who enjoy organising and building bonfires in their own area, it would demonstrate that there are alternatives for communities and it would remove the exclusive focus from the local events.</p> <p>Possible Next Steps</p> <p>6.1 Next Steps</p> <p>The Committee will wish to consider the options presented in this paper and consider which options should be taken forward . Members should be clear that more than one option can be selected and options can be amended as deemed necessary.</p> <p>The Working Group on reviewing the Options felt that in the Short Term appropriate action needed to be taken under Option 3 to resolve the issues at the two high risk sites at Killymoon and Killymerron where significant issues had been raised .Resident’s concerns had highlighted both community safety and community tension issues which needed to be addressed to ensure that events are carried out in a safe and responsible manner.</p> <p>In the longer term it was felt that with the application of both Option 2 and 4 good progress could be made to implement the Strategic Action Plan and achieve safe and sustainable celebration events over a 2 – 5 year programme.</p> <p>6.2 Equality and Good Relations Impacts and Rural Impact</p> <p>Council’s Equality Scheme 2016-20 requires new or revised policies and practices to be subject to equality and good relations screening to ensure that any adverse impacts on equality of opportunity are identified.</p> <p>7.0 LEGAL CONSIDERATIONS</p> <p>The absence of a clear statutory framework for bonfire management means public bodies are left to apply best practice in a pragmatic manner with support from other statutory agencies as necessary . Council in this instance has statutory responsibilities to protect public safety while ensuring the health and safety of its staff and workers. Experience would indicate that local communities must be engaged as early as practicable to avoid potential disengagement and encourage the application of good practice going forward .</p>
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	The Draft Options paper seeks to identify a range of options available to Council in this regard .The Bonfire Working Group felt that a combination of Options 2, 3 and 4 would be most effective (with a focus on Options 3 and 4) in addressing the primary issues over forthcoming months.
8.0	Other Considerations
8.1	<u>Financial & Human Resources Implications</u> Financial: As identified Human: As identified
8.2	<u>Equality and Good Relations Implications</u> As identified
8.3	<u>Risk Management Implications</u> As identified
9.0	Recommendation(s)
9.1	That Members consider the Bonfire Working Group Draft Options Paper and options appraisal.
9.2	The Bonfire Working Group felt that a combination of Options 2, 3 and 4 would be most effective (with a focus on Options 3 and 4) in addressing the primary issues over forthcoming months .
9.3	That Members consider and agree the establishment of an Inter Agency Bonfire Management Group appropriately linked with the Policing and Community Safety Partnership to assist with practical implementation .
10.0	Documents Attached & References
10.1	Appendix 1 – Draft Bonfire Working Group Options Paper