

10 August 2017

Dear Councillor

You are invited to attend a special meeting of the Environment Committee to be held in Cookstown offices on Thursday 17 August 2017 at 7pm to transact the business noted below.

Yours faithfully

Anthony Tohill Chief Executive

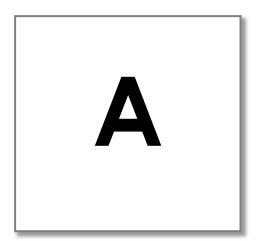
AGENDA

OPEN BUSINESS

- 1. Apologies
- 2. Declarations of Interest
- 3. Chair's Business

Matters for Decision

4. Mid Ulster Bonfire Issues (A)





Ronan, a chara,

I want to request that you, as chair of the MU Environment Committee, hold a special meeting to address a number of issues of concern regarding 'Bonfires' across our Council area.

Despite working with all public bodies within the Bonfire working group to mitigate the problems associated with a number of these bonfires, illegal practices continue and are having serious detrimental impacts to the quality of life of many residents within our district and to our party this is unacceptable.

Some of the questions and actions that require to be addressed are:

- 1 What are the financial costs to Council in terms of Clean up's, Remedial work (including roads, Car parks, Play parks,) etc where Bonfires are located?
- 2 Clarification of risk assessment and public liability issues have these all been completed and in place?
- 3 Have bonfires been included on the risk register in the event of any Claim where Bonfires are located on Council property?
- 4 Has Council taken Air pollution readings in the areas where Bonfires are burning and what are the environmental costs?
- 5 What are the legal responsibilities of public bodies in respect of controlled waste and environmental pollution where Bonfires are located?
- 6- Examination of impacts that burning of effigies, election posters, flags etc on bonfires may have on council good relations and section 75 policies.

Th list of queries and issues raised above is not exhaustive, and is provided by way of illustrating the breadth of concerns in relation to the impacts caused by certain bonfires within our district

Regards Brian

Cllr Brian McGuigan

Their me geng

Sinn Féin

This letter has been endorsed by:

Cllr Mickey Gillespie Marka Fillela.

Cllr Joe O'Neill Oce CiVell

Cllr Darren Totten

| Report on | Mid Ulster Bonfires - Update Report. |
|-------------------|--------------------------------------|
| Reporting Officer | Mark Kelso |
| Contact Officer | Mark Kelso |

| Is this report restricted for confidential business? | | |
|---|-----|---|
| If 'Yes', confirm below the exempt information category relied upon | Yes | |
| | No | Х |

| 1.0 | Purpose of Report |
|-----|---|
| 1.1 | To update members on the work of the Mid Ulster District Council – Bonfire Working Group and the public safety concerns relating to Bonfires held on Council property in the Mid Ulster area. |
| 2.0 | Background |
| 2.1 | Following Council determination, the Environment Committee was tasked to establish a Task and Finish - Bonfire Working Group to review and prepare Guidelines to assist local organisers of celebratory bonfires held on Council property. |
| 3.0 | Main Report |
| 3.1 | The key objectives of the Working Group were identified as: |
| | 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. |
| 3.2 | The Working Group has discussed 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 to celebrate their cultural events safely. A copy of the Guidelines on Celebrate Safely is attached at Appendix 1. |
| 3.3 | It should be noted that Council does not actively encourage or facilitate the use of its property for the purposes of any bonfire activity. Examination of the roles and responsibilities of the relevant statutory organisations are as set out in the attached Position Paper (Appendix 1). It is clear that no single organisation has the remit or capability on their own to manage the wider challenges and risks associated with unregulated bonfires. |
| | The Working Group concluded that the best way to encourage positive outcomes for those communities with bonfires identified as having increased levels of risk, was to take forward agreed actions in an Inter Agency approach in conjunction with other statutory bodies. |

This approach would be in accordance with the Partnership Working model identified in the Mid Ulster Community Plan and Council's Notice of Motion.

3.4 Working Group Recommendations

From examination of the relevant scoping information and the information on how the relevant statutory organisations respond to bonfires the Working Group recommendations support implementation of the following initiatives:

- The establishment of a formal Inter Agency Working Group in order to develop a Short /Medium and Long term Action Plan 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.

3.5 Members concerns – issues for further discussion

The Statutory Agencies (PSNI , NIEA and NIFRS) have been invited to attend the Committee meeting to discuss the public safety concerns relating to Bonfires held on Council property in the Mid Ulster area and in particular the following matters:

- Financial costs in relation to clean-ups and remedial work.
- Clarification of risk assessment / risk register and public liability issues.
- Air pollution and environmental costs.
- Legal responsibilities of public bodies in respect of controlled waste and environmental pollution.
- Impact of burning election materials /posters on Council Good Relations and Section 75 policies.

In seeking to address these matters, it should be noted that the former DOE Environment Minister – Mark Durkham in 2015 sought to introduce formal controls, which included 'Developing and Supporting Good Practice' and 'Licensing of Bonfires' with financial support from the Plastic Bag Levy. It is our understanding however little further progress has been made by the NI Executive in taking these measures forward to date.

It is understood that members wish to discuss the issues arising from this year's celebration activities across Mid Ulster Council sites in more detail and any issues arising from same.

4 Other Considerations

4.1 Financial & Human Resources Implications

Financial: As identified

Human: As identified

4.2 Equality and Good Relations Implications

As identified

| 4.3 | Risk Management Implications | | |
|-----|--|--|--|
| | As identified | | |
| 5.0 | Recommendation(s) | | |
| 5.1 | That Members note the Bonfire Working Group Position Paper and agree the recommendations as outlined below: | | |
| | The establishment of a formal Bonfire Inter Agency Working Group formatted within the Mid Ulster Community Planning framework to develop a Short / Medium / Long term Action Plan to address and promote Bonfire Safety. | | |
| | Engagement with local communities who 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. | | |
| 6.0 | Documents Attached & References | | |
| 6.1 | Appendix 1 – Draft Bonfire Working Group Position Paper and appendices. | | |

MID ULSTER DISTRICT COUNCIL

Bonfire Working Group Position Paper

August 2017

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1. Executive Summary

1.1 The Bonfire Working Group was established in January 2017. The Working Group was established to implement the motion passed by Mid Ulster District Council stating that:

"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".

- 1.2 Council carried the motion on a majority vote of Councillors present.
- 1.3 The Working Group is made up of Elected Members, the Directors of Public Health and Infrastructure (Chair), Business and Communities and other relevant Council Officers from Community Development, Environmental Health, PCSP and Democratic Services.
- 1.4 Over the course of the meetings, representatives from statutory agencies were invited along to provide information on their respective services in this regard. Agencies who attended the working group included the following; Northern Ireland Housing Executive (NIHE), Northern Ireland Fire and Rescue Service (NIFRS), Police Service for Northern Ireland (PSNI) and Northern Ireland Environment Agency (NIEA).
- 1.5 Each of the agencies provided details of their roles and responsibilities. They also provided an insight into what their organisations currently have in place in relation of bonfires and what their experience to date has been within the Mid Ulster District Council area. The NIHE provided specifics of how they manage bonfires that take place on their land and how successful their initiatives have been to date.
- 1.6 From examination of the relevant scoping information and the information on how the relevant statutory organisations respond to bonfires the **Working Group**Recommendations support implementation of the following initiatives:
 - The establishment of a formal Inter Agency Working Group in order to develop a short /medium /long term Action Plan to address and promote Bonfire Safety.
 - Engagement with local communities who 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.

2. Terms of Reference of the Group

2.1 The Terms of Reference confirmed that the working group would be time bound and operate as a task and finish Working Group. It was also confirmed the Group would primarily concentrate on bonfires on Council owned land.

3. Scoping

- 3.1 The Community Development Team carried out a scoping exercise in order to create a baseline of the bonfires that are currently held on Council land throughout the District. It was identified that there are currently eight bonfires held on Council land, five of which have had no anti-social behaviour instances associated with them in the last three years. As part of the scoping outputs, it was agreed that bonfires identified as burning tyres be deemed as an increased risk. These sites currently include: Killymerron (Dungannon), Killymoon (Cookstown) and Monrush (Cookstown).
- 3.2 The three legacy Councils had the previous provisions in place to address issues around bonfires. These included:
 - Dungannon and South Tyrone Borough Council had a ten point plan in place, which provided good practice and safety guidelines.
 - Magherafelt District Council provided funding via Good Relations for one bonfire event.
 - Cookstown District Council operated good practice arrangements.
- 3.3 The full scoping document is included as Appendix 1.2.

4. Role and Responsibilities

4.1 Via round table discussions with statutory agencies and desk top research the Working Group was able to ascertain the roles and responsibility of each of statutory organisations involved in the management of bonfires. The role of each agency is examined in turn:

Councils

4.2 Councils have a wide range of responsibilities in regard to the promotion of Good Relations, promoting Community Safety and provision of safe and accessible public facilities and the general protection of public health. The various legislation set out below provides Councils with the powers to deal with certain aspects of bonfires including:

- Litter (NI) Order 1994. An £80 Fixed Penalty Notice can be issued to individuals identified depositing litter.
- The Clean Neighbourhoods and Environment Act (NI) 2011 provides powers to deal with 'statutory nuisance'. The Act requires Councils to show that the nuisance is occurring on a routine basis. It is therefore difficult to utilise this legislation for bonfires because they generally only occur on an annual basis.
- Waste and Contaminated Land (NI) Order 1997 is primarily the responsibility of NIEA who have statutory responsibility for control and regulation of licensed and unlicensed waste materials. Under this legislation, Councils are tasked with collection of household waste and associated materials and provided with limited powers in this respect.
- 4.3 From examination of the legislation set out above it is evident that Councils have a limited legal basis to address some of the physical and practical risks posed by bonfires. However, given the range and scope of the issues related to bonfires it is clear that all statutory partner agencies have a significant role to play.

Police Service for Northern Ireland (PSNI)

- 4.4 As the lead statutory organisation in relation to law enforcement and public safety the PSNI have a key role in relation to ensuring public safety around bonfires. PSNI are legislatively bound to protect person and property from harm and /or criminal damage. They are also tasked with ensuring protection of civil liberties and preventing harassment or intimidation of any member of the public including any potential hate crime. Key Issues for PSNI are:
 - Siting of bonfires at interface areas with associated potential for increase in community tensions during events.
 - Intra community tensions during events.
 - Environmental issues, usually around burning of tyres.
 - Damage to property in close proximity to bonfire or roadway.
 - Public Safety issues connected to construction or lighting of bonfires.
 - Potential offending from articles placed or burned on bonfire.
 - Theft and criminal damage associated with bonfire e.g. pallets.
 - Potential offending associated with those attending, disorderly behaviour etc.
- 4.5 PSNI have indicated that they regard Good Relations and community engagement as having a key role to play in relation to bonfires in demonstrating good practice and bonfire safety. They indicated that they regard bonfires as a form of cultural expression and a time of celebration for communities. The PSNI have specific protocols in place to deal with the celebration of cultural traditions and any matters arising. From their perspective if a bonfire is well managed and not impacting on

any key issues or causing any risk of harm then there is a limited role for them to play.

Northern Ireland Fire and Rescue Service (NIFRS)

- 4.6 As the lead statutory organisation in relation to Fire Prevention and Fire Safety, the NIFRS have a significant role to play in relation to bonfire safety. The NIFRS have confirmed that their primary focus is on public safety. However, the NIFRS view their role as promoting and encouraging bonfire safety rather than a preventative or enforcement role. As such, a focus of their role is to raise awareness and provide education around the dangers of bonfires.
- 4.7 Local command have explained that NIFRS have a schools programme that operates in the Mid Ulster area. It targets Primary 5 pupils and provides information on various aspects of safety, including fireworks. The programme does not specifically focus on bonfires and is not available in post-primary schools.
- 4.8 On the lead up to the bonfire events, the NIFRS may visit the sites and develop a database to collate details of the events. The database includes information in relation to the size of the bonfire and distances from houses based on the 5:1 ratio of metres in height versus distance from property. On the basis of this information, an appropriate response is developed by the NIFRS. The responses can range from employing the support of Silver Command in neighbouring areas when a high level of risk is detected to ensuring an appliance is nearby to reassure householders in the vicinity of the bonfire. Silver Command has currently not been required for any bonfires held in Mid Ulster District Council area.

Northern Ireland Environment Agency (NIEA)

- 4.9 The NIEA have primary responsibility for the prevention of Environmental Crime under the Waste and Contaminated Land (NI) Order 1997. In relation to bonfires this includes the removal of fly tipped waste from bonfire sites including hazardous materials, by working through a Council supported multi agency partnership. Key actions include:
 - Working through Multi Agency approach to proactively reduce the number of tyres being burnt on bonfires.
 - Focusing on waste tyre producers to ensure compliance with Duty of Care requirements.
 - Taking enforcement action against illegal storage of waste tyres that can find their way onto bonfires.
 - Where sufficient evidence is available taking enforcement action against producers and / or carriers who allow tyres or other waste materials to be deposited at bonfire sites.
- 4.10 NIEA indicated the safety of their staff and contractors was paramount and they

required each situation to be risk assessed to ensure safety of personnel. They require - community / political support and PSNI attendance before effecting the removal of any waste materials. As such, the focus of NIEA is on deterring / disrupting the sourcing of material arriving at bonfire sites. Therefore, they place a focus on the pre-storage for bonfires rather than the actual bonfires sites themselves. In recent times, NIEA has worked together with residents and Belfast City Council to remove large numbers of tyres prior to bonfire building. This was with resident's agreement, without which the NIEA have indicated they would not have had the ability to clear the pre stored tyres.

Northern Ireland Housing Executive (NIHE)

4.11 The NIHE have roles and responsibilities in relation to bonfires taking place on their land. It has been identified that at least three of the bonfires in the Mid Ulster District Council are held on NIHE land. One way in which the NIHE have attempted to address the issues associated with bonfires is by providing funding under their 'Better Bonfire Management Scheme' programme. The programme funds associated family entertainment up to an amount of around £500. This is a fund that groups can only apply to when there is no Council bonfire funding programme in place. However, NIHE representatives who attended the Working Group indicated that funding could be withheld from groups if they fail to fully comply with all aspects of the Programme. This can include deducting specific percentages of the funding for scenarios such as burning tyres, not adhering to height guidelines or participating in hate crime activity.

Conclusion of Roles and Responsibilities

4.12 From examination of the roles and responsibilities of the organisations set out above it is clear that no single organisation has the remit, capacity or ability to exclusively manage the challenges created by risks associated with bonfires. Therefore, it is evident that the best way to encourage more positive outcomes for bonfires with high levels of risk is to encourage Partnership Working as was requested by Council's notice of motion.

5. Learning from Other Council Areas

- 5.1 The Bonfire Working Group also examined the action measures currently in place across other Council areas that address the risks associated with bonfires. Mechanisms to increase bonfire safety included the following:
 - The establishment of formal Interagency Working Groups, most of whom meet on a quarterly basis with agreed aims and objectives.
 - Celebratory beacons have been trialled in some Council areas. They cost in the region of £3,500 each and are funded in various ways.
 - Funding support provided to community groups to achieve a positive celebration of cultural heritage through managed events such as fun days.

- Encouragement of all other landowners to adopt similar approaches and to develop and implement similar policies and practices.
- 5.2 There are advantages and disadvantages to each of the approaches set out above. In most Council areas a combination of approaches are implemented. This can be reflective of the fact that in some areas there is not the appetite for nor an established community group to be able to establish credible partnership working. This makes the implementation of funded events or interagency action plans difficult to establish and maintain.

6. Outputs of the Bonfire Working Group

- 6.1 To date the Bonfire Working Group has met on six occasions between January and August 2017. The Working Group has achieved the following outputs during this period:
 - The scoping exercise has provided a detailed overview and baseline of where bonfires are currently held in the District, and the associated level of community engagement that has taken place. The scoping also takes into account whether or not hazardous materials are burned.
 - The group undertook the development and publication of Safety Guidance in relation to what is and what is not permitted by Council at bonfires. The 'Celebrate Safely' message was established as the corporate guideline. It was posted on Council's website and was circulated in the local press on the w/c 8 May 2017. Council's website now features a 'Celebrate Safely' page.
 - The working group was attended by representatives from the NIHE, PSNI and NIEA and NIFRS in order to clarify their role and what they have the legislative basis to do in relation to the circumstances that can arise from bonfires and the associated preparations.
 - The working group agreed that community engagement should be carried out in the areas where bonfires pose a concern to public safety. As a result, members of Council's Community Development Team contacted local communities to reinforce the message that tyres should not be burned on bonfires because of the health and environmental risks that it poses.
 - Representative from NIFRS attended a working group meeting on 24 May 2017. The representative provided a verbal commitment to distribute the 'Celebrate Safely' flyer in the areas that they are currently monitoring and working with to promote bonfire safety.
 - Due to residents' concerns raised last year with Council, working group members requested that NIFRS make an additional funding request to address any potential issues at the Killymoon and Killymerron bonfire sites.

7. Conclusion

- 7.1 Following the examination of the roles and responsibilities of the other statutory Agencies and learning from other Council areas it was agreed that an Interagency Action plan would benefit the District. This could be implemented via the Mid Ulster Community Planning framework. However, any initiatives would be required to be implemented over a realistic timeframe, which could include actions to be achieved in the short, medium and longer terms.
- 7.2 Any overall initiative would ultimately aim to reduce the number of bonfires on Council land that burn tyres, and other forms of illegal waste and reduce levels of hate crime. Governance and management of any initiatives and associated funding options will need to be fully examined by the Inter Agency Working Group to ensure their practical implementation.

8. Recommendations to Committee

- 8.1 The Working Group recommend the implementation of the following initiatives:
 - The establishment of a formal Bonfire Inter Agency Working Group formatted within the Mid Ulster Community Planning framework to develop a Short / Medium / Long term Action Plan to address and promote Bonfire Safety.
 - Engagement with local communities who 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.



Appendix 1.1: Bonfire Working Group Terms of Reference

Terms of Reference

The Environment Committee recommended to Mid Ulster District Council that a Working Group be established to inform the review of a corporate level policy on Bonfires. This was agreed by Council on Tuesday 18 October 2016. The Terms of Reference document confirms the status of the Working Group by way of its constitution, chairmanship, purpose and reporting arrangements, and is informed by the Council's *Terms of Reference & Delegation to Committees (March 2015)*.

Constitution

That the Working Group (WG) comprise of 5 members drawn from the membership of the Council's Environment Committee and be 2 Sinn Fein, 1 DUP, 1 UUP and 1 SDLP. It shall also be attended by and its administration provided amongst council officers. The lead senior officer on this WG shall be the Director of Public Health and Infrastructure.

Chair

The proceedings of the WG shall be chaired by the Chair of the Environment Committee. Should the Chair not be a member of the WG this role shall be assumed by the Deputy Chair of the Committee. However, should neither Chair nor Deputy Chair be members of the WG the position of Chair shall be drawn from amongst the WG membership.

Purpose

The WG shall;

- 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.

In undertaking the aforementioned activities the WG shall have regard to existing Mid Ulster District policies, draft or otherwise, which have a linkage to Bonfires.

Reporting

The WG shall report directly to its parent committee from which it was established, in this case the Environment Committee. The WG does not have the authority to make decisions and shall officially report to the Environment Committee where recommendations of the WG shall be considered and subsequently passed to full Council for approval.

Meetings

Meetings of the WG shall be scheduled during Council business hours and be held across the three civic offices in accordance with the availability of members. It shall be considered as a Task & Finish WG, with its mandate concluding when the activities outlined within the 'Purpose' have been deemed completed by the Environment Committee.

January 2017

Appendix 1.2: Scoping document

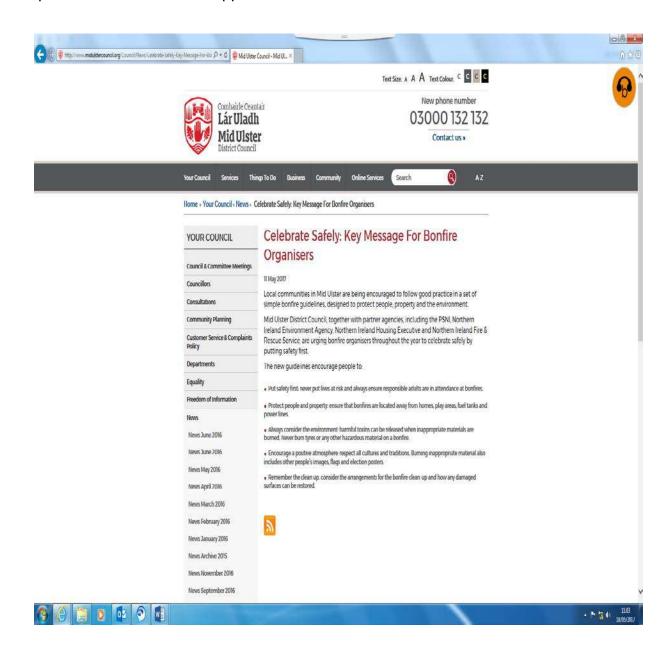
Mid Ulster District Council known bonfire sites during 2016

Bonfire sites as identified which fall within Mid Ulster District Council controlled / owned sites over the last 3 years

| Month | Council Controlled Site | Issues |
|-------|---|--|
| July | Beechway, Cookstown Play Area | No issues recorded |
| July | Killymoon, Cookstown Play Area | Tyres noted Hate Crime incident (ref newspapers) |
| July | Monrush, Cookstown Play Area | Tyres noted Hate Crime incident (ref newspapers) |
| July | Moneymore Rec. Grounds, Moneymore Recreation Area | No issues recorded Fun day prior to event |
| July | Riverside, Castledawson Recreation Area | No issues recorded in last 3 years Fun day prior to event |
| July | Killymerron, Dungannon Pathway | Tyres noted Hate Crime incident (ref newspapers) Previous fun day event (pre 2015) |
| July | Mill Park, Tobermore | No issues recorded |
| July | Beechland, Magherafelt | No issues recorded |

Appendix 1.3: The Celebrate Safely Message

The press release below is it appeared on Council's website.





For more information and advice about bonfire safety visit www.midulstercouncil.org/celebratesafely











MUDC BONFIRE CLEAR UP & DISPOSAL COSTS 2017/18

| SITE | DESCRIPTION OF WORKS | COST £ | TOTAL |
|------------------------------|--|---|------------|
| KILLYMOON COOKSTOWN | Clean-up of Bonfire material (17/07/17) | 542.40 | |
| | Collection and Removal of Tyres (04/07/17) | 950.00 | |
| | Installation of Temporary segregation measures between play park and open space to restrict access (05/07/17 & 08/07/17) | 900.00 | 2,392.40 |
| PRINCESS | Clean-up of Bonfire material (18/07/17) | 576.30 | |
| AVENUE/MONRUSH COOKSTOWN | Collection and Removal of Tyres (16/06/17 & 27/06/17) | 1,900.00 | 2,476.30 |
| KILLYMERRON | Clean-up of Bonfire material (18/07/17) | 610.20 | |
| DUNGANNON | Collection and Removal of Tyres (16/06/17) | 950.00 | 1,560.20 |
| MILL PARK TOBERMORE | Clean-up of Bonfire material (19/07/17) | 576.30 | 576.30 |
| RIVERSIDE CASTLEDAWSON | Clean-up of Bonfire material (20/07/17) | 542.40 | 542.40 |
| BEECHLAND MAGHERAFELT | Clean-up of Bonfire material (20/07/17) | 520.40 | 520.40 |
| TYRE RECYCLING | Indicative Charges for Recycling tyres collected from Bonfire Sites (219 car, 40 Lorry, 26 Tractor) | Car £219.00 Lorry £320.00 Tractor £793.00 | £1,332.00 |
| LANDFILL DISPOSAL (Tullyvar) | 79.12 tonnes of bonfire residue | £103/tonne | £8,149.37 |
| | | TOTAL COST | £17,549.37 |

Notes:

- 1. Bonfire cleans up completed by a third party Contractor across all Council Sites above by 20th July '17.
- 2. Collection and removal of tyres were completed by a third party Contractor and removed to Council's Landfill site.
- 3. Costs do not include VAT, Officer time obtaining third party Contractor services, on going remedial work such as power washing, hard and soft landscaping repairs to damaged areas as these have generally not been completed.