

MID ULSTER DISTRICT COUNCIL

Bonfire Working Group Position Paper

September 2017

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

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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. Councils also have enforcement powers under this legislation (Article 28). They can require the depositor of controlled waste to either remove it and/or take steps with a view to eliminating or reducing the consequences of the deposit of the waste. It also allows councils to act in default and to remove waste that has been unlawfully deposited to prevent pollution or harm to health; where there is no occupier of the land; or where the occupier did not permit the deposit of waste.

4.3 From examination of the legislation set out above it is evident that the Council has limited enforcement powers which may address some of the physical and practical risks posed by bonfires. However, the ability to enforce those powers is predicated upon the advice and support of the PSNI and the Council's obligations to protect the health and safety of its staff. 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 The PSNI is not the lead agency for Bonfires or for the disposal of illegal waste, but work closely with partner agencies and local communities to help address their concerns. The overarching role of the PSNI is set out in Section 32 of the Police Act NI 2000:

- To protect life and property
- To preserve order
- To prevent the commission of offences; and
- When an offence has been committed, to take measures to bring the offenders to justice.

The physical removal of Bonfire material is not the responsibility of PSNI however, they will assist other statutory bodies to carry out their responsibilities if requested to do so. All PSNI actions are enshrined within ECHR and subject to the reasonableness and proportionality test. The PSNI will work in partnership with all interested parties.

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 Northern Ireland Fire & Rescue Service (NIFRS) does not have any enforcement power in relation to the size or location of bonfires. NIFRS may give advice on bonfire safety using the advice provided in Community Information Bulletin No. 8 (Appendix 1.4). The ultimate responsibility for bonfires is with the landowner on whose land or property the bonfire is built. NIFRS will continue to work closely with local communities and with other statutory agencies to ensure people stay safe when building or attending bonfires. If NIFRS is tasked to a bonfire related incident, it is because someone from the local community has a concern and requires NIFRS assistance. The priority of NIFRS is to protect life and secondly to protect property. It is not the intention of NIFRS to disrupt bonfires but, based on a dynamic risk assessment, crews may decide to extinguish a bonfire.

4.7 NIFRS staff will be involved at all levels throughout the year to engage with politicians, the media, community representatives and other agencies. In addition, District Officers play a key role and will attend bonfire meetings with partner statutory agencies and community groups in order to provide clarity on the role of NIFRS, offer bonfire safety advice and gain operational intelligence on any potential issues. Community engagement by operational crews happens throughout the year.

4.8 Bonfire site visits carried out by operational crews have proved to be extremely successful. They have resulted in a significant reduction in mobilisations to bonfire incidents and have reduced the number of attacks on firefighters on bonfire nights year-on-year. The purpose of each bonfire site visit is to:

- provide bonfire safety advice as per Community Information Bulletin No. 8;
- build good relations with bonfire builders;
- ensure crews are accepted locally and therefore reduce the likelihood of attacks on firefighters;
- identify if property or utilities are likely to be impacted for passing on to other agencies;
- gain intelligence on hydrant locations, the best approach and resources likely to be required;

Site visits will be coordinated by a District Officer and through local knowledge of the station ground.

Northern Ireland Environment Agency (NIEA)

4.9 The NIEA have responsibilities in relation to Waste Management and Environmental crime in Northern Ireland under the Waste and Contaminated Land (NI) Order 1997. The NIEA however, have no statutory responsibility to remove waste from bonfires. A fly-tipping arrangement is in place whereby the Local Councils can refer incidents of fly-tipped wastes to the NIEA for consideration of clean up. However, the NIEA will only consider referrals in which the fly-tipped waste is:

- Greater than 20m³ in volume or
- Contains hazardous waste (there are exceptions to this criteria)

Waste tyres are not classified as hazardous material therefore unless the volume exceeds 20m³ (200 – 300 tyres) the wastes should be cleared the Council. However in good faith and as part of our contribution to Council Led multi-agency working groups the NIEA have removed smaller quantities from bonfires (however as mentioned above the NIEA have no statutory obligation to do this). This is done on a case-by-case basis and on the basis that there is community support.

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 and risks that can arise with bonfires. Statutory Agencies and Council must work together in a Partnership process to ensure a joined up approach is taken to address the wider issues associated with these types of activities .

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, and 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
July	Monrush, Cookstown Play Area	Tyres noted
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 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.

http://www.midulstercouncil.org/Council/News/Celebrate-Safely-Key-Message-For-Bonfire-Organisers Mid Ulster Council - Mid Ul... X

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Celebrate Safely: Key Message For Bonfire Organisers

11 May 2017

Local communities in Mid Ulster are being encouraged to follow good practice in a set of simple bonfire guidelines, designed to protect people, property and the environment.

Mid Ulster District Council, together with partner agencies, including the PSNI, Northern Ireland Environment Agency, Northern Ireland Housing Executive and Northern Ireland Fire & Rescue Service, are urging bonfire organisers throughout the year to celebrate safely by putting safety first.

The new guidelines encourage people to:

- Put safety first: never put lives at risk and always ensure responsible adults are in attendance at bonfires.
- Protect people and property: ensure that bonfires are located away from homes, play areas, fuel tanks and power lines.
- Always consider the environment: harmful toxins can be released when inappropriate materials are burned. Never burn tyres or any other hazardous material on a bonfire.
- Encourage a positive atmosphere: respect all cultures and traditions. Burning inappropriate material also includes other people's images, flags and election posters.
- Remember the clean up: consider the arrangements for the bonfire clean-up and how any damaged surfaces can be restored.

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Appendix 1.3: The Celebrate Safely Message

Celebrate Safely!

Are you involved in organising
a bonfire celebration?

Put safety first

Never put lives at risk and always ensure responsible adults are in attendance at bonfires.

Protect people and property

Ensure that bonfires are located away from homes, play areas, fuel tanks and power lines.

Always consider the environment

Harmful toxins can be released when inappropriate materials are burned. Never burn tyres or any other hazardous material on a bonfire. Fumes from tyres can cause serious health issues.

Encourage a positive atmosphere

Respect all cultures and traditions. Burning inappropriate material also includes other people's images, flags and election posters.

Remember the clean up

Consider the arrangements for the bonfire clean-up and how any damaged surfaces can be restored.

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





Northern Ireland
Fire & Rescue Service

Protecting Our Community

COMMUNITY INFORMATION BULLETIN No. 8

BONFIRE ADVICE

NIFRS will work pro-actively with our statutory agency partners, elected representatives and local communities to ensure the safety of the public and our personnel at bonfires.

NIFRS has a duty to ensure the safety of its personnel around bonfires and will therefore, visit bonfire sites to develop good relations with the local community and gain operational intelligence on their size, hazards and the risks to property.

NIFRS will not risk assess bonfire sites on behalf of any other individual, organisation or statutory agency.

THINK SAFETY FIRST WHEN BUILDING AND ATTENDING BONFIRES

If we are called to a bonfire it's because somebody in that area is worried or concerned about the bonfire and NIFRS will respond. We are not out to spoil anyone's enjoyment but are there to protect life and property.

We also appeal directly to young people to never build huts or dens inside a bonfire, as by doing so they are putting their life in danger.

NIFRS appeals to people to 'Think Safety First' when building bonfires by adhering to the following safety advice:

- Site the bonfire well away from houses, garages, sheds, fences, overhead cables, trees and shrubs
- Bonfires should be kept to a manageable size
- As a rule of thumb, the bonfire should be a minimum of five times the height from property, ie, if the bonfire is 10 metres tall, it should be at least 50 metres from the nearest building
- Build the stack so that it is stable and will not collapse
- Never build a hut or den inside the bonfire

NIFRS also appeals to 'Think Safety First' when attending a bonfire:

- Do not burn foam filled furniture, tyres, aerosols, tins of paint, or bottles
- Responsible adults should look after lighting the bonfire. Before lighting the fire, check that no children or pets are hiding inside it
- Never use flammable liquids (petrol or paraffin) to light the fire – use domestic firelighters
- Keep everyone away from the fire – especially children who must be supervised at all times
- For an emergency keep buckets of water, a garden hose or a fire extinguisher ready
- At any sign of danger, or in the event of an emergency, dial 999 and ask for Northern Ireland Fire & Rescue Service

For further information contact NIFRS Headquarters on 028 9266 4221