

Report on	Mid Ulster Bonfires – Draft Procedures (Reconsideration)
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1.0	Purpose of Report
1.1	To update Members on the outcome of the call-in of the Council's decision of 22 nd March 2018; and
1.2	For the Members to reconsider the decision that was subject to the call-in.
2.0	Background
2.1	The Council resolved on 22 nd March 2018 that the Council implements the Draft Procedural Arrangements under options 3 and 4 for the promotion of bonfire safety ("the Decision").
2.2	The report that was presented to the Environment Committee in March 2018 contained the Draft Procedural Arrangements and has been included as Appendix 1 to this report.
2.3	An admissible call-in was received under the Council's Standing Orders citing both grounds in Section 41(1) of the Local Government Act (NI) 2014 ("the 2014 Act"), which requires reconsideration of the Decision.
2.2	<p>Section 41(1) of the 2014 Act details the grounds upon which a requisition can be made to have a decision called-in:-</p> <p><i>"(a) that the decision was not arrived at after a proper consideration of the relevant facts and issues;</i></p> <p><i>(b) that the decision would disproportionately affect adversely any section of the inhabitants of the district."</i></p>
3.0	Main Report
3.1	In accordance with Section 41(2) of the 2014 Act, a legal opinion has been obtained from a practising barrister regarding ground (b) above. The legal opinion concludes that the call-in does not have merit.
3.2	Therefore, in accordance with the Council's Standing Orders, the Decision must be reconsidered by simple majority.
4.0	Other Considerations
4.1	<p><u>Financial & Human Resources Implications</u></p> <p>Financial:</p>

	Human:
4.2	<u>Equality and Good Relations Implications</u>
4.3	<u>Risk Management Implications</u>
5.0	Recommendation(s)
5.1	That the Members reconsider the decision of the Council on 22 nd March 2018 to implement the Draft Procedural Arrangements under options 3 and 4 for the promotion of bonfire safety.
6.0	Documents Attached & References
6.1	<p>Appendix 1 – Environment Committee Report of March 2018, including the Draft Procedural Arrangements;</p> <p>Appendix 2 – Related extract from Minutes of Environment Committee Meeting 13th March 2018.</p>