

Strategic Policy and Resources Committee

Wednesday, 1st August, 2018

SPECIAL MEETING OF STRATEGIC POLICY AND RESOURCES COMMITTEE

Members present: Alderman Rodgers (Chairperson);
Alderman Haire; and
Councillors Attwood, Beattie, Campbell, Carson,
Garrett, Graham, Hutchinson, McAllister, McAteer,
O'Donnell, Reynolds and Walsh.

In attendance: Mrs. S. Wylie, Chief Executive;
Mr. R. Cregan, Director of Finance and Resources;
Mr. J. Walsh, City Solicitor;
Mr. S. McCrory, Democratic Services Manager; and
Mr. H. Downey, Democratic Services Officer.

Apologies

Apologies were reported on behalf of the Deputy Lord Mayor (Councillor McDonough-Brown), Aldermen Convery and Spence and Councillor Long.

Declarations of Interest

No declarations of interest were reported.

Audio Recording of Meeting

The Committee agreed that the meeting be audio recorded.

Restricted Item

The information relating to the following item is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

Resolved – That the Committee agrees to exclude the members of the Press and public from the Committee meeting during discussion of this item as, due to the nature of the item, there would be a disclosure of exempt information as described in Section 42(4) and Section 6 of the Local Government Act (NI) 2014.

THE COMMITTEE DEALT WITH THE FOLLOWING ITEM IN PURSUANCE OF THE POWERS DELEGATED TO IT UNDER STANDING ORDER 37(a)

Contingencies Relating to the Summer Months

The Committee was reminded that, at its meeting on 27th April, it had approved governance arrangements for the management of bonfires in 2018 and had delegated authority to officers to undertake a range of bonfire-related work.

The Chief Executive referred to bonfires which would be taking place around 8th August and provided details of a number of potential sites. She highlighted the fact that officers could, under the authority which had been delegated to them by the Committee, remove materials which were either being stored or had already been placed on bonfires. However, further clarity was required to ensure that those officers would be operating within the parameters of that authority, in terms of public roads, non-Council land and access to the Council's contractor by third parties. With that in mind, she sought the Committee's approval to implement the following additional arrangements for bonfires taking place in August and to delegate authority to officers to implement those arrangements:

- (i) delegated authority already applies to land for which the Council is the landowner. The Council will, therefore, proactively remove as much bonfire material as is possible. However, closer to 8th August, a prioritised approach, based on the level of risk/nuisance will need to be applied, as it would not be possible to clear all bonfires at one time;
- (ii) where the Council is not the landowner, but the landowner agrees and has the capability to remove the bonfire material, that landowner should do so;
- (iii) where the Council is not the landowner and the landowner is not willing or able to remove the bonfire material (subject to the appropriate permissions being in place), the Council will do so but will make all reasonable endeavours to recoup the associated costs;
- (iv) where the Council is not the landowner and the landowner cannot be identified, the Council will remove the bonfire material;
- (v) in the case of public roads/footpaths, where the Department for Infrastructure considers that it is the operator, as opposed to the landowner, the Council will work with it to remove the bonfire material this year. The Council's position, however, is that this is the Department for Infrastructure's responsibility, so the Council will be taking legal advice on the ownership issues and will escalate discussions on cost responsibilities, based on this advice, at the highest level;
- (vi) in circumstances where there is political and community support/demand for the removal of an in situ bonfire on land not owned by the Council in the days immediately preceding or on 8th August, the landowner will be required to make the final decision on what action will be taken and to cover any associated costs. The Committee is, however, asked to permit other landowners, at their own expense, access to the Council's contractor, as part of any contingency arrangements for such removal; and

- (vii) where land ownership and associated legal responsibilities is unclear, this Committee will be asked to reconvene to consider the Council's role in undertaking actions/interventions in the context of its statutory functions, provided this is understood as not conferring the same responsibilities associated with ownership of the land upon which the bonfire has been built. This position was already agreed as part of the Bonfire Governance arrangements considered on 27th April, 2018 by this Committee and subsequently ratified by the Council in May, 2018.

The Committee granted the approvals sought and noted that, based upon previous years and taking into account the apportionment of costs across other agencies, the cost to the Council should not exceed £30,000.

The Committee noted also that it might be necessary to call further special meetings in the lead up to 8th August.

Call-in

The Committee agreed, in accordance with Standing Order 47 (2) (c), that the decisions would not be subject to call-in, on the basis that an unreasonable delay could be prejudicial to the Council's or the public's interest.

Chairperson