

Strategic Policy and Resources Committee

Wednesday, 23rd June, 2021

SPECIAL MEETING OF STRATEGIC POLICY AND RESOURCES COMMITTEE

(HELD IN THE GREAT HALL, CITY HALL)

Members present: Councillor Groogan (Chairperson);
Aldermen Dorrian, Haire, Kingston and Sandford; and
Councillors Beattie, Black, Bunting, Carson, Garrett,
Heading, Lyons, McAllister, McLaughlin, McReynolds,
Murphy, Pankhurst and Walsh.

In attendance: Mrs. S. Wylie, Chief Executive;
Mr. R. Cregan, Director of Finance and Resources;
Ms. N. Largey, Divisional Solicitor;
Mr. R. Black, Director of Neighbourhood Services;
Mrs. S. Toland, Director of City Services;
Ms. A. Allen, Neighbourhood Services Manager
Mr. J. Hanna, Senior Democratic Services Officer; and
Mr. H. Downey, Democratic Services Officer.

Apologies

An apology for inability to attend was reported on behalf of the High Sheriff (Councillor Long).

Declarations of Interest

No declarations of interest were reported.

Delegated Authority/Restricted Item

The Committee was advised that, in accordance with Standing Order 37a - Duties of Committees: Strategic Policy and Resources Committee, it had full delegated authority to take decisions in relation to bonfire-related issues.

The Committee agreed, given the sensitive nature of the business to be discussed, that the Press and the public be excluded from the meeting.

Bonfire-Related Issues

The Committee was informed that Chief Superintendent Freeburn and Superintendent Pollock, representing the Police Service of Northern Ireland, and Ms J. Hawthorne and Mr. P. McCombe, representing the Northern Ireland Housing Executive, were in attendance in order to address any issues which might be raised and they were welcomed by the Chairperson.

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The Committee was provided with an update on the current status of a number of bonfire sites across the City, following which it was presented with a report setting out a number of issues for consideration.

Bonfires on Non-Council Land

Hope Street

The Director of Neighbourhood Services informed the Committee that this site was under the ownership of the Northern Ireland Housing Executive and that a bonfire had been placed on it for a number of years.

Ms. Hawthorne explained that the regeneration of the site had been included in the Housing Executive's proposals for the redevelopment of the area in the longer-term. She pointed out that the bonfire was being built on a different part of the site from last year and that it appeared that it would now be seventy-eight metres from the Victoria Place apartments. She stressed that the Housing Executive was fully aware of its responsibilities in terms of protecting life/property and that mitigation measures would be implemented, if required.

Mr. McCombe stated that the Housing Executive had commenced a process of engagement as soon as bonfire material had appeared on the site. He reiterated the point that the re-location of the bonfire to a point which was further away from the Victoria Place apartments than previously and stressed that that was an improvement in terms of protecting property. He added that the site was now being monitored on a daily basis and that the engagement process would continue.

After discussion, it was

Moved by Councillor McAllister,
Seconded by Councillor McReynolds,

That the Committee agrees to grant to the Northern Ireland Housing Executive full approval to use the Council contractor to support the removal of bonfire material from this site, if required.

On a vote by show of hands, twelve Members voted for the proposal and six against and it was declared carried.

Adam Street

The Director of Neighbourhood Services informed the Committee that the Department for Communities and the Department for Infrastructure had each requested the Committee to grant approval, in principle, for the Council's contractor to support the removal of materials from this site, if required.

Communication from the Department for Communities had indicated that the Minister for Communities would then make a decision on whether a removal intervention would be necessary, based on the outcome of an ongoing community engagement process.

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After discussion, it was

Moved by Councillor Beattie,
Seconded by Councillor Murphy,

That the Committee grants full approval for the Department for Communities/Department for Infrastructure to use the Council contractor to support the removal of bonfire material, if required.

On a vote by show of hands, twelve Members voted for the proposal and six against and it was declared carried.

Severn Street/Tamar Street

The Director of Neighbourhood Services informed the Committee that this bonfire, which was being constructed on unregistered land, was close to a commercial premises and a row of houses and was now of such a size that a risk to life/property could not be ruled out.

He provided an update on the engagement which had taken place with the bonfire builders since the last Committee meeting and highlighted the fact that Section 32 of the Police (Northern Ireland Act) 2000 stated that it was the general duty of the Police Service to protect life and property, preserve order, prevent the commission of offences and take measures to bring an offender to justice where an offence had been committed. Article 2 of the European Convention on Human Rights also placed an obligation on the Police Service to avert a real and immediate risk to life from the criminal acts of others, of which they were aware or should have been aware.

Accordingly, he recommended that the Committee agree, on the basis that it had not been possible to determine the owner of the land and of the potential threat to life/property, to refer the matter to the Police Service of Northern Ireland under Section 32 of the Police (Northern Ireland Act) 2000.

Chief Superintendent Freeburn confirmed that the Police Service would be engaging with the Northern Ireland Fire and Rescue Service, the Northern Ireland Ambulance Service and other agencies to ensure that it fulfilled its legal obligations at this and all other sites.

The Committee subsequently adopted the recommendation to refer the matter to the Police Service of Northern Ireland.

Bonfires on Council Land

Benview/Silverstream

The Director of Neighbourhood Services informed the Members that the bonfire on this site had been built in close proximity to a row of houses on either side of a green area.

He reminded the Committee that, at its meeting on 11th June, it had been advised that discussions between Elected Members and the local community was ongoing, to determine if a reduction in the amount of bonfire material could be achieved.

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He confirmed that that engagement had not, to date, had the desired effect, and that the amount of material on the site and the bonfire itself was significantly greater than in previous years. Given this, and its close proximity to property, it was not possible to rule out the possibility of a risk to life/property.

Ms. Hawthorne confirmed that, should there be no reduction in the scale of the bonfire, the Northern Ireland Housing Executive, as the primary landlord for the houses, would implement measures to protect properties.

After discussion, the Committee noted the information which had been provided.

(Ms. Hawthorne and Mr. McCombe left the meeting at this point.)

Bloomfield Walkway

The Committee was reminded that, at its meeting on 11th June, it had agreed, as in previous years, that Bloomfield Walkway was not a suitable site on which to place a bonfire. The Committee had agreed, given the risk to life/property, that officers commence the planning process for the removal of bonfire material.

The Director of Neighbourhood Services provided an update on the amount of bonfire material which was on the site currently and stated that discussions had taken place with the Police Service of Northern Ireland and the contractor to work through the practical and legal considerations associated with its removal. It was pointed out that, given the current situation and the previous issues associated with this site, it would be reasonable to assume that, if a bonfire was likely to take place, it would require various measures to be put in place to protect life/property.

He concluded by inviting the Committee to consider if it wished to make a final decision to proceed with a removal intervention at this site and, if so, to indicate whether it wished to pursue legal action by way of injunctions and/or to put in place physical measures to disrupt any further attempts to accumulate bonfire material on the site, which would also minimise public access to the car park until after 11th July.

After discussion, the Committee:

- i. granted full approval to proceed with a removal intervention at this site;
- ii. agreed to put in place physical measures to disrupt any further attempts to accumulate bonfire material on the site, which would also minimise public access to the car park until after 11th July.
- iii. agreed not to pursue legal options at this stage but to retain the option to pursue legal action to prevent the accumulation of bonfire material on the site, if the need arose.

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Bonfire Beacons

Grove Street East

The Committee was reminded that, at its meeting on 11th June, it had considered a request from a group seeking to place a beacon on a site in Grove Street East, where a bonfire had previously been constructed.

The Committee had been informed that an inspection report which had been prepared by a fire engineer and subsequent legal opinion had both highlighted the potential for significant damage to be caused to adjacent properties, should the request be granted for that site. Council officers had since been advised by the local community that they were unaware of any other site which would be suitable.

Accordingly, the Committee had agreed to defer consideration of the request to allow for further discussions to take place with the local community to be fully assured that no other site could facilitate a beacon.

The Director of Neighbourhood Services reported that officers had again engaged with the community and that, whilst another site had been identified, the same fire engineer had stated that there were negligible differences between it and the original site, in terms of the minimum separation distances which could be achieved from residential property and the potential for damage to boundary fence/walls and to two electrical service boxes.

He added that, whilst the required level of separation could not be achieved at the original site, the potential for damage, based on the correct usage of the beacon, could be limited to the adjacent boundary wall and fence and stated that Members may wish to consider mitigation measures to reduce damage. They were advised, however, that this would be on the understanding that there would be increased risks for the Council associated with any damage.

After discussion, it was

Moved by Alderman Dorrian,
Seconded by Councillor Pankhurst,

That the Committee agrees to provide a beacon in Grove Street East on the site which had been requested initially, subject to appropriate mitigation measures being put in place to prevent damage to property.

On a vote by show of hands, twelve Members voted for the proposal and four against and it was declared carried.

Tennent Street/Upper Riga Street

The Committee noted that a request for the Council to provide a beacon on this site had just been withdrawn.

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Brown Square

The Director of Neighbourhood Services informed the Committee that, following the meeting on 11th June, the Council had received a request from a local residents' group to provide a beacon in Brown Square. A beacon had been supplied in 2019 and in previous years.

He reported that an assessment of the site by a fire engineer had found that, whilst a beacon could be located the correct distance from residential property, there could be a risk of damage to the boundary fence of the local car park and to fencing around the play park. It had also raised concerns around the proximity of the beacon to the Westlink motorway and had suggested that an alternative site be found. However, a traditional bonfire would, in all likelihood, have a more significant impact upon the motorway.

The Director reported further that, whilst the required level of separation could not be achieved, the potential for damage, based on the correct usage of the beacon, could be limited to the adjacent boundary wall and fence and stated that Members may wish to consider mitigation measures to reduce damage. They were advised, however, that this would be on the understanding that there would be increased risks for the Council associated with any damage.

After discussion, it was

Moved by Councillor Pankhurst,
Seconded by Alderman Dorrian,

That the Committee agrees to provide a beacon on the site used previously, with appropriate mitigation measures to be put in place to prevent damage to property.

On a vote by show of hands, twelve Members voted for the proposal and four against and it was declared carried.

Call-in

The Committee agreed, in accordance with Standing Order 48 (a) (2) (c), that the aforementioned 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.

(Chief Superintendent Freeburn and Superintendent Pollock left the meeting at this point.)

Crematorium Recovery Plan

The Director of City Services reminded the Committee that the Crematorium had been closed to the public since 2nd April, 2020 and that families had only been permitted to hold a short committal service outside the building.

She reported that a recent risk assessment had recommended that, with an extended time between cremations to allow for detailed cleaning and with some modifications to seating and flooring, a maximum of twenty-eight mourners be

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accommodated within the Crematorium at any one time. She pointed out that the Council, as the owner of the Crematorium, had a responsibility to manage the risk of Covid-19 transmission and to ensure that the number of mourners did not exceed twenty-eight. Funeral directors had a duty to ensure that family representatives were fully aware of the requirement and officers had been working with them to agree new operating procedures.

Accordingly, she recommended that the Committee:

- i agree to re-open the Crematorium Chapel on 9th July, 2021 for short committal services, with up to a maximum of twenty-eight mourners being permitted; and
- ii consider whether to retain the screen and speakers outside the crematorium building to facilitate additional mourners over and above the twenty-eight who would have access to the building and to note that this arrangement would be kept under review in terms of managing the impacts on numbers and the smooth transition between services.

After discussion, it was

Moved by Alderman Sandford,
Seconded by Councillor Pankhurst,

That the Committee agrees to re-open the Crematorium Chapel on 9th July, 2021 for short committal services, with up to a maximum of twenty-eight mourners being permitted but to dispense with the screen and speakers outside the building.

Amendment

Moved by Councillor McAllister,
Seconded by Councillor McReynolds,

That the Committee agrees to re-open the Crematorium Chapel on 9th July, 2021 for short committal services, with up to a maximum of twenty-eight mourners being permitted and to retain the screen and speakers whilst examining other measures which could be put in place to accommodate mourners outside the building.

Upon being carried, the amendment was put to the meeting as the substantive motion and was again carried.

Call-in

The Committee agreed, in accordance with Standing Order 48 (a) (2) (c), that the aforementioned 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.

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Non-Delegated Matter

Summer Community Diversionary Festival Programme

The Committee was reminded that, at its meeting on 18th June, it had, in considering a report on the year-end financial position for 2020/21, agreed to retain £500k which had been set aside for the Summer Community Diversionary Festival Programme, with a view to delivering the Programme later in the year. That decision had been taken on the basis of the uncertainty which existed around the Covid-19 restrictions and the fact that an open call had not been advertised for this year.

Alderman Kingston, who had sought and been granted authority to raise the issue at this meeting, requested, given the exceptional circumstances which existed this year, that the Committee reconsider its decision and agree that a Letter of Offer be forwarded to those groups which had been awarded funding through an open call process in 2019, subject to all due diligence checks being undertaken. He stated that he had been made aware during consultation that some groups were planning to provide activities in July/August and stressed that his request related to this year only and that there would be a return to the open call process next year.

The Director of Finance and Resources outlined the implications of the request, from a governance and financial regulation perspective, and pointed out that details would be required on the extent of the funding being requested.

The Director of Neighbourhood Services highlighted the challenges which would be faced in meeting the timeframe, given that applications for the Summer Community Diversionary Festival Programme usually took between three and four months to process and staff were currently processing applications relating to other funding streams.

In the absence of a valid proposal, the Members of the Committee agreed to recommend that, in accordance with the Council decision of 4th May, the Chief Executive exercise her delegated authority to defer consideration of the request until the monthly meeting of the Council on 1st July.

Chairperson