

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 17 October 2024

Public Authority: Armagh City, Banbridge & Craigavon Borough Council

Address: Civic Building
Downshire Road
Banbridge
BT32 3JY

Decision (including any steps ordered)

1. The complainant has requested copies of bonfire risk assessments in the Council's area. Armagh City, Banbridge & Craigavon Borough Council ("the Council") withheld the information under regulation 12(5)(a) (national security or public safety).
2. The Commissioner's decision is that the Council has correctly relied on regulation 12(5)(a) to withhold the requested information.
3. The Commissioner does not require further steps.

Request and response

4. On 26 February 2024, the complainant wrote to the Council and requested information in the following terms:
 1. "Copy of risk assessments for bonfires in ABC Council area from 2020 to 2023 broken down into year and location. I note that 6 have been identified for 2022, as per the following reply from FOI IR-2023-179:

How many risk assessments have been carried out by the council concerning bonfires on its land under its duty of care under the Occupiers Liability (NI) Act 1957 as amended and duty of care under Health and Safety

concerning the question of all bonfires requiring to be risk assessed.

The Council holds the information requested. During 2022, the most recent year for which information is available, there were 6 risk assessments undertaken falling into the description provided within the request. (Abstract – FOI IR-2023-179 dated 20 April 2023)

2. Copy of reasoning/minutes in respect of these risk assessments. The aim of this is to obtain information on high risk issues to do with bonfires, such as;
 - (a) Fall from height / debris or material falling from height.
 - (b) Collapse of bonfire endangering builders and spectators.
 - (c) Danger to surrounding property such as building etc.
 - (d) Danger of burn injuries to builders.
 - (e) Environmental impact”
5. The Council responded on 26 March 2024. It refused to provide the information, citing regulation 12(5)(a) of the EIR. It maintained this position at internal review.

Reasons for decision

6. Regulation 12(5)(a) allows a public authority to refuse to disclose information if its disclosure would adversely affect – (a) international relations, defence, national security, or public safety’.
7. The Council has stated that release of the information would endanger public safety.
8. The Council has advised that in the past, council workers, fire service personnel and contractors have faced intimidation and threats when attempting to manage or reduce the risks of bonfire sites. It raised concerns that in some areas, workers have been attacked when attempting to relocate or reduce the sizes of bonfires.
9. In its response, it highlighted the long-standing cultural history of bonfires in Northern Ireland. Bonfires in Northern Ireland are usually unregulated and organised by members of the community. Release of the risk assessments, the Council advised, could potentially undermine relationships with bonfire organisers, and lead to unassessed bonfires at unknown locations.

10. It has stated Council workers require a “high level of diplomacy” when working to build relationships with organisers, and disclosure of the risk assessments could be misinterpreted as an intention to remove the bonfires entirely.
11. Lastly, the Council noted the bonfires in question are largely located on the same sites every year. This means previous risk assessments, even from some years ago, are still likely to be relevant and feed into future assessments.
12. The complainant has expressed their disagreement with the Council’s viewpoint. They have stated the bonfires in question are a violation of health and safety legislation and pose a danger to the public and the environment.
13. The Commissioner has considered the Council and the complainant’s arguments and has reviewed the withheld information.
14. He accepts that the information could be used by someone looking to target bonfire sites, or cause conflict in the wider community given the sensitive nature of the topic. The Council’s assertion that release of the risk assessments could raise tensions between itself and the public seem likely.
15. However, he believes the Council’s position is borne out by the evidence. In 2018, Mid Ulster bonfire organisers stated the local council was attempting to “erode Britishness” by attempting to introduce a “bonfire licensing scheme”.¹ Meanwhile, in 2019, the BBC reported Belfast City Council’s attempts to remove a bonfire were terminated after it received threats from the local community.^{2 3}
16. Based on the information before him, the Commissioner agrees this is a sensitive issue. He believes the Council is correct in saying disclosure of the information would put the public at risk, and the threat to safety is real. This would adversely affect public safety. Whilst he also understands there is considerable public interest in this topic, and disclosure would allow the public to better understand how the Council assesses public safety, he believes that the public interest favours maintaining the exception.

¹ [Bonfire makers say council trying to 'erode Britishness' - BBC News](#)

² [Controversial Avoniel bonfire in east Belfast lit - BBC News](#)

³ [Bonfires: Crowds at Avoniel bonfire protest at council decision - BBC News](#)

Right of appeal

17. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

18. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
19. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF