

North East Derbyshire District Council

Cabinet

13 February 2020

Bonfire and Firework Display Safety Campaign 2020

Report of the Portfolio Holder for the Environment

This report is public

Purpose of the Report

- To present to Cabinet initial plans for a Bonfire and Firework Display Campaign for 2020.
- To make Cabinet aware of a national campaign by the RSPCA calling for additional controls and measures including reducing noise levels, licensing displays and raising awareness of the impact of fireworks on animal welfare and vulnerable people.

1 Report Details

1.1 Background and Current Regulatory Framework

1.2 It has been widely reported in the press that thousands of people are injured each year in firework related accidents in the home. The RSPCA has launched a campaign called #BangOutOfOrder to raise awareness and lobby for greater controls on firework volumes and sales and greater awareness of the impact on pets, horses, farm animals and wildlife.

1.3 The Fireworks Regulations 2004 updated the previous legislation regarding the sale and use of fireworks. They prohibit the possession and use of excessively loud category 3 fireworks (above 120dB(A)) and restrict sales of Category 4 fireworks to professional display companies who can demonstrate they have full insurance, proper licenced storage and competence.

1.4 It is illegal to set off fireworks between 11pm and 7am, except for on Bonfire Night, when the cut off is midnight and on New Year's Eve, Diwali and Chinese New Year, when the cut off is 1am. It is also illegal to sell fireworks to people under the age of 18. It is illegal under the Town Police Clauses Act 1847, to set off or throw fireworks (including sparklers) in the street or other public places.

1.5 Buying fireworks for private use from Derbyshire County Council registered sellers is also restricted to between the 15th October and 10th November, 26th and 31st December and 3 days before Diwali and Chinese New Year. Outside of these times people can only buy fireworks from one of five Derbyshire premises which hold a year round licence premises.

- 1.6 The laws on possession and use of fireworks are enforced by the Police, and the licensing of sellers and under age sales offences are the responsibility of Derbyshire County Council's Trading Standards.
- 1.7 Although North East Derbyshire District Council has no powers to deal with the sales and use of fireworks, it does enforce health and safety legislation in shops and at some outdoor events. Although the topic is not on the Health and Safety Executive's priorities for local enforcing authorities in 2020/21, the Joint Environmental Health Service recognises that there is concern about the impact fireworks can have at public displays and in domestic settings.

2 Conclusions and Reasons for Recommendation

- 2.1 The Joint Environmental Health Service has begun planning a Bonfire and Firework Display Registration Scheme due to be launched in September 2020, and through the run up to the Bonfire Night period.
- 2.2 The scheme will aim to raise awareness of the principle safety concerns and risks associated with fireworks, bonfires and uncontrolled displays. It will also promote the RSPCA campaign to raise awareness of the impact on pets and other animals to enable people to make informed decisions about their use of fireworks and to be aware of events taking place in their community.
- 2.3 The scheme will introduce a voluntary registration system and a code of conduct for public display, addressing safety and noise concerns, which registered events will be requested to agree to. Registered events will be publicised on the Council's website, helping to raise awareness of events within communities as requested by the RSPCA.

3 Consultation and Equality Impact

- 3.1 In developing the registration scheme further consultation will be held with the Police, Trading Standards and the RSPCA.
- 3.2 There are no impacts on equality arising from this report, although it is noted that fireworks can have a disproportionate impact on vulnerable people in society.

4 Alternative Options and Reasons for Rejection

- 4.1 The Service has considered other options such as attempting to draw up Public Space Protection Orders and use of Community Protection Notices. However, there have not been any events which have been reported to the service over the previous Bonfire Night period which would lead to the need for additional local regulation. In addition, the existing primary legislation contains robust controls for dealing with anti-social behaviour related to fireworks and the general use and sale of fireworks to authorised persons.
- 4.2 Further restrictions on sales and categorisation of fireworks would require primary legislation to further restrict the manufacture and sale of fireworks. The RSPCA's national campaign calling for additional restrictions and measures is summarised in a draft motion for Councils attached at appendix 1 to this report.

5 Implications

5.1 Finance and Risk Implications

5.1.1 The safety campaign and promotion has no financial risk associated with it. There are a number of registration schemes operating nationally through other local authorities which the Council can use as a template. Online marketing of the scheme as well as press releases and social media messages will enable promotion of the registration scheme.

5.2 Legal Implications including Data Protection

5.2.1 There are no legal implications of these proposals.

5.2.2 Businesses who sign up to the registration scheme will consent to organisation details being published and prior to the electronic form being made live these matters will be checked with the Data Protection Officer.

5.3 Human Resources Implications

5.3.1 There are no human resource implications for these recommendations as the work will be completed and administered through existing resources.

6 Recommendations

6.1 That Cabinet notes and supports the introduction of a Firework and Bonfire Registration Scheme and Code of Conduct.

6.2 That Cabinet agrees that officers arrange to meet with the RSPCA to consider their call for additional controls and measures including reducing the maximum noise level of fireworks sold to the public, ensuring they are labelled accurately and licensing all public firework displays.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies</p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>Has the relevant Portfolio Holder been informed</p>	Yes
<p>District Wards Affected</p>	All
<p>Links to Corporate Plan priorities or Policy Framework</p>	NEDDC Council Plan 1.4, 3.1, 3.2, 4.1, 4.3 BDC – To be confirmed

8 Document Information

Appendix No	Title
1	RSPCA Draft motion for councils on fireworks
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
<ol style="list-style-type: none"> The Fireworks Regulations 2004 National Local Authority Enforcement Code, Health and Safety Executive 	
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