

COUNCIL

24 NOVEMBER 2020

REFERENCE REPORT FROM COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE OF 28 SEPTEMBER 2020

A.2 MITIGATION MEASURES FOR IMPACT OF PUBLIC FIREWORK DISPLAYS ON ANIMALS AND VULNERABLE PEOPLE

(Report prepared by Ian Ford)

BACKGROUND

On 21 January 2020 (Minute 76 refers), the Council considered the following motion which had been submitted by Councillor S A Honeywood pursuant to the provisions of Council Procedure Rule 12:-

“Fireworks are used by many people throughout the year to mark different events. While they can bring much enjoyment to some people, they can also cause significant problems and fear for other people and animals.

This Council therefore resolves:

- to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people;*
- to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people — including the precautions that can be taken to mitigate risks; and*
- to encourage local suppliers of fireworks to stock “quieter” fireworks for public display.”*

Council had **RESOLVED** that consideration of Councillor Honeywood’s motion be deferred and that the motion be referred to the Community Leadership Overview and Scrutiny Committee for it to be fully investigated in all of its aspects.

Councillor Honeywood’s motion was duly submitted to the Community Leadership and Partnerships Committee at its meeting held on 28 September 2020.

COMMUNITY LEADERSHIP OVERVIEW & SCRUTINY COMMITTEE’S CONSIDERATION OF COUNCILLOR HONEYWOOD’S MOTION TO COUNCIL

The Committee had before it a report of the Assistant Director (Housing and Environment).

The Committee heard that with the onset of the latter half of the year a number of events were traditionally marked with firework displays and from mid-October until the end of the year firework sales took place from supermarkets, some convenience stores and a growing number of temporary specialist shops. Furthermore, this year organisers of firework events would have to have regard to the precautions necessary to reduce the risk of transmission of COVID-19 at gatherings in outdoor areas. It was reported that Fireworks could only be sold at certain times of the year, namely:

- from 15 October to 10 November;
- from 26 December to 31 December;
- the first day of Chinese New Year and the 3 days before it; and
- the first day of Diwali and the 3 days before it.

Members were informed that a licence from ECC, issued under the Explosives Regulations 2014, was required in order to store up to 2 tonnes of explosives. The sale of fireworks outside of the dates above required an all year round sellers' licence in addition to the storage licence.

A leaflet published by Environmental Protection UK provided further information around the sale and use of fireworks -

<http://environmentalpw.wpengine.com/wpcontent/uploads/2016/03/Fireworks.pdf>

Fireworks and bonfire displays for various celebrations had in some instances been the cause of injuries to those attending. Furthermore, disturbance could be caused to local residents' families and pets and animal based businesses such as riding schools, kennels and catteries. A District wide promotional campaign and advance publicity of organised displays might help to reduce such injuries and disturbance. It was thus timely to consider the benefits of a campaign to remind the public and organisers of local events about the precautions that should be taken to reduce risk of injury and disturbance to the local area.

It was thus timely to consider the benefits of a campaign to remind the public and organisers of local events about the precautions that should be taken to reduce risk of injury and disturbance to the local area. In order to organise a display for a charitable or business purpose the person in charge should be able to competently carry out a risk assessment in order to fully consider the hazards to the safety of people attending or working on the site and the control measures that would be necessary to reduce the risks of injury as far as was reasonably practicable.

The Committee was made aware that:

- Officers from the Council's environmental health department were authorised to take formal action regarding breaches of the Health and Safety at Work, etc. Act 1974 regarding risks to health and safety and the Environmental Protection Act 1990 in relation to statutory nuisance from noise disturbance. As firework displays were often one off events it was extremely difficult to take action in respect of noise disturbance.
- The sale of fireworks, including any product safety issue, was regulated by the Trading Standards team at Essex County Council. Any campaign led by TDC could be run in partnership therefore with Trading Standards.
- Where the display included the sale of alcohol or any other licensable activity or was located on licensed premises the person in control of the activity must have had regard to the four licensing objectives of the Licensing Act 2003 namely –
 1. Prevention of crime and disorder.
 2. Public safety.
 3. Prevention of public nuisance.

4. Protection of children from harm.

- For single events where up to 500 people were involved (spectators and staff included) a Temporary Event Notice would be required but if greater numbers of people were involved the event could be referred to the Tendring Safety Advisory Group which was made up of representatives from HSE, Essex County Council, Essex Fire & Rescue Service and Essex Police.
- Advance notice of public firework displays would allow more time for local residents to take their own measures to minimise disturbance to young children and pets and for businesses to put measures in place to reduce stress to animals kept on their premises. The Council did not have any statutory powers to require the advance advertising of public displays but could, via various media channels, encourage the advertising of events.

The Council had a presence on social media sites for disseminating advice and information which had been found to be effective in reaching significant numbers of people in the District and could be used to promote safety measures and mitigation in order to reduce noise disturbance through earlier finishing times and lower noise emitting fireworks and displays.

After some discussion the Community Leadership Overview & Scrutiny Committee **RESOLVED** that Council be informed that –

a) the Committee supports Councillor S. Honeywood's motion to Council in relation to mitigation measures for the impact of firework displays;

b) the Council should promote responsible approaches to firework displays in relation to the safety of those attending and in order to help to reduce disturbance to local communities including advance public notice of public firework displays;

c) the Council includes an online questionnaire on its website to monitor complaints in relation to fireworks; and

d) the Committee adds this matter to its work programme and returns to it in January 2021 in order to look at the data collected.

CURRENT POSITION

The next steps that Council needs to take are contained within the final paragraph of Council Procedure Rule 12.5. The full text of that Rule is as follows:-

“12.5 Referral of Motions

Where a motion has been referred in accordance with Rule 12.4 the Cabinet or any relevant Committee shall (subject to the provisions of Rule 12.6) be required to consider such motion and to advise the Council (by no later than the second Ordinary Meeting of the Council held following the date of Council's referral) of their opinion and reason as to whether such motion should be supported in its original format.

Prior to making its decision Cabinet or the relevant Committee may following consultation with Officers, require further information to be presented to them for

consideration on the implications of the proposed motion. Such a report must be considered in a timely manner.

If the Cabinet or relevant Committee decides to advise the Council of its opinion that such motion in its original format should not be not supported, the Cabinet or relevant Committee may, in addition, suggest to the Council that an amended motion be proposed.

Once Cabinet or any relevant Committee has considered the motion it will be referred back to Council with the recommendation. If an amended motion is proposed by Cabinet, or relevant Committee, when presented back to Council, the amended motion will be debated first, in accordance with Rule 16.5 and Rule 16.10 (b)."

Should Council decide to endorse the additional suggestions put forward by the Community Leadership Overview & Scrutiny Committee these relate to executive functions and it will be the responsibility of the Portfolio Holder for Partnerships (Councillor McWilliams) and the Portfolio Holder for the Environment & Public Space (Councillor Talbot) to implement those suggestions as they see fit.

RECOMMENDATIONS TO COUNCIL

That Council:

- (a) Notes that the Community Leadership Overview and Scrutiny Committee supports Councillor S A Honeywood's motion to Council in relation to mitigation measures for the impact of firework displays and further notes its suggestions that the Council should promote responsible approaches to firework displays in relation to the safety of those attending and in order to help to reduce disturbance to local communities including advance public notice of public firework displays and the production of an on-line questionnaire;**
- (b) Notes that the promotional campaign and on-line questionnaire suggested by the Community Leadership Overview and Scrutiny Committee would fall to the responsibility of Cabinet and Environmental Health Services; and**
- (c) Receives the Committee's resolution as an amended motion to be debated first in accordance with Council Procedure Rules 16.5 and 16.10(b).**

APPENDIX

Report of Assistant Director (Housing & Environment) submitted to the Community Leadership Overview & Scrutiny Committee at its meeting held on 28 September 2020.