

COUNCIL

19 MARCH 2021

REFERENCE REPORT FROM COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE OF 8 FEBRUARY 2021

A.1 MITIGATION MEASURES FOR IMPACT OF PUBLIC FIREWORK DISPLAYS ON ANIMALS AND VULNERABLE PEOPLE

(Report prepared by Keith Durran)

BACKGROUND

Further to both Minute 12 of the meeting of the Committee held on 28 September 2020 and Minute 24 of the meeting of the Full Council held on 24 November 2020 the Community Leadership Overview & Scrutiny Committee at its meeting held on 8 February 2021 heard that in terms of the previous request to Council contained in Councillor Sue Honeywood's motion on this matter the Council had no legal enforcement powers to undertake that work and so any request to organisers would be for them to comply with on a voluntary basis only.

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) which outlined the following:-

Advertising Events - the Council had no powers to require organisers of public events to advertise their event prior to it occurring. However, by their very nature public events were routinely advertised in order to ensure that they had a sufficient attendance and on that basis nearby residents were also likely to be aware. In addition, where the organisers of an event attended the Safety Advisory Group and where potential disturbance to neighbours was likely to occur, for example through fireworks or the provision of music, then advice was given to the organisers to contact neighbours to make them aware. However, that advice could not be enforced.

Animal disturbance – It was reported that in the last year there had been a number of complaints in terms of fireworks potentially distressing animals (such as horses) and on that basis that an event should not take place. Reference was made to the Animal Welfare Act 2006 which, under section 4, made it an offence to cause an animal to suffer. On the basis that any individual could set off fireworks at their property as a private individual and it was not regarded as an offence in terms of neighbours' pets, the relative infrequency of major public events which tended to operate in early November or on significant dates, and the lack of specific legislation which banned public firework events it was not considered an offence by an event organiser to hold a firework event.

Other Actions

The Committee also heard that as per the motion as previously approved by Full Council, the Council could determine whether it wished to run a publicity campaign in relation to fireworks. Both the timing of the campaign and content would need to be considered to ensure an effective message was provided at the correct time.

An event proposed within Tendring in November 2020 had been subsequently cancelled due to a social media campaign, originally in terms of distress to animals, which had then developed and resulted in personal threats to the event organiser and potential threats to anyone who attended the event. Therefore any message provided needed to be balanced, highlighted what was permitted but also encouraged achievement of high standards. Within

that campaign the benefits of quieter fireworks could also be identified. However, that would only be on a voluntary basis by event organisers.

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 area and could be used to promote messages in respect of firework displays.

Tim Clarke (Head of Housing and Environment) reported to the Committee that Central Government had received a report from the Parliamentary Petitions Committee inquiry into Fireworks in March 2020. From that report the Government had subsequently recommended that:

“While people who want to ban the public from buying and using fireworks have valid concerns that must be addressed, we cannot support a ban before other, less drastic but potentially more effective, options have been fully explored”.

The Committee heard how Government had commissioned a piece of work from the Office of Product Safety and Standards in relation to the decibel level of fireworks to collate data for an evidence base, however this was still to be produced.

Mr Clarke also reported that Government had recommended that:

“... the Government work with Local Authorities to identify a best practice approach to a revenue-neutral, mandatory permit system for fireworks displays, where local evidence suggests this is necessary to protect the community. The Government should work with a Local Authority to pilot the approach before the end of 2020, with a view to legislating to empower all Local Authorities to establish mandatory permit schemes where they deem it necessary”.

That had been supposed to start in autumn of 2020 but Mr Clarke was not aware that any such pilot had commenced to date.

The Members also heard about another recommendation in the report that read:

“... the Government fund and coordinate a major, national awareness campaign on the responsible use of fireworks to get this message across to the public.”

That Campaign had started and the advertising material was available for the Council to use.

After a full discussion it had been **RESOLVED** that the Committee **RECOMMENDS** to Council that:

- *The Council is made aware of the Government’s response to the Petitions Committee;*
- *The material already available to the Council from Central Government be used as part of the public relations campaign for firework mitigation;*
- *The Chief Executive write a letter to Central Government in support of any measures coming forth to tighten the restrictions on licensable sales of fireworks; and*
- *A channel is developed for information in relation to the illegal and underage sale of fireworks to be passed along through the Council to Trading Standards.*

CURRENT POSITION

Council is requested to now give its consideration to the recommendations made by the Community Leadership Overview & Scrutiny Committee at its meeting held on 8 February 2021 in relation to the mitigation of the impact of firework displays on animals and vulnerable people in the community.

RECOMMENDATIONS TO COUNCIL
That Council: <ul style="list-style-type: none">(a) notes the substance of the Government's response to the Petitions Committee;(b) that the material already available to the Council from Central Government be used as part of any Council led public relations campaign for the mitigation of the impact of firework displays;(c) that the Chief Executive be requested to write a letter to Government setting out this Council's support for any forthcoming legislative measures to tighten the restrictions on licensable sales of fireworks; and(d) that Officers work with Essex County Council Trading Standards to develop a conduit whereby information in relation to the illegal and underage sale of fireworks can be passed along through the Council to Trading Standards in a speedy and efficient manner.
APPENDIX
Appendix - Report of Assistant Director (Housing & Environment) submitted to the Community Leadership Overview & Scrutiny Committee at its meeting held on 8 February 2021.