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COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE

8 FEBRUARY 2021

REPORT OF ASSISTANT DIRECTOR – HOUSING & ENVIRONMENT

A.2 Mitigation Measures for Impact of Public Firework Displays

(Report prepared by John Fox and Tim Clarke)

PURPOSE OF THE REPORT

To provide an update on the current position in respect of Cllr Sue Honeywood's motion to Council on 21st January 2020 in respect of public firework displays. Cllr Honeywood's motion was considered at this Committee on 28 September 2020 and discussed at Full Council in November 2020 when a further review by this Committee was requested.

INVITEES

None

BACKGROUND

Councillor Sue Honeywood's Motion to Council on 21 January 2020:

"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."

At the meeting of the Committee on 28 September it was it was RESOLVED 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

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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.

The draft minutes of Council on 24 November 2020 when considering this item are listed below;

(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

It was then moved by Councillor Calver and seconded by Councillor Stock OBE that –

(a) Councillor S A Honeywood's original motion, as now amended at this meeting, be approved; and

(b) the Community Leadership Overview & Scrutiny Committee be requested to undertake a further examination of the issues surrounding the impact of firework displays on animals and vulnerable people and how that impact could be mitigated and paying particular regard to the matters raised by Members at this meeting with a view to reporting the outcome of that further examination to a future meeting of the Council.

Councillor Calver's amendment on being put to the vote as the substantive motion was declared CARRIED.

DETAILED INFORMATION

With the onset of the latter half of the year a number of events are traditionally marked with firework displays and from mid-October until the end of the year firework sales take place from supermarkets, some convenience stores and a growing number of temporary specialist shops.

During the pandemic organisers of firework events have had to consider the precautions necessary to reduce risk of transmission of COVID-19 infection at gatherings in outdoor areas. This has led to a number of events being cancelled.

Fireworks can only be sold at certain times of the year:

- 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
- the first day of Diwali and the 3 days before it

Fireworks are often used in relation to cultural or religious events and can also be associated with significant family events such as weddings. The Council should also be

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aware of the equality impact of controlling fireworks and to ensure that all events are treated in an equal fashion being mindful of wider diversity issues

A licence from ECC, issued under the Explosives Regulations 2014, is required in order to store up to 2 tonnes of explosives. The sale of fireworks outside of the dates above requires an all year round seller's licence in addition to the storage licence.

Fireworks and bonfire displays for various celebrations have in some instances been the cause of injuries to those attending and disturbance may be caused to local residents' families and pets and animal based business such as riding schools, kennels and catteries. This must however be balanced with the fact that there are no legal restrictions banning firework displays and that there is open sale to members of the public who can set off fireworks on their own properties and have no requirement to inform nearby residents.

There are a number of legal restrictions of a more generic nature which apply to firework displays and are set out below

- A display for a charitable or business purpose will be regarded as a work activity and therefore the person in charge must 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 will be necessary to reduce the risks of injury so far as is reasonably practicable.
- Officers from the environmental health department are 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 are often one off events it is extremely difficult to take action in respect of noise disturbance
- The sale of fireworks, including any product safety issue, is regulated by the Trading Standards team at Essex County Council.
- Where the display includes the sale of alcohol or any other licensable activity or is located on licensed premises the person in control of the activity must have regard to the four licensing objectives
 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 are involved (spectators and staff included) a Temporary Event Notice will be required

For events where in excess of 500 people are likely to attend or if it has lower numbers but is a significant event, it may be referred to the Tending Safety Advisory Group. This Group which is led by the Council and also has representatives from partners such as the emergency services and Essex County Council seeks to assist event organisers to undertake events safely by providing advice and guidance.

Any breaches identified would be dealt with directly by the enforcement body which sits on the Group if agreement could not be reached with the organiser. The Safety Advisory

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Group of itself cannot veto any event occurring. There is also no requirement to attend a Safety Advisory Group so again this is a voluntary issue for organisers of events.

What the Council Cannot Enforce

In terms of the request to Council in Cllr Honeywood's motion the Council has no legal enforcement powers to undertake this work and so any request to organisers would be on a completely voluntary basis for the organiser to comply.

- **Advertising Events** - the Council has no powers to require organisers of public events to advertise their event prior to it occurring. However by their very nature public events are routinely advertised to ensure they get sufficient attendance and on this basis nearby residents are also likely to be aware. In addition where an event attends the Safety Advisory Group and where there is potential disturbance to neighbours likely to occur, for example for fireworks or provision of music, then advice is given to contact neighbours to make them aware. This is only advice and good practice and cannot be enforced.
- **Animal disturbance** - In the last year there have 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 has been made to the Animal Welfare Act 2006 which under section 4 makes it an offence to cause an animal to suffer. On the basis that any individual can set off fireworks at their property as a private individual and it is not regarded as an offence in terms of neighbours pets, the relative infrequency of major public events which tend to operate in early November or on significant dates, and the lack of specific legislation which bans public firework events it is not considered an offence by an event organiser to hold a firework event.

Other Actions

As per the motion the Council can determine whether it wishes 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 for November 2020 was subsequently cancelled when a social media campaign was started, originally in terms of distress to animals, which then developed and resulted in personal threats to the event organiser and potential threats to anyone who attended the site. Therefore any message provided needs to be balanced highlighting what is permitted but encouraging achievement of high standards.

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

The Council has a presence on social media sites for disseminating advice and information which has 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

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RECOMMENDATION

That the Committee recognises the limited enforcement powers available to the Council in relation to fireworks displays and supports a publicity campaign to raise awareness .