

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

13TH OCTOBER 2020

RESPONSE TO NOTICE OF MOTION – FIREWORKS

**REPORT OF DIRECTOR - PUBLIC HEALTH, PROTECTION AND
COMMUNITY SERVICES IN DISCUSSION WITH THE RELEVANT
PORTFOLIO HOLDER, CLLR RHYS LEWIS**

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1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to outline the current legal controls on the sale and use of fireworks and consider how the Local Authority may further support the Notice of Motion made to Council on the 27th November 2019 (Appendix 1) and the RSPCA campaign calling for greater controls.

2. RECOMMENDATIONS

It is recommended that the Cabinet:

- 2.1 Note the existing controls available in UK Law to control the sale of fireworks and their use in public areas.
- 2.2 Require the Director of Corporate Estates to review and where necessary impose greater restrictions on the use of Council land for the purpose of public firework displays.
- 2.3 Support a promotional campaign for 2021 (coronavirus restrictions permitting) that encourages responsible use of fireworks and the early notification to the public of planned events in the community.

3. REASONS FOR RECOMMENDATIONS

- 3.1 There are a range of stringent legal controls in place to restrict the sale of fireworks and their use in public areas. Further controls to restrict the use of fireworks on Council owned and managed land or at Council events will provide additional safeguards for animals and vulnerable groups.

4. BACKGROUND

- 4.1 At the Council meeting on the 27th November, the following Notice of Motion was accepted and an Officer report was required in response for consideration by Cabinet:

“The use of fireworks has long been a tradition in our communities to celebrate events such as Bonfire Night and the New Year. The impact of Fire Works is increasingly a concern to residents, those who have Autism, those who own pets or to Armed Forces personnel suffering with PTSD for example.

RSPCA Cymru have launched a campaign to increase public awareness and reduce the potential for injury or distress to animals by proposing the adoption of a policy for the responsible sale of fireworks, including the potential for silent fireworks, which would achieve a compromise between allowing our communities to celebrate key events, while ensuring that these celebrations are conducted in a sensitive and respectful manner.

The Council therefore requests an Officer report for consideration by Cabinet, which outlines how this local authority may support the RSPCA Campaign by:

- Considering a requirement for 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*
- Consider the development of 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.*
- Consider encouraging local suppliers of fireworks to retail ‘quieter’ fireworks only for public display.*

5. THE FIREWORK PERIOD AND THE ROLE OF OFFICERS

- 5.1 The Explosive Regulations 2014 provides the legal framework to control the sale and storage of fireworks at retail and other premises. Environmental Health Officers (EHO's) of the Public Protection Service inspect retail premises and other types of business on receipt of an application from a trader to store and sell fireworks. The officer will need to be satisfied that the business has complied with a number of legal and statutory guidance requirements before a licence is issued under the Explosive Regulations 2014. The Health and Safety at Work etc Act 1974 can also apply to the organisation, management and delivery of public firework displays and these requirements are also within the remit of the Public Protection Service to enforce.

5.2 There are no legal controls on when the public can use fireworks, however fireworks can only be sold to the public during prescribed periods:

- 5th November (15th October – 10th November);
- New Year's Eve (December 26th – 31st December);
- Chinese New Year (the day of Chinese New Year and 3 days immediately before);
- Diwali (the day of Diwali and 3 days immediately before).

5.3 There are a total of 32 premises, including large and small retailers that are licensed to sell fireworks within the County Borough. 12 licences were processed and renewed during the period from April 2019 to November 2019. The EHO's will also investigate any complaints that are made of illegal sale of fireworks and take enforcement action where the complaint is substantiated. Two traders have been prosecuted in the past two years for failure to comply with the storage of firework requirements.

5.4 The EHO's are also members of the authority's Event Safety Advisory Group (ESAG) that provides advice and support to organisations that want to arrange firework displays and other public events throughout the year. The ESAG also hold debrief meetings after large events and undertake a lesson learnt session.

5.5 Fireworks that are sold within retail premises must conform to various British Standards and these include provision to control the noise (decibel) level associated with their discharge. The product standards and safety are regulated by the Public Protection Service Trading Standards Team, who also ensure robust controls are in place to prevent underage sale of fireworks.

6. CURRENT POSITION

Legal Controls

6.1 The legal controls which regulate the storage, sale, safety and public use of fireworks are based in UK legislation and these matters (Trading Standards and Health and Safety Laws) are not devolved to Welsh Government. A Select Committee has made recommendations to UK Government requesting strengthened controls on firework use and the response of the Government is awaited.

<https://publications.parliament.uk/pa/cm201920/cmselect/cmcompetitions/103/103.pdf>

Council Land and Controlled Events

6.2 The Council has the ability to control the activities held on land in its control. The ESAG have devised a form for applicants who are considering holding a large, public firework display within RCT. Within that form they require information about where the event is being advertised. This will then enable:

- The public to know where the event is being held;
- Allow people with animals or vulnerable people, for example those with PTSD to be aware and to take the steps they require necessary for their wellbeing in advance of the event.

6.3 In addition to controls through ESAG, the Council has a number of controls in place to control the activities permitted to be undertaken on land owned and controlled by the Council. In addition to the permissions granted on licence agreements, the Director of Corporate Estates will ensure that consideration is given going forward to applying restrictions on the use of land for firework displays, where appropriate and in the public interest. Cabinet will wish to note the lead taken by the Nos Galan Committee, which has already agreed to review its use of fireworks for the future event.

7. EQUALITY AND DIVERSITY IMPLICATIONS

7.1 There are no equality and diversity implications in the contents of the report.

8. CONSULTATION

8.1 There are no consultation implications arising from this report.

9. FINANCIAL IMPLICATION(S)

9.1 There are no financial implications arising from this report.

10. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

10.1 The restrictions set out in the Fireworks Act 2003, the Fireworks Regulations 2004 and the Pyrotechnic Articles (Safety) Regulations 2015 provide the regulatory framework that seeks to support the public's enjoyment of fireworks while effectively managing the risk of fireworks harming individuals, property or animals.

11. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT.

11.1 Due regard has been made to the five ways of working, as contained within the Wellbeing of Future Generations (Wales) Act 2015, when preparing this report. In particular, it identifies with three of the five ways of working. **Collaboration Involvement & Prevention.**

11.2 The author has **collaborated** with colleagues within our own authority to establish current working practices and identifying improvement areas. Discussion and **involvement** with colleagues has identified improvement with existing work practices that will enable more information being available to the public. By making simple changes to already established processes may **prevent** / reduce the impact of the fireworks on the residents whilst allowing others to enjoy the occasion.

12. CONCLUSION

12.1 There are a range of controls in law regarding the use, storage and safety of fireworks and these are regulated by the Public Protection Service. Controls already exist over the use of Council owned and controlled land and further enhancements to those controls will mitigate the impact of fireworks on vulnerable people in the community.



LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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CABINET

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Background Papers:

Reference to Council Minute 27/11/2019

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