

**Bolsover District Council**

**Meeting of the Executive on 4th April 2022**

**Review of Council's Policy on Fireworks**

**Report of the Chair of Climate Change & Communities Scrutiny Committee**

<b>Classification</b>	This report is Public
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**PURPOSE/SUMMARY OF REPORT**

- To present to Executive the completed report for the recent Review of Council's Policy on Fireworks.

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**REPORT DETAILS**

**1. Background**

- 1.1 During the 2020-21 municipal year, Members of the Healthy, Safe, Clean & Green Communities Scrutiny Committee were made aware of a number of resident concerns in relation to the impact of firework use, both at specified celebrations such as Bonfire Night and New Year's Eve and inappropriate use throughout the year.
- 1.2 Following referrals from the Customer Standards & Complaints Officer and the Leader of the Council, Members chose to investigate further to establish what the Council could do to mitigate the impacts at a local level.
- 1.3 Members looked at action taken previously following a motion to Council and also compared the approach of Bolsover District Council (BDC) to that of other neighbouring authorities, including North East Derbyshire District Council (NEDDC) who have the joint Environmental Health Service with Bolsover. This is set out in section 5 of the attached appendix.

**2. Details of Proposal or Information**

- 2.1 This review was originally agreed by the previous Healthy, Safe, Clean and Green Communities Scrutiny Committee as part of their 2020-21 work programme. Following the change in scrutiny structure for 2021-22, the

Members of the new Committee agreed to carry this work forward with a view to clarifying the Council's stance and addressing residents' concerns previously identified.

2.2 While the Committee have taken the review forward in a slightly different manner to that originally agreed, the impact of the Covid-19 pandemic on service delivery has instigated the need for a different approach.

2.3 Members feel the evidence considered in the subsequent pages and the recommendations agreed by Scrutiny should bring about further improvements at a local level, while we await further changes to national legislation as a result of continued lobbying.

2.4 The aim of the review was:

- To assess the local impact of fireworks and review local Council policy.

The objectives agreed were:

- Review the previous motion adopted by Council in 2019 and the action completed to date.
- Assess the scale of the local environmental impact via consultation with both residents and local agencies/groups.
- Assess the scope for a local level policy and the enforcement that could take place in addition, to the potential for additional lobbying/impact at a national level.

2.5 The key issues identified for investigation were as follows:

- A number of complaints/comments are received per annum from residents in relation to the use of such items and the environmental damage caused. All communications received refer to the national campaigns. Is it possible to establish evidence of the scale of the issue at a District level using data held by environmental health and legal services?
- The Council has previously approved a motion submitted and completed a range of agreed activity – what has been the effect of this?
- Further debate at a national level has not yet resulted in a change to national policy/legislation in regards to the noise levels of fireworks sold to the public and used at displays – this is a key element of various national campaigns by organisations such as RSPCA. What action can be taken at a local level in relation to licensing and sales, and encouraging use of low dB or silent fireworks?
- Is there an impact on the Dog Warden service in October/November as a result of lost dogs due to fireworks?

### **3. Reasons for Recommendation**

3.1 The Committee have put together four recommendations which will hopefully assist the Council in improving regulation of local firework displays and enforcement against misuse of fireworks.

3.2 The key findings arising from the review are:

- That there is limited additional impact we can have at a local level due to current legislation.
- To ensure service delivery remains efficient and effective across the board, Members advise that the Council adopts the recommendations in section 2 of the attached report as this will allow officers in the joint Environmental Health Service to take a proportionate and appropriate approach to enforcement and advice/guidance.

#### **4 Alternative Options and Reasons for Rejection**

- 4.1 While the number of contacts over recent years has been limited, Members felt that further action could be taken to enhance the approach taken by the Council. This should enable a more streamlined service for the joint team. As such a 'do nothing' option was discounted.
- 4.2 Executive could choose not to endorse the recommendations of the review, where they feel the course of action recommended is beyond the delivery capacity of the Authority.

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#### **RECOMMENDATION(S)**

1. That the Executive endorses the recommendations of the review outlined in section 2 of the attached report.
2. That for recommendations approved by Executive, monitoring by Committee takes place over a twelve month period via the PERFORM system with an update report to Committee at the end of the monitoring period.

#### **IMPLICATIONS:**

**Finance and Risk:**            Yes             No

**Details:**

None from this report. Suggested action for the service can be contained within existing budgets.

On behalf of the Section 151 Officer

**Legal (including Data Protection):**            Yes             No

**Details:**

In carrying out scrutiny reviews the Council is exercising its scrutiny powers as laid out in s.21 of the Local Government Act 2000 and subsequent legislation which added/amended these powers e.g. the Local Government and Public Involvement in Health Act 2007.

The Council has a statutory duty under s.149 Equality Act 2010 to have due regard to the need to advance equality of opportunity and to eliminate discrimination.

On behalf of the Solicitor to the Council

**Staffing:** Yes  No

**Details:**

There are no staffing implications from this report.

On behalf of the Head of Paid Service

## DECISION INFORMATION

<b>Is the decision a Key Decision?</b> 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:  <b>Revenue - £75,000</b> <input type="checkbox"/> <b>Capital - £150,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> <i>(Only Key Decisions are subject to Call-In)</i>	No

<b>District Wards Significantly Affected</b>	None
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	<b>Details:</b> Relevant Service Managers and Portfolio Holder engaged during the review process.

### Links to Council Ambition: Customers, Economy and Environment.

Ambition: Environment

## DOCUMENT INFORMATION

Appendix No	Title
1	Review of the Council's Policy on Fireworks

### 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 Executive you must provide copies of the background papers).*

Please contact Scrutiny & Elections Officer where further information is required.