



Review of Council Policy on Fireworks
December 2020 - December 2021
CLIMATE CHANGE & COMMUNITIES
SCRUTINY COMMITTEE

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Chair's Foreword

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.

While we 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.

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.

Cllr Nick Clarke

Chair of the Climate Change & Communities Scrutiny Committee

1. Introduction

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.

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.

Members asked for a breakdown showing the number of contacts over the last three years. In relation to the release of fireworks the Council has received a number of requests from the public over the last few years for Members to consider, including new requests during the 2021/22 year after the review commenced:

	No. of Comments/Complaints Received
2021/22	2
2020/21	3
2019/20	8
2018/19	0
2017/18	No formal tracking

Members were mindful that while there is national legislation in relation to these environmental issues, at a local level we would be limited in what else we can put in place. This is likely to be limited to action on council owned land and property.

Members looked at action taken previously following a motion to Council and also compared the approach of Bolsover District Council (BDC) to that of neighbouring authorities. This is set out below in section 5.

An information request to Derbyshire County Council during the course of the review established that the following legislation covers the licensing, storage, and sale of explosives/fireworks:

[Health and Safety at Work etc Act 1974](#)

[Consumer Protection Act 1987](#)

[Fireworks Regulations 2004](#)

[Fireworks \(Amendment\) Regulations 2004](#)

[Explosives Regulations 2014](#)

[Pyrotechnic Articles \(Safety\) Regulations 2015](#)

2. Recommendations

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
CCCSC20-22 1.1	That BDC adopt a Firework & Bonfire Event Voluntary Registration Scheme, to align our approach with neighbouring areas and provide consistency of approach to Derbyshire Fire & Rescue Service.	<p>Implementation of a Registration Scheme with the Bolsover District.</p> <p>Alignment of shared service across both Councils.</p> <p>Alignment with neighbouring areas, supporting a consistent approach for the Fire Service.</p>	June 2022	<p>Assistant Director Environmental Health;</p> <p>Joint Environmental Health Manager (Commercial & Environment)</p>	<p>Officer time</p> <p>Approval of Executive</p>	Report to be submitted for next available cabinet and implemented thereafter. Systems and process adopted from NEDDC existing arrangements require minimal work to replicate.
CCCSC20-22 1.2	That provision of advice and guidance on the BDC website is amended to be more accessible	<p>Improved provision of information on BDC website.</p> <p>Alignment of the approach of</p>	June 2022	<p>Assistant Director Environmental Health;</p> <p>Joint Environmental</p>	Officer time	Website to be updated in readiness for the scheme going live

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
	within the existing page.	the service reducing duplication of workload. Adoption of Registration Scheme will require a refresh of existing information.		Health Manager (Commercial & Environment); Communications, Marketing and Design Manager		
CCCSC20-22 1.3	That BDC writes a follow-up letter to the Government further lobbying for change to legislation	Further lobbying for change due to in-action by Government following parliament debate.	April 2022	Portfolio Holder for Environmental Health; Governance Manager	Officer time	This can be completed pending approval by Executive. In light of current staff vacancies this may be actioned by the Scrutiny & Elections Officer in conjunction with the Portfolio Holder.
CCCSC20-22 1.4	That the Enforcement Team investigates the possibility of operating under a Community Safety Accreditation Scheme in relation to firework misuse,	Improved local enforcement powers in relation to firework misuse.	September 2022	Assistant Director Housing Management & Enforcement	Officer time	This has previously been explored as a development/ enforcement option in January 2020, pre-covid, in conjunction with the now Director of Resources. At the time Derbyshire Police

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
	enabling enforcement powers similar to the Police.					agreed to consider our request for accreditation, however due to the pandemic this has not been progressed further. We have made contact with the Police again who have indicated they will explore this further. We will continue to explore the possibility of such a scheme if the Committee recommends this, although this is subject to the Police granting the Council additional powers.

3. Scope of the review

The Healthy, Safe, Clean & Green Communities Scrutiny Committee agreed to undertake a Review of Council Policy on Fireworks, as part of the 2020-21 Work Programme.

The issue was initially raised via a number of comments received by the Leader and Customer Standards & Complaints Officer in relation to Council's Policy and the suggestion of a Council motion in relation to the matter in line with current national campaigns.

The review supports the Corporate Ambition of 'Environment' and the Priority of 'Ensuring a high standard of environmental cleanliness, undertaking appropriate enforcement activity where required', but does not link directly to any Corporate Targets.

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.

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?

The Committee originally agreeing the review comprised the following Members:

Councillor D. Downes (Chair)
Councillor J. Tait
Councillor E. Parkin
Councillor D. Salt
Councillor D. Bullock

Councillor A. Clarke (Vice-Chair)
Councillor T. Munro
Councillor N. Hoy
Councillor P. Roberts
Councillor R. Walker

Due to a change in the scrutiny structure at the AGM in May 2021, this area of delivery moved to the remit of the Climate Change & Communities Scrutiny Committee. At their inaugural meeting in July 2021, they agreed to continue with the review alongside their work programme.

The new Committee comprised the following Members:

Councillor N. Clarke (Chair)
Councillor J. Tait
Councillor E. Parkin
Councillor D. Dixon

Councillor A. Clarke (Vice-Chair)
Councillor D. Salt
Councillor D. Bullock

Support to the Committee was provided by the Scrutiny & Elections Officer.

4. Method of Review

The original Committee approving the review met on three occasions to consider the scope of the review, key issues they wanted to discuss and to carry out interviews and evidence gathering. This was supplemented by a further three meetings by the new Climate Change & Communities Scrutiny Committee.

The Committee sought evidence by way of:

- Internal enquiries to establish existing policy and procedures; comparison between delivery across the two councils in the shared service; number of resident contacts; and specific action following a previous motion to Council;
- External enquiry to establish policy and service delivery by Derbyshire County Council, as the upper tier authority;
- Development of a draft resident/community group survey (not subsequently pursued following further information from Environmental Health).

Alongside officers providing examples from neighbouring authorities, a core area of discussion was around the difference in approach across the two Councils in the shared service which was recognised as causing an inefficient approach to service delivery. Members were also keen to assess action taken following the motion and the extent to which the Covid-19 pandemic may have hindered progress.

A document review was completed of the following as part of the evidence gathering process:

- An extract from Hansard on 2 November 2020 covering the debate on the impact of Fireworks and relevant legislation;
- North East Derbyshire Policy, Committee reports and Firework & Bonfire Event Voluntary Registration Scheme
- BDC Compliments, Comments and Complaints data
- Council motion from 13 November 2019 and associated paperwork
- Review of BDC and neighbouring authority websites.

Equality and Diversity

Within the process of the review, the Committee has taken into account the impact of equalities. As part of the consideration of local consultation, Members devised a wide list of stakeholders to ensure that all groups were targeted to encourage engagement with the review. Had the consultation gone ahead the survey would have been available in a variety of accessible formats and have targeted all areas of the District. Members also considered how local policy which targeted council land and property would disproportionately target council tenant over private owners.

5. Analysis of evidence and key findings

5.1 Review of previous motion adopted by Council in 2019 and the action completed to date.

The full link to Council papers associated with the motion can be found within the Bibliography of this report. The following image is an extract from the Council agenda of 13 November 2019, where Cllr Nick Clarke proposed a motion in line with a suggested motion from the RSPCA [view the motion here \(PDF 170KB\)](#):

Figure 1: Extract item 7E BDC Council 13112019

e) USE OF FIREWORKS

Motion moved by Councillor Nick Clarke

I move that Bolsover District Council resolves:

To require all public firework displays within the District boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people.

To write to the Government urging them to legislate that the law be changed to only allow the sale of fireworks to operators of licensed displays.

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.

To write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90db for those sold to the public for private displays.

To encourage local suppliers of fireworks to stock 'quieter' fireworks for public display.

To tighten up the restriction of sales of fireworks in the run up to Bonfire Night to under 18 year olds and to discourage proxy sales of fireworks for those under the age of 18.

As noted at Appendix 4, Cllrs resolved to approve all six elements of the motion:

- i) all public firework displays within the District boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people.
- ii) the Chief Executive Officer be requested to write to the Government urging them to legislate that the law be changed to only allow the sale of fireworks to operators of licensed displays.

- iii) a public awareness campaign be actively promoted about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks.
- iv) the Chief Executive be requested to write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90db for those sold to the public for private displays.
- v) local suppliers of fireworks be encouraged to stock ‘quieter’ fireworks for public display.
- vi) the Authority tighten up the restriction of sales of fireworks in the run up to Bonfire Night to under 18 year olds and to discourage proxy sales of fireworks for those under the age of 18.

Points (i), (iii), (iv) and (v) appear in the suggested motion by RSPCA which a number of residents have urged Council to consider (see section 1 outlining background information and contacts from residents).

Cllr Clarke’s motion and the subsequent resolution went beyond this and had two additional elements to those stated above.

Action to date

The following table summarises activity to date:

Action	Activity completed
(i)	No specific activity has been taken forward in this area to date. . Members acknowledge the benefits of a Registration Scheme and have been made aware of such schemes at other neighbouring authorities and believe it would lead to more efficient service delivery if the same approach was taken within the Bolsover District. This would also require minimal additional input from staff as the documentation already exists and can be easily adapted.
(ii)	Following agreement of the resolution by Council on 13 November 2019, a letter was sent to Rt Hon Andrea Leadsom MP from the Council (See Appendix 2). The Council urged the Government to consider: <ul style="list-style-type: none"> a) ...that the law be changed to only allow the sale of fireworks to operators of licensed displays....
(iii)	Following agreement of the resolution by Council on 13 November 2019, a letter was sent to Rt Hon Andrea Leadsom MP from the Council (See Appendix 2). The Council urged the Government to consider: <ul style="list-style-type: none"> b) a public awareness campaign be actively promoted about the impact of fireworks on animal welfare and vulnerable

Action	Activity completed
	<p>people – including the precautions that can be taken to mitigate risks.</p> <p>In terms of any local activity, this area of work has not moved forward at Bolsover. Following a briefing from Environmental Health in September 2021, Members are aware how a Registration Scheme aids awareness of the impact of displays. Section 5.3 below and Appendix 4 of this report shows what could be replicated at BDC.</p>
(iv)	<p>Following agreement of the resolution by Council on 13 November 2019, a letter was sent to Rt Hon Andrea Leadsom MP from the Council (See Appendix 2). The Council urged the Government to consider:</p> <p>c) the introduction of legislation to limit the maximum noise level of fireworks to 90db for those sold to the public for private displays.</p>
(v)	<p>Responsibility for compliance with legislation supporting the control of sales sits with Derbyshire County Council. It is not within the Council's remit to further restrict sales. As such this element of the motion is beyond the powers of the Council to address. See Section 5.3 for more detail.</p>
(vi)	<p>Responsibility for compliance with legislation supporting the control of sales sits with Derbyshire County Council. It is not within the Council's remit to further restrict sales. As such this element of the motion is beyond the powers of the Council to address. See Section 5.3 for more detail.</p>

As part of the review, Members of Healthy, Safe, Clean & Green Scrutiny Committee reviewed the debate in parliament on existing legislation. This was re-circulated following Committee changes. A link to the Hansard extract can be found within the Bibliography. No further action was taken by the Government at the time to propose changes to the existing legislation in the Fireworks Act 2003.

Recommendation:

That BDC adopt a Firework & Bonfire Event Voluntary Registration Scheme, to align our approach with neighbouring areas and provide consistency of approach to Derbyshire Fire & Rescue Service.

That BDC writes a follow-up letter to the Government further lobbying for change to legislation.

That provision of advice and guidance on the BDC website is amended to be more accessible within the existing page.

5.2 Assess the scale of the local environmental impact via consultation with both residents and local agencies/groups

As part of the original scope, Healthy, Safe, Clean & Green Communities Scrutiny Committee developed a brief questionnaire that could be used to consult with both residents and local community groups. Due to the timing of this coinciding with lead up to municipal year-end and a scheduled Citizen Panel Survey, hard copy questionnaires were not an option. Members had agreed to look at a web-based approach but agreed that they would re-assess how the consultation could be completed following the election period and Council AGM.

Due to changes in the scrutiny structure at AGM, the review was presented to Climate Change & Communities Scrutiny to assess whether the review was still relevant and if members wanted to continue the piece of work. The new Committee agreed to continue with the review but chose to hold off carrying out consultation in favour of speaking to officers in more detail.

At one of the evidence sessions in September 2021, it became apparent that Environmental Health officers received little complaint from residents in relation to fireworks and there was also no demand on the Dog Warden during this period due to lost dogs as a result of firework incidents. As such, Members felt there was not sufficient evidence to suggest wider consultation was not required, due to the limited volume of contacts to both Environmental Health and the Complaints & Customer Standards Officer.

5.3 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.

District-level Policy

Following agreement by the new Climate Change & Communities Scrutiny Committee to take on the review, an information request was put to officers in Legal and Environmental Health Services.

Members requested the following details:

- *What actions are the Council completing in the run up to November 2021, particularly any partnership approaches with Parishes/Community groups?*
- *Members would also like to understand what legislation is place to support the licensing of Low dB Fireworks and whether we can stipulate that this is all that's used/sold locally?*

Officer responses were as follows:

By way of background information:

- Sale of fireworks is licensed by the County Council, not District;
- Conditions cannot be imposed locally;

- Conditions/prohibitions to be attached to a licence can only be set by the Secretary of State in regulations.

The District Council has no powers to restrict or place conditions on the sale of fireworks in the area. Nor do we have any powers to control what people do on private property in respect of the use of fireworks.

In addition to the policy in respect of BDC-owned land the only other possibility would be to look at restrictions on use of them in other publicly-accessible open spaces but that would be of limited scope and would probably not be helpful in the context of noise/volume.

Officers also attended Committee in September 2021 to brief Members on the approach taken at North East Derbyshire DC (NEDDC) 'Bonfire and Firework Display Registration Scheme' which could easily be replicated at Bolsover. A number of neighbouring authorities have also adopted similar schemes to the Registration Scheme. The scheme would raise awareness of safety concerns, promote the RSPCA noise campaign, and introduce a voluntary registration system (with code of conduct) for public displays. While this had not been implemented as planned in 2021 due to the pandemic, it was expected to be fully operational for 2022. The Council websites at both authorities in the shared service are used as the primary resource for raising awareness of safety and the approach taken by the respective Councils.

It was also noted that Derbyshire Fire & Rescue Service are considering whether they could actually start to run these schemes, and are currently looking at taking over the Derbyshire Dales DC one, as it fits more with their role. There may be that opportunity for NEDDC too, so any BDC scheme needs to be mindful of countywide fire and rescue services looking to take on and run them, which can only be an improvement in the long-term.

The Environmental Health Manager – Commercial & Environment responded to some of the specific points raised by Committee on 3 August 2021 as below:

- 1) Derbyshire County Council licence all storage of the fireworks people buy in the area (see further detail in County section below).
- 2) The Government has researched the impact of firework noises on people and concluded that the volume is the same as a ringing telephone. However, distance can change this.
- 3) Having different types of firework shows such as light shows would depend on the Government legislating for it.
- 4) The Environmental Health Service did not receive complaints/requests for the Dog Warden Service as a result of dogs being scared by fireworks.

The Environmental Health Manager – Commercial & Environment explained that many of the issues mentioned were Police matters. The concept of a Community Safety Accreditation Scheme (CSAS) was discussed and the Environmental Health Manager – Commercial & Environment noted awareness of such an approach used by neighbouring authority areas and was aware that this was something that could happen across the County in the future. On a CSAS scheme, they are usually agreed individually with local authorities (LA) based on what issues each LA wants to tackle,

and which fit with local police priorities and Community Safety Partnership priorities. If BDC or another District or the county wanted to do something similar then it would need a separate legal agreement with the Police. However the issues and expectations on those authorised Council staff may be different.

Most commonly, CSAS schemes enable staff from Councils and private companies (usually large shopping centres such as Meadowhall) to deal with very low level ASB by way of on the spot fines or confiscating alcohol. They vary depending on the issues. However, it was noted further information was needed on how the Derbyshire Police CSAS schemes work and whether they may have different powers they usually allow others to discharge for them.

Members agreed that they would like to see an approach to enforcement and firework misuse that would see Enforcement officers join a Community Safety Accreditation Scheme (CSAS), which would allow them to carry out Police work. The Assistant Director Leader's Executive, Partnerships and Communications agreed they could investigate the possibility of such an approach via their links with the Community Safety Partnership, in conjunction with Assistant Director Housing Management & Enforcement. Any CSAS developed could run alongside any Registration scheme developed in Bolsover.

County-level Policy

A further request was submitted to Derbyshire County Council Trading Standards team confirming that Members were exploring what avenues were open in terms of setting local policy and seeking clarity on DCC's perspective and to clarify local activity:

- *What actions the Council is completing in the run up to November 2021, particularly any partnership approaches with Parishes/Community groups?*
- *Members would also like to understand what legislation is place to support the licensing of Low dB Fireworks and whether we can stipulate that this is all that's used/sold locally?*

Their response was as follows:

"As you are aware; at Derbyshire Trading Standards we licence the storage of explosives (fireworks) within the County. On the basis of any applications we receive, previous history, storage conditions (including separation distances), hazard type, and complaints, we then plan our inspections as a targeted approach to ensure that the businesses concerned only store safely the fireworks they are licensed to possess. We also respond to any complaints regarding unlicensed storage and the retailing of fireworks to persons under the stipulated age.

Fireworks are listed as the following categories:

- Category F1 fireworks present a very low hazard and negligible noise level and are intended for use in confined areas, including fireworks that are intended for use inside domestic buildings.
- Category F2 fireworks present a low hazard and low noise level and are intended for outdoor use in confined areas.
- Category F3 fireworks present a medium hazard, are intended for outdoor use in large open areas and have a noise level that is not harmful to human health.
- Category F4 fireworks present a high hazard, are intended for use only by persons with specialist knowledge and have a noise level that is not harmful to human health.

Only categories F1, F2 and F3 can be supplied to the public. Category F4 can only be supplied to persons with specialist fireworks knowledge. There are also four hazard types (HT1 - HT4), which are used for storage licensing purposes.

The Pyrotechnic Articles (Safety) Regulations 2015 prohibit the supply of category F4 fireworks to the general public. The Regulations prohibit the supply of category F2 (outdoor use - confined areas) and category F3 (outdoor use - large open areas) fireworks to any person under 18. The Regulations prohibit the supply of category F1 (indoor use low-hazard low-noise - party poppers etc.) fireworks to any person under 16. An exception is made for Christmas crackers, which must not be supplied to any person under 12. Caps for toy guns are exempt from fireworks legislation. Any firework that exceeds 120 decibels must not be supplied to consumers.

As stated earlier, this authority intends to targeted inspections at premises licenced to store explosives and respond to any complaints in regard to storage/retail sale. Regarding partnership approaches; at the present time we have no-intention of taking part in any such activity, but would be willing to do so if there was a perceived benefit and resources allowed. We have undertaken joint inspection work in the past with the Fire Service.

The second part of your question regarding the licensing of Low dB Fireworks and whether we can stipulate that this is all that's used/sold locally is a little more complex. The category of firework is stipulated within the legislation and such fireworks must meet the noise level requirements of that category. When we licence a premises for storage we licence to store for hazard types (HT1 – HT4) - HT1 being the most dangerous. HT1 and HT2 are not suitable for retail storage. Most fireworks that can be supplied to consumers contain HT4 explosives but some are designated as HT3 because they are more dangerous.

The supply of fireworks is governed by different legislation, which uses a different numbering system that is covered above (F1 - F4). HT4 fireworks are suitable for retail supply and are categorised for supply using a system that is explained above. HT3 fireworks are normally only available from specialist fireworks suppliers with premises that only supply fireworks. For the vast majority of retailers we licence to store HT4 which would include categories F1- F3.

As you can see from the above it would be difficult for us to try and stipulate the supply of a certain F1 – F3 category as we only licence the hazard type. Even if we could there would be nothing stopping a consumer travelling to another district, or across the border into Nottinghamshire, to purchase the fireworks there. From an enforcement point of view it would be virtually impossible to stipulate that only low decibel fireworks are sold and used in a certain district/area; especially when you take into account the fact of people buying and selling via Facebook and other such sites. In Trading Standards we only licence legitimate businesses, although as detailed above, we will act when we receive information about any unlicensed storage.

Members were satisfied that the detail received confirmed the difference between District and County roles and that there was limited powers available to District Councils.

Recommendation:

That the Enforcement Team investigates the possibility of operating under a Community Safety Accreditation Scheme in relation to firework misuse, enabling enforcement powers similar to the Police.

6. Conclusions

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.

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 BDC aligns its approach with that of neighbouring authorities as this will allow officers in the joint Environmental Health Service to take a proportionate and appropriate approach to enforcement and advice/guidance, within the Fire Service area.

Appendix 1: Stakeholders


Stakeholders engaged during the Review:

- Portfolio Holder – Cllr Watson (Environmental Health)
- Leader of Bolsover District Council
- Customer Standards and Complaints Officer
- Assistant Director of Environmental Health
- Joint Environmental Health Managers
- Legal Team Leader (Contentious)
- Derbyshire County Council Trading Standards
- Assistant Director of Leader's Executive, Partnerships & Communications
- Assistant Director of Housing Management & Enforcement

Stakeholders impacted by the Review:

- Bolsover residents
- Bolsover DC tenants
- Portfolio Holder – Cllr Watson (Environmental Health)
- Assistant Director of Environmental Health and Joint Environmental Health team
- Communications team
- Governance team
- Assistant Director of Housing Management & Enforcement
- Enforcement Team

Appendix 2: Letter to Andrea Leadsom MP



Our-Ref: Motion-0411-(e)-2019/2020
Please-Ask-For: Nicola-Calver
Direct-Line: 01246-217753
Email: nicola.calver@ne-derbyshire.gov.uk
Date: 15th January 2020

The-Ard
High-Street
Clowne
S43-4JY

Rt-Hon Andrea Leadsom MP
Secretary of State for Business, Energy and Industrial Strategy
House of Commons
London
SW1A-0AA

Dear Secretary of State for Business, Energy and Industrial Strategy


At its meeting on 13th November 2019, Bolsover District Council agreed a motion to:


- a) write to the Government urging that the law be changed to only allow the sale of fireworks to operators of licensed displays.
- b) a public awareness campaign be actively promoted about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks.
- c) write to the UK Government urging the introduction of legislation to limit the maximum noise level of fireworks to 90db for those sold to the public for private displays.

It was resolved that the Council writes to the Government to request that these issues be addressed.


Please find enclosed a copy of the resolution for your information.

Yours sincerely


Nicola Calver
Governance Manager



Tel 01246 242424 Email enquiries@bolsover.gov.uk
Web www.bolsover.gov.uk



BOLSOVER DISTRICT COUNCIL

¶

Council – 13th November 2019

Minute 0411 (e)

¶

e) The following motion was submitted for consideration by Councillor Nick Clarke:

¶

I move that Bolsover District Council resolves:

¶

To require all public firework displays within the District boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people.

¶

To write to the Government urging them to legislate that the law be changed to only allow the sale of fireworks to operators of licensed displays.

¶

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.

¶

To write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90db for those sold to the public for private displays.

¶

To encourage local suppliers of fireworks to stock ‘quieter’ fireworks for public display.

¶

To tighten up the restriction of sales of fireworks in the run up to Bonfire Night to under 18-year olds and to discourage proxy sales of fireworks for those under the age of 18.

¶

Councillor Tom Kirkham duly seconded the motion and reserved his right to speak.

¶

AMENDMENT

¶

Councillor Andrew Joesbury proposed an amendment to the motion to add a new paragraph to the end, reading: “To write to the Government for a blanket ban on all firework sales to private individuals.”

¶

Councillor Andrew Joesbury spoke on his amendment, believing that there were multiple fire incidents all over the country on every Bonfire Night, and he felt the Government had done little to address it.

¶

Councillor Dan Salt duly seconded the amendment.

¶

Councillor Anne Clarke believed it was important to consider the effect fireworks could have on veterans who might have Post-Traumatic Stress Disorder. She added that fireworks can also have a significant impact on pets.

¶

Councillor Duncan McGregor advised that the second resolution within the original motion (“To write to the Government urging them to legislate that the law be changed to only allow the sale of fireworks to operators of licensed displays”) already covered Councillor Andrew Joesbury’s amendment. Councillor Andrew Joesbury, with the agreement of the seconder Councillor Dan Salt agreed to withdraw the amendment.

BOL SOVER DISTRICT COUNCIL

¶

ORIGINAL MOTION

¶

On being put to the vote, the original motion was carried.

¶

RESOLVED that

¶

i) → all public firework displays within the District boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people.

¶

ii) → the Chief Executive Officer be requested to write to the Government urging them to legislate that the law be changed to only allow the sale of fireworks to operators of licensed displays.

¶

iii) → a public awareness campaign be actively promoted about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks.

¶

iv) → the Chief Executive be requested to write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90db for those sold to the public for private displays.

¶

v) → local suppliers of fireworks be encouraged to stock 'quieter' fireworks for public display.

¶

vi) → the Authority tighten up the restriction of sales of fireworks in the run up to Bonfire Night to under 18 year olds and to discourage proxy sales of fireworks for those under the age of 18.

(Chief Executive Officer)

¶

¶

Appendix 3: NEDDC Report to Cabinet (February 2020)

Agenda Item No *

North East Derbyshire District Council

Cabinet

13th February 2020

Bonfire and Firework Display Safety Campaign 2020

Report of the Portfolio Holder for the Environment

This report is public

Purpose of the Report

- To present to Cabinet initial plans for a Bonfire and Firework Display Campaign for 2020.
- To make Cabinet aware of a national campaign by the RSPCA calling for additional controls and measures including reducing noise levels, licensing displays and raising awareness of the impact of fireworks on animal welfare and vulnerable people.

1 Report Details

1.1 Background and Current Regulatory Framework

- 1.2 It has been widely reported in the press that thousands of people are injured each year in firework related accidents in the home. The RSPCA has launched a campaign called #BangOutOfOrder to raise awareness and lobby for greater controls on firework volumes and sales and greater awareness of the impact on pets, horses, farm animals and wildlife.
- 1.3 The Fireworks Regulations 2004 updated the previous legislation regarding the sale and use of fireworks. They prohibit the possession and use of excessively loud category 3 fireworks (above 120dB(A)) and restrict sales of Category 4 fireworks to professional display companies who can demonstrate they have full insurance, proper licenced storage and competence.
- 1.4 It is illegal to set off fireworks between 11pm and 7am, except for on Bonfire Night, when the cut off is midnight and on New Year's Eve, Diwali and Chinese New Year, when the cut off is 1am. It is also illegal to sell fireworks to people under the age of 18. It is illegal under the Town Police Clauses Act 1847, to

set off or throw fireworks (including sparklers) in the street or other public places.

- 1.5 Buying fireworks for private use from Derbyshire County Council registered sellers is also restricted to between the 15th October and 10th November, 26th and 31st December and 3 days before Diwali and Chinese New Year. Outside of these times people can only buy fireworks from one of five Derbyshire premises which hold a year round licence premises.
- 1.6 The laws on possession and use of fireworks are enforced by the Police, and the licensing of sellers and under age sales offences are the responsibility of Derbyshire County Council's Trading Standards.
- 1.7 Although North East Derbyshire District Council has no powers to deal with the sales and use of fireworks, it does enforce health and safety legislation in shops and at some outdoor events. Although the topic is not on the Health and Safety Executive's priorities for local enforcing authorities in 2020/21, the Joint Environmental Health Service recognises that there is concern about the impact fireworks can have at public displays and in domestic settings.

2 Conclusions and Reasons for Recommendation

- 2.1 The Joint Environmental Health Service has begun planning a Bonfire and Firework Display Registration Scheme due to be launched in September 2020, and through the run up to the Bonfire Night period.
- 2.2 The scheme will aim to raise awareness of the principle safety concerns and risks associated with fireworks, bonfires and uncontrolled displays. It will also promote the RSPCA campaign to raise awareness of the impact on pets and other animals to enable people to make informed decisions about their use of fireworks and to be aware of events taking place in their community.
- 2.3 The scheme will introduce a voluntary registration system and a code of conduct for public display, addressing safety and noise concerns, which registered events will be requested to agree to. Registered events will be publicised on the Council's website, helping to raise awareness of events within communities as requested by the RSPCA.

3 Consultation and Equality Impact

- 3.1 In developing the registration scheme further consultation will be held with the Police, Trading Standards and the RSPCA.
- 3.2 There are no impacts on equality arising from this report, although it is noted that fireworks can have a disproportionate impact on vulnerable people in society.

4 Alternative Options and Reasons for Rejection

- 4.1 The Service has considered other options such as attempting to draw up Public Space Protection Orders and use of Community Protection Notices. However, there have not been any events which have been reported to the service over the previous Bonfire Night period which would lead to the need for additional local regulation. In addition, the existing primary legislation contains robust controls for dealing with anti-social behaviour related to fireworks and the general use and sale of fireworks to authorised persons.
- 4.2 Further restrictions on sales and categorisation of fireworks would require primary legislation to further restrict the manufacture and sale of fireworks. The RSPCA's national campaign calling for additional restrictions and measures is summarised in a draft motion for Councils attached at appendix 1 to this report.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 The safety campaign and promotion has no financial risk associated with it. There are a number of registration schemes operating nationally through other local authorities which the Council can use as a template. Online marketing of the scheme as well as press releases and social media messages will enable promotion of the registration scheme.

5.2 Legal Implications including Data Protection

- 5.2.1 There are no legal implications of these proposals.
- 5.2.2 Businesses who sign up to the registration scheme will consent to organisation details being published and prior to the electronic form being made live these matters will be checked with the Data Protection Officer.

5.3 Human Resources Implications

- 5.3.1 There are no human resource implications for these recommendations as the work will be completed and administered through existing resources.

6 Recommendations

- 6.1 That Cabinet notes and supports the introduction of a Firework and Bonfire Registration Scheme and Code of Conduct.
- 6.2 That Cabinet agrees that officers arrange to meet with the RSPCA to consider their call for additional controls and measures including reducing the maximum noise level of fireworks sold to the public, ensuring they are labelled accurately and licensing all public firework displays.

7 Decision Information

Is the decision a Key Decision? 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: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	NEDDC Council Plan 1.4, 3.1, 3.2, 4.1, 4.3 BDC – To be confirmed

8 Document Information

Appendix No	Title
1	RSPCA Draft motion for councils 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 Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
1. The Fireworks Regulations 2004 2. National Local Authority Enforcement Code, Health and Safety Executive	
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Appendix 4: Firework and Bonfire Event Voluntary Registration Scheme Booklet and Application Form

Specific advice and links to additional guidance including the neighbouring Voluntary Registration Scheme can be found on the NEDDC website:

<https://www.ne-derbyshire.gov.uk/environmental-health/waste-damage-and-disturbance/fireworks>

A further example can be found on Derbyshire Dales District Council website:

<https://www.derbyshiredales.gov.uk/community-a-living/health-a-wellbeing/bonfire-and-firework-safety-scheme>

<https://www.derbyshiredales.gov.uk/component/weblinks/weblink/72-g/1047-gov-uk-celebrating-bonfire-night-a-community-guide-to-organising-bonfires-and-fireworks>

While not specifically an example of a Registration Scheme, Mansfield DC also link to a Nottinghamshire guide on event management:

<https://www.mansfield.gov.uk/downloads/file/229/nottinghamshire-event-planning-a-z-guide>

Appendix 5: Bibliography

Bolsover District Council, (13 November 2019), Minutes of Council, Minute number 411(e), pp9-10.

<https://bmoderngov.bolsover.gov.uk/documents/g2200/Printed%20minutes%2013th-Nov-2019%2010.00%20Council.pdf?T=1>

Hansard, 2 November 2020, Volume 683: Fireworks,

<https://hansard.parliament.uk/commons/2020-11-02/debates/F982D230-02C0-4A8B-8A60-D0C51F952944/Fireworks>

North East Derbyshire District Council, (February 2021), Item 5(a) Bonfire and Firework Display Safety Campaign 2020, pp47-52.

<https://democracy.ne-derbyshire.gov.uk/documents/g1283/Public%20reports%20pack%2013th-Feb-2020%2016.30%20Cabinet.pdf?T=10>



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