



**Review of Council Policy on Sky
Lanterns and Helium Balloons
December 2020 – October 2022
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 could not accommodate this as part of the 2021-22 programme we committed to completing the work within the four-year municipal cycle.

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 sky lantern and balloon use, both at specified celebrations such as birthdays/family and community events; Bonfire night and New Year's Eve.

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 recent years. In relation to the release of lanterns/balloons and the Council's Policy on the matter, the Council has received a number of requests from the public over the last few years for Members to consider:

	No. of Comments/Complaints Received
2022/23	0
2021/22	0
2020/21	7
2019/20	3
2018/19	2
2017/18	2

While the volume of comments/complaints received is low, Members are aware that this is an emotive issue that causes great issues for landowners. Members were mindful that whilst there is limited 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.

While Members of Climate Change & Communities Scrutiny could not take this forward during 2021/22 due to workloads, there was a commitment to finish this piece of work and ensure the Council had adequate local policies in place.

The risks associated with sky lanterns

Sky lanterns are usually used in Britain to mark special celebrations such as weddings, parties and New Year, but many people are not aware of the dangers they can cause.

Essentially a small hot air balloon made of paper, with an opening at the bottom where a candle is suspended, sky lanterns, or Chinese lanterns as they're also known, can float for miles before they fall to the ground, potentially causing a danger to animals and a fire hazard.

Litter nuisance

Farmers and other landowners have to clear up the remnants of sky lanterns from their

fields. Whilst 'biodegradable' lanterns made from Bamboo are available, they still take months or years to degrade.

Fire

Once a sky lantern is lit, nobody knows exactly where it will land. Fields of standing crops, hay and straw stacks, farm buildings housing animals, thatched roofs plus lots more are all at a significant risk of being set alight.

Climate Change

Global warming is affecting the climate in the UK. In 2022 the highest ever UK daily temperature was recorded and the UK endured drought conditions. These conditions make fields and crops more vulnerable to fire. This trend is forecast to continue. In 2022 the National Farmers Union (NFU) started a campaign for a total ban of sky lanterns in England and Wales and began a petition that received 50,000 signatures.

Animals and Livestock

Sky lanterns can cause suffering or even kill animals and livestock. Not just by fire, sky lantern debris can cause immense stress and injury. Some of the key dangers are:

- Animals eating lantern debris which can cause tears or punctures to internal organs leading to a potentially life-threatening situation
- Animals getting splinters in their skin which may cause infection
- Animals becoming trapped or tangled in debris, where they can suffer from injury and stress trying to get free or starve to death from being trapped
- Frames of lanterns can contaminate crops which are then unknowingly fed to animals
- Marine life is also endangered by lanterns falling into the sea.

False alarms

Sky lanterns pose a significant danger to aviation traffic such as planes and helicopters. There are concerns that lanterns can be drawn into aircraft engines and can delay take-off and landing. In addition, lanterns drifting across a night sky have also been mistaken by the public and coast guards for marine distress signals.

The risks associated with helium balloons

In addition to concerns about sky lanterns some councils, such as Norfolk County Council, have also banned the release of Helium filled balloons from land they own.

Balloon releases can also cause harm to the environment and wildlife. Balloon materials quickly become litter and can choke animals and livestock and are harmful to birds.

National Policy

Sky lanterns aren't currently banned in England or Scotland, but they've been banned in Wales on all council land since February 2018. There is currently no national legislation in place, however it is widely accepted that:

“By enacting Section 140 of the Environmental Protection Act 1990 the Secretary of State can prohibit or restrict the importation, use, supply or storage of injurious substances or articles, such as sky lanterns.”¹

The Sky Lanterns (Prohibition) Bill was brought to the House of Commons during the 2017-19 session. It completed its first reading on 27 March 2019 but did not complete its passage through Parliament before the end of the session. While a second reading was scheduled and a Bill number assigned (368), it made no further progress.²

In their guidance on Sky Lanterns, Oxfordshire County Council note that:

“.....At the present time, the Department for Business, Innovation & Skills does not feel that a ban is necessary as the legislation currently in place is sufficient to enable retailers etc., to ensure that the products they supply are as safe as possible.

Under the General Product Safety Regulations 2005 anyone in the supply chain has a duty to supply “Safe Products”. Under these regulations Trading Standards can remove any product from the market that they consider unsafe in normal or reasonable foreseeable use. A lack of adequate instructions for use and or warnings could lead to a product being regarded as unsafe. As a result sky lanterns could be removed from the market due to poor construction, labelling etc.”

International Policy

A number of countries have implemented a complete ban on the use of sky lanterns including Argentina, Austria, Australia, Brazil, Chile, Colombia, Costa Rica, New Zealand, Spain, Germany and parts of Canada.

1.1 National Campaigns

The National Farmers Union (NFU) advocates against the use of sky lanterns and acknowledges that sky lantern use typically rises around Bonfire Night with many people unaware of the consequences they have on farmers as well as putting increased strain on emergency services. As an example they note that a fire in the West Midlands caused by a lantern saw 39 fire appliances and more than 200 firefighters in attendance to tackle it over a number of days and thousands of people

¹ <https://www.cla.org.uk/news/banning-sky-lanterns/>

² <https://bills.parliament.uk/bills/2378/news>

have already written to their MPs to raise concerns as a result of the NFU's campaign. They have previously released the following statement³ in November 2020:

“The NFU would like to see a total ban of sky lanterns across England and Wales to safeguard property and animals and, while we have already seen numerous councils ban sky lanterns, I would encourage the remaining local authorities to follow the good examples set by others across the country to avoid heightened and unnecessary strain to our already stretched emergency services.”

The National Fire Chiefs Council (NFCC) issued a joint statement⁴ back in November 2020 in conjunction with the National Farmers Union (NFU) in relation to the hazards of Sky Lanterns. Paul Hedley stated:

“...I strongly urge people not to light sky lanterns this Bonfire Night. In fact, NFCC does not advocate the use of sky lanterns under any circumstances, at any time.

They pose a huge fire hazard, impact on agriculture, thatched properties and hazardous material sites, and risk the lives of animals. A fire caused by a sky lantern can be a complex and large scale incident and have huge implications on fire services who are already stretched at this time of the year. ...”

The RSPCA have also joined the combined national movement to ban such items and have produced a [guide to sky lanterns](#) with more information about the alternatives that people could choose.

Current campaign progress

In 2021, the NFU, alongside 17 leading farming, environment, animal and fire organisations including the RSPCA and National Fire Chiefs Council, wrote to Rebecca Pow MP, Under Secretary of State for Defra to highlight the danger of sky lanterns.

The coalition then met with Environment Minister, Jo Churchill MP. She committed to commission further research into the risks of sky lanterns.

Then in May 2022, NFU launched a petition calling for support for a total ban on the sale and use of sky lanterns in England and Wales.

³ <https://www.nfuonline.com/updates-and-information/fire-chiefs-join-nfu-campaign-for-sky-lanterns-ban-ahead-of-bonfire-night/>

⁴ <https://www.nationalfirechiefs.org.uk/News/nfcc-and-nfu-highlights-the-dangers-of-sky-lanterns-this-bonfire-night#:~:text=%22They%20pose%20a%20huge%20fire,this%20time%20of%20the%20year.>

2. Recommendations

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
CCCSC22-23 1.1	That a local Charter for BDC outlining our position in relation to Sky Lanterns and Helium Balloons be produced and endorsed by Executive and Council.	That the Council aligns with the approach of neighbouring Councils, outlining a clear stance against the release of sky lanterns and helium balloons on its land and property.	March 2023	Joint Assistant Director of Environmental Health	Officer time	This is deliverable within current service resources.
CCCSC22-23 1.2	That on agreement of the Charter by Council, notification is sent to the Marine Conservation Society so the Council can be added to the national list of	That the Council shows clear intent to back the national campaign and is listed alongside other Councils nationally.	March 2023	Joint Assistant Director of Environmental Health	Officer time	This can be completed following endorsement by Council.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
	Councils with a ban in place.					
CCCSC22-23 1.3	That on agreement of the Charter by Council, all relevant tenancy agreements are reviewed and where necessary a clause added (at their next scheduled revision) to reflect the Council's position in relation to its land and property.	That all relevant tenancy agreements, where necessary, reflect the Council's stance in limiting environmental impacts from sky lanterns and released balloons.	On renewal.	Joint Assistant Director of Environmental Health in consultation with: Assistant Director of Housing Management & Enforcement Business Growth Manager	Officer time	This is deliverable within current service resources. This will require liaison with Estates Management and Housing Management.
CCCSC22-23 1.4	That advice and guidance be added to the Council's website and appropriate publicity in local publications takes place, following agreement of the	That the Council adopts an improved approach to awareness raising on this issue, improving knowledge on the risks and	March 2023	Joint Assistant Director of Environmental Health in consultation with: Communications, Design and Marketing Manager	Officer time	This is deliverable within current service resources.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
	Charter by Council.	directing the public to alternative options.				
CCCSC22-23 1.5	That BDC writes a letter to the Government lobbying for change to national legislation, in line with the national campaign.	That the Council aligns with the approach of neighbouring Councils and backs the national campaign for legislation to ensure a ban on items such as sky lanterns and helium balloons.	March 2023	Portfolio Holder – Environmental Health & Licensing	Member and officer time	This can be completed via support from the Scrutiny & Elections Officer

3. Scope of the review

The Healthy, Safe, Clean & Green Communities Scrutiny Committee agreed to undertake a Review of Council Policy on Sky Lanterns and Helium Balloons, 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 voluntary ban 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 Sky Lanterns and Helium Balloons and review local Council policy.

The objectives agreed were:

- Assess national campaigns and neighbouring authorities and consider replicating a similar charter/policy for BDC.
- Assess the scale of the local environmental impact via consultation with both residents and local agencies/groups.

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?
- A number of national organisations have given weight to a national campaign for legislation changes.

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

Due to membership changes in 2022/23, Councillor J. Wilson replaced Councillor J. Tait.

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 neighbouring areas; number of resident contacts; and specific action following a previous motion to Council;
- Development of a draft resident/community group survey (not subsequently pursued following further information from Environmental Health and the Customer Standards and Complaints Officer);
- Online research of national legislation, campaigns and policy approaches by neighbouring authorities and environmental organisations.

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

- Environmental Protection Act 1990
- Hansard, volume 657: debated Wednesday 27 March 2019 – Sky Lanterns (Prohibition)
- BDC Compliments, Comments and Complaints data
- 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 tenants over private homeowners.

5. Analysis of evidence and key findings

5.1 Assess national campaigns and neighbouring authorities and consider replicating a similar charter/policy for BDC.

Initial investigations

On commencing the review back in December 2020, Members of the original committee began to investigate how other local authorities had approached this issue. It became apparent quite quickly that a large number of authorities across England have put a policy in place either for both types of item or specifically for lanterns or balloons. The Marine Conservation Society has a useful list of authorities with a ban in place, although its accuracy is reliant on the Society being informed by the Council that a Policy or Ban is in place.

As noted in section 1 there has been a significant push by a large number of national agencies over the last three years. This is particularly in light of the impact of the Covid-19 pandemic on the change in the nation's work and leisure time, and on Fire & Rescue Services resources. There has been a notable increase in fires on moorland and grassland linked to littering from both lanterns and disposable BBQs.

Members reviewed the correspondence to the Customer Standards & Complaints Officer and all raised concerns about the environmental impact and called on the authority to put a ban in place within the locality.

Members also consulted with Environmental Health Officers on local data held and while they had no additional data to add, Members felt it was right that the Council sought to align with the approach of neighbouring areas and request that a Policy be drafted.

Further investigation following scrutiny structure changes

Further investigation by the Climate Change & Communities Scrutiny Committee took place in the 2022/23 municipal year. While it was clear that there had been no formal complaints raised at a local level with either the Customer Standards & Complaints Officer, or direct with the Environmental Health Service, the national campaign for change had gathered pace.

Development of a Local Charter

Officers within Environmental Health advised Members that due to the lack of support in terms of national legislation, creation of a policy at a local level may leave the Council open to challenge. An alternative course of action would be to adopt a Charter outlining the Council's stance. A suggested Charter the Council could adopt is as follows:

Bolsover District Council has banned the release of sky lanterns and balloons on any land or property owned by the Council.

We are committed to encouraging businesses, communities, landowners and individuals to switch to alternative ways of celebrating and commemorating events.

Bolsover District Council pledges to:

- Promote the restriction of the release of all types of helium-filled balloon and sky lantern on property and land owned by the Council. This includes those that are made from bamboo or claim to be biodegradable.*
- Engage with businesses, communities, landowners, schools and individuals to encourage them to sign up to this charter.*
- Raise awareness of safer and more environmentally friendly alternatives that people can celebrate with, through promotion and campaigns.*

Officers highlighted that there are many alternatives promoted such as tree planting, flag flying, jam jar lights, or even releasing giant bubbles. The RSPCA website has more suggestions (<https://www.rspca.org.uk/adviceandwelfare/litter/balloon-and-sky-lantern-alternatives>).

(Potential) Recommendations:

That a local Charter for BDC outlining our position in relation to Sky Lanterns and Helium Balloons be produced and endorsed by Executive and Council.

That on agreement of the Charter by Council, notification is sent to the Marine Conservation Society so the Council can be added to the national list of Councils with a ban in place.

That on agreement of the Charter by Council, all relevant tenancy agreements are reviewed and where necessary a clause added (at their next scheduled revision) to reflect the Council's position in relation to its land and property.

That advice and guidance be added to the Council's website and appropriate publicity in local publications takes place, following agreement of the Charter by Council.

That BDC writes a letter to the Government lobbying for change to national legislation, in line with the national campaign.

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 (2020/21) 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 (May 2021), 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. Due to workload commitments, members could not move forward with the work until the 2022/23 committee cycle. However, as there was limited public contact in relation to the issue Members felt this was an appropriate course of action.

On reassessing the scope and the evidence originally gathered during 2020/21, Members felt that there was little impact to be gained from completing a consultation exercise, due to the limited number of resident complaints/queries. Additionally, due to the high volume of councils already taking a similar approach and agreeing a local policy, it was agreed this was sufficient weight for the Council to move ahead and develop its own policy to remain consistent with neighbouring areas.

Via internal enquiries it also became apparent that there had been no direct contact or complaint to Environmental Health in relation to the matter. As such, Members concluded that the time and cost of completing consultation would not add any additional benefit to the review.

6. Conclusions

The Committee have put together five recommendations which will hopefully assist the Council in limiting the impact of local use of sky lanterns and helium balloons.

The key findings arising from the review are:

- That there is limited additional impact we can have at a local level due to current national legislation, however designating restrictions on use on council land will bring us in line with over 50% of English councils.
- 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
- Executive Director of Resources
- Customer Standards and Complaints Officer
- Improvement Officer (Consultation)
- Joint Assistant Director of Environmental Health
- Joint Environmental Health Managers
- Assistant Director of Housing Management & Enforcement

Stakeholders impacted by the Review:

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

Appendix 2: Bibliography

Policy Examples

Dorset County Council

<https://moderngov.dorsetcouncil.gov.uk/documents/s22975/Appendix%201%20-%20The%20Sky%20lantern%20and%20Balloon%20Release%20DC%20Policy.pdf>

Nottinghamshire County Council

<https://www.nottinghamshire.gov.uk/media/127740/sky-lanterns-policy.pdf>

Newark & Sherwood District Council

<https://www.newark-sherwooddc.gov.uk/skylanternsandballoons/>

North East Derbyshire District Council

<https://www.ne-derbyshire.gov.uk/news-and-media/latest-news/council-introduce-charter-to-ban-release-of-sky-lanterns-and-helium-balloons-on-council-land>

Council report: [https://democracy.ne-](https://democracy.ne-derbyshire.gov.uk/ieListDocuments.aspx?CId=1156&MId=1487&Ver=4)

[derbyshire.gov.uk/ieListDocuments.aspx?CId=1156&MId=1487&Ver=4](https://democracy.ne-derbyshire.gov.uk/ieListDocuments.aspx?CId=1156&MId=1487&Ver=4)

Guidance on Chinese Sky Lanterns – Issue 1, Oxfordshire County Council.

<https://www2.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/business/tradingstandards/safety/skylanternsleaflet.pdf>

Preston City Council

<https://www.preston.gov.uk/article/4195/Balloon-and-Sky-Lantern-Release-Policy>

Shropshire County Council

<https://shropshire.gov.uk/committee-services/documents/s30585/Policy%20on%20the%20Release%20of%20Balloons%20and%20Sky%20Lanterns-20042022%200909.pdf>

National Campaigns

Countryside

<https://www.countrysideonline.co.uk/care-for-the-countryside/sky-lanterns/>

Marine Conservation Society

<https://www.mcsuk.org/what-you-can-do/campaigns/dontletgo/dontletgo-councils/>

NFU

<https://www.nfuonline.com/updates-and-information/has-your-local-authority-banned-sky-lanterns/>

RSPCA

<https://www.rspca.org.uk/adviceandwelfare/litter/skylanterns>

<https://www.rspca.org.uk/documents/1494939/7712578/Sky+lanterns+%28PDF+346KB%29.pdf/73464443-0f58-6b2e-1d50-efde47de7fe6?t=1553617206154&version=1.0&t=1553617206154>

Legislation

Environmental Protection Act 1990, Part VIII, s.140
<https://www.legislation.gov.uk/ukpga/1990/43/part/VIII>

Sky Lanterns (Prohibition) Bill
<https://bills.parliament.uk/bills/2378/news>
[https://hansard.parliament.uk/commons/2019-03-27/debates/0EAB4869-23CB-4422-9EB1-ABA96E1E4B94/SkyLanterns\(Prohibition\)](https://hansard.parliament.uk/commons/2019-03-27/debates/0EAB4869-23CB-4422-9EB1-ABA96E1E4B94/SkyLanterns(Prohibition))



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