

TEIGNBRIDGE DISTRICT COUNCIL

EXECUTIVE

10TH FEBRUARY 2020

PART I

Report Title	Fireworks Notice of Motion
Purpose of Report	To set out how the Council can support the campaign by the RSPCA regarding fireworks and firework displays
Recommendation(s)	The Committee RESOLVES to: (1) Endorse the recommended actions set out in section 4 of this report
Financial Implications	No direct financial implications of the recommendations set out in the report. Martin Flitcroft, Chief Finance Officer Email: martin.flitcroft@teignbridge.gov.uk
Legal Implications	No direct legal implications. Paul Woodhead, Legal Services Team Leader and Deputy Monitoring Officer Email: paul.woodhead@teignbridge.gov.uk
Risk Assessment	The risk of adopting the recommendations is considered minimal. Email: david.eaton@teignbridge.gov.uk
Environmental/ Climate Change Implications	There are no direct environmental or Climate Change implications. Email: david.eaton@teignbridge.gov.uk
Report Author	David Eaton, Environmental Protection Manager Email: david.eaton@teignbridge.gov.uk
Portfolio Holder	Portfolio Holder for Waste Management & Environmental Health, Cllr Alistair Dewhirst
Appendices	Fireworks Notice of Motion, Full Council, Tuesday 19 th November 2019

1. BACKGROUND

At Full Council on the 19th November 2019 a notice of motion was discussed which asked the Council to support the RSPCA campaign regarding fireworks and Firework Displays.

The notice of motion stated;

- Teignbridge Council understands the anxiety and stress caused to vulnerable people and family pets by the random use of fireworks in the days before and after November 5th each year, or outside of properly organised firework events.

- Council agrees to write to the Government encouraging new legislation on the sale and use of fireworks so that those available to the public for private displays are limited to 90dB.

- Council also calls on the Government to work with firework manufacturers, leading retailers and, for example, the RSPCA, to introduce a national Code of Good Practice for organisers of public firework displays, to include good standards of advance advertising for events.

- Teignbridge to amend its own Booking Forms to highlight the RSPCA campaign and good practice for firework displays, which will be shared with Town and Parish Councils. Working together we can encourage all public firework displays on council owned land to be well advertised in advance of the event, and individual notices delivered to the homes closest to the display.

- Utilising the council's own media and social media channels, Teignbridge will promote the RSPCA public awareness campaign about the impact of fireworks on animal welfare and vulnerable people - including the precautions that can be taken to help mitigate risks.

It was resolved that the Notice of Motion be referred to Executive for further detail on what the Council could put in place to support the Notice of Motion.

2. REPORT DETAIL

The current legislation covers a number of concerns that the notice of motion raises. The Fireworks Regulations 2004 prohibits:

- Anyone under 18 years from possessing fireworks in a public place
- Anyone except professionals from possessing display fireworks
- Any fireworks that detonate at a higher level than 120 decibels
- The use of fireworks at night (11pm - 7am) in England and Wales.
- Air bombs are banned and there are new strict controls on mini-rockets.

There are, however, extensions for the use of fireworks at night for the following festivals:

- Chinese New Year - until 1:00am on the night
- Diwali - until 1:00am on the night
- New Year's Eve - until 1:00am on the night
- Bonfire Night - until midnight

If local residents are affected by fireworks being let off in the street or outside the permitted times they should contact the police. If there are concerns that fireworks being sold are not legal, residents should contact Trading Standards. Officers can deal with noise nuisance pre-emptively if we are satisfied that it is likely to occur, for example a planned large illegal rave close to residential properties. Noise nuisance is assessed as the impact on human health and unfortunately not animals. However, in the case of fireworks the restrictions that are in place already would mean that if an individual complied with them it is not going to be a noise nuisance.

In a recent report the House of Commons Petitions Committee in its First Report of Session 2019 'Fireworks' published on 5 November 2019 has made a number of recommendations to the Government concerning the sale and use of fireworks and their detrimental effects on human and animal health. The report included a recommendation for the Government to fund and coordinate a major, national awareness campaign on the responsible use of fireworks to get the message across to the public from October 2020 and annually thereafter.

Generally public firework displays are well advertised as these are invariably run for fundraising purposes, but small private displays could be problematic. The Council does have powers as a landowner to control any displays that take place on our land through our event booking procedure.

3. IMPLICATIONS, RISK MANAGEMENT & CLIMATE CHANGE IMPACT

3.1 Financial

No direct legal implications.

3.2 Legal

No direct legal implications.

3.3 Risks

No direct legal implications.

3.4 Environmental/Climate Change Impact

There are no direct environmental or Climate Change implications.

4. CONCLUSION

The legislation that currently controls the sale and use of fireworks provides an appropriate legal framework. However, the maximum level for an individual firework could be reduced to the level suggested by the RSPCA.

Therefore it is recommended that;

- The Portfolio Holder for Waste Management & Environmental Health writes to Government seeking new legislation on the sale and use of fireworks so that those available to the public for private displays are limited to 90dB.
- Officers amend the Booking Forms to highlight the RSPCA campaign and good practice for firework displays, which will then be shared with Town and Parish Councils.
- The Council joins with the national campaign in October 2020 to highlight the impacts of fireworks to animals.