

Committee	COMMUNITIES SCRUTINY COMMITTEE
Date	22 April 2021
Title	CONTROL OF FIREWORK DISPLAYS
Cabinet Member	Councillor Gareth W Griffith
Author	Dafydd Wyn Williams – Head of Environment Department
Purpose	To explain the statutory responsibilities and the work arrangements the Council has regarding the control of firework displays.

1. BACKGROUND

1.1 This report is submitted in response to a notice of motion by Councillor Paul Rawlinson namely:

"To request that the Communities Scrutiny Committee gives consideration within its work programme to review what steps the Council can take to promote or encourage:

- that all public firework displays within the local authority boundaries should be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people.
- a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including precautions that can be taken to mitigate risks.
- local suppliers of fireworks to stock 'quieter' fireworks for public displays.
- people to limit the use of fireworks to a period close to specific dates."

1.2 In order to seek a response to the matters raised above, and to facilitate the input of the Scrutiny Committee, it is firstly considered important to explain what are the Council's statutory responsibilities regarding fireworks and firework displays, as well as to explain any work arrangements the Council has that are not statutory requirements. It will then be possible to respond to the above bullet points individually.

2. STATUTORY RESPONSIBILITIES AND WORK ARRANGEMENTS

Sales and product safety

2.1 The Council has statutory responsibilities regarding the sale of fireworks that are implemented by the Trading Standards, Markets and Fairs Service (Public Protection), the Environment Department and these are limited to:

- The Explosives Act 2014
- The Fireworks Regulations 2004
- The Pyrotechnic Articles (Safety) Regulations 2015

2.2 The Explosives Act 2014, places a responsibility on the Council to licence every business or premises that wish to store fireworks. A register is maintained, and every premises will be inspected to ensure that it is suitable to store fireworks, and is in compliance with the requirements.

- 2.3 The Fireworks Regulations 2004 and the Pyrotechnic Articles (Safety) Regulations 2015 place a responsibility on us to restrict the supply of fireworks as well as to ensure the safety and standard of fireworks themselves (the product). This includes restricting the period when fireworks are sold to specific seasons, together with ensuring that fireworks are not sold to anyone under a specific age. The specific period is:
- 15th October to 10th November
 - 26th December to 31st December
 - Chinese New Year and 3 days previously
 - Diwali and 3 days previously.
- 2.4 It is worth noting that it is possible under the Regulations to apply for a licence for the sale of fireworks throughout the year. However, this cost is substantially higher than the cost of a general licence. Currently, it is worthwhile noting that only 1 premises in Gwynedd has such a licence.
- 2.5 There are 4 types of fireworks (category F1/F2/F3/F4). A licence allows for the storage and sale of category F1, F2 and F3 fireworks, namely fireworks that are suitable for users only (user / public use only). Category F4 is a professional type of firework with a high risk to be used by a professional person, or who has specialist knowledge to use them in professional displays. We do not have any person/business in Gwynedd who stores/sells category F4 fireworks.
- 2.6 F1/F2/F3 fireworks have to reach the essential safety requirements, and it is worthwhile noting that the noise level cannot exceed 120db within a relevant distance (F1 - 1 metre, F2 - 8 metres, F3 - 15 metres).
- 2.7 Generally, there is no evidence of any difficulties in terms of compliance with the statutory requirements regarding sales and product safety, and there is good cooperation between the Council and the relevant businesses.
- 2.8 In Appendix 1 of the report, a more detailed overview is given of the requirements, in a document by the Trading Standards Wales group, that includes representation from Trading Standards Services from across Wales.

Noise issues

- 2.9 In terms of matters specifically relating to noise pollution, the Council has statutory powers implemented by the Pollution Control and Licensing Service (Public Protection). The relevant legislation that confers powers to the Council to deal with cases of noise nuisance is the Environmental Protection Act 1990. In order to operate under the Act evidence is required, that an event is likely to create a statutory nuisance, or there is evidence that several regular and frequent events have caused people to suffer from noise in their homes.
- 2.10 When fireworks are used in an official event, officers can give advice on how to prevent the worst noise impacts and to ask to limit the times when fireworks are used, if the Council is informed about the event. When fireworks are used very occasionally, without notice by individuals, it is not possible to implement statutory nuisance prevention powers due to the lack of evidence that the nuisance will occur again.
- 2.11 It is also noted, based on the evidence to hand, that cases of complaints are presented very infrequently to the Pollution Control and Licensing Service (Public Protection) regarding organised firework displays. If there are cases, where fireworks are used in an anti-social way, then this is usually a matter that will be referred to the police.

Campaigns to raise awareness and to give advice to users / organisers

- 2.12 In addition to the statutory responsibilities referred to above, the Trading Standards, Markets and Fairs Service undertake work that is non-statutory in relation to fireworks.
- 2.13 Campaigns take place annually regarding bonfire and firework safety, incorporating good practice advice to those who organise firework displays regarding not to light fireworks too late in the night etc.
- 2.14 The arrangements to raise awareness include cooperation with the North Wales Fire and Rescue Service, with press statements circulated annually and similar arrangements also being implemented at a national level.
- 2.15 There are arrangements in place with voluntary work to raise awareness and refer prospective users / organisers to the relevant requirements and good practice, for example the Fireworks Code that is attached as Appendix 2 to this report. It is noted that the Fireworks Code includes a reference to the following:
- Be considerate to your neighbours - avoid setting fireworks off late at night and remember there are regulations to be followed.
 - Keep pets indoors at night.

3. RESPONSE TO THE NOTICE OF MOTION

- 3.1 Noting the above statutory requirements and non-statutory work undertaken by the Services, the following observations are given to the bullet points in the notice of motion:
- **that all public firework displays within the local authority boundaries should be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people.**
- 3.2 Ideally, it is agreed that this would be good practice and we can continue to raise awareness of good practice but unfortunately, the Council has no powers to enforce this.
- **a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including precautions that can be taken to mitigate risks.**
- 3.3 During the periods when fireworks are sold, the Trading Standards, Markets and Fairs Service seeks to ensure that information is shared on good practice regarding firework safety, the dangers etc. Usually by posting on the council's social website pages e.g. Facebook/Twitter. Also, as noted above, campaigns are coordinated jointly with the North Wales Fire and Rescue Service, as well as at a national level, this includes national and local press statements.
- **local suppliers of fireworks to stock 'quieter' fireworks for public displays.**
- 3.4 All suppliers in Gwynedd are licensed to only sell F1, F2 or F3 category fireworks. This means that the noise level cannot exceed 120db within a relevant distance (F1 - 1 metre, F2 - 8 metres, F3 - 15 metres).
- **people to limit the use of fireworks to a period close to specific dates.**

- 3.5 The Trading Standards, Markets and Fairs Service is responsible for the storage and sale of fireworks. Sales are restricted to specific periods that are close to special days as has already been mentioned.
- 3.6 Generally, the sales restrictions tend to influence the period when someone sets off fireworks, but a person has a right to light fireworks on any day of the year, subject to restrictions that prevent this between 11pm and 7am except for:
- Bonfire Night when they can be set off until midnight
 - New Year's Eve, Diwali and Chinese New Year until 1am
- 3.7 Therefore, unfortunately as the law allows the above in terms of setting off fireworks, we cannot force people to use fireworks during a period close to specific dates.

4. RECOMMENDATIONS

- 4.1 The Scrutiny Committee is asked to accept the report and make any observations.

APPENDICIES

APPENDIX 1: Guidelines from the Trading Standards Wales group

APPENDIX 2: The Fireworks Code