

Title of Report:	Fireworks Licensing Fees	Item 12
Report to be considered by:	Executive	
Forward Plan Ref:	EX0880	

Corporate Plan Priority:	Promoting Safer Communities
The proposals contained within the report will help support the above Corporate Plan priority by controlling the availability of fireworks.	

Purpose of Report:	To agree a licence fee for the purpose of Fireworks Regulations 2004
Recommended Action:	APPROVE the recommended fee as set out in paragraph 3 of the report
Reason for decision to be taken:	It is a legal requirement that the Council set a licence fee for the purpose of the Fireworks Regulations 2004
List of other options considered:	Other fee structures
Key background documentation:	Fireworks Regulations 2004

Portfolio Member:	Councillor Billy Drummond
Tel. No.:	01635 552764
E-mail Address:	Bdrummond@westberks.gov.uk

Contact Officer Details	
Name:	Sean Murphy
Job Title:	Food and Trading Standards Manager
Tel. No.:	01635 519840
E-mail Address:	Smurphy@westberks.gov.uk

1. Background

Over time there has been an increasing level of concern regarding both the use (and on occasions misuse) of fireworks both inside and outside the traditional periods of Bonfire night, Diwali, New Year and Chinese New Year.

Concern has also grown that the unrestricted sale of fireworks has additional consequences above and beyond those of personal safety, disturbing neighbours and frightening animals.

The use of fireworks by vandals has changed the nature of this harmless tradition.

Such vandalism involving fireworks has escalated in recent years, with more reports of fireworks being pushed through letter-boxes or thrown at children and animals.

More serious criminals have realised the potential of fireworks as a terror weapon.

Thankfully we have not had problems on this scale in West Berkshire with concern being mainly around noise nuisance and accident prevention.

2. The Current Legal Situation

At present there is the requirement under the Explosives Act 1875 for Registration of premises wishing to store fireworks.

This gives Registered Premises the authority to store/keep explosives in accordance with the provisions of the Explosives Act. These provisions are not new and the Trading Standards Service currently inspects and issues Registrations for such premises.

We have no scope to refuse a registration and there is currently no legal restriction on when fireworks are sold. A voluntary code has existed for many years that has encouraged retailers to sell only in the period 3 weeks before and 1 week after bonfire night.

3. The Fireworks Regulations 2004

In an attempt to restrict the supply of adult fireworks the Government has introduced the Fireworks Regulations 2004. The Regulations, in addition to several other measures, introduce new requirements on those who sell fireworks outside of the following periods:

- First day of the Chinese new year and 3 days immediately preceding it
- First day of Diwali and 3 days immediately preceding it
- From 15 October to 10 November
- From 26 December to 31 December

One such requirement is that from 1 January 2005, anybody selling fireworks outside of these periods will be required to obtain a separate licence from the local Authority.

The Regulations state that the Authority must refuse a licence unless the applicant complies with legal requirements concerning the keeping of fireworks and may refuse a licence (or revoke a licence previously granted) if the applicant has committed any of the fireworks related offences listed in the Regulations. The Regulations also permit the charge of a fee up to a maximum of £500 per annum.

A further requirement is that sales of fireworks outside of the above periods outside are restricted to minimum quantities and there are certain record keeping requirements.

It is estimated that the total number of premises affected at any one time in West Berkshire would be 2-3.

It is the recommendation that the Council set the fee at the maximum of £500.

Finally, it is important to note that those sellers that only sell within the main three-week period will NOT require any additional licence or be subject to any additional fee.

Appendices

None

Implications

Policy:	Community Safety
Financial:	This may raise around £1K per annum dependent upon take-up. However, there will be additional inspections.
Personnel:	None
Legal:	The legal implications are summarised in the main body of the report.
Environmental:	If the access to fireworks on an all year round basis falls then there may be a reduction in Environmental Pollution arising from noise and light.
Equalities:	None
Partnering:	None
Property:	None
Risk Management:	None
Community Safety:	This may contribute to a reduction in Anti-Social Behaviour

Consultation Responses

Local Stakeholders:	None
Officers Consulted:	John Ashworth, Martin Cawte, Royston Peake, David Hollings
Trade Union:	None