
Response to Proposed Fireworks Motion

Committee considering report:	Council on 2 March 2021
Portfolio Member:	Councillor Hilary Cole
Report Author:	Anna Smy
Forward Plan Ref:	C3972

1 Purpose of the Report

- 1.1 To inform Full Council on how West Berkshire Council can support any aspects of the motion.
- 1.2 To share the report which was presented to the Licensing Committee on 8th February. The report outlines some information for the committee concerning the legal provisions the PPP have with respect to fireworks such as storage, point of sale, intelligence led promotional campaigns and the use of appropriate licensing conditions and noise management plans to minimise the impact.

2 Recommendations

- 2.1 For Council to **NOTE** the report which was taken to Licensing Committee on 8th February 2021 which considered the PPP Response to the proposed motion.
- 2.2 For Council to **APPROVE** the recommendations of the Licensing Committee and agree the amended motion.
- 2.3 To **RECOMMEND** a West Berkshire Fireworks Policy be presented to the next Licensing Committee for their approval.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	There are no financial implications associated with this report
Human Resource:	There are no Human Resource implications with this report
Legal:	There are no legal implications in the report.
Risk Management:	The Public Protection Service must at all times avoid challenge by being clear what is a legal requirement and what is guidance

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	/ voluntary request. There are areas such as requesting advertising which could in certain circumstances be required but in other instances this is not appropriate and cannot be enforced. There needs to be a balanced approach.			
Property:	There are no property implications for this report			
Policy:	<p>The majority of the motion is covered by existing national guidance and legislation. To ensure clarity for officers and members of the public it may be necessary to amend local policies, procedures and guidance to accommodate the requirements of the motion.</p> <p>A draft Fireworks Policy for West Berkshire Council will cover the storage and sale through to conditioning licenced events.</p>			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		Event organisers may be required to advertise their events but this is neutralised by the benefits which is brought about through advertising.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		No impact
Environmental Impact:	✓			The aim is to help with the impact on vulnerable residents and animals. There may be an additional benefit in reduction of pollution which can be an issue around 5 th November

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Health Impact:	✓			The reduction in firework use and improved controls should reduce the stress and concern of animal owners.
ICT Impact:		✓		None
Digital Services Impact:		✓		None
Council Strategy Priorities:		✓		This work is business as usual within the service.
Core Business:		✓		It is business as usual
Data Impact:		✓		No impact
Consultation and Engagement:	The Public Protection Service were consulted prior to the Council meeting on 10 th September concerning our views on the proposed wording of the motion. The service will take the Policy document to the Public Protection Joint Management Board and to a wider audience before taking it to Licensing Committee in July 2021.			

4 Executive Summary

- 4.1 A detailed report concerning the proposed motion was taken to the Licensing Committee on 8th February 2021. The report outlined the current legal measures already in place to manage the impact of noise from fireworks.
- 4.2 There was support for the protection of animals and of our vulnerable residents, however there was also a recognition that the authority already has a role in this under current regulations the Public Protection Service (PPS) enforces. Examples given were the regulation of explosives, protection of the environment (through protecting animals) and the imposition of appropriate conditions when granting licences due to firework concerns at licensed events.
- 4.3 The proposed motion does not in itself provide an additional burden on the authority, however it is ambiguous in its wording and could result in an expectation on the authority to take steps which are not within its powers. To that end the introduction of a West Berkshire Fireworks Policy is deemed the most appropriate response.
- 4.4 The initial draft framework for the policy was attached to the Committee Report as Appendix F. This will, if agreed by Council be taken back to the next meeting of the Licensing Committee for their approval.

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- 4.5 The other matter discussed concerned the wording of point 3 of the motion and it was felt by the PPS that in its current wording this was not something which could be supported. The Licensing Committee agreed with officers that it was not for the authority to propose a suitable amendment to the wording of the motion.
- 4.6 The recommendation to the Licensing Committee, which was approved and is recommended to Council, is that the motion be approved but with the removal of the third statement.

5 Supporting Information

- 5.1 The RSPCA have lobbied Local Authority Members to support their Bang Out of Order proposals. This includes a motion outlining 4 actions to help them reduce the impact of fireworks on animals and vulnerable people in our communities. A number of other local authorities have agreed the motion in its proposed form, others appear to have supported some of the motion.
- 5.2 The message behind supporting the motion is the desire for West Berkshire Council to develop a safer environment for residents, their pets and the numerous livestock and wildlife
- 5.3 The PPS received the following requests and complaints regarding fireworks in West Berkshire. These range from PTA's asking for help with Risk Assessments, debris from fireworks, concerns about storage as well as noise. Complaints regarding animals being affected are usually directed to the RSPCA and their data is included in their report (Appendix D of the Licensing Committee Report).

Year	PPS Requests for service
2019/20	20
2020/21	33

- 5.4 The committee report presented to the Licensing Committee provides more detailed supporting information and a clear picture of the variety of work already being undertaken by the Council.

6 Other options considered

- 6.1 To not support the motion, this was not considered appropriate due to the support for ensuring protection of animals and vulnerable members of our community.
- 6.2 To support to motion as it is stated. This was considered by the Licensing Committee and deemed not appropriate with regards to part 3 and the suitability of wording.

7 Conclusion

- 7.1 Whilst the aims of the motion are laudable it was proposed by the PPS and agreed by the Licensing Committee on 8th February 2021 to recommend the following amended motion to Full Council:

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- to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people
 - 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 encourage local suppliers of fireworks to stock ‘quieter’ fireworks for public display.”
- 7.2 There is support for the sentiment behind the RSPCA campaign and our Animal Warden Service and communications plan aligns well with the proposals.
- 7.3 We will continue to take a pragmatic approach to fireworks and any impacts they may have on our residents.
- 7.4 To support this motion officers will develop a West Berkshire Fireworks Policy which clearly sets out our roles and responsibilities.

8 Appendices

8.1 Appendix A – Licensing Committee Report from 8th February 2021

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Wards affected: All

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