
Response to Proposed Firework Motion

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| Committee considering report: | Council |
| Date of Committee: | 8 July 2021 |
| Portfolio Member: | Councillor Hilary Cole |
| Date Portfolio Member agreed report: | 17 June 2021 |
| Report Author: | Anna Smy |
| Forward Plan Ref: | C3972 |

1 Purpose of the Report

- 1.1 To inform Council on how West Berkshire Council can support any aspects of the motion first proposed to Council in September 2020 (set out in Appendix A).
- 1.2 To update the position which was originally presented to the Licensing Committee on 8th February 2021 and was due to be considered at the Full Council meeting on 2nd March 2021.
- 1.3 To outline the reasoning for a different approach in July 2021 compared to the recommendations previously proposed. The change of approach is to move from a proposed Policy to an Operational Approach concerning the legal provisions the Public Protection Partnership (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. It also identifies areas where the service is unable to act with respect to the protection of animals and other concerns which were the reasoning behind the original RSPCA motion.
- 1.4 To agree the operational approach that will be taken in respect of the management of fireworks.

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 with respect to the amended motion.
- 2.3 To **RECOMMEND** a West Berkshire Operational Approach to Fireworks and not a Fireworks Policy be presented to the next Licensing Committee (November 2021) 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 main risk is of challenge for the PPP is that it could be seen to be acting Ultra Vires with regards to its powers. 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 legislations. 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 West Berkshire Council Operational Approach to Fireworks will cover the storage and sale through to conditioning licenced events and allow more flexibility and responsiveness than setting out a Fireworks Policy (as previously proposed).</p> | | | |
| | Positive | Neutral | Negative | Commentary |
| Equalities Impact: | | | | |

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| 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 |
| Health Impact: | ✓ | | | The reduction in firework use and improved controls should reduce the stress and concern of animal owners. It should be noted that we are unable to address the health and stress implications for animals. |
| 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 |

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| Consultation and Engagement: | The PPP 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 West Berkshire Operational Approach to Fireworks to the PPP Joint Management Board and to a wider audience before taking it to Licensing Committee in September 2021. |
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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. It included a draft Fireworks Policy as part of the recommendations.
- 4.2 Subsequently a report was due to be considered at Full Council on the 2nd March 2021 however due to time constraints the paper was not discussed at the meeting and has been deferred to this meeting.
- 4.3 There was support from the Licensing Committee 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 Partnership (PPP) 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.
- 4.4 The proposed motion (Appendix A) 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.
- 4.5 Given the timescales since the proposed motion and when the RSPCA first lobbied local Councillors on the matter contact was made with them to request their current position with regards to the motion.
- 4.6 The response from the RSPCA noted that *“we have reviewed the campaign just recently and are tweaking it a little going forward this year. We have received mixed reviews from different councils on the motion - some thinking it a good idea and supporting it whilst others disagreeing with it and saying there isn't really anything tangible that councils can actively do on the issue.*

As such we are shifting the work we will do with councils later this year to providing more of a pack with useful resources about awareness raising and advice for keeping animals safe. Of course this does not preclude passing motions on the issue and we would be more than happy to work with any councillors and councils who wish to continue to do this. However we have taken on board some of the points fed back and hope this pack will provide more help.”

- 4.7 Officers have therefore reflected on the necessity of a Fireworks Policy and have amended this position to be an Operational Approach to Fireworks (Appendix B). This

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approach gives the authority more flexibility to adapt to changes which may arise with respect to Firework legislation and the work of the RSPCA.

- 4.8 The initial draft framework for the policy was attached to the Committee Report as Appendix F. The proposal from Licensing Committee was that, if agreed by Council the Policy be taken back to the next meeting of the Licensing Committee for their approval. We would therefore recommend to Council that this is amended to an operational approach which will be taken back to Licensing Committee for approval.
- 4.9 The other matter discussed at the Licensing Committee concerned the wording of point 3 of the motion and it was felt by the PPP 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. This remains the position of the service.
- 4.10 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. As outlined in 4.6 above the motion in its proposed form has received a mixed response.
- 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 within the powers that they have. There needs to be a realistic expectation on officers to act when they have the powers but support when they are not able to take action.
- 5.3 The PPP received the following requests and complaints regarding fireworks in West Berkshire in 2019/20 and 20/21. 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.

| Year | PPP 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.

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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 PPP and agreed by the Licensing Committee on 8th February 2021 to recommend the following amended motion to Full Council:

- 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 and is set out in our operational approach (Appendix B).

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 implement our Operational Approach to Fireworks which clearly sets out our roles and responsibilities and the extent of our powers with respect to Fireworks.

8 Appendices

8.1 Appendix A - Motion proposed and passed at Council Meeting dated 10th September 2020

8.2 Appendix B – Operational Approach for Fireworks

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council’s position

Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months

Item is Urgent Key Decision

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Report is to note only



Wards affected: All

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Appendix A

Motion proposed submitted to Full Council Meeting on 10th September 2020

The following Motion has been submitted in the name of Councillor Richard Somner:

“In consideration of the rural nature of the area we share, and communications received by both residents and animal welfare organisations such as the RSPCA, this council recognises the need to take action on the increasing concern of firework use across our District.

As a Council we have historically acted on the need to set appropriate licensing fees for fireworks and the need to restrict the areas in which sky lanterns can be used, this motion sets to add to those actions and to develop a safer environment for residents, their pets and the numerous livestock and wildlife in West Berkshire.

Whilst we recognise that fireworks are used throughout the year, and when used sensibly can be enjoyed by many, we approach a time of year when their use will see a dramatic increase.

The very nature of Fireworks as explosives are that they make loud and high intensity noises that are unpredictable and can affect a wide area.

As with sky lanterns, once reaching the ground the resultant debris can also pose a hazard to animals, such as horses and farm livestock.

We recognise that some people may not be aware of the anxiety or danger that may be created, and so there is a need to raise awareness generally including amongst owners of animals.

The short lived nature of firework noise can make it difficult for the police or local authority officers to pinpoint locations and take action.

This Council resolves:

- 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 write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays
- to encourage local suppliers of fireworks to stock ‘quieter’ fireworks for public display.”