
Fireworks Operational Approach

Committee considering report:	Joint Public Protection Committee
Date of Committee:	01 November 2021
Chair of Committee:	Councillor John Harrison
Date JMB agreed report:	11 October 2021
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1. Purpose of the Briefing

- 1.1 To outline the operational approach that is being taken towards fireworks by the Public Protection Partnership and to set out what powers the PPP has to undertake enforcement activity in accordance with the relevant legislation.

2. Background

- 2.1 The RSPCA have lobbied Local Authority Members across the country to support their Bang Out of Order proposals designed to help them reduce the impact of fireworks on animals and vulnerable people. Members were encouraged to submit a motion to their Council's to support the initiative.
- 2.2 The motions received mixed responses in different authorities nationally. While many councillors supported the desire to develop a safer environment for residents, their pets, livestock and wildlife in their areas they felt that there needed to be a realistic expectation about the powers a local authority would have to enforce any proposals.
- 2.3 This report sets out the standardised operational approach already undertaken by the Public Protection Service in relation to fireworks across all three authorities.
- 2.4 The approach outlines the powers the authority has to deal with complaints and breaches and serves to minimise the expectation on the authority to take steps which are not within its powers to take.

3. Implications and Impact

Implication	Commentary
Financial:	There are no financial implications associated with this report.
Human Resource:	This report sets out the Operational Approach that is already being undertaken by the Public Protection service and therefore there will not be any additional requirements for personnel associated with it.
Legal:	The Operational Approach that is being proposed has been developed in accordance with the powers and legislation as set out in the appendix.
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 associated with this report
Policy:	The Operational Approach being proposed is in line with existing national guidance and legislations. The approach is designed to ensure clarity for officers and members of the public. The Operational Approach to Fireworks will cover the storage and sale through to conditioning licenced events.
Consultation and Engagement	Public Protection Service Officers have been consulted on the proposed approach. The approach was also considered by West Berkshire Council members at their Full Council meeting on the 08 July 2021.

4. Background

- 4.1 The original Bang out of Order [campaign set up by the RSPCA](#) included a motion outlining four actions to help them reduce the impact of fireworks on animals and vulnerable people:
- Restrict Private Use to Traditional Dates;
 - Reduce maximum permitted decibels for private use;
 - All fireworks displays to be licenced;
 - Private fireworks boxes to be labelled.
- 4.2 While many councillors supported the campaign nationally for the protection of animals and vulnerable residents in respect of fireworks there was also a recognition that local authorities already had a role in this work under existing regulations. There was concern that if local authorities were to adopt the motion proposed by the RSPCA it might result in an expectation on the authority to take steps which are not within its powers to take.
- 4.3 The RSPCA themselves 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.
- 4.4 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.”
- 4.5 On reflection Officers, in consultation with Members, agreed that it would be more beneficial to set out the Operational Approach that is already undertaken by the Public Protection Service across all three authorities rather than adopting a specific Fireworks Policy. This approach gives the Public Protection Service more flexibility to adapt to changes which may arise with respect to Firework legislation and the work of the RSPCA. 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. Supporting Information

- 5.1 The PPP received the following requests and complaints regarding fireworks in 2018/19, 2019/20 and 2020/21. These range from Parent Teacher Associations asking for help with Risk Assessments, debris from fireworks, concerns about storage as well as noise. It should be noted that complaints regarding animals being affected are usually directed to the RSPCA. It should be noted that the data for 2018/19 in Wokingham related to a specific issue with a single premise.

Year	Bracknell Forest	West Berkshire	Wokingham
2018/19	4 (4 general ASB)	7 (1 advice, 1 general ASB, 5 events)	*32 (1- debris, 3 Events, 28 specific domestic complaint)
2019/20	4 (2 events, 2 general ASB)	14 (4 advice, 2 general ASB, 8 events)	9 (1 – debris, 3 general ASB, 5 events)
2020/21	4 (4 general ASB)	(3 advice, 2 general ASB, 2 events, 1 dangerously stored)	6 (1 advice, 5 general ASB)

- 5.2 The breadth of the legislation the PPP covers means that Officers are already involved in the regulations associated with fireworks. Some aspects such as the sale of fireworks is carefully regulated from manufacturing through to point of sale. The predominant position of the legislation enforced involves protection of residents and businesses with only a limited area covering the protection of animals.
- 5.3 The PPP's involvement in Fireworks falls into 4 clearly defined areas:
- Sale of Fireworks (size and noise);
 - Impact of noise on residents;
 - Events where fireworks may take place;
 - Campaign and Social Media messages.
- 5.4 Firework legislation around sales is to predominantly protect residents from purchasing inappropriate levels of explosive materials as well as ensuring age appropriate sales take place. This work will be undertaken by Trading Standards Officers.
- 5.5 The PPP works with organisers of organised fireworks displays through the Safety Advisory Group to ensure that appropriate controls are in place. Licenced premises may also from time to time make use of fireworks. It should be noted that fireworks displays are not licensable activities. However Officers will work with applicants to ensure controls are in place and will have regard to timings and locations if they are to be used.
- 5.6 Where complaints are received the PPP would expect to see a noise management plan which clearly sets out how the use of fireworks will not have a detrimental impact on residents in the vicinity. Officers are also able to use powers under the Environmental Protection Act with regards to noise causing a statutory nuisance. This approach should be reasonable and proportionate.
- 5.7 Whilst sympathetic to the impact that firework noise can have on animals it is accepted that there are no legal powers enforceable by the PPP to protect them from the harmful impacts. In minimising the impact on residents there is a logical assumption that there will also be a reduced impact on animals

- 5.8 Fireworks awareness will be raised through our Communications Plan and the PPP uses an intelligence led approach to shape messages when appropriate. We will seek to provide those involved in the sale of fireworks with relevant leaflets and advice for those purchasing fireworks alongside encouragement to stock quieter fireworks. Examples of Campaign materials currently being circulated are attached at Appendix B and C.

6. Conclusion

- 6.1 The Public Protection Service already has in place effective arrangements to promote safe and appropriate use of fireworks as set out in the Operational Approach to Fireworks (attached at Appendix A). Where appropriate the Service will enforce primary legislation to achieve this. This includes all associated regulations and codes of practice, with the aim of ensuring that, within its area, the public health of individuals and communities is protected and enhanced.
- 6.2 Officers will continue to work with partner organisations such as the RSPCA and Police to ensure messages are shared and initiatives supported.

7. Appendices

- 7.1 Appendix A - Operational Approach to Fireworks
- 7.2 Appendices B and C – Examples of Materials currently being circulated.