

Leicester
City Council

WARDS AFFECTED: ALL

CABINET

2 SEPTEMBER 2002

PROMOTING THE RESPONSIBLE USE OF FIREWORKS

Report of the Service Director (Regulatory Services)

1. Purpose of Report

To advise of the launch of a campaign promoting the responsible use of fireworks following last year's rise in complaints from members of the public about their antisocial and inappropriate use.

2. Summary

- 2.1 Last year the Council received 56 complaints about noise from fireworks between September and the end of November. These complaints related to not only the loudness but the frequency and time that the fireworks were let off. There was also a noticeable increase in the number of letters appearing in the Leicester Mercury about this issue, with a number calling for the City Council to take action to address such problems.
- 2.2 A particular focus of public concern appears to relate to the anti-social or inappropriate use of fireworks, i.e. very loud fireworks being let-off late at night and often into the early hours of the morning. The fact that Leicester is a multi cultural city with Bonfire Night and Diwali celebrations occurring around the same time of year, extending the period over when such problems occur, probably exacerbates the situation within the city.
- 2.3 To help address these problems, a publicity campaign promoting the responsible use of fireworks will be launched in the City this year. The main objectives will be:
- To encourage people, especially young people, to think of the problems that fireworks can cause to other people and their pets and to discourage their use at inappropriate times or locations;
 - To encourage people to attend organised events; and
 - To remind shopkeepers and others of the law relating to the sale and use of fireworks, particularly that it is illegal to sell fireworks to people under the age of 18.
- 2.4 The City Council's powers as a regulator provide some controls over the use of fireworks, but it is clear that they are not very effective at controlling current problems (see Supporting Information for more details). Therefore, with the assistance of the city's three M.P.s, the City Council is lobbying government for a change in legislation to deal with the sale and use of "noisy" fireworks in particular.

3. Recommendations

- 3.1 Cabinet endorse the launch of a sustained publicity campaign promoting the responsible use of fireworks;
- 3.2 The Council take steps to ensure its own activities do not compromise any promotional work associated with the responsible use of fireworks; and
- 3.3 The City Council continue via its three city M.P.s to lobby government for a change in legislation to deal with the sale and use of “noisy” fireworks.

4. Headline Financial and Legal Implications

There are no direct financial implications associated with this report; the costs of the publicity campaign will be met from within existing budgets, supplemented by sponsorship where possible. The legal implications are contained within the Supporting Information.

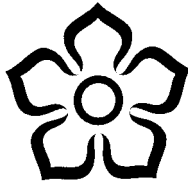
5. Report Author/Officer to contact:

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Ext: 6475

Adrian Russell
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Ext. 7295

DECISION STATUS

Key Decision	No
Reason	N/A
Appeared in Forward Plan	No
Executive or Council Decision	Executive (Cabinet)



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**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
CABINET**

2 SEPTEMBER 2002

PROMOTING THE RESPONSIBLE USE OF FIREWORKS

SUPPORTING INFORMATION

1. Publicity Campaign Promoting the Responsible Use of Fireworks

1.1 The main objectives of the campaign will be:

- To encourage people, especially young people, to think of the problems that fireworks can cause to other people and their pets and to discourage their use at inappropriate times or locations;
- To encourage people to attend organised events; and
- To remind shopkeepers and others of the law relating to the sale and use of fireworks, particularly that it is illegal to sell fireworks to people under the age of 18.

1.2 Whilst the publicity campaign will naturally involve the local media, a number of other additional elements are also being developed:

- A web-based competition for young people;
- A poster campaign targeting local schools and/or city council buildings open to the public;
- Active promotion of the council's bonfire display and other locally-organised firework events as a safer and less disturbing alternative to "DIY" displays;
- Writing directly to all local shopkeepers making them aware of the law relating to the sale and storage of fireworks, and seeking their support in promoting the responsible use of fireworks

1.3 The publicity campaign will seek to involve other organisations that may have a role or interest in promoting the responsible use of fireworks. These include the Police, Fire Service, RSPCA, Age Concern, etc.

- 1.4 In order to ensure City Council activities do not compromise any promotional work associated with the responsible use of fireworks campaign, City Council organised events for Diwali and Bonfire Night will finish before 11.00pm.

2. The City Council's Powers to Control the Sale & Use of Fireworks

Noise from Fireworks

- 2.1 The noise from fireworks could be deemed a statutory nuisance under Part 3 of the Environmental Protection Act 1990, but will depend on the circumstances and duration in considering whether or not such noise amounts to a statutory nuisance.
- 2.2 Firework noise complaints received by the out of hours noise monitoring service from domestic premises are rarely able to give exact details as to the source of noise. Often a number of households are involved in letting off fireworks at varying times over a period. Enforcement therefore can be both difficult and time consuming. The out of hours noise monitoring service will investigate complaints of persistent unreasonable behaviour associated with fireworks causing an alleged nuisance but evidence gathering is difficult and no statutory action has so far been taken.

The Sale of Fireworks

- 2.3 The Council's Consumer Protection Service under the Fireworks (Safety) Regulations 1997 register premises where fireworks are sold. Staff will also carry out an inspection to ensure that fireworks are stored correctly and no banned fireworks are on sale. No banned fireworks were found in the city of Leicester for sale during last year's inspection.
- 2.4 In addition, the Council through the Consumer Protection Service has proactively been involved in firework safety mainly through promoting the DTI's campaign.

Other Controls

- 2.5 The letting off of fireworks in the street or public place is an offence under Section 80 of the Explosive Act 1875. However, enforcement is a police responsibility and in practice is likely to be equally ineffective in tackling the overall problem. Section 222 of the Highways Act 1980 also prohibits the use of fireworks on the highway (where damage is caused to the street).
- 2.6 Earlier this year, the Leader, Councillor Willmott, wrote to the city's three M.P.s advising that existing controls are ineffective at tackling these problems and that change of legislation is required. As a consequence of the involvement of local M.P.s, a response has been received from Melanie Johnson, Parliamentary Under Secretary of State for Competition, Consumers and Market, stating:

"We are now actively considering with relevant government departments (Cabinet Office, Home Office, DTLR and DEFRA) what action can be taken within existing legislation to address these growing problems."

FINANCIAL, LEGAL AND OTHER IMPLICATIONS

1. Financial Implications

There are no direct financial implications associated with this report; the costs of the publicity campaign will be met from within existing budgets, supplemented by sponsorship wherever possible.

2. Legal Implications

The legal implications are contained within the supporting information.

3. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities	NO	The report recognises that fireworks are now used as part of Diwali and other celebrations as well as Bonfire Night.	
Policy	NO		
Sustainable and Environmental	NO		
Crime and Disorder	YES	2.0	
Human Rights Act	NO		
Elderly Persons/People on Low Incomes	YES	Firework noise problems appear to be a particular concern to elderly persons	

4. Background Papers – Local Government Act 1972

None.

5. Consultations

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Age Concern
R.S.P.C.A.
Leicestershire Fire & Rescue Service

6. Report Author

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