



Leicester  
City Council

**WARDS AFFECTED  
ALL WARDS**

**Cabinet**

**27th January 2003**

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## **The Antisocial Use of Fireworks**

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### **Report of the Service Director (Regulatory Services)**

#### **1. Purpose of Report**

To inform members of the outcome of the recent publicity campaign and seek support for the introduction of new legislative controls over the sale and use of fireworks.

#### **2. Summary**

The City Council's "Bang" campaign successfully raised public awareness in relation to problems associated with the antisocial use of fireworks. Arising from this, there now appears to be clear public support for new legislation to tackle this growing problem. It is recently emerged that a private member's Bill will receive government support and there is now every prospect that new legislation could be in place by November 2003.

#### **3. Recommendations**

- 3.1 That Cabinet endorses the work undertaken in the course of the 2002 "Bang" campaign aimed at reducing the problems associated with the antisocial use of fireworks;
- 3.2 That information arising from the campaign, together with the clear public support for the introduction of new legislation to tackle these problems, are forwarded to the Department of Trade and Industry and the City's three M.P.s, and that they are asked to support the private member's Bill currently progressing through Parliament;

3.3 That in the event of such legislation not coming into force, the City Council will give consideration to applying for authority to introduce local byelaws to tackle these problems; and

3.4 That the City Council will, in liaison with the Police and other relevant agencies, continue to use every power at its disposal to tackle problems arising from the antisocial use of fireworks. To this end, this matter will also be referred to the Crime and Disorder Partnership.

**4. Headline Financial and Legal Implications**

None

**5. Report Author/Officer to contact:**

Malcolm Grange/Paul Toplass  
Food & Community Public Health Group  
Ex. 6475/6427

**DECISION STATUS**

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



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# **SUPPORTING INFORMATION**

### **1.1 Background**

In September 2002 Cabinet endorsed the Council's "Bang" campaign in response to the increase in number of complaints about the antisocial behaviour associated with fireworks. This campaign aimed to encompass a broad approach of education, enforcement and lobbying to bring about changes in the behaviour of an antisocial minority, who use fireworks irresponsibly and cause disturbance to others in the community.

### **1.2 Review of the Campaign**

The campaign incorporated:

- (i) A hard-hitting poster campaign urging such people to think of others before setting off noisy fireworks. This included posters featuring a crying baby, distressed elderly person and a frightened cat. A fourth poster was devised to remind shopkeepers that it is offence to sell fireworks to the under 18's. These posters were widely distributed at GP's surgeries, hospital waiting rooms, libraries and leisure centres throughout the city. The Leicester Mercury provided invaluable support to the campaign.
- (ii) Engaging the local media: Over 25 interviews have been carried out with all media groups including local newspapers, the Leicester Mercury and the Leicester Mail, television companies including Central, MATV and BBC and radio stations including the BBC and other local stations.
- (iii) The Leicester Mercury received and published an unprecedented number of Postbag letters on the subject of fireworks. The overwhelming majority

of these letters appeared to support the need for action and/or legislative change to address this increasing problem.

- (iv) A feature on the Council's website on information about fireworks and a competition designed to raise firework awareness.
- (v) 156 retailers were registered and inspected by Trading Standards Officers to ensure safe storage and check that only approved fireworks were on sale. In addition 28 "sting operations" were conducted and 4 shopkeepers were found to be selling fireworks to under-aged persons, which will probably lead to legal proceedings being instituted.
- (vi) Increased noise nuisance patrols. The public were encouraged to contact the Domestic Noise team in order to investigate complaints of fireworks going off late at night. A total of 311 complaints were received during the campaign compared with 52 in the same period in 2001. An analysis of these complaints by ward is included in Appendix 1.
- (vii) Attended public meetings to listen to the views of local communities.
- (viii) Our 3 local MP's raised the issue of the antisocial use of fireworks with relevant government departments, and it is since emerged that this is an issue that the government is already looking to address.

The report to Cabinet in September 2002 highlighted the fact that whilst the City Council had powers to deal with noise nuisances, practical enforcement problems made these powers ineffective in tackling the problem of firework noise. This was borne-out by the work of the domestic noise control team in 2002. Despite increased noise nuisance patrols and over 300 complaints, officers were unable to gain any direct evidence that would enable statutory action to be taken; in not one instance was it possible to identify an offending individual or premises responsible for unreasonable or excessive noise. For example, whilst officers frequently encountered firework noise after midnight that could be classed as a nuisance, it was absolutely impossible to track-down the premises from which the firework had been let-off.

The increased number of complaints received by the City Council, the letters to local MPs and Leicester Mercury Postbag letters all serve to highlight the increased local awareness of this as an important issue of concern to local residents. Whilst a wide range of views have been articulated in the course of the campaign, a number of key issues and concerns appear to have emerged:

- a) The increasing availability of fireworks;
- b) Concerns over the sale of fireworks, for example the nature of fireworks now being sold, the sale of fireworks to teenagers under the age of 18, and the period over which fireworks can be offered for sale; and

- c) The protracted period over which firework noise is now experienced and a view that this ought to be confined more to the Bonfire Night and Diwali period;
- d) The particular problem of firework noise late at night (e.g. after midnight);
- e) The loudness of some of the fireworks now being let off;
- f) Confirmation that, even with increased noise nuisance patrols, current noise legislation cannot be used to tackle the problem of noise from the antisocial use of fireworks;
- g) The need for legislative change to address these issues.

### **1.3 Review of Progress Towards Legislative Change**

It has also become apparent that the problem of firework noise is not unique to Leicester but is a national problem. In response to the concerns expressed by M.P.s and local authorities, the Department of Trade and Industry announced, on 14th October 2002, a new package of measures to tackle the problems associated with the misuse of fireworks:

- Voluntary restraint by the fireworks industry which will, from 1st January 2003, ensure fireworks do not exceed 120 Decibels, limit the supply of fireworks to larger higher cost packs and limit the supply of rockets;
- proposed new regulations banning air bombs;
- a crackdown on illegal markets in fireworks with improved co-ordination of intelligence between Customs and Excise, Health and Safety Executive and Trading Standards Departments;
- a new drive to encourage local councils to use their powers to curb the problem of noise and nuisance caused by fireworks; and
- the Home Office are piloting fixed penalty notices of £40 in four areas for over 18s caught throwing fireworks in the street.

At around the same time the Government issued a consultation paper, "Living Places Powers, Rights and Responsibilities" which includes proposed new powers in relation to fireworks. This would provide local authorities with the power to designate areas in which use of excessively noisy fireworks would be prohibited. Such devices would be limited to use on certain specified dates and within certain specified hours. Voluntary agreements with community groups to conform with a code of practice on restricting continual use of fireworks are also proposed. However, both options are potentially divisive and could lead to some

sections of the community feeling that their freedom of expression is being curtailed. Also the voluntary nature of agreements means that they could be ignored and there would be no sanctions for enforcement. But most importantly, these particular proposals may prove just as difficult to enforce as existing noise nuisance powers.

However, there appears to be a growing body of opinion that such measures do not go far enough and additional controls are being introduced locally. In Northern Ireland the Minister for Security has recently banned the public sale of fireworks and all firework displays are now licensed. In the Isle of Man there is an intention to restrict firework sales to two weeks before Bonfire Night and one week before New Year's Day, with large fines are to be imposed on those caught breaking the law. However, both of these instances involve the invoking of powers at a government level; this would be beyond the normal powers of local authorities. Coventry City Council has recently applied to the Office of the Deputy Prime Minister for authority to introduce a new byelaw that would make it an offence to set off fireworks after 11 p.m. other than at the New Year.

However, recent developments may now obviate the need to seek new local powers. Bill Tynan M.P. has been promoting a private member's Bill that would:

- Ban the sale of fireworks to the public other than during a period commencing three weeks before, and a few days after, November 5th;
- Limit the noise of fireworks to 113 Decibels;
- Require that fireworks only be sold in £20 boxes; and
- Making it an offence to set off fireworks after 11pm (other than at New Year).

It has recently emerged that this Bill is now being given government backing and it appears that there is every prospect that this new legislation will be enacted before November 2003.

Recent experiences in Leicester have highlighted the need for new legislation that focuses primarily on the antisocial use of fireworks (organised displays not being the main source of problems) and tackles the problem at source through greater controls over the manufacture and sale of fireworks. The City Council therefore welcomes the measures contained in the private member's Bill. However, particular care needs to be taken when specifying the period within which fireworks can be sold to the public, so as ensure that it encompasses those religious and cultural festivals where fireworks play an important role, e.g. Diwali and the Chinese New Year.

Any new powers that rely on local authorities catching offending individuals letting-off fireworks outside of certain times (or locations) would inevitably suffer the problem of being difficult to enforce. Nevertheless, the proposal to make it an offence to set off fireworks after 11p.m. (other than at the New Year) is also welcomed as it sends out a clear message to the public about what constitutes antisocial use of fireworks.

**2. Financial Implications**

None

**3. Legal Implications**

Discussed within the report.

**4. Other Implications**

OTHER IMPLICATIONS	YES/NO	Paragraph References Within Supporting information
Equal Opportunities	NO	The report recognises the multi-cultural use of fireworks.
Policy	NO	
Sustainable and Environmental	YES	The report relates to an environmental noise problem.
Crime and Disorder	YES	Fireworks and their illegal use are a cause of concern to the elderly
Human Rights Act	NO	
Elderly/People on Low Income	YES	Fireworks and their illegal use are a cause of concern to the elderly

**5. Background Papers – Local Government Act 1972**

“Living Places Powers, Rights and Responsibilities: Options for Reforming the Legislative Framework”, DEFRA, October 2002.

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## APPENDIX 1

### Analysis of Firework Complaints by Ward

Ward	Number of General Firework Complaints	Number of Firework Complaints about Specified Premises	Total from Ward
Abbey	9	0	9
Aylestone	23	2	25
Belgrave	13	1	14
Beaumont Leys	6	0	6
Castle	8	0	8
Crown Hills	5	1	6
Charnwood	7	0	7
Coleman	14	6	20
East Knighton	7	1	8
Eyres Monsell	7	2	9
Evington	19	8	27
Humberstone	7	3	10
Latimer	11	2	13
Mowmacre	2	1	3
North Braunstone	5	0	5
New Parks	8	4	12
Rowley Fields	7	3	10
Rushey Mead	11	2	13
Saffron	20	2	22
Spinney Hill	0	0	0
St Augustines	13	2	15
Stoneygate	4	0	4
Thurncourt	14	2	16
West Humberstone	13	3	16
West Knighton	7	2	9
Western Park	5	3	8
Westcotes	9	1	10
Wycliffe	6	0	6
<b>TOTAL</b>	<b>260</b>	<b>51</b>	<b>311</b>