



Agenda for a meeting of the Corporate Overview and Scrutiny Committee to be held on Thursday, 12 January 2023 at 5.00 pm in Committee Room 1 - City Hall, Bradford

Members of the Committee – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT	BRADFORD SOUTH INDEPENDENTS GROUP
Azam Nazir D Green Arshad Hussain Mohammed Regan	Nazam Loy	Stubbs	Clarke

Alternates:

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT	BRADFORD SOUTH INDEPENDENTS GROUP
Dearden Hussain Salam Wood Tait Lintern	Ahmed Clarke	J Sunderland	Majkowski

Notes:

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From:

Asif Ibrahim, Director of Legal and Governance

Agenda Contact: Jane Lythgow

Tel: 07970 411623

E-Mail: jane.lythgow@bradford.gov.uk

To:

A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

The Director of Legal and Governance will report the names of alternate Members who are attending the meeting in place of appointed Members.

2. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

Notes:

- (1) Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) Officers must disclose interests in accordance with Council Standing Order 44.*

3. MINUTES

Recommended –

That the minutes of the meeting held on 10 November 2022 be signed as a correct record (previously circulated).

(Jane Lythgow - 01274 432270)

4. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Jane Lythgow - 01274 432270)

5. REFERRALS TO THE OVERVIEW AND SCRUTINY COMMITTEE

Any referrals that have been made to this Committee up to and including the date of publication of this agenda will be reported at the meeting.

The Committee is asked to note any referrals reported and decide how it wishes to proceed, for example by incorporating the item into the work programme, requesting that it be subject to more detailed examination, or refer it to an appropriate Working Group/Committee.

B. OVERVIEW AND SCRUTINY ACTIVITIES

6. PROGRESS AGAINST THE GAMBLING CROSS DEPARTMENTAL ACTION PLAN

1 - 26

Previous reference: Minute 55 (2021/22)

Over the past 12 months, a multi-agency Gambling Harms Reduction partnership have been working together to reduce the harms associated with gambling. The report of the Director of Public Health, Document “AA” describes the work so far and outlines the proposed next steps.

Members are asked to note the contents of the report and provide views and feedback on the existing work and proposals outlined in Document “AA”.

(Sarah Exall – 07855 177158)

7. HACKNEY CARRIAGE AND PRIVATE HIRE SERVICE 27 - 44

Previous reference: Minute 49 (2021/22)

The Interim Strategic Director, Place, will provide a report (**Document “AB”**) to inform Members how the Hackney Carriage and Private Hire Service is working towards achieving a high performing, customer focused service and how it analyses information to drive improvements in service delivery to the benefit of trade and employees.

Members are asked to consider, and comment, on Document “AB”.

(Carol Stos – 07582 101569)

8. RESPONSE TO FIREWORKS REVIEW OCTOBER 2021 45 - 84

Previous reference: Minute 39 (2021/22)

In response to continuing fears around fireworks a comprehensive review of the use of fireworks in the district’s neighbourhoods was undertaken by the Corporate Overview and Scrutiny Committee. The report made several recommendations to tackle some of issues regarding firework nuisance.

The report of the Chair of District Community Safety Partnership, **“Document “AC”** provides a summary of the key actions and partnership responses to the recommendations of the Corporate Overview and Scrutiny Firework Review.

(Michael Churley – 01274 431364)



Report of the Director of Public Health to the meeting of Corporate Overview & Scrutiny Committee to be held on Thursday 12 January 2023

AA

Subject:

Progress against the gambling cross departmental action plan

Summary statement:

Gambling is a major industry in England. It is a Public Health issue with impacts on individuals, families and communities. Gambling can lead to harm among those gambling and their families and friends, including mental, physical, financial and relationship harms. A number of conditions are linked to gambling, including: depression; suicide; anxiety; and other risky behaviours including drug, alcohol and tobacco abuse.

Over the past 12 months, a multi-agency Gambling Harms Reduction partnership have been working together to reduce the harms associated with gambling. This report describes the work so far and the next steps.

Sarah Muckle
Director of Public Health

Portfolios:

Healthy People & Places

Sarah Exall
Consultant in Public Health

Michelle Shepherd
Emergency Planning and Licensing
Manager, Place

Report Contact: Sarah Exall
Phone: 07855 177 158
E-mail: sarah.exall@bradford.gov.uk

1 CONTEXT

- 1.1 Gambling as a topic has been discussed at this panel on a number of occasions. At the last panel on January 13 2022, a Gambling Harms Reduction action plan was proposed and endorsed by the members of the Corporate Overview and Scrutiny Committee. The committee requested:
1. That the progress against the gambling cross-departmental actions plan be presented to the Committee in 12 months, which also includes:
 - a. Clear outcomes;
 - b. Educational awareness programmes being undertaken.
 2. The Committee requests that Bradford Councils Planning, Legal and Licensing teams work jointly to use all the powers available to them, if there are concerns over particular gambling premises, which could also be causing problems to communities as a result of gambling

2 LOCAL ACTION

2.1 Multi-agency Gambling Harms Reduction partnership

- 2.2 The Bradford Gambling Harms Reduction (GHR) Partnership has met every 4-6 weeks over the last 12 months, with regular representation from Public Health, the Reducing Inequalities Alliance, Children's services, the Youth Service, Adult's Social Care, the Bridge Project, Place, Marketing and Communications, and others.
- 2.3 The partnership has advanced the action plan and made decisions on further actions to take forward. The partnership is committed to reducing gambling related harms in Bradford.

Table 1: Updates on cross-departmental action plan on gambling, December 2022

Action	Outputs	Indicator	Update	Next steps
<p>1.1 Maintain and publish up to date information on the numbers of Bradford residents at risk of and experiencing problem gambling/ gambling-related harms, and the status of gambling premises across the District</p>	<p>Annual data summary (Local Area Plan)</p>	<p>Annual data update published</p>	<p>See report for details of current gambling data</p>	<p>Further report in 12 months' time</p>
<p>1.2 Work with the Age of Wonder research programme (Bradford Institute for Health Research) to collect information about gambling in young people from secondary schools across the District</p>	<p>Survey data on gambling and gambling related harms</p>	<p>Number of children and young people who gamble. Number of children and young people who suffer gambling-related harms</p>	<p>A series of questions has been added to the Age of Wonder survey which will be delivered to children in years 8-10 in all secondary schools across the District.</p>	<p>Continue data collection and analysis when available.</p>

<p>2.1 Explore what information can be distributed to schools on gambling-related harms to include in lesson planning</p>	<p>High quality school-based resources to prevent gambling related harm will be identified</p>	<p>High quality resources approved</p>	<p>Review of school-based resources undertaken. No appropriate resources available, therefore services commissioned to develop and implement.</p>	<p>Deliver education package through newly commissioned services</p>
<p>2.2 Explore what information could be distributed to parents to educate and advise on gambling among young people, including the use of gambling-like activity in gaming</p>	<p>High quality parent-focused resources to prevent gambling-related harm will be identified</p>	<p>High quality resources approved</p>	<p>Review of school-based resources undertaken. No appropriate resources available, therefore services commissioned to develop and implement.</p>	<p>Deliver education package through newly commissioned services</p>
<p>2.3 We will offer and publicise evidence-based approaches to reducing gambling harm via our Living Well Schools programme</p>	<p>Schools will have access to high quality materials and will be supported to incorporate these into lesson plans and distribute to parents/ carers</p>	<p>Number of schools who have provided lessons and resources on gambling-related harms to children. Number of schools who have disseminated resources to parents/ carers.</p>	<p>Review of school-based resources undertaken. No appropriate resources available, therefore services commissioned to develop and implement.</p>	<p>Publicise resources via LW Schools website and other avenues once developed</p>

<p>2.4 The licencing team will continue to act on any reports of gambling premises which are not enforcing age restrictions.</p>	<p>Children cannot gain access to gambling premises</p>	<p>Number of reports received and acted upon by licencing team</p>	<p>No reports received.</p>	<p>Continue to enforce licencing restrictions</p>
<p>3.1 The Licencing team will revise the Statement of Licencing Principles for 2022-2025</p>	<p>A Statement of Licencing Principles is published which contains requirements to ensure that gambling premises work to reduce harms to vulnerable people</p>	<p>A refreshed Statement of Licencing Principles is published for 2022 - 2025</p>	<p>Refreshed Statement of Licencing Principles written, agreed, and published on CBMDC website.</p>	<p>Next revision of the statement of licencing principles due in 2025</p>
<p>3.2 Adult's Social Care work with academic partners from King's College London to upskill and empower the adult social care workforce, to help early identification of gambling harms and support for vulnerable individuals.</p>	<p>Questions are currently being coproduced with service users and stakeholders, and will be rolled out in the new year following training of front-line staff. This will be evaluated following implementation and an intervention rolled out based on the evidence gathered.</p>	<p>Number of adults identified as having gambling related problems.</p> <p>Number of adults signposted to appropriate treatment.</p> <p>Number of adult social care staff feeling confident about raising gambling with service users</p>	<p>Pilot study undertaken and complete.</p>	<p>No further action</p>

<p>3.3 Develop a communications plan to coincide with Safer Gambling Week 2022</p>	<p>Communications are released to coincide with Safer Gambling Week, 1-7 November, 2022</p>	<p>Number of social media posts published.</p> <p>Number of social media post interactions.</p> <p>Number of referrals to gambling treatment/ support</p>	<p>Campaign developed for 2022 men's football World Cup and distributed via social media, linking to resource page on CBMDC website.</p>	<p>Evaluate campaign once complete.</p> <p>Continue to work with Y&H regional steering group on regional social marketing campaign.</p>
<p>4.1 Build relationships with regional partners, including the NHS Northern Gambling Service</p>	<p>Links strengthened between Bradford Council and the NHS Northern Gambling Service</p>	<p>Data available on people accessing gambling treatment services</p>	<p>Relationship developed with the clinical lead from the NHS Northern Gambling Service.</p> <p>Data sourced from local GamCare treatment services.</p>	<p>Continue to link with NGS</p>
<p>4.2 Ensure that relationships and strong referral pathways are developed between the NHS Northern Gambling Service, and drug and alcohol treatment services</p>	<p>Defined pathway between drug and alcohol treatment and gambling treatment</p>	<p>Pathways in place.</p> <p>Number of people referred via the pathway</p>	<p>Links made between local provider of drug and alcohol service and the NGS.</p> <p>Pilot pathway developed and implemented by the Bridge Project.</p>	<p>Bridge project remain a core part of the partnership work, and will continue with screening and referrals.</p>

<p>4.3 Ensure that training is available for health and social care professionals to increase awareness and understanding of problem gambling, how to respond appropriately and how to refer to treatment services.</p>	<p>Training available for professionals on how to identify and respond to disclosures of gambling related problems.</p>	<p>Number of referrals to the Northern Gambling Clinic from health and social care professionals.</p>	<p>A 2-hour online workshop was held in July 2022, to gather evidence for the Y&H regional gambling harms work and to inform local workforce about gambling harms and referral routes.</p>	<p>Request data on referrals from NHS NGS</p> <p>Continue to work with Y&H action group.</p>
<p>4.4 Work with the CCG and/or clinical representatives to disseminate training and information to front line primary care and social care workforces</p>	<p>Professionals accessing training</p>	<p>Number of Health and social care staff accessing training and/ or information.</p> <p>Number of referrals to the Northern Gambling Clinic from health and social care professionals.</p>	<p>Webinar by NHS NGS in December promoted widely by Bradford Gambling Harms Reduction partnership across CBMDC and NHS.</p> <p>Clinical lead for alcohol, drug, and gambling harm reduction advertised.</p>	<p>Continue to promote events.</p> <p>Work with clinical lead, once in post, to develop and disseminate resources.</p>

3 Detailed Action plan updates

3.1 *Maintain and publish up to date information on the numbers of Bradford residents at risk of and experiencing problem gambling/ gambling-related harms, and the status of gambling premises across the District*

3.2 See data review below.

3.3 *Work with the Age of Wonder research programme (Bradford Institute for Health Research) to collect information about gambling in young people from secondary schools across the District*

3.4 During development of the Age of Wonder surveys, CBMDC Public Health have worked closely with the BIHR team to add questions to the survey. BiB Age of Wonder is a seven-year project capturing the journey through adolescence and adulthood for the BiB cohort and their peers. Questions will be asked about different types of gambling activity (including gambling-like activity within games); any negative impacts or harms experienced as a result of gambling; and the gambling of others close to the child. Data collection begun in 2022, and will continue to be collected over the next 7 years. Data should be available annually from Summer 2023.

3.5 In addition to the data collection through Age of Wonder, Bradford Council Youth Services have completed data collection with some of the young people using their services. Initial feedback shows:

- Young people associate the terms “gambling” or “betting” with their grandparents’ or parents’ generation rather than their own activity.
- Young people shared that there could be a negative impact of gambling by their parents / grandparents on family life: for example, when money had been lost. When money had been won, generally there were relatively small amounts described.
- Young people didn’t identify buying randomised in-game items (for example, loot boxes or prize crates) within computer games as “gambling”. Generally, they didn’t see in-app / in-game purchasing as a problem, although they were able to recognise that you didn’t always get much for the price paid which could then lead to them having paid more money than an item was worth.
- Young people also talked about Scratch-cards and lotteries, and didn’t see these as particularly risky.

3.6 The insight from these groups will be used to shape and influence the currently in-development educational resources, and future campaigns.

3.7 *Explore what information can be distributed to schools on gambling-related harms to include in lesson planning*

3.8 The health education strand of RSHE requires pupils to know ‘the risks related to

online gambling including the accumulation of debt, how advertising and information is targeted at them and how to be a discerning consumer of information online.’ A number of lesson plans and materials are available to schools to support this aspect of the curriculum. These were explored and assessed by the GHR partnership.

3.9 The vast majority of materials available are funded, in part or whole, through gambling industry funding on a voluntary basis. This means that they are not impartial, and that there is an implicit conflict of interest. Such materials tend to discuss risk and odds, noticing the signs of gambling harms, and where to get help, and to some extent, advertising tactics and peer pressure. However, the emphasis tends to be on individual risk and where to get help, with little emphasis on the addictive nature of the products and aggressive marketing techniques. Members of the GHR partnership, and partners from across Yorkshire and the Humber’s gambling community of interest have investigated currently available materials and concluded that none are suitable for promotion among children and schools.

3.10 *Explore what information could be distributed to parents to educate and advise on gambling among young people, including the use of gambling-like activity in gaming*

3.11 As above, there is very little independently produced resource available on the harms of gambling.

3.12 *We will offer and publicise evidence-based approaches to reducing gambling harm via our Living Well Schools programme*

3.13 The GHR partnership is working with independent charity Gambling with Lives, in collaboration with our local providers of RSHE for schools, the VCS organisations Step2, James, and Hale. Gambling with Lives have been working in schools across the North of England to develop and deliver educational materials directly. They have subsequently developed a “train the trainer” model for delivery, which they are now in a position to roll out. Step2, James and Hale have a contract through Public Health to work with schools in Bradford to deliver the RSHE programme, both via direct delivery and via training to schools to deliver.

3.14 Both organisations have now been commissioned to work together to disseminate the materials and subject-specific knowledge of Gambling with Lives, alongside the local delivery expertise of Step2/ James/ Hale, to schools in the District. Gambling with Lives delivered a 2.5-hour Train the Trainer gambling awareness session to Step2 and partners in December. The session was led by people with lived experience of gambling harm. The session covered preventative approaches to gambling harms, the tactics of the gambling industry, the impact on young people and the key messages to raise awareness, and used engaging film content and interactive features. Participants received a paperless pack of lesson plans, posters, PowerPoint materials, and film content to deliver to young people/ staff in schools.

3.15 Step2 will begin delivery of the gambling harms reduction module in schools from

January 2023. Once ready, the materials will also be distributed via the Living Well Schools website.

3.16 *The licencing team will continue to act on any reports of gambling premises which are not enforcing age restrictions.*

3.17 No reports of under-age gambling have been received. Operators have their own policy and staff training program in place regarding age verification.

3.18 *The Licencing team will revise the Statement of Licencing Principles for 2022-2025*

3.19 A new Statement of Licensing Principles was published in January 2022 (<https://www.bradford.gov.uk/media/5144/statement-of-licensing-principles>)

3.20 Enforcement Officers also undertake advisory visits to public houses where there has been a change of management. Licensing Enforcement Officers are currently undertaking compliance inspections on a 12 monthly basis.

3.21 *Adult's Social Care work with academic partners from King's College London to upskill and empower the adult social care workforce, to help early identification of gambling harms and support for vulnerable individuals.*

3.22 Adult Social Care managers worked with an academic team from KCL to develop processes needed for staff to ask questions, including ensuring that data protection was adhered to and that processes were compliant with GDPR. Of the Adult Social Care team who are the first point of contact for service users, 14 were trained by GamCare in addressing gambling harms. Following this, the pilot was trialled for 4-6 weeks, after which the trial was stopped. Feedback from staff showed that they found it difficult to ask the questions, and inappropriate in many cases. This resulted in no referrals to gambling support services. The pilot was not continued.

3.23 *Develop a communications plan to coincide with Safer Gambling Week 2022*

3.24 Due to the men's football World Cup in November/ December 2022, a decision was taken to focus on this event, around which gambling is heavily promoted, rather than on Safer Gambling Week in the previous month. For the World Cup a series of communications images and text was produced by CBMDC communications and design teams in collaboration with Public Health. This was informed by insight work done by the Yorkshire and Humber regional gambling harms reduction steering group. The images were put out via social media and shared with partners to publicise through their channels. Posts linked to a page on the CBMDC website detailing help, support and advice for those experiencing gambling harms.

Examples below:

Figure 1: Marketing and Communications imagery from the men's World Cup 2022 gambling harms reduction campaign.



3.25 Once the campaign ends, we will look at how many interactions and click-throughs

to the support page were generated, to evaluate the campaign.

3.26 *Build relationships with regional partners, including the NHS Northern Gambling Service*

3.27 Public Health has developed a working relationship with the clinical lead at the NHS Northern Gambling Service, and will continue to maintain this.

3.28 *Ensure that relationships and strong referral pathways are developed between the NHS Northern Gambling Service, and drug and alcohol treatment services*

3.29 A new service specification for Drug and Alcohol Services was developed and went out to tender in 2022, for a start date of April 2023. The new service specification for this service includes a responsibility for providers to screen for and support or refer, as appropriate, people experiencing gambling harms.

3.30 The Bridge project are a core member of the GHR partnership. The Bridge Project is a Bradford based charity providing a range of projects which support vulnerable people with complex needs. This includes substance misuse, alcohol dependency, young people's substance misuse, multiple needs navigator services, housing, criminal justice, carers and family support, domestic violence and befriending.

3.31 Triage and assessment questions in relation to gambling harms are not routinely asked across their services at this time. However, the Bridge Project has plans to add triage and assessment for gambling harms to the new adult substance misuse service assessments when it is launched in April 2023.

3.32 As a result of their involvement with the GHR partnership, The Bridge Project have undertaken an anecdotal survey across their service managers and lead practitioners to understand the level of unmet need in relation to gambling harms. Feedback from managers and practitioners was unanimous that gambling harms are very low on the list of issues faced by clients. The majority of service users have limited funds, and prioritise the purchase of substances and basic needs before they would spend their money on gambling. Likewise, the Bridge Project's Young People's substance misuse team felt that less than 5% of their client base had any issues or engagement with gambling.

3.33 The Bridge Project have developed links with the clinical lead for the NHS Northern Gambling Clinic (NGC). They have subsequently added queries from the standard screening questionnaire (Problem Gambling Severity Index - PGSI) to use in the community-based Wellbeing Hubs to assess the risk of gambling harms. The first question to people accessing the Hubs is "do you gamble?". If the answer is "yes", the practitioner will use the screening tool to assess need/risk. To date the Bridge Project have screened over 100 clients and none have reported any issues with

gambling.

3.34 Finally, The Bridge Project are constructing an anonymous on-line survey to get a general understanding of people's experiences with gambling. This will be launched in the New Year, and will be shared as widely as possible.

3.35 *Ensure that training is available for health and social care professionals to increase awareness and understanding of problem gambling, how to respond appropriately and how to refer to treatment services.*

3.36 Training for front-line professionals is available through GamCare, which also provides local services in Bradford via Krysallis. Although an independent charity, GamCare receives its funding from industry. The GHR partnership are therefore keen to explore and promote other avenues of awareness-raising and training.

3.37 A 2-hour online workshop was held in Bradford in July 2022. This was coordinated with Bradford Public Health and facilitated by the Office for Health Improvement and Disparities (OHID) on behalf of ADPH Y&H, and featured speakers from the NHS Northern Gambling Clinic, OHID, and Gambling with Lives. The aim of the session was twofold: to inform local providers of services about the issues relating to gambling harms, and to gather evidence for the ADPH Y&H regional gambling harms funded programme which focuses on prevention, earlier identification and harm reduction. In addition to facilitators, 18 participants joined the webinar, representing: public health; substance misuse commissioning and provider services; children's services; employment support; Prevention and Early Help (social care); police violence reduction; policy; domestic violence services; libraries; Credit Union; elected members. As a result of this webinar, more people requested to join the GHR partnership. Insight from the workshop included:

- Training is needed to upskill front-line practitioners in many different settings to have conversations about gambling
- The Making Every Contact Count approach would be a useful tool to adapt
- Resources and materials should be available in settings to make service users feel able to raise the topic if they want to do so
- Any interventions must be sensitive to cultural diversity in Bradford, to ensure that all communities are able to access messaging and interventions
- Social attitudes which normalise gambling and minimise harms should be challenged in messaging and reframed to reduce stigma
- Planning regulations to restrict gambling premises should be explored
- Partners should lobby national government where possible for appropriate national policy on gambling advertising and regulations.
- Wider challenges were discussed, such as the need to improve people's life opportunities generally, so that people do not view gambling as a route to improve their lives.

3.38 The results of this workshop are also being used to inform the regional OHID-led gambling harms reduction actions, which Bradford Public Health are closely involved with.

3.39 *Work with the CCG and/or clinical representatives to disseminate training and information to front line primary care and social care workforces*

3.40 As independent training is not yet available, the GHR partnership is promoting where we can, and highlighting areas for development to the system. In parallel, any opportunities are being shared widely. For example, a webinar by NHS NGS in December was promoted by Bradford Gambling Harms Reduction partnership across CBMDC, NHS, and the VCS.

3.41 In addition, a new post has been created for a clinical lead for alcohol, drug, and gambling harm reduction within Public Health and the Bradford Health and Care Partnership. The purpose of the post is to “Provide clinical leadership, innovation and expertise in commissioning, best practice and reducing harms relating to alcohol, drug and gambling, to achieve agreed clinical outcomes and service quality, increase patient choice and improve positive patient experiences.”. They will be expected to work closely with the GHR partnership, and to act as the main point of contact with clinical colleagues.

4 Planning Considerations

4.1 In 2022 the Committee recommended that Public Health meet with colleagues from the Planning, Licencing and Legal departments to explore potential mechanisms using planning to reduce gambling risk. In addition to this, Public Health have investigated approaches in other local authorities, such as Supplementary Planning Guidance for cumulative impact. Currently there is no evidence to suggest what might be an effective policy in the UK.

4.2 Bradford’s planning department have advised that Supplementary Planning Guidance is unlikely to strengthen the council’s ability to refuse planning permission for gambling, betting or gaming establishments on the grounds of overconcentration or Public Health impact. Refusal can be already given under current policy and guidance when harm as a result of the proposed premises is likely to be significant. We are still in the process of exploring additional potential options to strengthen our current arrangements.

4.3 In July, a planning application was received for an Adult Gaming Centre in Bradford City centre. The GHR partnership made a joint representation to the Planning department to refuse the application on Public Health grounds, given the large footfall to the area and proximity to parks, shopping centres, schools, drug and alcohol services, gambling harms services, and the Council’s own welfare services. In addition, the proposed premises are in a location with a large concentration of other gambling-related premises. The Planning department were able to use this as

evidence to support a refusal of planning permission.

- 4.4 A separate application in another area of the District was given permission as it was from a company relocating from a nearby street, therefore no net gain of premises was being proposed.

5 BACKGROUND

5.1 Evidence reviews: gambling-related harms

- 5.2 In September 2021 Public Health England (PHE; now Office for Health Improvement and Disparities: OHID) published a comprehensive evidence review of gambling-related harms in England. Gambling-related harms in the analysis included financial (such as bankruptcy and employment issues), relationship and family issues, and health harms, including suicide.
- 5.3 The review shows that people at risk of gambling harms are concentrated in areas of higher deprivation, such as the North of England, and may already be experiencing greater health inequalities. The review found a clear link between higher levels of alcohol consumption and harmful gambling, with only 35.4% of non-drinkers participating in gambling compared to 74.4% of those consuming over 50 units of alcohol (equivalent to 16 pints of beer or large glasses of wine) per week. Alcohol use in children and young people was also found to be a risk factor for subsequent harmful gambling.
- 5.4 The review also highlights the link between gambling and mental health issues. The report found that gambling can increase the likelihood of some people thinking about, attempting or dying from suicide. Evidence suggests that people with gambling problems are at least twice as likely to die from suicide compared to the general population.
- 5.5 The PHE review also included the most comprehensive estimate of the economic burden of gambling on society to date, revealing that the harms associated with gambling cost at least £1.27 billion in 2019 to 2020 in England alone. This analysis includes the first estimate of the economic cost of suicide (£619.2 million) and provides an updated cost of homelessness associated with harmful gambling (£62.8 million).

5.6 Risk factors

- 5.7 It is well evidenced that gambling harms are not equally distributed throughout society. Although people from more affluent and less vulnerable groups are more likely to gamble, those who are already vulnerable and at risk of poor health are more at risk of gambling-related harms, further exacerbating existing inequalities. The groups for whom there is the strongest evidence for vulnerability to gambling harms in adults include:

- men
- those aged 16 to 44 years old
- people living in an area of higher deprivation
- people drinking alcohol at higher risk levels
- those participating in seven or more gambling activities

5.8 For children and young people, risk factors for harmful gambling include:

- substance use (alcohol, tobacco, cannabis, other illegal drugs)
- being male
- experiencing depression
- exhibiting impulsivity (a trait)
- number of gambling activities participated in
- already experiencing levels of problem gambling severity
- participating in anti-social behaviour
- violence
- poor academic performance
- having peers who gamble

6 National Statistics

6.1 Two screening tools for gambling harms are commonly used. The DSM-IV is a screening instrument initially created as a diagnostic tool for clinicians concerned about a patient. This was adapted as a population screening tool and identified gamblers exceeding a threshold of harm.

6.2 The PGSI is a tool developed for population surveys, and in addition to “*problem gamblers*”, also identified those who are deemed to be “*at risk*” from gambling, dividing the respondents into four categories:

- Gamblers who gamble with no negative consequences (termed “no risk”)
- Gamblers who experience a low level of problems with few or no identified negative consequences (termed “low risk”)
- Gamblers who experience a moderate level of problems leading to some negative consequences (termed “moderate risk”)
- Gambling with negative consequences and a possible loss of control (termed “problem gamblers”)

6.3 Gambling is common in England, with over half the adult population estimated to engage in gambling of some sort each year. The coronavirus pandemic drastically impacted the gambling industry across the globe. During the period April 2021 to March 2022, the industry generated a Gross Gambling Yield (the sum of money paid by customers to the industry minus the sum paid out in winnings) of 14.1 billion British pounds. This was a 10.9% increase compared to the previous year’s data. However, it was 0.8% lower than the figure for April 2019 to March 2020. Conversely, the GGY of the online betting, bingo, and casino gambling industry in Great Britain decreased by 6.2% from 2020/21 to 2021/22, to £6.4 billion. Compared to 2019/20, however, this represented a 12.4% increase.

6.4 Data to June 2022 for the Gambling Commission found that 43% of all people aged

16 and over had gambled in the four weeks preceding the survey. This was slightly higher for men than women, at 44% compared to 42%. People aged 45-64 years were the most likely to have gambled in the preceding four weeks. Interestingly, this age group were also the group with the largest increase in online gambling over the course of the covid pandemic, although National Lottery betting accounted for much of this increase. In-person betting remained below pre-pandemic levels for all groups except those aged 16-24 years. Of those gambling in the preceding four weeks, one in five were gambling two or more times per week. The majority (35%) gambled more than once a month but less than one a week, and 29% gambled once per week.

- 6.5 The Gambling Commission also asked people about symptoms of gambling harms. The survey estimated a fall compared to the previous 12 months in “problem gambling” prevalence, from an overall 0.4% of the population to 0.2% of the population (one in 50 people). This was higher for men (0.3%) than for women (0.1%), and was lower than in 2021 for all age categories apart from those aged 16 to 24 years. For this age group, the rate of “problem gambling” had risen from 0.4% in 2021 to 0.8% (one in 125 people) in 2022.
- 6.6 A greater number of people are considered to be “at risk” from gambling, meaning that they are likely to be experiencing a lower level of gambling harms. The Gambling Commission found that the proportion of people at moderate risk of harm had risen slightly overall, from 0.7% of the whole population to 1%. However, there were stark and statistically significant increases in this category for women, where the proportion has risen from 0.6% to 1.2% of the population; and for those aged 16-24 years, where the proportion has risen from 0.6% to 3.1% - now accounting for more than three in every 100 people in this age group in the country.
- 6.7 Rates of “low risk” gambling had fallen between 2021 and 2022 almost across the board.
- 6.8 A more detailed breakdown and discussion of gambling can be found in the Health Survey for England (HSE), which periodically includes a question module on gambling. Modules on gambling were included in the 2018 survey and in the 2022 survey. Unfortunately, the 2022 data are not released until Summer 2023, so 2018 data are presented here.
- 6.9 In the HSE, of those in full-time employment or training, 62% had engaged in any gambling or betting activity in the last year, while 50% of retired people, 41% of unemployed people, 39% of other economically inactive people, and 28% of those in full-time education had gambled using any activity. The rates of gambling among different levels of deprivation were similar, at 53% of the least deprived compared to 51% of the most deprived.
- 6.10 The Survey also estimated the prevalence of “problem” gambling, showing that men had a risk of “problem” gambling of more than double that of women, at 8 in 1,000 men who had gambled within the past year compared to 3 in 1,000 women. A greater number of people are considered to be “at risk” of harms as a result of gambling, at 6.7% of all those gambling. The risk differs significantly by gambling activity. For example, only 6% of those taking part in national lottery draws are

considered to be at-risk and 0.9% are “problem” gamblers, compared to almost 1 in 4 (23.1%) of those gambling online at-risk and 4.2% “problem” gamblers, and over 1 in 3 (36.3%) of those betting on machines inside bookmakers at-risk and 12.7% “problem” gamblers (many people engage in multiple different gambling activities).

- 6.11 In contrast to data showing that those in stable employment are more likely to gamble than those who are unemployed, of those who had engaged in gambling or betting, people aged 16-24, those from minority ethnic groups, people who were unemployed and those in routine and manual employment, were most likely to disclose activity defined as “problem” gambling. This demonstrates that although people from less vulnerable groups are more likely to engage in gambling, those at highest risk of harm are those from the most vulnerable communities. This entrenches and further widens existing health and financial inequalities.
- 6.12 All these measures are likely to underestimate both the extent of gambling and the resulting harms, due to biases in how people remember and report their experiences of gambling.

6.13 Local data

- 6.14 In the HSE, 2018, gambling participation in the last 12 months in the Yorkshire and Humber was 60.8%; with 3.6% defined as at-risk gamblers and 0.7% as problem gamblers.
- 6.15 There is little available local data on the prevalence of gambling and gambling-related harms. National estimates are available from the Health Survey for England (HSE), and from the Gambling Commission’s quarterly surveys. Applying these National level data to local areas gives an estimate of the number of people who gamble, and who are defined as “problem” gamblers through the surveys (table 2). As a snapshot, the HSE is more appropriate as it considers gambling activity over 12 months, rather than over the past four weeks as collected by the Gambling Commission. Data from 2018 are included in the modelled data below as the 2021 survey will be released in Summer 2023.

Table 2: Modelled estimates of number of people gambling, at-risk (low risk or moderate risk), and with problem gambling in Bradford (based on 2018 data)

Data source	Gambling activity	Problem gambling	At risk (low or moderate risk) gambling	Total problem/ at risk
Health Survey for England	222,700 (gambling within the previous 12 months)	1,600	15,000	16,600

Data sources: Health survey for England, 2018 – age and sex breakdown available for activity and problem gambling, overall prevalence only for at-risk gambling (<https://digital.nhs.uk/data-and-information/publications/statistical/health-survey-for-england/2018/health-survey-for-england-2018-supplementary-analysis-on-gambling>)

6.16 From these estimates we can see that approximately 16,600 people in Bradford are likely have a diagnosable level of harm related to gambling. However, we know that survey data underestimates gambling and in particular, harms resulting from gambling. In addition, it should be noted that the rates of gambling and related problems may not be the same in Bradford as in the rest of the country, therefore estimates should be viewed with caution. In particular, research in Leeds shows that:

“Rates [of gambling and problem gambling] are higher across Britain for those living in more northern areas (and London), major urban areas, urban areas which are more densely populated, English Metropolitan boroughs, London boroughs, those living in wards classified as industrial, traditional manufacturing, prosperous and multi-cultural.”

6.17 The researchers estimated that Leeds, and similar areas, were likely to have twice the rate of “problem” gamblers compared to England estimates. Conversely, the rates of “at risk” gambling in Leeds and similar areas were similar to the England average. The modelled estimates above are therefore highly likely to underestimate the number of “problem” gamblers in Bradford.

6.18 For young people the picture is even more worrying. Although gambling is illegal for those aged under 18, a 2022 survey for the Gambling Commission found that 31% of all 11-16 year-olds had spent their own money on gambling in the past 12 months. Furthermore, 0.9% of all 11-16 year-olds were classed as “problem” gamblers, and a further 2.4% as at-risk gamblers. This is not directly comparable with previous years as the survey methodology has changed.

6.19 In Bradford, this equates to 442 children estimated to be problem gamblers, and 1,179 children estimated to be at risk of gambling harm. Three in ten (28%) young people had seen family members they live with gamble, with 7% of those saying that it had resulted in arguments or tension at home. Although most (78%) young people who spent their own money gambling in the last 12 months did so because they regard it as a fun thing to do, only one in five (21%) said that gambling makes them feel happy. A larger number (29%) thought that it did not make them happy and a further 29% were unsure.

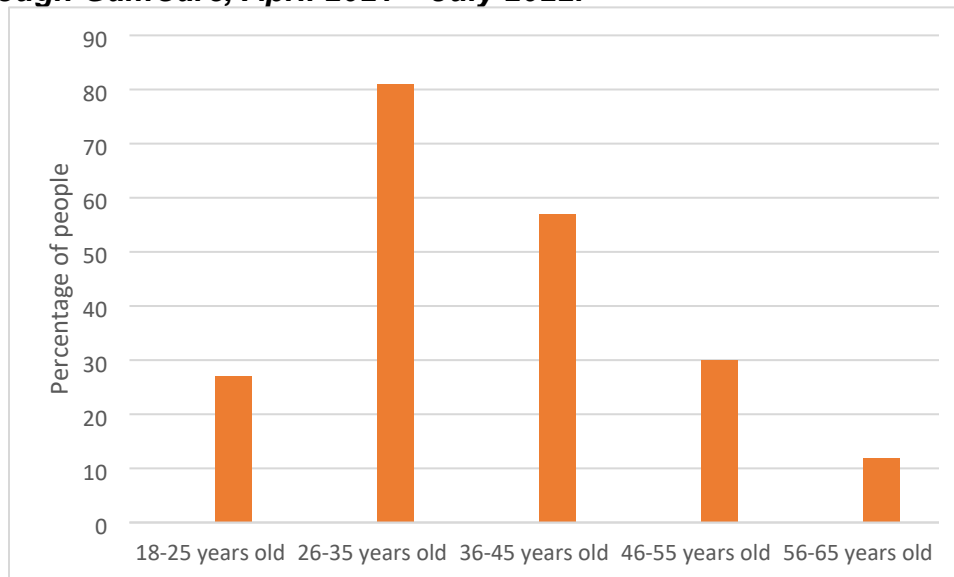
6.20 It is estimated that around 7% of the population of Great Britain are negatively affected by someone else’s gambling, with the most severe impacts felt by the immediate family of people experiencing problem gambling. This suggests that up to 38,000 Bradford residents could be at risk of gambling related harm as a result of a friend or loved one’s gambling.

7 Access to GamCare treatment and helpline in Bradford

7.1 Between April 2021 and July 2022, a total of 88 people from Bradford accessed treatment for gambling harms through Krysallis (the local GamCare provider), and 122 people called the helpline. Of these, the majority accessing treatment (67%) and calling the helpline (65%) were men, and the largest age category for both was

26 to 35 years.

Figure 2: Age distribution of people accessing treatment and helpline for gambling harms through GamCare, April 2021 – July 2022.



7.2 The majority of people accessing treatment and/or the helpline had no debt. Of those with debt, the most common amount was less than £5,000.

7.3 Many of those seeking treatment for gambling harms engaged in more than one gambling activity. Online gambling accounted for just under half (49.1%) of gambling activity among those seeking treatment in April 2021-July 2022 and over half (52%) of those calling the helpline. The next common activity for both those seeking treatment and those accessing the helpline was gambling in bookmakers, with 22% and 21% of activity, followed by casinos with 14% and 13%, respectively. For those accessing treatment, online casinos were the most commonly used online venue, with 37.2% saying they used 'online casino slots' and 12.4% saying they used 'online casino table games'.

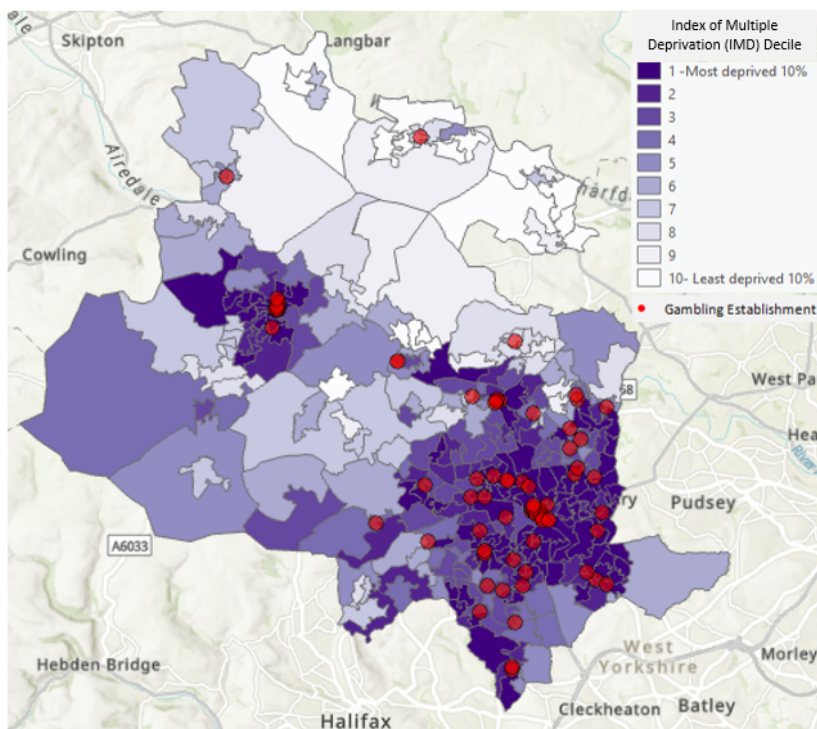
7.4 The most commonly cited impacts among those contacting GamCare for both services were:

- Financial difficulties
- Anxiety/ stress
- Depression/ low mood
- Family/ relationship difficulties
- Feeling isolated/ lonely
- History of or current suicidality
- Diagnosed mental health problems
- Sleep disturbance
- Undiagnosed mental health problems
- General Health
- Work difficulties

7.5 Gambling Premises in Bradford

- 7.6 Currently, Bradford is home to 477 premises with a gambling licence. Of these, 56 are dedicated gambling venues, 328 are pubs and hotels, and 93 are social clubs and similar premises.
- 7.7 This is a decrease compared to the same figures last year, when there was a total of 531 premises with a gambling licence, of which 65 were dedicated gambling venues, 402 were pubs and hotels, and 64 were social clubs and similar premises.
- 7.8 As seen in figure 1 below, the licenced gambling premises in Bradford are concentrated in the areas of highest deprivation, with many clustering in the urban centres of Bradford and Keighley, and others surrounding Bradford city centre. As we know from the evidence, those most vulnerable to harms as a result of gambling include those living in more deprived areas, unemployed people, and people from BAME groups, making the locations of gambling promises more concerning.
- 7.9 This picture is reflected across the country, with recent research showing that gambling premises are more common in the more deprived towns and cities in England. Furthermore, many of these premises are within areas frequented by children and young people, making gambling visible and normalising it among children.

Figure 3: location of premises with a gambling licence and level of deprivation in Bradford



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7.10 Treatment options for gambling-related harm

- 7.11 Treatment and support for people with gambling-related harm exist, and are available to people worried about their own gambling, or worried about a friend or loved one.
- 7.12 The NHS Northern Gambling Service provides specialist addiction therapy for gambling in the north of England. The service is based in Leeds but also offers remote, virtual consultations. It is free to access, and referrals can be from any professional, self-referral from individuals concerned about their gambling, or friends and family concerned about someone else's gambling. The service was established around 3 years ago, and aims to see people within 14 days of referral. Members of the public can contact the service at referral.ngs@nhs.net or on 0300 300 1490.
- 7.13 GamCare offers free information, support and counselling for people who have problems with gambling in the UK. It runs the National Gambling Helpline (0808 8020 133) and also offers face-to-face counselling. The helpline is free and open 24 hours a day, 7 days a week. In Bradford, face to face GamCare support is provided locally by Krysallis.
- 7.14 There are a number of options for people wishing to self-exclude from either online or on-street gambling venues, and people can self-exclude from multiple venues at once via dedicated systems. In addition, some banks allow customers to freeze any gambling transactions. Details can be found on the Bradford Council website: <https://www.bradford.gov.uk/health/health-advice-and-support/gambling/>

8 FINANCIAL & RESOURCE APPRAISAL

- 8.1 The delivery of the gambling cross departmental action plan falls with the current budget of each department. There are no financial implications arising from the progress update.

9 RISK MANAGEMENT AND GOVERNANCE ISSUES

- 9.1 No significant risks are anticipated as arising out of the implementation of the proposed recommendations.

10 LEGAL APPRAISAL

- 10.1 There are no direct legal implications arising from this report. The Gambling Act 2005 (the Act) consolidated and updated previous gambling legislation, creating a framework for three different types of gambling: gaming, betting and lotteries. Gambling can take the form of non-remote gambling, which takes place in a gambling premises, and remote gambling, which is typically undertaken by phone or online. Councils do not have any regulatory responsibilities in relation to remote

gambling.

- 10.2 Under section 349 of the Act, licensing authorities are required to prepare a statement of principles that they propose to apply in relation to their regulatory responsibilities in gambling. Statements of principles typically run for a period of three years. There is nothing to prevent an authority from updating its statement more frequently if it wishes to, but the three yearly cycle must still be followed.

11 OTHER IMPLICATIONS

11.1 EQUALITY & DIVERSITY

- 11.2 As described in the report, gambling is an issue which is likely to widen inequalities as it has a greater impact on people who are already vulnerable for a number of reasons. The action plan described above is therefore expected to reduce inequalities, and therefore have a positive impact.

11.3 SUSTAINABILITY IMPLICATIONS

- 11.4 There are no anticipated implications for sustainability arising from this report.

11.5 GREENHOUSE GAS EMISSIONS IMPACTS

- 11.6 There are no anticipated implications for greenhouse gas emissions arising from this report.

11.7 COMMUNITY SAFETY IMPLICATIONS

- 11.8 Community safety has been highlighted as a potential risk arising from problem/harmful gambling. As such, it is anticipated that the actions proposed in the report should have a positive effect on community safety.

11.9 HUMAN RIGHTS ACT

- 11.10 There are no anticipated implications for the human rights act arising from this report.

11.11 TRADE UNION

- 11.12 There are no anticipated implications for Trade Unions arising from this report.

11.13 WARD IMPLICATIONS

11.14 No one particular ward is likely to have any significantly increased impact as a result of this report. However, wards with higher levels of deprivation and/ or gambling premises may benefit more than others from a reduction in gambling-related harms.

11.15 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

11.16 As a group known to be vulnerable to gambling harms, children and young people are specifically considered in this report, and included in the proposed action plan. The work proposes to safeguard children and young people from gambling harms (both direct and indirect as a result of gambling behaviour in people close to them) through a combination of:

- evidence-gathering;
- provision of resources to educate children, young people, teachers and parents on the harms of gambling and what to do if they have worries;
- training for health and social care professionals, including the Children's Social Care and Youth Service workforces
- Stronger identification and treatment pathways for adults experiencing problem gambling and gambling-related harms

11.17 In order to ensure that the needs and views of children and young people, particularly those of Looked After Children, are centred, the Gambling Action Plan Working Group has representatives of children's services as part of its core membership.

11.18 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

11.19 There are no anticipated data protection or information security matters arising from this report.

12 NOT FOR PUBLICATION DOCUMENTS

12.1 None

13 OPTIONS

13.1 The committee notes the contents of the report and recognises the work done so far. The committee approves the proposed next steps as set out

13.2 The committee gives feedback to inform further development of the Council's plans

14 RECOMMENDATIONS

- 14.1 The Committee are asked to note contents of the report. The views and feedback of the Committee on the existing work and proposals are requested.

15 APPENDICES

- 15.1 None

12. BACKGROUND DOCUMENTS

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Report of the Strategic Director Place to the meeting of Overview & Scrutiny Committee to be held on 12th January 2023.

AB

Subject: HACKNEY CARRIAGE AND PRIVATE HIRE SERVICE.

Summary statement:

This report aims to inform the committee of how the service is working towards achieving a high performing, customer focused hackney carriage and private hire service. How it analyses information to drive improvements in service delivery to the benefit of trade and employees.

Alan Lunt
Interim Strategic Director
Department of Place.

Portfolio: Cllr Sarah Ferriby

Healthy People & Places

Report Contact: Carol Stos
Licensing Service Manager
Phone: 07582 101569
E-mail: carol.stos@bradford.gov.uk

Overview & Scrutiny Area: Corporate

1. SUMMARY

This report aims to inform the committee of how the service is working towards achieving a high performing, customer focused hackney carriage and private hire service. How it analyses information to drive improvements in service delivery to the benefit of the trade and its employees. Included are statistics, performance timescales as well as quality of customer and service interactions obtained from customer surveys and customer drop in sessions. An update as to the number of telephone enquiries into the service and response times.

The aim of the Licensing regime is it only issues licences to drivers of good character and with sufficient driving ability and competence. Private Hire Operators should also pose no threat to the public nor should they have any links to criminality. Vehicles are to be of a sound mechanical condition, be comfortable and clean. They should also meet the requirements of Bradford City's Clean Air Plan.

The service focuses on an educational approach to the trade, providing new driver training, regular email updates with any relevant information and newsletters. Meetings are held regularly with the trade associations and private hire operators. A table of enforcement activity is included.

A summary of legal and financial obligations is provided as well as a statement as to the current financial position.

The public should have reasonable access to both hackney carriage and private hire services due to the integral role they play in local transport provision.

2. BACKGROUND

2.1 Council Responsibility

Bradford Council is the body responsible for carrying out the function of hackney carriage and private hire licensing in the Bradford District. The hackney carriage and private hire service (HCPH) carries out this function on behalf of the Council.

Bradford Council has currently licensed
Private hire drivers 5207
Private hire vehicles 3686
Private hire operators 111
Hackney carriage drivers 303
Hackney carriage vehicles 213

2.2 Finance – Legal obligations

In December 2019 the Court of Appeal in the case “R (on the application of Abdul Rehman, on behalf of the Wakefield District Hackney Carriage and Private Hire Association) v The Council of the City of Wakefield and The Local Government Association (Intervening) [2019] EWCA Civ 2166” confirmed that there is no general principle that the taxi licensing fee regime should be self-financing and that the costs associated to enforcing the behaviour of licensed drivers could be recovered via the licence fee set under s53(2) LGMPA76. The judgement stated (para 46):

“In any event, we consider that the costs of enforcing the behaviour of licensed drivers can be recovered through the driver’s licence fee under section 53(2). The relevant words in that provision are “the costs of issue and administration”. The costs of “administration” must be something other than, and in addition to, the costs of “issue”. There is no difficulty in interpreting “administration” in its statutory context as extending to administration of the licence after it has been issued. It naturally includes the costs of suspension and revocation, which are events expressly mentioned in Part II of the 1976 Act. Suspension and revocation rest on non-compliance with the requirements and conditions for continuing to hold the licence. As we have said, it would therefore have been obvious to Parliament, when enacting the 1976 Act, that costs would be incurred by the district council in monitoring compliance with such requirements and conditions.”

The significance of the Court of Appeal’s ruling is that it clarified the correct procedure that councils must apply when setting taxi and private hire fees.

Costs associated with monitoring and enforcing driver conduct must be factored into to driver licensing fees under section 53 not vehicle licence fees under section 70 as was the case in Wakefield. The case reaffirmed the principle that cross-subsidisation of taxi and private hire fees is not permitted in law.

Details of the relevant legislation can be found at Appendix 1.

2.3 Customer Service and Performance.

A Customer Charter has been put in place which sets out clear expectations of how the hackney carriage and private hire service will work with the trade.

See timescales at Appendix C

The service is looking at ways it can better interact with the licensed trade, provide help, support and guidance where needed and evidence excellent customer Services.

The service recently held a series of Driver ‘Drop in Sessions’ so as to be able to look at the type of help and assistance would benefit the trade.

These were held across the district at the end of September, beginning of October, and although the details of the session information were sent out to all licence holders, they weren't particularly well attended.

The majority of queries were customers chasing new driver applications and technical and/or website help. We are experiencing extremely high numbers of new driver applications which means that applicants are waiting for a longer period of time for their application to be progressed. The service will focus on a way to update the website with additional information setting out expectations and timeframes.

Attendee figures & locations for the sessions were as follows;

	Attendees
Emily St Mosque	20
Laisterdyke Library	14
Shearbridge Depot	8
Girlington Community Centre	11

Enquiry Types

Enquiry	Number of Queries
Clean Air Zone	6
Tax Conditionality	3
Change of Op	6
Suitability Policy	3
App Chase	10
Right to Work	6
Renewal	8
Tech/Web Support	12
DBS	2
DVLA Code	1
Other	1

2.4 Provide excellent customer service with council staff attentive to drivers requests with regular driver satisfaction surveys for drivers.

Drivers deserve and should expect to always be treated with the respect and dignity associated with high standards of customer service.

The service has introduced a simple, 'click the number of stars' survey for licence holders to be able to provide their feedback. The survey splits the responses into two sections the first asks the customer to rate the helpfulness, professionalism and knowledge of the staff member. The second is about the overall experience of the

service, ease of process and other key points as well as the opportunity to provide specific feedback.

Report on the Customer Surveys is at Appendix B

2.5 Deliver prompt responses to written correspondence, queries, issues and concerns raised by drivers with a response provided within 24 hours and dedicated appointment slots each day for those with urgent cases.

In October/November 2020 the service in conjunction with operators from the trade produced a Service Level (SL) which is used by both the licensed trade and the service itself to set out timely expectations for the driver renewal process and the new and renewal vehicle application processes. The SL's and an explanatory email was sent to all licensees on 25th November 2020.

Details of the SL's can be found at Appendix C

2.6 Renewal Applications

The licence renewal process allows 42 days (6 weeks) to complete, allowing time for any potential queries to be resolved.

A renewal invitation is emailed to the applicant 6 weeks prior to expiry.

The customer is invited to apply on line, submit documentation and make payment at their convenience, 24 hours a day. Once the checks are completed the licence is issued with no loss of time/licence fee to the licensee.

Below is a table which details the number of applications submitted for processing, followed by the number of days it took for the applicant to submit the application from the date the renewal invitation was sent. Next is the number of days it took for an officer to pick-up the application and begin to process it. The final number is the total number of days taken to process and issue a driver licence, in the case of a vehicle application is shows the number of days until the vehicle is booked in for test.

2.7 Licensing Process Statistics compare data from the periods:

1st April 2021 to 31st October 2021 & 1st April 2022 to 31st October 2022.

Licence Type	No of Licences		Avg. No of days for applicant to apply		Avg. No of days for Application to be accepted		Avg. No of days taken to process licence	
	2021	2022	2021	2022	2021	2022	2021	2022
Driver Renewal	1149	1006	23.69	20.28	2.37	4.68	19.29	11.02
New Vehicle	1127	1572	n/a as no renewal	n/a as no renewal	2.84	2.10	21.88	18.43
Renewal Vehicle	1473	1350	17.60	13.31	2.52	3.77	24.95	25.28

The table shows that applicants are submitting their renewals sooner than previously which is encouraging, there is a slight delay in the average number of days for an application to be accepted by the service, except new vehicle applications. This is due

to the recruitment freeze being in place whilst a service re-structure is being undertaken. More positive data and another indicator of the impact of our process improvements is that once an application is started they are being processed quicker.

2.8 New Driver

New driver applications are at an all-time high. Progress can vary, often depending on the personal circumstances of the applicant. There are different stages that need to be completed such as training and signing up to the DBS update service which can take a longer duration of time with elements that are out of the service's control. Since April 2022 1893 new driver applications have been ongoing and these are at various stages such as awaiting documentation from customer, waiting for DBS certificates and waiting to complete a driver standards assessment. There are currently 802 ongoing applications of which we are awaiting required documentation from the customer so the officer can progress to interview stage.

2.9 Enforcement Team

The Enforcement team carry out a variety of tasks, table highlighting the main of these is below.

Enforcement Action 01 Oct 2021 – 30 Sept 2022	Total
Complaints received from members of the public	335
Complaints made about the Licensing Service	18
Evening and weekend patrols (Enforcement Officers conducting random vehicle/driver compliance inspections and base checks)	76
Full Operator Base Audits (annual renewals/5 year mid-licence/new applications)	114
Officer Review investigations	278
Officer Review Panel hearings	31
Warning notices issued	531
Driver applications refused	83
Driver Licenses Revoked	46
Court appeals pending (as at 10/11/2022)	10

2.10 Email Enquiries

All queries, issues and concerns will be acknowledged and where possible a response will be provided within 3 working days. For longer more complex cases the customer will be kept up to date as progress is made with their case.

On average 3500 emails were received in October, these emails are further divided into further categories to ensure urgent matters are dealt with as a priority. Emails received by the service include but not limited to; lost/stolen plate and badge, right to work extensions, road traffic accidents, enquiries about processes, help completing

forms, support with the website, clean air zone queries, changing details with the service, GDPR requests and complaints/compliments.

2.11 Provide a designated contact telephone line through which drivers can raise any queries, issues and concerns that must be addressed in a timely manner.

Calls coming in to the Contact Centre were transferred to the service WEF 1st July 2022. We support the customer with generic issues (website navigation and general enquires) with more individual or specific queries passed directly back to the licensing team for a more detailed response. All escalated calls are being responded to promptly.

The service is monitoring calls and response timeframes. We can report that since the beginning of July 2022 the service have handled 634 calls which resulted in 4 queries to the service. All these queries were responded to within 24 hours.

2.12 Complaints and compliments received by the service

The service ensures it creates a clear pathway for customers/elected members to submit any complaints/compliments to the service.

The below figures are the number received in 2022 by type of complaint / query / compliment

Councillor Queries – This is a request from a councillor from the Bradford district as a result of a constituent approaching them about their licence. These usually include asking for an update for a delay in issuing someone’s licence which can be for a number of reasons but the main reasons include satisfying a right to work check and awaiting a DBS. The service has received 36 of these to date in 2022. 35 queries have been answered and Councillor’s satisfied with the conclusion the service has provided, with 1 still ongoing.

Service Complaints (requests)– These are complaints received directly from a licensee who may be unhappy/dissatisfied with the service they have received from an Officer. These usually include asking for an update for a delay in issuing a licence, requesting a refund and asking the service to depart from policy. During the 12 month period Oct 21 to Sept 22 the service has received 22 all those complaints have been answered with none progressing to a Stage 2 complaint.

Stage 1 Complaints – These complaints have been submitted formally to be investigated under the full Stage 1 complaints process. The service has received 2 of these and both have been answered with neither progressing to a Stage 2 complaint.

Compliments – The service usually receives compliments verbally from customers after a positive interaction. The service introduced Customer Surveys in August 2021

to capture feedback from customers. In 2022 outside of the customer surveys the service has received 6 compliments in writing praising staff members for their help.

4. FINANCIAL & RESOURCE APPRAISAL

4.1 Financial Analysis.

The requirements at section 2.1 set out the legal basis for accounting of income and expenditure for the licensing service.

The last time that fees were increased in Bradford was in 2008. Since that time there has been a reduction in true terms for vehicle licensing fees as in 2015 the requirement for vehicles over the age of 6 to have two licences per year was removed, being replaced with a requirement to carry out a sample of random vehicle testing, at no additional cost to those who are tested.

Any year end surpluses or deficits are managed through a ring fenced reserve. Work is currently on-going with finance to ensure that income is clearly defined within the 5 work streams, drivers hackney carriage and private hire, vehicles hackney carriage and private hire and operators. There is still work to be undertaken in the apportionment of services costs and overheads, resources have been identified and this work is planned to be undertaken in time for the start of the new financial year in 2023.

The current predicted financial position is that the service is budgeted to make a small surplus, a reason for this is that new driver and vehicle applications are above the anticipated numbers which at this time is predicted to continue in to the next financial year. This would mean that there is currently no requirement to adjust fees.

4.2 Licence Fees.

Bradford's drivers licence fees are equal to if not low by comparison to other authorities.

Comparisons of fees is very complicated as all authorities have different criteria which can be separated as additional costs but all add towards the total fee to be paid, these include, different vehicle age & livery, costs for tests, DBS and update service, training, admin fees and others.

Below is a table showing some examples .

	Renewal Driver		New Vehicle		Renewal Vehicle	
	1 year	3 year	5y & under	6y & above	5y & under	6y & above
Bradford	81.00	199.00	165.00	240.00	165.00	240.00
Calderdale	104.00 Combined HC&PH 149.00	239.00 Combined HC&PH 359	232.00	232.00	232.00	232.00
Kirklees	83.50	238.00	188.35	188.35	132.60	132.60
Leeds	150.00	390.00	180.00	180.00	135.00	245.00
Craven	PH 88.06 HC 109.58 Combined HC&PH 149.58	PH 151.31 HC 178.83 Combined HC&PH 212.83	PH 210.94 HC 243.21 1 year licence for 0-3 years old	PH 108.00 HC 125.00 6 month licence for 3-12 years old	PH 210.94 HC 243.21 1 year licence for 0-3 years old	PH 108.00 HC 125.00 6 month licence for 3-12 years old
York	n/a	239.00	216.00	216.00	189.00	189.00
Manchester	n/a	254.00	268.00	328.00	264.00	324.00

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

If there are no significant risks arising out of the implementation of the proposed recommendations it should be stated but only on advice of the Assistant Director Finance and Procurement and the City Solicitor.

6. LEGAL APPRAISAL

All licensing Policy and Conditions of Licence are subject legal approval.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

We believe that any service performs at its best when it is reflective of the community it serves. We will work hard to promote vacancies across a range of media and provide clear information and advice about how to prepare for interview so that it is a transparent level playing field throughout the recruitment process.

All staff are respectful towards all of the protected characteristics of the Equality Act and enjoy embracing the many religious festivals and days of celebration the service shares with our customers and staff.

When considering the Equality Act 2010, the Council will also have regard for the Public Sector Equality Duty, which places a duty on the Council to have due regard to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster or encourage good relations between people who share a protected characteristic and those who do not.

Through the Policy, the Council seeks to deliver on the duties placed upon it through the Equality Act. The Council will have regard for the above measures in dealing with the licensing objectives, by protecting the public and licensed drivers from discrimination and ensuring that any unlawful discrimination is dealt with appropriately, working with representatives of the trade and the Police.

7.2 SUSTAINABILITY IMPLICATIONS

None

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

None

7.4 COMMUNITY SAFETY IMPLICATIONS

None

7.5 HUMAN RIGHTS ACT

None

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

None

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)

None

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

None

10. RECOMMENDATIONS

Recommended - That the Committee consider and comment on the report.

11. APPENDICES

Appendix A – Local Government (Miscellaneous Provisions) Act 1976 - Fees

Appendix B – Customer Survey Feedback

Appendix C - Customer Service Levels

Appendix A – Local Government (Miscellaneous Provisions) Act 1976 - Fees

53 Drivers' licences for hackney carriages and private hire vehicles.

(2) Notwithstanding the provisions of the Act of 1847, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.

70 Fees for vehicle and operators' licences.

(1) Subject to the provisions of subsection (2) of this section, a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part—

(a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;

(b) the reasonable cost of providing hackney carriage stands; and

(c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.

(2) The fees chargeable under this section shall not exceed—

(a) for the grant of a vehicle licence in respect of a hackney carriage, twenty-five pounds;

(b) for the grant of a vehicle licence in respect of a private hire vehicle, twenty-five pounds; and

(c) for the grant of an operator's licence, twenty-five pounds per annum;

or, in any such case, such other sums as a district council may, subject to the following provisions of this section, from time to time determine.

(3)(a) If a district council determine that the maximum fees specified in subsection (2) of this section should be varied they shall publish in at least one local newspaper circulating in the district a notice setting out the variation proposed, drawing attention to the provisions of paragraph (b) of this subsection and specifying the period, which shall not be less than twenty-eight days from the date of the first publication of the notice, within which and the manner in which objections to the variation can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of twenty-eight days from the date of the first publication thereof be deposited at the offices of the council which published the notice and shall at all reasonable hours be open to public inspection without payment.

(4) If no objection to a variation is duly made within the period specified in the notice referred to in subsection (3) of this section, or if all objections so made are withdrawn, the variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

(5) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the variation

shall come into force with or without modification as decided by the district council after consideration of the objections.

(6)A district council may remit the whole or part of any fee chargeable in pursuance of this section for the grant of a licence under section 48 or 55 of this Act in any case in which they think it appropriate to do so

Appendix B– Customer Survey Feedback

Customer Surveys are a good way to collect information from customers and gain valuable insight into what they think is good and what could be improved. As well as ensuring excellent customer service, we use the surveys to gain insight in to where customers think we can improve. Surveys have been sent out for almost 18 months, for the following categories:

General Queries – Used across the service to by all Officers when they have had an interaction with a customer about something other than the categories below. This could range from contacting us for guidance on a query, following an Officer review, changing their Operator and the list goes on. After the Officer has dealt with the query this survey will be sent for the customer to complete to feedback how their experience was.

New Driver – The survey is sent at the point of issue for a new licence, when all checks and assessments have been completed.

New Vehicle – When all documentation and background checks have been completed and the vehicle is booked for a vehicle safety inspection a Licensing Officer will send the survey to collect feedback on how the customer feels the process has been.

Renewal Driver – When a driver renewal application is received the Officer will carry out the mandatory checks as well as request any necessary documentation. When the badge has been issued and is ready to be sent out the Officer will send this survey.

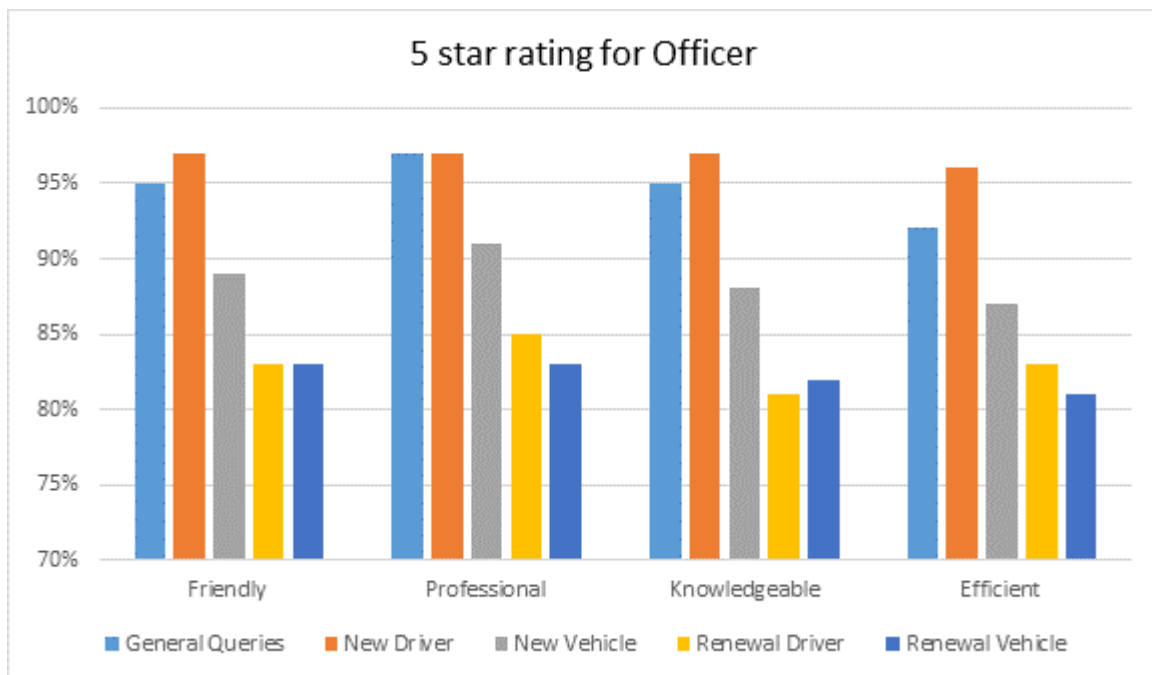
Renewal Vehicle – When a vehicle renewal application is received the Officer will carry out the mandatory checks as well as request any necessary documentation. When the vehicle has been booked for a vehicle safety inspection the Officer will send this survey.

The below data will show how many surveys have been sent since November 2021 and how many responses have been received back.

Survey Type	Sent	Received
General Queries	414	42
New Driver	484	131
New Vehicle	1861	174
Renewal Driver	899	147
Renewal Vehicle	1515	107

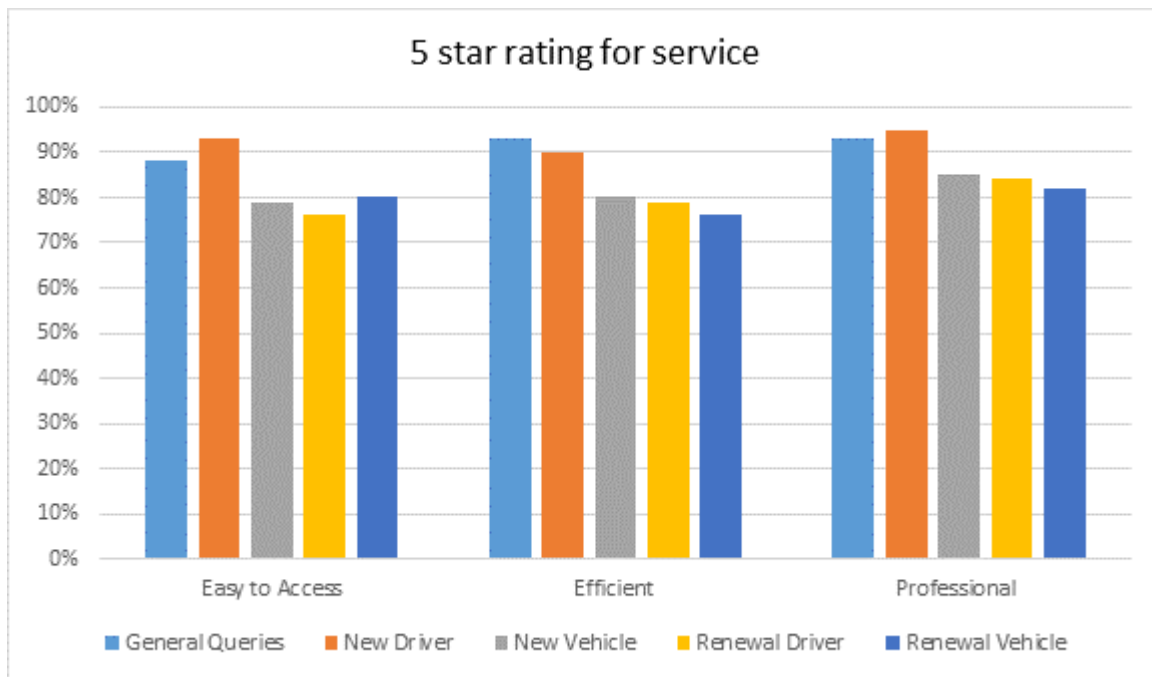
In every survey we ask the customer to rate the Officer that dealt with their query in a number of categories. These include Friendly, Professional, Knowledgeable and Efficient.

The below data shows what percent of the results reflect the Officers getting a 5-star rating for the help they provided.



Customers are also asked to rate the service and how the experience was for them for that particular instance. The categories include Easy to Access, Efficient and Professional.

The below data shows what percent of the results reflect the Service getting a 5-star rating for this query.

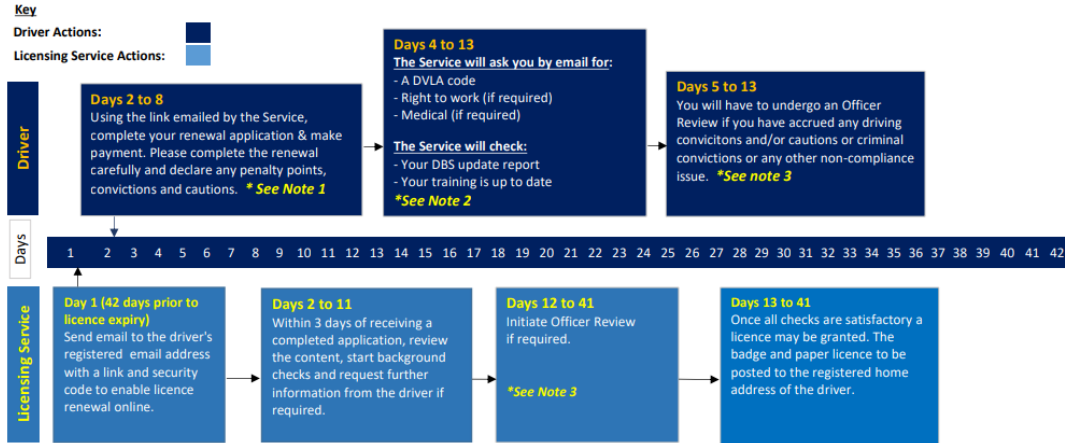


Appendix C – Customer Service Levels

Driver

Renewal

HCPH Service Level - Driver Licence Renewal



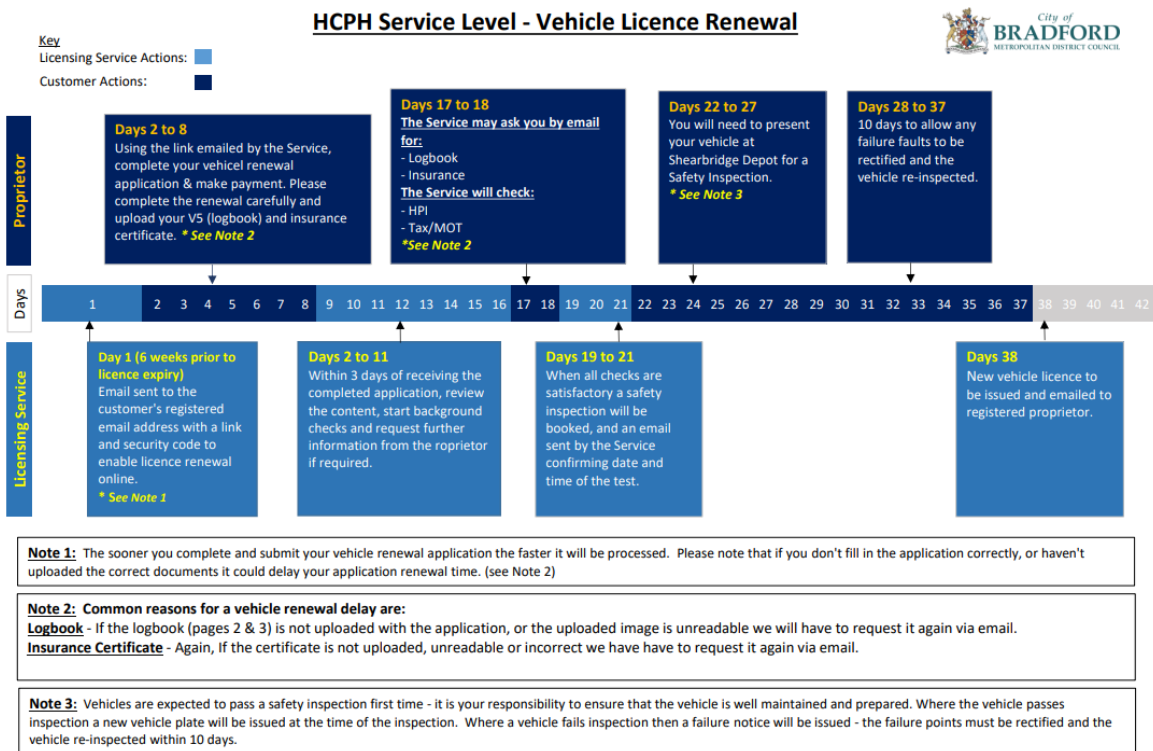
Note 1 The sooner you complete and submit your renewal application the faster it will be processed. Please note that if you don't fill in the application correctly, haven't maintained your DBS Update subscription or don't declare any changes to your situation, e.g. penalty points, convictions etc., it will require an Officer Review which could delay your renewal time significantly (see Note 3).

Note 2
DBS - The most common reason for a licence renewal delay is due to drivers not maintaining their payments to the DBS Update Service - which is a Condition of Licence. Note: you do **not** have to wait for your licence renewal to check that you are subscribed. If you find that you are not subscribed please contact the Service immediately.
Right to Work - The Service needs to check your right to work has not expired. This information is available on your visa or biometric residence card.

Note 3 If you are required to undergo an Officer Review you will be notified by email. You will be asked to submit any mitigating circumstances regarding the reason(s) for the Officer Review. It is important that you respond without delay as this process could take up to 28 days depending on the reason(s) for Officer Review.

November 2020

Vehicle Renewal



November 2020

12. BACKGROUND DOCUMENTS

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equality Act 2010
- Road Traffic Acts 1988/ 1991.
- Health Act 2006
- Human Rights Act 1998



Report of the Community Safety Partnership Board to the meeting of the Corporate Overview and Scrutiny Committee to be held on 12th January 2023

AC

Subject:

Corporate Overview and Scrutiny Committee – Response to Fireworks Review October 2021

Summary statement:

This report provides a summary of the key actions and partnership responses to the recommendations of the Corporate Overview and Scrutiny Firework Review.

Cllr Abdul Jabar
Chair of District Community Safety
Partnership

Report Contact: Michael Churley
Phone: (01274) 431364
E-mail: michael.churley@bradford.gov.uk

Portfolio:

Neighbourhoods and Community Safety

Overview & Scrutiny Area:

Corporate

1. SUMMARY

- 1.1 This report provides a summary of the key actions and partnership responses to the recommendations of the Corporate Overview and Scrutiny Firework Review.

2. BACKGROUND

- 2.1 District residents have expressed concerns for a number of years about fireworks being used anti-socially and outside the permitted hours within the law. Fireworks are used responsibly by most but celebrations now appear to be happening more often throughout the year with the loud noise causing nuisance to people across the district as well as distress to livestock and pets.
- 2.2 In response to continuing fears around Fireworks, a comprehensive review of the use of fireworks in the district's neighbourhoods was undertaken by the Corporate Overview and Scrutiny Committee. The report has made several recommendations to tackle some of issues regarding firework nuisance. The full report can be found at **Appendix One**
- 2.3 The information gathering sessions undertaken as part of the scrutiny review focused on six key areas for improvement. In accordance with the Terms of Reference adopted at the Corporate Overview and Scrutiny Committee, specifically, the committee resolved to:
- Review the licensing requirements and other regulations around fireworks;
 - Explore prevention and enforcement activities;
 - Consider the sale and distribution of fireworks across the District;
 - Examine the use of fireworks at religious and family occasions across the District;
 - Scrutinize the inappropriate use of fireworks in the Bradford District, including the impact upon residents within the District, pets and other animals;
 - Analyse the impact of the use of Fireworks upon noise, air pollution, cleansing and emergency planning.
- 2.4 The period around Bonfire Night is an additional time where fireworks are let off at unsociable times and in an antisocial manner and sometimes used dangerously. Significant partnership efforts led by the Council, West Yorkshire Police, West Yorkshire Fire and Rescue Service, Trading Standards and Incommunities have achieved meaningful reductions in the disorder seen around this period over the last five years. However, unacceptable and criminal behaviours persist and it remains an intensely busy period for many services, especially the Police and Fire Service.
- 2.5 As part of its deliberations, Corporate Overview and Scrutiny Committee members engaged with officers from West Yorkshire Police, West Yorkshire Fire Service, West Yorkshire Trading Standards, the RSPCA and officers from Bradford Council, including Licensing. Moreover, 92 residents in the District responded as part of the public consultation exercise, in relation to this scrutiny review representing a range

of concerns.

- 2.6 There was unanimous consensus amongst those members of the public that responded, that they were not actually against professionally organised and responsible firework displays which occur at certain fixed times of the year. It was the indiscriminate and random use of fireworks at all hours of the day and night in communities, where there was a real problem.
- 2.7 The review acknowledged the operational difficulties faced by services and the Chair of the review observed that “having chaired this in-depth scrutiny review into the anti-social and dangerous use of fireworks, it has been determined that Bradford Metropolitan District Council does not have powers of enforcement against fireworks and that multi agencies have roles to play in addressing the issue. However, the powers are again limited and what is required is changes to the law around fireworks which can only take place at a governmental level”.
- 2.8 However, a range of recommendations for action have been made by the Committee and these have, and continue to be actioned by the Council and its partners. The recommendations relate to both lobbying for wider policy and legislative change as well as identifying where local procedures could be improved to help reduce this nuisance.

3. OTHER CONSIDERATIONS

- 3.1 The following steps have been taken to achieve some of the recommendations set out by the Committee.

3.2 Recommendation 1

For Bradford Council to lobby the Districts MP's to:

- **Reduce the noise levels of all categories of fireworks;**
- **Stop the sale of the more powerful fireworks, such as category 3 and 4.**
- **For individuals who sell fireworks to have a licence, which demonstrates that they are a fit and proper person to be able to sell fireworks;**
- **Instigate a Private Members Bill to discuss the licensing, planning and legislation arrangements in place, relating to fireworks**

- 3.3 In July 2022 a letter was sent by Leader of the Council to all Bradford MPs requesting them to lobby to the government on the above points (**See Appendix Two**) In addition, to the recommendations in the report we requested MP's lobby the government to reduce the quantities that individuals can purchase without a licence
- 3.4 In addition to the points above, the letter also asked that MP's lobby the government to reduce the quantities of fireworks that individuals can purchase without a licence. It is possible for individuals to buy up to fifty kilograms of fireworks without the need for a licence. This is a significant amount and it is suspected that some buy from large wholesalers outside of the region and go on to sell these within our communities.

- 3.5 The letter to MP's also asked them to join the Council in:
- Urging everyone to act responsibly when using fireworks and to avoid causing nuisance to other residents, ideally by attending well-run public events, getting appropriate permissions, and helping to educate young people about the dangers and distress fireworks can cause.
 - Call on everyone to act respectfully towards the public servants who keep us safe at Bonfire Night and throughout the year.
 - Supporting the 'Protect the Protectors' campaign and safety and awareness campaigns to promote the tougher sentences arising from the assaults on Emergency Workers (Offences) Act.
- 3.6 One response was received (via the office of Philip Davies) from Jane Hunt MP Minister for Small Business, Consumers & Labour Markets (as at August 2022). The letter advised that the Government has a 'comprehensive regulatory framework already in place that strikes the right balance for people to enjoy fireworks, whilst aiming to reduce risks and disturbances to people, animals, and property'.
- 3.7 The Government also believes that adequate criminal and anti-social behaviour legislation is in place to tackle dangerous and nuisance use of fireworks (see full response at **Appendix three**). Our commentary on the use of anti-social behaviour powers can be seen in the next section of the report in the response to Recommendation Two.

3.8 **Recommendation 2**

For Bradford Council to consider extending its use of Public Space Protection Space Orders, in areas across the District where noise from the use of Fireworks is particularly high, which is an evidence-based approach

- 3.9 PSPOs are one of the tools available under the Anti-social Behaviour (ASB) Crime and Policing Act 2014. Councils can use PSPOs to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area. Breach of a PSPO is a criminal offence subject to a fine on conviction of up to £1,000 however, where possible a warning will first be issued before the issuing of a fixed penalty notice (FPN). Payment of the FPN discharges liability to conviction of the offence.
- 3.10 To consider a PSPO may prove to be difficult as we would need to identify the perpetrators in question (the person 'lighting the blue touch paper) and, therefore, reach the location before the fireworks end. We have attempted to pursue this but found it impossible to track locations and identify individuals in time to enforce. We have worked with the Police, who also have powers of enforcement, but they are also faced with the same logistical problems and the evidence needed to issue an FPN or secure convictions.
- 3.11 The Anti-social Behaviour Strategic Partnership considered the use of PSPO's to mitigate firework nuisance at its meeting in June 2022. The following considerations led to the group not recommending PSPO's as a way forward:
- Outlining the terms in an Order that could be realistically enforced to generate a meaningful improvement are difficult. The wholesale banning of fireworks in

- a location would be challenging and may not meet the ‘proportionality’ test.
 - Enforcing an Order would be extremely costly – for example, to enforce restrictions would require a significant patrolling presence and may encourage further anti-social behaviour.
 - A PSPO Fixed Penalty Notice cannot be issued against a young person. The only effective remedy under the 2014 Act is an ASB Injunction which can be costly and require significant evidence. Since many perpetrators are minors, especially during the Bonfire period, this is a drawback. If children under the age of 18 are using fireworks this is already an offence.
 - Identifying the actual perpetrator of an incident outside on a dark night means Council Officers would need to be in close attendance to be able to identify and apprehend perpetrators and to consider whether it would be safe to do so.
- 3.12 Other ASB legal remedies are employed and in 2022 during the bonfire period the Council/Police ASB Team issued one hundred and two Bonfire/Firework warning letters, Seven ‘yellow’ ASB warning letters, and three ‘Community Protection Warnings’ on parents.

3.13 **Recommendation 3**

That Officers from Bradford Councils Licencing and Planning team, be asked to explore considering the planning and licensing rules for existing and new events venues, in relation to the use of fireworks on their premises.

- 3.14 Council Planning Officers advise that they have limited appropriate powers to control this. They have conditioned event venues in the past but the challenge has been with enforcement given we cannot police venues and, in most circumstances, it is too late once they are let off to confirm where they were launched from – any Planning Condition could only relate to the land /premises, would have to be reasonable and relevant and could not be enforced in the wider area/public realm.
- 3.15 In looking into the matter locally it is evident that we have very little control over the sale of fireworks through retail premises. Many fireworks are being purchased from large specialist providers/warehouse in Manchester and other parts of West Yorkshire, with some being ‘sold on’ illegally through social media and ‘car boots’.
- 3.15 As a Council we have looked at the licensing and planning permissions for retailers and also enforcement action. Where there is action that can be taken, we, along with partners including the Police and West Yorkshire Trading Standards, do carry out ‘test purchases’ and ‘confiscate’ and enforce where we are able.

3.17 **Recommendation 4**

For there to be a multi-agency approach which should include but not be limited to Bradford Council, Fire Service, Police and Trading Standards to tackling the inappropriate use of fireworks across the District through:

- **The gathering of more rigorous data on instances and impact of the use of fireworks and evidence of misuse of fireworks;**
- **To consider exploring and promoting the use of noiseless or low noise**

fireworks;

- **Communication and promotion of the different options available to communities to complain about the inappropriate use of fireworks and under age selling of fireworks;**
- **Education and prevention work with communities across the District, in relation to the inappropriate and dangerous use of fireworks;**
- **Exploring arranging organised firework events across the District.**

3.18 There is a significant partnership effort to allay the anti-social behaviour associated with fireworks. This involves the Police, Trading Standards, Social landlords, Schools, West Yorkshire Fire and Rescue along with a range of Council Teams. We work alongside local communities and elected members to tackle this problem from a range of angles including education and preventative approaches as well as engaging those at risk of offending via the Anti-Social Behaviour Team and Youth Justice Service.

3.19 We have also distributed posters and leaflets and provided 'consequence cards' to thousands of young people discouraging them from becoming involved with the misuse of fireworks. We have raised awareness of the laws around fireworks (**see Appendix Four**) and delivered campaign work on social media (**see Appendix Five**).

3.20 Educationally, the Youth Justice Service deliver an input each year to all their young people on the consequences of anti-social behaviour related to fireworks. Safer Schools Police Officers and West Yorkshire Fire and Rescue staff deliver a bespoke education package which reaches the large majority of our secondary schools and the pupil referral units.

3.21 Where an address is using loud fireworks persistently this may constitute a statutory noise nuisance and BMDC Environmental Health can pursue this. There is no noise level set in law, noise is a subjective assessment and Environmental Health Officers who are qualified and trained to assess whether a noise is likely to be a statutory nuisance. In most cases the noise does not come from the same address regularly.

3.22 There have been a number of organised firework events in across the district. These generally take place during the Bonfire period and are supervised by the Council's Public Sector Liaison Group. The biggest of these is held in Peel Park with a range of smaller displays in the satellite neighbourhoods, towns and villages in the district. For the last two years Bradford BID have delivered a city centre firework display which has attracted significant numbers of visitor into Bradford

3.23 **Recommendation 5**

Bradford Council's Corporate Overview and Scrutiny Committee to receive a report back in 12 months, which monitors the progress against all the recommendations contained within this scrutiny review.

- 3.24 Despite the joined-up efforts of partners over a number of years problems with misuse of fireworks still persist. Existing laws make it impossible to control the supply of fireworks entering the district and the difficulties in identifying perpetrators 'lighting the blue touch paper' make it operationally challenging to use existing enforcement capabilities
- 3.25 However, there is learning to be gained from some of the more successful approaches taken during the Bonfire period. This includes excellent work by a number of our Area Partnerships which have overseen reductions in ASB
- 3.26 Support in prevention via youth and community engagement in the most challenging locations is perhaps the most effective investment when only relatively small budgets are available. This centres on supporting the development of community infrastructure and empowering local leaders to be key partners in developing youth facilities whilst at the same time communicating what expected standards of behaviour are to local people.
- 3.27 We are working with community-based partners to develop a campaign to start in the Summer of 2023 to raise awareness of the nuisance caused by loud fireworks and seek to begin to persuade more people to not run anti-social or illegal mini-firework displays, especially, late at night that cause so much anxiety, especially to our more vulnerable residents.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 Funding is provided from the West Yorkshire Mayor to commission services and activities to address the Community Safety Partnership's (CSP) priorities and to support delivery of the West Yorkshire Police and Crime Plan. The annual grant for 2022/23 incorporated £256,343 to CSP local priorities; £508,296 to support local responses to drugs and alcohol; £152,965 Supporting the Youth Offending Team in preventing and tackling youth crime and substance misuse.
There is currently no indication what the allocation will be for 2023/24. This does not have a direct effect on the Council's mainstream funding.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 The Community Safety Partnership Board reports through to the Health and Wellbeing Board governance arrangements.
- 5.2 Risks likely to cause community tensions are monitored and mitigating actions put in place through the Community Safety Partnership structure.

6. LEGAL APPRAISAL

- 6.1 Aspects of the Community Safety Partnership Board's work are governed by the Crime and Disorder Act 1998 and associated guidance.

7. OTHER IMPLICATIONS

7.1 **EQUALITY & DIVERSITY**

7.1.1 The Safer Communities Plan and work on community safety supports the following Corporate Equality Objectives:

7.1.2 **Community Relations** – Ensure that people of the district get on well together.

By working to reduce crime and the fear of crime delivery of the Safer Communities Plan provides a means of encouraging confidence in communities and social mixing. Some crime types are carried out by perpetrators from specific groups, age, gender etc. and any reduction in this behaviour can support more effective community relations.

7.1.3 **Equality Data** – Our data better provides us with the right insight, evidence and intelligence to make well informed decisions that impact on our communities.

The CSP Plan on a Page is an evidenced based approach that is built on a strategic needs assessment document produced by Police and Council analysts. By using evidence-based decision making and having a better understanding of the demography and geography of criminal and anti-social behaviour the partnership is able to deploy resource against the areas that are likely to result in the greatest impact

7.2 **SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications apparent

7.3 **GREENHOUSE GAS EMISSIONS IMPACTS**

There are no greenhouse gas emission impacts apparent

7.4 **COMMUNITY SAFETY IMPLICATIONS**

Reductions in the anti-social use of fireworks would positively impact community safety across the district

7.5 **HUMAN RIGHTS ACT**

There are no Human Rights Act implications apparent.

7.6 **TRADE UNION**

There are no trade union implications apparent

7.7 **WARD IMPLICATIONS**

A number of wards experience greater difficulties with the anti-social use of fireworks and the noise from fireworks affects more people in densely populated areas

7.8 IMPLICATIONS FOR CHILDREN & YOUNG PEOPLE

It is recognised that looked after children can be more vulnerable to specific crime types and appropriate Corporate Parent leads should be kept up to date with trends and concerns in relation to community safety via the Community Safety Partnership structure.

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

N/A

9. OPTIONS

- 9.1 The Corporate Overview and Scrutiny Committee is asked to consider the response to the Firework Scrutiny Review and refer observations and matters for consideration back to the CSP as appropriate.

10. RECOMMENDATIONS

- 10.1 The Corporate Overview and Scrutiny Committee considers the response to the Firework Scrutiny Review.

11. APPENDICES

Appendix 1 – Firework Scrutiny report

Appendix 2 – Copy of letter sent to Five Bradford MP's

Appendix 3 – Government response to Philip Davies MP

Appendix 4 – Firework use – legal guidance

Appendix 5 – Media/Social Media Communications

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DRAFT Fireworks Scrutiny Review

14 October 2021

Email: scrutiny@bradford.gov.uk

Twitter: Bfd_Scrutiny



Membership of the Corporate Overview and Scrutiny Committee

Members

Cllr N Azam (Chair)
Cllr Tait (Deputy Chair)
Cllr D Green
Cllr A Hussain
Cllr Nazir
Cllr Akhtar
Cllr Bibby
Cllr Riaz
Cllr J Sunderland
Cllr V Jenkins

Alternate Members

Cllr Dearden
Cllr I Hussain
Cllr T Hussain
Cllr Salam
Cllr Shafiq
Cllr Wood
Cllr Birch
Cllr Nazam
Cllr Griffiths

Contact for Enquiries

Mustansir Butt
Overview and Scrutiny Lead
E-mail – mustansir.butt@bradford.gov.uk
Tel (01274) 432574

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Chair's Foreword

Corporate Overview & Scrutiny Committee undertook this scrutiny review following on from the recommendation made by Council for the Corporate Overview and Scrutiny Committee to do a wholesale review of the use of fireworks in the District's neighbourhoods.

The use of fireworks in an anti-social manner has been blighting communities across our district for far too long. As elected members we hear this message loud and clear from our residents and it has been necessary therefore that we carefully examine the extent of a local authority's power on this issue and ensure that we use such powers and influence in full. Moreover, there has been an increase in concerns raised by members of the public, in relation to the use of anti-social fireworks within their neighbourhoods. Noise coming from the use of fireworks causes distress to residents and animals and pets.

Having chaired this in depth scrutiny review into the anti-social and dangerous use of fireworks, it has been determined that Bradford Metropolitan District Council does not have powers of enforcement against fireworks and that multi agencies have roles to play in addressing the issue. However, the powers are again limited and what is required is changes to the law around fireworks which can only take place at a governmental level.

During the course of the information gathering sessions for this scrutiny review. Corporate Overview & Scrutiny Committee members have engaged widely with individuals and communities.

It is patently clear that a two pronged approach would be required to tackle the inappropriate use of fireworks across the District, which revolves around lobbying at a national level and exploring approaches that the Council with its partners can adopt locally.

In light of the COVID-19 pandemic and shrinking resources, it has become even more clear whilst undertaking this scrutiny review, of the need for a multi-agency and multi-faceted partnership approach to effectively address the use of fireworks across the District.

I would like to thank fellow councillors of the Committee and Council officers for taking part in this scrutiny review, but my thanks especially go to the residents of the District who participated in the public consultation and also experts from different organisations who took the time to attend the information-gathering sessions and to contribute their ideas and experience so fully to our discussions.

I therefore shall be writing to all the districts MP's to ask them to make representation to the government, to act on this nuisance affecting communities across the Bradford district.

Cllr Nazam Azam
Chair, Corporate Overview and Scrutiny Committee

Executive Summary

This scrutiny review follows on from the recommendation made by Council that the Corporate Overview and Scrutiny Committee do a wholesale review of the use of fireworks in the District's neighbourhoods.

The information gathering sessions undertaken as part of this scrutiny review focused on the six key areas for improvement, in accordance with the Terms of Reference, adopted at the Corporate Overview and Scrutiny Committee. Specifically, the committee resolved to:

- Review the licensing requirements and other regulations around fireworks;
- Explore prevention and enforcement activities;
- Consider the sale and distribution of fireworks across the District;
- Examine the use of fireworks at religious and family occasions across the District;
- Scrutinize the inappropriate use of fireworks in the Bradford District, including the impact upon residents within the District, pets and other animals;
- Analyse the impact of the use of Fireworks upon noise, air pollution, cleansing and emergency planning.

As a result of the review, this Committee has made a number of recommendations for consideration. These are summarised at the end for ease of reference.

Chapter 1 - Introduction

Following on from the Council resolution, the Corporate Overview and Scrutiny Committee agreed to undertake an in-depth Scrutiny Review, into the use of fireworks in the District's neighbourhoods.

As part of its deliberations, Corporate Overview and Scrutiny Committee members engaged with officers from West Yorkshire Police, West Yorkshire Fire Service, West Yorkshire Trading Standards, the RSPCA and officers from Bradford Council, including Licensing.

Moreover, 92 residents in the District responded as part of the public consultation exercise, in relation to this scrutiny review.

Key Aims and Scrutiny Process

The key aims of this stage in the scrutiny review are as outlined on the previous page.

Members have received and gathered a range of information from a number of different sources, including:

- relevant documents;
- relevant data;
- written submissions from, or meetings with, interested parties.

Context

There is a range of agencies who have the responsibility for protecting the community from fireworks misuse, which include fire services, the police, trading standards and local authorities.

Fire Service – has the responsibility to make sure that sellers of fireworks are appropriately licensed.

Police – have wide ranging powers which also include the stop and search of anyone they suspect of being in possession of prohibited fireworks and the power to prosecute throwing fireworks or setting off fireworks in public places.

Trading Standards – enforce the illegal sale of fireworks. This could include the sale of fireworks without a licence, or outside of the permitted selling period and the sale of fireworks to underage individuals. Also included, is the sale of fireworks that are illegally imported.

Local authorities – are responsible to ensure that sellers are correctly licensed if the fire service do not have the responsibility locally. Local authorities also have powers to tackle noise nuisance and the anti-social use of fireworks.

The British Fireworks Association is the UK's Association for professional firework display companies and is committed to upholding high standards amongst its members, as well as producing the Fireworks Code.

Legislation

The storage of fireworks and other explosives is controlled by the Explosives Regulations 2014. The Pyrotechnic Articles Safety Regulations 2015, cover the safety of fireworks as a consumer product.

The law sets out four categories of fireworks. The least dangerous is Category F1 and the most dangerous is Category F4. The categories are set out below:

- Category F1 – fireworks which present a very low hazard and negligible noise level and which are intended for use in confined areas, including fireworks which are intended for use inside domestic buildings;
- Category F2 – fireworks which present a low hazard and low noise level and which are intended for outdoor use in confined areas;
- Category F3 – Fireworks which present a medium hazard, which are intended for outdoor use in large open areas and whose noise level is not harmful to human health;
- Category F4 – fireworks which present a high hazard, which are intended for use only by persons with specialist knowledge and whose noise level is not harmful to human health.

Furthermore, the Fireworks Regulations 2004 are designed to tackle the anti-social use of fireworks. Since January 2005, the sale of fireworks to the public is prohibited, except for licensed traders. However, fireworks can be sold by unlicensed traders for:

- Chinese New Year and the preceding three days, (this celebration does not have a fixed date);
- Diwali and the proceeding three days, (this celebration does not have a fixed date);
- Bonfire Night Celebrations, (15 October to 10 November);
- New Year celebrations (26 to 31 December).

Under the 2004 Regulations it is an offence to use fireworks after 11.00pm and before 7.00pm without permission, (except on permitted fireworks nights when the times are extended).

The Anti-Social Behaviour (ASB), Crime and Policing Act 2014, provides the tools and powers to tackle the anti-social use of fireworks.

Local Context

Local residents have expressed serious concerns about nuisance fireworks, across their neighbourhoods. Large fireworks celebrations now appear to be happening more often throughout the year during the day and night, with the loud noise causing distress to people across the District.

Fireworks can be used responsibly by sensible adults particularly at well-run public events at reasonable times of the day, but often fireworks are let off at unsociable times and in an anti-social manner.

The weeks around Bonfire Night in particular are costly for firefighters and emergency services colleagues and pose a risk to their safety. Anti-social behaviour and attacks

against these professionals at any time of year are unacceptable, put lives at risk and divert resources from emergencies.

Chapter 2 – Key Findings

This section presents the findings of the Corporate Overview and Scrutiny Committee into Fireworks, covering the agreed key lines of enquiry for this Scrutiny Review.

Moreover, during the information gathering sessions several participants highlighted the importance of acknowledging that Hate Crime is a major issue across the District.

During the information gathering process and number of key and recurring themes were identified. Such key and recurring themes included:

- Lobbying the District's MPs on noise reduction and stopping the sale of the most powerful fireworks;
- The risk of the use of fireworks to animals;
- Tackling the inappropriate use of fireworks across the District;
- More enforcement around pop-up shops selling fireworks;
- Education and prevention work with communities across the District.

As part of its deliberations, Corporate Overview and Scrutiny Committee members engaged with officers from West Yorkshire Police, West Yorkshire Fire Service, West Yorkshire Trading Standards, the RSPCA and officers from Bradford Council, including Licensing. These discussions highlighted the following key issues:

- Bradford Council's Legal Services officer, informed Corporate Overview and Scrutiny Councillors of the legal position in relation to the use of fireworks and this is detailed on the introduction section of this report.
- The Fire Service informed members that they had problems with the anti-social use of fireworks in the District all year round.
- The injunction that had been sought in Leeds to tackle the inappropriate use of fireworks in Leeds hotspot area, about creating an exclusion zone, in a particular area of Leeds; whereby anyone in that area would be forbidden from being in possession of any firework or any explosion or pyrotechnic material in public.
- Environmental Health Colleagues informed members that under the Environmental Protection Act 1990, noise from a premises is a statutory nuisance and have a statutory duty to investigate any allegations of inappropriate use of fireworks. Members also heard that generally, officers were not aware of where the noise complaints were coming from.
- Officers from Bradford Council's neighbourhood service indicate that fireworks had been inappropriately used at their staff, which resulted in a police escort being required.
- Furthermore, officers indicated that they did not have a true idea of the scale of the problems in relation to the use of fireworks across localities in the District and a lot of the information gathered was anecdotal.
- The Sale and use of fireworks to be controlled across the District

- The issue of the inappropriate use of fireworks is not just limited to Bonfire night, but also the use of fireworks at weddings and religious festivals at venues
- In relation to pop-up shops selling fireworks, Bradford Council's Planning officers stated that it was only possible to put planning restrictions on the opening hours' of pop-up shops, once they applied for planning. Furthermore, officers also stated that some individuals who were operating pop-up shops were not actually applying for planning permission.
- Whilst pop-up shops selling fireworks appeared for about 2-3 weeks a year, members of the Committee felt that more enforcement should be undertaken in relation to the pop-up shops by all the key agencies. It was felt that more robust action should be taken, by all key agencies involved in the enforcement of legislation for pop-up shops selling fireworks.
- As well as this, it is possible to have some planning and licensing restrictions in place regarding the use of fireworks for the opening of new venues, however this was not the case for venues that were already open and where events such as weddings were taking place.
- Members also heard that even though some venues did not allow for fireworks to be used on their property, they could not stop individuals from going onto the highway to use fireworks which caused nuisance.
- In relation to licensing and existing wedding halls, members were keen to understand that if licences changed as ownership changed and whether conditions can be stipulated which stated that fireworks cannot be used. In response, Licensing officers informed members that fireworks are not a licensable activity, a lot of the wedding venues did not actually have a licence as they did not sell alcohol. However, members did learn from officers in Licensing that there was one venue in the District which had restrictions to adhere to in terms of the use of fireworks. Furthermore, there was unanimous agreement amongst Councillors that the manner in which people were able to access fireworks was beyond their control and that the focus of attention should really be on introducing restrictions to other venues across the District in relation to the use of fireworks, where they can be applied.
- Corporate Overview and Scrutiny members were in agreement that the planning and licensing rules for existing and new events venues, in relation to the use of fireworks on their premises should be explored. As well as this, members also felt that greater use of environmental legislation should be used towards such commercial venues, in relation to the use of fireworks at events.
- Officers from the RSPCA informed members that the biggest concern in relation to the inappropriate use of fireworks was not just to pets but also livestock and the loud noise that was causing so much distress. For instance, members heard of one example where a Shetland Pony was so distressed and ended up strangling itself. They also indicated the Council should be lobbying the MP's, in relation to the stopping of certain categories of fireworks from being sold. Furthermore, it was also seen that Council should be doing more here, in terms of limiting what shops are selling from the point of view of noise abatement. The RSPCA said that fireworks should actually be banned, as they had experienced far too many animals being

killed or destroyed as a result of the use of fireworks. Members were also informed that some of the larger shops are now not selling the more powerful fireworks and are beginning to sell noiseless fireworks as they realise the risks with the use of selling such powerful fireworks, which is something that the Council should be pursuing.

- Officers from the Fire Service also concurred with this, in that there are noiseless or low intensity fireworks available, but that there was not enough awareness of these types of fireworks across the District.
- Bradford Council's legal officer did state that give the evidence, the Council could consider a Public Space Protection Order relating to noisy fireworks that are for sale, as was the case in Calderdale; where a Public Space Order concerning the use of noisy fireworks was issued.
- Biggest issue is that people know that New Year's Eve and Bonfire Night are coming, but the issue is around weddings and events that take place throughout the year.
- The Councillor from Leeds informed members that they had also experienced similar issues in Leeds, whereby young people had been misusing fireworks, throwing fireworks at vehicles and burning bins. As a result, a members working group had been set-up and there were now four CCTV cameras in place at the affected areas, as well as discussions with key partners now commencing very early in preparation for events such as Bonfire Night. Moreover, the Leeds Councillor also highlighted that professionally organised fireworks have been undertaken in Leeds for several years, which have worked very well. Members of Corporate Overview and Scrutiny Committee felt that this is an approach that Bradford Council and its partners should consider implementing.
- Officers from Trading Standards informed Corporate Overview and Scrutiny Committee members that in terms of trading standards there are controls around product safety and making sure that they meet the relevant standards for the four categories of fireworks and also enforce the safety regulations for fireworks. Category 1 are sparklers; Category 2 being Catherine Wheel type fireworks; Category 3 is the type of firework that can be purchased at the supermarket, they come with very stringent warnings and they require a very large space to be used being at least 10 metres distance away; Category 4 is the type of firework that can only be used by a pyrotechnic professional.
- Moreover, Trading Standards also stated that they do receive complaints about the underage sales of fireworks, with most of the complaints in relation to underage sale of fireworks being from the Bradford area and that Bradford was a hotspot for such complaints.
- Trading Standards stated that the investigation of the inappropriate use of fireworks and under age selling of fireworks, was very much a complaints led process. However, members were in agreement that not many residents knew that they could complain directly to Trading Standards and that this should be better publicised amongst communities across the District.

- Corporate Overview & Scrutiny Committee members were concerned to learn that individuals are required to have a licence to demonstrate that they are a fit and proper person to sell products such as alcohol and tobacco; however even though a licence is required to store fireworks in a safe manner, individuals do not need to have a licence which demonstrates that they are a fit and proper person to sell fireworks.

As part of the public consultation exercise in relation to the use of fireworks across the District. There was unanimous consensus amongst those members of the public that responded, that they were not actually against professionally organised and responsible firework displays which occur at certain fixed times of the year. It was the indiscriminate and random use of fireworks at all hours of the day and night in communities, where there was the real problem. Several key issues were highlighted during the public consultation, which are included and detailed below.

- Hotels and venues often have firework displays late at night which disrupt residents and as the hotel backs on to a field of horses and sheep, the animals are very close to the noise and get very distressed. The larger bonfire displays that take place at the hotel are not an issue, as the owners of the animals are aware of the organised displays and can make arrangements for that night. However, the issues are in relation to the majority of fireworks that are used at private functions and animal owners are unable to make arrangements for their animals as they have no way of knowing when such private functions will take place.
- Owners of horses specifically stated that the use of fireworks in the early morning and late at night often for long periods of time, cause fear and injury to horses, as it can cause the horse to bolt in a panic and injure itself, the rider and other road users.
- The weeks leading up to events such as Bonfire night are very distressing, as indicated by dog owners. This is due to the noise being generated by fireworks causing distress to the dogs.
- Many of the respondents felt that all public sales of fireworks should be banned and only organised and professionally delivered firework displays should be delivered; as this would also take a lot of pressure off local hospital Accident and Emergency units, with fewer people getting burnt or injured.
- There was also a view that regulations in relation to the sale and use of fireworks should be more robustly enforced and significant fines should be imposed on those individuals that do not comply.
- Firework events need to be restricted to licensed events and should not be celebrations for personal events.
- The public should not be able to purchase powerful and dangerous fireworks and these types of fireworks should be restricted to organised professional displays.
- Elderly people were terrified of the noise and constant flashbacks generated by fireworks.

- There should be an outright ban on fireworks as they are set off both day and night all year round; terrify pets and wildlife; add stress and anxiety to individuals, especially those who are suffering with mental health issues; and youths throw fireworks at passing cars.
- The use of fireworks causes pollution and environmental hazards, as well as fireworks being a huge hazard to animals and wildlife.
- Many cultures and communities will want to use fireworks for various events in their calendars throughout the District and no one culture should be given priority over the other. As it appears that there will not be reduction in the use of firework events, if all communities use silent fireworks, it would be better for all.
- Fireworks are very often used at venues holding events, for example a party or wedding. Ideally fireworks should be held at authorised displays and it may be useful to consider licensing premises that regularly have fireworks as part of their entertainment. The sale of fireworks should be restricted to licensed individuals and premises only.
- To restrict or ban the fireworks which are more powerful and create fear and distress for older people, children and families.
- The traditional use of fireworks on 5 November in general brings has brought a lot of fun to families over the years, however the adhoc use of fireworks for celebrations should be banned altogether as they are invariably activated late night, causing distress to the elderly, children and animals and wildlife.
- Action needs to be taken against the indiscriminate, dangerous and unlicensed use of fireworks. Despite there being legislation in place to tackle the inappropriate use of fireworks, the legislation is not robustly enforced.

It was evident from the information gathering sessions that regards to the legislation it is very difficult to stop existing shops selling fireworks; it's difficult to stop people buying fireworks online, it's also difficult to catch individuals who are setting off such powerful fireworks and to enforce against them, as this would require having noise measuring equipment to be in place at the event and there are not enough officers in place to be at all weddings; most venues don't have licences, so people are setting fireworks off outside of the venues on the public highway; most individuals are also setting off fireworks in their private gardens, so it's not just an issue for the use of fireworks at venues; therefore it appears to be an impossible task to follow the legislative route with any meaningful impact and therefore if you cannot enable people to change their behaviour, it is unclear as to how to make a sufficient enough impact on this agenda, through current legislation.

Chapter 3 – Concluding Remarks

Throughout the course of this scrutiny review, Corporate Overview and Scrutiny Committee members heard that the Council is bound by legislation and licensing arrangements, which have to be adhered to in relation to the use of fireworks.

Addressing the use of Fireworks across the District is a multifaceted issue and it appears that there is no single approach that will deliver improvements. In order to effectively address the use of Fireworks across the District, this scrutiny review has highlighted that there should be a considerable amount of lobbying activity undertaken with MP's on making amendments to regulations relating to Fireworks nationally.

This Committee has sought to take a balanced approach in its deliberations relating to this Scrutiny review and aimed to ensure that this report encompasses the views and concerns of all interested parties.

The scrutiny review report identifies a number of recommendations. If implemented, these will further improve the approach that Bradford Council and its partners have in terms of addressing the use of fireworks across the District.

Bradford Council's Corporate Overview and Scrutiny Committee, will monitor future progress against these scrutiny review recommendations.

Chapter 4 – Summary of Scrutiny Review Recommendations

Recommendation 1

For Bradford Council to lobby the District's MPs to:

- *Reduce the noise levels of all categories of fireworks;*
- *Stop the sale of the more powerful fireworks, such as category 3 and 4.*
- *For individuals who sell fireworks to have a licence, which demonstrates that they are a fit and proper person to be able to sell fireworks;*
- *Instigate a Private Members Bill to discuss the licensing, planning and legislation arrangements in place, relating to fireworks.*

Recommendation 2

For Bradford Council to consider extending its use of Public Space Protection Space Orders, in areas across the District where noise from the use of Fireworks is particularly high, which is an evidence based approach.

Recommendation 3

That Officers from Bradford Council's Licencing and Planning team, be asked to explore considering the planning and licensing rules for existing and new events venues, in relation to the use of fireworks on their premises.

Recommendation 4

For there to be a multi-agency approach which should include but not be limited to Bradford Council, Fire Service, Police and Trading Standards to tackling the inappropriate use of fireworks across the District through:

- *The gathering of more rigorous data on instances and impact of the use of fireworks and evidence of misuse of fireworks;*
- *To consider exploring and promoting the use of noiseless or low noise fireworks;*
- *Communication and promotion of the different options available to communities to complain about the inappropriate use of fireworks and under age selling of fireworks;*
- *Education and prevention work with communities across the District, in relation to the inappropriate and dangerous use of fireworks;*
- *Exploring arranging organised firework events across the District.*

Recommendation 5

That there is greater use of environmental legislation to tackle the use of fireworks at commercial premises, during events taking place.

Recommendation 6

Bradford Council's Corporate Overview and Scrutiny Committee to receive a report back in 12 months, which monitors the progress against all the recommendations contained within this scrutiny review.

**City of Bradford Metropolitan District Council
Corporate Overview and Scrutiny Committee**

Use of Fireworks across the Bradford district - Scrutiny Review

Terms of Reference

See Part 3E paragraphs 2.1 to 2.11 of the Constitution of the Council.

Background

Council resolved for Corporate Overview and Scrutiny Committee to do a wholesale review of the use of fireworks in the District's neighbourhoods.

Context

Local residents have expressed serious concerns about nuisance fireworks, across their neighbourhoods. Large fireworks celebrations now appear to be happening more often throughout the year during the day and night, with the loud noise causing distress to people across the District.

Fireworks can be used responsibly by sensible adults particularly at well-run public events at reasonable times of the day, but often fireworks are let off at unsociable times and in an antisocial manner.

Key Lines of Enquiry

The key lines of enquiry for this scrutiny review are to:

- Review the licensing requirements and other regulations around fireworks;
- Explore prevention and enforcement activities;
- Consider the sale and distribution of fireworks across the District;
- Examine the use of fireworks at religious and family occasions across the District;
- Scrutinize the inappropriate use of fireworks in the Bradford District, including the impact upon residents within the District, pets and other animals;
- Analyse the impact of the use of Fireworks upon noise, air pollution, cleansing and emergency planning.

Methodology

The committee will receive and consider a variety of evidence/information provided by a range of interested parties. The Committee may adopt one or more of the following methods to collect evidence/information:

- relevant documents;
- relevant data;
- written submissions from, or meetings with interested parties;
- undertake relevant visits.

Indicative list of interested parties

An indicative list of interested parties is provided below. This is not definitive or exclusive and can be developed as the scrutiny progresses.

Organisation / Department	Contact
Bradford Council Executive Portfolio Holder.	Cllr Abdul Jabar
Bradford Council.	Ian Day – Assistant Director Neighbourhoods. Michael Churley – Acting Community Safety Co-ordinator. Licensing – Melanie McGurk. Ralph Saunders - Health. Damian Fisher/Ishaq Shafiq/Stuart Russo – Place. Environmental Heath – Jeff Lawrence. Planning – Julian Jackson/Chris Eaton/Richard Gelder. Heather Wilson - Youth Service. Legal – Richard Winter/Jason Field.
Local/Regional/National Organisations.	West Yorkshire Police – John Toothill. Fire Service – Ben Bush. West Yorkshire Trading Standards – David Lodge. RSPCA – Hazel Setloka. Leeds City Council – Becky Atherton. The Public.

Fireworks Scrutiny Review - Participants

- Cllr Nazam Azam, (Chair, Corporate Overview & Scrutiny Committee).
- Cllr Angela Tait, (Member, Corporate Overview & Scrutiny Committee).
- Cllr David Green, (Member, Corporate Overview & Scrutiny Committee).
- Cllr Matthew Bibby, (Member, Corporate Overview & Scrutiny Committee).
- Cllr Abdul Jabar, (Executive Portfolio Holder).
- Ben Bush, (West Yorkshire Fire Service).
- Hazel Setloka, (RSPCA).
- John Toothill, (West Yorkshire Police).
- David Lodge, (West Yorkshire Trading Standards).
- Ian Day, (Place, Bradford Council).
- Michael Churley, (Place, Bradford Council).
- Stuart Russo, (Place, Bradford Council).
- Ishaq Shafiq, (Place, Bradford Council).
- Jeff Lawrence, (Environmental Health, Bradford Council).
- Heather Wilson, (Youth Service, Bradford Council).
- Richard Winter, (Legal, Bradford Council).
- Julian Jackson, (Planning and Transportation, Bradford Council).
- Chris Eaton, (Planning and Transportation, Bradford Council).
- Andrew Lodge, (Environmental Health, Bradford Council).
- Melanie McGurk, (Licensing, Bradford Council).
- Mustansir Butt, (Overview & Scrutiny, Bradford Council).

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Cllr Susan Hinchcliffe
Leader of Council
City of Bradford MDC
City Hall
Bradford
BD1 1HY

01274 432072

Susan.hinchcliffe@bradford.gov.uk

19 July 2022

Imran Hussain MP
House of Commons
London
SW1A 0AA

Dear Imran

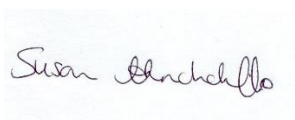
The Council's Corporate Overview & Scrutiny Committee undertook a wholesale review of the use of fireworks in the district's neighbourhoods, following a recommendation made by Full Council. As a result of the scrutiny review, this Council requests the Districts MPs lobby the government for the following:

- Reduce the noise levels of all categories of fireworks;
- Stop the sale of the more powerful fireworks, such as category 3 and 4 other than for professional firework displays
- For individuals who sell fireworks to have a licence, which demonstrates that they are a fit and proper person to be able to sell fireworks;
- Instigate a Private Members Bill to discuss the licensing, planning and legislation arrangements in place, relating to fireworks.
- Make it more difficult for members of the public to buy fireworks from wholesalers in large quantities

In the meantime, I hope that you will join the Council in:

- Urging everyone to act responsibly when using fireworks and to avoid causing nuisance to other residents, ideally by attending well-run public events, getting appropriate permissions and helping to educate young people about the dangers and distress fireworks can cause.
- Call on everyone to act respectfully towards the public servants who keep us safe at Bonfire Night and throughout the year.
- Supporting the 'Protect the Protectors' campaign and safety and awareness campaigns to promote the tougher sentences arising from the assaults on Emergency Workers (Offences) Act.

Yours sincerely



Susan Hinchcliffe
Leader of Council

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Department for
Business, Energy
& Industrial Strategy

Jane Hunt MP
Parliamentary Under-Secretary of State

**Department for Business, Energy & Industrial
Strategy**
1 Victoria Street
London
SW1H 0ET

T +44 (0) 20 7215 5000
W www.gov.uk

Philip Davies MP
House of Commons
London
SW1A 0AA

Our ref: MCSL2022/17553
Your ref: PH34058

5 August 2022

Dear Philip,

Thank you for your letter dated 21 July, addressed to the Secretary of State, enclosing correspondence from Cllr Susan Hinchcliffe regarding ideas the Government could take regarding fireworks. I am replying as this matter falls within my ministerial portfolio.

I would like to reassure Ms Hinchcliffe, and the members of the Council's Corporate Overview and Scrutiny Committee, that the Government takes the issues associated with the sale and use of fireworks seriously. There is a comprehensive regulatory framework already in place that strikes the right balance for people to enjoy fireworks, whilst aiming to reduce risks and disturbances to people, animals, and property.

Existing legislation already controls the sale, availability, and use of fireworks. There is a 120-decibel noise limit on the fireworks available to consumers and this maximum level is kept under constant review by the Government to ensure it is still fit for purpose.

Current legislation also restricts retailers to only selling consumer fireworks during the seasonal celebrations of November 5th, Diwali, New Year's Eve, and the Chinese New Year. Retailers may only supply fireworks outside these traditional periods if they obtain a licence from their local licensing authority. Local Authority Trading Standards work with retailers to ensure the fireworks sold are safe, and they have powers to enforce against those who place non-compliant fireworks on the market. This includes category F4 fireworks, the most powerful fireworks, which are not available to consumers and can only be sold to, and used by, professional operators. Additionally, storage controls are in place for fireworks and so, any individual wishing to buy and store certain quantities of fireworks may need a licence to do so.

The Government has provided the police, local authorities, and other local agencies with a range of tools and powers that they can use to respond quickly and effectively to all forms of ASB through the Anti-social Behaviour, Crime and Policing Act 2014. These powers are deliberately local in nature, and it is for local agencies to determine whether their use is appropriate in the specific circumstances of each individual case.

Using fireworks as a weapon to attack any individual is a criminal offence and will be treated as a police matter. This includes attacks on emergency service workers, where the Assaults on Emergency Workers (Offences) Act 2018 doubled the maximum penalty for assaulting an emergency worker.

We have an ongoing programme of work on fireworks, in response to concerns raised by the public. This has included:

- Commissioning research by Ipsos Mori that provided evidence on consumer attitudes towards, and behaviours around, using fireworks in the UK. The key findings have informed our public awareness campaigns and support the need to educate consumers on fireworks use. This research can be found in our published fireworks evidence base available on GOV.UK;
- Commissioning noise research to test the decibel level of commonly used fireworks, in response to issues raised around noise and disturbance. The objective of the testing work is to help us understand the decibel level associated with a range of fireworks and whether they are compliant with the regulations; and
- Engaging with Local Authorities and animal welfare organisations to better understand what specific issues they face and the fireworks industry to consider what action they can take to promote consumer safety.

The Office for Product Safety and Standards also runs an annual public awareness campaign, working in partnership with animal welfare organisations, safety charities and the industry, to promote the safe and considerate use of fireworks to the public. The 2021 campaign had double the reach on Twitter of the 2020 campaign and we will look to build on this success for the 2022 campaign.

Thank you for taking the time to write. I hope you and Ms Hinchcliffe find this information is useful. I would also like to take this opportunity to add my support to your statements urging everyone to act responsibly and respectfully when using fireworks.

Yours ever,

A handwritten signature in black ink, appearing to read 'Jane', written in a cursive style.

JANE HUNT MP

Minister for Small Business, Consumers & Labour Markets

Briefing: Firework Guidance

What is the law on buying fireworks and when can I buy them?

You have to be over 18 to purchase fireworks in the UK and, theoretically, you can buy them all year round from a licensed seller. However, there are two types of licenses for anyone selling fireworks – long-term and short-term licenses.

Most retailers such as supermarkets and newsagents have a short-term license which enables them to sell fireworks only at certain times of the year, for example between 15 October and 10 November for bonfire celebrations and Halloween, between 26 and 31 December for Christmas and New Year, and three days before Chinese New Year and Diwali.

There's no denying that a firework display can be fun for all the family, but unfortunately a small minority of people are using them irresponsibly.

Anti-social behaviour involving fireworks ranges from them being set off late at night, to deliberate physical harm or threat of harm caused to people, animals and property.

Fireworks are divided into categories, and for domestic displays consumers can buy up to category three fireworks. If you want to set off fireworks for a private event such as a party or wedding, you can buy them from a registered seller with an all-year or long-term license. If you are running a professional display of fireworks, you will get access to bigger and louder (category four and five) fireworks.

Where can I set-off fireworks?

If you buy fireworks for personal use, you are only allowed to use them on your private property or property where you have the consent of the landowner.

It is considered a criminal offence to set off fireworks in the street or other public places without permission, and you can contact the police if someone is doing this.

If you want to set them off in a public place for events, such as for a street party, you will need to obtain express permission from the local authority.

Whilst it is legal to set fireworks off on private land, if you're a tenant in a property it is worth checking with the landlord to see if there's any stipulation preventing setting off fireworks in your lease.

It is important to note that you have a duty of care to ensure the safety of your neighbours and visitors if you have your own firework display. Check the online guidelines of the RoSPA (Royal Society for Prevention of Accidents) to ensure that you are well informed with the necessary precautions to take.

All fireworks come with instructions and any negligence – such as setting them off in an inappropriate environment or against the published instructions – resulting in injury to someone or damage to property could make you liable for a civil claim.

Is there a legal curfew?

Generally, fireworks on private property may be set off all year round between 7am and 11pm. However, at certain times of the year this curfew is extended – to midnight on Guy Fawkes Night and 1am on New Year's Eve, Chinese New Year and Diwali.

What happens if I break the law?

Under the Firework Act of 2003, if you break the law around firework use you can receive a prison sentence of up to six months or a fine up to £5,000.

Breaching of the act constitutes a criminal offence – however, if you cause any damage to property or injury to someone, you may be liable for a civil offence and could be sued for negligence.

Keep animals safe

There is widespread public concern about the effect that fireworks can have on animals, with the RSPCA receiving high numbers of calls every year. Dogs and cats should be kept inside and have a hiding place. Give small animals who live outside lots of extra bedding and nesting material to burrow in. RSPCA recently undertook polling on this issue and found that 62% of dog and 54% of cat owners reported that their pets are distressed during the fireworks season. What's more, animals affected not only suffer psychological distress but can also cause themselves injuries, sometimes very serious ones, or even sadly die as they attempt to run or hide from the noise. It's not just dogs and cats that are affected; horses and livestock are easily frightened by loud noises and sudden bright lights

Enforcement Responsibilities

The storage and sale of fireworks known as 'shop goods' from wholesale and retail premises is controlled by the Explosives Act 1875, the Fireworks Act 2003, the Fireworks Regulations 2004 (as amended), the Fireworks (Safety) Regulations 1997 (as amended) and the Consumer Protection Act 1987

Police:

Sale of fireworks on the street, setting off fireworks in the street, possession of fireworks by under 18s in a public place. Breach of the hours curfew for setting off fireworks.

Report by phone on 101 or use 101 Live Chat (West Yorkshire Police) with as much detail as possible about location and those involved.

Bradford Council:

Where an address is using loud fireworks persistently, this may constitute a statutory noise nuisance and BMDC Environmental Health should be contacted if you have the location details. There is no noise level set in law, noise is a subjective assessment and Environmental Health Officers are qualified and trained to assess whether a noise is likely to be a statutory nuisance. Contact Environmental Health on tel: 01274 431000 or [Noise nuisance | Bradford Council](#)

Fire Service:

No person may store or sell fireworks unless the occupier of the premises has registered those premises and has a licence with the West Yorkshire Fire and Rescue Authority

West Yorkshire Trading Standards:

Prohibit the sale of fireworks to under 18's. Prohibit the sale of banned fireworks. Prohibit the splitting of retail boxes of fireworks. Telephone 0113 535 0000 or email dutyofficer@wyjs.org.uk if you believe the law is being broken.

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Fireworks - the law set by government

- It's against the law to set off fireworks between 11pm and 7am *
- Report by phone 101 or use 101 Live Chat (West Yorkshire Police) with time, address & those involved
- Report underage or unregistered sales to Safer.Communities@bradford.gov.uk

*until 1am on the night of Chinese New Year, the night of Diwali or New Year's Eve and until midnight on 5 November.



Telegraph and Argus

How to report neighbours setting off fireworks when they shouldn't

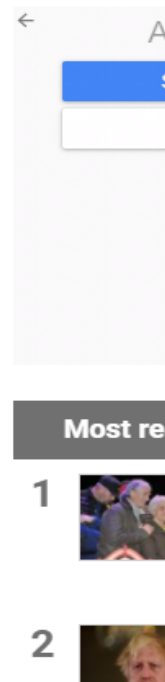
Fireworks: How to report anti-social behavior



By **Kieran Doody** | [@kierandoody](https://twitter.com/kierandoody)
UK Trending Editor



How to report neighbours setting off fireworks when they shouldn't this weekend. (PA)



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