

DRAFT Fireworks Scrutiny Review

14 October 2021

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Membership of the Corporate Overview and Scrutiny Committee

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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).