

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

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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.

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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