



Leeds
CITY COUNCIL

scrutiny



Environment, Housing
and Communities

Tackling the Anti-Social Use of Fireworks

March 2021



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Environment, Housing and Communities Scrutiny Board

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Councillor J Akhtar	(Little London and Woodhouse Ward)
Councillor J Bentley	(Weetwood Ward)
Councillor A Blackburn	(Farnley and Wortley Ward)
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Environment, Housing & Communities Scrutiny Board

Focusing on services affecting the lives of citizens living and working in the council's neighbourhoods to monitor progress as a citizen focused city and prioritising environmental sustainability.

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Further information about the work of the committee can be found here:

[Environment, Housing and Communities Scrutiny Board](#)

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*Board member until February 2021

** Board member from February 2021



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Foreword

Foreword from the Chair

Our most recent inquiry left members of the Environment, Housing and Communities Scrutiny Board in no doubt that the anti-social use of fireworks causes distress and concern for some of our most vulnerable citizens.

While some instances of this behaviour are clear cases of disorder, we also considered the impact of the increasingly frequent use of private fireworks for events and celebrations.

We heard about noise pollution affecting people with whose health conditions include sensory sensitivities, sheltered communities and veterans with PTSD. We also discussed the concerns of pet owners, those with livestock and the impact on wildlife.

The Board listened to evidence from frontline workers who had come under attack from fireworks used as missiles and we explored the increasing pressure on public sector organisations to respond to predictable peaks of firework related anti-social behaviour.

It should be said that throughout this inquiry Board members have been mindful of the fact that the majority of people in Leeds enjoy the safe, responsible use of fireworks, often as part of public – though not necessarily professional - displays. These displays have not fallen within the remit of this inquiry.

Many of the solutions to the challenges we have identified require national legislative change. This is already a highly regulated area. However, we are recommending that Government explores a series of changes to existing legislation to strengthen the suite of options available to those trying to prevent and respond to firework-related anti-social behaviour.

As a city we should be proud of all those involved in tackling dangerous and disorderly behaviour in our communities. The inquiry process highlighted many examples of good operational practice locally and we must ensure partners can easily share and learn from their experiences.

As the Chair of the Environment, Housing and Communities Scrutiny Board I want to thank all those elected members, council officers and partners who took part in our inquiry. Your time, expertise and insight was invaluable in informing the recommendations set out in this report.

Cllr Barry Anderson

Chair, Environment, Housing and Communities Scrutiny Board



Summary

1. Aims of the Inquiry

Best Council Priority: Supporting Safe, Strong Communities

- Examine the impact of the anti-social use of fireworks on local communities and public services, with particular reference to vulnerable citizens, emergency workers and animal welfare.
- Explore examples of good practice across local partnerships, which can inform the future planning of the city and the region's response to the anti-social use of fireworks.
- Develop recommendations for national legislators which could secure the changes necessary to reduce the harmful consequences of the anti-social use of fireworks.

2. Key Findings

- 2.1 During 2020/21 the Environment, Housing and Communities Scrutiny Board explored the impact of an increase in the anti-social use of fireworks on Leeds' communities and local public services.
- 2.2 The conclusions of the Board are based upon evidence from a wide range of sources and emerged through a process of collaborative discussion with partners.
- 2.3 From the outset Scrutiny Board members acknowledged the considerable number of people in the city that enjoy safe, scheduled public firework displays that take place at key points of the year. There was recognition that these events bring real benefits in terms of community cohesion and often provide fundraising opportunities for local charities.
- 2.4 Members did, however, determine that it would be valuable to consider the concerns raised by Leeds residents about anti-social behaviour linked to predictable peaks in the use of fireworks and also a perceived increase in the frequency with which fireworks are used on private land throughout the year.

"Leeds has a strong and effective community safety partnership. A multi-agency approach ensures all available tools and powers are fully utilised to tackle environmental issues, anti-social behaviour and criminal activity."

Paul Money, Chief Officer Safer Leeds



Summary

- 2.5 The Board welcomed the robust local approach to the planning and implementation of prevention and response strategies for predictable peak periods of anti-social behaviour such as Bonfire Night, Halloween and Mischief Night. The evidence suggests that these local partnership arrangements are delivering improved outcomes for communities often through effective engagement with known individuals, young people and community leaders.
- 2.6 However, the level of resource required to deliver these results - particularly in terms of frontline responders providing an on-street presence over the Bonfire Night period - is significant. Board members were concerned about the risks posed to those officers. They also remain concerned about the consequences for other activities of having to meet the service and budget demands created through annual occurrences of serious anti-social behaviour.
- 2.7 Local partners described going “above and beyond” to prevent anti-social behaviour linked to fireworks but agreed that legislative changes would provide them with additional tools to prevent and respond to anti-social behaviour more effectively.
- 2.8 Similarly the Board concluded that solutions to the harmful consequences of unrestricted frequent private firework use require changes in national legislation.
- 2.9 As well as making recommendations to national legislators, the Board has identified a number of recommendations relating to the local operational approach to disorderly behaviour linked to fireworks.
- 2.10 The recommendations of the Board are set out in full on pages 4 and 5.

Purpose of the Board’s Recommendations

Influence National Legislative Change

- Influence change in relation to the way in which fireworks can be purchased and used by private citizens.
- Empower partners to respond as effectively as possible to the challenge of fireworks - related anti-social behaviour.

Strengthen Local Operational Practice

- Identify opportunities to strengthen and develop the local response to predictable peaks in the anti-social use of fireworks.



Summary

3. Recommendations

Recommendations to National Legislators

	Recommendations to National Legislators
Licensing of sales	Strengthen national restrictions governing how, when and where fireworks can be purchased, and in what volume per transaction.
Short term licences	Restrict firework sales to 'all year round' retailers to reduce risks associated with 'pop up' sellers who appear for short periods.
Targeting 'proxy purchasing'	Introduce stronger legislation to specifically target the 'proxy purchase' of fireworks by adults on behalf of children.
Predictability of Use	Enable the implementation of restrictions on how frequently fireworks can be used on private property where concerns are identified.
Exclusion Zones	Introduce a mechanism through which local authorities can more readily work with communities to identify areas of particular sensitivity with a view to prohibiting all firework use in those zones.
Notification	Introduce a requirement for community notification of firework use by venues hosting private events.
Decibel Levels	Consider, in partnership with industry and animal welfare representatives, reducing the decibel level for consumer fireworks.
Investment in awareness campaigns	Invest in a national campaign to raise awareness of safe firework behaviours and to advocate greater consideration of people and animals in close proximity to firework use.
Illegal fireworks	Further work should be carried out to consider how illegal sales of fireworks can be more effectively monitored to better understand behaviours and to increase opportunities for preventative interventions.



Summary

Strengthening Local Operational Practice

	Recommendations Regarding Local Practice
ASB Injunction	Pursue a variation to the current injunction to secure power of arrest.
Sharing of good practice	Establish a mechanism to regularly share and learn lessons from localised case studies.
Social Media Platforms	Explore options to target messaging about the consequences of anti-social firework use at a young audience through the use of a wider range of social media platforms
Communication Partners	Consider whether the existing network of partners can be expanded to reach a wider audience with messages about firework related behaviours.
Diversions Activities	Identify the resources required to safeguard and expand the localised provision of diversionary activities for young people.
Early engagement	Encourage early engagement with young people ahead of peak periods of firework related activity, ideally using trusted contacts who already have an established relationship with local young people.
Targeted Interventions	Support local partners to continue to deliver improved outcomes through the early identification of - and targeted engagement with - individuals for whom intelligence suggests there is a risk of becoming involved in disorder.
Accurate reporting	Explore ways in which to encourage the improved reporting of anti-social incidents linked to fireworks so as to ensure partners have more accurate information about the prevalence of such behaviour.
Licensing	Explore opportunities to include additional conditions on licences granted to venues where fireworks are regularly used in a manner that adversely impacts upon the local community.

Stakeholder Engagement

Stakeholder Engagement	It was agreed that the Scrutiny Board would share this report and its recommendations with Leeds MPs and the West Yorkshire Mayor.
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Part One

4. Inquiry Approach

- 4.1 In response to the concerns of local residents, the Environment, Housing and Communities Scrutiny Board agreed to give detailed consideration to the consequences of an increase in private firework use throughout the year, as well as the deliberate anti-social use of fireworks during predictable peak periods of activity such as Bonfire Night.
- 4.2 From the outset Scrutiny Board members acknowledged the considerable number of people in the city that enjoy safe, scheduled public firework displays that take place at key points of the year. Displays such as these did not fall within the remit of this inquiry.

Inquiry Structure

Stage One

- Examine the impact of the anti-social use of fireworks on local communities and public services, with particular reference to vulnerable citizens, emergency workers and animal welfare.

Stage Two

- Explore examples of good practice across local partnerships, which can inform the future planning of the city and the region's response to the anti-social use of fireworks.
- Develop recommendations for national legislators which could secure the changes necessary to reduce the harmful consequences of the anti-social use of fireworks.



Part One

Contributors to the Inquiry

- 4.3 The Board brought together a range of partners with an interest in preventing, monitoring and responding to the anti-social use of fireworks. Those that were represented are listed below. A full list of individual contributors can be found at Appendix 2.

Partners

West Yorkshire Police
West Yorkshire Fire and Rescue Service
West Yorkshire Joint Services (Trading Standards)
The Dog's Trust
Leeds Street Team
Calderdale Council

Leeds City Council

Leeds Anti-Social Behaviour Team
Youth Services
Communities

Councillors (Non-Board Members)

Cllr Amanda Carter
Cllr Matthew Robinson

Written Submissions

Dynamic Fireworks
RSPCA



Part Two

5. Examining The Evidence

Consequences for Communities and Public Services

- 5.1 The Board considered a number of specific issues of concern that had been brought to the attention of elected members by constituents, partner organisations and animal welfare organisations. Issues of disorderly behaviour, noise pollution, environmental concerns and unrestricted private firework use are considered below.
- 5.2 The Board recognised that the need to tackle the consequences of firework-related anti-social behaviour is not a challenge unique to Leeds. At a national level fireworks have been the subject of several e-petitions to Government in recent years, which were reviewed by the House of Commons Petitions Committee in 2019. Discussions are ongoing with other core cities to learn lessons about the different ways in which firework-related anti-social behaviour is addressed in other areas of the country.
- 5.3 Regionally, colleagues from Calderdale Council reflected on the “community tension” created by the increasingly frequent firework use at private venues that regularly host events. A Board member also attended a meeting about similar issues with Bradford City Council.

Recording incidents of Anti-Social Disorder

- 5.4 The Board examined data detailing the number of incidents involving fireworks that were reported to West Yorkshire Police citywide. That data showed a 37% increase on the previous year and identified localities which have experienced an upward trend in calls for service in peak periods.
- 5.5 There is, however, difficulty in establishing precise data about the inconsiderate or anti-social use of fireworks. This has led to some disagreement about the extent of the concerns under discussion.
- 5.6 Industry representatives have challenged the assertion that there is general increase in the use of private fireworks given that imports had remained static for around 4 years. In contrast, community safety partners suggested the number of reported incidents underestimates the scale of the problem in Leeds and a social media campaign encouraging the reporting of incidents now forms part of the partnership’s approach to planning for Bonfire Night.



Part Two

5.7 The legislative context for firework sale and use is discussed later in this report. However, with regards to the enforcement of legislation, where regulations are breached, there is often also inherent difficulty in identifying exactly when and where fireworks have been set off, and by whom. It was suggested by partners that a recognition of this challenge by the public further fuels an underreporting of incidents.

Responding to Predictable Anti-Social Behaviour: Pressures for Local Partners

- 5.8 It was clear to the Board that there is a strong multi-agency approach to this aspect of community safety in Leeds with partners working closely and collaboratively together.
- 5.9 Considerable time was spent understanding local partnership arrangements designed to prevent and respond to firework-related anti-social behaviour in the period leading up to Bonfire Night, Halloween and Mischief Night.
- 5.10 The situation for emergency workers was discussed in detail with partners sharing their experiences of the “fear and hostility” experienced in some areas of the city after nightfall in peak periods of activity. As well as risks to the officers themselves, police vehicles and fire engines have become targets when responding to incidents of disorder, and a tactic of burning barricades has been adopted by perpetrators in previous years.
- 5.11 A number of contributors shared their experience of the significant disorder that took place in Harehills over Bonfire Night in 2019. The Board heard powerful descriptions of attacks on emergency workers, reports of the “fear and distress” of people living locally and the considerable cost and damage to property that resulted from the violence. The Board also reflected on the damage to the wider reputation of the city caused by the national media attention this generated.
- “Emergency workers came under attack from a barrage of missiles.”*
- West Yorkshire Police Officer*
- 5.12 In discussing the resource implications of the partnership response to anticipated annual disorder over this period it was noted that planning begins at least six months ahead of Bonfire Night and involves a wide range of stakeholders. Key preventative and enforcement initiatives are co-ordinated and delivered through the Neighbourhood Policing Teams’ Halloween and Bonfire Night Plans. A Silver Group led by a Police Superintendent then reviews all the planned activity across the Leeds district to ensure resources can be deployed to meet service demand.



Part Two

- 5.13 As part of the multi-agency approach an officer from West Yorkshire Fire and Rescue Service, which is a statutory partner linked to the Safer Leeds Executive, has also been seconded to Safer Leeds and is a key partner in bonfire night planning.
- 5.14 The Board welcomed the close partnership working in evidence. However, members expressed concern about the large numbers of police and outreach workers required to provide an on street presence in localities where intelligence suggests there is likely to be heightened potential for disorder over Bonfire Night. The risks posed to those individuals were judged to be considerable.
- 5.15 An intelligence-led approach is integral to the planning and response of partners in Leeds during these peak periods of activity. One of the ways this assists in prevention of anti-social behaviour is through the identification of individuals where there has been previous involvement in disorder or there is deemed to be a heightened risk of involvement in anti-social behaviour. This enables early engagement to deter such behaviour.
- 5.16 Additional Leeds Watch cameras and body cameras have assisted the police in being able to identify previous perpetrators of anti-social behaviour more easily, and a further bolstering of this approach through ward based funding was welcomed. Members also supported joint exercises with the police to review the footage recorded via these cameras in order to identify perpetrators and pursue individuals through the justice system.
- 5.17 In the years since the appalling disorder of 2019, the Leeds partnership has strengthened the range of tools at its disposal through the successful application for an Anti-Social Behaviour Injunction (ASBI). Recognising the important role of enforcement, the Board recommends pursuing a variation of the injunction to include the power of arrest.
- 5.18 Having explored evidence of successful locality working a persistent recommendation from the Board has been that mechanisms must be put in place to easily and regularly share good practice from all areas of the city, so that the partnership can continue to evolve and to be agile in its response to anti-social behaviour that emerges in peak periods.



Part Two

Key Aspects of Bonfire Night Planning

- Home visits to individuals involved in anti-social behaviour the previous year.
- Multi-agency community hub created at Elland Road control room
- Anti-Social Behaviour Injunction application obtained to prohibit firework use in an area with historic disorder issues
- Targeted communication in areas of concern
- Firework test purchase operation
- To reduce risk to fire crews and vehicles, joint fire/police service visits in unmarked vehicles to assess areas where fires are reported.
- Communication strategy to raise awareness around bonfire night and the consequences of anti-social behaviour.
- Social media campaign to encourage appropriate reporting of incidents
- High visibility police patrols (NPT / NRT)
- Use of LCC CCTV Van for public reassurance
- Funding for youth provision in area
- Fire prevention through clearing of rubbish and furniture in areas deemed to be at risk of disorder.

Diversionary Activities for Young People

- 5.19 Diversionary activities for young people have proved to be a particularly effective way of reducing anti-social behaviour linked to peak periods of firework related disorder. In the last year this included the provision of safe spaces for young people in an evening, boxing sessions and activities run in coordination with local sports teams.
- 5.20 Officers and partners highlighted the importance of engaging with young people well in advance of predicted peaks in firework related disorder and doing so, where possible, through trusted contacts who already have established relationships with young people.
- 5.21 Partners outlined the proactive approach that is taken to identifying young people at risk of becoming engaged in disorder and visiting them and their families ahead of Bonfire Night. This approach has helped improve outcomes over the 2020 bonfire period with teachers, local pastors and community leaders involved in outreach work.



Part Two

- 5.22 More broadly, it was agreed that co-ordination between officers from communities and youth services, and partner organisations contributed valuable intelligence which could be used to target interventions more successfully.

Communication Strategies

- 5.23 A number of different communication strategies are used to raise awareness of the consequences and frequency of firework related anti-social behaviour ahead of peak periods.
- 5.24 As mentioned earlier in this report, one aspect of communication around this period seeks to encourage reporting of firework related incidents.
- 5.25 In addition, all partners seek to engage with young audiences to raise awareness of the consequences of anti-social behaviour and the dangers of unsafe firework use.
- 5.26 The Board acknowledged the work that is already taking place to deliver targeted messages across traditional and social media, and via an established network of partners including schools. Members also recognised the resource constraints that hamper levels of physical engagement with more organisations.
- 5.27 However, the Board felt that communication was a key element of successful preventative strategies. They recommended further work be carried out in this area to increase the numbers of people receiving those messages.
- 5.28 The Board recommended utilising a wider range of social media platforms to disseminate key messages and supported proposals to work with young people to design literature that could be sent out in future years.
- 5.29 More broadly the Board recommended more national investment is required in campaigns to raise awareness about both the considerate and safe use of fireworks.

Noise Pollution

- 5.30 Noise pollution was considered a particular concern for vulnerable citizens, including veterans and those living in sheltered accommodation or with health conditions involving heightened sensory sensitivity such as autism or hyperacusis. While noise pollution was certainly a consideration during periods of peak anti-social activity it was also a recurring feature of those concerned by the increased use of private fireworks throughout the year.



Part Two

5.31 A local authority cannot currently limit the frequency of firework use on private land and therefore has limited control over this type of behaviour. Members therefore recommended introducing a mechanism through which local authorities could limit the frequency of firework use in localities where substantive concerns have been identified.

"Some of our most vulnerable residents find noisy fireworks very distressing, especially when they are going off regularly over several hours."

Cllr Amanda Carter

5.32 Throughout the Board's deliberations it became apparent that predictability was a key issue for many people concerned about private firework use. This was reinforced by evidence of the impact of noise on livestock, pets and wildlife and the difficulty of planning for such occurrences without adequate notice of upcoming private displays.

5.33 In order to better prepare and protect people or animals sensitive to loud noises, it was recommended that government requires the introduction of a community notification mechanism to raise awareness of when private venues in particular will be using fireworks.

5.34 On the basis of the evidence examined through the inquiry the Board also concluded that within communities there may be some highly sensitive areas where firework used is deemed by residents to be wholly unacceptable. In those circumstances the Board recommended that there should be a streamlined mechanism through which local authorities could work with those communities to create 'exclusion zones' to entirely prohibit firework use even on private property.

"We have seen instances of dogs being seriously injured after bolting when a firework has exploded nearby."

Dog's Trust representative

5.35 It was agreed there would be value in national legislators exploring options to reduce the decibel level of fireworks – currently limited to 120 decibels for consumer fireworks - to reduce the distress caused by the noise of traditional fireworks.



Part Two

- 5.36 The industry response to previous proposals of this nature has been cautious with a suggestion that any substantial reduction in decibel limits could have an adverse impact on the marketplace, potentially leading to the illegal importation of more noisy and dangerous fireworks.
- 5.37 It is recommended that national legislators work with both industry representatives and animal welfare charities to consider what might constitute an acceptable compromise in this area.

Environmental Concerns

- 5.38 In the context of the Council's declared Climate Emergency, the Board noted a number of environmental impacts associated with firework use. The Board acknowledged, for example, that fireworks can lead to elevated levels of dust particles, which are rich in toxic metals. The board also noted that the plastic waste from discarded fireworks, can pose a danger to wildlife.
- 5.39 Government has previously worked with the industry to reduce noisy and nuisance fireworks, with the eventual banning of bangers, crackerjacks, air-bombs and mini rockets for sale to the public. The Board considered a similar partnership could bring about improvements to make fireworks more environmentally friendly.

Legislative Context

- 5.40 The Scrutiny Board members were provided with an overview of the regulatory and legislative framework governing the current sale, standards and permitted private use of fireworks and the responsibility of different bodies within that framework, including with regards to enforcement.
- 5.41 This is already a highly regulated sector with robust standards governing product quality, use and sales. A number of different agencies are involved in the regulation of different elements of the sector. Locally those include:
- West Yorkshire Joint Services (Trading Standards)
 - West Yorkshire Fire and Rescue Service
 - West Yorkshire Police
 - Local Authority



Part Two

- 5.42 In addition the British Fireworks Association is the UK's Association for professional firework display companies. It is committed to upholding high standards amongst its members, whose activities include the manufacture, importation, sale, transportation, training and use of display fireworks both by members of the public and professionals.
- 5.43 Scrutiny Board members explored the ways in which current regulations and legislation are enforced, and highlighted concerns about the ongoing ability of organisations to carry out proactive preventative and monitoring activity in the context of reduced public sector resources.
- 5.44 In a written submission to the Board an industry representative suggested that the legislation associated with fireworks is adequate but enforcement and the punishments for improper use could be strengthened – particularly with regard to the illegal use of fireworks in public places and the use of fireworks after 11pm.

Sale and Purchase of Fireworks

- 5.45 Since January 2005 the sale of fireworks to the public has been restricted to licensed traders. However, fireworks can be sold by unlicensed traders for:
- Chinese New Year and the preceding three days
 - Diwali and the preceding three days
 - Bonfire Night celebrations (15 October to 10 November)
 - New Year celebrations (26 to 31 December)
- 5.46 The Board recommended restricting sales to 'all year round' retailers to reduce risks associated with 'pop up shops' in the periods above. It was suggested that there was increased potential for 'pop up' shops to be unable to provide customers with adequate safety advice.
- 5.47 Board members also felt 'pop up shops' increased the opportunity for adults to buy fireworks on behalf of young people. Given that a disproportionate number of reported firework injuries affect young people this was a significant concern for the Board. In addition, the Board heard evidence from partners that they have experienced challenges around the practice of adults buying fireworks on behalf of young people who were then identified as having been involved in disorder. The Board concluded that national legislation should specifically target such 'proxy purchasing'.



Part Two

- 5.48 Board members further proposed that there would be value in tightening restrictions around when, where and how many fireworks could be purchased in a single transaction to reduce general ease of access to fireworks.

Illegal Fireworks

- 5.49 The Board recognised the highly regulated environment in which fireworks sale, storage and use is governed in the UK. However, the view of members was that the holistic approach to managing the potentially harmful consequences of fireworks was to some degree undermined by the lack of up-to-date information about illegal fireworks entering communities. The Board recommends greater monitoring of such activity at a national level.

Opposing an Outright Ban on Fireworks

- 5.50 In 2019 the House of Commons Petitions Committee concluded that any recommendation that there should be an outright ban on firework sales to the public was unnecessarily “drastic” and would risk unintended economic consequences for those working in the fireworks industry.
- 5.51 Similarly, there was no suggestion from the Environment, Housing and Communities Scrutiny Board that an outright ban should be endorsed. Indeed, it was noted that such a change could reduce the ability of local communities to organise public displays that deliver local benefits and result in more dangerous products entering the country illegally, thereby creating a more challenging environment for enforcement and regulatory agencies.
- 5.52 However, like the Petitions Committee, the Board concluded that there were justifiable concerns informing calls for a tightening of restrictions and an increase in enforcement of some aspects of existing legislation.
- 5.53 Should national legislators introduce additional regulation the Board was clear that any associated activity, including heightened enforcement activity in the early stages of implementation, would have to be accompanied by sufficient resources to enable any such activity to be conducted effectively and without detriment to other services.



Appendix 1

Appendix 1: Legislative Framework for the Storage, Supply and Use of Fireworks

<p>Consumer Protection Act 1987</p>	<p>Under the Consumer Protection Act 1987 suppliers of all consumer goods (including fireworks) are required to supply goods that meet an acceptable standard of safety. Under section 11 of the Act it is an offence to supply goods which fail to comply with general safety requirements.</p>
<p>Fireworks Act 2003</p>	<p>The Fireworks Act 2003 makes provision for the control of fireworks and explosives by regulation in order to secure that there is either no risk, or a minimal risk compatible with use, that fireworks will cause death, injury or distress to persons or animals, or damage to property.</p> <p>The aim of this Act is to reduce the noise, nuisance and injuries caused by the misuse of fireworks – which forms part of the broader public concern with the problem of anti-social behaviour.</p>
<p>Fireworks Regulations 2004, as amended by the Fireworks (Amendment) Regulations 2004)</p>	<p>The current Fireworks Regulations 2004 came into force on the 7 August 2004. The Regulations introduced a package of measures to regulate the sale, possession and use of fireworks.</p> <p>Those intending to supply fireworks to the public outside the traditional selling periods (i.e. all year round) are required to hold a licence to supply fireworks, either from the Local Authority, Fire Service or HSE.</p> <p>Regulation 7 of the Fireworks Regulations 2004 imposes a curfew on when fireworks can be let off in England and Wales.</p> <p>Specifically, regulation 7 sets an 11 pm curfew on the use of fireworks, with later exceptions for seasonal celebrations.</p> <p>The curfew is enforced by the police, with any breach subject to an unlimited fine and/or six months in prison. The police can also issue on-the-spot fines of £90 to persons aged 18 or over committing that offence.</p>
<p>Pyrotechnic Articles (Safety) Regulations 2015</p>	<p>The Pyrotechnic Articles (Safety) Regulations 2015, an economic operator (i.e. retailer) must not sell:</p> <ul style="list-style-type: none"> • a Christmas cracker to anyone under the age of 12 years; • F1 category fireworks to anyone under the age of 16; • F2 and F3 category fireworks to anyone under the age of 18; • F4 category fireworks to members of the public (supplied only to a person with specialist knowledge).



Appendix 1

	<p>It is not a legal requirement to have any kind of licence or training to buy “consumer fireworks” (category F1, F2 and F3 fireworks). There is no such thing as either a licence or training that entitles a member of the public to buy category 4 (professional display) fireworks. These are only available to professional fireworks companies with all year insurance and licenced storage. Under the 2015 Regulations, retailers are also required to display a notice at the point of sale stating: “It is illegal to sell category F2 fireworks or category F3 fireworks to anyone under the age of eighteen” and “It is illegal for anyone under the age of eighteen to possess any category F2 fireworks or category F3 fireworks in a public place.”</p>
Explosives Act 1875	<p>Under section 80 of the Explosives Act 1875 (as amended) it is an offence to throw or discharge a firework in a street or public place. This is enforced by the police, and a fixed penalty applies.</p> <p>Fireworks should only be let off on private land (such as a garden) or on land where the landowner has given permission.</p>
Explosives Regulations 2014	<p>The Explosives Regulations 2014 provide for the regulation of the manufacture, storage and acquisition of explosives by means of a series of defined duties, the granting of approvals and a system of licensing.</p> <p>For example, the Regulations require a licence to store fireworks except where the quantity is less than 5 kg. It is a breach of the Regulations to store more than that quantity of fireworks without a licence.</p> <p>In all areas, local authority Trading Standards officers are responsible for enforcing regulations on consumer safety and age of purchase. Enforcement of the Regulations in respect of other pyrotechnics will fall primarily to the Health & Safety Executive.</p>
Health and Safety at Work etc. Act 1974	<p>The Health and Safety at Work etc. Act 1974 provides for the making of health and safety regulations for the general purposes of securing the safety of persons at work.</p> <p>In the context of fireworks, this would generally apply to firework display operators and those events where pyrotechnic or firework displays take place in the course of a business.</p>
Animal Welfare Act 2006	<p>Under the Act, powers exist for secondary legislation and codes of practice to be made to promote the welfare of animals.</p> <p>Under section 4 of the Act, it is an offence to cause any unnecessary suffering to any captive or domestic animal. The offence carries a fine of up to £20,000 and/or a prison term of up to six months.</p>



Appendix 1

	<p>The Act is enforced by local councils, animal health officers and the police.</p>
Excessive noise - statutory nuisance	<p>There is a noise limit of 120db on all consumer fireworks. In addition to the Fireworks Regulations 2004 (as amended), there is other legislation that may also be used in certain circumstances to tackle excessive noise from fireworks.</p> <p>Under section 80 of the Environmental Protection Act 1990 (EPA 1990), a local authority's Environmental Health officer must take "all reasonable steps" to investigate a complaint about excessive noise. If they believe a statutory nuisance is occurring or is likely to occur or recur they must act.</p>



Appendix 2

Appendix 2: Contributors

The following individuals have contributed to the various stages of this inquiry.

Attendee	Organisation
Cllr Barry Anderson	Scrutiny Board (Chair)
Cllr Javaid Akhtar	Scrutiny Board
Cllr Jonathan Bentley	Scrutiny Board
Cllr Ann Blackburn	Scrutiny Board
Cllr Kayleigh Brooks	Scrutiny Board
Cllr Dawn Collins	Scrutiny Board
Cllr Angela Gabriel	Scrutiny Board
Cllr Pauleen Grahame	Scrutiny Board
Cllr Mary Harland	Scrutiny Board
Cllr Asghar Khan	Scrutiny Board
Cllr Nicole Sharpe	Scrutiny Board
Cllr Trish Smith	Scrutiny Board
Cllr Amanda Carter	Referrer
Cllr Matthew Robinson	Referrer
Paul Money	LCC, Chief Officer Safer Leeds
Claire Smith	LCC, ASB Delivery Manager
Lisa Ramsden	LCC, ASB Delivery Manager
Adrian Tonge	LCC, Principal Legal Officer Resources and Housing
Margaret McKean	LCC, Advanced Youth Work Practitioner
James McCarthy	LCC, ENE Team Leader, Youth Services
Allison Dixon	LCC, Advanced Youth Work Practitioner



Appendix 2

Grace Lawrenson	LCC, Senior Localities Officer
Stephen Harper	LCC, WNW Team Leader, Youth Services
Leah Dyer	LCC, Advanced Youth Work Practitioner
Inspector Jonathan McNiff	West Yorkshire Police
Inspector Jodie Scatchard	West Yorkshire Police
Inspector Richard Horn	West Yorkshire Police
Inspector Mick Preston	West Yorkshire Police
Sergeant David Walker	West Yorkshire Police
PC Edel Fox	West Yorkshire Police
David Strover	West Yorkshire Joint Services (Trading Standards)
Billijo Jones	West Yorkshire Joint Services (Trading Standards)
Matthew Goodall	West Yorkshire Fire and Rescue
James Craven	West Yorkshire Fire and Rescue
Cllr Ashley Evans (Calderdale)	Calderdale Council
Cllr George Robinson	Calderdale Council
Alex Hunter	Calderdale Council
Mike Lodge	Calderdale Council
Adam Aslam	Leeds Street Team Coordinator
Emma Wakefield	Dogs Trust
Matthew Howden	Dogs Trust

Written Submissions were received from:

Nigel Claydon	Dynamic Fireworks
RSPCA	

Scrutiny Board (Environment, Housing and Communities)

Tackling the Anti-Social Use of Fireworks

March 2021

Report author: Rebecca Atherton

