

**REPORT OF THE
COMMUNITY SERVICES
SCRUTINY COMMITTEE**

Hertfordshire County Council

FIREWORKS TOPIC GROUP



Introduction

The Community Information and Protection Scrutiny Committee (now the Community Services Scrutiny Committee) first considered the problems associated with fireworks at its meeting on 14 January 2003 as a response to concerns expressed to members of the Committee by constituents. The Committee decided to set up a topic group to look into this issue. This is the report of the work of that topic group.

The Topic Group consisted of the following members:

Bryan Hammond (Conservative) (Chairman)
Michael Colne (Liberal Democrat) (Vice-Chairman)
Peter Ruffles (Conservative)
Reg Smith (Labour)
John Usher (Conservative)

On 14 January 2003 the Committee had considered a report on current and possible future controls on fireworks, and the nuisance caused by those items to Hertfordshire residents. The remit of the Fireworks Topic Group was to: -

- ❑ Investigate the possibility of fireworks being handled only by trained personnel
- ❑ Look at the possibility of imposing restrictions to times when fireworks can be used.
- ❑ Deliberate the private members bill – Control of Fireworks and push the Local Government Association for greater involvement
- ❑ Look at restrictions/controls on fireworks that can be purchased freely
- ❑ Consider the balance between personal liberty and safety/nuisance
- ❑ Address issues arising from celebrations by all ethnic groups
- ❑ Contact Melanie Johnson MP for her comments

At its initial meeting on 27 February 2003 the group was informed that the Government had adopted the Private Members Bill on Fireworks. The group was keen to monitor the progress of the Bill and have the scope to alter the remit to reflect developments.

1. Background

- 1.1 The Fireworks Topic Group agreed a work programme to assist its deliberations. This programme consisted of: -
- Press release/article on Herts Direct to invite comments from the public.
 - Letters to be sent to a variety of organisations seeking their views. These to include:
 - District councils
 - Voluntary organisations
 - Religious groups
 - The Police
 - Acute and Primary Care Trusts
 - Event Organisers
 - A visit to an importer of fireworks
 - Consideration of a report summarising response from members of the public
 - Receiving a summary of firework classifications

2. Public Responses

- 2.1 As mentioned above a general press release was sent out inviting comments from the general public. There had been particular interest from the Hemel Hempstead area as the local paper had run a front-page article about fireworks when the Committee first considered the matter on 14 January 2003. In response to this a specific press release went to the Hemel Hempstead Gazette thanking readers for their comments.
- 2.2 Over 150 letters and emails were received, the vast majority of which considered fireworks as a nuisance, and were supportive of legislation to curtail their use. The key issues raised were that fireworks cause:-
- Distress caused to babies, pets and animals
 - Are danger to the public
 - Are particularly distressing to older people
 - Have health implications
 - Create noise pollution
 - Create litter
 - Can cause damage to property

(A selection of comments are attached as Appendix 1)

It was clear that most of these comments spoke of noise levels increasing through the use of larger fireworks, particularly since the millennium celebrations.

- 2.3 The Group was aware that fireworks fell into 4 categories, with the first three having to comply with BS7114. Category 4 are items used by professional display companies. The millennium celebrations seemed to have begun the trend towards more use by the public of Category 3 fireworks, which require a safety distance of at least 25 metres and the wearing of protective clothing by those firing them. A list of firework categories is attached as Appendix 2.

3. Representations

- 3.1 At its meeting on the 16 May 2003 the Group were addressed by a retailer, representatives of Hope for Autism in Hertfordshire and a Police Inspector from the Hertfordshire Constabulary Community Safety Unit expressing his personal view.
- 3.2 The Police Inspector advised the Group of a special operation in Stevenage during 2002, that was in response to a significant number of firework related incidents the previous year. The operation had been a success but was very resource intensive. He pointed out that further restrictions, perhaps by better licencing, would lead to enforcement problems and an increased workload. Whilst under 18s are prohibited from buying fireworks there is no offence for the possession of fireworks by that age group. Any new “possession” offence would require extended powers of search, which could meet opposition.
- 3.3 Hope for Autism is a support group for parents and carers of children on the Autistic Spectrum disorder. The Group were advised that the noise of fireworks could lead to pain and anxiety for many children affected by the disorder. Specific reference was made to the longer timescale of firework use which made it difficult to explain to affected children when the noise would stop.
- 3.4 The retailer advised the group that 80% of his sales happened in November with much of the remainder around New Year. There was a trend towards “single emission” fireworks (Category 3) which give a complete display lasting several minutes, and rockets. His shop no longer stocks the noisiest fireworks and his belief was that better visual displays were overtaking noisy fireworks. He also felt that displays should be run by trained staff, and retailers selling all year round should obtain a “higher” form of licence.

4. Visit to an Importer

- 4.1 Some members of the Group were able to visit one of the industry’s leading companies, who import raw product (mainly from China) which is then adapted for use in large displays. The company view was that generally fireworks are a highly reliable quality product, with use and misuse the main contributor to accidents and complaints.
- 4.2 They are predominantly a mail order supplier that does not sell to retail outlets, and who run their own training sessions covering a range of issues. All sales are traceable and they had noticed the following recent trends:-

- Fireworks are increasing in popularity
 - Single ignition displays linked to the celebrations of events (weddings, birthdays etc) are on the increase
 - Choreographed displays are becoming more popular
- 4.3 They see the Fireworks Bill as an opportunity to address issues on use, misuse and noise and as a vehicle for better regulation. They have a firm view that local sales should be covered by a 2 tier licence relating to the timing of sales and that sales should be traceable. The latter point could be achieved by retailers without further regulation.
- 4.4 The company also advised the group about their testing regime. Imports are batch sampled and tested for reliability with scrupulous recording of the results. This regime had been discussed with Trading Standards.
- 4.5 The company said that most public complaints on fireworks related to noise, and they were getting more requests to produce quieter fireworks. It is perfectly possible to produce visual effects without accompanying loud noises. The height at which the noise occurs can also be tailored. Noise produced at the same time as the visual effect spreads over a greater distance than if it occurs at ground level.

5. Key Findings

5.1 Comments from event organisers, traders voluntary organisations, and the general public as well as discussions with officers, helped the group to come to the following conclusions:-

- Fireworks are increasing in popularity
- There is a trend towards larger fireworks being used by the public
- A wide spectrum of the public found noise levels caused by fireworks created unacceptable distress.
- There is public concern at the trend towards all year round use of fireworks
- The public appears to favour restricting noise levels and the time at which fireworks are used.
- Current regulatory controls do not adequately address the anti-social use of fireworks
- Responsible traders are willing to play their part in current and any future controls on fireworks
- Traders cannot have their registration to store fireworks removed even if convicted of an offence relating to sales/storage

6. Recommendations

1. The use and distribution of fireworks should be managed via a licence for high street retailers. Only categories 1 and 2 should generally be made available to members of the public.
2. The industry should be encouraged to minimise the noise disturbance caused by fireworks, with the possible introduction of legislation to enforce this if necessary. Regulations should be introduced to control large displays.
3. Only licensed operators should be allowed to let off category 3 and above fireworks.
4. The industry should be encouraged to restrict the timeframe in which fireworks are generally available to members of the public.
5. A two-tier licensing system relating to categories of fireworks should be introduced i.e. higher fees for the sale of categories 3&4.
6. A time limit of 11.00pm should be imposed for the letting off of external fireworks falling within categories 2, 3 and 4.
7. More enforcement resource should be made available to allow any restrictions to be effective.
8. It should be made possible for traders to have their registration to store fireworks refused, especially if convicted of an offence relating to under age sales or storage.

Comments from the general public

The following sections cover the main themes, and select quotes from respondents:

i. distress caused to babies, pets and animals

'Every year guide dogs and other working dogs are sedated, retrained, or in the worst cases, retired after being traumatised by the irresponsible use of fireworks. Causing considerable upset and anxiety for the guide dog and it's owner. And with the lifetime cost of training, feeding, insuring and providing veterinary care running at £35,000 for each guide dog, the cost to the charity of retiring dogs part way through their working lives is enormous'. (Chief Exec for Guide Dogs for the Blind)

'Although not a local resident, I live in the Lake District National Park, which is now becoming a firework park, Our stock is getting injured in the fields and the wildlife are abandoning their babies. We are in despair. Thank you for showing concern in your area. We are struggling up here'.

'Having been pet owners since childhood we note the annual advice from the RSPCA that "pets should be kept indoors on Firework Night". This of course, is well meant but so out of date as we never know how many there will be and when these Firework Nights will occur!'

'It is very hard to explain to a baby why there is such a loud and frightening noise disturbing their sleep'.

ii. particularly distressing for older people as they are reminded of the wartime

'I feel that the 'explosives' posing as fireworks, produce shock waves close to those when the tanks were classifying on the ranges'.

'My late husband who served in the second world war thought that it (fireworks being set off) sounded like a war'.

'a step in the right direction would be a ban on the ones that sound like the bombs going off; reminder of my childhood days in London during the war'.

iii. health implications

'My husband suffers from senile dementia and becomes very distressed when he hears the loud bangs of the big fireworks. It reminds him of the cannon fire from the second world war and takes me a long time to convince him that this is not going to cause him any harm'.

'I am writing as the acting Chair of Hope for Autism in West Herts . . . Some of our members have children who are extremely sensitive to noises produced by fireworks, e.g. they become extremely fearful and have sleepless nights and as you can imagine this is terribly stressful to both the children and their parents/carers. We as a group are not against the use of fireworks . . . what concerns us is the indiscriminate use of fireworks which are let off at any time, day or night. We would therefore appreciate if you could consider a system. . . such that prior notice is published in the local press before a display takes place. Giving notice would enable our members a chance to take preventative action to reduce the stress to their loved ones. . '

iv. noise pollution

'if this noise pollution was being caused by anything else such as air traffic or factory work for example it would not be tolerated. But it seems to be quite accepted by authorities that this level of noise is ok at any time of the night because it is considered a fun thing!'

' . . for those evenings around Fireworks Night and New Year's Eve it is impossible to experience peace, with reading, talking or TV viewing being interrupted every few minutes by firework noise'.

v. litter

'I live with my disabled husband and am still finding the decimated remains of a vast number of firework cases littered around my garden although there have been no firework "parties" in recent weeks. During one "party" the explosions were so loud that they rattled the windows of the house and were actually frightening in their intensity. The following morning I found a rocket launcher embedded (upright) in the lawn, and three more smaller ones littered around the driveway and grass in addition to all the other cardboard cases'.

vi. damage to property

'I have a neighbour that sets off fireworks...I found pieces of the instructions for the firework in my garden. It clearly stated not to be used within 25 metres of anyone and that it was best used as part of a display. The firework was set off 20 yards from my house. On another occasion while he was having a 'small' display one of the fireworks fell over and blew a hole in my fence. Had I been on the other side of the fence there could have been serious injury. Having lit another one too close to his front door, the trailing plant that grew across it went up in flames'.

vii. fireworks should not be available all year round

'In my opinion fireworks should only be allowed during the traditional time of November and possibly a few other *major* national events. Those people who let off fireworks at other times appear to have little or no regard for others'.

viii. The sale of fireworks should be restricted

'We feel that the time has come for the general sale of fireworks to be banned and only offered for sale to organised fireworks displays operating under strict licensing regulations. Injuries will be cut if the general public do not have access to doing it'.

Classification of Fireworks

Taken from BS 7114 : Part 1 1988

“Category One, Fireworks suitable for use inside domestic buildings;”

These are indoor fireworks usually found in things such as Christmas crackers, and include items such as caps, party poppers, hand-held sparklers and throw downs.

“Category Two, Fireworks suitable for outdoor use in relatively confined areas;”

These are usually described by manufacturers as “garden fireworks”. They require a safety distance of at least 5 metres (5.468 yards). These will normally be small rockets, roman candles, Catherine wheels etc. Also included in this category would be non-hand held sparklers.

“Category Three, Fireworks suitable for outdoor use in large open spaces;”

These are the much larger and relatively more expensive types of fireworks and are in effect much larger versions of the category 2 type, although a number of the types normally included in this group have been banned, such as mortars and shells. They require a safety distance of at least 25 metres (27.34 yards). People firing these would be expected to wear protective clothing.

Although there exists a classification of a “**category four firework**” these are not controlled by BS 7114, they are classed as incomplete and/or which are not intended for sale to the general public. These are fireworks and pyrotechnic effects that will be used by professional display companies, subject to particular legal requirements regarding acquisition, storage and use, different or additional to those which apply to categories 1, 2 and 3.