

HERTFORDSHIRE COUNTY COUNCIL

**REPORT OF THE COMMUNITY INFORMATION AND PROTECTION
SCRUTINY COMMITTEE
14 JANUARY 2003**

NOTE: A copy of the report mentioned below has been sent to all members of the Community Information and Protection Scrutiny Committee and other members who have requested it. Further copies are available from Nicola Hayden, Room 222, County Secretary's Department, County Hall, Hertford.
(Telephone: 01992 555560)

FIREWORKS**1. Background**

The Scrutiny Committee has considered a report on the current and possible future controls on fireworks and how the authority responds to them.

2. Information

Fireworks are covered by several pieces of legislation. Storage and licensing requirements date back to the Explosives Acts of 1875 and 1923, whilst the restriction on sales to young people is found in the Fireworks (Safety) Regulations of 1997. Premises that wish to sell fireworks have to 'register' with the local authority and are allowed to keep up to 1000 kilogrammes of fireworks depending on their storage facilities. Premises cannot have their registration taken away, even if the person running those premises has been convicted of offences under the Act.

The Fireworks (Safety) Regulations restrict the supply to those over 18 years of age, prohibit the supply of certain types of fireworks including bangers and restrict the size of items available to the public. All fireworks have to comply with BS7114 and pre-packed fireworks can not be broken up. However none of the legislation above addresses the issue of noise, nuisance and debris.

The Department of Environment, Food and Rural Affairs (DEFRA) has recently launched a consultation exercise 'Living Places; Powers, Rights and Responsibilities' which mentions these issues. There is a suggestion therein that authorities and ministers may get powers to designate areas where fireworks would be banned and limiting the use of fireworks to specified dates and times.

The Private Members Bill on Control of Fireworks is due to get it's second reading next month.

The use of fireworks for social, cultural and religious celebrations other than 5 November has grown significantly, which has led to some premises stocking, advertising and selling fireworks all year; a practice which is not illegal.

The major thrust of the authorities involvement in fireworks is safety related. Noise and nuisance is predominantly a matter for district authorities who have powers under the Environmental Protection Act 1990.

3. Conclusion

Having discussed this issue the Committee concluded that whilst local authorities have little control over the sale and use of fireworks, nonetheless this was an issue affecting the whole of the county. They therefore felt it would be worthwhile setting up a topic group to:

- examine the proposals in the DEFRA consultation and draw up a suggested response for the Director of Community Information and Executive Member to consider
- investigate the possibility of recommending that fireworks be handled only by trained personnel
- look at the possibility of imposing restrictions to times when fireworks can be used
- consider the Private Members Bill on Control of Fireworks currently being promoted, and whether the Local Government Association should be asked to have 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, due to her close involvement with the Private Members Bill

[4. Subsequent Information:

The Hemel Hempstead HeraldExpress notified its readers that Hertfordshire County Council had debated the issue. This generated one of their largest post-bags and they continue to publish reader's comments on their website. In response to this a joint letter from the Chairman, Vice Chairman and Liberal Democrat Spokesman on the Scrutiny Committee was sent to the paper, welcoming reader's views and informing them that a topic group had been set up to examine the issue in more detail.]

**Jane Hobday
Chairman
County Hall
Hertford**

14 January 2003