

RSPCA Campaign Concerning Fireworks

Final Decision-Maker	Communities, Housing & Environment Committee
Lead Head of Service	John Littlemore Head of Housing & Community Services
Lead Officer and Report Author	John Littlemore
Classification	Public
Wards affected	All

Executive Summary

The Royal Society for the Prevention of Cruelty to Animals (RSPCA) is lobbying local authorities to support its campaign to help reduce the negative impact of loud fireworks on pets and animals. This report provides the basis for the Committee to be able to endorse the approach being promoted by the RSPCA.

Purpose of Report

To consider the Committee's response to the RSPCA campaign with regard to fireworks; to understand the role of a district council in relation to the sale and public displays; and what action (if any) the Committee may choose to take.

This report makes the following recommendations to this Committee:

1. That the Committee agrees the actions set out at Paragraph 3.1 of this report in support of the RSPCA campaign around the use of fireworks.

Timetable

Meeting	Date
Communities, Housing & Environment Committee	1 st December 2020

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1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<ul style="list-style-type: none"> • Safe, Clean and Green • We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council’s overall achievement of its aims as set out in section 3. 	Head of Housing & Community Services
Cross Cutting Objectives	<ul style="list-style-type: none"> • Biodiversity and Environmental Sustainability is respected 	Head of Housing & Community Services
Risk Management	<ul style="list-style-type: none"> • Already covered in the risk of the report’ 	Head of Housing & Community Services
Financial	<ul style="list-style-type: none"> • The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation. 	Head of Housing & Community Services
Staffing	<ul style="list-style-type: none"> • We will deliver the recommendations with our current staffing. 	Head of Housing & Community Services
Legal	<ul style="list-style-type: none"> • The recommendations in the report do not have a direct legal implication. 	Head of Housing & Community Services
Privacy and Data Protection	<ul style="list-style-type: none"> • Accepting the recommendations will not directly impact on the Council’s responsibilities around privacy and data protection. 	Head of Housing & Community Services
Equalities	<ul style="list-style-type: none"> • The recommendations do not propose a change in service therefore will not require an equalities impact assessment 	Head of Housing & Community Services

Public Health	<ul style="list-style-type: none"> We recognise that the recommendations will have a positive impact on population health or that of individuals. 	Head of Housing & Community Services
Crime and Disorder	The recommendation will not have a direct impact on Crime and Disorder.	Head of Housing & Community Services
Procurement	None identified	Head of Housing & Community Services

2. INTRODUCTION AND BACKGROUND

- 2.1 Members have asked the Chair of the Communities, Housing & Environment to prepare a report on the RSPCA's campaign to encourage councils in England to adopt a set of principles around the use of fireworks at public displays.
- 2.2 In particular, the RSPCA campaign suggests that councils adopt the following:
- i. require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people
 - ii. actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks
 - iii. write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays
 - iv. encourage local suppliers of fireworks to stock 'quieter' fireworks for public display.
- 2.3 The full RSPCA document can be found at Appendix 1 attached to this report.
- 2.4 The campaign literature acknowledges that there is a gap in the current regulations to achieve all their aims and this will require parliament to agree to either amending or introducing new legislation. The campaign literature does not distinguish between the allocation of roles in a two-tier area such as Kent, which means that not all of the actions suggested can be implemented by Maidstone Borough Council.

2.5 The sale and use of fireworks is regulated by national legislation (see: <https://www.gov.uk/fireworks-the-law>) and it is Kent County Council's Trading Standards who regulate the supply and sale of fireworks. Government guidance states:

"The law says you must not set off or throw fireworks (including sparklers) in the street or other public places.

You must not set off fireworks between 11pm and 7am, except for:

- *Bonfire Night, when the cut off is midnight*
- *New Year's Eve, Diwali and Chinese New Year, when the cut off is 1am"*

2.6 The RSPCA leaflet advises that while fireworks "can bring much enjoyment to some people, they can cause significant problems and fear for other people and animals. They can be a source of fear and distress for many animals (including pet animals, farm livestock and wildlife). Animals affected not only suffer psychological distress but can also cause themselves injuries – sometimes very serious ones – as they attempt to run away or hide from the noise."

2.7 The Council has a role in receiving applications for Temporary Event Notices and consideration of granting licenses in respect of premises carrying out certain functions, such as the sale of alcohol. There is no historical pattern to suggest that the Council receives a significant number of notifications for TENS or events that include the use of fireworks. Nor have there been objections raised by the responsible authorities that relate directly to the use of fireworks.

2.8 When considering imposing conditions on a licence, the licensing authority must ensure that the conditions are relevant, necessary, and proportionate. The licensing authority must also have regard to the principle that conditions should relate to the individual application. Imposing blanket conditions around fireworks would therefore be open to challenge, as there is no evidential basis for doing so in Maidstone;

2.9 The purpose of the Safety Advisory Group (SAG) is to enable a range of experts from various fields to be brought together in order to advise event organisers on planning for and delivering a safe environment for those attending and providing events. The SAG does not have a regulatory role in granting or refusing events from going ahead. Advice would be given about the use of fireworks if that were relevant to the event and this could extend to encouraging event organisers to use quieter fireworks, however, this could not be imposed through the SAG.

2.10 Currently the Council does not expressly impose restrictions around the use of fireworks on its land, including those spaces that it hires for functions or events. Each application is considered on its merits having taken advice from the relevant internal services such as Parks & Open Spaces. Any amendment to the existing approach may need to be considered by the Economic Regeneration and Leisure Committee, which could be made by a reference from this Committee.

3. AVAILABLE OPTIONS

3.1 In line with the RSPCA campaign the Committee could agree to:

- i. Encourage providers of public firework displays, notified through the Council's SAG process, to be advertised in advance of the event; allowing residents to take precautions for their animals and vulnerable people
- ii. Promote a public awareness campaign at relevant points in the year about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks
- iii. Write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays

3.2 Alternatively, the Committee could decide to do nothing in relation to this topic.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The preferred option is 3.1, which would enable the Council to undertake both raising awareness of the concerns expressed about the distress caused to animals and vulnerable people; and encouraging responsible use of fireworks in order that people may continue to enjoy public displays.

5. RISK

5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

6. REPORT APPENDICES

Appendix 1. RSPCA Campaign document