



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

COUNCIL

21st OCTOBER 2020

FIREWORKS – NOTICE OF MOTION

REPORT OF THE SERVICE DIRECTOR DEMOCRATIC SERVICES & COMMUNICATIONS

1. PURPOSE OF THE REPORT

- 1.1 To provide Members with an update in respect of the Notice of Motion considered by the Council at its meeting on the 27th November 2019 and the RSPCA campaign calling for greater controls.

2. RECOMMENDATIONS

It is recommended that Members:

- 2.1 Note the recommendations of the Director of Public Health, Protection and Community Services in conjunction with the relevant portfolio holder, as set out in the attached Cabinet report (Appendix 1); and
- 2.2 Note the outcome of the decision taken by Cabinet at its meeting on the 13th October, following consideration of the recommendations.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To provide an update on the Notice of Motion that was previously considered and adopted by Council.

4. BACKGROUND

- 4.1 On the 27th November 2019, Council considered the following Notice of Motion which requested an Officer report for consideration by Cabinet, outlining how this local authority may support the RSCPA Campaign. It also called for the Council to write to the Welsh Government, urging them to utilise any levers at their disposal to mitigate any negative impacts on animals and vulnerable people of the hosting of fireworks displays:-

The following Notice of Motion standing in the names of County Borough Councillors S. Rees, J. Bonetto, L. M. Adams, D. R. Bevan, H Boggis, S. Bradwick, J Brencher, A Calvert, G. Caple, A. Crimmings, A. Davies-

Jones, L De- Vet, J Elliott, S.Evans, G. Jones, M Fidler Jones, M. Forey, A. Fox, E. George, M. Griffiths, J. Harries G. Holmes, G. Hopkins, G. W. Hughes, R. Lewis, W Lewis, C. Leyshon, A. Morgan, S. Morgans, M. A. Norris, D. Owen-Jones, S Pickering, S. Powell, S. Powderhill, A. Roberts, J. Rosser, G Stacey, M Tegg, G Thomas, W Treeby, R K Turner, M. Webber, D. Williams, T. Williams, C. J. Willis and R. Yeo

“The use of fireworks has long been a tradition in our communities to celebrate events such as Bonfire Night and the New Year. The impact of Fire Works is increasingly a concern to residents who either own pets or to Armed Forces personnel suffering with PTSD.

RSPCA Cymru have launched a campaign to increase public awareness and reduce the potential for injury or distress to animals by proposing the adoption of a policy for the responsible sale of fireworks, including the potential for silent fireworks, which would achieve a compromise between allowing our communities to celebrate key events, while ensuring that these celebrations are conducted in a sensitive and respectful manner.

The Council therefore requests an Officer report for consideration by Cabinet, which outlines how this local authority may support the RSCPA Campaign by:

- Considering a requirement for 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.

- Consider the development of 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.

- Consider encouraging local suppliers of fireworks to retail ‘quieter’ fireworks only for public display.

This Council also resolves to write to the Welsh Government, urging them to utilise any levers at their disposal to mitigate any negative impacts on animals and vulnerable people of the hosting of fireworks displays.

This Council notes the strong commitment already shown by the authority towards animal welfare through its support for the Lucy’s Law campaign and to our Armed Forces community through the Armed Forces Covenant, with a cinema screening for veterans with PTSD recently being held at the Park and Dare Theatre on Bonfire Night.

This Council notes the lead taken by the Nos Galan Committee, which has already agreed to review its use of fireworks for the 2020/2021 event”

4.2 At the meeting and in accordance with Council Procedure Rule 10.4.1 the proposed amendment to the Notice of Motion was not adopted and therefore the notice of motion was agreed as originally submitted (see point 4.1)

4.3 In accordance with the requirements of the Notice of Motion an officer report was considered by Cabinet at its meeting held on the 13th October 2020 and the outcome is attached in the Cabinet Decision Notice and set out below.

4.4 Cabinet agreed:-

i) To note the existing controls available in UK Law to control the sale of fireworks and their use in public areas;

ii) That the Director of Corporate Estates reviews and where necessary imposes greater restrictions on the use of Council land for the purpose of public firework displays; and

iii) To support a promotional campaign for 2021 (coronavirus restrictions permitting) that encourages responsible use of fireworks and the early notification to the public of planned events in the community.

4.5 It is proposed that Council will be informed of any developments to arise from the agreed actions via a report from the Service Director Democratic Services & Communications.

5. CONSULTATION

5.1 There are no consultation implications arising from this report

6. EQUALITY AND DIVERSITY IMPLICATIONS

6.1 An Equality Impact Assessment is not needed because the contents of the report are for information purposes only.

7. FINANCIAL IMPLICATIONS

7.1 There are no financial implications aligned to this report.

8. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED.

8.1 There are no legal implications aligned to this report.

9. LINKS TO THE COUNCILS CORPORATE PLAN / OTHER CORPORATE PRIORITIES.

9.1 The Notice of Motion is linked with the Well Being of Future Generations (Wales) Act, helping to create a resilient Wales and a Wales of cohesive communities and creating neighbourhoods where people are proud to live and work.

10. CONCLUSION

- 10.1 Members have been provided with an update in respect of the Notice of Motion considered at Council on the 27th November 2019 and the subsequent actions to have arisen from the recommendations. The reporting mechanism strengthens the process of providing Council with clear outcomes as a result of their Notice of Motion.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

COUNCIL

21st OCTOBER 2020

**REPORT OF THE SERVICE DIRECTOR DEMOCRATIC SERVICES &
COMMUNICATIONS**

Item: Notice of Motion -Fireworks

Background Papers

- Council –[27th November 2019](#)

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

13TH OCTOBER 2020

RESPONSE TO NOTICE OF MOTION – FIREWORKS

**REPORT OF DIRECTOR - PUBLIC HEALTH, PROTECTION AND
COMMUNITY SERVICES IN DISCUSSION WITH THE RELEVANT
PORTFOLIO HOLDER, CLLR RHYS LEWIS**

Authors: Rhian Hope, Health Protection and Licensing Manager
Louise Davies, Service Director - Public Protection Services

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to outline the current legal controls on the sale and use of fireworks and consider how the Local Authority may further support the Notice of Motion made to Council on the 27th November 2019 (Appendix 1) and the RSPCA campaign calling for greater controls.

2. RECOMMENDATIONS

It is recommended that the Cabinet:

- 2.1 Note the existing controls available in UK Law to control the sale of fireworks and their use in public areas.
- 2.2 Require the Director of Corporate Estates to review and where necessary impose greater restrictions on the use of Council land for the purpose of public firework displays.
- 2.3 Support a promotional campaign for 2021 (coronavirus restrictions permitting) that encourages responsible use of fireworks and the early notification to the public of planned events in the community.

3. REASONS FOR RECOMMENDATIONS

- 3.1 There are a range of stringent legal controls in place to restrict the sale of fireworks and their use in public areas. Further controls to restrict the use of fireworks on Council owned and managed land or at Council events will provide additional safeguards for animals and vulnerable groups.

4. BACKGROUND

- 4.1 At the Council meeting on the 27th November, the following Notice of Motion was accepted and an Officer report was required in response for consideration by Cabinet:

“The use of fireworks has long been a tradition in our communities to celebrate events such as Bonfire Night and the New Year. The impact of Fire Works is increasingly a concern to residents, those who have Autism, those who own pets or to Armed Forces personnel suffering with PTSD for example.

RSPCA Cymru have launched a campaign to increase public awareness and reduce the potential for injury or distress to animals by proposing the adoption of a policy for the responsible sale of fireworks, including the potential for silent fireworks, which would achieve a compromise between allowing our communities to celebrate key events, while ensuring that these celebrations are conducted in a sensitive and respectful manner.

The Council therefore requests an Officer report for consideration by Cabinet, which outlines how this local authority may support the RSPCA Campaign by:

- Considering a requirement for 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*
- Consider the development of 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.*
- Consider encouraging local suppliers of fireworks to retail ‘quieter’ fireworks only for public display.*

5. THE FIREWORK PERIOD AND THE ROLE OF OFFICERS

- 5.1 The Explosive Regulations 2014 provides the legal framework to control the sale and storage of fireworks at retail and other premises. Environmental Health Officers (EHO's) of the Public Protection Service inspect retail premises and other types of business on receipt of an application from a trader to store and sell fireworks. The officer will need to be satisfied that the business has complied with a number of legal and statutory guidance requirements before a licence is issued under the Explosive Regulations 2014. The Health and Safety at Work etc Act 1974 can also apply to the organisation, management and delivery of public firework displays and these requirements are also within the remit of the Public Protection Service to enforce.

5.2 There are no legal controls on when the public can use fireworks, however fireworks can only be sold to the public during prescribed periods:

- 5th November (15th October – 10th November);
- New Year's Eve (December 26th – 31st December);
- Chinese New Year (the day of Chinese New Year and 3 days immediately before);
- Diwali (the day of Diwali and 3 days immediately before).

5.3 There are a total of 32 premises, including large and small retailers that are licensed to sell fireworks within the County Borough. 12 licences were processed and renewed during the period from April 2019 to November 2019. The EHO's will also investigate any complaints that are made of illegal sale of fireworks and take enforcement action where the complaint is substantiated. Two traders have been prosecuted in the past two years for failure to comply with the storage of firework requirements.

5.4 The EHO's are also members of the authority's Event Safety Advisory Group (ESAG) that provides advice and support to organisations that want to arrange firework displays and other public events throughout the year. The ESAG also hold debrief meetings after large events and undertake a lesson learnt session.

5.5 Fireworks that are sold within retail premises must conform to various British Standards and these include provision to control the noise (decibel) level associated with their discharge. The product standards and safety are regulated by the Public Protection Service Trading Standards Team, who also ensure robust controls are in place to prevent underage sale of fireworks.

6. CURRENT POSITION

Legal Controls

6.1 The legal controls which regulate the storage, sale, safety and public use of fireworks are based in UK legislation and these matters (Trading Standards and Health and Safety Laws) are not devolved to Welsh Government. A Select Committee has made recommendations to UK Government requesting strengthened controls on firework use and the response of the Government is awaited.

<https://publications.parliament.uk/pa/cm201920/cmselect/cmpetitions/103/103.pdf>

Council Land and Controlled Events

6.2 The Council has the ability to control the activities held on land in its control. The ESAG have devised a form for applicants who are considering holding a large, public firework display within RCT. Within that form they require information about where the event is being advertised. This will then enable:

- The public to know where the event is being held;
- Allow people with animals or vulnerable people, for example those with PTSD to be aware and to take the steps they require necessary for their wellbeing in advance of the event.

6.3 In addition to controls through ESAG, the Council has a number of controls in place to control the activities permitted to be undertaken on land owned and controlled by the Council. In addition to the permissions granted on licence agreements, the Director of Corporate Estates will ensure that consideration is given going forward to applying restrictions on the use of land for firework displays, where appropriate and in the public interest. Cabinet will wish to note the lead taken by the Nos Galan Committee, which has already agreed to review its use of fireworks for the future event.

7. EQUALITY AND DIVERSITY IMPLICATIONS

7.1 There are no equality and diversity implications in the contents of the report.

8. CONSULTATION

8.1 There are no consultation implications arising from this report.

9. FINANCIAL IMPLICATION(S)

9.1 There are no financial implications arising from this report.

10. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

10.1 The restrictions set out in the Fireworks Act 2003, the Fireworks Regulations 2004 and the Pyrotechnic Articles (Safety) Regulations 2015 provide the regulatory framework that seeks to support the public's enjoyment of fireworks while effectively managing the risk of fireworks harming individuals, property or animals.

11. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT.

11.1 Due regard has been made to the five ways of working, as contained within the Wellbeing of Future Generations (Wales) Act 2015, when preparing this report. In particular, it identifies with three of the five ways of working. **Collaboration Involvement & Prevention.**

11.2 The author has **collaborated** with colleagues within our own authority to establish current working practices and identifying improvement areas. Discussion and **involvement** with colleagues has identified improvement with existing work practices that will enable more information being available to the public. By making simple changes to already established processes may **prevent** / reduce the impact of the fireworks on the residents whilst allowing others to enjoy the occasion.

12. CONCLUSION

12.1 There are a range of controls in law regarding the use, storage and safety of fireworks and these are regulated by the Public Protection Service. Controls already exist over the use of Council owned and controlled land and further enhancements to those controls will mitigate the impact of fireworks on vulnerable people in the community.



LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

13th OCTOBER 2020

**REPORT OF DIRECTOR - PUBLIC HEALTH, PROTECTION AND
COMMUNITY SERVICES IN DISCUSSIONS WITH THE RELEVANT
PORTFOLIO HOLDER, CLLR RHYS LEWIS**

RESPONSE TO NOTICE OF MOTION - FIREWORKS

Background Papers:

Reference to Council Minute 27/11/2019

Officer to contact: Louise Davies Service Director Public Protection Services



RHONDDA CYNON TAF COUNCIL

RECORD OF DECISIONS OF THE EXECUTIVE

DECISION MADE BY: Cabinet DATE DECISION MADE: 13 October, 2020

Cabinet Members Present:

Councillor M Webber (Chair), Councillor R Bevan, Councillor A Crimmings,
Councillor M Norris, Councillor J Rosser, Councillor C Leyshon and
Councillor G Hopkins

Apologies for Absence:

Councillor A Morgan and Councillor R Lewis

Other Councillor(s) in Attendance:-

Councillor P Jarman

Agenda Item : 3

SUBJECT: Response to Notice of Motion - Fireworks

1. DECISION MADE:

Agreed –

1. To note the existing controls available in UK Law to control the sale of fireworks and their use in public areas;
2. That the Director of Corporate Estates reviews and where necessary imposes greater restrictions on the use of Council land for the purpose of public firework displays; and
3. To support a promotional campaign for 2021 (coronavirus restrictions permitting) that encourages responsible use of fireworks and the early notification to the public of planned events in the community.

2. REASON FOR THE DECISION BEING MADE:

The need to outline the current legal controls on the sale and use of fireworks and consider how the Local Authority may further support the Notice of Motion made to Council on the 27th November 2019 and the RSPCA campaign calling for greater controls.

3. LINKS TO CORPORATE PRIORITIES/FUTURE GENERATIONS - SUSTAINABLE DEVELOPMENT:

Due regard has been made to the five ways of working, as contained within the Wellbeing of Future Generations (Wales) Act 2015, when preparing this report. In particular, it identifies with three of the five ways of working. Collaboration Involvement & Prevention.

4. CONSULTATION UNDERTAKEN PRIOR TO DECISION BEING MADE:

None

5. PREVIOUS CONSIDERATION BY A COMMITTEE OF THE COUNCIL:

None

6. PERSONAL INTERESTS DECLARED:

None

7. DISPENSATION TO SPEAK (AS GRANTED BY STANDARDS COMMITTEE):

N/A

8. (a) IS THE DECISION SUBJECT TO CALL-IN BY THE OVERVIEW AND SCRUTINY COMMITTEE:

No

8.(b) IF NO, REASONS WHY IN THE OPINION OF THE DECISION-MAKER THE DECISION IS EXEMPT OR NON APPLICABLE:

I. COUNCIL / SCRUTINY FUNCTION (CALL IN IS THEREFORE NON APPLICABLE):-

Reason:

The report will be presented to Council at its meeting on 21st October 2020.

II. URGENT DECISION:-

Reason N/A

8.(c) IF DEEMED URGENT - SIGNATURE OF PRESIDING MEMBER OR DEPUTY PRESIDING MEMBER OR HEAD OF PAID SERVICE CONFIRMING AGREEMENT THAT THE PROPOSED DECISION IS REASONABLE IN ALL THE CIRCUMSTANCES FOR IT BEING TREATED AS A MATTER OF URGENCY, IN ACCORDANCE WITH THE OVERVIEW AND SCRUTINY PROCEDURE RULE 17.2:

.....
(PRESIDING MEMBER)

.....
(Dated)

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PUBLICATION

Publication on the Councils Website:- **Tuesday, 13 October 2020**

APPROVED FOR PUBLICATION: ✓