

## **EAST AYRSHIRE COUNCIL**

### **COMMUNITY SERVICES COMMITTEE – 2<sup>ND</sup> APRIL 2003**

#### **SALE AND MISUSE OF FIREWORKS**

##### **Report by Director of Community Services**

### **1. PURPOSE OF REPORT**

- 1.1 To update the Community Services Committee of legislative and other developments relating to the control and sale of fireworks.

### **2. BACKGROUND**

- 2.1 Previous reports to the Committee have outlined the challenges faced by Trading Standards/Licensing Officers and Police in enforcing the current legislation relating to the sale and storage of fireworks. Current legislation addresses the issues of the safety and storage of fireworks as well as the restriction on the supply of Category 4 fireworks and the prohibition on the supply of any fireworks that do not conform to BS7114.
- 2.2 Improper storage and sale of fireworks to underage persons within East Ayrshire is not recognised as a problematic issue. Trading Standards Officers and Police routinely visit all registered premises in October to advise traders of their responsibilities in respect of storage and sale of fireworks.
- 2.3 In practice, children who are found in possession of fireworks have been supplied with the products by older friends or relatives who have been entitled to purchase them, in accordance with the law.
- 2.4 Air bombs have become a particular nuisance in recent years. Air bombs are in effect very loud bangers. Although the sale of bangers is proscribed, air bombs are classified under BS7114 as roman candles and therefore can be sold legitimately.
- 2.5 Elected Members and Council Officials have received numerous complaints about the misuse of fireworks including the nuisance caused by very loud fireworks being set off at all hours of the days e.g. 2 am and over an extended period far in excess of those limits agreed under the Voluntary Code of Practice.
- 2.6 Mr Bill Tynan, the MP for Hamilton South, who was drawn third in the ballot for Private Members Bills agreed, in response to a call from COSLA, to introduce a Bill providing further controls on fireworks.

### **3. DISCUSSION**

- 3.1 The first reading of Mr Tynan's Fireworks Bill was held on 10 December 2002. Mr Tynan then held a series of meetings with representatives of COSLA and other groups assisting him in the progress of the Bill and the COSLA Fireworks Task

Group report played a significant part in the formulation of his proposals. The Bill was given a second reading on 28 February 2003 when it was passed unanimously. The Bill will now move on to the committee stage for further deliberation.

3.2 The current proposals are for an “enabling” Act which would permit the Secretary of State to introduce regulations to:

- a) minimise the risk of death, injury, alarm, distress etc. to persons or animals and/or the destruction of or damage to property
- b) apply further age restrictions on the supply of fireworks
- c) to prohibit the purchase, possession or use of fireworks in certain circumstances
- d) prohibit the supply of certain types of fireworks or the purchase or possession by persons of a specified description
- e) regulate public fireworks displays
- f) introduce a licensing system (possibly two tier) for fireworks suppliers
- g) introduce mandatory training for persons running fireworks displays

3.3 Assuming the Bill completes its passage through Parliament, it is hoped that it would receive the Royal Assent around September. Thereafter Regulations will have to be introduced.

3.4 Consequential upon a meeting between COSLA representatives and officials from the Department of Trade and Industry and the British Fireworks Association, the industry have now agreed to:

- voluntarily withdraw Air Bombs from the market and this, allied to a number of commercial measures, will remove 13 million firework explosions per annum from the environment
- adopt guidance of fireworks noise levels which will effectively reduce noise levels emanating from fireworks to a proposed European standard
- redrafting the voluntary code for fireworks
- the adoption of statutory controls in the form of a licensing regime regulating the supply of fireworks, including restrictions introducing time periods when fireworks are available for sale
- the introduction of training for display fireworks operators; and
- support the introduction of audit controls for imported fireworks from point of entry to the UK to point of sale.

3.5 As can be seen there has been considerable activity and substantial progress in the implementation of the COSLA Fireworks Task Group proposals, at least in as much as they pertain to the legitimate storage, sale and supply of fireworks. However, the voluntary agreement outlined above is unlikely to be respected by unlicensed traders and illegal importers including mail order and Internet traders.

## **4. FINANCIAL IMPLICATIONS**

4.1 Nil.

## **5. LEGAL IMPLICATIONS**

5.1 It would fall to East Ayrshire Council's Trading Standards Service to enforce any further regulations made under the proposed Fireworks Act.

## **6. POLICY IMPLICATIONS**

6.1 Nil.

## **7. CONCLUSIONS**

7.1 A Private Members Bill promoted by Bill Tynan, MP for Hamilton South, which aims to minimise the nuisance caused by misuse of fireworks, is currently passing through Parliament. The Bill has received its second reading and is now at committee stage. It is anticipated that if the Bill successfully completes its passage through the Parliamentary process it should receive Royal Assent around September 2003.

7.2 The Act would enable the Secretary of State to make further regulations relating to the sale, purchase, possession and use of fireworks in general or certain categories of fireworks by persons or certain categories of persons.

7.3 The fireworks industry has agreed to certain voluntary measures including withdrawal of air bombs from sale. These voluntary measures are unlikely to receive the support of those engaged in the unlicensed black market for fireworks, which includes Internet and mail order sales.

## **8. RECOMMENDATIONS**

8.1 It is recommended that the Committee:-

- (i) Remit to the Director of Community Services in consultation with the Chair to write to local MPs to seek their support for the Fireworks Bill; and
- (ii) Otherwise note this report.

William Stafford  
Director of Community Services

WS/JD/JM

19<sup>th</sup> March 2003

### **LIST OF BACKGROUND PAPERS**

1. Fireworks Bill with associated fireworks notes.

Any person wishing to inspect the background papers above should telephone 01563 576111 and speak to John Crawford, Head of Protective Services.

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