



URN: 22-136
Subject: Low Noise Fireworks
Report to: Environment Committee 7th March 2023
Report by: James Wilson - Head of Environment and Sustainability

SUBJECT MATTER

This report seeks to advise members on the impacts of the use of loud noise fireworks within the Borough and the options available to them around the future use of low noise fireworks on Council land and the wider Borough.

RECOMMENDATION

That Committee agree for officers to undertake the following actions to encourage the use of low noise fireworks throughout the Borough:

- a) Encourage public firework displays within the local authority boundary to be advertised in advance of the event allowing residents to take precautions for their animals and vulnerable people.
 - To encourage public firework displays within the local authority boundary to consider using low noise fireworks through updated guidance and direct communication.
 - To actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people.
 - To encourage local suppliers of fireworks to stock low noise fireworks for public and private displays.

1. Background

- 1.1. In 2021 a motion was presented at Council in relation to the introduction of a policy around the use of low noise fireworks on Council owned land in the Borough, this was defeated, since then the matter has been raised a number of times at Environment Committee and therefore officers have been asked to pull together this report.
- 1.2. Fireworks are generally associated with Bonfire night on 5th November, New Year's Eve celebration and Chinese New Year.

- 1.3. The current legislation around fireworks permits their use all year round before 11pm apart from on Bonfire night where the curfew is midnight, New Year's Eve, Diwali and Chinese New Year where the curfew is 1am the following day.
- 1.4. Due to the availability of fireworks and lack of regulation around their use they are often used by the public all year round to mark celebrations with Great Yarmouth and Hemsby having multiple displays on the beach over the summer holiday season.
- 1.5. It has been well documented in the media over recent years about the impact that these displays can have on animals and vulnerable people. As such many groups have been calling for the banning of fireworks that make excessive noise and a number of Councils across the country have either introduced a policy or guidance for low noise firework displays held on their land or organised by the Council.
- 1.6. Low noise fireworks and silent fireworks are now widely available however the public are still able to purchase fireworks from several outlets many of which are only offering for sale noisy fireworks.

2. Impact of loud noise fireworks

- 2.1. Loud noise from fireworks can have an adverse effect on the welfare of vulnerable people and animals:
 - Children and adults with sensory processing disorders or who are on the autistic spectrum can have hyper sensitivities to sound, light, touch, taste, smell and pain which stimulate anxiety and feelings of being overwhelmed or confused. These feelings are also common for people with conditions that affect the brain or nervous system such as Dementia.
 - People with hearing conditions such as Hyperacusis which can cause a difficulty in tolerance and volume of sounds that would not be considered loud by individuals with normal hearing.
 - People with Post Traumatic Stress Disorder (PTSD) may have difficulties with loud sounds such as an exaggerated startle response, fear of sound (Phonophobia) or aversion to specific sounds (Misophonia), which may trigger flashbacks or panic attacks.
 - People with respiratory conditions such as Asthma, COPD and Lung Disease may also experience adverse impacts of the air pollutants and particulate matter expelled by fireworks, though air quality degradation is short-term.
 - Significant fear and distress can be caused to all animals due to the sudden noise as detailed in RSPCA 'Bang out of order campaign'

3 Current Firework displays in the Borough

- 3.1 Throughout the year there are several fireworks displays within the Borough, these are not just around the traditional times of new year and bonfire night, there are a significant number of displays held regularly during the summer tourist season.

- 3.2 Great Yarmouth has for the past few seasons had fireworks around the beach every Wednesday evening throughout August, these are well publicised and attend by the public during the holiday season.
- 3.3 Hemsby has also traditionally held a firework display throughout the summer holiday season, normally on a Tuesday evening. Again, these are publicised well in advance and well attended.
- 3.4 Several villages hold the traditional bonfire night displays on or around 4th November. There are not any large New Year's Eve displays, although there will be smaller displays around this time of year from people's garden, private parties, and hotels.

4 Use of Low noise fireworks

- 4.1 Several Councils across the country have banned the use of loud fireworks on their own land or in any display they are involved in organising, however the enforcement of such a ban would require significant officer input and it would be very difficult to prove low noise fireworks are being used or not.
- 4.2 Also, a significant amount of the larger display in the Borough are not held on Council land and a ban would not stop the use of loud noise fireworks during these displays.
- 4.3 Alternatively, several Councils have decided to provide guidance and encouraging any firework displays in their areas to use low noise fireworks where possible and to promote their use wherever possible. This is significantly less onerous and does not require any officer intervention other than providing accurate guidance for events being planned and a regular communications plan on the issue.
- 4.4 It is proposed that the Council updates its guidance to firework event organisers and promote the use of low noise fireworks. This allows us to highlight the benefits of using low noise fireworks without any significant officer resource involved in checking compliance that would come with a complete ban on Council land.
- 4.5 This advice would be sent out through an update of the website guidance for event organisers and direct communication with the organisers of the known displays taking place in the Borough.

5 Promotion of public displays

- 5.1 Early publicity and notification of a public firework displays can help awareness of specific events which could impact on vulnerable residents or animals and is seen as good practice for publicising the event, event safety management and ensuring all who might be impacted by the display know it is taking place.
- 5.2 This is only something the Council could advise organisers on, as there are no specific enforcement powers in relation to publicising an event including fireworks.
- 5.3 Holding a firework display is not a licensable activity under the Licensing Act 2003, therefore we do not technically licence these events. If the sale of alcohol is part of the event this will require a licence, but conditions cannot be imposed regarding the fireworks event itself, purely the sale of alcohol. However, we can provide an advice on advertising events as part of the licensing process (Temporary Event Notices or Premise licences).

- 5.4 Some licenced premises and events however do include a pyrotechnic display as part of events, in particular weddings and festivals. These are a mix of public and private events. In an application the Environmental Health team may consider fireworks as part of the noise management plan in order for the premise to meet the licensing objective of the Prevention of Public Nuisance.
- 5.5 Should complaints be made concerning fireworks from a premise we can consider the noise as a statutory nuisance. If we are able to establish the noise is a statutory nuisance a notice may be served and this could limit the number of times a year fireworks are used, time of day and length of display are also controllable. We would expect a premise holding a display to consider location of any display, this is most likely to have an impact on wildlife (although this cannot be included in any nuisance investigation) as well as ensuring health and safety of those watching; the tendency is to be nearer the boundary of a site which may be closer to residents.
- 5.6 Fireworks displays are by their nature going to cause some degree of noise and disturbance. Public events are generally advertised in order to attract a crowd and are often charitable events the local communities want to support. They are usually held earlier in the evening than the 23.00hrs cut off to encourage families with younger children
- 5.7 The Council will 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

6 Supply of low noise fireworks

- 6.1 The RSPCA and other organisations have asked Councils to encourage local suppliers of fireworks to stock low noise fireworks for public and private display.
- 6.2 The Council will proactively approach all retailers within the Borough to stock low noise fireworks. However, the majority of these suppliers are selling for private events and to individuals as opposed to larger public displays which are often run by professional firework display companies.
- 6.3 These companies would be picked up with the guidance and advice proposed to be targeted at known organisers of public displays within the Borough.
- 6.4 Also, in the past few years there is already a move towards more environmentally friendly products as well as alternative “displays” such as the use of small drones as demonstrated at New Years Eve display in London.

7 Financial Implications

- 7.1 **None**

8 Risk Implications

- 8.1 None

9 Legal Implications

9.1 As mentioned above the enforcement of a ban on the use of loud fireworks would be very difficult to enforce and would require significant officer effort to prove the use of loud fireworks. Also, the only recourse the Council would have would be to ban the operator from using our land again there are currently no other legal routes available to the Council.

10 Conclusion

10.1 Loud fireworks can impact on both animals and vulnerable people in the Borough. The Council has the ability to influence those people organising events within the Borough to do what they can to minimise the impacts of their displays on the wider community.

10.2 Although the Council does not receive a significant number of complaints in relation to fireworks we are often lobbied by the RSPCA and other organisations to do what we can to influence those running displays to reduce the noise impact of the fireworks used.

10.3 Therefore, it is proposed the Council take the actions highlighted in the recommendations to do what it can to reduce the impact of fireworks on animals and the vulnerable people.

Background Papers

[RSPCA bang out of order](#)

Area for consideration	Comment
Monitoring Officer Consultation:	None
Section 151 Officer Consultation:	None
Existing Council Policies:	Banning of Chinese lanterns and balloon releases.
Financial Implications (including VAT and tax):	None
Legal Implications (including human rights):	As above
Risk Implications:	None
Equality Issues/EQIA assessment:	None
Crime & Disorder:	N/A
Every Child Matters:	N/A