

Report to the Tyne and Wear Trading Standards Joint Committee

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Report on Activity around Fireworks in 2015

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Purpose of the report

1. To inform the Committee of the activities of the Trading Standards Services of the five constituent local authorities of Tyne and Wear related to fireworks in the period preceding the 5 November 2015.

Enforcement provisions around fireworks

2. As Councillors will be well aware the legislative provisions made in respect of fireworks are quite complex and involve in their enforcement a wide range of enforcement partners across Tyne and Wear and indeed nationally.
3. The enforcement partners involved with the various legislative provisions related to fireworks include Northumbria Police, Tyne and Wear Fire and Rescue Service and Environmental Health services. Due to the already well organised structure in which all the relevant enforcement partners operate in Tyne and Wear, it is relatively easy for the partner enforcement organisations to work closely together around the enforcement of the legislation related to fireworks.
4. The key involvement of other enforcement partners with the various legislative provisions related to fireworks such as Northumbria Police and Tyne and Wear Fire Rescue Service; can be gauged by the key safety messages promoted on the respective websites of these two organisations at www.northumbria.police.uk and www.twfire.gov.uk
5. The main areas of joint working involve the enforcement by the various agencies of the following legislation:
 - **The Pyrotechnic Articles (Safety) Regulations 2015:** Sets out the various safety provisions around the categories of fireworks and the obligations placed on manufacturers, importers and distributors. The Regulations also details the prohibition related to the supply of fireworks to those under the age of 18.
 - **The Explosives Regulations 2014:** Makes it a requirement that anyone wishing to keep fireworks shall register their name with the Tyne and Wear Fire and Rescue Service. The annual registration is on payment of a statutory fee. Officers visit premises seeking registration to ensure full compliance with the strict requirements around storage of fireworks.

- **The Fireworks Regulations 2004:** Various provisions of the Fireworks Regulations are enforced by Trading Standards Officers, Police Officers and Environmental Health Officers:
 - i) Police Officers: Enforce the provisions that prohibit any person under 18 possessing an adult firework (excluding ‘throw-downs’) in a public place
 - ii) Environmental Health Officers: Enforce the provisions that prohibit the use of fireworks during a period beginning at 11pm and ending at 7am the following day, subject to certain exemptions related to “permitted fireworks nights” including the 5 November and Chinese New Year
 - iii) Trading Standards Officers: Enforce the provisions that relate to the display of statutory notices, when retailers supply fireworks.

Enforcement Activities:

6. Across Tyne and Wear the Trading Standards Services have worked closely in partnership with Northumbria Police and the Tyne and Wear Fire and Rescue Service. Joint visits have been conducted to known retailers of fireworks.
7. Business owners have been reminded of their obligations in respect of the law relating to the sale of fireworks and guidance materials have been issued to support businesses. Materials provided include written guidance that retailers can follow to prevent underage sales from occurring, refusals registers and training records that can be used when delivering training to staff.
8. Officers have also examined stocks of fireworks in retail premises to ensure compliance with relevant standards. At present fireworks must be marked with either the ‘CE’ Mark or the British Standard 7114.
9. Newcastle Trading Standards have received one allegation of an unsafe firework which is presently under investigation.
10. A number of authorities have been involved in wider “Darker Nights” campaigns normally arranged through local Crime and Disorder Reduction Partnerships. This multi-agency approach aims to reduce disorder and anti-social behaviour as the nights turn darker and particularly in the run up to bonfire night.

Test Purchasing Summary:

11. As Councillors will be well aware Trading Standards Services continue to carry out a range of test purchasing exercises with the assistance of child volunteers. These involve checks mainly for alcohol and cigarettes but obviously leading up to the 5 November, officers do endeavour to carry out test purchasing exercises for fireworks. In line with the Better Regulation Delivery Office Code of Practice on Test Purchasing, all test purchases are conducted using an intelligence led approach.

12. Allegations of sales of fireworks to those under 18 has decreased significantly over recent years which may be due to fewer premises retailing fireworks but also as a result of the significant amount of advisory and educational work carried out by the Trading Standards Services over a number of years. As a consequence the number of test purchases has reduced, however it is pleasing to note that of the 10 attempts made no sales were noted.

Conclusions

- a) It is apparent that the numbers of premises registering with the Tyne and Wear Fire and Rescue service to sell fireworks continues to fall away year on year.
- b) It is really encouraging that retailers across Tyne and Wear are abiding by the restrictions around selling fireworks to those under 18 with a failure rate on the test purchasing exercises conducted this year of Zero.
- c) Notwithstanding this very positive and encouraging outcome officers will ensure that in conducting future operations in 2016 and beyond, the work that we conduct with the support of Councillors, continues and both ourselves and retailers do not become complacent in respect of the overall safety and abuse associated with fireworks.
- d) Officers also would reinforce the message that individuals who set themselves up on our residential estates to sell a range of illegal products, including fireworks, alcohol and cigarettes and often to those underage; should not be tolerated by their neighbours and as a result their activities should be reported to the enforcement authorities, so that action can be taken against them to stop their activities.

Recommendation

13. The Committee is asked to note the content of the report.