

Report to the Tyne and Wear Trading Standards Joint Committee

24 November 2016

Report on Activity around Fireworks in 2016

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Purpose of the report

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 2016.

Enforcement provisions around fireworks

1. As Members 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.
2. 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.
3. 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 relating 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:
 - Police Officers: Enforce the provisions that prohibit any person under 18 possessing an adult firework (excluding 'throw-downs') in a public place

- 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
- Trading Standards Officers: Enforce the provisions that relate to the display of statutory notices, when retailers supply fireworks.

Enforcement Activities:

4. 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.
5. 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, training records that can be used when delivering training to staff and copies of the statutory notice required to be displayed by businesses selling fireworks.
6. 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. It is worth noting that the British Standard has been withdrawn and that with effect from July 2017 it will be illegal to sell fireworks labelled as complying with BS7114.
7. 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.
8. In addition to participation in the annual ‘Darker Nights Campaign’ officers in South Tyneside responded to intelligence regarding two individuals who were selling fireworks from their home addresses via Facebook. A joint visit was undertaken with Tyne and Wear Fire and Rescue Service; both sellers were advised about their legal obligations. In terms of safety labelling, the fireworks were found to comply in both cases.
9. The service also examined a quantity of fireworks which had been seized from a local residential address by Northumbria Police. The fireworks were found to be correctly labelled for UK sale and the police officers were signposted to the Fire and Rescue Service for further advice on any storage issues at the address concerned.
10. Officers from Newcastle City Council and the blue light services teamed up to raise awareness of the dangers of illegal bonfires and unofficial firework displays through their Safer Darker Nights campaign. Householders were reminded of the need to properly dispose of household waste in wheelie bins and to not leave bulky waste items on display which can be used to create illegal bonfires.

11. As part of their commitment to the partnership work, the Trading Standards service carried out 11 test purchase visits to shops selling fireworks, pleasingly the child volunteer was refused every attempted sale of fireworks. Officers also carried out a number of joint visits to shops with Fire Safety Officers to ensure that all the licensing, storage and supply of fireworks were being fully complied with. Only a couple of storage issues with fireworks were identified and these were addressed by the Fire Service.
12. In North Tyneside Trading Standards carried out joint visits with the Tyne and Wear Fire and Rescue Service to ensure that the safe storage and sales of fireworks were in place. Retailers were advised of their responsibilities under the relevant legislation.
13. Sunderland Trading Standards had a very productive fireworks season during 2016. A number of joint visits were carried out in conjunction with Northumbria Police and Tyne & Wear Fire Service.
14. Two Primary Authority referrals were made relating to the display of incorrect signage on age restrictions and the misleading description of Category F2 fireworks as "Display Fireworks".
15. Nearly half of retailers visited were stocking fireworks that were labelled to comply with the British Standard for fireworks, BS7114. As mentioned previously this standard has been withdrawn and sale of BS7114 fireworks will be illegal from July 2017. Retailers were advised to dispose of all stock before this date.
16. In Gateshead Officers also carried out joint visits with the Fire and Rescue Service to fireworks retailers providing advice and guidance as well as examining stocks of fireworks to ensure correct safety labelling.
17. A test purchase exercise was undertaken at 6 premises and pleasingly no sales were made.

Conclusions

18. It is apparent that recent years have seen a reduction on the numbers of premises registering with the Tyne and Wear Fire and Rescue Service to sell fireworks.
19. Allegations regarding the sales of fireworks to those under 18 have 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.
20. Where allegations have been made it is really encouraging that retailers across Tyne and Wear are abiding by the restrictions around selling fireworks to those under 18 with all premises subject to test purchase exercises refusing to sell.
21. 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 Members, continues and both ourselves and

retailers do not become complacent in respect of the overall safety and abuse associated with fireworks.

22. 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

23. The Committee is asked to note the information.

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