



## CABINET

**Subject Heading:**

*Policy on the release of sky lanterns, helium balloons and the unauthorised use of fireworks on Council owned or managed land*

**Cabinet Member:**

*Councillor Darvill*

**SLT Lead:**

*Sandy Hamberger – Assistant Director of Policy, Performance & Community*

**Report Author and contact details:**

*Jodie Gutteridge | Corporate Policy & Performance Lead*

*Nick Kingham | Corporate Projects Manager*

**Policy context:**

*Introducing a new policy on banning the release of sky lanterns, the release of helium balloons and the unauthorised use of fireworks on Council owned or managed land in line with the Council's Climate Change Action Plan and ambition to be carbon neutral by 2040 or sooner.*

**Financial summary:**

*The view of the Finance Department is that maintaining and enforcing this policy can be contained within existing resources.*

**Is this a Key Decision?**

*This proposal will have a significant effect on two or more wards*

**When should this matter be reviewed?**

*This policy will be reviewed in four years.*

**Reviewing OSC:**

*Places OSSC*

The subject matter of this report deals with the following Council Objectives

People - Things that matter for residents

Place - A great place to live, work and enjoy **X**

Resources - A well run Council that delivers for People and Place.

## **SUMMARY**

A briefing paper (attached as Appendix A) on a proposal to ban the release of sky lanterns and helium balloons and the unauthorised use of fireworks on Council owned or managed land was considered by Cabinet Members and the Senior Leadership Team in 2022.

Following consideration, it was agreed that officers would look at the options for the implementation and enforcement of a ban and undertake a public consultation with a view to banning these activities where practicable.

It was further agreed to bring a policy proposal to Cabinet (attached as Appendix B).

## **RECOMMENDATIONS**

**This report recommends that:**

1. Cabinet decides, with immediate effect, to adopt the policy banning the release of sky lanterns and the release of helium balloons on Council owned or managed land.
2. Officers, in consultation with the Lead Member, develop a Communications Strategy to educate, influence and support alternative options in order to protect Havering's green heritage and wildlife, in line with the Havering Climate Change Action Plan (HCCAP) and the Council's Local Plan environmental ambitions.
3. Cabinet also agrees to include within the policy a ban on the unauthorised use of fireworks on Council owned or managed land.

## **REPORT DETAIL**

## **EXECUTIVE SUMMARY**

A briefing note on the release of sky lanterns was prepared following a number of representations from local residents. An updated briefing note, which outlines the background, issues and arguments for and against adopting a policy, is attached as Appendix A.

As part of the Council's commitment to listen to the community a consultation was launched on the Council website. This was publicised by the Communications Department via the usual channels.

The consultation closed on 12<sup>th</sup> February 2023. 512 responses were received and the analysis shows that there is overwhelming support for a ban on all items (see table below).

A copy of the analysis is appended to the report (Appendix C). The key findings are:

<b>Question</b>	<b>Yes</b>	<b>No</b>	<b>Not Sure</b>	<b>Not Answered</b>
Should Havering Council ban the release of sky lanterns on Council land?	94% (481)	4% (23)	1% (7)	1% (1)
Should Havering Council ban the release of helium balloons on Council land?	91% (467)	4% (21)	4% (20)	1% (4)
Should Havering Council prohibit unauthorised firework displays on Council land?	89% (454)	6% (33)	4% (22)	1% (3)

Comments from respondents included:

- *They are extremely dangerous and cause untold suffering to wildlife and farm animals.*
- *So dangerous and just end up as litter.*
- *They do look so pretty but we have to be sensible and accept they are too dangerous.*

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- *It should be banned across Havering including on private land and peoples gardens.*
- *Ban their release across Havering.*
- *There should only be official firework displays, fireworks should not be sold to the public.*
- *The Council has more important things to focus on than trying to restrict residents. Once you have your own house in order, you can look at other things.*
- *I say no because they are beautiful yes they may be harmful but stay away to be safe and it might sadden many hearts that love the event and have seen them every year.*
- *I don't see that it will stop their release - people will just release them from domestic sites which may then be more dangerous.*
- *Havering doesn't own the sky.*

### **ISSUE**

The issues are set out in the attached briefing note (Appendix A) and were considered by Cabinet and the Senior Leadership Team in 2022.

In summary of the briefing note the key issues are:

- Risk of harm to animals and wildlife
- Risk of fire
- Increased littering
- Increased use of plastics and bamboo
- Dangers of interference in air space
- Sky lanterns may be mistaken for distress flares
- Encouraging slave labour practices by less reputable manufacturers overseas.

### **BACKGROUND**

The risks and dangers associated with the release of sky lanterns, helium balloons and the unauthorised use of fireworks are becoming more widely known. Although these items are legal to manufacture and sell, there have been increasing calls to ban their sale and use by organisations such as the Royal Society for the Prevention of Cruelty to Animals (RSPCA), the Civil Aviation Authority (CAA), the Local Government Association (LGA) and the National Fire Chiefs Council, among others.

The UK government has, to date, not banned the use of sky lanterns or helium balloons. To date, 188 local councils have banned the use of sky lanterns on their land. Locally, this includes Redbridge and Essex County Council.

### **The Policy**

The policy proforma is attached as Appendix B and includes the principles and commitments set out below.

Havering Council will:

- i. Refuse permissions for the release of sky lanterns from any Council owned or managed land regardless of the purpose for the release.
- ii. Refuse the sale of sky lanterns at any Council event.
- iii. Refuse permissions for the release or permanent fixture of helium balloons from any Council owned or managed land regardless of the purpose for the release.
- iv. Refuse the sale of helium balloons for the purpose of release at any Council event.
- v. Require the Council's 'standard conditions of contract' relating to outdoor events and organised functions on land or property owned and/or managed by Havering Council to prohibit the release of sky lanterns and the release of helium balloons regardless of purpose.
- vi. Prohibit unauthorised firework displays on Council owned or managed land.

## REASONS AND OPTIONS

**Reasons for the decision:**

1. Representations received by the Council from concerned residents.
2. Increased awareness of the risks and dangers posed by sky lanterns, helium balloons and the unauthorised use of fireworks.
3. The need to be clear and consistent about the Council's approach to these matters across all council services.
4. The consultation exercise shows that there is overwhelming support for a ban.
5. The ban would be consistent with the ambitions of Havering Council as set out in the Havering Climate Change Action Plan (HCCAP) and the Local Plan.

**Other options considered:**

1. Do nothing
2. Do not adopt a policy but run an awareness campaign to promote alternative means of celebration
3. Borough wide adoption of a Public Spaces Protection Order (PSPO) in respect of these matters.

## IMPLICATIONS AND RISKS

**Financial implications and risks:**

If a policy were to be adopted, maintaining and enforcing it would need to be considered. The costs of enforcement have not yet been fully established but it is expected that the additional duties can be covered from existing resources.

**Legal implications and risks:**

The Council can insert a standard clause in the licences and hiring terms and conditions and possibly within Council owned properties, the tenancy terms and conditions which sets out that the release of balloons and sky lanterns in Council owned, or managed land and premises is prohibited because they can potentially lead to loss of life, damage to property, risk to wildlife and farm animals, and increase in pressure on the police, fire service and medical emergency services, and that the prohibition is reasonable. There are separate legal processes for the amendments of the above contracts. Where it is not possible to amend existing contractual arrangements, these could be addressed upon renewal or when a new contract is put in place for a lease, license or hire arrangement.

As stated in the report the consultation ended on 12<sup>th</sup> February 2023. The consultation was extensive and approximately 90% of constituents consulted agreed that sky lanterns and helium balloons should be prohibited on council owned land. In line with the case of R v London Borough of Brent ex parte Gunning, four principles must be met in order for there to be a legitimate consultation (*The Gunning Principles*). Members must be satisfied these have been followed. These are: i) the proposals were consulted on at a formative stage (a final decision has not been made or predetermined), ii) sufficient information and reasons have been given for the proposals to enable the consultees to consider them and respond intelligently, iii) adequate time has been allowed for consideration and response for participants, iv) 'conscientious consideration' has been given to the consultation responses before a final decision is made, providing evidence this has been undertaken.

**Human Resources implications and risks:**

If the Council introduces a policy banning the release of sky lanterns, helium balloons and the unauthorised use of fireworks on council owned or managed land, there will be resource implications in terms of people and money to develop, implement, manage and enforce it. However, if a policy is not introduced there could still be resource implications as a result of continued littering, or in response to a sky lantern causing a large fire in the borough.

**Equalities implications and risks:**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

A full EqHIA has been completed for the policy and it has identified that the policy will impact on a number of our residents, but only if they would like to partake in activities on council owned or managed land. Examples of these would be weddings where fireworks are being requested or venue hire for baby showers / gender reveal parties where mass balloon releases may occur. It has been established within the policy for these occasions a standard clause is to be inserted in the licences and hiring terms and conditions which sets out clearly that the release of sky lanterns, the release of helium balloons and any unauthorised firework displays on Council owned or managed land and premises is prohibited and alternative options will be highlighted.

### **Health and Wellbeing Implications and Risks**

The release of sky lanterns, mass balloon releases and unauthorised firework displays causes environmental effect to people's health through pollution the quality of air in Havering. Through the implementation of the policy to ban them will help mitigate the impact these have on peoples' health. This has been identified within the Equality & Health Impact Assessment.

### **Environmental and Climate Change Implications and Risks**

The introduction of a policy to address these matters is consistent with Havering Council's climate ambitions as detailed in the Havering Climate Change Action Plan (HCCAP).

The policy provides an opportunity for the Council to signal to the wider community that it has a resolve to maintain and improve the green heritage of the Borough.

This matter has been considered and discussed at the Green Forum where it was supported.

With climate change already affecting the Borough, the adoption of this policy mitigates the risks of fires during hotter and drier summers.

**BACKGROUND PAPERS**

**Key organisations campaigning for the government and council to ban the release of Sky Lanterns**

<https://www.nationalfirechiefs.org.uk/News//government-joins-nfcc-in-urging-people-not-to-light-sky-lanterns/250773>

<https://www.rspca.org.uk/getinvolved/campaign/endskylitter>

<https://www.rspca.org.uk/adviceandwelfare/litter/chineselanterns>

<https://www.nfuonline.com/assets/33963>

<https://www.nfus.org.uk/news/news/councils-applauded-banning-sky-lanterns>

<https://www.recyclingwasteworld.co.uk/news/fire-chiefs-issue-nationwide-alert-on-chinese-lanterns/88054/>

[https://www.farminguk.com/news/councils-across-uk-urged-to-introduce-ban-on-sky-lanterns\\_47792.html](https://www.farminguk.com/news/councils-across-uk-urged-to-introduce-ban-on-sky-lanterns_47792.html)

<http://publicapps.caa.co.uk/docs/33/CAP736.PDF>

<https://www.countryside-alliance.org/news/2020/4/alliance-warn-against-setting-off-dangerous-sky-la>

<https://www.onegreenplanet.org/animalsandnature/balloon-releases-are-killing-animals/>

<https://www.mcsuk.org/campaigns/dont-let-go-councils>

[https://www.mcsuk.org/downloads/pollution/beachwatch/MCS\\_balloons\\_and\\_chinese\\_lanterns\\_policy.pdf](https://www.mcsuk.org/downloads/pollution/beachwatch/MCS_balloons_and_chinese_lanterns_policy.pdf)

<https://www.countrysideonline.co.uk/care-for-the-countryside/sky-lanterns/>

<https://www.horseandhound.co.uk/news/wales-sky-lantern-ban-643939>

**Other information used to inform this briefing note**



<https://services.parliament.uk/Bills/2017-19/skylanternsprohibition.html>

<http://www.legislation.gov.uk/ukxi/2005/1803/contents/made>

<https://www.tradingstandards.uk/news-policy/news-room/2014/industry-puts-safety-first-with-sky-lantern-code-of-practice> or  
<https://www.nfuonline.com/assets/33963>

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2019-05-20/256216/>  
<https://services.parliament.uk/Bills/2017-9/skylanternsprohibition.html>

[https://hansard.parliament.uk/Commons/2019-03-27/debates/0EAB4869-23CB-4422-9EB1-ABA96E1E4B94/SkyLanterns\(Prohibition\)](https://hansard.parliament.uk/Commons/2019-03-27/debates/0EAB4869-23CB-4422-9EB1-ABA96E1E4B94/SkyLanterns(Prohibition))

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2017-12-04/HL3838/>

<https://services.parliament.uk/Bills/2017-19/skylanternsprohibition.html>

<https://www.nightskylanterns.co.uk/files/sky-lanterns-report-20190403.pdf>

<http://www.bbc.co.uk/news/uk-england-28900374> Regulation EC No 1272/2008 and No 1907/2008

<https://www.bbc.co.uk/news/world-europe-50971250>

<https://metro.co.uk/2020/04/15/fire-chiefs-warn-campaign-light-sky-lanterns-nhs-workers-12557429/>

<https://www.independent.co.uk/news/uk/home-news/sky-lanterns-coronavirus-nhs-support-rspca-fire-legal-wildlife-a9466606.html>

<https://www.express.co.uk/news/uk/1199768/council-ban-sky-lantern-balloon-release-bonfire-night-environment>

<https://www.horseandhound.co.uk/plus/news-plus/calls-for-outright-ban-of-balloon-and-sky-lantern-releases-hh-plus-712727>

Sky Lanterns Prohibition bill: [https://hansard.parliament.uk/commons/2019-03-27/debates/0EAB4869-23CB-4422-9EB1-ABA96E1E4B94/SkyLanterns\(Prohibition\)](https://hansard.parliament.uk/commons/2019-03-27/debates/0EAB4869-23CB-4422-9EB1-ABA96E1E4B94/SkyLanterns(Prohibition))

ADAS report - Sky lanterns and helium balloons: [http://randd.defra.gov.uk/Document.aspx?Document=11133\\_AC0229-DefraWAGReportFinal.pdf](http://randd.defra.gov.uk/Document.aspx?Document=11133_AC0229-DefraWAGReportFinal.pdf)

Trading Standards Institute – Code of Practice  
2014: [https://www.nightskylanterns.co.uk/files/Sky\\_lanterns\\_Industry\\_Code\\_of\\_practice\\_final\\_v1\\_20140108.pdf](https://www.nightskylanterns.co.uk/files/Sky_lanterns_Industry_Code_of_practice_final_v1_20140108.pdf)

Important information on Sky  
Lanterns: <https://www.nightskylanterns.co.uk/files/sky-lanterns-report-20190403.pdf>

Premium Sky Lanterns - Night Sky  
Lanterns®: <https://www.nightskylanterns.co.uk/10-premium-sky-lanterns-white-eco-friendly.php>

Appeal to stop Councils from banning all sky  
lanterns: <https://www.nightskylanterns.co.uk/blog/?appeal-to-stop-councils-from-banning-all-sky-lanterns>

<https://www.independent.co.uk/news/uk/home-news/sky-lanterns-coronavirus-nhs-support-rspca-fire-legal-wildlife-a9466606.html> But the company told *The*

BBC Gloucestershire, 2011). Glastonbury Festival boss Michael Eavis has also called for a nationwide ban on sky lanterns (BBC News Somerset, 2011).

<http://wales.gov.uk/docs/desh/publications/130514sky-lanternshelium-balloons-assessment-en.pdf>

<https://www.fwi.co.uk/news/oxfordshire-council-becomes-latest-ban-sky-lanterns>

<https://lincolnshirereporter.co.uk/2020/03/lincolnshire-county-council-to-consider-sky-lanterns-ban/>

**Having officers contacted as part of the research and legislation cited:**

1. James Rose Parks Development Manager
2. Karen Proudfoot|: Head of Enforcement and Safety
3. Louise Watkinson: Head of Public Protection
4. Trevor Meers: Corporate and Community Resilience Manager and Chair of SAG Board
5. Paul Ellis: Group Manager Public Realm
6. Keith Bush: Public Protection Manager (Licensing and Trading Standards Manager)
7. Gareth Nicholson: AD Customer and Communications (with regards to events)
8. Mark Butler: Director Asset Management

UK Parliament, Environmental Protection Act 1990

## **Cabinet, 8<sup>th</sup> March 2023**

UK Parliament, Clean Neighbourhoods and Environment Act 2005

<https://www.tradingstandards.uk/news-policy/news-room/2014/industry-puts-safety-first-with-sky-lantern-code-of-practice>

[https://www.havering.gov.uk/download/downloads/id/3157/parks\\_and\\_open\\_spaces\\_-\\_event\\_application\\_form.pdf](https://www.havering.gov.uk/download/downloads/id/3157/parks_and_open_spaces_-_event_application_form.pdf)

### **Council websites and public documentation reviewed as part of this briefing note**

<https://cmis.essex.gov.uk/essexcmis5/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=yJ4FyN07t738pRF7vDSXgjhfuR4dBLEN69xzaNcLIAB7b65md6KC5g%3D%3D&>

<https://www.nottinghamshire.gov.uk/policy-library/40649/sky-lanterns>

<https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/sky-lanterns>

[https://www.birmingham.gov.uk/info/20100/policies\\_plans\\_and\\_strategies/2160/policy\\_prohibiting\\_the\\_intentional\\_release\\_of\\_balloons\\_and\\_sky\\_lanterns](https://www.birmingham.gov.uk/info/20100/policies_plans_and_strategies/2160/policy_prohibiting_the_intentional_release_of_balloons_and_sky_lanterns)

[https://www.orkney.gov.uk/Files/Committees-and-Agendas/Development%20and%20Infrastructure/DI2017/14-11-2017/Item09\\_Policy\\_Intentional\\_Balloon\\_Sky\\_Lantern\\_Re](https://www.orkney.gov.uk/Files/Committees-and-Agendas/Development%20and%20Infrastructure/DI2017/14-11-2017/Item09_Policy_Intentional_Balloon_Sky_Lantern_Re)

<https://global.foreignaffairs.co.nz/2020/04/17/mil-osi-uk-highland-council-urges-do-not-light-sky-lanterns-for-nhs-and-social-care-workers/>

[https://www.southlanarkshire.gov.uk/info/200172/plans\\_and\\_policies/1728/balloon\\_and\\_sky\\_lantern\\_releases](https://www.southlanarkshire.gov.uk/info/200172/plans_and_policies/1728/balloon_and_sky_lantern_releases)

<https://democracy.hertfordshire.gov.uk/documents/s14934/09%20Item%206%20Sky%20Lanterns%20and%20Balloon%20Policy%20f.pdf>

[https://www.norwich.gov.uk/info/20010/environmental\\_issues/2313/sky\\_lantern\\_and\\_balloon\\_release\\_ban](https://www.norwich.gov.uk/info/20010/environmental_issues/2313/sky_lantern_and_balloon_release_ban)