

## **Appendix A POLICY BRIEFING NOTE:**

*Should Havering Council ban the release of Sky Lanterns in the Borough, and what would the key policy ramifications be?*

### **EXECUTIVE SUMMARY**

The release of sky lanterns is controversial. They are not banned products, and are legal to buy and sell. They can be purchased from retailers, ranging from event and party suppliers to budget 'pound' stores and similar outlets. They are also widely available on the internet - a simple internet search provided some 1,100 + links. The economic value cannot be easily determined as they are usually made abroad, and can be part of a balloon or party industry offer. DEFRA's commissioned Sky Lanterns 2013 Report stated that they were not a significant employer or economic factor in the UK economy. Since then the number of sky lanterns purchased has reportedly reduced considerably to 200,000 a year, following the impact of the bans already in force across some 189 Councils (RSPCA & County Landowners Alliance).

A number of key organisations are campaigning for both the Government and Councils to ban sky lanterns (e.g. Countryside Landowners Alliance, National Farmers Union, National Firefighters Association, Marine Conservation Society, Civil Aviation Authority, and the RSPCA). The Welsh government and a number of countries have already taken this step.

Sky lanterns have not been banned by the UK government despite petitions and support from cross-party MPs for progressing a bill in relation to banning their usage but Councils were encouraged to adopt local measures. Subsequently over 189 Councils across England and Wales have adopted policies to ban the release of sky lanterns on their land, in support of the acknowledged key dangers, namely fire risk, harm to wildlife and other wider environmental factors.

DEFRA's report concluded that whilst there are significant risks, the probability was too low to warrant a wholesale ban, and encouraged individual Councils to determine their stance. Havering has a duty to consider steps to protect its Green Heritage, notably its Sites of Special Scientific Interest, nature reserves, trees, farmland and agricultural land. Against this, the Council must consider how to enforce a ban if a policy is agreed, and the inability to protect against the risk from sky lanterns that could travel from other Boroughs into Havering and those released within the Borough from private land sites.

There are four key options for consideration outlined in this briefing note. The recommendation is Option 4: to agree a policy banning the release of sky lanterns on Council land, together with adopting other decisions and actions for enforcement. The Council should also consider including banning the unauthorised use of fireworks on land it manages, indeed Members have already looked at this in light of RSCPA guidance. A number of further decisions and actions would be required to support this policy; these have already been identified and, after discussions with a number of relevant officers, are not considered onerous. This issue would be revisited as part of a Policy Report for Members.

The economic impact to the borough's economy is not considered significant and a policy supported by a compelling "hearts and mind" narrative may benefit Havering's Environment further through the encouragement of "alternatives" to Sky-Lantern releases such as "plant-a-tree" initiatives.

## **ISSUE**

The key risks posed from the construction of sky lanterns, which typically comprise a paper balloon on a wire, plastic or bamboo frame are harm to wildlife, farm animals and marine life. They have caused issues in air-space and in coastal environments and impact on the issue of plastic usage, littering and bamboo stocks. The lanterns are 'powered' by a naked flame and, by design, are not controllable or predictable as to where they land. In the UK, sky lanterns must comply with relevant consumer product safety legislation, notably the General Product Safety Regulations 2005 (GPSR); however, that is not generally the case, as the market has seen inferior and non-complaint versions readily available. This carries an inherent fire risk: whilst incidents are low, they can be major when they happen as highlighted by some examples later in this briefing note.

## **BACKGROUND**

In Asia and elsewhere around the world, sky lanterns have been made for centuries, to be launched for play or as part of long-established festivities.

The sky lantern market is relatively new to the UK, and the industry is not currently represented by any particular bodies. Theoretically, sky lantern sellers are eligible to join organisations such as the Balloon and Party Industry Alliance (BAPIA) and the Balloon Association (NABAS) as they are part of the 'party industry' but evidence suggests that few have done so.

Since early 2000, sky lanterns have become popular across the UK for individual use and at events, such as festivals. They have been subject to controversy, with the following incidents experienced:

- Causing fires, e.g. Smethwick Recycling Plant, Dorset Nature Reserve and Krefeld Zoo
- Injuring or killing wildlife, marine life and farm animals
- Being mistaken for distress flares
- Interfering in air space (one near miss recorded at 200,000 ft on a flight to City of London Airport)
- Littering - they are not all biodegradable
- Increasing plastic and bamboo usage
- Encouraging slave labour practises from less reputable manufacturers overseas.

In 2014 DEFRA published a Code of Practice, which set voluntary minimum standards to inform Authorities, Council Committees, members of the public and all stakeholders about the differences between sky lanterns and how they could be enjoyed safely.

In 2014, the Chartered Trading Standards Institute (CTSI), with co-operation from the Department for Rural Affairs and Industry, developed a detailed Industry Code of Practice for Sky Lanterns, with good practice guidance for designers, manufacturers, distributors, and retailers.

Havering Trading Standards Enforcement Service considers complaint allegations relating to the manufacture, distribution, or supply of unsafe consumer products. This would include specific complaints relating to the manufacture, distribution or supply of alleged unsafe sky lanterns occurring within the London Borough of Havering. Lanterns which are placed on the market, or are supplied, that do not adhere to the product safety recommendations within this Code of Practice, are more likely to breach the requirements of GPSR 2005.

Havering Trading Standards cannot instigate a wholesale ban on the sale, supply or use of sky lanterns and balloons within the London Borough of Havering. A ban would require the adoption of a Policy through the appropriate Council governance process. Alongside a policy a number of other decisions and actions would be required to support the enforcement of this in Havering.

Since 2014, a number of petitions and questions have been asked in Parliament, notably by Ruth George, then Labour MP for High Peak, who introduced a Ten Minute Rule Bill in the House of Commons in 2019 calling for the banning of sky lanterns. The bill passed its first reading but failed to complete its passage through Parliament before the end of the session. (This means that the Bill will make no further progress).

The national campaign to ban, came to the fore in April 2020, following the proposal by Fabio Paduanelli, owner of Sky Lanterns UK Ltd, for a national mass release of his lanterns in support of a fund-raising campaign to thank NHS staff for their efforts during COVID-19. There was significant public outcry and his proposal was rejected on the grounds of the danger with organisations such as NFA and DEFRA asking the public to use alternatives to sky lanterns due to the dangers they pose.

To date 189 Councils (across England and Wales) have banned the release of sky lanterns on their grounds. Locally this includes Redbridge, Lewisham, Basildon and Essex County Council.

Some Councils have supported their policy bans by citing their statutory duty to enforce the Environmental Protection Act 1990. These Councils have deemed sky lanterns to be litter, although they are not deemed as littering under the legislation.

One took the approach as “The Council would have justification to take appropriate action to deal with a nuisance which relates to its land management to ensure compliance with the Local Government Act 1972 Section 120(1b), the proposed policy must benefit, improve or develop the areas”. Others have not considered this appropriate.

This briefing note outlines the approach and ramifications that would be required to support the enforcement of a Policy and consider whether fireworks could be part of the Policy, as this has been under review by Members in line with RSPCA guidance.

## **Ramifications of adopting a Policy that bans the release of Sky Lanterns**

Adopting a Policy would require the following actions for its enforcement to have teeth, in addition to the governance route for adopting a policy:

1. Applications required for running events which are submitted to the Safety Advisory Group, would need to clearly prohibit the release of sky lanterns in support of the Policy. The Chair has confirmed that the Fire Brigade, as part of SAG, would refuse the release of sky lanterns if they were included. This needs to be brought in line with Park and Open Spaces byelaw requirements.
2. Although the existing Parks and Open Spaces byelaws (“A person shall not in the pleasure ground light any fire or place, throw or let fall a lighted match or any thing so as to be likely to cause a fire”) can enforce a ban on releasing sky lanterns in parks and some open spaces, they do not specifically reference sky lanterns and this could be open to interpretation. The byelaws only cover parks and open spaces (with some sites missing), so do not cover Housing or Highways land. With this in mind, the Council would need to update the byelaws to include the release of sky lanterns and, potentially, the release of balloons when the byelaws are next reviewed.
3. The Enforcement Service would need to ask Members to agree a Public Spaces Protection Order (PSPO), which would prohibit the use of sky lanterns across the borough under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, if officers are satisfied that the activity has, or is likely to have, a detrimental effect on the quality of life of those in the locality.
4. The Council must undertake public consultation prior to introducing a PSPO and consider any responses. The proposed PSPO must be publicised to ensure that people are aware of it to enable its enforcement. PSPOs can be enforced by designated Council officers and the Police. The penalty for a breach is a £100 Fixed Penalty Notice or a fine of up to £1000 if a case progresses to court. Following the initial consideration, officers have been advised that the likelihood of securing a PSPO is deemed disproportionate, inefficient and unlikely to be secured based on the available evidence.
5. Trading Standards have a duty to enforce legislation. There is no anticipated significant additional impact.
6. There is no identifiable significant economic impact on the Borough’s economy associated with adopting a Policy. If 200,000 units are purchased annually across the UK (the majority from the internet), at a guide price of £6 per sky lantern, the number sold and profit generated within Havering is considered minimal.
7. Finally, the adoption of a Policy cannot mitigate against the risk of sky lanterns “travelling in”, from outside of the borough but would reduce the risks overall and could be a compelling awareness narrative.

## **ARGUMENTS IN SUPPORT OF ADOPTING A POLICY IN HAVERING**

1. Havering has a significant green heritage. This policy would enhance the Council's ambition to protect and enhance its green heritage as outlined in the Local Plan.
2. The Policy narrative could be an opportunity to raise awareness and encourage alternatives such as 'plant a tree to celebrate' which would further enhance the green environment.
3. In recent years, climate change has seen more frequent dry spells. These increase the fire risk posed by sky lanterns.
4. There is unlikely to be a major economic impact on the Borough. Whilst there is no significant, empirical data available for the sky lantern sector, Defra's 2013 report concluded that the sky lantern sector was not a major employer of staff in the UK, accounting for (perhaps) fewer than 100 individuals across the entire sector. In 2013 the estimated turnover was broadly equivalent to that of a busy petrol station and the market has since significantly contracted due to Council bans in place.
5. The RSPCA and other key organisations, referenced below, cite compelling evidence of the dangers of sky lanterns from cases they have been involved with.
6. The LGA, which represents all 49 fire and rescue authorities in England and Wales and over 370 local councils, supports the non-release of sky lanterns.
7. The Civil Aviation Authority (CAA), has cited incidents including:
  - the grounding of a 375-seater A340 plane that elected not to take off because of the sighting of a sky lantern in its path
  - a pilot of a 124-seater Airbus A319 witnessed half a dozen lanterns in the sky on his final descent to Heathrow – the world's busiest international airport
  - a pilot of a 30-seater Jetstream JS41 coming into close proximity with a sky lantern which he reported, "narrowly missing the wing of the aircraft" as it turned in its final approach.
8. In July 2018, the UK Airport Board, which investigates near-misses, said a lantern came within 100ft of crashing into an aeroplane traveling at 20,000 ft.
9. Police and coastguards report a loss of resources while having to deal with lantern sightings being mistaken for something else, such as a distress flare.
10. On 1 July 2013 the 'largest fire ever' in the West Midlands of England, involving 100,000 tonnes of recycling material and causing an estimated £6 million worth of damage, was started by a sky lantern which landed at a plastics recycling plant in Smethwick. Images of the lantern starting the fire were captured on CCTV. In response to the fire, Poundland, a national retail chain whose headquarters are in nearby Willenhall, decided to stop selling sky lanterns and recalled their entire stock on 6 July 2013.
11. In the early hours of 1 January 2020, more than 30 animals, primarily apes and monkeys, were killed at Krefeld Zoo in Germany in a fire caused by sky lanterns used in New Year's celebrations. Many of the species involved are endangered in the wild.

12. National Fire Chiefs Council Chairman Roy Wilsher stated publically that Fire Chiefs do not believe lanterns should be used under any circumstances.
13. A list of other organisational campaigns in support of the adoption of a policy is shown in the references below. The list is best summarised as substantial and relevant to Havering consideration.

### **ARGUMENTS AGAINST ADOPTING A POLICY IN HAVERING:**

- 1) The ban would not extend to private land releases
- 2) The ban would be difficult to enforce
- 3) The ban would not stop the risk from a sky lantern travelling into the borough
- 4) The risk posed to Havering does not merit a policy approach and work to enforce it
- 5) There may be some public back lash and unintended consequences
- 6) Not all Councils have adopted a policy.

### **RECOMMENDATIONS:**

That the following four options are considered and the most appropriate agreed:

- 1) Do not adopt a policy banning the release of sky lanterns on Havering Land
- 2) Do not ban the release of sky lanterns, but run an awareness campaign to consider alternative means of celebration, e.g." Plant-a -Tree" for a special occasion \* see note below
- 3) Approve the establishment of a Council policy prohibiting the release of sky lanterns and:
  - a. Instruct officers to amend conditions of hire and event guidance, for use of Council land to stipulate the prohibition of lantern releases
  - b. Amend the new Park and Open Spaces by-laws to prohibit the release of sky lanterns
  - c. Instruct officers to ask Members to agree a Public Spaces Protection Order (PSPO), which would prohibit the use of sky lanterns across the borough
  - d. Instruct officers to amend the Council's Member and Employee Code of Conduct, to include reference to the prohibition of sky lantern releases
  - e. Instruct officers to undertake a positive awareness raising campaign as to why the policy and subsequent ban is needed
  - f. Identify any other actions not included in this briefing
- 4) Agree Option 3 and consider widening the policy to include balloons and fireworks.

\*If the Council is seeking to reduce the risk of fires, environmental damage and lessen the impact on local wildlife it may wish to develop an awareness raising campaign regarding a range of common practices such as littering (cigarette butts and glass), BBQs, balloons and sky lanterns. The Council could highlight relevant local examples and use platforms such as Junior Citizens to raise

awareness. Agencies such as South Essex Wildlife Hospital could be involved and discuss the wildlife they have had to treat for fire related injuries. This is applicable to Option 3 and 4.

## **REFERENCES CONSIDERED AS PART OF THIS BRIEFING NOTE:**

### **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/uksi/2005/1803/contents/made>

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

or

<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

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=yJ4FyN07t738pRF7vDSXqjhfuR4dBLEN69xzaNcLIAB7b65md6KC5g%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)