

Petitions Committee

Oral evidence: Fireworks, HC 1929

Tuesday 2 July 2019

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Members present: Helen Jones (Chair); Martyn Day; Steve Double; Catherine McKinnell; Damien Moore; Daniel Zeichner.

Questions 89 - 154

Witnesses

I: Dr Paul Logan, Director, Chemicals, Explosives and Biological Hazards Division, Health and Safety Executive; Rachel Hallam, Chair of Fireworks Enforcement Liaison Group and Petroleum & Safety Officer, Trading Standards Service, Worcestershire County Council; Edward Woodall, Head of Policy and Public Affairs, Association of Convenience Stores; and Liz Vann, Chartered Environmental Health Officer, Chartered Institute of Environmental Health.

Written evidence from witnesses:

- [Edward Woodall, Association of Convenience Stores](#)

Examination of witnesses

Witnesses: Dr Logan, Rachel Hallam, Edward Woodall and Liz Vann.

Q89 **Chair:** I welcome our witnesses this afternoon: Edward Woodall from the Association of Convenience Stores; Liz Vann from the Chartered Institute of Environmental Health; Rachel Hallam, chair of the Fireworks Enforcement Liaison Group; and Dr Paul Logan, director of the Chemicals, Explosives and Biological Hazards Division at the Health and Safety Executive. Thank you very much for coming this afternoon.

As you know, we have already heard in this inquiry from one of those who wants more control of fireworks and from the manufacturers, and we want to try to get your professional opinion on some of the issues that have been raised with us. Dr Logan, what do you say to those who say that fireworks are explosives and, by definition, potentially dangerous, and, therefore, should be handled only by people who are professionally qualified?

Dr Logan: That is an interesting question. There is a long history of people using them domestically. We have legislative control over the manufacture, storage and licensed sale of those explosives, but ultimately people take them home, so realistically they need to be as safe as possible; they need to be tested so that they are seen to be safe, and they need to be licensed for that purpose. That is outside HSE's remit and we are getting into the consumer area. Like many families, we were brought up setting off fireworks on a particular night of the year, and, generally, if people follow the instructions, they can be handled quite safely.

Q90 **Chair:** By allowing garden fireworks, are we clinging to a tradition that is a bit outdated? I would appreciate the panel's views on that. Let's be honest. We wouldn't start from here, would we? Are there dangers in the current approach?

Dr Logan: Anything I say on this would be pure opinion. The domestic use of fireworks is outside HSE's remit.

Q91 **Chair:** It is, but I would like your opinion on it as someone who deals with explosives. Are we taking unacceptable risks?

Dr Logan: Purely as opinion I would say no, if they are being handled and used correctly.

Q92 **Chair:** Does anyone else want to come in on that?

Rachel Hallam: They are designed to be used in certain areas and are labelled as such. Different categories of fireworks give different safety distances, so, depending on the size of the garden, there should be a suitable firework.

Q93 **Chair:** We will come back to that one, because there is a question as to whether they are always handled in the right way. Can I ask Liz Vann to



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comment on another thing? We held an engagement event with military veterans, who found that not only the noise but the colours and lights of fireworks and so on could have a traumatic effect on them. It caused flashbacks; it had a real impact on people who had PTSD and so on. They suggested that anyone who wanted to set off fireworks, even in their garden, should have a permit, and that the dates and times of those displays should be published. Do you think a system like that is feasible, and would local authorities be able to cope with it?

Liz Vann: A permit system may work to help identify where they are. However, for every household to have a permit would be too resource-intensive. In Torfaen Council, and south Wales, we have a registration scheme for organised events, which works quite well.

Q94 **Chair:** I do not want to put words into your mouth, but are you saying that councils could not cope with a system where domestic displays needed a permit? Is there a possibility that any scheme like that could be self-funding and you would have to pay for your permit?

Liz Vann: It is feasible, but I do not think it would work, given the fact that there are too many, and obviously it is very transient.

Q95 **Chair:** Councils would not have the resources to administer such a system.

Liz Vann: It would not be just councils. The police might also need to get involved. If somebody was doing something without a permit, we would possibly need assistance to attend.

Q96 **Catherine McKinnell:** Liz, some disagreement has been expressed between the petitioners and the fireworks industry about the extent of the problem caused by fireworks. The industry has pointed to freedom of information responses to suggest that the problem is relatively rare. Is there any reason why there might be a bigger problem than is currently being recorded? Do you have a comment on the suggestion that it is relatively rare?

Liz Vann: In our local authority we used to get about one complaint a year, usually outside the firework period, for events and things like that. However, during the registration scheme I have dealt with about four complaints since we started it in 2010.

They vary considerably, from complaints from people with animals to complaints about neighbours. It is difficult to enforce any legislation relating to statutory nuisance for something like that. It is a transient time and it is classed as acceptable, so it would be difficult. Sometimes complainants do not want to discuss issues because of the neighbours. They want to keep the community spirit and perhaps do not like asking people things.

Q97 **Catherine McKinnell:** Do you think that the level of nuisance and discontent people experience is possibly not reflected in the recorded



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figures of actual complaints? Are you saying that it does not necessarily translate into complaints?

Liz Vann: Yes.

Q98 **Catherine McKinnell:** Are you aware of any differentiation across the country? Are there some areas where there are more complaints than in others?

Liz Vann: I can go only on what I am aware of in our authority, but it is my understanding that most environmental health officers would not take a complaint relating to fireworks at around fireworks time.

Q99 **Damien Moore:** It has been suggested by representatives of the fireworks industry that most of the problems surrounding fireworks—antisocial behaviour, noise and misuse—are because of illegally imported fireworks. That illegal action is itself antisocial, so people who are getting those fireworks intend to use them in that way. Is that your professional experience?

Rachel Hallam: From a trading standards perspective, we have seen a shift in the way we get information. Historically, someone would ring up. Now it tends to be a lot more on social media. People make comments about fireworks going off, about them coming in and being advertised online. It is not just the traditional shops that we are used to going in to inspect; people have different routes for getting them. We go out and do inspections and do not see a problem, or a problem with under-age sales, so from an enforcement perspective things are going the way we want them to.

There is an undercurrent of illegal activity that Steve from BrightStar mentioned last week, but from an enforcement perspective, if we do not get to know about that illegal activity, we cannot take enforcement action against it. We are in the challenging position that, if it is not reported, either we have to go out and be proactive in looking for it, if we know where to look, or wait for somebody to tell us about it.

Q100 **Damien Moore:** Would anybody else like to comment?

Liz Vann: Could you repeat the question?

Q101 **Damien Moore:** The fireworks industry says that a lot of the antisocial problems to do with fireworks and their misuse is because of illegally obtained and imported products. Would that be your view? If people are intent on getting illegal fireworks, it is not because they want to have them for a nice display in their garden but because they want to misuse them in some way.

Liz Vann: I do not have any statistics. I do not do a lot with antisocial behaviour, but if anybody wanted to get a firework they could get it illegally or legally and still use it in a similar manner. If they wanted to use it as a weapon, they could. It does not have to be purchased under age or purchased illegally.



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Q102 Damien Moore: Do you think that existing enforcement laws need to be stepped up? You mentioned social media. Social media is very of the moment. If somebody is doing something illegal and it is reported on social media that it is happening right then, at that moment in time, enforcement agencies do not have to wait for an hour, a day or a week later for somebody to complain or write to their local MP. They can tackle it pretty quickly, can't they?

Rachel Hallam: If it is reported to us. A lot of social media activity complaints happen around local community groups, and unless someone steps up and makes a report to the police, fire service or trading standards we do not get that information.

Unfortunately, because the period for fireworks is so condensed, if somebody is advertising a firework on a Thursday, it might be sold or set off by Friday or Saturday. To create a sufficient enforcement team, or multi-agency operation, to try to address that can be quite challenging in such a short space of time. It is possible and actions have been taken, but it is not always possible to get information from social media in a clear and accurate way, because people do not always use their own name; they do not necessarily provide addresses to track them down, so quite a lot of work may have to go on in the background to find the sellers in the first place.

Q103 Damien Moore: Would you say there is a lack of resources in tackling this? If there is an event where you think people might be selling fireworks, could something be done beforehand to monitor it, especially if it is a recurrent problem? Quite often, it is around a certain time, but it might be that certain people are selling illegal fireworks because they know there is a market for them in particular areas.

Rachel Hallam: That is a very open question. I work in Worcestershire where in the region of 100 premises are licensed, including supermarkets and firework display operators, so we have a good understanding of what is happening in our local area. If an individual goes on to Facebook and says they have fireworks for sale, unless somebody is to make an investigation, we cannot say categorically that just because they are being offered for sale locally they are in Worcestershire; they could be in Poland or anywhere else. There are challenges around that type of enforcement. We are evolving to look at online sales, but it is a particularly challenging area because of location.

Q104 Chair: Anecdotally, it seems to me that there have been a lot of cutbacks in trading standards departments over a number of years as council budgets have been restricted. Do you have any evidence of that?

Rachel Hallam: Not specifically. We have legislation that we are required to enforce. We have our statutory duties, which we perform. We have businesses that we need to visit. For fireworks, we are required to risk-assess premises that are of higher risk and inspect them, so we still



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perform those duties. There is a variety of levels of trading standards throughout the country. I cannot comment on anywhere else.

Q105 **Chair:** Would tracking down illegal sales require more resources than you have at the moment? Is that what you are saying?

Rachel Hallam: It is a challenging one because it is a different area of enforcement from what we are used to. Historically, we might go to a car boot to seize DVDs, for example; now it is more online streaming. The way people are buying things—their habits—is changing, so as an enforcement authority we have to change the way we look at that.

Q106 **Chair:** That is interesting, but it does not really answer my question. Do you need more resources to track down online sales, or is it simply a question of training people differently?

Rachel Hallam: Training is probably a good one because we are changing, so we have to adapt to that change.

Q107 **Chair:** But do you have enough people to do it with all the other statutory duties you have?

Rachel Hallam: Yes. I can comment only in terms of my own authority. We are performing our statutory duties. Beyond that, it is a policy decision outside my remit.

Q108 **Daniel Zeichner:** I would like to address some questions to Edward about convenience stores. How important a market for convenience stores are fireworks?

Edward Woodall: From the conversations I have had and from our research, this is now a very small part of our market; it has declined quite considerably over a number of years, and it looks to continue. The decline has been quite sharp and quick. From talking to retailers, a few factors are driving it.

The first is that convenience retailers perceive less demand for the product and its use at home. The second is the way consumers are shopping for the product because of the restricted periods during which they sell them. It may be that a consumer is having some kind of celebration and is therefore getting a big shop and filling up their basket. When fireworks are on sale at supermarkets, it is more convenient, in part of a planned shop, to purchase those things. It would have been a much bigger part of our market 10 or 15 years ago, but for convenience stores it has dropped off and it has gone more towards supermarket purchases.

Q109 **Daniel Zeichner:** If there were to be a ban on the purchase of fireworks from convenience stores, how significant would it be for your members?

Edward Woodall: Obviously, it would still be significant for retailers that are selling them, so in that sense I am not advocating a ban. Our research estimates that 7% of convenience retailers are still licensed to



sell fireworks. That is the proportion of the market that wants to sell them, so in that sense I would not support an overall ban.

Q110 **Daniel Zeichner:** For that 7%, would it be the difference between survival or not?

Edward Woodall: That is a difficult question to answer. Probably more evidence is needed about how much they are selling. From everything I have heard, it is a small proportion, but for some businesses that will still be important. There is a distinct way in which retailers might sell the products. It might be that they decide to do it as a very big part of their business. They would have a storage container and various licences, and they would supply a local school or a community display in some way; or they might just do a very small amount.

A common theme through the issue, whether it is retail, antisocial behaviour, nuisance or enforcement, is that there is a lack of real evidence and data to get underneath it. A great recommendation from the inquiry would be about how we can gather more evidence. We are committed to doing that. The question about the 7% of retailers does not tell us the full picture, so we are going to commission more research to try to find that out and we will share it with the Committee, BEIS and others who have an interest.

Q111 **Daniel Zeichner:** Within the 7%, how much training is there on advising staff so that they can give advice to customers as to what is appropriate for their garden, and what kind of safety precautions they should take?

Edward Woodall: There will definitely be training on how to store and sell the products across different categories, and about age restrictions. That is covered in our guide to selling fireworks, which we submitted as part of our evidence, so that information is there. Included in that will be information about the labels on fireworks products and the information included with the products.

The question about how much information staff are trained to give customers is difficult because it is hard verbally to advise customers on how to use products, to be able to track that from an enforcement perspective and for customers to have recourse on that. The best way to get it across is through the information on the products, which seems to me quite clear and comprehensive, and the increasing amount of information included in the package about the supply and legitimacy of the product.

Q112 **Daniel Zeichner:** How confident are you about that training? Is it training that you hope people get and expect they would get? Do you have evidence that staff are being trained?

Edward Woodall: I do not have that information now, but I know from conversations with retailers that there are very robust procedures around regulated products that we sell. As a sector, we constantly deal with regulated products—alcohol, tobacco and other things—so a big part of a



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convenience store's business is about training staff and making sure they are aware of those things. I cannot give you a figure on satisfaction and the amount, but I can certainly seek to get more feedback. I am reasonably confident that retailers deciding to sell fireworks would, as part of that process, think about how they train their staff.

Q113 Daniel Zeichner: That brings us neatly to licensing conditions. Perhaps Rachel can explain to the Committee what licences are required for shops to sell fireworks. Who issues those licences? What does it take to gain and keep a licence?

Rachel Hallam: From a trading standards perspective, if somebody wants to store and sell fireworks all year round, they require an annual licence from the local authority at a cost of £500, if it is under 2 tonnes. Once it goes above that, it goes to the HSE for larger sites. They can get just a storage licence, which a lot of the smaller retailers look at if they are just going to sell in the core periods of October and November, Chinese new year, Diwali, and new year. From a trading standards perspective, we tend to find that it is supermarkets, not so much convenience stores these days, and display operators that take advantage of the licences from the local authority. Paul may be able to comment on the larger ones.

Dr Logan: We license above 2 tonnes. Above that level, the requirements are very much about looking at who they are. Are they fit and proper people to store and sell them? Do they understand how they should be stored? Is the fabric and location of the building suitable for storing large quantities of explosive material? Is it in proximity to people, public pathways and so on? Are they maintaining the required separation distances?

A whole number of features will arise, and they will depend very much on the amount they want to store and the location. We have slightly more than 200 licensed sites. Most are commercial enterprises involved in display-type stuff rather than the retail industry. We have some licensed premises that both carry out display work and act as retailers.

Q114 Daniel Zeichner: Two tonnes sounds like quite a lot to me.

Dr Logan: It is.

Q115 Daniel Zeichner: How big a space do you need to store 2 tonnes?

Dr Logan: For an explosive, it depends on the form it is in. If it is in individual rockets and things, it is a pretty big space.

Q116 Daniel Zeichner: That is not your average corner shop.

Dr Logan: No, we are not talking about your average corner shop. If it is retail premises, you would expect it to be in a warehouse attached to those premises.

Q117 Daniel Zeichner: My understanding is that small corner shops can store



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up to 5 kg without a licence. Is that correct?

Rachel Hallam: Yes.

Q118 **Daniel Zeichner:** Is it also correct that some are selling without any licence at all?

Rachel Hallam: It appears so.

Q119 **Daniel Zeichner:** Do we know how many?

Edward Woodall: No. The 7% figure that I referenced relates to how many convenience retailers indicated that they had a licence. That does not distinguish between a licence to store and a licence to sell, hence why we are asking additional questions to try to find that out. My sense from talking to people is that the figure relates to those who have a bottom-end storage licence, above 5 kg, and are selling within the designated periods and so do not have a sale licence, but I will have to clarify that when we have more information.

Q120 **Daniel Zeichner:** Do we have any statistics on the numbers of licences? Have they altered in recent times? Are they going up or down?

Rachel Hallam: To clarify the 5 kg issue, it was initially in place for the types of businesses that had cake sparklers, party poppers and Christmas crackers. Lower category F1 fireworks are ones you can set off inside a building. Retailers could have those all year round and not be subject to a £500 licence. It gave them that element of comfort.

Over the last few years, people have been looking at the regulations and thinking that they could have 5 kg of fireworks and sell them all year round. That gives them a little more room in terms of fireworks. From an enforcement perspective, it is one area that it would probably be preferable to tie down a little bit more, because 5 kg of F1, which is an indoor firework, is completely different from 5 kg of an F3 product. That is one area where I know there are concerns, and there is obviously a question of interpretation as to what 5 kg means.

Q121 **Daniel Zeichner:** What would you do to tighten that up?

Rachel Hallam: Personally, I think it would be easiest if it said 5 kg of F1. There may be some disagreement from convenience stores because it would limit them to certain products; some sparklers are now F2. It might limit their business slightly. I do not know what impact that would have, but from a safety perspective it would be a lot safer to have 5 kg of indoor fireworks than 5 kg of fireworks that you set off in your garden.

Daniel Zeichner: That is helpful.

Q122 **Chair:** At the previous evidence session, we put up pictures of some consumer fireworks that are packaged, it appeared to us, in a way aimed at children. I do not know whether you are familiar with things like the Funky Frog and Fireworks Minion. They look like toys. Rachel and Edward, do either of you think it is appropriate that age-restricted



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products should be packaged in that way? Do we need tighter restrictions on packaging?

Rachel Hallam: We have not had evidence of under-age sales. The products themselves come in a variety of packaging. I am familiar with the Funky Frog, which is a fantastic firework. It comes down to points made earlier. The person purchasing it should be over the age of 18, and it should be used in line with its instructions and stored safely and carefully. There are other products that appeal to children that you might not want a child to have. A toy train that is set up for a collector is very appealing to a child, but you would not necessarily want a child to play with it.

Q123 **Chair:** But it does not explode in their face.

Rachel Hallam: That's true.

Q124 **Chair:** Not generally.

Rachel Hallam: But they are not products designed for children. In the same way, pink gin is still an age-restricted product, but it is pink.

Q125 **Chair:** When you say you have no evidence of under-age sales, do you still make test purchases?

Rachel Hallam: We work much more on an intelligence basis now, so we collect information to see if there is anything. We have no evidence of under-age sales at the moment for fireworks. Obviously, for the time being, I can comment only on Worcestershire, but there have been no complaints.

FELG is a technical advisory group made up of not just trading standards but environmental health. In some areas, the legislation, while it is enforced by trading standards, is also enforced by the fire service. It is not just a trading standards issue; it is a much wider remit. As a group, we represent a much wider set of enforcement authorities, and we get a reasonable picture. We have representatives from Scotland, Wales, Northern Ireland and the different regions in the UK, so we tend to get a good overall picture of what is happening.

Q126 **Chair:** That is an interesting point, which perhaps goes to Edward's point about the need for more evidence, since absence of evidence is not evidence of absence, is it? Edward, what do you think about the packaging issue?

Edward Woodall: I am not sure that I have a view I can share; it might be more for the manufacturers. From an age restriction perspective, we are very good as a sector at delivering and enforcing age restrictions. The penalties are pretty heavy, if you fall foul of them, and we have lots of policies in place, such as Challenge 25. For those reasons, it is getting better over time, and the trend we see for how young people access products would be not to go directly to a store but to go through a proxy purchase, asking adults to buy them on their behalf. I cannot comment



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on packaging. I see no evidence that there is a problem around age restriction, and there are still test purchases to test that as well.

Q127 **Chair:** Although the industry told us that the packaging was designed to appeal to families, which is understandable, one issue that occurred to us was that, even if the age restrictions are always strictly adhered to, doesn't that kind of packaging almost encourage children to play with these things when they are at home, rather than indicate that they are something they should not go near? Does any of you have an opinion on that?

Liz Vann: Again, I can only go on a personal opinion, and I would probably agree with you. However, I am not in trading standards. If children are looking at them, they might not be able to read the instructions, so it is something that may need to be looked at.

Q128 **Chair:** Paul, you looked as if you wanted to say something.

Dr Logan: No, no, it would be purely opinion. To go back to the question about age restriction, the flaw in that would inevitably be that, once you get them home, we do not really have control over how they are going to be used in a household. We expect parents to be responsible.

Q129 **Martyn Day:** It has been suggested by a number of witnesses that the regulations around the noise nuisance of fireworks are unenforceable, because of the transient nature of fireworks going off, or the inability to track where the noises came from afterwards. How much of a problem is that for environmental health officers?

Liz Vann: The legislation is very much based around nuisance. In nuisance law, there is private and public nuisance, and there is quite a lot of case law, so you need to look at how often it is happening, how loud it is and how it affects people. You need to gather that evidence before you carry on down the nuisance route. With transient things like fireworks, it is usually happening on one day and on one premises. The legislation does not allow for the cumulative effect of noise and nuisance from things like that.

Q130 **Martyn Day:** Under current regulations, if someone is setting them off in their own garden perfectly lawfully, within the correct time limit and the correct noise level for the fireworks they are permitted to use, are there any circumstances in which that could constitute a nuisance?

Liz Vann: It is unlikely.

Q131 **Martyn Day:** Yes, I think that as well. A number of the petitions we have had complained about fireworks being set off in domestic gardens over a long period. There is certainly a perception that the season for fireworks has grown and has extended by weeks, if not months. Is that the experience you have had as well?

Liz Vann: Yes, it goes on from October until at least January. A personal experience where I live was that recently there were fireworks going off



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at the summer solstice. It was after 11 o'clock, and there is legislation that can deal with that, but, again, it is for the police to look at, if it is after 11 and outside the decibel legislation.

Q132 Martyn Day: Do you feel that the current curfew between 11 pm and 7 am is enough to protect animals and people who are sensitive to noise over that new season?

Liz Vann: It can cause problems for people within that time, so we need to look at getting some evidence on how it is affecting people. It is difficult to look at the aspect of statutory nuisance when looking at the prejudicial to health side of that piece of legislation. You would need to try to prove that it was prejudicial to health. Again, case law has suggested that you could not use noise in relation to prejudicial to health.

Q133 Damien Moore: Rachel and Liz, a lot of people have said to us that they believe domestic fireworks are being set off in gardens that are far too small or, indeed, in yards. Are people committing an offence by doing that?

Liz Vann: With organised events, you can actually use the Health and Safety at Work etc. Act, if there is somebody at work. With somebody in their own garden, there is nothing available whereby you can say that it is a problem. It would be more of a private action, if something goes wrong. There is guidance available, which used to be the health and safety guidance, HSG 123 and HSG 124, and is now the red and purple guidance. That has some suggested figures for distances. If you tried to apply those within a home, they would not be acceptable.

Q134 Damien Moore: The guidance is more to do with a working than a domestic environment.

Liz Vann: The guidance is more for organised events and displays.

Damien Moore: Okay.

Rachel Hallam: There are two documents, the red guide and the blue guide, produced by the Explosives Industry Group. They are two separate documents, one for professionals and one for non-professionals. They are quite useful documents with information about separation distances.

Q135 Damien Moore: I am sure they are. I am just wondering how many domestic users would actually read either of those documents or how many, indeed, read the instructions on the side of the box or on the side of the firework. They may think that they know better.

Rachel Hallam: Yes, it is exactly that. They might measure their garden as 10 metres and think, "Fantastic, we'll set it off at the back of the garden," not appreciating that their neighbour has an LPG tank, for example, behind the fence. That has happened. Not everybody can measure accurately.

Q136 Damien Moore: Given the fact that we cannot take action on the



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distance, should there be more awareness of the distances where you should set off fireworks? Of course, it is also about distances from surrounding properties; it might be the case that you are setting a firework off at a safe distance from your property, but it might be quite close to someone else's.

One of the things that has come up is that domestic animals are often kept outside. Do you think that there should be more awareness and it should be more explicit on the box, rather than having a nice picture of a funky frog, or whatever else? As with so many other products these days, should we put a warning on the front before you get inside to the goodies?

Rachel Hallam: Obviously, we have legislation in place. The Pyrotechnic Articles (Safety) Regulations 2015 talk about labelling and what should be on the labelling, the CE marking. That is already there. The instructions are there, and they are of a reasonable size, with information on safety distances.

Can we guarantee that everyone is going to read them? We all know from any purchase that we buy that not everybody reads the instructions. We can encourage people to read them and encourage retailers to have that conversation with customers when we do inspections. I mentioned training earlier; we can make sure that they have gone through training, so that information is then passed on to the customer, as much as we possibly can. But we cannot control what happens in a domestic environment. That is the same with any consumer product. Once they have bought it from the shop and had whatever instruction there is, what they are going to do with it and where they are going to set it off is in their hands.

Q137 **Damien Moore:** Given the fact that we do not have any guarantees, I do not know how enforceable this would be, but if we warned people who do not use fireworks properly that they could be subject to prosecution and that, potentially, it could result in a ban on the sale of domestic fireworks, would that focus people's attention a bit more?

Rachel Hallam: We have seen with under-age sales quite a push to show the punishment for them, and with Challenge 25 that has come in there is a strong campaign that has helped to reduce under-age sales, so much so that we are not really seeing any evidence of them now. If there was a way to highlight the consequences of people's actions, I would be behind that, definitely.

Q138 **Damien Moore:** All I am saying is that I do not think it is only under-age people necessarily misusing fireworks in an antisocial way. Potentially, a lot of over 18-year-olds do so as well.

Rachel Hallam: Yes, I agree. It is about communicating the right information to the right people at the right time.



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Liz Vann: The only thing is how you would actually enforce it. You would need to be there to experience it or have evidence of it.

Q139 **Damien Moore:** People have phones these days and are more than adept at filming or taking photographs, so maybe that would be a start. The reason why we are having this inquiry is that we get a lot of complaints from people who want us to make a ban on domestic fireworks. In investigating this, we are looking at all the reasonable behaviour, but we do not always have guarantees of that reasonable behaviour. For some people, the risk can be quite high, certainly when people are weaponising fireworks, not just setting them off by accident next to a neighbour's house but intentionally firing rockets in a particular direction, and I do not mean up. There might need to be something.

Rachel Hallam: But it is a balance, so you have to consider both sides. Last week, I think the term "unintended consequences" was used. Some smaller retailers get in a large quantity of fireworks to support their local community groups and schools, which generates an income to purchase things for schools or scout groups. There are positive sides to the events that are being organised with fireworks, as well.

Liz Vann: That is why the registration scheme we use is not just for professional firers; community groups can be registered or licensed as well, so they would still be able to continue. At least, you are then looking at the risks and flaws in their proposed events before they actually start.

Q140 **Chair:** That is a registration scheme run by the council, is it?

Liz Vann: It is a voluntary scheme.

Q141 **Daniel Zeichner:** This is primarily for Paul. We have heard in previous evidence that the industry thinks that, if there was a ban, it could lead to the proliferation of an illegal grey market in dangerous, illegal fireworks. What do you think?

Dr Logan: Again, there is a certain amount of speculation in my answer. We have market surveillance responsibilities for certain types of fireworks and pyrotechnics, largely the commercial type used in displays and the like. That is intelligence led, and we have the ability to take enforcement action in relation to that. We do not get a lot of reports on this at the moment. You hear anecdotally about some of these things, but we do not actually have much evidence of there being a major problem at the moment. It is a possibility, but we do not see the evidence for that.

Q142 **Daniel Zeichner:** Have people seen evidence from other countries?

Rachel Hallam: It was mentioned that a study was going to be emailed in, a copy of which you have, I think. There has been some work to look at organised crime, but we are not aware of anything specifically.

Q143 **Daniel Zeichner:** How difficult would it be for you to deal with that?



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Rachel Hallam: There are challenges with investigations where there are multiple agencies, around the resources allocated to them, and the priorities. It is a decision above my pay grade.

Q144 **Daniel Zeichner:** It could be dealt with, but it would require resource.

Rachel Hallam: Yes, and there are things in place already to deal with those types of things, so it does not tend to be at local authority enforcement level, to be honest.

Q145 **Chair:** It was clear to us before we started, and it is very clear now, that the licensing and enforcement of fireworks regulations falls across many different agencies, including councils, police and the HSE. Is that division of responsibilities clear enough?

Dr Logan: Yes, I think the legislation is pretty clear in terms of demarcation for the licensing side of it, and the regulation of certain types of materials and products. It is very clear whether it is trading standards or the fire and rescue service, the licensing authority, or the HSE. That is clear.

In our role, we work across, so we provide specialist advice in some areas to local authorities, if need be, to supplement. We work with FELG, which has been mentioned, and with industry groups. There is quite a comprehensive network in the legal market. From our perspective, we do not get feedback from people saying that they are unclear as to who should license or be involved with particular types of products.

Q146 **Chair:** Edward, from the point of view of people who sell fireworks, are the responsibilities for who does what clear enough to retailers?

Edward Woodall: As I understand it, yes. As I understand it, it is quite clear where you have to apply for what licence. When I was talking to enforcement officers about that, it was about how long it takes to get the licence depending on which one you need, because you need to draw in different authorities. To a certain extent, the first point of reference for retailers is trading standards, so it is quite clear from our side.

Q147 **Chair:** Are there any issues that any of you think fall between the gaps or could be handled better than they are at the moment? Liz referred earlier to the problems that the police would have to investigate before any action could be taken by environmental health, and so on. Are there any issues like that that you feel could be handled better than they are currently?

Liz Vann: From the noise point of view, the noise level after 11 o'clock is set in, I think, the 2004 Act. The police would deal with that issue, but there is potential for that to be put back into nuisance law or to be looked at. Again, it is about trying to have legislation that we can use easily, if there are issues with noise or things like that, to start with.

Q148 **Chair:** Does anyone else have a view on that?



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Rachel Hallam: A particular challenge with that is that we might get a complaint about noise nuisance, such as someone setting off fireworks at midnight, and it may have been last night, but we do not necessarily know that. Is there somebody able to listen to it, to be able to take enforcement action? It is about being able to get evidence. With the police issuing a fixed penalty, unless they are in the area and able to do it there and then, it is on to the next action. It is quite a challenging one to enforce.

Q149 **Chair:** Do you think there are areas of the law that would benefit from consolidation and review? At the moment, we have lots of laws and regulations that have come about over time, almost ad hoc. Is there anything you would like to see clarified within the law or altered slightly?

Rachel Hallam: I mentioned the 5 kg regulation earlier.

Chair: Yes, you did.

Rachel Hallam: The second one for me is that, in the regulations, it states that you do not need a licence to sell during the core periods. Historically, that was not too much of an issue, because we had registrations under the previous regulations, so it was a little easier to explain to a retailer. However, if they feel the need to go and read the regulations now, they are the ones turning round to us and quoting them: "Well, I don't need a licence. It says here that I don't need a licence to sell." We have to explain to them that, if they are going to sell and are likely to store, they need a storage licence. It is that little bit of discrepancy that is challenging sometimes. The fact that it says they do not need a licence when we are trying to get them to get a storage licence jars slightly.

Q150 **Chair:** Liz, is there anything you would like to see clarified?

Liz Vann: The noise side of it could be looked at and whether that could be taken forward. The other thing is that it would be good to know when organised and community events are going on, so that people can take some action if they can—some way of knowing when they are happening.

Q151 **Chair:** Do you mean something like your voluntary scheme, some kind of registration and notification?

Liz Vann: The only thing with registration is that you would have difficulty in making sure that the people doing it are trained correctly. We would be in the same situation we are in, in Wales, at the moment, where we are changing the skin piercing legislation to a licence, so that you have better control over what you can and cannot do.

Q152 **Chair:** Paul, is there anything you would suggest?

Dr Logan: We upgraded and consolidated a lot of explosives legislation back in 2014. There was a very large exercise in consultation with industry, Government Departments and local authorities, so we had fairly comprehensive coverage of that legislation. We have a lot of supporting



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guidance with that, some of it drawn together with industry groups, and it is well used and is understood. I think it is pretty comprehensive.

With Brexit, CE marking of products, which is BEIS legislation, is being dealt with at the moment to make sure that we have notified bodies and there is acceptance of new standards when they come through, when we get to that point. Public liability insurance for displays is an issue that sometimes comes up. Again, that is outside our remit and is not an area for us. It is one of the main areas we get correspondence about, and we generally refer it to BEIS.

Q153 Chair: To clarify for my sake, are you saying that people do not necessarily understand that they have to have public liability insurance for displays?

Dr Logan: They need employers' liability compulsory insurance, when they are acting as employers. They do not necessarily need wider insurance; they are encouraged to have it, but whether they have the right level is a question we get asked.

Q154 Chair: That is very helpful. Edward?

Edward Woodall: I acknowledge the point Rachel makes about the 5 kg. The answer is about having better communication of what the existing legislation says. We try to do that in our guidance, and the right thing to do is to try to communicate it as clearly as possible.

In addition, to go back to an earlier point, the common theme is that we need more and better information to try to piece some of this together. Certainly, we are committed to try to deliver more information to provide clarity around how fireworks are sold in our sector. It is about drawing together all colleagues to do that, particularly from trading standards about how many licences they issue. All the different bodies hold information, but where is the point where it all comes together? That would help us to have a more informed discussion.

Chair: Thank you. I thank all our witnesses for coming along this afternoon. We always say to everyone at the end that, if there is anything that you have not had the chance to mention or that you feel we should know, please feel free to email us or, if anything comes to mind after you leave, please get in touch with us. You have given us some very useful and helpful evidence this afternoon. Thank you very much indeed for your attendance.