

Petitions Committee

Oral evidence: Fireworks, HC 1929

Tuesday 9 July 2019

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Members present: Helen Jones (Chair); Martyn Day; Mike Hill; Paul Scully; Daniel Zeichner.

Questions 155 - 205

Witnesses

I: Claire McParland, Government Relations Manager, RSPCA; Assistant Chief Constable Andy Prophet, Lead for Anti-Social Behaviour, National Police Chiefs Council; and Chris Kemp, Lead for Petroleum, Explosives and Fireworks, National Fire Chiefs Council.

Written evidence from witnesses:

- [RSPCA](#)



Examination of witnesses

Witnesses: Claire McParland, ACC Prophet and Chris Kemp.

Chair: I welcome our witnesses this afternoon. Chris Kemp is from the National Fire Chiefs Council; ACC Andy Prophet is the antisocial behaviour lead at the National Police Chiefs Council; and Claire McParland is Government relations manager at the RSPCA. We are very grateful to you for giving your time to assist the inquiry. We have already had three evidence sessions and a lot of written evidence submitted to us, some of which we hope to follow up on this afternoon. If you are ready, I call on Daniel Zeichner to start the questioning.

Q155 **Daniel Zeichner:** Thank you very much, Chair, and welcome to all of you. My first question is aimed at Claire. We have had a lot of written evidence and responses to our survey, and what we hear mainly from members of the public is that animal welfare is their biggest concern about fireworks. Could you tell us a little bit about how big an issue it is for the RSPCA and where it sits alongside your other animal welfare concerns?

Claire McParland: Certainly. First, thank you for giving me an opportunity to speak today. I hope that the information we can give will be helpful.

In our written evidence, we said that we receive on average about 400 calls a year specifically concerning fireworks. To put that in perspective, our cruelty line gets over 1.1 million calls a year, so it is a small bit, but likely, we think, to be the tip of the iceberg. That is what gets reported to us but there is probably quite a lot that does not, particularly to do with wildlife, because people do not see it.

Last year, we investigated around 130,000 incidents, but that could be on a whole range of issues, the vast majority of which will be to do with animal cruelty and neglect, and things like that. In comparison with the work that RSPCA inspectors generally do, it is a very small percentage, but it peaks at October through to January, at the times when fireworks tend to be used.

If we then put that into context with the information we get from vets and behaviourists, it seems to be a much bigger problem, particularly behavioural problems, particularly in pets. It is thought that about 45% of dogs have some level of fear of noise, of fireworks in particular. That is quite a large percentage of dogs, potentially, in this country and, obviously, in other countries. We also know from the equine industry that it has a massive impact on horses. I know you have heard a lot of the evidence from horse charities about the impact that it has.

One of the big problems with different types of animals is that different animals respond in different ways. Unfortunately, cats can be much more passive; they might just go and hide, so owners might not necessarily



know that their cat has a fear of fireworks. It can be quite challenging to understand that. A New Zealand study thought that about 6% of cats and dogs actually suffered from physical injuries due to the fear of fireworks. It shows that there is an ongoing problem. Probably more importantly, it is quite a long-term problem, particularly with those animals because if they are not treated, it goes on year on year, and they have constant fear and phobia, which can gradually get worse and worse.

The PDSA has some good information. They think that about 34% of cat owners have reported some kind of noise phobia. There are statistics out there, and, while from our perspective it may be a small issue in terms of the complaints we receive, if you look at the wider, animal-owning population, it is potentially quite a big, ongoing issue, and quite challenging. That is not including livestock, wildlife and so on, where there are issues as well.

Q156 Daniel Zeichner: The difficulty we have as a Committee is that we are struggling to find the data. You are telling us that it is 450 out of 130,000, which sounds like a small number. Although you then come back with evidence from others saying that there clearly are potential effects, you can see the dilemma that poses for us.

Claire McParland: Yes, I can understand that, and that is something we recognise. The challenge is getting good, accurate data. One of the things that we flagged up is that there probably is insufficient information in a lot of these areas. When I say about 400 calls a year, those are the calls coming in to our cruelty line. For those that might be investigated, it is probably even smaller, mainly because the nature of fireworks is such that it is very difficult to detect where something happens once it has been and gone. It is there and it goes.

If you set aside the issues, there is what I suppose you could almost call the acute issue, where we might get a complaint about a firework being tied to a cat or a dog, and certain people are concerned about it. That is cruelty, and a real concern. Then there are the more chronic long-term issues, which are the long-term noise phobias and fears. From a welfare perspective, sometimes the behavioural issues due to fear can have a longer impact and be more detrimental in the long term than, perhaps, an immediate act of cruelty with a firework, which is, fortunately, quite rare, but it does occur.

I understand what you are saying. It seems like a very small thing, but the reality is that over a condensed period of time, from October through to January, it might take up quite a lot of our work.

Q157 Daniel Zeichner: Of the instances you have just described, what proportion causes serious long-term harm, or do you not know that?

Claire McParland: That is really difficult. I would have to come back to you with information on that. Certainly, when you are talking about nearly half of dogs having some kind of noise phobia, it will have a long-



HOUSE OF COMMONS

term lasting impact on those particular dogs, especially if they are not being treated by a vet or a behaviourist. I would have to come back to you with information from our calls.

Q158 Daniel Zeichner: With those incidents, is there any pattern as to whether it is a response to an organised display or fireworks in gardens? Is there any pattern to that?

Claire McParland: Again, I would have to come back to you on that particular point. With a lot of information, we are reliant on the level of information given by the caller and the call taker, so I would have to check the incidents that are reported, but I can certainly provide that information, if you would like me to.

Q159 Daniel Zeichner: Andy and Chris, do the police and fire services have any data on firework-related incidents and harm to animals?

ACC Prophet: It is an imperfect dataset. That is the first answer. The crime survey for England and Wales suggests that about 1.5 million antisocial behaviour incidents were recorded last year, but that data cannot currently be cut to say how many of them relate directly to fireworks.

What I have done is to look at my force, Essex police, alone, where about 2% of all recorded antisocial behaviour relates to fireworks. Obviously, through the year, that is very heavily concentrated in the October to November window. If you extrapolated that data so that it was national, it would suggest that there were about 30,000 incidents relating to fireworks data. But that is an extrapolation from my force alone.

Q160 Daniel Zeichner: And that is fireworks in general, not just relating to animals.

ACC Prophet: That is fireworks in general that appear to relate to antisocial behaviour and, therefore, will not necessarily clearly or exclusively relate to animals. It will be around noise and antisocial use of fireworks—the normal sorts of community calls around inappropriate use of fireworks that happen.

Q161 Daniel Zeichner: As a bit of a data nerd, dare I ask why it is not possible to have a better hold on the data?

ACC Prophet: It is a question I have asked myself in recent weeks, as we look at the new antisocial behaviour data. It is how the data is collated. In the crime survey for England and Wales, there is a series of subset questions on the derivatives behind the issues, and, "Is fireworks a driver?" is not one of the questions. It is certainly something on my list of things to go away and think about.

Q162 Daniel Zeichner: Basically, at the moment we do not really know.

ACC Prophet: Correct.

Q163 Daniel Zeichner: Chris, would you like to comment?



Chris Kemp: Similarly, we do not hold data on firework incidents where they have had an impact on animals, either through the National Fire Chiefs Council or, locally, through fire and rescue services. What we hold is data in relation to attacks on firefighters. We have been able to gather data for that and I am happy to discuss that at this point, if you want.

Chair: We will come to that in due course.

Q164 **Daniel Zeichner:** You are experienced people. What is your sense? Do you get calls on fireworks relating to animals, or not?

Chris Kemp: In terms of actual calls in relation to fireworks that are having an impact on animals, not really or not at all—not in the fire service.

Q165 **Paul Scully:** Claire, the RSPCA and other animal welfare organisations—you mentioned the PDSA—have said that there are steps that owners can take to protect their animals from adverse reactions to fireworks. To what extent do you accept that owners of animals rather than the users of fireworks should take responsibility for protecting their animals from distress or harm?

Claire McParland: I think that actually both groups of people need to take some responsibility. There is a real need for greater awareness-raising and education around the use of fireworks. From the RSPCA perspective, it is about the impact on animals but, obviously, there are wider vulnerable groups of people who can be negatively impacted by fireworks used irresponsibly. Owners of animals would probably benefit from understanding their animals a bit better, perhaps, in some cases, and understanding the signs when an animal is showing fear of fireworks. It is about helping and supporting them to know what to do and how better to prepare them. With a lot of the desensitisation and things like that, you need to start at quite an early stage, possibly even in the summer, so that you can gradually build it up and they are better prepared.

When people want to have firework parties and big public displays, the more they can communicate with neighbours and let them know well in advance that they are going to have them, the better. It gives people the opportunity to make an informed decision on whether to leave the area for the evening or to bring the animals inside and keep them inside. I appreciate that is a little bit harder with livestock and horses, but it at least gives neighbours an opportunity to take some preventive measures.

The two groups probably have, if not equal responsibility, slightly separate responsibilities, but it comes down to awareness-raising and better communication all around.

Q166 **Paul Scully:** How do you get those points across? What more can be done to get that education across? Do you think that Government have a role in that at all?



HOUSE OF COMMONS

Claire McParland: I think so. All the big welfare charities put out advice and information every single year, and we reach certain audiences that want to read our information and are interested in that, but we recognise that there are groups of people that the RSPCA, for example, will not reach.

One of the things we are looking at this year is a much more joined-up approach, working with other organisations and agencies to reach different audiences, and giving out consistent messaging and information. We are looking at doing some more joined-up work with the police and fire service in that respect. There is also a role for central Government as well as local government in co-ordinating that a bit more. There is definitely a need to ensure consistency of approach and information, so that good-quality information is given, particularly advice for groups of people who want to put on a display who might not know what to do with regard to animals, and things like that. There is probably a role for both local and central Government.

Q167 **Paul Scully:** How would you like that role to be formalised? Do you think it should be through regulation, or through education, advice or guidance?

Claire McParland: It is not necessarily something that needs to be regulated as such. It is about encouraging central Government to take on that responsibility and be the leader, perhaps bringing all the key stakeholders together and developing an approach. It might be a bit late for this year's fireworks, but for next year we could be looking at a much broader communication and education programme going forward. There could be almost a standard communication programme, as we used to have with the fireworks code and all the other public advice things that we used to have when we were growing up.

Q168 **Paul Scully:** You have talked about domestic pets and mentioned the fact that horses and farm animals are a different matter. How many firework-related incidents involving horses and farm animals does the RSPCA deal with? Do you know that at all?

Claire McParland: Out of the 400, I do not think I have actually printed off the split by species, but I can pass you that information. There is information, I think from the British Horse Society, about incidents specifically to do with horses.

With a lot of livestock, it is a bit of an unknown. Because they are in much more remote and rural areas, it is not always so easy to know whether something is happening and they are distressed. It tends to be something that the farmer will find out in the morning, and it may not necessarily be the fireworks being let off but the debris from the fireworks that causes the problem. As with a lot of the sky litter we are hearing about now, it can cause trouble.

Q169 **Paul Scully:** Can you describe any of the types of incidents that you



have been called to?

Claire McParland: Yes; there is the particular prosecution that we gave as evidence. Prosecutions relating to fireworks are, on one level, fortunately quite rare, but, on another level, that is not terribly helpful to your inquiry, because you want to know what we are able to prosecute for. It can range through what our inspectors deal with. It could be anything from merely offering advice to members of the public who do not know quite what to do to protect their animals, or it could be where, sadly, dogs have been so scared that they have run off and strayed. It might be that they eventually come into one of our hospitals or centres because they have been involved in a road traffic incident. You can get some quite serious injuries as a knock-on from the fireworks that have been happening.

Other incidents can end up involving people, particularly with horses. Some horse owners go to the stables to be with their horses. In a confined space, if a horse is scared, it is a large animal and could do serious damage to a person if it starts running around a stable and a person is in there. People have been known to be injured because they were trying to protect their horse but, unfortunately, they got in the way when the horse was scared.

If cattle, sheep or horses are in a field or paddock, they can be easily spooked and might run around. There are incidents where horses have twisted their stomachs because they charged around a field so much and, sadly, have had to be put to sleep, because there is nothing more that the vets can do. Owners have found them in the morning in a distressed state. There can be a range of physical and emotional impacts on the animals.

Q170 **Paul Scully:** Is there anything more that can be done to protect horses—maybe an exclusion zone, or something like that? If so, do you think that is enforceable at all?

Claire McParland: That is a really interesting idea. I believe that in Spain, and possibly one or two other countries, their fireworks legislation includes exclusion zones in what they class as sensitive areas, such as hospitals, old people's homes and even, possibly, certain wildlife sites, and things like that.

It is an interesting area to look at. Where there are stables and livery yards, possibly even sites of special scientific interest where there are rare species and things, or kennels and catteries, you could say that fireworks cannot be let off in that area. It would be worth looking at that and then evaluating the impact. That is one of the other challenges: we do not really know what impact the current legislation has had. As far as we can understand, there has not been any evaluation of legislation in other countries in terms of animal welfare. Being able to evaluate that would be a useful exercise.



Q171 **Paul Scully:** Chris and Andy, do you want to pick up on the idea about exclusion zones or protections, or any of those sorts of things, and say how enforceable any of it is?

Chris Kemp: As an idea, it is fantastic and certainly should be considered. One concern that it raises is that it potentially brings in the enforcement issue—the question of enforcement and who is going to take responsibility for that. Which enforcement agency takes on that responsibility, and whether it has adequate capacity to be able to enforce it, needs to be considered.

We talked earlier about people talking, and that is one of the key issues. Looking at a duty to co-operate and co-ordinate with neighbours in neighbouring properties is a key thing in ensuring that people actually get it right on fireworks.

Q172 **Paul Scully:** To go back to the question that I asked Claire about numbers, you said to Daniel that you did not know how many antisocial behaviour calls were to do with animals and fireworks. Do you know how many firework-related incidents you deal with—not necessarily antisocial but just firework-related incidents, including horses and farm animals in particular?

Chris Kemp: In the fire and rescue services, no, we do not hold that data. We look at data for the occasions when we get called out to an incident, and we can report when fireworks have been involved, but very rarely does that include animals as well.

Q173 **Paul Scully:** Right, so you do not have any illustrations or examples either.

Chris Kemp: No, that is correct.

Q174 **Mike Hill:** Chris, from my experience, firefighters themselves become the targets of fireworks on occasions.

My question is around the Animal Welfare Act 2006 and the difficulties of enforcing it. I know that local authorities and police authorities can prosecute on things like people tying fireworks to the tails of dogs or cats, but on something like decibel restrictions—120 for a category 3 firework, for example—it strikes me that it is not that easy to enforce that kind of legislation. With regard to what you said earlier, Claire, and Andy for that matter, do we know how many prosecutions for firework-related offences there have been under the Animal Welfare Act?

Claire McParland: The only one I am aware of is the one I sent you. Fireworks were the cause of the eventual death of the pony. However, it had been left and neglected, so it was part of a wider cruelty prosecution that we took.

It is challenging under the Animal Welfare Act. There are a number of issues: first, it must be a kept or an owned animal, under the control of man, and wildlife are obviously not kept or owned. Secondly, you have to



HOUSE OF COMMONS

show some level of intention in the suffering. Very often, people let off fireworks and there is no intention to cause suffering to an animal. Obviously, when a firework is tied to a cat or a dog or something like that, it is a slightly separate matter. Fortunately, those are very rare incidents and do not happen often at all.

As a tool to address the issue and the problems that are caused to animals, as much as the Animal Welfare Act is a brilliant piece of legislation from our perspective for a whole range of issues, it does not quite fit when it comes to fireworks. A lot of the issues that we are experiencing, and where we get the vast majority of requests for information and advice, are about the long-term impact in behaviour and noise phobias. We have not quite got to the stage yet where we prosecute for mental suffering, as it were, in terms of fireworks. It would have to be so extreme for a vet or behaviourist to be able to stand up in court and say that a firework led to it. We are not far off, but we are not quite there yet. As a tool, it does not quite work with fireworks.

Q175 **Mike Hill:** Is that the same for you, Andy?

ACC Prophet: I completely agree with what Claire said. There is very little, if any, evidence of prosecutions or, fortunately, incidents coming to notice where fireworks have directly been used to target or harm animals. The vast majority of calls are concerns about the antisocial nature of fireworks.

The challenge around the legislation is about who was at the bottom of the firework when it went off; by the time you have responded to it, you do not know who let the thing off. It will be around public spaces and parks, and those sorts of issues. When you look at the Ministry of Justice data more broadly for the number of prosecutions or community warnings issued for throwing a firework in a street or a breach of firework regulations, the numbers are low. That is not to say that the legislation is not there, but practical enforcement of antisocial use of fireworks is quite tricky.

From my perspective, the legislation is an important tool, but it comes back to the fact that prevention, education and the sense of community, with neighbours talking to each other and the work that police and other agencies can do in schools with young people, is an important part of the answer we need to start looking for in this space.

Q176 **Mike Hill:** My second question is about the range of prosecutions that the RSPCA has brought forward, but it sounds as if actual convictions or prosecutions are limited and low. What is the range of issues we are looking at? You threw some difficulties into the pot about targeting and whether an animal was targeted or not. Can you give us an idea of the broad range of offences we are looking at that could potentially be covered by that Act?

Claire McParland: Sorry, do you mean the Animal Welfare Act?



Mike Hill: Yes.

Claire McParland: That will cover a whole range of offences in itself, everything from unnecessary suffering and cruelty to animals. It could be everything from starving a dog and things like that right the way through to neglect, dog fighting, poisoning and so on. There is a whole range of offences under the Animal Welfare Act.

There have been discussions about whether ensuring the welfare of an animal might be useful, because you need to help to ensure normal behaviour in an animal. With fireworks going off, it is very difficult to ensure normal behaviour or at least take reasonable precautions to ensure normal behaviour. The challenge is that the owner of the animal is highly unlikely to be the person you would want to prosecute, yet they are responsible for ensuring that behaviour. That is where just focusing on the Animal Welfare Act gets a bit difficult.

Looking at the Fireworks Act, one thing we discussed earlier was that perhaps that legislation has gone some way in preventing injury to people and animals, but when it talks about preventing distress it may not quite have achieved that. That is an area worth looking at, to see if more could be done to prevent distress to people and animals.

Q177 **Mike Hill:** That answer leads to my third question, which is the obvious one. Do you think there needs to be more specific legislation around fireworks and animal welfare?

Claire McParland: From the RSPCA perspective, a number of issues need to be looked at, and we recognise that they should not be looked at in isolation from wider issues around enforceability and things like that. From our perspective, we feel that the evidence is there to reduce the noise level and bring it down to 90 decibels. There is a huge time period in which fireworks can be sold around bonfire night. Compared with all the other dates, it seems a very long time period. If that could be condensed somewhat to perhaps two weeks, or something like that, it might go some way to improving the situation.

We would support some form of licensing system to encourage people to go to professional and public displays, rather than have displays in their back garden. The whole thing about education and communication falls slightly outside legislation, but it is about encouraging and supporting people to do the right thing, protect their animals and be more considerate to other people and animals. That could go a long way to improving the situation.

Q178 **Mike Hill:** Chris and Andy, would a refocus on specific legislation be helpful to you guys?

Chris Kemp: I think it would, certainly in terms of the Fireworks Regulations 2004. Myriad people have an involvement in those regulations. The regulations incorporate the importation of fireworks and their use, possession and licensing, as well as what is written on them.



HOUSE OF COMMONS

The regulations cover five different enforcement agencies, and it is difficult for those enforcement agencies to understand their responsibilities under the regulations, let alone the public. For instance, in West Yorkshire, where I come from, the fire and rescue authority is the licensing authority for the storage of fireworks, but in a county council that falls to weights and measures or trading standards. It is very difficult for businesses to get a consistent approach across the country, when different enforcement authorities are dealing with different things. I think there should be a look at the Fireworks Regulations 2004 to tie it together.

As Andy said, enforcement is very difficult for the police. Once a firework has been set off, the traceability of who has actually done it is really difficult. We should be looking at stringent sanctions for those who are caught, but it goes back to education. Back in the 1970s and 1980s, we did a lot of work in schools around the fireworks code. In West Yorkshire, we have a number of issues around antisocial behaviour and attacks on firefighters. We have tried to target specific areas and tailor school talks to the emerging issues in those areas. For instance, in an area where we are aware that there is antisocial behaviour around fireworks, and we are getting attacks on our firefighters, our school talks will be tailored around that activity. Similarly, we have had a big spate of wildfires in the country, so in those areas I am sure we will be looking at school talks to try to prioritise that. It is more of a prevention package that we could look at, but pronged against tightening up the regulations.

ACC Prophet: The only thing I would add to what Chris said is that if you look at it from a demand perspective for policing, reducing the window of sale for fireworks, particularly around Halloween and bonfire night, would have a beneficial impact on the period when we see the significant spike I referred to earlier.

There isn't data to support me saying that there should be a move from general use of fireworks to professional displays only. Nevertheless, if that is something we are going to look at, a trial in a defined area to understand what it might mean and how it might displace activity, with the enforceability or otherwise of it, would be a sensible starting point. It would seem sensible to try something different in an area rather than to try a blanket, across-the-country approach.

Q179 **Chair:** It was interesting what you said, Andy, about a trial period. The Committee is struggling to understand how the data that is available to us correlates with the experiences that people tell us about. They seem very different.

One recommendation that the RSPCA made, for instance, was to have licensing of public displays, giving people the chance to object on animal welfare issues and other things too. Chris and Andy, how do you think that would work in reducing harm, and in policing it? Would you be able to police that? As Chris rightly said, enforcement is spread over so many different institutions that it is quite difficult. Andy, what is your take on



HOUSE OF COMMONS

that?

ACC Prophet: Enforcement is difficult, as you rightly say, Chair. I come back to the point that, if we are going to try something different, I would pick a locality and get a coalition of agencies together—all the different agencies, from trading standards to fire and police—and build a partnership and say, for example: “Let’s have a look at the impact of moving to professional displays only.” Without wishing to labour the point, it is incredibly difficult to enforce someone letting off a firework when it is in breach of regulations.

Q180 **Chair:** Chris, what is your take on it?

Chris Kemp: There is benefit in looking at a licensing arrangement for public firework displays. Concerns that we would have in shifting to public-only displays would be about the number of operators in the country that can actually put on professional displays. In the pyrotechnic regulations there are details on who is a competent person to put on a display; they have to have had the correct and relevant training and the relevant experience of using fireworks, as well as the right liability insurance.

At the moment, on the British Fireworks Association website, I think that about 14 companies are registered across the country. Some of them are actually large retailers and do not put on displays. From my experience in West Yorkshire, we have three companies that put on professional displays, and they could probably put on two displays in one evening. Moving to that nationally, unintended consequences would arise, as I think has been mentioned previously, and a concern would be that there would be a rise in firework display operators without the relevant qualifications or competence, with the safety precautions that that would bring.

Q181 **Chair:** There are people who think we should go to public displays only. I would like to hear from Andy whether he thinks that would work and whether it could be policed. Chris, you have already made the point about not having enough trained operators to do public displays. In your experience, where do most of the accidents occur? Where do most of the incidents that firefighters have to attend come from?

Chris Kemp: The issues that we attend are not really accidents. The incidents that we generally get called to when our firefighters are put under attacks are generally simulated. We have evidence of calls being made to certain areas of certain cities almost as a trap for firefighters to be caught and then attacked with fireworks. Last year, we had 20 incidents of that, and in 2017 we had 30 incidents of that in West Yorkshire.

If we look at the data from West Yorkshire, those attacks are specifically where firefighters have been attacked with a firework, but we have a whole host of attacks with other missiles and where verbal abuse has been given. On average, in about 21% of attacks on firefighters a



HOUSE OF COMMONS

firework has been used. If you extrapolate that nationally, in 2017-18 there were 933 attacks on firefighters across England, and, if you apply the 21% to that, it is just short of 200 incidents potentially where firefighters have been attacked with fireworks.

Q182 Chair: Do you have any idea how many people were prosecuted for those attacks?

Chris Kemp: New regulations have just come out on attacks on emergency services personnel. They came out in 2018. At the moment, we do not have any data in relation to that, but we could certainly collate that and provide it to the Committee.

Q183 Chair: Andy, if we went to the position that many people have asked us to go to, of having public displays only, from your point of view as a police officer could that be policed, or would it give you specific problems?

ACC Prophet: Thinking that situation through, the sale and possession of fireworks to anyone other than an authorised purchaser and displayer would be illegal. There would be things we could do with retailers, if they were daft enough to breach that by selling to anyone other than authorised individuals. It would be a bit like a knife stop and search consideration, wouldn't it? The key to making it as policeable as possible would be control of the sale, to give you the derived benefit. As soon as someone gets a firework, it is very difficult to police who lets it off, so it would be the sale control that would give you the benefit.

Q184 Chair: Can I ask you all about noise levels? The RSPCA wants to reduce the permitted noise level to 90 decibels. Other people have said 97 decibels. Can you tell us why 90, rather than 97 or 95 or anything else?

Claire McParland: We decided to confuse everyone this year. We used to support 97 decibels; for the last 10 or 12 years or so, we felt that was what the science suggested was an acceptable level with regard to how animals hear, and things like that. As a matter of course, our scientists reviewed what information was out there earlier this year, and we looked at what legislation there was in other countries and some of the rationale behind that.

On the basis of information about some studies on livestock, some limited studies of wildlife and what studies there are on pets and horses, and primarily from the information we were able to get from the New Zealand Government about their legislation, we decided that 97 decibels was still too high in terms of negative impact on animals and that 90 decibels was a more appropriate level and stood more chance of protecting animal welfare. Again, we acknowledge, as with the data you have identified, that it is limited information. There is a real need to have a much better understanding, to be able to provide a more conclusive approach, but we felt that 90 decibels was more the place to be.

Q185 Chair: Andy, is there any way of identifying from the antisocial behaviour



incidents reported how many of them are related to noise nuisance and how many are related to people breaching curfew times, and so on?

ACC Prophet: The honest answer, Chair, is that I do not know at the moment. It is a question I am looking at. It may be, but the data does not at the moment present itself in a way that can easily be cut. It is certainly something we need to be able to understand at a more granular level.

Chair: As well as people contacting us about the effect on animals, there is also an effect on humans, such as older people. We have talked to veterans, who can have quite serious problems with fireworks. But you are saying that we simply do not have the data at the moment. That is what we keep coming up against in this inquiry.

Q186 **Martyn Day:** I am on the same theme. I am looking at the evidence that has been supplied by the NFCC, which indicates that the current legislative framework provides a balance between people enjoying fireworks and the safety of animals, themselves and their properties, but there was no evidence to support how you came to that conclusion. What evidence could you provide us with?

Chris Kemp: That statement was due to a lack of evidence provided following the submissions. In relation to animal welfare, the NFCC and fire and rescue services do not hold data. We are basing our judgment and understanding on a balance between having a set number of fire and rescue services across the country that are also licensing authorities in specific areas, in metropolitan counties and a number of county councils, where it is carried out on behalf of the council.

One thing we are mindful of is that we are an emergency service, but we are also a regulator, so we have two hats. As a regulator, we are there to support businesses and the economy, and we have an understanding of what a complete ban would do to a number of businesses in West Yorkshire. To give you an example, in the West Yorkshire region, we have 350 licences to store fireworks; 45% are in supermarkets. In one of your previous sessions you had someone giving evidence from the convenience stores, who suggested that the number of convenience stores that store fireworks is very small. Actually, in West Yorkshire it is quite significant. The small and independent retailers make up 30% of our storage of fireworks in West Yorkshire—105 stores in the region.

We are mindful as well that a number of businesses open just for the firework period—what a lot of people term pop-up stores. They are not really pop-up stores; in general, they are professional people who do it on an annual basis, and we have to go in and inspect and check those premises. They make up 12%. We have an understanding of the impact that a ban would have on businesses across the country and the balance of that in the economy. That is where we were coming from.

Q187 **Martyn Day:** It is interesting that you have that angle on the wider



HOUSE OF COMMONS

economy. Do you think that most of the public would assume that the sole role of the fire services should be on the safety angle, not just the economy?

Chris Kemp: Absolutely, but it is something that we have to be mindful of. Like I say, as regulators we have two hats. We are an emergency service and we are there for the safety of residents within our service areas, but we are also a regulator, so we are duty-bound under regulations to have an understanding of the impacts on business. That is why we put that angle on it.

Q188 **Martyn Day:** Thank you very much for that. The next bit is about the different regulatory responsibilities, which seem very complex. What do you feel about that?

Chris Kemp: Yes, it is very complex. We have working arrangements in place; in the north-east region there is a north-east region working group that includes trading standards and fire and rescue authorities. That is replicated across the country.

There is national guidance, and we are quite confident that that national guidance is applied consistently by the regulators. There is one thing that it does not do. As a fire and rescue authority, if any of our officers go in to inspect a premises to make sure that it is compliant with regulations, they will also be looking to see what the impact would be on firefighter safety for firefighters attending a fire in that building. We have had some national incidents in the past, where we have unfortunately lost firefighters at incidents in firework stores. When we inspect, we have that in the back of our mind. Obviously, other regulators will have other priorities that they also want to consider.

Q189 **Martyn Day:** I am of an age when I can remember the fire brigade coming around to schools and talking to us about bonfires and fireworks. Is that still an activity that is engaged in?

Chris Kemp: Yes, as I mentioned, we still carry out school talks, but it is very much focused in the fire service on prevention activities. There are a number of significant prevention agendas that we are trying to look at, and fireworks is one of them. We try to target the school talks to reflect the demographic of the area where the school is. In West Yorkshire, we have produced some leaflets that cover the fireworks code and the implications of misusing fireworks, and we use a lot of social media.

Q190 **Martyn Day:** What more could be done to raise awareness for the public of the safety angle?

Chris Kemp: As we have discussed previously, we need a joint approach between the regulators, the police and the RSPCA. We talked about the fireworks code, which was very much in the 1970s and 1980s. I do not have data to corroborate this, but I am sure that injuries from fireworks were reduced because of the work and effort put into those prevention activities. But that neglected other issues, which we have talked about,



HOUSE OF COMMONS

on animal welfare. A joined-up approach, on how we can proactively put prevention messages out there to relate to issues for vulnerable people and animal welfare, can only be of benefit.

Q191 Martyn Day: Obviously, we are looking at the fireworks aspect of the bonfire season, but what is the bigger problem for the fire services? Is it the fireworks or is it the bonfires?

Chris Kemp: I do not have the data to respond to that, so I could come back to that question later. In terms of the issues that we get, fireworks are the one that we are not expecting. We expect to get turned out to a job and put a fire out; we do not expect to get turned out to a job and be attacked by fireworks. As I suggested, there was a slight decrease last year in the number of attacks on firefighters, from 30 to 20 in West Yorkshire. Whether that is due to the introduction of the new regulations and the sanctions around that, it is a little early to tell. But we will certainly be able to look at that data and identify if that is the case going forward.

Q192 Chair: Am I right in thinking that, when you do the prevention work—the targeted work you spoke about—we do not have any data to show whether it is effective in a certain area?

Chris Kemp: I suppose the way we would be able to identify whether it was effective would be if antisocial behaviour was reducing. Unfortunately, I do not have that data. I am sure, as Andy has discussed, the data is there, but it is about looking at it and drilling down into the details.

Q193 Chair: Is that right, Andy? We don't have the detail to show that it works.

ACC Prophet: We have antisocial behaviour data, Chair. Some of the secret to this is in local activity, in local community safety partnerships, where the fire service and the police service will be represented, doing concerted activity around work with schools and retailers and in communications with the community, and then going back and looking at all the different datasets to understand whether there has been an impact or not.

Antisocial behaviour more broadly, nationally, is declining, but some of that is around the push for accurate crime recording, which is shifting some incidents, legitimately, from antisocial behaviour to crime. I do not think we can give you a compelling dataset right now to say that activity from a prevention perspective, specifically relating to fireworks, has had an impact that we can quantify. I do not think that is available.

Q194 Paul Scully: To continue with that, you talked about the lack of ability to drill down easily into the data. Do you get a flavour of which areas are worst affected?



HOUSE OF COMMONS

ACC Prophet: More broadly, antisocial behaviour is clearly around population centres, and you will see the levels of crime and antisocial behaviour relating to that, as common sense would dictate. The proportion that relates to fireworks will consistently run through that. I assume that colleagues would have a similar picture.

Q195 **Paul Scully:** We have had evidence given to us that there is a perception that police forces are not taking issues with fireworks misuse seriously enough. What can you say to people to reassure them that that is not the case?

ACC Prophet: Antisocial behaviour is taken seriously and should be taken seriously. The reality of the last eight to 10 years in policing has been that some of the long-term preventive community sides of policing have been cut back. Some of the recent investment is really welcome. Some of the work that we do with schools, for example, around long-term education, with officers working in schools with children aged five, six or seven around how to look after yourself and behave responsibly, has been less than we would have wanted and less than has been there historically. That is so important in building up responsible community links.

Yes, antisocial behaviour is seen as a priority, but, within that, antisocial behaviour can range from something that is really serious, long term and high harm, through to a single incident. Obviously, the policing response to that, because it is not just the police who deal with antisocial behaviour, has to be tailored accordingly.

Paul Scully: As a follow-up, on the other hand, you have the firework industry. Some of them have been telling us that they see the mishandling of fireworks as a soft crime. You talked about antisocial behaviour and how you treat it differently. If you are pushing it through the system, how firm would you be? How can you respond to the firework industry on the idea that it is seen as a soft crime?

ACC Prophet: Sorry, I am not quite clear on the question you are asking—I apologise.

Q196 **Paul Scully:** You have talked about the public perception and how you deal with antisocial behaviour and the wider version of antisocial behaviour. Some in the firework industry have been telling us that they see the mishandling of fireworks as a soft crime. I suppose that is a similar viewpoint from a different angle. What can you do to reassure them that, if you are following up someone you can see is mishandling fireworks, you can follow it right the way through the system, to the courts, if necessary?

ACC Prophet: I think I can give that reassurance. Where there is a very clear issue of concern, with evidence behind it, it will be followed through. There are prosecutions around misuse of fireworks.



HOUSE OF COMMONS

To give you some specifics on contravening firework regulations, there have been 67 prosecutions in the past five years. That is not a huge number, when you think about the legislation available. For throwing a firework in a street or public place, there have been 79 prosecutions over the same time period. The volume of prosecutions is not high, but where there are clear and specific cases they will be followed through, so I can give that reassurance.

Q197 Paul Scully: On night-time curfews and the ability to tackle curtailing this, how enforceable is that?

ACC Prophet: It gets really tricky, doesn't it? If after a certain time a firework cannot be let off, it is a very clear line in the sand, but how do you find out who let the firework off? It comes back to that fundamental point. Unless you have, which we don't, an eye and a camera on every street corner, you will never find out who let the firework off, short of someone coming forward and telling you who it was. Even then, "It wasn't me." It is incredibly difficult.

Q198 Paul Scully: Do you have any data as to how many fixed penalty notices you have issued for night-time curfews?

ACC Prophet: Yes, I have some data, which I shall follow up with a letter to give you the detail.

Paul Scully: That would be brilliant.

ACC Prophet: There is data available on fixed penalty notices.

Q199 Chair: The National Fire Chiefs Council expressed concern about a rise in attacks on people in the emergency services—firefighters, the police and sometimes ambulance workers called to incidents—yet the data from the FOI requests that we were shown by manufacturers showed that these are pretty rare. Andy and Chris, what is your experience? Does it happen more often than is being recorded? Is it rare? Does it happen frequently? Is it increasing?

Chris Kemp: Over the last three years, it is something that we have noticed and started to gather data on. Every year, we provide statistical updates to the Home Office in relation to firefighters in work and their working conditions. There is a section that includes attacks on firefighters. Those records do not incorporate and break down what those attacks are, but we can break them down in an individual fire and rescue service, which is what we have done in West Yorkshire.

We have seen a significant increase over the last six years in attacks on firefighters where fireworks have been used. In 2012, there were seven incidents, and in 2017 there were 30, so that is quite a significant increase, and it is a significant percentage of the actual number of attacks on firefighters. It is certainly something we have recognised, and we worked with local MPs to get the protect the protectors Bill through, and the legislation was brought in last year. As I suggested, in West



HOUSE OF COMMONS

Yorkshire we had a reduction; last year, 2018, we recorded 20 attacks on firefighters where fireworks were used. There has been a significant drop, but, as yet, it is a little bit too early to work out whether that is because of the regulations.

Q200 Chair: All fire and rescue services will be able to break down that data on attacks on firefighters into those that involved fireworks and those that did not.

Chris Kemp: I would hope so, yes. We all use an incident-reporting system. When there has been a tag of the word “firework”, a report can be produced that would be able to provide that, so, yes, we should be able to develop a national picture from that.

Q201 Chair: Andy, what have you seen as a police officer in relation to that? Are attacks increasing, about the same, or dropping on both firefighters and other emergency workers?

ACC Prophet: The level of violence and the number of attacks committed towards officers and emergency service workers is increasing. Each force records that information and, if fireworks are behind that, the data will be available. I do not have that data to hand now, but my sense is that there has not been a particular spike in attacks on police officers driven by fireworks in recent years; there are other issues behind that.

Q202 Chair: Last year, the chief constable of Greater Manchester suggested that it was time to ban the public use and sale of fireworks and go to organised displays only. Do you agree with him, or do you believe that would be a disproportionate response?

ACC Prophet: Thank you for that one, Chair.

Chair: We aim to please.

ACC Prophet: There is a cleanness to the position suggested there. When I look at the data from an antisocial behaviour perspective, there is not the data to make a clear case about how antisocial behaviour driven by fireworks requires that move. But from a broad policing perspective, the clarity of professional displays only will help the police significantly in the response that is required, in particular over the October-November window. That is my perspective.

Q203 Chair: We have heard from professionals involved in fireworks that such a ban might have unintended consequences—that it might lead to a black market in fireworks or to more illegal fireworks being imported, and so on. Chris, do you agree with that? Do you think it might have unintended consequences? If so, what?

Chris Kemp: Yes, Chair; I am sure that there would be unintended consequences. Whatever regulations are in place, you will always have people who work just under the threshold. I think the 5 kg threshold was discussed in one of the previous Committee sessions—that people can



HOUSE OF COMMONS

store 5 kg without a licence. Originally, that came from the Explosives Act 1875.

Q204 **Chair:** Time for an update, perhaps.

Chris Kemp: Yes. It was a threshold for people storing gunpowder for personal use. When that was transposed into the Manufacture and Storage of Explosives Regulations 2005, the term “personal use” was omitted. Whether that was done intentionally or unintentionally, nobody knows. What it meant is that we now have a situation whereby shops store just under the 5 kg threshold and sell them at the prescribed periods of time. For me, that is not what the 5 kg rule was for. One of the things going forward is that that should be reintroduced for personal use, so that if members of the public have fireworks they are not flouting regulations.

Whatever threshold and whatever legislation there is, we will always have people trying to evade it and go under the radar. If a total ban was introduced, I am sure it would push the sale of fireworks underground, into a black market. We deal with firework sellers and understand the profit available to them. For shops that open seasonally, there is a massive throughput that they sell in a three-week period. If there was a total ban, I am sure that it would push that into a black market.

In terms of fireworks being used for antisocial behaviour, you mentioned illegal fireworks coming into the country. As an officer in the West Yorkshire fire service and as lead for the National Fire Chiefs Council, I am not aware of any significant problem of illegal fireworks coming into the country. The last time I came across illegal fireworks was in 2007—some small mini-rockets. As to the thought process that there are containers full of illegal fireworks that do not meet UK or European standards, we do not see that evidence. That is replicated for my colleagues across the country.

Q205 **Chair:** Andy, how do you see that from a policing point of view? Would there be unintended consequences? What difficulties do you see in doing that?

ACC Prophet: If a black market became available, it would be even more difficult to police than the situation we currently have, which would be a really unhelpful unintended consequence. I defer to Chris’s view on this one, and his professional expertise. The strength of what we have at the moment is that we do not have a particular black market. It is very difficult to assess, isn’t it? If we went to a cleaner position of professional-only displays, is that a bigger benefit than the potential downside of the black market? The simple answer is that I don’t think we know.

Chair: I don’t think we know yet, either. That is what we are trying to find out.

Thank you all very much for your evidence today, Chris, Andy and Claire.



HOUSE OF COMMONS

As I always say to witnesses, if there is anything you feel you have not had the chance to say, or you go away and think of something that you think you should have said and have not, please feel free to email us, or write to us and send us further evidence. You have made a very useful contribution to the inquiry this afternoon, and we are all very grateful to you for coming.