



House of Commons
Petitions Committee

Fireworks: Government Response to the Committee's First Report of Session 2019

**First Special Report of
Session 2019–21**

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Petitions Committee

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Committee staff

The current staff of the Committee are Paul Connolly (Media Officer), Ed Faulkner (Second Clerk), Katherine Gammie (Enquiries and Engagement Assistant), Zoe Hays (Senior Committee Assistant), Emma McIntosh (Petitions and Engagement Manager), Shane Pathmanathan (Petitions Moderation Officer), Ben Sneddon (Clerk), and Stephen Wilson (Petitions and Communications Manager).

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First Special Report

On 5 November 2019, the Petitions Committee published its First Report of Session 2019, on [Fireworks](#) (HC 103). The response from the Government was received on 13 March 2020 and is appended below.

Appendix: Government Response to Petitions Committee Report on Fireworks

Introduction

The Government welcomes the House of Commons Petitions Committee's report of their inquiry into fireworks and is grateful for the work carried out by the Committee on this issue. Fireworks have been the subject of a number of e-petitions in recent years and this inquiry has been helpful in providing a focused and independent forum for individuals to present their views and experience alongside the fireworks industry and other organisations with an interest.

The Office for Product Safety and Standards (OPSS) was created to deliver effective and trusted regulation for consumer products, whilst ensuring the legislative framework it works within is effective and proportionate. OPSS puts consumer safety first and enables businesses to understand and meet their legal and regulatory obligations.

The issues raised in the Committee's report go beyond product safety and are wide ranging. Some of the concerns raised by members of the public arise from the way in which a minority of people use the product and how this behaviour impacts negatively on communities.

The issues raised around fireworks, for example, policy on anti-social behaviour, the environment, animal welfare and reporting non-compliance to the police, sit within a number of departments across Whitehall.

The Government is responsible for ensuring that its policy making is based on evidence. Having listened to the concerns voiced through a number of recent e-petitions, parliamentary debates and directly with the Department, OPSS has been developing a fact-based evidence base on the key issues that have been raised. This includes identifying and commissioning data around noise and disturbance, anti-social behaviour, non-compliance, environmental impact, and the impact on humans and animals. We will publish the evidence base in due course.

The aim of developing the evidence base is to build a full picture of the data relating to fireworks in order for the Government to identify whether people's perceptions and concerns are reflected in evidence, and if so, what action—if any—is appropriate for the Government to take. This work will also help to identify trends across fireworks seasons and determine whether there has, for example, been any increase in fireworks being set off or fireworks-related injuries, which has been the public's perception.

The Government's Action

We would like to reassure the Committee that the Government has been listening to the concerns that have been raised about fireworks and their impacts, and continues to do so. We recognise the strength of feeling that some people have against fireworks and the negative impact that can be experienced by some groups in society.

As a result, whilst carrying out the work for the fireworks evidence base during 2019, OPSS has engaged with a wide range of stakeholders to ensure that a full range of evidence and perspectives is collated. This includes Government departments, Local Authorities and Trading Standards, the fireworks industry, charities and organisations that represent individuals, the Armed Forces, animals, and the retail sector.

Stakeholders have been invited to share information that they may hold that is not publicly available, which can provide data and insight into firework sales, use and issues. In some cases, organisations have considered whether they can conduct surveys. We believe these organisations are best placed to cover specific issues and concerns that are, for example, related to animals as they have expertise in this area and already have a client-base they can engage with.

OPSS has also considered what areas of research to focus on. We have commissioned a programme of fireworks testing to determine the average decibel level for common types of retail fireworks sold for public use. This will aid in identifying which types of fireworks are associated with the highest noise levels, and whether some types could be promoted as low noise.

OPSS analysis teams have been considering data available in relation to firework noise and the impacts on health and the environment.

We have also commissioned an attitudinal and ethnographical study. This will set a baseline around consumer awareness and consideration (towards neighbours and their community) and help us gain a better understanding of how the public engage with fireworks, and their attitudes and perceptions to them. We will publish the findings of all research as part of the evidence base.

It is important that enforcers of legislation have the right knowledge and expertise, and OPSS has been working with the Chartered Trading Standards Institute (CTSI), to deliver a series of fireworks training events to front line Trading Standards officers. Over 200 officers have completed the training, covering 105 Local Authorities, ensuring that competencies are kept up to date and that they have the skills and knowledge necessary to deliver effective enforcement.

The Government's response to the Committee's conclusions and recommendations

Recommendation: While people who want to ban the public from buying and using fireworks have valid concerns that must be addressed, we cannot support a ban before other, less drastic but potentially more effective, options have been fully explored.
(Paragraph 24)

The Government accepts the Petitions Committee's conclusion that it is not appropriate to ban the public from buying and using fireworks at this time, as it would not be a proportionate measure.

We agree with the inquiry's conclusions that a ban on fireworks, either for private or public use, could have unintended consequences. We acknowledge the experience of the National Police Chiefs Council who believe banning fireworks would push the market underground and make it more difficult to monitor.

We are also concerned that banning fireworks could prove detrimental to communities for cultural or financial reasons. A restriction on fireworks sold to the public by retail outlets could lead to more individuals buying products inappropriately through online social media sources or from outside the UK. A ban or restriction on the availability of fireworks for sale in the UK could drive individuals to source fireworks from illegitimate or unsafe suppliers, where products may not meet the UK's safety requirements.

The Government recognises that inappropriate and inconsiderate use of fireworks impacts on communities, individuals and animals. We take the view that the concerns raised can be best addressed through education and raising awareness about good practice, being considerate neighbours, the impact on people and animals of irresponsible use—alongside ensuring that the public know what action they can take and what the law provides for.

The work of the Petitions Committee has reinforced the message that stakeholders have been making to the Government during the work to collate the evidence base. That message is that although firework products have safety instructions and there are campaigns around fireworks use by individual organisations or authorities, a national awareness campaign would be a positive step in raising the profile for responsible firework use.

Therefore, OPSS will deliver an awareness campaign for the 2020 fireworks season, and will work with both the Scottish and the Welsh Governments.

Recommendation: We recommend the Government lead a review, working with animal welfare experts and the fireworks industry, of the effects of fireworks noise on animal welfare, with a view to setting a workable reduced maximum decibel limit which would diminish the risks to animal health. (Paragraph 33)

As part of the evidence base work, we have been seeking information on the noise of fireworks and the effect on animals. OPSS has engaged with a number of animal related stakeholders including:

- Royal Society for the Prevention of Cruelty to Animals
- Blue Cross
- Royal Society for the Prevention of Accidents
- Kennel Club
- The British Horse Society
- Scottish Society for the Prevention of Cruelty to Animals
- British Veterinary Association

- National Farmers' Union
- Red Wings
- Battersea Dogs & Cats Home
- Dog's Trust

As a result of our engagement with these stakeholders, a number said they would consider the viability of conducting surveys or research into the impact of fireworks noise on animals. We will share any results as part of the evidence base where stakeholders agree.

The Government aims to ensure policy is evidence-based, and so it is important we have access to accurate and appropriate data to inform decisions, including around what further work might be appropriate to carry out. Therefore, we will consider any work received from animal welfare groups regarding the impact of noise on animals to gain an understanding of whether reducing the decibel level of fireworks would benefit animals. We recognise any such work may take time to carry out.

Our engagement with animal welfare groups has shown that there is a potential benefit around specific awareness raising with pet owners about some proactive steps they can take to help manage their pet's reactions to fireworks. Animal charities and organisations offer training to help make dogs more resilient to loud noises and bangs. This training is most beneficial if done prior to fireworks season, preferably in the first half of a calendar year. We will consider how this might be highlighted as part of future awareness campaigns either by the Government or animal organisations. Making more pet owners aware of such resources would help owners and pets deal with the noise impact of fireworks.

As noted earlier, OPSS has commissioned research into the average decibel levels of current fireworks. The intention of this work is to set a baseline of decibel levels associated with different types of fireworks. Obtaining this research data will help us to understand the noise level of fireworks better to help inform evidence-based conclusions. As more data becomes available, we anticipate being in a position to consider whether further work on noise and animals is viable and needed.

Therefore, we will consider the research outcomes (as outlined above) alongside any further data stakeholders might submit and discuss with animal welfare groups and the fireworks industry, to help us decide if and what further work is appropriate. We will have considered appropriate next steps by autumn 2020.

Recommendation: We recommend the Government work with Local Authorities to identify a best practice approach to a revenue-neutral, mandatory permit system for fireworks displays, where local evidence suggests this is necessary to protect the community. The Government should work with a Local Authority to pilot the approach before the end of 2020, with a view to legislating to empower all Local Authorities to establish mandatory permit schemes where they deem it necessary. (Paragraph 41)

The Government understands that frequent disturbance by fireworks can have a negative impact on some people in the community. We sympathise with the concerns and points raised during the inquiry and intend to hold discussions with Local Authorities to better

understand the impact of fireworks on the community. We do not agree that sufficient evidence to introduce a mandatory permit system for Local Authorities to carry out is available, or that this would be a proportionate or appropriate response.

We do not feel the Committee's recommendation is sufficiently clear in terms of what it proposes to achieve nor whether the suggested action will be of benefit and achieve a reduction in non-compliance. It is not clear whether the Committee envisages that a permit system should cover both public and private displays, but we do not believe that either would be a proportionate approach. There are also questions about what level of local evidence would be required and how a permit would, in practice, protect a community and be enforced.

That is why we will discuss with Local Authorities their experiences and issues with fireworks and seek their views on what actions might achieve a benefit in ensuring fireworks compliance in their communities. We will have carried out this work with Local Authorities by the autumn of 2020.

Recommendation: We recommend the Government work with emergency services across the country to ensure that such incidents involving fireworks are specifically and consistently recorded across all local emergency services, and the data made publicly available. (Paragraph 46)

The Government fully agrees that attacks on emergency services workers are entirely unacceptable. That is why we supported the Assaults on Emergency Workers (Offences) Act 2018, which came into effect on 13 November 2018, and means that judges must consider tougher sentences for assaults on emergency workers. We have also committed to consult on doubling the maximum sentence for assaulting workers in emergency services, such as police officers, firefighters and paramedics.

Currently, fireworks related injuries are recorded by the NHS with the data being collated and made publicly available by NHS Digital.

The NHS records Hospital Episode Statistics (HES) and A&E datasets include a patient classification group for "firework injury". Recording against this category is reliant upon disclosure that the injury or condition being treated was caused by a firework. Additionally, there is a supplementary cause code (W39 – Discharge of Firework) that can be used to record episodes of care within a hospital where the injury or condition being treated is caused by a firework discharge.

These supplementary codes indicate the nature of any external cause of injury, poisoning or other adverse effects. Only the first external cause code which is coded within an episode is counted in HES and this forms part of the External Causes of Morbidity or Mortality. Codes in this chapter can never appear in the primary diagnosis field as they provide additional information relating to the condition being treated. These codes are not mandatory and rely on knowledge of how the condition or injury occurred.

Recording of external cause is not mandatory and recording practice varies over time and regionally, therefore care should be used when interpreting this data. OPSS will discuss with the Department for Health and Social Care and the Home Office whether data collation of incidents might be improved and if it would be beneficial to do so. We will do this by autumn 2020.

Recommendation: We recommend the Government work with Local Authorities and police and fire services to review the systems in place for people to report concerns about misuse of fireworks, including breaches of the night-time curfew, use of fireworks in inappropriately small domestic gardens and other anti-social behaviour, with a view to establishing a consistent approach to data collection and publication. Local Authorities must have systems in place to record incidents of concern to their residents. It is vital that local areas collect this information to inform local responses. We expect the Government to issue guidance to this effect before October 2020. (Paragraph 57)

The Government condemns the dangerous and anti-social use of fireworks and agrees that such behaviour needs to be tackled effectively to ensure communities are safe. Misuse of fireworks also undermines the actions of those who use and enjoy fireworks in a lawful and respectful manner.

We share the Committee's concern that the public do not always report incidents of anti-social behaviour to the correct authority. We want the public to understand fully how illegal use of fireworks is enforced and for them to feel empowered to report issues and concerns. This will also help the Government and appropriate authorities gain more data and a better understanding of the extent of the problem.

We will work with the Home Office, Local Authorities, police and fire services to better understand what issues they face in order to inform whether a change in non-compliance or criminal activity incidents require a change in the way they are reported. OPSS will also promote the responsible use of fireworks as part of an awareness campaign. This work will be done by autumn 2020.

Recommendation: We recommend the Government conduct a review of online sales of fireworks, with a particular focus on sales via social media, with a view to establishing a national, cross-agency strategy to tackle the problem. The strategy should include measures to exert pressure on social media companies to identify and remove posts advertising unlicensed or illegal fireworks for sale on their platforms. We recommended this review be conducted, and a strategy published, before October 2020. (Paragraph 63)

We recognise that the internet has changed the way consumers shop and has increased the options available to the public to buy and have access to products. This is an area that the Government is considering more widely in terms of how to regulate online sales. The scale of the online market is significant and brings with it many challenges.

OPSS is working proactively with major online and social media platforms to ensure that they are playing their part in protecting UK consumers from unsafe goods. We will continue to work with these businesses to ensure that they have robust pro-active and reactive approaches in place to protect consumers.

Officials from OPSS are establishing what safeguards these companies have in place. Individual relationship managers have been appointed for several of the major online and social media platforms and discussions have shown that online marketplaces are keen to ensure they meet their legal obligations, but also that more needs to be done.

OPSS is also working with Local Authority Trading Standards (LATS) to lead a pilot project aimed at reducing the flow of unsafe products through fulfilment houses within the UK. The project includes capturing more data on fulfilment activity within the UK

and disrupting the activity of any fulfilment houses supplying unsafe products. While the project does not focus on fireworks, the lessons learned can be applied more widely to other sectors as necessary. Initial visits, involving OPSS and LATS officers working together, are scheduled to begin in March 2020. OPSS will review the lessons learned from this project in relation to fireworks in autumn 2020.

Recommendation: We recommend the Government take action as soon as possible, and at the latest by April 2020, to clarify the 5kg storage rule by amending the relevant Regulations to explicitly state it applies to low hazard category F1 fireworks only. (Paragraph 69)

We recognise the concerns expressed by petitioners regarding the importance of the safe use and storage of fireworks. The Health and Safety Executive (HSE) continues to support awareness of how to manage the risks properly, including steps that retailers can take, by providing guidance on safe storage. We will continue to work with BEIS, Local Licensing Authorities and business representative groups to support and raise awareness of approaches to safe storage.

Regulation 7 of the Explosives Regulations 2014 (ER2014) enables up to 5kg of explosives (including fireworks) to be stored without a storage licence. In practice, this is the exemption which enables small quantities of consumer fireworks to be purchased and used by people at their own home, without the need for a storage licence under ER2014. It also allows recreational shooters to store small amounts of explosives for use in re-enactment events or gamekeeping.

Without this provision, anyone keeping small quantities of lower hazard explosives or fireworks, for more than 24 hours, would need a storage licence from their local authority or the Police. This would be disproportionate regulation of individuals by licensing authorities.

Although a licence may not be required for storage of small quantities of explosives or fireworks, all other safety and security provisions of ER2014 must still be complied with, including ensuring that suitable measures are taken to prevent fire and explosion.

HSE conducted a complete review of the explosives' legislative framework in 2014, as part of the Professor Ragnar Löfstedt review of health and safety legislation. As part of this, the explosives regulations were modernised and consolidated in response to extensive stakeholder consultation, resulting in ER2014 being made. ER2014 was then formally reviewed in 2019, as part of a Post Implementation Review and no concerns were raised in relation to this exemption.

The Government believes that the exemption set out in Regulation 7 of ER2014 is appropriate as it enables limited, reasonable storage of small quantities of consumer fireworks and explosives for legitimate use. HSE will continue to provide guidance to support safe practices. HSE also publishes guidance on its website to support the safe storage of fireworks.

Recommendation: We recommend the Government take steps to ensure that these age-restricted products are not packaged in a way which is designed to appeal to children and that it introduce appropriate Regulations as soon as possible, and at the latest by November 2020. (Paragraph 74)

Recommendation: We recommend the Government fund and coordinate a major, national awareness campaign on the responsible use of fireworks to get this message across to the public. The campaign should run across national mainstream and social media, and in all schools, from October 2020 and annually thereafter and should include explicit information on the impact which fireworks can have on veterans and those with PTSD. (Paragraph 78)

Legislation is clear in restricting who can buy firework products in terms of product classification and age:

- There are four categories of fireworks which can be sold in Great Britain. Category 1 is classified as fireworks for use in confined areas (including inside domestic buildings) which present a very low hazard and negligible noise level; category 2 is classified as outdoor fireworks for use in confined areas which present a low hazard and low noise level which must generally be used at a distance of at least 8 metres; category 3 is classified as outdoor fireworks intended for use in large open areas whose noise level is not harmful to human health and which present a medium hazard which must generally be used at a distance of at least 15 metres; and category 4 fireworks are classified as presenting a high hazard, whose noise level is not harmful to human health and which can only be used by persons with specialist knowledge (not for public or private use).
- The law places restrictions on the age of individuals who may buy fireworks or pyrotechnic articles in the UK. Individuals under the age of 16 or 18 (depending on the classification of firework) are not allowed to buy category 2 or 3 fireworks. The age limit is 12 for individuals buying Christmas crackers, a category 1 firework, and the age limit is 16 for all other category 1 fireworks. There are further restrictions on the public possession of most fireworks by those under 18.
- Individuals can be fined up to £5,000 and imprisoned for up to 6 months for selling or using fireworks illegally. They can also get an on-the-spot fine of £90.

We are pleased to be reassured by this inquiry's findings that there is not generally an issue with underage sales. However, we recognise that once a firework has been bought by an individual who is over the legal age, it may be brought into a household where there are children. At that point, depending on how the adult stores and uses the firework, there could be the opportunity for a child to come into contact with the product. This could be more likely if the product has a design that appeals to children, such as looking like an animal or a film character.

There are cases of other products which have unintentionally posed a risk to children because of their design. Washing liquid tablets have, in some cases, been mistaken by children as sweets and children may have been able to gain access to harmful cleaning products if they were not stored appropriately in the home. As a result of this unintentional and accidental safety risk, that sector redesigned packaging and placed warnings on products raising awareness of the potential dangers to children.

Despite the age restrictions in place we recognise that there is a potential risk within the home. We will engage with the fireworks industry and encourage them to consider what action can be taken on a voluntary basis to address this concern.

In addition, we will also consider how guidance and campaigns can address this issue.

As we have stated, OPSS intends to run an awareness campaign on fireworks. The intention is to educate people of the risks associated with fireworks, promote law-abiding behaviour and an understanding and respect of the effects of inconsiderate and irresponsible use of fireworks. We will continue to work with the Scottish and Welsh Governments.

Our discussions with the fireworks industry and the awareness campaign will be completed by autumn 2020.

Summary of the Government's Response to the Committee's Recommendations

Recommendation	Responsible department and the Government's position
<p><i>While people who want to ban the public from buying and using fireworks have valid concerns that must be addressed, we cannot support a ban before other, less drastic but potentially more effective, options have been fully explored.</i></p>	<p>BEIS – we accept the Committee's conclusion not to ban the sale and use of fireworks.</p>
<p><i>We recommend the Government lead a review, working with animal welfare experts and the fireworks industry, of the effects of fireworks noise on animal welfare, with a view to setting a workable reduced maximum decibel limit which would diminish the risks to animal health.</i></p>	<p>BEIS – OPSS has commissioned research into the average decibel level of fireworks alongside collating data for the fireworks evidence base. This will help inform what further work might be appropriate, including with animal welfare groups and the fireworks industry. By autumn 2020.</p>
<p><i>We recommend the Government work with Local Authorities to identify a best practice approach to a revenue-neutral, mandatory permit system for fireworks displays, where local evidence suggests this is necessary to protect the community. The Government should work with a Local Authority to pilot the approach before the end of 2020, with a view to legislating to empower all Local Authorities to establish mandatory permit schemes where they deem it necessary.</i></p>	<p>BEIS – OPSS will work with Local Authorities to better understand what issues they face with fireworks to inform a decision as to whether a permit system is appropriate and beneficial. By autumn 2020.</p>
<p><i>We recommend the Government work with emergency services across the country to ensure that such incidents involving fireworks are specifically and consistently recorded across all local emergency services, and the data made publicly available.</i></p>	<p>Department for Health and Social Care and Home Office—the NHS and the Home Office collect data on fireworks accidents and attacks on emergency services workers. OPSS will discuss with these departments whether data collection of incidents might be improved and if it would be beneficial to do so. By autumn 2020.</p>

<p><i>We recommend the Government work with Local Authorities and police and fire services to review the systems in place for people to report concerns about misuse of fireworks, including breaches of the night-time curfew, use of fireworks in inappropriately small domestic gardens and other anti-social behaviour, with a view to establishing a consistent approach to data collection and publication. Local Authorities must have systems in place to record incidents of concern to their residents. It is vital that local areas collect this information to inform local responses. We expect the Government to issue guidance to this effect before October 2020.</i></p>	<p>BEIS – OPSS will work with the Home Office, Local Authorities, the police and fire services to better understand what issues they face with fireworks to inform a decision as to whether non-compliance or criminal activity incidents require a change in the way they are reported. OPSS will promote responsible use of fireworks as part of an awareness campaign. By autumn 2020.</p>
<p><i>We recommend the Government conduct a review of online sales of fireworks, with a particular focus on sales via social media, with a view to establishing a national, cross-agency strategy to tackle the problem. The strategy should include measures to exert pressure on social media companies to identify and remove posts advertising unlicensed or illegal fireworks for sale on their platforms. We recommended this review be conducted, and a strategy published, before October 2020.</i></p>	<p>BEIS – OPSS is working with LATS to lead a pilot project aimed at reducing the flow of unsafe products through fulfilment houses within the UK. The project includes capturing more data on fulfilment activity within the UK and disrupting the activity of any fulfilment houses supplying unsafe products. While the project does not focus on fireworks, the lessons learned can be applied more widely to other sectors as necessary. OPSS is also engaging with online platforms to ensure they are aware of their responsibilities and are taking action to remove any listings of unsafe products. We will review the lessons learned in relation to fireworks in autumn 2020.</p>
<p><i>We recommend the Government take action as soon as possible, and at the latest by April 2020, to clarify the 5kg storage rule by amending the relevant Regulations to explicitly state it applies to low hazard category F1 fireworks only.</i></p>	<p>HSE – HSE will continue to work with BEIS, Local Licensing Authorities and business representative groups to support and raise awareness of approaches to safe storage.</p>
<p><i>We recommend the Government take steps to ensure that these age-restricted products are not packaged in a way which is designed to appeal to children and that it introduce appropriate Regulations as soon as possible, and at the latest by November 2020.</i></p>	<p>BEIS – OPSS will engage directly with the fireworks industry to consider what action can be taken on a voluntary basis. By autumn 2020.</p>

<p><i>We recommend the Government fund and coordinate a major, national awareness campaign on the responsible use of fireworks to get this message across to the public. The campaign should run across national mainstream and social media, and in all schools, from October 2020 and annually thereafter and should include explicit information on the impact which fireworks can have on veterans and those with PTSD.</i></p>	<p>BEIS – OPSS will develop a public awareness fireworks campaign. By autumn 2020.</p>
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