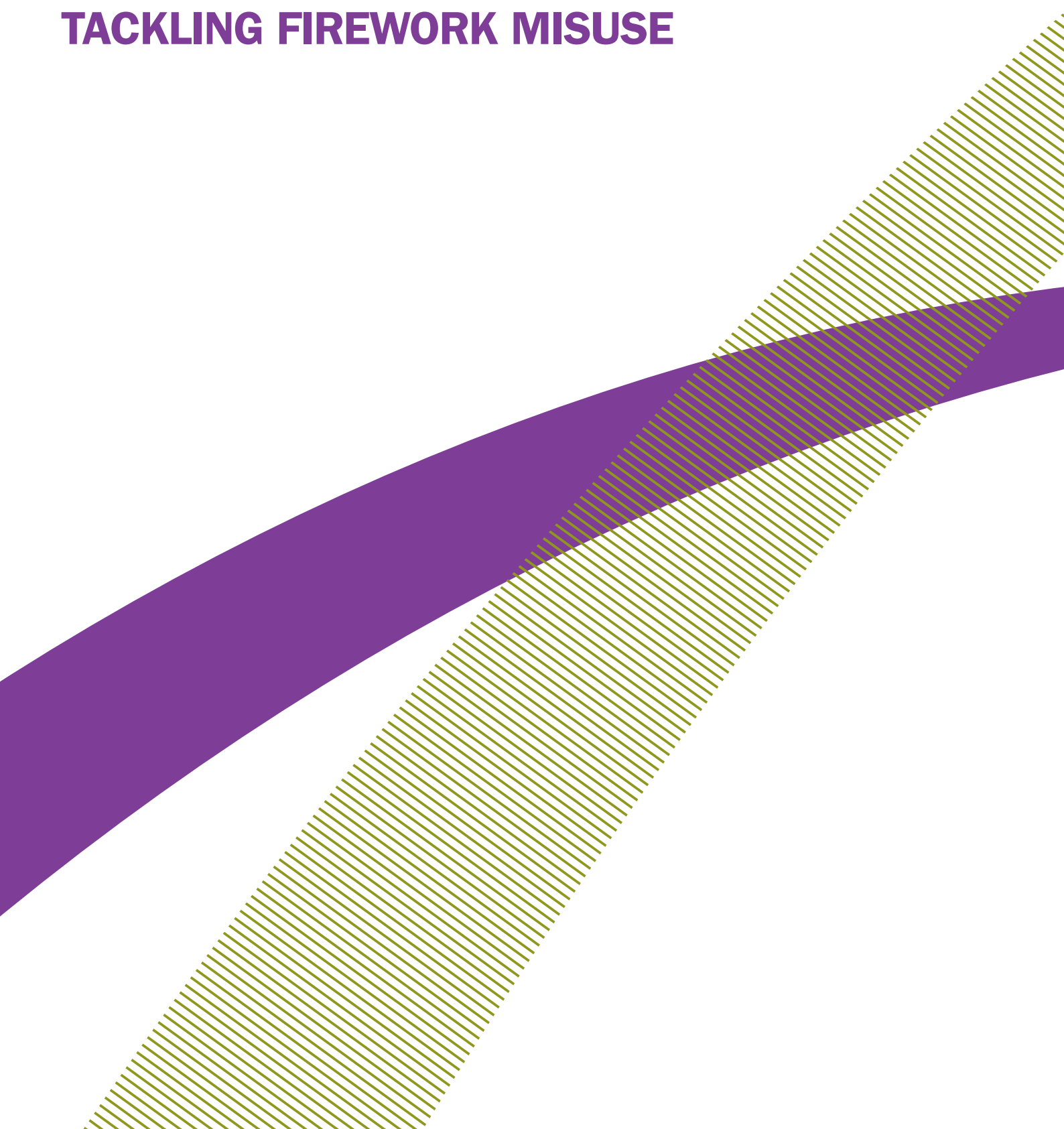




Home Office

# TACKLING FIREWORK MISUSE





# INTRODUCTION

Fireworks are enjoyed responsibly by thousands of people up and down the country every year. They can be used to celebrate all sorts of occasions, but they are primarily used to celebrate Guy Fawkes, Diwali, New Year's Eve and the Chinese New Year.

Unfortunately, a small minority of people use fireworks irresponsibly and cause serious nuisance within their local communities. An even smaller minority sometimes use fireworks as weapons to harass and injure other individuals.

This guide builds upon earlier **TOGETHER** and **RESPECT** step-by-steps; summarising the main tools and powers available to tackle firework related nuisance.

## WHAT IS ANTI-SOCIAL BEHAVIOUR INVOLVING FIREWORKS?

Anti-social behaviour involving fireworks ranges from fireworks being set off late at night with no regard for the noise nuisance this causes, to deliberate physical harm, or threat of harm, caused to people, animals and property. This sort of behaviour can cause communities to live in fear and any action where fireworks are used to harass, intimidate or cause damage to others is criminal and anti-social.

## THE IMPACT OF FIREWORKS MISUSE

Managing fireworks issues in the community is about striking a balance between the responsible enjoyment by the majority and the irresponsible use by a minority. The misuse can have a range of impacts on the community, and in the wrong hands fireworks can be damaging and dangerous.

At one end of the scale, fireworks let off late at night may prevent sleep and cause distress, scaring people and pets. At the other end, fireworks are deliberately used to damage property, or in extreme cases to intentionally injure and harm others.

Every year hundreds of adults and children require hospital treatment from firework injuries, either through accidents or intentional attacks.

## SANCTIONS TO TACKLE THE PROBLEM

There is a robust package of legislation in place to protect communities from the misuse of fireworks, which enables the police, police community support officers (PCSOs), trading standard officers and customs officers working together to tackle these problems in communities.

All fireworks sold in the UK are categorised based on their size. There are four categories of fireworks as set out below:

- Category 1 Fireworks – Indoor Fireworks  
– these are specifically made for indoor use
- Category 2 Fireworks – Garden Fireworks  
– Must be viewed at a minimum of 5 metres

- Category 3 Fireworks – Display Fireworks  
– Must be viewed at a minimum of 25 metres
- Category 4 Fireworks – Professional Display  
– It is an offence for the public to be in possession

## THROWING OR POSSESSION OF FIREWORKS

Police charging offenders with offences carrying a fine and/or imprisonment.

The following powers are available to police officers and committing any of these offences carries a maximum of £5000 fine, six months in prison, or both:

- throwing fireworks or setting off fireworks in public places: section 80 of the Explosives Act 1875 prohibits throwing or setting off fireworks on any highway, street, thoroughfare or public place. A public place is anywhere to which the public are entitled or permitted access. For example someone's own yard/garden is not included, but the local park, streets, car parks and bus station are all public places. Some school yards may also be public places at certain times of the day.
- possession of 'adult fireworks' by anyone under the age of 18 in a public place: 'adult fireworks' are defined as any fireworks except for a cap, cracker snap, novelty matches, party poppers, serpents and throwdowns. This offence was first introduced in 2003 and made permanent by regulation 4 of the Fireworks Regulations 2004. Remember – even some sparklers are adult fireworks.
- possession of category 4 fireworks (public display fireworks) by anyone other than a firework professional: this offence was first introduced in emergency legislation in 2003 and made permanent by regulation 5 of the Fireworks Regulations 2004. Category 4 fireworks are clearly labelled as such and further information can be found at <http://www.berr.gov.uk/fireworks/>.

The police also have the power to stop and search for fireworks if they suspect an individual of being in possession or that a vehicle contains prohibited fireworks. This was introduced by section 115 of the Serious Organised Crime and Police Act 2005 and came into effect from 1 July 2005. Guidance for the police on the statutory powers to stop and search can be found in the Police and Criminal Evidence Act 1984 ‘PACE Code A’\*.

### **POLICE AND ACCREDITED PERSONS ISSUING PENALTY NOTICES FOR DISORDER (PNDs)**

**PNDs are a quick and effective way of tackling fireworks misuse.** This power allows agencies to punish offenders immediately with £80 fines. PNDs are part of the wider drive to crackdown on anti-social behaviour involving fireworks and offer the police and PCSOs a quick method of dealing with firework offences.

PNDs can only be issued by certain individuals. These include:

- uniformed police officers;
- police community support officers (PCSOs) who have been designated with this power by the chief of police; and
- persons who work in a community safety role, including neighbourhood wardens, park rangers, etc. who have been ‘accredited’ with this power by the chief of police.

Penalty notices for disorder can be issued to those aged 16 and over. However, 7 police force areas are currently piloting the issuing of PNDs to 10-15 year olds. These include West Midlands Police (including British Transport Police), Essex Police, Lancashire Police, Nottinghamshire Police, Merseyside Police and Metropolitan Police-Kingston division who have already used these PNDs to good effect.

The table below lists the firework offences punishable by an £80 PND.

Offence	Legislation
Throwing fireworks in a thoroughfare	s80 Explosives Act 1875
Breach of fireworks curfew (11pm-7am)	Fireworks Regulations 2004, Fireworks Act 2003 s11
Possession of adult firework in public place by under 18	Fireworks Regulations 2004, Fireworks Act 2003 s11
Possession of category 4 firework	Fireworks Regulations 2004, Fireworks Act 2003 s11

\*(<http://police.homeoffice.gov.uk/operational-policing/powers-pace-codes/pace-code-intro/?version=4>).



## **KENT POLICE: 'SAFER AUTUMN' CAMPAIGN**

During 2006, Kent Police ran a county wide initiative with the county and local councils, the Fire Service, RSPCA and others to reduce incidents of anti social behaviour in the run up to Halloween and fireworks night.

The initiative aimed to ensure that everyone enjoyed a safe and happy Halloween and bonfire night, through:

- High profile county-wide policing using a dedicated team of rapid-response officers trained in fireworks legislation and interventions
- Dedicated call answering supported by officers trained in fireworks legislation and tactical options.
- Using stop and search powers to clamp down on the possession and use of prohibited fireworks.
- working with Trading Standards to Tackling the illegal sale of fireworks to under 18s
- Police officers trained in animal-related and wildlife crime working in partnership with colleagues from the RSPCA
- A county wide publicity campaign

The initiative launched ahead of the October half-term break, using a high profile campaign and distributing leaflets and posters through schools, shops, and libraries.

For people feeling particular vulnerable around Halloween trick or treat, over 100,000 posters displaying 'Sorry, no trick or treat', were made available to members of the public to stick in their windows. While shopkeepers were asked not to sell flour and eggs to people under the age of 16 during the Halloween period and given posters displaying "We wont sell eggs or flour to under 16s" to stick in their windows.

Between the last week of October and the first week of November, the police used a dedicated team of officers, to specifically respond to Halloween and firework related ASB. The dedicated team prioritised incidents such as firework nuisance and egg throwing.

## **RESULTS**

Comparing incident data collected between 21 October and 10 November during both 2005 and 2006, the initiative resulted in a 34% force wide reduction of ASB incidents.

To assess the public's view of the initiative Kent Police conducted a citizen panel postal survey, with a response rate of 62%.

Respondents highlighted a reduction in firework noise and misuse compared to previous years and felt that actions taken by Kent Police during the campaign were adequate. Following the campaign, over 7 in 10 were aware of curfews (75%) and/or legislation (71%) being implemented. However, penalty Notice for Disorders (PNDs) were the least known by participants, with less than 2 in 10 respondents being aware of that action.

## CONTROLLING THE TIMING OF FIREWORKS USE

It is also important to balance the wish to use of fireworks with the community's right to peaceful enjoyment of their lives. That is why legislation places requirements on when fireworks can be used and should individuals break the law the police have powers to take action.

- curfew on fireworks use: regulation 7 of the Fireworks Regulations 2004 makes it an offence for any person to use 'adult fireworks' between the hours of 11pm and 7am – except for 'permitted' fireworks nights. These exceptions, where the curfew start time is later, are as follows:
  - 5 November – 12 midnight
  - Diwali – 1am
  - New Year's Eve – 1am
  - Chinese New Year – 1am

The penalty for this offence is a maximum fine of £5000, six months imprisonment, or both.

- breach of the peace: Misuse of fireworks may also amount to a breach of the peace, particularly where an individual lets off a firework in the street and is causing a nuisance or where fireworks are being let off at an unreasonable hour of the night. Under section 5 of the Criminal Justice and Public Order Act 1986, a person is guilty of an offence if they use disorderly behaviour within the hearing or sight of another causing them harassment, alarm or distress. This is a more serious offence than breach of the peace and requires a higher test of proof, but can also be employed by the police to tackle anti-social use of fireworks in certain circumstances.

- other ASB tools & powers: can be put to use where fireworks misuse is part of a wider anti-social behaviour problem. This could include the use of acceptable behaviour contracts (ABCs), ASB injunctions (ASBIs), dispersal notices and anti-social behaviour orders (ASBOs).

## MANAGING THE SALE AND SUPPLY OF FIREWORKS

The local authority, Trading Standards Officers, Customs and Excise officers and the Fire Service also have a role to play to ensure that fireworks are stored correctly and supplied to an appropriate person(s). Offences carry a maximum £5000 fine, six months imprisonment or both:

- **prohibition of supply of fireworks:** under regulation 6 of the Fireworks (Safety) Regulations 1997 (as amended) it is illegal for retailers to sell caps, cracker snaps, novelty matches, party poppers, serpents and throwdowns to anyone who is under 16 and to sell all other adult fireworks to anyone who is under 18.
- **prohibition of supply of certain fireworks to the general public:** under regulation 4 of the Fireworks (Safety) Regulations 1997 (as amended), air bombs, aerial shells, aerial maroons, shell-in-mortar and maroons-in-mortar, all bangers (including "batteries" containing bangers, such as Chinese Crackers, mini-rockets, fireworks with erratic flight (e.g. ground spinners, jumping jacks, squibs), and all category 4 fireworks cannot be supplied to the public.
- **prohibition of supply of excessively loud category 3 fireworks:** under regulation 8 of the Fireworks Regulations 2004 it is illegal to supply any category 3 firework which generates a sound greater than 120 decibels.

- **British Standards:** Retailers must only sell fireworks that are manufactured to conform to British Safety Standards. All fireworks legally sold must have the British Standard Code 'BS 7114' printed on the box.
  - **signage:** Suppliers of fireworks are required under regulation 10 of the Fireworks Regulations 2004 to display a notice (not less than 420mm by 297mm) informing customers of the law in relation to under age sale and possession of fireworks.
  - **licensing of fireworks suppliers:** from 1 January 2005 under regulation 9 of the Fireworks Regulations 2004, any person selling adult fireworks to members of the public for an extended period outside of the usual fireworks season dates must have a licence granted by the local licensing authority – this is likely to be either the local authority or the local fire service. The times when a license is not required are:
    - a. on the first day of the Chinese New Year and the three days immediately preceding it;
    - b. on the day of Diwali and the three days immediately preceding it;
    - c. during the period beginning on the 15th October and ending on the 10th November; and
    - d. during the period beginning on the 26th December and ending on the 31st December)
  - **storage of fireworks:** the Manufacture and Storage of Explosives Regulations 2005 also put requirements on individuals storing fireworks. In general, MSER requires any person who stores fireworks (over 50kg) (section 25 of MSER) to be registered or licensed. This is enforceable by the Fire Service
  - **importation of fireworks:** from 1 January 2005 under regulation 11 of the Fireworks Regulations 2004, anyone importing fireworks must now give details (including name and address, the name of the person storing the fireworks, and the address of the premises where the fireworks are to be stored) to Customs.
- Customs ([www.hmrc.gov.uk](http://www.hmrc.gov.uk)), Trading Standards ([www.lacors.gov.uk](http://www.lacors.gov.uk) or [www.tsi.org.uk](http://www.tsi.org.uk)) and the Fire Services ([www.fireservice.co.uk](http://www.fireservice.co.uk))** have a responsibility to ensure that strategies are in place to manage the licensing and importation of fireworks.

## WORKING TOGETHER

- If there is a fireworks problem within a community then local people and local organisations need to work together to tackle the problem. The most effective fireworks safety campaigns around the country are a result of partnerships between different local organisations. It is important that local businesses, community groups and others such as schools and youth groups are involved.
- Communities need to be informed of the responsible use of fireworks and made aware of the penalties for committing a firework offence. Leaflets, posters and briefings at community meetings are a good way of informing people of what constitutes a firework offence and what the penalties are for breaking the law. These could be merged with safety campaigns.
- Publicity needs to be timely to make it easier for local people to make a connection between a specific date, such as 5 November, and anti-social behaviour involving fireworks. We find that leaflets or other printed materials such as posters or newsletters are distributed one to two weeks before occasions where fireworks are likely to be used, such as Bonfire night, Diwali, New Year's Eve and Chinese New Year.

## **CASE STUDY: DERBY'S COMMUNITY ENGAGEMENT STRATEGY**

Engaging the public is a central part of Derby Community Safety Partnership's fireworks campaign: by driving home key messages, Derby can make sure that the public are aware of the law, what constitutes anti-social behaviour and local people can make sure that their use of fireworks is in line with these principles. This allows the police, environmental health, trading standards and fire and rescue service to efficiently target their programme of enforcement.

Prior to and during the fireworks season, Derby Community Safety Partnership's ASB team will make sure that the community and retailers are aware that fireworks misuse is illegal, it will not be tolerated, and that action will be taken against those who insist on acting anti-socially. The awareness-raising campaign will include:

- using the local media to highlight the dangers of misusing fireworks and to encourage the public to report incidents
- advertising on interior of local buses;
- distributing leaflets, door-to-door, in hotspot areas;
- displaying posters in schools, community centres, and other public buildings
- printing notices on the back of car park tickets; and
- offering specialist training for beat officers reminding them of the powers available to them;

Derbyshire Constabulary, Derby Trading Standards and Derbyshire Fire and Rescue Service will all be communicating directly with retailers, reminding them of their legal duties, and requesting that they put stickers on any fireworks sold, reminding the purchaser of curfew times.

On every advertisement the Derby Community Safety Partnership commissions, the public are encouraged to call if they are experiencing firework-related anti-social behaviour and simple messages are reinforced, such as curfew times.

For those individuals and businesses that persist in acting anti-socially, all agencies are committed to taking action, through the use of powers such as PNDs, stop and search, test purchasing, prosecution and others.

As a result of the work undertaken in Derby, firework-related ASB has decreased year on year, from 283 specific incidents in 2004 to 122 (56% reduction) in 2006.

## AND FINALLY

Data suggests that domestic burglaries and theft of vehicles increase by around 5% during November as people take less care of home and car security. Using firework noise as a cover, nearly a quarter of all domestic burglaries are committed by opportunists taking advantage of a door or window left unlocked whilst people are out enjoying fireworks displays or welcoming friends for fireworks in gardens. By taking some simple precautions that cost nothing, can make homes and possessions much safer.

Therefore it is important to include advice on making sure all windows and doors are locked, and maintaining that “at home” look by closing curtains, leaving a light on, and thinking about leaving a radio or television on, as part of your firework communication strategy.

General crime prevention advice and downloadable leaflets including “A Guide to Home Security” can found at the website: <http://www.crimereduction.gov.uk/burglaryminisite01.htm>

To prevent thefts of vehicles it’s important to make sure all the doors and windows are locked and that keys are kept in a safe place. Park in a garage if you have one, otherwise park in a well lit and open place. Car crime prevention advice, including downloadable leaflets, can be found at the website <http://www.crimereduction.gov.uk/toolkits/vc00.htm>

## Don’t forget:

- About ASBOs and ABCs to tackle fireworks misuse, especially when it is only one aspect of a perpetrator’s anti-social behaviour.
- To work closely with the Fire Service
- To consider providing an all night noise service during the peak periods
- That the police have the power to stop and search anyone they suspect of carrying illegal fireworks
- To work with trading standards to tackle illegal sales
- To use PNDs for a fast, effective alternative to prosecution

Not many people misuse fireworks, but those that do need to be stopped. Fireworks are seen as dangerous and need to be handled with care and responsibility. It is vital that a similar message is promoted in communities to prevent and stop their misuse.

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