

## POLICY SCRUTINY COMMITTEE

**Monday, 10 February 2020**

**6.00 pm**

**Committee Room 1, City Hall**

Membership:	Councillors Bill Bilton (Chair), Laura McWilliams (Vice-Chair), Alan Briggs, Jane Loffhagen, Hilton Spratt, Ralph Toofany and Pat Vaughan
Substitute member(s):	Councillors Kathleen Brothwell and Gary Hewson
Officers attending:	Francesca Bell, Democratic Services, Yvonne Fox, Legal Services and Pat Jukes

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### A G E N D A

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1. Confirmation of Minutes - 14 January 2020	
2. Declarations of Interest	
Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.	
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**SUBJECT: ALLOCATIONS POLICY**

**DIRECTORATE: HOUSING AND INVESTMENT**

**REPORT AUTHOR: YVONNE FOX – ASSISTANT DIRECTOR – HOUSING MANAGEMENT**

## **1. Purpose of Report**

- 1.1 To seek member approval to implement a new Allocations Policy.
- 1.2 The proposed policy will be implemented following completion and testing of changes to the Abris IT system with an anticipated date of Monday 1<sup>st</sup> June 2020.

## **2. Executive Summary**

- 2.1 Following an interim review of the Allocations Policy in 2017 in preparation for the introduction of the Homelessness Reduction Act 2018, a full review of the policy was carried out as part of the review of the Allocations and Homelessness Teams. In addition, consideration has been given to advice and guidance provided by the MHCLG Specialist Homelessness Advisor; the Codes of Guidance; Case Law and the provisions of the Localism Act 2011.
- 2.2 The proposed policy will ensure that all City will operate a policy that fully complies with legislative requirements whilst ensuring that we make best use of all social and affordable housing in the City. We will ensure that those in most need are secured accommodation swiftly whilst also recognising that people who live and work in the City should be prioritised for housing.

## **3. Background**

### **3.1 Housing Allocations Policy Review 2019**

Local Housing Authorities must have regard to Statutory Guidance when exercising their functions under Part 6 of the Housing Act 1996. In 2012 and 2013 Statutory Guidance was issued and Local Authorities were asked to review their allocation policies and revise them, where appropriate, in line with the guidance.

- 3.2 The 2013 Guidance, Providing social housing for local people enabled Local Housing Authorities to make full use of the provisions of the Localism Act 2011. The Act gave back to local authorities, the freedom to better manage their waiting lists as well as providing greater flexibility to tackle homelessness. Local authorities can now decide who qualifies for social housing in their area to better meet the needs of local residents and local communities.

### **3.3 Qualification for Social Housing**

Housing authorities can only allocate accommodation to people who are defined as 'qualifying persons', and the Act gives LA's authority to define who is a qualifying person.

- 3.4 The Statutory Guidance advises local authorities to ensure that they prioritise applicants who can demonstrate a close association with their local area. This is to ensure that sufficient affordable housing is available for those amongst the local population on low incomes who may otherwise be not able to find a home on the open market.

- 3.5 Housing authorities are therefore strongly advised to adopt a residency qualification. The Secretary of State advised that a reasonable period of residency would normally be two years.

Applicants with a strong family connection or who work in the district may be awarded exception.

## **4. Proposed Policy**

### **4.1 Allocations Policy 2019 Proposed Changes**

As recommended in the Statutory Guidance and as advised by officers from the MHCLG, we have considered the need to introduce a residency qualification to the waiting list.

- 4.2 Prioritising applicants with a connection to Lincoln is a key driver for the change as is the need to reduce homelessness and rough sleeping in the City. The majority of local housing authorities have a residency qualification of between 2 and 5 years and areas with open waiting lists have experienced increased homelessness and rough sleeping. Stopping the flow of rough sleepers on to the streets of Lincoln is a priority and we are advised that by prioritising local people for housing, the flow should reduce. Anyone who does come to Lincoln and sleeps out will of course access all the services available here in the City and we will look to either reconnect them to the area where they have a connection to or to give housing advice and assistance to access private rented accommodation or accommodation provided by other agencies such as the YMCA.

- 4.3 At present, we operate a joint policy with North Kesteven District Council (NKDC). In the current policy there are some differences relating to property types and priority but the qualification criteria for both authorities is the same. City of Lincoln Council (CoLC) and NKDC have very different stock profiles and are geographically dissimilar. As a University City we experience net migration in to the City from surrounding areas and high demand for housing whereas NKDC have low demand for houses and bungalows in rural villages and high demand for single person accommodation. We have discussed with officers at NKDC the need for CoLC to introduce a residency qualification to ensure that local people are prioritised for housing but due to the low demand for housing in NKDC they feel unable to introduce the same in their area.

- 4.4 Therefore, we are proposing that CoLC and NKDC continue to work in partnership as Lincs Homefinder; that we continue to share the same IT system, have the same application form, assess applicants in the same way and have four bands with the priority band A and Bands B & C assessed the same way.

The proposed changes to CoLC Policy in full are:

- Introduction of a residency qualification of 24 months for CoLC applicants
- Creation of a Transfer Band
- Allowing households threatened with homelessness who accept an offer of private rented accommodation to keep their priority on the waiting list for Council accommodation
- Allow couples to be considered for 2 bed flats if there is no demand from a household with a 2 bed need (subject to affordability)
- Households with one child under the age of 12 months or who are pregnant may be offered a 1 bed property (subject to demand)
- Households leaving named hostels within the City will be assessed in line with Homelessness Statutory Guidance

- 4.5 The changes to procedures include:

- Additional checks at application stage to ensure applicants are able to afford a tenancy and to signpost to other agencies as required
- An application will not be made live until an applicant provides all proofs and if these are not returned within 28 days the application will be cancelled
- Clarification regarding preference offered to forces and ex-forces personal (not subject to residency criteria as per statutory guidance)

- 4.6 Any applicant currently registered who does not meet the residency qualification will have their application reviewed and provided with advice and assistance on all housing options available.

## **5. Strategic Priorities**

- 5.1 Let's reduce inequality

- 5.2 The successful implementation of the Council's Allocations Policy is key to reducing inequality amongst vulnerable groups.

Key needs met include:

- Prevention and relief of Homelessness
- Prevention and relief of street homelessness
- Households adversely affected by welfare reform
- Households whose homes are not suitable for their medical needs or disability
- Move-on from hospitals
- Move-on from Supported housing

- 5.3 The Council is required to consult with key partners on the proposed changes to the Allocations Policy. This consultation is ongoing and will be considered before the report is submitted to Executive for approval.

## **6. Organisational Impacts**

- 6.1 Finance (including whole life costs where applicable) - There are associated financial implications of approximately £18,000 to make amendments to the Abritas system. These costs were identified as part of the initial installation of the new system and can be met from existing budget.
- 6.2 Legal Implications including Procurement Rules - There are no direct legal implications arising from this report at this time.
- 6.3 Equality, Diversity and Human Rights
- 6.4 The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.
- 6.5 It requires that public bodies have due regard to the need to:
- Eliminate discrimination
  - Advance equality of opportunity
  - Foster good relations between different people when carrying out their activities
- 6.6 The Policy will ensure that anyone will be safeguarded against exposure to the different elements contained in the policy. Those who exhibit a protected characteristic would automatically be covered by this policy, and therefore there is no negative impact on anyone displaying a protected characteristic.
- 6.7 Human Resources - There are no direct HR implications arising from this report at this time.

## **7. Risk Implications**

- 7.1 There are no risks identified with implementing this policy.

## **8. Recommendation**

- 8.1 Members are asked to provide comments about the Policy, which will be referred to Executive to be approved.

**Is this a key decision?**

Yes

**Do the exempt information categories apply?**

No

**Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?**

No

**How many appendices does the report contain?**

**List of Background Papers:**

None

**Lead Officer:**

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# Lincs Homefinder

## Lettings Policy

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<b>1</b>	<b>Introduction</b>
<b>1.1</b>	<b>The lettings policy</b>
1.1.1	The lettings policy was agreed by the Council's Executive Committee on ***** and implemented from *****.
1.1.2	The lettings policy states how: <ul style="list-style-type: none"> <li>• Lincs Homefinder operates</li> <li>• the council assesses the housing needs of applicants</li> <li>• the council allocates its properties</li> <li>• the council nominates applicants to Registered Providers</li> </ul>
1.1.3	All allocations of council homes and nominations to Registered Providers will be made in accordance with the lettings policy.
1.1.4	The lettings policy also links to the council's Tenancy Strategy, Tenancy Policy, Housing Strategy and Homelessness Strategy.
<b>1.2</b>	<b>Legislative and policy framework</b>
1.2.1	This is the allocation scheme, as required by the Housing Act 1996, as amended by the Homelessness Act 2012, Localism Act 2011 and the Homelessness Reduction Act 2017. It sets out the framework within which the City of Lincoln Council will operate in the assessment of housing need on the housing register and the letting of social and affordable rented properties.
1.2.2	The principles set out in this policy are not absolute rules and all references to statutory legislation are not to be used as substitutes for the detail within the original.
1.2.3	The lettings policy is to be reviewed with the introduction of any new or amended legislation or new working arrangements within the council. Any such reviews will be subject to the council's constitution.
<b>1.3</b>	<b>Statement of choice</b>
1.3.1	The council is fully committed to operating a choice based lettings scheme called Lincs Homefinder which enables applicants to play an active role in choosing where they live, whilst accommodating those in the greatest housing need.
<b>1.4</b>	<b>Equal Opportunities</b>
1.4.1	The Council is committed to the promotion of equality of opportunity for all existing and potential applicants. No one will be treated unfairly due to age, gender, disability, race, religion, sexual orientation, transsexuality, marital or partnership status, or being pregnant/on maternity leave. This

	list is not intended to be exhaustive but indicative of the Council's intention and commitment to ensuring equality
1.5	<b>Data Protection, Confidentiality and Sharing Information</b>
1.5.1	The Council is what is known as a 'Controller' of the data you provide and is registered with the Information Commissioner's Office. The Council takes your privacy seriously and will not use the information you give for any other purposes than to administer your application, unless the law allows this.
1.5.2	<p>If you provide your personal information on the online application, you are consenting to the Council using this and any other information you provide as proof of your application, to process and consider your application. We will:</p> <ul style="list-style-type: none"> <li>• Keep your information accurate and up to date, with your assistance</li> <li>• Retain your information only for as long as necessary (minimum of 6 years from the end of your tenancy/application and longer in certain circumstances)</li> <li>• Store your information securely in accordance with the Data Protection Act 1998 at a level appropriate for its sensitivity. For further information see the Council's Data Protection Policy.</li> </ul>
1.5.3	We will not share your personal information with third parties without your consent, unless they are processing your information on our behalf or because the law allows this, for example to check the information provided by you or about you. This includes any sensitive personal information you provide for example regarding you or your family's health, although only where it is necessary.
1.5.4	We are also under a duty to protect the public funds we administer, and to this end may use the information you have provided for the prevention and detection of fraud. We may also share this information with other bodies responsible for auditing or administering public funds for these purposes. The third parties may include but are not limited to, passing your information and receiving information about you, with the agencies/services listed in the Statement and Declaration on the application form.
1.5.5	If after providing consent for us to process your personal information for this purpose, you decide to withdraw your consent, then you must contact us immediately to confirm this. However, the consequences of this will be that your application will not be considered. We may also have already passed on your information, as the law allows, to other departments within the Council and other organisations.
1.5.6	If you want to know more about the information we hold about you and how we process this or have a complaint regarding the way we have handled your personal information please ask for the Data Protection Officer at the Council. If you however remain unhappy, then you have a

	right to complain to the Information Commissioner at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone:01625 545 700. Website : <a href="http://www.ico.org.uk">www.ico.org.uk</a>
2.	<b>Lincs Homefinder</b>
2.1	<b>Aims and objectives of the lettings policy</b>
2.1.1	<p>The main objectives of this policy are to:</p> <ul style="list-style-type: none"> <li>• Provide a fair, open and accountable framework with equality of access</li> <li>• Prevent homelessness and reduce the use of temporary accommodation</li> <li>• Ensure freely available and accessible advice and assistance, to ensure applicants' understanding and participation</li> <li>• Take account of the relevant legislation, statutory regulations and guidance</li> <li>• Reflect the Council's tenancy policies and strategies</li> <li>• Have due regard to the Lincolnshire Homelessness Strategy</li> <li>• To assist households with a need to remain in, or move to a particular area of the city</li> <li>• To ensure effective use of social housing stock by reducing under occupation of council accommodation</li> <li>• Reducing void times by advertising properties while on notice</li> <li>• To increase the supply of properties by advertising and nominating applicants for properties for Registered Providers and Supported Housing providers</li> <li>• To encourage customers to consider a variety of housing options by providing information on alternative solutions</li> <li>• To ensure the lettings process is transparent by making lettings in accordance with this policy</li> <li>• To ensure that customers are not treated unfairly on the basis of their age, gender, disability, race, religion, ethnic origin, sexual orientation, transsexuality, marital or partnership status or being pregnant/on maternity leave.</li> </ul>
2.2	<b>Partnerships with Registered Providers and Private Landlords</b>
2.2.1	<p>Some Registered Providers and Private Landlords that manage accommodation within Lincoln are expected to request nominations for a proportion of the properties that they allocate to their tenants. The following lettings made are considered to be nominations:</p> <ul style="list-style-type: none"> <li>• Customers from any band of Lincs Homefinder</li> <li>• Customers from a direct letting category</li> <li>• Any other groups as agreed between the Council and the Registered Provider or the Private Landlord.</li> </ul>
2.3	<b>Joining the housing register</b>

2.3.1	All customers must be registered on the Lincs Homefinder system before they will be considered for a council property or a nomination to a Registered Provider. All customers should complete the online application to join the housing register.
2.3.2	The information provided on the application will be used by the Council to determine the size and type of property that the applicant requires and whether any further housing needs assessments are required.
2.3.3	The council will only usually accept applications from customers and any other people who normally reside with them as a member of their family, or any other person that may be reasonably expected to reside with them.
2.3.4	An applicant can only be registered as the main or a joint applicant or a member of the household to be rehoused on one active housing application. Exceptions to this must be authorised by a senior manager. An example of an exception that will be considered is if there is shared care or access arrangements for children.
2.3.5	Any offer of housing made to City of Lincoln Council staff, elected members or staff working for or board members of a Registered Provider must be approved by a senior manager. This also applies to relatives and household members of these groups.
2.4	<b>Verifying information received on the housing application</b>
2.4.1	Where a housing application is completed with insufficient supporting information to enable the council to process it the application will not be accepted. A list of acceptable required documents will be provided (see Appendix B). Without this information an application will not be processed.
2.4.2	For any application which includes someone from abroad, proof of identification, nationality and immigration status will be required. Verification may be sought from the Immigration Services to safeguard the use and allocation of public funds.
2.4.3	Once all information has been received and the assessment of the application is complete the main applicant will be sent an acknowledgement advising them of: <ul style="list-style-type: none"> <li>• Their application reference number</li> <li>• The size of property they are entitled to</li> <li>• The housing need band that their application has been placed in</li> <li>• The band date</li> </ul>
2.5	<b>Keeping the housing register up to date</b>
2.5.1	The council will update the housing register where appropriate, including

	<ul style="list-style-type: none"> <li>• When the customer informs the council of a change in their circumstances</li> <li>• Following periodic reviews</li> <li>• As a result of receiving no response to contact, for example to an offer of accommodation</li> <li>• When updating information on the housing register, for example if during a data review it is noted that there are duplicate applications on the system</li> </ul>
2.6	<b>Dating of Application</b>
2.6.1	The initial registration date of an application will be the date the application is fully completed and submitted online. All relevant documentations requested should be provided within 14 days of initial contact. Failure to provide relevant documentation may result in a late registration date or cancellation of an application.
2.6.2	<p>The following explains how effective band dates will be awarded:</p> <ul style="list-style-type: none"> <li>• <b>New application</b> – the effective date will be the same as the applicants registration date. Assuming all required documents are received within 14 days, if not, then the date will be when all required documents are actually received.</li> <li>• <b>Change of circumstances which results in a higher band assessment</b> – the effective date will be the date the applicant provides satisfactory evidence of the change of circumstances.</li> <li>• <b>Change of circumstances which results in a lower band assessment</b> – the effective date will revert back to the registration date in use.</li> <li>• <b>Homelessness applications</b> – the effective date will be the date the homeless duty (prevention duty, relief duty or full duty) has been accepted and notified to the applicant.</li> <li>• <b>Refusal of reasonable offers</b> – the Council reserves the right to amend the effective date to the date of the second refusal of a reasonable offer of accommodation.</li> </ul>
2.6.3	<p>The exceptions to this are:</p> <ul style="list-style-type: none"> <li>• Armed forces personnel leaving the services who will have their priority award backdated to the date on their Cessation of Occupation Certificate</li> <li>• Care leavers – if it is the care leaver's initial approach for rehousing their date will be backdated to their 18<sup>th</sup> birthday</li> </ul>
2.7	<b>Cancellation of Application</b>
2.7.1	<p>The Council reserves the right to cancel a customer's application from the register:</p> <ul style="list-style-type: none"> <li>• On the request of the customer</li> <li>• If a customer does not meet the qualification criteria to be a tenant</li> </ul>

	<ul style="list-style-type: none"> <li>• If the applicant is under 18 years old (unless permission has been granted by a senior manager)</li> <li>• Where the customer has more than one application registered or appears on more than one application</li> <li>• Where a reply to any application reminder or request is not received within the specified time</li> <li>• If any correspondence is returned by the Post Office as undelivered</li> <li>• When the customer has been rehoused by the council or a Registered Provider, including shared ownership schemes</li> <li>• If they complete a mutual exchange</li> <li>• Where a council tenant completes the purchase of their home through the Council's right to buy scheme</li> <li>• When the council is notified that a customer is deceased or has moved in to permanent residential care.</li> </ul>
2.8	<b>Suspension and cancellation of applications</b>
2.8.1	<p>We may suspend a housing application if there is good reason to do so, examples of this may be:-</p> <ul style="list-style-type: none"> <li>• The Applicant has been asked, in writing, by telephone or by email for key information in relation to their application and we are waiting for a appropriate response</li> <li>• We have asked a support agency or support worker to provide additional key information about a household and are waiting for a reply from them.</li> <li>• If we are unable to contact an applicant following several attempts</li> <li>• Whilst awaiting response to an annual review request</li> <li>• Where required, an applicant refused a home visit</li> </ul>
2.8.2	The council will contact the customer using the last known contact details they were provided with and inform the applicant that their application has been cancelled. In the event of a customer's death the council will cancel the application after receiving written confirmation from the Registrar, the deceased applicant's executor, personal representative or next of kin.
2.8.3	Should a customer subsequently wish to re-join the register they will be required to complete a new application which will be processed based on their current circumstances and with the subsequent registration date.
2.8.4	If a customer's housing application was cancelled within 14 days of the date on their application the date will be backdated to that of the original application. Where the housing application was cancelled over 14 days after the date of registration it will not be backdated unless there are exceptional circumstances.
2.9	<b>False statements and withholding information</b>
2.9.1	It is an offence for anyone to knowingly or recklessly make a statement that is materially false, or to deliberately withhold information which the

	council reasonably requires them to give, or fails to notify the council of changes regarding their housing circumstances.
2.9.2	<p>The City of Lincoln Council takes fraud seriously, including cases of people:</p> <p>Applying to the council as homeless when they already have somewhere to live</p> <p>Applying for council housing using false information or identity</p> <p>Subletting or not living at their council property, where this contravenes the tenancy agreement</p>
2.9.3	The council will take legal action against customers who give false information or withhold information regarding their housing application which may include criminal prosecution under the Prevention of Social Housing Fraud Act 2013. If the customer has been allocated a property in these circumstances then the council or other landlord may take court action to evict the customer.
3.	<b>Scope of the lettings policy</b>
3.1	<b>Definition of a let</b>
3.1.1	<p>All lettings within Part 6 of the Housing Act 1996 will be made as:</p> <ul style="list-style-type: none"> <li>• An introductory tenancy</li> <li>• A secure tenancy</li> <li>• A fixed term tenancy</li> <li>• A temporary licence</li> <li>• A nomination to a Registered Provider</li> </ul> <p>Lettings will be made in accordance with the relevant legislation.</p>
3.1.2	The council will normally grant an introductory or a secure tenancy. All new tenants will be introductory tenants unless they have transferred from another secure tenancy held with the City of Lincoln Council, another Local Authority or are a transferring tenant of a Housing Association.
3.1.3	Where more than one adult applies for housing together they can normally apply as joint tenants. Joint tenancies will only be granted where both the main and joint applicants are eligible and qualifying.
3.1.4	<p>The housing register will include customers who may be eligible for:</p> <ul style="list-style-type: none"> <li>• Service tenancies for employees of the council</li> <li>• Non-secure council tenancies created by the Housing Act 1985</li> </ul>
3.2	<b>Local lettings policies</b>
3.2.1	The council may operate local lettings policies to enhance the sustainability of defined communities or to allocate a proportion of new build properties to existing tenants. Where a local lettings policy operates



	preference for offers of accommodation may be given to particular applicant groups outside of the reasonable preference categories. Local lettings policies will be approved by the council for particular properties or groups of properties and will be reviewed regularly.
3.2.2	Overall, preference for allocations will be given to applicants using the priority banding system and local lettings policies will not discriminate unjustifiably, directly or indirectly, on equality grounds.
3.2.4	Should a property be subject to a local lettings policy the criteria will be clearly indicated when the property is being advertised through the choice based lettings scheme.
3.3	<b>Council tenancies granted outside of Part 6 of the Housing Act</b>
3.3.1	A customer may take over a tenancy outside of Part 6 of the Housing Act which is other than through the housing register. Reasons for this include succession, assignment, mutual exchange and through tenancy management where a joint tenancy becomes a sole tenancy or a sole tenancy becomes a joint tenancy.
4.	<b>Eligibility for offers of accommodation (under Part 6 of the Housing Act 1996)</b>
4.1	<b>Eligible customers</b>
4.1.1	Applicants should be aged 18 years or over.
4.1.2	Applications from the following groups will normally be considered: <ul style="list-style-type: none"> <li>• Persons not subject to immigration control taking account of nationality and immigration. The main customer groups to whom properties will be let to are:</li> <li>• British nationals who are habitually resident in the Common Travel Area (CTA) is United Kingdom, Channel Islands, Isle of Man or Republic of Ireland.</li> <li>• Commonwealth citizens who have the right of abode and are habitually resident in the CTA.</li> <li>• European Economic Area (EEA) nationals who have the right to reside in the UK and are habitually resident in the CTA.</li> </ul>
4.1.3	Persons subject to immigration control who have been granted: <ul style="list-style-type: none"> <li>• Refugee status</li> <li>• Humanitarian Protection or Discretionary Protection, provided they are eligible for public funds</li> <li>• Indefinite Leave to Remain, provided that they are habitually resident in the CTA and their Leave to Remain was not granted in the previous five years on the basis of sponsorship given in relation to maintenance and accommodation (or if their sponsor has died)</li> </ul>

	<ul style="list-style-type: none"> <li>Persons subject to immigration control who are nationals of a country that has ratified the European Convention on Social and Medical Assistance (ECSMA) or the European Social Charter (ESC) provided that they are habitually resident in the CTA and lawfully present in the UK.</li> </ul>
4.1.4	<p>In addition to European Nationals who are habitually resident in the UK, and can prove they have a current British National Insurance Number, applications from the following groups of people will also be considered:</p> <ul style="list-style-type: none"> <li>A person granted refugee status when his/her request for asylum is accepted.</li> <li>Persons granted exceptional leave to enter or remain. This will be someone who has failed in the request for asylum, but has been given leave to remain where there are compelling, compassionate circumstances.</li> <li>Persons granted indefinite leave to remain in the UK who are regarded as having settled status. Applicants still have to establish habitual residence.</li> </ul>
	<p>Under the Housing Act 1996, local authorities must consider whether applicants are eligible for housing assistance. This relates to some people who may have been living abroad or do not have permanent permission to remain in the UK. Any person making an application who is identified as falling under the Asylum and Immigration Act 1996 will be assessed in accordance with the Act. We reserve the right to seek advice and assistance to resolve the issue of eligibility.</p>
4.2	<b>Ineligible applicants</b>
4.2.1	<p>Those who cannot join the choice based lettings scheme are:</p> <ul style="list-style-type: none"> <li>Persons who are ineligible to reside in the United Kingdom</li> <li>Persons granted exceptional leave to enter or remain but do not have recourse to public funds.</li> </ul>
4.2.2	<p>There may be cases where an ineligible person forms part of a household with others who are eligible. It is important to note that whilst the ineligible person cannot be granted a tenancy they may be taken into account in the size of accommodation to be offered, but the tenancy will only be granted to the individual who is eligible.</p>
4.3	<b>Qualification criteria to a council tenant</b>
4.3.1	<p>When an application is registered, or while it remains on the housing register, the council may decide the customer is non-qualifying. The council will consider whether the customer or a member of his/her household, should be considered to non-qualifying on the grounds of unacceptable housing-related behaviour.</p>

4.3.2	Each case will be considered on its own merits following an assessment of the circumstances of the case. This will include whether there has been any modification in the behaviour of the applicant or their household and whether there are any extenuating circumstances such as vulnerability or safeguarding issues. This improved behaviour must be demonstrated for a minimum of 6 months.
4.3.3	Customers will be treated as meeting the qualification criteria unless subsequently found to be non-qualifying. If the customer does not meet the criteria to be a tenant their housing application will be cancelled.
4.4	<b>Non-qualifying persons</b>
4.4.1	<p>The following will normally be considered to be non-qualifying persons and therefore unable to join the choice based lettings scheme:</p> <ul style="list-style-type: none"> <li>• Applicants who cannot evidence a local connection – see section below</li> <li>• Existing social housing tenants who have not been in their current home for 12 months</li> <li>• Applicants that have purchased property via a Council's Right to Buy scheme in the last 5 years</li> <li>• Applicants that have benefited from either a disabled facilities grant/adaption or renovation grant in the last 5 years</li> <li>• Applicants that have demonstrated serious unacceptable behaviour</li> <li>• Applicants with housing related debt</li> <li>• Applicants that have breached a condition of their current or a previous tenancy</li> <li>• Applicants or an applicant with a household member that has a history of causing anti-social behaviour</li> <li>• Applicants that have used their home for illegal or immoral purposes</li> <li>• Applicants that have been convicted of an offence in the locality of their home</li> <li>• Applicants that caused their property condition to deteriorate</li> </ul> <p>Applicants that used false information to obtain a tenancy A senior manager is able to approve exceptions to the above.</p>
4.5	<b>Residency Qualification</b>
4.5.1	<p>To qualify for a local connection the applicant must:</p> <ul style="list-style-type: none"> <li>• Be a current resident within Lincoln and have been for at least 24 months</li> <li>• Have had their current main place of permanent employment in Lincoln for a continuous period of at least 12 months. This must be the applicant's main place of employment and not the head office of the company they are employed by.</li> <li>• Be an applicant who has been accepted under homeless duty with the City of Lincoln Council as a reciprocal arrangement with another housing organisation</li> </ul>

	<ul style="list-style-type: none"> <li>• Be a member of HM Armed Forces through Section 315 of the Housing and Regeneration Act (2008) who have established a local connection with the city during their service or before they joined their service</li> <li>• Be a refugee who have been granted leave to remain and have been dispersed to Lincoln</li> <li>• Be an applicant who has been accepted from outside of the area as part of a Witness Protection recommendation</li> <li>• Be an applicant from outside of Lincoln who is a victim of domestic abuse or fleeing other violence and/or harassment and who cannot return to the area where they were living in fear of harm and a homelessness duty has been accepted</li> <li>• Be a care leaver (<a href="#">who has been in care with Lincolnshire County Council and qualifies for rehousing under the Lincolnshire Care Leavers agreement</a>) applying for their first permanent accommodation following their 18<sup>th</sup> birthday or six months prior to their 18<sup>th</sup> birthday, in preparation for them to be awarded a tenancy on or after their 18<sup>th</sup> birthday.</li> <li>• Be awarded a local connection in other exceptional cases and this has been authorised by a senior manager. Examples of exceptional circumstances could include: <ul style="list-style-type: none"> <li>• Have previously lived in Lincoln for at least 24 months (whilst aged 18 or over) within the last 5 years and are returning for employment or carer obligations</li> <li>• Be an immediate family member of a current resident of Lincoln (family members are defined as parents or guardians, adult children or brothers or sisters that have lived within the city for at least five years) and wish to live in Lincoln to provide essential care</li> </ul> </li> </ul>
4.5.2	<p>The following do not give an applicant a local connection:</p> <ul style="list-style-type: none"> <li>• Living in bail hostels or approved premises</li> <li>• Occupying a mobile home, caravan or motor caravan which is not placed on an official mobile home or caravan park</li> <li>• Hostel residents from outside of Lincoln who have not otherwise lived in Lincoln for a period of 24 months</li> <li>• Those residing in supported accommodation</li> <li>• Those occupying student accommodation – hall of residence and all other accommodation sourced in connection to education</li> <li>• Those residing in prison within the area</li> <li>• Those residing in hospital, in-patient or residential care settings</li> <li>• Those that cannot evidence a qualifying connection</li> </ul>
4.6	<b>Existing social housing tenants</b>
4.6.1	This policy aims to promote settled and sustainable communities, therefore social housing tenants who have not been in their current home for 12 months will be considered non-qualifying and not accepted on to the scheme.

4.6.2	Any exceptional cases where an applicant's household circumstances have significantly changed and the applicant was not aware or anticipating the change prior to taking their current tenancy can be considered by a senior manager.
4.7	<b>Right to buy</b>
4.7.1	Where an applicant or member of the moving household has benefited from a Right to Buy in the last five years they are not eligible to apply for rehousing on Homefinder.
4.7.2	This will not apply in exceptional circumstances, where it is considered that a households circumstances or housing needs have changed significantly since the completion of the purchase.
4.8	<b>Disabled Facilities/Renovation Grants and Adaptations</b>
4.8.1	Where an applicant or member of the moving household has benefited from the either a disabled facilities grant/adaption or renovation grant they will not normally be accepted onto the housing register within the first five years.
4.8.2	This will not apply in exceptional circumstances, where it is considered that a households circumstances or housing needs have changed significantly since the completion of the relevant works.
4.9	<b>Serious unacceptable behaviour</b>
4.9.1	This can relate to anti-social behaviour, criminal behaviour, nuisance, property condition and/or any significant housing related debt.
4.9.2	When deciding whether or not to allow an applicant to join the scheme or to be offered a tenancy the council are entitled to take into account relevant current and previous behaviour of the applicant and or/ members of their household.
4.9.3	It is the responsibility of an applicant to provide reasonable information to enable their application to be processed and assessed. Applications will not be registered until the council have received all the required information and are satisfied that an applicant, and their household, is eligible and a qualifying person.
4.9.4	In determining the issue it is not necessary for the applicant to have actually been a tenant of the council when the behaviour occurred. Furthermore, the behaviour is not limited to that caused by the applicant and/or their household, it extends to behaviour caused by visitors to an applicant's home for which they were responsible.
4.9.5	The following contains examples of where we may consider applicants as non-qualifying and therefore not eligible to join the scheme, due to

	<p>evidence of serious unacceptable behaviour as the council may consider them unsuitable as a tenant. This includes but is not limited to:</p> <p>Drug dealing</p> <p>Serious violent or sexual offences</p> <p>Serious ASB</p> <p>Eviction from a previous council tenancy due to rent arrears or ASB</p>
4.10	<b>Housing related debt</b>
4.10.1	Housing related debt, generally determined, but not limited to the equivalent of 8 weeks rent liability or more. The definition of housing related debt includes rent arrears owed to any landlord, the costs of repairing damage to accommodation, mortgage arrears owed to the council or any other lender, other Registered Provider's debts including Housing Benefit overpayment and rent advance or deposit payments and court costs.
4.10.2	The council expects applicants with housing related debt to either pay the debt in full or reduce the debt to less than the equivalent to 8 weeks rent liability followed by regular payments of an acceptable amount to reduce the debt for a minimum of 13 consecutive weeks and ongoing to reduce the debt. Any exception to this must be authorised by a senior manager.
4.10.3	<p>The qualification criteria will not normally be applied on the basis of rent arrears alone where the council has:</p> <ul style="list-style-type: none"> <li>Assessed the customer as fleeing violence</li> <li>Assessed the customer as needing to move urgently due to suffering severe harassment (including racial, sexual or homophobic harassment, any form of hate crime or because of their disability or age)</li> <li>Accepted the customer for rehousing under the Witness Protection Scheme</li> </ul>
4.11	<b>Breach of tenancy condition</b>
4.11.1	Any breach of tenancy for which possession action has been or is being pursued will result in the applicant not normally qualifying for the choice based lettings scheme. If the council has evidence that the applicant is breaking their tenancy conditions the council may not offer accommodation until the breach has been remedied. This includes, but is not limited to damaging the property, making structural alterations without consent, allowing the garden to become neglected or overgrown, poor internal decoration and cleanliness standard. This also applies to applicants whose landlord is another Local Authority, Registered Provider or Private Landlord. The City of Lincoln Council may visit their tenants to inspect their property before the offer of another tenancy is made.
4.11.2	If the applicant has previously been evicted from a Registered Provider they would normally be ineligible until they have demonstrated for a period of 12 months that their behaviour has improved to a standard that would

	not constitute a breach of tenancy or for enforcement action to be taken against the applicant.
4.12	<b>Anti-social behaviour</b>
4.12.1	If an applicant has been subject to or is subject to an Anti-Social Behaviour Injunction,, a Criminal Behaviour Order, a Community Protection Notice, a Closure of Premises Order, or has been in breach of any of those orders, or a Possession Order or notice has been served for anti-social behaviour. For an applicant to qualify for the scheme they must demonstrate that their behaviour has improved over a period of 12 months and that they are capable of being a responsible tenant before they are able to reapply,
4.13	<b>Use of the home for illegal or immoral purposes</b>
4.13.1	If the applicant or a member of their household has a conviction for using their home for illegal or immoral purposes they will not normally qualify for the scheme until they can demonstrate that their behaviour has improved and that they are capable of being a responsible tenant.
4.14	<b>Convicted of an offence in the locality of their home</b>
4.14.1	If the applicant, or a member of their household has been convicted of an offence that was committed in, or in the locality of, their home, or committed elsewhere against a person with a right to reside in, or occupy housing accommodation in the locality, or was committed elsewhere against the landlord of their home, or a person employed in connection with the exercise of the housing management function and the conduct affects those functions (either directly or indirectly).
4.14.2	For the purposes of this policy the locality is defined as within the city of Lincoln or within a 3 mile radius of the boundary of the city. <a href="#">If the offences were committed against a landlord or member of staff that did not operate within the city of Lincoln the locality is deemed to cover the location at which the offence was committed.</a>
4.15	<b>Property condition</b>
4.15.1	Causing the condition of the property to deteriorate by a deliberate act of by neglect.
4.16	<b>Making a false statement to obtain a tenancy</b>
4.16.1	Should an applicant have been found to obtain their current or a previous tenancy using a false statement they will not normally qualify for the scheme.
4.16.2	Each case will be assessed on its own merits and any exceptions to the qualification criteria must be authorised by a senior manager.

4.16.3	If the council decides that an applicant does not meet the qualification criteria to be a tenant the customer will be notified in writing of the decision and the reasons for it.
4.16.4	The customer may request a review of the decision to find them non-qualifying to be a council tenant.
4.16.5	If the customer considers that they should no longer be regarded as non-qualifying to be a tenant, they have the right make a fresh application for rehousing, providing evidence that this is no longer the case, ie cleared arrears (even if they have not requested a review).
4.17	<b>Reduced preference to be a council tenant</b>
4.17.1	A customer's behaviour, and that of any household member, will be taken into consideration when making an offer of accommodation. If the behaviour is not deemed to be serious enough to justify a decision to treat the customer as non-qualifying, a customer in the Gold or Silver bands may be given less preference in the allocation of a property than a customer in the same band as them without a record of such behaviour.
4.17.2	Each case will be considered on its own merits following an assessment of the circumstances. This assessment will consider whether there has been a modification in their behaviour and whether there are any exceptional circumstances such as vulnerability or safeguarding issues.
4.17.4	Customers who have deliberately worsened their circumstances may also have their priority reduced. For example, if a homeless applicant refuses a suitable offer of accommodation their banding may be reduced to Bronze Band for a period of 6 months from the date of the most recent unreasonable refusal.
4.17.5	If the council decides to reduce a customer's priority the customer will be notified in writing of the decision and the reasons for it. The customer may request a review of the decision to reduce their preference - see procedure below.
4.17.6	Once the Authority is satisfied that the behaviour is remedied or improved to a satisfactory standard the reduction in preference will be removed. An example would be an applicant reducing their rent arrears to below 8 weeks or demonstrating their behaviour has improved for a 12 month period.  This decision must be authorised by a senior manager.
4.18	<b>Exceptional circumstances</b>



4.18.1	The Authority will consider any request from households with exceptional circumstances who would not normally qualify for housing. Each case will be assessed on an individual basis.
5.	<b>Determining housing need</b>
5.1	<b>Housing needs bands</b>
5.1.1	Customer will have their housing needs categorised into one of the three bands on Lincs Homefinder to reflect the degree of housing need they have; <ul style="list-style-type: none"> <li>• one</li> <li>• two</li> <li>• three</li> <li>• Transfer</li> </ul>
5.1.2	The Housing Act 1996, as amended, states that when determining priorities under the lettings policy, the council must give reasonable preference to certain categories of people. This currently includes those: <ul style="list-style-type: none"> <li>• Who are homeless</li> <li>• Who the local authority has a duty to accommodate</li> <li>• Occupying insanitary, overcrowded or unsatisfactory housing conditions</li> <li>• Who need to move on medical or welfare grounds</li> <li>• Who need to move to a particular locality to reduce hardship</li> </ul>
5.1.3	The Council normally assesses the customer's housing need based on their usual residence, but where the customer has a legal interest in another property, the council will consider whether the customer could reasonably be expected to move to or return to that property.
5.1.4	The Government has issued statutory guidance regarding the rehousing of Armed Forces personnel. In summary, the council must give additional preference for lettings to the following groups, where they have urgent housing needs: <ul style="list-style-type: none"> <li>• Customers in regular forces who are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to their service</li> <li>• Customers who formerly served in HM regular forces</li> <li>• Customers leaving accommodation provided by the Ministry of Defence following the death of their spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service</li> <li>• Customers in HM reserve forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the applicant's service.</li> </ul>
5.1.5	The Council will normally prioritise Armed Forces personnel who have a connection to Lincoln ahead of those with a connection to another

	authority. The council may waive the local connection criteria for Armed Forces personnel in certain circumstances, for example, where the customer has links to the Lincoln area which fall short of satisfying the statutory definition, or where the customer is unable to demonstrate a connection to any other authority.
5.1.6	Where the Council has assisted a homeless household to obtain a tenancy in the private rented sector to prevent or relieve their homelessness, the applicant is able to remain on the housing register in the band (and with the application date) that they were awarded prior to securing a tenancy. This will be reviewed annually and if the applicant is assessed as having secured adequate accommodation, they may be contacted and advised that their priority is being reduced.
5.2	<b>Summary of bands on Lincs Homefinder</b>
5.3	<b>Band One</b>
	This band consists of customers requiring urgent rehousing where the council has a legal duty to consider them for accommodation.
5.3.1	<b>Homeless</b>
	<p>Where the City of Lincoln Council has accepted a duty in accordance with the Housing Act 1996, Part 7 as amended</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Statutorily homeless customers that have been awarded a full duty ie eligible, homeless, in priority need, unintentionally homeless and with a local connection to Lincoln</li> <li>• Homeless applicants that are in the Relief stage and complying with their Personalised Housing Plan</li> </ul>
5.3.2	<b>Medical</b>
	<p>Where the customer or household member's medical condition is being severely affected or exacerbated by the property they currently reside in and it is not reasonably and practicably capable of being adapted. This must be verified by self-assessment and a medical professional.</p> <p>Examples include where the customer:</p> <ul style="list-style-type: none"> <li>• Is unable to return home from hospital or residential care because the property does not meet their medical needs (hospital discharges) and where a move to temporary accommodation would be inappropriate</li> <li>• Requires rehousing to prevent an admission to hospital, residential care or nursing home</li> <li>• Is unable to access any of the facilities in their current property</li> <li>• Has extreme difficulty mobilising within their current property</li> </ul>

	<ul style="list-style-type: none"> <li>• Has extreme difficulty accessing the property owing to steps or slopes leading to doorways</li> <li>• Requires an adapted property to meet their needs</li> <li>• Requires extra facilities on health grounds, for example a bedroom or a bathroom (see criteria for an extra bedroom)</li> <li>• Urgently requires older person's housing because of their medical history, vulnerability, being at risk in their current property and requires housing related support</li> <li>• Requires suitable adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the Armed Forces.</li> </ul>
5.3.3	<b>Housing conditions</b>
	<p>Where a customer, or their household, needs to move due to the condition of their property.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Customers whose property has been approved for clearance by a Council Executive decision, eg compulsory purchase order, prohibition order or emergency prohibition order (not due to wilful neglect/damage)</li> <li>• On referral from the council's Private Sector or Environmental Health teams where major works are required to a customer's property making it uninhabitable, eg private rented properties where there is no alternative measure to render the property habitable</li> <li>• On assessment of disrepair by the council the property is uninhabitable</li> <li>• Households assessed as being statutorily overcrowded in their last settled address</li> <li>• Households with dependent children who are overcrowded by two or more bedrooms.</li> </ul>
5.3.4	<b>Additional needs: General</b>
	<p>Where a customer, or a member of their household, needs to move on welfare or hardship grounds which do not fall into other categories.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Customers requiring rehousing due to their care or support needs where medical priority is not applicable but there is a demonstrable need to move eg to give or receive support, or to access specialised medical facilities. <a href="#">Approval for this must be given by a Senior Manager</a> Customers requiring rehousing due to harassment, including racial, sexual or homophobic harassment or abuse, or other hate crimes where a need to move is agreed in conjunction with Police or Social Care eg to assist in the delivery of a care plan,</li> </ul>

	<p>witness protection, safeguarding procedures, or as a result of a Lincoln Multi Agency Risk Assessment Conference</p> <ul style="list-style-type: none"> <li>• Customers under occupying in their current Lincoln council home where the move will achieve best use of social housing stock, leaving vacant possession</li> <li>• City of Lincoln Council service employees and service occupants required to move from service tenancies or service occupation, for example, due to retirement</li> <li>• Customers with dependent children who have moved into or are living in council high rise accommodation may be awarded this banding but only with the approval of a senior manager and/or the Tenancy Services Manager.</li> <li>• Where a need to move to prevent homelessness is agreed by the council as part of the customer's Personal Housing Plan under the Homelessness Reduction Act 2018</li> <li>• Where a current tenant needs to move using a management transfer with the agreement of a senior manager</li> <li>• Where an applicant is residing in council accommodation under Use &amp; Occupation and the property is not of a suitable size for the applicant to qualify to stay there or they do not wish to stay there</li> </ul>
5.4	<b>Band Two</b>
	This band consists of those customers in non-urgent need that the council has a legal duty to consider for rehousing.
5.4.1	<b>Homeless</b>
	<p>All categories of homeless people who are not statutorily homeless.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Not in priority need</li> <li>• Homeless applicants in the Prevention stage and working on their Personalised Housing Plan</li> <li>• Intentionally homeless with priority need (if eligible for homefinder)</li> </ul>
5.4.2	<b>Medical</b>
	<p>Where the customer, or household member, is experiencing difficulties in the property they reside in, and their current home is not reasonably and practicably capable of being adapted and this is verified by self-assessment and a medical professional.</p> <p>Examples include where the customer:</p> <ul style="list-style-type: none"> <li>• Has difficulty negotiating the stairs in the property</li> <li>• Has difficulty accessing the property owing to steps or slopes leading to doorways</li> </ul>

	<ul style="list-style-type: none"> <li>Needs to move because the property is having a detrimental effect on their physical or mental well-being which could lead to a deterioration in their medical condition</li> <li>Requires the facilities of older person's housing on age or individual needs for housing related support</li> <li>Has a medical need for improved heating which cannot be secured in the current property</li> </ul>
5.4.3	<b>Housing Conditions</b>
	<p>Where a customer needs to move due to the condition of their property. Examples:</p> <ul style="list-style-type: none"> <li>Households with dependent children who are overcrowded by one bedroom in their settled accommodation where they have permanent residency</li> <li>Customers lacking essential services, for example, no cold running water, no inside WC or no utility connections to heat the house which cannot be rectified</li> <li>Lacking essential facilities or sharing with a household that are not moving but have permanent residency of dependent children</li> </ul>
5.4.4	<b>Additional needs: general</b>
	<p>Where a customer, or member of the household, needs to move on welfare or hardship grounds which do not fall into the other categories.</p> <p>Example:</p> <ul style="list-style-type: none"> <li>Customers requiring rehousing to recover from the effects or threats of violence or physical, emotional or sexual abuse (with evidence from relevant Agency)</li> <li>Financial difficulties that could be alleviated by moving, but not due to own deliberate act</li> <li>Victim of neighbour nuisance with supporting evidence from the Public Protection &amp; Anti-Social Behaviour Team or Tenancy Services</li> </ul>
5.4.5	<b>Additional needs: children</b>
	<p>Where a customer needs to move because of the needs of a child in the household on welfare or hardship grounds which do not fall into the other categories.</p> <p>Example:</p> <ul style="list-style-type: none"> <li>To facilitate fostering or adoption arrangements on referral from Children's Services</li> <li>To assist carers to find suitable accommodation</li> <li>Family living separately who have previously lived together but current housing circumstances do not allow</li> </ul>

5.5	<b>Band Three</b>
5.5.1	<p>This band consists of customers who can demonstrate a local connection to Lincoln and who do not meet the criteria for the Gold and Silver Bands.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Customers that have no assessed housing need</li> <li>• Customers whose priority has been removed after they have refused two reasonable offers of accommodation</li> <li>• Customers who have deliberately worsened their circumstances</li> <li>• Homeless applicants that are assessed as being intentionally homeless</li> <li>• Customers that are financially able to resolve their own housing situation (have savings, shares or property or are in receipt of a salary in excess of the national average salary)</li> </ul>
5.6	<b>Transfer Band</b>
5.6.1	<p>This band consists of current City of Lincoln Council tenants that wish to be rehoused into alternative council accommodation.</p> <p>The aim for this banding is to enable the council to facilitate an annually agreed percentage of transfers to aid the movement and flow of households to ensure that the housing stock is being adequately used.</p> <p>Applicants will be prioritised using the same criteria that is applied for all non-transfer applicants. This will ensure that transfer applicants that can demonstrate a higher level of housing need will be given a higher priority for rehousing.</p>
5.7	<b>Change of Circumstances</b>
5.7.1	An applicant will have their housing need reassessed following a change of circumstances but may also request that their housing need be reassessed at any time during the lifespan of their application.
5.8	<b>Deliberate worsening of circumstances and reduced preference</b>
5.8.1	<p>If an applicant has deliberately and knowingly made their housing situation worse so that they are awarded a higher housing needs band than the one that they would otherwise have been awarded, the applicant will be subject to reduced preference which will mean that those applicants will only be considered for offers of accommodation after all other applicants. These applicants will also not usually be considered for a direct offer of accommodation. This can be applied on acts or omissions by the applicant or a member of the household.</p> <p>The decision to reduce preferences will be reviewed if the applicant has a change of circumstances.</p>

5.9	<b>Permanent decants (clearance)</b>
5.9.1	Should an applicant's property be scheduled for demolition or purchase under a Housing related decision or Executive Committee decision, the council will award affected customers gold band: Housing Conditions and encourage the customers to bid for properties and also consider the customers for a direct offer of accommodation made by a direct letting.
5.10	<b>Length of time in a priority band</b>
5.10.1	<p>Applicants in bands one and two will normally be given 180 days preference for rehousing through the choice based lettings scheme. If the customer has failed to bid for a property they may lose their priority preference and be placed in Band 3.</p> <p>Where the council has a duty to secure accommodation for a statutorily homeless applicant they will be considered for a direct offer of accommodation as soon as a suitable property has been identified.</p>
5.11	<b>Priority limit extension</b>
5.11.1	An applicant may request an extension of their priority award. All requests for extensions will be considered after the applicant has been in the priority bands for over 150 days.
5.11.2	<p>The decision on whether to extend the priority award will be determined by:</p> <ul style="list-style-type: none"> <li>• If there has been a change in the customer's circumstances since the priority was awarded</li> <li>• Whether the customer has been bidding for accommodation</li> <li>• Whether the customer has any support needs relating to their rehousing</li> <li>• The number of properties being advertised that are suitable for the applicant's needs</li> <li>• The level of demand for suitable properties</li> <li>• The position for properties the applicant has expressed an interest on</li> <li>• If the customer has completed reasonable actions required by them as part of their Personal Housing Plan under the Homelessness Reduction Act 2018.</li> </ul>
5.11.3	Notification of the decision of whether to extend the priority award will be sent to the customer and the customer has a right to request a review of the decision if it is not to extend their priority.
5.12	<b>Bedroom requirements</b>

5.12.1	The council allocate their properties ensuring that the customers are considered for accommodation that is appropriate to the needs and size of their household. The number of bedrooms required is based on a calculation of how many people are to be rehoused and the ages and gender of any children.
5.12.2	<p>A separate bedroom should be available for:  Each adult (age 18 years or over) except when living together as partners  Two children, unless they are not the same gender and one is 10 years or over. In this case separate bedrooms should be available.</p> <p>In normal circumstances no more than two people will be expected to share a bedroom.</p> <p>For further information see Appendix A – Property Eligibility</p>
5.12.3	On receipt of a proof of pregnancy (a MAT B1 form or doctor's or midwife's letter) the pregnancy will be noted. Upon receipt of the birth certificate the child will be included in the bedroom calculation. For the purposes of their calculation, the child is assumed to be able to share a bedroom with adults or children up to their first birthday.
5.12.4	<p>The Council may also consider awarding an extra bedroom in certain circumstances should supporting evidence be provided.  Examples are:</p> <ul style="list-style-type: none"> <li>• Where an applicant requires a carer (that is in receipt of Disability Living Allowance and proof has been provided) to live with them or if medical equipment or adaptations require additional space</li> <li>• An applicant requiring additional space due to a medical condition</li> <li>• Where an adaptation is required and the property can be adapted</li> <li>• If a request has been submitted by Children's Services or an Occupational Therapist.</li> </ul>
5.12.5	The Council shall make a decision regarding which parent or guardian it deems has the primary care of a child. These decisions will be based on the individual merits of the case and will take into account receipt of the child benefit, court orders, percentage of time spent caring for the child, how regular and permanent the arrangement is and whether the Council already provides any accommodation for the primary carer.
5.12.6	Should a customer not have primary care of dependent children, but shares care, either as a result of an informal arrangement or a court order, the Council will consider the size and type of accommodation that is appropriate on a case by case basis.
5.12.7	In exceptional circumstances consideration may be given to permit customers to under occupy or over occupy a property. The customer must agree to this in writing and approval must be given by a senior manager.



5.12.8	In exceptional circumstances a customer may be considered for a range of property sizes to maximise their opportunity to secure suitable rehousing.
6.	<b>Choice Based Lettings</b>
6.1	<b>Property type</b>
6.1.1	The Council will allocate different property types to particular groups of customers.
6.1.2	Adapted properties are normally offered to customers requiring the adaptations, as assessed by an Occupational Therapist. The Council may advertise such properties as giving preference to applicants that require the adaptations.
6.1.3	Sheltered accommodation and older persons schemes are normally offered according to the following criteria: <ul style="list-style-type: none"> <li>• Applicants in need of supported accommodation who fulfil any determined assessment criteria, this will be determined, where appropriate by a sheltered housing needs assessment, to assess individual needs and independence and the ability of the sheltered service to meet those needs</li> <li>• Applicants or their partner are 60 years or over, taking into account the requirements of the scheme and community.</li> </ul>
6.1.4	Houses and maisonettes with two or more bedrooms will normally be allocated to households with primary care of dependent children ahead of households made up of parents and guardians with access to children or households made up of adults only. Parents without primary care will normally be considered for flats. Houses and maisonettes will also be allocated to households with an appropriate medical recommendation if the property is reasonably and practicably capable of being adapted to their needs.  Please see Appendix C – Property Eligibility for further information.
6.1.5	There may be occasions when the Council are required to apply a set of criteria when allocating a property and this is known as a sensitive letting. An example of this is bypassing an applicant during the shortlisting process if the applicant is known to be vulnerable to the behaviours of tenants already residing within the locality of the property.
6.2	<b>Properties suitable for customers with pets</b>
6.2.1	If an applicant or tenant wishes to keep a pet in a Council home they require written permission. The Council's Pet Policy contains further details.

6.3	<b>Carers, Prospective/Approved Adopters and Foster Carers</b>
6.3.1	Applicants with a disability or other need who require an additional bedroom to accommodate a carer are required to provide an approved and detailed Care Plan. Such Care Plans will need to be shared with all Registered Providers so that appropriate accommodation can be considered. The Council will work closely with the relevant Children's Services departments, on an individual case basis to assist in meeting the needs of prospective and approved adopters and foster carers and duties under s22G of the Children Act 1989.
6.4	<b>Advertising Vacancies and Bidding</b>
6.4.1	<b>Advertising cycle</b>
6.4.2	Once applicants are registered they are able to start looking for a suitable vacancy. Vacancies will be advertised on a weekly basis from midnight on Wednesday to midnight on the following Monday (6 days). Adverts will include key property attributes, local facilities and eligibility criteria.
6.4.3	<p>Vacancies will be advertised in the following ways:</p> <ul style="list-style-type: none"> <li>• <b>Lincs Homefinder Website</b> – <a href="http://www.lincshomefinder.co.uk">www.lincshomefinder.co.uk</a> The Council's website directs users to this website to allow applicants to view available properties and apply 'on-line' for properties of their choice. Access to the website is available in some of the Partner's reception areas.</li> <li>• <b>Reception Areas</b> – Registered Providers may advertise vacancies in their reception areas.</li> <li>• <b>Dispersed office locations</b> – the Council and Registered Providers may circulate a list of vacancies to assist with access should any applicant approach them for information.</li> </ul>
6.4.4	<p>There are occasions when properties may not be advertised using the advertising cycle and will be allocated using a direct let process. A direct let is when an officer identifies a property as being suitable for the needs of an applicant that has a specific and urgent need for rehousing.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Current Council tenants requiring a transfer because they are at risk of violence</li> <li>• Current Council tenants whose homes are due to be demolished</li> <li>• Homeless applicants</li> </ul> <p>See Section 11 for additional information.</p>
6.5	<b>Withdrawing adverts</b>
6.5.1	Occasionally, the Council may be required to withdraw a property advert, for instance:

	<ul style="list-style-type: none"> <li>• If it becomes apparent that the property may be let through direct lets in accordance with this policy</li> <li>• The current tenant of the property being advertised has withdrawn their notice terminating their tenancy of that property, so the property is no longer available,</li> <li>• Significantly incorrect information had been advertised in respect of the property or the applicants' eligibility for that property.</li> <li>• Where the property is required by the Council in an exceptional circumstance</li> </ul>
6.6	<b>Bidding for a vacancy</b>
6.6.1	Applicants are restricted to making 2 bids in each cycle. Where an applicant meets the property eligibility, bids can only be placed during the bidding cycle, and should be placed through the applicants individual online account by themselves or their advocates.
6.6.2	Where a vacancy has been advertised and no bids have been received, or been successful, the vacancy may be re-advertised and may be allocated on a first come first served basis subject to the usual eligibility criteria.
6.6.3	Bids for individual vacancies are ranked by banding and banding date, firstly those with a local connection to Lincoln.
7.	<b>Shortlisting and Offers</b>
7.1.1	At the end of the advertising cycle, applicants who have bid will be shortlisted according to their eligibility criteria and any local lettings or sensitive lettings criteria. Verification checks will be undertaken at this stage to ensure applicants still qualify and their circumstances have not changed.
7.1.2	Offers of Council accommodation are made on the basis of the information on the applicant's housing application and any associated assessments. It is the customer's responsibility to inform the Council of any changes in their housing circumstances.
7.1.3	Applicants will be made one offer of accommodation at any one time. Should they be made an offer they will not normally be offered other properties in the same bid cycle.
7.1.4	An offer of accommodation may be withdrawn, with the applicant's agreement or if there is a change in the applicant's circumstances that affects their application.
7.1.5	Prior to a formal offer of accommodation being made the Council may require proof of identification, eligibility or qualification to be provided. Applicants will be contacted and asked to provide the supporting evidence within a reasonable timescale.

7.1.6	<p>When signing their tenancy agreement the tenant(s) will be expected to provide proof of their identity, such as:</p> <ul style="list-style-type: none"> <li>• Recognised photographic identification eg passport, driving licence</li> <li>• A photograph of themselves</li> <li>• Agree to have their photograph taken by the member of staff present at the sign up.</li> </ul> <p>Photographs will only be taken with the applicant's consent but if the applicant refuses the reason for refusal will be noted and countersigned by the applicant.</p>
7.2	<b>Bypassing bids</b>
7.2.1	<p>In certain circumstances there may be exceptions to offering the applicant with the highest ranking for a property.</p> <p><a href="#">Please see Appendix D for a full list of reasons for bypassing bids.</a></p>
7.2.2	Bids are updated to reflect the reason for being bypassed, so applicants are aware.
7.3	<b>Failure to respond to an offer</b>
7.3.1	The successful candidate will be contacted by an officer to be offered a tenancy and to arrange an accompanied viewing of the property.
7.3.2	If an applicant cannot be contacted following three attempts over different advertising cycles, their application will be cancelled. If the applicant fails to respond within 24hrs of contact regarding a specific vacancy, the Council reserves the right to move to the next eligible person on the shortlist. It is important that all applicants ensure they are contactable as their bid may be bypassed after reasonable attempts to contact them have been unsuccessful.
7.4	<b>Withdrawal of offers</b>
7.4.1	<p>In exceptional circumstances an offer may not be made or may be withdraw, this may include but is not limited to :</p> <ul style="list-style-type: none"> <li>• it is clear that an applicant is not capable of understanding the responsibilities associated with being a tenant or they do not understand what they are signing</li> <li>• current tenant of the property being advertised has withdrawn their notice terminating their tenancy of that property, so the property is no longer available</li> <li>• applicant has failed to respond to three contact attempts from a Partner</li> <li>• Partner or landlord believes the property is unaffordable from the onset.</li> </ul>

	<ul style="list-style-type: none"> <li>Identifying information that affects the application</li> </ul>
7.5	<b>Tenancies</b>
7.5.1	<p>Joint tenancies will normally be offered to:</p> <ul style="list-style-type: none"> <li>Married couples, civil partnerships, unmarried couples and same sex partnerships, provided that both are named on the application form, unless both parties request the tenancy to be granted in a sole name, stating their reasons</li> <li>Adults wishing to live together as friends, if both names have been included on the application form</li> <li>Applicants and their live-in carers, where the Council considers it to be justified.</li> </ul>
7.5.2	Joint tenancies are not usually given to a parent and adult child, unless there are formal caring responsibilities.
7.5.3	In all other circumstances sole tenancies will be offered to the eligible lead applicant. In cases relating to persons from abroad who are subject to immigration restrictions, the tenancy will only be granted to the individual who is eligible, whilst the ineligible person can still be taken into account in respect of size and type of accommodation offered.
8.	<b>Refusals of offers of tenancy</b>
8.1	Generally, if an applicant refuses 2 offers, they will be contacted to discuss their housing needs and circumstances. With the exception to applications assessed with Band 1 priority (excluding Accepted Homeless housing duty), the application will be reviewed after the refusal of 1 reasonable offer. Once reviewed, if it is deemed the reason for refusing the offer was unreasonable, the Council reserves the right to reduce their banding to Band 3, for a period of 6 months from the date of the most recent unreasonable refusal. Should an applicant in band 3 refuse an offer and it be considered that the refusal was unreasonable their date of registration may be amended to the date that the offer was refused.
8.2	<p>All decisions will be made on a case by case basis with the Council considering the following factors:</p> <ul style="list-style-type: none"> <li>Property size – based on the assessed bedroom requirements</li> <li>Property type – based on the lettings policy criteria, medical housing or Occupational Therapist recommendation</li> <li>Property condition – whether the property meets the required lettings standard or will meet it following repairs</li> <li>Whether the property has the potential to meet the applicant's needs following adaptation</li> <li>Location of the property – whether the property is within a reasonable distance for support, schools, employment etc</li> <li>The demand and supply of similar properties in the applicant's preferred areas</li> </ul>

	<ul style="list-style-type: none"> <li>Whether the property was made as a direct offer.</li> </ul>
8.3	Applicants have the right to request a review of the decision to remove their priority or change their date of application following the refusal of an offer of accommodation. Statutorily homeless applicants have an additional right to request a review of the suitability of the accommodation offered to discharge the Council's duty to them, regardless of whether or not they accept the offer.
8.4	An applicant failing to respond to an offer or a letter being returned as undeliverable will be considered to be a refusal of an offer. In these cases the housing application will normally be cancelled.
9.	<b>Non-Bidding</b>
9.1	All applicants will be monitored to establish if any suitable properties have been advertised. If suitable properties have been advertised the applicant may be contacted to establish why they have not bid. This will enable the Council to ascertain if any additional assistance is required to participate in the scheme. The Council reserves the right to review such applications.
10.	<b>Vacancies excluded from the scheme</b>
10.1	The Council reserves the right to exclude certain properties and housing schemes from this Scheme, but the majority of social housing vacancies in Lincoln will be advertised and let through this scheme. Examples of where this may occur include (but are not limited to) where a property is needed urgently to deal with an emergency. Specialist accommodation may also be let outside this Scheme for example extra care schemes for people with medical or support needs.
10.2	In exceptional circumstances properties may be withdrawn from an advertising cycle and those applicants who may have already expressed an interest in any such property will be notified of the reasons why if the applicant requests the information.
11.	<b>Direct lettings of City of Lincoln Council accommodation</b>
11.1	In some circumstances it may be necessary to directly match an applicant to a suitable property. This means that the applicant may not be able to bid for properties such as Homeless applicants. If this applies, we will notify the applicant direct.
11.2	Applicants subject to a direct letting will normally be made one offer of suitable accommodation. If they do not accept the property the Council may decide to make no further offers to them, reduce their banding or discharge their homeless duty to them. They will be able to request a review of any decision on the suitability of a property or a decision not to make a further offer of accommodation.

11.3	Properties let through direct lettings may not be advertised through this scheme, but information will normally be made available to indicate that the letting took place. This may not be done if there is good reason, such as the need to re-house someone threatened with violence.
12.	<b>Allocations to Employees and Relations</b>
12.1	The Scheme's application form requires applicants to declare if they or a member of their household are either a member of staff/Councillor/Board Member or related to a member of staff/Councillor/Board Member of any Partner within the Scheme.
12.2	In such cases there will be stringent procedures and checks in place to ensure the application is processed in accordance with this Policy and other applications. A Team Leader or Senior Manager will check the processing and assessment. Prior to any offer of accommodation being made to such an applicant the Council will gain approval from a Senior Manager.
13.	<b>The Right to Review</b>
13.1	All applicants have the statutory right to request a review on certain Part 6 allocations decision and these include decisions: <ul style="list-style-type: none"> <li>• About the facts of the case</li> <li>• That the customer does not meet qualification thresholds or</li> <li>• That the applicant is ineligible for Council housing because of their immigration status.</li> </ul>
13.2	All correspondence to the applicant relating to their housing need award will advise them of their right to review and how to request a review.
13.3	A review must normally be requested by the applicant within 28 days of being notified of the decision.
13.4	The right to request a review is in addition to the statutory right to review for homelessness decisions (Housing Act 1996, Part 7). Customers must request a review under Part 7 within 21 calendar days of being notified of the decision. The review of the applicant's case will be considered and decided by senior managers who were not involved in the original decision.
13.5	The applicant will be notified of the review decision in writing within eight weeks of the request for the review being received (or longer if agreed in writing by both parties).
13.6	The applicant does not have the right to a review of a decision that was reached by an earlier review.

14.	<b>Role of Elected Members</b>
14.1	<p>The Allocation of Housing (Procedure) Regulations 1997 prevent elected members from being part of a decision-making body or making an allocation at the time the allocation is made when either:</p> <ul style="list-style-type: none"> <li>• The unit of housing accommodation concerned is situated in their electoral ward or</li> <li>• The person subject to the decision has their sole or main residence in the member's electoral ward.</li> </ul>
14.2	Where the above mentioned circumstances do not apply the elected members involvement in allocation decisions are not prevented, nor do they prevent a ward member from seeking or providing information on a constituent's behalf.
14.3	Elected members are responsible for determining allocation policies and monitoring their implementation.
15.	<b>Compliments and complaints</b>
15.1	The City of Lincoln Council has a compliments and complaints procedure that is accessible for the public to use.
15.2	<p>If an applicant is dissatisfied with how they have deal with, and feel they have been unfairly treated, discriminated against and/or the Council has failed to do something they should have done, then the applicant can make a complaint by contacting:</p> <p>City of Lincoln Council  Post - City Hall, Beaumont Fee, City Hall, Lincoln, LN1 1DD  Email – <a href="mailto:housing@lincoln.gov.uk">housing@lincoln.gov.uk</a>  Telephone – 01522 881188</p> <p><a href="#">The same contact details can be used for a compliment.</a></p>
16	<b>Ombudsman</b>
16.1	<p>The Local Government Ombudsman is independent of all government departments, councils and politicians. The Ombudsman examine complaints without taking sides. In most cases the complainant must have pursued the matter through the Council's own complaints procedure before a complaint can be considered by the Ombudsman.</p> <p>Contact details for the Local Government Ombudsman are:  Email – <a href="mailto:advice@lgo.org.uk">advice@lgo.org.uk</a>  Telephone – 0300 061 0614  Post – Local Government Ombudsman, PO Box 4771, Coventry, CV4 0EH</p> <p>Contact details for the Housing Ombudsman Service are:</p>



	Email – <a href="mailto:info@housing-ombudsman.org.uk">info@housing-ombudsman.org.uk</a> Telephone – 0300 111 3000 Post – Housing Ombudsman Service, Exchange Tower, Harbour Exchange Square, London, E14 9GE

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**SUBJECT: MOTION TO REDUCE AND REGULATE THE USE OF FIREWORKS WITH CITY OF LINCOLN COUNCIL**

**DIRECTORATE: COMMUNITIES AND ENVIRONMENT**

**REPORT AUTHOR: FRANCESCA BELL, PUBLIC PROTECTION, ASB AND LICENSING SERVICE MANAGER**

## 1. Purpose of Report

- 1.1 To appraise the committee of the RSPCA draft Motion on fireworks for local authorities to adopt.
- 1.2 To seek approval from the committee to implement the motion across the City of Lincoln.

## 2. Background

- 2.1 Fireworks are generally associated with Bonfire night on 5<sup>th</sup> November, New Year's Eve celebration and Chinese new year.
- 2.2 The current legislation around fireworks permits there use all year round before 11pm save for Bonfire night, New Year's Eve and Chinese New Year where the curfew is 1am the following day.
- 2.3 Due to the availability of fireworks and lack of regulation around their use they are often used by the public all year round to mark celebrations.
- 2.4 It has been well documented in the media over recent years about the impact that such displays can have on animals and vulnerable people. As such many groups have been calling for the banning of fireworks that make noise.
- 2.5 Low noise fireworks and silent fireworks are now available however the public are still able to purchase fireworks from a number of outlets many of which are offering for sale noisy fireworks.

## 3. The RSPCA Motion

- 3.1 The full motion is attached to this report as **APPENDIX A**.

*The RSPCA says 'Fireworks are used by people throughout the year to mark different events. While they can bring much enjoyment to some people, they can cause significant problems and fear for other people and animals. They can be a source of fear and distress for many animals (including pet animals, farm livestock and wildlife). Animals affected not only suffer psychological distress but can also cause themselves injuries – sometimes very serious ones – as they attempt to run away or hide from the noise.'*

3.2 The RSPCA is asking local authorities to adopt the motion which has the following four requirements.

1. to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people
2. to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks
3. to write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays
4. to encourage local suppliers of fireworks to stock 'quieter' fireworks for public display.

#### 4. How we can meet the requirements of the motion

4.1 **Point 1:** it is suggested that this could be achieved by having a protocol for the registering of firework events on our council webpage for the public to view. Requesting that a minimum of 14 days' notice is given to the Local authority.

Those planning displays should ensure compliance with either **The Blue Firework guide (APPENDIX B)**(working together on firework displays) planning and safety at firework displays for organisers and professional operators or **The Red Firework Guide (APPENDIX C)** (giving your own firework display) how to run it safely (for people without specialist knowledge or training).

Additionally some Premises Licences have conditions around fireworks displays which mirror the suggested protocol above. Where premises licences do not have this condition it could be added as and when licences are varied or refreshed and in the meantime the protocol above would replicate the condition.

4.2 **Point 2:** It is suggested that some initial communications is done around the adoption of this motion and how it will be managed. A commitment to support any communications that the RSPCA do around this motion could be made.

4.3 **Point 3:** A letter to central government can be sent in support of introducing a lower noise threshold for fireworks.

4.4 **Point 4:** this could be achieved by writing to all major retailers within our district. This could be achieved by sending an insert out with business rates reminders along with any communications strategy that will urge the use of quieter or silent fireworks.

4.5 Based upon the above officers consider that this motion could be implemented and adhered to and that the benefits to vulnerable communities and animals would be significant.

4.6 A procedure for dealing with any reports of unregistered firework displays has

been developed and is attached to this report as **APPENDIX D.**

## **5. Strategic Priorities**

### **5.1 Let's reduce inequality**

This motion seeks to ensure the protection of the vulnerable and those that don't have a voice.

### **5.2 Let's enhance our remarkable place**

By ensuring that all residents within our city are safe we can enhance our remarkable place.

## **6. Organisational Impacts**

### **6.1 Finance (including whole life costs where applicable)**

### **6.2 Legal Implications including Procurement Rules**

Should enforcement be necessary this could have an impact on legal resources.

### **6.3 Equality, Diversity and Human Rights**

*The below text to remain in the report:*

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

Note to report writers:

*There is a requirement for the Council to pay particular attention to this and for officers to complete an Equality Analysis for decisions relation to changes in policy/new services made by the Council or at the very least a statement confirming that this has been considered.*

This motion is intended to ensure the safety of all residents and to protect those most vulnerable.

### **6.4 Human Resources**

There could be an impact on resources within the PPASB Team and Legal Team should there be widespread noncompliance however this is not anticipated. Should there be wide spread noncompliance then this would need to be balanced

against existing statutory provisions within the teams and is unlikely to be considered high priority in this circumstance.

6.5 Land, Property and Accommodation

No impact

6.6 Significant Community Impact

No negative impact

6.7 Corporate Health and Safety implications

No negative impact

**7. Risk Implications**

7.1 (I) Options Explored

a. Fireworks motion not implemented – no additional resource implications.

b. Implement fireworks motion – limited resource implication however a wider community benefit to be achieved which is in keeping with the councils ethos to protect the vulnerable.

7.2 (ii) Key risks associated with the preferred approach

Preferred approach is to implement the fireworks motion, the key risk is that the PPASB Team could receive a large volume of reports that will impact upon service delivery. Should this occur complaints will be prioritised based upon risk.

**8. Recommendation**

8.1 That the committee consider the motion and its requirements.

8.2 That the committee approves the adoption and implementation of the motion

**Is this a key decision?**

No

**Do the exempt information categories apply?**

No

**Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?**

No

**How many appendices does the report contain?**

4

**List of Background Papers:**

None

**Lead Officer:**

Francesca Bell  
Public Protection, ASB and Licensing Service  
Manager  
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# Draft motion for councils on fireworks

Fireworks are used by people throughout the year to mark different events. While they can bring much enjoyment to some people, they can cause significant problems and fear for other people and animals. They can be a source of fear and distress for many animals (including pet animals, farm livestock and wildlife). Animals affected not only suffer psychological distress but can also cause themselves injuries – sometimes very serious ones – as they attempt to run away or hide from the noise.

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**The unpredictable, loud and high intensity noises that many fireworks make can cause fear.**

For example, studies have found fireworks to be the most common cause for fear responses in dogs<sup>1</sup>, and it is estimated that 45 percent of dogs show signs of fear when they hear fireworks<sup>2</sup>. A New Zealand survey recorded 79 percent of horses as either anxious or very anxious around fireworks or over the Guy Fawkes Day period<sup>3</sup>.

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**Debris produced by fireworks, if found on the ground, can also pose a hazard to animals, such as horses and farm livestock.**

Although there is limited direct evidence, it is also likely that fireworks and their debris will cause disturbance to wildlife, and are likely to cause suffering or distress, depending on the distance from the explosive and the noise level.

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**The short-lived nature of firework noise can make it difficult for the police or local authority officers to pinpoint locations and take action.**

The RSPCA believes that a licensing system would help with better enforcement of the law by allowing enforcement bodies to know where licensed events are being held so they can focus on locations and incidents elsewhere.

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**The RSPCA believes there is a real need to raise awareness amongst owners of animals about fireworks phobia.**

This phobia can be treated (in dogs at least) in the long term but owners need to prepare themselves and their pets sooner, rather than just before the fireworks are let off. There is a need to raise awareness about the impact of fireworks on animals to the wider public to encourage them to be more considerate of those with pets, horses and livestock as well as local wildlife.

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<sup>1</sup> Blackwell, E., Bradshaw, J., & Casey, R. (2013). Fear responses to noises in domestic dogs: Prevalence, risk factors and co-occurrence with other fear related behaviour. *Applied Animal Behaviour Science* 145, 15-25.

<sup>2</sup> Blackwell, E., Casey, R., & Bradshaw, J. (2005). Firework Fears and Phobias in the Domestic Dog. Scientific Report for the RSPCA, University of Bristol, UK

<sup>3</sup> Gronqvist, G, Rogers, C. & Gee, E. (2016). The Management of Horses during Fireworks in New Zealand. *Animals* 6(20).

**The RSPCA believes the law is failing as it does not prevent or sufficiently reduce the risk of fireworks causing distress, injury or anxiety to people, as well as death, injury or distress to animals.**

We believe that further research is needed to properly understand the impact of noise on animals and a number of things can be done to improve the situation for animals and people by:

- introducing a limit on the public use of fireworks on or close to specific dates and times
- tightening restrictions on the sale of fireworks in the run up to Bonfire night
- reducing the maximum noise level of fireworks sold to the public, ensuring they are labelled accurately
- licensing all public firework displays – and ensuring displays are better advertised to the public.

### **Suggested motion for local authorities to adopt:**

#### **This Council resolves:**

- to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people
- to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks
- to write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays
- to encourage local suppliers of fireworks to stock 'quieter' fireworks for public display.



The new Blue Firework Guide  
(replaces HSG 123)

# WORKING TOGETHER ON FIREWORK DISPLAYS

A guide to planning and safety at firework displays for  
organisers and professional operators

© Explosive Industry Group 2018

Version 1.7 – July 2018



## Working together on firework displays

### **A guide to safety for firework display organisers and operators**

This guide replaces the Health and Safety Executive guide HSG 123 and incorporates new features that have been introduced since the last revision of that guide.

The Explosives Industry Group of the CBI (EIG) has agreed to publish this guide and update it periodically. The assistance of HSE is acknowledged.

This guide is for competent display operators and organisers. It does not cover displays where the fireworks are to be fired by people without specialist knowledge or training – a separate guide has been prepared by EIG for those users.

This new edition has been updated to include the significant changes in the law relating to the supply, possession, transport, keeping and use of fireworks which may have an effect on the way you organise and the operator fires your display



## Acknowledgements

ElG gratefully acknowledge the assistance of the following organisations, companies and individuals in preparing and revising this guide

- The British Pyrotechnists Association (BPA)
- HSE Explosives Inspectorate (HSE/XI)
- Business, Energy and Industrial Strategy department (BEIS)

This Guide describes accepted practice within the explosives industry. Following it is not compulsory and persons are free to take other action in order to achieve equivalent levels of safety. By following the guidance, persons would normally be compliant with their legal duties.

Nothing in this Guide should be read as setting a higher standard than that required by legislation. Those persons involved in the explosives industry are responsible for taking their own legal and other advice as they see fit. Readers are strongly advised to check for any changes in legislation since the publication of this Guide.

Nor do the CBI, its servants and agents make any representation expressed or implied that the products and product ranges or the processes, equipment or materials referred to in this Guide are suitable, satisfactory or appropriate for the purpose or purported

purposes set out or referred to in this Guide and the CBI, its servants and agents accept no responsibility or liability therefore.

It is not the intention of this Guide to be used as a technical manual by those inexperienced in the design and execution of firework displays. Those not experienced in the field should seek expert assistance.

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## Part 1- Introduction

This publication gives advice on safety for outdoor firework displays where the fireworks are to be fired by a competent display operator. This edition provides an update on relevant legislation, training, risk assessment and competence.

### Who is this guide for, and who is it not for?

This guide is specifically intended for:-



- Organisers of firework displays, or events where fireworks are to be used, where the display is setup, fired and derigged by a professional display company
- Professional display companies – as the basic information to enable them to communicate effectively with an event organiser to achieve a safe and effective display

It is not intended for:-

- People using consumer fireworks – a separate guide has been produced by EIG – “Giving your own Firework Display”<sup>1</sup>
- The use of stage pyrotechnics

### Professional display companies

Firework displays typically fired by professional display companies vary widely in their nature and scale, for example:

- displays held around 5 November attracting thousands of spectators, often run by local authorities;
- displays held by businesses, for example to celebrate a special event, an invited audience where the number of spectators may be no more than a hundred or so, or open to the public;
- displays for celebrations such as weddings and birthdays;
- Events of National and International importance

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<sup>1</sup> <http://www.eig2.org.uk/new-guides-for-firework-displays/>

## Glossary of terms

This is not exhaustive, but aims to provide a common glossary of terms used within the professional firework display industry to assist organisers of events. Because different companies operate in different ways there may be situations where their terminology differs from that given below.

Table 1- Glossary of common terms

Term	Meaning
Display site	The entire area of the display incorporating the Firing area, the Fallout area and the Spectator area.
Firing area	The area or areas where the fireworks are physically located prior to firing. This could include barges or structures
Fallout area	The area where debris and fallout land. It is extremely dependent on wind direction and strength and cannot be definitively determined prior to the display
Spectator area	The area or areas where spectators are located
Safety area	The area between the firing area and the spectator area
Safety distance	The minimum distance between the firing area and the spectator area
Display Manager	Usually the person within a company who organises displays, survey's sites, carries out risk assessments and plans the displays.
Senior Firer	The BPA qualification – the BPA aspires to have a Senior Firer on every display site. The Senior Firer is responsible for managing the display site and determining if a display should be curtailed or even cancelled.
Firer	The BPA qualification – the BPA aspires that all personnel on a display site should be qualified to this level or working towards this level of training.
Display company	The professional firework company that is procuring and setting up and firing the display. In most cases they will also be responsible for transporting the fireworks to the display site.
Event organiser	Usually the person who arranges the display, selects the venue and sources funding as well as overseeing the running of the entire event.
BPA	The British Pyrotechnists Association – for further details see the Further Information section. The BPA organises training for professional display operators.
EIG	The Explosives Industry Group of the Confederation of British Industry (CBI) – for further details see the Further Information section
Debris	For the purposes of this guide this is "abnormal" material landing on Earth - for instance a "blind" shell
Fallout	For the purposes of this guide this is the "normal" material landing on Earth – for instance a rocket stick, shell fragments or long burning stars

In addition there is a list of common firework types given later in this guide.

## Part 2 – Planning the display

This part of the guide is primarily intended for organisers of events but should be part of the discussions with the companies tendering for the event, or firing the fireworks. We strongly believe that all parties having a common understanding of terminology and of potential pitfalls will lead to a safer, more enjoyable, display.

### Organisation

Useful guidance on the organising of an outdoor event including those incorporating a fireworks display can be obtained from

***The Event Safety Guide: A guide to health, safety and welfare at music and similar events.***

which is available online, and is known colloquially as the "Purple Guide".<sup>2</sup>

### General legal considerations

Most displays covered by this publication will involve a work activity (ie at least one person will be involved on a professional basis) and therefore be subject to the requirements of the Health and Safety at Work etc Act 1974 (HSWA) and subsidiary health and safety legislation. This legislation imposes duties in respect of the health and safety of everyone involved in arranging and giving the display, the display spectators, and other people in the neighbourhood of the display site including the persons responsible for the display.

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<sup>2</sup> <https://www.thepurpleguide.co.uk/>



You can only discharge these duties effectively if there is one person having overall responsibility for health and safety at the display. That person will usually be one of the organisers, and will be responsible for implementing a system for the management of health and safety to ensure the organisers, display operator and any other people working at the display, for example a catering firm, comply with their duties under health and safety legislation. In most cases, however, none of the organisers will be experts in setting up and firing fireworks and you are therefore advised to appoint a display operator to assist you with firework safety matters. Have a formal contract which defines the extent of responsibility of yourselves and the operator.

### **Procedures**

Start organising the firework display as early as possible to ensure everything gets done. It is recommended that you form an organising team to share the workload, with one member in a co-ordinating role. For example, one person could be responsible for liaising with the display operator, local

authority, fire service etc, another person for site facilities and crowd safety, and so on.

### **Selecting a display operator to fire the display**

Careful selection of a display operator is important for the safety of people at the display.

The following points will assist you in selecting a display operator:

- Can the operator provide evidence of competence?
- What training and experience does the operator have? Is there any evidence of formal training?
- Does the operator have insurance cover?
- Does the operator agree to observe the safety recommendations in this publication?
- Can the operator provide a list of displays he/she has fired in the past, together with the name of each display organiser?
- Can the organisers of these earlier displays confirm there were no safety problems involving fireworks?
- Is the source of supply or fireworks for the display a reputable company?
- Has the operator asked to see the proposed site, or asked for details of it, before giving a quotation?

- Has the operator taken the initiative in discussing responsibilities?

**The answer to ALL of these questions should be “YES”!**

A list of addresses where you can obtain advice on the selection of a display operator is given at the end of this guide.

Once you have selected a display operator, you and the operator are strongly advised to agree your respective areas of responsibility for health and safety. In some cases (usually small displays) the display company may take on overall responsibility for the entire event, whereas for the largest events there will be an established and possibly complex hierarchical structure involving:-

- The event organiser
- A production company
- A creative director or designer
- Landowners
- Companies involved in other aspects of the overall event (eg lighting, sound and communications companies)
- The emergency services
- Stewards

The majority of displays will fall somewhere between these two extremes – however demarcation of responsibilities is critical to the safe organisation and running of the event.

### Types of fireworks and effects

The variety of types of fireworks available to the professional display operator has extended somewhat in recent years. The table at the end of this document illustrates the most common types of fireworks used currently, together with a brief description of the firework's effect and functioning, and any particular hazards that may be associated with the type. Please note that this list is not exhaustive.

The following are typical types of fireworks used in a display. The descriptions here are necessarily brief but are presented to highlight the potential hazards associated with each type.

Table 2- List of common firework types

Type	Function	Effect	Potential Hazards
Shells	Fired from mortars by a "lifting charge". After a delay the shell bursts to produce stars or effects high in the sky.	Varied - shells may contain stars, noise or other effects, parachutes or daylight smokes	Fallout from debris Projectile effect Unfired shells falling to ground (very infrequent)
Rockets	Usually fitted with a stick, the rocket motor propels the firework into the air with a distinct "tail". At the apex of its flight the rocket performs in a similar manner to a shell	Varied as above	Fallout from debris or from the stick falling to earth Projectile effect if launched at low angle
Mines	Fired from integral or separate mortars, mines produce a column of stars or effects	Varied - may contain stars, effects (eg noise units) or bombettes	Relatively low debris Projectile effect if launched at low angle
Roman Candles	Typically a long tube containing several "shots" which are fired sequentially	Varied - may contain stars (comets), mini-mines, effects (eg noise units) or bombettes	Internal components as debris Projectile effect if launched at low angle
Single shot devices	These can be considered as single shot Roman candles or mines	Varied - see above	Generally designed to produce very low debris.
Multishot batteries ("cakes")	A collection of single shot devices fired sequentially	Varied - see above	Debris Projectile effect if item is tipped over or launched at low angle or if cake disrupted due to one malfunctioning item affecting integrity of the remaining tubes
Fountains and gerbs	Shower of sparks from single tube - often used on wheels as well as formal designs (Set Pieces)	Metallic or other sparks projected in the direction of firing	Local effect from sparks
Waterfalls	Usually a vertical curtain of sparks fired from many tubes fired simultaneously	Metallic sparks (usually bright silver) falling vertically downwards from tubes fired horizontally or vertically	Local effects below the waterfall from sparks which usually are designed to reach the ground
Lancework devices	Sculptures depicting messages, logos or animated scenes (eg battles or novelty effects) comprised from many small fountain like tubes arranged on a frame	May comprise many colours, and may incorporate other effects	Very low hazard from lancework itself
Set Pieces	Usually an arrangement of fountains to produce a pattern	Stationary or rotating (a wheel)	Local effects from sparks which often are designed to reach the ground





## Communications

It is advisable to have a two-way radio link between the display operator and those with key responsibilities for emergency action. At large-scale events it is preferable to have several channels operating, eg control to stewards; control to firework crew; firework crew to musicians/producer etc. Have an agreed procedure on radio for dealing with emergencies.

## Types of displays

### Defining the main features of the display

One of the first things to be done is to decide on some basic details, for example:

- What is the expected size of the audience?
- Is there to be a bonfire? (It is preferable not to light the bonfire before the fireworks are fired as stray sparks may accidentally set off the fireworks.)
- Which display operator is to be contracted to fire the display?

**We believe that it is possible to fire some sort of display at almost any site provided that a suitable site and product assessment of risks has been carried out paying particular attention to:-**

- The location and dimensions of the display site including firing area(s), safety area(s) and fallout area(s)
- The effect of wind strength and direction on the fireworks chosen
- Curtailment and cancellation criteria
- The types of fireworks suitable, their performance and failure characteristics and rigging and firing methods

### Selecting the display site

The selection of a suitable display site is critical to the management of a safe and spectacular display.

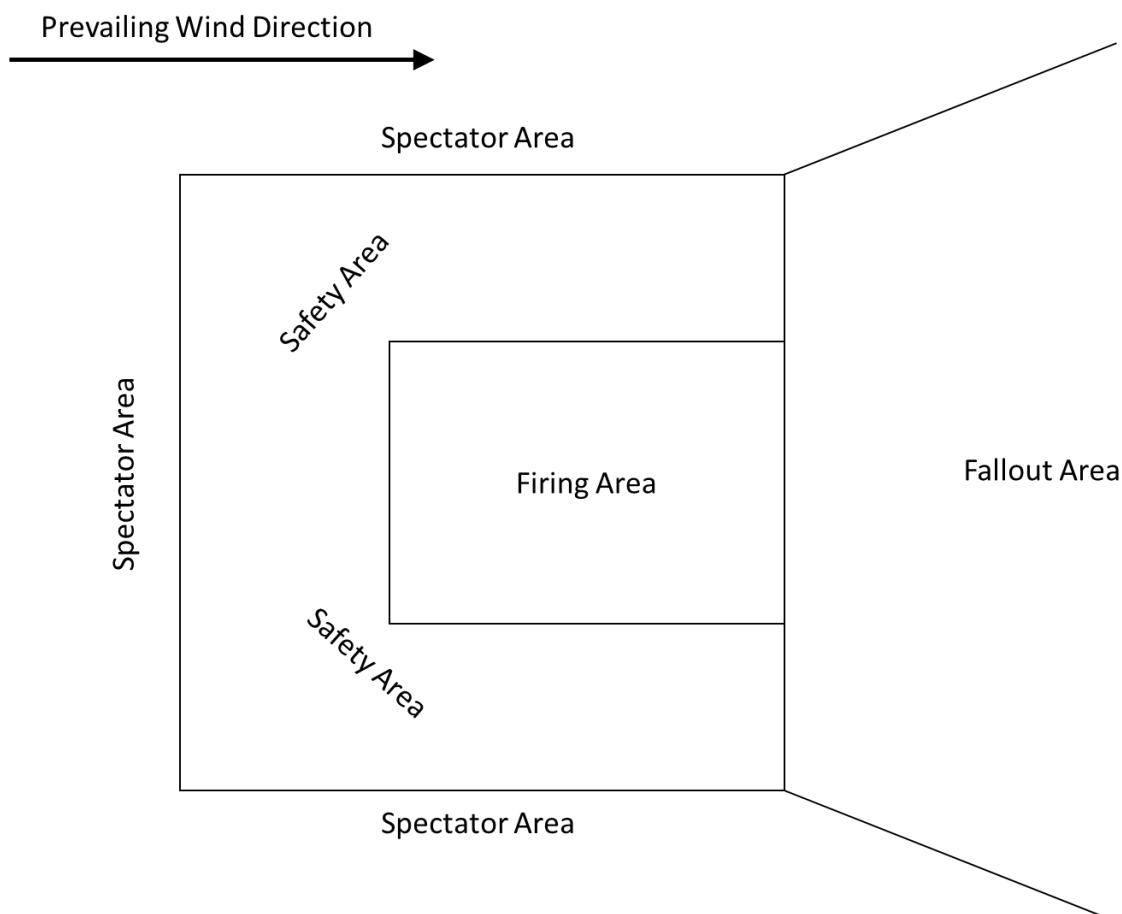
The display site is the whole site used for the display, and is made up of:

- the spectator area – from which the spectators watch the display;
- the safety area – a clear area between the spectators and the firing area to ensure that spectators are at a safe distance from the fireworks during the display;
- the firing area – from which the fireworks are set off;
- the fallout area (or dropping zone) – an area kept clear of people, where the debris from spent aerial fireworks lands; and
- the bonfire area – the area provided for the bonfire (if there is to be one).



The figure below shows how these areas should be located in relation to each other and the prevailing wind direction. However it is critical to appreciate that at the time of the display the weather conditions may vary considerably from these and it may be necessary to modify, curtail or even cancel the display as a result.

*Figure 1- General display site layout*



The display site needs to be large enough to ensure all the above areas can cope with:

- the types of fireworks to be used (this affects the size of the safety area and the fall-out area);
- a change in the direction or strength of the wind;
- the expected number of spectators.

The table below gives guidance on minimum dimensions of the display site. The distances given will be adequate in many cases, but the display operator may require greater distances for certain sizes or types of fireworks, for example crown wheels or flying saucers, or the larger sizes of shells. Allowance should be made for the burst diameter of shells when assessing safety distances. A 125 mm shell,



for example, can project effects further than 50 metres and could therefore endanger spectators if it malfunctioned at ground level without sufficiently extended safety distances.

In special circumstances the suggested safety distances given in the table may not always be appropriate, for example where displays are to be

fired from unusual sites such as a barge on a river, the roof of a building, a bridge, or perhaps where only lancework or certain other non-aerial fireworks are to be used. In these cases it will be necessary for the operator to carefully assess the risks and decide on suitable spectator areas.

However, in some circumstances it may be possible to significantly reduce these distances if low hazard fireworks are used. We believe that it is possible to fire a display on almost any site by suitable choice of fireworks and by putting in place suitable precautions and risk reduction procedures to reduce the risks to acceptable levels.

If the display company are using metallic mortar tubes you should take account of hard surfaces such as car parks, buildings and bridges near the firing site which could cause the ricochet of steel fragments if mortar tubes fail. Ricochets can increase the distance travelled by fragments by as much as 30%.

*Table 3 - Suggested display site dimensions*

Area	Dimensions
Firing area	30m x 10m is the ideal minimum – but larger sites offer more scope for creativity and firing from multiple locations simultaneously
Safety area	This is entirely dependent on the types of fireworks being used, but as a starting point we suggest a minimum of 25m for low hazard displays, and a minimum of 50-100m for displays containing aerial fireworks. Very large displays will generally require even more. However it is possible, by putting in place suitable risk-control measures to actually reduce these figures – it will all depend on the scope and nature of the desired display and the site.
Fallout area	As large as practical – but note that fallout and debris travel downwind from the firing area and it is not possible to pre-determine the fallout area with certainty! The best sites allow flexibility to move the firing area so as to maximise the fallout area.
Display area	It will be seen from above that it is difficult to specify a total display area – but for medium sized displays a suggested area of 100m x 100m will allow all three of the above to be accommodated.

Ensure the site is free of dry, cut grass and other readily combustible materials.

Only make the final selection of a site after you (and preferably the display operator) have inspected it in daylight to check for obstructions, eg trees, adjoining buildings and overhead power lines. Apart from obstructing the flight of aerial fireworks, overhead power lines pose other potential dangers, for example:

- scaffolding poles, metal ladders and similar items used in the construction of temporary staging, or long wires such as those sometimes used in firing circuits for electrically fired fireworks, can cause a dangerous discharge of electricity from overhead power lines if they touch, or even come near to them. This is known as a 'flashover';
- smoke or debris coming from fireworks or a bonfire burning under or near overhead power lines could also cause a flashover;

- overhead electric power lines near to firing wires for electrically fired fireworks can induce an electric current in the wires, causing the premature firing of the fireworks.

If you are in any doubt about overhead electric power lines, contact the local regional electricity company for advice. If it is impossible to arrange the site so the firing and bonfire areas are well away from obstructions, you may need to look for another site. In some cases the display operator may advise that certain types of fireworks you have requested cannot be fired safely at your chosen display site.

### Opportunities and constraints of different display sites

The table below illustrates some of the opportunities and constraints that a number of common display sites offer as compared to an open field site.

*Table 4- Opportunities and constraints of display sites*

Display site	Opportunities	Constraints
Open field site	Flexible positioning of effects to maximise fallout area in case of wind direction	
Restricted ground level site		Limited flexibility for moving effects to maximise fallout area
Rooftop display (eg a multi-storey car park)	Use of close proximity effects	Usually inflexible positioning of effects Potential for reduced "safety" distances Increased fallout area because of elevated launch position
Displays fired from structures	Enhancing the structure by use of "chases" and geometric elements	Limited choice of fireworks available Fallout and debris issues
Barge displays	Potential for moving barges (if held rather than moored or anchored) to maximise fallout area	If moored or anchored then no potential for moving
Multiple firing points	Add variety by using "width" as well as height of effects	

## Complexity vs Scale

The extent of work that has to be done in planning and executing a display to minimise risks and to maximise the impact (which are not mutually exclusive) depends on many factors. However regardless of the complexity and scale the same basic principles apply.

The display should be designed and executed so as to minimise the risks to

- The display operators
- Other people in and around the firing area (eg lighting technicians)
- The public
- Others not involved in the display
- Buildings and other structures

	Small scale	Medium scale	Large scale
Simple site	Plenty of space and extensive "safety" distances	Plenty of space and extensive "safety" distances	Multiple firing sites but each with extensive "safety" distances
Medium complexity	Simple contingency planning	Simple contingency planning	Simple contingency planning
Complex site	Tight sites potentially using a very limited range of fireworks	Significant contingency planning	Multiple firing sites, full risk based approach including extensive contingency planning

Various modelling tools have been developed in the UK and elsewhere to assist in carrying out determination of both fallout and debris distances. These range from simple "Safety distance tables" based on calibres, firing angles and wind effects, to quite complicated modelling programs such as ShellCalc© Pro.

Whatever tools are used they should be available in some form to the Senior Firer for use on the display site – so that they may make educated decisions that can be quantified and ultimately justified in case of an incident. The alternative of the mantra "the show must go on" is no longer acceptable!

## Flexibility and design

In addition to the factors above, sites which allow some flexibility in maximising fallout areas (for instance when fired from a barge held by a tug as opposed to being moored) allow the display to be designed to increase the likelihood that the planned display can be fired without modification.

However on restricted sites where there is no such flexibility it may be necessary to plan to extensively modify the display, even at the point of firing, so as to minimise the risks of, for instance, normal fallout reaching the spectators.

Good display planning and design will maximise the display impact whilst maintaining enough flexibility to be able to fire the display under a variety of conditions.

For instance it may be desirable to fire a “wide” display rather than a “high” display so that the area subject to fallout from shells is restricted. Similarly it may be sensible to fire shells vertically from a number of positions than to fire shells at extreme angles from a central point. In the case of a “blind”, shells fired at angles can travel very significant distances horizontally, especially downwind.

An appreciation of this high hazard/low frequency event may ultimately over-ride the distances calculated for normal fallout – which can be considered a low hazard/high frequency event!

## Fallout and debris from fireworks

There are three main types of fallout that must be considered:-

Fallout is material arising from the normal functioning of the fireworks, for instance pieces of display shells that are affected by the wind and travel downwind of the firing point.

Debris is material arising from the “normal” functioning of fireworks and pyrotechnics but where the item is firing in an unintentional and undesirable direction (eg when a device has fallen over). Debris is also material arising where, for instance, a display shell is fired normally, but the internal delay fuse fails to burst the shell at its design height and where the shell falls to the ground unfired, or bursts at a very low height.

Fallout and debris from fireworks must always be considered in any display, and the display design or any late modifications (to reflect weather on the display date for instance) should reflect the distances available where any potential fallout from the fireworks will land.

Where a display site is restricted, or where an adverse wind may mean that debris and fallout could potentially fall on the audience or in another area, the display company may be forced to choose the types of fireworks very conservatively - allowing for such a “worst



case" scenario. In contrast, where the display site is unrestricted and the available fallout distances extensive - irrespective of weather conditions - then the display designer may be able to use a wider range of fireworks.

However, it is important to understand that all displays present a potential risk from any fallout, and that, given the nature of fireworks themselves, that a risk free (or totally safe) display does not exist! The following section on risk assessments will consider this in more detail.

### "Safety Distances"

There are no set "safety" distances for the use of professional fireworks in the UK, and the BPA have consistently argued strongly against their introduction. The UK prefers to assess the risks from the specific fireworks to be used on the specific site. In some case the demands of a particular site or a particular display design may mean that such fixed distances do not provide an adequately low level of risk, and conversely, there are many occasions where by careful choice of fireworks and specialist rigging techniques extremely short distances may be appropriate and may deviate from the "safety distance", if any, that is shown on the firework label. Professional firework display designers and operators have the knowledge, experience and have developed rigging and firing techniques which provide an acceptable level of risk, for example when firing off structures the distance to the structure itself is effectively zero!



Hence, the distances given in HSE's old guidance should be considered as indicative only. Professional operators may deviate from these distances, either upwards or downwards, dependent on their own site and product specific risk assessments for the event. The changes noted above to the types of fireworks available, and to modern rigging and

firing techniques mean that the HSE's guidelines are no longer relevant.

Other countries, notably the USA, have adopted a complex system of "safety" distances for each firework type and calibre, and the means of rigging and firing. The major problem with these tables is that they are not "safe" distances at all - in fact they are distances

based on reduction of risks to a low (but not zero) level. They may provide useful baseline information but they are not “safe.

The UK prefers to assess risks on a case by case basis taking into consideration

- the nature of the site
- Particularly adverse features, such as the possibility of an adverse wind blowing debris towards a road or the audience.
- The fireworks chosen for the particular event and site (considering that some items may need to be removed or modified if conditions dictate)

### Risk assessments

The Management of Health and Safety at Work Regulations 1999 require employers to make a suitable and sufficient assessment of the health and safety risks to which their employees are exposed while at work, and the health and safety risks to other people resulting from or in connection with the employers' work. Information on risk assessment is given below.

Regulation 3 of the Management of Health and Safety at Work Regulations 1999 requires employers to make a suitable and sufficient assessment of:

- the health and safety risks to which their employees are exposed while at work; and
- the health and safety risks to other people resulting from or in connection with the employers' work, to identify the measures needed to comply with health and safety legislation. The same duty is placed on self-employed people in respect of their own health and safety and that of other people.

Both the display operator and the display organiser should prepare a risk assessment. The display operator's assessment will form a part of the display organiser's overall risk assessment.

General guidance on risk assessment is given in the HSE leaflet Five steps to risk assessment. For a firework display you would need to do the following:

- identify the hazards;
- identify who might be harmed and how;
- evaluate the risks;
- identify appropriate and adequate precautions; and
- record the findings.



## Risk assessments – specific aspects relevant to displays

Risk assessments are used to assess the RISKS arising from any operation, in this case the risks from firing particular fireworks, rigged in a particular manner, at a particular site. Risk assessment initially considers two factors

- The hazard of an occurrence (ie the intrinsic hazard - what is the consequence of a particular sequence of events, to whom and of what severity)
- The frequency of such an occurrence.

For the display operator the risk assessment need only cover the display itself and anything that might affect it. The display organiser needs to take account of every aspect of the event including any additional activities, such as the sale of refreshments, crowd control, access for the emergency services etc.

It is particularly important to consider the following:

Display site location and layout:

- Is the layout and size of the firing area adequate, bearing in mind the risk of the burning debris from one firework accidentally setting off another firework and endangering people and property, prevailing weather conditions, and the need for firers to be able to move safely out of the area etc?
- Are the safety distances adequate for the fireworks to be fired, taking into account the risks from the malfunction of those fireworks and other eventualities?
- Are the precautions to be taken while setting up the fireworks adequate, taking into account risks to those doing the work and other people, including the general public?
- Have the risks to people from the possible problems arising with shells and other fireworks which can explode violently, or which project debris, been fully considered, and adequate precautions taken?
- Have the risks to animals in the display vicinity been considered, and are there control measures that can be introduced to mitigate any adverse effects of the display?
- Have the risks to structures (either the place where the fireworks are being setup and fired from) or ones adjacent to the display site been considered?
- Have the risks associated with these operations for your display been fully considered and adequate precautions taken?

The UK display industry has promoted a semi-quantified approach to risk assessments, in order to be able to adequately assess which risks need particular attention and mitigation, and to develop displays which present a very low overall risk to operators, other performers, vulnerable structures and the audience alike. It is important to note that such an approach: -

- Does not mean that there is NO risk from the use of fireworks - as noted above this is an impossibility
- Attempts to identify situations where the reduction in risk to one particular sector does not inadvertently lead to an unacceptable increase in risk to another sector, or identifies means by which such an additional risk may be adequately controlled.
- Allows displays to be selectively modified according to the conditions prevailing when the display is fired.

### Individual and Societal Risk

HSE's guidance on risk assessments<sup>3</sup> considers two particular types of risk.

- Individual risk - the risk to a specified individual (for instance a display firer, or a member of the audience in a particular spot)
- Societal risk - the risk to society as a whole.

In general it is much easier to quantify the former, and HSE's guidelines suggest that an individual risk of fatality of about  $1 \times 10^{-6}$  (ie one in a million) is considered "broadly acceptable". Levels of risk above this ( $1 \times 10^{-5}$  to  $1 \times 10^{-4}$ ) are in the so called "ALARP" region - As Low As Reasonably Practical - and may still be considered acceptable provided that they have been properly assessed, and that additional control measures are cost effective.

Societal risk is more difficult to quantify - for firework displays the societal risk should consider the risk to all people involved in or watching displays throughout the UK in any particular year. Fortunately, for firework displays, individual risk is an adequate measure of overall risk because the total aggregate amount of time that displays are fired and the number of people who are at potential risk is very small.

Rating both hazards and frequency, and applying the simple formula

$$\text{RISK} = \text{HAZARD} \times \text{FREQUENCY}$$

allows risks to be ranked for further consideration (see below) or determined as being "broadly acceptable. It does not matter

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<sup>3</sup> <http://www.hse.gov.uk/risk/theory/r2p2.pdf>

particularly what system is used, and whether it is qualitative (eg High, Low, Medium), semi-quantitative (using simple numbers to represent frequencies of levels of hazard) or fully quantitative (which produce risk levels relating, say, to the risk to an individual in terms of probabilities), the important thing is to be able to

- Determine if risks are “broadly acceptable”, unacceptable, or whether they are in the “ALARP” region where additional control measures may reduce them to an acceptable level
- Rank the risks to be able to address the highest risks first
- Measure whether risk control measures actually reduce the risk to all those who may be affected
- To form a basis for consideration whether control measures are cost effective (by cost/benefit analysis)
- To provide a basic operating procedure - ie those things as identified as reducing the risk
- To monitor whether changes in rigging or firing techniques, or changes in the types of fireworks used, have adverse consequences for risk control

The BPA favours a semi-quantified risk assessment methodology where hazards are rated according to severity from 0 - 10, and frequencies similarly rated from impossible to absolute again on a range from 0 - 10.

Thus, risks can be rated from 0 - 100, and high risk operations could arise from either low frequency/high hazard events, or high frequency/low hazard events. Very high (and generally unacceptable) risks arise from high hazard/high frequency events.

Two particular types of risks are common at firework displays, and which dictate whether the display on a particular site, using particular fireworks and rigged and fired in a particular manner is as low as possible.

High frequency/low hazard operations - for instance fallout from shells. All shells produce fallout, and that fallout will travel downwind from the firing site and land on the ground. If the debris falls on the audience it could cause minor eye injuries, or minor burns to people or property. Reduction of this risk may be achieved by maintenance of adequate fallout distances downwind of the firing site. If the display has been planned only considering the prevailing wind, and the wind at display time is from another direction or is particularly strong - then the display may have to be curtailed or abandoned.

Low frequency/high hazard operations - for instance where a shell fails to burst and lands in the audience and subsequently explodes. In such cases there could potentially be several fatalities, but the risk

can be reduced to acceptable levels by, for instance, angling mortars away from the audience (so that if a shell fails in this manner it does not fall towards the crowd), or in certain cases, by providing a barrier between the firing site and the audience to “catch” low trajectory shells.

It is important to realise that any particular risk reduction method will affect EITHER the frequency of the event OR the hazard of the event. It is rare, if not impossible, to have risk reduction methods that affect both. In general it will be the frequency which is easier to address.

In general it is PHYSICAL things that affect HAZARDS (eg reducing the calibre of a shell, or changing a long duration star shell for a short duration one) whereas ACTIONS affect LIKELIHOODS (FREQUENCIES).

In the first case above it is not possible to reduce the frequency of debris being produced and falling to the ground - “what goes up must come down”, but it may be possible to reduce the frequency of debris falling on the audience by ensuring that the audience are further away. Similarly if lit debris DOES fall on a member of the audience it is not possible to reduce the hazard to them.



In the second case, again, it is only possible to reduce the frequency of the event (the probability) of a shell falling unfired into the audience. In addition to the methods outlined above, it would be possible to reduce the frequency of a shell failing to burst by fitting, for example, two independent internal delay fuses. However - fitting two internal delay fuses increases the risk (by increasing the frequency) of a shell bursting in the mortar because of a failure of the delay fuse in which it fires instantaneously once the lifting charge of a shell is ignited.

All these factors (and many others) have to be taken into account in determining the suitability of a site itself and the suitability of certain fireworks to be fired from that site

under a variety of conditions. The risks from a professional firework display are generally very low when adequate assessment and precautions have been taken - but they are never zero!

## Environmental effects of fireworks

Environmental concerns over the use of fireworks have increased in recent years. Basically, the concerns are in four main areas:-

### **The environmental impact of noise from the display**

The Fireworks Act and subsequent regulations has limited the hours in which fireworks may be fired, however, unless the design requirements for the display, or particular local features dictate, noise is an important feature of any firework display, and is an inevitable consequence of fireworks functioning. For instance the bursting of a display shell must produce some noise - reducing the burst charge could actually increase the risks from the use of such devices. Deliberately noisy displays may be inappropriate in certain circumstances - but this is a matter for the early planning stages of an event where such things may be considered.

### **Physical fallout and debris from displays**

Over recent years the design of fireworks and the types available has changed and most fireworks now do not include plastic and metal components where it is possible to replace them with biodegradable alternatives such as card or compressed paper. However, there are components which cannot, at present, be replaced in this manner and will continue to be present as fallout. Display companies are mindful of these concerns and can adapt displays to minimise the use of such materials - but this may also restrict severely the types of fireworks available to them.



### **Chemical debris from the display**

The functioning of fireworks inevitably produces some smoke - and this smoke contains the combustion products from the burning of the firework compositions. The combustion products include the gasses nitrogen oxides, carbon dioxide and sulphur dioxide, as well as solid combustion products dependent on the particular effect.

Research by the Disney corporation has shown that the effects of such combustion products on the environment and on structures is very limited. Disney investigated the effects of firing over 2000 displays over a body of water on the same site (a rate much higher than any UK display site)



and concluded that although the deposition of metal salts in the lake was considerable, the majority of the deposition was found in the mud in the bottom of the lake rather than in the water mass above it, and that there were no measurable biological effects on the flora or fauna of the lake. A recent study in London has shown that the levels of atmospheric pollution are also very low - for instance for the New Year's Eve celebrations the amount of the atmospheric pollutants Nitrogen Dioxide and Sulphur Dioxide were approximately one 300th of the amount of the same gasses arising as a consequence of people travelling by car, bus and train to watch the display.

### **Use of perchlorates in fireworks**

Potassium perchlorate is an important constituent chemical of many fireworks, but the levels of this particular chemical released to the environment after the functioning of a firework are extremely low (it is usually consumed completely during the functioning of the firework). American studies have shown enhanced levels of perchlorate in ground water and soil samples around sites where a large number of displays have been fired over an extended period. However the increases in levels is extremely low and does not pose an environmental or human health concern.



## Provision of site facilities

Prevent spectator access to the safety, fall-out, bonfire and display areas, by a suitable form of physical barrier.

Check that fire-fighting facilities at the site are adequate and consider asking the fire service or a fire-fighting specialist for advice. The following provisions are advised as a minimum:

- equipment for putting out small fires (eg fire extinguishers, buckets of water, fire blankets) available throughout the display site; and
- an adequate number of stewards instructed in how to use this equipment. Tell the stewards not to attempt to fight major fires.

Provide at least two spectator exits from the site which are large enough, spaced well apart, clearly marked, kept free from obstructions and well lit.

Keep the agreed emergency service routes clear of obstruction and readily accessible at all times.

A small public address system or loudspeaker will ensure that announcements and instructions can be clearly heard by all spectators at larger displays.

Provide at least one suitably equipped first-aid point, manned by a qualified first-aider. Signpost it clearly and make it easily accessible to an ambulance.

Provide suitable litter receptacles throughout the spectator area.

Any car-parking area should preferably be well away from the display site and upwind of it (ie with the wind blowing from the car park towards the site). Do not allow parking anywhere else. The parking area needs to be clearly signposted, with vehicle and pedestrian routes to and from the parking area totally segregated from each other. Where appropriate, supervise parking to prevent obstruction of emergency access routes.

Locate any bar selling alcohol well away from the display site and do not allow alcohol to be taken away from the bar area. No one involved in running the display should be under the influence of intoxicating substances.

## Looking after the fireworks before the display

It is advisable for the display operator to be responsible for keeping the fireworks at all times, because the operator will:

- already have a safe and suitable place of storage; and
- know how to transport the fireworks by road from the storage place to the display site in accordance with the relevant legislation listed in Part 4.

Provide a safe place at the display site to store fireworks immediately before use, for example a building or a closed metal or wooden container located in an area of the site not accessible to the public. Alternatively, they can be kept in the display operator's vehicle parked in an area not accessible to the public, provided they are kept safely.

Once fireworks have been set up, ensure the firing area is supervised.

## Selecting a professional display company

There are a wide variety of display companies operating in the UK and it is important to select one that:-

- has sufficient resources to be able to carry out the display on the day in question
- understands the principles of carrying out a risk assessment
- understands the requirements of health and safety legislation which apply to the activities of a firework display operator and firework displays;
- ensure that people forming part of a firing team who do not have knowledge, training or experience are directly supervised by an experienced team member.



## What is meant by a 'competent display operator'?

A competent display operator should have sufficient knowledge, training and experience to set up and fire the fireworks and clear them up after firing in a way that ensures the health and safety of the operator, the operator's employees and other people at, or affected by, the display. Competence will normally be achieved through a combination of theoretical training (for example a 'classroom'-based training course), and practical 'on the job' training gained from planning, setting up and firing displays. It is not expected that satisfactory competence could be obtained without this practical training. The typical areas expected to be included in any training course are given below.

A competent display operator will:



- understand the characteristics and proper use of the various types of fireworks, including debris patterns and fall-out distances;
- understand the principles and practice of ignition systems;
- understand the principles of adhering to a risk assessment;
- understand the principles of setting up, firing and clearing up the fireworks both in relation to operator safety and the safety of others;
- be trained in setting up, firing and clearing up fireworks, either by a competent display operator or as part of a training course;
- have practical experience in rigging, firing and disposing of the types of fireworks selected for the display;

## Display Operator training

The BPA organises a training and registration scheme for professional firers in the UK. BPA members arrange training for firers from both BPA member companies, and other professional operators culminating in an examination which is set and marked independently.

Candidates, who are required to have completed a number of displays prior to sitting the examination and to maintain a log book of displays fired, are examined at 2 levels and successful candidates awarded a certificate and firer's ID card. A publicly available database of all firers is maintained at the BPA website.



Firers will usually be assistants at displays and it is intention of the BPA that all professional firers should be aspiring to a "Firer" qualification. The BPA recommends that the lead firer on a display site will be qualified to "Senior Firer" level.

It is planned in the future to extend the BPA training scheme to display managers within companies, and also to make awareness training available to event organisers and enforcers.



## Who should be informed about the display

It is advisable to contact the following well before the display and keep in touch as your plans proceed. Reconfirm your arrangements on the day of the display:



### Police

Contact the police as soon as possible, informing them of the location of the site and its layout, including all entrances and exits.

The police's main interests are crowd control, public order, emergency access, and local traffic management and parking. It is advisable to act on any recommendations they make.

### Fire service

Contact the fire service at least 28 days before the event. They will mainly be interested in:

- how the emergency services will be called;
- access for emergency vehicles;
- marshalling crowds and traffic in emergency conditions;
- arrangement of spectators' enclosures;
- local fire-fighting arrangements; and
- buildings and other features nearby which could be affected by a fire.

### Local authority

You may need to contact the local authority under entertainments and related legislation (see Appendix 3). In any case think about contacting:

- local authority enforcement officers, for advice on complying with health and safety legislation and other matters such as minimising noise nuisance, avoiding any problems that may have occurred in the past, and complying with local by-laws;
- the trading standards/environmental health departments, or in some areas the fire service, if you are in any doubt about

arrangements for storing fireworks before the display. The place of keeping may need to be licensed under the Explosives Regulations 2014.

### **Local institutions**

It is wise, in the interests of good public relations, to inform any local hospitals, old people's homes etc of the event.

### **Neighbouring landowners or users**

Advance warning to neighbouring landowners or users at an early stage will enable them to move livestock (cattle, horses etc) where necessary.

Local people likely to be affected by the display may not be aware of it through local advertising. Contacting them via a leaflet drop, for example, would be preferable to leaving them unaware of the nature, scale, timing and duration of the event.

### **Coastguard**

If the display is to be held near the sea it is important to inform the local coastguard in advance. Aerial fireworks could be mistaken for distress signals.

### **Harbour authority**

Inform the harbour authority as soon as possible, and at least 24 hours in advance, if the display is to be anywhere in a harbour area, or if the fireworks have to be taken through a harbour area to reach the display site. Under the Dangerous Goods in Harbour Areas Regulations 2016 there is a duty to give advance notice of the entry of dangerous goods into a harbour area.

### **Aerodromes**

If the display is to be held near an aerodrome, inform the airport authority at least seven days in advance. Alternatively, contact the Civil Aviation Authority (CAA),

Safety Regulation Group, Aviation House, Gatwick Airport South, West Sussex RH6 0YR Tel: 01293 567171, particularly if you are unsure whether there are aerodromes near the display site. Adhere to height restrictions for aerial fireworks stipulated by the airport authority or CAA. The Civil Aviation Authority has issued detailed guidance on the operation of lasers, searchlight and fireworks in UK Airspace<sup>13</sup> (CAP 736). This document can be downloaded from the CAA web site ([www.caa.co.uk](http://www.caa.co.uk)) or requested from the address given above.<sup>4</sup>

**If you are unsure whether or not to get in touch with anyone – do so.**

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<sup>4</sup> <http://publicapps.caa.co.uk/docs/33/CAP736.PDF>

## Crowd safety

The safety of the crowd is an essential part of the planning of the display. There are a number of foreseeable situations which will require adequate planning before the display commences.

### **Spectators in the safety, firing or fallout areas**

If spectators break through the barrier into the safety, firing or fall-out areas, ensure that firing of fireworks stops as soon as is practicable.

### **Disorderly behaviour by spectators**

If trouble seems to be developing, call the police before attempting to deal with the matter yourselves.

## Announcements to spectators

Prepare announcements in advance which can be made to the spectators in the event of an emergency, telling them what has happened and what they are required to do.

Provide an adequate number of stewards responsible solely for crowd safety.

- Ensure stewards receive adequate briefing, and a clear chain of command exists.
- Make them easily identifiable, for example they could all wear fluorescent jackets
- Instruct them to be on constant watch for emergencies.

Pay particular attention to keeping spectators out of the safety, firing and fallout areas. Control entry to the spectator area to avoid overcrowding.

Do not admit spectators to the display with their own fireworks. Publish proper notice of this in advance and post notices at all the entrances. No fireworks should be on sale at the site.

Make every effort to start the display on time as crowd control becomes more difficult, the longer people are kept waiting. If a delay is unavoidable, tell the spectators and ask for their co-operation at an early stage.

Some important points on crowd safety can be found in the leaflet *Managing crowds safely: A guide for organisers at events and venues*<sup>5</sup>.

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<sup>5</sup> <http://www.hse.gov.uk/pubns/priced/hsg154.pdf>





## Firing methods

There are a variety of firing methods available to the professional display operator which range from simple “hand firing” where individual fireworks are lit manually with a portfire, to complex computer controlled systems which allow simultaneous firing from a number of locations.

The way a display is designed and fired is dependent on a number of factors including:-

- The scale of the event
- The budget
- The types of fireworks used
- The layout of the firing site
- The complexity of the display design
- The synchronisation to music

Computerised firing systems can offer a number of advantages in creativity and control but the use of such a sophisticated approach should not over-ride good

display design principles nor the fundamental need to use appropriate fireworks for the site and to fire the display so as to present as low a risk as possible. A suitable and sufficient risk assessment will highlight where, for instance, moving from a manually fired display to an electronically fired display may, in the case for instance of mortar rack failure, potentially increase the risks to spectators while reducing risks to operators.

## What happens if something goes wrong?

A proper Risk Assessment will have identified what could go wrong.

### Plan in advance!

Well before the day of the display, you will need to consider what could go wrong on the day. Draw up a plan to deal with each emergency or contingency, answering the questions 'What action will be taken?' and 'Who will take that action?' Involve the display operator in this exercise where necessary.

The paragraphs below highlight some of the problems which could arise, and actions which could be taken. The list is not exhaustive, but should help you plan ahead for emergencies.

### Stopping the display early or cancelling it due to adverse wind conditions



You will have based the layout of the display site on the prevailing wind direction (see Figure 1). If the wind direction is different on the day of the display, the display operator may suggest modifying the layout to ensure people's safety. If this is impossible or inadvisable for other reasons, for example because this would interfere with exits, consider the actions described for high winds below.

In high winds it may be necessary to modify the display (eg eliminate aerial fireworks) or, in extreme conditions, cancel it or finish early. Involve the display operator in these decisions; do not continue if the operator advises cancelling or stopping the display.

### Accident to someone from a firework or incident involving a firework

Have a procedure to ensure that first-aiders have clear access to the injured person as soon as possible. In the case of serious injury, have an ambulance called immediately by a designated organiser and suspend firing of the display.

Where an accident or incident is reportable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013, the enforcing authority should be contacted as soon as possible and not later than legally required. Ensure the scene of the accident or incident is preserved and the remains of any fireworks involved and other debris are left undisturbed, unless this would pose an

immediate threat to safety. The enforcing authority will tell you when you may start clearing up.

### Pyromusicals

Pyromusical events, where fireworks are fired accompanied by, or synchronised to music - be it live or recorded - form an extensive and increasing part of the professional display company's repertoire. As above, there is often little impact on the safe rigging or firing of a fireworks display, except where theatrical pyrotechnics are to be used in close proximity to staging, the performers or the audience. In such cases the use of such pyrotechnics should be subject to both recommendations from the suppliers (eg manufacturer's safety distances) and site and product specific risk assessment which takes into account the proximity of any features (such as elements of the set design such as curtains and screens) and their potential flammability. In many cases it will be appropriate to treat such items with a flame retardant to further minimise risks arising from the use of proximate pyrotechnics.

Licencing of music for pyromusicals may be required.<sup>6</sup>

### Non-firework elements in displays

Many displays now incorporate other elements in addition to the fireworks themselves. Traditional Guy Fawkes night firework displays, in which a bonfire is also part of the celebrations, now form only a relatively small proportion of all displays fired in the UK. In addition to pyromusical displays (see later) many events now incorporate lasers or other lighting effects. Although such elements rarely increase risks arising from the rigging or firing of fireworks, they may introduce considerable problems when planning how all the various elements of the event may be arranged on the display site whilst maintaining adequate safety distances for each. The desire of clients, organisers and producers to incorporate these additional elements should never mean that safety distances for fireworks are compromised.

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<sup>6</sup> <https://pplprs.co.uk>





## Bonfires

Make one person responsible for the bonfire, and allow only that person and designated helpers into the bonfire area. Do not use petrol or paraffin to light the fire. A safer way to light is to use paper and solid firelighters in two or three places to ensure an even burn. Do not burn dangerous rubbish such as foam filled furniture, rubber, aerosols, tins of paint, pressurised gas cylinders, tyres and bottles. Materials producing light ash which could blow about, such as corrugated cardboard, are unsuitable for burning.

Before lighting the fire, check its construction carefully to make sure it is stable, and that there are no children or animals inside.

The people looking after the bonfire are advised not to wear lightweight clothing which could ignite relatively easily. They are recommended to wear a substantial outer garment of wool or other material of low flammability and strong boots or shoes. They need to know what to do in the event of a

burn injury or a person's clothing catching fire, and also have a fire blanket ready in the bonfire area.

If you cannot deal with the fire immediately, using first-aid fire-fighting equipment, call the fire service without delay. Instruct the display operator to suspend firing of the display until the fire is extinguished or the fire service advises it is under control. You may need to move spectators to a safe place away from the site of the fire, but ensure that a clear access route for the fire appliance is maintained at all times.

## Other issues

### Drones

The use of drones to film displays from a high level position is increasing – but there are important safety considerations that need to be considered:-

- Is the drone being operated by a professional company, or by an enthusiastic amateur?
- Where will the drone be launched and controlled from?
- Is there adequate communication between the display company and the drone operator in case of issues during the display?
- Is the drone to be flown in amongst the fireworks and risk being damaged or disrupted?

- If control is lost where will the drone fall?

Flying a drone at night without clear visual contact and adequate control may contravene legislation and careful consideration must be given to their use by event organisers.

Amateur users who fly drones independently may also contravene regulations. Further information is available from the CAA<sup>7</sup>.

### **Terrorist threats**

In times of heightened awareness of terrorist threats and the potential for members of the public to assume that any loud bang as indicative of a “bomb” it is vital that relevant authorities, especially the Police, are notified of the display in advance and their assistance sought in planning the event.

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<sup>7</sup> <http://www.caa.co.uk/Consumers/Unmanned-aircraft-and-drones/>

## Part 3 - Rigging and firing the display

This part of the guide is predominantly aimed at the display company. However, again, it is essential to liaise with the event organisers



### Display design

There have been significant advances in display design in recent years, primarily through the development of computerised firing systems which allow the display designer to develop a variety of new effects. As a consequence, the means of rigging displays and the types of fireworks used have changed. For instance, there has been developed a range of “single shot” Roman candles and mines which allow “chases” such as those seen on the Sydney harbour bridge and the Eiffel Tower in which a large number of such items are fired in extremely quick succession along the structure.

This in turn has led to the development, in some case, of modular firing systems which can be attached to these structures but which maintain a low level of risk.

Traditional safety distances are not particularly relevant to the firing of such items - in general the fireworks are designed to present the minimum of debris, and the modular firing systems which fix them to the structures adequately contain the fireworks and ensure that they are only able to be rigged and fired in the design direction.

Furthermore, the effects used are relatively low powered devices designed to produce a rhythmic or “wide” effect rather than one in which height (and therefore power) is paramount.

In addition there has been developed a vast range of multishot devices, colloquially known as “cakes” which have become a common feature of many displays. These devices produce a number (typically ranging from 25 to 1000) of “shots” each shot coming from a separate tube. The mass of tubes, usually in a rectangular or round design, is relatively wide compared to its height (cf a traditional Roman candle) and the appearance of which gives it its common name. These fireworks produce a continuous effect, often lasting up to 2 minutes, and are available in a very large variety. They produce relatively low debris, in the same way that the “single shot” devices described above do, however they do require careful handling and setting up by the display operator to prevent misfires.

### Responsibilities at displays

Increasingly events involving fireworks are organised by local committees, with the professional display company providing a display as part of a larger overall event. It is important for the event organiser, the venue and the display company to agree at an early stage where their respective responsibilities in staging the event lie, and to have a clear communication path for decisions prior to and during the event itself. For instance

Who is responsible for ensuring the display area and fallout area are clear (usually the event organisers - the firework company will be firing the display)

How can the public be informed if the display is curtailed or cancelled - and what means are in place to ensure safe egress from the display site in these circumstances.

### Display operator training

This list is not exhaustive but simply provides an indication of what a training course will typically include:

- The various types of fireworks available to professional firework operators, their effects (including duration, burst height etc), debris pattern and potential risks;
- Basic risk assessment including assessment and mitigation of risks;
- Site planning including layout, effects of wind and weather, special requirements of unusual sites etc;
- The nature of firing areas, safety area and fall-out area in relation to the overall display site, together with constraints or opportunities that might present themselves;

- Methods of modifying show content at the display site to reduce risk, eg repositioning aerial items, removing items, cancelling the display;
- Firing area layout;
- Fusing methods;
- Ignition systems – advantages and disadvantages;
- 'Rigging' – including aspects of unusual sites;
- General legal aspects including duties under the HSW Act etc;
- Specific legal duties including those involved with manufacture, storage, transport and disposal of fireworks;
- Basic display design;
- Basic first aid;
- Basic communication principles and protocols;
- Clearing up after the display.

The BPA organises training courses for firers and senior firers at displays. These courses are endorsed by EIG.

## Setting up the display

### **What type of fireworks will the display operator use?**

Fireworks used by display operators usually include Category F4 fireworks. These typically have little labelling on them. They often do not have complete fuse systems and are often used by display operators as components linked together by fusing to create larger fireworks. Because of this it is not practicable for manufacturers or suppliers to provide detailed instructions on setting up and firing these fireworks. Some Category F4 fireworks are much larger and more powerful than those available to the general public, and are potentially more hazardous.

This is in contrast to displays fired by amateurs using European Standard compliant fireworks. In such cases the firer is not a professional and does not have, and should not have, access to product specific performance criteria nor to deviate from the rigging and firing instructions presented on the firework itself.

### **General precautions**

Display operators are advised to take the following precautions.

- Do not smoke when handling fireworks, or in the firing area once fireworks are present.
- Where fireworks are tied to stakes or other supports, tie them on the side facing away from the audience. Then, if a malfunction occurs and the firework falls over, it is probable

that any remaining projectiles or effects will fall away from the audience.

## CE Marking and European Directives

Pyrotechnic operators must comply with the requirements of the Pyrotechnic Articles (Safety) Regulations 2015 (PA(S)R)<sup>8</sup> which implement the requirements of the EU Directive on Pyrotechnic Articles (2013/23/EC).

### Instructions on fireworks

EU Directives and the derived Standards require that suitable markings and instructions are provided with fireworks, giving clear advice on the safe method of their handling, storage and use.

Suppliers or manufacturers usually provide an instruction leaflet with the fireworks on how to use them safely. Read it well in advance of the display, and contact the supplier, manufacturer or importer with any queries. Follow the instructions closely during setting up and firing.

Part of the Standards required Category F4 Fireworks to have information provided that allows a person with specialist knowledge to determine a "safety" distance. The information is usually presented in the form of a series of coded information as shown below.

Firework intended for consumer use are labelled explicitly with instructions and minimum safety distances – however the UK argued successfully that professional display companies should be allowed to determine "safety" distances on a risk basis, and that these could change from one situation to another depending on a number of factors including, for shells for instance:-

- The mortars used to fire the shells (length and calibre)
- The firing angles
- Precautions taken to reduce risks in case of product failure

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<sup>8</sup> <https://www.legislation.gov.uk/ukxi/2015/1553/contents/made>

## CE labelling table

The following table shows the meaning of the coded information on category F4 fireworks.

Table 5 - Codes on Category F4 fireworks

Code	Status	Description	Examples/Comments
A	M	Effect height	
B	M	Sound pressure level	Value @ distance
C	M	Debris distance	
D	M	If effect reaches ground	“✓” if effect reaches ground
E	M/O	Effect range	This parameter is mandatory for aqua fireworks.
F	O	Effect broadness	
G	O	Calibre	If not required in description
H	O	Initial fuse time	
I	Not used to avoid ambiguity		
J	O	Flight time	E.g., time to burst for shells
K	O	Effect time	E.g., duration of stars
L	O	Flash powder content	E.g., for compliance with UN default classification (in weight or in %)
M	O	Gross mass	
N	O	Effect	
O	Not used to avoid ambiguity		
P	O	Classification reference	
Q	O	Drift	
R	M/O	Overall duration	
S	O	If multiple effects	
T	O	Radial effect distance	
U	Not used to avoid ambiguity		
V	O	Burning rate	
W	M/O	Maximum firing angle	
X	Reserved for future use		
Y	Reserved for future use		
Z	Reserved for future use		

Key:-

Status – “M” = Mandatory, “O” = Optional



## Own Use issues

During development of the European Directive it was agreed that use by a manufacturer (and where product is not supplied to a third party) and on the territory of the manufacturer was a special case where CE compliance and marking was not required. This is the so-called “Maltese question” and was raised by Malta to address the situation where local companies produce fireworks for local festivals and rig and fire them themselves and do not supply them to any third party.



## Firing plan

It is advisable to prepare a firing plan well before the fireworks are set up.

This plan should include both a physical map of the display site and surrounding areas and a plan for the firing order of the display.

Where the crew rigging and firing the display are not those who visited the site and planned the display it is essential that they are

provided with adequate information to address the following:-

- Where the fireworks will be setup, where the spectators are, the likely fallout areas are etc
- How the fireworks will be rigged
- The prevailing wind direction
- Identification of local hazards
- Identification of any fireworks which may need to be removed from the display should conditions dictate (eg those fireworks with long burning stars)
- Contact details for the event organiser

## Fusing

The setting up of Category F4 fireworks may involve the modification or securing of a fuse by a plastic tie completion of fusing at the firing area. Aim to complete work of this type well before spectators arrive. When fusing is in progress, limit access to the firing area to the display operator and those carrying out the fusing. Keep any members of



the public at a safe distance. Carry out fusing in daylight or, failing this, under suitable artificial lighting.

Manipulation of fusing presents a potential for accidental ignition. The following safety points are particularly important.

- Cut fusing by a method which does not cause sparks, eg using a sharp pair of clippers or scissors with cutting edges made of a non-sparking material, or a sharp knife on a cutting surface of non-sparking material. You are advised to contact the manufacturer or supplier of the fuse for guidance on the recommended method of cutting any specific products.
- Never tear fusing apart or use a blunt instrument or saw to cut it.
- Never expose electric igniters to sources of friction such as rough insertion into, or removal from, blackmatch.
- Make all joins so that they leave no exposed composition and are strong enough to withstand the stresses they will experience. Tape all joints if necessary.
- Hold the fuse in position by a method which will neither generate sparks while the fuse is being secured, nor damage it in any way. Plastic ties or adhesive tape are recommended. Do not staple fusing directly into place using staple guns or similar devices. Staple guns should only be used to fix cable ties or similar which are then used to secure the fusing.
- When joining different types of fuses, do not bring incompatible materials in contact with each other, eg sulphur and chlorates.
- Fuseheads may be easily ignited by friction, crushing or cutting and should be handled with care.

The above guidance relates only to the fusing of fireworks before use. The dismantling of fused fireworks or firework assemblies is a more complex undertaking requiring careful selection of procedures and may require special facilities.

When many fireworks are grouped or fused together, the potential for accidental ignition is greatly increased. Ensure boxes of firework sequences are not left open. Put fusing in a safe place and cover it to minimise the risk of accidental ignition from stray sparks etc. Keep the number of fireworks being worked on to a minimum, and keep the remainder covered or in closed boxes.

### **The use of fireworks supports**

The use of tubes is not a preferred method of support and, in any case, may only be suitable for static fireworks such as roman candles, fountains, mines and shot tubes.

For other Category F4 fireworks, the use of support tubes is not necessary – there are a variety of better, alternative methods of support. However, if support tubes must be used, please take the following simple precautions:

- Do not use metal tubes. Consider using only plastic tubes which, should the firework explode unexpectedly, will not burst, shedding high-energy fragments. Choose tubing which is made of non-brittle plastic and designed to withstand internal pressure, for example pipe made for water or gas supplies, from high density polyethylene (HDPE).
- Do use a tube with a diameter which will provide the required support to the firework without holding it too snugly. A snug tube may damage the firework when it is inserted and also increase the severity of a misfire.
- Where any support tube is attached to a stake or frame, attach it on the side away from the spectators. In this way, should an explosion occur, the effects will tend to be projected away from the spectators.
- Always remember to position fireworks as far as possible from spectators and at least the manufacturer's recommended minimum distance. Where specific safety distances are not provided, you should refer to information on the minimum recommended safety distances.
- In any event, your arrangements for fastening, supporting and locating the fireworks should be justified in your risk assessment.

### **Maroon rockets**

Avoid firing maroon rockets from a rocket cone or firing box. Cones may be used for other types of rockets provided their heads are clear of the cone.

### **Shells**

Use shells with the utmost care. Ensure you are familiar with the type of shell you are using and ensure you have read and understood the warnings and instructions supplied with the shell and mortar tube.



The main problems with firing a shell from a mortar tube arise where the shell is not projected correctly because the mortar tube has toppled over;

- bursts at a low height. This can happen when an incorrect mortar tube diameter or length is used, or when the shell is not lowered to the bottom of the mortar tube;
- bursts in the mortar tube due to malfunction. This may cause the mortar tube to burst and project fragments, and adjacent mortar tubes may be disrupted (commonly known as a shell in-tube "detonation");
- bursts at the mouth of the mortar tube on ejection. In this case it is likely the mortar tube is not fragmented, but stars and shell debris will be scattered around the immediate area;
- ignites prematurely where the fuse was not ignited at its tip.

You are strongly advised to remember the following basic rules when using mortar tubes.

- Ensure mortar tubes are of the correct diameter and length for the shell;
- Do not use undue force when inserting a shell into a mortar tube. The mortar tube dimensions and condition should allow the shell to be lowered smoothly to rest on the bottom of the mortar tube;
- Mortar tubes must not be free-standing;
- Preferably avoid firing maroons from racked mortar tubes;
- When mortar tubes are racked together, support them with a firmly fixed sturdy frame, eg by wooden stakes, so they cannot topple over;
- Bury or sandbag single mortar tubes deep enough to prevent them toppling over, and inclined away from spectators. Take precautions to ensure a misfire in one mortar tube will not disrupt other mortar tubes;

- Do not fire single shot maroons from metal mortar tubes.
- Ensure mortar tubes are strong and durable enough for the shells. When deciding whether the mortar tube material should be cardboard, plastic or metal, think about using a material that would not fragment or produce hazardous debris if a shell malfunctioned in the mortar tube. If a mortar tube is made of material which could produce hazardous debris, sandbag or barricade it.
- Use enough sandbags or barricading to ensure firers and spectators would be protected if a shell malfunctioned in the mortar tube. Research suggests that you may get better protection from hazard debris if sandbags or protective barricades are in contact with the mortar tubes. An air gap between the mortar tubes and the barricade will reduce the effectiveness of the protection;
- Always clean out mortar tubes and check they are reasonably dry before use;
- Ensure mortar tube bungs are held firmly in place and checked before firing each display;
- Preferably avoid reloading mortar tubes during a display. Where mortar tubes are reloaded, group them according to size to help avoid shell/mortar tube mismatches.

In addition to those changes in rigging techniques outlined above, there have also been changes to the rigging methods of firing more traditional firework types. Two examples illustrate the issues involved:-



Roman candle batteries (particularly where the candles are “fanned”) used to almost exclusively be made by wiring the candle tubes to wooden frames, which were then secured to stakes for firing. The demands of modern display design have meant that today, candles are often rigged by inserting the tubes into holders on frames (often fabricated in metal) which have been designed to fire at exactly the desired angle. Furthermore such frames are often designed to interlink to provide a rigid and stable structure for firing.

Mortar construction, and the construction of mortar crates have also changed. The use of modern materials for mortars (eg HDPE, fibreglass or aluminium) has generally overtaken the use of fibreboard or steel. The advantages of the modern materials are in their durability, their strength/weight ratio, and their means of failure (ie not producing steel fragments if a shell bursts in the tube) but there are potential disadvantages too.

Similarly the use of mortar racks, and the means by which they are erected and positioned on site, should be subject to risk assessment by the company. Mortar racks offer significant advantages over the use of individual mortars for the firing of shells, particularly in reducing risks arising from the reloading of mortars during a display. Companies should evaluate the use of their mortars and crates as they would any other aspect of their display.

### Electric Igniters

The use of electric firing systems and hence the use of electric igniters has increased significantly over recent years, particularly as display design has changed and there is increasing use of “single shot” fireworks.

Electric igniters are, by their nature, sensitive to a number of stimuli and should be handled with great care, especially when fitting to fireworks on a display site, or when derigging after the display.

Most accidental ignitions of igniters are due to

- Friction or impact
- Electrostatics

Recent studies have illustrated that there is a wide range of sensitivities and that sensitivity to one stimulus (eg impact shearing) is no indicator of sensitivity to another stimulus (eg static electricity).

Care should always be taken when fitting igniters to fireworks, and in particular:-

- To minimise the potential for accidental ignition by friction, impact or static electricity
- To minimise the consequences of an accidental ignition

## Hazard Types

The HSE guide L150<sup>9</sup> defines Hazard type and describes the nature of the hazard arising from an explosive in manufacture, storage or even use conditions. It is important to understand the hazards presented by fireworks on a display site may not be the same as they are in the form in which they are transported. Hazard Type determination is potentially a complex issue. The definition implies that the Hazard Type posed by a particular explosive may be dependent on a wide variety of factors such as:-

- The quantity of the explosives (if there is a hazard transition due to quantity – eg the depth of pyrotechnic composition in a drier potentially leading to self-confinement and a transition from a parallel to propagative type burning.
- The form of the explosive – is it as a substance or an article? Is it loose or compacted composition?
- The area around the explosive – does it accelerate or reduce the possibility of communication to other explosives nearby
- The nature of the building
- The orientation of the explosives within a building
- The orientation of the building
- Etc

Hence a more wordy, but more accurate, definition of Hazard Type might be:-

***Hazard Type – the nature of the explosive hazard of an area or building containing explosives which may be related to the nature of the explosive(s) present, their surroundings, their nature, their orientation etc.***

## HDs vs HTs

There is an obvious similarity between the Hazard Types (HTs) adopted by HSE for manufacture and storage and the Hazard Divisions (HDs) determined by the classification process. However it must be remembered that classification (determination of Hazard Division) is only

The determination of the hazard of the explosives as presented for transport

“as presented for transport” is critical – this is the driver for UN classification and its hazard is generally not an inherent function of the explosives.

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<sup>9</sup> <http://www.hse.gov.uk/pubns/books/l150.htm>



For instance, and hypothetically, 75mm aerial maroons (fireworks or signalling devices) could present the following hazards

- 1.1G – mass explosion hazard – if enough are packed into a strong walled box
- 1.2G – fragment hazard – if a number are packed in a metal box (where it is the metal fragments from the box which create the hazard)
- 1.3G – fiery projection hazard – where the functioning of one maroon throws a second maroon past the 15m witness screens in the UN series 6c tests and thereafter the 2nd maroon functions
- 1.4G – relatively low hazard – where a single maroon is packed in a fibreboard box and on functioning no communication to other boxes, nor significant fragment throw occurs
- 1.4S – low hazard – where a single maroon is in an over-engineered and large box – such that the functioning of the maroon is not observed outside the box!

In the same manner explosives do not possess an inherent Hazard Type – the Hazard Type may dependent on a variety of factors – and the purpose of this guide is to highlight those factors and to provide pointers to assessing what effect they have on the hazard.

The use of HDs for non-transport situations (including suitability for sale and for COMAH) is entirely erroneous and confusing. In part, of course, this is why the use of Hazard Types is much more logical and scientific – but the confusion still exists in the minds of users and enforcers alike.

## Firing from Unusual sites

### Barges

The important additional things to consider when rigging and firing displays from a barge include:-

- The layout of fireworks on the barge and the physical dimensions of the barge
- The stability of the barge
- The means of rigging the fireworks and supporting, for instance, the mortar crates (if used)
- Escape routes
- Firing position (if on the barge)
- How the barge is to be positioned (eg held by a tug or anchored/moored)



### Rooftops and other structures

Rooftops pose similar issues to barges, and in addition:-

- How will the fireworks be transported to the site
- The position of adjacent structures
- The position of people at ground level
- The quantity and types of fallout and debris
- Increased fallout areas
- The effect of local wind around the structure
- Firework effects being blown back onto the structure itself
- Adherence to "normal" safety distances



## Firing the display

### Protective clothing and equipment

Firers are advised to wear substantial outer clothing made of wool or some fire retardant material such as probanised cotton. They are also recommended to wear gloves, safety goggles, safety helmets and substantial closed footwear made of leather or similar material.

Firers are advised to wear ear protectors or other suitable hearing protection. Where the firers are at work, the Control of Noise at Work Regulations 2005 will apply. This means display operators have to assess the exposures of employees and themselves to noise during firing, and where necessary take adequate measures to protect their hearing from damage. For electric firing, it may be possible to site the firing point far enough away from the fireworks for noise exposure to be below the action levels given in the Regulations. In this case ensure that firers retire to that point whenever firing is in progress.

### Firing procedures

It is important that the activities of the firing team are co-ordinated to ensure that everyone is in a safe position whenever fireworks are about to go off. Firers should be at least ten metres away from ground maroons.

### **We do not recommend the reloading of any shells or other fireworks during the display.**

Take any mortar tube showing signs of distortion, dangerous corrosion or damage out of use immediately.

### Misfires

Leave a firework which fails to ignite for at least 30 minutes. In most cases, it will then be best to immerse it in a bucket of water. Never position any part of the body over a misfired firework. In the particular case of a shell in a mortar tube, never look down the mortar tube and do not pull a shell out of the mortar tube by its fuse. Leave the shell in the mortar tube for at least 30 minutes before proceeding as follows.

- Cut off any fuse which is hanging outside the mortar tube by the method described below to prevent any possibility of 'hang fire' reigniting the fuse;
- Prepare for tipping the mortar tube over by removing any sandbags or earth (in the case of a buried mortar), or releasing the mortar tube frame from its fixings. Take particular care to ensure no part of the body is over the mouth of the mortar tube during this operation;
- Where practical, tip the shell out of the mortar directly into a bucket of water. If this is not practical, flush the mortar tube containing the shell with water before tipping the shell gently

onto the ground. In both cases, ensure the mortar tube is pointing away from the body during tipping.

### Long duration effects

One of the particular issues which must be addressed is the way that long duration effects such as:-

- Willow
- Kamuro
- Strobes
- Glitter

are affected by wind and whether, in particular the way that they are fired means that the effects will still be burning when they reach the ground.

In some cases, of course, this can be both aesthetically pleasing (eg over water) and present a very low risk, but a risk assessment should consider whether the use of such effects is appropriate and in particular, where, for instance, a 100mm Kamuro shell fired vertically bursts at 100m and drops its stars 80m (ie 20 m above the ground), that when it is fired at an angle whether the lower apogee will mean that the stars reach the ground still alight.



## Smoke issues

Following an incident in thick fog on the M5 motorway in the UK where several people were killed and there was a suspicion that a local firework display could have contributed, the Coroner made the following judgements and observations:-

- Smoke from the display was not found to be the cause of the incident "but the Coroner could not rule out it contributed"
- At the time there was no data on interaction of pyrotechnic smoke and fog
- There was no previous experience through Europe of situations where smoke from a display has caused an increase in fog density or had contributed to an accident

The investigations of the incident concluded that there was potential for firework smoke to cause a problem in particular:-

- When there were damp still nights
- Particularly in valleys and near rivers
- Where there was a temperature inversion (ie cold damp air with warmer humid air above it)

Of course, different fireworks produce different amounts of smoke at different levels in the sky and as a result it is important to consider the following when preparing a Risk Assessment and planning a display that may affect a local road:-

- The venue – is it prone to fog?
- Local knowledge of the likely wind conditions and likelihood of fog
- The time of year – the issue really only arises in Autumn and Winter

It is important, therefore that there should be sensible curtailment or cancellation criteria BEFORE THE SHOW (and in agreement with the event organisers) and means of communication between "spotters" and the firework team to curtail or stop the display if smoke is observed drifting towards a local road which is not able to be controlled and traffic stopped (eg a motorway).

## Clearing up after the display

The cleanup of display sites, and disposal of any waste materials, is a concern to event organisers and display companies alike. However, it is difficult if not impossible for a display company to completely clean a site in the dark after a display. Proper co-operation between the event organiser, the venue and the display company and clear demarcation of responsibilities at an early stage in the planning of an event can avoid any misunderstandings later!

The following procedures are recommended as a practical arrangement for co-ordinating the work of the organisers and display operators in clearing up the display site, but are not intended to define all responsibilities.

Organisers should:

- keep the firing, safety and fall-out areas free of spectators until the display operator has had time to clear up, and locate and retrieve fireworks that have misfired;
- arrange for the whole site, apart from the firing area, to be carefully checked for partly spent fireworks and other hazardous remains, and inform the display operator of any problems;
- arrange for at least one organiser to return to the site at first light to make sure that it is clear of partly spent fireworks and other hazardous remains. If hazardous material is found, contact the display operator for advice on its disposal;
- ensure the bonfire is completely extinguished and keep spectators out of the bonfire area until this has been done.

Display operators:

- are responsible for clearing up the firing area and leaving it in a safe condition on the day of the display;
- destroy misfires and partly spent fireworks at the display site wherever possible, and come prepared to carry out their destruction in accordance with the recommendations contained in Disposal of explosives waste guide<sup>10</sup>. It may be necessary to enlist the help of the organisers to keep everybody at a safe distance while destroying fireworks. It is advisable to discuss this with the organisers before the display. Do not transport partly spent fireworks or misfires away from the site on public roads, unless you are satisfied that you can do so in accordance with legal requirements (see Part 4);

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<sup>10</sup> <http://www.eig2.org.uk/eig-book-guidance-for-the-safe-management-of-the-disposal-of-explosives/>

- advise the organisers on how to deal with partly spent fireworks or misfires which may be found after the display operator has left the site.





## Part 4 - Other information

### Legal issues

General advice on the application of health and safety legislation and responsibilities is given below and cover some requirements of other sections of the HSW Act and other health and safety legislation which is of particular relevance to firework displays, and should be read by organisers and display operators.

- Health and Safety at Work Act 1974 (HSWA) - The over-arching legal instrument for all at work activities in the UK
- Explosive Regulations 2014 (ER2014) - The fundamental regulations covering the manufacture, storage and licencing of explosives in the UK
- Carriage of Dangerous Goods and Transportable Pressure Equipment Regulations 2009 (CDG) as amended - Regulations, adopting UN and European agreements regarding the transport of dangerous goods (including fireworks) into UK law
- Pyrotechnic Articles (Safety) Regulations 2015 (PA(S)R) which address design and testing of fireworks

Although only the courts can give an authoritative interpretation of law, in considering the application of this guidance to people working under another's direction, the following should be considered.



If people working under the direction and control of others are treated as self employed for tax and national insurance purposes, they are nevertheless treated as employees for health and safety purposes. It may therefore be necessary to take appropriate action to protect them. If any doubt exists about who is responsible for the health and safety of a worker, this could be clarified and included in the terms of a contract. However, remember that a legal duty under section 3 of the HSW Act cannot be passed on by means of a contract, and there will still be duties towards others under section 3

of the HSW Act. If such workers are employed on the basis that they are responsible for their own health and safety, legal advice should be sought before doing so.

The two requirements detailed below, coupled with the requirement for a risk assessment explained in Appendix 2, are closely related and can be considered together:

- Section 2.2(a) of the HSW Act requires employers to provide and maintain plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health.
- Section 3 of the HSW Act requires employers to conduct their undertakings in such a way that, so far as is reasonably practicable, people who are not employees are not exposed to health and safety risks. It also imposes a similar duty on the self-employed towards themselves and other people.

Where any event involves a work activity, the person who is providing the premises for the event may also have duties under section 4 of the HSW Act in relation to people other than their employees.

The Explosives Regulations 2014 require that the manufacture of fireworks (which includes dismantling them) shall only take place under licence. The Regulations allow the preparation, assembly, disassembly and fusing of firework displays at the place of intended use without a license. The Regulations also allow the preparation, assembly and fusing of fireworks, in quantities of no more than 10 kilograms at a time, at a site in relation to which a person holds a licence for the storage of explosives, for the purposes of a firework display to be put on by that person. The destruction of fireworks in a safe manner does not require a licence.

Under the Explosives Regulations 2014, an unlimited quantity of hazard type 3 and 4 fireworks may be kept for up to 24 hours without licensing the place of storage. Specified amounts may be held for longer periods without licensing as shown in the table 6 below.

The above list of health and safety legislation is far from exhaustive.

*Table 6 Amounts of fireworks which may be kept without licensing*

Type of fireworks	Maximum amount (kg)	Maximum storage period (days)	Condition
Hazard type 3	100	5	In place of intended use
Hazard type 4	250	5	In place of intended use
Hazard type 4	50	21	Not for sale or use at work

People who are responsible for health and safety at the display and those who are providing premises are recommended to consult the

local authority enforcement officer for advice if they are in any doubt as to the application of health and safety legislation.

Information on legislation, other than health and safety legislation, which may apply to firework displays is given below, but are not requirements under health and safety legislation.

The information which follows has been supplied by representatives of organisations responsible for enforcement and is only a brief guide to some of the main provisions other than health and safety legislation which firework display organisers will need to consider. The appropriate organisation will be able to advise on how these and other related provisions apply to an individual case.

## Entertainments licensing and statutory controls on noise nuisance

### England and Wales

The public entertainments provisions of the Local Government (Miscellaneous Provisions) Act 1982 allow local authorities to control events such as pop festivals and open-air entertainments of which music forms a substantial part.

Public entertainment licensing is carried out by the district or metropolitan council. Enquiries must be made at least 28 days before the event in order to comply with the notification procedures. To allow public entertainment to be carried out without a licence is an offence which can carry severe penalties.

In licensing events, the enforcing authority can impose conditions for securing the safety of performers and anyone else present at the entertainment, and for preventing people in the neighbourhood from being unreasonably disturbed by noise. It will be a condition of the licence that any recommendations made to the enforcing authority by the police and fire brigade are complied with.

The local authority may impose similar conditions on similar types of entertainment held on private premises, including those in the open air. This is to cover private clubs etc where admission is restricted to members (ie the general public are not admitted). The licensing function is dealt with in exactly the same way as above, but extends the controls to private entertainment provided for private gain.

Displays which are not subject to licensing under the above legislation will still be subject to The Control of Noise at Work Regulations 2005 enforced by the environmental health department of the district council or metropolitan council.

### Scotland

Public entertainments licensing is carried out by the district or regional council.



Where a firework display involves the use of premises as a place of public entertainment, some councils will require an application to be made for a Public Entertainment Licence under section 41 of the Civic Government (Scotland) Act 1982 and, as a condition of licence, may require the organisers to consult with the local fire authority and the police. In the Act, the term 'place of public entertainment' is defined (subject to certain exclusions) as any place where, on payment of money or goods to the same value, members of the public are admitted or may use any facilities for the purposes of entertainment or recreation.

Some councils require charitable organisations which hold public firework displays to seek permission for the display irrespective of whether an entrance fee is to be levied or not.

Comments on noise nuisance are as for England and above.

### **Firework displays near aerodromes**

The Civil Aviation Authority has issued detailed guidance on the operation of lasers, searchlight and fireworks in UK Airspace (CAP 736). This document can be downloaded from the CAA website ([www.caa.co.uk](http://www.caa.co.uk)) or obtained using the contact details given below.

## International Standards

Occasionally display organisers may suggest that Standards developed outside the UK would be appropriate for UK displays. We do not believe that in general such Standards provide a safe system of working subject to the fundamental Risk Assessment approach adopted in the UK.

### Comparison of current Standards

Most Standards (USA, Canada, France, Germany, Australia) have adopted so-called “fixed rule” Standards where the minimum safety distances are predominantly a function of the calibre of the firework being fired.

In general, such “fixed rule” systems pay little or no attention to critically important factors such as

- Wind speed and direction
- Firing angles
- Firework types, their fallout and potential debris

ElG does not recommend or endorse the use of any such Standards which do not adequately relate to the risks.

### ISO Standards

A series of ISO Standards for professionally organised firework displays are currently under development. The UK has lodged objections to these Standards and does not recognise them – indeed the UK believes that if adopted they would negatively impact on display safety in the UK.

## Training

In addition to BPA training there are additional relevant training courses which might be of interest.

- Pyrotechnic chemistry – an introductory course
- Risk Assessment for Fireworks Displays
- ShellCalc©

These courses have been developed and delivered by CarnDu limited.

## Myths

We are aware of the following myths circulating within the event industry, enforcing authorities and display companies, and hope the following will assist readers.

Table 7- Myths

Myth	Comments
A formal qualification is required before a storage licence would be issued by a local authority	There is NO requirement for such a qualification and we do not believe any such qualification exists. The BPA courses specifically address the setting up and firing of firework displays
The level of qualification would be higher for a licence than for a registered premises	See above – there is NO requirement for such a qualification. The BPA currently has two levels of award "Senior Firer" and "Firer" but these relate explicitly to display practices. In addition after 2014 all local authority sites are effectively "licenced" rather than registered – the old "registered premises" (Mode A and B) are no longer relevant
Before issuing a licence Local Authorities check to see that there was adequate insurance and that all risk assessments had been done and that they should be checked on every visit	There is no requirement for insurance to be established before issuing a licence. Of course, general Health and Safety provisions may require formal written Risk Assessments to be carried out but these are not a pre requisite for granting a licence
All display fireworks were Category 4 (the most hazardous) and therefore should be considered as HT1 (the most hazardous)	This fundamentally confuses suitability for supply (Category) with classification for transport (HD) and in storage or manufacture (HT)
That the public are not able to purchase Category 3 fireworks	The public may purchase Category 1, 2 and 3 fireworks without needing to demonstrate their status as a "Person with Specialist Knowledge" – the criterion for supply of Category 4 fireworks
That Category F4 fireworks have no fuses	Category 4 fireworks are intended for "professional" use and may or may not be fitted with fuses depending on their intended use. They may also be modified by display companies prior to transport to site, or on site (eg by combining fuses or fitting an electric igniter)
That the Hazard Type posed by fireworks relates to their suitability for sale to the public and intended use (eg Garden, display or professional)	There is no correlation between suitability for supply and hazard posed in transport (HD) or storage and manufacture (HT)

Myth	Comments
That all display fireworks are classified 1.3G and all consumer fireworks are classified 1.4G	<p>This is again confusing suitability for supply and hazard posed in transport.</p> <p>The classification of display fireworks (like all explosives) is fundamentally related to their packaging "as presented for transport") and may be</p> <p>1.1G – UN 0333 1.2G – UN 0334 1.3G – UN 0335 1.4G – UN 0336 1.4S – UN 0337</p> <p>Depending on the nature of their fireworks and the way they are packed</p>
That professional displays do not use Category 1, 2 or 3 fireworks but only category 4	A display company may use the whole range of fireworks (and other pyrotechnic devices) depending on the event and site. In some cases the fireworks may be modified on site prior to use (by fitting a fuse for example) but this is considered a process "in use"
All professional firework display companies must operate out of premises falling under the "Control of Major Accident Hazard" Regulations (COMAH)	The nature of the legal instruments required for a display company operation is dependent on the scale of the company (ie how much explosives is stored) and the way it operates. There is no specific requirement for all professional display companies to be COMAH sites, or indeed to be licenced by HSE.
All professional display companies will hold a manufacturing licence from HSE	<p>Display companies may operate under Regulation 6(2) of ER2014 (commonly known as the "Firework fusing exemption") which allows limited operations at a local authority licenced site but does not remove the need for all fireworks to be properly classified before transport.</p> <p>In addition it is possible for all rigging and fusing to be done legitimately at the display site without any form of licence as they are at the point of use.</p>
All fireworks must comply with BS 7114	<p>BS 7114 is an obsolete standard and has been replaced by the following European Standards:-</p> <p>Category F1/F2/F3 fireworks – EN 15947 Category 4 fireworks – EN 16261 Theatrical pyrotechnic articles – EN 16256</p>
All fireworks should bear the UK "Kite mark"	There has never been a requirement for UK fireworks to bear a kite mark – indeed placing an erroneous "kite mark" on fireworks would have been illegal

Myth	Comments
Local authority storage licences are only available for fireworks	Local authorities can licence stores for any explosives and it is very important that where other explosives are kept (for instance theatrical items) these are explicitly referenced on the licence, or that the licence refers only to the Hazard Types of explosives to be kept
Local Authorities can only grant licences for stores in the run-up to November 5th	This is not the case – indeed it is a reasonable expectation that an application at any time of the year should be processed promptly and efficiently
Local Authorities are not able to grant any explosive licence – this must be done by HSE	This is incorrect. ER2014 allows (and in fact demands) that Local Authorities is the proper place to apply for licences for appropriate sites within certain “fixed rule” parameters

## General Legislation

Table 8- Links to general legislation and guidance

Information	Link
Firework (Safety) Regulations 1997	<a href="http://www.legislation.gov.uk/ukxi/1997/2294/made">http://www.legislation.gov.uk/ukxi/1997/2294/made</a>
Firework (Safety) (Amendment) Regulations 2004	<a href="http://www.legislation.gov.uk/ukxi/2004/1372/made">http://www.legislation.gov.uk/ukxi/2004/1372/made</a>
Managing crowds safely: A guide for organisers at events and venues HSG154	<a href="http://www.hse.gov.uk/pubns/books/hsg154.htm">http://www.hse.gov.uk/pubns/books/hsg154.htm</a>
Management of Health and Safety at Work Regulations 1999	<a href="http://www.legislation.gov.uk/ukxi/1999/3242/contents/made">http://www.legislation.gov.uk/ukxi/1999/3242/contents/made</a>
Civil Aviation Authority CAP 736	<a href="http://publicapps.caa.co.uk/docs/33/CAP736.PDF">http://publicapps.caa.co.uk/docs/33/CAP736.PDF</a>
Control of Noise at Work Regulations 2005 SI 2005/1643	<a href="http://www.legislation.gov.uk/ukxi/2005/1643/contents/made">http://www.legislation.gov.uk/ukxi/2005/1643/contents/made</a>
Five steps to risk assessment Leaflet INDG163(rev2)	<a href="http://www.hse.gov.uk/pubns/indg163.pdf">www.hse.gov.uk/pubns/indg163.pdf</a>
Dangerous Goods in Harbour Area Regulations 2016	<a href="http://www.legislation.gov.uk/ukxi/2016/721/made">http://www.legislation.gov.uk/ukxi/2016/721/made</a>

## Bibliography

Table 9- Bibliography

Information	Summary	Link
Explosive Entertainment: Getting the most from your firework display	Book by Dr Tom Smith for organisers and practitioners of firework displays	<a href="http://www.fd-ee.com">http://www.fd-ee.com</a>
The "Purple" Guide	"The Purple Guide has been written by The Events Industry Forum in consultation with the events industry. Its aim is to help those event organisers who are dutyholders to manage health and safety, particularly at large-scale music and similar events. The Health and Safety Executive was consulted in the production of the workplace health and safety parts of this publication.	<a href="https://www.thepurpleguide.co.uk/">https://www.thepurpleguide.co.uk/</a>

## Other useful links

Table 10- Other useful links

Information	Summary	Link
Pyroworkshops	A variety of courses tailored for the professional display industry in the UK	<a href="http://www.pyroworkshops.com">www.pyroworkshops.com</a>
ShellCalc ©	Trajectory and fallout modelling tool	<a href="http://www.shellcalc.co.uk">www.shellcalc.co.uk</a>
Health and Safety Executive Explosives section	Links to current legislation and other guides	<a href="http://www.hse.gov.uk/explosives">www.hse.gov.uk/explosives</a>



## Contact Information

The following contacts may be useful:-

### **The Confederation of British Industry, Explosives Industry Group (CBI/EIG)**

Cannon Place  
78 Cannon Street  
London  
EC4N 6HN

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While every effort has been made to ensure the accuracy of the references listed in this publication, their future availability cannot be guaranteed.



ElG also publishes "Giving Your Own Firework Display: How to run and fire it safely" which is intended for events where the fireworks are rigged and fired by amateur organisations.



**EXPLOSIVES  
INDUSTRY  
GROUP**

The new Red Firework Guide  
(replaces HSG 124)

# GIVING YOUR OWN FIREWORK DISPLAY

How to run and fire it safely

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Version 1.7 – July 2018



# Giving your own firework display

## **A guide to safety for firework display organisers and operators**

This book replaces the Health and Safety Executive guide HSG 124 and incorporates new features that have been introduced since the last revision of that guide.

The Explosives Industry Group of the CBI (EIG) has agreed to publish this guide and update it periodically. The assistance of HSE is acknowledged.

This guide is for displays where the fireworks are to be fired by people without specialist knowledge or training – a separate guide “Working together on Firework Displays”<sup>1</sup> has been prepared by EIG for those users with specialist knowledge.

This new edition has been updated to include the significant changes in the law relating to the supply, possession, transport, keeping and use of fireworks which may have an effect on the way you organise your display.

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<sup>1</sup> Working Together on Firework Displays – see <http://www.eig2.org.uk/new-guides-for-firework-displays/>

## Acknowledgements

ElG gratefully acknowledge the assistance of the following organisations, companies and individuals in preparing and revising this guide

- The British Pyrotechnists Association (BPA)
- The British Fireworks Association (BFA)
- HSE Explosives Inspectorate (HSE/XI)
- Business, Energy and Industrial Strategy department (BEIS)

This Guide describes accepted practice within the explosives industry. Following it is not compulsory and persons are free to take other action in order to achieve equivalent levels of safety. By following the guidance, persons would normally be compliant with their legal duties.

Nothing in this Guide should be read as setting a higher standard than that required by legislation. Those persons involved in the explosives industry are responsible for taking their own legal and other advice as they see fit. Readers are strongly advised to check for any changes in legislation since the publication of this Guide.

Nor do the CBI, its servants and agents make any representation expressed or implied that the products and product ranges or the processes, equipment or materials referred to in this Guide are suitable, satisfactory or appropriate for the purpose or purported purposes set out or referred to in this Guide and the CBI, its servants and agents accept no responsibility or liability therefore.

It is not the intention of this Guide to be used as a technical manual by those inexperienced in the design and execution of firework displays. Those not experienced in the field should seek expert assistance.

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## Foreword to this edition

Since the publication of Giving your own firework display in 1995 and its 2<sup>nd</sup> edition published in 2005 there have been significant changes in the statutory controls relating to the supply, possession, transport, keeping and use of fireworks which may have an effect on the way you organise and fire your display.

### *The Explosives Regulations 2014 (as amended)*<sup>2</sup>

These wide-sweeping regulations replace the Manufacture and Storage of Explosives Regulations 2005. They impose duties on the manufacture and storage of explosives, including fireworks, as well as placing requirements for the prevention of fire and explosion. They are supported by a number of guidance documents covering safety and security, both generally and sector specific.

### *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009*<sup>3</sup>

These regulations replace a large number of statutory instruments relating to different transport modes. They implement the European agreements relating to road and rail transport (ADR and RID) providing a single, consolidated, set of regulatory measures.

### *The Pyrotechnic Articles (Safety) Regulations 2015*<sup>4</sup>

These replace the Pyrotechnic Articles (Safety) Regulations 2010, and The Firework (Safety) Regulations 1997 and amend a number of other firework related regulations

These regulations cover the supply of all pyrotechnic articles including fireworks and include provisions relating to the prohibition of the sale to the general public of a variety of types of fireworks such as:

- category F4 fireworks;
- aerial shells and maroons;
- shells-in-mortar and maroons-in-mortar;
- bangers, including batteries containing bangers and Chinese crackers;
- fireworks with erratic flight;
- mini-rockets;
- air bombs;
- limits on the sizes of certain category F2 and F3 fireworks that can be supplied to the general public;
- a requirement that fireworks of category F1, F2 and F3 conform with an essential safety requirement listed in the

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<sup>2</sup> <http://www.legislation.gov.uk/ukxi/2014/1638/contents/made>

<sup>3</sup> <http://www.legislation.gov.uk/ukxi/2009/1348/contents/made>

<sup>4</sup> <https://www.legislation.gov.uk/ukxi/2015/1553/contents/made>



Regulations, that this conformity is verified by an EU notified body and are subsequently CE marked before placing on the market

- a limit on the age of purchase to 18.

*The Firework Regulations 2004 (as amended<sup>5</sup>)*

These regulations include provisions relating to:

- the prohibition of the possession of Category F2 and F3 fireworks in public places by those under 18
- limitations on the times in the year during which fireworks may be supplied by unlicensed suppliers;
- the control of the supply of certain types of excessively loud fireworks;
- limitation on the use of fireworks during night hours.

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<sup>5</sup> <http://www.legislation.gov.uk/uksi/2004/1836/contents/made>

## Introduction

### **Who is this publication for?**

Firework displays, whether private or public, should be enjoyable occasions. If organisers take the necessary precautions, they should also be safe occasions. This publication gives advice on how to run an outdoor firework display safely. Examples of the type of display covered are those put on by organisations like sports clubs and school parent/teacher associations, by parish councils, and by public houses for their customers, which typically attract about 100 spectators upwards. If you intend only to have a firework party for your family, friends or neighbours, all you will generally need to do is follow the instructions supplied with the fireworks. However, you may still find the advice which follows useful, particularly if your party is outside the 5 November firework season, as out-of season displays may cause more disturbance to the public.

The advice in this publication covers only those firework displays where the organisers set off the fireworks themselves and have no specialist knowledge. It is possible to contract a specialist display operator, usually from a firework company, to set off your fireworks. Advice on those displays is given in *Working together on firework displays: A guide to safety for firework display organisers and operators*, available on the EIG website.

### **Are all fireworks suitable for use by people without specialist knowledge?**

Definitely not! The recognised standard for consumer fireworks in the United Kingdom is BSEN15947 Parts 1 to 5, which places fireworks for sale to the general public into three categories: F1, F2 and F3. There is also a Category F4 which are fireworks not intended for sale to the general public.

Any firework falling into one of these categories will be CE marked and will also be marked with among other information:

- the Category,
  - Category F1- fireworks of low hazard including those suitable for indoor use
  - Category F2- fireworks of low hazard suitable for outdoor use in confined areas
  - Category F3- fireworks of medium hazard for use in large open areas
- the type of firework
- a registration number
- a minimum age limit,
- the net explosive content
- Safety information
- Manufacturer/importers name and address.

Note: The Pyrotechnic Article (Safety) Regulations 2015 further limit the types and sizes of fireworks that can be supplied to the public.

### **Shall we set off the fireworks ourselves or get a display operator to do it?**

Consider this question at an early stage. There is no reason why you should not light a display yourselves provided it only contains fireworks in categories F1, F2 and F3, ie not in category F4. It is advisable to obtain the fireworks from a reputable supplier. Unless you have considerable experience and expertise in setting off display fireworks, it is recommended that you purchase a complete display kit rather than single fireworks, as this will include an instruction leaflet.

You are strongly advised to use a display operator if in any doubt about setting up and firing the display safely yourselves.

Further safety advice on the purchase of fireworks or selection of a display operator may be obtained from the organisations listed in Appendix 1.

### **Organisation**

Useful guidance on the organising of a display can be obtained from *The Purple Guide: A guide to health, safety and welfare at music and similar events*.<sup>6</sup>

Start organising your firework display as early as possible. One person needs to be in overall control and have final responsibility for health and safety, but it will often be easiest if a committee (no matter how informal) is formed to share the work. For example, one person could be responsible for ordering, storing and setting off the fireworks, and liaising with the local authority, fire brigade etc; another person for site facilities and crowd safety; and so on.

### **Defining the main features of the display**

First of all, you need to decide on a few basic details, for example:

- What is the expected size of the audience?
- Is there to be a bonfire?

(It is preferable not to light the bonfire before setting off the fireworks, as stray sparks may accidentally set them off.)

### **Selecting a site for the display**

Definitions used in the text and Figures 1a and 1b

The display site is the whole site used for the display, and is made up of:

- the spectator area - from which the spectators watch the display;

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<sup>6</sup> <https://www.thepurpleguide.co.uk/>

- the safety area - a clear area between the spectators and the firing area to ensure that spectators are at a safe distance from the fireworks during the display;
- the firing area - from which the fireworks are set off;
- the fall-out area (or dropping zone) - an area kept clear of people, where the debris from spent aerial fireworks lands; and
- the bonfire area - the area provided for the bonfire (if there is to be one).

### **Site layout**

Figures 1 and 2 show how these areas should be located in relation to each other and to the prevailing wind direction.

### **Size of layout**

Make your display site as large as possible, ensuring that all the above areas are large enough for:

- the types of fireworks to be used (this will determine whether or not a fallout area is required);
- the expected number of spectators.

Figures 1 and 2 summarise the minimum dimensions recommended for display sites. The distances given for safety areas assume that the fireworks are set up properly in accordance with their instructions and with the advice in this publication. Other things to consider:

Proximity of major roads which may be affected by smoke from the fireworks or bonfire

Ensure that the site is free of dry, cut grass and other easily combustible materials.

It is important that you inspect the site in daylight to check for obstructions, for example trees, adjoining buildings, and overhead electric power lines. Apart from obstructing the flight of aerial fireworks, overhead power lines pose other potential dangers. For example:

- scaffolding poles, metal ladders and similar items used in the construction of temporary staging, or long wires such as those sometimes used in firing circuits for electrically fired fireworks, can cause a dangerous discharge of electricity from overhead electric power lines, if they touch, or even come near to them. This is known as a 'flashover';
- smoke or debris coming from fireworks or a bonfire burning under or near overhead electric power lines could also cause a flashover;
- overhead electric power lines near to firing wires attached to electrically fired fireworks can induce an electric current in wires, causing the premature firing of the fireworks.

If you are in any doubt about overhead electric power lines, contact the local regional electricity company for advice. If it is impossible to arrange the site so that the firing and bonfire areas are well away from obstructions, you may need to look for another site.

### Bonfire area

Locate this anywhere, provided it is:

- at least 15 m from other areas, buildings, roads, railways and public rights of way
- a safe distance from flammable or otherwise dangerous materials (eg petrol, fuel oil, liquefied petroleum gas) and overhead electric power lines, and
- downwind of spectators

*Figure 1 - Site layout for displays including aerial fireworks (eg rockets, mines or Roman candles showing MINIMUM distances)*

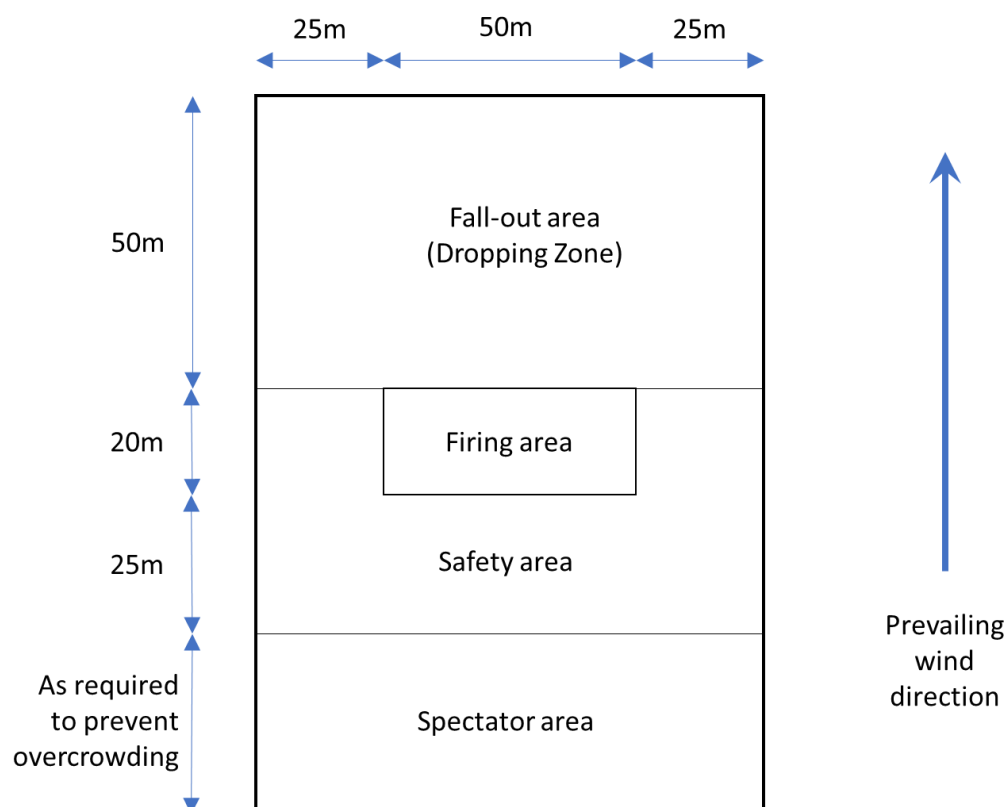
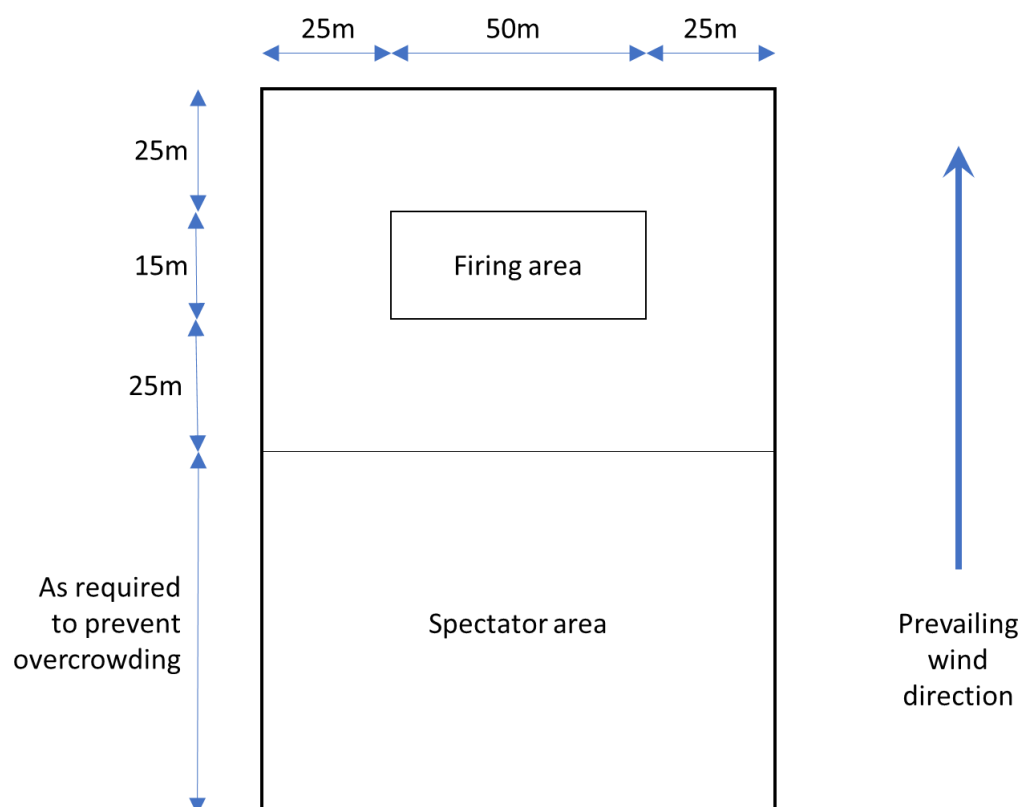


Figure 2 - Site layout for displays without aerial fireworks showing MINIMUM distances



### Who to contact

It is advisable to contact the following people well before the display and keep in touch with them, if necessary, as your plans proceed.

### Police

Contact the police as soon as possible, informing them of the location of the site and its layout, including all entrances and exits.

The police's main interests are crowd control, public order, emergency access, and local traffic management and parking. It is advisable to act on any recommendations they may make.

### Fire service

Contact the fire service at least 28 days before the event. They will mainly be interested in:

- how the emergency services will be called;
- access for emergency vehicles;
- marshalling crowds and traffic in emergency conditions;
- arrangement of spectators' enclosures;
- local fire-fighting arrangements; and
- buildings and other features nearby which could be affected by a fire.

## **Local authority**

You may need to contact your local authority under entertainments legislation (see Appendix 2). In any case think about contacting:

- local authority enforcement officers, for advice on complying with health and safety legislation and other matters such as minimising noise nuisance, avoiding any problems that may have occurred in the past, complying with local byelaws;
- the trading standards department, or in some areas the fire service, if you are in any doubt about arrangements for storing fireworks before the display. In certain circumstances the place of keeping may need to be licenced under The Explosives Regulations 2014.

## **Neighbouring landowners or users**

Advance warning to neighbouring landowners or users will enable them to move livestock (cattle, horses etc) where necessary.

## **Local institutions**

It is wise, in the interests of good public relations, to inform any local hospitals, old people's homes etc of the event.

## **Coastguard**

If the display is to be held near the sea it is important to inform the local coastguard in advance. Aerial fireworks could be mistaken for distress signals.

## **Aerodromes**

If the display is to be held near an aerodrome, inform the airport authority at least seven days in advance. Alternatively, contact the Civil Aviation Authority (CAA). The Civil Aviation Authority has issued detailed guidance on the operation of lasers, searchlight and fireworks in UK Airspace (CAP 736). This document can be downloaded from the CAA web site.

**If you are unsure whether to get in touch with anyone, do so.**

## **Other issues**

### **Drones**

The use of drones to film displays from a high level position is increasing – but there are important safety considerations that need to be considered:-

- Is the drone being operated by a professional company, or by an enthusiastic amateur?
- Where will the drone be launched and controlled from?
- Is there adequate communication between the display company and the drone operator in case of issues during the display?

- Is the drone to be flown in amongst the fireworks and risk being damaged or disrupted?
- If control is lost where will the drone fall?

Flying a drone at night without clear visual contact and adequate control may contravene legislation and careful consideration must be given to their use by event organisers.

Amateur users who fly drones independently may also contravene regulations.

Further information is available from the CAA<sup>7</sup>.

### **Terrorist threats**

In times of heightened awareness of terrorist threats and the potential for members of the public to assume that any loud bang as indicative of a “bomb” it is vital that relevant authorities are notified of the display in advance and their assistance sought in planning the event.

### **Smoke issues**

Following an incident in thick fog on the M5 motorway in the UK where several people were killed and there was a suspicion that a local firework display could have contributed, the Coroner made the following judgements and observations:-

- Smoke from the display was not found to be the cause of the incident “but the Coroner could not rule out it contributed”
- At the time there was no data on interaction of pyrotechnic smoke and fog
- There was no previous experience through Europe of situations where smoke from a display has caused an increase in fog density or had contributed to an accident

The investigations of the incident concluded that there was potential for firework smoke to cause a problem in particular:-

- When there were damp still nights
- Particularly in valleys and near rivers
- Where there was a temperature inversion (ie cold damp air with warmer humid air above it)

Of course, different fireworks produce different amounts of smoke at different levels in the sky and as a result it is important to consider the following when planning a display that may affect a local road:-

- The venue – is it prone to fog?

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<sup>7</sup> <http://www.caa.co.uk/Consumers/Unmanned-aircraft-and-drones/>



- Local knowledge of the likely wind conditions and likelihood of fog
- The time of year – the issue really only arises in Autumn and Winter

It is important, therefore that there should have sensible curtailment or cancellation criteria BEFORE THE SHOW (and in agreement with the event organisers) and means of communication between “spotters” and the firework team to curtail or stop the display if smoke is observed drifting towards a local road which is not able to be controlled and traffic stopped (eg a motorway).

### **Provision of site facilities**

Prevent access of spectators to the safety, fall-out, bonfire and firing areas by some suitable form of physical barrier.

Check that the fire-fighting facilities at the site are adequate and consider asking the fire service or a fire-fighting specialist for advice. The following provisions are advised as a minimum:

- equipment for putting out small fires (eg fire extinguishers, buckets of water, fire blankets) available throughout the display site; and
- an adequate number of stewards instructed in how to use this equipment. Tell the stewards not to attempt to fight major fires.

Provide at least two spectator exits from the site which are large enough, spaced well apart, clearly marked, kept free from obstructions and well lit.

Keep the agreed emergency service routes into the site clear of obstruction and readily accessible at all times.

A small public address system or loudspeaker will ensure that announcements and instructions can be clearly heard by all spectators at larger displays.

Provide at least one suitably equipped first-aid point, manned by a qualified first-aider. Signpost it clearly and make it easily accessible to an ambulance.

Provide suitable litter receptacles throughout the spectator area.

Any car-parking area ought preferably to be well away from the display site and upwind of it (ie with the wind blowing from the car park towards the site). Do not allow parking anywhere else. The parking area needs to be clearly signposted, with vehicle and pedestrian access routes to and from the parking area totally segregated from each other. Where appropriate, supervise parking to prevent obstruction of emergency access routes.

Locate any bar selling alcohol well away from the display site and do not allow drink to be taken away from the bar. No one involved

in running the display should be under the influence of intoxicating substances.

### **Looking after the fireworks before the display**

Keep the fireworks in the packaging in which they were bought, in a secure, cool, dry place where there are no naked flames or other sources of ignition and no highly flammable substances. Always replace the fireworks correctly in the packaging after inspecting them.

It is strongly advised that the fireworks are only taken to the display site on the day of the display. Provide a safe place at the display site to store them before use, for example in a building or a closed metal or wooden container located in an area of the site not accessible to the public.

50Kg of fireworks may be transported in a private car or goods vehicle. Transport them in their original packaging. Do not transport highly flammable liquids, except fuel in the tank of the vehicle, with the fireworks. Do not smoke in or near the vehicle while it is loaded with fireworks.

### **Crowd safety**

Provide an adequate number of stewards responsible solely for crowd safety. Make them easily identifiable, for example they could all wear fluorescent jackets. Instruct them to be on constant watch for emergencies.

Pay particular attention to keeping spectators out of the safety, firing and fallout areas. Control entry to the spectator area to avoid overcrowding.

Do not admit spectators to the display with their own fireworks. Publish proper notice of this in advance and post notices at all the entrances. No fireworks should be on sale at the site.

Make every effort to start the display on time, as crowd control becomes more difficult, the longer people are kept waiting. If a delay is unavoidable tell the spectators and ask for their co-operation at an early stage.

Some important points on crowd safety will be found in Managing crowds safely: A guide for organisers at events and venues.<sup>8</sup>

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<sup>8</sup> <http://www.hse.gov.uk/pubns/priced/hsg154.pdf>

## What will you do if something goes wrong?

### **Plan in advance!**

Well before the day of the display, you will need to consider what could go wrong on the day. Draw up a plan to deal with each emergency or contingency, answering the questions 'What action will be taken?' and 'Who will take that action?'

The following paragraphs highlight some of the problems which could arise, and actions which could be taken. The list is not exhaustive, but should help you plan ahead for emergencies.

### **Stopping the display early or cancelling it due to adverse wind conditions**

You will have based the layout of the display site on the prevailing wind direction (see Figures 1 and 2). If the wind direction is different on the day of the display, consider altering the site layout if necessary, to ensure safety. If this is impossible or inadvisable for other reasons, for example because this would interfere with exits, consider the actions described for high winds in the following paragraph.

In high winds it may be necessary to modify the display (for example eliminate aerial fireworks) or, in extreme conditions, cancel it or finish it early. Those people setting off the fireworks (the firers) should be involved in these decisions and, if they wish to stop or cancel the display, should not be overruled by the other organisers.

### **Accident to someone from a firework**

Have a procedure to ensure that first-aiders have clear access to an injured person as soon as possible. In the case of serious injury, have an ambulance called immediately by a designated organiser and suspend firing of the display.

### **Bonfire out of control or fire started by firework debris**

If you cannot deal with the fire immediately, using first response fire-fighting equipment, call the fire service without delay. Suspend firing of the display until the fire is extinguished or until the fire service advises you that it is under control. If fire threatens fireworks move them only if it is safe to do so. You may need to move spectators to a safe place away from the site of the fire, but ensure that unimpeded access for the fire appliance is maintained at all times.

### **Disorderly behaviour by spectators**

If trouble seems to be developing think about calling the police before attempting to deal with the matter yourselves.

### **Spectators in the safety, firing or fall-out areas**

If spectators break through the barrier into the safety, firing or fall-out areas, inform the firers straightaway and ensure that firing of fireworks stops as soon as is practicable.

### **Announcements to spectators**

Prepare announcements in advance which can be made to the spectators in the event of an emergency, telling them what has happened and what they are required to do.

### **Communications**

It is advisable to have a two-way radio link between the firers and other people with key responsibilities for emergency action.

### **Bonfires**

Make one person responsible for the bonfire, and allow only that person and designated helpers into the bonfire area. Do not use petrol or paraffin to light the fire. A safer way to light it is to use paper and solid firelighters in two or three places to ensure an even burn. Do not burn dangerous rubbish such as foam-filled furniture, rubber, aerosols, tins of paint, pressurised gas cylinders, tyres and bottles. Materials producing light ash which could blow about, such as corrugated cardboard, are unsuitable for burning.

Before lighting the fire, check its construction carefully to make sure that it is stable, and that there are no children or animals inside.

The people looking after the bonfire are advised not to wear lightweight clothing which could ignite relatively easily. They are recommended to wear a substantial outer garment of wool or other material of low flammability and strong boots or shoes. They need to know what to do in the event of a burn injury or a person's clothing catching fire, and also have a fire blanket ready in the bonfire area.

## Setting up the fireworks

Fireworks come with detailed instructions from the manufacturer or supplier on how to set them up. These instructions are supplied on the firework labels, and in instruction leaflets enclosed in firework packs. Sometimes they are supplied separately when customers order their fireworks. It is strongly recommended that firers read the instructions and examine the fireworks in advance, to make sure that they are confident to proceed with the display safely. This is best done in daylight a few days before the display. If any information appears to be incomplete or missing, or you need more advice, get it from the firework supplier before proceeding.

Where there are two or more firers, they should have a clear idea of what each will do during the display. The best way to approach this is to prepare a firing plan.

Some materials for setting up the fireworks, eg timber, may not be supplied with them and will have to be obtained in advance.

Only set up fireworks in the firing area. It is recommended that the various types of fireworks are located within the firing area as shown in Figures 3 and 4.

*Figure 3 - Firing area layout for displays including aerial fireworks showing MINIMUM distances*

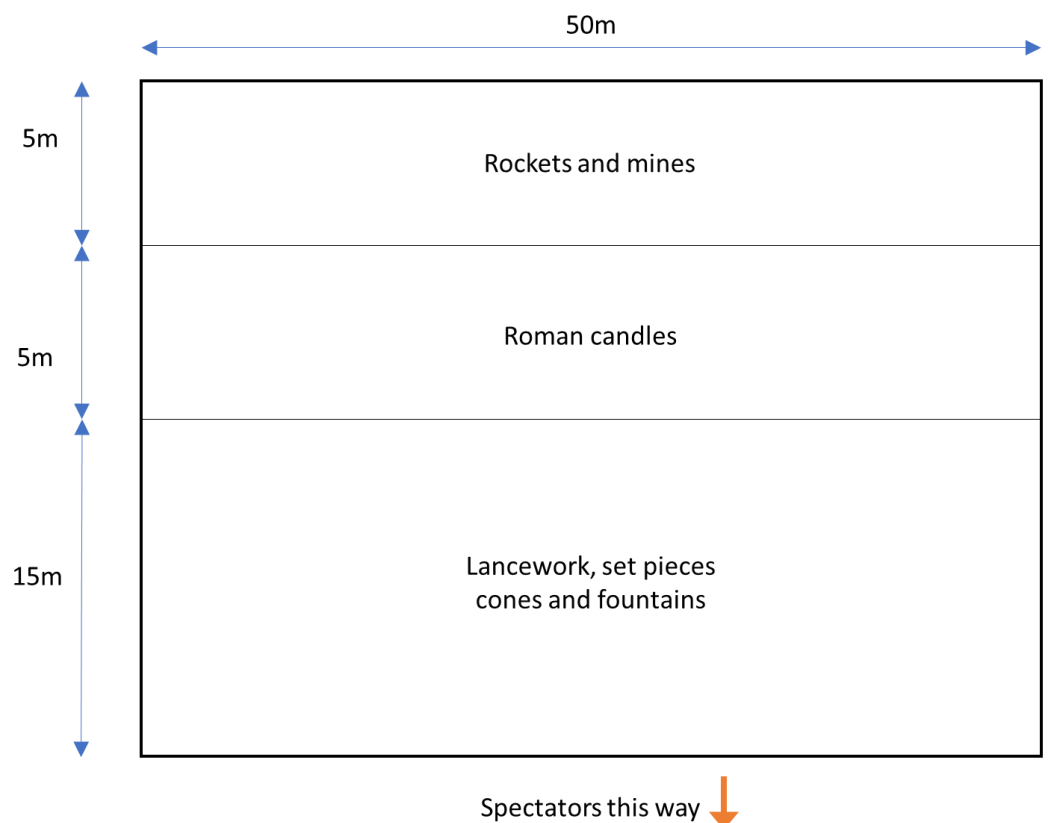
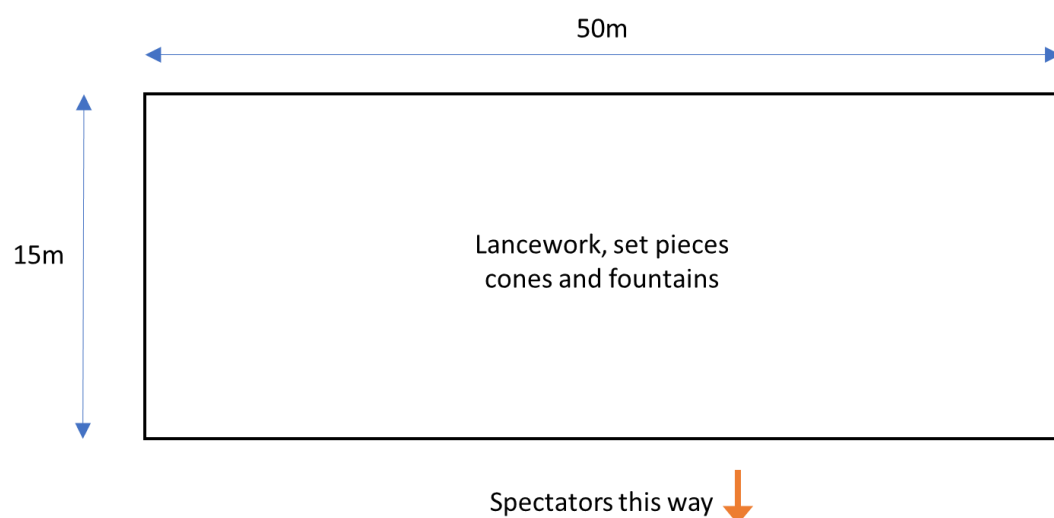


Figure 4 Firing area layout for displays NOT including aerial fireworks showing MINIMUM distances



The rest of this section deals with some basic safety points for setting up fireworks. These points are not to be taken as a substitute for the detailed instructions supplied with any specific firework.

Do not smoke while handling fireworks, or in the firing area, once fireworks are present.

Try to set up the fireworks in daylight, allowing plenty of time so that this can be done carefully, without rushing. Once they are set up, do not leave the firing area unattended.

No firework should be tampered with or modified in any way. This will never be necessary for the fireworks covered by this booklet, ie of categories F1, F2 and F3.

If not ready-assembled, fireworks on frames need to be carefully assembled and securely mounted as directed in their instructions. Adhere strictly to the separation distances between these items specified in the instructions. Handle fireworks on frames delicately to avoid loosening or damaging their fusing.

Fix Roman candles securely in an upright position or bury them as specified in the instructions, otherwise they may fall over and shoot burning solid material at people.

They should never be secured to trees. Place supporting stakes on the spectators' side of the firework.

### **The use of support tubes**

The use of support tubes is not a preferred method of support and in any case may only be suitable for static fireworks such as roman candles, fountains, mines and shot tubes.

Where the fireworks concerned are in category F2 or F3 always follow the firing instructions provided. Tubes should not be used to support these categories of fireworks – unless they have been supplied for specific use with the firework, for example rocket launch tubes.

If support tubes must be used, please take the following simple precautions:

- Do not use metal tubes. Consider using only plastic tubes which, should the firework explode unexpectedly, will not burst, shedding high-energy fragments. Choose tubing which is made of non-brittle plastics and designed to withstand internal pressure, for example pipe made for water or gas supplies from high density polyethylene (HDPE);
- Do use a tube with a diameter which will provide the required support to the firework without holding it too snugly. A snug tube may damage the firework when it is inserted and also increase the severity of a misfire;
- Where any support tube is attached to a stake or frame, attach it on the side away from the spectators. In this way, should an explosion occur, the effects will tend to be projected away from the spectators;
- Always remember to position fireworks as far as possible from spectators and at least the manufacturer's recommended minimum distance. Where specific safety distances are not provided, you should refer to information on the minimum recommended safety distances in Figures 2a and 2b.

Place all aerial fireworks towards the back of the firing area in a location free from overhead obstructions so that any debris will land in the fall-out area. Pay particular attention to avoiding injury to spectators from rocket debris.

Never use bottles as launch tubes for any firework.

Protect fireworks from damp prior to firing them.

## Firing the display

### Firers

Only allow firers in the firing area and restrict their number to the minimum necessary to ensure the continuity of the display. For most displays two will be sufficient. If there is no radio link, appoint one person to relay messages between the firers and the person in overall charge of the display.

Firers are advised to wear suitable clothing. This could consist of stout footwear and outer clothing of wool or other fire-resistant material. A protective hat, goggles and gloves are advisable. It is also advisable to tuck sleeves under gloves to protect the wrists. Lightweight, flammable outer clothing is to be avoided. It is strongly recommended that firers wear suitable hearing protection. Each firer ought to have an electric torch and a whistle to attract attention in the event of difficulty.

At least one of the firers ought to have some previous experience of firing large fireworks. It is recommended that all firers are familiar with the basic safety principles (some industry organisations and firework companies produce training material).

### Setting off the fireworks

Always set off fireworks as recommended in the instructions. This will usually be by a slow-burning wick or, for larger fireworks, a slow-burning lighter known as a portfire. Do not use matches except to light the wick or portfire. Always hold the wick or portfire at arm's length to light the firework. Never lean over a firework.

Fireworks to be fired electrically will be supplied fitted with electric leads ready for connection to a suitable low-voltage source. Do not attempt to convert a firework designed for flame ignition to electric ignition, or vice-versa. Fireworks which fail to go off (misfires)

Leave a firework which fails to go off for at least 30 minutes before placing it in a bucket of water.

### Clearing up after the display

The following procedure is recommended for clearing up the site:

- keep the firing, safety and fall-out areas free of spectators until the firers have had time to clear up, and locate and deal with any fireworks that have misfired;
- extinguish the bonfire properly and cool it down before you leave the site, keeping spectators out of the bonfire area until this has been done;
- return to the site at first light to make sure that it is clear of partly spent fireworks and other hazardous remains.

Never put fireworks, even those which are fully spent, on the bonfire or dispose of them by burying. Recommended disposal methods are as follows:



- put fully spent fireworks (but not misfired or partly spent fireworks) in refuse receptacles;
- soak misfired or partly spent fireworks in a container of water in an area where they cannot be tampered with (preferably away from the display site) and contact the manufacturer or supplier for advice on disposal.

## Legal requirements

The Health and Safety at Work etc Act 1974 (HSWA) and subsidiary legislation may apply to certain displays. In general, this legislation will apply when the display involves a work activity, for example when you are running the display as an employer or as a self-employed person conducting your own business, or holding it on non-domestic premises such as commercial or local authority premises.

Where the HSWA applies, it will impose duties on employers in relation to the health and safety of their employees and the public (spectators and other people at the display site as well as the general public in the vicinity of the site). Self employed people have the same duties in relation to their own health and safety and that of the public. In addition, the person who is providing the premises for the event may have duties under Section 4 of the HSWA.

The local authority enforcement officer will be able to advise on the application of the HSWA to the proposed display.

The Explosives Regulations 2014 require that the manufacture of fireworks (which includes dismantling them) shall only take place under licence. However, the regulations allow the preparation, assembly, disassembly and fusing of firework displays at the place of intended use without a license. The regulations also allow the preparation, assembly and fusing of fireworks, in quantities of no more than 10 kilograms at a time, at a site in relation to which a person holds a licence for the storage of explosives, for the purposes of a firework display to be put on by that person. The destruction of fireworks in a safe manner does not require a licence.

Under the Explosives Regulations 2014 an unlimited quantity of hazard type 3 and 4 fireworks may be kept for up to 24 hours without a licence. Specified amounts may be held for longer periods without a licence as shown in the table 1 below. Your firework suppliers should be able to provide you with information on the hazard type of your fireworks. You can also obtain information on hazard types from Explosives Regulations guidance.

The transport of fireworks and other explosives by road is subject to the requirements of the:

- The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2011.

Some guidance on the carriage of dangerous goods by road is given in the EIG Industry Guide and Code of Practice

Information on legislation other than the HSWA which may apply to firework displays is given in Appendix 2.

*Table 1 – quantities of fireworks stored that do not require a licence*

Type of fireworks	Maximum amount (kg)	Maximum storage period (days)	Condition
Hazard type 3	100	5	In place of intended use
Hazard type 4	250	5	In place of intended use
Hazard type 4	50	21	Not for sale or use at work

## Appendix 1: Sources of information on firework manufacturers, suppliers and display operators

The British Pyrotechnists' Association (BPA), <http://www.pyro.org.uk/>

The Confederation of British Industry, Explosives Industry Group (CBI/EIG), [www.eig.org.uk](http://www.eig.org.uk)

The Event Servicers Association (TESA), <http://new.tesa.org.uk/>

The British Fireworks Association (BFA)  
[www.britishfireworksassociation.co.uk](http://www.britishfireworksassociation.co.uk)

## Appendix 2: Other legislation which may apply to firework displays

(The requirements in this appendix are not requirements under health and safety legislation).

The information which follows is only a brief guide to some of the main provisions, other than health and safety legislation, which firework display organisers will need to consider. The appropriate organisation will be able to advise on how these and other related provisions apply to an individual case.

### **Entertainments licensing and statutory controls on noise nuisance**

#### **England and Wales**

In England and Wales, the public entertainments provisions of the Local Government (Miscellaneous Provisions) Act 1982 allow local authorities to control events such as pop festivals and open-air entertainments of which music forms a substantial part.

Public entertainment licensing is carried out by the district council or metropolitan council. Enquiries must be made at least 28 days before the event in order to comply with the notification procedures. To allow a public entertainment to be carried out without a licence is an offence which can carry severe penalties.

In licensing events, the enforcing authority can impose conditions for securing the safety of performers and anyone else present at the entertainment, and for preventing people in the neighbourhood from being unreasonably disturbed by noise. It will be a condition of the licence that any recommendations made to the enforcing authority by the police and fire brigade are complied with.

If the local authority has adopted the Private Places of Entertainment (Licensing) Act 1967, similar conditions may be imposed on similar types of entertainment held on private premises, including those in the open air. This is to cover private clubs etc where admission is restricted to members (ie the general public are not admitted). The licensing function is dealt with in exactly the same way as for public entertainment, but extends the controls to private entertainment provided for private gain.

Displays which are not subject to licensing under the above legislation will still be subject to The Control of Noise at Work Regulations 2005 enforced by the environmental health department of the district council or metropolitan council.

#### **Scotland**

In Scotland, public entertainments licensing is carried out by the district council or regional council.

Where a firework display involves the use of premises as a place of public entertainment, some councils will require application to be made for a Public Entertainment Licence under Section 41 of the Civic Government (Scotland) Act 1982<sup>17</sup> and, as a condition of licence, may require the organisers to consult with the local fire authority and the police. In the Act, the term 'place of public entertainment' is defined (subject to certain exclusions) as any place where, on payment of money or goods to the same value, members of the public are admitted or may use any facilities for the purposes of entertainment or recreation.

Some councils require charitable organisations which hold public firework displays to seek permission for the display irrespective of whether an entrance fee is to be levied or not.

Comments on noise nuisance are as for England and Wales, above.

### **Firework displays near aerodromes**

The Civil Aviation Authority has issued detailed guidance on the operation of lasers, searchlight and fireworks in UK Airspace<sup>18</sup> (CAP 736). This document can be downloaded from the CAA web site ([www.caa.co.uk](http://www.caa.co.uk)).

## Myths

We are aware of the following myths circulating within the event industry, enforcing authorities and display companies, and hope the following will assist readers.

Table 2- Myths

Myth	Comments
A formal qualification is required before a storage licence would be issued by a local authority	There is NO requirement for such a qualification and we do not believe any such qualification exists. The BPA courses specifically address the setting up and firing of firework displays
The level of qualification would be higher for a licence than for a registered premises	See above – there is NO requirement for such a qualification. The BPA currently has two levels of award "Senior Firer" and "Firer" but these relate explicitly to display practices. In addition after 2014 all local authority sites are effectively "licenced" rather than registered – the old "registered premises" (Mode A and B) are no longer relevant
Before issuing a licence Local Authorities check to see that there was adequate insurance and that all risk assessments had been done and that they should be checked on every visit	There is no requirement for insurance to be established before issuing a licence. Of course, general Health and Safety provisions may require formal written Risk Assessments to be carried out but these are not a pre requisite for granting a licence
All display fireworks were Category 4 (the most hazardous) and therefore should be considered as HT1 (the most hazardous)	This fundamentally confuses suitability for supply (Category) with classification for transport (HD) and in storage or manufacture (HT)
That the public are not able to purchase Category 3 fireworks	The public may purchase Category 1, 2 and 3 fireworks without needing to demonstrate their status as a "Person with Specialist Knowledge" – the criterion for supply of Category 4 fireworks
That Category F4 fireworks have no fuses	Category 4 fireworks are intended for "professional" use and may or may not be fitted with fuses depending on their intended use. They may also be modified by display companies prior to transport to site, or on site (eg by combining fuses or fitting an electric igniter)
That the Hazard Type posed by fireworks relates to their suitability for sale to the public and intended use (eg Garden, display or professional)	There is no correlation between suitability for supply and hazard posed in transport (HD) or storage and manufacture (HT)

Myth	Comments
That all display fireworks are classified 1.3G and all consumer fireworks are classified 1.4G	<p>This is again confusing suitability for supply and hazard posed in transport.</p> <p>The classification of display fireworks (like all explosives) is fundamentally related to their packaging "as presented for transport") and may be</p> <p>1.1G – UN 0333 1.2G – UN 0334 1.3G – UN 0335 1.4G – UN 0336 1.4S – UN 0337</p> <p>Depending on the nature of their fireworks and the way they are packed</p>
That professional displays do not use Category 1, 2 or 3 fireworks but only category 4	A display company may use the whole range of fireworks (and other pyrotechnic devices) depending on the event and site. In some cases the fireworks may be modified on site prior to use (by fitting a fuse for example) but this is considered a process "in use"
All professional firework display companies must operate out of premises falling under the "Control of Major Accident Hazard" Regulations (COMAH)	The nature of the legal instruments required for a display company operation is dependent on the scale of the company (ie how much explosives is stored) and the way it operates. There is no specific requirement for all professional display companies to be COMAH sites, or indeed to be licenced by HSE.
All professional display companies will hold a manufacturing licence from HSE	<p>Display companies may operate under Regulation 6(2) of ER2014 (commonly known as the "Firework fusing exemption") which allows limited operations at a local authority licenced site but does not remove the need to all fireworks to be properly classified before transport.</p> <p>In addition it is possible for all rigging and fusing to be done legitimately at the display site without any form of licence as they are at the point of use.</p>
All fireworks must comply with BS 7114	<p>BS 7114 is an obsolete standard and has been replaced by the following European Standards:-</p> <p>Category F1/F2/F3 fireworks – EN 15947 Category 4 fireworks – EN 16261 Theatrical pyrotechnic articles – EN 16256</p>
All fireworks should bear the UK "Kite mark"	There has never been a requirement for UK fireworks to bear a kite mark – indeed placing an erroneous "kite mark" on fireworks would have been illegal



Myth	Comments
Local authority storage licences are only available for fireworks	Local authorities can licence stores for any explosives and it is very important that where other explosives are kept (for instance theatrical items) these are explicitly referenced on the licence, or that the licence refers only to the Hazard Types of explosives to be kept
Local Authorities can only grant licences for stores in the run-up to November 5th	This is not the case – indeed it is a reasonable expectation that an application at any time of the year should be processed promptly and efficiently
Local Authorities are not able to grant any explosive licence – this must be done by HSE	This is incorrect. ER2014 allows (and in fact demands) that Local Authorities is the proper place to apply for licences for appropriate sites within certain “fixed rule” parameters

## General Legislation

Table 3- Links to general legislation and guidance

Information	Link
Firework (Safety) Regulations 1997	<a href="http://www.legislation.gov.uk/uksi/1997/2294/made">http://www.legislation.gov.uk/uksi/1997/2294/made</a>
Firework (Safety) (Amendment) Regulations 2004	<a href="http://www.legislation.gov.uk/uksi/2004/1372/made">http://www.legislation.gov.uk/uksi/2004/1372/made</a>
Managing crowds safely: A guide for organisers at events and venues HSG154	<a href="http://www.hse.gov.uk/pubns/books/hsg154.htm">http://www.hse.gov.uk/pubns/books/hsg154.htm</a>
Management of Health and Safety at Work Regulations 1999	<a href="http://www.legislation.gov.uk/uksi/1999/3242/contents/">http://www.legislation.gov.uk/uksi/1999/3242/contents/</a>
Civil Aviation Authority CAP 736	<a href="http://publicapps.caa.co.uk/docs/33/CAP736.PDF">http://publicapps.caa.co.uk/docs/33/CAP736.PDF</a>
Control of Noise at Work Regulations 2005 SI 2005/1643	<a href="http://www.legislation.gov.uk/uksi/2005/1643/contents/">http://www.legislation.gov.uk/uksi/2005/1643/contents/</a>
Five steps to risk assessment Leaflet INDG163(rev2)	<a href="http://www.hse.gov.uk/pubns/indg163.pdf">www.hse.gov.uk/pubns/indg163.pdf</a>

## Bibliography

Table 4- Bibliography

Information	Summary	Link
Explosive Entertainment: Getting the most from your firework display	Book by Dr Tom Smith for organisers and practitioners of firework displays	<a href="http://www.fd-ee.com">http://www.fd-ee.com</a>
The "Purple" Guide	"The Purple Guide has been written by The Events Industry Forum in consultation with the events industry. Its aim is to help those event organisers who are dutyholders to manage health and safety, particularly at large-scale music and similar events. The Health and Safety Executive was consulted in the production of the workplace health and safety parts of this publication.	<a href="https://www.thepurpleguide.co.uk/">https://www.thepurpleguide.co.uk/</a>

## Contact Information

The following contacts may be useful:-

### **The Confederation of British Industry, Explosives Industry Group (CBI/EIG)**

Cannon Place  
78 Cannon Street  
London  
EC4N 6HN

Tel: 020 7395 8063  
[www.cbi.org.uk](http://www.cbi.org.uk)

### **The British Pyrotechnists Association (BPA)**

8 Aragon Place, Kimbolton, Huntingdon, Cambridgeshire PE28 0JD

Tel: 01480 878621  
[www.pyro.org.uk](http://www.pyro.org.uk)

### **The Health & Safety Executive – Explosives Inspectorate**

Health and Safety Executive  
Redgrave Court  
Merton Road  
Bootle  
Merseyside  
L20 7HS

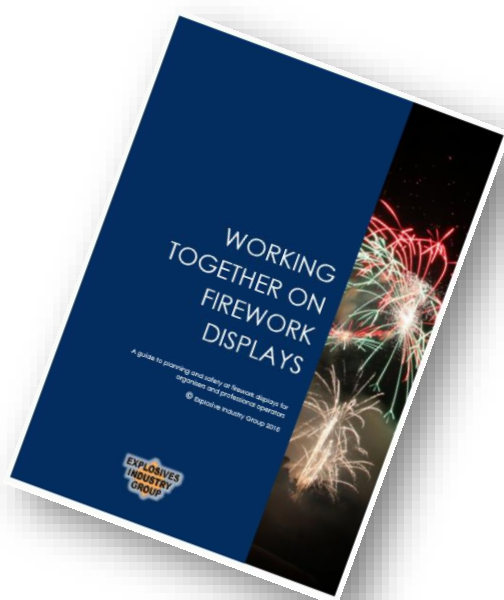
Tel: 020 3028 4025

Email: [explosive.enquiries@hse.gov.uk](mailto:explosive.enquiries@hse.gov.uk)  
[www.hse.gov.uk](http://www.hse.gov.uk)

While every effort has been made to ensure the accuracy of the references listed in this publication, their future availability cannot be guaranteed.



EIG also publishes “Working Together on Firework Displays: A guide to planning and safety at firework displays for organisers and professional operators” which is intended for events employing a professional display company.



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## **APPENDIX D**

### **Procedure note for dealing with noise complaints about fireworks**

#### **Complaint received**

1. Is the firework display on the council register for firework displays

If yes move to 2. If no move to 5.

2. Was the display compliant with the agreed terms of the display?

If yes – no further action can be taken, if no move to 3

3. If non-compliant with the terms of the display, ASB warning letter to be sent on the first occasion. If warning already issued move to 4

4. If non-compliant for a second time ASB CPN Served to prohibit further displays.

5. ASB Warning letter to be sent requiring them to register in future.

If further unregistered displays move to point 4.

If further complaints about registered displays move to point 2.

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**SUBJECT: MODERN SLAVERY, CHARTER AND STATEMENT REVIEW**

**DIRECTORATE: COMMUNITIES AND ENVIRONMENT**

**REPORT AUTHOR: FRANCESCA BELL, PPASB & LICENSING SERVICE MANAGER**

## **1. Purpose of Report**

- 1.1 To inform the committee of the councils roles and responsibilities relating to Modern Slavery.
- 1.2 To update the committee of the revised Modern Slavery statement.
- 1.3 To appraise the committee of the achievements made in this area and any areas of risk.
- 1.4 To update the committee on our compliance with the modern slavery charter.

## **2. Executive Summary**

- 2.1 The report sets out the council's commitment to recognising and reducing risk around Modern Slavery across our business. Sets out our compliance with the Modern Slavery Charter. Refreshes the Modern Slavery Statement and appraises the committee of the achievements made within this area and highlights any outstanding risk to the authority.

## **3. Modern Slavery**

- 3.1 Modern Slavery is a broad term that can include:
  - Forced labour – any work or services, which people are, forced to do against their will under the threat of some form of punishment.
  - Debt bondage or bonded labour – the world's most widespread form of slavery, when people borrow money they cannot repay and are required to work to pay off the debt, then losing control over the conditions of both their employment and the debt.
  - Human trafficking– involves transporting, recruiting or harbouring people for the purpose of exploitation, using violence, threats or coercion.
  - Descent-based slavery – where people are born into slavery because their ancestors were captured and enslaved; they remain in slavery by descent.
  - Child slavery – many people often confuse child slavery with child labour, but it is much worse. Whilst child labour is harmful for children and hinders their education and development, child slavery occurs when a child is

exploited for someone else's gain. It can include child trafficking, child soldiers, child marriage and child domestic slavery.

- Forced and early marriage – when someone is married against their will and cannot leave the marriage. Most child marriages can be considered slavery.

### 3.2 City of Lincoln Councils role in stopping Modern Slavery;

- Ensuring staff have a clear understanding of Modern Day Slavery and know how to recognise and report signs.
- Communicating and promoting materials highlighting Modern Day Slavery as an issue within Lincolnshire.
- Ensuring our Procurement procedures are in line with the Modern Day Slavery Charter.
- Ensuring we have a current Modern Slavery Statement

## 4. **Revised Modern Slavery Statement 2020/21**

- 4.1 It is a statutory requirement for all local authorities to have a Modern Slavery Statement. This should detail how the authority identifies, reduces and manages risks around Modern Slavery. A copy of the City of Lincoln Councils revised Modern Slavery Statement 2020/21 is provided in Appendix A.

## 5. **Appraisal of the achievements made in this area and any areas of risk.**

- 5.1 Over the course of the last 18 months the City of Lincoln Councils Internal Safeguarding meeting has been rebranded as 'Protecting Vulnerable People' and has been expanded to encompass Hate Crime, PREVENT, Domestic Abuse and Modern Slavery. This approach ensures that we have a coordinated approach to a range of safeguarding issues and can ensure that training of staff and any materials that may be needed to protect vulnerable people are centrally stored.
- 5.2 The group have initially worked on a number of priorities that focus around training of staff and ensuring that reports are centrally stored and auditable. The training is currently being brought up to date.
- 5.3 A Modern Slavery guidance note is now available to all staff on city people and is attached as **APPENDIX C**.
- 5.4 All front line staff undertake Modern Slavery awareness training as part of their safeguarding training pathway provided via virtual college. We have also ensured that face to face training has been provided to all elected members.

## 6. **The Charter**

- 6.1 The Charter against Modern Slavery is specifically challenging local authorities to be mindful of Modern Slavery throughout the business it does. This is done via proactively vetting our supply chains to ensure that no instances of Modern

Slavery are taking Place. A copy of the Charter against Modern Slavery is contained in **Appendix B**.

6.2 The charter contains 10 commitments for local authorities to attain. Officers have reviewed these and in the main most of these are currently being achieved. Where there is a slight deviance from the requirement Officers are currently working on ensuring compliance.

6.3 Adherence to the charter is also undertaken when appointing suppliers and to date there have been no issues with any aspect of this.

## **7. Strategic Priorities**

7.1 Professional, High Performing Service Delivery  
This underpins our ability to achieve our strategic priorities.

7.2 Let's Reduce inequality

## **8. Organisational Impacts**

8.1 Legal Implications

There are no legal implications as a result of this report

8.2 Financial Implications

There are no financial implications as a result of this report

8.3 Equality & Diversity implications

The potential for any Equality and Diversity issues to arise has been considered and it is concluded that no issues relating to this, nor the Human Rights Act 1988 are relevant.

## **9. Recommendation**

9.1 That performance scrutiny consider and comment on the report and look to formally adopt the revised statement.

**How many appendices does the report contain?** 3

**List of Background Papers:** Appendix A – Modern Slavery Statement 2020/21  
Appendix B – Charter Against Modern Slavery  
Appendix C – Modern Slavery guidance note

**Lead Officer:** Francesca Bell – Public Protection, ASB and  
Licensing Service Manager  
Telephone (01522) 873204

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**Modern Slavery Act Transparency Statement 2020-2021**

This statement sets out City of Lincoln Councils roles and responsibilities in identifying and reducing risks relating to modern slavery across its business areas and to put in place steps that are aimed at ensuring that there is no modern slavery or human trafficking in its own business, and its supply chains.

This statement relates to actions and activities during the financial year 1st April 2020 - to 31st March 2021.

As part of Local Government, the Council recognises that it has a responsibility to take a robust approach to slavery and human trafficking.

The Council is absolutely committed to preventing slavery and human trafficking in its corporate activities and to ensuring that its supply chains are free from slavery and human trafficking. The list below sets out practices already in place at the Council which provides the starting point for addressing the requirements of the Modern Slavery Act.

**Corporate Plan**

The Council's Corporate Plan and agenda sets out the councils priorities. Therefore it remains a priority to continue to develop our standards and ethics through a number of supporting initiatives including our Living Wage commitment, which was first adopted in late 2013.

**Policies**

The Council has a wide range of published policies and procedures covering the extent of its responsibilities. These are subject to regular review to take into account national and local policy changes and new or revised legislation. Any impact on the workforce is considered within HR policies and procedures.

**HR Policies and Procedures**

The Council takes a robust approach to reviewing and updating its suite of HR policies and supporting procedures which are published on the Council's website.

The following policies and procedures are considered to be key in meeting the requirements of the Modern Slavery Act:

**Officer's Code of Conduct**

The Council's Officer Code of Conduct makes clear to employees the actions and behaviours expected of them when representing the Council. The Council strives to maintain the highest standards of employee conduct and ethical behaviour and breaches are investigated.

**Recruitment**

The Council's recruitment processes are transparent and reviewed regularly. This includes robust procedures in place for the vetting of new employees and ensures

They are able to confirm their identities and qualifications, and they are paid directly into an appropriate, personal bank account.

### **Agency Workers**

The Council uses only reputable employment agencies to source labour and verifies the practices of any new agency it is using before accepting workers from that agency.

### **Pay**

The Council operates a Job Evaluation Scheme which ensures that all employees are paid fairly and equitably. In addition to this, the Council, in 2013/14, introduced the Living Wage.

### **Whistleblowing**

The Council encourages all its employees, customers and other business partners to report any concerns related to the direct activities or the supply chains of the Council. The Council's whistleblowing procedure is designed to make it easy for employees to make disclosures, without fear of retaliation.

### **Councillors Code of Conduct**

The Council expects all Councillors to demonstrate the highest standards of conduct and behaviour. All Councillors are required to abide by a formal Code of Conduct. Breaches are investigated by the Monitoring Officer.

### **Councillors Declarations of Interests**

The Council expects all Councillors to record and declare pecuniary and non-pecuniary interests. Registers are published and reviewed annually.

### **Councillors Induction and Training**

Councillors complete induction training on election which includes equality and diversity. A wide variety of additional training is offered which includes Safeguarding.

### **Safeguarding**

The Council embraces its responsibility to develop, implement and monitor policies and procedures to safeguard the welfare of children and vulnerable adults and protect them from harm. The Council has a policy which all staff and councillors are expected to read and work within. The Council works within multi-agency partnerships to protect and safeguard people. The council has a designated Safeguarding lead and also has a Vulnerable Adults Panel and a Protecting Vulnerable People Group that oversees policy and training requirements.

### **Training**

The Council has a comprehensive programme of training for employees with some aspects being mandatory for all to complete regardless of their job role. This includes Equality & Diversity and Safeguarding Awareness training. Training enables officers in community-facing roles to identify and know how to report incidents of abuse and neglect, including modern slavery and trafficking.

**Contractors and Service Providers**

The Council expects its key contractors to have safeguarding policies, procedures and training in place.

**Employee Representatives**

The Council recognises and proactively works with trade union organisations.

**Partnership Working**

The Council works in partnership with a wide range of agencies to prevent neglect and abuse, to detect and report occurrences and to support victims.

**High Risk Areas**

The Council has determined that there are no areas of its business that are considered to be at high risk of slavery or human trafficking. However all policies and procedures will be kept under review and staff and member training programmes maintained to ensure this position is maintained.

Approved by Full Council:

Date:.....

Renewal Date:.....

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## the co-operative party

# Charter Against Modern Slavery

[Your Council Name] will:

1. Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply.
2. Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.
3. Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.
4. Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
5. Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
6. Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.
7. Review its contractual spending regularly to identify any potential issues with modern slavery.
8. Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.
9. Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.
10. Report publicly on the implementation of this policy annually.

[ENDS]

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## **Modern Slavery**

<https://www.youtube.com/watch?v= Oh6LgyLFxI>

more videos at

<http://www.antislaverycommissioner.co.uk/resources>

### **Modern slavery**

Modern slavery can take many forms including the trafficking of people, forced labour, servitude and slavery.

The term 'Modern Slavery' captures a whole range of types of exploitation, many of which occur together. These include but are not limited to:

- sexual exploitation
- domestic servitude
- forced labour
- criminal exploitation
- other forms of exploitation: organ removal; forced begging; forced benefit fraud; forced marriage and illegal adoption.

### **The role of councils**

Councils have a key role to play in tackling modern slavery, including in identifying and supporting victims and working in partnership locally. Councils' role can be separated into four distinct areas:

1. identification and referral of victims
2. supporting victims – this can be through safeguarding children and adults with care and support needs and through housing/homelessness services
3. community safety services and disruption activities
4. ensuring that the supply chains councils procure from are free from modern slavery.

Modern slavery intersects with many different areas that councils are involved with and a number of different officers might come across it while going about their everyday activities. Key examples where officers might come across victims include housing and homelessness services, community safety work, trading standards and licensing services, social services and customer services.

This is not an exhaustive list and there are many places where council staff and councillors may come across modern slavery or trafficking. Councils should consider how best to ensure a joined-up approach to the issues across their organisation.

### **What is City of Lincoln Council doing?**

- We have a modern slavery statement
- We have signed up to the modern slavery charter to ensure our supply chain is free from slavery
- We are committed to ensure all employees have a basis understanding of Modern Slavery, how to spot the signs and how to report incidents
- We are committed to supporting victims of modern slavery and their communities

### **Modern Slavery Act 2015**

The **Modern Slavery Act** 2015 consolidated the current offences relating to trafficking and slavery and introduced a range of new measures around the prevention of modern slavery events and the support and protection of victims of modern slavery. Key aspects of the Act included:

- two new civil orders to **prevent modern slavery**
- creating the role of **Independent Anti-Slavery Commissioner** and its associated functions
- the requirement for certain commercial businesses to produce transparency statements
- provision for the support and protection of modern slavery victims.

### **Duty to notify and National Referral Mechanism (NRM)**

Under the Act, local authorities have a duty to notify the Home Office of any individual encountered in England and Wales who they believe is a suspected victim of slavery or human trafficking.

The **NRM** is the process by which victims of modern slavery, including human trafficking, are recorded. The NRM was extended to all victims of modern slavery - both children and adults - in England and Wales following the implementation of the Modern Slavery Act 2015.

It was estimated that there were between 10,000 and 13,000 potential victims of modern slavery in the UK in 2013 but in 2015, only 3,266 potential victims were identified and referred to the NRM. The Duty to Notify is intended to gather better data about modern slavery.

### **Types of Modern Slavery:**

<https://static1.squarespace.com/static/599abfb4e6f2e19ff048494f/t/5b164da11ae6cfbba8d27b36/1528188329682/LWG+Local+Authorities+Modern+Slavery+Protocol+%28adults%29+-+Identification+....pdf>

### **How to report any concerns or incidents**

Go online to City People and enter the safeguarding area. You can then find more information on Modern Slavery under the headed sections.

To report an incident or concern click the 'make a safeguarding referral link and select modern slavery as the type of issue you want to report, the form will then ask you a series of questions, its important to give as many details as you can about the concern so that we can ensure we make informed decisions.

The safeguarding officer may contact you following the report to gather further information or to talk through what might happen next.

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**POLICY SCRUTINY COMMITTEE**

**10 FEBRUARY 2020**

<b>SUBJECT:</b>	<b>POLICY SCRUTINY WORK PROGRAMME 2019/20 AND EXECUTIVE WORK PROGRAMME UPDATE</b>
<b>REPORT BY:</b>	<b>CHIEF EXECUTIVE &amp; TOWN CLERK</b>
<b>LEAD OFFICER:</b>	<b>CLAIRE TURNER, DEMOCRATIC SERVICES OFFICER</b>

**1. Purpose of Report**

- 1.1 To present the Policy Scrutiny Committee Work Programme for 2019/20 and receive comments and considerations from members with items for the municipal year 2019/2020 and to advise Members of the items that are on the current edition of the Executive Work Programme.

**2. Background**

- 2.1 The work programme is attached at **Appendix A**.
- 2.2 The Constitution provides for the publication of the Executive Work Programme on a monthly basis detailing key decisions/ exempt para (Section B) items to be taken by the Executive, a committee of the Executive or a Member of the Executive during the period covered by the programme. This is attached at **Appendix B** and has been provided to assist members in identifying items for inclusion within the work programme.

**3. Recommendation**

- 3.1 That Members give consideration to the Policy Scrutiny Work Programme for 2019/20 and update where appropriate to include items which they wish to consider from the Executive Work Programme as required.

**List of Background Papers:** None

**Lead Officer:** Claire Turner, Democratic Services Officer  
Telephone 873619

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## Policy Scrutiny Committee Work Programme – Timetable for 2019/20

18 June 2019

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Community Infrastructure Levy Policy	Toby Forbes-Turner	Asked for at February 2019 meeting
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report
Policy Scrutiny Work Programme 2019 -2020	Democratic Services	Regular Report

20 August 2019

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Policy Scrutiny Work Programme 2019-2020 Update	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report
Interim Air Quality Action Plan	Ian Wickes	
Acquisitions Policy Addendum	Kate Bell	Revised Policy

8 October 2019

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Health and Environment Enforcement Policy	Simon Colburn	Moved from 12 <sup>th</sup> March 2019 /20 August 2019
Safeguarding Policy	Paula Burton	
Policy Scrutiny Work Programme 2019 -2020	Democratic Services	Regular Report

Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report
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**26 November 2019 - Cancelled**

Item(s)	Responsible Person(s)	Strategic Priority/ Comments

**14 January 2020**

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Regulation 7 Direction on Lettings Boards Review	Donna Morris	Requested at meeting held on 16 January 2018
Key Holding Post Implementation Review	Steve Lockwood	Requested at meeting held on 28 November 2017
Protecting Vulnerable People	Paula Burton	
Council Tax Support Scheme 2021/21	Claire Moses	As part of consultation process
Parking on Grass Verges Position Statement	Simon Walters	Requested at meeting held on 20 August 2019
Annual Scrutiny Report	Democratic Services	Annual Report
ICT Strategy 2020-2025	Matt Smith	
Policy Scrutiny Work Programme 2019-2020 Update	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

**10 February 2020**

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Vision 2025	Pat Jukes	
Housing Allocations Policy	Yvonne Fox	
Motion to Reduce and Regulate the use of Firework with City of Lincoln Council	Francesca Bell	
Modern Slavery, Charter and Statement Review	Francesca Bell	
Policy Scrutiny Work Programme 2019-2020 Update	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

**17 March 2020**

Item(s)	Responsible Person(s)	Strategic Priority/ Comments
Review of PSPO at St Peters Passage	Francesca Bell	Requested at meeting held on 9 October 2018
Environmental Policy	Kate Bell	
Draft Temporary Accommodation Strategy 2020 -2025	Melanie Holland	
Policy Scrutiny Work Programme 2019-2020 Update	Democratic Services	Regular Report
Health Scrutiny Update	Chair of Policy Scrutiny	Regular Report

## Unscheduled Topics

- **Review of Community Infrastructure Levy Policy**
- **Lincoln Social Responsibility Charter**

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## EXECUTIVE WORK PROGRAMME

**January 2020 - December 2020**

### NOTES

1. The Leader in consultation with the Chief Executive and Town Clerk prepares an Executive Work Programme to cover a period of twelve months.
2. The Executive Work Programme contains matters which the Leader has reason to believe will be the subject of a key decision during the period covered by the Plan or Executive decisions which are likely to be taken in private.
3. A Key Decision is one which is likely:
  - a) to result in the Local Authority incurring expenditure which is , or the making of savings which are, significant having regard to the Local Authority's budget for the service or function to which it relates; or
  - b) to be significant in terms of its effect on communities living or working in an area comprising 2 or more wards in the area of the local authority.
4. Whilst the majority of the Executive's business at the meetings listed in the Executive Work Programme will be open to the public and media organisations to attend, there will be some business to be considered that contains, for example, confidential, commercially sensitive or person information.

This document serves as formal notice under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that certain items in the Executive Work Programme will be considered in private because the item contains exempt information under Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it. If an item is to be considered in private this will indicated on the individual decision notice.

If you have any queries, please telephone 01522 873387 or email [democratic.services@lincoln.gov.uk](mailto:democratic.services@lincoln.gov.uk).

## EXECUTIVE WORK PROGRAMME SUMMARY

Date of Decision	Decision	Decision: Summary	Decision Taken By	Key Decision	Exempt Information
05 February 2020	Partnerships Update	Members to note update on progress with developing Revenues and Benefits partnerships	Shared Revenues and Benefits Joint Committee	No	Private
24 February 2020	Investment Opportunity	To approve the purchase of an investment in the City Centre	Executive	Yes	Private
24 February 2020	Street Scene Contracts	Approach to be taken for the provision of these services when the existing contract ends in 2022	Executive	Yes	Private
24 February 2020	Vision 2025 - City of Lincoln Council Strategic Plan	Key decision Executive to approve proposals for the format, content and projects proposed included in the 5 year Vision 2025 corporate plan.	Executive	Yes	Public
24 February 2020	Brayford Trust: Five Year Business Plan	To establish a five year business plan for Lincoln Brayford Trust	Executive	No	Public
24 February 2020	Pay Policy Statement 2020	Approval	Executive	No	Public
24 February 2020	Strategic PlanProgress Quarterly Monitoring	This report is provided for information only	Executive	Yes	Private
24 February 2020	Financial Performance-Quarterly Monitoring	Approval of budget virements and transfers to and from resources	Executive	Yes	Public
24 February 2020	Operational Performance-Quarterly Report	To present a summary of the operational performance position on a	Executive	Yes	Public

		quarterly basis.			
24 February 2020	Prudential Indicators 2019/20 - 2022/23 and Treasury Management Strategy 2020/21	To provide the Executive with an opportunity to consider the adoption of the 15 statutory prudential indicators and eight local indicators for the period 2019/20 to 2020/21, together with the 2020/21 Treasury Management Strategy prior to reporting to Council for final approval.	Executive	No	Public
24 February 2020	Council Tax 2020/21	Recommendation to Council of the 2020/21 Council Tax levels	Executive	No	Public
24 February 2020	Medium Term Financial Strategy 2020-25	Approval of the MTFS 2020-25 and Budget 2020/21	Executive	No	Public
24 February 2020	Write Outs of Irrecoverable Non Domestic Rates and Overpayment of Housing Benefit	That the Executive approve the write outs as set out in Appendix A, B, C and D App.A – Non Domestic Rates £66,557.67 App B – Overpayment of housing benefit £39,266.82	Executive	Yes	Private
23 March 2020	Mutual Exchange of properties between HRA and General Fund	To approve a mutual exchange of properties between the HRA and General Fund by way of an appropriation.	Executive	Yes	Private
23 March 2020	City of Lincoln Council's Environmental Policy	To approve the council's new Environmental Policy	Executive	No	Public
23 March 2020	Lincoln Town Investment Plan and Town Deal Programme	Approval of draft Investment Plan	Executive	Yes	Partly Private

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