

AGENDA ITEM:

REPORT TO:	COMMUNITY SAFETY COMMUNITY
DATE:	26TH JANUARY 2006
REPORT NO.	CFO/19/06
REPORTING OFFICER:	CHIEF FIRE OFFICER
CONTACT OFFICER:	DO CHRIS CASE
OFFICERS CONSULTED:	DEPUTY CHIEF FIRE OFFICER
SUBJECT:	FIREWORKS BRIEFING

Purpose of Report

1. This paper will brief Members as to the national outcomes from the Fireworks Season 2005 based on available information. The Department of Trade and Industry is yet to release the accident data for this period, which is traditionally published in March of the following year.

Recommendation

2. Members are asked to note the report.

Introduction and Background

3. 2005 saw significant changes to the legislation and powers granted to the various Authorities that manage fireworks issues. The most significant being the replacement of storage legislation - (Explosives Act 1875 replaced by the Manufacturing and Storage of Explosives Regulations 2005 (MSER)).
4. The new regulations created the major change that a licensing authority could refuse or revoke an application to store explosives on premises.
5. The powers listed under the Fireworks Regulations 2004 (Detailed in previous briefings) were enacted in full for Police Forces who could issue Fixed Penalty Notices (FPN) for the following offences:
 - Throwing Fireworks in the Street
 - Possession of a firework by a person under 18
 - Possession of a professional fireworks by a member of the public
 - Use of fireworks outside of the designated curfew times

Importation

6. Following CFOA negotiations with the DTI in 2004, it was agreed that a full time post would be funded at Felixstowe to monitor and communicate the importation of fireworks and pyrotechnic articles into the UK. Approx 99% of all fireworks used in the UK are imported through this port from China, India and the USA.
7. This post was to be managed by Suffolk Trading Standards and would inform home authorities if a location within their area had been declared as the place of storage for an incoming importation.
8. All import reports were copied to the Merseyside FIRST Team (Fireworks Incident Research Safety Team) for monitoring.
9. During 2005, the following data was captured regarding pyrotechnic imports into the UK:
 - **474 Consignments** declared
 - **1156 Containers** (40' shipping containers)
 - **13,987 tonnes** gross (Approx **3.500 tonnes of explosive content**)
 - Declared value **£16,637,904.43**
 - Potential Retail Value over **£67 Million pounds**

(It should be noted that these values are those declared to the Customs and Excise for Duty purposes).

(The largest fireworks related device used in the UK had approx. 3kg of explosives content)
10. In addition to this information, the FIRST team had other sources of intelligence with regards illegal distribution and storage.
11. Under the terms of the Fireworks Regulations, all importers of fireworks had to supply the Customs and Excise with an address where the fireworks were due to be delivered directly to once they had entered the UK. Failure to do this constituted an offence under C+E legislation.
12. Fireworks imports begin in earnest from July onwards, peaking in September when there are up to 20 consignments a day. Every consignment was scrutinised by the Felixstowe officer in conjunction with FIRST team officers and several concerns were raised and effectively managed in short time. (Members will be aware that all Fire & Rescue Authorities were asked to provide contact information to Merseyside for immediate notification of concerns and problems).

13. During August 2005, it became apparent that a Fireworks Company operating in Greater Manchester and Cheshire was importing to a suspicious address. It was thought that over 30 containers had been delivered to an address in Oldham that was found to be a Dwelling House.
14. The Felixstowe officer raised this issue with Gtr. Manchester and FIRST Team and an Officer from Gtr. Manchester Fire & Rescue Service attended the address to gather information. It became immediately apparent that this company was operating outside of the law and was not providing a proper delivery address. There was no record where this huge amount of explosive material had been delivered.
15. Following investigative work by FIRST Team officers the HSE are currently investigating a number of matters of alleged breaches of legislation with a view to prosecution, and it would not therefore be appropriate to refer to the cases in any detail.
16. In light of these issues, enforcement officers in GMF&RS and Merseyside F&RS took the decision to scrutinise this companies operations within their areas and consider a policy of intervention where appropriate to do so, as opposed to a traditional policy of gathering information for a later prosecution in 2006.
17. This method saw significant success, with over 20 tonnes of illegally stored material removed from shops and stores with several premises closed down before November 5th.
18. HSE have recognised the success of this approach and will be adopting a more proactive stance in 2006 with assistance from FIRST team Police and Fire Officers on national issues.
19. It was discovered in December 2005 that the promised funding for the Tracking Officer at Felixstowe had not been forthcoming with no assurances it would be provided. In light of this, the officer was made redundant as of 31/12/05. Faced with this position, Chief Fire Officers' Association wrote to the DTI Minister (Gerry Sutcliffe MP) to voice the concerns of CFOA with this situation.
20. In light of this, and other letters from industry and Trading Standards bodies, it is reported that the funding has been found with the Home Office to continue this post indefinitely. This however, is yet to be formally confirmed by DTI in writing.

Incidents

21. Police Forces around the UK reported differing levels of incidents within the UK. The number of reports from the Public was significantly higher than 2004, but this is attributed to the new powers being widely communicated and higher expectations from the public to deal with the various offences, especially those of noise nuisance after 23.00.

22. The FIRST team contacted all Fire & Rescue Authorities in December to enquire as to the level of incidents experienced in 2005. Unfortunately the replies were disappointing as a number of Services reported that fireworks incidents are not individually recorded, making statistical reporting difficult. This was also true of the majority of Police Forces when enquiries were made.
23. The RSPCA reported an increase in animal injury cases, with a rise from 88 incidents in 2004 to 117 in 2005.
24. Media searched reported an increase in activity in 2005, but this is an unreliable source of information.
25. The Military Bomb Disposal Teams and the Metropolitan Police Bomb Data Centre are currently collating data on serious incidents. This data will be later than usual this year due to the workload created by the 7/7 and 21/7 attacks.
26. It is suggested that all Fire & Rescue Authorities consider the ability to tag all fireworks related incidents for the purposes of gathering reliable data.

Fixed Penalty Notices

27. During 2004, 70 FPN were issues in England for fireworks related offences. This increased to 418 in 2005 with a breakdown provided by the Home Office:

Police Force area	Throwing fireworks	Breach of fireworks curfew	Possession of a category four firework	Possession of adult firework by under 18s
Avon and Somerset	1	1	0	0
Bedfordshire	2	0	0	0
Cambridgeshire	2	0	0	0
Cheshire	6	0	0	0
City of London	0	0	0	0
Cleveland	5	0	0	0
Cumbria	0	0	0	1
Derbyshire	3	1	0	1
Dorset and Cornwall	4	3	0	0
Dorset	3	0	0	0
Durham	0	0	0	0
Essex	5	1	1	2
Gloucestershire	0	2	0	0
Greater Manchester	19	0	4	4
Hampshire	10	1	1	1
Hertfordshire	0	0	0	0
Humberside	7	1	0	0
Kent	8	0	1	1
Lancashire	23	3	1	1

Police Force area	Throwing fireworks	Breach of fireworks curfew	Possession of a category four firework	Possession of adult firework by under 18s
Leicestershire	2	1	0	0
Lincolnshire	18	2	0	0
Merseyside	57	0	2	2
Metropolitan Police	48	0	1	0
Norfolk	2	0	0	0
North Yorkshire	3	0	0	0
Northamptonshire	5	0	0	0
Northumbria	3	0	0	0
Nottinghamshire	1	0	0	2
South Yorkshire	11	1	1	4
Staffordshire	9	0	0	1
Suffolk	2	0	0	0
Surrey	1	0	0	0
Sussex	28	0	0	1
Thames Valley	16	0	0	0
Warwickshire	3	0	0	0
West Mercia	2	0	1	0
West Midlands	15	1	1	0
West Yorkshire	35	1	1	2
Wiltshire	2	0	0	0
England	361	19	15	23

Future Considerations:

28. The data released by the Metropolitan Police and the DTI will be communicated when available. It is thought that this will support the available and anecdotal evidence that incidents are reducing due to the new powers being utilised within the UK.
29. It is suggested that all Fire & Rescue Authorities consider recording fireworks related incidents in such a way as to assist in the national collation of statistics that will facilitate an accurate indication as to the scale of the problem.
30. The illegal industry is changing its practices in light to the changes in legislation, making it far more difficult to combat their activities. The evidence that boxes are being falsely marked with explosive content is a serious concern as it is the information used by enforcers to gauge illegal storage and transport.

31. Members should be aware that the United Nations is reviewing its classification of fireworks in 2006, it is thought that this will result in the larger fireworks (especially rockets) being classified to a higher bracket making the legal storage and distribution of such items extremely difficult and expensive. As these items are one of the most popular fireworks purchased each year it is a concern that the illegal industry will move to fill the resulting gap in the legitimate market to gain more of a share in the profits. Any result will not be acted in the UK until 2007/2008.
32. To respond to all of the concerns raised, there will be a series of training events at the Fire Service College this year to raise the issues and advise on management of the changing threat. These courses will cover all aspects of the problem from importation to investigating a fireworks related explosive incident and will attract instructors from Government, Industry, Bomb Disposal and Anti Terrorist Branch.
33. At least two places will be offered to every Fire & Rescue Authority in the UK with continuing support from the FIRST team Officers on Merseyside.

Equality & Diversity Implications

34. The anti-social behaviour type of activity associated with fireworks often has the worst impact on those most vulnerable in the community. Any measures to reduce this impact, therefore, can help those most in need.

Financial Implications

35. All the work of the FIRST team is contained within the approved budget of £103,000 and the future work is being considered as part of the proposed new Threat Response Group.

BACKGROUND PAPERS