

**Committee: Licensing & Environmental Health**

**Agenda Item**

**Date: 5 March 2014**

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**Title: Sky Lanterns**

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Item for decision

## Summary

1. This report is to inform members of a request received to amend the council's Licensing Policy under the Licensing Act 2003 and to seek members' views thereon.

## Recommendations

2. Members determine whether to consider a variation to the Licensing Policy.

## Financial Implications

3. Under the Licensing Act 2003 the council is obliged to carry out a wide ranging consultation exercise before adopting any variation to the Licensing Policy. There is no budget available for the cost of any consultation exercise.

## Background Papers

4. The following papers were referred to by the author in the preparation of this report:
  - Letter from the Country Land Association ("CLA") to the Chief Executive dated December 2013 – a copy of which is attached.

## Impact

5.

Communication/Consultation	Should members wish to proceed with the consideration of a variation, the council would be required to consult widely with the responsible authorities, members of the trade, town and parish councils and the public.
Community Safety	Any benefits from an amendment to the policy may well be marginal.
Equalities	None.
Health and Safety	None.
Human Rights/Legal	Releasing sky lanterns is not an unlawful act. Further it is not a licensable activity

Implications	under the Licensing Act 2003. It is therefore questionable whether the 2003 Act should be used to endeavour to control sky lanterns.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

## Situation

6. Sky lanterns (also known as Kongming Lanterns or Chinese Lanterns) are small hot air balloons made of paper. There is an opening at the bottom where a small fire is suspended. They are launched by lighting the fire and holding the lantern until there is sufficient hot air in the balloon to cause it to rise. Ultimately, the fire burns itself out and the lantern will fall to the ground although on occasions the fire will ignite the paper whilst in flight. The lanterns are generally used for celebratory purposes at weddings, birthday parties etc.
7. The CLA have recently raised concerns regarding the use of sky lanterns. These concerns have been explained in a letter to the Chief Executive in December last year. Unfortunately, the letter is factually incorrect in its reference to the Vale of White Horse District Council. It is correct to say that contractually the council has banned the use of sky lanterns when renting out its own land to be used for functions. However, it has not and cannot legally impose conditions on all entertainment licences. The council has adopted modifications to its Licensing Policy to enable it to respond to representations made regarding sky lanterns on applications for new licences, variations or reviews.
8. The council has not received any reports of sky lanterns causing any damage within the district. The council has also not received any representations on applications for new licences or variations nor has it received any request for reviews of premises licences arising from the use of sky lanterns within the district.
9. Bearing in mind the location of Stansted Airport within the district, I have considered guidance issued by the Civil Aviation Authority to ascertain whether sky lanterns may cause a hazard to aviation. The guidance indicates that sky lanterns can travel considerable distances at unpredictable heights on prevailing winds from the point of release. They can be ingested into the engines of airborne aircraft or if they fall to the ground they have the potential to become debris on runways. The recommendation is that organisers of events that are 10 miles or less from any aerodrome or where significant numbers of lanterns are being released at any one time need to be aware of the potential risks to aircraft. Organisers of such events are urged to refer to the CAA online guidance and if necessary contact the CAA or local aerodrome with details of the event. The online guidance is more specific and recommends that organisers or events releasing more than 10 sky lanterns should contact the CAA prior to release. Where the site of proposed release is 10 nautical miles or less from an airfield then the airfield operators should be contacted.

However, organisers releasing 10 sky lanterns or less at a site more than 10 nautical miles from the nearest airfield need take no action.

10. In the light of the guidance from the CAA officers have passed the letter from the CLA to Stansted Airport for consideration. At the time of preparation of this report no comment has been received.

## Risk Analysis

11.

Risk	Likelihood	Impact	Mitigating actions
<p>Damage is caused arising from the use of sky lanterns within the district.</p>	<p>1, there is no evidence that this is a wide-spread effect of the use of sky lanterns.</p>	<p>4, if harm were to be caused potentially this is significant.</p>	<p>None appropriate. The council can only impose conditions if on an application for a new licence or a variation to a licence, representations are made or an application for a review is made on the basis of one of the 4 licensing objectives. Whilst the licensing objective of public safety is engaged, in the absence of any representations members are powerless to impose any conditions regardless of what is stated in the Licensing Policy. In the event that representations were to be made regarding the use of sky lanterns from any particular premises, the absence of a policy on the issue would not prevent members imposing appropriate conditions if the evidence justified such conditions being imposed to further the licensing objectives.</p>

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.