

Committee: Licensing and Environmental Health Committee
Title: Sky lanterns and helium filled balloons
Report Author: Marcus Watts, Environmental Health Manager
- Protection
mwatts@uttlesford.gov.uk
Tel: 01799 510595

Date:
Wednesday,
27 June 2018

Summary

1. This report is for members to acknowledge and support the Full Council motion made on 10th April to restrict, discourage and prohibit the use of sky lanterns and helium filled balloons at licensable events in Uttlesford District Council.

Recommendations

2. That members agree that in carrying out the Councils statutory licensing functions, requests are made to licence applicants, event organisers and their authorised agents to voluntarily prohibit the use of sky lanterns and helium filled balloons at licensable events, and
3. Where the discretion of the Licensing Authority is engaged on an application under the Licensing Act 2003, to consider whether it is appropriate for the promotion of public safety and prevention of public nuisance to make representation seeking to prohibit their use.

Financial Implications

- 4.

Background Papers

5. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Impact

- 6.

Communication/Consultation	None
Community Safety	None

Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	The recommendations in the report support the principles of sustainability by preserving the environment, keeping it free from litter, waste and sources of destruction
Ward-specific impacts	None
Workforce/Workplace	None

Situation

7. There is increasing concern about release of sky lanterns and helium filled latex balloons and the possible impacts that these may have on the environment, on animal welfare, the fire risk to buildings and risks to aviation.
8. At a meeting of the Full Council on 10th April 2018, members backed a motion that resolves to:
 - Support a ban on the release of sky lanterns and helium balloons.
 - Review the terms under which council land and premises are let to the public with a view to prohibiting their release.
 - Write to town and parish councils and recent venues in Uttlesford highlighting the risks and urging them to introduce voluntary bans.
 - Write to Uttlesford's MP urging action at a national level.
 - Display publicity in council premises raising awareness of the risks posed.
 - Treat reports of release of sky lanterns and helium balloons as potential littering offences.
 - Request the Licensing & Environmental Health Committee give consideration to the inclusion of a condition on premises licensing to prevent balloon and sky lantern releases.
9. Sky lanterns, otherwise known as 'Chinese lanterns' are small hot air balloons made from paper, often wire or bamboo with rope or wire struts. They have an opening at the bottom where a candle or fuel cell is lit causing the balloon to rise.
10. Lanterns can descend with the flame lit and have been the cause of a number of fires. In 2013, the large fire at the Smethwick recycling site in the West Midlands was thought to have been caused by a Chinese lantern. More than

200 firefighters attended the blaze at a recycling depot, and the damage caused was estimated to cost £6m. Given the number of listed buildings within the district with thatched roofs there are concerns regarding the risks associated with the use sky lanterns.

11. The remnants of sky lanterns also cause unnecessary litter. The metal framework can cause damage to farm machinery. Wildlife and grazing livestock can also be harmed from the ingestion and entanglement of sky lantern parts.
12. The Country Land and Business Association has also identified sky lanterns as the cause of barn fires and livestock deaths and have called for a government ban on their use. There is currently an online petition with over 26000 signatures to support the ban.
13. Balloons are also a source of littering and a serious environmental hazard. They can take over 6 months to break down in the environment. If swallowed they have been reported to block an animals gut causing it to starve. Animals can become entangled in ribbons and strings. They also look like jellyfish or food sources for marine animals.
14. Currently other than littering offences, there are no regulations banning or restrictions the release of sky lanterns or helium balloons. However, increasingly restrictions and bans are being imposed. Research indicated that Royal Parks, Birmingham, Caerphilly, Cardiff, Hampshire, East Suffolk Councils are amongst those where restrictions or bans have been imposed.
15. In respect of the Licensing Act 2003 the use or release of sky lanterns is not a licensable entertainment or activity that falls within the direct control and jurisdiction of the Act in the way that the sale of alcohol or the performance of live music would.
16. It is unlikely that applicants for a premises licence, club premises certificate or Temporary Event Notice would ever inform the Licensing Authority of any planned use of sky lanterns as part of any other licensable activity or entertainment taking place because they are not specifically required to under the Act.
17. If an applicant did include details of the use or release of these lanterns within their operating schedule, for example as part of an application for a new premises licence or a variation of licence, or there is knowledge that this is likely to take place, then it would be open to 'Responsible Authorities' to comment on this use. Such scrutiny is likely to fall within the remit of the 'Public Safety' licensing objective and the 'Public Nuisance' objective, in respect of litter emanating from, or sourced from, licensed premises.
18. An application will only be heard and determined by the Licensing Committee, however, if representations in the form of objections are submitted against it that are relevant representations under the Licensing Act 2003, considered. It

is not open to a Licensing Authority to attach conditions to an application to control, restrict, or curtail times or activities if no relevant representation has been submitted. If no representations are made then an application must be granted as applied for. In respect to Temporary Event Notices it is only the police and the environmental health service that can submit a representation against the notice.

19. Whilst it is not legally possible under the Licensing Act 2003 to impose 'standard' conditions on licences, where the Licensing Committee's discretion becomes engaged via hearing processes then at that time consideration may be given to imposing controls relating to use of sky lanterns and similar airborne devices, where appropriate (based on the individual nature of the premises, its activities and its locality) to promote the licensing objectives of the prevention of public nuisance and public safety. This is to be decided on a case by case basis, should be evidence based and proportionate to the effect on the licensing objective and what it is intended to achieve.
20. It is possible for the council to use its role as 'Responsible Authority' to directly influence licencing controls and formal conditions by advising applicants as part of an early intervention of likely problems with their application, and suggesting suitable control measures, and making a representation in respect of an application, identifying how the granting of the licence may undermine the licensing objectives.
21. In accordance with the Full Council motion on 10th April, it is recommended that Officers adopt the following measures:
 - a. Ensure that the use of sky lanterns and helium filled balloons are discouraged at multi-agency Safety Advisory Group (SAG) meetings.
 - b. To provide information discouraging the use of sky lanterns and helium filled balloons to applicants seeking Temporary Events (TEN applications).
 - c. For Environmental Health to make representation when there are legitimate public safety concerns regarding the use of sky lanterns at particular venues.

Risk Analysis

22.

Risk	Likelihood	Impact	Mitigating actions
1. It is known that	1. The risks to	2. Potential for	To discourage the use

<p>demand for sky lanterns are on the increase. There may be some criticism directed to the Council if we do not discourage there use.</p>	<p>damage to wildlife, the environment and buildings are low</p>	<p>some fires and minor littering offences arising from licensed premises</p>	<p>of sky lanterns and helium balloons in accordance with the Full Council Motion.</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.