

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

From: Head of Environment	Report Number: P53
To: Mid Suffolk District Council Babergh District Council	Date of meeting: 25 September 2014 26 September 2014

SKY LANTERNS AND HELIUM-FILLED LATEX BALLOONS

1. Purpose of Report

- 1.1 There is increasing concern about release of sky lanterns and helium filled latex balloons and the possible impacts that these have on the environment, on animal welfare, the fire risk to buildings, property and crops, risk to aviation and impacts on emergency services on land and sea.
- 1.2 Whilst the mass releases of balloons or lanterns can make an impressive sight, they pose hazards to wildlife, livestock, humans and property. Their use has increased, often for fundraising, commemorative or celebratory events. Evidence is growing of the damage they cause and it is recommended that the Council join with an increasing number of local authorities in introducing a policy banning all such releases on Council property, Council owned land, by Council staff and at Council endorsed or supported events; including those not on Council owned land.
- 1.3 Often the organisers of these events are ignorant of the issues so the Council's policy should be publicised as fully as possible, to maximise awareness. It is hoped that publicising the policy and promoting alternatives will also lead to a reduction in smaller scale private releases, especially of lanterns, as the public become more aware of the dangers they pose.

2. Recommendations

- 2.1 That as a matter of urgency and where legally possible, the Council takes all necessary steps to ban the use or release of lighted sky lanterns and helium-filled latex balloons on all land owned by Babergh District Council and encourages other organisations to ban the use of such lanterns and balloons in general across the District;
- 2.2 That Parish and Town Councils in the Babergh District be requested to follow the example of the Council and prohibit the use or release of lighted sky lanterns and helium-filled latex balloons on land in their respective ownerships; and
- 2.3 That the Licensing Authority, via application of its statutory licensing functions, requests that licence applicants, event organisers and their authorised agents voluntarily prohibit the use of sky lanterns and helium-filled latex balloons at licensable events and premises in the Babergh District, and further requests that the Licensing Authority considers, where appropriate and on a case-by-case basis, imposing relevant Licensing Act 2003 conditions in respect of such a prohibition so as to promote the public safety and prevention of public nuisance licensing objectives.

3. Financial Implications

3.1 There are no legal implications for this report.

4. Risk Management

4.1 There are no significant Council risks associated with this report.

5. Consultations

5.1 No consultations have been undertaken for the purpose of this report.

6. Equality Analysis

6.1 There are no equality issues.

7. Shared Service / Partnership Implications

7.1 This report will be also be presented to Mid Suffolk Full Council.

8. Key Information

8.1 The mass intentional release of sky lanterns and helium-filled latex balloons (see Appendix 1 for suggested definition) has increased in recent years. There is increasing concern about the possible impacts of lanterns and balloons on livestock and the environment as a whole. Since the lanterns contain a naked flame, there are concerns about the fire risk to buildings, property and crops from uncontrolled landing. Additional concerns include the perceived risks to animal welfare through ingestion of debris, litter in the countryside, the sea and on the coastline, risks to aviation and impacts on coastal rescue services.

8.2 These concerns have been expressed nationally by a wide range of stakeholders, including the farming and aviation sectors and the UK fire and rescue services. Lanterns float up into the air and remain airborne for as long as they are filled with hot air. Therefore, they should only fall back to the ground when the fuel cell flame is extinguished. In practice, the evidence available suggests that this is not always the case, and lanterns sometimes drift back to land whilst still alight. This can be due to inherent design and construction weaknesses and/or to ineffective launching procedures or release in high winds.

8.3 The result is that the lantern could fall to the ground whilst still alight and could set fire to the canopy – particularly if the lantern is not made of flame retardant material. This could then become a significant fire hazard.

8.4 Similarly for helium-filled latex balloons, once released rises to a height of 5 miles where the pressure and the temperature cause the balloon to undergo brittle fracture. The balloon pieces then float back down but 5-10% do not burst, and float back down whole and partially deflated. These balloons are often cited to “degrade as fast as an oak leaf”, which is reported as 6 months. However they can cause significant harm in these six months by entanglement and choking, and take considerably longer to degrade in the marine environment.

8.5 In 2013, the largest fire ever seen in the West Midlands (Smethwick) 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.

- 8.6 In a nationwide survey in 2011, a third of Britain's fire brigades said they had received emergency callouts to extinguish lanterns. Damage caused included scorched gardens and roofs. Firefighters said they had experienced a number of false alarms as the lanterns had burned themselves out before they arrived.
- 8.7 Farmers' groups and animal charities have long pushed for the lanterns to be withdrawn from sale, arguing that animals can eat parts after they have landed. A number of firms in the UK offer what they describe as eco-friendly lanterns, where the frame is made from bamboo rather than wire, but the RSPCA argues these are still potentially harmful.
- 8.8 From the latest figures obtained twenty four local authorities in the UK now have balloon/ lantern release policies, including Ipswich and Suffolk Coastal, the Royal Parks have a similar ban in place. Regional authorities in Canada, USA, China and Australia have banned balloon releases. Many countries have also banned the use of sky lanterns, including Austria, Brazil, New Zealand, Spain Germany and Vietnam.
- 8.9 Whilst the UK government has not imposed a ban, The Trading Standards Institute (TSI) has published a new code of practice for sky lanterns, aimed at and developed by industry. The code was the outcome of discussions between Government and industry hosted by the Department for Environment, Food and Rural Affairs. The new industry code of practice aims to provide guidance for manufacturers, importers, distributors and retailers. The code will help market surveillance authorities recognise the necessary safety checks, the type of warnings and instructions that need to accompany the product, and help ensure the responsible sale and safe use of sky lanterns. The code of practice can be found at: <http://www.tradingstandards.gov.uk/policy/skylanterns.cfm>

What has the Council done so far?

- 8.10 After this issue was raised as a concern at the Suffolk Public Sector Leaders (SPSL) several months ago including by the Police and Crime Commissioner (PCC), and raised via direct communications between campaign groups (national lobbying) and the Licensing Team, the following actions were taken:
- 8.11 Via the established joint-district multi-agency SAG (Safety Advisory Group), co-ordinated by the Council's Licensing Team and chaired by the Head of Communities and deputy-chaired by the Corporate Manager Licensing, event organisers (for example open field larger scale public and other community/commercial events) are directly alerted to the issues of concern around sky lanterns and similar airborne devices as covered by this report. This enables event organisers to consider prohibition/restriction and publicising such within their event terms and literature. It also enables them to voluntarily and pro-actively promote the licensing objectives, particularly public safety, in their event management plans and any linked licence application. This may where appropriate become an enforceable control within the premises licence agreement, which carries a potential criminal sanction for breach (up to £20,000 fine and/or 6 months imprisonment). It should be noted however that such enforceable controls cannot be formally conditioned on Temporary Event Notices given under the Licensing Act 2003 (events for less than 500 persons at any one time) due to the limitations of that light-touch nationally prescribed licensing process.

- 8.12 The full county equivalent for cross-border public events SESAG (Suffolk Events Safety Advisory Group) controlled via an Executive Committee represented by all district and boroughs (and the County) in Suffolk and represented by the Head of Communities and Corporate Manager Licensing for Mid Suffolk and Babergh makes similar requests directly to organisers of cross-border/full County events

Other options/current actions via Licensing Act 2003 functions and networking

- 8.13 Public safety and related concerns around sky lanterns, helium-filled balloons and similar airborne devices will be explicitly referenced, including model wording for a prohibitive condition, in the next periodic revision of the Council's statutory Statement of Licensing Policy established under Section 5 of the Licensing Act 2003 - as a good practice control for applicants to promote the public safety objective in particular.
- 8.14 Whilst it is not legally possible (*ultra vires*) under the Licensing Act 2003 to impose 'standard' conditions on licences - they must be considered each on merit and tailored to the individual nature/activities/locality etc. - it is possible for the Councils Licensing Team/Environmental Protection Team to use its role as a Responsible Authority to directly influence licence controls and formal conditions through its day-to-day pre-Application and business networking. This has already been happening and incorporates good practice advice and influence on a wide range of issues and can include the issues contained within this report. The Councils event licensing webpages have been updated to alert users to issues of concern around use of sky lanterns and similar airborne devices at events/gatherings (and in due course this report reference and its outcome may be directly linked). Where elected members of the Licensing Committee's discretion becomes engaged via hearing processes then at that time consideration may, where appropriate, also be given to imposing controls relating to use of sky lanterns and similar airborne devices. The supporting Licensing Officer will also instigate consideration of this issue at that time should it be appropriate.
- 8.15 The Licensing Team or Communities Team could make direct contact with village and town hall booking secretaries, and regular event organisers, to alert them specifically to this issue for them to consider voluntarily (a) updating their hiring agreements to incorporate an explicit prohibition or restriction on use of sky lanterns and similar airborne devices; and (b) updating their own literature/web pages and own event safety management plans. For events held on the Council's own land any licences and event safety management plans, relevant licences and any hiring agreements could be similarly updated.

Summary

- 8.16 Mass releases of balloons or lanterns can make an impressive sight but pose hazards to wildlife, livestock, humans and property. They are on the increase, often for fundraising, commemorative or celebratory events. Evidence is growing of the damage they cause and it is recommended that the Council join with an increasing number of local authorities in introducing a policy banning all such releases on Council property, Council owned land, by Council staff and at Council endorsed or supported events; including those not on Council owned land. Often the organisers of these events are ignorant of the issues so the policy should be publicised as fully as possible, to maximise awareness. It is hoped that publicising the policy and promoting alternatives will also lead to a reduction in smaller scale private releases, especially of lanterns, as the public become more aware of the dangers they pose.

9. Background Papers

8.1 The code of practice can be found at:
<http://www.tradingstandards.gov.uk/policy/skylanterns.cfm>

10. Appendices

Title	Location
1 - Defining a Sky Lantern and similar device Policy	Attached

11. Background Documents

None.

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DEFINING A SKY LANTERN AND SIMILAR DEVICE POLICY

The Councils will need to consider a legally sound definition or statement of what any policy applies to, and what it does not apply to, for example:

“The policy shall apply to all airborne launched lanterns, latex balloons and similar free-floating devices containing a naked flame, fuel cell, helium gas or similar elevation mechanism - whether the device is specified as bio-degradable or otherwise. Such lanterns or devices are commonly known as Chinese Lanterns, Sky Lanterns, Flying Lanterns, Glowing Lanterns, Night Sky Lanterns, Kongming Lanterns and similar. For the avoidance of any doubt static, fixed, hanging or waterborne ornamental or decorative lanterns, balloons or similar devices are not covered by this policy.”