

Open Report on behalf of Andrew Crookham, Executive Director - Resources

Report to:	Public Protection and Communities Scrutiny Committee
Date:	17 March 2020
Subject:	Release of Sky Lanterns, Balloons on Council Land

Summary:

The release of sky lanterns and balloons has increased over the last few years, especially to mark commemorative or celebratory events, or as a popular way of fundraising for charity. An estimated 200,000 sky lanterns are sold and released each year in the UK.

In 2014 the Community and Public Safety Scrutiny Committee considered concerns over the release of sky lanterns and the potential harm which could be caused. The Committee expressed concern that the banning of sky lanterns being released into the sky would be very difficult to enforce and it was agreed that the concerns of the Committee should be voiced to the Department for Environment, Food and Rural Affairs (DEFRA).

There is currently no UK legislation available to control this issue and sky lanterns aren't currently banned in the UK, however several councils have banned the release of sky lanterns and balloons on Council owned land, including all 22 local authorities in Wales.

The Leader of the Council has asked the Public Protection and Communities Scrutiny Committee to consider the use of sky lanterns and balloons and examine whether the Council should introduce a ban on their use on all Lincolnshire County Council owned land and property.

Actions Required:

The Public Protection and Communities Scrutiny Committee is requested to:

1. Examine whether the Council should introduce a ban on the release of sky lanterns and balloons on all Lincolnshire County Council owned land and property.
2. Agree a formal recommendation to the Leader of the Council in relation to this matter.

1. Background

Sky lanterns are small hot air balloons, made of thin paper held by a wire or bamboo frame and lifted by heat from a naked flame. They float up into the air and should only fall back to the ground when the flame has gone out. However, they can descend from the sky whilst the flame is still lit.

A number of groups are calling for the use of sky lanterns and balloons to be banned, including the Marine Conservation Society, the Civil Aviation Authority, Country Land and Business Association (CLA), National Farmers Union, Women Farmers' Union, RNLI, RSPB, RSPCA and some Fire Services.

The Marine Conservation Society has called for a ban on the release of sky lanterns and balloons after reporting a 50 per cent increase in the amount of balloon litter found on UK beaches between 2015 and 2016. Balloons sold as “degradable” are known to last a number of months, and can pose a choking threat to wildlife at sea, and on land.

Sky lanterns and helium-filled balloons can cause many problems and pose a significant fire hazard to buildings as well as issues from littering and pollution. They can also have an impact on woodland and farmland and also cause injury to humans, damage to buildings and cause false callouts to the coastguard and RNLI. In addition, some 'degradable' items can last for months or even years and leftover parts from sky lanterns and balloons can trap or choke wildlife and livestock.

2. The Government's Position

The Department for Environment, Food and Rural Affairs (DEFRA) and the Welsh Assembly commissioned a study in 2013 on the use of sky lanterns.

The report identified a number of concerns relating to the use of lanterns including:

- Risks to livestock and animal health
- Fire risk and damage to crops and property
- Impact on the environment, including littering
- Risks to aviation
- Risk to coastal rescue services
- Risks to personal safety

The report concluded that based on the evidence, the risk to livestock was low but the risk to fire, aviation and coastal rescue services was significant.

Following the results of the study, the Government did not propose any further action and does not currently advocate a complete ban. It is unlikely that there will be any legislative changes in the immediate future.

In August 2014 the Trading Standards Institute published a 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 DEFRA. The industry code of practice aims to provide guidance for manufacturers, importers, distributors and retailers. The

code aims to 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.

3. Other Local Authorities

An increasing number of local authorities in the UK have now introduced local bans on Council owned land on the release of the lanterns and/or balloons, including (as of 2018) all 22 local authorities in Wales. In addition many local authorities have undertaken community engagement raising awareness and highlighting the impact of sky lanterns and balloons as an approach to changing behaviour.

In Lincolnshire, West Lindsey District Council considered a motion at its Council meeting On 20 January 2020 and agreed to support the RSPCA #EndSkyLitter campaign and ban the release of sky lanterns and balloons on Council owned land. In addition, on 21 January 2020 South Kesteven took steps to adopt a position statement (subject to public consultation) to not allow the intentional release of sky lanterns and balloons on its land which is open to the public, including Council owned parks or open spaces. However, it should be recognised that adopting the policy statement does not confer any enforcement rights on the Council.

In Norfolk, the County Council has banned the release of sky lanterns or balloons on any land or property owned by the County Council. A sky lanterns and balloon release charter has been developed to promote the restriction of the release of all types of helium-filled balloon and sky lantern including those that are made from bamboo or claim to be biodegradable. Norfolk County Council also engages with businesses, communities, landowners, schools and individuals in Norfolk to raise awareness of safer and more environmentally friendly alternatives that people can celebrate with, through promotion and campaigns.

Nottinghamshire County Council has also operated a ban on the use and sale of sky lanterns on County Council land or property since November 2017. The principles and commitments set out in the Nottinghamshire policy apply to all services and decisions of the County Council and to contractors and partners delivering County Council services.

4. The Position of Other Groups

Chief Fire Officers Association (CFOA) – the CFOA does not support the use of sky lanterns and urges fire and rescue services to discourage the use of floating paper lanterns and asks members of the public not to use them. In June 2013, a large fire at a waste recycling plant in the West Midlands was attributed to a lantern. This fire required 200 fire fighters to tackle it with a number being injured. Sky lanterns can cause fires as they use an open flame to float. During the dry summer months, the fire risk is increased as it's easier for grass and countryside to catch fire.

The Maritime and Coastguard Agency (MCA) have reported that between 2007 and 2012 there were 1,679 reported incidents likely to have been caused by sky lanterns.

Over recent years, the National Farmers Union (NFU) has been calling for a ban and has highlighted concerns over the fire risks to crops and buildings but also the risk to

animals through digestion of debris. The RSPCA have also recorded cases of livestock and wildlife fatalities as a result of ingestion, entanglement and entrapment in sky lantern debris.

The Marine Conservation Society has called for a ban on the release of sky lanterns and balloons after reporting a 50 per cent increase in the amount of balloon litter found on UK beaches between 2015 and 2016.

The Civil Aviation Authority (CAA) has also issued guidance advising organisers of mass sky lantern releases that they may need to provide details of their event in advance. When in the air, sky lanterns pose a safety risk to planes due to being sucked into the engines of aircraft. The guidance states that they should not be released within 10 nautical miles of an airfield.

5. Alternatives

A number of national organisations and charities promote environmentally friendly alternatives to balloons and lanterns releases. These can include the use of flags, banners & pop-ups, the use of static lanterns or solar lights, blowing bubbles or planting a tree.

Whilst any potential Council ban relates solely to Council properties and land, there may also be a need to encourage the public to consider the risks posed through the release of helium balloons and sky lanterns and raise awareness of safer and more environmentally friendly alternatives that people can celebrate with.

6. Fireworks

The County Council received a letter from Councillor Giles McNeill, Leader of West Lindsey District Council on 13 February 2020. The letter requested that the County Council give consideration to the following request:-

"Suppliers of Fireworks across the District/County be encouraged and required to separate and label quieter fireworks from louder ones, allowing customers to choose their purchases with animal and people safety in mind. In addition, to help with the responsible use and possession of fireworks all retailers be required to apply challenge 25 legislation to the sale of fireworks, as would be the case with alcohol".

It should be noted that the sale of fireworks is restricted to the following periods:

- 15 October to 10 November;
- 26 December to 31 December;
- on the first day of the Chinese New Year and the three days preceding it; and
- on the day of Diwali and the three days preceding it.

An annual licence is required to sell fireworks at other times of the year. The law states that fireworks must not be set off or thrown (including sparklers) in the street or other public places and fireworks must not be set off between 11pm and 7am, except for:

- Bonfire Night, when the cut off is midnight
- New Year's Eve, Diwali and Chinese New Year, when the cut off is 1am.

The CE marking on fireworks came into effect under the Pyrotechnics Articles Safety Regulations 2010. Only fireworks that comply with European safety standards, carry the CE mark and are correctly labelled with details of the manufacturer and importer and have instructions for use in English can legally be supplied to consumers. Since 4 July 2017 Fireworks that complied with the old Fireworks specification BS 7114-2 can no longer be supplied.

The Pyrotechnic Articles (Safety) Regulations 2015 prohibit the supply of category F4 fireworks (professional use only) to the general public. The Regulations prohibit the supply of category F2 (outdoor use - confined areas) and category F3 (outdoor use - large open areas) fireworks to any person under 18. The Regulations prohibit the supply of category F1 (indoor use low-hazard low-noise - party poppers etc) fireworks to any person under 16.

7. Conclusion

Following the results of the 2013 study on the use of sky lanterns and helium balloons the Government did not propose any further actions and does not currently advocate a complete ban. It is unlikely that there will be any legislative changes in the immediate future.

The industry code of practice for sky lanterns highlights that when used as intended in appropriate conditions and in small numbers, sky lanterns do not constitute a high risk. With a little care and consideration they can be enjoyed safely. However, lanterns and balloons can be harmful to both the environment and wildlife. Sky lantern and balloon litter takes significant time to decompose and sky lanterns can also pose a fire hazard. There is also a risk to livestock and a fire hazard to crops in summer months.

The Committee is requested to review the current situation and examine whether the Council should look to show local leadership on this issue and introduce a ban on the release of sky lanterns and balloons on all Lincolnshire County Council owned land and property. The Committee may also wish to consider the Council publishing information about the dangers of sky lanterns as part of a public awareness campaign.

The Committee is requested to agree a formal recommendation to the Leader of the Council in relation to this matter.

8. Consultation

a) Have Risks and Impact Analysis been carried out?

No

b) Risks and Impact Analysis

An equality impact assessment has not been completed at this stage.

9. Background Papers

Document title	Where the document can be viewed
Norfolk County Council Sky lanterns and balloon release charter	https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/natural-environment-policies/sky-lanterns-and-balloons
RSPCA #EndSkyLitter Campaign	https://www.rspca.org.uk/getinvolved/campaign/endskylitter
Don't Let Go booklet - Marine Conservation Society	https://www.mcsuk.org/downloads/pollution/dlg/Dont_Let_Go_Booklet.pdf

This report was written by Daniel Steel, Scrutiny Officer, who can be contacted on 01522 552102 or by e-mail at daniel.steel@lincolnshire.gov.uk