This is one of several 'step-by-step' guides published as part of the TOGETHER campaign that focuses on tackling not tolerating anti-social behaviour. Driven and helped by feedback from frontline staff, these leaflets have been produced to make taking action as easy as possible.

For all further help contact the TOGETHER ActionLine – 0870 220 2000 or log on to the TOGETHER website at www.together.gov.uk

DID YOU KNOW?
FASCINATING FIREWORK FACTS...

• Fireworks were first made in China in the 800s by exploding bamboo shoots filled with gunpowder.
• A 'sparkler' burns at temperatures of up to 2,000°C.
• A 'rocket' travels at speeds of up to 150 miles an hour.
• Fireworks can reach heights of 200 metres.

Every year thousands of people enjoy fireworks responsibly to celebrate all sorts of occasions. However, a small minority of people use fireworks as tools to harass or weapons to injure and cause crime and serious nuisance within their local communities. There has been an increase in complaints from the public relating to noise, neighbourhood safety and general nuisance from fireworks. Fireworks are primarily used to celebrate Bonfire Night, Diwali, New Year’s Eve and the Chinese New Year. Their use and availability have become increasingly popular all year round and this has increased their availability to those who wish to misuse them. It is for this reason that the Government has strengthened the powers available to tackle the problem locally.
WHAT IS ANTI-SOCIAL BEHAVIOUR INVOLVING FIREWORKS?
Anti-social behaviour involving fireworks ranges from fireworks being set off late at night, with no regard for the noise nuisance this causes, to deliberate physical harm, or threat of harm, caused to people, animals and property. Any action where fireworks are used to harass, intimidate or cause damage to others is criminal and anti-social.

THE IMPACT OF FIREWORK MISUSE
In the wrong hands fireworks can cause real misery. There have been incidents where fireworks have been used to damage public property such as post boxes and telephone boxes. They have been used to threaten people with injury and to cause deliberate physical harm to both people and animals. Every year, hundreds of people are injured by fireworks and require hospital treatment. While most of these injuries are accidents, some will have been intentional attempts to harm or create fear.

SANCTIONS TO TACKLE THE PROBLEM
There is a robust package of legislation in place to protect communities from the misuse of fireworks, which enables the police, police community support officers (PCSOs), trading standards officers and customs officers, working together, to tackle these problems in communities.

MANAGING THE THROWING OR POSSESSING OF FIREWORKS
Police charging offenders with offences carrying a fine and/or imprisonment
The following powers are available to police officers and committing any of these offences carries a maximum of a £5,000 fine, six months in prison, or both:

- Throwing fireworks or setting off fireworks in public places: section 80 of the Explosives Act 1875 prohibits throwing or setting off fireworks on any highway, street, thoroughfare or public place. A public place is anywhere to which the public are entitled or permitted access. For example, someone’s own yard/garden is not included, but the local park, streets, car parks and bus station are all public places. Some school yards may also be public places at certain times of the day.

- Possession of ‘adult fireworks’ by anyone under the age of 18 in a public place: ‘adult fireworks’ are defined as any fireworks except for a cap, cracker snap, novelty matches, party poppers, serpents and throwdowns. This offence was first introduced in emergency legislation in 2003 and made permanent by regulation 4 of the Fireworks Regulations 2004. Remember – even some sparklers are adult fireworks.

- Possession of category 4 fireworks (public display fireworks) by anyone other than a fireworks professional: this offence was first introduced in emergency legislation in 2003 and made permanent by regulation 5 of the Fireworks Regulations 2004. Category 4 fireworks are clearly labelled as such and further information can be found at www.dti.gov.uk/fireworks.

The police also have the power to stop and search for fireworks if they suspect an individual of being in possession or that a vehicle contains prohibited fireworks. This was introduced by section 115 of the Serious Organised Crime and Police Act 2005 and came into effect from 1 July 2005. Guidance for the police on the statutory powers to stop and search can be found in the Police and Criminal Evidence Act 1984 ‘PACE Code A’ at www.homeoffice.gov.uk/crimpol/police/system/pacecodes.html.

Police, PCSOs and Accredited Persons issuing penalty notices for disorder
The police have the power to issue a range of penalty notices for disorder (PNDs) to tackle misuse of fireworks. Alongside the police, PCSOs can be designated with specific powers by their chief officer of the police force to issue firework PNDs. ‘Accredited Persons’ when accredited by the chief officer of the police force can also do so. Accredited people cover ‘non-police’ employees working in a community safety or security role, eg neighbourhood wardens, park rangers etc.

This power allows police, PCSOs and Accredited Persons to punish offenders immediately with on-the-spot fines of £80 PNDs. PNDs are part of
the wider drive to crackdown on anti-social behaviour involving fireworks and offer the police and PCSOs an alternative means of dealing with firework offences.

The table above lists the firework offences punishable by an £80 PND.

PNDs can be issued to those aged 16 and over. However, seven police force areas are currently piloting the issuing of PNDs to 10–15-year-olds. These include West Midlands Police (including British Transport Police), Essex Police, Lancashire Police, Nottinghamshire Police, Merseyside Police and the Metropolitan Police (Kingston division) who have already used these PNDs to good effect.

**CONTROLLING THE TIMING OF FIREWORKS USE**

It is also important to balance the use of fireworks with the community’s right to peaceful enjoyment of their lives. That is why legislation places restrictions on when fireworks can be used and, should individuals break the law, the police have powers to take action.

- **Curfew on fireworks use:** regulation 7 of the Fireworks Regulations 2004 makes it an offence for any person to use ‘adult fireworks’ between the hours of 11pm and 7am – except for ‘permitted’ fireworks nights. These exceptions, where the curfew start time is later, are as follows:
  - 5 November – 12 midnight
  - Diwali – 1am
  - New Year’s Eve – 1am
  - Chinese New Year – 1am.

  The penalty for this offence is a maximum fine of £5,000, six months’ imprisonment, or both.

- **Breach of the peace:** misuse of fireworks may also amount to a breach of the peace, particularly where an individual lets off a firework in the street and is causing a nuisance or where fireworks are being let off at an unreasonable hour of the night. Under section 5 of the Criminal Justice and Public Order Act 1986, a person is guilty of an offence if they use disorderly behaviour within the hearing or sight of another person causing them harassment, alarm or distress. This is a more serious offence than breach of the peace and requires a higher test of proof, but can also be employed by the police to tackle the anti-social use of fireworks in certain circumstances.

- **Other anti-social behaviour tools and powers:** these can be put to use where fireworks misuse is part of a wider anti-social behaviour problem. This could include the use of acceptable behaviour contracts (ABCs), anti-social behaviour injunctions (ASBIs), dispersal notices and anti-social behaviour orders (ASBOs).

**MANAGING THE SALE AND SUPPLY OF FIREWORKS**

The local authority, trading standards officers, customs officers and the Fire Service also have a role to play to ensure that fireworks are stored correctly and supplied to an appropriate person(s). Failure to comply can result in prosecution with a maximum fine of £5,000 or six months’ imprisonment or both.

- **Prohibition of supply of fireworks:** under regulation 6 of the Fireworks (Safety) Regulations 1997 (as amended), it is illegal for retailers to sell caps, cracker snaps, novelty matches, party poppers, serpents and throwdowns to anyone who is under 16 and to sell all other adult fireworks to anyone who is under 18.
TACKLING FIREWORKS MISUSE

• **Prohibition of supply of certain fireworks to the general public:** under regulation 4 of the Fireworks (Safety) Regulations 1997 (as amended), air bombs, aerial shells, aerial maroons, shell-in-mortar and maroons-in-mortar, all bangers (including ‘batteries’ containing bangers, such as Chinese crackers), mini-rockets, fireworks with erratic flight (e.g. ground spinners, jumping jacks, squibs), and all category 4 fireworks cannot be supplied to the public.

• **Prohibition of supply of excessively loud category 3 fireworks:** under regulation 8 of the Fireworks Regulations 2004, it is illegal to supply any category 3 firework which generates a sound greater than 120 decibels.

• **British Standard:** Retailers must only sell fireworks that are manufactured to conform to British safety standards. All fireworks legally sold must have the British Standard Code ‘BS 7114’ printed on the box.

• **Signage:** suppliers of fireworks are required, under regulation 10 of the Fireworks Regulations 2004, to display a notice (not less than 420mm by 297mm) informing customers of the law in relation to underage sale and possession of fireworks.

• **Licensing of fireworks suppliers:** since 1 January 2005, under regulation 9 of the Fireworks Regulations 2004, any person selling adult fireworks to members of the public for an extended period around the usual fireworks season dates must have a licence granted by the local licensing authority – this is likely to be either the local authority or the local Fire Service.

• **Importation of fireworks:** since 1 January 2005, under regulation 11 of the Fireworks Regulations 2004, anyone importing fireworks must now give details (including name and address, the name of the person storing the fireworks, and the address of the premises where the fireworks are to be stored) to Customs.

CUSTOMS (www.hmrc.gov.uk), TRADING STANDARDS (www.lacors.gov.uk or www.tsi.org.uk) and THE FIRE SERVICE (www.fireservice.co.uk) have a responsibility to ensure that strategies are in place to manage the licensing and importation of fireworks.

WORKING TOGETHER

• **If there is a fireworks problem within a community then local people and local organisations need to work together to tackle the problem.** The most effective fireworks safety campaigns around the country are a result of partnerships between different local organisations. It is important that local businesses, community groups and others such as schools and youth groups are involved.

• **Communities need to be informed of the responsible use of fireworks and made aware of the penalties for committing a firework offence.** Leaflets, posters and briefings at community meetings are a good way of informing people of what constitutes a firework offence and what the penalties are for breaking the law. These could be merged with safety campaigns.

• **Publicity needs to be timely to make it easier for local people to make a connection between a specific date, such as 5 November, and anti-social behaviour involving fireworks.** It is recommended that leaflets or other printed materials such as posters or newsletters are distributed one to two weeks before occasions where fireworks are likely to be used, such as Bonfire Night, Diwali, New Year’s Eve and Chinese New Year.

AND FINALLY

Not many people misuse fireworks, but those who do need to be stopped. Fireworks are seen as dangerous and need to be handled with care and responsibility. It is vital that a similar message is promoted in communities to prevent and stop their misuse.

For further information and advice about anti-social behaviour, phone the TOGETHER ActionLine – 0870 220 2000 – or visit www.together.gov.uk