

WRS Board

Date: 25th September 2025

Briefing on firework controls

Recommendation	That Members note the contents of this report.
Background	For several years, Councilors at both district and county level have had a range of issues raised with them in relation to fireworks. This paper is intended to provide support for members in dealing with these questions as the legal position gives local government very limited influence over the use of fireworks by members of the public.
Introduction	<p>Fireworks are now used for a range of celebrations, prompted possibly by their use at the Millennium celebrations in 2000. Members of the public can legitimately use fireworks at all times of the year, although most licensed premises only offer them for limited periods. Very few premises hold a license that allows sales all year round.</p> <p>Worcestershire County Council is the licensing authority for the storage of explosives. Going back 10-20 years, around 100-120 premises would be licensed annually to store fireworks, but this number has been falling and only 63 have applied for this fireworks season. Most sell them for limited periods around Bonfire Night, (usually 3 weeks before and 1 week after,) and for a short time around the New Year period. Only 2 businesses in the county have a license to sell fireworks all year round. Worcestershire County Council is also responsible for enforcing the legal provisions requiring that fireworks sold in the county are manufactured to the relevant standard and that they are not sold to minors (under 18s.)</p>
Legislation and Standards	<p>District councils have little legal role in controlling the use of fireworks, although they can prevent their use on their land or property by using contractual terms in hire agreements.</p> <p>Fireworks for retail sales must be manufactured to a specific European standard (EN 15947,) and it is a criminal offence to supply fireworks that do not comply. Enforcement is the responsibility of the County Council's Trading Standards team. This team is also responsible for dealing with the supply of fireworks to minors (under 18s.)</p> <p>Questions have been raised in some areas as to whether such products are inherently unsafe in the hands of members of the public, however, the assumption in law is that fireworks manufactured to the relevant standard if used as per their instructions should be reasonably safe</p>

Licensing of Premises

The use of fireworks is not a licensable activity under the Licensing Act 2003, so public firework displays are not licensed by district councils. People undertaking public displays must ensure the health and safety of those attending and observe any civil law duty of care they may have to those in the vicinity, but beyond this, controls are limited, and councils have few powers to address activities.

Most firework displays are one-off events and, because of the transitory nature of noise from such displays, it is almost certain that a single display, by itself, is not going to be statutory nuisance that could be dealt with under the Environmental Protection Act 1990, especially if the terminal hours outlined in law are observed. It is possible that persistent use of fireworks might fall into these provisions so where, for example, a wedding venue persistently used fireworks as part of its offer for celebrating, this may be subject to complaints about nuisance and could potentially fall foul of the law. Officers would need to consider, amongst other things, the duration of each fireworks event and the timing. If these were very regular and later in the evening, it might be determined as a statutory nuisance but again, for a well-managed business, the likelihood of this is limited.

Currently there is a noise limit for fireworks sold via retail of 120dB. These controls came into force in 2004. Before this date, some of the fireworks sold by retailers were louder. The 120dB limit does not apply to "display only" fireworks which may be significantly louder, although display operators tell our Trading Standards colleagues that many fireworks used in displays are of the categories where the 120dB requirement applies.

The law specifies the cut off times for the use of fireworks, which are 11pm for all nights except for bonfire night, when the cut off is midnight and 1am for New Year, Diwali and Chinese New Year celebrations. Enforcement of these curfew times is the responsibility of West Mercia Police, as are offences for letting fireworks off in a public place or other forms of misuse.

The County Council issues licenses to premises through its Trading Standards service. In line with government policy on de-regulation and limiting the burdens on business, officers will generally only visit if they have good reason. However, where a premise applies for a license, and it has not held one previously, that premise will be visited to ensure that it is suitable and appropriate conditions will be attached to the license. Following the initial visit, officers will only license the premises for 12 months and, following this, the applicant can apply for longer, but officers will undertake a risk assessment of the premises to determine whether it is suitable for between one and five years. Guidance is provided by the service as part of the application process and via the service's website.

Both Trading Standards and WRS have strong intelligence links with both West Mercia Police and Hereford and Worcester Fire and Rescue Service, and the organisations share intelligence from members of the public on issues such as:

- Perceived risk in storage methods
- Underage sales
- Firework misuse

Where the intelligence picture suggests an issue exists either in a particular area or with a particular outlet, multi-agency joint visits can be organised quickly to tackle any issues around storage and warnings are given regarding sales to minors. Individual complaints about poor storage practices will be responded to directly due to the potential risks to the public and neighbouring properties. Most of these are dealt with through advice and warnings. Officers have the power to remove fireworks from premises

**Complaints from
the Public and
Government
response**

if they are being stored incorrectly or are not fit to supply. The County Council can also revoke licenses if the premises or person have become unsuitable. These occurrences are rare.

The Trading Standards team has not been made aware of significant issues with the misuse of fireworks in recent years. Only one incident was raised with them during the last firework season. Many of the issues raised by members of the public relate to what is currently the legitimate use of fireworks by other residents in their gardens, or the noise from one-off organised displays.

Officers regularly receive complaints around Bonfire Night about the use of fireworks, usually from pet owners who are concerned about their animals' welfare. Animal welfare organisations continue to lobby Parliament for changes to the law.

The Parliamentary Petitions Committee looked at the issue of fireworks in 2018 with input from a range of experts from the Health and Safety Executive, Trading Standards, Environmental Health, the National Police Chiefs Council and the National Fire Chiefs Council, as well as those calling for changes to the law. The Committee felt that an outright ban on sales of fireworks to the public risked unintended consequences including a black market in the products, however it did recommend that:

- The Government and agencies collate and publish data on problems associated with fireworks in a consistent way, to facilitate local responses.
- Legislation be introduced to empower local authorities to tackle this issue head on, so permits can be introduced in communities where the irresponsible use of fireworks is a particular problem for residents.
- Many consumer fireworks are packaged in a way that will appeal to children, creating a risk that children could be tempted to play or tamper with fireworks stored in the home, so the Government should act swiftly to remove this risk through new packaging regulations.
- The Government review the decibel level limit of consumer fireworks, with animal welfare in mind, with a view to setting a workable reduced decibel limit that would diminish the risks to animals' health.
- The Government should close a loophole around the storage by retailers of up to 5kg of fireworks without a licence. It should also review online sales of fireworks, particularly over social media, establishing a strategy to tackle illegal online sales.
- The Government fund and coordinate annual major, national awareness campaigns on responsible use of fireworks to raise awareness of the dangers of fireworks for those with health conditions such as PTSD or autism spectrum disorder.

With the pandemic intervening, we are not aware that these recommendations have been taken up by administrations after this. More recently, Justin Madders MP, Parliamentary Under-Secretary of State at the Department for Business held an informal meeting with various business and other stakeholders on the use of fireworks to which representatives of the Association of Chief Trading Standards Officers (ACTSO,) were invited. Colleagues report that the MP had previously expressed an interest in promoting the safe and responsible use of fireworks to reduce harm across communities, including low-noise fireworks of 90 decibels or below to protect animals and vulnerable individuals and those with sensory sensitivities. It appears this meeting was part of his commitment to meet with businesses, consumer groups and charities to hear concerns and explore solutions but to balance celebration with community wellbeing. ACTS will continue to monitor output from the Department to see if anything comes from this conversation.

Conclusions

In conclusion, councils have a limited formal role in regulating the use of fireworks. Most complaints about fireworks relate to the legitimate use of the products and concerns most often relate to the impact on pet animals and horses.

The use of fireworks is not a licensable activity under the Licensing Act 2003, so Councils cannot restrict activities using provisions in that legislation and the transitory nature of most firework use means it is unlikely to cause a statutory nuisance.

So, whilst officers have sympathy for those who are impacted by the noise or are concerned about the impact on their pets or other companion animals, even livestock, in the absence of changes in the law at national level, councils have little power to address such concerns and members of the public should be directed to their MPs as only Parliament can address the issues being raised.

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