



Dear Sir / Madam

Disturbance from Fireworks

Thank you for contacting this Department regarding disturbance from fireworks in the area, which has been passed to us for a reply. We are also concerned about the disturbance and annoyance caused by the indiscriminate letting off of very loud fireworks.

Unfortunately, the legal powers available to the Council are limited and we are unable to take any action with regard to restricting or controlling disturbance caused by the use of fireworks.

Normally it is very difficult to identify the exact address where fireworks originate and disturbance is often caused by the cumulative effect of several family firework displays making it more difficult to action. It is possible for fireworks to be dealt with as a statutory nuisance and serve an abatement notice under the provisions of Part III of the Environmental Protection Act 1990 on a specific named person at a specific address. However, this would be made ineffective if another relative or friend of that person then took over lighting the fireworks.

The Council would need to prove that the single use of fireworks on one night of the year for a limited period of time constitutes a noise nuisance and it is most unlikely that the Council would be able to take a successful prosecution in respect of this matter.

Regulations have been made under the Fireworks Act in relation to the following matters; prohibition on the possession of fireworks by young persons, prohibition on the supply, possession and use of fireworks in certain circumstances, prohibition on the supply of specified fireworks, licensing of firework suppliers, control on the importation of fireworks and requirement of training for licensed persons.

The main provisions are that persons under eighteen are prevented from possessing "adult fireworks in a public place and persons are prohibited from using "adult fireworks" between 11.00pm and 7.00am but exceptions are allowed until 1.00am for the Chinese New Year, Diwali and New Year's Eve and until midnight on 5th November. The possession and use enforcement duty, in England and Wales, is the responsibility of the chief constable of police of each police force. In the case of London it is the Metropolitan Police who are responsible for the enforcement of these functions and not the local authority.

The Council licences the sale and storage of fireworks under provision of the relevant legislation and is responsible for issuing a licence to all premises that apply provided we are satisfied that the premises is 'fit for purpose' i.e. appropriate risk assessments, procedures, adequate storage facilities, acceptable means of escape, fire alarms, safe distance from sources of ignition etc. There is no legislation enacted that governs the use of fireworks or the storage of small quantities such as those that would be purchased and stored in the home for personal use.

The Metropolitan Police can also provide support and advice on the misuse of fireworks and they can be contacted on 101.

We also encourage residents to be considerate of their neighbours and advise them that it would be better and safer to attend an organised event but are not something we can require them to do legally.

We regret that on this occasion we have been unable to assist you further but can assure you that we are doing everything we can within the limited powers that are available to us.

Yours Sincerely

Community Enforcement
London Borough of Hounslow