

Licensing Acts Committee Report



Report of Head of Legal and Democratic Services

Author: Robert Draper

Telephone: 01235 540304

Textphone: 18001 01235 540304

E-mail: robert.draper@southandvale.gov.uk

Wards affected: All

To: Licensing Acts Committee

DATE: 17 September 2013

Sky (Chinese) Lanterns

Recommendations

- (a) The committee requests officers to incorporate changes into the Joint Statement of Licensing Policy to provide guidance on the release of sky (Chinese) lanterns at outdoor, licensed events.
- (b) The committee approve the addition of a condition on sky lanterns to the licensing pool of conditions.

Purpose of Report

1. To consider the proposed changes to the guidance in the Joint Statement of Licensing Policy and the pool of conditions.

Strategic Objectives

2. Limiting the release of sky lanterns within the Vale will further the council's statutory duty under the Licensing Act 2003 to promote public safety by reducing the risk of fire and damage to aircraft.

Background

3. At the Council meeting on 17 July 2013 the following resolution was passed:

That Council requests the Licensing Acts Committee to consider restricting the use of Chinese lanterns as a condition for licensed events in the Vale and requests officers to investigate the option of prohibiting the use of Chinese lanterns on council owned land.

Proposals

4. The guidance from the Secretary of State on the Licensing Act 2003 makes it clear that licensing authorities should not apply blanket or standard policies to premises licences. That said licensing authorities might have a pool of conditions from which they may draw such conditions as are appropriate for individual premises.
5. Such conditions can only be applied when premises apply for a new or varied licence or a review is called and a licensing panel considers the application.
6. The current Joint Statement of Licensing Policy is silent on the issue of sky lanterns. This policy is currently being reviewed and there is an opportunity to add additional guidance and requirements regarding the release of sky lanterns at licensed events across the Vale.
7. Current guidance from the Civil Aviation Authority (CAA) requires that anyone releasing ten or more sky lanterns must notify the (CAA) and that anyone releasing any sky lanterns within ten nautical miles of an airfield must also notify the air traffic control covering that airfield. (Appendix 1)
8. The Chief Fire Officers Association has issued a position statement that encourages licensing authorities to impose restrictions on the release of sky lanterns. (Appendix 2)
9. The Strategic Property Team is currently reviewing the 'Terms and Conditions' for users or hirers of council owned property and will be inserting a clause prohibiting the release of sky lanterns.

Proposed changes

10. The proposed statement for the pool of conditions is:

'No sky lanterns shall be released from the licensed premises or associated land when licensable activities are being undertaken.
11. This condition could be used by panels considering licence applications where it was likely that sky lanterns would be used. It would be suitable for both fixed duration licences and permanently licensed premises.
12. As part of the review of the Joint Statement of Licensing Policy it is proposed to insert the following guidance:

'The release of sky (Chinese) lanterns poses a risk to public safety through fire and a hazard to aircraft. Spent lanterns also pose a risk to livestock in rural areas. Event organisers and premises licence holders are discouraged from releasing sky lanterns at licensed events or premises. Any event organisers and premises licence holders planning on releasing sky lanterns must notify the local Fire Service, if releasing ten or more sky lanterns they must also notify the Civil Aviation Authority (CAA) and if releasing any sky lanterns within ten nautical miles of an airfield they must also notify the air traffic control covering that airfield'.

Implementation

13. The additional statement for the pool of conditions can be added with immediate effect.
-

14. The review of the Joint Statement of Licensing Policy is currently underway with the production of a draft policy for consultation. The Joint Statement of Licensing Policy is due for adoption in early 2014.

Financial Implications

15. There are no financial implications arising from the adoption of the proposed condition and guidance.

Legal Implications

16. The Joint Statement of Licensing Policy is being reviewed to reflect recent changes in legislative requirements. All applications for licences and permits under the Licensing Act 2003 have to be made and determined in accordance with the council's licensing policy. The proposed condition and guidance are compliant with the Licensing Act requirement of promoting public safety.

Risks

17. Failure to promote public safety and the requirements of the Licensing Act 2003 and associated regulations could result in the council not complying with the legislation.

Conclusion

18. That the committee requests officers to incorporate changes into the Joint Statement of Licensing Policy to provide guidance on the release of sky (Chinese) lanterns at outdoor, licensed events.

19. The committee approve the addition of a condition on sky lanterns to the licensing pool of conditions.

Background Papers

None

APPENDIX 1

CAP 736

Operation of Directed Light, Fireworks, Toy Balloons and Sky Lanterns within UK Airspace

Excerpt:

Sky lanterns vary in size and performance and when released can travel a considerable distance from the release point at unpredictable heights on prevailing winds. This unpredictability of flight could cause sky lanterns to become a risk to aviation through airborne engine ingestion, or on the ground as sky lantern debris has the potential to produce Foreign Object damage (FOD) which can cause damage to aircraft. The level of risk associated with the release of sky lanterns is proportionate to the number and size of units released at any one time, and to the point of release. Whilst the risk of collision with an aircraft is small, aviation activity within the airspace of intended release needs to be considered when carrying out an assessment for the releasing of any sky lanterns, in particular when within the vicinity of an aerodrome. Therefore, to increase awareness and to minimise the potential risk, Civil Aviation Authority (CAA) guidelines are laid down for the benefit of those planning to release sky lanterns, and for Air Traffic Control (ATC) and aerodrome managers.

The following guidelines are to be observed for the release of sky lanterns:

- a) Any individual or group releasing more than ten sky lanterns should contact the CAA prior to release.
 - b) Any individual or group releasing ten sky lanterns or less at a release site ten nautical miles or less from an airfield – the Event Organiser should contact the ATC organisation of that airfield.
 - c) Any individual or group releasing ten sky lanterns or less at a release site more than ten nautical miles from the nearest airfield – contact with the CAA/ATC is not required.
 - d) Sky lanterns are not to be tied together
-

APPENDIX 2



CFOA
Chief Fire Officers
Association

The professional voice of the UK Fire & Rescue Service

Chinese Lanterns July 2013

The Chief Fire Officers' Association is calling for an urgent review on the use of the floating paper lanterns as they operate in a unregulated and uncontrolled way. There is now video evidence of a lantern causing a major fire in the West Midlands which has required 200+ firefighters, 39 fire appliances and 3 hydraulic platforms. CFOA does not support the use of these devices and asks members of the public and event organisers to refrain from using them. Whilst these lanterns are undoubtedly a popular and beautiful sight, the potential damage they can cause is significant.

CFOA urges fire and rescue services to discourage the use of the floating paper lanterns.

- These floating lanterns not only constitute a fire hazard but also pose a risk to livestock, agriculture, camping activities, thatched properties and hazardous material sites.
- Police and coastguards also suffer a loss of resources whilst having to deal with lantern sightings being mistaken as something else such as a distress flare or UFO. Internationally, certain brands of fire lanterns have been banned and there has been a temporary ban on all such products in Australia following a series of wildfires.
- Several opportunities exist to discourage the use of Chinese lanterns. Fire and Rescue Services could:
 - Work with their local trading standards offices to control the use and design of these products
 - Work with their local authority to discourage the approval of events licences for events that plan to release the lanterns
 - Work with local events licensors to discourage the use of these lanterns
 - Scope out the possibility of litigation with interested parties, local police, civil aviation authority.