

**London Boroughs of Brent and Harrow
Trading Standards Joint Advisory Board
1 November 2023
Report from the Senior Service Manager**

FOR INFORMATION

Sale of Fireworks

1.0 Summary

- 1.1 This report updates the Joint Advisory Board on work carried out by Brent and Harrow Trading Standards Service and the Brent Licensing team on market surveillance and enforcement activities in relation to the storage and sale of fireworks.

2.0 Recommendations

- 2.1 For Members to consider the report and make recommendations where appropriate.

3.0 Details

Fireworks Enforcement background.

- 3.1 In Brent it is the licensing team and in Harrow, it is the Trading Standards team that has been delegated the authority to carry out market surveillance and enforcement activities in relation to the storage and sale of fireworks.
- 3.2 Fireworks sold at retail level are classified as HT (hazard type) 4, the lowest hazard classification. HT4 fireworks must be stored in a fire resistant cabinet or container, in a dry area away from the risk of ignition.
- 3.3 Each year around 20 in Brent and 35 in Harrow premises are licensed to store fireworks and are able to sell them for limited periods around Bonfire Night and the New Year. A small number of premises have an additional license to sell fireworks all year round. Three premises in Brent and four in Harrow are licensed for year round sale of fireworks. We are also responsible for enforcing the legal provisions requiring that fireworks sold in the boroughs are manufactured to the relevant standard and that they are not sold to minors (under 18s).
- 3.4 Eight premises in Brent have a five year licence and one has a two year licence. In Harrow seven have a five year licence and two have a two year licence.
- 3.5 Premises that obtain a license permits them to sell fireworks only during prescribed periods between,
- 15 October to 10 November
 - 26 to 31 December

- 3 days before Diwali and Chinese New Year.

Fireworks enforcement statutory responsibility

- 3.6 Brent & Harrow Trading Standards Service and Brent Licensing team have a statutory duty to carry out market surveillance and enforcement activities in relation to the storage and sale of fireworks.
- 3.7 The Services discharges this duty through specially trained and competent officers. There are currently 4.5 competent officers which is sufficient to meet the requirements of the role.
- 3.8 As well as authorisation through the usual delegation of powers, these officers are specifically appointed to act on behalf of the Health and Safety Executive in respect of The Explosives Act 1875 S30 & S74 and The Explosives Regulations 2014.

Purpose of enforcement activity in relation to fireworks

- 3.9 Licensing permits name individuals who can store explosives in the form of fireworks. Pre Licence checks ensure the named individual is a fit and proper person to store fireworks and that areas for storage are clearly defined and fit for purpose.
- 3.10 Officers carry out inspections of all our licenced premises on all new applicants and high risk premises. Retail outlets are inspected during the period immediately before November 5th traditionally the busiest period of sales, in addition, officers will respond to intelligence received regarding sales during any of the other permitted sales periods.
- 3.11 Retail inspections provide assurance that fireworks are safely displayed, only sold during permitted periods and to ensure compliance with age related sales safeguards. Inspections also ensure the type of fireworks and how they are stored in addition to point of sale display comply with license conditions.
- 3.12 Currently Brent officers have rejected two applicants wishing to store and sell fireworks due to insufficient knowledge of the storage requirements.
- 3.13 Officers also monitor social media channels for any evidence of unlicensed storage or sale of fireworks.
- 3.14 The register of licenced premises is a public document and can be supplied on demand.
- 3.15 Under the Pyrotechnic Articles (Safety) Regulations 2015, there are restrictions on the sale of fireworks as follows:
 - (i) Christmas crackers cannot be sold to anyone under the age of 12 years
 - (ii) category F1 fireworks (including party poppers, serpents and novelty matches) cannot be sold to anyone under the age of 16
 - (iii) F2 and F3 category fireworks (including sparklers) must not be sold to anyone under 18.

- (iv) The most powerful F4 category fireworks (display fireworks) must not be sold to members of the public; they can only be supplied to a person with specialist knowledge.

However, exemptions apply where person is operating as a volunteer undertaking a test purchase on behalf of a local authority.

- 3.16 Brent and Harrow Trading Standards Service receive reports regarding the sale of fireworks to underage people. These intelligence reports feed into our programme of underage test purchases during the permitted sales period. Last year Brent had two sales out of five attempts and Harrow had 1 sale out of four attempts. Two premises received a simple caution and the other a letter of warning.
- 3.17 Officers have the power to remove fireworks from premises if they are being stored incorrectly or are not fit to supply.

4. Financial Considerations

- 4.1 Fees are set by the Health and Safety Executive, reviewed every 5 years and are set out in the current Health and Safety and Nuclear (Fees) Regulations 2021. There is a minimum fee of £56 and maximum fee of £500.

5. Legal Considerations

- 5.1 These have been set out within the main body of the report.

5. Human Resources Considerations I

- 5.1 The staffing resource is met from within the Service's budget.

Contact Officer

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