

Cabinet Member Decision Note

Introduction of a Policy to ban the launching of sky lanterns from Council land

To: The Leader of the Council

Date: 13th November 2020

Author:	Director of Strategic Planning & Head of Property Assets
Wards:	All Wards
Parishes Affected:	All Parishes

1. Purpose and Reasons

- 1.1 To seek Cabinet Member approval of a policy for the banning of intentional release of sky/floating lanterns ("lanterns") from land or property owned and/or controlled by Swindon Borough Council.
- 1.2 The release of lanterns poses a significant threat of harm to wildlife and livestock from ingestion, entanglement, entrapment and through the panic they can cause. The flame within lanterns can pose a fire hazard. Lanterns are a potential sources of litter and waste in our environment.
- 1.3 This report seeks agreement to a policy to ban the use and release of lanterns on Council land and further, to raise awareness of the dangers of lanterns to the Swindon community.

2. Recommended Action to be Authorised by a Cabinet Member Under Delegated Powers

Recommended that:

- 2.1 The Director of Strategic Development and the Head Property Assets be authorised to adopt a policy to ban the intentional release of Sky Lanterns from land or property owned or controlled by Swindon Borough Council.

3. Detail

- 3.1 Sky Lanterns are essentially small hot air balloons consisting of a paper-covered wire, rope or bamboo frame and a suspended open flame heat source. The heat source lifts the lantern into the air where it can then float for miles from the point of release. Once the flame weakens, the lantern can begin to fall back to earth
- 3.2 Sky Lanterns have grown in popularity in recent years and are released into the sky at night at events such as weddings, festivals or commemorative events. As it is impossible to control where the released lanterns will eventually land, they pose a number of potential hazards.

Further information on the subject of this report can be obtained from David Dewart, ddewart@swindon.gov.uk.

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- 3.3 When the lantern falls to earth the framework can pose a risk of injury to livestock. There have been reported cases of farm animals ingesting the metal components of the lantern. Animals can also be injured by coming into contact with the debris
- 3.4 If the lantern falls to earth whilst still alight it presents a risk of ignition to land and property. A major fire at a waste recycling centre in the midlands was caused by a stray sky lantern. The response required 200 firefighters and 39 fire appliances.
- 3.5 Large scale releases of sky lanterns can pose a risk to aircraft due to the intake of the sky lantern or debris into the aircraft engines. The Civil Aviation Authority requires advance warning of large scale releases close to airports and air fields.
- 3.6 The debris from sky lanterns is a source of litter on land and can pollute water courses.
- 3.7 The National Farmer's Union (NFU) has also been encouraging Councils to ban the lanterns noting that; "It's important to point out that it's not just farm animals which can be affected. Sky lanterns can cause fires to crops, grassland on moors and bales of hay and straw that have been stacked, which could lead to a loss of buildings. Similarly, the RSPCA has been actively campaigning on this issue.
- 3.8 There is no current UK legislation available to control this issue and it is therefore up to each individual local authority to consider the issue for itself.
- 3.9 It is not considered possible to use existing legislation to control the use of sky lanterns. Whilst waste from lantern releases can be considered as litter, enforcement action for the offence of littering is not possible under either the Clean Neighbourhoods & Environment Act 2005 or the Environmental Protection Act 1990. Sky lantern releases are also considered to be outside of the scope of the Health and Safety at Work Act 1974 and the Licensing Act 2003. Therefore, there are no obvious legal sanctions the authority can use to control or prohibit their release.
- 3.10 In the absence of any national legislation, it is recommended that the best option open to the Council to reduce the use of sky lanterns is to adopt a Policy prohibiting the release of lanterns on Council owned land.
- 3.11 The Council, as a large land owner and the owner of a number of events spaces, is uniquely placed to implement a ban. Such a ban can also be seen as the Council 'leading by example' and informing and educating others to implement wider behavioural change campaigns.
- 3.12 Under the policy, the Council would:

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- 3.12.1 Refuse permissions for the release of any sky lanterns from any Council owned land regardless of the purpose for the release;
- 3.12.2 Refuse the sale of any sky lanterns at any Council event or property;
- 3.12.3 Require Council 'standard conditions of contract' relating to outdoor events and organised functions on land or property owned and/or controlled by Swindon Borough Council to prohibit the release of any sky lantern regardless of purpose.
- 3.13 Parish Councils would be encouraged to adopt the same policy with regards to Parish Council managed sites.
- 3.14 A policy prohibiting the release of sky lanterns would be accompanied by an awareness raising campaign to explain to members of the public the significant safety risks and associated with their use. Without such communication, any prohibition may prove unpopular with members of the public as lantern releases are often associated with community events.
- 3.15 It is proposed that the Council would collaborate with the Dorset and Wiltshire Fire and Rescue Service in launching the awareness raising campaign.
- 3.16 Any adopted Policy on the release of sky lanterns would only apply to Council owned land and would not prohibit the release from private land. However, the awareness raising campaign associated with the prohibition on Council owned land will raise awareness of the safety risks and environmental impacts and may discourage use at events on private land.

4. Alternative Options

- 4.1 The Council could decide not to take action. However, evidence exists that the release of indiscriminate release of sky lanterns has a detrimental impact on the local environment and provides an avoidable safety hazard. Taking no action is not the recommended option.

5. Consultation

- 5.1 The following Opposition and Minority Group Spokespersons / Ward Members have been consulted on the recommendations of the report and their responses are also summarised below:

Cllr Junab Ali - I support this decision.

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Cllr Paul Dixon - I fully support this decision and hope that the Parish Councils will also follow suit for the land that they manage.

Cllr Janine Howarth - I agree whilst they look lovely floating in the night sky they are a dangerous menace and therefore I wholeheartedly agree with the banning.

Cllr Milner-Barry - I wholeheartedly support this CMDN. If possible I wonder if it could be amended to add disposable barbecues, which are even more of a fire risk? Dorset Council was considering banning disposable barbecues on their land this summer as they were implicated in the burning of 220 ha of heathland at Wareham Heath. The New Forest National Park Authority has asked retailers not to sell them.

Cllr Oliver Donachie - No response.

Cllr Stan Pajak – Although everyone likes to see sky lanterns they have inherent dangers and with the idea of lead by example I would support the ban on launching from SBC land.

6. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 6.1 It is unlikely that such a ban would result in any financial implications for the Council.

Legal and Human Rights Implications

- 6.2 None identified.

Climate Change Impact

- 6.3 Government policy, in the form of the 25 Year Environment Plan (Jan 2018), sets out intentions to improve the environment, 'within a generation' by protecting and improving the environment and promoting resource efficiency. Subsequent government documents seek to tackle waste issues, including litter, minimising waste and eliminating avoidable plastic waste.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

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- 6.4 The proposal would help contribute towards a reduction in the use of sky lanterns and thereby reduce the associated fire and safety risks.

Diversity Impact Assessment

- 6.5 This report does not specifically highlight any equality implications. A Diversity Impact Assessment has not been prepared.

Risk Management

- 6.6 There are considered to be no risks associated with the proposals set out within the report. The most significant risks would arise from not adopting an approach to control the release of sky lanterns.

7. Consultees

- 7.1 The Corporate Director of Finance and Assets (s151 officer) and Chief Legal Officer (Monitoring Officer) are consulted in respect of all reports.

8. Background Papers

- 8.1 Not applicable

9. Appendices

- 9.1 Not applicable

10. Declarations of Interest

Opposition and Minority Group Spokespersons / Ward Members

- 10.1 Opposition spokespersons / Ward Members are reminded to consider whether they have any known interests in any of the matters referred to in this Decision Note. If such an interest exists this should be declared to the Monitoring Officer (or Senior Committee Clerk), and they should take no part in the consideration of the Briefing Note and should refer the Briefing Note to their Group Leader.

Cabinet Member(s)

- 10.2 Cabinet Members are reminded to consider whether they have any known interests in any of the matters referred to in this Decision Note. If such an interest exists this should be declared to the Monitoring Officer (or Senior Committee Clerk), and they should take no part in the consideration of the Decision Note and should refer the Decision Note to the Leader of the Council instead for consideration.

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11. Sign-off

- 11.1 The Cabinet Member is requested to respond with 5 days of the date of this report (by 18th November 2020).
- 11.2 Decisions of Cabinet Members will be published in the Members' Bulletin. The Decision must not be implemented until such time that a five-day "Call-in" period has expired. This date will be specified in the Members Bulletin. If a Decision is "called-in" it will be referred to the Scrutiny Committee for consideration. It must only be implemented if the Scrutiny Committee has raised no objection. If an objection is forthcoming the matter will be referred back to the Decision-Maker.
- 11.3 The Cabinet Member is requested to indicate one of the following responses to the Recommendations set out in Section 2 of this report.

[To be signed electronically and redacted for publication.]