

**REPORT TO:** Executive Board

**DATE:** 19 April 2018

**REPORTING OFFICER:** Strategic Director – Enterprise, Community and Resources

**PORTFOLIOS:** Physical Environment and Community Safety

**SUBJECT:** Sky Lantern and Helium Balloon Releases

**WARDS:** Borough-wide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to provide Members with details of the risks that have been identified in respect of the release of sky lanterns and helium balloons into the open air and to seek Executive Board approval to put in place measures to prohibit their release on Council owned land.

## **2.0 RECOMMENDATION: That Members approve a Policy that the release of sky lanterns and helium balloons on Council owned land be prohibited.**

## **3.0 BACKGROUND**

- 3.1 At their meeting of 28<sup>th</sup> February 2018, Members of the Environment and Urban Renewal Policy and Performance Board received a report on sky lanterns and helium balloons. Members were asked to endorse the proposals contained within the report and subsequently resolved that a report be presented to the Executive Board recommending the adoption of a Policy to prohibit the release of sky lanterns and helium balloons on Council owned land.
- 3.2 Sky Lanterns (or Chinese Lanterns) are small hot air balloons made of paper. They contain a small opening at the bottom of their base framework that contains a flammable material which can be lit to create a small fire. The heat from the fire causes the air within the enclosed balloon to rise and thereby enable the sky lantern to become airborne. Sky lanterns can fly freely for a considerable distance once released.
- 3.3 'Helium balloons' are those that are filled with helium gas instead of air. Helium is lighter than air and so, once released, the balloons can rise into the air and travel a considerable distance. Helium balloons are often released on mass simultaneously.

## 4.0 SUPPORTING INFORMATION

### Safety Risks and Environmental Impacts

- 4.1 There are a number of safety risks and environmental impacts associated with sky lanterns. These stem from the fact that the lanterns contain a naked flame and that they fly in an uncontrolled manner until eventually falling to the ground. Details are set out below;

### Livestock and animal health

- 4.1.1 Sky lanterns are constructed around a lightweight metal or bamboo framework. When the lantern eventually 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

### Fire

- 4.1.2 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.

### Aviation

- 4.1.3 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.

### Coastal Rescue

- 4.1.4 There is a risk in coastal communities that sky lanterns that are red or orange in colour may be mistaken for marine distress flares and result in the unnecessary deployment of marine rescue services. The Maritime and Coastguard Agency have reported a significant number of unnecessary callouts associated with sky lanterns; with a peak of 754 in 2010.

### Litter

- 4.1.5 The debris from sky lanterns is a source of litter on land and can pollute the sea and water courses.
- 4.2 The impact from Helium balloon releases is less significant than from sky lanterns but the debris from the balloons can still be a source of litter to land and water. The Civil Aviation Authority also requires advance warning of the mass release of balloons close to airfields and airports.

### Options for Control

- 4.3 In 2013, the Government's Department for Environment Food and Rural Affairs (DEFRA) commissioned a study into the impacts of sky lanterns and helium balloons. Whilst the study identified the safety risks and environmental impacts set out above the study did not propose any national legislation to control the use of sky lanterns and helium balloons.
- 4.4 It is not considered possible to use existing legislation to control the use of sky lanterns or helium balloons. Whilst waste from balloon and 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.
- 4.5 The industry and professional bodies have taken action and produced some model standards. There is an industry Code of Practice for Sky Lanterns approved by the Trading Standards Institute which aims to minimise, but does not eliminate, the risks set out above. The Balloon and Party Industry Alliance have produced a Code of Practice to reduce the environmental impact from waste associated with helium balloons by ensuring that the materials used for balloons are biodegradable.
- 4.6 A number of local authorities, including Cheshire West & Chester and Cheshire East, have introduced a prohibition on the release of sky lanterns from Council owned land. This move was supported by Cheshire Fire and Rescue Service. The ban is enforced as a condition of using Council owned land for events.
- 4.7 On the basis that the safety risks and environmental impacts from helium balloons is significantly less than from sky lanterns, Members may wish to consider treating both separately;
  - 4.7.1 A prohibition could be considered for sky lanterns due to the significant fire, safety, animal welfare, and other associated risks, whereas;
  - 4.7.2 A requirement that the release of helium balloons from Council owned land complies with the industry Code of Practice to control environmental risks could be considered as an alternative to a total prohibition. Permitting helium balloon releases that are in compliance with the industry Code of Practice would provide community event organisers with an alternative to the more hazardous sky lanterns.

## Recommendations

- 4.8 Notwithstanding the options set out in 4.7 above, in the absence of any national legislation, it is considered that the best option open to the Council to mitigate the risks associated with the use of sky lanterns and helium balloons is to adopt a Policy prohibiting the release of both on Council owned land. Executive Board Members are asked to support this approach and approve the adoption of such a Policy.
- 4.9 Should a Policy prohibiting the release of sky lanterns and helium balloons be introduced, it would be accompanied by a communications 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 balloon and lantern releases are often associated with community events.
- 4.10 Any adopted Policy on the release of sky lanterns and helium balloons would only apply to Council owned land and would not prohibit the release from private land. However, the communications 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.

## **5.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 5.1 There are no significant financial implications associated with this proposal.

## **6.0 POLICY IMPLICATIONS**

- 6.1 The Policy implications are set out within the report.

## **7.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

### **7.1 Children and Young People in Halton**

No direct impact.

### **7.2 Employment, Learning and Skills in Halton**

No direct impact.

### **7.3 A Healthy Halton**

No direct impact.

#### **7.4 A Safer Halton**

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

#### **7.5 Halton's Urban Renewal**

No direct impact.

#### **8.0 RISK ANALYSIS**

8.1 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 and helium balloons.

#### **9.0 EQUALITY AND DIVERSITY ISSUES**

9.1 There are no equality or diversity issues associated with proposal.

#### **10.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

10.1 There are no background papers within the meaning of the Act.