

# Gloucester City Council

<b>Meeting:</b>	<b>Cabinet</b>	<b>Date:</b>	<b>13 June 2018</b>
<b>Subject:</b>	<b>Banning the release of Chinese Lanterns &amp; Balloons from Council owned Land &amp; Property and Licensed Events</b>		
<b>Report Of:</b>	<b>Cabinet Member for Environment</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
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<b>Appendices:</b>	<b>None</b>		

## FOR GENERAL RELEASE.

### 1.0 Purpose of Report

- 1.1 To inform Cabinet of the issues relating to the release of Chinese lanterns and Balloons to wildlife, the environment, property/land and aviation.

### 2.0 Recommendations

- 2.1 Cabinet is asked to **RESOLVE** that:

- (1) Banning the release of Chinese Lanterns & Balloons from Council owned land and property or at any licensed events be approved.

### 3.0 Background and Key Issues

- 3.1 Sky lanterns (also referred to as Chinese lanterns) are floating paper lanterns and like miniature hot air balloons.
- 3.2 They consist of a candle or fuel cell filled with paraffin wax suspended inside a frame of wire or bamboo with a paper balloon above.
- 3.3 When lit, they float upwards and drift away, landing when the fuel source runs out. They can reach heights of up to 1000 metres and can drift for several miles in the breeze. Once released, there is no control over where the lantern (or balloon) will land and they pose a number of potential hazards which could have an injurious effect on neighbouring authorities/land owners.
- 3.4 A number of environmental groups including the National Farmers' Union, the RSPCA, Keep Britain Tidy and the Marine Conservation Society are all in favour of

a nationwide ban on the release of balloons and sky lanterns due to the increase in litter and the harm caused to wildlife and the wider environment.

- 3.5 To date over 72 councils in the UK have banned all outdoor releases of balloons and sky lanterns on their land (Marine Conservation Society Position Statement – March 2017).
- 3.6 Helium balloons can be carried by winds for great distances, until they eventually start to deflate and drift back down to earth and can present a choking or digestion hazard.
- 3.7 Balloon releases, which provide a few seconds of enjoyment can also contribute to the death of marine wildlife.
- 3.8 Over 170 species of marine wildlife have ingested litter at sea, at least 136 species of marine vertebrate and eight invertebrate species have been entangled in marine litter. These records represent an unknown proportion of all entanglements and ingestion that occur and present a conservative estimate of the actual scale of the problem.
- 3.9 The Marine Conservation Society's Great British Beach Clean has taken place annually since 1993. The results show that the average number of balloons and balloon pieces found on UK beaches has almost tripled in the last decade, in 2007 average balloon litter items were 1.8 items/100m and in 2016 the average density was 4.4 items/100m.

#### **4.0 Asset Based Community Development (ABCD) Considerations**

- 4.1 There are no ABCD considerations as part of this report.

#### **5.0 Alternative Options Considered**

- 5.1 Given the strong arguments from organisations such as the Civil Aviation Authority, RSPCA and Marine Conservation Society regarding the release of helium-filled balloons and sky lanterns it would seem the council should not adopt a do nothing approach.

#### **6.0 Reasons for Recommendations**

- 6.1 **Animal welfare - injury and suffering** - This can arise, for example, by livestock eating lantern parts/balloons when they land or by parts being accidentally chopped into animal feed during harvest. Sharp parts can tear and puncture an animal's throat and/or stomach causing internal bleeding and potentially death. Animals may also get caught up in fallen wire frames and suffer serious injury and distress in struggling to get free.
- 6.2 **Fire** - Risk to buildings, dry standing crops, forestry, hay/straw stacks and habitats. In 2013 approximately 50 caravans in Tewkesbury were destroyed by a fire caused by a sky lantern. Gloucestershire Fire and Rescue Service are not supportive of the use of lanterns, a position that is reflected in the National Fire Chiefs Council's Position Statement regarding Chinese Lanterns.

6.3 **Environment** - Wherever the depleted lanterns/balloons may fall, they inevitably litter the area in question.

6.4 **Air safety** - There is an air safety risk associated with possible "ingestion" of parts into aircraft engines.

## **7.0 Future Work and Conclusions**

7.1 A series of messages will be communicated via the Council's website and by social media in order to support the implementation of the policy.

## **8.0 Financial Implications**

8.1 No financial implications were identified in the preparation of this report.

(Financial Services have been consulted in the preparation this report).

## **9.0 Legal Implications**

9.1 There is reputational risk to the Council if it is perceived as permitting – or at least not prohibiting – the release of potentially harmful items from its land. There is possibly the risk of action against the Council if it can be proven that it has permitted the release of such items and those items have caused harm. The Council can take steps to minimise these risks by clearly publishing its stance on the release of balloons and sky lanterns, and including such prohibitions in any consents it issues in respect of the use of land owned or controlled by it.

9.2 The Licensing Act 2003 and associated mandatory guidance, requires that licensing conditions be tailored to the size, type, location, characteristic and activities taking place at the premises concerned. The Council may impose conditions in relation to the release of sky lanterns or balloons if those activities are considered to be a public nuisance or there are concerns as to public safety, but it must consider whether those conditions are reasonable and proportionate in each individual case. It is not appropriate for the Council to impose a blanket ban as to the release of such items under the Licensing regime, nor is it reasonable to review existing licenses to include such a ban unless there is good evidence that the release of such items have caused public nuisance or concerns as to public safety in individual cases.

9.3 Future work may be to consider prohibiting such behaviour within a Public Spaces Protection Order under the Anti-Social Behaviour Crime and Policing Act 2014. If a person fails to comply with such a provision without reasonable excuse, then he or she shall be guilty of an offence and liable on conviction to a fine not exceeding £1,000.

(One Legal has been consulted in the preparation of this report).

## **10.0 Risk & Opportunity Management Implications**

10.1 No risks were identified with what is being proposed in this report.

10.2 The banning of Chinese Lanterns and Balloons provides a further opportunity for the Council to promote its green credentials in respect of its Cleaner and Greener City vision.

### **11.0 People Impact Assessment (PIA) and Safeguarding:**

11.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

### **12.0 Other Corporate Implications**

#### **12.1 Community Safety**

There are no community safety implications associated with this report.

#### **12.2 Sustainability**

There are no sustainability implications associated with this report.

#### **12.3 Staffing & Trade Union**

There are staffing or Trade Union implications associated with this report.

#### **12.4 Safeguarding**

There are no safeguarding implications associated with this report.

**Background Documents: Marine Conservation Society Position Statement – March 2017**