



Committee and Date

08/06/22 Cabinet

Item

Public

POLICY - BAN ON THE RELEASE OF SKY LANTERNS AND BALLOONS FROM ANY COUNCIL OWNED OR MANAGED PREMISES AND PROPERTY

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1. Synopsis

1.1. Shropshire Council agreed to ban the use of balloons and sky lanterns from any Council owned or managed premises and property updated through a motion to full Council in February 2022, in recognition of the associated risks; this report seeks to support and implement that decision.

2. Executive Summary

2.1. A motion was presented to the Council by Cllr Dan Morris expressing concern that the use of balloons and sky lanterns is still not outlawed and proposed that the Council should ban outright the use of balloons and sky lanterns on its land. That motion was passed, and this report seeks to set out the policy to support that resolution.

3. Recommendations

3.1. Following the motion passed to ban balloons and sky lanterns previously, the Cabinet is asked to:

3.1.1. Agree the policy outlined in Appendix 1 is adopted

3.1.2. Delegate to the Head of Property and Development to carry out a review of the current policies and the terms and conditions of the leases, licences and hire of Council owned land and premises to ensure that they reflect the Council's position as regards the use of balloons and sky lanterns on Shropshire Council owned land.

3.1.3. Delegate to Head of Communications and Engagement, Shropshire Council to implement a media campaign to discourage all such releases within the County.

REPORT

4. Risk Assessment and Opportunities Appraisal

4.1. Although many local authorities have adopted the ban of using balloons and sky lanterns on their land, it should be noted that the ban has not been tested in law. So there remains a risk that there may be aggrieved customers who may seek to challenge the legality of the decision. However, it is considered that the likelihood of such a challenge being lodged is very slim due to the public's change of attitude

towards these practices. This includes a greater awareness of the dangers towards wildlife and pets as well as towards farm animals.

- 4.2. The ban will mitigate risk of accidental fires breaking out due to lantern releases on Council land.
- 4.3. An Equality, Social Inclusion and Health Impact Assessment (ESHIA) approach has been utilised by the service area, in consideration of the likely negative equality impacts or positive equality impacts arising from implementation of this agreed policy. This has enabled the service area to assess at this stage that the anticipated equality impacts will be neutral or low positive across the nine Protected Characteristic groupings set out in the Equality Act 2010, given increased safety and increased perception of safety for individuals and for households.
- 4.4. There is potential for the equality impact to move from low positive to medium positive with regard to people in the groupings of Age and Disability, including families with younger children, and older people living alone or with pets, for whom the risk of fire can cause emotional and mental distress and for whom the reduced risk can therefore bring reassurance. The health and wellbeing impacts may be considered to be low to medium positive for people across all groupings, particularly with regard to people that the Council considers to be vulnerable.,
- 4.5. The service area will maintain a record of the impact assessment, and utilise this for reference and review, in order that ongoing feedback may be sought from households as well as from the local farming sector, businesses such as equine centres, kennels and catteries, and wildlife and wildfowl charities. The impact assessment screening approach will also facilitate recording of engagement with Defra and associated Government agencies and sharing of comparator approaches with other local authorities.

5. Financial Implications

- 5.1. There are no financial implications associated with this report.

6. Legal Implications

- 6.1. A standard clause is to be inserted in the licences and hiring terms and conditions which sets out clearly that the release of balloons and sky lanterns in Council owned, or managed land and premises is prohibited because they can potentially lead to; loss of life; damage to property; risk to wildlife and farm animals, and increase in pressure on the police, fire service and medical emergency services, and that the prohibition is reasonable.
- 6.2. Where it is not possible to amend existing contractual arrangements, these will be addressed whenever a renewal or new contract is put in place for a lease, license or hire arrangement.
- 6.3. Currently, there is no legal process of imposing a fine on people who are in breach of this ban. The only recourse is to revoke their licences or hire agreement and evict them for breach of such a ban.

7. Climate Change Appraisal

- 7.1. The ban will ultimately support in conservation terms the removal of debris which presents a risk to wildlife, flora, and fauna.

- 7.2. The ban will mitigate risk of accidental fires breaking out due to lantern releases on Council land.

8. Background

- 8.1.1. In February 2022: A motion was received from Councillor Simon Harris and was supported by Councillors Tom Biggins, Richard Marshall, Ian Nellins and Chris Schofield. A Link to the recording of this meeting is in the background papers. The following motion was carried unanimously:
- 8.1.2. All Sky Lantern and Balloon releases are to be banned from all Shropshire Council property.
- 8.1.3. Shropshire Council will request the Government to classify all such releases as littering, and thus they should be made illegal.
- 8.1.4. Shropshire Council will run a media campaign to discourage all such releases within the County.
- 8.2. In respect of 8.1.1, 8.1.2, and 8.1.4, these have been addressed through the recommendations in this report, in terms of 8.1.3, this will be dealt with separately through an appropriate letter to central government.
- 8.3. The reason for the decision is that the Council recognises the fire hazard associated with the use of sky lanterns (sometimes known as Chinese lanterns) which can potentially lead to the loss of life, damage to property, risk to wildlife and farm animals and increase the pressure on the police, fire service and medical emergency services.
- 8.4. Therefore, by issuing an outright ban of such activities on all Council owned or operated land and properties, the Council will send a clear message of its commitment to ensure the welfare of human life, animals, the environment, and property, and help reinforce the message that these practices are no longer desirable in our community.
- 8.5. For clarity, the tenants of STAR Housing are excluded from the recommendations of this report as they are governed by the terms and conditions of their tenancy agreements. Planned consultation will take place with STAR Housing to implement the ban subject to the approval of the recommendations within this report.
- 8.6. Sky lanterns, sometimes known as ‘Chinese lanterns’ or ‘Kong Ming lanterns’ are any unmanned device which relies on an open flame or other heat source to heat air within it with the intention of causing it to lift into the atmosphere. Once released sky lanterns travel completely uncontrolled and they therefore pose a risk of fire to anything they encounter. Indeed, they have been cited as the cause of some significant fires, the most notable being a ‘major incident’ fire at a recycling plant in Smethwick in July 2013 [Ban for sky lanterns in Black Country and Staffordshire](#) (please see attached for information in Appendix 2). A more recent ‘major incident’ occurred on New Year’s Eve 2019 at a zoo in Germany that killed more than 30 animals - [Sky Lantern Fire at Zoo in Germany](#) (please see attached for information in Appendix 3).
- 8.7. Balloon refers to any inflatable flexible bag filled with gas, such as helium, hydrogen, nitrous oxide, oxygen, or hot air, made from materials such as rubber, latex, natural latex, paper, polychloroprene, foil, mylar or nylon fabric.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Council Agenda 24th February 2022: <https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=125&MId=4263&Ver=4> : Recording: <https://youtu.be/TSzIlxhDNlw?t=21211>

Council Agenda and Minutes 26th July 2018: <https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=125&MId=3755>

Cabinet Member (Portfolio Holder)

Dean Carroll

Local Member

N/A

Appendices

- 1 Proposed Policy Document
- 2 German zoo fire: Mum and daughters who set off sky lanterns questioned by police: <https://news.sky.com/story/german-zoo-fire-mum-and-daughters-who-set-off-sky-lanterns-questioned-by-police-11899807>
- 3 Ban for sky lanterns in Black Country and Staffordshire: <https://www.expressandstar.com/news/2015/01/13/ban-for-sky-lanterns-in-black-country-and-staffordshire/>