

Report to Cabinet

Subject: Release of Sky Lanterns and Helium Balloons within Gedling Borough

Date: 7 November 2019

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Wards Affected

All wards.

Purpose

To consider the impact of sky lanterns and helium balloons on the natural environment and wildlife within Gedling borough, and to further consider ways in which the release of sky lanterns and helium balloons can be restricted on council-owned or managed land and property.

Key Decision

This is not a key decision.

Recommendation(s)

Cabinet:

- (a) Authorises the Director of Organisational Development and Democratic Services to introduce a new condition into the Council's temporary licences and events licences prohibiting the release of sky lanterns (also known as Chinese lanterns) and helium balloons on land or property owned and/or controlled by Gedling Borough Council.
- (b) Supports continued monitoring by officers of the complaints and risks associated with the release of helium balloons and sky lanterns within the borough.

1. Background

1.1 In 2013 Defra commissioned a report – *Sky lanterns and helium balloons*:

an assessment of impacts on livestock and the environment”.

- 1.2 Sky Lanterns, also referred to as Chinese lanterns, are essentially small hot air balloons made of paper with an opening at the bottom where a small fire is suspended. The lanterns can be released into the air once lit until they burn out. The Defra report concluded that the main concern regarding sky lanterns was in relation to causing fire, as there have been several significant fires nationally which have been attributed to their use. In respect of helium balloons the report raised concerns in relation to the ingestion of such balloons by animals.
- 1.3 The Defra report also highlighted a number of incidents where sky lanterns and helium balloons had caused risks to aviation. Civil Aviation Authority (CAA) guidelines state that sky lanterns should not be released within 10 nautical miles of an airfield.
- 1.4 Since this Defra report was published, all the local authorities in Wales have banned sky lanterns and helium balloons, and there are now numerous local authorities within England who have taken a range of responses to this issue depending on the significance of the problem in their area.
- 1.5 A number of organisations, including the Fire Service, RSPCA, the CAA, the National Farmers Union (NFU) and the Marine Conservation Society (MCS) have all run campaigns against the release of sky lanterns and/or helium balloons. There have been risks identified by Coastal rescue services in respect of sky lanterns as they can be mistaken for flares
- 1.6 Clearly there are potentially ‘harmful consequences’ to animals, the public and the environment, but the extent of the problem within Gedling Borough is unknown.
- 1.7 Whilst there is no legislation specifically banning the release of sky lanterns and balloons, there are various powers available to local authorities to control the release of sky lanterns and helium balloons on land within an authority’s area. The first of such powers is the power to make a Public Space Protection Order under the Anti-social Behaviour, Crime and Policing Act 2014 (a PSPO). A PSPO could be made on any land in the borough accessible to the public, including Council owned land, prohibiting the release of sky lanterns and helium balloons. In order to make a PSPO the Council must be satisfied the activity to be restricted is:
 - Having, or is likely to have, a detrimental effect on the quality of life of those in the locality
 - Is persistent or continuing in nature; and
 - Is unreasonable

Breaching a prohibition in a PSPO is a criminal offence, a fixed penalty can

be issued if appropriate or the matter prosecuted in the Magistrates' Court. It is unlikely on the information currently held that sufficient evidence could be put forward to justify a PSPO in the borough restricting the release of sky lanterns and helium balloons. Whilst there are risks associated with the release of sky lanterns and helium balloons, there is little evidence at present to suggest this is a persistent or continuing problem in the borough, as such, a PSPO may be considered disproportionate, particularly given the criminal sanctions if the PSPO is breached.

- 1.8 Another potential power available to local authorities to prohibit the release of sky lanterns and helium balloons, certainly on Council owned parks and open spaces would be to amend existing parks byelaws to include such a prohibition. Again, whilst this is an option, there is insufficient evidence at this time that there is a significant problem in the borough, and government guidance is clear that byelaws should only be considered where there is an existing problem. Amending or adding byelaws is certainly not the approach other authorities have taken to tackle this issue. Again, byelaws need to be proportionate, failure to comply with a byelaw can result in criminal sanctions and in this instance there are likely to be more proportionate preventative measures that can be taken to prevent the release of sky lanterns and helium balloons on the Council's parks.
- 1.9 Another way to tackle the release of sky lanterns and helium balloons on Council owned land would be to add an additional condition into Council licences for the use of Council land. Conditions already exist in the Council's terms and conditions for hire of premises which prohibit the release of sky lanterns. By adding an extra condition into the Council's licences for land this prevents the release of such lanterns/balloons at events held on Council land. In reality it is at such events where the release of lanterns or balloons is most likely to occur. A condition on licences would prevent this. Failure to comply with the licence conditions would be a breach of the licence which may result in the Council immediately terminating the licence, in addition, any future award of a licence to that individual or organisation may not be considered favourably. This, in the first instance is a proportionate way to prevent the release of lanterns and balloons on Council land.
- 1.10 If the introduction of a new condition on licences was deemed appropriate, the situation and risks associated with the release of sky lanterns and helium balloons could be monitored in the area and, the authority could write to local parish councils making them aware of these issues, and asking them to consider if they wish to take steps to prohibit their release or sale on their land and/or property. At this stage an amendment to the licence conditions seems a proportionate measure to take, but, should the situation worsen, there are further options open to the Council which Members could consider in future, if necessary.

2. Proposal

- 2.1 It is proposed that Members approve an additional condition to be included in any licences issued by the Council for the use of Council land prohibiting the release of sky lanterns or helium balloons. It is proposed that a delegation is given to the Director for Organisational Development and Democratic Services to introduce such a condition on any future licences issued for events with immediate effect. This is felt to be the most proportionate way to prevent the risks associated with the release of such lanterns and balloons.
- 2.2 It is proposed that any complaints within the Borough in relation to the release of sky lanterns and helium balloons be monitored and, if further action is necessary, the matter will be brought back to Cabinet for further remedies to be considered.

3. Alternative Options

- 3.1 Different methods of prevention have been considered in this report, but the new condition is felt to be the most proportionate when considering the current level of risk in the Borough.
- 3.2 Members could take no action to address this issue, however, evidence has suggested that there are risks associated with the release of lanterns and it is felt appropriate to take some preventative action in relation to this problem.

4. Financial implications

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

5. Appendices

None.

6. Background Papers

Defra Report 2013

7. Reasons for Recommendations

- 7.1 To protect and enhance the environment of Gedling borough whilst reducing the risks to local land, property, livestock and animal health from the release of sky lanterns and helium balloons.