



FULL COUNCIL REPORT

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Service Area	Neighbourhood Services
Committee Division	Cabinet
Exempt/Non Exempt	Non Exempt
Committee Date	7 th February 2018

To: Mayor, Ladies and Gentlemen

RELEASE OF SKY LANTERNS & BALLOONS FROM COUNCIL OWNED LAND & PROPERTY

1.0 SUMMARY OF THE REPORT

- 1.1 The Council currently involuntarily declines requests for release of sky lanterns from Council owned land and property. There is no political decision supporting this.
- 1.2 In recent years a number of different agencies have lobbied the Government calling for a ban of sky lanterns in the UK.
- 1.3 There is increasing concern on the possible impacts of fallen sky lanterns and balloons on livestock and the environment. The risk could be decreased by introduction of a voluntary ban on release of these from Council owned land and property.
- 1.4 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 themselves.
- 1.5 Release of balloons or sky lanterns from Merthyr is more likely to impact neighbouring authorities due to the distance that they travel.
- 1.6 Merthyr Tydfil CBC is one of the last 2 authorities in Wales to introduce a voluntary ban.

2.0 RECOMMENDATIONS that

- 2.1 The Council approve a voluntary ban of the release of sky lanterns and balloons from Council owned land and property with immediate effect;
- 2.2 A corporate instruction is issued to all building managers within the Council advising of the ban;
- 2.3 An instruction is sent to all Council tenants advising of the ban;
- 2.4 The ban will apply to events on Council owned land and property hosted by the Council and/or third parties;
- 2.5 The ban will also apply to the sale of sky lanterns from Council owned land and property.

3.0 INTRODUCTION AND BACKGROUND

- 3.1 Sky lanterns (also referred to as Chinese lanterns) are floating paper lanterns and are like miniature hot air balloons. They are often used at celebratory events where many are released into the sky at the same time.
- 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 this could have an injurious effect on neighbouring authorities/land owners. Merthyr's neighbouring local authorities at Caerphilly, Powys and Rhondda Cynon Taff have already implemented voluntary bans.
- 3.4 In October 2013, the then Natural Resources Minister, Alun Davies, wrote to all Local Authorities in Wales encouraging them to introduce a voluntary ban on the release of sky lanterns citing an independent report which found a significant fire risk associated with sky lanterns and which also said that the ingestion of debris from lanterns can seriously harm and has even killed animals. It follows that balloon debris would cause similar problems to animals. A copy of the letter can be seen at Appendix 1.
- 3.5 This letter was followed by a campaign by the RSPCA Cymru resulting in 20 of the 22 Welsh Local Authorities banning release of sky lanterns from their land. Up to November 2017 this position remained unchanged with Merthyr being one of the 2 remaining authorities that doesn't have a formal decision in place.
- 3.6 The farmers Union of Wales have made similar representations to all Welsh Local Authorities in October 2013. A copy of the letter can be seen at Appendix 2.

- 3.7 The Council currently deters the release of sky lanterns from land and property it owns by declining to grant consent for such activity. In so far as it can do so, the Council therefore manages this activity already. It has been suggested however, that a more formal policy would assist in clarifying the Council's views and present a clear position statement.
- 3.8 Whilst the release of sky lanterns and balloons is not an illegal activity, the associated risks associated with the resulting debris present a significant risk to animals, crops, moorland, property and the natural environment. This could give rise to insurance claims or litigation claims of negligence against the persons responsible for release.
- 3.9 In 2013, a fire in the West Midlands caused by a sky lantern caused £6m of damage and led to hospitalisation of a number of fire fighters. In the same year, approximately 50 caravans in Tewkesbury were destroyed by a fire caused by a sky lantern.
- 3.10 Aviation is also at risk from release of sky lanterns and balloons. According to the Civil Aviation Authority, there is a danger of items being sucked into engines while airborne. Further, whilst on the ground, debris has the potential to cause damage to aircraft engines, tyres and fuselage. In 2012, the CAA warned against the use of lanterns after one landed near a container packed with thousands of gallons of aviation fuel. Endangering an aircraft carries a hefty fine and possible imprisonment. Organisers of events that are less than 10 miles from an airport or aerodrome or where significant numbers will be released at the same time, need to be aware of potential risks.
- 3.11 A number of retailers including Tesco and Poundland have banned the sale of sky lanterns from their stores.
- 3.12 An argument has been made by the Marine Conservation Society that the release of sky lanterns and balloons is an indirect form of littering or fly tipping and should be legislated as such. Keep Wales Tidy advocate this view and would wish litter from the air to be included in the provisions of the Environmental Protection Act 1990 S.87 *where a person is guilty of an offence if he throws down, drops or otherwise deposits any litter*. Unfortunately, there are unlikely to be any legislative changes in the near future and raising awareness and community engagement should be seen as an approach to changing behaviour.
- 3.13 The expression "voluntary ban" is not legally enforceable and has no supporting legislation. However, if a voluntary ban is approved, it can be included Council policies and occupational agreements for use of Council land and property.

4.0 FINANCIAL IMPLICATION(S)

- 4.1 There is no cost to the Council of implementing a voluntary ban.

4.2 The Council could consider introduction of fines if there is a breach of the ban on release of sky lanterns and balloons from Council owned land and property. Neath Port Talbot Council has recently introduced this.

5.0 WELLBEING OBJECTIVES

5.1 One of the environmental wellbeing objectives in the Council's Local Wellbeing Plan "Focus on the Future: Wellbeing in our Community", is that communities protect, enhance and promote our natural environment and countryside. The recommendations of this report support this objective.

6.0 EQUALITY IMPACT ASSESSMENT

6.1 An Equality Impact Assessment (EqIA) form has been prepared for the purpose of this report. It has been found that a full assessment is not required at this time. The form can be accessed on the Council's website/intranet via the 'Equality Impact Assessment' link.

6.2 The positive impacts are that reduction in release of sky lanterns and balloons from Council owned land and property will decrease risks to property, animals and the environment.

6.3 No negative impacts have been identified.

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BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location
File Ref EST.006	Ongoing	Unit 5 Pentrebach
Does the report contain any issue that may impact the Council's Constitution?		

Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.