

Birmingham City Council

Report to Cabinet

17th March 2020



Subject: Introduction of Local Controls Regarding the Release of Balloons and Sky Lanterns

Report of: Acting Director - Neighbourhoods

Relevant Cabinet Member: Cllr Ian Ward, Leader of the Council,

Relevant O&S Chair(s): Cllr Penny Holbrook – Housing and Neighbourhoods

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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): All Wards		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 007408/2020		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 To seek approval for the prohibition by Birmingham City Council of the intentional release of balloons and sky lanterns on Council owned land and property and at events supported by the Council.

2 Recommendations

That Cabinet:

- 2.1 Agrees that the intentional release of balloons and sky lanterns (or similar) shall be prohibited from all outdoor spaces managed by the Council (including parks, cemeteries and crematoria, LEA schools, and public squares) and that all applicable site rules and conditions of use be reviewed and updated to reflect the same.
- 2.2 Approves the draft policy document (Appendix 1).
- 2.3 Agrees to include this policy in the Birmingham City Council Outdoor Event Organisers Guide (Edition 1 - 2016).
- 2.4 Agrees that Council representatives on Event Planning and Safety Advisory Group panels endorse the prohibition to release balloons and sky lanterns (or similar). Furthermore, that Birmingham City Council representatives also discourage intentional or reckless release of balloons and sky lanterns (or similar) from non-BCC land.
- 2.5 Agrees that all organisations that seek funding or resource support (for event purposes) from the Council are required to adhere to this policy.
- 2.6 Agrees the public information be developed to communicate to the residents of Birmingham to discourage the intentional release of balloons and sky lanterns (or similar) due to the aesthetic and environmental impacts of the remains of these items, and to the fire risks posed by sky lanterns.

3 Background

- 3.1 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. 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](#) (Appendix 5). 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](#) (Appendix 5).
- 3.2 The Birmingham City Council Outdoor Event Organisers Guide (Edition 1 - 2016) references a 'voluntary ban' on the use of sky lanterns at all Council organised events or events that take place on council owned land.
- 3.3 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.

- 3.4 For the mass intentional release of balloons, Council officers have been reliant on individuals and event organisers being compliant with best practice guidance from the trade association for the balloon and party industry in the UK (NABAS). This guidance recommends the release of completely unadorned latex balloons. NABAS claims such balloons will freeze and shatter in the upper atmosphere and that the resultant fine debris will scatter widely and biodegrade within 6 months. NABAS concede that balloons that do not shatter in this way can pose a danger to wildlife.
- 3.5 The Council's Outdoor Event Organisers Guide (Edition 1 - 2016) references that the Council shares the views with Marine Conservation Society, Royal Society for the Prevention of Cruelty to Animals (RSPCA), Tidy Britain Group and the National Farmers Union, that balloon releases should be given 'great consideration' by the event organiser given the evidence of the harm that they can cause to wildlife and the aesthetic damage to the environment.
- 3.6 West Midlands Fire Service has publicly stated that it does not support the release of sky lanterns and urges the public and event organisers not to use them. [West Midlands Fire Service - Sky Lanterns](#) (Appendix 5).
- 3.7 KIMO the Local Authorities International Environmental Association has also called for a ban on balloon releases. [KIMO - Balloon Release Resolution](#) (Appendix 5).
- 3.8 The Marine Conservation Society has published a position paper challenging the balloon industry's claims of latex biodegradability and citing numerous case studies of injury to marine life as a result of balloon ingestion. They have called for a blanket ban on both balloon releases and sky lantern releases. [MCSUK - Balloons and Chinese Lanterns Policy](#) (Appendix 5).

4 Options Considered and Recommended Proposal

- 4.1 Birmingham City Council could seek to introduce a bye law to prohibit release of balloons and sky lanterns. This would cover both public and private outdoor spaces but would be costly and resource intensive. Evidence of the failure of other measures would also likely be requested by the Department of Housing, Communities and Local Government. A bye law could be considered further should the recommendations above not be effective.
- 4.2 Do nothing: failure to act when the environmental and fire risks have been made clear by local, national and international bodies would be inappropriate.
- 4.3 Alternatives may be considered.

5 Consultation

- 5.1 Department of Housing, Communities and Local Government, Business Improvement Districts, Safety Advisory Group and other relevant Council Departments.

6 Risk Management

- 6.1 Risk Assessment completed - Appendix 2

7 Compliance Issues:

- 7.1 The recommendations are consistent with the Council Plan in that the policy will help to make Birmingham a great, clean and green city to live in, working with residents and businesses to improve the cleanliness and safety of our city (Outcome 4, Priority 1). Furthermore, the policy demonstrates that Birmingham is a city that takes a leading role in tackling climate change by implementing initiatives in line with leading national and peer practice (Outcome 6, Priority 2).

7.2 Legal Implications

- 7.2.1 Under section 87 of the Environmental Protection Act 1990 it is an offence to throw down, drop or otherwise deposit, and then leave, litter in a public open place. Councils have the ability to enforce this Act. However, the release of balloons and sky lanterns is unlikely to be deemed 'littering' under the legislation.
- 7.2.2 If the condition of hire or event safety guidance have been found to be breached (i.e. someone reports a release from an event) then enforcement would be delivered by way of potential refusal to allow the person/organisation to hire Council land in the future.

7.3 Financial Implications

- 7.3.1 The use of Council land is controlled by a contractual agreement with the event organisers. A condition can be included in the agreement to restrict the release of balloons and sky lanterns.
- 7.3.2 The prohibition will be applied through the booking process for the use of land managed by the Council, with reference made to the Council's Outdoor Event Organisers Guide, which will be reviewed to include the policy. Where applicable, the event planning and safety advisory group processes, will also endorse this requirement/prohibition.

7.4 Procurement Implications

- 7.4.1 There are no procurement implications

7.5 Human Resources Implications

- 7.5.1 There are no human resources implications.

7.6 Public Sector Equality Duty

- 7.6.1 Completed: RefEQUA441 – Appendix 4

8 Background Documents

- 8.1 Birmingham City Council's [Outdoor Event Organisers Guide V1 2016](#) – on line only due to size of document
- 8.2 The Balloon and Party Professionals Association – Guidance and Code of Conduct for Balloon Releases [NANAS - Balloons and Releases](#) (Appendix 5)
- 8.3 The Marine Conservation Society – Pollution Policy and Position Statement – Balloons and Chinese Sky Lanterns. [MSCUK - Balloons and Chinese Lantern Policy](#) (Appendix 5)
- 8.4 KIMO Resolution 1/5 Mass Balloon Releases - [KIMO - Balloon Release Resolution](#) (Appendix 5)
- 8.5 Express and Star Article 'ban for Sky Lanterns in Black Country and Staffordshire' [Express and Star - Ban for sky lanterns in Black Country and Staffordshire](#) (Appendix 5)
- 8.6 West Midlands Fire Service- Response to FOI re: Sky Lanterns [WMFS - Sky Lanterns](#) (Appendix 5)
- 8.7 RSPCA [End Sky Litter](#) (Appendix 5)

9 Appendices:

- Appendix 1 – Policy on the Release of Balloons and Sky Lanterns
- Appendix 2 – Risk Management/Assessment
- Appendix 3 – Equality Act
- Appendix 4 – Public Sector Equality Duty
- Appendix 5 – Ban for Sky Lanterns