

Report

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Report to:	Community and Enterprise Resources Committee
Date of Meeting:	6 March 2018
Report by:	Executive Director (Community and Enterprise Resources)

Subject:	Proposed Policy on Balloon and Sky Lantern Releases
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ set out a proposal to introduce a policy in relation to the mass release of balloons and sky lanterns.

2. Recommendations

2.1. The Committee is asked to approve the following recommendation(s):

- (1) that the Balloons and Lanterns Policy, as detailed in the appendix to the report, be endorsed;
- (2) that the matter be referred to the Executive Committee for approval; and
- (3) that, following approval by the Executive Committee, the Balloons and Lanterns Policy be published.

3. Background

- 3.1. The National Farmers' Union Scotland (NFUS) has launched a campaign to ban the use of lanterns and helium balloons on Council owned land or at events supported by Councils. At the time of the NFU campaign, it was supported by 10 Scottish local authorities - Aberdeen City, Aberdeenshire, Angus, Falkirk, Highland, Perth & Kinross, Shetland Islands, Orkney, Inverclyde and Fife Councils. In total, over 30 UK local authorities have implemented policies on the release of balloons and sky lanterns.
- 3.2. Lanterns and helium balloons can legally be sold in the UK and, therefore, Councils cannot ban the retail sale of these items but the NFUS is calling for an outright ban and will continue to lobby government. There is a current UK Government petition to ban the release of balloons and lanterns in the UK.
- 3.3. The RSPCA along with the Marine Conservation Society and the Soil Association support the NFUS campaign. Balloons or lanterns are already banned in some US states and parts of Australia, Germany, Vietnam and Spain.
- 3.4. The release of helium filled balloons and sky lanterns has increased over recent years. Lanterns are a proven fire risk and can be a danger to animals, as can the mass release of helium balloons, if they land in grazing fields or somewhere animals can attempt to eat them or become entangled.

- 3.5. The fire risk associated with the release of lanterns extends beyond farm buildings and crops. It is not just a rural problem, with all buildings at risk, examples include the recycling plant blaze in the Midlands and a caravan park in Worcestershire, both attributed to lanterns.

4. Proposed Policy

- 4.1. The release of balloons and lanterns could be viewed as littering under the Environmental Protection Act, which makes it an offence to deposit litter in public places. However, statutory interpretation indicates that this only occurs where the balloon or lantern falls. Only at this point, can it be classed as litter and tracing the person would be difficult if not impossible. It is the responsibility of the Local Authority to ensure that public places remain free from litter and, as such, South Lanarkshire Council is fulfilling its statutory duties through the development of a policy on intentional balloon and lantern releases.
- 4.2. By prohibiting the use of helium filled balloons and sky lanterns at Council events, the Council would be leading by example, and avoiding the potential hazards of releasing balloons and lanterns into the sky. The Council would also prohibit their use by third parties on any Council land leased, hired or let, therefore, furthering the protection of the local environment.
- 4.3. A policy has been developed, and is detailed in Appendix 1. The policy is intended to prohibit the deliberate release of sky lanterns and helium balloons such as the mass release of balloons at events. However, it is not intended to prohibit the use of single balloons such as those used at parties.
- 4.4. The responsibility for managing and implementing the policy will be the responsibility of individual Services to ensure the policy is adhered to as appropriate to the Service. The Council will also require South Lanarkshire Leisure and Culture to implement the policy.

5. Employee Implications

- 5.1 There are no employee implications, however, employees who engage with the public will be made aware of the policy as appropriate.

6. Financial Implications

- 6.1 There are no financial implications.

7. Other Implications

- 7.1 The policy would demonstrate the Council's commitment to its duties under the Climate Change (Scotland) Act 2009 and other environmental legislation.
- 7.2 Discussions are underway with the Council's Corporate Communications Services to promote the policy to the general public, pending its approval.

8. Equality Impact Arrangements and Consultation Arrangements

- 8.1 The proposed policy has been subject to consultation with Legal Services and Estates.
- 8.2 An equalities impact assessment is not required as there is no direct impact on people within the protected groups. A strategic environmental assessment (SEA) is not required for this policy but has undergone a pre-screen exemption which can be found on the Scottish Government's SEA Gateway database.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

12 February 2018

Link(s) to Council Objectives/Values/Ambitions

- ◆ Make communities safer, stronger and sustainable

Previous References

- ◆ None

List of Background Papers

- ◆ None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact :-

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POLICY ON BALLOON AND SKY LANTERN RELEASES

1. Introduction

- 1.1 The release of helium filled balloons and Chinese / sky lanterns has increased in recent years. These balloons and lanterns pose hazards to wildlife and livestock and can cause injury and death. Lanterns can also cause injury to humans, damage to buildings and cause callouts to the fire service.
- 1.2 Under Section 87 of the Environmental Protection Act 1990 (“the EPA”) it is an offence to throw down, drop or otherwise deposit, and then leave, litter in an area which is open to the air and to which the public has access. Local authorities have a statutory duty to enforce the EPA with fixed penalty notices and have a responsibility to keep public open spaces free from litter.
- 1.3 This policy sets out the main hazards posed by these releases. Within this policy the term “release” refers to the intentional act of releasing a lantern or the release of balloons into the general environment.
- 1.4 This policy covers all balloon and lantern releases on such South Lanarkshire Council owned property and at events supported, financially or otherwise, by South Lanarkshire Council including those not on Council owned land. For events licensed by South Lanarkshire Council licensees will be required to comply fully with the EPA or such other legislation as may then apply.
- 1.5 Within this policy the term “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 a nylon fabric. This includes all biodegradable balloons.
- 1.6 The policy is designed to prohibit the deliberate release of helium balloons.
- 1.7 As sky lanterns include a naked flame there is an increased risk of damage resulting from their release and, consequently, the policy prohibits the release of even single lanterns.

2. Balloons

- 2.1 Once a balloon has been released it can rise to a height of 5 miles where the pressure and the temperature cause the balloon to undergo brittle fracture. The balloon pieces then float back down but 5-10% do not burst, and float back down whole and partially deflated. Latex balloons are often cited to “degrade as fast as an oak leaf”, which is reported as 6 months. However they can cause significant harm to wildlife and livestock in these six months by entanglement and choking, and take considerably longer to degrade in the marine environment.
- 2.2 Balloons can also cause a choking hazard for livestock as the pieces of balloon, ribbon, string and plastic holder cups fall into grazing fields or fields of hay or straw which are subsequently made into silage.

3. Lanterns

- 3.1. “Chinese” or “Sky” lanterns are made of thin paper held by a wire or bamboo frame and lifted by heat from a naked flame. They pose similar choking threats to wildlife and livestock as balloons do.

3.2 Lanterns pose a fire hazard to dry standing crops, stacks of hay or straw, forestry and farm buildings, thatched cottages and other buildings.

4. Policy Actions

4.1. All balloon and lantern releases on Council owned land and property; and at events supported by the Council, including those on non-Council land, are prohibited.

4.2. South Lanarkshire Council will raise awareness of environmental consequences of balloon and Chinese/sky lantern releases.

4.3. It is the responsibility of all Services to comply with and implement this policy as appropriate to their Service.

4.4 It is hoped that publicising this policy will also lead to a reduction in smaller scale private releases, as the public become more aware of the dangers they pose.

4.5 The ban of the release of sky lanterns and mass release of helium balloons will be incorporated into appropriate license agreements, letting conditions and local park and building management rules.

4.6 It should be noted that this policy is intended to prohibit the deliberate release of sky lanterns and helium balloons such as the mass release of balloons at events. The council recognises that there may be instances where single helium balloons will be accidentally released into the environment such as may happen at children's parties.