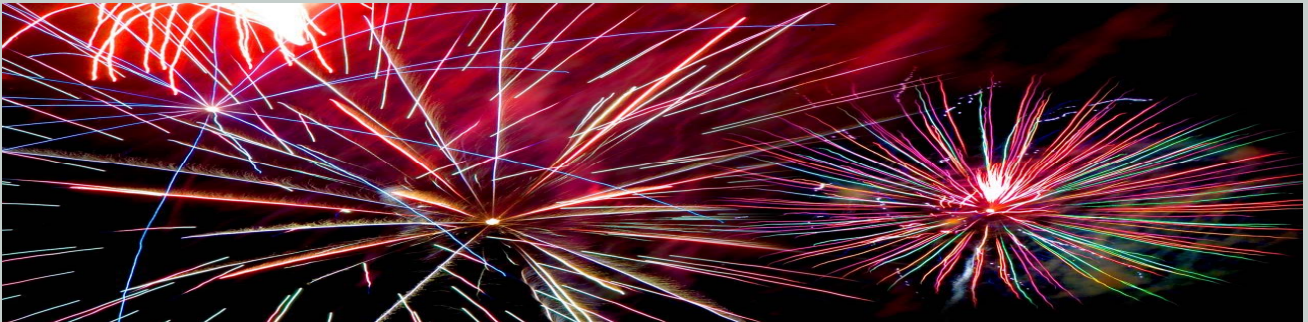


Organising Bonfire & Fireworks Display



Risk Management Guide

6th October 2014

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Introduction

On November 4 2011, seven people were killed in a motorway collision. It occurred next to a rugby ground that was staging a fireworks display. The organiser of the fireworks display subsequently faced trial for an offence under the Health and Safety at Work Act 1974. In December 2013 the presiding judge directed the jury to acquit the defendant, commenting that the prosecution case had incorrectly relied on consequence rather than foresight ¹.

The HSE Working together on firework displays - A guide to safety for firework display organisers and operators HSG123 (HSE) ² sets out what is reasonably expected of those planning and hosting fireworks displays.

Where fireworks are to be fired by a competent display operator, the organisers will be subject to the Health and Safety at Work Act, whether acting on behalf of a commercial organisation, a local authority or voluntary associations using voluntary firers.

Other legislation may also apply, for example restrictions on the type of firework used and at what time ³.

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Selecting a display operator

When evaluating the competence of a display operator, ask the following:

- 1) Can the operator provide evidence of competence ?
- 2) Is there evidence of formal training?
- 3) Does the operator have insurance cover (see below)?

Risk Assessment

The Management of Health and Safety at Work Regulations 1999 requires employers to make a suitable and sufficient assessment of the health and safety risks. The display organiser will complete a joint risk assessment with the competent display operator, and consider:

Crowd safety - an adequate number of stewards, sufficiently briefed and trained, responsible for crowd safety

Emergency and contingency plans - contingency plans include stopping the display early, or cancelling because of adverse wind conditions, if the operator advises it.

In the event of an accident - procedures to ensure that first-aiders have access to the injured

Display safety zones - methods for breaking up the display site into separate zones, including the spectator area, and the bonfire area.

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Who to contact

The HSE suggests contacting the following as part of the arrangements:

Police - crowd control, public order, emergency access, traffic management and parking.

Fire service - access for emergency vehicles; marshalling crowds and traffic in emergency conditions; and buildings and other features which could be affected by a fire.

Local authority - who may issue licences under entertainments and related legislation

Local institutions - neighbouring landowners, coast-guards, harbours and aerodromes.

Clearing up after the event

Display operators are responsible for clearing up the firing area and leaving it in a safe condition on the day of the display. Discuss methods for locating and retrieving fireworks that have misfired; checking for partly spent fireworks and other hazardous remains; and returning to the site at first light to make sure that it is clear of partly-spent fireworks and that the bonfire is extinguished.

Partly spent fireworks or misfires should only be transported on public roads in accordance with legal requirements 4.

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Key Points

1. Assemble an event planning team giving specific responsibility for management of health and safety.
2. Liaise with the emergency services at an early stage.
3. Appoint and verify a competent and suitably qualified fireworks operator
4. Consider anticipated audience size, pyrotechnics to be used, firing and fall out areas, crowd control measures, access and egress, arrangements for parking and local traffic flows.
5. Ensure the pyrotechnics assessment is compatible with the overall event assessment.
6. Plan for emergencies, first aid facilities and effective communications during the event.

Future changes

A revision of Construction (Design and Management) Regulations (CDM) will come into effect in 2015. Changes to CDM will allow enforcement action by the HSE during the construction phases of an event. Large firework displays are expected to come within this category.

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Insurance cover for fireworks events

The Public Liability cover provided by RMP is a blanket cover catering for the 'usual activities' of the authority, special events such as bonfire and firework displays are considered as one-off events of which RMP should be advised.

Any additional premium payable will depend on the size of the event in terms of expected number of attendees, claims experience of any previous similar events held by the Authority and the size of any Self Insured Retention (SIR) applying to the main public liability policy. It would also be useful to supply RMP with any planning documentation including risk assessments.

Please note that the Authorities public liability cover will not provide cover for other groups such as specialised companies who may be running the event. All but very minor groups and private individuals should have their own public liability cover. Evidence of participants' public liability cover should be obtained prior to the event.

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References

1. The Taunton M5 crash law case refer to: R -v- Counsell 10.12.2013
2. Working together on firework displays - A guide to safety for firework display organisers and operators HSG123 (HSE).
3. The Firework (Safety) (Amendment) Regulations 2004, The Fireworks Regulations 2004, The Pyrotechnic Articles (Safety) Regulations 2010, The Manufacture and Storage of Explosives Regulations 2005
4. The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009

You can download copies of the HSE guides and regulations from Her Majesty's Stationery Office website: www.opsi.gov.uk/stat.htm or the HSE website www.hse.gov.uk