

North Yorkshire County Council

Corporate and Partnership Overview and Scrutiny Committee

18 January 2021

Notice of Motion on Sky Lanterns

Report of the Assistant Chief Executive (Legal & Democratic Services)

1.0 Purpose of Report

1.1 To present:

- Additional information on Sky Lanterns to enable the Committee to further consider the Notice of Motion made at Council on 18 November 2020;
- Information on Helium Balloons so that the Committee may consider adding these to the proposal for a ban;
- Information on the possible legal implications associated with implementing a ban

2.0 Background

2.1 At a meeting held on 7 December 2020, the Committee considered an introductory report on Sky Lanterns – see copy of report at Appendix A.

2.2 The report provided an overview of the concerns raised at full Council in November 2020, together with a summary of the national position regarding Sky Lanterns. The report also provided some initial information on the issues associated with the release of Helium Balloons.

2.3 At the meeting the Committee agreed:

- A proposed revision to the wording of the Notice of Motion so that it read: ‘on any property and land which North Yorkshire County Council own or lease or have any interest in or control over’.
- To hold one further meeting to consider the proposed ban and issued an invitation to representatives of the County Council’s other Overview & Scrutiny Committees to contribute.

2.4 The Committee also questioned what the implications associated with a ban would be e.g. where a contract or lease was already in place for land/property owned by the Council, what would be the cost and other implications associated with changing those agreements; how would enforcement of a ban be managed etc.

It was agreed that further legal advice would be required to consider all of the possible implications and therefore the Committee requested the attendance of officers from Property Services and Legal Services, so that those implications could be explored.

3.0 Additional Information on Helium Balloons

- 3.1 Helium balloons travel significant distance. For example, a study by school children in 2013, showed that balloons released in Derby were retrieved over significant distance ranging from Denmark and the Netherlands, to one returned from New South Wales.
- 3.2 About 70% of the earth is covered by the seas and oceans, so the chances are that the balloons or their debris end up there, where they can be ingested by fish, dolphins, seals, etc. or washed up on the shore. Those that end up on land are also a threat to farming stock and wild life, causing health issues due to ingestion and potential death.
- 3.3 In 2019, a collaborative study by the Institute for Marine & Antarctic Studies and, the Commonwealth Scientific and Industrial Research Organisation (CSIRO) found that balloons were the highest-risk plastic debris item for seabirds - 32 times more likely to kill than ingesting hard plastics. Their researchers looked at the cause of death of 1733 seabirds from 51 species and found that one in three of the birds had ingested marine debris. Their data showed that a seabird ingesting a single piece of plastic had a 20% chance of mortality, rising to 50% for 9 items and 100% for 93 items. Summaries from that report have been widely quoted in the national press, including the BBC.
- 3.4 And it is not just seabirds - dolphins, whales, turtles and other animals have been killed by balloons, either through ingestion (balloons have been found to block animals guts leading to starvation) or through, them becoming entangled in the balloon ribbons and strings etc.
- 3.5 As referenced in the introductory report at Appendix A, the Marine Conservation Society oppose the release of helium balloons, due to their serious threat to wildlife.
- 3.6 Other organisations that have called for a national ban include:
 - The Peak District National Park
 - The Countryside Alliance
 - The RSPCA
 - National Farmers Union
 - National Fire Chief's Council
- 3.7 In addition, a large number of other councils have banned the release of sky lanterns on council owned land, and in a majority of cases, have included helium balloons in their ban. These include:
 - Nottinghamshire County Council
 - North East Derbyshire District Council
 - Lancashire County Council
 - East Riding of Yorkshire Council
 - Northumberland County Council
 - Cheshire West and Chester Council
- 3.8 However, what is not clear is how those Councils that have chosen to implement such a ban, have addressed the issue of enforcement. This lack of evidence suggests that it is more about the positive promotion of alternative ways of marking special celebrations such as weddings, parties and New Year or a memorial event.

4.0 Alternatives to Balloon & Sky Lantern Releases

- 4.1 There are many fun alternatives to balloon and sky lantern releases such as tree planting, flag flying, jam jar lights, or even releasing giant bubbles. The RSPCA has

more suggestions on its website:

<https://www.rspca.org.uk/adviceandwelfare/litter/balloon-and-sky-lantern-alternatives>

- 4.2 At the last meeting it was suggested that alongside the proposed ban on the release of sky lanterns and helium balloons on any property and land which North Yorkshire County Council own or lease or have any interest in or control over, that the County Council should also run a publicity campaign to raise public awareness and dissuade others from using sky lanterns and helium balloons at family celebrations / remembrance events.

5.0 Conclusion and Possible Recommendation to Full Council

- 5.1 Sky lanterns and helium balloon releases pose a significant risk of harm to animals and the environment.
- 5.2 Having considered all of the information provided and the views gathered at this meeting, if the Committee are now minded to recommend to full Council the banning of both Sky Lanterns and Helium Balloons, Members are asked to consider the following recommendation proposal:

The Council are recommended to adopt and promote a charter as follows:

North Yorkshire County Council has banned the release of sky lanterns and helium balloons on any property and land which North Yorkshire County Council own or lease or have any interest in or control over

We are committed to encouraging businesses, communities, landowners, schools, residential homes and individuals to switch to alternative ways of celebrating and commemorating events.

North Yorkshire County Council pledges to: -

- Promote the restriction of the release of all types of helium-filled balloon and sky lantern on property and land owned by the Council. This includes those that are made from bamboo or claim to be biodegradable.*
- Ask all Parish and Town Councils within North Yorkshire to pass a similar motion, to ban the release of sky lanterns on Parish or Town Council land.*
- Engage with businesses, landowners, schools, residential homes and council house tenants to raise awareness of safer and more environmentally friendly alternatives that people can celebrate with, through promotion and campaigns.*
- Work with the County's MPs to ensure that the issue is considered by Parliament*

6.0 Implications associated with the Proposed Ban

- 6.1 **Equality** - There are no impacts on equality arising from the proposed ban, although it is noted that the impact of fires or damage caused by sky lanterns and helium balloons can have a disproportionate impact on vulnerable people in society.
- 6.2 **Legal** – It is suggested that the ban be incorporated into all future residential tenancy and land lease agreements.

6.3 **Other Implications** – There are no known financial or HR implications associated with the proposed ban.

7.0 Report Recommendation

7.1 The Committee are recommended to:

- i. Note the contents of this report and the views raised by Cllrs and officers at the meeting;
- ii. Agree whether to recommend to Council a ban on the release of all types of sky lanterns and helium balloons on any property and land which North Yorkshire County Council own or lease or have any interest in or control over

7.3 If the Committee choose to make such a recommendation to Council, Members are asked to approve the proposed wording of the recommendation as shown at paragraph 6.2 above, following any agreed revisions.

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North Yorkshire County Council

8 January 2021

North Yorkshire County Council

Corporate and Partnership Overview and Scrutiny Committee

7 December 2020

Notice of Motion on Sky Lanterns

Report of the Assistant Chief Executive (Legal & Democratic Services)

1.0 Purpose of Report

- 1.1 To present information on Sky Lanterns in response to a Notice of Motion at Full Council in November 2020. This information has been provided to enable the Committee to consider the proposal made and draft a response for full Council's consideration.

2.0 Background

- 2.1 At Full Council on 18 November 2020, the Chairman decided that a Notice of Motion on sky lanterns should be passed to the Corporate and Partnerships OSC for consideration, with the intention of it being considered and recommendations brought back to the February 2021 meeting of the County Council.
- 2.2 The Notice of Motion proposed by County Councillor Bryn Griffiths (and seconded by County Councillor Phillip Broadbank) stated:

'This Council resolves to ban the release of all types of sky lanterns on property and land owned by North Yorkshire County Council. This Council resolves to ask all Parish and Town Councils within North Yorkshire to pass a similar motion, to ban the release of sky lanterns on Parish or Town Council land.'*

This Council resolves to engage with business communities, landowners, schools, and individuals in North Yorkshire, to encourage them to sign up to this initiative.'

- 2.3 This prompted some members at the meeting to question what of helium balloons and what of the district and borough councils.

3.0 Introduction

- 3.1 A sky Lantern is a small hot air balloon made of paper with an opening at the bottom, where a small fire is suspended. The main types of balloons are latex (rubber) and foil (also known as mylar). The majority of balloons used in intentional releases are latex, also known as biodegradable balloons – but even they can take several months, if not years, to break down. They can be transported long distances by air currents and can easily be blown thousands of miles from their release point e.g. balloons released in Cardiff were found in Germany.
- 3.2 Similar to released balloons, sky lanterns are often marketed as “biodegradable” or “earth-friendly,” but they are made with treated paper, wires and/or a bamboo ring and can travel for miles, and always land as dangerous litter.
- 3.3 Balloons and sky lanterns are often let go by charities, schools, playgroups and clubs as fundraisers, at weddings, christenings and birthdays as an act of celebration, by businesses to put their brand 'out there, or as part of a memorial event or to mark a bereavement.

- 3.4 Whilst the effect of a downed sky lantern or balloon is to litter, the person who released it will not be fined for littering.



4.0 **Worldwide Position**

- 4.1 Entire countries have banned the use of sky lanterns, including Argentine, Austria, Australia, Brazil, Chile, Colombia, Costa Rica, New Zealand, Spain, Germany and parts of Canada. Bans are also in place in various states across the USA (Alaska, California, Florida, Hawaii, Illinois, Maine, Maryland, Minnesota, New Hampshire, New Jersey, Oregon, Rhode Island, South Carolina, Tennessee, Utah, Virginia and Washington). Other states, including Kansas and Missouri and the New York Division of Fire Prevention and Control, are looking at adopting changes to their fire codes to regulate the use of sky lanterns.
- 4.2 The International Coastal Clean-up which involved millions of volunteers in over 150 countries cleaning beaches and rivers recorded 1,248,892 balloon litter items washed up on beaches over the last 25 years.
- 4.3 Sealife searching for food may mistake a deflated balloon for a jellyfish and swallow it up, blocking their digestive system, leading to starvation and eventually death. There have also been cases of sky lanterns floating over the sea being mistaken for distress flares, which has resulted in false alarm call outs of coastguard staff.

5.0 **National Position**

- 5.1 The government's environmental department DEFRA has advised against using sky lanterns, but they have stopped short of making them illegal.
- 5.2 An independent study commissioned by DEFRA and the Welsh Government published in 2013 concluded that the impacts of sky lanterns and balloons on the health and welfare of livestock were relatively minor. The study therefore concluded an outright ban would be disproportionate in the circumstances. It also concluded that the voluntary actions and initiatives aimed at minimising the risks associated with sky lanterns and driving up safety standards had been effective.
- 5.3 Those initiatives include a voluntary code of practice for sky lanterns to ensure they are manufactured to be safe and are sold responsibly. The National Association of Balloon Artists and Suppliers, the trade association for the balloon industry, has published a code of conduct on balloon releases, and the Government confirmed in June 2019 that the current voluntary regime supported by existing information and guidance was effective and proportionate.

- 5.4 The National Association of Balloon Artists and Suppliers have appealed to Councils, Authorities and animal welfare organisations to acknowledge the findings of the 2013 independent study. However, they have also acknowledged that the voluntary Code of Practice for sky lanterns is effective only for reputable suppliers.
- 5.5 Reputable retailers have urged the Government to put emphasis on their concerns related to third-party websites, like Amazon and Ebay, selling dangerous goods and promoting poorly made counterfeit products on their platforms. They have also raised their concerns with Trading Standards and the Environmental Agency and provided evidence showing that unscrupulous sellers, were selling via third party websites, a huge number of sky lanterns contaminated with asbestos. Disappointingly, those Authorities do not have the resources to tackle online giants, and whilst there are regulations on stopping prohibited substances entering our markets, (like asbestos), there are not enough resources to check it all.
- 5.6 Regardless of the DEFRA advice, sky lanterns have been banned on council land in Wales, and according to Countryside Online, over 100 councils across the UK have implemented a ban on releasing sky lanterns on their land. Because of the threat posed to wildlife by balloons, releases have been banned by over 20 local authorities in the UK.
- 5.7 For example, in May 2020 North East Derbyshire District Council introduced a charter to ban the release of sky lanterns and helium balloons on its land, in a move to combat litter and safeguard wildlife. Councillor Jeremy Kenyon, cabinet member for climate change said:
- 'This charter is a fantastic step forward for our district. The severe negative impacts of releasing sky lanterns and balloons on the wildlife and environment needs to be stopped. There are many other environmentally friendly ways to celebrate and mark occasions than by releasing objects which cause harm and distress.'*
- 5.8 The RSPCA has long been campaigning for a nationwide ban as they agree that sky lanterns and balloons are a serious danger to animals as they can cause injury, suffering and death by ingestion, entanglement and entrapment. When ingested, sharp parts of the wire frame can tear or puncture an animal's stomach or throat, leading to internal bleeding. They also believe they are unsafe for the environment and the countryside as they take decades to degrade, and pose a huge fire risk as once a lantern is lit, nobody knows where it will land.
- 5.9 The issue has also been the subject of public debate recently, with firefighters criticising a 'misguided' campaign encouraging the public to light sky lanterns in a show of solidarity for NHS workers during the weekly clap for carers.
- 5.10 In April 2020, a fire in the West Midlands caused by a sky lantern required the attendance of 39 fire appliances and more than 200 firefighters over a number of days. This resulted in the UK's National Fire Chiefs Council confirming they do not advocate the use of sky lanterns, believing they should not be used under any circumstances as they are a fire hazard; pose a risk to livestock, agriculture, thatched properties and hazardous material sites.
- 5.11 The Marine Conservation Society, a UK charity that campaigns to protect the UK's seas, shores and wildlife, are seeking a ban on balloon and sky lantern releases, and provide resources in support of their 'Don't Let Go' campaign.
- 5.12 More locally, In October 2020 Richmondshire District Council also considered a Motion brought in support of the National Farmers Unions' campaign against sky lanterns. They unanimously agreed to ban the release of all types of sky lanterns on all their property and land across the district. They also agreed to urge all parish and town councils in their district to ban the release of sky lanterns on their land, and to engage with business communities, schools, landowners, and individuals in Richmondshire to encourage them to sign up. They

referred consideration of the required engagement activity to their Overview and Scrutiny Committee in order to encourage support for their initiative.

- 5.13 This was inspired by the concerns of farmers in Wensleydale, Arkengarthdale and Swaledale who had been forced to euthanise sheep after they had eaten wires in the lanterns. It was reported that alongside a risk to buildings, dry standing crops, forestry, haystacks, heather moors, and habitats, there was also an air safety risk associated if the lanterns became entangled in aircraft engines - the Federal Aviation Association has reported its concerns over the use of sky lanterns for that very reason.
- 5.14 Furthermore, Richmond MP Rishi Sunak previously gave his support to a move to introduce legislation banning sky lanterns, but it failed as it was not given government time.

6.0 Way Forward

- 6.1 In considering the Notice of Motion put to the County Council earlier this month, Members will recognise there are issues around enforcement i.e. the huge amount of property/land owned by the County Council, and the possible financial implications and other resources it may require.
- 6.2 With this in mind, the options available to the Committee are:
- i. Consider the issue today and make a recommendation to the meeting of the County Council on 17 February 2020;
 - ii. Wait for the outcome of the overview and scrutiny work being undertaken by Richmondshire District Council, and use that to inform the considerations of the committee at a future meeting;
 - iii. Setup a task and finish group to meet in January 2021, to consider evidence from officers from estates, legal and trading standards;
- 6.3 To support you in your considerations, the Chief Fire Officer for North Yorkshire, and a representative from the National Farmers Union have been invited to attend this meeting

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26 November 2020