



**WOLVERHAMPTON OVER 50s FORUM**

Secretary: Mr. Roy Russell MBE

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**SPEAK AND BE HEARD**

**MINUTES OF THE MEETING HELD ON 18 DECEMBER 2002**

**AT 10.00 A.M. AT THE BRITANNIA HOTEL**

**1. Apologies**

Mr Brad Purshouse  
Mr Simon Hall

Mr Brian Davis  
Mr David Platt

Mrs Rita Davies

**Present**

Attendance register showed 17 members and Emma Palmer  
Network Development Officer

**2. Speaker**

The vice chairman outlined the recent discussions of forum members which had led to Jim McCullum and Ken Priest, Assistant Divisional Officers from the Fire Service attending the meeting today.

Jim McCullum talked of the current situation regarding the Sale and Use of fireworks. Jim described the system used to provide retail outlets with a Registration Certificate, and highlighting the Fire Service only inspects premises upon Registration.

Jim explained shops are allowed to hold 250kg of fire works but only 50kg of those can be displayed in a glass fronted locked cabinet. The remainder must be stored in a metal cabinet at the rear of the shop. This is the only part of the control of fireworks the Fire Service can enforce.

Fireworks sold to children under 16 must be reported to Trading Standards for action.

Mis-use of fireworks in Public Places is a Police matter and should be reported direct to them.

**ACTION**

The discussion then turned to the Self Regulation of Fire Precautions for Shops, Factories and Offices. The Vice Chairman gave an overview of the forum's concerns about self regulation and potential abuse of the system.

Jim McCullum explained the Fire Precautions Act 1971 to members; he referred to Inspections and the potential for issuing Section 10 Prohibition Notices. He pointed out that as a result of Europe introducing Health and Safety Management Regulations it brought with it Fire Regulations in 1997.

This set of Regulations were a less onerous set of Regulations for premises including Self Risk Assessment. There are plans to introduce New Work Place Regulations in 2004 and it was suggested that representations be made to Members of Parliament about our concerns.

The members voted in favour of raising their concerns with M.P.'s and M.E.P.'s

### **3. Minutes of the last Meeting**

The minutes of the meeting on 18 November 2002 were proposed and seconded and agreed as a true record.

### **4. Matters Arising**

Mike Nicholls stated that he was concerned about the fact that Anne Guest of the Residents Federation had made comments about seeing no benefits from Anti Social Behaviour Orders.

It was noted that the Action Point on the 20 November 2002 requesting lists of unkept promises from Councillors and Officers had not been received from members.

A member pointed out someone he had spoken to about the Over 50's forum did not know of its' existence. It was stated that Emma Palmer was going to do an increased publicity drive for the forum in the New Year.

**Letters to be sent to 3 MP's plus MEP for Wolverhampton**

## **5. Chairman's Remarks**

Vice Chairman Jim Speakman informed Members that the Chairman was unable to attend the meeting today. Jim commented that the forum had a good standard of debate and members should remember that it operates on the goodwill of Volunteers; we could only hope to influence council policies.

## **6. Treasurers Report**

The treasurer reported :

£833.55 in the bank at the end of the month.

## **7. Correspondence**

Roy wrote to Richard Roberts co-ordinating director of Law & Resources to support the decision to have a Designation Order in relation to alcohol.

Roy also expressed the forum's concerns about fireworks. The letter is attached as Appendix 1

The response was read to members and is summarised below:-

### **Firework Nuisance Issues**

Safety & Sale Controls – Consumer Protection Act 1987

#### **Period of sale**

Unrestricted – long standing voluntary agreement only limiting sales to two weeks prior to 5 November and one week afterwards although this has now been overtaken by increased leisure use of fireworks.

### **Noise Nuisance Controls – Environmental Protection Act 1990**

The 1990 Act Public Protection Division deals with 'statutory nuisance, including noise although volume and duration of noise generated by one individual is unlikely to amount to a statutory nuisance. Action cannot be taken collectively against a group of individuals, neither can point of launch be identified nor individuals in respect of airbombs and rockets. The cultural context such as 5 November or Diwali is less likely to be regarded an actionable

nuisance.

### **Control by Byelaw – Local Government Act 1972**

S235 allows L.A.'s to make Bye laws for prevention or suppression of nuisance but would appear to rule out controls of sales by byelaws as this could be achieved by amending the 1997 Firework Safety Regulations. This would prevent the Council prohibiting the sale of fireworks generating more than a set decibel level upon discharge.

The Council's solicitors are corresponding with the Home Office seeking their views.

### **Control on sales**

Since 1997 Category 4 Display Fireworks including bangers have been banned from retail sale. Category 3 Display Fireworks including Roman Candles, airbombs and rockets which generate considerable discharge noise are freely available by retail. There is no power under product safety legislation for local authorities to tighten restricts on the supply and use of fireworks.

### **Voluntary Controls**

The industry has recognised public concern and proposes to limit the supply of noisy fireworks on a voluntary basis from January 2003 effectively restricting the supply of certain airbombs etc. to selection boxes costing in excess of £10 although this will not prevent persons over 18 from buying such fireworks for use in communal but private displays.

The industry also intend to voluntarily limit the supply of fireworks generating more than 113 decibels on discharge thus eliminating Roman Candles but not rockets, airbombs etc. from retail supply. European Standards proposed will permit an even higher permitted noise limit than the one proposed for voluntary adoption.

Designating 'quiet areas' within City boundaries is impossible to enforce and a City wide ban would appear to be the only practical option.

### **Local Government Act 2000 – Action in the interests of community well being.**

The Act giving local authority power to prohibit was discussed.

## **Potential for new legislative controls**

The petition raised in Wolverhampton in August 2001 with over 10,000 signatures and supported by three Wolverhampton MP's was discussed and ultimately absorbed by others. It was presented to the Consumer Affairs Minister following which the Dti have indicated they are considering tighter controls.

The most effect means of limiting firework nuisance would be a complete ban on retail sales thus requiring the Dti to introduce new legislation and addressing public concerns.

A full copy of the letter is available from Emma Palmer on request.

### **8. Sub Committee Reports**

#### **8.1 Public Safety sub committee**

Notice was given of a meeting to be held on **14 January 2003 at 10.00 a.m. in Committee Rooms 1 & 2** The meeting is being hosted by the forum but it is hoped it will be attended by the Chief Probation Officer, Steven Gill. It is hoped he will answer questions on how Community Service orders are completed.

#### **8.2 Health Sub Committee**

No report from the Health Sub Committee but Marjorie had a report from the Patients forum which she represents. She is also a representative of the 050's Forum within the Patients forum (see Appendix 2).

#### **8.3 Housing Sub Committee**

Mike Nicholls reminded members of the story he told last month about a lady whose property was in a very bad condition. He explained after 10 days of the Housing sub-committee's involvement many repairs had already been done to the property. The lady told Mike 'the house does not smell now and I feel so much better'. Mike reminded members that Good Housing is Good Health.

Mike went on to talk about his own property which has been without Central Heating for 14 months with only a gas fire to heat the property. Seven days ago the gas fire was checked and condemned. The Council said there would be heat in 2 hours within the property but that was seven days ago. The matter was now in the hands of his solicitors.

Mike expressed his concerns over the seemingly preferential treatment given to Asylum Seekers. He asked that someone came forward to go with him to see Mike Finnegan, Asylum Seeker Co-ordinator to discuss these issues.

8.4 Loos Sub Committee

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No Report this month

9. **Any Other Business**

None.

10. **Date of Next Meeting:**

15<sup>th</sup> January 2003 at 10.00 a.m. Committee Room 3, Civic Centre