

## WARRINGTON BOROUGH COUNCIL

### Sale & Storage of Fireworks for 2021/22 Guidance for Traders

The sale and storage of fireworks is controlled by the;

- The Pyrotechnic Articles (Safety) Regulations 2015,
- Fireworks Act 2003,
- Fireworks Regulations 2004 as amended,
- Explosives Regulations 2014 as amended.

The enforcement responsibility in Warrington Borough Council is divided between the Public Protection Service of Warrington Borough Council, Cheshire Police Constabulary and the Health & Safety Executive.

The guidance contained in this document has been prepared to assist traders who are intending to store / retail sell fireworks. However, it is not intended to be a definitive guide to, or substitute for, the relevant law. For more information please contact the Explosives Officer within Public Protection on 01925 442658

If you sell or store fireworks you have certain obligations to the public and your staff.

- **You must Licence your premises with Public Protection;**
- **Store fireworks safely and in accordance with the legal requirement specified in the Regulations;**
- **Ensure that the fireworks you supply are only those permitted to be sold;**
- **Don't sell to under 18s;**
- **Know your fire drill.**

**Officers of Public Protection will be conducting inspections and under cover test purchasing exercises at premises selling fireworks to ensure compliance with the Acts and Regulations. Failure to meet legal requirements may result in criminal proceedings being instigated against you, your staff or your company.**

**Please ensure you and all persons who work, or have access to the fireworks, understand the legal requirement surrounding the sale and storage of fireworks.**

# Storage of Fireworks

## The Explosives Regulations 2014 & Guidance

### 1 General Requirements

- a) The quantities specified in the Regulations now refer to **Net Mass**, which is the quantity of explosive contained within each firework and not the gross weight of the firework. Where net mass weights are not marked on the explosives outer packaging or transport cartons, your supplier should be able to tell you the net mass of explosives within the fireworks.
- b) You have a general duty to **prevent fire and explosion**, to **limit the extent of fire or explosion** including measures to prevent its spread and to **protect people** from any effects of fire or explosion.
- c) You are permitted to store up to 2000kg net mass of fireworks under a Licence from this authority. If you are storing less than 25kg of Hazard Type 3 or less than 250kg of Hazard Type 4 in total on the site, there are no minimum separation distances.
- d) However, you are required to maintain **separation distances** between the location of the fireworks and eight different classes of protected places if you are storing more than 25kg of Hazard Type 3 or more than 250kg of Hazard Type 4. These include: inhabited buildings or other places like footpaths and roads. The required distances vary according to the hazard type of the firework and quantity kept; construction of the storage place; and how many dwellings are within the area around the storage place.

Information on separation distances can be found on the HSE website <http://www.hse.gov.uk/explosives/licensing/separation/index.htm>. Table 10 should be used if storing Hazard Type 3 and Table 11 should be used if storing Hazard Type 4 <http://www.hse.gov.uk/explosives/separation-distance-tables.pdf> If in doubt, please contact Public Protection for advice.

- e) You have a duty under the Regulations to **conduct risk assessments** before fireworks are stored. Such risk assessments have five stages;
  - a) identify the hazard;
  - b) decide who might be harmed, and how;
  - c) decide what safety measures are needed;
  - d) record the significant findings of the assessment; and
  - e) review the assessment

#### Controlling Identified Risks:

- i. store pyrotechnic articles well away from flammable liquids and materials;
- ii. control the quantities you are storing;
- iii. prohibit smoking anywhere near the stored fireworks;
- iv. ensure sources of heat are well away from the fireworks;
- v. keep fireworks in closed transport packaging;
- vi. store fireworks away from hazardous substances;
- vii. protect fireworks from water and damp conditions;
- viii. protect fireworks from chemical contamination.

**The HSE have produced a Retailers' Risk Assessment checklist, which you may use to assist you in carrying out your risk assessment. You may view/print it on the HSE website <http://www.hse.gov.uk/pubns/indg407ch.pdf>**

### 2 Physical Storage Conditions

- If possible keep fireworks in a storage place that is used exclusively for this purpose but it must have fire-resisting separation (breeze block or stud partition) between the store and the sales area. **Transport cartons** can be used in this store but they must not be left open. Transport cartons should only be opened when needed. Once opened it is important to ensure flaps are securely closed if fireworks remain in the transport carton.

- If the fireworks are to be stored in an **ISO or similar container**, they should be kept in their closed transport cartons at least 150 mm away from the container's walls. Measures should be taken to prevent smoking and the build-up of flammable materials in the immediate area of the container. The ISO or similar container should either be under constant supervision, or other physical measures such as the erection of a suitable fence, to prevent unauthorised access to the area around the container. Cars and other vehicles should not be permitted to park within 3m of the container.
- Where this is not possible then fireworks must be kept in their closed transport cartons (where possible) in a fire-resistant cabinet or container that is located away from flammable or hazardous substances.
- The storage area should be kept clean of any loose powder and unwanted empty packaging or other combustible waste materials must be removed straight away.
- There should be no sources of heat or ignition in the storage area where the fireworks are kept.
- There should be no combustible materials that could cause the fire to spread to the fireworks in the areas where the fireworks are kept.
- All movement of fireworks must be properly supervised to ensure fireworks are never left unattended or left in a location where they could be mixed up with other goods.
- You should ensure your fire detection system has been tested and is working correctly.

### 3 Shop Floor Storage

The total floor area of the sales floor determines the **amount of fireworks you can store on the shop floor**. The table below sets out the maximum quantities that may be kept in the sales area of the premises.

Total floor area of the sales area (square metres)	Maximum quantity of fireworks that may be kept under a licence requiring a separation distance of 0 m (net mass – kg)	Maximum quantity of fireworks that may be kept under a licence requiring a separation distance of greater than 0 m (net mass – kg)
Up to 20	12.5	20
Up to 40	15	25
Up to 60	20	35
Up to 80	25	50
Up to 100	30	60
Up to 150	35	70
Up to 200	40	80
Up to 250	45	90
Up to 300	50	100
Up to 350	55	110
Up to 400	60	120
Up to 450	65	130
Up to 500	70	140
500 and over	75	150

- Fireworks on the shop floor must be kept in a designated area well away from sources of ignition and in a display case or storage cupboards or cabinets.

- Smoking must not be allowed where fireworks are stored or sold and 'No Smoking' notices should be displayed.
- Display cases and storage cabinets must be designed to protect against sources of ignition, water or dampness. They can be constructed of wood, metal or another substantial material that does not readily catch fire.
- Lights or other electrical fittings can only be used if dummy fireworks are being displayed in the cabinets or cases.
- Cabinets and cases must be constructed to prevent handling of the fireworks by unauthorised persons including members of the public and should be locked when unattended.
- Where possible dummy fireworks should be displayed and it is important to avoid mixing live articles and dummies.
- Display cases and storage cabinets should only be opened when the fireworks are being sold.
- Each case or cabinet must not have more than 12.5kg (net mass) of fireworks in them.
- No person under 18 years is allowed to work in a storage explosives area unless under adult supervision.

#### **4 Storage adjoining domestic/sleeping accommodation**

If more than 75kg net mass of Hazard Type 4 fireworks are kept in a store within, or adjoining, a building containing domestic/sleeping accommodation, the following specific precaution must be taken;

- a) a fire detection system must be installed in the shop with either a linked alarm installed in the domestic accommodation or an effective sprinkler fitted in the fireworks store;
- b) the domestic part of the building must have access/exit routes that are fire-separated from those used for the firework store;
- c) there must be suitable fire separation between the fireworks store and the domestic accommodation; and
- d) the store must be closed off and secured from the domestic part of the property in order to prevent unauthorised access (including by children connected with the domestic accommodation) and prevent the accidental introduction of sources of ignition.

### **Firework Types, Safety Requirements and Restrictions on Sales**

#### **The Pyrotechnic Articles (Safety) Regulation 2015**

These regulations lay down:

- requirement for manufacturer to categorise fireworks before placing on the market,
- requirement for manufacturer to ensure fireworks have been designed and manufactured in accordance with essential safety requirements,
- requirement for manufacturer to have carried out a relevant conformity assessment procedure and to draw up the technical documentation,
- requirement for manufacturer to draw up a declaration of conformity and affix CE mark,
- labelling requirements for information on fireworks and their packaging,
- requirements similar to those of a manufacturer for importers before placing imported fireworks on the market,
- identification and instructions/safety information requirements for importers of fireworks,
- traceability requirements for manufacturers and importers of fireworks,
- requirements for distributors (including retailers) before they display for sale/sell fireworks. These include ensuring the fireworks are CE marked, accompanied by the required

documents, accompanied by instructions and safety information in English, the fireworks have been labelled correctly by the manufacturer and the importer,

- requirement for importers/distributors (including retailers) to ensure their storage/transport conditions do not jeopardise the fireworks' conformity with the essential safety requirements,
- criminal offences for the supply of Christmas crackers to persons under the age of 12; category F1 fireworks to persons under the age of 16 and a like offence for the supply of category F2 and F3 fireworks to persons under the age of 18,
- prohibitions on the supply of certain category F2 or F3 fireworks. No person shall supply a category F2 or F3 firework of the following description to a person without specialist knowledge as defined within the regulations; an aerial wheel; a banger, flash banger or double banger; a jumping cracker; a jumping ground spinner; a spinner; a mini rocket; a shot tube (which produces a report as its principal effect; or the inside diameter of which is greater than 30mm); a battery containing bangers, flash bangers or double bangers; a combination (other than a wheel) which includes one or more bangers, flash bangers or double bangers
- prohibitions on the supply of fireworks split from their primary pack or selection pack,
- requirement for packets of sparklers to carry additional warning – "Warning: not to be given to children under 5 years of age".
- restrictions on supplying category F4 fireworks, theatrical pyrotechnic articles and other pyrotechnic articles to only those persons with specialist knowledge,
- requirements for manufactures/importers and distributors (including retailers) to keep information as to which manufacturer/importer/distributor supplied them with fireworks and which manufacturer/importer/distributor they supplied fireworks to for a period of ten years and to pass the information to a local authority/HSE when requested

**It is your responsibility to ensure the pyrotechnic articles including fireworks that you supply are compliant with the law.**

#### **The Fireworks Regulations 2004 as amended**

- Prohibits persons under 18 years of age from possessing fireworks in a public place.
- Prohibits any person from possessing category F4 fireworks.
- Prohibits any person from using fireworks during night hours, this is between 11pm and 7am. (Exceptions allow such until 1am on the nights of the Chinese New Year, Diwali and New Year's Eve and until midnight on 5<sup>th</sup> November. Other exceptions include national public celebrations and local/national commemorative events).
- Requires suppliers of fireworks to display a sign informing customers that "it is illegal to sell category F2 fireworks or category F3 fireworks to anyone under the age of 18; and it is illegal for anyone under the age of 18 to possess category F2 fireworks or category F3 fireworks in a public place."
- Requires suppliers of fireworks outside the period covered under a storage licence, to obtain a "Fireworks Suppliers Licence" as well as a storage licence.
- Requires suppliers of fireworks to keep records for three years of who and when he was supplied fireworks and who and when he supplied fireworks to including the total amount of explosives contained in the fireworks where the supply of fireworks was of 50kg or more in a single transaction.

Further information can be accessed at [www.hse.gov.uk/explosives](http://www.hse.gov.uk/explosives).