

**Decision Session – Executive Member for
Environment and Climate Change**

7 July 2021

Report of the Director of Governance
Portfolio of the Executive Member for Environment and Climate Change

Restricting the use of Sky Lanterns on Council Property

Summary

1. Executive asked for consideration of how sky lanterns could be banned from City of York Council owned/controlled property. Following a review, this report sets out the considerations and makes recommendations on an approach to restrict the use of sky lanterns.

Recommendations

2. The Executive Member is asked to:
 - 1) Approve the policy statement included in paragraph 17 and request that officers take forward the necessary actions to implement it.

Reason: to reduce the environmental risks of sky lanterns within York and its surrounding area.

Background

3. There is widespread evidence of the risks that sky lanterns (sometimes known as Chinese Lanterns) pose to the environment, both as a fire hazard and because of the remains of the lanterns themselves. They are typically paper or plastic canopies with a wire or plastic frame supporting some accelerant which is set alight. The lanterns are then released into the air, with no control as to where they land. They can travel in excess of 5 miles, depending on conditions.
4. If the lanterns land whilst still alight, there is a clear fire hazard particularly in rural areas in summer, when the ground may be dry. There

is a risk to wildlife and livestock who can ingest the lantern remains with potentially fatal consequences.

5. We are not aware of any specific incidents being reported in respect of sky lanterns in York, apart from the potential risks.
6. A growing list of councils have banned their use across the country, although the nature and scope of these bans varies. There is no national ban currently and they are not covered by littering regulations.
7. There is national lobbying by some MPs for a national ban.
8. Internationally, sky lanterns are broadly banned in Germany, Austria, Argentina, Chile, Columbia, Spain, Vietnam, Brazil and Australia.
9. North Yorkshire County Council passed a motion in February to ban sky lanterns and helium balloons being used on land owned or controlled by the council. This ban followed extensive scrutiny work and evidence gathering from partners including NFU and North Yorkshire Fire and Rescue Service.
<https://edemocracy.northyorks.gov.uk/documents/s2955/Report%20of%20the%20Corporate%20and%20Partnership%20Overview%20and%20Scrutiny%20Committee%20on%20the%20Notice%20of%20Motion%20on%20t.pdf>
10. It is highly likely that the issues discussed through this exercise apply similarly to York, especially given the likelihood of lanterns drifting across local authority boundaries.
11. At present, there is no legal basis to prevent the release of sky lanterns from private or public land. York's byelaws do not cover sky lanterns. Developing new, or revising existing, byelaws would take at least a year to come into enforceable effect.
12. It is not possible to add restrictions into existing tenancy agreements/leases without a highly complex process of renegotiating individual tenancy agreements/leases, since legislation prevents landlords retrospectively amending tenancy agreements/leases unilaterally without the consent of the relevant respective tenant(s). This would require an unfeasibly large amount of resource.
13. For activities requiring approval such as events, contracts could include the requirement that no sky lanterns are released. Make it York are the

licence holders for most outdoor spaces owned or managed by the council (footstreets, Tower Gardens, the Knavesmire, Rowntree Park etc.) and so it would be for them to include this in events contracts.

Consultation

14. The potential for restrictions have been discussed with officers across the council to gauge how feasible this might be.
15. It has also been recognised that sky lanterns may have cultural significance to differing ethnic groups and nationalities, so York Racial Equality Network has been asked for any information they might have on this so that any communications can be tailored accordingly.
16. Make it York have provided confirmation that a restriction could be included in their events contracts.

Options

17. The **recommended** approach is that the Executive Member approves the following policy statement.

“City of York Council has banned the release of sky lanterns from its land.

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

City of York Council has pledged to:

- *Promote the restriction of the release of 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 York to ban the release of sky lanterns on Parish or Town Council land.*
- *Incorporate the ban into all future residential tenancy and land lease agreements.*
- *Ban the use of sky lanterns in any council-approved events.*
- *Proactively engage with businesses, landowners, schools, residential homes, council tenants, social housing providers, charities and community groups, to raise awareness of safer and more environmentally friendly alternatives that people can celebrate with, through promotion and campaigns. “*

18. The Council would then include a restriction on sky lanterns within future residential and commercial tenancy agreements/leases. It would also be included in the approval process for events on Council owned land, through the Events Safety Advisory Group and within Make it York Events contracts.
19. Subject to any further information on the cultural significance of sky lanterns for different groups of people, information on the restriction and possible alternative ways to celebrate would be included on the council's website.

Analysis

20. The effect of this policy approach would be to limit the impact of a ban to future tenancies and council-sanctioned events. It would not be possible to stop the use of lanterns on other public open space, although it could be discouraged and alternatives promoted.
21. It is not possible to enforce a wider ban without the development of new enforcement frameworks, such as byelaws. Whilst this could be done, it would take significant time and resource in development and ongoing enforcement. Without evidence of a significant issue within the city, this use of resource would be difficult to justify. Using the existing powers of the council, through events approval and future tenancy/lease agreements strikes the balance between impact and resource required.
22. Overall, it is considered that there is unlikely to be any serious impacts on individuals through such a ban, other than a minor limitation on individuals' freedom to launch sky lanterns. This is considered to be justifiable in the prevention of the adverse environmental impacts of sky lanterns.

Council Plan

23. The proposed restrictions support the council's efforts to create a Greener and Cleaner City.

Implications

- **Financial** – there are no direct financial implications.
- **Human Resources (HR)** – there are no direct implications
- **One Planet Council / Equalities** – an Equalities impact assessment is included at Annex A.

- **Legal** – the proposed approach does not have any legal implications apart from the addition of a restriction in future tenancy agreements. Legal Services have confirmed this is relatively simple to do.
- **Crime and Disorder** – the proposal does not directly change the enforcement required, with the restriction being done via contractual means.
- **Information Technology (IT)** – no implications
- **Property** – Future tenancy and lease agreements would include a restriction on the release of Sky Lanterns.

Risk Management

8. There are no known risks with this recommendation.

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Report **Date** [29/06/2021]
Approved

Specialist Implications Officer(s) List information for all

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Wards Affected: [List wards or tick box to indicate all]

All

For further information please contact the author of the report

Annexes

Annex 1 – Equalities Impact Assessment