



Organising bonfire and fireworks displays



Introduction

On November 4th 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. [\(ref.1\)](#)

Comprehensive free guidance is available from the HSE to help apply foresight and to ensure safety when organising bonfires and firework displays –

'Giving your own firework display: How to run and fire it safely ' HSG 124, provides advice for those running an event not using the services of a specialist display operator. [\(ref.2\)](#)

'Working together on firework displays – A guide to safety for firework display organisers and operators ' HSG123, provides advice when planning and hosting larger fireworks displays where the services of display operators are used. [\(ref.3\)](#)

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 the time of the display. [\(ref.4\)](#)

The following provides a very brief summary of the key risk management requirements. We strongly advise event organisers and display operators to make themselves familiar with the full range of available guidance.

Selecting a display operator

Even when using the services of a professional display operator, liability can still attach to the Local Authority as the occupier or controller of the site. It is vitally important to ensure that contractors selected are competent and able to operate to the very highest standards of safety.

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 adequate levels of insurance cover (see below)?

More detailed guidance on risk management in the selection and control of contractors is available on the RMP website.

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 and bonfire area.

Who to Contact

With larger organised displays it is important to ensure that all relevant parties have been involved in planning for the event. 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 condition, 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.

In addition, remember to ensure that RMP have been informed and relevant information made available to the insurer.

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. (ref.5)

Key Points

- 1 Assemble an event planning team giving specific responsibility for management of health and safety.
- 2 Liaise with the emergency services and insurance providers 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.

Recent legislative change

A revision of Construction (Design and Management) Regulations (CDM) came into effect in 2015. Changes to these Regulations allow enforcement action by the HSE during the construction phases of an event. Larger fireworks displays may now come within this category.

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. Documentation with regard to planning for the event, including detailed risk assessments will be required.

The Authorities public liability cover will not provide cover for other groups such as a display operator company contracted to run an event. All but very minor groups and private individuals should have their own public liability cover.

The adequacy of contractors insurance cover for both employers and public liability should be checked prior to the event. A minimum of £5m public liability cover would be expected and copies of current insurance certificates obtained.

More detailed guidance on risk management of contractors and checking contractors' insurance cover is available on the RMP website www.rmpartners.co.uk



References

- 1 The Taunton M5 crash law case refer to: R -v- Counsell 10.12.2013
- 2 Giving your own firework display: How to run and fire it safely - HSG 124(HSE)
- 3 Working together on firework displays – A guide to safety for firework display organisers and operators HSG123 (HSE).
- 4 The Firework (Safety) (Amendment) Regulations 2004, The Fireworks Regulations 2004, The Pyrotechnic Articles (Safety) Regulations 2010, The Manufacture and Storage of Explosives Regulations 2005
- 5 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

For access to further RMP Resources you may find helpful in reducing your organisation's cost of risk, please access the [RMP Resources](#) or [RMP Articles](#) pages on our website. To join the debate follow us on our [LinkedIn](#) page. Additionally we have specific discussion groups for the [Education](#), [Emergency](#) and [Government](#) sectors.

Get in touch

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OB-FD-01-17