

# **RESPONSE FROM THE MINISTRY OF RURAL DEVELOPMENT AND LOCAL GOVERNMENT**

## **Fifth Report of the Joint Select Committee on Social Services and Public Administration on an Inquiry into the Adverse Health effects of Fireworks**

The Ministry of Rural Development and Local Government and by extension the Municipal Corporations are willing to facilitate this process in any way possible. Hence, the Ministry and the Regional Corporations are ready to provide assistance in identifying public spaces (such as recreation grounds and parks) where residents may gather to discharge fireworks under proper supervision. However, the procedure to gain access to recreation grounds and parks includes applying for permission from the Council by any person who wishes to use the relevant facility.

To implement this initiative effectively, education workshops across the board, public awareness, through the various mediums is required. The Fire Service is already doing some. Nevertheless, the Trinidad and Tobago Police Service (TTPS) through their town meetings can incorporate a public awareness segment in that forum; Beyond the Tape is another medium and the members of the Municipal Police can assist in patrolling the environs pre-festive seasons, however, they need to be schooled in the Explosive Act that deals with the subject matter. The document specifically highlights the TTPS but the Municipal Police working in conjunction with the TTPS can make a valuable input. Therefore, the important factor of networking with all stakeholders (TTPS, Trinidad and Tobago Municipal Police Service (TTMPS), Trinidad and Tobago Fire Service (TTFS), Environmental Management Authority (EMA), etc.) to operationalize the way forward is crucial.

The Corporations have a number of recreational areas under their purview so they can make recommendations for designated areas for discharge of fireworks. The following is further feedback forwarded by some of the Municipal Corporations on the Fifth Report of the Joint Select Committee on Social Services and Public Administration on an Inquiry into the Adverse Health effects of Fireworks.

### **Municipal Corporations**

Generally, the Municipal Corporations are committed to improving the systems in place to efficiently regulate the use of fireworks.

#### **1. Mayaro/Rio Claro Regional Corporation (MRCRC)**

It is agreed that the legislative framework for the regulation of the use of fireworks requires modification to be more effective. It is worth mentioning, however, that in addition to the legislation referred to in the Report, under s. 232(o) of the Municipal Corporation Act, Chap. 25:04, control of public pastures and recreation grounds is subject to the provisions of the Recreation Grounds and Pastures Act, Chap. 41:01 ("the Act").

In accordance with ss. 2(1) and 2(4) of the Recreation Grounds Rules ("the Rules") made under s.2 of the Act, written permission must be sought from the Council by any person who wishes to

use recreation grounds listed in the First Schedule of the Act for hosting events. Upon receipt of an application to use the recreation ground, same is forwarded to the next Committee Meeting wherein the Council retains the discretion to either approve or reject the application. Where approval is granted to use the recreation ground, the applicant is informed and an agreement is entered into for the use of the premises (“the Agreement”) between the applicant and the Mayaro/Rio Claro Regional Corporation (“the Corporation”). Pursuant to s. 2(3)(a) of the Rules, a refundable fee may be requested for use of the premises and potentially serves as a deterrent from breach of the Agreement and any misuse of the premises.

Notwithstanding the foregoing, persons who wish to use recreation grounds for the purpose of setting fire to and/or letting off any fireworks must obtain authorization to do so from the Council in accordance with s. 5(h) of the Rules. Contravention of this provision constitutes an offence for which the applicant is liable on summary conviction to a fine of two hundred dollars (\$200.00). In exercising its discretion to approve the use of fireworks, the Council may have reservations for allowing same if proper legislative guidelines are not implemented and/or enforced.

Where an applicant received permission to use the ground but is not authorized to use fireworks during that period, the event held at the recreation ground ought to be properly monitored to ensure that the applicant complies with the conditions for use of the premises. Where the Council issues approval to use fireworks, the recommended amendments to the existing law that are included in the Report (e.g. prescribed time and place for the discharge of fireworks) may be temporarily effected through the insertion of similar regulations in the Agreement between the applicant and the Corporation for the use of the premises. It is submitted, however, that a more permanent solution is necessary that involves legislative inclusions and increased collaboration between relevant state agencies.

## **2. Point Fortin Borough Corporation (PFBC)**

The PFBC has the following recommendations:

- Residents should seek approval from the respective Municipalities for large displays;
- It should be an offense to discharge fireworks or any other form of incendiary device in close proximity to a Hospital, Geriatric home, etc.;
- Parents of children under the age of eighteen (18) held with fireworks should also be fined if the discharge of fireworks were not done in accordance with the law; and
- A list containing the names of persons and areas where the fireworks would be discharged should be forwarded by the supplier to the TTPS and the Municipal Police in each district.

## **3. Diego Martin Regional Corporation (DMRC)**

The DMRC concurs with the recommendations as set out by the Committee and emphasizes the need for greater enforcement. The Corporation is willing to collaborate with the various agencies with a view to promoting the interest of the public.

## **4. Sangre Grande Regional Corporation (SGRC)**

The SGRC submitted the undermentioned comments for consideration:

- There should be grounds for which the Police can refuse to grant licence.
- There should be a list of pre-requisites for applicants to use fireworks.

- Provision should be made in the legislation for inspection of premises before and during the use of fireworks (Fire Department should get involved).
- There should be one body of legislation dealing with the subject matter rather than pieces in Summary Offences Act, the Explosives Act, etc.
- Users of firework should provide adequate public notice so that affected people can take precautions, e.g. cushioning the impact on animals.

#### **5. Port of Spain City Corporation (POSCC)**

The Trinidad and Tobago Fire Service is the agency responsible for fireworks. However, the POSCC can consider the use of Nelson Mandela Park as an open space to be identified for the discharge of fireworks or another suggestion is the Queen's Park Savannah which falls under the Ministry of Agriculture, Land and Fisheries. A request to utilize the Nelson Mandela Park should be submitted to the Corporation for approval by Council. The request will also require approval from the Environmental Management Authority.

#### **6. Tunapuna/Piarco Regional Corporation (TPRC)**

The Corporation reviewed the Report and concludes that the Report appears to be well researched and its recommendations would improve the quality of life and enjoyment of festivities of all persons residing within the municipality. The Corporation has no objection to the recommendations outlined in the Report and would assist in the implementation of these where possible. In particular, where requested, the Corporation may provide the relevant bodies with suggestions of recreation facilities owned by the TPRC where fireworks may be safely discharged under supervision.

#### **7. Couva/Tabaquite/Talparo Regional Corporation (CTTRC)**

The CTTRC has no objection to recommendation. The Corporation currently has thirty (30) vested recreational facilities. In addition the CTTRC can also promote firework safety through:

- The Municipal Police, which once staffing is available, can assist with patrols to strengthen the police presence during peak firework season.
- The Disaster Management Unit (DMU), which can partner with:-
  - Relevant stakeholders to ensure that all safety procedures and protocols are observed for 'planned gatherings' that would entail the discharge of fireworks on facilities approved and designated by the CTTRC.
  - The TTPS and TTFS to disseminate information on firework safety to the burgesses as part of our outreach programs in school and communities.

Please note, the amendment to existing regulations and enforcement falls into the responsibility of the TTPS and TTFS but the CTTRC-DMU can partner with these event organizers and stakeholders to ensure that stipulated guidelines are adhered to.

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