

STATES OF JERSEY



IMPORTATION OF FIREWORKS IN 2007 FOR A CHARITY EVENT: INVESTIGATION

Lodged au Greffe on 8th February 2011
by the Deputy of St. John

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) to request the Ministers for Home Affairs, Economic Development and Planning and Environment to review the events surrounding the importation of over 100,000 fireworks for a charity attempt at a world record in 2007, and in particular the actions taken by their departments in relation to this matter, with a view to ascertaining why difficulties arose which led to the eventual cancellation of the proposed launching of the fireworks and a substantial financial loss for the organiser even though the importation was initially approved by all relevant authorities and a Bailiff's permit issued for the event;
- (b) to request the Ministers to present to the States no later than the end of May 2011 a report setting out the results of their investigations and details of any appropriate actions they intend to take to compensate the organiser for the losses he incurred.

DEPUTY OF ST. JOHN

REPORT

In 1997 Mr. Terry McDonald staged a world record rocket launch at the Jersey Battle of Flowers Moonlight Parade as a finale to the event and in an effort to raise funds for the BBC Children in Need appeal.

Mr. McDonald's experience in the firework industry was legendary as he had previously completed numerous displays, including the display for H.M. The Queen in Guernsey, the visit of Princess Anne in Jersey, his numerous displays following the Battle of Flowers event, Operation Limelight (the illumination of the Island's coastline, again for Children in Need), and the 16th International Pyrotechnics Seminar in the U.K.

The 1997 world record event was successful and raised thousands of pounds for Children in Need; and in addition provided excellent publicity for the Island of Jersey via national media coverage and viewings on various national television programmes.

The record was broken in 2006 by a professor in the U.K. Mr. McDonald was immediately approached by various people, including Jersey media, to ascertain his response and all wanting to know if he was going to attempt to reclaim the record for Jersey.

Mr. McDonald had at this point retired from the firework industry, nevertheless he gave the matter serious consideration and approached the 2 firework display companies left in Jersey and offered them the opportunity to stage the event for the Island. Both companies declined as it would be a non-profit-making challenge, but both agreed to assist if Mr. McDonald decided to take the challenge himself.

Mr. McDonald therefore approached the Battle of Flowers Council who readily accepted the idea, and was also approached by the Chairman of the 'Side by Side' charity requesting Mr. McDonald to stage the launch on his behalf.

This resulted in Mr. McDonald agreeing to stage the launch on 10th August 2007 using the same team that he had used in 1997.

Why did this record attempt not take place?

Sequence of Events

- Mr. McDonald made public his intentions to stage the event. There were no objections raised by anyone.
- Mr. McDonald therefore instructed manufacturers (via his normal suppliers) to produce his order to be as totally biodegradable as possible (i.e. no plastic, caps or sticks, etc.).
- Mr. McDonald had discussions with various authorities, including the Environmental Services, informing them of the order. The order was changed to remove the colour blue, due to its chemical content, and the whistles. Conversing with the authorities prior to the event shows Mr. McDonald's responsibility to the public and to the environment.
- Letters of intent were circulated to various parties, replies were received and not one objected to the launch.

- Mr. McDonald completed a comprehensive risk assessment and circulated to all concerned. Again no objections were received.
- Mr. McDonald held meetings with influential organisations such as the Fire Service, Environmental Department, Health and Safety, and so on. Again no-one voiced any issues or raised any points of concern that would even remotely result in the event being stopped for any reason.
- Mr. McDonald attended the Bailiff's Panel meeting together with the Chief Executive from the Battle of Flowers, and was congratulated not only on the depth of detail on the risk assessment, but also on the early circulation giving all parties time to raise any concerns well in advance. Again no-one raised any concerns or objected to the event in any way.
- The Bailiff's Panel subsequently issued their certificate indicating their approval for him to continue. The certificate was not revoked at any stage.
- Mr. McDonald also received his Firework Importation Licence from the States of Jersey Fire and Rescue Service, again indicating that he had their approval to continue.
- Therefore Mr. McDonald had, or so he thought, done everything he needed to do and more.
- He arranged insurance cover (including cancellation insurance), the ability to sell on the fireworks if not used locally, the Economic Development Department had agreed to cover the cost of the rockets as no sponsors had come forward, and he had arranged for the rockets to be stored safely and securely in preparation for the launch.

Mr. McDonald was now happy that everything was in place for the launch.

- Then, 2 hours before the rockets were due to be landed in the Island (they were arriving by boat) Mr. McDonald was informed (via a phone call) by the Fire Service that the rockets could not be landed as someone had suddenly 'objected' to them being stored at the destination that had previously been agreed by all concerned.
- Mr. McDonald, therefore, in his usual "I will not let Jersey down" way, arranged for the rockets to be stored at Ronez Quarry.
- The rockets were landed and transferred to Ronez Quarry successfully and safely without incident.
- Three days later, Mr. McDonald received a 7 page letter from the Environment Department (who he had previously met with, and who had not voiced any concerns) warning him that what he was proposing to do could be illegal and unlawful.
- Mr. McDonald had no option (apart from jail) to cancel the event.

Question:

Why had this concern been left until now when there had already been numerous meetings and correspondence regarding the event?

- Mr. McDonald informed his insurance provider. They stated that he would not be able to claim the cancellation insurance as HE cancelled the event due to environmental concerns. The cancellation insurance was for incidents such as bad weather, his health issues (i.e. if he was incapacitated or if the fireworks did not arrive). Unfortunately for Mr. McDonald he was in good health, the fireworks were already in Jersey and the weather was good!

- Mr. McDonald contacted the U.K. company that had stated they would take the fireworks if they were not used. They stated that as Jersey had now decided it was an environmental issue that they would not take them either for the same reason.
- Mr. McDonald contacted the Economic Development Department, who stated that they would not cover the costs as previously agreed, as the event did not take place.

Mr. McDonald was now left with approximately £20,000-worth of rockets which had become useless, but which he was still guarding and paying storage for.

The cost to Mr. McDonald has now risen to over £50,000.

Despite all this, Mr. McDonald still arranged a firework display for the Battle of Flowers Moonlight Parade.

Mr. McDonald spent 600 nights guarding the rockets to ensure they remained safe and at no risk to the public or the environment. He only left when asked to do so by the owners of Ronez, who were now becoming impatient with the length of time the rockets had been stored. If they had not asked him to leave, knowing Mr. McDonald, he would still be there guarding them!

The assistance (or lack of it) offered to Mr. McDonald has been virtually non-existent by the States who just advised him to contact insolvency practitioners and the Citizen's Advice Bureau or a business advisor.

Mr. McDonald has tried to declare himself 'en désastre', but to no avail.

Mr. McDonald would like, and I feel deserves, not only his costs reimbursed, but also compensation for the stress and the loss of his job, which he was required to resign from due to his debts which he had incurred due to the launch.

Financial and manpower implications

I believe that the initial review can be undertaken by the departments concerned within existing financial and manpower resources, as the relevant information should be largely available in departmental files. If it is decided at the conclusion of the review that it would be appropriate to provide any financial compensation to Mr. McDonald, the source of that would have to be assessed at that stage.

Additional material

Mr. McDonald has accumulated a very large amount of paperwork in relation to this matter and with his permission I will be circulating a bundle of relevant extracts from those papers to all members in advance of the debate.