

EAST RENFREWSHIRE COUNCIL28 FEBRUARY 2024Report by Director of Business Operations & PartnershipsFIREWORK CONTROL ZONES**PURPOSE OF REPORT**

1. The purpose of this report is to give a briefing on new legislation regarding fireworks, the duty this places upon the Council and to set out an approach for managing 'Community Requests' for Firework Control Zones.

**RECOMMENDATIONS**

2. Council is asked to:

- a) note the new local authority powers to set up 'Firework Control Zones' under the Fireworks and Pyrotechnic Articles (Scotland) Act 2022;
- b) delegate to the Director of Business Operations and Partnerships, via the Safe East Ren Group, to work with local partner agencies to put in place suitable arrangements for Firework Control Zones, in line with national guidance.

**BACKGROUND**

3. Local councils now have powers to set up 'Firework Control Zones' to restrict the use of fireworks in their areas. The Fireworks and Pyrotechnic Articles (Scotland) Act 2022, gives discretionary powers to local authorities to designate Firework Control Zones, where it is considered there is a need to restrict the use of fireworks in specific areas. This is one of a number of changes to the law on the sale and use of fireworks in Scotland.

4. If an area has been designated as a firework control zone:

- members of the public are not allowed to use fireworks, including on private property such as a garden;
- fireworks can only be used at public displays and for some limited other purposes.

5. Firework control zone powers came into effect in June 2023, with a series of follow-up briefings for local authorities across the autumn. The powers aim to reduce the negative impact fireworks can have in some communities and protect public safety.

6. Given the timings around the issue of the guidance and associated briefings, and the need for local authorities to develop internal procedures to administer the process, it was not possible for local authorities to consider zones for 2023, however it is expected that processes will be in place during 2024.

## REPORT

7. There is detailed national [guidance](#) in place to support local authorities to consider and designate control zones in their area. Councils are required to:

- Consult with communities before designating, changing or removing an area as a Firework Control Zone.
- Publish information about any designated, changed or removed zones in the area.

8. A Firework Control Zone is defined as an ‘*Area within a Local Authority boundary in which it is a criminal offence for a member of the public to ignite a firework, including on private property*’. Category 1 Fireworks (e.g. small sparklers, ice fountains, Christmas crackers and party poppers) can continue to be used in a Firework Control Zone.

### Exemptions

9. Fireworks can only be used in a control zone:

- for the purposes of an organised public fireworks display - local licensing requirements still apply;
- in connection with a regulatory authority's function;
- for business purposes by businesses involved in the manufacture, import, distribution, or supply of fireworks.

10. Enforcement within a Firework Control Zone will be the responsibility of Police Scotland.

11. The boundary of the zone needs to be clearly defined in terms of area and duration and has to be proportionate in size so that it is enforceable. The guidance states that “Firework control zones have not been designated as a measure to cover a whole local authority area, or to cover extensive parts of a local authority area”.

12. The guidance contains examples of reasons why a firework control zone could be designated. These include:

- misuse of fireworks (e.g. anti-social behaviour, attacks on public, noise from fireworks)
- injuries from fireworks (e.g. number and severity)
- animal welfare (e.g. anxiety, injuries, effect on livestock)
- impact on Vulnerable Groups (e.g. autism, assistance dogs, Post Traumatic Stress Disorder)
- environmental protection (e.g. air quality, spent fireworks, proximity to nature reserves).

13. In each category the local authority would be expected to have a good evidence base for the designation of a zone using data and intelligence from agencies including Police, Scottish Fire and Rescue Services (SF&RS), East Renfrewshire Council (Community Safety & Trading Standards) along with other agencies and Council Departments as required. There is also an expectation that other courses of action would have been considered. For example:

- community engagement and awareness
- enforcement activities
- targeted use of Police or SF&RS resources
- retailer compliance checks
- engagement with young people (e.g. via schools / clubs).

## PROPOSALS

14. It is proposed that the Firework Control Zone process sits within the terms of reference of the Safer East Ren Group, with Community Safety as the lead service.

15. The Safer East Ren Group is our multi agency Community Safety Partnership and is part of the mechanism for delivery of the overall Community Plan for East Renfrewshire Council.

16. The priority for the group is 'Safe Supportive Communities' under the Strategic outcome: '*East Renfrewshire residents are safe and live in supportive communities*'. Progress measures are under Outcome Theme 4 - '*Reducing Unintentional Injuries & Supporting Safe Communities*'.

17. The scope of Safe East Ren includes:

- sharing information on existing activities and topics/issues where partner support is required
- identifying opportunities for new partnership activities
- co-ordinating communication with communities
- sharing data across partners to identify trends and develop action planning
- work jointly to address specific issues of concern.

18. The group is chaired by the Council's Community Safety Manager and includes members from across Council Departments along with Police Scotland and the Scottish Fire & Rescue Service.

19. A Safe East Ren sub group has been created to act as the review board to consider any Firework Control Zone requests and would be the initial decision making body for any community requests.

20. There are currently no recommendations from the Safe East Ren Group for designation of a Firework Control Zone in East Renfrewshire.

### Community Requests

21. Following national guidance, a community request is a route to ask the Council and its partners to consider if a Firework Control Zone can be designated, amended or revoked in a particular place within its area. If a community request is accepted, this would begin a formal process of consideration of a zone as set out in guidance. A community request being accepted is therefore not the same as a zone being designated and does not negate the statutory requirement for a consultation to be carried out.

22. Details of the Council's approach to Firework Control Zones and how to make a community request will be published on the Council's website. This process will also be publicised via social media and to Community Councils.

23. Requests need to come from a 'Community' and not an individual. National guidance states that this can be "any group of people who feel they have something in common; in many cases this may be that they live in the same area. It can, however, also be that they share an interest or characteristic". For example, this may be groups such as a Community Council or a group representing faith, ethnicity, culture; or people affected by a particular illness or disability; or sports clubs, conservation groups, heritage associations, animal welfare groups or environmental groups.

24. The Council is required to publish details of how to submit a Community Request. This will include the timings involved and who to contact. When a request is received, an acknowledgment needs to be sent and a formal response issued within 4 weeks.

25. The Community Request application will be formally considered by the Safe East Ren Sub Group using all evidence available and will either be accepted to proceed to a consultation, or rejected at this initial stage.

26. If rejected, a response will be issued with clear reasoning as to why the decision was taken not to proceed to a consultation and will demonstrate that account has been taken of any issues raised.

27. If proceeding to a consultation, a proposal for designation of a Firework Control Zone will then be developed and published for consultation.

28. The guidance issued by the Scottish Government recommends the following timescales, which represent a maximum of 32 weeks. However, these are not statutory and can be shortened by the Council as required.

- Community request received, considered and response issued - up to 4 weeks
- If accepted develop consultation proposal for zone – up to 4 weeks
- Consultation period - 8 to 12 weeks
- Consultation response considered and analysed – up to 4 weeks
- Decision on a zone has a 60 day period prior to taking effect

29. Once a consultation is completed and submissions considered, the outcome will be to either designate or not designate a zone. The decision must include:

- a summary of the consultation and analysis of responses
- the number of responses and details of respondents
- the partnership group's rationale to proceed or not to proceed.
- clear demonstration that account has been taken of responses and of any issues raised.

30. If a decision has been taken to establish a Firework Control Zone or to amend or revoke an existing control zone, appropriate steps must be taken to raise awareness of the decision, including reasonable steps to inform those who live or work in or near the zone.

31. If the decision after consultation is not to designate a zone, the group applying can request a review within 28 days. The review needs to be carried out by a Council Officer not involved in the decision-making process. We are currently engaging with other Community Safety partnerships to learn from and share approaches to the reviews.

## **FINANCE & EFFICIENCY**

32. It is expected that these new requirements will incur minimal costs, which can be covered through existing budgets.

## **CONSULTATION & PARTNERSHIP WORKING**

33. The above sections set out the proposed approach to consultation and the partnership approach via the Safe East Ren group.

## IMPLICATIONS OF THE PROPOSALS

34. These proposals are in line with new Firework Control Zone powers for local authorities arising from the Fireworks and Pyrotechnic Articles (Scotland) Act 2022 and associated guidance.

35. It is expected that an Equality and Fairness Risk Assessment and Climate Change Impact Assessment would be standard aspects of the decision-making processes for designation of Firework Control Zones. There are no implications for staffing, property, subsidy control, ICT arising from this report.

## CONCLUSIONS

36. Local authorities now have powers to set up Firework Control Zones to restrict the use of fireworks in their areas. There is national guidance to support the consultation and publication of such zones and it is proposed that in East Renfrewshire this process is overseen by the multi-agency Safe East Ren group. There are currently no proposals or recommendations for Firework Control Zones arising from local partners, but agreement of today's report will open this process to community requests which may lead to consultations on potential new areas for control for the future.

## RECOMMENDATIONS

37. Council is asked to:

- a) note the new local authority powers to set up 'Firework Control Zones' under the Fireworks and Pyrotechnic Articles (Scotland) Act 2022;
- b) delegate to the Director of Business Operations and Partnerships, via the Safe East Ren Group, to work with local partner agencies to put in place suitable arrangements for Firework Control Zones in line with national guidance.

## REPORT AUTHOR

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## BACKGROUND PAPERS

Firework Control Zones: Guidance for Local Authorities

<https://www.gov.scot/publications/firework-control-zones-guidance-local-authorities/>

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