

**A meeting of the Local Police and Fire Scrutiny Panel will be held on Thursday 21 September 2023 at 3pm.**

**Members may attend the meeting in person or via remote online access. Webex joining details have been sent to Members and Officers. Members are requested to notify Committee Services by 12 noon on Wednesday 20 September 2023 how they intend to access the meeting.**

**In the event of connectivity issues, Members are asked to use the *join by phone* number in the Webex invitation and as noted above.**

**Please note that this meeting will be live-streamed via YouTube with the exception of any business which is treated as exempt in terms of the Local Government (Scotland) Act 1973 as amended.**

**Further information relating to the recording and live-streaming of meetings can be found at the end of this notice.**

IAIN STRACHAN  
Head of Legal, Democratic, Digital & Customer Services

## **BUSINESS**

<b>1.</b>	<b>Apologies, Substitutions and Declarations of Interest</b>	<b>Page</b>
<b>PERFORMANCE MANAGEMENT</b>		
<b>2.</b>	<b>Scottish Fire &amp; Rescue Service Performance Report</b>	<b>p</b>
<b>3.</b>	<b>Police Scotland Performance Report</b>	<b>p</b>
<b>NEW BUSINESS</b>		
<b>4.</b>	<b>Firework Control Zones</b> Report by Director, Environment & Regeneration	<b>p</b>
<b>5.</b>	<b>Local Police and Fire Scrutiny Panel Update Report</b> Report by Corporate Director Education, Communities & Organisational Development	<b>p</b>

The reports are available publicly on the Council's website and the minute of the meeting will be submitted to the next standing meeting of the Inverclyde Council. The agenda for the meeting of the Inverclyde Council will be available publicly on the Council's website.

Please note: this meeting may be recorded or live-streamed via You Tube and the Council's internet site, where it will be capable of repeated viewing. At the start of the meeting the Provost/Chair will confirm if all or part of the meeting is being recorded or live-streamed.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during any recording or live-streaming will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site or You Tube.

If you are participating in the meeting, you acknowledge that you may be filmed and that any information pertaining to you contained in the recording or live-stream of the meeting will be used for webcasting or training purposes and for the purpose of keeping historical records and making those records available to the public. In making this use of your information the Council is processing data which is necessary for the performance of a task carried out in the public interest. If you are asked to speak at the meeting then your submission to the committee will be captured as part of the recording or live-stream.

If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact the Information Governance team at [dataprotection@inverclyde.gov.uk](mailto:dataprotection@inverclyde.gov.uk)

Enquiries to - **Lindsay Carrick** - Tel 01475 712114



**Inverclyde Performance Report  
1st April 2023 - 30th June 2023**



**SCOTTISH**  
**FIRE AND RESCUE SERVICE**  
Working together for a safer Scotland

**Working together  
for a safer Scotland**

# Inverclyde Performance Report

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# Local Fire and Rescue Service Plan Priorities

The Local Fire and Rescue Service Plan has been developed to set out the priorities and objectives within Inverclyde and allows our local authority partners to scrutinise the performance outcomes of these priorities. We will continue to work closely with our partners in Inverclyde to ensure we are all “**Working Together for a Safer Scotland**” through targeting risks to our communities at a local level.

The plan has been developed to complement key partnership activity embedded across Inverclyde Community Plan and associated Delivery and Thematic plans. Through partnership working we will seek to deliver continuous improvement in our performance and effective service delivery in our area of operations.

The Local Fire and Rescue Plan for Inverclyde identified six areas for demand reduction and is subject to regular monitoring and reporting through the Police / Fire and Rescue Committee. A summary of the priorities and current activity is detailed below with further detail and analysis contained within this performance report.

	Accidental Dwelling Fires	Accidental Dwelling Fire Casualties	Unintentional Injury and Harm	Deliberate Fire Setting	Non-Domestic Fire Safety	Unwanted Fire Alarm Signals
Inverclyde Central	2	0	0	40	0	12
Inverclyde East	1	0	3	76	1	13
Inverclyde East Central	1	0	1	68	2	8
Inverclyde North	3	0	1	11	0	26
Inverclyde South	3	0	0	24	0	15
Inverclyde South West	0	0	1	65	0	8
Inverclyde West	2	0	4	19	1	9

<b>Total Incidents</b>	<b>12</b>	<b>0</b>	<b>10</b>	<b>303</b>	<b>4</b>	<b>91</b>
<b>Year on Year Change</b>	● -8%	● -100%	● -9%	◆ 60%	● -33%	● -8%
<b>3 Year Average Change</b>	● -20%	● -30%	◆ 7%	◆ 18%	● -5%	◆ 15%

## About the statistics within this report

The activity totals and other statistics quoted within this report are published in the interests of transparency and openness. They are provisional in nature and subject to change as a result of ongoing quality assurance and review. Because all statistics quoted are provisional there may be a difference in the period totals quoted in our reports after local publication which result from revisions or additions to the data in our systems. The Scottish Government publishes official statistics each year which allow for comparisons to be made over longer periods of time.

- Activity levels have reduced by more than 5%
- ▲ Activity levels have reduced by up to 5%
- ◆ Activity levels have increased overall

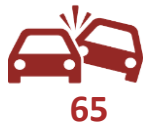
# Inverclyde Activity Summary



fires  
primary &  
secondary



369



special  
services



65



false  
alarms



217



651  
total number of  
incidents



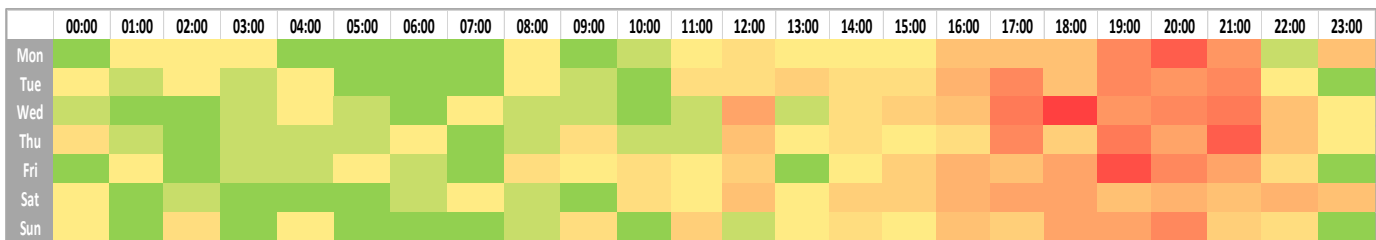
12  
fire & non-fire  
casualties



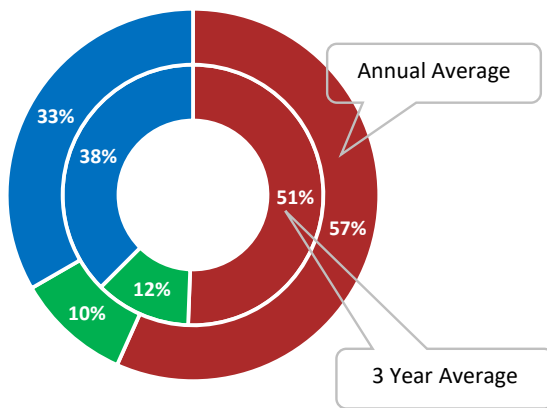
£179,270  
economic cost of  
ufas incidents

\*data above is year on year change

## Activity by Time of Day

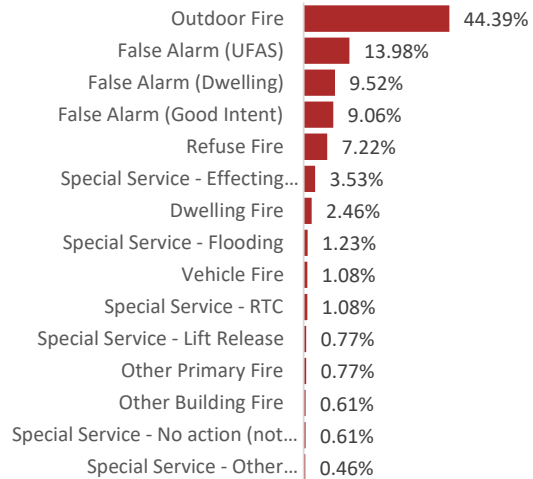


## Incidents by Classification

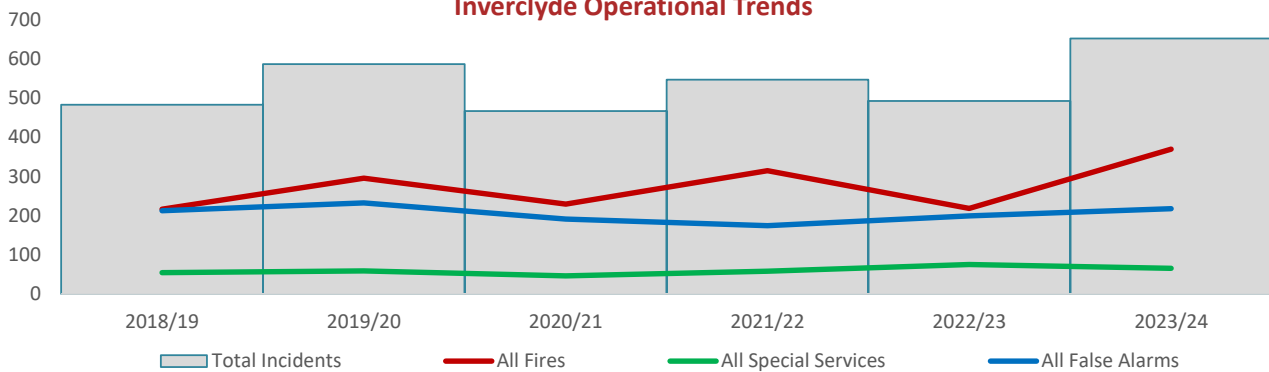


■ All Fires ■ All Special Services ■ All False Alarms

## Top 15 Incidents Types by %



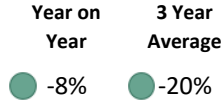
## Inverclyde Operational Trends



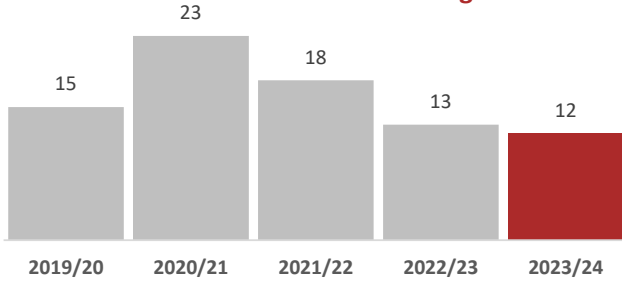
# Domestic Safety - Accidental Dwelling Fires



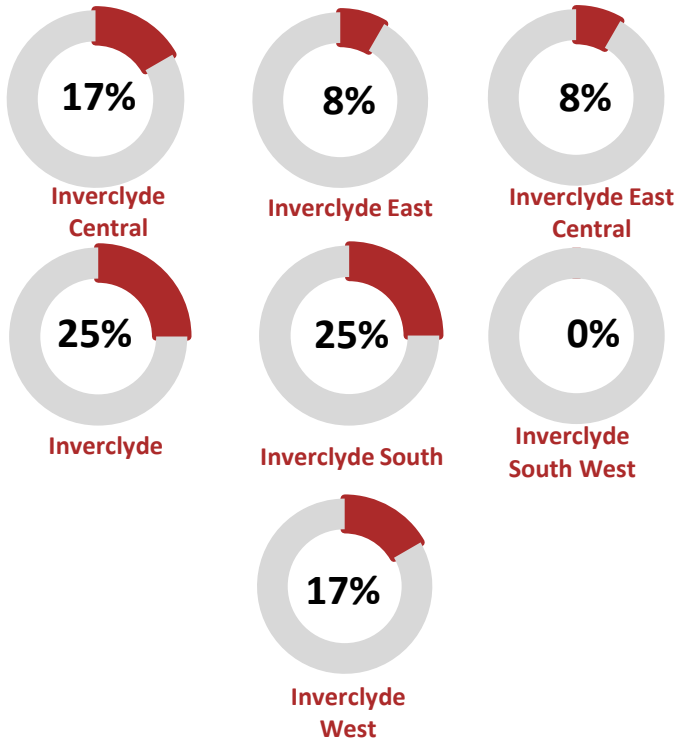
## Performance Summary



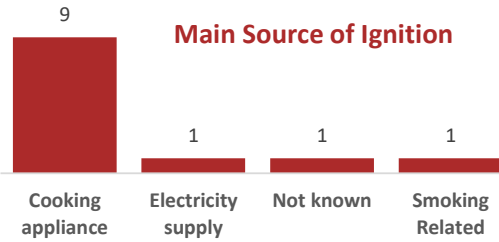
## Accidental Dwelling Fires



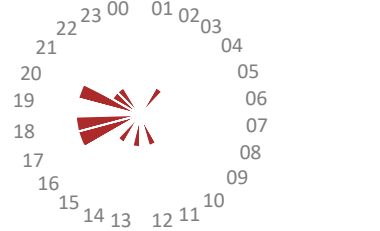
## Accidental Dwelling Fires Activity by Ward (% share)



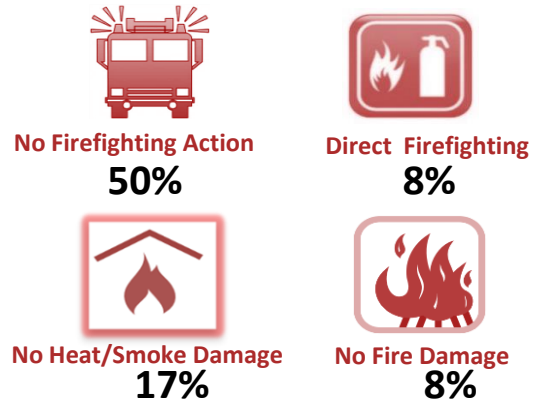
## Main Source of Ignition



## Accidental Dwelling Fires by Time of Day



## Severity of Accidental Dwelling Fires



## Human Factors



## Automatic Detection & Actuation



It is positive to report a reduction of 8% on the year on year indicator and a reduction of 20% over the 3 year average, it is worthy of note that there was no firefighting action required in 50% of these incidents and that detection was present and raised the alarm in over 90% of cases, distraction whilst cooking remains the main contributor of accidental dwelling fires and emphasises the importance of having suitable detection within the home.

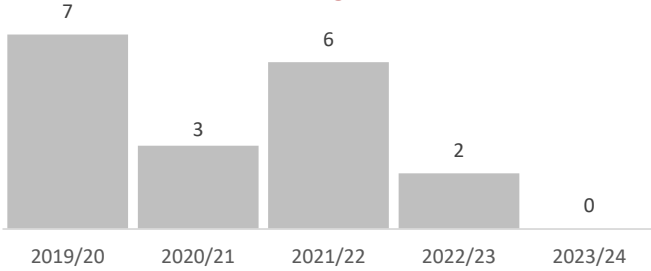
# Domestic Safety - Accidental Dwelling Fire Casualties



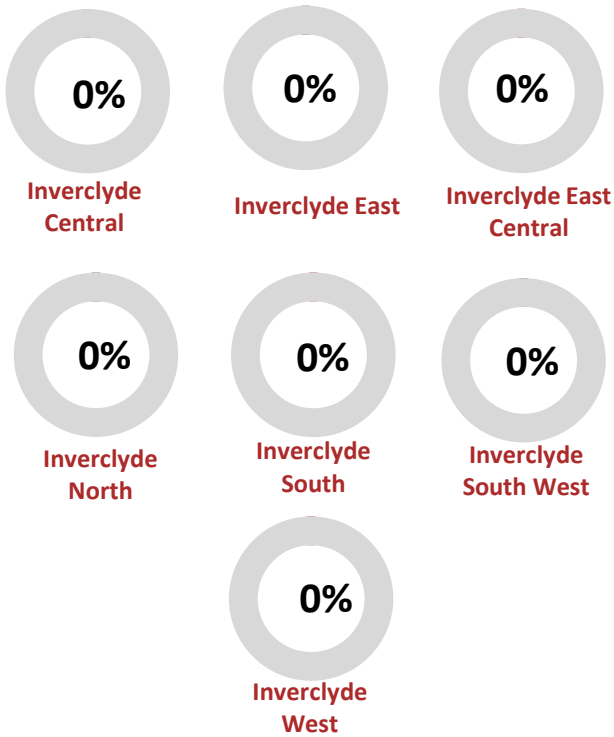
## Performance Summary

Year on Year      3 Year Average  
 ● -100%      ● -30%

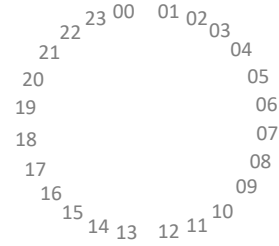
### Accidental Dwelling Fires Casualties



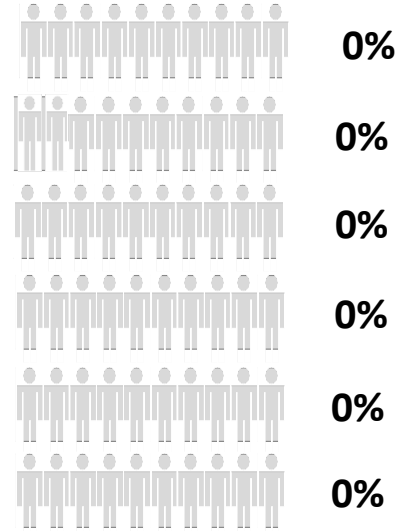
### Accidental Dwelling Fire Casualties by Ward (% share)



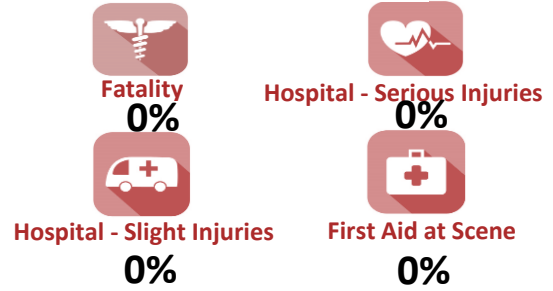
### Fire Casualties by Time of Day



### Nature of Injury



### Extent of Harm

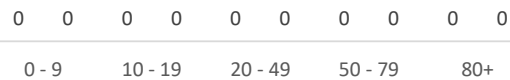


Male  
0%

### Age / Gender Profile



Female  
0%



It is positive to report that there has been no fire casualties in this reporting period, which also sees a 30% reduction over the 3 year average. This again confirms the importance of having suitable early detection within the home to reduce injuries sustained from dwelling fires.



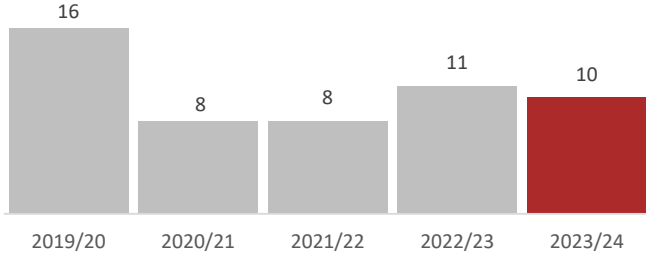
# Unintentional Injury and Harm



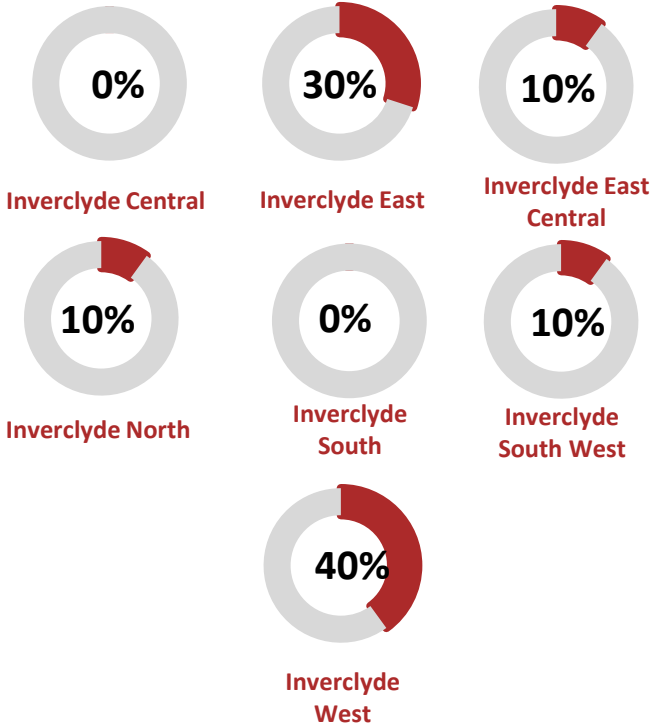
## Performance Summary

Year on Year ● -9%  
 3 Year Average ◆ 7%

## Non-Fire Casualties

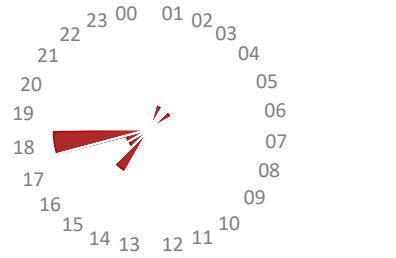


## Non-Fire Casualties by Ward (% share)

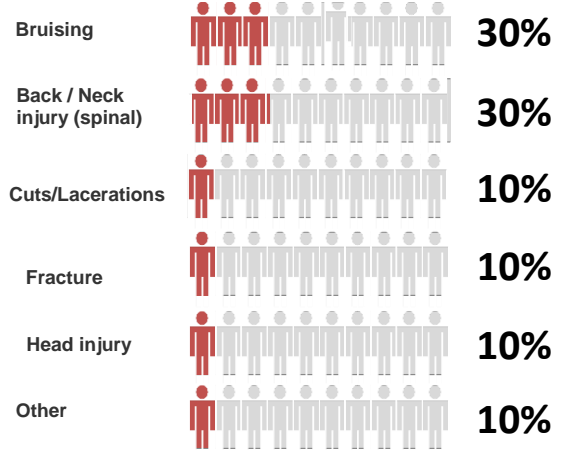


It is positive to report a 9% reduction on the year on year indicator and a slight 7% increase on the 3 year average. It is worth noting that this is against historical low figures and that 80% of these incidents resulted in only slight injuries. It is also worth noting that 40% of cases were due to assisting other agencies.

## Non-Fire Casualties by Time of Day



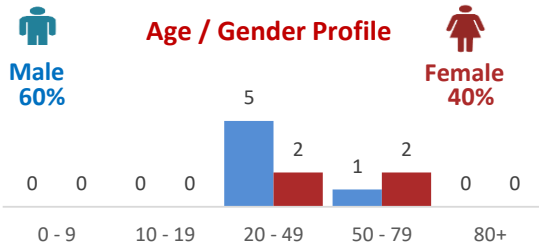
## Nature of Injury



## Extent of Harm



## Non-Fire Emergency Activity



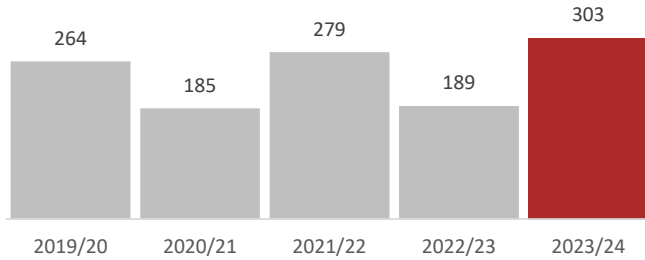
# Deliberate Fire Setting



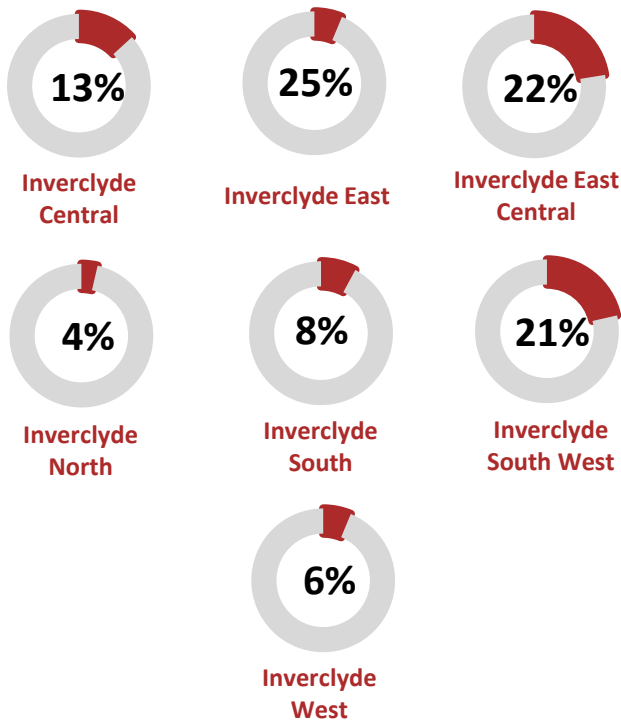
## Performance Summary

Year on Year **60%**  
3 Year Average **18%**

## Deliberate Fires



## Deliberate Fires by Ward (% share)

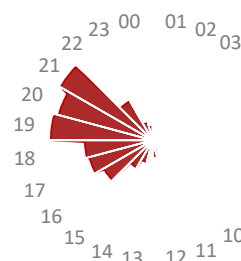


### Definitions

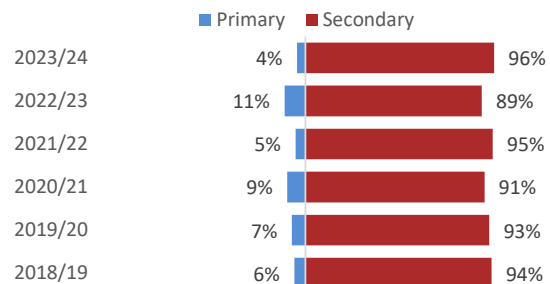
**Primary Fires** - all fires in buildings, vehicles and outdoor structures or any fire involving casualties, rescues or fires attended by five or more appliances

**Secondary Fires** - fire incidents that did not occur at a primary location, was not a chimney fire in an occupied building, did not involve casualties (otherwise categorised as a primary incident) and was attended by four or fewer appliances.

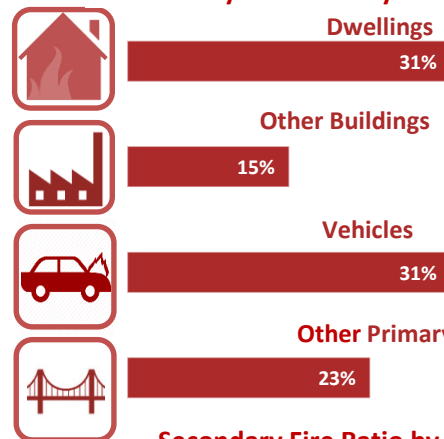
## Deliberate Fires by Time of Day



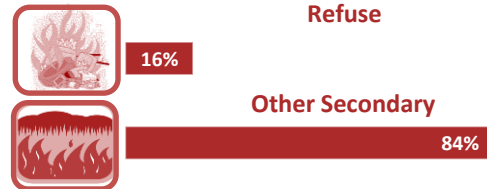
## Deliberate Fires by Classification



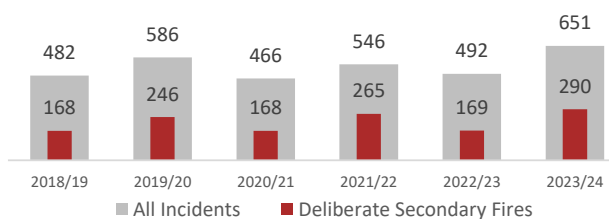
## Primary Fire Ratio by Activity Type



## Secondary Fire Ratio by Activity Type



## Deliberate Fires Compared to Operational Activity

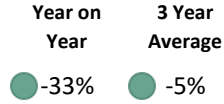


It is disappointing to report a 60% increase on the year on year indicator and a 18% increase on the 3 year average, refuse and grassland fires are the main contributors to the increase in deliberate fire setting which is unusually high for this reporting period.

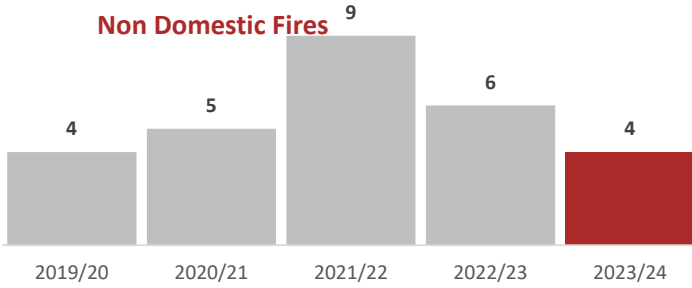
# Non Domestic Fire Safety



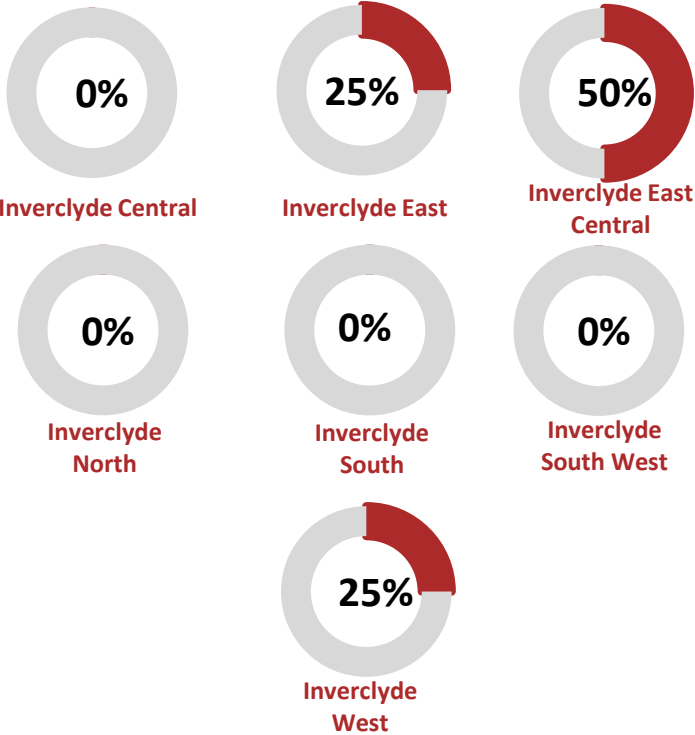
## Performance Summary



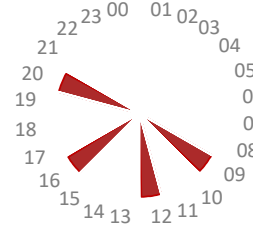
## Non Domestic Fires



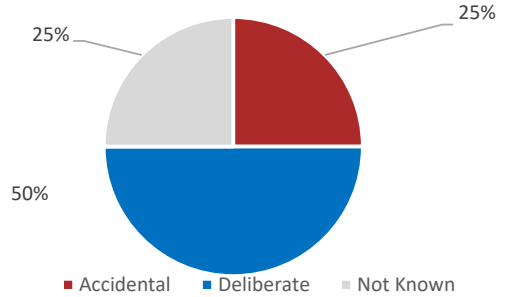
## Non-Domestic Fires by Ward (% share)



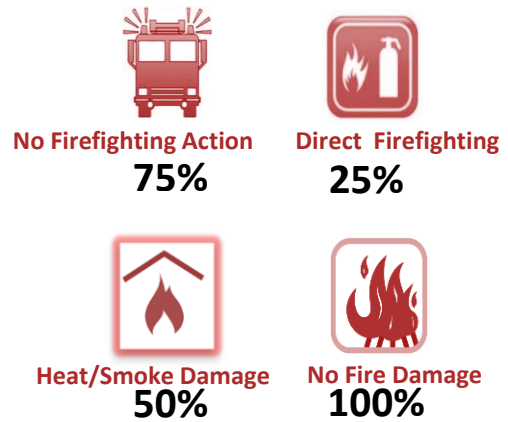
## Non-Domestic Fires by Time of Day



## Non-Domestic Fires by Nature of Origin



## Severity of Non-Domestic Fires



## Non-Domestic Fires by Premises Type



It is positive to report a 33% decrease in the year on year indicator and a 5% reduction on the 3 year average in Non Domestic Fires. It is pleasing that only one incident required direct firefighting and the other three required no firefighting action, these three incidents being minor resulting in no fire damage to property.

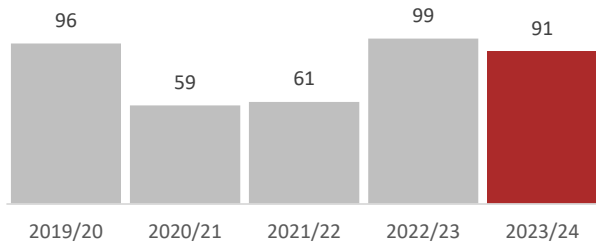
# Unwanted Fire Alarm Signals



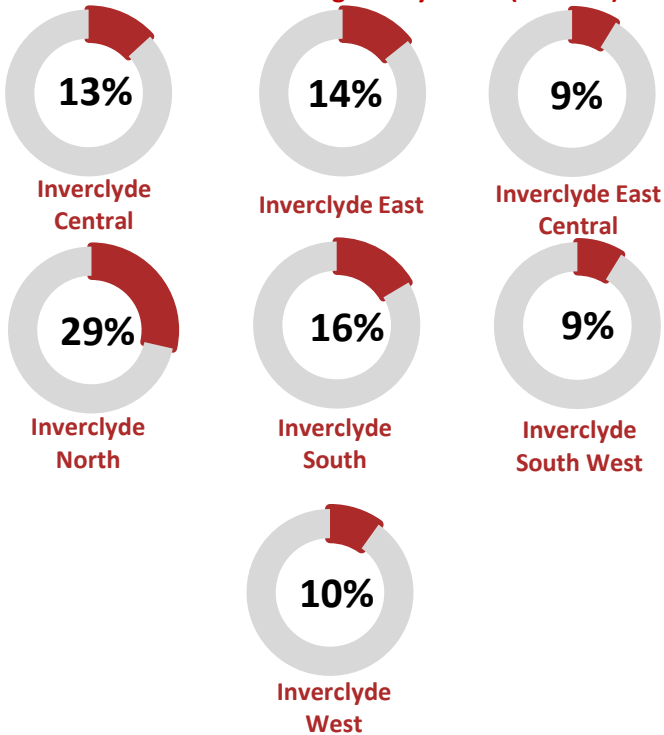
## Performance Summary

Year on Year ● -8%      3 Year Average ◆ 15%

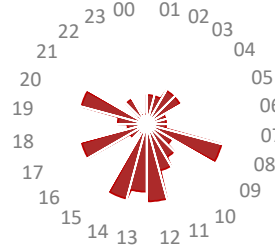
## Unwanted Fire Alarm Signals



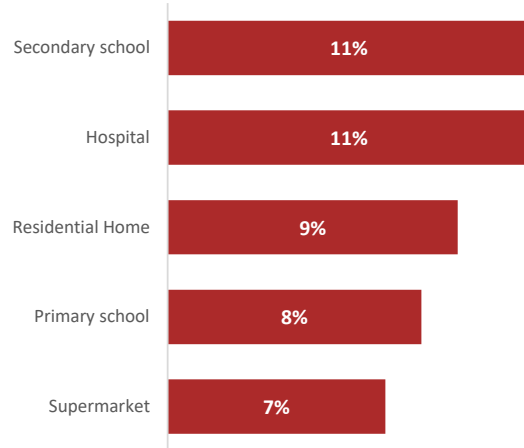
## Unwanted Fire Alarm Signals by Ward (% share)



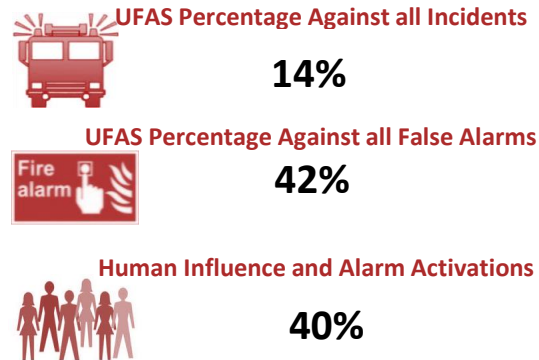
## Unwanted Fire Alarm Signals by Time of Day



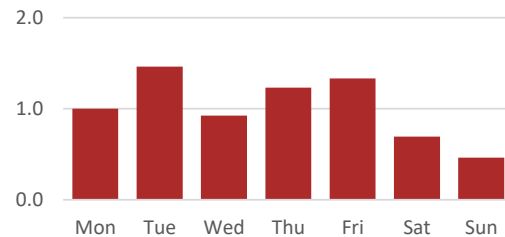
## Unwanted Fire Alarm Signals - Top 5 Premises



## Unwanted Fire Alarm Signals Activity Ratios



## Average Unwanted Fire Alarm Signals per Day















It is positive to report a reduction of 8% against the year on year indicator for UFAS. We do see a slight 15% increase on the 3 year average and this is disappointing as you will note that the majority of UFAS incidents are avoidable and caused by human error or faulty equipment.

# Inverclyde Performance Summary Report

Reporting Period: 01/04/23 - 31/07/23



**Total Crime**  **-0.7%**  **2,094 Crimes**

<p><b>Incidents Recorded</b></p> <p><b>+11.9%</b></p>  <p>7,183</p>	<p><b>Common Assault</b></p> <p><b>-2.9%</b></p>  <p>237</p>	<p><b>Overall Dishonesty</b></p> <p><b>+9.2%</b></p>  <p>465</p>	<p><b>Domestic Abuse Incidents</b></p> <p><b>-10.6%</b></p>  <p>271</p>
<p><b>Overall Violent Crime</b></p> <p><b>-2.8%</b></p>  <p>277</p>	<p><b>Sexual Crime</b></p> <p><b>+6.4%</b></p>  <p>50</p>	<p><b>Road Traffic Casualties</b></p> <p><b>+133.3%</b></p>  <p>21</p>	<p><b>Disorder Complaints</b></p> <p><b>-7.3%*</b></p>  <p>827</p>
<p><b>Missing People</b></p> <p><b>+20%</b></p>  <p>84</p>	<p><b>Counter Terrorism</b></p>  <p>The threat level from INTERNATIONAL TERRORISM is SUBSTANTIAL —an attack has been deemed as likely to occur.</p>		<p><b>Housebreaking</b></p> <p><b>-18.4%</b></p>  <p>40</p>

\*All data provided is for the period 1 April 2023 - 31 July 2023 unless otherwise stated. All statistics are provisional and should be treated as management information. All data have been extracted from Police Scotland internal systems and are correct as of 15 August 2023.

# Inverclyde Performance Summary Report Reporting Period: 1 April 2023 to 30 June 2023



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## Introduction

I am pleased to present this report to the Police Fire and Rescue Committee for its information and consideration. Please note that all data included in this report are management information and not official statistics. All data are sourced from Police Scotland internal systems and are correct as of date of publication. Unless stated otherwise, numerical comparisons are against the comparable period in the preceding reporting year.

CI Damian Kane

Inverclyde Area Commander

**INVERCLYDE POLICING PRIORITIES 2023/26**

PRIORITY	EXECUTIVE SUMMARY
 <p><b>VIOLENCE, DISORDER AND ANTISOCIAL BEHAVIOUR</b></p>	<p>277 violent crimes were recorded in the reporting period - eight fewer than the previous year. The detection rate for crimes of violence is 63.5%. Meanwhile, the number of complaints relating to disorder in Inverclyde fell by 7.3%, to a total of 827 incidents.</p>
 <p><b>PROTECTING VULNERABLE PEOPLE</b></p>	<p>50 sexual crimes were recorded in Inverclyde in the reporting period - three more than the same period in the previous year. The detection rate for sexual crimes has increased by 7.2 percentage points, to 54%. 29% of all recorded sexual crime involved non-recent reporting.</p>
 <p><b>ACQUISITIVE AND CYBER / DIGITAL CRIME</b></p>	<p>Recorded acquisitive crime increased by 9.2%, with a total of 465 in the reporting period. Rises were noted in respect of acquisitive motor vehicle crime, fraud, and common theft. Around 63% of cybercrimes recorded in the current reporting year were acquisitive crimes, and in particular online frauds.</p>
 <p><b>SERIOUS AND ORGANISED CRIME</b></p>	<p>Intelligence led policing resulted in 14 drug supply detections in the current year. In Renfrewshire &amp; Inverclyde Division, serious and organised criminals were deprived of £808,553 in cash and assets through use of the Proceeds of Crime Act. One Serious and Organised Crime Group principal member and 29 SOCG associates were arrested in the current reporting year; this compares to a total of nine in the previous year.</p>
 <p><b>ROAD SAFETY AND ROAD CRIME</b></p>	<p>Overall, road casualties have increased by 12, to a total of 21 - with more people seriously and slightly injured on Inverclyde's roads. Meanwhile, proactivity by Inverclyde officers and the Road Policing Unit has contributed to a rise of 19.8% in recorded road traffic offences.</p>

**POLICE SCOTLAND'S POLICING PRIORITIES 202/23**

**Protecting vulnerable people**

Renfrewshire and Inverclyde Division continues to support a multi-agency approach to reduce drug deaths, to engage with Scottish Government and stakeholders to influence approaches to supporting individuals with complex mental health needs, and to work in partnership to develop local effective and efficient pathways to support vulnerable people.

**Working with communities**

The Division continues to support this Police Scotland priority and to develop strategic partnerships to find synergy in policy making and shared resources. Police in Inverclyde recognise the importance of engaging with communities to understand their needs, and strive to support innovation in local partnership settings.

**Tackling crime in the digital age**

Police in Inverclyde continue to benefit from the support of specialised Police Scotland units such as the Cybercrime Unit and the Economic Crime and Financial Investigation Unit, amongst others. There are continued efforts to ensure our Officers have the training, resources and equipment needed to tackle the threat arising from cyber related criminality and technological advancement.

**Support for operational policing**

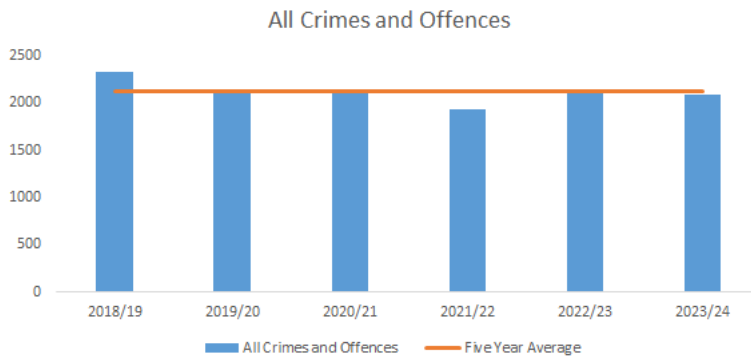
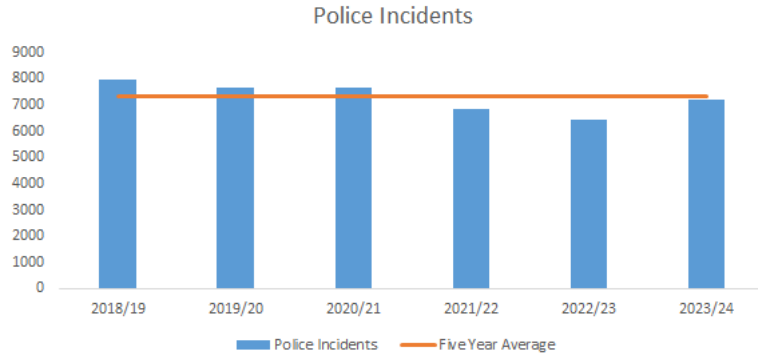
Inverclyde Police continue to link in closely with Police Scotland's Corporate Services who enable and support operational resources to deliver against the strategic priorities and their outcomes. Significant developments arising from the Digitally Enabled Policing Programme which have resulted in direct benefits to Inverclyde Police include the National Network / Project ADEL, the rollout of mobile devices and the suite of applications delivered via Core Operational Systems (COS).

**DEMAND ANALYSIS**

PYTD - PREVIOUS YEAR TO DATE

CYTD - CURRENT YEAR TO DATE

CRIME	PYTD	CYTD	INCIDENTS	PYTD	CYTD
Total Crimes & Offences	2,109	2,094	Total number of incidents	6,420	7,183

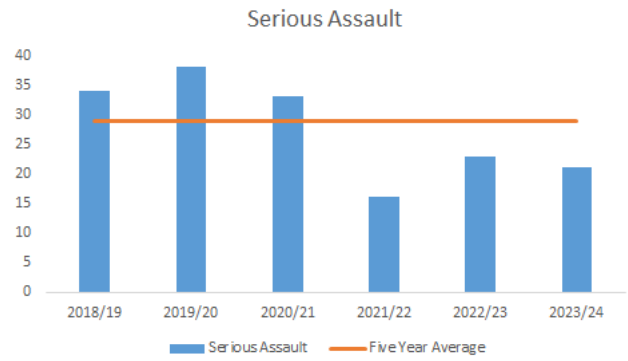
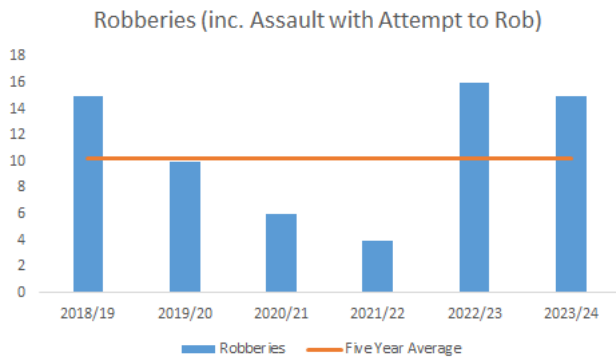


The volume of recorded crime and offences has fallen by 0.7%, with a drop in the number of recorded Group 4 (fireraising, malicious mischief etc) crimes, Group 5 (proactivity crimes) crimes) and Group 6 miscellaneous offences. Nonetheless, the overall rate of all recorded crime in Inverclyde (per 10,000 population) remains above the national average.

Meanwhile, recorded police incidents have increased by 11.9% on the previous year, though they remain 1.8% below the previous five year average.



# VIOLENCE, ANTISOCIAL BEHAVIOUR AND DISORDER



## Violence

Overall violent crime has decreased by 2.8% on the previous year, with a total of 277 crimes recorded in the reporting period. While the rate of violent crime per 10,000 population in Inverclyde remains low (approximately 35 crimes per 10k), it is slightly higher than the national population rate. Fewer robberies, serious assaults and common assaults were recorded compared to the same period in 2022/23. However, murder/attempted murder increased, with one additional crime of each category (with one murder and three attempted murders occurring in the current reporting period). 55% of violent crime in Inverclyde occurred in public space.

The detection rate for overall crimes of violence is 63.5%, which is a decrease of 6.3 percentage points on the previous year.

## Disorder and Antisocial Behaviour

The number of complaints relating to disorder in Inverclyde fell by 7.3%, to a total of 827 incidents.

28 wilful fireraising crimes have been recorded - a decrease of 9.7% on the previous year. This issue continues to be recognised as a key issue of concern in Inverclyde, with the rate of fireraising crimes being considerably higher than the national average.

Meanwhile, recorded vandalism crimes have also fallen by 4.7%, to a total of 163 crimes in the current reporting period.

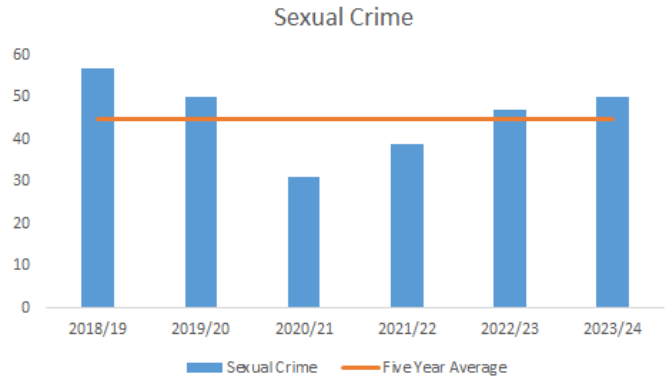
## Hate Crime

13 hate incidents were reported in Inverclyde, a decrease of 55.2% on the previous year. A total of 11 hate crimes were recorded, with three of these involving Police Officers being targeted during the course of their duties.

## PROTECTING VULNERABLE PEOPLE

### Sexual Crime

50 sexual crimes have been recorded in Inverclyde in the reporting period, an increase of 6.4% on the previous year. The rate per 10k population in relation to sexual crime in Inverclyde is lower than the national average and equates to approximately six crimes per 10,000 people. The detection rate for sexual crimes has increased by 7.2 percentage points on the previous year, to 54%. 29% of all recorded sexual crime involved non-recent reporting - a lower proportion than recorded in the preceding year (34%). Cyber-enabled sexual crimes included indecent communications and sharing of indecent images with children, and threats to disclose intimate images.

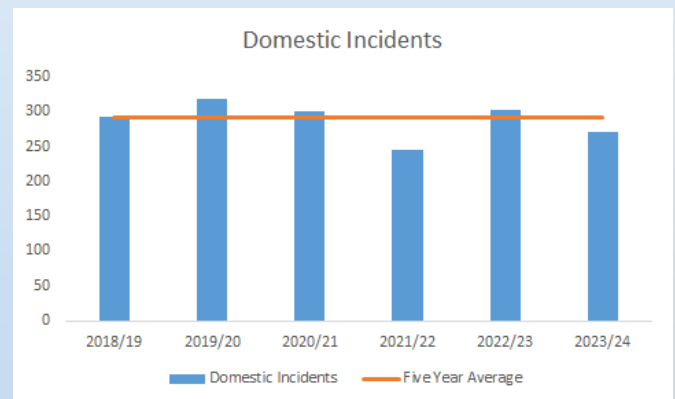


### Missing People

In the period April to July 2023, 84 missing person reports have been recorded in Inverclyde, a rise of 20% on the same period in 2022. All 84 people were traced alive, with over 90% being traced within two days of first being reported missing. The increase in missing people has been particularly significant amongst younger people (19 years and under), with a rise of 44% in the number of young people going missing compared to the previous year and over 80% of all missing people falling into this age category. Repeat missing persons continue to be an issue of concern (particularly in relation to Looked After and Accommodated Children), with the top five individuals alone featuring in 52 incidents - over 60% of the overall total. These top five individuals were all aged between 12 and 15 years.

### Domestic Abuse

Victims of domestic abuse remain one of Renfrewshire and Inverclyde Division's top priorities. Recorded domestic abuse incidents in Inverclyde decreased by 10.6% on the previous year, to a total of 271. 39.5% of all recorded incidents resulted in a crime being recorded – a decrease of 4.7 percentage points on the previous year. The detection rate for domestic crime decreased by seven percentage points on the previous year, to 71.3% in the reporting period.



### Drug Related Deaths

Six suspected drugs related deaths occurred in Inverclyde in the reporting period - the same as the number of confirmed drugs related deaths in the same period in 2022. Toxicology results are awaited in relation to the deaths which have occurred in the current reporting year.

Following the Naloxone introduction in 2022, Renfrewshire Inverclyde Division commenced their divisional rollout in February 2023. The rollout incorporated all forward facing police resources. So far 108 officers deployed in Inverclyde have completed Naloxone training.

## SERIOUS AND ORGANISED CRIME

Intelligence led policing resulted in 14 drugs supply detections in the current year. This comprised of 12 detected drugs supply / possession with intent to supply crimes and two crimes relating to the introduction of drugs into the Scottish Prison Service estate.

In the period April to June 2023, serious and organised criminals in Renfrewshire & Inverclyde Division were deprived of £808,553 in cash and assets through use of the Proceeds of Crime Act, which was almost a threefold increase compared to the same period in the previous year.

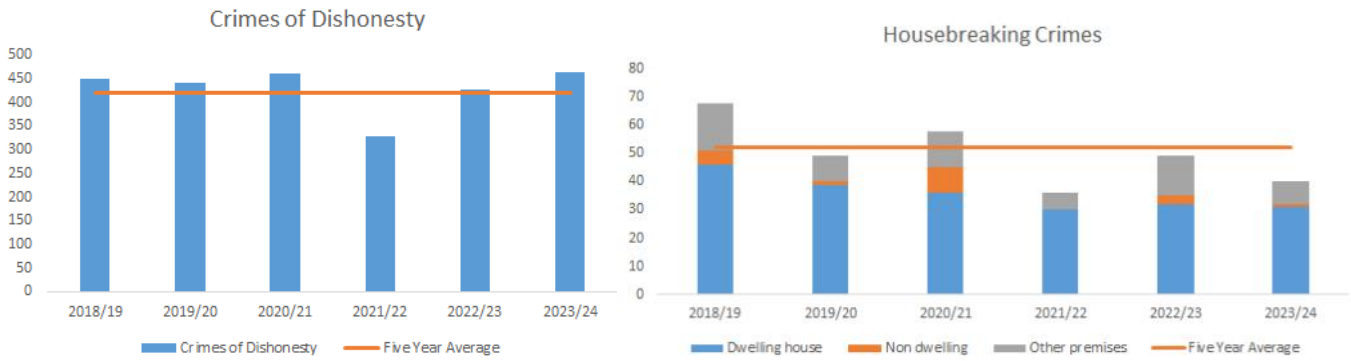
One Serious and Organised Crime Group principal member and 29 SOCG associates were arrested in the current reporting year.

Intelligence-driven stop and search continues to be utilised to proactively target serious and organised criminals, with this tactic resulting in 82 drugs seizures in Inverclyde in the reporting period, with around a third of these seizures relating to Class 'A' substances.

## COUNTER TERRORISM & DOMESTIC EXTREMISM

In February 2022 the Home Secretary announced a decrease in the UK's Terrorist Threat Level from 'Severe' to 'Substantial'. This means it is deemed an attack is likely. At this time there is nothing to suggest that there is any specific threat to Scotland. However, the threat from Islamic, Northern Ireland and Right-wing terrorism remains a serious threat. Inverclyde has an embedded CTLO (Counter Terrorist Liaison Officer) who provides expert guidance and support regarding emerging threats from national and international terrorism & Extremism. The CTLO has provided support, security advice and reassurance to locally elected representatives. PREVENT awareness training has been carried out at HMP Greenock, local RSLs, Social Work and Mental Health teams within NHS to provide guidance and information. Op SANDBED hosted a briefing to all local new and current elected members.

## ACQUISITIVE CRIME



Overall crimes of dishonesty increased by 9.2% to a total of 465. The rate of acquisitive crime in Inverclyde per 10k population is slightly higher than the national average. The detection rate in Inverclyde is 38.9%, a decrease of 12.7 points compared to the previous year.

The main drivers of the overall rise in acquisitive crime were motor vehicle crimes (thefts of vehicles, parts or contents), common theft and fraud.

While theft by shoplifting has fallen on the previous year, figures remain above the five year average and the rate per 10k population remains higher than the national average.

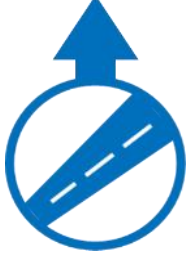
40 crimes of housebreaking were recorded in Inverclyde - nine fewer than the previous year. Over three quarters of reported housebreaking crimes involved residential properties.

## CYBER & DIGITAL CRIME

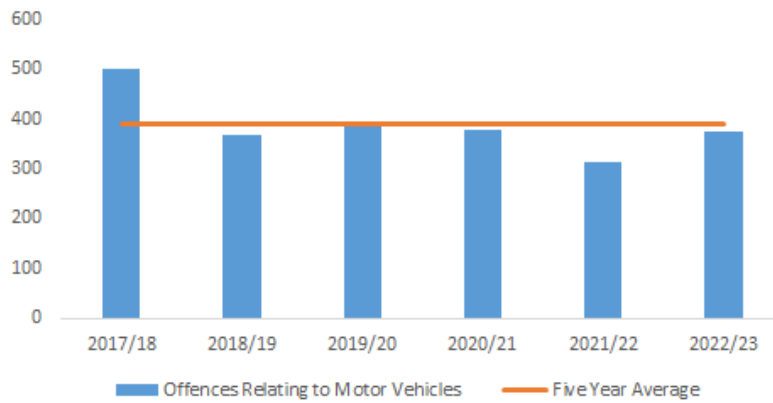
Cyber-enabled crime continues to impact on the communities of Inverclyde, with analysis suggesting that cyber-enabled frauds have become the most commonly recorded type of cyber-crime in Inverclyde in the reporting period. Various methods continue to be used by cybercriminals to defraud their victims, including social engineering frauds in which suspects posed as family members using various communication apps; vishing and phishing attempts in which suspects purported to be employees of financial and cybersecurity organisations; hacking of email and bank accounts; and e-commerce frauds in which victims were defrauded in the course of buying or selling goods online.

Other cybercrimes affecting Inverclyde's communities included threatening and abusive communications involving social networking apps; sexual extortion crimes; and cyber-enabled sexual offences (e.g. sending indecent images to children).

## ROAD SAFETY AND ROAD CRIME

Road Traffic Casualties		2022/23	2023/24
	<b>Number of persons killed on our roads</b>	<b>0</b>	<b>0</b>
	<b>Number of persons seriously injured</b>	<b>2</b>	<b>8</b>
	<b>Number of persons slightly injured</b>	<b>7</b>	<b>13</b>
	<b>Number of children seriously injured</b>	<b>0</b>	<b>0</b>
<b>Road Traffic Data from 01/04/2023 to 31/07/2023</b>			

Offences Relating to Motor Vehicles



Overall, road casualties have increased by 12, to a total of 21 - with more people seriously and slightly injured on Inverclyde's roads. Meanwhile, proactivity by Inverclyde officers and the Road Policing Unit has contributed to a rise of 19.8% in recorded road traffic offences. An increase has been noted in the number of various recorded road traffic offences, including (but not limited to) speeding, mobile phone, license, and insurance offences.

# PUBLIC CONFIDENCE: COMPLAINTS & USER SATISFACTION

## COMPLAINTS ABOUT THE POLICE

From 01/04/2023 - 31/07/2023

Table: Complaints and allegations received in the Inverclyde Council area, by YTD period (Apr – Jul) <sup>1</sup>

	TOTAL COMPLAINT CASES RECEIVED			TOTAL NUMBER OF ALLEGATIONS RECEIVED		
	YTD	LYTD	% Change	YTD	LYTD	% Change
Inverclyde Council	29	27	7.4%	41	47	-12.8%

1 . Data is based on the case received date.

Table: Allegations received in the Inverclyde Council area, by category, type and YTD period (Apr – Jul) <sup>1</sup>

Allegation Category and Type	PYTD	YTD	% change from PYTD
<b>On Duty - TOTAL</b>	<b>28</b>	<b>26</b>	<b>-7.1%</b>
Assault	5	2	-60.0%
Excessive Force	4	1	-75.0%
Incivility	9	5	-44.4%
Irregularity in Procedure	9	15	66.7%
Neglect of Duty	0	1	x
Oppressive Conduct/Harassment	0	1	x
Other - Criminal	1	1	0.0%
<b>Quality Of Service - TOTAL</b>	<b>19</b>	<b>15</b>	<b>-21.1%</b>
Policy/Procedure	3	2	-33.3%
Service Delivery	8	4	-50.0%
Service Outcome	8	9	12.5%
<b>Grand Total</b>	<b>47</b>	<b>41</b>	<b>-12.8%</b>

1 . Data is based on the case received date.

A total of 29 complaint cases and 41 allegations have been received in Inverclyde in the reporting period. 26 allegations were 'On Duty' with a further 15 relating to quality service.

## PUBLIC CONFIDENCE

From 01/04/2023 - 31/07/2023

69% of respondents to the 'Your Police' survey reported that they felt safe in their local area. 50% agreed, or strongly agreed that they had confidence in the police in their local area. 46.1% of Inverclyde respondents felt that the police were doing a good job in the local area. Your Police survey results indicate that some local residents feel Inverclyde Police are doing well is tackling drug supply and organised crime in the area. Issues which were highlighted which continue to cause concern in the local community include antisocial behaviour, weapons related violence and the continued desire for a visible police presence.

## LOCAL POLICING PRIORITY OUTCOMES – CASE STUDIES

### **Proactive Response to Serious, Organised Crime and Violent Crime**

Operation Valkerie and Operation Marsbug were the Force and Divisional response to violent crime, the focus of which continued throughout the reporting period. This involved a national and divisional response to violent crime in the Larkfield and wider Inverclyde area following a highly publicised murder and attempted murder. These operations resulted in a number of arrests and a coordinated response between Police Scotland, COPFS and partner agencies such as Inverclyde Council, Community Wardens, Registered Social Landlords, Education and various other partners. Over and above local response officers, Anti Violence Unit and Community Policing Unit officers and detectives, the community was supported by specialists from the Major Investigation Team, Divisional Roads Policing, Mounted Branch and Dog Unit.

### **Disorder and Anti-Social Behaviour**

A multi-agency plan was devised to provide a co-ordinated and effective response to disorder and anti-social behaviour in advance of the Easter holidays across Inverclyde. Due to growing concerns in the Inverkip and Wemyss Bay area, a multi-agency group was thereafter set up and chaired by Police Scotland involving elected members, British Transport Police, Neighbourhood wardens, SFRS and Inverclyde Council ASIST to deal specifically with Inverkip and Wemyss Bay.

### **Road Traffic Casualties**

Police carried out school inputs in April following a child being knocked down on Cowal View, Gourock to educate children on road safety.

## FORTHCOMING INITIATIVES

### **Preventions and Interventions Partnership**

An initial focus of the department is conducting work around repeat missing persons and getting the groundwork in place for the implementation of the Philomena Protocol which Police Scotland has adopted. The national Philomena Protocol initiative, aims to help locate a young person as quickly as possible when they are missing from care. The scheme enables partner agencies to record on a dedicated form, vital information about the young person which can be used to locate them. The intention is that if a child in care should then go missing the partner agency can quickly supply Police Scotland with a copy of the form which speeds up the response time.

Meetings have taken place with local childrens units in order to progress the implementation of this.

September – Community Officers will work to tackle issues related to Road Safety. We will look to work with Divisional Roads Policing Colleagues and focus on areas of concern around speeding hotspots and traffic offences.

October – In advance of the October School Holidays Inverclyde will work with partners to prepare an anti-social behaviour related action plan which will draw on support from national divisions and resources.

November – Operation Moonbeam is the national multi-agency response to Bonfire Night and will be based on previous successful partnership working to address disorder issues in the run up to and on Bonfire Night.

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<b>Report To:</b>	<b>Local Police &amp; Fire Scrutiny Panel</b>	<b>Date:</b>	<b>21 Sept 2023</b>
<b>Report By:</b>	<b>Director Environment &amp; Regeneration</b>	<b>Report No:</b>	<b>P&amp;F/06/23/MM</b>
<b>Contact Officer:</b>	<b>Martin McNab</b>	<b>Contact No:</b>	<b>01475 714246</b>
<b>Subject:</b>	<b>Firework Control Zones</b>		

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## **1.0 PURPOSE AND SUMMARY**

- 1.1  For Decision  For Information/Noting
- 1.2 The Fireworks and Pyrotechnic Articles (Scotland) Act 2022, which received Royal Assent on 10<sup>th</sup> August 2022 contains sections empowering local authorities to create firework control zones. These provisions were brought into force on 22 June 2023 at the same time as the Scottish Government published Guidance for Local Authorities on the provisions (Appendix 1).
- 1.3 The commencement of the provisions received widespread publicity both nationally and locally and is likely to lead to expectations that the Council will act quickly to introduce firework control zones in areas of Inverclyde where there have been historical issues or the perception of such issues with fireworks.
- 1.4 The guidance details the circumstances where firework control zones may be set up and the aspects to be considered before any proposal is made on a zone. The guidance also details indicative timelines for the consultation on and setting up of a zone. A minimum timeline for this is 28-32 weeks so it is important that we are clear that, even if all the required evidence was available now, it would not be possible to set up a zone by November 2023. Rather consideration should be given to consulting with partners and setting up processes for 2024.

## **2.0 RECOMMENDATIONS**

- 2.1 That the Committee notes the proposals on the development of Firework Control Zones.

**Stuart Jamieson**  
**Director, Environment & Regeneration**



### 3.0 BACKGROUND AND CONTEXT

- 3.1 The Fireworks and Pyrotechnic Articles Scotland Act 2022 received Royal Assent in August 2022 and its provisions have gradually come into force since then with Part 4 which deals with firework control zones coming into force on 22 June 2023. Simultaneously with the commencement of the relevant sections the Scottish Government published guidance for local authorities on firework control zones.
- 3.2 The initial publication of the Act was brought to the attention of the Environment and Regeneration Committee when delegated powers were sought to authorise officers in Public Protection to enforce aspects of the Act. These relevant powers have not yet commenced at the time of writing this report. Members were very interested in the sections on firework control zones at that time and wished to know more about the procedures the Council would follow in considering such zones. As there was no guidance on Part 4 of the Act at that time officers undertook to revert to members when further information was available.
- 3.3 The commencement of Part 4 of the Act and the publication of the guidance now makes it appropriate for the Council to bring a further report to Members and to commence discussions with partners on whether it is appropriate to promote a firework control zone in any area of Inverclyde. The key consideration for this year however is that the consultation requirements in the guidance could not be concluded for any possible zone before November. Appendix 2 illustrates the process for deciding a firework control zone whether this is as a response to a community request or is generated internally following discussions with partners. Additional time will be required to take into account the committee timetable.
- 3.4 Enforcement of firework control zones rests with Police Scotland. Clearly before any zone is proposed the views of Police Scotland on the practicality of enforcing a zone will be key. It is therefore proposed that initial discussions on both the process for firework control zones and on any areas where there might be merit in proposing one should be begun through the Community Safety Partnership.
- 3.5 The guidance makes clear that a firework control zone must have clearly defined boundaries and that the dates it is operational should be evidence based and proportionate. The guidance states that "Firework control zones have not been designed as a measure to cover a whole local authority area, or to cover extensive parts of a local authority area." There will therefore be a need to manage expectations around the legislation as this may not match the impression given by recent press coverage. On the same basis as is the case for the operational dates there is an expectation that the boundaries will be evidence based and proportionate.
- 3.6 The guidance contains examples of reasons why a firework control zone could be designated these include the following:
- Misuse of fireworks and antisocial behaviour involving fireworks
  - Injuries from fireworks
  - Animal welfare
  - Impact on vulnerable groups
  - Environmental protection

In each category the local authority would be expected to have a good evidence base for the designation of a zone. There is also an expectation that other courses of action would have been considered.

In the case of the first grounds for example there would be an expectation that other powers available to the police had been considered for use. These would include the use of dispersal orders. There is also a suggestion that local authorities might consider noise monitoring to track

the level and extent of any noise. It is self-evident that to do so where use of fireworks and problems arising from them is an annual problem would be challenging so this would only be practical in exceptional circumstances.

In the case of animal welfare, the expectation is that impact would need to be demonstrated in a particular area, for example on livestock on a particular farm or an area where the data indicates more of an issue than is the case in Inverclyde as a whole. The overriding presumption remains that the zone cannot cover large areas of the local authority.

3.7 The obvious candidate for a potential first firework control zone in Inverclyde would be Larkfield where issues with the unlicensed bonfire cause significant disruption on an annual basis. Before any proposal could be brought forward however the following would have to be considered:

- Are there any other measures which could achieve the same ends, for example the use of dispersal zones?
- Would policing resources be available to enforce a firework control zone or are we better continuing with the measures in place around Operation Moonbeam?
- Would declaration of a zone be likely to displace the problem to a nearby site and if that was the case would the zone required to prevent this be disproportionate and potentially unenforceable?
- Even if fireworks were to be banned in the area the likelihood is that the bonfire would continue to be a draw and attempting to enforce the provisions when it was in progress could lead to significant disorder.

## **4.0 PROPOSALS**

4.1 As it is not feasible to consider the designation of a firework control zone for this November there is time to develop a number of actions which will assist in this process going forward.

4.2 The Scottish Government is offering funding to develop proposals for Firework Control Zones for 2024. It is proposed that authority will be sought from the Environment and Regeneration Committee to apply for funding. An informal expression of interest has been made in the interim to indicate the Council's likely intention.

4.3 Initial discussions on potential candidate Firework Control Zones will be carried out with partners through the Community Safety Partnership. These will be informed by this year's Operation Moonbeam, the national operation on unauthorised bonfires and firework displays.

4.4 A proposed process for the approval and revocation of Firework Control will be brought to the November 2023 Environment & Regeneration Committee. This will reflect the need for Member involvement in final decisions on zones.

4.5 A process will be developed and brought for member approval on Community Requests for firework control zones. The guidance suggests that these could be made using existing processes, for example, petitions processes or participation requests.

## 5.0 IMPLICATIONS

5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO
Financial		X
Legal/Risk		X
Human Resources		X
Strategic (Partnership Plan/Council Plan)		X
Equalities, Fairer Scotland Duty & Children/Young People's Rights & Wellbeing		X
Environmental & Sustainability		X
Data Protection		X

## 5.2 Finance

None

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (if Applicable)	Other Comments
N/A					

## 5.3 Legal/Risk

Consideration will be required when developing the processes for the approval of firework control zones to ensure that these are in line with both the legislation and the guidance including processes for public consultation and the consideration of community requests.

## 5.4 Human Resources

None.

## 5.5 Strategic

None.

## 5.6 Equalities, Fairer Scotland Duty & Children/Young People

The development of processes for the consideration of firework control zones will require to consider Equalities particularly where community consultations are required to ensure equity of access by hard-to-reach groups. Access to fireworks by Children & Young People is already controlled by legislation.

### (a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

	YES – Assessed as relevant and an EqIA is required.
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, assessed as not relevant and no EqIA is required. An EqIA will be required at the point that processes are developed for approval.

### (b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO – Assessed as not relevant under the Fairer Scotland Duty.

### (c) Children and Young People

Has a Children's Rights and Wellbeing Impact Assessment been carried out?

	YES – Assessed as relevant and a CRWIA is required.
X	NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children's rights.

## 5.7 Environmental/Sustainability

Environmental considerations may form part of the justification for a firework control zone, but these would be considered at that point.

Has a Strategic Environmental Assessment been carried out?

	YES – assessed as relevant and a Strategic Environmental Assessment is required.
X	NO – This report does not propose or seek approval for a plan, policy, programme, strategy or document which is like to have significant environmental effects, if implemented.

## 5.8 Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals.

## 6.0 CONSULTATION

- 6.1 This report summarises the considerations and relevant timescales when developing firework control zones. Full consultations with partners will be carried out before any proposals for zones are developed.

## 7.0 BACKGROUND PAPERS

- 7.1 None.



# Firework Control Zones

Guidance for Local Authorities

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# Foreword from the Minister for Victims and Community Safety and COSLA Community Wellbeing Spokesperson

We are delighted to share this guidance, which supports the introduction of the new firework control zones powers for local authorities from the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. This is a key milestone in the journey towards a cultural change in Scotland's relationship with fireworks.

The introduction of a discretionary power for local authorities to designate firework control zones implements a key recommendation of the Firework Review Group: that local authorities should be able to, with input from communities, establish whether there is a need for the use of fireworks to be restricted in specific areas. Firework control zones have been carefully designed to fit the Scottish context, and will allow communities across Scotland to have a far greater say in how fireworks can be used in their local area.

The purpose of this document is to provide guidance to local authorities on the consideration and implementation of control zones. It will also support partner organisations (such as the emergency services) in understanding the roles they have in establishing and operating control zones. Firework control zones will be one of the tools available to local authorities to help tackle issues associated with fireworks, alongside other enforcement and preventative measures.

This guidance document has been developed in collaboration with key delivery stakeholders through the Firework Control Zones Working Group.

We would like to sincerely thank all of the organisations that participated and guided the process of developing this guidance.

Those living and working in communities have also directly shaped this guidance. Their input has, once again, brought to the fore the scale of the impact that the use of fireworks can have. We heard from a range of communities about the depth of feeling which this topic elicits. As well as the unacceptable scenes of antisocial behaviour involving fireworks misuse which we unfortunately hear about each year, there can be wider impacts on a range of vulnerable groups, on animals, and on the environment too.

The introduction of firework control zones follows years of consultation, engagement and evidence gathering. This includes in 2019, when the Scottish Government launched a public consultation on the sale and use of fireworks. Over 16,000 people responded, indicating an overwhelming desire for greater controls over how fireworks can be used in Scotland.

While the introduction of firework control zones is an important step in our journey, it is not the end. Firework control zones are just one part of a suite of complementary measures in the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. Work will continue to implement the remaining provisions within the Act, and we look forward to the positive impact that these measures will bring for Scotland.

We would like to once again thank the participants of the Firework Control Zones Working Group, and those communities who have engaged in this process, for their efforts in helping to shape this guidance, and for their continued support in progressing a cultural change in Scotland's relationship with fireworks.



Siobhian Brown MSP  
Minister for Victims and Community Safety



Cllr Maureen Chalmers  
COSLA Community Wellbeing Spokesperson



# Overview of the Firework Control Zones Working Group

The Firework Control Zones Working Group was made up of representatives from the following organisations:

- COSLA
- Police Scotland
- Scottish Community Development Centre
- Scottish Community Safety Network
- Scottish Fire and Rescue Service
- SOLAR; and
- Included practitioners from: Edinburgh City Council, Glasgow City Council, Scottish Borders Council, and West Lothian Council.

**The Scottish Government committed to co-developing firework control zone guidance with stakeholders and communities. The Firework Control Zones Working Group was established as a short life working group to steer development of the guidance, with input from wider stakeholders and communities themselves. The Group was facilitated by the fireworks policy team in the Scottish Government, whose role included responsibility for chairing the deliberative workshops and providing a secretariat function. The purpose of the group was to drive forward the development of robust, evidence-based guidance for local authorities as a key element of the implementation and operationalisation of firework control zones in Scotland.**

The Working Group met between January 2023 and June 2023 and took part in a series of deliberative workshops to consider all of the evidence available, and work through the different areas and topics covered in this guidance. Taking into account the output of the community workshops, and all available views and proposals from wider stakeholders, the group co-developed the guidance via a consensus building approach.

At the final meeting of the working group, on 6 June 2023, the group agreed the content of the guidance prior to publication on 22 June 2023.

# 1. Introduction

**In 2019, the Scottish Government launched the national public consultation on fireworks “Your experiences, your ideas, your views”<sup>1</sup>. The consultation started a conversation with the people of Scotland about their views and experiences of fireworks, both good and bad. Overall, 16,420 responses were received, displaying a widespread interest from members of the public and stakeholder organisations. Analysis of these responses demonstrated a strong desire for change in the relationship that Scotland has with fireworks, and a desire for greater restrictions on the sale and use of fireworks.**

Following this, the former Minister for Community Safety established the [Firework Review Group](#), which brought together key organisations with a direct interest in fireworks, including representatives from the fireworks industry, NHS, animal welfare organisations, the emergency services, and local government, as well as community representatives. The Group considered the legislative options for change to how fireworks are supplied and used in Scotland.

The Firework Review Group’s Report to the Scottish Government<sup>2</sup>, made a series of recommendations. One recommendation was that provision should be made for areas to be introduced where it is not permitted for fireworks to be set off by the general public, with clear systems in place for communities to have a say in where these areas should be introduced. The Group recognised this as offering the potential for targeted localised approaches based on the specific circumstances within different areas and communities.

A number of the Group’s recommendations were taken forward through [The Fireworks \(Scotland\) Miscellaneous Amendments Regulations 2021](#). These regulations restrict the hours that F2 and F3 fireworks can be supplied to and used by the general public, and limit the quantity of fireworks that can be supplied to the general public to 5kg at any one time.

The [Fireworks and Pyrotechnic Articles \(Scotland\) Bill 2022](#) was introduced to the Scottish Parliament on 1 February 2022 to take forward the Group’s remaining recommendations. The Bill was passed by the Scottish Parliament on 29 June 2022 and received Royal Assent on 8 August 2022, at which point it became the Fireworks and Pyrotechnic Articles (Scotland) Act 2022 (“the Act”). The Act is designed to support a cultural shift in how fireworks and other pyrotechnic articles are used in Scotland. A key policy delivered by the Act provides each local authority with the power to designate a place (or places) within its area as a firework control zone.

The Act, and 2021 regulations, build upon existing, comprehensive restrictions and legislation around the use and supply of fireworks. An overview of existing legislation, regulations, and associated enforcement responsibilities was compiled by the Fireworks Review Group as part of their programme of work, and is featured as an Annex in their report to the Scottish Government<sup>2</sup>. While it has been illegal to use fireworks in a public place for some time<sup>3</sup>, firework control zones will extend this, where it is deemed appropriate to designate a zone, to cover all areas within a zone’s boundaries, including private property.

This guidance document is the result of a significant period of meaningful co-development with the Firework Control Zones Working Group. The Working Group met between January 2023 and June 2023 to consider the evidence available and deliberate on the content of this guidance. To support this work, the Scottish Government held a series of in-person and online workshops for communities across Scotland between February 2023 and April 2023, with the outputs of these sessions used to inform development of this guidance. A number of stakeholder organisations also had the opportunity to provide evidence and feedback during co-development of the guidance, which was discussed and considered throughout the process.

## 1.1 Purpose of Guidance Document

Section 33 of the Act sets out that local authorities must have regard to any guidance issued by the Scottish Ministers, and that any such guidance must be published. The published guidance will be subject to future revisions or revocation as required by the Scottish Ministers.

The purpose of this guidance is to support local authorities to consider and designate firework control zones in their area. Local authorities must have regard to this guidance, as stated above. Therefore, while it is expected that local processes will be established which best support individual local circumstances, local authorities must take account of factors stated in this guidance.

## 1.2 Format of Guidance Document

This document has been designed to be used by local authority practitioners throughout the process of considering and designating a firework control zone. With this in mind, the document has been designed to be interactive. This subsection details the key features to be aware of.

### Call-Out Boxes

Where there is a call-out box (such as that featured in section 1.1), this sets out the requirements in the Act itself, as opposed to the Scottish Government guidance. For ease, this has been paraphrased, however the wording as set out in the Act is included in **Annex A**.

### Navigating the document

The PDF document includes a virtual navigation bar at the bottom of each page.



This icon will navigate to the cover page of the document.

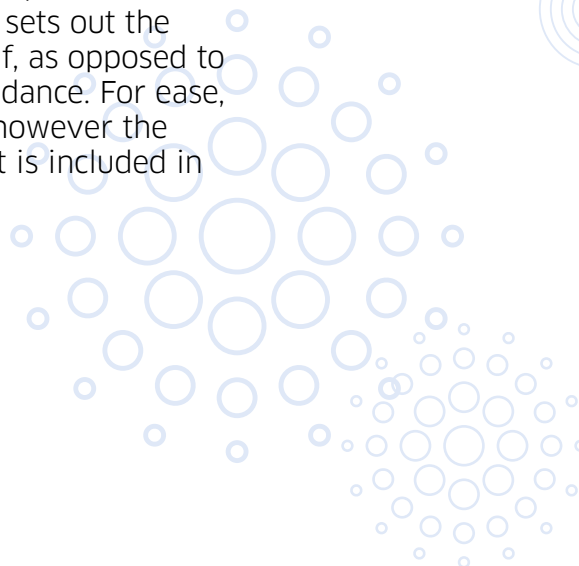


This icon will navigate to the table of contents, where each heading and subheading is hyperlinked to redirect to the relevant section of the document upon being clicked.



These icons will move backwards and forwards by a page, respectively.

In order to make the guidance as interactive as possible, where another section of the guidance is referred to, this has been made bold and clickable. Clicking this will navigate to the relevant section of the guidance. For example, clicking on **Introduction** navigates back to the relevant section of the guidance.



## 2. Firework Control Zones - Overview

A firework control zone is an area within a local authority's boundaries in which it is a criminal offence for a member of the public to ignite a firework, including on private property such as a garden. It is also an offence to fire a firework into the boundaries of a zone; or to knowingly or recklessly throw or cast a lit firework into a zone. This does not apply to category F1 fireworks, which will still be permitted within firework control zones subject to any other legal controls on their use. Category F1 fireworks are indoor or close proximity fireworks with minimal safety distances. These can include sparklers, novelty items, indoor fireworks, and party poppers.

A firework control zone is not intended to be a catch-all solution to deal with issues involving fireworks. If a local authority and local partners consider a firework control zone to be appropriate, it is expected that a zone would be utilised alongside other preventative and enforcement tools to have maximum effect. Existing approaches and tools utilised by local authorities to deal with issues involving fireworks are outlined in the **Alternative Approaches to Firework Control Zones** section of this guidance, alongside case studies from local authorities where alternative approaches have worked well and have had a positive impact in communities.

It will be for the local authority to identify an appropriate team to lead on the implementation of firework control zones locally. Due to the range of issues that could lead to the designation of a firework control zone, this may involve engagement across teams within the local authority with responsibility for community safety, environmental protection, equalities and animal welfare.

### 2.1 Enforcement and Exemptions

Section 41 of the Act sets out that if a constable has reasonable grounds for suspecting that a person has committed or is committing an offence under the Act, the constable may—

- search that person without warrant, and detain the person to permit the search to be carried out,
- stop and search a vehicle (and anything on or in it) without warrant,
- seize and retain any item found in the course of a search which may be relevant to the commission of the offence.

A person who commits an offence under the Act in relation to a firework control zone is liable, on summary conviction, to imprisonment for a maximum of 6 months or a fine of up to £5,000, subject to any future changes to the standard scale.

A limited number of exemptions apply to firework control zones, when the use of fireworks will be permitted in a zone. These are when fireworks are used:

- For the purpose of a public fireworks display (see section 2.2 below);
- In connection with a regulatory authority's functions; or
- For necessary safety purposes by a business engaged in the manufacture, importation, distribution or supply of fireworks.

In line with the approach to other offences relating to the use of fireworks, Police Scotland will have responsibility for enforcing offences related to the illegal use of fireworks within firework control zones.

Local authorities should ensure that a partnership approach is taken to considering and developing the proposal to designate, amend, or revoke a firework control zone. Local authorities should involve local police and other local partners at the formative stages of considering a firework control zone and developing a proposal in an area. Early engagement is vital in understanding the feasibility of enforcement for a potential zone and enables discussions around enforcement to underpin considerations.

## 2.2 Public Firework Displays within Firework Control Zones

Public firework displays will continue to be permitted within an area designated as a firework control zone, subject to certain requirements. It is not an offence to use fireworks in a firework control zone if it is:

- For the purpose of a public fireworks display by a professional fireworks operator; or
- For the purpose of a public fireworks display organised by a community group, sports club, or other similar organisations.

Section 51 of the Act defines a “public fireworks display” as a fireworks display at which the public, or any section of the public, are able to attend (whether or not they have paid) that complies with regulations made under section 6 of the Fireworks Act 2003. At the time of this guidance being published, there are no regulations made under section 6 of the 2003 Act, meaning that the definition of public fireworks display as set out in Section 51 should be applied.

There are different ways a community group can prove that they are organising a public display and fit within this exemption. For example, a local authority issued public entertainment licence or public liability insurance documents for the firework display could be used as evidence.

While the enforcement of any offences within a firework control zone, and any application of the exemptions, remains a matter for police, the Crown Office and Procurator Fiscal Service, and ultimately the courts. Under this definition, the following could expect to be included as examples of a public fireworks display:

- Large scale public firework displays organised by the local authority;
- Small scale, local community firework displays organised by a community group or charity, including religious or cultural festivals at a place of worship;
- Music concerts or festivals at outdoor venues where fireworks are used as part of the event;
- Events in stadia, such as sports or music events, where fireworks are used as part of the event<sup>a</sup>.

In an area where a firework control zone has been designated, public firework displays continue to be subject to existing local licensing requirements for such displays to take place, for example, a public entertainment licence or temporary public entertainment licence. The designation of a firework control zone does not replace the need for local licensing requirements to be met for public firework displays. Existing criteria for consideration of public displays should continue to be applied by local authorities.

In line with existing local requirements, a range of factors will continue to be considered by local authorities when determining appropriate locations for public firework displays and it is **not** expected that the existence of a firework control zone will be a reason for declining applications to hold public firework displays. Communities have expressed the value and

<sup>a</sup> Note that restrictions under section 36 of the Act apply to the possession and use of pyrotechnic articles, including all fireworks, at a designated sport or music event, but these do not apply to public firework displays or professionally operated displays,



enjoyment of well organised public fireworks displays. It is recognised that these can provide a route for communities to come together to enjoy fireworks in a safe and appropriate way.

## 2.3 Dates That a Zone is Operational

Section 27 of the Act states that a firework control zone operates, and offences apply, on all days that the zone has effect; if the designation specifies particular days on which the zone is to operate, then, the offence only applies on the days where the zone is in operation. Section 28 states that the dates that it is proposed a zone is to be operational must be included within any consultation proposal.

The Act does not set out any minimum or maximum time periods or dates for which a firework control zone should be in operation. It is considered that the appropriate length of time that a zone is in effect will vary in different communities due to local circumstances, meaning that there is local flexibility around when a firework control zone is in operation. For example, a zone may be designated for a number of weeks to deal with a specific issue at a certain time of year. Alternatively, in an area with persistent, ongoing issues with fireworks, it may be designated year-round.

The dates that a firework control zone is in operation should be evidence-based and proportionate. A local authority should be able to demonstrate why the dates a zone is in effect are considered necessary. Local authorities should involve the local police, other local enforcement partners, and other emergency services at a formative stage when considering the dates that a firework control zone will have effect. This will enable discussions to take place at the outset in relation to enforcement, allowing this to underpin consideration of appropriate dates, and ensure that local data is utilised effectively in the decision making process.

The dates a zone is operational must be included in the proposal to designate, amend, or revoke a zone that will be consulted on. This ensures that local community members, businesses and anyone else affected, or with an interest, will have the opportunity to share their views on the proposed dates. The views gathered during the consultation should be taken into consideration when publishing a decision on a proposal and setting out the dates a control zone is to be in operation.

## 2.4 Boundaries of a Zone

Sections 28 and 30 of the Act set out that the boundaries of a zone must be clearly set out in any consultation proposals, as well as in any publicity for a zone when they are designated or amended.

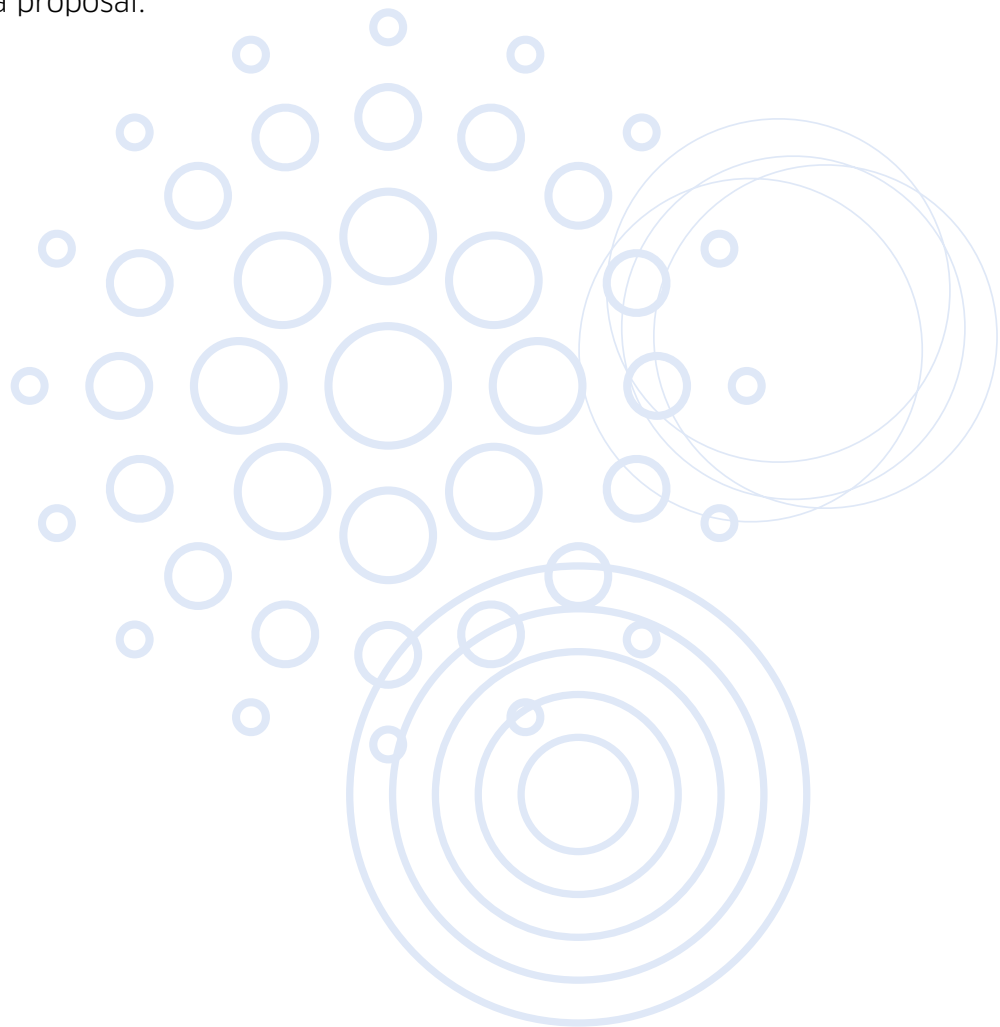
The Act does not set out any minimum or maximum geographic size or area that can be covered by a firework control zone, or the cumulative area that a local authority may designate as a firework control zone(s) within its boundaries.

The appropriate size for a control zone is best determined at a local authority level, as this will be dependent on local circumstances. For example, in a densely populated, urban area a zone may cover a small area where there are known issues with fireworks, whilst in a rural area a zone may cover a larger geographical area as it is less densely populated and issues may be more geographically spread as a result. This is not to be taken as a rule, however, as a zone in rural areas could similarly cover a targeted area of problematic fireworks use, such as if fireworks were disrupting livestock, and a larger area in a densely populated urban area, where evidence supports this need.

It is essential that the boundaries of a zone are developed in partnership with local police, the fire and rescue service, and other local partners, to ensure that all local intelligence is utilised and that the resultant boundaries are proportionate, as well as being enforceable and grounded in evidence.

Firework control zones have not been designed as a measure to cover a whole local authority area, or to cover extensive parts of a local authority area. The geographic size or area covered by each firework control zone must, therefore, be evidence-based and proportionate. A local authority should be able to demonstrate why it is considered necessary for a geographic area to be covered by a zone.

As the proposed boundaries of a zone must be included within any consultation proposal, local community members, businesses and anyone else affected or with an interest will have the opportunity to share their views on any geographic boundaries. These views should be taken into consideration when considering the final boundaries of a zone, where a decision is taken to proceed with a proposal.



## 3. Consultation on Firework Control Zones

Section 28 of the Act requires that, prior to any decisions being made to designate a firework control zone, or to amend, or revoke an existing firework control zone, consultation must be undertaken.

This means that if a local authority is proposing to designate an entirely new zone, or to amend or revoke an existing zone, a proposal must be developed and consulted on. Similarly, if a decision is taken to amend or revoke a zone following a **Review**, a proposal must be developed and consulted upon.

There are a number of requirements on local authorities set out in the Act in relation to the proposal that must be developed for the purpose of this consultation, and how consultation must be carried out.

### 3.1 Develop a Proposal

The Act states that, before designating a place as a firework control zone or amending or revoking an existing firework control zone, a local authority must prepare and publish a proposal in relation to the designation, amendment or revocation of the zone. The local authority must also carry out a consultation on the proposal.

#### Format of Proposal

Local authorities should consider their audience and objectives when determining the format of the consultation proposal and the type of document produced. The proposal should not make assumptions about which groups will be interested in a particular topic, and any consultation might be required in a different format or accessible version. It is good practice to proactively make alternative formats or accessible versions available.

#### Content of Proposal

The Act outlines that a proposal for designating, amending or revoking a firework control zone must set out:

- The **reasons** for the proposed new firework control zone, or for amending or revoking an existing zone.
- The **boundaries** of the zone.
- The **date** from which the zone **is to have effect** and the proposed date that the zone **is to cease to have effect**.
- The **dates of the consultation** on the zone proposal, and **how the consultation will be conducted**.

As well as the information required by the Act, local authorities may also wish to include information on what a firework control zone is and what is and is not permitted within a zone, as set out in the Act, as part of the proposal. This is to ensure that consultees understand what can be changed in a proposal as part of the consultation and what is set out in the Act.

A consultation proposal for a zone will be most robust and effective when a partnership approach to developing the proposal is taken. Local authorities should engage local police and other local partners at the formative stages of developing a proposal, and considering a firework control zone in an area, to enable discussions around enforcement to underpin considerations.

Local authority practitioners may wish to develop a logic model or theory of change as a part of the proposal for a zone in order to illustrate how this will function alongside other preventative and enforcement tools. The Scottish Government have developed [guidance](#)<sup>4</sup> on the creation of logic models which can be referred to in this process.



The reasons for the proposed new firework control zone, or amended or revoked existing zone, must be clearly outlined in the proposal. This should also make reference to the evidence which supports the reasons behind the proposal being developed. Further information on why a zone may be proposed, and the evidence that could be considered, are outlined in the **Reasons Why a Firework Control Zone Could Be Designated** section.

The proposed boundaries for a zone, outlined in the consultation proposal, should be proportionate and evidence-based. The proposal should include a map which clearly illustrates the proposed boundaries in order to make the geographic area that would be covered by the zone clear, and leave no room for interpretation.

The dates that the proposed zone is to have effect and cease to have effect should be evidence-based and proportionate. Firework control zones are not designed to be used in perpetuity. As well as the proposal setting out when the zone would cease to have effect, the Act requires local authorities to review the operation and effectiveness of zones. Further information can be found in the **Reviewing a Zone** section of this guidance.

If the proposal is that the firework control zone will operate only on specific dates (e.g. dates where there is a particular reason to restrict firework use in the area), the dates in question should be set out in the consultation. The reasons for proposing these dates should also be given, alongside the evidence supporting the reasons provided.

The published proposal must include details of the dates and process of consultation to be undertaken. Further guidance on designing and conducting a consultation on a proposal for a firework control zone is set out in the **Consultation on a Proposal** section, below.

As a part of development of a proposal, local authorities should consider the impact of their proposal and, as a part of this process, may wish to consider completion of any impact assessments which may be appropriate. This may vary based on the circumstances of the local authority and the detail of the specific proposal. The process of considering whether impact assessments are required should be started as early as possible so that the results of any assessments completed are able to help shape the decision making process<sup>b</sup>.

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<sup>b</sup> A suite of national level impact assessments were published as part of development of the Act. While the impact assessments consider measures within the Act as a whole, local authorities may wish to refer to these. These can be accessed at [www.gov.scot](http://www.gov.scot).

## 3.2 Consultation on a Proposal

The Act states that a local authority must consult with:

- those who live or work in the proposed zone;
- other members of the local community in or near the proposed zone; and
- any other persons or bodies that the local authority considers to have a connection with, be interested in or affected by the proposed zone.

### Who Should be Consulted on the Proposal

The Act requires that people and organisations who may have a connection with, be interested in, or affected by a proposed zone (or proposed changes to an existing zone) must be consulted. The appropriate people and organisations to be consulted will be dependent on the specific proposal and the local authority's knowledge and experience of local circumstances.

Examples of the individuals and organisations that this could include, but is not limited to, are:

- All registered domestic addresses within, and near, the proposed zone;
- Businesses based within, or near, the proposed zone;
- Community councils where all, or a part, of their area would be affected;
- Local community groups within, or near, the proposed zone;
- Local youth groups or organisations within, or near, the proposed zone;
- Emergency services;
- Local healthcare providers;
- Professional fireworks operators and retailers in the area;
- Organisations representing the interests of disabled persons;
- Veterans organisations;

- Animal welfare organisations and veterinarians;
- Faith groups in the community;
- Environmental organisations, including those responsible for managing any nature reserves or other areas of significance and air quality organisations;
- Refugee communities in or near the area;
- Registered landlords in the area.

While it is for the local authority to determine who the appropriate consultees may be, the **Reasons Why a Firework Control Zone Could Be Designated** section of this guidance outlines the issues which local authorities may wish to consider in designating a zone, and stakeholders who may be useful to engage in doing so. A local authority may also wish to use the identified issues to form the basis of the individuals or organisations to engage with as part of the consultation.



### Running a Consultation on a Proposal

Local authorities can consider the [National Standards for Community Engagement](#) when consulting on the proposal. These are good practice principles designed to support and inform the process of community engagement, and improve what happens as a result. A visualisation of the standards is included in Figure 1.



**FIGURE 1:** The National Standards for Community Engagement

These standards are intended to act as a reference point for best practice and are designed to reflect policy relating to participation, engagement, and community empowerment in Scotland. They have been widely accepted by a range of practitioners as key principles for effective practice.

They can be used by local authorities to help them plan how to involve communities in shaping local plans and services, identify who should be involved, and make sure that the community engagement process is fair and effective.

When setting out in the proposal how the consultation is to be conducted, local authorities may wish to be mindful of the risk of communities facing 'consultation fatigue' due to the various topics and issues that a local authority may be consulting a community on at one time. Dependent on local circumstances, consideration may be given to alternative approaches to a traditional written consultation to mitigate this. Consulting with communities in a collaborative and tailored way, and having meaningful conversations, can maximise the effectiveness of a consultation.

When considering the dates of a consultation, and the length of time it will run, there must be sufficient opportunity for consultees to participate. There is no set timeframe for consultations in the Act. However, it is generally considered good practice to run a traditional written consultation for between 8-12 weeks. Alternative methods of consultation may result in a shorter or longer period than this. A local authority may, therefore, depart from this timeframe if there are clear, justifiable reasons for doing so and as long as they can justify that the timeframe provided for response remains proportionate and does not prevent participation by individuals. This includes, for example, if there is a pressing local need to conclude the consultation within a shorter timescale or if local circumstances mean that extending the consultation period will enable significantly higher levels of engagement.

As outlined below in **Publication of a Decision on Proposal**, local authorities are required to publish the decision on the consultation proposal once the consultation has concluded. However, during development of the consultation, local authorities may wish consider how to signpost consultees to where they will find this information and be able to follow progress of the consultation.

The local authority should take any such steps as it considers appropriate for adequate publicity about the consultation to ensure that it is available to persons likely to be affected by it. Methods used may include, but are not limited to:

- publishing the proposal on their website,
- circulating information through social media channels,
- issuing letters to those who live or work within, or near, the boundaries of the proposed zone,
- putting a notice into local newspapers,
- notifying community councils and other relevant stakeholders, and
- any other means it is considered appropriate to utilise.

In many cases, a digital consultation alone may not be an accessible consultation format. Local authorities should give due consideration as to how to make information available and accessible to anyone who may wish to respond to the consultation. For example, this could include making paper copies available at a local authority office or building so that those without access to the internet have the opportunity to respond.

The **Raising Awareness of Firework Control Zones** section outlines a number of additional methods of awareness raising, which were suggested by communities through our workshops to support the development of this guidance. Although these were suggested with the aim of raising awareness of a zone being designated, these may also be appropriate for raising awareness of a consultation on a zone.

### 3.3 Publication of a Decision on Proposal

Section 29 of the Act sets out that following a consultation on a proposed zone (or proposed change or removal of an existing zone), a local authority must publish a document which confirms whether or not it is proceeding with the proposal, sets out any changes to the proposal which have been made (regardless of whether or not as a result of the consultation), and explains how it had regard to the views expressed during the consultation process.

The local authority must publish the document as soon as practicable after the decision is made. Where a decision has been made to proceed with the proposal, the document must be published at least 60 days before the day on which the proposal is to have effect.

It is best practice for the decision on a proposal to be published as a part of a report (“consultation report”) which, as well as including the decision information required in the legislation, also sets out:

- a summary of both the consultation responses and the analysis of the responses received;
- the local authority’s reasons for whether or not it intends to proceed with the proposal and how this has taken consultation responses into account;
- information on the responses received, such as the number of responses, an overview of who responded to the consultation, and
- the local authority’s response to the issues raised by consultation respondents.

The decision on the proposal, or the consultation report including the decision, should be:

- published on the local authority’s website; and
- publicised in any other way the local authority considers appropriate.

It is best practice for responses to a consultation to be published within 12 weeks of the consultation closing, or a reason should be published as to why this is not possible.<sup>5</sup> If the decision has been taken to proceed with a proposal in relation to a fireworks control zone, the consultation report must be published **at least 60 days** before the date on which the proposal will have effect.





## 4. Reasons Why a Firework Control Zone Could Be Designated

**There are a range of issues and concerns that communities and stakeholders raise about the use of fireworks. This includes issues such as the deliberate misuse of fireworks, as well as the disturbance that can be caused by the unpredictable use of fireworks as part of a private display, and the impact this can have on people and animals.**

This section sets out some of the key issues that have been highlighted by communities and stakeholders throughout extensive consultation and engagement, and the evidence that could be used to inform considerations of whether a firework control zone should be designated to address these. If a community is experiencing the issues detailed, however, this does **not** mean that a firework control zone is necessarily the most appropriate measure to be adopted in response. Due consideration should be given to all available strategies to ensure that the approach adopted is proportionate.

It is expected that local authorities will apply their knowledge and experience of different areas to take a proportionate and balanced approach to determine the most appropriate route to dealing with firework issues, which may or may not include designation of a firework control zone. Further information on other routes to tackling issues involving fireworks can be found in the **Alternative Approaches to Firework Control Zones** section.

It is also important to note that this section is not exhaustive. Local circumstances may mean that there are others issues involving fireworks that a control zone could be used to seek to address, with other evidence sources to support this.

It is expected that local authorities will use a range of evidence sources to inform consideration of a firework control zone. Local authorities may find it useful to consider the cumulative impact of the reasons or evidence for a zone being established. The views and experiences of communities and stakeholders will be key to understanding why a firework control zone may be required in an area. Wherever possible this should be supplemented by quantitative evidence, however it is recognised that this may not always be available. Where there is a lack of quantitative evidence, this should not be a barrier to a zone being established should other sufficient evidence for a zone be available.

The noise associated with fireworks is not a specific heading within this section of this guidance, but is a factor across a number of the possible reasons for designation of an area as a firework control zone. Noise pollution from fireworks can exceed 85dB – the level at which harm can occur to human eardrums<sup>6</sup> – and recent evidence suggests a very small number may exceed the 120dB noise limit threshold<sup>7</sup>. Anecdotal evidence also points to the disruptive effects which the unpredictable nature of the noise associated with firework use can have on communities.

A range of factors<sup>8 9</sup> can influence the noise that is produced by a firework, including the physical environment where a firework is being used, and the effects created by a firework. There are tools available<sup>10</sup> which are capable of predicting the distance which sound from fireworks could travel, and local authorities may wish to consider utilising these as an evidence source when considering the boundaries of a zone.

## 4.1 Misuse of Fireworks and Anti-Social Behaviour Involving Fireworks

Concerns about the misuse of fireworks, including anti-social behaviour involving fireworks, was a key theme to emerge from the national public consultations on fireworks<sup>11 12</sup>, and recent engagement with communities.

This included the use of fireworks in public places, such as parks and in the street, as well as the weaponising of fireworks. Data also tells us that there is a spike in attacks on emergency services over the bonfire night period - around 40% of acts of violence on fire crews happen around this time of year. It is important to note, however, that these attacks are not all due to fireworks being weaponised.

While the disturbance caused by fireworks misuse and anti-social behaviour is usually concentrated around the bonfire night period (in October and November), some communities experience anti-social behaviour involving fireworks at very late hours, through to the early morning and, in some cases, throughout the year.

The anti-social use of fireworks can include fireworks being used in an otherwise lawful, but fundamentally anti-social, way that negatively impacts on communities. For example, an individual uses fireworks within the permitted times of day in a suitable private garden, but is using a large number of fireworks over a number of weeks or days that is having a negative impact on the wider community. It would be encouraged in these instances to attempt to resolve such issues with the individual without formal or enforcement measures, but it could form part of a wider evidence picture on the overall use of fireworks within an area.

If local authorities are considering designating a control zone due to fireworks misuse or anti-social behaviour involving fireworks, there are a range of evidence sources they may wish to consider. While these will be dependent on local circumstances, these could include:

- The number of reports to police or the local authority of anti-social behaviour involving fireworks.
- The number of reports to police about the misuse of fireworks.
- The number of reports (including from local retailers and trading standards) about misuse of fireworks/anti-social behaviour involving fireworks which relate to illegal access and use by young people (aged under 18).
- The number of call outs for the Scottish Fire and Rescue Service to incidents involving fireworks or incidents as a result of fireworks being used, such as fires.
- The number of incidents resulting in hospital treatment/admissions.
- Anonymous reports to Crimestoppers for local incidents involving fireworks.
- The number of noise complaints to the local authority about the private use of fireworks.
- Police Scotland annually use (and advertise) dispersal orders in some areas in the run-up to bonfire night based on issues in previous years. Where a dispersal zone has previously been in place, the effectiveness of this measure in targeting the issue should be considered.
- Anecdotal evidence from community level stakeholders regarding the severity of incidents, which cannot be accurately captured through quantitative data alone. Groups who may be useful to engage with include community councils, neighbourhood watch, and emergency services.
- Local authorities may wish to consider installing a noise monitor to track the level and extent (including volume) of noise produced by fireworks use.



- Local authorities may wish to make use of tools which are capable of predicting the distance which a sound could travel when considering the boundaries of a control zone.

However it is worth noting that incidents involving fireworks are not always reported, and report numbers may not demonstrate an accurate picture of the severity of the issue, particularly for the most vulnerable groups who may be less confident of making reports such as older people, those from ethnic communities, and people with disabilities. Local authorities (and the police) may wish to check that people have a good range of accessible reporting options. This could range from in-person reports through to the use of texting and social media for making reports (including anonymously). Due to the issue of under-reporting of these incidents, the views and experiences of people living and working in communities are a valuable source of evidence for consideration.

## 4.2 Injuries from Fireworks

Fireworks can cause serious injury to the general public. Research consistently finds a spike in firework-related injuries around holidays and festivals traditionally celebrated with fireworks<sup>13</sup>.

The evidence, although limited, suggests that the majority of firework-related injuries in the UK occur at private firework displays at homes, and in streets and other public places<sup>14 15 16</sup>, public firework displays pose significantly lower risks of injury<sup>17</sup>. A study by Care of Burns in Scotland found that those at greatest risk of sustaining a physical fireworks injury are children from areas of greater deprivation.<sup>18</sup> International evidence has demonstrated that the introduction of restrictions on firework use can reduce the number of firework-related injuries in an area<sup>19 20 21</sup>.

If a local authority is considering designating a firework control zone due to a prevalence of firework-related injuries, evidence which may be useful to consider can include:

- The number and severity of injuries involving fireworks in an area. This could be recent incidents or historical data.
- Incidences of emergency workers being attacked with fireworks, and the number and severity of injuries sustained as a result.

## 4.3 Animal Welfare

Concerns about the impact of fireworks on animals, particularly pets, has been a strong and consistent theme raised throughout consultation and engagement. As animals have more acute hearing than humans<sup>22</sup>, the loud and high-pitched noises made by fireworks can cause animals to suffer distress, fear, or develop phobic responses<sup>23</sup>. Being unpredictable, as well as intermittent and relatively infrequent, also makes it unlikely that animals will acclimatise to firework noise<sup>24</sup>.

A 2018 survey of UK vets by the British Veterinary Association<sup>25</sup> found that in the preceding 12 months:

- Around 1 in 14 vets had seen animals with firework injuries.
- Equine vets were significantly more likely to report such cases, with almost one in five seeing firework injuries in the last year.
- Most commonly, they observed self-injuries caused by firework related anxiety, such as to horses that have bolted or injuries to dogs from chewing furniture.

Concerns are also consistently raised about the impact of fireworks on livestock and wildlife. Research has been carried out looking at the impact of noise on animals, in particular farm animals, which has demonstrated that unexpected loud or novel noises can be highly stressful to livestock<sup>26</sup>. Fireworks are classed as highly disturbing to some bird species<sup>27</sup>, and have been associated with the abandonment of nests or even whole colonies<sup>28</sup>.

When considering designating a control zone due to animal welfare concerns, it is important to note that animals can be injured either directly or indirectly by fireworks<sup>29</sup>. The majority of injuries to cats and dogs appear to occur indirectly through attempts to escape from fireworks (e.g. attempted avoidance of fireworks causing a road traffic accident and injuries from striking doors, windows and fences while attempting to escape), however there is also evidence of direct injury through accidental and deliberate misuse. Additionally, debris and remnants of fireworks can pose a risk to the health and welfare of livestock and wildlife<sup>29 30 31</sup>.

If a local authority is considering designating a control zone due to animal welfare concerns, there are a range of evidence sources they may wish to consider. While this will be dependent on local circumstances, this could include:

- Evidence and data on animal health and welfare impacts gathered from local veterinary practices, as well as animal owners or keepers, businesses and charities where animals are usually kept on-site, for example farms, rehoming centres, zoos, kennels, catteries, and riding stables. Examples of evidence that could be collected include:
  - cases and type of actual physical harm or mental or emotional distress caused by fireworks.
  - cost of precautionary measures to mitigate and lessen the impact of fireworks to companion animal and livestock owners.
  - cost of measures that have to be implemented by the affected institutions (see above) to mitigate the impact of fireworks on patients, residents or animals.
- The number of animal welfare incidents reported to the Scottish SPCA's animal helpline and other key stakeholder's resources such as the British Horse Society's Fireworks Incident Map<sup>32</sup> and data held by the **British Veterinary Association**.

- The number of noise complaints to the local authority about the private use of fireworks.
- The number of reports to veterinarians of animal welfare related issues or medicines prescribed to tackle issues caused by fireworks.
- The proximity of an area where there are issues due to the use of fireworks and the impact on facilities such as:
  - Licensed facilities such as an animal boarding establishment and animal shelters or rehoming centres
  - Animal hospitals or veterinary practices,
  - Zoos or animal collections,
  - Registered licensed livestock holdings, farms, housed livestock, or grazing animals,
  - Equine yards,
  - Proximity to protected areas (Special Areas of Conservation, Special Protected Areas or Sites of Scientific Interest) designated for bird and animal species especially during the relevant breeding season, for example next to an osprey breeding site.

Local authorities should also take account of changing usage of some areas throughout the year. Animals move field during the grazing season so an area may be not meet the requirements to be designated a control zone at the time the decision is taken but may meet them at another time. Consultation with local stakeholders and farmers should therefore also focus on the potential changing usage of an area throughout the year.

## 4.4 Impact on Vulnerable Groups

Communities have told us that the sporadic and unpredictable use of fireworks can have a significant impact on vulnerable groups. Unexpected noise from fireworks can have severe and distressing effects on people with a range of health conditions and disabilities, including military veterans and others suffering with Post-Traumatic Stress Disorder (PTSD), people with autistic spectrum disorders, and people with hearing conditions such as hyperacusis<sup>33 34 35</sup>. Whilst this section outlines some of the considerations of vulnerable groups which have been raised throughout the process of engagement for developing this guidance, it is not exhaustive, and local authorities should endeavour to consider implications for any other vulnerable groups which may be relevant within their area.

### Autism

Autistic people experience lifelong differences in sensory and communication preferences and thinking styles. There are somewhere between 56,000<sup>36</sup> and 137,000<sup>c</sup> autistic people living in Scotland, according to varying data sources.

Sensory discomfort, of varying intensity, is commonly experienced by autistic and other neurodivergent people in community environments. Unpredictable sensory experiences can be particularly distressing.

Sometimes, sensory processing and preferences will mean that autistic people experience significant discomfort, heightened anxiety and distress, or even 'meltdowns', when events become overwhelming. Meltdowns can result in an autistic individual temporarily losing control of their own actions or responses through a 'fight, flight, freeze or fawn' response. This loss of control may be expressed through withdrawal and retreat to find a safe place or outwardly as a verbal or physical reaction, which can put the autistic person and those around them at risk of harm.<sup>37 38</sup>

Fireworks can be a source of stress and anxiety for some autistic people because they can cause profound discomfort due to sensory sensitivities. The unpredictability of unorganised firework use can also cause stress and anxiety.

### People with Mobility Issues

For Guide Dogs owners, and other assistance dog owners, fireworks can cause a great degree of anxiety. Whilst the majority of issues relating to dogs are set out under **Animal Welfare**, this has additional implications for assistance dog owners as the sound and flash of fireworks can frighten and distract a working dog which, might in turn, put their owners at risk<sup>39 40</sup>.

It is also important to note the impact which designation of a zone may have on those who rely on wheelchair accessibility for public displays. As it will not be possible for individuals to hold a private fireworks display in a firework control zone, a key alternative is to access public displays in the community. A large number of firework displays in the UK are not wheelchair accessible and do not provide suitable accessibility information in advance of the event<sup>41</sup>. This is a barrier for disabled people, who may reside within the boundaries of a firework control zone, to continue to enjoy fireworks where they wish to do so. Local authorities may wish to take into account whether any public displays held are accessible so as to not unintentionally exclude disabled people who may wish to take part in celebrations.

### Post-Traumatic Stress Disorder (PTSD)

PTSD puts people into a long-lasting 'alert' mode – physically, mentally, and emotionally.<sup>42</sup> Any loud or sudden noise can trigger an enhanced startle reaction leading to strong overwhelming emotions and physical sensations, such as flashbacks, panic attacks, heart palpitations and many other physical and emotional symptoms.

<sup>c</sup> Information provided by National Autism Implementation Team (NAIT) from Scottish Government. (n.d.). Pupil census: supplementary statistics. Retrieved from <https://www.gov.scot/publications/pupil-census-supplementary-statistics/>

PTSD develops following exposure to an extremely threatening or horrific event or series of events. This can affect a number of vulnerable groups, such as refugees and armed forces veterans. Research indicates that rates of PTSD range between 20% and 80%, among refugees and civilian victims of torture<sup>43 44</sup> and that veterans who have served in a combat role are at a higher risk of developing mental health issues such as PTSD than non-veterans<sup>45 46 47</sup> in Scotland<sup>48</sup>.

Veterans charities report a sharp rise in calls for support around traditional fireworks periods<sup>49</sup> and evidence demonstrates that fireworks can cause distress to those who suffer with PTSD<sup>50</sup> with the sudden flashes and bangs of fireworks and the smell of smoke and burning reminding them of traumatic experiences and leads to symptoms of re-experiencing traumatic events.

In Germany, a number of states have prohibited the use of fireworks in the areas surrounding refugee shelters due to the potential for this to be associated with shootings or bombs, which could have traumatic impacts,<sup>51</sup> following refugees having to be taken to alternative accommodations in previous years due to fireworks use.<sup>52</sup>

If local authorities are considering designating a control zone to protect a vulnerable group(s) there are a range of evidence sources they may wish to consider. While this will be dependent on local circumstances, this could include:

- Proximity of refugee or veteran's communities.
- Proximity of care homes or hospital sites.
- Anecdotal evidence from communities of interest which demonstrates the detrimental impact of fireworks.
- The number of noise complaints to the local authority about fireworks, and the proximity to vulnerable groups.
- Supported living and other social care and/or health services for autistic people (e.g. day centres).
- Views of local stakeholders. For example engaging a Health and Social Care Partnership in relation to any neurodiverse individuals supported within a proposed control zone boundary.
- Proximity of schools, particularly those for young people with Additional Support Needs (ASN).
- Anecdotal evidence from communities of interest about the impact of the use of fireworks on their lives.
- Evidence from local support groups on the degree to which fireworks use has an impact.
- Availability of accessible public displays should a zone be established.

## 4.5 Environmental Protection

While the evidence of the environmental impact of fireworks within Scotland is limited, there is international evidence that demonstrates the potential environmental impacts of fireworks. Fireworks residues contribute to chemical pollution of soil, water, and air, which has implications for human as well as animal health<sup>53</sup>.

Environmental concerns may become more relevant for local authorities as new evidence emerges on the environmental impact of fireworks in Scotland, and could lead to environmental protection concerns becoming a more prevalent reason for control zones being designated in Scottish communities.

### Air Quality

Poor air quality has been classified as the greatest environmental risk to public health in the UK<sup>54</sup>. The current weight of evidence justifies adopting a precautionary public health approach to air pollution reduction<sup>55 56</sup>. Bonfire night-related pollution episodes, arising from bonfire burning and firework-related emissions, are considered to be short-lived, but significant.

Fireworks can cause pollution by releasing sulphur dioxide, carbon dioxide, carbon monoxide, suspended particles, aluminium,

manganese in a black smoke of potassium nitrate, charcoal and sulphur<sup>57</sup>. The particulate matter (“PM”) released has a profound and immediate negative effect on air quality<sup>58</sup>, which if significantly high can have adverse effects on the environment<sup>59</sup> and human health<sup>60</sup>. While this typically declines rapidly over the next 24 hours<sup>61</sup>, they can cause short-term PM<sub>10</sub> exceedances or conditions in breach of World Health Organisation guidelines<sup>62</sup>.

PM from fireworks is highly toxic due to the presence of perchlorate and heavy metals. On and around Bonfire Night (5th November), there is often a noticeable increase in pollution from particulates and dioxins. Approximately 5–14% of UK dioxin emissions are produced around Bonfire Night<sup>63</sup>.

Particulate matter concentrations are further amplified if weather conditions are particularly stagnant, which is often the case during winter nights, such as during Guy Fawkes’ night, Diwali and New Year’s Eve<sup>64 65 66</sup>. Although, in Scotland, these generally disperse fairly quickly, periods of calm weather do on occasion prevent dispersal. For example, in Glasgow, North, and South Lanarkshire high levels of PM were recorded on 5 & 6 November 2019, which was exacerbated by the weather conditions at the time and the topography of the area<sup>67</sup>.

Although firework control zones are not viable to be established in response to specific weather conditions, local authorities have a duty<sup>68</sup> to designate any relevant areas where the air quality objectives are not (or are unlikely to be) being met as Air Quality Management Areas (AQMAs). At the time of the publication of this guidance, 34 AQMAs were in place in Scotland<sup>69</sup>, a number of which are related to PM<sub>10</sub> exceedances. Local authorities may wish to consider the presence of an AQMA in any proposal for designating a firework control zone, and in considering the boundaries of any zone.

## Natural Environment

Spent fireworks and materials left after fireworks have been used can be a significant cause of litter in the natural environment because of the inclusion of non-biodegradable parts<sup>70</sup>. When they explode, fireworks spread their components over large areas and often end up displaced on land and sea. This makes it difficult to collect after a display, meaning that debris is often left behind. In our 2019 consultation, there were reports of people finding firework litter in their garden, on the roof of their home, in public parks, in the street, and on beaches.

The Scottish Government consulted on a draft National Litter and Flytipping Strategy<sup>71</sup> last year. A key objective of this is to develop and adopt a shared approach to litter prevention and behaviour change across Scotland, ensuring individuals and organisations have greater awareness of the problems caused by litter, understand the harm (environmental, social, economic, wellbeing) that litter causes, understand their responsibilities in preventing litter, and are motivated to behave responsibly. Mitigating the litter caused by firework housing is therefore an important consideration in meeting these objectives, as well as protecting our natural environment.

As a consequence of climate change, the risk of wildfires has increased over recent years. Fireworks are a potential source of ignition for fires. While no statistics are readily available for Scotland, National Statistics for England<sup>72</sup> report 258 incidences of fires where fireworks were a source of ignition in 2019-20. Fireworks cause about 18,000 fires a year in the US, with more fires reported to fire departments on July 4th than any other day of the year<sup>73</sup>. There were 95 wildfire incidents in Scotland in March and April 2022<sup>74</sup>, with limited evidence that fireworks have been the cause in some instances<sup>75</sup>. In the United States, states with strict laws restricting fireworks have 50 times fewer fireworks-related fires than those with none<sup>19</sup>. Wildfire risk may also, therefore, be a factor for local authorities to consider in the designation of a firework control zone.



## Water Pollution

Fine PM can dissolve in water and contaminate various water sources. Internationally, higher concentrations of ultra-fine particles (with diameters less than 1 µm) that can dissolve in water have been found during and shortly after fireworks displays. These particles have the potential to contaminate water sources.

Fireworks are one of the main contributors of one such particle, called perchlorate. Perchlorate contamination affects both groundwater and surface water, particularly in areas surrounding fireworks manufacturing and displays. In Malta, perchlorate contamination is almost entirely caused by fireworks, with this pollution affecting the quality of its limited water resources<sup>76</sup>. It is important to note, however, that no studies from England and Wales have identified perchlorate contamination as an issue and, to date, there has been no research carried out in Scotland on this issue that the Scottish Government is aware of.

If environmental protection concerns factor into the consideration of a firework control zone by a local authority, there are a range of evidence sources they may wish to consider. While this will be dependent on local circumstances, this could include:

- Proximity to National Nature Reserves and National Parks; and
  - Proximity to protected areas (Special Areas of Conservation, Special Protected Areas or Sites of Scientific Interest).
- The presence of an AQMA in a local authority area;
  - The level of fireworks debris produced in previous years;
  - Proximity to local nature reserves, country parks, or other spots of importance to local biodiversity or nature;
  - Consultation with local biodiversity organisations and Local Biodiversity Action Plan Partnerships;
  - Proximity to protected areas (Special Areas of Conservation, Special Protected Areas or Sites of Scientific Interest);
  - Proximity to Marine Protected Areas or (should relevant proposals be passed) Highly Protected Marine Areas;

## 5. Community Requests

Local authorities should, where possible, establish a local process to give communities the ability to make the case for the designation of a firework control zone, through a “community request”.

The purpose of a community request is to provide communities themselves with a route to ask a local authority to formally consider whether a zone should be designated, amended or revoked in a particular place within its area. The Act does not make provision about community requests, however they can be a valuable tool for a local authority to become aware of local concerns about fireworks use.

If a community request is accepted, this would begin the formal process of consideration of a zone as set out in **Consultation on Firework Control Zones**. 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.

### 5.1 What is a Community?

A community making a community request 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.

Communities of interest could include, but are not limited to: faith groups, ethnic or cultural groups, people affected by a particular illness or disability, sports clubs, conservation groups, clan and heritage associations, animal welfare groups, environmental groups. They may be very specialised or local with a small number of members, ranging up to national or international groups with thousands of members<sup>77</sup>.

### 5.2 Community Request Process

The format and detail of a community request process will be determined by each local authority. This will enable the most appropriate process which fits local needs and circumstances to be put in place.

Local authorities may wish to consider whether any other request processes within their organisation could be adapted to work for the purpose of community requests for firework control zones. For example an existing petitions process, a participation request, or any other means through which communities are empowered to encourage a local authority to make changes.

To aid in the transparency of the community request process, local authorities may wish to set out local thresholds that must be met for a community request to be formally considered. Such thresholds are at the discretion of a local authority and the decision may be taken that setting thresholds is not an appropriate means of assessing community requests which are received in a local authority area. However, if the decision is taken to set local thresholds, the local authority must ensure that such thresholds are clearly publicised in order to raise awareness and manage the expectations of individuals and communities. Examples of these could include an evidential threshold, such as a number of complaints or incidents, or a threshold of requests being made. It is important to note, however, that these examples are purely illustrative and, as previously set out, local thresholds should be tailored to individual local circumstance and suited to the needs of the communities a local authority is serving.



While the format and detail of the community request process, and how it works in practice, should be determined by local circumstance and needs, it is important that communities are empowered to have a voice in decisions which affect them. The community request process should not be so prohibitive as to discourage communities from engaging.

A community request process established in a local authority should include:

- Published and accessible details of how to submit a community request, including advising of the format in which community requests should be made;
- Clearly communicated timings involved with submitting a community request, including the overall timing of a firework control zone being fully considered and consulted on to manage expectations;
- Who to contact within the local authority to make the request; and
- Where a request is made, an acknowledgement email to be sent within five working days wherever possible, although this may vary due to local circumstances.

Where a community request to consider a zone is made, a response should always be issued. Local authorities should endeavour to respond within a period of four weeks. If this is not feasible, a timeline for responding to this request should be provided to the requester, as well as any further changes to anticipated timings which may occur through the process. This is to ensure the requester remains aware of the status of their request.

The processes established at a local level for a community request should ensure that meaningful consideration is given to requests for a zone that are submitted. Local authorities should therefore take a proportionate approach and consider all available evidence to balance local concerns and community requests made against objective, locally set criteria.

Where, following a community request, a decision is taken to reject a request and not to proceed with consideration of a firework control zone proposal, local authorities should communicate the following to the requester:

- the rationale for this decision, with clear reasoning to show that meaningful consideration was given;
- the period which must elapse before further consideration can be given to another community request covering the same or similar geographical area (this should not exceed 12 months);
- an opportunity for the community to request a review of the decision within 28 days of being informed of the decision, with clear, defined criteria required for this review to lead to a community request being accepted.

Where, following a community request, the decision is taken to proceed with consideration of a firework control zone proposal, this should be clearly communicated to the requester, with an outline of the next steps in the process and estimated timelines for this. These should follow the same statutory processes for any proposal about a firework control zone, as outlined in the act and discussed in this Guidance in **Consultation on Firework Control Zones**. Local authorities may also wish to consider how to engage the requester in the awareness raising and encouraging participation of the community in a consultation that takes place as a result of the community request being submitted.

The timing associated with the community request process should be clearly communicated in order to manage expectations of communities who wish to be involved in the process. **Table 1** sets out an estimated timeline for this process based on this guidance.

**Table 1:** Indicative timelines from a community request being made to a zone being designated

Task	Indicative Timing
Community request received, considered, and response issued	4 weeks
If community request accepted, Local Authority develops consultation proposal for a zone	4 weeks
Consultation on proposed zone undertaken	12 weeks
Consultation responses considered and analysed	4 weeks
Decision on a zone publicised	At least 60 days prior to the decision taking effect.
<b>TOTAL</b>	<b>32 weeks</b>

### 5.3 Reviewing a Decision

A requester may ask that an internal review of a decision is carried out if a local authority takes the decision to reject a community request. As with the community request itself, the format and detail of the internal review process should be determined by local authorities. Local authorities may wish to consider other similar processes which are utilised internally when considering this process. This will enable the most appropriate process which fits local needs and circumstances to be put in place.

At the point of the request being rejected, a local authority should provide the rationale for this decision, as well as clear and proportionate criteria for what a review must be able to demonstrate in order for the community request to be accepted.

Should the option of a review be exercised, this should not be handled by the same individual or group who handled the response to the initial request wherever possible. This is in order to ensure that impartiality is maintained throughout the process and that the individual handling the review may evaluate the information on merit, with no previous biases.



## 6. Alternative Approaches to Firework Control Zones

**Designation of firework control zones is a discretionary power for local authorities, providing the option of a specific targeted response that meets the needs of communities. However, this tool is one within a range of enforcement and preventative tools available to seek to resolve issues involving fireworks. Firework control zones have not been designed to be the first or only step taken by local authorities to tackle issues associated with firework use, to be used extensively, or to encompass an entire local authority area.**

On a national level, Operation Moonbeam<sup>78</sup> has operated over a four-day period in the run up to and on 5th November since 2018. Operation Moonbeam is a well-established and recognised multi-agency response to the challenges of the bonfire night period. Planning for previous operations has typically commenced around June each year with multi-agency coordination involving the Scottish Fire and Rescue Service, the Scottish Ambulance Service, local authorities, Scottish Government, the Scottish Community Safety Network, the British Fireworks Association, Trading Standards, and others.

Local authorities across Scotland have a wealth of knowledge and experience of preventing, planning for, and responding to issues involving fireworks using a multi-agency approach. The creation of local action plans tailored to local communities and their own circumstances ensures that the most appropriate actions are identified, agreed upon by partners and available when needed. There are, therefore, many good practice examples from which to draw on and these, or similar, approaches may be effective options to implement locally instead of, prior to, or alongside a firework control zone.

This section sets out a non-exhaustive range of activities that have been successfully utilised in some areas. Local authorities and community safety partners will, of course, continue to develop and implement appropriate combinations of interventions to best fit local needs.

Two case studies, from West Lothian Council and City of Edinburgh Council, are included to demonstrate how these approaches can be utilised in tandem to maximise the effectiveness of any interventions.

### 6.1 Community Engagement and Awareness Raising

During the development of this guidance, communities highlighted the importance of engagement and awareness raising of the work which is carried out in communities to prevent, plan for, and respond to incidents involving fireworks. This included sharing information to help people to improve their knowledge and understanding of the rules around where and when fireworks can be used, as well as the options for reporting concerns or instances of fireworks misuse. In those areas which have been significantly affected by the misuse of fireworks, the consensus was that it is important to empower communities to engage and make a difference.

For example, when communities in Blackburn (see case study, below) and Pollokshields shared their experiences, they emphasised that learning how they could engage with existing campaigns was an empowering experience for the community and made them feel that they could influence change and make a difference. In particular, they highlighted the **Crimestoppers anonymous reporting** tools, and learning how this helped local police to understand the nature and scale of incidents in an area to deploy resources effectively, as being important in addressing the challenges faced in their community.

Social media campaigns are a particularly effective means of spreading key messages throughout a community, and represent an increasingly common source of news for adults in Scotland<sup>79</sup>. However, communities also indicated the value of direct engagement. Examples of this in practice can include, for example, local authorities and enforcement partners attending community council meetings to raise awareness and provide reassurances about reporting firework related concerns.

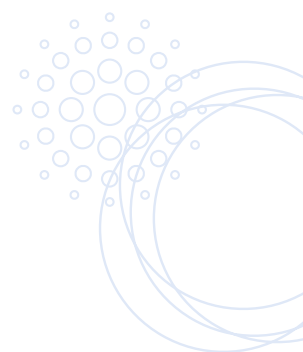
Local authorities may also wish to engage with the materials produced for the annual Fireworks Rules and Regulations campaign. This is a Scottish Government partnership campaign led by Crimestoppers and their youth arm, Fearless, in conjunction with local community safety partners; and Police Scotland Youth Volunteers. The campaign engages with local residents and schools and is designed to improve knowledge and understanding of the rules and regulations around where and when fireworks can be used. Although the campaign is targeted specifically in geographical areas where there have historically been higher levels of fireworks misuse, the materials produced could be utilised in other communications.

## 6.2 Enforcement Activities

As well as the national-level Operation Moonbeam, a range of local planning and enforcement activities are carried out across Scotland. These are dependent on local policing approaches and are often focussed on certain times of the year, particularly the bonfire night period. Therefore, while the examples set out below may not be possible in every local authority area, they encompass a range of good practice examples.

**Targeted use of police and fire service resources** have been used in areas with significant and ongoing issues with fireworks misuse. This might include increased patrols, high visibility patrols, mobile units, or the targeted use of community wardens. For a targeted approach such as this to maximise its impact, however, encouraging communities to report incidents to allow for an accurate picture of “hotspots” to be established is essential. A small number of **dispersal zones** have been set up in Scotland to address issues regarding firework misuse around bonfire night<sup>80</sup>. Dispersal Orders provide the power<sup>81</sup> to disperse groups of two or more people congregating and engaged in anti-social behaviour within a dispersal zone. Indications are that dispersal zones have been a useful tool where utilised locally.

Trading Standards can also visit retailers to carry out **retailer compliance checks**. This is to ensure that rules and regulations relating to sale of fireworks are adhered to, and are an opportunity to provide advice on legal and responsible sale and storage of fireworks, including test purchasing for underage sales.



### 6.3 Engaging with Young People

Although quantitative evidence indicates that the vast majority of young people in Scotland abide by the law<sup>82</sup>, anecdotal evidence suggests that a significant proportion of antisocial behaviour involving fireworks is carried out by young people. Preventing children and young people from going down a path where they are in conflict with the law and supporting them appropriately, constructively and effectively when they do is integral to the Scottish Government's approach<sup>83</sup> and we are committed to adopting preventative and educational approaches as per Lord Kilbrandon's report<sup>84</sup>. Furthermore, we have heard from communities in developing this guidance that engagement with young people is key to preventing firework-related disturbance, particularly by highlighting the community and wider societal impacts of this misuse. It is therefore best practice for local authorities to engage proactively with young people to highlight bonfire safety and the importance of safe and responsible firework use, as well as the dangers and consequences of misuse, to prevent offending from taking place.

In the lead up to bonfire night, **educational inputs at primary and secondary schools** in conjunction with Campus Officers, Scottish Fire and Rescue Service and the Scottish Society for the Prevention of Cruelty to Animals are carried out in some areas to raise awareness of the issues related to the misuse of fireworks. In some areas, these are complimented by **youth intervention visits**, which are home visits to young people who are identified as being a potential concern over the bonfire period, for example those who have engaged in firework-related antisocial behaviour before, or those who are more susceptible or vulnerable to 'peer pressure'. The purpose of these visits, as well as acting as a deterrent, is to provide advice and information to the vulnerable young people and steer them away from antisocial behaviour.

Targeted intervention has also been delivered by Police Scotland and the Scottish Fire and Rescue Service through **restorative justice initiatives** in some communities. These are designed to encourage behaviour change among local young people who have been involved in firework-related antisocial behaviour in previous years. This is done through focusing on the consequences of this behaviour, not just for the individual, but also for the victims, and has direct input from the victims in the community and the Scottish SPCA.

**Games** are also an increasingly popular tool aimed at encouraging positive behaviours in children and young people<sup>85 86 87</sup>. The Scottish SPCA have developed online materials and games for primary<sup>88</sup> and secondary<sup>89</sup> school pupils on the subject of firework safety, based on the real experiences of a child who was seriously injured by fireworks when they were four years old<sup>90</sup>. These may be useful resources for a local authority to consider when engaging with young people or developing future resources for any such engagement.



## Case Studies

### Blackburn Bonfire Night Action Group (“BBNAG”)



The BBNAG is a multi-agency group which was established in April 2019 in response to persistent issues with high levels of anti-social behaviour in the area during bonfire season in previous years.

The evidence of the need for the group came not only from statistical data from the emergency services but also from the community themselves, who highlighted their concerns during the development of their locality plan (Blackburn’s Future Plan).

The group was tasked with using a proactive, rather than reactive, approach to address the needs of the community and to reduce the anti-social behaviour relating to bonfires and firework misuse.

From inception, the group met monthly in the lead up to bonfire night. This approach was to maintain momentum with the services involved but also to highlight to the community that the issue was being taken seriously. The meetings increased in frequency from September up to bonfire night.

The meetings were attended by a range of partners and services and community representatives from local organisations. The BBNAG developed an action plan that was identified in the first meeting with themes to be concentrated on. Additional resource was brought together from a range of organisations/services showing **a partnership approach**. The themes the group worked on were:

- Joint environmental visual audits/high visibility of agencies in hot spot areas;
- Events and activities prior to and on the night;
- Education and awareness raising.

**Community engagement and awareness raising** activities proved integral to addressing the concerns raised by the community of not feeling listened to or kept updated on issues that are related to them – this enabled the breaking down of barriers that had been long in place between the community and key services, enabling a renewed faith in reporting issues.

Sessions were delivered every month in various public locations. Information boards were used to provide details on the work that the BBNAG were undertaking and provide key national messages from Crimestoppers, SSPCA, SFRS, Trading Standards. The BBNAG took the lead on ensuring the resources from Crimestoppers and Fearless were distributed widely within the community.

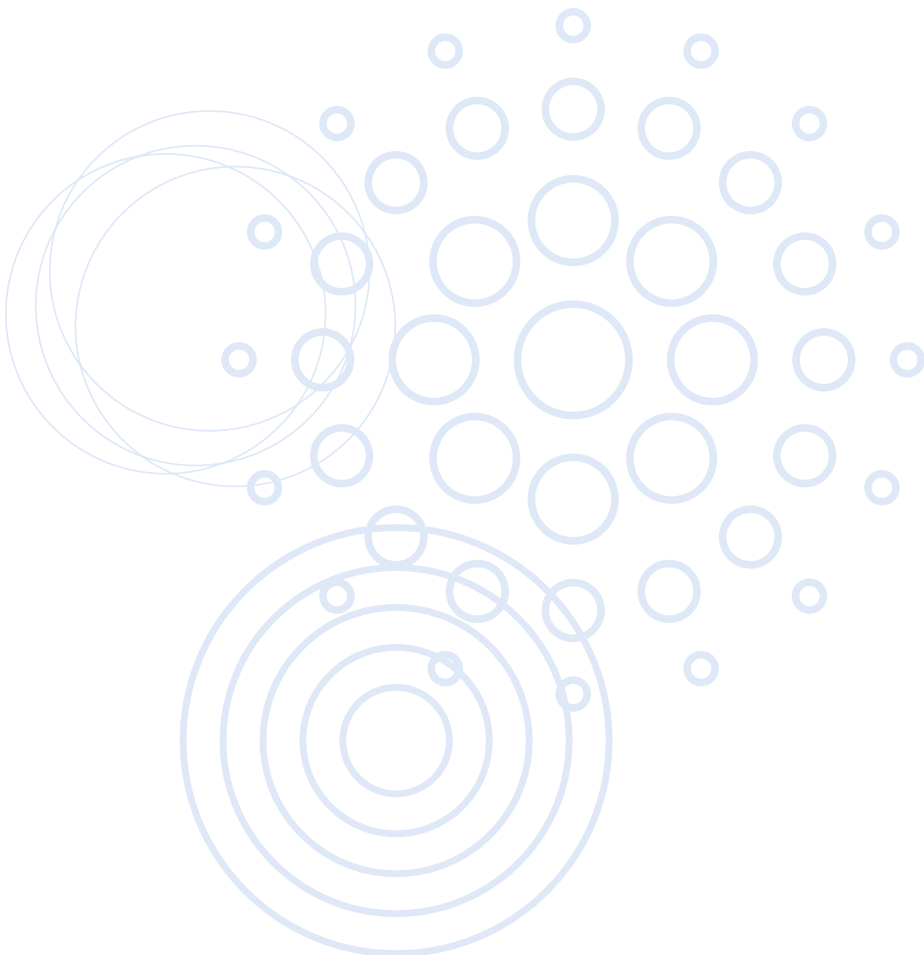
**Diversions Activities** were planned and delivered on the run up to and on bonfire night involving a range of partners and services. Funding was provided by a range of partners including local organisations and Police Scotland. Involvement during the first year from Shell Twilight Basketball saw the establishment of a weekly session being delivered in Blackburn. This provided young people with a safe place to be at times of peak anti-social behaviour within the community. An event was also held on the night of the 5 November; this was split into two sessions, one for younger children and then one later for the older ones. Various activities were



delivered including arts and crafts, multi-sports, music and DJ-ing classes, balloon modelling, competitions, raffle, and a free barbeque. Sessions were supported by a wide range of services with donations for prizes being provided by local businesses. Funding was provided by a range of partners, again showing a partnership approach.

A one-off event has been delivered every year since 2019 (except in 2020 due to the COVID-19 pandemic) and has provided an outlet for young people to attend so that they are not tempted by anti-social behaviour. This has provided a focal point for services to work with young people and to raise awareness on risk taking behaviour. The events have been delivered at various times and dates each year.

Due to the work of the BBNAG the community of Blackburn feel that they have been listened to and kept updated on work to address anti-social behaviour. They have reported an improvement in the level of anti-social behaviour during the bonfire season, and feel safer within their community. The main contributory factor to the success was the partnership approach to addressing the issues within the community. The BBNAG will continue in 2023 using the same model of delivery, incorporating the ethos of partnership working.





## Edinburgh Bonfire Community Improvement Partnership (“EBCIP”)



The EBCIP is a multi-agency partnership formed in 2018 to co-ordinate preventative and community safety activity around the fireworks/ bonfire period in November to keep people safe and reduce fireworks/bonfire related crime and antisocial behaviour.

To encourage young people to keep safe during the fireworks/bonfire period, and as part of a wider programme to prevent antisocial behaviour and fireworks/bonfires harm, local community safety partners came together to fund and organise a range of diversionary activities including specific events at the Ratho Retreat Centre (the Centre) over three days; from Friday 4 November to Sunday 6 November 2022.

This was delivered by the Muirhouse Youth Development Group – a peer and volunteer-led organisation that empowers young people from North Edinburgh through putting relationships first. Over the weekend, a programme of activities for young people aged 11 and over to enjoy was delivered, including football, a silent disco, a haunted house, laser tag, a firepit, arts and crafts, a firework display, and food.

There was a peer support element to the activities as the youth workers attending and running the events also included some young people who previously had taken part in anti-social behaviour around fireworks/bonfire week.

The events were promoted through working with partners to identify who might engage in risk-taking behaviour. The focus was to engage young people at risk of getting caught up in anti-social behaviour to prevent them becoming involved as opposed to those who actively perpetrate disorder. The young people were required to book a place in advance, and 116 signed up to attend over the 3 nights of activity. Lothian Buses, a partner in the EBCIP, provided transport for the young people free of charge leaving from and returning to Craigmoynton Community High School.

Each year, the younger people who have attended the events are involved in the planning of future activities. Creating this successful diversionary activity for young people over the fireworks/bonfire period is a collaborative process between local authority, police, and other partner youth agencies involving significant planning, as well as funding and a will to make it happen.

Feedback from the families of the young people who attended confirmed that they appreciated the events and felt reassured that their children and young people were engaged in positive, safe activities.

**“If I wasn’t here, I’d probably be watching the older ones with the police” (boy aged 11)**

**“Our mums wouldn’t let us out if it wasn’t for this being organised” (girls aged 13 and 14)**

**“Can we come to a session more than one night next year?” (boy aged 16)**

## 7. Raising Awareness of Firework Control Zones

**Following a local authority's decision 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.**

Section 30 of the Act sets out that as soon as is practicable following the publication of confirmation that a firework control zone proposal is proceeding, the local authority must take reasonable steps to inform those who live or work in or near the zone, other members of the local community in or near the zone, and any other persons or bodies that the local authority considers to have a connection with, be interested in, or affected by the proposal.

The local authority must make these groups aware of:

- the date any decision to designate a place as a firework control zone, or to amend or revoke an existing zone, is to have effect (and, if different, the days on which the zone is to operate),
- the boundaries of the zone (or any changes to those boundaries),
- what is permissible within a zone,
- exemptions that apply, and,
- consequences of failure to comply.

Communities have indicated that knowing why a decision has been made will help people understand the need for the zone and support compliance with it. This is likely to be most effective if it goes beyond simply detailing a headline reason and provides more context of the evidence that was considered and the key issues which were highlighted. Therefore, as well as the above statutory requirements, it is good practice to describe the reasons for a control zone being designated, amended or revoked in any activity designed to publicise and raise awareness of a zone.

Local authorities should also ensure that details of any and all designated firework control zones are communicated with all key delivery partners – for example, Police Scotland, and the Scottish Fire and Rescue Service. Local authorities will engage with such partners as a matter of course, working closely together pre-consultation on a proposal. It therefore should be standard practice to ensure that any relevant partners are aware that a zone is in place, has been modified, or revoked.

It is also good practice to notify the Scottish Government of any new zones by contacting [fireworks@gov.scot](mailto:fireworks@gov.scot) as part of the awareness raising strategy. This will feed into the Scottish Government's evaluation of the overall impact of the measures within the Act.

Whilst the methods used to raise awareness will vary depending upon local circumstances and may change over time as new forms of communication arise, we have set out a number of suggestions for local authorities to consider when raising awareness of a firework control zone.

These suggestions came directly from the input of key stakeholders and communities during the Scottish Government's community engagement work. Given the wide range of groups and individuals who legally must be made aware of a firework control zone, it is suggested that a number of the methods outlined below are used in combination, as well as any other methods of communication considered appropriate. This should ensure that those who are digitally engaged and those who are more reliant on traditional media formats are reached:

**Issue a letter/email** (dependent on the initial communication method) to all consultation respondents and all registered addresses and businesses within a firework control zone. This should be done at the point where a control zone is established to adhere to the legislation, and again in advance of traditional firework periods which are celebrated in the community where a control zone is designated in order to maximise compliance.

**Signage** should be displayed at and within the boundaries of a firework control zone, to notify people of the area covered by the zone. This could, for example, include a QR code to point toward a relevant local authority webpage with more information.

**Social media** pages should be updated with information relating to the firework control zone – both at the time of the zone being established and at the beginning of the traditional firework periods.

**Inform the local Community Council** of the details of the firework control zone to allow them to disseminate the information to their members and the wider local community.

Take reasonable steps to **inform local community groups** of the details of the firework control zone. This would be via social media, email correspondence or putting notices on Public Notice Boards within the community.

**Inform local media outlets** and other local social media groups to promote the details of the firework control zone. It is best practice to utilise a combination of digital and traditional media formats to ensure that the digitally excluded can still engage with this.

**Engage with other community safety partners, such as Neighbourhood Watch Scotland and Crimestoppers**, and request they share the information throughout their networks.

Consider the benefits of **engaging with respected and influential people in the local community (“influencers”)**, such as sportspeople or community leaders, to support awareness raising, particularly when engaging with young people. Young people may be less inclined to engage with more established forms of authority and may view others within the community as more credible. Peer-to-peer learning can also provide useful opportunities for engaging young people and getting messages across.

Local authorities may also wish to utilise **internal communications networks** to inform a range of local authority staff who work directly with communities that can support information sharing and awareness raising of firework control zones.



## 8. Reviewing a Zone

Section 31 of the Act requires a local authority to carry out reviews of the operation and effectiveness of its firework control zones. A review can be undertaken for one zone or several zones and, where applicable, can be combined with any proposals made under Section 28 to amend or revoke a zone.

Following the conclusion of a review under Section 31, a local authority must prepare and publish a report with the findings of the review. This report should include any proposals regarding the future of the zone as the local authority considers appropriate.

Local authorities are required to review any control zones designated within their area. This is to understand how a zone is operating and evaluate its effectiveness in addressing the local issues involving fireworks which led to the designation of the zone.

A partnership approach to reviewing the zone – engaging with local police, fire and rescue, community organisations, and other local stakeholders – should ensure that the data considered as a part of the review is robust and covers a range of interests in the geographic area where a zone is designated. Local authorities may wish to utilise existing partnerships, such as a community planning partnership, community justice partnership, or community safety partnership, to support any such review.

### 8.1 Timing of Reviews

While the Act sets out that reviews must be undertaken, it does not include a minimum time period for the frequency of control zone reviews. The frequency and timing of reviews will be dependent on local circumstances and the period of time that the local authority has designated an individual control zone to be in effect. A zone should continue to operate until the completion of any such review, and a proposal for a zone to be amended or revoked as a result of the findings of any review must be consulted on.

#### Initial Review

The minimum recommended timeframe for an initial review to occur would be at least 2 years from the point a zone is designated. This is to allow for an initial year of adjustment to the designation of a zone and then another year to build up an accurate picture of the changes the zone has had following this adjustment. A period of 3 years may be preferable to allow for a larger evidence base to be developed and drawn upon.

It is recommended that this period encompasses at least 2-3 years from the time where the issue is at its most prevalent, for example over the traditional bonfire period. This should ensure that the data is comprehensive and allow for accurate comparisons pre- and post-intervention to take place. However, a local authority may decide to undertake a review prior to the 2-3 year timeframe and can undertake a review sooner if that will meet local requirements.

## Subsequent Reviews

Following the initial review of a zone, where the decision is taken to either retain or amend a zone, local authorities should consider the outcomes of the review, and their own local processes to determine the frequency of any future reviews. However, firework control zones are not designed to be a tool used in perpetuity. While there are no specified time limits on how long firework control zones can be designated, there should be no longer than a period of 3 years between reviews taking place. This is to ensure that any firework control zone is always based on up-to-date, contemporary evidence.

## 8.2 Undertaking a Review

Section 31(2)(a) of the Act sets out that a review can be carried out in respect of one or more zones. If there are multiple zones within a local authority boundary, the local authority can determine whether it is appropriate to undertake individual or combined reviews of zones.

Section 31(2)(b) also indicates that a review can be combined with a proposal under section 28 to amend or revoke a zone. This would mean that the outcome of the review could contribute towards the evidence base being considered as part of the proposed changes to, or revocation of, an existing zone.

Local authorities should engage local Police and other local partners at the formative stages of a review, and ensure that any decisions undertaken with regard to the outcomes of this review are taken in conjunction with these organisations given the implications of any changes made on enforcement responsibilities.

Local authorities may wish to link the review back to the initial evidence used to inform the designation of a zone, and the issues it sought to address. This would involve considering whether there is evidence to suggest that the control zone has led to improvements, or otherwise, to specific issues and outcomes. It is worth noting that following a zone being established, the number of reported incidents may rise. This is due to the current tendency for incidents to be under-reported; the designation of a zone and subsequent awareness raising activities could incentivise reporting and lead to what quantitative data would indicate as a rise in incidents. It is therefore vital to complement any quantitative data in a review with qualitative evidence regarding the success, or otherwise, of the zone. It is good practice to seek the views of the local community and partners as part of a review to gain anecdotal evidence of the impact and effect a control zone has had. For example, if a control zone was designated to address issues around the anti-social use of fireworks and the evidence considered to inform designation of the zone included reports to the Police about incidents involving fireworks, noise complaints to the local authority and anecdotal evidence from the local community and partners, these could also be considered as part of a review.

The most appropriate format and structure of the review will be determined at a local authority level, and will likely draw on existing local authority practices, procedures, and tools for evaluating the impact and outcomes of policy. A number of resources are available to support local authority practitioners on evaluation and appraisal of policy<sup>91 92 93</sup>.

### 8.3 Publishing Review Report and Outcomes

Upon conclusion of a review, local authorities must prepare and publish a report of the review's findings and make such proposals in relation to the zone, or zones, as it considers appropriate. This could, for example, result in no change to the existing zone, or a proposal to amend the zone boundaries, or to revoke a zone.

The report should be published on the local authority website, and any other platforms the local authority deems appropriate. Local authorities may also wish to utilise some of the awareness raising methods outlined in the **Raising Awareness of Zones** section of this guidance to publicise the review report and outcomes.



Section 50 of the Act requires that the Scottish Government report on the operation of the Act for the period through to 10 August 2027. The report must include information about:

- (a) proceedings and convictions in respect of relevant offences during the reporting period,
- (b) the number of incidents connected to fireworks and other pyrotechnic articles which occurred during the reporting period, and
- (c) the views and experiences of persons in relation to the use of fireworks in their communities during the relevant period.

Local authorities should notify the Scottish Government of the publication of the review report by emailing [fireworks@gov.scot](mailto:fireworks@gov.scot). This is in order for the data gathered as a part of the review to be utilised for the Scottish Government's statutory obligation to report on the operation of the Act for the period through to 10 August 2027.

Local authorities should make every effort to retain any additional data collected for a review of a Zone and make this available to the Scottish Government for the purposes of this report.



## 9. Making Firework Control Zones a Success

This guidance outlines an evidence-based framework for local authorities who wish to utilise the power to designate, amend, or revoke a firework control zone. It is designed to be used at each stage of the process, and to empower communities to have a say in the decisions which affect them. For firework control zones to have a positive impact, collaborative working between local authorities, enforcement partners, wider local partners and communities themselves will be important.

This guidance has been drafted in advance of any firework control zones being proposed or implemented by any local authority in Scotland. Following implementation of a firework control zone by one or more local authorities, the Scottish Government may wish to review this guidance document alongside the Firework Control Zone Working Group.





# Annex A: Part 4 of the Fireworks and Pyrotechnic Articles (Scotland) Act

The following is a copy of the original version of Part 4 of the Act, as it was passed by the Scottish Parliament. Amendments may be made to this by further primary or secondary legislation in future. The most up-to-date wording of the legislation will always be available at the following link: [Fireworks and Pyrotechnic Articles \(Scotland\) Act 2022<sup>d</sup>](#).

## Part 4

Firework control zones

### 26 Application of Part

(1) This part applies to-

- (a) category F2 fireworks,
- (b) category F3 fireworks, and
- (c) category F4 fireworks.

(2) The Scottish Ministers may by regulations modify subsection (1) to add, amend or remove categories, types, classifications or descriptions of fireworks.

(3) Regulations under subsection (2) are subject to the affirmative procedure.

### 27 Firework control zones

(1) At any time, a local authority may (in accordance with this Part)-

- (a) designate a place within its area as a firework control zone,
- (b) amend a zone (including the period for which it is to have effect or days on which it is to operate), or
- (c) revoke a zone.

(2) It is an offence for a person to-

- (a) ignite a firework to which this Part applies in a firework control zone, or
- (b) knowingly or recklessly-
  - (i) throw or cast a lit firework to which this Part applies into a firework control zone, or
  - (ii) fire a firework to which this Part applies into a firework control zone.

(3) A firework control zone operates and the offence in subsection (2) applies on all days that the zone has effect unless the designation specifies particular days on which the zone is to operate, in which case the offence applies on those days only.

(4) A person who commits an offence under subsection (2) is liable, on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).

(5) This section is subject to section 38 and schedule 1 (exemptions).

### 28 Prior consultation on proposals

(1) Before designating a place as a firework control zone or amending or revoking a zone, a local authority must-

<sup>d</sup> At the date of publication of this guidance, changes to legislation should in most cases be reflected on [www.legislation.gov.uk](http://www.legislation.gov.uk) within two weeks of the changes been approved by Parliament and taking effect.

- (a) prepare and publish its proposal in relation to the designation, amendment or revocation of the zone, and
- (b) consult–
  - (i) persons who live or work in the place which will be affected by the proposal,
  - (ii) other members of the local community in or near the place,
  - (iii) any other persons or bodies that the local authority considers to have a connection with, be interested in or affected by the proposal.
- (2) The proposal must, in particular, set out–
  - (a) the reasons for the proposed designation of a place as a firework control zone, or, as the case may be, the amendment or revocation of a zone,
  - (b) the boundaries of the zone,
  - (c) the date from which the proposal is to have effect and the date on which it is proposed that the zone is to cease to have effect,
  - (d) the consultation dates, and
  - (e) how the consultation is to be conducted.
- (3) The proposal may set out specific days on which the zone is to operate for the purpose of section 27(3).

### **29 Publication of decision on proposal**

- (1) Following a consultation on a proposal published under section 28(1), a local authority must publish a document which–
  - (a) confirms whether or not it is proceeding with the proposal,
  - (b) sets out any changes to the proposal which have been made (whether or not as a result of the consultation), and
  - (c) explains how it had regard to the views expressed during the consultation process.
- (2) The local authority must publish the document–
  - (a) as soon as practicable after the decision in relation to the proposal is made, and
  - (b) where a decision has been made to proceed with the proposal, at least 60 days before the day on which the proposal is to have effect.

### **30 Publicising firework control zones**

As soon as practicable after a document is published under section 29 confirming that a proposal is proceeding, the local authority must take reasonable steps to inform the persons mentioned in section 28(1)(b) of–

- (a) the date any decision to designate a place as a firework control zone or amend or revoke a zone is to have effect (and, if different, the days on which it is to operate),
- (b) the boundaries of the zone (or any changes to those boundaries),

- (c) what is permissible within a zone, the exemptions that apply and the consequences of failure to comply,
- (d) such other information as the Scottish Ministers may specify in regulations made under section 32.

### **31 Review of operation and effectiveness**

- (1) A local authority must carry out reviews of the operation and effectiveness of its firework control zones.
- (2) A review under this section may–
  - (a) be in respect of one or more firework control zones, and
  - (b) be combined with a proposal under section 28 to amend or revoke a zone.
- (3) On completion of a review, the local authority must–
  - (a) prepare and publish a report of the review's findings, and
  - (b) make such proposals in relation to the zone (or zones) as it considers appropriate.
- (4) Regulations made under section 32 may specify a minimum frequency for reviews under this section.

### **32 Power to make further provision**

- (1) The Scottish Ministers may by regulations make further provision about firework control zones and the procedures to be followed to designate a place as a zone, or to amend or revoke one.
- (2) Without limiting the generality of subsection (1), regulations under that subsection may–
  - (a) set limits on–
    - (i) the size of place that may be designated a firework control zone,
    - (ii) the cumulative area that a local authority may designate as such zones,
  - (b) specify the manner in which a local authority is to designate a place as a zone, or to amend or revoke one,
  - (c) specify information that must be included when designating a place as a zone, or amending or revoking one,
  - (d) make further provision in relation to zones that operate on specific days only,
  - (e) make further provision relating to the consultation process,
  - (f) make provision relating to the publication of documents required under this Part,
  - (g) make further provision in relation to the reviewing and reporting on the operation and effectiveness of zones in its area.
- (3) Regulations under subsection (1) are subject to the negative procedure.

### **33 Guidance**

- (1) Local authorities must have regard to any guidance issued by the Scottish Ministers for the purposes of this Part.
- (2) The Scottish Ministers must publish any such guidance (and may revise or revoke that guidance).

## List of Acronyms

Term	Definition
<b>The Act</b>	The Fireworks and Pyrotechnic Articles (Scotland) Act 2022
<b>The 2003 Act</b>	The Fireworks Act 2003
<b>AQMA</b>	Air Quality Management Area
<b>BBNAG</b>	Blackburn Bonfire Night Action Group
<b>COMAH</b>	Control of Major Accident Hazards
<b>COSLA</b>	The Convention of Scottish Local Authorities
<b>Db</b>	Decibels
<b>EBCIP</b>	Edinburgh Bonfire Community Improvement Partnership
<b>F1</b>	Category F1 fireworks. These are typically indoor or close proximity fireworks with minimal safety distances (e.g. 1m).
<b>F2</b>	Category F2 fireworks. There are outdoor fireworks with spectator safety distances of at least 8m.
<b>F3</b>	Category F3 fireworks. These are outdoor fireworks with spectator safety distances of at least 25m.
<b>F4</b>	Category F4 fireworks. These are for professional use only and are not sold to the general public.
<b>Kg</b>	Kilograms
<b>MSP</b>	Member of the Scottish Parliament
<b>NHS</b>	National Health Service
<b>PDF</b>	Portable Document Format
<b>PM</b>	Airborne Particulate Matter
<b>PM<sub>10</sub></b>	Particulate Matter with a diameter of 10 microns or less
<b>PTSD</b>	Post-Traumatic Stress Disorder
<b>QR</b>	Quick Response
<b>SOLAR</b>	Society of Local Authority Lawyers & Administrators in Scotland
<b>SPCA</b>	Society for the Prevention of Cruelty to Animals
<b>UK</b>	United Kingdom of Great Britain and Northern Ireland
<b>µm</b>	The amount of a substance equal to a millionth of a mole.

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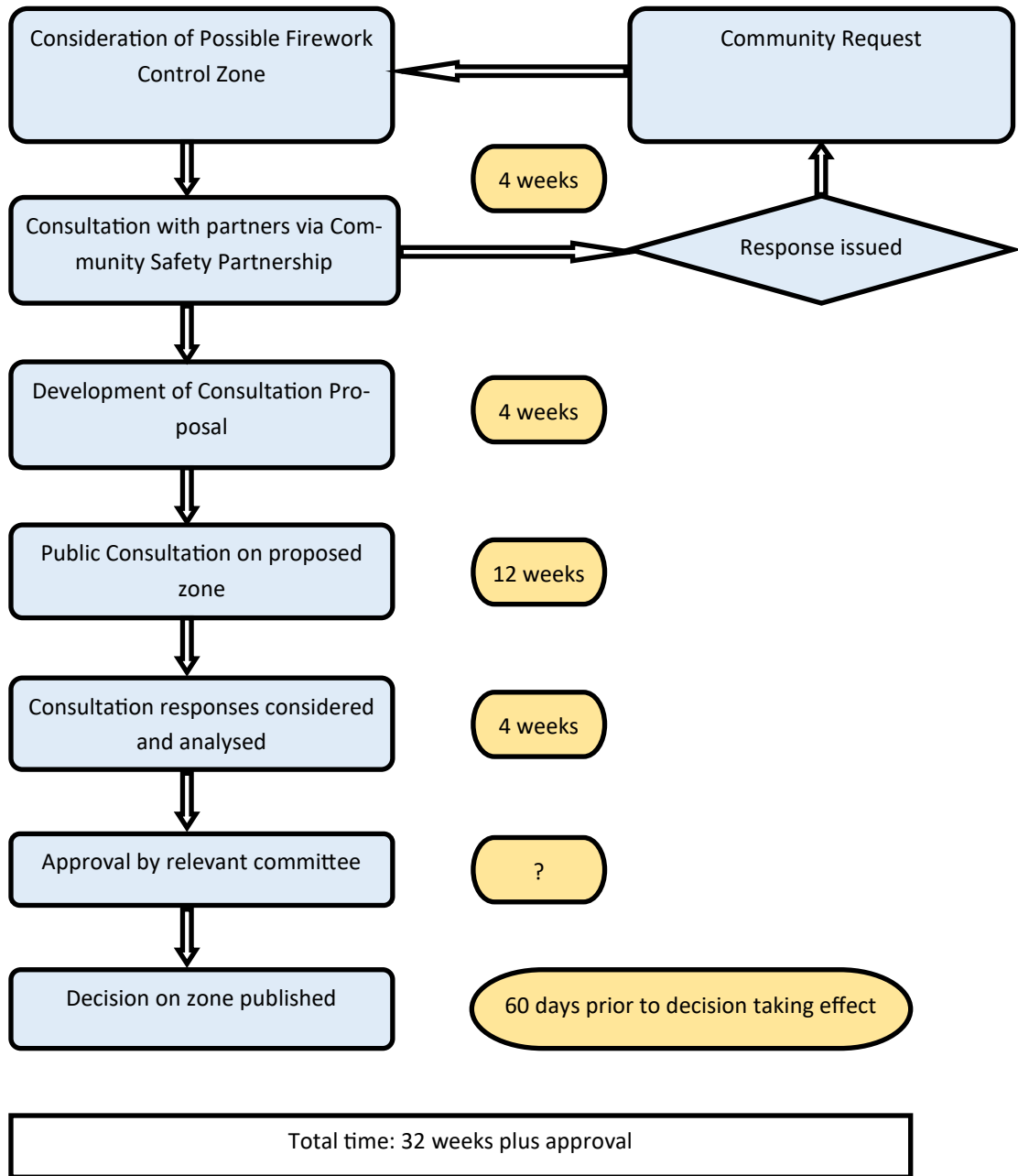
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**w w w . g o v . s c o t**

### Firework Control Zone Process







### **3.0 POLICE CHIEF CONSTABLE RETIREMENT**

3.1 Police Chief Constable Sir Iain Livingstone retired on 10 August 2023. Sir Iain, who was appointed Chief Constable in August 2018 and served as Interim Chief from September 2017, announced his decision to retire from policing in February. Chief Constable Farrell will take up post on 9 October with Deputy Chief Constable Designate Fiona Taylor taking on the responsibilities of Chief Constable in the interim period. A summary of Sir Iain's career is available on the Police Scotland website at <https://www.scotland.police.uk/about-us/who-we-are/executive-team/chief-constable/>.

### **4.0 STRATEGIC PARTNERSHIP AGREEMENT FOR POLICING**

4.1 COSLA, Police Scotland and the Scottish Police Authority have agreed four key priority areas to strengthen collaboration between Local Government and policing in the years ahead. A Strategic Partnership Agreement sets out a commitment to strengthening existing collaboration on a range of agreed strategic priorities, as well as promote and support partnership working. The four priority areas which the organisations will focus on over the current term (2022-2027) are:

- local scrutiny and accountability
- prevention and early intervention
- health and wellbeing
- resource and investment

A Partnership Delivery Plan will be developed to drive forward progress on these priorities.

### **5.0 DON'T FEED HATE CAMPAIGN**

5.1 Don't Feed Hate is Police Scotland's latest hate crime campaign which targets young men aged 18 to 30, who are identified as one of the groups most at risk of committing hate crime. They are being asked to pause, reflect, and find other outlets for their frustrations, building an understanding of the causes of hate and the lasting impact it can have. Information on the campaign can be found at this link <https://www.scotland.police.uk/what-s-happening/campaigns/2023/hate-crime/>.

### **6.0 HIS MAJESTY'S INSPECTORATE OF CONSTABULARY IN SCOTLAND (HMICS) ANNUAL REPORT 2022-23**

6.1 HMICS published its annual report for 2022-23 in August 2023. The report highlights the organization's efforts to improve policing across Scotland and fulfil its statutory duty to inquire into the effectiveness and efficiency of the Police Service of Scotland and the Scottish Police Authority. The report covers various areas, including inspections, thematic reviews, and strategic assessments. It also provides insight into the organization's vision, purpose, objectives, and values. Overall, the report aims to provide professional advice and guidance on policing in Scotland and bring understanding into the HM Inspectorate of Constabulary in Scotland's work. The full report can be accessed at <https://www.hmics.scot/publications/hmics-annual-report-2022-2023>.

## 7.0 SFRS – STRATEGIC SERVICE REVIEW PROGRAMME

- 7.1 At a special meeting of the panel on 4 July 2023 a motion was passed for the chair of the panel to write to SFRS Chief Officer and the chair of SFRS Board to raise concerns around the implementation of the SFRS strategic service review programme. These concerns related to engagement with the Fire Brigade Union (FBU) and consultation with Fire & Scrutiny Panels on changes proposed as part of the programme.
- 7.2 A letter was issued by the Chair of Inverclyde Local Police and Fire Scrutiny Panel on the 7 July 2023 to the Chair of SFRS Board, Dr Kirsty Darwent, and SFRS Chief Officer, Ross Haggart, setting out the panels concerns.
- 7.3 A letter dated 13 July 2023 was received from Dr Kirsty Darwent, in response to those concerns. The letter sets out the financial challenges which led to the temporary changes proposed within the current financial year, and provides reassurance that longer-term options from 2024-25 will go through full consultation. The letter also goes on to describe the engagement with the FBU to date on the programme and assurances that this will continue.
- 7.4 A copy of both letters is contained within the appendices to this report.

## 8.0 SFRS - UNWANTED FALSE ALARMS

- 8.1 Scottish Fire and Rescue Service (SFRS) has changed the way it responds to unwanted fire alarm signals. From 1 July 2023 an alarm activation has required those with fire safety responsibility, known as duty holders, to investigate the cause of an alarm and only call 999 once a fire has been confirmed. This approach is already embedded across several other UK fire and rescue services, who require a confirmed fire before they send fire appliances.

The change in response will affect all premises and businesses who do not provide sleeping accommodation. Hospitals, care homes, hotels, student accommodation and domestic dwellings will continue to receive the current level of emergency response.

Workplaces are being reminded to provide adequate training for staff on the new process and put in place fire safety provisions.

## 9.0 IMPLICATIONS

- 9.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO
Financial		X
Legal/Risk		X
Human Resources		X
Strategic (LOIP/Corporate Plan)		X
Equalities & Fairer Scotland Duty		X
Children & Young People's Rights & Wellbeing		X
Environmental & Sustainability		X
Data Protection		X

## 9.2 Finance

### One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

### Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

## 9.3 Legal/Risk

There are no legal/risk implications contained within this report.

## 9.4 Human Resources

There are no human resource implications contained within this report.

## 9.5 Strategic

There are no strategic implications contained within this report.

## 10.0 CONSULTATION

10.1 There were no consultations required outside those noted in the report.

## 11.0 BACKGROUND PAPERS

11.1 There are no background papers associated with this report.

**Councillor David Wilson**  
**Ward 1 – Inverclyde East**  
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Chair of SFRS – Dr Kirsty Darwent  
([kirsty.darwent@firescotland.gov.uk](mailto:kirsty.darwent@firescotland.gov.uk))

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Direct Line: 01475 712361  
Email: david.wilson@inverclyde.gov.uk  
Our Ref: DW/dr  
Your Ref:  
Date: 7 July 2023

Dear Kirsty / Ross,

After an initial approach by the Fire Brigade Union who was concerned about the recent announcement of budget cuts in the Fire Service, and in particular in Inverclyde, I asked for an emergency meeting of the Police and Fire Scrutiny Panel to be convened.

Before the meeting, elected members listened to the views of the Fire Brigade Union. At the Police and Fire Scrutiny Panel meeting, officers from Scottish Fire and Rescue service (SFRS) presented a paper on the Strategic Service Review programme. A presentation was delivered by Group Commander Mark Loynd on the community risk model and David McCarrey, SFRS Area Commander, and Paul Storrie, SFRS Group Commander, were in attendance to answer questions.

The paper was very clear about the implications locally of the strategic service review and Mr McCarrey was equally clear about his role in ensuring that Inverclyde remains a safe place for people to live and to work. Members of the Panel were however, concerned about the mixed messages they have received about the implications of the savings on the safety of the public and that of firefighters. The Panel was also extremely concerned about the process that has led up to implementation of the review and I agreed that I would write to you, as Convenor of the Panel, about these concerns.

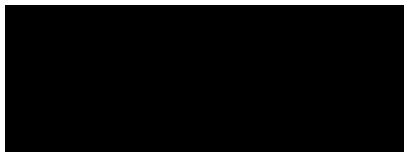
The Panel would like to request details on the engagement which took place with the unions both locally and nationally before any changes were made. I would identify good practice as ensuring full engagement with unions prior to changes being implemented and it seems from the representations made at the meeting of the Panel that engagement has been limited.

The Panel was concerned about the differing messages from SFRS officials and the Fire Brigade unions as to what was safe and feel that these differing messages could add to concerns the public may have about the proposed changes. Can you assure the Panel that SFRS is working with the Fire Brigade Union to ensure that it is fully aware of the risk modelling that has been undertaken prior to progressing any changes?

While I accept the announcement of the implications of the flat cash budget did not allow for any consultation the Panel remains extremely concerned about the overall timeline leading to the interim changes and the lack of partnership working. The Panel heard at the meeting that, given the short timescale, the role of the national board was simply to ensure that due process was followed. I also understand that there will be further consultation before final proposals are confirmed. I have serious concerns that local scrutiny panels have been excluded from the process to date and have not been given any opportunity to comment. The Panel is also fearful that the interim arrangements will simply form the basis of the final Strategic Service Review and that the local scrutiny panels will be given no meaningful role in the process. The Local Police and Fire Scrutiny Panel feels it is best placed to comment on the local implications of any changes and I formally request that it is kept fully informed and involved in the processes affecting local provision in Inverclyde.

The Panel and I have tremendous respect for the work that that SFRS undertakes both nationally and locally. As a panel we enjoy positive partnership working with officers to scrutinise the work locally to ensure the very best service possible for the people in Inverclyde. In my role as convenor of the Inverclyde Fire and Scrutiny Panel, I hope that you recognise the concerns raised in this letter as being in the spirit of enhancing our partnership working and ensuring that we keep the citizens and firefighters in Inverclyde safe from harm.

Yours sincerely



David Wilson  
Councillor





Scottish Fire and Rescue Service Headquarters  
Westburn Drive, Cambuslang G72 7NA

Dr Kirsty Darwent  
Chair of the Scottish Fire and Rescue Service Board

Councillor David Wilson  
Inverclyde Council  
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Our Ref: KD/RH/DJH  
Your Ref:  
Contact: Dr Kirsty Darwent  
Contact No.  
Email: [Kirsty.Darwent@firescotland.gov.uk](mailto:Kirsty.Darwent@firescotland.gov.uk)  
Date: 13 July 2023

Dear Cllr Wilson

Thank you for your letter of 7 July 2023 on behalf of Inverclyde Council's Local Police and Fire Scrutiny Panel, and for providing the opportunity to address some of the concerns you have raised within it.

I am pleased that the Scottish Fire and Rescue Service's (SFRS) Local Senior Officer for Inverclyde, Area Commander David McCarrey was able to provide some input in relation to our *Strategic Service Review Programme* at a recent meeting of the Panel, along with Group Commanders Mark Loynd and Paul Storrie.

As you may be aware, SFRS requires to make £11m of savings this year due to the rising costs of running the Service. While additional money we have received for 2023/24 from Scottish Government was welcome, and allowed us to fund a pay rise for firefighters, it is not sufficient to fully address the inflationary pressures we are facing.

We have therefore introduced temporary changes, which will be implemented within this financial year to assist in plugging this gap, and allow us time to undertake the development of options for longer-term change from next year (2024/25). I would like to reassure you that SFRS is absolutely committed to engaging with stakeholders, elected representatives and the communities we serve in relation to our long-term strategic planning. Please be assured that any permanent changes to the way in which we deliver services will go through full public consultation. Please also be assured that the safety of communities and our firefighters is always at the heart of everything we do.

In relation to the temporary withdrawal of ten appliances across Scotland, every day we have to take appliances 'off the run' for a number of reasons, including staff availability. This is managed on an *ad hoc* basis and involves moving staff around at short notice or paying overtime to crew appliances. As well as financial costs, this movement of staff and taking appliances off the run in this way disrupts planned activities such as operational training and prevention work. By temporarily removing appliances, which we have identified will have minimal impact on our response capability, we can reduce those costs and disruption.

In addition, over the coming months we are reducing our fleet of vehicles that can operate at height on a phased basis, taking ageing vehicles off the run and redeploying or introducing a series of modern, specialist vehicles dedicated specifically to dealing with such incidents.

This is aligned to our ten-year operational strategy and based on robust data, which tells us how busy these appliances are and the types of incidents we attend. Various factors have been considered in terms of population and matching resources to the risk and demand that exists within our communities. These national assets will be strategically placed to provide appropriate coverage that is matched to risk across Scotland.

While the timescale for change this year is being driven by budgetary pressures, we need – and want – to make permanent changes to our stations and appliances to ensure we provide a modern, fit-for-purpose fire and rescue service to all the communities of Scotland.

We .../

We have seen a continued downward trend in the numbers of accidental domestic fires across Scotland, while the risks of other incidents such as wildfire and flooding have increased. We are therefore looking at how best to adapt to these changing risks. We also need to find a way to address our capital backlog and invest in our buildings, fleet and equipment across Scotland.

As stated above, we remain committed to undertaking full public engagement and consultation once we have finalised our options for change for the medium and long-term. I would like to assure you that elected members will be involved in this process including through engagement with the Local Police and Fire Scrutiny Panel that you Chair within Inverclyde.

In relation to engagement with our staff representatives, I can advise you that Chief Officer Ross Haggart met with Scottish Regional Officials from the Fire Brigades Union (FBU) on 2 May 2023 along with some other senior SFRS colleagues. This was done so some high-level details around our proposals could be shared with them, prior to any formal decisions being taken, in support of our approach to partnership working with our staff representative bodies.

We have identified which appliances across Scotland to remove on a temporary basis based on those that would have the least impact upon our operational response. As you outline within your letter, this has been informed by our Community Risk Index Model (CRIM). This is a model that contains data from a number of sources, including SFRS incident and socio-economic data to build up a comprehensive picture of risk across Scotland. We have also used the services of an external consultant to model the impacts of removing an appliance from each multi-appliance wholetime station relative to first and second appliance response times.

SFRS colleagues with responsibility for the CRIM have met twice in recent times with Scottish Regional FBU Officials, once on 23 March 2023 and again on 21 June 2023. The purpose of these meetings was to provide the FBU with an overview of the risk modelling work of the team, including the CRIM and the methodology that underpins it.

Please be assured that, along with other stakeholders, we will continue to fully engage with SFRS staff and their representatives as we develop our aforementioned options for change for the medium and long-term.

I can also advise you that a report was presented to the SFRS Board on 25 May 2023 proposing these changes. Following undertaking scrutiny of the proposals, including seeking assurances on the associated assumptions, principles, process and recommendations, the Board approved the report. Following this decision, senior colleagues engaged immediately with our Local Senior Officers so they could inform the staff affected by these changes. This has been on-going since 26 May 2023 and will continue as we implement these changes.

I hope this provides some further clarity, and complements the engagement you have had with Area Commander McCarrey and Group Commanders Loynd and Storrie

Your sincerely



**Dr Kirsty Darwent**  
**Chair of the Scottish Fire and Rescue Service Board**