
Report To:	Environment & Regeneration Committee	Date:	2 November 2023
Report By:	Director, Environment & Regeneration	Report No:	ENV054/23/SJ/MM
Contact Officer:	Martin McNab	Contact No:	01475 714246
Subject:	Firework Control Zones		

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 10th 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.
- 1.5 Many of the issues raised in this report were brought to the attention of the Police & Fire Scrutiny Committee to inform members of the current limitations well in advance of the current firework season. This report seeks approval for a number of measures required to enable consideration of Firework Control Zones in advance of this time next year. Officers are currently unaware of any systemic issues around the misuse of fireworks at other times of the year in Inverclyde.

2.0 RECOMMENDATIONS

- 2.1 That Committee approves the expression of interest to the Scottish Government to develop a Firework Control Zone proposal in Inverclyde.

- 2.2 That Committee approves the Firework Control Zone development process in Appendix 1 to this report, which provides that the approval of a particular Firework Control Zone would be a decision of the Full Council.
- 2.3 That Committee approves the process for Community Requests to be considered outlined in Appendix 2.

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. It should be noted that concerns relating solely to bonfires are not included in the guidance as an example of a reason why such a zone could be designated.

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 Given the foregoing, before any proposal could be brought forward 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 an area might there be other related activities that would continue to be a draw, meaning that attempting to enforce the provisions when they are in progress might lead to significant disorder.

4.0 PROPOSALS

4.1 As highlighted above it is not feasible to consider the designation of a firework control zone for this November. It is however appropriate for Environment & Regeneration to consider and approve processes for the development and approval of zones.

4.2 The Scottish Government is offering funding to develop proposals for Firework Control Zones for 2024. An informal expression of interest has been made in the to indicate the Council's likely intention. Approval is now sought from the Environment & Regeneration Committee to formalise that expression of interest.

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 process for consideration of Firework Control Zones is detailed in Appendix 1. Members are asked to approve this process. It is recommended that any proposed Firework Control Zone will come back to the Environment & Regeneration Committee for consideration and if supported then be remitted to Full Council for approval following the public consultation. Following that approval there will be a minimum standstill period of 60 days before a zone comes into effect. As it is unlikely that any designated zone will be required before autumn 2024 this should not be an issue.

4.5 A process is required for Community Requests for firework control zones. The guidance suggests that these could be made using existing processes, for example, petitions processes or participation requests. Initial consideration suggests however that these processes will be too

cumbersome. Instead it is recommended that we use a dedicated inbox for requests, which can be screened initially by the service to ensure that the request is in accordance with the guidance. If the request is valid an initial discussion will be held with partners following which, if there is partner support, the request will follow the process outlined in Appendix 1. The overall process for consideration of Community Requests is detailed in Appendix 2 and members are asked to approve this.

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.

There will be a need for staffing resource however this may be significantly mitigated by the Scottish Government funding. It is therefore assumed that any additional costs will be contained by the service.

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

The legal/risk considerations are set out in this report.

5.4 Human Resources

There are no direct human resources implications arising from this report.

5.5 Strategic

There are no direct strategic implications arising from this report.

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. However, there are no such implications arising directly from this report.

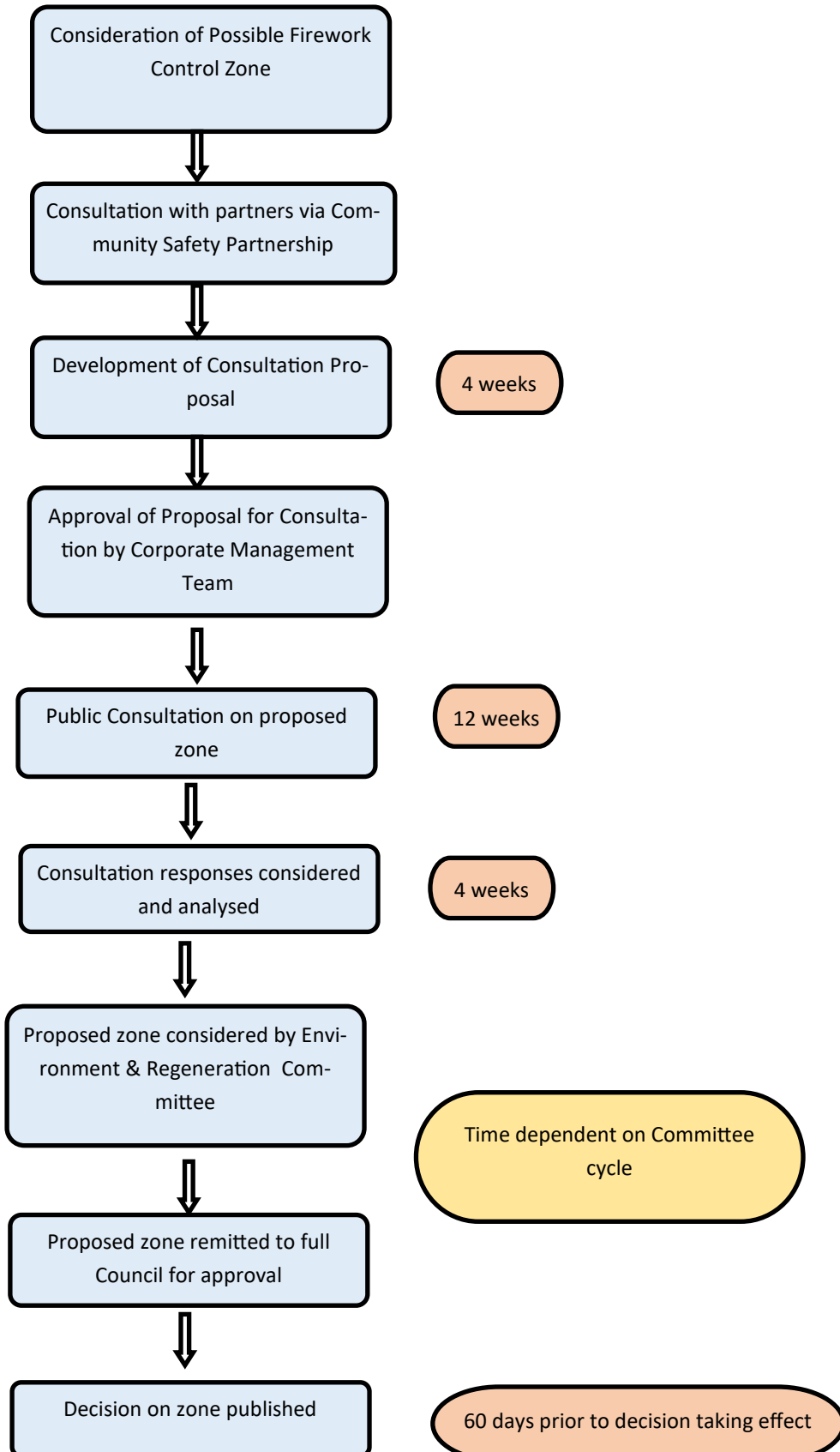
6.0 CONSULTATION

- 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 Zone Process



Firework Control Community Request Process

