

Firework Control Zones Discretionary Powers etc – Update noted – Recommendation to City Administration Committee.

3 With reference to the minutes of 6th June 2023 (Print 2, page 55) noting changes to the firework legislation, there was submitted a report by the Executive Director of Neighbourhoods, Regeneration and Sustainability providing details of the new Local Authority discretionary power to designate Firework Control Zones (FCZ), advising

- (1) that The Fireworks (Scotland) Miscellaneous Amendment Regulations 2021 had amended the Fireworks (Scotland) Act 2004 and was as a result of the Independent Review Group set up following initial consultation on fireworks;
- (2) that the Scottish Government had ran a further consultation on the remaining recommendations that resulted in The Fireworks and Pyrotechnic Articles (Scotland) Act 2022;
- (3) that the Scottish Government had issued guidance on FCZs for local authorities on 22nd June 2023 and that the ability to designate, amend or revoke a FCZ was a new discretionary power for local authorities;
- (4) of the proposal that should the Council wish to utilise the power, a proportionate and evidence-based approach was that FCZs would be in effect around the period of 5th November, when the use and the purchase of fireworks in shops were most prevalent;
- (5) that Neighbourhoods, Regeneration and Sustainability's Community Safety Service would oversee the process that would facilitate the consideration and designation of FCZs in the city;
- (6) of the process of a community request to designate a FCZ, the associated timeframes for consideration and where applicable, community consultation, and of the steps considered appropriate and proportionate for adequate publicity about any consultation to ensure that it would be available to persons likely affected;
- (7) of the consultation process outlined within the Act that required to be undertaken by local authorities;
- (8) of further detail of approved FCZs, the exemptions applicable to FCZs and public firework displays within FCZs, as detailed in the report;
- (9) of the Council's requirement to review FCZs designated within their area and as this was the first year of the Council's discretionary power, a review of all FCZs would be undertaken in 2025 and upon conclusion, a report of the review's findings would be published and notified to the Scottish Government to utilise their statutory obligation to report on the operation of the Fireworks and Pyrotechnic Articles (Scotland) Act 2022 for the period through to 10th August 2027; and

- (10) of the existing measures, the restrictions currently in place to address the misuse of fireworks, including the Trading Standards programme of compliance checks, targeted intervention and enforcement activities by Police Scotland.

After consideration, the committee

- (a) noted the report; and
- (b) recommended to the City Administration Committee approval of the use of the discretionary power during the period around 5th November.