

**EAST AYRSHIRE COUNCIL**

**SPECIAL LOCAL GOVERNMENT LICENSING PANEL  
13 NOVEMBER 2008**

**SCOTTISH SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS –  
REQUEST FOR SUPPORT TO AMEND LEGISLATION IN RELATION TO  
FIREWORKS**

**Report by Executive Director of Corporate Support**

**1. PURPOSE OF REPORT**

- 1.1 To apprise the Licensing Panel of correspondence received from the SSPCA seeking to enlist support to amend existing legislation in relation to the sale and use of fireworks.

**2. BACKGROUND**

- 2.1 The Leader of the Council, Councillor Douglas Reid, has received a letter from the SSPCA dated 20 October 2008 (Appendix 1) seeking support to amend existing legislation in relation to the future sale and use of fireworks.
- 2.2 The present legal position is that fireworks can be used in public on any day of the year between 7am and 11pm, with additional dispensation for 5 November, Hogmanay, the Chinese New year and Diwali. Fireworks can be legally sold, subject to licence, from 15 October to 10 November, from 26 to 31 December and on the days of the Chinese New year and Diwali and the three immediately preceding days.

**3. PROPOSED CHANGES SOUGHT BY THE SSPCA**

- 3.1 The SSPCA are advocating the following legislative changes and are seeking the support of East Ayrshire Council:-
- Fireworks should only be used during the hours already permitted by legislation on 5 November, Hogmanay, the Chinese New year and Diwali. They should not be used on any other days of the year unless as part of a licensed event.
  - Fireworks should only be on sale to the public one week before 5 November and not at all afterwards, with the current regulations pertaining to Hogmanay, the Chinese New year and Diwali continuing as they currently exist.
- 3.2 The primary concern of the SSPCA is in relation to animal welfare but they also suggest that the proposed changes would have a beneficial effect in relation to a reduction in accidents, fires and general public nuisance.

#### **4. RECOMMENDATION**

- 4.1 It is recommended that the Licensing Panel consider the terms of the correspondence from the SSPCA and determine the terms of any proposed response.

Elizabeth Morton  
Executive Director of Corporate Support

4 November 2008

#### **LIST OF BACKGROUND PAPERS**

1. Copy Letter from the Scottish Society for the Prevention of Cruelty to Animals dated 20 October 2008.

Any person wishing to inspect any of the background papers listed above should telephone 01563 576061 and ask for Mr David Mitchell, Head of legal, Procurement and Regulatory Services or e-mail on [david.mitchell@east-ayrshire.gov.uk](mailto:david.mitchell@east-ayrshire.gov.uk)

**Implementation Officer: Stuart McCall, Legal and Procurement Services Manager.**

# APPENDIX 1

**SCOTTISH SPCA**  
Scotland's Animal Welfare Charity

COPY

Councillor Douglas Reid  
Leader of the Administration  
East Ayrshire Council  
Council Headquarters  
London Road  
KILMARNOCK  
KA3 7BU

MEMBERS		
21 OCT 2008		
	Date	Initials
Ackn'd		
Copies to:		

20 October 2008

Dear Councillor Reid

We all know that 5 November is one of the busiest times of the year for the fire brigade and accident and emergency services.

Not surprisingly, as the Scottish SPCA is Scotland's animal welfare charity, we are concerned about the dangers of fireworks to domestic and wild animals.

However, we have some proposals that we believe would not only help animals but also help address wider issues relating to fireworks and assist emergency services to the benefit of the broader community.

The most important element would be amending current legislation in terms of the sale of fireworks and when they can be used.

At present, fireworks can be used in public on any day of the year between 7am and 11pm, with extra dispensation for 5 November, Hogmanay, the Chinese New Year and Diwali.

Fireworks can be sold from 15 October to 10 November, from 26 to 31 December and on the days of the Chinese New Year and Diwali and the three immediately preceding days.

We are therefore advocating the following changes and would appreciate your support:

- a) Fireworks should only be used during the hours already dictated by legislation on 5 November, Hogmanay, the Chinese New Year and Diwali. They should not be used on any other days of the year unless as part of a licensed event.
- b) Fireworks should only be on sale to the public one week before 5 November and not at all afterwards, with the current regulations pertained to Hogmanay, the Chinese New Year and Diwali continuing.

These changes would significantly limit the use of fireworks to a few key dates.

Our primary concern as you know is animal welfare, which is seriously compromised by the current legislation. Fireworks cause great distress to domestic pets, farm animals, horses and wildlife and frequently result in animals either being harmed or harming themselves.

Continued . . . . . /

**Scottish Society for the Prevention of Cruelty to Animals**

Registered Office: Braehead Mains, 603 Queensferry Road, Edinburgh EH4 6EA

Telephone: 03000 999 999 Email: enquiries@scottishspca.org



20 October 2008

Our statistics show that recorded firework-related incidents begin each year in June or July and extend throughout the year.

In our view, it is essential that owners be afforded an opportunity to prepare their animals for this distress.

There are a number of measures owners can take, ranging from sedating their pets under veterinary supervision to simply bringing horses into their stables. But, without a change in legislation, they cannot be sure when to expect fireworks to begin and end.

However, this is only one part of the picture.

The widespread use of fireworks outside of the key dates we are proposing creates greater risk of fires and greater demands on the accident and emergency services over prolonged periods of time.


The current legislation provides more opportunity for disruptive elements to cause a public nuisance which again places greater demands on the emergency services.

The unrestricted use of fireworks throughout the year also creates more disruption for rural businesses, many of which depend on animals and form a significant part of the Scottish economy. The current situation also creates more disruptions for communities where fireworks parties frequently start within but then exceed the prescribed time limits. At this stage enforcement becomes more problematic and again increases demands on emergency services and as a side effect ill-feeling within communities and against local authorities and police forces which are frequently seen as responsible by not providing adequate enforcement.

Therefore, whilst we are primarily acting from an animal welfare perspective, we appreciate that no important issue can be considered in isolation and for the reasons outlined above believe that there are also very strong community and budgetary reasons for amending the legislation.

I do hope you can lend your support to this proposal, which are convinced is in the best interests of not only animals but also for local communities and the emergency services.

Yours sincerely



**STUART EARLEY**  
Chief Executive