

EAST AYRSHIRE COUNCIL

COMMUNITY SERVICES COMMITTEE – 29th MAY 2002

STORAGE AND SALE OF FIREWORKS

Report by Director of Community Services

1. PURPOSE OF REPORT

- 1.1 To advise the Community Services Committee of a number of developments concerning the storage and sale of fireworks and related matters.

2. BACKGROUND

- 2.1 The Director of Community Services last reported to the Committee on this subject at the meeting of 6 February 2002, as a result of which he was given a remit to write to COSLA, local MPs and MSPs recommending the introduction of a ban on the sale of fireworks to the general public and the introduction of a licensing scheme for public fireworks displays.
- 2.2 At the meeting of the Council held on 7 March 2002 it was further proposed that the Civic Government (Scotland) Act 1982 be amended to make public fireworks displays a licensable activity.
- 2.3 The Director of Community Services duly wrote to COSLA and a number of MPs and MSPs seeking their support for these recommendations.
- 2.4 A meeting of Cosla's Environmental, Sustainability and Community Safety Executive Group held on 13 February 2002 agreed to invite North Lanarkshire Council to lead a Task Group on fireworks.
- 2.5 At a meeting between officials from Cosla and North Lanarkshire Council to discuss the arrangements for the establishment and operation of a Cosla Task Group it was agreed that invitations be extended to the 29 member local Authorities and to other interested parties, to participate in the work of the Group.
- 2.6 East Ayrshire Council is represented on that group by Councillor James Carmichael and the Director of Community Services has also been nominated to provide professional advice and support to the work of the Task Group.

3. DISCUSSION

- 3.1 The inaugural meeting of the COSLA Task Group on fireworks was held at Motherwell on Tuesday 30 April 2002.

- 3.2 The Task Group considered a synopsis of views submitted by 23 Scottish Local Authorities, of which six supported the line taken by East Ayrshire Council, that the sale of fireworks to the general public be banned. A number also specifically supported the view that public fireworks displays should be a licensable activity.
- 3.3 The Task Group discussed position statements submitted on behalf of:
- a) Association of Chief Police Officers of Scotland (ACPOS)
 - b) Chief, Assistant Chief Fire Officers Association (CACFOA)
 - c) Scottish Society for the Prevention of Cruelty to Animals (SSPCA)
 - d) Society of Chief Officers of Trading Standards in Scotland (SCOTSS)
 - e) The Scottish Retail Consortium
- 3.4 A comprehensive discussion took place concerning the sale, storage and manufacture (particularly the explosive content) of fireworks, underage sales, use and misuse of fireworks, bonfire danger (although not strictly within the remit of the Task Group) and a number of related issues.
- 3.5 The Task Group then remitted these issues to the Officers Working Group to review and crystallise the general views expressed by local Authorities and to come forward with proposals for progress at the next meeting of the Task Group.
- 3.6 Having regard to the Task Group's remit to complete its considerations and to produce proposals within six months, it was agreed that future meetings should be held in May, June and August 2002.
- 3.7 The Officers Working Group met immediately after the Task Group meeting and a number of issues were identified including;
- 3.7.1 the exceptional nuisance created by fireworks over September 2001 to January 2002 was the massively increased aural effect of certain fireworks, particularly Air Bombs and;
 - 3.7.2 the Task Group would benefit from clarification on the definition and categorisation of fireworks.
- 3.8 The Officers Working Group agreed to produce a number of papers for the meeting of the Task Group on 16th May and possibly arrange for representatives of the Department of Trade and Industry and the British Pyrotechnics Association to address the Task Group at a future meeting.

4. FINANCIAL IMPLICATIONS

- 4.1 Nil.

5. LEGAL IMPLICATIONS

- 5.1 East Ayrshire Council has delegated its responsibility for the enforcement of the Fireworks (Safety) Regulations 1987 to the Community Services Department,

enforcement of which is carried out by the Trading Standards Service working in partnership with Strathclyde Police.

6. POLICY IMPLICATIONS

6.1 Nil.

7. CONCLUSIONS

7.1 In response to representations to COSLA made by a number of Local Authorities, including East Ayrshire, a COSLA Fireworks Task Group has been established with a remit to:

- (i) Identify the changes needed to the legislative framework governing the sale and use of fireworks.
- (ii) To consider and recommend the means by which these changes can be secured.
- (iii) To consider and recommend complimentary or alternative means by which Local Authorities may address public concern over the sale and use of fireworks,
- (iv) To fulfil this remit within six months of commencement.

7.2 East Ayrshire Council is represented on the Task Force and it's Officer Working Group.

8. RECOMMENDATIONS

8.1 It is recommended that the Committee:

- (i) remit to the Director of Community Services to report back to a future meeting on the findings and recommendations of the Cosla Task Group; and
- (ii) otherwise note this report.

W Stafford
Director of Community Services

WS/JD/JM

3rd May 2002

LIST OF BACKGROUND PAPERS

Nil

Implementation Officer – john.crawford@east-ayrshire.gov.uk

AGENDA