

EAST AYRSHIRE COUNCIL

COMMUNITY SERVICES COMMITTEE – 13th NOVEMBER 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 the outcome of the deliberations of the COSLA Fireworks Task Group.

2. BACKGROUND/DISCUSSION

- 2.1 Members may recall that at the meeting of this Committee on 6th February, a report by the Director of Community Services on the storage and sale of fireworks was considered and it was agreed to note the work which had already been undertaken to implement the statutory and voluntary controls on the storage and sale of fireworks. It was also remitted to the Director of Community Services to write to the Convention of Scottish Local Authorities, 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 These recommendations were subsequently endorsed by the full Council at their meeting on 7th March 2002.
- 2.3 At a meeting of COSLA Environmental, Sustainability and Community Safety Executive Group on 13 February, consideration was given to a report which had been prepared following approaches from a number of individual local authorities relating to the use of fireworks. The meeting agreed to invite North Lanarkshire Council to lead a Task Group on fireworks with the following terms of reference:
- (i) to 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 complementary or alternative means by which local authorities may address public concern over the use of fireworks.
 - (iv) that this remit should be fulfilled within 6 months of commencement.
- 2.4 The group comprised elected representatives from 14 local authorities in Scotland with officer representation from these and a number of other Councils, along with representatives of Police and Fire, SSPCA, LACORS and Trading Standards Officers.

- 2.5 East Ayrshire Council was represented by Councillor James Carmichael and the Director of Community Services who had been nominated to provide professional advice and support the work of the Task Group.
- 2.6 The full Task Group met 4 times over the following 6 months with an Officer Working Group meeting on a number of other occasions.
- 2.7 The report of the Task Group contained eleven recommendations and these can be summarised as follows:-
- i. The Task Group does not support an outright ban on the sale of fireworks
 - ii. The voluntary code should be strengthened
 - iii. Fireworks should be introduced into the licensing regime for the Civic Government (Scotland) Act
 - iv. MSPs should be made aware of the recommendations of the Task Group and requested to assist in the argument for action in licensing of fireworks activities
 - v. That local authorities should include control of firework displays and removal of unauthorised bonfires within the Community Safety Strategy
 - vi. That the fireworks industry be approached to seek their agreement to alter the composition of fireworks to minimise the noise problem.
 - vii. That noisier fireworks be sold only as part of boxed sets at a minimum cost of £20
 - viii. That extra vigilance be given on the importation of fireworks since 9% of imported fireworks cannot be traced
 - ix. That the promotion of the responsible use of fireworks be introduced into the school curriculum and school development plans
 - x. That the Health Service introduce a systematic method of recording injuries arising from fireworks
 - xi. The co-operation of the Crown Office and the judiciary be sought on reinforcing the view that firework nuisance and abuse cannot be tolerated as acceptable behaviour.
- 2.8 The Task Group report was endorsed by the Environment, Sustainability and Community Safety Executive Group on 24th October.

3. FINANCIAL IMPLICATIONS

- 3.1 Nil.

4. LEGAL IMPLICATIONS

- 4.1 Nil.

5. POLICY IMPLICATIONS

- 5.1 Nil.

6. CONCLUSIONS

- 6.1 It can be seen from the above that the recommendations from the Cosla Task Group, whilst worthwhile and a major advance, do not quite match the wishes of this Council in that the call for an outright ban on the sale of fireworks was not accepted. The proposals relating to the Civic Government (Scotland) Act 1982 are however particularly welcome since this will allow the Council to attach reasonable conditions to any licence which it issues. For example, it may be possible to restrict the periods on which fireworks can be sold. This in effect would strengthen the existing voluntary code.
- 6.2 It is therefore respectfully suggested that it be remitted to the Director of Community Services to continue to press through Cosla for the voluntary codes to be made statutory and to request Cosla to make representations to central government that public opinion should be canvassed widely in relation to possible ban on the sale of fireworks to the general public.

7. RECOMMENDATIONS

7.1 The Committee are requested to:-

- (i) Note the terms of the Cosla Task Group report on fireworks;
- (ii) Remit to the Director of Community Services to make representations through Cosla that the current and proposed voluntary codes be made statutory, and also to request Cosla to make representations to central government that public opinion be canvassed widely in relation to a possible ban on the sale of fireworks to the general public; and
- (iii) Note the terms of this report.

William Stafford
Director of Community Services

WS/JD/JS

10th October 2002

LIST OF BACKGROUND PAPERS

1. Report to Community Services Committee on 6th February
2. Final Report on the Supply and Misuse of Fireworks prepared by the COSLA Fireworks Task Group

Any person wishing to inspect the background papers listed above should telephone 01563 576023 and ask to speak to William Stafford, Director of Community Services.

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AGENDA