

Minutes

Culture and Communities Committee (Special Meeting)

10.00am, Friday, 23 August 2024

Present:

Councillors Walker (Convener), Burgess, Campbell (substituting for Councillor McNeese-Mechan), Cameron, Doggart, Glasgow, Heap, McFarlane, Munro, Osler, and Thornley.

1. Deputations

a) OneKind

(written deputation - In relation to item 7.1 on the agenda – Fireworks Control Zones (FCZs)

OneKind is very supportive of a city-wide Control Zone for the reason of protecting animal welfare. The deputation outlined the impact which fireworks can have upon animals and provided the details of some research which has been carried out on the effects.

Details were provided of some of the behaviours which animals, including farmed and wild animals, can demonstrate which can be attributed to the effects of experiencing fireworks.

Indicating that local zones would not protect animals as they would still hear fireworks from neighbouring areas.

(see item 6 below)

b) Dogs Trust

(In relation to item 7.1 on the agenda – Fireworks Control Zones (FCZs)

Detail was provided on the impact which fireworks can have upon dogs, indicating that effects and changes in behaviour can last for several weeks, even months, after the event. It was advised that experience of hearing fireworks can increase the fear which animals experience.

Feedback which the Dogs Trust has received is that owners cite the lack of predictability as to when fireworks will be heard as a significant issue which means that they are unable to prepare or take mitigating action (which they could do to a greater degree if they knew when fireworks would be released). Dogs Trust stated that a city-wide zone would enable better co-ordination for those tasked with enforcement.

(see item 6 below)

2. Minutes

There were none.

3. Work Programme

There were none

4. Rolling Actions Log

There were none.

5. Business Bulletin

There were none.

6. Fireworks Control Zones (FCZ)

The Committee resolved, in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the public from the part of the meeting where the Committee was considering the legal advice provided to it, on the grounds that it would involve the disclosure of exempt information as defined in Paragraph 12 of Part 1 of Schedule 7A of the Act.

Details were provided of proposals to implement Firework Control Zones (FCZ) in four areas in Edinburgh for the period 1 to 10 November 2024 (inclusive), utilising the powers granted to the Council through the Fireworks and Pyrotechnic Articles (Scotland) Act 2022, with approval being sought from the Committee to implement these four zones.

During consideration, and in accordance with Standing Order 22.16, the Convener used her discretion to allow consideration of this item of business to continue beyond 40 minutes for the reason that councillors had a significant number of questions which they wished to ask of officers.

Motion

- 1) To note the update on Firework Control Zones (FCZs) and the other actions which are being progress to minimise the impact of fireworks on citizens in the bonfire period 2024;
- 2) To agree to proceed with the four local FCZs in the areas outlined in paragraph 4.4 [of the report] from 1 November 2024 - 10 November 2024 (inclusive), and
- 3) To note that a report will be presented in February 2025 on the outcome of the FCZs and proposed next steps for future FCZs in Edinburgh.

- moved by Councillor Walker, seconded by Councillor Cameron

Amendment 1

Replace 1.1.2 and 1.1.3 with:

- 1.1.2 Noting the strong support for a city wide zone in the consultation and the concerns that separate zones could be stigmatising to communities, and confusing for residents, agrees to proceed with a city wide FCZ.
- 1.1.3 Notes that a report will be presented in February 2025 on the outcome of the FCZ and the proposed next steps for future FCZs in Edinburgh. Agrees officers should carry out a detailed consultation with residents and evaluation ahead of that report being presented to committee.

- moved by Councillor Campbell, seconded by Councillor Glasgow

Amendment 2

Committee notes:

1. The large number of positive consultation responses on the City-Wide Firework Control Zone (FCZ) proposal, with 86% (663 responses) supporting this option
2. The support for the City-Wide option from the following:
 - a. *Charities and other organisations working for the welfare of animals:* One Kind; Blue Cross; British Veterinary Association; British Horse Society; Dog's Trust; Tower Farm Stables; Redwings Horse Sanctuary; RSPB Scotland; Scottish SPCA; The Veterinary Cat Clinic; All4Paws
 - b. *Charities and other organisations working for the welfare of vulnerable people:* Autistic Mutual Aid Edinburgh and Combat Stress: The Veterans' Mental Health Charity
 - c. *Housing Associations, Residents Associations and other local groups:* Gateside Tenants and Residents Association; Grassmarket Residents

Association; Home Group; Currie, Balerno & District Round Table;
Manor Estates Housing Association

3. That individual FCZs may be rendered less effective by firework noise and emissions spreading beyond their boundaries, which is a potential reputational risk to the Council
4. Concerns about enforceability of a city-wide Zone, but notes that, in a society governed by the rule-of-law, most people will observe the law, freeing up Police to focus on those who do not, and that a city-wide Firework Control Zone would be similar in this regard to many other widely-observed city-wide prohibitions, such as on smoke from chimneys under Smoke Control Area provisions, and on pavement parking.
5. That neither the Fireworks and Pyrotechnic Articles (Scotland) Act nor the statutory guidance place any explicit upper limit on the size of an FCZ within a Local Authority's area.
6. Scottish Government's statements that the legislation is not intended to cover large areas does not amount to a legal prohibition of an Edinburgh-wide FCZ.
7. The Scottish Government's indication it may seek to overturn a city-wide FCZ and believes this would be contrary to the principles of localism
8. That the Statutory Guidance provides that FCZs can be instituted for the following reasons, as well as firework misuse: Animal Welfare; Impact on Vulnerable Groups and Environmental Protection
9. That the impact of fireworks on animal welfare, vulnerable groups and the environment are not confined to specific areas of the city.
10. Notes the evidence of the negative impact on firework use on these three issues provided in the consultation responses, during the passage of the Act and in the Scottish Government Statutory guidance [See Appendix of amendment] means a city-wide FCZ is proportionate to the evidence.

Thanks to officers

Committee:

1. Notes the significant officer work required to assist the Committee in making a decision in an area of policy new to the Council, and offers its thanks for this.

Amendment to recommendations

Committee therefore agrees report with the following amendment:

In 1.1.4, delete from "four" to end of point, and replace with

"the option outlined in Section 5.4 of the report (City-wide Zone from November 1 – November 10, 2024)"

- moved by Councillor Heap, seconded by Councillor Burgess

At this point in the proceedings, the movers and seconders of both Amendments withdrew their respective Amendments and a composite Amendment was moved as below:-

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- moved by Councillor Campbell, seconded by Councillor Heap

Voting

The voting was as follows:

For the Motion (as adjusted)	-	6 votes
For the composite Amendment	-	5 votes

(For the Motion: Councillors Cameron, Duggart, Munro, Osler, Thornley and Walker.

For the composite Amendment; Councillors Burgess, Campbell, Heap, Glasgow, and McFarlane.)

Decision

To approve the Motion by Councillor Walker:

(Reference – report by the Service Director, Housing and Homelessness, submitted.)