

# Culture and Communities Committee

10.00am, Thursday, 29 February 2024

## Firework control zones

Executive/routine  
Wards

Executive  
All

### 1. Recommendations

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- 1.1 It is recommended that the Culture and Communities Committee notes:
  - 1.1.1 The on-going work of the multi-agency working group set up to consider the implications of Firework Control Zones in Edinburgh and the Citywide Bonfire Strategic Planning Community Improvement Partnership;
  - 1.1.2 The on-going discussions with partners on the potential implementation of the Firework Control Zone arrangements in the city, together with the intention to update the Council website with information on this; and
  - 1.1.3 The continued prioritisation of targeted diversionary activities for young people, dispersal zones, and support for Police Scotland's front line policing efforts during the annual fireworks period.

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## Firework control zones

### 2. Executive Summary

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- 2.1 This report summarises the current position and proposes next steps for the City of Edinburgh Council relating to firework control zones (FCZs) (which are a key provision in the Fireworks and Pyrotechnic Articles (Scotland) Act 2022).

### 3. Background

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- 3.1 The Fireworks and Pyrotechnic Articles (Scotland) Act 2022 (“the Act”) became law on 10 August 2022. The Act contains key provisions designed to support a cultural shift in how fireworks and other pyrotechnic articles are used in Scotland.
- 3.2 A key provision of the Act is that local authorities have been given discretionary power to designate a place (or places) within their area as a firework control zone where it will be an offence for the general public to use [category F2 and F3](#) fireworks, including on private property.
- 3.3 The Scottish Government has published [Firework Control Zones Guidance for Local Authorities](#) (“the Guidance”) to which local authorities must have regard. The Guidance supports local authorities to make informed decisions concerning the designation, amendment, or revocation of firework control zones.

### 4. Main report

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- 4.1 Following publication of the Guidance in June 2023, a multi-agency working group was set up to consider the implications of FCZs for Edinburgh. The working group includes Council officers and representatives from the Scottish Fire and Rescue Service (SFRS) and Police Scotland.
- 4.2 The working group reviewed the current approach employed by the (Council led multi-agency) Citywide Bonfire Strategic Planning Community Improvement Partnership to keep the public safe over the bonfire/fireworks period and agreed that the community safety measures by the Partnership should continue. These include:
- Co-ordinated community safety patrols;

- Targeted use of [dispersal zones](#) to manage hotspots of disorder;
  - SFRS educational input in schools raising awareness of the dangers of fireworks; and
  - Dedicated diversionary activities for young people on the cusp of firework related antisocial behaviour.
- 4.3 The working group also considered whether the FCZ provision and associated Guidance (as an additional tool) could supplement the existing co-ordinated fireworks community safety activity which takes place annually.
- 4.4 The Guidance sets out the preparatory and ongoing work required for implementing FCZs which includes, for example:
- Developing a local mechanism whereby the public can request a FCZ;
  - Agreeing criteria to be applied to applications for a FCZ to ensure consistency;
  - Ongoing community consultation as part of the community response where requests for FCZs are made;
  - Publication of community consultation results and, where applicable, proposals for a FCZ;
  - Publication of decision making in relation to designating, revoking or amending a FCZ; and
  - Indicative timeframes from requests to zones being designated was 32 weeks.
- 4.5 Upon reviewing the requirements as set out in the Guidance, the working group agreed their preferred approach would be to exercise caution in implementing the FCZ provision given that existing legislation already prohibits people from setting off fireworks in a public place, with the Act seeking to extend this prohibition to the private sphere (for example, an individual's back garden).
- 4.6 The working group further concluded that partners need to fully consider and understand the merits of incorporating FCZs into existing practice and to explore in detail the challenges presented by zone enforcement.
- 4.7 The working group agreed that partners should aim to strike the right balance in managing antisocial behaviour over the bonfire/fireworks period and employing the public safety tools most likely to achieve safety for the public, the emergency services, and those enjoying fireworks.
- 4.8 The current focus and activity is on the minority of persons involved in the reckless and criminal use of fireworks and related antisocial behaviour. The current approaches differentiate this from those seeking to enjoy an event responsibly and to not restrict their involvement.
- 4.9 Whilst highlighting the potential benefit of FCZs in some areas (including, for example, next to Cat and Dog home), the group raised some concern about a more restrictive blanket approach of FCZs, the potential for displacement to nearby areas and ensuring any adoption of these approaches was carefully considered.

- 4.10 It is also important to recognise the capability and capacity to respond to enforcement of FCZ. Whilst each report would be assessed on its own merit, the multi-agency response is likely to remain focussed on areas experiencing higher levels of antisocial behaviour and community harm, and/or where a risk to the public or emergency/partner services is presented - which may or may not be in any area adopted as a FCZ.

## **5. Next Steps**

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- 5.1 It is proposed that more detailed partner discussions take place before the Council proceeds with implementing the FCZ power in the city. Specifically, discussion with Police Scotland (as the lead agency for enforcement of FCZs) is essential to agree a realistic, workable approach for Edinburgh that makes best use of the available resources.
- 5.2 In addition, it is important to manage public expectations in relation to FCZs. Advice for members of the public looking for more information on FCZs or on how to apply for a FCZ in their area will be published on the Council's public web pages.
- 5.3 Through the Citywide Bonfire Strategic Planning Community Improvement Partnership, continue to prioritise targeted diversionary activities for young people, dispersal zones, and support Police Scotland's front line policing efforts during the fireworks period.
- 5.4 Explore the feasibility of supporting smaller community organised fireworks displays.

## **6. Financial impact**

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- 6.1 The Scottish Government has agreed to provide local authorities adopting the FCZ provision with additional funding of up to £25,000 per designated zone.

## **7. Equality and Poverty Impact**

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- 7.1 An interim IIA has been completed for the community safety and anti-social behaviour strategy. This will be updated with partners as consultation progresses.
- 7.2 This found positive impacts relating to equality, health, wellbeing and human rights including enabling people to have more control of their social/work environment by seeking ways to address anti-social behaviour in the city. This may include ways to reduce anti-social behaviour in both social and work environment and empower people to feel safe in these areas.

## **8. Climate and Nature Emergency Implications**

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- 8.1 An [International Evidence Review](#), published by the Scottish Government in October 2019, highlighted that fireworks can pollute the air with gases and particles, which can contain metals and other elements that are potentially harmful to human health. Local air pollution, the frequency of cultural traditions involving fireworks and meteorological factors can all influence the impacts of fireworks on the environment; and the extent of these impacts in Scotland is unknown.

## **9. Risk, policy, compliance, governance and community impact**

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- 9.1 The Scottish Government consulted with communities, local authorities, and stakeholders prior to developing the Act with additional public consultation events held in 2023 as part of the development of the FCZs Guidance for Local Authorities.
- 9.2 Community impact will be considered as part of on-going discussions with partners to agree a workable approach for Edinburgh relating to FCZs.

## **10. Background reading/external references**

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- 10.1 Report to the Culture and Communities Committee, 13 December 2022, [Changes to Legislation on the Sale and Use of Fireworks in Scotland](#).
- 10.2 [Fireworks and Pyrotechnic Articles \(Scotland\) Act 2022](#).

## **11. Appendices**

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