



Scottish Government  
Riaghaltas na h-Alba



# Firework Control Zones

Guidance for Local Authorities

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# Foreword from the Minister for Victims and Community Safety and COSLA Community Wellbeing Spokesperson

We are delighted to share this guidance, which supports the introduction of the new firework control zones powers for local authorities from the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. This is a key milestone in the journey towards a cultural change in Scotland's relationship with fireworks.

The introduction of a discretionary power for local authorities to designate firework control zones implements a key recommendation of the Firework Review Group: that local authorities should be able to, with input from communities, establish whether there is a need for the use of fireworks to be restricted in specific areas. Firework control zones have been carefully designed to fit the Scottish context, and will allow communities across Scotland to have a far greater say in how fireworks can be used in their local area.

The purpose of this document is to provide guidance to local authorities on the consideration and implementation of control zones. It will also support partner organisations (such as the emergency services) in understanding the roles they have in establishing and operating control zones. Firework control zones will be one of the tools available to local authorities to help tackle issues associated with fireworks, alongside other enforcement and preventative measures.

This guidance document has been developed in collaboration with key delivery stakeholders through the Firework Control Zones Working Group.

We would like to sincerely thank all of the organisations that participated and guided the process of developing this guidance.

Those living and working in communities have also directly shaped this guidance. Their input has, once again, brought to the fore the scale of the impact that the use of fireworks can have. We heard from a range of communities about the depth of feeling which this topic elicits. As well as the unacceptable scenes of antisocial behaviour involving fireworks misuse which we unfortunately hear about each year, there can be wider impacts on a range of vulnerable groups, on animals, and on the environment too.

The introduction of firework control zones follows years of consultation, engagement and evidence gathering. This includes in 2019, when the Scottish Government launched a public consultation on the sale and use of fireworks. Over 16,000 people responded, indicating an overwhelming desire for greater controls over how fireworks can be used in Scotland.

While the introduction of firework control zones is an important step in our journey, it is not the end. Firework control zones are just one part of a suite of complementary measures in the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. Work will continue to implement the remaining provisions within the Act, and we look forward to the positive impact that these measures will bring for Scotland.

We would like to once again thank the participants of the Firework Control Zones Working Group, and those communities who have engaged in this process, for their efforts in helping to shape this guidance, and for their continued support in progressing a cultural change in Scotland's relationship with fireworks.



*Siobhian Brown*

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Minister for Victims and Community Safety



*Maureen Chalmers*

Cllr Maureen Chalmers  
COSLA Community Wellbeing Spokesperson

# Overview of the Firework Control Zones Working Group

The Firework Control Zones Working Group was made up of representatives from the following organisations:

- COSLA
- Police Scotland
- Scottish Community Development Centre
- Scottish Community Safety Network
- Scottish Fire and Rescue Service
- SOLAR; and
- Included practitioners from: Edinburgh City Council, Glasgow City Council, Scottish Borders Council, and West Lothian Council.

**The Scottish Government committed to co-developing firework control zone guidance with stakeholders and communities. The Firework Control Zones Working Group was established as a short life working group to steer development of the guidance, with input from wider stakeholders and communities themselves. The Group was facilitated by the fireworks policy team in the Scottish Government, whose role included responsibility for chairing the deliberative workshops and providing a secretariat function. The purpose of the group was to drive forward the development of robust, evidence-based guidance for local authorities as a key element of the implementation and operationalisation of firework control zones in Scotland.**

The Working Group met between January 2023 and June 2023 and took part in a series of deliberative workshops to consider all of the evidence available, and work through the different areas and topics covered in this guidance. Taking into account the output of the community workshops, and all available views and proposals from wider stakeholders, the group co-developed the guidance via a consensus building approach.

At the final meeting of the working group, on 6 June 2023, the group agreed the content of the guidance prior to publication on 22 June 2023.



# 1. Introduction

**In 2019, the Scottish Government launched the national public consultation on fireworks “Your experiences, your ideas, your views”<sup>1</sup>. The consultation started a conversation with the people of Scotland about their views and experiences of fireworks, both good and bad. Overall, 16,420 responses were received, displaying a widespread interest from members of the public and stakeholder organisations. Analysis of these responses demonstrated a strong desire for change in the relationship that Scotland has with fireworks, and a desire for greater restrictions on the sale and use of fireworks.**

Following this, the former Minister for Community Safety established the [Firework Review Group](#), which brought together key organisations with a direct interest in fireworks, including representatives from the fireworks industry, NHS, animal welfare organisations, the emergency services, and local government, as well as community representatives. The Group considered the legislative options for change to how fireworks are supplied and used in Scotland.

The Firework Review Group’s Report to the Scottish Government<sup>2</sup>, made a series of recommendations. One recommendation was that provision should be made for areas to be introduced where it is not permitted for fireworks to be set off by the general public, with clear systems in place for communities to have a say in where these areas should be introduced. The Group recognised this as offering the potential for targeted localised approaches based on the specific circumstances within different areas and communities.

A number of the Group’s recommendations were taken forward through [The Fireworks \(Scotland\) Miscellaneous Amendments Regulations 2021](#). These regulations restrict the hours that F2 and F3 fireworks can be supplied to and used by the general public, and limit the quantity of fireworks that can be supplied to the general public to 5kg at any one time.

The [Fireworks and Pyrotechnic Articles \(Scotland\) Bill 2022](#) was introduced to the Scottish Parliament on 1 February 2022 to take forward the Group’s remaining recommendations. The Bill was passed by the Scottish Parliament on 29 June 2022 and received Royal Assent on 8 August 2022, at which point it became the Fireworks and Pyrotechnic Articles (Scotland) Act 2022 (“the Act”). The Act is designed to support a cultural shift in how fireworks and other pyrotechnic articles are used in Scotland. A key policy delivered by the Act provides each local authority with the power to designate a place (or places) within its area as a firework control zone.

The Act, and 2021 regulations, build upon existing, comprehensive restrictions and legislation around the use and supply of fireworks. An overview of existing legislation, regulations, and associated enforcement responsibilities was compiled by the Fireworks Review Group as part of their programme of work, and is featured as an Annex in their report to the Scottish Government<sup>2</sup>. While it has been illegal to use fireworks in a public place for some time<sup>3</sup>, firework control zones will extend this, where it is deemed appropriate to designate a zone, to cover all areas within a zone’s boundaries, including private property.

This guidance document is the result of a significant period of meaningful co-development with the Firework Control Zones Working Group. The Working Group met between January 2023 and June 2023 to consider the evidence available and deliberate on the content of this guidance. To support this work, the Scottish Government held a series of in-person and online workshops for communities across Scotland between February 2023 and April 2023, with the outputs of these sessions used to inform development of this guidance. A number of stakeholder organisations also had the opportunity to provide evidence and feedback during co-development of the guidance, which was discussed and considered throughout the process.

## 1.1 Purpose of Guidance Document

Section 33 of the Act sets out that local authorities must have regard to any guidance issued by the Scottish Ministers, and that any such guidance must be published. The published guidance will be subject to future revisions or revocation as required by the Scottish Ministers.

The purpose of this guidance is to support local authorities to consider and designate firework control zones in their area. Local authorities must have regard to this guidance, as stated above. Therefore, while it is expected that local processes will be established which best support individual local circumstances, local authorities must take account of factors stated in this guidance.

## 1.2 Format of Guidance Document

This document has been designed to be used by local authority practitioners throughout the process of considering and designating a firework control zone. With this in mind, the document has been designed to be interactive. This subsection details the key features to be aware of.

### Call-Out Boxes

Where there is a call-out box (such as that featured in section 1.1), this sets out the requirements in the Act itself, as opposed to the Scottish Government guidance. For ease, this has been paraphrased, however the wording as set out in the Act is included in **Annex A**.

### Navigating the document

The PDF document includes a virtual navigation bar at the bottom of each page.



This icon will navigate to the cover page of the document.

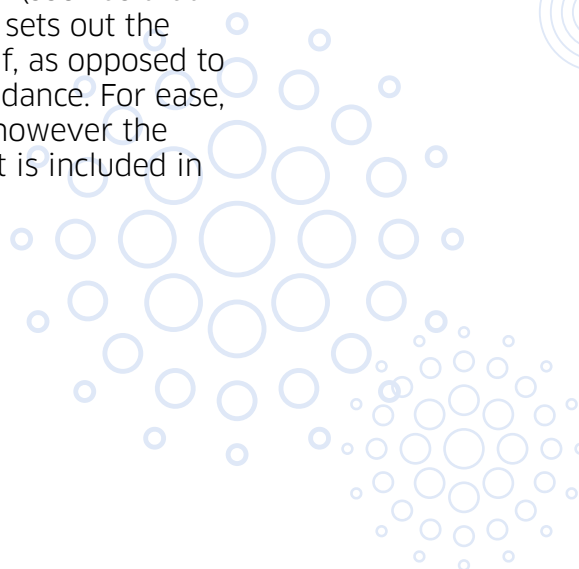


This icon will navigate to the table of contents, where each heading and subheading is hyperlinked to redirect to the relevant section of the document upon being clicked.



These icons will move backwards and forwards by a page, respectively.

In order to make the guidance as interactive as possible, where another section of the guidance is referred to, this has been made bold and clickable. Clicking this will navigate to the relevant section of the guidance. For example, clicking on **Introduction** navigates back to the relevant section of the guidance.



## 2. Firework Control Zones - Overview

A firework control zone is an area within a local authority's boundaries in which it is a criminal offence for a member of the public to ignite a firework, including on private property such as a garden. It is also an offence to fire a firework into the boundaries of a zone; or to knowingly or recklessly throw or cast a lit firework into a zone. This does not apply to category F1 fireworks, which will still be permitted within firework control zones subject to any other legal controls on their use. Category F1 fireworks are indoor or close proximity fireworks with minimal safety distances. These can include sparklers, novelty items, indoor fireworks, and party poppers.

A firework control zone is not intended to be a catch-all solution to deal with issues involving fireworks. If a local authority and local partners consider a firework control zone to be appropriate, it is expected that a zone would be utilised alongside other preventative and enforcement tools to have maximum effect. Existing approaches and tools utilised by local authorities to deal with issues involving fireworks are outlined in the **Alternative Approaches to Firework Control Zones** section of this guidance, alongside case studies from local authorities where alternative approaches have worked well and have had a positive impact in communities.

It will be for the local authority to identify an appropriate team to lead on the implementation of firework control zones locally. Due to the range of issues that could lead to the designation of a firework control zone, this may involve engagement across teams within the local authority with responsibility for community safety, environmental protection, equalities and animal welfare.

### 2.1 Enforcement and Exemptions

Section 41 of the Act sets out that if a constable has reasonable grounds for suspecting that a person has committed or is committing an offence under the Act, the constable may—

- search that person without warrant, and detain the person to permit the search to be carried out,
- stop and search a vehicle (and anything on or in it) without warrant,
- seize and retain any item found in the course of a search which may be relevant to the commission of the offence.

A person who commits an offence under the Act in relation to a firework control zone is liable, on summary conviction, to imprisonment for a maximum of 6 months or a fine of up to £5,000, subject to any future changes to the standard scale.

A limited number of exemptions apply to firework control zones, when the use of fireworks will be permitted in a zone. These are when fireworks are used:

- For the purpose of a public fireworks display (see section 2.2 below);
- In connection with a regulatory authority's functions; or
- For necessary safety purposes by a business engaged in the manufacture, importation, distribution or supply of fireworks.

In line with the approach to other offences relating to the use of fireworks, Police Scotland will have responsibility for enforcing offences related to the illegal use of fireworks within firework control zones.

Local authorities should ensure that a partnership approach is taken to considering and developing the proposal to designate, amend, or revoke a firework control zone. Local authorities should involve local police and other local partners at the formative stages of considering a firework control zone and developing a proposal in an area. Early engagement is vital in understanding the feasibility of enforcement for a potential zone and enables discussions around enforcement to underpin considerations.

## 2.2 Public Firework Displays within Firework Control Zones

Public firework displays will continue to be permitted within an area designated as a firework control zone, subject to certain requirements. It is not an offence to use fireworks in a firework control zone if it is:

- For the purpose of a public fireworks display by a professional fireworks operator; or
- For the purpose of a public fireworks display organised by a community group, sports club, or other similar organisations.

Section 51 of the Act defines a “public fireworks display” as a fireworks display at which the public, or any section of the public, are able to attend (whether or not they have paid) that complies with regulations made under section 6 of the Fireworks Act 2003. At the time of this guidance being published, there are no regulations made under section 6 of the 2003 Act, meaning that the definition of public fireworks display as set out in Section 51 should be applied.

There are different ways a community group can prove that they are organising a public display and fit within this exemption. For example, a local authority issued public entertainment licence or public liability insurance documents for the firework display could be used as evidence.

While the enforcement of any offences within a firework control zone, and any application of the exemptions, remains a matter for police, the Crown Office and Procurator Fiscal Service, and ultimately the courts. Under this definition, the following could expect to be included as examples of a public fireworks display:

- Large scale public firework displays organised by the local authority;
- Small scale, local community firework displays organised by a community group or charity, including religious or cultural festivals at a place of worship;
- Music concerts or festivals at outdoor venues where fireworks are used as part of the event;
- Events in stadia, such as sports or music events, where fireworks are used as part of the event<sup>a</sup>.

In an area where a firework control zone has been designated, public firework displays continue to be subject to existing local licensing requirements for such displays to take place, for example, a public entertainment licence or temporary public entertainment licence. The designation of a firework control zone does not replace the need for local licensing requirements to be met for public firework displays. Existing criteria for consideration of public displays should continue to be applied by local authorities.

In line with existing local requirements, a range of factors will continue to be considered by local authorities when determining appropriate locations for public firework displays and it is **not** expected that the existence of a firework control zone will be a reason for declining applications to hold public firework displays. Communities have expressed the value and

<sup>a</sup> Note that restrictions under section 36 of the Act apply to the possession and use of pyrotechnic articles, including all fireworks, at a designated sport or music event, but these do not apply to public firework displays or professionally operated displays,



enjoyment of well organised public fireworks displays. It is recognised that these can provide a route for communities to come together to enjoy fireworks in a safe and appropriate way.

## 2.3 Dates That a Zone is Operational

Section 27 of the Act states that a firework control zone operates, and offences apply, on all days that the zone has effect; if the designation specifies particular days on which the zone is to operate, then, the offence only applies on the days where the zone is in operation. Section 28 states that the dates that it is proposed a zone is to be operational must be included within any consultation proposal.

The Act does not set out any minimum or maximum time periods or dates for which a firework control zone should be in operation. It is considered that the appropriate length of time that a zone is in effect will vary in different communities due to local circumstances, meaning that there is local flexibility around when a firework control zone is in operation. For example, a zone may be designated for a number of weeks to deal with a specific issue at a certain time of year. Alternatively, in an area with persistent, ongoing issues with fireworks, it may be designated year-round.

The dates that a firework control zone is in operation should be evidence-based and proportionate. A local authority should be able to demonstrate why the dates a zone is in effect are considered necessary. Local authorities should involve the local police, other local enforcement partners, and other emergency services at a formative stage when considering the dates that a firework control zone will have effect. This will enable discussions to take place at the outset in relation to enforcement, allowing this to underpin consideration of appropriate dates, and ensure that local data is utilised effectively in the decision making process.

The dates a zone is operational must be included in the proposal to designate, amend, or revoke a zone that will be consulted on. This ensures that local community members, businesses and anyone else affected, or with an interest, will have the opportunity to share their views on the proposed dates. The views gathered during the consultation should be taken into consideration when publishing a decision on a proposal and setting out the dates a control zone is to be in operation.

## 2.4 Boundaries of a Zone

Sections 28 and 30 of the Act set out that the boundaries of a zone must be clearly set out in any consultation proposals, as well as in any publicity for a zone when they are designated or amended.

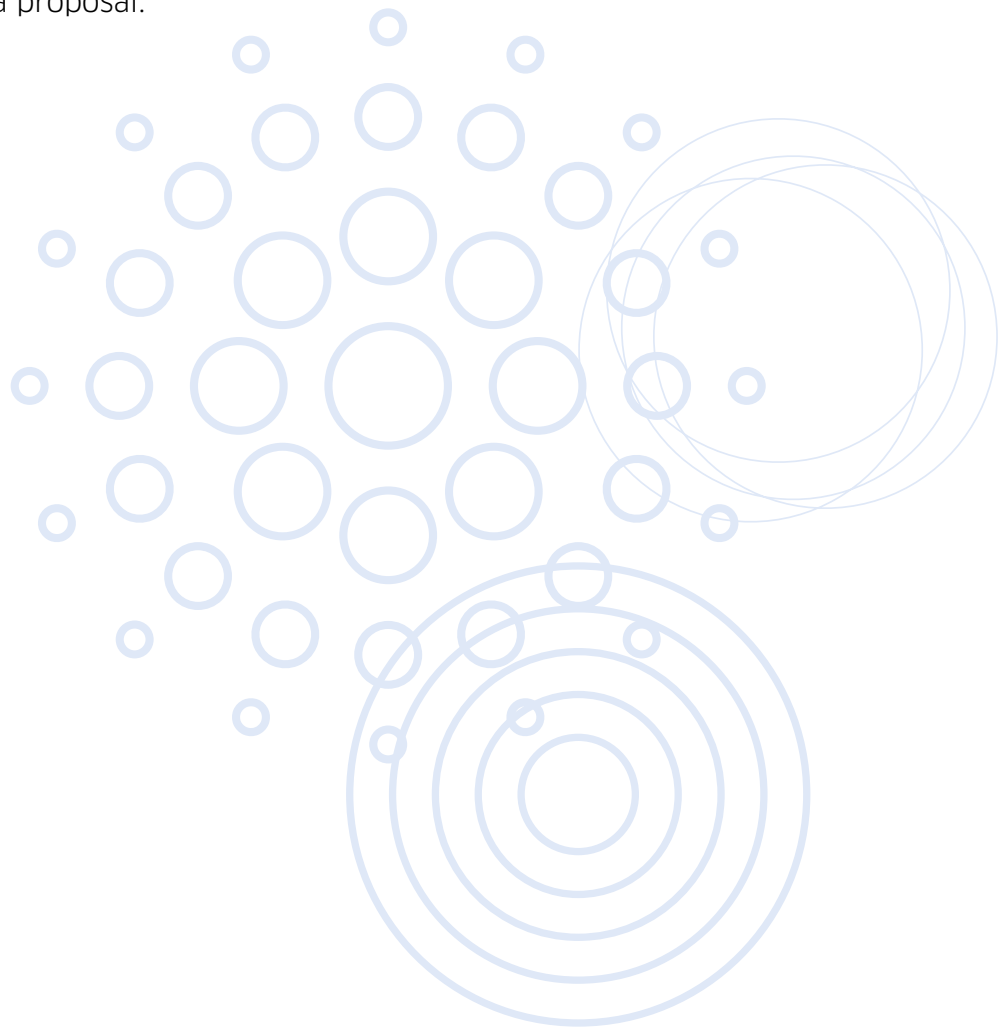
The Act does not set out any minimum or maximum geographic size or area that can be covered by a firework control zone, or the cumulative area that a local authority may designate as a firework control zone(s) within its boundaries.

The appropriate size for a control zone is best determined at a local authority level, as this will be dependent on local circumstances. For example, in a densely populated, urban area a zone may cover a small area where there are known issues with fireworks, whilst in a rural area a zone may cover a larger geographical area as it is less densely populated and issues may be more geographically spread as a result. This is not to be taken as a rule, however, as a zone in rural areas could similarly cover a targeted area of problematic fireworks use, such as if fireworks were disrupting livestock, and a larger area in a densely populated urban area, where evidence supports this need.

It is essential that the boundaries of a zone are developed in partnership with local police, the fire and rescue service, and other local partners, to ensure that all local intelligence is utilised and that the resultant boundaries are proportionate, as well as being enforceable and grounded in evidence.

Firework control zones have not been designed as a measure to cover a whole local authority area, or to cover extensive parts of a local authority area. The geographic size or area covered by each firework control zone must, therefore, be evidence-based and proportionate. A local authority should be able to demonstrate why it is considered necessary for a geographic area to be covered by a zone.

As the proposed boundaries of a zone must be included within any consultation proposal, local community members, businesses and anyone else affected or with an interest will have the opportunity to share their views on any geographic boundaries. These views should be taken into consideration when considering the final boundaries of a zone, where a decision is taken to proceed with a proposal.



## 3. Consultation on Firework Control Zones

Section 28 of the Act requires that, prior to any decisions being made to designate a firework control zone, or to amend, or revoke an existing firework control zone, consultation must be undertaken.

This means that if a local authority is proposing to designate an entirely new zone, or to amend or revoke an existing zone, a proposal must be developed and consulted on. Similarly, if a decision is taken to amend or revoke a zone following a **Review**, a proposal must be developed and consulted upon.

There are a number of requirements on local authorities set out in the Act in relation to the proposal that must be developed for the purpose of this consultation, and how consultation must be carried out.

### 3.1 Develop a Proposal

The Act states that, before designating a place as a firework control zone or amending or revoking an existing firework control zone, a local authority must prepare and publish a proposal in relation to the designation, amendment or revocation of the zone. The local authority must also carry out a consultation on the proposal.

#### Format of Proposal

Local authorities should consider their audience and objectives when determining the format of the consultation proposal and the type of document produced. The proposal should not make assumptions about which groups will be interested in a particular topic, and any consultation might be required in a different format or accessible version. It is good practice to proactively make alternative formats or accessible versions available.

#### Content of Proposal

The Act outlines that a proposal for designating, amending or revoking a firework control zone must set out:

- The **reasons** for the proposed new firework control zone, or for amending or revoking an existing zone.
- The **boundaries** of the zone.
- The **date** from which the zone **is to have effect** and the proposed date that the zone **is to cease to have effect**.
- The **dates of the consultation** on the zone proposal, and **how the consultation will be conducted**.

As well as the information required by the Act, local authorities may also wish to include information on what a firework control zone is and what is and is not permitted within a zone, as set out in the Act, as part of the proposal. This is to ensure that consultees understand what can be changed in a proposal as part of the consultation and what is set out in the Act.

A consultation proposal for a zone will be most robust and effective when a partnership approach to developing the proposal is taken. Local authorities should engage local police and other local partners at the formative stages of developing a proposal, and considering a firework control zone in an area, to enable discussions around enforcement to underpin considerations.

Local authority practitioners may wish to develop a logic model or theory of change as a part of the proposal for a zone in order to illustrate how this will function alongside other preventative and enforcement tools. The Scottish Government have developed [guidance](#)<sup>4</sup> on the creation of logic models which can be referred to in this process.

The reasons for the proposed new firework control zone, or amended or revoked existing zone, must be clearly outlined in the proposal. This should also make reference to the evidence which supports the reasons behind the proposal being developed. Further information on why a zone may be proposed, and the evidence that could be considered, are outlined in the **Reasons Why a Firework Control Zone Could Be Designated** section.

The proposed boundaries for a zone, outlined in the consultation proposal, should be proportionate and evidence-based. The proposal should include a map which clearly illustrates the proposed boundaries in order to make the geographic area that would be covered by the zone clear, and leave no room for interpretation.

The dates that the proposed zone is to have effect and cease to have effect should be evidence-based and proportionate. Firework control zones are not designed to be used in perpetuity. As well as the proposal setting out when the zone would cease to have effect, the Act requires local authorities to review the operation and effectiveness of zones. Further information can be found in the **Reviewing a Zone** section of this guidance.

If the proposal is that the firework control zone will operate only on specific dates (e.g. dates where there is a particular reason to restrict firework use in the area), the dates in question should be set out in the consultation. The reasons for proposing these dates should also be given, alongside the evidence supporting the reasons provided.

The published proposal must include details of the dates and process of consultation to be undertaken. Further guidance on designing and conducting a consultation on a proposal for a firework control zone is set out in the **Consultation on a Proposal** section, below.

As a part of development of a proposal, local authorities should consider the impact of their proposal and, as a part of this process, may wish to consider completion of any impact assessments which may be appropriate. This may vary based on the circumstances of the local authority and the detail of the specific proposal. The process of considering whether impact assessments are required should be started as early as possible so that the results of any assessments completed are able to help shape the decision making process<sup>b</sup>.

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<sup>b</sup> A suite of national level impact assessments were published as part of development of the Act. While the impact assessments consider measures within the Act as a whole, local authorities may wish to refer to these. These can be accessed at [www.gov.scot](http://www.gov.scot).



## 3.2 Consultation on a Proposal

The Act states that a local authority must consult with:

- those who live or work in the proposed zone;
- other members of the local community in or near the proposed zone; and
- any other persons or bodies that the local authority considers to have a connection with, be interested in or affected by the proposed zone.

### Who Should be Consulted on the Proposal

The Act requires that people and organisations who may have a connection with, be interested in, or affected by a proposed zone (or proposed changes to an existing zone) must be consulted. The appropriate people and organisations to be consulted will be dependent on the specific proposal and the local authority's knowledge and experience of local circumstances.

Examples of the individuals and organisations that this could include, but is not limited to, are:

- All registered domestic addresses within, and near, the proposed zone;
- Businesses based within, or near, the proposed zone;
- Community councils where all, or a part, of their area would be affected;
- Local community groups within, or near, the proposed zone;
- Local youth groups or organisations within, or near, the proposed zone;
- Emergency services;
- Local healthcare providers;
- Professional fireworks operators and retailers in the area;
- Organisations representing the interests of disabled persons;
- Veterans organisations;

- Animal welfare organisations and veterinarians;
- Faith groups in the community;
- Environmental organisations, including those responsible for managing any nature reserves or other areas of significance and air quality organisations;
- Refugee communities in or near the area;
- Registered landlords in the area.

While it is for the local authority to determine who the appropriate consultees may be, the **Reasons Why a Firework Control Zone Could Be Designated** section of this guidance outlines the issues which local authorities may wish to consider in designating a zone, and stakeholders who may be useful to engage in doing so. A local authority may also wish to use the identified issues to form the basis of the individuals or organisations to engage with as part of the consultation.



### Running a Consultation on a Proposal

Local authorities can consider the [National Standards for Community Engagement](#) when consulting on the proposal. These are good practice principles designed to support and inform the process of community engagement, and improve what happens as a result. A visualisation of the standards is included in Figure 1.



FIGURE 1: The National Standards for Community Engagement

These standards are intended to act as a reference point for best practice and are designed to reflect policy relating to participation, engagement, and community empowerment in Scotland. They have been widely accepted by a range of practitioners as key principles for effective practice.

They can be used by local authorities to help them plan how to involve communities in shaping local plans and services, identify who should be involved, and make sure that the community engagement process is fair and effective.

When setting out in the proposal how the consultation is to be conducted, local authorities may wish to be mindful of the risk of communities facing 'consultation fatigue' due to the various topics and issues that a local authority may be consulting a community on at one time. Dependent on local circumstances, consideration may be given to alternative approaches to a traditional written consultation to mitigate this. Consulting with communities in a collaborative and tailored way, and having meaningful conversations, can maximise the effectiveness of a consultation.

When considering the dates of a consultation, and the length of time it will run, there must be sufficient opportunity for consultees to participate. There is no set timeframe for consultations in the Act. However, it is generally considered good practice to run a traditional written consultation for between 8-12 weeks. Alternative methods of consultation may result in a shorter or longer period than this. A local authority may, therefore, depart from this timeframe if there are clear, justifiable reasons for doing so and as long as they can justify that the timeframe provided for response remains proportionate and does not prevent participation by individuals. This includes, for example, if there is a pressing local need to conclude the consultation within a shorter timescale or if local circumstances mean that extending the consultation period will enable significantly higher levels of engagement.

As outlined below in **Publication of a Decision on Proposal**, local authorities are required to publish the decision on the consultation proposal once the consultation has concluded. However, during development of the consultation, local authorities may wish consider how to signpost consultees to where they will find this information and be able to follow progress of the consultation.

The local authority should take any such steps as it considers appropriate for adequate publicity about the consultation to ensure that it is available to persons likely to be affected by it. Methods used may include, but are not limited to:

- publishing the proposal on their website,
- circulating information through social media channels,
- issuing letters to those who live or work within, or near, the boundaries of the proposed zone,
- putting a notice into local newspapers,
- notifying community councils and other relevant stakeholders, and
- any other means it is considered appropriate to utilise.

In many cases, a digital consultation alone may not be an accessible consultation format. Local authorities should give due consideration as to how to make information available and accessible to anyone who may wish to respond to the consultation. For example, this could include making paper copies available at a local authority office or building so that those without access to the internet have the opportunity to respond.

The **Raising Awareness of Firework Control Zones** section outlines a number of additional methods of awareness raising, which were suggested by communities through our workshops to support the development of this guidance. Although these were suggested with the aim of raising awareness of a zone being designated, these may also be appropriate for raising awareness of a consultation on a zone.

### 3.3 Publication of a Decision on Proposal

Section 29 of the Act sets out that following a consultation on a proposed zone (or proposed change or removal of an existing zone), a local authority must publish a document which confirms whether or not it is proceeding with the proposal, sets out any changes to the proposal which have been made (regardless of whether or not as a result of the consultation), and explains how it had regard to the views expressed during the consultation process.

The local authority must publish the document as soon as practicable after the decision is made. Where a decision has been made to proceed with the proposal, the document must be published at least 60 days before the day on which the proposal is to have effect.

It is best practice for the decision on a proposal to be published as a part of a report (“consultation report”) which, as well as including the decision information required in the legislation, also sets out:

- a summary of both the consultation responses and the analysis of the responses received;
- the local authority’s reasons for whether or not it intends to proceed with the proposal and how this has taken consultation responses into account;
- information on the responses received, such as the number of responses, an overview of who responded to the consultation, and
- the local authority’s response to the issues raised by consultation respondents.

The decision on the proposal, or the consultation report including the decision, should be:

- published on the local authority’s website; and
- publicised in any other way the local authority considers appropriate.

It is best practice for responses to a consultation to be published within 12 weeks of the consultation closing, or a reason should be published as to why this is not possible.<sup>5</sup> If the decision has been taken to proceed with a proposal in relation to a fireworks control zone, the consultation report must be published **at least 60 days** before the date on which the proposal will have effect.





## 4. Reasons Why a Firework Control Zone Could Be Designated

**There are a range of issues and concerns that communities and stakeholders raise about the use of fireworks. This includes issues such as the deliberate misuse of fireworks, as well as the disturbance that can be caused by the unpredictable use of fireworks as part of a private display, and the impact this can have on people and animals.**

This section sets out some of the key issues that have been highlighted by communities and stakeholders throughout extensive consultation and engagement, and the evidence that could be used to inform considerations of whether a firework control zone should be designated to address these. If a community is experiencing the issues detailed, however, this does **not** mean that a firework control zone is necessarily the most appropriate measure to be adopted in response. Due consideration should be given to all available strategies to ensure that the approach adopted is proportionate.

It is expected that local authorities will apply their knowledge and experience of different areas to take a proportionate and balanced approach to determine the most appropriate route to dealing with firework issues, which may or may not include designation of a firework control zone. Further information on other routes to tackling issues involving fireworks can be found in the **Alternative Approaches to Firework Control Zones** section.

It is also important to note that this section is not exhaustive. Local circumstances may mean that there are others issues involving fireworks that a control zone could be used to seek to address, with other evidence sources to support this.

It is expected that local authorities will use a range of evidence sources to inform consideration of a firework control zone. Local authorities may find it useful to consider the cumulative impact of the reasons or evidence for a zone being established. The views and experiences of communities and stakeholders will be key to understanding why a firework control zone may be required in an area. Wherever possible this should be supplemented by quantitative evidence, however it is recognised that this may not always be available. Where there is a lack of quantitative evidence, this should not be a barrier to a zone being established should other sufficient evidence for a zone be available.

The noise associated with fireworks is not a specific heading within this section of this guidance, but is a factor across a number of the possible reasons for designation of an area as a firework control zone. Noise pollution from fireworks can exceed 85dB – the level at which harm can occur to human eardrums<sup>6</sup> – and recent evidence suggests a very small number may exceed the 120dB noise limit threshold<sup>7</sup>. Anecdotal evidence also points to the disruptive effects which the unpredictable nature of the noise associated with firework use can have on communities.

A range of factors<sup>8 9</sup> can influence the noise that is produced by a firework, including the physical environment where a firework is being used, and the effects created by a firework. There are tools available<sup>10</sup> which are capable of predicting the distance which sound from fireworks could travel, and local authorities may wish to consider utilising these as an evidence source when considering the boundaries of a zone.

## 4.1 Misuse of Fireworks and Anti-Social Behaviour Involving Fireworks

Concerns about the misuse of fireworks, including anti-social behaviour involving fireworks, was a key theme to emerge from the national public consultations on fireworks<sup>11 12</sup>, and recent engagement with communities.

This included the use of fireworks in public places, such as parks and in the street, as well as the weaponising of fireworks. Data also tells us that there is a spike in attacks on emergency services over the bonfire night period - around 40% of acts of violence on fire crews happen around this time of year. It is important to note, however, that these attacks are not all due to fireworks being weaponised.

While the disturbance caused by fireworks misuse and anti-social behaviour is usually concentrated around the bonfire night period (in October and November), some communities experience anti-social behaviour involving fireworks at very late hours, through to the early morning and, in some cases, throughout the year.

The anti-social use of fireworks can include fireworks being used in an otherwise lawful, but fundamentally anti-social, way that negatively impacts on communities. For example, an individual uses fireworks within the permitted times of day in a suitable private garden, but is using a large number of fireworks over a number of weeks or days that is having a negative impact on the wider community. It would be encouraged in these instances to attempt to resolve such issues with the individual without formal or enforcement measures, but it could form part of a wider evidence picture on the overall use of fireworks within an area.

If local authorities are considering designating a control zone due to fireworks misuse or anti-social behaviour involving fireworks, there are a range of evidence sources they may wish to consider. While these will be dependent on local circumstances, these could include:

- The number of reports to police or the local authority of anti-social behaviour involving fireworks.
- The number of reports to police about the misuse of fireworks.
- The number of reports (including from local retailers and trading standards) about misuse of fireworks/anti-social behaviour involving fireworks which relate to illegal access and use by young people (aged under 18).
- The number of call outs for the Scottish Fire and Rescue Service to incidents involving fireworks or incidents as a result of fireworks being used, such as fires.
- The number of incidents resulting in hospital treatment/admissions.
- Anonymous reports to Crimestoppers for local incidents involving fireworks.
- The number of noise complaints to the local authority about the private use of fireworks.
- Police Scotland annually use (and advertise) dispersal orders in some areas in the run-up to bonfire night based on issues in previous years. Where a dispersal zone has previously been in place, the effectiveness of this measure in targeting the issue should be considered.
- Anecdotal evidence from community level stakeholders regarding the severity of incidents, which cannot be accurately captured through quantitative data alone. Groups who may be useful to engage with include community councils, neighbourhood watch, and emergency services.
- Local authorities may wish to consider installing a noise monitor to track the level and extent (including volume) of noise produced by fireworks use.

- Local authorities may wish to make use of tools which are capable of predicting the distance which a sound could travel when considering the boundaries of a control zone.

However it is worth noting that incidents involving fireworks are not always reported, and report numbers may not demonstrate an accurate picture of the severity of the issue, particularly for the most vulnerable groups who may be less confident of making reports such as older people, those from ethnic communities, and people with disabilities. Local authorities (and the police) may wish to check that people have a good range of accessible reporting options. This could range from in-person reports through to the use of texting and social media for making reports (including anonymously). Due to the issue of under-reporting of these incidents, the views and experiences of people living and working in communities are a valuable source of evidence for consideration.

## 4.2 Injuries from Fireworks

Fireworks can cause serious injury to the general public. Research consistently finds a spike in firework-related injuries around holidays and festivals traditionally celebrated with fireworks<sup>13</sup>.

The evidence, although limited, suggests that the majority of firework-related injuries in the UK occur at private firework displays at homes, and in streets and other public places<sup>14 15 16</sup>, public firework displays pose significantly lower risks of injury<sup>17</sup>. A study by Care of Burns in Scotland found that those at greatest risk of sustaining a physical fireworks injury are children from areas of greater deprivation.<sup>18</sup> International evidence has demonstrated that the introduction of restrictions on firework use can reduce the number of firework-related injuries in an area<sup>19 20 21</sup>.

If a local authority is considering designating a firework control zone due to a prevalence of firework-related injuries, evidence which may be useful to consider can include:

- The number and severity of injuries involving fireworks in an area. This could be recent incidents or historical data.
- Incidences of emergency workers being attacked with fireworks, and the number and severity of injuries sustained as a result.

## 4.3 Animal Welfare

Concerns about the impact of fireworks on animals, particularly pets, has been a strong and consistent theme raised throughout consultation and engagement. As animals have more acute hearing than humans<sup>22</sup>, the loud and high-pitched noises made by fireworks can cause animals to suffer distress, fear, or develop phobic responses<sup>23</sup>. Being unpredictable, as well as intermittent and relatively infrequent, also makes it unlikely that animals will acclimatise to firework noise<sup>24</sup>.

A 2018 survey of UK vets by the British Veterinary Association<sup>25</sup> found that in the preceding 12 months:

- Around 1 in 14 vets had seen animals with firework injuries.
- Equine vets were significantly more likely to report such cases, with almost one in five seeing firework injuries in the last year.
- Most commonly, they observed self-injuries caused by firework related anxiety, such as to horses that have bolted or injuries to dogs from chewing furniture.

Concerns are also consistently raised about the impact of fireworks on livestock and wildlife. Research has been carried out looking at the impact of noise on animals, in particular farm animals, which has demonstrated that unexpected loud or novel noises can be highly stressful to livestock<sup>26</sup>. Fireworks are classed as highly disturbing to some bird species<sup>27</sup>, and have been associated with the abandonment of nests or even whole colonies<sup>28</sup>.

When considering designating a control zone due to animal welfare concerns, it is important to note that animals can be injured either directly or indirectly by fireworks<sup>29</sup>. The majority of injuries to cats and dogs appear to occur indirectly through attempts to escape from fireworks (e.g. attempted avoidance of fireworks causing a road traffic accident and injuries from striking doors, windows and fences while attempting to escape), however there is also evidence of direct injury through accidental and deliberate misuse. Additionally, debris and remnants of fireworks can pose a risk to the health and welfare of livestock and wildlife<sup>29 30 31</sup>.

If a local authority is considering designating a control zone due to animal welfare concerns, there are a range of evidence sources they may wish to consider. While this will be dependent on local circumstances, this could include:

- Evidence and data on animal health and welfare impacts gathered from local veterinary practices, as well as animal owners or keepers, businesses and charities where animals are usually kept on-site, for example farms, rehoming centres, zoos, kennels, catteries, and riding stables. Examples of evidence that could be collected include:
  - cases and type of actual physical harm or mental or emotional distress caused by fireworks.
  - cost of precautionary measures to mitigate and lessen the impact of fireworks to companion animal and livestock owners.
  - cost of measures that have to be implemented by the affected institutions (see above) to mitigate the impact of fireworks on patients, residents or animals.
- The number of animal welfare incidents reported to the Scottish SPCA's animal helpline and other key stakeholder's resources such as the British Horse Society's Fireworks Incident Map<sup>32</sup> and data held by the **British Veterinary Association**.

- The number of noise complaints to the local authority about the private use of fireworks.
- The number of reports to veterinarians of animal welfare related issues or medicines prescribed to tackle issues caused by fireworks.
- The proximity of an area where there are issues due to the use of fireworks and the impact on facilities such as:
  - Licensed facilities such as an animal boarding establishment and animal shelters or rehoming centres
  - Animal hospitals or veterinary practices,
  - Zoos or animal collections,
  - Registered licensed livestock holdings, farms, housed livestock, or grazing animals,
  - Equine yards,
  - Proximity to protected areas (Special Areas of Conservation, Special Protected Areas or Sites of Scientific Interest) designated for bird and animal species especially during the relevant breeding season, for example next to an osprey breeding site.

Local authorities should also take account of changing usage of some areas throughout the year. Animals move field during the grazing season so an area may be not meet the requirements to be designated a control zone at the time the decision is taken but may meet them at another time. Consultation with local stakeholders and farmers should therefore also focus on the potential changing usage of an area throughout the year.



## 4.4 Impact on Vulnerable Groups

Communities have told us that the sporadic and unpredictable use of fireworks can have a significant impact on vulnerable groups. Unexpected noise from fireworks can have severe and distressing effects on people with a range of health conditions and disabilities, including military veterans and others suffering with Post-Traumatic Stress Disorder (PTSD), people with autistic spectrum disorders, and people with hearing conditions such as hyperacusis<sup>33 34 35</sup>. Whilst this section outlines some of the considerations of vulnerable groups which have been raised throughout the process of engagement for developing this guidance, it is not exhaustive, and local authorities should endeavour to consider implications for any other vulnerable groups which may be relevant within their area.

### Autism

Autistic people experience lifelong differences in sensory and communication preferences and thinking styles. There are somewhere between 56,000<sup>36</sup> and 137,000<sup>c</sup> autistic people living in Scotland, according to varying data sources.

Sensory discomfort, of varying intensity, is commonly experienced by autistic and other neurodivergent people in community environments. Unpredictable sensory experiences can be particularly distressing.

Sometimes, sensory processing and preferences will mean that autistic people experience significant discomfort, heightened anxiety and distress, or even 'meltdowns', when events become overwhelming. Meltdowns can result in an autistic individual temporarily losing control of their own actions or responses through a 'fight, flight, freeze or fawn' response. This loss of control may be expressed through withdrawal and retreat to find a safe place or outwardly as a verbal or physical reaction, which can put the autistic person and those around them at risk of harm.<sup>37 38</sup>

Fireworks can be a source of stress and anxiety for some autistic people because they can cause profound discomfort due to sensory sensitivities. The unpredictability of unorganised firework use can also cause stress and anxiety.

### People with Mobility Issues

For Guide Dogs owners, and other assistance dog owners, fireworks can cause a great degree of anxiety. Whilst the majority of issues relating to dogs are set out under **Animal Welfare**, this has additional implications for assistance dog owners as the sound and flash of fireworks can frighten and distract a working dog which, might in turn, put their owners at risk<sup>39 40</sup>.

It is also important to note the impact which designation of a zone may have on those who rely on wheelchair accessibility for public displays. As it will not be possible for individuals to hold a private fireworks display in a firework control zone, a key alternative is to access public displays in the community. A large number of firework displays in the UK are not wheelchair accessible and do not provide suitable accessibility information in advance of the event<sup>41</sup>. This is a barrier for disabled people, who may reside within the boundaries of a firework control zone, to continue to enjoy fireworks where they wish to do so. Local authorities may wish to take into account whether any public displays held are accessible so as to not unintentionally exclude disabled people who may wish to take part in celebrations.

### Post-Traumatic Stress Disorder (PTSD)

PTSD puts people into a long-lasting 'alert' mode – physically, mentally, and emotionally.<sup>42</sup> Any loud or sudden noise can trigger an enhanced startle reaction leading to strong overwhelming emotions and physical sensations, such as flashbacks, panic attacks, heart palpitations and many other physical and emotional symptoms.

<sup>c</sup> Information provided by National Autism Implementation Team (NAIT) from Scottish Government. (n.d.). Pupil census: supplementary statistics. Retrieved from <https://www.gov.scot/publications/pupil-census-supplementary-statistics/>

PTSD develops following exposure to an extremely threatening or horrific event or series of events. This can affect a number of vulnerable groups, such as refugees and armed forces veterans. Research indicates that rates of PTSD range between 20% and 80%, among refugees and civilian victims of torture<sup>43 44</sup> and that veterans who have served in a combat role are at a higher risk of developing mental health issues such as PTSD than non-veterans<sup>45 46 47</sup> in Scotland<sup>48</sup>.

Veterans charities report a sharp rise in calls for support around traditional fireworks periods<sup>49</sup> and evidence demonstrates that fireworks can cause distress to those who suffer with PTSD<sup>50</sup> with the sudden flashes and bangs of fireworks and the smell of smoke and burning reminding them of traumatic experiences and leads to symptoms of re-experiencing traumatic events.

In Germany, a number of states have prohibited the use of fireworks in the areas surrounding refugee shelters due to the potential for this to be associated with shootings or bombs, which could have traumatic impacts,<sup>51</sup> following refugees having to be taken to alternative accommodations in previous years due to fireworks use.<sup>52</sup>

If local authorities are considering designating a control zone to protect a vulnerable group(s) there are a range of evidence sources they may wish to consider. While this will be dependent on local circumstances, this could include:

- Proximity of refugee or veteran's communities.
- Proximity of care homes or hospital sites.
- Anecdotal evidence from communities of interest which demonstrates the detrimental impact of fireworks.
- The number of noise complaints to the local authority about fireworks, and the proximity to vulnerable groups.
- Supported living and other social care and/or health services for autistic people (e.g. day centres).
- Views of local stakeholders. For example engaging a Health and Social Care Partnership in relation to any neurodiverse individuals supported within a proposed control zone boundary.
- Proximity of schools, particularly those for young people with Additional Support Needs (ASN).
- Anecdotal evidence from communities of interest about the impact of the use of fireworks on their lives.
- Evidence from local support groups on the degree to which fireworks use has an impact.
- Availability of accessible public displays should a zone be established.

## 4.5 Environmental Protection

While the evidence of the environmental impact of fireworks within Scotland is limited, there is international evidence that demonstrates the potential environmental impacts of fireworks. Fireworks residues contribute to chemical pollution of soil, water, and air, which has implications for human as well as animal health<sup>53</sup>.

Environmental concerns may become more relevant for local authorities as new evidence emerges on the environmental impact of fireworks in Scotland, and could lead to environmental protection concerns becoming a more prevalent reason for control zones being designated in Scottish communities.

### Air Quality

Poor air quality has been classified as the greatest environmental risk to public health in the UK<sup>54</sup>. The current weight of evidence justifies adopting a precautionary public health approach to air pollution reduction<sup>55 56</sup>. Bonfire night-related pollution episodes, arising from bonfire burning and firework-related emissions, are considered to be short-lived, but significant.

Fireworks can cause pollution by releasing sulphur dioxide, carbon dioxide, carbon monoxide, suspended particles, aluminium,

manganese in a black smoke of potassium nitrate, charcoal and sulphur<sup>57</sup>. The particulate matter (“PM”) released has a profound and immediate negative effect on air quality<sup>58</sup>, which if significantly high can have adverse effects on the environment<sup>59</sup> and human health<sup>60</sup>. While this typically declines rapidly over the next 24 hours<sup>61</sup>, they can cause short-term PM<sub>10</sub> exceedances or conditions in breach of World Health Organisation guidelines<sup>62</sup>.

PM from fireworks is highly toxic due to the presence of perchlorate and heavy metals. On and around Bonfire Night (5th November), there is often a noticeable increase in pollution from particulates and dioxins. Approximately 5–14% of UK dioxin emissions are produced around Bonfire Night<sup>63</sup>.

Particulate matter concentrations are further amplified if weather conditions are particularly stagnant, which is often the case during winter nights, such as during Guy Fawkes’ night, Diwali and New Year’s Eve<sup>64 65 66</sup>. Although, in Scotland, these generally disperse fairly quickly, periods of calm weather do on occasion prevent dispersal. For example, in Glasgow, North, and South Lanarkshire high levels of PM were recorded on 5 & 6 November 2019, which was exacerbated by the weather conditions at the time and the topography of the area<sup>67</sup>.

Although firework control zones are not viable to be established in response to specific weather conditions, local authorities have a duty<sup>68</sup> to designate any relevant areas where the air quality objectives are not (or are unlikely to be) being met as Air Quality Management Areas (AQMA). At the time of the publication of this guidance, 34 AQMAs were in place in Scotland<sup>69</sup>, a number of which are related to PM<sub>10</sub> exceedances. Local authorities may wish to consider the presence of an AQMA in any proposal for designating a firework control zone, and in considering the boundaries of any zone.

## Natural Environment

Spent fireworks and materials left after fireworks have been used can be a significant cause of litter in the natural environment because of the inclusion of non-biodegradable parts<sup>70</sup>. When they explode, fireworks spread their components over large areas and often end up displaced on land and sea. This makes it difficult to collect after a display, meaning that debris is often left behind. In our 2019 consultation, there were reports of people finding firework litter in their garden, on the roof of their home, in public parks, in the street, and on beaches.

The Scottish Government consulted on a draft National Litter and Flytipping Strategy<sup>71</sup> last year. A key objective of this is to develop and adopt a shared approach to litter prevention and behaviour change across Scotland, ensuring individuals and organisations have greater awareness of the problems caused by litter, understand the harm (environmental, social, economic, wellbeing) that litter causes, understand their responsibilities in preventing litter, and are motivated to behave responsibly. Mitigating the litter caused by firework housing is therefore an important consideration in meeting these objectives, as well as protecting our natural environment.

As a consequence of climate change, the risk of wildfires has increased over recent years. Fireworks are a potential source of ignition for fires. While no statistics are readily available for Scotland, National Statistics for England<sup>72</sup> report 258 incidences of fires where fireworks were a source of ignition in 2019-20. Fireworks cause about 18,000 fires a year in the US, with more fires reported to fire departments on July 4th than any other day of the year<sup>73</sup>. There were 95 wildfire incidents in Scotland in March and April 2022<sup>74</sup>, with limited evidence that fireworks have been the cause in some instances<sup>75</sup>. In the United States, states with strict laws restricting fireworks have 50 times fewer fireworks-related fires than those with none<sup>19</sup>. Wildfire risk may also, therefore, be a factor for local authorities to consider in the designation of a firework control zone.

## Water Pollution

Fine PM can dissolve in water and contaminate various water sources. Internationally, higher concentrations of ultra-fine particles (with diameters less than 1  $\mu\text{m}$ ) that can dissolve in water have been found during and shortly after fireworks displays. These particles have the potential to contaminate water sources.

Fireworks are one of the main contributors of one such particle, called perchlorate. Perchlorate contamination affects both groundwater and surface water, particularly in areas surrounding fireworks manufacturing and displays. In Malta, perchlorate contamination is almost entirely caused by fireworks, with this pollution affecting the quality of its limited water resources<sup>76</sup>. It is important to note, however, that no studies from England and Wales have identified perchlorate contamination as an issue and, to date, there has been no research carried out in Scotland on this issue that the Scottish Government is aware of.

If environmental protection concerns factor into the consideration of a firework control zone by a local authority, there are a range of evidence sources they may wish to consider. While this will be dependent on local circumstances, this could include:

- Proximity to National Nature Reserves and National Parks; and
  - Proximity to protected areas (Special Areas of Conservation, Special Protected Areas or Sites of Scientific Interest).
- The presence of an AQMA in a local authority area;
  - The level of fireworks debris produced in previous years;
  - Proximity to local nature reserves, country parks, or other spots of importance to local biodiversity or nature;
  - Consultation with local biodiversity organisations and Local Biodiversity Action Plan Partnerships;
  - Proximity to protected areas (Special Areas of Conservation, Special Protected Areas or Sites of Scientific Interest);
  - Proximity to Marine Protected Areas or (should relevant proposals be passed) Highly Protected Marine Areas;

## 5. Community Requests

Local authorities should, where possible, establish a local process to give communities the ability to make the case for the designation of a firework control zone, through a “community request”.

The purpose of a community request is to provide communities themselves with a route to ask a local authority to formally consider whether a zone should be designated, amended or revoked in a particular place within its area. The Act does not make provision about community requests, however they can be a valuable tool for a local authority to become aware of local concerns about fireworks use.

If a community request is accepted, this would begin the formal process of consideration of a zone as set out in **Consultation on Firework Control Zones**. A community request being accepted is therefore **not** the same as a zone being designated and does not negate the statutory requirement for a consultation to be carried out.

### 5.1 What is a Community?

A community making a community request can be any group of people who feel they have something in common; in many cases, this may be that they live in the same area. It can, however, also be that they share an interest or characteristic.

Communities of interest could include, but are not limited to: faith groups, ethnic or cultural groups, people affected by a particular illness or disability, sports clubs, conservation groups, clan and heritage associations, animal welfare groups, environmental groups. They may be very specialised or local with a small number of members, ranging up to national or international groups with thousands of members<sup>77</sup>.

### 5.2 Community Request Process

The format and detail of a community request process will be determined by each local authority. This will enable the most appropriate process which fits local needs and circumstances to be put in place.

Local authorities may wish to consider whether any other request processes within their organisation could be adapted to work for the purpose of community requests for firework control zones. For example an existing petitions process, a participation request, or any other means through which communities are empowered to encourage a local authority to make changes.

To aid in the transparency of the community request process, local authorities may wish to set out local thresholds that must be met for a community request to be formally considered. Such thresholds are at the discretion of a local authority and the decision may be taken that setting thresholds is not an appropriate means of assessing community requests which are received in a local authority area. However, if the decision is taken to set local thresholds, the local authority must ensure that such thresholds are clearly publicised in order to raise awareness and manage the expectations of individuals and communities. Examples of these could include an evidential threshold, such as a number of complaints or incidents, or a threshold of requests being made. It is important to note, however, that these examples are purely illustrative and, as previously set out, local thresholds should be tailored to individual local circumstance and suited to the needs of the communities a local authority is serving.



While the format and detail of the community request process, and how it works in practice, should be determined by local circumstance and needs, it is important that communities are empowered to have a voice in decisions which affect them. The community request process should not be so prohibitive as to discourage communities from engaging.

A community request process established in a local authority should include:

- Published and accessible details of how to submit a community request, including advising of the format in which community requests should be made;
- Clearly communicated timings involved with submitting a community request, including the overall timing of a firework control zone being fully considered and consulted on to manage expectations;
- Who to contact within the local authority to make the request; and
- Where a request is made, an acknowledgement email to be sent within five working days wherever possible, although this may vary due to local circumstances.

Where a community request to consider a zone is made, a response should always be issued. Local authorities should endeavour to respond within a period of four weeks. If this is not feasible, a timeline for responding to this request should be provided to the requester, as well as any further changes to anticipated timings which may occur through the process. This is to ensure the requester remains aware of the status of their request.

The processes established at a local level for a community request should ensure that meaningful consideration is given to requests for a zone that are submitted. Local authorities should therefore take a proportionate approach and consider all available evidence to balance local concerns and community requests made against objective, locally set criteria.

Where, following a community request, a decision is taken to reject a request and not to proceed with consideration of a firework control zone proposal, local authorities should communicate the following to the requester:

- the rationale for this decision, with clear reasoning to show that meaningful consideration was given;
- the period which must elapse before further consideration can be given to another community request covering the same or similar geographical area (this should not exceed 12 months);
- an opportunity for the community to request a review of the decision within 28 days of being informed of the decision, with clear, defined criteria required for this review to lead to a community request being accepted.

Where, following a community request, the decision is taken to proceed with consideration of a firework control zone proposal, this should be clearly communicated to the requester, with an outline of the next steps in the process and estimated timelines for this. These should follow the same statutory processes for any proposal about a firework control zone, as outlined in the act and discussed in this Guidance in **Consultation on Firework Control Zones**. Local authorities may also wish to consider how to engage the requester in the awareness raising and encouraging participation of the community in a consultation that takes place as a result of the community request being submitted.

The timing associated with the community request process should be clearly communicated in order to manage expectations of communities who wish to be involved in the process. **Table 1** sets out an estimated timeline for this process based on this guidance.

**Table 1:** Indicative timelines from a community request being made to a zone being designated

Task	Indicative Timing
Community request received, considered, and response issued	4 weeks
If community request accepted, Local Authority develops consultation proposal for a zone	4 weeks
Consultation on proposed zone undertaken	12 weeks
Consultation responses considered and analysed	4 weeks
Decision on a zone publicised	At least 60 days prior to the decision taking effect.
<b>TOTAL</b>	<b>32 weeks</b>

### 5.3 Reviewing a Decision

A requester may ask that an internal review of a decision is carried out if a local authority takes the decision to reject a community request. As with the community request itself, the format and detail of the internal review process should be determined by local authorities. Local authorities may wish to consider other similar processes which are utilised internally when considering this process. This will enable the most appropriate process which fits local needs and circumstances to be put in place.

At the point of the request being rejected, a local authority should provide the rationale for this decision, as well as clear and proportionate criteria for what a review must be able to demonstrate in order for the community request to be accepted.

Should the option of a review be exercised, this should not be handled by the same individual or group who handled the response to the initial request wherever possible. This is in order to ensure that impartiality is maintained throughout the process and that the individual handling the review may evaluate the information on merit, with no previous biases.



## 6. Alternative Approaches to Firework Control Zones

**Designation of firework control zones is a discretionary power for local authorities, providing the option of a specific targeted response that meets the needs of communities. However, this tool is one within a range of enforcement and preventative tools available to seek to resolve issues involving fireworks. Firework control zones have not been designed to be the first or only step taken by local authorities to tackle issues associated with firework use, to be used extensively, or to encompass an entire local authority area.**

On a national level, Operation Moonbeam<sup>78</sup> has operated over a four-day period in the run up to and on 5th November since 2018. Operation Moonbeam is a well-established and recognised multi-agency response to the challenges of the bonfire night period. Planning for previous operations has typically commenced around June each year with multi-agency coordination involving the Scottish Fire and Rescue Service, the Scottish Ambulance Service, local authorities, Scottish Government, the Scottish Community Safety Network, the British Fireworks Association, Trading Standards, and others.

Local authorities across Scotland have a wealth of knowledge and experience of preventing, planning for, and responding to issues involving fireworks using a multi-agency approach. The creation of local action plans tailored to local communities and their own circumstances ensures that the most appropriate actions are identified, agreed upon by partners and available when needed. There are, therefore, many good practice examples from which to draw on and these, or similar, approaches may be effective options to implement locally instead of, prior to, or alongside a firework control zone.

This section sets out a non-exhaustive range of activities that have been successfully utilised in some areas. Local authorities and community safety partners will, of course, continue to develop and implement appropriate combinations of interventions to best fit local needs.

Two case studies, from West Lothian Council and City of Edinburgh Council, are included to demonstrate how these approaches can be utilised in tandem to maximise the effectiveness of any interventions.

### 6.1 Community Engagement and Awareness Raising

During the development of this guidance, communities highlighted the importance of engagement and awareness raising of the work which is carried out in communities to prevent, plan for, and respond to incidents involving fireworks. This included sharing information to help people to improve their knowledge and understanding of the rules around where and when fireworks can be used, as well as the options for reporting concerns or instances of fireworks misuse. In those areas which have been significantly affected by the misuse of fireworks, the consensus was that it is important to empower communities to engage and make a difference.

For example, when communities in Blackburn (see case study, below) and Pollokshields shared their experiences, they emphasised that learning how they could engage with existing campaigns was an empowering experience for the community and made them feel that they could influence change and make a difference. In particular, they highlighted the **Crimestoppers anonymous reporting** tools, and learning how this helped local police to understand the nature and scale of incidents in an area to deploy resources effectively, as being important in addressing the challenges faced in their community.

Social media campaigns are a particularly effective means of spreading key messages throughout a community, and represent an increasingly common source of news for adults in Scotland<sup>79</sup>. However, communities also indicated the value of direct engagement. Examples of this in practice can include, for example, local authorities and enforcement partners attending community council meetings to raise awareness and provide reassurances about reporting firework related concerns.

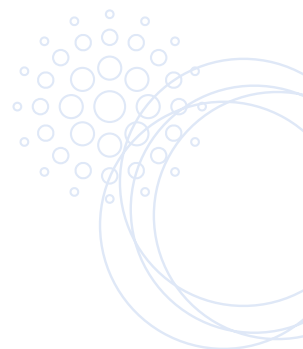
Local authorities may also wish to engage with the materials produced for the annual Fireworks Rules and Regulations campaign. This is a Scottish Government partnership campaign led by Crimestoppers and their youth arm, Fearless, in conjunction with local community safety partners; and Police Scotland Youth Volunteers. The campaign engages with local residents and schools and is designed to improve knowledge and understanding of the rules and regulations around where and when fireworks can be used. Although the campaign is targeted specifically in geographical areas where there have historically been higher levels of fireworks misuse, the materials produced could be utilised in other communications.

## 6.2 Enforcement Activities

As well as the national-level Operation Moonbeam, a range of local planning and enforcement activities are carried out across Scotland. These are dependent on local policing approaches and are often focussed on certain times of the year, particularly the bonfire night period. Therefore, while the examples set out below may not be possible in every local authority area, they encompass a range of good practice examples.

**Targeted use of police and fire service resources** have been used in areas with significant and ongoing issues with fireworks misuse. This might include increased patrols, high visibility patrols, mobile units, or the targeted use of community wardens. For a targeted approach such as this to maximise its impact, however, encouraging communities to report incidents to allow for an accurate picture of “hotspots” to be established is essential. A small number of **dispersal zones** have been set up in Scotland to address issues regarding firework misuse around bonfire night<sup>80</sup>. Dispersal Orders provide the power<sup>81</sup> to disperse groups of two or more people congregating and engaged in anti-social behaviour within a dispersal zone. Indications are that dispersal zones have been a useful tool where utilised locally.

Trading Standards can also visit retailers to carry out **retailer compliance checks**. This is to ensure that rules and regulations relating to sale of fireworks are adhered to, and are an opportunity to provide advice on legal and responsible sale and storage of fireworks, including test purchasing for underage sales.



### 6.3 Engaging with Young People

Although quantitative evidence indicates that the vast majority of young people in Scotland abide by the law<sup>82</sup>, anecdotal evidence suggests that a significant proportion of antisocial behaviour involving fireworks is carried out by young people. Preventing children and young people from going down a path where they are in conflict with the law and supporting them appropriately, constructively and effectively when they do is integral to the Scottish Government's approach<sup>83</sup> and we are committed to adopting preventative and educational approaches as per Lord Kilbrandon's report<sup>84</sup>. Furthermore, we have heard from communities in developing this guidance that engagement with young people is key to preventing firework-related disturbance, particularly by highlighting the community and wider societal impacts of this misuse. It is therefore best practice for local authorities to engage proactively with young people to highlight bonfire safety and the importance of safe and responsible firework use, as well as the dangers and consequences of misuse, to prevent offending from taking place.

In the lead up to bonfire night, **educational inputs at primary and secondary schools** in conjunction with Campus Officers, Scottish Fire and Rescue Service and the Scottish Society for the Prevention of Cruelty to Animals are carried out in some areas to raise awareness of the issues related to the misuse of fireworks. In some areas, these are complimented by **youth intervention visits**, which are home visits to young people who are identified as being a potential concern over the bonfire period, for example those who have engaged in firework-related antisocial behaviour before, or those who are more susceptible or vulnerable to 'peer pressure'. The purpose of these visits, as well as acting as a deterrent, is to provide advice and information to the vulnerable young people and steer them away from antisocial behaviour.

Targeted intervention has also been delivered by Police Scotland and the Scottish Fire and Rescue Service through **restorative justice initiatives** in some communities. These are designed to encourage behaviour change among local young people who have been involved in firework-related antisocial behaviour in previous years. This is done through focusing on the consequences of this behaviour, not just for the individual, but also for the victims, and has direct input from the victims in the community and the Scottish SPCA.

**Games** are also an increasingly popular tool aimed at encouraging positive behaviours in children and young people<sup>85 86 87</sup>. The Scottish SPCA have developed online materials and games for primary<sup>88</sup> and secondary<sup>89</sup> school pupils on the subject of firework safety, based on the real experiences of a child who was seriously injured by fireworks when they were four years old<sup>90</sup>. These may be useful resources for a local authority to consider when engaging with young people or developing future resources for any such engagement.





## Case Studies

### Blackburn Bonfire Night Action Group (“BBNAG”)



The BBNAG is a multi-agency group which was established in April 2019 in response to persistent issues with high levels of anti-social behaviour in the area during bonfire season in previous years.

The evidence of the need for the group came not only from statistical data from the emergency services but also from the community themselves, who highlighted their concerns during the development of their locality plan (Blackburn’s Future Plan).

The group was tasked with using a proactive, rather than reactive, approach to address the needs of the community and to reduce the anti-social behaviour relating to bonfires and firework misuse.

From inception, the group met monthly in the lead up to bonfire night. This approach was to maintain momentum with the services involved but also to highlight to the community that the issue was being taken seriously. The meetings increased in frequency from September up to bonfire night.

The meetings were attended by a range of partners and services and community representatives from local organisations. The BBNAG developed an action plan that was identified in the first meeting with themes to be concentrated on. Additional resource was brought together from a range of organisations/services showing **a partnership approach**. The themes the group worked on were:

- Joint environmental visual audits/high visibility of agencies in hot spot areas;
- Events and activities prior to and on the night;
- Education and awareness raising.

**Community engagement and awareness raising** activities proved integral to addressing the concerns raised by the community of not feeling listened to or kept updated on issues that are related to them – this enabled the breaking down of barriers that had been long in place between the community and key services, enabling a renewed faith in reporting issues.

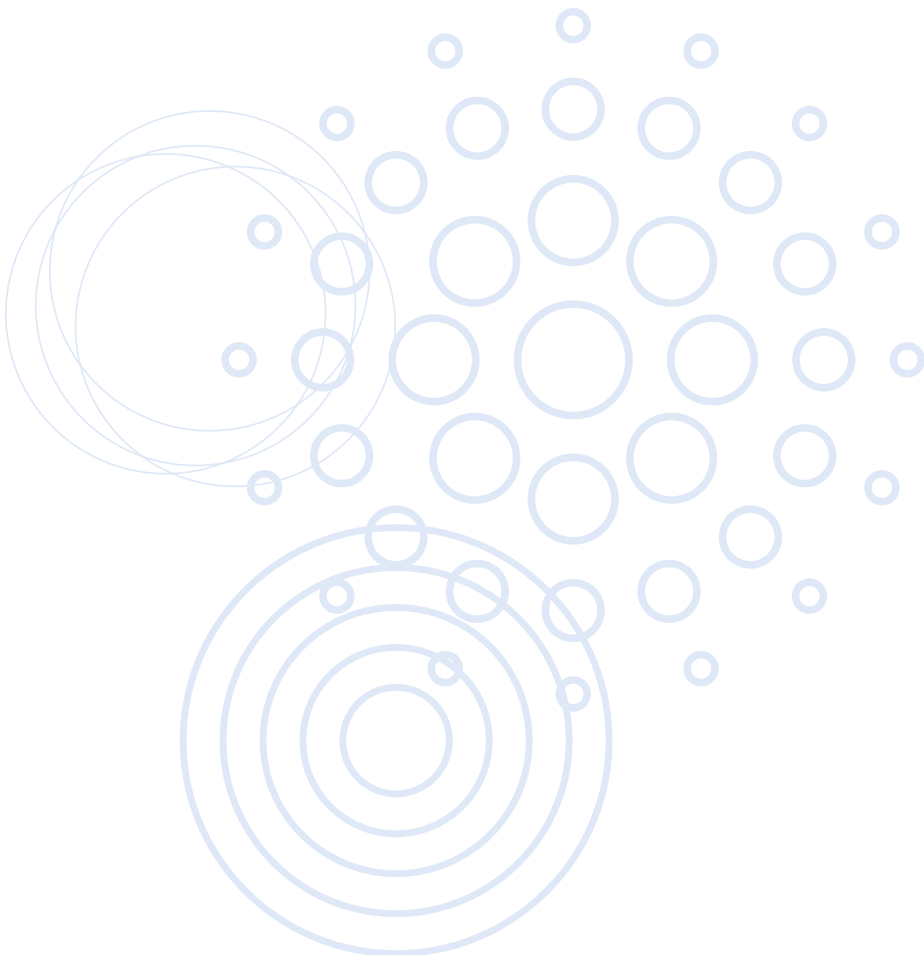
Sessions were delivered every month in various public locations. Information boards were used to provide details on the work that the BBNAG were undertaking and provide key national messages from Crimestoppers, SSPCA, SFRS, Trading Standards. The BBNAG took the lead on ensuring the resources from Crimestoppers and Fearless were distributed widely within the community.

**Diversions Activities** were planned and delivered on the run up to and on bonfire night involving a range of partners and services. Funding was provided by a range of partners including local organisations and Police Scotland. Involvement during the first year from Shell Twilight Basketball saw the establishment of a weekly session being delivered in Blackburn. This provided young people with a safe place to be at times of peak anti-social behaviour within the community. An event was also held on the night of the 5 November; this was split into two sessions, one for younger children and then one later for the older ones. Various activities were

delivered including arts and crafts, multi-sports, music and DJ-ing classes, balloon modelling, competitions, raffle, and a free barbeque. Sessions were supported by a wide range of services with donations for prizes being provided by local businesses. Funding was provided by a range of partners, again showing a partnership approach.

A one-off event has been delivered every year since 2019 (except in 2020 due to the COVID-19 pandemic) and has provided an outlet for young people to attend so that they are not tempted by anti-social behaviour. This has provided a focal point for services to work with young people and to raise awareness on risk taking behaviour. The events have been delivered at various times and dates each year.

Due to the work of the BBNAG the community of Blackburn feel that they have been listened to and kept updated on work to address anti-social behaviour. They have reported an improvement in the level of anti-social behaviour during the bonfire season, and feel safer within their community. The main contributory factor to the success was the partnership approach to addressing the issues within the community. The BBNAG will continue in 2023 using the same model of delivery, incorporating the ethos of partnership working.



## Edinburgh Bonfire Community Improvement Partnership (“EBCIP”)



The EBCIP is a multi-agency partnership formed in 2018 to co-ordinate preventative and community safety activity around the fireworks/ bonfire period in November to keep people safe and reduce fireworks/bonfire related crime and antisocial behaviour.

To encourage young people to keep safe during the fireworks/bonfire period, and as part of a wider programme to prevent antisocial behaviour and fireworks/bonfires harm, local community safety partners came together to fund and organise a range of diversionary activities including specific events at the Ratho Retreat Centre (the Centre) over three days; from Friday 4 November to Sunday 6 November 2022.

This was delivered by the Muirhouse Youth Development Group – a peer and volunteer-led organisation that empowers young people from North Edinburgh through putting relationships first. Over the weekend, a programme of activities for young people aged 11 and over to enjoy was delivered, including football, a silent disco, a haunted house, laser tag, a firepit, arts and crafts, a firework display, and food.

There was a peer support element to the activities as the youth workers attending and running the events also included some young people who previously had taken part in anti-social behaviour around fireworks/bonfire week.

The events were promoted through working with partners to identify who might engage in risk-taking behaviour. The focus was to engage young people at risk of getting caught up in anti-social behaviour to prevent them becoming involved as opposed to those who actively perpetrate disorder. The young people were required to book a place in advance, and 116 signed up to attend over the 3 nights of activity. Lothian Buses, a partner in the EBCIP, provided transport for the young people free of charge leaving from and returning to Craigmoynton Community High School.

Each year, the younger people who have attended the events are involved in the planning of future activities. Creating this successful diversionary activity for young people over the fireworks/bonfire period is a collaborative process between local authority, police, and other partner youth agencies involving significant planning, as well as funding and a will to make it happen.

Feedback from the families of the young people who attended confirmed that they appreciated the events and felt reassured that their children and young people were engaged in positive, safe activities.

**“If I wasn’t here, I’d probably be watching the older ones with the police” (boy aged 11)**

**“Our mums wouldn’t let us out if it wasn’t for this being organised” (girls aged 13 and 14)**

**“Can we come to a session more than one night next year?” (boy aged 16)**

## 7. Raising Awareness of Firework Control Zones

**Following a local authority's decision to establish a firework control zone, or to amend or revoke an existing control zone, appropriate steps must be taken to raise awareness of the decision.**

Section 30 of the Act sets out that as soon as is practicable following the publication of confirmation that a firework control zone proposal is proceeding, the local authority must take reasonable steps to inform those who live or work in or near the zone, other members of the local community in or near the zone, and any other persons or bodies that the local authority considers to have a connection with, be interested in, or affected by the proposal.

The local authority must make these groups aware of:

- the date any decision to designate a place as a firework control zone, or to amend or revoke an existing zone, is to have effect (and, if different, the days on which the zone is to operate),
- the boundaries of the zone (or any changes to those boundaries),
- what is permissible within a zone,
- exemptions that apply, and,
- consequences of failure to comply.

Communities have indicated that knowing why a decision has been made will help people understand the need for the zone and support compliance with it. This is likely to be most effective if it goes beyond simply detailing a headline reason and provides more context of the evidence that was considered and the key issues which were highlighted. Therefore, as well as the above statutory requirements, it is good practice to describe the reasons for a control zone being designated, amended or revoked in any activity designed to publicise and raise awareness of a zone.

Local authorities should also ensure that details of any and all designated firework control zones are communicated with all key delivery partners – for example, Police Scotland, and the Scottish Fire and Rescue Service. Local authorities will engage with such partners as a matter of course, working closely together pre-consultation on a proposal. It therefore should be standard practice to ensure that any relevant partners are aware that a zone is in place, has been modified, or revoked.

It is also good practice to notify the Scottish Government of any new zones by contacting [fireworks@gov.scot](mailto:fireworks@gov.scot) as part of the awareness raising strategy. This will feed into the Scottish Government's evaluation of the overall impact of the measures within the Act.

Whilst the methods used to raise awareness will vary depending upon local circumstances and may change over time as new forms of communication arise, we have set out a number of suggestions for local authorities to consider when raising awareness of a firework control zone.

These suggestions came directly from the input of key stakeholders and communities during the Scottish Government's community engagement work. Given the wide range of groups and individuals who legally must be made aware of a firework control zone, it is suggested that a number of the methods outlined below are used in combination, as well as any other methods of communication considered appropriate. This should ensure that those who are digitally engaged and those who are more reliant on traditional media formats are reached:

**Issue a letter/email** (dependent on the initial communication method) to all consultation respondents and all registered addresses and businesses within a firework control zone. This should be done at the point where a control zone is established to adhere to the legislation, and again in advance of traditional firework periods which are celebrated in the community where a control zone is designated in order to maximise compliance.

**Signage** should be displayed at and within the boundaries of a firework control zone, to notify people of the area covered by the zone. This could, for example, include a QR code to point toward a relevant local authority webpage with more information.

**Social media** pages should be updated with information relating to the firework control zone – both at the time of the zone being established and at the beginning of the traditional firework periods.

**Inform the local Community Council** of the details of the firework control zone to allow them to disseminate the information to their members and the wider local community.

Take reasonable steps to **inform local community groups** of the details of the firework control zone. This would be via social media, email correspondence or putting notices on Public Notice Boards within the community.

**Inform local media outlets** and other local social media groups to promote the details of the firework control zone. It is best practice to utilise a combination of digital and traditional media formats to ensure that the digitally excluded can still engage with this.

**Engage with other community safety partners, such as Neighbourhood Watch Scotland and Crimestoppers**, and request they share the information throughout their networks.

Consider the benefits of **engaging with respected and influential people in the local community (“influencers”)**, such as sportspeople or community leaders, to support awareness raising, particularly when engaging with young people. Young people may be less inclined to engage with more established forms of authority and may view others within the community as more credible. Peer-to-peer learning can also provide useful opportunities for engaging young people and getting messages across.

Local authorities may also wish to utilise **internal communications networks** to inform a range of local authority staff who work directly with communities that can support information sharing and awareness raising of firework control zones.





## 8. Reviewing a Zone

Section 31 of the Act requires a local authority to carry out reviews of the operation and effectiveness of its firework control zones. A review can be undertaken for one zone or several zones and, where applicable, can be combined with any proposals made under Section 28 to amend or revoke a zone.

Following the conclusion of a review under Section 31, a local authority must prepare and publish a report with the findings of the review. This report should include any proposals regarding the future of the zone as the local authority considers appropriate.

Local authorities are required to review any control zones designated within their area. This is to understand how a zone is operating and evaluate its effectiveness in addressing the local issues involving fireworks which led to the designation of the zone.

A partnership approach to reviewing the zone – engaging with local police, fire and rescue, community organisations, and other local stakeholders – should ensure that the data considered as a part of the review is robust and covers a range of interests in the geographic area where a zone is designated. Local authorities may wish to utilise existing partnerships, such as a community planning partnership, community justice partnership, or community safety partnership, to support any such review.

### 8.1 Timing of Reviews

While the Act sets out that reviews must be undertaken, it does not include a minimum time period for the frequency of control zone reviews. The frequency and timing of reviews will be dependent on local circumstances and the period of time that the local authority has designated an individual control zone to be in effect. A zone should continue to operate until the completion of any such review, and a proposal for a zone to be amended or revoked as a result of the findings of any review must be consulted on.

#### Initial Review

The minimum recommended timeframe for an initial review to occur would be at least 2 years from the point a zone is designated. This is to allow for an initial year of adjustment to the designation of a zone and then another year to build up an accurate picture of the changes the zone has had following this adjustment. A period of 3 years may be preferable to allow for a larger evidence base to be developed and drawn upon.

It is recommended that this period encompasses at least 2-3 years from the time where the issue is at its most prevalent, for example over the traditional bonfire period. This should ensure that the data is comprehensive and allow for accurate comparisons pre- and post-intervention to take place. However, a local authority may decide to undertake a review prior to the 2-3 year timeframe and can undertake a review sooner if that will meet local requirements.

## Subsequent Reviews

Following the initial review of a zone, where the decision is taken to either retain or amend a zone, local authorities should consider the outcomes of the review, and their own local processes to determine the frequency of any future reviews. However, firework control zones are not designed to be a tool used in perpetuity. While there are no specified time limits on how long firework control zones can be designated, there should be no longer than a period of 3 years between reviews taking place. This is to ensure that any firework control zone is always based on up-to-date, contemporary evidence.

## 8.2 Undertaking a Review

Section 31(2)(a) of the Act sets out that a review can be carried out in respect of one or more zones. If there are multiple zones within a local authority boundary, the local authority can determine whether it is appropriate to undertake individual or combined reviews of zones.

Section 31(2)(b) also indicates that a review can be combined with a proposal under section 28 to amend or revoke a zone. This would mean that the outcome of the review could contribute towards the evidence base being considered as part of the proposed changes to, or revocation of, an existing zone.

Local authorities should engage local Police and other local partners at the formative stages of a review, and ensure that any decisions undertaken with regard to the outcomes of this review are taken in conjunction with these organisations given the implications of any changes made on enforcement responsibilities.

Local authorities may wish to link the review back to the initial evidence used to inform the designation of a zone, and the issues it sought to address. This would involve considering whether there is evidence to suggest that the control zone has led to improvements, or otherwise, to specific issues and outcomes. It is worth noting that following a zone being established, the number of reported incidents may rise. This is due to the current tendency for incidents to be under-reported; the designation of a zone and subsequent awareness raising activities could incentivise reporting and lead to what quantitative data would indicate as a rise in incidents. It is therefore vital to complement any quantitative data in a review with qualitative evidence regarding the success, or otherwise, of the zone. It is good practice to seek the views of the local community and partners as part of a review to gain anecdotal evidence of the impact and effect a control zone has had. For example, if a control zone was designated to address issues around the anti-social use of fireworks and the evidence considered to inform designation of the zone included reports to the Police about incidents involving fireworks, noise complaints to the local authority and anecdotal evidence from the local community and partners, these could also be considered as part of a review.

The most appropriate format and structure of the review will be determined at a local authority level, and will likely draw on existing local authority practices, procedures, and tools for evaluating the impact and outcomes of policy. A number of resources are available to support local authority practitioners on evaluation and appraisal of policy<sup>91 92 93</sup>.

### 8.3 Publishing Review Report and Outcomes

Upon conclusion of a review, local authorities must prepare and publish a report of the review's findings and make such proposals in relation to the zone, or zones, as it considers appropriate. This could, for example, result in no change to the existing zone, or a proposal to amend the zone boundaries, or to revoke a zone.

The report should be published on the local authority website, and any other platforms the local authority deems appropriate. Local authorities may also wish to utilise some of the awareness raising methods outlined in the **Raising Awareness of Zones** section of this guidance to publicise the review report and outcomes.



Section 50 of the Act requires that the Scottish Government report on the operation of the Act for the period through to 10 August 2027. The report must include information about:

- (a) proceedings and convictions in respect of relevant offences during the reporting period,
- (b) the number of incidents connected to fireworks and other pyrotechnic articles which occurred during the reporting period, and
- (c) the views and experiences of persons in relation to the use of fireworks in their communities during the relevant period.

Local authorities should notify the Scottish Government of the publication of the review report by emailing [fireworks@gov.scot](mailto:fireworks@gov.scot). This is in order for the data gathered as a part of the review to be utilised for the Scottish Government's statutory obligation to report on the operation of the Act for the period through to 10 August 2027.

Local authorities should make every effort to retain any additional data collected for a review of a Zone and make this available to the Scottish Government for the purposes of this report.

## 9. Making Firework Control Zones a Success

This guidance outlines an evidence-based framework for local authorities who wish to utilise the power to designate, amend, or revoke a firework control zone. It is designed to be used at each stage of the process, and to empower communities to have a say in the decisions which affect them. For firework control zones to have a positive impact, collaborative working between local authorities, enforcement partners, wider local partners and communities themselves will be important.

This guidance has been drafted in advance of any firework control zones being proposed or implemented by any local authority in Scotland. Following implementation of a firework control zone by one or more local authorities, the Scottish Government may wish to review this guidance document alongside the Firework Control Zone Working Group.



# Annex A: Part 4 of the Fireworks and Pyrotechnic Articles (Scotland) Act

The following is a copy of the original version of Part 4 of the Act, as it was passed by the Scottish Parliament. Amendments may be made to this by further primary or secondary legislation in future. The most up-to-date wording of the legislation will always be available at the following link: [Fireworks and Pyrotechnic Articles \(Scotland\) Act 2022<sup>d</sup>](#).

## Part 4

Firework control zones

### 26 Application of Part

(1) This part applies to-

- (a) category F2 fireworks,
- (b) category F3 fireworks, and
- (c) category F4 fireworks.

(2) The Scottish Ministers may by regulations modify subsection (1) to add, amend or remove categories, types, classifications or descriptions of fireworks.

(3) Regulations under subsection (2) are subject to the affirmative procedure.

### 27 Firework control zones

(1) At any time, a local authority may (in accordance with this Part)-

- (a) designate a place within its area as a firework control zone,
- (b) amend a zone (including the period for which it is to have effect or days on which it is to operate), or
- (c) revoke a zone.

(2) It is an offence for a person to-

- (a) ignite a firework to which this Part applies in a firework control zone, or
- (b) knowingly or recklessly-
  - (i) throw or cast a lit firework to which this Part applies into a firework control zone, or
  - (ii) fire a firework to which this Part applies into a firework control zone.

(3) A firework control zone operates and the offence in subsection (2) applies on all days that the zone has effect unless the designation specifies particular days on which the zone is to operate, in which case the offence applies on those days only.

(4) A person who commits an offence under subsection (2) is liable, on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).

(5) This section is subject to section 38 and schedule 1 (exemptions).

### 28 Prior consultation on proposals

(1) Before designating a place as a firework control zone or amending or revoking a zone, a local authority must-

<sup>d</sup> At the date of publication of this guidance, changes to legislation should in most cases be reflected on [www.legislation.gov.uk](http://www.legislation.gov.uk) within two weeks of the changes been approved by Parliament and taking effect.



- (a) prepare and publish its proposal in relation to the designation, amendment or revocation of the zone, and
- (b) consult–
  - (i) persons who live or work in the place which will be affected by the proposal,
  - (ii) other members of the local community in or near the place,
  - (iii) any other persons or bodies that the local authority considers to have a connection with, be interested in or affected by the proposal.
- (2) The proposal must, in particular, set out–
  - (a) the reasons for the proposed designation of a place as a firework control zone, or, as the case may be, the amendment or revocation of a zone,
  - (b) the boundaries of the zone,
  - (c) the date from which the proposal is to have effect and the date on which it is proposed that the zone is to cease to have effect,
  - (d) the consultation dates, and
  - (e) how the consultation is to be conducted.
- (3) The proposal may set out specific days on which the zone is to operate for the purpose of section 27(3).

### **29 Publication of decision on proposal**

- (1) Following a consultation on a proposal published under section 28(1), a local authority must publish a document which–
  - (a) confirms whether or not it is proceeding with the proposal,
  - (b) sets out any changes to the proposal which have been made (whether or not as a result of the consultation), and
  - (c) explains how it had regard to the views expressed during the consultation process.
- (2) The local authority must publish the document–
  - (a) as soon as practicable after the decision in relation to the proposal is made, and
  - (b) where a decision has been made to proceed with the proposal, at least 60 days before the day on which the proposal is to have effect.

### **30 Publicising firework control zones**

As soon as practicable after a document is published under section 29 confirming that a proposal is proceeding, the local authority must take reasonable steps to inform the persons mentioned in section 28(1)(b) of–

- (a) the date any decision to designate a place as a firework control zone or amend or revoke a zone is to have effect (and, if different, the days on which it is to operate),
- (b) the boundaries of the zone (or any changes to those boundaries),

- (c) what is permissible within a zone, the exemptions that apply and the consequences of failure to comply,
- (d) such other information as the Scottish Ministers may specify in regulations made under section 32.

### **31 Review of operation and effectiveness**

- (1) A local authority must carry out reviews of the operation and effectiveness of its firework control zones.
- (2) A review under this section may–
  - (a) be in respect of one or more firework control zones, and
  - (b) be combined with a proposal under section 28 to amend or revoke a zone.
- (3) On completion of a review, the local authority must–
  - (a) prepare and publish a report of the review's findings, and
  - (b) make such proposals in relation to the zone (or zones) as it considers appropriate.
- (4) Regulations made under section 32 may specify a minimum frequency for reviews under this section.

### **32 Power to make further provision**

- (1) The Scottish Ministers may by regulations make further provision about firework control zones and the procedures to be followed to designate a place as a zone, or to amend or revoke one.
- (2) Without limiting the generality of subsection (1), regulations under that subsection may–
  - (a) set limits on–
    - (i) the size of place that may be designated a firework control zone,
    - (ii) the cumulative area that a local authority may designate as such zones,
  - (b) specify the manner in which a local authority is to designate a place as a zone, or to amend or revoke one,
  - (c) specify information that must be included when designating a place as a zone, or amending or revoking one,
  - (d) make further provision in relation to zones that operate on specific days only,
  - (e) make further provision relating to the consultation process,
  - (f) make provision relating to the publication of documents required under this Part,
  - (g) make further provision in relation to the reviewing and reporting on the operation and effectiveness of zones in its area.
- (3) Regulations under subsection (1) are subject to the negative procedure.

### **33 Guidance**

- (1) Local authorities must have regard to any guidance issued by the Scottish Ministers for the purposes of this Part.
- (2) The Scottish Ministers must publish any such guidance (and may revise or revoke that guidance).

## List of Acronyms

Term	Definition
<b>The Act</b>	The Fireworks and Pyrotechnic Articles (Scotland) Act 2022
<b>The 2003 Act</b>	The Fireworks Act 2003
<b>AQMA</b>	Air Quality Management Area
<b>BBNAG</b>	Blackburn Bonfire Night Action Group
<b>COMAH</b>	Control of Major Accident Hazards
<b>COSLA</b>	The Convention of Scottish Local Authorities
<b>Db</b>	Decibels
<b>EBCIP</b>	Edinburgh Bonfire Community Improvement Partnership
<b>F1</b>	Category F1 fireworks. These are typically indoor or close proximity fireworks with minimal safety distances (e.g. 1m).
<b>F2</b>	Category F2 fireworks. There are outdoor fireworks with spectator safety distances of at least 8m.
<b>F3</b>	Category F3 fireworks. These are outdoor fireworks with spectator safety distances of at least 25m.
<b>F4</b>	Category F4 fireworks. These are for professional use only and are not sold to the general public.
<b>Kg</b>	Kilograms
<b>MSP</b>	Member of the Scottish Parliament
<b>NHS</b>	National Health Service
<b>PDF</b>	Portable Document Format
<b>PM</b>	Airborne Particulate Matter
<b>PM<sub>10</sub></b>	Particulate Matter with a diameter of 10 microns or less
<b>PTSD</b>	Post-Traumatic Stress Disorder
<b>QR</b>	Quick Response
<b>SOLAR</b>	Society of Local Authority Lawyers & Administrators in Scotland
<b>SPCA</b>	Society for the Prevention of Cruelty to Animals
<b>UK</b>	United Kingdom of Great Britain and Northern Ireland
<b>µm</b>	The amount of a substance equal to a millionth of a mole.

# References

- 1 Scottish Government. (2019). "A consultation on fireworks in Scotland: Your experiences, your ideas, your views". Available: <https://consult.gov.scot/safer-communities/fireworks/>.
- 2 Firework Review Group. (2020). *Report to the Scottish Government*. Available: <https://www.gov.scot/publications/firework-review-group-report-scottish-government/>
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