
ARGYLL AND BUTE COUNCIL

PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE

LEGAL AND REGULATORY SUPPORT

22 NOVEMBER 2023

**THE FIREWORKS AND PYROTECHNIC ARTICLES (SCOTLAND) ACT 2022 –
FIREWORK CONTROL ZONES IN ARGYLL AND BUTE**

1.0 EXECUTIVE SUMMARY

As reported to the PPSL Committee in September 2023 [PPSL Firework Control Zones.pdf \(argyll-bute.gov.uk\)](#), Part 6 of the Fireworks and Pyrotechnic Articles (Scotland) Act 2022 was brought into force on 22nd June 2023. This part of the act confers discretionary powers on local authorities to designate a place within their area as a Firework Control Zone (FCZ), and make provision as to how those powers are to be exercised.

Following on from the decisions taken by Members at the PPSL Committee in September, this report sets out how the Council will deal with “Community Requests” for a Firework Control Zone.

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2.0 INTRODUCTION

- 2.1 The report to the PPSL Committee in September 2023 ([PPSL Firework Control Zones.pdf \(argyll-bute.gov.uk\)](#)) provided detail on the introduction and provisions of the Fireworks and Pyrotechnics Articles (Scotland) Act 2022 and particularly the matter of Firework Control Zones. This report sets out how the Council proposes to provide information on Firework Control Zones and how community requests will be managed.

3.0 RECOMMENDATIONS

- 3.1 Members are asked to endorse the proposals detailed in the report.

4.0 DETAIL

Emergency Services Feedback

- 4.1 Following the meeting of PPSL held in September 2023, officers have given consideration to how the Council deals with the implications of the Fireworks and Pyrotechnics Articles (Scotland) Act 2022 and particularly the matter of Firework Control Zones.
- 4.2 Officers sought feedback through the Community Safety Partnership from the Emergency Services to establish whether there are any areas within Argyll and Bute where there could be a need for the designation of a Firework Control Zone. At this time it has been confirmed that there are no areas identified which would meet the criteria for such a designation.

Community Requests for a Firework Control Zone (FCZ)

- 4.3 Guidance from the Scottish Government provides that there should be a mechanism whereby a “community request” for the establishment of a FCZ can be made to the council.

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.

- 4.4 It is proposed that the Council website is updated to provide a page which details the procedure to be followed by a member of the community who wishes to find out further information and to take forward any subsequent request. The page will provide contact to a generic e-mail box which is managed by the Council's Anti-Social Behaviour Co-ordinator. A draft of the website page wording is provided at Appendix 1 for information.

5.0 CONCLUSION

- 5.1 This report outlines the proposals to be put in place by the Council to deal with community requests for a Firework Control Zone which will be managed by the Council's Anti-Social Behaviour Co-ordinator.

6.0 IMPLICATIONS

6.1 Policy – None

- 6.2 Financial** – There should be minimal costs which can be covered through existing budgets.

- 6.3 Legal** – The proposals in this report are in line with the legislation.

- 6.4 HR** – Will be covered through existing officer resource.

- 6.5 Fairer Scotland Duty** - None

- 6.5.1 Equalities - protected characteristics** – None

- 6.5.2 Socio-Economic Duty** - None

- 6.5.3 Islands** - None

- 6.6 Climate Change** - None

- 6.7 Risk** – None

6.8 Customer Service – takes forward the new legislation and gives the option for residents to send in community requests for FCZs.

Douglas Hendry - Executive Director with responsibility for Legal and Regulatory Support

Policy Lead: Councillor Kieron Green

27 October 2023

For further information contact **David Logan - Head of Legal and Regulatory Support**

Proposed Wording for Council Website

Firework Control Zones

What are Firework Control Zones?

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.

Why do they exist?

This is an option that can be used as one part of a specific targeted response to issues associated with firework use.

The power for local authorities to designate a place or places as firework control zones within their boundaries came into force on 22 June 2023. This is a key measure within the Fireworks and Pyrotechnic Articles (Scotland) Act 2022, which aims to support a cultural shift in the relationship that Scotland has with fireworks.

How can I put forward a request for an area to be considered as a Firework Control Zone?

Should you feel there is an ongoing problem around fireworks in your area a community request can be made by any community of interest for a Firework Control Zone. In the first instance this should be sent by e-mail to:-

CommunitySafety@argyll-bute.gov.uk

The Council's Anti-Social Behaviour Co-ordinator will then make contact with you and provide further detail on the evidence and information required to take forward the request. If the process is taken forward there is a requirement for the Council to consult with necessary stakeholders on the proposal in line with the legislation, this process could take a number of months. Further detailed information will be provided by the Council when any request is made.