

A consultation on:

- 1. The introduction of new legislation on the sale and use of fireworks in Scotland**
- 2. Tackling the misuse of pyrotechnics**

Analysis of responses

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September 2021

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Executive Summary

Introduction

This summary presents the key themes to emerge from the Scottish Government's consultation on the sale and use of fireworks in Scotland and tackling the misuse of pyrotechnics. The consultation opened on 20 June 2021 and closed on 15 August. The consultation paper is available at <https://consult.gov.scot/justice/use-and-sale-of-fireworks-in-scotland/>.

In total, 1,739 responses were available for analysis. Most of these responses were submitted by individual members of the public, with 64 responses submitted by groups or organisations.

In addition to the main online consultation, 12 online workshop events were held. Eight of these events were open to anyone who wished to attend and four were for specific groups, namely: the community in Pollokshields; specialist firework retailers; sight loss organisations; and Trading Standards.

Section One: Fireworks

Part One: Mandatory conditions at point of sale

- A large majority of those who answered the question – 84% – agreed that a fireworks licensing system should be introduced in Scotland.
- A large majority – 85% – agreed that any licensing system should cover possession and use of fireworks in addition to their purchase.
- A majority – 76% – agreed that there should be a fee to obtain a fireworks licence.
- A majority – 74% – agreed that successful completion of an online safety course should be a condition of obtaining a fireworks licence.
- In terms of who would be best placed to run and administer the proposed licensing system, the most popular choice overall, with support of 38%, was the Scottish Government.

Reasons there should be a licensing system in Scotland: While agreeing that there should be a licensing system some respondents also went on to express a view that there should be a ban on sale of fireworks to the general public. Others stated that, while they would prefer a ban, they saw the proposed licensing system as preferable to the *status quo*.

Frequently given reasons for thinking there should be a licensing system were that:

- Fireworks are potentially dangerous and can cause injury.
- They can also cause nuisance and anxiety. Respondents commented on the potential negative impacts on people and communities.
- Fireworks can be misused. Experiences of fireworks being misused by children and by young people were reported, as was use of fireworks to attack the emergency services.

- Fireworks can cause harm or distress to animals, particularly in relation to their noise.

Reasons there should not be a licensing system: The most frequently given reason why there should not be a licensing system for individuals was that it is unnecessary or would be a disproportionate response to an issue that was often not seen as a significant problem. Other frequently-raised points were that:

- The proposed approach is a ‘nanny state’ response, that compromises personal freedom and civil liberties.
- Many people enjoy fireworks, and the proposals would penalise law abiding users – for example family use in a garden setting.
- Existing legislation is sufficient but should be better enforced.

Covering the possession and use of fireworks as well as purchase: The most frequently given reasons in support were that purchase, possession and use of fireworks are interlinked and that not including both possession and use would leave significant loopholes. The most frequently given reasons against were that licences are unnecessary or disproportionate and that existing legislation is sufficient.

A fee for a licence: The most frequently given reasons for supporting a fee were that it could promote a responsible approach, encouraging those with good intentions to apply and can discourage casual applicants and those who would misuse fireworks. Reasons given for there not being a fee included that licences are not necessary.

Requiring successful completion of an online safety course: The most frequently given reasons in favour of an online safety course were that the proposed training can improve understanding of the risks posed by fireworks, promote responsible behaviour and, as a result, lead to improved firework safety. However, there were also concerns that the course should be suitably rigorous.

Part Two: Restrict the days fireworks can be sold and set off

- A majority – 67% – agreed with the proposed restrictions on the days fireworks can be used by the general public.
- A majority – 64% – agreed with the proposed restrictions on the days fireworks can be sold to the general public.

Reasons for supporting restrictions on the days fireworks can be used by or sold to the general public: It was suggested that it is logical to assume that restricting the days fireworks can be used by the general public will reduce the number of days on which they are used. It was also suggested that restrictions on the days fireworks can be bought should reduce the amount of spontaneous or unplanned purchasing and use of fireworks.

A frequently-made point was that if people know that fireworks can only be used on certain days, they would be able to plan and take mitigating actions. There were references to making provision for pets, guide dogs or livestock and to people who find fireworks distressing and/or frightening being able to prepare themselves.

Reasons for not supporting restrictions on the days fireworks can be used by or sold to the general public: The most frequently-raised concern about the proposals was that the proposed dates are too long and, in particular, that the number of days on which fireworks can be used or sold in October/November is too long.

Other respondents noted that they did not agree with there being restrictions. A frequently made comment was that there are a range of other celebratory events, such as weddings or birthdays, when people may wish to use fireworks, and that the proposals would prevent them from doing so.

Part Three: No-Firework Areas

- A large majority of respondents – 83% – agreed with the introduction of no-firework areas.
- A majority of respondents – 69% – agreed that consideration, introduction and management of no-firework areas should be led by local authorities.

Arguments in favour of the introduction of no-firework areas: The most frequently made point was that no-firework areas should be used to protect animals, including pets. Another common view was that no-firework areas have the potential to reduce the impact of anti-social behaviour and firework misuse, and improve the lives of many; in particular they would improve the lives of those living in communities that are currently blighted by firework misuse.

Many comments focused on the type of locations which should be no-firework areas, with some appearing to suggest blanket bans in certain types of area (in contrast to the locally-driven approach proposed).

Arguments against the introduction of no-firework areas: General comments tended to focus on disagreeing with no-firework areas along with any other proposal that would add restrictions to where, how or by whom fireworks can be used. There were also general observations that no-firework areas are: simply a bad idea; would not work; or would be unfair on and discriminate against those living in a no-firework area but who use fireworks responsibly.

Local authorities leading: The most frequently made comment in support of local authorities leading on no-firework areas was that they are best placed to take this role, including because they will know their own area better than any other organisation. The most-frequently made argument against was that they would be unlikely to perform well or take any proactive or constructive action. The other frequently-made point was that a national, standardised approach would be preferable to a locally-led one.

Part Four: Proxy Purchasing Offence

- A very substantial majority of respondents – 92% – agreed with the introduction of a ‘proxy purchasing’ offence in relation to fireworks to criminalise the supply of fireworks to young people under the age of 18.

The most frequently-made comment was a general statement of support for the introduction of a proxy purchasing offence. It was also suggested that the proposal would bring the approach to fireworks in line with that for other restricted products. There were references to alcohol, tobacco and nicotine vaping products and it was noted that proxy purchasing prohibitions are already in place for other age-restricted products.

Section Two: Tackling misuse of pyrotechnic devices

- A majority of respondents – 76% – had concerns about pyrotechnic devices being misused.
- A majority of respondents – 77%– agreed with the introduction of a new offence for being in possession of a pyrotechnic in a public place without reasonable excuse or lawful authority.
- A majority of respondents – 70% – agreed that police stop and search powers should be extended to allow the police to stop and search where there is reasonable suspicion that an individual is in possession of a pyrotechnic device in a public place without a reasonable excuse.
- A majority of respondents – 65% – thought that police stop and search powers should be wide enough to allow the police to stop and search a vehicle where there is reasonable suspicion that there are pyrotechnic devices contained without a reasonable excuse.

Concerns about pyrotechnic being misused: The danger of irresponsible use was the most frequently-raised concern. It was suggested that any use of pyrotechnic devices in public spaces has the potential for serious injury – to members of the public, police and members of other emergency services. Respondents referred primarily to the misuse of pyrotechnics at sporting events and specific concerns were raised regarding misuse in football stadia.

For those who indicated that they are not concerned about misuse of pyrotechnics, the most common reason cited was that misuse remains rare and any issues have been blown out of proportion. It was also suggested that the use of stop and search powers for pyrotechnics would lead to unfair targeting of football supporters.

A new offence: The most frequently-given reason for supporting the proposed new offence was that it has the potential to mitigate the negative impacts of pyrotechnics. It was suggested that possession of pyrotechnics without reasonable excuse or lawful authority presents an unnecessary risk to public safety, and that a new offence would be a proportionate response to this risk.

Opposition to the proposed new offence most frequently related to concerns around extending the use of stop and search powers and there were specific concerns that extended powers could be used unfairly by the police to target specific groups, including football supporters.

Extending stop and search powers: The most frequently-given reason in favour of extending stop and search powers was the danger associated with the misuse of pyrotechnics, with reference to the risk of serious injury or fatalities. Respondents

often suggested that the potential to avoid serious injury or fatalities is sufficient to justify the use of stop and search.

The most frequently-raised argument against extending stop and search powers was that they could be used to target particular groups of people. Objections to the principle of stop and search included reference to infringing civil liberties and not being compatible with a free society.

Stop and search powers applying to vehicles: Comments included that vehicles could pose a significant safety risk given their potential to carry a volume of pyrotechnics, and that including vehicles in stop and search powers would be essential to maintaining public safety. There was also a view that extending stop and search powers to vehicles would be required for effective enforcement.

The most frequently-raised concern was that stop and search powers could be abused to unfairly target specific groups. There was a view that existing stop and search powers have been misused to target people from black and minority ethnic communities. There was also a concern that the provision would result in busloads of football supporters being routinely stopped and searched without due cause.

Introduction

This report presents the analysis of responses to a consultation on the introduction of proposed new legislation on:

1. The sale and use of fireworks in Scotland;
and
2. Tackling the misuse of pyrotechnics.

The section on the sale and use of fireworks asked 19 questions on proposals for: a licence to purchase, possess and use fireworks; restricting the days fireworks can be sold and set off; no-firework areas; and a proxy purchasing offence.

The section on pyrotechnics posed eight questions, including on whether there should be a new offence of being in possession of a pyrotechnic in a public place without reasonable excuse or lawful authority, and whether police stop and search powers should be extended in this respect.

More detailed introductions are provided at the beginning of each section of the report.

The consultation opened on 20 June 2021 and closed on 15 August. The consultation paper is available at: <https://www.gov.scot/publications/use-sale-fireworks-scotland-tackling-misuse-pyrotechnics-consultation/>.

Number and profile of respondents

In total 1,747 responses were received. Of these, eight were removed as they were duplicate responses.¹ The remaining 1,739 responses were available for analysis.

Most responses were received through the Scottish Government's Citizen Space consultation hub. Where consent has been given to publish the response, it can be found at: <https://consult.gov.scot/justice/use-and-sale-of-fireworks-in-scotland/>.

Respondents were asked to identify whether they were responding as an individual or on behalf of a group or organisation. Most responses (1,680 of those available for analysis) were submitted by individual members of the public. Sixty three individual respondents submitted a campaign-style response. These responses were focused on Section 2 (Tackling the misuse of pyrotechnics) but occasionally answered a small number of the closed questions at Section 1. These respondents drew on standard text when providing comments at Questions 20-24.

¹ A response was taken to be a duplicate if both the respondent name and email address matched. If the answers at the closed questions matched across duplicate/triplicate responses, the content at the open questions was merged. If the answers at the closed questions differed, the most recently submitted response was included within the analysis.

The remaining 64 responses were submitted by groups or organisations. Organisational respondents were allocated to one of 11 groups by the analysis team and the Scottish Government.²

A breakdown of the number of responses received by respondent type is set out in Table 1 below and a full list of organisational respondents can be found in Annex 1.

Table 1

Respondents by type	Total
Organisations	
Animal - third sector or community group	11
Campaign group	2
Community council	11
Community group	2
Community safety partnership	2
Emergency service	4
Fireworks industry representative body	2
Fireworks retailer or events company	3
Local authority	15
Professional or representative body	10
Third sector – non animal-related	2
Total organisations	64
Individuals	1680
All respondents	1744

Profile of workshop events

In addition to the main online consultation, 12 online workshop events were held. Eight of these events were open to anyone who wished to attend and four were for specific groups. These were:

- **The community in Pollokshields.** This was attended by a Police Sergeant from the local Police Scotland office; two members of the local Community Council; and three residents (one of whom was also a professional firework operator).
- **Specialist firework retailers.** This was attended by a representative from a specialist firework store and display company, a representative from a convenience store with firework sales as part of the business and a representative from a retail federation.
- **Sight loss organisations.** This was attended by a member of staff from each of two third sector organisations and five Guide Dog owners/disabilities campaigners.

² Organisations were placed into a group based on name and, where available, after accessing information on relevant websites including the organisation's own website. Classification also took account of the primary driver for the submission.

- **Trading Standards.** This was attended by 23 people covering the following local authority areas: Glasgow; Fife; East Ayrshire; Dumfries and Galloway; South Ayrshire; Stirling; South Lanarkshire; Shetland Islands; Western Isles; North Ayrshire; Edinburgh; East Dunbartonshire; Highlands; Aberdeen City; East Lothian; Dundee; Scottish Borders; Shetland; Midlothian. There was also a representative of the Scottish Society for Chief Trading Standards Officers.

There were around 210 attendances across the 12 events, with the number of people attending each event ranging from three to 23. A number of people attended more than one event and a small number attended multiple events. In total, around 90-100 different individuals attended one or more of the events. Some of those who attended an event also submitted a response to the main online consultation.

The workshop events each covered four themes relating to the introduction of new legislation on the sale and use of fireworks in Scotland:

- Requiring general public & community groups to meet mandatory conditions before they can purchase fireworks (equating to Section One, Part One, Questions 1-7).
- Restricting days fireworks can be set off by general public, and restricting days fireworks can be sold to general public (equating to Section One, Part Two, Questions 8-9).
- No-fireworks areas where it is not permitted for general public to set fireworks off (equating to Section One, Part 3, Questions 10-15).
- Proxy purchasing offence to criminalise supply of fireworks to under 18s (equating to Section One, Part 4, Question 16).

Analysis and reporting

This report presents a question-by-question analysis. A summary table is presented at each of the closed questions, with a full breakdown of responses by type of organisation included in Annex 2.

Some respondents did not make their submission using the consultation questionnaire but submitted their comments in a statement-style format. This content was analysed qualitatively under the most directly relevant consultation question.

Other points to note are:

- The comment rate at each question is set out in Annex 3. It ranged from 1,271 providing a further comment at Question 1 to 92 providing a comment at Question 27.
- Most individual respondents made only brief comments, while some organisations provided much longer or more complex responses.
- In most cases the analysis of comments is structured according to arguments made in support of or opposition to a proposal, rather than how a respondent answered a closed question. This reflects the fact that the same points were sometimes raised by those agreeing, disagreeing or unsure. For example, at

Question 8, a respondent might have agreed to the proposed restrictions on the days when fireworks can be used at the closed question, but gone on to say that they would prefer the restrictions to be tighter still. Equally a respondent might have disagreed at the closed question but gone on to make the same point as a respondent who had agreed, that they thought the restrictions should be tighter.

The analysis of further comments covers both responses to the standard consultation and issues raised at the workshop events. A summary of the themes raised at the workshop events is provided at the end of the analysis of the comments on Parts One to Four of Section One. Otherwise, references to comments made by particular respondents are taken from standard responses unless otherwise stated.

Finally, and as with any public consultation exercise, it should be noted that those responding are self-selecting and generally have a particular interest in the subject area. Therefore, the views they express cannot necessarily be seen as representative of wider public opinion.

Section One: Fireworks

Early in 2019, the Scottish Government held a consultation entitled 'Fireworks in Scotland: Your experiences, your ideas, your views'. Following that consultation exercise and a separate online opinion poll, the Minister for Community Safety published the 'Fireworks Action Plan: Promoting the safe and appropriate use of fireworks in Scotland'. The Action Plan set out activities that were taken forward immediately, as well as establishing a Fireworks Review Group to consider legislative and regulatory options for change and provide clear recommendations on what change is required going forward.

The Fireworks Review Group final report³ reached a majority consensus that a fundamental shift is required in how fireworks are accessed and used by the general public in Scotland. Some recommendations have already been taken forward in secondary legislation (The Fireworks (Scotland) Miscellaneous Amendments Regulations 2021⁴). Other potential measures are covered in the first part of this consultation, namely:

- Requiring the general public and community groups to meet a number of mandatory conditions before they are able to purchase fireworks.
- Restricting the days fireworks can be set off by the general public and restricting the days fireworks can be sold to the general public.
- Introducing no-fireworks areas where it is not possible for the general public to set fireworks off.
- Introduction of a proxy purchasing offence to criminalise the supply of fireworks to people under the age of 18.

³ Available at <https://www.gov.scot/publications/firework-review-group-report-scottish-government/>

⁴ Available at <https://www.legislation.gov.uk/ssi/2021/79/contents/made>

Part One: Mandatory conditions at point of sale

The Fireworks Review Group recommended that mandatory conditions are introduced before consumers are able to purchase fireworks, seeking to ensure that the purchase of fireworks is a well thought out and planned transaction.

The Scottish Government proposes to introduce legislation for a licensing system on the sale of fireworks. The purpose would be to licence individuals to purchase fireworks in order to ensure their safe and appropriate use. All adults aged 18 and over would be required to apply for a licence before they can purchase fireworks. This would include members of community organisations and groups organising a public display, but professional firework operators would be exempt, given their existing training and safety requirements. The licence would permit the holder to purchase fireworks from retailers in line with the law on fireworks. It would not be transferrable to another person and must be used by the licensee as agreed as part of the application process.

Question 1: Do you agree that a fireworks licensing system should be introduced in Scotland? Please explain your answer.

Responses at Question 1 by respondent type are set out in Table 2 below.

Table 2

Do you agree that a fireworks licensing system should be introduced in Scotland?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations	42	11	6	5	64
% of organisations answering	71%	19%	10%		100%
Individuals	1277	189	38	176	1680
% of individuals answering	85%	13%	3%		100%
All respondents	1319	200	44	181	1744
% of all respondents	76%	11%	3%	10%	100%
% of all those answering	84%	13%	3%		100%

A large majority of those who answered the question – 84% – agreed that a fireworks licensing system should be introduced in Scotland, while 13% disagreed and 3% were unsure. Organisational respondents were less likely to agree than individual respondents (71% and 85% respectively). Although a majority of local authorities agreed that there should be a licensing system, four authorities were among organisations that disagreed.

A minority of respondents who disagreed with the proposed licensing system did so because they would prefer to see a complete ban on sale of fireworks to the public, with an associated argument that use of fireworks should be restricted to public events and to use by professionals.

Fireworks: Mandatory conditions at point of sale

Reasons there should be a licensing system in Scotland

While agreeing at the closed question that there should be a licensing system some respondents also went on to express a view that there should be a ban on sale of fireworks to the general public. Others stated that, while they would prefer a ban, they saw the proposed licensing system as preferable to the *status quo*.

Many of the reasons given in support of a licensing system echoed issues raised in the 2019 consultation.⁵ Frequently given reasons for thinking there should be a licensing system were that:

- Fireworks are potentially dangerous and can cause injury.

I have hearing impairment in my left ear from having one thrown at me... (Individual respondent)

- They can also cause nuisance and anxiety. Respondents commented on the potential negative impacts on people and communities, including distress to individuals, damage to property, environmental damage and littering, and the demands placed on the emergency services. Specific groups of people highlighted as being at particular risk of anxiety or distress caused by firework use included those with autism and sufferers from Post-traumatic Stress Disorder (PTSD).

As a sufferer of anxiety, I am sensitive to loud, sudden noises, making life extremely fearful and difficult to contend with during the winter months and football season, when the city often looks and sounds like a warzone. (Individual respondent)

- Fireworks can be misused. Experiences of fireworks being misused by children and by young people were reported, as was use of fireworks to attack the emergency services.
- Fireworks can cause harm or distress to animals, particularly in relation to their noise. Most comments related to the distress firework noise can cause to domestic pets, although there was also concern with respect to effects on livestock and wildlife. It was reported that animals may perceive sudden loud noises and flashes of light as a threat, provoking an instinct to flee, potentially causing pets to get lost or injured. The risk of injury to horses, and to people near them should horses panic as a result of loud noise, was highlighted. Issues were also raised with respect to Guide Dogs and other assistance dogs being frightened or distracted, potentially putting their owners at risk.⁶
- Greater control of the purchase and use of fireworks is required. Some respondents commented on the period over which fireworks are used being longer than was previously the case, and a community council respondent observed that more and more events are being marked with fireworks in domestic settings. Although supporting a licensing system, some respondents

⁵ Available at <https://www.gov.scot/publications/consultation-fireworks-scotland-experiences-ideas-views-analysis-responses-public-consultation-exercise/>

⁶ At the firework consultation event for sight loss organisations it was reported that one traumatic experience for a guide dog could lead to them having to retire.

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also argued in favour of restricting fireworks to organised, public events, and to use by registered professionals/ organisations. A licensing system was also seen as giving confidence to those attending public displays.

- Licensing can reduce misuse and indiscriminate use of fireworks by encouraging safer use, and by promoting greater responsibility and accountability. A requirement for training would provide an opportunity to educate users on safe/responsible use. By extension it was suggested licensing would restrict access to more responsible people. For example, a local authority respondent argued that a licensing system would help prevent sales to those who would be irresponsible with fireworks, and a professional or representative body respondent saw it as a proactive way of helping authorities prevent more serious offences from taking place.

It was also suggested that the process of applying for and obtaining a licence will potentially deter spontaneous purchases and so could reduce the overall number of fireworks sold and used.

A local authority respondent noted their support for the proposed penalty for a retailer found guilty of selling fireworks to members of the public without a licence (a fine not exceeding level five on the standard scale (up to £5000) or up to six months imprisonment) as a preventative measure as well as a punitive one.

Some respondents identified other potential benefits of a licensing system, including that it could allow monitoring of firework sales.

Respondents also commented on the Northern Ireland case study presented in the consultation paper with views that:

- The reduction in the number of people injured by fireworks incidents in Northern Ireland since the introduction of a licensing system in 2002 shows the efficacy of a licensing approach.
- The problem being tackled in Northern Ireland is more aligned to organised and planned disorder, and that introducing licensing in Scotland would have a much more significant impact, as firework abuse is more casual and seasonal.
- A recent newspaper report indicates that the licensing scheme is not working due to the illegal supply of fireworks from outside Northern Ireland.

Suggested requirements/elements of a licence to purchase fireworks

Some respondents suggested conditions that might be required or processes that might be part of a licensing regime. These included that:

- Requirements should apply to the public, community organisations and to organisers of public displays. They should also apply to internet sales.
- When a licence is approved, the applicant should be issued with a unique code to be used by the licence holder to buy fireworks either in store or online. Each unique code would be traceable back to the applicant which would help to counteract fraud/misrepresentation.
- The system should include information that allows the retailer to identify the licence holder using a digital photograph associated with a QR code or

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reference that the retailer can access independently through an app or website.

- Fireworks should only be purchased up to a maximum permitted noise level of 97 decibels with a 15m safety distance. It was also suggested that fireworks should be labelled as 'loud' or 'low noise' and should indicate whether they would be suitable for use in relative proximity to animals.
- The licence holder should be present whenever fireworks are being used.
- Licence holders should be required to notify neighbours well in advance of use of fireworks so pets can be kept indoors.

Reasons there should not be a licensing system

The most frequently given reason why there should not be a licensing system for individuals was that it is unnecessary, or would be a disproportionate response to an issue that was often not seen as a significant problem. Local authority respondents, a professional or representative body, and a community safety partnership respondent were among those who made this point. Parallels were drawn with purchase of other consumer goods that could cause harm but do not require a licence to purchase – for example knives and petrol – and between anti-social behaviour associated with fireworks and that related to alcohol, which again does not require a licence to purchase.

Other frequently-raised points were that:

- The proposed approach is a 'nanny state' response, that compromises personal freedom and civil liberties.
- Many people enjoy fireworks, and the proposals would penalise law abiding users – for example family use in a garden setting.

It would result in far fewer people being able to enjoy family fireworks parties at home, and is an unnecessary intrusion on people's liberties. (Individual respondent)

- Existing legislation is sufficient and that, rather than introducing licences, existing legislation should be better enforced and should be accompanied by firework safety/education campaigns. A professional or representative body respondent noted that the sector is already subject to significant existing regulation of storage, sale and use of fireworks.
- Sale of fireworks to the general public should be banned altogether, with some respondents calling for their restriction to public events run by registered professionals.

Respondents also argued that the proposed system is too complex, or expressed doubt as to whether the proposed system will be effective, and whether it will stop antisocial behaviour or inconsiderate use of fireworks. Further, it was argued that the proposed licensing system could be counterproductive, with some local authority respondents among those who cautioned that sale of fireworks could be driven online, or onto the black market. The risk of an illicit firework trade, with unlicensed sellers, or unregulated fireworks from abroad was highlighted,

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potentially leading to sale of unsafe fireworks. It was also suggested that, in addition to creating a risk to public safety, couriers may be put at risk and there may be firework 'tourism' if people cross the border to buy fireworks. Greater online or black market firework sales were also thought likely to increase the risk of underage purchasing. In addition, respondents noted the loss of business for legitimate firework retailers.

Local authority respondents pointed to a significant administrative burden on the organisation chosen to run the licensing system, and on local authority teams if they were charged with delivering the service. A possibility that many licences could be sought in a brief period before 5 November was also highlighted, with a risk of delays in processing applications leading to consumers being disadvantaged and sales curtailed. It was argued that adequate funding for both administration and enforcement would need to be provided. Administrative costs to businesses, charities and individuals were also noted.

Some respondents observed that, rather than a licensing system, they would prefer alternative restrictions on the hours or days when fireworks can be used, on the age of the purchaser, or the types of fireworks that can be purchased.

A fireworks industry representative body proposed that, rather than introducing a licensing system the Scottish Government might work with the industry to create what they described as a ground-breaking firework safety and awareness programme. It was suggested this could include printing the penalties for the misuse of fireworks on product packaging and setting up a dedicated website to host instructional firework videos showing consumers how to setup and use different types of fireworks safely.

Issues for further consideration if there is to be a licensing system

Respondents also raised a number of matters relating to a potential licensing system they thought should be addressed, including that:

- The scope and competence of the proposed Bill needs to be set out clearly, in the context of those powers that are devolved to the Scottish Government and those that are reserved to the UK Government.
- Adequate time should be allowed for regulations that came into force on 30 June 2021 to bed in and take effect. It was suggested this might help to inform a decision on which – if any – of the additional proposed restrictions are needed.
- The system should be designed, implemented and promoted as a public safety measure, including to avoid a perception that the licence is intended as a barrier to sales.
- Consideration should be given to how the sale of fireworks through online platforms will be managed.
- Digital exclusion must be avoided for those without easy online access.
- Data protection issues should be considered if retailers are required to take the name and address of purchasers.

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- The evidence in support of licensing should be published to help demonstrate why it is needed, and gain the approval of the public and the industry. There should be clear public messaging, to explain the new measures and to engage communities.
- More legislation may be required to assist with the enforcement of a licensing system.
- Fraud prevention should be considered – for example how fraudulent applications from 3rd parties will be prevented and how false information (e.g. on unspent convictions) will be identified.

In relation to the last point, it was argued that the disclosure of previous convictions to obtain a fireworks licence is disproportionate and is no indicator as to whether a person is fit and proper, or can take and satisfy the requirements of an online firework safety course. However, it was also thought the provision of a 'fit and proper person' should be carried over into something as dangerous as the purchase and use of fireworks.

Queries were also raised as to whether any potential licensing controls might also apply to professional pyrotechnic companies. A local authority respondent highlighted problems in relation to fireworks being set off from land adjacent to a venue, sometimes without the owner's permission or from public land where rights of way have been cordoned off without permission.

Question 2: Do you agree that any licensing system should cover the possession and use of fireworks, in addition to their purchase? Please explain your answer.

Responses at Question 2 by respondent type are set out in Table 3 below.

Table 3

Do you agree that any licensing system should cover the possession and use of fireworks, in addition to their purchase?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations	43	9	5	7	64
% of organisations answering	75%	16%	9%		100%
Individuals	1270	189	36	185	1680
% of individuals answering	85%	13%	2%		100%
All respondents	1313	198	41	192	1744
% of all respondents	75%	11%	2%	11%	100%
% of all those answering	85%	13%	3%		100%

A large majority of those who answered the question – 85% – agreed that any licensing system should cover possession and use of fireworks in addition to their purchase, while 13% disagreed and 3% were unsure. Organisational respondents were less likely to agree than individual respondents (75% and 85% respectively).

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It will be observed that the figures bear a marked resemblance to those at Question 1 and, while not universal, it was typically the case that respondents either agreed or disagreed at both questions. Many respondents offered similar reasoning at Question 2 as at Question 1 and points already covered at Question 1 are not repeated in the analysis below.

Reasons a licensing system should cover the possession and use of fireworks as well as purchase

The most frequently given reasons for agreeing that a licence should cover possession and use were that:

- Purchase, possession and use of fireworks are interlinked and all aspects need to be tackled. It was suggested that an effective system must cover all steps from purchase through to use, including because possession and use are where the main issues lie, and that inclusion of possession and use will minimise accidents associated with use of fireworks.
- Not including both possession and use would leave significant loopholes. It was argued that these must be avoided, including because they could reduce public confidence in the licensing system and could create difficulties for enforcement. Respondents noted the potential for proxy purchasing if the licensing requirement applies solely to the purchase of fireworks and not also to their use.

Yes otherwise there is no point, someone will just get the necessary licence and sell them on to everyone else. (Individual respondent)

Other reasons suggested in support of the licence covering both possession and use included that:

- It is important that people know how to store and use fireworks safely.
- An online safety course will be of limited value if the fireworks purchased with the licence are used by someone else.
- Police Scotland need powers to be proactive rather than reacting after someone has been distressed or hurt.

It was also argued that, while organised events fall under the Public Entertainment Licensing regime, smaller private events have no safety measures or mitigation of risk. It was suggested that licensing an individual to be responsible for both purchase and use would be a step forward in responsible liability.

Suggested requirements/elements of a licence to possess/use fireworks

As at the previous question, some respondents suggested information or conditions they would like to see as part of a licence. These included:

- The dates and times when fireworks can be used, in line with the Fireworks (Scotland) Miscellaneous Amendments Regulations 2021.
- Details of no-firework areas if these are introduced.

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- Stipulation that the person granted a licence to purchase fireworks should be in possession of the fireworks and use them, and that any authorisation to purchase and use the fireworks is not transferrable.
- The address or location where the fireworks are to be used.
- A requirement for the licence holder to inform neighbours of a planned firework display, notifying them of the date, time, location and duration of the display.
- A limit to using fireworks with a maximum permitted noise level of 97 decibels with a 15m safety distance.

A mechanism to prevent multiple people at one address applying for a licence was also proposed.

In addition to the issues raised above, a small number of respondents proposed specific requirements for licences for public displays, with a suggestion all such events, including those run by professional operators, should be licensed. It was argued that a searchable database of events should be made available and that local residents should be able to appeal against a licence for an event.

Proposed requirements of a licence for a public display were:

- Advance notice to local residents or those who keep animals near the display site.
- Paying due regard to the impact of the display on animals including pets, horses, livestock and wildlife.

Distinction between possession and use

A distinction between possession and use was made by a small number of respondents. It was argued that while possession should be included in a licensing scheme to dissuade unlicensed purchasers from purchasing fireworks from licensed purchasers, safe use of fireworks is already controlled by current legislation.

Also with respect to use, potential difficulties were suggested in relation to enforcement within a family setting, for example if a member of the family other than the licence holder 'uses' fireworks in a garden. It was argued there should be consideration of those who are assisting with the use of fireworks, and that it might be both unreasonable and unsafe for the licence holder to remain in possession of all fireworks at all times simply because another responsible adult was not licensed. Giving consideration to any definition assigned to 'use' was suggested.

Reasons a licensing system should not cover the possession and use of fireworks as well as purchase

The most frequently given reasons that a licence should not cover possession as well as purchase were that licences are unnecessary/disproportionate and that existing legislation is sufficient.

Other points raised included that:

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- Licensing for possession and use is unlikely to be enforceable.
- Criminalising someone for possession of fireworks could be considered disproportionate to the risk involved and could be very complicated. For example, it was suggested that, depending on the wording of an offence, parents who provide class F2 fireworks⁷ to children could be criminalised, or that children helping to unload a weekly shop might inadvertently be in possession of fireworks.
- It is already illegal for a person under 18 to possess a firework in a public place, and by implication to use it.
- If an individual with a licence has lawfully purchased fireworks and is challenged about their possession while simply walking home, it could invite charges of harassment or victimisation.

Two professional or representative body respondents expressed differing views on who should enforce a licence covering possession and use of fireworks, if this were to be introduced:

- A body representing Trading Standards professionals argued any responsibility for enforcement should lie with Police Scotland, who would require rights of entry to private dwellings to enforce such a provision.
- A body representing senior police officers expressed the ‘overwhelming view’ of their members that such a responsibility does not lie with Police Scotland.

Question 3: Do you agree that a fee to obtain a fireworks licence in Scotland should be introduced? Please explain your answer.

Responses at Question 3 by respondent type are set out in Table 4 below.

Table 4

Do you agree that a fee to obtain a fireworks licence in Scotland should be introduced?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations	43	6	6	9	64
% of organisations answering	78%	11%	11%		100%
Individuals	1139	235	121	185	1680
% of individuals answering	76%	16%	8%		100%
All respondents	1182	241	127	194	1744
% of all respondents	68%	14%	7%	11%	100%
% of all those answering	76%	16%	8%		100%

A majority of those who answered the question – 76% – agreed that there should be a fee to obtain a fireworks licence, while 16% disagreed and 8% were unsure.

⁷ Category F2 fireworks are fireworks which present a low hazard and low noise level and which are intended for outdoor use in confined areas.

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Reasons there should be a fee

The most frequently given reasons that there should be a fee were that:

- It can promote a responsible approach, encouraging those with good intentions to apply and discourage casual applicants and those who would misuse fireworks.
- It will generally deter purchase/use of fireworks.
- The fee should cover administration and enforcement costs.
- It will discourage private use or encourage public displays.

It was also argued that the taxpayer should not finance a licensing system, and that payment of a fee is normal practice in other licensed activity. However, a professional or representative body respondent suggested that both the public and business may see a licence fee as a tax on fireworks and that some public subsidy may be required.

One suggestion was that there should be two fees – one to access the scheme but also a fee per event, so that those who benefit the most pay the most. Several respondents went on to suggest that fees might vary according to the type of applicant or the scale or frequency of events in their answer at Question 4.

Although respondents frequently pointed to the need to cover the cost of the scheme, there were other suggestions for uses of fee income:

- A donation to the local hospital burns unit.
- Ringfencing of some of the revenue for educational awareness and prevention schemes to highlight the dangers caused by fireworks to pet animals.

Reasons there should not be a fee

The most frequently given reason for there not being a fee was that there should not be a licence – either because a licence is not necessary, or because there should be no public use of fireworks and hence no licences. Some respondents who thought there should be a licence thought that a licence should be free of charge.

Other frequently raised issues were that a fee would:

- Discriminate against those who are less well-off and those in rural areas where there may not be access to organised displays.

A licensing fee will discriminate against the less well off, and create an incentive to work around or cheat the system. (Individual)

- Be used as a means of fund-raising for local authorities, or as an additional form of taxation.

It was also suggested that a licence fee could:

- Discourage people from applying, depending on the level at which it is set. This would be counter to the objective of improving safety.

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- Encourage a black market trade in fireworks by creating a cost barrier to obtaining a licence.
- Discourage communities or charities from organising events. Two community council respondents noted they have few funds or would find it hard to pay for a licence.

As an alternative to charging a licence fee it was suggest that:

- Costs of licensing could be covered through an additional charge on fireworks.
- The Scottish Government should cover costs as a public safety issue.
- A fee could be delayed for a year to see how many people actually apply for a licence.
- The fee could be waived or discounted for charities.

Question 4: Please tell us your views on how much the licence fee should be.

Around 990 respondents made a comment at Question 4.

Please note that some respondents referred to the cost of a licence to sell fireworks, which is beyond the scope of the present consultation and is not covered below.

General principles

With respect to how much a licence to purchase fireworks should be, the most frequently made points were that it should be sufficient to discourage use of fireworks or that it should be a meaningful amount, not simply a token gesture.

Respondents who sought a fee to discourage use of fireworks referenced preventing both misuse and excessive use of fireworks. Some highlighted the benefits of discouraging irresponsible use or encouraging responsible behaviour, but there was also a view that an aim should be to reduce the number of times fireworks are used. It was argued that the licence should be expensive, including to deter private use, with some respondents again arguing that fireworks should be restricted to organised or public displays, rather than being used by the general public.

The fee should be substantial to avoid individuals obtaining a licence.
(Individual respondent)

Others thought the licence should be affordable or priced at a more nominal/reasonable level. It was argued that the fee should not penalise those on lower incomes, should not deter licence applications or responsible use of fireworks, and should not encourage black market or online sales.

Not too expensive as some parents are responsible and enjoy giving a treat on special occasions. However, if they can afford the fireworks, they can afford a fee. (Individual respondent)

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An alternative emphasis was on the licence fee covering the costs associated with the licensing system. Local authority respondents were amongst those who argued that the system should be self-financing or cost-neutral, and that fee income should cover administration costs. It was suggested that set-up costs should be spread over a number of years to avoid the fee being too high. Some respondents also thought fees should cover the cost of enforcement. An emergency service respondent suggested that the level of fines for breaches of licence conditions is more important than the fee for a licence.

A local authority observed that local authorities are moving towards a full cost recovery system with respect to issuing other licences, and that failing to implement such a principle for firework licences would undermine the charging structure in other areas. However, they also thought that a requirement for the licensing body to check applicants for unspent convictions and deal with revocation issues could make the cost of licences prohibitive relative to the price of fireworks.⁸ Another local authority noted that, if fees were levied on a cost recovery basis, the licence to purchase fireworks could cost more than retailers are charged for their registrations to store fireworks.

Other comments on the cost of a licence included that:

- The fee should be applied consistently across Scotland.
- Fees should be comparable with those for other licensing schemes, but lower than for schemes requiring inspection. Some respondents suggested parity with particular licences – such as a TV licence.
- The fee for larger organised events should not be so onerous that it discourages these from taking place.
- Fees for individuals could be kept lower by charging a higher fee for public licences, as is done in Northern Ireland.

Several respondents also referenced the Northern Ireland licensing scheme, and it was noted that the lowest fee is currently £30. It was suggested Scotland might use a similar format to that employed in Northern Ireland, but also that a flat fee (as proposed in the consultation paper) might be preferable, particularly if attendance cannot be controlled precisely other than at commercial events. Retailer registration for the purposes of selling tobacco and nicotine vaping products under the Tobacco and Primary Medical Services (Scotland) Act 2010 (as amended), was also suggested as a possible model.

As noted above, the consultation paper indicates the Scottish Government intends that there should be an annual, flat fee. Nevertheless, some respondents argued that the licence fee should or could be:

- Different for individuals and organisations.

⁸ Attendees at the firework consultation event for firework retailers were asked what the average firework sale transaction was in Scotland. They estimated that the cost of fireworks for a small garden display would usually be £50 - £70, with larger private events typically costing between £500 - £1000.

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- Scaled according to the size of the audience (as in Northern Ireland).
- Scaled according to the number of fireworks used.
- Payable per event rather than on an annual basis.

Other variations proposed included that the licence fee could be reduced in the second and subsequent years that a licence is held, could vary according to the size or quantity of the fireworks being used, or according to the value of the fireworks purchased.

Among respondents who had previously indicated that they did not think there should be a licence fee, the most frequent suggestion on the level of fee was that it should be free, while a smaller number argued it should be minimal, affordable or as low as possible and should not exclude those on low incomes.

Specific suggestions

Some individual respondents were amongst those suggesting a specific amount they would consider appropriate. Figures ranged from as little as £5, through to several thousand pounds, depending on whether respondents were seeking to make a licence as accessible as possible, or were hoping to deter private users.

The specific amounts referenced most frequently were £50 and £100, with many respondents proposing a figure of less than £100. Community council respondents who proposed a sum suggested fees ranging between £10 - £75 and a local authority respondent proposed £50.

Question 5: Do you agree that successful completion of an online safety course to obtain a fireworks licence in Scotland should be introduced? Please explain your answer.

Responses at Question 5 by respondent type are set out in Table 5 below.

Table 5

Do you agree that successful completion of an online safety course to obtain a fireworks licence in Scotland should be introduced?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations	41	6	9	8	64
% of organisations answering	73%	11%	16%		100%
Individuals	1110	269	118	183	1680
% of individuals answering	74%	18%	8%		100%
All respondents	1151	275	127	191	1744
% of all respondents	66%	16%	7%	11%	100%
% of all those answering	74%	18%	8%		100%

A majority of respondents – 74% of those who answered the question – agreed that successful completion of an online safety course should be a condition of obtaining a fireworks licence, while 18% disagreed and 8% were unsure.

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Organisations and individual respondents were approximately equally likely to agree, although organisations were less likely to disagree and more likely to be unsure than were individual respondents. Among organisations, the only group where a majority disagreed were fireworks retailer or events company respondents, although community safety partnerships were divided.

Reasons successful completion of an online safety course should be required

Reasons in favour of an online safety course included reiteration of points made at earlier questions regarding the danger fireworks can pose, and a desire to deter what were seen as casual purchases and irresponsible use.

The most frequently given reasons in favour of an online safety course were that the proposed training can improve understanding of the risks posed by fireworks, promote responsible behaviour and, as a result, lead to improved firework safety.

The key aspect is that those obtaining a licence need to complete the associated training as a means to encourage responsible and safe use of fireworks. (Individual respondent)

An online safety course was thought to be a good idea, common sense and easy to operate, and to add a level of seriousness to the licence application process. It was also suggested that its absence would diminish the licensing process. Other online safety courses were referenced including those required for use of a drone or to buy and use sheep dip.

However, there were also concerns that the course should be suitably rigorous, with some respondents calling for a form of examination. It was argued the course should not be a tick box exercise but rather should require participants to demonstrate that they have met specified learning objectives including an understanding of the risks, and an ability to explain how they would use fireworks safely.

It was also thought a national standardised test would ensure consistency across all local authority areas and allow independent, objective assessment of applicants. In addition, there were calls for a practical test or element to be included. Issues raised with respect to the potential limitations of an online course are discussed below.

Other points raised in relation to the principle of a safety course as a requirement of a fireworks licence included that:

- Successful completion of the course should be required before a licence application is processed.
- Anyone contravening a prohibition imposed by fireworks regulations should be banned from using fireworks for a specified period and then should be required to complete the safety course again.

Suggested content

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Some respondents, including several animal-related third sector respondents, suggested material that they thought a safety course should include, including details on legal restrictions (in terms of age and when fireworks can be purchased and used), the relevant legislation governing fireworks, and the penalties licensees could face for fireworks misuse. With respect to safe use of fireworks suggested content included:

- Information on preventing the most common causes of firework injury, potentially adapted annually to reflect firework injury statistics. It was proposed there should be a graphic explanation of the risks fireworks can pose.
- Welfare issues for vulnerable people, such as with PTSD disorder, and the negative impacts of fireworks on autistic people.
- Animal welfare issues including in relation to noise, giving notice to neighbours, and to safe disposal of firework debris. There was a call for consultation with animal welfare charities and veterinary organisations on the content of this section of the course.
- A requirement for users to complete a risk assessment and impact assessment to ensure they have assessed the potential impacts of fireworks in their area and taken suitable steps to reduce risk and impact.

Reasons successful completion of an online safety course should not be required

No safety course required

Reasons that respondents did not think online training should be required tended to divide according to their view on whether a licence should exist at all.

Respondents who had argued previously that a licence is unnecessary, by extension saw online safety training as unnecessary. It was suggested that firework safety is common sense, that there is already a Fireworks Code, and that firework packaging carries instructions for safe storage and use. It was also argued that online safety courses are ineffective.

I'm willing to bet the majority of individuals who are harmed are harmed by their own stupidity, others stupidity or deliberate actions. Those people are not going to watch a safety instruction video, and even if they did click through it all and pass the test, its unlikely to change their behaviour. Tests and instructions work for compliant individuals, those messing about with fireworks are hardly going to fall into that population.
(Individual respondent)

A firework retailer or events company respondent reported that, when selling fireworks through their firework shop, they provide all the safety information needed, and that the fireworks they sell all carry safety instructions.

Some respondents called instead for higher profile public safety messaging around fireworks. A community safety partnership respondent noted that, while they do not support licensing, they do support firework/bonfire safety awareness education for

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schools delivered by the Scottish Fire and Rescue Service (SFRS) and The Risk Factory.

Questions were also raised as to whether completion of the safety course would be checked at point of sale, with concerns any requirement to do so would increase the burden on the retailer and increase the time taken in store for each sale.

Those who thought fireworks should not be sold to the public at all also saw no need for safety training.

Potential negative impacts

As in relation to a licence fee, concerns were raised that an online safety course could create a barrier to purchase, causing sales to move online or to unregulated sources to avoid obtaining a licence, with a potentially negative impact on product safety. If this were to happen it was argued the only people likely to benefit from the course are safety conscious individuals who would follow the Fireworks Code anyway.

Limited requirement

One local authority respondent argued that a course should be mandatory for commercial operators and those staging organised displays but thought a course for private individuals should be voluntary. Another suggested that while a welcome addition, a safety course should not be tied to a licence.

Issues in relation to the online nature of proposed safety training

Respondents also raised several issues in relation to the proposal that the safety course should be online. The issue raised most frequently was that it would be impossible to confirm that the person who had completed the safety course online was the licence applicant. Some respondents argued that training should be in-person to ensure there is no opportunity to cheat. As noted above, some thought the course should have a practical element.

A physically attended course would be far better. Anyone can pretend to be someone else for an online course. Also an online course does not demonstrate a genuine ability to safely use fireworks. This can only be done by attending a physical course with a final assessment by a competent practitioner. *(Individual respondent)*

Another issue related to internet access, including in rural areas. It was noted that not everyone has online access or appropriate IT skills and that an alternative must be offered to ensure nobody is excluded. The need for an Equality Impact Assessment was also suggested, and that a wide range of training methods should be available to ensure, for example, that deaf or dyslexic people can access appropriate materials.

Question 6: Who do you think would be best placed to run and administer the proposed licensing system? Please explain your answer.

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The consultation paper outlines a number of options in terms of how the licensing system could be run and administered. Options being considered include:

- Option 1 – A national licensing system that is administered and run centrally by the Scottish Government
- Option 2 – A national licensing system that is administered by another public service organisation or partnership organisation. The organisation would be responsible for the day to day running and maintenance of the licensing system, dealing with enquiries that people may have regarding the system and obtaining a licence.
- Option 3 – A system where the licensing process is administered by individual local authorities.

Respondents were asked which option they thought best placed to run a licensing system or whether they had another preference.

Responses at Question 6 by respondent type are set out in Table 6 below.

Table 6

Who do you think would be best placed to run and administer the proposed licensing system?						
Respondent type	Option 1	Option 2	Option 3	Other	N/A	Total
Organisations	14	3	18	16	13	64
% of organisations answering	27%	6%	35%	31%		100%
Individuals	557	281	446	176	220	1680
% of individuals answering	38%	19%	31%	12%		100%
All respondents	571	284	464	192	233	1744
% of all respondents	33%	16%	27%	11%	13%	100%
% of all those answering	38%	19%	31%	13%		100%

The most popular choice overall, with support of 38% of respondents who answered the question, was Option 1 - that the Scottish Government would be best placed to run and administer the proposed licensing system. The next most popular choice, with 31% support, was Option 3 (a system run by local authorities) with 19% choosing Option 2 (a system run by a national public service organisation or partnership organisation) and 13% selecting 'other'.

At this question individual and organisational respondents differed markedly. The first choice among organisational respondents, with 35% support, was Option 3 (a system run by local authorities) followed by 'other' with 31% support, then Option 1 (the Scottish Government) at 27%, with only 6% choosing Option 2. Nearly half of local authority respondents chose 'other', often going on to explain in their further comments that they preferred either Option 1 or Option 2. Only one local authority selected Option 3.

Option 1: the Scottish Government

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The most frequent reason given by respondents who favoured Option 1 was that it would be preferable to have a consistent, national approach. It was also thought a government-run scheme would have more authority, be more effective, more efficient and less open to abuse (for example by people making multiple applications). It was also argued that firework safety is a national issue, so a national approach would be preferable, and it was noted that the scheme in Northern Ireland is run by central government. The tobacco licensing system was highlighted as a potential model already operated by the Scottish Government.

Other points in favour of Option 1 included:

- Potential economies of scale, and a single source for providing assistance, updates and troubleshooting. It would avoid 32 authorities having to set up their own schemes.
- It would ensure costs are met centrally.
- That people might live in one authority area but wish to buy or use fireworks in another, which could be confusing for retailers or would be complicated if authorities held separate registers, requiring systems to be compatible.

Although selecting Option 1, some respondents noted that their preference was simply for a national approach, and hence that Option 2 (a national public service or partnership organisation) would also be acceptable to them.

Some respondents explained what they saw as problems with Options 2 and 3, including issues in relation to trust. Concerns were raised that a national public service or partnership organisation might be run on a commercial basis or could be susceptible to influence either by manufacturers or retailers of fireworks, or by groups opposed to fireworks.

Administration by local authorities was thought likely to be too variable in approach, resulting in different implementation in different areas. Some respondents understood administration by local authorities to mean there might be no licensing system in some areas, highlighting a risk that fireworks could easily be purchased in one authority area and used in another. It was also argued that any locally-based scheme might not be accepted by retailers in other authority areas.

Local authorities were also thought to have many other responsibilities and limited budgets, and it was suggested firework licensing and enforcement might not be a priority. In particular, there was a concern about staffing shortages if there were to be a surge in applications prior to 5 November and New Year.

Option 2: a national public service or partnership organisation

Respondents who favoured Option 2 pointed to the benefits of administration by what they felt would be an independent, impartial organisation with a strong focus and consistent approach.

There were references to such an organisation being run by, or involving, experts – for example from the emergency services, in health and safety, or with experience in explosives. It was suggested that either the driver/vehicle licensing system or Disclosure Scotland might be a suitable model. There was also a call for

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involvement of organisations supporting vulnerable groups and those with interests in animal welfare.

Some respondents referenced specific organisations that they thought could assume a licensing role, including the SFRS or Police Scotland, the latter through an extension of firearm licensing. However, there was also a view that the Police already have enough to do and an argument (from a professional or representative body representing police officers) that the traditional police approach to low-level breaches of legislation (such as intelligence-led targeting) would not be proportionate for someone purchasing fireworks without a licence.

As at Option 1, some respondents choosing Option 2 framed their response in terms of the system they would not want. The Scottish Government was suggested to have other, more pressing issues to deal with, and local authorities to have limitations in respect of consistency and resources, as noted above.

Option 3: local authorities

The majority of respondents who favoured administration by local authorities highlighted the benefits of local knowledge, and the ability to tailor their approach to local circumstances. Some respondents also appeared to be thinking about licences for events or about designation of no-firework zones.

It was also thought local authorities would be a logical choice, or would be suitable because they:

- Are already involved in other licensing activities, and functions such as Trading Standards and Environmental Health.
- Already handle applications for public firework displays and know the local groups that organise them. Administering individual licences would give local authorities an overview of smaller private events in the area.
- Would know local firework retailers.
- Would be well placed to monitor the number of licences granted and compliance with licensing conditions, and to deal with revocation/expiry of licences.

It was also thought that if the system and its accompanying training package are constructed at national level, administration of the licensing system by the local authority should operate on a self-service basis for most applicants and should not present significant additional costs for local authorities. However, some respondents argued that local authorities would require additional resources to undertake the licensing role.

Other

The most frequently given reason by respondents who selected 'other' was that there should be no firework licensing system.

As noted above, several local authorities were among organisations that chose this option. In most cases their reasoning was that either Option 1 or 2 would be acceptable, but that the scheme should be administered by a national organisation

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and not by local authorities who would require considerable resources to do so. Other points they raised in support of this position have already been covered at Option 1. An animal-related third sector respondent took a similar view, highlighting the value of a national database of licensees that could be used for both licensing and enforcement.

A hybrid model, whereby a central body runs and administers the system with input from local authorities on aspects such as no-firework zones was also suggested. A variation on this principle was that the local authority could support a national body by screening and approving or declining applications.

Another variation proposed was that local authorities should be responsible for administration of the licensing process but that, to avoid any conflict of interest, the Scottish Government should issue licences for displays organised by local authorities.

Other suggestions mirrored ideas raised by respondents who selected Option 2, typically that the SFRS or Police Scotland should be responsible for administering the licensing scheme.

Question 7: Please tell us if you have any other comments on the introduction of a licensing system and the proposed process for how the licensing system would be implemented and managed.

Around 570 respondents commented at Question 7, with many taking the opportunity to restate their concerns regarding the future of fireworks in Scotland. At one end of a spectrum of opinion was a view that licensing is unnecessary or a disproportionate response to the problem, while at the opposite end of the spectrum respondents argued for a ban on sale of fireworks to the general public and their restriction to professional use or to organised events.

A disproportionate approach risking unintended consequences

Some respondents who considered individual licences to be disproportionate cited the risk of criminalising individuals or of pushing firework sales onto the black market. In this respect there were differing views on what can be learned from the licensing scheme in Northern Ireland. On the one hand it was argued that licensing has not prevented antisocial use of fireworks, and that it has contributed to increased sale and use of illegal fireworks. However, it was also suggested that the situation in Northern Ireland is different to that in Scotland, the former being more aligned to organised and planned disorder linked to the political situation.

Other potential unintended consequences of licensing individuals were suggested to be:

- Promoting the sale and use of bigger fireworks if people feel they should get their money's worth having paid for a licence.
- Promoting proxy purchase (other than for those under 18) if people buy fireworks for others to save everyone having to get a licence.

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Some respondents who thought licensing to be going too far suggested that requiring retailers to collect personal details of people purchasing fireworks might be more proportionate, making firework purchasing more planned or accountable but without the regulatory burden for individuals. However, it was recognised that this would increase the burden for retailers and would involve issues around proof of identity and data protection.

It was also suggested that use of a GIS/postcode checker app could allow individuals to check whether they were purchasing an appropriate classification of firework for the intended place of use.

Enforcement

Respondents who commented on enforcement argued that there needs to be strict, robust, meaningful and consistent enforcement, and there were calls for both adequate resources to be provided and for effective bans and large fines for those found guilty of breaching regulations. However, concerns were expressed regarding the ability to enforce any new legislation, including because existing legislation is not thought to be enforced effectively.

Work with retailers to ensure fireworks can only be purchased with a licence was suggested and creating an offence for retailers to sell to person without licence was thought to be beneficial. It was reported that, in Northern Ireland, strong enforcement of supplier compliance is key to making the licensing system work.

A particular issue highlighted was in relation to the differing regulations that will be in place in England, and implication for enforcement in areas near to the border. It was also suggested consideration must be given to controlling the online sales of fireworks to Scottish consumers from traders based in other parts of the UK.

A proposed addition to the licence conditions outlined in the consultation paper was that licence holders should be limited to one purchase of fireworks in each sales period. It was suggested that this would reduce the likelihood of people stockpiling fireworks, holding multiple displays, or passing fireworks to someone without a licence, thereby aiding enforcement.

Public awareness and public perception

Respondents highlighted the need for a public information campaign to ensure people know that they will need a licence to purchase fireworks and how they can apply for one. Since it was thought the proposals could be construed as an incremental step to a 'fireworks ban', it was argued there should be positive promotion of the new system to address this perception.

Introduction and operation of a licensing system

It was argued introduction of a licensing system should be carried out in a measured way, to allow sufficient time to develop procedures and ensure automated processes fit for purpose in order to avoid delays. Also in relation to the speed with which licences might be approved, it was suggested that keeping the period taken to process licence applications short would avoid deterring applications.

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Comments on the licence approval process included that it is not clear:

- Whether there is going to be a fit and proper person test⁹, although some respondents thought that there should be.
- Whether there will be external consultees for licences and whether statutory consultees will have an input¹⁰.

It was suggested that there will need to be clear guidance around criteria for applications and the tests against which the applicant will be measured.

There were also comments relating to the length of the period for which a licence should be valid, ranging from a licence for a single event, through to a licence for 3, 4 or 5 years. It was also argued licences should be renewed and safety training repeated on a regular basis.

Issues relating to noise control and incentivising a move towards the use of silent fireworks are considered at Question 17.

Part One: Themes from the workshop events

The following points summarise the main themes raised at the workshop events with respect to issues covered in Part One of the consultation. Overall, the balance of opinion at most workshop events was less supportive of the Part One proposals than for the written responses to the consultation.

- It was argued the proposed actions will do nothing to reduce illegal use of fireworks or antisocial behaviour associated with fireworks but rather will adversely impact responsible, law-abiding citizens. The proposed licence fee was seen as a tax on those who enjoy using fireworks safely.
- Existing legislation was considered sufficient but requiring more effective enforcement. In contrast, the proposed licensing system was thought to be neither proportionate nor enforceable. It was argued a licensing system has not been effective in Northern Ireland and will not work in Scotland.
- Education and awareness raising, such as through firework safety campaigns, was seen as a more effective way to reduce misuse of fireworks.
- It was suggested that there is a real risk of unintended consequences if the proposed measures encourage people to purchase fireworks on the black market, resulting in use of unsafe products. The conclusion of the UK Government that greater regulation of fireworks could have unintended consequences was also highlighted.

⁹ As an example, applicants for a licence to sell alcohol are subject to a 'fit and proper person' test in relation to five licensing objectives. A licence can be refused if a licensing board considers that the applicant is not a fit and proper person to be the holder of a premises licence.

¹⁰ Statutory consultees are specified bodies that the law requires to be consulted. For example, a licensing board is required by law to consult with the local licensing forum and health board when developing its statement of licensing policy. Licensing boards are also encouraged to consult more widely with people and agencies that could have relevant evidence.

Fireworks: Mandatory conditions at point of sale

- There were concerns that the proposals would result in serious damage to the firework industry, and to specialist firework retail stores in particular.
- There were queries about how the proposed approach would work in practice, including who will be responsible for ensuring that individuals seeking to purchase fireworks have the appropriate licence, and how the rules can be applied to online/mail order purchases.
- However, there was also a view that the proposed measures are both necessary and welcome, and that to be effective a licence should cover possession and use of fireworks as well as their purchase. The negative effects that fireworks can have on both people and animals, including companion animals and guide dogs, were highlighted.
- It was felt the proposed licensing system could discourage individual use of fireworks while encouraging attendance at public events. Reducing the amount of fireworks that are bought and used by the general public was seen as having a positive impact in reducing disturbance for local communities.
- Another perspective was that the proposed measures do not go far enough and that tighter restrictions, including a noise limit for fireworks should be considered.

Part Two: Restrict the days fireworks can be sold and set off

In response to a recommendation from the Firework Review Group, restrictions on the times of day fireworks can be used by the general public have already been implemented as part of The Fireworks (Scotland) Miscellaneous Amendments Regulations 2021 that came into force on 30 June 2021. With certain exceptions¹¹ fireworks can be used by the general public only between 6 pm and 11 pm.

Days fireworks can be used by the general public

The second part of the consultation paper outlined additional proposals for restricting the days on which fireworks can be used by the general public. The Review Group recommended that these restrictions should focus on the private use of consumer fireworks by the general public and include reducing the days fireworks can be used to a smaller window, potentially to coincide with traditional selling periods. In response, the Scottish Government proposes to restrict the days fireworks can be used by the general public to the following dates:

- 29 October to 12 November;
- 26 December to 31 December;
- The 1st day of Chinese New Year and the week immediately following it; and
- The 1st day of Diwali and the week immediately following.

It is not proposed that these restrictions should extend to community groups at publicly organised events or to professional fireworks operators.

Question 8: Do you agree with the proposed restrictions on the days fireworks can be used by the general public? Please explain your answer.

Responses at Question 8 by respondent type are set out in Table 7 below.

¹¹ The exceptions are 5 November (when they can be used from 6 pm until midnight), New Year's Eve, the night of Chinese New Year and the night of Diwali (when they can be used from 6 pm until 1 am).

Fireworks: Days fireworks can be sold and set off

Table 7

Do you agree with the proposed restrictions on the days fireworks can be used by the general public?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations	39	11	9	5	64
% of organisations answering	66%	19%	15%		100%
Individuals	986	427	67	200	1680
% of individuals answering	67%	29%	5%		100%
All respondents	1025	438	76	205	1744
% of all respondents	59%	25%	4%	12%	100%
% of all those answering	67%	28%	5%		100%

A majority of respondents – 67% of those who answered the question – agreed with the proposed restrictions on the days fireworks can be used by the general public, while 28% did not agree and 5% were unsure.

The levels of agreement between organisations and individuals were similar (66% and 67% respectively), but organisations were less likely to disagree than individuals (19% and 29% respectively) and more likely to be unsure than individuals (15% and 5% respectively).

Further comments suggested that some of those who disagreed did not support the introduction of the proposed restrictions, while others were looking for the restrictions to go further. Some of those who agreed were also looking for the restrictions to go further.

Reasons for supporting restrictions on the days fireworks can be used by the general public

Many of the further comments at Question 8 were general statements of support, including that the proposed restrictions would represent an improvement on the current situation. However, some also noted that their preference would be for a ban on use of fireworks by the general public, but in the absence of such a ban, restrictions on use would be welcome.

I would rather that fireworks were banned altogether but since that's not going to happen, this would be the better option. (Individual)

Respondents often raised similar issues to those covered at earlier questions, and at Question 1 in particular, relating to the negative impacts of the use or unexpected use of fireworks. It was suggested that it is logical to assume that restricting the days fireworks can be used by the general public will reduce the number of days on which they are used, and, by extension, the overall amount of fireworks used by the general public. This was also connected to reductions in incidents of anti-social behaviour and injury.

Fireworks: Days fireworks can be sold and set off

One perspective was that, in any case, the dates proposed appear to reflect either when fireworks are most likely to be used currently or the major celebrations at which fireworks are used traditionally. A firework retailer or events company respondent noted that the proposed restrictions reflect those currently in place relating to when fireworks can be sold to the public.

A frequently-made point, including by individual, animal-related third sector, community council, local authority, third sector – non animal-related and professional or representative body respondents, was that if people know that fireworks can only be used on certain days, they would be able to plan and take mitigating actions.

For people living with sensory sensitivity, PTSD, pets who suffer extreme distress from it, it allows people to prepare (and in extreme cases medicate) accordingly to help cope. (Individual respondent)

There were references to:

- Making provision for pets. Individual and animal-related third sector respondents were particularly likely to make this point, with further comments including that it would allow people to access and administer any medication required, ensure that pets are kept indoors or that horses are stabled or moved to the safest area available. An animal-related third sector respondent was amongst those noting that the restrictions would also allow those running animal sanctuaries or rehoming centres to take any appropriate measures possible.
- Guide dog owners being able to take appropriate precautions. It was reported that, if a dog is fearful of going out, this has a considerable impact on the owner, including in relation to their sense of independence.
- Ensuring that livestock is as well protected as possible.
- People who find fireworks distressing and/or frightening being able to prepare themselves and take any actions possible. This included references to travelling to rural/remote areas or - should no firework areas be introduced - to one of those areas.

In terms of those who may particularly benefit from the days on which fireworks are used being predictable, a third sector – non animal-related respondent highlighted that autistic people and their families currently face an incredibly difficult, if not impossible, task when trying to plan ahead. They went on to comment that being able to plan ahead and put measures in place could help make the experience far less overwhelming or distressing.

In terms of others who could be affected, an emergency service respondent was one of those who hoped that a restriction on the days on which fireworks can be used would reduce the number of incidents they had to attend.

Other positives raised by respondents included that:

Fireworks: Days fireworks can be sold and set off

- The dates give flexibility to allow celebrations to go ahead on or around their due date and allow for postponement or delays due to inclement weather or unsafe conditions.
- The approach could stop people hoarding fireworks for use related to sporting events.

Reasons for not supporting restrictions on the days fireworks can be used by the general public

Proposed restrictions do not go far enough

The most frequently-raised concern about the proposals was that the proposed dates are too long and in particular, that the number of days on which fireworks can be used in October/November is too long. A connected observation was that the proposals would not address the misuse of fireworks, or the stress caused to many people and animals by the frequent use of fireworks, because use would still be permitted over the October/November period that is currently most problematic.

I agree in principle, but think the October/November date should be shortened. It is too long a period given the disruption fireworks can cause. (Individual respondent)

Further comments relating to the October/November period were that it is too long in itself, is a longer period than for the other traditional events covered by the proposal, or extends beyond the period when most organised public displays are likely to be held. A professional or representative body respondent reported that they have seen little evidence that there is responsible demand for fireworks as early as 29 October or as late as 10 November.

In addition to the general concerns about it simply being too long a period over which fireworks can be used, animal-related third sector respondents were amongst those suggesting that it would be too long a period for people to make particular arrangements to protect animals.

Proposed restrictions are not required and/or may have unintended consequences

Other respondents noted that they did not agree with there being restrictions on the days when fireworks can be used by the general public, with a fireworks industry representative body respondent commenting that the use of fireworks outside the seasonal periods is not a massive issue. They also reported that the results of the Scottish Government's own Omnibus Survey¹² suggest that fireworks being used on too many days is also not a concern for most of the general public. There was a concern was that at least some of the general public may not comply with the restrictions, which in any case might be very difficult if not impossible to enforce.

¹² Public attitudes towards fireworks in Scotland: representative omnibus survey, Scottish Government, 2019. Available at: <https://www.gov.scot/publications/public-attitudes-towards-fireworks-scotland-representative-omnibus-survey/>

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A frequently made comment was that there are a range of other celebratory events, such as weddings or birthdays, when people may wish to use fireworks, and that the proposals would prevent them from doing so.

My birthday doesn't fall on the days your proposing, why should I not enjoy my favourite thing. (Individual respondent)

In particular, it was suggested that the proposed restrictions would exclude poorer families and numerous religious groups from celebrating important events, as they would effectively mean that unless they can afford to employ a professional display operator, then they will have to forgo having fireworks outside of the stipulated periods.

It was also suggested that consideration should be given to how fireworks could be used for special occasions, such as weddings, by event organisers that do not wish to involve firework professionals.

Other concerns or reservations about the proposed restrictions included that:

- It may have the unintended consequence of increasing the amount of anti-social behaviour during the periods when fireworks can be used and could result in the public nuisance-related burden placed on authorities simply being concentrated into a shorter period.
- They could in theory result in people having to store fireworks which have not been used, potentially for a whole year, with greater possibility of unsafe storage or disposal. Care must also be taken relating to the duration of any proposed 'licence' – which could result in someone that can buy fireworks all year but can't legally set them off, resulting in potential stockpiling and increased likelihood of potentially unsafe domestic storage for extended periods of time.
- Specialist retailers could go out of business, and the advice they are able to give to purchasers would be lost as a result.

Finally, it was suggested that the restrictions might be unnecessary if the licensing system proved effective in curbing the dangerous and anti-social use of fireworks.

Suggested alternatives

A number of respondents, including those who agreed, disagreed or were unsure at the closed question, suggested alternative approaches. These often followed on from comments that the proposed dates are too long and in particular that the number of days on which fireworks can be used in October/November is too long.

In addition to general calls for the period of use to be shorter, it was suggested that the restrictions around 5 November should be aligned with those for the other occasions when fireworks can be used. Specific suggestions were many and varied but included:

- 5 November only.

Fireworks: Days fireworks can be sold and set off

- From 5 November and for a short period – such as a week – afterwards. It was noted that a further week would align 5 November with the proposals for Diwali and the Chinese New Year.
- A cut off point on 5 November.
- A small number of days either side of 5 November.

There were also some suggestions relating to the December period, including that:

- The December period should be extended to cover 24 and 25 December.
- Be extended to cover 1 January. It was suggested that the 31 December end date suggests that anyone using fireworks on or just after midnight would be committing an offence and that this seems both unreasonable and unenforceable.

In addition to suggestions relating to the four periods when fireworks can be used set out within the proposals, there were a small number of comments about other periods when it might be appropriate to permit the general public to use fireworks. There were references to other religious festivals, most frequently Eid, or days of celebration that are important to people from particular cultures or to the country as a whole. St Andrews Day was one example given. It was also suggested that there should be scope to designate other occasions, such as a major national celebration of some kind, when the general public would be permitted to use fireworks.

Hours when fireworks can be used

The changes to the hours between which fireworks can be used by the general public were noted, with a professional or representative body and a local authority respondent amongst those noting their support for this approach.

However, the individual respondents who raised this issue tended to think that the hours proposed are too long. Specific suggestions included no use before 7pm or after 11pm.

Days fireworks can be sold to the general public

In addition, restrictions are proposed to limit the days fireworks can be sold to the general public in Scotland to coincide with the proposed changes to when they can be used. This goes further than the Firework Review Group recommendation and is intended to reduce confusion for both retailers and consumers, and issues around stockpiling. The dates fireworks can be sold to the general public would be:

- 27 October to 10 November;
- 26 December to 31 December;
- The 1st day of the Chinese New Year and the three days immediately preceding it; and
- The day of Diwali and the three days immediately preceding it.

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Question 9: Do you agree with the proposed restrictions on the days fireworks can be sold to the general public? Please explain your answer.

Responses at Question 9 by respondent type are set out in Table 8 below.

Table 8

Do you agree with the proposed restrictions on the days fireworks can be sold to the general public?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations	36	13	7	8	64
% of organisations answering	64%	23%	13%		100%
Individuals	946	422	104	208	1680
% of individuals answering	64%	29%	7%		100%
All respondents	982	435	111	216	1744
% of all respondents	56%	25%	6%	12%	100%
% of all those answering	64%	28%	7%		100%

A majority of respondents – 64% of those who answered the question – agreed with the proposed restrictions on the days fireworks can be sold to the general public, while 28% did not agree and 7% were unsure.

Although organisations and individuals were equally likely to agree, individuals were more likely to disagree than organisations (29% and 23% respectively) while organisations were more likely to be unsure (13% and 7% respectively). As at the previous question, organisations that were unsure were predominantly local authority and professional or representative body respondents.

As with restrictions on use, further comments suggest that some of those who disagreed did not support the introduction of the proposed restrictions, while others were looking for the restrictions to go further. Some of those who agreed were also looking for the restrictions to go further.

Many of the further comments at Question 9 covered the same or similar themes to those raised at Question 8 relating to the use of fireworks by the general public. The analysis below focuses on additional issues relating specifically to sales to the general public.

Reasons for supporting restrictions on the days fireworks can be sold to the general public

Respondents most frequently-made a general statement in support of restricting the days on which members of the general public can buy fireworks, although as with restrictions on use respondents often noted that they would prefer a ban on sales to the public. Further points included that only being able to buy fireworks on restricted days would reflect and complement the proposals around restricted use, and that

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being able to buy at any time, but only use at certain times, could lead to stockpiling and unsafe storage of fireworks.

Buying fireworks during set periods will encourage planned use and buying against need, not spontaneous buying. (Individual respondent)

It was suggested that the restrictions should:

- Reduce the overall number of fireworks purchased, and by extension used.
- In particular, should restrict the amount of spontaneous or unplanned purchasing and use of fireworks. This was sometimes connected with misuse and/or anti-social use of fireworks, including in relation to sporting events.
- Be easier to monitor and enforce than restrictions on days when fireworks can be used by the general public. A local authority respondent commented that restrictions around the days of sale would enable community safety partners to assist with monitoring and a targeted approach to enforcement.

Very much reflecting the views of many respondents regarding the number of days on which fireworks could be used, a frequently-raised issue was that the proposed sales period, and particularly the October/November sales period, is too long. This was associated with concerns that it would lead to more fireworks being sold overall – and by extension to more fireworks being used and potentially misused.

There were also concerns that fireworks could be purchased a number of days in advance of being used, and that this would create safety issues related to their storage.

If the days to use fireworks are restricted, the days to sell them should also be restricted. These are dangerous items to keep in storage in a house. (Individual respondent)

Also in relation to safe storage over a shorter period – but also relating to concerns that people may be tempted to stockpile – there were calls for limits on the quantity of fireworks that any licence holder could purchase either during one of the sales periods, or across the year.

A professional or representative body respondent noted that the consultation paper is silent on stockpiling of fireworks outwith the periods of sale.

Reasons for not supporting restrictions on the days fireworks can be sold to the general public

Other comments questioned the overall case for restricting the sales period and included that the proposed restrictions are unnecessary or that the current arrangements are sufficient and work well. A professional or representative body respondent reported that there is already a robust licensing system in place as retailers have to comply with Fireworks Regulations 2004, the Pyrotechnic Articles (Safety) Regulations 2015 and the Explosives Regulations 2014. They went on to note that these regulations require retailers to adhere to requirements for storage,

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display and labelling and to take safety precautions to ensure fireworks are sold safely.

There were concerns that restrictions on the days on which licensed retailers are able to sell fireworks to the general public, and in particular only one week of sales prior to 5 November, will simply lead to higher numbers of online, unregulated, purchases and could increase the illegal importation of fireworks.

People buy more online. It will be very easy to buy fireworks from outside of Scotland. Companies outside of Scotland will not be interested in the restrictions in Scotland. They will not want to lose out on sales so will find a way round it. (Individual respondent)

It was also suggested that if reduced days of sale led to a reduction in the number of licensed specialist fireworks retailers (see below), this could also drive sales onto the internet or increase unlicensed and illegal sales.

In terms of the possible impact of the proposed restrictions on retailers, there were concerns that they could reduce the financial viability of selling fireworks for smaller retailers, and that specialist retailers could simply be put out of business. A fireworks retailer or events company respondent suggested that this would be the case for their business. Other possible impacts on retailers included that:

- They would have to adapt their processes and practices, for example around how many dedicated staff to have working on the days when fireworks can be sold.
- A compressed sales period could result in retailers having higher volumes of stock in the run up and during the permitted sales period, and this could raise issues relating to proper and adequate storage.

With reference to the licence required to sell fireworks, it was suggested that the restrictions on dates of sale effectively negates the point of having a year round licence, which as well as impacting on retailers (as above), will also reduce local authority income from issuing these licences.

Suggested alternatives or changes

As at Question 8, most of the alternatives suggested shortened the period over which fireworks could be sold to the general public. They included that the sales period should:

- Be reduced to up to three days before the main date of use e.g. three days before 5 November.
- End on 5 November (for the October/November period).
- Mirror the traditional days on which fireworks are used, with an expectation that people would purchase and use the fireworks on the same day. For example, sale and use only on 5 November.

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However, there were also calls for the sales periods to be extended, including that the October/November period needs to begin earlier as the gap between ordering fireworks and 5 November is too short.

It was also suggested that reduced opening hours over the festive period could make the case for a slightly longer sales period in December.

Finally, a community safety partnership respondent supported reducing the timeframe under which fireworks may be bought from mainstream retailers holding a storage licence to sell fireworks but did not support reducing the timeframe for specialist retailers holding an all-year licence to sell fireworks. Their concern was that a determined member of the public would shift to online purchases were fireworks to be made completely unavailable outwith the traditional selling times.

Impact on enforcement

A small number of local authority respondents noted that a restricted sales period would also reduce the period Trading Standards have to carry out safe storage and product safety checks.

A cross border issue was also raised, given that the restrictions would apply equally to retailers based in and outside of Scotland if any part of the supply – including the physical transfer of fireworks to consumers – takes place in Scotland. There was a query as to whether this would be enforceable, as the proposed legislation is Scottish and not UK wide, Trading Standards Officers in England and Wales would not be authorised to enforce it.

Part Two: Themes from the workshop events

The following points summarise the main themes raised at the workshop events with respect to issues covered in Part Two of the consultation. Overall, the balance of opinion at most workshop events was less supportive of the Part Two proposals than for the written responses to the consultation.

- It was reported that many people like to use fireworks for events or celebrations that fall outwith the dates of use proposed. Examples given included birthdays, weddings, gender reveal parties and religious festivals such as Eid.
- A connected point was that to further restrict when people can buy or use fireworks would be to restrict their civil liberties.
- There were concerns that the restrictions on both use and sales could lead to the public stockpiling and/or increased online sales and/or sales through the black-market.
- It was suggested that limiting the sales period will squeeze the supply chain and could cause storage issues for retailers. It also raises issues relating to the £500 annual sales licence and whether those holding such licences

Fireworks: Days fireworks can be sold and set off

would receive compensation. More generally, it was reported that restricting the days of sale could threaten the viability of specialist fireworks businesses.

- There was also a view that reducing the dates of use and/or sale could benefit the wider community, and in particular people who can be sensitive to noise, such as autistic people.
- It was also suggested that restricting the days on which fireworks can be used could have particular animal welfare advantages, and in particular would allow owners to make the best possible arrangements to protect their livestock or pets.
- One perspective was that the restrictions should be tighter than those proposed, with short periods of sale or use, particularly over the October/November period. However, an alternative view was that the October/November dates are too short and could lead to fireworks being purchased but not used in the event of adverse weather.
- Enforcement was another key theme, including both that current restrictions should be enforced more robustly, and concerns or queries around whether it would be possible to enforce the proposed restrictions effectively.

Part Three: No-Firework Areas

The Fireworks Review Group recommended that a provision should be made for no-fireworks areas to be introduced where it is not permitted for fireworks to be set off by the general public, with local communities having a key role in influencing this.

The Scottish Government proposes to introduce legislation to enable this recommendation to be implemented in practice. It will be important to ensure that this system is proportionate and fit for purpose, and forms part of the range of strategies that local partners currently utilise in planning and preparing for the safe and considerate use of fireworks within communities.

It is proposed that local authorities should be given the power to introduce localities within their local authority area where it is not permitted for the general public to set off fireworks. Communities would have the opportunity to be actively involved in considering the feasibility and introduction of no-firework areas, and the decision to introduce no-firework areas should be undertaken in close consultation with communities.

These restrictions would not extend to community groups at publicly organised events or to professional fireworks operators.

Question 10: Do you agree with the introduction of no-firework areas? Please explain your answer.

Responses at Question 10 by respondent type are set out in Table 9 below.

Table 9

Do you agree with the introduction of no-firework areas?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations	38	8	11	7	64
% of organisations answering	67%	14%	19%		100%
Individuals	1227	146	90	217	1680
% of individuals answering	84%	10%	6%		100%
All respondents	1265	154	101	224	1744
% of all respondents	73%	9%	6%	13%	100%
% of all those answering	83%	10%	7%		100%

A majority of respondents – 83% of those who answered the question – agreed with the introduction of no-firework areas, while 10% did not agree and 7% were unsure.

Individuals were more likely to agree than organisations (84% and 67% respectively) with organisations more likely to be unsure than individuals (19% and 6% respectively).

Again, further comments suggested that some of those who disagreed did not support the introduction of no-firework areas, while others were looking for the restrictions to go further and most frequently to include a ban on use of fireworks by the general public. Some of those who agreed were also looking for the proposals to be more far-reaching.

Arguments in favour of the introduction of no-firework areas

Animal-related arguments

There were a range of general comments in support of a no-firework area approach. The most frequently made point was that no-firework areas should be used to protect animals, including pets. There were also a number of references to wildlife and areas where livestock is kept.

I have pets who become very distressed when fireworks are set off so I can't imagine it's easy for wildlife or farm animals either. I'd hate to have to deal with multiple distressed animals in a vets practice/shelter....so I definitely agree that there should be no firework zones. (Individual respondent)

Connected comments sometimes went on to suggest that any area where there are pets or livestock should be a no-firework area. However, an animal-related third sector respondent was amongst those noting that animals - whether wild, farm or companion - are everywhere so that while no-firework areas will help some animals, others will still be affected.

A number of animal-related third sector respondents were amongst those making the case for, or highlighting the potential benefits of, no-firework areas in locations where there are animal rescue or rehoming centres. There were also occasional references to zoos, animal collections, veterinary practices, animal hospitals, catteries, kennels, horse stables, livery yards or riding schools. A specific suggestion was that sites of special scientific interest or endangered species habitat should also be included.

Further points included that the impact of firework use on the animals and staff at a rescue or rehoming centre can be considerable. An animal-related third sector respondent with a dog rehoming centre in Glasgow set out the highly detrimental impact that firework use has already had on many dogs when they come to them, and the ongoing impact on the dogs – and by extension the staff who care for them – when they are at the rehoming centre. They referred to the need for extra staffing – including to cover administering medication – and the need for additional veterinary care. They also explained that they are unable to rehome dogs, or take in any new dogs, during the main firework season because of the impact that fireworks can have. They also reported that they have had problems with people setting off fireworks near the centre and purposely aiming fireworks so that they explode over the kennels.

This respondent went on to suggest that the Scottish Government should provide guidance to local authorities on reasons why no-firework areas should be introduced. It should be advised that where there are animal rehoming centres,

stables, farms, zoos and national parks for example, a no-firework area should be introduced.

Community-related arguments

Another common view was that no-firework areas have the potential to reduce the impact of anti-social behaviour and firework misuse, and improve the lives of many; in particular they would improve the lives of those living in communities that are currently blighted by firework misuse.

This is critical, users in residential areas would be the most affected by this. In the West End of Glasgow where I live the use of fireworks in communal spaces causes alarm and inconvenience for many. Restricting use to set areas also allows for better policing and identification of illegal use. (Individual respondent)

One suggestion was that the approach could empower local communities to address local issues and, coupled with the proposed licensing system, would hopefully lead to a reduction in anti-social behaviour associated with the use or misuse of fireworks.

In terms of the type of communities for whom no-firework areas might be beneficial, there was reference to communities that have experienced anti-social behaviour due to the misuse of fireworks. A local authority respondent agreed that local authorities should have the ability to impose no fireworks zones where evidence in support of their use exists. The examples they gave included where there had been a history of antisocial behaviour, vandalism caused by fireworks or distress to livestock.

However, an emergency service respondent also noted that it is important to understand why there may have been previous incidents in an area, and try to tackle the underlying issues, in order to avoid simply exporting any problems to nearby areas. Another emergency service respondent reported that the introduction of firework free zones in The Netherlands produced a hot spot shift.

A local authority respondent referred to no-firework areas being an option in instances where other strategies are either not an option or have not worked. They suggested that if a no-firework area is introduced it should be alongside continued engagement with the community, including education on the impact of firework use, to prevent the problem being moved to other areas. Another local authority respondent reported that in their area the Council and key partners – Police Scotland and SFRS – already have an approach that has worked relatively well. It relies on robust evidence, intelligence and data gathering which enables resources to focus and target the areas where persistent problems have arisen.

Many of the further comments focused on the type of locations which should be no-firework areas, with some appearing to suggest blanket bans in certain types of area (in contrast to the locally-driven approach proposed).

Other comments addressed the impact on people or communities and suggested other factors that might or should be taken into account when considering where there should be no-firework areas. There was reference to:

- Locations where more vulnerable people are likely to be, such as hospitals, veterans' centres, care homes or residential homes, and sheltered or supported accommodation.
- Areas defined as having livestock or populations with particular sensitivity to noise.

Finally, some primarily individual respondents favoured an approach based on designating areas where fireworks can be used, rather than those where they cannot.

Arguments against the introduction of no-firework areas

General comments tended to focus on disagreeing with no-firework areas along with any other proposal that would add restrictions to where, how or by whom fireworks can be used. Alternatively, some respondents did not think the general public should be able to use fireworks anywhere. There were also general observations that no-firework areas are: simply a bad idea; would not work; or would be unfair on and discriminate against those living in a no-firework area but who used fireworks responsibly.

A very draconian measure: I should have the freedom to use fireworks within my own garden area if safe to do so. (Individual respondent)

A fireworks industry representative body respondent commented that legislation has made the use of a firework (and any other pyrotechnic) in a public space, an offence since 1875. Hence they thought that there is no need for additional legislation to prevent the use of fireworks in public spaces, such as parks, roads or other communal areas. Although no-firework areas would give local authorities the power to ban the use of fireworks within a private individual's own garden they did not believe the public would agree with this restriction.

More specific concerns tended to focus on the approach being unenforceable.

I cannot really see how that could be enforced realistically. It looks good on paper, but I can only see this as unworkable. (Individual respondent)

They included that enforcing no-firework zones in cities would require significant resource and would probably be unworkable. The community safety partnership respondent raising this concern went on to note that Police Scotland have existing powers through the use of Dispersal Zones which have proved successful in addressing anti-social behaviour. They concluded that no-firework areas may be better suited to rural areas in that they may be easier to enforce. However, a largely rural local authority respondent saw no obvious need for no-firework areas in their local authority area.

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There was also a concern that designating a community as a no-fireworks area could potentially be stigmatising and may send mixed signals; it was suggested that the local authority would effectively be stating that the rule of law has broken down, that the Police are no longer able to enforce the existing legislation regarding the illegal use of fireworks in a public space and, in response, wish to ban their use in private spaces.

Other comments included that:

- Noise nuisance cannot be controlled by an on-the-ground area, and those in a no-firework area could still be affected by the noise of and light from fireworks being used in nearby areas.
- The approach could place local authorities and enforcement agencies in the middle of community disputes. A professional or representative body respondent raised a concern that, despite the local authority having overall administration of licensing and zoning, the public would still involve the Police to resolve disputes (actual or perceived) over zoning.
- These areas will over-burden an already stretched Police Scotland, which will have to balance the enforcement of this with other priorities.
- Police Scotland would need to witness a 'live' breach to be able to take enforcement action which would be unlikely due to the short timescale of most domestic displays.
- It is not clear what types of land would be covered by a no-firework area that are not already covered by existing provisions. If it would primarily be private gardens, policing the provision would be problematic, not least in terms of police powers to enter private dwellings.

Connected to these latter points was the suggestion that no-firework areas would be a high resource, low impact option, which should be paused until the effect of the other proposals has bedded in and been evaluated.

Queries raised

Reflecting some of the comments above, a number of respondents, including some who had been 'Unsure' at the closed question, noted that they were not clear how no-firework areas would work in practice. Issues or queries raised included that:

- What counts as a no-firework area needs careful consideration. Further information is required on how the boundary of a no-firework area would be defined and the reasons why an area might be considered for designation as a no-firework area.
- It would be useful to have more detailed statistics and a pilot of no-firework areas in identified and statistically evidenced problem areas before proceeding with the approach more generally.
- It will be important to ensure that communities have a strong voice in any deliberations or decisions.

Question 11: Do you agree that consideration, introduction and management of no-firework areas should be led by local authorities? Please explain your answer.

Responses at Question 11 by respondent type are set out in Table 10 below.

Table 10

Do you agree that consideration, introduction and management of no-firework areas should be led by local authorities?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations	37	8	10	9	64
% of organisations answering	67%	15%	18%		100%
Individuals	1008	270	180	222	1680
% of individuals answering	69%	19%	12%		100%
All respondents	1045	278	190	232	1744
% of all respondents	60%	16%	11%	13%	100%
% of all those answering	69%	18%	13%		100%

A majority of respondents – 69% of those who answered the question – agreed that consideration, introduction and management of no-firework areas should be led by local authorities, while 18% did not agree and 13% were unsure. The proportion of individuals and organisations agreeing were the approximately the same.

Arguments for local authorities leading

The most frequently made comment was that local authorities are best placed to take this role, including because they will have the relevant knowledge and expertise, and will know their own area better than any other organisation.

A local authority is best placed to know the area and community well enough to know which areas are suitable for use and non use of fireworks. (Individual respondent)

This was seen as important when assessing the negative impact of fireworks on an area and how introducing a no-firework area could help.

Further comments included that local authorities:

- Will have existing links with local communities and are best placed to work with those local communities to decide on no-firework areas. A local authority respondent noted that local elected members may know from their constituents and wards where no-firework areas are needed or are likely to be accepted.
- Will hold information about the range of existing facilities or services that may need to be considered, including where vulnerable people may be living. It was also reported that local authorities grant licences to riding schools and will hold registers of animal species and locations.

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- May have particular staff, such as community wardens, who would be well placed to work on this issue. There was also reference to a role for Environmental Health noise teams.

The importance of involving a range of appropriate local organisations and local communities was also highlighted. The community involvement theme is returned to at the next question.

Another theme raised was the importance of working with emergency services and other statutory consultees, with local authority and community planning partnership respondents amongst those calling for a partnership approach. An emergency service respondent suggested that community safety partners and enforcement agencies could support local authorities to identify possible no-firework areas, but also areas where such an approach may not be practical or effective.

In terms of local organisations that should be involved or consulted there was reference to:

- Other public services, including the Health Board.
- Community Councils.
- Airports.
- Animal charities, and in particular those with rescue centres in the area.

Arguments against local authorities leading

The most-frequently made argument against local authorities taking the lead was that they would be unlikely to perform well or take any proactive or constructive action. This was sometimes connected to a view from some individual respondents that local authorities are not to be trusted, incompetent or ineffective, including when it comes to the enforcement of current firework regulations.

The other frequently-made point was that a national, standardised approach would be preferable to a locally-led one.

Differences in the local authorities would create confusion, better to have a country wide management system. (Individual)
--

There were references to a consistent approach across the country, including ensuring that there are not different responses in neighbouring areas simply because they fall within different local authorities.

Alternative approaches

The most-frequently suggested alternative to local authorities was that Community Councils should play a lead role. This was suggested primarily by individual respondents. Other suggestions included that:

- Police Scotland should take the lead as the relevant enforcement authority. Two local authority respondents and some individual respondents took this view. Further comments included that Police Scotland's national remit would be relevant, given that noise within one local authority area can impact on the

residents of other local authority areas. It was also noted that anti-social behaviour in relation to misuse of fireworks is a Police matter.

- SFRS and Police Scotland taking the lead but with local authorities closely involved.
- A partnership approach with no single agency taking a lead or having overall responsibility.
- An independent body or national agency taking the lead. The individual respondents making this suggestion sometimes referred to the Scottish Government.

Guidance and resources

A small number of local authority respondents were amongst those calling for clear guidance on no-firework areas, including as to what type and level of evidence would be required to introduce no-firework area. It was also suggested that clarity will be required around what is a 'sensitive' area.

There was also reference to the resource implications of introducing no-firework areas, including that it will be important for local authorities to have sufficient resources to ensure that no-firework areas are effectively utilised and enforced.

Question 12: Please tell us if you have any comments in relation to how communities can be actively involved in considering the feasibility and introduction of no firework areas, and the decision to introduce these.

Around 785 respondents commented at Question 12. General observations included that it will be important that any decisions are driven by a community's views – and not just that they are taken into account. The importance of ensuring that everyone within the community has the opportunity to have their say, and for their views to be taken into account – was also highlighted. This included making sure that any approaches adopted re accessible to the whole community, including those who may be most seriously affected by the use or misuse of fireworks.

Possible approaches to involving communities

Many of the comments at this question suggested particular approaches or mechanisms through which communities could be actively involved in decisions relating to no-firework areas. One suggestion was that the approach to involving communities in planning decisions may offer a possible model.

The most-frequently raised point was that some form of public consultation exercise would be appropriate. There were references to:

- Polls, ballots or votes.
- Online or postal surveys or questionnaires.
- Holding public meetings or discussions groups, including face-to-face or virtual meetings.
- The use of existing Citizens Panels or Assemblies.

There were also references to making good use of social media.

Groups or people to be involved

Other comments considered which types of groups or people could or should be involved. Suggestions included:

- Community Councils. This was a frequently-made suggestion, including by individual and community council respondents. A specific suggestion was that public open meetings could be facilitated by Community Councils.
- Local Councillors, MSPs or MPs.
- Resident or Community groups or organisations, for example tenants' groups, Neighbourhood Watch groups, support groups for people with mental health problems, and voluntary groups that have held firework displays in the past.
- Schools and young peoples' groups.
- Animal-related businesses, third sector organisations, charities or groups, and especially any organisation with a rescue or rehoming facility in the area. There were also references to zoos, veterinary practices, farms, and riding schools and livery yards. There was also a reference to people who keep horses but do not themselves live in an area.
- Organisations or businesses that provide services to potentially vulnerable people, such as the NHS or care home providers.

It was also suggested that consultation with statutory bodies such as Police and SFRS would complement and build on the local engagement.

West Lothian example

Information was provided about an approach to tackling anti-social behaviour around the misuse of fireworks and the setting of illegal fires in Blackburn, West Lothian. It was suggested that the introduction of no-firework areas would support the work that the Blackburn Bonfire Night Action Group (BBNAG) continue to do to tackle anti-social behaviour.

The BBNAG consists of a multi-disciplinary action group with officers from a range of agencies, services and involvement from local residents and local community groups. It was reported that the model that the BBNAG used has been successful in supporting the community and ensuring that they are not only involved, but are also kept informed of decisions that affect their community.

Question 13: Please tell us if you have any comments on the proposed process for how no-firework areas would be implemented, managed and reviewed.

Around 580 respondents commented at Question 13, albeit a number of the comments reiterated themes raised at previous questions. There were also a number of comments relating to the enforcement, and in particular to prosecution or the use of fines for non-compliance, which are covered at the next question.

General comments included support for the proposed process, including that it appears reasonable, or that the process used could draw on approaches used in other areas, including in relation to tackling anti-social behaviour or the use of no-alcohol zones. There were also suggestions that local authorities should develop their own process, or should develop a process in conjunction with key partners, such as Police Scotland and SFRS. It was also suggested that the regulations themselves will need to be reviewed on a regular basis so that any learning and issues arising can be used to improve the scheme into the future.

As at Question 11, one theme was also that clear national guidance will be required, including to ensure a consistent approach is taken across Scotland. In terms of issues to be covered by the guidance, there were specific references to:

- What will be required of the public or organisations before they put a request in for a no-firework area.
- Specifying that due consideration must be given to the potential negative impact of fireworks on animal health and welfare in the local area.

Evidence requirements

The consultation paper sets out that the decision to introduce a no-firework area should be clearly linked to evidence of the impact that the private use of fireworks is having within the area, informed by rigorous evidence to ensure no-firework areas are appropriate, proportionate and planned in response to persistent problems.

There was support for there being clear evidence requirements, and taking an evidence-based approach was seen as crucial to gaining the support of local communities for a no-firework area. However, it was noted that the consultation paper does not elaborate on the types of evidence required, or what weighting different types of evidence would be given.

Suggestions relating to types of evidence included environmental baseline data relating to acoustics, air quality, protected species and livestock welfare.

Clear, well-publicised arrangements

The importance of ensuring that the introduction of a no-firework area is well publicised was highlighted, with further comments including that the arrangements should be communicated widely and in a timely manner. A professional or representative body respondent commented that signage and notification is vital as enforcement options are limited if those responsible for disorder are not aware that they are committing an offence.

Specific suggestions included:

- Advertising on local radio or TV and via notices or posters in public places, setting out the no-firework area and the consequences for breaking the law.
- Providing information on the local authority's website. Every local authority (or a Scottish Government website) should clearly indicate which sites have been designated as no firework zones.

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- A written notification to all residents that a no-firework area is being introduced.
- Informing Police Scotland and SFRS of every no-firework area in their operational area.

Review of no-firework areas

The consultation paper sets out the proposals that local authorities would determine the length of time a no-firework area is in place but that this must be reviewed on an annual basis. It also sets out that the impact and effectiveness of no-firework areas should be monitored.

A number of respondents commented on the arrangements for reviewing and/or monitoring of no-firework areas. Views included that an automatic review every year is a sensible idea, although it was also suggested that in terms of effectiveness and relevance, a review every 2, 3 or 5 years could be considered. Other comments included that:

- In addition to a regular set review, there should be a mechanism for review at any time, if there is widespread public concern. It should be made clear whether there is any opportunity for the no-firework area to be terminated early should the justification for its creation in the first place cease to apply.
- Monitoring could be connected to local area plans and the community planning process.

In terms of the focus, comments included that the review process could:

- Consider the ongoing impact and relevance of the no-firework area.
- Be aimed at taking steps to safely lift the prohibition of the use of fireworks, rather than taking steps to continue this prohibition. However, another view was that there must be a presumption against the removal of a no-firework area without an appropriate updated environmental assessment and community consultation.

Suggestions regarding the scope or focus on monitoring included that it should involve:

- Continual risk and community impact assessments.
- Reports from the community, elected members and emergency services.
- Consulting local veterinary practices to ascertain whether there has been any change in the number of pets they have treated for the effects of fireworks.

Other comments or suggestions

In terms of other elements of the process to be considered, ideas put forward included:

- The need for an appeals process.

- Linking addresses of licence applicants to no-firework areas and not granting a licence if the applicant resides in a no-firework area or if the place where they would intend to use the fireworks is in a no-firework area.

Question 14: Please tell us if you have any comments in relation to the enforcement of no-firework areas.

Around 675 respondents commented at Question 14. A number of these respondents highlighted the importance of enforcement in relation to no-firework areas, and it was suggested that any legislation is only effective if it is enforced properly. However, there were also concerns that no-firework areas may be difficult to enforce. Given the nature of private firework use, it was suggested that those enforcing a no-firework area would effectively need to be available at all times, be able to act at very short notice and would need powers to access public and private land at any time, without giving notice.

Responsibility for enforcement

The most frequently-made comment was that Police Scotland would or should have overall responsibility for enforcement, and it was noted that Police Scotland are already responsible for enforcing the use of fireworks within permitted times and places as set out in section 11 of the Fireworks Act 2003.

Only a limited number of alternative suggestions were made, but they did include that some form of community warden led approach, supported by Police Scotland as required, might be one alternative.

Approach to enforcement

In terms of the general principles which should underpin any approach, it was suggested that enforcement would need to be reasonable and proportionate and should consider the impact on, and capacity of, those responsible for enforcement. Further comments included that collaboration between Police Scotland and local authorities will also be critical to effective enforcement, with sharing of intelligence key.

As at the previous question, it was also noted that it will be important that members of the public and relevant businesses are aware of being in a no-firework areas and its implications. It was suggested that this needs to be clearly communicated, in sufficient time, to ensure fireworks are not bought which subsequently cannot be used, or people are penalised for using fireworks when they were unaware of any restrictions. Promoting public cooperation was seen as important, with enforcement being the option of last resort.

It was also suggested that in order to be enforceable, the parameters of a no-firework area would need to be clearly identified. In terms of issues to be considered, or which require clarification, the following were raised:

- How it would be determined that a firework had been let off in a no-firework area?

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- Whether it would be an offence for a firework to travel into a no-firework area?
- The challenge of proving that the device (that has since exploded or been propelled away) was indeed a firework. It was suggested that a presumption clause based upon witnesses, that 'what looked like a firework was a firework' would be important.
- Whether a power of search and seizure of fireworks for somebody reasonably suspected of setting off fireworks in a no-firework area would be a sensible preventative measure?

Irrespective of the organisation responsible, having sufficient resources in place to support effective enforcement was seen as important. One suggestion was that any resources raised from licence fees or fines (see below) could be used to support enforcement activity.

Sanctions

Another theme related to the type of penalties or sanctions that should be in place for those who did not adhere to the restrictions on firework use in a no-firework area. A frequently-made comment was that a system of fines would be the most appropriate. Further comments tended to suggest that those fines should be substantial. A further suggestion was that a fixed penalty notice might allow more effective enforcement, reduce the enforcement burden on the police, in terms of reporting cases to the Procurator Fiscal and also reduce the burden on the courts.

Suggestions for other possible sanctions, either instead of or in addition to fines, included:

- Custodial sentences.
- Community payback orders.
- Anti-social behaviour orders.
- Revocation of any licence to use fireworks and/or bans from using fireworks going forward.
- Confiscation of any unused fireworks.

Question 15: Please tell us if there are any other issues you think need to be considered in relation to no-firework areas.

Around 470 respondents commented at Question 15. Many of the further comments reiterated points made at earlier questions and/or that are already covered in the analysis presented above. Comments about silent fireworks are covered at Question 17.

In terms of additional issues relating specifically to no-firework areas, the following queries were raised:

- Would members of the public residing in a no-firework areas be allowed to be licensed to buy fireworks?

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- Would traders be allowed to sell fireworks in a no-firework area?

Suggestions relating to no-firework areas included that:

- It might be helpful to look at other pre-notification systems, such as the NOTAM system.¹³
- There may need to be a higher level of appeal, such as to the Scottish Government, to deal with situations in which there is no clear position on implementation of a no-firework area within the local community.

Finally, and following on from comments relating to the potential resources required for enforcement, it was also noted that implementing, managing, and reviewing no - firework areas will be resource intensive. It was also suggested that consideration should be given to which local authority service would be responsible for this work, with that service resourced accordingly.

Part Three: Themes from the workshop events

The following points summarise the main themes raised at the workshop events with respect to issues covered in Part Three of the consultation. Overall, the balance of opinion at most workshop events was less supportive of the Part Three proposals than for the written responses to the consultation.

- No-firework areas were sometimes seen as representing an attack on civil liberties and as setting a risky precedent relating to what people are allowed to do on their own property.
- There was a concern that the proposals do not make it clear that private gardens would be covered by the no-firework area provisions proposed.
- It was suggested that the creation of no-firework areas could simply lead to the displacement of any anti-social firework misuse to neighbouring areas. It was also noted that those living in a no-firework area what still be affected by noise from neighbouring areas that were not under the same restrictions.
- There were concerns about whether the restrictions in no-firework areas would or could be enforced. For example, there were queries as to how the Police would know where fireworks had been set off.
- There was some support for the approach, including that it should lead to an overall reduction in firework use, could result in fewer 'back garden' fireworks parties and could encourage people to think more carefully about using fireworks and the impact they are having.
- There was also reference to no-firework areas being safe places for animals.

¹³ A notice to airmen (NOTAM) is a notice filed with an aviation authority to alert aircraft pilots of potential hazards along a flight route or at a location that could affect the safety of the flight.

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- Those who commented tended to think local authorities would be best placed to lead on the introduction of no-firework areas. However, the resource implications for local authorities and partner agencies, such as the emergency services, were also noted.
- It was suggested that clear national guidance would be required to ensure that the approach was implemented as intended and is driven by intelligence and the views of the community.

Part Four: Proxy Purchasing Offence

The Fireworks Review Group recommended that a proxy purchasing offence is introduced criminalising the supply of fireworks to people under the age of 18. They noted that a recurring theme in their discussions was the misuse of fireworks and impact this can have on individuals and communities, and there was general consensus that there would be value in making the existing legislation clearer on adults giving or supplying fireworks to those under the age of 18. The key objective of the proposed change is the protection of children from harm.

The Scottish Government proposes to introduce legislation to create an offence of buying or attempting to buy, or otherwise make available fireworks to a person under 18. If found guilty a person would be liable on summary conviction to a fine not exceeding £5000, imprisonment for a term not exceeding three months, or both.

Question 16: Do you agree with the introduction of a 'proxy purchasing' offence in relation to fireworks to criminalise the supply of fireworks to young people under the age of 18? Please explain your answer.

Responses at Question 16 by respondent type are set out in Table 11 below.

Table 11

Do you agree with the introduction of a 'proxy purchasing' offence in relation to fireworks to criminalise the supply of fireworks to young people under the age of 18?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations	55	0	2	7	64
% of organisations answering	96%	0%	4%		100%
Individuals	1302	84	30	264	1680
% of individuals answering	92%	6%	2%		100%
All respondents	1357	84	32	271	1744
% of all respondents	78%	5%	2%	16%	100%
% of all those answering	92%	6%	2%		100%

A very substantial majority of respondents – 92% of those who answered the question – agreed with the introduction of a 'proxy purchasing' offence in relation to fireworks to criminalise the supply of fireworks to young people under the age of 18, while 6% did not agree and 2% were unsure.

None of the organisations disagreed, with two professional or representative body respondents unsure.

Reasons for agreeing with the introduction of a 'proxy purchasing' offence

In line with the very high levels of agreement with this proposal at the closed question, the most frequently-made comment was a general statement of support for the introduction of a proxy purchasing offence. Further comments included that

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this would be an obvious and necessary addition and would be a common sense way forward.

There was also a common view that the misuse of fireworks by children and young people remains a problem and can be a frequent and significant problem in some communities. A connected suggestion was that when under 18s are able to access fireworks, they are more likely than adults to use them in an anti-social and/or dangerous way.

The misuse of fireworks is generally done by adolescents. I have witnessed rockets being deliberately fired at people, and bangers being thrown behind people to scare them. None of these anti-social activities were carried out by adults. Anything that cuts off the supply to those likely to misuse fireworks is to be encouraged. (Individual respondent)

A professional or representative body respondent also reported that in their experience most firework misuse is being carried out by youths, often under the age of 18.

Some respondents concluded that, unless significant illegal sales to under 18s are taking place, then logically adults are purchasing fireworks and passing them on to under 18s. For example, a local authority respondent reported that while they have not had a substantiated test purchase to a person under the age of 18 in their area, they do receive complaints about people under 18 misusing fireworks and that this suggests that proxy purchasing must be taking place.

There was also some surprise that it is not already an offence to supply fireworks to under 18s, and there was a view that it is important that adults are held to account and take responsibility for ensuring that under 18s cannot access fireworks. A professional or representative body respondent was amongst those suggesting that creating an offence would help highlight the seriousness of the issue; it would be likely to provide positive benefits to individuals and their local communities going forward around the responsible and safe use of fireworks. A connected point was that to not introduce this measure would risk undermining the impact of the proposals more widely.

The other frequently made comment was that the proposal would bring the approach to fireworks in line with that for other restricted products.

You have it for alcohol, it makes sense to have it for explosives.
(Individual respondent)

There were references to alcohol, tobacco and nicotine vaping products and it was noted that proxy purchasing prohibitions are already in place for other age-restricted products. It was suggested the offence set out in the Tobacco and Primary Medical Services (Scotland) Act 2010¹⁴ could simply be applied to

¹⁴ The Tobacco and Primary Medical Services (Scotland) Act 2010 section 6 sets out that 'A person aged 18 or over who knowingly buys or attempts to buy a tobacco product or cigarette papers on behalf of a person under the age of 18 commits an offence.'

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fireworks. However, it was also noted that the age restriction and the proxy purchasing prohibitions are usually contained within the same piece of legislation, but that would not be the case in this instance. In the case of fireworks, the age restriction can be found in regulation 31 of the Pyrotechnic Articles (Safety) Regulation 2015.

Enforcement

As with other proposals, a number of respondents, including a number of local authority respondents, highlighted that enforcement will be key. A professional or representative body respondent commented that there will be challenges and reported that the same offence exists for alcohol purchasing, but the problem persists.

In terms of which organisation(s) should have overall responsibility for enforcing any new legislation, it was noted that responsibility for underage sales of alcohol falls to Police Scotland, but that Trading Standards enforce underage sales of tobacco and nicotine vaping products. It is noted that Business and Regulatory Impact Assessment (BRIA) suggests that enforcement would be within the remit of Police Scotland.

One perspective was that, given the link to anti-social behaviour and misuse of fireworks, any fireworks-related provisions would be better enforced by Police Scotland. However, another perspective was that issues related to the sale of fireworks are more likely to be the responsibility of Trading Standards. It was noted that Trading Standards already enforces the legislation relating to the storage and age restricted sale of fireworks and that the Pyrotechnic Articles (Safety) Regulations 2015 already include a similar provision at Regulation 31(c).

A professional or representative body respondent commented on the part of the offence which would be '*To knowingly deliver fireworks to an individual under 18 regardless if an adult made or purchased the order*'. They suggested that this is clearly aimed at businesses providing home delivery which may include fireworks. They did not anticipate a problem as businesses should already have in place systems to check that deliveries of alcohol or cigarettes, for example, are made to individuals aged 18 or over. They also suggested that, as this would be a business to consumer transaction, Trading Standards could carry out that enforcement, including business advice.

However, this respondent considered that '*To give or otherwise make available fireworks to an individual under 18*' could be more complicated and goes further than a proxy purchase where the adult typically hands the purchased product to a person under-age standing in the immediate proximity to the business selling the age-restricted product. They went on to suggest that this offence could foreseeably include an adult passing a young person fireworks in a public place or private garden which they proceeded to carry or use without supervision. They concluded that, as it stands, the young person in possession would be committing an offence but that under the new provisions the adult providing the fireworks would also now be committing an offence. They considered that as the former is an offence Police

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Scotland enforce, Police Scotland would also be required to enforce the latter provision.

In terms of enabling or supporting effective enforcement comments included that any measures would need to be accompanied by appropriate enforcement powers and resources, including significant officer time being required if the measures are to be enforced by Trading Standards. There was also specific reference to:

- Appropriate mitigations to allow for test purchasing.
- Directed Surveillance authorisations under the Regulation of Investigatory Powers Act 2000.

A local authority respondent also highlighted the difficulties in detecting a proxy purchasing offence. They suggested that detection and targeting of particular offences would be problematic without receiving intelligence from the community. They suggested that joint intelligence-led targeted operations by Trading Standards and Police Scotland would be required, but that this would have resource implications for both services.

There were calls for significant penalties for those breaking any legislation, but also for an awareness raising publicity campaign to remind the public of the current restrictions and reinforce the proposed new restrictions.

Age limit for purchasing fireworks

Connected to more effective enforcement but also to improved fireworks-related safety and preventing misuse, there were calls for the age at which fireworks can be purchased to be raised. This was the most frequently made point by the small number of respondents who did not support the proposal and was also raised by some of those who did agree.

This is absolutely the right thing to do, however I would make the age limit 21. Some 18 year olds are not capable of acting like adults and we should ensure that they are not able to obtain explosives. (Individual respondent)

A professional or representative body respondent suggested that raising the minimum age for purchasing to 21 or 25 years of age could further reduce proxy purchasing offences. A fireworks industry representative body respondent suggested that the age limit should be raised from 18 to 21, as this would create a wider disconnect from those who purchase fireworks to use in a safe and responsible manner from those who would wilfully misuse them.

Question 17: Please tell us if you have any other comments on section one of the consultation that have not been covered by the other questions.

Around 260 respondents commented at Question 17. The considerable majority of these comments reiterated points raised at previous questions, including in relation to the dangers and negative impacts of the use or misuse of fireworks by the general public, a preference for organised displays only and/or for a complete ban on sales of fireworks to the general public. Other comments suggested that no

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changes are required, that the current restrictions are sufficient and/or that rather than bringing in new measures, the focus should be on enforcing those already in place.

Additional themes raised (either at this question or elsewhere within Section One of the consultation) included:

- **Silent or noise level limited fireworks.** A number of respondents, including animal-related third sector, community council and individual respondents called for the Scottish Government to also restrict the maximum permitted noise levels of fireworks that individuals are able to purchase for private use, or of all fireworks. For example, a professional or representative body, supported by a number of animal-related third sector respondents, suggested that, in the absence of accurate evidence regarding the specific welfare impact of loud noise levels on animals, they supported a reduction in the maximum permitted noise of fireworks intended for public sale to a threshold of 97 decibels with a 15-metre safety distance¹⁵. A number of other respondents called for silent fireworks only, including for professional, organised displays.
- **Further restrictions on professional, licensed displays.** Some respondents commented on the restrictions that apply to licensed, professionally run events (and which fall outwith the scope of the proposals set out). Comments included that: professional events should only use silent or noise limited fireworks; that there should be greater restrictions on the days and hours when professional events can be held; and that there should be restrictions on the number of times any venue can be used for a professional display.
- **Tackling internet sales.** A general theme, as well as a theme raised at a number of questions, was that the impact of any proposals will be lessened if the general public still have easy access to fireworks through online purchasing. Although it was sometimes recognised that this is a difficult area to address, there was also a view that it is an issue the Scottish Government needs to tackle.

In addition to general comments, a professional or representative body raised detailed concerns in relation to the enforcement of the proposals.¹⁶ In summary, their concerns included that:

- There is no reference to the role of criminal justice in relation to the creation of potential offences and the impact and significance of any proposed criminal prosecution. References to enforcement agencies refer to Trading Standards rather than to the roles of the Crown Office, Procurator Fiscal Service and the Scottish Courts and Tribunals Service in relation to the criminal justice process.

¹⁵ At present, fireworks which make a noise of over 120 decibels when they are set off cannot be sold to the general public.

¹⁶ Please note that the Scottish Government has access to all responses and responses from organisations. These are amongst those published on the Scottish Government's website.

Fireworks: Proxy purchasing offence

- If any conduct is to be criminalised, there is a need to consider the impact of any conviction on any offender – it should act as a deterrent as it may have implications for their travel and work.
- Although the consultation paper refers to existing penalties with regard to a custodial sentence of six months, the impact of the presumption against short sentences affects any sentence of under a year. It is unlikely that any conviction, unless for the most serious of offences, would ever feature custody.

The same respondent also queried why no consideration has been given to the imposition of civil sanctions before using criminal sanctions which require prosecution in court.

Part Four: Themes from the workshop events

The following points summarise the main themes raised at the workshop events with respect to issues covered in Part Four of the consultation. Those attending the workshop events were generally as positive about the Part Four proposals as those submitting written responses to the consultation.

- There was broad support for this measure, including as a way of further safeguarding children. It was suggested that being able to publicise that it would be a criminal offence to supply fireworks to under 18s, in the same way as it is with alcohol and tobacco products, could act as a useful preventative measure.
- Enforcement was seen as important and it was suggested that the value of the measure will be undermined if it is not actively enforced.
- One view was that the minimum age at which fireworks can be purchased should be raised to 21 years.

Part Five: Impact Assessments

A draft Business and Regulatory Impact Assessment (BRIA) and a draft Equality Impact Assessment (EQIA) were attached to as annexes to the consultation paper.

Question 18: Do you have any comments about, or evidence relevant to the draft Business and Regulatory Impact Assessment in relation to the sale and use of fireworks? Please explain your answer.

Around 205 respondents commented, with some comments restating themes covered at earlier questions, including in relation to the impact of firework use and misuse on animals, vulnerable people and some communities. Some respondents commented that they had not looked at the BRIA, and/or that they did not feel they had the necessary knowledge or experience to comment further.

In terms of the BRIA itself, the most-frequently made comment was that it appears to cover the issues required, is comprehensive or that the respondent supported it. However, a professional or representative body respondent was of the view that some of the evidence from the fireworks industry is speculative and has no evidential basis.

Other comments included that the welfare of animals and the safety and wellbeing of the public, including of vulnerable people, is more important than any possible impact on businesses.

Others did suggest that the impact of the proposals would be that some businesses, and especially smaller specialist firework retailers, would go out of business. A firework retailer or events company respondent commented that the BRIA does not take the full economic pressure more legislation would impose on the market into account.

Suggestions for other elements to be covered in the BRIA included:

- Costs to the NHS, Police Scotland and SFRS.
- Costs to some farmers and pet owners.
- Online sales, and how regulations could be applied to them.

With specific reference to animal welfare, it was suggested that the BRIA provides little detail of the detailed effects fireworks have on animal welfare. The animal-related third sector respondent highlighting this issue suggested it should be expanded to elaborate on the current negative effects of fireworks policy and how the intended changes will enable improvements to animal welfare, and if there are any expected negative implications to animal welfare.

There were also a small number of comments relating to the accuracy of the BRIA. They included that:

- Section 4.5 states, 'Fireworks which make a noise of over 120 decibels when they are set off, or fireworks that require specialist knowledge to use safely,

cannot be sold to the general public at any time.’ The ‘120 decibels’ in this text should be clarified, providing a distance and relevant acoustic metric and weighting, or reference provided to the standard or legislation from which the number is taken.

- Some of the assertions relating to the creation of offences, such as around proxy purchasing, refer to Police Scotland, when in fact the enforcement remit is more likely to fall to Trading Standards teams. Any role, offence or duty must be explicit and align properly with existing enforcement powers and roles to prevent any confusion as to the primacy of any enforcement remit.

Connected to this later point was the assertion that the proposed legislation will increase the enforcement burden on Trading Standards Services and that, while Trading Standards Officers are best placed to enforce the retail provisions of the proposed legislation, consideration must be given to additional support for financial and staff resources.

Question 19: Do you have any comments about, or evidence relevant to the draft Equality Impact Assessment in relation to the sale and use of fireworks? Please explain your answer.

Around 135 respondents commented on the draft EQIA. As with the BRIA, the most-frequently made comment was that it appears to cover the issues required, is comprehensive or that the respondent supported it. However, other comments included that use of fireworks is not really an equalities issue or that the safety and wellbeing of everyone is most important.

An alternative view was that those who wish to carry on using fireworks in a safe and responsible way would be discriminated against. There was reference to the Human Rights Act 1998¹⁷ and it was suggested that public interest case has not been made for depriving someone of their right to the peaceful use of their possessions.

A local authority respondent was amongst those noting that they agreed that the groups most likely to be positively affected by safer use of fireworks include people suffering from PTSD, pregnant women, young people and autistic people.

In relation to autism, it was reported that the reference to over 1 in 100,000 people in the UK being autistic is incorrect and the most recent figures suggest it is more like 1 in 100 people.¹⁸ It was also noted that autism is not an illness, and it was suggested that references to symptoms are therefore inappropriate. It was also

¹⁷ Protocol 1, Article 1 states that ‘Protection of property Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.’

¹⁸ Reference was made to: <https://www.autism.org.uk/advice-and-guidance/what-is-autism>

Fireworks: Impact assessments

noted that some of ways in which fireworks can have a negative impact on autistic children also apply to autistic adults.

Other comments included that the proposed legislation takes account of the customs based on religion of culture, and it was suggested that where fireworks are part of cultural celebration their use should be facilitated providing the necessary licensing conditions are met. However, there was a religion-based concern that the permitted use and sales periods for Chinese New Year and Diwali are different to those for 5 November and Christmas.

The other main theme raised related to impact based on income and included that restricting the public's use of fireworks to specific time periods would discriminate against those who cannot afford to pay for an organised private firework display but wish to celebrate a special occasion out with the restricted timeframes. However, there was also a view that while a licensing fee may introduce a socio-economic inequality issue, this is justifiable and proportionate given the harms that can be caused by fireworks.

Section Two: Pyrotechnics

Tackling misuse of pyrotechnic devices

The second section of the consultation paper considered the misuse of pyrotechnic devices¹⁹ such as theatrical flares, distress flares and smoke devices that are used for various reasons, the main use being for spectacle, theatrical special effects or distress signal purposes. Concerns have been raised about the perceived misuse of these devices at gatherings and about potential safety risks to members of the public, stewards and police officers.

It is proposed that it should be an offence to carry a pyrotechnic device in a public place without reasonable excuse or lawful authority, and that police powers should be extended to allow a stop and search provision for anyone reasonably suspected of committing the offence.

The offence would not extend to fireworks since the Fireworks Act 2003 enables the police to stop and search if they have reasonable grounds of suspecting a person is in possession of fireworks in contravention of a prohibition imposed by fireworks regulations.

Question 20: Do you have concerns about pyrotechnic devices being misused? Please explain your answer.

Responses at Question 20 by respondent type are set out in Table 12 below.

Table 12

Do you have concerns about pyrotechnic devices being misused?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations	39	6	3	16	64
% of organisations answering	81%	13%	6%		100%
Individuals	1138	314	45	183	1680
% of individuals answering	76%	21%	3%		100%
All respondents	1177	320	48	199	1744
% of all respondents	68%	18%	3%	11%	100%
% of all those answering	76%	21%	3%		100%

A majority of respondents – 76% of those who answered the question – had concerns about pyrotechnic devices being misused, while 21% did not and 3% were unsure.

¹⁹ The consultation paper describes a pyrotechnic as a device which contains explosive substances or an explosive mixture of substances designed to produce heat, light, sound, gas or smoke or a combination of such effects through self-sustained exothermic chemical reactions.

Organisations were more likely to have concerns than individuals (81% and 76% respectively). The individual respondents who did not have concerns included the 63 individuals who had submitted campaign-style responses.

Some of those commenting noted that concerns they had raised at previous questions in relation to fireworks also applied to pyrotechnics. Others referenced fireworks in a way which suggested that the respondent had interpreted the Section 2 proposals as relating to fireworks, or that they saw fireworks and pyrotechnics as synonymous. These comments are not covered below but are all addressed in the analysis for Section One of the consultation.

Concerns about misuse of pyrotechnic devices

The danger of irresponsible use was the most frequently-raised concern about the misuse of pyrotechnics, with individual, community council, community group and emergency service respondents amongst those highlighting this issue.

Even simple pyrotechnic devices can cause serious injury accidentally or if used incorrectly, or as part of a larger device to purposely cause harm. There should be strict control on the sale and use/misuse of these.
(Individual respondent)

It was suggested that any use of pyrotechnic devices in public spaces has the potential for serious injury - to members of the public, police and members of other emergency services. This included reference to: high heat of flares and other pyrotechnics; risk of fire and/or burns; risk of explosion: and the risk of smoke grenades causing respiratory difficulties.

These concerns regarding the potential dangers of misuse of pyrotechnics were compounded by a perception that incidence of use of pyrotechnics had increased in recent years, particularly at sporting events. Community safety partnership, emergency service, local authority and professional or representative body respondents were amongst those taking this view.

There were also a number of references to having personally experienced or seen the misuse use of pyrotechnics causing injury.

Respondents referred primarily to the misuse of pyrotechnics at sporting events and other mass gatherings, and described injuries to those misusing pyrotechnics, others attending the event (including members of the public and emergency services), and residents in the local area. Some individual respondents reported witnessing the misuse of pyrotechnics in their local community, including suggesting that this misuse coincided with football fixtures.

Specific concerns were raised regarding misuse of pyrotechnics in football stadia.

I have seen them thrown at football matches and been only one row away from one thrown into my section of supporters. (Individual respondent)

Some were of the view that use of pyrotechnics is particularly common by football supporters, although reference was also made to use of pyrotechnics at other mass gatherings, such as festivals and concerts. Related concerns included that the use of pyrotechnics can lead to crowd surges, adding to the challenges around the policing of these events. As noted above, some also suggested that the incidence of use of pyrotechnics in these types of settings has increased in recent years.

Animal-related third sector and individual respondents were amongst those highlighting the risks to animal welfare associated with the misuse of pyrotechnics. This included reference to specific risks to pets, local wildlife, and service animals such as police horses and dogs. However, an animal-related third sector respondent noted that they were not aware of any specific risks associated with pyrotechnics which did not also apply to fireworks.

The impact of pyrotechnic misuse on the emergency services was also noted, including by emergency service, local authority and individual respondents. This included reference to the emergency response required for fires and burn victims, and in relation to the policing of football matches and other mass gatherings.

Suggested responses to concerns about misuse of pyrotechnic devices

Some of those raising concerns about the misuse of pyrotechnic devices also suggested potential means of addressing these concerns. For some, this reflected a view that the powers currently available to Police Scotland are too limited for them to prevent the misuse of pyrotechnics. A number of individual respondents suggested that pyrotechnics remain too easy to obtain, particularly for children and young people.

In this context, there were calls for more legislation and/or regulation to strengthen controls on the use of pyrotechnic devices. Emergency service, individual, local authority and professional or representative body respondents were amongst those making this suggestion. Specific suggestions included an outright ban on the use of pyrotechnics by members of the public, with public safety improved by these devices being removed from the streets. There were also calls for legislation to prevent the misuse of pyrotechnics. This was connected to a perception that use of pyrotechnics is increasing and that there is a need to curb that growth.

Those who are not concerned about misuse of pyrotechnic devices

For those who indicated that they are not concerned about misuse of pyrotechnics, the most common reason cited was that misuse remains rare and any issues have been blown out of proportion. Campaign group, community council and a small number of local authority respondents were amongst those making this point. It was also raised by a number of individual respondents, including those submitting campaign-style responses.

Whilst I understand concerns around illegal activity, it is not my view that misuse of pyrotechnics is a major problem in Scotland. It is my view however that this issue is simply being hijacked to allow the police to

stop and search football fans without due cause.
(Individuals – campaign)

Further comments included that respondents had not themselves seen any misuse of pyrotechnics, that there is a lack of evidence on the scale of any misuse, and that the consultation paper overstates the incidence of misuse of pyrotechnics.

Some were also of the view that current restrictions on access to, and use of, pyrotechnics are sufficient and proportionate to the risk they pose. This included suggestions that the use of stop and search powers for pyrotechnics would be disproportionate and would lead to unfair targeting of football supporters.

Some individual respondents also took the opportunity to comment on the positive aspects of pyrotechnics. This was primarily a view that the use of pyrotechnics adds to the atmosphere and spectacle of football matches and other events, with some suggesting that these devices have been in regular use at football matches around the world and without causing significant issues.

Question 21: Do you agree with the introduction of a new offence for being in possession of a pyrotechnic in a public place without reasonable excuse or lawful authority? Please explain your answer.

Responses at Question 21 by respondent type are set out in Table 13 below.

Table 13

Do you agree with the introduction of a new offence for being in possession of a pyrotechnic in a public place without reasonable excuse or lawful authority?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations	35	4	6	19	64
% of organisations answering	78%	9%	13%		100%
Individuals	1154	310	35	181	1680
% of individuals answering	77%	21%	2%		100%
All respondents	1189	314	41	200	1744
% of all respondents	68%	18%	2%	11%	100%
% of all those answering	77%	20%	3%		100%

A majority of respondents – 77% of those who answered the question – agreed with the introduction of a new offence for being in possession of a pyrotechnic in a public place without reasonable excuse or lawful authority, while 20% did not and 3% were unsure.

Both of the campaign group respondents disagreed, as did the individuals submitting a campaign-style response. Fireworks retailer or events company respondents were divided between those agreeing or disagreeing and professional or representative bodies between those agreeing or unsure.

As at the previous question, some respondents referred to fireworks and may have misunderstood the proposed new offence to apply to fireworks or to both fireworks and pyrotechnics. The analysis below focuses on comments relating specifically to pyrotechnics.

Arguments for a new offence

General reasons given for supporting the proposed new offence included that it is a sensible and long overdue measure. The most frequently-given reason was that the new offence has the potential to mitigate the negative impacts of pyrotechnics.

No one really needs to have a flare or smoke bomb in our communities. There is no legitimate reason for them at a sports event, protest, rally or other public gathering other than to cause a nuisance. (Individual respondent)

Respondents referred to the range of risks cited as concerns at Question 20, with a particular focus on the potential for serious or fatal injury to members of the public and animals from the misuse of pyrotechnics, including through their use as weapons. It was suggested that possession of pyrotechnics without reasonable excuse or lawful authority presents an unnecessary risk to public safety, and that a new offence would be a proportionate response to this risk.

As above, there was a view that misuse of pyrotechnics has increased in recent years, and there were calls for tighter regulation and a greater deterrent to limit this increase. A new offence was seen as a key step in reducing incidence of their misuse.

In view of increasing misuse of flares, for example, this appears reasonable. (Individual respondent)

This included a suggestion that the new offence would support a more preventative approach to the control of pyrotechnics, enabling Police Scotland to act before a pyrotechnic device is ignited, and avoiding unnecessary unrest.

Respondents also expressed a view that there is no reason for members of the public to have access to pyrotechnics, and that these devices should be limited to professionals only. This was also given as a reason for not requiring Police Scotland to prove unlawful intent, and that possession alone should be sufficient grounds for the new offence.

Arguments against a new offence

Opposition to the proposed new offence most frequently related to concerns around extending the use of stop and search powers; this was most likely to have been raised by campaign group or individual respondents, including those submitting campaign-style responses. There were specific concerns that extended stop and search powers could be used unfairly by the police to target specific groups, including football supporters. For some respondents, this was based on a view that existing stop and search measures have been misused in some circumstances.

Opposition to a new offence also reflected a view that misuse of pyrotechnics is not sufficiently widespread or serious to warrant additional legislation. This was primarily raised by campaign group, local authority and individual respondents, again including those submitting campaign-style responses.

Because I think these devices enhance the enjoyment and experience at various events and always have done. They have been a feature of concerts for decades and are an enjoyable addition to other events such as football matches too. There have been very few injuries/deaths to warrant such a response, particularly when compared to other hazards.
(Individual respondent)

It was suggested that a new offence would not be proportionate to the incidence of pyrotechnic misuse and there is no evidence to suggest that it is required. An associated view was that prosecuting an individual for possession of a pyrotechnic – as opposed to misuse of a pyrotechnic – would be unreasonable. A number of respondents suggested that existing legislation is sufficient, and that existing powers enable the police to deal with any pyrotechnic-related issues. There was also a view that the proposed new offence would have little or no impact on the use of pyrotechnics.

A small number of issues were raised relating to definitions, including:

- Concerns that members of the public may fail to differentiate between fireworks and pyrotechnics and that a clear definition will be required.
- That the specification of ‘reasonable excuse’ must ensure that those with legitimate reasons for possession of a pyrotechnic, such as when they are in transit to or from a boat, are not affected.

Finally, a professional or representative body noted their understanding that the Scottish Government wants to introduce a definition of a pyrotechnic article that could be included in existing legislation with a power of stop and search. They referenced the Criminal Justice and Public Order Act 1994, and sections 20 and 47 of the Criminal Law (Consolidation) (Scotland) Act 1995. Their concerns included that existing legislation would confer no powers of stop and search for music events, or anything other than a designated sporting event. They went on to seek clarification as to whether there is an intention to create an entirely new statute covering possession of a pyrotechnic in a public place without reasonable excuse or lawful authority.

Question 22: Do you agree that police stop and search powers should be extended to allow the police to stop and search where there is reasonable suspicion that an individual is in possession of a pyrotechnic device in a public place without a reasonable excuse? Please explain your answer.

Responses at Question 22 by respondent type are set out in Table 14 below.

Table 14

Do you agree that police stop and search powers should be extended to allow the police to stop and search where there is reasonable suspicion that an individual is in possession of a pyrotechnic device in a public place without a reasonable excuse?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations	31	5	8	20	64
% of organisations answering	70%	11%	18%		100%
Individuals	1053	357	86	184	1680
% of individuals answering	70%	24%	6%		100%
All respondents	1084	362	94	204	1744
% of all respondents	62%	21%	5%	12%	100%
% of all those answering	70%	24%	6%		100%

A majority of respondents – 70% of those who answered the question – agreed that police stop and search powers should be extended to allow the police to stop and search where there is reasonable suspicion that an individual is in possession of a pyrotechnic device in a public place without a reasonable excuse. Of the remaining respondents, 24% disagreed and 6% were unsure.

As at the previous questions, both of the campaign group respondents disagreed, as did the individuals submitting a campaign-style response.

Arguments for extending stop and search powers

General reasons given for supporting the proposed extension of stop and search powers included that this would be essential to tackling the misuse of pyrotechnics.

The most frequently-given reason was the danger associated with the misuse of pyrotechnics, with respondents often repeating the types of concerns raised at Questions 20 and 21. These included reference to the risk of serious injury or fatalities associated with misuse of pyrotechnics. Respondents often suggested that the potential to avoid serious injury or fatalities is sufficient to justify the use of stop and search. There was also reference to carrying a weapon already being covered by stop and search powers.

Applied to other 'weapons' or substances that could pose danger. Why not pyrotechnics? (Individual respondent)

An emergency service respondent was amongst those suggesting that extending stop and search would enable the police to take a more prevention-focused approach to dealing with the misuse of pyrotechnics. Some respondents, including community council, individual and professional or representative body respondents, suggested that Police Scotland would need stop and search powers if they are to have any impact on reducing the misuse of pyrotechnics.

Arguments against extending stop and search powers

The most frequently-raised argument against extending stop and search powers was that stop and search powers are not justified of themselves, including because they are, or can be, used to target particular groups of people. Objections to the principle of stop and search included reference to infringing civil liberties and not being compatible with a free society.

The police in this country have too many powers that impact on the civil liberties of ordinary people and these powers would swing the balance even further in favour of the police. It is unjust and disproportionate.
(Individual respondent)

Individual respondents, including those submitting campaign-style responses, were amongst those raising concerns that any powers would be used to target football supporters in particular. Some expressed a view that the proposals are designed specifically to target football supporters. There was reference to the historic use of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, which was described as having eroded trust between the police and football supporters. Some expressed concerns that proposals to extend stop and search powers could also result in a similar loss of trust. In this context, it was suggested that if public trust is to be maintained, supervising officers must ensure that any extension of stop and search powers is used only in relevant circumstances.

Other points raised in objection to the extension of stop and search powers included a view that the police already have sufficient powers to control misuse of pyrotechnics, and that the extension of stop and search powers would be disproportionate. There was also reference to the importance of 'reasonable suspicion' being defined clearly, along with a query as to how the police would establish 'reasonable suspicion' if a pyrotechnic is concealed.

Question 22 continued: Please tell us what you consider would be a reasonable excuse for possessing pyrotechnics in a public place?

Question 22 also asked respondents to identify any reasonable excuses for possession of a pyrotechnic device in a public place. Some noted that they did not support the new offence being introduced, or suggested that attending sporting events or other mass events should be a reasonable excuse for possessing pyrotechnics in a public place.

In contrast, a number of community council and individual respondents suggested that there should be no reasonable excuse for possessing a pyrotechnic device in a public place.

However, most of those commenting referred to one or more circumstances where possession of a pyrotechnic in a public place may be permitted:

- The most frequent suggestion was for licensed events and/or displays organised by licensed professionals and/or other work-related reasons. The latter included reference to displays, rescue services, pest control, film or theatre, and included licensed sellers of pyrotechnics. These respondents also saw a need to permit transport of pyrotechnics to and from licensed events or other approved work-related uses.
- Respondents also cited non-professional uses associated with safety, such as related to sailing or hillwalking. Again it was suggested that legislation should also permit transport to and from the locations where pyrotechnics might reasonably be used.

Question 23: Do you think that police stop and search powers should be wide enough to the extent that it would allow the police to stop and search a vehicle, for example a car, bus, van or tram, where there is reasonable suspicion that there are pyrotechnic devices contained without a reasonable excuse? Please explain your answer.

Responses at Question 23 by respondent type are set out in Table 15 below.

Table 15

Do you think that police stop and search powers should be wide enough to the extent that it would allow the police to stop and search a vehicle, for example a car, bus, van or tram, where there is reasonable suspicion that there are pyrotechnic devices contained without a reasonable excuse?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations	29	4	11	18	64
% of organisations answering	66%	9%	25%		100%
Individuals	968	394	135	183	1680
% of individuals answering	65%	26%	9%		100%
All respondents	997	398	146	203	1744
% of all respondents	57%	23%	8%	11%	100%
% of all those answering	65%	26%	9%		100%

A majority of respondents – 65% of those who answered the question – thought that police stop and search powers should be wide enough to allow the police to stop and search a vehicle where there is reasonable suspicion that there are pyrotechnic devices contained without a reasonable excuse. Of the remaining respondents, 26% did not think so and 9% were unsure.

Both of the campaign group respondents disagreed, as did the individuals submitting a campaign-style response. A relatively large proportion of organisational respondents (25%) were unsure.

Arguments in favour of stop and search powers applying to vehicles

The most frequently-given reasons for supporting stop and search powers applying to vehicles were similar to those at Question 22 in relation to the principle of extending stop and search powers. For example, the role of stop and search powers in mitigating the dangers of misuse of pyrotechnics was the most frequently-given reason for allowing the police to stop and search a vehicle. Individual, animal-related third sector, community council, emergency service and local authority respondents were amongst those making this point.

Further comments included that vehicles could pose a significant safety risk given their potential to carry a volume of pyrotechnics, with including vehicles in stop and search powers thought essential to maintaining public safety.

Respondents also expressed a view that extending stop and search powers to vehicles would be required for the effective enforcement of the offence of possession of a pyrotechnic without reasonable excuse or lawful authority. The large proportion of those attending sporting and other events who travel by car or coach was seen as a key reason for applying stop and search powers to vehicles.

<p>As long as there is reasonable suspicion, this is a necessary extension of police power to enable enforcement of these provisions. (Individual respondent)</p>

An emergency service respondent referred to circumstances where intelligence has identified potential individuals of interest ahead of an event. It was reported that it is not unusual to make intelligence-led stop and searches of vehicles travelling to or from a regulated football match, often with officers expecting to find alcohol or other items but that the possession of pyrotechnics might also be revealed.

An associated point was that the police must be given the powers necessary to follow-up on this kind of intelligence; the connection was also made to possible concerns relating to the importance of ensuring that the use of stop and search is genuinely based on 'reasonable suspicion'.

In terms of the coverage of the offence, an emergency service respondent suggested that trains should be included in the definition of where these new stop and search powers may be used.

There was also a view amongst some individual respondents that stop and search powers should only apply to vehicles, and not (as at Question 22 above) to individuals. Reasons given included that vehicles offer the potential to transport larger quantities of pyrotechnics and thus present the greater risk.

Arguments against stop and search powers applying to vehicles

The most frequently-raised concern was that stop and search powers could be abused to unfairly target specific groups. Some individual respondents were amongst those who expressed a view that existing stop and search powers have been misused to target people from black and minority ethnic communities.

Individuals submitting campaign-style responses were amongst those commenting on football supporters; their fear was that the provision would result in busloads of football supporters being routinely stopped and searched without due cause. They saw this as a regressive step in the policing of football supporters, which would further damage the relationship between fans and police. Also on the theme of the relationship between the public and the police, the importance of 'reasonable suspicion' to justify use of stop and search was raised, and there were concerns that this approach is open to interpretation and abuse.

How would the police possibly have reasonable suspicion that pyrotechnic devices are present inside a bus or car. Based on past and current experience this would result in every supporter's bus being routinely stopped and searched by police. (Individual respondent)

Opposition to stop and search powers applying to vehicles also reflected a wider objection to the principle of stop and search, with some respondents expressing a view that the use of stop and search is a breach of civil liberties. This included a suggestion that extending stop and search powers to vehicles could significantly increase the volume of individuals being affected – and thereby an increase in the impact on civil liberties.

There was also a view, including from a local authority respondent, that the police already have sufficient powers to tackle the misuse of pyrotechnics. This reflected a broader view that the risks of misuse of pyrotechnics have been overstated, and do not warrant the extension of police powers.

Question 24: The Scottish Government recognises that legislation on its own may not end the misuse of pyrotechnic devices. Please tell us if there are other actions you think that the Scottish Government could take to address this issue.

Around 935 respondents commented at Question 24. Many took the opportunity to reiterate their views on key aspects of proposals for the new offence and extension of stop and search powers (as considered at Questions 20 to 23). However, others did suggest some additional or alternative actions for the Scottish Government to consider.

The most frequently-made suggestion was the use of education and public safety messaging to raise awareness about the dangers associated with pyrotechnic use. Emergency service, local authority and professional or representative body respondents were amongst those suggesting this approach. A connected point was that efforts should be made to try and change the culture around the use of pyrotechnics at football matches and other events.

There were also calls for additional resourcing to support emergency services and local authorities in delivering public information and education around pyrotechnics, with some referring to existing programmes. It was also suggested that there is potential value in including key stakeholders in the delivery of public information

and education. This included reference to football clubs and supporters' organisations, event organisers and bands/musicians, and stewarding organisations.

Other suggestions included:

- Controlling access to pyrotechnics. This was identified as a significant issue, with some suggesting approaches to tighten existing controls, including reference to the current ease of purchase via the internet, and calls for guidelines for sale of pyrotechnics, and stricter control of imports.
- A dedicated phone line for anonymous reporting of misuse of pyrotechnics.
- Investment in metal detector arches for sporting and other large-scale events.
- Football clubs and event organisers being expected to take greater accountability for the misuse of pyrotechnics.
- A pyrotechnic 'amnesty' and/or reward for surrender of devices.

Finally, a campaign group respondent wanted to see the Scottish Government facilitating legal, safe use of pyrotechnics at sporting events. They referenced examples of similar practice elsewhere in Europe, and also suggested that punitive measures are unlikely to eradicate use of pyrotechnics.

Question 25. Please tell us if you have any other comments in relation to pyrotechnics that are not covered by the other questions in this section of the consultation.

Around 210 respondents commented at Question 25. Most comments reiterated issues or concerns already covered in the analysis presented across Questions 20-24. They included that the dangers of pyrotechnics, the perceived need to limit their use to licensed professionals and work-related uses, and concerns regarding fair application of any extended stop and search powers.

However, a small number of additional issues were raised. These included:

- Support for a requirement that noise-suppression mechanisms are included within all pyrotechnics.
- A suggestion that restricting the range of colours in pyrotechnics could limit their appeal for use in football stadia.
- Calls for guidance to support any new offence, with issues covered to include charging and sentencing.

Impact assessments

Finally, respondents were asked for their comments on the draft BRIA and draft EQIA (already referenced at Questions 18 and 19) here in the context of pyrotechnics.

Question 26: Do you have any comments about, or evidence relevant to the draft Business and Regulatory Impact Assessment in relation to pyrotechnics?

Around 110 respondents commented at Question 26, with the majority of those comments reiterating points raised at earlier questions. Other general comments included that the draft BRIA appears comprehensive or sensible. A professional or representative body suggested that the draft BRIA contains significant evidence in support of the proposed legislation.

Reflecting a view expressed in relation to fireworks, it was also suggested that while some businesses might be affected adversely, this must be balanced against the potential benefits to the wider community and animals. However, a local authority respondent suggested that the proposed changes will not have any impact on the legitimate sales of pyrotechnics.

Other comments included that the BRIA should:

- Address the environmental impact of pyrotechnics.
- Consider the effects that pyrotechnic misuse has on the emergency services.

Question 27: Do you have any comments about, or evidence relevant to the draft Equality Impact Assessment in relation to pyrotechnics?

Around 90 respondents commented at Question 27, and again most comments raised themes already covered within the analysis. Further comments included that the EQIA is fair or that addressing the misuse of pyrotechnics is a health and safety rather than an equalities issue.

However, an alternative view was that the use of stop and search is very much an equalities issue. Specifically, it was suggested that stop and search powers are used in a discriminatory way against people from ethnic minority communities and young people.

In terms of other issues that should be covered, a professional or representative body respondent noted that the audio and visual traumas for people with disabilities are identified in the EQIA, but that they are also aware that wheelchair users and those with respiratory conditions have had particularly bad experiences with the acrid smoke that can be generated by pyrotechnics.

Annex 1: Organisational respondents

Animal - third sector or community group (n = 11)
Alfies dreams for Greyhounds
Battersea Dogs & Cats Home
Blue Cross
Cats Protection
Dogs Trust
Edinburgh Dog and Cat Home
Northern Basenji Society
Scotland for Animals
Scottish SPCA
The British Horse Society
World Horse Welfare
Campaign group (n = 2)
Fans Against Criminalisation
Pyro crew
Community council (n = 11)
Braeside and Mannofield Community Council, Aberdeen
Canonbie & District Community Council
Cockenzie & Port Seton Community Council
Drum Brae Community Council
Glen Urquhart Community Council
Maddiston Community Council
Moniaive Gala Committee and Glencairn Community Council
Raigmore Community Council
Rosemount & Mile End Community Council
Southend CC
Townhill Community Council
Community group (n = 2)
Neighbourhood Watch Area A \ Glasgow South
Struan Trust

Community safety partnership (n = 2)
Edinburgh Community Safety and Justice Partnership (not including elected members)
Fife Community Safety Partnership
Emergency service (n = 4)
British Transport Police
Police Scotland
Scottish Ambulance Service
Scottish Fire and Rescue Service
Fireworks industry representative body (n = 2)
British Fireworks Association
British Pyrotechnists Association
Fireworks retailer or events company (n = 3)
Firework Crazy
Fireworks warehouse
NJE Firework Displays
Local authority (n = 15)
Aberdeen City Council
Argyll and Bute Council
East Lothian Council
Elected members, the City of Edinburgh Council
Falkirk Council
Fife Council Trading Standards
Glasgow City Council
Moray Council Licensing Team
North Lanarkshire Council
Officer Response - Comhairle nan Eilean Siar
Renfrewshire Council
Shetland Islands Council
South Ayrshire Council
South Lanarkshire Council - Trading Standards
West Lothian Council

Professional or representative body (n = 10)
British Veterinary Association
Chartered Trading Standards Institute
Institute of Acoustics
Law Society of Scotland
NFU Scotland
Scottish Community Safety Network (SCSN)
Scottish Grocers Federation
Scottish Police Federation
Society of Chief Officers of Trading Standards in Scotland (SCOTSS)
The Association of Scottish Police Superintendents
Third sector – non animal-related (n = 2)
Guide Dogs Scotland
National Autistic Society Scotland

Annex 2: Answers at closed questions

Part One: Mandatory conditions at point of sale

Question 1: Do you agree that a fireworks licensing system should be introduced in Scotland?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations					
Animal - third sector or community group	10			1	11
Campaign group				2	2
Community council	10	1			11
Community group	2				2
Community safety partnership	1	1			2
Emergency service	4				4
Fireworks industry representative body		2			2
Fireworks retailer or events company		2		1	3
Local authority	9	4	2		15
Professional or representative body	4	1	4	1	10
Third sector – non animal-related	2				2
Total organisations	42	11	6	5	64
% of organisations answering	71%	19%	10%		100%
Individuals	1277	189	38	176	1680
% of individuals answering	85%	13%	3%		100%
All respondents	1319	200	44	181	1744
% of all respondents	76%	11%	3%	10%	100%
% of all those answering	84%	13%	3%		100%

Question 2: Do you agree that any licensing system should cover the possession and use of fireworks, in addition to their purchase?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations					
Animal - third sector or community group	10			1	11
Campaign group				2	2
Community council	10		1		11
Community group	2				2
Community safety partnership	1	1			2
Emergency service	3	1			4
Fireworks industry representative body		1		1	2
Fireworks retailer or events company		2		1	3
Local authority	11	3	1		15
Professional or representative body	4	1	3	2	10
Third sector – non animal-related	2				2
Total organisations	43	9	5	7	64
% of organisations answering	75%	16%	9%		100%
Individuals	1270	189	36	185	1680
% of individuals answering	85%	13%	2%		100%
All respondents	1313	198	41	192	1744
% of all respondents	75%	11%	2%	11%	100%
% of all those answering	85%	13%	3%		100%

Question 3: Do you agree that a fee to obtain a fireworks licence in Scotland should be introduced?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations					
Animal - third sector or community group	9			2	11
Campaign group				2	2
Community council	9	2			11
Community group	2				2
Community safety partnership		1	1		2
Emergency service	2		2		4
Fireworks industry representative body				2	2
Fireworks retailer or events company		2		1	3
Local authority	13	1	1		15
Professional or representative body	6		2	2	10
Third sector – non animal-related	2				2
Total organisations	43	6	6	9	64
% of organisations answering	78%	11%	11%		100%
Individuals	1139	235	121	185	1680
% of individuals answering	76%	16%	8%		100%
All respondents	1182	241	127	194	1744
% of all respondents	68%	14%	7%	11%	100%
% of all those answering	76%	16%	8%		100%

Question 5: Do you agree that successful completion of an online safety course to obtain a fireworks licence in Scotland should be introduced?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations					
Animal - third sector or community group	9			2	11
Campaign group				2	2
Community council	7	2	2		11
Community group	2				2
Community safety partnership	1	1			2
Emergency service	4				4
Fireworks industry representative body				2	2
Fireworks retailer or events company		2		1	3
Local authority	11	1	3		15
Professional or representative body	5		4	1	10
Third sector – non animal-related	2				2
Total organisations	41	6	9	8	64
% of organisations answering	73%	11%	16%		100%
Individuals	1110	269	118	183	1680
% of individuals answering	74%	18%	8%		100%
All respondents	1151	275	127	191	1744
% of all respondents	66%	16%	7%	11%	100%
% of all those answering	74%	18%	8%		100%

Question 6: Who do you think would be best placed to run and administer the proposed licensing system?						
Respondent type	Option 1	Option 2	Option 3	Other	N/A	Total
Organisations						
Animal - third sector or community grp	2		2	3	4	11
Campaign group					2	2
Community council	1	2	7	1		11
Community group			2			2
Community safety partnership		1		1		2
Emergency service	1		2	1		4
Fireworks industry representative body					2	2
Fireworks retailer or events company				2	1	3
Local authority	7		1	7		15
Professional or representative body	3		3	1	3	10
Third sector – non animal-related			1		1	2
Total organisations	14	3	18	16	13	64
% of organisations answering	27%	6%	35%	31%		100%
Individuals	557	281	446	176	220	1680
% of individuals answering	38%	19%	31%	12%		100%
All respondents	571	284	464	192	233	1744
% of all respondents	33%	16%	27%	11%	13%	100%
% of all those answering	38%	19%	31%	13%		100%

Part Two: Restrict the days fireworks can be sold and set off

Question 8: Do you agree with the proposed restrictions on the days fireworks can be used by the general public?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations					
Animal - third sector or community group	7	2	1	1	11
Campaign group				2	2
Community council	10	1			11
Community group	2				2
Community safety partnership		1	1		2
Emergency service	4				4
Fireworks industry representative body		2			2
Fireworks retailer or events company	1	1		1	3
Local authority	8	3	4		15
Professional or representative body	5	1	3	1	10
Third sector – non animal-related	2				2
Total organisations	39	11	9	5	64
% of organisations answering	66%	19%	15%		100%
Individuals	986	427	67	200	1680
% of individuals answering	67%	29%	5%		100%
All respondents	1025	438	76	205	1744
% of all respondents	59%	25%	4%	12%	100%
% of all those answering	67%	28%	5%		100%

Question 9: Do you agree with the proposed restrictions on the days fireworks can be sold to the general public?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations					
Animal - third sector or community group	7	2	1	1	11
Campaign group				2	2
Community council	9	2			11
Community group	1	1			2
Community safety partnership	1			1	2
Emergency service	4				4
Fireworks industry representative body		1		1	2
Fireworks retailer or events company	1	1		1	3
Local authority	7	4	4		15
Professional or representative body	5	2	2	1	10
Third sector – non animal-related	1			1	2
Total organisations	36	13	7	8	64
% of organisations answering	64%	23%	13%		100%
Individuals	946	422	104	208	1680
% of individuals answering	64%	29%	7%		100%
All respondents	982	435	111	216	1744
% of all respondents	56%	25%	6%	12%	100%
% of all those answering	64%	28%	7%		100%

Part Three: No-Firework Areas

Question 10: Do you agree with the introduction of no-firework areas?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations					
Animal - third sector or community group	9			2	11
Campaign group				2	2
Community council	9	1	1		11
Community group	2				2
Community safety partnership		1	1		2
Emergency service	4				4
Fireworks industry representative body		2			2
Fireworks retailer or events company	1	1		1	3
Local authority	8	2	5		15
Professional or representative body	3	1	4	2	10
Third sector – non animal-related	2				2
Total organisations	38	8	11	7	64
% of organisations answering	67%	14%	19%		100%
Individuals	1227	146	90	217	1680
% of individuals answering	84%	10%	6%		100%
All respondents	1265	154	101	224	1744
% of all respondents	73%	9%	6%	13%	100%
% of all those answering	83%	10%	7%		100%

Question 11: Do you agree that consideration, introduction and management of no-firework areas should be led by local authorities?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations					
Animal - third sector or community group	7		2	2	11
Campaign group				2	2
Community council	8	1	2		11
Community group	2				2
Community safety partnership		1	1		2
Emergency service	4				4
Fireworks industry representative body		1		1	2
Fireworks retailer or events company	1	1		1	3
Local authority	9	3	3		15
Professional or representative body	5	1	2	2	10
Third sector – non animal-related	1			1	2
Total organisations	37	8	10	9	64
% of organisations answering	67%	15%	18%		100%
Individuals	1008	270	180	222	1680
% of individuals answering	69%	19%	12%		100%
All respondents	1045	278	190	232	1744
% of all respondents	60%	16%	11%	13%	100%
% of all those answering	69%	18%	13%		100%

Part Four: Proxy Purchasing Offence

Question 16: Do you agree with the introduction of a 'proxy purchasing' offence in relation to fireworks to criminalise the supply of fireworks to young people under the age of 18?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations					
Animal - third sector or community group	9			2	11
Campaign group				2	2
Community council	11				11
Community group	2				2
Community safety partnership	2				2
Emergency service	4				4
Fireworks industry representative body	2				2
Fireworks retailer or events company	2			1	3
Local authority	14			1	15
Professional or representative body	7		2	1	10
Third sector – non animal-related	2				2
Total organisations	55	0	2	7	64
% of organisations answering	96%	0%	4%		100%
Individuals	1302	84	30	264	1680
% of individuals answering	92%	6%	2%		100%
All respondents	1357	84	32	271	1744
% of all respondents	78%	5%	2%	16%	100%
% of all those answering	92%	6%	2%		100%

Section Two: Pyrotechnics

Question 20: Do you have concerns about pyrotechnic devices being misused?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations					
Animal - third sector or community group	7			4	11
Campaign group		2			2
Community council	8	1		2	11
Community group	2				2
Community safety partnership	2				2
Emergency service	4				4
Fireworks industry representative body				2	2
Fireworks retailer or events company	1	1		1	3
Local authority	7	2	1	5	15
Professional or representative body	6		2	2	10
Third sector – non animal-related	2				2
Total organisations	39	6	3	16	64
% of organisations answering	81%	13%	6%		100%
Individuals	1138	314	45	183	1680
% of individuals answering	76%	21%	3%		100%
All respondents	1177	320	48	199	1744
% of all respondents	68%	18%	3%	11%	100%
% of all those answering	76%	21%	3%		100%

Question 21: Do you agree with the introduction of a new offence for being in possession of a pyrotechnic in a public place without reasonable excuse or lawful authority?					
Respondent type	Yes	No	Unsure	N/A	Total
Organisations					
Animal - third sector or community group	4		1	6	11
Campaign group		2			2
Community council	9			2	11
Community group	2				2
Community safety partnership	2				2
Emergency service	4				4
Fireworks industry representative body				2	2
Fireworks retailer or events company	1	1		1	3
Local authority	8	1	1	5	15
Professional or representative body	4		3	3	10
Third sector – non animal-related	1		1		2
Total organisations	35	4	6	19	64
% of organisations answering	78%	9%	13%		100%
Individuals	1154	310	35	181	1680
% of individuals answering	77%	21%	2%		100%
All respondents	1189	314	41	200	1744
% of all respondents	68%	18%	2%	11%	100%
% of all those answering	77%	20%	3%		100%

Question 22: Do you agree that police stop and search powers should be extended to allow the police to stop and search where there is reasonable suspicion that an individual is in possession of a pyrotechnic device in a public place without a reasonable excuse?

Respondent type	Yes	No	Unsure	N/A	Total
Organisations					
Animal - third sector or community group	4		1	6	11
Campaign group		2			2
Community council	8		1	2	11
Community group	2				2
Community safety partnership	2				2
Emergency service	3		1		4
Fireworks industry representative body				2	2
Fireworks retailer or events company	1	1		1	3
Local authority	7	2	1	5	15
Professional or representative body	4		3	3	10
Third sector – non animal-related			1	1	2
Total organisations	31	5	8	20	64
% of organisations answering	70%	11%	18%		100%
Individuals	1053	357	86	184	1680
% of individuals answering	70%	24%	6%		100%
All respondents	1084	362	94	204	1744
% of all respondents	62%	21%	5%	12%	100%
% of all those answering	70%	24%	6%		100%

Question 23: Do you think that police stop and search powers should be wide enough to the extent that it would allow the police to stop and search a vehicle, for example a car, bus, van or tram, where there is reasonable suspicion that there are pyrotechnic devices contained without a reasonable excuse?

Respondent type	Yes	No	Unsure	N/A	Total
Organisations					
Animal - third sector or community group	3		2	6	11
Campaign group		2			2
Community council	8		1	2	11
Community group	2				2
Community safety partnership	2				2
Emergency service	3		1		4
Fireworks industry representative body				2	2
Fireworks retailer or events company	1	1		1	3
Local authority	7	1	2	5	15
Professional or representative body	3		4	3	10
Third sector – non animal-related			1	1	2
Total organisations	29	4	11	18	64
% of organisations answering	66%	9%	25%		100%
Individuals	968	394	135	183	1680
% of individuals answering	65%	26%	9%		100%
All respondents	997	398	146	203	1744
% of all respondents	57%	23%	8%	11%	100%
% of all those answering	65%	26%	9%		100%

Annex 3: Number of comments at each question by respondent type

	Question number													
Respondent type	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13	Q14
Organisations														
Animal - third sector or community group	11	10	8	6	9	9	7	10	9	9	8	9	7	8
Campaign group									1					
Community council	11	10	11	10	11	10	6	10	10	10	9	10	8	10
Community group	2	2	2	1	2	2	1	2	2	2	2	1	1	1
Community safety partnership	2	1	1		2	1		2	1	2	1	1	1	1
Emergency service	4	4	4	3	4	3	1	3	2	4	3	3	2	3
Fireworks industry representative body	2	1	1		1		2	2	1	2	1			
Fireworks retailer or events company	2	1	2	1	2	2	2	2	1	2	1			1
Local authority	15	15	15	14	15	15	12	15	15	14	15	12	12	13
Professional or representative body	9	8	8	8	8	7	4	10	9	10	7	6	5	7
Third sector	2	2	2	1	2	1	1	2	1	2	1	1	1	
Total Organisations	60	54	54	44	56	50	36	58	52	57	48	43	37	44
Individuals	1215	955	1045	944	1045	1004	534	1140	890	1044	924	743	550	632
Total respondents	1275	1009	1099	988	1101	1054	570	1198	942	1101	972	786	587	676

Question number														
Respondent type	Q15	Q16	Q17	Q18	Q19	Q20	Q21	Q22b	Q22c	Q23	Q24	Q25	Q26	Q27
Organisations														
Animal - third sector or community group	5	9	6	2	1	7	3	3	3	2	4		1	
Campaign group						2	2	2	2	2	2	1		
Community council	7	9	1	4	3	9	8	8	9	7	7		4	3
Community group	1	2				2	2	2	2	2	1	1		
Community safety partnership	1	2			1	1	1	1	1		1			
Emergency service	1	4				4	4	4	3	4	3	1		
Fireworks industry representative body		2	2											
Fireworks retailer or events company		1	1	2	2	2	2	2	2	1	1		1	1
Local authority	9	15	9	5	3	10	10	8	10	9	8	3	2	2
Professional or representative body	3	8	4	4	3	7	6	5	6	5	4	2	3	2
Third sector		2	1			2	1							
Total Organisations	27	54	24	17	13	46	39	35	38	32	31	8	11	8
Individuals	445	945	236	187	121	1061	890	870	1136	847	905	202	100	84
Total respondents	472	999	260	204	134	1107	929	905	1174	879	936	210	111	92



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St Andrew's House
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ISBN: 978-1-80201-450-1 (web only)

Published by The Scottish Government, November 2021

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS948686 (11/21)

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