

Promoting the Safe and Considerate Use of Fireworks in Scotland: Equality Impact Assessment Results

January 2021

EQUALITY IMPACT ASSESSMENT - RESULTS

Title of Policy	Promoting the Safe and Considerate Use of Fireworks in Scotland
Summary of aims and desired outcomes of Policy	Fireworks are used safely, handled with care and do not cause harm, distress or injury
Directorate: Division: team	Safer Communities: Safer Communities: Building Safer Communities

Executive summary

The public sector equality duty required the Scottish Government to assess the impact of applying a proposed new or revised policy or practice. It is a legislative requirement. Equality legislation covers the characteristics of: age, disability, gender reassignment, gender including pregnancy and maternity, race, religion and belief, and sexual orientation.

An equality impact assessment (EQIA) aims to consider how policy (a policy can cover: activities, functions, strategies, programmes, and services or processes) may impact, either positively or negatively, on different sectors of the population in different ways.

This EQIA has been undertaken to consider the impacts on equality of the development of policy to achieve the Scottish Government's objectives in relation to fireworks, following a public consultation, the Fireworks Action Plan and recommendations from the Fireworks Review Group. Specifically the introductions of the following three new measures:

1. Amending the times of day consumer fireworks can be used by the general public to between 6pm and 11pm, with the exception of 5 November (when they can be used until midnight), New Year's Eve, the night of Chinese New Year and the night of Diwali (when they can be used until 1am).
2. Amending the times of day consumer fireworks can be sold to the general public to during the daytime hours of 7am and 6pm, alongside existing requirements on retailers in relation to sale and storage licences.

3. Amending the volume of consumer fireworks that can be sold by retailers to individuals who do not have an explosives licence to 5kg.

The Fireworks Review Group, established as part of the Fireworks Action Plan, recommended that a fundamental shift is needed in how fireworks are accessed and used by the general public, including the introduction of tighter regulations. These recommendations are underpinned by the national consultation analysis, representative opinion poll and review of existing evidence and data.

As part of the EQIA process, the Scottish Government considered potential impacts of the new measures on people with one or more protected characteristics. The EQIA concluded that the new measures are neither directly nor indirectly discriminatory on the basis of age, disability, sex, pregnancy and maternity, gender reassignment, sexual orientation, race, religion or belief and marriage and civil partnership.

Through the EQIA process, the Scottish Government identified that the new measures provide the opportunity to promote equality and have a positive impact on the following groups: age, disability, pregnancy and maternity, and sex.

Background

Following high profile incidents targeting emergency service workers during bonfire night in 2017, and again in 2018, the Scottish Government undertook work to look at the position of fireworks in Scotland, including: a review of police and fire service activity linked to fireworks and bonfire night by Her Majesty's Inspectorate of Constabulary in Scotland and Her Majesty's Fire Service Inspectorate for Scotland; a programme of public consultation, stakeholder engagement and evidence gathering on the sale and use of fireworks in Scotland to identify what action was required going forward; publication of the 'Fireworks Action Plan: Promoting the safe and appropriate use of fireworks in Scotland'; and the formation of an independent Review Group of key stakeholders to consider the legislative and regulatory options.

The 'consultation on fireworks in Scotland: Your experiences, your ideas, your views', launched on Sunday 3 February 2019 for a period of 14 weeks to its close on Monday 13 May 2019, was designed to start a conversation with the people of Scotland on how fireworks are sold and used. The consultation was an important step in gathering valuable evidence on a range of opinions and perspectives and covered organised displays, private

use by individuals, and inappropriate use. Over the consultation period 29 engagement events were held – 24 open public events, and five events for specific population groups including young people. A total of 16,420 responses were received from members of the public and stakeholder organisations, demonstrating the high level of interest in this issue across the country.

In October 2019 the Minister for Community Safety published the Fireworks Action Plan which set out how the Scottish Government would address the concerns expressed through the national consultation. The Action Plan sets out activities that have been taken forward immediately, as well as longer term actions that will collectively support a change in how fireworks are used in Scotland. The Action Plan can be split into two parts: the Fireworks Review Group; and the non-legislative actions that sit alongside it.

The Firework Review Group was tasked with considering the options available to tighten legislation on fireworks in Scotland. The Group considered the evidence available and has made a series of recommendations to the Scottish Government for consideration. The report from the Group is available online, and recommends that a fundamental shift is needed in how fireworks can be accessed and used by the general public. The specific measures that are being introduced through secondary legislation are: amending the times of day that fireworks can be sold, amending the volume of fireworks that can be sold and amending the time of day that fireworks can be set off.

The Scope of the EQIA

It was determined that a light-touch approach to EQIA is required, as current evidence demonstrates that the new measures have insignificant potential impacts and minimal relevance to equality.

The Firework Review Group concluded that significant change is needed in how fireworks are used and accessed in Scotland. This was underpinned by the consultation and accompanying omnibus survey results, which demonstrated strong support for changing how fireworks are sold and used in Scotland.

Alongside the consultation work, the Scottish Government undertook to engage with ethnic minorities, included a public meeting with the south-Asian community in Glasgow.

The Scottish Government undertook four engagement events with young people, working with Citadel Youth Centre, Young Scot, SFRS and 6UT Youth Centre.

The EQIA has highlighted how Scottish Government policy, which aims to reduce the negative impact of fireworks and promote safe use, would positively impact: activities, functions, strategies, programmes and services, on different sectors of the population in different ways.

Key Findings

Evidence gathered from the analysis of the consultation, public meetings, the nationally representative opinion poll and review of existing evidence has found that groups most likely to be positively affected from safer use of fireworks through the introduction of the new measures include:

- Autistic people and others with sensory issues such as PTSD who are more sensitive to loud bangs and flashes.
- Pregnant women who are more sensitive to loud noises and bangs during their pregnancy.
- Young people who are more likely to be harmed, or to cause harm by fireworks.
- Men who are more likely to be harmed, or to cause harm by fireworks.

Recommendations and Conclusion

The EQIA has supported the development of a Scottish Government policy and introduction of new measures, which aims to reduce the negative impact of fireworks and promote safe and responsible use.

Based on absence of concerns raised throughout the planning process and the findings of the EQIA, it is considered that the policy is neither directly or indirectly discriminatory under the Equality Act 2010.

It is not anticipated that the new measures themselves will directly impact on individuals with protected characteristics. However, the intention is that the new measures will have a positive (or at worst neutral) impact on individuals with protected characteristics. Any future implementation mechanisms will be subject to separate equality impact assessments (as required).

The Scottish Government has a zero tolerance approach to discrimination, harassment and victimisation and, therefore, whilst the new measures do

not explicitly seek to eliminate such behaviours, we will ensure that any plans, policies, strategies or projects that flow from it seek to eliminate unlawful behaviour (where appropriate). The new measures do not seek to foster good relations between people who share a protected characteristic and those who do not, however, any plans, projects, strategies or policies which result from the new measures will seek to foster good relationships (as appropriate).



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