

Fireworks and Pyrotechnic Articles (Scotland) Bill

Fairer Scotland Duty Assessment

February 2022

Fairer Scotland Duty - Assessment Template

This Fairer Scotland Assessment Template should be used in conjunction with the [interim guidance published on the Scottish Government website](#). The guidance provides a glossary of key terms, web links to useful resources, and further advice.

Title of policy/ practice/ strategy/ legislation etc.	Fireworks and Pyrotechnic Articles (Scotland) Bill
Lead Minister	Minister for Community Safety
Lead official	Scott Boyd
Directorate Division Team	Directorate for Safer Communities Safer Communities Division Fireworks Policy Team

Stage 1 – Planning

1. What is the aim of your policy/strategy/plan?

Following high profile incidents during bonfire night in 2017, and again in 2018, the Scottish Government undertook work to look at the position of fireworks in Scotland. This included: 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 in Scotland; and 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.

A '[consultation on fireworks in Scotland: Your experiences, your ideas, your views](#)' was subsequently launched on Sunday 3 February 2019 for a period of 14 weeks to its close on Monday 13 May 2019 and 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 of fireworks.

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. The consultation responses were independently analysed and the [analysis report](#) was published online in October 2019.

A representative omnibus survey “Public attitudes towards fireworks in Scotland” was undertaken in May 2019 with a total sample of 1,002 responses. The results of this survey were [published online](#) in October 2019.

In October 2019 the Minister for Community Safety published the [Fireworks Action Plan](#) which sets out how the Scottish Government would address the concerns expressed through the national consultation. The Action Plan supports the Scottish Government National Outcome of *We live in communities that are inclusive, empowered, resilient and safe* and sets out a range of outcomes for fireworks to support this including:

- Organised displays provide the opportunity to bring communities together.
- Fireworks are used safely and handled with care.
- Fireworks do not cause harm, distress or serious injury.

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; and can be split into two parts: the Firework Review Group; and the non-legislative actions that sit alongside it.

The independent Firework Review Group¹ was tasked with considering the options available to tighten legislation on fireworks in Scotland. The Group considered the evidence available and made a series of recommendations to Scottish Ministers in November 2020 (report available [online](#)) and reached a majority consensus that a fundamental shift is required in how fireworks are used and accessed in Scotland through the introduction of a comprehensive set of measures, including:

- The introduction of mandatory conditions before consumers are able to purchase fireworks.
- Restricting the times of day fireworks can be sold.
- Restricting the volume of fireworks that can be purchased.
- Restricting the days and times fireworks can be set off.
- A provision for no fireworks areas to be introduced where it is not permitted for fireworks to be set off, with local communities having a key role in influencing this.
- The introduction of a proxy purchasing offence criminalising the supply of fireworks to people under the age of 18.

A number of these recommendations have subsequently been progressed through [The Fireworks \(Scotland\) Miscellaneous Amendments Regulations 2021](#), made by the Scottish Ministers in February 2021. These regulations amended the Fireworks (Scotland) Regulations 2004, and the changes implemented by these regulations include three new measures in relation to the way the general public can use and access fireworks as follows:

- Restrict the times of day fireworks can be used by the general public to between 6pm and 11pm, with the exception of 5 November (when they can be used from 6pm until midnight), New Year's Eve, the night of Chinese New Year and the night of Diwali (when they can be used from 6pm until 1am);
- Restrict the times of day fireworks can be supplied to the general public to during the daytime hours of 7am and 6pm, alongside existing requirements on retailers around sale and storage licences;
- Limit the quantity of fireworks that can be supplied to the general public to 5kg at any one time.

In addition to this, over recent years, the misuse of pyrotechnics², including fireworks, at events in Scotland has become more prevalent. There is evidence of pyrotechnic articles having been set off in crowded locations with subsequent risk of serious injury or death. This has included incidents at concerts and music festivals,

¹ Membership included: Police Scotland, Scottish Fire and Rescue Service, Scottish Ambulance Service, Local Authority Licensing, Trading Standards, Scottish Community Safety Network, British Pyrotechnics Association, British Fireworks Association, NHS Greater Glasgow and Clyde / Care of Burns in Scotland, Veterans Scotland and Community Representatives.

² While all fireworks are pyrotechnic products, the Bill uses the terms "fireworks" and "pyrotechnics" as distinct categories, in line with existing legislation. The Pyrotechnic Articles (Safety) Regulations 2015 sets out which pyrotechnic articles may be made available on the market in the United Kingdom, and how these must be categorised by manufacturers. Fireworks must be categorised as either F1, F2, F3 or F4 products, and it is intended that any pyrotechnic articles intended for entertainment purposes shall be categorised as a firework, including pyrotechnic articles intended for entertainment and another purpose.

at sporting events, and during public gatherings and protests. In 2018, Police Scotland approached the Scottish Government with significant concerns about the dangers of pyrotechnic misuse and highlighted the work they had been undertaking in relation to it. This included identifying any improvements that might be made around the recording of pyrotechnic incidents, as well as establishing the need for further powers or other legislative change. Police Scotland had identified the need for further work to:

- Establish if legislative change was desirable/possible and how that might best be achieved.
- Implement joint safety messaging by all stakeholders in relation to pyrotechnics.
- Improve recording of incidents involving possession/use of pyrotechnics.

Following engagement with Police Scotland, in May 2019 the Scottish Government hosted a series of stakeholder discussions on the misuse of pyrotechnics to further identify actions that could be taken to tackle the issue and to gather more evidence. Discussions involved representatives from Police Scotland, Scottish Police Federation, British Transport Police, Crown Office and Procurator Fiscal Service and the Scottish Government. The final stakeholder discussion concluded that a dedicated stop and search power for pyrotechnics, not limited exclusively to persons entering or attempting to enter qualifying events, was required.

The Minister for Community Safety publicly expressed Scottish Government support for joint actions to tackle the risk, welcoming a recent Police Scotland and Scottish Fire and Rescue Service campaign on this issue ('No Place for Pyro') in January 2020 and reiterated that keeping people safe is a priority for the Scottish Government and partner agencies. In September 2020, and in light of stakeholder discussions, the Scottish Government made the decision to consult more widely on the creation of a new offence relating to possession of a pyrotechnic article, and the extension of current police powers to allow a stop and search power for this offence, and this was included alongside the proposed fireworks measures in the recent consultation.

The Scottish Government undertook an [eight week consultation](#) – 'Use and sale of fireworks in Scotland, and tackling the misuse of pyrotechnics' - from 20 June to 15 August 2021 seeking views on how, and if, the remaining recommendations from the Firework Review Group are implemented. The consultation also sought views on the misuse of pyrotechnic articles, particularly in relation to proposed provisions to be included within the Bill. The principal policy objectives of the proposed Bill are to protect public and community safety and wellbeing by ensuring fireworks and pyrotechnics do not cause harm, distress or serious injury, and the provisions included within the Bill are intended to support a cultural shift in how fireworks and pyrotechnics are used in Scotland. This will be achieved by altering how the general public can access and use fireworks and pyrotechnics, by making provisions for new restrictions to apply to their purchase, acquisition, possession and use, with new criminal offences to apply where these restrictions are not complied with. It is not intended that the measures included within the Bill will apply to professional firework operators, nor – for a number of the measures - organisers of public firework displays, therefore enabling organised displays to continue to take place.

A total of 1,739 responses were received to the consultation and, of these, 64 were submitted by groups or organisations, including key stakeholders. Twelve online workshop events were also held – eight open to anyone who wished to attend and four for specific groups, namely: the community in Pollokshields; specialist firework retailers; sight loss organisations; and Trading Standards. The responses were again independently analysed and the [analysis report](#) was published online in December 2021.

The Fireworks and Pyrotechnic Articles (Scotland) Bill has been informed by the consultation responses, and by the wider programme of engagement, consultation and evidence gathering as described above, and seeks to alter how the general public can access and use fireworks and pyrotechnic articles, by making provisions for new restrictions to apply to their purchase, acquisition, possession and use, with new criminal offences to apply where these restrictions are not complied with. The Bill is in 7 parts as follows:

- Part 1: Key concepts, including the meaning of fireworks and pyrotechnic articles and categories.
- Part 2: Fireworks licensing.
- Part 3: Restrictions on supply and use of fireworks and pyrotechnic articles including: prohibition on supply to children; and days of use and supply of fireworks.
- Part 4: Firework control zones.
- Part 5: Pyrotechnic articles at certain places or events.
- Part 6: Exemptions and enforcement.
- Part 7: General provisions, including interpretation, regulations, ancillary provision, Crown application and commencement.

The aim of this policy is to change how fireworks are supplied and used in Scotland with the aim of protecting public and community safety and wellbeing by ensuring fireworks do not cause harm, distress or injury.

Who will it affect (particular groups/businesses/geographies etc)?

The policy will affect:

General public: this policy aims to reduce the negative impact that fireworks and pyrotechnics can have and promote their appropriate use; and has the potential to affect how the general public use and interact with fireworks and pyrotechnics. It will change the way the public can access and use fireworks by restricting the dates that fireworks can be supplied to and used by the general public in Scotland to align with long established traditional or religious firework events. This will reduce unpredictable use of fireworks and the negative impact and harm that this can have on the population by reducing the level of firework use throughout the year, allowing those impacted to take mitigating action during specific periods of the year when it is expected that fireworks will be used. This also applies to specific groups who can be most impacted by the noise disturbance resulting from fireworks including:

- Autistic people
- Pregnant women

- Young people
- Armed Forces veterans suffering from Post-Traumatic Stress Disorder
- People with sight loss conditions and users of support dogs. An engagement event with sight loss organisations during the 2021 consultation highlighted the negative impact fireworks can have on individuals and their support dogs.

Requiring applicants to successfully complete a fireworks training course is a core element of the licensing system with the purpose of ensuring that individuals who will have the ability to purchase, acquire, possess and use fireworks in Scotland are aware of how to do so in an appropriate, safe and responsible manner.

The Bill also aims to reduce the risk to the general public attending certain places, events, public processions and assemblies where pyrotechnic misuse has been witnessed, and where that misuse has the potential to cause serious harm due to the crowded environment.

Communities: the policy aims to contribute towards reducing the negative impact of fireworks on communities by reducing the volume of ad hoc private displays and sporadic use of fireworks by the public. Both the legitimate and deliberate misuse of fireworks can have a harmful effect on people and communities. Fireworks misuse is more prominent in deprived communities and urban areas and this policy will reduce the opportunity for fireworks to be purchased both outwith traditional firework periods and as a spontaneous decision. Communities will also be impacted by the power for Local Authorities to designate a place or places within its area as a firework control zone where it is not permitted for members of the public to use fireworks. The process of designating an area as a firework control zone will be informed by community consultation and involvement.

Exemptions for organisers of public firework displays to the restrictions on days of supply and use of fireworks, and the use of fireworks in designated firework control zones will ensure that community groups will be able to continue to organise firework displays in their local area, which can provide the opportunity to bring a community together to enjoy fireworks in a safe and appropriate way. Data from the Society of Local Authority Lawyers and Administrators (SOLAR) Licensing Group³ in February 2020 highlighted that around 150 organised displays take place over the bonfire period across the 17 local authorities who responded. The majority of these had less than 500 attendees and were organised by a community group or organisation. Members of the public who are organising a display on behalf of a community group will, however, have to apply for and obtain a fireworks licence before they are able to purchase and use fireworks for the purpose of the display. This is to ensure that those involved in organising the display have undertaken the mandatory training element that all members of the public will be required to successfully complete as part of the licence application process.

³ The survey sought to better understand how many firework displays take place in different local authority areas, what processes are in place locally around organising public fireworks displays, to gain an insight into what kind of guidance local authorities feel would be helpful. 22 local authorities responded.

Specialist fireworks retailers: this policy will directly affect fireworks retailers who are licensed to sell fireworks throughout the year. These businesses will be required to adapt existing processes and implement the new measures relating to the days fireworks can be supplied, as well as a requirement to establish that individuals are valid licence holders, or in an exempt group, before sales can be made.

Retailers licensed to sell fireworks during specific periods of the year: the policy will directly affect retailers who sell fireworks during traditional firework periods, which is when the majority of retailers sell fireworks and are required to obtain a temporary storage licence in order to do so. While there will be some change to the dates they will be able to sell fireworks to the public, they will be required to ensure processes are in place to check that an individual has a valid licence before supplying fireworks, or are in an exempt group.

Local Authorities: this policy will affect Local Authorities who will have the power to designate a firework control zone(s) in its area, and will be required to undertake consultation with the community as part of that process. Local Authority Trading Standards, who have responsibility for enforcing legislation in relation to the commercial supply of fireworks, will also be affected by this policy. This includes ensuring that retailers are operating as required by legislation, for example by ensuring that members of the public have a valid licence before selling them fireworks, and enforcing offences related to the commercial supply of fireworks.

Police Scotland: This policy will affect Police Scotland who have responsibility for enforcement of legislation in relation to the use of fireworks and pyrotechnics. Police Scotland will enforce offences in relation to use of fireworks outwith permitted days, the use of fireworks in an area that has been designated a firework control zone, restrictions on the supply of fireworks and (without just cause) pyrotechnic articles to children (including the giving of fireworks and pyrotechnics by an adult to a child outwith a commercial setting), and the possession of pyrotechnic articles at certain places and events.

What main outcomes do you expect the policy/strategy/plan to deliver?

The main outcomes of the policy changes are to protect public and community safety and wellbeing by ensuring fireworks and pyrotechnics do not cause harm, distress or injury. The provisions included within the Bill are intended to support a cultural shift in how fireworks and pyrotechnics are used in Scotland. This will be achieved by altering how the general public can access and use fireworks and pyrotechnics, by making provisions for new restrictions to apply to their purchase, acquisition, possession and use, with new criminal offences to apply where these restrictions are not complied with.

2. What is your timeframe for completing the Fairer Scotland assessment?

This assessment has been completed ahead of the Bill's introduction to Parliament on 1 February 2022.

3. Who else in the organisation will be involved in the assessment and what roles will they be playing? We'd expect involvement from policy and analytical

teams as a minimum. It is rarely appropriate for one person to conduct the assessment alone.

A number of Units and Divisions within the Scottish Government have been consulted at various stages throughout this work. This includes:

- Justice Analytical Services
- Community Safety Unit (Pyrotechnics, Marches/Parades and Public Assemblies and Antisocial Behaviour)
- Fire and Rescue Unit
- Ambulance and Emergency Workers
- Police Division
- Equalities Unit
- Mental Health
- Consumer Protection
- Dementia and Autism
- Public Events Licensing
- Environmental Quality.

Stage 2 - Evidence

Please answer the questions below to help meet the duty's evidence requirements.

4. What does the evidence suggest about existing inequalities of outcome, caused by socio-economic disadvantage, in this specific policy area?

The evaluation of firework-related harm in Scotland⁴, published in October 2020, compares the level of firework related harm over a number of years. The evaluation includes a number of studies and discussions relating to firework related injuries and highlights concerns about the over-representation of patients with fireworks related injuries from areas of deprivation.

In Study 1 of the evaluation, 84 Scottish Emergency Departments (ED) and Minor Injury Units (MIU) from 15 NHS Health Boards were invited to submit firework injury attendance data from 15 October 2019 to 12 November 2019. Analysis of the data disaggregated by Scottish Index of Multiple Deprivation (SIMD) demonstrated a significant correlation between lower SIMD rank and firework injury.

A second study showed that between 2008 and 2019, 198 patients attended an ED or MIU in NHS Greater Glasgow and Clyde for management of 251 injuries. The results demonstrated an over-representation of patients from areas of greater deprivation. People residing in decile SIMD1 were twice as likely to require treatment for a firework-related injury than those residing in decile SIMD2 and almost 40% of patients attending ED with fireworks-related injuries resided in the most deprived SIMD decile. Of concern is the correlation between relative multiple deprivation and the risk of morbidity and mortality from unintentional injury and that

⁴ Evaluation of Firework Related Harm in Scotland: <https://www.cobis.scot.nhs.uk/wp-content/uploads/2020/11/Evaluation-of-firework-related-harm-in-Scotland-October-2020-1.pdf>

these inequalities are not moderating over time. The evaluation concludes that the relationship between people living in areas of multiple deprivation and firework-related injuries is more acute than for those with general trauma.

The evaluation also highlighted concern about the acute and long-term effect of particulate matter and heavy metal pollution from firework displays. Exposure to particulate matter is correlated with conditions including: cardiovascular; respiratory (asthma, bronchitis, lung cancer); developmental (pulmonary and intelligence) and obstetric (pre-term births and low birth weight). Those residing in areas of greater social deprivation were also more likely to succumb to diseases connected with air pollution contribution.

The report concluded that the evidence of firework-related harm in Scotland remains evident and substantial. Individuals and communities are continuing to experience adverse health consequences from fireworks and that those at greatest risk of sustaining a physical injury are children and young men from areas of greater deprivation. The available literature suggests that particulate matter disease and death are more likely to affect deprived communities.

There are also links between the misuse of fireworks, antisocial behaviour and socio-economic disadvantage. 'The Scottish Picture of Antisocial Behaviour (ASB)⁵' report, published in July 2020, found that area deprivation stands out as a factor associated with antisocial behaviour. For example, 12 year olds living in the 20% most deprived areas, measured by the SIMD, were more likely than those in the 20% least deprived areas to have engaged in antisocial behaviour (36% compared with 25%). The report found that those living in the most deprived areas, in socially rented housing, and in large urban areas, as well as younger people, are more likely to perceive antisocial behaviour issues in their area. Specific factors that potentially link to or drive antisocial behaviour include: low-socio-economic status; lack of good facilities and social services; lack of appropriate youth facilities; opportunity to experience a sense of status, identity or social recognition and vulnerability and marginality (e.g. mental health issues, substance use, experiences of homelessness).

When considering the prevalence and type of antisocial behaviour, the report highlighted that the most common types of antisocial behaviour include noise nuisance, disturbance and complaints and fireworks misuse. For example, according to the Criminal History System, in 2018-19 the most common anti-social criminal behaviour to receive court action was fireworks misuse, followed by breach of anti-social behaviour orders.

The proposed offence of being in possession of a pyrotechnic article, including fireworks, at certain places or events includes designated sporting and music venues and events. While this applies to sports grounds and events broadly, it is inevitable that the impact on those attending football matches will be a central focus of scrutiny given evidenced instances of pyrotechnic misuse at certain football matches, and Police Scotland's concerns about the risk of injury and other harms this can cause. A 2016 profile of those attending football matches in Scotland, collated as part of

⁵ [The Picture of Anti-Social Behaviour in Scotland \(safercommunitiesScotland.org\)](https://www.safercommunitiesScotland.org)

Supporters' Direct National Football Survey, showed 95 percent of attendees were male, 36 percent were under the age of 35, and 37 percent were earning under £25k per annum⁶.

5. What does the evidence suggest about any possible impacts of the policy/programme/decision, as currently planned, on those inequalities of outcome?

The policy will have a potential impact by restricting the supply and use of fireworks to the public. Limiting access to fireworks in this way will contribute to the reduction of the instances of fireworks misuse and the negative impact fireworks can have on people and communities. The requirement for members of the public to apply for and obtain a valid fireworks licence before they can purchase, possess and use fireworks will reduce the likelihood of spontaneous purchases of fireworks. A mandatory training course is also a core element of the fireworks licence system, which requires applicants to demonstrate learning of essential knowledge on how to use fireworks in a considerate, responsible and safe manner before the licence is granted reducing the risk of harm and injury, which disproportionately affects people living in deprivation.

Restricting the days that fireworks can be supplied to the public will narrow the period that fireworks can be accessed, which will align with the days when the use of fireworks by the public is permitted. This will reduce the sporadic use of fireworks, which some respondents to the 2019 and 2021 consultations described as anti-social behaviour, meaning that those negatively impacted by fireworks can take mitigating action and plan accordingly.

Children and young men from areas of greater deprivation are at greatest risk of sustaining a physical injury due to fireworks. The proxy purchase and supply offence is intended to reduce the ability of under 18 year olds to access pyrotechnic articles, including fireworks, by ensuring that adults do not purchase or otherwise make these available to children and young people. This will reduce the risk of these groups sustaining a physical injury due to a firework or pyrotechnic article, or other adverse health consequences.

The proposed Bill provides local authorities with the power to designate a place or places within its area as a firework control zone where it is not permitted for members of the public to use fireworks. This will contribute towards improving the lives of those living in communities that experience fireworks misuse as well as to reduce noise and disturbance. The process will be undertaken in consultation with communities and be responsive to the needs of the people that live there. As fireworks misuse is more prominent in deprived communities and urban areas, the benefits of the policy may be greater in areas of socio economic disadvantage.

Consultation responses from some football supporters indicate a perception or concern of disproportionate and targeted discrimination against football fans (and by extension, young, working-class men). We do not accept this criticism and instead

⁶ Supporters' Direct National Football Survey: <http://www.supporters-direct.scot/wp-content/uploads/2016/07/survey-pdf.pdf>

believe the legislation will provide further protection for all attending – and working at - football matches, including those young men more at risk of harm from firework and pyrotechnics misuse.

6. Is there any evidence that suggests alternative approaches to the policy/programme/decision? E.g. Evidence from around the UK? International evidence?

The Bill provisions have been developed taking into consideration a range of evidence including a rapid review of the existing evidence⁷ that considered the impact of fireworks in the context of international legislation and regulations, including evidence relating to injury, pollution, noise and animal welfare; as well as international case studies to draw on evidence on the effectiveness – or otherwise – of tighter measures in place in other countries⁸.

The international case studies point to a potential reduction in firework related injuries with the introduction of restrictions on the time period fireworks can be used, alongside related measures introduced simultaneously. For example, evidence from Finland indicates a marked decline in the number of bystanders and firework users sustaining fireworks-related eye injuries following the enactment of measures in 2010, which included time restrictions on when fireworks can be used on New Year's Eve⁹. In the Netherlands, the number of people sustaining fireworks-related injuries (as a whole and eye injuries) has been consistently lower following the 2015 reduction in the usage period on 31 December from 16 hours to 8 hours, with the decline most pronounced amongst bystanders. Data from the Netherlands also suggests that regulations restricting when fireworks can be used coincided with a marked decline in the volume of firework imports.

7. What key evidence gaps are there? Is it possible to collect new evidence quickly in areas where we don't currently have any? For example, through consultation meetings, focus groups or surveys?

We believe that the broad base of evidence from research, public consultations in 2019 and 2021, surveys and focus groups provides sufficient evidence to inform this policy and proposed Bill. The Equalities Impact Assessment, however, identified a data gap in relation to NHS data on attendance at A&E and MIU in relation to firework related injuries. Work is ongoing with NHS and Public Health Scotland to address this and adequately monitor and track injury levels on a regular basis.

It will be important to monitor the impact of the policy changes proposed by the Bill as they are implemented.

8. How could you involve communities of interest (including those with lived experience of poverty and disadvantage) in this process? The voices of people and communities are likely to be important in identifying any potential improvements to the programme/policy/decision.

⁷ [Fireworks legislation and impacts: international evidence review - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/fireworks-legislation-and-impacts-international-evidence-review/pages/1-to-100.aspx)

⁸ [Fireworks regulations - impact: case studies - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/fireworks-regulations-impact-case-studies/pages/1-to-100.aspx)

⁹ Other measures introduced included mandatory wearing of safety goggles for firework users, time restrictions on use on New Year's Eve, minimum age of 18 and prohibition of certain fireworks.

The policy is based on significant and wide-ranging consultation with communities, representative bodies, local authorities and individuals across Scotland. The 'consultation on fireworks in Scotland: Your experiences, your ideas, your views' ran for a period of 14 weeks, from 3 February closing on 13 May 2019. 16,420 formal responses were received, and of these 16,322 were submitted by individual members of the public while 98 responses were submitted by groups or organisations including key stakeholders.

Over the consultation period, 29 engagements were held with 258 people attending. Twenty four of these were open public events and five events for specific population groups, including: one for the South Asian community in Pollokshields and four for young people, one each through: Young Scot; Scottish Fire and Rescue Service; Youth Fireskills Programme; Citadel Youth Centre; and 6UT Youth Centre.

A letter was also issued to every community council and community safety partnership to raise awareness and garner interest. During the consultation, a range of social media platforms were also used to seek people's views and opinions.

The Firework Review Group – an independent group of key stakeholders¹⁰ - were tasked with considering the legislative and regulatory options for change that emerged from consultation, scrutinising the evidence available, and alongside professional judgement and expertise setting out clear recommendations on what change is required to current legislation and regulations. Membership of the Group included two community representatives.

A further consultation was undertaken – 'Use and sale of fireworks in Scotland, and tackling the misuse of pyrotechnics' - from 20 June to 15 August 2021. The consultation sought views on specific proposals to restrict the supply and use of fireworks in Scotland. The proposals were informed by the Firework Review Group recommendations.

The consultation also considered the use of pyrotechnic devices and specifically whether it should be an offence to carry a pyrotechnic device in a public place without reasonable excuse or lawful authority, and whether police powers should be extended to allow a stop and search provision for anyone reasonably suspected of committing the offence.

A total of 1,739 responses were received to the consultation and, of these, 64 were submitted by groups or organisations, including key stakeholders. Twelve online workshop events were held over the consultation period – eight open to anyone who wished to attend and four for specific groups, namely: the community in Pollokshields, which has experienced significant disturbance caused by the misuse of fireworks and; specialist firework retailers; sight loss organisations; and Trading Standards. The responses were again independently analysed and the [analysis report](#) was published online in December 2021.

¹⁰ Membership included: Police Scotland, SFRS, Scottish Ambulance Service, Local Authority Licensing, Trading Standards, Scottish Community Safety Network, British Pyrotechnics Association, British Fireworks Association, NHS Greater Glasgow and Clyde / Care of Burns in Scotland, Veterans Scotland and Community Representatives.

Stage 3 – Assessment and Improvement

9. What options could strengthen this programme/policy/decision in terms of its impacts on inequalities of outcome?

The policy will be implemented alongside the range of other preventative work. This includes, as part of the Scottish Government Fireworks Action Plan, a module on fireworks safety. This has been incorporated into the Scottish Fire and Rescue Service and Police Scotland Youth Volunteers schemes.

A Fireworks Rules and Regulations Campaign was launched ahead of bonfire night in 2019, 2020 and 2021, in partnership with Fearless, the Youth arm of Crimestoppers Charity targeting young people aged 11-16 years. The campaign focussed on improving awareness and understanding of the existing rules and regulations and improving understanding of how and when to report the misuse of fireworks.

In addition, a nationwide annual fireworks communication campaigns was also run in 2019, 2020 and 2021 to improve people's awareness and understanding of the impact that fireworks can have on people, specifically highlighting those with autism and sensory issues. Point of sale firework safety material for consumers distributed through local authority Trading Standards has also been circulated in 2020 and 2021.

It is intended these campaigns will continue in future years and will be updated and refined to reflect changes to the legislation introduced by the proposed Bill to maximise the benefits of the changes and to minimise non-compliance.

10. What are the pros and cons of these options?

The proposed Bill builds on the legislative change introduced through the recent firework regulations that came fully into force in June 2021. A package of measures that combines non-legislative actions and new legislation to tighten the regulations around the supply and safe use of fireworks will support the long term, cultural shift that is required to reduce the negative impacts on individuals and communities in Scotland.

While the changes proposed by the Bill will introduce greater demands and requirements on those supplying and purchasing fireworks, and have the potential to impact on a small number of specialist firework retailers in Scotland, it is assessed that the benefits anticipated by the proposed Bill, including the wider cultural change that will be achieved, justifies the proposed interventions.

11. How could the programme/policy/decision be adjusted to address inequalities associated with particular groups? Particular communities of interest or communities of place who are more at risk of inequalities of outcome?

The package of measures included within the proposed Bill has been developed following completion of a range of impact assessments to ensure that the policy balances the needs of individuals and communities across Scotland. Evidence and analysis from the consultations in 2019 and 2021, and related analytical work, which found that groups most likely to be positively affected from the changes proposed include:

- Autistic people and people suffering from PTSD who are more sensitive to loud bangs and flashes
- Pregnant women who are more sensitive to loud bangs during their pregnancy.
- Children and 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.

The consultation and evidence gathering process ensured the evidence available in relation to, and experiences of, those from different socio-economic groups was an integral part of the policy development process. This included consultation events in communities across Scotland, including in deprived communities. Evidence gathering included consideration of the impact of fireworks on those from different socio-economic groups and data, where possible, has been disaggregated accordingly – for example, the Evaluation of Firework related harm study; and representative omnibus survey, both outlined above.

The proposed policies in relation to the use of fireworks outside of permitted days and within any designated firework control zones will enable members of the public to arrange for a professional to organise and put on a display outside of permitted days or within any designated firework control zone. This will mean those who have the ability to pay to engage a professional firework organiser will be in a position to use fireworks outside of permitted days as well as within any designated control zones, while those who do not will be unable to. It is considered that this represents a balance between allowing certain fireworks events to continue and reducing the impact on the businesses involved, while preventing high levels of unpredictable firework use outside of organised events and those involving professionals

Stage 4 - Decision

This decision stage allows Deputy Directors (or above) to consider the assessment process from Stages 2 and 3, agree any changes to the policy, proposal or decision and confirm that due regard to meeting the Fairer Scotland Duty has been given in this case.

Key questions to discuss at this summary stage are:

12. What changes, if any, will be made to the proposal as a result of the assessment? Why are these changes being made and what are the expected outcomes?

No changes are proposed at this stage.

13. If no changes are proposed, please explain why.

The policy has been developed to reduce the harm caused by fireworks in all communities across Scotland, and to promote the safe and considerate use of fireworks. This includes areas of socio-economic disadvantage.

Once these questions have been discussed and written up, save this document in the relevant project file in eRDM. Your deputy director (or above) should sign and date in the box below.

Sign off of the Fairer Scotland Assessment template	Name: Wendy Wilkinson Job title: Deputy Director Safer Communities
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