

**Fireworks (Scotland) Regulations 2004  
Procedure for Disposal of Applications for Dispensation**

**Report by Director, Corporate Resources**

**1 Purpose of Report**

This report outlines the suggested procedure to be adopted for the consideration of applications for dispensation to promote Fireworks Displays after 11pm and before 7am.

The Regulations do not provide for a hearing but it is suggested that one take place and accordingly the applicant has been called to appear.

The circumstances are as narrated in the report by the Director, Communities and Wellbeing.

**2 Procedure for Considering Applications at Hearings**

It is suggested that if the Committee agree that a hearing take place, the procedure be as follows:--

- 1 The objectors are given the opportunity to explain the basis of their objection (copies of the representations have been previously circulated to the applicant).
- 2 The applicant and the Members are given the opportunity to question the objectors.
- 3 The applicant is given the opportunity to speak in support of the application; and respond to the comments which have been made.
- 4 The objectors and the Members are given the opportunity to question the applicant.
- 5 The objectors and then the applicant are given the opportunity to sum up.
- 6 The Committee take a decision on the matter in the presence of the applicant and the objectors. The Committee may first adjourn but only for the expressly stated purpose of seeking procedural or legal advice (normally from the Clerk or Legal Adviser) and not for the purpose of taking the decision in private. The reasons for making the decision should be explained when conveying the decision.

### **3 Disposal of Applications for Dispensation**

In disposing of an application for dispensation, the Committee may not grant a dispensation under this regulation, unless it is satisfied either–

- (a) that there is no risk that use of fireworks in accordance with the dispensation will not result in (i) death of persons or injury, alarm, distress or anxiety to persons, (ii) death of animals or injury or distress to animals, and (iii) destruction of, or damage to, property; or
- (b) that the risk that use of fireworks in accordance with the dispensation will have any such consequences is the minimum that is compatible with their being used.

There is no right of appeal.

### **4 Recommendation**

The Committee is recommended to note the terms of the report and adopt the procedure.

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**Background Papers:** File CG 10.7 (RGA)

### **5 Report Background and Appendices**

#### **5.1 Background**

Fireworks (Scotland) Act 2003  
Fireworks (Scotland) Regulations 2004