

**The Fireworks (Scotland) Regulations 2004  
Dispensation request for a fireworks display.**

**Applicant: Geoff Crow, 21cc Fireworks, Hopetoun Estate, South  
Queensferry, EH30 9SL**

**Report by Eibhlin McHugh, Acting Director, Communities and Wellbeing**

**1 Purpose of Report**

This report asks members to consider the granting of a request for dispensation to allow a three minute fireworks display to take place at Frostineb Farm, Fala, as the culmination of a wedding reception on Saturday 16 June/Sunday 17 June 2012

- 1.1** The Fireworks (Scotland) Regulations 2004, make it an offence for fireworks to be used between 11pm and 7am throughout the year, with the exception of:
- a) Chinese New Year, Guy Fawkes Night, Diwali and Hogmanay, where an extension is allowed;
  - b) Local authority displays, national public celebrations or national commemorative events; and
  - c) Where the local authority grants a dispensation.

**2 Background**

- 2.1** The Fireworks (Scotland) Regulations 2004 were introduced to minimise the risk that fireworks will be used with harmful consequences for people, animals or property and to prevent the increasing anti-social use of fireworks. The regulations clarify when fireworks can and cannot be used.
- 2.2** The regulations allow local authorities to grant dispensation to permit certain persons to put on fireworks displays in the course of their business.

**3 Considerations**

- 3.1** The local authority can grant dispensation if it is satisfied that there is no risk of death, injury or distress to the public, or animals and no risk of damage to property, or that any risks are kept to a minimum.
- 3.2** Consideration must be given to the location of the proposed fireworks display.
- 3.3** Any such application for dispensation has to be made in writing and has to be received by the local authority no later than six weeks prior to the proposed fireworks display. The application by 21cc Fireworks was received eight weeks prior to the proposed date of the event.

- 3.4** If the local authority does grant dispensation, it shall inform the applicant and at the same time inform the chief constable.
- 3.5** Should dispensation be granted, the applicant is required to publish a public notice indicating the intention to hold the fireworks display, at least seven days before it is held, providing a description of the event, the location and the date and time of the event.
- 3.6** Trading Standards have received a copy of a draft notice from 21cc Fireworks which would be placed in the Midlothian Advertiser or Evening News. Furthermore, Trading Standards have requested that a similar notice be placed in the local Post Office.

## **4. Report Implications**

### **4.1 Resources**

There are no resource implications.

### **4.2 Risk**

There is an inherent risk of harm or injury as a result of a fireworks display.

A local authority can only consider granting dispensation if it is satisfied that there is no risk that the use of fireworks will cause the:

- a) death of persons or injury, alarm, distress or anxiety to persons,
- b) death of animals or injury or distress to animals, and
- c) destruction of, or damage to, property,

or that any such risk is the minimum compatible with fireworks being used.

Trading Standards staff have carried out a risk assessment regarding this application. The details are in the Appendix.

### **4.3 Policy**

#### **Consultation**

Trading Standards have consulted all interested parties as detailed in the Appendix and have received no objections.

#### **Equalities**

There are no equalities issues arising from this report.

#### **Sustainability**

There are no sustainability issues arising from this report.

## **5. Recommendations**

- 5.1** The Committee is recommended to grant dispensation to 21cc Fireworks for this event.

**Date:** 24 May 2012

**Report Contact:** Stephen Thomson

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**Appendix: Risk Assessment regarding proposed firework display at Frostineb, Fala.**

- a) The applicants are professional pyrotechnicians. They state they have risk assessed the land and conclude it to be the perfect site.
- b) Frostineb Farm is near Fala and is fairly isolated, amidst farmland. The nearest village of any size is Pathhead, approx. 3 miles to the north.
- c) The applicant states that the bride's parents, who own Frostineb, confirm that some of the guests will be from neighbouring farms and that the surrounding farms have been notified about the possibility of this display taking place and have not objected.
- d) The proposed display is to last only 3 minutes.
- e) The following interested parties have been consulted and have raised no objections:
  - Lothian and Borders Police, E Division Licensing
  - Lothian and Borders Fire & Rescue Service
  - Scottish SPCA
  - Midlothian Council Environmental Health – Public Health
  - Tynewater Community Council
- f) West Lothian Council Trading Standards were contacted to confirm their knowledge of 21cc Fireworks as professional pyrotechnicians based in their area.
- g) Tynewater Community Council are to place notices on their community notice boards to indicate the possibility of this firework display.
- h) Lothian and Borders Fire & Rescue have requested that should the display be granted, the applicant contacts their operations call centre 24 hours before the display, just as a matter of course. The applicant has agreed to do so, should he gain dispensation.
- i) A site visit was made to Frostineb and to survey the surrounding location, to determine any other issues, which were not apparent.

The risk assessment carried out indicates that any risks involved would be to a minimum due to the isolated location proposed for the display. Trading Standards are satisfied that the organisers are professional pyrotechnicians, well used to organising fireworks displays such as this wedding event.