

REPORT TO: POLICY AND RESOURCES COMMITTEE – 11 MARCH 2002
REPORT ON: THE SALE OF FIREWORKS
REPORT BY: DIRECTOR OF SUPPORT SERVICES
REPORT NO.: 198-2002

1. PURPOSE OF REPORT

1.1 This Report updates the Committee on progress regarding the sale of fireworks.

2. RECOMMENDATIONS

2.1 The Committee is recommended:-

- (i) To note the Scottish Executive's response
- (ii) To note that the Scotland Office have not responded
- (iii) To note COSLA's proposals for dealing with this matter
- (iv) To agree to ask the Members of Parliament for Dundee East and Dundee West and the Members of the Scottish Parliament for Dundee East and Dundee West to raise this issue in the House of Commons and the Scottish Parliament.

3. FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising out of this Report

4. LOCAL AGENDA 21 IMPLICATIONS

4.1 There are no Local Agenda 21 implications arising out of this Report.

5. EQUAL OPPORTUNITIES IMPLICATIONS

5.1 There are no equal opportunities implications arising out of this Report

6. BACKGROUND

6.1 The Director of Support Services was asked to bring forward a Report to the Committee setting out the present legal framework on the sale of fireworks so that the Council could adopt a position on possible changes to the law.

6.2 Report No. 820/2001 was considered by the Committee on 17 December 2001 and the Council resolved:-

- (i) To call upon COSLA to arrange for research to be carried out into the sale and use of fireworks and, in particular, the public acceptability of a total ban on the sale and/or use of fireworks

- (ii) In the interim to call for the retail sale of fireworks to be banned except in the few days before November 5th and for the Fireworks (Safety) Regulations 1997 to be updated by the Westminster Parliament to prohibit the sale of powerful and noisy fireworks except to those like the Council who hold organised displays.

6.3 Emails in appropriate terms were sent to the Scottish Executive, the Scotland Office and COSLA following the meeting.

The Scottish Executive's response is attached at Annex A.

The Scotland Office have not responded.

COSLA have agreed that a Fireworks Task Group should be established, led by North Lanarkshire Council to take this matter forward. It is intended that Dundee City Council will be represented at Officer level on the Group.

Given that the Scottish Executive's response does not advance matters and that the Scotland Office have not replied it is felt appropriate to ask the City's MP's and MSP's to raise this matter at Westminster and at Holyrood. In particular it would be helpful if it could be confirmed by the Scottish Parliament that it would be possible for Councils in Scotland to make byelaws to deal with the sale of fireworks and that there would be no legal impediment to the Scottish Ministers confirming those byelaws.

7. **CONSULTATION**

7.1 The Chief Executive, Director of Finance and Director of Environmental and Consumer Protection have been consulted in the preparation of this Report.

Signature Date

Director of Support Services

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

SCOTTISH EXECUTIVE
Enterprise & Lifelong Learning Department
Enterprise and Industry Division

Meridian Court
5 Cadogan Street
Glasgow G2 6AT

Telephone: 0141-242-5547
Fax: 0141-242-5687

Andrew.McConnell@scotland.gsi.gov.uk
<http://www.scotland.gov.uk>

22 January 2001

Mr Roger Mennie
Legal Manager
Dundee City Council
21 City Square
DUNDEE
DD1 3BD

Dear Mr Mennie

FIREWORKS

Thank you for your e-mail of 11 January concerning the sale of fireworks. I have been asked to reply because of this Division's interest in consumer matters.

I can assure you that Scottish Ministers are aware of and recognise the concerns that there are about the inappropriate use of fireworks. However, the sale and supply of fireworks is a consumer protection matter and as such is reserved to the Government of Westminster. This ensures uniform protection for the general public across Great Britain.

Therefore it would be a matter for the Westminster Parliament to legislate for the restriction of the retail sale of fireworks or to consider revising the Fireworks (Safety) Regulations 1997. I understand that the Government has no such plans at present, although this issue continues to be kept under review.

I hope this information is of use to you.

Yours sincerely

ANDREW McCONNELL