

To: PLANNING & ENVIRONMENT (PROTECTIVE SERVICES) SUB-COMMITTEE	Subject: THE FIREWORKS REGULATIONS 2004
From: DIRECTOR OF PLANNING AND ENVIRONMENT	
Date: 5 TH OCTOBER, 2004	Ref: ^

1. Purpose

1.1 This report is to inform members of further legislation designed to tackle the anti-social use of fireworks

2. Background

2.1 New regulations that aim to impose greater controls on the supply and use of fireworks have been made under the Fireworks Act 2003. Members will recall that the Fireworks Act 2003 was originally a Private Members Bill introduced by Bill Tynan MP that contained many of the recommendations arising from the COSLA fireworks task group led by North Lanarkshire Council.

2.2 Following a consultation exercise, which was reported to the Planning & Environment Committee in June 2004, regulations have been made that bring in a number of controls in time for this year's firework season as well as further measures to be introduced at the beginning of next year.

3. Considerations

3.1 The new regulations make permanent an earlier temporary ban on under-18s possessing adult fireworks in a public place, and a ban on all persons except firework professionals, from possessing Category 4 fireworks. Adult fireworks include all fireworks except those such as caps, cracker snaps, party poppers etc. Category 4 fireworks are the more powerful fireworks often used in professional displays that cannot legally be sold to ordinary members of the public. The Police will enforce these provisions.

3.2 A curfew on the use of fireworks at night between the hours of 11 pm and 7 am has been introduced, although there are exceptions that will allow use until midnight on November 5th, and until 1 am on the nights of the Chinese New Year, Diwali and New Year's Eve. Again the Police will enforce this.

3.3 The supply of loud fireworks that exceed the noise level of 120 decibels is made an offence.

3.4 Shops and other suppliers will be required to display a notice containing information that it is illegal to sell adult fireworks to under-18s and for anyone under that age to possess them in a public place. Suppliers will also have to supply information on request to the Council about transactions where the amount of fireworks sold exceeds 50 kilograms.

3.5 From 1st January next year, suppliers will be required to hold a licence from the Council if they wish to sell fireworks outwith the traditional firework period of 15th October to 10th November, and certain other specified dates around the New Year, Diwali and the Chinese New Year. A licence cannot be granted unless the applicant holds a registration or licence under the Explosives Act 1875, and the Council may refuse or revoke a licence if the applicant has committed offences in connection with the keeping or selling of fireworks. A fee of up to £500 may be charged for a licence.

- 3.6 Importers will be required to supply Customs and Excise with details of storage facilities for each consignment of fireworks following their importation. This information will in turn be passed to the appropriate local authority or HSE and is aimed at ensuring that importers have adequate storage facilities. This provision comes into force on 1st January next year.
This requirement is also aimed at preventing the unauthorised and dangerous practice whereby importers without suitable storage would open containers and transfer fireworks to other vehicles in public areas such as motorway service stations and lay-bys. It is thought that the "white van " trade is often supplied in this way, which is in turn responsible for much of the illegal supply of fireworks to under age persons that causes nuisance with anti-social behaviour.

4. Corporate Considerations

- 4.1 The regulations permit the Council to charge a fee of up to £500 a year in connection with the granting of a licence to a person wishing to supply outside of the listed traditional periods. LACORS has informed local authorities that the Department of Trade & Industry have advised that the fee should be £500 as the sanction is to act as a disincentive to selling all year round. LACORS is currently giving consideration to this issue and to whether they will recommend this amount or some other fee level. No decision will be taken as to the fee to be charged by North Lanarkshire Council until further advice is received from LACORS.

5. Recommendations

- 5.1 The sub-committee are invited to note the contents of this report.

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