

REPORT TO: Policy and Resources Committee – 17 November 2003

REPORT ON: The Fireworks Act 2003

REPORT BY: Depute Chief Executive (Support Services)

REPORT NO.: 781/03

1. PURPOSE OF REPORT

- 1.1 This Report advises the Committee of the publication of a Consultation Document under the Fireworks Act 2003 and seeks instructions regarding the Council's response.

2. RECOMMENDATIONS

- 2.1 It is recommended that the Committee
- 2.1.1 welcomes the proposal to create the criminal offences referred to in Paragraph 6.3, and
- 2.1.2 notes that further proposals for regulations made under the Act are to follow in 2004 and further Reports will be brought before the Committee as appropriate in due course.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising directly out of this Report.

4. LOCAL AGENDA 21 IMPLICATIONS

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

5. EQUAL OPPORTUNITIES IMPLICATIONS

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

6. MAIN TEXT

- 6.1 The Fireworks Act 2003 received Royal Assent on 18 September 2003. Its aim is to reduce noise, nuisance and injury caused by the use of fireworks. The Act enables the Secretary of State for Trade and Industry to make regulations (called Fireworks Regulations) in order to secure that there is either no risk, or a minimal risk compatible with use, that fireworks will cause death, injury or distress to persons or animals, or damage to property.
- 6.2 The Department of Trade and Industry issued a Consultation Document on 5 November setting out proposals to introduce a number of prohibitions on the possession of fireworks with the aim of tackling their anti-social use by certain troublesome elements in the community. A copy of the Consultation Document has been passed to each Group Secretary and in addition a copy is available for inspection in the Members' Lounge. Responses are invited by 26 November.

6.3 It is proposed to create an offence of possession in a public place of fireworks by those under the age of 18 and an offence of the possession of category 4 fireworks, (that is professional display fireworks) by any person other than those (such as professional fireworks display operators, manufacturers and suppliers) who have legitimate business reasons for handling fireworks. The Police will have the primary responsibility for enforcement of these proposed offences - offenders will be liable to imprisonment for a term not exceeding six months or a fine not exceeding £5,000. The Government intend to bring these proposals into force on 22 December 2003.

6.4 Further proposals for regulations made under the Act are to follow in 2004 and further Reports will be brought before the Committee as appropriate in due course.

7. CONSULTATION

7.1 The Chief Executive and the Depute Chief Executive (Finance) have been consulted in the preparation of this Report.

8. BACKGROUND PAPERS

8.1 Fireworks Regulations – Consultation on proposals to create a number of prohibitions on the possession of fireworks – Department of Trade and Industry – November 2003

Patricia McIlquham

Date

13 November 2003

Depute Chief Executive (Support Services)