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Dear Maurice

Thank you for your letter, dated 1 August 2023, regarding the discretionary firework control zone powers for local authorities from the Fireworks and Pyrotechnic Articles (Scotland) Act 2022.

Firework control zone powers have commenced in line with original implementation timescales. Work to commence firework control zone powers and publish guidance for local authorities has been progressed as quickly as practicably possible following Royal Assent. You will be aware that the Scottish Government committed to co-developing firework control zone guidance with stakeholders and communities. Time was required to ensure that meaningful co-development could be undertaken with stakeholders and communities to produce local authority guidance that is useful and fit for purpose.

The guidance document is a result of collaboration with the Firework Control Zones Working Group, which was established as a short life working group to steer development of the guidance with input from wider stakeholders and communities. The Working Group was made up of stakeholders such as Police Scotland, the Scottish Fire and Rescue Service, COSLA, the Scottish Community Safety Network, the Scottish Community Development Centre, and practitioners from a selection of local authorities. The Working Group agreed to the final draft of the guidance in June 2023, prior to its publication.

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In relation to the issue that you have raised of the length of time that a firework control zone consultation should be run by a local authority, as you state, the guidance sets out that best practice for running a traditional written consultation is that this would take place over a period of 8 to 12 weeks. Throughout the co-design process, however, participating local authorities expressed the view that there may be occasions that this timeframe would not be appropriate. This could include, for example, a pressing local need to conclude the consultation within a shorter timescale, or local circumstances dictating that a longer consultation would result in significantly higher levels of engagement. That is why, following the best practice consultation timescales being set out on page 15 of the guidance, it goes on to state that "*A local authority may, therefore, depart from this timeframe if there are clear, justifiable reasons for doing so and as long as they can justify that the timeframe provided for response remains proportionate and does not prevent participation by individuals. This includes, for example, if there is a pressing local need to conclude the consultation within a shorter timescale*".

The Scottish Government has been clear that it is for local authorities to utilise the discretionary firework control zone powers based on their own assessment of the needs of their communities. Throughout the development of the guidance, my officials engaged with a range of local authorities and stakeholders. Upon commencement of the powers my officials undertook a programme of communications activity and engagement with stakeholders, such as the Scottish Community Safety Network and COSLA to promote publication of the guidance to local authorities.

My officials have also written to the Chief Executive of every Scottish local authority seeking expressions of interest in utilising this discretionary power, and are holding information sharing sessions for local authority officials and elected members in August and September to further raise awareness and understanding of firework control zone powers.

Firework control zone powers, alongside other measures within the legislation, have been developed to support a long-term cultural change in the relationship that Scotland has with fireworks. Firework control zones have not been designed as a quick fix for firework related issues, or as a one-stop solution to deal with all of the issues that can be associated with fireworks. These powers have been introduced to provide local authorities and other community safety partners, such as the police, with an additional tool in the range of preventative and enforcement activity that is undertaken throughout Scotland around the bonfire night period.

Local authorities across Scotland have a wealth of knowledge and experience of preventing, planning for, and responding to, issues involving fireworks using a multi-agency approach. I am aware that planning for Operation Moonbeam, the national, multi-agency response to the challenges that can be associated with the bonfire night period has already commenced for the upcoming bonfire season. Operation Moonbeam is led by Police Scotland and involves multi-agency coordination including with the Scottish Fire and Rescue Service, the Scottish Ambulance Service and local authorities. An abundance of local level planning also takes place each year, enabling community safety partners and local authorities to respond to local needs utilising their experience and knowledge of communities. Firework control zones have not been developed to replace this work, but instead to be incorporated within the wider preventative and planning activity undertaken by local authorities and partners where they are considered necessary and appropriate.

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We are encouraging local authorities to familiarise themselves with the firework control zone guidance, and to work closely with local communities and enforcement partners to consider how the upcoming bonfire night period could inform decisions on whether they wish to use the discretionary powers going forward.

Thank you for engaging on this issue, I am delighted that you recognise the value that firework control zones will have for communities across Scotland. I hope that my response is helpful.



SIOBHIAN BROWN

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