



REPORT TO BANFF AND BUCHAN AREA COMMITTEE - 16 June 2015

FIREWORK DISPLAY AT CAIRNBULG CASTLE, FRASERBURGH, AB43 8TN ON SUNDAY 12th July 2015

APPLICATION FOR DISPENSATION

1 Recommendations

1.1 The Committee is recommended to -

Grant a dispensation from the prohibition on the use of fireworks imposed by Regulation 3(1) of the Fireworks (Scotland) Regulations 2004 to Mark Copland of Fireworx Scotland Ltd, Craigforthie, Inverurie, Aberdeenshire, AB51 OLT, for the period between 01:00 and 01:10 on Sunday 12th July 2015 at Cairnbulg Castle, Fraserburgh, AB43 8TN as part of a private family function.

2 Background / Discussion

- 2.1 The purpose of the report is to present an application for a dispensation from the prohibition on the use of fireworks at night imposed by Regulation 3(1) of the Fireworks (Scotland) Regulations 2004 to allow their use at Cairnbulg Castle, Fraserburgh, AB43 8TN between 01.00 and 01.10 on Sunday 12th July 2015
- 2.2 The Fireworks (Scotland) Regulations 2004 (the Regulations) impose a "curfew" on the use of fireworks between 23:00 and 07:00 the following day (the night hours). For 4 specified events each year, e.g. 5th November use is permitted for longer periods. During the rest of the year local authorities are empowered to grant dispensations permitting the use of fireworks at night by persons and for purposes identified in the Regulations.
- 2.3 At its meeting of 2 December 2004 (Item 30) the Infrastructure Services Committee agreed that applications for dispensations should be delegated to Area Committees.
- 2.4 Dispensations may be granted only to persons employed by, or in business as professional organisers or operators of firework displays to allow them to use fireworks in the course of their employment or business or at a national public celebration or a national commemorative event.
- 2.5 If the dispensation is granted the applicant must, at least 7 days before the event, arrange for details to be published in a newspaper circulating in the area of the local authority. The police must also be informed of the Committee's decision. The application for the dispensation is attached as Appendix 1.

- 2.6 Mark Copland of Fireworx Scotland Ltd, Craigforthie, Inverurie, Aberdeenshire, AB51 OLT (the applicant) is in business as a professional operator and organiser of firework displays. He seeks a dispensation for the period between 01.00 and 01.10 at Cairnbulg Castle, Fraserburgh, AB43 8TN on Sunday 12th July 2015 as part of a private family function.
- 2.7 The display is expected to last a maximum of 10 minutes and will include fireworks that produce loud reports.
- 2.8 Before it can grant a dispensation the authority must be satisfied that the use of fireworks in accordance with the dispensation will not have any of the following consequences (the consequences):
- i) the death of persons or injury, alarm, distress or anxiety to persons;
 - ii) death of animals or injury or distress to animals;
 - iii) destruction of or damage to, property;
- or that the risk of such consequences is the minimum consistent with the use of fireworks.
- 2.9 The Scottish Executive guidance on the Regulations states: "It will be for the local authority to decide if the use of fireworks in accordance with the dispensation will have these consequences. Local authorities should take into account that the curfew created by the Regulations is a reflection that the use of fireworks between 23:00 and 07:00 the next day is regarded by the public as unacceptable except in special circumstances. It will be for the local authority to decide, taking into account its knowledge of its particular area, whether the conditions in subsection (4.1) are satisfied." (i.e. the consequences will not occur or the risk is the minimum possible consistent with the use of fireworks).
- 2.10 The event will be managed by the proprietors of Cairnbulg Castle in conjunction with Fireworx Scotland. The display is expected to have a limited impact on local residents due in part to the geography of the area. The display site is surrounded on all sides by forestry. A small number of rural properties are within a 1km radius of the display site. The proprietors have considered the effect of such a display on nearby property and have informed the relevant persons of the time and date of the display.
- 2.11 Beyond the forest areas surrounding the site, there are open fields with grazing sheep and cattle. The proprietor has contacted the owner of the grazing livestock and has received no objections to the event. Approximately 1km to the North of the display site the Waters of Philorth nature reserve is present. Aberdeenshire Council Ranger services, North East Bat Group and the RSPB have been consulted and no objections have been received.
- 2.12 The generation of sound and light pollution by a firework display can be considerable. The Committee need only consider the consequences that might arise after 23:00 that would not arise from the operation of the display between the hours of e.g. 22:50 and 23:00 for which no dispensation would be required.

- 2.13 If the dispensation is granted the applicant has agreed to publish a notice in the Fraserburgh Herald newspapers at least seven days prior to the event.
- 2.14 The Service has consulted with Police Scotland and the local Members. No objections have been received to date.
- 2.15 The Monitoring Officers within Business Services have been consulted and were content with the report, having no objections.

3 Equalities, Staffing and Financial Implications

- 3.1 An equality impact assessment is not required as the recommended actions do not have a differential impact on people with protected characteristics.
- 3.2 There are no financial or staffing implications arising from this report. Police Scotland are responsible for the enforcement of the terms of the dispensation.

Report prepared by Norrie Steed, Principal Trading Standards Officer
21 May 2015

Stephen Archer
Director of Infrastructure Services



Application under Regulation 4 of the Fireworks (Scotland) Regulations 2004 for a Dispensation from the Prohibition on the use of Fireworks during the Night Hours

Name of Applicant ¹ :	MARK CORUAND Fireworks Scotland Ltd.		
Address of Applicant:	CRAIGFORTHIE, INVERGIE		
	ABERDEENSHIRE		
Applicant's Business Tel. No:	01467 624872	Applicants Mobile Tel No:	07801 543614
	Name of person in charge of firing the display:		Tel. No. on which person can be contacted:
MARK CORUAND		AS ABOVE	
Location of the event during which the fireworks are to be used:	CAIRNBURG CASTLE, FRASERBURGH ABERDEENSHIRE, ABSI 8TN.		
Description of the event during which the fireworks are to be used:	PRIVATE WEDDING		
Name and address of person for whom the event is being run:	KATE NICHOLSON, CAIRNBURG CASTLE FRASERBURGH, ABERDEENSHIRE.		
Name and address of person on whose premises the fireworks will be used (if different from person above):	(AS PER LAST YEAR)		Tel:
Date of display for which dispensation is required:	12th JULY 2015		
Time at which event is to begin:	16.00 11/7/15	Time at which event is to end:	01.30 12/7/15
Time at which use of fireworks will begin (Start of dispensation period):	0.10.00	Time at which use of fireworks will end (End of dispensation period):	01.10.
Description of all fireworks (effects) to be used during the display:	SHORT 2MIN DURATION DISPLAY AS GUESTS LEAVE. ROMAN CANDLE COMBINATIONS (CAKES) 75mm / 100mm AERIAL SHOTS.		
Where are the fireworks to be kept prior to use:	FIREWORKS SCOTLAND LTD VEHICLE		
Distance between nearest residential building and point at which fireworks will be used:	1/2 mile		

¹ Applicants may be sole traders or corporate bodies but persons signing on behalf of a corporate body must be a director or company secretary.

YES NO

Are you or is the person by whom you are employed a professional organiser of firework displays?

Do you or does the person by whom you are employed hold public liability insurance in respect of the use of fireworks at the event described overleaf?)

(Please tick the relevant box)

I confirm that the use of fireworks for which this dispensation is sought is :

- for the purpose of putting on a firework display in the course of my business or my employment as a professional organiser/operator of firework displays* or
- ~~at a national public celebration or national commemorative event*~~

* Delete where incorrect.

If my application is successful I will give the notice of the event described overleaf required by Paragraphs 8 and 9 of Regulation 4 of the Fireworks (Scotland) Regulations 2004 in the FRASERBURGH HERALD newspaper.

I confirm that the information I have entered in this application is correct and I hereby apply for a dispensation from the requirements of Regulation 3(1) of the Fireworks (Scotland) Regulations 2004 on the terms set out overleaf and above.

Applicant's Signature [Signature] Date: 11/5/15

Position: Company Director

Applications should be returned to:

Aberdeenshire Council
Consumer Protection
Gordon House
Blackhall Road
Inverurie
AB51 3WA

Please note that a copy of your application will be submitted to Grampian Police as part of the consultation process and that Community Councils and other representative bodies may also be consulted about your application. The application form will also be included in the documents sent to members of the relevant Area Committee and as such will become a public document.