



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Criminal Justice Committee

**Wednesday 23 March 2022**

**Session 6**



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**Wednesday 23 March 2022**

**CONTENTS**

<b>FIREWORKS AND PYROTECHNIC ARTICLES (SCOTLAND) BILL: STAGE 1</b> .....	<b>Col. 1</b>
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**CRIMINAL JUSTICE COMMITTEE**

**12<sup>th</sup> Meeting 2022, Session 6**

**CONVENER**

\*Audrey Nicoll (Aberdeen South and North Kincardine) (SNP)

**DEPUTY CONVENER**

\*Russell Findlay (West Scotland) (Con)

**COMMITTEE MEMBERS**

- \*Katy Clark (West Scotland) (Lab)
- \*Jamie Greene (West Scotland) (Con)
- \*Fulton MacGregor (Coatbridge and Chryston) (SNP)
- \*Rona Mackay (Strathkelvin and Bearsden) (SNP)
- \*Pauline McNeill (Glasgow) (Lab)
- \*Collette Stevenson (East Kilbride) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

- Norman Donald (NJE Fireworks Displays)
- Andy Hubble (British Pyrotechnists Association)
- Fraser Stevenson (British Fireworks Association)

**CLERK TO THE COMMITTEE**

Stephen Imrie

**LOCATION**

The David Livingstone Room (CR6)



# Scottish Parliament

## Criminal Justice Committee

Wednesday 23 March 2022

*[The Convener opened the meeting at 09:01]*

### Fireworks and Pyrotechnic Articles (Scotland) Bill: Stage 1

**The Convener (Audrey Nicoll):** Good morning and welcome to the 12th meeting in 2022 of the Criminal Justice Committee. We have no apologies this morning.

Our main item of business is an evidence session on the Fireworks and Pyrotechnic Articles (Scotland) Bill. I refer members to papers 1 and 2. I am pleased to welcome Fraser Stevenson, vice-chairman of the British Fireworks Association; Andy Hubble, chairman of the British Pyrotechnists Association; and Norman Donald, the owner of NJE Fireworks Displays, who joins us remotely on BlueJeans. Good morning to you all. We appreciate the time that you are taking to join us.

We move directly to questions. I will open with a general question, which I will put first to Fraser Stevenson and then to Andy Hubble. Could you give us some broad comments, from the perspective of your respective organisations, on your experience to date of dealing with and supplying fireworks and pyrotechnic articles?

**Fraser Stevenson (British Fireworks Association):** I have a prepared statement, which will cover the aspects that you have asked about.

I thank the committee for giving me the opportunity to speak to it. British Fireworks Association members import more than 90 per cent of the legitimate fireworks that are placed on the market in the United Kingdom. The BFA sits on various groups, including CEN—the European Committee for Standardization—which is a technical committee that covers the European standards for fireworks, and the firework enforcement liaison group, which, as well as including enforcement authorities, such as the Health and Safety Executive and trading standards, has Government representation from the likes of the office for product safety and standards and the Department for Business, Energy and Industrial Strategy. We also have regular meetings with BEIS and the OPSS at Westminster.

When it comes to experience, I have worked in the industry for more than 15 years; I gave evidence at Westminster during the 2019 fireworks

inquiry and was on the Scottish firework review group; I have been an expert witness for various police authorities in prosecutions; and I am the UK consumer industry's lead contact with the European fireworks industry.

Before I comment on the bill, it is worth looking back at the 1990s. In the 1990s, the number of people in the UK who were admitted to hospital with firework-related injuries averaged 1,200 a year—at its peak, it was more than 1,500—and deaths were not uncommon. At the time, fireworks such as bangers, fireworks of erratic flight, display shells and bottle rockets were available to the public. Quite a lot of those fireworks are still available and perfectly legal in Europe, but they were prohibited in the UK, because the UK made a step change at that time.

After consultation and a detailed analysis of the types and causes of injuries, the industry proposed a voluntary ban in the UK on the products that I mentioned, which was subsequently enshrined in legislation. The Department of Trade and Industry, as it was then, also pushed a massive safety and awareness campaign that promoted the safe, considerate and responsible use of fireworks. That was supported through further legislative change that the industry supported to close out some areas of concern, such as age limitations and possession. The result is that, today, we have an accident rate that is less than one tenth of what it was in the 1990s, and there have been no firework-related deaths in more than 20 years.

Unfortunately, in 2005, it was decided that the level of support for a co-ordinated firework safety campaign should be reduced, which is a decision that the industry feels was not correct. We are now 17 years on from that point—it is 17 years since a co-ordinated campaign to highlight the dangers of misusing fireworks was stopped—but, thankfully, in the past two years, working with the industry, the OPSS and BEIS have restarted a co-ordinated messaging approach, primarily via social media. The messaging highlights the importance of the safe, considerate and responsible use of fireworks, and the importance of reading the safety instructions, of buying from licensed, authorised retailers and of being considerate to those who might not enjoy fireworks as much.

That messaging is working. Why do we say that? In the past two years, with Covid restrictions, the number of organised events has been drastically reduced to almost zero. The result is that far more consumer fireworks have been sold, with some retailers reporting an increase of as much as 700 per cent, but we have not seen a massive spike in accident rates or the misuse of fireworks. That suggests that, in the words of the Minister for Community Safety,

“there’s a number of people—a small number of people—that are using fireworks inappropriately”.

Why, then, does the bill appear to target the majority of consumers, who use fireworks appropriately?

In 2019, the industry recommended that a single point of contact should be created to co-ordinate safety messaging, market surveillance and intelligence sharing between the industry, trading standards, the fire service and the police. That recommendation was made to the firework working group in Scotland, the minister and to MPs at the Westminster inquiry. The OPSS has followed that recommendation in England; the Scottish Government has not. Instead, the industry is excluded from much of the activity in Scotland.

The BFA was encouraged to speak to Police Scotland about operation moonbeam. We did so and were not asked to be involved any further—at least, not until we raised the point with the minister during a meeting in March this year. We spoke to the Scottish Fire and Rescue Service and even advised it that its safety leaflet was wrong and that it encouraged consumers to purchase fireworks that had been made illegal in 2017. Again, we were not asked to be involved further. Finally, the Scottish Government asked us to get involved with the Scottish Society for the Prevention of Cruelty to Animals firework safety campaign in 2021, after we highlighted errors in its 2020 campaign. However, at the first meeting, a member of the SSPCA stated that the industry’s involvement in the safety campaign would make things “very difficult” for the SSPCA.

The industry has repeatedly raised concerns regarding the unintended consequences of greater restrictions on the sale and use of consumer fireworks. We raised those concerns during the working group meetings and directly with the minister. Indeed, others have voiced concerns, notably the Health and Safety Executive explosives inspectorate, which, when it wrote to the Scottish Government in November 2021, stated:

“Our view is that, where possible, having two legal regimes containing different limitations on the same thing should be avoided.”

We have heard numerous references to the need for more tools in the toolbox. The BFA feels that the existing set of tools should be fully utilised before consideration is given to introducing additional legislation. In Scotland, the misuse of fireworks carries a maximum fine of £5,000 and six months in prison. To the best of our knowledge, the largest fine that has been handed down in Scotland is £150 to a 19-year-old who admitted using fireworks against two police officers in 2019. What message does that send to

those who misuse fireworks? It certainly does not appear to be a deterrent.

The Scottish Government states that, between 2019 and 2021, 53 misuse of fireworks charges were reported to the Crown Office and Procurator Fiscal Service. How many of those were prosecuted to the full extent of the law? We have asked that question and have yet to receive an answer.

The misuse of fireworks includes discharging fireworks in a public space or firing them into a public space. It also includes using fireworks and pyrotechnics as weapons, supplying age-restricted fireworks and pyrotechnics to anyone under the age of 18 and being in possession of an age-restricted firework or pyrotechnic in a public space while under the age of 18. The powers are extensive. They have been developed over decades and minimise the risk of unintended consequences. Sadly, the same cannot be said of the bill.

The 2019 Westminster inquiry, which heard evidence in public from a wide range of stakeholders, including the police, trading standards and the fire service, concluded that greater restrictions and controls on the sale and use of fireworks would not be appropriate because of the real risk of creating a black market and making matters worse, not better. Is it being suggested that things will be different in Scotland?

The BFA feels that the bill will be the biggest contributor to the creation of a black market. It does nothing to address misuse; instead, it specifically targets law-abiding Scots, places barriers in the way of purchasing fireworks from authorised retailers and encourages consumers to look elsewhere, such as the markets in some European countries, where fireworks that we banned in the 1990s are still perfectly legal.

The bill proposes the creation of firework-free zones when it is already an offence to discharge fireworks in a public space and has been since 1875. It will hand over the demand for fireworks in Scotland from licensed retailers to organised crime and will create more work for enforcement, not less. It will not improve safety; it will result in more injuries, not fewer, and it will lead to deaths.

The industry and the Scottish Government have the same objective: to promote the safe, considerate and responsible use of fireworks and to reduce their misuse. The BFA’s 10-point plan, which was presented to the Scottish Government in 2020, proposed ways in which that can be achieved while minimising the risk of unintended consequences. Sadly, the Scottish Government has chosen a very different, more dangerous route.

I apologise for the length of time that I have taken, but that covers the issues.

**The Convener:** Thank you. We will move straight on to Andy.

**Andy Hubble (British Pyrotechnists Association):** The British Pyrotechnists Association is the trade association that represents the professional firework display industry in the United Kingdom. If you think of any of the fantastic displays that are held in Scotland, whether the really big events, small local community galas or whisky festivals, the chances are that the pyrotechnics at those events have been fired by one of our members.

The association focuses on skills and competence. It has a training scheme for its members that is accredited by City and Guilds, which has various different levels and includes audit. There are minimum requirements for a company to become a member, codes of conduct by which companies must operate and disciplinary processes if companies are found to be in breach of the codes.

We are very much aligned with the fireworks industry, so the question is why I am here. It would be easy for us to sit back and say that a lot of the bill focuses on retail and tells people to go to organised displays, which are safer. However, with all of our experience and knowledge of fireworks, we are very concerned about the black market that the proposals will create and what it will mean for Scotland and the larger United Kingdom. We are really worried that the proposals could take the firework retail market underground. The consequences of that would be serious.

I will tell you a little about my background. I have worked in fireworks since the 1990s. At the start, I worked on the DTI's firework safety campaign. You might have seen Lenny Henry holding a sparkler or something like that. I was involved in that. That was the time when fireworks injuries were really high.

I saw the reaction to that in general, and also the reaction of industry, which took steps to remove the fireworks that were the tools that hooligans used for antisocial behaviour. It did that voluntarily, and was later backed up by legislation. I have seen the long working relationship that has carried on over the years. It occupies a lot of my time at the moment through communication with different departments, although, unfortunately, little of that goes on in Scotland.

09:15

I will tell you a bit about me. I spent 13 years as a special constable, so I understand what public order is, what antisocial behaviour is and the

impact that that behaviour can have on society. However, I was there in the 1990s, and I remember what things used to be like. I remember what the status quo was. I have helped you a little bit with that by sharing a video that you can watch later. It will take you back to what things were like when fireworks that are now banned were available in the United Kingdom quite legitimately.

We support high standards and legislation. We have worked on the development of many pieces of legislation. However, never before have I felt so passionately that a mistake is being made. That is why we are here. We want to speak to the committee, and to the minister, to explain what has been going on and our thoughts on that. Ultimately, we want a safe Scotland and safe communities, and we are happy to work with the Scottish Government to achieve that.

**The Convener:** Thank you. I will bring in Norman Donald, who joins us remotely. I hope you can hear us okay, Norman.

**Norman Donald (NJE Fireworks Displays):** Good morning. I am the owner of NJE Fireworks, which is based in Aberdeen. We have a licensed shop through which we sell retail fireworks to the public all year round. We also carry out professional firework displays at public events and all types of events.

I think that the bill is completely backward. I agree with what Andy Hubble and Fraser Stevenson have said. Our biggest concern is the black market and the danger in which the legislation will place the Scottish public. We cannot put the public in danger, but that is what creating a black market will do. Injuries are going to be vast and, as Fraser Stevenson said, the situation will probably lead to deaths.

If the bill goes ahead, my family business, which sells fireworks all year round, will have to close down. If you close down my shop, you will take away a specialist shop. When a member of the public comes in to buy fireworks from us, we ask them if they have bought fireworks before, we go through the safety instructions with them, we point them in the direction of fireworks that are appropriate for the area in which they plan to use them and we remind them of the laws and the need to be courteous. If we are not there, we will not do that, and our knowledge will be taken away from the public. That is not good for public safety.

If we go down the route of introducing a licensing scheme, that will push things underground. I have had long conversations with Darren McCluney from Diamond Fireworks in Northern Ireland about the licensing scheme there, and he will tell you that it does not work—all that it does is encourage people to buy fireworks elsewhere.

On the introduction of a fee, I point out that not everyone can afford a fee. Some families come to our shop to spend £30 on a small selection box because that is a once-a-year treat for their children. If you introduce a fee of £30, £50 or whatever, you could put that purchase out of their reach. There is no equality in that proposal whatsoever. It will create a class divide and punish people on low incomes, which is not fair. The minister has suggested that more people might go to professional firework displays, and they might do, if there is one nearby.

However, there are only so many professional firework companies in Scotland, and only so many firework displays that we can do. In reality, therefore, that will not happen—there will not be more and more professional firework displays. Such displays take place only at certain times of year: November, the Christmas lights switch-on and Hogmanay. We should relook at the bill from start to finish, and look at the things that we are doing wrong because, as I said at the start, the bill is backward; it does not look forward. As a nation, Scotland should be looking forward, not going backwards.

**The Convener:** Thank you very much, Norman. At this end, your picture is coming and going a little, but we will hang on in there and we will, I hope, be able to keep you on screen.

Members have quite a number of questions, so I ask for succinct questions and answers. I hand over to Pauline McNeill and will then bring in Rona Mackay.

**Pauline McNeill (Glasgow) (Lab):** Good morning. Thanks for your evidence. I found it powerful, but I have a number of questions. I will confine this set of questions to establishing what you think the extent is of the problem of antisocial behaviour.

Maybe all of us are agreed that the problem that we are trying to solve is misuse of fireworks. Andy Hubble's written submission talks about section 80 of the Explosives Act 1875 and about Pollokshields, which I have an interest in because I am a Glasgow member. I have spoken to representatives in Pollokshields, where fireworks are clearly a massive nuisance—not just in November, but at other times of the year. In your submission, you say that “no action was taken.” I have been trying to establish that with the Crown Office and Procurator Fiscal Service and have, as yet, been unable to do so. Where did you get your evidence that no action was taken?

**Fraser Stevenson:** Is that question directed at Andy or at me?

**Pauline McNeill:** I thought that what I mentioned was in Andy Hubble's submission, but

it is in Fraser Stevenson's, from the British Fireworks Association. I apologise.

**Fraser Stevenson:** We asked the same question about the actions that were being taken. I was in a radio call with, I think, Danny Phillips from Pollokshields, who said that no action had been taken. As far as we are aware, no prosecution was pursued.

All the things that happened in Pollokshields—the discharging of fireworks in a public space, the handing out of fireworks to minors from the back of a van, and so on—were criminal offences that would have involved level 5 fines at £5,000, or six months in prison. No action was taken.

**Pauline McNeill:** So your view is that the matter is not being taken seriously enough either by the police or by the Crown Office and Procurator Fiscal Service.

**Fraser Stevenson:** It is not being taken seriously.

On one occasion, I was interviewed by police officers in Edinburgh, who asked me to give them evidence about an attack on them. They showed me a product and asked whether it could cause an injury. I was there to help the police, and I said, “Yes, absolutely.” The police officer said, “Could it have killed us?” and I said, “Yes, if it had hit you, it could have killed you.” He said, “Good, because we are being told that it is not really a good crime and does not need prosecuting.” That came from the procurator fiscal.

**Pauline McNeill:** Thank you. On that point, I am trying to get my head around the concept of legal and illegal fireworks. Could you tell the police the difference?

**Fraser Stevenson:** Yes—absolutely.

**Pauline McNeill:** Forensically, you could tell the difference. At the end of the day, it does not really matter, if the firework goes off in a public place.

**Fraser Stevenson:** At a working group meeting, there was a presentation by NHS Scotland at which we highlighted that what had been presented was consistent with an injury that had been sustained from a banger. They have been illegal for more than 20 years, but that information was discarded. That information came from Tom Smith, who is a recognised industry expert. He concluded the same: that the injury that was presented to the working group was consistent with an injury that had been sustained from a banger—an illegal product that was banned more than 20 years ago in the UK.

That is what is happening in the Republic of Ireland. I shared a video for committee members; I do not know whether you saw it. The Republic of Ireland is 15 years into a total fireworks ban, and



people there are still doing education in schools to teach about the dangers of bangers—a product that was banned in the UK more than 20 years ago.

We do not see a lot of bangers on the market, although they do appear. Two years ago, someone in Sheffield was selling 4,500 bangers online. That was reported to the police—that was done by the industry. The office for product safety and standards has now got involved—it has set up direct communication with the industry and has said that if people hear anything, they should contact it directly, immediately. The OPSS disseminates that information to trading standards officers, to the police and to fire and rescue services.

During the working group meetings, we have been saying that we need to have a structured and organised reporting method, rather than the current situation, in which I phone Govan police station and say, “I heard there’s a guy selling fireworks out the back of a van.” I am then asked, “Who are you?” and when I say, “I’m Fraser Stevenson from the BFA,” the answer will be, “Never heard of the BFA.” We need to move away from that to a situation in which we can communicate with a central point.

Fortunately, we do not see those products on the market, but they are available in the Republic of Ireland.

**Pauline McNeill:** Would you like to add to that, Andy?

**Andy Hubble:** Yes. I would like to help the committee understand what we are talking about when we talk about black market or illegal fireworks, because there are lots of different examples. The ones that Fraser Stevenson talked about, which are banned, are bangers, air bombs, some screamer rockets, fireworks of erratic flight and aerial shells. All that a banger does is go, “Bang!” Twenty years ago, it used to be possible to buy a box of 10 for £2 or £3. They would cause a real nuisance out in the streets. An air bomb shoots a projectile up into the sky, then all it does is make a bang. Then there are screamer rockets—if you can remember what it was like 20 years ago, if it was not a bang you could hear, it was a whistle. Aerial shells were withdrawn through emergency legislation because two people died because of them.

All those kinds of fireworks are still available in member nations of the European Union, where they are quite legal. I sent the committee a piece of footage that I filmed last week, largely in Valencia, where bangers, air bombs and so on are all legal. Everything that you can see in that footage is perfectly legitimate. They have a fireworks festival in the same way that we do.

Such fireworks are all perfectly legal, but they are not allowed in this country.

What else might black market or illegal fireworks look like? They might be labelled in a different language, which means that the safety instructions cannot be understood. They might not be labelled at all and have no information on them. They might be stored in unlicensed premises. At the moment, retailers have a licence that they obtain through trading standards departments, which know where the fireworks are. We know about white van man—we have heard about that in Blackburn and so on—but, at the moment, trading standards departments have a grip on where all the products that we are talking about are. As soon as you remove that, the market will go underground.

We heard from a fire officer about the horror of being involved in an incident in which fireworks were stored in an unexpected location. As soon as licensing is taken away, people will start storing products in those places and such situations will be encountered. The black market consists of a wide range of different things.

At the moment, we do not have the kind of fireworks that Fraser Stevenson mentioned that will take your hand or your fingers off, which can easily happen with a banger, if you hold it.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** Good morning. You will be aware that the committee has heard compelling evidence from the police and the fire service that legislation is required. In last year’s public consultation, 94 per cent of people wanted greater control over sale of fireworks and there was widespread support for a ban.

In your submissions, you concentrate on misuse of fireworks and accidents that happen with fireworks, but I put it to you that people have other problems with fireworks. People with autism or neurodiversity have problems and pet owners have the problems of animal distress, as a consequence of fireworks going off and the noise that they make.

From reading through your submissions, I see that you want virtually nothing to be done and no new legislation. How would you address those problems? The public want something be done very much. Fireworks go off at new year and on bonfire night, but in my, and most people’s, experience they go off a lot more often than that. Do you have any proposals to show that you understand the nuisance that the public are experiencing?

09:30

**Fraser Stevenson:** That is a difficult question to answer. I will break it down into different sections.

We have asked for information about noise complaints, and I have some statistics here. Under a freedom of information request, we asked the City of Edinburgh Council for a noise complaints breakdown, and it gave us figures for the period from 2013 to 2018. It received a total of 40,385 noise complaints; of those, 44 related to fireworks. The Scottish Society for the Prevention of Cruelty to Animals receives, on average, 123,578 calls a year and, of those, an average of 20 calls relate to fireworks.

**Rona Mackay:** Can I just intervene? I am a dog owner—

**Fraser Stevenson:** So am I.

**Rona Mackay:** I have never complained, but I have seen the distress that fireworks cause my animals. Not everybody complains when there is a problem. I understand your use of those figures, but they are not representative of how the public experience the situation.

**Fraser Stevenson:** Those are the figures that we have asked for in order to consider how we can help to address, tackle and mitigate the situation. We asked the people in power, if you like, for information to see how we can help, and those are the figures that we have received.

We have concerns; we do not like to see misuse of fireworks. It is not a good thing—

**Rona Mackay:** I am sorry to interrupt again, but it is not necessarily about misuse. Sometimes, it is just use of fireworks that is the problem.

**Fraser Stevenson:** Yes. Again, that comes back to something that was discussed during the Westminster inquiry. If we try to reduce overall use of fireworks, the consequence will be that we will generate a black market for them. If we have black market fireworks, we will lose control of everything—licensed storage, product testing and product safety.

Ultimately, we doubt very much that the bill would resolve the problem. As it stands, we are working in an organised structure with licensed retailers, of which there are about 650 in Scotland. Those retailers are known to the licensing authorities and we can communicate and disseminate information to them. We can communicate to members of the public about safe, considerate and responsible use of fireworks—about how they should tell their neighbours before using them and so on.

When we speak to members of the general public who say that they want fireworks to be banned because they go off at 2 o'clock in the

morning and disturb them, I point out that that is illegal use of fireworks. Restriction of legitimate use of fireworks will not solve that problem; it is about educating the public and making them aware. If people are going to use fireworks, they should tell their neighbours. Part of the fireworks safety code that we promote is that people should tell their neighbours if they are going to use fireworks so that they can take appropriate measures—go somewhere else, take a drive for 10 minutes or something like that. However, tackling the issue of people setting off fireworks in the street or at 2 o'clock in the morning is very difficult.

**Rona Mackay:** Mr Hubble, do you want to comment?

**Andy Hubble:** I agree with Fraser Stevenson. Better education is one way to do it. He is absolutely right that we need people to be better neighbours and to share information about fireworks use. The alternative would be a problem: the fireworks would be an awful lot louder and there would be an awful lot more antisocial behaviour and problems.

Our members are aware of noise issues. We promote people being good neighbours and informing all the properties around them of an intended display, which might include farms or horse owners. Our members also work on lower-noise displays. It is not possible to have a silent firework; all fireworks will make some noise because of their processes, but it is possible to have a fireworks display next door to a stables, for example, and the horses end up watching. The noise level does not disturb them.

Most of us in the room will be or have been pet owners and would support anything that educates people and gets them on board with fireworks, while recognising their huge appeal, as well as recognising the dangers if we end up with a black market.

**Rona Mackay:** My colleagues will have further questions on noise levels and silent fireworks, so I will not pursue that point.

Mr Donald, would you like to comment?

**Norman Donald:** Yes. My family is a family of pet owners—we have a dog—so I understand that dogs can be spooked. All animals can be spooked by sudden noises. Even we can be spooked by sudden noises.

We promote the sale of low-noise fireworks in our shop. We also do a lot of low-noise displays for the public. As Andy Hubble said, there is no such thing as a silent firework, but the industry is fully aware that animals and people can be spooked.

As Fraser Stevenson said, people have to be courteous—they have to let their neighbours know. It is not a difficult thing to do.

Dog owners also have to—[*Inaudible.*] There are ways of desensitising dogs, not just to fireworks but to all sudden loud noises. We are working with a local dog trainer and are looking to get 20 dogs in to train them and desensitise them, then do a fireworks display with them.

We are trying to work with the community on education to find a way forward.

**The Convener:** Norman Donald is still with us. We have just turned his camera off to try and get a better audio feed.

**Russell Findlay (West Scotland) (Con):** Mr Stevenson referred to some figures in his opening remarks, but I did not quite catch them. They were to do with the number of cases that are reported to the Crown Office by the police. Do you still have the number to hand?

**Fraser Stevenson:** We took them from the financial memorandum. Let me see whether I can find them.

**Russell Findlay:** You mentioned them quite near the end of your remarks.

**Fraser Stevenson:** Bear with me. Between 2019 and 2021, there were 53 misuse of fireworks charges reported.

**Russell Findlay:** I presume that those were cases that Police Scotland reported to the Crown Office.

**Fraser Stevenson:** Yes.

**Russell Findlay:** But we do not know what the—

**Fraser Stevenson:** We have asked the Scottish Government for the results of those 53 reports—how many prosecutions and convictions there were, what fines were handed down, and so on.

**Russell Findlay:** Anecdotally, the strongest outcome was the one with the 19-year-old that you talked about.

**Fraser Stevenson:** As we understand it, the person was charged, he confessed and was sentenced to a £150 fine in his absence.

**Russell Findlay:** One thing that surprised me, as someone coming fresh to the subject, was that it is not illegal for over-18s to give fireworks to under-18s. Is that the case?

**Fraser Stevenson:** No. There is a bit of a misconception about that. The industry supports the proxy aspects of the bill because it clarifies something that is already illegal. Under—I think—the pyrotechnics directive or one of the fireworks

regulations, it is an offence to supply fireworks to anyone under the age of 18. That has been in legislation for a while. It is not immediately obvious that it is in legislation, but I can assure you that it is, and we have had that discussion with trading standards officers in the past.

**Russell Findlay:** So, when you say “supply”, you mean sell or give.

**Fraser Stevenson:** Absolutely—that is the terminology. The legislation is specific that “supply” means to hand over, whether as a reward or a prize, or for money or anything else.

**Russell Findlay:** I will have to go back and work out who told us that. What you say is at odds with what some of the authorities seem to think.

**Fraser Stevenson:** I can assure you that it is in legislation. When the matter came up, we told the Scottish Government that that is probably not a bad thing. You might think that we are just objecting to everything in the bill. The reason why we are not objecting to the proxy aspect is that it is already in legislation. We cannot foresee any unintended consequences of that action, because it is already in fireworks regulations.

**Russell Findlay:** In your opening statement, you quoted some words that the minister said, to the effect that a small number of people are causing the problem, which goes back to your central point—that the approach should be about enforcement and education rather than about more legislation. As industry representatives, do you feel that there is an open door and that you are being listened to by the Government, or is it a bit of an exercise in “consultation”, in inverted commas?

**Fraser Stevenson:** Frankly, we are isolated voices in a room full of noise. That is pretty much how I have felt when I have raised concerns about the proposals. For example, on licensing, we said that the measures will basically just encourage people to source product from unlicensed or unauthorised dealers. The comment that came back was that law-abiding Scots will not do that. My response was to point out that, in fairness, law-abiding Scots are not really the problem.

**Russell Findlay:** Can you tell me who said that?

**Fraser Stevenson:** It was during one of the working group meetings. I think that Jamie Greene mentioned in a previous discussion that the bill is a sledgehammer to crack a nut. We would go further and say that it is a sledgehammer to crack the wrong nut.

**Russell Findlay:** Mr Hubble, do you feel that you are being listened to?

**Andy Hubble:** No. I have been involved in the process for a year and a half or so. I joined working group meetings when I was on holiday in other countries in order to be involved fully. I have to say that I felt very sorry for Fraser Stevenson on a number of occasions, because the working group was made up of a load of people who desire change. Change is their goal, regardless of how it comes about, and the survey results that they referred to were their mandate to do that.

It felt like every time Fraser Stevenson contributed, he was correcting something that had been said in the working group. Rather than bringing to the table and discussing alternatives, and looking at potential issues or encouraging further engagement with the Government—I have seen that many times over the past two decades—there was a load of people who want change. With everything that was proposed, Fraser Stevenson had to say, “No, that is not the case.” He pulled out a large amount of facts to contribute to the process. Fraser is very good at that; we have heard some of his numbers.

**Russell Findlay:** I hear you. Thank you.

**The Convener:** We will move on to questions on the licensing scheme proposals. I ask for the most succinct answers you can offer. We have quite a lot of interest in the subject, and questions to get through.

09:45

**Pauline McNeill:** You have responded to a lot of questions about licences, and I will not go over those issues again. I have one remaining question. A significant number of respondents to the Scottish Government’s consultation were in favour of some kind of licensing scheme, and there were a significant number of responses to the consultation. Do you have a view on why that was? Could it have been because people do not feel that the current law is being enforced?

Rona Mackay’s point is also important. This is not just about antisocial behaviour. In most communities, noise after a certain time is a disturbance, but that is outwith the law. That may be what is influencing people. What is your view?

**Fraser Stevenson:** We have made a recommendation to the OPSS. Technology has developed to such an extent that we could put a quick response code on every firework that is distributed in the UK. Consumers could scan that QR code and watch instructional videos. They could see information about what the current legislation is, what counts as considerate use, where they should or should not use fireworks or how a firework should be used. We think that there should be a voluntary scheme and that the code

should go on every product so that people could look at it.

We have heard evidence that Northern Ireland has introduced a licensing scheme. However, if you look at the figures that I submitted, you will see that Northern Ireland has a population of just under 1.9 million people. On average, 515 licences are issued each year for a population of 1.89 million people. If you pro rata that for Scotland, we would be issuing 1,500 licences. We estimate that 250,000 people buy fireworks in Scotland each year. Where are the other 248,500 people going to buy fireworks? That is our concern.

If you applied the licensing philosophy to alcohol and said that, before someone could buy alcohol, they would have to sit an online course to find out about the disruption and harm that alcohol can cause and that they would have to pay £50 to do that, or they could go to—

**Pauline McNeill:** Is that really what you are saying when you talk about law-abiding Scots? Are you saying that law-abiding Scots might not be so law abiding if they had to apply for a licence?

**Fraser Stevenson:** It is a risk.

**Pauline McNeill:** Is that what you are saying?

**Fraser Stevenson:** Absolutely. It is a risk. If law-abiding Scots are asked to pay £50 and sit an online course, they have three choices. Choice 1 is to do that. Choice 2 is not to buy fireworks any more. Choice 3 is to buy them from some guy who approaches them in the pub or from the back of a white van and says, “Here, I can get you fireworks and you don’t need to pay the 50 quid fee.”

**Rona Mackay:** I will pick up on the point about licensing and legislation. Your written submission is interesting. You comment:

“Further legislation is not required ... but, of course, as an industry, we would say that, wouldn’t we?”

That is interesting. It might be people’s perception that, because there is an industry, that is your job.

Would you ever support a scheme in which licences were available for organised displays only and in which individual members of the public were not able to buy licences?

**Fraser Stevenson:** That would be, in effect, a ban.

**Rona Mackay:** It would not be a ban on firework displays.

**Fraser Stevenson:** It would be a ban. That is what happens in the Republic of Ireland, and the consequence of it is horrendous injuries for kids.

**Rona Mackay:** To clarify: you do not want anything to be done. You do not think that any changes at all are necessary.

**Fraser Stevenson:** We do not say that. We wrote to the Scottish Government and made a point about the pyrotechnics aspect of the bill. We asked it to organise a meeting with Police Scotland to discuss what its primary concerns are and whether there is any way in which the industry can help with those. We asked whether we could suggest some tweaks to the existing legislation. We received no response.

To answer your question, we do not think that it is appropriate to consider more legislation when the existing legislation is not being fully enforced. That is our biggest concern.

**Rona Mackay:** Is Mr Donald still with us?

**The Convener:** Mr Donald, are you able to respond, if you want to?

**Norman Donald:** Yes, of course. You talked about the consultation that was done. Unfortunately, the figures from that should not be taken as what the Scottish public think, because that consultation was—*[Inaudible.]*—and I know for a fact that a lot—*[Inaudible.]*—that consultation. In particular, an anti-fireworks brigade in England shared it on its Facebook page, which has more than 20,000 followers, and encouraged its members to respond to the consultation in Scotland because it was hoping for a change and thought that it might progress to a change in England. So, the consultation itself was flawed—

**Rona Mackay:** I am sorry, Mr Donald—can I interrupt you? What evidence do you have for saying that?

**Norman Donald:** I asked when I was on several—*[Inaudible.]*—about this. I asked the question whether the consultation was available outwith Scotland, and the answer was yes. I asked whether anyone in the world could respond to it and they—*[Inaudible.]*—but this does not represent Scotland. The civil servant said that that is the way in which the Scottish National Party carries out consultations all the time. I was unaware of that. *[Inaudible.]*—was actually in Parliament and she was reading out the figure. She said that—*[Inaudible.]*—per cent of the Scottish public were looking for a fundamental change in the way that fireworks are sold in Scotland. It is—*[Inaudible.]*—true because the figures have come from worldwide. If you look on the anti-fireworks brigade Facebook—*[Inaudible.]*—you will see that it shared the consultation and the committee's call for views last month for its members to respond to them.

The figures that we are getting—*[Inaudible.]*—completely so we cannot rely on the consultation.

**Rona Mackay:** So, you do not believe in consulting the public.

**Norman Donald:** Of course I believe in consulting the public, but it should be the Scottish public, not the public in England, Wales, Ireland or the rest of the—*[Inaudible.]* Scotland should look after Scotland. Why should people in England decide what legislation should be introduced in Scotland?

**Rona Mackay:** You are giving your opinion, Mr Donald. I do not think that that is correct, but we will leave it at that.

**Russell Findlay:** Using Northern Ireland as an example of how licensing could create a black market, or a bigger black market, do the witnesses have any insight from their colleagues or from trading standards in Northern Ireland about the size and extent of the black market that has been created?

**Fraser Stevenson:** That is a really difficult question to answer. How do we know the size of something that is illegal? How is it recorded and detailed?

The Republic of Ireland is concerned that a lot of its black market products come from Northern Ireland. There we have two countries that are geographically joined together with completely different legal regimes on the sale and use of fireworks and a transfer of products from one area to the other. That falls in line with the HSE's comment that it would caution against having two different legal regimes for the same product in the same area. You can read into that that England would become the equivalent of Northern Ireland and Scotland the equivalent of the Republic of Ireland, and we would have a cross-border black market.

I know that a question about that was put to the police officer from whom you took evidence. One of the questions that we have asked is what the plan is. Is it to stop drivers who are coming along the M74 or A1 and to say, "Show me inside your car so that I can see if you have illegal fireworks"? In the UK, the black market for fireworks is small, but it is huge in the Republic of Ireland and we know from colleagues in Northern Ireland that it is certainly bigger there.

**The Convener:** Jamie, do you want to comment on licensing?

**Jamie Greene (West Scotland) (Con):** I have lots of questions, convener, but you can bring me in later.

**The Convener:** In that case, we will move on to questions about restrictions on the use and supply of fireworks.

**Collette Stevenson (East Kilbride) (SNP):** Good morning. The bill will introduce various restrictions on the days and times when fireworks can be sold and used. What are the witnesses' views on those proposals? Do they strike the right balance between allowing people to enjoy fireworks at appropriate times for various celebrations and, arguably, reducing the misuse of fireworks?

**Fraser Stevenson:** I come back to the point about the risk that greater restrictions and controls will present through, for example, consumer stockpiling. In its response to the committee, the Association of Scottish Police Superintendents stated that it has concerns about stockpiling. I believe that the Convention of Scottish Local Authorities, Fire Council and the Scottish Community Safety Network also mentioned concerns about stockpiling in their submissions.

The problem is that, if we start putting restrictions in place, people will say, "I have a birthday in May, so I'll buy fireworks in November or December and keep them in the house until May." There is a question about the sourcing of the product, as there will be people who decide to stockpile. There might well also be people who decide to stockpile for the purpose of reselling.

**Collette Stevenson:** In relation to production, I do not know how to make a firework or what is involved in that, but is there any way in which there could be a time or date on it? Is there nothing that you could do?

**Fraser Stevenson:** To explain the overall process of making fireworks, I note that about 95 per cent of the world's consumer fireworks are made in China, and firework production has a nine-month lead time. People make orders in January for stuff that they expect to receive in August or September. We have to put production dates on certain things, but that is more to do with the pyrotechnics directive. It would be incredibly difficult to track, trace and identify whether a product was sold in November or December, for example, once it got into the consumer market.

I do not know whether that answers your question.

**Collette Stevenson:** In relation to the restrictions, I am just wondering what options are available to prevent people stockpiling.

Does Andy Hubble want to come in on my question about getting the right balance?

**Andy Hubble:** Absolutely. You asked about the impact that restricting the days when fireworks can be used would have. That would have an impact on people's freedoms, with people being told that they could celebrate with fireworks only on certain days of the year. If someone had a wedding or a

birthday party, if a company had a special celebration or if a school was having a gala prom—whatever it was—we would be putting in place limits and saying that fireworks could no longer be used at those events unless a professional fireworks display company was used.

In my submission, I say that that would clearly disadvantage low-income households, because they are unlikely to be able to afford the services that our members can provide—an organised professional fireworks display. However, it would be affordable for them to buy a small selection of fireworks from a fireworks shop in Scotland to celebrate a wedding. Those are the consequences of restricting when fireworks can be used. We would be creating an unbalanced status quo.

**Collette Stevenson:** Okay. My next question is for Norman Donald, if he is still online. Can you give me an indication of whether the restrictions would have an impact on retailers?

10:00

**The Convener:** Norman, are you able to respond?

It looks as though Norman's connection has been lost, so we will move on.

**Collette Stevenson:** Okay. Could Fraser Stevenson or Andy Hubble comment on the impact the restrictions would have on retailers? Do they have any evidence to suggest that restricting the sale of fireworks would have a huge impact and that it would lead to more sales online and through the black market?

**Fraser Stevenson:** I believe that the evidence that was submitted during the public consultation on the bill identified that there would be about 12 all-year licensed retailers in Scotland. That would obviously kill the market dead, but it would not solve the problem. We keep coming back to that. Instead of Scots being able to go to a local licensed retailer, they would go online and buy fireworks from someone in England, Poland, Holland, Germany or the Czech Republic and get them sent over, and the implications of that are far greater. That does happen. I could go online, take you to a website, buy an illegal product and it would be here in a week. I could do that.

**Collette Stevenson:** Have you any idea of the size of the black market? I know that Russell Findlay asked you that question, but I am keen to know, even in terms of trading standards, how big the black market is.

**Fraser Stevenson:** I will give you a real-world example of something that happened two years ago. Somebody we know was asked to go to Coventry airport sorting office to collect fireworks that had come in on a commercial aircraft from

Poland and that had been discovered by Her Majesty's Revenue and Customs. They opened the box and found 23kg of bangers, which were destined ultimately for the Republic of Ireland. It was 23kg of what we call 1.1G explosives, which is the highest rating for an explosive—fireworks are generally rated 1.4G, although some are rated 1.3G. It took only a fraction of that amount of power to take down the plane over Lockerbie.

**Andy Hubble:** During the past year, I have been involved in cases in which bangers of a type that is very concerning have been brought into the UK. There are bangers that you can light, but these bangers have an impact-sensitive initiator on them. We have all seen the little tadpole-like things that you throw on the ground to make them go bang, but these are great big bangers that have an impact-sensitive composition, and they have found their way into the UK—they are for sale online. They literally only need to be thrown on the ground. That is the kind of thing we will see being bought online. It will just spiral.

The bill would be a disaster for Scotland. Forgive me for saying it again, but it would be a disaster because we would almost immediately see the creation of a big black market such as has been seen in other countries. The industry has brought that message to Governments for many years—since the 1990s. The British industry is working with COSLA on regulations that resulted from the Fireworks Act 2003. We talk about enforcers saying that they do not have the tools to deal with things, but those enforcers helped to make the regulations that gave them the powers to deal with antisocial behaviour, and we have dealt with antisocial behaviour quite successfully for 20 years. They then say that we need further legislation to deal with fireworks and that the issue is not being dealt with.

I apologise for going off at a tangent, but the bill will create a black market with sales from white vans and websites.

**The Convener:** I call Fulton MacGregor, to be followed by Jamie Greene.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** On the back of Collette Stevenson's line of questioning, I want to ask about the dates that are proposed in the bill. We have raised some concerns about this issue in previous evidence sessions, and I have asked other witnesses about it. I have to say that those to whom we have spoken have generally been in favour of the proposals, which has reassured me as a committee member. I am guessing, though, that you might have a different view, and, if so, I want to give you the opportunity to explain it.

One of our concerns with the Government—or, ultimately, the Parliament—setting dates is that

other dates that might be important to people will have to be ruled out. Do you envisage difficulties with the bill setting out certain days when fireworks can be used and other days when they cannot, given that some of the days when they cannot be used might be important festivals or milestones for individuals? Indeed, as Pauline McNeill has mentioned a couple of times, people might then choose to use fireworks on days that might not necessarily be festivals for them, if that makes sense. Can I get your views on that?

**Fraser Stevenson:** Again, it is a matter of distinguishing between fireworks being misused because their use falls outwith the designated periods and, if you like, intentional misuse. If you introduce restrictions on certain days, you might reduce the use of fireworks by law-abiding citizens, but the question is how you deal with those people who will go out and use fireworks deliberately and intentionally, simply because they have been told not to.

Such a move just creates a spiral. We have seen that so many times; people say, "Let's do this, because we think it will solve the problem" or "We've not done enough about this, so we need to do more", and it just makes things worse. We could just keep going until someone says, "You cannot use fireworks anywhere at all ever", and we would still have the problem.

Our concern is that the periods of use provisions will have unintended consequences. I saw the Scottish Fire and Rescue Service's evidence that restricted periods of use would mean that there would be no fireworks in shops outwith those periods, but that is not the way in which the fireworks storage licence works. It is an annual licence, which means that the retailer has to store fireworks in appropriate conditions all year round. You can turn round and say, "You can't use fireworks between date A and date B", but there is no magic wand that will then remove every firework from every retailer in Scotland. It just will not happen. That is not the way in which the system has developed over the past 20 or 30 years—or, in fact, over the past 150 years, if you take the 1875 act into account.

**Fulton MacGregor:** You made your view of the overall bill pretty clear in your opening remarks, but on the assumption that the Parliament is going to pass legislation on the matter, you will want to be involved in certain aspects of it. Given that, what do you think about the date proposals? Should no dates be specified at all? Of course, that would bring its own complications, given that there would be days—new year, for example—when what you have suggested could happen. Should local authorities have the flexibility to meet individual needs and requirements, which is something else that we have heard about?

I see Andy Hubble nodding. Do you want to respond to that question?

**Andy Hubble:** Specifying dates might well give rise to problems, but you cannot necessarily draw a comparison with existing regulations that specify certain dates such as Diwali and new year's eve, because some of those regulations specifically deal with late-night use of fireworks, given when the festival takes place, and permit extensions beyond the 11 pm limit for using fireworks. The question that we are asking is: should other dates of the year be specified in legislation? There are community groups that would say yes to that.

There will be festivals and events such as the jubilee that is coming up this year—no doubt, there are many more examples. Will decisions about such events be down to local authorities? My only concern with local authorities is that the application of decisions can be very unbalanced from one authority to another. It is important that they apply things for their particular area, but where one authority might approve something, another authority may say no for a completely different reason, depending on who the members are and their feelings. I would have thought that such decisions would be a central matter rather than sending them out to local authorities. I am sure that there are other dates that ought to be in the bill. If you were going to go down the route of specifying dates—although I do not think that we should have those restrictions—you would need to have some way of adding dates in.

**Fulton MacGregor:** In relation to the point about the differing views of local authorities, they have been democratically elected and I do not have a lot of difficulty with different local authorities making different decisions, because they make decisions based on the manifestos that they stood on and what the public in their areas want.

That brings me on to my final question, convener, if that is all right. It is more of a general question. You have put forward a good case and have articulated it really well, but it will not be any surprise to you to hear that it is the opposite from what we have heard up to now. Fraser Stevenson acknowledged that. You have made some good points, certainly, but then I think back to 6, 7 and 8 November and to other dates since I became an MSP, when my inbox has been flooded with messages from people—including pet owners and people with autistic children—wondering what the Scottish Parliament and Scottish Government are going to do about fireworks.

As we have discussed, the world has moved on since we were young. I grew up in the 1980s and we loved fireworks, but the world has moved on. We understand people's needs better now, and we have more of a community spirit in relation to

people who do not like fireworks. In the past, if you had an autistic child, that was just tough, but that is not the case any more—quite rightly so. That is where the Government and Parliament are coming from.

I am rambling on a bit, so I will ask my question. Do you have any sympathy with any part of the legislation? It might not solve the fireworks issue overnight and it might create some of the issues that you have mentioned, but this is partly about changing our relationship with fireworks—changing the culture of fireworks in Scotland—and making that slow progress. I put it to you that it is also about the powerful message that can be given by a Government and Parliament passing legislation so that we can say to the people who contact us, "This may not be perfect legislation, but we hear what you say and we will try to do something about it."

**Fraser Stevenson:** We do sympathise—100 per cent. We want the safe, considerate and responsible use of fireworks—absolutely—but we feel that a headline in a newspaper saying that somebody was fined £5,000 for misusing fireworks in a specific area would send a really powerful message to those who would consider doing the same.

In the past two years, we have seen a dramatic increase in the amount of consumer fireworks being sold and used, but we have not seen a massive spike in attacks and so on—that was the information that Police Scotland and the Scottish Fire and Rescue Service gave. Therefore, I do not understand why people think that reducing, or trying to reduce, the legitimate use of fireworks will have an impact on misuse, annoyance and noise and so on. If more people are using fireworks but the core number of incidents has not changed, why would you think that squeezing the legitimate use of fireworks would reduce those complaints?

There is a hard-core element. I believe that it was David Hamilton who said

"if people are going to behave badly, they will do so wherever they are."—[*Official Report, Criminal Justice Committee*, 16 March 2022; c 24.]

That is our concern. There is misuse and antisocial behaviour, and there is a lack of consideration for consumers and members of the public. All the bill will do is go after the law-abiding Scots—it will not impact on that misuse.

10:15

You will still have people complaining and sending you emails, and you will still have issues with attacks on emergency services and so on. We have seen that in other countries around the world. The situation will simply escalate, and then you will want more regulation, and more, until



everything is illegal. You will then still have those problems, but they will be so much worse.

**Fulton MacGregor:** You have made that point, which the committee has heard throughout its evidence sessions. I suppose that the point that I was making—I will put it to Andy Hubble too—was about the message that is sent. We might well be on a journey; I think that the committee has at the back of its mind the thought that the bill might be part of a journey, rather than the end, on the way to somewhere that the public find more acceptable with regard to fireworks. That is why we are saying that the bill is about the Parliament and the Government sending a message, while making it clear that it might not solve all the issues. Does Andy Hubble have any views on that?

**Andy Hubble:** You have also made a good point, from your perspective. However, we should not underestimate the popularity of fireworks. I was fortunate not to be working on Hogmanay, and I was able to watch a live feed of fireworks. The thing with Hogmanay is that it is unique. At midnight on new year's eve, whether here in Scotland or in England, everybody lets their fireworks off at the same time, whereas for Guy Fawkes, fireworks are let off on a number of different nights at a number of different start times. On Hogmanay, the camera feed panned across and showed fireworks going off everywhere, because people enjoy them and appreciate the enjoyment that they bring to families.

It strikes me that, by introducing licensing and limiting the days of use, you will drive retail out of Scotland. I am sure that the supermarkets will not continue to sell fireworks, given the volumes that would be involved if there was a 5kg limit on the amount that they could sell. The specialist retailers will be limited to 37 days, so they will no longer sell fireworks. There used to be all those options for selling fireworks, but we have already seen some supermarkets go; I have seen that as a member of the public, not as part of the retail trade. With all that gone, given the popularity of fireworks, where are people going to get them from? They will get them from the white van man in Blackburn, or from across the border.

You have a difficult job and you must strike a balance, but you should not underestimate how popular fireworks still are, and how some of these controls and restrictions will affect families—families who might just want to spend £5 on a small box of fireworks for the back garden to see the faces of their youngsters light up. Under the bill, they will have to get a big licence.

**Fulton MacGregor:** Thank you.

**The Convener:** We move to Jamie Greene.

**Jamie Greene:** Good morning. I hear what you are saying: that fireworks will still be popular.

Smoking was popular, but we introduced restrictions around that and it is now seen as antisocial. Driving without a seatbelt was the norm, but we do not do that any more. Smoking opium in the 1800s was popular, but we do not do that either.

Do you not think that we are on a bit of a journey, and we may just have to accept that, at some point in the future, there will be a blanket ban? Technology will move on, and there may be digital light displays, drones and other forms of new technology that can produce pyrotechnics that do not affect animals or people with sensitivities.

**Andy Hubble:** I understand where you are coming from, but I am not sure that we are on a journey, given all the people who still love and enjoy fireworks. We can look at what has happened in other countries. Three nations introduced temporary bans on the sale of fireworks for new year's eve, as a Covid-related measure to prevent gatherings. Those three countries reported high numbers of accidents and fatalities. One of those fatalities, I believe, resulted from people making their own fireworks.

That just goes to show that in those countries where there were bans and it was against the law to have fireworks—that was only a few months ago—people still went out and bought them.

The situation in Hawaii is incredible. Despite it being thousands of miles from the mainland and fireworks being completely banned, there are so many photographs online of fireworks going off there on 4 July—it's absolutely bonkers.

I have absolutely no doubt that the industry would be happy and willing—as it has always been—to engage with Government, to go on that journey together, to find common areas and to work on them, as has been done in the past. However, once the route of creating a black market has been gone down, there is no going back. Once fatalities occur in Scotland as a result of the use of such powerful fireworks, it is difficult to know what I would say to the Scottish Government.

**Jamie Greene:** At one end of the spectrum, the Government could have introduced a complete ban. If that is the Government of the day's policy, so be it. I suspect that the Government would have the numbers in Parliament to achieve such an ambition. At the other end of the spectrum, we could do nothing. We hear about a perceived rise in antisocial behaviour and a perceived rise in attacks on blue-light services. I think that there is still some ambiguity around the data. I would like those numbers to be more accurate—I think that we all would, for the sake of transparency.

Those are the extreme options. It has been suggested to us that the bill sits somewhere in the middle. It does not ban fireworks. It will still allow members of the public to purchase and use fireworks at certain times of the year, and it will still allow—appropriately, in my view—organised events to take place throughout the year. Do you not think that the bill strikes a balance? I am playing devil's advocate, because I am slightly nervous about the bill. I want to probe you on the issue of whether the bill strikes the balance that we are looking for.

I will go to Fraser Stevenson first.

**Fraser Stevenson:** For us, it is a risk/reward scenario. That is the best way of describing it. We have heard people say, "It might create a black market," "It's one of the tools," "We need to do multiple things," and so on. We are asking you to look at examples from around the world where, with the best intentions, people have tried to do things, but it has simply made the situation worse. We keep repeating that message: it has simply made things worse.

We are currently in a situation in which there is no deterrent to the misuse of fireworks. There was the case of the person who was fined £150 for using fireworks against two police officers—that is £75 a police officer. Where is the deterrent? Why are we not seeing headlines that say, "Person fined £5,000"? There is where the frustration is.

I spoke to members of the public at public engagement meetings a long time ago. When they said, "We see kids in the street setting off fireworks," I told them that that was a criminal offence. When they asked why nothing was being done about it, I said, "I don't know—you're asking the wrong person."

There is a range of scenarios. In response to some of the questions that members of the public have been asked in surveys, I would have said yes, too. If somebody said to me, "Do you think that something has to be done?", I would say, "Yes." The qualification is that there should be greater enforcement of the existing legislation and better education of the public. That is the difficult situation that we are in.

To come back to a point that has already been made, the Republic of Ireland has been on a 15-year journey and the situation there is not getting better.

**Jamie Greene:** I think that the committee should explore that, because the Republic of Ireland seems to have gone much further than is proposed in the bill that we are considering. I do not feel that we have heard evidence on that, other than anecdotal evidence. We should be evidence driven in our approach.

The police have told us directly that the bill will be another tool in their toolbox. Are you saying that the issue is that there is a lack of use of, or a misunderstanding of, the current legislation, that the police already have the tools that they need and that it is just a perception that the bill will be another tool?

**Fraser Stevenson:** That is one of the questions that we have asked the Scottish Government. We have asked it to organise a meeting with the police and the industry and to say, "Okay, guys. Where do you think that there are gaps? Is there something that we can do?"

The problems are not just Scotland's problems in isolation. There will be similar problems across the board, whether in Poland, the Czech Republic, England or wherever.

We have repeatedly asked for engagement with the police so that we can tell them that we understand what is happening. Let me give you the example of the situation that we have with the OPSS.

Andy Hubble mentioned the bangers that were found at Coventry airport. We reported that through the OPSS, and it asked us for the technical evidence that shows why that product is illegal and what risk it presents. The OPSS then disseminated that information to trading standards and the police, arrests were made and, as we understand it, prosecutions are under way. That is how the system should work. The industry should be able to engage with enforcement authorities and work out how to make the current legislation more effective so that we can get the results that everybody wants.

I do not want your dog to be upset by fireworks. Our last dog just passed away two weeks ago, and we did not want our pets to be upset by fireworks—nobody wants that. However, by trying to fix that problem, we risk making things so much worse. That is our point.

**Jamie Greene:** Andy, I want to ask you about the retail side. The devil is in the detail, in the bill. Around 650 retailers sell fireworks. We think that there are about a dozen dedicated fireworks retailers, and the expectation is that they will just go under overnight. A business cannot really operate for only 30 days a year when there is a shop front and there is rent to pay, even if it is compensated to some extent—and we all know what Government compensation schemes look and feel like. Let us assume that those shops disappear. Where would people go then?

If we are talking about supermarkets, that will leave around 630 retailers. Are they going to stop selling fireworks or will they still stock them, even if they can sell them only at certain times of the year? The idea is that we can dip in and out of

when we can buy, use, and sell fireworks under the restrictions of sale, use and purchase, which are the three strands that are available to Government. Should we just focus on one or two of those elements?

There is going to be legislation, whether we like it or not, but what will the final legislation look like? Can we shape the bill better to allow the public the freedoms that they deserve while still tackling the problem?

**Andy Hubble:** I think that Fraser Stevenson would be better placed to answer the question about the impact that the legislation will have on retailers.

**Fraser Stevenson:** The practicalities of having to verify and carry out checks are not feasible. There will be queues of people lining up in Tesco trying to buy their family fireworks and being asked to produce evidence that they have taken an online course and paid a £50 fee, and so on. I do not think that retailers will tolerate that—they will just say that it is more hassle than it is worth and will just stop selling fireworks and leave people to it.

**Jamie Greene:** We have not taken evidence from supermarkets specifically, so it might be worth our while to write to them.

There is a difference between buying something in a supermarket or a big chain store—I will not name names—and going to your small local family-owned fireworks shop, where you have a very direct one-to-one relationship with the retailer. Is there a benefit to retailers to having that kind of relationship with the consumer, as opposed to what happens in the big supermarket environment, where you might have a cashier just doing an age check, for example, and nothing more? There will not be that conversation element in supermarkets.

**Fraser Stevenson:** Supermarkets do not have the conversation element, but they certainly have checks and balances and can fulfil the legal requirements.

I go back to what I said earlier about having a simple QR code on every single firework. People will just get their mobile phones and scan the QR code, and it will tell them how to use that firework appropriately, what the legislation is and so on. There could be all of the checks and balances for licensing purposes that you are speaking about, but without the financial barriers and discouragement, and without, basically, forcing people to look elsewhere.

We have suggested to the Scottish Government and Westminster that there should be some kind of joint education and raising of awareness to minimise unintended misuse of fireworks. That is the best way of describing it. The intended use of

fireworks is premeditated, and all the legislation in the world will never stop that, but this is about unintended misuse of fireworks by people who do not know about the legislation—what the current law is, what times they are allowed to set off fireworks, and so on. The measures that we are suggesting do not require the sledgehammer and do not have the potential implications of swinging that sledgehammer.

10:30

**Jamie Greene:** Finally—I appreciate that we are running out of time—you are talking about use of technology to improve safety. A full-blown licensing scheme might create a sort of class division in usage, because people who can afford to get fancy companies into their big back gardens will do so—they will do it anyway, at any time of the year. People who cannot afford to do that will be unable to. Your next-door neighbour might have a fireworks display and you do not, because you cannot afford to employ a private company to do it. That is a ridiculous situation.

We are all used to flashing QR codes. Would it not be better if, for example, I would just need to have done an online safety course of a couple of minutes with a few slides? That would produce a code that is personal to me, and I could go to the supermarket and show it to the cashier, which would allow me to make the purchase? Might that be a better application of technology?

**Fraser Stevenson:** That is a potential solution, but we always feel that the best way to impart information is at the point of use or the point of supply. That is why having something on the specific product is a good thing.

I will try to keep this brief, but while we are speaking about licensing, I will highlight that there is an unintended consequence that we brought up in the working group. If someone is prevented from using fireworks at their home address, for example, whether because it is in a firework-free zone, because of the dates of use or whatever, that is inadvertently, but effectively, saying to the public that they should go out in the street, put the firework down and light it. Then, it is not in their garden—they could say that they have nothing to do with it and could stand back and say, “I don’t know who lit that firework. It was going and I came out to look at it.” Some people might think that that is far-fetched, but stuff like that will happen. “How do they know it was me who lit that firework? If I set it off in the park and stand on the other side of the fence, does anybody know that it was me who set off that firework?” Nobody would know.

Again, the situation is that things are being introduced to solve problems but the full picture and the knock-on effects of those things are not

being looked at. What will happen with stockpiling? What will happen if there is a black market? What will happen with white van man? Comments are being made to the effect that the bill is a white van man charter. They will literally be sitting and rubbing their hands at this. Not only will they be able to supply fireworks to people who do not have licences, but they will be given the opportunity to supply them during periods when it is not permitted to supply fireworks. It will be an absolute field day for those kinds of guys. That is what we do not want.

**Jamie Greene:** Thank you, convener.

**The Convener:** I will pick up on a couple of points that were raised in Jamie Greene's earlier questioning about the situation around there being a complete ban. We have asked other witnesses about that and they have shared their thoughts on it. I clarify that it would not be within the gift of the Scottish Parliament or the Scottish Government to put a ban in place; that would be a decision for the UK Parliament. Linked to that, the option of a QR code would also not be within our gift but would have to be taken forward by the UK Parliament.

On the questions that Jamie Greene was asking, particularly around the impact of the restrictions on business, I will bring in Norman Donald, who I think we have back online again.

Before I do that, though, I would like to pick up on another point that Jamie made, around the legislative provision and Police Scotland. Earlier on, it was said that there might be scope for the existing legislation to be used more effectively by police officers. You will be aware that the bill proposes a new offence around travel to and from certain events—"a public assembly", and that type of thing. Given your comments about making better use of existing legislation, do you feel that the proposed new offence would be another welcome tool in the toolbox for Police Scotland in controlling illegal use of fireworks, albeit in the specific context of sporting events, in the main?

**Andy Hubble:** I used to be a police officer, so I absolutely understand the challenges that our law enforcers face. Enforcement is a particular problem, so I would support the measure. However, there is existing legislation. I can see that there are gaps, but they could be closed in another way. For example, there are already search powers in section 1 of the Police and Criminal Evidence Act 1984, which specifies fireworks.

One problem is a very technical issue, which is that some devices that turn up at sporting events are, by legal definition, not fireworks but pyrotechnic articles, which is where the bill comes in. Perhaps we could change the Police and Criminal Evidence Act 1984, which would be

beneficial not just for Scotland—it would be universal in the UK.

The situation is similar to what happened with section 80 of the Explosives Act 1875, which says that you may not fire a firework in a public place or on the road and so on. That measure was amended by an act for Scotland that changed some of the wording. The 1875 act probably only needs another slight change to incorporate pyrotechnic articles. By making such changes, you could achieve the same thing.

**The Convener:** I will bring in Norman Donald. I do not know whether you are still with us; I hope that you are. Could you respond to the questions from Jamie Greene and Fulton MacGregor about the impact of restricted dates on your business?

**Norman Donald:** That restriction will definitely—100 per cent—impact on my business. Unfortunately, I will have to close my shop; my retail fireworks company will cease to exist. It is as simple as that. I cannot pay rent and internet rates and so on if I am allowed to sell only on specific dates. That will not be economically viable for me.

**The Convener:** Collette Stevenson wants to come in on that.

**Collette Stevenson:** My question is more to do with the point that Rona Mackay touched on about silent fireworks. I have sought views on the matter from the working group members and the people who have come to the committee. Today, we have heard that there is no such thing as silent fireworks, but there are low-noise fireworks. When I shared the consultation on my Facebook page, a lot of folk said, "Could we not just have silent or low-noise fireworks?" Norman Donald talked about the impact of restricted days on his business. If we were to bring in low-noise fireworks, would that answer many of the concerns that folk are raising—in particular, to do with the impact of noise on dogs and other animals and in relation to sensory issues for people with autism?

**Fraser Stevenson:** I will answer that, because my microphone has come on.

Low-noise fireworks are widely available at the moment to consumers—that is a matter of choice. They are not a new development; they have been available for several years. The issue comes back to education and considerate use of fireworks. It might be that some sections of the general public do not know that they are available, but I assure you that Norman Donald will retail low-noise fireworks; I know other people who retail them.

Being prescriptive and saying that people can use only that sort of firework will make another element of the general population ask where they can buy fireworks that are not low noise. They will be exposed to the whole gamut of online sales,

whether in England, Poland or the Czech Republic, and you will end up with fireworks that are not limited to 120 dB but are 125 dB or 130 dB. In trying to solve one problem, you could inadvertently generate another that would be far worse than the one that you are trying to solve.

We should educate the public. We should say to them that, outwith the normal seasonal periods of use, they should buy low-noise fireworks. Those are readily available.

**Collette Stevenson:** Norman, how does the cost of low-noise fireworks compare with the cost of high-noise fireworks?

**Norman Donald:** They cost roughly the same. As Fraser Stevenson said, we have to educate people so that they know that there are low-noise fireworks. People do not know that they exist. We offer that information when people come into the shop; we let people know that they can buy low-noise fireworks. The price is roughly the same.

**Collette Stevenson:** Have they become more popular? What is the demand for low-noise fireworks? How does that affect your stock?

**Norman Donald:** Sales are slowly starting to improve; more people are asking for low-noise fireworks. People are being more considerate as we educate them more. I think that low-noise fireworks will become more popular in the coming years.

It might not be right to say that it is unfortunate, but people do like loud noises. They love the bang and the “Wool!” That is part of the excitement of fireworks. We cannot make them buy low-noise fireworks. That is entirely their choice.

**Fulton MacGregor:** I will take the opportunity to ask a question while I have the fireworks experts in front of me. I will not get a better opportunity.

Can you explain in layman’s terms what “low-noise” is and what it means? What would that mean for someone with normal hearing? Also, if you have the information, what might that mean for dogs? They hear things differently.

**Fraser Stevenson:** I will try to keep this short. There are three types of firework. There are fireworks that launch a projectile into the air and the projectile produces an effect with very little noise. The noise that is generated when a projectile is shot into the air is the same, whether or not the firework produces noise, but it tends to be a localised noise, rather than one that travels over a distance.

The fireworks that we see most commonly in the UK are ones that launch a projectile that produces a bang. That bang is produced to disperse the effect and make it travel in the sky. The bang is secondary; the primary goal of the bang is to

spread the burning effect in the sky. That is what you see somewhere like Edinburgh castle, where you see a big globe. You will hear a bang, but the bang is primarily there to generate the visual effect.

The third type of firework is pretty much prohibited. Its only purpose is to make a bang. Those fireworks are very common in Europe and are massively common in Poland, for example. The technical term for it is the “salute” effect. The industry views those fireworks as pretty antisocial. There is no benefit to that firework, other than the bang. Andy Hubble spoke about bangers: the only purpose of a banger is to produce a bang. There is nothing else—it has no colour and no effect.

**Fulton MacGregor:** Is the first of those three types the low-noise firework?

**Fraser Stevenson:** Yes.

**Fulton MacGregor:** Are they low noise for humans and animals?

**Fraser Stevenson:** Low noise is localised. A comparison is that the noise that a low-noise firework produces is probably equivalent to that of a petrol lawnmower. It will be heard in quite a localised area.

**Fulton MacGregor:** That is helpful; thank you.

10:45

**The Convener:** I call Rona Mackay, to be followed by Russell Findlay.

**Rona Mackay:** Norman, your business is open all year round, but can you give the committee a picture of your peak sales over the year? I assume that there is a peak in November around bonfire night, but are there others? The reason that I ask is that, in my neighbourhood, we have a pop-up shop that sells fireworks only for a short period. Have you thought about something like that? What is your pattern of sales over the year?

**Norman Donald:** As with any fireworks shop, bonfire night and Hogmanay are our busiest periods, but we are also quite busy the rest of the year. Not a lot of outlets in Scotland are open all year round, and people cannot buy fireworks in supermarkets all year round, either, so they come to us instead. We are the only outlet in Aberdeen that sells fireworks all year round.

We sell a few fireworks the rest of the year, mostly for birthday parties or birthdays in the summer. The celebration of birth events is a new thing, with pink and blue fireworks being quite popular in that respect. Another popular thing is celebration of life when someone—[Inaudible.]—people celebrate their life by having fireworks and having more of a party. That sort of thing has taken off in the past few years.

Fireworks are an all-year-round thing. If we restrict them, all those other things will be taken away. [*Inaudible.*]—a gentleman whose grandfather was an Aberdeen supporter, and he came in and bought red and white fireworks to celebrate his life. As I have said, if we restrict those things, such celebrations will be taken away from people in Scotland. They will not be able to celebrate in that way, which will be a shame.

In answer to your question, though, I would say that November and Hogmanay are definitely our busiest periods.

**Russell Findlay:** I have a couple of quick questions that I do not think have been covered yet. First of all, Jamie Greene mentioned the proposed compensation. Has that provision been explained properly? Will it, in fact, make any fundamental difference, given the potential loss of trade?

**Fraser Stevenson:** We have had no information on any proposed compensation or how it would be judged or assessed. We have had nothing.

**Russell Findlay:** Just as Collette Stevenson's pet subject is the volume associated with fireworks, my pet subject is the proposal for no-firework zones, which seem to have evolved into firework control areas. People might find it harder to understand the nuances of that. Would the industry support the introduction of no-firework zones, given that the biggest complaint seems to be about noise?

**Fraser Stevenson:** It is a really difficult question. Looking at a lot of the information that has been given out on no-firework or firework-free zones, we would question the logic behind them.

Perhaps I can explain what I mean. It has been stated in evidence that firework-free zones have proved really successful in Berlin, but no one mentioned the fact that, in Germany, it is not a criminal offence to set a firework off in the street or a public space. What was introduced in Berlin sought to prevent fireworks from being discharged in public spaces, but that has been the law for the entire UK since 1875. You are being presented with the argument that that approach worked in Berlin, but what happened in Berlin already happens in the whole of the UK. It is comparing apples with oranges.

Our other primary concern with firework control or firework-free zones is that, in effect, the proposal takes the existing legislation, under which it is an offence to use fireworks in a public space or to cause fireworks to be launched into a public space, and bans consumers from using fireworks on their own property. That is what the bill does: it gives local authorities the power to prevent individuals from using fireworks in their

own homes, because it is already an offence to use fireworks in a public space.

**Russell Findlay:** Which creates—

**Fraser Stevenson:** It creates displacement, and the whole situation that we have talked about.

Again, we have tried to engage. When we have done so, what happened in Pollokshields has been cited to us, but what happened there was the discharge of fireworks in a public space. There is no need for a firework control zone in Pollokshields because what is happening is already illegal. How can you make something illegal more illegal? That is what confuses us.

**Andy Hubble:** We would be concerned about describing the area as a no-firework zone, because, of course, it would be possible to have an organised fireworks display in the area, as proposed, so it would be better to call it a firework control zone. That is the alternative that is being given to the public: if they cannot use fireworks in a firework control zone, they can go to an organised display.

However, as a general observation, I rather feel that firework control zones just kick the problem further down the road. Antisocial behaviour of the kind that we are trying to prevent is going to happen, whether it involves fireworks, drinking or whatever, and having those zones will just move it.

**Russell Findlay:** And that is before we even get to the issue of who decides where the zones will be, whether people will apply for them, whether there should be consensus locally, whether a local authority decision will be involved and so on.

**Fraser Stevenson:** I think that the Association of Scottish Police Superintendents described the situation as a minefield that did not have to be created, and we agree with that 100 per cent. What is the objective of having firework control zones? It will just displace the activity and create more issues than it solves.

**Jamie Greene:** There will be people watching this session, especially those who have given evidence already, who will accept that you are making some sensible points, and making them well, but they will also say that, as industry representatives, of course you do not want us to go down the road of having any further restrictions. What would you say to those people? What part of your professional judgment that you are passing on today is not protectionist and is more about specifically what the bill is trying to do and the way in which it is going about it? I ask that because we are going to have to address that issue. The feedback will be, "You heard from the fireworks industry, and of course it is against the proposals." That was the case with the working group, whose report you dissented from.

**Fraser Stevenson:** I was going to mention the working group. Throughout my entire involvement with the working group, I never once spoke about the commercial aspects. For us, this is not a commercial issue; it is a public safety issue. We can see nothing in the bill that will improve public safety. It just presents risk after risk and it does not address the core issue of the misuse of fireworks. We have said that consistently to the minister and throughout our involvement with the working group. However, as I said earlier, I was one voice in a room full of noise.

For us, the issue is not about the commercial aspects or the money; it is about public safety. The public should be educated in the safe, responsible and considerate use of fireworks.

I have a brief additional point to make. There has been mention of firework injuries, especially injuries to children. The number 1 cause of firework injuries in children is sparklers. We have seen well-meaning organisations producing safety leaflets about using fireworks and so on that feature pictures of kids holding sparklers without gloves. Wearing gloves when you hold a sparkler is the number 1 rule on the instructions, yet organisations are producing literature that shows kids without gloves holding sparklers. That comes back to the issue of the need for a co-ordinated approach to the safe, responsible and considerate use of fireworks.

**Jamie Greene:** Be careful what you wish for, or we will be banning sparklers next.

**Fraser Stevenson:** On a serious point, if that would work as part of a step change, and we could foresee few unintended consequences of that, we would speak to the Government about that. If people said that, because of what is happening with kids, we need to address the issue of sparklers, we could talk about perhaps finding a way of, for example, educating adults on how kids should use sparklers, or, alternatively, we could discuss whether it was time to consider the viability of that product. However, that will happen only if the Government engages with us, rather than locking us out of the room.

**Jamie Greene:** I feel that there is an inevitability about the bill. I know that it is only at stage 1 and that we have not even started talking about our report or finding consensus, but I get the impression from the wider narrative on the issue that some legislation will be passed, although I do not know what that final product will look like. I ask that, as we go through the process, you work with the committee and use your professional judgment and experience in relation to the bill's direction of travel to ensure that, if it is inevitable that something will be passed, we end up with legislation that is at least manageable. You might not be happy with it—you might think that it will

have unintended consequences, for all the reasons that you have given today—but if something is going to be passed, let us at least try to pass a bill that is workable. None of us wants to pass bad law, so I make that open offer to you.

**Fraser Stevenson:** We have made that offer—we have repeatedly said that we want to engage with the Government on the bill.

**Andy Hubble:** On the point about people saying, “You would say that,” I go back to my opening comments. I represent the professional fireworks display industry, and the regulations very much support people going to an organised fireworks display. We have no interest in retail, but we do not want Scotland to make a big mistake. We travel the world—as you know, I was in Spain last week—so we see the situation in other countries. We have real fear about the direction of travel. This is all being done with good intentions, but it is being done, in part, with our eyes closed.

I whole-heartedly welcome the idea of working with the committee to take the work further and develop something that is workable and that will serve Scotland, but please do not allow a black market to be created in Scotland, because we will not be able to get back from that.

**Jamie Greene:** I appreciate that.

**Rona Mackay:** That is great—we would welcome your working with us—but the problem is that you have not come up with any changes today. Given that, basically, you do not want any changes, how could you work with us?

**Andy Hubble:** That is perhaps a question for Fraser Stevenson to answer. I can only point to the fact that the British industry has worked with regulators for decades. I felt that the working group was going in one direction of travel and that I was an observer for a lot of the time. A large number of people in the room all wanted to achieve one thing, and it did not matter what Fraser Stevenson said.

We need a reset. As I proposed to the minister two weeks ago, we need to sit down with the industry to see what it can suggest and offer. I have no doubt that the industry—Fraser Stevenson and his colleagues—will have options and proposals.

**Fraser Stevenson:** In 2020, we wrote to the minister with a 10-point proposal, which we also sent to Westminster at the same time. The proposal states:

“1. There should be an annual national safety awareness campaign agreed and funded jointly between industry and Government.

2. Enforcement agencies should receive additional, seasonal funding, to help tackle the growth in illegal fireworks.

3. Enforcement agencies to receive better training in the detection and apprehension of illegal fireworks.”

I gave a training session with COSLA to help trading standards officers to identify issues or illegal products.

Point 4 states:

“The minimum age for buying fireworks should be raised to 21.”

No one around the table has mentioned that. No one has thought about that. Why do we propose that? That would create a bigger disconnect between teenagers and those who could legally buy fireworks. A lot of 17-year-olds know 18-year-olds, but not that many 17-year-olds know 21-year-olds.

Point 5 states:

“Illegal fireworks sold via social media should have their sites taken down immediately.”

The OPSS is working on that and is liaising with the likes of Amazon, Facebook and eBay.

Point 6 states:

“Fines for selling, possessing or using illegal fireworks should be increased—along with robust minimum sentencing.”

I understand that the level 5 fines in England have been raised from £5,000 and are now unlimited.

The proposal continues:

“7. There should be a central contact point for reporting all firework related misuse issues.

8. There should be a standardised reporting structure for injuries caused solely by fireworks—to include the cause.

9. Better resources for border control to prevent illegal fireworks entering the country.”

We make that point because that would mitigate the risk from the black market.

Point 10 states:

“Tougher sentencing for letting fireworks off in a public place such as streets and shopping arcades. Tougher sentencing for using fireworks as weapons—especially against police officers and other emergency services.”

11:00

We wrote to the minister in 2020 with that 10-point plan, to say how things could be improved. The industry would 100 per cent support and back that.

**Rona Mackay:** Thank you.

**The Convener:** I will bring in Russell Findlay for a final question, then I will bring in Norman Donald, in case there is anything that he would like to add.

**Pauline McNeill:** Can I ask a final question as well?

**The Convener:** Yes.

**Russell Findlay:** Banning the sale of fireworks to those under the age of 21 seems pretty sensible, not least because the criminal justice system deems those aged under 25 not to be at the same level of maturity as those aged over 25.

To go back to the issue of pyrotechnics, I do not know whether the general public understand the difference between fireworks and pyrotechnics. Has the increased misuse of pyrotechnics by some football fans perhaps been used not as an excuse but as a reason for the sense that something must be done about fireworks? Is that culture of their use by some football fans, which did not really exist previously in the UK—it was more of a European thing—penalising the legitimate and responsible firework users and the industry?

**Fraser Stevenson:** That is a good and valid question. People saw what happened in Pollokshields and thought, “This is ridiculous. Something has to be done.” The general public are not aware that what was happening there was illegal. When it comes to the use of flares and smokes in stadiums, along the side of the River Clyde or outside football stadiums, the general public’s perception is that something needs to be done about that. They do not appreciate that much of that activity is already illegal.

However, if there are aspects of that that need to be addressed, if the police came to us, had an open and frank discussion and said, “We don’t feel we can deal with it, because of this,” we could advise them and say how certain activity could be closed off or tightened more in legislation, without subsequent impacts. I mention that because there are around 12 different pieces of legislation and regulation that cover fireworks and pyrotechnics, some of which are defined by the United Nations. Therefore, if you start to get involved in deciding what a pyrotechnic is and what a firework is, and trying to unpick things, it will be like pulling a thread on a jumper. Before you know it, the sleeve of the jumper will have fallen off, because of knock-on effects associated with those other pieces of legislation. What we are calling for is for a discussion to be had.

**Russell Findlay:** Thank you.

**The Convener:** We will go to Pauline McNeill, then to Katy Clark, before bringing the session to an end.

**Pauline McNeill:** Norman Donald said that there was scope for more use of fireworks for celebrating. I have to express concern about the notion that the industry position would be just to have fireworks all year round and, if there was an increase in the use of them, we would not do anything. As you said, even with good intentions,



firework displays in the back garden are going to annoy the neighbours, especially if they have animals.

I do not have the answer, but surely there is food for thought. If people celebrate the birth of their baby, or whatever, by using fireworks, does that not imply that there would be a further increase in their use, albeit legitimate and legal—after all, who would not want to be there? Do you not see that having such activity all year round is a problem for society?

**Fraser Stevenson:** I do not see it as being a problem for society if the public are educated—if the message is, “If you’re using fireworks outwith the seasonal periods, this range of products is available to you; your use needs to be considerate and you need to notify your neighbour.” Using that sort of messaging as part of a non-legislative approach, in the first instance, minimises the risk of unintended consequences. It minimises the risk of creating opportunities for people to say, “This is great! I’m gonnae stockpile a load of fireworks, and I’ll go on social media and tell people, ‘I’ve got them here, just come round to my house and I’ll sort you out,’” because they cannot be bought legitimately.

We would much rather see a process whereby—

**Pauline McNeill:** No—I was talking about setting them off. You did not take my point.

**Fraser Stevenson:** It is the same thing. If we could encourage consumers—

**Pauline McNeill:** I just want to be clear. I do not want you to talk around my point, if you do not mind. Are you okay with the notion that, whatever we do here, there will potentially be more use of fireworks, if Norman Donald is correct, and that it is okay to have a framework that says that people can have fireworks all year round, albeit within certain periods, and that relies on people to be kind to their neighbours? Might we not be back where we started, if there was no way of curbing that?

**Fraser Stevenson:** From a personal point of view, I would like to see a way in which we could encourage consumers to use lower-noise fireworks outwith certain periods.

**Pauline McNeill:** Thank you.

**Katy Clark (West Scotland) (Lab):** A lot of proposals that have been made in the evidence would require the committee to have a lot more data. You are probably not best placed to provide most of that. However, the first point in your action plan is that there should be an annual national safety awareness campaign, jointly funded by the industry and the Government. How much does the

industry currently spend on education and awareness?

**Fraser Stevenson:** Just last year, the industry decided to produce its own videos—we spent about £20,000 on two or three videos—which we offered for distribution through the Government. The OPSS redistributed them and publicised them through its social media feed. They were targeted at the safe, responsible and considerate use of fireworks and were aimed towards primary school kids. It was done from a peer point of view, so that they could say to their parents or adults that they should not be setting off loud fireworks at midnight, for example. We did that out of our own pocket.

**Katy Clark:** I think that I have heard about those videos. However, that is quite a small amount of money to spend. I presume that you are a multimillion pound industry that makes massive profits. Over the past 20 years, how much resource have you devoted to education and awareness-raising activity that might help to deal with some of the challenges that the committee is attempting to grapple with? You might be able to provide that in writing after the meeting.

**Fraser Stevenson:** I cannot give you that information just now, but I will. As I said, the offer is there in the 10-point plan, and we are working with the OPSS on that at the moment.

**The Convener:** I will bring the session to a close; we have been going for more than two hours. We have heard a lot of helpful commentary from the witnesses. Thank you very much for attending. If there are other issues that you want to follow up on or information that you want to share with the committee, please feel free to do so, and we will take that evidence into account.

That concludes the public part of the meeting. We now move into private session to review the evidence that we have heard this morning.

11:08

*Meeting continued in private until 12:59.*



This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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