OFFICIAL REPORT
AITHISG OIFIGEIL

Criminal Justice Committee

Wednesday 16 March 2022

Session 6

The Scottish Parliament
Pàrlamaid na h-Alba

Wednesday 16 March 2022

CONTENTS

	Col.
FIREWORKS AND PYROTECHNIC ARTICLES (SCOTLAND) BILL: STAGE 1	1
SUBORDINATE LEGISLATION	46
Prisons and Young Offenders Institutions (Coronavirus) (Scotland) Amendment Rules 2022 (SSI 2022/73)	46

CRIMINAL JUSTICE COMMITTEE
10th 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:

Lorraine Gillies (Scottish Community Safety Network)
David Hamilton (Scottish Police Federation)
Alasdair Hay (Firework Review Group)
Rob Holland (National Autistic Society Scotland)
Gilly Mendes Ferreira (Scottish Society for the Prevention of Cruelty to Animals)
Assistant Chief Officer Stuart Stevens (Scottish Fire and Rescue Service)

CLERK TO THE COMMITTEE

Stephen Imrie

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Criminal Justice Committee

Wednesday 16 March 2022

[The Convener opened the meeting at 09:02]

Fireworks and Pyrotechnic Articles (Scotland) Bill: Stage 1

The Convener (Audrey Nicoll): Good morning, and welcome to the 10th meeting in 2022 of the Criminal Justice Committee. Apologies have been received from Pauline McNeill. Collette Stevenson, Fulton MacGregor and Rona Mackay are joining us remotely. One of our witnesses for panel 1 is slightly delayed.

Our first item of business is our first evidence session on the Fireworks and Pyrotechnic Articles (Scotland) Bill. Before we begin, I place on record our thanks to the Blackburn bonfire night action group for hosting our visit on Monday. It was extremely helpful to hear how the local community has worked to tackle the misuse of fireworks in its area. The group's views on the proposals in the bill will be very much appreciated.

I refer members to papers 1 to 4 and I am very pleased to welcome our first panel of witnesses. They are Assistant Chief Officer Stuart Stevens, director of service delivery with the Scottish Fire and Rescue Service, and David Hamilton, chair of the Scottish Police Federation. Alasdair Hay of the firework review group is slightly delayed and will be joining us shortly. We very much appreciate the time that witnesses have taken to join us.

We move directly to questions. We have about an hour and 15 minutes. I will open the questioning, coming to Stuart Stevens first and then David Hamilton, and I will start with a general question. Could you outline your experiences and involvement in the issue of fireworks and pyrotechnics in your professional role and say whether you feel that what is proposed in the bill is the right step forward and that the timing is right?

Assistant Chief Officer Stuart Stevens (Scottish Fire and Rescue Service): Good morning. Clearly, as a fire officer for 24 years, I have had considerable experience of fireworks and pyrotechnics, particularly during the bonfire period that occurs every year in November.

It probably comes as no surprise that fireworks present a considerable challenge for the Scottish Fire and Rescue Service. There are essentially three strands to that. First, there is the harm—the danger that there is to people who use fireworks inappropriately or who are clearly not aware of the damage that they may cause. The second strand is the antisocial behaviour use of fireworks and the third is the impact on my firefighters and partners from blue-light emergency services, who are obviously subject to antisocial behaviour and the use of fireworks.

Every year, we see a considerable number of incidents in which fireworks are either fired at emergency services workers or used to intimidate members of the community. Fireworks are put through letterboxes and car windows are smashed so that fireworks can be put into cars, which clearly presents a significant challenge to the fire service as well as a considerable safety challenge to members of the community. The impact on the Scottish Fire and Rescue Service is felt every year.

It is probably part of a wider antisocial behaviour issue, and it is not surprising that, come 5 November, when fireworks are sold openly in shops and can be used to carry out antisocial behaviour, antisocial behaviour increases considerably.

The fire service absolutely welcomes the bill. We believe that it is a step in the right direction in order to mitigate the issues that I have described previously arising from the use of fireworks. The timing is right, as well. Every year, we see antisocial behaviour increasing, including the use of fireworks to intimidate people or carry out antisocial behaviour.

Every year, too, unfortunately, I have to witness some of my firefighters being injured by fireworks or intimidated by their use. Last year, I was in our control room during bonfire night and watched on closed-circuit television a number of my crew being attacked with fireworks. Not only that, but once the fireworks had run out, the individuals were readily able to restock by going to the nearest shop to buy more fireworks and carry on that behaviour.

Thankfully, over the past few years, none of our firefighters has been seriously injured. A number of appliances have been significantly damaged, there have been a number of near misses and a number of individuals have been injured, although not seriously, by fireworks. However, I believe that it is only a matter of time before a firefighter is seriously injured and I understand that police colleagues have been subjected to similar issues.

I hope that that answers your question, convener.

The Convener: Thank you, Stuart. I will perhaps come back to you on a couple of points in relation to the impact on your crews, but I will bring in David Hamilton first.

David Hamilton (Scottish Police Federation): I have 25 years of policing service and the time around November is the period that we dread, because we know what is going to happen. It happens every year. We see an escalation in antisocial behaviour and almost a weaponising of fireworks at times. People take fireworks, which they can readily get, and use them to attack communities and the police officers who are responding to that.

Over the past few years, we have seen a marked increase in that behaviour and I have had to put in place a number of public order deployments to give the officers protection. The cost of that behaviour to officers is significant. Some officers have been badly burned by fireworks; they have been scarred for life and traumatised by that. Other officers have been temporarily deafened by fireworks.

It is almost part of the season that comes around and it has been a consistent problem throughout my career. I think that it is getting worse, though, and, probably since 2016, our police responses have had to be ramped up significantly, with full public order deployments. By that I mean officers in full riot gear and shields, because that is the only protection they have that can withstand the degree of violence that they are presented with.

The behaviour does not just happen in one particular area, although there are obviously hotspots. We certainly see the problem across the central belt, but we have the issue even in more rural areas. It is perhaps at a lower level in terms of scale, but it is still significant and people are still being attacked.

We absolutely welcome the legislation and the controls that are being proposed.

The Convener: I have a quick follow-up question for both of you. David, you mentioned that, recently, you have had to go to the extent of having full public order deployments. To what extent has the fireworks season had an impact, from the point of view of not just resources and planning but, ultimately, the cost of responding to fireworks and the issues that arise from the use of fireworks?

Assistant Chief Officer Stevens: The planning for the fireworks period starts just after the springtime. We work with local authority and third sector partners, as well as our colleagues in Police Scotland, to put in place plans to respond to the fireworks period—I say "period" because it is not just two or three nights; it lasts for a matter of weeks. In addition, considerable community safety engagement activity is undertaken with schools, youth groups and so on in the run-up to bonfire night in an effort to mitigate the situation. Work is also done with animals groups and veterinarians, because we understand that fireworks have a significant impact on animals, as well as on people with neurodiversity issues. A lot of planning is done from a response and a prevention perspective.

As far as the response on the night is concerned, it is a considerable response. We will mobilise well over 1,000 appliances on bonfire night alone. To put that into perspective, on average, the Scottish Fire and Rescue Service will mobilise about 350 to 400 times a day on a normal day. On bonfire night, there will be well over 1,000 mobilisations. We also handle thousands more calls that do not result in a mobilisation, because they involve controlled burning and things like that. That puts considerable pressure on our operations control rooms and our front-line staff.

While it is on bonfire night itself that we are at a peak, in the run-up to it and the days following it, we face considerable resource and capacity demands. I cannot quantify the cost of that in pounds and pence, but the financial impact is considerable.

My colleague talked about rural areas. Most of our rural areas are covered by retained duty officers. Their role is a keystone of our communities. They have to mobilise from their primary employment roles in order to deal with such incidents, and that, too, comes at a cost to the service.

David Hamilton: I cannot give you a figure for the costs—that is for Police Scotland to give you—but I can tell you that they do not relate just to 5 November; we are talking about a season. Officers are taken off other duties and deployed in public order units. Officers are taken away from other aspects of community policing and from other parts of the service to staff the public order vans and to respond.

There is another tier, which is the community police aspect. Our attention is diverted to dealing with preventative work in advance of fireworks season. That is another abstraction that is sometimes not caught by costings. If we are doing activity in relation to fireworks, we are not doing something else. That takes up a significant amount of time. In addition, of course, our response officers are run ragged when it comes to such events, because they have to deal with call after call. Police Scotland will be able to give you an idea of the volume of calls, but it is significant.

The Convener: I welcome Alasdair Hay, who has arrived safely.

Alasdair Hay (Firework Review Group): I sincerely apologise. It took me two and a half hours to drive here from Dundee. I am genuinely embarrassed. I apologise to the committee.

The Convener: Do not worry; we are just glad that you have arrived safely.

I hand over to Russell Findlay.

Russell Findlay (West Scotland) (Con): I thank the witnesses for coming to see us.

David, how long, typically, would the season that you referred to last?

David Hamilton: We normally plan for it to last a number of days. I cannot tell you the exact number, because that is an operational planning matter that Police Scotland would make a decision on, based on resourcing and intelligence on the threat. In general, we would expect it to last at least a week to 10 days.

Russell Findlay: From the submissions, it seems that there are two key issues: the noise element, which many people do not like; and the much more serious issue of the deliberate use of fireworks to target members of the public, property or the emergency services. Do you have any statistics about the number of those types of incidents over the years? It sounds as if there has been an annual increase, but has that been measured or quantified in any way that you know of?

Assistant Chief Officer Stevens: What kind of incidents are you talking about?

Russell Findlay: Attacks on yourselves.

09:15

Assistant Chief Officer Stevens: Yes, I can give you some stats on such attacks. We refer to them as acts of violence, which encompasses physical and verbal attacks, including those involving the use of fireworks. In 2018, there were 10 of those on bonfire night and there were six in 2019. Last year, there were seven attacks on firefighters on bonfire night.

Russell Findlay: That is the figure for 2021.

Assistant Chief Officer Stevens: Yes. I should say that those events resulted in the hospitalisation of two individuals—the injuries were caused not by fireworks but by assault.

Russell Findlay: You have figures for 2018 and 2019, and then your figures jump to 2021.

Assistant Chief Officer Stevens: There were seven attacks on bonfire night in 2021. There were six in 2020, six in 2019, 10 in 2018 and eight in 2017. There is a running theme in the years previous to that.

Russell Findlay: Does the type of behaviour that we are talking about occur only around 5 November? Does it occur at other times of the year, when fireworks are used to celebrate religious festivals and so on?

Assistant Chief Officer Stevens: No, it does not. Acts of violence take place throughout the year, unfortunately—as my colleague said, there is an emerging trend of attacks on emergency service workers—but the use of fireworks in those attacks takes place around the bonfire period and not around other times when fireworks are available.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Good morning. You have just given us some alarming evidence about the consequences of fireworks on the police and fire services. Would you prefer there to be an outright ban on fireworks? If not, why not? Could you say something about the issues around that?

Assistant Chief Officer Stevens: It will probably not come as a surprise to you that, as a serving fire officer, my personal preference would be for there to be a complete ban on fireworks. However, we need to look at things in the round and understand that there are some cultural and religious uses of fireworks for celebrations and that the vast majority of people use fireworks in a measured and mature way and do not engage in antisocial behaviour.

I think that the legislation strikes the right balance in making it more difficult for people to acquire fireworks and ensuring that people who use them do so more sensibly. The licensing element encourages people to engage in some training in how to use fireworks, as well as making it slightly more challenging to buy fireworks and putting some control around that process. The bill strikes the right balance in relation to the appropriate use of fireworks and discourages their inappropriate use.

David Hamilton: Fireworks are safe if used properly and safely. We are talking about behaviours. The proposed legislation takes a balanced approach to the issue in terms of people's right to use fireworks and celebrate in an appropriate and responsible way while dealing with people who do not—it is those people who are the focus of our concern. The legislation puts in place some tiering around fireworks, in a proportionate way, that allows people to use them.

It is like the situation with cars. Someone who is focused on road safety might say that they do not want to have cars on the roads, but that would not be appropriate. We want people to be able to have cars, but they must drive them properly—that is the key thing. The bill takes that approach to fireworks, and that is a proportionate way of dealing with the issue.

We might go on to talk about the issue of pyrotechnics separately, and there are slight

nuances within that, too. Pyrotechnics cause us problems all year round.

Rona Mackay: I think that colleagues will ask questions about that issue later.

Alasdair Hay: Our working group had very clear terms of reference, and they did not include considering an outright ban on fireworks. However, we know that that idea featured very heavily in the public consultations, with many people calling for an outright ban, so it was inevitable that it would be discussed in the review. Our number 1 recommendation was not to bring in an outright ban at this time. As my colleagues have already said, we are looking for a balanced approach in which the enjoyment that many people have from fireworks can be maintained—and there are cultural issues as well—while there is also an understanding of the stress that fireworks bring to others and of the downright criminality that happens on occasions. Our approach is to try to strengthen the legislation and the preventative approach around that.

We also tried in the working group to move from anecdote. Many stories are told about the harm that fireworks cause, and we sought to create as strong an evidence base as possible. We did that through gathering all the available evidence from here in Scotland and by commissioning work to gather evidence from countries that have strengthened their legislation around fireworks in recent years.

It is interesting that there is always a potential for legislation to have unintended consequences. Some of the evidence from countries that had banned fireworks brought forward more about the unintended consequences, such as a black market being created. We need to get the balance right for all the reasons that my colleagues have said, but we also need proportionality to ensure that we do not invite some of those unintended consequences and that we derive the benefits from the report and the bill.

Rona Mackay: Thank you. That is interesting.

Assistant Chief Officer Stevens: I think that I misrepresented the numbers before, Mr Findlay. For clarity, in 2021, there were 14 acts of violence over the bonfire period, and in 2020, there were 17, of which 13 were on bonfire night itself. Apologies for misreading those statistics earlier. To put that into context, that is 40 per cent of the acts of violence that took place in a year happening in the November period.

The Convener: I think that Jamie Greene has questions for Alasdair Hay about the review group.

Jamie Greene (West Scotland) (Con): Good morning. Do not worry, Mr Hay: we have all had to deal with that crossing over the years, whether on the old bridge or the new one.

I want to get a feel for the firework review group, because it played an integral part in the formation of the bill that we are analysing as a committee. Essentially, I want to get a feel from you as to how we have ended up where we are with the proposals.

First, could you talk a little about the volume of recommendations that you came up with? Specifically, were the decisions on them that were reached by the review group unanimous? If not, which recommendations were perhaps more controversial, or were decided on by majority rather than unanimously? If they were decided by majority, by how much did they pass, and who dissented from those specific recommendations?

Alasdair Hay: People have been raising concerns about fireworks in their communities for a number of years—that was the genesis of the review. Activity on social media, which enables people to immediately capture what is happening in their community, post it online, and let the world see it, has brought into sharp focus some of the very unwanted aspects of bonfire night in particular. There were calls for change, and change was needed.

The Scottish Government went out to public consultation, and there was a huge response to that, from more than 16,000 people. Overwhelmingly, the public were looking for change and greater protection from harms. However, there is also the issue of the legitimate use of fireworks and the enjoyment that many people derive from them.

Following the consultation, the Government decided to build on the proposals that were highlighted in it. Key stakeholders from health, local government, animal welfare, veterans groups and the emergency services as well as the industry were asked if they would come together voluntarily to discuss the issues. I was asked to be the independent chair of that group, which I was happy to do. We had a broad group of people representing interested parties.

As I mentioned earlier, we wanted to move away from anecdotes and some of the dramatic things that we see reported in the media and on social media, and to create as strong an evidence base as we possibly could. We started out by thinking about the options and what people were asking for. We ran a workshop and undertook an options appraisal of all the possible actions, in which the benefits and the disadvantages that may arise from them were looked at. We worked through that process systematically, and everybody engaged in it. From that, we produced a number of recommendations, as the committee

can see. The workshop, including the options appraisal, was the genesis of most of those recommendations.

At that point, everybody had reached a consensus on the areas on which we ought to focus. We took that work forward and continued to strengthen the evidence base. We asked for data from colleagues in Police Scotland, the Scottish Fire and Rescue Service, the national health service and the British Veterinary Association, and we now have all the evidence that they could bring to bear.

To be honest, one of the challenges is that there is not that much analysis and evidence out there. Bringing together data from so many different bodies enabled us to lay everything together to form a picture on which we could start to base our judgments.

We worked through the process, gave everybody an opportunity to present their evidence, and allowed others to question it. Through that, we honed and toned—if that is the right expression—the recommendations that were coming out.

When we came to the final report, we found that, as we highlighted in the report, the British Fireworks Association was the only organisation that could not sign up to it. Otherwise, we had a very broad consensus that the recommendations were the right ones. I understand the BFA's perspective, as its members run businesses. It is a very responsible organisation, as is the British Pyrotechnists Association, which brought a lot to the working group. It pointed us towards areas that we ought to consider, and we found that extremely helpful. Those organisations have good codes of practice.

We tried to recognise all that in the report, which is why there are recommendations in it about doing business impact assessments and taking account of concerns about unintended consequences. We will ensure that the intended benefits are derived by looking to see, in three to five years' time, whether those benefits are there. If there are any unintended consequences, we will look at how we deal with those.

I am sorry for the long answer, but that was the broad approach. We absolutely had a consensus, with the one exception that I pointed out. However, the BFA contributed extremely positively and influenced the report heavily in a good way.

Jamie Greene: I appreciate the long answer, because that explanation was required to give us the backdrop to how you got to where you are.

I guess that a range of options would have been available to you. However, it strikes me as a little bit concerning—this is my only point of concern—that the industry that will be affected most by the regulations is the one that did not sign up to the recommendations. That is an odd position to be in.

The three strands in the consultation were the sale, purchase and use of fireworks. It seems to me that, although support is high, at 84 per cent, for the control of purchase using a licence scheme, the support wanes slightly, going down to 67 per cent, for restrictions on the use of fireworks, and wanes even further, going down to 64 per cent, when we get down to restrictions on the sale of fireworks, which is perhaps the strand with which the BFA had a lot of issues.

Is it not an issue for you that the people who will go out of business or who will be most immediately affected by the bill do not agree with the way that we are proposing to tackle the problem?

09:30

Alasdair Hay: If you look at the level of support, you will see that even the lowest figure—you mentioned 64 per cent—shows considerable support for the change. That is well over half of the population, so I think that that passes that test.

Of course we understand that people in the industry have concerns. That is why one of our recommendations is to do a full business impact assessment. However, we also have to look at the other side of it. The controls are to ensure that people can enjoy fireworks safely—we are not taking that away. We have to balance those concerns against the outrageous attacks on emergency services and the really harrowing evidence that we gathered in the form of case studies from the NHS, in which children were maimed and disabled for life. In the report, we recognise where the industry is coming from, but that is outweighed by the public support for the changes and the downsides of the misuse of fireworks. We have tried to strike a balance.

Jamie Greene: I have a final question. I am absolutely playing devil's advocate, because we have heard evidence about attacks on emergency services and the effect that they have on a community. Everyone acknowledges and accepts that those attacks are abhorrent, but people will question whether we are using a sledgehammer to crack a nut.

Is there a reason why we are introducing laws to restrict the purchase, sale and use of fireworks across the whole of the population when it is a minority of people who misuse and abuse them, in the same way that a minority of people misuse kitchen knives or alcohol, and third party objects are used to fuel antisocial behaviour? Are we punishing the majority because of the minority?

That is a valid question that we will have to answer as the bill progresses.

Alasdair Hay: That was something that the group wrestled with. The outcome that we wanted through the discussions was to get the right balance so that people's legitimate enjoyment of fireworks could still be maintained while we made things more difficult for those who would choose to misuse and abuse fireworks, and create the harm that we have seen. We understand that, if people are going to choose to abuse something, it can be difficult to stop that. We absolutely wanted to get that balance right in the report.

We do not think that the bill is a sledgehammer. People will need a licence and will have to do some online training. Some of the evidence that we looked at involved people who genuinely wanted to enjoy the fireworks and then had accidents with them. Some of those people, with a little bit of online training and a bit more forethought instead of making a spontaneous decision to use fireworks for an event, will be safer in their enjoyment of fireworks. We really strove to get the balance right on that.

Jamie Greene: I will maybe come back in later. Thank you, convener.

The Convener: Likewise, if we have time later on, I will come back in on a couple of points about injuries. We now have questions on the licensing proposals.

Russell Findlay: On Monday, we visited Blackburn and heard evidence from people about problems there. We were told that adults supply young people with fireworks. Apparently, there is a guy in a white van who pops up every year and does a roaring trade, and there is another adult who stockpiles fireworks in his home. Alasdair Hay has already said that an outright ban could cause a greater black market. Do you think that the licensing provision will be sufficient to stop Blackburn's white van man?

Alasdair Hay: We, too, visited Blackburn, which is a community that has felt under siege on and around bonfire night. It has worked hard on prevention and distraction measures to prevent local, predominantly young people from getting involved in that antisocial behaviour. Clearly, the man with the white van has seen an opportunity.

That relates to one of the areas in which the industry was absolutely in agreement with the recommendations, because everybody felt that there was confusion in the current legislation about whether it was illegal to give fireworks to under-18s. The recommendation was to strengthen and clarify the legislation so that there is no doubt about the intention behind it.

We want to ensure that, if someone rocks up in a white van and starts selling to young people, there is no doubt in anyone's mind that that is wrong. I hope that the legislation will do that. That will make the job of Police Scotland easier and, if it is communicated properly, it will strengthen the local communities and enable them to call on the appropriate authorities to assist them in the right way.

Russell Findlay: From the policing perspective, is there a concern that licensing measures will create a bigger black market?

David Hamilton: We need to have the tools to be able to deal with the problem. The legislation will give us a key tool to try to make things better and tackle what is a real problem. We will be able to deal with the white van man in Blackburn because we know that that is the root cause of the problem. That does not mean that we will stop every white van in Blackburn; it means that we will be able to get the right one and deal with that clearly. There will be no ambiguity about what we are doing; there will be a focus that will enable us to do something. That power is important.

On the issue of the black market, we will just have to deal with that. Some people will choose to break the law. As long as the law is communicated properly and people are clear about what is acceptable and unacceptable and lawful and unlawful, there will be no excuse for breaking the law, and we will deal with the people who do so. However, the starting point has to be the existence of the tools to do that, and we do not have those tools yet.

The Convener: Rona Mackay also has some questions around licensing.

Rona Mackay: My first two questions are for Alasdair Hay and Stuart Stevens. I have a separate question for David Hamilton, which I will ask later.

Could the charging of a fee be seen as pricing people out of being able to enjoy fireworks, as some people might not be able to afford the fee?

It was initially proposed that the licence would be valid for 12 months, and the intention is now for it to be valid for five years. A lot can happen in five years—for example, someone could pick up a criminal conviction in that time. Does that concern you?

Assistant Chief Officer Stevens: It is probably not within the scope of Scottish Fire and Rescue to comment on the fee element of the legislation. That is probably more for the Scottish Government and the firework review group.

On the licence period, I take on board your point about someone possibly picking up a criminal record in that time, and that possibility might need

to be reflected. However, again, that is probably a matter for colleagues in the Scottish Government and Police Scotland.

Alasdair Hay: On the fee and the duration of the licence, the review group did not look in detail at how to operationalise the recommendations. A lot of detailed work has to be done in that regard, and my expectation and understanding is that colleagues in Scottish Government would do that work. However, the point is well made, and those issues have to be considered appropriately.

On the specific issue of people being priced out of enjoying fireworks, one of our biggest hopes is that people move away from having their own private fireworks displays—although, if they want to have one, they should get the balance right so that they can enjoy it—and move towards attending organised public displays with all the right safety precautions in place. Those displays are often spectacular, and we hope that more people can enjoy fireworks in that way. I think that all members of the group were supportive of having that strong direction of travel.

Rona Mackay: I will move on to David Hamilton. You should feel free to answer those questions, but I have a specific question for you.

Do you have any concerns about how the proposed licensing scheme will be policed? Will it create a big challenge for you? Have you had discussions with the Scottish Government about the bill? I am not sure whether the onus will fall on local authorities or the police, but I guess that dealing with someone who does not have a licence would fall to the police.

David Hamilton: I will deal briefly with the cost aspect first. Fireworks are probably the definition of burning money, so I do not have a huge amount of sympathy for concerns about adding a licensing cost on to what is already an expensive thing to do. We just have to factor that into the proportionality aspect of what is being done.

We suggest that the system should be self-funding, because, again, with public services being in the position that they are in, any additional cost will stretch us. There needs to be some kind of loop back into supporting public services—the police and the fire service—with the costs of implementing the legislation. I am sure that the people with the spreadsheets can give you a better answer about what that might look like than I can.

On licensing, one of our key issues is having the right technology. We are in a much better position than we were in previously with regard to digital technology and our ability to access some of the licensing information on our own systems. We have a question about the interface between our licensing systems and the licensing system that the Government ultimately puts in place, because we need to know who is doing what, what the protocols for sharing are, how the information is updated and how regularly that is done. If we are to be dealing with people who have fireworks and who have probably received their licence quite recently, we need to be able to respond appropriately and be certain that they are accredited.

Another issue that we are keen to look at is the control zones. We think that proper signage and communication are needed. We did not see much about that in the bill, and we think that further development is needed. People need to know that they cannot use fireworks in a particular area—they need to know what is in the legislation. There is a big piece of work to be done around communication. I have already spoken to people who have told me that fireworks are going to be banned next year, which means that they have got the wrong message. I suggest that we need to get ahead of the game.

Rona Mackay: That is a good point.

This might seem a bit basic, but I would like to ask about the practicalities of the scheme. Do you envisage your officers going up to someone who is having a fireworks display in a small village or wherever and asking to see their licence? How will you know whether someone has a licence?

David Hamilton: I do not honestly know. We will have to take direction from the chief constable on how he wishes to deal with that. It will probably include a degree of needing to respond to complaints. People will call us to say that somebody is having a fireworks display, which is scaring their cat or dog, and we will respond to that. At that point, we will check that everything is in order, just as we do now. However, I do not imagine that we will go around being proactive fireworks police.

09:45

Rona Mackay: You will not be patrolling. Okay; thank you.

Russell Findlay: I have a quick question about licensing that I should have asked Alasdair Hay earlier. If the licences last for five years, what would the mechanism be for having them revoked? What grounds would there be to do so? Has that been built into the bill? Would the only ground be criminal conviction or would the grounds include misuse of fireworks, supplying them to others and things of that nature?

Alasdair Hay: I apologise but, again, civil servants are undertaking that detailed work at the moment, so they will be best placed to answer those questions. Our work was about the principle

and concept of creating more control. We had evidence from other parts of the world where such an approach worked, causing a shift away from spontaneous use of fireworks—for example, if someone is at the shops, sees a box of fireworks and thinks, "I will just pick that up and put on a little display for the family tonight." The idea was to create a shift away from that spontaneity. It is indisputable that fireworks can be dangerous, either because people misuse them or because they do not understand how to use them properly, so the intent behind the licence is to make their use a more thought-through process. Of course, when you start talking about licensing, you need to make sure that you exclude people who, because of past behaviours, are more likely to misuse fireworks. I imagine that that is how the work is being taken forward.

Russell Findlay: Do you agree that, once it is developed, the system will need a mechanism of that nature?

Alasdair Hay: I agree. That was the thinking behind the recommendation that was made.

Katy Clark (West Scotland) (Lab): I have a question for Mr Hamilton, who has already commented on the fee and has rightly pointed out that fireworks are not being completely banned.

Does you agree that the fee—and the level of the fee—could be seen as pricing the majority of firework users out of using and enjoying fireworks responsibly?

David Hamilton: I would not say so. It depends on the level of the fee. People are literally sending their money up into the sky and exploding it, and, in some ways, that is perhaps at the luxury end of living.

A sensible approach is needed. Let us not be too feart about what the fee should cost. It should reflect the fact that people need to be responsible for what they are doing and, given the cost of fireworks for a private display, I do not think that it is unreasonable to ask people to pay a fee. There are other options, such as public displays. If people choose to have a private fireworks display, they need to accept that a cost comes with that. I do not think that that is unreasonable, given the cost of fireworks.

Katy Clark: Perhaps it is about the kind of groups that are being asked to pay the fee.

David Hamilton: If everyone is asked to pay the fee, that makes it quite clear that, if people want to have a private event, they need to accept that the fee is part of the cost of doing so. If I want to drive a car, I have to pay for a driving licence, but I could take a bus; I do not have to drive a car—it is a choice to do so. It is not unreasonable to have to pay quite a lot of money for a driving licence, but the cost of a car is also quite significant. There has to be a proportional link between the cost of fireworks and the cost of a licence. We should not be too scared about the level of the fee.

Katy Clark: The legitimate and responsible use of fireworks is allowed, so do the other witnesses have comments to make about the level of the fee and ensuring that genuine collective organisations that want to organise events are not priced out of doing so?

Alasdair Hay: The firework review group did not look at that, so any comment that I make would be a personal comment and I feel that I should represent the group today. I apologise.

Katy Clark: I understand. Thank you.

Assistant Chief Officer Stevens: My colleagues have made the point well, but from my perspective, anything that encourages people to go to organised displays is a real benefit. The service fully supports that approach.

Collette Stevenson (East Kilbride) (SNP): Good morning. I thank the witnesses for their written submissions.

The bill introduces various restrictions on the days and times when fireworks can be sold and used. Are you content that the proposed restrictions strike an appropriate balance between allowing people to enjoy fireworks and reducing the misuse of fireworks? I will put that question to Alasdair Hay first, then Stuart Stevens and then David Hamilton.

Alasdair Hay: I feel that the bill strikes the right balance. The periods of time when the sale of fireworks will be allowed respect the existing traditions. There is an element of equality, diversity and inclusion, because the bill respects other cultures.

One of the biggest challenges that was put to the group was around people knowing when fireworks events will take place, so that they can take precautions. I know that the committee will take evidence from the British Veterinary Association. A number of people will visit their vet to get a mild sedative for their animals around those times because they will know that there will be fireworks. That will allow them to plan and take control of the situation. If the periods of the year during which fireworks can be sold were not restricted, it is more likely that fireworks could be a surprise, which could exacerbate disturbance and harm.

The major thinking behind the restrictions on times was to allow the wider community to understand when they need to take on an element of responsibility so that the use of fireworks can be enjoyed appropriately.

We have the balance right, because the bill respects tradition and the diverse country that we live in so that everyone can enjoy fireworks appropriately, but it limits the unexpected use of fireworks.

Assistant Chief Officer Stevens: Alasdair Hay made the point about the impact on people and animals very well. The bill provides the opportunity for appropriate mitigations to be put in place.

My concern about the timescales, which we have highlighted in our submission, is about the potential for people to stockpile or store fireworks between the periods when they can be purchased. Adequate detail in the licensing, purchasing and selling process will be needed to make sure that that does not take place. Certainly, the Scottish Fire and Rescue Service will provide adequate community safety engagement, advice and guidance to make sure that it does not happen. That is the biggest issue for the service.

David Hamilton: The worst day for 5 November to fall on is a Wednesday, because then you get fireworks the weekend before and the weekend after. Trying to plan for that from a policing perspective is challenging. I was formerly an events planner, and we used to hold our heads in our hands over that, because we did not know when the bonfire night celebrations would be. When bonfire night falls on a Wednesday, it could go either way—in fact, it usually goes both ways. There needs to be some flexibility in the legislation to cater for the Saturday before or the Saturday after bonfire night.

We would encourage having a hard stop to finish the celebration. It should not tail on. From a cultural point of view, bonfire night is about blowing up the House of Commons. It is an annual celebration, but there is no excuse for it to tail on. It needs to stop once the cluster of organised events finishes, which should be preceded by the supply of fireworks stopping. I would suggest that fireworks should not be supplied after 5 November, because by that time you should know what you are doing. That would stop the impulsiveness and encourage people to plan ahead and think about public events as opposed to private events.

Collette Stevenson: Again, I pose this question to the three of you. A number of local authorities have questioned whether the restrictions are necessary and proportionate. Could you outline why you feel that such restrictions are absolutely necessary?

Alasdair Hay: We involved the local authorities throughout the process. They were represented by the Convention of Scottish Local Authorities and we had some specialism from trading standards. We should remember the role that trading standards plays in the matter. Like all public services, it has finite resource that has to be prioritised, so a finite period of time during which it does its work is helpful. Trading standards officials work really hard; they do more than 650 visits during the bonfire night period to outlets that sell fireworks to make sure that they are doing so legitimately. In the group's discussions, we considered that the restrictions help local authorities to prioritise their resources.

In relation to proportionality, we got evidence from places such as Berlin, where no-fireworks zones were introduced at the behest of communities. Such measures make a difference to meeting communities' expectations by giving them the opportunity to go to organised displays or appropriately licensed displays and not having their lives blighted by the misuse of fireworks.

In relation to proportionality in local authority areas, we are, with the consent of their communities, giving them flexibility and options to take things forward, so that we do not use a sledgehammer to crack a nut, which was the term that was used earlier, and can focus on places in big local authority areas where history and experience show us that misuse is likely to take place and where communities ask for assistance.

Collette Stevenson: Do David Hamilton or Stuart Stevens have any comments on that? I know that you both work closely with local authorities.

Assistant Chief Officer Stevens: I will build on some of the points that Alasdair Hay made. Not only does trading standards have to use resources over the period when fireworks are available, which is currently all the time, my fire safety enforcement officers have to carry out, under existing legislation, fire safety enforcement and audits over that period. I have to divert them from doing care homes, for example, to doing shops that sell fireworks to make sure that they are complying with the legislation. That is not an appropriate use of my resources, so having a finite period when fireworks are available will allow me to do better resource management.

The other point for me is about the impact on operational planning. When fireworks are available throughout the year, we can come across fireworks in considerable amounts on any premises. I have been to an incident that involved the storage of fireworks; I do not want to go to another one and I certainly do not want my firefighters to be exposed to that because of the dangers that fireworks pose. I am sure that people have seen on TV similar incidents from across the world involving fireworks. Having a finite period when fireworks are available would mitigate their impact and make sure that large amounts of fireworks are not stored throughout the year, apart

from by individuals and companies that are allowed to store them.

Collette Stevenson: Thank you. Does David Hamilton want to comment on that?

10:00

David Hamilton: I will, just briefly. It is probably important to go back to where this all started. There was a problem in our communities across Scotland. They were being terrorised, emergency services workers were being injured and there was a big cry for assistance and for a change. As those who respond to that problem, we can only do so much, and the bill is about giving us further measures to enable us to deal with it. Without those measures, we are kind of stuck where we are and the problem continues in the same way each year.

Obviously, the pandemic has changed things, but even during the pandemic such events were taking place. We really need these tools to allow us to tackle the problem and make a difference for our communities. We cannot do that with the existing tool set.

Collette Stevenson: Thank you. I have no further questions.

The Convener: We have a fair bit of interest in this topic, so I will bring in Jamie Greene, then Russell Findlay and Fulton MacGregor. Please keep your questions and responses succinct, because there are still another couple of areas that we are interested in exploring.

Jamie Greene: The bill contains five periods of restrictions around the sale and use of fireworks. Could those be deemed to be arbitrary? For example, they include some religious festivals such as Diwali and the Sikh festival, Vaisakhi, but not others, such as Eid and Hanukkah. Might that be open to challenge in the future? Should the bill therefore allow flexibility for other religious or secular organisations to ask for exemptions from the restrictions?

Alasdair Hay: We tried to make it very clear in the report that we understand that we live in a multicultural country, and that respect for the traditions of all should be foremost in the thoughts of anybody who takes forward the recommendations. If, inadvertently, people who would use fireworks as part of their tradition have been excluded, the right way forward would be to do a proper impact assessment to make sure that all aspects of equality, diversity and inclusion are taken into consideration.

Jamie Greene: As no one else has a view on that, I will move on to the issue of giving flexibility to local authorities, which you mentioned.

Do you think that it would be beneficial if, outwith the sale and use periods that are defined in the bill, individuals, groups and organisations, religious or otherwise, could apply, on a local authority by local authority basis, for exceptions for specific events under the other measures in the scheme? I am thinking, for example, of the Edinburgh festival, jubilee celebrations or other events at other dates and times that may be outwith the defined periods. That might make it easier to cover the issue of people who may feel excluded because of the very specific and narrow periods that have been included in the bill. Would there be any benefit to that?

Alasdair Hay: The overarching drive is to change the culture around the use of fireworks to make sure, as I said earlier, that people think about that use, that it is much more planned and not as spontaneous as it is at the moment, and that there is not as much opportunity for people who may misuse them to access fireworks. I have already made clear the view of the review group on diversity and respect, which, indeed, is my own view, although I am not speaking for myself.

As far as events such as the Edinburgh festival are concerned, I would encourage what already happens—the organised displays—to continue. My understanding is that we are looking to encourage that, not to limit it. The bill is more about the over-the-counter sale of fireworks. I do not think that it would restrict the people who are involved in the fantastic events that take place in this great city. It is not aimed at that.

Russell Findlay: My question is very similar to Jamie Greene's question, so it is a bit of a damp squib now. [*Laughter.*] Sorry about that.

Who decides on the proposed dates? Is it correct to say that that was part of the review group's decision making?

Alasdair Hay: We made a recommendation; we did not make decisions. What needs to be thought about—as I know that it has been—is the intent behind that recommendation and how we operationalise it and make it a practical reality. I know that people in the Scottish Government are working hard to do that. This session is part of that process, so if anything has been missed or is not understood, there is an opportunity for the committee to highlight that, and we can consider it appropriately.

Russell Findlay: One thing that occurs to me is that, when I was younger, fireworks night was the only night of the year on which fireworks were used but, now, new year's eve has become a thing, and there are various religious festivals. An unintended consequence of defining things in the way that the recommendation does could be that others come along and stake their claim to other

dates in the calendar, with the result that we would, in fact, be encouraging the use of fireworks on almost a year-round basis. Is there not the potential for that to happen?

Alasdair Hay: There is always potential, but the key is what the intent behind the recommendation is. Whatever authority is ultimately given the responsibility to license sales and so on will have to remember the intent, and if it is going to make a decision to agree to allow something, it should do so consciously. It would need to understand the benefits and the risks, while always remembering that what we are trying to do is allow people to enjoy fireworks safely while limiting the opportunity for misuse of fireworks and for people to be injured—even accidentally—by them.

The Convener: I will bring in Fulton MacGregor, and then we will move on.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Good morning. I am afraid that I, too, have been damp squibbed—if there is such a term—by Jamie Greene, but I will pick up on the line of questioning about the dates that have been specified. I have some concerns that, as other members have said, those could be open to challenge. I would like to be reassured that there is not something more that we could do to help with the intent of that bit of the bill as we move through the legislative process.

I know that local authorities are able to have organised displays and the like, but do you think that there is an argument for them to have more power to set specific dates for their area? All three of the previous speakers have asked about this issue. There are other religious events during the year, and there are also one-off events that might be important to people. Do you have any thoughts on whether local authorities could have an application scheme, for example?

Alasdair Hay: Again, there is an opportunity for people to go to organised displays and for local authorities to allow those to happen. We are focusing mainly on across-the-counter sales to members of the public. As I have said, ensuring that a proper equality impact assessment, supported by other types of assessment, takes place is an important way to ensure that nobody is inadvertently excluded.

Nevertheless, the intent is absolutely to protect people from the misuse of fireworks and from the injuries that they can cause, while allowing people to enjoy fireworks. Any way in which the controls are taken forward must ensure that that intent remains behind any decision that is made, and that decision must be a conscious one that is based on the risks and benefits.

The Convener: Do you want to bring in anyone else, Fulton?

Fulton MacGregor: No, I am happy with that, convener. The previous questioners covered the main thrust of what I was going to ask about.

The Convener: I am watching the time. I would like us to cover the remaining themes, which are firework control zones and pyrotechnics. Rona Mackay will start off on control zones.

Rona Mackay: Who will decide on firework control zones? Will that be done by the local authority, guided by the local communities? Are the provisions on control zones realistic and workable?

Alasdair Hay: Control zones were very much asked for by communities. We have already mentioned Blackburn. We also spoke to communities in West Pilton in Edinburgh. In Blackburn, people felt that, around bonfire night and the bonfire season, they were under siege and under threat.

The discussion about control zones focused on giving the power—if that is the right term—to the communities. The introduction of a control zone should be at the request of members of the community. They want to live in and enjoy their area. Control zones were asked for by communities. The group thought that that was where the ask should come from and where the power should lie, but an authority would have to control that. The thinking behind the recommendation was that the local authority should introduce a control zone at the behest of the community.

On whether control zones will work, one of the challenges is that, although such legislation has been applied in other parts of the world, including Europe, that has happened relatively recently, and making a full evaluation of its effectiveness takes time. Measures can be impactful in the first year or two and then drift. We understand that point, so we recommend that effectiveness should be evaluated in three to five years' time. However, early evidence from Berlin and Amsterdam is that control zones work and that communities benefit from them.

Assistant Chief Officer Stevens: Control zones are another tool in the toolbox that can be deployed in areas where there is high operational demand and where there have been high levels of antisocial behaviour. The service would work with the local authority and partners in Police Scotland as part of the preventative planning element of community safety engagement to consider the need for firework control zones.

Another reason for control zones is the potential that exists for animals or veterans homes, for example, to be affected by the noise of fireworks. The issue is not purely about antisocial behaviour; there is a wider community safety element.

Rona Mackay: Is there not a danger that control zones might move the problem elsewhere? If people in a certain community are in a zone where they cannot use fireworks, would they just go somewhere else? That is a hypothetical question.

Assistant Chief Officer Stevens: I hope that they would encourage people to go to organised professional displays, rather than having pop-up displays in communities. That might be another approach.

David Hamilton: I echo what the other witnesses have said. Human rights is a core thread that runs through our local authorities and public services, so a measure has to be proportionate. We will not just suddenly designate an area. There must be something that backs up a designation. I am confident that the zones will be used where they are needed.

I come back to the point about having appropriate and proportional measures. Control zones are another tool that will allow us to get to the outcome, which is to deal with a problem about which we are all clear and of which we are all aware. We want to help communities in that way; it is not a carte blanche provision.

Alasdair Hay: Do you mind if I add another point?

The Convener: Of course not.

10:15

Alasdair Hay: I want to underscore what Stuart Stevens said about control zones being another tool in the toolkit. We are trying to bring about positive cultural change in relation to how people use and enjoy fireworks.

Legislation is extremely important—it is probably the key tool—but there is a lot of other work, including education and prevention strategies, that would complement the core legislation. There is no single measure that will resolve the problems or bring about the big, positive cultural change that we seek. It is important that we look at the issue in the round. Stuart made that point, and I want to reinforce it, because the group understood that and tried to convey it in its final report.

The Convener: We are a bit tight for time, but I would like to come in on a point that you made, Alasdair. As you know, on Monday, we visited Blackburn and met members of the bonfire night action group. They spoke about control zones and talked about the stigma of living in or near such a zone. Comments were made about the issue that Rona Mackay raised—that of control zones simply displacing bad behaviour. I would be interested to hear whether you have any further comments on that. What are your thoughts on how such zones would be policed?

Alasdair Hay: The last thing that anybody would want to do is stigmatise any individual, group or community, and that is why it is important to understand that communities should be the instigators of control zones, because that means that they will have the power and will understand the potential implications of them, as well as the potential benefits.

In answer to the question about displacement of bad behaviour, when we went to Blackburn, we were told that people came from other communities—they bussed in—to Blackburn, because it had developed a reputation as a place where there would be opportunities to misuse fireworks and to get involved in other types of antisocial behaviour. Displacement is always a problem, which is why no one thing will resolve the issue. It is a case of restricting those people who would seek to be displaced into other communities to abuse fireworks.

A licensing system that includes training and restricted hours for fireworks will help the situation, along with education, prevention tactics and distractions. All that stuff has to come together to mitigate the potential for displacement of the problem.

David Hamilton: With regard to displacement, I think that we are talking about people who do not behave well—in other words, people who cause antisocial behaviour. We are talking about the kind of people who travelled to Blackburn because they knew there would be trouble. From that point of view, I think that displacement is less of an issue, because if people are going to behave badly, they will do so wherever they are. I do not think that control zones will have much of a preventative effect on those who are intent on causing problems, but they will give us the tools to deal with such people appropriately and robustly, if necessary, in a way that we cannot do at the moment.

The Convener: We will move on and talk about pyrotechnics, as we have not covered that yet.

Russell Findlay: I was going to ask about firework control zones, convener. Is that okay?

The Convener: That is fine.

Russell Findlay: During the consultation, the term “no-firework areas” was changed to “firework control zones”. David Hamilton has already referred to a bit of public confusion about what that actually means. Before people, especially pet owners, breathe a sigh of relief, I would point out that, although the perception of no-firework areas is that there would be no fireworks in those areas, they could, in fact, still be used for official displays and by professional organisations. Have we missed an opportunity here? Should the term have been, in your view, no-firework areas? Given the

nuances involved, how important will it be to properly communicate this to people?

Alasdair Hay: On your last question, a public awareness communication campaign with the right messages and targeted at the right groups is essential when any such changes are made, but there are people with far greater expertise than I have in those areas. Having used such campaigns in a previous life, I have seen the benefits of getting that communication right, so I think that what you have said is absolutely right.

I am sorry—what was the first part of your question again?

Russell Findlay: Have we missed an opportunity by not having no-firework areas?

Alasdair Hay: I keep coming back to this, but when the group was looking at this legislation, its focus was the intent behind it and striking the right balance between enjoying fireworks and not having to suffer some of the abuse that can take place.

Speaking personally—that is, not on behalf of the group—I do not think that changing the name is a big issue. If you are going to have organised displays and you communicate that properly, people will be able to look after their pets and so on. It is much safer to enjoy an organised display. Again, it is about understanding the intent and trying to get the balance right in the framing of the legislation on the basis of the recommendations.

Russell Findlay: That makes sense. Thank you.

The Convener: Do you want to pick up on pyrotechnics, too, Mr Findlay?

Russell Findlay: Yes. The Scottish Police Federation's written submission suggests that what has been proposed has been watered down. What would you like to be reinstated?

David Hamilton: Initially, the proposal in the public consultation was to make it an offence to have a pyrotechnic in a public place. However, although that approach received support, the Government came back to the matter after the consultation, and we now feel that the offence has to an extent been watered down. Now, this will be an offence only in certain specific circumstances such as at sporting or music events or at processions and parades.

For us, such a move raises two problems. First, it does not cover all eventualities, and secondly, it opens up grounds for defence that we fear would make the offence almost unworkable. With sporting events, especially those involving football, the last thing in the world that anybody in this country needs is legislation that is not good.

We want the simplicity of the phrase "public place", because it just makes sense. We have sympathy with and understand the need to be proportionate and we understand the thinking behind the view that the definition might give rise to unintended consequences, such as deterring campers or sailors from having flares. However, we think that that risk is overexaggerated. First of all, a lot of campers do not have flares and, secondly, why on earth would they have a flare in the middle of a city centre? We have to consider the circumstances and the context in the appropriate application of these powers. Trying to legislate for problems that do not exist actually causes more problems and risks spoiling good legislation.

Russell Findlay: On that point, would it be better to revisit that and put in place an absolute exemption unless there are reasonable grounds for possessing such items?

Alasdair Hay: I do not feel competent to answer that, because that aspect did not fall within the group's remit. I must apologise, but we did not look at it from that perspective.

Russell Findlay: I guess that that is an issue for the committee to take forward. Thank you.

The Convener: Jamie, do you want to come in now?

Jamie Greene: Perhaps the problem here arises in the move from simple possession of a pyrotechnic to possession while

"travelling to, in the immediate vicinity of ... a designated venue ... or ... a public procession, or ... a public assembly."

Public processions and assemblies happen in public places such as George Square or Princes Street. The fact that the term "travelling to" is so vague is perhaps part of the problem. After all, anyone could reasonably say that they were not "travelling to" a venue or procession. That would be the immediate defence; it would be argued that what was illegal was not possession of the item itself, but possessing it while "travelling to" an event. Is that the sort of vagueness that you are trying to avoid?

David Hamilton: That is exactly it, coupled with the fact that it is trying to change something that is not really a problem. There is certainly no evidence for what has been suggested, and our concern is that such a change risks undermining the legislation disproportionately to the point where it becomes unworkable.

Keeping the "public place" aspect of the offence and having reasonable excuse clauses would give the necessary protection to, say, someone who was found carrying a flare in Inverkip marina. They would not be charged under that offence and no action would be taken, because, in that context,

that sort of thing would be entirely reasonable. As with our interactions with, for example, campers using axes and knives, we think that it is the context that matters in achieving the outcome. This change is trying to fix a problem that we do not think exists, and it will cause problems thereafter.

Jamie Greene: To be honest, I think that these questions are probably for the minister, but I get the impression that the problem that we are trying to fix is people chucking flares at football games or certain religious processions.

David Hamilton: There is legislation that deals with flares and pyrotechnics at football grounds, but there are issues with it. For example, there is what is called muling; we know that some younger fans are encouraged to take pyrotechnics in for others as a kind of rite of passage. We need interventions and tools so that we can look further upstream, if you like. Instead of dealing with somebody at the stadium gate, as we do currently, we would be able to get to these people earlier on and further away if we had the intelligence. Again, that is what has happened in the past.

The legislation is going the right way with regard to those designations. However, if an officer intercepted somebody outside their house because of intelligence that they were carrying a lot of pyrotechnics to a football ground, all they would need to say was, "I'm not going to the football ground." That is where the problems arise. The officer would doubt straight away whether they were able to search that person. It is much simpler just to have a much more general power.

Jamie Greene: Thank you. That feedback was helpful.

The Convener: Before I wind things up, I will just bring in Stuart Stevens, as he wishes to cover an important subject.

Assistant Chief Officer Stevens: As I said at the outset, the service fully supports moving forward with the legislation, as it will undoubtedly be another tool in the toolbox and another step change in the culture associated with the use of fireworks. With all the really good work on preventative and community safety engagement that happens every year, it will certainly make communities safer and importantly—for me—it will make my firefighters and colleagues in the emergency services much safer, too.

Unfortunately, we have incidents every year. We have house fires on 5 November through fireworks being misused, being put through letterboxes and so on, and I and my colleagues would like to be able to stop that happening.

The Convener: I thank all of our witnesses for what has been a really useful session. We have covered a lot.

We will now have a short break to allow a changeover of witnesses.

10:29

Meeting suspended.

10:35

On resuming—

The Convener: We move to our second evidence session on the Fireworks and Pyrotechnic Articles (Scotland) Bill. I am pleased to welcome to the meeting Rob Holland, who is acting director of the National Autistic Society Scotland, Lorraine Gillies, who is chief officer of the Scottish Community Safety Network, and Gilly Mendes Ferreira, who is head of education, policy and research at the Scottish Society for the Prevention of Cruelty to Animals. We appreciate the time that you have taken to join us.

I intend to allow from an hour to an hour and 15 minutes for questions and answers. We move directly to questions, starting with a general question from me. I will work my way around the room, starting with Gilly Mendes Ferreira, then Lorraine Gillies and Rob Holland.

Please outline your experience of and involvement in issues to do with fireworks and pyrotechnic articles. From your perspective, are the provisions of the bill the right step at the right time?

Gilly Mendes Ferreira (Scottish Society for the Prevention of Cruelty to Animals): Thank you for inviting the SSPCA. We feel that the bill is heading in the right direction. Our animal helpline is open every day of the year, and we receive concerns from members of the public, mostly looking for advice to help to improve the wellbeing of their animal. We have a number of animal rescue and rehoming centres where we see the direct impact of fireworks, particularly on the dogs in our care.

We give a lot of advice throughout the year, but it is quite hard at the moment, and the challenge for a lot of people is the unpredictability in the use of fireworks. Preventative measures that we would want to have in place cannot be put in place if fireworks go off randomly. That is a particular issue if they go off near places such as our rescue and rehoming centres.

The bill covers a lot of our concerns when it comes to the use of fireworks, so we very much welcome it.

Lorraine Gillies (Scottish Community Safety Network): Thank you for letting us come to the meeting. We are a member organisation and our members are, typically, large organisations that work in the field of community safety. We have been holding a lot of discussions and consultations on the issue with our member organisations.

We were part of the initial consultation and supported the Scottish Government when the consultation was undertaken, which was back in the day when you could speak to people in community centres. I was then on the firework review group with Gilly Mendes Ferreira and a bunch of other people.

We support the community wardens network and the antisocial behaviour officers forum. We have quite a lot of links with organisations that work on the front line in relation to antisocial behaviour and fireworks.

When it comes to the measures in the bill, I am confident that we have managed to achieve the best that we can within the framework in which we are operating. I was conscious of the amount of input into the consultation exercise. We had an awful lot of interest from members of the public, which was interesting. The measures are proportionate and will keep people safer, which is the primary issue for my organisation.

We must think about the bigger picture of antisocial behaviour separately. I am a mum of a child whose birthday is around bonfire night, and it was tradition in our family to have fireworks. It was not until we got into the thick of it that I realised the extent of fireworks-related antisocial behaviour and the awful situations that some people are living in.

Therefore, although the measures in the Fireworks and Pyrotechnic Articles (Scotland) Bill are entirely appropriate, we have some work to do around understanding antisocial behaviour, as well as the approaches and mechanisms that we might use in order to do something different.

Rob Holland (National Autistic Society Scotland): Thank you for inviting us to give evidence.

One in 100 children and adults in Scotland is autistic and, for the purposes of this discussion, I will talk about autism and the impact that fireworks might have on people. Autism is a spectrum, and that means that people's strengths and challenges vary considerably. Some people need round-the-clock care and support, while others live fully independent lives with very little support so, for them, it is more about needing a bit of understanding.

As a term, autism is widely understood by the public, but there are a lot of myths, assumptions and mistruths about what autism is and the impact that it has on people. People often think about the challenges around social communication and interaction, particularly with non-autistic people, but perhaps think less about the sensory sensitivities that some—not all—autistic people face. For example, they might have a heightened sense of touch, taste, sound or light. By their nature, fireworks are quite an extreme sensory experience. That might be quite joyful for some autistic people, but distressing for others.

In the lead-up to large cultural or religious events that are celebrated with fireworks, we routinely hear from families about the stress and distress that fireworks can cause. It is not necessarily just an unpleasant experience; it can be extremely distressing. We hear from autistic people and their families who simply cannot go out of the house on bonfire night, or they have to do lots of things to mitigate the experience, such as turning the television up loud or even leaving the area. In extreme cases, that distress can lead to what are often termed shutdowns or meltdowns, in which the person reacts involuntarily and perhaps physically, verbally or by becoming a risk to themselves or those around them.

To echo a point that Lorraine Gillies made, the unpredictability of fireworks is also a hazard. A lot of families go out of their way to create a structured, routine-based day for their child, which brings a great deal of comfort. If that is interrupted by an unpredictable event, such as a firework unexpectedly going off in a place where it should not go off, that can be incredibly distressing. We welcome the moves to further regulate and limit the use of fireworks, particularly in unpredictable ways.

The Convener: Thank you; that is really helpful. I have a couple of follow-up questions, and the first is for Lorraine Gillies. We are aware of the issue around antisocial behaviour, and there is evidence around the unintended—or intended—consequences of the misuse of fireworks. From some of the information that we have been given, there is evidence to suggest that most fireworks injuries happen at private events and that they often involve young people, especially young males, who seem to be the group at most risk. We are looking at how the bill responds to antisocial behaviour issues, as well as to injuries, a lot of which are to heads and hands and can be very serious. Do the provisions of the bill adequately support our efforts to tackle antisocial behaviour, particularly from the perspective of reducing injuries?

10:45

Lorraine Gillies: The bill will help, but it is not the complete answer. I was in Pollokshields in Glasgow one miserable night speaking to 65 people from the community who had come out to talk to us about fireworks. I readily admit that I had not anticipated the depth of the problems. They told us horrific stories, including of young people being asked how long they could hold a firework in their hand for as some sort of rite of passage. I was astonished when I heard that and wondered what on earth we could do.

We must have the measures that are in the bill. They are a good starting point, and we need something on which to get baseline information. However, the bill's provisions do not cover the whole story. I am happy to go further than my previous comment and say that we must think differently about antisocial behaviour. Given how much we know about the effect of trauma, adverse childhood experiences, hopelessness, deprivation and poverty, and what behaviours arise from that, it is of no surprise to us that our young people behave in an antisocial way. However, it is worth making the point that it is not just young people who are antisocial.

We are here to talk about fireworks, so I do not want to go too far into the realms of antisocial behaviour, but I note that my organisation has completed significant pieces of research on understanding what antisocial behaviour is, what form it takes in Scotland and who is behaving antisocially. The answers are not what you would think that they would be.

I listened to Stuart Stevens speak about the Scottish Fire and Rescue Service seeing an increase in antisocial behaviour. That is reflected across the piece. Before Covid, the evidence showed that antisocial behaviour was reducing. The pandemic has, without doubt, had a part to play in its increase.

In some communities, fireworks are part of the culture. It is part of what you do; it is the game that you play. We must think about how we support those communities, and the individuals in them, to choose different paths. Restricting the use of and access to fireworks is part of that, but we need to think long and hard about what additional supports we can put in place.

The Convener: I will stay with the antisocial behaviour theme but now turn to Gilly Mendes Ferreira. Earlier, we discussed the opportunities for pet owners to prepare for bonfire night. We know that fireworks can be used at random times, so such preparation is not always possible. I might be slightly stepping outside the provisions of the bill in asking this, but is there scope to encourage, and benefit from encouraging, owners to seek professional help to manage their pets? Other ways that could be done include turning on Classic FM's programme for pets and the use of sedatives. Could a bit of work to be done around that?

Gilly Mendes Ferreira: We put out that exact advice that pet owners should speak to their local vet. We know that calming medications and other medicine are prescribed in peaks and troughs, and that the peak times align with times when fireworks go off.

We have done research on the effects of music, and we use music in our centres. We know through our helpline that the biggest problems are not necessarily caused by organised events, such as fireworks at new year, but by events in local communities, particularly when there has been no communication with the people who live in those communities that there are plans to have fireworks.

I know that I have already said that it is good to have all the different measures in the bill, but the way in which the legislation is communicated will be crucial in ensuring its effectiveness. There is also the enforcement side to consider. The public messaging, so that people understand the expectations, is crucial.

We and other organisations, including the British Veterinary Association, always give similar messaging. We always regroup to ensure that the animal welfare messaging that we provide is not confusing to the public. That is really important, because the simpler that you can make the messaging for everybody, the easier it is for people to get the assistance that they require.

Training animals was mentioned. You can train animals in lots of different ways, and some are more easily trained than others. There has been a lot of reference to training dogs and how it is the owner's responsibility to train their dogs. However, dogs react in different ways.

We do not have that history for the ones that come into our centres. They come into the Scottish SPCA's care to get rehabilitated, but fireworks going off can set the rehabilitation process back. We can take lots of measures such as covering the windows and putting thundershirts on the dogs, which are a bit like when you swaddle a baby. That can help them to feel more secure, but when we come in to some of our sites the next day, there are discarded firework cartridges and debris in our car parks, and when we go to kennel areas, the dogs have defecated and so on more than they normally would and have destroyed their bedding. They do not want to come out when we open the hatch to the outdoor run for them, and staff have to go back and restart their rehabilitation process. When the community

is caught off guard by fireworks or when they go on for longer than you would anticipate at a particular time of year is when it becomes a big issue for us.

We have spoken more about domestic animals, but it is also about livestock and wildlife. A wild animal does not know which way to run away from the fireworks and livestock are the same. We give advice to those who are responsible for livestock. If they have the opportunity, they should bring their animals closer to their house, but it depends on where their land is and is not always possible. We know from those who have horses that that can be challenging. You can stable them, but is that the best thing to do? Will the animal get more distressed because they do not have the room to move away? If they are in a field, is there a risk that they could break through fencing, go on to a road and cause a traffic accident? Those are all things to consider. We are responsible for good communication so that people can prepare. Training can be one aspect of that, but it does not work for all species.

The Convener: That is very interesting. You have covered a lot there. I will hand over to Russell Findlay, then bring in Katy Clark to ask some questions about licensing.

Russell Findlay: I will not jump ahead, but I would like to come back to licensing, control zones and so on later.

We have heard in general terms from the police and Scottish Fire and Rescue and during our visit to Blackburn on Monday that the problem seems to have worsened in recent years. What seems to be lacking is any measurement of that. We have heard about incidents of firefighters and police officers being attacked and so on. I suppose that this is a question for Lorraine Gillies. Do you have anything that quantifies the prevalence of firework use over the course of a year?

Lorraine Gillies: No, we do not, but we know that it is definitely not a one-size-fits-all situation. We hear from some local authority areas that it is a big issue for them, but others do not consider it to be such a big issue. I do not have anything in the way of collective data that would tell the right story. We have heard about attacks on emergency services, and there is good accident and emergency data on that, but it is not complete enough to give us a sense of what the issue is.

Russell Findlay: I ask Gilly Mendes Ferreira for the SSPCA's perspective. You may not have measured it in any way, but you know it to be the case, because you have experienced a significant rise over the years.

Gilly Mendes Ferreira: In the past couple of years, our core rates have been stable, and we mainly get calls for advice. Whether it is linked to antisocial behaviour or what have you, physical attacks on animals are few and far between, I am pleased to say. Generally, people call for advice when they witness animals in distress in a field or for their own animals. We just see the peaks, but there are 12 to 15 advice calls around the bonfire night period specifically related to fireworks that we would not normally get at other times of the year.

Russell Findlay: Presumably, that used to always be around bonfire night and now there are other dates in the calendar when you get distressed animals. Is that a new development?

Gilly Mendes Ferreira: Yes. The date range is broader now. Traditionally, we would expect the helpline to pre-empt that. We would get lots of calls from people looking for advice. That window has expanded because of when fireworks are available for purchase and when people choose to use them. That makes it much harder for people to prepare, because it is more unpredictable.

The Convener: I will bring in Katy Clark.

Katy Clark: The intention behind the licensing scheme is to reduce the inconsiderate use and misuse of fireworks. Have you had the opportunity to look at the proposed licensing scheme? Is it, as presented, likely to achieve its outcome? Are you concerned that individuals who are intent on misusing fireworks will just ignore the scheme and carry on?

Perhaps Lorraine Gillies would like to respond first.

Lorraine Gillies: I am just looking back for a reference to the evidence that we gave. There are some opportunities with the licensing scheme. You are exactly right: we know from history that there will be individuals who just do not want to be licensed or controlled in any shape or form. That goes back to my earlier points about culture and antisocial behaviour. There are people who will behave in that way, as that is what they know and what they do.

The licensing system is a start—it will be really positive if we are able to introduce it as part of a set of measures. We might want to think about safety courses differently, and we have to be careful about digital access and that sort of stuff, but there is definitely something that we can do in communities with community groups.

Before we came into the meeting, Gilly Mendes Ferreira and I were talking about the power of communities and individuals to adopt some of the mechanisms in the scheme. We discussed how it is very difficult to make that happen, as it is often about individuals taking responsibility and stepping forward.

The situation is no different from any other situation: we recognise that there will be people who comply and people who do not comply. To have the measures that we are suggesting is a start, and that is good.

Gilly Mendes Ferreira: The licensing scheme is definitely a good start. There has been mention of an online training course. Education is part of my remit, and we have to recognise the barrier to technology. People have different learning styles, and people probably need to invest more in targeted approaches within communities and in learning from those communities while considering how best to action that.

We have run a multi-agency schools campaign for two years now, and we will be running it again this year. That brings me back to the point about having consistent messaging. The Scottish Fire and Rescue Service, Police Scotland, Lorraine Gillies's network and other organisations are part of the group, and it is a matter of ensuring that we are all saying the same things in our communication with young people. The campaign is not just about animal welfare; it covers the human side, the debris that is left, how to be responsible, how to be safe, not bowing to peer pressure and so on. We have learned a lot by running that campaign over the past two years, and we will continue to do so.

The learning course that accompanies the licensing should certainly not be a tick-box exercise. It needs to have clear outcomes, and adaptations need to be in place to meet different people's needs, taking into account the diversity in our population.

Rob Holland: I will build on what has been said. We are supportive of the licensing proposals that have been set out, but what goes alongside those is equally important. For us, it goes back to a point that I made earlier: the vast majority of people just do not know about the impacts that fireworks, particularly their unauthorised use, have on autistic people. There is a broader message about how we communicate that, so that people understand the impact and, we hope, make different decisions.

Our experience is that the most powerful training, whether it is online or offline, is delivered by autistic people themselves, who can talk about their experiences and the personal impact on them, their families and their children. That is much more powerful than a tick-box exercise, a module or written examples.

The Convener: We will move on to control zones—I am just keeping track of the themes that we are looking to cover.

11:00

Rona Mackay: What is your opinion on the proposed firework control zones? How effective could they be in reducing—[*Inaudible*.]—for vulnerable people?

Is there a danger of displacement in a community that has a control zone in it? Would the antisocial behaviour just move to another area?

Lorraine Gillies: I suspect that that is a possibility. We need to be very clear about that. The establishment of local control zones, though, is potentially a useful mechanism. Involving local communities in establishing such zones will be critical; we need their support to make them work. I have learned that there are people in communities who really want to make a difference and who really do not want this to happen in their communities. Identifying those people and engaging them in the process is critical.

We know that anyone, young or old, who has a need or a want to cause a disturbance will manage to do that—they could start a fight in an empty house if they wanted to. We will have to be aware of that potential unintended consequence and be very careful about it, so we will have to keep a close eye on things. We work with 32 community safety partnership leads and elected members across Scotland, so we are able to have those discussions. We have monthly meetings and fireworks is always a hot topic, no matter what time of year it is.

We have to keep an eye on that possibility. There is no question about that.

Rona Mackay: Thank you. Rob Holland, can you do any planning for the days in November and other days when you know there will be a lot of fireworks? Will the control zones have an effect?

Rob Holland: We welcome the proposals on control zones, which will provide some reassurance to autistic individuals and their families. As Lorraine Gillies said, it is key to engage local people in that discussion and to engage with autistic people, their families and the organisations that represent them so that their views are fully listened to.

We have produced guidance on how families can prepare for organised fireworks displays—they have been calling for that for some time. The guidance includes a range of things for people to consider. For those who want to attend a fireworks display but want to take various precautions in doing so, there are things that can be done that work for some people, although not for everyone. For example, there are ear defenders for those who are particularly sensitive to noise. We encourage families to plan well in advance and to have an idea of what will happen, when it will

happen, what it will look like and so on, so that there are no surprises for that individual or that child.

It is also about the steps that organisers can take to make a fireworks display as inclusive as possible. For example, they can provide lots of information up front and perhaps have a quiet place that people can retreat to if necessary. Of course, some autistic people and their families enjoy fireworks displays, and there are steps that can be taken to make the experience more comfortable.

However, regardless of all the steps that you can take and all the things that you can prepare, it will still not work for everyone. The concept of a control zone, where use of fireworks will be much more limited, will be hugely comforting for many families.

Gilly Mendes Ferreira: We are supportive of control zones, which would give us the opportunity to safeguard the welfare of the animals in our care. Again, it comes back to the issue of unpredictability. If we know that fireworks are due to be set off and that there is an extremely sensitive animal in our care, we have the opportunity to move them to another location in the centre or even to move them between centres. Trying to do that instantaneously can be hard. Depending on what is wrong with the animals, we might also need to take into consideration biosecurity measures. It is not as easy as someone just taking an animal out of a kennel and taking it home because it is fearful of fireworks. We need lots of planning and contingency measures in place.

Firework control zones will be hugely beneficial. Just as the measures will not work for every person, they will not work for every animal—animals are just as individual as people—but anything that we can do to put in place preventative measures will have a positive impact and will give people the opportunity to plan ahead.

Rona Mackay: Animals do not enjoy fireworks—I think that that is a given—so would your organisation have preferred an outright ban on fireworks?

Gilly Mendes Ferreira: That is an interesting question. I sat on the firework review group, and we spent a lot of time talking about whether there should be a ban and the impact that that would have. My concern is about the unintended consequences of a ban. We have seen that with the puppy trade—some of you have engaged with our organisation on that—as there is a question about whether tightening up on online sales creates other issues. We have seen lots of issues in that regard. There is a concern relating to online sales networks that are hard to control. I would be concerned about pushing for a full ban at this stage, before there has been research on the unintended consequences.

Rona Mackay: That is interesting.

Russell Findlay: The consultation shows overwhelming support for no-firework zones—83 per cent of respondents backed that. At some point, the name was changed from no-firework zones to firework control areas. The SSPCA's evidence suggests that we should revert to the original description and that there should be areas where no fireworks are allowed, with no allowance for professional displays. Can you expand on that? Would Rob Holland's organisation agree with that?

Gilly Mendes Ferreira: I will use the example of our Cardonald centre in Glasgow, which is our largest site. We have a lot of animals at that centre, many of which are subject to court cases. Despite the staff's efforts and despite engagement and communication with the community on the issue, we cannot seem to get to the point at which fireworks do not have a negative effect on the animals in our care, due to the size of the site. That centre should come under a firework control zone.

There will be other areas where that is an issue for reasons that do not relate to animals, and Rob Holland might expand on that. We have mentioned care homes and sites used by people who have struggled with post-traumatic stress disorder, for example. It would be up to those organisations to comment on that. There is concern about displacement and the question of where people go, if certain zones are no-firework zones, and that is linked to the issue of antisocial behaviour. From our perspective, with regard to some of our sites, no-firework zones should be a year-round thing.

Rob Holland: Yes, we would support that. I hope that I have articulated the impact of fireworks, which can be extremely distressing. If families were able to make the decision to live in an area where there was a no-fireworks guarantee—as far as is possible—I have no doubt that some families would take that initiative. People might assume that there would be no fireworks in a firework control zone, but it is my understanding that there still might be fireworks within those zones. That could create confusion, which could in turn lead to families having to deal with added unpredictability about when fireworks would be used.

Russell Findlay: It seems that an absolute ban is impractical and would not work, and then there is the free-for-all, which is not quite what we have now. Control zones are almost the worst of both worlds, because they do not solve the problem, but I do not know what the answer is. If you have any thoughts on that, please enlighten us.

Gilly Mendes Ferreira: I think that we are heading in the right direction, but it is hard when there are a lot of measures. We have not yet seen the true effects of the measures that were introduced last year, and adding these measures on top could be an issue. I keep coming back to the need for partnership and communication, so that we can work together to solve a challenging issue on which people have lots of different views. I learned a lot from the NHS and others by sitting on the firework review group and seeing the different sides to the issue.

We have got to a good place on control. We have mentioned packaging, decibels and other such things, but that comes back to the sale of products and so on, which is not necessarily within the bill's scope. We are heading in the right direction, but we need to consider how we track the impacts of the different measures.

The Convener: I will bring in Jamie Greene, then come to Fulton MacGregor to pick up on restrictions on use and supply.

Jamie Greene: I hope that I am not taking your question, Fulton, although I have no idea what you are going to ask. I will try not to do that again.

This is a similar line of questioning to the one that I took with the previous panel of witnesses. The majority of people use fireworks safely, enjoy their use and do not purchase or use them with the intent of causing violence or harm to others or engaging in antisocial behaviour. It could be argued that we are restricting the sale, purchase and use of something because of the actions of a minority in society who do not respect the rules of normal social behaviour or the law. What would you say to that argument?

We have had evidence from people who sell fireworks—normally, they are sold in traditional family-run small businesses—who say that the best place to sell fireworks is in a controlled place such as that, because they know who their customers are. They see the customers and could check for licences, if such a scheme is put in place. They could check people's age, identity and so on and make individual decisions whereas, if they go bust because the bill shuts down their business or restricts it to the point of making it commercially unviable, that will fuel the black market, which none of us wants. Does anyone have a view on that?

Lorraine Gillies: I am acutely aware of the consequences that the bill will have on people who work in the fireworks industry, and they have my absolute sympathy. It is not about banging people on the head and restricting their lifestyles. I was one of those people who liked fireworks—I still quite like them—but having been involved in this piece of work for a good few years, I have been struck by the amount of damage and chaos that they can cause.

We have had a debate about illegal fireworks and all that, but, with the best will in the world, there are real safety issues with families using fireworks. They are very dangerous things in the hands of young children.

Fireworks have been put through letter boxes, put into the exhausts of cars and lobbed across the street at people. There is no doubt in my mind that they are dangerous and that we need to do more to keep people safe from the unintended consequences of their use. That will have economic impacts on people who work in the industry, and they have my absolute sympathy for that, but the primary purpose of the Scottish Community Safety Network is keeping communities safe. We are 100 per cent behind the work of the firework review group and the measures in the bill, because the consequences of damage from fireworks can be life limiting and fatal. I will no longer buy them, because I have completely changed my view.

11:15

Jamie Greene: The point of the licence might be to require people to go through some hoops, whether that is training or an online course, as is the case with other things. However, no online course is required in order to be allowed to buy kitchen knives, yet they are hugely dangerous, and no online course is required in order to be allowed to buy alcohol, yet it is a problem in society and causes antisocial behaviour. Why is the licence on its own not enough? Why do we have to go to the point of, in effect, closing down the industry in order to tackle the problem?

Lorraine Gillies: I do not think that we are talking about closing down an industry. We are trying to ensure that people can access fireworks safely, should they want to. During the consultation period, I was struck by the number of community groups that said, "The fireworks are brilliant for our community, because we fundraise throughout the year and we all get together and enjoy the event. It is fundamental for our community and part of who we are, so please do not tell us that you are going to stop that." We have absolutely no interest in stopping those events, and nor should or could we. It is primarily about safe use and not at all about stopping point blank the use of fireworks, because that would not be appropriate. I have said clearly that I will not be buying fireworks for personal use again, but I might well go to a local community event, because there is a huge amount of value in that.

Jamie Greene: Good. Thank you.

Gilly Mendes Ferreira: I echo what Lorraine Gillies said. Rather than organised events, where professionals are there to set everything up and communities have all the correct safety measures in place, it is private use that causes concerns and issues. It takes only one firework to affect a large number of people. I understand concerns that the measures might affect the livelihoods of those who are in the industry, but it is about responsibility. People who want to do it right can come in, ask questions, have conversations, get their licence and do everything that they should be doing.

We have spoken about antisocial behaviour. No matter what rules you put in place, the problem is the people who might not follow them. That links back to the private use aspect, which causes the biggest challenge. You have to do something to tighten controls, so that we do not have that impact—on animals or humans—from even one firework and the distress that it causes. If the measures help to save a child from losing their hand or a dog from running on to the road, we have to take that into account, because they, too, are part of the community that is voicing its opinions on the issue.

Jamie Greene: I can vouch for the fact that your dog running on to the road is the most terrifying moment of your life—it is horrific.

Rob, do you have any comments on the points that I was making?

Rob Holland: Most of the points have already been made but, to echo a couple of them, we are certainly not calling for organised fireworks events to be banned, because we recognise their cultural, religious and celebratory significance. Many autistic people enjoy those experiences and are part of them. We are particularly concerned about the unpredictable use of fireworks. As I said earlier, a lot of individuals or families go out of their way to create a safe, structured day and, when it is interrupted by that type of thing, it can be hugely distressing. For example, if a child is on the way back from school with their family and a firework is let off, that can be a traumatic experience that then becomes connected to their journey to or from school. We completely take the point that fireworks play an important cultural role in society and we are not calling for an outright ban. We are particularly concerned about the haphazard, unplanned, antisocial use of fireworks, and that is our reasoning for supporting the bill.

Jamie Greene: That is very helpful and interesting. Of course, it gets dark quite early in winter, so people are more likely to see fireworks at the time of day that you talked about.

The Convener: I will bring in Fulton MacGregor to pick up on issues around restrictions on use and supply. Over to you, Fulton.

Fulton MacGregor: Good morning to the witnesses. You might have heard some of the questions on this area during the earlier evidence session. Quite a few of us had questions about the specific restrictions that are proposed in the bill around the limit on days and times when fireworks can be sold and used. What do you think of those restrictions and do you have any concerns about the legislation specifying certain days?

Lorraine Gillies: It would be helpful in enabling better deployment of resources, particularly for emergency services. That has to be one of the number 1 benefits of the restrictions of use times.

I do not think that we can ever get it completely right. The attempt at putting dates and times together is an attempt to bring some order to what can be quite chaotic. We have already talked about how fireworks can go off at any time of the day or night, in any week of any month of the year. We have moved into constant firework alert mode, particularly for animals and disabled people.

My view is that the restrictions will help with resource planning and with at least trying to identify and deploy resources at the right time, in the right places.

Fulton MacGregor: That is one of the key benefits. I fully understand why certain days have been put in the bill. Not only will it allow emergency services to prepare but, as we heard quite articulately from the previous panel of witnesses, it will allow pet owners, for example, to prepare not to be in the area or to seek alternatives; medication and suchlike were mentioned.

My worry, which I know that other members share, is that, by specifying dates, you go into an arena of not specifying other dates such as other religious festivals or other events that might be important to people. I want to work out whether there is any way in which we can improve that aspect of the bill or ensure that it is not open to some sort of challenge in the future—that is our job.

Rob, have you got any thoughts on the specified dates? How would that aspect impact on the people that you work with?

Rob Holland: As I touched on earlier, a lot of autistic people and families need to plan and prepare for when there are going to be fireworks. They might plan not to be in the area so that it is not an issue or they might mitigate the impact by ensuring that they have ear defenders on hand or by turning up the TV. Parents prepare and talk to their children about what is going to happen. If the use of fireworks is limited to specific times of the year, that allows families an opportunity to plan, so that can only be a good thing.

Fulton MacGregor: Okay, thanks. I am happy to leave it there. Those have been two really good answers about those particular restrictions and it is good to have them on the record.

The Convener: Before we move on, I will quickly pick up on an issue that we spoke about earlier, related to Jamie Greene's questions about the impact of the legislation on the fireworks industry. In particular, we spoke about the fact that quite a lot of fireworks are sold by small, local businesses. There has been some commentary around the potential for Government compensation for businesses that might lose out on income. I am interested in whether panel members have any thoughts on the prospect of a compensation scheme. Is that something that you would be interested in seeing?

Lorraine Gillies: I am not convinced either way. If a compensation scheme were to happen, it would depend on whether there was robust evidence of loss of earnings and loss of income. I am not entirely sure that that information would be readily available.

I recognise that nobody wants small businesses to suffer—nobody wants that to happen at all. If there were some possibility of being able to make evidence-based decisions so that you could offer a compensation scheme based on actual income lost, I do not see why that would be wrong. However, my concern is that it is quite a difficult area to be getting into and it needs to be fair and equitable. Those would be the parameters for me.

Gilly Mendes Ferreira: I would probably just say the same—obviously, there needs to be evidence for any compensation scheme, and there needs to be consistency in how it works. Certainly, if some businesses will lose out because of the legislation, that should be considered.

Rob Holland: I do not think that I am well placed to comment on that. We would look at it from the other point of view: what is the impact on autistic people and their lives—on their livelihoods, their employment and education opportunities and all the rest of it?

I have tried to articulate the impact that it could have, particularly on young people. Unauthorised use of fireworks can lead to difficulties at school, for example. We know that a lot of autistic young people struggle at school and do not get the support that they need to succeed at school. Exclusion numbers are high and employment rates are very low. There are lots of different reasons for that and fireworks are not the main reason, of course, but it is one example of the difficulties of living in a society that is not designed for autistic people.

There can be incidences that lead to trauma, which, in turn, can have a huge impact on educational attainment, employment prospects and so on.

I do not want to comment specifically on compensation. However, on the other side, there is an economic impact on the group that we are advocating on behalf of.

The Convener: I would like to finish things off by looking a little bit at pyrotechnics. Before we do that, though, I will bring in Collette Stevenson, who has an interest in silent fireworks.

Collette Stevenson: Good morning to panel members. Silent fireworks are not within the bill's remit, but what are your views on them and why do you think that they do not feature in the bill? Would you like them to feature in the bill?

Lorraine Gillies: When we were out talking to people a couple of years ago, we were made aware of silent fireworks and we looked into them. There is much more use of silent fireworks in European countries such as Italy.

My view is, why not? Many of the problems around fireworks are to do with noise—that is established. I am not sure about silent fireworks being used antisocially at the same sort of levels—I just do not have the evidence or the information. We tried to find some evidence and information about it but it simply was not there. That is not particularly helpful, but that is what I am aware of.

11:30

Gilly Mendes Ferreira: The noise aspect of fireworks is the biggest problem for animals. You can screen off windows and close stable doors and so on for the flashing side of things, but noise is the biggest concern. It is interesting that silent fireworks have been raised, because a local group in Edinburgh is considering using silent fireworks and it came and asked for our opinion. That was really nice—it showed communication. Why not have silent fireworks? There is growing evidence, but we need more on the pros and cons of that side of things. We have seen more of that in European countries.

Rob Holland: Our concerns stem from the sensitivities that some autistic people have to loud noise. Fireworks make a loud noise so, if they were to be silent, that would undoubtedly work for some autistic people. It would certainly make a difference.

The Convener: Are you happy with that, Collette?

Collette Stevenson: I do not know whether it was Gilly who was involved in the firework review group; if so, was there any dialogue on silent fireworks?

Gilly Mendes Ferreira: Yes, we spoke about silent fireworks and we tried to find evidence about them, which was difficult. Lorraine Gillies would say the same thing. One of the things that we spoke to the BVA, in particular, about was the packaging of fireworks. Could loud fireworks have a risk-to-animal-welfare label on it, so that consumers could make those decisions? There is a lot that could be done in that space and silent fireworks should certainly be considered. We need more evidence on how they can be used effectively.

The Convener: I will finish off the evidence session with some questions on pyrotechnics such as the flare-type things that we see at football matches and other events. Do you have any particular comments to make on the provisions around pyrotechnics? We have heard from the Scottish Police Federation about public possession issues, but I want to pose that question to you.

Gilly Mendes Ferreira: I am speaking from an animal welfare perspective. At some of those events, there might be police dogs, which are animals that are there to do a job. Their job will not get any easier if they have such things going off when they are there purely for crowd control and other things. There can be a large number of people who have such devices in that context, and it makes no sense to have them there, so we fully support any restrictions.

Lorraine Gillies: I am looking through the papers to remind myself about the issue. We deliberately did not make a comment on pyrotechnics, because it is outwith the range of the discussions that we have with our community safety partnerships. If it is okay, I will duck out of that question.

The Convener: You are welcome to send anything in on the matter. That is no problem.

Rob Holland: I do not have an awful lot to add on pyrotechnics. The comments that I have made on fireworks more broadly apply to pyrotechnics, which can be equally distressing and cause equal concern for autistic people and families.

The Convener: That brings the evidence session to a close. I thank the witnesses for attending. We have picked up a lot of very helpful evidence. We will have a short break to allow witnesses to leave.

11:34

Meeting suspended.

11:39

On resuming—

Subordinate Legislation

Prisons and Young Offenders Institutions (Coronavirus) (Scotland) Amendment Rules 2022 (SSI 2022/73)

The Convener: Welcome back, everyone. The next agenda item is consideration of the Prison and Young Offenders Institutions (Coronavirus) (Scotland) Amendment Rules 2022. I refer members to paper 5. The committee has previously taken evidence on the instrument, which is subject to the negative procedure, so I invite any further views that members might have on it.

Jamie Greene: My only point is the obvious one, which is that I am concerned that the instrument is subject to the negative procedure. The issue was raised previously. The only way to deal with instruments under that procedure is to annul them in the chamber rather than to agree to them proactively as a committee, as is the case with the affirmative procedure. I want to feed back to the Government that, in the future, such sweeping regulations, on which we have taken a bit of evidence—not all positive—should be dealt with via other forms of legislation or the affirmative procedure. That should be the case at the end of this extension period.

It is worth noting that many members, and the people to whom we spoke during evidence sessions, raised a number of valid concerns about some of the provisions. Although we understand the reason for the extension to September 2022—all of us are willing to give the Government the benefit of the doubt on this occasion, given the circumstances that we are in—we do so with those reservations, specifically around the elongation of the timescale and the very restrictive nature of the regulations.

We, as a party, are happy to support the regulations, but we do so reluctantly, and we are reluctant about the method by which we are asked to do it.

Collette Stevenson: [*Inaudible*.]—observation that is based on the papers that were submitted in relation to the restrictions that have been put in place. Teresa Medhurst provided a table, which is found in the annex to paper 5, showing how different establishments used those restrictions between October 2021 and February 2022. I welcome the table and its breakdown by establishment of the restrictions that have been put in place. However, I am fully aware of the fact that the restrictions have been in place for much longer, to varying degrees, in each establishment.

I want to put on record my concern for the mental health of some of the prisoners, given that those restrictions have been in place for much longer than that timescale.

The Convener: While we are online, I invite Rona Mackay and Fulton MacGregor to indicate whether they would like to make any comments.

Katy, do you want to say anything?

Katy Clark: I associate myself with the procedure points that have been made. In relation to the substantive issues, we took evidence on political oversight from the cabinet secretary, and it is important that we put on record that we expect a high level of oversight both by ministers and by the Scottish Prison Service. Obviously, the instrument has given, and is giving, governors significant powers, and it is important that those powers are used with consistency and that they are proportionate and necessary. It would be helpful if the committee could put on record the importance of political oversight—particularly the role of politicians in ensuring that the decisions that they make are consistent and proportionate. I include the committee in that. Picking up on the point that Collette Stevenson made, I suggest that the committee should be kept regularly advised of the decisions that are taken so that we, too, are able to give that political oversight.

The Convener: I appreciate members' comments on the matter. I, too, put on record, on behalf of the committee, that although we agree to make no recommendation on the Scottish statutory instrument, we do not want the powers to remain in place indefinitely and we expect to be kept updated on how they are used and implemented.

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

11:45

Meeting continued in private until 12:58.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@parliament.scot

The Scottish Parliament
Pàrlamaid na h-Alba