

Licensing Sub-Committee of the Regulatory Committee

10.00am, Friday, 22 April 2016

Request for Dispensation to use Fireworks Outwith Permitted Hours – Dundas Castle, 6 May 2016

Item number	7.1
Report number	
Executive/routine	
Wards	1: Almond

Executive summary

The Committee is asked to consider an application which seeks dispensation to hold a fireworks display on 6 May 2016 for a private wedding event.

Links

Coalition pledges	P15
Council priorities	CP6
Single Outcome Agreement	SO1

Report

Request for Dispensation to use Fireworks Outwith Permitted Hours – Dundas Castle, 6 May 2016

Recommendations

The Committee is asked to:

- 1.1 note the terms of the request; and
- 1.2 agree to issue a dispensation for the date and time period specified by the applicant.

Background

- 2.1 An application was received for a Fireworks Dispensation at a private wedding event at Dundas Castle on 6 May 2016. The event will take place at midnight, and the request is to hold a fireworks display which will last approximately 50 seconds.
- 2.2 In general, fireworks displays may not be held between 11 pm and 7 am. On Bonfire Night, Hogmanay, and the first days of the Chinese New Year and Diwali there are limited extensions to the permitted times. The times requested in this application fall outwith permitted hours.

Main report

- 3.1 The applicants requested dispensation for the use of fireworks, specifically a stream of sparks up to three metres in height, to be emitted from outdoor fountains in the grounds of Dundas Castle.
- 3.2 Section 2(2) of the Fireworks Act 2003 ('the Act') contains provision for local authorities to refuse permission to set off fireworks after 11 pm. The grounds are that setting off of fireworks may cause alarm distress or anxiety to nearby persons or residents and may also cause distress to any animals which are being kept within the vicinity.
- 3.3 When consulted, neither Police Scotland nor the Council's Noise Team indicated any concerns about this application for dispensation.
- 3.4 The Act provides that a dispensation may only be granted to a person employed by, or in business as, a professional organiser or operator of fireworks displays. The applicant ('21CC Group Ltd') has been in business as a professional

fireworks display organiser since 2000. Officers do not have delegated powers to deal with this application.

Measures of success

- 4.1 The event is licensed in a proportionate and effective manner.

Financial impact

- 5.1 None arising directly from this report.

Risk, policy, compliance and governance impact

- 6.1 Should the Committee decide to not to grant dispensation, the applicant has no right of appeal, but may seek judicial review.
- 6.2 In coming to a decision, the Committee will have to consider the rights of the applicant to use fireworks outwith permitted hours, the potential alarm, distress or anxiety which may be caused to nearby persons or residents or any animals which are being kept within the vicinity, and the Council's duty to foster good relations and ensure the protection of public order and safety. These must be discharged against the relevant statutory duties.

Equalities impact

- 7.1 There is no equalities impact arising from the contents of this report.

Sustainability impact

- 8.1 There is no environmental impact arising from the contents of this report.

Consultation and engagement

- 9.1 Officers of the Council have discussed the proposed event with the applicant.

Background reading / external references

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Links

Coalition pledges	P15 Work with public organisations, the private sector and social enterprises to promote Edinburgh to investors.
Council priorities	CP6 A creative, cultural capital
Single Outcome Agreement	SO1 Edinburgh's Economy delivers increased investment, jobs and opportunities for all.
Appendices	Appendix 1 : Application for dispensation