

Licensing Sub-Committee of the Regulatory Committee

10.30am, Tuesday, 26 June 2018

Request for Dispensation to use Fireworks Outwith Permitted Hours – Royal Military Tattoo, August 2018

Item number	5.2
Report number	
Executive/routine	
Council Commitments	
Wards	City Centre (11)

Executive Summary

The Committee is asked to consider an application which seeks dispensation to hold a fireworks display after 11 pm on various dates in August 2018 as part of the Royal Military Tattoo.

Request for Dispensation to use Fireworks Outwith Permitted Hours – Royal Military Tattoo, August 2018

1. Recommendations

- 1.1 The Committee is asked to:
 - 1.1.1 note the terms of the request; and
 - 1.1.2 agree to issue a dispensation for the date and time periods specified by the applicant, subject to the condition that low charged fireworks should be used.

2. Background

- 2.1 An application was received for a Fireworks Dispensation at the Royal Military Tattoo event at Edinburgh Castle. The request is to hold fireworks displays on 2 August 2018 between 11 and 11.15 pm, and between 11.59 pm and 00.15 am on 4, 11, 18 and 25 August 2018.
- 2.2 In general, fireworks must not be set off 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 the extended hours.

3. Main report

- 3.1 The applicants requested dispensation for the use of fireworks, specifically a five minute display in the grounds of Edinburgh Castle on various dates during August 2018.
- 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 11pm. The grounds are that setting off 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 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. Officers do not currently have delegated powers to deal with this application.
- 3.4 The Tattoo has been granted similar dispensation in the past.

4 Measures of success

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

5 Financial impact

- 5.1 None arising directly from this report.

6 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.

7 Equalities impact

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

8 Sustainability impact

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

9 Consultation and engagement

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

10 Background reading/external references

- 10.1 None

Andrew Mitchell

Regulatory Services Manager

Contact: Andrew Mitchell, Regulatory Services Manager

E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 469 5822

11 Appendices

11.1 Application form