

East Lothian Council

FOI Ref: 2018/ 536530

Fireworks

1. Does the local authority impose any restrictions on the sale, possession and use of fireworks?

Yes	No
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2. If yes, what restrictions are in place and which local byelaw (/ legal mechanism) does it fall under?

All retailers are required to hold an explosives licence, granted by East Lothian Council, should they wish to store fireworks for sale. There is also a prohibition on the use of fireworks during the Night Hours – people must apply for dispensation from the Council, if they wish to have a display after 11pm.

The applicable legislation includes:

Explosives Regulations 2014
Pyrotechnic Articles (Safety) Regulations 2015
Fireworks Regulations 2004
Fireworks (Scotland) Regulations 2004

3. Who within the local authority is responsible for enforcing this?

Licensing for the licensing aspect and Trading Standards for safety checks on storage facilities and fireworks. Environmental Health for dispensation and consideration of potential nuisance.

4. How many complaints has the council received in relation to fireworks in the last 3 years:

2017	2016	2015
1	4	4

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Restrictions on sky lanterns and balloon releases

1. Does the local authority impose any restrictions on the use of sky, or Chinese lanterns, and balloons on land controlled by the local authority?

Yes	No
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2. If yes, what restrictions are in place?

Council Policy prohibiting balloon and lantern releases on Council owned land and property; and at events licensed, endorsed or supported by the Council, including those on non-Council land.

The Council as Licensing Authority attaches a condition to all Public Entertainment Licences prohibiting the release of balloons or lanterns at any event covered by said licences.

It may help to explain that Freedom of Information legislation only applies to information which is held or recorded by a public authority. It does not apply to views, opinions, intentions or questions which simply require a yes/no answer. In view of this, some of the questions asked are not technically valid for the purposes of this legislation as they are not requests for specific recorded information that ELC may or may not hold.

In order to assist you, however, colleagues have addressed the questions posed to the best of their knowledge. For future reference, a link to the "Tips for Requesters" page of the Scottish Information Commissioner's website has been provided which you may find useful:

<http://www.itspublicknowledge.info/YourRights/Tipsforrequesters.aspx>