

Criminal Justice Committee

10th Meeting, 2022 (Session 6), Wednesday 16 March 2022

Fireworks and Pyrotechnic Articles (Scotland) Bill

Digital Engagement summary

Introduction

The Criminal Justice Committee agreed at its meeting on 9th February 2022 to launch an online platform to gather the views and experiences of the public in relation to the Fireworks and Pyrotechnic Articles (Scotland) Bill.

The online platform was open for submissions from 14th February until 11th March 2022.



There were also discussions on whether the proposed laws should go further; or if the proposals go too far.

This paper

As the public engagement site on the Bill only closed on Friday 11th March, participation team staff are still working to analyse all contributions made. This paper contains an interim summary of engagement contributions on one of the eight provisions in the Bill, namely giving police powers to stop, search & seize certain fireworks. This has been provided to support the Committee session on 16 March 2022.

A full summary of the engagement contributions on all eight provisions in the Bill will be made available as soon as possible to support the Committee at future evidence sessions and contribute to the general scrutiny of the Bill.

Who took part?

Over **1,400 people** took part in the online discussion providing **over 1,600 comments** on provisions in the Bill and **nearly 11,000 ratings**.

To counteract potential digital exclusion, and to ensure a diversity of views, the Participation and Communities Team (PACT) provided support and resources to partners in communities to gather views from those who would not usually engage with the Parliament. As a result, we received additional contributions from Erskine the RNIB, and South Lanarkshire Autism Resource Centre, amongst others. The views gathered in this manner were incorporated on to the site and are part of the summary of the key themes available in this paper.

The data gathered from this exercise is not intended to be a representative sample of the population, but rather give a snap shot of some of the experiences, questions and concerns the public have about the Bill.

While the data is not intended to be representative, the engagement activity achieved strong levels of participation with users from every Scottish Local Authority area.

Our data also suggested that there was interest in the engagement work from around the world with a particular interest from users in the rest of the United Kingdom. We estimate that around a third of registered users came from outside of Scotland, this could be due to UK based campaigns on both sides of the debate characterising the Bill as a potential prerequisite to a similar Bill being laid at the UK Parliament in the future.

The platform was checked regularly to ensure fairness. The small minority of users who created multiple accounts to cast votes for the same item multiple times had duplicate ratings removed.

We are pleased at the level of participation and are satisfied that the process was fair and transparent.

Giving police powers to stop, search & seize certain fireworks: feedback from the public

As the site was not closed for contributions until Friday 11th March, we are still to analyse all contributions on all of the proposals listed on the site. However, in advance of the first evidence session on 16 March, we have summarised the key themes relating to the Bill's proposal to give police powers to stop, search & seize certain fireworks. All the contributions relating to this issue can be found on the engagement website at: <https://engage.parliament.scot/post/63846>

887 users were in favour of this proposal providing 80 comments in support. 204 users were against the proposal providing 33 comments in opposition.

Comments in support of this part of the Bill

Police need powers to enforce the proposed new restrictions

Those in support of the proposal felt that “it seems entirely sensible and reasonable; if you have a law, it has to be enforced” and “if there is legislation there must be a serious intent for reasonable and appropriate steps for enforcement.”

New police powers will reduce dangerous and anti-social use of fireworks

People in favour of this provision believed it “will allow police to react where fireworks are being used dangerously” and it “would give the police more opportunity to keep society safe”, stop fireworks being used “as weapons” or with “malignant intent” and reduce “anti-social behaviour” and “noise”.

Stop and search powers could act as a deterrent

Some hoped the proposal would help “deter anti-social use” of fireworks.

Comments in opposition to this part of the Bill

Police already have sufficient powers, existing laws need to be enforced

Those against the proposals felt “the police already have great power” and “all the powers needed to stop such anti-social use”. “They just need to enforce (the existing laws) and not stop the majority of law-abiding people enjoying and buying fireworks.”

Police are already overstretched and require more resource

People against the proposal thought that “the police have enough, more important, things to do” as the “the police don't have time” and “too much to do already” and the new stop and search powers would be a “waste of resources”.

There were calls for the police to “be better funded so that they have the resources to enforce existing laws better, because people are breaking current firework laws all the time and the police are seemingly doing nothing about it. More powers won't change this” issue.

Police overreach and abuse of power

Some participants felt strongly that the “police should never have unwarranted stop and search powers” and were concerned that the proposed powers seemed to “give police powers to stop and search almost everyone...” Another respondent noted: “Stop and search is always a controversial power. I am not sure it is relevant to fireworks.” Others noted that these powers offered “more scope for discrimination” and “abuse of power”.

Feedback from veterans at Erskine indicated that “Stop and search was not supported... but there was agreement that the police should be able to confiscate fireworks if any concerns have been raised.”

Cross-border implications

Some felt that the stop and search powers could cause issues at the border between Scotland and England, one participant stated: “Is the plan to have police at the border with England randomly stopping cars?” Another participant asked: “will members of the public crossing the border into Scotland be subject to random spot checks to ensure they are not carrying fireworks?”

Comments to improve this part of the Bill

Concerns about police resource to enforce

Some participants felt the proposals were a “great idea” but there were concerns that police do not have “the time and manpower to enforce the regulations.” One participant stated: “I do not believe the police force should be even more stretched than it is, (but) there has to be some control. Does Scotland have sufficient police numbers to be effective in this regard?” There were concerns that “police have insufficient capacity to undertake such searches.”

More detail about how police can enforce all provisions in the Bill

Some respondents felt that the police powers should go further. For example, one person stated:

“I think it has to go beyond basic stop and search and there needs to be a clearer idea of exactly what other powers, including stop and search, the police are going to be given” to tackle anti-social use of fireworks. “For example, if... the police find an unlicensed display taking place using black market fireworks are they going to shut it down. How will they do that? Who will be held responsible? The proposals “need a lot more detail of all the powers (the police) need.”

Concerns about unfair implementation

Others were supportive of the proposals but “only if it is not abused and used as an excuse to stop and interfere with folk going about their own business”; and “As long as there is sufficient reason to suspect that fireworks are being carried illegally, indiscriminate stop and search is not ok”.

Some users expressed that they were “not a fan of stop and search as it can be bias against certain groups” “both intentionally & unconsciously by those with irrational bias against certain subgroups of the population.”

Some participants indicated that they would be “reluctantly in favour” and “potentially” support the proposal, “but only if great care is taken in how you define ‘reasonable grounds’ and questions were raised about “how you train... the police force” to carry out “appropriate and fair use of stop and search for fireworks.”

Concerns about police safety

Some participants agreed with the proposal but felt “the police are an easy target and could get fireworks thrown at them” carrying out their duties to implement the new regulations.

A full report will be made available covering feedback from the public on other aspects of the Bill including:

- Restricting when people can buy or use certain fireworks
- Requiring a licence to buy or use CAT F2 & CAT F3 fireworks
- Paying £30-50 for a licence to buy or use certain fireworks

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- Taking an online course before getting a fireworks license
- Local councils creating 'firework control zones.'
- Making it illegal to give certain fireworks to under 18s.
- Restricting the use of fireworks & pyrotechnics at events

Alistair Stoddart
Public Participation Specialist
Participation and Communities Team
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