



It is strongly advised that you read the guidance notes before completing this application as incomplete applications or applications submitted on the wrong form will not be accepted and will be returned by ordinary post delaying your application. If you provide an email address below this will allow us to contact you quicker regarding your application.

FOR OFFICIAL USE ONLY

Date of receipt of application		Date to Environmental Health & Trading Standards	
Acknowledgement Sent		Response from Environmental Health and Trading Standards	
Date Dispensation Granted or Refused		Notification to Police Scotland	
Copy of Public Notice received			

Question 1 – Applicant's Details

Are you applying as (please tick as appropriate)	<input type="checkbox"/> A person employed by a professional organiser or operator of fireworks displays; or <input type="checkbox"/> A person in business as a professional organiser or operator of fireworks displays	
First name	Middle name(s)	Surname
Age	Date of birth	Place of birth
Previous name(s)	National Insurance Number	
Length of time resident in the UK	Nationality	
Permanent address	Previous address	
Post code	Post code	
Time resident at this address	E-mail address	
Telephone number	Mobile number	

Question 2 – Professional Organiser/Operator Details

Please provide the name of the organiser/operator of the display – if the organiser is not the applicant.	
Business address          E-mail address	
Telephone number	
Please indicate Applicant's job title or position with regard to the organisation/operator	

Question 3 – Event details

Please answer the questions below and fully complete the Risk Assessment Form (see below).

(a) Description of the proposed fireworks display, national public celebration or national commemorative event	
(b) The location of the event  Please attach a plan or plans of the site showing its location in relation to the nearest road or street.	
(c) The date or dates and hours during which fireworks shall be used at the event	

Signing this form – Applicants or their agents should sign the declaration below.

(a) Declaration by applicant

I declare that the information given by me on this form is correct to the best of my knowledge and belief.

Date	Signature of applicant	
If the application is being signed by an agent on behalf of the applicant named at question 1 please sign and complete the boxes below		
Date	Name of agent	
	Signature of agent	
	Address of agent	

**RISK ASSESSMENT FORM – FIREWORK DISPLAY  
FOR COMPLETION BY APPLICANTS**

General Information for applicants: -

We are asking you to fill in this risk assessment for your event to identify what dangers and risks might be associated with holding your event in order that the Council can consider your application for a dispensation. This part of the form will take you through the most common areas of risk which you should consider.

Purpose of filling in the risk assessment part of the form:

A risk assessment of the fireworks display will help you to –

- identify any dangers associated with holding it;
- evaluate the level of any known risks;
- identify who is likely to be at risk, in what way and how the risk to them could be reduced or removed;

The table in the section sets out the main areas of the risk assessment. You should provide as many supporting comments as you can.

Question	Answer
1. Does the applicant stated on the form intend to be present at the event? If no, please complete question 2 below	
2. Please provide details of your main contact or Safety Officer for the event	
3. Has a similar event taken place before? If yes please provide details.	
4. Have there been any difficulties in the recent past with holding this type of event? If yes, please detail those difficulties.	

<p>5. Please provide details of the fireworks to be used at the event (attach a separate sheet if required) -</p>	
<p>6. Where are the fireworks to be kept prior to use?</p>	
<p>7. Please provide details of the distance between the firing area and the spectators at the event</p>	
<p>8. Is insurance in place to help cover any risks arising from the event? If yes, please provide details of the insurance cover.</p>	
<p>9. Please provide details of any further steps you are going to take to address the risks. List all that you identify</p>	

<p>10. Have you considered the effect of adverse weather conditions? Please detail how adverse weather will affect the event</p>	
<p>11. Will there be security fencing at the display area? Please provide detail: -</p>	
<p>12. Will there be any qualified first aiders present at the event?</p>	
<p>13. Have you considered pet and animal welfare? Please provide details of what has been considered and what steps have been taken.</p>	
<p>14. Please explain how crowd control will be managed at the event?</p>	
<p>15. Please provide details of what actions will be taken to remove fireworks after the event?</p>	
<p>16. Based on the previous event please assess the level of risk there may be to public safety. (Please also say whether the risk is low, medium or high).</p>	
<p>Signature of the person carrying out the risk assessment:</p>	
<p>Date of risk assessment:</p>	

If you have any queries regarding the completion of the form please do not hesitate to contact the Licensing Team

Tel: 01506 281632 (direct line) or by email to: [licensing@westlothian.gov.uk](mailto:licensing@westlothian.gov.uk)

#### Privacy Statement – Data Protection

All personal information that you supply will be used to process your application in accordance with data protection law and the Fireworks (Scotland) Regulation 2004 as amended. In terms of these regulations we are required to share the applicant's name and address with Police Scotland if the dispensation is granted.

Further information about how we handle your personal information and how you can complain about our handling of your information, is available in our Privacy Notice which can be found on the Licensing Team's webpage <https://www.westlothian.gov.uk/licensing>. A copy of our Privacy Notice is also available on request by contacting the Licensing Team, email: [licensing@westlothian.gov.uk](mailto:licensing@westlothian.gov.uk), telephone: 01506 281632.

## GUIDANCE NOTES FIREWORKS DISPENSATION

1. In terms of the Fireworks (Scotland) Regulations 2004 a local authority may grant a dispensation from the prohibition against using an adult firework during night hours. Please refer to the regulations for the technical definition of adult firework. Night hours means the period beginning at 2300 hours and ending at 0700 hours the following day. The prohibition does not apply to the use of a firework by any person who is employed by a local authority and who uses the firework in question for the purposes of putting on a firework display by that local authority or at a national public celebration or a national commemorative event. In addition, the prohibition does not apply to the following permitted fireworks nights: -
  - Beginning at 2300 hours on the first day of the Chinese New Year and ending at 0100 hours the following day;
  - Beginning at 2300 hours on 5<sup>th</sup> November and ending at 2400 hours on 5<sup>th</sup> November;
  - Beginning at 2300 hours on the day of Diwali and ending at 0100 hours the following day;
  - Beginning at 2300 hours on 31<sup>st</sup> December and ending at 0100 hours the following day.
2. If the above exceptions do not apply a local authority may grant a dispensation from the prohibition to enable a person to use fireworks-
  - for the purposes of putting on a firework display for their employer or in the course of their business (as the case may be); or
  - at a national public celebration or a national commemorative event.
3. In terms of the regulations the applicant for a dispensation must be a person who is employed by, or in business as, a professional organiser or operator of fireworks displays.
4. A local authority may not grant a dispensation under the regulations, unless it is satisfied either–
  - that there is no risk that use of fireworks in accordance with the dispensation will result in the consequences mentioned in section 2(2) of the Fireworks Act 2003 i.e.
    - death of persons or injury, alarm, distress or anxiety to persons,
    - death of animals or injury or distress to animals, and
    - destruction of, or damage to, property, or
  - that the risk that use of fireworks in accordance with the dispensation will have any such consequences is the minimum that is compatible with their being used.
5. All applicants for a dispensation must fully complete the risk assessment and submit it along with the application **at least 6 weeks prior to the event** by sending the application by email or post to the Licensing Team, [licensing@westlothian.gov.uk](mailto:licensing@westlothian.gov.uk), West Lothian Council, Civic Centre, Howden South Road, Livingston EH54 6FF.
6. Applications will be processed by the Licensing Team at West Lothian Council. As part of this process the application will be sent to the Council's Environmental Health and Trading Standards Team. If adverse comments are received from that team the application will be considered and determined at a meeting of the Council's Licensing Committee. You will be invited to attend at such a meeting and will be given an opportunity to be heard in relation to the application. If no adverse comments are received from the Environmental Health and Trading Standards Team the dispensation will be granted by the Chief Solicitor under delegated powers.



7. In terms of the regulations the Licensing Team will notify Police Scotland if a dispensation is granted. This notification will state the particulars detailed below at 8.
8. If the dispensation is granted a public notice (advert) of the proposed use of fireworks must be placed in a newspaper or newspapers circulating in the West Lothian Council area no later than 7 days prior to the commencement of the event. The notice must state: -
  - the name and address of the applicant;
  - a description of the proposed fireworks display, national public celebration or national commemorative event;
  - details of the fireworks proposed to be used at the event;
  - the proposed location of the event; and
  - the proposed date or dates and hours during which fireworks shall be used at the event.

**Please note that a dispensation will not be effective unless this requirement is complied with.**

A copy of the notice (advert) should be emailed or posted forwarded to the Licensing Team at least 5 days prior to the event taking place.

9. Please ensure that you are using the most up to date version of the application form by checking the council's website.
10. Any person who contravenes a prohibition imposed by fireworks regulations is guilty of an offence. In addition, any person who fails to comply with a requirement imposed by or under fireworks regulations to give or not to give information is guilty of an offence and in giving such information is guilty of an offence if they make a statement which they know to be false in a material particular or recklessly makes a statement which is false in a material particular. A person guilty of any of these offences is liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale.
11. To contact the Licensing Team please email [licensing@westlothian.gov.uk](mailto:licensing@westlothian.gov.uk) or call 01506 281632. Please note if you are directed to our voicemail, please leave a message and we will phone you back. Please note that the team can provide guidance regarding fireworks dispensations but cannot provide legal advice. If required applicants should seek legal advice from a solicitor or advice centre.