



18th June 2013

Agenda Item: 7

**REPORT OF THE SERVICE DIRECTOR FOR PROMOTING INDEPENDENCE
AND PUBLIC PROTECTION**

**ANNUAL REPORT TO PLANNING AND LICENSING COMMITTEE OF THE
LICENSING WORK CARRIED OUT BY TRADING STANDARDS**

Purpose of the Report

1. To firstly update the Committee on the relevant recent licensing work carried out by Trading Standards Service on behalf of the Committee, and secondly to agree the levels of charges made for the issue of performing animal and poisons licences for 2013/14.

Information and Advice

2. The Service has an involvement in a number of licensing and registration schemes designed to ensure the safety of our communities. In some cases, the authority is responsible for issuing licences and ensuring safety standards are met through inspections and other activity. Each of the licence types and associated activity carried out by Trading Standards are covered in more detail below.

A) Explosives Storage

3. The Service is generally responsible for issuing licences for explosives such as fireworks, safety cartridges and airbag detonators, for quantities of up to 2000kg of 'net explosive quantity'. The Health & Safety Executive are responsible for quantities above 2000kg.
4. There are two bands of 'licences' issued, determined by the net explosive quantity of explosives being stored:
 - 5kg and 250kg - Explosives Registration Certificate, or
 - 251kg to 2000kg - Explosives Storage Licence.

Activity for 2012-13

5. The following is a breakdown of the types and numbers of each category that were issued to the 31 March 2013
 - Registration Certificates : 128
 - Storage Licences: 18

6. In addition to the above there are all year round licences for businesses that wish to supply fireworks all year round or outside the restricted periods corresponding to certain festivals or celebrations, namely Chinese New Year, Diwali, Bonfire Night, and New Year. In this category, there were 4 issued to 31st March 2013.
7. Trading Standards carry out fireworks enforcement during the 3 week period running up to 5th November. The Service's role is to ensure explosives are being stored in a safe manner. We are always looking for new ways to undertake our enforcement role more effectively and efficiently.
8. In 2011/12, rather than carrying out inspections of every premises, we experimented with sending out self-assessment checklists to the some of the lower risk premises. Officers then inspected all of the 27% of premises that didn't respond, and a sample (12) of the premises that did.
9. In 2012/13 we decided to inspect all registered and licensed premises so that we could compare the data with the previous year, compare the officer resource involved with the previous year and get a clearer picture of the types of premises where we are finding problems in order to inform 2013/14's fireworks enforcement.
10. The Service categorises premises as either High, Medium or Low risk depending on the level of compliance with the legislative storage requirements, and the level of confidence that the officer has in the businesses management systems. Our aim in 2012/13 was also to undertake a thorough review of the risk category for each premise to ensure it accurately reflected the level of risk.
11. Fireworks are an inherently dangerous product and so in the past there has been a tendency to give the premises a higher risk because of this. However recent changes to the national risk assessment scheme for Trading Standards Service encourage services to place more weight upon the management systems operating within a business. By doing, so the risk category can be reduced if premises can demonstrate a high level of diligence in their procedures to manage the risk.
12. Compared with 2011/12, we found a higher level of compliance in 2012/13. Of the 133 premises visited 80 were compliant at the time of inspection. A further 45 were brought into compliance at the time of the visit, with 4 being found complaint after a re-visit. Four premises could not be brought into full compliance at the end of the inspecting period, but these were only minor issues which we will address with the traders should they elect to sell fireworks in 2013/14. We found no major problems, the most common minor problems found were:
 - Combustible materials (cardboard boxes, disposable barbecues etc) stored adjacent to shop floor cabinets or the reserve firework stock
 - Live fireworks on open display, mixed in with dummy fireworks
 - Reserve fireworks stock stored in a potentially damp environment
 - Cabinets left unlocked.

13. As a result of the review of risk categories for each business, the number of High risk premises has significantly reduced, which will inform our work in 2013/14. In comparison with 2011, the number of premises risked High for explosives storage has now reduced from 67% to 17%. The main reason for this change is that we have been able to reduce the risk category for the supermarkets and other national retailers. Very few problems were found at these premises due to the procedures in place that have been agreed at a national level by their Primary Authority (i.e. the Trading Standards Authority where a national company is based).

14. In 2013/14 we will look to mainly focus our enforcement activity on providing support to the smaller independent shops, where we generally find the most problems, because they do not have the benefit of these nationally agreed systems in place.

B) Petroleum Licences

15. Trading Standards licences any premises that store petrol in a tank or bowser for delivery into the fuel tank of a vehicle or other internal combustion engine. The most common premises covered are retail petrol stations that supply fuel to motorists.

16. There are four bandings of licence which are as follows:

- Petroleum under 2,500 litres;
- Exceeding 2,500 litres but not exceeding 50,000 litres;
- Exceeding 50,000 litres; and
- Liquid Nitrogen Gas (LNG) (Methane) 2500-50000 litres.

Activity for 2012-13

17. The following table is a breakdown of the types and numbers of each category issued in 2012/13:

	Issued
Petroleum under 2500 litres	17
Petroleum 2500 – 50000 litres	45
Petroleum over 50000 litres	66
LNG (Methane) 2500-50000 litres	1
TOTAL	129

18. In addition to the above, 10 Transfer of Licences have been issued. These occur where the licence holder changes but everything else on the site remains the same. There have also been 12 requests for searches of records regarding locations of disused tanks. The Service also received 64 enquiries from business for trader advice on storage related issues.

19. The general trend is a year on year reduction in the number of smaller premises selling petrol. There were no new installations in 2012/13 and twenty refurbishments of current petroleum licensed premises. Our role with refurbishments is to oversee any aspects, such as pump and pipework replacements, or changing from a pressure system to a suction system, that might impact on the safety of the petroleum storage.

20. The Service has a partnership agreement with 3 District Councils in Nottinghamshire to carry out vapour recovery inspections on their behalf. No inspections were carried out in 2012/13 as inspections are only required once every 2 to 3 years and none were due that year.
21. As with explosives inspections a recent review of our risk assessments of petroleum sites led us to focus our enforcement activity in 2012/13 on supporting the smaller independent retailers. We identified 44 such sites for a visit in 2012/13. These independent sites don't have the benefits of the nationally agreed procedures that the larger national companies have and are generally less likely to have benefited from investment in modern technology, such as 3rd party wet stock monitoring to check for fuel leaks on petrol tanks.
22. Tanks at independent sites are also often of the older, single skin type, so it is very important that the operator is diligent in their manual dipping of the tanks to check for unusual losses of fuel that might indicate a leak. Our officers also check that the site and equipment is properly maintained and that important control systems are in place, demonstrated by documentation such as risk assessments, staff training records and equipment test certificates.

C) Poisons Registrations

23. Trading Standards issue registrations that allow premises to sell less toxic poisons such as formic acids and ammonia over 10% in concentration. There were 60 of these issued to 31 March 2013.

D) Performing Animals

24. We issued 3 licences for performing animals in 2012/13. Two were to licence the dog taking part in amateur productions of the musical "Annie" and the other was for a bird of prey used in a falconry demonstration.

E) Licence Fees

25. The fees for petroleum and explosives licensing are set nationally via the Health & Safety (Fees) Regulations 2012, which stated that the fees for 2013/14 will remain at the same level as 2010. We set the fees for poison registrations (£32.67) and performing animals licences (£17) locally. We propose that these fees for 2013/14 should also remain at the same level as previous years, as they remain in line with other authorities' charges.

Statutory and Policy Implications

26. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

It is recommended that:

- 1) the committee notes the contents of this report and agrees the levels of activity undertaken and proposed; and
- 2) Approves the fees for poisons registrations and performing animals licences as set out at paragraph 25.

PAUL MCKAY

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Constitutional Comments (SHB 24/05/13)

27. The report is for noting only and no Constitutional comments are necessary.

Financial Comments (CLK 01/06/13)

28. The financial implications are contained in paragraph 25 of the report.

Background Papers

None.

Electoral Division(s) and Member(s) Affected

All.

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