



**20 October 2015**

**Agenda Item: 5**

**REPORT OF THE SERVICE DIRECTOR FOR  
South Nottinghamshire and Public Protection Division**

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

**Purpose of the Report**

1. To update the Committee on the relevant recent licensing work carried out by the Trading Standards Service on behalf of the Committee

**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 licenses and ensuring safety standards are met through inspections and other activity. Each of the licence types and associated activities carried out by Trading Standards are covered in more detail below.
3. During the period 2014-2015, the Service received a total of £29,750.89 income from fees. This being £9,658.00 from Explosives, £17,236.00 from Petroleum, £1987.50 from petroleum searches, £771.36 from Poisons, and £68.00 from Performing Animals registration. This takes into account the annual allotment for licences covering more than one year.

**Explosives storage**

4. The Trading Standards Service is responsible for issuing Explosives Licences for the storage of explosives such as fireworks, safety cartridges and airbag detonators, for quantities of up to 2000kg of 'Net Mass'. The Health & Safety Executive (HSE) are responsible for quantities above 2000kg.
5. There are two 'bands', determined by the Net Mass of explosives being stored, although since the Explosives Regulations 2014 came into force, both 'bands' are now known as an Explosives Certificate. The bands are -
  - 5kg to 250kg – Explosives Licence up to 250kg's Net Mass
  - 251kg to 2000kg – Explosives Licence over 250kg's Net Mass.

## Explosives Activity for 2014-15

6. A total of 118 licences (or the older certificates) were issued in 2014-15. Also 7 licences issued for storage of safety cartridges only.
7. 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 Chinese New Year, Diwali, Bonfire Night and New Year. In this category, 2 were issued in 2014-2015.
8. In 2014-2015 Trading Standards focused their firework enforcement activity on providing support to high risk category smaller independent shops as this is generally where most problems are found. Risk rating is applied dependant on the level of compliance with the legislative storage requirements, and the confidence level in the business management systems.  
24 premises were visited; these were mainly high risk with a selection of medium risk premises. Of these 20 were compliant at the time of the inspection, 2 were brought into compliance at the time of the visit, 2 being compliant after a revisit. No major problems were found. The most common problems issues being:
  - Storing fireworks next to, or near to, combustible materials (this applied to both the firework 'reserve' stock and the sales area).
  - Statutory firework sales poster not displayed.

## Petroleum Licences / Petroleum Storage Certificates

9. Trading Standards licence any premises that stores 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.
10. There are three bandings of licence which are as follows:
  - Petroleum under 2500 litres
  - Exceeding 2500 litres but not exceeding 50,000 litres
  - Exceeding 50,000 litres

## Petroleum Activity for 2014-2015

11. The following is a breakdown of the types and numbers of each category issued in 2014-2015

	Licences / Certificates issued 14/15
Petroleum under 2500 litres	7
Petroleum 2500 litres - 50,000 litres	17
Petroleum exceeding 50,000 litres	33

12. The Service also received approximately 96 enquiries from businesses / Traders / Operators & Contractors for trader advice on petroleum storage related issues & enquiries etc.
13. As Trading Standards has records of the petroleum storage facilities at new and historic sites they also receive requests for searches regarding locations of disused tanks. 43 such requests were dealt with in 2014-2015.

14. The general trend, across Nottinghamshire and the U.K in general, remains a reduction in the number of smaller premises selling petrol. There was 1 new installation in 2014/15, and a further 3 rebuilds on sites previously used for petrol sale/storage. Numerous refurbishment works were also conducted at current petroleum licensed/certificated premises such as pump and pipe work replacements, changing from a pressure system to a suction system, new drainage or interceptors installed etc.
15. Trading Standards focus enforcement activity on the smaller independent retailers. Who don't have the benefit of nationally agreed procedures and are less likely to have benefited from investment in modern technology, such as double skinned storage tanks, third party wet stock monitoring to check for fuel leaks on petrol tanks, modern petroleum storage infrastructure etc. Tanks at independent sites are often 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. Trading Standards Officers also check that the site and equipment is properly maintained and that important control systems are in place. This would be demonstrated by documentation such as risk assessments, staff training records and equipment test certificates.

### Poisons Licences / Registrations

16. Historically local authorities have maintained a register of persons able to sell poisons (as defined in Part 2 of the Act). From 26<sup>th</sup> May 2015 retailers instead need to hold a licence issued by the Home Office.

### Performing animals

17. 4 Performing Animals licences were issued in 2014-2015. These were for birds of prey for falconry demonstration, a variety of mammals, rodents and reptiles for educational school visit, and a dog for a stage productions.

### Licence fees.

18. The current fees are set out in the table below

<b>Explosives</b>	<b>£</b>
New registration up to 250kg	105.00
Renewal registration up to 250kg	52.00
New licence up to 2,000kg	178.00
Renewal licence up to 2,000kg	83.00
All year round firework licence	500.00
Transfer or replacement	35.00
<b>Petroleum</b>	
Up to 2500 litres (per year)	42.00
2500 to 50,000 litres (per year)	58.00
Exceeding 50,000 litres (per year)	120.00
Transfer	8.00
<b>Performing animal licence</b>	17.00

19. The fees for petroleum and explosives licensing are set nationally via the Health & Safety (Fees) Regulations 2012 which states that fees for 2015-16 will remain at the same level as the last financial year.

## **Statutory and Policy Implications**

20. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working 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**

21. It is recommended that: the committee notes the contents of this report and agrees the levels of activity undertaken.

**PAUL MCKAY**  
**Service Director**  
**South Nottinghamshire and Public Protection Division**  
**Adult Social Care, Health and Public Protection**

**For any enquiries about this report please contact:**  
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### **Legal Comments (SLB 11/08/2015)**

Planning & Licensing Committee is the appropriate body to consider the content of this report

### **Financial Comments (MM 10/08/15)**

The financial implications are contained within the body of the report.

### **Background Papers and Published Documents.**

'None'

### **Electoral Division(s) and Member(s) Affected**

- 'All'