

17 June 2014**Agenda Item:****REPORT OF THE SERVICE DIRECTOR FOR ACCESS 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 update the Committee on the relevant recent licensing work carried out by the Trading Standards Service on behalf of the Committee
2. To agree the levels of charges made for the issue of Performing Animal licenses and Poisons licences for 2014-2015

Information and Advice

3. 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.
4. During the period 2013-2014, the Service received a total of £20,892.23 income from fees. This being £11,112.00 from Explosives, £8,594.00 from Petroleum, £225 from petroleum searches, £859.23 from Poisons, and £102.00 from Performing Animals registration.

Explosives storage

5. The Trading Standards Service is responsible for issuing registration certificates or 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.
6. There are two bands, determined by the net explosive quantity of explosives being stored:
 - 5kg to 250kg – explosives Registration certificate
 - 251kg to 2000kg – Explosives Storage Licence

Explosives Activity for 2013-14

7. The following is a breakdown of the types and numbers of each category that were issued to March 2014

§	Registration Certificates	128
§	Storage Licences	15
§	Safety Cartridge	7

8. 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 2013-2014.
9. To ensure explosives are being stored in a safe manner Trading Standards' carry out firework enforcement during the 3 week period running up to 5th November.
10. Premises are categorised as either High, Medium or Low risk dependant on the level of compliance with the legislative storage requirements, and the level of confidence the officer has in the business management systems. In 2012-2013 all registered/licenced premises were inspected and the risk rating reviewed.
11. In 2013-2014 Trading Standards focussed their enforcement activity on providing support to smaller independent shops as this is generally where most problems are found. 69 premises were visited; these were mainly high risk with a selection of medium risk premises. Of these 45 were compliant at the time of the inspection, 16 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 being:
- Storing fireworks next to, or near to, combustible materials (this applied to both the firework 'reserve' stock and the sales area).
 - Fire extinguishers expended (out of date, so may not work if needed in an emergency);
 - Statutory firework sales poster not displayed.
 - Combustible materials stored against ISO containers containing large amounts of fireworks at larger supermarkets.
 - Separation distances not met or maintained at ISO containers containing large amounts of fireworks at larger supermarkets.

Petroleum licences

12. 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.
13. There are four bandings of licence which are as follows:
- Petroleum under 2500 litres

- Exceeding 2500 litres but not exceeding 50,000 litres
- Exceeding 50,000 litres
- Liquid nitrogen Gas (LNG) (Methane) 2500 – 50,000 litres

Petroleum Activity for 2013 – 2014

14. The following is a breakdown of the types and numbers of each category issued in 2013-2014

	Licences issued
Petroleum under 2500 litres	12
Petroleum 2500 litres - 50,000 litres	33
Petroleum exceeding 50,000 litres	39
(LNG) (Methane) 2500 – 50,000 litres	1

15. In addition to the above 3 Transfer of licences were issued. These occur where the licence holder changes but everything else on site remains the same. The service also received 73 enquiries from businesses & contractors for trader advice on petroleum storage related issues.
16. As Trading Standards keeps historic records on the storage facilities at new and old sites they also receive requests for searches regarding locations of disused tanks. 26 such requests were dealt with in 2013-2014
17. The general trend remains a reduction in the number of smaller premises selling petrol. There were 2 brand new installations in 2013/14 (Morrisons PFS, Kilton Rd, Worksop & Central Helicopters, Broughton Lodge Farm, A46 Widmerpool) and 22 refurbishments of current petroleum licensed premises. Trading Standard role in refurbishments is to oversee any aspects, such as pump and pipe work replacements, or changing from a pressure system to a suction system that might impact on the safety of petroleum storage.
18. As with explosives inspections Trading Standards have focused enforcement activity on the smaller independent retailers. 24 sites were identified for visits in 2013-2014. Independent sites often don't have the benefits of nationally agreed procedures and are less likely to have benefited from investment in modern technology, such as third party wet stock monitoring to check for fuel leaks on petrol tanks.
19. Tanks at independent sites are also 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 registrations

20. Trading Standards issue registrations that allow premises to sell less toxic chemicals such as formic acids and ammonia over 10% concentration. There were 55 of these issued to 31 March 2014.

Performing animals

21. 6 Performing Animals licences were issued in 2013-2014. These were for birds of prey for falconry demonstration, a variety of mammals, rodents and reptiles for educational school visits and one dog for a stage production of a musical.

Licence fees.

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

Explosives	£
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
Petroleum	
Up to 2500 litres	42.00
2500 to 50,000 litres	58.00
Exceeding 50,000 litres	120.00
Transfer of licence	8.00
Poisons	
Initial application to be included on the list	32.67
Re-registration	8.80
Performing animal licence	17.00

23. The fees for petroleum and explosives licensing are set nationally via the Health & Safety (Fees) Regulations 2012 which states that fees for 2014/15 will remain at the same level as 2010.
24. The fees for poison registrations, and performing animal licences are set by Nottinghamshire County Council. We propose that these fees for 2014-2015 should remain at the same level as previous years.

Statutory and Policy Implications

25. 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

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

27. Maintain the fees for poisons registrations and performing animal licences at the same level as 2013-2014.

PAUL MCKAY

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For any enquiries about this report please contact:

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Legal Comments (SLB 04/06/2014) Planning and Licensing Committee is the appropriate body to consider the content of this report.

Financial Comments (awaited)

Background Papers and Published Documents.

'None'

Electoral Division(s) and Member(s) Affected

- 'All'