

5 July 2022

Agenda Item: 7

**REPORT OF THE SERVICE DIRECTOR PLACE AND COMMUNITIES**

**ANNUAL REPORT TO THE PLANNING AND RIGHTS OF WAY COMMITTEE  
OF THE LICENSING WORK CARRIED OUT BY THE TRADING STANDARDS  
& COMMUNITIES SERVICE**

**Purpose of the Report**

1. To update the Committee on work carried out by the Trading Standards & Communities Service on behalf of the Committee.

**Information**

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 activities carried out by the Service are covered in more detail below.
3. In the last year, Trading Standards has continued to strive and continually review working practices to minimise face to face contact between staff and members of the public and prevent the spread of coronavirus. The Service has adapted and risen to COVID-19 whilst still maintaining vital services to Nottinghamshire residents and businesses with limited resources as can be seen from the following results.
4. From the 1 April 2021 until 31 March 2022, the Service received a total of **£20,547.50** income from licences, registrations, and other related fees, broken down in the table below. This figure includes licences issued that cover more than one year.

Explosives	£ 8,475.00
Petroleum	£ 10,505.00
Petroleum Record Searches	£ 1,567.50
<b>Total</b>	<b>£ 20,547.50</b>

**Explosives storage**

5. The Service has responsibility 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.

6. There are currently two 'bands' of licences, determined by the Net Mass of explosives being stored. Since the Explosives Regulations 2014 came into force, both 'bands' are now known as an Explosives Licence. 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 between 1 April 2021 and 31 March 2022**

7. A total of 62 licences were issued in this period comprised of renewal and new applications.
8. In addition to the above, there are also 'All Year Round' licences for businesses that wish to supply fireworks all year round, or outside the restricted periods that correspond to specific Chinese New Year, Diwali, Bonfire Night and New Year. In this category, 1 licence was issued in between these dates.
9. In 2021, Officers undertook a programme of inspections in the run up to bonfire night regarding the storage and sale of fireworks. A total of 71 inspections, conducted by Trading Standards Officers, took place across the County, which included 'high risk' premises, 'medium risk' premises and new premises. Premises within all 7 different Districts or Borough Councils areas in Nottinghamshire were inspected.
10. The firework inspections we conduct look at different aspects of firework storage and sales, including ensuring the safe storage of them and checks / advice that no premises sell to under 18's. Advice is given during the visit to businesses around Challenge 25 / 30, till prompts, a refusal register and staff training for example. Businesses are also asked about their system in place to prevent the overstocking of fireworks.
11. During inspections in 2021, approximately 870 packages of unsafe fireworks were removed from a shop premises in Nottinghamshire. The fireworks were described as "throwdowns" and were constructed of cardboard tubes and red phosphorus which is banned under the relevant safety standard due to the explosive volatility of the substance. The product posed a high risk of burns and also a risk of hearing damage as it exceeded the safe noise emission limit.
12. A common issue found during inspections is the proximity of combustible items with live fireworks. Two business premises were also found storing 1.3G fireworks, which are a more potent type of firework requiring greater separation distances. Officers provided advice in relation to any issues identified and observed corrective actions being taken to ensure that businesses were brought in to compliance before the end of their visit.

### **Explosives Activity for 2022**

13. Trading Standards Officers will undertake a programme of visits to both existing high risk premises and new licence holders. Officers propose to use media coverage this year, to publicise the results of the inspections.

## **Petroleum Storage Certificates (previously known as petroleum licences)**

14. The Service certifies 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.
15. There are three bandings of certificate which are as follows:
- Petroleum up to 2500 litres;
  - Exceeding 2500 litres but not exceeding 50,000 litres; and
  - Exceeding 50,000 litres.

### **Petroleum Activity for 1 April 2021 – 31 March 2022**

16. The following is a breakdown of the types and numbers of each category:-

<b>Categories</b>	<b>Licences / Certificates issued 2021/22</b>
Petroleum under 2,500 litres	4
Petroleum 2500 litres - 50,000 litres	15
Petroleum exceeding 50,000 litres	24

17. The Service also received approximately 27 enquiries from businesses, operators & contractors for advice on petroleum storage related issues. In order to reduce the burden of red tape on business, The Petroleum (Consolidation) Regulations 2014, provides that petroleum storage certificate (PSC) holders only have to make us aware of material changes, regarding the petrol stations that they operate.
18. As the Service holds detailed records of the petroleum storage facilities at new and historic sites, it also receives requests for historical and / or current environmental searches, particularly in respect of locating disused tanks. 11 such requests have been dealt with between 1 April 2021 and 31 March 2022. These searches are charged for and generate income for the Service.
19. During the period, some examples of enquiries dealt with related to electric vehicle charging installation, red diesel storage, a brand new petrol filling station and what is known as “knock down re-build” to renew pumps and pipework. Some less common enquiries have also been received regarding the storage of petrol at a domestic premises and a house for sale which has a petrol pump on the grounds.
20. The primary focus for the Service for its enforcement activity is on the smaller independent retailers. They generally 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 or third party wet stock monitoring to check for fuel leaks on petrol tanks.
21. 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.

**Performing Animals**

22. The licensing function for Performing Animals has now been moved from the County Council to the function of the District/Borough Councils.

**Licence Fees**

23. The current fees are set out in the table below:-

<b>Explosives</b>	<b>£</b>
New Licence up to 250kg for 1 year	111.00
for 2 years	144.00
for 3 years	177.00
for 4 years	211.00
for 5 years	243.00
Renewal Licence up to 250kg for 1 year	55.00
for 2 years	88.00
for 3 years	123.00
for 4 years	155.00
for 5 years	189.00
New licence up to 2000kg for 1 year	189.00
for 2 years	248.00
for 3 years	311.00
for 4 years	382.00
for 5 years	432.00
Renewal licence up to 2000kg for 1 year	88.00
for 2 years	150.00
for 3 years	211.00
for 4 years	272.00
for 5 years	333.00
All year round firework licence	500.00
Transfer or Replacement of licence	37.00
<b>Petroleum</b>	
Up to 2500 litres (per year for up to 10 years)	45.00
2500 to 50,000 litres (per year for up to 10 years)	61.00
Exceeding 50,000 litres (per year for up to 10 years)	128.00

24. The fees for petroleum and explosives licensing are set nationally via The Health and Safety and Nuclear (Fees) Regulations 2016, which state the fees that can be charged for a period

of 5 years from those regulations coming into force.

## **Statutory and Policy Implications**

25. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Financial Implications**

26. During the period 1<sup>st</sup> April 2021 – 31<sup>st</sup> March 2022, the Service received a total of £20,547.50 income from fees. This being £8,475 from explosives, £10,505 from petroleum and £1,567.50 from petroleum searches. This takes into account the licences covering more than one year.

## **RECOMMENDATION/S**

- 1) That Members consider the updates and highlight any actions required.
- 2) That Members agree to the appropriate use of the media to highlight the results of the fireworks safety inspections programme for the coming licensing period (October/November 2022)
- 3) That Members agree to receive a further update report at the meeting of the Committee in July 2023.

**Derek Higton**  
**Service Director, Place and Communities**

**For any enquiries about this report please contact:** Trish Hennessy, Acting Team Manager Trading Standards (0115 8040047) or Fiona Needham, Acting Head of Trading Standards (0115 9773046)

### **Constitutional Comments [KK 13/06/2022]**

27. The proposals in this report are within the remit of the Planning and Licensing Committee.

### **Financial Comments [RWK 13/06/2022]**

28. There are no specific financial implications arising directly from, the report.

## **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

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

- All