

18 July 2023

Agenda Item 5

REPORT OF THE SERVICE DIRECTOR FOR PLACE AND COMMUNITIES**ANNUAL REPORT OF THE LICENSING WORK CARRIED OUT BY THE
TRADING STANDARDS AND 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. From the 1 April 2022 until 31 March 2023, the Service received a total of **£17,736.00** 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	£ 2,591.00
Petroleum	£ 13,140.00
Petroleum Record Searches	£ 2,005.00
Total	£ 17,736.00

Explosives storage

4. 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.

5. 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 2022 and 31 March 2023

6. A total of 22 licences were issued in this period comprised of renewal and new applications.

7. 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.

8. In 2022, Officers undertook a programme of inspections in the run up to bonfire night regarding the storage and sale of fireworks. A total of 64 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.

9. 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 the system that they have in place to prevent the overstocking of fireworks.

10. During inspections in 2022, businesses were found to be generally compliant. A common issue found during inspections is the proximity of combustible items with live fireworks. 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 2023

11. 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)

12. 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.

13. 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 2022 – 31 March 2023

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

Categories	Licences / Certificates issued 2022/23
Petroleum under 2,500 litres	1
Petroleum 2500 litres - 50,000 litres	21
Petroleum exceeding 50,000 litres	25

15. The Service also received approximately 37 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.
16. 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. 17 such requests have been dealt with between 1 April 2022 and 31 March 2023. These searches are charged for and generate income for the Service.
17. During the period, some examples of enquiries dealt with related to electric vehicle charging installation, a brand new petrol filling station and what is known as “knock down re-build” to renew pumps and pipework.
18. 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.
19. 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

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

Licence Fees

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

Explosives	£
New Licence up to 250kg for 1 year	113.00
for 2 years	147.00
for 3 years	181.00
for 4 years	215.00
for 5 years	248.00
Renewal Licence up to 250kg for 1 year	56.00
for 2 years	90.00
for 3 years	125.00
for 4 years	158.00
for 5 years	193.00
New licence up to 2000kg for 1 year	193.00
for 2 years	253.00
for 3 years	317.00
for 4 years	390.00
for 5 years	441.00
Renewal licence up to 2000kg for 1 year	90.00
for 2 years	153.00
for 3 years	215.00
for 4 years	277.00
for 5 years	340.00
All year round firework licence	500.00
Transfer or Replacement of licence	38.00
Petroleum	
Up to 2500 litres (per year for up to 10 years)	46.00
2500 to 50,000 litres (per year for up to 10 years)	62.00
Exceeding 50,000 litres (per year for up to 10 years)	131.00

22. 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

23. 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

24. During the period 1st April 2022 – 31st March 2023, the Service received a total of £17,736 income from fees. This being £2,591 from explosives, £13,140 from petroleum and £2,005 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 2023).
- 3) That Members agree to receive a further update report at the meeting of the Committee in July 2024.

Mark Walker

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For any enquiries about this report please contact:

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Constitutional Comments [KK 28/06/2023]

25. The proposals in this report are within the remit of the Planning and Rights of Way Committee

Financial Comments [PAA 27/06/2023]

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

Background Papers and Published Documents

27. 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