



27 July 2021

Agenda Item: 5

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 staff have been heavily involved in the response to COVID-19, however by adjusting working practices, the licensing work of the Service has continued throughout
4. From the 1 April 2020 until 31 March 2021, the Service received a total of **£12,619.50** 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	£ 4527.00
Petroleum	£ 6145.00
Petroleum Record Searches	£ 1947.50
Total	£ 12,619.50

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 2020 and 31 March 2021

7. A total of 36 licences were issued in this period. This figure comprises 26 renewal licences and 10 new applications, mainly from small independent businesses. It was observed that many of the larger national retailers decided not to renew their licences in this last year.
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 the specific events of Chinese New Year, Diwali, Bonfire Night and New Year. In this category, only 2 licences were issued in between these dates.
9. In 2020, Officers undertook a programme of inspections in the run up to bonfire night regarding the storage and sale of fireworks. A total of 23 inspections, conducted by 4 TSO's, 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 conducted 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. A common issue with fireworks storage is that other easily combustible materials are stored near to, or next to, where the fireworks are stored. If this is found, this is something that is verbally advised on at the time, and a visit note is also left if necessary. These issues are usually rectified in the Officer's presence.
11. Businesses are also asked about their system in place to prevent the overstocking of fireworks. One of the premises visited was storing 1.3G fireworks which is less common and required more detailed advice.

Explosives Activity for 2021

12. 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

13. 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.
14. 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 2020 – 31 March 2021

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

Categories	Licences / Certificates issued 2020/21
Petroleum under 2,500 litres	0
Petroleum 2500 litres - 50,000 litres	9
Petroleum exceeding 50,000 litres	15

16. The Service also received approximately 28 enquiries from businesses, operators & contractors for advice on petroleum storage related issues. However, since The Petroleum (Consolidation) Regulations 2014, what petroleum storage certificate (PSC) holders have to make us aware of, regarding the petrol stations that they operate, has been drastically reduced, to reduce the burden of red tape on business.
17. 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. 19 such requests have been dealt with between 1 April 2020 and 31 March 2021. These searches are charged for and generate income for the Service.
18. Most Petrol Filling Stations have a rolling programme to replace or renew pumps and pipework; Trading Standards has been approached about above ground storage installations and Adblue installations which helps diesel engines burn cleaner.
19. 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.
20. 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, on a visit would 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.

Licence Fees

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

Explosives	£
New Licence up to 250kg for 1 year	109.00
for 2 years	141.00
for 3 years	173.00
for 4 years	206.00
for 5 years	238.00
Renewal Licence up to 250kg for 1 year	54.00
for 2 years	86.00
for 3 years	120.00
for 4 years	152.00
for 5 years	185.00
New licence up to 2000kg for 1 year	185.00
for 2 years	243.00
for 3 years	304.00
for 4 years	374.00
for 5 years	423.00
Renewal licence up to 2000kg for 1 year	86.00
for 2 years	147.00
for 3 years	206.00
for 4 years	266.00
for 5 years	326.00
All year round firework licence	500.00
Transfer or Replacement of licence	36.00
Petroleum	
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

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. There have been three minor changes to the fees for petroleum which are detailed in the table above.

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 June 2019 – 30th June 2020 the Service received a total of £12,619.50 income from fees. This being £4,527 from explosives, £6,145 from petroleum and £1,947.50 from petroleum searches. This takes into account the licences covering more than one year.

RECOMMENDATIONS

- 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 2021).
- 3) That Members agree to receive a further annual update report at the meeting of the Committee in June 2022.

Derek Higton
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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 22/06/2021)

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

Financial Comments [RWK 21/06/2021]

26. 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