

31st October 2017

Agenda Item: 9

**REPORT OF THE SERVICE DIRECTOR SOUTH NOTTINGHAMSHIRE AND
PUBLIC PROTECTION****ANNUAL REPORT TO THE PLANNING AND LICENSING COMMITTEE OF
THE LICENSING WORK CARRIED OUT BY THE TRADING STANDARDS &
COMMUNITY SAFETY SERVICE****Purpose of the Report**

1. To update the Committee on the relevant recent licensing work carried out by the Trading Standards & Community Safety 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 the Service are covered in more detail below.
3. During the financial year 2016-2017, the Service received a total of £21,569 income from licences, registrations, and other related fees, broken down in the table below. This figures include licences issued that cover more than one year.

Explosives	£8,797
Petroleum	£11,439
Petroleum Record Searches	£1,250
Performing Animals	£83
Total	£21,569

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 for 2016-17

6. A total of 84 explosives licences were issued in the year. A further 4 explosives licences were issued for storage of safety cartridges only.
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, 2 licences were issued in 2016/17.
8. In 2016/17, Officers undertook a programme of inspections in the run up to bonfire night and the sale of fireworks. A total of 29 inspections took place across the County which included 8 'high risk' premises, and 11 new premises. Premises within all 7 different Districts or Borough Councils areas in Nottinghamshire were inspected.
9. The firework inspections looked at different areas including the safe storage and check that no premise sells to under 18's. Advice is given during the visit to help businesses around Challenge 25, till prompts and a refusal register. A common issue with fireworks storage is that other easily combustible materials are stored near to, or next to where the fireworks are stored. This is something that is verbally advised to the trader/premises along with a visit note. These issues are rectified in the Officer's presence. Businesses demonstrate to the Officer their system which is in place to prevent the overstocking of fireworks
10. Capital FM accompanied a Trading Standards Officer on one of the inspections, and a press release followed the broadcast which was covered by several Nottinghamshire radio stations.

Explosives Activity for 2017-18

11. Trading Standards Officers will undertake a programme of visits to both existing high risk premises and new license holders. Officers propose to use media coverage again this year, both to publicise the results of the inspections, and to communicate any important changes in legislation that occur.

Petroleum Storage Certificates (previously known as petroleum licences)

12. The Service licences 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 licence / 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 2016/17

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

Categories	Licences / Certificates issued 2016/17
Petroleum under 2500 litres	5
Petroleum 2500 litres - 50,000 litres	19
Petroleum exceeding 50,000 litres	24

15. The Service also received approximately 85 enquiries from businesses, operators & contractors for advice on petroleum storage related issues.

16. As the Service has detailed records of the petroleum storage facilities at new and historic sites, it also receives requests for searches particularly in respect of locating disused tanks. 23 such requests were dealt with in 2016/17.

17. The general trend, across Nottinghamshire and the United Kingdom in general, remains a reduction in the number of the smaller premises, typically independent sites, that sell petrol. There were 2 brand new installations in 2016/17, and a further 5 rebuilds / major works on sites already in use for petrol sales/storage.

18. Numerous refurbishment works were also conducted at current petroleum licensed/certificated premises. Examples of work included pump and pipe work replacements, changing from a pressure system to a suction system, new drainage or interceptors installation, old storage tanks re-lined, or storage and dispensing facilities being modernised.

19. The Service primarily focus its enforcement activity on the smaller independent retailers, who generally won'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, or other modern petroleum storage infrastructure etc.

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 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

21. Historically, local authorities had to maintain a register of persons able to sell poisons (as defined in Part 2 of the Act). From 26th May 2015, retailers are now required to hold a licence issued by the Home Office.

Performing Animals

22.5 Performing Animals licences were issued in 2016/17. These were for birds of prey for falconry demonstrations, a variety of mammals, rodents and reptiles for educational school visits, several different dogs for stage productions and 10 reindeer for educational public events.

Licence fees

23. 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
New licence up to 2000kg 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)	44.00
2500 to 50,000 litres (per year for up to 10 years)	60.00
Exceeding 50,000 litres (per year for up to 10 years)	125.00
Performing animal licence	17.00

24. The fees for petroleum and explosives licensing are set nationally via the Health & Safety (Fees) Regulations 2012, which stated that fees for 2016/17 remained at the same level as the last financial year. There has been no change for the fees for 2017/18.

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 2016-2017, the Service received a total of £21,569 income from fees. This being £8,797 from Explosives, £11,439 from Petroleum, £1250 from petroleum searches, and £83 from Performing Animals registration. This takes into account the licences covering more than one year.

RECOMMENDATION/S

- 1) That Members agree to receive a further update report at the meeting of the Committee in January 2018, and that this be included in the work programme.
- 2) That Members agree to the appropriate use of the media to highlight both the results of the fireworks safety inspections programme for the coming licensing period (October/November 2017), and also to communicate any legal changes.

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Constitutional Comments (RHC 05/10/17)

27. Planning and Licensing Committee is the appropriate body to consider the contents of this report

Financial Comments (CT 03/10/17)

28. The financial implications are contained in Paragraph 26 of this 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