

4th June 2019

Agenda Item: 7

REPORT OF THE SERVICE DIRECTOR PLACE AND COMMUNITIES

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

Purpose of the Report

1. To update the Committee on the relevant recent licensing 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. During the financial year 2018-19, the Service received a total of £14,611 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	£6,311
Petroleum	£7,662
Petroleum Record Searches	£570
Performing Animals	£68
Total	£14,611

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 2018-19

6. A total of 50 explosives licences were issued in the year. A further 3 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 2018/19.
8. In 2018/19, Officers undertook a programme of inspections in the run up to bonfire night and the sale of fireworks. A total of 50 inspections took place across the County which included 'high risk' and "medium risk" premises and 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. An inspection of one high street premise resulted in a referral being made to Nottinghamshire Fire & Rescue Service as the Officer was of the opinion that the premise was not compliant with fire safety legislation.
11. 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 2019-20

12. Trading Standards Officers will undertake a programme of visits to existing high risk premises, some medium 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)

13. 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.

14. 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 2018/19

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

Categories	Licences / Certificates issued 2018/19
Petroleum under 2500 litres	1
Petroleum 2500 litres - 50,000 litres	18
Petroleum exceeding 50,000 litres	17

16. The Service also received approximately 45 enquiries from businesses, operators & contractors for advice on petroleum storage related issues.

17. 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. 19 such requests were dealt with in 2018/19

18. 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 2018/19, and a further 4 refurbishments/ major works on sites already in use for petrol sales/storage.

19. Officers liaised with a Nottinghamshire petrol station regarding complaints about water contaminated fuel. The business was able to establish and remedy the cause of the ad hoc technical problem and deal with complaints from the consumers affected. Concerns expressed on social media suggesting any deliberate “watering down petrol” were shown to be unfounded.

Performing Animals

20. Under a 1925 Act, owners who train or exhibit performing animals are required to apply to the Authority for a licence. Trading Standards has been responsible for issuing these licences

since 1925. There is no time limitation on any licence issued to an owner, but many of the older licences issued will have naturally expired.

21. During 2018/19 a total of 4 performing animals' licences were issued, totalling £68. These were for animals performing in 2 stage productions and 2 educational public events.
22. From 1st October 2018 legislative changes moved this responsibility solely to the District Councils. Current licences will remain valid until 1st April 2019, when the owner will need to apply to the District Council, London Borough Council or Combined Authority, in the area where their first performance will be held, for a new licence. Officers are writing to each current licence holder regarding the new requirements and liaising with each District Council to ensure a smooth handover.

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
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 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 has been no change for the fees for 2018/19 and 2019/20.

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 2018/19, the Service received a total of **£14.611** income from fees. This being **£6,311** from Explosives, **£7,662** from Petroleum, **£570** from petroleum searches, and **£68** 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 12 months' time, 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 2019), and also to communicate any legal changes.

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Constitutional Comments (KK 23/4/19)

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

Financial Comments (RWK 25/04/19)

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