

**CABINET MEMBER FOR SAFER & STRONGER COMMUNITIES –  
10 MAY 2010**

**ARRANGEMENTS FOR INSPECTION AND LICENSING OF  
PETROLEUM AND EXPLOSIVES STORAGE IN BUCKINGHAMSHIRE**

**Report by Director for Community Safety & Shared Services**

**Introduction**

1. Licences for the storage of petroleum spirit are issued by the Trading Standards Service. Following the issue of a licence, the authority should inspect the licensed premises according to a frequency determined by a Health and Safety Executive risk assessment scheme. Due to the need, under the Health and Safety at Work Act 1974, to appoint only 'suitable qualified' persons to complete the inspections, typically only a few officers are trained and competent to complete these inspections in each local authority.
2. Persons storing fireworks must be licensed or registered to do so. The County Council is responsible for registering and licensing most firework storage and supply, except in relation to manufacturers and large quantities. The County Council also has responsibility to ensure that safe storage requirements are met at licensed or registered premises.
3. The legal framework in respect of these responsibilities, involving licensing and inspection based services by specialist officers, lends itself well to shared services between local authorities.
4. This report seeks agreement to provide licensing and inspection services for and on behalf of Buckinghamshire County Council in respect of petroleum spirit and explosives.

**Proposed Joint Enforcement Arrangements**

5. Buckinghamshire County Council Trading Standards Service and Oxfordshire County Council Trading Standards Service have identified an opportunity to provide more efficient licensing and enforcement arrangements in the two counties. Both parties wish to enter into an agreement whereby Oxfordshire Trading Standards Service will provide the licensing and inspection function in Buckinghamshire on behalf of Buckinghamshire Trading Standards Service. Oxfordshire County Council will receive a fee for providing this service. The agreement will initially be for a 12 month period of time, with the option to extend this if all parties are satisfied. The agreement will include subject areas such as payment schedule, monitoring and review, termination clauses, disputes and arbitration and specification of the services to be provided.
6. The services to be performed by Oxfordshire Trading Standards on behalf of Buckinghamshire Trading Standards are likely to be as follows:

**Petroleum Spirit:**

- Complete all duties of the Petroleum Licensing Authority which is a statutory function of the Local Authority or delegated authority.
- Licence all new petroleum storage sites in Buckinghamshire (this will include checks on new works/rebuilds etc. to ensure compliance).
- Renew all current licensed premises in Buckinghamshire upon licence expiry.
- Transfer licenses as and when required.
- Inspect all Petroleum storage premises on a risk based programme of inspections (following the national risk scheme).
- Maintain and update site files for current and decommissioned sites.
- Respond to requests for environmental searches when received.
- Visit existing sites where works are being undertaken to ensure compliance with storage requirements.

**Explosives:**

- Complete all duties of the Explosives Licensing Authority which is a statutory function of the Local Authority or delegated authority.
- Issue all new explosive licences and registrations.
- Renew all current licences and registrations.
- Issue new all year round sales and supply licences.
- Inspect all relevant premises inline with an agreed risk based system (from our initial meeting we expect this to be one visit every two years).

**Generic:**

- Ensure that all sites are compliant with the relevant legislation or brought into compliance by appropriate enforcement action.
  - Complete inspection forms for each premises visit.
  - Supply 24 hour emergency call out to respond to incidents using a dedicated pager system (subject to a maximum number of hours per year, with additional time to be charged).
  - Attend South East Licensing Coordination Group meetings on behalf of Buckinghamshire as well as Oxfordshire County Council.
  - Training of Buckinghamshire County Council staff on termination of the contract, if required.
  - Assist in the preparation of any legal proceedings, including attendance at court where required, for any offence directly related to the agreement.
7. Enforcement actions (i.e. investigations of identified breaches and formal legal action) will be outside the scope of the agreement. Oxfordshire Trading Standards Service will undertake investigations on behalf of Buckinghamshire Trading Standards in respect of these enforcement responsibilities but these will be charged for separately at an hourly rate. Formal legal action, if necessary, will be taken by Buckinghamshire County Council.
8. An assessment of the additional burden on Oxfordshire Trading Standards Service has been completed. This assessment concludes that no additional staff will be required by Oxfordshire Trading Standards Service. The licensing and inspection responsibilities will be undertaken by the existing Petroleum and Explosives enforcement team. The team have confirmed that they have the capacity to meet these obligations. However, they will be required to focus on this specialist role more, and reduce support for other Trading Standards

Service activities. Overall therefore there is a slight reduction in capacity within Oxfordshire Trading Standards Service as a consequence. However, the fee received from Buckinghamshire Trading Standards will contribute to the Service's efficiency savings plan and protect the service from additional staffing reductions that would otherwise be required to meet the efficiency targets.

## **Benefits**

9. In undertaking these responsibilities for Buckinghamshire, Oxfordshire Trading Standards will be able to maintain a high degree of expertise and competence in this enforcement function. In addition, a common approach will be developed across the two counties. This will be of benefit to Oxfordshire residents and businesses.
10. The exact terms of the agreement are yet to be finalised. The Cabinet Member for Safer and Stronger Communities is asked to approve Oxfordshire Trading Standards entering into an agreement to carry out licensing and inspection functions relating to petroleum spirit and explosives in Buckinghamshire on the general principles stated above.

## **Financial and Staff Implications**

11. It is anticipated that providing this service will realise an income for Oxfordshire Trading Standards in the region of £25,000 per annum gross.

## **Risk**

12. In order to mitigate the financial risks associated with a project to deliver services to an external body (Buckinghamshire County Council), the agreement will allow for either local authority to withdraw from the agreement with a specified period of notice.

## **RECOMMENDATION**

13. **The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to authorise the Head of Trading Standards and Community Safety to enter into an agreement with Buckinghamshire County Council to provide licensing and inspection services for petroleum spirit and explosives subject to satisfactory terms being negotiated with Buckinghamshire County Council.**

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Background papers: N/A

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