

## MUNICIPAL YEAR 2015/16 REPORT NO.

**COMMITTEE :**  
Licensing Committee  
14 October 2015

**REPORT OF :**  
Principal Licensing Officer

**LEGISLATION :**  
Explosives Regulations 2014

Agenda - Part	Item
	<b>SUBJECT :</b> Adoption of conditions for explosives licences
	<b>PREMISES :</b> All
	<b>WARD :</b> All

### 1. SUMMARY

This report sets out the additional licensing conditions proposed to apply to operators wishing to sell fireworks.

### 2. RECOMMENDATIONS

The Committee is requested to consider and approve the proposed conditions.

### 3. BACKGROUND

3.1 The Explosives Regulations 2014 came into force on 1 October 2014. Under these Regulations a license from the Licensing Authority is required to store more than 5kg of explosives.

3.2 It has always been a requirement for persons storing explosives to obtain a license from the Licensing Authority, however, these new Regulations state under Regulation 13(7) Local Authorities may impose such conditions as it considers appropriate so long as they relate to ss (a)-(c);

(a) the storage and display of those articles in areas where they can be purchased;

(b) the prevention of risk of fire arising in respect of those articles; and

(c) the safe use of fire escapes in that area.

3.3 Any conditions applied should be reasonable, justifiable and clear to the license holder. The licence is granted to a person (or company) and not to the site.

## **4. CURRENT SITUATION**

4.1 A licence is required if storing the following amounts. The cost of the license is set down by Regulations:

- between 5kg and 2,000kg of explosives if this includes hazard type 1 and 2 explosives
- between 5kg and 2,000kg of hazard type 3 explosives
- between 5kg and 2,000kg of combination of hazard type 3 and hazard type 4 explosives
- between 5kg and 2,000kg of hazard type 4 explosives or
- between 5kg and 2,000kg of small arms ammunition and percussion caps.

This includes both the amount held on the shop floor and at the rear of the premises.

4.2 There are the following restrictions on the times of sales of fireworks;

- i) 15th October to 10th November
- ii) 26th December to 31st December
- iii) On the 1st day of the Chinese New Year and the 3 days immediately preceding it
- iv) On the day of Diwali and the 3 days immediately preceding it

## **5. WHY A CHANGE IS NEEDED**

5.1 This is the first time that Licensing Authorities have been able to set conditions on licenses for the sale of fireworks. In order to ensure a consistent approach across London, Authorities have been working together to develop a set of standard conditions which can be applied to all licenses and a pool of model conditions that can be attached where appropriate. This piece of work has been led by the FELG (Fireworks Liaison Enforcement Group) representative for London Trading Standards Authorities (LoTSA). The conditions as cited in appendix 1 and 2 are based on this framework.

## **6. RISK MANAGEMENT IMPLICATIONS**

6.1 The storage of explosives presents an inherent danger to persons and property. It is anticipated that through the setting of conditions we can ensure a level trading platform for businesses whilst maintaining high standards of safety.

## **7. INTRODUCTION OF THE CONDITIONS**

7.1 Based on consultation across London and the desire to achieve a consistent approach to licensing conditions the Licensing authority will issue all new licenses with the standard licence conditions (see Appendix 1). There is a suite of model conditions which can be applied to premises according to need (see Appendix 2).

**8. DECISION**

- 8.1 Whilst it is for the Licensing Authority to impose any conditions it is considered good practice that the committee are aware of these and ratify them to that effect.

**Background Papers :**  
**None other than any identified within the report.**

**Contact Officer :**  
**Ellie Green on 020 8379 8453**

## Appendix 1

### Standard Conditions for Fireworks Licences in London Borough of Enfield

1. Undertake a suitable and sufficient risk assessment regarding the storage and display of fireworks under your control. This must have regard to the separation distances where relevant as referred to in Regulation 27 of the Explosive Regulations 2014 (<http://www.legislation.gov.uk/ukxi/2014/1638/contents/made>) If you have five or more staff this must be written down and made available for inspection by an Authorised Officer (\*) More information can be found on [www.hse.gov.uk](http://www.hse.gov.uk)
2. A documented fire risk assessment must be undertaken to;
  - i) Identify the fire hazard
  - ii) Identify people at risk
  - iii) Evaluate, remove or reduce the risk

More information can be found at [www.gov.uk](http://www.gov.uk)

3. Storage in the “shop” area must be controlled to prevent unrestricted public access to fireworks. Fireworks must be kept in suitable, lockable cabinets / cupboards/containers if sited in the public area.
4. If the storage is in a restricted area where only staff will have access, then it must be a cabinet /cupboard/container that can be closed at times except when accessing the fireworks.
5. Nothing else should be stored with the fireworks in the cabinet/cupboard/container.
6. Fireworks storage cabinets / cupboards/ containers must not be sited in a shop window nor sited directly near heating appliances.
7. Cupboards/ cabinets/ containers in the sales area should contain a maximum of 12.5kg of fireworks and the maximum quantity permitted to be stored in the sales area is defined by the size of the retail area and can be calculated using Table 1 below.
8. Where a premise is licensed to store more than 250kg a site plan is required and this area should be marked ‘store’ on the plan.
9. Reserve stock should be left in transit boxes, but if decanted it should be placed in fire resistant containers or if in a dedicated storage area it must be stacked neatly and raised off the floor.
10. If Hazard Type 3 or more than 75 kg net of Hazard Type 4 fireworks are kept in a store within, or adjoining, a building containing domestic/sleeping accommodation, suitable steps must be taken to protect residents of those premises in the event of a fire. Otherwise the licence will be amended to limit the max amount to 75kg.
11. Passage ways / escape routes must be kept clear and free from obstruction at all times.
12. A maximum of 2kgs of fireworks at any one time can be displayed to a customer.

13. Sales to persons under 18 are not permitted. In order to prevent sales to minors, the "Challenge 25" age verification policy shall be operated at the premises. This means that whilst fireworks may be sold to persons aged 18 years or over, any person who appears under 25 years of age shall be required to provide proof of age using an acceptable form of ID. The only forms of ID that may be accepted shall be:
  - b. a proof of age card bearing the PASS hologram logo;
  - c. a passport; or
  - d. a UK photo driving licence.
14. Notices advertising that the premises operates a "Challenge 25" scheme shall be displayed in a clear and prominent position at the retail entrance to the premises and inside at the premises serving area.
15. A book, or other form of record, a version of which must be in English, shall be kept in which shall be recorded the date, time and circumstances of any challenge made in accordance with the "Challenge 25" scheme. This shall be kept on the premises at all times they are open and shall be made available for inspection immediately upon request by an Authorised Officer (\*). Management shall frequently check the book to ensure all staff are using it.
16. All staff whose responsibilities include the retail sale of fireworks shall receive training before fireworks are put on sale at the start of each season. The training shall include:
  - a) the operation of the "Challenge 25" scheme;
  - b) types of acceptable ID; and
  - c) the method of recording challenges.
17. Such training must be recorded, a version of which must be kept in English, and these records shall, on request, be made available to an Authorised Officer.

Footnote:

(\*) Authorised Officer means Local Authority officer; Police; Community Support Officer; Fire Officer or similar.

Table 1

Table 1. Maximum quantities on the shop floor		
Total floor area of the sales area (square metres)	Maximum quantity of fireworks that may be kept under a licence requiring a separation distance of 0 m	Maximum quantity of fireworks that may be kept under a licence requiring a separation distance of greater than 0 m
	(net weight – kg)	(net weight – kg)
up to 20	12.5	20
up to 40	15	25
up to 60	20	35
up to 80	25	50
up to 100	30	60
up to 150	35	70
up to 200	40	80
up to 250	45	90
up to 300	50	100
up to 350	55	110
up to 400	60	120
up to 450	65	130
up to 500	70	140
500 and over	75	150

## **Appendix 2 Model Conditions for Fireworks Licences**

1. Live CCTV shall be installed to act as a deterrent and to monitor the areas in and around the fireworks store. The CCTV system serving the premises shall:
  - be maintained fully operational and in good working order at all times;
  - make and retain clear images that include the points of sale of fireworks and facial images of the purchasers of the fireworks; and
  - show an accurate date and time that the images were made.
2. All CCTV images shall be retained for a period of not less than 31 days in a format that can be viewed on readily available equipment without the need for specialist software.
3. The original CCTV images, or a copy, shall be provided to any Authorised Officer within 72 hours of a request having been made.
4. No fireworks shall be sold if the CCTV equipment is inoperative for any reason.

### **ISO containers (International Standards Organisation)**

5. Fireworks shall be stored in one ISO container only.
6. A 3m no parking zone shall be maintained around the perimeter of the ISO container in which the fireworks are stored. This shall be achieved by the use of solid metal fencing at least 2 metres high.
7. The fencing surrounding the ISO container shall remain locked when not in use.
8. Customers shall be prohibited from entering the secure fenced area.
9. Any gate permitting access to the fenced area shall be locked when not in use.
10. Live CCTV shall be installed to monitor the areas surrounding the ISO container.
11. Smoking shall not be permitted within the vehicle exclusion zone and ISO container in which the fireworks are stored. 'No smoking' signs shall be displayed.

*These conditions are site specific and should be amended after an inspection of the premise has been made and an officer has made an assessment to determine what is needed.*

Footnote:

(\*) Authorised Officer means Local Authority officer; Police; Community Support Officer; Fire Officer or similar.