

EAST AYRSHIRE COUNCIL

COMMUNITY SERVICES COMMITTEE – 14th SEPTEMBER 2005

EXPLOSIVES LICENSING

Report by Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To advise members of the implications of the Manufacture and Storage of Explosive Regulations 2005 which came into force on 26 April 2005.

2. BACKGROUND

- 2.1 The legislation largely replaces the Explosives Act of 1875 and is now the primary legislation relating to the storage of fireworks.
- 2.2 The previously issued Fireworks Regulations 2004 established a classification for fireworks using the terminology Hazard Type 1 to Hazard Type 4 inclusive. Basically, Hazard Type 4 fireworks are the kind to be found on general sale across the counter in local shops.
- 2.3 The quantities quoted to in the Manufacture and Storage Regulations (MSER) refer to Net Explosive Quantity (NEQ), which is the net quantity of explosive contained within the fireworks and not the gross weight of the fireworks.
- 2.4 The monitoring of the storage of fireworks will continue to be a function of local authorities and the previously used terms of 'registration' and 'licensing' will continue in use.
- 2.5 In 2004, 22 local retailers across the authority area registered to store fireworks for onward sale to the public.
- 2.6 Strathclyde Police now has responsibility for the licensing and enforcement of the storage of high explosives, black powder and smokeless powder. This was previously a function of local authorities.

3. DISCUSSION

- 3.1 An individual/voluntary organisation is permitted to store up to 50 Kg NEQ of Hazard Type 4 fireworks without having to register with the local authority. The period of storage should not exceed 20 days.

- 3.2 Under the terms of MSER, any person wishing to store more than 50kg, but not exceeding, 250 Kg NEQ of Hazard Type 4 fireworks will require to register with the local authority.
- 3.3 Any person wishing to store more than 250Kg NEQ of Hazard Type 4 fireworks will require to be licensed by the local authority. A similar situation applies to the storage of lesser amounts of Hazard Type 1 to 3 fireworks.
- 3.4 The cost of initial registration is £60 and annual renewal is £30.
- 3.5 The cost of an initial licence is £100 and annual renewal is £75.
- 3.6 There is also an opportunity for suppliers to opt for a 2 or 3 year registration/licence at initial application thereby saving up to £50.
- 3.7 Previously, registration tended to be an automatic process. Applications can now be refused on the grounds that the proposed site is unsuitable or that the applicant is not a fit and proper person. Similarly, registration or licences can be revoked should any of the foregoing criteria become applicable.
- 3.8 The process enables the person either registered or licensed to supply fireworks:
- (i) between 15 October and 10 November;
 - (ii) between 26 December and 31 December annually;
 - (iii) 1st day of the Chinese New Year and 3 days thereafter; and
 - (iv) the day of Diwali and 3 days beforehand.

These last 2 dates are variable on an annual calendar basis.

If a supplier wishes to supply outwith these periods he/she will require a licence under the Fireworks Act 2004. The cost of this licence is £500.

- 3.9 At the present time, registrations can be renewed at any time of the year. The Health and Safety Executive has proposed that there should be a national alignment of renewal of registration/licences issued under MSER and that this date should be 1st May. All current registrations in the East Ayrshire area are due to be renewed in September and October.
- 3.10 Any person seeking to renew a current registration will be advised that the new registration will run to 30 April 2006 only. A pro rata charge, based on the annual charge of £30, will be made.

4. FINANCIAL IMPLICATIONS

4.1 Nil.

5. LEGAL AUTHORITY/IMPLICATIONS

5.1 The Manufacture and Storage of Explosives Regulations 2005.

5.2 The application of the regulations has implications for all retailers of fireworks. The Licensing Section has responsibility for the administration of the process while the Trading Standards Section has responsibility for inspection of premises and enforcement of the regulations in conjunction with Strathclyde Police.

6. POLICY IMPLICATIONS

6.1 Renewals of Registrations already in force in terms of the Explosives Act fall to be renewed 12 months from the date of registration and annually thereafter. A policy decision is required to adopt the proposed national realignment to 1 May annually.

6.2 If the proposal to realign nationally is agreed, all current registrations will be required to be renewed for a period of less than 12 months, albeit with a pro rata fee being applied.

7. CONCLUSIONS

7.1 The Manufacture and Storage of Explosives Regulations (MSER) came into force on 26 April 2005. The Regulations, in conjunction with the Fireworks Regulations 2004, introduced new standards, including specifying amounts, in relation to storage of fireworks.

7.2 National alignment of renewal of registrations and licensing under MSER to 1st May will require a number of licences to be renewed for a period of less than 1 year. This is allowed for in the Regulations. A pro rata charge will be made.

8. RECOMMENDATIONS

8.1 The Committee are recommended to:-

- (i) note the introduction and application of the Manufacture and Storage of Explosives Regulations (MSER);
- (ii) approve the adherence to 1st May as the appropriate date for renewal of all registrations and licences under MSER; and

(iii) otherwise note the contents of the report.

William Stafford
Executive Director of Neighbourhood Services

WS/DJ

9th August 2005

LIST OF BACKGROUND PAPERS

Nil.

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