

## FINANCE AND CORPORATE SERVICES

### REPORT OF THE HEAD OF LEGAL SERVICES – D. MICHAEL

7<sup>th</sup> September 2015

#### SECTION A - MATTER FOR DECISION

#### WARDS AFFECTED: All

#### 1. Explosives Regulations 2014

#### 2. Purpose of Report

To inform members of changes to legislation in respect of the storage of explosives, following the introduction of the Explosives Regulations 2014 and to consider the delegation of powers to officers.

#### 3. Background

The Manufacture of Explosive Regulations 2010 was a system of registration and licensing for the storage of explosives; local authorities' responsibility under the regulations was primarily concerned with firework storage.

The Explosive Regulations 2014 was introduced on the 1<sup>st</sup> October 2014 which consolidates and therefore revokes a number of explosive regulations including the Manufacture and Storage of Explosives Regulations 2010.

The main changes to the regulatory framework in respect of fireworks is merging registrations into the licensing system and allowing local authorities to issue licences for up to 5 years, aligning them with equivalent HSE / Police-issued licences.

All explosive licences have previously been issued for up to a maximum of 1 year and are all aligned to expire on the 30<sup>th</sup> September. It is proposed that due to the high level of risk posed by the unsafe storage of explosives that the Council continue to issue 1 year licences, with the duration adjusted where necessary in order for all licences to continue to expire on the 30<sup>th</sup> September.

#### **4. Delegated Authority**

Delegated Authority has already been provided to the Registration and Licensing Committee to deal with matters under Part 1 of the Health and Safety at Work etc. Act 1974 under which the Explosive Regulations 2014 are made, therefore it is not necessary for full Council to delegate new powers to this Committee.

The Registration and Licensing Committee have further delegated authority to officers for the registration of premises to store explosives; it is proposed that this be amended to reflect the changes introduced by the Explosive Regulations 2014. The amended delegated authority is shown in the recommendation below.

#### **5. Recommendation**

That the Director of Finance, Head of Legal Services and the Licensing Manager be provided with delegated authority to issue annual explosive licences under the Explosive Regulations 2014 subject to the following: -

- (1) All new licence applications that are premises based to be notified to local members
- (2) Consultation on licence applications to be sought in accordance with legal or policy requirements
- (3) That there are no objections to the application
- (4) All licences to expire on the 30<sup>th</sup> September

#### **6. Background Papers**

Explosive Regulations 2014

**7. Officer Contact**

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**8. Wards Affeted**

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