

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **Registration and Licensing Committee**

6th August 2018

### **Report of the Head of Legal Services – Craig Griffiths**

#### **Matter for Decision**

**Wards Affected:** All

### **Explosive Regulations 2014 - Delegated Authority**

#### **Purpose of the Report**

1. To seek an amendment to the delegated authority for officers to issue licenses under the Explosive Regulations 2014.

#### **Executive Summary**

2. This report is to seek approval to amend the existing delegated authority for officers to issue licences under the Explosive Regulations 2014.
3. The Explosive Regulations 2014 allow the Local Authority to issue licences for a maximum period of 5 years.
4. Currently officers have delegated authority to issue annual licences but it is proposed that the delegated authority be extended to enable officers to issue licences for up to 5 years.

#### **Background**

5. The Explosive Regulations 2014 were introduced on the 1st October 2014 and provide the framework under which licenses for firework storage are issued.

6. Officers currently have delegated authority to issue annual licences subject to:-
  - All new licence applications that are premises based to be notified to local members.
  - Consultation on licence applications be sought in accordance with legal or policy requirements
  - That there are no objections to the application.
  - All licences to expire on the 30th September
7. The Explosive Regulations 2014 allow local authorities to issue licences for up to 5 years, aligning them with equivalent HSE / Police-issued licences.

## **Officer Report**

8. There have now been a number of enquiries from existing operators who wish to apply for a longer licence. Under existing officer delegated authority, an application for a longer licence would need to be determined by the Registration and Licensing Committee irrespective of whether an objection had been made against the application.
9. It is suggested that referring applications to the Registration and Licensing Committee where there have been no objections, would not be the most efficient use of member and officer resources, particularly as there would be no grounds on which to refuse the application.
10. All licensed premises are inspected by Licensing Officers at least once annually to ensure that firework storage is compliant with the regulations and HSE guidance.
11. Licensing Officers have powers to seize any fireworks which are deemed to be unsafely stored and licences are capable of being revoked by the Registration and licensing Committee where necessary.
12. It is therefore proposed that the delegated authority currently afforded to officers be extended to allow licences to be issued up to the maximum period of 5 years as permitted by the legislation.

## **Equality Impact Assessment**

13. Not applicable

## **Risk Management**

14. Not applicable

## **Consultation**

15. Not applicable

## **Recommendation**

16. That the Director of Finance, Head of Legal Services and the Licensing Manager be provided with delegated authority to issue licences under the Explosive Regulations 2014 for up to 5 years, subject to the following: -
- All new licence applications that are premises based to be notified to local members.
  - Consultation on licence applications be sought in accordance with legal or policy requirements
  - That there are no objections to the application.
  - All licences to expire on the 30th September

## **Reasons for Proposed Decision**

17. To ensure that applications for licences under the Explosive Regulations 2014 are processed and issued in an efficient manner.

## **Implementation of Decision**

18. Immediate implementation

## **Appendices**

19. Not Applicable

## **List of Background Papers**

20. Explosive Regulations 2014

## **Officer Contact**

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