

REPORT

To: PLANNING AND ENVIRONMENT (PROTECTIVE SERVICES) SUB-COMMITTEE		Subject: THE MANUFACTURE AND STORAGE OF EXPLOSIVES REGULATIONS 2005
From: DIRECTOR OF PLANNING AND ENVIRONMENT		
Date: 9 August 2005	Ref:	

1. Purpose of Report

1.1 This report will provide members of the sub-committee with a summary of the changes to the law, as it affects the Trading Standards Service, with respect to the safe storage of pyrotechnics (fireworks) and the procedures for the Council registering or licensing premises for this purpose.

2. Background

2.1 The sub-Committee will recall the excellent work done by its members, CoSLA and Council officers, which resulted in changes to legislation with regard to the sale and supply of fireworks.

2.2 Another aspect of getting fireworks to the end user involves the manufacture and storage of pyrotechnic goods – the latter coming within the remit of the Trading Standards Service and the Police among others, dependent on the quantity and type of explosive. Previously the legislation covering the Trading Standards service remit was the Explosives Act of 1875 – this has now been amended somewhat and the new Manufacture and Storage of Explosives Regulations (“the regulations”) replace many of the sections of the 130-year old statute.

3. Considerations

3.1 The regulations and an associated Code of Practice provide definition and best practice guides for the service and potential storers (suppliers) of fireworks.

3.2 The regulations have:-

- (a) redefined the maximum amount of fireworks that may be stored by retail and wholesale outlets by reference to sales-floor area,
- (b) given the authority the power to refuse registration or licence to outlets if the trader is an “unfit person” or the premises do not meet certain standards,
- (c) outlined the new, for this purpose, risk assessments that must be undertaken by businesses before seeking to store fireworks, and
- (d) made it compulsory for wholesalers/manufacturers to obtain evidence that traders have registered with the local authority before supply takes place.

3.2.1 The authority may further revoke any registration or licence in certain circumstances.

3.3 The changes effected by these new regulations will allow greater flexibility to the Trading Standards Service but this will need to be communicated to traders currently registered “under the old regime” and new potential storers of fireworks. To this end, the Service will seek to hold a number of local trade seminars that will inform local businesses of the changes. It is hoped to involve local Fire & Rescue and Police colleagues in the delivery of these seminars.

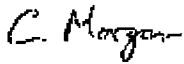
3.4 All known current registered premises will receive written details of major changes prior to their re-application together with an invitation to the trade seminars. Currently over 150 premises are registered for the storage of explosives with North Lanarkshire.

4. Corporate Considerations

4.1 The recommendations to the sub-committee are consistent with policy and there are no financial, personnel or legal implications in this report.

5. Recommendations

5.1 That the sub-committee endorses the partnership approach to education and enforcement of these new regulations.



for

David M. Porch

DIRECTOR OF PLANNING AND ENVIRONMENT

(1 July 2005)

Local Government Access to Information Act: for further information about this report, please contact Peter Fergie, Trading Standards Team Leader, on 01698 302007