



Belfast City Council

Report to:	Licensing Committee
Subject:	Revision of Petroleum Licensing Conditions
Date:	20 March 2013
Reporting Officer:	Trevor Martin, Head of Building Control, ext 2450
Contact Officer:	Stephen Hewitt, Building Control Manager, ext 2435

1	Relevant Background Information
1.1	Belfast City Council is designated as a Petroleum Licensing Authority under the Petroleum (Consolidation) Act (Northern Ireland) 1929 and as such grants licences annually to persons wishing to keep petroleum spirit. As permitted by the Act conditions are imposed by the Council on the licensee in order to ensure the safe operation of the licensed site.
1.2	Members are advised that revised petroleum licence conditions have been drafted by the Regional Petroleum Licensing Working Group (PLWG).
1.3	The PLWG was set up under the direction SOLACE to rationalise and ensure consistency of approach in respect of petroleum licensing issues on a province wide basis.

2	Key Issues
2.1	The main purpose of revising the conditions was to reflect the significant changes that have resulted from the introduction of the Dangerous Substances & Explosive Atmospheres Regulations (Northern Ireland) 2003 (DSEAR). These regulations, which are risk assessment based, have effectively removed much of the responsibility for controlling the routine operation of petrol filling stations from the Petroleum (Consolidation) Act (Northern Ireland) 1929 and therefore the need to retain many of the prescriptive control measures previously contained in licence conditions.
2.2	The revised conditions are also intended to remove any duplication that may exist from the application of other health and safety legislation. Accordingly they do not place any additional burden on licensees.
2.3	It must also be stressed that the reduced number of licence conditions proposed does not mean that the responsibilities of licensees and petrol filling station operators have diminished.
2.4	DSEAR does not however apply to non-workplace situations, and petroleum licensing is still therefore the primary mechanism by which such non-workplace petroleum spirit storage is controlled. These proposed new licence conditions are therefore only intended at this stage to address the licensing of retail and non-retail Petrol Filling Stations, where a work activity is undertaken.
2.5	The revised Petroleum Licence conditions are attached in Appendix A.

3	Resource Implications
3.1	<u>Financial</u> There will be administration costs associated with the distribution of the new licence conditions to licensees throughout Belfast. These will be catered for within existing budgets.
3.2	<u>Human Resources</u> Dissemination of information to licensees about the new Petroleum Licence conditions will take place during the course of site inspections by Officers of the Service when administering the annual renewal application resource implications of which will be minimal.
3.3	<u>Asset and Other Implications</u> None.

4	Equality and Good Relations Implications
4.1	There are no equality and good relations issues.

5	Recommendations
5.1	The Committee is requested to note the information contained within this report and to approve the adoption of the revised Petroleum Licence conditions.
5.2	As such matters are not a delegated function of the Licensing Committee any recommendation will be subject to ratification by Council.

6	Decision Tracking
The Head of Building Control will be responsible for ensuring that all persons holding a Petroleum Licence will be sent a copy of the revised conditions should they be approved.	

7	Key to Abbreviations
DSEAR: Dangerous Substances & Explosive Atmospheres Regulations (Northern Ireland) 2003 SOLACE: Society of Local Authority Chief Executives PLWG: Regional Petroleum Licensing Working Group	

8	Documents Attached
Appendix A – Revised Petroleum Licence conditions Appendix B – Current Petroleum Licence conditions	

Appendix A

Revised Petroleum Licensing Conditions

Part 1 - Definitions

In the licence and for the purpose of these conditions (except in so far as the context otherwise requires) the following expressions shall have the meanings respectively assigned to them:

- 1.1 Approved** means the acceptance in writing by the Petroleum Licensing Authority.
- 1.2 Approved arrangements** means those arrangements relating to the design, construction and mode of operation of the licensed premises, which accord with the plans and specifications approved by the Petroleum Licensing Authority.
- 1.3 Inspector** means a person duly appointed in writing by the Petroleum Licensing Authority, under Section 21 of the Health & Safety at Work (Northern Ireland) Order 1978.
- 1.4 Competent person** means a person with enough practical and theoretical knowledge, training and actual experience to carry out a particular task safely and effectively. The person should have the necessary ability in the particular operation of the type of plant and equipment with which they are concerned, an understanding of relevant statutory requirements and an appreciation of the hazards involved. That person should also be able to recognise the need for specialist advice or assistance when necessary and to assess the importance of the results of examinations and tests. A 'person' can be taken to mean more than one, or a body corporate or unincorporated. It is therefore possible to appoint appropriate organisations (e.g. insurance companies or inspection bodies) to carry out tasks designated for competent persons.
- 1.5 Dangerous substance** means the same as that defined in the Dangerous Substances & Explosive Atmospheres Regulations (Northern Ireland) 2003.
- 1.6 Licence** means a licence authorising the keeping of petroleum-spirit issued by a Petroleum Licensing Authority pursuant to the Petroleum (Consolidation) Act (Northern Ireland) 1929 and 1937.
- 1.7 Licensed premises** means the premises in respect of which the licence is in force and shall include all buildings or parts of a building, tanks, pipework, pumps, dispensers, drainage, ancillary equipment, and forecourt area within that part of the premises relevant to the storage, delivery and dispensing of petroleum-spirit.
- 1.8 Material alterations** mean any alteration, which could affect the risks from fire and explosion at the Licensed Premises and will include:
 - the change of or cessation of use of the licensed premises;
 - the removal, temporary or permanent decommissioning, repair, replacement, modification or installation of any tank used for the storage of petroleum-spirit and any pipeline or vapour pipeline associated with the storage and dispensing of petroleum-spirit;
 - the change in use of a tank used to store petroleum-spirit;
 - the removal without replacement of any petroleum-spirit pumps/dispensers;

- the installation of any pump/dispenser in a new location.
- the removal or installation of any part of the site's leak detection, spillage or delivery control system;
- a change in the Mode of Operation of the dispensing equipment;
- the removal or installation of any electrical equipment within the hazardous areas of the licensed premises;
- the construction of any buildings or works within the hazardous areas or elsewhere on the licensed premises; and
- the storage or cessation of storage of any other dangerous substances on the licensed premises

1.9 Petroleum Licensing Authority means Belfast City Council.

1.10 Petroleum-spirit means the same as that defined in section 23 of the Petroleum (Consolidation) Act (Northern Ireland) 1929 as amended.

1.11 Mode of operation means:

- 'attended service' where a trained attendant operates the dispensing equipment;
- 'attended self-service' where the customers operate the dispensing equipment under the supervision of a trained attendant; and
- 'unattended self-service' or unmanned sites' where the customers operate the dispensing equipment without the supervision of a trained attendant.

1.12 Suitable container means:

- a metal container satisfying the constructional and labelling requirements of the Petroleum-Spirit (Motor Vehicles etc) Regulations (Northern Ireland) 1930; or
- a plastic container satisfying the constructional and labelling requirements of the Petroleum-Spirit (Plastic Containers) Regulations (Northern Ireland) 1983; or
- a demountable fuel tank of a motor boat or similar vessel; or
- a United Nations approved container for the carriage of petrol.

1.13 Supply means sell or provide.

Part 2 - General conditions

2.1 The licence and any licence conditions issued, or copies of these documents, shall be kept on the licensed premises.

2.2 Where the licensee wishes to have the licence transferred to some other person or body, he shall notify the Petroleum Licensing Authority of the name and address of the proposed transferee at least 28 days before the occupation or ownership of the licensed premises is transferred to that other person or body.

2.3 The Licensee shall not undertake or permit to be undertaken any material alterations to the approved arrangements, unless the written consent of the Petroleum Licensing Authority has been obtained in advance.

2.4 The Licensee shall as soon as is reasonably practicable, notify the Petroleum Licensing Authority and confirm in writing the details of any:

- fire or explosion at the licensed premises;

- significant spillage of petroleum-spirit or other dangerous substance at the licensed premises;
- actual or suspected leak of petroleum-spirit or other dangerous substance from the storage tanks, dispensers and the pipework installation at the licensed premises; and
- other significant incident, which could affect the safe operation of the licensed premises.

Part 3 - Dispensing and supply of petroleum-spirit

- 3.1** No operating attendant shall be under the age of 16 years and when open for business the licensed premises shall be supervised by a competent person who shall not be under the age of 18 years.
- 3.2** The licensee shall not supply petroleum-spirit or any other dangerous substance to any person under the age of 16 years
- 3.3** Except where a petroleum-spirit dispenser is being tested for accuracy or during the course of repairs to the installation or any part thereof, petroleum-spirit shall only be dispensed into the fuel tank of an internal combustion engine, or into a suitable container. Any container used for this purpose shall immediately be securely closed and removed from the licensed premises or kept in a safe place.

Part 4 - Record keeping

- 4.1** The Licensee shall ensure that adequate records are kept of the petroleum-spirit monitoring and reconciliation system or the operation of any other suitable leak detection system or leak prevention system such that any leak of petroleum-spirit from the storage tanks or associated pipework is detected before a hazardous situation can arise.

Such records and documents should be retained for a minimum of 12 months and if requested be made available to the Petroleum Licensing Authority as soon as is reasonably practicable.

- 4.2** The licensee shall ensure that adequate records are kept of the maintenance regime and repairs carried out to the:
- petrol installation; including the storage tanks, pipework, pumps and dispensers;
 - the spillage containment system; including drainage gullies and oil separators; and
 - any other plant or equipment located in areas classified as 'hazardous' within the meaning of regulation 7 of the Dangerous Substances & Explosive Atmospheres Regulations (Northern Ireland) 2003.

Part 5 - Additional information

- 5.1** As the licensee, you are reminded that compliance with Parts 1 to 4 of these Conditions of Petroleum Licence does not, in any way, absolve you from your statutory duties under the:
- Electricity at Work Regulations (Northern Ireland) 1991

- Health and Safety at Work (Northern Ireland) Order 1978.
- Management of Health & Safety at Work Regulations (Northern Ireland) 2000; and
- Dangerous Substances & Explosive Atmospheres Regulations (Northern Ireland) 2003 (DSEAR)

to control the risks of fires or explosives arising from the unloading (from road tankers), storage and dispensing of petroleum-spirit or any other dangerous substance.

5.2 Practical advice on how to comply with the requirements of the above Regulations and in particular DSEAR can found in the following documents:

- 'Petrol Filling Stations – Guidance on Managing the Risks of Fire & Explosions' <http://www.hse.gov.uk/LAU/LACS/65-58.htm>
- L138 'Dangerous Substances & Explosive Atmospheres - Approved Code of Practice & Guidance' 1. ISBN 0 7176 2203 7.
- L133 'Unloading Petrol from Road Tankers – Approved Code of Practice & Guidance' 1. ISBN 0 7176 2197 9.
- HSE NI 01 02-A 'Memorandum of Guidance on the Electricity at Work Regulations (Northern Ireland) 1991¹.
- Design, Construction, Modification, Maintenance & Decommissioning of Filling Stations (2nd edition). ISBN 0-85293-419X. Available from the Energy Institute, 61 New Cavendish Street, London, W1G 7AR. 020 7467 7157.
- L21 'Management of Health and Safety at Work' – Management of Health and Safety at Work Regulations 1999 Approved Code of Practice and Guidance (2 nd Edition) 1. ISBN 0 7176 2488 9.

¹ Health & Safety Executive publications are available from [HSE Books](#), PO Box 1999, Sudbury, Suffolk, CO10 2WA. Tel: 01787 881165.

Appendix B

Current Licence Conditions

LICENCE CONDITIONS: PETROLEUM INSTALLATIONS

PETROLEUM (CONSOLIDATION) ACT (NORTHERN IRELAND) 1929

1. **Spirit to be kept only as specified.** Petroleum Spirit shall not be kept otherwise than as specified in the Licence.

2. **Construction and Maintenance of Tanks, etc.** All tanks, tank chambers, pipes and fittings shall be to the satisfaction of the Council and shall be maintained in good and sound order and free from leakage.

3. **Ventilation.** The ventilation of each tank shall be effected by means of a separate pipe of approved size carried up to an approved position. The upper opening of such pipe shall be fitted with fine wire gauze, which shall be maintained in good condition. All buildings or places in which Petroleum spirit is kept or used shall at all times be ventilated sufficiently to the satisfaction of the Council.

4. **(a) Capacity of Tanks to be Tested.** Immediately before delivery of Petroleum Spirit into a storage tank is begun the Licensee or his representative shall ensure that the tank is tested with a dip stick or other suitable device to ensure that the quantity of Petroleum Spirit proposed to be delivered can safely be received by that tank.

(b) Driver Controlled Deliveries. Where a station operates Driver Controlled Deliveries, reference shall be made to the "Additional Statutory Conditions for Driver Controlled Deliveries of Petroleum Spirit: **Licensee's Requirements and Operators & Drivers Requirements.**

5. **Daily Dip Records, etc.** The Licensee shall in respect of each Petroleum Spirit storage tank which has been installed on the premises for ten years or more:
 - a) Take a dip reading of the tank and a meter reading of each pump connected to the tank at least once during each week-day and ensure that no petroleum spirit is placed in or removed from the tank in the period between the taking of the dip reading and the taking of the meter reading.
 - b) Keep records in an approved form of all such dip and meter readings and all deliveries to tank.
 - c) Produce such records for the last preceding three months at all reasonable times and on the request of an authorised officer of the Council.

6. **Testing of Tanks and Pipelines.** The Licensee shall carry out at his own expense any tests which the Council may consider necessary to locate the fault if the Council has reasonable cause to suspect that a tank or pipeline is faulty.

- 7. Cavities Beneath Pumps.** No cavity which might form a collecting place for Petroleum Spirit or Petroleum Spirit Vapour shall be left beneath any pump.
- 8. Covers of Pipes to be Kept Closed.** The covers of the filling and dipping pipes shall at all times be kept securely closed, except for such time as is necessary for the introduction of Petroleum Spirit, or for dipping the tank to ascertain the quantity of Petroleum Spirit contained therein.
- 9. Filling of Tanks, etc.** The Petroleum Spirit shall be delivered into the storage tanks under seal, and for the purpose of charging the tanks of motor vehicles the Petroleum Spirit shall be pumped by means of approved apparatus fixed in approved position(s) in the open air or in other safe positions to the satisfaction of the Council, though sound hose fitted with secure tap(s) and nozzle(s) into the tanks of the motor vehicles.
- 10. Precautions.** Due precautions shall at all times be taken for the prevention of accident from fire or otherwise and every precaution shall be taken for preventing any outflow or leakage of Petroleum Spirit or the escape of inflammable vapour.
- 11. Removal of Spirit from Tanks of Motor Vehicles, etc.** If it is necessary to draw off Petroleum Spirit from the tank of a motor vehicle or the hose of the installation, the Spirit shall be drawn off only into a strong metal vessel labelled "Petroleum Spirit – Highly Inflammable", such vessel to be at once securely closed with a screw cap and emptied as soon as possible either into the storage tank or the tank of another vehicle; a pail shall not be used for the purpose; and the spirit shall be handled only in any open air or other approved position, and not within 4.25m of any fire or flame or article or substance liable to ignite.
- 12. Quantity Permitted Not to be Exceeded.** The total quantity of Petroleum spirits kept in the premises (other than in tanks or motor vehicles) shall not at any time exceed that in respect of which this licence is granted.
- 13. Materials for Tyre Repairing.** Subject to the approval of an authorised officer of the Council, a quantity not exceeding 150mls of petroleum spirit and 450g of India rubber solution may be kept in approved metal vessels for use in tyre repairing.
- 14. Filling of cans etc.** Use of petroleum spirit for industrial purposes. No part of the premises shall be used for filling Petroleum Spirit into cans, barrels, drums, or other receptacles (except into the tanks of motor vehicles or into spare cans carried therewith and for the use thereon) unless permission has been granted by the Council in writing. Where the Petroleum Spirit is used for industrial purposes by the Licensee, the Licensee shall in addition to complying with the conditions of this Licence, comply with any further conditions which the Council may deem necessary for the safety of persons employed on the premises, notice of which shall be given by the Council in writing.
- 15. Conditions of Storage Place to be Maintained.** The arrangements approved by the Council under the Petroleum (Consolidation) Act (Northern Ireland) 1929 shall in all respects be kept and maintained unless the consent of the Council has been given in writing to any departure therefrom.
- 16. Fire, Flame, etc.** Fire or flame or such artificial light or apparatus or any other agency as will be liable to ignite inflammable vapour shall not, unless there is a separating wall or screen of such construction, strength and height as to prevent the transmission of fire, be within 4.25m of any

tank, pump, pipe, fitting or receptacle containing or liable to contain petroleum spirit or petroleum spirit vapour or be within 4.25m of a motor vehicle containing Petroleum Spirit in its tank; or be within 4.25m of the place where the tank of a motor vehicle is charged with or emptied of petroleum spirit. Petroleum Spirit shall not be placed in or removed from the tank of a motor vehicle whilst its engine is running.

- 17. Smoking.** No person shall smoke within 4.25m of any tank, pump, pipe, fitting or receptacle containing or liable to contain Petroleum Spirit or Petroleum Spirit Vapour.
- 18. Acts Liable to cause Fire, etc.** No person shall in any place or building in which Petroleum Spirit is kept or handled commit any act liable to cause fire or explosion.
- 19. Explosives, etc.** Explosives, matches, or other inflammable or explosive substances shall not be in or near any place where Petroleum Spirit is kept or used for changing motor vehicles.
- 20. Discontinuing to use storage tank.** The Licensee shall at least 10 days before discontinuing to use any underground tanks or similar receptacle on the premises to which the licence relates for the storage of Petroleum Spirit, give to the Council notice of his intention so to do, and shall immediately upon discontinuing so to use it, take such steps as may be necessary to render it immune from danger of fire and explosion, including any necessary steps which the Council may require him to take for that purpose; provided that this condition shall not apply where the use of the receptacle is discontinued temporarily for the purpose of cleaning or repair.
- 21. Drains and Sewers.** Petroleum Spirit shall not be allowed to enter any inlet or drain communicating with a public sewer.
- 22. Notices.** There shall be at all times be prominently exhibited in clear block letters of at least 50mm in height and of proportionate breadth in positions approved by an authorised Officer of the Council the words "Petroleum Spirit – Highly Flammable – No Smoking – Switch off Engine", and adjacent to the emergency electrical switch a notice stating "Petrol Pumps – Switch Off Here".
- 23. Hand Operated Pumps.** These pumps together with their associated fittings shall be of a type approved by the Council.
- 24. Electrically Operated Pumps.** These pumps together with their associated electrical fittings and wiring shall be of a type approved by the Council. An emergency switch to operate the pumps shall be maintained in proper working order and access to it shall be unobstructed. No stop catch shall be provided on the nozzle attached to any self service delivery hose of an electrically operated spirit pump which would enable the valve to be kept open and so eliminate manual control.
- 25. Electrical Installation.** The installation shall at all times be properly maintained in compliance with the current edition of the IEE Wiring Regulations and with each application for the renewal of a licence there shall be submitted by the Licensee to the Council a certificate provided from an Electrical Contractor / Engineer approved by the Council stating that the installation has been inspected.

- 26. Fire Fighting.** An adequate supply of sand, together with articles for its easy application, and fire extinguishers of an approved type (i.e. Form or Dry Powder) and the size shall be maintained in easily accessible positions in the immediate vicinity of every place where spirit is kept or handled. The fire extinguishers shall be maintained in good working order and with each application for the renewal of a Licence there shall be submitted by the Licensee to the Council a certificate from the suppliers of the equipment or other competent persons to the effect that each fire extinguisher at the licensed premises is in efficient working order and is mechanically sound, giving the date of the last charging. Each extinguisher shall be tested by discharge at least once in three years.
- 27. Unauthorised Persons.** The Licensee shall take effectual precautions to prevent unauthorised persons and all persons under the age of 16 years from obtaining access to the place of storage or to any petroleum spirit upon the premises.
- 28. Observance of Conditions.** The Licensee and all persons employed on the premises shall act in accordance with and observe the conditions of the Licence.
- 29. Notification of accidents, suspected leaks, etc.** The Licensee or his representative shall forthwith send or cause to be sent to the Head of the Building Control Service of Belfast City Council notice of any accident, fire or explosion involving Petroleum Spirit and of any leak or suspected leak from a storage tank containing Petroleum Spirit on the licensed premises and shall, without delay, take all reasonable steps necessary to remedy any leak or condition likely to cause accident, fire or explosion or leak and to investigate any suspected leak and shall thereafter carry out at his own expense such works of demolition, alteration or construction as may be required by the Council.
- 30. Council's Officers to have Free Access.** Every authorised Officer of the Council shall at all times be allowed free and unrestricted access to the premises for the purpose of ascertaining if the Conditions of this Licence are properly observed, and the Licensee shall, by himself or his representatives, give any assistance for that purpose which such Officer may require, and shall, if so required, furnish to such Officer samples of substances alleged to be Petroleum Spirit.

NOTE:

- (1) Any licensee contravening any condition of his licence is liable, on summary conviction, to a fine not exceeding **one hundred pounds** for each day on which the contravention occurs or continues.
- (2) The occupier of licensed premises must under a penalty not exceeding **twenty pounds** per day, cause to be kept posted on the premises in such positions as to be easily read by the persons employed on the premises, a copy of these conditions which are to be observed by them. If any person employed contravenes any condition of which notice has been so given he shall be liable to a fine not exceeding **twenty pounds**, as will also any person who pulls down, injures or defaces these conditions.