



Trading Standards Service

PETEL 65/61

Petroleum (Consolidation) Act 1928 (PCA) - Petrol filling stations

Model conditions of licence

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www.hse.gov.uk/lau/lacs/65-61.htm and click on guidance.

Forward:

1. In February 2005 the Government received a report following the commissioning of work to review regulation and reduce the burden on business. The report was produced by Philip Hampton at the request of the Chancellor and made many recommendations all of which were accepted by the Government. A key recommendation was a reduction in the number of inspections and another to reduce the number and range of forms for each area regulated. Also in 2005 a new Liquor Licensing regime was introduced which contained similar principles in that licence conditions should not duplicate other relevant extant legislation. Therefore in light of the obvious direction promoted by the Government and the need to achieve consistency of enforcement a review of the current licensing conditions was considered to be both timely and appropriate.

Introduction:

2. At the meeting of PELG on 28 April 2005 (agendum 6) a small working group was nominated and given the task of reviewing the LACoRS standard licensing conditions with the principle aim of identifying any conditions that are covered by other health and safety legislation. In reviewing the conditions, the working group were asked by PELG to undertake the remit by a process of analysis; condition by condition. An assessment of each condition was made against the following criteria:

- is the condition necessary to ensure the safe storage and dispensing of petroleum-spirit with respect to fires and explosions? (Note PCA does not apply to environmental risks nor other health and safety risks other than those associated with fires and explosions involving petroleum-spirit or its vapour); and

- is there more specific and modern legislation that requires the implementation of the control detailed in the licence condition?

Conclusions:

3. The conclusion of the review has identified the following Regulations, which place a statutory duty on the licensee (employer) that are currently duplicated by some of the LACoRS licensing conditions:

- The Electricity at Work Regulations 1989
- The Management of Health & Safety at Work Regulations 1999;
- The Dangerous Substances & Explosive Atmospheres Regulations 2002; and
- The Manufacture & Storage of Explosives Regulations 2005.

4. In carrying out the review the working group recognised, that under the current enforcement allocation for the PCA, not all PLAs in England have a remit to enforce the Health & Safety at Work etc Act 1974 and the above listed regulations. These authorities are the county councils and metropolitan fire and rescue services. However, the working group is of the opinion that this anomaly should not stand in the way of removing any conditions that replicate existing health and safety regulations as there is a well-established inter-agency procedure for referring 'matters of evident concern'.

5. It is intended that the model conditions will only pertain to 'workplace' petrol filling stations; i.e. where the Health & Safety at Work etc. Act 1974 and its 'relevant statutory provisions' apply to the employer or employers. In any instances where a petrol filling station is not located at a workplace, the PLA has the discretion under Section 2(3) PCA to attach any site-specific conditions it thinks expedient to ensure the safe-keeping of the petrol ¹.

6. The model conditions, which have been drafted in consultation with the petrol retail industries' trade associations, are intended to harmonise with and supplement the operational guidance on 'Managing the Risks of Fire and Explosion at Petrol Filling Stations' which is to be re-published under the PELG banner on the HSE's website. There is operational guidance available linked to the HSE website: <http://www.hse.gov.uk/lau/lacs>.

7. In order to achieve consistency throughout Great Britain, PLAs are advised to adopt the model conditions at the earliest opportunity that their administrative processes will allow.

8. It should be noted that the Model Conditions supersede and replace the LACoRS Standard Conditions of Licence. The LACoRS letter to all PLAs dated 3 July 2006 refers.

1 This discretionary power is also available to PLAs where there is a need to licence the 'can and drum' storage of petroleum-spirit at a place where no person is employed to work.

Model 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 19 of the Health & Safety at Work etc. Act 1974.

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 unincorporate. 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 and Explosive Atmospheres Regulations 2002.

1.6 Licence means a licence authorising the keeping of petroleum-spirit issued by a Petroleum Licensing Authority pursuant to the Petroleum (Regulation) Acts 1928 and 1936.

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 means 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 Swindon Borough Council.

1.10 Petroleum-spirit means the same as that defined in section 23 of the Petroleum (Consolidation) Act 1928

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 1929; or
- a plastic container satisfying the constructional and labelling requirements of the Petroleum-Spirit (Plastic Containers) Regulations 1982; 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.

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 and Explosives Atmospheres Regulations 2002.

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 1989
- Health and Safety at Work etc Act 1974
- Management of Health & Safety at Work Regulations 1999; and
- Dangerous Substances & Explosive Atmospheres Regulations 2002 (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.
- HS(R)25 'Memorandum of Guidance on the Electricity at Work Regulations 1989 1. ISBN 0-11-883963-2.
- Design, Construction, Modification, Maintenance & Decommissioning of Filling Stations (2 nd 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.