

PETROLEUM ENFORCEMENT LIAISON GROUP

**ACTION NOTES OF 34th PELG MEETING HELD ON 25 APRIL 2007
At Petrol Retailers Association Headquarters**

Allan Davies (Chair)	HSE – LAU
Lynda Green (Secretariat)	HSE – Policy
Rob Tunnicliff	Midlands Licensing Group
Roger Marris	North East Licensing Group
Phil Monger	Petrol Retailers Association
Neil Simms	North West Licensing Group
Ray Blake	LFEPA
John Hazeldean	HSE
Richard Martin	Environment Agency
Michael Webber	Trading Standards Service
Ted Beckley	COSLA (Convention of Scottish Local Authorities)
Rory Hennessey	AUKOI
Rupert Ainsworth	UK PIA
Jim King	DETINI

1. Allan Davies welcomed members to the 34th PELG meeting.

Apologies were received from:

Steve Wenham
Stephen Grey
Tom Blacker
Brian Baker
Jo Bradley (Richard Martin substitute)

2. Chair welcomed the group to the meeting and requested that an additional item be added to the agenda to discuss proposals for new Chair.
3. Draft 'Notes of 33rd PELG meeting' were noted as an accurate record of the meeting although item 23 of the minutes did not reflect the fact that Ray Blake confirmed that Texaco who now only supply petrol, are no longer LAPs partners.

Matters arising from last meeting - PELG 33

4. Paragraph 7- Better Regulation, Executive have taken this on and the LBRO, Clive Grace has taken up office and will start 1st week in June 2007 however a Chief Executive is yet to be appointed along with the recruitment of Board members. Allan Davies will represent HSE on the Steering Group and the first meeting is scheduled for May 2007.

Ray Blake has been approached by others to become LAPs partners therefore he was unsure if he should put this request on hold pending outcomes. Allan encouraged

LAPs and felt that he should continue as normal and if need be changes can be actioned at a later date.

ACTION: Allan Davies

5. Paragraph 8 –The Petrol Legislation paper had been forwarded to HSE’s Legal Team for consideration however they have made additional comments which the Secretariat will circulate to the group for further consideration w/c 30/5/2007.

ACTION: Secretariat

6. Paragraph 22 – The decisions taken at the recent SELCOG meeting were circulated to the group via the secretariat.

7. Agenda Item 4 – West Yorkshire Operational Guidance
Roger had received comments from John Hazeldean which he will incorporate into the guidance. Allan will liaise with Roger regarding placing the guidance on the HSE website. Allan has started work reviewing existing PETELs however he will delete the ones he regards as no longer applicable and then circulate the list to the group.

ACTION: Allan Davies

8. Agenda Item 5 – Tanker Unloading Procedures – John Hazeldean
John still needs to liaise with Robert Harris and explore the ongoing issues and seek some form of clarification as to what it is they are proposing. It was suggested that a PETEL should be compiled and circulated to the group and read in conjunction with the ACOP L133 in respect of delivery procedures.

ACTION: John Hazeldean / Roger Marris

9. Agenda Item 6 – Standard Application/Transfer Forms – Roger Marris
Roger Marris reformatted both applications resulting from comments received from the group however 2 opinions remained unresolved and needed to be addressed again by the group. The 1st option being the renewal periods (1-2 years or 3 years), and the 2nd relating to the renewal forms and the insertion of ‘what the tanks contain’. Concerns raised as to this insertion creating too many anomalies so agreement was reached as to not change the form.
Formats were agreed by the group and Roger will amend accordingly and attach the forms as an annex to PETEL 65/47A. He will forward the finalised version to Secretariat for circulation to the group.

ACTION: Roger Marris / Secretariat

10. Agenda Item 7 – E85 Update – Roger Marris
Topic placed on agenda for meeting held on 25/4/2007 for further discussion (agenda item 11) presented by Richard Martin.

11. Agenda Item 8 – Unattended Sites – John Hazeldean

Topic placed on agenda for meeting held on 25/4/2007 for further discussion (agenda item 8) presented by Ray Blake.

12. Agenda Item 11 – Airfield Bowsers and Petroleum Licensing – Brian Baker

The Secretariat need to liaise with HSE's Legal Team regarding PETEL (65/3) to establish their legal ruling on this particular issue. Secretariat is still awaiting applicable guidance which stipulates that fuel bowsers must comply with the oil storage regulations therefore they will liaise with Jo Bradley to obtain a copy of the Regulations.

ACTION: Secretariat

13. Agenda Item 13 – FLATCAN emergency fuel carriers – John Hazeldean

Secretariat responded to the manufacturer stipulating that the above does not comply with our legal legislation/standards therefore we would not recommend this product to retailers and industry should not support them. They have not yet responded to our letter of refusal however the group suggested that they may well try and obtain UN approval as an alternative route.

14. Agenda Item 14 – European Norms – Brian Baker

Secretariat forwarded the European Norm standards to the group for information.

15. Agenda Item 15 – XMO Veritas – PLA's Circular – Brian Baker

Secretariat forwarded a copy of the 'Consistency in Policy' document to the group for information.

16. Agenda Item 16 – Appeals procedure for refusal or renewing a petroleum license – Ray Blake

John informed the group that a reference to appeals procedure was already listed in Roger's guidance therefore he proposed that HSE would produce the data and then possibly combine the 2 pieces of guidance in the format of a PETEL circular. Allan Davies will establish if a PETEL is already in existence. For the interim John will forward a copy of the relevant guidance to Ray for him to refer to.

ACTION: John Hazeldean & Allan Davies

17. Agenda Item 17 – Any other business

Emergency response – Chris Hunt informed the group of the downstream oil emergency response plan, which has specific measures for calming the panic buying by the forecourt supply management chain. Concerns were raised in relation to the quality of the plan however it was suggested that Secretariat should advise DTI of the PELG existence. Secretariat need to obtain contact details from Chris to progress matters.

ACTION: Secretariat

1000 litre tank/dispenser units on golf courses – A new PETEL 65/53 has been drafted, this revision supersedes and expands on the original PETEL entitled 'DSEAR- Petrol Filling Stations – Definitions – Fuel Retrievers and Airfields', issued in October 2003. This draft will be circulated to the group for consultation however if no significant comments are received by 31st May 2007, Roger Marris will publish the PETEL as it stands.

ACTION: Secretariat & Roger Marris

AGENDA – 24/4/07

18. PELG Replacement Chairperson – Allan Davies

The issue of nominating a replacement Chair was discussed due to Allan's HSE contract due to finish. Although a definite date has not yet been agreed Allan was keen for a Vice Chair to be nominated prior to the next PELG meeting so they could take on the role of Chair if Allan is unavailable.

The group expressed their concerns and were keen to maintain consistency; general consensus was a degree of mutuality was maintained by having a representative from HSE as Chair therefore they would prefer HSE to continue chairing the meetings. They proposed a member from the enforcing side could act as vice chair as an interim measure until Allan's replacement is found. Allan will liaise with colleagues to discuss nominations for a future Chair.

Roger Marris will act as vice chair at the meeting scheduled for 12th September 2007 and Ray Blake will stand in if Roger is unavailable to attend.

ACTION: Allan Davies / Roger Marris / Ray Blake

19. Agenda Item 4 – Model Licence Conditions PELG 65/61 – Phil Monger

Concerns raised relating to the dissemination of the information in PETEL 65/61 on model licence conditions. It is clear that enforcing officers from, trading standards, fire authorities and environmental health are unaware of the new model licence conditions and the effect of the changes. As the PETEL contains significant changes it was suggested that in order to get the information directed to the correct level it may be advisable to send it out as a "Dear Chief Officer letter" or alternatively compile a PETEL. A PETEL would ensure that chief officers in the authorities are notified and disseminate the information to their appropriate enforcers for changes to be made. The option of a "Dear Chief Officer letter" was deemed a suitable approach which could be circulated to the Chairs of the regional groups and addressed to the Chief Officer dealing with their respective licence authorities. Allan Davies will agree a protocol and forward details to Secretariat to co-ordinate.

ACTION: Allan Davies & Secretariat

20. Agenda Item 5 – Training of Petrol Delivery Drivers – R Tunnicliff

Eastern European Drivers apparently do not understand the protocol they should be adhering to when unloading. Recent concerns raised when a driver was stopped by

Police in the Derbyshire area. Discussions within the group as to what the industries are doing to ensure their drivers are competent however it was noted that some drivers are not trained under the ACOP therefore they are in breach of all regulations. Before the group can take appropriate action Rob will obtain more detail relating to the incident and report back to the group at the next PELG meeting scheduled for 12/9/2007.

ACTION: RobTunnickliff

21. Agenda Item 6 – UN Approved Container-Conflict with plastic containers regulations’ – P Monger

Phil had been approached by Paddy Hopkirk from Hopkirks requesting clarification relating to differing standards applicable to plastic cans and UN containers.

Apparently the UN container has a minimum weight of 385 grams and the plastic containers have a 580 grams specification.

The group agreed that HSE need to readdress the current regulations and establish what they actually stipulate and what the significance is of currently having 2 pieces of legislation with conflicting advice. If Mr Hopkirk's intention is to sell the plastic containers he would have to ensure that they complied with the 'plastic containers regulations' or else he would be in breach of regulations. Consequently he would be prevented from importing or selling the product in the UK.

Phil has been tasked with responding to Mr Hopkirk conveying the above views and concerns of the group. Michael Webber will forward associated guidance to the Secretariat which will then be circulated to the group.

ACTION: Phil Monger / Michael Webber / Secretariat

22. Agenda Item 7 – PETEL 65/53 – Course Care Petrol Station – Neil Simms

The Course Care Petrol Station is a double skinned galvanised steel petrol storage vessel with a metered dispensing system. It is 980 litres in capacity and it is marketed to golf courses and other leisure sites that have a need for their own small petrol storage and dispensing facility.

Neil alerted the group that these vessels are actually in existence across the country however observations found that these vessels were being marketed with a sump with a big hole in the bottom to 'allow collected rainwater to soak away'. Manufacturers have been informed of the requirements of the Oil Storage (England) Regulations and have been asked to stop selling them with a hole in the sump.

PELG need to ensure that PLO's who are licensing these installations are aware of the need to provide full containment for any spillages during delivery or dispensing and the dispensing area also needs to drain to a separator.

Above ground storage tanks should comply to the European Standard BS EN 12285 Part 2 2004 and certified accordingly. Clearly any above ground tank that allows rainwater to pass through would not comply to the Standard.

23. Agenda Item 8 – Outcome of Sub Group Meeting with Supermarkets – Ray Blake

A paper reflecting the purpose and outcome of the meeting was circulated to group prior the PELG meeting. Issues relating to under age sales and debit cards readily accessible to persons under the age of 16 were addressed. Michael Webber agreed to research this area of concern and report his findings to the group via the

Secretariat whilst Phil Monger liaised with APAX to establish how cards are used to control purchasers.

Site operational methods were discussed and the need for greater control measures was considered imperative. The suggestion of placing a limit on pre-authorised transactions was raised which would enable the forecourt to be managed effectively. It was agreed that the guidance in PETEL 65/69 was open to misinterpretation therefore the sub group agreed that the PETEL should be reviewed. Brian Baker will arrange for the group to progress this action.

ACTION: Michael Webber & Phil Monger & Brian Baker

24. Agenda Item 9 – Tanker Vapour Recovery Shut Off Valve Fitting – Brian Baker

This issue was raised by Norfolk Fire & Rescue Service when they witnessed a Tesco' tanker unloading with the device in the vapour return line back to the tanker. This item will be addressed at the next PELG meeting scheduled for 12/9/2007.

25. Agenda Item 10 – Ethanol 85 (Update) Richard Martin

A paper reflecting the use of Ethanol 85 was circulated to the group prior the PELG meeting. After considering the contents of the paper they felt it was an environmental issue and not a health and safety matter and the usage did not present an exposure risk but possibly an increased risk of pollution.

The group raised the point that EH85 working group is still operational therefore it may be advisable that Jo Bradley should compile appropriate guidance consulting the working group for clarification relating to underlying issues such as licensing conditions and compatibility of equipment.

This item should be placed on the agenda for the next E85 Working Group meeting scheduled for June 2007, Roger Marris is currently a representative on this group and will ensure that this item is raised.

ACTION: Jo Bradley & Roger Marris

26. Agenda Item 11 – PETEL 65/47A (Clearance) – Roger Marris

The above PETEL was circulated to the group for comment however minimal comments were received therefore it was agreed that Roger would incorporate amendments to the PETEL making reference to the model application forms (3) which he will attach as appendices 1 to 3. Secretariat will forward the PETEL to the group on completion.

ACTION: Roger Marris / Secretariat

27. Agenda Item 12 – Transfer and Use of Second-hand Dispensers – P Monger

Phil alerted the group to a contractor recently being stopped by the authorities dispensing from one site to a small site. However a similar problem occurred when BS7117 standard was implemented. The group agreed that a second – hand dispenser should only be accepted on the proviso that it is ATEX approved.

John Hazeldean alerted the group to HSE's Website which has 'frequently asked questions' applicable to second – hand equipment. John will check the FAQ website and refer members of the group to the appropriate information.

ACTION: John Hazeldean

28. Agenda Item 13 – CFOA Ops – Smuggling of Fuel – Roger Marris

Roger alerted the group to the problem of fuel smuggling which is currently going on and being transferred across from Ireland to Liverpool and then transported to filling stations. Although the smuggling of fuel has a potential impact on fire rescue service operations, there is also implications on health and safety particularly if it is petrol being smuggled and the quality of the fuel.

It was agreed that a letter alerting outlets of the current situation should be compiled and circulated by the Secretariat.

ACTION: Secretariat.

29. AOB – Portable Petrol Containers – John Hazeldean

John raised the concerns of Brian Baker in relation to bulk filling of containers. British Rail want to fill containers however BP have indicated that only 2 containers can be filled however it was noted that in order to allow activity to be carried out both parties have a duty under DSEAR to ensure all activities are being correctly carried out.

John has agreed to compile a list for site operators to use and implement on their premises however it was highlighted that filling multiple containers was not a normal exercise therefore this activity should be monitored.

Brian Baker has issued guidance to both BP and British Rail however if any of the group encounter similar problems then they should refer to Brian's guidance document.

This information will be incorporated into the West Yorkshire procedure guidance which will also be available as HSE operators' guidance.

ACTION: John Hazeldean & Roger Marris

Formal Withdrawal of HS(G) 41 – Ray Blake

The issue of the formal withdrawal of HS(G) 41 as a recognised national guidance document was discussed. It was agreed by the group that when West Yorkshire guidance is republished then a decision should be taken then as to replacing or reviewing HS(G) 41.

Increase in Petroleum Spirit Licence Fees – Lynda Green

The group were reminded that the fees had increased and could be found in the new Health and Safety (Fees) Regulations 2007 which have been placed on the Web as 'No 813' at <http://www.opsi.gov.uk/si/si200708.htm>