

**PETROLEUM ENFORCEMENT LIAISON GROUP  
ACTION NOTES OF 35<sup>th</sup> PELG MEETING HELD ON 3 OCTOBER 2007  
At Petrol Retailers Association Headquarters**

Roger Marris (Chair)	North East Licensing Group
Lynda Green (Secretariat)	HSE – Policy Group
Rob Tunnicliff	Midlands Licensing Group
Phil Monger	Petrol Retailers Association
Neil Simms	North West Licensing Group
Stephen Grey	Welsh Licensing Authorities
Steve Wenham	Environment Agency
Brian Baker	SELCOG
Ted Beckley	COSLA
Ray Blake	LFEP
Rupert Ainsworth	UKPIA
John Hazeldean	HSE

1. Roger Marris welcomed members to the 35<sup>th</sup> PELG meeting.

Apologies were received from:

Jim King	DETINI
Tom Blacker	DETINI
Michael Webber	SWLCOG

2. The Vice Chair welcomed the group to the meeting and informed them that the 'future of PELG' had been placed on the agenda however he reassured the group that HSE will continue to provide the Chair/Secretariat support and hopefully an LAU representative will be available to Chair the February 2008 meeting. Steve Wenham introduced himself to the group and confirmed that he would be the new Environment Agency representative attending future meetings.
3. The Vice Chair acknowledged the work of Allan Davies and thanked him for the time and effort he invested into PELG matters whilst carrying out his role.
4. With the exceptions of items 11 and 27, the Draft 'Notes of 34<sup>th</sup> PELG meeting' were agreed as an accurate record of the meeting.
  - Item 11 of the minutes should stipulate the topic on Unattended Sites will be discussed at the PELG meeting scheduled for 3/10/2007.
  - Item 27 – Transfer and Use of Second- hand Dispensers should be revised and the following sentence should be removed from the minutes 'The group agreed that a second-hand dispenser should only be accepted on the proviso that it is ATEX approved' and replaced with 'The group agreed that ATEX did not apply to existing equipment and second-hand dispensers

could continue to be used or transferred to other sites, subject to them being safe and conforming to their original standard '

### **MATTERS ARISING FROM LAST MEETING- PELG 34**

5. Paragraph 7 – Better Regulation, Executive have taken this on and the LBRO, Clive Grace took up his position 1<sup>st</sup> week in June 2007 however Allan Davies was tasked with representing HSE on the Steering Group and the first meeting was scheduled for May 2007. Unfortunately Allan did not provide a progress report of his findings from the meeting prior to his departure. Paragraph 8 - The Petrol Legislation paper was forwarded to HSE's Legal Team for consideration however this item has been placed on agenda to be discussed under item relating to Petroleum Enforcement Occasional Paper under AOB.

#### 6. Agenda Item 7 – West Yorkshire Operational Guidance

This guidance has now been forwarded to HSE in the form of a CD. Secretariat will liaise with Web team to arrange for the guidance to be downloaded onto the HSE Website. Once the guidance has been transferred and becomes readily accessible a PETEL circular will be issued notifying members of its existence and action the withdrawal of HS(G) 41.

**Action: Secretariat**

#### 7. Agenda Item 5 – Tanker Unloading Procedures – John Hazeldean

This issue is still unresolved re: delivery procedures therefore it was agreed that a task and finish group should be set up consisting of John Hazeldean, Roger Marris, Phil Monger and Ray Blake. Phil Monger will initiate a meeting with Robert Harris (EI Road Tanker Panel) to discuss the relationship between the site and tanker with a view to drafting a PETEL to expand on what is currently stipulated in the ACOP: delivery procedures. This working group would also take on-board some other matters of concern regarding road tanker deliveries raised in agenda items 6

**Action: John Hazeldean / Roger Marris / Phil Monger/ Ray Blake**

#### 8. Agenda Item 6 – Standard Application / Transfer Forms – Roger Marris

Roger amended the respective forms and compiled PETEL 65/63 with associated annexes applicable to the forms titled 'Petroleum (Consolidation) Act 1928 (PCA) Petrol Filling Stations – Licence Renewal Periods – Model Application Forms. **Item discharged.**

#### 9. Agenda Item 7 – High Blend Ethanol Fuels (HBEF) Update

Draft 7 of the HBEF guidance document has been circulated to stakeholders following discussions with the Environmental Agency. John Hazeldean outlined his major concern on the Surface Water Drainage in Section 6.13 - 6.15; insofar as the only provision for a major spill (with the outlet valve on the oil separator closed) is for it to collect on the forecourt, possibly under the tanker, until it has been safely removed. This would create a very hazardous situation that would remain for a considerable time and could cause rapid escalation to involve the tanker if the spill was ignited. Whilst this in an unlikely event if there are only a few stations

supplying E85 it sets an unacceptable precedence if sales increased and also makes a mockery of existing requirements for separators.

**Action: John Hazeldean**

10. Agenda Item 11 – Airfield Bowsers and Petroleum Licensing – Brian Baker  
PETEL has now been published (65/63) titled 'DSEAR – Petrol Filling Stations – Definitions – Fuel Retrievers and Airfields.

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

John Hazeldean had forwarded the relevant guidance to Ray Blake and although applicable guidance was now referred to in the new West Yorkshire guidance he also agreed to issue a brief summary to the group electronically.

**Action: John Hazeldean**

**MATTERS ARISING FROM LAST MEETING - AGENDA – 25/4/07**

12. PELG Replacement Chairperson – Allan Davies

A progress report of the replacement Chair will be discussed at meeting on the 3/10/2007 under agenda item 2 'The Future OF PELG'.

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

The option of a "Dear Chief Officer letter" was deemed a suitable approach however this item will be discussed at meeting on 3/10/2007 under agenda item 19 - LA Chief Officers Letter.

14. 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 rose 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 ACOP therefore they are in breach of all regulations. Rob has been unable to obtain more detail relating to the incident as yet.

15. 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.

Secretariat will seek legal advice and report back to the group.

**Action: Secretariat**

### 16. 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.

This item will be discussed at the meeting on 3/10/2007 under agenda item 8.

### 17. 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.

Ray informed the group that the matter had been resolved although not satisfactorily and although PETEL 65/69 covers design aspects it omits guidance applicable to risk and control measures resulting in no real comprehensive means of prevention. The consensus of opinion was that the PETEL needs revising to incorporate a suite of control measures therefore a working group consisting of Michael Webber / Phil Monger / Brian Baker and Ray Blake will carry out this task however Phil will obtain additional information from APAX to assist the group.

**Action: Michael Webber / Phil Monger / Brian Baker / Ray Blake**

### 18. Agenda Item 11 – PETEL 65/47A (renumbered 65/62) (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.

PETEL 65/62 has now been published titled 'Petroleum (Consolidation) Act 1928 (PCA) – Petrol Filling Stations – Licence Renewal Periods – Model Application Forms'

### 19. 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.

John Hazeldean alerted the group to HSE's Website which has 'frequently asked questions' applicable to second – hand equipment.

### 20. AOB – Portable Petrol Containers – John Hazeldean

John raised the concerns of Brian Baker in relation to bulk filling of containers. Network 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 Network Rail however if any of the group encounter similar problems then they should refer to Brian's guidance document.

The procedure for the multiple filling of portable containers has been incorporated into the West Yorkshire guidance (section 8.5(19)) which has now been converted to HSE operators' guidance.

### **MAIN AGENDA - 3/10/2007**

#### 1. Agenda item 2 - The Future Of PELG

The group were still keen to have a HSE representative acting as Chair therefore Secretariat will liaise with LAU to establish who will be responsible for taking on the role of chair. Secretariat informed the group that Policy Division would still provide the secretariat support.

**Action: Secretariat**

#### 2. Agenda item 5 – Review of existing PETELs

A spreadsheet detailing all existing PETELs was circulated to the group prior to the meeting however it was agreed that Secretariat would amend the sheet to incorporate additional columns to allow comments to be inserted. Secretariat will assign specific PETELs to individuals to review so the responsibility is evenly distributed across the group.

Note: Subsequent to the meeting, the vice Chair took the decision to carry out the review himself before circulating to the members for their agreement or otherwise.

**Action: Secretariat**

#### 3. Agenda Item 6 – Delivery Procedures on Assisted Deliveries

Phil Monger informed the group that certain road tanker companies are insisting on site operators following the (repealed) Schedule 12 CDG procedures for driver assisted deliveries. This is contrary to the procedure in the DSEAR ACoP. This matter will be covered by the working group detailed in item 7.

**Action: John Hazeldean / Roger Marris / Phil Monger/ Ray Blake**

#### 4. Agenda Item 7 – AA Fuel Assist Service

Brian reported an incident that occurred on a BP forecourt when an AA repair vehicle was involved in a miss fuelling incident causing concern to the site manager. Although this is not deemed as a high risk operation it may cause inconvenience to the forecourt as the whole, or part of the forecourt may need to be closed.

The AA has acquired a number a vehicles that are designed and equipped for retrieving fuel from the tanks of cars etc. Copies of the AA risk assessments and working procedures were provided to the PELG members.

Item discharged.

### 5. Agenda Item 8 – Course Care Petrol Station – Issues of Operational Use

There are two types of what can be called mini petrol stations on the market. One is called 'The Course Care Petrol Station' and the other is manufactured/supplied by Ideal Tanks. Both models are above ground stand alone units comprising a tank, dispenser and bund. The former was initially designed for use at vehicle dismantling plants for the storage and dispensing of retrieved fuel.

Whilst these units provide an ideal facility for the storage and dispensing of petrol at places such as golf courses and parks for horticultural machinery etc, operational problems arise with regard to road tanker (gravity) deliveries and spillage containment. In addition to making provision for road tanker unloading, an environmental risk assessment will have to be carried out to determine the extent of control measures for spillages. In certain circumstance, a spill kit as provided by the filling station supplier may be adequate. Neil Simms has been tasked with carrying out further checks relating to the Course Care Petrol Station.

### **Action: Neil Simms**

### 6. Agenda Item 9 – Compliance to European/British Tank Standards

Ray Blake had expanded upon the subject with respect to capacity (size) of some underground tanks now being constructed for Tesco. The tanks in question have a 120,000 litre capacity. The length of these tanks exceeds the maximum allowed by the BS EN standard which equates to 5 times the diameter (2.5m). Also bitumen paste is used to protect the tank and not "Endoprene", a resin based anti-corrosion covering.

### 7. Agenda Item 10 – Stage 2 Vapour Control Authorisations – Sainsbury's Guidance to LAs

Bedfordshire CC raised the issue regarding the maintenance of Stage 2 equipment as there is no requirement under the Environmental Protection Act to maintain the equipment until 31 December 2007.

It was pointed out that the site operator had an on-going duty under DSEAR to maintain the equipment.

### 8. Agenda Item 11 – PETEL 65/9 – Portable Containers – Revision

The West Yorkshire Guidance that has now been converted to HSE operators' guidance will address this matter.

### 9. Agenda Item 12 – LPG Working Group Forum– Information to PELG

Brian Baker informed the group that he has been approached by BP and Shell to discuss issues surrounding LPG i.e. failure of equipment etc. Shell's techniques have now been adopted by BP however an initial meeting has been scheduled which Ray Blake, Brian Baker and Rupert Ainsworth will attend to discuss the interchange of information between operators.

### 10. Agenda Item 13 – Interface with all Regional Groups

SELCOG have had a very good working relationship with the PELG for many years however Brian was curious to see if SELCOG were the only group raising issues for PELG to address.

The group agreed that the interface with other groups was effective across all the regions and were therefore reluctant to circulate the SELCOG minutes.

### 11. Agenda Item 14 – Repeal of HS(G) 41

Item discharged

### 12. Agenda Item 15 – Repeal of the Petroleum Mixtures Order 1929

A paper on enforcement anomalies drafted and circulated for comment last year intimated that the amendments to petroleum legislation introduced by DSEAR may not have overlooked the existence of the Petroleum Mixtures Order 1929.

The vice Chair informed the meeting that comments to the paper from SWLCOG had confirmed that the PMO was still in force but like the Motor Vehicles Regulations, only applied to places/sites where no person was employed to work.

### 13. Agenda Item 16 – Bio Fuels – Clogging of Pump Filters

This item referred to bio-diesel and was discharged

### 14. Agenda Item 17 – Unattended LPG Sites – Consideration to PETEL 65/59a

It was noted that payment was only required for LPG dispensers however if an LPG dispenser was located on an unattended site / licensed premises then it would have to be accepted as it would be very difficult to decline.

An article will be published shortly in the journal; at this stage discussions will take place with LPG gas suppliers. So although there is a temporary state of suspension the fact remains that LPG code of Practice does not permit unattended self service.

### 15. Agenda Item 18 -Regulatory Reform (Fire Safety)Order 2005 (RRO) – Articles 42,43,12 and Schedule 1

Brian Baker explained to meeting the implications of articles 42 and 43 of RRO with respect to licensed premises like petrol filling stations. Article 42 requires the licensing authority to consult with the RRO enforcing authority (fire & rescue authority) before issuing a licence and the FRA must notify the licensing authority of any enforcement action taken in relation to the licensed premises.

Article 43 suspends the terms of any licences that cover '*general fire precautions*'. The vice Chair pointed out that RRO obliges dutyholders to put in place adequate '*general fire precautions*' whereas DSEAR deals with '*process fire precautions*'. In the context of a petrol filling station, the control measures to prevent fires/explosions for tanker unloading, storage and dispensing are '*process fire precautions*' and the means of escape, fire detection/alarms in the kiosk/shop fall in the category of '*general fire precautions*'. As none of the terms of the model conditions of licence cover '*general fire precautions*' article 43 will not apply.

Parallel legislation in Scotland applies by virtue of section 71 of the Fire (Scotland) Act 2005.

### 16. Agenda Item 19 – LA Chief Officers Letter

Prior to Allan Davies's departure from HSE he drafted a letter to LA Chief Officers to make them aware of the existence of the model conditions of licence and application forms. It was Allan's intention that the letter be distributed through the LACoRS network. However, it had been overlooked that LACoRS no longer have any involvement with petrol or any links with PELG.

Roger Marris will arrange a meeting with LAU to discuss the urgency of this outstanding action emphasising the need to have something in place by April 2008. Roger will draft a letter for consideration by the PELG members.

**Action: Roger Marris**

### 17. Agenda Item 20 – Guidance on the provision of a 'Forecourt Emergency stop Button for Driver Unassisted Deliveries'

Clarification had been sought from Shell as to what is deemed 'readily accessible' as stated paragraphs 43 and 44 of the Road Tanker Unloading ACoP. The query emanating from sites where there is no DCD box and driver unassisted deliveries take place when the site is open. Apparently some PLAs were requiring the provision of an emergency switch in the vicinity of the tanker stand.

The group agreed that the emergency stop switch at the console (or where one is fitted on the forecourt) will meet the definition of 'readily accessible' if the former is conditional to the shop being open when a delivery is in progress.

### 18. 2008 Fees Regulations

The proposed fees are expected to come into force with effect from 6<sup>th</sup> April 2008.

#### Petroleum Spirit Licences

Petroleum Spirit Not Exceeding 2,5000 litres increases to £40

Petrol Exceeding 2,500 But not 50,000 litres increases to £55

Petrol Exceeding 50,000 litres increases to £115

Transfer Of Petroleum-Spirit Licence remains at £8

#### Licence To Store Explosives:

1 Year duration increases to £170

2 Year duration increases to £245

3 Year Duration increases to £300

#### Renewal of a Licence:

1 Year duration increases to £80

2 Year duration increases to £135

3 Year duration increases to £190

Registration in Relation of the Storage of Explosives:

- 1 Year duration increases to £100
- 2 Year duration increase to £135
- 3 Year duration increases to £155

Renewal of Registration

- 1 Year duration increases to £50
- 2 Year duration increases to £85
- 3 Year duration increases to £110

19. Agenda Item 22 – AOB

Occasional Paper – Plastic Container Regs

The current (legal) status of Plastic Container Regulations needs to be clarified by the HSE solicitor as the amendments brought in by DSEAR disapply the Regs from workplaces; whilst Reg 3(1) imposes a design, performance and labelling standard on any person who manufactures imports or supplies plastic containers for use at work.

Secretariat will approach the legal team and report back to the group.

**Action: Secretariat**

Occasional Paper – Tanker Regs

The Tanker Vehicles (Loading and Unloading of Petroleum – Spirit) Regulations 2007 are expected to come into force with effect from 6<sup>th</sup> April 2008 however Roger Marris has identified some discrepancies which need to be addressed. He will liaise with Stewart McEwen regarding his proposed amendments and circulate his proposals to the PELG group for consideration.

**Action: Roger Marris**

Operating Agreements

Steve Wenham (EA) requested feedback from the group to establish if the agreements were working and more importantly if they were of any use. SELCOG considered them really effective and when they were initially drawn up numerous site inspections were carried out.

Neil Simms from North West Licensing Group confirmed that they were signed up and were content with the service.

The option of having a national agreement was put to the group however they declined the offer and confirmed that if they required advice they would approach their named contact to gain and share information.

Dates of Future Meetings

Tuesday 19<sup>th</sup> February 2008, venue to be confirmed.

Wednesday 18<sup>th</sup> June 2008, venue to be confirmed.

Wednesday 15<sup>th</sup> October 2008, venue to be confirmed.