

**PETROLEUM ENFORCEMENT LIAISON GROUP  
ACTION NOTES OF 36<sup>th</sup> PELG MEETING HELD ON 19 FEBRUARY 2008  
At HSE HEADQUARTERS - LONDON**

Roger Marris (Vice 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
Steve Wenham	Environment Agency
Ted Beckley	COSLA
Ray Blake	LFEP
Rupert Ainsworth	UKPIA
John Hazeldean	HSE
Michael Webber	SWLCOG
Jim King	DETINI

1. Roger Marris welcomed members to the 36<sup>th</sup> PELG meeting and was informed by Rupert Ainsworth that the UKPIA representative for future PELG meetings would be Mike Harding.

Apologies were received from:

Brian Baker	SELCOG
Steve Wenham	Environment Agency
Ahmed Mulla	AUKOI

2. The Vice Chair welcomed the group to the meeting and informed them that the 'future of PELG' had again been placed on the agenda however he reassured the group that he would continue to act as Vice Chair until the matter is addressed by HSE.

3. The draft 'Notes of 35<sup>th</sup> PELG meeting' were agreed as an accurate record of the meeting.

**MATTERS ARISING FROM LAST MEETING- PELG 35**

4. Paragraph 6 – West Yorkshire FRS Operational Guidance

This guidance has yet to be placed on HSE's Website due to resource implications. This item will be discussed at meeting on the 19/2/2008.

5. Paragraph 7 – Tanker Unloading Procedures

A draft was compiled and circulated to the group however UKPIA have yet to view the draft so a copy will be forwarded to Mike Harding (UKPIA) for comments prior to converting the draft into a PETEL.

**Action:** R Marris

6. Paragraph 9 – High Blend Ethanol Fuels (HBEF) Update

E85 guidance has now been published by the APEA and is available on their Website. Electronic versions have been provided to all group members for distributing to their constituents.

7. Paragraph 11 – Appeals procedure for refusal or renewing a petroleum license

John will draft a brief summary of the 'Appeals Procedure' and forward an electronic copy to the group for information.

**Action:** J Hazeldean

8. Paragraph 13 – Model Licence Conditions

The topic relating to 'Dear Chief Officer letters' will be discussed at the meeting on the 19/2/2008.

9. Paragraph 15 – UN Approved Container-Conflict with plastic containers regulations

This action is still outstanding however needs to be addressed as a matter of urgency. This item will be discussed at the meeting on the 19/2/2008.

10. Paragraph 17 – Outcome of Sub Group Meeting with Supermarkets

This item has been placed on the agenda under item 10/11 for the meeting on 19/2/2008.

**MAIN AGENDA – 19/2/2008**

11. Agenda item 4 – Tank Vehicles (Loading and Unloading of Petroleum-Spirit) Regulations 2007 – R. Marris

John Hazeldean, Phil Monger and Roger Marris have viewed the draft regulations and have relayed their concerns to the HSE Legal Team in respect of: -

- the enforcement allocation for the loading at terminals and distribution depots etc, this should remain the *status quo* ie with the HSE;
- the loading at filling stations; ie uplifting petrol from cross-overs or where a leak is suspected should be a PLA enforcement responsibility; and
- the definition of 'petroleum-spirit' should be the same as the one given in DSEAR

John and Roger will draft appropriate wording applicable to the enforcement activities and liaise with HSE legal team via the secretariat.

**Action:** J Hazeldean / R Marris / Secretariat

### 12. Agenda Item 5 – PETEL List , Agreement from PELG to proposed deletions and revisions

The group were content for the PETELs identified for revision and for withdrawal to be actioned accordingly by the members and the secretariat. It was agreed that:

- PETEL 65/56 'Petroleum Enforcement - Current Local Authority Partnership Schemes (Laps)' should be updated;
- All the current PETELs covering LAPS should be deleted as they will be listed in 65/56[rev]
- There are insufficient resources to work on all the PETELs that need revising and with the exception of PETEL 65/9 'Portable Petrol Containers' which is in need of urgent revision, the remainder will have to remain in abeyance.

**Action:** Secretariat [withdrawing PETELs], Mike Webber [revision of 65/9] & Roger Marris [revision of 65/56]

### 13. Agenda Item 6 – Staff training at filling stations – R Marris

Concerns were raised by a North East FRS [enforcing PCA and DSEAR on an agency basis] as to the competency of forecourt staff at one supermarket chain; insofar as it is the company policy not to train all their forecourt staff in the use of fire extinguishers.

The group agreed that it was unnecessary and unrealistic [with the turn-over of staff] to provide practical training in the use of fire extinguishers. That said, site operators have a statutory duty under regulations 8 and 9 of DSEAR to provide training [paragraph 292 of the DSEAR ACoP L138 refers]. This duty can be complied with by theoretical training on

- the hazards and risks associated with the unloading and dispensing of petrol;
- the actions to be taken when there is a spillage or outbreak of fire; and
- when to, and when not to, use a fire extinguisher.

It was noted that Tesco are trying to define what a competent forecourt attendant should know and apparently there are plans to introduce a Btech qualification that staff can gain but as yet this has not been introduced.

### 14. Agenda Item 7 – Flatcan Emergency Fuel Containers – J Hazeldean

A presentation was delivered by Michael Cornwell to the group explaining in detail the advantages of the emergency fuel carrier. This being a portable container designed for a 'one off' use only; if and when a situation arises where a vehicle runs out of fuel. After use, the intention is that the can be collapsed and disposed of safely.

After the presentation, the Group discussed the Flatcan Emergency Fuel Carrier in depth and concluded that the Flatcan does not conform to the current model Licensing Conditions and therefore could not be legally filled at petrol filling

stations. The Group considered whether they should revisit the Model Licence Conditions in order to accommodate the use of the Flatcan concept at petrol filling stations but unanimously agreed against such a proposal. The group was also concerned that a single use/disposable petrol container could give rise to further issues of public safety through misuse. The Group, therefore, considered that they could not endorse its use by recommending any changes to the Model Conditions of Licence; nor make any other recommendations on how Mr Cornwell might take his product forward.

John and Roger will draft a response to Mr Cornwell.

**Action:** J Hazeldean / R Marris.

**15. Agenda Item 8 – AA Misfuelling Service on Retail Forecourts – P Monger**

Phil expressed the concerns raised by some PRA members about AA Fuel Assist vans driving into petrol stations, towing vehicles that had been misfuelled and the driver telling the Site Operators that they had been authorised to carry out the fuel changing activity on their site. Site Operators are opposed to this hazardous activity being carried out with limited space and where members of the public are present. They are also concerned about the misuse of the safety passport card to prove authorisation to use the site for the activity. Where it is an employee left in charge, they are sometimes misled into thinking that their employer has given consent for the use of the forecourt. In all circumstances the AA employee should seek approval from the site operator to use the forecourt, prior to carrying out any such activity.

Phil Monger agreed to publish an article in the Petrol Retailers Association magazine 'Forecourt' however the group are keen to alert licensees to the fact that this activity is not endorsed by HSE, although drivers are currently under the impression that they have permission to carry out such activities. The group agreed that Brian Baker should approach the AA again and for Ray to bring it to the attention of SELCOG members, with a view to them alerting their licensees. Phil also requested that other regional licensing representatives do the same.

**Action:** B Baker / R Blake/ P.Monger

**16. Agenda Item 9 – Incident Returns-SELCOG Area – B Baker**

London and eight other PLA's in the region have yet to make a return, however Brian is expecting to receive these in the near future.

The group commented on four aspects of the incident returns data:

- column 1: wet stock variances are not leaks or necessarily indicative of leaks;
- column 3: should be restricted to fires involving the petrol installation and the road tanker unloading/uplifting and dispensing activities;
- column 8: should distinguish between the types of HSWA enforcement notice, ie 'improvement' and 'prohibition; and
- there should be a column for prosecutions.

Some of the regional representatives [not all] indicated a willingness to use this form in their regions. However, it was acknowledged that getting PLAs to submit

such returns is problematic. Ray Blake was asked to relay and explain the Group's comments to Brian for his and SELCOG's consideration.

**Action:** R Blake

17. Agenda Item 10/11 Control measures to prevent underage sales at unattended self-service sites & Update on the issue of debit cards to under 16s.

Ray informed the group of the ongoing investigations relating to debit & credit cards. As it stands, the majority of transactions are genuine however there are anomalies which can allow underage sales. Some supermarkets have introduced alternative control measures for example, number plate recognition. Apparently this has restricted fuel sales to vehicles where number plates are displayed in the usual way, and hence prohibited sales to motor cycles and pedestrians with cans.

Asda have risk assessed the use of number plate recognition as a control measure which allows them to extend the number of dispensers that are in use on Unattended Self Service (USS). They had previously stated that a system was available whereby every customer can be identified by a category code which in turn identifies the age of the customer, however this does not appear to have been employed and there is now evidence to show that this is not actually available.

The introduction of the use of more than four fuelling positions was considered by PELG members to be substantially increasing the risk at unattended sites. So although number plate recognition may provide some measure of control, the additional risk should always be considered. PELG agreed that there are many issues with (USS) and that technology has moved on, and the interpretation of the current guidance has been varied. Ray Blake will investigate what is actually in place on USS sites, and what control measures are available with a view to revising the guidance given in PETEL 65/59A and circulate to the group for comment. It was agreed that the guidance should reflect the reality of the problems we are encountering relating to unattended sites.

The number of incidents at USS sites has not been collated and although PELG's intention is to prevent incidents occurring. The operators of USS have adopted the approach that if incidents are identified, then they will take action, however as there is no firm evidence of incidents, they believe that there is nothing that they need to address.

**Action:** Ray Blake to ascertain existing control measures to prevent underage sales and to revise PETEL 65/59a accordingly.

18. Agenda Item 12 – Proposal for new PETEL – The impact that the installation of Stage II VR has on forecourt Safety

Ray Blake briefly informed the group of the problems resulting from ongoing vapour growth leading to blocked systems and eventually affecting deliveries. He advised the group that local authorities should be warned of the potential problems just in case they may experience similar situations and to also raise their levels of awareness.

As these problems are explained and covered in Section 8.2 [paragraphs 21 to 29] of the WYFRS guidance, it was agreed that a new PETEL would be unnecessary.

<http://www.westyorkshirefire.gov.uk/new/fireSafety/petroleumExplosives/PetroleumGuideCompleteJuly2007.pdf>

### 19. Agenda Item 13 – National Operating Agreements – S Wenham

Steve is aiming to raise the profile of the agreements and informed the group that it is currently working well across three of the regions therefore he is proposing to extend it across as a national agreement.

He explained the benefits that could be gained from such an agreement i.e. exchange of information / joint inspections/ joint incidents / better working relationships / promoting areas of mutual interest such as training.

The group informed Steve that in order to encourage national agreement amongst the Petroleum Licensing Authorities, Ray, Roger and Michael have agreed to raise this proposal with their regions and report back to Steve the general consensus of opinion.

**Action:** R Blake / R Marris / M Webber

### 20. AOB

#### Future of PELG – Roger Marris

Roger informed the group that LAU have confirmed they will no longer provide support to the group and have therefore withdrawn their involvement with PELG. Policy group will consider their position in light of this before deciding their future involvement.

This decision has resulted in a number of outstanding actions from previous meetings which still need to be resolved i.e. West Yorkshire Guidance / Plastic Container Regulations / Dear Chief Officer letter – LAPs agreements.

The group are content that the work of PELG in a significant factor in promoting consistency in enforcement the PCA and DSEAR at petrol filling station. With this achievement in mind, the members were unanimous in their support for the continuance PELG. It was suggested that a meeting be arranged between Steve Coldrick (HSE – Policy Group), Mark Lawton (HSE – Policy Group), John Hazeldean (HSE) , Roger Marris and Phil Monger to discuss the matter further and address the unresolved matters and more importantly the future of PELG.

**Action:** Secretariat to arrange meeting.

#### Carriage and Storage of Petrol – P Monger

Phil reported the problems that boat owners are currently experiencing in obtaining sufficient quantities of petrol. He highlighted the need to provide boat owners and retailers with a means of determining what was acceptable, as most retailers were unclear and confused by the various exercises carried out by LA's to catch retailers. This had led to them being onerously restrictive. Phil had been tasked with producing a letter, which would endorse the guidance issued by the RYA and BSS. This would be under the Federation banner and could be presented by boat owners when attending a retail site. This letter would also be provided to members of the Federation and contain additional information regarding safe filling of containers. The committee supported this proposal.

**Action:** P Monger

Venting issues – N Simms

Neil had been contacted by Liz Hobday from the Environment Agency who asked that the group be made aware of anomalies between the advice of PPG2 and the Blue Book regarding venting of above ground tanks. PPG2 states that emissions should be directed downwards towards the bund. There were also issues with above ground double skinned tanks not meeting the criteria of PPG2 guidance. The group confirmed that the PPG2 guidance is actually incorrect in relation to lower flashpoint fuels and instructed Neil to draft a response recording the groups concerns to Ms Hobday.

**Action:** Neil Simms to prepare a draft response.

Rape Seed Oil – J Hazeldean

John informed the group that rape seed oil is currently been sold as a fuel however he was seeking clarification from the group as to whether a licence would be required for the oil. The group confirmed that a licence is not a requirement.

Chieftain Trailers (Fuel Browsers) – J King

Jim alerted the group to a safety problem associated with a bowser manufactured/ distributed by Chieftain Trailers Ltd for the carriage and storage of petrol and AVGAS. The problem arises from the power source of the dispensing pump which is a 'bolt-on' 12V battery feeding the pump motor via cables fastened to the battery terminals by crocodile clips. He confirmed that they have approved vehicles for transporting fuel but not for unloading or discharge. The browsers can be viewed on the company's website. <http://www.chieftaintrailers.com/fuel-browser.asp>

He was aware that there were few currently on the market and is still trying to track them down.

Date of Next Meeting

Wednesday 18/6/2008, venue to be confirmed.