

**PETROLEUM ENFORCEMENT LIAISON GROUP
MINUTES
FROM 21st PELG MEETING HELD ON 15 January 2003**

➤ **PRESENT AT MEETING:**

Mr P Thomas (Chair)	South East (SELCOG)
Ms Moira Buchan	(Secretariat) HSE-LAU
Ms Margaret Patchell	(Minutes Sec) HSE-LAU
Mr Christian Olesen	(Secretariat) HSE-LAU
Mr David Pumford	HSE-TD1
Mr John Hazeldean	HSE-TD
Mr David Pumford	HSE-TD
Mr Peter Roberts	HSE-SPD
Mr Stewart McEwen	HSE-SPD
Mr John Worth	HSE-FOD
Mr Steve Quick	LGA
Mr Roger Marris	LGA & North East
Mr Huw Morgan	WLA
Mr Phil Monger	PRA
Ms Alison Edwards	LACORS
Mr Chris Hunt	UKPIA
Mr Rory Hennessy	AUKOI & BRC
Mr Phil Ingham	North West & CACFOA
Mr Rob Tunnicliff	Midlands
Mr Ian Hillier	Scotland/TSI

Agenda item 1:

WELCOME, INTRODUCTION AND APOLOGIES

- The chair welcomed Margaret Patchell and Stewart McEwen.
- The chair thanked Peter Sargent, Wendy Martin and Christian Olesen for all their hard work.
- Apologies were received from the following members:

Mr Ted Beckley	(COSLA)
Mr Andy Berry	(London)
Mr Ivan Hancock	(LGA Representative)

Agenda item 2:

MINUTES OF 20th PELG MEETING

One factual correction was made in relation to item 4. Minutes were then agreed by all members of **PELG**.

Agenda item 3:

ACTION POINTS TO BE CARRIED FORWARD FROM 20th PELG MEETING.

➤ **3.12 Priority planning**

Strategic review of **HELA** and how **HSE** works with **LAs** is taking place at the moment and recommendations are to be made by 03/03/03. It was agreed that this item would be discussed at 22nd **PELG** meeting.

Action: LAU

➤ **3.13 Liaison with EPA/SEPA**

It was agreed a letter should be drafted from Petroleum Enforcement Licensing Group (**PELG**), to Environment Agency (**EA**) and the Scottish Environment Protection Agency (**SEPA**) pointing out the need to avoid duplication of effort in inspection and the value of consistency in approach to liaison arrangements.

Action: LAU

➤ **3.16 Competence of Petroleum inspectors**

It was agreed Moira Buchan (**LAU**) would draft a paragraph of information, detailing how Section 18 guidance applies to Petroleum inspectors. This information would be circulated to all (**PELG**) members.

Action: LAU

➤ **3.17 Data collection on petroleum enforcement**

This would come under strategic review mentioned at action point (**3.12**). Moira Buchan agreed to arrange for Petroleum Enforcement to be on next **HELA** meeting agenda. **PELG** members would be consulted on result of review.

Action: LAU

Agenda item 4:

Update on Dsear

➤ Peter Roberts gave an update on DSEAR and mentioned that John Worth had prepared an Operational Circular (**OC**) explaining new regulations. It was agreed this OC should be turned into a Petroleum LAC and that it should include definitions of a workplace.

Action: Peter Roberts

Agenda item 5:

Interpretation questions relating to DSEAR

- (a) Phil Thomas raised the point of liaison between relevant authorities in relation to canals. Peter Roberts suggested the relevant authority was British waterways. Airfields came under Civil Aviation Authority (**C.A.A.**).
- (b) Another point was raised regarding the application of DSEAR to airfields and the issue of boundary distances. It was agreed that some guidance was required which would be based on the operational circular (OC) produced by John Worth.

Action: Peter Roberts

(c) There was a detailed discussion regarding the issue of licensing conditions v risk assessment required by DSEAR. Roger Marris gave the meeting details of a proposed scheme to reduce standard licensing conditions to be introduced as a pilot in the West Yorkshire region. (Details of this can be found at Annex 1 – attached to these minutes). HSE PELG members pointed out that HSC had specifically required the retention of licensing and therefore licence conditions when drawing up DSEAR. Peter Roberts pointed out that as part of Phase 2 of Modernising Petrol Legislation, one possibility that was being examined was an ACOP/Guidance Document on how to operate a retail filling station based on present licence conditions. It was agreed that this issue should be revisited at the next meeting.

Action: LAU

Agenda item 6:

Enforcement allocation for Maintenance/decommissioning works on petrol tanks/pipework.

- For application of DSEAR to repair/decommissioning reference should be made to Schedule 6. Peter Roberts agreed to seek solicitor's advice with a view to providing guidance for Petroleum Licensing Authorities (**PLAs**).

Action: Peter Roberts

Agenda item 7:

Arrangements for the transfer under DSEAR of enforcement responsibility from PLAs to HSE/LAs in respect of petroleum

- John Worth outlined the procedure for transfer of responsibility from PLAs to HSE. PLAs should compile a list of workplace sites and send this list to the local E.H.O. The E.H.O. would then pass on the relevant information to the regional HSE office. PLAs should also pass on any significant information on disputes or ongoing enforcement action. Records should be kept by PLAs for 6 months or in accordance with local policy. It was agreed that a Petroleum LAC should be issued.

Action: PELG TSC

Agenda item 8:

Electrical testing of petrol filling stations

- NIC: The problem was that NIC based their schedule on the Blue Book. It was not possible on the new schedule to rate an installation as "safe but not compliant", therefore the new schedule does not allow existing sites which do not meet the new standards to be signed off as satisfactory. David Pumford agreed to take this matter up with the NIC at their next meeting in the near future.

Action: Dave Pumford

Agenda item 9:

PRA/Warwickshire Trading Standards Service, Lead authority partnership

- Phil Monger agreed to resend details of LAPS agreement between PRA/Warwickshire, and this would be issued as a Petroleum LAC.

Action: Phil Monger

Agenda item 10:

Lead Authority Partnership Scheme

- It was agreed that **LAU** would write to all partners in petroleum **LAPS**, explaining clearly the roles and responsibilities of each partner in relation to the scheme.

Action: LAU

Agenda item 11:

A.O.B (Any Other Business)

- CHIP 3: Agreed to send a note to all regional PELG members, about safety data sheet requirements.
- Phil Ingham raised issue of selling of liquor at petrol filling stations.

Agenda item 12:

Dates of next meetings

- **14 MAY 2003**
- **08 OCTOBER 2003**

ANNEX 1

Revised licensing conditions pilot – report by Roger Marris

Now that DSEAR has come into force it is a pertinent time to review the current system of enforcing fire and explosion control measures at petrol filling stations.

Traditionally, the licensing regime has been enforced through the imposition of standard licensing conditions made applicable to all filling stations irrespective of age, location or risk. The continuation/perpetuation of such a prescriptive enforcement practice will be at odds with the goal setting principles of DSEAR insofar as the standard licensing conditions give a mistaken presumption that a risk assessment has been carried out by Petroleum Inspectors employed by the licensing authority.

As DSEAR now applies to all petrol filling stations, and in doing so requires the licensee (employer) to: -

- Carry out a risk assessment of any work activities involving dangerous substances;
- Provide technical and organizational measures to eliminate or reduce the risks (of fire or explosion) as far as is reasonably practicable;
- Provide equipment and procedures to deal with accidents and emergencies;
- Provide information and training to employees;
- Classify places where explosive atmospheres may occur into zones and mark the zones where necessary.

It is readily apparent that the only way that a licensing system would sit comfortably with the duties imposed by DSEAR would be for the licence to be granted with a minimal number of conditions to deal, in the main, with the notification requirements not covered by RIDDOR; for example: -

- Notifying the PLA of any material change;
- Notifying the PLA of cessation of operation/closure of the site;
- Notifying the PLA of any leakages/suspected leakages, spillages and fires/accidents involving the petrol installation;

In addition to the above, there may also be a case for including conditions that: -

- Prohibit the sale of petrol to persons under 16 years of age;
- Impose a lower age limit (18) for a person to be left in charge of the site⁽¹⁾;
- Restrict the capacity/type of containers that can be filled with petrol;

A proposal to this effect has been put to the West Yorkshire Fire Authority with a view to the revised conditions being implemented on 1 April 2003. The proposal is an agenda item for the next Fire Authority meeting on 28 February 2003.

Removing the standard conditions of licence would not leave existing licensees without any information on control measures for operating and maintaining a petrol re-fuelling installation. Site operators can refer to a number of nationally published guides and codes of practice when carrying out a risk assessment/ selecting control measures. For the purpose of assisting local (small business) site operators, the West Yorkshire Fire Service is in the process of drafting a guidance document on managing the risks of fire and explosion at petrol filling stations. The new guidance, amounting to some 80 pages, is aimed to be a more 'user friendly' alternative to HS(G)146 and will be available free to download from the WYFS website and will also be made available in hard copy for a small fee.

<p>⁽¹⁾ It could be argued that the employer was not meeting his obligations under Regulation 9 of DSEAR if a 16 year old was left in sole charge of the site and as such a specific condition of licence would be unnecessary</p>
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