

PETROLEUM ENFORCEMENT LIAISON GROUP

**ACTION NOTES OF 33rd PELG MEETING HELD ON 6 DECEMBER 2006
In Redgrave Court**

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| 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 |
| Stephen Grey | Welsh Licensing Authorities |
| Neil Simms | North West Licensing Group |
| Ray Blake | LFEPA |
| John Hazeldean | HSE |
| Brian Baker | SELCOG |
| Jo Bradley | Environment Agency |
| Chris Hunt | UK PIA |

1. Allan Davies welcomed members to the 33rd PELG meeting.

2. Apologies were received from:

Michael Webber
Ted Beckley

3. Chair welcomed the group to the meeting and apologised for the delayed circulation of the agenda explaining the unforeseen circumstances within the administration support. He introduced Lynda Green to the group who has taken over the secretariat role for the interim period.

4. Draft 'Notes of 33rd PELG meeting' were noted as an accurate record of the meeting and accepted.

Matters arising from last meeting – Paper PELG 32B

5. Paragraph 7- Regional Consistent Approach- The aim of the group is to drive consistency to achieve best practice across the regional groups, Brian Baker mentioned the document SELCOG have already drafted which is currently being reviewed. The revised document will be discussed at the next meeting scheduled 25.4.07. The Chair informed the group of the work HSE have carried out as part of a Strategic programme relating to enforcement and the need for it to be better targeted. He also spoke about the work of the BRE in taking forward a work stream on consistency, looking at the Lead Authority Partnership scheme. The Chair agreed to keep the group informed and provide a synopsis of the work currently underway.

The Chair also discussed the retail enforcement pilot, which combined fire/food safety and health and safety solely to one inspector who then could refer to other disciplines as and when required. This pilot has been developed in conjunction with Bexley and

Warwickshire councils and is currently being evaluated. Further details relating to the pilot can be located on both the BRE/DTI websites; the Chair will keep the group posted on any developments.

ACTION: Allan Davies

6. Paragraph 8 -Roger Marris re-circulated the Petrol Legislation paper but received no additional comments therefore the paper will be forwarded by Secretariat to HSE Legal team. He alerted the group to the new fire precautions regulations, the Regulatory Reform (Fire Safety) Order 2005 (RRO) for England and Wales and the equivalent duties in the Fire (Scotland) Act 2005 (FSA). In doing so he emphasised that the 'responsible person's duties under RRO and relevant sections of the FSA to ensure the adequacy of 'general fire precaution' in a building or site should have no impact on the PLAs' enforcement responsibilities for petrol filling stations as (with the exception of the kiosk/shop) the fire and explosion control measures for delivery, storage and dispensing were 'process fire precautions' falling within the purview of DSEAR.

ACTION: Secretariat

7. Paragraph 20- Phil Monger informed the group that problems with electrical testing are still an issue but mainly due to lack of awareness, as to what is required when testing older sites. Re-testing by competent contractors usually results in issuing a certificate but lack of understanding/adequate training is a problem that needs to be addressed. The author responsible for drafting codes of practice agrees we need to influence the trainers who are in a position to advise contractors.

8. Paragraph 22 – The decisions taken at the recent SELCOG meeting, will be forwarded by Brian Baker to Secretariat who will then circulate to all group members for information.

ACTION: Brian Baker & Secretariat

9. Paragraph 24 – Decommissioning LPG Installations (BP) – John Hazeldean John reported that the LPGA code of practice covering LPG industry had some relevant guidance applicable to above ground tanks. However when referring to underground tanks there is no mention of decommissioning. This should not present a problem as Code of Practice 1 covers guidance. The group agreed that if all angles have been covered in the current guidance then we should accept their proposals and re-address any concerns as they arise and action accordingly.

10. Agenda Item 4 – West Yorkshire Operational Guidance – Roger Marris

The issue of transferring the guidance over to HSE Website was discussed in detail particularly areas concerning physically updating the document and getting it placed on the Website. It was suggested that once the group agreed the guidance the Chair would establish how to launch it onto the Website. Once launched the group would then agree ongoing review procedures. It was also suggested that PETELs should annually be reviewed therefore a task and finish group should be set up to complete this task. The Chair will compile a list of all PETELs prior to the next meeting however if he has not received any comments back re: the guidance by the end of January 2007 he will assume the group are content with the document.

ACTION: All PLA members and Allan Davies

11. Agenda Item 5 – Tanker Unloading Procedures – John Hazeldean

John Hazeldean updated the group on the ongoing issues that Tesco have raised relating to the above. He has scheduled a meeting with Tesco to re-address the procedures they currently adopt however he raised concerns about the methods proposed. If however they insist both exercises are carried out by one individual then perhaps we could propose a similar method but one, which would be a safer alternative, as this method is already in practice but a lot of people are unhappy with current procedures. Concerns were raised relating to tanker drivers responsibilities when it comes to relieving pressure in their tankers, unfortunately Rory Hennessy who sits on the EI Tanker panel was not at the meeting to share his views with the group.

John Hazeldean has indicated he will liase with Robert Harris and explore the ongoing issues and insist that any releases at low level on the forecourt are totally unacceptable. Any releases should be via vent pipes or an alternative method. John will update the group of developments.

ACTION: John Hazeldean

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

Roger Marris requested agreement from the group as to the proposed changes to the forms however a number of issues arose in particular the sections on the renewal form that made provision for the licensee to renew the licence for a period of 1,2 or 3 years. Comments from both the North West and Scottish Licensing Groups suggested that a number of PLAs were not in favour of granting/renewing licences for periods in excess of 12 months. However the Chair alerted the group that we should be mindful of changes due to the fact that they are being imposed to reduce burdens on business therefore if we prefer to have a certain level of control then we should agree an approach rather than waiting to be told.

It was highlighted that the PETEL 65/47a (yet to be published!) encourages multiple year licensing so we need to bear in mind the principles that the duty holder accepts responsibility and identify levels of compliance, recognising the travel of direction from central government.

Concern was raised at the inclusion of the 'date of birth' for a non-corporate applicant on the application form; no consensus of opinion was reached on this matter and RM will explain the rationale in a covering paper for the second round of consultation. It was agreed that the term 'Christian name' on the application form should be replaced with 'first name'.

Roger to incorporate group's views and re-circulate to group for comment.

ACTION: All members & Roger Marris

13. Agenda Item 7 – E85 Update – Roger Marris

Roger informed the members about the APEA ad hoc Working Group that has been formed of which he and John Hazeldean and Jo Bradley were members. The draft guidance will be forwarded to members in January 2007 for general comments and

the aim is to have the guidance finalised by April 2007. Plans are in place for a wider consultation however the aim is to have the guidance published by Spring 2007. In the 4th draft of the guidance the term 'E85' has been replaced by the term 'Bio-Ethanol Blend Fuels' (BEBF) so as not to restrict the guidance to a fuel comprising a 85% ethanol / 15% petrol (ULG) blend.

Jo Bradley raised her concerns relating to compatibility issues and conscious of the fact that this is already being retailed in this country however questions relating to what measures have been put in place to protect individuals from spillages. For those companies who retail it, what provisions have they implemented to cover wastage/spillage/drainage issues, so although these concerns have been identified the group are still considering options of how to address the concerns.

ACTION: Roger Marris

14. Agenda Item 8 – Unattended Sites – John Hazeldean

John Hazeldean informed the group that supermarkets are increasing the number of unattended sites. There is current guidance, which covers unattended sites operating outside normal trading hours. However the measures drafted are not aimed at busy sites and there is concern about lack of adherence to this guidance. The fear is that there will be an increase in incidents as these sites will have no one there to provide advice to the large number of customers (in cases of an emergency) that use the forecourts. It was suggested that we could review the current Swedish operational guidance covering this area, which could perhaps be tailored to meet our requirements incorporating some of the effective standards they stipulate.

The group agreed the best way forward would be to review the PETEL, which is obviously inadequate in its current format and new guidance should be compiled covering 'unmanned sites' with assistance from Tesco and Asda. A task and finish group consisting of Brian Baker, Neil Simms, Ray Blake and Phil Monger will take this action forward and Brian will draft the terms of reference.

ACTION: Brian Baker/Neil Simms/Ray Blake/Phil Monger

15. Agenda Item 9 – Stage II Vapour Recovery – Brian Baker

Brian Baker informed the group that the 'Forecourt Equipment Federation' have now published guidance which is available on their website and that the Stage II arrangements for revised permits, under vapour regulations, have come from DEFRA.

A workshop is planned for January 2007 to promote the guidance and to make individuals aware of the requirements that will be implemented. It was made clear that the stage II type approved kit would need to take account of both monitoring and measuring in terms of benchmarking. Phil Monger advised the group that as a result of problems already encountered DEFRA have since agreed the use of an orifice plate which is an alternative to a P/V. Whilst this might overcome some of the problems, we may however, still need to consider revising our guidance.

16. Agenda Item 10 – SELCOG Incident Reporting – Brian Baker

Brian informed the group that SELCOG wished to retain the facility that was introduced 2 years ago. SELCOG will still gather and analyse the information however there is a limit to their ability to analyse in detail to levels some would like.

They plan to impose control measures and will therefore need to record data applicable to both the measures and faulty equipment. The group supported the above proposals, particularly the sharing of data.

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

The group were informed that Hampshire and West Sussex authorities, were unclear as to what they should/shouldn't be licensing. The associated PETEL (65/3) was due to be revised however due to unforeseen circumstances this has not been actioned. However Policy Directorate will liaise with HSE's legal team to establish their legal ruling on this particular issue.

Jo Bradley informed the group that fuel bowsers must comply with the oil storage (England) Regulations. Applicable guidance will be forwarded to Secretariat for circulation to the group.

ACTION: Jo Bradley & Secretariat

18. Agenda Item 12 – BPTV on Forecourts – Brian Baker

Brian Baker informed the group that w.e.f. 4/12/06 the above will be trial led on 2 sites. The siting of cameras will be placed above hazardous areas whilst continually broadcasting safety information i.e. the use of mobile phones whilst refuelling.

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

The above are intended to be used when individuals run out of petrol, the container is designed to be disposed of immediately after use. However there are approved standards for containers that may be used on forecourts. Phil Monger said that he had been approached by this company and had advised them of his concerns. Whilst the can was not designed for storage, that would not prevent motorists from using them in that way and there was then the concern of safe disposal once the can had been used. The group felt there were sufficient alternatives and that the flatcan would not be regarded as fit for purpose. Secretariat should therefore respond 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.

ACTION: Secretariat

20. Agenda Item 14 – European Norms – Brian Baker

European Norms are reviewed every 5 years. The Committee that leads on this is Technical Committee (TC) 221 and the group that meets in the UK at the BSI is the PVE 21 Committee. Brian informed the group that the committee are constantly looking at reviewing standards and PV valves. He will forward details to Secretariat for them to circulate to the group. Phil Monger advised that he and others on the PELG committee had served on PVE 21 since its inception and on its predecessor PCL 6 which was responsible for the introduction of BS 7117 (Dispenser standard) All sectors of industry including enforcers were still represented on PVE 21.

ACTION: Brian Baker

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

Brian reported that a transport manager from Network Rail had been to a site to refuel but was prevented from filling his tank due to the specification stipulated under the Motor Vehicle Regulations (under 333 litres). However Petel 65/9 ‘Revised Model Conditions’ provides conflicting advice on what can actually be dispensed. Brian agreed to forward a copy of the ‘Consistency in Policy’ document to Secretariat to circulate to the group.

ACTION: Brian Baker & Secretariat

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

Ray sought clarification re: procedures particularly with reference to refused licences and possibly appealing via HSE to obtain a Home Office licence. John Hazeldean informed him that if he considered the proposal to be safe then he would issue a licence. It was highlighted that HSE’s existing appeals procedures need to be readdressed, John will liaise with Secretariat to revise document and ensure it is included in the operator’s guidance.

ACTION: John Hazeldean & Secretariat

23. Agenda Item 17 – Any other business

LAPS – Ray Blake has been tasked with looking at all Petels with the view to setting up a LAPS partnership however he is not clear on how they fit into partnership arrangements therefore he needs to establish the relevance to LAPS partnership.

The Local Better Regulations Office, have developed a working group to look at the Lead Partnership schemes with the aim of creating guidance in 2007. Whilst waiting for this guidance to be finalised Ray advised the group, for the interim period, to refer to the Petel applicable to LAPS partnerships.

LPG (cold burns) – Brian Baker is due to have a meeting with both BP and Shell; he commented that the numbers of incidents were escalating rapidly, which is raising concerns. Feedback will be provided to the group at the meeting scheduled for 25/4/2007.

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. DTI are terminating contracts for a lot of their staff, leaving the remaining staff unclear resulting in retailers and Local Authorities feeling rather exposed. Concerns therefore have been raised in relation to the quality of the plan, which is no longer defined leaving very little in place. It was therefore suggested that HSE needed to advise DTI of the PELG existence and therefore the need for them to be involved in any future consultations. Chris will pass contact details to Secretariat.

ACTION: Chris Hunt

Standards for electrical installations- Neil Simms requested clarification from the group relating to standards EN60079 and BS5345. He was led to believe that 5345

was no longer used. He was informed that existing forms are currently being updated therefore some references will be incorrect however BS5345 has been replaced by EN60079 and should be used appropriately. Many existing sites however, were built to the British standard, before harmonisation had taken place and it was appropriate for them to continue under that standard subject to them being safe.

1000 litre tank/dispenser units on golf courses - Rob Tunnicliff informed the group of the concerns that have been raised by a company in Leicester relating to applicable licensing of tanks. He advised the group that all tanks should be licensed and should be used for sole storage only. The appropriate bodies should be notified that they exist and they should ensure they have been issued with a licence.

It was agreed that the above concern should be incorporated into the existing Petel 65/53 'DSEAR – Petrol Filling Stations – Definitions – Fuel Retrievers & Airfield Bowsers'

ACTION: Roger Marris & John Hazeldean

24. Date of next meeting

Next meeting will be held on Wednesday 25 April 2007, London, venue and time to be agreed and Wednesday 12 September 2007, London, venue and time to be agreed.

ACTION: Secretariat