



**ENVIRONMENTAL AND CONSUMER
PROTECTION SERVICES**

PETROL FILLING STATIONS

STANDARD CONDITIONS OF LICENCE

JUNE 2005

IMPORTANT NOTICE

THESE CONDITIONS FORM PART OF THE LICENCE TO STORE PETROLEUM SPIRIT.

THEY SHOULD BE READ CAREFULLY.

ANY PERSON WHO CONTRAVENES ANY CONDITION OF THE LICENCE IS LIABLE ON CONVICTION TO A SUBSTANTIAL FINE OR TERM OF IMPRISONMENT.

ADDRESS OF LICENSING AUTHORITY FOR CONTACT UNDER CONDITIONS OF LICENCE:

Borough of Poole
Environmental and Consumer Protection Services
New Fields Business Park
Stinsford Road
Poole
BH17 0NF

Telephone 01202 261700
Fax 01202 261717

Introduction

These revised Standard Licence Conditions have been produced to replace the existing Standard Licence Conditions, which were last revised in 1996.

The conditions have been produced by LACORS¹ with the intent of promoting the adoption of standard licence conditions by all Petroleum Licensing Authorities.

The revised conditions reflect the significant changes that have resulted from the recent coming into force of the Dangerous Substances & Explosive Atmospheres Regulations 2002 {DSEAR}. These new Regulations, which are risk assessment based, have effectively removed much of the responsibility for controlling the routine operation of Petrol Filling Stations from the Petroleum Consolidation Act 1928 and therefore the need to retain many of the prescriptive control measures previously contained in Licence Conditions.

It must be stressed that the much-reduced number of licence conditions, which now apply, does not mean that the responsibilities of licensees and petrol filling station operators have diminished. In fact in addition to familiarising themselves with these new conditions, it is essential, that licensees and site operators make themselves familiar with the new Regulations, the associated Approved Codes of Practice which are published by the HSE² and any further guidance published by HELA³ & LACORS¹ in the form of PETELS.

DSEAR does not however apply to non-workplace situations, and Petrol Licensing is still therefore the primary mechanism by which such non-workplace petroleum-spirit storage is controlled.

These new licence conditions are therefore only intended at this stage to address the licensing of Retail and Non-Retail Petrol Filling Stations, where a work activity is undertaken.

¹ Local Authorities Coordinators of Regulatory Services

² Health & Safety Executive

³ HSE / Local Authority Enforcement Liaison Committee

1. **Definitions**

In the licence and for the purpose of these conditions (except in so far as the context otherwise requires) the following expressions shall have the meanings respectively assigned to them:

- 1.1. **Approved** means the acceptance in writing by the Petroleum Licensing Authority.
- 1.2. **Approved Arrangements** means those arrangements relating to the design, construction and operation of the licensed premises, which accord with the plans and specifications approved by the Petroleum Licensing Authority
- 1.3. **Inspector** means a person duly appointed in writing by or on behalf of the Petroleum Licensing Authority under the legislation for the time being in force relating to the keeping of petroleum-spirit.
- 1.4. **Competent Person** means a person with enough practical and theoretical training, knowledge and actual experience to carry out a particular task safely and effectively. The person shall have the necessary ability in the particular operation of the type of plant and equipment with which he or she is concerned, an understanding of relevant statutory requirements and an appreciation of the hazards involved. The person shall also be able to recognise the need for specialist advice or assistance when necessary and to assess the importance of the results of examinations and tests in the light of their purpose. A 'person' can be taken to mean more than one or a body corporate or unincorporate. It is therefore possible to appoint appropriate organisations (e.g. insurance companies or inspection bodies) to carry out tasks designated for competent persons.
- 1.5. **Firework** means the explosive articles allocated in accordance with the United Nations Recommendations any of the U.N. nos. 0333 to 0337.
- 1.6. **Licence** means a licence authorising the keeping of petroleum-spirit issued by a Petroleum Licensing Authority pursuant to the Petroleum (Regulation) Acts 1928 and 1936.
- 1.7. **Licensed Premises** means the premises in respect of which the licence is in force and shall include all buildings, tanks, pipework, pumps, dispensers, drainage, ancillary equipment, and forecourt area within that part of the premises relevant to the storage, delivery and dispensing of petroleum-spirit.
- 1.8. **Material Alterations** means any alteration, which within the limits of the application of the Licence, may in the opinion of the Petroleum Licensing Authority reasonably affect the safe operation of the Licensed Premises and would include: -{change of or cessation of use of the licensed premises; removal, repair, replacement or installation of any storage tank or pipeline; removal, replacement or installation of any liquid fuel dispenser; removal, repair or installation of any part of the site's leak detection, spillage or delivery control system; removal or installation of any electrical equipment within the hazardous areas of the licensed premises; construction of any buildings or works within the hazardous areas or elsewhere on the licensed premises, which would otherwise affect the safe operation of the licensed premises }
- 1.9. **Petroleum Licensing Authority** means Borough of Poole Environmental and Consumer Protection Services.

2. **General Conditions**

- 2.1. The licence and any licence conditions issued, or copies of these documents, shall be kept on the licensed premises and shall be produced to an Inspector upon demand.
- 2.2. The Licensee shall, at least 28 days before the date of a proposed transfer of a licence, apply in writing to the Petroleum Licensing Authority for the proposed transfer, giving the name and address of the person to whom he proposes to transfer the licence.
- 2.3. The Licensee shall not undertake or permit to be undertaken any material alterations to the approved arrangements, unless the written consent of the Petroleum Licensing Authority has been obtained.

Permitted Quantities

- 2.4. The quantity of Petroleum-Spirit kept at any one time on the licensed premises, excluding petroleum-spirit in the tanks of motor vehicles shall not exceed the amount specified in the licence.

Notification Requirements

- 2.5. The Licensee shall immediately notify the Petroleum Licensing Authority and confirm in writing the details of any fire, explosion, significant spillage of vehicle fuel on the licensed premises, any actual or suspected leak or loss of vehicle fuel from the storage tanks and pipework installation on the licensed premises, or other significant incident, which would be reasonably judged to be detrimental to the safe operation of the licensed premises.

Storage of Other Dangerous Substances

- 2.6. Save as otherwise approved by the Petroleum Licensing Authority, no fireworks shall be kept on the licensed premises.

Security of Site

- 2.7. Except where the Licensed Premises are authorised by the Petroleum Licensing Authority for use as an “Unattended Self Service Petroleum Filling Station”, the Licensed Premises when left unattended, shall have all electrical power to the dispensing equipment switched off and the dispensers, all fuel storage tanks and associated equipment adequately secured to prevent unauthorised access.

Dispensing of Petroleum-spirit

- 2.8. No operating attendant shall be under the age of 16 years and when open for business the licensed premises shall be supervised by a competent person who shall not be under the age of 18 years.
- 2.9. The licensee shall take all reasonably practicable steps necessary to prevent persons under the age of 16 having access to petroleum-spirit on the licensed premises or any equipment associated with the dispensing of vehicle fuel.

- 2.10. Except where a pump used to dispense petroleum-spirit is being tested for accuracy or during the course of repairs to the installation or any part thereof, petroleum-spirit shall only be dispensed into the fuel tanks of a motor vehicle ship or aircraft, or into a suitable container, which has been designed and constructed for the carriage of petroleum-spirit. Any container used for this purpose shall immediately be securely closed and removed from the licensed premises or kept in a safe place.

Maintenance & Records

- 2.11. The licensed premises shall be maintained in such a condition that all approved arrangements, including all relevant safety-related features remain in place and function effectively.
- 2.12. The Licensee shall maintain in a form acceptable to the Petroleum Licensing Authority and produce to an Inspector on request, a record documenting the details of all maintenance, repair, staff training and risk assessments relevant to the prevention of fire and explosion on the Licensed Premises.
- 2.13. The Licensee shall undertake and record, in a manner and to a level of accuracy acceptable to the Petroleum Licensing Authority, the monitoring and reconciliation of all stocks of petroleum spirit and any other vehicle fuel, the escape of which could affect the safe storage and dispensing of petroleum spirit, delivered to, stored in and dispensed from the Licensed Premises. These records shall be retained for at least 12 months and shall be made available for examination by an Inspector on demand. The Licensee shall notify the Petroleum Licensing Authority forthwith of any apparent losses or gains of vehicle fuel identified, which are outside normal operational patterns.
- 2.14. The Licensee shall maintain and produce to an Inspector on demand, documentary evidence that all electrical equipment and parts of the electrical installation on the Licensed Premises relevant to; the delivery, storage and dispensing of petroleum-spirit; and to those areas of the Licensed Premises where an explosive atmosphere may occur; comply with existing legislative requirements.