

19/62
App A



Havering
LONDON BOROUGH

Notice of Non-key Executive Decision

Subject Heading:	Approval to Make an in Year Variation to Firework Fees and Charges
Cabinet Member:	Cllr Viddy Persaud, Cabinet Member for Public Protection and Safety
SLT Lead:	Sue Harper, Director of Neighbourhoods
Report Author and contact details:	Keith Bush, Public Protection Manager 01708 433425 Keith.bush@havering.gov.uk
Policy context:	Opportunities, Helping people get on in life by creating jobs and skills opportunities and building genuinely affordable homes. <ul style="list-style-type: none">• Business growth Ensuring that our licensing fees structure is fair to local businesses and help support existing and new businesses.
Financial summary:	Financial implications arising from a result of changing fees. All premises that currently require a licence will continue to be licensed and will need to pay a fee. There are 37 premises that currently hold an explosives licence. There is a potential decrease in income if all traders were to move to 5 year licences of approximately £2195.
Relevant OSC:	Environment
Is this decision exempt from being called-in?	No

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The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input checked="" type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To approve a revised schedule of fees and charges in respect of premises used to store explosives in 2019/20 and to remove the current renewal fee under The Firework Regulations 2004

AUTHORITY UNDER WHICH DECISION IS MADE

Constitution Part 3: Responsibility for Functions

2.5 The following Functions may be delegated to individual Cabinet members by the Leader.

(q) To agree minor matters and urgent or routine policy matters

(x) To approve all in year changes to both fees and charges.

STATEMENT OF THE REASONS FOR THE DECISION

The report seeks approval for a revised schedule of fees and charges in respect of premises used to store explosives. The reasons the changes are needed are given below:

Explosive Licences

The Explosives Regulations 2014, amongst other requirements, enables the local authority to grant, renew, vary and transfer licences for persons who wish to store and sell explosives such as fireworks.

The fees that a local authority can charge for these explosive licences are set by statute by The Health and Safety and Nuclear (Fees) Regulations 2016.

The London Borough of Havering has historically only adopted the fees for one and three year licences. The authority is receiving more requests from local businesses for licences of different durations, most notably two and five year licences.

The only grounds for refusing to grant a licence are if the proposed site is unsuitable or the applicant is not a fit person to store explosives. The authority is not able to refuse an application on the grounds that it hasn't adopted the fees. It is therefore proposed to adopt all fees from one to five years so that the authority is able to grant any duration of licence subject to the suitability of the applicant and premises.

If the service were to receive requests from traders that wanted to 'upgrade' their existing licence to a longer term licence because this facility was not available

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previously the service would request the trader pay the difference in the fee that they've already paid to the value of the longer licence. The new licence would run from the date of the original licence.

In addition to this, under The Firework Regulations 2004 the authority can issue a licence that permits all year sales. Regulation 9(7) states that the local licensing authority may charge a fee not exceeding £500 a year in connection with the grant of a licence under this regulation. Under the current fees structure there is a renewal fee quoted as £552. There is no provision for a renewal fee under the 2004 Regulations and this line needs to be deleted.

Details of the current and proposed fees are included in appendix A.

OTHER OPTIONS CONSIDERED AND REJECTED

Not to amend the current fees.

This option was rejected. The fees are governed by statute. Failure to amend the fees to extend the length of the licences could expose the authority to reputational risk.

PRE-DECISION CONSULTATION

There has been no formal consultation with stakeholders but the feedback from businesses is for a longer licence.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Keith Bush

Designation: Public Protection Manager (Licensing and Trading Standards)

Signature:



Date:

10/9/19

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Explosives Regulations 2014, amongst other requirements, enables the local authority to grant, renew, vary and transfer licences for persons who wish to store and sell explosives such as fireworks.

The fees that a local authority can charge for these explosive licences are set by statute by the Health and Safety and Nuclear (Fees) Regulations 2016 and this must be complied with when the fees are set. The term of the licence cannot exceed five years. Failure to extend the length of the licences may result in a legal challenge particularly as business owners have expressed an interest for these to be extended.

The only grounds for refusing to grant a licence are if the proposed site is unsuitable or the applicant is not a fit person to store explosives.

FINANCIAL IMPLICATIONS AND RISKS

The explosives licensing fees are set by statute under the Health and Safety and Nuclear (Fees) Regulations 2016. It is not anticipated that all retailers will move to five year licences although some might. Analysis has been carried out to assess the change in revenue should all traders move to five year licences.

The first table shows the total estimated revenue over the next 5 years if all traders continue with their current length of licence. The second table shows the total estimated revenue if all traders were to move to 5 year licences. As the tables show the service could see a decrease in income of £2195 over the next 5 years. This is based on the current 37 licences renewing. The number of licences has remained fairly static over the last few years and if anything is on the decline. There are currently 37 licences in 2019/20. There were 43 in 2018/19, 40 in 2017/18 and 39 in 2016/17.

As is

Row Labels	Sum of 2019/20	Sum of 2020/21	Sum of 2021/22	Sum of 2022/23	Sum of 2023/24	Sum of Total
⊖ up to 250kg	1,158	1,690	1,038	1,330	1,518	6,734
1 year @54	918	918	918	918	918	4,590
2 Year @86	0	172	0	172	0	344
3 Year @120	240	600	120	240	600	1,800
⊖ over 250kg	1,930	2,224	1,930	2,224	1,930	10,238
1 year @86	430	430	430	430	430	2,150
2 Year @147	0	294	0	294	0	588
All year @500	1,500	1,500	1,500	1,500	1,500	7,500
Grand Total	3,088	3,914	2,968	3,554	3,448	16,972

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Full uptake of the 5 year licence						
Row Labels	Sum of 2019/20	Sum of 2020/21	Sum of 2021/22	Sum of 2022/23	Sum of 2023/24	Sum of Total
☒ over 250kg	3,130	2,152	1,500	1,500	1,500	9,782
5 Year @326	1,630	652				2,282
All year @500	1,500	1,500	1,500	1,500	1,500	7,500
☒ up to 250kg	3,515	1,295	185			4,995
5 year @185	3,515	1,295	185			4,995
Grand Total	6,645	3,447	1,685	1,500	1,500	14,777

This would represent a loss of £2195 over the five year period.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

There are no direct human resources implications arising out of this plan and no additional accommodation implications.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

The proposal is to increase the range of fees for explosives licences in the borough.

The fees are set by statute under the Health and Safety and Nuclear (Fees) Regulations 2016. The authority intends to add the full list of fees to allow applicants to hold licences from 1 to 5 years which will give businesses more flexibility over the length of licence they require.

Given the nature of the decision it is not anticipated that it will have any positive or negative effects on either people's health or the protected characteristics. An equality and health impact assessment checklist has been completed and it is not considered

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that an Equality & Health Impact Assessment is needed.

BACKGROUND PAPERS

None

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Delete as applicable

Proposal NOT agreed because

Details of decision maker

Signed



on behalf of :

Name: Cllr Viddy Persaud,

Cabinet Portfolio held Cabinet Member for Public Protection and Safety

Date:

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on 18/09/2019

Signed

