

London Borough of Barnet

Fireworks Licensing Policy

Effective from ****

(Approved at Full Council on **01/2024)

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1. Definition of Terms

1.1. In this policy the following expressions have the meaning set out below:

2014 Regulations	The Explosives Regulations 2014
2003 Act	Fireworks Act 2003
2004 Regulations	Fireworks Regulations 2004
Storage Licence	Refers to a licence under the Explosive Regulations 2014
Licence to sell all year	Refers to a licence under the Fireworks Regulations 2004
Licensing Authority	The London Borough of Barnet exercising its powers as a licensing authority.

2. Introduction

- 2.1 The London Borough of Barnet is the licensing authority under Schedule 1, Section 1(a)(ii) of the Explosives Regulations 2014.
- 2.2 The permitted sale periods for selling fireworks are:
- during the period beginning on the 15th October and ending on the 10th November
 - during the period beginning on the 26th December and ending on the 31st December
 - on the first day of the Chinese New year and the three days immediately proceeding it
 - on the day of Diwali and the three days immediately proceeding it.
- 2.3 A licence is required in order to be permitted to sell fireworks all year round and not just during the periods set out in paragraph 2.2 above. Pursuant to regulation 9 of the Fireworks Regulations 2004 the London Borough of Barnet is the licensing authority for such applications.
- 2.4 There are currently 40 premises licensed to store explosives in the London Borough of Barnet, the majority of these are supermarkets and convenience stores.
- 2.5 A consultation took place on this policy between **3rd August 2023** and **28th September 2023**. This policy was approved at a meeting of the Full Council on ********* and came into force on **** January 2024**.

3. The Application

- 3.1 All applications for a licence must be made to the London Borough of Barnet either by submitting the forms by post or email using the forms on the London Borough of Barnet website.

London Borough of Barnet
Licensing Team
2 Bristol Avenue
Colindale
London NW9 4EW
Licensingadmin@barnet.gov.uk

- 3.2 Applicants can be an individual, company or partnership.

4. New applications

- 4.1 New applications must be:
- Made in writing.
 - Made on the correct application form as prescribed by the London Borough of Barnet.
 - Accompanied by the full application fee.
- 4.2 An incomplete or incorrectly completed application will be rejected.

5. Renewal application

- 5.1 A correctly completed application for the renewal of a licence should be submitted no later than one month before the existing licence will expire.
- 5.2 An incomplete or incorrectly completed application will be rejected.
- 5.3 A renewal application will be treated the same as a new application in relation to consultation and determination.

6. Variation or transfer application

- 6.1 The Licensing Authority may vary a storage licence:
- a) where there has been a change in circumstances such that the separation distances can no longer be maintained and the consequent reduction in the maximum amount of explosive that may be stored is required; or
 - b) in relation to any of the matters it relates to, by agreement with the licensee.
- 6.2 A storage licence may be varied without the agreement of the licensee. The licensee must be given written reasons for the proposed variation. The licensee will be given the opportunity of making representations to the licensing authority, within a period of 28 days from the date of the notification. Representation can be made in writing, or both in writing and orally.
- 6.3 If the storage licence is varied without the agreement of the licensee, the variation takes effect from a date to be determined by the licensing authority which must be a date after the 28 day period for representations.
- 6.4 The licensing authority must grant the application for the transfer of a storage licence or a licence to sell all year unless it is of the opinion that the applicant is not a fit person to store explosives as per Regulation 20(2)(b) of the 2014 Regulations.

7. Consultation

- 7.1 All applications made under this policy will be published on the London Borough of Barnet's website.
- 7.2 A copy of the application will also be emailed to the London Fire Brigade.

8. Determining the application

- 8.1 The London Borough of Barnet will consider each application on its own merits.
- 8.2 Storage licences can be granted or renewed for a period of up to five years. Licences to sell all year can be granted or renewed for a period of up to 12 months.

- 8.3 The Council will take a proportionate, risk-based approach when dealing with licence applications and the duration of the licence requested.
- 8.4 Storage licences will only be issued to new retailers with no inspection or enforcement history for a maximum period of one year.
- 8.5 Storage licences will only be issued to existing licensed sites with a mixed or poor history of compliance for a maximum period of one year.
- 8.6 Storage licences will only be issued to existing licensed sites:
- that have a history of regularly requiring advice;
 - where minor breaches have been identified at inspections; and
 - that has for example high (relevant) staff turnover.
- for a maximum period of one year.

9. Conditions

- 9.1 Regulation 13 (6) of the 2014 Regulations, allow for conditions to be placed on storage licences.
- 9.2 The London Borough of Barnet recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to individual premises.
- 9.3 Appropriate conditions can be imposed on a licence. Each licence must include conditions that specify:
- the site and, within it, the places where the explosives may be stored.
 - the hazard type, if any, the description and maximum amount of explosives which may be stored or be present, at any one time at any place so specified.
- 9.4 For licences which relate to the storage of pyrotechnic articles at any site where those articles are to be offered for sale, conditions may be attached considered appropriate which relate to:
- the storage and display of those article in areas where they can be purchased;
 - the prevention of risk of fire arising in respect of those articles; or
 - the safe use of fire escapes in that area.
- 9.5 The London Borough of Barnet expects licence holders to comply with the legal requirements of the 2014 Regulations and any relevant guidance issued by the Health and Safety Executive.

10. Refusal of an application

- 10.1 The London Borough of Barnet may refuse an application to sell fireworks all year if the applicant has committed an offence specified in Regulation 9(5) of the 2004 Regulations.
- 10.2 If the London Borough of Barnet refuse an application to sell fireworks all year notice will be given in writing to the applicant within 5 working days of the decision.
- 10.3 The London Borough of Barnet will refuse an application for a storage licence where they are of the opinion that the applicant is not a fit person to store explosives as defined by Regulation 20(2)(b) of the 2014 Regulations.

- 10.4 Where the London Borough of Barnet is minded to refuse an application for storage it will, before taking such action, notify the applicant of its proposed course of action and afford the applicant the opportunity of making representations, within a period of 28 days from the date of the notification.
- 10.5 If the London Borough of Barnet refuses an application for a storage licence, representations may be made to the licensing authority in writing, or both in writing or orally.
- 10.6 The final decision to refuse a storage licence application will be made by a senior member of the Licensing team. Consideration will be made of the circumstances surrounding the application and any representations received from the applicant.
- 10.7 Where the London Borough of Barnet decides to refuse an application the applicant will be provided with written reasons for its decision. This will be provided within 5 working days from the decision.

11. Expiry of a licence

- 11.1 A licence will expire on the date specified on the licence unless it is renewed in time.
- 11.2 A licence holder may surrender his/her licence by sending it to the Licensing Department of London Borough of Barnet at which time it will cease to be valid and will expire.

12. Revocation of a licence

- 12.1 The London Borough of Barnet may revoke a licence to sell all year if the licence holder is convicted of an offence specified in Regulation 9(5) of the 2004 Regulations.
- 12.2 If the London Borough of Barnet revoke an application to sell fireworks all year notice will be given in writing to the applicant within 5 working days of the decision.
- 12.3 The London Borough of Barnet may revoke a storage licence on any of the grounds contained within the Fireworks Act 2004 which include:
- where there has been a change in circumstances such as that the site is no longer suitable for the manufacture or storage;
 - where it appears to the licensing authority on information obtained by it after the grant of the licence that the licensee is not a fit and proper person as per Regulation 20(2)(B) of the 2014 Regulations to store explosives, and
 - by agreement with the licensee.
- 12.4 Where the licensing authority proposes to revoke the storage licence, it must, before taking such action, notify the licensee of its proposed course of action and afford that person the opportunity of making representations to the licensing authority about it, within a period of 28 days from the date of the notification.
- 12.5 Representation when the London Borough of Barnet is minded to revoke a storage licence must be given in writing, or both in writing and orally.
- 12.6 Where the licensing authority decides to revoke a licence, it must provide in writing to the licensee the reason for its decision.
- 12.7 Where the licensing authority revokes the storage licence, that revocation takes effect from a date to be determined by the licensing authority which must be a date after the 28 day representation period.
- 12.8 A person whose storage licence is revoked must ensure that:

- all explosives are removed from site as soon as practicable after revocation of a licence in respect of that site
- those explosives are deposited at a licensed site, or suitable arrangements are made for those explosives to be disposed of
- the licence is returned to the licensing authority within 28 days of the date that the revocation takes effect.

13. Fees

13.1 Fees for a storage licence are set by the Health and Safety (Fees) Regulations and are variable dependant on the amount of explosives to be stored and safety distances.

13.2 Fees for a licence to sell all year are set by the Fireworks Regulations 2004.

13.3 The current fees applicable are set out in the London Borough of Barnet's Fees and Charges Schedule which are to be updated ahead of Full Council on 17th October 2023, and come into force from 1st January 2024.

14. Decisions

14.1 The reasons for any decision(s) taken by the London Borough of Barnet in respect of an application for a licence will be provided in writing to all parties to the proceedings within 5 working days of the decision.

14.2 Decisions will be taken having regard to this Policy and the relevant legislation.

15. Appeals

15.1 Any applicant who is refused a licence to sell fireworks all year round may, within 28 days of receiving the decision notice, appeal to the local magistrate.

16. Enforcement and Inspection

16.1 Any enforcement action instigated by the London Borough of Barnet will be in accordance with the Explosive Regulations 2014, the Fireworks Regulation and Fireworks Act 2004 and the current Enforcement Policy.

16.2 Site inspection will be undertaken:

- (a) prior to the grant of a licence;
- (b) if required, following the grant of a licence;
- (c) prior to or following the renewal of a licence: and if information is received that the licence holder is operating outside the requirements of the licence

16.3 Enforcement visits will be undertaken to unlicensed premises.

17. Public Register

17.1 The London Borough of Barnet will maintain a register containing information relating to the application and licence. This information will be held electronically on the Council website.