

## **Appendix IV - Bridgend**

**Bridgend is currently operating under two systems. Some licences are issued under the Firework Act 2003 and others are issued under the Explosive Regulations 2014. Examples of both are attached.**

Licences issued under 2003 Regulations have the following conditions attached:

### **Licence Conditions – Firework Act 2003(Crackerjack explosive licence attached)**

The Fireworks Regulations 2004 restrict the supply of the adult fireworks\* to consumers to the following times of the year.

- **During the period beginning on the 15<sup>th</sup> October and ending on the 10<sup>th</sup> November**
- **During the period beginning on the 26<sup>th</sup> December and ending on the 31<sup>st</sup> December**
- **On the first day of the Chinese New Year and the three days immediately preceding it**
- **On the day of Diwali and the three days immediately preceding it;**

This licence allows the supply of fireworks to consumers outside these periods. The licence is valid for 12 months from the date of issue and is granted subject to the following terms:

1. The information given in applying for this licence must be truthful, current and complete.
2. The applicant and others with a controlling interest in the business must not have committed an offence in relation to the supply or storage of fireworks, namely:
  - (a) Any offence under section 11 of the Fireworks Act 2003  
**For example;**
    - *Supplying excessively loud fireworks (exceeding 120 dB)*
    - *Failure to display statutory notice in a prominent position*
    - *Failure to keep records in relation to the supply of fireworks where the explosive content exceeds 50kg*
    - *Failure to make such records available on request of the local authority*
  - (b) Any offence under section 12 of the Consumer Protection Act 1987 arising from a contravention of the Fireworks (Safety) Regulations 1997  
**For example:**
    - *Supplying adult fireworks or sparklers to a person under the age of 18*
    - *Supplying category 4 fireworks to a member of the public.*
  - (c) Any offence under sections 4, 5 or 32 of the Explosives Act 1875; or  
**For example:**
    - *Storage of fireworks in unregistered premises*
    - *Incorrect or unsafe storage of fireworks*

- (d) Any offence in relation to the use, storage or keeping of fireworks under the Health and Safety at Work etc. Act 1974
3. The premises to which this licence applies must be registered with the local authority with the Explosives Act 1875 for the storage of fireworks. All fireworks to which this licence applies must be stored in accordance with the relevant Health and Safety requirements.
  4. This licence permits the supply of fireworks from the named premises only. Fireworks supplied, or exposed for supply at any additional premises require a separate licence.
  5. The licence is not transferable and in the event of there being a change in the named person, then a new application must be made to the authority, together with the full fee of £500.

Similarly, should there be a change in premises, a new application must be made to the local authority and the full licence fee paid.

6. The holder must notify the authority immediately of any change in circumstances or of particulars of this licence.
7. **Failure to comply with any of the above conditions will result, as the case may be, in a refusal to grant a licence to supply fireworks, or in the case of such a licence already in force, in its revocation. In this event, the authority will retain the licence fee.**

#### **Appeals against decision of the Licensing Authority**

In the event of the local authority:

- refusing to grant a licence for the supply of fireworks, or
- revoking a licence already in force,

A person may make his appeal to the Magistrates Court. Any such appeal must be made within 28 days of the person being notified by the authority of its decision to refuse or revoke a licence.

**\*Fireworks** – this licence permits the supply to consumers of all adult fireworks as defined in the Fireworks Regulations 2004 as amended.

**Licences issued under the Explosive Regulations 2014 have the following under the heading conditions (Tesco Brewery Lane licence attached):**

Conditions included under regulation 13(5)

places where explosives may be stored or otherwise present, the hazard type (if any) of those explosives and the description and the maximum amount of those explosives are as shown below or, in the case of the places for storage, shown on the plan appended to this licence.

There is not a standard set of conditions. As a result most of the explosive licences do not have specific conditions attached to them at this current time.

This licence includes conditions attached under the provisions of regulation 13 (7) <sup>See Note 4</sup>

The following information is available under the heading for information:

<b>For Information:</b>	
Notes:	
<b>1</b>	Each place where explosives are to be stored should be identified on the appended plan or plans of the site of the site. Where explosives are stored in more than one place the licence must state that, must specify each place, identify the hazard type (if any) of the explosives; describe the explosives which may be stored or otherwise present at any one time in that place; and the maximum amount of explosives which may be stored or otherwise present at any one time in that place and the appended table shows this.
<b>2</b>	Paragraph 1 (6) of Schedule 5 of the Explosives Regulations 2014 requires that where explosives of different hazard types are in one store, the explosives must be treated as belonging to the hazard type which would require the greatest separation distance for the total quantity of those explosives.
<b>3</b>	Explosives that are not generally described in terms of hazard type but [whose storage is to be subject to the conditions of the licence should be listed here. They will comprise those explosives detailed in regulation 27 (2) (a) and those detailed regulation 27 (3) (b) – (d) inclusive of the Explosives Regulation 2014.
<b>4</b>	Where conditions are attached to a licence under the provisions of regulation 13 (7) of the Explosives Regulations 2014 they should be appended to this form and the

	licensee should have their attention drawn to them.
5	There are <i>[insert number]</i> plans that show the places within this site where explosives may be stored.
6	All quantities are net mass of explosives. The maximum amount of explosives referred to in the tables for each place where explosives are stored has been determined from the tables given in schedule 5 of ER2014 and the distances to relevant protected places relevant on the date this licence was granted. The distances to be maintained to the different classes of protected places are shown in the table below.

The distances to be maintained to protected places from places where explosives may be stored are:

Place	Class A	Class B	Class C	Class D	Class E	Class F	Class G	Class H
1	n /a							

***Insert Additional Lines for extra places***

If after the grant of this licence the separation distances can no longer be met, you:

- ▶ must reduce the quantity of explosives being stored to ensure your continued compliance with the separation distance requirements of regulation 27 of ER2014; and
- ▶ should contact your licensing authority as a licence variation may be needed (reg 16(1)(a))