

Derbyshire County Council

Meeting with Cabinet Member, Health and Communities

09 September 2014

Report of the Strategic Director, Health and Communities

CHARGES FOR PETROLEUM SITE SEARCHES AND ENVIRONMENTAL SURVEYS

1 Purpose of the report:

To seek the Cabinet Member, Health and Communities approval to charge for requests for information about petroleum sites and for environmental surveys.

2 Information and analysis:

- 2.1 The Petroleum (Regulation) Acts 1928 and 1936 hereafter referred to as 'petroleum legislation' require that persons storing petroleum are licensed by the local authority. In Derbyshire this function falls to the County Council and administration of the function has been delegated to the Trading Standards Service. Prior to April this year, Derbyshire Fire and Rescue Service (DFRS) was contracted to deliver the petroleum inspection and enforcement role on behalf of the County Council and consequently held and maintained the physical files relating to licensed and decommissioned petrol stores within the county.
- 2.2 The storage of petroleum – whether or not for sale – is subject to licensing control to ensure that public safety is maintained and the risk of leakages or exposure to volatile petroleum vapour is minimised. Those businesses wishing to build or modify sites for storage of petroleum must ensure that construction conforms to acceptable safety standards. Similarly, disused storage facilities must be safely decommissioned. When the operational functions transferred from DFRS the keeping of the petroleum site files detailing site histories were handed to the Trading Standards Service.
- 2.3 Persons with an interest in land or property may from time-to-time request information as to whether a particular location has at some time been associated with the storage of petroleum and, if so, relevant details of the petroleum storage. These will typically include:
- Number of tanks and their capacity
 - Plan showing tank locations
 - Date(s) of installation
 - Period of use
 - Current status
 - Details/method of any decommissioning
 - Information relating to any known leaks or spills of product

- Records of tank testing/integrity

The request will usually be accompanied by a site plan derived from Land Registry information.

- 2.4 If the request relates to an operational site subject to a current licence it is necessary for an officer to first confirm and/or require that the enquirer has authority from the site operator to obtain the requested information. In the case of all requests an officer will first check through the files held to identify whether or not there is an associated record of petroleum storage. As most historic files are not computerised, this may take some time as it may be necessary to look through a number of them to determine whether any relate to the site in question. Having established whether there is a record or not, the requested information is usually straightforward to extract, if available.
- 2.5 Most enquirers (almost exclusively environmental consultancy agencies working on behalf of a land or property developer) will prefer an e-mailed response. Experience to date suggests that administration of a request - including the file search - is unlikely to take more than an hour if the response is to confirm there is no record of storage. In the event that there is information to be provided, assessing this and producing an appropriate response including scans of documents, etc. is unlikely to add more than half an hour to the time taken to respond.
- 2.6 There is no statutory framework under petroleum legislation for providing this information so any charge should be based on a cost-recovery basis. DFRS charged a flat (one-off) fee of £60. Other local authorities charge either a flat fee of between £100 and £150 or charge by the hour from between £42 and £75. The London Fire Brigade charge a 'Search Fee' of £70 regardless of whether any information is on file and an additional £70 if any information relating to the premises in question is found (and supplied).
- 2.7 It is proposed that the fee charged by Derbyshire Trading Standards Service for carrying out a search is a standard fee of £71 with an additional charge for supplying any information, if present, at the currently hourly rate for trading standards staff (£71 – see CabCo report dated 6th May 2014 via the link below) with a minimum half-hour fee (i.e. £35.50).

http://www.derbyshire.gov.uk/images/fees%20all_tcm44-250086.pdf

- 2.8 Since taking possession of the site files there have been nine requests for environmental searches, three of which were positive, i.e. information about petroleum activity was found on file relating to the premises enquired about, and thus provided to the enquirer. Assuming a similar level of requests for information and adoption of the suggested charges for providing this information, annual income in the region of £2,000 can be anticipated.

3 Other considerations:

In preparing this report the relevance of the following factors has been considered; financial, legal, prevention of crime and disorder, equality of opportunity; and environmental, health, human resources, property and transport considerations.

4 Background papers:

CabCo Report dated 06 May 2014 - Fees for Financial Year 2014/15 Trading Standards Division

5 Key Decision:

No

6 Call-in:

Is it required that call-in be waived for any decision on this report?

No

7 Strategic Director's recommendation:

That the Cabinet Member, Health and Communities agrees to the proposed charges for requests for information about petroleum sites and for environmental surveys.

David Lowe
Strategic Director
Health and Communities