

REGULATORY COMMITTEE
18th DECEMBER 2002

FOVANT: CATHERINE FORD LANE -
EXPLOSIVES FACTORY LICENCE

Purpose of Report

1. To ask the Committee to appoint Members and to name the Chairman to serve on the Explosives Panel to hear an application for Assent for an Explosives Factory Licence.

Background

2. The powers and duties of the County Council are as set out in attached **Appendix 1**.
3. The applicant, Millennium Pyrotechnics Limited of The Old Barns, Manor Farm, Chilmark, is an established supplier of fireworks. The company also designs and creates pyrotechnic displays.
4. The applicant currently holds a Factory Licence issued by the Health and Safety Executive for its premises in Chilmark and also has two stores in Berwick St. Leonard which are licensed by the County Council.

Details of Application

5. The applicant has applied to The Health and Safety Executive for an Explosives Factory Licence and this has been granted initial approval.
6. The new factory will centralise operations for the company bringing all storage onto the one site which will also improve security.
7. Notices of the hearing will be published, as required by the Explosives Acts 1875 and 1923.

Recommendation

8. That the Committee:-
 - (i) Agrees the size and names the Members to serve on the Explosives Panel to hear the application by Millennium Pyrotechnics Limited for Assent for an Explosives Factory Licence; and
 - (ii) Names the Chairman of the Panel.

Reason for Recommendation

9. To respond to an application for an Explosives Factory Licence.

RICHARD J. LANDER

Director of Environmental Services

The following unpublished documents have been relied on in the preparation this Report:

None

Environmental Impact of the Recommendations contained in this Report:

None

EXPLOSIVES ACT 1875

Duties and Powers of the County Council

Initial application for an Explosives Factory licence is made to the Health and Safety Executive.

When all details of the draft licence have been settled between Her Majesty's Specialist Inspectors (Explosives), approval is given to the draft licence. The applicant is given permission to apply to the Local Authority concerned for its 'assent' to the establishment of the factory. On receipt of this permission the applicant forwards it to the Local Authority, asking for a day to be appointed for the hearing.

The Local Authority will require publication of notices at least one month prior to the date of hearing in at least two local newspapers. The notice shall state that the draft licence and plan has been deposited for inspection by interested persons at the place and times specified in the notice, these being previously agreed with the Local Authority.

The Local Authority must fix the time and place of the hearing as soon as practicable, after the application has been made to them and the time must be as soon as practicable after the expiration of the calendar month from the publication and service of the notices by the applicant. The final decision must be given as soon as practicable after the expiration of that calendar month.

The place fixed for the hearing must be situated within the jurisdiction of the Local Authority.

Hearing The Case

No persons are entitled to be heard as objectors who have not given seven days notice of intention to appear, together with a statement of the grounds of their objection.

The Local Authority may dissent altogether from the establishment of the factory, or assent to it absolutely, or on any conditions requiring additional restrictions or precautions. If conditions are imposed or assent is refused, the applicant may appeal to the Secretary of State against such conditions or refusal.

If assent is given the Local Authority will advise the Health and Safety Executive, allowing the applicant to start construction of the factory.