



Explosives Regulations 2014 (ER2014) - Local Authority (FRA) Assent Procedure

The sections referred to below are taken from ER14.

14. (1) Where this regulation applies by virtue of regulation 13(3), the relevant licensing authority must, subject to regulation 20, issue the applicant with a draft licence containing the conditions which that licensing authority proposes to attach to the licence.

(2) The applicant must as soon as reasonably practicable send a copy of the application and draft licence to the local authority in whose area the manufacture or storage is proposed to take place.

(3) Within 28 days of sending to the local authority the information specified in paragraph (2), the applicant must:

(a) cause to be published in a newspaper circulating in the locality where the manufacture or storage of explosives is proposed to take place a notice which must:

(i) give details of the application;

(ii) invite representations on matters affecting the health and safety of persons other than the applicant's employees to be made in writing to the local authority within 28 days of the date that the notice is first published; and

(iii) give an address within the area of the local authority at which a copy of the application and draft licence may be inspected and the address of the local authority to which any representations must be sent; and

(b) take other reasonable steps to give that information to every person who resides or carries on a business or other undertaking within the public consultation zone.

(4) The local authority must send a copy of any representations referred to in paragraph (3)(a)(ii) to the applicant as soon as reasonably practicable after receiving them.

(5) In considering whether to assent, the local authority must have regard only to health and safety matters.

(6) Subject to paragraph (7), the local authority must, before deciding whether to assent to the application, hold a public hearing within 4 months of the date of its receipt of the copy of the application and draft licence referred to in paragraph (2).

(7) If, after the period of 28 days referred to in paragraph (3)(a)(ii) has elapsed, the local authority has received no objection to the application, or has only received objections which in its opinion are frivolous or immaterial, it may assent to the application without holding a hearing.

(8) Not less than 28 days before the hearing referred to in paragraph (6), the local authority must publish notice of the date, time and place fixed for the hearing in a newspaper circulating in the locality and send a copy of the notice to:

(a) the applicant;

(b) any person who made representations referred to in paragraph (3)(a)(ii); and

(c) the relevant licensing authority, within 7 days from its publication.

(9) The local authority must notify the applicant and the relevant licensing authority of its decision within 7 days of making it.

(10) If the local authority fails to:

(a) send a copy of the notice referred to in paragraph (8) to the relevant licensing authority within 3 months from the date that a copy of the application and draft licence was sent to it pursuant to paragraph (2); or

(b) notify the relevant licensing authority of its decision in accordance with paragraph (9), within 2 months from the date of publication of the notice referred to in paragraph (8), that licensing authority may make a written request to the local authority for it to state in writing whether it assents to the application.

(11) If the local authority does not respond to the written request within 28 days from the date of the request, the local authority is deemed to have assented to the application.

(12) The applicant must pay a fee to the local authority for the performance by that authority of their functions under this regulation, which fee must not exceed the sum of the costs reasonably incurred by that authority in performing those functions.

(13) In this regulation:

(a) “applicant” means the applicant for a licence or variation of a licence, as the case may be, and “application” means that person’s application; and

(b) “relevant licensing authority” has the meaning given in regulation 13(10)(c). In West Yorkshire this is the West Yorkshire Fire & Rescue Authority