

**THE HEALTH AND SAFETY AT WORK (NORTHERN IRELAND) ORDER 1978
THE PETROLEUM (CONSOLIDATION) ACT (AMENDMENT OF LICENSING
PROVISIONS) REGULATIONS (NORTHERN IRELAND) 2012
DEREGULATION (MODEL APPEAL PROVISIONS) ORDER (NORTHERN
IRELAND) 1997**

The Health and Safety Tribunal for Northern Ireland

Appeal Reference: HS/1/21

**Hearing in public held remotely by WebEx videoconference in Belfast on
17/12/2021**

**Damien J. McMahon, Chairman
Dr. Peter Watters, Lay Member
Dr. Brian Gough, Lay Member**

BETWEEN

ANITA BYRNE, trading as DAY TODAY

Appellant

-and-

ANTRIM AND NEWTOWNABBEY BOROUGH COUNCIL

Respondent

DECISION NOTICE

1. This appeal is refused.
2. The decision made by the Respondent on 07/12/2020 is confirmed.
3. The application by the Appellant for renewal of a Petroleum Licence in respect of her premises at 83 Church Street, Antrim, BT41 4BE is refused as the petroleum-dispensing pump, located on the public highway, along the frontage of the Appellant's said premises, adjoining a neighbouring residential property creates a hazardous zone which is not contained wholly within the site boundary and nor is the petroleum dispenser located at a safe distance from openings in the neighbouring residential property, contrary to current statutory Regulations governing the licensing of petroleum as set out in current industry guidance, that requires the hazardous area of the petroleum dispenser to be located wholly within the

boundary of the said premises and not encroach into any opening of any occupied buildings.

- 4. This decision does not affect the use by the Appellant of a diesel-dispensing pump at her said premises.**
- 5. With immediate effect, the Appellant must not dispense petroleum from her said premises as she no longer is licensed to do so.**
- 6. A statement of the reasons for this Decision will be issued as soon as reasonably practicable.**
- 7. Either party to this appeal may, at any time during a period of three months beginning from today, 20/12/2021, bring an appeal to the High Court of Justice in Northern Ireland, against the Tribunal's decision, but only on a question of law.**
- 8. While the Tribunal, on 21/09/2021, issued a Rule 10 Notice (warning as to costs) to the Appellant, the Appellant, in writing, on 28/09/2021, confirmed that she wished to proceed with her appeal, and, since this appeal has been refused, the Appellant is, prima facie, liable for the costs of the Respondent, within the limits imposed by Rule 32 of the Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997, an Order awarding costs is not imperative and the Tribunal is satisfied, on balance, that it would not be just to do so, since the Respondent was represented by its in-house solicitor and the only witness of the Respondent who was requested by the Appellant to give evidence in cross-examination, was an employee of the Respondent, and this appeal was conducted remotely by the Webex video platform. The Tribunal makes no Order as to costs.**

Signed



**Damien J. McMahon
Tribunal Chairman**

Date: 20 December 2021

