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GENERAL ADVICE ON OPTIONS TO BE CONSIDERED BY APPLICANTS WHEN PREPARING AN OPERATING SCHEDULE

These are some of the measures which could be considered as ways of achieving the Licensing objectives.

The advice contained in this document is provided to assist the applicant in satisfying the Public Safety and Public Nuisance elements of authority's licensing policy, and is provided without prejudice to any requirements of any other legislation (e.g. the Health and Safety at Work act 1974, the Environmental Protection Act 1990, or the Fire Precautions (Workplace) Regulations 1997, amended 1999).

The advice contained in this document is based upon The Home Office Guide to fire Precautions in Existing Places of entertainment and Like Premises and Hyndburn Borough Council's Licensing Policy which are appropriate guides for premises put to this use.

PUBLIC SAFETY

There is no standard set of conditions for all premises; however any measure which is incorporated into a licence or a certificate as a condition then becomes enforceable. The measures to be included in the operating schedule should arise from the findings of a risk assessment.

The purpose of the operating schedule is to explain HOW the licensing objectives are to be met.

Below is a list of useful documents which could be consulted when preparing an operating schedule, or club operating schedule.

This list is not exhaustive and none of the documents should be considered as a set of standard conditions.

- Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications);
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) ("The Purple Book") ISBN 0 7176 2453 6;
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X;

- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804;
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) ("The Green Guide") ISBN 011 300095 2;
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through:-
- www.streetartsnetwork.org.uk/pages/publications.htm
- The Home Office Guide to fire Precautions in Existing Places of Entertainment and Like Premises ISBN 0 11 340907;
- The London District Surveyors Association's "Technical Standards for Places of Public Entertainment" ISBN 0 9531229 2 1;
- The following British Standards should also be considered:-
- 7 BS 5588 Part 6 (regarding places of assembly);
- 8 BS 5588 Part 9 (regarding ventilation and air conditioning systems);
- 9 BS 5588 Part 9 (regarding means of escape for disabled people);
- 10 BS 5839 (fire detection, fire alarm systems and buildings);
- 11 BS 5266 (emergency lighting systems).

DISABLED PEOPLE

If existing legislation does not already require it then it may be necessary to consider measures which provide for the safe evacuation of any disabled persons in the event of an emergency.

Measures to be considered may include;

1. Systems which ensure that the relevant staff are aware of the number, location and particular circumstances of any disabled persons present.
2. Wherever appropriate, (particularly involving floors other than the ground) the provision of protected refuge areas.
3. The provision of escape lifts (this is an extremely onerous measure to achieve satisfactorily).

Where item 2 above is to be implemented as a condition the refuges should be identified on the floor plan.

Where item 3 is to be implemented as a condition then details should be included in the operating schedule.

FIRE DETECTION AND WARNING

If existing legislation does not already require it then it may be necessary to consider measures which provide for the safe evacuation of persons in the event of an emergency.

In order for any evacuation to be effective and safe it will be necessary to have some means of raising the alarm in case of fire.

Measures to be considered may include:-

1. Word of mouth.
2. The use of hand gongs, bells etc.
3. The use of manual electric alarm systems.
4. The use of integrated detection and alarm systems.

Where items 1, 2, or 3 are implemented as a condition the operating schedule should indicate the method by which staff are to be briefed as to their duties.

Where item 3 or 4 is to be implemented as a condition any applicant is advised to consult their installer, in order to be certain of what is required for compliance with the relevant standard.

ESCAPE ROUTES

Where the means of escape is not already controlled by other legislation, it may be necessary to consider conditions which ensure the provision and maintenance of all escape routes whenever public are on the premises.

Measures to be considered may include:-

1. A system for checking that all doors, forming part of the means of escape from the building, can be easily opened without the need of a key, code, card or similar means.
2. A system which confirms the removal of any security fastenings (e.g. a key board within sight of the person responsible for the building).
3. If final exit doors are controlled by electrical locking systems, then consider a system for confirming the doors become available on the actuation of the fire alarm.
4. A system for checking that any doors forming part of the means of escape are functional (pay particular attention to doors fitted with final exit "panic bars").
5. A system for checking that all fire resisting doors are either effectively self closing or maintained closed (in some cases locked).
6. If fire doors are held open by approved automatic release devices consider a system for confirming their operation on the actuation of the fire alarm.
7. Where fire resisting doors need to be kept locked, consider the provision of notices to this effect (safety notices must comply with EC /92/58/EEC).
8. A system for checking that where needed the edges of steps are maintained so as to be conspicuous.

Where items 1 to 8 are to be implemented as a condition then a method statement which identifies how this is to be achieved should form part of the operating schedule.

Consider the use of a log book to record the checks in items 1 to 8 above.

Where the use of a log book forms a condition this should be made clear in the operating schedule.

CURTAINS, HANGINGS, DECORATIONS AND UPHOLSTERY

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:-

1. Hangings, curtains and temporary decorations are maintained in a flame-retardant condition.
2. Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990.
3. Curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment; and
4. Temporary decorations are not used without prior notification to the Licensing Authority/Fire Authority.

Where necessary as a condition, consider the provision of certificates to verify compliance with items 1 and 2 above.

To ensure compliance with item 3 consider including this as an item to be checked and recorded prior to the public being admitted.

To ensure compliance with item 4 consult the authorities and **KEEP RECORDS**.

ACCOMMODATION LIMITS

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:-

- arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded;
- The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request, whenever a licensable activity is taking place;
- If a capacity limit is applied as a condition, then the means of controlling the limit would need to be explained (e.g. door supervisors). If the applicant is unsure as to the safe capacity for the particular premises then the Fire service or the licensing authority may provide advice;
- Applicants should be aware that where door supervisors are used as a condition then;
 - a) They must be registered with the Security Authority
 - b) The agreed number of door supervisors will need to be set

c) The location of the door supervisors will need to be agreed

FIRE ACTION NOTICES

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:-

- Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.
- Where fire action notices are provided as a condition they must comply with EC/92/58/EEC

OUTBREAKS OF FIRE

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:-

The fire brigade must be called at once to any outbreak of fire, however slight, and the details recorded in a Fire Log-book.

Where compliance with the above item is a condition, consider including nominated responsible persons on the fire action notice.

LOSS OF WATER

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:-

- The local Fire Control Centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.
- Particularly with regard to sprinklers, which form part of a "Fire engineered solution," the loss of this protection may reduce the agreed safe capacity of the premises.

ACCESS FOR EMERGENCY VEHICLES

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:-

- Access for emergency vehicles is kept clear and free from obstruction.

Where compliance with the above item is a condition then consider the use of notices to maintain access for emergency vehicles (safety notices must comply with EC /92/58/EEC).

FIRST AID

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:-

- If necessary adequate and appropriate supply of first aid equipment and materials is, available on the premises;
- At least one suitably trained first-aider shall be on duty when the public are present; and
- If more than one suitably trained first-aider that their respective duties are clearly defined.

Where compliance with the items, above is a condition, then:-

Consider incorporating a check (recorded in the log book) on the first aid equipment into the normal safety checks carried out prior to the admission of the public.

Consider first aid training and refresher programs for staff.

LIGHTING

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:-

- In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present;
- Fire safety signs are adequately illuminated;
- Emergency lighting is not altered;
- Emergency lighting batteries are fully charged before the admission of the public, members or guests; and
- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

Where compliance with the items, above is a condition, then;

The measures for ensuring adequate lighting in the event of a failure of normal lighting must be identified.

Methods to be considered include;

- a) In small venues, (less than 100 persons) the provision of hand lamps to staff.

- b) The use of photo luminescent signage (possibly including floor strips).
- c) A dedicated emergency lighting system installed to BS 5266 or equivalent.

Whichever system is considered appropriate, the method of checking and recording prior to admission of the public should be identified (in the case of dedicated systems the testing and recording protocols form part of the relevant standard).

TEMPORARY WIRING

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:-

- temporary electrical wiring and distribution systems are not provided without [notification to the licensing authority at least ten days before commencement of the work] [prior inspection by a suitable qualified electrician];
- temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909; and
- where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use. With regard to the first bullet above, it should be recognised that ten days notice may not be possible where performances are supported by outside technical teams. For example, where temporary electrical installations are made in theatres for television show performances. In such circumstances, the key requirement is that conditions where necessary should ensure that temporary electrical installations are only undertaken by competent qualified persons, for example, employed by the television company.

Where there is likelihood that there may be a need to comply with the above items then consideration should be given to identifying the method whereby the licensing authority will be informed.

INDOOR SPORTS ENTERTAINMENT

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:-

- 1 if necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;
- 2 where a ring is involved, it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame-retardant;
- 3 at any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring; and
- 4 at water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also

Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

Where it is necessary as a condition to comply with item 1 then the appropriate practitioner should be identified in the operating schedule.

Where compliance with item 2 is a condition this should be verified by certification.

Where compliance with item 3 is a condition this should be demonstrated by use of a seating plan.

Where compliance with item 4 is a condition then a method statement should be produced verifying that adequate numbers of appropriately trained staff will be properly located.

ALTERATIONS TO THE PREMISES

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition relating to public safety in question. The applicant will need to propose in a new operating schedule reflecting the proposed alteration to the premises how he or she intends to take alternative steps to promote the public safety objective. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

SPECIAL EFFECTS

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Specials effects which should be considered include:-

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;

Lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products).

EXPLOSIVES AND HIGHLY FLAMMABLE SUBSTANCES

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the Licensing Authority or [inspection by] the Fire Authority.

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance.

In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises.

These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

GENERAL

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote the prevention of public nuisance.

Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

HOURS

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003) by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which results from artificially early fixed closing times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

NOISE AND VIBRATION

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:-

- noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises;
- prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

NOXIOUS SMELLS

- In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:-
- noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

LIGHT POLLUTION

- In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:-
- Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.