

LICENSING ACT 2003

APPLICATION PACK FOR NEW PREMISES LICENCE

GUIDANCE NOTES

We are a Licensing Authority under the Licensing Act 2003.

This document has been produced to assist you applying for a new Premises Licence under the Licensing Act.

What do I need a Premises Licence for?

If you wish to carry on any of the following activities you need a premises licence:

- The sale of alcohol by retail anywhere whether for consumption on or off the premises no matter what the quantities are.
- The provision of regulated entertainment, namely,
 - The performance of a play
 - The exhibition of a film
 - An indoor sporting event
 - Boxing or wrestling entertainment
 - The performance of live music
 - The playing of recorded music (excluding incidental background music)
 - The performance of dance
 - Entertainment of a similar description to live music, recorded music or dance

Where the entertainment takes place in the presence of the public or a section of the public.

- The provision of hot food or hot drink at any time between 11 pm and 5am for consumption on or off the premises.

Who can apply for a Premises Licence?

Only the person who carries on, or proposes to carry on, a business which involves the use of the premises for the licensable activities can apply for the licence. Therefore, an employee of a Company cannot apply for a licence in their own name. A tenant may apply for a licence in their own name. A landlord of a property cannot apply in their name if they are not concerned in the carrying on of licensable activity.

Applying for a Premises Licence

To make an application you need to:

- Complete the **application form below** which includes an Operating Schedule.
- Enclose the correct fee. (See Form LIC010 enclosed)
- Enclose a plan of the premises to which the application relates. (See Form LIC011 enclosed)
- If the licence is to include the sale of alcohol, state the identity and enclose the consent of the Designated Premises Supervisor. (See Form LIC013 enclosed).

The complete application must be given to the **Licensing & Enforcement Unit, Rossendale Borough Council, Futures Park, Newchurch Road, Bacup, OL13 0BB.**

A copy of the application and accompanying documents must also be given to all of the “responsible authorities”, on the same day as the application is submitted to the Licensing Authority. If you do not send full copies to the Responsible Authorities, any one of them can declare your application to be invalid. A list of responsible authorities is enclosed. (See Form LIC014).

The application for a Premises Licence must be advertised in two ways.

Firstly, by prominently displaying a notice at or on the premises for not less than 28 consecutive days, starting on the day following the day on which the application was given to the Council.

The notice should be displayed where it can be conveniently read from the exterior of the premises to which it relates and, in the case of a premises covering an area of more than 50 square metres, a further notice in the same form should be displayed every 50 metres along the exterior perimeter of the premises abutting any highway.

The notice should be A4 or larger, of a pale blue colour and be printed or typed legibly in black ink in a font equal to or larger than 16.

Secondly, in a **local newspaper** circulating in the area where the premises is situated on at least one occasion within 10 working days of the application being submitted to the Licensing Authority. (The 10 working days starts on the day following the day on which the application was given to the Licensing Authority).

A list of local newspapers circulating in the area is enclosed. (See Form LIC015)

The format for both notices is illustrated on an information sheet enclosed. (See Form LIC016)

Responsible Authorities and interested parties, for example local residents, are able to make representations in respect of applications for variation.

These must be made in writing and submitted to us at any time during the period of 28 consecutive days, starting on the day after the day on which the application to which it relates is given to us.

If there is a representation, the application will be heard before the our Licensing Committee or Sub-Committee. If there are no representations, the application will be granted.

What is an Operating Schedule?

The enclosed application form details the information you need to provide.

In the Operating Schedule part of the application form you are asked to provide details of the steps you intend to take to promote the four licensing objectives:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public nuisance
- Protection of Children form Harm

Guidance about this is included in this pack from some of the Responsible Authorities. The Responsible Authorities may object to your application. It is therefore strongly recommended that you carefully consider the information they have provided. You should also refer to our Statement of Licensing Policy, in particular appendix D which contains a pool of conditions which you may wish to consider. A copy of the policy is enclosed.

The information you provide in the Operating Schedule will be used to formulate the conditions which will be attached to your Premises Licence. For example, in the Prevention of Crime and Disorder section of the Operating Schedule you might say you will employ 2 door supervisors to control people entering the premises. A condition will be attached to your licence stating that 2 door supervisors will be present at the entrance to the premises. You will then have to make sure you have the 2 door supervisors present, because it is a legal requirement that you comply with all the conditions attached to your licence.

What is a Designated Premises Supervisor (DPS)?

A DPS is required if the premises licence includes the sale of alcohol. They must hold a Personal Licence. However, during the time when you can apply for your new licence, you can propose a DPS who doesn't yet hold a Personal Licence. You will have to make sure that person has a Personal Licence by the Second Appointed Day. The main purpose of the DPS is to ensure that there is always one specified individual who can be readily identified as the supervisor for the premises. **If your nominated DPS does not have a Personal Licence by the Second Appointed Day, you will no longer be able to sell alcohol.**

Please contact the Licensing Office on the details below if you need further advice.

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Post town		Post code	

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					

E-mail address (optional)	
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(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year															
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If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year													
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<p>Please give a general description of the premises (please read guidance note1)</p>

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat								
Sun								

F

<p>Recorded music Standard days and timings (please read guidance note 6)</p>			<p><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<p><u>Please give further details here</u> (please read guidance note 3)</p>					
Mon								
Tue								
Wed						<p><u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)</p>		
Thur								
Fri						<p><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sat								
Sun								

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Both	<input type="checkbox"/>				
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>			
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)			Indoors
			Outdoors			<input type="checkbox"/>
			Both			<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)			
Wed						
Thur			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Fri						
Sat						
Sun						

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	Indoors <input type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
			<u>Please give a description of the facilities for dancing you will be providing</u>		
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

K

<p>Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment facility you will be providing</u></p>		
Day	Start	Finish	<p><u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue						
Wed						
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)			
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						
Sun						

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name	
Address	
Postcode	
Personal Licence number (if known)	
Issuing licensing authority (if known)	

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (**See guidance note 11**). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature			
Date			
Capacity			
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

LICENSING ACT 2003 FEES

**TABLE 1
NON-DOMESTIC RATEABLE VALUE BANDS**

BAND A	BAND B	BAND C	BAND D	BAND E
£0 – £4300	£4300 -£33,000	£33,001 – £87,000	£87,001 –£125,000	£125,001 +

Note 1

All premises without a non-domestic rateable value are in Band A

**TABLE 2
FEE FOR NEW PREMISES OR NEW CLUB PREMISES CERTIFICATE APPLICATION. FEE FOR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE.**

BAND A	BAND B	BAND C	BAND D	BAND E
£100	£190	£315	£450	£635

Note 2

If your maximum capacity exceeds 5,000 persons an additional fee is payable

Note 3

Exempt premises for premises where no alcohol is served. Schools and colleges, church halls, chapel hall, or other similar building or a village hall, parish hall or community hall or other similar building

Note 4

If the premises fall in Band D or E and their exclusive or primary use is the supply of alcohol for consumption on the premises, the above fee is doubled in respect of D (£900) and trebled in respect of E (£1905)

**TABLE 3
ANNUAL FEE FOR PREMISES LICENCE OR CLUB PREMISES CERTIFICATE**

BAND A	BAND B	BAND C	BAND D	BAND E
£70	£180	£295	£320	£350

Note 6

If the premises fall in Band D or E and their exclusive or primary use is the supply of alcohol for consumption on the premises, the above fee is doubled in respect of D (£640) and trebled in respect of E (£1,050)

**TABLE 5
ADDITIONAL FEE FOR PREMISES WHERE THE MAXIMUM NUMBER ATTENDING EXCEED 5,000 PERSONS INCLUDING EVENTS**

NUMBER	ADDITIONAL FEE
5,000 to 9,999	£ 1,000
10,000 to 14,999	£ 2,000
15,000 to 19,999	£ 4,000
20,000 to 29,999	£ 8,000
30,000 to 39,999	£16,000

40,000 to 49,999	£24,000
50,000 to 59,999	£32,000
60,000 to 69,999	£40,000
70,000 to 79,999	£48,000
80,000 to 89,999	£56,000
90,000 and over	£64,000

**TABLE 6
ANNUAL FEE PAYABLE FOR PREMISES WHERE THE MAXIMUM NUMBER ATTENDING
EXCEEDS 5,000 PERSONS INCLUDING EVENTS**

NUMBER	ADDITIONAL FEE
5,000 to 9,999	£500
10,000 to 14,999	£1,000
15,000 to 19,999	£2,000
20,000 to 29,999	£4,000
30,000 to 39,999	£8,000
40,000 to 49,999	£12,000
50,000 to 59,999	£16,000
60,000 to 69,999	£20,000
70,000 to 79,999	£24,000
80,000 to 89,999	£28,000
90,000 and over	£32,000

**TABLE 7
MISCELLANEOUS FEES LICENSING ACT 2003**

Section 25 (theft, loss, etc. of premises licence or summary)	£10.50
Section 29 (application for a provisional statement where premises being built, etc.)	£315.00
Section 33 (notification of change of name or address)	£10.50
Section 37 (application to vary licence to specify individual as premises supervisor)	£23
Section 42 (application for transfer of premises licence)	£23
Section 47 (interim authority notice following death etc. of licence holder)	£23
Section 79 (theft, loss etc. of certificate or summary)	£10.50

Section 82 (notification of change of name or alteration of rules of club)	£10.50
Section 83(1) or (2) (change of relevant registered address of club)	£10.50
Section 100 (temporary event notice)	£21
Section 110 (theft, loss etc. of temporary event notice)	£10.50
Section 117 (application for a grant or renewal of personal licence)	£37
Section 126 (theft, loss etc. of personal licence)	£10.50
Section 127 (duty to notify change of name or address)	£10.50
Section 178 (right of freeholder etc. to be notified of licensing matters)	£21

LICENSING ACT 2003

APPLICATION PACK

REQUIREMENTS FOR PLANS ACCOMPANYING APPLICATIONS FOR PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

Any plans submitted should conform to the following requirements:-

- Drawn to the scale of 1mm:100mm
- Show the extent of the boundary of the building, if relevant, and any external or internal walls of the building and, if different, the perimeter of the premises
- Show the location of points of access to and egress from the premises
- Show the location of any escape routes from the premises
- Show, where the premises is used for more than one existing licensable activity, the area within the premises used for each activity
- In a case where an existing licensable activity relates to the supply of alcohol, show the location or locations on the premises which is or are used for consumption of alcohol
- Show fixed structures (including furniture) or similar objects temporarily on a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment
- In a case where the premises includes a stage or raised area, show the location and height of each stage or area relative to the floor
- In a case where the premises includes any steps, stairs, elevators or lifts, show the location of the steps, stairs, elevators or lifts
- In a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms
- Show the location and type of any fire safety or other safety equipment - this includes fire extinguishers, fire doors, fire alarms and other similar equipment
- Show the location of a kitchen, if any, on the premises

The plan may include a legend, through which the matters mentioned or referred to above are sufficiently illustrated by the use of symbols on the plan.

LICENSING ACT 2003

FORM OF CONSENT BY A PERSON WHOM THE APPLICANT WISHES TO BE THE PREMISES SUPERVISOR

I¹

Of²

hereby confirm that I give my consent to be specified as the Designated Premises Supervisor in relation to the application for³

by⁴

relating to a premises licence number (if known)
for⁵

and any premises licence to be granted or varied in respect of this application made by⁶
concerning the supply of alcohol at⁵

I also confirm that I am applying for / intend to apply for / or currently hold a personal licence, details of which I set out below.

Personal Licence Number⁷
Personal Licence Issuing Authority⁸

Signed

Full Name (Please Print)

Date

It is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is level 5 on the Standard Scale, currently £5,000.

NOTES

- ¹ *Insert full name of prospective premises supervisor*
- ² *Insert home address of prospective premises supervisor*
- ³ *Insert the type of Application*
- ⁴ *Insert full name(s) of Applicant(s)*
- ⁵ *Insert Name, Address and Postcode of premises to which the application relates*
- ⁶ *Insert name of applicant*
- ⁷ *Insert Personal Licence Number if any*
- ⁸ *Insert name, address and telephone number of the Licensing Authority who issued your Personal Licence*

LICENSING ACT 2003
APPLICATION PACK
RESPONSIBLE AUTHORITIES

Licensing Unit

Licensing Unit, Rossendale Borough Council, Rawtenstall Town Centre Office, Rawtenstall, Rossendale, BB4 7LZ

Section 13(4)(a)

Divisional Commander, Lancashire Constabulary, Pennine Division, Padiham Police Station, Station Road, Padiham, Lancashire, BB12 8EF, Attention Licensing Officer

Section 13(4)(b)

Fire Safety Officer, Lancashire Fire and Rescue Service, Queens Square, Rawtenstall, Rossendale, Lancashire, BB4 6AB

Section 13(4)(c)

Environmental Health Manager, Noise Pollution, Rossendale Borough Council, Rawtenstall Town Centre Office, Lord Street, Rawtenstall, Rossendale, BB4 7LZ **OR** the Health and Safety Executive, dependant upon the premises. Health and Safety Executive, Marshall House, Ringway, Preston, PR1 2HS.

Section 13(4)(d)

Development Control Manager, Rossendale Borough Council, Rawtenstall Town Centre Office, Lord Street, Rawtenstall, Rossendale, BB4 7LZ

Section 13(4)(e)

Environmental Health Manager, Health & Safety Section, Rossendale Borough Council, Rawtenstall Town Centre Office, Lord Street, Rawtenstall, Rossendale, BB4 7LZ.

Section 13(4)(f)

Lancashire County Council, Area Child Protection Committee, Social Services Directorate, P.O. Box 162, East Cliff County Office, Preston PR1 3EA.

Prescribed under Regulation 7, Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005

Lancashire County Council Trading Standards, 58-60 Guildhall Street, Preston, Lancashire, PR1 3NU

LICENSING ACT 2003

LIST OF LOCAL NEWSPAPERS FOR THE PURPOSE OF ADVERTISING APPLICATIONS FOR VARIATION

Rossendale Free Press

58 Bank Street
Rawtenstall
Rossendale
BB4 8JR

Telephone: (01706) 655 333
(Legal & Public Notices)

Deadline: 3pm on Wednesdays

Lancashire Evening Telegraph

1 High Street
Blackburn
BB1 1HT

Telephone: (01254) 54321
(Advertising Department – Legal & Public Notices)

e-mail: editorial@lancashire.newsquest.co.uk

Deadline: 11am on Fridays

PUBLIC NOTICE – LICENSING ACT 2003

Take notice that

(insert the name(s) of applicant(s))

has applied to Rossendale Borough Council under the Licensing Act 2003 to vary a Premises Licence in respect of premises known as

(insert name and address of premises)

The proposed variations are as follows:-

(list proposed changes to licensable activities and days and times between which these activities will take place)

The place where the record of the application may be inspected and where the register of the Licensing Authority is kept is the Licensing Unit, Rossendale Borough Council, The Business Centre, Futures Park, Bacup, OL13 0BB. The record of the application may be inspected between 9 am and 5pm Monday to Friday or at any time at www.rossendale.gov.uk.

An interested party or responsible authority may make a representation in writing to the Licensing Manager, Rossendale Borough Council, The Business Centre, Futures Park, Bacup, OL13 0BB by

(state date - the 28th consecutive day following the day after the date on which the application is given to the Council).

It is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is level 5 on the Standard Scale, currently £5,000.

Lancashire Constabulary



These notes have been designed to assist you in completing your application correctly in order that you are not inconvenienced by the Police having to make representations resulting in an unnecessary hearing before the Licensing Committee.

You may be aware that submitting your application starts a strict time clock, and normally a hearing has to be held within 10 or 20 working days which leaves little time for us to negotiate with you prior to the hearing.

If you have an application to convert and vary your premises licence, we would welcome any discussion you would wish to have on your application before you submit it, in order that we can resolve any issues prior to the strict time limits coming into force. You may contact the Divisional Licensing Unit on (01282) 472 383.

Lancashire Constabulary is a responsible authority under the Licensing Act 2003 and they have the right to make representations to the Licensing Authority at the time of applications or to request a review of a premises licence or club premises certificate at any time, once the licence is in force.

The Police have a responsibility to ensure that the four licensing objectives are promoted in the interest of public protection. They also have to be satisfied that you, the applicant, are promoting the Licensing Objectives.

Your application form includes space for you to provide details (an 'operating schedule') of how you intend to promote the four licensing objectives, and you should set out clear details of the actions and controls which you will or may have already implemented.

A properly completed application will preclude the need for the Chief Constable to make representations which may result in a formal hearing before the Licensing Committee.

Lancashire Constabulary recommend that you consider the following issues when completing your risk assessment and Operating Schedule as part of your application.

Premises Capacity

You will be aware that there is a legal requirement to conduct a Health and Safety Risk Assessment under current Health and Safety and Fire Safety Regulations. That risk assessment should be the basis of your Operating Schedule.

To avoid unnecessary delays in your application or representations from the Police or Fire Service please state on your operating schedule your proposed maximum premises capacity.

This will assist us to process your application. We cannot make informed judgements if we do not know the maximum number of people you are intending to allow into your premises.

Protection of Children from Harm

- ▲ Restricting the access of children to cigarette machines.
- ▲ Restricting the access of children to any gaming machines.
- ▲ Restricting the access of children to areas in premises other than non-smoking areas.
- ▲ Restricting the access of children into premises which provide adult entertainment, where there is a strong element of gambling or there are known problems with drug taking or with underage sales.
- ▲ Procedures to ensure that customers coming onto the premises are over the age of 18 years.

Public Safety

- ▲ The provision of registered door supervisors at the entrance to premises in order to ensure that the maximum capacity is not exceeded and the method by which the capacity is monitored.
- ▲ The provision of door supervisors at points between different rooms or different levels to ensure that the maximum occupancy for each room or level is not exceeded and the method for monitoring the capacity for the level/floor.

Public Nuisance

- ▲ The proximity of any residents.
- ▲ The provision of DJ announcements or other public announcements asking people to leave quietly and having regard for the residential neighbours.
- ▲ The provision of signage at all exits from the premises, asking patrons to leave quietly and to have regard for residential neighbours.
- ▲ The effective monitoring of queues and methods for dealing with people who are causing a disturbance in the queue.
- ▲ Signage outside the premises advising patrons that they will not be allowed admission if they are causing a disturbance.
- ▲ Door supervisors and other members of staff asking patrons to leave quietly.
- ▲ Door supervisors positioned immediately outside the premises to ensure the quiet dispersal of the customers.
- ▲ The measures implemented for ensuring that patrons do not congregate outside the premises.
- ▲ The provision of information to customers advising them of the most appropriate routes to the nearest transport facilities.
- ▲ The position of the nearest car park/use of their own car park and if it will disturb any residents.

- ▲ The provision of a free phone taxi service or other arrangements with taxi companies to collect patrons.
- ▲ The implementation of a procedure of banning any customers who continually leave or arrive at the premises in a manner which causes a public nuisance or disturbance.
- ▲ The implementation of a last admission time to ensure that no-one is trying to get into the premises at least one hour before the premises cease trading.
- ▲ Management of the queues so that patrons who are not going to gain admission to the premises before last admission time are advised accordingly.
- ▲ The provision of internal queuing arrangements where possible or alternatively additional till points to minimise the length of time people have to queue at the premises.
- ▲ The provision of CCTV cameras outside the premises.
- ▲ Procedures for ensuring that no customer leaves with bottles or glasses.
- ▲ Playing music at a lower level towards the end of the evening in a “wind down” period.
- ▲ Ensuring that the premises close no later than [time to be completed by individual licensing officers] after the bar has closed.
- ▲ The location of the premises, their proposed capacity and the nature and age of the clientele who are likely to be coming to the premises.
- ▲ The nature of the entertainment which is going to be provided.
- ▲ The location and proposed use of any beer gardens.

Crime and Disorder

- ▲ The capability, responsibility and training of members of management in order to effectively supervise staff and ensure that the premises are operated in such a manner so as to prevent any crime and disorder, ensure the safety of the public, the protection of children from any physical or psychological harm and in a manner which does not cause the public any nuisance.
- ▲ The introduction of plastic glasses and bottles.
- ▲ Adopting the “Night Safe Initiative” as a statement of best practice.
- ▲ Using radio links/pages as a means of connecting to other licensed premises.
- ▲ Joining any local Club Watch or Pub Watch initiative.
- ▲ Introducing CCTV both internally and externally and ensuring any advice given by any crime prevention officer is complied with.
- ▲ Procedures for searching customers.
- ▲ The use of metal detectors.
- ▲ Introducing a maximum safe capacity for the premises with consideration being given to a reduction in capacity to allow a comfort footer.
- ▲ Providing a minimum number of door supervisors on the basis of an appropriate ratio of registered door staff to customers, which the police would normally expect to be 2 door

supervisors for the first 100 persons and 1 for each 100 persons thereafter. In addition, there should be at least one door supervisor to monitor capacities between different levels or rooms.

- ▲ The complete exclusion of any person under the age of 18 from being able to sell alcohol.
- ▲ The introduction of toughened glass.
- ▲ Adopting the guidance recommended in the “Safer Clubbing Guide” as a statement of best practice.
- ▲ Adopting any relevant trade codes of practice covering irresponsible drinks promotions, for example, BBPA’s guidelines on drinks promotions or the Portman’s Group’s recommendations.
- ▲ Providing a suitable environment for customers having regard to the activities going on on the premises, in particular, appropriate levels of seating.
- ▲ The provision of microphones to record any conversations at any entrances/exits to the premises.
- ▲ Maintaining an incident log.
- ▲ Maintaining a register of door supervisors noting name, registration number and times they are on duty.

THE FIRE PRECAUTIONS (WORKPLACE) REGULATIONS 1997, AS AMENDED 1999

FIRE RISK ASSESSMENT PRINCIPLES A GUIDE FOR LICENSED PREMISES

The Workplace Fire Precautions Legislation brings together existing Health & Safety and Fire Legislation to form a set of dedicated Fire Regulations with the objective one simple objective; TO ACHIEVE A RISK APPROPRIATE STANDARD OF FIRE SAFETY FOR PEOPLE IN THE WORKPLACE.

These regulations were amended on the 1st December 1999 in order to confirm the concept of the EMPLOYER having unconditional responsibility for the safety of EMPLOYEES and PEOPLE RESORTING TO THE PROPERTY (members of the public) as a result of the trade carried out. Consequently most premises covered by the provisions of the Licensing Act 2003 are considered to be workplaces, and are therefore subject to the legal requirements of the above regulations. To satisfy the public safety objectives of the Licensing Act 2003 in relation to fire safety, it will be necessary for applicants to demonstrate that the principles of fire safety risk assessment have been applied.

PURPOSE OF THIS DOCUMENT

This document is intended to provide basic information to assist the employer in the production of a suitable and sufficient Workplace Fire Risk Assessment. It is not anticipated this level of guidance is necessary for small off licences or similar premises. The document is primarily intended for:

- single storey
- normal risk premises
- maximum occupancy in the region of 500 people

For premises outside the above criteria it is advised that professional advice be sought from a suitably qualified fire safety expert who will supplement this guidance with one of the following documents.

- Fire Safety: An Employers Guide. ISBN 0-11-341229-0
- Guide to Fire Precautions in Existing Places of Entertainment & Like Premises. ISBN 0-11-340907-9
- British Standard 5588-11:1997-Fire Precautions in the design, construction and use of buildings code of practice for shops, offices, industrial, storage and other similar buildings
- British Standard 5588-6:1991- Fire Precautions in the design, construction and use of buildings code of practice for places of assembly
- The Building Regulations 2000, Approved Document B: Fire Safety
- District Surveyors Association guide – Technical standards for places of entertainment ISBN 0 953 1229 2 1

The information in this leaflet cannot cover every issue therefore the responsible person may need to refer to the above documents if they require clarification.

FIRE SAFETY REGULATIONS REQUIRES EMPLOYERS TO:

OUT A FIRE RISK ASSESSMENT

- PROVIDE AND MAINTAIN to the extent that it is appropriate, determined by the fire risk assessment:
 - Means For Detecting & Giving Warning In Case Of Fire
 - Means Of Escape & Emergency Lighting
 - Fire Safety Signs
 - Fire fighting Equipment
- MONITOR & REVIEW THE RISK ASSESSMENT & revise as appropriate
- INFORM STAFF or their representatives of the risks
- PLAN FOR AN EMERGENCY
- PROVIDE STAFF INFORMATION AND TRAINING
- NOMINATE PEOPLE TO ASSIST

OBJECTIVE OF THE FIRE RISK ASSESSMENT

The principle of the regulations and the risk assessment approach is goal based and flexible to employers' needs. The employer generates the risk in workplaces, therefore, to safeguard safety, the employer must:

- Identify hazards and people at risk
- Remove or reduce the hazards
- Manage the remaining risks to acceptable levels by:
 - Ensuring that all occupants are alerted and can leave the premises safely in the event of a fire
 - Reducing the probability of a fire starting and
 - Limiting the effects should a fire occur.

Providing the licensed premises have been built and maintained in accordance with recent Building Regulations, undertaking a fire risk assessment will usually be a simple matter to achieve without significant additional expenditure. If however the licensed premises do not comply with current Building Regulations, or the premises have changed use e.g. restaurant changed to a public house then further assessment will be necessary and an action plan based on the finding and risk should be developed.

The employer can enlist the help of other people who have the necessary experience or skills (i.e. competence) to carry out part or all of the fire risk assessment. But remember the EMPLOYER ALWAYS REMAINS RESPONSIBLE FOR THE OUTCOME.

KEY STAGES OF FIRE RISK ASSESSMENT

There are several methods of carrying out a fire risk assessment, the one described below is based on the method contained within 'Fire Safety: An Employers Guide' issued by the Home Office and the HSE. The principle of the five step risk assessment can be used for all premises. A systematic approach, considered in simple stages, is generally the best practical method. This may be undertaken as part of the general health and safety workplace risk assessment, or carried out separately.

STAGE 1 - IDENTIFY FIRE HAZARDS

For a fire to occur it needs sources of heat and fuel. If these hazards can be kept apart removed or reduced then the risks to people and your business is minimised. In order to do this you must first IDENTIFY FIRE HAZARDS in your workplace.

- IDENTIFY ANY COMBUSTIBLES - These can be divided into two main groups; combustible fuels such as paper, wood, cardboard, etc; and highly combustible fuels such as thinners, solvents, polyurethane foam, etc.
- IDENTIFY ANY SOURCES OF HEAT - All workplaces will contain heat/ignition sources; some will be obvious such as cooking equipment or open flames (heating or process) entertainment displays? Others may be less obvious such as heat from chemical processes or electrical equipment.
- IDENTIFY ANY UNSAFE ACTS - People undertaking unsafe acts such as smoking next to combustible materials, etc.
- IDENTIFY ANY UNSAFE CONDITIONS - These are hazards that may assist a fire to spread in your workplace, e.g. if there are large areas of hardboard, hanging textiles or polystyrene tiles etc, or open stairs that can cause a fire to spread quickly, trapping people and involving the whole building.

An ideal method of identifying and recording these hazards is by means of a simple single line plan accompanied if necessary by a list.

STAGE 2 - IDENTIFY LOCATION AND PEOPLE WHO ARE AT SIGNIFICANT RISK

Consider the risk to any people who may be present. In many instances (and particularly for most small licensed premises) the risks identified will not be significant, and specific measures for people in this category will not be required. There will, however, be some occasions when certain people may be especially at risk from the fire, because of their specific role, disability, location or the workplace activity. You need to consider matters carefully if:

- SLEEPING ACCOMMODATION IS PROVIDED;
- PEOPLE WHO ARE DISABLED, EG PHYSICALLY, VISUALLY OR MENTALLY
- PEOPLE ARE UNABLE TO REACT QUICKLY OR WHERE PEOPLE ARE ISOLATED.

You must consider all people, and remember that not all disabilities are obvious. You may need to put special provisions in place to consider the safety, from fire, of disabled people. Best practice in such matters may be found in documents such as British Standard 5588-8-1999 Fire Precautions in the Design, Construction and Use of Buildings Part 8: Code of Practice for Means of Escape for Disabled People.

STAGE 3 - REDUCE THE RISKS, EVALUATE THE RISKS AND DETERMINE IF THE EXISTING ARRANGEMENTS ARE ADEQUATE, OR NEED IMPROVEMENT

REDUCE THE RISK

Having identified the hazards, you need to reduce the chance of a fire occurring and spreading, thereby minimising or removing the chance of harm to people in the workplace by:

- REMOVING the hazard altogether;
- REDUCING the hazard to the point where there is little or no risk;

- REPLACING the existing hazard with a safer alternative;
- SEGREGATING the hazard from the workplace;
- DEVELOPING A PREVENTION POLICY AND CULTURE to ensure hazards do not occur in the workplace.

This should be a dynamic assessment, involving preplanning if introducing new entertainment or working practices and appropriate control measures put in place.

EVALUATE THE RISK

Attempt to classify each area as 'high', 'normal', or 'low risk'. If areas 'high risk' are identified you should make every effort to reduce the risk to normal or below by repeating the above stages, otherwise additional compensatory measures will be required and expert help should be sought.

Low Risk -	Areas where there is minimal risk to people, where the risk of fire occurring is low, or the potential for fire, heat and smoke spreading is negligible and people would have plenty of time to react to an alert of fire.
Normal Risk -	Areas will account for nearly all parts of most workplaces. Where an outbreak of fire is likely to remain confined or spread slowly, with an effective fire warning allowing people to escape to a place of safety.
High Risk -	Areas where the available time needed to evacuate the area is reduced by the speed of development of a fire, e.g. where the reaction time to the fire alarm is slower because of the type of person present or the activity in the workplace, e.g. the infirm and elderly or premises where people, such as staff, sleep on the premises.

DETERMINE IF THE EXISTING ARRANGEMENTS ARE ADEQUATE OR NEED IMPROVEMENT

Matters you will have to consider are:

MEANS FOR DETECTING & GIVING WARNING IN CASE OF FIRE - Can it be heard by all occupants? What arrangements have been made to ensure that the alarm can be heard when live or amplified music is played?

- **MEANS OF ESCAPE** - Are they adequate in size, number, location, well lit, unobstructed, safe to use, checked regularly etc?
- **SIGNS** - For exits, fire routines, includes regular check of bulbs in illuminated exit signs etc.
- **FIREFIGHTING EQUIPMENT** - Wall mounted suitable types for hazards present & sufficient in number and location?

Arrangements for warning all occupants in the event of a fire must be adequate and failsafe. It is likely that an electrical fire alarm system will be required in all but the smallest low risk premises. If music is being played it may require that the power supply to the music source be interrupted so that the fire alarm system will be audible to all occupants. Arrangements should be made to ensure a telephone is available, in a place of safety, in order to call the fire service in the event of a fire.

Escape, without the use of a key, should be possible from all parts of a premises to a place of safety in fresh air, normally within two and a half minutes. If the premises are considered 'high risk' the evacuation should be undertaken in less time (e.g. marquees and temporary structures). A place of safety is classed as being in fresh air where people can disperse safely away from the building.

If the building has been built and maintained in accordance with Building Regulations and is being put to its designed use, it is likely that the means of escape provisions will either be adequate, or you will be able to decide easily what is required in relation to the risk. A fire starting in any location should not go undetected and reach a size that could cause people to become trapped. This is more likely to happen where there is only one way out of an area. Ideally people should be able to turn their back on a fire and walk in the opposite direction towards a fire exit.

SUGGESTED DISTANCE TO FIRE EXITS

The distances from any area of normal fire risk to a fire exit door leading to a reasonable place of safety* should be in accordance with the table below. These should be regarded as guidelines and not as hard and fast limits. When assessing travel distance it should be ensured that it is the ACTUAL distance which is assessed, not the direct distance. For example, if fixed furnishings, partitions and balustrades are to be negotiated on the way to the final exit, and then the distance measured should include the FULL distance to be travelled around such obstacles.

*(Reasonable place of safety means to an exit to open air where people can disperse safely, an exit to a staircase separated from the remainder of the premise by fire resisting walls and self-closing fire doors or a compartment wall (fire resisting wall fitted with self-closing fire doors).

Main use	Escape in more than one direction	Escape in one direction only
Pubs, clubs, wine bars, entertainment etc or similar ¹	45 m	18m
Seated in rows ²	32 m	15 m

¹ the distances shown are based on new build standard. Older premises with poor structural fire safety features may require shorter travel distance

² where seating is provided in rows, the best practice given in 'Guide to Fire Precautions in Existing Places of Entertainment & Like Premises' should be followed

The above guidelines are to be used with caution. You must look at each part of the workplace and decide how quickly people would react to an alert of fire in each area. Adequate safety measures will be required if people are identified as being at risk. Where these travel distances cannot be achieved, you will have to further reduce the risk or provide extra fire safety precautions and you may need to contact a suitably qualified fire safety expert.

ASSESSING MAXIMUM SAFE OCCUPANCY FIGURES

The Licensing Act 2003 identifies four key objectives, one of which is Public Safety. BY VIRTUE OF THIS OBJECTIVE, IN A LICENSED PREMISE, IT IS IMPERATIVE THAT THE FIRE RISK ASSESSMENT CLEARLY IDENTIFIES A MAXIMUM SAFE OCCUPANCY FIGURE (INCLUDING STAFF). Procedures must be put in place to ensure the maximum safe occupancy is not exceeded and evidence should be available to show that staff have received relevant training in respect of such procedures. In certain circumstances it may be necessary to identify occupancy figures for specific areas eg a mezzanine floor.. Calculating maximum safe occupancy figures may not always be a straightforward process depending on the size and layout of the premise concerned. This document provides guidance on the basic principles involved; however, as this matter is vital to the safe operation of a licensed premise IF ANY DOUBT EXISTS OVER THE ACCURACY OF SUCH CALCULATIONS, A SUITABLY QUALIFIED FIRE SAFETY EXPERT SHOULD BE CONTACTED. If the Fire Authority audit your risk assessment and do not agree with the maximum safe occupancy figure identified, enforcement action under the provisions of the Workplace Fire Precautions Legislation may be brought alongside a request to review the status of the licence to the Licensing Authority.

If your premises has previously been issued with a Public Entertainment Licence it may be advisable to use the occupancy figures specified as a condition of that licence unless you are planning to make alterations to the premises (and the fire risk assessment) and can adequately justify any increase.

When calculating maximum safe occupancy figures consideration must be given to the following:

- The usable floor space (and how this floor space is used eg. seating, dancing etc)
- The location of designated fire exits
- The width of designated fire exits (and routes leading to and from them)
- The expected evacuation time (determined from the forgoing sections)
- The need to always discount the largest exit/s from the final calculation (as it has to be assumed that the fire may block these exits)

USABLE FLOOR SPACE

Consideration should be given to how the floor space is used.

Use of room	Occupant load factor (m ² per person)
Area for standing	0.3
Amusement Arcade, assembly hall, bingo hall, dance hall, venue for pop concert queuing area	0.5
Bar	0.3 to 0.5 *
Bowling alley, snooker room	9.3
Conference room, dining room, restaurant	1.0 to 1.5 *

* Depending on the amount of seating and tables provided

* For guidance on seating layouts in theatres, cinemas and at sporting events the documents listed at the on page 1 should be referenced

The capacity of your premises can be easily determined by measuring your usable floor area (excluding toilets etc) and dividing that by the appropriate floor space indicated above (it is sometimes necessary to use different occupant load factors for different parts of the SAME room).

- E.g. 150 square metres divided by 0.3 (busy public house with no seating) = potential capacity of 500 people.

This above calculation gives an indication of the potential occupancy. **It is more important to ensure that sufficient fire exits are provided** to safely allow all the occupants to escape within the two and a half-minute period (for normal fire risk areas)

LOCATION OF DESIGNATED FIRE EXITS

Designated fire exits should be as widely spaced as possible so as to allow occupants to turn their backs on the fire and to proceed in the opposite direction to a place of safety. Exits from the premise should lead via distinct and separate routes, a number of exits which discharge into a common area cannot be regarded as alternative to each other. In all but the smallest licensed premises (small take-away or off-licence) a minimum of two well-spaced exits are normally required.

THE WIDTH OF DESIGNATED EXITS

The width of an escape route determines the number of people that can safely be expected to use it. Each designated exit should be assessed based on the following guidance (Alternative guidance exists in The Building Regulations 2000, Approved Document B: Fire Safety)

Exit Capacity - number of people (this is based on evacuation time of 2.5 minutes at a flow rate of 40 people per minute)			
Per unit of exit width			Maximum number for one exit (4 units=1950mm+)
1 unit (525mm)	2 units (1050mm)	3 units (1500mm)	
100	200	300	400

- The normal minimum width of a single exit door should not be less than 750mm
- Revolving doors should not be considered in the calculation of available exit widths
- Fire exit doors should normally open in the direction of escape unless they are to be used by less than 60 people
- It should be noted that exit doors which may be utilised by wheelchair users require a minimum width of not less than 900mm

THE NEED TO DISCOUNT AT LEAST ONE DESIGNATED FIRE EXIT

When an assessment of exit capacity for each individual designated exit has been undertaken, it would appear that the final maximum occupancy figure should be obtained by adding together these totals. THIS WOULD NOT PROVIDE AN ACCURATE SAFE OCCUPANCY FIGURE, AS IT DOES NOT ALLOW FOR THE FACT THAT ONE (OR MORE) EXITS MAY BE UNAVAILABLE FOR USE DUE TO THE LOCATION OF THE FIRE. Therefore it is essential that, prior to calculating the total figure, the number of people expected to use the largest exit (and any exits in close proximity) be discounted from the final total.

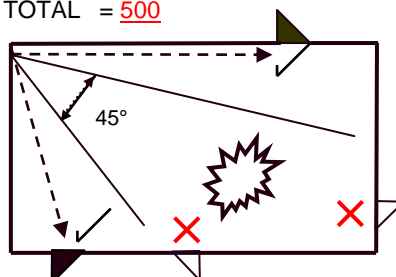
EXAMPLES

Example 1 For a normal risk building with 3 WELL SEPARATED* designated fire exits:

Capacity of Door A (750mm) = 100 people
 Capacity of Door B (1050mm) = 200 people
 Capacity of Door C (2200mm) = 400 people (THIS EXIT EXCLUDED FROM CALCULATION)
 Total Maximum Safe Occupancy Figure = A + B = 100 + 200
 TOTAL = 300

Example 2 For a Class B building with 4 designated fire exits (but Door A and Door D are not well separated*):

Capacity of Door A (750mm) = 100 people (THIS EXIT EXCLUDED FROM CALCULATION)
 Capacity of Door B (1050mm) = 200 people
 Capacity of Door C (1500mm) = 300 people
 Capacity of Door D (2200mm) = 400 people (THIS EXIT EXCLUDED FROM CALCULATION)
 Total Maximum Safe Occupancy Figure = B + C = 200 + 300
 TOTAL = 500



* WELL SEPARATED: Fire exit separation is generally defined by the 45-degree rule. If from any point in a room, two exits cannot be included within a 45-degree angle, then they may be viewed as being well separated. The following diagram illustrates well-separated exits:

The overriding factor when determining a maximum safe occupancy figure is the capacity of the designated fire exits, regardless of the floor area available. Therefore, as a general principle, it is advisable to ensure the exit capacity matches the potential occupancy based on the floor space available. If it is not possible to achieve this (i.e. the floor capacity will accommodate a greater number of people than the exits will safely allow to escape within the designated time limit) then; IT IS ESSENTIAL THAT OCCUPANT NUMBERS ARE MANAGED TO THE SAFE CAPACITY DICTATED BY THE EXIT WIDTH CALCULATION.

STAGE 4 - THE FINDINGS

The significant findings of the assessment and the actions (including maintenance) arising from it should be recorded. If there are 5 or more employees you MUST retain a record which may be in writing, or by electronic or other means. It should indicate:-

- The date the assessment was made.
- The hazards identified.
- Any staff and other people especially at risk.
- What action needs to be taken, and by when (ACTION PLAN).
- The conclusions arising.

PREPARE THE EMERGENCY PLAN - The aim of the plan is to ensure that in the event of fire everyone, including contractors and casual employees are sufficiently familiar with the action they should take, and that the workplace can be safely evacuated to a location where people will not be in danger. The employer is responsible for preparing the plan, and in most small workplaces this should not be difficult. In smaller workplaces it may simply take the form of a fire action notice.

TRAINING - All staff should receive induction and regular training relating to the action(s) to be taken in case of fire in particular evacuation procedures, fire extinguisher training (where appropriate) and any specialist duties assigned e.g. assisting disabled people to safety. Escape routes should be walked regularly and an evacuation drill practised at least annually. Visitors and contractors should also be informed of relevant procedures, in particular evacuation and other matters such as permits to work, etc.

STAGE 5 - MONITOR AND REVIEW ON A REGULAR BASIS

The fire risk assessment is not a one-off procedure. It should be continually monitored to ensure that the existing fire safety arrangements and risk assessment remains realistic. The assessment should be reviewed if there is a significant change in the occupancy, licensable activities, when building works are proposed or when it is no longer thought to be valid.

FOR FURTHER ADVICE AND INFORMATION

The complete edition of *Fire Safety an Employers Guide* can be obtained from Her Majesty's Stationery Office Bookshops

Tel.0870 600 5522, HSE Bookshops Tel. 01787 881 165 and good book sellers ISBN 0-11-341229-0

Website – <http://www.archive.official-documents.co.uk/document/fire/index.htm>

Information regarding managing process risks and highly flammable materials is available from your local HSE. offices.

PRODUCED BY NORTH WEST FIRE & RESCUE SERVICES

ENVIRONMENTAL HEALTH DEPARTMENT

HEALTH & SAFETY SECTION

You will be aware that the Environmental Health Department is a Responsible Authority under the Licensing Act 2003 and we have the right to make representations to the Licensing Authority at the time of application. We are also permitted to request a review of a Premises Licence or Club Premises Certificate at any time, once the licence is in force.

This department is aware of the need for the safety of the public whilst on your premises. We have to be satisfied that you, the applicant, will promote the Licensing Objectives, including public safety.

Your application form provides space for you to enter the details (an 'Operating Schedule') of how you intend to safeguard public safety (Health & Safety) and you should clearly set out the actions and controls which you will implement and those that you already have in place. The Health & Safety of the public refers to protecting them from any risks which may arise from your business.

A properly completed application will preclude the need for us to make representations which may result in a formal hearing before the Licensing Committee.

THE COUNCIL REGARDS THE GOOD MANAGEMENT & CONTROL OF HEALTH AND SAFETY RISKS AS AN ESSENTIAL ASPECT OF THE LICENSING OBJECTIVES.

Conditions relating to public safety (including fire safety)

1. You should identify how you intend to enable the safe evacuation of any disabled person on the premises in the event of an emergency and how you will make such persons aware of these arrangements.
2. You should identify the arrangements for the proper maintenance of all escape routes and exits, including external exits. This will require that such exits are kept unobstructed, in good order with non slippery and even surfaces, free of trip hazards and exits must be clearly identified. In premises where chairs and tables are provided, all internal gangways should be kept clear of obstructions.
3. You should indicate how you intend to ensure safe access and egress from the premises. You may wish to consider the following in this regard:
 - a. All exit doors should be capable of operation without the use of a key, card, code or similar means.
 - b. Doors at such exits should be regularly checked to ensure that they function satisfactorily and a record of these checks should be maintained.
 - c. Any removable security fastenings should be removed whenever the premises will be open to the public or occupied by staff.
 - d. All fire doors should be maintained effectively, self-closing and should not be held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors).
 - e. Fire resisting doors to ducts, service shafts and cupboards should be kept locked.
 - f. The edges of the treads of steps and stairways should be maintained so as to be conspicuous.
4. **Safety Checks** – you should identify what safety checks are necessary to ensure the safety of the public whilst on your premises. Areas to consider are:
 - a. Safety checks should be carried out before the admission of the public.
 - b. Details of these checks should be kept in a log book.
5. How do you propose to minimise the risk from fire in the premises? Areas to consider are:
 - a. Curtains, hangings, decorations and upholstery should be maintained in a flame retardant condition.

- b. Any upholstered seating should, on a continuous basis, meet 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 BS5852:1990.
 - c. Curtains, hangings and temporary decorations should be arranged so as not to obstruct exits, fire safety signs or fire fighting equipment.
 - d. Temporary decorations should not be used with a review of the Fire Risk Assessment and prior notification to the {insert text}.
6. You should indicate how you propose to ensure that accommodation limits are not exceeded. Areas to consider are:
- a. The capacity limit imposed under this licence/certificate must not be exceeded. How will the person responsible for the day to day management of the premises be aware of the number of people on the premises and how will they be required to inform any authorised person on request?
 - b. How do you propose to ensure that notices detailing the actions to be taken in the event of fire or other emergencies? This includes how the Fire Brigade will be summoned and ensure that this procedure is prominently displayed and protected from damage and deterioration.
7. What will your emergency procedure be in the event of an emergency? Areas to consider are:
- a. In the event of a fire, how will you determine whether the Fire Brigade should be contacted and if necessary, how will you ensure that they are called? What action will staff take to evacuate the building and where will customers be directed? How will you test your fire alarm procedures and will the tests be recorded in a fire log book? Will emergency vehicles have access?
8. How will you ensure that the public can safely leave your premises in the absence of adequate daylight? Areas to consider are:
- a. Lighting in any area accessible to the public, members or guests, should be fully operational when they are present.
 - b. Fire Safety signs should be adequately illuminated.
 - c. Emergency lighting should not be altered.
 - d. Emergency lighting batteries should be fully charged before the admission of the public, members or guests.
 - e. In the event of the normal lighting failing, how will you ensure that any emergency lighting will work adequately? You should satisfy yourself that where the emergency lighting battery has a capacity of one hour, arrangements are put in place to ensure that the public, members or guests can leave the premises within 20 minutes, unless within that time, normal lighting has been restored and the battery is being recharged. If the emergency lighting battery has a capacity of 3 hours, the premises should be evacuated within one hour.
9. **Temporary Electrical Installations** – how do you propose to ensure than any equipment brought to your premises does not increase the risk to the safety of your customers? Areas to consider are:
- a. Any temporary electrical wiring and distribution systems should comply with the recommendations of BS 7671 or where applicable, BS 7909.
 - b. Where they have not been installed by a competent person, temporary electrical wiring and distribution systems should be inspected and certified by a competent person before they are put to use.
10. How will you ensure that your electrical installation (fixed wiring) is suitable for the purpose and does not increase the risk to the safety of your customers? How will you ensure that any portable electrical equipment on your premises and any portable equipment brought onto your premises is safe and will not increase the risk of fire or electric shock to performers or the public? Areas to consider are:
- a. Any electrical wiring and distribution systems should comply with the recommendations of BS 7671 or where applicable, BS 7909. Any portable {insert text}.
11. You should be satisfied that your equipment is safe and that any equipment brought onto your premises has been regularly maintained and tested where appropriate.

12. **Indoor Sports Entertainment** – how do you propose to ensure that participants receive appropriate medical attention, if required, during any entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature?
13. How will you ensure that any sports ring is constructed in such a manner as not to give rise to the risk of injury or increase the risk of fire?
14. How do you propose to ensure the safety of the public at such events? In the case of water based events, what will your plan be for dealing with emergencies in water? Areas to consider are:
- Will it be necessary for an appropriately qualified medical practitioner to be present throughout?
 - Where a sports ring is concerned, ensure that it is constructed and supported by a competent person and inspected by a competent authority. Also ensure that any material used to form the skirt around the ring is flame retardant.
 - At any wrestling or other entertainment of a similar nature, members of the public should not be put at risk of competitors falling from the ring. You should include a plan (to scale) of the seating arrangements in relation to the sports ring.
 - At water sports entertainment, staff should be adequately trained in rescue and life safety procedures. Staff should be stationed (and remain) within the vicinity of the water at all material times.
15. **Special Effects** – if you have indicated that you propose to use any special effects or mechanical installation, you must tell us how they will be used, who will use them and how they are to be stored so as to minimise any risk to the safety of the audience, performers and staff and prevent an increased risk of fire.
16. Special effects which should be considered include:
- Dry ice machines and cryogenic fog,
 - Smoke machines and fog generators,
 - Pyrotechnics, including fireworks,
 - Real flame,
 - Fire arms,
 - Motor vehicles,
 - Strobe lighting,
 - Lasers
 - Explosives and highly flammable substances.
17. Areas to consider with regard to special effects are:
- The frequency of strobe lighting, the method to prevent tampering/alteration and a warning to the public.
 - Firearms – direct supervision of certificate holders at all times.
 - Pyrotechnics/Flammables etc – how will they be stored and in what quantity? What method will you use to store them? Remember to suitably mark the location of storage.
 - With regard to explosives and highly flammable substances, it may be necessary in certain cases, to require that certain special effects are only used with the prior notification of the Licensing Authority or [inspection by] Fire Authority.
 - Lasers – bear in mind the power type and location and the need for operation thereof to comply with HSE guidance. Take the height that it will be projected above the audience into account. Prevent contact with the audience, performer/s or staff. Lasers should be secured to prevent movement and the alignment should be checked daily.
 - Refer to the HSE guide “*The radiation safety of lasers used for display purposes [HS(G)95] and BSEN 60825: Safety of Laser Products*” for guidance.
 - Special effects must only be used on the provision of a suitable and sufficient risk assessment.

Guidance relating to theatres, cinemas, concert halls and similar places (promotion of public safety)

1. You should indicate how you intend to deal with any emergency in any premises which are used for closely seated audiences and how you will keep access ways clear. Areas for consideration are:
 - a. Sufficient attendants should be on hand to deal with any emergency. The number of attendants required will depend greatly on the premises and the size of the audience. As a guide, the minimum number of attendants on each floor in a closely seated auditorium should be set out as per the following:

Size of Audience	Minimum number of Attendants
1 – 100	1
101 – 250	2
251 – 500	3
501 – 750	4
751 – 1,000	5
<i>And one additional attendant for each additional 250 (or part thereof)</i>	

2. Would attendants have any other duties which would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty?
3. Attendants should be readily identifiable to the audience.
4. Consider any article attached to the back of any seat which would reduce the clear width of seat ways or cause a tripping hazard or obstruction.
5. Consider whether anything or anyone impedes any stairs or passage ways during performances.
6. What arrangements will you have in place to protect the public from the effects of smoke?
7. Another area for consideration is having a safety curtain in place which will enable the safe evacuation of the auditorium. Where a stage with a proscenium arch exists, what alternative arrangements will you have in place, ie, any curtains provided between the stage and the auditorium should be heavyweight and manufactured from non combustible material inherently or durably treated flame retardant fabric?

Our Ref: Licensing Act

Address: **Environmental Health**
Rossendale Borough Council
Town Hall
Rawtenstall
ROSSENDALE
Lancashire. BB4 7LZ

Your Ref:

Telephone: (01706) 217777
Fax: (01706) 244590

Date: 23rd December 2004

Dear Applicant,

The Licensing Act 2003 – The Prevention of Public Nuisance

The application form asks you to 'describe the steps you intend to take to promote the four licensing objectives'. To remind you, those objectives are:

- The Prevention of Crime and Disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm.

Noise from public houses, clubs, bars and leisure facilities, is a common cause of nuisance to occupants of adjacent or nearby premises. It is therefore, one of the subjects on which you should provide information under the 'Prevention of Public Nuisance' heading. Legislation requires a local authority to take action to abate 'nuisance' and the council vigorously pursues its policy on this.

The Council's Environmental Health Department will be particularly concerned with your proposals in respect of 'Prevention of Public Nuisance' and the following notes are intended to help you provide the appropriate information about the action you will take and the controls you will introduce in relation to this.

It is our experience that the great majority of potential nuisance problems can be prevented by liaison, discussion, good premises management, and the introduction of reasonable controls. It is with these thoughts in mind that the following notes are presented. The information you give us should be quite specific. Avoid general statements such as 'keep windows closed', 'DJ will control noise', 'amplifiers will be turned down' and 'Manager has control of this'. Such statements only raise more questions, such as 'how will the person do something?', 'when' will it be done?' and 'which windows will be closed?' etc.

Without adequate detail to convince us that your actions will prevent nuisance it may be necessary to object to the application. There is a limited amount of time for the licensing authority to deal with your application and following on from the 'objection' it is most likely that a member of the environmental health team would contact you to discuss this matter. Staff will welcome the opportunity to do this but it could substantially shorten those discussions if better detail is given by you at the outset.

Examples of details required

- Tell us precisely which windows are to be kept closed and when!

- How will noise break out through door openings be prevented?
- Do you intend installing a noise cut out device? If so give us details about it.
- Where will amplified music speakers be positioned?
- Have any sound attenuation works been carried out previously?
- Are any speakers through which amplified music will be played wall mounted? If so, how is noise transmission to adjoining buildings prevented?

Yours faithfully,

Environmental Health Department

Further information is available on www.rossendale.gov.uk A copy of the enforcement policy is also available on the website at www.rossendale.gov.uk/environmentalhealth.htm.

ENVIRONMENTAL HEALTH DEPARTMENT

You will be aware that the Environmental Health Department is a responsible authority under the Licensing Act 2003 and we have the right to make representations to the Licensing Authority at the time of applications or to request a review of a premises licence or club premises certificate at any time, once the licence is in force.

This department is aware of the need to protect the public from noise pollution. We have to be satisfied that you, the applicant, are promoting the Licensing Objectives, including the prevention of nuisance.

Your application form includes space for you to provide details (an 'operating schedule' of how you intend to prevent nuisance, and you should set out clear details of the actions and controls which you will or may have already implemented.

A properly completed application will preclude the need for us to make representations which may result in a formal hearing before the Licensing Committee.

THE COUNCIL REGARDS THE CONTROL OF NOISE AS AN ESSENTIAL ASPECT OF GOOD NEIGHBOURLINESS, CONTRIBUTING TO THE SUSTAINABILITY OF RESIDENTIAL AND COMMERCIAL COMMUNITIES

NOISE SOURCES

Applicants should consider the potential sources of noise and the hours when it may be generated. Factors for consideration will include:

- **Music and speech, both amplified and not,**
- **Other internal activities including public address system,**
- **Use of open areas, for example beer gardens,**
- **Patrons queuing,**
- **Patrons and staff entering and leaving the premises and in its vicinity,**
- **Vehicles arriving, waiting, parking and departing,**
- **Deliveries and collections,**
- **Plant, including ventilation, machinery and associated equipment,**
- **Building structure and fabric thereof,**
- **Any other factors that may give rise to noise disturbance.**

Many licensed activities can cause noise that is heard outside the premises and some of these will generate noise, which causes public disturbance.

A) Planned Management Measures for Control of Noise

All applicants should take account of the items listed below and include appropriate control measures in the 'Operating Schedule'.

This is a statement of management measures to be taken to prevent and control noise covering issues such as:

- **Hours of operation.**
- **Location of entry and departure points.**
- **Door control.**
- **Control and prevention of queuing.**
- **Management of amplified and non- amplified music and speech/voices.**
- **Steps to be taken to achieve good behaviour outside and inside the premises.**
- **Communication with customers (signs, announcements and other means).**
- **Management and use of outdoor areas.**
- **Steps to be taken to ensure customers leave quietly.**
- **Advice to customers on departure routes.**
- **Stewarded access to taxis and licensed mini-cabs.**
- **Arrangements for dedicated taxi or licensed mini-cabs to collect patrons in a manner so as to minimise any disturbance.**
- **Arrangements for staff and patron parking.**
- **Limits set on hours for servicing and delivery.**
- **Guidance to drivers to limit noise during deliveries.**
- **Communications with suppliers and service providers.**
- **Providing quiet means for storage and movement of waste and recycling materials.**

B) Sound Insulation and Sound Reduction Measures

These should provide information, as applicable, on an assessment of the existing sound insulation of the building fabric and how the following items are going to be achieved/addressed.

- **Operational building layout to prevent noise escape.**
- **Sound insulation measures to prevent airborne and structural transmission of noise and vibration to adjacent premises.**
- **Attenuation measures to minimise noise breakout, and to prevent noise disturbance to the surrounding area.**
- **Use of electronic sound limiters on amplification systems as alternative means of control.**
- **Other measures to reduce structural transmission of noise and vibration.**
- **Installation of acoustic doors and lobbies.**

C) People arriving, departing and in the vicinity

Applicants should demonstrate that appropriate measures will be taken to limit noise from patrons and staff entering and leaving the premises and vehicles arriving, departing and in the vicinity to prevent avoidable noise disturbance to noise sensitive premises. The kinds of measures that may be used include:

- **Installation of an acoustic lobby with inner and outer acoustic doors, designed to prevent both sets of doors being opened at the same time, except in an emergency, together with management arrangements to ensure this.**
- **Signs and verbal advice to patrons on routes to take as they depart, to cause least disturbance.**
- **Guidance to staff on their responsibilities to minimise noise from patrons as they arrive at and depart from the premises.**
- **Arrangements for the calling of taxis, min-cabs, cars or limousine companies from within the premises and the collection of patrons by arrangement.**

- **Arrangements with dedicated taxi, mini-cab, car or limousine companies to collect patrons in an agreed manner so as to minimise disturbance.**

D) Deliveries, collections and servicing

The criteria relating to deliveries, collections and servicing are that the applicant must demonstrate appropriate measures that will be taken to limit noise from these sources and that these will prevent avoidable noise disturbance to noise sensitive properties. Such measures may include:

- **Ensuring that deliveries, collections and operational servicing are carried out between 0800 hours and 1800 hours, except where access at other times is unavoidable and specific procedures are in place to limit disturbance.**
- **Guidance to drivers to switch off engines during deliveries, collections and servicing, and to minimise other noise caused by their activities.**

(Noise sensitive properties include all residential property, schools, hospitals, hotels, hostels.)

SPECIMEN CONDITIONS

TO BE CONSIDERED BY THE

- **APPLICANT WHEN SUBMITTING THEIR DRAFT OPERATING SCHEDULE**
- **LICENSING AUTHORITY WHERE THERE ARE OBJECTIONS TO A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE OR A REVIEW OF THE LICENCE OR CERTIFICATE HAS BEEN REQUESTED**

CONDITIONS WHICH RELATE TO THE PREVENTION OF CRIME AND DISORDER

It should be noted in particular that it is unlawful under the 2003 Act:

- **knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk**
- **knowingly to allow disorderly conduct on licensed premises**
- **for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported**
- **to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol**

Conditions enforcing these arrangements are therefore unnecessary.

General

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

Whether or not any risk assessment shows these options 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. It should also be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance.

Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives.

When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Text/Radio pagers

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Such pagers provide two-way communication, both enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the

police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered appropriate necessary conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. Following individual consideration of the particular circumstances of the venue, such conditions may also be appropriate and necessary in other areas for the prevention of crime and disorder.

It is recommended that a condition requiring the text/radio pager links to the police should include the following elements:

- a requirement that the text/pager equipment is kept in working order at all times;
- a requirement that the pager link be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- a requirement that any police instructions/directions are complied with whenever given; and
- a requirement that all instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

Door supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches). Door supervisors also have a role to play in ensuring public safety.

Bottle bans

Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises.

It is recommended that a condition requiring that no sales of beverages in glass bottles for consumption on the premises should be expressed in clear terms and include the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
- no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (**note:** this needs to be carefully worded where off-sales also take place);
- In appropriate circumstances, the condition could include exceptions, for example, as follows:
- but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

Plastic containers and toughened glass

Glasses containing drinks may be used as weapons during incidents of disorder and in untoughened form, can cause very serious injuries. Consideration could therefore be given to conditions requiring either the use of plastic containers or toughened glass which inflicts less severe injuries where considered necessary. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition. It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety (see Annex E).

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time. The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on drinking areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Capacity limits

Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

Proof of age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of "proof of age" before such sales are made. This should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences, student cards and passports. The Secretary of State strongly

supports the PASS accreditation system (see paragraph 12.8 of the Guidance) which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences and passports.

It should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors – even those looking older – would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

Crime prevention notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks promotions

Standardised conditions should not be attached to premises licences or club premises certificates which promote fixed prices for alcoholic drinks. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind. This can risk creating cartels. Using conditions to control the prices of alcoholic drinks in an area may also breach competition law. Conditions tailored to the individual circumstances of particular premises which address **irresponsible** drinks promotions may be permissible provided they are necessary for the promotion of the licensing objectives, but licensing authorities should take their own legal advice before a licence or certificate is granted in that form. Judgements may be subjective, and on occasions, there will be a very fine line between responsible and irresponsible promotions but an even greater distinction to whether the promotion in question can be subject to the imposition of a condition. It is therefore vital that such matters are considered objectively in the context of the licensing objectives and with the benefit of appropriate legal advice.

In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or discounting and levels of crime and disorder on or in the vicinity of the premises, it would be appropriate for the licensing authority to consider whether the imposition of a new condition prohibiting irresponsible sales promotions or discounting of prices of alcoholic beverages is necessary at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. Where necessary and appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations on such grounds) which require adherence to:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit.

Conditions relating to public safety (including fire safety)

It should be noted that conditions relating to public safety should be those which are necessary, in the particular circumstances of any individual premises or club premises, and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Fire Precautions (Workplace) Regulations 1997 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks. Conditions enforcing those requirements would therefore be unnecessary.

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 public safety. Additional matters relating to cinemas and theatres are considered in Annex F. It should also be recognised that special issues may arise in connection with outdoor and large scale events.

Whether or not any risk assessment shows any of the measures 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 the licence or certificate will also depend on local knowledge of the premises.

In addition, to considering the points made in this Annex, those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider:

- Model National and Standard Conditions for Places of Public 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
- 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 0 11 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 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:

- BS 5588 Part 6 (regarding places of assembly)
- BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- BS 5588 Part 9 (regarding means of escape for disabled people)
- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

However, in consulting these texts, which were prepared prior to the coming into force of the Licensing Act 2003, those creating operating schedules or club operating schedules, licensing authorities and responsible authorities should again note that under no circumstances should any conditions be regarded as standard for all premises.

Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Disabled people

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

- when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- disabled people on the premises are made aware of those arrangements.

Escape routes

It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

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

- all exits doors are easily openable without the use of a key, card, code or similar means;
- doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- any removable security fastenings are removed whenever the premises are open to the public or occupied by staff;
- all fire doors are maintained effectively self-closing and shall not be held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors);
- fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut; and
- the edges of the treads of steps and stairways are maintained so as to be conspicuous.

Safety checks

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:

- safety checks are carried out before the admission of the public; and
- details of such checks are kept in a Log-book.

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:

- hangings, curtains and temporary decorations are maintained in a flame-retardant condition;
- 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;
- curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment; and
- temporary decorations are not used without prior notification to the licensing authority/fire authority.

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; and
- 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.

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.

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.

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.

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.

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:

- adequate and appropriate supply of first aid equipment and materials is available on the premises;
- if necessary, 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.

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.

Temporary electrical installations

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.

Indoor sports entertainments

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, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;
- 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;
- 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
- 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).

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.

Special 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.

Theatres, cinemas, concert halls and similar places (promotion of public safety)

In addition to the points made in Annex E, there are particular matters in the context of public safety and fire safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment and standardised conditions should be avoided. The points which follow are for consideration and do not represent a mandatory list.

Premises used for closely seated audiences

Attendants

- (a) The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:
- (b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- (c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
- (e) No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
- (f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1 – 100	One
101 – 250	Two
251 – 500	Three
501 – 750	Four
751 -1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

Standing and sitting in gangways etc.

- (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- (c) In no circumstances shall anyone be permitted to:
 - (i) sit in any gangway;
 - (ii) stand or sit in front of any exit; or
 - (iii) stand or sit on any staircase including any landings.

Drinks

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special effects

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 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] fire authority.

Scenery

Any scenery should be maintained flame-retardant.

Safety curtain

Where a safety curtain is provided, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material or inherently or durably treated flame-retardant fabric.

Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a further inspection would be necessary and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Premises used for film exhibitions

Attendants – premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1 – 250	Two

And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

Attendants – premises with a staff alerting system

- (a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:
- (b) Staff shall not be considered as being available to assist in the event of an emergency if they are:
- (i) the holder of the premises licence or the manager on duty at the premises; or
 - (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
 - (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.
- (c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- (d) The staff alerting system shall be maintained in working order.

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1 – 500	Two	One
501 – 1000	Three	Two
1001 – 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

Minimum lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

Flammable films

No flammable films should be allowed on the premises without the prior notification of the licensing authority/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 is 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.

Conditions relating to the protection of children from harm

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

Access for children to licensed premises – in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities.

Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the licensing authority considers it necessary to protect children from harm.

Whilst applications in relation to premises licences and club premises certificates must be judged by licensing authorities on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- for any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
 - explain their reasons; and
 - outline in detail the steps that they intend to take to protect children from harm on such premises.
- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
 - explain their reasons; and
 - outline in detail the steps that they intend to take to protect children from harm on such premises.
- in any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to

detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

Age Restrictions – specific

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities following relevant representations made by responsible authorities and interested parties will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary. Licensing authorities are expected to consider:

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- types of event or activity in respect of which no age restrictions may be needed, for example;
 - family entertainment; or
 - non-alcohol events for young age groups, such as under 18s dances,
- Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example;
 - during “Happy Hours” or on drinks promotion nights;
 - during activities outlined in the first bullet point in the first paragraph above.

Age restrictions – cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of section 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the licensing authority itself, conditions restricting the admission of children to film exhibitions should include:

- a condition that where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- a condition that when films are classified, by either the film classification body as specified in the licence or the licensing authority, they should be classified in the following way:
 - U – Universal. Suitable for audiences aged four years and over
 - PG – Parental Guidance. Some scenes may be unsuitable for young children.
 - 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
 - 15 – Passed only for viewing by persons aged 15 years and over.
 - 18 – Passed only for viewing by persons aged 18 years and over.
- that conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;
- a condition that when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

“Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person’s parent or legal guardian has first been obtained.”

Theatres

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency.

Performances especially for children

Where performances are presented especially for unaccompanied children in theatres and cinemas conditions are anticipated to be needed which require:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities are expected, having regard to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. Licensing authorities should familiarise themselves with the requirements of these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below.

- Venue – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- Fire safety – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- Special effects – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- Care of children – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children

performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

Where appropriate and necessary, consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

Proof of Age cards

Proof of age cards are discussed earlier in connection with the prevention of crime and disorder. However, where necessary and appropriate, a requirement for the production of proof of age cards before any sale of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm. Any such requirement should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences and passports.

The Secretary of State strongly supports the PASS accreditation system (see paragraph 12.8 of the Guidance) which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences, student cards and passports. As for conditions relating to crime and disorder, it should be noted that many adults in England and Wales do not currently carry any proof of age.

This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors – even those looking older – would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.