

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**LICENSING SUB COMMITTEE – 17 AUGUST 2011**

Title of report	<b>APPLICATION FOR A TEMPORARY EVENT NOTICE</b>
Contacts	<p>Portfolio Holder Councillor Alison Smith 01530 835668 <a href="mailto:alison.smith@nwleicestershire.gov.uk">alison.smith@nwleicestershire.gov.uk</a></p> <p>Environmental Health Team Manager 01530 454610 <a href="mailto:lee.mansfield@nwleicestershire.gov.uk">lee.mansfield@nwleicestershire.gov.uk</a></p> <p>Licensing Enforcement Officer 01530 454596 <a href="mailto:andy.cooper@nwleicestershire.gov.uk">andy.cooper@nwleicestershire.gov.uk</a></p>
Purpose of report	<p>To consider an objection notice made by the Chief Officer of Police in response to a Temporary Event Notice (TEN) in respect of premises trading as The Lamb Inn located at 56 Market Street, Ashby de la Zouch, Leicestershire, LE65 1AN. This report outlines the TEN and summarises the representation received. It also highlights the licensing objectives, the relevant parts of Government guidance and the pertinent sections of the Licensing Authority's Licensing Policy.</p>
Strategic aims	Strong and Safer Communities
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p> <p>Risk Management</p> <p>Equalities Impact Assessment</p> <p>Human Rights</p>	<p>Implications arising from an appeal made to the Magistrates Court by anyone aggrieved by the decision of the Sub-Committee.</p> <p>Business CAT.</p> <p>The usual risks of cost involved if the applicant appeals against the decision of the Committee. In any event and in order to mitigate these risks, the Committee should give clear reasons for its decisions and any such reasons would need to be substantiated in Court.</p> <p>Equality Impact Assessment already undertaken, issues identified actioned.</p> <p>Article 1 of Protocol 1 of the European Convention of Human Rights provides that everyone is entitled to the peaceful enjoyment of his possessions, except in the public interest and subject to the conditions provided for by law.</p>

Transformational Government	Not applicable.
Consultees	Leicestershire Constabulary.
Background papers	Guidance issued under Section 182 of the Licensing Act 2003 - available for reference at <a href="http://www.culture.gov.uk">www.culture.gov.uk</a> and Statement of Licensing Policy -available for reference at <a href="http://www.nwleics.gov.uk/licensing">www.nwleics.gov.uk/licensing</a>
Recommendations	<b>THAT THE SUB-COMMITTEE CONSIDER THE POLICE OBJECTION NOTICE AND DETERMINE WHETHER OR NOT TO ISSUE A COUNTER NOTICE.</b>

## 1. Background

- 1.1 The premises are a town centre public house facility located at 56 Market Street, Ashby De La Zouch, LE65 1AN and currently hold a premises licence issued under the Licensing Act 2003. A copy of the premises licence is attached as **appendix 1**.
- 1.2 On 27<sup>th</sup> July 2011, a temporary event notice was received from Mr S Wallis regarding the intended use of the premises for the provision of regulated entertainment, sale by retail of alcohol and provision of late night refreshment on the premises for the 25<sup>th</sup> August 2011 from 10:00am until 01:30 the following morning, 26<sup>th</sup> August 2011 from 10:00am until 02:30 the following morning, 27<sup>th</sup> August 2011 from 10:00am until 02:30 the following morning, and 28<sup>th</sup> August 2011 from 10:00am until 01:30hrs the following morning. A copy of the temporary event notice is attached as **appendix 2**.
- 1.3 A map showing the location of the premises is attached as **appendix 3**.
- 1.4 A permitted temporary activity is a licensable activity that is carried on in accordance with a temporary event notice under section 100 and in compliance with the provisions of Part 5 of the Licensing Act 2003.
- 1.5 The temporary event notice is subject to various restrictions and limits. Where the requirements for obtaining a temporary event notice cannot be met, the licensable activity can only be authorised by way of a premises licence.
- 1.6 Officers are satisfied that this temporary event notice has been properly served and the criteria in respect of temporary event notices have been met.

## 2.0 Representations

- 2.1 In respect of a temporary event notice, the applicant is responsible for submitting a copy of the notice to the Chief Officer of Police no later than 10 working days before the day on which the event begins. If the Chief Officer of Police is satisfied that allowing the premises to be used in accordance with the notice would undermine the crime prevention objection, he must give a notice to the Licensing Authority and premises licence user detailing the reasons for the decision.

2.2 The applicant provided a copy of the temporary event notice to the Chief Officer of Police as required and an objection notice was received from the Police on 29<sup>th</sup> July 2011. The notice was also served on the applicants for the TEN. A copy of the objection notice is attached as **appendix 4**.

### **3.0 Statutory Guidance**

3.1 In making its decision, the Sub-Committee is obliged to have regard to Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. All Licensing Committee members have been provided with a full copy of the guidance document. Officers consider that paragraphs 7.1 to 7.30 may have a bearing upon the application.

### **4.0 Statement of Licensing Policy**

4.1 The Sub-Committee is also obliged to have regard to its own Statement of Licensing Policy. Officers consider that paragraphs 16.1 to 16.3 may have a bearing upon the application. The provisions of the Saturation Policy do not apply to TEN applications.

### **5.0 Observations**

5.1 The Committee is obliged to determine this application with a view to promoting the crime prevention objective and cannot consider the application on any other of the licensing objectives.

5.2 The licensing authority has no power to attach any terms, limitations or restrictions on the carrying on of licensable activities at temporary events, it can only grant or refuse the TEN.

5.3 If having regard to the objection notice, the Licensing Authority is satisfied that it is necessary for the promotion of the crime prevention objective it must give a counter notice detailing the reasons for the decision to the premises user in which case the event cannot proceed.

5.4 If the Licensing Authority determines not to give a counter notice, it must give the notice of its decision to the premises user and the Police. The decision whether to issue a counter notice or not must be made and notices issued at least 24 hours before the event is due to begin.

5.5 There is a right of appeal to the Magistrates Court against the decision of the Sub-Committee by the premises user if a Counter Notice is issued, or the Police Authority if no Counter Notice is issued. Notwithstanding this, no appeal may be brought later than 5 working days before the day on which the temporary event begins.

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**Premises licence number**

NWL20273

**Part 1 – Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**

Lamb Inn, 56 Market Street, Ashby de la Zouch

**Post town** Leicestershire

**Post code** LE65 1AN

**Telephone number**

**Where the licence is time limited the dates**

**Licensable activities authorised by the licence**

1. Sale by retail of alcohol for consumption on and off the premises
2. Films (indoors)
3. Indoor sporting events
4. Live music (indoors)
5. Recorded music (indoors)
6. Performances of dance (indoors)
7. Anything of a similar description to that in 4, 5 & 6
8. Provision of facilities for making music (indoors)
9. Provision of facilities for dancing (indoors)
10. Provision of facilities for anything similar (indoors)
11. Late night refreshment

**The time the licence authorises the carrying out of licensable activities**

**Sale by retail of alcohol to be consumed on and off the premises:**

Monday to Wednesday 11:00 hrs until 23:00 hrs

Thursday & Sunday 11:00 hrs until 00:00 hrs

Friday and Saturday 11:00 hrs until 01:00 hrs the following morning

Friday, Saturday, Sunday & Monday of all Bank Holiday weekends, Christmas Eve, Boxing Day, 11:00 hrs until 01:00 hrs the following morning.

New Years Eve 10:00 hrs until terminal hour on New Years day

The premises may open for permitted licensable activities to show the broadcast of televised sporting events of national and international interest outside the above hours.

**Films (indoors):**

Monday to Wednesday 11:00 hrs until 23:00 hrs

Thursday & Sunday 11:00 hrs until 00:00 hrs

Friday and Saturday 11:00 hrs until 01:00 hrs the following morning

Friday, Saturday, Sunday & Monday of all Bank Holiday weekends, Christmas Eve, Boxing Day, 11:00 hrs until 01:00 hrs the following morning.

New Years Eve 10:00 hrs until terminal hour on New Years day

The premises may open for permitted licensable activities to show the broadcast of televised sporting events of national and international interest outside the above hours.

**Indoor sporting events:**

Monday to Wednesday 11:00 hrs until 23:00 hrs

Thursday & Sunday 11:00 hrs until 00:00 hrs

Friday and Saturday 11:00 hrs until 01:00 hrs the following morning

New Years Eve 10:00 hrs until terminal hour on New Years day

Friday, Saturday, Sunday & Monday of all Bank Holiday weekends, Christmas Eve, Boxing Day, 11:00 hrs until 01:00 hrs the following morning.

The premises may open for permitted licensable activities to show the broadcast of televised sporting events of national and international interest outside the above hours.

**Live music (indoors):**

Monday to Wednesday 11:00 hrs until 23:00 hrs

Thursday & Sunday 11:00 hrs until 00:00 hrs

Friday and Saturday 11:00 hrs until 01:00 hrs the following morning

New Years Eve 10:00 hrs until terminal hour on New Years day

Friday, Saturday, Sunday & Monday of all Bank Holiday weekends, Christmas Eve, Boxing Day, 11:00 hrs until 01:00 hrs the following morning.

The premises may open for permitted licensable activities to show the broadcast of televised sporting events of national and international interest outside the above hours.

No time restrictions in relation to entertainment, which is not public but promoted for private gain.

**Recorded music (indoors):**

Monday to Wednesday 11:00 hrs until 23:00 hrs

Thursday & Sunday 11:00 hrs until 00:00 hrs

Friday and Saturday 11:00 hrs until 01:00 hrs the following morning

New Years Eve 10:00 hrs until terminal hour on New Years day

Friday, Saturday, Sunday & Monday of all Bank Holiday weekends, Christmas Eve, Boxing Day, 11:00 hrs until 01:00 hrs the following morning.

The premises may open for permitted licensable activities to show the broadcast of televised sporting events of national and international interest outside the above hours.

No time restrictions in relation to entertainment, which is not public but promoted for private gain.

**Performance of dance (indoors):**

Monday to Wednesday 11:00 hrs until 23:00 hrs

Thursday & Sunday 11:00 hrs until 00:00 hrs

Friday and Saturday 11:00 hrs until 01:00 hrs the following morning

New Years Eve 10:00 hrs until terminal hour on New Years day

Friday, Saturday, Sunday & Monday of all Bank Holiday weekends, Christmas Eve, Boxing Day, 11:00 hrs until 01:00 hrs the following morning.

The premises may open for permitted licensable activities to show the broadcast of televised sporting events of national and international interest outside the above hours.

No time restrictions in relation to entertainment, which is not public but promoted for private gain.

**Anything of a similar description:**

Sunday to Thursday 09:00 hrs until 00:00 hrs

Friday & Saturday 09:00 hrs until 01:00 hrs the following morning

No time restrictions in relation to entertainment, which is not public but promoted for private gain.

**Provision of facilities for making music (indoors):**

Monday to Wednesday 11:00 hrs until 23:00 hrs

Thursday & Sunday 11:00 hrs until 00:00 hrs

Friday and Saturday 11:00 hrs until 01:00 hrs the following morning

New Years Eve 10:00 hrs until terminal hour on New Years day

Friday, Saturday, Sunday & Monday of all Bank Holiday weekends, Christmas Eve, Boxing Day, 11:00 hrs until 01:00 hrs the following morning.

The premises may open for permitted licensable activities to show the broadcast of televised sporting events of national and international interest outside the above hours.

No time restrictions in relation to entertainment, which is not public but promoted for private gain.

**Provision of facilities for dancing (indoors):**

Monday to Wednesday 11:00 hrs until 23:00 hrs

Thursday & Sunday 11:00 hrs until 00:00 hrs

Friday and Saturday 11:00 hrs until 01:00 hrs the following morning

New Years Eve 10:00 hrs until terminal hour on New Years day

Friday, Saturday, Sunday & Monday of all Bank Holiday weekends, Christmas Eve, Boxing Day, 11:00 hrs until 01:00 hrs the following morning.

The premises may open for permitted licensable activities to show the broadcast of televised sporting events of national and international interest outside the above hours.

No time restrictions in relation to entertainment, which is not public but promoted for private gain.

**Provision of facilities for anything similar (indoors):**

Sunday to Thursday 09:00 hrs until 00:00 hrs

Friday & Saturday 09:00 hrs until 01:00 hrs the following morning

No time restrictions in relation to entertainment, which is not public but promoted for private gain.

**Late night refreshment (indoors):**

Monday to Wednesday 23:00 hrs until 23:30 hrs

Thursday & Sunday 23:00 hrs until 00:30 hrs

Friday & Saturday 23:00 hrs until 01:30 hrs

**The opening hours of the premises**

Monday to Wednesday 11:00 hrs until 23:30 hrs

Thursday & Sunday 11:00 hrs until 00:30 hrs

Friday and Saturday 11:00 hrs until 01:30 hrs the following morning

New Years Eve 10:00 hrs until 30 minutes after the terminal hour on New Years day

Friday, Saturday, Sunday & Monday of all Bank Holiday weekends, Christmas Eve, Boxing Day, 11:00 hrs until 01:00 hrs the following morning.

The premises may open for permitted licensable activities to show the broadcast of televised sporting events of national and international interest outside the above hours and shall close to the public 30 minutes after the end of Licensable activities.

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Sale by retail of alcohol for consumption on and off the premises

**Part 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Samuel William Wallis  
The Lamb Inn  
Market Street  
Ashby De La Zouch  
Leicestershire  
LE65 1AN

**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Samuel William Wallis  
The Lamb Inn  
Market Street  
Ashby De La Zouch  
Leicestershire  
LE65 1AN

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Personal Licence number of Designated Premises Supervisor: NWL 10176

Issuing Authority: North West Leicestershire District Council

## Annex 1 – Mandatory conditions

1. The permitted hours stated above for the sale of alcohol do not prohibit:
  - a) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
  - b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
  - c) The sale of alcohol to a trader or club for the purposes of the trade or club;
  - d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
  - e) The taking of alcohol from the premises by a person residing there; or
  - f) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
  - g) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

2. No supply of alcohol may be made under the premises licence;
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol must be made or authorised by a person who holds a personal licence.

4. Dancing music or any other entertainment of the like kind which is not a public entertainment but is promoted for private gain (Section 2 of the Private Places of Entertainment (Licensing) Act 1967) may be provided without time restrictions.
5. The admission of children to the exhibition of any film is to be restricted in accordance with these conditions and Section 20 of the Licensing Act 2003.
6. Where the film classification body is specified in the Licence, unless condition 7(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
7. Where –
  - (a) The film classification body is not specified in the licence, or
  - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question

Admission of children must be restricted in accordance with any recommendation made by that licensing authority.



8. In this section “children” means persons aged under 18; and “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory conditions coming into force from 6<sup>th</sup> April 2010:

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Mandatory conditions coming into force from 1<sup>st</sup> October 2010:

1. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
  
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
2. The responsible person shall ensure that –
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

## **Annex 2 – Conditions consistent with the operating schedule**

1. Where the premises open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours, 7 days prior written notice shall be given to the Leicestershire Constabulary before the premises intend to open. Such notification shall include the opening times and the sporting event which is to be shown.
2. Any person exercising a security activity (as defined by paragraph 2(1)(a) of Schedule 2 of the Private Security Act 2001) shall be Licensed by the Security Industry Authority.
3. Any person exercising a security activity (as above) shall only be employed at the Premises at the discretion of the Designated Premises Supervisor or holder of the Premises Licence.
4. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any time the Premise is open to the public.
5. Where CCTV is installed with recording facilities such recording will be retained for a period of 30 days and made available with a reasonable time upon request by the police.
6. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
7. To comply with the reasonable requirements of the Fire Officer from time to time.
8. To comply with the reasonable requirements of the building control officer.
9. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
10. Noise and vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
11. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
12. Children under the age of 16 shall not be permitted to enter the premises after 21:00 hrs on any day.
13. The capacity for the premises is 350 including all staff and performers.
14. The approved electronic noise cut off device to control the bass volume of amplified music be used and maintained.
15. The at cut off level of the above mentioned device is set by the District Councils Head of Environmental Protection or equivalent person employed by the District Council.
16. When amplified music is played all windows and side entrance doors must be closed. The front door must be closed other than for ingress and egress.

17. Teat/Sound proof all doors, windows and other openings on all elevations except the front elevation opening directly on to Market Street.

18. In the conditions from this point onwards, the following terms or expressions have the meanings hereby assigned to them:

“authorised officer” means an officer of the District Council or Leicestershire Fire Service.

“Chief Constable” means the Chief Constable for the time being of the Leicestershire Constabulary.

“Chief Fire Officer” means the Chief Fire Officer for the time being of the Leicestershire County Council.

“child” means a person under the age of 16.

“Council” means North West Leicestershire District Council.

“entertainment” means a public entertainment and/or indoor sports entertainment.

“film exhibition” means any exhibition of moving pictures which is produced otherwise than by the simultaneous reception and exhibition of programmes included in a programme service (within the meaning of the Broadcasting Act 1990).

“indoor sports entertainment” means any sporting event comprising a contest, exhibition or display of any sport to which the public are invited as spectators.

“licensee” means the person to whom the licence to which these conditions are annexed has been granted or transferred by the Council

“open” in relation to premises means open for public or sports entertainment or theatrical performances and includes the whole of the time persons (other than those employed in the premises) are on the premises.

“performance” means an entertainment, film exhibition or stage play.

“premises” means the premises to which the licence relates.

“public entertainment” means any public dancing, music or other entertainment of the like kind.

“sport” means any game in which physical skill is the predominant factor and any form of physical recreation which is also engaged in for the purposes of completion or display, except dancing.

“stage play” has the same meaning as in the Theatres Act 1968 and includes every tragedy, comedy, farce, opera, burlesque, interlude, melodrama, pantomime or other entertainment of the stage, or any part thereof.

“the 1968 Act” means the Theatres Act 1968.

“the 1982 Act” means the Local Government (Miscellaneous Provisions) Act 1982.

“the 1987 Act” means the Fire Safety and Places and Sport Act 1987.

“the Guide” means the Guide to Fire Precautions in Existing Places of Entertainment and the Like Premises published by HMSO on behalf of the Home Office/Scottish Home and Health Department

19. Approvals, etc - The permission, approval, consent or satisfaction of the Council required for any purpose under these conditions shall if required be in writing and signified under the hand of the Central Support Manager of and any such permission, approval, consent or satisfaction may after reasonable notice according to the circumstances of the case be revoked in the same manner as it was given.
20. Without prejudice to the responsibilities of the licensee under the terms of the licence:
  - a) The licensee or some responsible person appointed by him in writing, not being a person under 18 years of age, shall be in charge of and upon the premises for the whole of the time the premises are open. The person for the time being in charge of the premises shall not engage in any duties which are likely to prevent him from being able to exercise proper supervision over the conduct of the premises.
  - b) Where the premises are managed by a person other than the licensee the licensee shall ensure that such person is familiar with the terms of the licence and these conditions.
  - c) Where the premises are sub-let the licensee shall notify the hirer(s) of the terms of the licence and these conditions in writing.
  - d) The licensee must be aware of certain entertainments or performances which can present additional dangers to the audience - those involving younger audiences from effects of over excitement and irrational behaviour and those comprising elderly people whose mobility may be impaired. In such circumstances he must ensure that there are sufficient numbers of competent and adequately trained staff to cover any emergency.
  - e) The licensee or his representative shall be in direct control of any public address system, which can override an entertainment or performance and be clearly heard in all parts of the premises.
  - f) Before the public is admitted to any entertainment or performance the licensee or his representative must carry out checks on exits, escape routes and the premises generally.
  - g) During the entertainment or performance the licensee or his representative is responsible for ensuring that where appropriate the safety curtain is lowered and raised.
  - h) The licensee is responsible for ensuring that fire instruction notices, fire fighting equipment, the fire alarm system and electrical and gas installations are adequately provided and maintained and furthermore examined regularly by a competent person to ensure that the equipment is maintained in a safe condition.
  - i) The licensee must ensure that all floor coverings, furniture and furnishings, scenery props, curtains, drapes and hangings meet the appropriate standards (see guidance note B)
21. The availability of access/egress for the disabled should be actively encouraged by licensees as appropriate to their premises. All permanent provisions must comply with the Building Regulations and British Standard 5588: Part 8 and to the satisfaction of the Council or its authorised officers. Where access/egress for disabled persons is provided the licensee must ensure that all his staff are aware of any additional precautions which are deemed necessary.

22. The licensee is responsible for training in respect of fire precautions and evacuation proceedings and must ensure that every member of staff is instructed and trained in the following:
- a) The action to be taken upon discovery of the fire.
  - b) The action to be taken upon hearing the fire alarm.
  - c) Raising the alarm, including the location of the alarm call point and alarm indicator panels.
  - d) The correct method of calling the fire brigade.
  - e) The location and use of fire fighting equipment.
  - f) Knowledge of escape routes, including any stairway not in regular use.
  - g) Knowledge of the method of operation of any special escape door fastenings.
  - h) Appreciation of the importance of fire doors and the need to close all doors at the time of a fire and on hearing the fire alarm.
  - i) The operations of all escape doors not in regular use to ensure that they function satisfactorily.
  - j) Evacuation of the building to an assembly point at a place of safety (to include reassuring the public and escorting them out of the premises).
  - k) Access/egress of disabled persons and any additional precautions which are deemed necessary.
23. It is particularly important that a licensee ensures that where, for operational reasons, staff are transferred to another part of the premises, they are made aware of the means of escape and fire procedures of the work area (including any additional responsibilities) if this differs from their permanent day station.
24. The licensee must keep records of staff training to include the names of the staff attending each practice drill and details of the training and instruction given. The following information must be recorded:
- i) Date of the instruction or exercise.
  - ii) Duration.
  - iii) Name of the person giving the instruction.
  - iv) Name of the person(s) receiving the instruction.
  - v) The nature of the instruction, training or drill.
25. The licensee or a competent person appointed by him must conduct a fire drill at least once a month. They must be attended by at least one third of the staff including any member who has been appointed since the previous practice drill or who has not attended a practice drill within the preceding three months. Where one off performances are given, all staff should be made aware of the duties prior to the event. Also he/she must be aware that where access/egress for disabled persons is provided that all staff are aware of any additional precautions deemed necessary.
26. The licensee shall ensure that noise emitted from the premises shall not cause a nuisance to nearby occupiers or residents. Any form of amplification shall be controlled by the licensee so as to prevent such a nuisance. The Council, through its authorised officers, may at any time indicating in writing to the licensee, the maximum sound levels permitted to be emitted from the premises and the licensee on receipt of such notification shall forthwith comply with the requirements.
27. A police officer or any authorised officer may enter the premises at any time when they are open, or there is a reason to believe an entertainment or performance is being, or about to be, given in any place where the licence is in force.

28. The licensing conditions are covered by appropriate explanations. However, they cannot fully cover all eventualities and where further detail is required regarding the condition or areas not specified in the conditions, then the Guide should be used for reference.
29. A log book must be maintained on the premises in which all the following records are kept:
  - a) Staff training.
  - b) Fire drills.
  - c) Emergency lighting tests in accordance with the current British Standard (see guidance note A).
  - d) Fire alarm tests in accordance with the current British Standard (see guidance note C).
  - e) Fire fighting equipment annual testing.
  - f) RCD testing.
30. The Chief Constable or the police officer in charge may reasonably require the entertainment or performance to be suspended or the premises closed at any time for the preservation of the peace and the safety of the performers, contestants or other persons present.
31. Nothing shall be acted, represented or recited or sung of a profane, licentious, obscene or indecent character.
32. The premises shall not be used for striptease or entertainment of a like kind or dancing which involves nudity or the sexual stimulation of patrons. This condition does not apply to any entertainment that is an integral part of a licensed performance of a play.

### **Hypnotism**

33. Any exhibition, demonstration or performance (hereafter referred to as a "performance" of hypnotism (as defined in the Hypnotism Act 1952) on any person requires the express written consent of the Council and must comply with any attached conditions. The Council may consent either under the terms of public entertainments licence or under the provisions of the Hypnotism Act 1952.
34. An application for consent under condition 23 shall be in writing and signed by the applicant or his agent and shall normally be made not less than 28 days in advance of the performance concerned. This period may be reduced in the case of a hypnotist who has performed at the same venue within the last 3 years without any problems occurring. The Council will normally respond within 28 days; less where the hypnotist has previously performed at the same venue. The applicant must at the same time forward a copy of the application to the Chief Constable of police; and the Council may also copy it to the Chief Fire Officer if it considers this necessary.
35. The application shall contain the following:
  - a) The name (both real and stage, if different) and address of the person who will give the performance (hereafter referred as the "hypnotist") along with details of their last three performances (where and when).

- b) A statement as to whether, and if so giving full details thereof, the hypnotist has been previously refused, or had withdrawn, a consent by any licensing authority or been convicted of an offence under the Hypnotism Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of a performance of hypnotism on any person at a place licensed for public entertainment. (Refusal of consent by another authority does not necessarily indicate that the particular hypnotist is unacceptable and will not in itself prejudice the application).

36. The following conditions shall apply to any consent given:

- a) No poster, advertisement or programme for the performance which is likely to cause public offence shall be displayed, sold or supplied, by or on behalf of the licensee either at the premises or elsewhere.
- b) Every poster, advertisement or programme for the performance which is displayed, sold or supplied shall include, clearly and legibly, the following statement:

*“Volunteers, who must be aged 18 or over, can refuse at any point to continue taking part in the performance.”*

- c) The performance shall be covered to a minimum public liability insurance cover of £2 million. The hypnotist must provide evidence of this to the Council if requested; and it must be available for inspection at the performance. The hypnotist must sign an agreement indemnifying the Council from any claim which may arise from the activities.
- d) The means of access between the auditorium and the stage for participants shall be properly lit and free from obstruction.
- e) A continuous white or yellow line shall be provided on the floor of any raised stage at a safe distance from the edge. This line shall run parallel with the edge of the stage for its whole width. The hypnotist shall inform all subjects that they must not cross the line while under hypnosis, unless specifically told to do so as part of the performance.
- f) Before starting the performance the hypnotist shall make a statement to the audience, in a serious manner, identifying those groups of people who should not volunteer to participate in it, explaining what volunteers might be asked to perform, informing the audience of the possible risks from embarrassment or anxiety, and emphasising that subjects may cease to participate at any time they wish. The following is a suggested statement, which might be amended as necessary to suit individual styles as long as the overall message remains the same:

*“I shall be looking for volunteers aged over 18 who are willing to be hypnotised and participate in the show. Anyone who comes forward should be prepared to take part in a range of entertaining hypnotic suggestions but can be assured that they will not be asked to do anything which is indecent, offensive or harmful. Volunteers need to be in normal physical and mental health and I must ask that no-one volunteers if they have a history of mental illness, are under the influence of alcohol or other drugs or are pregnant.”*



- g) No form of coercion shall be used to persuade members of the audience to participate in the performance. In particular, hypnotists shall not use selection techniques which seek to identify and coerce onto the stage the most suggestible members of the audience without their prior knowledge of what is intended. Any use of such selection techniques (e.g. Asking members of the audience to clasp their hands together and asking those who cannot free them again to come onto the stage) should only be used when the audience is fully aware of what is intended and that participation is entirely voluntary at every stage.
- h) If volunteers are to remain hypnotised during an interval in the performance, one attendant for every 2 volunteers or two attendants, if the hypnotised volunteers number less than 10 and remain together in one room.
- i) The performance shall be so construed as not to be likely to cause offence to any person in the audience or any hypnotised subject.
- j) The performance shall be so conducted as not to be likely to cause harm, anxiety or distress to any person in the audience or any hypnotised subject. In particular, the performance shall not include:
  - i) any suggestion involving the age recession of a subject (i.e. Asking the subject to revert to an earlier age in their life; this does not prohibit the hypnotist from asking subjects to act as if they were a child, etc);
  - ii) any suggestion that the subject has lost something (e.g. a body part) which, if it really occurred, could cause considerable distress;
  - iii) any demonstration in which the subject is suspended between supports (so-called "catalepsy");
  - iv) the consumption of any harmful or noxious substance; and
  - v) any demonstration of the power of hypnosis to block pain (e.g. pushing a needle through the skin)
  - vi) The performance shall not include giving hypnotherapy or any other form of treatment.
  - vii) All hypnotised subjects shall remain in the presence of the hypnotist and in the room where the performance takes place until all hypnotic suggestions have been removed.
  - viii) All hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects and the audience before the performance ends. All hypnotised subjects shall have the suggestions removed both individually and collectively and the hypnotist shall confirm with each of them that they feel well and relaxed (the restriction on post-hypnotic suggestions does not prevent the hypnotist telling subjects that they will feel well and relaxed after the suggestions are removed).
  - ix) The hypnotist shall remain available for at least 30 minutes after the show to help deal with any problems which might arise. (Such help might take the form of reassurance in the event of headaches or

giddiness but this condition does not imply that the hypnotist is an appropriate person to treat anyone who is otherwise unwell.)

- x) Where a constable, an authorised officer of the Council or an authorised officer of the fire authority has reason to believe that a performance is being, or is about to be, given, he may enter the venue with a view to seeing whether the conditions on which approval for the performance was granted are being complied with.

### **Control over Activity on Premises**

- 37. No known prostitute or person in a state of intoxication shall be permitted to enter or remain on the premises except in the case of premises licensed for the sale of intoxicants to such extent as is permitted under the Licensing Act 1964 or Licensing Act 2003.
- 38. Where the premises are licensed for the sale of intoxicants or have a valid exemption from such licensing, they shall be sold to and consumed by the public only in refreshment rooms provided for the purpose and only when the premises are open. (Note. This condition does not authorise any extension of the permitted hours under the Licensing Acts).
- 39. Where the premises are not licensed for the sale of intoxicants and do not have a valid exemption from such licensing, no intoxicating liquor shall be brought into the premises.
- 40. Unless persons (other than those employed in the premises) are admitted to the premises without payment, no invitation to make any donation for any purpose shall, except with the consent of the Licensing Authority, be made to any person present on the premises when open to the public and no receptacle indicated as available for the placing of donations therein shall be exposed in any part of the premises to which the public has access.
- 41. No child apparently under the age of five years shall be admitted to the premises unless the child is accompanied by and in the charge of a parent or some other person who appears to have attained the age of sixteen years.
- 42. No child shall be employed on or about the premises. Provided that this condition shall not apply to any employment to which Sections 37-39 of the Children and Young Persons Act 1963 applies.
- 43. Arrangements shall be made to ensure that the person in charge of the premises is aware of the number of persons (including those employed in the premises) present on the premises at any one time, and that such information is available to any Authorised Officer, Fire Officer or any Police Officer on request.
- 44. The licensee must ensure that attendants are aware of the procedure in case of fire and notices relating to the procedure shall be prominently displayed in areas frequently by such staff.
- 45. The number of attendants on duty to assist persons (other than those employed in the premises) in entering or leaving the premises, shall, in any case, not be less than:
  - i) One for 250 such persons at venues with fixed seating for all or most of the audience

- ii) One for 100 such persons at venues without seating for all or most of the audience
  - iii) One for 50 persons at venues without seating for all or most of the audience and where the audience is all or mainly comprised of persons under 16 years of age, and
  - iv) if the number of persons present on any upper floor or tier does not exceed 100, there shall be at least one additional attendant on duty on that floor or tier
  - v) if the number of persons present on any upper floor or tier exceeds one hundred there shall be at least two additional attendants on duty on that floor or tier
46. Such attendants shall not engage in any sales duties which involve the use of trays or similar equipment except during such times as the main lights are illuminated in the portion of the premises where persons (other than those employed in the premises) are assembled.
47. All attendants employed on the premises shall be provided with a uniform or distinctive clothing, or a distinctive armband and when on duty shall wear it. In particular, attendants shall not be permitted to wear fancy dress.
48. Persons in wheelchairs shall not be admitted to any entertainment or performance unless always in the care of a responsible person for the purpose of assisting them from the premises in the case of emergency.

### **The Premises**

49. No alterations or additions (whether temporary or permanent) shall be made to the structure, lighting, electrical, heating, ventilating, mechanical or other installations of or in the premises, or the seating gangways, or other arrangements therein and no structure or apparatus shall be placed or fixed in or over any part of the premises where the public assemble except with the consent of the Licensing Authority and in accordance with any conditions attached to such consent.
50. All parts of the premises and the fittings and apparatus therein, including the lighting, electrical heating, ventilating, mechanical and other installations shall be maintained in good order and condition.
51. All floor coverings shall be secured in such a way as not to ruck up or cause obstruction. Mats over 10mm in thickness shall be sunk to floor level unless they are provided with a wide bevelled edge.
52. Gangways, doorways, corridors, staircases and external passageways satisfactory to the Licensing Authority in number, size and position shall be provided and maintained for the purpose of affording ready and ample means of safe egress from all parts of the premises. In premises such as roller discos or similar entertainments, suitable ramps from the hall to the exterior of the building must be provided.
53. All passages, courts, ramps and stairways to which persons have access, and which lead from the hall to outside the premises, shall at all times when persons are on the premises be kept free from obstructions.

54. Every door in the building for use by persons going from the hall to outside the building shall be so constructed and maintained as:-
- i) To open outwards, unless the Licensing Authority is satisfied that this is impracticable in the circumstances of the particular case, and
  - ii) To open easily without the need for a key and fully in such manner that the door does not restrict the egress of persons, and
  - iii) A conspicuous notice "FIRE EXIT - DO NOT OBSTRUCT" shall be provided and maintained on the outside of any final exit door which otherwise might be obstructed.
55. All chains, padlocks, or other fastening devices for securing exit doors when the premises are not open, shall be removed by a responsible person before the premises are open and they shall not be replaced while the premises are open.
56. All doors and openings intended for the egress of persons (other than those employed in the premises) shall be provided with an EXIT sign, placed above the door or opening, conforming to the current British Standard Code of Practice.
57. Where it is considered necessary, a directional arrow showing the route of exit shall be incorporated.
58. Doors and openings not intended for the egress of persons (including those employed in the premises) shall have notices placed over or upon them indicating the use of the portion of the premises to which they lead, or bearing the words "PRIVATE" in accordance with the current British Standard Code of Practice.
59. All gangways in the hall, shall, while the premises are open, be kept free from obstruction on, provided that persons in wheelchairs may be permitted, with consent of the Licensing Authority or Chief Fire Officer, to sit in the auditorium in invalid chairs, other than petrol driven wheelchairs.
60. Curtains hung over doorways or across corridors shall not conceal exit notices, shall be parted in the middle and shall be hung so that they can be readily drawn aside, and so as to hang clear of the floor by at least 50mm.
61. Corridors shall not be used for storage purposes or as cloakrooms and no pegs for hanging hats, cloaks or other articles shall be placed in the corridor. Where cloakrooms are provided they shall be so situated that persons using them shall not interfere with the free use of any exit way.
62. The licensee shall throughout the whole time the premises are open to the public ensure that all passageways from exits out of the premises through any car park, passageways or other spaces leading to a public thoroughfare are kept entirely free from obstructions and that cars, bicycles or other vehicles are not parked in unauthorised places or in such a way as to obstruct or otherwise constitute a danger to persons leaving the premises.
63. No fastenings other than automatic "panic" bolts or other approved fittings shall be fitted to exit doors. These bolts shall be fitted and be of such a pattern that horizontal pressure on either bar will open the doors. The cross bars shall not be placed at a greater height than 1,000mm from the ground. Doors so fitted shall have a notice

"PUSH BAR TO OPEN" in letters at least 100mm high and in accordance with the current British Standard Code of Practice affixed just above the bar.

64. If chains and padlocks are used to secure exit doors when persons (including those employed in the premises) are not on the premises, a chain board shall be provided in an approved position and before the admission of persons (including those employed in the premises) the chains and padlocks shall be hung upon such boards each in an allotted position.
65. A substantial continuous handrail shall be provided on both sides of every stairway or landing and to a ramp with a slope steeper than 1 in 10, at a height of 900mm above the floor and fixed in such a manner as not to project more than 85mm over the floor and in addition a central handrail shall be provided at the same height above the floor in every such stairway, landing or ramp, which is more than 2,650mm in width. Any handrail on the open staircase shall be properly guarded to prevent accidental falling between the steps and the handrail.
66. In all parts of the building to which persons (including those employed in the premises) are admitted and in all passages, courts, ramps and stairways to which persons (including those employed in the premises) have access and which lead from the auditorium to outside the premises, there shall be provided means of illumination by electricity or gas capable of illuminating those parts clearly (in these recommendations referred to as "general lighting").
67. In all parts of the building to which persons (including those employed in the premises) are admitted and in all passages, courts, ramps and stairways to which persons (including those employed in the premises) have access and which lead from the auditorium to outside the premises, there shall be provided means of illumination by electricity or gas capable of illuminating those parts clearly (in these recommendations referred to as "general lighting").
68. The means by which general lighting is controlled shall be so situated as to be easily and quickly accessible to those members of the staff who may be required to operate them.
69. The electrical installation to be inspected at the times prescribed by the Licensing Authority by a competent electrical engineer.
70. In addition to the general lighting, emergency lighting adequate to enable persons (including those employed in the premises) to see their way out of the premises without assistance from the general lighting shall be provided to the satisfaction of the Chief Fire Officer.
71. The emergency lighting shall be supplied from a source other than that which supplies the general lighting, but this shall not prohibit the use of trickle charged electric batteries supplied with electricity from the same source as the general lighting provided that the batteries are fully charged before persons (other than those employed in the premises) are admitted and that the capacity of the batteries is sufficient to supply at normal voltage the full load of the emergency lighting for not less than one/three hours\* as specified in the schedule. All new installations will require to have a three hour emergency lighting system.
72. All new, rewired or substantially altered emergency lighting system shall comply with the current edition of British Standard 5266 or where the standard is superseded, its replacement.

73. Emergency lighting systems are to be tested and serviced in accordance with the provisions of BS5266 or any replacement standard (see guidance note A) as appropriate and the results recorded in the log book.
74. The supply of electricity for spotlights, effects, lamps or other electrical apparatus for the production of lighting or optical effects shall be by way of a circuit or circuits not used for supplying electricity for the general lighting or the emergency lighting.
75. If there is a failure of the general lighting persons (other than those employed in the premises) shall, if the general lighting is not restored within half/one\* hour, be instructed to leave at the end of that time.
76. If there is a failure of the emergency lighting, all parts of the premises in which means of illumination are provided in accordance with condition 33 above, other than the hall, shall immediately be clearly illuminated by the general lighting and if at the end of half an hour/one hour\* the emergency lighting is not restored, the hall shall be clearly illuminated by the general lighting and persons (other than those employed in the premises) shall be instructed to leave the premises immediately.
- \* The periods specified in 61 mean half an hour where the full load capacity duration of the installation as detailed in item 61 is one hour. If that capacity is three hours, vacation is required after one hour.
77. Adequate fire-fighting equipment of a type and in positions to the satisfaction of the Licensing Authority shall be provided, and maintained in proper working order and available for instant use.
78. All fire-fighting equipment shall be checked by the makers or recognised fire engineers **ANNUALLY** to ensure that equipment is maintained in an efficient working order.
79. All scenery, cloths, draperies, gauzes, floral decorations, properties, hangings, curtains (other than heavy wool or velvet), all fabric decorations and plywood or other thin wood shall be rendered flame-retardant either in course of manufacture or by the application of suitable solutions in accordance with the relevant British Standards and shall be so maintained to the satisfaction of the Licensing Authority or Chief Fire Officer (see guidance note B).
80. Temporary decorations shall not be permitted without the prior approval of the licensing authority to whom 14 days written notice must be given.
81. Smoking shall not be permitted in any dressing room or corridors thereto. Notices bearing the words "No Smoking" shall be displayed within the aforementioned areas.
82. No smoking is permitted on stage unless it is necessary or essential in connection with the performance, in which case the following criteria must be adhered to:-
- i) Suitable ashtrays are provided and filled with sand or water.
  - ii) While smoking is carried out on stage a member of staff is to be available in the wings with a suitable extinguisher.
  - iii) Under all other circumstances approval must be obtained from the licensing authority and 14 days' written notice must be given.

83. In any portion of the premises which is regularly used for a closely seated audience all seats shall be securely fixed to the floor.
84. In any portion of the premises which is occasionally used for a closely seated audience:-
- i) Chairs provided for a seated audience shall be battened together in lengths of not less than four or more than twelve chairs.
  - ii) There shall be unobstructed seatway, at least 300mm wide, measured between perpendiculars between the back of every seat and the front of any seat immediately behind it.
85. In the circumstances where more than 250 temporary seats are to be used in the auditorium the following arrangements should apply:-
- i) Chairs or other single seats should be secured together in lengths of not fewer than four seats and not more than twelve so that the seats cannot be separated from each other merely by pushing one or more seats in the row (the only exception being chairs in boxes or other approved enclosures); and
  - ii) Provision should be made for the rows of seating flanking the gangways to be fixed to the floor effectively preventing the individual seats or rows of seats from being dislodged into the gangways or from being toppled over, except that:-  
  
Only end seats of such rows need to be fixed to the floor if all seats in each row are secured together; or  
  
Only the end seats of each length of seating referred to in paragraph (i) above which form such rows need be fixed to the floor.
- NOTE:
- In premises used only occasionally for closely seated audiences, where the fixing of seating to the floor is impractical or undesirable (e.g. on polished dance floors) the use of floor bars instead of floor screws may be permitted. Such floor bars should be no more than 25mm in height, have a cambered top surface so as to avoid the risk of tripping persons using the seatways, and should extend from the row to be fixed to at least two adjacent rows, but should not extend across any gangways.*
- iii) Where seating for more than 100 people is provided, a seating layout must be forwarded to the Council for approval at least 14 days before the event. A scale plan of the arrangements for seats, gangways and exits should be readily available for inspection at the premises.
86. Where temporary seating for less than 250 is proposed arrangements as detailed in (i) will be applicable and additional requirements as necessary in the circumstances of the case will be notified following an inspection. In order for approval and notification of works as necessary, 14 days notice must be given to the Council.
87. When a closely seated audience is present, no person shall be permitted to stand in any side gangway or in any gangway which intersects the seating or in front of exits or in front of entrances to toilets and no person in excess of the number calculated as follows shall be permitted to stand in rear gangways:-

- i) One row of persons is permitted to stand against the barrier providing the width of the gangway exceeds 1400mm and the calculating the number of persons who may stand in the row a width of 800mm shall be allowed for each person.
  - ii) Provided that the Licensing Authority or Chief Fire Officer may from time to time prohibit any standing whatsoever or vary the number of persons permitted to stand, by notice in writing to the licensee.
88. The space available for standing shall be indicated on the floor by broad white lines.
89. All rope barriers across gangways shall be fitted with automatic catches or slip connections and shall be so fixed as not to trail on the floor when parted.
90. The edges of steps and stairways shall be made conspicuous and all gangways, exit ways and the treads of steps and stairways shall have non-slip surfaces.
91. The electrical installation of the premises shall be adequately maintained and used in a safe manner, properly fitted with fuses of the correct size for the circuits concerned.
92. Any alterations, extensions or amendments to the electrical installation shall be carried out and maintained in accordance with the requirements of the current edition of the Institute of Electrical Engineers Regulations or if superseded, its replacement.
93. The licensee shall ensure that all electrical socket outlets used for the purpose below are protected at all times by one or more integral residual current devices (circuit breakers) having an adequate load current rating and rated residual operating current not exceeding 30 milliamps. This conditions applies to the following:-
94. All electrical socket outlets in which spotlights or other stage lighting equipment are connected (except for socket outlets which are controlled by a properly installed stage lighting installation).
95. All socket outlets for use either with:-
- i) Temporary or portable electrical equipment or in the vicinity of any stage area;  
or
  - ii) Any other electrical equipment used by live performance or the public.
96. The licensee shall ensure that the device(s) referred to in this condition are tested on a weekly basis and the facts of the test recorded in a log book. Defective devices shall be rectified immediately by a qualified engineer before any equipment is connected to the circuit(s) affected. The use of a non-integrated (temporary) device shall only be permitted in emergency situations, such as to secure the continuation of an entertainment which is in progress. Such non-integrated protection shall not be used on more than one consecutive occasion, unless specifically authorised by the Licensing Authority.
97. A notice showing details of how to call the Fire Service shall be prominently displayed in a convenient and conspicuous position.
98. A notice in the following terms shall be prominently displayed:-

**IN CASE OF FIRE CALL THE FIRE SERVICE**



The nearest telephone is situated

.....

Lift receiver and dial 999: when answered say "FIRE"

When connected to the Fire Service say:

"FIRE AT ....."

99. If any fire occurs on the premises, or if any report or alarm of fire is made or given, the Fire Service shall be called immediately.
100. No rubbish or wastepaper or other combustible material shall be deposited or allowed to accumulate on any stage, in any stage basement, fly gallery, scene dock, changing room, or other rooms, except with the prior written approval of the Licensing Authority or Chief Fire Officer. All parts of the premises, including yards and adjacent land under the control of the licensee shall be kept clean and tidy at all times.
101. Refuse shall be removed from the premises and deposited in suitable receptacles situated away from the building, at the conclusion of each function.
102. All ceilings in those parts of the premises to which persons (other than those employed in the premises) are admitted shall be inspected at least once in every five years by a building surveyor or structural engineer appointed by or on behalf of the licensee and a certificate concerning the condition of the ceilings shall after each inspection be sent by the licensee to the Council on a form supplied for the purpose.
103. Whilst any scaffolding is in position or before any substantial re-decoration is completed in any part of the premises to which persons (other than those employed in the premises) are admitted, the licensee shall have the ceiling of that part of the premises inspected to the extent that the ceiling is accessible notwithstanding that it may have been inspected within the last preceding five years.
104. The licensee shall give 14 days' previous notice to the Council and the Chief Fire Officer of any intention to erect scaffolding in the premises and of the time at which any inspection of the ceiling of the premises is to take place.
105. Suitable and sufficient sanitary accommodation shall be provided for both sexes separately approached, adequately screened and suitably signed, to the Council's satisfaction. The table appended as Annex A provides guidance as to acceptable standards.
106. Such accommodation shall be kept in good order and repair, properly cleansed and ventilated and adequately lit.
107. Washhand basins shall be provided with hot and cold running water (or water at a controlled temperature), soap and suitable means of drying.
108. Effective provision shall be made and maintained for the supply of fresh air in the premises, and any equipment, ducts etc kept clean and in proper working order.
109. Detailed instructions as to the working of an mechanical or automatic ventilation system shall be exhibited in a suitable position.

110. Electrical fire alarm systems, where appropriate, are to be installed and maintained in accordance with British Standard 5839 or, if superseded, its replacement.
111. Fire Alarm - The licensee to complete weekly and monthly tests as prescribed in guidance note C and the results of the tests are to be recorded in the log book.
112. The annual tests, as required by the Licensing Authority and specified in guidance note C, must be completed by a competent person.

### **Special Risks**

113. No real flame, candle or other naked light shall be used on any stage and/or functional area, provided that real flame, may, with the consent of the Licensing Authority or Chief Fire Officer be used where it is essential to the action as distinct from the atmosphere of a particular entertainment and if electrical substitutes cannot be used.
114. 21 days' previous notice in writing of intention to use real flame shall be given to the Licensing Authority and Chief Fire Officer indicating the manner in which the real flame is to be used.
115. Portable heating appliances whether of the LPG or paraffin type shall be extinguished and removed from any part of the premises where the public are admitted before the admission of any persons (other than those employed on the premises).
116. LPG used for heating, cooking or lighting shall be of a fixed type installation with cylinders stored outside the building and the gas piped into the premises through securely fixed metal piping, or armoured flexible piping.
117. No temporary or occasional use of LPG shall normally be allowed unless 28 days' notice has been given to the Licensing Authority and consent has been given in writing for its use. The licensee shall comply with any conditions, which may be imposed upon the grant of such consent.
118. In addition, the following must be complied with:
  - i) Propane gas (normally in red cylinders) is prohibited for indoor use and is unacceptable for temporary installations.
  - iv) All cylinders must be at or about ground level.
  - iii) All cylinders must be kept in the vertical position and firmly secured at all times except during changing or removal.
  - iv) No trailing pipes, especially across floors are permitted and cylinders must be either contained within the appliance they serve, or immediately adjacent to it.
  - v) Only approved appliances conforming to the British Standards Specification shall be used. Their position must have due regard to combustible material, especially wooden structures, curtains and drapes.
  - vi) The use of LPG, its storage and changing of cylinders or bottles, shall be carried out in accordance with all relevant Codes of Practice and the manufacturer's or supplier's recommendations. Any cylinders not in use whether full or empty shall be kept outside the building.

- vi) Adequate ventilation shall be provided and maintained to all rooms where LPG is stored or used.
  - vii) LPG cylinders or appliances shall not be used in any part of the premises to which the public has access, and in particular shall not be stored, kept or used in passageways, corridors or near exits required for escape.
119. All flammable substances including paraffin, petroleum spirit and liquefied petroleum gases (LPG) used for heating, cooking, lighting or any other purpose shall be stored and used in accordance with the requirements of the Dangerous Substances and Explosive Atmospheres Regulations 2001 and the associated Approved Codes of Practice.
120. No pyrotechnic, firearm, explosive or highly flammable substance shall be brought on the premises, or smoke or vapour generators used without the consent of the Licensing Authority to enable any necessary inspection to be carried out. The licensee shall comply with any conditions which may be imposed upon the grant of such consent.
121. Where it is intended to use in any entertainment or performance lasers, strobe lights, gaseous material, aerosols or any animal the licensee shall obtain the consent of the Council. 14 days written notice shall be given to the Licensing Authority and consent obtained. The licensee shall comply with any conditions which may be imposed upon the grant of such consent.
122. When consent is granted to use strobes the licensee should provide a warning in the foyer and programme to this effect.
123. Any laser system shall be installed maintained and operated in accordance with Manufacturer's Instructions and Guidance Note PM19 issued by the Health and Safety Executive and British Standard 4803 Part 3.

**ANNEX A**  
**INDOOR PUBLIC ENTERTAINMENT**  
**PROVISION OF SANITARY ACCOMMODATION**

**1. PREMISES WITH SIGNIFICANT DRINKING, EG. PUBS AND RESTAURANTS**

<b>No. of each sex</b>	<b>MALE WC</b>	<b>Urinal</b>	<b>FEMALE WC</b>
100	1	4	2
200	2	8	4
300	3	12	5
400	4	16	6
500	5	20	7
600	5	24	8
700	6	28	9
800	6	32	10
900	6	36	11
1000	7	40	12

**2. PREMISES WITH NO SIGNIFICANT DRINKING**

<b>No. of each sex</b>	<b>MALE WC</b>	<b>Urinal</b>		<b>FEMALE WC</b>
		<b>Other</b>	<b>Theatre</b>	
100	1	2	4	1
200	1	4	8	2
300	2	5	12	3
400	2	7	16	3
500	2	8	20	3
600	3	10	24	4
700	3	12	28	4
800	3	14	32	4
900	3	15	36	4
1000	3	17	40	5

Washhand basins to be provided on 1 per WC or range or urinal for both standards.

## **GUIDANCE NOTE A EMERGENCY LIGHTING**

### **1. Servicing**

#### **1.1 Testing and Maintenance**

Only the relevant parts of the following tests are to be completed in respect of the premises installation. Clarification and instruction, if required should be obtained from the installing, inspecting engineer.

##### **1.1.1 Supervision**

Regular servicing is essential. The occupier/owner of the premises should appoint a competent person to supervise the system. This person should be given sufficient authority to ensure the carrying out of any work necessary to maintain the system in correct operation.

#### **1.2 Batteries**

In all cases the manufacturer's instructions should be followed. It is particularly important that where applicable:-

- (a) The tops of batteries and their terminals are kept clean and unobstructed and that battery cases are periodically checked for leaks;
- (b) The electrolyte is at all times kept at the correct level as recommended by the manufacturer;
- (c) Any replacement battery should be compatible with the battery charger;
- (d) Any replacement cell should be compatible with the battery;
- (e) Any replacement battery charger should be compatible with the battery.

#### **1.3 Generators**

The manufacturer's instructions as given in the associated instruction manual or other literature should always be followed. It should be noted, however, that the failure of engines to start up readily often arises from poor maintenance or defects in the starting battery or in electromechanical apparatus, e.g. relays incorporated in the starting system.

Dust and damp, singly or in combination, can have an adverse effect on electromechanical apparatus and it is therefore important that a system of regular cleaning and, where necessary, adjustment is carried out.

Some parts of the starting system may be sited where they are subject to vibration and great care should therefore be taken in such instances to ensure that all connections are mechanically and electrically sound.

It is essential that air intakes and exhausts are unobstructed.

#### 1.4 **Routine Inspections and Tests**

##### 1.4.1 **General**

Because of the possibility of a failure of the normal lighting supply occurring shortly after a period of testing of the emergency lighting system or during the subsequent recharge period, all tests should wherever possible be undertaken at time of minimum risk.

Alternatively suitable temporary arrangements should be made until the batteries have been recharged.

Inspections and tests should be carried out at the following intervals as recommended in 1.4.2 to 1.4.6.

- (a) Daily
- (b) Monthly
- (c) Six-monthly
- (d) Three-yearly
- (e) Subsequent annual test

##### 1.4.2 **Daily**

An inspection should be made every day to ascertain that:-

- (a) Any fault recorded in the log book has been given urgent attention and the action noted;
- (b) Every lamp in a maintained system is lit;
- (c) The main control or indicating panel of each central battery system or engine driven generator plant indicates normal operation;
- (d) Any fault found is recorded in the log book and the action taken noted.

##### 1.4.3 **Monthly**

An inspection should be made at monthly intervals in accordance with a systematic schedule. A model schedule is illustrated in Appendix C.

Tests should be carried out as follows:-

- (a) Each self-contained luminaire and internally illuminated exit sign should be energised from its battery by simulation of a failure of the supply to the normal lighting for a period sufficient only to ensure that each lamp is illuminated.

The period of simulated failure should not exceed one quarter of the rated duration of the luminaire or sign. During this period all luminaires and/or signs should be examined visually to ensure that they are functioning correctly.

At the end of this test period the supply to the normal lighting should be restored and any indicator lamp or device checked to ensure that it is showing that the normal supply has been restored.

- (b) Each central battery system should be energised from its battery by simulation of a failure of the supply to the normal lighting for a period sufficient only to ensure that each lamp is illuminated.

The period of simulated failure should not exceed one quarter of the rated duration of the battery.

During this period all luminaires and/or signs should be examined visually to ensure that they are functioning correctly.

If it is not possible to examine visually all luminaires and/or signs in this period, further tests should be made after the battery has been fully recharged.

At the end of each test period the supply to the normal lighting should be restored and any indicator lamp or device checked to ensure that it is showing that the normal supply has been restored. The charging arrangements should be checked for proper functioning.

- (c) Each engine-driven generating plant should be started up by a simulation of a failure of the supply to the normal lighting and allowed to energise the emergency lighting system for a continuous period of at least 1 h.

During this time all luminaires and/or signs should be examined visually to ensure that they are functioning correctly.

At the end of the test period the system should be restored to normal operation and the charging arrangements for the engine-starting battery checked for proper functioning. The fuel tanks should be left filled and the oil and coolant levels topped up as necessary.

Frequent starting of the plant followed by a few minutes on load is not recommended.

- (d) The engine of each engine-driven generating plant with back-up batteries should be prevented from starting.

The emergency lighting system should then be energised solely from the back-up battery by simulation of a failure of the supply to the normal lighting for a period sufficient only to ensure that the change-over from normal supply to battery is functioning properly. After this check the starting system of the engine should be returned to normal operation and the engine allowed to start up in the normal way to energise the emergency lighting system for a continuous period of at least 1 hour. During these periods all luminaires and/or signs should be examined visually to ensure that they are functioning correctly.

At the end of the test period the system should be restored to normal operation and the charging arrangements for the back-up and the engine starting batteries checked for

proper functioning. The fuel tanks should be left filled and the oil and coolant levels topped up as necessary.

#### 1.4.4 **Six-monthly**

The monthly inspection (see 1.4.3) should be carried out and the following tests made:-

- (a) Each 3 h self-contained luminaire and internally illuminated sign should be energised from its battery for a continuous period of 1 h, by simulation of a failure of the supply to the normal lighting. If the luminaire is rated as having a duration of 1 h, then the period of simulated failure should be 15 min.

During this period all luminaires and/or signs should be examined visually to ensure that they are functioning correctly.

At the end of this test period the supply to the normal lighting should be restored and any indicator lamp or device checked to ensure that it is showing that the normal supply has been restored.

- (b) Each 3 h central battery system should be energised from its battery for a continuous period of 1 h by simulation of a failure of the supply to the normal lighting. If the system is rated as having a duration of 1 h then the period of simulated failure should be 15 min.

During this period all luminaires and/or signs should be examined visually to ensure that they are functioning correctly.

At the end of the test period the supply to the normal lighting should be restored and any indicator lamp or device checked to ensure that it is showing that normal supply has been restored. The charging arrangements should be checked for proper functioning.

- (c) Each engine-driven plant should be tested in accordance with the monthly schedule detailed in 1.4.3(c).
- (d) The engine of each engine-driven generating plant with back-up battery should be prevented from starting. The emergency lighting system should then be energised solely from the back-up battery for a continuous period of 1 h by simulation of failure of the supply to the normal lighting.

The starting system of the engine should then be restored to normal operation and the engine allowed to start up in the normal way to energise the emergency lighting system for a further continuous period of 1 h.

During these periods all luminaires and/or signs should be examined visually to ensure that they are functioning correctly. At the end of the test period the system should be restored to normal operation and the charging arrangements for the back-up and engine-starting batteries checked for proper functioning. Any indicator lamp or device should then be checked to ensure that it is showing that the normal arrangements have been restored.

The fuel tanks should be left filled and the oil and the coolant levels topped up as necessary.

#### 1.4.5 **Three-yearly**



The monthly inspection (see 1.4.3) should be carried out and the following additional tests made:-

- (a) Each emergency lighting installation should be tested and inspected to ascertain compliance with this code (see Appendix C).
- (b) Each self-contained luminaire and/or internally illuminated sign should be tested for its full duration.

At the end of the test period the supply to the normal lighting should be restored and any indicator lamp or device checked to ensure that it is showing that normal supply has been restored.

- (c) Each central battery system should be tested for its full duration.

At the end of the test period the supply to the normal lighting should be restored and any indicator lamp or device checked to ensure that it is showing that normal supply has been restored. The charging arrangements should be checked for proper functioning.

- (d) Each generator back-up battery, where fitted, should be tested for its full duration.

At the end of the test period the system should be restored to normal operation and the charging arrangements for the back-up and the engine-starting batteries checked for proper functioning. Any indicator lamp or device should then be checked to ensure that it is showing that normal arrangements have been restored.

The fuel tanks should be left filled and the oil and coolant levels topped up as necessary.

#### 1.4.6 **Subsequent Annual Test**

For self-contained luminaires with sealed batteries, after the first yearly test the three yearly test should be carried out annually.

## **GUIDANCE NOTE B FIRE RETARDANT MATERIALS**

### **1. Advice on Furniture and Furnishings, and Synthetic Materials**

Furniture and furnishings which are easily ignited or demonstrate rapid spread of flame characteristics present a particular fire hazard and their presence should be a factor in determining the acceptability of escape routes and in particular of protected routes.

### **2. Upholstered Furniture**

- (a) It is recommended that upholstered furniture should only contain those filling materials specified in the Furniture and Furnishings (Fire) (Safety) Regulations 1988; and that invisible parts of permanent covers comply with the provisions of the Furniture and Furnishings (Fire) (Safety) (Amendment) Regulations 1989. The furniture should satisfy as a minimum standard Ignition Source 0 (cigarette test) of British Standard 5852: Part 1 and Ignition Source 5 (timber crib test) of British Standard 5852: part 2. However, it should be noted that British Standard 5852 does not test the resistance to ignition of the underside of the seating. In addition, where the cover material, or any barrier fabric, has been treated chemically to impart a degree of flame retardance, it should be subjected to the water soak test, as advocated in the Furniture and Furnishings (Fire) (Safety) Regulations 1988. The new standards should be applied when refurbishment and replacement takes place.
- (b) Application for consent for upholstered furniture should, where required, be made to the Licensing Authority in writing and should be accompanied by full details of the materials to be used and a certificate from an approved testing establishment. The Licensing Authority may, after consideration of specific circumstances of use, vary the level of ignition source which seating is required to meet.
- (c) All fixed and movable seating should be maintained free from tears, rips, etc, which would result in the filling being exposed.

### **3. Curtains, Drapes and Other Textile Hangings**

- (a) All curtains or drapes hung in places of entertainment should be of durably flame-retarded fabric or inherently flame-retarded fabric and should conform with British Standard 5867: Part 2 fabric type B. Curtains or drapes should not conceal notices and should be hung so as not to trail on the floor.
- (b) Attention is drawn to the Department of Environment test outlined in the "Department of the Environment Fire Retardant Specification No.7, Ignition Standards for Curtains". Fabrics should be tested using Ignition Source 5 (timber crib test) of British Standard 5852: Part 2. Licensees may wish to consider the use of this test which subjects curtains, hangings and drapes to a more searching indication of a material's performance in a fire situation. The appropriate procedure in British Standard 5651 should be completed prior to this test in respect of those fabrics which have been chemically treated.

### **4. Temporary decorations should not be used unless approved.**

- 5. Application for consent for all decorations, curtains and hangings should, where required, be made to the Licensing Authority in writing and should be accompanied by full details, including samples (not less than 1000mm x 500mm) of the material

proposed to be used and, in the case of temporary decorations, a statement as to the period for which it is desired to retain the decorations.

## 6. **Artificial and Dried Foliage**

- (a) It is not possible to assess dried or artificial foliage in terms of flame retarded fabrics using formal laboratory test methods. It is, however, recommended that these and similar items be subjected to ignition tests using small flaming sources comparable to those used for testing drapes and curtaining, as follows:-

A suitable small flaming ignition source, the match equivalent butane flame Ignition Source 1 specified in British Standard 5852: Part 1, should be applied to the treated leaves, flowers, etc of the sample for 20 seconds. Ignition is acceptable during the application of the igniting flame but, on its removal, flaming, whilst continuing locally, should not spread beyond the area first ignited.

- (b) As it has been found difficult to totally inhibit the production of flaming molten droplets or debris from the solid plastics parts of artificial foliage such as stems, the licensing authority should consider factors such as:-
- (i) The location;
  - (ii) The ease of access by the public; and
  - (iii) The overall amounts of artificial foliage present.

- 7(a) All artificial and dried foliage used for decorative purposes in public areas should be flame retardant treated. As flame retardant treatments can be adversely affected by contact with moisture (as this can cause recrystallisation on surfaces), periodic retreatment may be required to maintain the effectiveness of the flame retardant treatment and/or to maintain an acceptable appearance. The Licensing Authority should therefore consider a policy of reappraisal of such treated items.

- (b) Dried flowers and grasses should not be sprayed with hair lacquer or other like substance, as such treatment will only enhance the ease of ignition and rate of fire spread.

## **GUIDANCE NOTE C FIRE ALARM TESTING AND MAINTENANCE**

### **1. ROUTINE TESTING**

#### **1.1 Commentary**

Although modern fire alarm systems may incorporate a high degree of monitoring, so that faults are indicated automatically, it is still necessary for the responsible person nominated by the user to ensure that fault indications at the panel are identified for appropriate action. It is also vital for a regular test to be carried out to ensure that there has not been any major failure of the entire system, or a significant part of the system.

Routine testing of the system also provides an opportunity for occupants of the building to become, and remain, familiar with the fire alarm signal(s) that the system produces. In systems with staged alarms that incorporate an “Alert” and an “Evacuate” signal, both signals need to be operated on the occasion of each test to ensure that occupants are aware of the existence of both signals and their different meaning.

##### **1.1.1 Recommendations for weekly testing by the user**

When testing the fire detection system, there may be a need to isolate ancillary outputs.

The following recommendations apply:

- (a) Every week, a manual call point should be operated during normal working hours. It should be confirmed that the control equipment is capable of processing a fire alarm signal and providing an output to fire alarm sounders, and to ensure that the fire alarm signal is correctly received at any alarm-receiving centre to which fire alarm signals are transmitted. It is not necessary to confirm that all fire alarm sounder circuits operate correctly at the time of this test.

**NOTE 1:** It is essential that any alarm receiving centre is contacted immediately before, and immediately after, the weekly test to ensure that unwanted alarms are avoided and that fire alarm signals are correctly received at the alarm receiving centre.

**NOTE 2:** The user needs to take account of the manufacturer's recommendations, particularly when battery powered devices are being tested, e.g. within radio-linked fire alarm systems.

- (b) The weekly test should be carried out at approximately the same time each week; instructions to occupants should then be that they should report any instance of poor audibility of the fire alarm signal. In systems with staged alarms incorporating an “Alert” and an “Evacuate” signal, the two signals should be operated, where practicable, sequentially in the order they would occur at the time of a fire (i.e. “Alert” and then “Evacuate”).
- (c) In premises in which some employees only work during hours other than that at which the fire alarm system is normally tested, an additional test(s) should

be carried out at least once a month to ensure familiarity of these employees with the fire alarm signal(s).

- (d) A different manual call point should be used at the time of every weekly test, so that all manual call points in the building are tested in rotation over a prolonged period. There is no maximum limit for this period (e.g. in a system with 150 manual call points, the user will test each manual call point every 150 weeks). The result of the weekly test and the identify of the manual call point used should be recorded in the system log book.
- (e) The duration for which any fire alarm signal is given (other than solely at control and indicating equipment) at the time of the weekly test by the user should not normally exceed one minute, so that, in the event of a fire at the time of the weekly test, occupants will be warned by the prolonged operation of the fire alarm devices.
- (f) Voice alarm systems should be tested weekly in accordance with the recommendations of BS 5839-8.

#### 1.1.2 Recommendations for monthly attention by the user

The following recommendations apply:

- (a) If an automatically started emergency generator is used as part of the standby power supply it should be started up once each month by simulation of failure of the normal power supply and operated on-load for at least one hour. The test should be carried out in accordance with the instructions of the generator manufacturer, including instructions on the load that should be operated. At the end of the test, the fuel tanks should be left filled, and the oil and coolant levels should be checked and topped up as necessary.
- (b) If vented batteries are used as a standby power supply, a visual inspection of the batteries and their connections should be made to ensure that they are in good condition. Action should be taken to rectify any defect, including low electrolyte level.

NOTE: Care should be taken to ensure that any person undertaking these tasks is competent to do so safely and has the relevant technical knowledge and training.

## 1.2 Inspection and Servicing

### 1.2.1 Commentary

It is essential that the system is subject to periodic inspection and servicing so that unrevealed faults are identified, preventive measures can be taken to ensure the continued reliability of the system, false alarm problems are identified and suitably addressed, and that the user is made aware of any changes to the building that affect the protection afforded by the system.

Periodic inspection and servicing needs to be carried out by a competent person with specialist knowledge of fire detection and alarm systems, including knowledge of the causes of false alarms, sufficient information regarding the system, and adequate access to spares.

This will normally be an outside fire alarm servicing organisation; care needs to be taken to ensure that, if, for example, in-house employees are used for this task, they have equivalent competence to the technicians of a typical fire alarm servicing organisation. Competence of a fire alarm servicing organisation can be assured by the use of organisations that are third-party certificated, by a UKAS-certificated certification body, to carry out inspection and servicing of fire alarm systems.

#### 1.2.2 Recommendation for quarterly inspection of vented batteries

All vented batteries and their connections should be examined by a person competent in battery installation and maintenance technology. Electrolyte levels should be checked and topped up as necessary.

NOTE In many large premises and sites, in-house maintenance personnel may be competent to carry out this task.

#### 1.2.3 Recommendations for periodic inspection and test of the system

Some fire detection and fire alarm systems and components claim to include features that permit functions to be automatically monitored, and faults or warnings to be annunciated, or otherwise made available to authorised persons. In cases where this is proven, the recommendations for routine testing under this subclause and in 1.2.4 may be modified to omit testing which is proven to be unnecessary by the equipment manufacturer, provided it can be proven that the automatic monitoring achieves the same objective as the appropriate test recommended in this subclause and/or 1.2.4. In the case of detectors (all types), tests should ensure that products of combustion are capable of passing unhindered from the protected area to the sensing chamber/elements of the detector and not simply test the ability of the detector to sample/verify the status of the atmosphere already in the sensing chamber.

The recommendations in this clause should be carried out by a competent person. The period between successive inspection and servicing visits should be based upon a risk assessment, taking into account the type of system installed, the environment in which it operates and other factors that may affect the long term operation of the system. The recommended period between successive inspection and servicing visits should not exceed six months. If this recommendation is not implemented, it should be considered that the system is no longer compliant with this part of BS 5839.

The following recommendations are applicable:

- (a) The system log book should be examined. It should be ensured that any faults recorded have received appropriate attention.
- (b) A visual inspection should be made to check whether structural or occupancy changes have affected the compliance of the system with the recommendations of this standard for the siting of manual call points, automatic fire detectors and fire alarm devices. Particular care should be taken to verify whether:
  - (1) all manual call points remain unobstructed and conspicuous;
  - (2) any new exits have been created without the provision of an adjacent manual call point;

- (3) any new or relocated partitions have been erected within 500 mm horizontally of any automatic fire detector;
  - (4) any storage encroaches within 300 mm of ceilings, such as to obviate compliance;
  - (5) a clear space of 500 mm is maintained below each automatic fire detector, and that the ability of the detector to receive the stimulus that it has been designed to detect has not been impeded by other means;
  - (6) any changes to the use or occupancy of an area makes the existing types of automatic fire detector unsuitable for detection of fire or prone to unwanted alarms;
  - (7) any building alterations or extensions require additional fire detection and alarm equipment to be installed.
- (c) The records of false alarms should be checked. The rate of false alarms during the previous 12 months should be recorded. Action taken in respect of false alarms recorded should comply with the recommendations.
  - (d) The standby battery should be disconnected and full load alarm should be simulated.
  - (e) Batteries and their connections should be examined and momentarily load tested with the mains disconnected (other than those within devices such as manual call points, detectors and fire alarm sounders of a radio-linked system), to ensure that they are in good serviceable condition and not likely to fail before the next service visit. Vented batteries should be examined to ensure that the specific gravity of each cell is correct.
  - (f) The fire alarm functions of the control and indicating equipment should be checked by the operation of at least one detector or manual call point on each circuit. An entry should be made in the log book indicating which initiating devices have been used for these tests.
  - (g) The operation of the fire alarm devices should be checked.
  - (h) All controls and visual indicators at control and indicating equipment should be checked for correct operation.
  - (i) The operation of any facility for automatic transmission of alarm signals to an alarm receiving centre should be checked. Where more than one form of alarm signal can be transmitted (e.g. fire and fault signals), the correct transmission of each signal should be confirmed.
  - (j) All ancillary functions of the control and indicating equipment should be tested.
  - (k) All fault indicators and their circuits should be checked, where practicable, by simulation of fault conditions.
  - (l) All printers should be tested to ensure that they operate correctly and that characters are legible. It should be ensured that all printer consumables are

sufficient in quantity or condition to ensure that the printer can be expected to operate until the time of the next service visit.

- (m) Radio systems of all types should be serviced in accordance with the recommendations of the manufacturer.
- (n) All further checks and tests recommended by the manufacturer of the control and indicating equipment and other components of the system should be carried out.
- (o) On completion of the work, any outstanding defects should be reported to the responsible person, the system log book should be completed and a servicing certificate should be issued.

#### 1.2.4 Recommendations for inspection and test of the system over a 12 month period

In addition to the work recommended in 1.2.3 it is recommended that the following work be carried out every year.

NOTE 1: The work described may be carried out over the course of two or more service visits during each twelve month period.

- (a) The switch mechanism of every manual call point should be tested, either by removal of a frangible element, insertion of a test key or operation of the device as it would be operated in the event of fire.
- (b) All automatic fire detectors should be examined, as far as practicable, to ensure that they have not been damaged, painted, or otherwise adversely affected. Thereafter, every detector should be functionally tested. The tests used need prove only that the detectors are connected to the system, are operational and are capable of responding to the phenomena they are designed to detect.
- (c) Every heat detector should be functionally tested by means of a suitable heat source, unless operation of the detector in this manner would then necessitate replacement of part of all of the sensing element (e.g. as in fusible link point detectors or non-integrating line detectors). Special test arrangements will be required for fusible link heat detectors. The heat source should not have the potential to ignite a fire; live flame should not be used, and special equipment might be necessary in explosive atmospheres.
- (d) Point smoke detectors should be functionally tested by a method that confirms that smoke can enter the detector chamber and produce a fire alarm signal (e.g. by use of apparatus that generates simulated smoke or suitable aerosols around the detector). It should be ensured that the material used does not cause damage to, or affect the subsequent performance of, the detector; the manufacturer's guidance on suitable materials should be followed.
- (e) Optical beam smoke detectors should be functionally tested by introducing signal attenuation between the transmitter and receiver, either by use of an optical filter, smoke or simulated smoke.
- (f) Aspiring fire detection systems should be functionally tested by a method that confirms that smoke can enter the detector chamber and produce a fire alarm signal. It should be ensured that the material used does not cause damage to



or affect the subsequent performance of the detectors; the manufacturer's guidance on suitable materials should be followed.

Furthermore, appropriate testing should be performed to verify that smoke is able to enter each sampling point (or collection of sampling points that are recommended by the manufacturer to cover the same area as a point smoke detector).

This can be achieved by introducing smoke into each sampling point in turn and verifying a response at the detector. However, where access is restricted or other site conditions prevent this, other verification techniques should be employed such as:

- verifying transport time from furthest hole or a dedicated test point and comparing with previously recorded results to identify deviations;
- confirming that the flow monitoring is capable of detecting loss of a single sampling point (or collection of sampling points that are deemed to be acceptable for the risks involved);
- inspection of flow readings and comparing with previously recorded results to identify deviations which would indicate a loss of detection performance;
- measurement of the pressure at each sampling point and comparing with previously recorded results to identify deviations which would indicate a loss of detection performance.

The technique used is dependent on the particular features of the ASD technology, the risk and details of the specific application. Such techniques may also be supported by visual inspection of sampling points where this is possible but it is essential to verify that adequate detection performance is maintained. Details of the techniques used should be recorded and agreed with all parties.

NOTE 2: For further guidance see the BFPSA Code of Practice for Category 1 Aspirating Detection Systems.

- (g) Carbon monoxide fire detectors should be functionally tested by a method that confirms that carbon monoxide can enter the detector chamber and produce a fire alarm signal (e.g. by use of apparatus that generates carbon monoxide or a gas that has a similar effect on the electro-chemical cell as carbon monoxide).

WARNING: Carbon monoxide is a highly toxic gas, and suitable precautions should be taken in its use.

NOTE 3: It should be ensured that any test gas used does not cause damage to, or affect the subsequent performance of, the detector; the manufacturer's guidance on suitable test gases should be followed.

- (h) Flame detectors should be functionally tested by a method that confirms that the detector will respond to a suitable frequency of radiation and produce a fire alarm signal. The guidance of the manufacturer on testing of the detectors should be followed.

- (i) In fire detection systems that enable analogue values to be determined at the control and indicating equipment, it should be confirmed that each analogue value is within the range specified by the manufacturer.
- (j) Multi-sensor detectors should be operated by a method that confirms that products of combustion in the vicinity of the detector can reach the sensors and that a fire signal can be produced as appropriate. The guidance of the manufacturer on the manner in which the detector can be functionally tested effectively should be followed.
- (k) All fire alarm devices should be checked for correct operation. It should be confirmed that visual fire alarm devices are not obstructed from view and that their lenses are clean.
- (l) All unmonitored, permanently illuminated filament lamp indicators at control and indicating equipment should be replaced.
- (m) Radio signal strengths in radio-linked systems should be checked for adequacy.
- (n) A visual inspection should be made to confirm that all readily accessible cable fixings are secure and undamaged.
- (o) The cause and effect programme should be confirmed as being correct.
- (p) The standby power supply capacity should be checked to establish it remains suitable for continued service.
- (q) All further annual checks and tests recommended by the manufacturer of the control and indicating equipment and other components of the system should be carried out.

On completion of the work, any outstanding defects should be reported to the responsible person and a record of the inspection and test should be made on the servicing certificate.

NOTE 4: Since stimulus of the sensing element through introduction of the phenomena or surrogate phenomena which the above detectors are designed to detect forms part of the test, use of a test button or a test magnet (for example) or compliance with 1.2.4 (1) does not satisfy the recommendations given.

## **2. NON-ROUTINE ATTENTION**

### **2.1 Commentary**

The arrangements in Clause 1 are intended to maintain the system in operation under normal circumstances. However, from time to time, the fire alarm system is likely to require non-routine attention, including special maintenance. Non-routine maintenance includes:

- a special inspection of an existing fire alarm system when a new servicing organisation takes over servicing the system;
- repair of faults or damage;

- modification to take account of extensions, alterations, changes in occupancy or false alarms;
- action to address an unacceptable rate of false alarms;
- inspection and test of the system following a fire.

#### 2.1.1 Recommendations for special inspection on appointment of a new servicing organisation

The following recommendations apply:

- (a) When a servicing organisation takes over servicing arrangements for an existing system, a special inspection should be carried out, and existing records, where available, should be studied, to obtain sufficient information to be documented for effective future servicing of the system.
- (b) Major areas of non-compliance with this standard should be documented and identified to the responsible person appointed by the user. The classification of a non-compliance as major is subjective, but the following non-compliances should be regarded as major:

NOTE 1: It is not implied that non-compliances need to be rectified; this is a matter for the user to determine, based on the advice of the servicing organisation, the enforcing authorities, the insurer and any third-party advisers engaged by the user, as appropriate.

- (1) an inadequate number of call points to comply with the recommendations;
- (2) inadequate provision of fire detection to comply with the recommendations of this standard for the Category of system that the system was designed to meet;
- (3) sound pressure levels that fail to comply with the recommendations;
- (4) standby power supplies that fail to comply with the recommendations. The absence of any standby power supply should be highlighted to the responsible person, as systems that incorporate no standby power supply breach the Health and Safety (Safety Signs and Signals Regulations 1996 [1];
- (5) cabling with fire resistance that fails to comply with the recommendations;
- (6) monitoring of circuits that fail to comply with the recommendations;
- (7) standards of electrical safety such that the recommendations are not satisfied;
- (8) exposure to, or experience of, false alarms, such as to preclude compliance with Section 3;

- (9) changes in the use, layout and construction of the protected premises that may impact on the effectiveness of the system.
- (c) If no log book suitable for enabling compliance with the recommendations exists, a suitable log book should be provided by the servicing organisation.

### 2.1.2 Recommendations for arrangements for repair of faults or damage

The following recommendations apply:

- (a) Where maintenance is carried out by a third party, such as a fire alarm maintenance organisation, there should be an agreement for emergency call out to deal with any fault or damage that occurs to the system. The agreement for emergency call out to deal with any fault or damage that occurs to the system. The agreement should be such that, on a 24 hour basis, a technician of the maintenance organisation can normally attend the premises within eight hours of a call from the user.

NOTE: It is accepted that this might not be possible in very remote areas and certain off shore islands, in which case this should be regarded as a variation from the recommendations of this part of BS 5839 in respect of maintenance arrangements. This variation should be recorded in the system log book.

- (b) The name and telephone number of any third party responsible for maintenance of the system should be prominently displayed at the main control and indicating equipment, and the records and documentation as identified should be kept updated.
- (c) The user should record all faults or damage in the system log book, and should arrange for repair to be carried out as soon as possible.

## 2.2 Modifications to the system

### 2.2.1 Commentary

Modifications to the system can arise for a number of reasons. Examples include:

- extension of the system to protect areas of the building previously unprotected or newly constructed;
- change of detector type as a result of changes in occupancy or the occurrence of false alarms;
- re-siting of, or increase in the number of, detectors and/or fire alarm devices to take account of changes in the layout of the building;
- reconfiguration of the system (in hardware, software or both) to change the cause and effect logic in order to facilitate filtering of false alarms.

Since modification of a system effectively involves an element of re-design, responsibility for modification of a system needs to rest with a person who has a sufficient degree of design competence.

Even simple modification can give rise to the need for significant re-testing of the system. This is particularly true of software-controlled systems. For example, a

software change to facilitate a different cause and effect for a single automatic fire detector can result in the introduction of software errors that affect the operation of entirely non-related parts of the system.

It is possible in some systems, for modification of the system configuration to be carried out remotely, via a modem. Great care needs to be taken, regardless of whether modifications are undertaken on site or remotely, to ensure that;

- the system continues to comply in full with this part of BS 5839, or that existing non-compliances are not made more non-compliant; if new variations are introduced, it needs to be ensured that a new certificate, reflecting the variations, is issued;
- suitable tests are carried out at the protected premises to confirm that, after modification, the system operates as intended and that errors have not resulted in changes to other parts of the system;
- "as fitted" drawings and other records are updated as appropriate;
- details of the modification are documented and provided to the responsible person.

Although the modifications may often be carried out remotely by the maintenance organisation, it will be appropriate for a competent person from the maintenance organisation to visit the premises before the modification is carried out, to confirm the validity of the modification and consider its effect on compliance with this part of BS 5839. It might be necessary to visit the premises to undertake certain tests immediately after the modification has been carried out.

## 2.2.2 Recommendations applicable to all modification work

The following recommendations apply to all modification work, regardless of whether it is carried out on site or remotely.

- (a) Responsibility for modification of a fire alarm system should rest, ultimately, with a person who is competent in at least the basic principles of fire alarm system design and is conversant with this part of BS 5839.

NOTE: This person may, for example, be the original designer, or may be a competent representative of the user or maintenance organisation.

- (b) Before modifying a fire alarm system, care should be taken to ensure that the proposed modifications do not detrimentally affect the compliance of the system with fire safety legislation; where doubt exists, there should be consultation with the relevant enforcement authority.
- (c) The responsible person should be aware of, and agree, in writing, any modifications proposed for the system. Where appropriate, modifications should also be subject to the agreement of the enforcing authorities and/or insurers.
- (d) All components, circuits, system operations and site-specific software functions known to be affected by the modifications should be tested for correct operation following the modifications.

- (e) In addition to the tests recommended the following tests should be carried out to ensure that there is no adverse effect on the overall system:
- (1) if one or more devices have been added to or removed from a circuit, at least one other device on the same circuit should be tested;
  - (2) if the control equipment has been modified, at least one device on every circuit should be tested;
  - (3) if any additional load has been placed on the system, tests should be carried out to prove that the rating of the power supply unit and the capacity of the standby batteries remain adequate;
  - (4) if software has been modified, further random testing of other parts of the system should be carried out to ensure that seemingly unrelated parts of the system have not been adversely affected.

NOTE 2: The nature and extend of these test cannot be specified in this standard; this will depend on the nature and extent of the software changes and should be defined by the organisation responsible for the software changes.

- (f) On completion of the modifications, all “as fitted” drawings and other relevant system records should be updated as appropriate and made available with the system documentation.
- (g) On commissioning of the work and completion of the tests, a modification certificate should be issued, confirming that the work has been carried out in accordance with the recommendations of this part of BS 5839, or identifying any variations. A model modification certificate is set out in Annex G. Where responsibility for the compliance, or otherwise, of the modified system with the recommendations of Section 2 of this standard rests with any person other than the organisation carrying out the modification. That person should sign the appropriate section of the modification certificate and ensure it is made available with the system documentation.

### 2.2.3 Recommendations applicable to modifications carried out remotely

In addition to the recommendations the following recommendations apply.

- (a) Any person carrying out modifications remotely should have access to current “as fitted” drawings of the system and to the current system configuration, indicating full details of cause and effect logic, available with the system documentation.
- (b) Any person carrying out modifications remotely should be conversant with this part of BS 5839.

### 2.2.4 Recommendations for action to address an unacceptable rate of false alarms

The following recommendations apply.

- (a) Any investigation into an unacceptable rate of false alarms, and any subsequent modifications to the system, should take into account the guidance contained in Section 3 of this standard. Where causes of false

alarms cannot be determined, each of the recognised causes discussed should be formally considered.

- (b) Following such modifications, the system should either continue to comply with this part of BS 5839, or should not be more non-compliant than prior to the modifications unless agreed with all interested parties.
- (c) Any relevant documentation should be made available with the system documentation.

#### 2.2.5 Recommendations for inspection and test of the system following any fire

The following recommendations should be carried out as soon as possible after any fire.

- (a) Every manual call point, automatic fire detector and fire alarm device that might have been affected by the fire should be inspected and tested in accordance with 1.2.4.
- (b) A visual examination and suitable tests should be carried out on any other part of the system that lies within the fire area and other areas affected by corrosive smoke from the fire and that might have been damaged by the fire (e.g. power supplies, control equipment and cable). Where there is evidence of damage, suitable action should be taken.
- (c) Circuits external to the control and indicating equipment that could have been affected by the fire should be tested for correct operation.
- (d) On completion of the work, any defects found should be recorded in the system log book, and the responsible person appointed by the user should be notified accordingly.

#### 2.2.6 Recommendation for inspection and test of the system following long periods of disconnection

The recommendations for inspection and test of the system over a 12 month period (see 1.2.4) should be undertaken.

**Annex 3 – Conditions attached after a hearing by the licensing authority**



## Annex 4 – Plans

11/00650

RECEIVED  
27 JUL 2011

Temporary Event Notice

Information on the Licensing Act 2003 is available on the website of the Department for Culture, Media and Sport ([http://www.culture.gov.uk/alcohol\\_and\\_entertainment/default.htm](http://www.culture.gov.uk/alcohol_and_entertainment/default.htm)) or from your local licensing authority.

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send two copies of this notice to the licensing authority and an additional copy must be sent to the chief officer of police for the area in which the premises are situated. The licensing authority will endorse one of the two copies and return it to you as an acknowledgement of receipt.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name <b>SAM WALLIS</b>			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	WALLIS		
Forenames	SAM		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth		Day <b>06</b>	Month <b>11</b> Year <b>80</b>
4. Your place of birth		<b>Derby</b>	
5. National Insurance Number		<b>ON LE 74 3SD</b>	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
<b>The Lamb Inn 56 market st Ashby de la Zouch</b>			
Post town <b>LEGS 1AU</b>		Post code	
7. Other contact details			
Telephone numbers			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail Address (optional)			
8. Alternative address for correspondence (If you complete the details below, we			

will use this address to correspond with you)

Post town

Post code

9. Alternative contact details (if applicable)

Telephone numbers:

Daytime

Evening (optional)

Mobile (optional)

Fax number (optional)

E-Mail Address  
(optional)

2. The premises

Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references)

(Please read note 2)

The Inn in  
Ashby

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

Please describe the nature of the premises below. (Please read note 4)

Public House

Please describe the nature of the event below. (Please read note 5)

Extended Hour

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol		<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club		<input type="checkbox"/>
The provision of regulated entertainment		<input checked="" type="checkbox"/>
The provision of late night refreshment		<input checked="" type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 7)		
Thur 25 <sup>th</sup> Aug Fri 26 <sup>th</sup> Aug SAT 27 <sup>th</sup> Aug Sun 28 <sup>th</sup> Aug		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 8)		
Thur 25 <sup>th</sup> - 10am - 01:30 Fri 26 <sup>th</sup> - 10am - <del>02:30</del> - 2:30 SAT 27 <sup>th</sup> - 10am - <del>02:30</del> - 2:30 Sun 28 <sup>th</sup> - 10am - 01:30		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 9)		350
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 10)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

4. Personal licence holders (Please read note 11)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		

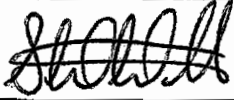
Licence number	NWL10176
Date of issue	17/8/2005
Date of expiry	17/8/2015
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 12)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year	1	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

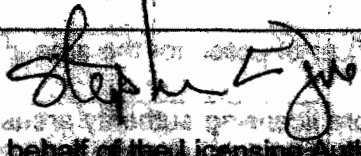
6. Associates and business colleagues (Please read note 13)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 14)	
I shall (Please mark the appropriate boxes with an "X")	
Send two copies of this notice to the licensing authority for the area in which the premises are located	<input type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are located	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send two copies of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
Make or enclose payment of the fee for the application	<input type="checkbox"/>
Sign the declaration in Section 9 below	<input type="checkbox"/>

8. Condition (Please read note 15)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 16)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	19 <sup>th</sup> July 2011
Name of Person signing	Sam Wain

For completion by the Licensing Authority

I acknowledge receipt of this temporary event notice.	
Signature	 On behalf of the Licensing Authority
Date	29/7/11
Name of Officer signing	STEPHEN EYRE



## NOTES

### General

In general, only the police may intervene on crime prevention grounds to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority may intervene of its own volition by issuing a counter notice if the first, second and fourth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person (the "premises user") may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (96 hours);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (15 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 13 below explains the definition of an "associate"

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice endorsed as acknowledged by the licensing authority is prominently displayed at the premises; or that
- the temporary event notice endorsed as acknowledged by the licensing authority is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where neither the temporary event notice nor a notice specifying the nominated person are displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised



person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- allowing the sale of alcohol to children under 18 (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- allowing disorderly behaviour on the premises (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- the sale of alcohol to a person who is drunk (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- obtaining alcohol for a person who is drunk (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (maximum fine on conviction is a fine up to level 1 on the standard scale, currently £200); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

#### Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9) the licensing authority may use the address to send any counter notice it is required to give under section 107 of the Licensing Act 2003.

#### Note 2

For the purposes of the Licensing Act 2003, "premises" means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

#### Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

#### Note 4

A description of the nature of the premises assists the chief officer of police in deciding if any crime prevention issues are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

#### Note 5

A description of the nature of the event similarly assists the chief officer of police in making his decision whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

#### Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;

- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

Regulated entertainment also includes the provision of "entertainment facilities" for:

- (a) making music;
- (b) dancing; and
- (c) entertainment of a similar description to that falling within (a) or (b).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

**Note 7**

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 96 hours (four days).

**Note 8**

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

**Note 9**

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

**Note 10**

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

**Note 11**

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

**Note 12**

As stated under Note 11 the holder of a valid personal licence holder issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year. An individual who does not hold a valid personal licence may only give 5 temporary event notices in England and Wales within a calendar year. A calendar year is the period between 1 January to 31 December, inclusive, in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 15 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 13 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 13 below sets out the definition of an "associate".

#### Note 13

An "associate" of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

These provisions will be subject to amendment by the Civil Partnerships Act. These amendments are due to take effect from 5<sup>th</sup> December 2005.

#### Note 14

It is a requirement that you send two copies of this notice to the licensing authority at least ten working days before the commencement of the proposed licensable activities. The authority will endorse one of the two copies and return it to you as an acknowledgement. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, two copies must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you need to receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to the chief officer of police for the area in which the premises is situated at least ten working days before the commencement of the proposed licensable activities. Where the premises are situated in two police areas, a further copy will need to be sent to the second police force.

Note 15

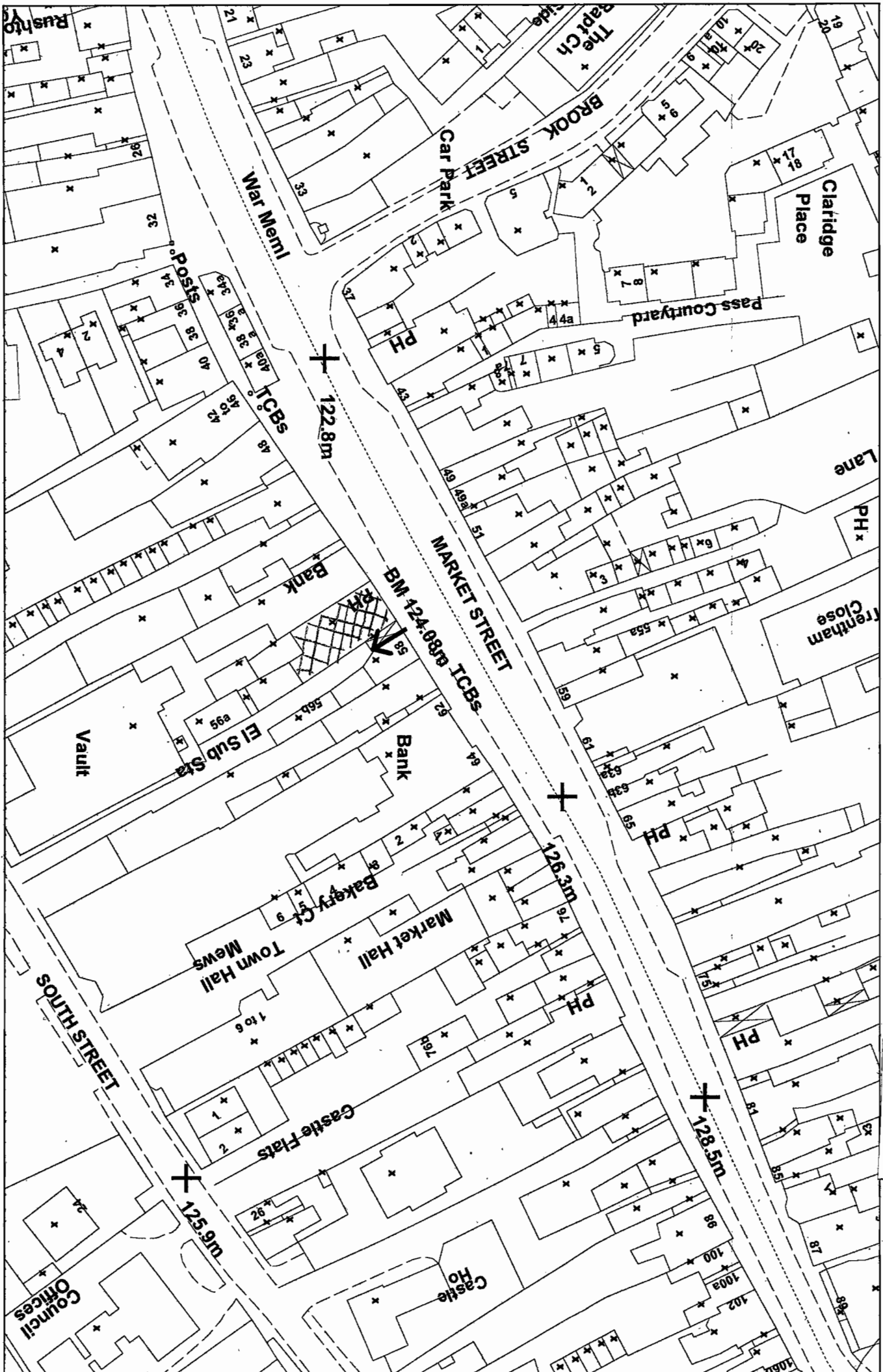
Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 16

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

Note 17

You should not complete section 10 of the notice, which is for use by the licensing authority. They will complete this section and return one of the copies that you have sent to them as an acknowledgement of the notice you have given.



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Date: 05 August 2011  
SLA: Not Set  
Scale: 1:1000



Leicestershire  
Constabulary

Please ask for Sergeant 567 Sean Moore.  
Tel 0116 222 2222 Ext. No. 4330  
E-mail address: [sean.moore@leicestershire.pnn.police.uk](mailto:sean.moore@leicestershire.pnn.police.uk)

Licensing Department,  
Mansfield House,  
74 Belgrave Gate,  
Leicester LE1 3GG

29 July 2011

**Licensing Act 2003**

**Police Objection Notice Regarding a Temporary Event Notice  
Given Pursuant to Section 104 of the Act.**

**Premises User:** Sam Wallis

**Premises:** The Lamb Inn, 56 Market Street, Ashby de la Zouch

**Date of Event:** 25<sup>th</sup>, 26<sup>th</sup>, 27<sup>th</sup> and 28<sup>th</sup> August 2011

**Date Notice Received by Chief Officer of Police:** 29th July 2011

**To the Relevant Licensing Authority and the Premises User.**

Dear Sir/Madam,

I write in my capacity as Licensing Officer for the Leicestershire Constabulary on the authority delegated to me by the Chief Constable.

Take notice that I am satisfied that allowing the premises to be used in accordance with the notice would undermine the Crime Prevention objective for the following reason:

There have been issues of crime and disorder in and around the premises.

Authorising an extension of hours by way of a temporary event notice will only exacerbate the problems.

Yours faithfully,

Sean Moore Ps567

Form No. BC4

**LEICESTERSHIRE CONSTABULARY**

FROM: PC 1667 MARK ARJOO

TO: PS 567 MOORE

AREA/LPU/DEPT.: LN

REF:

DATE: 27/7/2011

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**SUBJECT: OBJECTION TO TEMPORARY EVENT NOTICE, THE LAMB INN, 56 MARKET STREET, ASHBY DE LA ZOUCH.**

Sergeant Moore,

I refer to the recent application for four Temporary Event Notices, by The Lamb Inn, 56 Market Street, Ashby de la Zouch.

The local police make this representation in line with the NWLDC Saturation Policy, and in relation to two of the licensing objectives, these being The Prevention of Crime and Disorder, and Ensuring Public Safety.

Our objections are based on the following five points:

1. At present in Ashby town centre, there are staggered closing times in relation to the main licensed premises. The Lamb (capacity 350) and The Bulls Head (capacity 360) close at 1am, whilst The White Hart (capacity 200), Ciro's (capacity 280) and Apollo's (soon to re-open, capacity 390), all close at 2am. This arrangement makes the night time economy relatively safe to manage.
2. In relation to the above, by currently having the two premises closing at 1am, this means that it gives the customers leaving these premises time to purchase food from the take-aways and then get into a taxi and vacate the town. Potentially, an extra 350 flooding out onto Market Street at 2am, would put greater pressure on the taxis, fast food outlets, and policing.
3. The licensee will say that the premises are run well, with both good bar and door staff; and I do not dispute this. However, having personally policed Ashby for the best part of seventeen years, I can confirm that when the doors to any licensed premises are closed and locked, there are numerous problems in relation to violence, public order and general Anti-Social Behaviour, out on the street.
4. Any further extension will encourage intoxicated members of the public to gather outside the applicant's premises, making a further potential flashpoint for disorder, which the CCTV operators will have to effectively monitor. This will impact on the monitoring elsewhere.
5. The demand on police resources to effectively keep the night time economy safe is already high and the granting of this extension will require additional resources to be deployed outside this location. This will no doubt impact on preventing crime and disorder, and public safety in Ashby, as well as North West Leicestershire as a whole. Leicestershire Police is having to currently make savings of 20% on its annual budget.

We have not heard anything from the notice giver that will assist in preventing crime and disorder and/or ensuring public safety, and in my opinion, it will further add to the problems we encounter and have to deal with, every week end in Ashby town centre.

On the basis of my points made, I ask that the Licensing Committee refuse this application.

PC 1667 Mark Arjoo.

North West Leicestershire Police