

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

LICENSING ACT 2003

GUIDANCE FOR APPLICANTS

Guidance notes on when a licence is needed and how to make an application are available from the Licensing Office on request.

PUBLIC SAFETY GUIDANCE NOTE

Applicants are required to satisfy the Council that appropriate measures have been taken to ensure the safety of the public whilst on the premises. Details of the steps taken to achieve this objective must be contained within the operating schedule submitted with the application for a premises licence.

Public safety issues to be considered in drawing up operating schedules will vary according to the types of activities to be held on the premises but will generally include the following matters:

- Fire safety issues including:
- Means of escape in case of fire
- Travel distances
- Alarms
- Detection capabilities
- Emergency lighting
- Fire suppressing systems
- First aid/fire fighting equipment
- Enclosure of escape routes
- Fire doors
- Exit signage
- Facilities for disabled evacuation
- Layouts for temporary seating
- Access and facilities for fire fighting
- Fire resisting enclosures to high risk rooms
- Operation of fire safety systems within the premises
- Surface spread of flames ratings to walls and ceilings
- Fire retardant treatments for drapes, furnishings and decorations etc
- General fire precautions

Management arrangements including:

- Personal emergency and evacuation plans and disabled evacuation
- Evacuation procedures
- Entry/egress control
- Staff training
- Equipment testing and records
- General housekeeping
- Incident logs
- Checking availability of exit routes and final exit doors prior to occupation of the building

General structural safety including:

- Stability of external and internal walls
- Condition of floors, roof members, beams, mezzanine floors, stairs, lintels, ceilings and any other structural elements.

Fire resistance of the same

Safety of fixed appliances:

- Guarding to fires in public places

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- Boiler flues and combustion air

Safety of stairs, ramps etc:

- Guarding to stairs, landings, ramps and changes in level
- Robustness of guarding to areas subject to crowd loading
- Condition of stairs and ramps
- Headroom to stairs, ramps and escape routes
- Steepness of stairs – rise and going of treads
- Clear indication of floor surfaces
- General condition of floor surfaces (e.g. trip hazards, non slip surfaces)
- Provision of safety glazing in critical locations

Access and facilities for disabled people, elderly/infirm, parents with children:

- Provision of reasonable access
- Provision of reasonable facilities
- Adequate signage, lighting contrasts
- Provision of communication

Certification by a suitably qualified person may be required in respect of any of the above items.

HEALTH AND SAFETY GUIDANCE

Licensing Applications

Applicants are required by law to protect the health and safety of their employees and anyone on their premises. The following information has been produced to help you to fulfil your duties. Leaflets providing further detailed guidance are enclosed. A list of useful further reference guides is provided overleaf.

- As an employer or self-employed person you are responsible for carrying out a risk assessment. This involves identifying any hazards in your workplace that may affect anyone (e.g. members of the public, visitors and employees) and taking suitable precautions to prevent them causing harm. The enclosed leaflet gives guidance on the five steps to carrying out a suitable risk assessment.

Where you have five or more employees, you are required to record the findings of your risk assessment.

You must consider all hazards in your risk assessment, including those affecting public safety. The following are examples of issues that should be considered as part of your risk assessment if they are applicable to your premises/work activities:

- Adequate guarding to stairs, landings, ramps and changes in level
- The provision of handrails to staircases
- Non-slip coverings to floors, stairs and ramps
- Floor coverings, stairs, external grounds and ramps in good condition
- Adequate headroom to stairs, ramps and escape routes
- Steepness of stairs
- Clear indication in changes in floor level and changes in floor coverings
- Provision of safety glazing where appropriate
- Safety and maintenance of electrical installations and appliances
- Guarding to fires in public places
- First aid and accidents

FACT: Slips and trips are one of the most common causes of injuries in work places and you must do all you can to prevent them (see enclosed leaflet).

- If you will be holding events at your premises, a risk assessment must be carried out for each event. The Health and Safety Executive produces a guidance document on Event Safety (see references).
- If you have five employees or more you are required by law to produce a written health and safety policy statement. The organisation and arrangements for carrying out the policy should be included in the statement and it must be brought to the attention of all employees. A guidance leaflet is enclosed.

Useful Free Information leaflets

An introduction to Health and Safety (INDG259)

Take a fresh look at Health and Safety (INDG385)

1 Steps to Risk Assessment (INDG163)

Managing Health and Safety – 5 Steps to Success (INDG275)

Starting your business – Guidance on preparing Health and Safety Policy Document for small firms (INDG324)

Electrical Safety and You (INDG231)

Electrical Safety for Entertainers (INDG247)

Gas Appliances – Get them checked – Keep them safe (INDG238)

Preventing Slips and Trips at Work (INDG225(rev1))

Getting to grips with manual handling (INDG143(rev2))

Other Useful Guidance: The following publications can be obtained from HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 2WA (Tel: 01787 881165).

The Event Safety Guide (HSG95) ISBN: 0 7176 2453 60

Working Together on Firework Displays (HSG123) ISBN: 0 7176 2478 1

Giving your own Firework Display (HSG124) ISBN: 0 7176 0836 0

Managing Crowds Safely (HSG154) ISBN: 0 7176 1834 X

Electrical Safety at Places of Entertainment (GS50) ISBN: 0 7176 1387 9

The Radiation Safety of Lasers used for Display Purposes (HSG95) ISBN: 0 7176 0691 0

Essentials of Health and Safety at Work ISBN: 0 7176 0716 X

Guidance on writing a Health and Safety Policy for the Licensed Trade is available from Federation of Licensed Victuallers Associations, Brighthouse, 01484 710534

GUIDANCE NOTE FOR APPLICANTS IN RELATION TO NOISE FROM LICENSED PREMISES

These notes should be read in conjunction with Rotherham Council's Licensing Policy.

What is noise? Noise is, quite simply, unwanted sound. What is music to one person may be noise to another. Music and sound being played and generated in your premises may be enjoyed by your customers but is unlikely to be enjoyed by your neighbours.

Why do I need to be concerned about noise? Because the prevention of public nuisance is one of the objectives of the Licensing Policy and the minimisation of noise transmission from any licensed premises is fundamental to this objective.

Do I need the services of a Noise Consultant? Under normal circumstances no, however where noise control has been a problem in the past or is likely to be, and the solution to the problem is not easily resolved, you may require expert help and advice. Officers for the Community Protection Team will be able to undertake a comprehensive assessment of the problem. In situations where substantial changes or new build is being undertaken, it is recommended that a consultant be employed at the design stage.

The following issues should be considered when making an application for a licence.

The type of structure in which the entertainment is performed. If, for example, amplified music from either a live band or recorded music played by a DJ or karaoke is proposed, then it will be more intrusive to neighbours if residential properties or other noise sensitive properties, are attached or in close proximity. Sound is transmitted both through the air and via the structure of buildings, so if buildings are attached to your premise then noise may be transmitted by both these paths. If you occupy a public house in a row of terraced properties and wish to play amplified music it is highly likely your neighbours will be affected by the noise and consideration will have to be given to reducing the noise level, location of the speakers, and restriction of the hours of entertainment. Whereas if you occupy a public house which is detached and has no properties in the immediate vicinity you may not have to impose as many restrictions.

Doors and windows. Open doors and windows can be a particular problem in warmer weather when they are opened for ventilation. Windows may have to be kept closed when entertainment is taking place and an alternative form of ventilation such as air conditioning may have to be considered. Alarms may be fitted to windows to warn of customers opening windows. Secondary glazing may have to be installed, particularly if windows face noise sensitive property. Premises which have conservatories can be problematic where amplified music is played and consideration may have to be given to the provision of patio doors to the access to reduce noise emission. External doors may have to be provided with a lobby and a second set of doors to minimise noise emissions.

Extractor fan outlets and air bricks. Any holes in the fabric of the building can transmit noise and consideration needs to be given to the location of ventilation ducts and air grates in relation to noise sensitive properties. Silencers may have to be fitted to the outlets of ventilation ducts and acoustic louvers may have to be fitted to air grates.

Location and orientation of speakers. Speakers should be located away from party walls and orientated away from neighbouring properties. Where noise is transmitted to the structure, the speakers could be placed on a foam mat, or if they are suspended, hanging the speakers on spring hangers.

Level of the music. Music being played too loud is the most common reason for complaint with regard to entertainment. If the music is reduced to a level, which cannot be heard in

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adjacent premises, then it will not be a problem. Sound limiting devices can be installed in premises to prevent the sound level within premises to prevent the sound level within premises exceeding a pre-determined level.

Restricting the hours of entertainment. There may be some events, which give rise to noise levels which can be heard in adjacent properties. These are likely to be the one off events, held infrequently and in outdoor locations, such as pop concerts. In these circumstances, as well as reducing the noise level to an acceptable level, restricting the hours of entertainment will be necessary.

Outdoor sources of noise. The hours of use of outdoor children's play areas, garden areas, balcony areas which are adjacent noise sensitive properties, may have to be restricted in the evening, to prevent undue disturbance. Use of such areas after 21.00 is not recommended.

Useful documents

Good Practice Guide on Control of Noise from Pubs and Clubs – Institute of Acoustics 2003.

Code of Practice on Environmental Noise at Concerts – Noise Council 1995.

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PROTECTION OF CHILDREN FROM HARM

Example Risk Factors and Potential Control Measures Table

Risk Factors		Potential Control Measures
1.	Any entertainment or services (regulated or otherwise) that are/include that of an adult or sexual nature.	<ul style="list-style-type: none"> • People under 18 not admitted or taking part in the entertainment/services (including staff if under 18). • Action to be taken if a person under 18 is discovered on the premises, which help ensure their protection from harm. • Measures for ensuring non-admission such as door supervision, age checks (including staff). • Sufficient screening of the relevant entertainment/services from view of those under 18 (including staff) e.g. smoked windows, doors closed. • Clear signage that entertainment/services are occurring which are not suitable for under 18s. • Specify type of entertainment that will be provided (e.g. Lap Dancing Clubs)
2.	Entertainment or services include strong and offensive language.	<ul style="list-style-type: none"> • People under 18 not admitted (including staff). • People under 18 not within hearing distance. Soundproofing may be required. • Measure for ensuring non-admission such as door supervision, age checks (including staff). • Clear signage that entertainment/services are occurring which are not suitable for under 18s.
3.	Convictions for underage sales of alcohol	<ul style="list-style-type: none"> • People under 18 not admitted (including staff). • Evidence of suitable staff training and age identification scheme in place and followed. • Signs provided informing customers that sales will not be made to under 18s and that age identification may be required.
4.	Known reputation for underage drinking.	<ul style="list-style-type: none"> • People under 18 not admitted

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		<p>(including staff).</p> <ul style="list-style-type: none"> • Evidence of suitable staff training and age identification scheme in place and followed. • Signs provided informing customers that sales will not be made to under 18s and that age identification may be required.
5.	Known association with drug taking or dealing.	<ul style="list-style-type: none"> • People under 18 not admitted (including staff). • Evidence of measures taken to prevent drug taking and dealing.
6.	Strong element of gambling on the premises.	<ul style="list-style-type: none"> • People under 18 not admitted (including staff). • Measures to screen the gambling activity off from children.
7.	Children and performances	<ul style="list-style-type: none"> • Suitability and number of supervisors including care of children as they move from stage to dressing room etc. and to ensure that all children can be accounted for in case of an evacuation or emergency. • Suitability of the venue, for example, to ensure it can accommodate safely the numbers of children intended. • Fire safety, for example, that all chaperones and crew receive instruction on the fire procedures applicable to the venue prior to the arrival of the children. • Special effects, as some may be inappropriate and may trigger adverse reactions in children, particularly e.g. flashing lights, dry ice, smoke, etc. • Note: See The Children (Performances) Regulations 1968 as amended, but do not duplicate provisions.
8.	Entertainment aimed at children	<ul style="list-style-type: none"> • Suitability and number of supervisors (see Statutory Guidance Annex F and also Appendix D of this document). • Measures to ensure that seating/standing arrangements for children are suitable.
9.	Concerns regarding admitting children to films that have been classified as beyond suitability for children's age.	<ul style="list-style-type: none"> • Staff training and age identification procedures. • Signage to explain that children will not be admitted to film showings

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		which are not suitable for their age group, and that adults should not purchase tickets on children's behalf in this respect (see Appendix D of this document).
10.	Previous known concerns about danger to children at the premises.	<ul style="list-style-type: none"> Measures to counter these specific dangers. State whether there have been any previous concerns about danger to children on your premises and specify these concerns. What action have you taken to counteract them.
11.	Child-orientated premises located close to adult-orientated premises.	<ul style="list-style-type: none"> Identification of any risks and control measures in place.
12.	History of lack of suitability of age-identification procedures used on the premises.	<ul style="list-style-type: none"> People under 18 not admitted. Evidence of suitable staff training and age identification scheme in place and followed. Signs provided informing customers that sales will not be made to under 18s and that age identification may be required.
13.	Potential concerns regarding proposed staff customer and/or staff: children ratios.	<ul style="list-style-type: none"> Measure to address these concerns
14.	Potential concerns regarding qualifications of staff employed to look after children.	<ul style="list-style-type: none"> Requirement for Criminal Records Bureau (CRB) checks for staff employed to look after children. Evidence of suitable training/experience.
15.	Risk of children visiting the premises unaccompanied.	<ul style="list-style-type: none"> Evidence of training and procedures to deal with such situations where they are deemed to be of potential harm to children.
16.	Living accommodation for children on the premises.	<ul style="list-style-type: none"> Assessment of potential risks and control measures in place.
17.	Likelihood of premises attracting extremes of age groups.	<ul style="list-style-type: none"> Assessment of potential risks and control measures in place.
18.	Close proximity of premises to 'child sensitive' properties.	<ul style="list-style-type: none"> Assessment of potential risks and control measures in place.
19.	Lack of appropriate welfare facilities for children on premises (e.g. First Aid, toilets)	<ul style="list-style-type: none"> Welfare facilities provided.
Risk Factors		Potential Control Measures
20.	There is a risk of physical, moral or psychological harm to children.	<ul style="list-style-type: none"> Assessment of potential risks and control measures in place.
21.	Children under 18 employed on premises where there is evidence of binge/underage drinking, drug dealing/taking, significant gambling or entertainment/services of an adult/sexual nature provided.	<ul style="list-style-type: none"> Restriction of that employment Persons under 18 not admitted.
22.	Concerns regarding child abuse on premises.	<ul style="list-style-type: none"> Staff are familiar with reporting concerns to line manager who in turn should (if appropriate) contact The Children's Social Care Access

		Team on 01709 823987.
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