

Item No 24	Classification Open	Committee Licensing	Date 4 February 2003
From Director of Environment & Leisure		Title of Report ENTERTAINMENTS LICENSING - TECHNICAL STANDARDS & RULES OF MANAGEMENT FOR PLACES OF PUBLIC ENTERTAINMENT	

1 PURPOSE OF REPORT

2 To adopt the newly revised industry Technical Standards and Model National Standard Conditions for Places of Entertainment.

3 RECOMMENDATIONS

4 That the Committee adopt the revised Technical Standards for Places of Entertainment set out as Appendix A (circulated separately); and

5 That the Committee adopt the revised Model National Standard Conditions for Places of Entertainment set out as Appendix B (circulated separately).

6 BACKGROUND INFORMATION

7 Places intended for use within the Borough of Southwark as licensed entertainments venues are required to meet the standards laid down in the Council's Technical Standards. These Standards set out the physical requirements for buildings and their equipment, which are necessary to enable the good management of the premises and the safety of the occupants. These standards were last updated in 1992.

8 In 2001 a Working Party comprising representatives from the District Surveyors Association (DSA), the Association of British Theatre Technicians (ABTT) and the Fire Service was formed to produce new Technical Standards for Places of Entertainment. These Technical Standards are now published and are offered for the use of licensing authorities and licensees nation-wide. They form a guide to good practice for anyone concerned with the building and maintenance of places of entertainment.

9 The new model Technical Standards are reproduced as Appendix A to this report. They are recommended to the Committee for adoption accordingly.

10 Furthermore, the provisions of Schedule 12 to the London Government Act 1963; the Private Places of Entertainment (Licensing) Act 1967; the Theatres Act 1968; and the Cinemas Act 1985 enable the Council to prescribe standard licence conditions applicable to all premises. Such standard licence conditions have formed the Council's Rules of Management for Places of Public Entertainment. These Rules of

Management were last updated in 1997, based upon Model Rules of Management for Places of Public Entertainment produced by the District Surveyor's Association and the Association of British Theatre Technicians.

- 11 The Model Rules of Management were widely adopted and applied across London. However, outside of London licensing authorities looked toward a separate set of Standard Licence Conditions published by the Local Government Licensing Forum.
- 12 In the interests of achieving a more uniform approach to licensing these two documents have been brought together by a group of "industry experts" to provide the Model National Standard Conditions for Places of Public Entertainment.
- 13 The Model National Conditions cover operational matters and complement The Technical Standards for Places of Entertainment. They also provide a guide to good practice for anyone concerned with management of places of entertainment.
- 14 The new Model National Licence Conditions are attached as Appendix B to this report. They are also recommended for adoption by the Council.

15 **FACTORS FOR CONSIDERATION**

16 **History**

- 17 The Council's current Technical Standards and Rules of Management had their origins in the Lord Chamberlain's Rules and supplementary technical requirements originated by the London County Council in the interests of public safety. After 1965 these rules were codified into the Technical Standards and the Rules of Management for Places of Public Entertainment issued by the Greater London Council (GLC). The Association of British Theatre Technicians was closely involved in that process. Following the abolition of the GLC in 1986 and the transfer of the entertainments licensing responsibility to London Local Authorities, many of the new licensing authorities (including this Council) used these GLC publications as a basis for their own licensing requirements.

18 **The Technical Standards**

- 19 The basic standards for construction for new premises are contained in the Building Act 1984 and The Building Regulations. The Technical Standards contain additional or more stringent recommendations which experience has shown to be advisable to ensure that premises remain safe. This recognises that premises used for entertainment can present special hazards caused by several factors, which may include the concentration and numbers of people present, an unfamiliar building, the volume of noise, the general relaxed atmosphere including the possibility of patrons being intoxicated and the use of special effects.
- 20 The Standards comprise 37 model regulations. For each model regulation guidance is offered by way of commentary and recommendations. The accompanying commentary and recommendations are based on current best practice and will serve as guidance to both Council officers and to designers and licensees and prospective

licensees. It is intended that the commentary and recommendations will continue to be revised in the light of continuing experience and new developments. Thereby it will not be necessary to constantly re-adopt revisions to the Standards as the accompanying commentary and recommendations will change in time to reflect any new approach.

21 Compliance with the recommendations is not mandatory. In individual circumstances the guidance given in a particular recommendation may well be not appropriate. It is important therefore that the commentaries and recommendations are taken together as an overall guide to good practice. The Council has to be satisfied that taken together the proposed arrangements will fully meet the intention of the Regulations that accompany these Standards. In the event of any dispute the Council may refer to the Technical Standards.

22 The Standards cover the following areas

- Site and General Arrangements
- Means of Escape
- Structure
- Fire Safety
- Building Services
- Hygiene
- Fire and Emergency Services
- Communications
- Special Installations and Effects

23 **Commissioning and Inspection**

24 Currently, a Service Level Agreement (SLA) covers arrangements for the Council's Building Control Service to carry out the following work on behalf of the Licensing Service

- . (i) Conduct premises surveys and provide schedules of works required to bring new and altered premises up to the Technical Standards;
- . (ii) Monitor works on site as necessary; and
- . (iii) Conduct premises technical inspections at intervals to identify where works may be required to ensure premises are kept at the maintained to the Technical Standards.

25 Under the SLA, the Building Control Service covers all aspects of the Technical Standards except for matters which are the responsibility of

- . (i) the Fire Service - which is a statutory consultee under licensing arrangements;
- . (ii) the Council's Environmental Health Noise Team - which (although not a statutory consultee in the same way as the Fire Service) are consulted on each application to the Council; and

(iii) the Council's Environmental Health Food Team – which are consulted when new facilities for the preparation, cooking or sale of food are involved.

26 Furthermore, the completion, commissioning and satisfactory functioning of all mechanical and electrical installations is dealt with by certification by approved contractors. In the case of mechanical ventilation and air conditioning systems members of the Chartered Institute of Building Services Engineers (CIBSE) are required to approve the installation specification.

27 The Standard Licence Conditions

28 As has been explained within this report, The Standard Licence Conditions represent an amalgamation of The Model Rules of Management for Places of Public Entertainment used in London and The Model National Standard Conditions more recently put together by the Local Government Licensing Forum.

29 The new revised version is widely endorsed both throughout local government representative bodies and the entertainments industry. A Standing Committee, which includes members from the industry and licensing authorities will keep the Model Conditions under review. It will consider additions, deletions and modifications in the light of experience and developments.

30 The Conditions comprise

(1) Standard conditions which apply to all premises, covering

- (i) Part I – General
- (ii) Part II – Activities for which a special consent or waiver is required
- (iii) Part III – Particular responsibilities of the Licensee
- (iv) Part IV – Conditions relating to safety including fire safety
- (v) Part V – Sanitary arrangements, heating, lighting and ventilation
- (vi) Appendix 1 – Technical Regulations
- (vii) Appendix 2 - Specimen form of licence
- (viii) Appendix 3 - Staff Training
- (ix) Appendix 4 - Fire log-book
- (x) Appendix 5 - Staff Duty register
- (xi) Appendix 6 - Maintenance of fire fighting equipment, fire alarm warning systems and smoke ventilation
- (xii) Appendix 7 – Check List
- (xiii) Appendix 8 – Certificates to be submitted to the Council

(2) Additional conditions

- (i) A – Applicable to premises used for closely seated audiences
- (ii) C – Applicable to premises used for film exhibitions with
- (iii) C1 – Model Membership Rules for Club Cinemas showing RESTRICTED (18) films, where appropriate
- (iv) D – Premises using Door Supervisors with
- (v) D1 – Specimen Door Supervisor log-book
- (vi) FX – Use of Special effects with
- (vii) FX1 – Application form and check list
- (viii) GO – The keeping of good order

- (ix) H – Entertainment involving hypnotism with
- (x) H1 – Application procedure for consent involving hypnotism
- (xi) K – Performances especially for children
- (xii) S – Use of scenery and properties
- (xiii) SE – Premises used for indoor sports
- (xiv) SX – Sex related entertainment with
- (xv) SX1 – Definition of sex establishment
- (xvi) T – Premises used for performances on a stage with
- (xvii) T1 – Guidance note on children in a performance.

(3) Standard Conditions for exhibition of Subsidiary films and videos

- (i) Part I - General
- (ii) Part II – Particular responsibility of licensee
- (iii) Part III – Conditions relating to safety including fire safety
- (iv) Part IV – Lighting and electrical arrangements
- (v) Part V – Conditions relating to the showing of films
- (vi) Additional Conditions in respect of films exhibited in public houses.

(4) Standard Conditions for exhibition of films and videos in hotels

- (i) Part I - Definitions
- (ii) Part II – Responsibilities of licensee
- (iii) Part III – Conditions relating to the showing of films

(5) Standard Conditions when premises are used occasionally for public entertainment

- (i) Part 1 - General
- (ii) Part II – Particular responsibility of the licensee
- (iii) Part III – Sanitary arrangements
- (iv) Part IV – Conditions relating to safety including fire safety
- (v) Part V – Additional conditions applicable to outdoor events, film exhibitions and indoor sports

31 Implementation

- 32 It is proposed that upon adoption both the Technical Standards and the Standard Licence Conditions should take immediate effect in terms of new applications. For existing licensed premises the regulations and rules shall be applied as of the next renewal, being at 1 April 2003 for premises located in the northern area and 1 October 2003 for premises located within the southern area. All licensees will receive advance notification of the new regulations and officers will provide advice on their implementation as required.

33 RESOURCE IMPLICATIONS

- 34 There are no resource implications contained within this report.

35 CONSULTATION

36 None.

37 EQUAL OPPORTUNITIES IMPLICATIONS

38 Each application for licences is required by law to be considered upon its own merits with all relevant matters taken into account. The Council may modify, waive or dispense with any of The Technical Standards where in the opinion of the Council the completed premises meets with the intended function of the Regulations. Similarly, the Council may modify, waive or dispense with any of the Standard Licence Conditions upon consideration of individual licence applications.

39 CONCURRENT REPORT OF THE BOROUGH SOLICITOR AND SECRETARY - LEGAL ISSUES

40 The report recommends the Committee to adopt (1) the revised Technical Standards for Places of Entertainment set out in Appendix A to this report and (2) the new Model Standard Licence Conditions for Places of Entertainment set out in Appendix B to this report.

41 The Council has power under paragraph 9 of Schedule 12 to the London Government Act 1963 (as amended by the London Local Authorities Act 2000) to make regulations prescribing standard conditions applicable to all, or any class of, licences granted under paragraphs 1, 3A or 4 of that Schedule. The Technical Standards form part of such standard conditions.

42 The Committee's Terms of Reference provide that it shall consider reports on matters relating to licensing and registration for the Authority.

43 Where the Council make regulations under paragraph 9 of Schedule 12 to the London Government Act 1963, every licence granted, renewed or transferred by them is deemed to have been granted, renewed or transferred subject to any such standard conditions, except so far as they are expressly excluded or amended in any particular case.

Lead Officer: Gill Davies, Director of Environment & Leisure

Report Author: Richard Parkins, Licensing Unit Manager

Background papers to this report may be viewed by arrangement with the Licensing Unit at The Chaplin Centre, Thurlow Street, SE17 during office hours.

The Model Technical Standards

Appendix A

1. The Council may modify, waive or dispense with any of the following Regulations provided, in the opinion of the Council, the completed premises meets the intended function of the Regulations.
2. The premises shall have a sufficient frontage to a road or to an open space having sufficient access to a road to ensure the rapid dispersal of people from the premises in an emergency.
3. Adequate arrangements shall be provided for access for the fire services for fire fighting.
4. The maximum number of persons permitted within the premises shall be determined by the Council.
5. The premises shall be provided with adequate facilities to monitor and control the number of persons present.
6. Suitable provision shall be made to enable disabled people to use the premises including the provision of adequate access and means of escape.
7. The premises shall be arranged to minimise the risk of noise nuisance to nearby properties.
8. There shall be adequate means of escape from all parts of the premises.
9. The premises and the fitments therein shall be constructed and maintained so as to minimise any risk of structural failure or collapse.
10. Adequate barriers or guarding shall be provided throughout the premises to minimise so far as practicable the risk of any person falling.
11. The premises shall be adequately protected against the effects of a fire occurring within the building or in any adjacent premises.
12. Adequate provision shall be made to control the spread of smoke through the premises in the event of a fire.
13. Where a safety curtain is provided, it shall be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

14. Adequate protection against lightning shall be provided.
15. Details of any fire control measures incorporated into the premises shall be provided for the fire service.
16. The electrical installation shall be mechanically and electrically safe and suitable for the intended use of the premises.
17. All parts of the premises shall be provided with adequate illumination. All routes of escape and all parts of the premises to which the public has access shall be provided with adequate and assured illumination from two independent supplies and systems.
18. Adequate ventilation shall be provided to all parts of the premises so as to maintain healthy conditions.
19. Permanent means of heating all regularly occupied parts of the premises shall be provided and shall be arranged so as not to cause a safety or fire hazard.
20. The premises shall be provided with a permanent water supply and adequate drainage.
21. Adequate and free sanitary equipment shall be provided, having regard to the type of entertainment to be given at the premises.
22. Adequate cloakrooms for patrons together with adequate changing rooms for staff including performers shall be provided, having regard to the operation of the premises.
23. Facilities for the preparation, cooking or sale of food shall prevent any risk of contamination of the food.
24. An adequate supply of free drinking water shall be provided for all staff including performers, together with free drinking for patrons where required by the Council.
25. Adequate provision shall be made for the safe storage and ready removal of refuse.
26. A fire alarm warning system and efficient means of communication in case of emergency shall be provided throughout the premises.
27. Efficient means shall be provided for calling the fire brigade in the event of fire.
28. Adequate fire fighting equipment shall be provided for the premises.
29. Where a generator is installed it shall not present any fire or electrical hazard to the rest of the premises.
30. Where a generator is installed to provide an alternative electricity supply to emergency equipment or to emergency lighting it shall have sufficient capacity and be able to start operating sufficiently quickly to ensure safety in the event of the failure of the normal electricity system.

31. A First Aid Room shall be provided in any premises with an accommodation limit of 1000 or more people (or 1500 or more people in the case of a closely seated auditorium).
32. The premises shall have adequate facilities for communication with the staff and the public.
33. Adequate safety signs shall be provided throughout the premises.
34. All facilities for the use of the public shall be clearly indicated.
35. Any mechanical installation shall be arranged so as to minimise any risk to the safety of the public, performers and staff.
36. Any special effects shall be arranged so as to minimise any risk to the public, performers and staff.
37. Appropriate certificates shall be provided as evidence to the Council that the premises may be safely opened to the public.

The full version of the “Technical Standards for Places of Entertainment” contains commentary and recommendations alongside each of the 37 regulations listed above.