

# **North Devon District Council**

## **LICENSING ACT 2003**

### **GUIDANCE FOR LICENSEE'S OPERATING UNDER A TEMPORARY EVENT NOTICE WHERE REGULATED ENTERTAINMENT IS PROPOSED**

In accordance with published guidance and the Licensing Policy issued by North Devon District Council, this document has been prepared to aid the applicant. It is not an exhaustive document and does not cover all of the arrangements and services within every type of building. It has been prepared to assist in achieving a safer environment for all who attend, perform and work within a licensed premises or space.

Note: In the items mentioned below, the singular includes the plural and the masculine includes the feminine.

If Regulated Entertainment is to be provided, this advice should be strictly adhered to. However, when only the supply of alcohol is proposed this advice should still be followed (where appropriate) to ensure safety.

1. The premises and all of the fixtures and fittings within it, including any stage or platform, the seating, and the lighting, electrical, heating, ventilating and other installations are required to be maintained in a fully functional and safe condition during the time that the public are on the premises.
2. The licensee, or some other responsible person, nominated by him in writing for the purpose is required to be in charge of (and upon) the licensed premises during the whole time that they are open to the public. There must also be a sufficient staff of competent adult attendants on duty. The person in charge is required to be responsible for the safety of all that attend an event and must have no other duties which will prevent him from exercising general supervision. All attendants are required to be easily identifiable.
3. It is a requirement that the licensee maintains good order in the premises at all times and ensures that the licensing objectives are being met.
4. Any temporary electrical installations should comply with the current edition of the Wiring Regulations issued by the Institution of Electrical Engineers (BS7671). Every temporary supply needs to be provided with a sensitive earth leakage circuit breaker (R.C.D) - having a rated residual operating current not exceeding 30 milliamps. This facility must also be provided to all visiting bands and musicians.
5. The licensee must ensure that no noise emanates from the licensed premises or vibration is transmitted through the structure of the licensed premises, which gives rise to a nuisance to the occupiers of premises in the vicinity.
6. All fixed electrical installations are required to comply with the Wiring Regulations (BS 7671), issued by the Institute of Electrical Engineers.
7. The licensee is required to take all reasonable precautions for the safety of the public, the performers and the employees, ensuring that the licensing objectives are met.
8. Performances involving danger to the public must not be given.

9. The number of persons (including performers and staff) accommodated at any one time in the premises must not exceed the number calculated to be able to exit safely. Accommodation can be calculated using space factors i.e. 0.5 m<sup>2</sup> per person for open areas to 1 m<sup>2</sup> per person for a table and chair arrangement. For more information look at BS 5588 Part 6. Exits will be required as follows: (Exits must be at opposite ends of the building or space to ensure that an alternative is available at all times).
  - Up to 200 people, two exits are required at least 1.1m wide
  - Up to 300 people, two exits are required at least 1.2m wide
  - Up to 400 people, two exits are required at least 1.4m wide
  - Up to 500 people, two exits are required at least 1.6m wide
10. Over crowding in any part of the premises must be avoided.
11. All doorways and any corridors, staircases or external passageways intended for exit purposes must be kept entirely free from obstruction.
12. All exit doors must be kept immediately available for use and those not fitted with panic bolts must be kept unfastened, with the fastenings rendered inoperable. This is to prevent the doors being locked accidentally or maliciously.
13. Barriers for checking or controlling admission must not be used.
14. All exits must be clearly indicated by the word 'EXIT' and the running man symbol to comply with BS 5499 Part 4. Arrows should be avoided unless additional direction information is required (See also item No 26).
15. Notices bearing the words 'NO EXIT' or 'NO WAY OUT', must not be provided. This is to avoid confusion.
16. Loose mats must not be used unless provided with wide flatly splayed fillets or proper sinkings. All floor coverings, including drugget, must be so secured and maintained that they will not be likely to ruck or to be in any way a source of danger.
17. Explosives, toxic, hazardous or highly flammable substances must not be brought onto and used at the premises.
18. No balloons filled with flammable gas are to be on the premises.
19. In the absence of adequate daylight, normal lighting (sometimes referred to as artificial or general lighting) must be switched on. This lighting is required in all parts of the premises to which the public, performers and staff have access during the whole time that the public is present. This will allow people to move around in safety at any time. In a darkened auditorium this lighting level can be suitably low so as not to detract from the performance, film or event.
20. In addition to the provision of normal lighting, all parts of the premises accessible to the public, performers and staff and all routes of escape must (if intended for use in the absence of adequate daylight) be provided with adequate emergency lighting supplied from a source of electricity independent of the normal lighting supply. This is normally a system of self-contained emergency lighting luminaries where the lighting is supplied from a battery within the fitting should the normal lighting supply fail.
21. The two independent systems of lighting referred to in items 19 and 20 above, must be fully maintained (on all the time) so as to afford good general illumination sufficient to enable the public to leave the premises safely at any

time. The exception is that the lighting in that part of the premises in which the entertainment is taking place may be reduced, for a reason connected with the performance, provided that an operator with a clear view of the public is stationed at the controls to restore the lighting in an emergency.

22. Each 'EXIT' sign or notice must remain illuminated by both systems of lighting at all times, this illumination must be from a source that is entirely independent of that used for the illumination of any stage or platform. Signs are required to comply with BS 5499 Part 3 (construction) and BS 5499 Part 4 (exit legend, including graphical symbol).
23. Electric light only is to be used on any stage or platform.
24. Lampshades must be of non-combustible material.
25. Where necessary to prevent contact with scenery or other combustible materials or with any person, all lamps, lanterns and any other lighting appliances and apparatus liable to reach a high temperature must be fitted with guards.
26. Any open fireplace, flame-heated radiator or other high-temperature heating appliance, must be suitably guarded.
27. Adequate ventilation is required for the public while they are on the premises. As a minimum, this would normally be no less than 8 litres of fresh air per person per second. For large spaces with high ceilings and roof lights, mechanical ventilation may not be required.
28. Hand fire appliances of approved patterns and capacity or size must be provided and placed in suitable positions in the premises and must be ready for instant use.
29. The Fire Brigade must be called to any outbreak of fire, however slight.

#### **ADDITIONAL GUIDANCE APPLICABLE TO ENTERTAINMENTS INVOLVING CLOSELY SEATED AUDIENCES**

30. When the premises are used for a closely seated audience, careful consideration is needed to ensure acceptable seating arrangements. A copy of any acceptable seating plan must be kept readily available at the premises should any inspecting officer require seeing it. This will demonstrate that the safety objective is being met.
31. Normally there should be not more than 14 seats in a continuous row, where there is a gangway at each end and not more than 7 seats in a row where there is a gangway at one end only. Gangways must be of adequate width for the number of seats served but must, in no case, be less than 1.1m wide.
32. The seating area assigned to each person is required to be not less than 760mm deep where backs are provided and not less than 600mm deep where backs are not provided, and must be not less than 500mm wide where arms are provided and not less than 450mm where arms are not provided. There must be an unobstructed access way at least 300mm in width, measured between perpendiculars, between the back of one seat and the front of the seat immediately behind.
33. Chairs or seats must be secured together in lengths of not fewer than 4.
34. The rows of seating flanking the front, back and any cross gangways, and any seats immediately adjacent to an exit, must be secured in position by floor screws or floor bars.

35. All gangways must be kept free from obstruction. Persons must not be permitted to stand or sit in any gangway intersecting the seating or to sit in any other gangway. If standing is permitted in any gangway at the side or rear of the seating, sufficient space must be left for persons to pass easily and to have free access to exits.

### **ADDITIONAL GUIDANCE APPLICABLE TO STAGE PRESENTATIONS**

36. A temporary stage or platform must not be installed, or temporary extension made to any existing stage or platform, without adequate professional assistance.
37. If a temporary proscenium is installed it must be of non-combustible or inherently non-flammable materials. (See Notes (a) and (b) below.)
38. All scenery, curtains, draperies and decorations must be non-flammable. (See Note (c) below).
39. Wiring must comply with items 4 and 6 above.
40. The number of performers must not exceed a number that can safely be accommodated.
41. No naked flame is to be permitted in any dressing rooms.

NB: Naked flames should not be permitted on an open stage (one without a safety curtain) Strictly enforced additional requirements will be needed to ensure safety, such as non-flammable scenery, the provision of a professionally qualified theatre fire fighter, suitable fire extinguishing apparatus etc.

Children in stage performances are to be adequately supervised. Guidance can be obtained from the BBC web site [www.bbc.org.uk](http://www.bbc.org.uk) under Health, Safety and Security of Children. The Department of Education can also be contacted for advice.

### **ADDITIONAL GUIDANCE APPLICABLE TO FILM EXHIBITIONS**

42. The appropriate provisions of the Cinematograph (Safety) Regulations are to be complied with to ensure safety.
43. The projection apparatus and film must be safe and suitable for use.
44. Only non-flammable film is permitted in any building.
45. The picture screen, and any temporary proscenium or masking, curtains, draperies, or decorations must be non-flammable. (See Note (c) below.)
46. In the absence of a separate projection room, the projection apparatus (16mm and under) must be installed in a clear space at least 900mm wide enclosed by a suitable barrier.
47. The electricity supply for the projector must be derived from a circuit or sub-circuit independent of those serving the lighting of the premises and exit ways or from a separately fused plug-and-socket outlet. The cables serving the apparatus must be adequately protected and arranged so as not to form an obstruction or trip hazard.

### **ADDITIONAL GUIDANCE APPLICABLE TO BOXING AND WRESTLING ENTERTAINMENTS**

48. At wrestling entertainment, members of the public must not occupy any seat within 2.5m of the ring.
49. The ring must be installed in a satisfactory position, and the licensee must satisfy himself as to the stability of the ring when installed. Any material used to form a skirt around the ring must be non-flammable.
50. The number of competitors taking part in the contests, exhibitions or displays must not exceed the number that can safely be accommodated.
51. Washing facilities, including an adequate supply of hot and cold water must be provided to a satisfactory standard for the use of the competitors.

## ADDITIONAL NOTES

1. Smoke machines are required to comply with the highest standards of construction, if oil based devices are used, careful siting is required to prevent slipping. Only the minimum amount of smoke should be used to achieve the effect. Exit signs and routes are not to be obscured by smoke. Ventilation systems are to be operation at all times that smoke is in use.
  2. Strobes pose a particular risk to persons with photosensitive epilepsy. All equipment will be required to operate at a fixed frequency of not more than 5 flashes per second (this can be checked with a tachometer). Where more than one machine is used, they must be synchronised to flash at the same time. Warning signs must be displayed at all entrances to the premises.
  3. Pyrotechnics are only to be used by qualified staff. Further guidance can be obtained in the document Code of Practice: The Safe Use of Pyrotechnics and Smoke Machines published by the Association of British Theatre Technicians.
- (A) 'Non-combustible material' means material which is deemed to be non-combustible when tested in accordance with the provisions of the current edition of British Standard 476: Part 4, or such other material or combination of materials as is reasonably expected as being non-combustible.
- (B) 'Inherently non-flammable material' means material, which although not non-combustible and not submitted to a flame-proofing process or provided with a flame-resistant finish, is in fact non-flammable throughout its thickness. In case of doubt, the standard of 'flame-proof' when the material is tested in accordance with the provisions of BS 3120 or the standard of 'Class 1' for surface spread of flame when the material is tested in accordance with the provisions of the appropriate current edition of B5476 would apply to fabrics and non-fabrics respectively.
- (C) 'Durably flame-proofed fabric' means fabric, which after being submitted to a washing treatment remains flame proofed when tested in accordance with BS 3120.
- (D) 'Non-durably flame-proofed material' means material which has been rendered flame-resistant by a process involving the use of substances which can be shaken on readily washed out (e.g. borax, boracic acid dip, or spray) or by a process of surface coating which can be scraped off (e.g. flame retardant paint).
- (E) Scenery, curtains, fabrics, etc., which are required to be rendered non-flammable should preferably be so treated during the process of manufacture. The following solutions have been found suitable for the purpose.
- (i) Boric acid 445g/15oz  
Sodium phosphate 300g/10oz  
Water 5-litres/1 gall
  - (ii) Borax 300g 10oz  
Boracic acid 250g 8oz  
Water 5-litres/1 gall

Each solution has been found suitable for scenery and the coarser fabrics, and No. (ii) has been found suitable for the more delicate fabrics and for cotton wool. In either case, any electrical wires or apparatus should be removed before applying the solution. It is advisable to experiment with a small portion of the fabric before treating the whole, as the texture and colours of some materials are affected. The fabric should be dried without rinsing.

(F) The following limitations relative to scenery are applicable. The general standards are as follows: -

- (i) In premises having a non-combustible proscenium, inherently non-flammable stage curtains and good means of escape from both public and stage areas.

Non-durably flame-proofed scenery should be limited to 3 back cloths (2 of which are kept rolled at all times); 8 wings and 3 borders (or a total of 2 box sets). Any additional scenery to be inherently or durably flame-proofed.

- (ii) Combustible decorative proscenium and adequate means of escape.

Non-durably flame-proofed scenery should be limited to 2 back cloths (one of which is kept rolled at all times); 4 wings and 3 borders (or a total of 1 box set). Any additional scenery to be inherently or durably flame-proofed.

- (iii) Any open stage or poor separation between stage and public areas.

All scenery and curtains (other than the house curtains) must be of the following materials: -

- Non-combustible
- Inherently non-flammable material
- Durably flame-proofed fabric

Timber hardboard or plywood rendered flame-resistant by a vacuum/pressure process in accordance with the appropriate current edition of BS 476 and achieving a Class 1 standard for surface spread of flame throughout its thickness. Such timber products must be stamped with the recognised make of the British Standard Scheme of Assessment or accompanied by a certificate verifying that the impregnation process will achieve a Class 1 standard for surface spread of flame.

- (G) It is important that the persons arranging performances should be aware of the danger attending the use of dresses made of or trimmed with highly flammable material, and the use of such dresses should be avoided as far as practicable. In the event of the dress of any person becoming ignited, the person should be laid down and wrapped in a blanket or a heavy woollen garment.

Further additional guidance documents can be obtained from the Entertainment Technology Press Ltd at [www.etnow.com](http://www.etnow.com).

LDSA publications can be ordered via [ldsa@goldserve.net](mailto:ldsa@goldserve.net).