

DEVON FIRE AND RESCUE SERVICE

Fire Safety and the Licensing Act 2003

The information contained within this leaflet is for guidance only. It is not a full and authoritative statement of the law and does not constitute legal advice. The leaflet does not replace, extend, amend or alter in any way the statutory provisions of the Licensing Act 2003 or any subordinate legislation made under it or statutory guidance issued in relation to it.

Introduction

This leaflet is for the benefit of persons applying for Premises Licenses under the Licensing Act 2003. It provides guidance on how to complete the Operating Schedule with regard to Public Safety, and how to produce the plan. General fire safety advice is provided in Appendix A.

Operating Schedule – Public Safety

Devon Fire and Rescue Service expect to see, in the Operating Schedule relating to Public Safety, a statement of commitment by the applicant to provide and maintain adequate fire safety measures, according to the risk of the premises, and the activity taking place.

A suitable example of a statement (for premises where persons are employed) would be :-

The fire safety measures with which the premises are provided, will be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment, as required by, and in accordance with the Fire Precautions (Workplace) Regulations. I understand that the safety of occupants is also influenced by numbers of persons present, their disposition and the activities taking place, and therefore undertake to maintain a safe occupancy level.

A suitable example of a statement (for premises where no persons are employed) would be :-

The fire safety measures with which the premises are provided, will be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment. I understand that the safety of occupants is also influenced by numbers of persons present, their disposition and the activities taking place, and therefore undertake to maintain a safe occupancy level.

Plans

Applications for Premises Licences or Club Premises Certificates must be accompanied by a plan of the premises to which the application relates. The plan(s) must:

- be drawn to the scale of 1 centimetre representing 100 centimetres, unless the licensing authority has previously confirmed in writing to the applicant that an alternative scale plan is acceptable to the licensing authority;
- show the location of the extent of the boundary of the building, if relevant, and any external and internal walls which comprise the premises or in which the premises is comprised;
- show the location of any exits from the premises;
- show the location of any escape routes from the premises, and door opening direction;
- show the locations in the premises where the licensable activity is to take place and, if more than one licensable activity is to take place, where each licensable activity is to take place;
- where the supply or sale of alcohol for consumption on the premises is to take place, show the location where the consumption of alcohol is to take place;
- show fixed structures which are impediments to movement;
- show the location, and height, of any stage or raised area, if any;
- show the location and type of the fire safety measures (fire alarm, escape lighting, fire doors, signs, fire fighting equipment);
- show the location of any kitchens on the premises, if any.

These details are important in making it clear which premises or parts of premises have been licensed if the application is granted; and to enable responsible authorities and interested parties to better consider the adequacy of any operating schedule.

Occupancy Capacity

With some exceptions (ie. Off-Licences) the establishment of an acceptable occupancy capacity for licensed premises (or events) is considered to be an essential factor in the achievement of the licensing objective “Public Safety”.

Providing there have been no material alterations, occupancy capacities determined under previous legislation are unlikely to be questioned.

For premises with no previously determined occupancy capacity, Devon Fire and Rescue Service will expect it to be considered and addressed by the applicant, within their operating schedule, based on the following criteria :-

- number of exits
- overall floor area
- means of escape
- activity taking place

For more detailed advice on occupancy capacities especially for larger premises with more complex means of escape, reference should be made to best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide, Safety in Pubs published by the BBPA)

The occupancy capacity can be variable, dependent on the free floor space available and the activity taking place. Generally speaking (2 - 3 persons per m² of floor space available is a reasonable guideline for small premises such as village halls, small public houses etc). For seated areas the occupancy will be determined by the number of seats (which in turn will be limited by the actual floor space, a reasonable distance between seats, and provision of adequate gangways.)

Where the maximum occupancy is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to detail the additional arrangements that will be put in place to ensure that the maximum occupancy will not be exceeded.

The requirement to provide monitoring arrangements should be determined by risk assessment and recorded in the operating schedule. Where this is necessary applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.

The following information does NOT have to be included with the application. It is provided to assist applicants with fire safety matters in their premises.

Fire Safety Checks

The adequacy of existing fire safety measures in a premises should be determined by the carrying out of a fire risk assessment. A free proforma is available, together with other fire safety advice on the Devon Fire and Rescue Service website – go to bottom of leaflet for useful website addresses.

The following checks (although not exhaustive) have been compiled to enable applicants to address and manage the fire safety measures in their premises.

Has a fire risk assessment been carried out ?

Has the maximum occupancy of the premises been determined ?

Are all escape routes properly maintained and free from obstructions, goods or any materials that constitute a hazard to the route ?

Are all stairways, corridors and lobbies kept free from combustible storage and furniture etc. at all times ?

Are all stairways, ramps and steps comprising part of the means of escape maintained in a safe condition with even and non-slippery surfaces, with all floor coverings secured in position ?

Are all self closing doors (other than those held open automatically) maintained self closing at all times and not provided with any means of keeping them in the open position?

Are there any fire doors held open with automatic devices ?

Do they close automatically upon operation of the fire alarm ?

Are all exit doors, through which a person may have to pass, unlocked and free to open for persons leaving the premises ?

Are arrangements in place so that persons with mobility difficulties are able to leave the premises safely in the event of fire ?

Are all floors, walls and ceilings kept in a satisfactory state of repair ?

Are all surface finishings on walls, partitions and ceilings of such a standard to minimise fire spread

Is all fire fighting equipment readily available for use ?

Is all fire fighting equipment tested and maintained in efficient working order according to the appropriate standard ?

Is the fire alarm readily available for use ? Note: The means for giving warning in case of fire ie. the provision or otherwise of a fire alarm system should be determined by a fire risk assessment.

Is the fire alarm tested and maintained in efficient working order according to the appropriate standard ?

Is the escape lighting readily available for use ?

Is the escape lighting tested and maintained in efficient working order according to the appropriate standard ?

Are all persons employed in the premises given instruction and training in the action to be taken in case of fire ?

Are records of all electrical tests and fire drill training maintained ?

Are all notices, signs and fire exit signs legible and unobstructed ?

Is the electrical installation in a good state of repair ?

If special effects such as lasers, pyrotechnics, smoke machines, foam machines etc to be used, what additional fire safety measures have been provided ?

For premises with moveable seating (village halls etc)

Are adequate gangway widths (1.06m) and seatway widths (305 mm) provided ?

Useful websites

- Devon Fire and Rescue Service <http://www.devfire.gov.uk/> - click on 'Fire Prevention / Licensing'

- Action for Communities in Rural England <http://www.acre.org.uk/> - Click on 'Village Halls' for details of information sheets

Department for Culture Media and Sport <http://www.culture.gov.uk/> - click on 'Alcohol and Entertainment'

East Devon District Council – <http://www.eastdevon.gov.uk/>

Exeter City Council – <http://www.exeter.gov.uk/>

Mid Devon District Council - <http://www.middevon.gov.uk/>

North Devon District Council - <http://www.northdevon.gov.uk/>

Plymouth City Council - <http://www.eastdevon.gov.uk/>

South Hams District Council - <http://www.south-hams-dc.gov.uk/>

Teignbridge District Council - <http://www.teignbridge.gov.uk/>

Torridge District Council - <http://www.torridge.gov.uk/>

West Devon District Council - <http://www.westdevon.gov.uk/>

With the exception of Part A only applications - a copy of the Licence Application, Operating Schedule and Plan should be sent to the nearest Devon Fire and Rescue Service address

Barnstaple area:

Devon Fire and Rescue Service,
North Division Headquarters,
North Road,
Pilton,
Barnstaple
EX3 1PA

Tel : 01271 334400
Fax : 01272 334400

Exeter area:-

Devon Fire and Rescue Service,
East Division Headquarters,
Agriculture House,
Pynes Hill,
Rydon Lane,
Exeter
EX2 5AZ

Tel : 01392 872200
Fax : 01392 266839

Plymouth area:-

Devon Fire and Rescue Service,
West Division Headquarters,
Glen Road,
Plympton,
Plymouth
PL7 3XT

Tel : 01752 333600
Fax : 01752 333640

Torquay area:-

Devon Fire and Rescue Service,
South Division Headquarters,
Newton Road,
Torquay
TQ2 7AD

Tel : 01803 653700
Fax : 01803 653740

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