

The Licensing Act – Fire Risk Assessment Principles

Businesses which are applying for entertainment licenses will need to consider the safety of their premises as this is an important part of the application. These guidelines are issued to assist local licensees to provide suitable fire safety measures in licensed premises for applications under the Licensing Act 2003.

General

These guidelines are issued to assist local licensees to provide suitable and sufficient fire safety measures in licensed premises for applications under the Licensing Act 2003. They do not replace existing legislation relating to Health and Safety Occupancy Calculations.

As part of the licensing process the applicant should include in their operating schedule the steps they will take to promote the 4 licensing objectives. The licensing objectives under the Act include public safety and the fire brigade will be consulted by the Licensing Authority on this aspect of the application. The operating schedule should therefore contain a Fire Risk Assessment highlighting any significant findings, arising out of the assessment and any remedial actions necessary.

In order to avoid issues arising over public safety relating to fire risk, applicants are strongly advised to submit a Plan on a minimum scale of 1:100 indicating the fire safety provisions in place, this should include available Exits and associated routes, Fire Alarm if fitted, Emergency Lighting and Firefighting Equipment. Regulations yet to be published may make this a requirement.

The plan should clearly state the Occupancy and how the figure had been reached. The Licensing Authority may attach conditions relating to the maximum occupancy levels after consultation with all statutory consultees, if the operating schedule does not include such details or there are objections to the proposed occupancy level.

Further information on how to compile a Fire Risk Assessment and calculate an appropriate occupancy figure is available at
http://www.lancsbusinessplus.org.uk/downloads/small_and_medium_places_of_assembly.pdf/

Fire Risk Assessment

This guidance is intended for premises where the main use of the building or part of the building is as a small (i.e. premises accommodating up to 60 people) or a medium (i.e. premises accommodating up to 300 people) place of assembly. These include: public houses; clubs; dance halls/schools; village halls; community centres; churches; other places of religious worship or study and associated premises; temporary structures and marquees/tents.

The Regulatory Reform (Fire Safety) Order, 2005 applies in England and Wales. It covers general fire precautions and other fire safety duties which are needed to protect 'relevant persons' in case of fire in and around most 'premises'. The Order requires fire precautions to be put in place 'where necessary' and to the extent that it is reasonable and practicable in the circumstances to do so.

Responsibility for complying with the Order, rests with the 'responsible person'. In a workplace, this is the employer and any other person who may have control of any part of the premises, e.g. the occupier or owner. In all other premises the person or people in control of the premises will be responsible. If there is more than one responsible person in any type of premises (e.g. a multi-occupied complex), all must take all reasonable steps to co-operate and co-ordinate with each other.

The local fire and rescue authority (the fire and rescue service) will enforce the Order in most premises. The exceptions are:

- Crown-occupied/owned premises where Crown fire inspectors will enforce;
- Premises within armed forces establishments where the defence fire and rescue service will enforce;
- Certain specialist premises including construction sites, ships (under repair or construction) and nuclear installations, where the HSE will enforce; and
- Sports grounds and stands designated as needing a safety certificate by the Local Authority, where the Local Authority will enforce.

The enforcing authority will have the power to inspect your premises to check that you are complying with your duties under the Order. They will look for evidence that you have carried out a suitable fire risk assessment and acted upon the significant findings of that assessment. If you are required to record the outcome of the assessment they will expect to see a copy.

What is a Fire Risk Assessment?

A fire risk assessment is an organised and methodical look at your premises, the activities carried on there and the likelihood that a fire could start and cause harm to those in and around the premises.

The aims of the fire risk assessment are:

- To identify the fire hazards.
- To reduce the risk of those hazards causing harm to as low as reasonably practicable.
- To decide what physical fire precautions and management arrangements are necessary to ensure the safety of people in your premises if a fire does start.

The term 'where necessary' is used in the Order, therefore when deciding what fire precautions and management arrangements are necessary you will need to take account of this definition.

The terms 'hazard' and 'risk' are used throughout this guidance and it is important that you have a clear understanding of how these should be used.

- Hazard: anything that has the potential to cause harm.
- Risk: The chances of that harm occurring.

If your organisation employs five or more people, or your premises are licensed or an alterations notice requiring it is in force, then the significant findings of the fire risk assessment, the actions to be taken as a result of the assessment and details of anyone especially at risk must be recorded. You will probably find it helpful to keep a record of the significant findings of your fire risk assessment even if you are not required to do so.

How do you carry out a Fire Risk Assessment?

A fire risk assessment will help you determine the chances of a fire starting and the dangers from fire that your premises present for the people who use them and any person in the immediate vicinity.

It is important that you carry out your fire risk assessment in a practical and systematic way and that you allocate enough time to do a proper job. It must take the whole of your premises into account, including outdoor locations and any rooms and areas that are rarely used. If your premises are small you may be able to assess them as a whole. In some premises you may find it helpful to divide them into a series of assessment areas using natural boundaries, e.g. assembly spaces, process areas (such as cooking facilities in village halls), offices, stores, as well as corridors, stairways and external routes.

If your premises are in a multi-use complex then the information on hazard and risk reduction will still be applicable to you. However, any alterations to the use or structure of your individual unit will need to take account of the overall fire safety arrangements in the building.

You need to appoint one or more competent persons (this could be you) to carry out any of the preventive and protective measures needed to comply with the Order. This person could be you or an appropriately trained employee or, where appropriate, a third party.

Your fire risk assessment should demonstrate that, as far as is reasonable, you have considered the needs of all relevant people, including disabled people. The diagram below shows the five steps you need to take to carry out a fire risk assessment.

FIRE SAFETY RISK ASSESSMENT

1 Identify fire hazards

Identify:

Sources of ignition
Sources of fuel
Sources of oxygen

2 Identify people at risk

Identify:

People in and around the premises
People especially at risk

3 Evaluate, remove, reduce and protect from risk

Evaluate the risk of a fire occurring
Evaluate the risk to people from fire
Remove or reduce fire hazards
Remove or reduce the risks to people

- Detection and warning
- Fire-fighting
- Escape routes
- Lighting
- Signs and notices
- Maintenance

4 Record, plan, inform, instruct and train

Record significant finding and action taken
Prepare an emergency plan
Inform and instruct relevant people; co-operate and co-ordinate with others
Provide training

5 Review

Keep assessment under review
Revise where necessary

Remember to keep to your fire risk assessment under review.

Occupancy Calculations

Where existing legislation does not provide adequately for the safety of the public or club members the Licensing Authority may include additional conditions to ensure the safety of occupants.

The licensee shall, to the best of his/her ability, maintain and keep good order and decent behaviour on the said premises during the time of the public entertainment and notwithstanding the generality of the foregoing the licensee shall provide an acceptable system of:

- Controlling entry.
- Identifying the number of persons present on the premises at any given moment in time.
- Stewarding the premises where the number of people admitted exceeds 50.

- Produce on demand to any authorised officer of the Authority, the Police and Fire and Rescue Service, evidence of the number of persons present on the premises.

Occupancy Calculation Guide

<u>Floor Space Factor</u>	
Occupied Area Type	Typical Occupant Density m ² /person
Standing spectator/audience area or *bar area	0.3
Assembly area, public house, dance floor or hall etc	0.5
Dining area or restaurant	1.0
Sports area	2.0
Shop sales area	2.0
Display, production or workshop area	5.0
Office	6.0
Shop (bulky goods) sales area	7.0

**Note - Bar area is usually within 2m of a serving point. Further from the bar the occupancy for the main use of the room should be used eg assembly area.*

Floor areas should consider useable space i.e. spaces where persons reside. Toilets, corridors and stairways do not count as useable space.

Doors

The premises shall be provided with an adequate number of exits of sufficient dimension clearly indicated by a pictogram symbol or a combination of text and pictogram in accordance with either the British Standard 5499: Part 1 (specification for fire safety signs) or alternatively with the Safety Signs and Signals Regulations 1996. The signs shall be illuminated by both mains and secondary lighting and conform to the relevant Code of Practice.

NOTE: Text only notices do not comply with the Health & Safety (Signs and Signals) Regulations 1996. They require replacement or supplementing with new signs.

The means of entry and exit, and the passages and gangways shall, during the whole time that the premises are used for the purposes of licensed activities, be kept free, unobstructed and adequately illuminated, both inside and outside the premises.

All final exit doors must be fitted with fastening devices which can be easily and immediately opened from inside without the use of keys or code.

Any door required for means of escape in case of fire, if fastened during the time the public are in the premises, shall be secured during such time by panic mechanisms only. Doors fitted with panic mechanisms shall be indicated either PUSH BAR TO OPEN or PUSH PAD TO OPEN in conspicuous and distinctive block lettering.

All doors required as means of escape in case of fire shall open in the direction of egress or where this is not possible be securely fastened in the open position at all times when the public are present on the premises. If this is not possible, limited occupancy will be imposed.

Security Devices

Any security devices other than panic mechanisms shall be removed whenever the premises are occupied.

Curtains Across Doorways

Curtains across doorways shall be adequately supported. They shall not conceal any notice other than a Push Bar to Open notice and shall be so arranged as to draw easily from the center and slide freely. All curtains shall be so hung that they are 75mm clear of the floor.

Fire Alarm

An approved means of giving warning in case of fire shall be provided. Where an electrical system is provided it should be installed, maintained and tested in accordance with the current relevant British Standard Specification. All periodic tests and examinations shall be recorded in a logbook kept on the premises.

Notices

Notices giving instruction on how to call the Fire and Rescue Service must be prominently displayed adjacent to alarm call points and telephones in the premises.

Emergency Lighting

An emergency lighting system should be provided, maintained and tested in accordance with the current relevant British Standard Specification. The system provided in the premises and associated escape routes should fulfil the following functions:

Indicate clearly the escape routes.

Provide illumination along escape routes to allow safe movement towards and through the exits provided.

Ensure that the fire alarm call points and firefighting equipment provided along escape routes can be readily located.

Provide illumination to external means of escape arrangements.

Where people are unfamiliar with the premises, or there is provision for dimming of the lights and/or alcohol is consumed then generally Final Exits and intermediate luminaires must be on a Maintained System (Illuminated at all times premises are in use).

All periodic tests and examinations shall be recorded in a logbook kept on the premises.

Fire Fighting Equipment

firefighting equipment shall be provided appropriate to the risk and sited in a location under the supervision of the staff. The equipment shall be tested and examined by a competent person at periods not exceeding 12 months and the results recorded in a logbook kept on the premises.

All members of the staff at the premises shall be given instruction and training as to their duties in the event of fire or other emergencies and records as to such training shall be kept in a logbook on the premises.

Close Seated Audience Provisions

If the premises are to be used with close seated audiences arrangements should be included in the operating schedule and based upon the following guidance:

The seating must at all times be so disposed as to provide free and unobstructed access to all exit doors.

- Width of gangways to be 1050mm minimum.
- Width of seat ways to be 305mm minimum.

Where the permitted number is more than 250 persons, all seats shall be either securely fixed to the floor or battened together in lengths not less than 4 nor more than 12 and additionally all the rows of seats shall be firmly secured together.

Any attachment used for securing a seat or rows of seats shall be so arranged so as not to cause a tripping hazard.

In all premises a diagrammatic plan showing clearly the escape routes and the seating pattern shall be publicly displayed.

Heating Appliances

All heating appliances should be suitably guarded and fixed in position in such a manner so as to prevent unauthorised persons having access to the controls or being able to approach sufficiently close to the appliance to endanger themselves.

Combustible materials or substances should not be sited close to any heating appliance. In deciding the safe distance regard should be given to the type of heater and the ease of ignitability of the nearby materials or substances. Care should be taken to ensure that radiant heaters, particularly those fitted with reflectors, are not directed towards combustible materials and that, wherever possible, they are mounted at a high level above head height, usually at least 2.5m above floor level.

No oil-fired heaters, other than those forming part of the boiler installations, should be used in the premises.

No portable Liquefied Petroleum Gas (LPG) heater should be in the premises when members of the public are present. Containers of LPG should be protected against unauthorised interference and accidental leakage. LPG cylinders, both full and empty, should be kept in safe positions in the open air away from other flammable materials or, where this is not reasonably practicable because of exceptional circumstances, in any adequately ventilated storeroom constructed in accordance with HSE Guidance.

Artificial Foliage

Artificial foliage material should be of durably flame-retardant fabric. All displays of dried flowers shall be treated with a suitable flame-retardant material sufficiently durable to last the life of the flower display. In the case of artificial flowers, the material used shall be durably flame-retardant. A certificate stating that the materials have been treated with an approved flame-retardant will be required from a competent person and submitted to the Licensing Authority.

Gymnastic Foam Mats and Pits

The use of polyurethane foam in gymnastic foam pits and polyurethane foam plastic mats in premises could prejudice the safety of persons using parts of the same premises for entertainment. Where such equipment or facilities are used or stored in premises also used for entertainment, they shall be subject to special precautions agreed with the licensing Authority. Suitable arrangements may be separate fire-resisting storage compartments, either within or external to the premises concerned.

Furniture and Furnishing etc.

The use of furniture, furnishings, floor coverings and synthetic materials that are easily ignited or demonstrate rapid spread of flame characteristics shall be avoided. Replacement furniture and furnishings must conform to the Furniture and Furnishings Regulations current at that time.

New curtains and other textile hangings are to be inherently flame retardant or be treated with a durable flame retardant. They should be capable of complying with the current British Standard or equivalent.

New soft floor coverings must be labelled in accordance with the British Standard or its equivalent.

Wall coverings should conform to British Standard 476: Part 7: Class 1 surface spread of flame or equivalent. However, wall coverings in escape routes should achieve Class 0 Standard.

Access Conditions

Duly authorised Officers of the Authority, Police Officers and Fire Officers shall at all times have free access to the premises for the purpose of ensuring compliance with the conditions of this licence and shall have access to any necessary records.

Pyrotechnics and Special Effects

Pyrotechnics and the use of special effects involving the use of lasers, naked flames, smoke production or any other process creating a risk of fire shall not be allowed without consent by the Local Authority.

Any special effect for use in premises must be obtained from recognised suppliers or manufacturers and shall be used in accordance with their instruction. 28 days' notice, with a Risk Assessment must be given to the Local Authority prior to the proposed use of any pyrotechnic device within the premises. In most cases a test firing will be required prior to the event taking place.

Emergency Service Access

Clear access into the premises must be maintained once evacuation has been completed and full access for fire appliances and crews maintained. Appropriate re-entry measures once clearance has been given by emergency services must be written into the Risk Assessment.

Adequate access shall be provided for emergency vehicles at all times.

Queues

In cases in which persons wait in queues for admission, the licensee shall take all reasonable steps to

ensure that such persons do not obstruct exits, passageways, stairways and ramps leading to the outside of the premises.

Location of Cloakrooms

Provision for coats and hats shall not be made in corridors, passageways or gangways or any exit way used by the public.

Accumulation of Rubbish and Storage of Combustible Materials

No rubbish or waste paper shall be stored or allowed to accumulate in any part of the premises. Storage of necessary combustible materials shall be in such a position as may be approved by the Fire and Rescue Service.

Proper Maintenance of Premises

The electrical installations must comply with IEE or any other regulations in force in connection with the use of electricity. A qualified electrician shall inspect all electrical installations annually and the results and details of inspections must be recorded in a logbook kept on the premises.

All parts of the premises, fixtures and fittings including any seating, door fastenings and notices shall be maintained at all times in good order and condition.

Rope Barriers

All rope barriers across gangways exit ways and stairways shall be fitted with automatic catches or slip connections and shall be so fixed as to not trail on the floor when parted.

Steps and Stairways

All gangways, exit ways and the treads of steps and stairways shall be maintained with a non-slip surface. All steps and stairways shall be made conspicuous.

Overcrowding

Overcrowding in such a manner as to endanger the safety of the public or to interfere unduly with their comfort shall not be permitted in any part of the premises, procedures should be put in place to prevent this.

Safety Curtains

Safety curtains, where fitted, shall:

- Be of non-flammable material
- Be maintained in good condition

Be kept free from obstruction at all times, and have the words SAFETY CURTAIN printed on them which shall be visible to the public.

The operation of safety curtains shall be tested immediately before each performance.

The operating mechanism for the safety curtains shall be maintained in good working order and a supporting certificate to this effect shall be submitted annually to the Authority.

In the event of the safety curtain failing to operate properly at any time, the licensee or nominated persons shall notify the Authority and the Fire Authority in writing within 24 hours of the failure.

If no safety curtain is fitted, any curtains used to separate the stage area from the auditorium shall have fire retardant qualities and the operating mechanism for the curtains shall be maintained in good working order. A notice to the satisfaction of the Authority shall be displayed next to where the curtains are opened stating that the curtains must be closed in the event of fire.

No scenery or props shall be kept on the auditorium side of the safety curtain or other curtain used to separate the stage area from the auditorium except with the written consent.

Fixed Installations

Stage ventilators, smoke ventilators, drenchers and their release points shall be kept free from obstruction, maintained in good working order and periodically tested to the satisfaction of the Authority.

Stage Lighting and Electrical Appliances

No illumination other than an electric light shall be employed upon the stage, in the stage basement, or stores, without the consent of the Licensing Authority.

Smoking shall be strictly prohibited within any stage area; other than as part of the action of a stage performance, and notices prohibiting smoking shall be prominently displayed at locations as required in writing by the Authority.

Disabled Persons and Access

The Equality Act 2010. Access and egress for disabled persons must comply with the requirements of this Act.

Building Alterations

Licensees should be reminded that building regulations and planning consent may be required for any alteration that they may wish to carry out and early consultation with the local Building Control, Planning Departments or approved inspector should be encouraged.