



Our Ref: Licensing Act

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The Licensing Act 2003

Environmental Health Guidance

The application form asks you to 'describe the steps you intend to take to promote the four licensing objectives'. To remind you, these objectives are:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- Public Safety
- The Protection of Children from Harm

Of particular relevance to the Council's Environmental Health Service are the issues of **noise nuisance and public safety (health and safety)**. It is, therefore, important that you fully address these issues under the relevant headings in your application.

The following guidance notes are intended to help you provide the appropriate information about the action you will take and the controls you will introduce in relation to this.

It is our experience that the great majority of potential problems can be prevented by liaison, discussion, good premises management, and the introduction of reasonable controls. It is with these thoughts in mind that the following notes are presented. The information you give us should be quite specific, in submitting your application you should avoid general statements as these only raise more questions, such as 'how will the person do something?', 'when' will it be done?' etc. Without adequate detail to convince us that your actions will be satisfactory to satisfy the licensing objectives, it may be necessary to object to the application.



ENVIRONMENTAL HEALTH SERVICE

LICENSING GUIDANCE

You will be aware that the Environmental Health Service is a responsible authority under the Licensing Act 2003 and has the right to make representations to the Licensing Authority at the time of applications or to request a Review of a Premises Licence or Club Premises Certificate at any time, once the licence is in force.

The Council's Environmental Health Service is aware of the need to protect the public from noise pollution and to safeguard public safety through good standards of Health and Safety. We have to be satisfied that you, the applicant, are promoting the Licensing Objectives, including the prevention of nuisance and safeguarding public safety.

Your application form includes space for you to provide details (an 'Operating Schedule') of how you intend to prevent nuisance and safeguard public safety. Therefore, you should set out clear details of the actions and controls which you will or may have already implemented.

A properly completed application will preclude the need for us to make representations which may result in a formal hearing before the Licensing Committee.

THE COUNCIL REGARDS THE CONTROL OF NOISE AND SAFEGUARDING PUBLIC SAFETY AS ESSENTIAL ASPECTS OF THE LICENSING OBJECTIVES.

These guidance notes are intended to help you provide the appropriate information about the action you will take and the control measures you will maintain.

1. **NOISE CONTROL**

Applicants should consider the potential sources of noise and the hours it may be generated. Factors for consideration will include:

- Music and speech, both amplified and not
- Other internal activities including public address system
- Use of open areas, for example beer gardens
- Patrons queuing
- Patrons and staff entering and leaving the premises and in its vicinity
- Vehicles arriving, waiting, parking and departing
- Deliveries and collections
- Plant, including ventilation, machinery and associated equipment
- Building structure and fabric thereof
- Any other factors that may give rise to noise disturbance.

Many licensed activities can cause noise that is heard outside the premises and some of these will generate noise, which causes public disturbance.

(a) Planned management measures for control of noise:

All applicants should take account of the items listed below and include appropriate control measures in the 'Operating Schedule':

This is a statement of management measures to be taken to prevent and control noise covering issues such as:

- Hours of operation.
- Location of entry and departure points.
- Door control.
- Control and prevention of queuing.
- Management of amplified and non- amplified music and speech/voices.
- Steps to be taken to achieve good behaviour outside and inside the premises.
- Communication with customers (signs, announcements and other means).
- Management and use of outdoor areas.
- Steps to be taken to ensure customers leave quietly.
- Advice to customers on departure routes.
- Stewarded access to taxis and licensed mini-cabs.
- Arrangements for dedicated taxi or licensed mini-cabs to collect patrons in a manner so as to minimise any disturbance.
- Arrangements for staff and patron parking.
- Limits set on hours for servicing and delivery.
- Guidance to drivers to limit noise during deliveries.
- Communications with suppliers and service providers.

- Providing quiet means for storage and movement of waste and recycling materials.
- Considering noise sensitive properties include all residential property, schools, hospitals, hotels, hostels.

(b) Sound Insulation and Sound Reduction Measures:

These should provide information, as applicable, on an assessment of the existing sound insulation of the building fabric and how the following items are going to be achieved/addressed:

- Operational building layout to prevent noise escape.
- Sound insulation measures to prevent airborne and structural transmission of noise and vibration to adjacent premises.
- Attenuation measures to minimise noise breakout, and to prevent noise disturbance to the surrounding area.
- Use of electronic sound limiters on amplification systems as alternative means of control.
- Other measures to reduce structural transmission of noise and vibration.
- Installation of acoustic doors and lobbies.

(c) People arriving, departing and in the vicinity:

Applicants should demonstrate that appropriate measures will be taken to limit noise from patrons and staff entering and leaving the premises and vehicles arriving, departing and in the vicinity to prevent avoidable noise disturbance to noise sensitive premises. The kinds of measures that may be used include:

- Installation of an acoustic lobby with inner and outer acoustic doors, designed to prevent both sets of doors being opened at the same time, except in an emergency, together with management arrangements to ensure this.
- Signs and verbal advice to patrons on routes to take as they depart, to cause least disturbance.
- Guidance to staff on their responsibilities to minimise noise from patrons as they arrive at and depart from the premises.
- Arrangements for the calling of taxis, min-cabs, cars or limousine companies from within the premises and the collection of patrons by arrangement.
- Arrangements with dedicated taxi, mini-cab, car or limousine companies to collect patrons in an agreed manner so as to minimise disturbance.

(d) Deliveries, collections and servicing:

The criteria relating to deliveries, collections and servicing are that the applicant must demonstrate appropriate measures that will be taken to limit noise from these sources and that these will prevent avoidable noise disturbance to noise sensitive properties. Such measures may include:

- Ensuring that deliveries, collections and operational servicing are carried out between 0800 hours and 1800 hours, except where access at other times is unavoidable and specific procedures are in place to limit disturbance.
- Guidance to drivers to switch off engines during deliveries, collections and servicing, and to minimise other noise caused by their activities.

2. PUBLIC SAFETY/HEALTH AND SAFETY

(a) Risk assessments and safety checks:

- Applicants should ensure that risk assessments have been carried out for activities, materials and equipment which may present health and safety risks to members of the public.
- Applicants should identify what safety checks are necessary to ensure the safety of the public whilst on your premises. Areas to consider are:
 - i. Safety checks should be carried out before the admission of the public.
 - ii. Details of these checks should be kept in a log book.

(b) Temporary Electrical Installations:

- How do you propose to ensure that any equipment brought to your premises does not increase the risk to the safety of your customers? Areas to consider are:
 - iii. Any temporary electrical wiring and distribution systems should comply with the recommendations of BS 7671 or where applicable, BS 7909.
 - iv. Where they have not been installed by a competent person, temporary electrical wiring and distribution systems should be inspected and certified by a competent person before they are put to use.
 - v. You should ensure that any electrical equipment brought into your premises has been correctly maintained and tested where appropriate.

(c) Fixed electrical installations:

- How will you ensure that your electrical installation (fixed wiring) is suitable for the purpose and does not increase the risk to the safety of your customers?
- Any electrical wiring and distribution systems should comply with the recommendations of BS 7671 or where applicable, BS 7909.

(d) Indoor Sports Entertainment:

- How do you propose to ensure that participants receive appropriate medical attention, if required, during any entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature?
- How will you ensure that any sports ring is constructed in such a manner as not to give rise to the risk of injury or increase the risk of fire?

- How do you propose to ensure the safety of the public at such events? In the case of water based events, what will your plan be for dealing with emergencies in water?
- Areas to consider are:
 - i. Will it be necessary for an appropriately qualified medical practitioner to be present throughout?
 - ii. Where a sports ring is concerned, ensure that it is constructed and supported by a competent person and inspected by a competent authority. Also ensure that any material used to form the skirt around the ring is flame retardant.
 - iii. At any wrestling or other entertainment of a similar nature, members of the public should not be put at risk of competitors falling from the ring. You should include a plan (to scale) of the seating arrangements in relation to the sports ring.
 - iv. At water sports entertainment, staff should be adequately trained in rescue and life safety procedures. Staff should be stationed (and remain) within the vicinity of the water at all material times.

(e) Special Effects:

If you have indicated that you propose to use any special effects or mechanical installation, you must tell us how they will be used, who will use them and how they are to be stored so as to minimise any risk to the safety of the audience, performers and staff and prevent an increased risk of fire.

Special effects which should be considered include:

- Dry ice machines and cryogenic fog,
- Smoke machines and fog generators,
- Pyrotechnics, including fireworks,
- Real flame,
- Fire arms,
- Motor vehicles,
- Strobe lighting,
- Lasers
- Explosives and highly flammable substances.

Areas to consider with regard to special effects are:

- The frequency of strobe lighting, the method to prevent tampering/alteration and a warning to the public.
- Firearms – direct supervision of certificate holders at all times.

- Pyrotechnics/Flammables etc – how will they be stored and in what quantity? What method will you use to store them? Remember to suitably mark the location of storage.
- With regard to explosives and highly flammable substances, it may be necessary in certain cases, to require that certain special effects are only used with the prior notification of the Licensing Authority or [inspection by] Fire Authority.
- Lasers – bear in mind the power type and location and the need for operation thereof to comply with HSE guidance. Take the height that it will be projected above the audience into account. Prevent contact with the audience, performer/s or staff. Lasers should be secured to prevent movement and the alignment should be checked daily.
- Refer to the HSE guide “*The radiation safety of lasers used for display purposes [HS(G)95] and BSEN 60825: Safety of Laser Products*” for guidance.
- Special effects must only be used on the provision of a suitable and sufficient risk assessment.

(f) Guidance relating to theatres, cinemas, concert halls and similar places (promotion of public safety)

- You should indicate how you intend to deal with any emergency in any premises which are used for closely seated audiences and how you will keep access ways clear. Areas for consideration are:
 - i. Sufficient attendants should be on hand to deal with any emergency. The number of attendants required will depend greatly on the premises and the size of the audience. As a guide, the minimum number of attendants on each floor in a closely seated auditorium should be set out as per the following:

Size of Audience	Minimum number of Attendants
1 – 100	1
101 – 250	2
251 – 500	3
501 – 750	4
751 – 1,000	5
<i>And one additional attendant for each additional 250 (or part thereof)</i>	

- Would attendants have any other duties which would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty
- Attendants should be readily identifiable to the audience.
- Consider any article attached to the back of any seat which would reduce the clear width of seat ways or cause a tripping hazard or obstruction.
- Consider whether anything or anyone impedes any stairs or passage ways during performances.
- What arrangements will you have in place to protect the public from the effects of smoke?
- Another area for consideration is having a safety curtain in place which will enable the safe evacuation of the auditorium. Where a stage with a proscenium arch exists, what alternative arrangements will you have in place?, i.e. any curtains provided between the stage and the auditorium should be heavyweight and manufactured from non combustible fabric.