

East Sussex Fire and Rescue Service

Licensing Act 2003

Guidance Notes for Applicants for Premises Licenses

The Licensing Act 2003 requires that applicants for premises licences notify specified Responsible Authorities of their proposals. One of these Authorities is the Fire Authority whose main role is to ensure that public safety issues are addressed by ensuring that adequate measures have been taken to minimise the risks from a fire emergency.

Applicants must demonstrate that the safety of both customers and staff has been considered and that there are adequate measures in place to ensure that the building is safe for the number of people likely to use it.

Using the information provided, and what the fire service already know about the premises, an assessment will be made of the fire safety provisions in relation to the **public safety** objective of the Act.

Where the fire service believe that this objective is not being adequately met a representation may be made to the Licensing Authority.

What you need to send us:

- A copy of the Application Form including the Operating Schedule.
- Scaled plans of the premises (see below for more information). An example of a basic single line plan with British Standard symbols is detailed within Appendix 'A'
- Maximum occupancy levels to be permitted on site at any one time and if applicable, an indication of their proposed distribution throughout the premises, with methodology of how levels have been established
- Details of procedures to be undertaken, in case of emergency at the premises.

East Sussex Fire and Rescue Service will process applications in accordance with the Service Risk Based Inspection & Enforcement Program :-

- The documentation will be checked to ensure that sufficient information has been provided to make an assessment (Note: where insufficient or late information is supplied we may make a representation to the Licensing Authority).
- A fire safety assessment will be made of the application in relation to the licensing objectives including an assessment of the proposed occupancy level.
- Where necessary, your premises will be visited to gather more information.
- The Service will advise you and the licensing authority in writing whether we intend to make a representation or not.
- Where a representation is to be made we will inform you what issues are causing us concern.
- Provide advice and guidance in order to avoid unnecessary hearings.

Risk Based Inspection & Enforcement Program

East Sussex Fire & rescue Service's intention is to focus inspection and enforcement activities where the risks to people are greatest.

To achieve this:

- Premises will be graded individually to identify higher and lower risks
- Higher risk premises will be inspected more frequently
- Enforcement activity will be targeted at known higher risk premises
- Fire safety laws will be used in parallel with action under the Licensing Act
- Where permitted information on problem premises will be shared with other authorities

Occupancy Levels

A key factor in assessing whether or not a building can be deemed safe is an indication of the proposed occupancy level. These figures are based on floor area and the availability of adequate emergency exits which must be suitably signed, fastened and illuminated.

Safe occupancy levels (capacities) are best expressed in clear and simple terms e.g. "The maximum capacity of the premises at any one time will be restricted in respect of the ground floor to 300 persons and in respect of the first floor to 100 persons."

The capacity should normally be inclusive with respect to staff and performers.

Where open areas are shown, an appropriate occupancy factor should be used to determine the maximum number of people that could be present.

Section 177 of the Act provides for the suspension of some licensing conditions in some smaller premises that have a 'permitted capacity' of not more than 200 persons and that the fire authority must be asked to make a recommendation on the capacity.

If you wish the fire service to recommend a 'permitted capacity' you should first conduct a risk assessment and assess the capacity of your premises using an appropriate standard (see guides listed below). You should then submit your request together with scaled plans .

East Sussex Fire & Rescue Service will consider your request and respond by agreeing with your proposal or recommending an alternative permitted capacity.

Guidance

- (i) Where the number of persons in a room or building exceeds 60, more than one exit must be provided.
- (ii) Kitchens and other high risk areas are not considered suitable exit routes for members of the public.
- (iii) Doors should open in the direction of travel; numbers using an inward opening door should be limited to 60 persons.
- (iv) For escape calculations it should be assumed that in a "worst case scenario" one door (always the largest) should be discounted and assumed not to be available due to an outbreak of fire.
- (v) As a rule of thumb, for evacuation purposes a single outward opening door is capable of discharging 100 people and a double 200 people.
- (vi) Doors positioned so close together that they could both be simultaneously affected by fire should be considered as one exit and in the event of a fire neither would be available.

Therefore in a room with two single doors (both outward opening) the maximum occupancy based on available exits would be approximately 100 regardless of floor area. (This is after discounting one exit). The number of exits in this case would limit the occupancy.

A room with two sets of double outward opening doors could accommodate approximately 200 people if the floor was large enough to permit this number.

With two single leaf inward opening doors, maximum numbers would be limited to 60.

Disabled Persons:

The requirement to comply with access and means of escape for persons with disabilities will normally be considered to have been addressed where the recommendations/guidance in Approved Document M of the Building Regulations and BS 5588 pt 8 have been satisfied.

The fire risk assessment should demonstrate suitable and sufficient arrangements for the safety of disabled persons in the event of a fire emergency.

The Disability Discrimination Act 1995 requires reasonable physical adjustments to physical features that make it unreasonably difficult for disabled persons to use a service.

Large Temporary Events

These may involve a single premises licence to cover a wide range of activities at varied locations within the premises or a series of connected premises licences that in combination represent a single event.

We strongly advise event organisers to set up a co-ordinating committee (safety advisory group) and commence discussion with the Licensing and other Responsible authorities at the earliest opportunity.

East Sussex Fire & Rescue Service can also provide pre application fire safety advice to event organisers.

Other Legislation:

Applicants are reminded of the need to consult with a Building Control Authority/Agency where it is proposed to alter the structural layout or change the use of premises.

Employers must comply with the requirements of the Fire Precautions (Workplace) Regulations 1997 (As amended) when preparing their fire risk assessment.

Where East Sussex Fire & Rescue Service do not agree with your proposals for occupancy levels a representation to the Local Authority may be made.

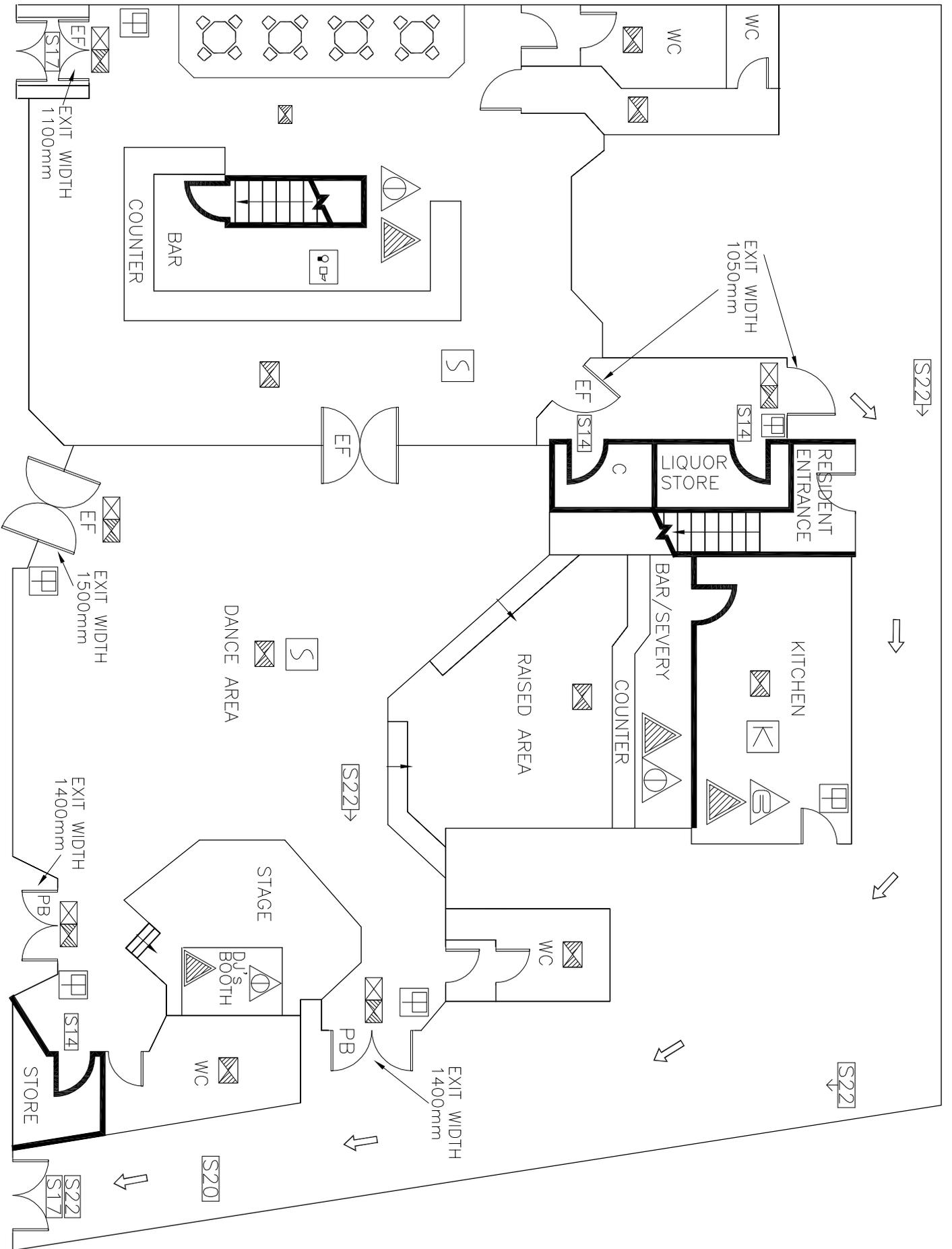
Further guidance is available within the following documents :-

- Fire Safety an employers guide:
<http://www.archive.officialdocuments.co.uk/document/fire/index.htm>
- Approved Document B of the Building Regulations 2000 (DETR)
- Annex E & F of “Guidance issued under section 182 of the Licensing Act 2003”
- Guide to Fire Safety at Existing Places of Entertainment and Like Premises
- Appropriate British & European Standards :-
 - BS5839 – Fire Warning Systems
 - BS5266 – Emergency Lighting Systems
 - BS EN3 – Fire Extinguishers

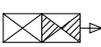
Appendix A

Plans

- The premises plan should clearly indicate the following fire safety features: -
- The type of door fastenings fitted to all exits other than entrance doors.
- Doors used for exit purposes, which need to be kept secured, should be fitted with fastenings that can be easily opened in an emergency without the use of a key, card or digital lock. In public buildings, panic bars should be fitted to doors used as emergency exits.
- Any exit door that needs to be kept fastened for security reasons should be unlocked when public/staff are on the premises. Details of the management procedure to ensure that this is achieved should be specified in the application.
- Indicate on the plan the location of all: -
 - a) Exit and directional exit signs.
 - b) Illuminated exit signs.
 - c) Maintained exit signs (permanently lit internally).
 - d) Emergency lighting.
 - e) Fire fighting equipment.
 - f) Confirmation that the compartment walls and doors on the plan are of a construction giving a fire resistance of at least ½ hour. The doors indicated SC are fitted with a positive self closing device and cupboards being kept locked shut when not in use.



KEY TO SYMBOLS

	Fire extinguisher water type	EF	Fire precautions emergency fastening		Emergency lighting self contained
	Fire extinguisher foam type	FFF	Fire precautions free from fastenings		Emergency lighting exit sign internally illuminated
	Fire extinguisher dry powder	FRG	Fire precautions fire resisting glazed element		Emergency lighting directional exit sign internally illuminated
	Fire extinguisher ABC powder	GRL	Fire precautions gaurding handrail		Fixed alarm device warning device sounder with heat detector
	Fire extinguisher vaporizing gas	HRL	Fire precautions handrail		Fixed alarm device warning device bell
	Fire extinguisher carbon dioxide gas	PB	Fire precautions pushbar door ironmongery with 'PUSH BAR TO OPEN' sign		Fixed alarm device control panel illuminated signals
	Fire extinguisher fire blanket	RS	Fire precautions roller shutter door		Fixed alarm device visual warning device
	Sand bucket	SC	Fire precautions self-closing		Fixed alarm device warning device sounder
	Fire extinguisher water bucket	SCA	Fire precautions self-closing automatic release		Fixed alarm device warning device bell/sounder
	Fixed fire fighting device hosereel	→	Fire precautions sliding door leaf		Fixed alarm device control panel sounder
	Fixed alarm device area covered by one or more Automatic Heat Detector Heads	VP	Fire precautions vision panel		Fixed alarm device control panel sounder
	Fixed alarm device area covered by one or more Automatic Smoke Detector Heads	VL	Vertical ladder		Fixed alarm device control panel sounders & illuminated signals
	Area covered by warning device sounder with smoke Detector	*	Fire precautions door, staircase & ladders not forming part of MOE		Fixed alarm device heat detector
	Area covered by warning device sounder with Heat Detector	S12	Fire safety sign fire action sign		Fixed alarm device smoke detector
	Area covered by emergency lighting.	S13	Fire safety sign fire door keep shut		Fixed alarm device optical smoke detector
	Fixed fighting device fire main dry	S14	Fire safety sign fire door keep locked		Fixed alarm device fire alarm call point manual with 'FIRE ACTION' sign
		S17	Fire safety sign Secure door open when pemises are occupied		Fixed alarm device Emergency door release override with 'RELEASE ACTION' sign
		S20	Fire safety sign fire escape keep clear		Fixed alarm device warning device sounder with smoke detector
		S22	Fire safety sign fire exit		Fixed alarm device beam detector
		←S22	Fire safety sign fire exit directional		Fixed alarm device warning device loudspeaker
		S22→	Fire safety sign fire exit directional		
		↑S22	Fire safety sign fire exit directional		
		S22↓	Fire safety sign fire exit directional		
		S40	Fire safety sign staff fire action sign		