

Fire Safety and the Licensing Act 2003

Licensed Premises and Temporary Event Notices

The following information is for guidance only. It is not a full and authoritative statement of the law and does not constitute legal advice. This guidance 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 information is for the benefit of persons applying for Premises Licences or Temporary Events Notice 'TENS' under the Licensing Act 2003. It provided guidance on how to complete the Operating Schedule with regard to Public Safety, how to produce the plan and calculate occupancy.

Operating Schedule – Public Safety

DSFRS 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 a premise 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 carrying out a fire risk assessment, as required by, and in accordance with the Regulatory Reform (Fire Safety) Order 2005. 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 a Premises Licences or Club Licences must be accompanied by a plan of the premises to which the application relates. The plan(s) must:

Although not a requirement, DSFRS recommends a scale of 1 to 100 unless a different scale is agreed by the Licensing Authority. This will enable us to process your application with no delay.

- the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises
- the location of points of access to and egress from the premises
- if different from above, the location of escape routes from the premises
- in a case where the premises is used for more than one existing licensable activity, the area within the premises used for each activity
- fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment
- in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor

- in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts
- in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms
- the location and type of any fire safety and any other safety equipment, including if applicable, marine safety equipment
- the location of a kitchen, if any, on the premises

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 the operating schedule.

Guidance

Guidance has been produced by the government and it is considered that if the minimum standards within the guidance is followed compliance with the Fire Safety Order is achieved. The available guidance is:

- Fire Safety Risk Assessment - Small to Medium Places of Assembly
<https://www.gov.uk/government/publications/fire-safety-risk-assessment-small-and-medium-places-of-assembly>
- Fire Safety Risk Assessment - Larger Places of Assembly
<https://www.gov.uk/government/publications/fire-safety-risk-assessment-large-places-of-assembly>
- Fire Safety Risk Assessment - Theatres, cinemas and similar places
<https://www.gov.uk/government/publications/fire-safety-risk-assessment-theatres-cinemas-and-similar-premises>
- Fire Safety Risk Assessment - Open air events and venues
<https://www.gov.uk/government/publications/fire-safety-risk-assessment-open-air-events-and-venues>
- Fire Safety - Approved Document B - Volume 2
<https://www.gov.uk/government/publications/fire-safety-approved-document-b>
- The Purple Guide
<https://www.thepurpleguide.co.uk/>

Fire Risk Assessment

A premises with a licence must have a written Fire Risk Assessment.

Fire safety risk assessment	
1	Identify fire hazards Identify: <ul style="list-style-type: none">• sources of ignition;• sources of fuel; and• sources of oxygen.
2	Identify people at risk Identify: <ul style="list-style-type: none">• people in and around the premises; and• people who are especially at risk.
3	Evaluate, remove or reduce, and protect from risk <ul style="list-style-type: none">• Evaluate the risk of a fire starting.• Evaluate the risk to people from a fire.• Remove or reduce fire hazards.• Remove or reduce the risks to people from a fire.• Protect people by providing fire precautions.
4	Record, plan, inform, instruct, and train <ul style="list-style-type: none">• Record any major findings and action you have taken.• Discuss and work with other responsible people.• Prepare an emergency plan.• Inform and instruct relevant people.• Provide training.
5	Review <ul style="list-style-type: none">• Review your fire-risk assessment regularly.• Make changes where necessary.
Remember to review your fire-risk assessment regularly.	

Your Fire Risk Assessment must consider:

- Maximum occupancy
- All relevant persons, including anyone living in the building.
- Any people with disabilities.

Further advice and a template can be found from the link below.

<http://www.dsfire.gov.uk/YourSafety/SafetyAtWorkandotherplaces/RiskAssessments/Index.cfm?siteCategoryId=4&T1ID=36&T2ID=58>

Safe Occupancy Guidance

With some exceptions (i.e. Off-Licences) the establishment of an acceptable occupancy capacity for licenced premises (or events) is considered to be an essential factor in achieving the licencing objective 'Public Safety'.

Providing there have been no material alterations, occupancy capacities determined under previous legislation (i.e. Public Entertainment Licence) these are unlikely to be questioned, but must form part of your Fire Risk Assessment.

For premises (or events) with no previously determined occupancy capacity, Devon and Somerset Fire and Rescue will expect it to be calculated and incorporated within the Fire Risk Assessment and Operating Schedule. **Failure to do so may result in enforcing action by DSFRS, and your Fire Risk Assessment will be considered not suitable and sufficient.**

Article 14(2) of The Regulatory Reform (Fire Safety) Order 2005 requires the licensed premises to determine their occupancy figures in the significant findings of their fire risk assessment in order to comply with 14 (2) (c)

Emergency routes and exits

14.—(1) Where necessary in order to safeguard the safety of relevant persons, the responsible person must ensure that routes to emergency exits from premises and the exits themselves are kept clear at all times.

(2) The following requirements must be complied with in respect of premises where necessary (whether due to the features of the premises, the activity carried on there, any hazard present or any other relevant circumstances) in order to safeguard the safety of relevant persons—

(c) The number, distribution and dimensions of emergency routes and exits must be adequate having regard to the use, equipment and dimensions of the premises and the maximum number of persons who may be present there at any one time;

Current guidance

Can article 14(2) be used to require for example licensed premises to determine their own occupancy figures within the significant findings of their risk assessment?

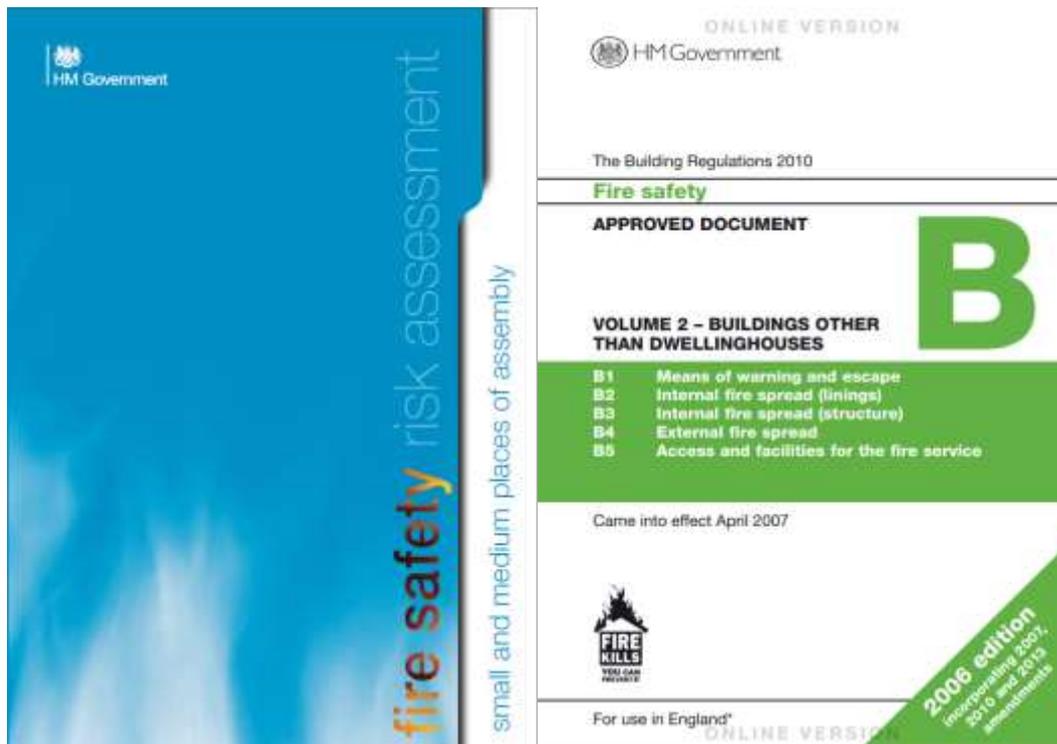
Yes, the acknowledgement of the hazards presented by licensed premises make them a good example of having to calculate occupancy figures as a part of their compliance with article 14(2)(c) in particular.

Calculating Occupancy

An occupancy capacity must be calculated based on the following criteria:

- Number of exits
- Overall floor area
- Means of escape
- Activity taking place

The method detailed in fire safety guides and Approved Document B, Volume 2 is explained in the worked example using the following information.



Number of exits

All doors on escape routes should open in the direction of escape, and ideally be fitted with a safety vision panel. This is particularly important if more than 60 people are expected to use them at any one time or they provide an exit from an area of high fire risk.

At least two exits should be provided if a room/area is to be occupied by more than 60 persons. This number of 60 can be varied in proportion to the risk, for a lower risk there can be a slight increase, for a higher risk, lower numbers of persons should be allowed.

(Fire safety risk assessment, small and medium places of assembly)

Table 3 from ADB states the minimum exits required for a number of persons.

Table 3 from Approved Document B

Table 3 Minimum number of escape routes and exits from a room, tier or storey	
Maximum number of persons	Minimum number of escape routes/exits
60	1
600	2
More than 600	3

Escape width Calculation

Overall Floor Area and Activity

In un-seated areas, foyers or bars you may estimate the maximum numbers based on a value of 0.3 to 0.5m² per person.
(small medium)

Once the floor area has been worked out in metres squared by taking the overall floor area and removing areas such as the bar and stage which public do not have access to and the remaining area is split into activity i.e. bar area and dance floor.

The floor space factors from Table C1 can be applied by dividing the stated floor space by the area.

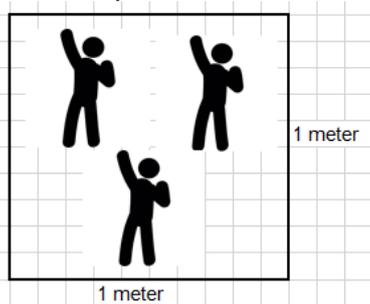
Table C1 from Approved Document B

Table C1 Floor space factors ⁽¹⁾

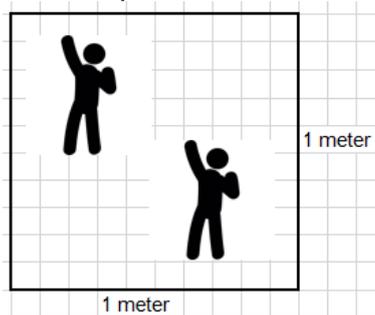
Type of accommodation ⁽²⁾⁽³⁾	Floor space factor m ² /person
1. Standing spectator areas, bar areas (within 2m of serving point) similar refreshment areas	0.3
2. Amusement arcade, assembly hall (including a general purpose place of assembly), bingo hall, club, crush hall, dance floor or hall, venue for pop concert and similar events and bar areas without fixed seating	0.5
3. Concourse, queuing area or shopping mall ⁽⁴⁾⁽⁵⁾	0.7
4. Committee room, common room, conference room, dining room, licensed betting office (public area), lounge or bar (other than in 1 above), meeting room, reading room, restaurant, staff room or waiting room ⁽⁶⁾	1.0
5. Exhibition hall or studio (film, radio, television, recording)	1.5
6. Skating rink	2.0
7. Shop sales area ⁽⁷⁾	2.0
8. Art gallery, dormitory, factory production area, museum or workshop	5.0
9. Office	6.0
10. Shop sales area ⁽⁸⁾	7.0
11. Kitchen or library	7.0
12. Bedroom or study-bedroom	8.0
13. Bed-sitting room, billiards or snooker room or hall	10.0
14. Storage and warehousing	30.0
15. Car park	Two persons per parking space

The most common floor space factors are:

- 0.3 m²/ person for within 2m of a bar area.



- 0.5 m²/ person for assembly area / dancing.



Means of Escape

When assessing the means of escape, both travel distances and exit widths should be considered.

Travel distance should be within the limits of Table 2 Small to Medium Places of Assembly.

Table 2 Small to Medium Places of Assembly

Escape routes	Suggested range of travel distance: areas with seating in rows	Suggested range of travel distance: other areas
Where more than one route is provided	20m in higher fire-risk area ¹ 32m in normal fire-risk area 45m in lower fire-risk area ²	25m in higher fire-risk area ¹ 45m in normal fire-risk area 60m in lower fire-risk area ²
Where only a single escape route is provided	10m in higher fire-risk area ¹ 15m in normal fire-risk area 18m in lower fire-risk area ²	12m in higher fire-risk area ¹ 18m in normal fire-risk area 25m in lower fire-risk area ²

Therefore the normal maximum:

- 18 meters in a single direction
- 45 meters if more than one exit route is provided.

Then the exit width should be calculated by measuring the exit doors or narrowest point of the exit route.

The following guide can be used to determine the general capacities of escape routes:

A width of at least 750mm can accommodate up to:

- 80 people in higher risk premises;
- 100 people in normal risk premises; or
- 120 people in lower risk premises.

A width of at least 1,050mm can accommodate up to:

- 160 people in higher risk premises;
- 200 people in normal risk premises; or
- 240 people in lower risk premises.

An additional 75mm should be allowed for each additional 15 persons (or part of 15). The minimum width of an escape route should ideally be 1,050mm but in any case not less than 750mm (unless it is for use by less than five people in part of your premises) and, where wheelchair users are likely to use it, not less than 900mm.

(Fire safety risk assessment, small and medium places of assembly)

Table 4 from Approved Document B

Table 4 Widths of escape routes and exits

Maximum number of persons	Minimum width mm ^{(1) (2) (3)}
60	750 ⁽⁴⁾
110	850
220	1050
More than 220	5 per person ⁽⁵⁾

Notes:

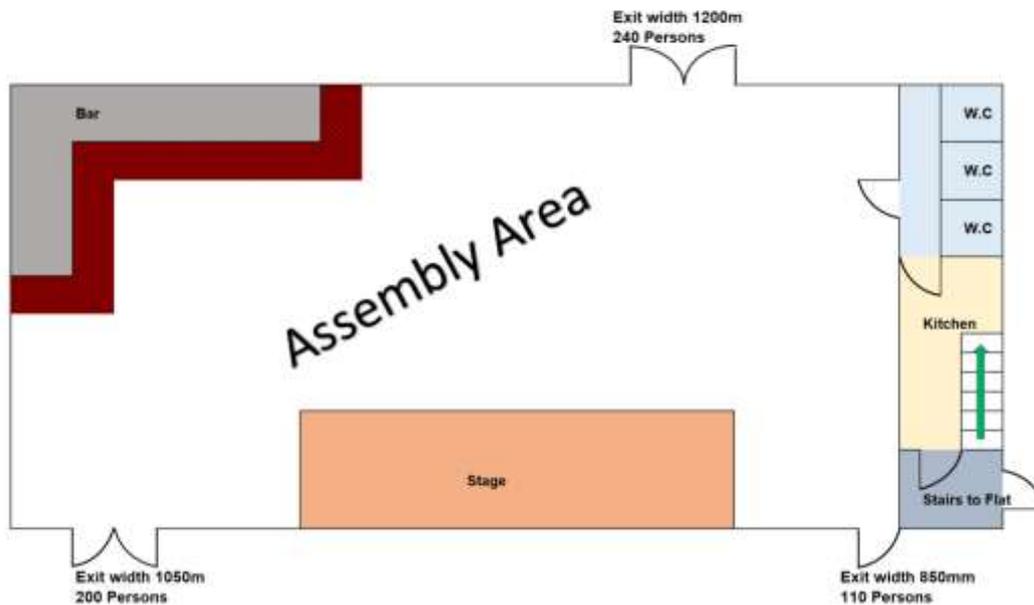
1. Refer to Appendix C on methods of measurement.
2. In order to follow the guidance in the Approved Document to Part M the widths given in the table may need to be increased.
3. Widths less than 1050mm should not be interpolated.
4. May be reduced to 530mm for gangways between fixed storage racking, other than in public areas of Purpose Group 4 (shop and commercial).
5. 5mm/person does not apply to an opening serving less than 220 persons.

Finally consider a fire obstructing your largest exit and calculate how many people can escape in these circumstances. This is your exit width calculation, compare this figure with the floor space calculation and your Safe Occupancy Capacity is the lower of these results. These calculations should be including within your Fire Risk Assessment.

Where the maximum occupancy is likely to be reached (such as 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.

Worked Example



Floor Space Occupancy Calculation

Licensed Floor Area - 22.5 m x 10 m = 225 m²

Bar and Stage = 25 m²

Leaving a usable area of 200 m²

Bar Area: 2 m x 12 m = 24 m², Therefore 24 m² / 0.3 = **80 Persons**

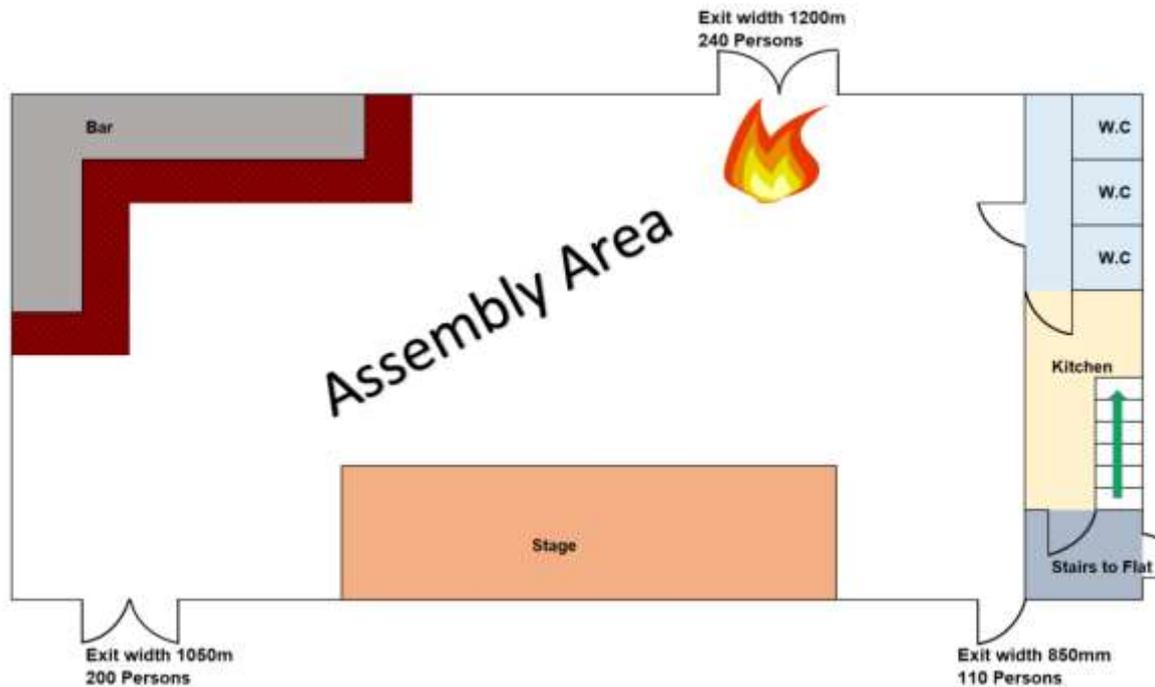
Assembly Area: 200 m² - 24 m² = 176 m², Therefore 176 m² / 0.5 = **352**

Persons

Occupancy based on floor space = **432 Persons**

Next

Calculate the exit width in worst case scenario (losing largest exit)



Exit widths: 1200mm(**240**) + 1050mm(**200**) + 850mm(**110**) = **550 people**
550 - 240 (largest exit) = **310 Persons**

Therefore:

Comparing exit width result 310 persons with floor space result 432 persons, the Maximum Safe Occupancy of Venue = **310 Persons**

Finally

- Consider your means of escape routes:
- Are they suitable?
- Easily, safely and immediately useable at all times. (i.e. not locked)
- No obstructions, trip hazards (i.e. tables and chairs)
- Lit by normal and emergency escape lights
- Assuming normal risk (most likely) can you evacuate the premises in 2.5 minutes?

You now have assessed your maximum safe occupancy.

If your premises is large and or complex, you are advised to seek specialist advice as your maximum safe occupancy may need to consider flow rates, in addition to above.

Daily checks (and/or checks before an event)

- Remove bolts, padlocks and security devices from fire exits ensure that doors on escape routes swing freely and close fully. (See Appendix B3 for more details on bolts, padlocks and security devices.)

- Check escape routes to ensure they are clear from obstructions and combustible materials, and in a good state of repair.
- Check the fire alarm panel to ensure the system is active and fully operational.
- Where practicable, visually check that emergency lighting units are in good repair and apparently working.
- Check that all safety signs and notices are legible.

Advice and Information

You can get the guides, suitable to your premises by downloading from:

<https://www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business>

Devon and Somerset Fire and Rescue Service have more information on our website

<http://www.dsfire.gov.uk>

<http://www.dsfire.gov.uk/YourSafety/SafetyAtWorkAndOtherPlaces/Licensed/Index.cfm?siteCategoryId=4&T1ID=36&T2ID=447>

References

HM Government. (2006). Fire Safety Risk Assessment – Small and Medium Places of Assembly. HMSO.

HM Government. (2013). *Approved Document B (Fire Safety) Volume 2 - Buildings other than dwellinghouses* (2006 incorporating 2007, 2010 and 2013 amendments ed.). Department for Communities and Local Government.

