Environmental Safety and Health Section of the Dudley Council are consultees when applications are received in respect of Licensable activities under the Licensing Act 2003.

The following advice relates to the two specific areas, “Protection of Public Safety” and the “Prevention of Public Nuisance.”

**Protection of Public Safety**

The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised.

Members of the public have a right to expect, when visiting licensed premises, that due consideration has been taken of their needs with respect to public safety.

This guidance is designed to assist applicants decide what should be included in their Operating Schedule for Premises with respect to addressing the Licensing Objective of Public Safety.

The Licensing Authority will have particular regard to representations from environmental health officers as well as from the Fire Service and the Police to determine if measures proposed are sufficient to ensure the safety of the public. It will not normally grant an application for a licence or variation of a licence where representations are made by one of the above mentioned bodies expressing serious concern regarding public safety, unless the applicant can demonstrate compelling reasons why the application should be approved in the light of these representations.

Queries concerning Health and Safety for most premises can be directed to Environmental Safety and Health by phone on 0300 555 2345 or by email to EnvSafetyHealth.DUE@dudley.gov.uk

Health and Safety information can be found at:


Guidance on health and safety in Council owned premises or events organised by the Council is available to council employees via:


Information on event safety can be found at:


**Fire Safety**

The Regulatory Reform (Fire Safety) Order 2005 applies to all premises.

[http://www.wmfs.net/content/regulatory-reform-fire-safety-order-2005](http://www.wmfs.net/content/regulatory-reform-fire-safety-order-2005)

Businesses are now responsible for fire safety on their premises. You are required to carry out a mandatory fire risk assessment. This legislation is enforced by West Midlands Fire Service 0845 5000 900 or email FireSafety.Admin@wmfs.net

Version April 2016
Matters To Be Addressed By The Applicant- Public Safety For All Premises:

1. Provide adequate access to the emergency services for fire fighting or rescue.

2. Provide safe access and egress of all persons, including people with disabilities, when present on the premises.

3. The condition, design and layout of the premises, including the means of escape in case of fire.

4. The number of people that can safely be accommodated at the premises having regard, in particular to floor area and means of escape.

5. The arrangements for ensuring that any capacity limit imposed is not exceeded. Applicants should also take into account arrangements for ensuring that localised overcrowding does not occur.

6. The arrangements and delegated responsibilities for calling the Emergency Services in the event of emergencies.

7. The fire-fighting equipment provided on the premises.

8. The effective ventilation of the premises so as to maintain healthy conditions.

9. The arrangements for a fire alarm warning system, and emergency lighting.

10. Provision and effective maintenance of flame-retardant upholstery, curtains, hangings and temporary decorations.


12. Provision of staff training/instructions on fire precautions and evacuation procedures in the event of fire.

13. Keeping records of safety checks, tests, examinations and fire drill instructions and accidents, and any outbreak of fire.

14. The sanitary accommodation provided and whether additional facilities are required during special events.

15. The facilities for communications with the staff, public and performers, taking into account the nature and size of the premises.

16. Ensure that any electrical installation is in good order, including those of a temporary nature, including maintenance and inspection in line with national guidelines.

17. Ensure that any gas appliances are in good order and are adequately maintained and inspected by a competent person i.e. Gassafe registered http://www.gassaferegister.co.uk/ on an annual basis.

18. The provision of adequate safety signs throughout the premises.

19. The use of special effects (e.g. foam parties, lasers, smoke generators) and the impact on public safety.
20. Measures for the appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises or event, including crowd management.

**Indoor Sports:**

1. Consider the provision of a qualified medical practitioner where boxing, wrestling, judo, karate or sports of a similar nature are taking place.

2. Consider the safety of performers and the public at boxing, wrestling judo, karate or events or sports of a similar nature.

3. Consider the provision of staff trained in rescue and life safety procedures where water sports are provided.

4. Consider any Code of Practice issued by the relevant governing body for that particular sport.

The extent to which the above matters need to be addressed will be dependent on the individual style and characteristics of the premises, proposed events and activities.

**Further guidance**

The British Beer and Pub Association have issued freely downloadable guidance in relation to “Managing Safety in Bars, Pubs and Clubs” and also linking to the HSE website to the document “Managing violence in licensed and retail premises” via the following link:

The Prevention of Public Nuisance

Licensed premises have a significant potential to impact adversely on communities through public nuisances which can arise from their operation. The Council recognises the need to prevent public nuisance to residents, visitors and other businesses from the potential consequence of the operation of licensed premises, whilst balancing the rights of licensed premises to develop their business potential.

This guidance is designed to assist applicants decide what should be included in their Operating Schedules for Premises with respect to addressing the Licensing Objective of Public Nuisance.

Queries concerning the control of noise within the premises can be directed to Environmental Safety and Health by phone on 0300 555 2345 or email EnvSafetyHealth.DUE@dudley.gov.uk

It is expected that all matters will be addressed within the Operating Schedule, even if the applicant simply explains why it is considered that certain measures are not necessary:

The absence of proper consideration of the issues listed below could result in representations being submitted to the Licensing Authority, which may delay the consideration of the application:

Matters To Be Addressed By The Applicant- Public Nuisance

Consider the steps required to prevent noise and vibration escaping from the premises including music, ventilation and refrigeration equipment and human voices. To prevent noise or vibration escaping from the premises it may be necessary to consider the following measures:

1. In premises where the structure of the building is inadequate to contain sound, a scheme of soundproofing the entertainment area and acoustically sealing openings in the external fabric (doors, windows, ventilation outlets) may be required. In other premises the structure of the building may tend to contain the noise and will only require the volume of amplification, whether by electronic means or otherwise, to be reduced and maintained at a reasonable level.

2. Doors and windows may need to be fitted with double or secondary glazing in order to improve the sound attenuation of the entertainment area.

3. Doors and windows in the entertainment area may need to be kept closed during entertainment. Where this is relied upon as a control measure, it will be necessary to ensure that alternative means of ventilation are available, e.g. air conditioning or mechanical ventilation with external openings acoustically treated.

4. Where the entertainment area opens directly onto the exterior of the premises, a sound trap lobby with double doors may be required.

5. A noise limiting device, installed, fitted and maintained in such a manner as to control all sources of amplified music, should be considered.

6. The location of all permanently fixed speakers should be considered and sited so as not to direct sound towards entrances, exits, windows, ventilation outlets or nearby residential properties.

7. Restrictions may be required on the times that certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of
recorded music could be restricted to certain times even though other licensable activities continue after this time.

8. Consider restricting the opening hours of parts of premises, e.g. garden areas and patios to ensure that nearby neighbours are not affected by customers in these areas late at night.

9. Consider the steps required to ensure patrons and staff leave quietly, particularly late at night, or in the early hours of the morning, e.g. instructing any employed door supervisors to ask patrons to leave the area quietly.

10. Erecting prominent notices at the exits to premises asking patrons to leave quietly and not slam car doors. At appropriate times, making public address announcements to the same effect.

11. When patrons need to queue in the street, consider the steps required to prevent disturbances by those in the queue; directing queues in a way that does not cause obstruction, and away from residential property.

12. In appropriate cases, door supervisors or a manager should patrol the immediate vicinity of the premises to assess for themselves whether problems exist, and if the Police are required to attend.

13. If appropriate introduce a ‘wind down’ period between the end of the licensable activities and closure of the premises

14. Consider banning people from the premises that regularly leave in a noisy or disruptive manner.

15. Consider the steps required to prevent flashing or bright lights causing a nuisance outside of the premises.

16. Consider the amount of parking and/or public transport available for patrons at certain hours of the day and night when deciding the hours of entertainment and sale of alcohol hours. Applicants should consider making arrangements with a local bus or taxi company to collect patrons from within the premises and discourage transport operators from sounding horns, slamming doors or parking outside residential properties.

17. Consider whether the granting of the licence, particularly in respect of late night refreshment establishments, would lead to increased refuse storage and disposal problems, or additional litter in the vicinity and how to deal with these issues.

18. Introduce management arrangements for the collection and disposal of litter.

19. Consider the steps required to prevent noxious smells causing a nuisance outside of the premises. Smells may arise from food preparation and cooking and from waste storage.

20. Consider the arrangements in place for the collection and disposal of waste, for example restricting the disposal of glass bottles into external receptacles late at night or in the early hours of the morning where the noise may be audible to neighbouring properties.

21. Arrangements should be in place to ensure that waste collection contractors do not collect refuse during sensitive hours when they are likely to disturb neighbours.
22. During temporary events, the Council may require that the licensee conducts regular patrols to determine the likelihood of unreasonable disturbance to any nearby residential premises. Where such a condition is imposed, the applicant will need to maintain a log of such patrols indicating the time of the patrol, any incidents and what remedial action was taken.

The extent to which the above matters need to be addressed will be dependent on the individual style and characteristics of the premises, proposed events and activities.

Further Advice

The British Beer and Pub Association have issued freely downloadable guidance entitled “Effective Management of Noise from Licensed Premises” which is available from the following link:

http://www.beerandpub.com/industry-briefings/bbpa-guidance-on-licensed-property-noise-control

There is a proviso issued by British Beer and Pub Association that no one element is likely to work in isolation and so design, technical and management systems must also be considered including physical control methods, operational issues and staff involvement.

Businesses have a statutory duty to control excess noise and failure to do so can lead to prosecution.