



LICENSING ACT 2003

Guidance to Applicants about Operating Schedules

**(See also Warwickshire Police Document
"Police guidance for Operating Schedules")**

Important Note: This guide has been prepared as a brief outline of the important changes to Licensing Law and summarises some detailed legal provisions. It is not however intended as a substitute for your own legal advice.

February 2005

OPERATING SCHEDULE GUIDELINES

The operating schedule forms part of the completed application form for a premises licence or club premises certificate and should include information which is necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote the licensing objectives are satisfactory. The requirements for the operating schedule are set out in the Act and in Regulations made by the Secretary of State and these notes are only a general guide to the process and are not intended as a substitute for your own legal advice.

As an example of the types of information required, the operating schedule should include a description of the style and character of the business to be conducted on the premises (e.g. a supermarket, or a cinema with six screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers).

Where alcohol is being sold for consumption on the premises in public houses, bars and nightclubs, it would also be valuable to know the extent to which seating is to be provided because research has shown that the amount of seating can be relevant to the prevention of crime and disorder.

It should also indicate the type of activities available on the premises, whether licensable under the 2003 Act or not, as they may give rise to issues concerning the steps needed to protect children from harm and more generally conditions which would be appropriate. An operating schedule should therefore describe, for example, the type of dancing taking place and disclose if it involves striptease or lap-dancing. Similarly, if dancing is to take place, it should be clear whether this would involve dancing by members of the public or by professional performers or both and in what setting. If music is to be provided, it is important that clear indication is given of the type of music to be provided. In the case of passenger vessels, it will also be valuable for the area within any vessel where licensable activities will be taking place to be described. This type of information is essential so that responsible authorities and interested parties can form a proper view as to what measures may be necessary to ensure public safety and prevent public nuisance.

An operating schedule must also set out the following details:

- the relevant licensable activities to be conducted on the premises;
- the times during which it is proposed that the relevant licensable activities are to take place (including the times during each day of the week, during particular holiday periods and during particular seasons, if it is likely that the times would be different during different parts of the year);
- any other times when the premises are to be open to the public;
- where the licence is required only for a limited period, that period;
- address of the individual to be specified as the designated premises supervisor;

- where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both;
- the steps which the applicant proposes to take to promote the licensing objectives.

Examples of specimen operating schedules may be viewed on the DCMS website www.culture.gov.uk .

Steps to promote the licensing objectives

In preparing an operating schedule, applicants need to be aware of the expectations of the licensing authority and the responsible authorities about the steps that are necessary for the promotion of the licensing objectives.

This does not mean that applicants must check their operating schedules with responsible authorities before submitting them, but when uncertain, the responsible authorities can provide expert advice on matters relating to the licensing objectives. For example, the best source of advice on crime prevention is the local police and on noise issues the Environmental Health Department.

In preparing an operating schedule, applicants should have regard to the Statement of Licensing Policy published by the licensing authority. All parties are expected to work together to ensure that the licensing objectives are promoted collectively, and to assist applicants this document sets out the types of things the responsible authorities will be looking for when considering whether to make representations and includes statements from the Fire Service and Trading standards about their approach. The Police have issued a separate document entitled "Police guidance for operating schedules" which should also be referred to by applicants.

The steps to be taken should be both realistic and within the control of the applicant and management of the premises. If a licence is granted with conditions attached requiring the implementation of such steps, the conditions will be enforceable in law and it will be a criminal offence to fail to comply with them. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises.

In respect of some premises, it is entirely possible that no measures will be needed to promote one or more of the licensing objectives, for example, because they are adequately dealt with by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that it is proposed to take to promote each of the licensing objectives and in particular, the protection of children from harm.

Considering applications for new and major variations of premises licences

A major variation is one that does not relate simply to a change of the name or address of someone named in the licence or an application to specify a new individual as the designated premises supervisor.

The approach taken in the Act to new applications and major variations is based on five main policy aims. These are that:

- the main purpose of the licensing regime is to promote the licensing objectives;
- applicants for premises licences or for major variations of such licences are expected to conduct a thorough risk assessment with regard to the licensing objectives when preparing their applications. This risk assessment will inform any necessary steps to be set out in an operating schedule to promote the licensing objectives;
- operating schedules, which form part of an application, should be considered by professional experts in the areas concerned, such as the police and environmental health officers, when applications for premises licences and club premises certificates are copied to them by applicants;
- local residents and businesses are free to raise relevant representations, which relate to the promotion of the licensing objectives, about the proposals contained in an application; and
- the role of the licensing authority is primarily to regulate the carrying on of the licensable activity when there are differing specific interests in those activities, to ensure that the licensing objectives are promoted in the wider interests of the community. When considering applications, licensing authorities are expected to uphold these policy aims.

When the licensing authority receives an application for a new licence or a major variation of a premises licence, it must determine whether the application has been made properly in accordance with the Act and regulations made by the Secretary of State, including whether it has been properly advertised.

Where an application has been lawfully made, and provided that no responsible authority or interested party makes a representation about the application, a hearing would not be required and the application must be granted in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions in the Act.

Accordingly, if operating schedules are prepared efficiently, often in consultation with responsible authorities, it is expected that the likelihood of hearings would be significantly reduced as the likelihood of relevant representations would be reduced.

Where a representation concerning the licensing objectives is made by a responsible authority or interested party about a proposed operating schedule the licensing authority's discretion will be engaged (although it should be noted that the licensing authority can reject representations from an interested party which are frivolous or vexatious).

A hearing will be required for the licensing authority to consider the representations, at which the parties will be invited to comment upon the representations made and if necessary, to provide clarification of their own representations. The need for a hearing can only be dispensed with by the agreement of the licensing authority, the applicant and all of the parties who made relevant representations. The hearing process must meet the requirements of regulations made by the Secretary of State and which may be viewed on the DCMS website.

The Council's Guide to the hearing process also gives further details. A responsible authority or interested party may choose to rely on their written representation which gave rise to the hearing. They may not however add further representations to those disclosed to the applicant prior to the hearing, but they may amplify their existing representation.

In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the representations (including supporting information) presented by all the parties;
- this Guidance issued by the Secretary of State;
- its own Statement of Licensing Policy; and
- the steps that are necessary to promote the licensing objectives.

After considering all the relevant issues, it is open to the licensing authority to grant the application subject to such conditions that are consistent with the operating schedule, and these can be modified to such an extent that the licensing authority considers necessary for the promotion of the licensing objectives. Any conditions so imposed must be necessary for the promotion of the licensing objectives.

There is no power for the licensing authority to attach a condition which is merely aspirational: it must be necessary. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Alternatively, the licensing authority may refuse the application on the grounds that refusal is necessary for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities.

In each section relating to the objectives a list of influencing factors on the achievement of that objective has been prepared for consideration. Due to the wide variety of premises and activities that are to be regulated the lists provided are not exhaustive. Applicants should know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.

Further, in each section, a list of possible control measures is provided, to be of assistance to applicants, but again is not intended to be an exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.

The selection of control measures, referred to above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.). Whilst the licensing authority cannot require such risk assessments to be documented, (other than where required by other legislation), it considers such documentation to be good practice. It is also a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder.

Additional measures may be necessary on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, particularly where the event is likely to attract larger audiences and/or audiences of a different nature. Reference must be made in an applicant's

operating schedule, where applicable, to such occasions and the additional measures that are planned in order to achieve the licensing objectives.

The licensing authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.

In addition, the occupancy capacity for premises, and events can be considered to be a factor in the achievement of the licensing objectives, (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). It is something that should be considered in risk assessments and addressed, where necessary, within an applicant's operating schedule. It is likely that a maximum occupancy capacity, based on the applicant's assessment within their operating schedule could be imposed as a result.

The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These include:

- the nature of the premises or event
- the nature of the licensable activities being provided
- the provision or removal of such items as temporary structures, such as a stage, or furniture
- the number of staff available to supervise customers both ordinarily and in the event of an emergency
- the age of the customers
- the attendance by customers with disabilities, or whose first language is not English
- availability of suitable and sufficient sanitary accommodation
- nature and provision of facilities for ventilation

Capacity limits for premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as door-staff, attendance clickers or maintenance of attendance records. The Council recognises that the person in charge at the premises can often readily assess the occupancy level of the premises without resort to such measures.

However, where the capacity is likely to be reached, (such as on known busy evenings) or where a special event or promotion is planned, the schedule should contain the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.

1 PREVENTION OF CRIME AND DISORDER

The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective.

Applicants will be expected to demonstrate, that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.

When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact on crime and disorder have been considered. These may include:

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour

The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises
- Training and supervision of staff
- Adoption of best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by BBPA, Security in Design published by BBPA and Drugs and Pubs, published by BBPA)
- Acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards e.g. 'Prove It' and/or 'new type' driving licences with photographs
- Provision of effective CCTV in and around premises
- Employment of Security Industry Authority licensed Door staff
- Provision of toughened or plastic drinking vessels
- Provision of secure, deposit boxes for confiscated items ('sin bins')
- Provision of litterbins and other security measures, such as lighting, outside premises
- Membership of local 'Pubwatch' schemes or similar organisations

Within the operating schedule for premises from which alcohol will be sold, a Premises Supervisor must be designated ('Designated Premises Supervisor' DPS). The Council will normally expect the DPS to have been given the day to day responsibility for running the premises by the premises licence holder, and, as such, would normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, the Council would strongly encourage the DPS to undergo additional training, and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.

2 PUBLIC SAFETY

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

When addressing the issue of public safety, an applicant must demonstrate that those factors that impact on the standards of public safety have been considered. These may include:

- the occupancy capacity of the premises
- the age, design and layout of the premises, including means of escape in the event of fire
- the nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
- the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
- customer profile (e.g. age, disability)
- the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.

The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Suitable and sufficient risk assessments
- Effective and responsible management of premises
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
- Adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide, Safety in Pubs published by the BBPA))
- Provision of effective CCTV in and around premises
- Provision of toughened or plastic drinking vessels
- Implementation of crowd management measures
- Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety

3 PREVENTION OF PUBLIC NUISANCE

Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Council wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

“Public nuisance” will be interpreted in its widest sense, and is taken to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

Applicants need to be clear that the Council will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures planned to prevent public nuisance, may be suitable for 24-hour opening.

In the case of shops, stores and supermarkets selling alcohol, the Council will normally permit the hours during which alcohol is sold to match the normal trading hours for other sales unless there are exceptional reasons relating to disturbance or disorder for not doing so.

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 prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:

- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship
- the hours of opening, particularly between 23.00 and 07.00
- the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
- the design and layout of premises and in particular the presence of noise limiting features
- the occupancy capacity of the premises
- the availability of public transport
- 'wind down period' between the end of the licensable activities and closure of the premises
- last admission time

The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly
- Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries
- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensed Property: Noise, published by BBPA)
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises
- Liaison with public transport providers
- Siting of external lighting, including security lighting
- Management arrangements for collection and disposal of litter
- Effective ventilation systems to prevent nuisance from odour

4 PROTECTION OF CHILDREN FROM HARM

The protection of children from harm is a most important issue. It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.

The general relaxation in the Licensing Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family friendly leisure. Clearly this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.

The protection of children from harm includes the protection of children from moral, psychological and physical harm and in relation to the exhibition of films, or transmission of programmes or videos, this includes the protection of children from exposure to strong language and sexual expletives. In certain circumstances children are more vulnerable and their needs will require special consideration. Examples would include topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example the unpredictability of their age and the lack of understanding of danger.

The Council considers that, on the one hand, there should be no presumption of giving children access or, on the other hand, no presumption of preventing their access to licensed premises. The Council has no intention of imposing conditions requiring the admission of children and where no licensing restriction is necessary, admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a temporary event notice.

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 protect children from harm, relevant to the individual style and characteristics of their premises and events.

Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact on harm to children have been considered. Areas that will give particular concern in respect of children include:

- where entertainment or services of an adult or sexual nature are commonly provided
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- with a known association with drug taking or dealing
- where there is a strong element of gambling on the premises, and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises
- Provision of a sufficient number of people employed or engaged to secure the protection of children from harm
- Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- Adoption of best practice guidance (Public Places Charter, The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks)
- Limitations on the hours when children may be present, in all or parts of the premises
- Limitations or exclusions by age when certain activities are taking place
- Imposition of requirements for children to be accompanied by an adult
- Acceptance of accredited 'proof of age' cards and/or 'new type' driving licences with photographs
- Measures to ensure children do not purchase, acquire or consume alcohol
- Measures to ensure children are not exposed to incidences of violence or disorder

If considered appropriate, the licensing authority may require that adult supervisors be checked for suitability to work with children.

Statement from Warwickshire Fire and Rescue Service

Warwickshire Fire and Rescue Service are committed to the principles of good enforcement as set out in the Enforcement Concordat, which was formally signed on 5 March 1998 by Central Government (Cabinet Office) - and by the Local Government Association.

Under the Licensing Act 2003 there is a clear focus on the promotion of four statutory objectives, which must now be addressed when licensing functions are undertaken. They are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

The delivery of these objectives must involve working in partnership with licensing authorities, planning authorities, environmental health and safety authorities, the police, the fire authority, crime and disorder reduction partnerships, town centre managers, local businesses, performers and their representatives, local people, local transport authorities, transport operators and those involved in child protection, to work towards the promotion of the common objectives described. In particular, it is stressed that the private sector and local residents and community groups have an equally vital role to play in partnership with public bodies, to promote the licensing objectives.

The Secretary of State for Culture, Media and Sport (DCMS), has issued guidance to secure the above objectives under Section 182 of the Licensing Act 2003 (July 2004).

Warwickshire Fire and Rescue Service embrace this document as best practice and will act as legislative consultees following its guidance.

With respect to public safety, there are also a number of key safety publications in the context of regulated entertainment which The Fire and Rescue Services will adhere to. They include:

- The Event Safety Guide - A guide to health, safety and welfare at music and similar events (HSE 1999) ("The Purple Book") ISBN 0 7176 2453 6.
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X.
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804.
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) ("The Green Guide") ISBN 0 11 300095 2.

Enforcement

Enforcement of the public safety within licensed premises by the Fire and Rescue Service will be by way of the Fire Precautions (Workplace) Regulations 1997 (as amended), however the protocol of consulting with the licensing authority where matters of public safety are involved will be followed.

In particular, the provision for the targeting of agreed problem and high risk premises which require greater attention, while providing a lighter touch in respect of low risk premises which are well run, will be established.

It is not the intention of the Fire and Rescue Service to carry out routine inspections of premises holding licenses under the 2003 Act, but to establish an inspection regime using the principle of risk assessment and targeting inspections when and if they are judged necessary.

Annexes E and F (pages 154 to 163) of the above mentioned DCMS published guidance relating to public safety, should be treated as a pool of conditions from which appropriate necessary conditions for premises licenses and club premises certificates may be drawn. It is important that they should not be treated as standard conditions and each premises needs to be considered individually.

Where notification of a new premises licence or club premises certificate application is received from the licensing authority, the Fire and Rescue Service will inspect the premises and make relevant representation in connection with any fire safety matters to the authority if required.

The Fire and Rescue Service will only recommend "Safe occupancy capacities" for the inclusion into a licence or club certificate where necessary, for the promotion of public safety.

The applicant should, however, conduct their own risk assessment as to the appropriate capacity of the premises using guidance supplied by the licensing authority as issued by the Fire and Rescue Service, to be included in their operating schedule (Appendix 1).

Where necessary, applicants may send their calculated occupancy capacity, together with relevant scale plans to the Fire and Rescue Service who will consider it and then give further guidance if required.

Annexes E and F of the published guidance sets out example conditions, which should be considered as appropriate and necessary when preparing a risk assessment to ensure necessary public safety from fire.

Public safety includes the safety of performers appearing at any premises.

APPENDIX 1

PROCEDURE FOR CALCULATING THE MAXIMUM NUMBER OF PERSONS IT IS SAFE TO HAVE RESORTING TO A LICENSED PREMISES AT ANY GIVEN TIME

Introduction

The maximum number of persons it is safe to have within a licensed premises depends on a number of factors, these include:

- the total available floor area and the use of each part thereof;
- the number of available exit doorways;
- the actual distance people would need to travel to reach the nearest fire exit doorway;
- the width of exit doorways and escape routes;
- the method of opening exit doors and the direction in which they open; and
- the number of persons likely to use each exit doorway.

To determine the maximum safe occupancy figure for a particular premises, the following step by step method should be followed:

Step 1

Calculate the available licensed area in square metres. Areas occupied by fixed seating, pool tables, stages, bar serveries, etc should be excluded from the calculation.

From this figure, an occupancy figure can be determined by allowing 1 m² per person for restaurant/dining areas and 0.5 m² per person for general drinking areas.

Add to this figure the number of fixed seats and the number of staff/performers who may be present behind bar serveries and on stage.

You now have the *'total potential occupancy'*.

Step 2

Determine the number of exits required as follows:

- | | |
|---------------------|---|
| - up to 60 persons | - one exit with a minimum clear opening width of 750 mm (the door may open inwards or outwards). |
| - 61 - 100 persons | - at least two exits the narrower of which has a minimum clear opening width of 750 mm (both exits to open outwards). |
| - 101 - 200 persons | - at least two exits the narrower of which has a minimum clear opening width of 1050 mm (both exits to open outwards). |

An alternative to having 2 x 1050 mm exits for 200 persons would be the provision of 3 x 750 mm exits.

- more than 200 persons - The Fire Service should be consulted.

Step 3

Check that each of the following conditions apply:

- Where there is only one exit available, no person should have to walk more than 18 m to reach it.
- Where there are two exits available, but there is a portion of the licensed area from which one exit has to be passed to reach the alternative (dead end), no person should have to walk more than 18 m to reach the nearest exit.
- Where there are two or more exits, they should be sited far enough apart to ensure that if one is unavailable due to fire, the other remains available. Generally speaking, this means that where there are two exits, there should be one each end of the licensed area and where there are three exits, there should be one at each end and one in the middle.
- For occupancies up to 60 persons, exit doors should be either free swing or be fitted with a single simple opening mechanism which does not require the use of a key, e.g. normal door handle or push pad device.
- Exit doors for occupancies exceeding 60 persons should be either free swing or be fitted with panic furniture which has an operating mechanism over at least 60% of the door width.
- Where an exit doorway serves two adjacent licensed areas, e.g. bar and snug both of which discharge via a draft lobby or corridor to the final exit doorway, the width of the door and corridor should be adequate for the combined occupancy of both areas.
- Where an escape route passes through corridors, alleyways or past obstructions, the narrowest part of the route should be at least equal to the required door width for the number of persons using it.
- Where seating at tables is provided, clear gangways, minimum 750 mm wide, should be maintained to facilitate evacuation.

Step 4

The Fire Service should be consulted if:

- The total potential occupancy calculated under **Step 1** exceeds 200 persons;
- The total potential occupancy calculated under **Step 1** exceeds the number and width of exits determined under **Step 2**;
- Any of the conditions under **Step 3** cannot be met.

Statement from Warwickshire Trading Standards Service

The new regime relating to the licensing of premises that sell alcohol is a good opportunity to try and tackle the issues surrounding the illegal supply to persons under 18 years of age. Warwickshire Trading Standards will wish to see specific reference to steps that prospective licensees will be taking to avoid illegal sales taking place and have made the following statement:

Illegal sales of age restricted goods.

Warwickshire County Council Trading Standards Service and the Police take a very serious view of the illegal sale of alcohol and other age-restricted goods. The Trading Standards Service will continue to seek to ensure that there are no illegal sales of alcohol and other age-restricted goods and they see the new licensing regime as potentially, an effective way of tackling this issue.

The sale of alcohol to minors is a criminal offence and Warwickshire Trading Standards Service have, over time, worked to advise the off-licensed trade in particular about how to set up systems to avoid sales taking place. Trading Standards will continue to regularly conduct covert test purchasing exercises with volunteers in response to complaints and local intelligence. Trading Standards have been successful in bringing a number of prosecutions in recent times, having particular regard to the link between alcohol and a range of crime and disorder issues, and this continues to be a concern under the new Licensing Act 2003.

The Authority will expect applicants for licences to demonstrate that they have ensured that all their frontline staff have received adequate training on the law with regard to age restricted sales and that this has been properly documented and training records kept. Ideally, suitable training material should be issued to all staff and their understanding of the material checked through appraisals and by means of a short written test. Group training sessions amongst all staff are to be encouraged in order to discuss compliance with the legislation. Records of the material issued, appraisal meetings and any tests taken must be kept on the premises in the employees personnel file and must be made available for inspection by the Licensing Officer, Trading Standards or the Police if requested. Training will need to be refreshed periodically.

The Trading Standards Service will provide an information pack to support training and all licensees must sign to acknowledge receipt of the training pack.

The Authority will expect staff training to include a basic understanding of the law and must include a requirement of checking identification (ID) for proof of age through a secure system. Ideally, ID should be a photo driving licence or passport, but other 'proof of age' cards are available – the most secure are Connexions Cards, Citizencard, Validate and The Portman card. The cards should all bear the P.A.S.S. hologram (Proof of Age Standards Scheme). Other cards must be treated with caution because some have been shown to be insecure. The Authority will expect that training for staff will also need to ensure that they are capable of challenging purchasers. Trading Standards regularly find that some employees engaged in selling alcohol are incapable of confronting and challenging the under-18s because they lack the confidence to do so and are concerned at the prospect of a dispute. Employees who are not prepared to challenge in this way are unsuitable and should not be given responsibility for selling alcohol.

Employees themselves must be over 18 years of age to sell alcohol, unless the sale is authorised by someone who is over 18. If a sale is authorised in this way, the person making the authorisation is also responsible for ensuring that the purchaser is over 18.

Licensees or employees actually engaged in selling alcohol will need to have a reasonable understanding of English in order that they are able to effectively question purchasers so that they are satisfied that they are over 18 years of age.

The Authority will actively encourage licensees to keep registers of refused sales (refusals books) where sales of alcohol and any other age-restricted goods have been refused for any reason. Keeping such records will help to demonstrate that responsibilities for checking ages of purchasers are being taken seriously. Refusals books should be kept on the licensed premises and be made available for inspection by the Licensing Officer, Trading Standards or the Police.

Particularly in premises where alcohol is not the main product sold – for example, food retailers and corner shops - the Authority will actively encourage the use of warning messages where an EPOS (electronic point of sale) system is in use. Such a warning system is of help to employees and it will prompt them to check the age of purchasers of alcohol or other age restricted products that are presented at the check out.

In relation to pubs, restaurants and clubs, the Authority will actively encourage licensees to have due regard to the guidelines issued by the National Association of Cigarette Machine Operators (NACMO). Cigarette machines should be sited in a position where they are clearly visible to members of staff so that attempted purchases by young people can be challenged.

The work of Warwickshire Trading Standards Service will continue to take place under the new Licensing regime. The Licensing Officer will take a very serious view of any transgression reported to it, whether or not a successful prosecution results, under the provisions of the Licensing Act 2003 or any other Trading Standards legislation.

If you need advice on how to avoid selling age restricted goods, Warwickshire Trading Standards Service provide a free advice service and can be contacted on 01926 414044.