

# Fire Safety Guidance Note: GN71 Guide to Applicants for Premises Licences and Club Premises Certificates under the Licensing Act 2003

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The London Fire Commissioner (the Commissioner) is the fire and rescue authority for London. The Commissioner is responsible for enforcing the Regulatory Reform (Fire Safety) Order 2005 (as amended), hereafter referenced as 'The Order', in London.

This Guidance Note provides advice on the information and standards required by the Commissioner from applicants applying for licences under the Licensing Act 2003

This Note is one of a series produced by the Fire Authority to provide advice on various aspects of fire safety. If you require any further guidance on the advice given or require advice on another topic please visit your local Fire Safety Office, telephone 020 8555 1200 and ask for the nearest Fire Safety Office, or visit the London Fire Brigade web site at <http://www.london-fire.gov.uk>.

## 1 Introduction

- 1.1 This document has been prepared by the Fire Safety Regulation Department, London Fire Brigade (LFB).
- 1.2 This guidance is intended for use by applicants for:
  - New premises licences
  - Variations to existing premises licences
  - New Club premises certificates
  - Variations to existing club premises certificates
  - Provisional statements

## 2 Role of the Fire Authority

- 2.1 Fire Authorities are designated as a 'Responsible Authority' under the Licensing Act 2003 (the Act). The London Fire Commissioner (the Commissioner) is the Fire Authority for all 32 London Boroughs and the City of London. The Act requires that applications for the above licences are copied to the Fire Authority. The aim of this consultation is to promote public safety. The Act has four statutory objectives:
  - The prevention of crime and disorder.
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 2.2 The Act was implemented whilst the Fire Precautions Act 1971 (FPA) was the primary piece of fire safety legislation. The FPA was repealed through the introduction of The Order, resulting in a number of changes to the Act. The principal change being that whilst fire authorities are a Responsible Authority, they should use their own enforcement powers through The Order where possible, rather than the Act. This does not negate the requirement under the Act for an individual or organisation to send applications for consultation to the Fire Authority. You are reminded that the Act embodies a self-regulatory approach with licensees taking control of the risks that they create.
- 2.3 From existing premises information and that provided, we will make an assessment of the fire safety provisions in relation to the public safety objective of the Act. Where we believe that this objective is not being adequately met and we cannot take action under The Order, we may make a representation about this to the Licensing Authority.
- 2.4 You are required to send the LFB:

- A copy of the Application Form including the Operating Schedule.
- Scaled plans of the premises (see below for more information).
- A copy of the Fire Risk Assessment (if completed)

2.5 In processing your submission we will:

- Check that we have sufficient information to make an assessment (Note: where insufficient or late information is supplied we may make a representation to the Licensing Authority) .
- Carry out a fire safety assessment of the application in relation to the licensing objectives.
- Where necessary, visit your premises to gather more information or carry out a fire safety audit
- Advise you and the licensing authority in writing whether we intend to make a representation or not.
- Where we are making a representation we will inform you which issues are causing us concern.
- Provide advice and guidance in order to avoid unnecessary hearings

### 3 The Fire Safety Content of your Operating Schedule

- 3.1 As part of your 'steps to promote the public safety objective' you should consider the fire safety arrangements for your premises. This will mean carrying out a thorough fire safety risk assessment. (For further information on how to carry out a fire risk assessment see our Guidance Note 66 or refer to [www.gov.uk](http://www.gov.uk)). The Order requires the responsible person to carry out a fire risk assessment and act upon the significant findings to reduce the risks from fire. Where a fire risk assessment already exists it should be reviewed to ensure that it takes account of any changes that you propose to make and also to ensure that it makes adequate provision for the safety of all the people who may be at the premises. If you haven't sent us a copy of your fire risk assessment with the application, we may ask to see your fire risk assessment and want to discuss with you any significant findings.

### 4 Safe Capacity

- 4.1 Your fire risk assessment should include an evaluation of the means of escape and the number of people that can safely be accommodated at the premises. In some premises this evaluation may show that the exits are sufficient for a greater number of people than could be present. Where a 'safe capacity' is necessary you should include this with your submission. Safe 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." Capacity should normally be inclusive with respect to staff and performers.
- 4.2 Note: In meeting the four statutory objectives of the Act (Paragraph 2.1), the capacity of the premises for licensed purposes may be less than the actual capacity of the premises allowed by a fire safety fire risk assessment.

### 5 Permitted Capacity Recommendation

- 5.1 Section 177 of the Act, which now only applies to performances of dance, and Section 177(a ) which applies to music, provides for the suspension of some licensing conditions in some smaller premises that have a 'permitted capacity' of not more than 500 persons. The Act states that the fire authority must be asked to make a recommendation on the capacity. If you wish the LFB to recommend a 'permitted capacity' you should first conduct a risk assessment and assess the capacity of your premises using an appropriate standard (see section below on underpinning

standards). You should then submit your request together with scaled plans as detailed below. We will consider your request and respond accordingly.

- 5.2 Applicants should be aware of various changes to the original Licensing Act 2003 through a variety of other Acts of Parliament and the guidance issued under the Act (Section 182 Guidance).

## **6 Scaled Plans of your Premises**

- 6.1 NB: Scale required is 1:100 (i.e. 1 centimetre = 1 metre)
- 6.2 Regulations made under the Act detail the following information that should be included on the scaled plans that must be submitted with your application:
- (a) The extent of the boundary of the building and any external and internal walls, and if different, the perimeter of the premises.
  - (b) The location of points of access to and egress from the premises.
  - (c) If different from (b) the location of escape routes from the premises.
  - (d) Where the premises are used for more than one existing licensable activity, the area within the premises used for each activity.
  - (e) Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals to use exit or escape routes without impediment.
  - (f) The location and height of any stage or raised area.
  - (g) The location of any steps, stairs, elevators, or lifts.
  - (h) The location of public conveniences.
  - (i) The location and type of any fire safety equipment, including marine safety equipment.
  - (j) The location of any kitchen
- 6.3 At the back of this guidance note (appendix B) there is a specimen plan, that shows how this information may be recorded. This plan uses well recognised, standard symbols and a key to these symbols is attached (appendix A) for your convenience. For example, the plan shows safety equipment such as fire extinguishers, fire alarm call points and automatic fire detectors, using these symbols.
- 6.4 The plan also shows some additional information:
- (i) The intended use of each room.
  - (ii) The size of the licensed area(s) (in square metres).
  - (iii) Walls, doors (including direction of opening), partitions and glazing which are fire resisting for not less than 30 minutes.
  - (iv) All exit routes, showing clear exit widths of doors, passageways, staircases and final exits.
- 6.5 Having all of your fire safety information available on one plan may assist you with your emergency planning and staff training. It will also enable the fire authority to assess your fire precautionary measures with the minimum of delay.

## 7 Underpinning Standards

- 7.1 Although each premises will be assessed on an individual basis we will use the following published guidance to provide underpinning standards:

Communities & Local Government Publications. These are available to download free of charge from: <http://www.communities.gov.uk/fire>

- Entry Level Guide: 'A short guide to making your premises safe from fire'
- Fire Safety in Small and medium places of assembly
- Fire Safety in Large places of assembly
- Fire Safety in Theatres and cinemas
- Fire Safety in Open air events and venues
- Fire Safety Risk Assessment - Means of Escape for Disabled People

Other documents:

- The Building Regulations 2000 - Approved Document B (available to download free of charge from: <http://www.planningportal.gov.uk/buildingregulations/approveddocuments/partb/bcapproveddocumentsb/>)
- Annex E & F of "Guidance issued under section 182 of the Licensing Act 2003" (available to download free of charge from: [http://www.culture.gov.uk/reference\\_library/publications/3667.aspx](http://www.culture.gov.uk/reference_library/publications/3667.aspx))
- Appropriate British & European Standards e.g. BS 5839 and BS EN3

- 7.2 Each area requiring the provision of emergency lighting to assist escape in case of normal lighting failure, should be indicated on the plan using the appropriate symbols. Lighting design and installation should normally conform to BS 5266, and be installed by a competent person, preferably with third party accreditation.
- 7.3 Fire alarm systems should normally conform to the current edition of BS 5839, with consideration made for prevention of false alarms, and appropriate provision based on your fire risk assessment and the nature of the entertainment, e.g. visual indicators, phased systems and any links to disable sound systems. Installation should be made by a competent person, preferably with third party accreditation.
- 7.4 Fire-fighting equipment provided should normally conform to BSEN 3 or equivalent relevant standards. (Fire Safety Guidance Note 8: Hand held portable fire-fighting equipment, gives further guidance).
- 7.5 All necessary fire related signs and notices should normally conform to the Health and Safety (Safety Signs & Signals) Regulations 1996 or BS 5499.

## 8 PEOPLE with disabilities

- 8.1 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 Regulation 88300 or BS 9999 have been satisfied. The fire risk assessment should demonstrate suitable and sufficient arrangements for the safety of persons with disabilities in the event of a fire emergency. The Equality Act 2010, requires reasonable physical adjustments to physical features that make it unreasonably difficult for persons with disabilities to use a service.

## **9 Large Temporary Events**

- 9.1 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. The LFB can also provide pre-application fire safety advice to event organisers.

## **10 Our Risk Based Inspection & Enforcement Programme**

- 10.1 Our intention is to focus our inspection and enforcement activities where the risks to people are greatest. To achieve this we will:
- Risk grade individual premises to identify higher and lower risks
  - Inspect higher risk premises more frequently
  - Target enforcement activity at known higher risk premises
  - Use enforcement action under fire safety laws in parallel with action under the Licensing Act
  - Where permitted we will share information on problem premises with other authorities

## **11 Residential Accommodation in Licensed Buildings**

- 11.1 Whilst the new licensing regime relates only to the areas in your premises that are used for licensable activities, in some cases the greatest risk to life will be found in associated sleeping accommodation. You should take the opportunity to reassess these risks and consider:
- Where could a fire start and how will it effect anyone sleeping in the premises?
  - How will they be alerted to a fire? Would automatic fire detection reduce the risks?
  - How will they make their escape once alerted? Is there adequate protection and emergency escape lighting to the means of escape routes?
- 11.2 The exact legal position is dependant upon the nature of the risks and also the relationship between the responsible person and the people using the sleeping accommodation. Where the Commissioners' officers visit premises they will assess the risks to everyone and take any appropriate action including:
- Enforcement action under fire safety laws that we enforce.
  - Passing information to other authorities that enforce relevant legislation i.e. Housing Act

## **12 Other Legislation**

- 12.1 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.
- 12.2 The Responsible Person must comply with the requirements of The Order when preparing their fire risk assessment. Further guidance relating to fire precautions in licensed premises can be obtained by referral to the relevant organisations detailed in the bibliography below:

## 13 Bibliography

Detailed guidance on the various standards referred to in this guidance note may be obtained from the following bibliography. You can also obtain fire safety advice on other subjects by visiting the London Fire Brigade's website at [www.london-fire.gov.uk](http://www.london-fire.gov.uk).

The publications can be obtained from the following addresses:-

AVAILABLE FROM	TITLE
<p>The Stationery Office (Mail, Telephone, Fax &amp; Internet Orders)</p> <p>TSO Orders/Post Cash Dept. PO Box 29 Norwich NR3 1GN</p> <p>Telephone: 0870 600 5522 Fax orders: 0870 600 5533 Web: <a href="http://www.tso.co.uk">www.tso.co.uk</a></p>	<p>Entry Level Guide: 'A short guide to making your premises safe from fire'</p> <p>Fire safety in small and medium places of assembly ISBN-13: 978 1 85112 820 4</p> <p>Fire safety in large places of assembly ISBN-13: 978 1 85112 821 1</p> <p>Fire safety in theatres and cinemas ISBN-13: 978 1 85112 822 8</p> <p>Fire Safety Risk Assessment - Means of Escape for Disabled People ISBN: 978 1 85112 873 7</p>
<p>HSE Publications: <a href="http://www.hse.gov.uk/">http://www.hse.gov.uk/</a></p> <p>HSE Books PO Box 1999 Sudbury Suffolk CO10 0JY</p> <p>Telephone: 01787 884148</p>	<p>1. Five steps to risk assessment</p> <p>2. The event safety guide</p>
<p>Association of British Theatre Technicians/LDSA Publications are available from the ABTT website: <a href="http://www.abtt.org.uk/pages/home/homeframes.html">http://www.abtt.org.uk/pages/home/homeframes.html</a></p> <p><b>OR</b></p> <p>ABTT 55 Farringdon Road London EC1M 3JB</p> <p>Telephone: 0207 242 9200</p>	<p>1. The Model National Standard Conditions for Places of Entertainment and Associated Guidance</p> <p>2. Technical Standards for Places of Entertainment</p>

<p>BSI Shop</p> <p>Online:  <a href="http://shop.bsigroup.com/">http://shop.bsigroup.com/</a></p> <p>Offline &amp; enquiries:</p> <p>Email: <a href="mailto:cservices@bsigroup.com">cservices@bsigroup.com</a>  Tel: +44 845 086 9001  Fax: +44 20 8996 7001</p> <p>BSI Customer Services  389 Chiswick High Road  London  W4 4AL</p>	<p>BS 8300 - Design of buildings and their approaches to meet the needs of disabled people. Code of practice</p> <p>BS 9999 - Code of practice for fire safety in the design, management and use of buildings</p>
<p><a href="#">Planning Portal</a></p> <p>Online government website:  <a href="http://www.planningportal.gov.uk/">http://www.planningportal.gov.uk/</a></p>	<p>Approved Document M (Access to and use of buildings) - Volume 1: Dwellings – free to download</p>

The above publications are current at the time of preparation of this Guidance Note (see date in footer).

## **Making London the Safest Global City**



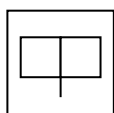
## Key to Plan Symbols

### Means of escape and equipment

All doors, walls, partitions, screens and glazing shown in: -

- (a) Thick black line, or
- (b) Thick black broken line, or
- (c) Red

on plan are to comply with the definition of FIRE RESISTING.



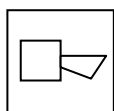
**SL**

Fire Alarm Call Point with Fire Action Sign adjacent, the contents of which should be based on the Fire Safety and Evacuation Plan for the premises.

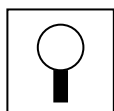
Security Lock (Door, which may be provided with special fastening as described on plan).

**FFF**

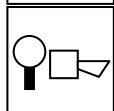
Doors which are to be free from all fastenings (other than a ball or roller fastening or a lever handled latch). This is to ensure that the door is always available for escape from either side.



Control panel sounders.



Control panel illuminated signals .



Control panel sounders and illuminated signals.

**SCA**

Self-closing door incorporating an automatic release e.g., Electro Magnetic Door Holder.

**PB**

Doors which are to be provided with a panic bolt. There should be a notice adjacent to the fastening indicating the method of opening (minimum 5mm lettering).

**SF**

Doors that have only a simple fastening which is easily and immediately openable by a person on his/her way out without use of a key, e.g., barrel bolts, night latch, lever handle, etc.

**TP**

Fire Alarm Telephone point.

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VP

A panel of clear glass in the door or adjacent partition shown on plan. It should be of an appropriate size and in a suitable position which gives the occupant of the inner room early visual warning of fire. This glass should be Fire Resisting if the door or partition is shown as such.

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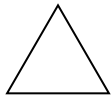
S

Door assembly, which is able to resist the passage of smoke when, tested in accordance with the British Standard in force at the date of manufacture.

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## Fire fighting equipment

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Fire Extinguisher: e.g. 13A or 34B. Number indicates the extinguishing capability and the letter indicates the class of fire that the extinguisher is suitable for. For further information see our guidance note GN\_08.

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Aqueous Film Forming Foam Extinguisher

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Water Fire Extinguisher

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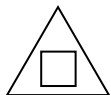
Fire Blanket in container

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Carbon Dioxide Fire Extinguisher

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Dry Powder Extinguisher

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Foam Fire Extinguisher

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Hydraulic hose reel. A number following this symbol indicates the length of the tubing in metres.

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Sand Bucket

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Area covered by Fixed Fire Extinguisher installation (i.e. Co2)

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Area covered by Automatic Sprinkler installation.

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All firefighting equipment should be so placed as to be readily available for use. They should be mounted on brackets or suitable shelves in conspicuous positions so that the carrying handles of the larger heavier extinguishers are approximately 1m from the floor, and the handles of the smaller fire extinguishers/base of fire blankets are approximately 1.5m from the floor.

## Other codes

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Area covered with a system of Escape Lighting that will illuminate the area upon failure of the normal lighting power supply, to a sufficient standard to enable persons to leave the area safely. The escape lighting system should conform to the British Standard current at the time of its installation and a certificate to this effect kept.



Refuge Area temporary assembly point for those persons of impaired mobility, e.g.: wheelchair users, who are unable to independently reach a final exit. BS5588, pt8, Section 8 refers. Refuge areas should be a minimum of 900mm X 1400mm.



Area covered by Automatic Heat Detectors



Area covered by Automatic Smoke Detectors

**PR**

Area covered by Pressurisation system

**MSE**

Area covered by Mechanical Smoke Extraction

**NSE**

Area covered by Natural Smoke Extraction

**POC**

Pressurisation Override Control

# Notices

**S22**

Boxes like this indicate signs. The following codes show the wording displayed on the notices.

All notices should normally conform to the British Standard for signs which is current at the date of installation and the minimum size of lettering is as indicated below unless otherwise shown adjacent to the code on plan.

**S22**



## Additional Notes

Directional arrow.

Notice suspended above head height at right angles to the escape route with the graphic symbol on the approach side.

**S22**

S

As above but with the graphic symbol on both sides of the notice.

**S22**

**S22**



Indicates that the notice is internally illuminated.

**S22**

Fire exit, exit or emergency exit notice graphic symbol.

## Minimum size of lettering

**S23**

Slide to open (with arrow indicating direction). 25 mm

**S20**

Fire escape keep clear. 25 mm

**S19**

Gangway keep clear. 25 mm

**S17**

Secure door open when premises are occupied. 25 mm

**S8**

Highly flammable material - keep locked. 25 mm

**S2**

No smoking. 25 mm

**S13**

Fire door keep shut. 5mm

**S14**

Fire door keep locked. 5mm

SPECIMEN PLAN SCALE 1:100

