

From: Ewen Macgregor
Sent: 15 December 2021 12:46
To: Barrett Daliah <Daliah.Barrett@haringey.gov.uk>
Subject: ARCHIVES - Proposed Condition
Importance: High

Daliah

Thank you for your time last night and your continued support.

We do not wish to appear unreasonable in our efforts to reach agreement with the Building Control Officer which, I hope, is clear from the discussions that we have had. I have sent a further email to Pierre and left another telephone message for him to call me back. At the moment I have had no response.

I have also taken some advice on the Technical Standards to which your building control officer refers

The aim of the Guidance is "to cover all areas and, where there might seem to be a conflict of interpretation between different legal requirements or between guidance in support of legislation, to offer a good practice solution"

The recommendations of the technical standards at A1.01 state that "The *Technical Standards for Places of Entertainment* provide **guidance** (our emphasis) for all places providing entertainment, whether regulated and/or licensed.

It then goes on to state

A1.03 The accompanying Recommendations supporting the Technical Conditions in A2 are based on current best practice and will serve as **guidance** both to responsible authorities and to designers, licensees and prospective licensees and managers. It is intended that the Recommendations will be revised in the light of continuing experience and new developments.

A1.04 Licensees and prospective licensees, their designers and managers are advised to study the Commentaries and Recommendations as well as the Technical Conditions in A2. It is important that the Commentaries and Recommendations are taken together as an overall guide to good practice. The Recommendations offer **guidance** that will apply in the majority of cases. They are based on a risk assessment philosophy.

And then at A1.05

"It should be noted that compliance with the Recommendations is not mandatory. In individual instances the guidance given in a particular Recommendation may well be not appropriate; a designer or producer may provide different solutions that are better suited to the particular premises. Where the premises may only occasionally be used for entertainment, lower standards or alternative solutions may be acceptable provided it can be seen that the result is adequate for the premises and event."

In so far as the specific points raised in the representation from Building Control are concerned:

1. Walls not shown to have a class 0 surface spread of flame.
2. Details of fireproof furnishings not provided.
3. No details of floor coverings and underlays provided to show compliance with British Standard BS5438-1989 and tested to BS 4790 or Class 0.

4. No details provided to demonstrate that all fabrics, curtains, drapes and similar features in the main areas are either be non-combustible or be of durably or inherently flame retardant fabric.
5. No details provided showing that any fabrics used in escape routes, other than foyers, entertainment areas or function rooms, are non-combustible.
6. No details of Input or output ventilation provided.
7. No heating provision details have been submitted.
8. Details of the electrical installation including cabling type and protection, have not been provided. No management lighting details have been provided.
9. Insufficient sanitary accommodation shown. The requirement from the Technical Standards for Places of Entertainments are as follows;
 - Ground floor (1600 capacity);
 - 33 female WC, 7 male WC, 16 Urinals, 33 female wash hand basins, 9 male wash hand basins, Disposal units for sanitary dressing in each female wc cubicle. At
 - least one bucket/cleaner's sink not shown per block of toilets

the advice that we have received is that points 1 – 5 would be included within a Fire Risk Assessment as required by the Regulatory Reform Order, and as such not appropriate for these to be covered by a condition on the premises licence, which would simply duplicate the statutory obligation my client is under.

Points 6-8 (arguably not issues for a licensing committee) would again normally be picked up under the Building Regulations Process. As you are aware our client has appointed an approved inspector in so far as the Building Regulation process is concerned. A "works condition" has been offered to deal with this

In so far as 9 is concerned, whilst my client disputes the basis on which the calculation is made if the lavatory provision is deficient in any way the capacity of the premises will be adjusted accordingly (or additional lavatory provision will be provided).

I know that you are (and the licensing committee will be) alive to the fact that licensing should not duplicate other regulations or legislation (this is made clear in the s.182 National Guidance and in the Licensing Policy of the Authority), given all of the above, my client is happy to offer the following by way of an undertaking (or if felt appropriate although would caution against this given the duplication point and the fact that the Technical Standards are simply Guidance) the following:

- The premises licence holder will have regard to the Guidance as set out in Technical Standards for Places of Entertainment in the development of the Premises and, in particular, the points raised in the representation of the Building Control Officer

Could you seek instructions on this please from the Building Control Officer – if you want me to raise with him directly then I am happy to do so. If his is not acceptable could I ask that the Building Control Officer comes back with a suggested amendment to this for my client to consider.

I am meeting with my client today at 5pm and it would be helpful to know by then if an agreement has been reached.

I look forward to hearing from you.

With best wishes

Ewen Macgregor
Partner
For TLT LLP

The "Plan B" Entry to Venues and Events Regulation came in to force at 6am on the 15 December. A copy of the Regulations can be found [here](#)

The Guidance that supports the regulations can be found [here](#)

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