

PUBLIC ENTERTAINMENT CONDITIONS

CLASS A - Conditions applying to all premises licensed for public entertainment:-

1. The licensee shall effect and maintain a Public Liability Insurance Policy to the satisfaction of the Scottish Borders Council and shall exhibit on demand the policy and renewal receipts to the Scottish Borders Council.
2. Firefighting equipment appropriate to the risk shall be provided and maintained in good working order and condition on or at the premises licensed, all to the satisfaction of the Firemaster. All firefighting equipment shall be maintained unobstructed and available for immediate use. On discovery of a fire or where a fire is suspected, the licensee or his nominee shall immediately inform the Fire Brigade by dialling 999. All recommendations by the Firemaster shall be fully implemented.
3. The number of persons admitted to the premises shall be strictly controlled to ensure that the premises do not become overcrowded in a manner likely to endanger the safety or unduly interfere with the comfort of persons admitted to the premises.
4. The licensee shall maintain good order and standards of decency in the premises and shall not by himself/herself or his/her employees, agents or representatives permit or allow any person in a state of intoxication or any prostitute or person of bad character to be admitted to or remain in the premises.
5. Nothing shall be permitted, represented, recited or sung in the premises which is licentious or indecent or likely to produce panic, riot, tumult, breach of the peace or other disorder.
6. Where relevant, all food safety legislation shall be complied with.
7. All amplified music and speech shall be controlled in such a manner so as not to cause a nuisance and, without prejudice to the foregoing generality, the licensee must comply with the terms of the Control of Pollution Act, 1974 so far as these relate to the emission of noise.
8. The licensee shall display this licence, together with the conditions pertaining thereto, in the premises, to be easily seen and read by members of the public using the premises.
9. The licensee shall comply with all statutory provisions applying to the premises or his/her use thereof.
10. No exhibitions to which the Hypnotism Act, 1952 applies shall take place unless the following conditions have been complied with:-
 - (a) A detailed description of the proposed exhibition (including copies of any poster, advertisements or programmes) shall be furnished to the Council not less than fourteen days before the date on which the exhibition is to be given and if the Council notify the licensee in writing of any objection to anything contained in that description, such matter shall not thereafter be included in the exhibition.
 - (b) The exhibition shall conform to the description submitted to the Council unless the Council have, in writing, required or expressly authorised a modification.
 - (c) Any modification in the exhibition subsequently required by the Council shall be made immediately upon notice thereof being given in writing by the Council to the licensee.
 - (d) No inducements shall be offered to members of the public to subject themselves to the influence of the hypnotist.
 - (e) No person shall be caused while under the influence of hypnotism to say or do anything offensive to the public.
 - (f) No person shall be subjected to any hypnotic act or process or suggestion which shall influence or control that person's future behaviour on any occasion following the exhibition.
 - (g) No poster, advertisement or programme relating to the exhibition shall be displayed, sold or supplied by or on behalf of the licensee either at their premises or elsewhere which is likely to be injurious to morality or otherwise offensive to public feeling. If the Council notify to the licensee, in writing, an objection to a poster, advertisement or programme so displayed, sold

- or supplied that poster; advertisement or programme shall not thereafter be displayed, sold or supplied.
- (h) Every poster, advertisement or programme relating to the exhibition displayed, sold or supplied at the premises shall draw attention in a clear and legible manner to the prohibition of the hypnotising of persons under the age of eighteen imposed by Section 3 of the Hypnotism Act, 1952.

CLASS B: - Conditions applying to large permanent premises:-

1. The licensee or a responsible or suitable person, who shall be nominated and intimated by the licensee to the Council in writing and who shall be responsible for the day-to-day running of the premises licensed, shall be in charge of and present at the premises at all times when the premises are open to the public. There shall always be a sufficient number of competent attendants on duty on the premises when the premises are open to the public. The person responsible for the day-to-day running of the premises shall not be engaged in any duties which will prevent, prohibit or unduly hinder him from exercising general supervision over the premises.
2. The licensee shall allot definite duties to be undertaken in the event of fire or panic to a sufficient number of employees. A legible statement of such duties shall be posted in conspicuous positions within the premises. The licensee shall comply with any directions made by the Firemaster to be followed in the event of fire.
3. The licensee shall ensure that there is a fire routine procedure for the premises approved by the Firemaster. This procedure shall include adequate measures for the protection of children under the age of sixteen and for handicapped persons. The licensee shall be responsible for ensuring that all stewards and attendants have been instructed in the fire routine procedure for the premises and of their duties in the event of fire.
4. No fire extinguisher or other appliance shall be removed from the premises, nor any change, alteration, substitution or deletion of or to any of the said appliances shall be made except with the permission of the Firemaster who shall have power to direct what appliances must be provided and in which locations in place of any appliances proposed to be removed.
5. The general layout and arrangement of the premises shall be such as the Firemaster shall consider satisfactory to allow and permit the safe and orderly evacuation of the premises in the event of fire. All approaches, staircases and passageways shall be kept entirely free from obstruction; no seat or other obstruction shall be placed in any of the gangways or passageways of the premises and no person shall be allowed to stand in any gangways or passageways when the premises are open to the public. All doors and barriers shall open outwards to the satisfaction of the Firemaster and shall not be fastened or locked except by emergency bolts when the premises are open to the public. All exit doors shall be indicated by a fixed lighted transparency bearing the word "EXIT" in letters not less than 100 millimetres high. Illumination of the said transparency shall be by a separate system of lighting from that used to illuminate the premises.
6. Any stage or platform or auditorium and all passages, staircases and other parts of the premises to which the public are admitted shall be lit to the satisfaction of the Firemaster. Where the illuminant is electric light a maintained separate system of secondary lighting shall also be provided and kept lit throughout the building during the whole time that the premises are open to the public.
7. The electrical installation of the premises shall always be maintained in good and safe working condition to the satisfaction of the Firemaster. No alterations or additions to the electrical installation of the premises shall be made without notice in writing being given to the Council and no such altered installation shall be used until it has been approved, in writing, by the Council.
8. No temporary lighting installation shall be used in any part of the premises without the consent in writing therefor from the Council. All temporary connections to the permanent electrical installation in the premises shall be disconnected immediately after each performance in which they are used.
9. Lasers or similar devices shall not be used except:
 - (a) on application being made in writing to the Council at least twenty-one days prior to the first use of the lasers or devices;
 - (b) on the Council granting the said application and the licensee complying with all conditions specified in said grant; and
 - (c) on the Council being satisfied as to the safe installation and operation of such lasers and devices.

10. The premises shall be constructed and maintained in such a way as to minimise any risk of fire. Any decorative surface finishing, including any fabric, shall be either non-combustible, inherently non-flammable or flameproofed. Any decorative feature or decoration whether fixed, permanent or temporary shall be of such material as would be permitted for wall or ceiling lining. All scenery, curtains, drapes and fabrics in the premises shall be rendered and maintained flame-resistant or flame-retardant. The use of stage and sound effects including naked flames, blazers, smoke bombs, smoke generators, flash powder, flash boxes and detonators is not permitted except with the prior approval of the Firemaster.
11. All upholstered furniture shall, or shall be treated to, be resistant to ignition from Ignition Source 5 as specified in British Standard 5852, Part 2, 1982.
12. All gas taps in the premises shall be guarded or secret and out of reach of members of the public admitted to the premises. All electrical lighting switches to public areas shall be made inaccessible to members of the public whether by way of key type switches or otherwise to the satisfaction of the Council.
13. All parts of the premises shall be kept properly and sufficiently ventilated and heated to the satisfaction of the Council. Temporary or moveable forms of heating appliances shall not be used without the approval, in writing, of the Firemaster.
14. Cloakroom and sanitary accommodation for each sex shall be provided to the satisfaction of the Council.
15. No alteration, whether temporary or otherwise, shall be made to the structure, fixed or permanent decorative features, seating arrangements or exits of the premises without the authority, in writing, of the Council.
16. The maximum number of persons to be admitted to the premises at any one time where used for public entertainment shall be in accordance with any seating plans or numbers for dancing approved from time-to-time by the Council.
17. The premises licensed must be and remain structurally sound and shall not present any danger to persons frequenting the premises. It is understood that no enquiry has been made by the Council prior to the issue of this licence as to the structural stability or suitability of the premises but there is reserved to the Council power at any time during the currency of this licence to require the licensee to provide such evidence of the structural soundness of the premises as the Council may require.

CLASS C - Conditions applying to small permanent premises:

1. There shall be in operation at the premises at all times during the currency of this licence an effective and adequate means for giving warning to persons frequenting the premises in the event of fire, all to the satisfaction of the Firemaster.
2. The general layout and arrangement of the premises and the fittings therein shall be such as the Firemaster shall consider satisfactory to permit the safe, orderly and effective evacuation of the premises in the event of fire. The premises shall be so managed so as not to permit any obstruction of or interference with any door, passage or gangway giving exit from the premises, all to the satisfaction of the Firemaster. All exits must be indicated to the satisfaction of the Firemaster.
3. Any curtains, scenery fabric or furnishings in the premises shall be rendered and maintained flame-resistant or flame-retardant, all to the satisfaction of the Firemaster.
4. Any temporary electrical installation is to be carried out by or under the supervision of a competent electrician and they be asked to provide some form of cut-out device to be in operation at all times during public performances using electric or electronic instruments.
5. The premises licensed must be and remain structurally sound and shall not present any danger to persons frequenting the premises. It is understood that no enquiry has been made by the Council prior to the issue of this licence as to the structural stability or suitability of the premises but there is reserved to the Council power at any time during the currency of this licence to require the licensee to provide such evidence of the structural soundness of the premises as the Council may require.

CLASS D - Conditions applying to temporary premises:-

1. The licensee in respect of premises used as a fun fair must exhibit to the Council a valid Test Certificate issued by or on behalf of the licensee's Insurers certifying that each item of passenger carrying equipment has been tested and is insured.
2. The licensee of premises used for fun fairs or for circuses shall ensure that the area used for such purpose is accessible to the Fire Brigade and Police Force and does not present any risk of interference with or danger to the public from overhead or overground and underground power cables.
3. All approaches, passages, alleys and gaps between stalls at any fun fair shall be kept entirely free from obstruction and shall be of such arrangement, width and pattern as may be approved by the Firemaster.
4. Any stage, platform, circus ring or element in a fun fair to which the public are admitted shall be lit to the satisfaction of the Firemaster and where the illuminant is electric light a separate system of lighting shall also be provided and kept lit throughout the whole time that the premises are open to the public.
5. Any temporary electrical installation is to be carried out by or under the supervision of a competent electrician.
6. At any fun fair where goldfish are given as prizes, the licensee shall keep the fish in suitable containers used for display purposes only. Fish shall be passed to a successful competitor housed in a suitable container of not less than 4½ " diameter. Polythene bags may be used for this purpose only and shall not be used for display or storage of fish. With each fish a licensee shall give a pamphlet setting forth advice on the care and feeding of goldfish which pamphlets are available from the S.S.P.C.A., 19 Melville Street, Edinburgh, 3. No globe or container into which a competitor may throw balls, coins or other articles shall contain fish.