

LEGISLATION AFFECTING COMMUNITY HALLS

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This leaflet has been written to give community hall committee's basic direction on legislation which may affect the way they operate. It is not meant to be the last word and if you feel you need to know more please contact the organisation listed at the end of each section.

Liquor Licensing

Under the Sale of Liquor Act, whenever liquor is to be sold - whether over the bar, by means of a ticket system or included in the cost of pre-sold tickets - a special licence is required.

It is important to note that it is up to the person or group selling the liquor to obtain the special licence **NOT** those who run the hall.

Organisers of a function where liquor is to be sold should ask the custodian or committee for permission to sell liquor before they apply for the licence. The committee also needs to have a clear policy on the sale or supply of liquor and make that policy clear to prospective hirers.

It is in the interests of the hall committee to make sure any hirer who is planning to sell liquor has a licence and is putting in place measures for adequate control. A basic knowledge of the rules governing Special Licences would also be useful.

How do prospective hall users apply for a Special Licence?

Applications for Special Licences have to be made at least 10 days before the event. Special Licence application forms are available from the Dunedin City Council Customer Services Agency, 50 The Octagon, Dunedin (ph 477-4000) or from any DCC agency.

Several criteria are considered by the Police and Licensing Inspector:

- i) The nature of the application
- ii) The suitability of the applicant
- iii) The hours of operation for which the special licence is sought
- iv) Compliance of the premises with relevant legislation such as hygiene standards
- v) Provision of food and non-alcoholic drinks
- vi) The responsibility/adequacy of the management of the function
- vii) Any special conditions/circumstances which should be taken into account.

If you would like more information on Special Licences, brochures and other information are available from the DCC.

Health and Safety in Employment Act 1992

For the most part the provisions of the Health and Safety in Employment Act 1992 don't impact greatly on hall committees, but it is important to be aware that there may be situations when it could affect you, for example if you have a contractor coming on the site to carry out work.

Under the Act you are classed a "principal" if you engage any person (other than an employee) to do any work for gain or reward. The Health and Safety Act 1992 requires principals to take all practicable steps to ensure that contractors, subcontractors and their employees are not harmed while on site.

Just what those steps are will depend on the size and nature of the proposed contract. For example the steps you take when an electrician comes in to repair a couple of light fittings will be considerably different than those required if you are having major building alterations done.

Guidelines

These are only general guidelines to alert you to your basic obligations and further advice can be obtained from the Department of Labour's Occupational Safety and Health Service (OSH).

As a principal the requirement for "all practicable steps" can be divided into three areas:

i) Contractor Selection. You need to select a contractor who will carry out the work in a safe and healthy manner. Look for a well-established and competent contractor who is qualified or registered for that type of work. For larger contracts they should be able to provide you with a plan identifying any hazards and outlining how they will manage health and safety issues during the contract.

ii) Information Sharing. Both parties should share information, for example:

- known hazards on the site
- hazards the contractor is bringing onto the site (e.g. fumes from chemicals, noise, dust etc.)
- safety provisions for other people who may be affected by the work, including the public
- restricted areas
- nominated contact persons for both the principal and contractor.

iii) Monitoring Contractor's Performance. You need to take steps to monitor the way the contract work is being undertaken so that safety concerns are raised before accidents or incidents occur.

If you want more information or want to check on your obligations before a contract begins, you can contact OSH in Dunedin by phone (03)455-0855, fax (03)455-6680 or you can look at their website on www.osh.dol.govt.nz .

Noise Control

Noise control is governed by the Resource Management Act which requires you to ensure that noise from your property is kept to a "reasonable" level. Although there is no clear definition of what is "reasonable", it's generally considered to mean that noise should not be audible beyond your property boundary.

In terms of community halls noise control will generally involve what is termed "excessive noise". This is noise which is generally under human control and defined as noise being of "such a nature as to unreasonably interfere with the peace, comfort and convenience" of any person. Loud party and stereo noise are by far the most common complaints. However complaints can also extend to noise outside the premises with people coming and going and slamming car doors etc.

Hall committees have at least a moral responsibility to ensure they are hiring out the premises to someone who is responsible, for a purpose that is not going to be a nuisance to neighbours. For example an 8pm to 8am all night rave would not be appropriate for a hall in a residential area.

The owners of a hall can be held responsible if available legal channels are followed through. The best approach is to avoid this situation by checking that you are hiring the premises to a responsible person, as well as finding out details of what is planned and what time the function will end. You may need to set down conditions for the use of the hall in terms of noise and hours.

Further information is available from Environmental Health staff who can be contacted at the Dunedin City Council on 477-4000.

Food Regulations

The Food Hygiene Regulations 1974 come into play if individuals or groups hiring your hall plan to prepare and cook food in your kitchen. If they only plan to bring in food prepared elsewhere and heat it up or serve it out the regulations do not apply.

If you do want your kitchen to be used for food preparation then it will have to meet the requirements of the Food Hygiene Regulations, although it won't have to be licensed in the way a commercial kitchen does.

Be warned. Bringing the kitchen in your hall up to standard to be used for food preparation could be expensive as the regulations are specific in their requirements for many areas such as floors, working surfaces, walls, plumbing, ceilings, lighting, and ventilation etc.

If your kitchen does not meet those standards, it is important to let those hiring the hall know that the kitchen can only be used to heat and serve food.

Further information is available from Environmental Health staff who can be contacted at the Dunedin City Council on 477-4000.

Building Act

The Building Act mainly impacts on the few Community Halls which require building warrants of fitness.

While there may no longer be yearly inspections for those halls which don't require a warrant of fitness the onus is still on those who look after the hall to ensure it is in a safe condition. Make sure fire exits and hallways aren't blocked and check for any safety hazards.

If you have any questions contact the Dunedin City Council's Building Inspectors - ph 477-4000

Fire Safety

Community Halls which can hold 100 or more people are required to have what is known as an Evacuation Scheme so everyone can make a safe exit in the event of a fire or other emergency. Halls with a capacity of less than 100 people still need to have what is known as an Evacuation Procedure.

The major difference between the two is that the Evacuation Scheme must have Fire Service approval while an Evacuation Procedure doesn't. There are formal guidelines for Evacuation Schemes and any Fire Service Area Headquarters can help you with these.

In all cases halls should be fitted with a suitable basic fire alarm system and notices should be displayed in conspicuous places (the reception area, lobby, kitchen), outlining what the fire warning signal is, and detailing the evacuation plan, exit routes and the assembly point.

All halls are also required to regularly check that exit routes are kept clear of obstacles and exit doors are not locked or blocked. Special provision needs to be made for people with disabilities.

Halls which are required to have an Evacuation Scheme also face a number of other requirements such as the appointing a training warden and holding trial evacuations. Just how these requirements are met can vary hall to hall depending on the Fire Service's assessment of the risk.

The Fire Service suggests that all hire agreements for halls which are required to have an Evacuation Scheme include the following clause or one similar.

Fire Evacuation Scheme

In order to comply with the requirements of Section 21A of the Fire Service Act 1975 and the Fire Safety and Evacuation of Buildings Regulations 1991, every group booking the Hall must appoint a person who will be responsible for accounting for all occupants when hiring the facilities should evacuation become necessary.

I agree to appoint a person who will be responsible for making sure that all occupants are accounted for in the event of evacuation.

SIGNED _____

In the case of rural community halls which don't get a lot of use there is provision of a waiver of the requirement to have an Evacuation Scheme. This will be considered by the Fire Service on a case by case basis.

Contact the nearest Fire Service Area Headquarters for further advice.