

**BOROUGH OF FOLKESTONE**



**BYELAWS  
AMUSEMENT PREMISES**

**SHEPWAY DISTRICT COUNCIL  
NOVEMBER 1990**

## **AMUSEMENT PREMISES**

Byelaws for amusement premises made by the District Council of Shepway under Section 75 of the Public Health Act 1961, as amended by Section 22 of the Local Government (Miscellaneous Provisions) Act 1976.

1. (a) These byelaws shall apply only to pleasure fairs within the meaning of Section 75(2) of the Public Health Act 1961 which are amusement premises;
- (b) These byelaws shall not apply to premises licensed or registered under Part II of the Gaming Act 1968 or to members' clubs and miners' welfare institutes registered under Part III of that Act.

### **Definitions**

2. In these byelaws:
  - (a) "Amusement premises" means any place used wholly or mainly to provide entertainment within the meaning of Section 75(3) of the Public Health Act 1961, and includes any structure, stationary vehicle, vessel, stall, caravan, trailer or tent in which there are automatic or other machines intended for entertainment or amusement.
  - (b) "The Council" means The District Council of Shepway.
  - (c) "Manager" means the person having control of the entertainments provided or proposed to be provided at the amusement premises as defined in (a) above.

### **Regulation of opening hours**

3. (1) The Manager shall not keep the amusement premises open between the hours of 11.00pm and 9.00am.
  - (2) The Council
4. (1) The Manager shall give the Council in writing at least 5 working days prior notice of the intention to use any amusement premises specifying the date and the place at which such amusement premises are to be used.
  - (2) The notice to be given under this byelaw shall be in addition to and not in substitution for any notice required to be given under any other enactment.

### **Provision for safe egress**

5. (1) The Manager shall provide to the satisfaction of the Council any the fire authority sufficient exits from the amusement premises to enable persons using the premises to leave safely and while members of the public are on the premises shall ensure that any doors which afford a means of exit shall not be locked or fastened in such a manner that they cannot be easily and immediately opened by person leaving the premises in an emergency. Where exit doors are provided with panic bolts they must be clearly marked "push bar to open".
  - (2) The Manager shall provide fire safety signs, notices and graphic symbols to indicate clearly exit routes from any part of the premises to which the public are admitted.
6. The Manager shall be responsible for ensuring that all gangways and exit routes are of sufficient width and are kept free of obstruction.

## **Nuisance, sanitary conditions, cleanliness, order and public safety**

7. The Manager shall ensure that all parts of the amusement premises to which persons have access and all external exit ways are provided with both normal lighting and emergency lighting to the satisfaction of the fire authority and shall ensure that the lighting is capable of providing sufficient illumination of those parts for all persons using the premises to leave safely. The Manager shall ensure that all lighting systems are maintained in proper working order.
8. The Manager shall ensure that the interior of the amusement premises is maintained in good repair and condition in order that persons using the premises shall be safe at all times when they are open for business.
9. The Manager shall ensure, as far as is reasonably practicable that all amusement machines, seats and other furnishings and structures are such that the amusement premises shall, at all times when they open for business, be safe for person using the premises.
10. The Manager shall ensure that the amusement premises are kept as clean as is reasonably practicable.
11. The Manager shall ensure that all electrical equipment, including electric amusement machines provided at the amusement premises, is installed, tested and maintained in accordance with the provisions of the Institution of Electrical Engineers (IEE) Regulations for Electrical Installation.
12. The Manager shall ensure that all heating equipment is installed so as to avoid:
  - (a) danger of fire or of injury to persons using the amusement premises; and
  - (b) as far as is reasonably practicable, interference by unauthorised persons.
13. The Manager shall not knowingly permit:
  - (a) the amusement premises to be the habitual resort or place of meeting of reputed prostitutes but this does not prohibit the Manager from permitting such persons to remain on the premises for the purpose of using the amusement machines for such time as is necessary for that purpose; and
  - (b) any person who is drunk or disorderly to enter or remain on the amusement premises.
14. (a) The Manager shall take such steps as are reasonably practicable to eliminate the escape of noise from the amusement premises.
  - (b) The Manger shall ensure that, where possible the external doors to the amusement premises remain closed, except when in use, by fitting them with a device for automatic closure or by similar means.
15. The Manager shall ensure that the amusement premises are under the supervision of at least one responsible, adequately trained person at all times when those premises are open for business.

## **Fire Protection**

16. The Manager shall:

- (a) consult the fire authority regarding fire precautions in the amusement premises and have due regard to their comments;
- (b) provide and maintain in good repair and efficient working order: (i) such means for fighting fire; and (ii) such means of giving warning in case of fire as are required by the fire authority;
- (c) keep the means of fighting fire in a place where it is easily located and readily available for use;
- (d) train all staff in what action to take in the event of fire, including evacuation procedures and keep a record of such training.

**Penalty**

**17. Any person offending against any of the foregoing byelaws shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.**

**Defence**

18. It shall be a defence for a person to prove that he had taken all reasonable precautions and exercised all due diligence to prevent the commission of an offence under these byelaws.

THE COMMON SEAL OF THE DISTRICT COUNCIL OF SHEPWAY was hereunto affixed on the 17<sup>th</sup> day of July 1990 in the presence of:-

W. H. PAYNE

Chairman

LS

P.J.WIGNALL

Chief Assistant Solicitor

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 26<sup>th</sup> day of November 1990.

C.L. SCOBLE

Signed by authority

An Assistant

of the  
Secretary of State

Under-Secretary  
of State

LS

24<sup>th</sup> October 1990

I, Ronald James, Thompson, the proper officer of the District Council of Shepway (“the Authority”) hereby certify pursuant to S238 of the Local Government Act 1972

- (a) that these byelaws were made by the Authority
- (b) that this copy is a true copy of the byelaws
- (c) that on 24<sup>th</sup> October 1990, the byelaws were confirmed by the Secretary of State for the Home Department and
- (d) the date fixed by the Secretary of State for the coming into operation of the byelaws was 26<sup>th</sup> November 1990

Secretary and Solicitor