

Guide for faith premises in Southwark

2013

www.southwark.gov.uk



Foreword

The diversity of the people of Southwark is one of its greatest strengths and one of our most prized possessions. This is not a borough where cultures clash, but a place where, by living and working in partnership, Southwark residents create a strong sense of belonging and real community spirit.

Southwark continues to protect the freedom and right to worship through its laws and institutions. We support the freedom to assemble for religious worship in ways that reflect the rich diversity of our various cultures and traditions, while at the same time upholding the democratic rights of all to a just and peaceful life by ensuring that religious liberty is always exercised in a responsible manner.

This Guide for Faith Premises aims to build on this history of tolerance and diversity. In recent years there has been a rapid growth in the number of faith groups wanting to establish premises in Southwark. This guide is intended to be a resource to enable faith groups, with their innate sense of stewardship, to fulfil their obligations as responsible citizens while exercising their right to religious freedom. The guide details how the various requirements and regulations associated with acquiring and operating faith premises can best be met in the interests of serving the common good as well as meeting individual needs.

Councillor Claire Hickson
Cabinet member for Economic Development
and Community Engagement



We recognise that faith communities are an important part of the local community and we value the experience, skills and diversity that they bring to the wider society. We also acknowledge the impact of their successes in contributing to development of communities across the Borough.

The council has been commended for its engagement work with faith groups on faith premises, however dialogue with faith groups is an ongoing process. The publication of this guide represents the beginning of a closer and better relationship between the council with faith groups rather than a conclusion. The council will continue to develop best practice in the way in which it engages with its faith communities.

Evidence-based research shows that most residents in the borough engage in some form of spiritual practice and believe that their faith plays an important role in their lives, giving them confidence, self belief and inspiration. Faith groups are a valued part of the community and provide moral, mental and social support to people in times of need and also bring light and hope to the desperate. They are a key part of the voluntary and community sector and can be important contributors to community cohesion.

Faith groups offer a unique contribution towards the development of and building of connections in the diverse communities within Southwark and this handbook forms part of our effort to maintain sustainable and meaningful relationships with all faith groups in the borough.

Cllr The Right Reverend Emmanuel Oyewole
Deputy Cabinet Member for Faith Communities



Why is the council producing this guide?

There is a wide range of faith groups in Southwark. The Council is responsible for regulating a number of their activities and their use of premises. Some faith groups may be unaware of the broad range of regulation and law that potentially affects their operations. By promoting better knowledge of the various legal requirements associated with faith groups, the council seeks to increase compliance and to assist faith groups in meeting their legal requirements.

What is a faith group?

A faith group is a group of people not belonging to the same family or household who congregate on a regular basis and at a particular place for the purpose of worshiping or the exercising of a particular faith or set of religious beliefs.

What are the duties of the faith groups and their leaders?

Every faith group, its leaders and trustees have a duty to ensure that they are not putting themselves, their members and the general public at risk. Faith groups, their leaders and trustees have other legal duties to ensure that they do not cause a nuisance to local communities, preach messages that could be perceived as incitements to hatred of others on the basis of their personal characteristics, and that their activities do not adversely impact on the environment.

The following steps are suggested for faith groups to meet those legal duties that the council or other legitimate agencies enforce. They should

- 1 Occupy premises suitable for use by a faith group and comply with any planning permission for the premises and planning law.
- 2 Comply with legislation relating to the local environment, fire safety, food safety, waste disposal, licensing, public liability insurance and child protection.
- 3 Seek advice from relevant bodies such as the council, fire authority and Health and Safety Executive.
- 4 Ensure Faith organisations have safeguarding practices to ensure vulnerable children, young people and adults are safe in practicing their faith.
- 5 Comply with legislation designed to protect citizens from becoming victims of hate crime on the basis of disability, gender-identity, race, religion, or sexual orientation.

What is the purpose of this guide?

This guide is designed to assist people who are considering setting up a place of worship or who are in charge of operating an existing place of worship. It is advisory and is not a statement of council policy. It is an introductory document and is not intended to provide exhaustive advice.

The guide contains an overview of what might be required and practical advice on issues that a faith group occupying premises need to consider in order to comply with relevant laws. To ensure your faith group complies with the law you will need to obtain the relevant permissions and licences needed for the activities you intend to pursue and, where appropriate, discuss the matter with the appropriate council officer. Contact details are listed in the guide.

How was this guide produced?

Southwark first produced a faith premises guide in 2009 in consultation with organisations with experience of working with faith groups. The guide was launched at a presentation to local faith groups at London South Bank University.

In 2011 it was decided to review the guide so the council consulted local faith groups, other organisations known to work with faith groups and other London planning authorities on how to make the guide more helpful. The council introduced the guide as part of a series of meetings entitled 'Having Faith in Southwark'. In March 2012 the council arranged a meeting specifically to consider this guide and receive comments and suggestions from local faith groups. Having carried out that exercise the guide has been expanded and edited to reflect the concerns raised.

A copy of the guide has been sent to every faith premises in the borough known to the council.

The process of communication and liaison with faith groups that has led to the production of this guide is a process that the council wishes to continue. The council will seek to provide venues and forums at which faith groups can feed back their views and those of their members.

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1. Planning requirements

If you are looking for new premises, looking to expand your existing premises, or thinking about using your premises for more and different activities on more days of the week, there are a number of important planning checks that you need to make to ensure that what you intend to do in a particular building is lawful.

If your building was not designed as a place of worship you will need to check its permitted use and find out if planning permission is required.

Working out if you will need to get planning permission

In planning law, the type of activities allowed in a building is grouped together in use classes. Premises in each use class group all tend to have similar effects on the surrounding areas, such as a steady flow of visitors, and they also have similar benefits for the people who use them. Faith premises belong to a use class group called D1. Other premises in this group include clinics, health centres, crèches, day nurseries, day centres, schools, art galleries, museums, libraries, halls, places of worship, church halls and law courts.

You can investigate the planning status of a building by looking on the planning register on the council's website:

www.southwark.gov.uk/info/485/planning_applications/554/search_the_planning_applications_register

If a building is currently being used for a D1 class use you will still need to check that its use is lawful. If it is not the lawful use you will need to apply for planning permission or a certificate of lawful development.

You will not need planning permission to use a building for faith purposes as long as:

- the current use is lawful (i.e. its use as a place of worship, or D1 use is either permitted by planning permission or a certificate of lawful development)

However, you will need to check if there are any conditions, preventing your use of the building. Examples of such conditions include:

- A planning permission that is limited to a period of time, such as five years, and which has expired.
- A planning permission that permits one D1 use, such as a nursery, but limits the permission to that use alone, prohibiting change to other uses within the D1 class.
- A planning permission that limits the hours of operation to hours which you wish to exceed.

If you are entering into a lease, or buying land you are strongly advised to use a solicitor or licensed conveyancer with professional indemnity insurance to check the planning status of the land and advise if it can be lawfully used for your intended purpose.

What you will need to consider if planning permission is needed

You should see the council's website, for the information and fees that are required in order to submit a valid planning application.

http://www.southwark.gov.uk/info/485/planning_applications

The factors that your application will need to consider will vary from case to case. Listed below are factors that have often been significant in determining applications for permission to use buildings as places of worship:

- Some uses of buildings in some areas of Southwark are protected by planning policies and change is often not permitted. For example there are locations where an industrial or office use is protected, to preserve and create jobs and/or to allow areas in which industrial and commercial uses can operate away from residential areas. It is important to check if your intended building is within such a protected area. You can do this by viewing the proposals map on the council's website or by contacting the project officer whose details are at the end of this section.
- Change of use of a house or flat to a place of worship is unlikely to be permitted due to the shortage of housing within Southwark.
- Some places of worship inevitably generate noise due to the number of people attending and the nature of the activities being carried out. It is important to consider how close your building is to neighbouring uses such as housing where noise may be a nuisance. It may be possible to reduce the level of noise by appropriate sound insulation.
- Faith premises can cause a lot of traffic problems. The volume of people using a building and their mode of transport, particularly if it is by car, can be an adverse environmental impact for others in the area. It is important that an application to use a building as a place of worship demonstrates how this issue will be successfully managed. (See also the section of this guide relating to car parking)
- The times of day and the days in the week when the building is used can have a major impact. Depending upon where your building is located, it is possible that using it as a place of worship at some hours of the day may cause a nuisance. It may assist an application for planning permission if this issue is identified and proposed hours of operation intended to minimise disruption are suggested in the application.



What happens if you do not have planning permission for your faith premises?

You are at risk of planning enforcement action being taken against you. There are a variety of steps that the council can consider. Planning enforcement powers can prevent you from using and developing the land and prevent your faith premises from operating. A flow chart of an example of the planning enforcement process is set out in Appendix 1 of this guide. Failure to obtain planning permission in advance of operating a faith premises may also affect liability for Community Infrastructure Levy (or CIL) that is explained further below.

In addition to the risk of planning enforcement action and liability for Community Infrastructure Levy, there is a reputational risk. The planning system exists to manage the use of land in the common interest. Those who do not obtain planning permission before using or developing land can damage their reputation in the locality, as neighbours can be understandably aggrieved that the planning process has not been followed.

Community Infrastructure Levy

What is it?

It is a charge payable on new development. From 1 April 2012 a Community Infrastructure Levy has been set by the Mayor of London to pay for new transport infrastructure. New development puts pressure on the transport system. The government has decided that it is reasonable that new development contributes toward items such as new railway lines and other infrastructure that are needed as new development contributes to the demand for these improvements.

Southwark Council is planning the introduction of its own Community Infrastructure Levy which it will use to raise money from developments to pay for local infrastructure such as schools, parks and local transport needs. It is expected that Southwark will introduce its Community Infrastructure Levy in 2013.

How much is it?

From April 2012 the charge for the Mayor of London's CIL is £35 a square metre for a development in excess of 100 square metres.

This figure is likely to be reviewed regularly and it is possible that in the future the sum may increase. If you need to know the current rate you are advised to check with the project officer whose details are at the end of this section.

The charge for Southwark's CIL, which will be paid in addition to the Mayor of London's CIL, has not been set as yet.

Will I be required to pay it?

Yes

- i) If you apply for retrospective planning permission for a use of land that already exists.

No

- i) You will not be liable for the levy if prior to your use of the land commencing, or building upon it, you are a registered charity and you apply for a charitable exemption and planning permission. Charities that apply for an exemption and planning permission before moving onto a site or carrying out any work to it can avoid this charge. There is no scope for the charge not to be applied if this process is not followed.
- ii) A certificate of lawful development does not currently create a liability to pay the levy. **If you do not have planning permission for a place of worship and that place of worship has operated continuously for a period of ten years from the same site, it is likely to be in your interest to apply for a certificate of lawful development as soon as possible.**

Are you unsure of any of the above?

If you have any unanswered questions or are unsure of anything please contact **Neil Loubser, Project Officer Development Management Team on 020 7525 5451** or in respect of planning applications the Planning Officer duty line on 020 7525 5438.

Faith premises can also get independent and free planning advice from Planning Aid on 0330 123 9244 and advice@planningaid.rtpi.org.uk



2. Property

There is a high demand for property in London generally. There is only a limited supply of land capable of being used for a place of worship. It is important that land in use as a place of worship is used efficiently. Faith groups are therefore encouraged to liaise with each other to consider sharing premises to share costs and make efficient use of available resources. Contacts for umbrella faith groups that may assist in this respect are included in the contacts section of this guide.

Southwark Council is a major land-owner in the borough and properties do become available for rent and sale from time to time. A list of available properties is available on the council's website (details set out below). Council officers who look after the council's property interests may indicate that from a landlord's point of view they would not object to a property being used for a D1 purpose, but this does not mean that planning permission exists for that use. The council's property and planning services operate independently of each other. There would always be an expectation that any purchaser obtains the necessary planning permissions for the use of a property before beginning that use.

<http://www.southwark.gov.uk/info/200018/property>

The property section can be contacted by telephone on 020 7525 5570 and 020 7525 5487.

3. Property misdescription

Council officers have encountered faith groups who have been offered unsuitable premises by landlords and estate agents. It is possible that some faith groups may be offered properties, which an agent, seller or landlord describes as being suitable for use by a faith group, but which for various reasons may not be able to be used for this purpose. In particular, it may not be possible to obtain planning permission for use as a place of worship. Before making a commitment to buy or rent a property you should always carry out independent checks to make sure that the premises can be used for the purpose you intend.

While renting may be cheaper than buying a building it can still be a substantial commitment. If you enter into a lease on a building you may not be able to get out of it. You may be legally bound to continue paying rent even if you are prevented from using a building as a place of worship because of planning restrictions.

If you use a solicitor or licensed conveyancer to advise you in respect of any property transaction, they will be able to advise you if you can use the building as a place of worship. Furthermore, if the advice is inaccurate the professional bodies regulating solicitors and licensed conveyancers will provide a means of complaint and possible redress.

If an estate agent, or property development business falsely describes a property, they may be guilty of an offence under the Property Misdescription Act 1991. If you are offered a property and discover that a statement made about it is false or misleading, you should report the matter to the council's trading standards service to investigate. They can be contacted on 020 7525 2000

4. Safeguarding children

It is essential that faith groups look closely at protecting children and vulnerable adults from abuse. There should be written guidelines as to how the faith community will respond to concerns about children or allegations of abuse.

Suggestions for safeguarding children and vulnerable adults

- Have a designated Child Protection lead within your organisation who is trained in child protection and can advise staff and liaise with Children's Services where necessary.
- Recognise and become familiar with the requirements of the Children Acts 1989 and 2004
- Adopt a child protection policy which is clear about how staff should respond to disclosures or allegations and report if there are concerns/suspicious of abuse
- Everyone, whether paid or unpaid, that is given the responsibility to look after children in your organisation should fill in an application form, stating their address and employment history. It is also important to have workers references checked with previous employers or organisations they may have volunteered for. There should be proportionate safeguards in place to ensure safe recruitment and management of volunteers.
- Workers should always have a new enhanced Criminal Records Bureau (CRB) disclosure before they start employment.
- Workers should be interviewed to demonstrate their suitability for dealing with children.

There are a number of organisations that can assist and advise on safeguarding children

The Councils website contains details

http://www.southwark.gov.uk/info/266/child_protection/813/running_a_safe_youth_organisation/2

The Southwark Safeguarding Children Board website and the safer organisations checklist

http://www.southwark.gov.uk/info/200312/hr_safeguarding/1924/recruiting_safely.

The London Safeguarding Children Board can also assist with child protection advice and policy

http://www.londonscb.gov.uk/culture_and_faith/

Africans Unite Against Child Abuse (AFRUCA) can also assist with safeguarding children and welfare, providing child protection, advice and support and with faith organisation

<http://www.afruca.org>

Are you unsure of any of the above?

If you have concerns about a child's welfare, please contact the Children's Services referral and assessment team on 020 7525 1921. If a child is at immediate risk of harm you may need to contact the police on 999.

To discuss co-ordination of child protection or if there are allegations made against workers in the organisation, please call 020 7525 3297 to speak to the duty child protection coordinator. Out of hours the council's switchboard will be able to assist with child abuse concerns on 020 7525 5000.

5. Vulnerable adult protection

Vulnerable adults are people who need assistance from health or social care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation and are over 18 years of age.

To prevent abuse and stop it when it happens, Southwark Council works with the NHS, police, neighbouring boroughs and a range of private and voluntary agencies.

Abuse can happen anywhere and it can be carried out by anyone.

Spotting the signs of abuse

There are many possible signs that an adult may be being abused. Some of the most common signs include:

- Not having enough money to cover bills, food and other living expenses
- Unexplained marks, bruises or injuries
- Not wanting to be left alone or with a particular person
- Unusual difficulty with finances
- Being unusually light-hearted and insisting that there is nothing wrong

Changes in behaviour, such as becoming withdrawn, aggressive, depressed or angry for no obvious reason.

Who to contact

If you think someone is being abused or someone is abusing you can:

- Talk to someone you trust
- Contact Southwark Adult Social Care customer service centre on 0845 600 1287
- Contact the out of hours team: 020 7525 5000 (Weekdays: 5pm to 9am. Weekends and bank holidays: 24 hour)

6. Fire prevention and safety

It is important that you have a suitably qualified person assess your building for fire risk. You are advised to contact the London Fire Brigade for assistance in complying with fire safety regulations.

The Regulatory Reform (Fire Safety) Order 2005 imposes duties on the responsible person to ensure that the law is complied with. Some duties include;

- To undertake a suitable and sufficient risk assessment
- The provision of means of detection and giving warning in case of fire
- The provision of means of escape
- The provision of assembly point for fire evacuation
- The provision of means of fighting fire and maintenance of the firefighting equipment
- The training of staff and volunteers in fire safety

How many fire escapes should the premises have?

There should be sufficient exits to allow all occupants to vacate the premises within two and a half-minute period at a rate of at least 40 people per minute. A minimum of two exits are recommended for small buildings, more for larger buildings. Each exit should be at least 900mm so they can be accessed by wheelchair users.

Where should the fire exits be?

They should be spaced as wide apart as possible so that it is less likely for a fire to make all exits unusable and to allow people to exit in a direction away from the source of a fire. They should lead to separate distinct routes and assembly areas. All doors should open outwards.

What can you do to prevent fires in the premises?

You should carry out regular simple assessments to prevent accidental fires. This includes identifying possible hazards in your activities and/or building that could start a fire. Faulty electrical wiring and apparatus are common causes of fire. All electrical wiring should therefore be carried out by a qualified and registered electrician. The Government has a list of organisations that electricians can register with to be competent to carry out electrical work in accordance with building regulations. These bodies will advise you of locally qualified electricians.

Approved bodies are:

Ascertiva Group Ltd (trading as NICEIC)

www.niceic.com

01582 531 000

Benchmark Certification (CORGI)

www.corgi-membership.com

0844 879 4798

BESCA

www.besca.org.uk

0800 652 5533

BSI

www.kitemark.com

01442 278 607

ELECSA

www.elecsa.co.uk

0845 634 9043

NAPIT

www.napit.org.uk

0845 543 0330

The lighting of candles and burning of incense are an important part of some religious practices but they can present a particular risk if they are not dealt with carefully. Those who use candles and incense in their premises should follow sensible guidelines and ensure that they are correctly extinguished at the end of the service. The same applies for any cooking or kitchen equipment, boilers etc.

You should carry out a fire risk assessment and this should be reviewed every 12 months. This risk assessment should identify hazards and evaluate the risks, and put measures in place to reduce the identified hazards or risks.

Are you unsure of any of the above?

If you have any unanswered questions or are unsure of anything please contact Yvonne Drake, Arson Reduction Officer on 020 7525 0821.



7. Health and safety

There are many different things that you should do in your place of worship to keep people safe. You need to take into account your particular building and your congregation when assessing health and safety risks. The people that use the premises could be very young, very old, disabled or have other needs that need to be taken into consideration.

What is health and safety?

Health and safety is firstly about eliminating the risk of someone being harmed and, if elimination of that risk is not possible, taking steps to reduce the chance of someone being harmed. Health and safety is about the way in which you manage risks in your situation. The main way in which risks are expected to be managed is by way of a risk assessment that each faith group will need to carry out.

What is a risk assessment?

Risk assessment is central to health and safety and is a requirement of the law. It is a fact finding exercise which can then be used to help you reduce the risks in your building. It will enable you to decide exactly what precautions you need to put into place to reduce the risks. Risk assessment is perhaps the most important part of health and safety because it allows you to find out about what could cause harm to people in your place of worship.

The staff and some volunteers should be trained as first aiders and training is made available by St John Ambulance.

<http://www.sja.org.uk>

Suggestions for carrying out a risk assessment

The simplest form of risk assessment is known as the 'five steps' method, which is perfectly adequate for use in places of worship.

The five steps are:

Look for the hazards. Hazards are those things in and around the place of worship that could cause harm to staff, volunteers, visitors and other members of the public. They can be building structures, fittings and fixtures, equipment and tools or any other item that is on the premises.

Decide who might be harmed. Consider the people that use the building and how the hazard could affect them. While some parts of the building might be open to the public on a regular basis, other areas might only be used by one or two people on an occasional basis. Please give particular thought to children, young people and people with disability.

Evaluate the risks. Risk is the chance that someone could be harmed. It is useful to categorise them as 'low', 'medium' or 'high' for convenience. As a guide, low risks do not need any significant attention (but do not rule out making any improvements). Medium risks need some attention to try to bring them to a low level. High risks should be prioritised as needing improvement to bring them down to a low level. Avoid the temptation of assessing all risks as low as this can hide those things that need attention.

Record the findings. Risk assessment is a legal requirement and you might need to prove that you have done a risk assessment in the future. Risk assessments must be written down if you have five or more employees, and in churches and places of worship, this usually includes volunteers. In all cases, it is recommended that the risk assessment be written down.

Review and revise. Risk assessments should be reviewed occasionally to ensure that they remain valid. For most places of worship, a review every 12 months should be adequate.

It is advisable for faith groups to have public liability insurance to protect against any claims arising from any negligence on their behalf. Insurers may advise on how to carry out a risk assessment.

Are you unsure of any of the above?

If you have any unanswered questions or are unsure of anything please contact the Health and Safety Team on 020 7525 2000 or 020 7525 5818 or visit the HSE (Health and Safety Executive) website on www.hse.gov.uk





8. Parking/congestion

Inconsiderate parking can be a major problem around faith premises. Double parking of vehicles and the blocking of entrances and exits can prevent emergency vehicles from attending, thus putting the lives and safety of residents and your members at risk.

In order to minimise noise and disturbance, on-site parking should be provided for religious meeting places when possible as it helps eliminate congestion in local roads.

If the parking and transport arrangement for your premises are not adequate, you might not obtain planning permission. You may also receive complaints from local people and the emergency services. Therefore, transport considerations are essential when choosing your premises and reviewing your use of premises.

How many parking spaces should a premises have?

There should be sufficient parking to accommodate worshippers without causing a nuisance to people in the area. The number of parking spaces per worshipper are not specified and will depend on matters such as the number of worshippers that use the site, how far they have to travel, the location of transport links in the area and other relevant matters.

What about special events?

For special events, you need to consider the transport arrangements and whether people will be driving and need to park. Failure to do this may mean that you do not obtain a premises license or a temporary events notice or that you are breaching the conditions of your premises license.

What is a travel plan?

A travel plan is a package of measures aimed at promoting sustainable travel, with an emphasis on reducing reliance on car journeys. You will be expected to submit a travel plan if you are making a planning application.

Further advice as to the content of a travel plan can be obtained from the council's transport planners on 020 7525 5317.

What happens if parking is not adequate and/or there are complaints?

Southwark's parking service will visit the site and take enforcement action against any illegally parked vehicles.

Suggestions to minimise parking and congestion problems

- Consider varying the times and days of the services to reduce traffic noise and congestion and holding services at times and on days where the traffic is not heavy.
- Encourage your members to use public transport, cycle or walk to the service.
- Consider using or relocating to premises that are easily accessible by walking and cycling and benefit from good public transport links or with ample private parking.
- Consider appointing members of your congregation as traffic marshals to help deal with illegal parking issues and ensure the minimum disruption is caused by the traffic associated with the premises.
- Consider suggesting the use of hired transit vehicles that drop off and pick up the congregation or encourage the sharing of vehicles as much as possible.



Are you unsure of any of the above?

If you have any unanswered questions or are unsure of anything please contact Southwark Council's transport planners on 020 7525 5317.



9. Noise

It is the duty of those running faith premises to ensure that noise from the premises they are using does not get so loud that it will cause a nuisance to other people either living or working nearby.

The council has a legal duty to investigate noise complaints and to take action against the persons or organisations responsible for causing any problem to correct the situation.

What can you do to stop your worship causing a noise problem?

The simplest way to contain noise is by making sure the building that you are using is built well enough to contain any noise your worship might make, for instance:

- Choose the right sort of building for your faith practices and maintain it properly to prevent sound escaping from the building.
- Check that it has thick walls, a substantial roof, double glazing, heavy curtains at windows and lobbied doors (two sets of doors).
- Look for gaps in the structure and weak areas where noise will escape. Mend or alter holes, ill fitting doors and windows, poor finishing where pipes and cables go through the walls, ventilation ducts, etc.
- Where possible improve light-weight roofs, single-glazed windows and thin doors, to make sure noise will be properly contained
- If the building is owned by your faith make sure it has the right planning permission to permit worship.
- If you need to apply for planning permission for a change of use to permit worship in your building noise impact will be checked as part of the process. It is advised that you include a report from a noise consultant with your application to show how noise will be contained.

If you are already using a building for worship you should:

- Check the building has the right planning permission.
- If you are renting or leasing check with any owners or leaseholders that using the building for worship is allowed.
- You should check your noisiest activities from all sides of the building and outside the nearest neighbours.
- If the level of noise is high then it will cause people in the area a nuisance so you will need to reduce the volume of your faith

practices or do work to the structure so it can contain noise properly. Ask your landlord first to check as they may do works for you.

What happens if someone complains about noise?

If the council gets a complaint about noise then enforcement officers, who work every day including weekends, will visit the complainant's property and assess the noise from inside.

The officers check the noise by listening and judge if the intensity, likely frequency and duration of the noise would interfere with normal activities for that time of the day (that is how loud it is, how often it happens and how long it goes on). For example, in the day officers would check if the noise would interfere with working or home-working, watching the TV at a normal level, or caused people to raise their voices when speaking. At night the officers would check if the noise was stopping people sleeping or causing them to wake.

What if the Enforcement Officer assesses the noise is a nuisance?

If the noise is judged as being a nuisance to others then they will take action to change the situation. This could include:

- asking for a reduction in volume from the noise makers
- giving formal advice on structural works to contain noise
- serving a legal notice on the noise makers so that the nuisance cannot be caused again
- if the noise continues officers may progress the case to prosecution, fines and/or seizure (taking away) of any noise making equipment to enforce a solution.

What is an abatement notice?

A legal notice is a document that can be served on a person or an organisation to stop their activities from causing a noise nuisance and to prevent the nuisance happening again. If noise from faith activities is causing a nuisance or is likely to cause a nuisance in the future, enforcement officers can serve an abatement notice which may prevent activities such as live or amplified sound (music, speech or song), the use of musical instruments, or include any other measures needed in order to stop any noise nuisance.

What happens if the noise abatement notice is not complied with?

If further noise nuisance is witnessed after a notice has been served, those responsible for the noise can be prosecuted in the Magistrates Court. If they are found guilty they can be fined up to £20,000, have their noise making equipment seized or receive a fixed penalty notice of £400.

Suggestions to reduce noise

- Use acoustic equipment rather than electrically amplified, for example an acoustic guitar instead of an electric guitar.
- Do not amplify voices.
- Make sure the number of worshipers is not too large for the building to cope with.
- Do not hold noisy gatherings at night or early in the morning.
- Check regularly that noise is not escaping from the building.
- Noise from people congregating outside talking and laughing can cause a nuisance to nearby residences. Remind your congregation/members to arrive and leave quietly and to be considerate to other people in the area.
- Change single glazed windows to double glazed and replace any air vents with air conditioning units. You should get air conditioning units with low noise levels and not put them where they will cause disturbance to others.
- Keep windows and doors closed during worship and ceremonies.
- Consult with nearby neighbours. You should provide a contact telephone number for neighbours to contact. Let them know the measures you are taking to reduce noise should they make a complaint.
- Worship and celebrate your faith at sensible times e.g. quiet services in the early morning and night, services with more lively activities in afternoon or at times when the noise outside is at its greatest.
- If using amplified music consider the use of a sound limiters or master amplifier to make sure volume and bass levels are effectively controlled.

Further Information.

If you have any questions or are unsure of anything please contact the Noise & Nuisance Team on 020 7525 5777 for more advice.

10. Licensing

Legislation requires that certain activities are licensed in addition to having the correct planning permission, some of these activities include

- Licensing Act 2003 – Sale/supply of alcohol, sale of late night refreshment between 11pm and 5am and entertainment, including live and recorded music, showing films and indoor sports.
- Gambling Act 2005 – lotteries including raffles, gaming machines and other games of chance for reward.
- Marriage Act 1995 and Civil Partnerships Act 2004 – Marriage venue premises

Licensing Act 2003

All sales or supply of alcohol, whether purchased at the time or in advance, or proxy sales where alcohol is given free with the sale of a ticket or another item is regulated by the Licensing Act 2003 and will require some form of authorisation by the Council's Licensing Authority.

Similarly the sale of hot food and/or drink at night between 11pm and 5am will require authorisation.

Entertainment may also require authorisation, entertainment that may need regulating includes giving performances of live music, dance or recorded music; staging plays; showing films; and hosting indoor sporting events. However there are some exemptions for entertainment some of which that may apply are listed below

- Religious services – music and singing as part of a religious service is exempt including marriage ceremony in a church but does not include services at licensed marriage venues.
- Place of public religious worship –this phrase is not defined within the Act, however the premises should prominently be used for public religious worship or have a planning classification as a church and be available for public worship.
- Morris dancing - a performance of morris dancing or any dancing of a similar nature or a performance of unamplified, live and recorded music as an integral part of such a performance.
- Garden fetes - or at a function or event of a similar character where the proceeds are not for private gain
- Incidental music – music that is incidental to another activity, for instance background music
- Amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises with a premises licence or club premises certificate to supply alcohol for consumption on the premises and alcohol is being sold.
- Amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act.
- Unamplified live music taking place between 8am and 11pm in any place, relating to premises authorised to supply alcohol for consumption on the premises

Further exemptions are proposed by government and will be introduced from April 2013.

There are no specific exemptions for charities, but there is an exemption for the fee for a premises licence for entertainment should one of the listed exemptions not apply to the proposed event.



If you think that your premises or event qualifies for an exemption for regulated entertainment and would like to discuss this then please contact the Council's Licensing Section.

What authorisations do I need to under the Licensing Act 2003?

If you are providing the sale/supply of alcohol, late night refreshment and/or regulated entertainment and an exemption for the regulated entertainment does not apply, then you will need authorisation.

This authorisation comes in two forms, a temporary event notice (TEN) or a premises licence, and the choice of which to choose depends on the nature of the event.

Temporary Event Notice – this is for smaller, short term events of less than 499 people, including performers and staff, for up to a duration of 168 hours. 12 TENs can be held at any particular premises in a calendar year however the accumulative number of days for all the events cannot exceed 21 days.

The costs for a TEN are relatively low and the time scales for submission of a TEN is quite short, as little as 5 working days for a late TEN, however as TENs can be objected to by the Police and the Council's Environmental Health Officer it is advised that a longer period of notice is given wherever possible.

Premises Licence – this is for larger events or for a premises that holds regular events that would exceed one or more of the restrictions for use of a TEN. The premises licence can be time limited or be for the life of the business with an annual fee.

The costs for a premises licence are much higher than a TEN and requires advertising at the premises and in the newspaper. The Police, other responsible authorities and members of the public can all object to a premises licence and the time to determine a premises licence can be greater, up to 2 months for a contested application or longer if it is appealed.

Additionally if alcohol is sold as part of a premises licence then a person with a personal licence may have to be on the licence as the Designated Premises Supervisor, however there is an exemption for this requirement for community halls run by committees.

Further information on these processes are available from the Council's web site in the apply for a licence section.

Things to consider when applying for a premises license or temporary events notice

When you apply for a premises licence or a TEN you need to consider the four licensing objectives below and should carry out a risk assessment for each.

Ensuring public safety

This can be achieved by identifying those hazards and risks that exist for members of the public coming onto your premises. You should consider current practice for fire precautions, especially means of escape in the event of an emergency, and other aspects of safety. Likely precautions will include clear exits and exit routes; illuminated internal exit signs; and trained stewards.

Writing risk assessments for fire and health and safety will assist you in achieving this objective, advice on writing risk assessments is available from the Council.

The protection of children from harm

Protecting children from harm is an important consideration especially when alcohol is made available or the content of a show or film might not be suitable for children it is important to prevent children having access to alcohol and to restrict entry to plays, films and such like, to those who are under age (such as following the age certificate on a film).

Children might also be more at risk from physical hazards, and increased supervision will be necessary.

The prevention of crime and disorder

This is an important consideration for many events, especially where alcohol is involved. While many events held by churches and places of worship may be unlikely to give rise to crime and disorder concerns, this must still be considered in every case, and particular consideration should be given to any hire of the premises to other parties.

The prevention of public nuisance

Nuisance can be in the form of noise from sound systems, noise from patrons arriving and leaving the venue, light pollution, odour from refuse or anything else that could affect residents nearby. Car parking is an essential consideration for any special event to prevent any inconvenience and nuisance to those nearby.

The TENS will be considered by the Police and the Council's Environmental Health who can object if the objectives are not properly met.

Gambling Act 2005

If you wish to hold fundraising at your event or install gaming machines at the premises then you may require a licence under the Gambling Act 2003. Likely activities are lotteries and gaming machines.

There are some exemptions for this

- Incidental, non-commercial lottery – a tombola or raffle not exceeding £500 value in prizes, where the proceeds go entirely to the organisation or charity and the ticket sales and draw are all made during the event.
- Private society lotteries – any group or society, except those set up for gambling, as long as the proceeds of the lottery must go to the purposes of the society.

- Category C gaming machines – if a premises licence is held for the sale of alcohol at the premises then 2 cat C gaming machines may be used during the hours that alcohol is sold, a notification is required.

Many charities that wish to have fundraising activities in excess of £500 can register with the Council for a small society lottery. The costs are relatively low, however annual accounts/returns for the lotteries must be submitted to the Council.

The Gambling Commission website offers advice sheets for fundraisers
http://www.gamblingcommission.gov.uk/gambling_sectors/lotteries.aspx.

Marriage Act 1995 and Civil Partnerships Act

Some premises are not able to perform religious marriages at their premises, however a marriage venue licence under the Marriage Act 1995 and Civil Partnerships Act 2004 can allow the premises to perform civil marriages and partnerships.

The premises have to be approved by both the public registrar and the Council's licensing section.

What happens if I hold an event without the appropriate licence or authorisation?

The council and the police will consider taking appropriate enforcement action. This could result in the premises being closed or a prosecution, in some cases this can result in a fine of up to £20,000 and six months in prison.

Are you unsure of any of the above?

If you have any unanswered questions, are unsure of anything or wish to apply for licences please check our web site <http://www.southwark.gov.uk/info/200063/licences> or contact the Licensing Unit on 020 7525 2000, email licensing@southwark.gov.uk.

11. Food safety

Food is handled in many places of worship, whether that is on a routine basis preparing daily meals or an annual fund-raising event. The same basic food safety rules apply to all situations.

Do you need to register your premises?

Faith groups have a duty to register their premises under the Food Safety Act if they are to serve and or prepare any food, whether it is for sale or otherwise. This also applies if vending machines are located within the premises. You need to register with the food team in Southwark Council. The extent to which you serve food may effect the level of inspection that is carried out, but it is important that you register no matter how minor you may consider your food provision to be.

Registration forms are available on the council's website

http://www.southwark.gov.uk/info/200244/food/1406/registering_a_food_business

It is very important that you contact the food team and inform them of what you are doing or intend to do. It is vital that you make contact before you start any food related activities because if you are required to register as a food business, registration should be done 28 days before you actually start.

What facilities do you need if you serve and prepare food?

Any room where food is handled should be large enough to ensure that food can be handled safely. There must be adequate ventilation in the room, for instance by window that can be opened or by an extractor fan. If the main form of ventilation is provided by open-able windows, insect proof mesh screens must be fitted to the window openings to deny access to insects while food preparation is taking place.

The layout of the room should help prevent cross-contamination of ready-to-eat products by bacteria from raw foods. It should have a separate wash hand basin with hot and cold water and soap, and a separate sink used for preparation and cleaning activities.

The ceiling, walls, floor and all work surfaces must be in good condition and made of smooth non-porous and hard wearing materials so that they can be easily cleaned.

What is food hazard analysis?

Hazard analysis is an assessment to ensure that you have adequate controls in place to prevent hazards from food activities. Hazards may be from bacteria, chemicals or physical problems like broken glass in food. Hazard analysis involves looking through each step of the food preparation process from buying foodstuffs through storage, cooking, serving and storing prepared foods along with any other steps in-between. Controls can then be put into place to reduce any risks. The Food Standards Agency (FSA) has developed a tool kit called Safer Food Better Business (SFBB) which is designed to meet the requirements of hazard analysis for most businesses involved with the storage, preparation, handling and sale of food. It provides useful guidance on identifying food hazards and the appropriate controls and only requires you to adapt it specifically for your food related activities. The pack is free and can be obtained directly from the FSA by calling 0845 606 0667 or email foodstandards@ecgroup.co.uk.



What do people handling food need to do?

- Wear suitable protective clothing, like aprons. These should only be worn in the food preparation area, and must be removed before the person leaves the room.
- Remove any items of jewellery. They can present a contamination risk
- Securely tie back long hair and properly cover using a hair net or snood as appropriate..
- Protect any cut to the skin with a brightly coloured plaster (blue is normally used for kitchen use).

What is temperature control?

Temperature control is important to prevent food poisoning, either by killing off harmful bacteria through cooking, or, by reducing the multiplication of those bacteria through refrigeration. Refrigerators and freezers should be regularly checked to ensure that the temperature is cold enough, and food probes can be used to check the temperature of cooked foods.

All food that has previously been heated and is to be re-heated, must be raised to a temperature of 82°C, which will ensure that food has been reheated to a safe and, in some cases, legally required temperature. Using a suitable time/temperature combination will also ensure that food has been reheated safely should higher temperatures be detrimental to the quality of the food, for example reaching a core temperature of 70°C for 2 minutes. Guidance in respect of cooking temperatures is available from the Food Standards Agency website. <http://www.food.gov.uk/multimedia/pdfs/cshrtempcontrol.pdf>

Key temperatures for food refrigeration and cooking

Refrigerators must be set so that food is kept below 8 degrees Celsius. Freezers should be below -18 degrees Celsius.

What should your cleaning and disinfecting regime be?

In a kitchen, only food-safe cleaning chemicals should be used otherwise they can contaminate or taint foods. As an example, bleach and products containing bleach should not be used in a kitchen because they are not food safe. Cleaning should be done regularly and all items must be cleaned as soon as possible after they have been used. Rubbish must be removed from the kitchen regularly. Only small containers must be used in a kitchen and these need to have a close-fitting lid and it must be possible to easily clean them.

Do you need food hygiene training?

All food handlers must be trained to a level that is appropriate to the work that they do (this includes volunteers in faith communities and places of worship for events like coffee mornings).

A basic food hygiene course is usually recommended, the food team can give you details of accredited courses.

Do you need to label and price foods?

In some cases, foods might need to be labelled. Items like one-off cakes, loose buns and jars of jam are usually exempt from this requirement, however, if you regularly sell these, you might need to label the foods. Any label that appears on the item must be accurate and must display details including the name of the food, a list of ingredients, a 'best before' or 'use by' date, details of any special storage requirements and a metric weight indication.

In addition to this, it is usually required to display a price list of the items that you have on sale in some prominent position, or each product must carry its own price tag (depending on the situation).

Allergic reactions to food

You should be mindful that certain foodstuffs can produce an allergic reaction, which may seriously affect a persons health. Clear labelling and information about food is one of the best ways of preventing such reactions. Further advice is available on the Food Standards Agency website. <http://www.food.gov.uk/multimedia/pdfs/publication/allergyjamjar0109.pdf>

Are you unsure of any of the above?

If you have any unanswered questions or are unsure of anything please contact the Food Team on 020 7525 2000 or food@southwark.gov.uk.



12. Waste and litter

Disposing of your waste

You need to make sure that your premises disposes of waste in a legal way. You can either take your waste to an authorised waste facility or keep all of the waste transfer notes to show this, or you can get a trade waste agreement with a registered trade waste company.

You are required to produce your waste transfer notes or your trade waste agreement to the council on request and must keep your waste documentation for at least two years.

You will need to consider how much waste is produced from your premises, and also if extra waste is produced at certain times, for example on a Sunday, or if events are taking place. If you have a trade waste agreement, it will need to cover these times as well.

Fly tipping

It is your responsibility to contain your waste within your premises until it is collected or taken to an authorised waste facility. You must make sure that you do not allow waste to escape onto the highway as this can result in either a fixed penalty notice or a prosecution. Waste is only allowed to be placed on the highway if it is inside a trade waste bag or bin and it is placed out on collection day.

Litter

Please make sure that the area both within and outside your premises is kept free of litter, including cigarette litter. Individuals can be fined on the spot for dropping litter, and your premises could be served a notice if litter either escapes from it, or is unsightly to the local area.

How much rubbish do you produce?

This includes any waste generated from the premises – both inside the premises and any outside areas of the premises. If you have a function room, waste generated from functions needs to be considered in this. Your waste arrangement must be sufficient for the amount of rubbish that you produce.

Are there any times when a lot of rubbish is produced?

If you have a function room where people have parties, more waste will be produced on these occasions. You need to think about how this waste will be disposed of and make sure that it is done in a responsible way. If you have a trade waste agreement, you need to make sure that this is covered.

How can a premises get a trade waste agreement?

A number of different waste companies can dispose of your waste. You can find them in the telephone directory. Names of companies used by some businesses in the borough include Veolia, SITA, BIFFA, PHS and Cleanaway.

Are there enough bins on your premises?

If you have an outside area as part of your premises where people congregate, you might want to put bins here to prevent people dropping litter on the floor. If the area becomes unsightly and rubbish accumulates, this may become a problem and the council may have to take measures to ensure the area is kept clean.



Suggestions for waste issues

- Consider asking anyone that hires the premises to make sure they dispose of waste responsibly and makes sure that the outside of the premises is left clean and litter free.
- Reminding people to respect the environment and keep it clean on their way in and out of the building.
- Consider doing a regular sweep of any area that people smoke in.

Are you unsure of any of the above?

If you have any unanswered questions or are unsure of anything please contact Southwark Council's environmental enforcement team on 020 7525 5777.

13. Signs and advertisements on the highway

The council do not permit advertising boards or signs to be attached to structures, trees or works on the highway, or for signs to be put on the streets. This is because street clutter can cause a nuisance to people using the highway, signs can obstruct the view of the road and signs attached to street furniture also attract other fly posting.

If you want to advertise your premises or your services, you must use designated notice boards. Depending on the size, location and type of board you intend to use at your premises, you may require planning permission. You are advised to check if permission is required by contacting the Council's Project Officer in Development Management, Neil Loubser 0207 525 5451.

You are permitted to give fliers to people but you need to make sure that these do not cause a litter nuisance.

Checklist for signs and advertisements

- Does your sign or advert need planning permission?
- Is it on your land, or land where the owner has agreed to it being placed?

Can we hand out free literature for our faith premises?

You can hand out free literature for religious purposes. Please make sure that you only hand it to people that request it and that any discarded copies are picked up from the streets.

What about someone handing out fliers for an event at our premises?

If the event is not for religious purposes then the organiser should obtain permission from the council before being allowed to give out fliers.

Signs and adverts that do not have planning permission, or are on the highway without permission are in breach of the law, you maybe prosecuted and/or fined if they are not removed.

Suggestions for signage and advertising

- Consider advertising your services and events in local publications, on community notice boards or on your own land.
- Consider asking anyone that hires the premises to make sure they don't put out boards or attach any signs to the highway.

Are you unsure of any of the above?

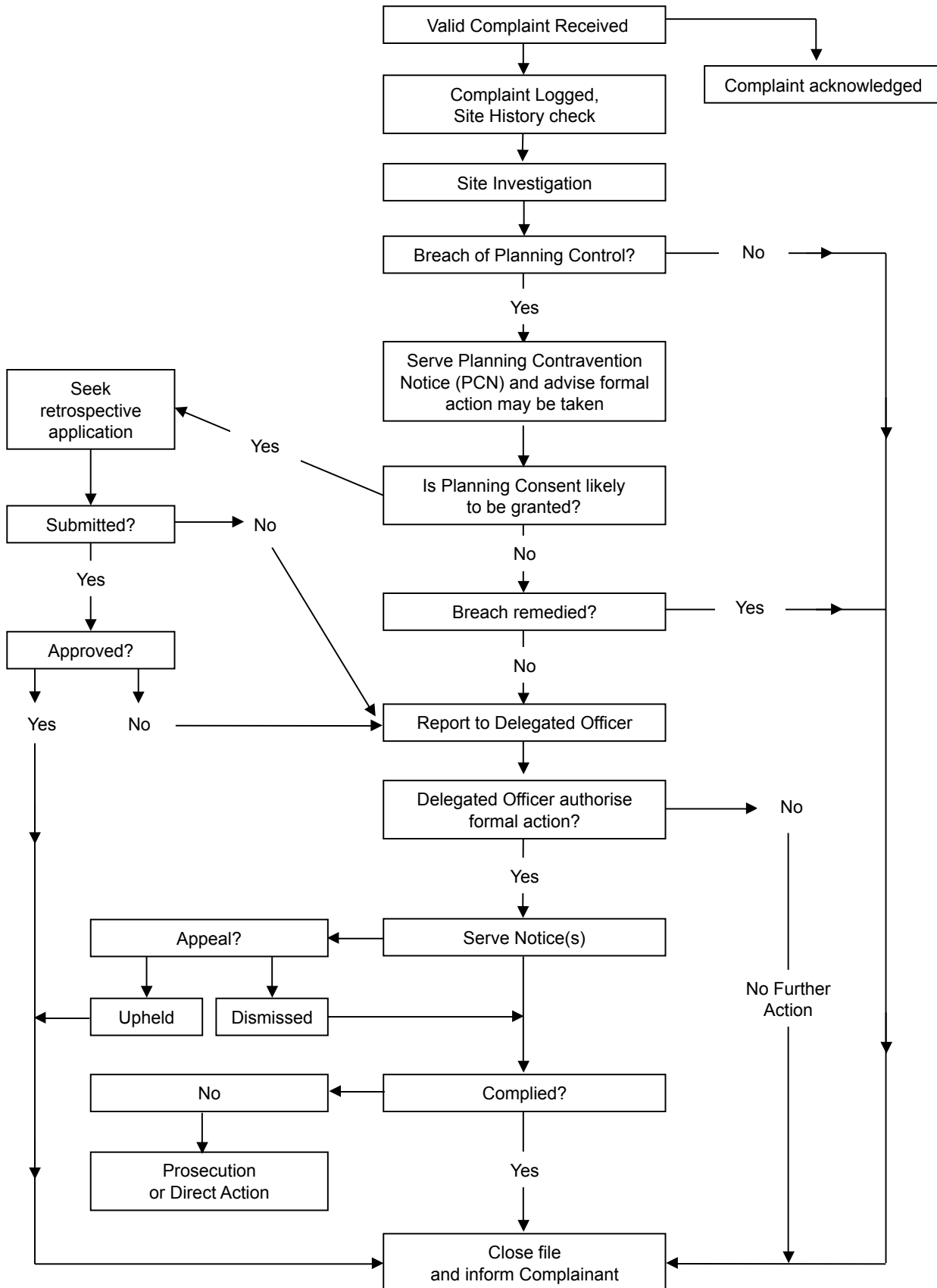
If you have any unanswered questions or are unsure of anything please contact the Environmental Enforcement Team on 020 7525 5777 or Neil Loubser Project Officer on 020 7525 5451.

14. Contacts

In view of the information provided in this guide, the council urges every faith group to make an action plan to address the main issues. The contacts for these issues are below.

Department	Contacts for advice and contact details	
Chief Executives Department - Southwark Council	Development management, Council Offices PO Box 64529, London, SE1P 5LX	Tel: 020 7525 5438 020 7525 5451 Fax: 020 7527 5432 planning.enquiries@southwark.gov.uk
Fire safety	London Fire Service 266b Queen's Road London, SE14 5JN Yvonne Drake, Arson reduction Officer, Southwark Council	Tel: 020 7587 4975 Fax: 020 7587 4981 southwarkgroup@london-fire.gov.uk Tel: 020 7525 0821
Health and safety	The Health and Safety Executive Rose Court 2 Southwark Bridge, SE1 9HS	Tel: 0845 345 0055 / 020 7556 2100 Fax: 020 7556 2102 www.hse.gov.uk
Transport Planning – Southwark Council	Development Management, Council Offices PO Box 64529, London, SE1P 5LX	Tel: 020 7525 5317
Food safety, Licensing, Noise, Waste, Advertising – Southwark Council	Community safety and enforcement 160 Tooley Street, London, SE1 2QH	Tel: 020 7525 5777 csc@southwark.gov.uk
Child and vulnerable adult protection	Southwark Social Services referral and assessment team	Tel: 020 7525 1921 Out of hours: 020 7525 5000 RAD@southwark.gov.uk
Southwark Safeguarding Children Board	Child Protection	http://www.southwark.gov.uk/info/266/child_protection/2466/southwark_safeguarding_children_board
Preventing Abuse of Vulnerable Adults	Safeguarding Adults Team, PO Box 64529, London, SE1P 5LX	safeguardingadultscoordinator@southwark.gov.uk Tel: 020 7525 1754
External groups that maybe able to offer advice	Address	Expertise
Churches together in South London	1 Secker Street, London SE1 8UF 01462 422502	Helping churches work together share premises and provide introductions to churches that have practical experience in specific areas of regulation
Planning Aid for London	Linton House, 164-180 Union Street Waterloo, London, SE1 0LH Tel: 020 7401 8046 www.planningaidforlondon.org.uk	Planning Advice
Community Action Southwark	131-139 Camberwell Road, London, SE5 0HF 020 7358 7020 http://casouthwark.org.uk	Assisting voluntary community organisations

APPENDIX 1: FLOW CHART – PLANNING ENFORCEMENT PROCESS



This brochure contains information about Southwark Council services. If you require information in your language, please call 020 7525 5000.

بحتوي هذا المنشور على معلومات عن الخدمات اللتي تقدمها بلدية سوزرك (Southwark). إذا كنت ترغب في الحصول على معلومات بلغتك الأصلية الرجاء الإتصال بالرقم المبين.

Arabic

Este folleto contiene información sobre los servicios del ayuntamiento de Southwark. Si requiriera esta información en su propio idioma, por favor llame al número de teléfono indicado.

Spanish

Ce dépliant contient des renseignements sur les services de Southwark Council (municipalité de Southwark). Si vous avez besoin d'obtenir ces renseignements dans votre langue, veuillez appeler le numéro ici.

French

Bu broşür Southwark Belediyesi'nin servisleri ile ilgili bilgi içerir. Eğer kendi dilinizde bilgi edinmek isterseniz, lütfen gösterilen numarayı arayınız.

Turkish

“Tờ rơi này chứa đựng thông tin về các dịch vụ xã hội của Hội đồng quận Southwark. Nếu quý vị muốn yêu cầu được dịch ra ngôn của mình, xin gọi số điện thoại trên đây”

Bengali

“Warqaddaan yar waxaa ku qoran macluumaad ku saabsan adeegyada Guddiga Dowladda Hoose ee Southwark. Haddii aad u baahan tahay macluumaad ku qoran luqaddaada, fadlan wac lambarka muuqda.”

Somali

Tờ rơi này chứa đựng thông tin về các dịch vụ xã hội của Hội đồng quận Southwark. Nếu quý vị muốn yêu cầu được dịch ra ngôn của mình, xin gọi số điện thoại trên đây

Vietnamese