



TOURISM REGULATORY AUTHORITY

TOURISM HOSPITALITY EVENTS & ENTERTAINMENT GUIDELINES DRAFT

TOURISM REGULATORY AUTHORITY

UTALII HOUSE, 5TH FLOOR

P.O BOX 30027- 00100.

Telephone +254 (0) 20 313010

Email: info@tourismauthority.go.ke

Website: www.tourismauthority.go.ke

SEPTEMBER 2017

TABLE OF CONTENTS

TABLE OF CONTENTS	ii
ACKNOWLEDGEMENT.....	iii
FOREWORD.....	iv
EXECUTIVE SUMMARY	v
PART I – PLERIMINARY	0
1. Short Title	0
2. Definitions of Terms.....	0
PART II – FORMULATION OF THE NATIONAL TOURISM AND HOSPITALITY ENTERTAINEMENT AND EVENTS STANDRADS GUIDELINES, 2017.....	2
3. Background.....	2
4. Strategic Goals and Objectives.....	2
5. Scope	3
PART III – THE KENYA TOURISM & HOSPITALITY ENTERTAINMENT STANDARDS GUIDELINES	4
6. Mandatory Regulatory Requirements / Compliance to Regulatory Obligations.	4
7. The Entertainment Sector Code of Conduct.	4
8. Indoor & Outdoor Venue / Premises Requirements	6
9. Operational Requirements for both buildings and temporary structures	12
PART IV – REFERENCES	16

ACKNOWLEDGEMENT

The Authority wishes to appreciate the Stakeholders in the Tourism sector, particularly the Pubs, Entertainment and Restaurants Association for championing the request to have TRA develop the Entertainment Standards Guidelines.

TRA further wishes to thank and acknowledge efforts by a special TRA Entertainment Standards Guidelines Committee selected by the Authority to develop the draft guidelines on behalf of all the stakeholders in the Tourism entertainment sector. The committee comprised of representatives from Pubs, Entertainment, Restaurants Association of Kenya (PERAK); Kenya Association of Hotel Keepers and Caterers (KAHC); National Museums of Kenya (NMK); Performers Rights Society of Kenya (PRISK) / Kenya Association of Music Producers (KAMP); Kenya Film Classification Board (KFCB); Music Publishers Association of Kenya (MPAKE) and Event Managers' Association of Kenya (EMAK).

Acknowledgement is also extended to all the Tourism Regulatory Authority staff and any other industry stakeholders not mentioned who facilitated the process in various ways. Finally, special thanks to the Management of The Authority and the Board of the Authority for financial support and policy direction, without which this document would have not been achieved.

PUBLIC REVIEW

FOREWORD

Tourism Regulatory Authority was operationalized in May 2014 to spearhead tourism regulations in Kenya. Top among its agendas, toward fulfilling its mandates, as stipulated in section 7 of the Tourism Act 2011, the Authority embarked on setting standards guidelines for the Tourism and Hospitality sector in the country. The Pubs Entertainment and Restaurants Association (PERAK) strongly expressed the need for standards to guide Entertainment facilities in order to enhance quality of entertainment and related experienced in the sector. This was backed by the Associations and government agencies present at the time thus further informing the need to set guidelines to regulate this segment of the sector.

The Authority set out to develop comprehensive and simple to use guidelines with the involvement of the relevant key Stakeholders in the Entertainment part of the sector that included KAHC, PERAK, EMAK, NMK, KFCB, MPAKE, PRISK & KAMP. The Authority plans to roll out the first edition of the Standard guidelines by the end of the 3rd quarter of the FY 2017 /2018. It envisions these guidelines to provide key reference points for all stakeholders in providing proper direction for Entertainment investors and directors, entertainment venues, promoters, Event Managers and entertainment providers, towards quality service delivery. It ultimately, aims to uplift standards of operation in this sector in order to enable our destination to compete favorably internationally.

This document has four main parts. The first part spells out preliminaries of the guidelines which include the title and the definition of terms as used herein. The second part gives a detailed narration of the background information, the scope, and the strategic objectives that informed the formulation of these guidelines. The actual guidelines are in part three of the document while the fourth part gives references and notes that maybe useful while using these guidelines.

These guidelines are an important milestone in the delivery of quality service by the Authority and shall ultimately contribute in the tourism sector in Kenya achieving Vision 2030 through improved guest experience. During the development of the guidelines, the Authority promoted stakeholder engagement and inclusivity for all strategic stakeholders. The guideline will be periodically revised to incorporate emerging issues.

KIPKORIR LAGAT
DIRECTOR GENERAL

EXECUTIVE SUMMARY

The Entertainment Guidelines generally present requirements and specifications that enable a safe platform for presenting entertainment. The guidelines covers specifications on safety and security on various issues that include building codes, electric and safety, lighting, fire safety, use of pets, handling of children, among others. Operational issues that aim at ensuring quality management of entertainment are also addresses herein. The guidelines anticipate to provide ideal situations of entertainment venues, service providers, entertainers and the entertainment hosts all in pursuit of quality entertainment. Lastly, the Guidelines attempt to provide recommendations to promote authenticity as well as diversity and diversification of entertainment specifically in its scoping.

In developing the Guidelines, relevant stakeholder's participation was key and a number of related stakeholder institutions were represented during the entire exercise. PERAK, EMAK and KAHK represented the interests of the service providers or the host of entertainment. PRISK, KAMP and MPAKE were on board to represent the entertainers and partly also the entertainment service providers. KFCB was part of this forum to ensure that the entertainment content being provided is correctly classified and rated in line with their mandate. NMK being a State agency that closely works with and registered performers (traditional dancers) who are entertainers in the cultural aspect, was also brought on Board to ensure that the content and platforms of cultural entertainment are also well regulated.

PART I – PLERIMINARY

In exercise of the powers conferred by Section 7(1) (a) read together with section 7 (1) (g) of the Tourism Act, No. 28 of 2011, the Director General of the Tourism Regulatory Authority issues the **National Guidelines For Tourism and Hospitality Events and Entertainment, 2017.**

1. Short Title

These Guidelines maybe cited as the “Tourism Regulatory Authority, National Guidelines for Tourism and Hospitality Events and Entertainment, 2017.

2. Definitions of Terms

For the purposes of these guidelines, the following definitions shall apply;

Entertainment - A form of activity that holds the attention and interest of an audience, or gives pleasure and delight. Associated with a feel-good effect, fun and laughter.

Code of practice - A set of written rules which explains how people working in the Tourism and Hospitality sector are expected to conduct business.

Standard - A level of quality, achievement, etc., that is considered acceptable or desirable.

Entertainment enterprise - A business organization or company engaged in entertainment.

Entertainment venue – A location where events of entertainment take place.

Entertainment provider - One which provides an opportunity for entertainment.

Event - A planned public, private or social occasion.

Exhibitions - A public display of works of art or other items of interest, held in an art gallery or museum or at a trade fair.

Performer - Traditional dancers, artists, actors, props, entertainment troops.

Promoter – An individual or organization in the business of marketing and promoting entertainers and events

Security Personnel - A person employed by an entertainment host or manager to protect the employing party's assets (property, people, equipment, money) from a variety of hazards during an event or entertainment function.

Event manager - One who applies project management to the creation and development of small and large-scale events.

Child - A person that has not attained the legal age of consent in Kenya.

Risk - Hazards that may occur while preparing for an event, during or after an event in entertainment.

Tourism - The Tourism and Hospitality sector in Kenya.

Act – The Tourism Act CAP 28 of 2011, Laws of Kenya.

Stakeholder – a Person / persons holding interests in the entertainment sector as investors.

Amenities – The useful feature of a building or place.

Hazard identification - The process of recognizing hazards or risks associated with an event;

Temporary sites - Locations that are hired and/or used as events & Entertainment venues.

Temporary Structure - Any structure that is not attached to a permanent foundation or footing and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased such as Tents, Domes, A-Frames, Inflatables, Roof Trusses

Performer - a person who entertains an audience.

Service Provider – A vendor that or entity that provides the services to an entertainment host or manager.

PART II – FORMULATION OF THE NATIONAL TOURISM AND HOSPITALITY ENTERTAINMENT AND EVENTS STANDARDS GUIDELINES, 2017.

3. Background

Entertainment remains an integral part of tourism. It significantly contributes towards job and wealth creation in the economy of the country has for a long time not been prioritized in the tourism industry, yet it is an important component of the tourism product. In Kenya today, the boundaries and aspects of entertainment is not clearly defined yet numerous forms of entertainment are on offer. The concern is forms of entertainment on offer, issues relating to quality of what is presented, how it is presented, where it is presented and it's planning and management.

Regulating the entertainment sector as a wholesome world over has been a challenge. The sector's unique nature has forced many countries to fragment its checks and balances within different sectors. Entertainment premises or platforms are in most instances regulated by Area Building Codes and Occupation, Health and Safety requirements world over with no specific consideration of the quality of entertainment such premises provide.

Most of the Western World has Professional organizations for Entertainers. Screen Actors Guild-American Federation of Television and Radio Artists (SAG-AFTRA) for instance, is an American labor union representing approximately 160,000 film and television actors, journalists, radio personalities who adhere to a code of conduct and are regularly rated in their services. This serves as a quality surety and an attempt to regulate entertainment. The rating of catering and accommodation facilities world over can also be viewed as an attempt towards classifying the quality of entertainment one would be assured of in such rated facilities–The Tourism and Hospitality sector stakeholders have unanimously expressed the desire to have the regulator monitor the quality of services offered in this sector, with entertainment being a major subset in it.

It is in this backdrop that the Authority, with involvement of the relevant stakeholders, set out to provide an Entertainment Guideline addressing three main spheres of the entertainment sector, namely: The entertainment provider, the Entertainment host or premises, and promoter or manager. These guidelines set minimum benchmarks while harmonizing quality, packaging and presentation of entertainment.

4. Strategic Goals and Objectives

4.1 Strategic Goals

The guidelines and requirements are intended to achieve two strategic goals, namely; to enable quality entertainment and its management, and; to protect the entertainment providers and consumers assuring them of value for their investment.

4.2 Objectives

The Objectives to facilitate the Guidelines and Requirements shall be to:

- 1) Set guidelines and requirements for quality entertainment and entertainment platforms.
- 2) Protect entertainment consumers through proper content classification and grading.
- 3) Protect entertainment providers from exploitation by consumers or any other third party.

5. Scope

These standards guidelines shall apply to all forms of entertainment in tourism enterprises and services as listed but not limited to the Ninth Schedule of the Tourism Act No. 28 of 2011, their operations and professional entertainment providers (performance). The listed enterprises include: Hotels; Members clubs; Motels; Inns; Hostels; Health and spa resorts; Retreat lodges; Eco lodges; Tree houses; Floatels; Service flats; Service apartments; Beach cottages; Holiday cottages; Game lodges; Tented camps; Safari or mobile camps; Bandas; Cultural homes and centers; Villas; Homestays; Guest houses; Time shares; Restaurants & other food and beverage services; Tour or safari operators; Tourist service vehicle hire; Local air charter; Travel agency; Water sports; Balloon operators; Boat excursions; Game fishing outfitters; Enterprises offering camps and camping equipment for hire; Nature parks; Nature reserves; Nature trails; Game ranches; Amusement parks; Non-citizen tour leaders or guides; Local traditional boat operators; Professional safari photographers; Curio vendors; Private zoos; Citizen tour leaders or guides; and General vendors; Beach operators; Enterprises Entertainment facilities; Enterprises Conference and event services and Enterprises Tourism and hospitality training institutions.

Other additional enterprises covered by these standards guidelines include: Stadia; Academic institutions (Halls of entertainment, grounds); Religious Institutions; Theatre; Mobile entertainment; Cinema Halls; Gaming and gambling halls; Open terrain tracks / roads / Trails (Marathons, biking); Open waters; Beaches; galleries and Marina. Forms of entertainment that are also expected to be regulated by these standards guidelines include but are not limited to: Cultural performances; Gaming / Gambling; Sports; Music; Carnival; Road shows; Dancing; Massage; Acting (drama); Films; Stage plays / Acrobats; Dinning; Adrenaline thrills; Children entertainment, Concerts. Exhibitions, EXPOs, Funerals, Weddings, Children's Events, Festivals, Concerts, Birthday's, Film, Sports and Documentary Screening, Graduations, Activations, Launches, Staff Parties, Golf Tournaments, Trainings, Meetings, Conferences, Workshops, Traditional Functions, Festivals, Parties, Team Buildings, Showcases.

PART III – THE KENYA TOURISM & HOSPITALITY ENTERTAINMENT STANDARDS GUIDELINES

6. Mandatory Regulatory Requirements / Compliance to Regulatory Obligations.

For an entertainment service provider and or a place of entertainment to have been qualified as being compliant, it shall be required to comply with the following:

- 1) Certificate of Approval for content classification
- 2) Content exhibition license
- 3) Liquor license
- 4) Single business permit
- 5) Occupational Permit
- 6) Public Health License
- 7) Copyrights Board Approved Collective Management Organization (For collection of royalties and performance fees)
- 8) Fire Safety License.
- 9) Business registration
- 10) Lease agreement
- 11) First aid
- 12) Electrical permit
- 13) NEMA license
- 14) Insurance
- 15)

7. The Entertainment Sector Code of Conduct.

The following standards guidelines shall apply in provision of entertainment by providers and venues in Kenya:

- 1) Ensure quality / high standards of service appropriate to the type of entertainment and enterprise.
- 2) All event organizers and managers shall ensure that content to be showcased and advertisements for the same are classified and rated by the relevant Authority for quality and age suitability.
- 3) Enterprises intending to exhibit/broadcast content of entertainment shall obtain an exhibition license and observe the watershed period principles that apply to broadcast.
- 4) All stakeholders shall ensure that at least 70% of all Entertainment content exhibited, publicly performed or broadcasted shall be devoted to Kenyan entertainers.
- 5) Hosts, Promoters, Providers, Event Managers shall be registered members of an association that is a professional organization that shall be required, by the Authority, to monitor quality standards of their professional practice.
- 6) Describe fairly to the consumers the amenities, facilities and services provided by the enterprise, whether by advertisement, brochure, word of mouth or any other means.

National Tourism & Hospitality Events and Entertainment Guidelines

- 7) Explain details of charges for all entertainment services or facilities available, including cancellation terms, if any.
- 8) Make clear to consumers exactly what is included in all prices quoted for entertainment service or additional services or facilities, including service charges, taxes and other surcharges.
- 9) The Entertainment host, Promoter, provider, Event Manager and performer shall ensure that the content of entertainment is classified and rated by the relevant Authority before it is exhibited to and consumed by the appropriate audience.
- 10) Make clear to all prospective consumers in all manner communication, conditions and details and, where appropriate, by word of mouth, any restrictions on the access to the entertainment facility by the consumer, in such a way that each prospective consumer is aware of any such restrictions before making any booking.
- 11) Clearly communicate the price structure for entertainment or other services in advance.
- 12) Give each consumer, on request, details of payments due and a receipt for payment made. Presentation of the bill should be clearly detailed.
- 13) Deal promptly and courteously with all enquiries, requests, reservations, correspondence and complaints from consumers with regard to an entertainment service.
- 14) The entertainment host, Promoter and service provider shall be available during the entire entertainment period.
- 15) The entertainment service provider, Promoter or host shall put in place an effective form of communication for the consumer to call for the attention of either of them who should be available at all reasonable times.
- 16) Entertainment service providers, hosts and performers shall not conduct themselves in any unprofessional and unethical business practice or otherwise in such a way as to cause damage or disrepute to the Tourism sector in general.
- 17) Entertainment service providers, Event Managers, Promoters, hosts and performers shall collaborate with Quality Assurance officers from the Associations or from the Authority; and provide reasonable access to the entertainment enterprise, on request, to confirm that the Code of Conduct and Minimum Standards are being observed.
- 18) Entertainment service providers, hosts and performers shall have a zero-tolerance policy to prohibit any and all forms of bribery, corruption, manipulation extortion and embezzlement. All business dealings shall be transparent and documented as openly and detailed as possible.
- 19) All stakeholders shall ensure that the premises and content are environment-friendly as guided by the relevant NEMA laws, regulations and guidelines.

8. Indoor & Outdoor Venue / Premises Requirements

8.1 Building / Temporal Structures Safety

- 1) All buildings must conform to the requirements of the National Construction Authority (NCA), County laws / regulations and any other relevant legislation.
- 2) Where a temporary structure is to be used, it must be completed and inspected for readiness at least 24 hours before the function.
- 3) The building and/or temporary structure shall provide adequate marked emergency exit(s) commensurate to the capacity and in accordance to the building code and other applicable temporary structural guidelines.
- 4) General signage shall be illuminated at all times for both buildings and temporary structures
- 5) The building and temporary structure shall be disability friendly.
- 6) Alleys of spans of not less than 1.2 meters shall be provided for both buildings and temporary structures
- 7) In temporary entertainment dais, where applicable, staircase should have a R 80mm and L100mm and hand rails provided for both buildings and temporary structures
- 8) The location of the entertainment venue must be ideal for human habitation and have a valid occupational permit that should have appropriate structural safety including fire resisting construction, means of escape and access for firefighting and rescue and authorized building and temporary set up works affecting public safety;
- 9) Door along the exit route should open and well-labelled in the direction of exit for both buildings and temporary structures
- 10) Any doors, gates, shutters or flaps that should be kept open are secured in the open position.
- 11) All internal and external escape routes and exit door shall be clear and free from obstruction for both buildings and temporary structures
- 12) Temporary sites shall be properly leveled and surfaced to facilitate cleaning and laid to suitable fall to drain off any rain or waste water.
- 13) Adequate parking for patrons, set up and operative staff shall be made available. (To set the applying measures / ratios)
- 14) Directional and signage to the entertainment venue shall be provided.

8.2 Amenities

- 1) All drinking water whether sourced on site or brought on to the site must be safe for human consumption.
- 2) If production or events are to be conducted on or around water or if water is to be used during a production of an event, the risk assessment must include consideration of the safety of exposure to the water. (Operations item).

- 3) Adequate water reservoirs and dispensing facilities shall be provided by the venue where such water provisions, shall meet WHO specifications.
- 4) Separate marked male and female toilet facility with provision for persons living with disabilities shall be provided for both buildings and temporary structures
- 5) Provision for toilets should be at a minimum ratio of 1:25 up to 300 covers but not more than 1,200 covers. Numbers beyond 1,200 shall require additional toilets at the ratio of 1:50 covers and the toilet cubicles must be lockable;
- 6) For outdoor events, the provision for mobile toilets shall be guided by the number of attendees that are expected
- 7) Each water-closet must be provided with an adequate supply of toilet paper for both buildings and temporary structures
- 8) A hand wash basin with adequate supply of foam or liquid soap and clean paper towels or individual cloth hand towels or electrical hand dryers shall be provided for both buildings and temporary structures
- 9) Cleaning of the washrooms and/or mobile toilets must be undertaken at least every one hour and continuously when premises are busy; (operational item).
- 10) Sufficient notices in legible characters indicating the location of the toilets shall be conspicuously displayed on the premises for both buildings and temporary structures (Operational item)
- 11) Functional ventilation systems shall be in place for both buildings and temporary structures
- 12) Bathrooms and changing rooms with powder rooms and lockers for performers shall be provided for both buildings and temporary structures

8.3 General Safety and Security Measures

- 1) Entertainment premises, Promoters and event organizers shall have a security management team comprising of security personnel, security guards and police (where need be). Where the number of persons is in excess of 500 the requirement shall be 1:50 per security personnel and notification issued to the local security authority for both buildings and temporary structures
- 2) Entertainment premises, Promoters and Event Organizers shall ensure that the security personnel are professionally trained by an institution recognized and registered by the Authority for the time being responsible for such institutions.
- 3) Entertainment premises and event organizers shall have necessary security equipment but not limited to CCTV cameras, human metal detectors, bomb sweeps and communication equipment among others for both buildings and temporary structures
- 4) Entertainment enterprises shall have a provision for fire arm identification and handling for both buildings and temporary structures.
- 5) Where hazardous materials must be handled, the workers shall be informed and guided on handling such materials by the premise owner and/or the event manager for both buildings and temporary structures

- 6) A risk assessment should be completed for each hazardous substance indicating that it is being used in accordance with requirements set out by the ministry of mines and geology.

8.4 Fire Safety and Security measures

- 1) The premises shall conform to the National Fire Safety Standards (KEBS, Factory and other Places of Work Act (2007).
- 2) Entertainment premises shall ensure that the paint used is fire retarded to reduce spread of fire.
- 3) Temporary structures shall be audited and certified for compliance with the Kenya National Safety Standards at least 24 hours before the event takes place;
- 4) Notwithstanding the foregoing, event organizers for both buildings and temporary structures shall ensure the following fire safety measures are in place:
 - a) Firefighting equipment are installed and positioned so that the maximum travel distance to a fire point is not more than 30 meters;
 - b) For public performance events with attendance of over 1,000 people in temporary structures, appropriate firefighting equipment must be provided.
 - c) Provision for a fire engine for events that cover over 3,000 people.
 - d) Fire detection systems (where applicable)
 - e) Trained Fire Marshals
 - f) Fire exit signage and emergency assembly point
 - g) Pre-event briefing on fire emergency management
 - h) Medical and emergency preparedness.
- 5) Event premises, whether located in buildings or temporary structures, the following must be provided for:
 - a) Event organizers shall be required to have a paramedic on call.
 - b) Adequate first-aid facilities at the ratio of 1:500 and an appropriately qualified medical practitioner(s) shall be present throughout the duration of the event.
 - c) Where an event has more than 1,000 persons, the organizers shall have in place a medical ambulance with a standby paramedic.
- 6) Access to fire equipment, first aid equipment and power boards must not be obstructed. All passages shall be kept clear for both buildings and temporary structures.

8.5 Electrical installation and safety

Events premises whether permanent or temporary should make provision for the following:

- 1) Electrical installation, after completion, shall be inspected, tested and certified by a registered electrical contractor. Old electrical installations should be audited regularly and a certificate of compliance issued.
- 2) Stand-by emergency power should be provided with adequate capacity for the electrical requirements of the venue.

8.6 Lighting for both buildings and temporary structures

- 1) Where natural lighting is provided with opening(s), the opening(s) shall be; situated in an external wall, or in a suitable position on the roof of the building;
- 2) Where such opening is glazed, it shall be with transparent or translucent material;
- 3) The area of the opening including the exit areas shall not be less than 20% of the floor area of the room
- 4) In the absence of adequate daylight in any area used by the public or audience, the house artificial lighting in such areas shall be fully in operation whilst the public are in the premises.
- 5) If essential to the production that lighting is reduced or extinguished (except for fire safety signs), it should be controlled from a position with a clear view of the audience;
- 6) Lighting equipment likely to reach high temperatures shall be suitably guarded with a clearance maintained from flexible cords to prevent overheating.
- 7) Maximum loads of lighting dimmers shall not be exceeded to avoid overloading and a consequent fire hazard.
- 8) The installation and operation of any laser shall comply with necessary safety standards for lasers used for display purposes and located out of reach of members of the public. The safety of the laser installation including mirrors and mirror balls shall be checked regular basis.
- 9) The entertainment enterprise and the provider shall notify patrons if and when strobe lighting is to be used in a performance.
- 10) Where Stroboscopic lighting units may be viewed directly by members of the public, these units shall be synchronized when more than one is used at a fixed frequency of less than 4 flashes per second.
- 11) UV lights shall be eliminated or substituted wherever possible. Where the use of UV lights is unavoidable, to control adverse effects of UV light, identify potential sources and:
 - a) limit access distance to the source where possible;
 - b) ensure sources are well maintained to prevent leakage;
 - c) enclose or shield the source wherever possible;
 - d) ensure replacement of component parts on sources will not increase potential UV;
 - e) eliminate reflection where possible, and
 - f) Train employees on effects and control measures.

g) Changes in the Work Environment and Changes of the Work Environment

8.7 Ventilation for both buildings and temporary structures.

Natural Ventilation

- 1) Where, for the purposes of natural ventilation, a premise is provided with an opening(s) the position of opening(s) shall be such as to enable the premise to be ventilated.
- 2) The total area of the openings shall not be less than 5% of the floor area of the room.
- 3) Every such opening shall either be:
 - a) A door in an external wall, or
 - b) An openable glazed window in an external wall or in a suitable position in the roof, or
 - c) An opening in the ceiling or at the top of an internal wall, connected directly to a vertical ventilating duct and shall be not less than 2% of the floor area of the room.
 - d) In the case of Temporary Structures this shall include: flaps and temporary doors
- 4) The premises shall be effectively ventilated at all times. In venues where the ventilation system is designed to maintain a positive air pressure balance in the auditorium the ventilation system shall be operated so as to maintain the pressure balance at all times.

Artificial Ventilation

Where artificial ventilation is used ventilation ducting, shafts and ventilation air filters generally shall be maintained in a clean condition and periodically as may be necessary to maintain a satisfactory flow of air supply.

8.8 Noise and sound level control for both buildings and temporary structures

- 1) The structure shall be designed to ensure that excessive noise emissions from the activities within the property (i.e. amplified music) does not adversely impact on residents/occupants of surrounding properties.
- 2) The premises are to be properly constructed and sound proofed to ensure that the escape of noise does not exceed that permitted under National Environmental (Noise Standards and Control) Regulations 2009.
- 3) Sound proofing may not apply to temporary structures.
- 4) Specialist equipment may be required to measure sound levels in the entertainment enterprise.
- 5) To preserve hearing, sound shall be in accordance to the NEMA regulations and any other related legislation.

8.9 Smoking restrictions for both buildings and temporary structures

- 1) Smoking shall be strictly prohibited in non-designated areas of the entertainment venue.
- 2) Designated smoking zones shall be clearly marked and should meet the requirements under the Tobacco Control Regulations of 2014.
- 3) Notices prohibiting smoking shall be prominently displayed.
- 4) Smoking can only occur in designated areas as set out in the risk assessment.
- 5) Where performers are required to smoke as part of their performance, risk assessment shall take account of costumes, props and sets and ensure appropriate controls are implemented to eliminate the risk of fire.
- 6) Suitable means of extinguishing cigarettes/cigars must be provided (e.g. ashtrays and sandboxes) and positioned in a manner accessible to the performer.

8.10 Food handling requirements for both buildings and temporary structures

- 1) Premises involved in the handling of food will be subject to the requirements of the Food Safety Standards, Public Health Act and other licensing requirements.

8.11 Waste Collection for both buildings and temporary structures

- 1) A sufficient number of suitable receptacles for refuse storage shall be provided.
- 2) These receptacles shall be covered, lined and maintained in a clean condition.
- 3) Waste bins must be emptied at the end of every shift and more regularly when the premise is busy.
- 4) All parts of the premises shall be regularly fumigated and kept be free of vermin infestation

8.12 Layout and Surface of Set for both buildings and temporary structures

- 1) Risk assessments must include analysis of the layout and surface of the set and performance areas, including the rake of the stage, revolves and the relationship of the stage and pit and/or audience.
- 2) Appropriate controls must be implemented in respect of any identified hazard including the use of anti-slip substances such as resin, coke and or water as appropriate to the circumstances.

8.13 Alcohol and Other Drugs for both buildings and temporary structures

- 1) At no time shall any illegal drug/s be brought into or consumed in the entertainment environment.
- 2) No alcohol shall be consumed on stage during a performance except when it is part of the act.

8.14 Stage for both buildings and temporary structures

- 1) Consideration must be given to glare and/or heat emanating from the performance/stage or other areas adjacent to where musicians are working.
- 2) Adequate lighting must be provided.
- 3) Initial sound checks and audio tuning must be scheduled so that other cast and crew members are not exposed to noise hazard.
- 4) No person should be exposed to radiation in excess of maximum permissible limits.

8.15 Firearms, Replicas and Weapons in entertainment production for both buildings and temporary structures

- 1) Fire arms and owners of firearms in any event or entertainment occasion shall at all times be governed by the *Firearms Act Cap 114 of 2015, Laws of Kenya*.

9 Operational Requirements for both buildings and temporary structures

9.1 Entertainment performance standards guidelines:

- 1) There shall be a binding contract between the entertainment host and provider for the entertainment service.
- 2) There should be an honest and ethical conduct including ethical handling of actual or apparent conflicts of interest between personal and professional relationships.
- 3) Entertainment provider shall ensure a well-coordinated move from rehearsal facility to the performance venue
- 4) Entertainment provider shall ensure all props, costumes and equipment are properly labeled and technical elements are set correctly in accordance with ground plans, notes and setting lists.
- 5) Production crew shall provide Technical Rider and an Event Production Checklist.
- 6) The entertainment enterprise shall set the stage in accordance with Technical Rider and an event Production Checklist that outlines:
 - a) Performers and patron's personal safety and security
 - b) The entertainment enterprise shall designate a clear boundary between the entertainer and the patron (the form of entertainment will determine the distance between the performer and the patron)
 - c) Entertainment provider shall ensure dressing rooms are allocated according to the requirements of the Technical Rider with sensitivity to gender and cultural differences. Unauthorized persons shall not be permitted entry to such rooms.
 - d) The entertainment enterprise shall provide an entrance / exit to the premises for performers which is separate from the ones designated for the consumers.

- 7) Entertainment provider shall ensure safety procedures are established and communicated to the appropriate personnel and drills are executed using established communication systems and in accordance with occupational and public health legislative requirements.
- 8) The entertainment provider shall ensure technical information is prepared and circulated to the appropriate personnel in accordance with organization policy and procedures.
- 9) The entertainment provider shall ensure all technical sequences for scene changes, lighting, sound or special effects are rehearsed in liaison with the production staff.
- 10) Entertainment enterprise shall maintain up to date documentation and production information and a register of all persons performing at their premises including audience numbers and venue capacity.
- 11) The entertainment enterprise shall ensure that they fully secure and manage the entire entertainment venue.
- 12) The entertainment enterprise shall provide sufficient sound absorbing insulation to minimize noise pollution affecting adjacent properties or public rights in accordance with NEMA regulations.
- 13) Performers shall not be allowed on stage in a state of nudity for general viewership. Entertainment host shall ensure that entertainment ground / stage or facilities are cleared, cleaned and well maintained.
- 14) The entertainment enterprise and entertainment providers must display conspicuously a list of emergency contact numbers. That list must include the numbers for the Venue Manager or their delegate together with numbers for emergency services.
- 15) The entertainment enterprise owner and producing company must have appropriate emergency plans and procedures in place for every event and production at every venue.
- 16) Entertainment service providers shall ensure that they obtain relevant skills, competencies and experience to match the expectations of the business opportunities.
 - a) There shall be an audition by at least a credible professional to vet the suitability of competence of the performers.
 - b) The performer shall take documented practice, mentorship and coaching sessions to improve quality of performance, professionalism and competence
 - c) Performers shall have their performances recorded for referencing, education and posterity.

9.2 Audience and crowd management for both buildings and temporary structures

- 1) The entertainment enterprise must ensure that appropriate signs/warnings are provided to the audience in respect of access, special effects, e.g. strobe lighting, smoke.
- 2) All personnel interacting with audience members must be made aware of such signs/warnings.
- 3) Stadium and seating arrangements must comply with relevant standards guidelines, legislation and building codes at all venues including non-dedicated performance venues.
- 4) Seating, aisles, passageways, steps and stairs must be kept clean and clear of obstructions.

- 5) Personnel required to interact with the general public shall be adequately trained in conflict resolution.
- 6) Emergency and evacuation plans must consider the possibility of entrapment, structural collapse and the need for crowd control measures including the engagement of security personnel.
- 7) First aid facilities, appropriate to the event, the site and the audience, must be provided.
- 8) The Host, entertainment enterprise and the provider must ensure that adequate crowd management and safety policies and practices are implemented.

9.3 Entertainment Production utilizing the engagement of children for both buildings and temporary structures

Special requirements associated with children include:

- 1) age appropriate recreational materials, food, rest facilities and, where necessary, accommodation facilities;
- 2) trained and adequate supervision;
- 3) appropriate rest breaks;
- 4) appropriate adult accompaniment to and from area of production;
- 5) appropriate privacy;
- 6) no exposure to distressing scenes and or potentially harmful content;
- 7) Non-exposure to drugs and alcohol
- 8) Children shall not be required to perform naked or with a naked person or to partake in any sexual oriented activities.
- 9) Compliance with relevant legislation and regulations.

9.4 Productions utilizing animals for both buildings and temporary structures

Special considerations in relation to animal use include:

- 1) engagement of suitably qualified and experienced animal wrangler/s and, where necessary, veterinarian/s;
- 2) animal contact and possible disease transmission;
- 3) distance between and potential contact between animals, performers, crew, audience and general public;
- 4) well-being of the animals;
- 5) potential problems with the animal/s' performance;
- 6) appropriate facilities to house, feed and transport the animals in hygienic conditions without affecting the hygiene of nearby areas;
- 7) disposal of animal waste;
- 8) Contingency plans developed in consultation with animal handlers in relation to emergencies.
- 9)

9.5 Risk Analysis / Assessment for both buildings and temporary structures

- 1) All entertainment premises shall be required to conduct a Risk / Hazard analysis periodically as required by specified arms of the government.
- 2) The risk assessment shall detail the identified of hazards human and environmental and mitigations put in place to counter their occurrence.

9.6 Event risk assessment for both buildings and temporary structures

- 1) Entertainment enterprise host and providers shall list all the hazards or possible situations associated with the event activity that may expose people to injury, illness or disease.
- 2) These hazards shall be recorded.
- 3) Risk analysis shall be conducted by relevant experts or experienced people qualified to advice on risk assessment.
- 4) The risk assessment shall be conducted and evidenced presented to the regulating authorities before an event.

9.7 Additional Operational requirements for both buildings and temporary structures

- 1) All entertainment venues shall make arrangements for road and air traffic control Traffic Control where necessary.
- 2) The carrying capacity of venues of each venue set for an event MUST at all times be adhered to.
- 3) All entertainment events and venues shall explicitly display the age guidance of the contents of such entertainment.
- 4) All events and event venues must provide for a well-structured and maintained means of Escape
- 5) No entertainment activities, performances or shows shall be exhibited at the premises which is likely:-
 - a) To encourage or to incite crime; or
 - b) To lead to disorder; or
 - c) To stir up hatred against any section of the public on grounds of color, race or ethnic or national origin, disability, religious beliefs, sexual orientation or gender, or
 - d) To promote violence, sexual humiliation or degradation.

PART IV – REFERENCES

1. The Tourism Act, Cap No. 28 of 2011. Laws of Kenya.
2. Tourism Authority Regulatory Authority Regulations 2014
3. The Kenya Vision 2030.
4. Persons with Disabilities Act No. 14 of 2003, Laws of Kenya
5. Firearms Act Cap 114 of 2015, Laws of Kenya.
6. The Factories and Other Places of Work Act (Medical Examinations) Rules, 2005, Laws of Kenya
7. Kenya National Fire Safety Standard by Kenya Bureau of Standards.
8. Occupational Safety and Health Act 2007, Laws of Kenya.

PUBLIC REVIEW DRAFT