

Licensed Premises - Child Safeguarding Compliance and Guidance

Name of Applicant			
Establishment Address			
Licence application number		Date	

North Yorkshire Social Services Department as the authority responsible for child safeguarding arrangements wishes to support licensed premises, which provide an environment that is conducive to children and their families.

This form has been compiled to help applicants through the licensing process and to assist the Social Services Department give your application careful consideration. Should you address the protection of children objectives in another way please ensure that you include sufficient information to address these objectives fully.

The form is in three parts, the first of which simply asks whether you propose to permit children onto your licensed premises. If you are not proposing to permit children onto the premises please complete Part 1 of this form and sign the declaration at the end of the form. It is important that you state that children will not be permitted onto the premises on your Operating Schedule, Section Q

If you are proposing to allow children onto your premises, we would ask that you read Part 2. This is a legal requirement and cannot be negotiated.

For all applicants we strongly recommend that you consider the good practice guidance in Part 3. This section is advisory although you may wish to use the material as an aid to completing the licence application Operating Schedule.

Part 4 deals with those premises for which the government has decided there should be strong presumption against children under the age of 18 being allowed into licensed premises.

Whilst advisory, we ask that you sign to state that you have read Part 3 and Part 4.

It should be noted that the term 'children' refers to any person under the age of 18 years unless otherwise stated.

Part 1 – Intention to permit children onto licensed premises

Question

1. Are you proposing to allow access to children to your premises? If question 'yes' please go to 2 below. If 'no' please sign the declaration at the end.

Yes No

Guidance

Deciding whether to allow children onto licensed premises is at your discretion. However, if you state in your operating schedule that you will not be permitting children onto the premises, you will need to apply to have your license varied if at some later date you change your mind.

Part 2 – General access of children to licensed premises

These are legal duties and cannot be negotiated.

Tick to agree

1. "Children under 16 will only be allowed onto premises used *primarily or exclusively* for the supply of alcohol for consumption on the premises (that is, most pubs, bars and clubs), as long as the child is accompanied by an adult over the age of 18"
2. "An unaccompanied child aged under 16 will not be allowed onto *any* premises licensed to supply alcohol for consumption on the premises where alcohol is being supplied, between 12 midnight – 5 am (this would therefore also include restaurants and other premises which are licensed to supply alcohol, but not *primarily or exclusively* so, such as some theatres and cinemas as well)"

It should be noted that these prohibitions on children's access to the premises only apply whilst the premises is open for the purpose of being used for the supply of alcohol for consumption there.

3. "Alcohol will not be sold or supplied to any person under 18 and certain alcoholic confectionary will not be sold to any child under 16"

4. **“Alcohol will not be purchased by or on behalf of a person aged under 18, unless an adult purchases beer, wine, or cider with a table meal, for a person aged 16 or over to consume with that table meal”**
5. **“Alcohol will not be consumed by someone who is under 18 on licensed premises unless an adult purchases beer, wine, or cider with a table meal, for a person aged 16 or over to consume with that table meal”**
6. **“Alcohol will not be delivered to any person under 18”**
7. **“A person under 18 will not be sent to obtain alcohol from either a premises selling alcohol for consumption off the premises (e.g. off-licences, supermarkets etc.), or from a club premises (or on behalf of the club), or to the order of a member of such a club”**
8. **“A person under 18 will not sell alcohol unless supervised by an adult unless the alcohol is for consumption with a table meal, and the premises is used for the service of table meals, and provision of alcohol there is for table meals only (e.g. restaurants)”**

Part 3 – Good practice guidance when permitting children onto licensed premises

All children have a right to be safe from harm. If you think that a child is being abused or neglected you must inform Social Services or the Police.

To report concerns to Social Services contact your nearest Customer Relations Unit. Outside office hours for all areas of North Yorkshire at weekends and on public holidays, contact the Emergency Duty Team (01904 762314).

The following is based on guidance that was produced by LACORS / ADSS in their Guidance for Social Services Departments & Licensing Authorities (December 2004). It is strongly advised that the guidance is complied with where the risk factors are relevant to your application. You should include all controls that you believe necessary for the protection of children within Section Q of your Operating Schedule. Although Part 3 is guidance you should sign to say that you have read it in Part 5.

Risk Factors

1. Any entertainment or services (regulated or otherwise) are / include that of an adult or sexual nature.
2. Entertainment or services include strong and offensive language.
3. Underage sales of alcohol.
4. Known association with drug taking or dealing.
5. Strong element of gambling on the premises.
6. Children in performances.

Sample Control Measures

People under 18 not admitted or taking part in the entertainment / services (including staff).¹
Measures for ensuring non-admission such as door supervision, age checks (including staff).
Sufficient screening of the relevant entertainment / services from view of those under 18 (including staff) e.g. smoked windows, doors closed.
Clear signage that entertainment / services are occurring which are not suitable for under 18s.
Specific measures agreed as regard the specific type of entertainment (e.g. lap dancing clubs).

People under 18 not admitted (including staff).
People under 18 not within hearing distance. Sound proofing may be required.
Measure for ensuring non-admission such as door supervision, age checks (including staff).
Clear signage that entertainment / services are occurring which are not suitable for under 18s.

People under 18 not admitted (including staff).
Evidence of suitable staff training and age identification scheme in place and followed.
Signs provided informing customers that sales will not be made to under 18s and that age identification may be required.
Tighter restrictions on admission of under 18s.

People under 18 not admitted (including staff).
Consider Home Office guidance "Safer Clubbing" – www.drugs.gov.uk.

People under 18 not admitted (including staff).
Measures to screen the gambling activity off from children.

Suitability and number of supervisors including care of children as they move from stage to dressing room etc. and to ensure that all children can be accounted for in case of an

¹ LACORS' suggestion is that where children under a certain age are not to be permitted onto premises then there needs to be measures in place to provide for action which should be taken should children be discovered on the premises, which help ensure their protection from harm.

evacuation or an emergency.

Suitability of the venue, for example, to ensure it can accommodate safely the numbers of children intended.

Fire safety, for example, that all chaperones and crew receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.

Special effects, as some may be in appropriate and may trigger adverse reactions in children.

Note. See The Children (Performances) Regulations 1968 as amended, but do not duplicate provisions.

7. Entertainment aimed at children (younger children).

Suitability and number of supervisors (see Statutory Guidance Annex F – available www.culture.gov.uk).

Personnel who are employed primarily to supervise or provide activities or services to children should:

- Be subject to (enhanced) Criminal Record Bureau checks and must not have any criminal conviction against a child or for a violent offence.
- Provide proof of their identity
- Provide a record of their employment history at the point of recruitment and should account for any gaps in employment

Personnel who are not employed primarily to supervise or provide activities or services to children and who have not been vetted for their suitability to work with children should not undertake any unsupervised activity with children.

8. Entertainment aimed at children (older children) – e.g. nightclubs and other licensed premises providing entertainment for unaccompanied children over the age of 12 years – please also refer to (8).

Measures to ensure that seating / standing arrangements for children are suitable.

- There should be a policy that states that physical contact with children and young people should be avoided unless such contact is intended to protect the young person, others or serious damage to property (see below) or in the ensuring that dangerous, illegal or prohibited articles or substances are not brought onto the premises (see below).
- The licensed premises should have a clear policy. The policy should identify suitable personnel along with guidance on the most appropriate means of intervention. Physical intervention should use the minimum force necessary to prevent harm and should ideally be exercised by a person of the same sex as the child or young person.
- In order to prevent dangerous, illegal or prohibited articles or substances being

brought onto the premises it is permitted for designated personnel to undertake body searches as a condition of admission. Such searches should be restricted to over the child's clothing and should be conducted by personnel of the same sex as the child being searched. A person should be given the right to refuse a search although this may mean a refusal to allow admission.

- Personnel should never use obscene, defamatory or discriminatory language towards or in the presence of children and young people.
- The licensee should ensure that all equipment designed for and used by children is safe, fit for purpose and has been checked for its safety.
- The Licensee should ensure that children are properly supervised whilst using any equipment provided.
- Where an event is promoted primarily for unaccompanied children there should be at least one supervisor for every fifty children

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| 9. Concerns regarding admitting children to films which have been classified as beyond suitability for children's' age. | Staff training and age-identification procedures.
Signage to explain that children will not be admitted to film showings which are not suitable for their age group, and that adults should not purchase tickets on children's behalf in this respect. |
| 10. Potential concerns regarding proposed staff: customer and/or staff: children ratios. | Measures to address these concerns. |
| 11. Potential concerns regarding qualifications of staff employed to look after children. | Potential requirement for (enhanced) CRB checks for specific staff.
Evidence of suitable training / experience. |
| 12. Risk of children visiting the premises unaccompanied. | Evidence of training and procedures to deal with such situations where they are deemed to be of potential harm to children. |
| 13. Living accommodation for children on the premises. | Consider the security of the living accommodation, entrances and exits.
Consider secure separation between the public areas and accommodation. |
| 14. Close proximity of premises to 'child-sensitive' properties. | As assessment of potential risks and control measures in place. |
| 15. There is a risk of physical, moral or psychological harm to children. | Children and young people should not be allowed on the premises as staff or customers. |
| 16. Young people under18 employed on premises. | Age restriction of that employment.
Training and supervision of the young people employed. |
| 17. Additional items to be detailed. Your premises may have special features that require additional controls. | |

Part 3 - Access of children to licensed premises in special circumstances

Do the premises fall into any of the categories below? If yes please complete the relevant questions

Gambling

Adult entertainment

Permitting children under 16 onto licensed premises after 12.00

Previous history of under age drinking

Previous history of drug taking

Previous history of heavy or binge drinking

If yes please go to question

1

2

3

4

5

6

In each of the following areas there is a strong presumption that children under the age of 18 should not be allowed onto the licensed premises. Should you decide when making your licence application that you wish children to be permitted onto the premises, you will have to give clear reasons in the operating schedule of why in these areas, and importantly, how you propose to safeguard children from harm.

Are you proposing to allow children onto premises that fit any of the above criteria outside of such activities are taking place?

Yes No

Guidance

Whilst premises may provide entertainment that meets the criteria above it maybe that such activities or entertainment are provided for at times when children are not present (e.g, in the evening with children being permitted only during the day).

1. Are you proposing that the premises are going to be used significantly for gambling? If yes please answer the following two questions:

- a. If you answered yes have you explained why you want to allow children onto the premises? *and*
- b. Have you outlined in detail what steps you intend to take to protect children from harm?

Gambling has to be a significant feature of the premises. Therefore a small number of small prize gaming machines should not cause a problem.

2. Are you proposing that the premises are going to be used significantly for adult or sexual entertainment? If yes please answer the following two questions:

- a. Have you explained why you want to allow children onto the premises? *and*
- b. Have you outlined in detail what steps you intend to take to protect children from harm?

3. Are you proposing that the premises, not serving alcohol but where the public are allowed, will permit access to children under the age of 16 after 12.00pm? If yes please answer the following two questions:

- a. Have you explained why you want to allow children onto the premises after 12.00pm? *and*
- b. Have you outlined in detail what steps you intend to take to protect children from harm?

4. Have the premises been known to be used for underage drinking? If yes please answer the following two questions:

- a. Have you explained why you want to allow children onto the premises? *and*
- b. Have you outlined in detail what steps you intend to take to reduce the incidence of underage drinking and to protect children from harm?

Children should not be allowed onto premises that are providing adult or sexual entertainment. The law does not provide a definition about what is meant as adult or sexual entertainment. However, children should not be allowed into premises or participate in providing lap, pole or table dancing, strippers or any entertainment depicting sex or nudity where such depiction is for the purpose of sexual gratification or performances depicting fetishism. Additionally, children should not be admitted or take part in performances involving feigned violence or horrific incidents.

Children under the age of 16 years should not be allowed onto licensed premises to which the public are allowed after 12.00pm even where no alcohol is being served.

Have the premises ever been prosecuted or warned about underage drinking? If yes, what steps have been put in place to reduce the incidence of underage drinking? When completing your operating schedule you should explain the action you have taken and how the effectiveness of that action will be monitored.

5. Have the premises been known to be used for drug taking? If yes please answer the following two questions:

- a. Have you explained why you want to allow children onto the premises? *and*
- b. Have you outlined in detail what steps you intend to take to protect children from harm?

6. Have the premises been known to be used for heavy or binge drinking? If yes please answer the following two questions:

- a. Have you explained why you want to allow children onto the premises? *and*
- b. Have you outlined in detail what steps you intend to take to protect children from harm?

Have the premises ever been prosecuted or warned about drug taking? If yes, what steps have been put in place to reduce the incidence of drug taking? When completing your operating schedule you should explain the action you have taken and how the effectiveness of that action will be monitored.

Heavy or binge drinking can occur in any premises serving alcohol, therefore to answer this question you should ask your self:

- Is the consumption of alcohol the primary purpose of the premises?
- What type of customer are you seeking to attract?
- Do you use promotions on alcohol that encourages drinking e.g. happy hours or discounting?

Part 5 - Declarations

I/we do not propose to permit children onto the licensed premises at any time.

Signed:

Date:

I/we have detailed controls in our Operating Schedule, Section Q of the licensing application as	
Signed:	Date: