Licensed premises
Protecting Children from harm
Information and guidance

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Understanding licensing objective - protecting children from harm

One of the key objectives of The Licensing Act 2003 is ‘The Protection of Children from Harm’. In Hull, The Licensing Authority considers the ‘Responsible Authority’ with regard to Protection of Children from Harm to be the Hull Safeguarding Children Board (HSCB).

In this capacity HSCB are required to ensure that decisions about licensing are taken with due regard to the need to safeguard and promote the welfare of children. We are committed to working in partnership with other local authority partners, organisations and businesses.

This guidance has been produced for individuals and companies that are making an application for any form of license. Nothing in this guidance will:

(a) Undermine the rights of any person to apply under the Licensing Act 2003 for a variety of permissions and have the application considered on its individual merits, and/or

(b) Override the right of any person to make representation on any application, or seek a review of a licence or certificate where they are permitted to do so under the Licensing Act 2003.

In addition to the legal responsibilities for child protection placed on premises licence holder/club certificate holder/designated premises supervisor/event manager at licensed premises or events, the Hull Safeguarding Children Board expects that there is a social responsibility for all members of staff and the public accessing the premises to be aware of child protection issues and to take action if they consider any child or young person to be at risk of harm.
What is safeguarding?

Children of all ages need to be kept safe from harm, safeguarding is about making sure that they are protected from all kinds of harm, not only physical and sexual but also psychological, emotional and moral harm. Where there is a risk to children, measures should be taken to ensure their safety and well being.

Safeguarding children is everyone's business

Everyone who comes into contact with children and families in their everyday work has a duty to safeguard children. Good practice already exists within the leisure and entertainment industry and some licensees are playing their part by recognising and fulfilling social responsibilities.

What is the HSCB?

Safeguarding and promoting the welfare of children requires effective co-ordination in every local area. The Children Act 2004 requires each local authority to establish a Local Safeguarding Children Board (LSCB).

The LSCB is the key statutory mechanism for agreeing how relevant organisations in each local area will co-operate to safeguard and promote the welfare of children in that locality, and for ensuring the effectiveness of what they do. (Working Together 2010)

For more information about Hull Safeguarding Children Board see www.hullsafeguardingchildren.org
Definition of child

The Hull Safeguarding Children Board recognises the distinction made under the Licensing Act 2003 between children and young people, however it should be noted that as far as the protection of children is concerned this applies to all young people up until their 18th Birthday.

It is important to include any staff or performers under the age of 18 in the safeguarding measures used.

The risk to children will vary from premises to premises depending on the type of licensing activity and the age of the children. The following guidance will describe some of the issues which a licensed premise might wish to consider:

Under age sales of Alcohol

Young teenagers may attempt to buy and consume alcohol and then become vulnerable because their judgement is impaired. This could put them in danger from getting involved in fights, from drink driving or from sexual harm.

Provisions should be in place to see that alcohol is not served to, or purchased on behalf of, under-age young people. Some of the ways that this can be ensured include:

- A recognised age verification scheme such as a PASS approved identity card. See the link http://www.pass-scheme.org.uk/
- All staff responsible for selling age restricted goods should be trained to operate this scheme and staff training records should be maintained and audited.
- Display signage to notify the public that the premises operates a Proof of Age scheme
- Use CCTV or other methods to monitor the outside the premises, to ensure that children are not purchasing by proxy
- Keep a refusals book
If you are:

**A retailer or provide services to the public** you have a legal responsibility not to sell certain goods to those under the specified age. You can find out about age related legal requirements specific to your business and other trading standards issues on the Everything Regulation Whenever It’s Needed (ERWIN) website.

If you are unsure how to comply with age related sales law in your business, contact us for guidance using the online form below. Alternatively call us on 01482 300 300 or email tradingstandardsadvicecentre@hullcc.gov.uk

**Visit the ERWIN website for age related sales advice** (link opens in a new window)

As part of Hull Business in Development (BiD) local businesses are encouraged to have a connection with the council’s city wide network of live **CCTV and radio systems**, improving communication between partner agencies – for more information please call **01482 616731**(office hours only)

**Concerned about under age sales?**

If you would like to report illegal sales to young people, you can complete a reporting form by following the link below. Trading Standards will investigate complaints that a business is selling goods to young people below the required age.

[http://www.hullcc.gov.uk/portal/page?_pageid=221,73180&_dad=portal&_schema=PORTAL](http://www.hullcc.gov.uk/portal/page?_pageid=221,73180&_dad=portal&_schema=PORTAL)

**Drinks promotions**

Drinks promotions must comply with the requirements of the mandatory licence conditions. Applicants are recommended to consider advertising products and promotions in compliance with a recognised Code of Practice. Alcohol should not be advertised in a manner that may incite, or attract young people to drink. Applicants should also give consideration to their soft drink
pricing policy so as not to discourage consumption of soft drinks by young people.

**Drugs**

The sale of and use of drugs at licensed premises is a child protection concern. At premises, clubs or events where drug issues have been identified, the Hull Safeguarding Children Board expects that the premises management or event organiser shall operate a ‘zero tolerance’ policy. It is expected that this would include: The maintenance of an incident log; signage; regular and audited patrols of toilet/external areas; staff training. Premises/clubs are expected to address drug activity by working in partnership with the Police and responding proactively to prevent offenders accessing the premises.

For more information about substance misuse related issues in Hull contact City Safe on 01482 300300

http://www.hullcc.gov.uk/portal/page?_pageid=221,589327&_dad=portal&_schema=PORTAL

**Smoking**

Ideally, children should not be allowed in smoking areas. Children exposed to the effects of a smoking environment are at risk of serious harm to their health.

Consideration must be given to the welfare of children when designating any external smoking areas. Consideration should also be given to the supervision of children if adults temporarily exit the premises to smoke.

The business should seek advice from a competent person on the design, and construction of any smoking shelters to ensure compliance with smoke-free legislation, or contact Environmental Health at Hull City Council on 01482 300300
For more information about smoking cessation

http://www.smokesnojoke.com/ - for young people and parents

http://www.readytostopsmoking.co.uk/ - for adults

** Supervision of children **

Parents/carers may have primary responsibility for the supervision of the children in their care, but the licence holder / premise supervisor still has responsibility to ensure the safety of all children on the premises.

Young children may be at risk if they are not properly supervised or are exposed to adults who have become intoxicated. Being drunk can severely impair someone’s ability to parent effectively which can result in either the child’s needs not being adequately met or the child being exposed to harmful situations. Being drunk and in charge of a child under 7 in a public place or on a licensed premise is a criminal offence (Section 2 Licensing Act 1902).

Children and Young children can become dangerously intoxicated by quite small quantities of alcohol, so care needs to be taken to clear used glasses to protect them from this risk.

Have a policy on clearing glasses to minimise opportunity for children to access left-over alcohol.

** If you have concerns about a child or young person’s safety **

- Police non-emergency 101
- Emergency 999
- Children's Social care Central Duty Team – 01482 448879
Outside areas/play areas

In order to prevent children from harm, the following measures should be considered:

- carrying out a suitable and sufficient risk assessment for play area and equipment;
- effective preventative measures in place to ensure the area and equipment is safe, e.g. daily and periodic safety checks by competent persons, and adequate signage etc;
- all external areas routinely monitored and supervised;
- the use of polycarbonate glassware.

Further information on safety issues is available from the website http://www.rospa.com/ and BS EN Standard 1176 and 1177 (Standards for Outdoor Play Area).

Staffing

Appropriate recruitment and selection processes should be in place to ensure that appropriate checks are completed on all staff and volunteers including:

- Verification of identity
- References
- Where paid staff and volunteers with unsupervised access to children and young people should undertake an enhanced CRB check.

Staff should be easily identifiable (uniform or badge) and understand what they should do if they have concerns about the safety of children.

Staff should be trained in age verification and should understand how and where to report a concern about a child / children

It may be useful to Identify a member of staff as the designated lead person on safeguarding issues. This may be the DPS / Manager. This person would be recommended to complete additional training in child protection

For access to child protection training

www.hullsafeguardingchildren.org
The license applicant is responsible for ensuring that any staff working on the premises who may have specific access to children through the nature of their employment (for example, coaching, supervised play areas, children’s entertainment) have appropriate CRB checks.

For more information about CRB checks:

http://www.direct.gov.uk/en/employment/startinganewjob/dg_195809

**Independent Safeguarding Authority reporting**

If you dismiss or remove someone from regulated activity (or you would have done had they not already left) because they harmed or posed a risk of harm to vulnerable groups including children, you are legally required to forward information about that person to the ISA. It is a criminal offence not to do so. If you believe that the person has committed a criminal offence, we also strongly advise you to pass the information to the police. For further information on the duty to refer to the ISA, please see

www.isa.homeoffice.gov.uk

Your organisation has a duty to make referrals to the Independent Safeguarding Authority, and it must not knowingly engage a barred person in regulated activity.

**Door supervisors**

The times during which door supervisors are employed and the number considered necessary is a matter for the premises licence holder and designated premises supervisor to address when promoting the four licensing objectives. However, licence holders, or designated premises supervisors should consider employing door supervisors in the following circumstances: where alcohol is sold after 11.00 pm; where dancing is provided as part of the licensed activities, at premises where the maximum occupancy figure is anticipated and at premises providing entertainment carrying a special risk.
Special risk events could include adult entertainment, pugilistic events or a demonstration of hypnotism.

The responsibility of gaining a valid licence to work legally within the private security industry belongs with the individual and they will be breaking the law if they work without a licence. However the employer will be breaking the law if they employ unlicensed staff.

For more information about licensable roles and application for licences follow the attached link.
http://www.sia.homeoffice.gov.uk/Pages/home.aspx

**Regulated entertainment (adult entertainment)**

Adult entertainment is not suitable for children and young people under the age of 18 years. No staff under the age of 18 years should be employed on the premises where adult entertainment takes place. At premises where such entertainment is allowed children should be excluded to ensure that they are not exposed to any inappropriate acts or material. Examples of adult entertainment unsuitable for children would include; gambling, sexual entertainment such as lap dancing, performances involving nudity, piercing or tattooing events or where certain types of live music suggest exposure to obscenity violence or drug use.

Clear signs should be used so that people are aware when and where children are welcome in the premises, including time restrictions where unsuitable entertainment/ activity may be taking place.

Ensure that television, DVD, display screens are suitably separate from children’s areas; e.g. they could be screened off so that children cannot see, or sound-proofed so they are unable hear unsuitable material.

**Special consideration in respect of Cinemas**
The Licensing Authority will expect licensees to impose conditions that children who have not reached the prescribed age will be prevented from viewing age restricted films, classified by the BBFC or the City Council itself.

Measures for ensuring non-admission such as door supervision, age checks (including staff) should be in place.

At places of regulated entertainment the Licensing Authority may require licensees to make appropriate arrangements for the supervision of children on the premises including their entry and exit. This may include the provision of a minimum number of suitably qualified staff who have been subject to the appropriate checks conducted by the Criminal Record Bureau.

Gambling

The Gambling Act 2005 promotes safer practice at premises where gambling activities take place. Under this legislation, licensees and their operators have a legal responsibility to ‘protect children and other vulnerable persons from being harmed or exploited by gambling’ and the Hull Safeguarding Children Board (HSCB), as a Responsible Authority, has a statutory responsibility to ensure that licence holders operate in a way that safeguards children and young people and vulnerable adults.

What are the risks to children?

The risks will vary, depending on the type of gambling activities taking place at the premises. For example, at adult gaming centres, betting premises or casinos, safeguarding systems should be in place to prevent young people gaining access to the premises. If children are permitted access to adult gambling activities, they may be at risk of being:

- Exposed to information or advertisements encouraging them to gamble
- Allowed or invited to gamble or bet in a commercial setting
Financially exploited
Allowed to purchase and consume alcohol
They may also witness, or be involved in, substance misuse, other criminal activity, or dangerous or threatening behaviour.

Managing the risks
To prevent children and young people accessing adult gambling activities, stringent safeguarding measures should be in place, such as:

- Challenge 21/25 scheme operated by all door and bar staff and only recognised proof of age accepted (for example photo driving licence or passport; PASS cards)
- All points of entry monitored by security staff/CCTV
- Signage prominently displayed at all points of entry regarding the prohibition of under 18’s
- Signage displayed on machines highlighting age restrictions
- Signage prominently displayed in bar areas regarding the law and the sale of alcohol
- Operate a membership scheme
- All staff trained to be vigilant and respond if a child gains illegal access to premises

If your premises offers a range of gambling activities (for example a casino, a licensed family or adult gaming centre, betting or bingo premises, or if you offer gaming machines in category C or above) **you must operate systems to ensure that under 18’s are prevented from accessing areas where adult activities (such as betting, or high stakes gambling) take place or where adult gaming machines are located.** The measures set out above should be used to help the public clearly identify in which areas children are prohibited. If your premises offer a variety of activities, you may also need to operate the following systems:

- Designate family-friendly areas using physical barriers/cordons to segregate these from restricted areas
• Points of access/egress to be located for easy supervision by staff and regularly monitored
• Signage displayed to indicate access rules
• Signage to remind parents/adults of their responsibilities
• Use bandit screens
• Use the Challenge 21/25 scheme
• Assign at least one member of staff as a ‘Children’s Safeguarding Champion’

Special effects
Signage should be prominently displayed warning that special effects are included and if possible state what the special effects are. (Some special effects, such as dry ice, could be a potential risk for a child with asthma; strobe lighting could be a potential risk for a child with epilepsy.)

Venue/ premise location

Where licensed premises or clubs are in close proximity to schools, nurseries, parks, or other children’s provision, there needs to be an awareness of issues of alcohol misuse, criminality and adult entertainment particularly during the day and in garden or outside areas.

Managers of licensed premises or clubs that are situated in residential areas need to be aware that children and young people living near those premises may be disturbed by any excessive noise, for example: loud music or noise made by customers leaving premises late at night. This should be addressed through signage and verbal advice to customers or members. If children are living at a licensed premises, consideration should be given to the impact of noise on the welfare of those children.

Children and Noise - Advice to Premises License Holders

For family events such as weddings, bar/bat mitzvahs, birthday parties in enclosed spaces
• Keep children away from speakers or the stage
• Try to prepare an area at the rear of the room
• Have a separate room for young children away from the noisy area

For young persons discos and youth clubs in enclosed buildings

• Keep the music noise levels below 85dB(A) (80dB(A) where children under 12 are present)
• Have a chill out room with quieter ambient style music

For children at festivals

• Ensure a supply of ear defenders are available for free or for sale for infants and young children
• Ensure a supply of ear plugs are available for children older than 14
• For paid ticketed festivals make it a requirement that children have ear defenders or ear plugs with them prior to entry

For children playing in orchestras in front of an audience e.g. school open day,

• raise the brass section higher than the other sections
• reduce the amount of ‘noisy’ repertoire,
• choose lighter repertoire for smaller venues,
• hold sectional rehearsals whenever possible,
• establish the (correct) use of ear plugs and/or screens,
• never double rank the brass when it’s a noisy repertoire

Children’s Entertainment

Where an activity takes place at a licensed venue which is directly aimed at children, such as a children’s party or show, consideration must be given to the number of adults required to be present, and the responsibilities of those adults required to be present, and the responsibilities of staff, to ensure that children are safe and protected from harm.

If staff have responsibilities for supervising children’s activities in the absence of a responsible adult, or if staff are in one to one private contact with children, appropriate checks should have been completed. If an activity requires children to be accompanied by a responsible adult, this requirement should be publicised (in the booking contract, tickets or publicity materials) and strictly enforced.
**Entertainers** - Any external children’s entertainers who are contracted to work at licensed premises/clubs or events are encouraged to produce a personal and recent Criminal Records Bureau check. This also applies to individuals volunteering their services, such as play supervisors or providers of children’s entertainment.

**Child employment**

The law governing child employment exists to ensure that children are protected and not exploited if they have a part-time job, while still of compulsory school age.

Children from 13 to compulsory school leaving age must have a work permit that they should carry with them when working.

The employer is responsible for the health and safety of the child while at work. Children of non-compulsory school age are restricted when selling alcohol and sales may only take place in compliance with the Guidance issued under Section 182 of the Licensing Act 2003 which requires specific supervision by a designated ‘responsible person’.

You will need to complete specific application forms if you wish to employ a child in certain types of employment. The application forms and supporting documentation is available to download from [http://www.hullcc.gov.uk](http://www.hullcc.gov.uk)

**Safeguarding children who are taking part in performances/events**

Local authorities are responsible for licensing children who take part in television, theatre, modelling and paid sporting activities in accordance with ‘The Children and Young Persons Act 1963’ and ‘The Children (Performances) Regulations 1968’.

The person responsible for the production of the performance should apply for the licence.
Application should be made to the Local Authority where the child lives. This may be different to the Local Authority of the child’s school and where the production is to take place.

The person who signs the licence is the licence holder and as such is responsible for the compliance with the conditions of the licence.

All children that are absent from school for performances will require a licence.

In cases where children are mobile between locations/areas of a premises/event ensure that adequate measures are taken to supervise their transition between areas to prevent them wandering off or becoming vulnerable to undesirable influences

Children living at licensed premises

Families who live at licensed premises often maintain the same kind of routines as those living in other types of households, to care for their children and ensure they remain safe. For most families, living at premises that operate as a pub, club, or off licence presents no problems and children living there enjoy normal family life.

For some families however, living at a licensed premises can present parents/carers with challenges and circumstances that other parents/carers do not normally experience.

What are the risks?

For many parents/carers the risks associated with a licensed environment may be normalised and not perceived as an unusual or unsafe part of their every day environment. It’s important that parents/carers recognise the risks to children and workers should ensure the potential risks are discussed with parents/carers and offer advice about ways to manage risk.

Children and young people living at licensed premises, particularly where alcohol is on sale, can be exposed to various risks on a regular basis. For example, customers who:
• Misuse alcohol
• Use strong or offensive language
• Are drunk, aggressive, violent
• Engage in inappropriate behaviour (sexual acts, indecent exposure, vomiting)
• Use or deal drugs and discard dangerous drug related paraphernalia
• Use dangerous weapons (guns, knives etc)
• Are criminal or sexual perpetrators

Noise nuisance can also affect the quality of life for children living at, or in close proximity to, a licensed premises – particularly if the pub/club hosts functions involving music or if there’s an outside ‘beer garden’ or smoking area. Loud noise late at night may frighten a young child and can affect the child’s sleeping patterns and impact on their development and education.

**Managing the risks**

To make sure the licensed environment remains safe and appropriate for children and young people living there, advice to parents/carers should include:

- Make sure that a responsible adult is available to supervise children in the private living quarters. It is not safe to leave a child unattended.
- Ensure that the adults responsible for supervising children are not intoxicated.
- Childminding arrangements should be made if parents/carers are working (for example serving on the bar or tills).
- Children should not work at the premises or cover if there is a shortage of staff. There are bylaws and regulations governing the hours and conditions for children’s work and a permit is a legal necessity, even for family relatives.
- Not to let the child(ren) play in the licensed area as it may be unsafe. Some premises licences have licence conditions prohibiting children in the licensed area and there may be legal consequences for allowing children to play in licensed areas at certain times.
➢ Arrangements are in place to allow parents/carers to prioritise their children’s needs. For example, adequate staff should be employed to cover the business, to allow parents to attend health or school appointments or to do ‘the school run’.

➢ Create a private play area that is designated and secure for residents.

➢ Secure access points to the living quarters to prevent the public entering private areas.

➢ Store alcohol safely to prevent children drinking or toddlers accidentally ingesting it. There is no safe amount of alcohol for a child, even a small amount can be lethal, particularly if the child consumes it with other drugs or prescribed medication.

➢ Report the condition of the property/building to the business owner if the building is not in safe repair.

➢ Plan and manage licensed activities at the premises such as parties, functions, disco’s and live music entertainment so that noise does not affect the wellbeing of children.

➢ Contact the police for help if customers engage in criminal or dangerous behaviour.
Licence application Process – Protecting children from harm

When addressing **Protection of Children from Harm**, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children and include within the operating schedule such steps as are deemed necessary to resolve them.

**Process of the HSCB Representative responding to Licence applications**

All applications for new or varied premises licences must be sent to the Licensing Authority and simultaneously to the HSCB representative as consultee for the protection of children from harm licensing objective. This needs to be done within the legal timescale set out in the Licensing Act 2003.

The HSCB representative will log the application on a database and assess the information provided to ensure that the protection of children from harm is being considered in the licensing application. A record of any decision made on behalf of the Hull Safeguarding Children Board. This includes liaison with the relevant Responsible Authorities/agencies/applicant,

Where insufficient information is provided on the license application, the HSCB will contact the applicant, or the applicant’s representative to offer advice and support.

If a representation is to be made by HSCB in respect of an individual licence application then this will be done within the statutory time limit (currently 28 days). The representation will be sent to the Local Authority Licensing department.

To expedite the application process and avoid unnecessary hearings, HSCB representative shall, where possible negotiate with the applicant or applicant’s representative, so that the necessary safeguarding measures are included in the application as licence conditions.
If an agreement is not reached by the end of the consultation period the HSCB representative will provide a report to the licensing committee on request explaining the reasons for the representation.

The Licensing Authority provides the HSCB with a weekly schedule of current applications in order to check that the HSCB has received all applications. The HSCB shall liaise with the Licensing Authority regarding applications not received.

**Restrictions**

Where the Licensing Authority has placed specific restrictions on a licence relating to children, any breach of those restrictions coming to the attention of the Hull Safeguarding Children Board will be referred immediately to the Licensing Authority. The Hull Safeguarding Children Board considers that the restrictions imposed by licence conditions apply to all children accessing the event, premises or club, including children living at licensed establishments.
Child protection policy

All owners/licence holders and their staff should have a basic awareness of child protection issues. This includes:

- Being alert to the possibility of child abuse and neglect, i.e. the definition, prevalence, identifying features in a child or adult, legal parameters and social consequences.
- Having enough knowledge to recognise an abusive or potentially abusive event or set of circumstances.
- Knowing who in the organisation to raise your concerns with.
- Being competent in taking the appropriate immediate or emergency action.
- Knowing how to make a referral to Children’s Services and/or the Police.

If anyone involved with premises which have been licensed has any concerns about a child, then they must discuss these with Children’s Social Care or the Police as soon as possible

In any situation where there is a suspicion that there may be abuse the welfare needs of the child must come first (see Children Act 1989) even where there may be a conflict in interest e.g. where the suspected perpetrator may be a customer, client or employee/employer.

These may include concerns about a member of staff or a suspicion that an activity taking place in the establishment could place children at risk.

Children’s Services (daytime) - 01482 448879
Children’s Services Emergency out of hours – 01482 788080
Police non emergency number – 101
Emergency services - 999

The HSCB have produced a child protection policy template which is available from www.hullsafeguardingchildren.org