



DERBYSHIRE SAFEGUARDING CHILDRENS BOARD

LICENSING ACT 2003

GUIDANCE FOR APPLICANTS

Introduction

The Licensing Act 2003 brought about a change in thinking about children's access to licensed premises and now it is normal for children to be allowed in to pubs, clubs and other licensed premises.

Overall, the DSCB wants to see that applicants have thought about the safety of children on their premises and have rules and systems in place to ensure that children are safe. Parents/carers may have primary responsibility for supervision, for instance, but the applicant still has responsibility to ensure safety of children on the premises.

The following guidance is not exhaustive, but will hopefully help applicants see the sorts of information we would find helpful

Derbyshire Safeguarding Children Board

Under the Act a number of 'Responsible Authorities' have been created, each one should be notified of new and 'variation' applications. They include Police, Fire Authority, Planning Authority etc. Derbyshire Safeguarding Children Board is the 'Responsible Authority' in respect of the protection of children from harm.

A 'Responsible Authority' is able to object to a licence application or to seek a review of premises about which there are concerns.

Derbyshire Safeguarding Children Board has a 'Licensing Sub-group' that comprises of representatives of Police, Children's Social Care, Health, Education etc which meets as necessary to discuss any applications of concern.

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 it is important that steps are taken to keep children safe.

What are the risks?

The risk to children will vary from premises to premises depending on the type of licensing activity and the age of the children.

Young children may be at risk if they are not properly supervised or are exposed to adults who have become intoxicated. 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.

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 predators.

All children are at risk of adults who are viewed as a danger to them. Care must be taken when staff are appointed to ensure that such individuals are not placed in an environment where they can exploit their position.

Adult entertainment is not suitable for children. At premises where such entertainment is allowed arrangements must be enforced to ensure that children are not exposed to any inappropriate acts or material.

What we expect from licensees – Applications for New Premises Licence and Variation to a Premises Licence

- Age-identification procedures used – national/local/premises schemes, eg. Challenge 21 Scheme and operation of refusals book.
- Vetting procedures for staff, to ensure that no unsuitable adults are employed.
- Use clear signs so that people are aware when and where children are welcome in the premises.
- Display signs and adhere to laws relating to alcohol and children.
- Have a clear policy for dealing with children on their premises, eg age, thresholds, supervision, expectations of adults, timing etc. We need to know what applicants have put in place and how they plan to monitor compliance with any rules/restrictions.
- How expectations on adults are enforced, eg instructions to staff.
- Staff should be easily identifiable (uniform or badge) and aware of safeguarding issues.
- Policy on clearing glasses to minimise opportunity for children to access left-over alcohol.
- Minimise the risk of passive smoking by ensuring that children are not allowed into any designated smoking area or shelter.
- Use CCTV to monitor the premises/event including toilet and play areas.

The Process

- A copy of all applications should be sent to Derbyshire Safeguarding Children Board HQ or via e-mail to Dona Womack at County Hall in Matlock.
- Applications for new licences and variations will be vetted for relevance to DSCB issues.
- Where insufficient information is provided the applicant will be contacted.
- Where cases need further discussion a Licensing sub-group meeting will be called.

In all cases, applications will be logged on a database (held at Derbyshire Safeguarding Children Board HQ) on receipt, and outcomes noted as appropriate.

If you feel a child is at risk it is important you do not ignore what is happening.

If concerns arise about a child's safety or well being it is important to take appropriate action, which is usually to contact the Police or Children and Young Adults Service. You don't necessarily have to identify the child in question but you can still receive advice. It is strongly advised that you do not do anything to make the situation worse such as asking a child leading questions or attempting to investigate yourself.

For Further Information or any queries please contact

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