



**Nottinghamshire**  
**SAFEGUARDING**  
**CHILDREN Board**

## **Nottingham City and Nottinghamshire Safeguarding Children Boards**

### **LICENSING ACT 2003: Guidance for License Applicants**

**December 2007**

# **SAFEGUARDING CHILDREN LICENSING ISSUES**

## **Introduction**

One of the key objectives of The Licensing Act 2003 is 'The Protection of Children from Harm'. Nottingham City Safeguarding Children Board and Nottinghamshire Safeguarding Children Board are both Responsible Authorities under the Licensing Act 2003. In this capacity we are required to ensure that decisions about licensing are taken with due regard to the need to safeguard and promote the welfare of children. The Boards 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.

## **Who are the Safeguarding Children Boards**

Nottingham City Safeguarding Children Board and Nottinghamshire Safeguarding Children Board are responsible for leading on matters relating to safeguarding children in Nottinghamshire. Our work is about safeguarding children in all situations and not just in pubs, clubs and other licensed premises.

Membership is made up of professionals from a range of organisations such as the Police, the City Council, the Health Service, the Probation Service and voluntary organisations.

## **What is safeguarding children?**

In recent years the approach towards protecting children has broadened, becoming more inclusive of a wide variety of factors, which could potentially put vulnerable children at risk.

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.

Safeguarding children is everyone's business. However safeguarding children does not only mean protecting them from physical harm – it also includes psychological, emotional and moral harm. Where there is a risk to children, measures should be taken to ensure their safety and well being

## **What licensees should do to safeguard children**

In order to make the necessary safeguarding arrangements you will need to consider what risks could arise to children at your premises/event and ensure that proper and adequate safeguarding measures are in place. It is important that other staff are aware of these measures and prepared to take necessary action.

The potential risk to children and young people will vary, depending on the type of licensable activity taking place. The following is a list of examples of potential risks and control measures to be considered by licensees in order to safeguard children (please note: this list is not exhaustive). These key points should help you to understand in what ways you can produce an operating schedule to safeguard children. It is important to include any staff or performers under the age of 18 in the safeguarding measures you use.

Potential risk factor within the licenses environment/activity	Control measures to be taken
<b>Staffing issues</b>	
<ul style="list-style-type: none"> <li>• Inappropriate staff working with or coming into contact with children</li> </ul>	<p><b>Use safe recruitment practices:</b></p> <ul style="list-style-type: none"> <li>• ensure that you verify the identity of applicants to posts you are appointing to</li> <li>• always request and follow up references in writing (and if possible confirm written references with the referee by telephone)</li> <li>• always obtain a Criminal Records Bureau check and clearance prior to appointment particularly where the post requires significant access to children/vulnerable persons</li> </ul>

<ul style="list-style-type: none"> <li>• Staff lacking awareness of safeguarding issues</li> </ul>	<p><b>Raise awareness/training</b></p> <ul style="list-style-type: none"> <li>• Ensure that staff are aware of the control measures stated in the Operating Schedule, that they are aware of their responsibilities and able to carry them out.</li> <li>• Produce your own company Child Protection Policy</li> <li>• Provide safeguarding training to all staff members</li> <li>• Ensure that staff are vigilant and are able to take appropriate action if they become aware of a potential risk, e.g. if children are observed in the care or presence of adults who are drunk and/or behaving inappropriately Such concerns should be reported to the police and/or social care (see below).</li> <li>• Identify a member of staff as the designated lead person on safeguarding issues (this is particularly useful in businesses that have a high turnover of employees)</li> <li>• This person should have a basic awareness of child protection issues and local arrangements for safeguarding children</li> </ul> <p>And,</p> <p>would advise other staff that have concerns.</p> <ul style="list-style-type: none"> <li>• This person would also ensure that safeguarding measures are implemented and monitored and, if necessary, improved.</li> <li>• This person could also be responsible for training other staff about safeguarding children (e.g. as a standard part of the induction program for new staff).</li> </ul>
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<ul style="list-style-type: none"> <li>• Staff and members of the public unable to readily identify appropriate staff when a safeguarding concern arises</li> </ul>	<ul style="list-style-type: none"> <li>• Provide staff with uniforms or badges so that they are easily identifiable as staff that can be approached by children, or parents/carers for assistance.</li> <li>• These staff should be identifiable as the appropriate person to take necessary action and who can be expected to reliably observe, monitor and ensure that children are not exposed to risk.</li> </ul>
<ul style="list-style-type: none"> <li>• Staff too busy to monitor children's activities</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure adequate staffing levels during activities where staff are directly responsible for the supervision of children's activities.</li> <li>• It is good practice to have a minimum staff/child ratio of 1 to 3 where the children are under the age of 2 years; of 1 to 4 where the children are aged 2 to 3 years; and 1 to 8 where the children are aged between 3 and 7 years.</li> <li>• It is advisable to have at least 2 staff available to supervise, one of which should be trained in first aid.</li> <li>• Ensure that staff prioritise safeguarding measures and are committed to their enforcement</li> </ul>
<b>Premises/Events issues</b>	
<ul style="list-style-type: none"> <li>• Children who are out of sight or care of their parent/carer, come into contact with strangers or may be exposed to undesirable influences, or are removed or remove themselves from the appropriate area of the premises/event</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure that children are confined to the environs of the premises/event</li> <li>• Staff should be vigilant to prevent children consuming unfinished alcohol left on tables etc</li> <li>• Restrict access to gaming machines or to the Internet to</li> </ul>

	<p>over 18's or use control software to prevent children's access to adult websites</p> <ul style="list-style-type: none"> <li>• Ensure that areas where children are not allowed are clearly marked and that signs indicating this are displayed.</li> <li>• Specify areas, activities and times or sessions that are family friendly and welcome children</li> <li>• Operate requirements that require that children under a certain age must be accompanied by an adult</li> </ul>
<ul style="list-style-type: none"> <li>• Children exposed to unsuitable entertainment</li> </ul>	<ul style="list-style-type: none"> <li>• Do not allow children access to the entire premises;</li> <li>• Restrict the times or areas where unsuitable entertainment/activity may be taking place (an example of unsuitable entertainment/activity is gambling, sexual entertainment such as lap dancing, performances involving nudity/adult entertainment, piercing or tattooing events or where certain types of live music suggest exposure to obscenity violence or drug use</li> </ul>
<ul style="list-style-type: none"> <li>• Children exposed to unsuitable viewing material</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure that television, video/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.</li> <li>• At cinemas or other places where films are presented, the classification restrictions relating to the film as set out by the British Board of Film Classification should be clearly and prominently displayed and admission rules strictly enforced.</li> </ul>

<ul style="list-style-type: none"> <li>• Children under the age of 16 gaining admission to licensed premises that are primarily or exclusively a drinking establishment or are intended generally for adult use</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure that staff are trained and vigilant and that they screen rigorously for under age admission.</li> <li>• Staff to request proof of age and accept only legitimate proof (egg passport, photo driving license, photo student card or identification approved by the PASS Accreditation System).</li> </ul>
<ul style="list-style-type: none"> <li>• Premises prone to violent incidents or that attract undesirable adults or have problems with adults 'grooming' children</li> </ul>	<ul style="list-style-type: none"> <li>• Use CCTV to monitor activity at the premises</li> <li>• Train door staff and security staff to be observant and aware and ensure that they take necessary action to remove risks to children</li> </ul>
<p><b>Safeguarding children who are taking part in performances/events</b></p>	
<ul style="list-style-type: none"> <li>• An emergency incident occurs during a performance/event</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure that the staff/child ratio is adequate</li> <li>• Ensure that responsible adults and children are made aware of evacuation procedures prior to the performance/event</li> <li>• Ensure that a register of children participating in the performance/event is kept so that all children are accounted for</li> <li>• 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</li> </ul>

<b>Issues related to children's health</b>	
<p>(please also consult Health and Safety codes of practice for guidance)</p> <ul style="list-style-type: none"> <li>• The performance/event/entertainment uses special effects</li> </ul>	<ul style="list-style-type: none"> <li>• 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.)</li> </ul>

### **Children Purchasing Alcohol**

The Boards believe that the purchase of alcohol by children can have a significant detrimental impact on their welfare.

Research conducted on behalf of the Scottish Executive in 2003 focussed on the implications for young people, and more broadly on society, of young people purchasing alcohol.

- Those who had purchased alcohol were more likely to drink more frequently. 42% of alcohol *buyers* drank on a weekly basis compared to 8% of *non-buyers*
- Many respondents had also experienced the adverse effects of drinking alcohol. 49% could not remember some of things they had done on at least one occasion, and 46% reported being drunk at least once in the last year.
- Purchasing alcohol was also found to be strongly related to involvement in delinquent behaviour and, further, was a better predictor of delinquent behaviour than *frequency* of drinking.

[www.scotland.gov.uk/Publications/2003/02/16298/17683#2](http://www.scotland.gov.uk/Publications/2003/02/16298/17683#2)

Nationally about 1,000 under 15's are admitted to hospital each year with alcohol poisoning. Alcohol not only impacts on the physical health of an individual but heavy drinking can contribute to anxiety and depression or uncover a pre-disposition to a psychiatric disorder or psychosis.

In its Alcohol Harm Reduction Strategy the government identifies a range of harmful impacts on children and young people associated with alcohol

consumption. These include an increase in alcohol-related crime, school-exclusion and unsafe sexual activity.

This view is supported by government a recent government document, entitled Safe. Sensible. Social the next steps in the National Alcohol Strategy, reviews progress since the publication of the Alcohol Harm Reduction Strategy for England. In this it is noted that since 2001, the number of young people aged 11–15 who drink alcohol appears to have reduced. However, overall those who do consume alcohol are drinking more and more often, with higher levels of alcohol consumption being associated with a range of high-risk behaviours including unprotected sex and offending. Young people under 18 who drink alcohol are identified as being one of the groups who form the minority of drinkers who cause or experience the most harm to themselves, their communities and their families

[www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_075218](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_075218))

The Violent Crime Reduction Act 2006 inserts a new offence into the Licensing Act 2003. This offence is committed if on three or more different occasions in a period of three consecutive months, alcohol is unlawfully sold on the same licensed premises to a person aged under 18. The new offence is committed by the person who, on the occasion of each unlawful sale, was a person, or one of the persons, holding the premises licence for the premises, or a person, or one of the persons, who is the premises user and gave the temporary event notice authorising licensable activities at the premises. The penalty for the new offence on summary conviction will be a fine not exceeding £10,000 and, where the offender is a premises licence holder, the premises licence could be suspended for up to three months insofar as it authorises the sale of alcohol.

### **The Impact on children of parental alcohol misuse**

Parental alcohol misuse can have a significant impact on children. Up to 1.3 million children in the UK are affected by parental alcohol problems. Five times as many children could be affected by parental alcohol problems as by parental drug misuse. Around one third (360,000) of all domestic violence incidents are linked to alcohol misuse (Bottling It Up: The effects of alcohol misuse on, children, parents and families – Turning Point 2006)

The Safeguarding Children Boards take this issue seriously and have produced guidance which specifically considers the impact of parental drug and alcohol misuse. This sets out how agencies that work with children and families will respond to concerns about the impact of drug and alcohol use on children. It can be found at

[www.nottinghamshire.gov.uk/substanceabuse.pdf](http://www.nottinghamshire.gov.uk/substanceabuse.pdf)

## **Implementing your operating schedule to safeguard children**

In order to ensure the licensing objectives of the Licensing Act 2003 are met it is crucial that the licensee and his/her workforce implement the plan set out in their Operating Schedule. Only in this way can children be protected from potential harm and shielded from inappropriate activities or individuals. If the licensee and his/her staff receive good quality training and the Operating Schedule is enforced, children should be able to enjoy the leisure and entertainment culture and benefit both educationally and developmentally from the experience within a safe environment.

Successful and effective implementation needs investment: in staff training, in regular reviews of safeguarding control measures and in the rigorous implementation of a robust Operating Schedule.

## **Who to contact and where to find more information about some of the issues referred to in this document**

### **If your query specifically relates to licensing**

Nottingham City Safeguarding Children Board:  
[safeguarding.partnerships@nottinghamcity.gov.uk](mailto:safeguarding.partnerships@nottinghamcity.gov.uk)

Nottinghamshire Safeguarding Children Board:  
[michelle.elliott@go.gcsx.gov.uk](mailto:michelle.elliott@go.gcsx.gov.uk)

### **If your concern is about the welfare of a child or children**

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's Social Care (CSC). You don't necessarily have to be able to identify the child in question. It is strongly advised that you do not attempt to investigate yourself as this could make the situation worse.

Children's Social Care staff are committed to working in partnership with children and their families. Your call could make the difference in helping to make sure that families receive support before things reach a crisis.

### **Nottingham City**

Children's Social Care is 0115 **9155500**, for urgent concerns out of hours **9159229**.

## Nottinghamshire County Council contact numbers

If you are not sure where the child lives please contact any of the numbers below and the duty social worker will still assist.

Mansfield/Ashfield	01623 433433
Rushcliffe/Gedling	0115 8546000
Broxtowe	0115 9175800
Bassetlaw	01777 716161
Newark and Sherwood	01636 682700

For any urgent concerns outside of ordinary office hours please ring the Emergency Duty Team on 0115 8447333

The government document 'What to do if you're worried a child is being abused' provides useful safeguarding information for people working with children. This can be downloaded at

<http://publications.teachernet.gov.uk/eOrderingDownload/6841-DfES-ChildAbuseSumm.pdf>