



Licensing Act 2003

The Protection of Children in Licensed Premises

Guidance for Premises License Holders, Designated Premises Supervisors Management Committees / Boards of Community Facilities and Clubs with a Premises Certificate

We very much hope that within the terms of your License families including their children can enjoy being with you and feel safe in your Premises.

The spirit of the Licensing Act is to provide a venue for families to meet and socialise and to provide as few restrictions as possible. To this end the Designated Premises Supervisor or Management Committee / Board have a broad responsibility for ensuring that the management of a Licensed Premises provides a safe environment for children. To help you with this we provide a number of key pointers.

It is worth bearing in mind that if a child comes to harm on your Premises and legal action ensues you are able to use the legal defence of having taken 'due diligence' to protect children within the scope of these Guidance Notes. There may also be implications regarding Third Party Insurance claims against you.

- Take a few minutes regularly to check that your premises are safe for children. This should include electrical fittings, fire places and possible hazards in the garden such as ponds or easy access to moving traffic. Also regularly check that play facilities for children are secure. New playground equipment must comply with Government Standard EN1176. RoSPA have produced a Guide on the Safety of Playgrounds which is available on their website. Keep a record of routine inspections.
- It is important that all staff, volunteers and helpers are trained to observe age validation procedures to ensure that they do not serve alcohol to a child or to a person on behalf of a child. (This also applies to arrangements for home deliveries.) Details of the Challenge 25 Scheme provided by the Wine and Spirit Trade Association is available on their website. The importance of keeping children away from alcohol is that alcohol has a more extreme effect on them. As a result they can be more vulnerable to abuse or self-harm. With certain levels of consumption alcohol can permanently damage the development of a child's brain.

(It is possible for children aged 16 and 17 years when accompanied by an adult to have an alcoholic drink of beer, wine or cider with a table meal in a Licensed Premises.)

There is a Fixed Penalty Fine of £90 for the offence of selling alcohol to a child which the serving member of your staff is required to pay. Much higher penalties exist for persistent

offenders. The protection of children from having access to alcohol is enforced by The Police and by The Trading Standards Agency.

- All gaming machines (except those in category D) must be positioned in areas of the premises that are not accessible to children under the age of 18 years and it is an offence for a child to use one of these gaming machines. The DPS or Club / Village Hall Committee is responsible for ensuring that children do not have access to machines of category C or below. (Gambling Act 2005 and The Gambling Commission Code of Practice).
- You should be aware of any inappropriate behaviour by your staff, volunteers or customers towards children. This could include abusing a child either verbally or physically or making inappropriate suggestions to a child.
- Due care should be taken to prevent children from being involved or exposed to episodes of violence.
- Children must not have access to adult entertainment in the form of nudity, obscene language, racism, coarse humour or material advertising this form of entertainment.
- Management Committees for Clubs and Village Halls that do not have a Designated Premises Supervisor are advised to have a written Child Protection Policy that is freely available to everybody who attends the facility. They are also advised to ensure that a Terms of Hire Document is signed by individuals or groups who hire the facility which commits hirers to operating within the terms of the Child Protection Policy.
- Children must be protected from drug trafficking and drug influenced behaviour.
- A Designated Persons Supervisor or Management Committee / Board has the right to exclude any person from Licensed Premises.
- It is vital to observe the law and any restriction on your License regarding children entering your Premises.
- If you arrange an event for children under 18 years old such as disco care must be taken to ensure that no alcohol products are available to children and that there is an appropriate ratio of staff to children based on the children's ages and the type of event being organised. As an approximate guide for children aged between 10 and 16 years a ratio of one adult to 10 children should be achieved. For children between the ages of 6 and 10 years a ratio of one adult to 6 children should be achieved. For children below the age of 6 years all children should be accompanied by a personal carer and no carer should have more than 3 children with them. Higher staffing ratios should be provided if there are activities effecting children's safety or there are concerns about disruptive behaviour by the children attending the event.
- All staff employed for children's events must be DBS checked.

Reasonable care should be exercised to ensure that staff do not have individual isolated contact with a child. This measure protects both the child and the member of staff.

- It is important that any restrictions on your License concerning children are observed. These restrictions may cover prohibiting children from occupying certain parts of the Premises or provide a time limit when children must leave the Premises.
- Adults who are accompanying children on your Premises are also responsible for the well-being and safety of the children in their care. It is therefore important that their behaviour is appropriate and if necessary protective towards the children. Be aware if an accompanying adult is over drinking alcohol and ensure your staff refuse to serve further alcohol to an accompanying adult if this becomes apparent.
- If you are faced with concerns about a child's behaviour, or well-being or safety in your Premises the first step is to ask the accompanying adult to respond to the problem. However if the accompanying adult is no longer in attendance or not responding appropriately to the child you should consider phoning one of the numbers shown below. There is information on recognising child sexual exploitation on the web site <http://warwickshirecse.co.uk>. This web site is provided by a team of professional staff in Warwickshire that specialise in protecting children from sexual exploitation. Also training programmes are available to promote awareness of child sexual exploitation and information about these programmes can be obtained through the District Office that issued your License.
- You are advised not to touch a child unless this is needed to ensure a child's safety.
- Children may not be employed on your Premises under the age of 13 years .If you employ children between the ages of 13 and 16 years they must be registered with Warwickshire's Child Employment and Children in Entertainment Team. These children may only work up to 19:00 pm and they must not work in a kitchen, collect glasses or serve alcohol unless this is in a sealed container. If a child is injured when working illegally your third party insurance may be invalid.

If a performance takes place on your Premises and there are children aged 16 years or below then a Performance Licence might be required from the same team.

Contact details for this Team are given below.

Useful Contact Points.

Warwickshire Police Service 01926 415000 or 101 or 999 depending on the urgency of the issue.

Child Protection Service. For advice on child abuse or specifically on child sexual exploitation 01926 414144 Monday to Thursday 8:30am – 5:30 pm and 8am -5:00pm Fridays. Outside these times phone: 01926 886922

General advice on child protection in Licensed Premises 01926 742628

Child Employment and Children in Entertainment 01926 742201