

Licensing Act 2003

Guidance for Applicants

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

The Torbay Safeguarding Children Board (TSCB) 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 the safety of children on the premises.

The following guidance is not exhaustive, but will hopefully help applicants understand the sort of information we would find helpful.

Torbay Safeguarding Children Board

Under the Licensing Act 2003 a number of 'Responsible Authorities' have been created, each one should be notified of new and variation applications. They include Police, Fire Authority and planning. The TSCB is the 'Responsible Authority' in respect of the protection of children from harm.

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

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. 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 is a criminal offence.

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 from 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 children should be excluded to ensure that they are not exposed to any inappropriate acts or material.

What we expect from licensees

- Use clear signs so that people are aware when and where children are welcome in the premises, including time restrictions.
- Display signs and adhere to laws relating to alcohol and children.

- Have a clear policy for dealing with children on their premises, e.g. age, thresholds, supervision, expectations of adults, timings etc. We need to know what applicants have put in place and how they plan to monitor compliance with any rules/restrictions.
- Ensure age-identification procedures are in place and are used.
- Vet staff to ensure that no unsuitable adults are employed.
- Ensure staff are easily identifiable (uniform or badge) and are aware of safeguarding issues.
- Have a policy on clearing glasses to minimise opportunity for children to access left-over alcohol.
- Use CCTV to monitor the premises/event including toilet and play areas.

The Process

- All applications will come to the TSCB post box or via e-mail to the TSCB Office in Torbay.
- Applications will be vetted for safeguarding issues and to ensure that adequate consideration has been given to the protection of children from harm, which is one of the licensing objectives.
- Where insufficient information is provided the applicant will be contacted.
- Where there are concerns or a lack of suitable conditions on the application a representation will be sent to the council's licensing department. A committee hearing will then be arranged to discuss this and any other representations received.

- In all cases applications will be logged on a TSCB database.

What should I do if I am worried about a child or young person?

Children and young people depend on the adults around them to keep them safe and to be well cared for. If you have concerns about the safety and welfare of a child don't keep it to yourself, call:

Children's Services (daytime) 01803 208100
 Emergency out of hours 01803 524519
 Police 101

Need more information for your application?

The TSCB has produced more detailed safeguarding guidance for licensed premises. To request a copy please contact the TSCB Business Unit on 01803 207176. The guidance can also be accessed online at www.torbay.gov.uk/tscb

Further advice and information is also available from the TSCB Licensing Officer:

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