

**HERTFORDSHIRE COUNTY COUNCIL**

**CHILDREN, SCHOOLS AND FAMILIES  
&  
TRADING STANDARDS**

**INTRODUCTION OF  
THE LICENSING ACT 2003**

**CHILD PROTECTION  
STATEMENT**

**2<sup>nd</sup> Edition - March 05**



**Prepared by**

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# **HERTFORDSHIRE COUNTY COUNCIL**

## **LICENSING ACT 2003**

### **CHILD PROTECTION STATEMENT**

#### **1. RESPONSIBLE AUTHORITY:**

In Hertfordshire the 'Responsible Authority' for Child Protection under the Licensing Act 2003 will be Hertfordshire County Councils Children Schools & Families Department and applications and correspondence relating to the Act should be addressed to:

Carol Taylor  
Hertfordshire County Council  
Children, Schools and Families  
Responsible Authority Licensing Act  
Room 17, County Hall  
HERTFORD  
SG13 8DF

The Local Weights and Measures Authority are also a 'Responsible Authority' under the Licensing Act 2003 and applications should also be addressed to:

Hertfordshire County Council  
Trading Standards  
45 Grosvenor Road  
St Albans AL1 3AW

## 2. PROTECTION OF CHILDREN:

It should be noted that as far as the Protection of Children is concerned this applies to all young people until their 18<sup>th</sup> birthday.

As well as specific responsibilities for child protection placed on the owners and operators of licensed premises, and also on personal license holders, there is a general responsibility for all members of the public 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.

In consideration of the licensing objective, 'The Protection of Children from Harm', the following notes relate to all premises licenses or club premises certificates, including public houses, restaurants, cafes, theatres, cinemas, clubs, hotels and retail premises. The notes are also relevant to any Temporary Events.

It is the expectation of Hertfordshire County Council that the following principles are incorporated into applications for premises licenses and club premises certificates, and the plans and operating schedules involved. **These principles may be used in giving information to applicants for premises licenses or club premises certificates to help them address aspects of meeting the licensing objective of 'The Protection of Children from Harm'** (see appendix 1). Where applicants fail to consider these principles then the County Council may make representations to the relevant Licensing Authority with the request that they be incorporated by way of condition on the relevant premises licence or club premises certificate.

### **ALCOHOL:**

**Age:** Provisions should be in place to see that alcohol is not served to, nor purchased on behalf of, under-age young people. This should include use of an identification scheme which involves specific documentation or photographic evidence from a passport or a driving licence.

**Advertising:** Applicants are commended to consider the 'Code of Practice of the Naming, Packaging and Promotion of Alcoholic Drinks' operated by the Portman Group. The code addresses issues about marketing alcohol in a manner which may appeal to or attract young people. Applicants should also give consideration to their soft drink pricing policy so as not to discourage consumption of soft drinks by young people.

## **COMMUNITY:**

**Drugs:** As well as issues about the sale of alcohol to young people the sale of and use of drugs on licensed premises is also a child protection concern. In this respect it should be commended that public houses and clubs are involved with national or local 'Pubwatch' schemes.

**Noise:** 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, including that made by customers leaving premises late at night. This should be addressed through verbal advice and written notices to customers or members.

**Environment:** Where licensed premises or clubs are in close proximity to schools, nurseries, or other children's provision, then there needs to be an awareness of issues of alcohol use and adult entertainment especially during the day and in garden or outside areas.

**Age Restricted Goods:** Provision should be in place to ensure that age restricted goods (videos, DVD's cigarettes, tobacco, knives or solvents) are not supplied to children under the appropriate age limit. As with alcohol, this should include the use of an identification scheme which involves specific documentation or photographic evidence from a passport or a driving licence.

## **PREMISES:**

**Entertainment:** All provisions must be in place for the protection of children from adult entertainment, including from the showing of films with inappropriate classifications, films considered unsuitable for children by the local council or where there is a strong element of gambling on the premises.

**Child Entertainment:** Where an event takes place on licensed premises which is directly aimed at children, such as a children's show or pantomime, then consideration must be given to the number of adults required to be present, and the responsibilities of those adults, to see that children are safe and protected from harm.

**Accommodation:** If the licensed premises include residential accommodation then consideration must be given as to how any residential provision for children is separated out from business premises.

**Child-minding:** If children are living on the premises then adequate minding arrangements must be in place whilst their parents/carers are working. Working bar staff cannot mind children living in separate accommodation nor care for children within the licensed areas.

**Restrictions:** Where the Licensing Authority has placed specific restrictions on a license relating to children then any breach of those restrictions coming to the attention of the County Council will be referred immediately to the Licensing Authority.

**Smoking:** The affects of a smoking environment on children is a serious issue of harm and consideration must be given to having an area free from smoke on premises where children may be present.

## **PEOPLE:**

**Age of Staff:** No staff under the age of 18 years are to be employed on the premises where adult entertainment takes place.

**Criminal Records:** Any staff working on licensed premises who may have specific access to children through the nature of their employment (supervised play areas, children's theatre or entertainment) must have appropriate Criminal Records Bureau checks.

**Entertainers:** Any external children's entertainers who are contracted to work on licensed premises should produce a personal and recent Criminal Records Bureau check or 'subject access' document from the police.

## **3. PROTOCOL:**

**This protocol reflects a two way process of communication between the Licensing Authorities and Hertfordshire County Council.**

- All applications for new or varied premises licenses will be forwarded to the Responsible Authority for Child Protection, Hertfordshire County Council, by the individuals who are applying for premises licenses or club premises certificates.
- All applications for new or varied premises licenses will also be forwarded to the County Councils Trading Standards Department, by the individuals who are applying for premises licenses or club premises certificates.
- Applicants must be advised by the Licensing Authority of the correct address for such correspondence (see section 1) in order that it will be correctly received and dealt with.

- All applications must clearly state which Licensing Authority is responsible for dealing with the application, to enable an appropriate and prompt response to be made by Hertfordshire County Council.
- The receipt of applications by Hertfordshire County Council will be notified to the relevant Licensing Authority within three weeks. If any representation is to be made by Hertfordshire County Council to an individual license application then this will also be done within three weeks of receiving an application.
- If, after notifying the Licensing Authority that an application has been received, no representations are made by Hertfordshire County Council within three weeks of receiving that application then it should be deemed that no representations are being made.
- In view of the lack of information available on file to Hertfordshire County Councils Children Schools & Families, in respect of licensed premises, it is not envisaged that there will be adverse comments, from this Department, in respect of many, if any, applications. However, a sample of applications, reflecting all licensing districts, will be considered in the light of how 'The Protection of Children from Harm' has been addressed in the application, plans and the operating schedules. Comments on the quality of the sample will be fed back to the appropriate Licensing Authority.
- Hertfordshire County Councils Trading Standards Department will consider all applications against the information held by the department in respect of the sale of age restricted products to children under the appropriate age limit and any other appropriate Trading Standards matter.
- If a Licensing Authority has any particular concerns about an individual license in respect of a child protection matter then this should be specifically drawn to the attention of Hertfordshire County Councils Children, Schools & Families Department.

- If a Licensing Authority has any particular concerns about an individual license in respect of the sale of age restricted goods then this matter should be specifically drawn to the attention of Hertfordshire County Councils Trading Standards Department.
  
- Hertfordshire County Council will advise their Children, Schools and Families staff of their responsibility to share any child protection concerns that they have about any licensed premises, and that these matters should be drawn to the attention of the relevant Licensing Authority. Any concerns of this nature will also be notified to the Head of Child Protection at County Hall. Such concerns may include:
  - Premises having a reputation for under-age drinking.
  - Premises with a known association with drug taking or dealing.
  - Children are present and there is strong element of gambling on the premises.
  - Young people being present when entertainment of a sexual or other adult nature is provided on the premises.
  - Premises where children are regularly present when they would normally be expected to be in full-time education.
  - Excessive noise at night outside licensed premises in residential areas.
  - Children living in licensed premises but being inadequately supervised.
  
  - Known concerns of a child protection nature about an applicant for a personal license, or for staff working in licensed premises where children may be present.
  
- Hertfordshire County Council will ensure their Trading Standards Staff act on any concerns or information that the Department holds about a licensed

premises or individual, and that these matters be drawn to the attention of the relevant Licensing Authority. Such concerns would include:

- Premises having a reputation for selling age restricted products.
  - Complaints about the sale of restricted products from a premises.
  - Premises /individuals prosecuted or cautioned for the sale of restricted products.
  - Other information the Department may hold about the premises or individual regarding the sale of age restricted goods or the substitution or mis-description of alcohol.
- Representatives of Licensing Authorities should contact the Responsible Authority directly using the following contacts:

Address: Carol Taylor  
Hertfordshire County Council  
Children, Schools and Families  
Responsible Authority Licensing Act  
Room 17, County Hall  
HERTFORD, SG13 8DF.

Telephone: 01992 556935.

Fax: 01992 556918.

Email: [carol\\_taylor@hertsc.gov.uk](mailto:carol_taylor@hertsc.gov.uk)

or

Address: Guy Pratt/Alice Nugent  
Hertfordshire County Council  
Trading Standards  
45 Grosvenor Road  
St Albans AL1 3AW

Telephone: 01727 813849

Fax: 01727 813877

Email: [hcc.tradstad@hertscc.gov.uk](mailto:hcc.tradstad@hertscc.gov.uk)

- Applicants who have any questions about Child Protection elements of the application should be referred to appendix 1 of this document or to write to the address of the Responsible Authority.
- Applicants who have any questions on Trading Standards matters should be referred to appendix 1 of this document or to write to the address of the Responsible Authority.
- Anyone who has specific concerns about a child being at risk of harm should contact Children, Schools & Families on 01438 737500

#### **4. REVIEW:**

This protocol will be reviewed by Hertfordshire County Council and the Licensing Authorities in February 2006.

## APPENDIX 1.

### GUIDANCE FOR ALCOHOL LICENCE APPLICANTS IN RESPECT OF THE LICENSING OBJECTIVE 'THE PROTECTION OF CHILDREN FROM HARM'.

As the Responsible Authority for Child Protection in Hertfordshire under the Licensing Act 2003, Hertfordshire County Council consider the following issues to be important when considering applications for licences.

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