

Conditions Relating to the Protection of Children From Harm

It should be noted that it is unlawful under the Licensing Act 2003 to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

Access for children to licensed premises – in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm.

Any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

- a). explain their reasons; and
- b). outline in detail the steps that they intend to take to protect children from harm on such premises.

For any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11:00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

- a). explain their reasons; and
- b). outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case, subject to the premises licence holder or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

General

When completing your operating schedule, you will be required to describe the steps you intend to take in order to promote the four licensing objectives. When responsible authorities are considering such applications and when licensing authorities are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if necessary, would promote the Protection of Children From Harm.

The following measures are designed to offer guidance. Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

The attached list is not exhaustive and you may use other conditions, which you can use to meet the licensing objectives. Should you wish to incorporate any of the following conditions into your operating schedule, you can do so by ticking the appropriate tick boxes and sign the declaration at the end of the form.

Age Restrictions – Specific

Please tick each box describing the measures to be undertaken: Tick ✓

- When adult entertainment is provided, children under the age of 18 years shall not be permitted access to the licensed premises and it shall be made clear to the public the times when such entertainment shall be provided
- During “Happy Hours” or drinks promotion nights or entertainment of a similar nature, children under the age of 18 years shall not be permitted access to the licensed premises

Age Restrictions – Cinemas

Films shall be classified in the following way:

- U – Universal. Suitable for audiences aged four years and over
- PG – Parental Guidance. Some scenes may be unsuitable for young children
- 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult
- 15 – Passed only for viewing by persons aged 15 years and over
- 18 – Passed only for viewing by persons aged 18 years and over

Please tick each box describing the measures to be undertaken:

- The cinema or venue operator shall submit to the licensing authority any film intended for exhibition 28 days before the proposed viewing in circumstances where the licensing authority is to make recommendations on the admission of children to films
- Immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds, in such a manner as to be easily read by all persons in the auditorium, a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film

Form E

- Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This condition does not apply to members of staff under the relevant age while on duty provided that the prior written consent of the person's parent or legal guardian has first been obtained.

Theatres

Please tick each box describing the measures to be undertaken:

- The admission of children to the theatre shall only be restricted when it is considered necessary to promote the licensing objective of the protection of children from harm
- To ensure the well being of children present on the premises during any emergency, a sufficient number of adult staff shall be on the premises during any such times when children are present (in accordance with the conditions set out in Form C)

Performances Especially for Children

Please tick each box describing the measures to be undertaken:

- Where performances are presented especially for unaccompanied children, an attendant shall be stationed in the area(s) occupied by the children, in the vicinity of each exit
- The minimum number of attendants on duty shall be one attendant per 50 children or part thereof, on each level occupied by children
- Children shall be prohibited from standing during any performance

Children in Performances

Please tick each box describing the measures to be undertaken:

- The backstage facilities shall be large enough to accommodate safely the number of children taking part in any performance
- All chaperones and production crew on the show shall receive instruction on the fire procedures applicable to the venue prior to the arrival of the children
- Special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children, shall only be used when it is known that such effects will not cause harm to children taking part in any performance

Form E

- To ensure the safety of children performing at the licensed premises, children shall be kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises
- A system is in place to ensure that children can be accounted for at all times in case of an evacuation or emergency

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

Please tick each box describing the measures to be undertaken:

- The alcoholic nature of a drink shall be communicated on its packaging with absolute clarity
- A drink, its packaging and any promotional material or activity should not in any direct or indirect way:
 - a). Have the alcoholic strength, relatively high alcohol content, or the intoxicating effect, as a dominant theme
 - b). Suggest any association with bravado, or with violent, aggressive, dangerous or anti-social behaviour
 - c). Suggest any association with, acceptance of, or allusion to, illicit drugs
 - d). Suggest any association with sexual success
 - e). Suggest that consumption of the drink can lead to social success or popularity
 - f). Encourage illegal, irresponsible or immoderate consumption, such as binge-drinking, drunkenness or drink-driving
 - g). Have a particular appeal to under 18s
 - h). Incorporate images of people who are, or look as if they are, under twenty-five years of age, unless there is no suggestion that they have just consumed, are consuming or are about to consume alcohol
 - i). Suggest that the product can enhance mental or physical capabilities

Proof of Age Cards

Please tick each box describing the measures to be undertaken:

- Before the sale or purchase of alcohol to those appearing to be under the age of 18 years, sight of evidence of age will be required
- Before the admittance of any person seeming to be under the age of imposed restrictions, sight of evidence of age will be required
- An accredited 'proof of age' system, such as the Proof of Age Standards Scheme (PASS) shall be complied with

IF YOU HAVE TICKED ANY OF THE BOXES ABOVE, PLEASE CONTINUE OVER THE PAGE AND SIGN THE DECLARATION

Any other information:

Please provide details of any further proposed measures designed to enhance the protection of children from harm at the said licensed premises.

DECLARATION

I _____
(Full Name)
of _____
(Premises Address)

WISH TO HAVE THE ABOVE CONDITIONS, WHICH I HAVE CHOSEN BY TICKING THE RELEVANT BOXES INCORPORATED INTO THE OPERATING SCHEDULE FOR THE PREMISES DETAILED ABOVE IN ORDER TO MEET THE PROTECTION OF CHILDREN FROM HARM LICENSING OBJECTIVE.

Signed: _____

Dated: _____