

Guidance for Licensees
**Safeguarding
Children** on
Licensed Premises

VERSION: 1

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1 Licensed Premises – Safeguarding Children

1.1 Context

The protection of children from harm is a national licensing objective. The term “Children” refers to all babies, children and any young people i.e. from birth till their 18th birthday. Although the licensing act uses the words “child protection” or “protecting children from harm” it relates to safeguarding children and young people in its widest sense. Likewise it is not only associated with the sale of alcohol to children but the wider dangers such as:

- Sexual exploitation
- Substance Misuse
- Witnessing or being victims of perpetrators
- Anti-social Behaviour

This policy is for all staff (paid or unpaid) involved in premises, which have been licensed under The Licensing Act 2003. This includes:

- Cinemas,
- Clubs,
- Department stores,
- Festivals,
- Hot Food Takeaways
- Off Licenses,
- Pubs,
- Restaurants,
- Shops and,
- Sports venues,

Many of which children can walk into without an adult. It will give some basic information about what to do if you are concerned about a child and should be read in conjunction with the Licensing Act 2003.

1.2 Stockton-on-Tees Local Safeguarding Children Board

Stockton-on-Tees Local Safeguarding Children Board (SLSCB) was established under Section 13 of the Children Act 2004, replacing the Stockton-on-Tees Area Child Protection Committee, the predominant remit of which was child protection. SLSCB's remit is wider in that it includes prevention as well as protection for all children, not just those who are known to be vulnerable.

The licensing Act 2003 initiated efforts to ensure the provision of a family friendly culture at licensing premises, which the Safeguarding Children Board wants to support, whilst at the same time working with licensees to safeguard children. Stockton-on-Tees Local Safeguarding Children Board has produced this policy guidance for licensees and would be pleased to receive feedback on its content and how we can work together more effectively to achieve better outcomes for children based on increase awareness of our mutual roles.

1.3 Government Guidance

The Government state that everyone working in an environment where there may be children present should safeguard and promote the well being of children. To do this all adults must follow the Government Guidance published by the DfES (Department for Education and Skills) “What To Do If You're Worried A Child Is Being Abused” 2006

The publication can be attained from the DfES website:

<http://www.everychildmatters.gov.uk/files/34C39F24E7EF47FBA9139FA01C7B0370.pdf>

Advice can also be obtained during office hours from the Police:
Cleveland Police Headquarters
Ladgate Lane
Middlesbrough
TS8 9EH
Tel: 01642 326326 fax: (01642) 301200
Or

First Contact Unit (Children Social Services)
Stockton on Tees Borough Council
Bath lane
Stockton on Tees
TS18 2Ds
Tel: 01642 527764 (Out of hours 08702 402994)
Email: firstcontact@stockton.gov.uk

1.4 Training and Competence

All owners/licence holders and their staff should have a basic awareness of safeguarding issues, this includes:

- Being alert to the possibility of child abuse and neglect.
- Having enough knowledge to recognise an abusive or potentially abusive event or set of circumstances.
- Knowing who to raise concerns with.
- Being competent in taking the appropriate immediate or emergency action and
- Knowing how to make a referral to First Contact (Social Services) and/or the Police.

N.B.

The licensee is responsible for ensuring that they and their staff are familiar with, and competent in their responsibilities regarding how to safeguard children.

1.5 Basic Principles

If anyone involved with the licensed premises has concerns about a child's safety and or well-being then they must discuss these with the SBC First Contact Team (Children's Services) or the Police at the earliest opportunity.

This may include concerns about a member of staff or suspicion that an activity taking place on the premises could place children at risk.

In any situation where there is a suspicion of abuse, the welfare needs of the child must come first (Children Act 1989) even where there may be conflict in interest e.g. where the suspected perpetrator may be a customer, client or employee/employer.

1.6 Protection for all

All children must be safeguarded from harm and exploitation whatever their:

- Race, Religion, First Language or Ethnicity
- Gender or Sexuality
- Age
- Health, Ill-health or disability
- Location or placement (e.g. living alone, in a hostel or residential unit, with their Family or a Foster Family, as a tourist in a hotel etc)
- Criminal or offensive behaviour
- Wealth or lack of it
- Political or immigration status

2 DEFINITION OF CHILD ABUSE AND NEGLECT

2.1 Context

This section closely reflects the procedures for “Working Together to Safeguard and Promote the Welfare of Children in Stockton on Tees”.

<http://www.stockton.gov.uk/citizenservices/safeg/proclscb/>

2.2 Child Abuse and Neglect

‘Child abuse and neglect’ is a generic term encompassing all ill treatment of children, including serious physical and sexual assaults as well as cases where the standard of care does not adequately support the child’s health or development.

Abuse and neglect are forms of maltreatment of a child. Somebody may abuse a child by inflicting harm, or by failing to prevent harm.

Children may be abused in the family or an institutional or community setting by those known to them or, more rarely, by a stranger. An adult or adults or another child or children may abuse them.

Working Together to Safeguard Children, 2006 sets out definitions and examples of the four broad categories of abuse:

- Physical abuse
- Emotional abuse
- Sexual abuse
- Neglect

These categories overlap and an abused child does frequently suffer more than one type of abuse. e.g. a child may be suffering physical and emotional abuse.

2.3 Physical Abuse

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces illness in a child (*Working Together, 2006*).

2.4 Emotional Abuse

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child’s emotional development. It may involve conveying to children that they are worthless or unloved, inadequate or valued only in so far as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child’s developmental capacity, as well as over-protection and limitation of exploration and learning, or preventing the child participating in normal social interactions. It may involve serious bullying causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone (*Working Together, 2006*).

2.5 Sexual Abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, including prostitution, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative (e.g. rape or buggery or oral sex) or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual

activities, or encouraging children to behave in sexually inappropriate ways (Working Together, 2006).

NB

The fact that it is abusive to allow or coerce children into witnessing acts of a sexual nature between adults may be particularly relevant where children are on the premises and are exposed to adult focused activities where sexual themes are prevalent.

2.6 Neglect

Neglect involves the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health and development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to provide adequate food and clothing, shelter including exclusion from home or abandonment, failing to protect a child from physical harm or danger, failure to ensure adequate supervision including the use of inadequate care-takers, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsive to, a child's basic emotional needs (Working Together, 2006).

Neglect can also include ignoring a child's basic emotional needs. This includes children being present with or without their parents, at venues unsuitable for their age:

- Where events of a sexual nature take place
- Where there are convictions of current members of staff for serving alcohol to minors
- Premises where gambling is the main activity and/or
- Premises where the supply of alcohol is the main activity and there are no activities for children or families

N.B.

Children need to be protected even when it appears that they are not aware that the physical abuse, or sexual activity that they are involved in or witness, or the neglect they experience, is harmful to them.

3 SAFEGUARDING CHILDREN PROCEDURES TO BE FOLLOWED BY OWNER/LICENSE HOLDERS AND THEIR STAFF

3.1 Action to be taken

Local authority Children's Social Service, the Police (and the children's charity NSPCC) are the only agencies that have a legal obligation and authority to investigate child abuse.

- If you suspect that a child under the age of Eighteen years or an unborn baby is being harmed by:
- Experiencing or already has experienced abuse or neglect and/or is
- Likely to suffer significant harm in the future

You must talk to your nominated Safeguarding Children person and make a referral to First Contact (children's services) and/or the Police.

3.2 Who to Contact

In office hours

	<u>First Contact</u>	<u>Police</u>
Telephone	01642 527764	01642 326326
Email:	firstcontact@stockton.gov.uk	

Out of hours

	<u>Children's Services Emergency Duty Team</u>	<u>Police</u>
Telephone	08702 402994	01642 326326

3.3 What They Will Want To Know

When you contact either agency you should provide the following details:

- o Your Name
- o Your address and a telephone number at which you can be contacted in case they require other information or to follow up
- o The child or young persons name and any other details, if known (parents name, address, school etc.
- o Relevant information about the circumstances of your concerns – what you see, hear or suspect to be happening about an individual child or young person
- o Also concerns relating to activities you see, hear or suspect to be happening about the premises or linked to the premises e.g. if you suspect that a member of staff is selling alcohol to young people who are underage or you believe that children are at risk of sexual exploitation (prostitution or internet pornography)

You may not have all the details about a child or young person, or the activity, but you should still refer.

You will be expected to put in writing within 48 hours the information you have given.

First Contact (children's social services) and/or the Police should tell you how to respond to the situation in a way that supports their plan of action.

N.B.

You may be in breach of your license if you do not disclose information where child abuse is suspected.

4 NOMINATED SAFEGUARDING CHILDREN PERSON

Recommended best practice is for the owner/license holder to nominate themselves or a senior staff member to have the following responsibilities in relation to Safeguarding Children for the licensed premises. Staff assigned to this role must be adequately CRB checked and ensure that safe recruitment procedures are followed.

- o Arrange safeguarding training for all staff
- o Ensure that all staff have read and know where to find this policy and Government Guidance: "What To Do If Your Worried A Child Is Being Abused" 2006
- o Ensure that Safeguarding Children posters are displayed
- o Provide advice and support to staff when they have a concern about safeguarding a child
- o Record all concerns raised by staff
- o In cases where adults responsible for supervising children fail to do so, they would notice this or respond to staff who have, by addressing the issue (i.e. ask the adult to ensure their children remain under close supervision and explain why – because if they are wandering about the premises they may be at risk of accidental or other type of harm: refuse to sell alcohol if adults appear to be intoxicated/incapable of providing adequate supervision)
- o Ensure that employment laws/by laws are complied with in relation to the employment of children, obtaining work permits when necessary
- o Review the layout and design of the premises to ensure they do not pose a risk or the style and character of the premises alters at specific times so that it becomes dangerous or inappropriate for Children. She/he should suggest ways to manage

the risk (e.g. designate an area of the premises for family use, impose restrictions/prohibitions, impose a ban or similar sanctions upon individuals who do not behave responsibly at the premises)

The LSCB may be able to assist and or provide advice and guidance in respect of Safeguarding Children training. ✉ slscb@stockton.gov.u.k ☎ 01642 524591

5 SAFEGUARDING ISSUES SLSCB & SBC WILL CONSIDER

Stockton-on-Tees Local Safeguarding Children Board in liaison with the First Contact Unit, Children Education and Social Care of Stockton on Tees Borough Council will on receipt of an application consider the issues detailed below. It would therefore be good practice for licensees to take these into account and comment accordingly when submitting an application.

5.1 Alcohol

Age:

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

Advertising:

Applicants are commended to consider the 'Code of Practice of the Naming, Package 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 so as not to discourage consumption of soft drinks by young people.

5.2 Community

Drugs:

As well as the 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.

Environments:

Where licensed premises or clubs are in close proximity to schools, nurseries, or other children's provisions, 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.

Awareness of what to do if the premises are being used as a 'hang out' for young people particularly late at night or when children should be in an educational setting.

5.3 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 responsibility 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 restriction on a license relating to children then any breach of those restrictions coming to the attention of the Borough Council will be referred immediately to the Licensing Authority.

Smoking:

The effect 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. As it is illegal to sell cigarettes to children under the age of 16, any cigarette machines must be monitored at all time to ensure that children are not purchasing from these machines.

5.4 People

Age of Staff:

No staff under the age of 18 years is 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.

5.5 Principles

The individuals who are applying for variations to their premises license, personal license or club premises certificates will forward all applications for new or varied premises licenses to First Contact/SLSCB.

The receipt of application by First Contact/SLSCB will be notified to the relevant Licensing Authority within 48 hours. If any representation is to be made by First Contact/SLSCB to an individual license application then this will also be done within 28 day of receiving an application.

If, after notifying the Licensing Authority that an application has been received, no representations are made by First Contact/SLSCB within 28 days of receipt, then it should be deemed that no representation are being made.

If a Licensing Authority, the Police or Trading Standards have any particular concerns about an individual license in respect of a child protection matter then this should be specifically drawn to the attention of First Contact/SLSCB.

The Safeguarding Children Board and First Contact will work closely with the Police and Trading Standards to ensure that any information, which may relate to the safety of children at the establishments, is shared between the agencies. This will enable a thorough consideration of the issues under the 'protection of children from harm' objective. Issues, which may be raised by other services, 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 a 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 (each application will be checked against the Carefirst/RAISE database).

The Licensing Authority will regularly update the LSCB/First Contact as to the applications they have received. If First Contact does not receive applications within one week, they will advise the Licensing Authority and the applicant that this is the case. The Licensing Authority will also notify the responsible authority of the progress with the application.

6 OFFENCES UNDER THE LICENSING ACT 2003 & CONDITIONS RELATING TO CHILDREN

6.1 It Is An Offence:

- To allow an unaccompanied child under 16 on premises holding a premises license or a club premises certificate or a temporary event notice that are used exclusively or primarily for the supply of alcohol. In effect, this applies to most pubs and bars where restaurant and food facilities are not provided as a permanent feature or attraction.
- To allow an unaccompanied child under 16 to be on premises holding a premises licence or a club premises certificate or a temporary event notice between the hours of midnight and 5 a.m. when the premises are open for the supply of alcohol.
- For any person to sell alcohol to children anywhere, not just on licensed premises
- For a child to buy or attempt to buy alcohol
- For a child knowingly to consume alcohol on premises holding a premises licence or a club premises certificate or a temporary event notice

An exception to drinking alcohol is provided for an accompanied young person aged 16 or 17 where the alcohol is beer, wine or cider to be consumed during a table meal.

The licensing laws extend to the whole of the premises rather than just the 'bar area'. This therefore includes any outside area such as beer gardens or outside terraces.

6.2 **Conditions**

Restrictions may be placed on a licence or certificate following representation by a responsible authority or licensing authority and these are known as conditions. To protect children these usually relate to times, ages of children and any other measures deemed necessary to protect children. In accordance with the Secretary of State's Guidance to licensing authorities three tiers of suitability are outlined:

1. For premises that have known associations with activities that could be harmful to children, there will be a strong presumption against allowing children to have access at any time.
2. For premises that do not serve alcohol for consumption on the premises but are open later than 11.00 pm, there will be a presumption that unaccompanied children under 12 should not be there after that time.
3. For all other premises, there will be the expectation that there will be unrestricted access for children.

6.3 **Safeguarding Measures In Place**

Licensees should be aware that SLSCB / First Contact will take all of the above into account when considering any applications received. It would therefore be useful if reference was made in the child protection section of the application as to what safeguarding measures licensees will have in place to protect children based on the guidance provided

7 **REPORTING MECHANISMS TO SLSCB**

The Safeguarding Children Business Manager will present bi-monthly reports to the Local Safeguarding Children Board. This will update the LSCB of the number of applications received and any exceptions to the routine application.

Where there are concerns about an application which may result in a representation being lodged with the Licensing Authority the nominated representative from the First Contact Unit, Children Education and Social care of Stockton-on-Tees Borough Council will undertake this task following discussion with the nominated representative(s) of Stockton-on-Tees Local Safeguarding Children Board.

For example if there are concerns of a child protection nature at a particular establishment, the nominated representative from First Contact Unit, Children Education and Social Care of Stockton-on-Tees Borough Council will liaise with, prepare any documentation and attend meetings where representation is to be made due to concerns.

8 **OUTCOMES**

The expected outcome of this policy are that the SLSCB will develop a knowledge and understanding of establishments which may pose a risk to the safety and well being of children in Stockton-on-Tees. Through dialogue with partners and establishments that require a premises license the potential of this policy is that the environment can be made safer for children.