

Safeguarding Children -
**Process for
Considering
Licensed Premises
Applications**

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CONTENTS

Section	Title	Page
1	Licensed Premises – Safeguarding Children	2
	Context	2
	Stockton-on-Tees Local Safeguarding Children Board	2
	Background Information	2
2	Reporting Mechanisms to SLSCB	3
3	Outcomes	3
4	Internal Process	4
4.1	First Contact Initial Action	4
4.2	SLSCB Licensing & Gambling Representatives Action	4
4.3	Licensing Authority Hearings	5
4.4	Licensing Authority & SLSCB Business Unit (Applications)	5
4.5	Raising Concerns About Safety of Children at Licensed Premises	6
4.6	First Contact End of Process	7
5	FLOWCHART	8

1 Licensed Premises – Safeguarding Children

1.1 Context

The protection of children from harm is 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 policy guidance for licensees and this internal procedure for processing applications.

1.3 Background Information:

Stockton-on-Tees Borough Council Statement of Licensing Policy and Guidance leaflets requests the original application form to be forwarded to Licensing Administration and that copy of the application form is sent to the responsible authorities.

With regard to the Protection of Children the Licensing Policy shows First Contact Unit, Health & Social Care, Advice Centre, Bath Lane, Stockton on Tees, Telephone: (01642) 415030 e-mail: first.contact@stockton.gov.uk as the responsible authority.

Following the statutory introduction of Local Safeguarding Children Board this task is now undertaken on behalf of the Local Safeguarding Children Board and authority to make representation about an application for variation / granting of a premises licence / club premises certificate has been delegated to the SBC Safeguarding Operations Manager in liaison with the LSCB Business Manager. Accordingly the SBC Safeguarding Operations Manager will attend hearings to present the representation of require.

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 know 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 and First Contact as to the applications they have received. If on receipt and checking of this information, First Contact identifies that it has not received an application within one week of the Licensing Authority being notified, they will advise the Licensing Authority and the applicant that this is the case. The Licensing Authority will also notify the First Contact and LSCB of the progress with the application.

2 REPORTING MECHANISMS TO SLSCB

The Safeguarding Children Business Manager will present bi monthly reports to the Safeguarding Children Board. This will update the LSCB of the number of applications received and any exceptions to the routine application. This will effectively mean that where there are concerns about an application which may result in a representation being lodged with the Licensing Authority due to concerns of a child protection nature at a particular establishment, the LSCB will be aware of any representations including the outcome.

3 OUTCOMES

The expected outcomes of this policy guidance are that the SLSCB will develop a knowledge and understanding of establishments that 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.

The SLSCB will in turn annually review and update if necessary the guidance document it has produced for licensees based on local knowledge and national guidance.

4 INTERNAL PROCESS

	Action	By
4.1	First Contact Initial Action	
4.1.1	Application received in First Contact – date stamp immediately	Team Clerk (TC)
4.1.2	Record details from application and update on receipt of any further information in Hardback Licensing Log & Excel Spreadsheet under the headings shown below:	TC
4.1.3	Sections 1 - 10 can be copied from the Licensing Authority spreadsheet and 11 onwards will be updated as the work progresses.	TC / First Contact Officer (FCO)
	<ol style="list-style-type: none"> 1) Date application received by Licensing Authority 2) Name of Applicant 3) Trading As 4) Application type (conversion/ variation/new) 5) Consultation closure date (28days from application date) 6) Date to be determined by 7) Applicant / Representative Contact Details 8) Representations Received From 9) Comments 10) Responsible Authorities (Police/Fire/Environmental Health/CESC) 11) Date application received and processed by First Contact Officer 12) Forwarded to Panel members: E-mail or hard copy and date 13) Date CP comments returned from panel members 14) Date LA10 forwarded to Licensing Admin 15) Date Filed 16) Premises address 	
4.1.4	Prepare buff file and place in Licence tray.	TC
4.1.5	Within 2 working days process application	First Contact Officer (FCO)
4.1.6	Check database (Carefirst / RAISE) for any information in respect of the applicant or the premises	FCO
4.1.7	Contact SLSCB Business Unit to obtain PDF of any previous applications and conditions.	
4.1.8	Record on front of file any relevant details from search or 'Nil Found'	FCO
4.1.9	Prepare an LA10 form with applicant and premises details and any other relevant information completed	FCO
4.1.10	Scan the application and send a copy with any current application and conditions, by e-mail to SLSCB Licensing & Gambling representatives.	FCO
4.1.11	If document scanned is too large to e-mail (over 7MB) then photocopy and send via internal mail marked Urgent within 2 working days of receipt of an application.	FCO
4.2	SLSCB Licensing & Gambling Representatives Action	
4.2.1	On receipt consider application, in particular, Question P part E	L&G TG
4.2.2	Email comments, questions to co-representatives and firstcontact@stockton.gov.uk	FCO

Action	By
<i>N.B. A comment stating no concern is as important as any possible concerns</i>	
4.2.3 On receipt of response, print hardcopy and insert in file.	TC
4.2.4 Place file in First Contact Manager's in tray.	TC
4.2.5 On receipt of an application where it is felt a meeting to discuss the application or to request further information would be appropriate, email SLSCB Business Manager.	Any member of L&G TG
4.2.6 Arrange meeting	LSCB BU
4.2.7 Liase with SLSCB representatives to co-ordinate agreed response, request for further information etc.	First Contact Manager ¹ (FCM)
4.2.8 Request any additional information from applicant	FCO
4.2.9 Notify Licensing Authority of request for additional information	FCO
4.2.10 Reminder letter to be sent out if additional information is not received.	FCO
4.2.11 On receipt of requested information, email to SLSCB representatives	FCO
4.2.12 Co-ordinate agreed response	FCO
4.2.13 SBC Safeguarding Operations Manager (SMO) advised where there are any concerns raised.	FCO / SLSCB Business Manager ¹ (SBM)
4.2.14 Concerns confirmed and authorisation to submit an objection to the application agreed.	Safeguarding Operations Manager (SMO)
4.2.15 Wording for LA10 to be approved by Legal Services	FCM
4.2.16 No objection – If there are no concerns send No Objection Letter to Licensee, representative and Licensing Authority.	FCM
4.2.17 Objection – Complete LA10 and send to Licensing Authority.	FCM
4.2.18 Place copy of no objection letter / LA10 on file.	FCM / TC
<i>N.B. this process must take place within 28 day of receiving an application.</i>	
4.2.19 Liase with applicant and L&G TG to try and reach agreed conditions that all parties find acceptable.	FCM
4.2.20 Where conditions are agreed and received in writing from applicant notify Licensing Authority and forward a copy of correspondence to them.	FCM
4.2.21 Where conditions are not agreed inform SMO who will make representation at the hearing.	FCM
4.3 Licensing Authority Hearings	
4.3. Licensing Authority notifies the Safeguarding Operations Manager whose details are included on the LA10 of hearing date	

Action	By
4.3. Meeting arranged to discuss concerns, reasons for conditions and any other pertinent information	LSCB BU
4.3. If during the interim period measures to improve safeguarding of children are not received in writing SOM presents case to hearing.	SOM
4.3. First Contact and L&G TG members informed of outcome of hearing.	SOM
4.3. Spreadsheet and Hardback Licensing Log are updated	FCO /TC
4.3. Copy of hearing documentation placed on file.	TC
4.4 Licensing Authority & SLSCB Business Unit (Applications)	
4.4.1 E-mail re Licensing Act – Pending Applications received.	SBM
4.4.2 Forward to L&G TG members and First Contact for information.	SBM
4.4.3 First Contact spreadsheet checked against pending applications list received from Licensing Authority, to make sure all actions are recorded.	FCO
4.4.4 E-mail with Adobe License Applications and Conditions received.	SBM
4.4.5 SLSCB, L&G Trading Standards computer file updated to include new licenses or conditions.	LSCB Admin
4.4.6 Meetings arranged on request to discuss applications received.	LSCB Admin
4.4.7 Three weeks before a Safeguarding Children Board Meeting request spreadsheet from First Contact that provides details and stage in process of all applications for the period covering the preceding two months. e.g. since the last request.	LSCB Admin
4.4.8 Include information in Bi-monthly Task Group update to be presented to the Board.	SBM
4.4.9 Where representation has or is to be made at a hearing, arrange for the Safeguarding Operations Manager to present the details to the Board.	SBM
4.4.10 Attend Pub Watch meetings and provide advice and guidance to licensees to raise awareness regarding safeguarding children.	SBM
4.5 Raising Concerns About Safety of Children at Licensed Premises	
4.5.1 Where staff have concerns about the safety of children in licensed premises they should discuss this with their line manager to decide what course of action if any, to take.	
4.5.2 Where the manager agrees there is cause for concern s/he should contact Licensing Authority to raise the issues.	
4.5.3 Where it cannot be resolved the LSCB Business Manager should be advised of the issues.	
4.5.4 Consultation to take place with First Contact Manager / Safeguarding Operations Manager	SBM
4.5.5 First Contact Manager liaises with L&G TG members to advise of the situation.	FCM

Action	By
4.5.6 SBC Safeguarding Operations Manager (SMO) advised where there are any concerns raised.	FCO/ SLSCB Business Manager ¹ (SBM)
4.5.7 Send letter to applicant stating that a review will be instigated unless safeguarding arrangements strengthened	FCM
4.5.8 Where licensees agree in writing to strengthen arrangements notify Licensing Authority and forward a copy of correspondence to them.	FCM
4.5.9 If licensee does not agree complete Review Application Form and send to the Licensing Authority	FCM
4.5.10 Safeguarding Operations Manager to make representations at Committee Hearing	SOM
4.6 First Contact End of Process	
4.6.1 Return file to Team Clerk	FCM
4.6.2 File and sign off in licensing log using date filed	TC
4.6.3 Keep filing system in alphabetical order. Attach all subsequent applications received in respect of a single premise to the original file.	TC

PROCESS FOR CONSIDERING THE SAFETY OF CHILDREN AT LICENSED PREMISES

