

Guidance for Licensing Authorities

The Licensing Act 2003 – The Protection of Children from Harm

Since the implementation of the Licensing Act 2003, Licensing Authorities have had the opportunity to designate the responsibility for the protection of children from harm to a named Responsible Authority, to contribute to making licensed premises safer for children. The Guidance issued under Section 182 of the Licensing Act 2003 (revised April 2018) Section 8.7 states that:

- this should be “a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm ...”, and
- describes ‘the protection of children from harm’ at licensed premises to include “moral, psychological and physical harm”.

The core objective of the Licensing Act 2003, for the protection of children from harm, requires the Licensing Authority and its designated Responsible Authority to make sure that suitable policies are implemented by licensees to safeguarding children and young people, so that they are not exposed to risk in the licensed environment. Risk management to protect children and young people can be challenging for licensed operators, if they are not supported to understand the complexities of what can make a child vulnerable or if there is no practical guidance to specify what is expected of them, to demonstrate due safeguarding diligence. It is in the interest of Licensing and Responsible Authorities to support licensed operators wherever possible, to fulfil their safeguarding duties and implement effective safeguarding procedures; a failure to do so can result in significant harm to children at licensed premises and can cause reputational damage to the licensed operator and to the Licensing Authority that has issued the premises licence and is responsible for monitoring compliance.

Due Diligence and Safeguarding

The following information may be useful to Licensing Authorities and their Responsible Authorities, when communicating with licensed operators about safeguarding. It suggests practical measures that licensees, or applicants for premises licences, may wish to implement, to demonstrate due diligence.

Safeguarding control measure	Purpose
Undertake a safeguarding risk assessment	To identify potential risks relating to: the location of the premises, style and character of the operation, customer behaviour, age restricted products (alcohol, tobacco) or activities (eg gambling, sex entertainment), access to children and young people who live, work, perform or socialise at the premises. The risk assessment should be used to develop the operating policy and inform staff training and should be recorded in writing and retained to evidence due diligence.
Designate a Safeguarding Coordinator	To establish accountability for safeguarding at the premises, including implementation of policies and monitoring safeguarding compliance; to act as a single point of contact for liaison with the responsible authority for the protection of children from harm. This person must be suitable trained and vetted and in a management role.
Safeguarding training and	The Safeguarding Coordinator or other such responsible person should ensure suitable safeguarding awareness training is attended by all staff. The training should

briefings for staff	<p>raise awareness what makes a child vulnerable and how licensed premises can be linked to risk including:</p> <ul style="list-style-type: none"> • child criminal and sexual exploitation • substance misuse (including irresponsible drinking) • harmful gambling • criminal activity including drug dealing, gang related activity • underage consumption of alcohol and other age restricted products • exposure to irresponsible or inappropriate adult behaviour (sexual entertainment, blue comedians, strong or offensive language, adults who are intoxicated/disinhibited or who fail to supervise their children) • modern slavery, human trafficking and illegal employment of children <p>The training should explain the impact of the above issues on vulnerable children, on the licensed business and on the wider community. Training should include how to recognise and report a child or vulnerable young person who may be at risk. Staff training records should be retained to evidence due diligence.</p>
Protocol for responding to lost children	<p>This should include instructions to staff about how to respond to the child, location of a 'safe area' at the premises that is appropriately supervised (eg cctv camera, staff working in pairs) while child is under temporary supervision of premises staff and provide contact numbers to report the incident to the police or other relevant body. Incident reports should be recorded and retained to evidence due diligence.</p>
Protocol for refusing admission, or ejecting a child or young person	<p>This should include instructions to staff /decision makers at the premises to assess risk, prior to the refusal/ejection. The protocol should set out what steps must be taken by staff, to prevent the child being at risk following refusal of admission or ejection (for example a child may be at risk if ejected alone, or late at night, or in a state of intoxication, or if the child has physical or mental health support needs). Incident reports should be recorded and retained, detailing the date and time of refusal/ejection, the reason for it, what steps were taken to safeguard the child and by whom, the name and role of the decision maker and the outcome of the action.</p>
Display of signage	<p>Signage should be displayed prominently to promote compliance with the safeguarding control measures including:</p> <ul style="list-style-type: none"> • the times children and young people are permitted to remain at the premises by policy or licence conditions • a requirement for the adults responsible for children to remain with and supervise their children at all times • the boundaries of designated family areas • the age verification scheme
Age verification scheme	<p>The age verification scheme should be agreed between the relevant responsible authorities (Police, Trading Standards, Safeguarding, Public Health) and include:</p> <ul style="list-style-type: none"> • Refusals records (electronic or hard copy) • Staff training and training records (induction and refresher) • Signage to promote the requirement for customers to produce identification when challenged • Signage to promote the consequences of Proxy Purchase • Signage to promote the consequences of using false identification

The Role of Local Authority Enforcement Officers in Safeguarding

The role of Local Authority Enforcement Officer is important in supporting safeguarding compliance and can be critical in enabling the responsible authority for the protection of children from harm to act, when safeguarding risk has been identified at licensed premises. For example, if the designated authority is a

local safeguarding partnership, this Responsible Authority may have limited access to licensed premises; they may not have powers of entry, or enforcement duties and so may not regularly visit licensed locations. The integrity of the regulation of licensed premises relies on good partnership work by the Responsible Authorities and officers who routinely visit premises under licensing enforcement and other statutes, such as environmental, trading standards, or health and safety, have a key role to play in safeguarding. As their role involves working closely with the business community, they are in a prime position to identify and report safeguarding risk and unacceptable safeguarding practice at licensed locations. They are the 'safeguarding eyes and ears' of the local authority and as such require relevant safeguarding training, to support them to recognise and respond to risk. Safeguarding training and support for enforcement officers may be available from your local safeguarding partnership, or from the Responsible Authority that is designated to the protection of children from harm and it is recommended that consultation with this Responsible Authority takes place for the purpose of quality assuring the training. It is recommended that Safeguarding training for enforcement officers should include:

- The importance of partnership working (to protect children and young people from harm; to protect local businesses from being misused; to protect the reputation of the regulators)
- The types of safeguarding risk that can present at licensed premises
- What is child sexual and criminal exploitation and how it can involve licensed premises
- Modern slavery, trafficking and children working illegally and how this can involve licensed premises
- What to look for during enforcement visits/signs of risk
- How to report your safeguarding concerns

If you wish to discuss any aspect of this guidance please contact Julie Hague, NALEO/Safeguarding Licensing Manager, Sheffield Safeguarding Partnerships at Julie.hague@sheffield.gov.uk