

Licensing and Licensed Premises

Contents

1. [Definition](#)
2. [Risks](#)
3. [Indicators](#)
4. [Protection](#)
5. [Issues](#)

1. Definition

The Licensing Act 2003 states that children will normally have access to licensed premises unless there is a clear need for them to be excluded. The LSCB is a “responsible authority” under the Licensing Act, in practical terms, this means that all licensed premises must be able to demonstrate that children are safeguarded and appropriate measures are in place to avoid exposing them to risks; either through contact with inappropriate people, exposure to adult entertainment, consumption of drink or drugs and gambling.

There is separate legislation with regard to gambling contained in the Gambling Act 2005, which places a similar duty on responsible authorities to safeguard children.

This legislation encompasses children until their 18th birthday including customers, those working at the premises, those involved in the provision of performance/entertainment and those visiting or living at licensed premises.

2. Risks

The risks are variable, depending on the type of activity taking place and the age of the children, but will include the following:

- Underage drinking;
- Behaviour, adults who are drunk, which may pose a risk if they are unable to supervise their children;
- Adults (customers and staff) who pose a risk to children;
- Entertainment which is of an adult or sexual nature;
- Gambling.

The responsibility is on the licensee to identify potential risks and to put in place control measures in order to safeguard children and prevent their exploitation.

Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

3. Indicators

Under this legislation, it is the responsibility of the licensee to demonstrate that children and young people are adequately protected on their premises. Complaints and/or child protection referrals will be forwarded to the licensing officer who will usually contact the licensee to discuss the steps necessary to avoid a recurrence.

4. Protection

A designated officer in each of the three Local Authorities will work in partnership with the licensed trade to assist them in operating a safe business. If necessary the designated officer can use the licensing legislation to make an application to review a license which can result in the license conditions being modified to restrict children's access, a change to the premises management or the license being suspended or revoked.

5. Issues

This legislation is essentially preventative; and designed to ensure licensees have thought through the possible risks and taken clear steps to address these as part of their license application. The role of the designated officer in the Local Authority is to ensure that each applicant demonstrates how they intend to protect children from harm. In specific instances where there is an allegation of child abuse, the core procedures would be followed regardless of where the incident occurred.

The scope of this legislation is wide ranging; potentially covering the provision of CCTV to the implementation of safe recruitment practices.

6. Designated Officers

Dorset County Council

Mike Hall

Michael.Hall@dorsetcc.gcsx.gov.uk

Borough of Poole

Jill Aiken

jill.aiken@poole.gov.uk

Bournemouth Borough Council

Mike Felstead

mike.felstead@bournemouth.gov.uk

7. Further Information

[Guidance Issued Under Section 182 of the Licensing Act 2003 \(Home Office, March 2015\)](#)