

# Guidance for Licence Holders

EDUCATION  
AND CHILDREN'S  
SERVICES

Children (Performances) Regulations 1968  
Children Involved in Performing in Entertainment



**Blackpool Council**  
BUILDING A BETTER COMMUNITY FOR ALL

# **GUIDANCE FOR LICENCE HOLDERS**

## **Introduction**

Blackpool recognises that children may gain wonderful life experiences by being given the opportunity to appear in a local stage play, a film, a television advertisement, or as part of a national sporting team.

This document is intended to guide licence holders through the large raft of legislation that has been produced to protect children taking part in performances and thus ensure that the experiences of these children are safe and rewarding.

The guidance presents the Children's Services Authority's interpretation of primary legislation, directs licence holders to the legislation, explains Blackpool's procedures and outlines the minimum requirements of good practice expected by Blackpool.

This guidance applies to all licensed children that are resident in Blackpool and are of compulsory school age.

For further information, contact the Child Licensing Section of the Pupil Welfare Service on (01253) 476571 / 476578.

## Legislation

The legislative framework relates to:

**Children in Entertainment:**

Performing on stage, television, film, radio, commercials etc

**Children working in paid/professional sport**

**Children working as models**

This guidance is written in accordance with the following legislation:

- The Children and Young Persons Act 1933
- The Children and Young Persons Act 1963
- The Children (Performances) Regulations 1968
- The Children (Protection at Work) Regulations 1998
- The Children (Performances (Miscellaneous Amendments) Regulations 1998(1)
- The Children (Performances) Amendments Regulations 2000
- The Children (Performances) Amendment (No 2) Regulations 2000

(Note: The amendments above are also known as Statutory Instruments [SI] and may be known by their SI number: 1968 No 1728; 1998 No 276; 1998 No 1678; 2000 No 10; 2000 No 1333; 2000 No 2384.)

The legislation requires that all children, from babies until they cease to be of compulsory school age, be licensed by the Local Authority in which they live, to take part in a performance.

Compulsory school age:

A child whose 16<sup>th</sup> birthday falls between 1 September and 31 August remains of compulsory school age until the last Friday in June of the academic year of their 16<sup>th</sup> birthday.

## What Type of Performances Require a Licence?

The following guidance outlines the general regulations on performances; there will occasionally be unusual circumstances that require closer examination and discussion with the Council.

A licence is required for any performance:

- In connection with which a charge is made
- At a licensed premises or registered club
- Any broadcast or any performance recorded, by any means, with a view to its use in a broadcast or film intended for public exhibition.

(Note: a child acting as a stand-in [understudy] **must** be licensed in the same way as other children in the performance).

## What Type of Performances Do Not Require a Licence?

- If a child does not perform on more than four days in any six month period (provided there is no absence from school and there is no payment to the child or any other person, except for defraying expenses). However, the conditions with respect to hours of work, rest or meals must still be observed and the children must still be chaperoned. A “non licensed performance form” should be completed.
- School Performances.
- Performances put on by a body approved by the Secretary of State (Home Office) or the Local Authority for which no payment has been made to the child **or any other person** (this could include amateur productions, drama societies, churches, scouts and other youth organisations), except for defraying expenses.
- Any activity which the Local Authority does not consider to be a performance (for example, children interviewed or filmed while taking part in some normal activity, not specifically arranged for the purpose, such as doing ordinary school lessons, playing in the part or at a youth club.

## Who May Apply for a Licence?

The person responsible for the production of the performance in which the child is taking part is the person who should make the application for the licence. This is usually the producer of the performance and not, for example, the dance coach or the Chaperone.

The person who signs the licence application will be deemed to be the licence holder.

## What are the Responsibilities of the Licence Holder?

The licence holder is responsible for observing the conditions of the licence.

Wherever children are involved in a public performance for which a licence has been issued, the **law requires** that they are cared for at all times by a registered chaperone (see chaperone guide). It is the responsibility of the licence holder to ensure that there are the appropriate number of required chaperones on duty at each performance and that they are providing the supervision required by law.

The licence holder is expected to empower the appointed chaperone(s) to adequately fulfil their role in safeguarding the well-being of the child/ren in their care.

The licence holder is required to keep records (see P12), which **must** be retained for least six months following the last performance to which the licence relates.

## How to Apply for a Licence

A licence is issued by the Authority in which the child lives (this may not necessarily be the same Authority as the child's school, nor the intended place of performance).

Application **must** be made on the Blackpool Council Performance Licence Application Form.

- The applicant completes Part 1.
- The parent/carer of the child named in the application completes Part 2.

The completed application form **must** be accompanied by the following documents:

- Proof of the child's date of birth (photocopy of birth certificate)
- Two identical passport-sized photographs (unmounted).
- A copy of the child's contract.
- A declaration of the nature of the performance if the child is under fourteen years of age.

The application **must** be made (completed) to Blackpool Council, Pupil Welfare Service at least twenty-one days before the first performance; failure to do so may result in the application being refused.

Application forms are available from, and should be returned to:

Child Licensing Officer  
Pupil Welfare Service  
Whitegate Manor  
261 Whitegate Drive  
Blackpool  
FY3 9JL

If the child is not a resident of the UK, application should be made to the Education Authority in whose area the applicant resides, or has his place of business.

The licence will show the following information:

- Details of the child
- Photograph
- Identity of the licence holder
- Name and nature of the performance
- Place of performance
- Dates of performances or, in the case of some recorded performances, the number of days during a period not exceeding six months for which a child is licensed
- Any conditions stipulated by the Local Authority, these could include for example the permitted hours, transport arrangements and educational provision.
- Direction for % payment to be placed in trust fund.

A licence will not be issued unless the Education Authority is satisfied that the child is fit to take part in a performance, that his/her education will not suffer and that proper supervisory arrangements have been made to secure the child's health, comfort and well-being.

## Medical Requirements

In order to ensure that a child is medically fit to take part in a performance the Education Authority may require a child to take part in a medical examination if necessary. If the Education Authority requests a medical examination and the child is certified fit to take part in a performance, the certification is valid for six months from the date of issue.

Medical certification is conducted by the Senior Medical Officer (or any other practitioner approved by the Authority) responsible for the area in which the child lives.

Medical certification **is required** for:

- Film or television performances
- Performances lasting more than a week in which the child is expected to perform for six days during that week (five days for sound broadcasts)
- Every month for performance 'runs' lasting more than four weeks.

**No child should be allowed to perform if unwell.**

**If a child is taken ill or is injured whilst in the charge of the chaperone or tutor than a doctor should be called and the licence holder must inform the child's parent/carer and the Pupil Welfare Service as soon as possible.**

## Educational Provision

The Local Authority, before granting a licence, will liaise with the Headteacher of the child's school to ensure that the child's education will not suffer should a licence be granted.

For long engagements the licence holder should engage a private tutor for the licensed children. However the regulations do not stipulate how many days absence from school may be permitted before the Education Authority insists on the engagement of a tutor.

Such educational provision should be provided from the first day of absence from school. The licence holder will ensure that arrangements for the child's education during the period of the licence are carried out.

It is the responsibility of the licence applicant to state their proposals for the child's education and it is the Education Authority who decide whether or not the arrangements are satisfactory. Before the Authority will approve the educational arrangements made by the applicant it **must** be satisfied that:

- The private tutor is suitable and competent
- The course of study is suitable
- One tutor will not teach more than six children at one time, unless all the children are at the same academic level and in this case the tutor may teach up to twelve
- The school room has been approved by the Education Authority
- The child will be taught for at least three hours on each day that s/he would normally attend school.

## Absence from School

Under the provision of regulation 11 of the *Education (Schools and Further Education) Regulations* 1981, absence from school may not be granted to enable any pupil to undertake employment except in accordance with a licence.

Absence from school may not be authorised for unlicensed performances.

## Chaperones

It is a **legal requirement**, that all children of compulsory school age engaged in public performances, under licence issued by the Education Authority, must be supervised by a chaperone.

The role of the registered chaperone is to ensure that proper provision is made to secure a child's health, comfort, and kind treatment. The person approved by the Local Education Authority shall be in charge of the child at all times for the duration of the licence except when the child is in the charge of their parent/carer or tutor.

The licence holder is expected to empower and support the chaperone in any decisions relating to a child's welfare and general well-being.

The licence holder should be aware of the Guidance for Chaperones.

The maximum number of children that may be supervised by a chaperone is twelve. The Education Authority may stipulate a smaller ratio depending on the age/gender of the children involved.

Chaperones must accompany children at all times, including in the dressing room and therefore chaperones should, ideally be gender appropriate.

## Other Licence Conditions and Permitted Hours

### Maximum Days Permitted to Perform

- A child may not take part in a performance, or rehearsal, on more than five days in any seven day period for **Broadcast or Recorded Performances**.
- A child may not take part in a performance, or rehearsal, on more than six days in any seven day period for **Other Performances**.
- For a combination of broadcast/recorded and other performances, the limit for a child's performances is as per broadcast and recorded performances: no more than five days in any seven day period.

(Note: there is no prohibition on Sunday performances.)

### Breaks in Performances

- Where a performance licence is granted for sixty days or more there **must** be a fourteen day break after eight consecutive weeks of performing.
- During the break period a child **must not** take part in any:
  - Performance
  - Rehearsal
  - Employment of any form

## Permitted Hours of Performance

Hours differ slightly between broadcast/recorded performances and state performances.

### **Stage**

Age	Under 13 yrs	13yrs and over
Earliest/latest times at the place of performance or rehearsal	10.00 am – 10.00 pm	10.00 am – 10.30 pm

- A child shall not be present at a place of performance or rehearsal more than thirty minutes after the end of his/her part or the latest time permitted (see table above)
- If a child's presence is required in a performance after the latest time in the table above, the child must not be present at the place of performance later than 11.00 pm on not more than three evenings in one week and not on more than eight evenings in four consecutive weeks.
- A child must not take part in a performance that lasts more than three and a half hours.
- A child's part or total appearances must not exceed two and a half hours.
- A child must only appear in one performance or rehearsal on any day that s/he attends school for the whole day.
- A child must not appear in more than two performances, or one performance and one rehearsal, in one day (that is not a school day).
- There must be an interval of at least one and a half hours between the two performances, or rehearsals in one day. This period may be reduced to forty five minutes on two days in a week, providing the child is not at the same place of performance for more than six hours.
- If a child has taken part in a performance or rehearsal on the previous day there must be a break of at least fourteen hours before s/he is again present at such a place. For example, if a technical rehearsal continued until 10.30 pm a thirteen year old must not attend for a dress rehearsal until at least 12:30 pm the following day.

## Broadcast or Recorded Performances

Age	Age 0 - 4	Age 5 - 8	Age 9 and over
Maximum time at place of performance	5 hours	7½ hours	9½ hours
Maximum times present	Between 9.30 am and 4.30 pm	Between 9.00 am and 4.30 pm	Between 7.00 am and 7.00 pm
Maximum performing time	2 hours	3 hours	4 hours
Maximum continuous time to take part without a rest	30 minutes	45 minutes	1 hour
Minimum rest/meal times	All times when not taking part	Present 3½ hrs = 2 breaks, 1 hr meal and 15 mins rest. Present 8 hrs = 3 breaks, 2 x 1 hr meal and 15 mins rest	Present 4 hrs = 2 breaks, 1 hr meal and 15 mins rest. Present 8 hrs = 3 breaks, 2 x 1 hr meal and 15 mins rest.
Education	Nil	3 hours per school day ( <i>see Education for aggregated hrs</i> )	3 hours per school day ( <i>see Education for aggregated hrs</i> )
<b>EXCEPTIONS - BBC/ITV and Contractors of, for children aged 13 and over only (Ref 27(2)(a))</b>			
Maximum time 7 day week 12 hrs any 1 day <b>OR</b> 10 hrs any 2 days <b>OR</b> 9½ hrs any 3 days provided not present on any other day that week and not present after 7.00 pm on max. 20 days in previous 12 months. Times between 7.00 am and 7.00 pm <b>OR</b> between 10.00 am and 10.00 pm			
<b>ALTERNATIVE TO ABOVE EXCEPTIONS (Ref 27(2)(b))</b>			
Maximum time 7 day week 12 hrs 1 day provided not present more than 4 hrs on any other day that week and: does not take part for more than 2 hrs any other day that week and: does not take part on day following a day on which he was present after 7.00 pm and: has not been present after 7.00 pm on any of the 6 previous days. Times between 7.00 am and 7.00 pm <b>OR</b> between 10.00 am and 10.00 pm			

## Night Work in Broadcasts or Recorded Performances

The Education Authority may grant a licence for a child to work after the permitted hours if they are satisfied that outside scenes, near studios, or on location are essential and that the child's appearance is necessary.

If work starts after midnight or cannot be completed before midnight the Education Authority may grant a licence **only**:

- If they are satisfied it is impractical to complete the work before then.
- If work may be done in a studio if the weather does not permit outside work.

## Travel Arrangements

The licence holder shall ensure that suitable arrangements are made for the child/ren to be returned home, or other destination, after the last performance or rehearsal on each day.

A child's age should be taken into account when making these arrangements but children should not be allowed to go home unsupervised especially, for example after an evening's performance in the theatre.

Chaperones must be kept fully advised of all arrangements made for children in their care.

## Venues (Performance or Rehearsal)

The Education Authority will approve a place of performance or rehearsal only if satisfied that

- Suitable arrangements have been made for meals, rest and recreation.
- The venue is supplied with suitable and sufficient toilets and washing facilities (separate from the facilities provided for adults).
- The child will be adequately protected against inclement weather.
- Suitable arrangements have been made for the child to dress for the performance or rehearsal (children aged five and over should only dress with children of the same sex).

## Children Staying Away from Home

The Education Authority has to ensure the comfort of children required to stay away from home as a result of their performance/s. Therefore, a child may only stay in a place approved by the Education Authority for the area in which s/he is to perform. That Authority may inspect the lodgings to make sure that they are clean, comfortable and suitable for children.

**A child must be in the care of a chaperone at all times.**

## Restrictions to Circus Performances

The rules relating to circus performances are similar to those of performances on stage. However, a child is allowed to give one extra performance or rehearsal:

- Two performances on school days.
- Three performances on other days.

These additional performances are subject to the following conditions:

- There **must** be an interval of at least one and a half hours between each performance or rehearsal.
- The duration of the child's appearance in any performance or rehearsal **must not** exceed thirty minutes.

Children **should not** take part in dangerous performances, however it is difficult to define 'dangerous performance' and so the following guidance and regulations apply:

- A performance of a dangerous nature includes all acrobatic and contortionist performances.
- No child shall take part in any performance whereby his/her life or limbs are endangered.

- No child under twelve years of age may be trained in such work.
- A child aged twelve or over may be so trained under licence issued by the Education Authority of the area in which the training is to take place and subject to any conditions imposed by the Authority.
- The police of the area in question must be given seven days notice of the intention to apply for a licence, and may oppose the issuing of a licence.

## Performances Abroad

No child is permitted to go abroad (outside Great Britain and Northern Ireland) for the purpose of:

- Singing
- Playing
- Performing
- Taking part any broadcast or recording to be used in a film for public exhibition.

### Unless

- A licence has been granted for this purpose by a Justice of the Peace, sitting at a Magistrates' Court within the area of where the child normally resides.
- Notice of the intended application must be give to the Chief Officer of the Police for the district in which the child lives, at least seven days before the application is heard. The magistrate shall not grant the licence unless s/he is satisfied that the notice has been properly given.

## Licence Records

Records **must** be kept by the licence holder and retained for six months after the last performance to which the licence relates.

The licence holder **must** retain the following documents and information:

- The licence
- The following particulars of each day/night on which the child is present at the place of performance or rehearsal:
  1. the date
  2. time of arrival
  3. time of departure
  4. the time and duration of each period during which the child took part in a performance or rehearsal.
  5. the time and duration of each rest interval.
  6. the time and duration of each meal interval.
  7. the time of any night work authorised by the Education Authority (Regulation 30, *Children (Performances) Regulations 1968*).
- Where arrangements are made for education from a private tutor, the date and duration of each lesson and the subject taught.
- Comprehensive details of any injuries or illness suffered by the child at the place of performance, including details of whether or not the injury/illness prevented the child from being present at the place of performance.
- Dates of breaks in performance (Regulation 16, *Children (Performances) Regulations 1968*).
- The amount of all sums earned by the child for taking part in the performance, and the name, address and description of the persons to whom such sums were paid.

**The Education Authority has the power to inspect these records at any time either during the life of the licence or up to six months after the last performance for which the licence was issued.**

## **Powers of the Local Authority**

**With a Warrant**, an officer of the Education Authority or a Police Officer may enter any place where there is a reasonable cause to believe that:

- Employment is taking place.

**Without a Warrant**, an officer of the Education Authority or a Police Officer may at any time enter any place:

- Used as a broadcasting or film studio
- Used for the recording of any film or performance which is intended for public exhibition and make enquiries about any child/ren taking part.
- A child is believed to be taking part in a performance of being trained for dangerous performances and may make enquiries about that child.

## RECORDS TO BE KEPT BY THE HOLDER OF A LICENCE

The holder of a licence shall keep the following records:

- 1) The licence.
- 2) The following particulars in respect of each day (or night) on which the child is present at the place of performance:
  - (a) the date,
  - (b) the time of arrival at the places of performance,
  - (c) the time of departure from the place of performance,
  - (d) the times of each period during which the child took part in a performance or rehearsal,
  - (e) the time of each rest interval,
  - (f) the time of each meal interval,
  - (g) the times of any night-work authorised by the local authority under Regulation 30 of the Children (Performances) Regulations 1968.
- 3) Where arrangements are made for the education of the child by a private teacher, the date and duration of each lesson and the subject taught.
- 4) Details of injuries and illnesses (if any) suffered by the child at the place of performance, including the dates on which such injuries occurred and stating whether such injuries or illnesses prevented the child from being present at the place of performance. The licensing authority must be notified of any injuries/ illness as soon as is possible.
- 5) The dates of medical examinations (if any) of the child carried out under Regulation 17 of the Children (Performances) Regulations 1968.
- 6) The dates of breaks in performances, required under Regulation 16 of the Children (Performances) Regulations 1968.
- 7) The amount of all sums earned by the child by reason of taking part in the performances and the names, addresses and description of the persons to whom such sums were paid.
- 8) Where the licensing authority grant a licence subject to the condition that sums earned by the child shall be dealt with in a manner approved by them, the amount of the sums and the manner in which they have been dealt with.

**BLACKPOOL PUPIL WELFARE SERVICE  
CHILDREN IN ENTERTAINMENT  
MEDICAL DECLARATION**

CHILD'S NAME (in full): .....

ADDRESS: .....

.....

TEL NO: .....

SCHOOL: .....

DATE OF BIRTH: .....

1. Has your child ever had any serious illness, operation or accident?  
If so, please give details.
  
2. Has he/she had any illness during the past year? If so, please give details.
  
3. Does he/she have any difficulty with hearing or eyesight?
  
4. Are you aware of any problems of behaviour, undue nervousness, defect of speech, tendency to fits or fainting? If so, please give details.
  
5. Does your child require any medicines, diet or special treatment about which the Doctor is aware?
  
6. Is your son/daughter well at present?

PERFORMANCE NAME: .....

PERFORMANCE DATES: .....

Absence from school is required? YES / NO

SIGNATURE: ..... DATE: .....

(parent/guardian)

PRINT NAME: .....