

# Child Performance Licences

All queries and to obtain a performance licence application form contact:

**Child Employment  
Attendance Support Team  
Shropshire Council and  
Telford & Wrekin Council  
2C Darby House  
Telford, Shropshire TF3 4JA**

Tel: 01952 385223

e.mail: [child.employment@telford.gov.uk](mailto:child.employment@telford.gov.uk)

**NOTE:** All performance licence application forms for both Shropshire Council and Telford & Wrekin Council are processed jointly at the Civic Offices address above

## When is a Licence required?

A Child Performance Licence must be obtained if a child age from birth and under compulsory school leaving age performs in either:

- TV, Filming, Radio or Internet broadcast
- Theatre (there are some exemptions, contact the Child Employment Officer for advice)
- Modelling and Sport – where the child or any other person is paid (this is not an admission charge but a 'wage').
- Or Licensed premises.

A child ceases to be of compulsory school age on the last Friday in June in the academic year they are 16.

## What types of Performance are there?

Broadcast Performances cover:

- Films, TV, Video, Internet, Radio – all performances which will be broadcast.

Non-Broadcast Performances cover:

- Theatre, Modelling, Sport (activities) which are not broadcast.

*Note: Modelling for adverts/commercials would be broadcast but stills modelling would fall into non-broadcast performances.*

## Are there any Licence Variations?

There are several variations within the Regulations between Broadcast and non-Broadcast performances, for example.

- Performance hours are different for broadcast and non-broadcast performances.
- A medical certificate from the child's doctor is required for all broadcast and recorded performances but may not be necessary for non-broadcast performance which would depend upon how many consecutive dates a child performs in the theatre.
- The medical form below can be obtained from the Child Employment Officer.
- Open Licences is an expression used referring to a licence with particular exceptions but they are not named as such within the legislation. Shropshire Council does not generally issue Open Licences.

*Note: There is much discussion across Local Authorities on the interpretation of Open Licences. It is therefore imperative that applicants contact the child's Local Authority to establish whether they issue such licences and if so, what their procedures are.*

## **What about any Licence exemptions?**

Shropshire Council requires a child to be licensed if absence from school is required for any performance, irrespective of the exemptions below. A child should not perform if a licence has not been granted, unless they fall within the exemption period.

Exemptions where a licence is not required – Regulation 37(3)(a)

- If, in the 6 months preceding a performance the child has not exceeded the 4 day unlicensed exemption period
- Absence from school is not required
- Or the performance is under arrangements made with school or a Body of person
- And no payment is made to the child or any other person, except for defraying expenses

Although a child may be exempt from requiring a licence if the above requirements are met, the regulations do require the licence holder to adhere to certain parts of the Regulations, i.e. the times at the place of performance and the hours they are allowed to perform (Reg. 1968 S.36 to S.40). Contact the Child Employment Officer for details.

## **Does every child need a licence?**

The Licence Holder, who is also the applicant, is obliged to hold individual licences for each in their care. The licence must be available for inspection at the place of performance.

In the case of: **Sport, Activity or Modelling**

- The Licence Applicant is the person responsible for the organisation of the sporting event or, as the case may be, the person who proposes to engage the child as a model.

In the case of: **Performance**

- The Licence Applicant is the person responsible for the production in which the child is to take part.

All licensed performances are required by law to have a Local Authority Licensed Chaperone.

- See Chaperone Service

An inspecting Local Authority Officer is required to check each child's Licence together with their record sheet/s. Record sheets should detail such things as:

- Arrival/departure/tutoring and performing times throughout a production for which the Licence was issued. (Record sheets are completed by the Chaperone).
- Inspectors may also want to talk to the children, chaperones, parents and applicant.
- They may, if it is felt appropriate, make enquiries regarding health and safety and risk assessments, especially where dangerous performances, under the regulations, are taking place.

## **Who is responsible for applying for the licence?**

In the case of: **Sport, Activity, or Modelling**

- The Licence Applicant is the person responsible for the organisation of the sporting event or, as the case may be, the person who proposes to engage the child as a model.

In the case of: **Performance**

- The Licence Applicant is the person responsible for the production in which the child is to take part.

This does not include:

- The proprietor of a drama or dancing school, or other person (such as an agent), who provides children for a production but does not present it himself.
- 'Person' includes a body corporate. If the applicant is a body corporate, a person normally responsible for conducting this part of the corporation's business may sign the application form.

The holder of the licence is the person who is responsible for observing the restrictions and conditions subject to which the licence is granted.

### **Where can a licence application form be obtained from?**

Child Employment, Attendance Support Team  
Shropshire Council and Telford and Wrekin Council  
2C Darby House  
Telford Shropshire TF3 4JA

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The producer of the show is required to complete a declaration that only a child can play the part. Completed declaration forms should be submitted with the licence application form.

### **The licence must be obtained before the performance takes place.**

It is important that the licence application form together with the declaration form, duly completed is sent so as to reach the licensing authority **not less than 21 days** before the first performance for which the licence is requested, unless by prior arrangement with the Child Employment Officer.

Since the licensing authority may otherwise refuse to grant a licence in accordance with Reg.1(3) the children (performance) regulations 1968 as amended.

The Licence Applicant is required to complete Part I of the licence application form. Detailing the place and date of performance, chaperone/tutor details, child's details in order to obtain a Licence. The Parent is to complete Part II and provide the following: 2 passport photos, birth certificate, school letter authorising absence and a doctor's letter or parent declaration as possible.

*Note: Local education authorities may accept other Local Authorities' application forms but you need to check this. What is important is that ALL the required information is present in order for the Local Authority to process an application.*

### **Are there licence restrictions on children from the UK working abroad?**

UK children performing abroad are required to obtain a licence from Westminster Magistrates Court (Tel: 0207 8051021). Practices differ depending on which part of the country the child lives.

Contact your Westminster Magistrates Court for specific details on applying for a licence for a UK child performing abroad.

### **What about licences for children from abroad working in the UK?**

Children performing in the UK from abroad are required to be licensed in the UK.

They must follow UK legislation, i.e. hours of work etc. The procedures are exactly the same as for a UK child.

The child can be licensed by:

- The Local Authority in whose area the applicant has his/her main residence,
- The applicant's head office or
- The Local Authority in whose area the child is performing or living during his/her stays in this county.
- This would also apply to children in UK boarding schools.

## **What if a licence application is refused?**

The Local Authority may refuse to issue a licence if the performance is believed to be detrimental to the health, care and/or education of the child (1968 Act Section 39(6)).

The Local Authority may:

- Acquire additional information from the applicant before a licence is issued and in some cases the Local Authority may include certain proviso's or refuse a licence altogether.
- Revoke previously issued licences (licences which are currently running) if there are concerns about the welfare of the particular child named in the application.
- Shropshire Council will only issue a performance licence if school attendance is satisfactory.

Local Authorities have a great deal of discretion within this legislation as they have a duty to investigate any areas of concern in order to confirm that the performance will not have a detrimental effect on the child's health, welfare and or education.

These concerns may not be obvious to the applicant, i.e. educational concerns, child protection concerns.

This is the main reason why all Local Authorities require a reasonable length of time to process licences.

## **Can applicants appeal?**

Licence applicants have a right of appeal to a magistrate's court against refusal, variation or revocation of a licence (other than to a condition the local authority are required by the Regulations to impose) (1968 Act Section 39(6)).

## **Is there any legislation on Night Work?**

Night work is not an automatic right within the legislation. Night work is entirely at the discretion of the Local Authority.

They will take into account the circumstances as to why night work is required and the age of the child.

It is vital, therefore, that the application form explains exactly why night work is required. It may also be necessary to talk this through with the Child Employment Officer.

## **What are the penalties for contravention of Licence regulations?**

It is an offence for any person causing or procuring any child, or in the case of their parent or guardian, allowing him/her to take part in any performance in contravention of the licensing system.

## **Inspections – Powers of Entry**

An authorised officer of an LEA or police officer may under a magistrate's warrant:

- Enter any place where there is reasonable cause to believe that employment is taking place or a person is believed to be taking part in a performance or being trained for dangerous performances contrary to the provision of the act and make enquiries about that person.

An authorised officer of an LA or a police officer may also without a warrant:

- At any time enter any place used as a broadcasting studio or film studio or used for the recording of a performance with a view to its use in a broadcast or in a film intended for public exhibition and make enquiries about any children taking part in performances.
- At any time during the currency of any licence granted under S.37 or relating to training for dangerous performances enter any premises where the performance or training is authorised to take place and make enquiries about the person to whom the licence relates.

## **Is there any legislation available?**

- Children & Young Persons Act 1933 and 1963
- Children (Performances) Regulations 1968
- The Children (Performance) (Miscellaneous Amendments) Regulations 1998(1)
- The Children (Performance) Amendment Regulations 2000
- The Children (Performance) (Amendment) (No.2) Regulations 2000