

## Norfolk County Council – Performance licencing overview

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### 1. Introduction

This document is Norfolk County Councils overview of some of the key aspects relating to child performance licencing. We strongly encourage anyone responsible for planning professional or amateur performances to be familiar with the more detailed publication [Child performance and activities licensing legislation in England](#).

At the end of this document, we have listed further useful links to relevant legislation, policies and guidance in relation to child performance licences.

### 2. Child Performance licences

A child may need a performance licence if they’re under [school leaving age](#) and taking part in:

- Films, plays, concerts or other public performances that the audience pays to see, or that takes place on a premises licensed to sell alcohol.

- Any live broadcast performance, for example a television or radio broadcast, internet streaming;
- Any performance recorded (by whatever means) with a view to its use in a broadcast or such service or in a film intended for public exhibition. For example, a live stage performance recorded for a cinema screening, a feature film, or a video / sound recording of a performance on a website. Please note this does not extend to user generated content, for example where young people or a family record themselves and share it on a website or social media.
- When children take part in sport or modelling for which payment is made (to the child or to someone else in respect of the child taking part) other than expenses.

Please also note the following;

- A performance licence may be required whether or not the child is paid
- Amateur groups, musical performances, student productions or films are not exempt from the requirements.
- A child shall be treated for the purposes of this section, as taking part in a performance, if they take the place of a performer in any rehearsal or in any preparation for the recording of the performance.
- Rehearsals taking place from the first to the last day of the performance period also require a licence and are subject to the same restrictions and conditions as performances. The licensing requirements of the Act do not apply to rehearsals that take place before the first day of performance, however when considering a licence application, we will take into account whether the amount of rehearsals before the first day of performance negatively impact the child's well-being and education.
- A child is not required to be licensed if the performance is given under arrangements made by a school (See [Exemptions from the licensing requirement for performances](#))

### **3. Applying for a performance licence**

The Local Authority (LA) Norfolk County Council will only grant a performance licence if we are satisfied that;

- The child is fit to undertake the performance
- Proper provision has been made to secure the health and kind treatment of the child.
- That the child's [education will not suffer](#)
- Robust safeguarding and supervision arrangements are in place

If the LA decides to grant a licence, we may impose conditions that will be specified on the licence.

The person in charge of running the event must apply to the LA where the child lives for an individual child performance licence, not where the performance is taking

place, unless the performance is covered by a Body of Persons Approval. The person making the application is known as the “Responsible Person” and will be the holder of the licence. They are legally accountable for ensuring the licensing conditions are met and ensuring safeguarding arrangements are made and adhered to.

[Child performance and activities licensing legislation in England](#) states;

“A local authority **may refuse to consider an application if the performance or activity is less than 21 days away**. Responsible persons should consider the risks to children and the arrangements needed to mitigate them at the start of planning for any performance or activity. Safeguarding children must not be an afterthought.”

“Licensing authorities need a realistic and reasonable amount of time to assess licence applications and satisfy themselves about the arrangements for safeguarding the child: this must take priority over any business or operational concerns.”

By adopting the [best practice](#) laid out in this document applicants can help speed up the application process.

Applications for a performance licence can be [made on our webpage](#).

#### **4. Exemptions from the licensing requirement for performances**

Exemptions are set out in [Children and Young Persons Act 1963](#), which only apply **where no payment in respect of the child taking part in the performance is made** to the child or another person, other than expenses. These exemptions do not apply to paid sport or paid modelling. The exemptions are;

- Body of Persons approval (BOPA)
- The ‘four day rule’
- Performances given under arrangements made by a school

We have expanded on each exemption below.

##### **Body of Persons Approval (BOPA)**

The LA can issue an exemption to an organisation known as a ‘Body of Persons Approval’.

This exemption can allow children to take part in performances without the need for individual licences being applied for. It is the local authority where the performance is taking place that issue the BOPAs.

A BOPA can be granted to any type of organisation - professional or amateur. This can be for a single performance or for a series of performances within a specified time period, providing no payment is made to the child or to anyone else in respect of the child taking part in the performance, and the child does not require absence from school. There must be no reduction in safeguarding arrangements.

It is the responsibility of the applicant to ensure they inform other Local authorities that children from their authority will be involved in a performance and are included in a BOPA.

The granting of a BOPA to an organisation replaces the need to apply for individual licences from each child's home LA during the period of approval – provided the BOPA criteria and conditions continue to be met.

The decision whether to issue a BOPA is at the discretion of the LA. The LA will want assurance that anyone applying for the BOPA has clear, robust and well-embedded policies for safeguarding children. A BOPA does not authorise absence from school for any child involved in the performances.

In a few exceptional circumstances, a national level BOPA can be approved by the Secretary of State (e.g. Scout gang shows, Brass Band England), however they will not generally consider applications. This is because local authorities are better placed to assess arrangements made to safeguard children in local activities, to inspect those arrangements and enforce any requirements or conditions intended to protect children.

#### Body of persons applications

Online applications should be completed in full with a **minimum of 21 days' notice**, more details on how to apply can be found [on our webpage](#)

#### **The 'four-day rule'**

If a child has not performed on more than three days in the last six months, they will not need a licence for a performance on a fourth day. When a child has performed on four days in a six-month period (in any performance, regardless of whether a licence was in place on any of those days or the child was taking part in a performance arranged under a [body of persons approval](#)), a licence is required for any further performances - unless one of the other exemptions referred to in this document applies.

If a child needs to be absent from school this exemption cannot be relied on and a licence will be required.

Where the four-day rule exemption is relied on, certain conditions and restrictions will still apply to the performance. Please see [Restrictions in relation to all performances](#).

It is a legal requirement to apply for a licence when one is required. Any person who causes or procures any child to do anything in contravention of the licensing requirement commits an offence and may be subject to a fine, imprisonment or both. If a producer is relying on the four-day rule as a basis for not applying for a licence, they should have reasonable grounds for believing the child has not performed on more than three days in the previous six months.

It is best practice for the responsible person relying on the four-day rule to make enquiries with the child's parent/guardian and to obtain written confirmation from

them that their child has not performed on more than three days in the last six months.

It is also best practice that the organisation advises the LA where the child resides that they wish to make use of the four-day exemption by completing a notification form, this form can be found on [our webpage](#). The LA can then issue a form of exemption, which can be held at the place of performance and produced in the event of an inspection being made by the host authority.

### **Performances given under arrangements made by a school**

A licence is not required where the performance in which the child is taking part is given under arrangements made by a school. The deciding factor is whether the school is responsible for organising and producing the performance. The school in question has to fall within the meaning of a ‘school’ in the relevant Education Acts i.e. an educational institution that provides primary and/or secondary education. The table below sets out when a performance would meet the criteria for this exemption, and when it would not.

Who is making the arrangements?	Is a licence required?
The child’s school	No
<p>A school within the meaning of the relevant Education Acts (but which the child does not attend) – this can include:</p> <ul style="list-style-type: none"> <li>• a performing arts school which also provides a child’s main education; and</li> <li>• a school providing a child’s main education working alongside a performing arts school (education is jointly provided), providing each is a ‘school’.</li> </ul> <p>A child who is home educated could qualify under this exemption if the arrangements for the performance are made by a school.</p> <p>This exemption would not be affected by a broadcaster filming the event as part of an observational documentary – as long as the children are not directed to act in a particular way.</p>	No
Dance schools, circus schools, conservatoires and similar organisations where the child is attending purely for training in that performance activity (as opposed to receiving their main education).	Yes (assuming no other exemption applies)
A third party. For example, where children from a school or a number of schools take part in a performance where arrangements are made by a third party such as a broadcasting company, i.e. the third party is responsible for the production.	Yes (assuming no other exemption applies)

## 5. Child Supervision – Chaperones

A child performing, rehearsing for a performance during the performance period, taking part in an activity, or staying in accommodation in order to take part in a performance or activity under a licence, must be supervised at all times by a Licensed Chaperone, unless they are under the direct supervision of either their parent or a teacher from their school or their home tutor. Chaperones must be approved by the LA that has granted the relevant licence to the child as part of the application process, as being suitable to exercise care and control of the child in question.

Chaperones can apply for a licence from us [via our webpage](#).

We require all Norfolk County Council Chaperones undertake the quality assured NSPCC training '[Protecting children in entertainment training for chaperones](#)'. This training can also be completed by anyone working in professional or amateur entertainment industries (for example, dance schools, amateur dramatics, choirs, television and film production companies, and professional theatres) who want to know more about a chaperone's role and responsibilities, the statutory requirements and how best to protect children.

We would also recommend you take the time to familiarise yourself with our [Chaperone Support pack](#), to further help clarify the expectations of Chaperones within the entertainment industry.

## 6. Restrictions in relation to all performances

Please see [The Children \(Performances and Activities\) \(England\) Regulations 2014](#) for full details

Topic	Age 0 to 4	Age 5 to 8	Age 9 and over
Maximum number of hours at place of performance or rehearsal ( <a href="#">Reg.22</a> )	5 hours	8 hours	9.5 hours
Earliest and latest permitted times at place of performance or rehearsal ( <a href="#">Reg.21</a> )	7am to 10pm	7am to 11pm	7am to 11pm
Maximum period of continuous performance or rehearsal ( <a href="#">Reg.22</a> )	30 minutes	2.5 hours	2.5 hours
* Maximum total hours of performance or rehearsal ( <a href="#">Reg.22</a> )	2 hours	3 hours	5 hours

Topic	Age 0 to 4	Age 5 to 8	Age 9 and over
<b>Minimum intervals for meals and rest</b> <a href="#">(Reg.23)</a>	Any breaks must be for a minimum of 15 minutes. If at the place of performance or rehearsal for more than 4 hours, breaks must include at least one 45 minute meal break.	If present at the place of performance or rehearsal for more than 4 hours but less than 8 hours, they must have one meal break of 45 minutes and at least one break of 15 minutes.  If present at the place of performance or rehearsal for 8 hours, they must have the breaks stated above plus another break of 15 minutes.	If present at the place of performance or rehearsal for more than 4 hours but less than 8 hours, they must have one meal break of 45 minutes and at least one break of 15 minutes.  If present at the place of performance or rehearsal for 8 hours or more, they must have the breaks stated above plus another break of 15 minutes.
<b>Education</b> <a href="#">(Reg.13)</a>	N/A	3 hours per day (maximum of 5 hours per day). 15 hours per week, taught only on school days. Minimum of 6 hours in a week if aggregating over 4 week period or less.	3 hours per day (maximum of 5 hours per day). 15 hours per week, taught only on school days. Minimum of 6 hours in a week if aggregating over 4 week period or less.
<b>Minimum break between performances</b> <a href="#">(Reg. 23)</a>	1 hour 30 minutes	1 hour 30 minutes	1 hour 30 minutes
<b>Maximum consecutive days to take part in performance or rehearsal</b> <a href="#">(Reg.26)</a>	6 days	6 days	6 days

\* **Maximum total hours of performance or rehearsal** [\(Reg.22\)](#) - It is important to note that these are the maximum hours permitted by the legislation; it is not intended that they be the default working pattern for all children.

**Note:** [Reg.5](#) and [Reg.29](#) allows the licensing authority and the chaperone to further restrict these permitted hours and require additional breaks if this would be in the best interests of the individual child.

**Note:** Chaperone discretion. A chaperone may allow a child to perform for a period not exceeding one hour immediately following the latest time specified in [regulation 21](#) subject to a number of provisions (see [Reg. 29](#)). This discretion can only be applied after the latest permitted hour i.e. after 10pm for children aged under five years and after 11pm for children aged five years and over.

## 7. Licensing children to perform or take part in activities abroad

The following explains when a licence is required for a child to perform or take part in activities abroad;

- [section 25](#) of the [Children and Young Persons Act 1933](#)
- [section 42](#) of the [Children and Young Persons Act 1963](#)

Abroad is defined in [section 30](#) of the [Children and Young Persons Act 1933](#) as meaning outside Great Britain and Ireland. If a child is going to perform in Ireland for profit, there is no requirement to obtain a licence from a magistrate (the producer will need to comply with any requirements in the area that the performance is to take place).

### Who issues the licence?

The licence will be issued by a justice of the peace from the magistrates' court in the district where the child resides.

The issuing of licences for children performing abroad for profit **does not** fall within the remit of local authorities. [View details of your local magistrates' court.](#)

## 8. Record keeping

[The Children \(Performances and Activities\) \(England\) Regulations 2014 - Reg 11](#) states the licence holder must keep certain records for each child and very often it is the chaperone who will be asked to complete the Daily Record sheet. These records should be kept for six months from the date of last performance or activity. The information which must be recorded is detailed below.

- The date
- The time of arrival at the place of performance or rehearsal
- The time of departure from the place of performance or rehearsal
- The times of each period during which the child took part in a performance or rehearsal
- The time of each rest interval
- The time of each meal interval
- The time of any night work authorised by the licensing authority under [Regulation 28 of the Children \(Performances and Activities\) \(England\) Regulations 2014](#)
- 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
- Details of injuries and illnesses (if any) suffered by the child at the place of performance or place of rehearsal, 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 or place of rehearsal
- Any incident regarding the child's welfare or treatment causing concern
- The dates of the breaks in performances required under [regulation 27\(1\) of the Children \(Performances and Activities\) \(England\) Regulations 2014](#)

An example Daily Record sheet is included in our [Chaperone Support Pack](#), however chaperones will find numerous variations in use.

## **9. Compliance and enforcement**

Norfolk County Council, the Local Authority (LA) has a responsibility to enforce the licensing requirements. This means that they may carry out inspections of premises to check that the licensing conditions are being met:

- Where rehearsals during the performance period are taking place
- Where performances or activities are taking place; or
- Where the child is receiving their education

It is essential that the responsible person (licence holder) realises the importance of compliance with any conditions imposed on the licence and of holding the licence at the place of performance so that it is available should there be an unannounced inspection by the local authority.

Norfolk County Council has powers to amend or revoke existing licences, including those issued by local authorities in Wales and education authorities in Scotland where the performance or activity to which the licence relates takes place within their area.

## **10. Safeguarding**

Whether you are in the professional or amateur entertainment industries you need to understand how you can keep children safe and the legal requirements you need to follow.

Don't think safeguarding is someone else's responsibility. It is your responsibility and the responsibility for organisations in the entertainment industry to ensure all staff and volunteers are appropriately trained and have the skills needed to keep children safe. All organisations must have in place robust policies and procedures to support the safeguarding of children.

We recommend all organisations appoint trained Safeguarding leads. This role can help organisations develop and maintain a safeguarding culture for their staff, volunteers and children.

### **Safeguarding Training**

Safeguarding training supports organisations to act professionally in relation to safeguarding, which will also serve to reduce unprofessional approaches which we have seen lead to misunderstandings and allegations.



It is important that the whole organisation has an awareness of what is expected of them. It is equally important that everyone understands;

- Professional boundaries
- That abuse can take many forms
- How to keep children safe
- To know what to do if there are concerns.

To support you in this we recommend annual registration to the [Norfolk Safeguarding Children Partnership - Safer Programme](#). They can help with Safeguarding and Child protection policy development, safeguarding training, and other resources tailored for a Norfolk audience.

The NSPCC also offer lots of support regarding [Safeguarding in the performing arts](#) and writing safeguarding and child protection policies.

Engaging with the [NSPCC](#) and the [Safer Programme](#) is the best way to help you to create a safe environment, protect the children in your care and embed an open safeguarding culture.

You may need specialist training for some roles, for example safeguarding leads. The [NSPCC](#) and the [Safer Programme](#) can help with this too.

To strengthen our approach to safeguarding, Norfolk County Council requires all chaperone applicants applying to be licenced by us to complete the quality assured NSPCC training '[Protecting children in entertainment training for chaperones](#)'.

## 11. Legislation, policy and guidance

- [Child performance and activities: licensing legislation - GOV.UK \(www.gov.uk\)](#)
- [The Children \(Performances and Activities\) \(England\) Regulations 2014 \(legislation.gov.uk\)](#)
- [Children and Young Persons Act 1933 \(legislation.gov.uk\)](#)
- [Children and Young Persons Act 1963 \(legislation.gov.uk\)](#)
- [Child Performance - NNCEE - National Network for Children in Employment & Entertainment](#)

- <https://www.nncee.org.uk/downloads/4023/nncee-a-guide-to-child-performance-licensing-august-2020>
- [Child employment: Performance licences and supervision for children - GOV.UK \(www.gov.uk\)](#)
- [Working together to safeguard children - GOV.UK \(www.gov.uk\)](#)
- [Children Act 1989 \(legislation.gov.uk\)](#)
- [Children Act 2004 \(legislation.gov.uk\)](#)

## **12. Key contacts**

### **Children in employment and entertainment team – Norfolk County Council**

Please contact us with any queries in relation to child performance licensing and chaperones.

Webpage: [Children in employment and entertainment - Norfolk County Council](#)

Performance licencing email: [cs.childperformance@norfolk.gov.uk](mailto:cs.childperformance@norfolk.gov.uk)

Chaperone licencing email: [cs.chaperonelicencing@norfolk.gov.uk](mailto:cs.chaperonelicencing@norfolk.gov.uk)

Phone: 01603 303370

### **Safer Programme**

Webpage: [NSCB Safer Programme \(norfolkscb.org\)](http://norfolkscb.org)

Email: [safer@norfolk.gov.uk](mailto:safer@norfolk.gov.uk)

Phone: 01603 228966 or 01603 223409

### **National Society for the Prevention of Cruelty to Children (NSPCC)**

Webpage: [Safeguarding in the performing arts | NSPCC Learning](#)

### **National Network for Children in Employment & Entertainment (NNCEE)**

Webpage: [NNCEE - National Network for Children in Employment & Entertainment](#)

### **Children's Advice and Duty Service (CADS)**

Webpage: [Children's Advice and Duty Service \(CADS\) Norfolk County Council | Norfolk Community Directory](#)

Webpage: [How to Raise a Concern \(norfolkscb.org\)](http://norfolkscb.org)

Phone: 0344 800 8021

### **Local Authority Designated Officer (LADO)**

Webpage: [Local Authority Designated Officer \(LADO\) - Norfolk Safeguarding Children Partnership \(norfolkscb.org\)](http://norfolkscb.org)

Please complete the [LADO Referral/Consultation form](#) found on the website

Email: [LADO@norfolk.gov.uk](mailto:LADO@norfolk.gov.uk)

### **13. Report Concerns**

If you are concerned about a child in Norfolk and want to speak to someone, contact Children's Advice and Duty Service (CADS) on **0344 800 8021**. If you consider the incident to be an emergency, call **999**.