

Changes to child performance licensing from 6 February 2015

The Government has revised the regulation in respect of Children in performance licensing. This is a good first step.

Following the Government consultation last summer, the new **Children (Performances and Activities) (England) Regulations 2014** will come into force on **6 February 2015**.

The new regulations apply to:

- licences granted to children resident in **England** by licensing authorities within England for performances in Great Britain;
- licences granted to children not resident in Great Britain by local authorities in England to take part in performances in Great Britain where the applicant is resident or has a place of business in the area of the licensing authority;
- performances in England for which no licence is required by virtue of the "4-day rule" exemption;
- licences granted by JPs in England for children to take part in performances abroad.

The new regulations replace the Children (Performance) Regulations 1968. As many of you know, the current rules are intended to protect child performers, but are complex and have often proved difficult to apply in a modern media environment. For a number of years the LTG has been working with the Department for Education, local authorities and other entertainment industry bodies to make the child licensing regime fit for purpose in the 21st century. Although the Government rejected the possibility of wholesale reform, we believe the new regulations go a long way towards simplifying and updating the licensing process.

Key changes under the new regulations are:

- the **unhelpful differences** between the rules for live performances and those which are recorded or broadcast have been removed;
- **unnecessary restrictions** on the different types of performance a child can take part in on one day have been lifted;
- **medical certificate**: the requirement that a medical certificate be provided before a licence

can be issued has been removed;

- **new earliest and latest hours that a child can be present at a place of performance (or rehearsal*)**: a child under the age of 5 can be present from 7am until 10pm, whilst a child of 5 and over can be present from 7am to 11pm;
- **chaperone discretion**: where there are unforeseen circumstances and subject to certain specified conditions being met, chaperones will have the authority to authorise children to perform for a further hour past the latest permitted times. The chaperone must notify the host authority AND licensing authority whenever this discretion is exercised and must provide reasons;
- **new maximum hours a child can be at a place of performance or rehearsal***: a child under the age of 5 can be present for 5 hours; a child aged between 5 and 8 can be present for 8 hours; and a child aged 9 or above can be present for 9.5 hours;
- **new maximum hours a child can perform (or rehearse*) in a day**: this is 2 hours in total or 0.5 continuous hours for a child under the age of 5; 3 hours in total or 2.5 continuous hours for a child aged between 5 and 8; and 5 hours in total or 2.5 continuous hours for a child aged 9 or above;
- **new minimum frequency of breaks children must have whilst performing or rehearsing***: for children under the age of 5, all breaks must be for a minimum of 15 minutes and, if the child is present for four or more consecutive hours, there must be at least one break of 45 minutes for a meal. For children aged 5 or over: if present for more than four, but less than eight consecutive hours, the child must have a minimum of one 45 minute meal break and one other 15 minute break; and if present for 8 or more consecutive hours, the child must have a minimum of one 45 minute meal break and two other 15 minute breaks;
- **lunch breaks**: the minimum meal break for children is 45 minutes. It is expected however that guidance will clarify that children should ideally have 1 hour for lunch unless a chaperone considers it appropriate to reduce the break to 45 minutes;
- **new minimum break between performances (including rehearsals* in some cases)**: if a child is performing in consecutive performances on the same day there must be a break between performances of 1.5 hours. There is however flexibility for the minimum

break between performances to be reduced to 45 minutes where the first performance is less than 1 hour long and the second performance takes place at the same venue;

- all children must have a **minimum overnight break** of at least 12 hours. It is expected however that guidance will clarify that a minimum break of 14 hours is optimal for most younger children and should be the norm; and
- **the maximum number of consecutive days upon which a child may perform or rehearse*** is 6 days. However, if a child performs on the maximum number of consecutive days over a period of eight weeks a child must then have a break of at least fourteen days, unless the licence is for a period of less than sixty days.

*References to rehearsals are to rehearsals which take place during the performance period.

The Government will be publishing **guidance on the new regulations** together with **best practice guidance** very shortly. We have been directly involved in the drafting of both sets of guidance. We will let you know once they have been published. In the meantime, if you have any questions, please contact Eddie Redfern LTGrep@Archwaytheatre.co.uk LTG Safeguarding Adviser.

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