

LICENSING OF CHILDREN

There is currently a lot of confusion with regard to the necessity for children to be licensed for dancing competitions or for dance school events. Below are the current requirements with regard to licensing but there is a lot of inconsistency, everything depending on the local County Council that the child comes under.

Current regulations:

A child requires a licence in the following situations:

- Any performance for which a charge is made, whether for admission or otherwise.
- Performances on premises licensed to sell alcohol, for example in a hotel, a pub or a theatre.
- Any live broadcast performance, for example a television or radio broadcast or a performance streamed on the internet.
- Any performance recorded (by whatever means) with a view to being used in a broadcast or in a film intended for public exhibition. For example: a live stage performance recorded for a cinema screening, a feature film, a video or sound recording of a performance on a website. 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 on social media.

It should be noted that:

- 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.
- Licensing requirements apply only to children under the upper limit of compulsory school age i.e. as a general rule up to the last Friday in June in the school year in which they have their 16th birthday.

There are exemptions from the above requirements but these exemptions only apply where no payment is made to the child in respect of the performance other than expenses. They are:

- The 'four day rule': A licence is not required if a child has not performed on more than 3 days in the previous 6 months. Once a child has performed on 4 days in a 6-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, then a licence is required for any further performances unless one of the other exemptions referred to below applies.
- Where a performance is given under arrangements made by a school i.e. an educational institution that provides primary and/or secondary education.
- Where a performance is given under arrangements made by a Body of Persons Approval (BOPA).

It is a legal requirement to seek a licence when one is required and 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.

Where a child is resident in Great Britain and the performance is to take place in Great Britain an application for a licence must be submitted to the child's home local authority. Local authorities are responsible for the administration of licences. This sits alongside their overall responsibility for safeguarding children.

The person responsible for organizing, producing or running the activity, or for the production of the performance in which the child is to take part, should be the person who applies, in writing, for the licence where one is required. This means a third party, who is not responsible or accountable for the arrangements of a performance or activity, cannot sign the application or be the holder of the licence.

The responsible person must submit a licence application to the relevant local authority allowing sufficient time for the local authority to consider and process it. Responsible person should consider the risks to children and the arrangements needed to mitigate them at the start of planning for any performance or activity.

For information a 'body of persons approval' (BOPA) can be issued to appropriate bodies who can then obtain a 'blanket' licence for children attending a specific number of their events or for a specified period of time. Individual licences are not required if a BOPA licence is held.

The BDC is currently working on establishing that dance school events and competitions should not be classed in the same category as 'performances' and should not have to comply with the same licensing regulations as theatrical performances or similar. All dance schools and competitions organizers should, however, have all the appropriate child protection policies in place.