

**EAST LoTHIAN COUNCIL : RESOURCES AND PEOPLE SERVICES**

**THE CHILDREN (PERFORMANCES & ACTIVITIES) (SCOTLAND) REGULATIONS 2014**

**SCHEDULE 1 Regulation 4(1)(b)  
FORM OF APPLICATION FOR A LICENCE**

(Note – When completed, this form should be sent so as to reach the licensing authority not less than 21 days before the first performance or activity for which the licence is requested, as the licensing authority may otherwise refuse to grant a licence.)

Application to **East Lothian Council**

**PART 1  
(TO BE COMPLETED BY THE APPLICANT)**

1. I apply for a licence under section 37 of the Children and Young Persons Act 1963 authorising the child (***insert name of child***)

.....

\*Delete if inapplicable:

\*(1) to take part in performances on the number of days and during the period specified in item 4(i) of the Annexe to this Part.

\*(2) to take part in a sport either on the number of days and during the period specified in item 4(i) of the Annexe to this Part or on the dates specified in item 4(ii) of the Annexe to this Part.

\*(3) to work as a model either on the number of days and during the period specified in item 4(i) of the Annexe to this Part or on the dates specified in item 4(ii) of the Annexe to this Part.

2. I certify that to the best of my knowledge the particulars contained in the Annexe to this Part are correct.

3. I attach the following documents-

(a) a copy of the birth certificate of the child or other satisfactory evidence of the child's age;

(b) a completed risk assessment detailing any potential risks arising from the child's participation in the performance or activity and information on the steps which will be taken to mitigate those risks;

(c) a copy of the contract, draft contract or other documents containing particulars of the agreement regulating the child's appearance in the performances or regulating the activity for which the licence is requested;

(d) two passport style images of the child.

4. I understand that if a licence is granted to me it will be granted subject to the restrictions and conditions laid down in the Children (Performances and Activities) (Scotland) Regulations 2014 and to such other conditions as the licensing authority may impose under those Regulations.

Date .....

Signed.....

(Applicant)

Full name: .....

Address: .....

.....

Occupation: ..... E-mail .....

(If the application relates to a performance or activity for which the child will require to be absent from school)

Date .....

Signed .....

(Child's head teacher)

Full name: .....

Address: .....

.....

NOTE – Any person who fails to observe any condition subject to which a licence is granted or knowingly or recklessly makes any false statement in or in connection with an application for a licence is liable to a fine not exceeding level 3 or imprisonment for a term not exceeding three months or both (section 40 of the Children and Young Persons Act 1963).

**ANNEXE TO PART 1**  
**PARTICULARS CONNECTED WITH THE PERFORMANCE OR ACTIVITY IN WHICH THE**  
**CHILD IS TO TAKE PART**

1. Name and nature(a) of the performances or activities in respect of which the licence is requested.	
2. Description of the child's part.	
3. Place of the performances or activities in respect of which the licence is requested(b).	
4. (a) The number of days, and the period during which, it is requested that the child may take part in performances or activities, or (b) The dates of activities for which the licence is requested.	
5. Time and duration of performances or activities in respect of which the licence is requested. (a) Nature of the performances, e.g. theatrical, filming, television, etc. (b) This includes the places at which work on location is to be done.	
6. Approximate duration of the child's appearances in the performances or activities in respect of which the licence is requested.	
7. The amount of night-work (if any) for which approval will be sought from the licensing authority under regulation 28 of the Children (Performances and Activities) (Scotland) Regulations 2014 stating - (a) the approximate number of days, and (b) the approximate duration on each day.	
8. The sums to be earned by the child in taking part in the performances or activities in respect of which the licence is requested.	
9. The days or half days on which leave of absence from school is requested to enable the child to take part in performances or activities for which the licence is requested or in rehearsals.	

<p>10. Proposed arrangements (if any) under regulation 12 of the Children (Performances and Activities) (Scotland) Regulations 2014 for the education of the child during the period for which the licence is requested stating –</p> <p>(a) the name and address of the school to be attended, or</p> <p>(b)(i) if the child requires to be absent from school for more than 5 days during the period to which the licence relates) the name, address and qualification of the proposed private teacher,</p> <p>(ii) the place where the child will be taught,</p> <p>(iii) the proposed course of study,</p> <p>(iv) the number of other children to be taught by the private teacher at the same time as the child in respect of whom this application is made, and the gender and age of each such child, and</p> <p>(v) whether the child is to receive the required amount of education in accordance with regulation 12(4)(e) or regulation 12(5).</p>	
<p>11. The name of the licensing authority (if any) which has previously approved the appointment of the private teacher for the purposes of a licence.</p>	
<p>12. The name, address and contact telephone number of the proposed chaperone.</p>	
<p>13. The name of the licensing authority (if any) which has previously approved the appointment of the proposed chaperone for the purposes of a licence.</p>	
<p>14. Details of whether or not the proposed chaperone is listed on any administrative chaperone register held by a licensing authority –</p> <p>(a) if yes, which licensing authority; or</p> <p>(b) if no, confirmation from the proposed chaperone of whether they would like to be so listed in consequence of the application and also evidence of the proposed chaperone’s suitability to fulfil the chaperoning role.</p>	
<p>15. The number of other children to be in the care and control of the proposed chaperone during the time when the proposed chaperone would be in care and control of the child in respect of whom this application is made, and the gender and age of age of each such child.</p>	
<p>16. The address of the accommodation where the child will live if a licence is granted by reason of which the child has to live somewhere other than at the place where the child would usually live, the name of the householder and the number of other children who will live in the same accommodation.</p>	

<p>17. Approximate length of time which the child will spend travelling -</p> <p>(a) to the place of performance, rehearsal or activity,</p> <p>(b) from the place of performance, rehearsal or activity, and the arrangements (if any) for transport -</p> <p>(a) to the place of performance, rehearsal or activity,</p> <p>(d) from the place of performance, rehearsal or activity.</p>	
<p>18. Name of any other licensing authority to which an application has been made for another child to take part in a performance or an activity to which this application relates.</p>	
<p>19. Where the application is for a licence for an activity, a statement by the child's parent that the child is medically fit for the proposed activity.</p>	
<p>20. Details of any known health conditions which could -</p> <p>(a) adversely affect the child's ability to participate in the performance or activity, and</p> <p>(b) be adversely affected as a result of the child's involvement in the performance or activity.</p>	

**PART 2**  
**(TO BE COMPLETED BY A PARENT)**

(Note – parent includes a guardian, a person with parental rights or responsibilities or other person who has for the time being care or control of the child.)

Please give the following particulars-

1. Full name of child.	
2. Date of birth of child.	
3. Address of child.	
4. Contact telephone number of parent.	
5. Name and address of schools attended by the child during the 12 months preceding the date of this application or, if the child has not attended school, the name and address of the child's private teacher.	
6. Particulars of each licence granted during the 12 months preceding the date of this application by any licensing authority other than the licensing authority to whom this application is made, stating in each case- (a) the name of the licensing authority, (b) the date on which the licence was granted, and (c) the dates and nature of the performances or activities.	
7. Particulars of each application for a licence made during the months preceding the date of this application and refused by any licensing authority other than the licensing authority to whom this application is made, stating in each case- (a) the name of the licensing authority, (b) the date of the application, and (c) the reasons (if known) for the refusal to grant a licence.	
8. Particulars of each performance for which a licence was not required in which the child took part during the 12 months preceding the date of this application, stating in each case- (a) the date, (b) the place, (c) the nature of the performance, and (d) the name of the person responsible for the production of the performance in which the child took part.	

9. Dates (if any) on which the child has been absent from school during the 12 months preceding the date of this application by reason of taking part in a performance or activity.	
10. Particulars of any employment of the child during the 28 days preceding the day of the first performance or first activity for which the licence is requested stating- (a) the nature of the employment, (b) the days on which the child is employed, and (c) the times during which the child is employed.	
11. Particulars relating to the sums earned by the child during the 12 months preceding the date of this application stating - (a) whether the sums earned were in respect of performances or activities for which a licence was granted or performances or activities for which a licence was not required (b) or other forms of employment, (c) the amount of the sums earned, (d) the date on which payment was received, and (e) the name, address and description of the person from whom the payment was received.	

I support this application for a licence. I certify that to the best of my knowledge the particulars given are correct and I understand that if a licence is granted it will be granted subject to the restrictions and conditions laid down in the Children (Performances and Activities) (Scotland) Regulations 2014 and to such other conditions as the licensing authority may impose under those Regulations.

Date..... Signed .....  
(Parent)

Full Name: .....

Address: .....

..... E-Mail .....

Relationship to child:\* .....

(Optional counter-signature – if appropriate taking account of the child’s age and maturity)

Date ..... Signed .....  
(Child)

Full Name: .....

Address (if different from above): .....

.....

NOTE \*Any person who fails to observe any condition subject to which a licence is granted or knowingly or recklessly makes any false statement in, or in connection with, an application for a licence is liable to a fine not exceeding level 3 or imprisonment for a term not exceeding three months or both (section 40 of the Children and Young Persons Act 1963).  
\*State whether parent, guardian, person with parental rights or parental responsibilities or other person having for the time being care or control of the child

## **THE CHILDREN (PERFORMANCES AND ACTIVITIES)(SCOTLAND) REGULATIONS 2014**

### **GUIDANCE FOR APPLICANTS**

#### **RISK ASSESSMENT – RISKS AND MITIGATION**

##### **Introduction**

1. In assessing the potential risks that may arise from a child's participation in a performance or licensed sporting or modelling activities, applicants for a licence 1 must take account of all factors potentially affecting the wellbeing of children and young people.

##### **Wellbeing**

2. Our understanding of children's wellbeing builds on the rights set out in the United Nations Convention on the Rights of the Child (UNCRC), an international treaty which sets out the guarantees that each and every child must have if they are to enjoy a healthy and happy life. While the UNCRC describes the guarantees that every child can expect, the term 'wellbeing' describes the positive outcomes that children are likely to experience as a result of those guarantees being delivered. This holistic approach to wellbeing includes the need for the child to be safe, healthy, achieving, nurtured, active, respected, responsible and included.

##### **Risk Assessment**

3. While participating safely in well-managed performances or activities can have many positive benefits for the wellbeing of children and young people, there is potential for children involved in these activities to be exposed to risks to their immediate safety and longer term wellbeing. For this reason, under schedule 1 of the Children (Performances and Activities)(Scotland) Regulations 2014, applicants are required to undertake a careful analysis of the risks and potential harms arising from the child's particular involvement in a performance or activity and to put in place measures to negate or mitigate any possible negative impact on the child's wellbeing. A copy of the completed risk assessment must be submitted as part of the licence application process.
4. The following must be considered within any assessment of the risks.

##### **Individual needs of the Child**

5. Children and young people differ in their vulnerabilities and resilience. Their age, gender, physical and mental capacity, maturity, cultural, ethnic and religious background and their previous life experiences can all affect how they might respond to the specific circumstances and nature of a performance. These must, therefore, be considered when assessing the distinct risks to which individual children might be exposed in consequence of their participation in a performance or activity.
  - 1 The applicant is responsible for arranging professional or amateur performances or the organisation of, or engaging of a child or young person in a licensed activity.



## Consent

6. The autonomy and dignity of performers or those taking part in an activity should also be respected at all times. This means that valid consent must be in place throughout the performance or activity and a right to withdraw at any point should be made clear to each participant.
7. Valid consent may require consent from persons other than the performer or participant, such as parents, or guardians. Children of any age should be regarded as competent to give consent verbally or through their 'assent' as displayed in their conduct and willingness to continue in the performance or activity. The behaviour of very young children, in particular, should be monitored for signs of unwillingness to continue. Unlike in England, where the age of capacity is 18, in Scotland the age of capacity is 16, so those over 16, but under 18, may provide sole written consent.
8. When signs are displayed that assent is no longer being given, the applicant must endeavour to resolve any issues for the child such that they may choose to continue under a different set of conditions. If the child still does not want to be involved, where relevant, only filmed footage taken up until the point of their unwillingness to perform may be used.
9. Aspects of the performance that have associated risks, and the mitigation measures proposed, should be explained clearly to the child or young person, and other persons consenting to the child's participation in the performance or activity, before the child's consent is sought.
10. In carrying out a risk assessment care must be taken to also consider the following risks:
  - Injury – environmental hazards
  - Ill health –exposure to dangerous materials, environments and potential infection
  - Psychological harms – exposure to damaging behaviour and experiences
  - Lack of adequate management control
  - Lack of competent staff and chaperonage
  - Failure to ensure valid consent
  - Failure of supervision
  - Unsuitable transport arrangements
  - Excessive performance demands – with regard to individual characteristics of performers
  - Inadequate provision for emergencies
  - Unwelcome contact - physical or other invasive /abusive contact
11. A model template for a risk assessment is attached in the **Annex** to this note.
12. The nature and extent of risks under these headings and any other aspects of the performance or activity that carry additional risk must be described in the licensing application /risk assessment together with the appropriate measures for their mitigation.
13. As risks may change in severity and new risks may emerge in the course of a performance or activity, constant monitoring of risks and mitigation.

**East Lothian Council – The Children (Performances and Activities)(Scotland) Regulations 2014**

**Annex – Risk Assessment (Young Performers)**

**TO BE COMPLETED AND RETURNED IN SUPPORT OF ALL APPLICATIONS**

**CHILD'S DETAILS**

Name of the Child:

Child's Address:

Child's Date of Birth

**PERFORMANCE/ACTIVITY**

Description of Performance / Activity for which licence is being applied:

Name of applicant: .....

Signature: .....

Date of application: .....

<b>Risk Category</b>	<b>Potential harm</b>	<b>Risk present? Yes/No</b>	<b>Degree of risk 1= none or minimal 2= moderate 3= high/severe</b>	<b>Description of specific risk and mitigation/control measures</b>	<b>Notes/comments</b>	<b>Date risk assessed</b>
<b>Environmental/Physical</b>						
Falling Injury	Minor or Serious Injury					
Exposure to extreme temperatures						
Exposure to adverse weather conditions						
Injuries from staging/scenery						
Participation in stunts/in the vicinity of stunts/special effects						
<b>Health</b>						
Infection	Sudden illness					
Fatigue	Illness or injury					
Dehydration	Illness/fainting episodes					
Inappropriate diet	Feeling unwell/nausea					

<b>Psychological</b>						
Emotional content eg violence, sex, drug use	Emotional distress Engendered fears					
Competition eg talent show, sports	Emotional distress Harm to self-esteem					
Invasion of privacy	Emotional distress Loss of autonomy					
Sexual content	Precocious sexualisation Moral damage					
Other content inappropriate to age of child	Sanctioning/encouraging age inappropriate behaviour					
Stress/coercion	Insecurity Distress/anxiety Mental fatigue Loss of autonomy					
Peer group activity	Bullying Peer disapproval					
Shock/trauma	Emotional distress Engendered fear/anxiety					
Insult to dignity	Embarrassment/distress					
Exposure to occult/supernatural content	Engendered fears Anxiety					
Other (specify)						