

Application Guidance for Performance Licences, Body of Persons Approvals and Exemption Requests

Usually when a child takes part in a performance, a Child Performance Licence application must be made, however there are a few exceptions where this is not needed. This guidance will help you determine what type of application you should make, if you should need to make an application at all. Please see as follows:-

Do I need to apply for a performance licence?

There are a few instances where an application may not be required or a different type of application should be made:

- If the child is performing abroad an application must be made through the Magistrates Court
- If the performance is arranged and led by a the child's mainstream school, no application is needed, this would be seen as a school activity
- If the performance is not on a licenced premises (including grounds), is not on school time, no payment is being made, and it and is not ticketed in any way, no application needed, this is not seen as a performance.
- If the audience only consists of family members, other students, staff or other members of the organisation, and no charge is being made (other than expenses), no application is needed as this would be seen as a private performance.
- If the performance qualifies for an exemption, an 'Exemption Request Form' must be submitted (see below).
- Rehearsals do not require licencing, however some local authorities (L.A) require applications to be made prior to rehearsals taking place. Please contact the relevant L.A for advice.

Child Performance Licence:

If the performance is on school time, the child has performed for 4 days or more in the last 6 months, and/or a payment is being made (to the child or a 3rd party), an application for a '**Child Performance Licence**' must be made.

This application is a two part application that must be signed by the applicant (the person who is hiring the child) and the parent or legal guardian.

It is the applicants' duty to gather all the information and submit this to the child's borough of residence at least 10 days before the 1st date of performance.

The application must include the following:

- Signed Part 1 & 2 of the application (medical declaration included in part 2)
- 2 passport sized photo's
- Copy of the child's birth certificate
- School permission letter (if performance is on school time)

Exemptions for single children:

If a performance is not on school time, the child or any third party is not receiving payment (other than expenses) and the child has not performed for 4 days or more during the 6 months leading up to the performance, they will qualify for an exemption. You will need to submit the following 10 days before the performance:

- Exemption Request Form

Please only use the '**Exemption Request Form**' for children who reside in Lambeth. If the children do not reside in Lambeth, their borough of residence must be contacted. Procedures may differ, please contact the relevant borough well in advance of the performance.

If the application is for less than 20 children we would advise you apply for "single exemptions" or "Child Performance Licences".

In exceptional circumstances we may consider issuing a Body of Persons Exemption for numbers less than 20, however the applicant will be required to demonstrate why single exemptions and/or licences are unattainable.

Body Of Persons Approvals (BOP) - Exemptions for a large group

If a large group of children are performing, a '**Body of Persons Approval**' (aka. BOP, BOPA or BOPe) may be required. This type of exemption is designed to facilitate large numbers of children (20 or above), and to help reduce the paperwork required for a child performance licence. The application must be made to the L.A of where the performance is taking place.

All children requested to perform will qualify for an exemption **if they are not missing school, and no payment is being made (to either child or 3rd party, unless expenses)**. The '4 day rule' does not apply.

If there are children that do not qualify, a child performance licence application must be made for the child in question.

Please fill and sign the '**BOPA application**' form, the '**BOPA Contract**' and the '**Child and Chaperone Details Spreadsheet**'.

The following must be considered when applying for a BOP:

- The applicant cannot act as chaperone
- Rehearsals cannot take place on school time
- All details must be submitted 21 days before the performance (if this may be a challenge please contact the L.A as soon as possible)
- A risk assessment and/or a child protection/safeguarding policy must be submitted
- A designated child protection/safeguarding officer should be available
- Lambeth permits DBS checked members of staff to act as chaperone
- All persons acting as chaperone will not be under command of the company or any person except a head (licenced) chaperone.

- All chaperones will have the power to remove a child from the performance if they deem necessary, however they may offer solutions to a problem before taking this action (inexperienced chaperones may wish to seek advice from the head chaperone).
- No person acting as chaperone is to be pulled off task, their only duty is to the children's safety and wellbeing
- Head chaperones must be licenced
- The ratio of DBS checked members of staff to licenced chaperones must not exceed 4:1. This should cover a maximum of 60 children
- The ratio of children to chaperone must not exceed 12:1
- Parents can only chaperone their own child
- All chaperones must be listed and labelled as 'parent' or 'DBS checked staff'
- All licenced chaperones must have their licencing borough named on the attached spreadsheet
- All persons acting as chaperone must carry some form of picture I.D on the performance day (e.g driving licence)
- A named first aider should be provided
- All forms must be completed and signed where prompted (including the declaration on the spreadsheet (read carefully before signing).
- Declarations of health from the parent and DBS checks do not need to be submitted, however the applicant will be legally responsible for the safety and wellbeing of all children named on the list. The applicant must declare that they have seen these documents
- All children's details including postcode and local authority must be listed. Please bear in mind there are many obscure councils that fall under a county councils, if the applicant is unsure, please find the correct borough by using the council tax checker at <https://www.gov.uk/find-local-council> .
- If this is the first time the applicant has applied through Lambeth, they will be subjected to a visit. We will arrange a time for a representative from your company to meet with us at the performance venue. We will discuss the required safeguarding practices expected on set. If the applicant makes further applications under the same company, this step will no longer be required. However all performances are subject to unannounced inspections at any time.

Please note, exemptions and B.O.P approvals only remove the need to apply for performance licences. The regulations regarding child performances are applicable irrespective of the type of application that's made. Regulation breaks and hours must be adhered to whether for rehearsals, performances, or exemptions.

Table of performances that may not require licencing?

There are many grey areas in child employment as it is an ever growing world. If you are unsure of whether Please see the table below for examples of types of performance that may, or may not require a licence. Please note that irrespective of the type of performance activity, **a licence will be required if it is on school time, the child (or 3rd party) is being paid, and/or the child has performed for 4 or more days during the 6th months leading up to the performance:**

A licence may be required for	A licence may not be required for
Performances that meet the criteria in section 37(2) of the 1963 Act. These can include: acting; singing; dancing; playing in an orchestra; stand-up comedy; magic act;	Observational documentaries where a child is filmed carrying out normal day to day activities for example playing in the street,

and any production where the activity is contrived or constructed for dramatic effect.	participating in an ordinary lesson, training for their sport.
So-called "reality" television where the activity in which the child participates is manipulated/controlled or directed for the purpose of the entertainment.	Elements of a programme where the child is not being directed but is being observed doing normal activities are treated as observational documentary provided the child is filmed being themselves without direction.
Presenting or compering (where this has an element of contrived performance).	Daily news reporting, news reports (including investigations in the public interest, for e.g. testing if shops sell goods to a child underage).
Entertaining or performing where the performance meets any of the criteria under section 37(2) of the Act e.g. for a paying audience, on licensed premises, a recording for broadcast or public exhibition.	Being interviewed as a member of the public; Self-generated content e.g. a child records themselves and puts that on the internet; Castings and auditions that are not recorded for public exhibition; Being part of an audience (watching a show either in a studio, theatre or stadium).
Dancing at a community dance festival or performance that meets any of the criteria set out under section 37(2) of the Act.	Dance workshops held on the same day of the performance at a different venue. (Practical dance sessions led by a dance teacher or artist. They may explore an idea or practice some dance movement; they

If you need further advice, please contact us on 020 7 926 9503 or 020 7 926 9610

Please submit all applications to childemploymentteam@lambeth.gov.uk or alternatively please post to:

Child Employment Team
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International House
Canterbury Crescent
London
SW9 7QE