

Telford and Wrekin Council**Licensing Committee – 17 January 2017****Delegation of authority to issue child performance licences, work permits for school age children and chaperone licences****Report of the Service Delivery Manager – School Organisation and Traded Services****1. Purpose**

- 1.1 To inform Members of the proposed level of responsibility to issue performance licences to children from birth to compulsory school leaving age and work permits to children over the age of thirteen years to compulsory school leaving age and to issue chaperone licences to adults who chaperone children.

2. Recommendations

- 2.1.1. That Members of the Licensing Committee approve all powers and duties under part II of the Children and Young Persons Act 1933, except authority to approve prosecution proceedings, be delegated to the Child Employment Officer, the Attendance Support Team Leader, and the Group Manager, Access & Inclusion;
- 2.1.2. That Members of the Licensing Committee approve prosecution proceedings under part II of the Children and Young Persons Act 1933 be delegated to the Service Delivery Manager School Organisation and Traded Services and the Assistant Director: Education and Corporate Parenting;
- 2.1.3 That Members of the Licensing Committee approve all powers and duties under part II of the Children and Young Persons Act 1963, except authority to approve prosecution proceedings, is delegated to the Child Employment Officer, the Attendance Support Team Leader and the Group Manager, Access & Inclusion;
- 2.1.4 That Members of the Licensing Committee approve prosecution proceedings under part II of the Children and Young Persons Act 1963 be delegated to the Service Delivery Manager School Organisation and Traded Services and the Assistant Director: Education and Corporate Parenting;

- 2.1.5 That Members of the Licensing Committee approve that the fee of £25 for issuing a chaperone license to adults, (subject to completion of training and references and any other criteria as required) remains the same until such time that any further report to Committee made by the Local Authority is submitted to revise it. This fee is a true reflection of the administrative costs of processing the licence.

3. Summary

- 3.1.1 All applications for licences and work permits are subject to strict criteria as prescribed in the associated legislation and regulations as detailed in 7.0 – 7.7.
- 3.1.2 The level of fees for chaperone applications were last reviewed in 2012/13 and implemented on 1st April 2013. The fee is to cover all administrative costs. The majority of chaperones are volunteers.

4. Previous Minutes

- 4.1 There are no previous minutes or recordings of any minutes.

5. Information

5.1 Background

- 5.1.1 The Local Authority has responsibility for administering and enforcing requirements and protections for those below compulsory school leaving age taking part in employment or performances (part II Children and Young Persons Act 1933, part II, Children and Young person Act 1963, and the Children (Performances and Activities) (England) Regulations 2014.

- 5.1.2 The issuing of performance licences for children and work permits for children over the age of thirteen is statutory; therefore there is no charge to the applicant for any licence or permit issued. However, all license applications are subject to criteria in Regulations as detailed in 5.1.1 above.

An application for the current level of fees and charges for chaperone applications is included in this report and requested to be implemented by the Licensing Authority in January 2017. A further review will be carried out towards the end of this financial year.

5.2 Equal Opportunities

- 5.2.1 All applications for licences or work permits are considered in line with regulations and legislation detailed in section

7.0 – 7.7 which comply with the Human Rights Act 1998 and the Equal Opportunities Act 2010

5.3 Environmental Impact

5.3.1 Not applicable for the purposes of this report.

Legal Comment

5.4.1 The Committee's responsibilities are set out in the Council's Constitution and include setting and reviewing licensing fees other than those set by statute. The Committee may also delegate its powers and functions to officers.

5.4.2 The power to levy fees is contained in the legislation relevant to each function or otherwise in the Local Government Act 2003 in relation to discretionary services. Licensing is not a revenue raising function and licensing fees should cover the costs associated with the licensing process but not generate a profit. The EU Services Directive requires non-discriminatory, justified, proportionate, clear, objective, public, transparent and accessible process for the setting of fees.

5.4.3 The power to licence the employment of children is a matter reserved to full Council and which is delegated under the Council's Constitution to Licensing Committee. Similarly by virtue of Section 101(2) of the Local Government Act 1972 Licensing Committee may arrange for the discharge of its functions by an officer of the authority.

5.5 Links with Corporate Priorities

5.5.1 This report has links to the following priorities:

- Put our Children & Young People first
- Improve local people's prospects through education and skills training
- Protect and support our Vulnerable Children and Adults

5.6 Financial Comment

5.6.1 Licensing is not a revenue raising function and licensing fees should cover the costs associated with the licensing process but not generate a profit. Any variations against this statement will be reported through the financial monitoring process in 2016/2017.

5.7 Risks and Opportunities

- 5.7.1 The following key risks and opportunities associated with this report have been identified and assessed and arrangements will be put in place to manage them.
- 5.7.2 Section 28 of the 1933 Act covers Powers of Entry for an officer of the Local Authority to enter any premises where a performance or entertainment is being performed by children, without prior notice, to establish that the children are being properly supervised and cared for.
- 5.7.3 Licensed Chaperones will adhere to the Child Protection policy at all times.

6. Ward Implications

- 6.1 This report has Borough & County wide implications

7. Background Papers

- 7.1 Children and Young Persons Act 1933
- 7.2 Children and Young Persons Act 1963
- 7.3 The Children Act 1989
- 7.4 The Children Act 2004
- 7.5 The Education Act 1996
- 7.6 The Children (Performance and Activities) (England) Regulations 2014
- 7.7 Telford & Wrekin and Shropshire County Council Child Employment Byelaws

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