

Body of Persons

Licence Application Guidance for the London Borough of Merton

Legal Information

The Children & Young Persons 1963 gives a local authority under Section 37(3)(b) the power to approve a 'Body of Persons Approval' to enable them to engage children in performances without the need to apply for separate licences for each young person for each production.

Who can grant a Body of Persons Approval?

A Body of Persons Approval can be granted by the relevant local authority where the production is taking place. In exceptional circumstances, for example where a group is putting on productions across a very large number of local authority areas, they may apply to the Secretary of State for approval.

Considering whether to grant an Approval

The guidance states that a Body of Persons Approval shall only be granted where the body is a reputable one which puts on performances in circumstances of the kind envisaged by Parliament when providing this exemption procedure. A Body of Persons Approval is intended for amateur productions arranged by bodies such as youth organisations, dramatic societies or churches where licenses would otherwise be required for children to participate.

Approval can be granted providing:

- Rehearsals or performances do not take place when the young people concerned should be at school.

Children who are taking part in a performance authorised by a 'Body of Persons' approval are not individually licensed, therefore **can only take part if the holder of the licence has received written consent from the head of the child's school. Consent from the headteacher is a prerequisite to take time off from their education for a performance.** For this reason, no child or young person must perform or rehearse at a time when they should be in school, unless appropriate consent was received.

- The child or young people that are performing or the organisation concerned receive no payment (except expenses).
- Performances are solely within the London Borough of Merton.

- The child or young person has not performed (this includes theatre, sport or modelling, television, filming or voice recordings) for more than 3 days in the last six months
- The London Borough of Merton agrees that the rehearsal/performance venue(s) are suitable for young people to perform.
- You have carried out a risk assessment for the venue being used and the production (You will need to provide a copy of this/these to us)
- That you have a Child Protection Policy (You will need to provide a copy of this to us)
- You have a qualified First Aider present at every rehearsal and performance
- You have adequate insurance to cover the performance. A minimum of 5 million Public Liability Insurance as standard with 10 million if the activities are risky/dangerous (flying/fire etc.)
- The dates and times of the performance comply with the Children (Performance) Regulations 1968

Who can be the applicant:

The Chair person and Secretary of each society are normally the 'Applicants' who applies for the Body of Persons Approval licence. They must complete The London Borough of Merton Document, Application for "Body of Persons" Approval.

What needs to be completed:

For the initial Body of Persons application:

- Application for a 'Body of Persons Approval' (BOPA)
- Declaration of Agreement to Conditions of Approval.

These documents along with all required policies etc... should be forwarded to education.welfare@merton.gov.uk at least 28 days before the date of the first rehearsal/performance.

The London Borough of Merton will expect in the first instance to grant a BOPA for the period covering a single event. This may be extended following a review of the initial BOPA.

For performances, once a BOPA has been awarded:

- Excel spread sheet containing information on all children/young people taking part.
- Excel spread sheet containing information on all licenced chaperones taking part.

- (Spread sheet templates supplied by LB Merton)
- Details of the Performance, dates and times of rehearsals.
 - All/any documents requested.

These items should be forwarded to

education.welfare@merton.gov.uk at least 21 days before the date of 1st rehearsal/performance.

Supervision

All children must be chaperoned by **their** parents or by a **Licensed Chaperone** named in the details provided in advance to the Local Authority on a ratio of 1 adult to 12 young people (Good Practice suggests at least 2:12) with separate chaperones for boys and girls. The child performers must be supervised **at all times** by a chaperone.

You should ensure that male and female chaperones are available to ensure that you meet the Child Performance Regulation with regard to designated changing rooms, toilets etc.

Chaperones should under no circumstances hand any child over to, or let the child be examined by any other person. The only exceptions to this are with prior approval of the child's parent/s, or in emergency, and then under the supervision of a doctor, police officer or other suitable person.

The 'Body of Persons' must not use the young persons in performances that may be dangerous.

Number of Performances

A child cannot take part in a Performance on more than six days in any period of seven days.

If there are a mix of rehearsals and performances then children are not allowed to take part in more than five days in any seven day period.

Length of Time Performing

A child must not take part in a performance that lasts for more than 3½ hours and a child's appearance in each performance must not exceed 2½ hours.

A child must not take part in more than two performances or one performance and one rehearsal in a day.

A child must have a break of 1½ hours between two performances or rehearsals in the same day. This break of 1½ hours can be reduced to 45 minutes on two days in a week as long as the child is not at the place of performance for more than 6 hours.

If a child performs or rehearses on consecutive days there must be a break of 14 hours or more between each day that they are performing, for example, if there is a performance with an end time of 10pm then the young person cannot take part in another rehearsal or performance until 12pm the next day.

CHILDREN IN ENTERTAINMENT
RESTRICTIONS IN RELATION TO ALL PERFORMANCES

Topic	Age 0 to 4	Age 5 to 8	Age 9 and over
Maximum number of hours at place of performance or rehearsal (Reg.22)	5 hours	8 hours	9.5 hours
Earliest and latest permitted times at place of performance or rehearsal (Reg.21)	7am to 10pm	7am to 11pm	7am to 11pm
Maximum period of continuous performance or rehearsal (Reg.22)	30 minutes	2.5 hours	2.5 hours
Maximum total hours of performance and rehearsal (Reg.22)	2 hours	3 hours	5 hours
Minimum intervals for meals and rest (Reg.23)	Any breaks must be for a minimum of 15 minutes. If at the place of performance or rehearsal for more than 4 hours, breaks must include at least one 45 minute meal break.	If present at the place of performance or rehearsal for more than 4 hours but less than 8 hours, they must have one meal break of 45 minutes and at least one break of 15 minutes. If present at the place of performance or rehearsal for 8 hours or more, they must have the breaks stated above plus another break of 15 minutes	If present at the place of performance or rehearsal for more than 4 hours but less than 8 hours, they must have one meal break of 45 minutes and at least one break of 15 minutes. If present at the place of performance or rehearsal for 8 hours or more, they must have the breaks stated above plus another break of 15 minutes
Education (Reg.13)	N/A	3 hours per day (maximum of 5 hours per day). 15 hours per week, taught only on school days. Minimum of 6 hours in a week if aggregating over 4 week period or less.	3 hours per day (maximum of 5 hours per day). 15 hours per week, taught only on school days. Minimum of 6 hours in a week if aggregating over 4 week period or less.
Minimum break between	1 hour 30 minutes	1 hour 30 minutes	1 hour 30 minutes

performances (Reg.23)			
Maximum consecutive days to take part in performance or rehearsal (Reg.26)	6 days	6 days	6days

Local authorities should take note of Regulation 5 that allows the licensing authority to further restrict these permitted hours, breaks etc. and place additional conditions on the license if this would be in the interest of the individual child.

Performances Abroad

A Local Authority does not have the power to authorise children to perform in another country. Therefore no child is permitted to go abroad to perform unless a licence has been applied for and granted by a Justice of the Peace sitting at a Magistrates Court within the area that the child resides in.

Additional Requirement

A daily register (record sheet) must be completed and available for inspection noting the arrival and departure time of each child engaged in the performance or production.

A qualified First Aider is present at every rehearsals and performance and remains on site until the last child has left the venue.

You have adequate insurance to cover the performance

That a medical declaration has been completed and signed by the parent or guardian 24 hours in advance of the first rehearsal taking place. You should retain these for at least six months after the last date of the performance.

You have adhered to the Child Performances Regulations including ensuring that you have designated changing rooms for children, single sex changing rooms where the children are five years and over, suitable toilets and washing facilities which must no be shared by adult performers. This applies to rehearsals and performances.

If a Body of Persons Approval is granted

The applicant must submit to Merton:

- A list of all children/young people taking part including names, dates of birth, addresses and dates of rehearsals and performances (please use excel spreadsheet provided by LA).
- A list of all licenced chaperones first name, surname, licensing authority and the expiry date of the licence (please use excel spreadsheet provided by LA).

Inspections

The London Borough of Merton may inspect, without prior notice, places of entertainment within the borough. Inspections are normally undertaken by Education Welfare Officers, but it could include a Fire Officer or Health and Safety Inspector. The Officer would make themselves known to the Applicant and/or Chaperone on arrival, and will have identification.

Chaperones should under no circumstances hand any child over to, or let the child be examined by any other person. The only exceptions to this are with prior approval of the child's parent/s, or emergencies, and then under the supervision of a doctor, police officer or other suitable person.

Can a Body of Persons Approval be revoked?

The London Borough of Merton reserves the right to withdraw approval if the conditions under which the 'Body of Persons Approval' was issued are not being met.

Further Enquiries:

Please contact the London Borough of Merton, Civic Centre, Education Welfare Service, London Road, Morden, Surrey SM4 5DX

Tel: 020-8545-4021

Email: education.welfare@merton.gov.uk