

Body of Persons Approval (BOPA) - Guidance

These are some of the questions we are frequently asked about BOPA applications.

What is a BOPA?

Under Section 37(3)(b) of the Children and Young Persons Act 1963, Milton Keynes Council has the authority to issue an exemption to an organisation that would normally be required to individually license any children taking part in performances. This exemption can allow children to take part in performances without the need for individual licences being applied for. These are known as a Body of Persons Approval (BOPA)

What are the criteria when applying for BOPA?

In order for an organisation to successfully apply for a BOPA, the following conditions must be met:

1. All rehearsals and performances must take place **within the boundary of Milton Keynes**. If any rehearsals or performances are taking place in other counties, those local authorities must also be approached for approval;
2. Any children taking part in rehearsals and/or **performances must not require any time out of school** for this purpose;
3. Any children, or persons acting on their behalf, **must not receive any payment** for their part in the production other than reasonable expenses, where applicable;
4. The organisation must have a completed **child safeguarding policy** and provide a copy with their application;
5. An appropriate number of **chaperones** must be present at all times during rehearsals and performances to ensure the safety and well-being of any children involved

If any of these criteria are not met, a BOPA may be refused.

Who can apply for a BOPA?

Groups of responsible adults, which usually include community youth groups, amateur dramatic societies and dance groups who work on an amateur basis may apply for a Body of Persons Licence. In this context, the term 'amateur' is defined by no payment being made to **any** person involved in the performance. You may not apply for a licence as an individual.

Can anybody apply for a BOPA?

No. The application must be received from leader of the organisation. If this person changes during the time of the licence's validity, Milton Keynes Council must be informed as soon as possible. Individuals acting on their own behalf cannot apply.

How long does a BOPA Last?

The length of a licence is entirely at the discretion of the Milton Keynes Council. Typically, organisations will be granted an exemption on a per-production basis but a BOPA may be issued for 12 months.

Does a BOPA have to comply with the child performance regulations?

Yes, the law (as outlined in the Children and Young Persons Act 1963 and The Children (Performances and Activities) (England) Regulations 2014) must still be adhered to for all rehearsals and performances where children are involved. A BOPA must ensure that an appropriate number of licensed chaperones are present at all times.

How do I apply for a BOPA?

If you are acting on behalf of an organisation, application forms can be obtained from the Milton Keynes Council website (<http://www.milton-keynes.gov.uk/environmental-health-and-trading-standards/licensing/other-licenses/children-in-entertainment-licence>) or alternatively, by contacting the Licensing Team on 01908 252800.

Any applications for a BOPA must be submitted at least 21 days before the first performance is due to take place. Applications received with less than 21 days may be refused.

What happens once a BOPA application has been submitted?

Assuming all necessary information and documentation is provided with the application, a decision will be made whether or not to grant the organisation with a BOPA. A Body of Persons Contract, which will define the group's responsibilities in relation to the children must be submitted with the application. This must be signed by the leader or head of the organisation. Once this has been signed and a copy returned to the Council, a certificate will also be awarded, which confirms that the BOPA has been granted. Both of these documents will state the period for which the licence is valid.

If the criteria are not met and the application is rejected, the organisation will be contacted to discuss the reasons for this decision being made and support and advice will be offered wherever possible in order to allow the necessary changes to be affected. An organisation may reapply for a licence once any areas of concern have been addressed.

Does the Council have to be informed about every production?

If an organisation has been awarded a fixed-term BOPA, the Council must be notified prior to each production that takes place within that period. The following information must be provided at least 21 days before the first performance date:

1. The names and authorisations of all chaperones involved in the production
2. The Chaperone to Child ratio for each performance.
3. The role being played by the child or children
4. Details of rehearsal and performance venues

If a licence is being awarded on a per-production basis, this information must be provided with the application.

Does the organisation need to keep any records?

The group must keep a copy of both the BOPA certificate and contract available to be viewed by an officer of Milton Keynes Council or the Police, should the need arise. The following information must also be recorded and kept:

1. The notification form, which advises the Council that a production is taking place
2. Details of the times worked by the children, including:
 - a. The date and time of all rehearsals and performances
 - b. The times that children arrive and leave the venue
 - c. The time children are actively involved (e.g. on stage)
 - d. Details of any breaks taken, where appropriate
3. Details of any illnesses or injuries incurred by the child while present at a rehearsal or performance
4. The dates of any medical examinations requested by the local authority
5. The details of all licensed chaperones responsible for the children during the process (a copy of their licences should be available for inspection by an officer of Milton Keynes Council, if necessary)

This information should be kept securely for a period of six months following the end of a production and then be disposed of securely.

How many licensed chaperones do we need?

Each licensed chaperone may be responsible for no more than 12 children at any one time. This is determined by national legislation.

How to I become a licensed chaperone?

All chaperone applications require an enhanced DBS check to be carried out. If a new DBS is required, one may be acquired through Milton Keynes Council. More details can be found at <http://www.milton-keynes.gov.uk/environmental-health-and-trading-standards/licensing/other-licenses/chaperone-licence>.

Can a BOPA be Revoked?

Yes. If the Authority discovers any evidence of the contract not being adhered to, the exemption can be revoked.

If you have any further enquiries, please contact the Licensing Team on 01908 252800.