

SOLIHULL METROPOLITAN BOROUGH COUNCIL

EMPLOYMENT OF CHILDREN

BYELAWS 1998

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BYELAWS

Solihull Metropolitan Borough Council, in exercise of the powers conferred on it by Sections 18(2) and 20(2) of the Children and Young Persons Act 1933¹, hereby makes the following Byelaws:

Citation and Commencement

1. These Byelaws may be cited as the Solihull Metropolitan Borough Council Byelaws on the Employment of Children (1998) and shall come into force on *14th December 1998*

Interpretation and Extent

2. In these Byelaws, unless the context otherwise requires:

"the authority" means Solihull Metropolitan Borough Council;

"child" means a person who is not yet over compulsory school age as defined in Section 8 of the Education Act 1996.

"employment" includes assistance in any trade or occupation which is carried on for profit, whether or not payment is received for that assistance;

"light work" means work which, on account of the inherent nature of the tasks which it involves and the particular conditions under which they are performed -

- (a) is not likely to be harmful to the safety, health or development of children; and
- (b) is not such as to be harmful to their attendance at school, their participation in work experience in accordance with Section 560 of the Education Act 1996, or their capacity to benefit from the instruction received or, as the case may be, the experience gained.

"parent" includes any person who has for the time being parental responsibility for a child within the meaning of Section 3 of the Children Act 1989.

"public place" includes any public park, garden, sea beach or railway station and any ground to which the public for the time being have or are permitted to have access, whether on payment or otherwise;

"street" includes any highway and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

"Street trading" includes the hawking of newspapers, matches, flowers and other articles, playing, singing or performing for profit, shoe blacking and other like occupations carried on in any street or public place;

"year", except in expressions of age, means a period of twelve months beginning with 1st January.

¹ 1933 c.12

- (d) hairdressing salons;
- (e) office work;
- (f) car washing by hand in a private residential setting;
- (g) in a cafe or restaurant;
- (h) in livery and riding stables;
- (i) in kennels and catteries.

Employment Before School

6. Subject to the other provisions of these byelaws, children may be employed for up to one hour before the commencement of school hours on any day on which they are required to receive education.

Additional Condition

7. Any person who employs a child shall ensure that he is suitably clothed during the course of his employment.

Notification of Employment and Employment Permits

8. Within one week of employing a child, the employer must send to the authority written notification stating:
- (a) his own name and address;
 - (b) the name, address and date of birth of the child;
 - (c) the hours and days on which the child is to be employed, the occupation in which the child is to be employed, details of the task involved and, if different from (a) above, the place of employment;
 - (d) a statement of the child's fitness to work, and of approval for the child to be employed, completed by the child's parent;
 - (e) details of the school at which the child is a registered pupil; and
 - (f) a statement to the effect that an appropriate risk assessment has been carried out by the employer.
9. Where, on receipt of a notification, the local authority is satisfied that;
- (a) the proposed employment is lawful;
 - (b) the child's health, welfare or ability to take full advantage of his education would not be jeopardised; and
 - (c) the child is fit to undertake the work for which he is to be employed,
- it will issue the employer with an employment permit, with a copy for the child.

10. Before issuing an employment permit a local authority may require a child to have a medical examination.
11. The employment permit will state:
 - (a) the name, address and date of birth of the child;
 - (b) the hours and days on which the child is to be employed, the occupation in which the child is to be employed, details of the task involved and the place of employment;
12. A child may be employed only in accordance with the details shown on his employment permit.
13. A local authority may amend a child's employment permit from time to time on the application of an employer.
14. The local authority may at any time revoke a child's employment permit if it has reasonable grounds to believe -
 - (a) that the child is being unlawfully employed, or
 - (b) that his health, welfare or ability to take advantage of his education are suffering or likely to suffer as a result of the employment.
15. A child must produce his employment permit for inspection when required to do so by an authorised officer of the authority or a police officer.

Street Trading

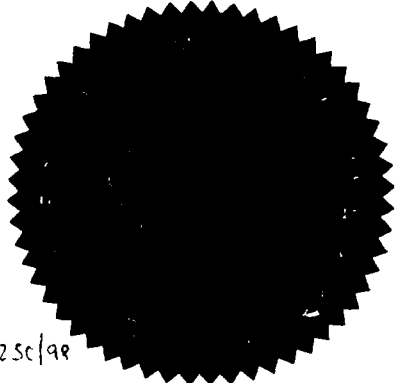
16. No child under the age of 14 may engage in street trading and a child aged 14 or over may not engage in street trading unless:
 - (a) he is employed to do so by his parent, in connection with their retail business and under their direct supervision; and
 - (b) he has been granted a licence to do so ("a street trader's licence") by the authority and is acting in compliance with the terms of that licence.
17. The authority shall not grant a street trader's licence to any child if it has reason to believe that the employment of the child in street trading would be prejudicial to his health, welfare or ability to take full advantage of his education or the child's street trader's licence has previously been revoked.
18. A street trader's licence shall prohibit the holder from engaging in street trading on a Sunday.
and shall:
 - (a) be valid for not more than 12 months and shall expire on 31 December;
 - (b) prohibit the holder from touting or importuning to the annoyance or obstruction of any member of the public in any street or public place; and
 - (c) require that the child notify the authority within one week of any change of address.

19. The authority may suspend or revoke a street trader's licence if it has reason to believe that the holder's continued employment in street trading would be prejudicial to his health, welfare, or ability to take full advantage of his education, or if the holder:
- (a) is found guilty of any offence connected with the street trading;
 - (b) commits any breach of these Byelaws or the terms of his street trader's licence;
 - (c) uses the licence as a means for begging, immorality or any other improper purpose; or
 - (d) fails to notify the authority within one week of any change of address.

Revocation

20. The Byelaws with respect to the employment of children (and street trading) made by Solihull Metropolitan Borough Council on the 13th day of June 1988 and confirmed by the Secretary of State on the 6th day of October 1988 are hereby revoked.

THE COMMON SEAL of)
 was affixed to these Byelaws)
 on)
 in the presence of:-)



Signed *[Handwritten Signature]*

These Byelaws are hereby confirmed)
 by the Secretary of State for Health)
 on *14th December 1998* and shall)
 come into operation on *14th December 1998*)

Signed *N. F. Duncan*

Assistant Secretary
 Department of Health

*A Senior Civil Servant
 on behalf of the Secretary
 of State for Health*