

REPORT OF THE GOVERNANCE COMMITTEE

The Governance Committee met on 16 November 2010

Attendances: Councillor Jones (Chairman)
Councillors Bentley, Daniel, Reid and Tutt

1. Use of Resources Protocol

1.1 The use of resources by Members links into the Council's Code of Conduct for Members. Paragraph 5 (b) of this states:

"A Councillor —
must, when using or authorising the use by others of the resources of the Council,—
(i) act in accordance with the Council's requirements; and
(ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or conducive to, the discharge of the functions of the Council or of the office to which the Councillor has been elected or appointed."

It is important, therefore, that there is clarity over Council requirements in respect of use of resources, so that Councillors do not inadvertently breach the Council's Code for Members.

1.2 Councillors are required to sign an agreement in respect of the use of ICT Equipment (includes use of laptop/desktop, router, printer, monitor, keyboard, and dedicated telephone line). This contains a prohibition on any use of ICT equipment for personal use. No guidance is currently issued to members on the Council's requirements in respect of use of other resources, such as mobile phones. It is proposed that the protocol is issued, to enable members and officers to understand the County Council's requirements in terms of use of Council resources. This will where appropriate be consistent with the requirements that need to be followed by employees. A draft is attached as an Appendix 1 to this report.

1.3 The Standards Committee considered the draft Use of Resources by Members Protocol at its meeting on 26 May 2010. Members made a number of amendments, and comments, in respect of the proposed protocol to be put to the Governance Committee, including:

- (a) the inclusion of 'other necessary stationery' in the office stationery section;
- (b) the section relating to the personal documents and data not being stored on County Council ICT equipment, or networks to be reviewed;
- (c) to review the Council email address section; and
- (d) the deletion of the permission to use a photocopier for small amounts of personal photocopying.

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1.4 The Corporate Governance Group (a senior officer group) considered the above proposed amendments, and comments, on 22 October 2010 and recommended as follows:

- (a) agree the suggestion but amend to 'other reasonably necessary stationery';
- (b) delete the prohibition for the storage of personal documents and data, so as to permit a low level personal use for these purposes;
- (c) felt this should remain in connection with trying to ensure that resources not improperly used for political purposes; and
- (d) agree.

1.5 The Governance Committee has approved the amendments with an additional amendment in respect of Travel (Rail Warrants) to explain that Members may prefer to choose alternative cheaper forms of travel when appropriate. The amendments are highlighted in the text of the draft Protocol attached as Appendix 1 and circulated with the background papers.

1.6 The Committee **recommends** the County Council to

- approve the Use of Resources by Members Protocol as set out in Appendix 1 to the report.

2. Changes to the East Sussex County Council Byelaws on the Employment of Children

2.1 The Children's Services department is responsible on behalf of the County Council for the administration of Child Employment legislation. The Children and Young Persons Act 1933 (as amended) contains the basic primary legislation containing restrictions on the employment of children. The Act also empowers the County Council to make byelaws containing further restrictions.

2.2 On 16 July 1999 the East Sussex County Council Byelaws on the Employment of Children 1998 came into force. Since this date further primary legislation has come into force which is inconsistent with the byelaws.

2.3 It is now the case that minimum age at which children may be authorised by the local authority byelaws to be employed in light agricultural or horticultural work has been raised from 10 to 13. It is also now the case that the employment of children aged under 14 years in agricultural or horticultural work is not permitted with the exception that 13 year olds may be employed in light agricultural or horticultural work on an occasional basis by their parents or guardians.

2.4 Byelaws need to be certified by the relevant Government Department to bring them into operation.

2.5 The byelaws have explanatory notes; although these notes do not form part of the formal, enforceable, byelaws, they need to be updated and should therefore be accurate and changes have therefore been made to these also.

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2.6 Changes in primary legislation have rendered the existing East Sussex County Council Byelaws on the Employment of Children 1999 inconsistent with current legislation.

2.7 A copy of the draft proposed Byelaws has been submitted to the Department of Children, Schools and Families for their comments. They have indicated that they do not object to the proposed amendments. A copy of the revised byelaws and the byelaws footnotes legislation, the amendments to which are highlighted in the text, is attached as Appendix 2 to the report.

2.8 The Committee **recommends** the County Council to -

☆ Amend the byelaws relating to the employment of children as follows:

- Delete byelaw 6
- In byelaw 5(a) insert the following words after the words “use of machinery”:

“by their parent or guardian on an occasional basis”

- Delete the current byelaw Prohibited Employment 3 (n) and insert the following:

3(n) ‘in the personal care of residents within a residential care home or nursing home’

- Amend the Byelaw footnotes legislation as follows:
- Office, Shops & Railway Premises Act 1963 is replaced as relevant section has been repealed with The Health & Safety at Work Regulations 1992, S.13.
- Betting, Gaming and Lotteries Act 1963 is replaced as repealed with the Gambling Act 2005, S.51.
- Licensing Act 1964 section to be removed as Act repealed by Licensing Act 2003; although no mention of child employment in the new Act S.152 does require each alcohol sale to be approved.

3. Appointments to Sussex Inshore Fisheries and Conservation Authority

3.1 As the result of new legislation, the Sussex Sea Fisheries Committee is being replaced by the Sussex Inshore Fisheries and Conservation Authority (IFCA) which will take over duties relating to inshore fisheries management and new duties relating to marine environmental management. The County Council is required to nominate three representatives to the Shadow Sussex IFCA, which was formed on 1 October 2010 and will become the IFCA Committee in April 2011. The political balance provisions apply to the appointments.

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3.2 The Committee **recommends** the County Council to approve the nominations of Councillors Livings, Rogers and Thomas to the Sussex Inshore Fisheries and Conservation Authority.

Peter Jones
Chairman

16 November 2010

Resources Protocol

1 Introduction

1.1 The purpose of this protocol is to provide a guide to the use of Council resources by Councillors, and co-opted members.

2 County Council's Code of Conduct for Members

2.1 If a Councillor or a voting co-opted member does not act in accordance with the Council's requirements, it could amount to a breach of paragraph 5 (b) of the Council's Code of Conduct for Members under), and may be referred to the Standards Committee of East Sussex County Council for local assessment of a complaint about member conduct. Paragraph 5 (b) of the Council's Code of Conduct for Members states:

"A Councillor —

must, when using or authorising the use by others of the resources of the Council—

- (i) act in accordance with the Council's requirements; and
- (ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or conducive to, the discharge of the functions of the Council or of the office to which the Councillor has been elected or appointed.

2.2 It is therefore important that Councillors and co-opted members are aware of the County Council's requirements as to the use of the council's resources.

3 Resources Provided to Councillors

3.1 The Council provides a range of resources to enable Councillors to carry out their duties. The resources made available, together with requirements as to their use are set out in the attached appendix.

3.2 The Council requires that every Councillor who has the benefit of a Council computer, and other information communications technology equipment (ICT), must sign the Members ICT Agreement and abide by its provisions.

APPENDIX

Resources available to Councillors

<u>Accommodation</u>	
Members' room	The Councillors' Room is located on F Floor, in centre block, County Hall. This room is equipped with ICT equipment, meeting space, a television and a range of refreshments. Councillors can log on to any of the computers in this room and can access the colour printer.
Cabinet Room	The Cabinet Room, for use by Cabinet members, is located on E Floor in the Chief Executive's corridor, and is equipped with computers, phones and refreshments.
Car Parking at County Hall	Councillors can use the car park adjoining Westfield House at any time. On Council meeting days and on request extra car parking spaces may be reserved for councillors in the East Car Park.
Meeting rooms in County Hall	Councillors can book meeting rooms in County Hall or Westfield House for Group meetings or meetings relating to Council business for no charge. A fee is chargeable for all other political meetings.
Access to accommodation	Councillors are issued with security passes to provide access to Westfield House and the secure areas (offices) at County Hall. It can double up as an identity badge and can be used both when visiting County Council establishments and attending outside meetings.
Surgeries	Councillors can organise surgeries within their electoral division to provide an opportunity to meet members of the public. It is up to the individual Councillor to organise the surgery and the Council will pay for any reasonable accommodation costs provided they are agreed in advance. Councillors are encouraged to use Council accommodation providing the venues are open and staffed at the time required. Libraries have proven to be good resources for surgeries.
<u>Stationery</u>	
Use of printed stationery	<p>Headed paper, compliments slips and business cards with the County Council's logo and the Councillors home address are provided to Councillors on request.</p> <p>Council stationery and postage may only be used by Councillors as part of their duties as an elected member. They may not be used for any party political or election purposes whatsoever.</p>
Use of the Council logo	Councillors may use the County Council logo solely for County Council business and must not be used for Party political purposes.
Office stationery	<p>The Council provides printer paper, pre-paid envelopes, and other reasonably necessary stationery. Councillors are expected to get all other stationery themselves payable from their basic allowances</p> <p>Council stationery and postage may only be used by Councillors</p>

	as part of their duties as an elected member. They may not be used for any party political or election purposes whatsoever.
Office furniture at home	Councillors are required to provide their own office furniture payable from their basic allowances.
<u>ICT Equipment</u>	
ICT solutions	<p>The County Council offers a mix of ICT solutions to meet individual needs, which includes laptops, PDAs, printers and peripherals. We offer the installation of a BT line, at the County Council's expense, which may be used either for telephony or for telephony and broadband. We are also very happy for Councillors to use their own ICT equipment to access the County Council's network, for which we will pay a standard contribution.</p> <p>The bill for the County Council line, including calls, is met by the Council on the basis that the line is exclusively for County Council use. Where private calls are made on the line, Councillors are expected to pay the cost.</p> <p>If you have any problems with your ESCC ICT equipment please ring the ICT helpdesk on 01273 481234. We are unable to support personal ICT equipment, but can help with any connection issues.</p> <p>Councillors must use the ICT equipment provided in accordance with the Members Information Communication Technology Agreement. Such equipment must not be used for party political purposes.</p> <p>Computers and computer equipment are intended for Council business. A low level of personal use of computers at the Councillor's risk (excluding personal digital assistants [PDAs] or palmtop computers) is, however, permitted provided that:-</p> <ul style="list-style-type: none"> • It does not relate to a private business or other commercial interest • It does not contravene any of the Council's codes, policies or procedures governing standards of conduct or computer use • Personal documents and data including photographic and music files are not to be stored on County Council equipment or networks at any time. <p>5.2 PDAs or palmtop computers should only be used for personal use in exceptional circumstances where there is no other alternative.</p> <p>The Council monitors all computer activity and if there is evidence that a councillor is not adhering to the relevant policies and guidelines, the Council reserves the right to take appropriate action.</p>
Answer phone/Fax Machines	<p>An answer phone/fax machine is available on request although councillors are encouraged to use the BT answerphone service (1571)</p> <p><u>Fax machines should only be used for personal use in exceptional</u></p>

	<u>circumstances.</u>
Council e-mail address	<p>All Councillors are provided with a unique e-mail address and password for use only on County Council business</p> <p>Councillors are provided with an e-mail address. This is an official address and may only be used by Councillors as part of their duties as an elected member. It may not be used for any party political purpose or appear on any election material or election publicity whatsoever. Councillors may use their Council e-mail address on their divisional newsletters as a means of enabling their constituents to contact them. However, the Council e-mail address should not be used in divisional newsletters during an election nomination period or any that contain election material.</p>
Access to e-mails remotely	Councillors can access emails remotely outside of County Hall or home on any computer by accessing the portal
Mobile Phones / PDA's	<p>Basic mobile phones are provided to all members on request. We are also able to provide a PDA to certain "qualifying" members. We are also able to provide one of these to non "qualifying" members in place of a broadband solution should you so wish. Qualifying members are Cabinet, Group Leaders, Committee Chairmen as well as the Chairman and Vice Chairman.</p> <p>Council mobile phones are provided for business purposes and should only be used for personal use in exceptional circumstances where there is no other alternative. Where personal use of a council mobile phone is unavoidable and urgent, a charge will be made for the call or text.</p>
Printer cartridges	<p>The Council provides replacement cartridges for printers provided by the Council.</p> <p>Council stationery may only be used by Councillors as part of their duties as an elected member. Any personal printing should be kept to a minimum. Printers should not be used for private business purposes.</p>
ICT helpdesk	Councillors can access the normal helpdesk during office hours and a limited service is available at all other times.
<u>Publications and information</u>	
<i>ESCC website and intranet</i>	<p><i>The ESCC website and intranet provide up to date resources for councillors and staff, as well as useful archived information.</i></p> <ul style="list-style-type: none"> • Website: www.eastsussex.gov.uk • Intranet: http://esccintranet • Committee papers http://www.eastsussex.gov.uk/yourcouncil/about/committees/
<i>Councillors' area of the intranet</i>	<i>Councillors have their own area of the intranet which provides all the essential information and quick links to help Councillors in their role. This includes information about meetings; the full Constitution; reference materials; useful forms; the current training and development programme; learning material you can download from past training sessions; feedback from councillors who have</i>

	<i>attended external conferences; useful links to external sites; webcasts of previous meetings and access to the rest of the intranet.</i>
<i>Library services</i>	<i>Through the request service, councillors may borrow Local Government related books and periodical articles free of charge.</i>
<i>Agendas</i>	<i>Printed agendas will be provided to Councillors if they sit on a particular Committee. All other papers will be sent by e-mail.</i>
<i>Postage</i>	<p>Postage-paid envelopes are available on request for use on County Council business</p> <p><i>Items can be posted through the Council postal system if left at County Hall.</i></p> <p>Council stationery and postage may only be used by Councillors as part of their duties as an elected member. They may not be used for any party political or election purposes whatsoever.</p>
<i>Newsletters and leaflets</i>	From time to time Councillors may like to issue newsletters in their electoral division. The Council will provide a black and white photocopying service providing the document is not political.
Photocopying	<p>A photocopier is available next to the Councillors' room which is suitable for low volume copying.</p> <p>If large amounts of photocopying are required, however, for example duplicate copies or copies of large documents, councillors should contact the Head of Democratic Services or refer to the Print Services Support Team for information regarding their charges.</p> <p>It is permitted to use the photocopier for small amounts of personal photocopying.</p>
Travel	
Mileage	Mileage or fares will be paid as set out in the Scheme of allowances
Rail Warrants	You can request second class travel warrants and exchange them at your local train station for a ticket. For warrants and more details contact Anne Slatter on (01273) 481576.
Training	
Members training programme	A full programme of training is provided for Councillors

BYELAWS

Appendix 2

REGULATING THE EMPLOYMENT OF CHILDREN

Made
Coming into force

East Sussex County Council, in exercise of the powers conferred on it by sections 18(2) and 20(2) of the Children and Young Persons Act 1933 hereby makes the following Byelaws:

Citation and commencement

1. These Byelaws may be cited as the East Sussex County Council Byelaws on the Employment of Children 2010 and shall come into force on .

Interpretation and extent

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

“the authority” means East Sussex County Council;

¹ “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;

¹ 1933 c.12

“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.

Prohibited employment

3. A child of any age may not be employed –
- (a) in a cinema, theatre, discotheque, dance hall or night club, except in connection with a performance given entirely by children,²
 - (b) to sell or deliver alcohol, except in sealed containers;
 - (c) to deliver milk;
 - (d) to deliver fuel oils;
 - (e) in a commercial kitchen;
 - (f) to collect or sort refuse;
 - (g) in any work which is more than one metre above ground level or, in the case of internal work, more than one metre above floor level;
 - (h) in employment involving harmful exposure to physical, biological or chemical agents;
 - (i) to collect money or to sell or canvass door to door;
 - (j) in work involving exposure to adult material or in situations which are for this reason otherwise unsuitable for children;
 - (k) in telephone sales;
 - (l) in any slaughterhouse or in that part of any butcher’s shop or other premises connected with the killing of livestock, butchery, or the preparation of carcasses or meat for sale;
 - (m) as an attendant or assistant in a fairground or amusement arcade or in any other premises used for the purpose of public amusement by means of automatic machines, games of chance or skill or similar devices;
 - (n) in the personal care of residents within a residential care home or nursing home
~~in the personal care of residents of any residential care home or nursing home unless under the supervision of a responsible adult.~~

Permitted employment of children aged 14 and over

4. A child aged 14 or over may be employed only in light work.

² This does not prevent children taking part in performances under the provisions of a licence granted in accordance with the Children and Young Persons Act 1963, and the associated Regulations.

Permitted employment of children aged 13

5. A child aged 13 may be employed in light work in one or more of the following specified categories:
 - (a) agricultural or horticultural work, including gardening, not involving the use of machinery by their parent or guardian on an occasional basis;
 - (b) delivery of newspapers, journals and other printed material, subject to the provisions of Byelaw 3(i);
 - (c) shop work, including shelf stacking;
 - (d) hairdressing salons;
 - (e) office work;
 - (f) car washing by hand in a private residential setting;
 - (g) in a café or restaurant;
 - (h) in riding stables; and
 - (i) domestic work in hotels and other establishments offering accommodation.

~~Permitted employment of children under 13~~

~~6. A child aged 10 or over may be employed on an occasional basis by and under the direct supervision of his parent in light agricultural or horticultural work, not involving the use of machinery.~~

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 attend school.

Additional condition

7. No child may be employed in any work out of doors unless wearing suitable clothes and shoes and, in the case of a child who makes use of a bicycle for the purpose of his/her employment (e.g. newspaper delivery), lights, helmets and reflective clothing should be used and the general roadworthiness of the bicycle should be checked by the employer.

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 child with an employment permit.

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 made by East Sussex County Council on the fourth day of November 1998 and confirmed by the Secretary of State the sixteenth day of July 1999 are hereby revoked.

THE COMMON SEAL of East Sussex County Council was affixed to these Byelaws on xxxxxxxxxxxxxxxx in the presence of:

Authorised Signatory

The foregoing Byelaws are hereby confirmed by the Secretary of State for Children, Schools and families on _____ and shall come into operation on _____ .

Deputy Director
Department for Children
Schools and Families

Senior Civil Servant, on behalf of
the Secretary of State
Date:

EXPLANATORY NOTE

(this note is not part of the Byelaws)

These byelaws regulate the types of occupation in which children under school leaving age may be employed, and other conditions of their employment. They provide for checks on a child's fitness for employment and for the issue of employment permits, setting out the occupation in which a child may be employed and his specific hours of work. Employers are obliged to notify local authorities of their child employees. Additional requirements are imposed on the employment of children in street trading, for which a local authority licence is required.

These Byelaws are not a comprehensive statement of the law relating to the employment of children and should be read in conjunction with other legislation relating to prohibited occupations, hours of work and street trading, in particular :-

Hours of employment

No child shall be employed

- (a) before the close of school hours on any day on which he is required to attend school; or
- (b) before seven o'clock in the morning or after seven o'clock in the evening on any day; or
- (c) for more than two hours on any day on which he is required to attend school; or
- (d) for more than two hours on any Sunday; or
- (e) for more than eight hours or, if he is under the age of fifteen years, for more than five hours in any day on which he is not required to attend school, and which is not a Sunday; or
- (f) for more than thirty five hours or, if he is under the age of fifteen years, for more than twenty five hours in any week in which he is not required to attend school.

Breaks and annual rest

No child may work continually for more than four hours in a day without a rest break of one hour.

It is recommended that, in addition to the requirement regarding breaks, that the child should not work continually for more than two hours without a rest break of at least fifteen minutes.

A child's employer shall ensure that he has a period of at least two consecutive weeks without employment each year, during a period of the year when he is not required to attend school.

Work experience

By virtue of the Education Act 1996 these Byelaws do not apply to children undertaking work experience within the meaning of that Act, therefore nothing in these Byelaws applies to a child's work experience.

Prohibited and permitted employment

Children aged 13 are limited to employment in the occupations listed at Byelaw 5. Children aged 14 or over are not limited in this way, but may only undertake light work. Byelaw 3 lists various occupations which are prohibited for all children, even if they would constitute light work.

Many more occupations or specific tasks are prohibited by other legislation, including:

The Employment of Women, Children and Young Persons Act 1920, which prohibits the employment of children in any "industrial undertaking", including mines and quarries, manufacturing industry, construction and the transport of passengers or goods by road, rail or inland waterway (section 1(1));

The Agriculture (Safety, Health and Welfare Provisions) Act 1956, under which it is an offence to cause or permit a child to ride on or drive a vehicle, machine or agricultural implement (section 7);

The Health and Safety at Work Regulations 1992, which provides that every employer shall ensure that young persons employed by him are protected at work from any risks to their health or safety (Section 13).

The Gambling Act 2005, which prohibits the employment of a child or young person to provide facilities for gambling (Section 51).

The Merchant Shipping Act 1995, by virtue of which no person under school-leaving age shall be employed in any United Kingdom ship except as permitted by regulations under this section (Section 55)

The Manual Handling Operations Regulations 1992, which prohibit children from handling any load which is likely to cause injury to them.

It should be noted that this is not an exhaustive list.

The Children (Performances) Regulations 1968 provide that no child taking part in a performance for which a Licence is required by the Children and Young Persons Act 1963 may be employed in any other occupation on the day or days of that performance or the following day.

Street Trading

Byelaws 16-19 permit the employment of children by their parents in street trading, provided that they have been issued with a licence by the local authority. Children who are licensed for street trading will be subject to the Byelaws limiting their hours and other conditions of employment by virtue of being employed.

Street trading is also regulated under Section 20 of the Children and Young Persons Act 1933, which provides that no child may engage in street trading unless authorised to do so by local authority byelaws. Such authorisation may only be given for children aged 14 or over who are employed by their parents.

Street trading does not include market stalls.

Penalties

Section 21 of the Children and Young Persons' Act 1933 (as amended) provides, inter alia, that :-

If a person is employed in contravention of Section 18 of the Act, or of the provisions of any Byelaws made thereunder, the employer and any other person (other than the person employed) to whose act or default the contravention is attributable shall be liable on summary conviction to a fine not exceeding level 3 on the Standard Scale (£1000);

If a person is employed in contravention of Section 20 of the Act, the employer and any person (other than the person employed) to whose act or default the contravention is attributable shall be liable on summary conviction to a fine not exceeding level 3 on the Standard Scale (£1000); and

A person under compulsory school age who engages in street trading in contravention of the provisions of Section 20, or of any Byelaw made thereunder, shall be liable on summary conviction to a fine not exceeding level 1 on the Standard Scale (£200).

