

London Borough of Lambeth Employment of Children Byelaws

Made November 2014

Coming into force December 2014

The London Borough of Lambeth, in exercise of the powers conferred on it by sections 18(2) and 20(2) of the Children & Young Persons Act 1933, hereby makes the following Byelaws:

Citation and Commencement

1. These Byelaws may be cited as the London Borough of Lambeth (Employment of Children) Byelaws 2014 and shall come into force on the first day of December 2014.

Interpretation and extent

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

“the authority” means the London Borough of Lambeth;

“child” means a person who is not yet over the 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’s Act 1989.

“public place” includes an public park, space, garden 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 thorough fare or not.

“street trading” includes the selling of newspapers, flowers and other articles, playing, singing or performance for profit and other like occupation carried on in any street or public place; and

“year” except in expression of age, means a period of twelve months beginning with 1 January.

Prohibited Employment

3. No child of any age may be employed

- (a) in a cinema, theatre, dance hall or night club¹
- (b) to sell or deliver alcohol²
- (c) to sell or deliver tobacco;
- (d) to deliver milk, except under the direct supervision of an adult and where the vehicle is fitted with a seatbelt;
- (e) to deliver or serve fuel oils in any context;
- (f) in a commercial kitchen

This does not prevent

-serving at the counter of a fish and chip shop or similar provided this does not involve putting foods in or out of a deep fryer or working in an area where food is prepared;

-washing up in an area separate from where food is prepared;

-making sandwiches at the counter of a sandwich bar; and

-collecting meals from a kitchen or returning empty plates to a kitchen.

- (g) to sort or collect refuse, this includes the employment of a child in picking up litter;
- (h) in work involving exposure to adult material or in situations which are for this reason otherwise unsuitable for children;
- (i) in any work which is more than three metres above ground level or, in the case of internal work, more than three metres above floor level;
- (j) in employment involving harmful exposure to physical, biological or chemical agents;
- (k) to collect money or to sell or canvass door to door
- (l) in telephone sales

¹ This does not prevent children taking part in the performances under the provisions of a licence granted in accordance with the Children and Young Persons Act 1963, and the associated Regulations.

² Children who are employed by Lambeth Council for the sole purpose of ‘mystery shopping’ (i.e. collecting important information that will assist with the promotion of the health, safety and well-being of children in general) and so purchase products that are not allowed to be sold to children under 16 (as per these Byelaws), are permitted to buy these products and are therefore exempt from any aspect of these byelaws which would prevent them from fulfilling their duties.

- (m) in any slaughter house 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;
- (n) 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;
- (o) in the personal care of residents of any residential care home or nursing home;
- (p) in the employment of all forms of gambling 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.
- (q) in any employment on any United Kingdom registered ship or UK registered sea-going ship. This includes those operating on inland waters, including rivers, lakes and category A to D waters. "ship" includes all types of UK registered vessels.

Permitted employment of children aged 14 and over

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

Permitted employment of children aged 13

5. A child aged 13 may be employed only in light work in one or more of the following specified categories:
- (a) in occasional agricultural or horticultural work under the supervision of the child's parent(s) or guardian - use of cultivating machinery & sharp objects is strictly forbidden.
 - (b) delivery of newspapers, journal and other printed material, and collecting payment for them, subject to the provisions of bylaw 3(k), and where the weight of said newspapers, journals and other printed material does not exceed 9kgs (20lbs) in line with the National Federation of Retail Newsagents safety guidelines;
 - (c) shop work, including shelf stacking;
 - (d) hairdressing salons; subject to the provisions of bylaw 3(j);
 - (e) office work;
 - (f) car washing by hand in a private residential setting;
 - (g) in a café or restaurant, subject to the provisions of bylaw 3(b and f);
 - (h) in riding stables (subject to the provisions stated under the Riding Establishments Act 1964)
 - (i) domestic work in hotels and other establishments offering accommodation;

Hours of Employment

6. Subject to other provisions of these byelaws, children may work for up to one hour before the commencement of school hours on any day on which they are required to attend school;
7. Children educated otherwise than at school may work for one hour in the morning on any school day;
8. A child may not work for more than a total of two hours on a day on which he or she has to go to school, or on a Sunday;

9. The earliest time a child may commence work is 7am, and the latest time a child may work until is 7pm;

Additional Conditions

10.No child may be employed in any work out of doors unless wearing suitable clothes and shoes.

11. Babysitting is not considered to be employment within these Byelaws

Notification of Employment and Employment Permits

12. Within one week of employing a child, the employer must send to the local authority written notification stating:

- (a) his own name and address;
- (b) the full name of the business and any trading name as well as the registered office address;
- (c) the name, address and date of birth of the child;
- (d) 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;
- (e) a statement of the child's fitness to work, and of approval for the child to be employed, completed by the child's parent;
- (f) where the child is attending school, details of the school at which the child is a registered pupil;
- (g) a statement to the effect that an appropriate risk assessment has been carried out by the employer.

13. 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 or her education would not be jeopardised by undertaking the work; and
- (c) the child is fit to undertake the work for which he or she is to be employed,

the local authority will issue the child with an employment permit

Issue of a Child Employment Permit

14. The local authority will issue the child with an employment permit, which the employer must keep securely at the place of employment and produce for inspection when required to do so by an authorised officer of the authority or a police officer.

15. Before issuing an employment permit, a local authority may require the applicant to provide a professional medical documentation (from a GP, Clinical Psychologist, Education Psychologist, etc) that clearly identifies that the child is fit to fulfil their working responsibilities.
16. Lambeth Child Employment Team will, be solely responsible for deciding whether or not a child is fit to work based on the evidence provided.
17. The employment permit will state and include:
 - (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;
 - (c) a photograph of the child
 - (d) details of any breaks the child must be given and the period of the breaks.
18. A child may be employed only in accordance with the details shown on his or her employment permit.
19. A local authority may amend a child's employment permit from time to time on the application of an employer.
20. 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 or her health, welfare or ability to take advantage of his education are suffering or likely to suffer as a result of the employment.

Street Trading

21. A child work permit with regards to children seeking employment in a street market will be granted in accordance with Lambeth's Street Trading policies that are in place at the time of application.

Revocation

22. The Byelaws with respect to the Employment of Children and to Street Trading made by the Inner London Education Authority on the 9th day of September 1968 and the 12th July 1972 respectively and confirmed by the Secretary of State on the 29th day of November 1968 and the 10th day of January 1973 respectively and applied to the area of the London Borough of Lambeth (the Borough) by virtue of Section 195 of the Education Reform Act 1988 are hereby revoked in respect of their application to the administrative area of the Borough.