

Standards Committee

24 March 2016

Time 1.30 pm **Public Meeting?** YES **Type of meeting** Oversight

Venue Committee Room 4 - Civic Centre

Membership

Chair Cllr Ian Brookfield (Lab)

Vice-chair

Labour

Cllr Greg Brackenridge
Cllr Linda Leach
Cllr Tersaim Singh

Conservative

Cllr Andrew Wynne

Quorum for this meeting is two Councillors.

Information for the Public

If you have any queries about this meeting, please contact the democratic support team:

Contact Paul Fantom, Interim Democratic Support Officer
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Wolverhampton WV1 1RL

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

Item No. Title

BUSINESS ITEMS

- 1 **Apologies for absence**
- 2 **Declarations of interest**
- 3 **Minutes of previous meeting** (Pages 3 - 6)
- 4 **Matters arising**

DECISION ITEMS

- 5 **Making of Employment of Children Byelaw** (Pages 7 - 16)

[To recommend Council to make byelaws to replace those made on 16 December 1998]



Standards Committee

Minutes - 27 March 2015 Agenda Item No: 3

Attendance

Members of the Standards Committee

Cllr Ian Brookfield (Chair)
Cllr Andrew Wynne (Vice-Chair)
Cllr Julie Hodgkiss
Cllr Peter O'Neill
Cllr Richard Whitehouse

Employees

Linda Banbury	Democratic Support Officer
Martyn Sargeant	Group Manager - Corporate Administration

Part 1 – items open to the press and public

Item No. *Title*

- 1 **Apologies for absence**
There were no apologies for absence.
- 2 **Declarations of interest**
There were no declarations of interest.
- 3 **Minutes of previous meeting - 8 January 2015**
Resolved:
 That the minutes of the meeting held on 8 January 2015 be approved as a correct record.
- 4 **Matters arising**
Pursuant to minute 4, the Group Manager (Corporate Administration) undertook to pass on the request for the issue of revocation of honorary titles to be included in the Constitution.
- 5 **Changes to the Constitution**
The Group Manager Corporate Administration presented the report, which sought agreement for a number of changes to the Constitution for approval by Council.

Resolved:
 That Council be recommended:
 1. To make amendments to job titles and responsibilities to reflect the Council's recent senior management restructuring, particularly:

- a) To remove references to the role of Chief Executive, replacing it with 'Head of Paid Service';
 - b) To remove references to the role of Strategic Director – Education and Enterprise, replacing it with 'Strategic Director for Place';
 - c) To remove references to the role of Strategic Director – Community, replacing it with 'Strategic Director for People';
 - d) To remove references to the role of Assistant Director (Finance), replacing it with 'Director of Finance';
 - e) To remove references to the role of Chief Legal Officer, replacing it with 'Director of Governance', and
 - f) To amend the section on management structure to reflect revised arrangements.
2. To amend the budget and policy framework documents listed in the glossary.
 3. To remove the requirement for Standards Committee to consider proposed changes to the Constitution.
 4. To remove the requirement for the Monitoring Officer to make paper copies of the Constitution available, other than at the Civic Centre or in response to specific requests.
 5. To include a delegation to the Leader of the Council to approve permanent changes to the membership of Scrutiny Panels and other committees part way through a municipal year, subject to consultation with relevant group leaders.
 6. To include the following within the portfolio of the Cabinet Member for Governance and Performance:

To work with the Returning Officer/Electoral Registration Officer to oversee the Council's Electoral Services functions, including electoral registration and co-ordination of elections.
 7. To delete from the Cabinet (Resources) Panel's delegations, responsibility to agree bids for external funding.
 8. To include a delegation to the Head of Paid Service to appoint a Deputy Electoral Registration Officer.
 9. To include a delegation to the Strategic Director for People to accept guardianship applications under the Mental Health Act 1983.
 10. To amplify the delegation to the Strategic Director for Place in respect of planning enforcement, including additional wording 'including in relation to listed building and conservation areas, advertisement control including discontinuance notices, and serving Section 215 notices.
 11. To include within the delegations to the Strategic Director for Place, the power to enter into agreements under Section 111 of the Local Government Act 1972.
 12. To include a summary of indemnity provided to employees in the event of a claim being made against them arising from their work on behalf of the Council.
 13. To include a delegation to the Monitoring Officer to amend the Constitution to reflect changes in the Council's senior management structure.
 14. To include the appointment of the Electoral Registration Officer and Returning Officer as one of the functions reserved to the Council.
 15. To delete F14 (delegations to the Strategic Director for Place), which requires planning applications that need a Section 106 agreement to be reported to Planning Committee.
 16. To amend the existing delegation (E49) to the Strategic Director for Place in respect of fleet management arrangements to read as follows:

'The operational and business management of the Council's functions relating to fleet management and *leasing*, vehicle compliance, vehicle maintenance and passenger transport services, *including setting, recovering and rebating charges as appropriate.*'

17. To change the Proper Officer for the purposes of appointment and/or dismissal of senior employees to the Director of Governance.
18. To include a delegation in the Constitution to the Strategic Director for Place 'to agree capital expenditure and operational decisions regarding investment in the Council's housing stock, in consultation with the Asset Management Group'.
19. To amend references to the 'Procurement Code' to read 'Contract Procedure Rules.
20. To amend the Financial Procedure Rules to confirm that all expenses must be accompanied by a receipt.

6 **Vote of thanks**

Members of the Committee joined with Councillor Wynne in thanking Councillor Brookfield for his able and courteous conduct in the chair during the 2014/15 municipal year.

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Standards Committee

24 March 2016

Report title	Making of Employment of Children Byelaw
Cabinet member with lead responsibility	Cllr Val Gibson
Wards affected	All
Accountable director	Linda Sanders
Originating service	Safeguarding & Quality
Accountable employee(s)	Dawn Williams Jan Hickman
Report to be/has been considered by	Full Council -

Recommendation(s) for action or decision:

The Committee is recommended to:

1. Advise the Council on the making of the Byelaw as detailed at appendix 1 relating to the employment of children and on the affixing of the common seal of the Council.
2. Advise the Council to authorise the accountable Director to publish in one or more local newspapers a notice of the Council's intention to apply for confirmation of the byelaw.
3. Advise the Council to authorise the accountable Director to submit the byelaw for confirmation.
4. In the event that the making of the byelaw is confirmed, recommend the Council to approve the revocation of the existing byelaw relating to the employment of Children made on 16 December 1998.

1.0 Purpose

- 1.1 To recommend that the Standards Committee advise Council to make byelaws that replace those made on 16 December 1998 and to revoke those made on 16 December 1998.

2.0 Background

- 2.1 The laws which govern the employment of children under school leaving age are mainly contained in the Children and Young Persons Act 1933. The Act gives Local Authorities the power to make byelaws which provide additional controls regarding the employment of children. Many authorities make byelaws which broadly follow the model published by the Department of Health but some do depart from it, to varying degrees, to suit local circumstances.
- 2.2 The Children (Protection at Work) Regulations 1998 outlines amendments to the 1933 Act to include providing for the employment of children by the parents or guardians in light agricultural/ horticultural work on an occasional basis only. It is this provision the Council now wish to appear in the byelaw and this addition can be seen in the document attached at appendix 1 with the proposed addition marked in red.
- 2.3 On 16 December 1998 Wolverhampton City Council approved byelaws to regulate the employment of children however, these now need to be revoked and replaced by those proposed as attached at Appendix 1 to reflect a change in legislation.

3.0 Progress, options, discussion, etc.

- 3.1 Section 236 of the Local Government Act 1972 sets out the procedure to be followed by a Council when making byelaws. Full Council has authority to make and revoke byelaws and it is the role of Standards Committee to advise the Council on the making and revoking of those byelaws.

4.0 Financial implications

- 4.1 There are no direct implications arising from this report.

5.0 Legal implications

- 5.1 These are contained within the body of the report.
[SH/19112015/0]

6.0 Equalities implications

- 6.1 There are no direct implications arising from this report.

7.0 Environmental implications

7.1 There are no direct implications arising from this report.

8.0 Human resources implications

8.1 There are no direct implications arising from this report.

9.0 Corporate landlord implications

9.1 There are no corporate landlord implications arising from this report.

10.0 Schedule of background papers

10.1 Children and Young Persons Act 1933.
The Children (Protection at Work) Regulations 1998
Section 236 of the Local Government Act 1972

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WOLVERHAMPTON
METROPOLITAN BOROUGH COUNCIL

Employment of Children Byelaws
1998

THE COUNCIL OF THE BOROUGH OF WOLVERHAMPTON

BYELAWS

Made 6th October 1998

Coming into force 16th December 1998

The Council of the Borough of Wolverhampton, 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 Council of the Borough of Wolverhampton Byelaws on the Employment of Children 1998 and shall come into force on 16th December 1998

Interpretation and extent

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

"the authority" means The Council of the Borough of Wolverhampton;

"child" means a person who is not over compulsory school age;

"employment" means 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.

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

Words importing the masculine gender include the feminine gender.

Prohibited Employment

3. No child of any age may 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 three metres above ground level or, in the case of internal work, more than three metres above floor level;
 - (h) in employment involving harmful exposure to physical, biological or chemical agents;
 - (i) to collect money or to sell or canvas 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;

²This 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.

- (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 of any residential care home or nursing home.

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 not be employed except in light work in one or more of the following specified categories:

- (a) agricultural or horticultural work;
- (b) delivery of newspapers, journals and other printed material;
- (c) shop work, including shelf stacking;
- (d) hairdressing salons;
- (e) office work;
- (f) in a cafe or restaurant; and
- (g) in livery and riding stables.

6. Employment of a child aged 13 years in light agricultural or horticultural work is permitted by and under direct supervision of parents or guardians on an occasional basis.

Employment before school

7. Subject to the other provisions of these byelaws, children may be employed in the delivery of newspapers for up to one hour before the commencement of school hours on any day on which they are required to attend school.

Additional condition[s]

8. No child may be employed in any work unless wearing suitable clothes and shoes.

Notification of Employment and employment permits

9. 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.

10. 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.

11. Before issuing an employment permit a local authority may require a child to have a medical examination.

12. 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.

13. A child may be employed only in accordance with the details shown on his employment permit.

14. A local authority may amend a child's employment permit from time to time on the application of an employer.

15. 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.

16. 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.

Revocation

17. The Byelaws with respect to the employment of children made by The Borough of Wolverhampton Council on the 28th day of April 1976 and confirmed by the Secretary of State on the 1st day of July 1976 are hereby revoked.

THE COMMON SEAL of The Council of the Borough of Wolverhampton was affixed to these Byelaws on 6th October 1998 . in the presence of:

Signed



Director of Law, Environmental Protection and Central Services



These Byelaws are hereby confirmed by the Secretary of State for Health on 16th December 1998 . and shall come into operation on 16th December 1998

Signed



A Senior Civil Servant on behalf of
The Secretary of State for Health