

REGULATORY SERVICES BUSINESS ADVICE CHARGING POLICY

1. OVERVIEW

Peterborough City Council Regulatory Services carry out a wide range of statutory functions which protect the public, as well as supporting businesses and the wider economy. The functions are delivered through the Environmental Health Service, Licensing Service and newly merged Cambridgeshire and Peterborough Trading Standards Service which delivers Trading Standards Services on behalf of Cambridgeshire County Council as well as Peterborough City Council. Together they contribute to the following priorities:

- Drive growth, regeneration and economic development
- Safeguard vulnerable children and adults
- Keep all our communities safe, cohesive and healthy
- Achieve the best possible health and wellbeing for the city

2. INTRODUCTION

This policy sets out how Regulatory Services will engage with local businesses with the objective of supporting economic growth through good regulation in a sustainable way. It provides guidance on how business enquiries will be handled to ensure consistency as well as safeguarding the interests of legitimate businesses.

This policy document sets out the circumstances when it would be appropriate to recover the costs incurred in giving advice to businesses based within and outside of Peterborough and Cambridgeshire.

3. BACKGROUND

Regulatory Services sits within the City Services and Communications Division and is part of the Resources Department. Regulatory Services protect both businesses and the public, and delivers its functions through its Environmental Health, Licensing and Trading Standards services.

Interventions by Regulatory Services make a positive impact on people's lives daily whether they live, work or visit the city or Cambridgeshire more widely. Good proportionate regulation helps the economic prosperity of legitimate businesses across the county, as well as tackling

the minority who operate illegally to gain an unfair advantage.

The City and Cambridgeshire as a whole has undergone and continues to see significant growth. This growth has brought both benefits and challenges such as an increased demand from its regulatory services. A fair and balanced charging regime for business advice will help ensure businesses can continue to access advice and support.

The Council acknowledges the key role played by local regulators and has regard to the framework outlined in the statutory Regulators Code, introduced under the Regulatory Reform Act 2006.

The Council also supports the better regulation agenda, reducing the regulatory burden, and the 'Better Business for All' initiative led by the Government's Better Regulation Delivery Office.

4. CIVIL LAW ADVICE

The provision of civil law advice to businesses (eg disputes with customers, suppliers or other contractual issues) is outside the remit of Regulatory Services. However, our partner organisation, Citizens Advice Consumer Service, has the remit and expertise to provide civil law advice to businesses. The Citizens Advice Consumer Service can be contacted on 03454 040506 or via the web on www.citizensadvice.org.uk. The advice service is free of charge, but for the cost of the telephone call. Businesses contacting Regulatory Services requesting consumer civil law advice will be signposted to the Citizens Advice Consumer Advice Service.

5. FREE GENERAL ADVICE

a) Business start-ups/expansion into new areas

If a person or company is considering setting up a new business, or expanding into a new area of business in Peterborough or Cambridgeshire, Regulatory Services will advise of and signpost to the relevant legislation/service provider as appropriate in order to support compliance. If your business is based in Peterborough, you should contact Peterborough City Council's Customer Service Centre on 01733 454545 in the first instance. If your business is based elsewhere in Cambridgeshire, please contact Cambridgeshire County Council's Customer Services on 0345 0455206.

Interpretation of that legislation or further support on specific legislation will fall under 'Section 6 chargeable bespoke advice'.

In addition there is a great deal of advice available from our webpages at www.peterborough.gov.uk/business and www.cambridgeshire.gov.uk/business.

b) Advice during inspections, sampling and interventions

We will work to ensure existing businesses operating within Peterborough and Cambridgeshire are aware of their legal rights and obligations relating to goods and services. Where, following contact with Regulatory Services, action is required to achieve

compliance, we will ensure the business is made aware of this, as well as signposting to the relevant legislation, guidance materials and other sources of information as appropriate. Interpretation of that legislation or further support on specific legislation will fall under 'Section 6 chargeable bespoke advice'.

6. CHARGEABLE BESPOKE ADVICE AND SERVICES

a) Ad hoc advice

For any business that needs more detailed and comprehensive support and who has not entered into a Primary Authority Partnership (see below), Regulatory Services can provide advice across the spectrum of their legislation. Should Regulatory Services expand at a future date to include additional services, where such services also provide advice to businesses they will also be subject to this policy.

Advice may be provided on a range of matters which can be tailored to meet service need. Examples include:

- Legal interpretations specific to the business
- Detailed labelling guidance on products and services
- Advice on due diligence procedures and control systems
- Assessment of terms and conditions
- Detailed guidance on completing licensing applications/variations
- Assessment of brochures/leaflets and advertisements
- Staff training on new or complex legislation
- Advice on legal obligations

Fees are charged on a cost recovery basis at a pro-rata hourly fee. Details of current charges can be found in our published fees and charges.

A wide breadth of regulatory advice can be provided to businesses based in Peterborough.

For businesses based in Cambridgeshire, advice is limited to Trading Standards related issues except for those businesses with whom we have a Primary Authority Partnership (see below). Advice requests beyond that remit are covered by Cambridgeshire's District Councils.

Businesses based elsewhere in the country will need to contact their own local authority for advice.

b) Primary Authority Partnerships

If a business operates or sells products or services across more than one county it can enter into a Primary Authority Partnership (PAP) with Peterborough City Council Regulatory Services. This is an arrangement for a single point of contact which is formalised through a statutory Primary Authority Partnership agreement as set out in Part 2 of the Regulatory Enforcement and Sanctions Act 2008.

The contract between the Council and the business allows for the provision of ongoing assured advice and support on specific areas of regulation applicable to the business encompassing advice from Trading Standards, Environmental Health, Fire Service and Licensing as appropriate. The purpose of these agreements is to ensure consistency of advice and to limit the number of interventions between the business and other regulators, thereby reducing the burden on business.

Under the Primary Authority Scheme other regulators are unable to take enforcement action where the business has followed assured advice provided by the Council.

A Primary Authority Partnership fee of 4 times the published Primary Authority hourly rate applies as detailed in our fees and charges. This annual fee includes 3 hours bespoke business advice, and the balance contributes towards the overall management of the scheme. Additional advice over and above the 3 hours will be charged at the hourly rate on a pro rata basis, charged in 15 minute blocks.

Any business is able to apply for a Primary Authority agreement with Regulatory Services provided it operates across more than one county. It does not have to have a presence in Peterborough or Cambridgeshire.

More information on the scheme can be found on the Better Regulation Delivery Office pages of the GOV.UK website.

7. ADVICE TO CONSULTANTS AND THIRD PARTIES

Advice will not generally be given to consultants or third parties acting on behalf of a business. This is to ensure there are no conflicts or miscommunications between parties. It is not the Council's role to act as consultants or advise on the marketing of a product or service.

8. LIMITATIONS OF SERVICE

The demand for service is likely at times to exceed available resources. Operational decisions as to the level of support that Regulatory Services is able to offer will be based on the available resources at any given time.