



North Lincolnshire Council

Trading Standards Business Advice Service

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1.0 Strategic Overview

1.1 Our vision is for North Lincolnshire to be an area with aspiring people and inspiring places. We strive to deliver excellent outcomes for the people and places of North Lincolnshire. Our priorities are to:

- Enable communities to thrive and live active, healthy and fulfilled lives
- Support, safeguard and protect the vulnerable
- Shape the area into a more prosperous place to live, work, invest and play
- Commission to improve outcomes for individuals and communities
- Transform and refocus, ensuring we remain a dynamic and innovative council

2.0 Introduction

2.1 This policy document sets out how North Lincolnshire Council's Trading Standards Service, seeks to engage with local businesses with the objective of achieving improved economic growth supported through better and timely advice on the plethora of regulations faced by businesses striving to do their best.

2.2 Trading Standards is responsible for overseeing a wide range of legislation. Advice that businesses may find helpful to have access to expert advice on can be provided in the following areas;

- Fair trading (pricing, distance selling, descriptions of goods and advertising, trade marks)
- Product safety (inc. underage sales, petroleum and explosive storage)
- Metrology
- Food standards
- Agriculture (feed and animal welfare)

2.3 All businesses currently have free access to business advice via the Trading Standards Institute Business Companion (available at www.businesscompanion.info). Despite this, some businesses will seek additional advice particularly on more complex queries. This policy sets out how we will decide when additional advice or support requested by a business will be subject to charge or provided at no cost. The policy also specifies what those charges will be.

2.4 Business advice can be provided in various forms including physical visits to the business, email/telephone conversation, meetings and training to staff.

2.5 Any charges and method of payment will be agreed in advance of the advice being given.

3.0 Service Delivery

3.1 Businesses who require advice on legislation relating to the set up or running of a business will be directed in the first instance to our web pages

at www.northlincs.gov.uk/tradingstandards. This will in turn direct businesses to the Business Companion

- 3.2 Where businesses are unable to find the advice they need via our web pages they can make a request for further advice. Any request for advice will be made via a request form available on our website.
- 3.3 All requests for business advice will be acknowledged within 3 working days of receipt. If the enquiry is complex or is likely to take time to respond to, we will discuss and agree a timescale with the business and provide a written quotation for the work.
- 3.4 At the request of the business, all advice received can be followed up in writing. Preparation of the written advice will be charged at the normal hourly rate for business advice. Any business advice issued as part of a Primary Authority Partnership (see 5.0 below for further details) will be provided in writing as standard and published on the Primary Authority website.

4.0 Advice to Businesses

4.1 Business advice not subject to charge

- 4.1.1 All new and existing businesses not eligible for a Primary Authority Partnership are entitled to 30 minutes of initial general advice on Trading Standards legislation, for free, per year. This does not include detailed examination and assessment of products or services marketed by a business. This advice will include the signposting of businesses to alternative sources of advice and self-help. Interpretation of that legislation or further support on specific legislation will fall under 4.2 chargeable bespoke advice.
- 4.1.2 Businesses referred to in 4.1.1 as not eligible for a Primary Authority Partnership, are businesses that solely trade within the boundary of North Lincolnshire and their goods or services are not made available via outlets outside of North Lincolnshire.
- 4.1.3 There will be no charge for the examination of production processes, procedures and records (including informal and formal analysis) as a result of intelligence led, risk based inspections, investigations or projects instigated by Trading Standards.
- 4.1.4 Where a need arises we may choose to provide advice to certain business sectors on significant changes to the law or giving basic guidance on new legislation, which will be done at no cost to the business.
- 4.1.5 Where this Service is advising a consumer on a civil dispute and the Service initiates contact with a business regarding that complaint, advice given in relation to that complaint will not be chargeable. Any

subsequent advice not relating to the original complaint may be subject to charge.

4.2 Chargeable business advice

4.2.1 Where a business has received its free 30 minutes advice and requires more detailed, comprehensive support. [Or is a business that is eligible for the Primary Authority Partnership, whether or not in a formal partnership], Bespoke advice on Trading Standards legislation will be provided at a charge. Chargeable advice provided includes, but is not limited to:

- Provide interpretations of legislation specific to a business
- Advice on diligence procedures and control systems
- Product assessments, including product labelling for compliance with relevant legislation
- Formal or informal analysis of goods and reports
- Testing of goods (specific gravity checks, quantity checks, product safety checks etc.)
- Assessing new or revised terms and conditions for compliance
- Assessment of brochures, leaflets or websites intended to promote or market a business
- Providing training and talks to a businesses and employees
- Site visits and inspections at the request of the business

4.2.2 Businesses wishing to receive advice from the Trading Standards Service will first be required to register their request for advice via our website and agree to the term and conditions.

4.2.3 Fees are charged based on a full cost recovery basis. All fees are exclusive of VAT. Advice given will be recorded in quarter hour units. Please refer to our website (www.northlincs.gov.uk/tsba) for the current fees.

5.0 Primary Authority Partnerships

5.1 Local businesses that operate or sell products outside of North Lincolnshire, are eligible to enter into a Primary Authority Partnership. 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 us and the business will allow for the provision of on-going advice and support on specific areas of regulation applicable to the business. The purpose of these agreements is to ensure consistency of advice and limit interventions when a business has the need to deal with another or several Trading Standards Services.

Under Primary Authority, other regulators are unable to take enforcement action when the business has followed assured advice provided by us.

Primary Authority Partnerships are charged based on a cost recovery basis. An annual Partnership fee will be charged to businesses which will include a pre agreed number of hours advice, subject the type of business and expected demand on the Service. Any additional advice over the pre agreed amount will be charged in quarter hour units based on the hourly rate of £42 +VAT.

For more information on Primary Authority Partnerships, visit primaryauthorityregister.info

North Lincolnshire Council Trading Standards Business Advice Terms and Conditions

Administration

Chargeable business advice is managed and administered by North Lincolnshire Council's Trading Standards Service (NLCTSS).

Point of contact

Upon receipt of your request for advice a named officer will be nominated as your point of contact.

Acknowledgement of application

We will acknowledge your request within 3 working days and aim to provide business advice within 10 working days. If your enquiry is urgent or has a specific timescale requirement, please let us know and we will try and accommodate this, depending on the complexity of the enquiry and available resources.

Registration

When seeking chargeable advice on trading standards matters from NLCTSS you need to submit the registration form which can be found at www.northlincs.gov.uk/tradingstandards

Provision of advice

On receipt of the registration form your point of contact officer will give you appropriate guidance and advice on relevant Trading Standards legislation. We will identify the Trading Standards legislation that your business needs to be aware of and give you advice in general terms on how you can comply with these laws. This may include the provision of leaflets, links to useful websites and discussing some examples of your products and/or services. If you would like assured advice please discuss the benefits of a Primary Authority Partnership advice with us.

The advice provided is not legally binding and is open to interpretation. You may also wish to take independent legal advice for any specific issues you may have regarding your particular business.

Agreement

In asking for business advice you or your business, agree to pay any charges for officer time incurred by NLCTSS within fourteen days of receiving an invoice from us for the services provided.

Fees

Fees for advice are charged based on an hourly rate of £42 +VAT for multiple hour packages. A premium of £59+VAT is charged for a single hour purchased. The advice is recorded in quarter hour units.

Fees for Primary Authority Partnerships are charged based on a cost recovery basis. An annual Partnership fee will be charged to businesses which will include a pre agreed number of hours advice, subject the type of business and expected demand on the Service. Any additional advice over the pre agreed amount will be charged in quarter hour units based on the hourly rate of £42 +VAT.

Outstanding payments

In the event that you do not pay NLCTSS the outstanding amount within the prescribed time then NLCTSS may institute civil proceedings against you and/or your business to recover the cost and future services under Scheme will cease to be provided until the outstanding amount is settled in full.

Freedom of information

Please be aware that NLCTSS is subject to legal duties which may require the release of information under the Freedom of Information Act (FOIA) or any other applicable legislation or codes that govern access to information and that NLCTSS may be under an obligation to provide such information on request.

Data protection

NLCTSS will not keep information longer than is necessary and whilst in our possession we will safeguard your personal information according to the requirements of the Data Protection Act 1998 or any equivalent legislation.

Investigations/Breaches of legislation

NLCCTSS is empowered to enforce a variety of civil and criminal statutes. NLCTSS has a duty to investigate any allegations of breaches of such legislation and the provision of advice under this Scheme does not affect this duty in any way whatsoever.

Logos/Affiliation

The use of the services under the Scheme does not entitle you or your business to use any of North Lincolnshire Council's logos or claim any affiliation with North Lincolnshire Council.

Complaints

If you or your business have any complaints or are not satisfied with the quality of the services provided under the Scheme please refer to the corporate complaints procedure as to how to make a complaint to North Lincolnshire Council.

Review of terms and conditions

These terms and Conditions will be subject to review from time to time.

For further help or information please contact:

Tel: 01724 297664

E-mail: trading.standards@northlincs.gov.uk

Website: www.northlincs.gov.uk/tradingstandards