

# NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

## Regeneration and Sustainable Development Cabinet Board

26<sup>th</sup> January 2018

### Report of the Head of Planning and Public Protection

N. Pearce

#### Matter for Decision

Wards Affected: *All Wards*

#### Report Title

**Proposal to charge a fee for the provision of Environmental Health & Trading Standards business advice**

#### Purpose of Report

1. To seek Members approval for the introduction of an hourly charge for the provision of advice to new and existing businesses by the Environmental Health & Trading Standards service

#### Executive Summary

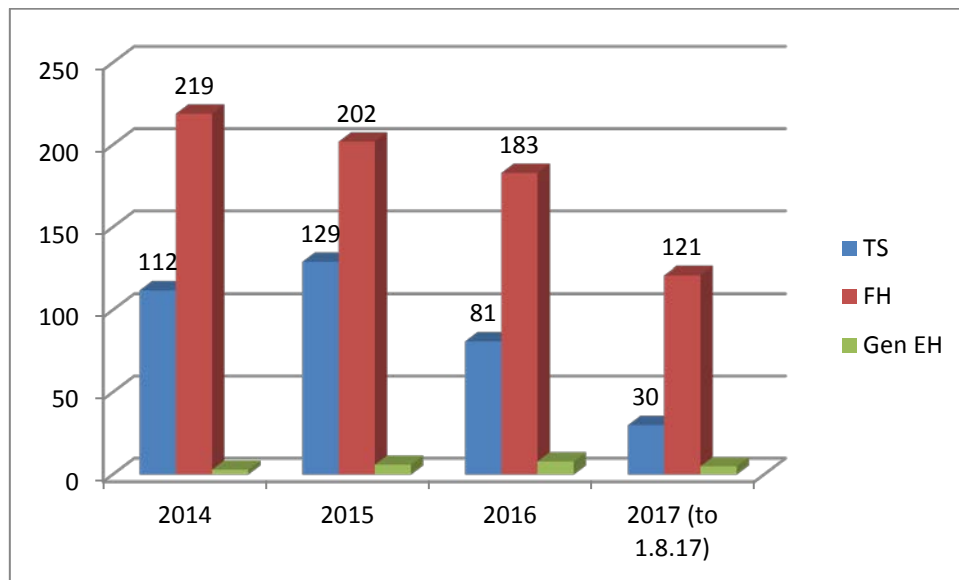
2. This report outlines the provision of advice to new and existing businesses by the Environmental Health & Trading Standards Department and the proposal to charge for this service as a means of cost recovery for the department.

#### Background

3. Environmental Health & Trading Standards have the statutory duty to enforce a wide range of legislation from food safety, weights and measures and product safety, health and safety and private rented properties including housing of multiple occupation.

As part of that service, Environmental Health & Trading Standards will provide advice to new and existing businesses that request such advice to enable them to comply with the relevant legislation.

The graph below indicates the number of service requests for business advice that have been received per calendar year since the 1<sup>st</sup> of January 2014. Data for the General Environmental Health service is not recorded for business advice except for advice concerning Houses in Multiple Occupation.



The length of time in dealing with delivering business advice can vary considerably. Advice may only consist of a 10 minute telephone conversation and an e-mail directing the trader to a relevant web link for advice but it can also mean a number of hours pouring over systems of work, procedures, labels, advertisements and examining the fabric of buildings.

Peaks in demand can occur when new legislation is brought into force. For instance, the Trading Standards peak in 2015 can be traced back to the introduction of new food allergen information rules for catering premises, such as takeaways, cafes, and restaurants.

The alternative for businesses is to buy the advice commercially from experts with Trading Standards or Environmental Health backgrounds or relevant qualifications, or for the businesses to carry out their own research. The cost to businesses of purchasing this advice from commercial operators far exceeds that proposed by the council, while those businesses who are undertaking their own research are running the risk of not complying with the legislation correctly. There is therefore a

compelling argument for the provision of a fee paying service by the council.

Such is the demand for food hygiene advice currently provided free of charge by the council's Food Hygiene team, a small section of that team has been established to deal solely with new business enquiries.

Trading Standards already charge for the provision of metrology services including assessing weighing and measuring equipment to establish whether it is fit for use for trade and certification. However, this service is seldom used by business following its deregulation at the end of the 1990s, which allowed private industry to offer the same service.

There are concerns that a charge may discourage businesses from approaching the services for advice. There is an argument that it is preferable to offer a free service to businesses to ensure that they meet their legislative requirements and ensure that a business is legal and primarily safe to operate. However, it has been reported that other authorities who have implemented a charge have seen no drop in demand, and that businesses attach a greater "value" to advice for which there has been a fee paid.

Neath Port Talbot would not be the first authority to charge for Environmental Health & Trading Standards advice. The following authorities within Wales are those that already charge for the provision of business advice:

Shared Regulatory Services (Cardiff, Vale of Glamorgan, Bridgend)

Pembrokeshire County Council (Food Hygiene and Standards)

Monmouthshire County Council (Food Hygiene)

Powys County Council (Food Hygiene)

Charges range from £45-75 per hour. Some authorities also specify a minimum 2 hour initial consultation.

Given the importance of operating within the regulations and the comparative low cost of advice as a proportion of the costs associated with a business start-up, it is considered that they remain good value for money.

There is already a means of charging on a cost recovery basis under the Primary Authority scheme. This scheme offers assured advice within a formal partnership between businesses and a local authority on a statutory basis.

Priorities for the service remain public protection and the investigation of criminal breaches of Environmental Health & Trading Standards legislation.

## **Proposal**

4. To charge for business advice on a cost recovery basis for the service, with exception to the “sign posting” to a source for advice which will continue free of charge given how little resource this requires.

Fees for the provision of advice will be £60 per hour or part thereof with a minimum of a 2 hour initial consultation.

## **Financial Impact**

5. No significant adverse financial impact.

## **Equality Impact Assessment**

6. A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this proposal does not require an Equalities Impact Assessment.

## **Workforce Impact**

7. No significant impact on current workforce as existing officers will incorporate these duties into their current work activities, in accordance with existing Job Evaluation responsibilities.

## **Legal Impact**

8. No significant legal impacts.

## **Risk Management**

9. None

## **Consultation**

10. There is no requirement under the Constitution for external consultation on this item.

## **Recommendation(s)**

11. It is recommended that the establishment of a charge for the provision of business advice by the Environmental Health & Trading Standards service on a cost recovery basis is approved.

## **Reason for Proposed Decision(s)**

12. To ensure that the service recovers the cost of delivering complex advice to existing and new businesses.

## **Implementation of Decision**

13. The decision is proposed for implementation after the three day call in period.

## **Appendices**

14. None

## **List of Background Papers**

15. None

## **Officer Contact**

16. Nicola Pearce, Head of Planning and Public Protection.  
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