

Lincolnshire Better Business for All

Advice Pack

www.bbfa.biz/



Index

Start 



Lincolnshire Better Business for All

Advice Pack

The advice in this pack has been produced to support businesses under the Lincolnshire Better Business for All partnership. It gives information and contact details for the different Regulatory Services provided by your Local Authority. The scheme does not currently cover North or North East Lincolnshire.

Better Business for All (BBfA) is a national scheme run locally in Lincolnshire. It has been set up to encourage business growth by making business regulations easier to access and understand.

Remember, Regulatory Services are there to advise and inform. As qualified professionals in their respective fields, their expertise is a resource at your disposal so please use Regulatory Services to support the growth of your business.

Please note that not all districts supply direct numbers or email addresses to the relevant departments, and so we have included links to the relevant pages for more information.



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This pack is in two parts.

The first part (pages 4-20) gives basic information on the different types of local regulators and their local contact details. From this section there are links to the detailed information in the second part.

The second part (pages 21 onwards) gives more detail about the different regulatory requirements if you want to look up information. This section also includes some information on universal requirements such as employment and tax.



This is an interactive document.
Click to jump to a page!





Better Business For All Advice pack

Part 1

The first part (pages 4-22) gives basic information on the different types of local regulators and their local contact details. From this section there are links to the detailed information in the second part.

Supporting Business



How we can help your business?

Welcome to the Lincolnshire area

By developing your business here you are joining a thriving business community that spans all sectors, from industrial to agricultural to arts to food businesses, and which serves local, national and international markets. Whatever your business specialises in, whether you're providing clothes, cars or coffee, you've found a warm and welcoming environment in which you can grow.

We recognise that economic growth is dependent on a thriving and successful business sector and are committed to helping and supporting businesses to flourish.

Regulatory Services help you ensure that your operations and products are meeting national and international standards, making sure that you are in a position to understand what is required to ensure your customers can do business with you with confidence.

Regulatory Services in the Lincolnshire Better Business for All (BBfA) partnership benefit from a wealth of professional expertise. Thanks to this expertise we have been able to produce this guide to both assist you with ensuring your business is compliant with the law, receive the best possible advice to help you grow and demonstrate our commitment in practice.



Compliance and Business Growth:

Compliance with regulations helps business growth because:

- Uncontrolled risks and expensive corrective costs are avoided.
- Your business is better protected, and its reputation can be enhanced.
- Regulatory authorities can target their limited resources on businesses that do not follow the rules, creating a level commercial playing field and promoting fair and safe business.

Getting compliance right first-time aids success for your business, provides protection for your customers and enhances Lincolnshire reputation as a good place to do business.



Who should I speak to?

Premises

- If you are looking for new premises, or looking to expand or alter your existing premises you may need to consider planning and building regulations. This will also apply if you are thinking about using your premises for more of different activities. Your local authority also controls the display of external advertisements.
- Fire safety legislation applies to all commercial premises and other buildings to which the public have access. Fire regulations require that you manage fire risk by undertaking a fire risk assessment.
- Health and Safety also applies to ensure that people using your premises can do so safely.
- If you are looking for new premises please contact your local Economic Development departments (please note, not all Lincolnshire Districts have a portfolio of rentable properties) or alternatively contact a local agent.
- Business Rates are payable to the Local Authority where your property is registered. To find out what the rates will be for your premises, along with information on reductions or exemptions please contact the relevant Local Authority.



Local Authority Contacts

Click an authority name to visit their website

District/City

[Boston Borough Council](#)

[City of Lincoln Council](#)

[East Lindsey District Council](#)

[Lincolnshire County Council](#)

[North Kesteven District Council](#)

[South Holland District Council](#)

[South Kesteven District Council](#)

[West Lindsey District Council](#)



Products

All businesses will need to be aware of trading and consumer protection law. Trading Standards teams provide a broad range of advice including Food Standards and Safety (e.g., allergens, descriptions, claims, weight), Product Safety (e.g. toys, furniture, electronics, cars – manufacture, importation, distribution and retail), Fair Trading (weights and measures, descriptions, terms and conditions, cancellation rights, breaches of

Trade Marks, Feed and Agriculture (animal feed suitability, storage and transportation, integrity of the food chain) and Animal Health and Welfare (biosecurity, traceability, disease control and moving animals). Trading Standards also licence explosives storage and sale and register feed businesses.

Running your business

- If you are employing people, or if your premises are open to the public, you will have to comply with health and safety law. Whatever the size of your business, it's your responsibility to make sure that anyone who comes to your workplace stays safe.
- If your business idea relates to the supply, storage, production or sale of food or drink you will need to register your business with your local authority food safety team (In certain circumstances you may require approval). This is the case even if you are preparing food from home, as a one-off or for free distribution. It applies also to mobile businesses and vending machines.
- Licences may be required for a range of business activities. Premises, vehicles, operators and individuals may need licensing depending on the nature of the business. Local authority licensing teams regulate the sale or supply of alcohol, regulated entertainment and late night refreshment, betting shops and other gambling premises, gaming machines, and taxis. A broader range of activities such as 'street café's, street trading, skin piercing, animal licences, petroleum storage and explosives storage or sales (e.g. fireworks) are also regulated by local authorities. Check with us if you are unsure whether what you want to do needs a licence.
- If your business discharges waste to adjacent land, water course, or into the atmosphere, you will need to ensure that the environment is protected from pollution. Permits or licences may be necessary. You will also need to make sure that you do not have a detrimental impact on the amenity of your neighbours. You should ensure that your business does not suffer from pests and any nuisances such as noise, smoke, light and odour are prevented. Local Authority Environmental Health teams can advise you regarding pollution control and nuisance.
- Advice should be sought from the Environment Agency &/or DEFRA or Local Council officials and any such discharges must cease until such licences or permits have been obtained. Severe fines will result in failure to satisfy the appropriate environmental laws
- If you employ staff or are looking to take on staff for the first time ACAS have a wealth of useful information. More detail can be found in part 2 ([click here ACAS](#))
- For advice on Tax HMRC provide online information and webinars on topics. More detail can be found in part 2 ([click here HMRC](#))



Business Planning, Access to Finance and Exporting



How we can help your business?

Business planning and accessing available finance are areas where small businesses often require assistance. We believe that small businesses are the engine of the UK economy. Yet their size means they often lack the financial expertise needed to get off the ground, raise finance, create jobs and grow, and find new markets overseas.

There are a lot of grants and loan systems available to help businesses and it is worth speaking to your local Growth Hub or local authority Economic Development team to find out what you could get. The Signpost2Grow growth hub can help your business access a range



of business support services, local and national, from hundreds of sources. The hub's service is free and impartial and exists to help you access grants, finance, start-up support, expert advice, apprenticeships, coaching, digital support and much more. The service is open to all from start-ups to established companies.

The Department of International Trade (DIT) provide support for exporting to all sizes of business. They also support businesses involved in tourism to the UK.

Business Helpline

 businesslincolnshire@lincolnshire.gov.uk

 01522 782116

Business Lincolnshire Growth Hub

 www.businesslincolnshire.com

 businesslincolnshire@lincolnshire.gov.uk

Department of International Trade (DIT)

 [www.gov.uk/government/organisations/
department-for-international-trade](http://www.gov.uk/government/organisations/departments-for-international-trade)

 www.great.gov.uk

Business Continuity and Emergency Planning



Protect your business

'80% of businesses who do not have a Business Continuity plan do not survive a major disruption to their operation'.

Lincolnshire County Council works with multi agency partners of the Lincolnshire Resilience Forum to plan, prepare, respond and recover from emergencies that impact the county such as flooding and severe weather.

Business Continuity Planning simply means putting measures in place now that will help reduce disruption to your business should things go wrong. Expecting the unexpected is crucial for the survival of your business and its best to be prepared.

For further information on Emergency Planning or making a Business Continuity plan for your business please contact us for guidance.



Contact

Lincolnshire County Council Emergency Planning and Business Continuity Service

 www.lincolnshire.gov.uk/

 01522 843 402

 LincsEP@lincoln.fire-uk.org

Building Control

How we can help your business?



If you are thinking about any undertaking any building work or alterations to services you must consider whether the project will require a planning permission and/or a Building Regulations application. These are two separate applications and must be applied for individually. Building Regulations dictate national minimum standards for England and Wales which apply to most types of building work and they ensure that the built environment in which we all live is a safe place.

The regulations also ensure that adequate access and facilities are provided for people with disabilities and include requirements for conservation of fuel and power. You will need to check with your relevant Local Authority about the adequacy and accessibility of sanitary conveniences and associated washing facilities at the premises (including mobile vehicles).

Certain Local Authorities have adopted the provisions of The Local Government (Miscellaneous Provisions) Act 1976. This means that at 'relevant places' (such as places of entertainment, exhibition or sporting event, the sale of food and drink for consumption on the premises/place and a betting office) adequate toilet and washing facilities must be made available.



Local Authorities may have specific policies about sanitary provision and this may be specific to the intended and actual use of the premises.

The Building Control team provides a full advisory and approval service at design and construction stages on all matters relating to building works, including demolition and control of dangerous structures.

Typically Building Regulation approval is required for the vast majority of construction works undertaken to new or existing buildings.

For detailed information in this document click **Building Control**.

Further information

The Planning Portal is the main Planning and Building Control website.

 www.planningportal.co.uk



For more information in this document click **Building Control (P23)**



Local Authority Contacts

Click an authority name to visit their website

District/City



Boston Borough Council

City of Lincoln Council

East Lindsey District Council

North Kesteven District Council

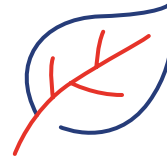
South Holland District Council

South Kesteven District Council

West Lindsey District Council

Environmental Protection

How we can help your business?



We give advice on environmental protection and pollution control matters:

There are several environmental protection and pollution control requirements which need to be considered when running a business. We can help you identify which is relevant to your business and where to get appropriate information.

We can help you comply with relevant legal requirements and support you in the development of good working practices: we provide advice, information and, where appropriate, carry out advisory visits. This is particularly suitable if you are starting a business or thinking of moving your business to different premises. Industrial premises have permits issued to control their environmental impacts and your Local Authority can help you with permitting.



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[South Kesteven District Council](#)

[West Lindsey District Council](#)



For more information in this document click **Environment (P.25)**



Commercial waste



How we can help your business?

Waste laws place a duty of care on all businesses, regardless of size, to manage and dispose of their waste responsibly. Please contact your Local Authority for more information to see if they offer this service.

Further information

 **The Environment Agency:**
www.environment-agency.gov.uk/

 **Gov.uk:** www.gov.uk

or contact your local council



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[West Lindsey District Council](#)

Fire Safety

How we can help your business?



The Regulatory Reform (Fire Safety) Order 2005 (FSO) covers virtually every type of building, structure and open space: a major exception being single private dwellings, including individual flats in a block or house.

Responsibility for fire safety sits with the Responsible Person, who may be the employer, a self-employed occupier of premises, those responsible for buildings with public access and any person who exercises a degree of control over premises that fall within the FSO. Those with duties under the FSO include persons with responsibilities for maintenance and repair, or safety of any premises by way of a contract or tenancy. Responsible persons and duty holders have a legal obligation, within the scope of their responsibilities, to ensure the safety of those persons using their premises, or who are in the immediate vicinity, who may be at risk should a fire occur.

In order to meet the legal requirements, mitigate the effect of a fire and safeguard those affected it is necessary to carry out a fire risk assessment. Guidance explaining how to conduct a fire risk assessment is available from:

➤ www.lincolnshire.gov.uk/lincolnshire-fire-and-rescue/safety/fire-safety-for-businesses/

A fire risk assessment for small to medium sized premises would not normally be expected to be complex. The following gives some tips on areas for consideration: Read through the guidance available before completing your fire risk assessment.

Our website will provide you with advice and guidance on making your premises safe from fire and covers all the relevant steps to achieve this for most types of smaller premises and is available on our website.

It could be useful to consult your insurers who may require enhanced fire safety provision in your premises, or in some cases may offer discounts in consequence of existing provision.

Consider business continuity when completing your fire risk assessment. It is an unfortunate fact that 80% of premises suffering a serious fire never fully recover.

Your premises may require a fire safety audit, which will either be programmed in advance in accordance with our risk based audit programme, following a fire or a concern brought to our attention. The audit will give a good opportunity to seek confirmation and advice regarding all aspects of fire safety compliance.



Further information

➤ www.lincolnshire.gov.uk/lincolnshire-fire-and-rescue/safety/fire-safety-for-businesses/

If you require further information, specific queries and questions can be directed to our **Fire Protection Team** at:

✉ Fire.Safety@lincoln.fire-uk.org

or call our **Fire Protection Business Support Team**, where questions will be directed to a member of the Fire Protection Team.

☎ 01754 898980





For more information in this document click **Food (P.31)**

Food Safety

How we can help your business?



Advice and information on food safety law.

Where appropriate, we can make an advisory visit to your business premises. We help you to comply with the law and support you in the development of good practice. We work closely with food manufacturers who have to be formally approved by the council before they can sell food to retail shops and supermarkets. We can advise on labelling requirements. Export Certificates are chargeable by the districts.

Further information:

Register a food business - www.food.gov.uk/business-guidance/registering-and-managing-a-food-business

Safer Food, Better Business - www.food.gov.uk/business-guidance/safer-food-better-business

Register for a food business licence - www.gov.uk/food-business-registration

Hygiene requirements for your business guide - www.food.gov.uk/business-guidance/food-hygiene-for-your-business-0

The Food Standards Agency - www.food.gov.uk/

National Food Hygiene Rating Scheme - ratings.food.gov.uk/

Safer Food Better Business Pack - www.food.gov.uk/business-industry/caterers/sfbb/

Food Standards Agency (FSA) - www.food.gov.uk/



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[West Lindsey District Council](#)

Health and Safety

How we can help your business?

Local authorities cover Health and Safety in shops, offices, hairdressers, cinemas, hotels, leisure activities, warehouses, tyre and exhaust centres, consumer services, e.g. launderettes, churches, banks, beauty parlours, residential care homes. HSE cover Health and Safety in other businesses.

There are a number of health and safety requirements which need to be considered when running a business, but for most businesses it is not complicated. You work out what risks you have and then put in a plan to manage them.

We can help you identify which regulation is relevant to your business and where to get appropriate information.

We offer advisory visits which are particularly suitable if you are starting a new business, thinking of moving your business to different premises or introducing new work activities. Not all districts offer this service so it is best to check with your local one, and some visits are chargeable.

We can give advice on what you need to know about health and safety, and assist you in complying with the legislation.



For more information in this document click **Safety (P.34)**





'All business are covered by the same Health & Safety (1974) at Work Act but depending upon the complexity and type of business a variety of differing regulations may apply. Local Authorities and the Health & Safety Executive (HSE) are responsible for enforcing Health & Safety Legislation within workplaces. The main activity of your business will determine which of these bodies regulates your business. HSE are responsible for manufacturing businesses.

Further information

 [Health and Safety Toolbox -
www.hse.gov.uk/toolbox/index.htm](http://www.hse.gov.uk/toolbox/index.htm)

 [The Health & Safety Executive -
www.hse.gov.uk/](http://www.hse.gov.uk/)



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[West Lindsey District Council](#)

Licensing

How we can help your business?



A number of licensing requirements may need to be considered when running a business. Each district offers varying levels of services and support, so it is always best to contact your Local Authority to see what support they offer. Some of the services they offer include: helping you identify what might be relevant to your business and where to get appropriate information; Assisting in completing and submitting your licence application and complying with relevant legal requirements. It is advised that all businesses apply for licences in plenty of time before an event or opening as they can take 8 – 12 weeks to be processed. Alcohol Licences can take up to two months for approval.

If your business involves any of the following, please contact your local Authority (This list is not exhaustive:

- alcohol and entertainment (personal and premises),
- gambling,
- animal welfare (pet sales, kennels/ catteries, zoos, horse riding, dog breeding, dangerous wild animals, exhibition of animals),
- street trading and markets,
- charitable collections,
- scrap metal or motor salvage operators,
- caravan sites, pleasure boats,
- sex shops and sexual entertainment venues,
- cosmetic piercing registrations (tattooing, ear piercing, acupuncture),
- electrolysis,
- taxi and private hire.
- If you require an explosives licence please contact Trading Standards.


? For more information in this document click **Licences (P.37)**





A House of Multiple Occupancy licence must be obtained for properties that meet the mandatory HMO Licensing criteria. A property is classed as a HMO when it is occupied by five or more people forming two or more households who share basic amenities, such as a kitchen or bathroom and as their main and only place of residence. Properties meeting this criteria must have a valid HMO Licence.

For more information on HMO Licences, please contact your Local Authority or visit:

 **Houses in Multiple Occupation (HMO) Licences** - www.gov.uk/renting-out-a-property/houses-in-multiple-occupation-hmo

Further information

 **Home Office** - www.gov.uk/browse/business/licences



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[South Kesteven District Council](#)

[West Lindsey District Council](#)



Planning

How we can help your business?



We give advice when you are considering new build, extensions to existing buildings or a change of use of land or buildings, which typically would require planning permission. This could include advice on a variety of issues including design, hours of use and access. We provide information to help businesses negotiate the planning process. It is actively encouraged that you seek pre-application advice if you are unsure of your planning needs.

Many types of building work will require planning permission including: new build; conversion; extension; alterations to listed buildings and; even putting up adverts or

changing the use of land. The planning process aims to support development whilst protecting the character of our district.

We consult on planning applications with various statutory and non-statutory consultees. Some districts may charge for planning advice so it is best to check with your local one to confirm.

We offer the public the opportunity to engage in the process and tell us what they would like to see.

For more information please visit the Planning Portal for further information.

Further information

 [The government's planning portal - www.planningportal.co.uk](http://www.planningportal.co.uk)



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[South Kesteven District Council](#)

[West Lindsey District Council](#)



For more information in this document click **Planning (P.39)**



Trading Standards

How we can help your business?



Lincolnshire Trading Standards Service deals with a wide range of criminal and civil laws and has a range of criminal and civil sanctions it can apply. It covers Consumer Protection, Fair Trading, Weights and Measures, Product Safety, Trade Marks and Intellectual Property, Sales of Age Related Products, Food Standards, Animal Health & Welfare and Animal Feedstuffs.

Trading Standards legislation protects consumers, but it is also useful to remember that compliance and a good understanding of your responsibilities and rights under the legislation will also help to protect your business, for example against false claims or by helping to safeguard your intellectual property. Compliance can also enhance your reputation as a business that has the interests of its customers at its heart.

Businesses are encouraged to seek advice on legal compliance and best practice at any stage during their business life as it can prove immensely beneficial to the success of the business. However, it is especially important to seek advice before carrying out changes to a business so that alterations can be achieved with some assurance that these will meet appropriate legal standards and best practice. This can provide a business with increased product confidence and potentially longer term costs savings in identifying products flaws or inefficiencies in compliance systems at any early stage.

➤ **For information on business legislation and licensing in Lincolnshire visit Trading standards for businesses:** www.lincolnshire.gov.uk/business-and-consumers/trading-standards-for-businesses/business-advice-service/125435.article

➤ **You can also contact Trading Standards Business Development team by completing the online form:** pre.lincolnshire.gov.uk/xfp/form/293



Further Information

- **Business Companion provides information for businesses and individuals that need to know about trading standards and consumer protection legislation:** www.businesscompanion.info/
- **The Competition and Markets Authority:** www.gov.uk/government/organisations/competition-and-markets-authority
- **The Financial Conduct Authority:** www.fca.org.uk/
- **The National Measurement and Regulation Office:** www.bis.gov.uk/nmo



Better Business For All Advice pack

Part 2:

This second part provides detailed information about the different regulatory requirements. This section also includes some information on Universal requirements such as employment and tax.

Building Regulations



Building Regulations approval is not the same thing as planning permission and in many cases you will need both. We ensure the safety; health and welfare of people and fire safety; regulate access and ease of use of buildings and the energy conservation of buildings. Any new buildings, extensions or alterations to existing buildings, or the provision of new services or fittings within buildings are subject to building regulations. It is also important to bear in mind that some changes of use of premises may mean that the premises may need to comply with additional building regulations.

Most building work will require approval by the local authority building control (LABC) or by an approved inspector.



Important things you will need to consider:

- Unless you have a reasonable working knowledge of building construction it is advisable that you obtain the appropriate professional advice before starting on your project. Make sure you choose your builder or tradesperson carefully and make sure they are registered with an appropriate professional body.
- The responsibility for ensuring that building works comply with the appropriate building regulations rests with those having the work carried out i.e. you. If you choose to delegate this responsibility it is advisable that you make sure this is understood by the builders or tradespersons that you choose to carry out the work.
- The requirements for compliance with building regulations are set out in the 15 parts of Schedule 1 of the Building Regulations 2010. Inspections are carried out with reference to this schedule. However practical advice on how to meet these requirements is given in the Approved Documents.
- Before you start your project, check the status of your building work in relation to neighbouring properties. Make sure that your understanding of the boundary lines between the properties is accurate and check whether there are any covenants in place that might restrict the proposed work you carry out. You should also check whether your project is subject to the Party Wall Act 1996.
- If your building work will be close to or over the top of drains you will need to consider what protective action may be needed to protect the drains from the building work and that the sewerage undertaker will need to be consulted by the person carrying out the work. The building control service may also need to consult the sewerage undertaker for any recommendations on actions that could be taken, and you may have to enter into a 'Build Over' Agreement with Anglian Water.
- Though most building work is subject to Building Regulations, some temporary buildings are exempt. This is provided that they remain on site for no longer than 28 days.
- Make sure that the persons carrying out the work have taken on the responsibility for liaising with the local authority building control LABC or your chosen inspector. It is suggested that you, or your agent contact Building Control early on to discuss your project.

- Building Regulations are distinct regulations, however they tie in closely with many other Regulatory Services, for example, town planning, fire safety, health and safety and statutory nuisance. Remember that your building works project will likely need to address these other regulatory requirements as well as complying with Building Regulations.

? What to do: Building Regulations

Make sure that you secure a competent registered builder or tradesperson and that their responsibilities are established.

Bear in mind that the Local Authority have a number of surveyors in the area, have extensive local knowledge, can at times do day inspections and will liaise with other regulators and authority sections.

Make sure you keep up to date with how your application is progressing through to the inspection stage and receipt of completion certificate (LABC) or final certificate (approved inspector).



Environmental Protection



Many business activities are regulated to ensure that they do not cause short or long term damage to our environment. The Environment Agency and Local Authorities are the primary regulators for such activities. Much of guidance and advice you need to ensure that your business is compliant with environmental regulations is specialist. It is advisable to seek advice from your local authority, the Environment Agency or Anglian Water to ensure you know fully what it is you need to do to be compliant.

Four of the most fundamental of these acts are the Environmental Protection Act 1990, the Clean Air Act 1993, the Pollution Prevention and Control Act 1999, and the Environmental Permitting (England and Wales) Regulations 2016.



Important things you will need to consider:

- Certain industrial processes require authorisation or permits. The Environmental Permitting (England & Wales) regulations 2016 Schedule 1 classifies these processes in Part A1, Part A2 and Part B processes. You will need to apply to the Environment Agency for Part A1 environmental permits and to your local authority for Part A2 and Part B environmental permits. (A link to the regulations is provided in this section with classifications of Part A1, Part A2 and Part B processes).
- Make sure that you read and fully understand the conditions attached to your permit as failure to comply could lead to enforcement action being taken. Authorities can refuse permits to businesses if they believe they cannot meet the conditions they impose so it is important to your business to have a history of compliance
- It is advisable to monitor, and reduce as far as possible, emissions to air from your business. These might include emissions such as from boilers, furnaces and bonfires, vehicles or industrial processes. There is a legal commitment to reducing carbon emissions and the monitoring of your emissions allows you to demonstrate how your business is contributing.
- If you are adding a chimney to your premises that will release emissions from a boiler or furnace, you may need to get the height of the chimney approved by your local authority. Your application for chimney height approval will need to contain information such as the purpose of the chimney, local ground levels and the position and type of local buildings.
- If you are releasing water or any other liquids into a watercourse, onto land or into storm water drains you will need to get permission from the Environment Agency. An environmental permit may be needed. You can also use oil interceptors where there is a risk of oil or fuel getting into watercourses through storm drains.
- No liquid, other than uncontaminated rain water from your premises, should enter surface water drains or discharge to a watercourse or soakaway unless it is under the terms of an Environment Agency permit. If any liquid is accidentally released into a surface water drain you should contact the Environment Agency immediately on 0800 80 70 60. Please note that some seemingly harmless liquids, such as milk, can have a more damaging effect on a watercourse than other more obvious pollutants such as oil.
- Remember that the owner of a premises served by a drain is responsible for the maintenance of it, including clearing

blockages and repairing any faults. The maintenance of the drain remains the responsibility of the property of the owner of the premises up to where it crosses the boundary, after which it is the responsibility of Anglian Water. Specific advice can be found in the EAs Pollution Prevention Guidance documents.

- Storage of liquids, chemicals etc. Ensure any liquids are stored in a secure and safe way - Spillages and leaks have the potential to cause significant pollution to watercourses or groundwater which, in many places is used for drinking water supply. Any oil storage tank (including heating oil tanks) must meet the requirements of the Oil Storage Regulations 2001. Such as having secondary containment (a bund) and ensuring any attached pipework is adequately protected. Specific advice can be found in the EAs Pollution Prevention Guidance documents.

An effective way of reducing your carbon emissions is to put together a Travel Plan. A travel plan could consider opportunities for reducing the pollution from company travel, the distribution of goods and on employees' travel to work. Your local authority may be able to provide some guidance on how to put together and implement an effective Travel Plan.



- Whilst not a legal requirement energy efficiency lowers business costs. Explore possibilities of investing in energy saving equipment that could reduce your energy and water costs. In some cases, grants may be available. There may also be 'take-back' schemes available where your suppliers take back unused goods. Ensure you market your commitment to environmental and energy saving steps that you take. Findings show many customers prefer goods that they can see contribute to the well-being of the environment.

Don't forget the simple steps! A simple disciplined approach to steps such as turning off unused lights and office equipment, ensuring taps are tightly shut and do not leak and turning thermostats down even by 1° can make a difference to the cost of your overheads and to the welfare of the environment.



Legislative background

The protection of the environment and the regulation of business processes towards this aim is enshrined in a variety of acts and regulations. Four of the most fundamental of these acts are the Environmental Protection Act 1990, the Clean Air Act, the Pollution Prevention and Control Act 1999, and the Environmental Permitting (England and Wales) Regulations.

Generic Advice About Your Pollution Responsibilities:



GOV.UK Environmental Management Guides:

www.gov.uk/environmental-management



GOV.UK Environmental Permits:

www.gov.uk/environmental-management/environmental-permits



Commercial Waste



To comply with the duty of care you must ensure your waste is:

- ☒ Stored safely and securely
- ☒ Not causing pollution to people and the environment
- ☒ Placed in suitable containers so it cannot fall out, blow-away or escape
- ☒ All businesses must ensure that the person or company removing waste is either a local authority or licenced waste carrier and that the waste is being taken to a facility permitted by the Environment Agency
- ☒ Documented when transferred, with records kept for at least two years. This is known as a waste transfer note and must be completed by both persons involved in the transfer.



It is illegal and a breach of Duty of Care to:

- Give waste to an unregistered waste carrier
- Take business waste to a Household Waste Recycling Centre
- Present business waste for collection by the domestic crew
- Fly tip waste
- Burn waste without an environmental permit from the Environment Agency

Breaches of Duty of Care may result in a Fixed Penalty Notice (FPN) or prosecution and a fine.

Waste legislation

Anyone who produces, imports, keeps, stores, transports, treats or disposes of waste must take all reasonable steps to ensure that waste is managed properly. This duty of care is imposed under Section 34 of the Environment Protection Act 1990 and numerous subsequent legislative updates and related laws.

Generic guidance

-  **Waste care code of practice:**
www.gov.uk/government/publications/waste-duty-of-care-code-of-practice/waste-duty-of-care-code-of-practice
-  **Register your waste exemptions permits:**
www.gov.uk/guidance/register-your-waste-exemptions-environmental-permits





Important things you will need to consider:

- Ensure that your business does not litter the local environment. You can read more about your Duty of Care under the waste guidance in Part I. Remember your responsibilities in the distribution of printed material.
- Plan your businesses lighting to only come on when it is needed. An efficient lighting plan can also reduce your energy costs. Lights that shine downwards are less likely to cause a nuisance, waste money or create light pollution. Security lights that are too strong can create dark shadows which could encourage theft or vandalism.
- Check your site for evidence of vermin. Your Local Authority may provide advice on the control of all pests.
- Try to maintain good relations with your neighbours and give them early warning of any particular activities that you plan to carry out, such as building work or installing new plant or machinery. Display details of a contact person for your site so that local residents know who to contact with any concerns. It is also a good idea to seek advice from your Local Authority in advance of any event that you think may cause a nuisance. It is best practice to keep records of any complaints you receive and any investigations and actions you took
- You should avoid or minimise noisy activities, particularly at night. Stand outside your site boundary and listen for noise that neighbours may consider to be a nuisance. You might consider moving any materials needed for a night shift into the work area during the day or early evening and keeping noisy activities and equipment away from the site boundary. You could service your vehicles and machinery regularly as correctly maintained equipment will make less noise and use mains-generated electricity instead of diesel generators.
- The condition of your premises also has a significant impact on the noise produced by your business activity. You could use solid panelled fencing around your site instead of wire fencing and, if possible, landscape your site boundary with mounds or raised borders. Consider whether your buildings have adequate soundproofing and shut your doors and windows to reduce noise.
- Your local authority can inform you whether your business is in a designated alarm notification area. If it is, you must

Nuisance



Nuisance is any action or neglect which interferes with people's use and enjoyment of land or property or that could have a negative effect on health.

There are two types of nuisance, common law nuisance, and statutory nuisance. Much of statutory nuisance is regulated through the other services described in this pack.

Common types of nuisance include excessive noise, excessive artificial light, odour, vermin, litter, dust and smoke.

If you cause but fail to deal with a nuisance problem, you could face legal action and a fine and your local authority could restrict or stop your business activities.

Ensure your business activities are not causing a nuisance problem.



register your burglar alarm with your local authority. You will need to provide details of a person who holds the site's keys and make sure the key holder knows how to use the alarm system. Make sure that you have a maintenance contract and callout agreement for the alarm and that the alarm automatically shuts down after no longer than 20 minutes.

- Avoid odour nuisances. Your local authority can provide advice on what they take into consideration when assessing for odour nuisances and what measures are required to stop the cause of the nuisance. You should be able to demonstrate that you have used the most effective means of preventing odour nuisances.
- Ensure that your business does not cause dust and smoke nuisances.
- If you carry out work at a building site your activities could cause a nuisance. If they do, your local authority can restrict the type of plant or machinery you use, the activities you can undertake, the hours when you can work and the levels of noise, artificial lighting or dust. You can apply for prior consent for construction works at the same time as seeking approval under building regulations (see Part B). This may save you time later on.



What to do

To prevent legal action or fines, or your local authority restricting or stopping your business activities, it is important to avoid creating a nuisance. Think about your business activities and where they might cause a nuisance to your neighbours. Take time to investigate your premises, particularly where it borders other properties, and take time to establish a good relationship with your neighbours.

Make sure they know about any particularly activities you wish to carry out in the future.

Your local authority can offer advice and guidance on whether any activities you wish to carry out may cause a statutory nuisance and on measures you can take to control these activities. It is wise to speak to them before you start these activities.



Appeals

You can appeal against abatement notices for statutory nuisances. The grounds for appeal are found in Statutory Nuisance (Appeals) Regulations SI 1995/2644. A link to this statutory instrument is found in this section.



Legislative Background

The Control of Pollution Act 1974 Part III (as amended) introduced inspection and enforcement powers against excess noise and the Environmental Protection Act 1990 set statutory duties for local authorities to deal with statutory nuisance. Subsequent Acts such as the Noise and Statutory Nuisance Act 1993, The Anti-Social Behaviour Act 2003 and the Clean Neighbourhoods and Environment Act 2005.



Food Safety

Food safety is normally regulated by your local authority, although in some cases this is done by the Food Standards Agency.

If you are planning to produce, store or sell food and drink, in virtually all cases you will need to register your business with your local authority in advance, and will normally have written food safety management procedures. If you are intending to process food of animal origin, your premises will normally need to be approved by your local authority.

Anyone handling food must also have appropriate training, supervision and instruction in food hygiene.



What do I need to do?

- Complete the relevant Food Standards Agency Management Pack; Safer Food, Better Business
- This gives essential advice and will help you assess whether you or your employees require food hygiene training.
- Follow the advice to write food safety management procedures. These must relate to the specific circumstances of your business.
- Complete the registration form, available via the website of your local authority. Submit the registration form to your local authority at least 28 days before your business starts trading. Registration carries no charge and cannot be refused.
- If you are intending to process food of animal origin – including meat, fish, milk, dairy and egg products – contact your local authority to discuss whether your premises requires approval.



Top ten tips

- 1 Make sure your food preparation space is large enough to prevent cross-contamination, and finished to allow effective cleaning.
- 2 Store and handle raw foods and ready to eat foods separately
- 3 Provide a basin for hand washing and separate facilities for washing food and equipment
- 4 Cook food thoroughly, cool food quickly, keep chilled foods below 8°C
- 5 Use foods within their Use By date. Date foods prepared on site so they are not kept for too long
- 6 Do not handle food when unwell
- 7 Determine which ingredients in your foods can cause allergic reactions so you can advise your customers
- 8 Clean surfaces with hot soapy water followed by a sanitiser
- 9 Ensure staff are trained so they know how to handle food safely. Training in your procedures is just as important as formal hygiene training.
- 10 Bear in mind you will need a licence if you are intending to sell alcohol or hot food between 11pm and 5am. If you plan to sell food from a van/ kiosk you may need to apply for a peddlers licence. These need to be checked with your local authority.

Going forward:

Once your business is up and running, ask your local authority about the Food Hygiene Ratings Scheme. You should also be prepared for food safety inspections; both announced and unannounced, but if you are following your food safety management procedures these should not be a concern.

Generic Food Safety Advice:

- 🖱 **Food Standards Agency (FSA):** www.food.gov.uk/business-industry/
- 🖱 **FSA Guidance on food Law Requirements for Restaurants, Cafes and other Catering Businesses and Shops Selling Food FSA Guidance on Setting up Restaurants, Cafes and other Catering Businesses:**
www.food.gov.uk/business-guidance/starting-a-food-business



Fire Safety



The Regulatory Reform (Fire Safety) Order 2005 covers virtually every type of building, structure and open space with the exception of private homes and individual flats in a block or house.

Responsibility for fire safety sits with employers and self-employed individuals with premises, those responsible for buildings with public access and any contractor who exercises a degree of control over any premises. The responsible persons have a legal duty to ensure the safety of those using their premises or in the immediate vicinity that may be at risk should a fire occur.

In order to meet the legal requirements, mitigate the effect of a fire and safeguard those affected it is necessary to carry out a fire risk assessment. Guidance explaining how to conduct a fire risk assessment is available from the GOV.UK website and can be downloaded free of charge.



Fire safety law and guidance documents for business:

www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business

Fire risk assessment for small to medium sized premises would not normally be expected to be complex. The following gives some tips on areas for consideration:

- Read through the guidance available before completing your fire risk assessment. "A short guide to making your premises safe from fire" covers all the relevant steps to achieve this for most types of smaller premises and is freely available via the above link.
- It is useful to consult your insurers who may require enhanced fire safety provision or in some cases may offer discounts in lieu of existing provision.
- Aim to satisfy the basic levels of fire safety compliance, rather than aiming for a "gold standard" level of compliance.
- Consider business continuity when completing your fire risk assessment. Doing so will help to minimise the disruption your business may face post fire.
- Your premises may on occasion, require a fire safety inspection. This will be organised by the Fire & Rescue Service and will always be arranged well in advance of a visit, but an inspector can also turn up unannounced. The inspection will give a good opportunity to seek confirmation and advice regarding all aspects of fire safety compliance.



Further information



The Regulatory Reform (Fire Safety) Order 2005: www.legislation.gov.uk/ukxi/2005/1541/contents/made



Fire Safety Guidance for Businesses: www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business



Fire Safety in the Workplace (Gov.UK): www.gov.uk/workplace-fire-safety-your-responsibilities



HSE Guide on Work Process Fire Safety: <http://www.hse.gov.uk/fireandexplosion/workplace.htm>



Health and Safety



Health and Safety legislation may seem daunting. However, specialist guidance and advice is freely available and often it is only simple steps that are necessary to ensure compliance. You are probably doing most of these steps already. So, compliance with health and safety legislation should not be a cause for worry and as a benefit can save your business money by reducing time lost through accidents, ill health, damaged equipment and reputation damage.

Most of the solutions to your health and safety questions can be obtained by asking your local authority what you need to do and then simply doing it.

The enforcement of health and safety law is split between the Health and Safety Executive (HSE) and Local Authorities.

Local authorities are responsible for premises such as: shops, offices, hairdressers, cinemas, hotels, leisure activities, warehouses, tyre and exhaust centres, consumer services, e.g. launderettes, churches, banks, beauty parlours, residential care homes.

The HSE cover the following workplaces nationwide: factories, building sites, car repair, garages, workshops, printers, hospitals, dentists, doctors surgeries, schools and universities, dry cleaners, fairgrounds, mines, quarries, farms, railways, chemical plants.

The HSE, IOSH (Institution of Occupational Safety and Health) and ROSPA have published a great deal of free specialist advice and guidance, see page 36 for links.



Important things you will need to consider:

- Employers must ensure they look after the health, safety and welfare of their employees. Business should be conducted in such a way not to risk the health & safety of others who are not in your employment; such as your customers.
- If you have 5 or more employees a written health and safety policy is required. A health and safety policy means writing down the health and safety arrangements for your business such as the effective planning, organisation, control, monitoring, and review of preventative and protective measures. You should communicate this to any employees.
- Remember to also display the approved Health and Safety poster in an obvious place where it can be easily read, or give each employee an approved leaflet. Approved posters or leaflets can be acquired from the HSE.
- You need to assess the risks of the work you do and your working environment. This should assess risk to employees and others who may be affected by your work. If you have more than five employees, this assessment needs to be recorded. By risks, we mean you should concentrate on what is likely or 'probable' to cause harm. Risks to look for might include falls from

measures. You should communicate this to any employees.

If you employ someone you will need employers' liability insurance and you should display the certificate.



height, slips and trips, use of potentially dangerous equipment, use of hazardous substances, injury from lifting or carrying heavy items and even the potential for aggression or violence to you and your staff.

- Ensure that first aid provision is available in the form of a first aid box or a clearly labelled cupboard where you keep your supplies. Make sure this is kept fully stocked at all times. You will need to designate a person responsible for this and for calling the emergency services if required. If you have staff, you should also appoint a deputy in case you are off work.
- You should have a recording system to record all accidents and incidents that occur in your business. This way you can monitor and spot any occurring patterns. An accident that is more serious, such as a death, major injury, and dangerous occurrences such as accidental release of dangerous substance/product must be reported immediately to the HSE. They have a form on their website for you to complete. Really think about all the lifting, shifting and carrying you do. If handling tasks cannot be avoided a risk assessment needs carrying out and you should look to reduce the risk as far as possible. The solution may be simple – wearing heavy duty gloves to avoid

cutting your hands on sharp edges and to give some slip protection or reducing the size or weight of the load might be solutions to the problem.

- There are laws that look at the standard of workplace you operate in. They require you to consider conditions such as workplace temperature, provision of toilets, washing facilities, drinking water and rest areas and also how you intended to dispose of your rubbish. These still apply if you work from home, although the chances are they are all already in place. Consider how and where you store your work things. Can children/partners/pets come into contact with something that may harm them?
- How long your staff can work for and the number of breaks they should take is described in a law called 'Working Time'. Excessive hours or unsuitable shift patterns are likely to lead to poor morale, ill health or accidents caused by fatigue. This also costs the business financially and may damage your reputation. The Working Time law does not apply to the genuinely self-employed (those who do not employ anyone) or to volunteers.





What to do

Help and advice is available. Spend some time discussing your health and safety concerns with your local authority Health and Safety team, exploring the guidance produced by the HSE. Compliance with Health and Safety legislation is not only necessary; it will protect your business and help keep costs down to enhance the productivity reputation of your business.



Legislative background

The primary legislation for Health and Safety law is the Health and Safety at Work etc. Act 1974 however there are also other important pieces of legislation such as the Workplace (Health, Safety and Welfare) Regulations 1992, the Management of Health and Safety at Work Regulations 1999, and the Reporting of Injuries, Diseases, and Dangerous Occurrences Regulations 1995 (RIDDOR).

Health and Safety law is also supported by many, more specific regulations such as the Health and Safety (Display Screen Equipment) Regulations 1992, the Electricity at Work Regulations 1989 and the Personal Protective Equipment at Work regulations 1992.

Generic Health and Safety Advice:

- **The Health and Safety Executive (HSE):** <http://www.hse.gov.uk/>
- **HSE 'Health and Safety Made Simple' (The Basics for Business):** www.hse.gov.uk/simple-health-safety/index.htm
- **HSE Guidance on Carrying Out Risk Assessments:** www.hse.gov.uk/pubns/indg163.pdf
- **HSE Guidance Page:** www.hse.gov.uk/guidance/index.htm
- **HSE Library of leaflets on a broad range of Subjects (Listed Alphabetically):** www.hse.gov.uk/pubns/agindex.htm
- **The Royal Society for the Prevention of Accidents (RoSPA):** www.rosipa.com
- **Institution of Occupational Safety and Health (IOSH):** www.iosh.com



Licensing



'Local Authorities are responsible for the licensing and regulation of a wide range of activities, operators, premises, individuals and vehicles. It is important for you to know whether your business activity requires a licence so that your business is lawful. Please contact your local Authority for further information. 'Consultations with the public and partnership agencies are required as part of some licensing functions and failure to comply with the law can for some matters constitute a criminal offence. Application, annual or other fees may also be payable.

Alcohol, Entertainment, Late Night and Refreshment Licences

Local licensing policy, decisions and conditions are underpinned by four licensing objectives which are the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Licensable activities under the Licensing Act 2003 include:

- The sale of alcohol by retail.
- The supply of alcohol to club members and guests.

- The provision of regulated entertainment (plays, films, indoor sporting events, live and recorded music, dancing and similar activities).
- The provision of late night refreshments (Hot food or hot drinks 23:00 to 05:00).

It is strongly recommended that you contact Police & Environmental Health prior to application. This may reduce the likelihood of an objection to your application.



The Gambling Act 2005

A licence or permit is required and includes:

- Bingo premises.
- Tracks & Betting Shops.
- Adult gaming centres and Licenced family entertainment centres (e.g. amusement arcades).
- Gaming and machines in pubs and clubs (including poker).
- Small society lotteries and large lotteries.
- Temporary or Occasional Use Notices.
- Before applying to your local authority, you may first need to make an application to the Gambling Commission for an Operator's Licence depending on the type and scale of gambling activity.

Other local authority licences, permits and registrations include:

- Market and mobile trading, street trading and street cafes.
- Taxi and private hire driver, vehicle and operator licences.
- Animal boarding (Cats & Dogs), animal breeding (dogs), pet sales, animal exhibition and zoos
- Operating a horse riding establishment
- Keeping a dangerous wild animal
- Charitable street collections and house to house collections for charitable and other not-for-profit good causes.
- Special treatments and skin piercing (including acupuncture, electrolysis, body or ear piercing, tattooing).
- Sex shops, sexual entertainment venues and sex cinemas.
- Scrap metal dealing including motor salvage
- Boat and boatmen licences
- Mobile home and caravan site licences
- Houses of Multiple Occupancy

It should be noted that some types of licensing may be administered by an agency other than your Local Council, but you can still get signposting and general advice from your local authority Licensing Team.



Gov.uk Licences and licence applications:
www.gov.uk/browse/business/licences



Planning Regulations



The planning system controls all forms of development and change of use. If you are considering the following you will need to ensure that what you intend to do is within the rules.

- ☒ Relocating to new premises,
- ☒ Expanding or altering your existing premises,
- ☒ Using your premises for more and/or different activities,
- ☒ Displaying adverts.

You may need to apply for planning permission. If works are carried out where permission is required but not obtained, your Local Planning Authority can work with you to remedy any breaches that may have happened or been reported.



What to do

You should contact the relevant district or council planning service at your earliest stage of planning. It is recommended to get planning advice before you submit a planning application. Good pre-application advice can help identify any problems with the scheme before plans are submitted, can give an indication of the likely outcome of a planning application and can help ensure all the documents you need are included in your application. It is wise to plan what you wish to discuss with the local authority before you contact them. Take some time to explore the Planning Portal and council webpages. Useful links to both the council planning services and where you can get generic advice on planning can be found on page 40.

We will always try to help you with any planning problems. Some areas you might want to consider are listed below:

A planning application might not be necessary. You can make some changes without needing to apply for planning permission.

- Remember planning permission may be needed even if you are only thinking of a temporary use or considering working from home.
- Remember that planning controls do not only apply to buildings. They also cover other physical alterations

including changes to vehicular access and parking areas, installations of ventilation flues and works to trees. Planning permission may also be required for change of use.

- Find out whether any existing planning permissions have conditions attached that restrict or control activities. These might include restrictions on hours of use, time for deliveries, what can be sold and even where things can be stored.
- Remember that the display of adverts is also controlled by your local planning authority. You may not need to submit an application for

some advertisements. It is wise to check if the proposed advert or changes to any existing advert requires planning permission. The link to a guide below, from central government may also be of use.

- There is a right of appeal against refusal of planning applications and non-determination of planning applications.
- If you are located in a listed building it is always encouraged to check with your Local planning Authority with regards to the consents required for any alterations you wish make.

Generic planning advice:

🔗 **Planning Portal:** www.planningportal.co.uk

🔗 **Gov.UK:** www.gov.uk/planning-permission-england-wales





Trading Standards



All businesses will need to ensure that they are compliant with Trading Standards legislation. Lincolnshire Trading Standards Business Advice Service would far rather provide specialist informal advice to a business at an early stage to help achieve compliance, rather than deal with a poor outcome through regulation. This makes good economic sense as it can avoid unnecessary costs putting things right later on. Trading Standards in the Lincolnshire area are part of Lincolnshire County Council.



The Trading Standards webpage:

www.lincolnshire.gov.uk/trading-standards-business/business-advice-service



The Trading Standards contact form:

www.lincolnshire.gov.uk/xfp/form/293



Important things you will need to consider:

- The law gives consumers extra protection in Business – Consumer contracts, as compared to Business – Business contracts, to address the built-in imbalance in the parties' rights and obligations which would exist otherwise.

Consequently all the terms in a standard consumer contract must meet a level of fairness laid down in law. Consumers also have statutory rights which cannot be excluded. If a contract does not meet these standards it will be impossible to enforce against the consumer.

- The law provides protection when consumers are in vulnerable positions, such as when cold-called in their homes. A right enshrined in law to cancel contracts in such situations must be respected, and the right must be brought to the attention of the consumer in a manner set out in law.
- Consumers in Lincolnshire can get advice from Citizens Advice Consumer Service who will advise how to assert their rights in civil law and achieve

redress but they will not intervene directly. All reports received by Citizens Advice Consumer Service which relate to Lincolnshire are recorded and referred to Trading Standards. We use this information to target businesses that are not trading within the law or are causing harm to consumers.

- Trading Standards enforce the law around weights and measures, an ancient but much-updated responsibility which ensures that customers, including fellow businesses, get the goods they have paid for. All weighing and measuring equipment used for trade must be designed for that trade and tested to establish its accuracy.
- All goods and services supplied must be as described and must meet any standards of safety, composition and quality set out in law. These legal standards are especially rigorous in the areas of product safety and food standards, and all businesses setting out to produce a new product for the eventual use of ordinary people (as opposed to other businesses), or to sell food of any description, should seek the advice of Trading Standards at an early stage in the process.



- When dealing with consumers, businesses must not give them misleading information about products and services or their cost, but also must not leave out any important information that the consumer needs to make an informed choice. To do so may be a breach of the criminal law.
- According to provisions made under the Financial Services and Markets Act (FSMA) 2000, financial activities have to be regulated by the Financial Conduct Authority (FCA) Any firm (whether a business, a not-for-profit or a sole trader)

carrying out a regulated activity must be authorised or registered by the FCA, unless they are exempt.

- Trading Standards enforce the criminal law surrounding the use of trade-marks and other intellectual property. Businesses must make sure they have the right to use any trade mark or other branding. Even branding similar but not exactly the same to that owned by others may be illegal to use.
- Trading Standards can help businesses put procedures and systems in place to prevent

them or their staff selling age-restricted goods to young people. The products involved are tobacco, nicotine inhaling products, alcohol, fireworks, DVDs and games, knives, aerosol paint and solvents.

- The welfare of farm animals and the prevention of farm animal disease, such as Foot and Mouth disease is the responsibility of Trading Standards, working with DEFRA. In the same way as they are responsible for food standards, they regulate the quality and safety of animal feedstuffs, including pet food.



What to do

Trading Standards can seem a complex area however it is very important to your business that you are fully compliant and that you get it right first time.

Trading Standards legislation protects the customer, but it is also useful to remember that compliance and a good understanding of your responsibilities and rights under the legislation will also help to protect your business, for example against false claims or by helping to safeguard your intellectual property. Compliance can also enhance your reputation as a business that has the interests of its customers at its heart.

Generic Trading Standards Advice



The Trading Standards Institute, Trading Standards Law Explained: www.businesscompanion.info/



The Competition and Markets Authority: www.gov.uk/government/organisations/competition-and-markets-authority



The Financial Conduct Authority: www.fca.org.uk/



The National Measurement and Regulation Office: www.bis.gov.uk/nmo



Department for Business, Energy & Industrial Strategy www.gov.uk/government/organisations/department-for-business-energy-and-industrial-strategy



Office for Product Safety and Standards: www.gov.uk/government/organisations/office-for-product-safety-and-standards



Employment



If you are taking on employees, it is highly advisable that you have the necessary procedures and policies in place from the start. ACAS, the Advisory, Conciliation and Arbitration Service, are a recognised source of best practice and impartial advice on employment issues. They have a confidential helpline number which we would advise that you call.

The confidential ACAS helpline is:

 0300 123 1100



The issues below are some of the areas where ACAS can provide extensive advice and guidance:

- A fair pay system can impact on morale and productivity. You will need to decide whether you operate a basic rate pay system, a system related to individual or group performance or profit or a system based on the worker gaining additional skills or competencies.
- Remember that under any Transfer of Undertakings the employees of the previous owner become employees of the new employer on the same terms and conditions. Their continuity of services and any other rights are preserved.
- Absence can be expensive to companies and damaging to morale. Having a well thought out absence policy in place can make issues of absence easier to deal with. Careful records that are easily understood should be kept.
- Bullying and harassment at work can also damage morale and lead to absence, and, if it is not addressed, it can reflect badly on management. It may occur without your knowledge. A simple formal policy with a prompt response can help. It is important that employees are aware of the policy so that they can turn to it with confidence if they experience bullying or harassment. You may wish to involve employees in developing this policy.
- It makes good business sense to treat workers fairly and considerately. Mainstreaming anti-discrimination principles into all your policies and procedures helps you stay within the law and attract the best employees.
- Transparent disciplinary procedures will help in dealing with disciplinary issues. Issues should be dealt with promptly, fairly and consistently. Where formal action is needed, investigations should be carried out to gather and establish all the facts of the case. Employees should be given the facts of the case and allowed to respond. They have can be accompanied at any formal disciplinary meeting and allowed to appeal against any formal decision made.
- Employees have the right not to be unfairly dismissed. Dismissal is normally fair if it is a reason related to an employee's conduct, to an employee's capability or qualifications for the job, because of a redundancy or because a statutory duty or restriction prohibited the employment being continued.
- Good communications between management and employees can often help an organisation get through the redundancy process. Depending on the size of your business and the length of service of your employees you may need to carry out a statutory consultation period or make redundancy payments.

The primary criteria when deciding on which employees to make redundant are usually attendance records, disciplinary records, skills or experience and standard of or aptitude for work.

- Consulting employees and giving them a voice in the decisions you make is a key driver of employee engagement and can help make your business more effective and productive. However, employees' views don't always have to be acted on though it is useful to explain the practical reasons for rejecting ideas.



What to do

If you are thinking of taking on employees contact ACAS on the number above to ensure that you have the necessary systems and procedures in place from the start.

ACAS mediation and conciliation services:

If employment issues occur it is also advisable to contact ACAS quickly on the same number before it becomes a full scale dispute. They can offer mediation services and mediation training and a free service called Pre Claim Conciliation where agreements made through them are legally binding. They can also offer advice on collective bargaining.



Pensions



Whether you're a hairdresser, an architect or employ a personal care assistant, if you employ at least one person you are an employer and you have certain legal duties regarding pensions. To check your duties as an employer, follow this link:

 www.thepensionsregulator.gov.uk/en/employers/duties-checker








Legislative background

The legislative basis of employment law is broad and found in a variety of acts and regulations. However, some of the most important are the Employment Rights Act 1996, the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) 2006, the National Minimum Wage Act 1998 and the Working Time Regulations 1998.

The Equality Act 2010 ensures people are judged by the content of their character, and not regulated characteristics such as race, gender, sexuality, beliefs, disabilities or age. It also has a strong bearing on Employment Law.

Under the Pensions Act 2008, every employer in the UK must put certain staff into a pension scheme and contribute towards it. This is called 'automatic enrolment'.

Useful links:

-  **Acas East Midlands:** <https://archive.acas.org.uk/index.aspx?articleid=1940>
-  **ACAS Home Page:** www.acas.org.uk
-  **ACAS Helpline Number:** 0300 123 1150
-  **ACAS Customer Enquiry Form:** obs.acas.org.uk/Forms/Contact.aspx
-  **Advice A-Z:** www.acas.org.uk/advice



Exports

Department for International Trade (DIT)



The Department for International Trade's (DIT) customised business support services in the East of England provide an outstanding opportunity for you to grow your business internationally.

International trade is vital to growth, and the strength of our economy depends on the continued success of companies who seek new opportunities abroad. The East of England is a major contributor to the UK's total exports. Just 2% of our region's companies generate over 10% of the UK's annual overseas sales.

Our objective is to enable and support firms to seize the opportunities of trade and international investment, establishing a culture of exporting in the East of England. With a network of offices in over 100 countries and our local expert International Trade Advisers, DIT is ideally placed to help you succeed in global markets.

The local International Trade Team can add value to your business in the following ways:

- Professional and impartial international advice
- Sector-specific expertise
- Help with developing and implementing successful international strategies
- In-depth knowledge of your target market
- In-market help and support from commercial specialists around the world
- Access to targeted overseas business opportunities

Overseas Market Introduction Service (OMIS):

Profit from market knowledge of DIT overseas trade specialists. They can assist you with:

- Market research and customer insight, identifying the right routes to market
- Identification of and introductions to potential distributors, agents or customers
- Advice on local business culture
- Using Embassy facilities for product launches, events and meetings



Introduction to Export programme:

The 'Introduction to Export' programme provides fully funded export advice to Lincolnshire-based businesses who are looking to explore exporting, or those who are already involved with exports. The programme offers a series of regional workshops and face-to-face meetings with an experienced adviser.

The programme offers the following support options to businesses:

- A support package to help micro and small businesses to consider and embark on exporting activity
- Fully-funded workshops to develop capability within small businesses to achieve their export goals
- Bespoke advisory provision Information, advice and guidance to help businesses make an informed decision about exporting
- General export support services to businesses in accordance with their specific requirements, e.g. market research, new market entry, initial export trade support, introduction to distributors
- Help local businesses who are not yet involved with exporting but are interested in becoming 'export ready'
- Advisory support – one to one / group
- Access to 'export readiness assessments', as required, for businesses
- Support businesses that are already involved with exporting to further improve/expand their export options
- Guidance on finance and insurance options to consider for exporting in business
- Place students within Lincolnshire businesses to assist with identifying export opportunities

Further information



Business Lincolnshire:
www.businesslincolnshire.com



exports@bizlincolnshire.com



Export Opportunities:

Providing targeted, valuable business opportunities from around the world. These have been qualified by our teams worldwide.

 opportunities.export.great.gov.uk

Events and Webinars:

Meet key overseas business leaders without leaving the UK. Each year we run a full calendar of events and webinars, full details can be found via:

 www.events.great.gov.uk/

Tradeshaw Access Programme (TAP):

Win new business from selected overseas trade shows with funding to help you exhibit as part of an organised group.

UK Export Finance (UKEF):

Learn about sources of finance to help make exporting a success, plus ways to make sure you get paid.

E-Exporting:

Develop your online sales through new markets and new channels. To support you, DIT has negotiated discounts for UK retailers on 40+ online marketplaces worldwide e.g. Amazon (US).

Global Growth Service:

The programme supports globally ambitious businesses to drive their future growth through a step change in export performance. We provide structured support, tailored to your own specific needs, partnering with you to capitalise on the enormous growth potential available overseas.

To find out more about the DIT services in the East of England find us on:

 info@tradeEM.co.uk

 **0345 222 0159**

 www.great.gov.uk

 [@tradegovuk_EM](https://twitter.com/tradegovuk_EM)

 www.linkedin.com/groups/1769629

Learn how we can support your business internationally by viewing our How To Sell Overseas video:  www.vimeo.com/334701698

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HM Revenue and Customs



If you are thinking of becoming self-employed, you will be pleased to learn that HMRC Business Education & Support Team offers a range of educational products for businesses on a variety of subjects. They are based throughout the UK and are here to help you understand your tax responsibilities, and give the confidence to get it right, first time.

Registering your self-employment: You should tell HM Revenue & Customs (HMRC) as a soon as you start self-employment, otherwise you may face a penalty.

You are considered to have started self-employment when you have something to sell and either have a customer for your goods or services, or you are actively marketing your business.

There are three ways to register your self-employment:

Online:

 www.gov.uk/government/organisations/hm-revenue-customs

Phone:

Phone the Newly Self-employed Helpline

 **0300 2003504**

Paper – complete a form CWF1.

 www.gov.uk/log-in-file-self-assessment-tax-return/register-if-youre-self-employed

Print it off, sign and send it to the address on the form.

To register you will need your National Insurance number.

Whichever method you choose it is a single registration process. It registers you for both Class 2 National Insurance contributions and for Self-Assessment.

National Insurance Contributions

As a self-employed person, you pay a fixed amount of Class 2 National Insurance contributions. If your profits are above a certain limit, you may also be required to pay Class 4 National Insurance contributions.

Records

It is very important to set up a record keeping system and keep all records and supporting documents for the required length of time.

You should organise your records into accounting periods. These normally last for 12 months although they can be longer or shorter periods. HMRC suggests that you try to keep them in line with the tax year. For example, you close your accounts on 5 April to coincide with the end of the tax year.



It is entirely up to you but if you select a date other than 5 April you may have to do some additional calculations.

You must differentiate between money spent on the day to day running costs of your business and the purchase of equipment (assets) which is called capital expenditure.

You would normally be expected to keep full records of:

- All your sales and takings (turnover) keeping copies of invoices and receipts
- All your business expenses and purchases, and keep receipts for all expenses paid including purchases of stock and materials
- All bank deposits and withdrawals including cheque stubs and paying in books
- Your 'wages'/drawings and amounts drawn out of the business for personal and family use
- Mileage records
- Capital items; keep a separate record of all purchases and sales of business equipment, machinery and vehicles, together with the receipts
- Where expenses relate to both business and private use, only the business part is allowable
- Keep a record of the market value of equipment or vehicles introduced into the business that you owned before starting your business.

Key dates for Self-Assessment



April

HMRC issues a Notice to Complete a Tax Return (SA316)

31 October

This is the deadline for paper tax return. HMRC will calculate the tax and Class 4 National Insurance contributions and let you know how much you must pay, before the due date of 31 January

31 January

This is the deadline for online tax returns. You must also pay any tax and Class 4 National Insurance contributions you owe by this date, plus if due, your first payment on account for the following tax year.

31 July

You must pay your second payment on account by this date.



How do you pay?

HMRC recommends that you make payment electronically. You can:

- Pay by debit or credit card over the internet using a service called billpay, or
- Use your bank/building society services to pay over the internet or telephone.


What do you pay?

Your bill for tax and/or Class 4 National Insurance contributions will depend on your taxable income.

Penalties may be charged if:

- You make an error in your tax return or other documents.
- Your self-assessment tax return is filed late
- If your payment is late

HMRC Links and Contact Details:

 **HMRC Home Page:** www.gov.uk/government/organisations/hm-revenue-customs

Record Keeping

Factsheet TH FS1 Keeping records for business – what you need to know. Booklet RK BK1 A general guide to keeping records for your tax return.

Tax Help series factsheets

 <https://www.gov.uk/government/collections/hm-revenue-and-customs-leaflets-factsheets-and-booklets>

TH FS5 Working for yourself – what you need to know.

TH FS9 Expenses and Allowances for the self-employed – what you need to know.



Capital Allowances

Helpsheet HS252 Capital Allowances and balancing charges

 www.gov.uk/self-assessment-forms-and-helpsheets

- What capital allowances and balancing charges are
- How to make a claim
- What capital allowances are available
- The different types of plant and machinery allowances

Business Tax Dashboard

HMRC introduced an online Business Tax Dashboard in April 2012. The Dashboard is aimed at small businesses. It enables you to view your tax payments and liabilities across Corporation Tax or Self-Assessment, PAYE for Employers and VAT in one place.

 **GOV.UK at** www.gov.uk/starting-up-a-business

My New Business

For interactive help and advice from across government in one place specifically designed for small businesses go to the Start Your Own Business pages. Online presentations:

 www.hmrc.gov.uk/webinars

Live presentation or 'webinars' are available on set dates, or pre-recorded webinars, which are available 24 hours a day, seven days a week. YouTube www.youtube.co.uk search 'hmrcgovuk'. HMRC has its own channel where you will find a series of short clips.


Helplines

 www.gov.uk/contact-hmrc

Contact the helpline if you cannot find the information you need online, or you require further clarification.

HMRC Business Education & Support Team

 www.gov.uk/government/collections/hmrc-webinars-email-alerts-and-videos

 0300 1231083

Taking on staff

You need to tell HMRC if you employ someone to help you with your business.

You can register as a new employer by either:

 www.gov.uk/business-tax/payee

 **New Employer Helpline on 0300 2003211**



VAT

Do you need to register for VAT? For more information go to:

 www.gov.uk/business-tax/vat

The information is for guidance only and reflects the position at the time of writing. It does not affect any right of appeal.

Always check current official publication for detailed instructions, or contact the appropriate HMRC office.



Business Lincolnshire Growth Hub

Fully funded face to face business support, an online information portal and telephone helpline is available across the County.

Business Lincolnshire is set up to help support Greater Lincolnshire based businesses to start, grow and those who are on a rapid growth trajectory. Business Lincolnshire hosts a Growth Hub – a single place to go to for business experts and mentors, support and guidance, grants and finance. We also have a number of specialist advisors who can work with businesses to address their specific needs and requirements. Our experts have experience working in different industries and sectors.

We have a host of useful information and resources on our website, including a toolbox with downloadable guides, free webinars, useful links and videos designed to help businesses on their journey.

Contact

If you'd like to access the support available, please email:

 businesslincolnshire@lincolnshire.gov.uk

 www.businesslincolnshire.com/

Business Support Helpline

 businesslincolnshire@lincolnshire.gov.uk

 01522 782116

Monday to Friday, 8am to 6pm. Find out about call charges.

Support is available through the Growth Hub, and this can be accessed via the below channels:

- Twitter: @businesslincs
- Facebook: Business Lincolnshire
- YouTube
- LinkedIn

Other Useful Links and Business Organisations



BEIS, UK Government

Provides information on Enterprise and Business Support.

 www.gov.uk/government/organisations/department-for-business-energy-and-industrial-strategy

British Standards Institution.

Leading independent business services organisation providing standard based solutions in more than 140 countries.

 www.bsigroup.com/en-GB/

Building Research Establishment.

The world's largest non-government research body for the built environment and provides research, training and environmental accreditation.

 www.bre.co.uk/

Lincolnshire Chamber of Commerce

From start-up businesses, small and medium enterprises, and on to global brands, the Lincolnshire Chamber of Commerce embraces and represents the regions business community.

 www.lincs-chamber.co.uk/

Energy Saving Trust

Will help you save money, combat rising energy bills and play your part in helping to fight climate change.

 www.energysavingtrust.org.uk/

Federation of Small Businesses

Provides information on the FSB

 www.fsb.org.uk

Find a Chartered Accountant.

Find a Chartered Accountant helps businesses and individuals to find and engage their perfect financial expert. You can be confident that all firms listed have at least one ICAEW Chartered Accountant and are monitored by ICAEW.

 find.icaew.com/

.GOV.UK.

GOV.UK is government's online resource for a wide range of services and information, including business support.

 www.gov.uk/



GRANTfinder.

GRANTnet is a service that can help businesses find suitable sources of funding.

🔗 www.idoxgrantfinder.co.uk/

Intellectual Property Office

Helps you get the right type of protection for your creation or invention.

🔗 www.gov.uk/government/organisations/intellectual-property-office

National Apprenticeship Service

Get advice on employing an apprentice.

🔗 www.gov.uk/take-on-an-apprentice

Start Up Loans Company

The Start Up Loans Company is a government funded initiative that provides start up support in the form of a repayable loan together with a business mentor for young entrepreneurs across England and Northern Ireland.

🔗 www.startuploans.co.uk/

The Law Society

Find a local solicitor.

🔗 www.lawsociety.org.uk/

'Find a job'

Service to advertise jobs and search for jobseekers whose CVs match your needs.

🔗 www.gov.uk/advertise-job

Young Enterprise

Young Enterprise is the UK's largest business and enterprise charity.

🔗 www.young-enterprise.org.uk/

The Prince's Trust

Provides advice and support to the under 30's

🔗 www.princes-trust.org.uk





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