

Safer communities

Charges for Services policy

1.0 Introduction

1.1 Background

Local authorities have the ability to charge for discretionary services, such as the provision of advice and training, under section 93 of the Local Government Act 2000 and section 3 of the Localism Act 2011. Such services are not covered by the EC Services Directive 2006.

Harrogate Borough Council will continue to provide support and advice for all new and existing businesses. Good quality advice will be made available on the Council's website and businesses will be directed to other sources of help and information free of charge.

1.2 What service areas are covered by this policy?

The following service areas are covered by this Policy, although this is not an exhaustive list: -

- Environmental Protection e.g. authorised processes, noise control, nuisance from extract ventilation, odour control, private water supplies, pest control, drainage etc
- Food Safety and Hygiene
- General Licensing e.g. alcohol, gambling, taxis, animals, caravan site etc
- Health and Safety

1.3 Who might want to engage our services?

Any business operating in the Harrogate District for which Harrogate Borough Council is an enforcing or licensing authority.

1.4 What are the over-riding principles?

Advice will only be provided in respect of those activities taking place in the Harrogate District. It is expected that customers will be open and honest with the information provided or supplied as part of this process. The customer can expect an impartial service from competent officers.

1.5 What are the benefits to the business and Harrogate Borough Council?

This Policy aims to promote a strong local economy through the delivery of tailored, expert advice to customers conducting activities within the Harrogate District. In the present economic climate, services which the Council are not required to provide are

potentially vulnerable and charging for these will enable them to be maintained. In this way the Council can continue to provide valuable cost effective assistance to our community.

Other benefits may include:

FOR THE COUNCIL

- Improved business compliance
- Reduced service demand
- A better informed inspectorate that understands the commercial environment

FOR THE BUSINESS PARTNER

- Increased compliance with legal requirements
- Better understanding of Council policy and of when a proposal might be unacceptable, avoiding wasting of time and money
- Enhanced relations with Council officers
- Accurate, comprehensive advice
- Time saved through effective co-ordination
- The customer gets consistent advice from an organisation in which it can trust
- The charge will be good value for money.

1.6 What services can the local authority provide to businesses?

Harrogate Borough Council will offer the following services:

- Advice to customers which may include licensing pre-application advice, food safety, health and safety, noise and control etc.;
- Non-statutory sampling e.g. swimming pool water sampling, environmental swabbing;
- Licence application site notices – assisting with the drafting and production of site notices;
- Use of translators/interpreters (the cost of our time will be charged at the agreed rate but the translator will have their own charging scheme);
- Provision of advice to solicitors ;
- General advice on noise and odour control;
- Advice on nuisance related to extract ventilation;

- Bespoke training for your business; and
- A review of existing policies, procedures and systems.

1.7 Limitations

Harrogate Borough Council is committed to both supporting the community and providing services that will help it. In most circumstances it will aim to provide a service where all relevant criteria are met. There may be occasions where limitations apply including where: -

- the request is likely to exceed available resource; and/or
- there is an irretrievable breakdown in communication or adverse relationship between the person or business requesting advice and Harrogate Borough Council.

Statutory services will be unaffected by this Policy.

2.0 Delivery of the Service

2.1 Introduction

The provision of service involves the following elements:

- our acceptance of a request to provide a service;
- agreement on the terms and conditions confirmed by email or letter; and
- agreement on costs and charges.

2.2 Terms and conditions

Services will be in accordance with the standard terms and conditions.

Advice is given by experienced and qualified individuals within the Safer Communities service. The advice given will not include views from other statutory bodies such as the Police, Fire Authority, etc. Other statutory bodies have the legal right to take action or make a representation even if advice has been provided.

In relation to licensing, other responsible authorities have the legal right to make a representation relating to the application even if advice has been given under a pre-application advice agreement. Any such application and associated representations will be determined on its own merits in accordance with normal procedure.

Payment must be made in advance unless by prior agreement.

Advice services will always be separated from statutory functions to avoid any conflict. Where a potential conflict of interest is identified, for example in circumstances where enforcement action is being considered then fee paying advice under this Policy will not be given / will cease.

Freedom of Information (including Environmental Information Regulations)

As a public authority Harrogate Borough Council are subject to information access legislation. Information provided by you to the Council will be information that is held by us and is therefore subject to potential disclosure in accordance with the law. However, information can be exempt from disclosure for such reasons as commercial interests, because it was provided in confidence or because it constitutes personal information (these are examples, full exemptions are contained in legislation). Where appropriate Harrogate Borough Council will consider such exemptions if access to the information provided under the Policy is requested. Where appropriate Harrogate Borough Council will also contact you if such a request for information provided by you under this policy is received.

Data Protection

Any personal information you provide to us under this Policy will be processed in accordance with the Data Protection Act 1998. The Council will use the information to process the service provided under this Policy and to provide any further information relevant to the service provided. Details of our Corporate Fair Processing Notice and Data Protection Policy can be found on our website.

2.3 Costs and charges

All services covered in this policy will be subject to the following terms and fees: -

- customers will initially be directed to the website or other appropriate sources of free help or information. If additional advice is required customers will need to make an appointment with an officer and will be charged for that advice in accordance with this Policy;
- customers will need to agree to terms and conditions;
- advice will be charged in 15 minute units or part thereof;
- where site visits are required a charge will be made to cover the costs of travel and officer time;

- full costs of administration will be charged including reports detailing the advice given when requested;
- any additional costs such as laboratory analysis fees will be charged at face value;
- debit/credit card payment must be made. All fees must be made prior to the provision of any advice.

A fee of £45 per hour 55p per mile will be charged. VAT will be added to these charges at the standard rate unless the service is VAT exempt e.g. training. Fees will be reviewed annually.

3.0 Further information

If you would like to discuss the scheme further please contact 01423 500600 X58515 or fos@harrogate.gov.uk

If any person receiving advice is dissatisfied with the service, a complaint can be lodged with the relevant service manager.