



# SAYS THINK BEFORE YOU REGULATE!

## OBLIGATIONS ON THE PREMISES

- Business Rates
- Disabled access
- Change of use
- Building Regulations



## LICENCES & CONSENTS

- Alcohol and entertainment. Personal licence for the sale of alcohol. The sale of alcohol must be authorised by an individual with a personal licence
- Premises licence. To provide late-night refreshments and regulated entertainment, and sell alcohol, you need a premises licence
- To play recorded music or radio in public you need the correct licence(s). Either PRS, PPL or both
- To put things on the public pavement, your business needs to be registered. This licence is issued by the Council
- Application and consent rules for the display of outdoor advertisements, illuminated and moving signs



## CATERING SECTOR

8 per cent of the FSB membership works in the hotel/restaurant/bar and catering sector; a sector that is highly regulated. As the illustration below demonstrates those in the catering sector are expected to be experts in a wide variety of areas, with many types of regulations, consents and tax requirements that may need to be complied with before they can begin employing people and growing the business.

- In our annual FSB-ICM Voice of Small Business survey (2010), 33 per cent of our members describe regulation as the biggest obstacle to achieving success
- In our 2008 employment survey, 27 per cent of businesses planning to expand describe 'fear of increased regulation' as a difficulty in expanding their business as a halting factor

- In the same survey, 50.7 per cent of businesses planning to downsize or close, rate regulatory burden as significant contributing factor
- In July 2010 the National Audit Office (NAO) found in their Business Perceptions survey 2010 that fewer than 30 per cent of businesses believe that the Government understands business well enough to regulate, or that it consults well before any change to regulation

Small businesses are the largest private sector employer and are the backbone of our economy. Excessive regulation stunts business growth and affects small firms to a greater extent than their larger equivalents. The Government needs to create a culture where businesses can prosper; there must be a stop to excessive and ill-thought out regulation.

## HEALTH AND SAFETY

- Complete a risk assessment (written if over five employees) and all applicable adjustments to be made as a result
- Complete a health and safety policy (written if over five)
- Buy and display a health and safety poster
- Comply with rules to reduce the risks of falls from height and of working in a confined enclosed space
- First Aid regulations
- Ensure the safe use of equipment and tools
- Deal with noise and noise pollution
- Fire risk assessment
- Facilities for customers and employees. Meeting legal obligations to provide toilets, food, rest, storage and other facilities for workers and employees
- Record and report an accident or incident
- Storage of goods and materials regulations such as chemicals
- Worker involvement in Health and safety; communication of procedures
- Smoke-free legislation, including display of posters at entrances to premises

## EMPLOYMENT

- Legal obligation to retain staff records
- Sick pay, manage absence and sickness
- Minimum wage
- Rules about workers' working hours and rest breaks
- Ensuring workers are eligible to work in the UK
- Allowing time off. Calculating statutory annual leave entitlement
- Legal obligations on pensions
- Trade union membership rights
- Grievance, disputes, disciplinary procedures, dismissal
- Redundancy, lay-off and short time working
- Retirement
- Unlawful discrimination and equal pay
- Maternity, paternity and adoption regulations
- Right to request flexible working
- Responsibilities to contractors and subcontractors
- Employing part-time workers and fixed-term employees
- Employing young people
- Sunday working and night working
- Employers' liability insurance
- Written statements of terms and conditions of employment
- Itemised pay statements
- Notice of termination of employment
- Parental leave and time off for family emergencies
- Protection of employment upon the transfer of a business



## FOOD REGULATIONS

- Food labelling. Pre-packed foods must be labelled clearly and provide the necessary information
- General food regulation. You must take all reasonable steps to ensure the quality and safety of the food your business sells
- Food hygiene. If you are a primary producer, you need to meet food safety and food hygiene requirements
- Microbiological criteria for foodstuffs. If you operate a food business, you must ensure that food meets standards for microbiological contamination
- Capacity serving measures. If you manufacture, supply or use capacity serving measures they must comply with the essential requirements
- Food Premises Approval. Food premises handling animal products may need to be approved by your local authority
- Registration of a Food Business Establishment. New food business establishments must register 28 days before commencing food operations

## OBLIGATIONS AS A BUSINESS

- Price fixing, cartels and monopolies. There are a number of obligations under the Competition Act and the Enterprise Act
- Public Liability insurance
- Marketing regulations. Comply with advertising standards, email marketing regulations
- Legal responsibilities as a limited company. National Insurance, Business insurance and Company directors' responsibilities
- Data protection in regards to using a loyalty card scheme
- Returns and refunds, warranties and complaints. Customers have rights have when buying goods or services. Distance selling regulations and online sales
- The Sale of Goods Act. Legislation applies when selling to customers

## PROTECTION OF PERSONAL DATA

- Registration for businesses that keep personal information records or use closed-circuit television
- Obligations in relation to the processing of personal data
- Comply with subject access requests for personal information



## FINANCIAL OBLIGATIONS & TAX

- Corporation Tax
- National Insurance
- PAYE
- Student loan repayment
- Taxable benefits
- Taxes for specific products, services and activities. Insurance, transportation, tobacco and alcohol are some of the products and services subject to special taxes
- VAT
- Annual employer obligations, P35
- Annual Self Assessment Return (Corporation or Income Tax)
- Retention of business records

As well as halting the flow of all new business related regulations the FSB is also calling on Government to introduce:

- Mandatory common commencement date once a year for all UK origin legislation (and EU as much as possible)
- Moratorium on all business regulation that could place a burden on business during the economic recovery

- Changes to be made to process of compulsory surveys
- Reform the LBRO

Whilst we have tried to include many of the areas of compliance that a business must undertake it is important to note that these may differ depending on the region or devolved area that a business is based in. There will be further regulations, consents and tax requirements that are not mentioned due to space restrictions.



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