



APSE Performance Networks Seminar 2017

**Can Commercialisation and Innovation Overcome the Impact
of the Budget Cuts?**

Legal Issues

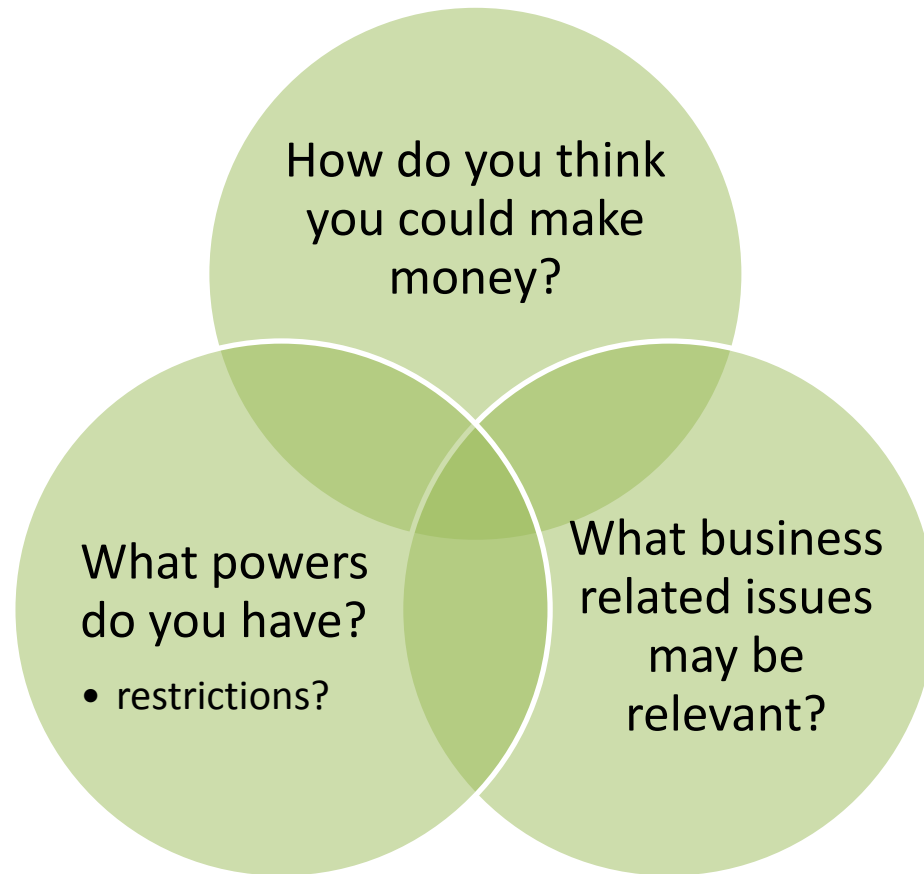
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**WALKER
MORRIS**



What do we need to think about?



Front Line Services

Does the Governing Statute let you charge?

- **Provision of Entertainments (S.145 LGA 1972)**
- **Parking (Part iv Road Traffic Regulation Act 1984)**
- **Recreational Facilities (LG (MP) Act 1976)**
- **Waste (EPA 1990)**

Does it limit what you charge or where you can do it?

Charging powers under LGA 2003 and Localism Act 2011

- Authorised, but not required, to provide the service
- The recipient has agreed to its provision.
- Does not apply if another power or express prohibition to charge for the provision of the service,
- Duty to secure that income from charges does not exceed the cost of provision
- Taking one financial year with another.

Other routes

Providing Goods and Services to Public Bodies

- Must be public body under the regulations
- Must be relevant goods and services
- Can charge what you want

General Trading Powers under Localism Act 2011

- Anything individuals may do
- Anywhere in the UK or anywhere else
- Statutory limitation
- Use a company if for commercial purposes

Other Issues

Contracts

- Protect interests as Seller not buyer
- Risk Profile

Intellectual Property

- Logos
- Trade Marks

Regulatory Issues

Competition law

Tax

Governance

- Company?
- Limited Liability?

Funding

Existing contracts and assets

Staff

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