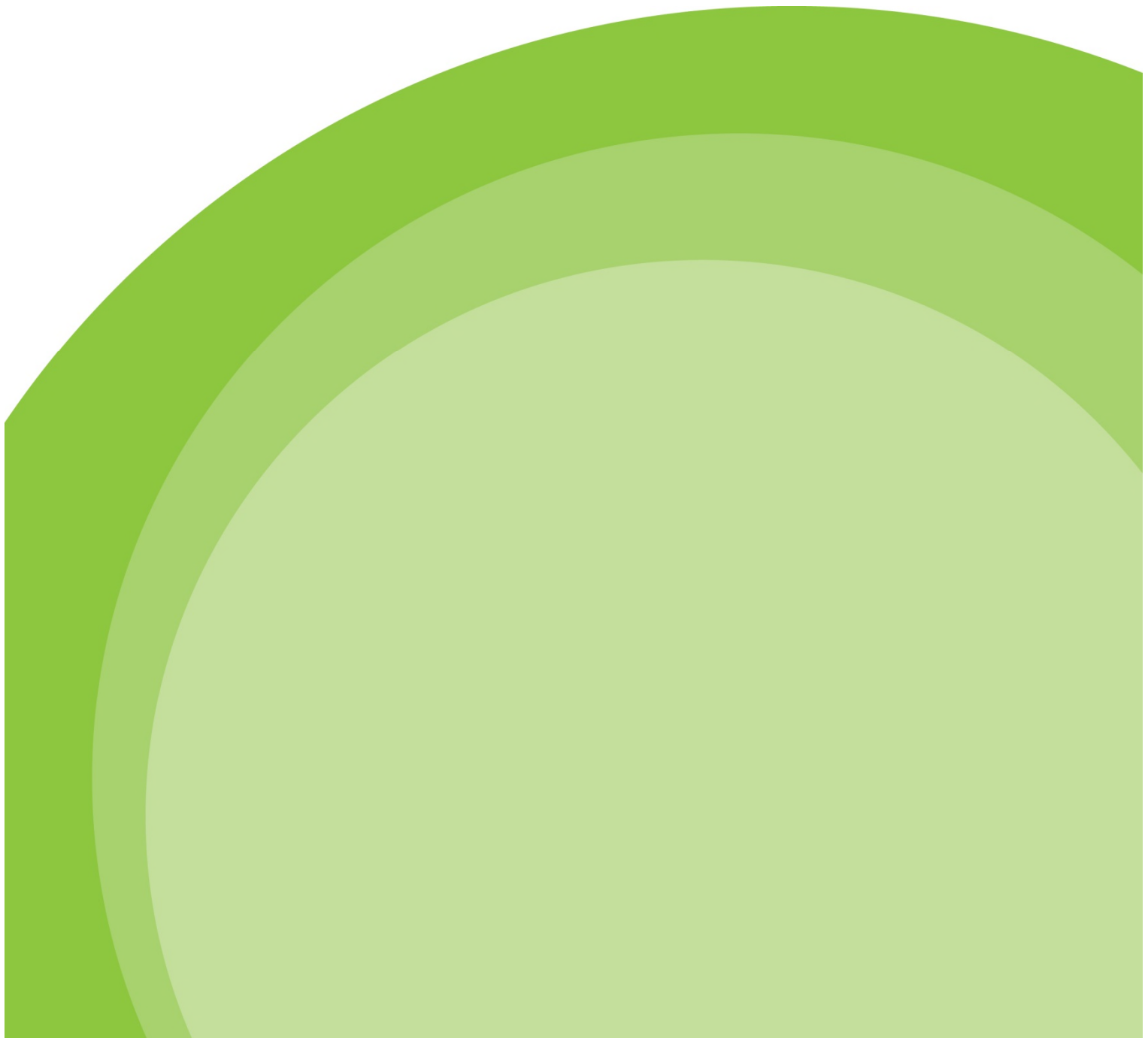




# Primary Authority Policy



## **Introduction**

The Primary Authority scheme was introduced by legislation in 2008 to address businesses' concerns about how local authorities apply environmental health, licensing and trading standards legislation, particularly around inconsistent advice, duplication of resources and the lack of effective dispute resolution when councils disagree. The scheme gives businesses the facility to form a statutory partnership with one local authority, which then provides robust and reliable advice which other councils must take into account. This local authority is then known as its 'primary authority'. This entails a fundamental shift in the relationship between the regulated company and the partner regulator to the benefit of both parties.

The scheme is operated by Regulatory Delivery (RD) and has the following key features:

- By working closely with the business a Primary Authority can apply regulations to the specific circumstances, providing robust and reliable advice which must be respected by all local regulators.
- A national inspection plan can be produced by the Primary Authority to improve the effectiveness of inspection, avoid repeated checks, and enable better sharing of information.
- If a problem arises, the Primary Authority can coordinate enforcement action to ensure that the business is treated consistently and that responses are proportionate to the issue.
- RD operates a dispute resolution procedure.
- A business can choose what level of support it needs from its primary authority. Resourcing the partnership is subject to negotiation between the parties to the agreement; the Primary Authority may choose to recover its costs.

## **Services Provided by the Primary Authority Partnership**

Through Primary Authority your business would continue to have access to reliable information based on a detailed understanding of your operations. However, a PA agreement would prevent inconsistent interpretation of legislation and would apply regardless of the location of the business' outlets. Tailored advice would be provided by your Primary Authority with the assurance that it would be respected by all local regulators. Your Primary Authority partner could provide other councils with evidence of compliance and recommendations about how to tackle broad issues quickly and effectively, helping drive down business costs.

In addition, the following services can be provided at the request of the business:

- Training
- Review of policies, procedures and systems

- Audit of business systems
- Audit of business compliance
- Reviews and analysis of data to assist business planning.

### **Requests to enter into a Primary Authority partnership**

Requests from business to enter into a primary authority partnership are likely to come from the business directly but may, in some circumstances, be passed through RD. Requests may be for one or more of the areas of regulation set out list of Primary Authority Categories.

<https://www.gov.uk/government/publications/primary-authority-statutory-guidance>

Central Bedfordshire Council is committed to support its primary authority partnerships from within its own professional staff resources. This is to ensure that partner businesses benefit from the highest quality advice from highly trained and competent officers. However, these resources are finite and we reserve the right to decline requests where we feel that we could not meet this commitment.

Requests from businesses will be prioritised on the basis of factors such as previous history with Central Bedfordshire Council and whether the head office or significant part of their operation is located in Central Bedfordshire.

Other requests will be considered but may be declined.

### **Refusal of requests to join a Primary Authority partnership**

Whilst we are committed to supporting legitimate businesses and providing services that will do this through primary authority partnerships, we reserve the right to accept or refuse requests to join the scheme where we consider that to do so is in the best interests of Central Bedfordshire Council.

The following is a non exhaustive list of examples of when a refusal may be considered:

- The partnership is likely to exceed Central Bedfordshire Council resource capacity
- The business refuses or fails to agree to the terms and conditions or costs of the partnership within a reasonable timescale
- There is an irretrievable breakdown in the relationship between the business and Central Bedfordshire Council or any other Regulator.
- Outstanding legal action against the business.
- Evidence of serious or repeated non-compliance with statutory responsibilities.
- Evidence of a failure to follow advice properly given by Central Bedfordshire Council or any other regulator.

## **Establishment and delivery of Primary Authority partnerships**

Establishment of a primary authority partnership involves the following elements:

- Our acceptance of a request to form a partnership
- Agreement on the terms and conditions (see below)
- Agreement on costs and charges
- Acceptance by RD

### **Terms and conditions**

Primary authority partnerships will generally be based on the standard terms and conditions developed by RD. Details specific to the agreement will be outlined in the application and supporting documentation to RD.

In certain circumstances, Central Bedfordshire Council will consider the need to modify the standard terms and conditions. However, this may result in additional costs to the business as well as delays in establishing the partnership. In addition, RD may not agree to nominate a partnership with terms and conditions it views as placing the scheme or Central Bedfordshire Council at risk.

### **Fees and charges**

All businesses entering into a primary authority partnership will be charged fees to recover the costs incurred by Central Bedfordshire Council in acting as a primary authority.

All primary authority partnerships will be subjected to a fee to cover Central Bedfordshire Council costs in setting up.

The types of activities that can be included in the work of the Primary Partnership are:

- Referrals
- Regular meetings
- Issuing Primary Authority Advice
- Complaints and trend Analysis
- Review of terms and conditions
- Legislation Updates
- Staff training
- Other activities as agreed between the parties

An initial set up fee will be charged to businesses that are new to the scheme. There are three different levels of service with charging offered in our partnership scheme. These are bronze, silver or gold.

Businesses that do not want to enter into a primary authority partnership can be provided with business advice on a “pay as you basis.”

## **Partnership Agreement**

Each primary authority partnership agreement will specify, where applicable, the following information:

- Frequency of reviews of performance and fees charged;
- Response times and performance levels of partners;
- Format of advice to the business;
- Details of any training Central Bedfordshire Council will provide;
- Details of any reviews of policies, etc. Central Bedfordshire Council will undertake;
- Details of any audits Central Bedfordshire Council will undertake;
- Details of any data review and analysis Central Bedfordshire Council will undertake;
- Details of any other activities either partner will perform under the partnership.

## **Termination of Primary Authority partnerships**

A primary authority partnership may be terminated at any time in accordance with the provisions set out in the legislation and guidance that regulates the scheme. Further details are available from the online [Primary Authority Register](#).

## **Businesses operating in Central Bedfordshire enforcement that have a Primary Authority partnership with other local authorities**

Where businesses that are trading in Central Bedfordshire have entered into a Primary Authority partnership with another local authority, then Central Bedfordshire Council will be regarded as an 'enforcing authority' for the purposes of the Primary Authority scheme.

In undertaking its enforcement duties in such businesses, Central Bedfordshire Council will have full and proper regard to the Primary Authority statutory guidance published by Regulatory Delivery.

## **Further Information**

Further details and information on business advice are available on Central Bedfordshire Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).

If you would like to discuss the scheme further or business advice in general, please contact Central Bedfordshire Council on:

**Contact us...**

Telephone: 0300 300 5060/5090/5091

Email: [PA@centralbedfordshire.gov.uk](mailto:PA@centralbedfordshire.gov.uk).

Web: [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk)

Write to: Central Bedfordshire Council, Priory House,  
Monks Walk, Chicksands, Shefford, Bedfordshire SG17 5TQ



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