



Policy and Resources Committee – 11 February 2013

Primary Authority Partnership Scheme (PAPS)

Purpose of report

This report is about the Primary Authority Partnership Scheme (PAPS) and seeks approval for the local authority to enter into a primary authority partnership.

Attachment(s)

None

1.0 Summary

1.1 This report serves to inform members about the primary authority partnership scheme (PAPS) and to seek approval for the local authority entering into an agreement, either by direct nomination from the Better Regulation Delivery Office (BRDO), or by approach from a business followed by nomination.

2.0 Background Information

2.1 The Local Better Regulation Office (LBRO) was originally tasked with operating the Primary Authority scheme which was established by the Regulatory Enforcement and Sanctions Act 2008 to allow businesses to form a partnership on a statutory basis with a single local authority. The scheme addresses the fact that businesses that trade across council boundaries can be subject to differing requirements from the many different local authorities that may regulate them. This undermines consistency and increases unnecessary burdens for business. It can also mean that regulation of the business is less effective, reducing the impact that local authorities could have on increasing protection for their citizens, workers and the environment. From 1 April 2012, LBRO ceased to exist and responsibility for the scheme now rests with the Secretary of State for Business, Innovation and Skills, with the Better Regulation Delivery Office (BRDO) operating the scheme on behalf of the Secretary of State.

2.2 The Primary Authority Partnership allows a business to form a legal partnership with a single local authority and this partnership, once it has been nominated by BRDO, has a statutory basis. The business, by choosing to participate in the scheme, demonstrates both its commitment to working in partnership with regulators and its desire to improve its experience of local regulation. A local authority that offers primary authority to businesses is demonstrating its willingness to work constructively with a business to improve its compliance, and is taking on responsibility for leading and shaping the regulation of that business across its operations. It does this by providing tailored, assured regulatory advice to the business and by guiding the way that other local authorities regulate the business so that it is both effective and efficient, including through the sharing of compliance information.

2.3 Local authorities have an obligation under the Regulators Compliance Code to provide businesses with advice and guidance about their legal obligations in respect of environmental health and licensing legislation. The local authority is already an enforcing authority for environmental health, private sector housing and licensing and the Council's regulatory officers currently support a range of businesses informally by providing advice and information, usually on an individual business basis.

2.4 There is a clear government drive to increase the number of PAPSs. There are currently 639 businesses partnered with 89 local authorities. This equates to 52,000 premises and approximately 1.5 million employees covered by health & safety.

3.0 Supporting Businesses

3.1 Primary Authority provides important support to local businesses. This will complement the Council's commitment to encourage local business growth as partnerships could assist existing businesses and new businesses locating into our area. As well as important relationships with local businesses the scheme is particularly beneficial to businesses which have outlets in more than one local authority boundary as it is important that these businesses experience a consistent approach from enforcers.

3.2 Examples of support may include review of a regulatory policy that the business wishes to introduce. Other enforcing authorities are then assured that the policy is sound and do not need to challenge it, or request detailed information about the policy from the business. This reduces the regulatory burden on the business. Primary authorities may also assist with development of "inspection plans" to provide other enforcing authorities with a clear focus when inspections are carried out. As other enforcing authorities are bound to take these into account, businesses benefit from a more focused, targeted and consistent approach.

3.3 The Council also has an informal partnership with Whitworths and Tilley's Sweets in the district as a "home authority", providing advice to the business when necessary and liaising with other local authorities that approach it. Where businesses require additional advice and support services under Primary Authority the Act enables the council to recover the costs associated in providing these services from the business. This will allow greater impact to be achieved from the existing resources deployed in providing support to business on regulatory issues.

3.4 Primary Authority is administered by BRDO. Standard terms and conditions for agreement between the local authority and a partner business have been made available by BRDO. These terms and conditions mitigate the risks for participating local authorities to the minimum allowable in law.

Not all businesses will be suitable for a PAP and the local authority will continue to support those businesses in accordance with statutory and government direction.

4.0 Considerations

4.1 There are a number of options for the types of partnerships that the Council could enter into:

- A focus on local businesses which have a small number of cross boundary outlets
- Businesses which are wholly located outside of the district
- Partnerships with a narrow regulatory advice scope (e.g. food safety)
- Multi service (environmental health advice across a range of disciplines)

4.2 There may be benefits for East Northamptonshire Council from entering such a scheme, including the potential for generation of additional income which may assist in reducing any costs of the service that may be incurred. The Council employs a team of qualified regulators who could confidentially provide expert, reliable advice on a wide range of environmental health and licensing regulations, this would help develop staff and development opportunities. The Council would also be seen as an expert in certain areas raising our profile within regulatory services and with businesses. These types of services can help promote the area for new business development and help existing businesses to grow.

5.0 Equality and Diversity Implications

5.1 There are no equality and diversity implications.

6.0 Financial Implications

6.1 There are no financial implications as a result of this report. The primary authority partnership allows the Council to fully or partly recover costs from the business. This will be the subject of a further report.

7.0 Staff

7.1 There may be additional staffing requirements if there was a large demand for this service. For example Sainsbury's have paid for an additional officer in the partnership they have with Cherwell because of the work required to sustain the partnership requirements. If there were additional staffing requirements this would be the subject of a further committee report.

8.0 Risk Management

8.1 There are no material risks

9.0 Corporate Outcomes

9.1 The following corporate outcomes would be delivered

- Good quality of life
- Effective partnership working
- Strong community leadership
- Knowledge of our customers and communities

10.0 Recommendations

10.1 The Committee is recommended to:

- (a) Approve in principle the local authority entering into legal Primary Authority agreements with businesses under the provisions of Section 25 of the Regulatory Enforcement and Sanctions Act 2008, and
- (b) Approve delegation of authority to the Head of Environmental Services and in consultation with the Executive Director to take the actions specified :
 - Identify and approach local businesses with potential for a primary authority arrangement
 - Approach BRDO to express interest in pilot programmes and future nominations for businesses seeking partnerships. These may be in, or outside, the local authority area.
 - Determine a fees and charges structure in consultation with the Chief Finance Office and submit to Committee for approval.
 - Enter into arrangements with specific businesses to form legal partnerships

Legal	Power: Regulatory Enforcement and Sanctions Act 2008				
	Other considerations: Regulators Compliance Code				
Background Papers:					
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Date: 28 January 2013					
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