

# **Primary Authority Policy Powys County Council**

## **1 Introduction**

- 1.1 This policy outlines the context and reasons why Powys County Council Service is adopting the Primary Authority Partnerships Scheme (The Scheme). It goes on to set out the policy for accepting and declining requests from businesses to join the scheme and how these partnerships will operate.
- 1.2 Primary Authority is a statutory scheme, underpinned by legislation that allows an eligible business to form a legally recognised partnership with a single Local Authority in relation to regulatory compliance. This Local Authority is then known as its 'Primary Authority'
- 1.3 The legislative framework that supports Primary Authority Partnerships is provided by the Regulatory Enforcement and Sanctions Act 2008 (as amended). Further guidance and detail on the scheme is available at the Office for Product Safety and Standards  
<https://www.gov.uk/government/publications/primary-authority-overview>

## **2 Context**

2.1 Powys County Council has agreed that its Regulatory Services can enter into Primary Authority Partnerships with businesses to be operated on a cost recovery basis.

2.2 The reasons for this include:

- The benefit to business of the statutory basis of Primary Authority Partnerships
- The ability to recover costs of providing Primary Authority ensures that Regulatory Services can provide support that encourages business confidence, sustainability and growth.

## **3 What does a Primary Authority Partnership cover?**

3.1 We will continue to carry out our statutory duties in relation to inspections, investigations of breaches of legislation and complaints. These activities do not form part of a Primary Authority Partnership.

3.2. The provision of basic advice to all Powys based businesses consisting of directing businesses to guidance materials including web-based advice, and providing some advice over the telephone or email will continue to be available free of charge. We will continue to provide free, basic support and advice for start-up businesses that are based in the County Council. Businesses requiring an advisory visit will be expected to pay for this service.

3.4 We can act as a Primary Authority for Environmental Health and Trading Standards and have qualified officers experienced in the following areas of regulation:

- Age Restricted products
- Food Safety and Hygiene
- Health and Safety
- Food Standards
- Animal Health & Welfare
- Feed Hygiene
- Metrology (Weights & Measures)
- Fair Trading
- Product Safety

3.6 As part of our Primary Authority Partnership, the following services are included:

- Liaison with other enforcement agencies and the public and co-ordination of enquiries from other Local Authorities/ Regulators/ members of the public
- On-going strategic support for the business. This includes providing comprehensive advice and guidance from professionally qualified officers and having regular contact with the partner business.

3.7 In addition, we will consider requests from the partner business to provide additional support such as:

- Training in application of regulatory requirements
- Review of policies, procedures and systems
- Audit of business systems
- Audit of business compliance

#### **4 Requests to enter into a Primary Authority Partnership**

4.1 Requests to enter into a Primary Authority Partnership with us can be made directly to Regulatory Services at Powys County Council. In some circumstances, requests from businesses may be referred to us through the Office for Product Safety and Standards.

We are committed to support our Primary Authority Partnerships from within our own professional staff resources. This ensures that partner businesses benefit from 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.

4.3 Requests from businesses will be prioritised based on factors such as previous history with us and whether the head office or significant part of their operation is based in the Powys County Council area.

4.4 Other requests will be considered but may be declined.

#### **5 Refusal of requests to join a Primary Authority Partnership**

5.1 Whilst we are committed to supporting legitimate businesses and providing services that do this through Primary Authority Partnerships, we reserve the right to refuse requests to join the scheme where we consider that to do so is in the best interests of the County Council

The following are examples of circumstances under which we may refuse a request:

- The partnership would exceed our resource capacity
- The business refuses or fails to agree to the terms and conditions or costs of the partnership within a reasonable time
- There is an irretrievable breakdown in the relationship between the business and Powys County 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 us or any other Regulator

The decision to accept or refuse a request to enter into a Primary Authority Partnership with us rests with the Professional Lead or Head of Service.

## **6 Formation and Delivery of Primary Authority Partnerships**

6.1 Formation of a Primary Authority Partnership involves the following elements:

- Our acceptance of a request to form a Partnership
- Agreement on the terms and conditions
- Agreement on costs and charges
- Acceptance by the Office for Product Safety and Standards (OPSS)

6.2 Primary Authority Partnerships will be based on the standard terms and conditions developed by OPSS. Details specific to the partnership will be outlined in the nomination submitted to OPSS who have delegated authority on behalf of the Secretary of State to approve partnerships.

6.3 All businesses in a Primary Authority Partnership with us will be charged fees to recover reasonable costs we incur in acting as the Primary Authority.

6.4 The fees charged will be reviewed six months and twelve months following the date of commencement of the partnership and annually thereafter. Fee levels may be reviewed more frequently if requested by the business.

## **7 Termination of Primary Authority Partnerships**

7.1 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.