



Trading Standards Service

Primary Authority Policy

1. Introduction

- 1.1 This document outlines the context and reasons why the Nottinghamshire County Council Trading Standards Service is adopting the Primary Authority Partnerships 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 be run.
- 1.2 The legislative framework which supports Primary Authority Partnerships is provided by the Regulatory Enforcement and Sanctions Act 2008. Further guidance and detail on the scheme is available on the Better Regulation Delivery Officer (BRDO) website – <http://www.bis.gov.uk/brdo/primary-authority>

2. Context

- 2.1 Nottinghamshire County Council has agreed for its Trading Standards Service to withdraw from offering 'Home Authority' relationships to businesses and move to only offering Primary Authority Partnerships, operated on a cost recovery basis.
- 2.2 The reasons for this change include:

The benefit to business of the statutory footing of Primary Authority Partnerships,

Being able to recover the costs of providing Primary Authority Partnerships will ensure that the Trading Standards Service can continue to provide services to businesses.

3. What does a Primary Authority Partnership cover?

- 3.1 We will continue to carry out our statutory duties with relation to inspections, investigations of breaches of legislation and consumer complaints. These activities do not form part of a Primary Authority Partnership.
- 3.2 Basic advice consisting of 'signposting' and web-based advice will be available to all businesses at no charge.
- 3.3 We will continue to provide free, basic support and advice for start-up businesses that are based in Nottinghamshire.

3.4 We can act as a Primary Authority in one or more of the following categories:

Age Restricted Sales

Agriculture/Animal Feed

Consumer Credit

Environmental Protection

Explosives Licensing

Fair Trading

Farm Animal Health

Food Standards

Metrology (Weights & Measures)

Petroleum Licensing

Product Safety

Road Traffic

3.5 As part of any Primary Authority Partnership, we will offer the following services as standard:

Liaison with other enforcement agencies and the public. This comprises co-ordination of enquiries from other Local Authorities/Regulators/members of the public and communicating with them.

On-going strategic support for the business. This includes providing comprehensive advice and guidance from professionally qualified officers with regular meetings with the partner business.

3.6. In addition, we can provide additional optional services at the request of the business, including:

Training

Review of policies, procedures and systems

Audit of business systems

Audit of business compliance

Reviews and analysis of data to assist business planning.

4. Requests to enter into a Primary Authority Partnership

- 4.1 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 BRDO. Requests may be for one or more of the categories set out in 3.4. above.
- 4.2 We are committed to support our Primary Authority Partnerships from within our 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.
- 4.3 Requests from businesses will be prioritised on the basis of factors such as previous history with us and whether the head office or significant part of their operation is in Nottinghamshire.
- 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 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 Nottinghamshire County Council.
- 5.2 There follows examples of circumstances under which we may refuse a request:
 - The partnership is likely to 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 Nottinghamshire 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.
- 5.3 The decision to accept or refuse a request to enter into a Primary Authority Partnership rests with the Group Manager for Trading Standards.

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 (see below)

Agreement on costs and charges

Acceptance by BRDO

6.2 Terms and Conditions

Primary Authority Partnerships will generally be based on the standard terms and conditions developed by BRDO. Details specific to the agreement will be outlined in the application and supporting documentation to BRDO.

6.3 In certain circumstances, we 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, BRDO may not agree to nominate a partnership with terms and conditions it views as placing the scheme or the Local Authority at risk.

6.4 Costs and Charges

Subject to point 6.7 below, all businesses in a Primary Authority Partnership with us will be charged fees to recover the costs we incur in acting as the Primary Authority.

6.5 An initial set up fee will be charged to businesses that are new to the scheme.

6.6 The fees charged and the scope of the partnership will be reviewed at regular intervals during the lifetime of the partnership and in any case no longer than every 12 months. The frequency of these reviews will be with the agreement of the business.

6.7 We reserve the right to reduce or waive fees for a partnership where we consider that this would be in the best interests of Nottinghamshire County Council.

7 Termination of Primary Authority Partnerships

7.1.1 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. Further details are available at the BRDO website – <http://www.bis.gov.uk/brdo/primary-authority>

8 Further Information

- 8.1 Further details and information on business advice are available on Nottinghamshire County Council's website www.nottinghamshire.gov.uk . Further information on the Primary Authority Partnership Scheme is available at <http://www.bis.gov.uk/brdo/primary-authority>.
- 8.2 If you would like to discuss the scheme further or business advice in general, please contact our office on Tel: 01623 452005 or email trading.standards@nottscc.gov.uk . **Please note, consumer complaints should be made through the Citizens Advice consumer service on 08454 04 05 06.**