



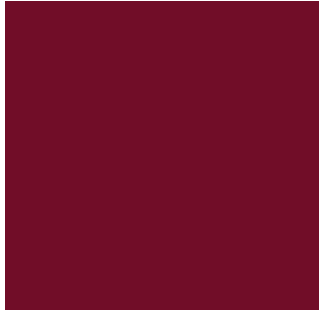
**Developing the  
Primary Authority  
Scheme:**

A Unique Opportunity for Local  
Authorities and Businesses

**LBRO**

Local Better Regulation Office

## A unique opportunity



The Primary Authority scheme is one of the most significant developments in local regulation in a decade. It provides local authorities and businesses with a unique opportunity to form legal partnerships that bolster both industry and local government.

The new public body responsible for running Primary Authority, the Local Better Regulation Office (LBRO), is now looking to work with businesses and councils on shaping crucial aspects of the scheme.

From October 2008 until April 2009, LBRO will provide an opportunity to influence key aspects of this statutory initiative.

Following Parliamentary approval, the scheme is scheduled to commence on 6 April 2009. Although its principles are set out in the Regulatory Enforcement and Sanctions Act 2008, significant scope still exists to shape the final form of the scheme.



While LBRO is working with a range of stakeholders to develop the necessary legal framework, a smaller number of organizations will be involved in piloting the practicalities.

Due to their highly developed, existing voluntary agreements, LBRO is seeking to work with the major UK retailers and their home and lead authorities in testing and refining the Primary Authority framework. These organizations will have a unique opportunity to shape the final scheme and establish their bespoke arrangements with additional support and involvement from LBRO.

# What is the Primary Authority scheme?

Effective implementation of legislation requires a consistent approach. Environmental health and trading standards regulations should be applied in a uniform way across the UK. The proper protection of consumers and workers – regardless of their location – and the creation of a level commercial playing field, giving businesses more confidence to invest and grow, depends on this consistency.

Primary Authority will ensure that any company trading across council boundaries is guaranteed access to robust and reliable advice about its regulatory responsibilities.

The advice will be provided through the creation of new legal partnerships with local regulators. These registered primary authorities will liaise with other councils to ensure that inspection and enforcement action reflects the advice given.

A primary authority can also work with its business to produce a national inspection plan, giving guidelines to other councils to avoid unnecessary checks and tests.

Primary authority partnerships can cover the full range of regulatory services or specific functions, such as health and safety, food safety or product labelling.



The scheme also provides a safety net to ensure that local authorities communicate early, agree a regulatory approach and are consistent and coordinated in the way they regulate. Before a local authority starts imposing sanctions it must check to see whether a company has acted in accordance with the advice given, reducing unwarranted legal action.

Importantly, the question of resourcing the partnership is up to the councils and businesses concerned, allowing a primary authority to recover the costs of providing this premium service.

LBRO will register partnerships, provide guidance and help resolve any disputes – supporting the successful operation of this important initiative.

## What are the stages of the trial?

The prototype Primary Authority scheme will be ready by October 2008 – the same month that BERR puts the secondary legislation out for consultation. LBRO will issue proposals covering the following key elements:

- creation of partnerships
- development of inspection plans
- clarification of 'enforcement action'
- fundamentals of dispute resolution
- local authorities charging for services to businesses

To ensure that the procedures and associated guidance are robust, fit for purpose and capable of meeting changing needs in the years ahead, the rigorous testing and refinement process is being undertaken in three stages:



### **Induction: October 2008 to November 2008**

This is a practical consultation. The procedures and guidance will be considered and the proposals discussed, with the resulting recommendations taken into account. We will work closely with the councils and businesses to help them draw up initial agreements and inspection plans, supplying them with the necessary resources.

### **Investigation: December 2008 to March 2009**

This is a 'live' investigation. The partnerships formed in the induction stage will operate in a way that mirrors the statutory scheme. The focus will be on how well the procedures work in practice and the wider regulatory community will have the opportunity to be actively involved.

### **Initial Implementation: April 2009 to June 2009**

This is a fine-tuning phase for the pilot partnerships as the scheme moves onto a statutory footing. It is a continuation of the previous stage, but this time the evolved partnerships will be able to have formal legal standing. LBRO will encourage councils to offer primary authority partnerships to other companies with which they currently have voluntary arrangements, building a critical mass of partnerships covering a significant proportion of this important sector of the UK economy.

Primary Authority will help both businesses and local authorities. But those involved in the pilot phase will reap perhaps the biggest rewards.

## **Businesses**

Primary Authority will deliver the consistency in local regulation that businesses have long sought, improving advice and reducing burdens caused by unnecessary inspection and enforcement action.

More than 200 businesses are expected to have signed up to Primary Authority partnerships by 2011. Just as those local authorities participating in the pilot scheme will have an opportunity to shape the scheme, so will business. By getting involved at the start participating companies will feel the commercial and competitive benefits of this pioneering approach to better local regulation.

## **Local authorities**

The big benefits for councils participating in the pilots are:

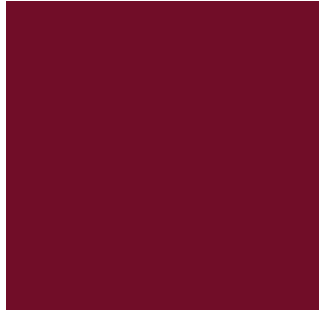
- Finance – LBRO will help with the funding.
- Influence – You will have the opportunity to shape the approach and aspects of an impending statutory initiative that will directly affect how you deliver your services to business.
- Dedicated support – an LBRO account manager will work with you closely during set up to establish the process and procedures you will need to successfully deliver Primary Authority.

As well as being good for business, the opportunity to pilot Primary Authority will enhance the reputation of the progressive local authorities entering into significant partnerships with major UK retailers.

Regulators in primary authorities will enjoy a new status in their councils, moving from inspection and enforcement units to legally recognized compliance advisors working with leading companies appreciating the value of expert advice.



# What is the timetable for activity?



The development of Primary Authority and its official guidance is taking place in parallel to the consultation on the secondary legislation that spells out the scheme's legal detail, which is being lead by the Department of Business, Enterprise and Regulatory Reform (BERR).

LBRO is working closely with BERR to ensure the best possible start for the businesses and local authorities signing up for Primary Authority.



## Key phases are outlined below:

Oct 08	Nov 08	Dec 08	Jan 09	Feb 09	Mar 09	Apr 09	May 09	Jun 09	Jul 09
Consultation on Statutory Instruments			Statutory Instruments and Guidance Issued			Commencement of Statutory Instruments / RES Act (Part 2)			
Induction			Investigation			Initial Implementation		Rollout	
Consultation on LBRO Guidance			LBRO Guidance Issued			Review Timetable for Guidance Begins			

## What is LBRO?

The Local Better Regulation Office helps councils improve the way they implement environmental health, fire safety, licensing and trading standards regulations. It is our responsibility to ensure these vital public services are consistent, targeted, accountable, transparent and proportionate to risk.

We reduce unnecessary red-tape for law-abiding businesses and help target the rogue traders who harm vulnerable people and damage our communities. By making it easier for councils to advise upon and apply the rules, and simpler for companies to understand and comply with them, LBRO is helping ensure that local regulation delivers both prosperity and protection.

Our duties include advising central government on local regulation, and providing statutory guidance and best practice to councils. In addition, we manage the new Primary Authority scheme and update the list of national enforcement priorities for local government.



LBRO was established under the Regulatory Enforcement and Sanctions Act 2008 as a non-departmental public body, accountable to the BERR through the Better Regulation Executive.

We are governed by an independent Board and operate across the United Kingdom from our base in central Birmingham.



Local Better Regulation Office  
2nd Floor  
The Axis  
10 Holliday Street  
Birmingham  
B1 1TG

0121 226 4000  
[enquiries@lbro.org.uk](mailto:enquiries@lbro.org.uk)  
[www.lbro.org.uk](http://www.lbro.org.uk)

**LBRO**  
Local Better Regulation Office