

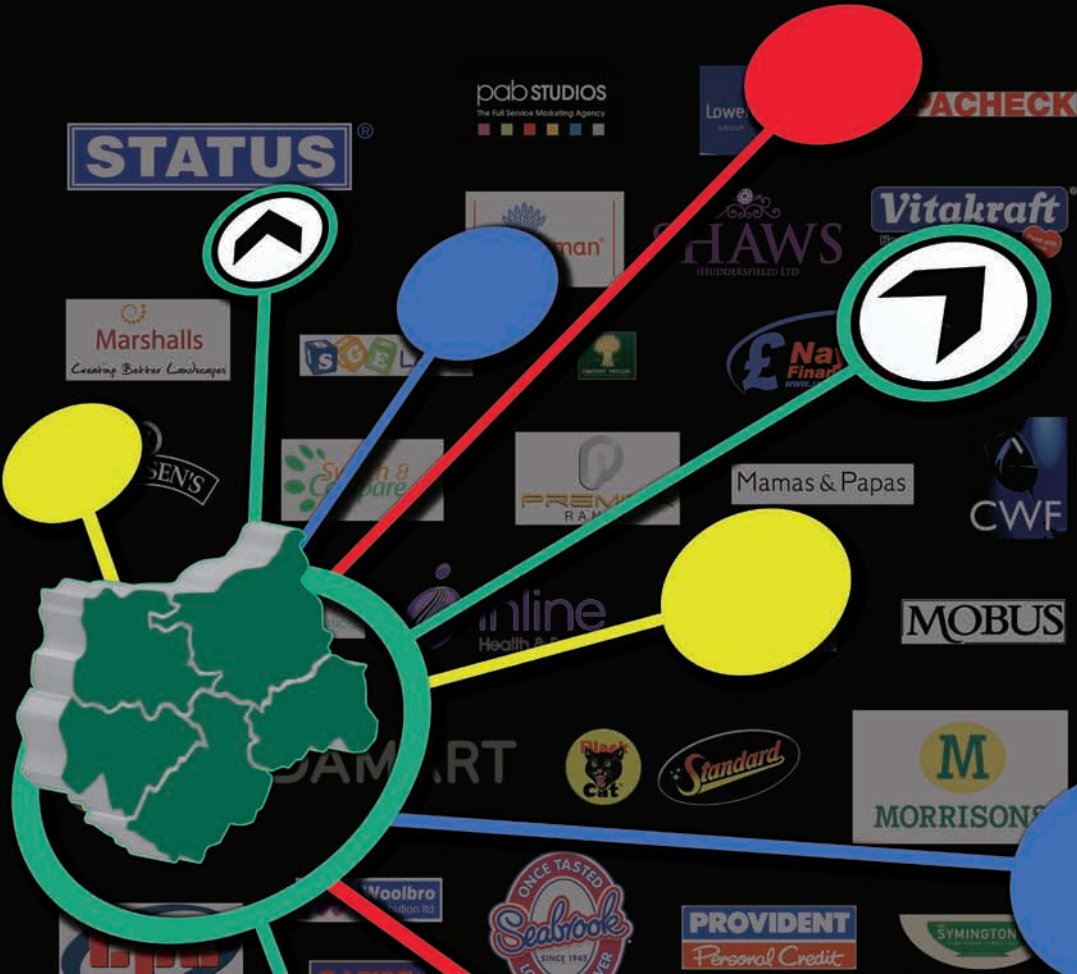


Primary Authority Partnership With



West Yorkshire Trading Standards Service

West Yorkshire Joint Services



Background

West Yorkshire Trading Standards Service (WYTSS) has long believed that the best way to protect consumers and support economic development is by helping businesses “get it right first time”. Because of this WYTSS devoted considerable resources to advising businesses, including more than 5 FTE supporting over than 100 Home Authority businesses (2009-10).

As Home Authority to ASDA and Morrison’s supermarkets WYTSS was involved in the pre-launch Primary Authority pilot. Based on this WYTSS determined it needed to charge for the Primary

‘Through Primary Authority WYTSS is building on existing relationships to provide guaranteed and tailored assistance to minimise businesses’ regulatory burden whilst enhancing consumer protection.

Primary Authority allows West Yorkshire Trading Standards Service, as a regulator, the opportunity to publically recognise businesses as being committed to providing safe and fair products and services. Status International are clearly such a business.’

Graham Hebblethwaite, West Yorkshire Trading Standards Service’s Chief Officer



Authority role because of the additional requirements of the scheme, specifically those to consider proposed enforcement actions by other Local Authorities.

Discussions with businesses identified that WYTSS provided a high quality and highly valued Home Authority service but the additional benefits of the Primary Authority scheme were not seen as worth paying for.

Decision to move to Primary Authority

In response to cuts to public funding the Trading Standards Committee overseeing WYTSS reviewed and prioritised all its activities. The Committee supported the continued provision of advice and guidance for businesses but identified the following:

'The fact that over 40 businesses have decided to enter Primary Authority partnerships with West Yorkshire Trading Standards Service reflects the confidence these businesses have in the quality of advice and support the Service offers. The range, in terms of business size, sectors they trade in and types of advice and support they are requesting and receiving demonstrates the flexibility of the scheme as well as the capability of the Service.'

CLlr Val Slater, Chair, West Yorkshire Trading Standards Committee

- The Regulators' Compliance Code requires that businesses are advised on their legal obligations and how to comply with these.
- In most instances the requirement to provide 'basic advice' can be met by referring the business to relevant guidance on Government websites.
- In most cases start-up and small businesses only require 'basic advice', sometimes supported by other practical guidance delivered whilst undertaking other duties, e.g. during an inspection or following the analysis of a food or other sample.
- The support provided to businesses under the Home Authority scheme was considerably in excess of 'basic advice'.
- WYTSS was a net importer (10-to-1) of Home Authority referrals.

Based on this the Trading Standards Committee decided:

- a) To cease providing the 'free' Home Authority support to businesses from 1 April 2011, but maintaining basic advice, especially to start-up and small businesses.



- b) Businesses could continue to receive, if they felt it was of benefit to them, support under the cost recovery mechanism of the Primary Authority scheme.

How WYTSS moved from Home to Primary Authority

- 1) Find out what others were doing** – LBRO provided WYTSS with support from Mike Hanson, former Chief TSO at Barnsley. He had helped several Authorities introduce Primary Authority and understood the context and drivers of businesses in Yorkshire. WYTSS also spoke to other Authorities including North Yorkshire, Warrington and Westminster. This clearly identified that whilst others' experience was helpful, each Authority needed to tailor its approach to their local environment.
- 2) Briefing WYTSS Staff** – Ensuring that WYTSS staff were well briefed on the move to Primary Authority and continue to receive regular updates on progress



has been vital to the Service delivering these changes. WYTSS officers in their role as Home Authority officers or in general duties (e.g. inspections) have had a major role in disseminating the changes, stressing the benefits of Primary Authority and encouraging businesses to form partnerships.

- 3) Detailed discussions with Key Stakeholders** – these were held prior to the formal adoption of the process by the Joint Committee.

It was important that key politicians and officers in each of the five constituent authorities of West Yorkshire were aware of the changes to:

'Morrison's has always valued the support offered by West Yorkshire Trading Standards, however we see Primary Authority as an opportunity to get their input much earlier in the development of policies and processes. This will reduce our costs of compliance whilst improving the experience of customers.'

James Brodhurst-Brown, Trading Standards & Compliance Manager,
Wm Morrison Supermarkets

'At a time when Local Authorities need to be supporting the competitiveness of businesses in their area but are also facing the biggest cuts in funding in living memory, Primary Authority represents an excellent way in which business can obtain highly cost effective, detailed advice and other support targeted at needs they have identified as important to their business.'

Cllr Neil Taggart, Chair, West Yorkshire Joint Services Committee

- a. ensure they were aware of what was happening if concerns over the changes were raised with them.
- b. manage expectations over the level of funding achievable under Primary Authority.

Key Home Authority businesses were approached on an individual basis and informed of the changes and the reasons for them.

- 4) **Informing businesses of the move to Primary Authority** – All the Home Authority businesses plus all those identified as being eligible for a Primary Authority partnership (138 in total) were invited to seminars in November 2010 where the Primary Authority scheme, WYTSS's proposals and reasons for these changes were explained. 57 businesses attended 3 sessions.

All businesses received letters in December 2010, January 2011 and March 2011 informing them of the

changes. Known contacts in businesses were e-mailed copies of these letters.

- 5) **Charging structure** – The media coverage of public sector cuts meant that no business challenged the ending of free Home Authority support. However the amount and whether this represented value for money was an issue. A number of Home Authority businesses who had received significant support decided not to move to Primary Authority, but others have asked WYTSS to expand the support provided.

WYTSS used a version of Westminster's "Fees and Charges" schedule, with costs estimated from records on the 'FLARE' database. Estimates were usually based on the previous 12 months but underpinned by data covering the previous 3+ years to identify exceptional periods or trends.

WYTSS used court cost hourly rates as these figures have been held to represent cost recovery. However to

'At Lowell we pride ourselves on our fair treatment of customers and ethical approach. Our commitment is to continuously develop better people, better practices and better systems to deliver better results for our customers, clients and employees.'

'Building relationships with Regulators and Industry Bodies, such as Trading Standards, is an important aspect of ensuring we continue to deliver better practices. We have always had a good working relationship with Trading Standards and the Primary Authority arrangement strengthens this partnership approach further. We look forward to continuing to benefit from their advice and support.'

Bob Collins, Director of Compliance, Lowells

ensure recovery of all Primary Authority costs WYTSS needed to separately list time for management supervision, meetings, etc. as well as set-up costs.

WYTSS asks businesses to pay for a minimum of 2 days (15 hours Primary Authority) support, however it is committed to working with the business to provide full benefit from the time they have purchased.

Due to difficulties in defining a "start-up" or "small" business, WYTSS has chosen to make it explicit that 'basic advice' will not be charged for rather than

attempt to set a level of free service for such.

6) Areas of Support – For WYTSS it was key that receiving and dealing properly with referrals from other Authorities was included: handling these is the minimum service fellow regulators expect.

It has been pleasing the extent to which small and medium size businesses in particular have asked WYTSS to provide more in-depth support, such as detailed reviews of Terms & Conditions, Policies & Procedures, products &

'The Primary Authority relationship will help to provide us with smart compliance using a risk-based approach, underpinned by mutual trust. At the end of the day, we all have the same ultimate goal: to provide a safe and legal place to shop and work. Reputable businesses like ASDA are generally well-intended and well informed, and if enforcing officers are freed to focus on high-risk business, persistent offenders and rogue traders, then this is a win-win situation.'

Stuart Wiggans, Trading Law Manager, ASDA

associated labelling and advertising. A number of businesses have requested 'off-the-shelf' or bespoke training for individuals or whole teams.

- 7) Freedom of Information –** Whilst WYTSS's preference was to use LBRO's standard Terms and Conditions, disclosure of business critical information under the Freedom of Information Act was a real concern for many businesses. Reassurance has



been provided by expanding the clause on FOIA to make it clear that whilst the provisions continue to apply, WYTSS will inform the business of any such request and listen to reasonable representations.

'As a dedicated supplier to some of the largest supermarkets and retailers in the UK and Ireland, it has always been important to work closely with our local trading standards office on matters of safety, legislation, guidance and other related matters. Through the primary authority partnership, we feel that we can continue and strengthen our policy of delivering high quality, compliant and safe products to consumers, to the benefit of all.'

Peter McVeigh, Managing Director of Status International



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