

**Decision Session – Cabinet Member for
Homes & Safer Communities**

7 July 2014

Report of the Assistant Director – Housing & Community Safety

**Public Protection’s Fees for Operating Primary Authority
Partnerships**

Summary

1. To seek Cabinet Member approval for the fees charged by Public Protection’s trading standards, environmental health and licensing services for entering into Primary Authority Partnerships.

Background

2. On 17 January 2014 the Cabinet Member for Crime & Stronger Communities approved the ‘Report on the Primary Authority Principle’ recommending that (i) opportunities to enter into Primary Authority agreements be explored and (ii) that the cost of providing Primary Authority be investigated to ensure that that there is no ‘net cost’ to the council whilst ensuring the service is affordable particularly for new or smaller businesses.
3. Officers have explored opportunities to enter Primary Authority agreements and have had initial expressions of interest from three businesses for trading standards matters. The Better Regulation Delivery Office (BDRO) has also offered to participate in a presentation on the benefits of Primary Authority for local businesses. However, they recommend that we have at least one agreement in place in order for us to talk about our experience of the scheme. The Primary Authority business may also agree to participate in the presentation. It is therefore proposed that this presentation take place towards the end of 2014.
4. The Regulatory Enforcement and Sanctions Act 2008, as amended allows Local Authorities to charge costs ‘reasonably incurred’ in operating Primary Authority Partnerships (Section 31: Power to charge). This is known as ‘cost recovery’. The services for which costs may be recovered could include:

- establishing partnership arrangements;
- familiarising primary authority staff with the business;
- raising awareness and understanding of the partnership amongst enforcing authorities;
- developing, providing and reviewing Primary Authority advice;
- developing, managing and evaluating an inspection plan;
- responding to queries and notifications from enforcing authorities;
- collating and analysing data and other information;
- training staff of the business; and
- conducting audits or other checks on compliance at the request of the business.

Our current fees are £48.46 per hour for a senior officer (Grade 9 and above) although this is to be the subject to a separate fee review.

Consultation

5. A benchmarking survey has been conducted to establish the fees charged by other Local Authority trading standards services for operating Primary Authority partnerships. Eight services responded to the survey. There is a wide variation in the fees applicable. Some authorities do not charge businesses Primary Authority partnerships, whilst others operate to full cost recovery.
6. Officers have spoken with the Council's Economic Development Unit who feel the proposed fees structure is appropriate given that the principle of 'cost recovery' is embedded in the enabling legislation. This legislation has undergone an 'impact assessment' before implementation.

Options

7. Option 1 is to charge businesses an annual fee enabling full cost recovery.
8. Option 2 is to introduce an alternative fee structure.

Analysis

9. Option 1 is consistent with the fee structure proposed in the legislation and that charged a number of other Local Authorities. It also ensures affordable and sustainable Primary Authority support at no 'net cost' cost to the council whilst being affordable to local businesses who can tailor the extent of the 'Primary Authority' partnership to ensure it is affordable.
10. The consequences of Option 2 will depend on the fee structure introduced.

Council Plan

11. The proposal supports the priority to Create Jobs and Grow the Economy as set out in the Council's Plan 2011-15, against a background of diminishing resources.

Implications

12. The implications arising from this report are:
 - **Financial** - There are no financial implications if the agreements operate at 'cost recovery'.
 - **Human Resources (HR)** - Existing resources will be deployed to dealing with Primary Authority work. Any additional resource requirements will be passed on to the business under the principle of 'cost recovery'.
 - **Equalities** - There are no equalities implications associated with this report.
 - **Legal** - Primary Authority agreements are legally enforceable under The Regulatory Enforcement and Sanctions Act 2008, as amended. If the Primary Authority determines that another Regulator's enforcement action is inconsistent with advice or guidance previously given (generally or specifically), it may direct that the enforcement action may not be taken (Section 28).
 - **Crime and Disorder** - Primary Authority agreements enable businesses to operate 'approved' systems that reduce the risk of crime and disorder.
 - **Information Technology (IT)** - There are no IT implications associated with this report.

- **Property** - There are no property implications associated with this report.
- **Other** - There are no other implications associated with this report.

Risk Management

13. There are no known risks associated with this report.

Recommendations

14. The Cabinet Member is asked to:

- Adopt Option 1 as the appropriate fee structure.

Reason: To pursue Primary Authority partnerships and ensure that there is no 'net cost' to the council in doing so whilst ensuring the service is affordable particularly for new or smaller businesses.

Contact Details

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**Report
Approved**



Date 1st July 2014

Wards Affected: *List wards or tick box to indicate all*

All

Background Papers:

Report to the Executive Member for Crime & Stronger Communities on the Primary Authority Principle, 17 January 2014

Primary Authority Statutory Guidance;

<https://www.gov.uk/government/publications/primary-authority-statutory-guidance>

Annexes: None