
Report To:	Education & Communities Committee	Date:	7 March 2017
Report By:	Corporate Director Education, Communities & Organisational Development	Report	EDUCOM/30/17/MM
Contact Officer:	Martin McNab	Contact No:	4246
Subject:	Waitrose Lead Authority Partnership		

1.0 PURPOSE

- 1.1 To advise the Committee of an approach made to the Trading Standards & Enforcement Team of Safer & Inclusive Communities by Waitrose requesting our involvement as a Scottish Lead Authority.

2.0 SUMMARY

- 2.1 Waitrose Supermarkets have requested that Inverclyde Council act as a Scottish Lead Authority for the provision, advice and guidance on Scottish legislation, primarily in relation to tobacco, as part of the nationally recognised Primary Authority scheme, set up by the Department of Business, Energy & Industrial Strategy (BEIS).
- 2.2 Waitrose hope to establish links with enforcement partners to work with their established Primary Authority (Bucks & Surrey) to ensure that they take into account all relevant regulatory requirements in Scotland, as well as being able to access local information and intelligence on upcoming legislation etc.
- 2.3 Inverclyde Council has been approached to be the Lead Authority as one of the officers in the team is the national lead on tobacco control for the Chartered Trading Standards Institute.

3.0 RECOMMENDATIONS

- 3.1 That the Committee approves the participation of Inverclyde Council's Trading Standards & Enforcement Team in a Lead Authority partnership with Waitrose.

Martin McNab,
Acting Head of Safer & Inclusive Communities

4.0 BACKGROUND

- 4.1 Waitrose Supermarkets have requested that Inverclyde Council act as a Scottish Lead Authority for the provision, advice and guidance on Scottish legislation, primarily in relation to tobacco, as part of the nationally recognised Primary Authority scheme, set up by the Department of Business, Energy & Industrial Strategy (BEIS).
- 4.2 Waitrose hope to establish links with enforcement partners to work with their established Primary Authority (Bucks & Surrey), to ensure that they take into account all relevant regulatory requirements, as well as being able to access local information and intelligence on upcoming legislation etc. The partnership will give them access to our significant specialist enforcement knowledge. Health matters are devolved to the Scottish Government so they require a Scottish Authority to act as a “Lead Authority”, in partnership with their Primary Authority, to provide advice and guidance on these matters.
- 4.3 Primary Authority is a statutory scheme, established by the Regulatory Enforcement and Sanctions Act 2008, which allows businesses to form a partnership with a statutory basis with a single local authority. The scheme allows businesses to access assured advice on compliance, that must be respected by local authorities, thus addressing business concerns about consistency and giving them confidence. It also allows for the co-ordination of proactive inspection activities, thereby improving the effectiveness of local activities and reducing duplication of effort. The scheme supports local authorities in delivering protection for their citizens, workers and the environment.
- 4.4 Primary Authority is a Government initiative to promote delivery of regulation in line with the statutory principles of good regulation. These principles are that regulation should be transparent, accountable, proportionate, consistent, and targeted. Primary Authority is the responsibility of the Secretary of State for Business, Innovation and Skills, with the Better Regulation Delivery Office (‘BRDO’) operating the scheme on behalf of the Secretary of State. A partnership between a local authority and a business, once it has been nominated by the Secretary of State, has a statutory basis.
- 4.5 The Primary Authority scheme is nationally recognised, and ensures that all advice given to a business under a partnership is respected by all local authorities throughout the UK. The key aspects of the Primary Authority scheme are:
- Any company trading across council boundaries may form a partnership with a single local authority in relation to regulatory compliance;
 - A central accessible register of partnerships provides a reference source for businesses and councils;
 - Primary Authorities provide robust and reliable advice on compliance that other councils must take into account;
 - Before any other local authorities take enforcement action against a trader, they must contact the Primary Authority to see whether the actions are contrary to appropriate advice previously issued (except in cases where there is an immediate risk), and,
 - Where authorities cannot agree, the issue can be referred to BRDO for a ruling, which is made within 28 days.
- 4.4 There are relatively few Primary Authority relationships in Scotland with Glasgow City Council having one with Arnold Clark and Trespass, and Renfrewshire Council having a Primary Authority arrangement with M & Co for Health & Safety matters and a Lead Authority arrangement with Morrisons Supermarket similar to the one proposed by

Waitrose.

- 4.5 Officers from Trading Standards have met with their counterparts in Bucks & Surrey on 31 January 2017 to discuss the terms of any potential partnership agreement. Costs incurred as a result of the proposed Lead Authority role will be recovered from Bucks & Surrey Trading Standards, who will in turn recover costs from Waitrose as part of their Primary Authority payment. A Memorandum of Understanding will then be drawn up between Bucks & Surrey and Inverclyde Council to fully define the roles and responsibilities of each party.

5.0 BENEFITS TO INVERCLYDE

- 5.1 In addition to the undoubted professional benefits to the individual officer of taking part in a lead authority partnership there will be benefits to both the officer and the service in terms of paid for training and conference places. This will have a direct benefit on Inverclyde Council's own programmes of tobacco and nicotine vapour product control.
- 5.2 There will obviously be no cost to the Council and the recharge of officer hours should in fact generate a small surplus of income without adversely affecting the level of service provided by the team to any extent. The fact that there is no Waitrose in Inverclyde is actually an advantage to both parties in removing any possibility of conflict of interest.

6.0 IMPLICATIONS

Finance

6.1

Financial Implications:

One off Costs

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (If Applicable)	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
N/A					All costs will be fully recovered from Waitrose at no cost to the Council.

Legal

6.2 None

Human Resources

6.3 None

Equalities

6.4 Has an Equality Impact Assessment been carried out?.

X

YES (see attached appendix)

NO - This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required.

Repopulation

6.5 None.

7.0 CONSULTATIONS

7.1 There are no direct financial implications in respect of this report and as such the Chief Financial Officer has not been consulted.

7.2 There are no direct staffing implications in respect of the report and as such the Head of Organisational Development, HR and Communications has not been consulted.

7.3 There are no legal issues arising from the content of this report and as such the Head of Legal and Property Services has not been consulted.

8.0 BACKGROUND PAPERS

8.1 None