



Department  
for Business  
Innovation & Skills

Better  
Regulation  
Delivery Office

## **Interim Evaluation of Primary Authority Final Report**

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## Executive Summary

- 1 In January 2013, acl Consulting was commissioned by the Better Regulation Delivery Office to carry out a review of Primary Authority. This is the second such review to be carried out and takes place just three years after Primary Authority was launched.
- 2 The review is based upon:
  - A telephone survey of 75 businesses with a primary authority partnership
  - A telephone survey of 75 enforcing authorities
  - Fieldwork interviews with nine partnerships (primary authority and business together) and associated telephone interviews with enforcing authorities that had been involved with these partnerships (where relevant).
- 3 The review investigated:
  - Business benefits from Primary Authority
  - Primary Authority's impact on enforcement activity
  - The impact of feedback (from regulator to business) within Primary Authority
  - The impact of Primary Authority on non-compliance
  - An overall assessment of Primary Authority, and implications for its future development.

### Business benefits

- 4 Businesses are deriving a wide range of benefits from Primary Authority, including:
  - A reduction in the amount of time businesses spend on regulatory activities
  - Improvements in relationships with regulators
  - Improved intelligence about regulatory matters
  - Improvements in the consistency of regulatory advice and guidance
  - Access to advice, both Primary Authority Advice and other informal (non-statutory) advice
  - Support for staff development
  - Advice on planned or future developments
  - Support for addressing "incoming" regulatory issues from enforcing authorities
  - Advice on standardising policies, procedures, systems and documentation.
- 5 The impact of these varies from business to business, often according to the size of the business. Larger businesses are more likely to use the "formal" processes and to produce Primary Authority Advice, though not to the exclusion of other informal means of support for their primary authority, while smaller businesses (often lacking their own internal regulatory expertise) may use non-statutory advice and other informal support rather more than the more formal options available within Primary Authority.
- 6 The greater the difficulties over regulation that businesses had experienced prior to Primary Authority, the greater the capacity of Primary Authority to improve matters (and the bigger the challenge for the primary authority).
- 7 A substantial majority of businesses regarded Primary Authority as beneficial and believed it represented value for money – in some cases exceptional value for money – when compared to the cost recovery charge made by their partner local authority.

## Impact on enforcement activity

- 8 Primary Authority has had an impact on enforcement activity. Businesses and enforcing authorities identified the following benefits:
- The ability to access specialist advice: this is a benefit to businesses and to enforcing authority staff, who may be non-specialists and could access specialist advice on a business and its regulatory context from the primary authority
  - In some instances, the primary authority could deal with, or at least “screen”, enforcing authority queries on behalf of the business, so only those queries with substance need be passed on to the business itself
  - Potential enforcement issues (e.g. in respect of new business developments) could be discussed with the primary authority in advance, and an agreed approach adopted. This approach was then “assured” in respect of any subsequent queries from enforcing authorities
  - In some cases, enforcing authorities benefited from the assistance of the primary authority in contacting the appropriate part of the business and ensuring that early and effective action was taken on an enforcement issue without the need for formal intervention.
- 9 In general, enforcing authorities were able to use Primary Authority to promote their risk-based approach to work in regulated areas, and to reduce duplication of effort. There is also some evidence that Primary Authority is reducing the number of enforcement actions taken (deficiencies are resolved through other means, short of this.
- 10 Further progress could be made if enforcing authorities engaged more with the Primary Authority IT System – a prerequisite if enforcing authority resources are to be more effectively utilised.

## Feedback from regulator to business

- 11 As Primary Authority gathers momentum, and in particular as inspection plans become more common, businesses in a primary authority partnership benefit from improved feedback from regulators. Enforcing authorities also believe that the feedback from their activities to the business, and the influence on business activities of this feedback, is more effective.
- 12 The net effect of feedback is not yet great, but may develop further; on the other hand, as risk-based regulation becomes more widespread the incidence of “routine” inspections or visits by enforcing authorities (on which feedback depends to an extent) may be reduced.

## Impact on non-compliance

- 13 Primary Authority reduces instances where action is necessary in respect of non-compliance by promoting informal discussions between primary authorities and enforcing authorities. In many instances these resolve the issue without the need for further formal action.
- 14 To an extent, however, businesses that come forward for Primary Authority are likely to have a positive approach to, and positive interest in, compliance: even before Primary Authority, there may have been few instances of formal non-compliance action. There is thus a low “base” from which to establish further reductions.

## Overall assessment of Primary Authority

- 15 More than three-quarters (77%) of businesses were either satisfied or very satisfied with their participation in Primary Authority. Almost all business interviewees would recommend Primary Authority to others in a similar position to themselves.
- 16 Enforcing authorities were not as positive about Primary Authority as businesses, nevertheless almost half (45%) thought that the overall impact of the scheme on enforcement activity had been positive – the balance either thought there had been no net effect (25%) or that the impact had been negative (30%).
- 17 Ensuring that enforcing authorities are aware of which businesses are in a primary authority partnership *before* visiting the business concerned remains an issue, which is only partly solved by the current Primary Authority IT System: lack of prior awareness that a primary authority partnership existed may contribute to the less positive assessment of Primary Authority by enforcing authorities.
- 18 Three themes emerging from the fieldwork are worthy of particular note:
  - Whilst the numbers involved are small, there is enough evidence from the business survey to suggest that enterprises in the range 250 to 499 employees are generally more dissatisfied with their experiences of Primary Authority than smaller and larger organisations
  - Those (mainly large) businesses that had previous experience of the voluntary schemes are more likely to be positive, or even strongly positive, about Primary Authority than those businesses whose first experience of this type of scheme is Primary Authority (presumably the statutory backing and the element of compulsion that this introduces in relation to observation of Primary Authority Advice and the process around enforcement action are attractive)
  - Whilst recognising the benefits from some form of lead authority arrangements, enforcing authorities were more likely to be more equivocal about Primary Authority as a specific route through which to deliver such an arrangement.

# 1 Our study

## Background to the study

101 acl Consulting [acl] was commissioned by the Better Regulation Delivery Office [BRDO] to undertake an interim evaluation of Primary Authority.<sup>1</sup>

102 The evaluation ran from January to May 2013 and comprised three strands of fieldwork conducted, broadly sequentially, in the following order:

- A telephone survey of 75 businesses with a primary authority partnership – data for this was drawn from the Primary Authority IT system (a copy of the questionnaire is attached as Annex B1)
- A telephone survey of 75 enforcing authorities – data for this was either provided by primary authorities or drawn from the Primary Authority IT system (a copy of the questionnaire is attached as Annex B2)
- In-depth qualitative fieldwork interviews (on a face-to-face basis) with the partners (i.e. the primary authority and their partner business) in 9 primary authority partnerships and interviews (by telephone) with a number of enforcing authorities that had had recent contact with the primary authority/business about an enforcement matter relating to these partnerships (copies of the checklists used to guide these discussions are attached as annexes B3 and B4).

103 The telephone surveys and initial analysis of the results was carried out on behalf of acl by Qa Research Ltd. All other work for this project was carried out by acl.

104 We are grateful for the various contributions made to the research by businesses and primary and enforcing authorities and for the support of staff at the BRDO – in particular Lynsey Pooler, Jenny Nobes and Duncan Johnson.

105 The purpose of the evaluation was to explore various aspects of how Primary Authority is being delivered rather than to carry out a full impact evaluation of the policy. Particular elements identified by the BRDO as being important for policy development – and therefore to be explored within the evaluation – were whether:

- Businesses are getting the benefits they expected from Primary Authority
- Primary Authority has an impact on enforcement activity (e.g. is it being better targeted by risk)
- Primary Authority is leading to improved/increased feedback from enforcing authorities *and* whether this feedback is helping businesses to improve
- Primary Authority is resolving issues of non-compliance more effectively.

106 In all elements of the research we were asked to over-sample smaller businesses.

## Structure of this report

107 We use the objectives to provide a framework for the bulk of this report (sections 2 to 5). Thereafter:

- Section 6 offers an overall assessment of Primary Authority

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<sup>1</sup> Annex A1 contains a brief outline of Primary Authority.

- Section 7 covers a number of 'other issues' that we have identified during the course of our research
- Section 8 contains what we consider to be the main implications for the development of Primary Authority that have emerged from this study.

108        Alongside this report, we have produced two sets of annexes. Annex B is our research annex and contains the checklist and questionnaires that were used to conduct the fieldwork.

109        Annex A mainly comprises our analyses of the business and enforcing authority surveys (A2 and A3 respectively). We have decided to leave as much of the detail as possible in Annex A and to focus on the key findings in the body of the report. Readers can refer to A2 or A3 for more detail/further findings from the surveys if they wish.

## 2 Business benefits from Primary Authority

### Are businesses getting the expected benefits from Primary Authority?

201 Our business survey asked two sets of questions about the benefits of Primary Authority. Respondents were:

- Given a range of potential reasons for participating in Primary Authority and asked to comment on which were important for them (Question 17). The results are summarised in the 'Pre-Primary Authority partnership expectation' columns in the table below
- Asked a similar (but not identical) set of questions exploring whether these expectations had in fact been delivered (Question 18) – the 'Post-Primary Authority partnership assessment' columns in the table below.

202 The list of benefits used in questions 17 and 18 is taken from Primary Authority materials – i.e. they are some of the key benefits from participating in Primary Authority 'as advertised' by BRDO; they are not (as we shall see) necessarily the full list of benefits that participants themselves would put forward.

203 The table shows only positive responses (the upper two responses on a five point scale). Almost all non-positive responses were neutral: there were only a very few respondents who anticipated (or actually found) that Primary Authority would make things worse in any of these ways.

<i>Businesses: proportion agreeing that a positive change was expected to occur / has occurred</i>	<i>Pre-Primary Authority partnership expectation</i>			<i>Post-Primary Authority partnership assessment</i>		
	<i>All (n=75)</i>	<i>&lt;250 employees (n=34)</i>	<i>&gt;250 employees (n=41)</i>	<i>All (n=75)</i>	<i>&lt;250 employees (n=34)</i>	<i>&gt;250 employees (n=41)</i>
[A reduction in] The amount of time your organisation spends on regulatory activities	45 (60%)	20 (59%)	25 (61%)	20 (27%)	11 (32%)	9 (22%)
[An improvement in] Your relationship with local authorities and other regulators	52 (69%)	23 (68%)	29 (71%)	45 (60%)	23 (68%)	22 (54%) M <sup>-2</sup>
[An improvement in] The intelligence you get from regulatory activities that are carried out on your business	45 (60%)	20 (59%)	25 (61%) M <sup>-</sup>	28 (37%)	17 (50%)	11 (27%)
[An improvement in] The consistency of regulatory advice and guidance given to your business	64 (85%)	29 (85%)	35 (85%)	31 (41%)	14 (41%)	17 (41%) M <sup>-</sup>

<sup>2</sup> M- (and elsewhere M+) in this and subsequent tables indicate questions where the response from those businesses with between 250 and 499 employees was significantly worse/less positive (or better/more positive) than the 'businesses with more than 250 employees' group as a whole.

- 204 The data is striking, particularly for the “time spent on regulatory activity” questions. Indeed in almost all cases the expectations that businesses had of the benefits that might be derived from Primary Authority before they joined the scheme do not appear to have been delivered for a significant proportion of these businesses from their participation in the scheme. There are three exceptions to this:
- For smaller businesses:
    - Relationships with local authorities and other regulators have improved broadly as expected
    - The intelligence that businesses derive from regulatory activity has improved
  - Medium-sized businesses are far more positive about the intelligence that they get from regulatory activities than other businesses.
- 205 For all businesses, where improvements had been realised a common reason cited was the provision of a single point of contact within the primary authority for regulatory matters.
- 206 It is also worth noting the findings relating to the consistency of advice. Whilst there is a gap in the extent to which expectations regarding the consistency of advice are being delivered in practice, a significant proportion of businesses are still seeing improvements. In our view these findings are also positive.
- 207 Although they did not recognise them all, most businesses reported that they were seeing at least one of the ‘advertised’ benefit(s) from participating in Primary Authority – and most felt that what benefits they were getting would either not have come about without Primary Authority or would have emerged more slowly or to a lesser extent.

*Q21 Thinking about the benefits that your business has derived since you formed this primary authority agreement, to what extent do you think these benefits would have occurred without Primary Authority?<sup>3</sup>*

“Since we have had the agreement we seem to have had [fewer] enquiries. [Without Primary Authority] The workload would have been higher.” [A business with 20 to 49 employees]

“The consistency of enforcement ... would not be possible without Primary Authority.” [500+ employees]

“The workload is far lighter than previously.” [500+ employees]

“We now always get a consistent answer from one contact at one authority.” [500+ employees]

“[Without Primary Authority] We would not have the consistency we now do from the various authorities.” [500+ employees]

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<sup>3</sup> This box contains – and similar boxes through the rest of the report contain – verbatim responses from the business and/or the enforcing authority surveys. Responses from businesses are indicated by the size of the organisation after the quote (e.g. [500+ employees]). Full lists of the verbatim responses are included in annexes A2 and A3.

“We would've had some protection under home authority, but we're more confident with Primary Authority.” [500+ employees]

*But:*

“We had lead authorities before, so not too much difference made by Primary Authority.” [500+ employees]

“No benefits have arisen from the partnership so far; we pay a substantial amount of money for very little. However, I would guess that if any issues/problems did arise, then we may possibly get more benefits from the scheme.” [100-249 employees]

- 208 Enforcing authorities were generally more positive about the extent to which businesses were deriving benefits from their involvement in Primary Authority than the businesses themselves. For example the enforcing authority survey found that (Question 26):
- Almost half of enforcing authority staff felt that the consistency of advice to businesses had improved under Primary Authority
  - 44% of enforcing authority staff said the ‘regulatory burden’ on businesses had reduced under Primary Authority
- and that (Question 2):
- A third of enforcing authority staff felt that the relationship that they had with businesses locally had improved.
- 209 Slightly fewer (28%) of enforcing authorities reported that their relationship with businesses under Primary Authority more generally (i.e. not just at the local level) had improved (Question 26).
- 210 For each potential beneficial impact, it should be noted that only between 13% and 24% of enforcing authorities felt that the position had deteriorated under Primary Authority – i.e. the vast majority believed that Primary Authority had, at worst, had no impact.
- 211 Overall, the picture that emerges from the surveys *vis a vis* business benefits is therefore mixed:
- Business benefits are certainly there
  - Businesses are generally not as positive as enforcing authorities on whether they are deriving the expected benefits from participating in Primary Authority.
- 212 This picture is somewhat at odds with businesses’ overwhelming support for Primary Authority, which we focus on later in the report. Our conclusion is that many businesses are deriving benefits from the scheme other than (and/or in addition to) those generally identified by BRDO as arising from participation in the scheme. We turn to this next.

## What other benefits are businesses getting from Primary Authority?

- 213 Our qualitative fieldwork identified a much wider range of business benefits that were being derived from Primary Authority. Key to all these is the understanding of the business that the primary authority is able to build up through the work that they undertake with their partner business – in particular, discussions with key

staff; reviews of procedures, policies, systems and processes; and site inspections.

*Partnership working<sup>4</sup>*

*(Large service sector business)* At the start of each year, we agree what the focus of that year's activity should be with our primary authority. For the first year this was an audit of our processes – mainly to give the primary authority confidence in our central systems and processes and that procedures are in place to identify when there is an issue with implementation. In year two a particular focus for their work was Health & Safety in properties acquired from companies in administration, the speed with which we could reasonably be expected to have taken effective control of these properties and when an EHO could reasonably expect to do an inspection.

- 214 If both partners are prepared to put the work in then a wider set of benefits to the business can be secured; these are discussed in the following paragraphs.

**Primary authority advice**

- 215 The qualitative interviews suggest that advice and guidance from the primary authority to their business partner on how to comply with the regulations is being widely given. However, this is often *not* being formulated and presented as Primary Authority Advice, as explained in statutory guidance on the scheme – only three of the nine partnerships interviewed for the fieldwork had issued any Primary Authority Advice and only one of these to any significant extent. Instead advice is almost invariably being given more informally, as views or opinions: we refer to this advice as 'non-statutory advice'.

- 216 In some respects non-statutory advice from the primary authority almost amounts to Primary Authority Advice (and in most cases could be readily be issued as such if the primary authority and business were so minded); in practice, its impact is generally not dissimilar to that of Primary Authority Advice (i.e. enforcing authorities will usually take due account of it). However, non-statutory advice is specifically not the same as Primary Authority Advice in concept.

- 217 Non-statutory advice is about helping businesses to do the right thing without having to resort to formal Primary Authority processes and procedures. For example:

*Labelling*

*(A small food manufacturer)* The main issue that has arisen under our Primary Authority partnership to date is in respect of product labelling. We now run all our labelling (and similar marketing materials) past our primary authority for their approval prior to printing: this seems to satisfy the enforcing authorities without having to go on to issue Primary Authority Advice. Amongst other benefits, the costs associated with having to withdraw incorrectly labelled products from sale that we have, on occasion, previously incurred are now avoided.

*(A small drinks manufacturer)* Our primary authority gives us advice on how to label our products by reviewing 'draft labels'. Any enforcing authority that seeks to challenge the way the products are labelled is referred to our primary authority.

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<sup>4</sup> The text in this box – and similar boxes elsewhere in the report – is not a direct quote from our qualitative interviews but is intended to reflect comments made during our discussions. We would expect our interviewees to recognise the sentiment even if they do not recall the exact words used.

Once a label has been approved by it as complying with the regulations then effectively this is treated as Primary Authority Advice by enforcing authorities and, in practice, no regulator challenges it.

- 218 It will be apparent to anyone familiar with Primary Authority that this sort of advice could readily be upgraded to Primary Authority Advice; however no one (business, primary authority or enforcing authorities) seems to see a particular need to do this.
- 219 In the fieldwork we came across other examples of non-statutory advice covering:
- Company documentation for external publication – e.g. a primary authority was asked to review the way that a discount off the normal retail price was phrased in sales promotion materials
  - Internal company documentation – e.g. primary authorities have been asked to review a food safety procedures manual and internal documents covering procedures relevant to consumer credit
- 220 The key points to make are that:
- Often this advice could have been given as Primary Authority Advice but was not
  - and
  - The fact that it was not issued as Primary Authority Advice did not appear to have any negative consequences in terms of the way in which enforcing authorities accepted and responded to the advice given.
- 221 On the basis of our qualitative fieldwork, currently non-statutory advice is being used most frequently by SMEs. They do understand the distinction between statutory and non-statutory advice and appear not overly concerned about it.
- 222 Some of the following sub-sections (e.g. standardised procedures; supporting staff) cover other examples of non-statutory advice.

### **Primary authority input into staff development**

- 223 Primary authorities give training-based input on regulatory matters at staff inductions, conferences and similar fora. For example:

#### *Training/staff development-related input*

*(A small drinks manufacturer)* Our primary authority keeps an eye on regulatory changes as they may affect us and draws these to our attention in good time for us to make any necessary changes. We could receive this information from other sources, but it would be time-consuming, expensive or both to do so [and would not be provided to us from a regulator's perspective].

*(Large service sector business)* Our primary authority attended and presented at our Health & Safety conference.

*(Large big ticket item retailer)* Our primary authority does a presentation to our new managers as part of their induction programme. The input is focused on Trading Standards and given from the regulator's perspective; it reinforces the messages we as a company are trying to send out and helps emphasise to new staff the importance that we attach to the issue.

*(Small consumer credit provider)* Our primary authority is already putting plans in place to brief us about changes to consumer credit regulation, and about how to prepare for these.

### **Supporting staff**

- 224 Primary authorities are used by their business partners to provide assurance that the lines of communication or courses of action that they are proposing to take are not unreasonable. For example:

#### *Support for staff*

*(Large big ticket item retailer)* The nature of our sector is such that it does not lend itself to issuing Primary Authority Advice – what is accepted, acceptable or reasonable practice is more often what is up for debate. Our primary authority will usually be consulted about potentially controversial matters covered by regulation by our staff in advance of them taking action. If subsequently contacted by an enforcing authority, the primary authority can usually say that they are aware of what we are doing and are happy with it. It saves us having the same discussion with multiple enforcing authorities that may have their own views of what we are doing or their own interpretation of the regulations.

*(Large service sector business)* We have our own team of Health & Safety specialists so the main way in which we use our primary authority is to give us assurance on what is reasonable on very specific and usually out of the ordinary operational issues. Primary Authority gives our staff an authoritative point of reference or sounding board for such issues as they arise.

### **Standardising policies, procedures, systems and documentation**

- 225 Primary Authority is being used by businesses to support or enable the introduction of uniform operating standards across the organisation. For example:

#### *Uniform operating standards*

*(Medium-sized retailer)* It would be difficult for us to have standardised operating procedures across all of our outlets without Primary Authority – we would be in regular dialogue with enforcing authorities about why we were doing what we were doing and how this met what was required by the regulations and each could have their own view on what we should be doing. If we disagreed then we would be into prolonged, potentially expensive, dialogue with them and possibly having either to defend enforcement actions or to back down. Primary Authority means that we can agree standardised procedures with our primary authority and know that they will be accepted by all enforcing authorities.

### **An additional source of data**

- 226 A range of primary authority activities provide businesses with additional data on how they are performing – for larger organisations this is often from inspections of their business premises by primary authority staff. For example:

#### *Inspections*

*(Large service sector business)* As part of their work, this year the primary authority will be undertaking audits of a number of sites, in particular looking at our approved sub-contractors' practices. The findings from this work will feed into a suppliers' conference towards the end of the year.

*(Large big ticket item retailer)* Our primary authority conducts unannounced inspections at a significant proportion of our outlets over the course of a year. The findings are fed back to the directors on a quarterly basis.

*(Medium-sized retailer)* Inspections carried out by our primary authority help to ensure that we are aware of any issues at our operators and that each is running their business to a common standard that we – and the regulators – feel is acceptable.

- 227 Whilst much of the advice/input offered by primary authorities as described in this section could be sourced from elsewhere, the cost of doing this is an issue for many SMEs. More generally, if it came from another party the advice would not be linked directly to the regulatory function and would not come from someone with a regulator’s perspective. Businesses and primary authorities were almost unanimous that, for whatever reason, a message that comes from a regulator (e.g. ‘That X does/does not comply’) carries far more weight, both internally and externally, than the same message coming from either the business itself or another party.

## Impact of the benefits businesses are getting from Primary Authority

### Saving time and resources

- 228 Whilst businesses found it difficult to quantify the savings made, most were clear that they were either spending less time and resources on regulatory activities since they set up their Primary Authority partnership(s) or, if spending no less time and resource, at least using it more effectively.

#### *Saving time and resources*

*(Large service sector business)* Many enforcing authorities have no understanding of how we operate or where responsibility for regulatory matters lies in our context – our primary authority does and can head off many of the issues raised without us having to get involved.

*(Small import business)* All queries from enforcing authorities are now referred to our primary authority. These queries are quite frequent and in the past took up a great deal of our time (almost leading to prosecution on more than one occasion). Our primary authority gives advice that is now entirely consistent and the time we spend on regulatory activity has reduced dramatically. Issues are resolved better, faster and more consistently – for us Primary Authority is a much more efficient way of proceeding.

*Q19d You mentioned that the consistency of regulatory advice and guidance given to your business had improved since you participated in Primary Authority. Are you able to quantify [or comment on] the extent to which it has improved?*

“Building a relationship with one or two people has meant that they understand our commercial reality and we get to understand their regulatory pressures.”

[500+ employees]

“Now we have a good relationship with officers – there is much more understanding of why we do certain things [and this helps] with consistency”  
[500+ employees]

“Primary Authority gives me a consistent, common voice across country.”  
[100-249 employees]

### Less angst

- 229 Even less quantifiable, but still a clear benefit to some businesses, their relationship with the regulatory community was less angst-ridden.

#### *A stress-free relationship*

*(Large big ticket item retailer)* Pre-Primary Authority, the lack of consistency in interpretation of the regulations by enforcing authorities was a real concern for us. Before the partnership we had many more enforcement notices and notifications of intention to prosecute, all of which had to be responded to by the business. Having an authoritative voice that is independent of the business and part of the regulatory regime say whether they feel there is or is not a case is tremendously powerful either way. If there is a case then our primary authority simply saying this is usually enough to get us to take immediate action; if our primary authority says that there is no case to answer then this is usually enough to get the enforcing authority to withdraw. All this means that we spend less time and suffer considerably less angst in our relationships with enforcing authorities with a Primary Authority partnership in place.

*Q19b You mentioned that relationships with local authorities and other regulators had improved since you participated in Primary Authority. Are you able to quantify [or comment on] the extent to which it has improved?*

“Many issues are filtered before they get through to us ... having one authority to deal with everything makes things much easier for us.” [20-49 employees]

### A more positive and productive relationship with enforcing authorities

- 230 Findings from the qualitative fieldwork were strongly supportive of the results of the business survey reported above (60% of those surveyed reported that Primary Authority had improved their relationship with local authorities and other regulators). For this to happen, the fieldwork identified that important prerequisites are that

- The business has a positive attitude towards regulation and
- The primary authority had a thorough understanding of the business.

- 231 Comments from the fieldwork that reflect the improved relationship between businesses with a Primary Authority partnership and the regulatory community include the following from the business survey:

*Q19b You mentioned that relationships with local authorities and other regulators had improved since you participated in Primary Authority. Are you able to quantify [or comment on] the extent to which it has improved?*

“There seems to be a greater respect for all parties concerned. The whole relationship has changed from being adversaries to becoming partners.” [500+ employees]

“The authority has a much more in depth knowledge of our business and they are able to support and advise us more objectively when we have enforcement visits.” [500+ employees]

“I have a good working relationship with our primary authority representative. They understand our company well and I understand [local authority] work and time constraints.” [20-49 employees]

“We never had a bad relationship but [even so] with primary authority things are better. [250-499 employees]

*Q19c You mentioned that the intelligence you receive from regulatory activities that are carried out in respect of your business had improved since you participated in Primary Authority. Are you able to quantify [or comment on] the extent to which it has improved?*

“We feel that we're getting more help and better responses from authorities than before.” [10-19 employees]

“Previously there was very little proactive contact, just annual visits. Primary Authority has allowed a much better relationship [to develop].” [20-49 employees]

... and from our qualitative interviews:

*A more positive and productive relationship with enforcing authorities*

*(A small drinks manufacturer)* Were we not part of Primary Authority, we would receive a regulatory visit around once every three years. Instead, there is now regular contact between us, either face-to-face or by phone, on average around every six months – far more contact, and far more ‘activity’, than there would be in the absence of Primary Authority. This is entirely beneficial and welcomed by us. Crucially, the *kind* of contact we have has changed. Whereas all a regulator can usually do is say something about what is or is not happening *at present*, now our primary authority is actively involved in advising us on what we intend to do *in the future*.

*(Large big ticket item retailer)* Our relationship with Trading Standards has gone from being defensive and reactive to positive and proactive. We now have grown-up conversations with the regulatory authorities on a regular basis; these are usually extremely helpful to us.

*(Medium-sized retailer)* Primary Authority allows a member of the regulatory community to develop a detailed understanding of our business and to use this when dealing with the rest of the regulatory community – an obvious example would be in relation to any repairs and maintenance issues raised during an inspection. Our primary authority will know the company’s schedule for dealing with site refurbishment and should be able to diffuse a potential issue before it is even raised simply by knowing when the work is already scheduled to be done. It would not be possible to take each member of the regulatory community into the company’s confidence in this way. From our perspective this has enormous value

in terms of taking any confrontation/sting out of issues that arise and giving us a single point of reference for a consistent interpretation of what is 'right' or required.

*(A small food manufacturer)* In some respects we see our Primary Authority partnership as an insurance policy. If something goes catastrophically wrong then we know our primary authority will work with us and the regulators to help us recover the situation.

- 232 It is interesting to note that some businesses positively welcome the extra contact with the regulatory community that Primary Authority can bring.

## Conclusions

- 233 Our assessment is that businesses are deriving a wide range of benefits from the range of activities carried out under Primary Authority, including:

- Consistency of interpretation of the regulations across all the areas they operate in
- Improvements in relationships with regulators
- Better intelligence about regulatory activities
- Advice about planned and possible future activities
- Access to advice and guidance (albeit often informal) about day-to-day business issues involving regulation
- An independent and skilled review of company documentation relevant to regulated areas
- Local authority colleagues who will screen, and in many instances address, "incoming" regulatory issues from enforcing authorities without needing to refer them all to the business
- The assurance that the primary authority partner will work with the business should anything go wrong in the future.

*(Medium-sized retailer)* For a relatively small annual charge we get:

- Quarterly review meetings with our primary authority
- *Ad hoc* input between meetings as issues/the need for advice arises
- An intermediary to handle our dialogue with the regulatory world
- Opinion on materials before they are used in the field
- A limited programme of visits to our premises.

From being initially sceptical, our view is that Primary Authority represents excellent value for money and that the 'net Primary Authority effect' is considerable.

- 234 These benefits are accessed through a combination of the formal elements of Primary Authority (principally Primary Authority Assured Advice) and in other, less formalised, ways.

- 235 In interviews, the benefits from Primary Authority regarded as important by larger businesses tended to be a better match to the stated aims of Primary Authority than those regarded as important by smaller businesses. [The telephone survey did not go into this depth of detail.] But both large and small businesses benefited significantly.

### 3 Primary Authority's impact on enforcement activity

301 The impact of Primary Authority on enforcement activity was mainly explored in our survey of enforcing authorities and also in our qualitative work with primary authorities (they will also do regulatory work as enforcing authorities) and enforcing authorities.

#### Findings from the enforcing authority survey

302 Our enforcing authority survey explored the impact of Primary Authority on enforcement activity in number of ways.

303 The first substantive question in the survey asked respondents to recall a recent incident that had involved them contacting a primary authority and to reflect on various aspects of how it had been handled. The aim was to establish whether the presence of a primary authority partnership had led to any differences in the way that the incident was handled.

304 Naturally in many instances the incident was handled in the same way (e.g. the enforcing authority believing that an enforcement action was appropriate and the primary authority agreeing with them), but in over half the cases respondents indicated that the presence of a primary authority partnership had changed what they would otherwise have done. The most popular response among this group (involving 23% of the overall sample) was that they would have taken enforcement action against the business for this incident had a primary authority partnership not been in place, but in the event did not do so. Primary Authority therefore prevented a significant number of (apparently in the end unnecessary) enforcement actions being taken.

*Q1 How did the way in which this incident was handled differ from what would have happened in the absence of a Primary Authority Agreement?*

"I would have had to do all the work, which would mean trying to contact their head office to speak to the right person. So the process enabled things to move much faster."

"I wouldn't have had such a quick response and would have had to do more work. I would also have had less confidence with the result. Having a Primary Authority Agreement in place gives peace of mind."

"Non-compliance cases in the Primary Authority system seem more formalised and simple to deal with."

"We would have had to deal with the business ourselves. Much more work for us."

"We would have gone directly to [name of business]. I don't think they would have had the technical knowledge and therefore it would have been much harder to come to a conclusion."

On the other hand:

"The primary authority scheme has made things a bit more difficult, it is not a streamlined process." [Enforcing authorities more generally made a number of references to the bureaucracy of the Primary Authority process in this context]

305 Question 9 proposed a number of potential effects of Primary Authority that might be of benefit to enforcing authorities and asked respondents to reflect on whether, in the light of their experience of Primary Authority more generally (i.e. not just in relation to the specific incident referred to in Question 1), they felt the scheme had had a positive or negative impact; the results are summarised in the following table.

<i>Enforcing authorities (n=75): proportion who believed the impact of Primary Authority had been ...</i>	<i>Negative</i>	<i>Neutral</i>	<i>Positive</i>
A more risk based approach to work in regulated areas	8 (11%)	32 (43%)	29 (39%)
[Less] duplication of effort between local authorities in relation to regulatory matters	6 (8%)	29 (39%)	36 (48%)
[Better] use of enforcing authorities' time and resources	20 (27%)	24 (32%)	29 (39%)
[Improved] knowledge of what other enforcing authorities are doing in respect of a particular business	12 (16%)	27 (36%)	29 (39%)

306 The table shows a significant proportion of respondents believe that Primary Authority has had a positive effect in all of the areas listed and, with one exception, few negative impacts.

307 The exception is 'the use of enforcing authorities' time and resources', where 20 (27%) reported a negative impact. We note that there is no requirement for primary authorities to publish Primary Authority Advice on the BRDO website and wonder if this and/or whether enforcing authorities are not routinely looking at the BRDO website before they inspect are factors here. The answers to Question 20 (use made of the Primary Authority IT system) suggests that this might be the case – only 29 out of the 75 respondents (39%) indicated that they made any use of the system; only 2 indicated that this was to look for Primary Authority Advice.

308 At least half of enforcing authorities surveyed are seeing one or more of the benefits that it was anticipated would flow to them from Primary Authority.

309 On balance these findings are encouraging *vis a vis* the impact of Primary Authority on enforcement activity.

310 The impact of Primary Authority on the overall workload of enforcing authorities is overwhelmingly neutral (61% of respondents), with the remainder split almost equally between those who felt that the scheme had added to the workload and those who felt it had reduced it (see Question 26 on the enforcing authority telephone survey). We feel that if better use were made of the Primary Authority IT System – and, to be fair, if it were made easier to use – then greater impact should be seen here.<sup>5</sup>

## Findings from the qualitative fieldwork

311 Our qualitative fieldwork identified a range of benefits from Primary Authority for the regulatory community.

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<sup>5</sup> The System was undergoing a major upgrade at the time this report was written.

## A source of expert advice

312 There are four main dimensions to this:

- Specialist advice for enforcing authority staff who are not as experienced as their colleagues in other enforcing authorities
- Coming to a collective view on an appropriate approach to regulation
- Advice on whether or not an enforcing authority needs to inspect
- Advice on what would be appropriate enforcement action.

### *Specialist advice for enforcing authority staff*

*(Primary authority working with a number of retailers)* The knowledge, experience and background of officers can vary enormously. Some regulatory areas are often handled by non-experts in enforcing authorities; we find that they usually welcome input and advice from a primary authority with in-house expertise.

### *Forming a collective view on regulation*

*(Medium-sized retailer)* We are having collective discussions across the sector, facilitated by our primary authority, on how to handle new developments. An example would be how to introduce 'contactless' smartcard technology. If we can come to an agreement and get the regulatory implications of an agreed approach signed off for the whole sector then this will save the regulatory community considerable time.

### *Advice on whether or not to inspect*

*(Primary authority working with a major retailer)* We did some work with a business partner regarding the installation of a temporary retail facility on-site whilst refurbishment to the existing premises was being undertaken: this was very specialist work. On the basis of our [primary authority] advice, most enforcing authorities were content not to inspect the temporary facility whilst it was in use in their area.

### *Preventing unnecessary enforcement actions*

*(Large service sector business)* A primary authority's knowledge of a business's process and systems means that its view on whether the issue is a significant failing, a local failing or a local failing with wider consequences should help to ensure that any action taken is appropriate.

*(Large retailer)* Primary Authority Advice on procedures and policies has made it easier for enforcing authorities to distinguish between issues that are major/company-wide and those that are about matters at store level, and this makes their intervention much more appropriate. Requiring enforcing authorities to pass their concerns through the Primary Authority IT System has increased the consistency with which concerns are addressed. For us the enforcement side of regulation has certainly decreased, by as much as half.

- 313 More generally in terms of expert input, the Primary Authority IT System contains Primary Authority Advice and additional information. Of course to get the benefits of it, enforcing authorities need to access the system before they carry out any regulatory activity with the business; as noted above in relation to the survey findings (and supported by findings from our more qualitative fieldwork), this is far from always the case.

#### **A more certain route to ensuring that businesses take action**

- 314 There is some evidence from the enforcing authority survey and from our qualitative discussions with enforcing authorities to suggest that businesses might be more likely to take action to remedy apparent issues and/or to do so more quickly when a primary authority partnership is in place.

*Q8. In general, how has Primary Authority affected the way you work in relation to businesses?*

“In relation to large companies; the presence of a primary authority partnership seems to make issues quicker [to deal with]. However, with small local companies the primary authority does not make much difference.”

#### *Support for enforcing authorities requiring action be taken*

*(Enforcing authority Trading Standards Officer)* We were getting nowhere speaking to the business directly so I contacted the primary authority about the issue; they raised it with the business and action to address the issue was taken almost immediately without me having to take the matter further.

- 315 There is also some evidence from the business survey to suggest that action may be taken *more quickly* by a business with a primary authority partnership than might otherwise be the case.
- 316 There is a view (expressed by a minority of respondents to the survey) that Primary Authority acts as a block to inspections and/or to necessary enforcement action being taken; however we found no evidence of this in the qualitative fieldwork – indeed such evidence as there is supports the opposite position. A typical response, albeit from the minority in the survey, was as follows:

*Q8. In general, how has Primary Authority affected the way you work in relation to businesses?*

“It makes some businesses more powerful; this makes our ability to get them to adhere to our orders more difficult.”

“The places with Primary Authority don't get inspected any more.”

... while in our qualitative interviews a more typical response was:

*(Enforcing authority Trading Standards Officer)* I was told that Primary Authority meant that you could not touch the business so contacted the primary authority of a business I had identified an issue with without much hope. They were very happy for me to proceed with the matter on a formal basis with the local outlet concerned.

## A more positive image of the regulatory community

- 317 Some of the primary authorities that we interviewed as part of the qualitative research saw Primary Authority as a mean through which to project a more positive image of those involved in regulatory activities.

### *Projecting a more positive image of regulation*

*(A district council primary authority)* Primary Authority helps our kudos and helps with the reputation of regulators more generally – it offers a more positive picture of regulation than many organisations seem to have.

*(A county council primary authority)* We are convinced that the future for regulation has to be about helping businesses to do the right thing. Primary Authority is a valuable tool to help the regulatory community change the balance between advice and regulation from the latter towards the former. Most businesses – and especially those committing to Primary Authority – want to comply; if local authorities are able to help them do this without having to resort to enforcement then that has to be good for business, for regulation and for protection of the public.

*(A borough council primary authority)* Primary Authority represents a different, more collaborative way of working with businesses which the Council wishes to encourage. The vast majority of businesses want to do things right, and want help with this, so a purely regulatory approach is not particularly appropriate: being able to advise businesses proactively on what to do to comply is far better both for the businesses and for the health and wellbeing of local residents.

## Freeing-up enforcing authority time

- 318 Primary Authority has the potential to release enforcing authority time from activity with a particular business, enabling the resource to be directed elsewhere. For example, issues may get resolved without having to take enforcement action and work undertaken by the primary authority, with or without Primary Authority Advice being issued, may allow the enforcing authority to reduce the scope of their work.

### *Diverting resources elsewhere*

*(Large big ticket item retailer)* Other authorities (who know the detail of the arrangement with our primary authority) tend to inspect us less on the basis that they know we are already getting experienced Trading Standards officer input, including a scheduled inspection programme, from our primary authority on a regular basis. Now most enforcing authorities will only engage with us in response to a specific complaint (random inspection visits do not happen). This should be freeing-up enforcing authority resources to undertake work elsewhere.

*Q8. In general, how has Primary Authority affected the way you work in relation to businesses?*

“If a business has Primary Authority we would spend less time on it. If we have a problem we would report it to the primary authority rather than working with the business to sort it out.”

- 319 Ultimately, through earned recognition, it may be possible for Primary Authority to release enforcing time from certain activities with a particular business entirely<sup>6</sup>. Though we saw no examples in our fieldwork of this happening to date, this is clearly something that some businesses are hoping to achieve in future.

*Earned recognition*

*(Large retailer)* Our primary authority will collect data from enforcing authorities to compare with our own data from “second-party” internal audit processes. If the data are similar then our primary authority could conclude that our own monitoring is satisfactory and that enforcing authorities will not need to monitor this area [at all] in future.

- 320 Of course, if benefits to the regulatory community are to be realised this requires:
- The primary authority to know the relevant elements of the business operation well (this gives a sound basis for any advice)
  - Enforcing authorities to have a positive view about Primary Authority, to trust the advice/opinion given by individual primary authorities, and to be willing to take this into account when shaping what they propose to do
  - Enforcing authorities to access any advice or information made available by primary authorities.
- 321 Based on the fieldwork, our main area of concern is in relation to the third of these points – we doubt whether enforcing authorities access the available advice and information that would help them shape their approach to a business with a primary authority partnership regularly enough for the potential gains from Primary Authority for the regulatory community to be fully realised.

## Conclusions

- 322 Primary Authority has had an impact on enforcement activity – in particular it has: reduced the number of enforcement actions taken; helped to promote a more risk based approach to work in regulated areas; and reduced duplication of effort between local authorities in relation to regulatory matters.
- 323 Primary Authority is also being seen by enforcing authorities as a means through which the regulatory community can engage more proactively and productively with the business community.
- 324 The potential blockages to further progress are:
- The number of enforcing authorities willing to take on the primary authority role. This may limit the opportunities for businesses to engage with the local authority of their choice (or indeed with any local authority), and also reduces the number of authorities with direct experience of being a primary authority. Authorities without this experience may find it more difficult to operate in enforcing authority mode within Primary Authority, or indeed fully to appreciate the benefits of primary authority
  - The willingness (or ability) of enforcing authorities to engage with the Primary Authority IT System – a prerequisite if enforcing authority resources are to be more effectively utilised.

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<sup>6</sup> Though this possibility is in fact not specifically referred to in the revised Primary Authority Guidance being consulted upon at the time this report was written.

## 4 Feedback within Primary Authority and its impact

Is Primary Authority leading to improved feedback from enforcing authorities?

- 401 Businesses were asked (Question 33 in their telephone questionnaire) about the extent to which they agreed with a number of statements concerning the information/feedback provided under Primary Authority. These statements, together with the positive responses they received are shown in the following table.

<i>Businesses: proportion agreeing with the statement</i>	<i>All businesses (n=75)</i>	<i>Small businesses (&lt;250 employees) (n=34)</i>	<i>Large businesses (&gt;250 employees) (n=41)</i>
You now get improved information about changes to regulatory requirements through your primary authority	33 (44%)	15 (44%)	18 (44%)
You now get more feedback about local issues within your business because of the flow of information	23 (31%)	11 (32%)	12 (29%)
You are now getting more feedback from enforcing authorities	19 (25%)	10 (29%)	9 (22%)
The feedback you get from enforcing authorities or your primary authority is more useful to your organisation	47 (63%)	24 (71%)	23 (56%)

- 402 Overall these figures are encouraging: a significant number of businesses are reporting improvements in feedback from regulatory activity compared to the pre-Primary Authority position.
- 403 The most striking finding is that whilst relatively few businesses are reporting more feedback from enforcing authorities, the proportion of businesses saying that the feedback they are getting is more useful to the business than what they were getting pre-Primary Authority is substantial.
- 404 A similar set of questions – with similar results – was asked of enforcing authorities.

<i>Enforcing authorities (n=75): proportion who believed the impact of Primary Authority had been ...</i>	<i>Negative</i>	<i>Neutral</i>	<i>Positive</i>
The usefulness of the feedback you are able to provide to businesses with a Primary Authority agreement	5 (7%)	31 (52%)	31 (41%)

The information that you are able to provide to other authorities on regulatory issues <sup>7</sup>	4 (5%)	35 (47%)	28 (37%)
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- 405 The only relatively disappointing finding in relation to feedback is that enforcing authorities reported that they were as likely not to feed back the results of enforcement activity as to give feedback. Of course, this may in part be due to the way in which the Primary Authority partnership has been set up – if feedback is not asked for, and specifically if there is no inspection plan (which is the obvious place to make such a request) then it is understandable that enforcing authorities will not provide it. Our impression is that most would be happy to do so if it were asked for.
- 406 From the fieldwork, there was a suggestion that improvements to the Primary Authority IT System would also help to make it easier to provide feedback.

*Feedback through the Primary Authority IT System*

*(Large retailer)* Enabling enforcing authorities to give feedback via the Primary Authority IT system on what has been found in their visits could be made easier.

*Q23. Is there anything else that you think could be done to the Primary Authority IT System in order to improve the experience you have when using it or to encourage you to use it more?*

“It is very difficult to feedback things to the primary authority via the Primary Authority system, in the end we had to write a letter. The system is not intuitive.”

“[The Primary Authority IT System could be] made more user friendly. It is not common sense. At the moment you have to go backwards and forwards frequently; it has a very clumsy design. It is out of date. [Many similar comments were made].”

### Is feedback from enforcing authorities helping businesses to improve?

- 407 A second set of questions sought to take the issue of feedback a step further – beyond ‘Is it being given?’ to ‘Does it have an impact?’

<i>Enforcing authorities (n=75): proportion who believed the impact of Primary Authority had been ...</i>	<i>Negative</i>	<i>Neutral</i>	<i>Positive</i>
[You see] observable changes to business practices as a result of the enforcement work you undertake	11 (15%)	29 (39%)	25 (33%)

<sup>7</sup> “Negative” in this sense implies that the respondents felt able to provide (in their view) less, or less satisfactory, information to other authorities.

<i>Businesses: proportion agreeing with the statement</i>	<i>All businesses (n=75)</i>	<i>Small businesses (&lt;250) (n=34)</i>	<i>Large businesses (&gt;250) (n=41)</i>
You see more evidence that the findings from the inspection have an impact on what the business does	25 (33%)	12 (35%)	13 (32%)

- 408 The findings from both business and enforcing authority surveys suggest that enforcement activity has an impact on what a business does in at least a third of cases – businesses were asked whether they saw ‘more evidence’ rather than just ‘evidence’ so their responses are more encouraging than, though not directly comparable with, the enforcing authorities’.
- 409 In terms of whether feedback is helping businesses to improve, the business survey also asked a related question about primary authority input into internal documents, policies etc. (Question 33).

<i>Businesses: proportion agreeing with the statement</i>	<i>All businesses (n=75)</i>	<i>Small businesses (&lt;250) (n=34)</i>	<i>Large businesses (&gt;250) (n=41)</i>
You use advice and guidance from your primary authority in drafting internal company procedures <sup>8</sup>	49 (65%)	21 (62%)	28 (69%)
You refer any internal policy documents to your primary authority for comment before disseminating them across your business	37 (49%)	8 (24%)	29 (71%)

- 410 Businesses in general – and larger ones in particular – are using their primary authority to comment on internal policy documents to a significant extent.
- 411 Data from the qualitative fieldwork is not as positive as the surveys in relation to improvements to feedback. However, most of the businesses visited were not subject to regular visits from enforcing authorities so opportunities for feedback from them are by definition more limited.

<i>Value of feedback</i>
<i>(Large retailer)</i> We are now getting useful additional data from enforcing authority inspections.
<i>(Medium-sized retailer)</i> More information is coming through the system and we are able to make better use of it.

<sup>8</sup> This question and the next were straight yes/no, and not a five point scale.

- 412 And in this context it is worth noting, as discussed elsewhere in this report (see Section 2), that information from the primary authority – for example in relation to changes in the regulatory environment – and input into company documentation were frequently cited as benefits from Primary Authority by those we visited.

*Primary authority input*

*(Large big ticket item retailer)* Primary Authority means that we are definitely better briefed on and prepared for regulatory changes that affect us.

*(Small food manufacturer)* We get an authoritative view on what any regulatory changes will mean for us in practice.

## Conclusion

- 413 We conclude that Primary Authority is leading to improved feedback from enforcing authorities and that the feedback given is helping businesses to improve.

## 5 Primary Authority and non-compliance

Is Primary Authority resolving issues of non-compliance more effectively?

- 501 Businesses were asked (Question 25 in their questionnaire) what impact Primary Authority had on a range of compliance-related factors. These factors, and the number of businesses reporting positive impact, are shown in the following table.

<i>Businesses: proportion reporting positive impact</i>	<i>All businesses (n=75)</i>	<i>Small businesses (&lt;250) (n=34)</i>	<i>Large businesses (&gt;250) (n=41)</i>
The consistency with which instances of non-compliance are resolved	16 (21%)	5 (15%)	11 (27%)
The speed with which instances of non-compliance are resolved	21 (28%)	8 (24%)	13 (32%)
The frequency with which instances of non-compliance occur	14 (19%)	4 (12%)	10 (24%)
The extent to which enforcing authorities are clearer about what they are doing or what they expect when they arrive at your premises	17 (23%)	11 (32%)	6 (15%)

- 502 Businesses not reporting a positive impact to these questions almost invariably reported that there had been no Primary Authority effect (rather than that the effect had been negative).

- 503 Enforcing authorities were asked the first two of these questions (Question 2).

<i>Enforcing authorities (n=75): proportion who believed the impact of Primary Authority on ... had been ...</i>	<i>Negative</i>	<i>Neutral</i>	<i>Positive</i>
The consistency with which instances of non-compliance are resolved	11 (15%)	28 (37%)	28 (37%)
The speed with which instances of non-compliance are resolved	16 (21%)	26 (35%)	29 (39%)

- 504 We might have expected these responses to have been more positive than they are, particularly for businesses – improving the way in which instances of non-compliance are handled is, after all, supposed to be one of the major benefits of Primary Authority. However, by no means all businesses will have sufficient instances of non-compliance to ‘test’ the outcomes in the table, so on balance reporting, for example, that 28% of businesses believe instances of non-compliance are being resolved faster is a positive outcome.

505 A more positive view of Primary Authority's impact on compliance also came when the enforcing authorities survey (Question 1) asked whether the scheme had been helpful in resolving the specific instance of non-compliance that formed the basis for part of the telephone survey. Of the 39 respondents who believed that primary authority had made a difference to their specific instance (so half believed that primary authority had made no difference), 24 were positive about it:

- Less work for the enforcing authority to do (6)
- Quicker or simpler to raise issue (4)
- Increased confidence in the effectiveness of the result (4)
- More leverage over the business (4)
- Having a contact in the primary authority was useful (3)
- Useful information available in advance (1)
- More structure to the enforcement activity (1)
- Having an inspection plan structured the inspection (1).

506 Our qualitative fieldwork provides some more evidence of Primary Authority having an impact here.

*Primary Authority and non-compliance*

*(Medium-sized retailer)* We feel that Primary Authority works better than the previous voluntary arrangement and that this is because it has statutory backing and because it is seen to be more neutral between the business and the regulatory community than previous arrangements.

*(Small import business)* The approach is entirely different under Primary Authority. Previously we were contacted directly by enforcing authorities and often we did not know how to handle the query. Now we simply refer everything to our primary authority and issues are resolved better, faster and more consistently.

*(Large retailer)* We require all queries to be put to us through the Primary Authority IT System where they are looked at by our primary authority in the first instance: around 80% are resolved at this stage. The remainder are dealt with by us. We rarely go to enforcement action.

507 Equally some of those we interviewed felt that there had been little change in how compliance issues were handled.

*Primary Authority and non-compliance*

*(Large service sector business)* Our main complaint is that compliance interactions tend to proceed 'as before'; little is different compared to the pre-Primary Authority position. [In part this may be due to the primary authority issuing advice to the effect that all queries should be referred to the business in the first instance.]

... and there were similar views from some survey respondents.

*Q8. In general, how has Primary Authority affected the way you work in relation to businesses?*

"We would look at the Primary Authority IT System as a routine check to ascertain whether the company has a primary authority agreement; if so we would consider talking with the primary authority first. However, there has not been a lot of change to the way of working."

- 508 However, to reiterate a point made earlier in this Section, most of those businesses we saw had little or no experience of non-compliance issues – and instances where those that did occur could not be resolved between the primary and enforcing authority were even rarer.
- 509 Furthermore improvements here, particularly in relation to the speed with which instances of non-compliance are handled, require the enforcing authority to:
- Be aware that a Primary Authority partnership is in place
  - Check to see if any Primary Authority Advice, an inspection plan and/or any relevant additional information that might inform their regulatory work with the business is/are in place.
- 510 Some businesses (e.g. large retailers) are likely to have a partnership and it would be surprising if enforcing authority staff did not know that, or would not check to see if, this was the case. However, short of checking the Primary Authority IT System before each regulatory-related visit to a business (and even this is by no means fool-proof)<sup>9</sup> there is no way for enforcing authorities to know that there is a partnership.

### Does Primary Authority have any impact on the frequency of non-compliance?

- 511 Questions 25 (business survey) and 2 (enforcing authority survey) asked whether Primary Authority had had any impact on the frequency with which instances of non-compliance occurred: 26% of large businesses, but only 12% of SMEs and 11% of enforcing authorities, thought that there had been a reduction.
- 512 Our view is that this mainly reflects the relatively low level of non-compliance reported by most businesses involved in Primary Authority – if you only have a few instances of non-compliance then your observations re. any impact on the frequency with which they occur is likely to be small.

### Conclusion

- 513 Primary Authority has had a positive effect on the resolution of non-compliance issues – mainly due to dialogue between primary authorities and enforcing authorities which has meant that issues that would previously have gone to enforcement action are now resolved more informally.

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<sup>9</sup> We ourselves as evaluators have sometimes found it difficult to trace a particular business through the Primary Authority IT System even when we knew that a partnership was in place. As an enforcing authority noted in the survey, the lack of a “fuzzy search” facility does not help.

## 6 Overall assessment of Primary Authority

601 The final group of questions in both surveys asked about overall satisfaction with Primary Authority.

602 From the business survey:

- Over three quarters of businesses were either satisfied (33%) or very satisfied (44%) with their involvement in Primary Authority (only 8% were dissatisfied)
- 91% of businesses would recommend Primary Authority to similar businesses.

603 These are very positive findings.

604 The enforcing authority survey asked whether, 'taking everything into account', respondents thought that Primary Authority had had a positive or a negative impact on enforcement:

- 45% thought Primary Authority had had a positive impact
- 30% thought Primary Authority had had a negative impact.

605 All of those we spoke to in our qualitative fieldwork – businesses and primary authorities – would recommend Primary Authority.

606 The enforcing authority survey responses (and those from our qualitative interviews with enforcing authorities) are more equivocal than for the business survey but the picture is still positive overall.

607 In terms of an overall assessment, three themes emerging from our fieldwork are worthy of note.

608 Firstly, whilst the numbers involved are small, there is enough evidence from the business survey to suggest that enterprises in the range 250 to 499 employees are generally more dissatisfied with their experiences of Primary Authority than smaller and larger organisations. Our interpretation is that this is because businesses of this size fall between:

- Those organisations (usually large) using Primary Authority as support for an internal regulation team, for sign-off of company processes and procedures, issuing Primary Authority Advice etc.

and

- Smaller organisations that have no internal regulatory function and therefore rely more on their primary authority for this role. These organisations make more extensive use of non-statutory advice.

609 However, further exploration would, in our view, be worthwhile to establish:

- Whether the finding from our survey that enterprises with between 250 and 499 employees get less out of Primary Authority is borne out more generally by this group of businesses

and

- (If it is) To understand more about why Primary Authority is not meeting the needs of these businesses as well as it appears to meet those of smaller and larger businesses.

- 610 Secondly those (mainly large) businesses that had previous experience of the voluntary schemes are more likely to be positive, or even strongly positive, about Primary Authority than those businesses whose first experience of this type of scheme is Primary Authority. Our assumption is that it is the statutory backing and the element of compulsion that this introduces in relation to observation of Primary Authority Advice and the process around enforcement action that these businesses find attractive. However, although this is largely supposition on our part, it is simply worthy of note rather than necessarily requiring further investigation.
- 611 Finally, whilst recognising the benefits from some form of lead authority arrangements, enforcing authorities were more likely to be more equivocal about Primary Authority as a specific route through which to deliver such an arrangement: this is somewhat at odds with the broadly positive view that enforcing authorities have of Primary Authority when they are asked about the scheme's impact in more detail and leads us to wonder whether there is a more positive message about Primary Authority that could be being communicated to enforcing authorities.

## 7 Other issues from the qualitative research

### Inspection plans

- 701 Experience of inspection plans was limited across all elements of our fieldwork – annexes A2 and A3 contain the findings from our surveys.
- 702 From our qualitative interviews only one business (*a large retailer*) saw inspection plans as central to Primary Authority – their main concern was the length of time that it took to get approval for an inspection plan from national regulators via BRDO (this could take so long that, by the time approval was received, the business’s agenda had moved on).
- 703 There was general support for the ‘If you are going to ... please look at ... and tell us what you find’ style of inspection plan rather than the more directive ‘There is no need to ...’ version. However, given what many felt was a move away from a regular cycle of scheduled inspections and towards more incident-related interventions, the need for inspection plans in the future was questioned by some businesses and primary authorities.

### Joint partnerships

- 704 One of the partnerships we spoke to had already linked county and district councils in a single agreement, meaning that one document could cover the full range of regulatory areas relevant to the business: this arrangement was described to us as working very well.
- 705 Another partnership was in the process of trying to achieve the same outcome – with additional areas to be brought into [the single] Primary Authority partnership once this had been done.
- 706 Another business said it would be helpful if a degree of coordination could be achieved between county and district councils.
- 707 There is clearly an interest from businesses in having a single Primary Authority partnership that covers all the regulated areas they are interested in including rather than a number of partnerships with different authorities depending on where responsibility lies. Whilst this is only an issue in county and district (rather than unitary) authorities it would be helpful if BRDO could offer some guidance on or facilitate this process.<sup>10</sup>

### Lead primary authority arrangements

- 708 In similar vein, one of the larger businesses in our qualitative fieldwork (*the large retailer of big ticket items*) was concerned that, the more the business grew, the less practical it would become for its primary authority (which, incidentally, was by no means a small authority) to continue to provide the Primary Authority service that it currently offered and that the business wished to continue receiving.

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<sup>10</sup> The revised Primary Authority Statutory Guidance, currently being consulted upon, does offer some support and encouragement towards developing these partnerships.

- 709 This business would like the option of having a ‘lead primary authority with regional sub-leads’ arrangement (i.e. having other authorities working to/under the direction of its current primary authority). If this is not possible then it can see the value that it gets from Primary Authority diminishing over time.
- 710 Similar issues may apply in relation to the separate parts of the United Kingdom. It was drawn to our attention by a Scottish primary authority that regulations and processes in Scotland can differ substantially to those applicable in England. The option to have national sub-leads might also be helpful.

### Awareness of Primary Authority

- 711 One of the businesses we spoke to (the *medium-sized* retailer) has a ‘primary authority partnership in place’ notice on display in each of its outlets which should help once the enforcing authority gets to one of its sites if they are unaware of this before they arrive. Whilst this is not ideal (really enforcing authorities should know that a partnership is in place before they arrive at the business), it is a useful “catch all” when other lines of communication have failed: we wonder whether more partnerships should adopt this.

### New businesses

- 712 A county council primary authority reported that a major drawback with Primary Authority is that it can only apply to existing businesses – they would like prospective businesses (i.e. those that have not begun trading yet) to be eligible. This would mean that they could be given advice to start them off in the right direction without having to wait for the first trading activity (which in the absence of that advice might be ‘wrong’ in some way).
- 713 To get around this, what the primary authority concerned did was to sign prospective businesses up for Primary Authority and get the application held on file until the business starts trading. In the meantime it informally offers the business advice from within their agreed first year’s allocation/budget until trading starts and the Primary Authority partnership becomes active.
- 714 If this is acceptable practice then it might be worth BRDO publicising it as an option more widely; if it is not then BRDO might wish to consider whether the needs of new businesses could be accommodated within Primary Authority. It would seem unfortunate (and unnecessary) for a new business to have to run the risk of falling foul of the regulations when a little up front input from a primary authority could have prevented this.

### Cost recovery

- 715 The issue here is not specifically about the ability to charge an amount to cover the annual costs of servicing individual partnerships (though that can be an issue). Two other matters are of greater concern.
- 716 Firstly, recovery of the (in some cases not inconsiderable) costs of setting-up/starting-up a partnership. In many cases, and in common with many other service industries, these ‘selling costs’ are effectively written-off.
- 717 Secondly, the ‘lumpiness’ of staff costs. Most authorities appear able to service ‘a handful’ of partnerships with existing staff; however there comes a point beyond which if new partnerships are to be accommodated then new staff have to be recruited. Initially it is unlikely that the costs associated with new staff will be

anything like fully recovered by the income they generate from Primary Authority partnerships and recruiting them therefore requires something of a leap of faith on the part of the local authority.

- 718 To the extent that either or both apply, they are likely to put off authorities from taking on or expanding the primary authority role and limit the future expansion of Primary Authority. This is particularly relevant in the light of the expansions to the scope of Primary Authority planned or mooted for October 2013.

## 8 Implications for Primary Authority

### 'A worthwhile improvement with relatively little downside'

801 For enforcing authorities, this is a clear finding from the research and it is a message that, we suggest, would be worth communicating to the regulatory community – ideally alongside improvements (e.g. to the Primary Authority IT system) that make it easier for enforcing authorities to establish which businesses in their area have a primary authority partnership in place.

### Different buttons for different business audiences

802 There is almost universal satisfaction with Primary Authority from those businesses that have a partnership.

803 However, this research suggests that businesses are satisfied with Primary Authority for different reasons. These differences link back to the varying ways in which Primary Authority is used by businesses – for example whether the formal structures and processes (in particular Primary Authority Advice) and/or the informal 'equivalents' ('non-statutory advice') are used.

804 To date promotion of the benefits of Primary Authority has concentrated on the formal and largely ignored the informal: we suggest that if BRDO starts pressing some different buttons then Primary Authority will appeal to a wider audience.

805 However, we do recognise that Primary Authority is a statutory scheme and that Primary Authority Advice is a key element of it. For those businesses currently relying on informal advice from their primary authority, it might be worth BRDO emphasising the additional benefits to be had from Primary Authority Advice and encouraging these businesses, and their local authority partners, to think more about making use of the formal mechanism available within the scheme too.

### 'Making regulation work for you'

806 In similar vein, Primary Authority perhaps over-emphasises the regulatory system and how it can ease the burden this imposes on businesses, while underplaying the more direct and positive business benefits that the scheme can bring. We suggest that the 'business benefits' message should be accentuated, referring for example to:

- Cost savings through speedier resolution of emerging issues
- Value for money of early advice when developing new services or products ("prevention" rather than "cure")
- Independent reviews of regulatory performance that can identify issues before they become serious enough to threaten the business.

807 Instances of all the above have been described to us during the course of our fieldwork and covered in earlier sections of this report.

### Does experience of Primary Authority differs by size businesses

808 Are businesses with between 250 and 499 employees significantly different? Our research suggests that they might be (though there were not many in our sample): we suggest that further work is undertaken to establish whether this is the case

and, if they are getting less out of Primary Authority, why this is and what they need.

### Policy variations

809 Finally Section 7 suggests a number of potential variations to Primary Authority that could add value – joint partnerships; lead primary authority arrangements; and simple means of promoting greater awareness in particular. We suggest that these are looked at.

## A1 Background note

Primary Authority is a statutory scheme which allows businesses regulated by multiple local authorities to form a partnership with a single local authority: this local authority, once nominated by the Secretary of State, is known as the 'primary authority' for the business and is able to issue robust and reliable regulatory advice which is recognised by other local authorities that regulate the business (known within the scheme as 'enforcing authorities'). The primary authority may also guide inspections and other local checks on the business's compliance by publishing an inspection plan.

Partnerships can cover regulatory areas such as fair trading, food standards, health and safety, petroleum licensing and others.

Primary authority aims to build better relationships between businesses and local regulators, delivering local regulation that is consistent at a national level, but sufficiently flexible to address local circumstances.

Primary Authority is administered by the Better Regulation Delivery Office (BRDO) on behalf of the Secretary of State.

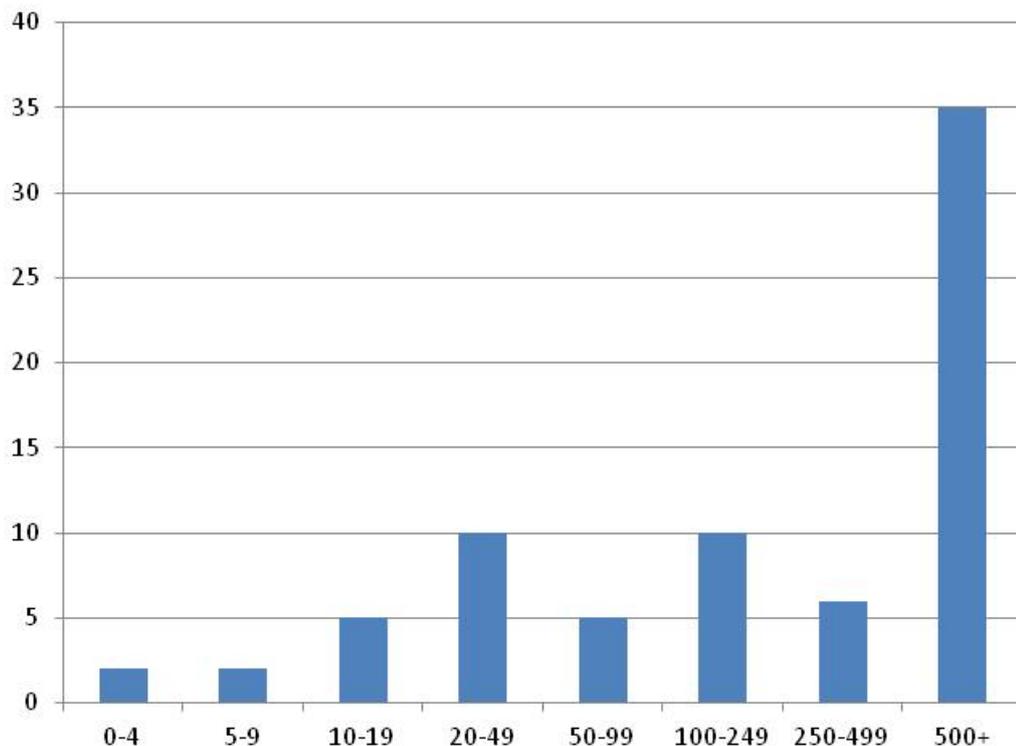
## A2 The business survey

- 1 As part of our evaluation of Primary Authority we carried out two telephone surveys of participants in the scheme. The first was a survey of 75 businesses and the second was a survey of 75 enforcing authorities. The questions for both surveys are given in full in Annex B. In this section we analyse the first of these surveys.
- 2 At the time the research was undertaken there were 712 businesses (30% small, less than 50 employees; 21% medium, between 50 and 249 employees; and 49% large, over 250 employees) in a primary authority partnership with 100 local authorities.
- 3 Where data is obtained from quantitative aspects of the survey then tables or charts are presented here. Where we draw upon open verbatim answers to questions then reference can be made to a full tabulation of these answers, question by question, which is given later in this Annex.

### Characteristics of the sample

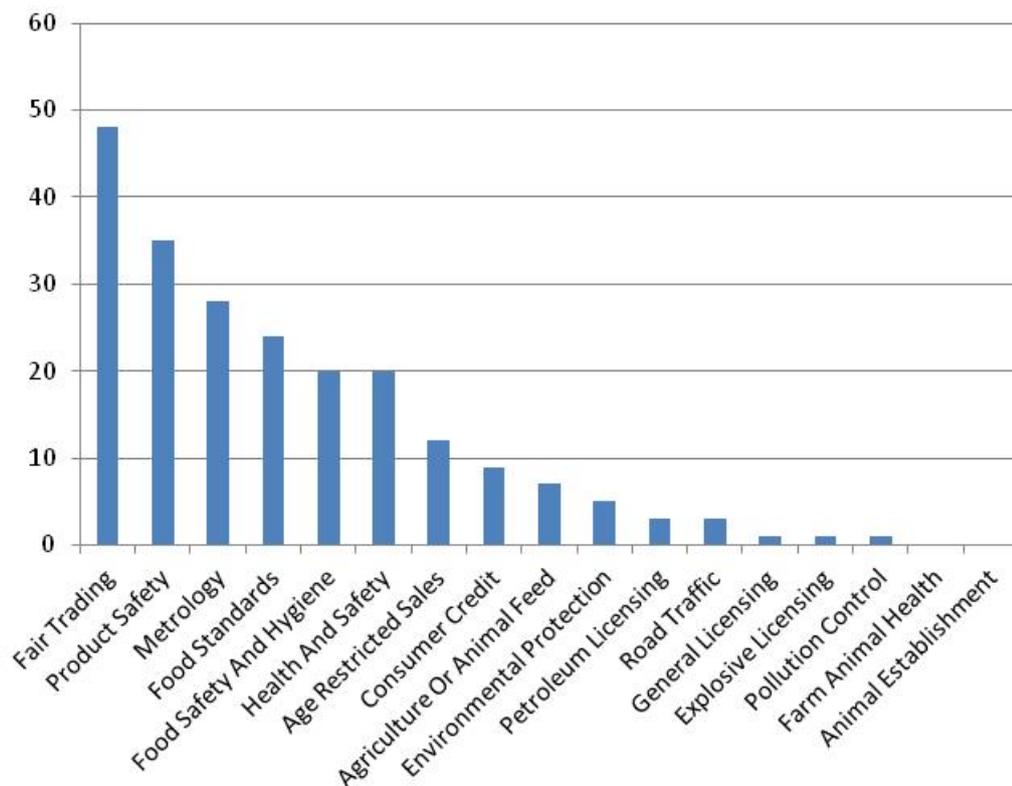
- 4 The 75 businesses that took part in our survey varied considerably in size (measured by numbers of employees). We attempted to ensure that a reasonable balance between small and large businesses was achieved: approximately half the businesses surveyed had less than 250 employees (19 small; 15 medium) and half (41) more.

**S4. In total, how many employees does your organisation have within the UK?**



- 5 This distribution reflects the fact that – as might be expected – Primary Authority is particularly attractive to larger companies. However it is by no means uniquely so, and it should be noted that a number of relatively small companies have been attracted to Primary Authority.
- 6 Because the number of medium size businesses was relatively small, and in accordance with BIS guidance, for most of the analysis medium sized and large businesses are brigaded together. “Large”, without qualifier, therefore refers to businesses with over 250 employees. Where medium size businesses differed significantly from large businesses in their responses to a particular question then this is indicated qualitatively.
- 7 The businesses in the survey were partnered with 35 different local authorities (just over a third of all primary authorities) (Question S5a): within the sample, one local authority had nine business partners and two others seven and six partners respectively. Again, this is typical of the wider population of primary authority agreements, which are by no means distributed evenly across all local authorities.
- 8 The regulated areas covered by the primary authority agreements held by the surveyed business are shown in the graph below. One agreement can cover more than one regulated area so the total number of areas is greater than 75.

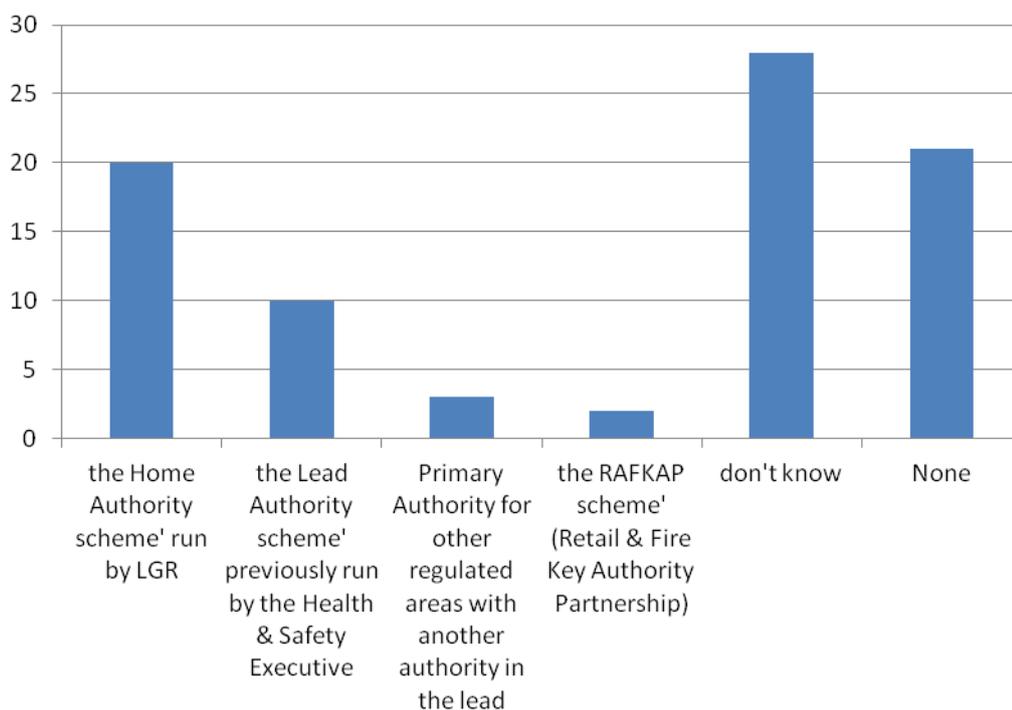
**S5b. Regulated areas**



- 9 Businesses were next asked (Question 1) whether they had had any experience of other “lead authority” schemes or similar arrangements (Home Authority, RAFKAP, other Primary Authority) prior to the present partnership. Counting “don’t know”s as negative replies, 28% had such experience, as the graph overleaf shows – mostly with the Local Government Regulation’s “Home Authority” scheme but a significant number with the HSE Lead Authority scheme.

- 10 Large businesses (>250 employees) were more likely to have had such previous experience (49% of the 41 large businesses had) than small businesses (18% of 34) [this again counts “don’t know”s as previous non-participants].
- 11 Businesses were also asked (Question 2) whether they continued to be involved in such schemes, or whether in effect Primary Authority had replaced them. For 69 out of the 75 in the sample (92%) Primary Authority was their only scheme. (The remaining 6 employers were all large employers (>250).)

**Q1. Before you entered into this primary authority partnership, had your organisation previous experience of any of the following 'lead authority' schemes?**



- 12 68 of the 75 businesses surveyed (91%) had no immediate plans to include other areas within Primary Authority (Question 3), but 7 (9%) had considered, or were considering, adding other regulated areas (from the existing list) to their primary authority agreement at some stage. Six of these seven were “large employers” (>250 employees). The reasons why they had not as yet done so<sup>11</sup> included:
- It would involve dealing with a different local authority (three responses)
  - Their primary authority was not keen on taking on the extra workload.

### Multiple premises

- 13 As a separate exercise, we cross-referenced responses to our questionnaire with data held by BRDO on the number of separate business premises addresses registered to each business. This enables us to distinguish between businesses that are likely to have premises (and therefore operations) in more than one local authority

<sup>11</sup> See Annex 2

area<sup>12</sup>, and those that are based entirely in one local authority. We are aware that the data on business premises (which was obtained from BRDO) is not necessarily entirely accurate, and thus conclusions based on it may not be entirely reliable. However – and with this caveat – we believe that an analysis based on whether or not a business has a “presence” in more than one location may be of interest.

- 14 Businesses that operate only out of one location may not at first sight seem natural candidates for Primary Authority – if you are based entirely in one place, surely you only have one local authority to deal with? However, trading businesses – including particularly wholesalers and online retailers – fall within the jurisdiction of Trading Standards Officers in any local authority where their goods are sold. Thus for example issues of product labelling can be appropriately addressed by Primary Authority arrangements.
- 15 Within our sample, 38 businesses had only a single business address<sup>13</sup>, and 33 had multiple premises. Unsurprisingly, 31 of the 38 businesses with a single address had a primary authority agreement that included “Fair Trading”: this compares to 15 of the 33 with multiple addresses. “Product Safety” was similarly skewed, but to a lesser extent (23 of the 38 single-address businesses and 11 of the 33 multiple-address businesses).

## Introduction to Primary Authority

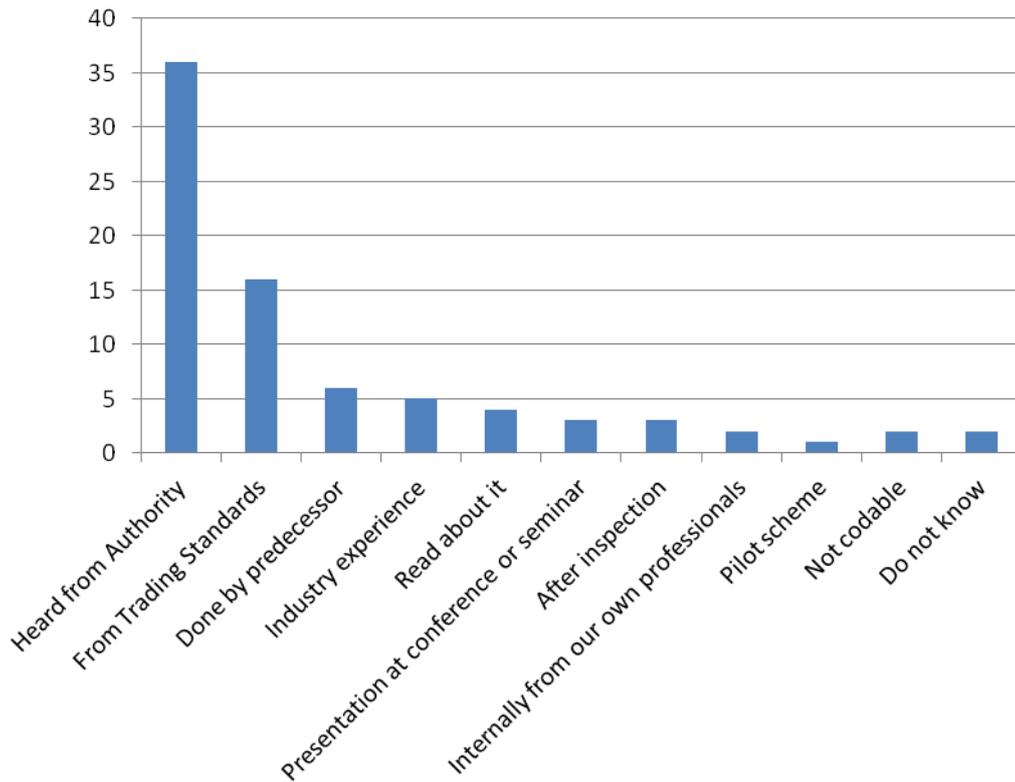
- 16 Overwhelmingly, as the graph of Question 4 below shows, businesses reported that their local authority (or the local authority that they entered into partnership with) had been responsible for giving them early information about Primary Authority.
- 17 There was no significant difference between large and small businesses.

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<sup>12</sup> Of course, a business could have multiple premises all within the same local authority area: we do not have data that could easily exclude this possibility.

<sup>13</sup> A number of businesses were recorded as having “no business premises”. For the purposes of analysis, we have counted these as if they had no additional business premises: i.e. one address only. This is not necessarily an entirely accurate assumption, but does allow us to process the considerable number of “0”s in the data.

**Q4. How did you first hear about Primary Authority?**



18 However, when asked how the partnership actually began (Question 5) large and small businesses gave slightly different answers. These are shown in the table below.

<i>Businesses: proportion agreeing with the statement</i>	<i>All businesses (n=75)</i>	<i>Small businesses (&lt;250) (n=34)</i>	<i>Large businesses (&gt;250) (n=41)</i>
The business was initially approached by the local authority	30 (40%)	19 (56%)	11 (27%)
The business initially approached the local authority	25 (33%)	9 (26%)	16 (39%)
The partnership progressed from a previous voluntary arrangement	14 (19%)	3 (9%)	11 (27%)
Other	6 (8%)	3 (9%)	3 (9%)

19 Taken together with the analysis of previous experience of Primary Authority’s predecessors, this demonstrates that

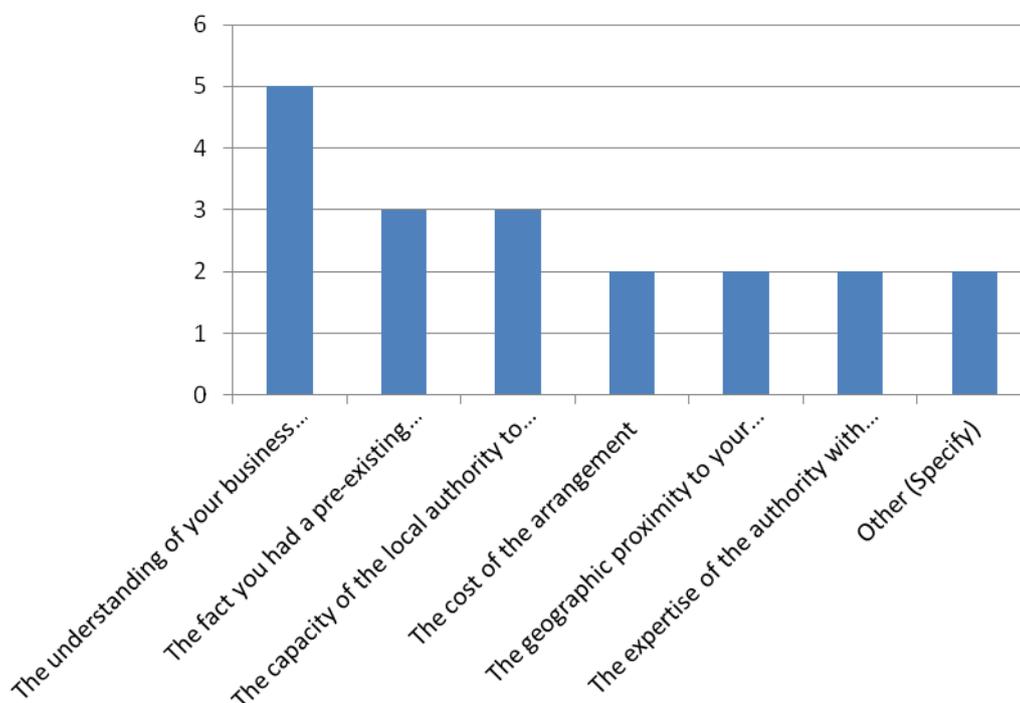
- Primary Authority has expanded the scope of “lead agreements” into the smaller business
- Local authorities have taken the lead, in general, in promoting this expansion

- In particular, businesses that had previously been part of a lead agreement had “migrated” to Primary Authority rather than remaining with their previous voluntary agreement (or, conceivably, withdrawing altogether).
- 20 Primary authority agreements can be taken out with any appropriate local authority<sup>14</sup>, regardless of whether a business’s “head office” – or indeed any business premises – is situated within the authority concerned. Conceivably, this might lead to businesses contacting more than one authority in order to make an informed choice of partner. In practice (Question 6), only 8 of the 75 businesses (11%) had considered more than one authority for the primary authority partnership: all of these were large businesses. Food safety and hygiene (6 occurrences) was the regulatory area most often quoted by businesses that had “shopped around”.
- 21 The eight businesses that had considered more than one prospective primary authority partner quoted a variety of factors as guiding their choice. These are shown in the graph overleaf (though it should be borne in mind that the absolute numbers of responses are all very small).
- 22 The full text of the possible responses (which cannot be shown in full on the graph) are as follows:
- The understanding of your business sector demonstrated by the local authority
  - The fact you had a pre-existing relationship with the local authority
  - The capacity of the local authority to deliver what you wanted from the arrangement
  - The cost of the arrangement
  - The geographic proximity to your organisation
  - The expertise of the authority with regard to operating as a primary authority
  - Other (specify)

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<sup>14</sup> That is one that regulates the area to be covered (e.g. county and unitary authorities for Trading Standards).

**Q7. Which of the following factors were the most important when deciding which authority to enter into partnership with?**



23 Asked (Question 8) whether it was “difficult” or “easy” to find a suitable local authority to enter into a partnership with, 68 out of 71 businesses (96%) reported that it was “easy”<sup>15</sup>. Only one reported that it was actually “difficult” (as opposed to neutral), and the reason given was: “Getting information [from the local authority] about what was involved”.

### Setting up the partnership

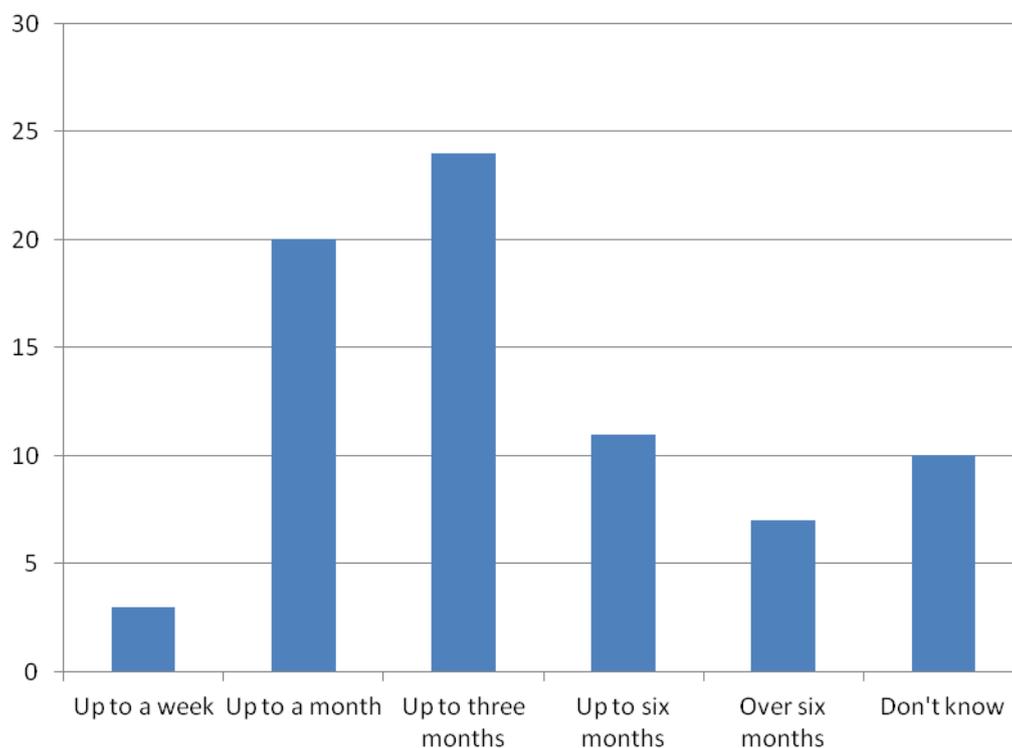
24 Similarly, 64 out of 70 businesses reported (Question 9) that it was “easy” to set the partnership up once they had decided which authority to work with. Only two businesses (both >250) stated that it was positively “difficult”, and their reasons are interesting:

- “We [hoped that] a particular experienced officer from the local authority [would be assigned to support our partnership] but [in the event] a different officer that the local authority thought was appropriate [was assigned to us]”
- “Bureaucracy from the primary authority”.

25 The time taken to set up a partnership varied, as the graph below shows. The vast majority of partnerships were set up within three months, although a significant proportion took longer.

<sup>15</sup> Strictly, they chose one of the top two categories on a five point scale. Four businesses did not know/comment. We will collapse future five-point scales into two-point when (as in this case) responses are very unequally divided.

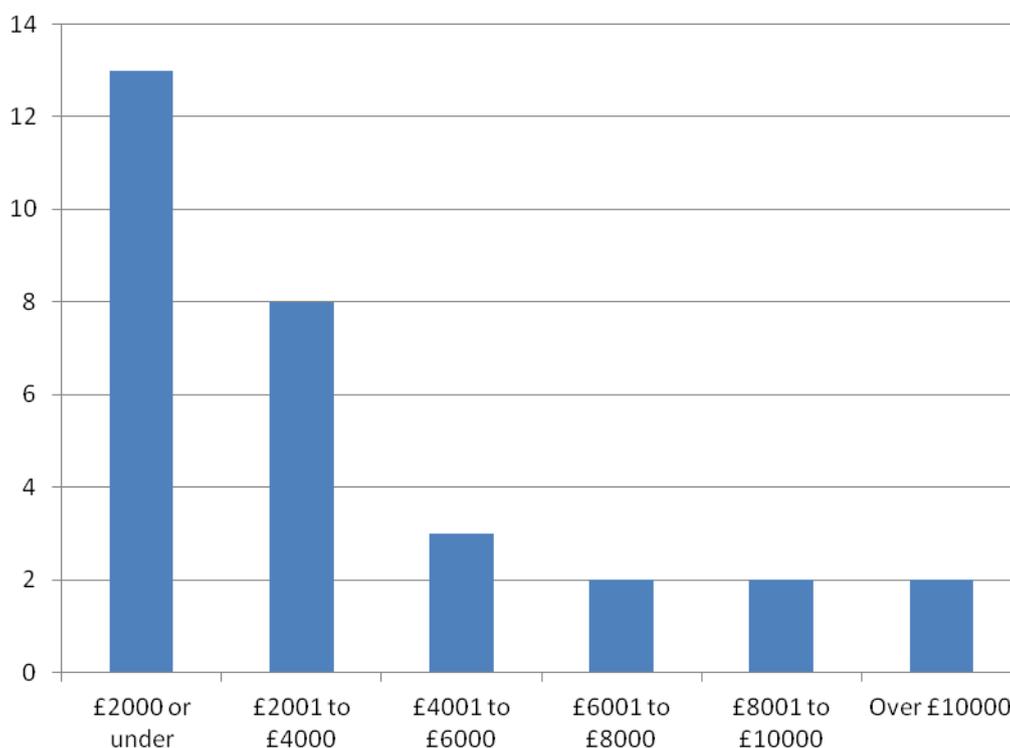
**Q10. From the initial discussion stage, how long did it take to set up this primary authority partnership?**



- 26 Interestingly, there was virtually no variation by size of business or by regulated area (though the numbers involved in some regulated areas are quite small, as already pointed out).
- 27 Businesses that had previously been part of a “lead authority” scheme did not, on balance, find the process of setting up a primary authority partnership any quicker, which is slightly surprising.
- 28 Primary authorities are allowed to charge for the time spent on their partnership on a “cost recovery” basis and businesses were asked (Question 11) about the charging arrangements made for their own partnership. 57 out of 75 (76%) paid a fee to the local authority towards the partnership, and 18 (24%) paid nothing.
- 29 The larger employers (>250) were more likely to pay a fee (30 (86%) did and 5 (14%) did not). Of the small employers (<250), 22 paid a fee (65%) and 11 did not (35%).
- 30 We asked (Question 11) for details of fees charged. Not all respondents knew (or were prepared to divulge) this information, but annual fees paid by those who were prepared to comment are shown in the graph overleaf.
- 31 Unsurprisingly, the larger businesses paid the larger sums: the most paid by a small employer (<250 employees) was £2,500. The “over £10,000” bar comprises two entries substantially over £10,000: one of £35,000 and one entry of £70,000.
- 32 Fees were either charged as hourly rates (between £37 and £70) or fixed annual payments; sometimes the two were combined, perhaps by including a number of “free hours” in a minimum payment.

- 33 The 57 businesses that paid a fee were asked (Question 13) whether in their view it represented good value for money. 41 (72%) thought it did, and 9 (16%) thought the value “satisfactory”. 7 (12%) thought it did not: 6 of these were large employers (>250).

**Q11. What do you pay the Primary Authority for their PA-related work?**



## Objectives for Primary Authority, and its monitoring

- 34 Businesses were asked what objectives they had or had set for their primary authority partnership (Question 15). The full list of responses is given later (as already noted) but from a broad analysis of these responses the following themes emerge:

- Help with procedures (including legal assurances) (11 endorsements)
- The wish to deal with only one authority (10)
- Advice, support, understanding (9)
- Consistent enforcement (9)
- Improve working relationships (4)
- An inspection plan (4)
- Help with a specific issue (3)
- Minimise complaints (2)
- Maintain and extend the previous scheme (2)

- 35 Next, businesses were asked (Question 16) how they monitored their primary authority partnership, and whether it is delivering as expected. Since this was a “free text” question, many gave a general response. However, when specific frequencies of meetings etc. were mentioned they were as follows:

- Annual meetings (6 endorsements)
- Biannual (1)

- Quarterly (3)
- Monthly (1)
- “Regular” (unspecified) (9)
- Ad hoc or as necessary (8)

36 23 businesses did not (in their view) monitor the partnership at all.

37 But note that Question 22 (below) returns to the topic of contact between local authorities in primary authority partnerships and their businesses and yielded more systematic information.

## Reasons for participating in Primary Authority

38 Businesses interviewed were given a range of potential reasons for participating in Primary Authority, and asked to comment (Question 17) on which were important for them. A five-point scale was offered, and the number of businesses indicating that a particular reason was “important” or “very important” is shown in the table below.

<i>Businesses: proportion stating that the reason given for participation in Primary Authority was important</i>	<i>All businesses (n=75)</i>	<i>Small businesses (&lt;250) (n=34)</i>	<i>Large businesses (&gt;250) (n=41)</i>
To reduce the time or resource your organisation spends on regulatory activities	45 (60%)	20 (59%)	25 (61%)
To improve your relationship with local authorities and other regulators	52 (69%)	23 (68%)	29 (71%)
To get better intelligence from regulatory activities that are carried out in respect of your business	45 (60%)	20 (59%)	25 (61%) M-
To reduce the requests for information from regulatory authorities	48 (64%)	21 (62%)	27 (66%)
To ensure greater consistency in the way regulatory activities are carried out by enforcing authorities	62 (83%)	26 (76%)	36 (88%)
To make it easier to receive consistent regulatory advice and guidance for your business	64 (85%)	29 (85%)	35 (85%)
To demonstrate the importance that your organisation gives to meeting regulatory requirements	62 (83%)	31 (91%)	31 (76%) M-
The statutory basis of the scheme, meaning that Primary Authority carries more weight than voluntary lead authority arrangements	56 (75%)	25 (74%)	31 (76%)

39 There were only 6 medium sized businesses with between 250 and 500 employees in the sample. We are wary of basing too much on this small number of businesses. However, a theme that emerged from the survey is that this group of businesses does seem to be less satisfied with Primary Authority than larger or smaller employers. For

the record, where percentages recorded for medium sized businesses were particularly higher or lower<sup>16</sup> than those quoted in the “large” column (in which they are for the time being included) we therefore signify this with an “M+” or an “M-” in the column above.

- 40 Businesses were then asked a similar (but not identical) set of questions (Question 18) concerning whether these reasons for participation had been justified by events: specifically, how much of an impact Primary Authority had had on the following aspects of regulation. Again, only the number of respondents reporting a positive impact (large or small) are shown in the table:

<i>Businesses: proportion reporting positive impact</i>	<i>All businesses (n=75)</i>	<i>Small businesses (&lt;250) (n=34)</i>	<i>Large businesses (&gt;250) (n=41)</i>
The amount of time your organisation spends on regulatory activities	20 (27%)	11 (32%)	9 (22%)
Your relationship with local authorities and other regulators	45 (60%)	23 (68%)	22 (54%) M-
The intelligence you get from regulatory activities that are carried out in respect of your business	28 (37%)	17 (50%)	11 (27%)
The consistency of regulatory advice and guidance given to your business	31 (41%)	14 (41%)	17 (41%) M-

- 41 In general, these reported benefits (apart from the second) are not high, and certainly not as high as in the previous table of benefits anticipated. The impact on intelligence, particularly for large businesses, is perhaps the most disappointing.
- 42 Businesses were asked (Question 19) for comment on each of their four responses to Question 18. Where the amount of time spent on regulatory activities had reduced, reasons given included:
- The primary authority deals with issues we previously had to deal with ourselves (5 endorsements)
  - Fewer authorities to deal with: a single point of contact; improved communication (3 endorsements)
  - Not needing to sort through as much information (2)
  - General saving of time (unspecified), or time released to spend on other things (5).
- 43 Where the relationship with local authorities and other regulators had improved, reasons given included:

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<sup>16</sup> The criterion for “particularly” is as follows. Given six small businesses, the only possible percentages are 0, 17, 33, 50, 67, 83, 100. “Particularly higher” is one more business than the nearest percentage above would suggest, and similarly for “Particularly lower”.

- A better understanding of the business by the primary authority following increased contact (19 endorsements)
- A single point of contact to which enforcing authority enquiries are diverted (12)
- Enforcing authorities understand us better (3)
- Consistency improved (2).

44 Where the intelligence from regulatory activities had improved, reasons given included:

- A single point of contact, always able to give advice (14 endorsements)
- Specific advice on requirements and legislation (2)
- Better positive feedback, including on inspection plans (2)
- Routine notification of findings, test purchases, etc. (1)
- A better understanding of the regulator's point of view (1).

45 When the consistency of advice had improved, reasons given included:

- Dealing with one person (9 endorsements)
- Better advice on issues generally, and advice that does not change (5)
- Proactive advice, and the better sharing of information to proactive ends (4)
- Better understanding of the company (3)
- Quick, sensible responses (2).

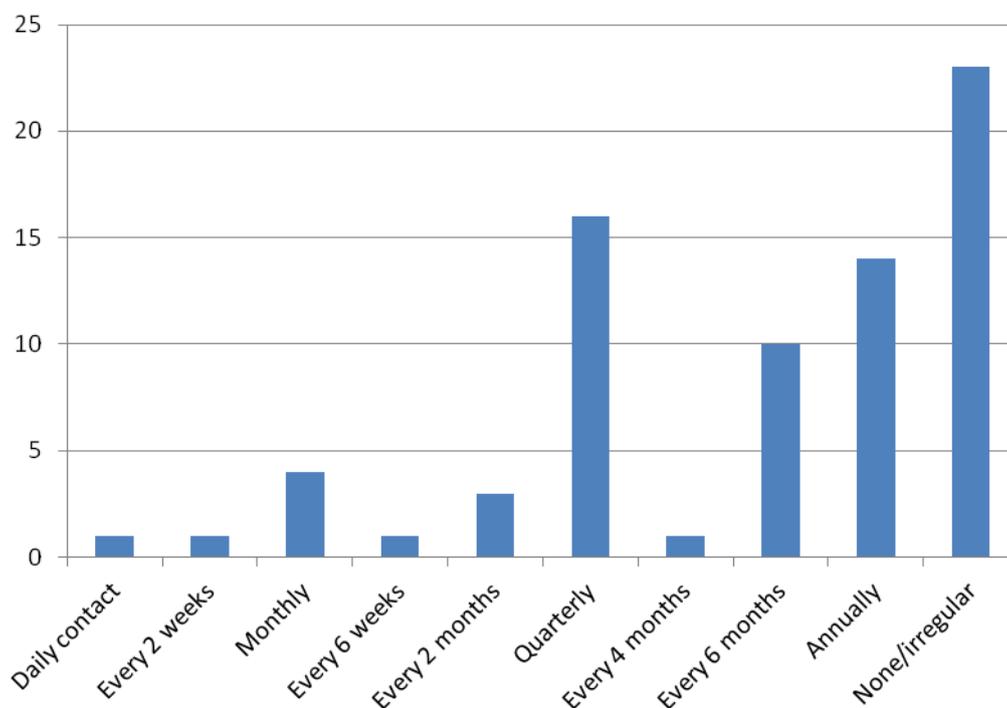
46 A handful of respondents reported (Question 20) that one or more of the four factors above had actually deteriorated following the introduction of Primary Authority. The numbers were small, but the comments made were interesting:

<i>Factor</i>	<i>Reason for deterioration<sup>17</sup></i>
The amount of time your organisation spends on regulatory activities	<ul style="list-style-type: none"> <li>• Enforcing authorities are failing to check the Primary Authority IT System before approaching the business, which puts an additional loop into the system</li> <li>• The current regulatory culture is getting harder and this outweighs any Primary Authority advantages</li> <li>• Additional meetings with the primary authority do not justify the time</li> </ul>
Your relationship with local authorities and other regulators	<ul style="list-style-type: none"> <li>• EHOs get "wound up" by Primary Authority</li> <li>• Enforcing authorities respond negatively when there is a conversation about a "grey area"</li> </ul>
The intelligence you get from regulatory activities that are carried out in respect of your business	<ul style="list-style-type: none"> <li>• No such feedback from the primary authority at all, partly because the Primary Authority IT System is not being used by enforcing authorities</li> <li>• No intelligence received</li> </ul>
The consistency of regulatory advice and guidance given to your business	<ul style="list-style-type: none"> <li>• The primary authority did not take our side when there was a dispute with the enforcing authority, and the business had to settle the issue themselves</li> </ul>

<sup>17</sup> Summarised. The verbatim quotes are given later in this Annex.

- 47 Nevertheless, many businesses had reported one or more benefits from being participant in Primary Authority. Question 21 asked them to think about the benefits that they had received since the primary authority partnership had been formed, and asked whether these benefits were directly attributable to Primary Authority.
- 48 Of the open responses to this question, 57 were broadly positive – that is to say that either the benefits would not have come about without Primary Authority or would have emerged more slowly or to a lesser extent.
- 49 Twenty-one made a simple statement to this effect without further explanation; others made or reinforced previous points:
- There was now less time spent on complaints (5 endorsements)
  - There was increased confidence in the business, particularly from suppliers (5)
  - It was easier to get regulatory information (4)
  - Relationships had improved generally (2)
  - Things moved faster (2)
  - Regulation was now proactive rather than reactive (1); and cost less (1)
  - The statutory backup to the scheme was welcome (1).
- 50 14 of the comments made were broadly negative – that is, the benefits would have emerged anyway (or indeed there have been no discernible benefits). 8 of these 14 were large businesses, which is an over-representation from this group.
- 51 On the other hand, one business said that without Primary Authority “we would have gone bust”, and another “we would have been in serious trouble”. [Since these were responses to a telephone survey, it would be difficult to obtain further details; but the comments themselves are revealing.]
- 52 Question 22 asked for details of how Primary Authority worked in practice, and in particular posed specific questions about how frequently meetings were held with the primary authority. The chart below shows the results. As will be clear, among those who meet regularly there is a preference for quarterly meetings, but there is also a significant minority of partnerships where regular contact is not deemed necessary. This is arguably a positive sign.

**Q22. Can you give me an idea of how this primary authority partnership works in practice? For example how frequently you meet with your primary authority?**



### The aims of Primary Authority

- 53 One of the aims of Primary Authority is that informal discussions between primary authorities and regulatory bodies might mitigate or in some instances replace formal enforcement activity; so businesses were asked (Question 23) whether they had seen any evidence of these informal discussions taking place. Only 18 businesses (24%) had seen such evidence. 14 of these businesses were large. Thus only 4 smaller businesses out of a total of 40 reported such discussions: this is disappointing.
- 54 However the key word is “seen”. It may be that these informal discussions are taking place but that businesses have not been made aware of them (a less serious shortcoming).
- 55 In point of fact, the enforcing authority survey (Question 5) shows that 54 out of 75 enforcing authorities “always ...” or “usually contact the primary authority [before taking the matter further]”, so these informal discussions are arguably taking place. Responses to open questions 1 and 6 in the enforcing authority survey provide further evidence of these informal discussions (see Annex A3).
- 56 Another aim of Primary Authority (Question 24) is that the way in which instances of non-compliance are proceeded with would be different: specifically, that the safeguards built into Primary Authority (including Primary Authority Advice) would enable more account to be taken of work carried out between the primary authority and business and thus streamline procedures. Again, the outcome is disappointing: only 16 businesses (21%) (14 of them large, and 11 with multiple sites) had seen such changes.

57 However the specific differences articulated by these 16 businesses were encouraging:

- Less enforcement action, either through statutory blocking or simply because the enforcing authority is discouraged (five endorsements)
- Matters are handled by the primary authority rather than by the business (5)
- Value of a single point of contact (1)
- Quicker procedurally (1)

58 Businesses were next asked (Question 25) what impact Primary Authority had had specifically on a range of compliance-related factors. These factors, and the number of businesses reporting positive impact, are shown in the following table.

<i>Businesses: proportion reporting positive impact</i>	<i>All businesses (n=75)</i>	<i>Small businesses (&lt;250) (n=34)</i>	<i>Large businesses (&gt;250) (n=41)</i>
The consistency with which instances of non-compliance are resolved	16 (21%)	5 (15%)	11 (27%)
The speed with which instances of non-compliance are resolved	21 (28%)	8 (24%)	13 (32%)
The frequency with which instances of non-compliance occur	14 (19%)	4 (12%)	10 (24%)
The extent to which enforcing authorities are clearer about what they are doing or what they expect when they arrive at your premises	17 (23%)	11 (32%)	6 (15%)

59 Businesses not reporting positive impact generally reported no impact – there were a total of 7 “negative impact” reports across the [4 sub-questions x 75 respondents) 300 responses to this question as a whole.

60 Again, these outcomes are not high. However by no means all businesses have sufficient instances of non-compliance to “test” the outcomes in the table, and it could be argued that some impact here and there for those businesses who do have occasional compliance issues may be worthwhile.<sup>18</sup>

61 Question 26 asked whether the presence of a primary authority agreement had in general affected relationships at the local level between businesses and their enforcing authorities. This was an open question and broad responses were as follows:

- No change (often accompanied by “continues [to be] good”) (45 endorsements)
- Generally improved (12)
- Increased confidence within business that it understands regulatory issues (3)
- Better understanding on the part of regulators (3)
- Benefit of a single contact point (3)

<sup>18</sup> For obvious reasons, it was considered too sensitive to ask businesses directly over the telephone for details of the extent to which non-compliance occurs within their organisations.

- Increased employee commitment (3)
- Enforcing authority lack of awareness of Primary Authority (and the business's membership of it) continues to frustrate progress (3)
- Relationship deteriorated (unspecified) (2).

## Inspection plans

- 62 Businesses were asked (Question 27) whether they had an inspection plan in place for some or all of the regulated areas covered by their primary authority agreement. 17 businesses (23%) did so. The proportion of large businesses with an inspection plan (12 or 34%) was considerably greater than that of small businesses (5 or 15%); this is perhaps not surprising.
- 63 Those businesses that did not have an inspection plan were asked why not (Question 28). Again this was an open question and responses included:
- One was not needed (37 responses)
  - Not relevant, nothing to inspect (3)
  - No particular reason/reason unknown (8).
- 64 Ten businesses were planning on implementing an inspection plan in the future (or at least thinking about it). Roughly equal numbers of large and small businesses were in this group.
- 65 Those 17 businesses that did have an inspection plan were asked two open questions. The first (Question 29) asked about their expectations of the plan, and the second (Question 30) about what effect the plan had actually had. Broad themes in responses are shown in the table below. Totals exceed 17 since some respondents had multiple expectations. It should not be assumed that the businesses listed in the two columns correspond exactly.

<i>Business: expectations of inspection plans</i>	<i>Hoped for</i>	<i>Delivered</i>
Reduction in regulated activities	4	5
Improved consistency	3	-
Better intelligence about the business	3	2
Improvement in knowledge and understanding about the business from regulators; more relevant regulation	3	3
Better performance measures	1	-
Reassurance	1	-
Little or no effect; unspecified	6	7

- 66 Three potential effects of inspection plans were then put forward, and respondents asked about whether they had experienced them (Question 31). Positive responses are shown in the table below.

<i>Businesses: proportion reporting that the following had changed for the better due to inspection plans</i>	<i>All businesses (n=17)</i>	<i>Small businesses (&lt;250) (n=5)</i>	<i>Large businesses (&gt;250) (n=12)</i>
The frequency with which different parts of your business are inspected <sup>19</sup>	5 (29%)	2 (40%)	3 (25%)
The areas that are looked at	8 (47%)	3 (60%)	5 (42%)
The level of detail that inspections go into	12 (71%)	4 (80%)	8 (67%)
None of the above	1 (6%)	-	1 (8%)

67 Though the numbers are small, these results are more encouraging: all but one business reported some benefit from their inspection plan.

### Other changes brought about by Primary Authority

68 Businesses were asked (Question 32) whether in general they had noticed any changes in the way enforcing authorities deal with them. 28 (37%) did indicate they had noticed changes. Larger businesses were more likely to notice changes (18 out of 41 or 44%), as were businesses with multiple premises (16 out of 33 or 48%).

69 Specific kinds of change were observed as follows:

- The number of regulatory issues referred to the business had reduced (7 endorsements)
- Centralisation of referrals from enforcing authorities had reduced workload (5)
- Regulators were more responsive (4)
- Matters were handled more swiftly (3)
- Regulators were more relaxed (1) or provided more information (1)
- Effects were mixed or hard to identify (6)
- Matters had got worse (3).

70 Most of the negative comments relate to enforcing authorities failing (from the business perspective) to implement Primary Authority.

71 Next, businesses were asked (Question 33) about the extent to which they agreed with a number of statements concerning information or feedback. These statements, together with the positive responses they received, are shown in the following table.

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<sup>19</sup> We made no assumptions in asking these questions about the “direction” of the change – in other words whether the particular change was towards more frequent or less frequent inspections, a greater or lesser level of detail, etc. However given that inspection plans are developed by the business in conjunction with its primary authority we think we can safely say that the changes reported represent improvements in the opinion of the business – in whichever direction they have happened to go.

<i>Businesses: proportion agreeing with the following statement</i>	<i>All businesses (n=75)</i>	<i>Small businesses (&lt;250) (n=34)</i>	<i>Large businesses (&gt;250) (n=41)</i>
You now get improved information about changes to regulatory requirements through your primary authority	33 (44%)	15 (44%)	18 (44%)
You now get more feedback about local issues within your business because of the flow of information	23 (31%)	11 (32%)	12 (29%)
You are now getting more feedback from enforcing authorities	19 (25%)	10 (29%)	9 (22%)
The feedback you get from enforcing authorities or your primary authority is more useful to your organisation	47 (63%)	24 (71%)	23 (56%)
You see more evidence that the findings from the inspection have an impact on what the business does	25 (33%)	12 (35%)	13 (32%)

You use advice and guidance from your primary authority in drafting internal company procedures <sup>20</sup>	49 (65%)	21 (62%)	28 (69%)
You refer any internal policy documents to your primary authority for comment before disseminating them across your business	37 (49%)	8 (24%)	29 (71%)

72 The first five questions above (before the break in the table) were five point scale questions, with a neutral middle option. Only the top two responses (“agree” and “strongly agree”) are recorded in the table. In each case, significant numbers of respondents “neither agreed nor disagreed” with the statement – typically between 30% and 40% of the sample. In retrospect, this middle option is not particularly helpful. Our view (which we cannot of course entirely substantiate) is that it has been used by respondents as a “no change” option, because they believed that to indicate “disagree” or “strongly disagree” might imply that in any particular case matters had got worse<sup>21</sup>. Therefore the percentages expressed above are in our view accurate, and a fair representation of respondents’ views.

73 Of course, were one to regard those who chose the middle option as “don’t know”s, and eliminate them from the responses altogether, then the percentages shown in the above table would increase greatly. We remain of the view, however, that (for instance) if respondents “don’t know” whether they are getting “improved information

<sup>20</sup> This question and the next were straight yes/no, and not a five point scale.

<sup>21</sup> This is of course incorrect. You are entitled to “strongly disagree” with the suggestion that something has improved if you are entirely convinced that it has not changed: it does not need to have got worse.

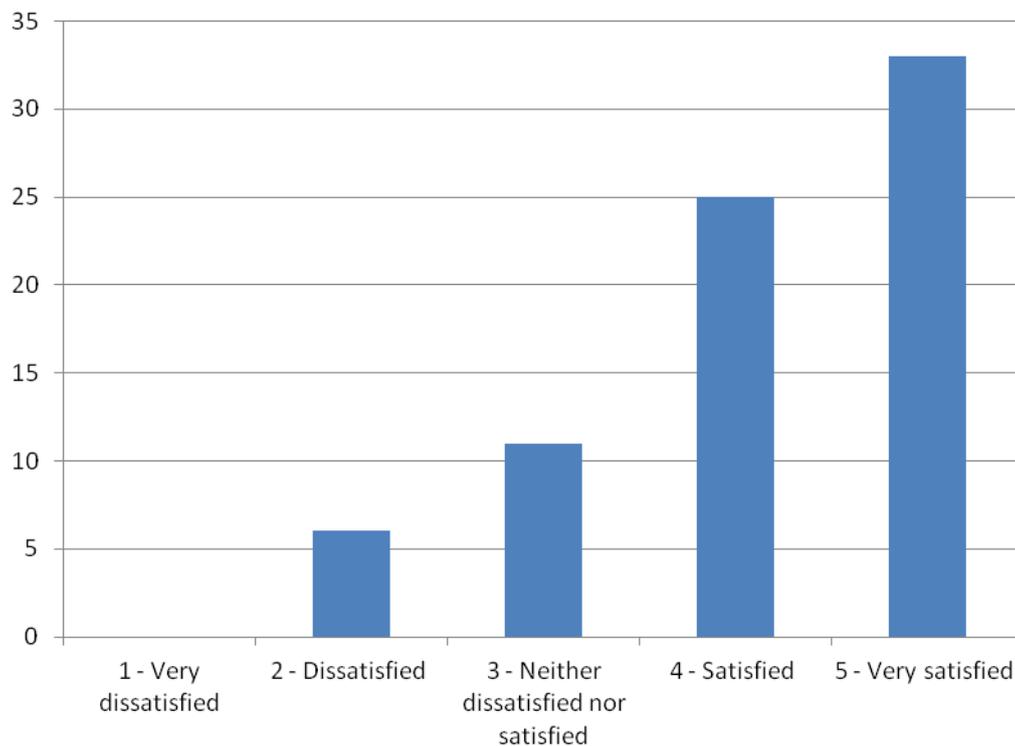
about changes to regulatory requirements through their primary authority” then they probably aren’t.

- 74 The last two questions (Questions 34 and 35) were straight Yes-No questions. In this context, it is significant (and interesting) how few small businesses routinely refer internal policy documents to their primary authority for comment – given that three quarters of large businesses do this. Perhaps small businesses do not have as many policy documents in the first place?
- 75 Taken overall, however, these figures are more encouraging, and show significant benefits from businesses’ participation in Primary Authority in many cases.

### Overall satisfaction with Primary Authority

- 76 The final group of questions asked about overall satisfaction with Primary Authority. Businesses’ summary response is as shown in the graph below.

**Q36. On the whole, how satisfied or dissatisfied are you with your involvement in Primary Authority?**



- 77 There was little or no variation by employer size, nor by number of premises.
- 78 Among reasons for satisfaction (or otherwise) (Question 37) the following stand out:
- Positive contacts and a good relationship (10 endorsements)
  - Excellent regulatory advice which boosts confidence within the business (10)
  - Reductions in workload since the primary authority is handling queries (8)
  - Protection from enforcement activities where these are unjustified (3)
  - Consistency of regulatory activities (4)
  - General time saved (3); a new impetus in the business (1)
  - Better understanding of the business (2); better regulatory information (2)

- More structured way of working (1); better problem solving (1)
- Primary Authority saved the business (1)
- General unspecified satisfaction (5).

79 Some respondents saw no improvement:

- Primary Authority depends on enforcing authorities being aware of a primary authority agreement (and this was lacking in many cases) (3 endorsements)
- Poor communications jeopardised the effective working of Primary Authority (3)
- Consistency was not achieved (1)
- Primary Authority was no better than Home Authority which it replaced (3)
- General unspecified lack of improvement (12).

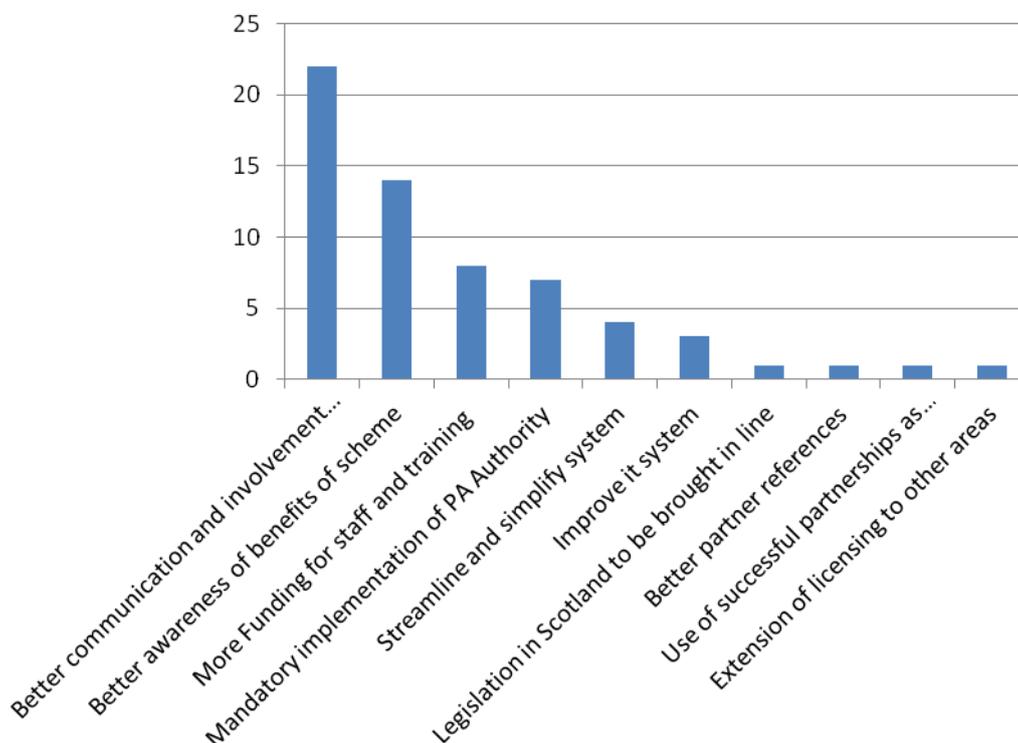
80 Asked whether they would recommend Primary Authority to other businesses in a similar position to theirs (Question 38), 68 businesses (91%) said they would. Again the proportion hardly varied by size of business or number of premises. This was despite the number of general negative comments made in the previous question.

81 Asked (Question 39) whether Primary Authority works better in some regulatory areas than others, 27 (36%) said it did. Health and Safety (7 endorsements), Consumer Protection (5), Food Safety (5), Labelling and Packaging (3), and Trading Standards (3) were most frequently mentioned as areas where it worked well.

82 Finally, respondents were asked for suggestions on how to improve the scheme. 48 respondents (64%) came up with suggestions: the responses are listed below, in order of popularity, and also shown graphically.

- Better communication and involvement between parties
- Better awareness of benefits of scheme
- More Funding for staff and training
- Mandatory implementation of Primary Authority
- Streamline and simplify system
- Improve IT system
- Legislation in Scotland to be brought in line
- Better partner references
- Use of successful partnerships as promotion
- Extension of licensing to other areas

**Q40. Finally, what suggestions would you make to the BRDO on how best to improve or develop Primary Authority?**



**Verbatim responses**

- 83 The business survey contained a number of “open questions”, responses to which are recorded in the tables below. Responses are identified by business size ([number of employers]).
- 84 Responses were recorded verbatim at interview time by colleagues conducting the telephone interviews; therefore some slight amendment and editing has been necessary. We have attempted to remove all references to individual businesses and authorities, but would be grateful for any that remain to be drawn to our attention.
- 85 In each case, nil responses have been removed from the table.

<i>Q3c Reasons for not including Primary Authority areas that might otherwise be relevant</i>	
They involve separate departments within the Council	[500+]
Our primary authority does not deal with trading standards	[500+]
Not relevant to our council	[25-49]
Another primary authority might be more relevant to the business since we have moved	[500+]
Other areas are not applicable	[500+]
Our primary authority do not seem keen on the workload and the responsibility	

[500+]

Q8b What made it difficult to find a local authority to act as primary authority?

Getting information about what was involved[100-249]

Q9b What made it difficult to set up a partnership?

We wanted to appoint a particular experienced officer from the LA that we wanted to appoint but due to the lack of understanding from the CEO and director from the LA they made us appoint a different officer that the LA though was appropriate.  
[500+]

Bureaucracy from the primary authority [500+]

Q15 What objectives, if any, did you initially set for your primary authority partnership?

Advice and support. Looking to set up an inspection plan. Follow up with validation of food safety and H&S manuals. [500+]

An understanding of how we work with the primary authority. We needed them to represent us with a total understanding of us. [5-9]

As an ever growing company we wanted to ensure we have as little reason for complaints as possible. [250-499]

Bringing Food safety and Trading Standards in line [50-99]

Consistent enforcement between all local authorities. [500+]

Consistency across all local authorities and raising our worth in their eyes.  
[100-249]

Cut out enquiries from other EHOs. Reduce admin costs. [100-249]

Dealing with one authority means the relationship improves with the LA's and the primary authority understands the business and is more familiar with it, which saves us from having to explain our business to each LA. [500+]

For support in tough matters. [20-49]

Good working relations with trading standards. This is important because our businesses integrity would constantly be in question by trading standards when really all businesses are inevitably going to make mistakes. [100-249]

Help labelling [10-19]

I wanted consultation and assessment for regulation related issues. [100-249]

Initially to see where things will go. All Company policies will be reviewed, risk assessments next (looking at possible improvements), then branches visited.

[500+]

Looking at management system for food and safety. Want to go forward to getting an inspection programme. Local authorities have been ignoring the relationship.

[500+]

Mainly to insure our primary partners were happy and would inform us of issues through Primary Authority and to review complaints re: issues, and to come to office and make a presentation. [100-249]

Making sure we don't fall foul of trading standards on our website. [100-249]

The focus of our primary authority agreement was to be able to have a streamlined handling of referrals and have all referrals coming through [X] Borough Council. Previously we were finding even with our agreement that enforcing authorities were still coming to us direct. Another key thing, although we haven't encountered this happening yet, was to make sure all the referrals coming through were correct, and make sure inappropriate referrals were filtered out before reaching us, eliminating unnecessary duplication. [500+]

The objectives were to have our health and safety and food and safety procedures ratified, with legal weight by the primary authority. [500+]

They were trialling with a national chain... this was to make sure all was running [20-49]

To avoid dealing with 10 different authorities over the country. [500+]

To be more confident that our legal requirements will be met. [500+]

To ensure company is up to scratch with legislation [10-19]

To ensure compliance with our policies and procedures and having an advice path to go down if we need. [500+]

To ensure that both Food Safety and Health and Safety were standardised by a 3rd party [20-49]

To ensure the authority had full sign off of our health and safety and food safety policies in key areas. We eventually plan an inspection plan too. [500+]

To ensure we are legal and compliant and that any product we release is safe. The assurance of working with a primary authority fits in with policy. [500+]

To explain peculiarities of defence catering and its' systems. [500+]

To form a closer working relationship[50-99]

To gain local consistency [500+]

To get age restricted sales policies and training material approved. Going forward we want approval of policies regarding product safety, compliance and product requirements issued to buyers [500+]

to get an inspection plan in place on age sales [500+]

To give our business a common voice across the country. [100-249]

To have a point of reference [500+]

To have internal documents signed off, giving them more legal weight. [500+]

To have reassurance of the work that the trading standards carries out. [0-4]

To have uniform legislation and regulation between two different LAs. Prior to Primary Authority Partnership, the goal posts would constantly change. [250-499]

To help us resolve any Food Standard Agency issues we may have, and to firm up the bond with our EHO (Environmental Health Office). [50-99]

To help with a product problem. [20-49]

To improve issues and provide better communication [50-99]

To keep the home authority principle [250-499]

To meet legal requirements as law was misinterpreted [500+]

To provide consistent advice on regulatory areas [500+]

To set up inspection programme [500+]

To simplify and have one point of contact [20-49]

We didn't have any objectives. We had a specific issue, which is on-going. Our agreement is all around the correct packaging and making sure that our packaging fits regulations. Our local Trading Standards advise us on this. [500+]

We didn't set any initially, but are in discussions about them now. [500+]

We didn't set clear objective. The main thing we're working on is our HACCP documentation to ensure consistency. [500+]

We have had problems with products from abroad [10-19]

We wanted a smooth handover from the LGR to the Primary Authority scheme, consistency within enforcement and the advice given to us, and lastly to have more legal weight with our procedures. [500+]

We wanted it to help us liaise with enforcing authorities, and to set the audit criteria for other enforcing authorities visiting our sites. Also we wanted to review our policy, processes and procedures. [500+]

We wanted support in place to have someone to contact who could give advice as and when we needed it. [5-9]

We wanted the LA's to have a good understanding of our business and to produce a solid inspection plan. [500+]

We wanted the Lead Authority to look after day to day problems and for us to only have to deal with one authority. [500+]

We wanted to be able to have close contact so that any market issues to do with counterfeiting goods or coping goods could be brought to the attention of trading standards and make company visible to other authorities, so that if any issues arose they could come direct to us. [0-4]

We wanted to help the authorities. As a food business, it's very important to us that Trading Standards and Environmental Health are happy with what we're doing. To have a good partnership means a lot to us as a food business and to maintain standards. [10-19]

We wanted to minimise the complication of trying to meet the standards of multiple authorities: we have 58 buildings in 50 authorities. We wanted consistency. [500+]

*Twenty "don't know"s or nil responses deleted.*

**Q16** *How do you monitor how your primary authority partnership is progressing, and whether it is delivering as expected?*

A meeting each year, not formal. [500+]

Annual meeting, weekly monitoring [20-49]

Annual review [20-49]

Bi yearly reviews. Also a program of visits by the primary authority person, and ad hoc correspondences on an on-going basis. [500+]

by the feedback and the way we are treated [100-249]

Case volumes working well [250-499]

Enforcement visits are monitored and how effective policies are in protecting the individual restaurants we have. The food hygiene rating scheme is quite a good indicator of that. [500+]

Feedback and a good relationship with the primary authority [50-99]

Frequent meetings [500+]

Good communication and audits [50-99]

Good relationship [100-249]

Hard to gauge. Regular meetings. only going 1 year [100-249]

Hard to measure ... we sort most of our problems ourselves and refer only when we can't. [5-9]

Have emails [500+]

How fast their response is and the accuracy of their information. [20-49]

If adequate results occur ... they really helped. [10-19]

I'm not sure, they make more visits and they're in more regular contact. Other than that I don't think about it. We know they're there if we need them. [10-19]

in contact a lot... hard to monitor success [500+]

Interactions depend on specific products, each piece of work we take to them we expect to get it back within a certain time-frame. The time-frame depends on the product, we discuss this when we approach them with the product. We've had no problems with this so far. [500+]

It isn't delivering! Very little consultation between EHO and primary authority. [500+]

Land forces order issued. Only appropriate questions answered and system can be monitored. [500+]

Logging and recording the referrals we receive. [500+]

meet quarterly basis to discuss everything [500+]

Minimum annual meetings [100-249]

No measure exactly, but now other EHOs are responding... more to come. So changes are starting to appear. [500+]

Not used that much - only contact them if issues occur which is rare. [20-49]

On an ad-hoc basis ... there is little communication unless there is an issue. [20-49]

Only used once [250-499]

quarterly meetings [20-49]

Quarterly review meeting and daily contact with the officer. [500+]

Regular contact and meetings [500+]

regular meetings [500+]

Regular meetings [10-19]

Regular meetings and email , phone when needed [500+]

Regular meetings, usually in person and sometimes over the phone. [500+]

Regular meets [50-99]

regular reviews [500+]

Routine visits to operations for an overview and understanding of how things are running and what we do. Quarterly review meetings too, reviewing previous meetings and looking at areas where we can look at their understanding. [500+]

Self-auditing and hygiene reports regularly sent. [500+]

the amount of queries [20-49]

The primary authority is there as a safety blanket. If we need them they are there. [250-499]

The responses from the LA demonstrate whether or not the LA has been using the Primary Authority system, as it should be used. Also, we review our entries on the BRDO website, to make sure the things that we discuss and agree and on uploaded on the BRDO website. [500+]

There is an annual meeting with [name of primary authority]. Also we speak very regularly both formally and informally which works very well. [500+]

Via meetings. [500+]

We are a small company so we simply use the primary authority services ad hoc. [5-9]

We don't monitor formally, speak regularly via phone and email. This isn't formal contact, more relaxed. [500+]

We don't monitor it ... we only use it when we really need assistance and we have no other contact. We really only joined Primary authority as without it we wouldn't have the back up of our local trading standards. [100-249]

We don't monitor it. We actually don't have much contact at all. We are a fairly low risk working environment, and have our own internal compliance team. We would use [name of authority] more as an arbitrator if we needed. [500+]

We don't monitor it. We just know they're there when we need them. We haven't used it an immense amount since it has been set up. [500+]

We don't. We are on a 12/18 month quota [250-499]

We don't. We only require their assistance when something goes wrong, and have very little need for interaction. [50-99]
We have a monthly catch up with the trading standards and environmental health team. [500+]
We have quarterly meetings. [500+]
We take a look at the number of complaints... before we would have had a number of issues which needed corrective action, where now we deal mainly with preventative measures. The Primary authority knows our systems and quickly notifies us of any issues. The number of contacts has definitely reduced substantially. [250-499]
We use the primary authority ad hoc when an issue arises. [100-249]
We use the service on an ad hoc basis. [20-49]
Whether projects are completed on time and as required. [0-4]
Yearly meeting. [100-249]
<i>Seventeen "We don't" responses deleted.</i>

<i>Q19a You mentioned that the amount time your organisation spent on regulatory activities had improved<sup>22</sup> since you participated in primary authority. Are you able to quantify the extent to which it has improved?</i>
A better relationship has helped supply better results and therefore less time. Problems have been simplified. [500+]
Had to speak to someone miles away about it - now much easier [10-19]
I didn't spend much time before, but now primary authority gives me consistency and a common voice across country. I can ring up one person, and have one conversation, it's simpler. [100-249]
Initially we were getting 2-3 contacts per month from different local authorities with regards to labelling/analysis- now we are down to maybe to one ... our primary authority reacts to the rest. [500+]
Just because the hassle is removed [10-19]
Less authorities to deal with [20-49]
More time is now spent in other regulatory areas to this. [500+]
Not having to sort through different info [20-49]
Our product range has decreased since we are specialising in products. [20-49]
Since we've set up primary authority, it's been more intense, we've been looking at everything and making it more standardised. In the long term it will be more efficient. [500+]
The primary authority has taken dealing with issues away and they can represent us

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<sup>22</sup> "Improved" was a standard word used in Q19 a through d. In the context of Q19a it can be taken to mean "decreased time spent on regulatory activities", and similar deductions can be made for the next three questions.

confidently [5-9]

The recent government announcement of scrapping a certain act would affect our company so I immediately communicated with our primary authority and we very quickly developed a plan due to the advice of the primary authority, within a half day meeting. Without the primary authority the whole process would have taken a great deal longer. [500+]

There is less risk for us now. We now don't have to have 4 or 5 people in our business spending time on the product; we can just drop it off at Trading Standards. We can also point other Trading Standards offices at our primary authority so we don't have to spend time dealing with them. [500+]

things are easier time-wise [10-19]

We are working on one page rather than loads. more direct and therefore less work [50-99]

We have less activity there. Less trivial things to deal with. Was more petty. [100-249]

We have spent less time, fewer and less complex referrals have come through. [500+]

We need to look at this in more detail [250-499]

We now spend less time [50-99]

We probably spend 10% less time, because of improved communication. [500+]

*Q19b You mentioned that relationships with local authorities and other regulators had improved since you participated in Primary Authority. Are you able to quantify the extent to which it has improved?*

A lot of work educating and going out to various regulators to explain our primary authority partnership so we have a better relationship with the regulators. [500+]

Authorities appear to have more incentive to stay in touch with us. [0-4]

Because enforcing authorities understand Primary Authority better. [500+]

Before we dealt with every complaint... now primary authority deals with them all. [20-49]

Before we would have referrals from the LA directly. Now we have one port of call so this avoids duplicate work. This speeds up processes so we can get information quicker and get responses out quicker. [500+]

By having a more formal review structure, the authority has a much more in depth knowledge of our business and they are able to support and advise us more objectively when we have enforcement visits in our restaurants. [500+]

Closer relationship and more trust. Much better. [20-49]

Complying is simplified [20-49]

Due to having a primary authority, there seems to be a greater respect for all parties concerned. The whole relationship has changed from our connection with the LA/primary authority being adversaries to becoming partners. [500+]

Due to the primary authority scheme we can now 'speak the same language' with the local authority. [500+]

Good working relationship [10-19]

Huge cultural change in the last 5 years has meant our relationship has greatly improved. [500+]

I can ring up one person, and have one conversation; it is simpler. [100-249]

I think they have a better opinion of us. We don't deal with enforcing authorities directly, just through Primary Authority. [500+]

If we need help and advice it is readily available [50-99]

It was good but things are closer[50-99]

LHO more wary of how they deal with the business as they are aware there is a primary authority involved. [500+]

Many issues are filtered before they get through to us. We deal with a retail environment in stores all over the UK, so having one authority to deal with everything makes things much easier for us. [20-49]

Marginally better, because we were the first business set up with Primary Authority in [primary authority] we had a lot of interaction, we have a good relationship, but we had a good relationship before anyway. [50-99]

Maybe a change of staff has helped - the new person is more approachable [100-249]

Meetings mean an exchange of intelligence and raises kudos [100-249]

More empowered to question and find their powers accountable even though sometimes

unaware commercially. [500+]

More on a one to one basis now which really helps. I have developed a good working relationship with the primary authority representative. She understands our company well and I understand her work and time constraints. [20-49]

My gut feeling is that we have a better relationship. Having experience of local authorities over many years, the attitude has changed. They are looking after your back these days. Not just looking for problems. [500+]

Now most of the complaints go through primary authority with consistent advice, so we get less referrals [500+]

Now only one point of contact [20-49]

On first name basis with primary authority officer. She has confidence in his helping her. [20-49]

Our relationship with our Trading Standards has improved. The links we have with their office mean we have contacts if we need help in other areas we can ask there. To have one person (internal knowledge) to contact is a great benefit.[500+]

Regular meetings have helped reduce follow up questions [100-249]

The minute you mention you've got a primary authority agreement it looks good to enforcing authorities. We look responsible and it shows we're not hiding anything. [500+]

There is more consistent and uniform legislation between the two local authorities I have to deal with. [250-499]

There was a very poor relationship before this, so things are now better. Education and understanding has helped a lot. [500+]

They know our business better now - the local council scrutinised our company in detail. [100-249]

They now generally deal direct with the primary authority which helps when issues arise [10-19]

We are in touch more often, now we have a better relationship. [0-4]

We are making more of an effort to communicate and to make a more reciprocal relationship. [20-49]

We are now working closer together to find compatibility in health and safety [500+]

We have a contact that we can ring, who knows us and is familiar about our business. Also it helps that we meet in person. [5-9]

We have built up a relationship now; they aren't just a voice over the phone. Approachable now. [500+]

We have direct communication so I know which person I need, there is easy communication by direct phone and email and we get fast responses. [100-249]

We have to deal with them less, which is good. [5-9]

We never had a bad relationship with anyone but with primary authority things are better. To have an overseer has allowed life to be easier for everyone concerned [250-499]

We now have a relationship with a specific office, a wider reaching relationship than we previously did. [500+]

We now have more consistency.[500+]

Where there are problems, they go between of primary authority now resolves issues. They are the deciding force. Employee liability insurance issues with display were resolved as an example. [500+]

*Q19c You mentioned that the intelligence you receive from regulatory activities that are carried out in respect of your business had improved since you participated in Primary Authority. Are you able to quantify the extent to which it has improved?*

Again, advice is there [50-99]

Again, there is one contact we can refer to so we get more tailored advice. [5-9]

Better cooperation and communication [50-99]

Due to there being one location to contact, there is a clearer overview of what's going on [500+]

Feedback has helped a little [10-19]

Getting a better understanding of other's perception of how they run things from EHO. There is much more positive feedback, not just feedback when problems. [500+]

Good intelligence on dealer performance and where key focus is which allows tweaking of business model [100-249]

If there are changes to guidelines, the primary authority representative will email me immediately or for more serious matter, arrange a meeting.... so intelligence is very good. [20-49]

intelligence has improve with communication [50-99]

Main thing is feedback on inspection plan has been superb from our primary authority. [500+]

More info has been available [20-49]

More involvement and they are there for advice. [20-49]

More notification of findings, test purchases, samplings etc. [500+]

One stop shop ease [10-19]

Our side hasn't changed, but we feel that we're getting more help and better responses from authorities than before. [10-19]

Primary Authority gives me consistency, and a common voice across country. [100-249]

Previously there was very little proactive contact, just annual visits. Primary Authority has allowed a much better relationship. [20-49]

The contact at our primary authority is very clued up with regards to legislation and has the humility to say when they don't have the answer, but will act upon that and get back to us in 24 hours. [500+]

The information we get is very good, based on fact and sensibility, its practical approach to implementing food safety in a catering environment. You can't isolate catering, food safety is a very hands on process and they have to work together.[500+]

The property firm industry is complex with landlord and tenant agreements, so consistent

advice is invaluable. [500+]

There is one definitive person to go to for advice/information/guidelines. [250-499]

They appear to be more forthcoming with relevant information. [0-4]

they are very good with supportive advice [500+]

We brought a new product on the market that was different to other ones with specific labelling needs that we were delighted to get excellent advice from the primary authority. We were even helped with a dilemma with application of legislation. They offer clarification and explanation very well. [250-499]

We can get advice and information straight from 'the horse's mouth' which is invaluable. Therefore there is no grey area. [500+]

We have several meetings with the primary authority so we have had word of mouth chats. They are more aware. [100-249]

We hear more now [100-249]

*Q19d You mentioned that the consistency of regulatory advice and guidance given to your business had improved since you participated in Primary Authority. Are you able to quantify the extent to which it has improved?*

Again, this is a gut feeling as the primary authority has been prompt replying with answers to issues and very consistent [500+]

As they are one-stop shop things are better as they set the standard. [20-49]

because now we have one person to deal with [500+]

Because we have one officer who work full time for our company. [500+]

Before I had to go and find information, now I get emails from our primary authority, and they come to me. [500+]

Building a relationship with one or two people has meant that they understand our commercial reality and we get to understand their regulatory pressures. Relationships make it easier, not just a voice on the end of a phone. This has been reciprocal; we've hosted meetings for other businesses to help get them involved with Primary Authority. [500+]

Dealing with one person helps so much. Having 5 restaurants in 5 areas was a real headache. [20-49]

Due to one point of contact there is a consistent message between the LA and our businesses. [500+]

Having one contact for all issue and queries is very good. [20-49]

I only hear from the council but this has improved [50-99]

improved considerably [250-499]

just easier ... set times mean info is shared more efficiently [20-49]

More is now available [10-19]

No arguments... primary authority has been very helpful with direction and advice. Local info is limiting..... The primary authority is making things much clearer and focussed. [500+]

Now we have a good relationship with officers concerned, so there is much more understanding why we do certain things so we are able to help authorities with consistency [500+]

one source only means simplification of process [50-99]

Primary Authority gives me a consistent, common voice across country. [100-249]

The advice is more definitive and does not change. For example in the past if an LA was challenged they would then change their mind and say another authority was right, but now once we have the advice it stays the same. [500+]

The authorities seem more proactive than they were. [10-19]

The beauty of it is when we get an environmental health officer who gives non-compliance notices, the EHO can take it up with the primary authority so unnecessary NC notices are weeded out. [500+]

The councils are providing much improved and informed advice [100-249]

The primary authority provides everything we need [50-99]

There was a government announcement to changes to EPC, and there were inconsistencies from the government. It was greatly comforting to get one definitive place for guidance, which is the primary authority. [500+]

There is one point of call which means there is more consistency in advice. [100-249]

They have trained our staff with regards to training regulations and brought things in line [5-9]

Through the meetings we get given more information. We also have a specific contact to speak to; this is the best thing about the Primary Authority scheme. [500+]

Very good at keeping us up to date with all changes [500+]

We get very quick, sensible responses from our primary authority. [500+]

We're made aware of significant changes, this is easier. [500+]

When something new occurs, we can now act on advice from the primary authority, rather than making individual decisions/policies for the various authorities we deal with. [500+]

*Q20a You mentioned that the amount time your organisation spent on regulatory activities had deteriorated since you participated in Primary Authority. Are you able to quantify the extent to which it has deteriorated?*

The involvement with the primary authority has added bureaucracy because LA should check with the primary authority before approaching us but that's ignored by and large, where it is not ignored I am still having to act on behalf of the primary authority to explain to the LA that it is the primary authority who should be first referred to. [500+]

Not because of scheme, but just the current regulatory culture has made things harder with an increased complexity of laws.[20-49]

Now she has pointless meetings with our primary authority where she gets no valuable input whatsoever! [500+]

*Q20b You mentioned that relationships with local authorities and other regulators had*

*deteriorated since you participated in Primary Authority. Are you able to quantify the extent to which it has deteriorated?*

It winds up EHOs [500+]

Relationship is good but just less frequent [50-99]

Where there has been some disagreement with the LA about grey areas, and I have a conversation with the LA when I mention the Primary Authority scheme the LA respond negatively because the LA feel that their autonomy has been taken away. [500+]

*Q20c You mentioned that the intelligence you receive from regulatory activities that are carried out in respect of your business had deteriorated since you participated in Primary Authority. Are you able to quantify the extent to which it has deteriorated?*

I don't get feedback from the primary authority on things like that, partly because the LA don't use the Primary Authority [IT] system, therefore the primary authority can't understand why they have not been informed on enforcement visits, resulting in the primary authority not giving us primary information. [500+]

Not as much help is coming as before. Hard to get time with them. [500+]

now more on request [5-9]

We don't get any intelligence now nor did we before. [100-249]

*Q20d You mentioned that the consistency of regulatory advice and guidance given to your business had deteriorated since you participated in Primary Authority. Are you able to quantify the extent to which it has deteriorated?*

Not so much from primary authority, when we had a dispute from the LA, one paragraph was legally wrong so when I explained this to the LA ended up in telephone interview with EHO, when I put this to the primary authority the LA disputed the primary authority. Therefore I personally made a legal case to the LA which resulted in the LA withdrawing their dispute. Thus the primary authority did not perform their role. [500+]

There is still contradiction which was the point of partnering with a primary authority [500+]

*Q21 Thinking about the benefits that your business has derived since you formed this primary authority agreement, to what extent do you think these benefits would have occurred without Primary Authority?*

A lot harder to get info and an increase on in time spent on complaints [20-49]

Difficult to answer ... but since we have had the agreement we seem to have had a lot less enquiries. The workload would have been higher. [20-49]

Difficult to quantify ... we always had a good relationship with our borough. [50-99]

I don't think they would have. I feel more confident knowing that we have the agreement. I have back up. [500+]

In terms of the consistency of enforcement and statutory footing, this would not been

possible without the primary authority scheme. [500+]

It gives our suppliers more faith - less business otherwise [50-99]

It made us think differently and ensure the right data goes to the right person. We would not have done this without putting everything under one umbrella. We would not have such clarity and also such a good relationship. [20-49]

It would be difficult without the primary authority scheme. [500+]

It would be less. [20-49]

It would have been harder to get info and guidance [500+]

It wouldn't have. I'd still be having to liaise with five different Environmental Health departments, now I liaise mainly with one, and they deal with the others on my behalf. [500+]

Less referral dealt with - future proofing is better [20-49]

Life is easier now than it would have been as the workload is far lighter than previously. Local authorities are aware of much more before they approach the business with issues etc. [500+]

Much more slowly... the primary authority has been very proactive with metrology improvements, measurement sampling and staff training. [250-499]

No benefits [... would have occurred without the scheme] [250-499]

No benefits would have occurred. This has been very helpful. [0-4]

Non-existent. [500+]

not at all<sup>23</sup> [100-249]

Not at all [20-49]

not at all [500+]

Not at all - the relationship is now personal ... as well as official. [10-19]

Now there is a statutory back up to it. Weeks of work were saved. [500+]

Once HA was disbanded, we would have had increasing costs and things would have been less manageable. [500+]

Quite different. The business would have gone bust! [50-99]

Some benefit had been derived from the kudos and element of trust. [100-249]

Some things would have happened anyway generally. But there have been some general benefits. I cannot think of examples.[500+]

The authorities have been more proactive and the counselling and the testing of ingredients they've done for us has increased since we're been involved. [10-19]

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<sup>23</sup> This is a positive comment. The benefits would *not* have occurred *at all* without Primary Authority.

the relationship gives us a good point of contact... that is the only difference [50-99]

There has been benefits in their existence because the very fact of having primary authority sends a message to the LA that we are committed but the primary authority has not done anything I could not do myself in terms of settling disputes for example. Also when there is involvement with enforcing authorities/LA, there is no mention of it in the BRDO website. [500+]

They were already improving, our use of primary authority could have been better. Little change. [500+]

They would have, given the way the regulatory landscape has changed since primary authority came about [500+]

They wouldn't have as we were just another tyre and exhaust place [100-249]

They wouldn't have. [0-4]

They wouldn't have... the relationship has made the difference [20-49]

They wouldn't have. [500+]

Things are better..... They understand us and the way we run our business. [250-499]

Things would have taken longer and the process would have been more expensive [20-49]

this formalised the successful relationship [10-19]

To a lesser degree. [500+]

To a lesser degree. [250-499]

To a minimal extent [500+]

To lesser degree. [500+]

We are trying to create a credible brand and need an impartial body that can assess us as a business and say they are confident we are a company that takes consumer rights seriously and takes products to the market that are acceptable and meet agreed standards. So we are better off with primary authority than without it. [5-9]

We don't [think they would have occurred]. Simply, they [have] done as much as they could in the last 30 years but the 3rd party improves things greatly. [500+]

We had a good HA relationship before but this gives us confidence that our policies are fit for purpose and that we can have a much stronger relationship with other authorities and have the confidence to discuss issues in a more precise way. We wouldn't have that relationship otherwise. [500+]

We had lead authorities before, so not too much difference made by the primary authority. [500+]

We now always get a consistent answer from one contact at one authority. [500+]

We probably would have struggled to be honest! [20-49]

We would be spending far more time on issues that we don't now. [500+]

We would have achieved the same but we would have had to use more resources. [100-249]

We would have been in serious trouble. [10-19]

We would not have had the consistency we now do from the various authorities. [500+]

We would still be ok ... things may have been less easy. This has simplified the process. [10-19]

We would've had some protection under home authority, but now we're more confident with primary authority that they have greater knowledge, and they will back up their decision to other Trading Standards authorities. [500+]

Without the primary authority the results would have been less. [20-49]

Work volume would have been much higher with many more requests for reports. [500+]

Would not have occurred at all. [500+]

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It would be exactly the same. [50-99]

It's not made a great deal of difference [500+]

Little difference in terms of our own service. [500+]

No benefits have arisen from the partnership so far.... we pay a substantial amount of money for very little. However, I would guess that if any issues/problems arise, then we may possibly get more benefits from the scheme. [100-249]

No change [500+]

No change at moment [500+]

No difference apart from using the partnership as promotion to customers [500+]

No difference, we use the primary authority just for back up [100-249]

No real change happened... no benefits so far! [500+]

no real difference [100-249]

Not a lot..... Hard to measure support and advice. [500+]

Not much difference [250-499]

Not much difference since we had a lead authority before who was just as useful. [100-249]

There has been no big change. We've always had an open relationship with Trading Standards, if they had a question or weren't happy, we'd do whatever was required, there was nothing that could be improved, we always had good communication.

Guidance and advice has stayed the same, we've always felt that we've been given the best and most correct advice. We've never spent much time on compliance issues and the primary authority partnership hasn't affected this. The main difference is that services were free and now we pay for them. I don't feel I get anything more just because I pay now. We had a good relationship and contacts before we've always been able to approach or be approached to deal with it in the correct manner. This hasn't changed. [500+]

*Four "don't know"s deleted. Favourable responses (57) shown above the dotted line. Unfavourable responses (14) shown below the dotted line.*

*Q22 Can you give me an idea of how this primary authority partnership works in practice? For example how frequently you meet with your primary authority? How and how often you communicate outside these meetings? Etc.*

We have not had a meeting in the 18 months; we use the service ad hoc. [20-49]

Meet every 6 months. Contact as per situation [500+]

Two meetings a year. We contact when needed [10-19]

Met a couple of times since agreement and email approx. once every 6 months [20-49]

We don't meet. The relevant departments of our business communicate with the primary authority by phone and email as and when necessary. [500+]

We have a fulltime officer in our business who works 3 days of the week in the office and the other 2 days on site. [500+]

I am not sure because I am confused between the trading standards services and the primary authority services. However I meet once a year with what I believe is the trading standards. [20-49]

6 monthly meetings and contact when there is an issue by phone or email. Ad hoc meetings when necessary. Contact every 2 weeks or less. They always keep us in the loop. [500+]

twice a month calls/ emails 4 meetings per annum [100-249]

It varies but on average there are 4 planned meetings and then ad hoc meetings a year. [500+]

No relationship. No meetings. It all costs too much. [250-499]

We meet when necessary, which is rarely. Communication by phone or email as needed. [100-249]

Annual meeting. Speak or email every two weeks [20-49]

Annual review and regular email. [20-49]

We have an annual check for metrology. We have a new contact who was meant to meet us but never did. We don't really speak to them at all except to arrange and then cancel that meeting. [100-249]

Email every 3 months [500+]

meet once a month/6 weeks [10-19]

We hardly ever have meetings, just the occasional phone call to keep in touch. [500+]

2 meetings this year already. Regular contact. Especially when issues occur, with an authority or if something good has happened too! [500+]

Very little communication now up and running. No contact with primary authority in last year. [100-249]

Meet quarterly unless specific issues arise. We also swap fortnightly emails [20-49]

I get email updates, and can contact primary authority for advice when issues crop up. I let her know about accidents that may require primary authority intervention, or where the primary authority might be contacted by enforcing authorities. We don't have face-to-face meetings. [500+]

We use as and when, when something arises. [5-9]

Just when we need, we email or ring. [100-249]

Only when needed. if problems occur [250-499]

Formal meeting quarterly. They speak every day. [500+]

Once a year meetings - complaints emailed weekly [500+]

We have a catch up meeting each year. Also, as and when we need it we have correspondences on an informal basis; when there are common issues the primary authority deals with the issue so it doesn't have to reach us, but if a novel issue arises then the primary authority will correspond with us. [500+]

We meet monthly with trading standards and environmental health, and where there is something urgent we communicate via email/telephone. Also when we launch a new initiative we work with the primary authority separate to the monthly meetings. We also have on site visits. [500+]

We meet yearly. We communicate as and when throughout the year using both phone and email. [100-249]

When we started we had a couple of meetings. We rarely meet but ring on an ad-hoc basis, when a tricky situation arises. [500+]

Quarterly meetings. Regular calls/emails when problems/queries occur [500+]

Meet every 3 months talk every week or fortnight by email or phone [500+]

Meet twice quarterly to review performance and new policies in one meeting and the other meeting is more formal for an official sign off of those policies. Outside of that it is on an as of when needed basis. [500+]

Quarterly meetings. Chat monthly or when a problem arises. All our records are online... EHOs can see everything whenever they need. [20-49]

Informally we communicate over the phone / email. Formally we have meeting arranged ad hoc when required. Rather than having set meetings. [500+]

Once every 2 months. When a new premise is opened they contact. [500+]

Meet every 3 months. Call/email.... if issues arise. [50-99]

Meetings every 2 months, speak every month [500+]

We meet face-to-face on an ad hoc basis, depending on work, once a month or 6 weeks, sometimes at our office, or at theirs. We communicate by email and phone calls as required,

have a couple of main contacts to deal with and are confident to get in touch with them if we need to. [500+]

We've met maybe once in the last two years. When our primary authority agreement was formed, it was a very new idea and it was accepted that, as a large company with our own compliance measures already in place, we wouldn't need too much day to day input. If we needed to, we could communicate by phone or email. [500+]

1-3 times per annum and 2-3 calls per quarter [100-249]

usually meet every 3 months and when something comes up [500+]

We speak at least 2/3 times a month, plus 2 formal meeting a year: 1) review of partnership 2) review of details of business issues. Also there are regular ad hoc informal conversations. [500+]

Bi yearly meetings, correspondence by email and telephone once a couple of month. [500+]

Frequent communication over email, No regular meetings. [0-4]

Once every 18 months we have a meeting and also there is ad hoc correspondences/phone calls when an issue comes up. We can always call the primary authority when we need them which is very helpful. [100-249]

Contact is kept to a minimum. Email is our primary form of communication, and that is every couple of months as and when needed. [0-4]

They met last month with an agreement of monthly visits ... but nothing has actually happened. [500+]

Once a month I communicate by email. Also Ad hoc on the phone. [250-499]

Not at all [50-99]

Quarterly meetings. Ad hoc correspondence. [500+]

Every 6 months meeting. contact email or phone every couple of weeks (we are a seasonal business) [5-9]

Annual visits. emails when required [10-19]

Initially had a programme of visits to all premises, now meet as needed. We don't have a formal arrangement for meetings. We email and phone as needed. [500+]

2 formal annual meetings. Annual symposium too where they present on issues. Also as issues occur when every other day can be the usual. Frequent. [500+]

Meet once every couple of months and phone when needed [500+]

Face to face meetings are very rare, primarily communication by email. Between 4-6 communications a year. [500+]

We have quarterly meetings, and if an issue arises we are contacted by our primary authority contact via email. [500+]

email regularly and meetings when relevant [10-19]

Face to face 3 times a year. 2 times a month other [20-49]

Annual meeting. Otherwise we speak on an ad-hoc basis of calls /emails. We always get a response within 24 hours. [20-49]

We meet every quarter. We talk 1-2 times weekly on the phone. [250-499]

We don't meet or communicate. We did do at the beginning, but funding cuts have impacted our primary authority relationship. [50-99]

Meet maybe once a year, and more if needed. Our primary communication is by email or phone, as and when needed. [500+]

We do not have regular meetings, I and my colleague communicate as and when we need the service. [100-249]

Once a year meet. Communicate once a year. [20-49]

They speak every couple of weeks and meet once a month. A very close relationship has been formed. [50-99]

12 month trading standards rota 18 for food safety [250-499]

Budget to meet once per quarter at their premises. Email whenever an issue occurs. Regular contact. [500+]

Only if needed. Trading standards are there to check labelling and so on, but we only contact them when we need them. They're there when we need them. Primary contact is normally over the phone. [10-19]

Meetings quarterly. Email once per week. Regular meeting agenda set. 2-3 hour meetings. Also contact if any issues. [500+]

Met once per annum [250-499]

We communicate over phone and email when needed. [50-99]

We meet annually. Phone otherwise. If an issue arises or I am unsure on something I call them. [100-249]

*Q24 Is the way in which instances of non-compliance proceed different to what was the case before your primary authority agreement was formed? If so, how?*

Before many authorities could contact - now there is one who deals with it [20-49]

Before we felt we were in trouble when an issue arose, now we are looked after and we have confidence in their understanding of our company and the fact they will talk through a situation rather than chastise us for it. We are less nervous and feel less threatened. [250-499]

Having approval on age restricted sales policies by primary authority, now primary authority can overrule/block legal action that enforcing authorities might wish to take. [500+]

If something is raised at a local level, we get a summary of what happened. We do get involved in a number of issues, with the backing of primary authority. There is a different set up now which really helps. [500+]

It is 50/50 but it is getting better, the majority of non-compliance issues are fed through the primary authority system but not all. [500+]

It is quicker. Better communication. [100-249]

Last year a member of staff broke rules, but EHO stated that it was the company's fault as they stated the member of staff should not have been working alone. Our primary authority however, disagreed and got them to back down.... several months of their time really helped

the problem. [500+]

Less enforcement action due to Primary Authority [500+]

Local authorities seem to automatically go directly to the primary authority, not to me, and sometimes the issue should come to me. We had an area of non-compliance, which was a site specific issue, and didn't come under our primary authority and there was nothing the primary authority could do. Some local authorities don't seem to understand that our primary authority partnership is about policy and procedure not health and safety. [500+]

Now she can speak to our primary authority for advice, but that is rare [500+]

Slightly, I remember speaking to another local authority and they said to refer to my primary authority for advice. [500+]

The big difference is that everything comes through primary authority now, rather than directly to us. [500+]

The enforcing authority saw that we had a primary authority agreement, and spoke directly to our primary authority. We could then deal with our primary authority, and the contacts we already know, not the enforcing authority. This meant that we could deal with the issue locally and face-to-face, rather than email/letters. This seemed much easier for everyone. [500+]

The primary authority instigates some enquiries without reference to us, this is not good because we are a diverse organisation with many departments that work together and thus require communication. [500+]

There has been improvement because less experienced EHO think twice of serving non-compliance notices due to the clout behind Primary Authority. [500+]

We had one complaint that came through which we took to the primary authority. They came up with a solution very quickly. Therefore less resources was wasted in the form of time and monetary costs. [500+]

*Q26 In general, how would you say this primary authority agreement has affected relationships at the local level between your employees and enforcing authorities?*

A lot more confidence. Better relationship. [100-249]

A slightly better understanding of who to refer to when there is an issue [5-9]

Always been good relationship [500+]

As far as I can tell, there has been no change. [500+]

Employees put more effort in now that there is a more important body overseeing their work. [500+]

Employees are aware of the Primary Authority scheme but enforcing officers have not embraced the Primary Authority scheme. If the scheme was followed they would not have needed to look at system and procedures. Also I feel the enforcing authorities with their technical knowledge intimidate our workers to challenging the LA. [500+]

If enforcing authorities were to come in or contact our company, we have instructed employees to tell the LA the identity of our primary authority but there is a lack of communication between primary authority and other related LA so employees do not actually know to refer the LA to the primary authority. [500+]

Improved	[20-49]
Improved as we know where we can go now. If advisors have issues we can refer them to primary authority guidance and ultimately reassure them as a result. [500+]	
Improved due to annual presentation to sales team	[100-249]
Improved it.... they are happier to see them.	[20-49]
Improved, just generally speaking.	[5-9]
It has helped at the contact centre - some employees got upset by almost threatening behaviour from local authorities previously. Things are now better. [500+]	
It has improved; there is more structure to contact.	[0-4]
It has improved. Employees are now in the consultations with primary authority/enforcing authorities. [100-249]	
Little change due to such a good relationship established.	[50-99]
Mildly improved as technicians have someone to refer to	[20-49]
More people in general are aware of what goes on. At a local authority level senior management are aware of the primary authority agreement. [500+]	
No contact... it is worse now.	[250-499]
No real change. Some problematic authorities are quieter.	[500+]
Not applicable on a local level where nothing's really changed. We have very few cases. [100-249]	
Not much impact locally. The impact is more central to the company.	[500+]
Not really applicable, there isn't a local level relationship. [500+]	
nothing noticed	[100-249]
Only one contact point helps a lot and through that route we can ensure consistent advice. [500+]	
Really improved and a more relaxed approach. Before we had a small multitude of people who understood the terminology, now practically the entire shop floor understands the requirements, the terminology. People are generally far more alert and are looking for issues more themselves. [250-499]	
Relationship has much improved. There are five people in our business have links with our local Trading Standards office, we all understand what each other require. Trading Standards can tailor information better, and everyone understands their role. [500+]	
Strained it slightly. Local enforcement are frustrated not getting info from floor	[500+]
The primary authority representative has a good relationship with various employees at the company who feed into what I and the Council do. [20-49]	
There has been positive effect because some employees do take seriously standards of work but some workers do not take seriously standards of work. However having a law binding scheme demonstrates to our employees that we mean business. [500+]	
There has been some impact in that some LAs contact our primary authority. However, some do not contact our primary authority, because they do not want to contact our primary authority or because they have tried to contact our primary authority and could not reach our	

representatives, so this results in me having to deal with matters. Also the primary authority list on the BRDO website is not always updated so we get LA's coming to us saying there is no mention of us having a primary authority. Therefore there needs to be better marketing about the identity of our primary authority. [500+]

They are just getting used to it, but one member of staff quoted that they approved.... so good so far! [500+]

They know they have the extra help if needed. [250-499]

We have a very good relationship with our local authority, this has further enhanced that. [20-49]

We have internally communicated the benefits of the partnership and we have management diaries and checklists in each restaurant in which we make reference to our primary authority and the important key elements of that authority, so that when managers read that they have a better awareness of the partnership so that when an enforcing officer visits, they can talk about the business with some confidence. It gives them confidence and peace of mind. [500+]

We've always had a good relationship, but it improved greatly once we got involved with primary authority. [10-19]

We've always had good relationships. We still get inspected but if they found an issue they'd be able to contact our contact at our primary authority, they keep her in the loop. [500+]

When it works it works [500+]

*39 responses (above) indicating some change. 36 "no change" responses deleted.*

**Q28 Why do you not have an inspection plan?**

D/k. I was not overseeing the primary authority scheme from the outset. [20-49]

Don't know, I've never been asked. [100-249]

Factories not in the UK [100-249]

I am already up to date with legislation and I have sent to me guidelines from the primary authority. [250-499]

I do not think we need it. [100-249]

I do not know, last time it was raised to me by an EHO I mentioned this to the primary authority but they just said there was a glitch on the system, because the inspection should be there on the website. [500+]

I do not know, I was not overseeing the primary authority scheme from the outset. [500+]

I don't know, it was set up before I was involved in the primary authority scheme. [500+]

I don't know. [500+]

I'm not sure what it is. I don't think we have one. [500+]

Informal [20-49]

It didn't come up, not a formal requirement. [0-4]

It's not come up. [500+]

Just not happened. [10-19]

Looking at it now in [business location] - the issues lie with contracted catering staff. [500+]

Not yet, it's our next thing to do. I had a meeting with the BRDO last week about it. [500+]

Something we might to look to in the future but not at the moment. [500+]

The decision was made by a different department to me. [500+]

The enforcing authority has a high level of confidence in our company's management. [100-249]

The primary authority has indicated that they wish to draw one up. [100-249]

They are working on one now [500+]

They said one wasn't needed as low risk. [20-49]

Usually just come in whenever - no need [250-499]

Want to, not forthcoming so far. [500+]

We are an 1801 audited company: we have external auditors accredited to the UK accreditation service. An inspection plan isn't necessary. [500+]

We are developing one at the moment which should be ready by the next month. [500+]

We are developing one. [500+]

We cope fine without it [50-99]

We cover most things internally [50-99]

We don't have operations like that at the moment. [500+]

We haven't the need for it. The same team for primary authority does our metrology calculation and therefore really understand us as things are. [250-499]

Working on it [20-49]

Working on one - the business split so we are currently arranging it. [500+]

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25 respondents said "No need".

*Q29 What difference did you hope that having an inspection plan would make?*

An improvement in knowledge and understanding of improvements needed for the business.

[50-99]	Consistency and getting good intelligence and feedback [500+]
	Hope that it will make it easier to measure our performance. [500+]
	Less test purchases with age restricted products, less sampling, more awareness of our model (fast purchasing) means that they understand why we do certain things in terms of checks and measures. [500+]
Little [20-49]	
	Lots. Consistency in enforcement approach, what they look for, business alignment for improvements in health and safety, training etc. rather than just a tick-box inspection. Need enforcers to see The bigger picture [500+]
None [500+]	
	Purely ensuring audit work [500+]
	Reassurance and guidance [10-19]
	Reducing inspections and increasing consistency of inspections. [500+]
	That it would be industry relevant inspections [100-249]
	To reduce random sampling in relation to test purchasing [500+]
	To see if surprise inspections reveal any unknown problems. This will hopefully indicate how bad/good we are. With the primary authority agreement in place, there is a different set of eyes to spot problems. They will pick things up that are missed. [500+]
	We had one prior with our local authority. [50-99]
	We thought it would limit the areas that enforcing authorities would review on site visits, and reduce the time our managers would have to deal with them. [500+]
	We want to make inspections more specific in terms of auditing and more beneficial in terms of the arrangement we have with them. [500+]
	Working on it at moment but will make little difference he thinks. [500+]

<i>Q30 How has having an inspection plan affected the way that inspections are undertaken within your business?</i>	
	A number of measures have meant internal audit system is improved from points raised [500+]
	an additional verification that we are doing things right [10-19]
	Hopefully it will streamline the process and what is actually inspected, tailor making it to our requirements [500+]
	It has reduced them ... not sure if down to primary authority [500+]
	It won't [500+]
	It's the same as it was before. [50-99]
	Made them quicker and focused. [500+]

More measured to our policies and procedures. [500+]

Simplifies matters to one inspection [20-49]

Still in process - enforcers still ignore these at times and don't appreciate chartered status. Enforcing authorities need to play a bigger part in making a good relationship. [500+]

The amount of purchasing has halved [500+]

There should a reduction in their frequency. [500+]

They now have a better understanding and make life easier [500+]

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No [500+]

no change [50-99]

None completed. We don't see results other than a simple report. [100-249]

Not sure. [500+]

*Q32 Since you joined Primary Authority, what changes have you noted in the way enforcing authorities deal with your business?*

A lot quicker and responsive. [20-49]

All problems smoothed [10-19]

Authorities are quicker and more responsive when dealing with us. [0-4]

EHOs are irritated when she quotes from primary authority ... they have no respect for it! [500+]

Enquiry reduction. Often we have had enquiries dealt with which haven't even involved us. This has been a prime benefit. [20-49]

Everything has become more centralised. I suspect that inappropriate/non-applicable referrals are screened out, though I have no evidence of this. [500+]

It depends on if the local authorities [500+]

It gives authorities comfort as it does the company. [100-249]

It is mixed because some respond to the primary authority system with positivity and some become antagonistic because we have a primary authority. [500+]

It works as a buffer for me... we deal with many councils with many interpretations of regulations. I can now refer them all to my primary authority, who relay the reasons why we do things the way we do. It has made things a lot easier for me having someone else to help who knows the company inside out. [50-99]

Less visits [500+]

No more messing about. [500+]

Not really because the local Enforcement Authority don't look at the web page of the LRBO website to ascertain if we are part of the primary authority. [500+]

Now they charge and we can't speak to them [250-499]

Now trading standards communicate via our primary authority. This is good because they know our business well whereas the trading standards have very little understanding of our business. [100-249]

On occasion they have contacted our primary authority more regularly. Not a great increase... they refer to our systems, that they state need reviewing, when they really should be referring to the primary authority. This can be frustrating. [500+]

Other authorities will involve our primary authority if there are issues or they're not happy. [500+]

Some yes.... they have gone in after referring to the Primary Authority Website, seen the suggestions for inspections, and dealt differently and discovered more problems that were previously thought solved long ago. [500+]

Some. Hit and miss. The hits go to our primary authority with a problem, not us and hopefully sort out the problem before we have to. [500+]

[Local authority] were really problematic. Then they backed off once aware of our primary authority! [10-19]

The authorities have been more dynamic, in terms of communication. [10-19]

They hardly deal with us now ... just with the primary authority [500+]

They seem clearer and more relaxed because of the agreement. [500+]

They treat us as an equal. [100-249]

Trading standards now have a relationship and therefore offer a better service [500+]

We now get more information from the authorities. This sometimes goes the lawyers rather than me; they forward any pertinent information to the relevant person, either to me or one of my colleagues. [500+]

When I meet enforcing authorities, they see Primary Authority as a positive thing. [500+]

When the LA knows about the primary authority partnership then yes, but when there is an urgent situation or when the LA is not aware of the partnership, the LA comes directly to us. Overall the feedback is positive but there certain scenarios where things are slow. [500+]

*Q37 On the whole, how satisfied or dissatisfied are you with your involvement in Primary Authority? Why do you say this?*

Again, saving me time. Consistent inspections without time wasting [50-99]

Although we have not had a lot of contact, the contact that we have had has been positive. [20-49]

Because they have helped us out so many times. We were naive; they pointed us in the right direction. With their advice we have been able to tighten up our controls and find out what their requirements are on imports and are much more confident of what we are dealing with. They have been excellent! [20-49]

Because we are left alone [10-19]

Benefits to business and personal time	[20-49]
The (primary authority) office is so good.	[10-19]
Due to the great relationship with the primary authority	[500+]
Fairly satisfied.	[500+]
Generally, it brings us closer to what's happening and is a more structured way of working with authorities.	[500+]
I benefit from professional and competent advice which is always available, and which definitive.	[500+]
I feel confident in the primary authority being there to back us up if we need advice or help with any issue. We've always had a good relationship with EHO and it still is.	[500+]
I get more consistent advice and information. Also there is the benefit of having one definitive place to go to for assistance. Also there is the benefit of one set of regulations between the 2 local authorities.	[50-99]
I have confidence in having someone there that I can talk to and always get support from and they'll help me with issues and find out things for me if I can't find them out myself.	[500+]
Information is deemed to be the letter of the law. They can solve problems effectively and finally.	[500+]
Invaluable help received which has made us more aware of changes and compliancy.	[100-249]
It gives a reassurance that we have experts always on the end of the phone to advise us whenever needed. It is a great service that saves us a lot of time and also costs we would have incurred when paying for the advice and legal expenses we get from primary authority. This is very reassuring to customers too.	[50-99]
It gives protection from other agencies a great safeguard	[20-49]
It has met our objective of Consistency and company awareness.	[20-49]
It is early days. No evidence yet, but I am confident that the partnership has reduced the workload coming in, certainly made it easier dealing with other local authorities and we have a much better relationship with our own authority.	[500+]
It is good to have someone who understands so much of our business internally. A lot of the work is done before materials arrive. For someone to have that understanding makes it easier when we start talking about the process and controls over it.	[250-499]
It is useful having one contact who understands our business.	[0-4]
It makes no difference to us	[500+]
It works and costs nothing very effective	[500+]
It's helped me on a personal level, I feel more confident about what we're doing. I now have back up.	[5-9]

Just improved everything [100-249]

Just made things so much easier. The system is a mess but this system allows me to get my head above the water. This has enabled me to when dealing with issue, I can refer it upwards and we can discuss it. [500+]

More visibility on enforcement issues that have been discussed required [500+]

No issues with them and our contact are very supportive to us. [10-19]

No real relationship, little interaction [50-99]

Not sure what to say because I am not clear about whether I have used the trading standards or primary authority. I am confused between the two. [500+]

Overall brilliant and it has met our expectations, but there is room for improvement. [100-249]

Our primary authority gives us consistency. They're there where we want then and the rest of the time, we're able to carry on managing ourselves in the way we always have. [100-249]

Primary Authority operates smoothly, gives clear information, and problems are resolved effectively. [500+]

Simplicity. One conversation gives you a national agreement and consistency. [20-49]

Such a great service [500+]

Such a long relationship (previously HA), they really understand us. [Name of primary authority] are aware of everything happening and understanding the advice we need. More personal relationship and more clarity. [500+]

The business has benefitted, through developing systems that effectively ensure the smoother running of company activity. [10-19]

The decision to engage in this has saved time and put things on a clear path. Previously there was disorder. A rocky relationship has been greatly improved. [10-19]

The information we've required from them and the work we've passed their way has been what we required and needed. They've worked hard to understand our business and the regulations that apply to us, and have gone to seminars to learn more about our business. We haven't necessarily used them as much as we could have, as a company we didn't necessarily understand the scheme, but we're starting to change that. [500+]

The main thing is we have a primary officer employed full time who works for our company; the officer can understand our business. Also due to the officer being experienced, the officer can challenge our company but also the LAs as well. [20-49]

The primary authority is there when we need them and leave us alone to get on with it the rest of the time. The advice we're given is good when we need it. [500+]

The primary authority has not met the objectives we established from the beginning, which was to reduce time spent with enforcing authorities and consistency across the

board. [500+]

The relationship has been further enhanced. Our workload was notably higher so this has given us a definite advantage. [250-499]

The scheme is good as we have a point of contact to refer to as and when we need them. [100-249]

The service and professionalism is faultless. Value for money. [500+]

The working relationship means they are always there to get advice from, they respond back if things are really urgent and they are very thorough. They are very knowledgeable - more than me which helps! [500+]

There is the benefit of having consistent advice and it sorts out Environmental Health Officers who don't have commercial understanding of big property businesses. [0-4]

There is value in the service because it saves our company from dealing with the same LA issues time and time again. However, the main benefit is that there is consistency throughout the LA's where 'interpretation' on law varies from LA to LA, so the Primary Authority Partnership improves consistency. Also if we want to make any internal changes we can know in advance the consequences to regulation due to the intelligence of the primary authority, this ascertains in advance whether the change is feasible. [500+]

They are always very supportive and keen to advise and help. The advice in terms of forming policies and procedures is also quite advantageous. They have got into a much deeper level of analysis than they had with HA, which has proved quite helpful. [20-49]

They supported the business when they would have gone under. They were VITAL in saving it! [250-499]

This has given a new impetus to Health and Safety in the business [100-249]

We are making much more use of this now. There is a marked improvement in our relationship. Also our senior legal team have taken on board that if we approve our policies and systems through the primary authority; we get much less attention from other trading standards authorities. It is all about reducing the burden and time spent dealing with issues. [100-249]

We can sit and have an honest discussion with what primary authority can do for our business [500+]

We have a good relationship and advice is always forthcoming so we have no problem with it. [100-249]

We have a very open relationship, if I have a question, I can approach them and they will give me advice if they can or refer me to someone else, who can, or a website or case study. [100-249]

We now have a closer collaboration and I have found it all very beneficial [500+]

We now have a means of communication for guidance, to ensure the company is always compliant with legislation and to ensure relevant information is passed on to employees. [500+]

We work closely with the primary authority and they are very good with the time they give us. Some things could be done faster, but we work well together. [250-499]

We're getting more advice and more attention from the authorities. [500+]

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It has not felt like a partnership, it felt more like an additional regulator. [5-9]

It makes no difference to us [500+]

No different to home authority [500+]

No significant changes but happy in scheme[50-99]

The main aim of consistency has not been achieved. [500+]

There are benefits but they are outweighed by changes in how local authorities enforce... by spending cuts and other natural facts rather than being solely influenced by Primary Authority. I don't think local authorities are following Primary Authority as fully as they should. Certainly some of their communications don't suggest that they have figured out the best way to communicate with businesses yet. [500+]

There are things it doesn't do such that we wanted. They are a glorified home authority. I am not satisfied completely they will fight our corner. [500+]

There has not been enough communication between us and the primary authority, both parties are to blame. [500+]

There's been a lack of contact on both sides. Our Primary Contact has had a lot of other work to do since we set up the primary authority agreement, and this has made it difficult for him. I've been busy too. I also think the government cuts have adversely affected the primary authority scheme. [500+]

They make us pay for everything. We have no relationship now. Our contact was very good and now it isn't! [100-249]

Ultimately I don't see any difference in how things are to when we were under home authority. [500+]

We don't use the service fully, because we don't need to [500+]

We have not moved forwards enough and the scheme isn't working in the way it should.[250-499]

We haven't had any major involvement... just a little advice. [20-49]

we need to make more of it [500+]

We use primary authority as a PR back up - we get very little out of it. [250-499]

*59 positive responses. 16 negative responses (below the dotted line).*

**Q39** Do you think that Primary Authority works better for your business in some regulatory areas than in others? If so, which?

Better in customer service [500+]

Better in H&S, that is where you can get disparity amongst the various local authorities we deal with.	[500+]
Consumer credit	[500+]
Consumer queries	[500+]
Consumer rights	[10-19]
Everything is good although the export side the jury is out	[250-499]
Food is the only relevant area	[500+]
Food safety	[100-249]
Food safety and trading standards	[500+]
Health and safety because that is the longest established.	[250-499]
I think its slightly better for Health and Safety	[5-9]
It may in health and safety	[500+]
Labelling and packaging	[500+]
Labelling help is very useful	[20-49]
Labelling regulations	[500+]
Not for Fire	[50-99]
not sure	[500+]
Others to ours	[500+]
Primary authority works well for product issues such as product safety and advertising. Trading Standards also offer training events, such as for consumer rights, buying and selling goods, some of these have been useful for our employees. They make us more knowledgeable, and so we can resolve customer complaints better.	[100-249]
People factors due to claim culture	[500+]
Probably Trading Standards, but Health and Safety is improving as a result as well.	[100-249]
Safety best	[100-249]
Something black and white.... advertising has certainly been helped.	[10-19]
Strongest in Health and safety and food and safety and not so well in environmental protection.	[20-49]
There is disparity. In rank order the Primary Authority works better with the food safety, then health and safety and trailing way behind food safety.	[500+]
Trading standards	[500+]
Where legislation is less clear and subjective to interpretation, then the primary authority scheme is more valuable.	[500+]

**Q40** *Finally, what suggestions would you make to the BRDO on how best to improve or*

*develop the Primary Authority Scheme?*

1) It would be good to have sessions where retailers and their primary authorities meet to debate common issues. For example [X], [X], and [X] meeting together with their primary authorities to discuss important issues. 2) I get updates on legislation from an External law firm but it would be good to have this from the primary authority. 3) when there is a change to legislation I know the Trading standards and Environmental health have this information sent to them but it would be good if businesses was sent this 4)What is missing in the primary authority scheme, which there was under the old scheme (by LGR), is a medium for enforcing authorities and our company. For example if there was a confusion on the part of the Trading Standards, the Trading Standards can refer to LACORS. [100-249]

An annual meeting where all businesses in the scheme can send representatives to discuss issues and make things work better across the board. Reduce the workload and streamline the system, perhaps looking at the clearer model that the US presents. (Look at our restaurants for proof.) [500+]

Ask for more references from partners [500+]

Better communication between other authorities so they are aware of the relationship a company has with their primary authority. That doesn't always filter through... the system needs to be simplified to ensure more clarity. [20-49]

Better communication of the benefits. Because Trading Standards carry so much weight, due to respect and the 'fear factor' we took their advice of joining Primary Authority, when perhaps we should have researched the advantages beforehand. [500+]

Better staffing: it needs more staff involved. It was my understanding that it was being phased out, and on the decline. [500+]

Businesses understand what Primary Authority could do for them; the problem is with enforcement authority needs to get on board with the primary authority scheme. [500+]

Can't always get hold of people needed straight away which needs to be improved when there are pressing matters. [100-249]

Communicate more about the partnership. [100-249]

Enforce EA to check LRBO webpage to ascertain whether companies are part of the primary authority scheme. This is to avoid the irritations of EA making unnecessary inspections and non-compliance notices.[0-4]

Extend to alcohol and alcohol licensing, inclusion of knives, fire and Scotland [500+]

For the primary authority to contact us to since I have not had contact from the primary authority since September last year. In other words the primary authority should take the initiative to enquire how and if our business needs anything from their services. [500+]

Get Authorities not in scheme to understand it better. [50-99]

Getting everyone to work together. Mandatory arrangements/best practices would help. [500+]

Give a monthly newsletter about new legislation. Also have various newsletters tailored to various industry sectors.[500+]

Guidance is not commercial enough. [500+]

I am not aware of the Primary Authority website so more awareness is needed. [500+]

I am very happy with our primary authority - this should be used as an example for others. [250-499]

I don't know. It is down to how we manage the relationship. Perhaps more advice on how to use the agreement to its full capacity would be good. [500+]

I would strongly recommend there needs to be better communication with the primary authority and other related local authorities. This is because the other LA is unaware of the Primary Authority scheme which complicates matters. [500+]

In order to kick start companies into faster action, compulsory policy implementation on things like age restricted sales as well as a compulsory inspection plan. Also, many companies are very cautious dealing with authorities and are wary of providing confidential information with regards to policy procedures. Companies need to realise that this is a confidential relationship where any information shared will not get into the public domain It is all about breaking down barriers and helping everyone. Having a complete relationship. [100-249]

Information could flow better. [10-19]

Inspection plans need to be statutory. Local authorities need to be following the Primary Authority system properly and correctly and be made to do it rather than politely asked. Communication and follow up from Primary authority should be improved. [500+]

It would be good to have more regular contact to remind me of the Primary Authority service; it is something I do not think about unless a problem occurs. [20-49]

Keep people working for them like the one they have. Not problem makers, but problem solvers. She is excellent and very involved in helping them. [500+]

Less meetings... more involvement in day to day running of the business and understanding. [500+]

Make IT system more user friendly so as to present to the regulators that we have a primary authority partnership and an inspection plan. Also there needs to be work on continuing educating LA's about the Primary Authority scheme. Also businesses need to be pushed to make maximum use of the Primary Authority scheme and fully utilising advice and inspection plans etc. [20-49]

Make it mandatory [250-499]

Make it more visible... talk to other suppliers and retail customers, making them more aware of the scheme. [250-499]

Make more people aware of it. As a member of IIRSM, no mention ever there in any publications. This is too good a strategy to be used by so few companies. [100-249]

Making more local authorities aware of the value of this and respectful of agreements. [250-499]

Market themselves better in terms of what the organisation is and what their purpose is. Benefits need to be explained further to local authorities and local companies. [10-19]

More awareness of what you offer [20-49]

More education for local/enforcing authorities to ensure they are aware of exactly what Primary Authority scheme is about. [5-9]

More formalised regular meetings [100-249]

More information on their website regarding our own account. [20-49]

More involvement and feedback [50-99]

More proactive in setting meetings and coming in for feedback [500+]

No, I'm still learning about the system. I think I'd find it difficult to work with certain authorities

because of individuals who work there- I think I need to have trust in my primary authority and my contacts there, and have to be able to work with them as a partnership. [500+]

No. I know we don't use everything they offer, but that's because we don't need it. [100-249]

Provide Enforcing authorities with more funding. [500+]

Put more money into the scheme as the ask is too huge for them and they are too stretched. Set them up in a similar way to the FSA with similar contribution from industry and tax payers! Then they will be more effective.[500+]

Reinforce benefits of the scheme to companies [10-19]

Remove hourly charge and possibly increase annual pro rata charge. Mandatory referral of EHO to primary authority. [100-249]

Supply more details behind statistics. Numbers are not enough. They need a better revenue stream too as improvements are time consuming. [10-19]

When a scheme is developed. Enforcers should be compelled to take it into consideration as a legislative requirement. Enforcers should HAVE to go through the primary authority to contact us - at the moment they are oblivious to that. This should be mandatory that the enforcers display an active interest in any relevant policies which at the moment they don't. [500+]

When charging they should be clearer as to what is chargeable work and what isn't. [500+]

Where the primary authority has approved law binding policies made by our company, this binding law needs to be made published and made more clear and visible to other parties concerned, perhaps by putting it onto the a website. (BRDO website). [500+]

With more resources, relationships could be even better. Primary authority has a small group of people who are very stretched and need help! This would be money well spent. [50-99]

*50 responses. 25 "nil responses" deleted.*

## A3 Enforcing authority survey

### Survey analysis

- 1 The second telephone survey carried out was of enforcing authorities. A total of 75 enforcing authorities were interviewed. Again the full list of questions is in Annex B.
- 2 The list of interviewees was sourced from a combination of a direct approach to primary authorities, asking them for those enforcing authorities that they had had recent contact with about a regulatory matter, and, when this did not yield a sufficient sample, enquiries from local authorities logged on the Primary Authority IT System maintained by BRDO.
- 3 Enforcing authorities were asked to respond to two sets of questions:
  - Questions about a specific compliance-related incident (either the incident mentioned by the primary authority or, for those who could not recall this incident and enquirers identified via the Primary Authority IT System, the most recent compliance-related incident that they had been involved with in the past twelve months) – incidents covered all of the main regulatory areas for Primary Authority
  - Questions about Primary Authority more generally.

### Direct effects of a primary authority agreement on enforcing authorities

- 4 The first substantive question (Question 1) asked about how the specific incident was handled, and in particular whether the way in which it was handled was influenced by the presence of a primary authority agreement. 30 respondents (40%) said that the incident was not handled any differently than usual, and 6 respondents (8%) were unable to say; but 39 respondents (52%) did report some differences, as follows:
  - 17 (23%) said that in the absence of a primary authority partnership they would have taken direct action against the business concerned
  - 17 (23%) said that the process was slower or more labour intensive generally, while 15 (20%) said the process was quicker or more efficient. (Presumably for the remaining 7 respondents (9%) there was no change in the speed or efficiency of the process.)
- 5 The 39 respondents who believed Primary Authority had made a difference were given the opportunity to state in more detail what the difference was. Responses (a full list is given later in this Annex) included the following positive responses (again with number of endorsements)
  - Less work for the enforcing authority to do (6)
  - Quicker or simpler to raise issue (4)
  - Increased confidence in the effectiveness of the result (4)
  - More leverage over the business (4)
  - Having a contact in the primary authority was useful (3)
  - Useful information available in advance (1)
  - More structure to the enforcement activity (1)
  - Having an inspection plan structured the inspection (1).
- 6 Negative endorsements included:

- Additional bureaucracy/filling out forms (6)
- Additional people (sc. in the primary authority) to speak to (2)
- More confusing response (2)
- Primary authority was hostile towards us (1).

7 The next question (Question 2) asked about the impact of Primary Authority more generally, and suggested a number of possible effects. Each was weighted on a five-point scale<sup>24</sup>, and the table below shows the proportion of respondents stating a negative impact (small or large); no impact; or a positive impact (small or large) against each effect. The balance in each row is made up of “don’t know”s:

<i>Enforcing authorities (n=75): proportion who believed the impact of Primary Authority had been ...</i>	<i>Negative</i>	<i>Neutral</i>	<i>Positive</i>
The consistency with which instances of non-compliance are resolved	11 (15%)	28 (37%)	28 (37%)
The speed with which instances of non-compliance are resolved	16 (21%)	26 (35%)	29 (39%)
The frequency with which instances of non-compliance occur <sup>25</sup>	14 (19%)	43(57%)	8 (11%)
The extent to which enforcing authorities are clearer about what they are doing or what they expect when they arrive at the business premises	16 (21%)	29 (39%)	26 (35%)
The relationship you have with businesses at the local level	8 (11%)	40 (53%)	24 (32%)

8 None of these figures is particularly large, but taken together they represent an overall improvement (though some of the negative impacts are worrying).

9 In 11 of the cases discussed (15%), there was an Inspection Plan in place at the time of the incident (Question 3). In these cases, it was a little more likely that direct action would have taken place in the absence of a partnership (and plan) – but of course the sample numbers concerned were very small. Asked specifically (Question 4) about how having an inspection plan affected the incident, respondents said:

- It made no difference (6 responses)
- It helped tailor or focus the inspection (2)
- It provided guidelines, or speeded up the planning of the inspection (2)
- It provided information and confirmed the business’s compliance (1).

## Policies and Procedures

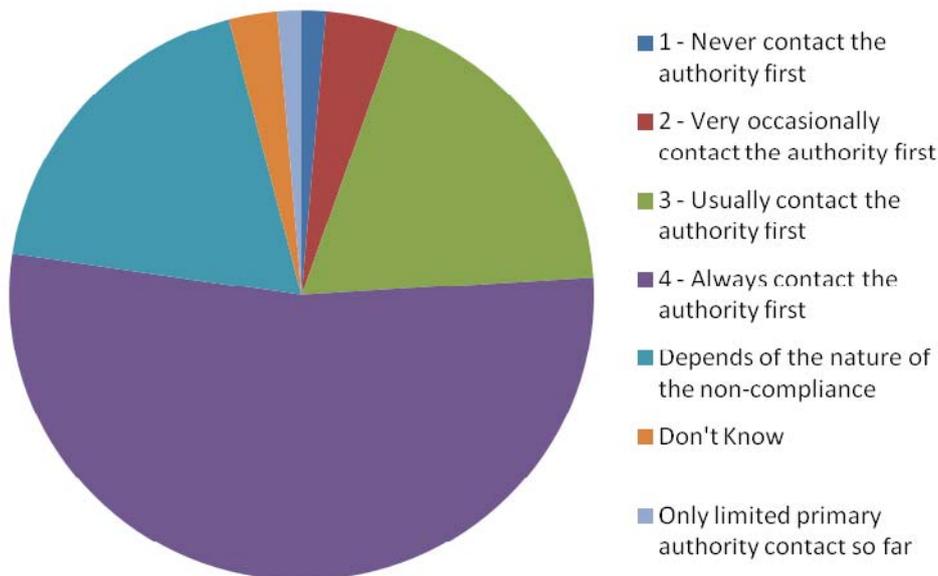
10 Enforcing authorities were next asked how they involved primary authorities in cases of non-compliance. The results are shown in the pie chart below. (For readers without

<sup>24</sup> Large negative impact; small negative impact; no impact; small positive impact; large positive impact.

<sup>25</sup> Where a positive impact (lest there should be any doubt) is a reduction in such instances.

a colour copy, sectors start at “12 o’clock” and proceed clockwise. In this particular chart, response 4 is the largest sector.)

**Q5. When you identify an issue of non-compliance with a business that has a primary authority agreement in place, how often do you contact the primary authority before taking the matter further?**



11 Those respondents who did not choose response number (4) – “always contact the authority first” – were asked an open question about what factors they would take into account when deciding whether or not to contact the primary authority. These responses are interesting because to an extent they demonstrate misperceptions of Primary Authority at an enforcing authority level:

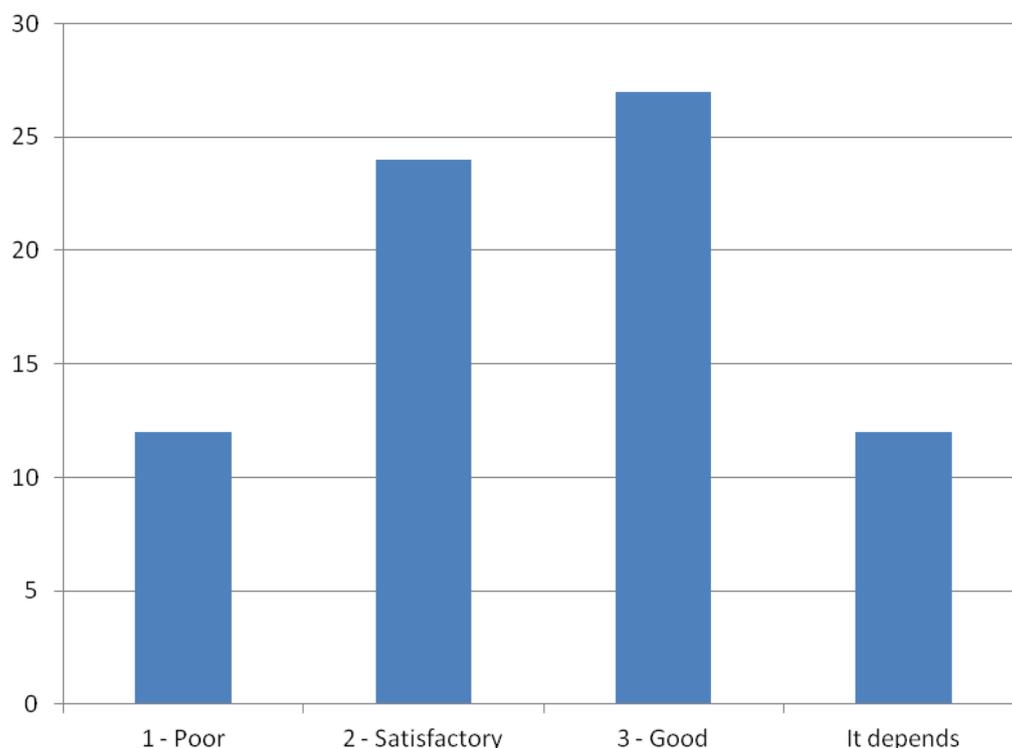
- We would contact the primary authority if the issue is “serious” or “severe” (16)
- If the issue has a “national” rather than a local impact (6)
- If there’s an immediate issue, we would act first and contact the primary authority afterwards (4)<sup>26</sup>
- If we’ve tried talking to the business locally and not got anywhere we would contact the primary authority (4)
- Only when the issue concerned is “covered” by primary authority (2)
- If the primary authority has been useful in the past (2)
- Only when the issue is complex (1)

### Quality of Primary Authority Advice

12 Enforcing authorities were asked whether they rated the advice issued by primary authorities generally as good. Again, the results are best shown graphically, as below.

<sup>26</sup> This is, of course, the correct procedure to follow for an issue requiring immediate attention.

**Q7. Overall, would you rate the advice issued to you by primary authorities as poor, satisfactory or good?**



13 Respondents who thought the advice was poor were asked to comment further:

- Some primary authorities excellent, some not so (5)
- Within a given primary authority, some advice is good, some not (2)
- Advice not objective (1)
- No advice available (1)
- Unable to use Primary Authority IT System (1).

14 Respondents were asked a general question (Question 8) about how Primary Authority in general has affected their relationship with (local) businesses. The following responses were obtained:

- No real change to the relationship (39 responses)
- To an extent we are prevented from doing what we want to do (9)
- Greater complication, added bureaucracy (5)
- Better intelligence about the business (5)
- More consistent regulation (5)
- Better assurance about the effectiveness of regulation (2)
- Time saved at local level (1)
- Other, miscellaneous problems (3).

15 These responses are not particularly encouraging, since they do not demonstrate any support – at least as yet – for the proposition that enforcing authorities’ time and resource can be saved by a primary authority agreement.

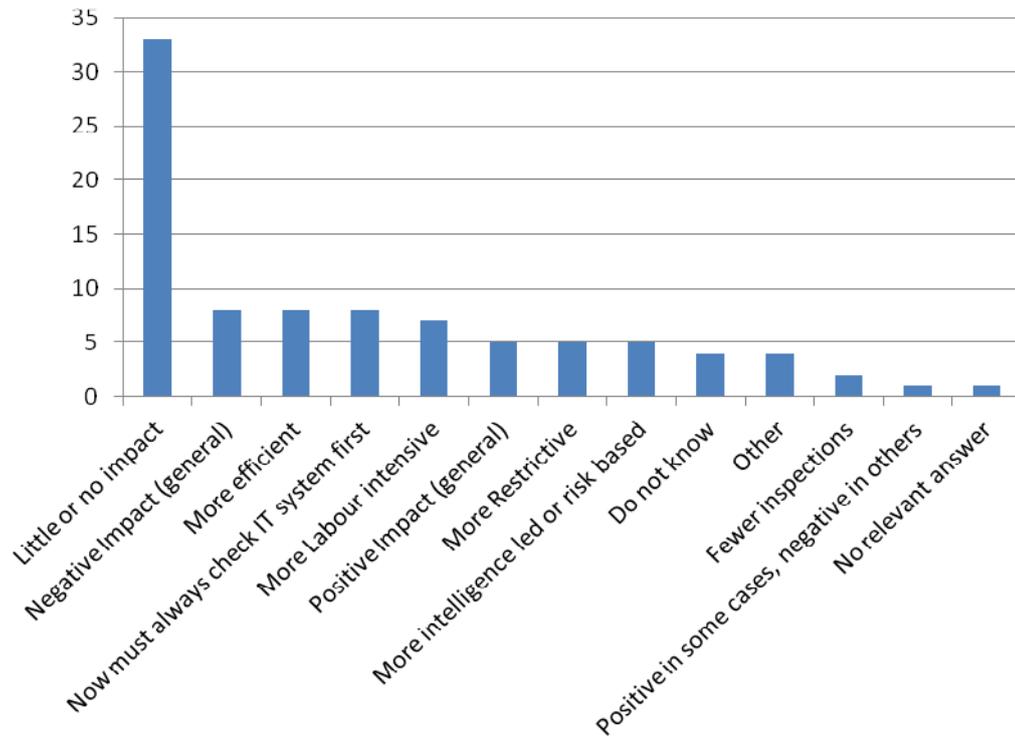
16 Enforcing authorities were offered (Question 9) a further group of potential effects of Primary Authority, and particularly of potential benefits to their own operations. Again

a five point scale was used, and the following table shows the proportion of respondents indicating a (large or small) positive impact:

<i>Enforcing authorities (n=75): proportion who believed the impact of Primary Authority had been ...</i>	<i>Negative</i>	<i>Neutral</i>	<i>Positive</i>
A more risk based approach to work in regulated areas	8 (11%)	32 (43%)	29 (39%)
[Reduction in] duplication of effort between local authorities in relation to regulatory matters	6 (8%)	29 (39%)	36 (48%)
Consistency of advice to businesses	5 (7%)	25 (33%)	37 (49%)
Consistency of feedback to businesses	8 (11%)	24 (32%)	36 (48%)
[Better] use of enforcing authorities' time and resources	20 (27%)	24 (32%)	29 (39%)
[Improved] knowledge of what other enforcing authorities are doing in respect of a particular business	12 (16%)	27 (36%)	29 (39%)

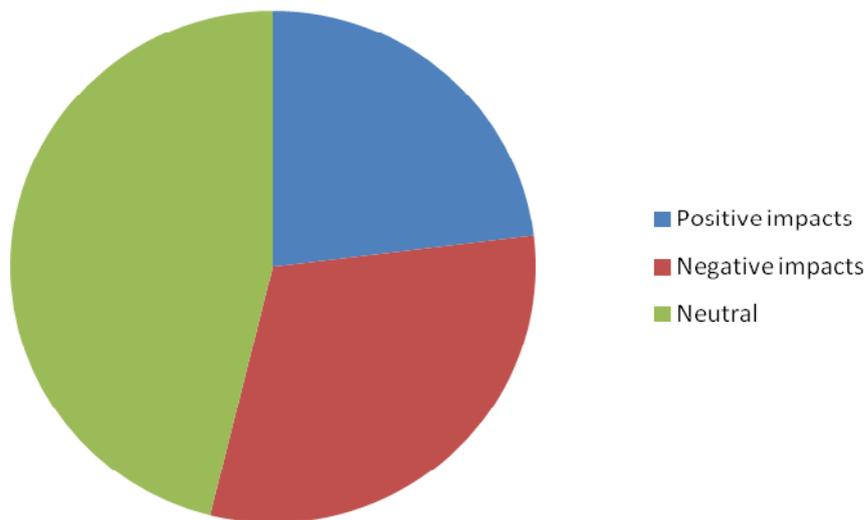
- 17 These figures are more encouraging, suggesting that at least half of enforcing authorities are seeing one or more of the benefits that it was anticipated would flow from Primary Authority. There remains an undercurrent of dissatisfaction, however, particularly over “better use of enforcing authorities’ time and resources”.
- 18 Enforcing authorities were also asked a general open question about the impact Primary Authority has had on enforcement, and their answers (broadly grouped) are shown in the graph below. (As with all these open questions, the full list of answers is given later in this Annex.)

**Q10. What impact, if any has Primary Authority had on the way your authority organises its enforcement-related activities?**



19 Grouping these together into positive and negative impacts yields the chart below:

**Q10. Positive and negative impacts**



20 There is something of a conflict between the overall positive picture of the benefits of Primary Authority yielded from the table of potential effects and the presence of so many negative impacts in the open question responses. However the two are reconcilable. The table of potential effects represent the gains from Primary Authority from an enforcing authority's point of view, and the (negative) open answers the costs of these gains. Moreover respondents are relatively unlikely to mention any of the

potential effects in the table again having already been asked about them once, so these effects are underrepresented in the open question analysis.

## Inspection plans

- 21 The eleven enforcing authorities (Question 11) who had operated enforcement activities in the context of an inspection plan were asked about its effects (Question 12). 3 believed it had had little impact on what they had done, 3 believed it had had limited impact, and 4 significant impact (one did not know). The enforcing authorities were offered a list of possible impacts, and their responses were as follows. “Don’t knows” are omitted, and percentages are not given due to the limited size of the sample:

<i>Enforcing authorities (n=75): proportion who believed the impact of Primary Authority had been ...</i>	<i>None</i>	<i>Limited</i>	<i>Significant</i>
Whether or not you inspect	3	3	4
What you inspect	1	3	6
Your approach to what you inspect (e.g. level of detail, tests done)	1	5	4

- 22 Bearing in mind the small number of overall responses, this indicates that (in these eleven instances at any rate) inspection plans seem to be working as anticipated.

- 23 Asked for specific comments (Question 13), nine of the eleven enforcing authorities responded as follows:

- Inspection plans are useful (in various ways) (4)
- They are detrimental to the inspection function (2)
- No great impact (3).

- 24 The eleven enforcing authorities were next asked (Question 14) whether they were satisfied with various aspects of inspection plans. Again a five-point scale was used, simplified for the purposes of this table. Percentages are not given since the numbers are small:

<i>Enforcing authorities (n=11): proportion who were ...</i>	<i>Dissatisfied</i>	<i>Neutral</i>	<i>Satisfied</i>
The overall concept of an inspection plan	3	1	7
The scope of areas covered in inspection plans	3	3	5
The content of inspection plans you have seen	3	2	6
The level of direction given to enforcement authorities	4	3	5

- 25 Reasons for dissatisfaction (Question 15) were as follows:

<i>The overall concept of an inspection plan</i>	No account of local priorities, local issues or local risks (3)
<i>The scope of areas covered in inspection plans</i>	Sometimes no relationship between areas in the inspection plan and on-site issues (2) Again, no reflection of local issues (1)
<i>The content of inspection plans you have seen</i>	Lack of detail (1) Complicated or irrelevant (1) Can fail to find inspection plan on the Primary Authority IT system even though it says there is one there (1)
<i>The level of direction given to enforcement authorities</i>	Too stringent, ties our hands (3) Vague (1)

## The overall impact of Primary Authority

- 26 Reverting to the full sample of 75, enforcing authorities were asked (Question 16) for their views on the overall impact of Primary Authority. Again a five point scale was used, simplified for the purposes of this table:

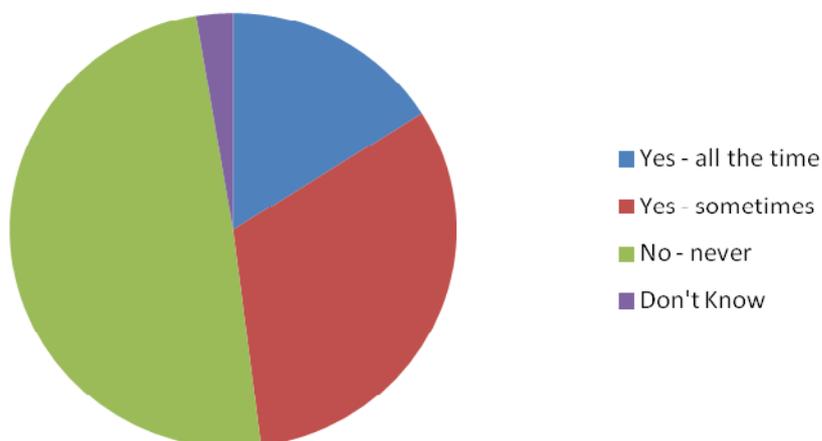
<i>Enforcing authorities (n=75): proportion who believed the impact of Primary Authority had been ...</i>	<i>Negative</i>	<i>Neutral</i>	<i>Positive</i>
The usefulness of the feedback you are able to provide to businesses with a primary authority agreement	5 (7%)	31 (41%)	31 (41%)
The information that you are able to provide to other authorities on regulatory issues	4 (5%)	35 (47%)	28 (37%)
Observable changes to business practices as a result of the enforcement work you undertake	11 (15%)	29 (39%)	25 (33%)

- 27 These results are modest (though encouragingly the instances of negative, as opposed to no, impact were minimal except for the last).

## Procedures

- 28 Enforcing authorities were asked (Question 17) whether they fed back to the primary authority in all circumstances. The responses are shown in the chart below.

**Q17. Do you feed back your findings to the primary authority even when no compliance issues are detected by you during the enforcement work you carry out?**



- 29 Responses were no different when an inspection plan was in place.
- 30 These responses demonstrate that the use of Primary Authority to collect information about a business's operation in the absence of enforcement/compliance activity is, in a nutshell, not working particularly well.
- 31 Enforcing authorities were also asked (Question 18) whether they recorded details of the specific incident mentioned at the start of the interview on the Primary Authority IT System. Thirty out of fifty who answered this question said they did. This answer should be viewed with suspicion, since by definition all respondents from the survey were sourced from the Primary Authority IT System, but in any event it shows a limited understanding of the System and its purpose.
- 32 Specifically, some of those who did not use the Primary Authority IT System were able to give a reason. They gave the following reasons:
- Assumed the primary authority would, or asked them to do so; or telephoned instead (9)
  - Couldn't make the system work (5)
  - Never use the system in any case (5)
  - There was no need; no point (4)
  - The business is not on the system (1)
  - The issue was too severe (1)
  - Forgot (3).
- 33 These responses were confirmed by the next part of this question, where only 13 enforcing authorities confirmed that they used the Primary Authority IT system on a regular basis.
- 34 For those who do not use the System on a regular basis (Question 19), reasons given include<sup>27</sup>:

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<sup>27</sup> Four respondents said they would only use the Primary Authority IT system when there was a primary authority agreement in place, which is slightly circular.

- When the issue is severe, or formal (3)
- When the company is national or “big” (2)
- If I thought I’d get a response (1)
- When I remember (1).

35 Asked what use they made of the Primary Authority IT System (Question 20), respondents said:

- To see if there is a primary authority partnership in place (20)
- To check for the presence of an inspection plan (13)
- To find contact details (10)
- To check for compliance issues (7)
- To carry out general research (5)
- To check for the presence of “advice” (2)
- To refer an issue to the primary authority (2)
- To help us market ourselves as a potential primary authority (1) (!).

36 Pushed for a general opinion on the System (Question 21), 28 enforcing authorities (37%) found it “reasonably useful” and 11 (15%) “very useful”, but again there is probably pressure towards acceptable answers operating here, especially where (by their own admission) some respondents’ use of the system has been less than systematic.

## Development of the Primary Authority IT System and related matters

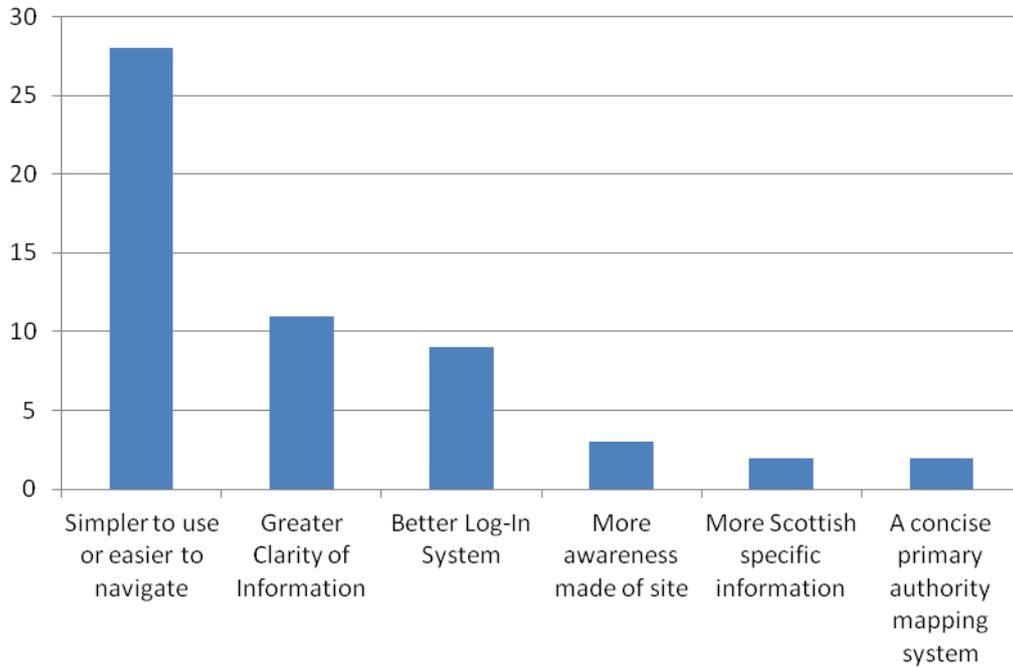
37 A number of suggestions for improving systems were put forward in the questionnaire (Question 22) and enforcing authorities asked for their opinion on them. These opinions are shown in the following table.

<i>Enforcing authorities (n=75): proportion who believed the suggestion was worth implementing</i>	<i>No</i>	<i>On balance</i>	<i>Definitely</i>
The use of a web and/or app-based mapping system to enable you easily to identify the premises in your authority that are covered by a primary authority agreement	7 (9%)	13 (17%)	55 (73%)
The introduction of moderated forums which allow you to discuss issues relating to Primary Authority with other enforcement authorities	22 (29%)	15 (20%)	38 (51%)
Support materials and guidance for working with Primary Authority businesses, and details of training available	0 (0%)	16 (21%)	59 (79%)

38 The first and third of these demonstrate a will amongst enforcing authorities to “make the Primary Authority IT System work”.

39 Enforcing authorities were also asked an open question about how the System could be improved. The responses are shown in the following graph.

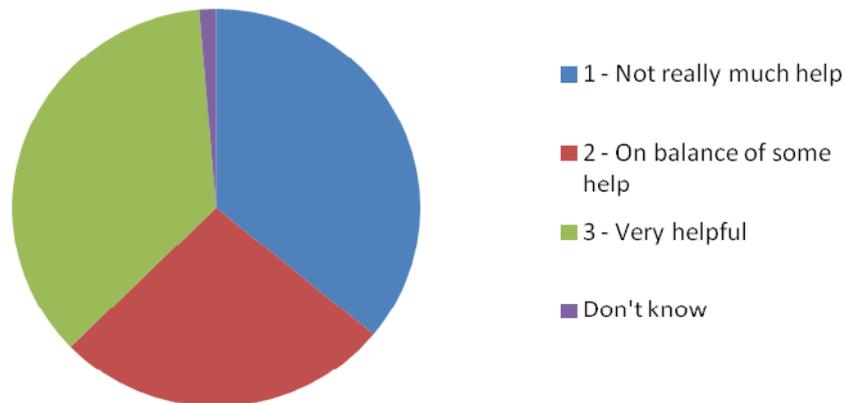
**Q23. Is there anything else that you think could be done to the Primary Authority IT system in order to improve the experience you have when using it or to encourage you to use it more?**



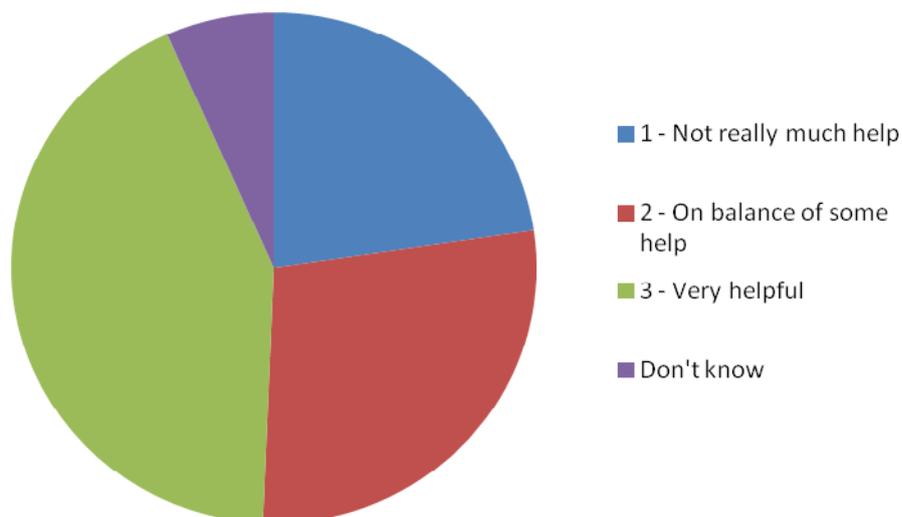
### Overall impacts of Primary Authority

40 In the final section of the interview, enforcing authorities were asked a range of general questions about the impact of Primary Authority. The first two concerned the specific incident identified at the start of the interview. The outcomes from these questions are shown in the charts below.

**Q24. Going back to the regulatory issue that was discussed at the start of this call, was the presence of a primary authority agreement helpful to you or not when handling it?**



**Q25. Do you think it was useful to the business?**



41 These are encouraging responses. Enforcing authorities acknowledge that the greatest value of Primary Authority is to the business (over 70% think this) but also acknowledge its value to enforcing authorities (63%).

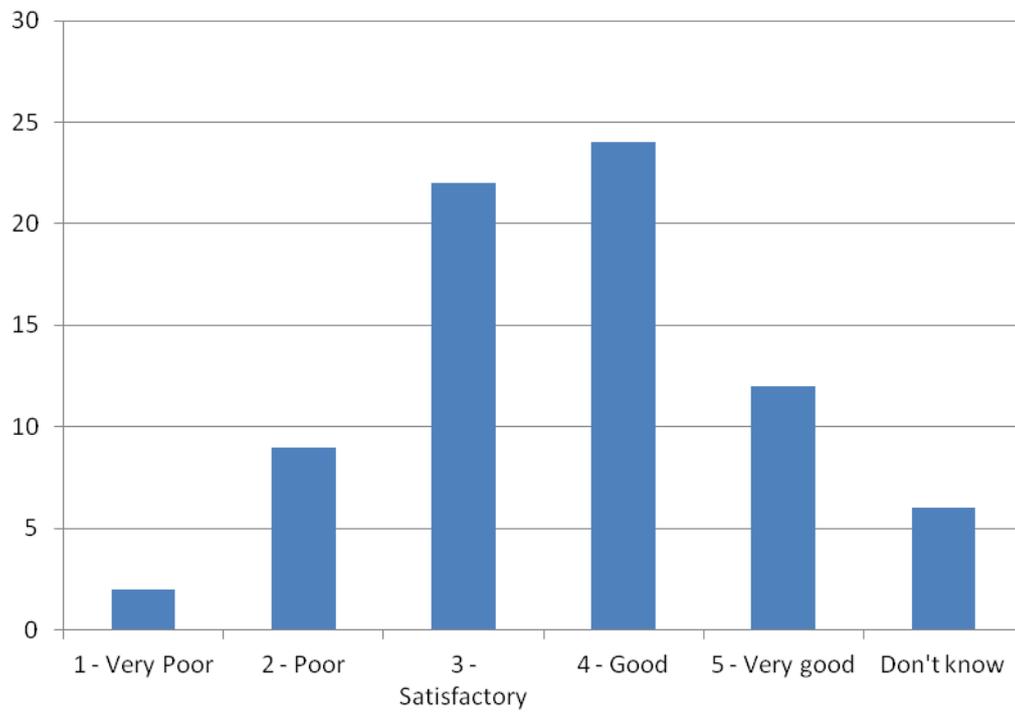
42 Given a list of areas in which Primary Authority might make an impact (Question 26), enforcing authorities responded as follows.

<i>Enforcing authorities (n=75): proportion who believed the impact of Primary Authority had been ...</i>	<i>Negative</i>	<i>Neutral</i>	<i>Positive</i>
The degree of protection offered to the public by enforcement activity in the area covered by Primary Authority	18 (24%)	32 (43%)	23 (31%)
Workload within enforcing authorities	15 (20%)	46 (61%)	13 (17%)
The burden that complying with regulation places on business	10 (13%)	29 (39%)	33 (44%)
Enforcing authorities' own relationship with businesses with a primary authority agreement	10 (13%)	38 (51%)	21 (28%)

43 The response that stands out here is the recognition that the burden on business is reduced (though 29 respondents (39%) do not think that there is any effect at all). Otherwise, responses are equivocal indeed.

44 Enforcing authorities were asked about their relationship with primary authorities more generally, and the results are shown in the chart below:

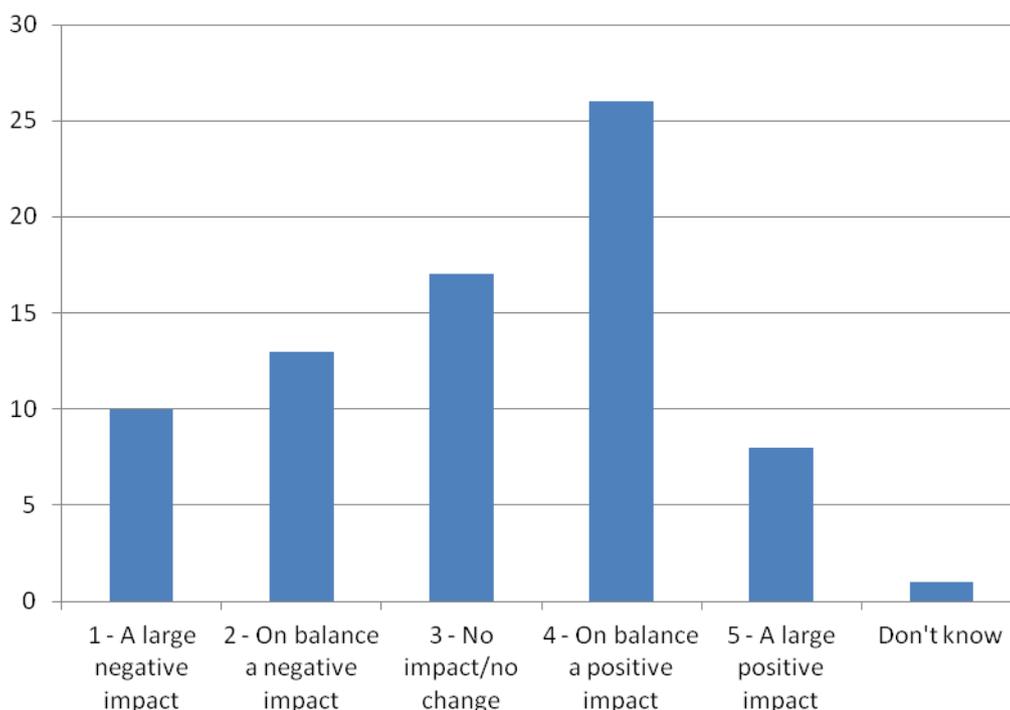
**Q27. How would you describe your relationship with the primary authorities who have partnerships in place with businesses in your area?**



45 The responses to this question are encouraging, on balance.

46 The next question asked about Primary Authority's overall impact on enforcement activity:

**Q28. Taking everything into account do you think that the Primary Authority scheme has had a positive or a negative impact on enforcement activity?**



47 Those who thought it had a negative impact were asked if they wanted to say why:

- Businesses may have too close a relationship with their primary authority, and/or this hampers regulatory and compliance action being taken (11)
- Bureaucracy (3)
- Administrative work transferred to enforcing authority (1)
- No advice available for businesses not in Primary Authority now (1)
- Lack of local input when enforcing authorities have to give way to the primary authority (1).

48 Finally, respondents were asked (Question 29) whether they wanted to suggest any improvements to Primary Authority overall. Main responses were as follows:

<i>Improvement suggested</i>	<i>Number of times suggested</i>
Improve web or Primary Authority IT System	12
Address commercial aspect of Primary Authority to restore impartiality	12
Simplification of the system, creating a more efficient, consistent and quality driven service	8
More power on a local level for enforcement officers with local knowledge	5
Encourage awareness of Primary Authority and promote its benefits	4

Bring Legislation in Scotland in line with rest of UK	3
Working out where it works and where not, encouraging primary authorities to specialise	2

Scrap it	3
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## Verbatim responses

- 49 The enforcing authorities' survey contained a number of "open questions", responses to which are recorded in the tables below.
- 50 Responses were recorded verbatim at interview time by colleagues conducting the telephone interviews; therefore some slight amendment and editing has been necessary. We have attempted to remove all references to individual businesses and authorities, but would be grateful for any that remain to be drawn to our attention.
- 51 There are potentially 75 respondents for each question. In each case, nil responses have been removed from the table.

<i>Regulatory Area covered (where given)</i>
Age related sales (1)
Animal Health (1)
Credit (2)
Fair Trading (7)
Explosives Licensing (1)
Food Safety (12)
Health and safety (3)
Petroleum (2)
Product Safety (3)
Trading Standards (other) (1)

<i>Q1 How did the way in which this incident was handled differ from what would have happened in the absence of a Primary Authority Agreement?</i>
<p>[In the absence of a primary authority Agreement, we would have taken] Direct action [with the business]</p> <p>I was able to speak to [name of Primary Authority] directly, as opposed to having to go through the BRDO website. This made things quicker. Due to the primary authority the issue was resolved quicker.</p> <p>I was aware of issues before I inspected the premises as it was already inspected by primary authority.</p> <p>I would have had to do all the work, which would mean trying to contact their Head office and speak to the right person. So the process enabled things to move much faster.</p>

I wouldn't have had such a quick response and would have had to do more work. I would also have had less confidence with the result, as having a Primary Authority Agreement in place gives peace of mind.

If there was no agreement in place, we would have still consulted [name of primary authority], and found out what we needed, but we would have done far more work.

If we agree with primary authority agreement then it simplifies processes, but if we disagree with primary authority then it makes it harder to regulate.

I'm not too sure.... we have always used primary authority or HA

It does not make much difference.

[Prior to the Agreement] we had little response from [name of business]. That changed when primary authority assisted us.

It is now a prerequisite before taking enforcement action, that we inform the primary authority first.

It would have gone nowhere because he was getting nowhere with trading standards before

Just similar to the home authority.

More or less the same as the home authority.

Non-compliance cases in the Primary Authority system seemed more formalised and simple to deal with

Not at all. [Name of local authority] response was that we should deal with it ourselves a local level. We also liaised with HA for car manufacturer.

Not at all... contacts would have been the same.

Not much as we could have just used the home authority scheme.

Not much difference as we would have had the home authority to refer to.

Not much difference between this and HA... the report would have been the same.

Not much difference. But now we have to contact the primary authority first before making communication with the business.

Not very much... I would still have had to contact the LA where the car was being sold - The primary authority directed me to them so the result was the same.

Supermarkets pay experts who often tell them what they want to know. [The specific Primary Authority] made a big difference.

The Agreement] results in more structure to our work.

The home authority mechanism was quite similar.

There would have been no back up although I would have asked about and found out in a more roundabout way.

Very little difference because we would have still made the same contacts under HA

We got a copy of the primary authority's inspection plan and stuck to their plan.

We would have contacted them directly... the primary authority would have given them specific advice that we needed to know to move ahead.

We would have dealt with it ourselves

We would have had to deal with business ourselves. Much more work for us.

We would have to contact the primary authority first before communicating with the business, and also we can get a direct contact number much easier whereas in the past we would usually be referred from person to person.

We would now have to check that our actions comply with what the primary authority have set.

We would usually send a decision usually to the business directly, but now we do not make decisions without informing the primary authority first and also without going through the Primary Authority IT system first.

What we would normally do with the old home authority, depending on the severity of the incident, we would refer it to the HA. Under the Agreement even if we had offences in the area we would still have to refer it to the primary authority due to the arrangements in place.

When I contacted the primary authority and they gave me a direct email and contact details.

With the primary authority scheme the officers took on more of the work than before. E.g. the primary authority took on sampling and co-ordinating duties.

Without an agreement in place, we would have carried this out ourselves. No real difference.

Would have gone directly to [name of business] for the info. I don't think they would have had the technical knowledge and therefore it would have been much harder to come to a conclusion.

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I had to go through an extra layer of people to speak to initially.

I had to fill out forms on the BRDO website, which slows things down.

I would have gone to trading standards directly. The primary authority scheme has made things a bit more difficult, it was not a streamlined process.

I would have spoken to trading law and got a quicker and less confusing response

If it had been the home authority they would have taken the issue on my behalf and spoke to the business but because of the primary authority I had to do speak to deal with the business all by myself.

Made the process the longer because of bureaucracy. Before the Primary Authority scheme there was the HA, which was easier than Primary Authority because you could send an email/telephone call and you could discuss there and then but the Primary Authority is more formal so slows the process.

No effect except the admin is quite an onerous process when just an email would do.

The primary authorities are far less likely to want to take enforcement action. It is pretty much the same as the home authority scheme. The Primary Authority scheme has just put a hurdle in our way.

The Primary Authority system is more formal and bureaucratic than the previous home authority system.

There is more hassle in terms of red tape.

There was not too much difference. However, there was the inconvenience of the bureaucracy and needing to allow 2 weeks for a response back, making taking action delayed.

The issue would have been dealt with differently and the result would have been more satisfactory for us.

There would be no primary authority to refer to initially; we would refer directly to [business's] head office.

*40 positive responses and 13 negative responses. Broadly positive responses above the dotted line. 22 "no difference" responses deleted.*

**Q4** *How did having an inspection plan affect how the incident proceeded?*

Action plan ensures quick execution of inspection.

I followed the guidelines given.

It helped focus the inspection and time spent on it

It tailored the inspection to what they wanted.

Not really. Just gave us info and confirmed trader compliance.

*Six "no difference" responses deleted*

**Q6** *What factors would you take into account when deciding whether or not to contact the primary authority before escalating any issues of non-compliance?*

Depending on how serious the matter is.

Depending on severity of the issue or if covered by primary authority [agreement] for that particular issue

Depending on the primary authority's usefulness

Depends on severity of the problem. If it is a local issue that requires an immediate action then I would inform the primary authority afterwards.

Depends on the nature of the incident. It is difficult to say because there are so many factors to think about.

Depends on the severity of the offence. But we treat each individual matter differently.

How severe the case is; sometimes the case has to be dealt with immediately.

How severe the issue is although they will get the info anyway.

I would make a judgement on the seriousness of the issue

If a serious issue then we would contact primary authority immediately, but that would be after going to the incident if needed.

If it is a serious issue we contact primary authority

If it is statutory or not that we have to contact the primary authority.

If it's a national issue.

It depends on the nature of the complaint, and how the info came to us. Also whether it's a local vs. a national issue.

It depends who can put it right... if primary authority can, we call them.

Non-compliance with our requests, e.g. if we give a month and the company do not do anything, or if the case is serious enough.

Only with very complicated issues

Severity of non-compliance issue.

Severity of the case.

Severity of the incident and the risks that are there.

Severity on non-compliance and awareness of situation.

the severity of the issue

The severity of the issue

The severity of the issue

We usually check the website. If the issue can be dealt with by us alone, then we will not contact the primary authority

We would try to work together with the businesses.

Whether it is likely to be a one off case or not. And the severity of the case.

Whether the issue was minor or not.

Whether there is a safety issue or not and whether it is a national or local issue. If national then there is more importance.

When we lose confidence and get to the stage of issuing a notice, I would the contact the primary authority. Also when I get to a particularly bad business then I will contact the primary authority immediately.

Where we don't get a good enough conclusion on a policy being abided by.

Whether it has an impact on stores nationally.

Whether specific to store or a national issue

Q7. *[Following a negative response to the first half of the question] Why do you say that*

*the advice issued to you by Primary Authorities is poor?*

Certain issues can produce good advice. Others it is poor.

I am extremely pleased with the [name of Primary Authority]; however I am extremely dissatisfied with the [Name of another Primary Authority] county council. In both Partnerships it is in the area of petroleum only.

I have not used the primary authority much.

I just had the one instance of dealing with the primary authority, and there was no information issued.

It depends upon the authority.... some provide an outstanding service whereas others are more questionable.

It goes from very good ([Primary Authority named]) to non-existent

Local authorities have to interpret legislation which is not always objective.

Mixed Bag. When I have a good contact it works. Otherwise this can be timely.

Sometimes very good advice ([Primary Authority named]) sometimes terrible.

There is a lack of consistency - some Primary Authorities are excellent at dealing with issues promptly. Other times, the service can be poor and the primary authority can wash their hands of the issue. Sometimes they can be too stretched.

When trying to search for info on the Primary Authority IT system, the system is not user friendly and not easy to find the information needed. There is a lot of bureaucracy. The home authority system was a lot easier and you can get more feedback.

*Q8. In general, how has Primary Authority affected the way you work in relation to businesses?*

Because we are a rural LA, there are fewer businesses to deal with that have a primary authority partnership, so has not made much difference.

Currently not much of an impact

Greatly changed our entire process and added extra complication. Very bureaucratic.

Hard to answer but colleagues are aware of primary authority agreements and what they to do

However busy they are there to help. Boosted our confidence and are there for us

I am not so involved in enforcement, as we are intelligence led authority we can deal with the higher risk areas first.

I don't determine that... we are intelligence led but I am sure this is factored

I feel our hands were tied when inspecting and there was more legwork. However it was useful for co-ordinating complaints investigations.

I have not used the Primary Authority scheme regarding inspection. But the Primary Authority scheme has been great for finding contact details for companies.

I think the Primary Authority system slows us up.

If a business has Primary Authority we would spend less time on it. If we have a problem we

would report it to the primary authority rather than working with the business to sort it out.

If their policy is signed off via the Primary Authority then we should go through the primary authority but, to be honest, if somewhere needs inspecting then we will just go ahead and inspect it.

It has changed the way we view inspection because if there is an inspection plan in place, we cannot diverge from that.

It has introduced a hurdle to our enforcement work and an element of inconsistency with enforcement between small and large businesses. But it has not affected the way we inspect or what we look at.

It hasn't had a massive effect, apart from providing one more point of contact for me and a certain level of assurance.

It makes some businesses more powerful through this partnership; this makes our ability to get them to adhere to our orders more difficult.

It takes discretion away from the enforcing authorities to what actions can be taken. Now decisions are made by primary authorities. We get negative feedback from consumers that the primary authority are not doing their job.

It's made it more difficult to deal with complaints and assessing intelligence, because there is an extra step involved with the primary authority scheme.

Made consistency and certainty about advice given, better. However, in complex legislation it can create dispute between primary authority and trading standards and we don't know how to resolve this dispute.

Makes inspections more uniform and structured.

Minimal... we only have one primary authority

More thorough now, it has to be right.

No, but I expect there to our work to be affected soon.

No change, we just check the Primary Authority website if there is an inspection plan first.

No real change except we contact the primary authority when an issue.

No real change. We only have occasional issues as we are a small authority.

No real changes ... we are a small authority

No real difference, more of an impact on low risk premises

No, but it has added more middle men to go through.

No. Because there are not many inspection plans available.

Not changed the way we inspect, In relation to large companies; the presence of a primary authority partnership seems to make issues to be dealt with quicker. However, with small local companies the primary authority does not make much difference.

Not much change... early days and very few inspection plans.

Nothing really has changed, inspection plans will come in later though

Only difference would be that we would check the Primary Authority IT system if there was a dispute between us and the business to check the legal standing of the issue.

Our risk assessment is changing meaning places will be visited far less. This is a flaw. It might be 5 years before we re-inspect premises such as petrol station which is no good.

The main problem is there are a number of LAs bordering us that are enthusiastic about Primary Authority scheme to the extent they won't advise local businesses if they do not opt into the Primary Authority scheme. The knock on effect we find is businesses with non-compliance issues (not in our area) are not given advice by their LA, so we would have to advise these businesses. This has added greatly to our workload

The primary authority act defensively of their companies. E.g. The [name of primary authority] whose company is [name of company], more or less acted as their representative. This has really shaken us.

The Primary Authority scheme helps us to focus on the matter at hand because it gives clear direction. Also I can get information given directly to me for example contact details.

The places with Primary Authority don't get inspected any more as a result.

There are places I went to the primary authority but the trader did not sign up to the primary authority so the primary authority could not do anything.

There has been change. Primary authorities are less willing at times to be involved in issues. It really depends on the issue.

There is a slight difference with larger companies who have a primary authority agreement e.g. [name of company]. For the large companies, the consistency of advice and action is better.

We are mindful of which businesses have a primary authority partnership. If they do have a primary authority partnership we would have liaise with the primary authority prior to taking any action.

We are more intelligence led now so we visit businesses only when an issue arises.

We don't have any agreements in Edinburgh, but it does affect what premises we visit. E.G. no test purchases of fireworks at [company name] ( Primary Authority renders this pointless)

We have more information now

We have to be mindful of the inspection plan which effects the way inspections are made and what is inspected.

We only inspect businesses locally so it has not changed the way we inspect.

We take guidance from the primary authority before commencing any work, from the BRDO website.

We usually check what the primary authority agreement is first, but other than that there was not much change.

We would look at the Primary Authority system as a routine check to ascertain whether the company has a primary authority agreement, if so we would consider talking with the primary authority first. However, there has not been a lot of change to the way of work.

We would usually send a decision usually to the business directly, but now we do not make decisions without informing the primary authority first and also without going through the primary authority system first.

Where there is an instance of non-compliance we will consult with the primary authority first.

*21 "no change" responses deleted.*

*Q10 What impact, if any has Primary Authority had on the way your authority organises its enforcement-related activities?*

A negative impact, due to added administration.

A slightly negative impact due to the infringement on our freedom.

All policies make reference to Primary Authority and that correct procedures must be followed. No massive difference

At the local level if there are businesses with a primary authority partnership it scuppers further enforcement work due to the powers of primary authority partnership.

At the moment there is very little impact due to there being very little inspection plans made.

Has made some impact for those who have a primary authority, because there is guidance and instructions for enforcement activities.

In regards to 'work planning' it has streamlined the process but in regards to 'investigation' it has not been effected much.

If it had been the home authority they would have taken up the issue on my behalf and spoke to the business but because of the primary authority I had to do speak to deal with the business all by myself.

In relation to large companies; the presence of a primary authority partnership seems to make issues to be dealt with quicker. However, with small local companies the primary authority does not make much difference.

Intelligence led so can't say

It forces us to have more regard to the advice previously given, we are able to get up to date information, and in relation to planned inspection we need to consult with the primary authority in terms of what actions we are proposing throughout the year.

It has not changed our enforcement work. However we have to contact the primary authority first which slows us back because we don't always get a response back quickly.

It has not changed too much.

It just makes life more difficult because we have to research whether there is a Primary Authority or not, and if there is an inspection plan to follow.

It makes it more local intelligence led. The businesses that have a primary authority partnership are not inspected as frequently as before.

Massive impact... this is now a fundamental consideration.

More intelligence led work

Negative impact. We have to do more now and go to primary authority first when an issue arises.

No change. There are so many companies with no primary authority partnership there is no meaningful change.

None although we are considering some changes.

None as far as I am concerned

Not enough businesses with a primary authority partnership to make a significant difference.

Not much... budget rules

Not much... we still inspect regardless, although visits are now less onerous.

Once you know the way a Primary Authority works, you adapt to agreements and plans in place. This can be restrictive.

only the fact that we have to contact primary authority before action

Significant time is spent dealing with the Primary Authority to [name of business], to their advantage.

Some positive

Some regulatory areas have been marginalised by primary authorities and deemed less important e.g. under age sales, this means less referrals are coming through.

Still early days... jury's out

There has been a slight improvement as there are definitely tighter procedures now in place.

There has been sizable impact in relation to national companies.

There is a general wariness from our officers when Primary Authority is involved as primary authority officers seem almost like an in-house legal for Primary Authority. Standards are not as clear as a result.

There is a little more work upfront prior to the inspection, but in the end it makes inspections more streamlined and structured.

We check the Primary Authority website if there is an inspection plan first.

We had one incident of the underage sales of fireworks with [name of company], which had a primary authority agreement. We checked on the Primary Authority website before approaching the company.

We have a risk plan based on [name of local authority] model. If a Primary Authority is in place, the risk rating drops and frequency of inspection drops too. It works!

We have no Primary Authority here. However we would only deal with issues if they wouldn't.

We have to be mindful of inspection plans from businesses. However the Primary Authority is still in the early stages so it has not impacted us significantly.

We have to be mindful of the primary authority agreements and what the focus of inspection is over the year.

We look at the BRDO website for advice, but so far to little effect.

We may not have to contact the business because the questions have been answered by the primary authority and this could mean we do not have to pursue a complaint further and not have to make an inspection.

We now go to the primary authority first for communication before going to the business.

We now have a team of 3 officers who deal specifically with the primary authority, the team is called 'better business'.

We now look to communicate through the primary authority. Also if there is an immediate issue then we can now consult the primary authority at a later date.

We take guidance from the primary authority before commencing any work, from the BRDO

website.

We will have more of a workload, with time wasted in the office trying to get permission to speak to companies let alone visiting them.

We would look at the Primary Authority system as a routine check to ascertain whether the company has a primary authority agreement, if so we would consider talking with the primary authority first.

We would usually send a decision usually to the business directly within the same day, but now we do not make decisions without informing the primary authority first and also without going through the Primary Authority system first.

Yes but not for me.

21 "no change" responses deleted. 4 "don't know".

*Q13 What in particular have you changed and were these changes for the better or detrimental to the enforcement process?*

Better

Detrimental

Detrimental - plans are extremely limiting and often miss out important information derived at the local level.

For the better

Not much.

Not too much difference

Overall positive from Inspection plans

There has not been much impact and it has been neither beneficial nor detrimental.

We look at what topics to inspect from the inspection plan. It has had a good influence on the inspection process.

*Q15 You indicated you were dissatisfied with the overall concept of an inspection plan... Why is this?*

It does not account for local priorities or specific local issues.

It doesn't enable you to deal with risks derived locally

What's on site locally does not always reflect the national picture; there are a lot of differences locally.

*Q15 You indicated you were dissatisfied with the scope of or areas covered in inspection plans... Why is this?*

Ridiculous areas often come up.

The plans don't always cover the issues that occur on site.

The same; It does not account for local priorities or specific local issues.

*Q15 You indicated you were dissatisfied with the content of those inspection plans you have seen... Why is this?*

Lack of detail in inspection plan.

Often complicated or irrelevant

Sometimes on the web it says there is an inspection plan but when I click the link there is nothing there. Also when there is a plan after clicking on the link, there is just headings and no information.

*Q15 You indicated you were dissatisfied with the level of direction given to enforcement authorities... Why is this?*

I do not see why we have to go to the primary authority to have direction at all, when the primary authorities are separate to the enforcing authority and also because the primary authorities are being paid for by businesses.

Sometimes the primary authority can tie your hands!

There's no real direction, it's just vague.

Too stringent

*Q18 Thinking back to the specific issue we discussed at the start of the interview, [you have said you did not] record this on the Primary Authority IT System. Why not?*

Because we are a neighbouring authority to the primary authority concerned, and because we are familiar with each other, I was able to have a telephone conversation with the primary authority.

Couldn't access system

Don't use

don't use it

Forgot.

Have not been given the access code. This is the case for the [name of primary authority] on the whole, nobody has access codes. We are still waiting for the access codes for the Primary Authority website, and struggling to get the codes still.

I am not sure; it was my colleague who dealt with the issue.

I consulted directly with the officer in charge, and I assumed they would record the matter.

I found the system appalling to use, so I asked [name of primary authority] to deal with using the Primary Authority IT system.

I phoned our contact

I speak to our contact at the primary authority directly.

I spoke directly to the primary authority officer which I was told would be easier than using the

website.

I spoke to the primary authority instead

I was not aware of the IT system.

I'm not sure how to do this on the website.

It did not cross our mind.

It did not occur to me.

No need

No need

No need, personal contact better

No need, rang instead

Not our practice

spoke telephone

The lack of info meant that was pointless

The trader is not on the system.

We do not use the Primary Authority IT system, we have our own system.

We don't use it ... no logins.

We have our system

We made email correspondence with the primary authority which was sufficient.

Website is not user friendly.

*Q19 What factors influence whether or not you use the Primary Authority IT system?*

I never use it

I only use it when I need to use it. It is not something that I would want to go on.

I would want to avoid using the IT system so it depends on how serious the matter is.

If a primary authority agreement is in place then I will use the IT system for it.

If a primary authority is in place

If I thought I would get some response from the primary authority, which I have not.

If it is a national company I will always check the site.

If primary authority was there!

If there is a primary authority agreement in place

If there was an agreement in place with a large business I would always use it. With a small local company I wouldn't usually feel the need.

It is just remembering to use the IT system.

It's not user friendly

The severity of the issue at hand.

We always use the IT system.

We have to use it so we have no choice.

We would check the Primary Authority IT system if there was a dispute between us and the business to check the legal standing of the issue.

Whether or not we want to take formal action.

Whether or not it is appropriate to use the IT system for the case we are dealing with.

4 "nil responses" deleted

**Q20 More generally what use do you make of the Primary Authority IT system?**

As a reference point for who has a Primary Authority and also for contact details.

Ascertain if there is primary authority partnership with businesses before communications.

Check that the company has a Primary Authority, for contacting the primary authority, looking if there are inspection plans and if so viewing them, and getting advice from the primary authority regarding compliance issues.

Check updates and information on issues; see if there is an inspection plan. General research.

Find inspection plans.

Find out contact details of relevant parties.

Finding the primary authority partnership for a company and contact details of the primary authority before carrying out work.

For finding contact details and to check if there are inspection plans.

For general information and inspections and for directing businesses to information on how they can use us as their primary authority.

For inspection and non-compliance issues generally.

I check for primary authority agreements, food complaint procedure and inspection plans.

identify whether we need to make special action for businesses that have a Primary Authority, and to check if there is an inspection plan

Identifying which businesses have a primary authority partnership and if they have any advice given. Also if I wanted to contact formally the primary authority.

If a non-compliance issue comes up then I would check the website to ascertain whether the company has a primary authority agreement and if there is any comments/advice made by the primary authority regarding the non-compliance issue.

Initially to check if there is a Primary Authority and then getting contact details.

Making enforcing notices and to get permission to do enforcing actions.

Mostly for making referral and getting information on Primary Authority issues. Also to check if a business has a Primary Authority and how to contact them.

None

None

None at all

Notify other primary authority of complaints from consumers.

Primary Authority information , use 3 times a month

Purely to communicate with primary authorities regarding non-compliance issues.

reasonable use

Regular

Regular

Regular use. If there is a consumer complaint this is our first point of call with regards to getting company contacts in order to resolve issues.

Regularly use to check for primary authority partnership.

To check if a company has a primary authority partnership, prior to making the inspection.

To check if there are any inspection plans or any other relevant information related to the case.

To check if there is a primary authority partnership before taking up work.

To check if there is a primary authority partnership in the first case and to see if there is any advice given, and to see if there is an inspection plan.

To check if there is a Primary Authority Partnership, and also if there is an inspection plan in place.

To check if there was a primary authority partnership with a company.

To check the inspection plan, and to log complaints through the system.

To check there has been advice given to a company on issues.

To find it if there is primary authority partnership, and to see if there is an inspection plan.

To get a direct contact details of the company concerned.

To identify if a business has a primary authority partnership.

To pass on the initial referral. To see if there is a primary authority partnership.

To refer an issue and record the fact we are investigating and issue.

To see what agreements are in place

Use it to search for information such as contact details and updates on cases.

We check for any inspection plans prior to an inspection.

We enforce for petroleum, fire safety, explosives and licensing. We use the website to

ascertain who has a primary authority agreement under the various areas e.g. petroleum has a different Primary Authority to fire safety.

We take guidance from the primary authority before commencing any work, from the BRDO website. This is only for national companies, for small companies we do not check the Primary Authority website.

weekly access for trader complaints to source contact info

When dealing with an inspection or a complaint

When we come across an issue

*Q23. Is there anything else that you think could be done to the Primary Authority IT system in order to improve the experience you have when using it or to encourage you to use it more?*

A better search facility... less clunky.

An agreement with environment agency regards to aquifers, added to the maps idea

Clearer description of documents. An executive summary of documents.

Difficult, to access the login screen on the Primary Authority website.

Ease of use.

Ease of use and clarity. So many systems and passwords are irritating.

Easier to navigate, more information.

Easier to use

For one particular case involving a primary authority partnership, I had to phone up to get forms etc. for prosecuting, so to have these forms/information better laid out on the website would be helpful.

Generally making it slicker and smoother.

Hard to log in, often tells you password expired which is frustrating, better lay out, clearer direction to information.

I like it as it stands although I wish it didn't keep asking me to confirm my wish to contact the primary authority. This can be off-putting!

Information on which primary authority are with which company needs to be made clearer as I have had hassle with this before...

It is very difficult to feedback things to the primary authority via the Primary Authority system, in the end we had to write letter manually. The system is not intuitive.

It's a simple site and needs to stay that way. However one point is that sometimes when I need to create a new user or when I have forgotten the password, I am referred to the administrator, who is sometimes away. Therefore it would help if I could sort these kinds of things myself, like other websites.

Land and CPH numbers mapped.

Layout of the website is not simple to navigate.

List inspection plan simpler highlighting what areas are covered.

Made more user friendly. It is not common sense. At the moment you have to go backwards and forwards frequently; it has a very clumsy design. It is out of date.

Make more user friendly, easier to log in and quicker to log in.

Making the log in easier and resetting passwords

Make it easier to log into, we have a home authority database so that could link to primary authority. you have to log into the website, it would be better to have the Primary Authority system with the TSO system , have one it all in one place

More awareness

More clarity... make it easier to use

Not always easy to find information. Renaming Titles and making things clearer on the site.

Obviously more legislation for Scotland. Our security IT system doesn't help either.

Original system had a few bugs and it is slow and convoluted, so it needs to be made more simple and more user friendly.

Publish enforcement action taken by various LA's for a particular company. Make website more user friendly.

Redesign it. More intuitive.

Remove the requirement of agreeing with terms and conditions before logging in. Also make navigating through the login section, easier to use.

Simpler to use. The route to contacting a primary authority is rather clunky. The phone is easier

Simplify it and make it more relevant with regards to consumer issues

The accessing could be made easier; the tabs at the top are confusing to those not familiar with it.

The IT system is confusing so it could be made simpler.

The search engine needs improving. [It does not have fuzzy search].

The system is not easy to use and it is slow. It is quicker to email/phone some from [name of Primary Authority].

The website is awkward to use.

There was a technical error attaching documents on the BRDO website.

This is the case for the [name of primary authority] on the whole, nobody has access codes. We are still waiting for the access codes for the Primary Authority website, and struggling to get the codes still.

To add useful links to the website like forums.

To be sent more frequent updates and reminders via the email to get people to use the Primary Authority IT system, because sometimes people forget. This could be sent via email.

When we go into the Primary Authority IT system, there are a number of options for various areas/topics but there is not one for a general enquiry, which would helpful.

Yes, ease of use please. Specific Scottish info. Primary Authority should duplicate partnership

to give perhaps a junior primary authority role to the local Scottish authority.

43 responses. 32 nil responses deleted

*Q27 On a scale of 1-5 where 1 is very poor and 5 is very good, [you have described] your relationship with the primary authorities who have Primary Authority partnerships [as] poor: please say why?*

As mentioned before this is a very hard subject to be positive about for me.

Because the primary authority do not feedback to let us know on the outcome of inspections. Only 1 authority used so far so this might be biased.

I contacted the primary authority by phone, to give a heads up but the primary authority switch board would not put me through and said I would have to email.

If it's an authority that we have no experience with, they do not seem to have enough time to deal with us for time which makes matters less conducive.

Local issues take priority over national issues.

The feedback we are getting from the primary authority is less than what we were receiving before the Primary Authority scheme.

There are delayed responses from the primary authority and when we do receive responses they seem to be negative.

There is the potential for a decrease in relationship due to the financial implications. Now rather than a Home authority that are independent, you now have a primary authority that may have vested financial interest. In other words the primary authority may behave un-independent with the motive of maintaining the flow of their income from the company.

They have different agendas to us and often offer little help.

This does not apply to all the primary authorities, but most primary authorities seem to take sides with companies due to the financial incentive. Therefore, I feel the primary authorities have a misunderstanding of their roles.

*Q28. Taking everything into account [you have said] that the Primary Authority scheme has had a negative impact on enforcement activity - please say why?*

Companies have too cosy a relationship with Primary Authority, leaving the LA feeding distrust. Give money to a central fund to deal with it rather than one primary authority under the pay of one company. A set fee would help. The money side makes me feel uneasy.

I do not see the purpose the primary authority partnership serves. Local enforcement should not be influenced by the business. Also it adds bureaucracy.

I don't see any advantage to this over HA

I feel that the Primary Authority has created a local inconsistency because large companies that can afford to have a primary authority partnership now effectively have a way of getting out of compliance issues through their primary authority partnership. It is unfair on smaller companies. Between my colleagues we say that the Primary Authority scheme is a dressed up 'protection racket'.

I feel the Primary Authority scheme has taken admin work from the businesses and dumped it on the enforcing authority. Also due to redundancies and cut in resources to local authorities,

the extra admin work makes things more difficult.

I think it makes officers tentative with dealing with issues; my colleagues are disenchanted with the scheme because the primary authority seems concerned with protecting the business.

It makes it much more diff to take a simple enforcement action with a business that has a primary authority, there are more hoops to jump through, and if the primary authority has a good relationship with their business they would discourage you to take action on their business.

It makes some businesses 'untouchable' to enforcement, so to speak.

Lack of response from the primary authority when I contacted them regarding a non-compliance issue.

My colleague was requested to go to a big supermarket for inspection but when he got there he was told by the primary authority that he should not be inspecting because the primary authority have management put in place to regulate.

Some LAs are not willing to advise businesses that don't opt for the Primary Authority scheme. Therefore there are genuine compliance issues being neglected. Bigger firms who opt for the Primary Authority scheme tend to be compliant, it's the smaller ones that are not usually compliant but these are being neglected by the LAs.

The authorities are siding too much with businesses.

The discretion of the LA has been taken away, if I go to [name of business] I can find many faults but rather than being able to take action now we have to go to the primary authority for permission. Also, larger businesses can afford immunity from enforcing authority because the primary authority will not want to lose out on this source of income.

The Primary Authority scheme makes it more difficult to raise issues locally sometimes. Because businesses who have a primary authority partnership feel the primary authority partnership gives more protection so they feel less affected by enforcing authorities.

There have been issues that haven't been dealt with, especially when a Primary Authority scheme isn't in place. Businesses not covered by a primary authority agreement should have more rules placed over them to control their actions.

There is no way of knowing if other authorities are raising the same issues as us. We need to see more details of every enquiry. More clarity and openness please. Time delays in system are frustrating, especially in emergencies.

We even had instances of Home authorities being a little too defensive of their companies. With the Primary Authority scheme the primary authority could be even more defensive because some primary authorities will be relying on that source of income. Also there could be competition between LA's to secure companies for financial gain; this would decrease the level of impartiality.

We have to go to the primary Authority to get authority to progress the issue further.

We need to have the freedom to deal with issues locally rather than have our hands tied. The relationship between primary authorities and large companies is somewhat questionable too.

Where a primary authority has the knowledge and experience to deal with the area covered, then it works. Otherwise I see a huge problem with lack of local input, a huge reduction in inspections and ultimately standards dropping.

*Q29 Finally, are there any improvements you would suggest making to the Primary Authority system?*

Primary Authority are cherry picking which businesses to go into business with , which does not tend to be the smaller businesses, but the smaller businesses tend to have more non-compliance issues.

1. Searching for information on the Primary Authority website needs to be made less laborious. 2. There is an issue of impartiality/independence at stake when money is involved; this makes it difficult for LAs to do their job.

A way of identifying what primary authority and/or HA each business is in partnership with

Being able to feedback to the primary authorities via the IT system as it is very difficult at the moment. Also to have some sort of acknowledgement from the Primary Authority IT system that the primary authority have received the feedback.

BRDO needs to find a way of making things work better in Scotland. I would love to see you telling the Procurator Fiscal that they can't deal with an issue as you have Authority in Westminster!

By taking away the commercial aspect from primary authorities this would improve impartiality.

Cascading information down to the LA's e.g. updating information and providing amendments on the website. (On the web).

Change legislation as Scotland is in a different position. Business should contribute to the legislative burden. Primary Authority work is relegated to a lower priority at the moment than it should be.

Difficult to access the login screen on the Primary Authority website.

Encouraging its use and promoting its benefits to everyone.

Enforcing officers need to be able to take actions without being blocked by the primary authority.

Ensuring the quality of advice given, which needs to be dealt with by Trading Standards community as a whole.

Give to a food standards agency on the food side. Ensure an inspection plan is in place when signing up.

HA was very good... no need to change. Scrap it.

I can't think of anything.

I think most people will be deterred from using the Primary Authority system because it is not easy to use and it is regimented, so to get people to use the Primary Authority system more readily then the scheme/it system needs to be simpler.

I think the authority who have a primary authority partnership with businesses have a cosy relationship and the primary authority will have their own interests which is not conducive for regulation.

I think the major drawback of the Primary Authority scheme is that it impedes too much on enforcement activity.

I think there needs to be some peer review between primary authorities. I think because of businesses paying for primary authority partnership, this gives rise to conflicting interests.

I want to see primary authority partnership not paid for by businesses because that introduces conflicting interests and undermines the enforcing work of other LA's.

If there is no agreement in place there should be a 'rider' that they still have to do certain activities. Some authorities use it as an excuse to do nothing.

Introduce a time scale for the primary authority to respond to us, and have a way of monitoring this.

It would help if primary authorities established who the named contact is for me to contact.

Just to make the web easier to use.

Making the initial contact pages on the site clearer. When dealing with local traders, Primary authority can mean that they flout laws/drop standards, knowing that our hands are tied. This can be frustrating when we have better information than the primary authority on local issues.

More promotion to officers on the ground. We need to be made more aware.

Most primary authorities seem to take sides with companies due to the financial incentive. Therefore, I feel the primary authorities have a misunderstanding of their roles. A solution to this would be to educate the primary authorities of what their roles are. Part of this educating would have to include how primary authorities should deal other LA's and not be so defensive of their companies.

Need more inspection plans.

No it's just to make the IT system more user friendly.

No more friendly?

No. It's running well.

Not apart from website.

Other than scrapping it? I feel uncomfortable that we charge for enforcement advice. I am neutral and dislike the politics involved.

Primary Authority is very similar to the HA but it is charging. Not sure how to improve.

Perhaps simplification of the process of serving enforcement notices.

Prefer not to say.

Publicise it and route it by TS forums and websites in order to validate and promote the advantages.

Scrap it and go back to HA

Simplify it.

The main improvement would be I am still waiting for the access codes for the Primary Authority website, and struggling to get the codes still. BRDO is a national organisation and I feel it is their responsibility to ensure all enforcing authorities have access codes.

The Primary Authority IT system times out if you do not attend to it quick enough, this time out length needs to be made longer.

The Primary Authority system seems to be a way for businesses to have a bodyguard. Primary Authority works better with larger/medium companies and not small companies who have to pay for Primary Authority scheme. And also I see it as a way of companies getting us to pay for their work. If the Primary Authority system was an enhancement of the Home

authority scheme then I am all for that.

The relationship between Primary Authority and businesses means they are less independent. Often we find a defensive attitude from primary authorities as a result. It would be good to know whether there is liability on the primary authority if they are providing flawed advice.

The speed of getting back to me on my responses with primary authorities, there is big delay on some. Some Pa's are better than others.

The website is my primary concern. Also there needs to be more flexibility in the system; once the primary authority has given an opinion it's virtually unchallengeable. The primary authority relationship with businesses is too cosy which results in weaker regulation. We have had the case with bankers and the horse meat scandal which demonstrates how weak regulation results in such outcomes that are bad for society.

The whole idea is a conflict of interests as far as I am concerned. This system is similar to systems set up in different sectors across the employment field, but I feel does not work for enforcement. How can you have primary authority officers who are under the pay of the same people that they are meant to be enforcing? There is a worrying lack of neutrality.

There is not a lot of primary authority partnership in Scotland and there is few or none in my LA so will need to get more businesses on board with the Primary Authority Scheme Also the primary authorities need to rethink what they are trying to achieve, because local enforcement should not be influenced by the business.

There needs to be more companies joining the Primary Authority system. Also staff on the ground are not aware of the Primary Authority scheme so we still get people calling us when they should be making to the call to the primary authority.

There needs to be more consistency in decisions/information from the primary authority cascading down to other LA's.

This is the only thing I would suggest: The search engine needs improving. [There is no fuzzy logic search]. Besides this the Primary Authority scheme is satisfactory.

To put more information on advice given on IT site.

Too clunky. Website needs sorting. I know it needs to be secure but changes are necessary.

Working out where it works and not. HA really works for us with some businesses.

*22 "no" responses deleted*

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