

REPORT TO: Cabinet Member - Environmental
DATE: 7th April 2010
SUBJECT: **PRIMARY AUTHORITY PARTNERSHIP - PONTINS**
WARDS AFFECTED: All
REPORT OF: Peter Moore
Environmental & Technical Services Director
CONTACT OFFICER: Terry Wood, Commercial Section Manager
Tel: 0151 934 4301
**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To inform Cabinet Member – Environmental of preliminary discussions held with a view to entering into a Primary Authority Partnership with Pontins in relation to Food Safety.

REASON WHY DECISION REQUIRED:

The Department seeks Cabinet Member – Environmental's approval of the scheme, which will allow the Department to proceed into the formal arrangement with Pontins.

RECOMMENDATION(S):

That Cabinet Member – Environmental endorses the proposed Primary Authority arrangement and the establishment of the partnership with Pontins.

KEY DECISION: No.

FORWARD PLAN: No.

IMPLEMENTATION DATE: Immediately following the expiry date of the "call-in" period for the Minutes of this meeting.

ALTERNATIVE OPTIONS:

The Authority could decide not to enter into a Primary Authority arrangement with Pontins. The Primary Authority Scheme is being heavily promoted by the Local Better Regulation Office (LBRO) as an important element in delivering the *Hampton* principles of a risk-based, consistent, proportionate and effective regulatory system.

IMPLICATIONS:**Budget/Policy Framework:****Financial:**

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal: None

Risk Assessment: N/A

Asset Management: None

CONSULTATION UNDERTAKEN/VIEWS

NONE

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities		√	
3	Jobs and Prosperity	√		
4	Improving Health and Well-Being	√		
5	Environmental Sustainability		√	
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening local Democracy		√	
8	Children and Young People			

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

None.

Background

1. The Cabinet Member – Environmental will recall a report on 19th November 2008 which detailed the introduction of the Primary Authority Scheme (PAS). The scheme established by the Local Better Regulation Office (LBRO) was designed to help fulfil Hampton’s vision of a regulatory system, at a national and local level, that is risk-based, consistent, proportionate and effective.
2. The PAS seeks to build on the long-standing voluntary schemes for “Home Authority” and “Lead Authority” agreements between local authority regulators and businesses which operate across local authority boundaries. The voluntary schemes have never really maximised their potential because they have not always been delivered consistently or effectively.
3. Under PAS a local authority can be registered with LBRO as the Primary Authority and therefore becomes responsible for giving advice and guidance to a business which operates across more than one local authority area. When this arrangement is in place, any other local authority (known as the enforcing authority for the purpose of the scheme) that proposes to take enforcement action against the organisation MUST contact the Primary Authority first.
4. The Primary Authority has the power to veto this proposed enforcement action if they believe it is inconsistent with the advice or guidance that it has previously given to the organisation concerned. This compulsory duty of enforcement authorities to contact the Primary Authority before taking action is one of the strengths of the scheme. It addresses many of the weaknesses of the voluntary schemes and should ensure a consistent and proportionate service to businesses operating on a national/regional basis.
5. If an enforcing authority and the Primary Authority cannot reach agreement LBRO has an arbitration service to which both parties can state their case. LBRO will then, based on the evidence it has, determine if the proposed enforcement action is appropriate and should proceed. Their decision is final and binding on all parties.
6. The PAS also allows local authorities to claim costs from a business for whom it is acting as a Primary Authority. This is a recognition that if the scheme is to be successful it will take time for a Primary Authority to undertake this additional responsibility which in many cases will be very complex. Local Authorities would not be able to participate in the scheme without being properly resourced and it is an acknowledgement that this cost should not be borne by the local tax payers but by the business receiving the benefit.
7. Because of the wide remit of regulatory services LBRO has recognised that a Local Authority may not always be able to act as Primary Authority across the full range of activities and individual businesses may not require a Primary

Authority relationship for the full range of regulatory activities. Accordingly they have made it possible for arrangements to be as broad or as narrow as necessary to suit both parties. The process is usually initiated by a business when they approach a local authority with a request that it enters into a Primary Authority relationship.

Pontins

8. Pontins approached the Department in the latter part of 2009 requesting a Primary Authority relationship. A series of preliminary meetings have taken place with the company and a provisional agreement reached with Pontins to act as their Primary Authority for food hygiene.
9. This is seen as an ideal opportunity for the Department to get experience of operating a Primary Authority arrangement. There are currently five Holiday Parks nationwide and contact has been made with all of the local authorities within whose areas the parks are located, with a view to gauging their current level of compliance and previous performance history. Reports from these local authorities has been positive.
10. The arrangement also gives the Department the opportunity to work more closely with and assist an organisation who propose to invest millions of pounds into the local economy.
11. The Department's responsibility will be to advise Pontins on compliance with the law in relation to food safety. This will mean ensuring their systems, if followed, will assure food safety across their entire estate. Inspection of individual Pontins' sites remains the responsibility of the local authority where the holiday park is situated. However, the local authority in question must be guided by any inspection plan we determine and must refer to us before taking any formal enforcement action in relation to food safety.
12. Obviously this work is over and above that which would normally be undertaken at Pontins and a charging regime has been provisionally agreed with the company. It is our estimate that this extra work could amount to approximately 50 hours in the first year and for this a charge would be levied on Pontins of £2,500. If the work required is greater than 50 hours an hourly charge will be made of £52.73 per hour for everything over 50 hours.
13. This is an exciting opportunity for the Department and if all goes well the arrangement could be expanded in the future to gradually include other work areas such as food standards and health and safety.