



Office for Product
Safety & Standards

**PRIMARY
AUTHORITY**

Primary Authority Overview



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What is Primary Authority?

Primary Authority is a means for businesses to receive assured and tailored advice (Primary Authority Advice) on meeting environmental health, trading standards or fire safety regulations through a single point of contact. This enables all businesses to invest with confidence in products, practices and procedures, knowing that the resources they devote to compliance are well spent.

Primary Authority is based on legal partnerships between businesses and individual local authorities and / or fire and rescue authorities. Businesses can set up their own partnership or belong to a trade association (or other type of group) with an existing partnership.

Who can enter a partnership?

Partnerships are available to any type of business, whether starting out or established, as well as other types of organisations such as trade associations. Regulators operating as primary authorities include county, district and unitary councils, and fire and rescue authorities.

The two types of Primary Authority partnership

Direct partnerships

A business can form its own direct partnership. It then receives Primary Authority Advice tailored to its specific needs from its primary authority (i.e. its chosen local authority).

Co-ordinated partnerships

Alternatively, a business can belong to a trade association (or other type of 'regulated group') to benefit from a co-ordinated primary authority partnership. In this case, the Primary Authority Advice is still provided by the primary authority, but is shared via the trade association, and tailored to the general needs of its members.

A business can choose the type of partnership best suited to its needs. A business that has a direct primary authority partnership in relation to one area of regulation may also, by being a member of one or more 'regulated groups', have one or more co-ordinated primary authorities in relation to the same or different areas of regulation. The business can decide which Primary Authority Advice is most appropriate to its circumstances and it can then choose to follow that advice.

What do primary authorities do?

Local authorities or fire and rescue authorities that act as primary authorities provide:

- Primary Authority Advice to businesses to support regulatory compliance which other local regulators must have regard for;
- inspection plans for a business or the members of a trade association (or regulated group) if required, to improve the effectiveness of visits by local regulators and underpin better sharing of information; and

What is Primary Authority?

- a valuable resource for businesses, co-ordinators and enforcing authorities, by acting as a key point of contact and source of information.

This allows the primary authority to improve communication, deliver efficiencies and facilitate better relationships.

Take a look at some **case studies** to find out how businesses can benefit from Primary Authority.

The secure online service that supports the operation of Primary Authority

The Primary Authority Register contains details on every partnership, provides a forum for communications, and allows primary authorities to make important documents and business information readily available to local regulators.

How are national regulators involved?

Since decisions taken by primary authorities can impact on the way businesses are regulated in general, they are required to take account of guidance from relevant national regulators when providing advice and creating inspection plans.

National regulators can act as a source of expertise for primary authorities, while primary authorities can help national regulators better understand and engage with businesses.

How is OPSS involved?

The Office for Product Safety and Standards (OPSS) exercises the statutory responsibility for the operation of Primary Authority on behalf of the Secretary of State, nominating partnerships, issuing guidance and resolving determinations. It also manages the Primary Authority Register.



What are the benefits of Primary Authority?

Businesses

- have access to relevant, authoritative Primary Authority Advice advice;
- gain recognition of robust compliance arrangements;
- can draw on effective means of meeting business regulations and on suitability of business control systems; and
- can be more confident they are protecting themselves and their customers.

Regulators

- have greater clarity over where responsibility lies;
- can support local economic growth through stronger business relationships;
- can improve the consistency of local regulation and target resources on high-risk areas;
- can develop their staff expertise via partnerships; and
- can protect front line services through cost recovery.

Citizens

- are better protected as businesses find it easier to comply with legislation; and
- are at reduced risk as local authorities better understand the businesses they regulate and can target resources on high-risk areas.



Six steps to set up a direct partnership for your business

1 Choose the areas of regulation in which you would like the support of a primary authority

Primary Authority covers the following areas of regulation:

- environmental health
- trading standards
- fire safety

Your partnership doesn't need to address all regulatory aspects of your business, just the ones you want support with. If your primary authority isn't able to cover all the areas of regulation you require, you can find an additional partner to meet your needs. You can have more than one primary authority.

If your business trades in both England and Wales you may wish to consider having a primary authority in both nations for areas of legislation that are devolved to the Welsh Government.

2 Find potential partners

It's up to you which primary authority you choose to partner with. You could choose a partner that's located near your business headquarters, or that you already have a good working relationship with, or that specialises in regulatory areas of interest to you.

If you need assistance OPSS can help – our contact details are on the back page.

3 Agree the scope of the relationship and how it will be managed

Once you have identified a prospective partner, it's important to express what you expect from the relationship. Make sure that you discuss the following:

- what the objectives are, and how both parties will work together to achieve them;
- which regulatory areas you need the partnership to cover;
- how you'll communicate;
- how regularly you intend to meet with one another and whether these meetings need to be formal or informal;
- what kind of Primary Authority Advice you need;
- whether you require an inspection plan;
- whether any supporting regulator should be consulted, for example the Health and Safety Executive and Food Standards Agency;
- who the main contacts will be for both parties;
- whether your business trades in more than one nation of the UK;
- how the costs will be structured, and what the overall cost will be; and
- the Primary Authority terms and conditions.

Six steps to set up a direct partnership for your business

This discussion will inform your summary of partnership arrangements, which is an agreement covering how you and your primary authority intend to run the partnership. Think also about how you will show visiting regulators that you are in a partnership.

4 Agree costs and payment terms

Your primary authority may charge enough to cover its costs but cannot make a profit. The cost of your partnership will depend on how much work your primary authority does for you.

When you start talking to a local authority about forming a partnership, you should discuss what you need them to do for you and how much this might cost.

Some primary authorities will offer to perform fixed services for a fixed fee they have agreed with you in advance, or they may offer to work with you on a cost-per-hour basis.

5 Work with your primary authority to nominate the partnership

Your primary authority will start an online application in the Primary Authority Register. You will then receive an email inviting you to log on to the Register and complete the application. This sets out basic information about your business and the kind of relationship you wish to have with your primary authority. When you have completed the application it is received by OPSS, which makes appropriate checks before nomination by the Secretary of State. Once that's confirmed, you'll be notified by email and your partnership will appear on the Primary Authority Register.

6 Make sure that details are kept up to date when things change

Work with your partner to keep details updated in the Primary Authority Register.



Our purpose is to make regulation work, so that it protects people and enables businesses to understand their obligations.

We oversee the regulatory system for product safety and standards in the UK. We are building national capacity and implementing the Industrial Strategy vision of simplifying regulation.

Our responsibilities

For **consumers**, we:

- provide information to protect them from unsafe products;
- report the latest product safety updates, actions and recalls;
- work to refine the legal framework that requires products to be safe and weighing and measuring equipment to be accurate; and
- oversee the independent testing of gas and electricity meter accuracy.

For **businesses**, we:

- provide information to help them comply with regulations;
- lead and co-ordinate the product safety, legal metrology and hallmarking regulatory systems;
- enforce a range of technical, environmental and product legislation; and
- provide certification and testing services for weighing and measurement equipment.

For **regulators**, we:

- support operational best practice; and
- lead and co-ordinate the local regulation of product safety and metrology.

We gain insights from our work with other government bodies, regulators, business and consumers. We also share our expertise at home and internationally.

The Office for Product Safety and Standards is part of the **Department for Business, Energy and Industrial Strategy**. Email pa@beis.gov.uk to contact us about Primary Authority, or call our office on 0121 345 1201.



Photographs courtesy of www.shutterstock.com

OPSS Contact Details

Email: pa@beis.gov.uk

Tel: 0121 345 1201

Useful information relating to Primary Authority

Primary Authority Documents



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