

*Printed for information

**CLEANER GREENER AND SAFER COMMUNITIES OVERVIEW
AND SCRUTINY COMMITTEE**

5 October 2011

Present:- Councillor Miss Cooper – in the Chair

Councillors Allport, Miss Cooper, Mrs Johnson, Kearon, Matthews and Robinson

371. * **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Becket, Hailstones and Williams

372. * **PRIMARY AUTHORITY SCHEME**

The Committee received a report regarding options for Newcastle under Lyme to form a partnership between the local authority and a business to provide environmental health regulatory advice and support by assessing both the benefits and imp implications of such an initiative.

The Primary Authority Scheme proposed that:

- Formal partnerships be made between businesses and a local authority for that local authority to act as a Primary Authority and provide advice and guidance on the legislation covered by the partnership.
- Where a local authority other than the relevant Primary Authority (described as an “enforcing authority”) proposed to take enforcement action against an organisation with a Primary Authority, the enforcing authority must consult the relevant Primary Authority first.
- The Primary Authority would then have the right to direct the enforcing authority not to take the proposed enforcement action if they believed that it was inconsistent with advice or guidance that they had previously given.
- Where a proposed enforcement action had been referred to a Primary Authority and the parties involved could reach an agreement as to the action that should be taken, the enforcing authority, the Primary Authority or the organisation involved could refer the action to LBRO for determination. The purpose of this determination process was to examine whether the Primary Authority’s previous advice was correct, and the proposed enforcement action is inconsistent with that advice.

The Committee considered the report and raised some concerns regarding the following issues:

- The impact in Resource for the Council including staffing
- Working relations between the Primary Authority and other Local Authorities

Cleaner, Greener & Safer Communities Overview & Scrutiny – 05/10/11

- Working relations between the Primary Authority and other Local Businesses
- Possible areas for conflict
- Contractual arrangements and potential break clauses in the contracts for both the Primary Authority and the Business
- The impact that entering into a Primary Authority would have on taking enforcement actions against that business and other businesses with a Primary Authority
- Other Local Authorities experiences of Primary Authority

With regards to the concerns relating to resources it was stated that any Primary Authority functions were not expected to be met by existing resources and that legislative provision had been made to ensure that any primary authority scheme entered into would be on a full cost recovery basis with the costs being met by the partner business.

Resolved:- That the comments of the Scrutiny Committee be fed back to Officers and be included in the report to Cabinet on 19 October 2011

MISS J M COOPER
Chair