



Briefing Note for Members

The future of the Local Better Regulation Office and Extending the benefits of the Primary Authority Scheme Consultation

Purpose

This briefing note provides background information on the consultation being run by the Department for Business, Innovation & Skills (BIS): The future of the Local Better Regulation Office and extending the benefits of the Primary Authority Scheme Consultation.

The deadline for responses to BIS is Friday, 16th September 2011.

Background

Background information on the Primary Authority scheme:

Extract taken from Local Better Regulation Office (LBRO) publication – ‘Primary Authority – The Gateway to Better Local Regulation.’

- **What is a Primary Authority?**

Regardless of its size, a business operating across council boundaries can form a primary authority partnership with a single local authority in relation to regulatory compliance.

These partnerships can cover all environmental health and trading standards legislation, or specific functions such as food safety or petroleum licensing.

Once legally nominated by the LBRO, partnerships are automatically recognized by all local regulators. A central register of the partnerships provides an authoritative reference source for businesses and councils.

By working closely with the business a primary authority can apply regulations to their specific circumstances providing robust and reliable advice. This advice must be respected by all local regulators, enabling the business to operate with assurance and confidence.

A national inspection plan can be produced by the primary authority to improve the effectiveness of inspection, avoid repeated checks, and enable better sharing of information.

If a problem arises, the primary authority can coordinate enforcement action to ensure that the business is treated consistently and that responses are proportionate to the issue.

LBRO oversees Primary Authority and operates a dispute resolution procedure.

Full details of the consultation paper can be found at:

<http://www.bis.gov.uk/Consultations/future-of-local-better-regulation-office-and-primary-authority-scheme>

(Extract taken from the Executive Summary to - The future of the Local Better Regulation Office and extending the benefits of the Primary Authority Scheme Consultation (June 2011)).

‘The Government is committed to transforming the way in which regulation is delivered at the front line. A particular focus of this commitment is to tailor enforcement to meet the needs of all parties concerned - from businesses to regulators to consumers – and moving away from a prescriptive ‘one size fits all’ approach.

The Coalition Agreement makes clear our intention to bring an end to this ‘tick-box regulation’ and the proposals that follow are a key element in our strategy for achieving this.

This document sets out for consultation a new strategy for important elements of front line regulation, which will bring more consistent and targeted enforcement, while reducing burdens for businesses and regulators alike.

We propose to make the following changes to the Local Better Regulation Office (LBRO) and to the Primary Authority scheme that it operates:

LBRO:

- Dissolve the LBRO as a public body
- Cease the LBRO’s function of direct service improvement in local authorities
- Continue with the LBRO’s other two functions of administering the Primary Authority scheme and simplifying the national framework for regulatory enforcement
- Constitute a ‘new LBRO’, within the Department for Business, Innovation and Skills to carry out the two continuing functions
- Further task the new LBRO with providing advice to central government on its work on regulatory delivery and providing a forum for business engagement at the heart of the regulatory system.

Primary Authority:

- Strengthen the role of inspection plans to deliver earned recognition for business
- Broaden the eligibility criteria to enable more organisations to participate in the scheme
- Extend the scheme to include specific policy areas which are currently out of scope.

These proposals will help to address tick-box regulation by promoting a more collaborative approach between regulators and the regulated. They also enable better targeting of front line regulatory resources. Importantly, they also provide a link between regulated businesses, central government and regulators.’

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