



**Consultation: Extending the Range of Regulations Covered by Primary Authority  
Response from the Association of Convenience Stores**

1. ACS (the Association of Convenience Stores) welcomes the opportunity to respond to the Government consultation on extending the range of regulations covered by Primary Authority. ACS represents 33,500 local retailers including The Co-operative Group, Spar UK, Costcutter Supermarkets, NISA Retail and thousands of independent retailers, many of whom potentially stand to benefit from the on-going development of Primary Authority, both in terms of the proposals in this consultation and the existing plans to extend Primary Authority schemes to include trade associations, franchises, and alcohol regulation.
2. ACS supports Primary Authority as an innovative way to reduce burdens on businesses and local authorities, and to encourage co-operation and co-ordination between retailers and enforcement authorities, while at the same time improving levels of compliance. We therefore welcome the proposals in the consultation to further extend the scope of the Primary Authority schemes.
3. Below we have answered each of the relevant questions in turn; however our response focuses on the extension to include the Welsh Carrier Bag levy, as this is the area most applicable to our membership.

**Question 1. Do you have any comments on the draft statutory instruments at Annexes B and C?**

4. Annexes B and C clearly set out the new legal requirements. However, we would welcome clarification on the term 'with consent of the Welsh Ministers', and how this would be adopted in practice. For example, would there be clearly expressed consent, in writing, to be published alongside the SI as it was laid before Parliament, or would further action, such as an affirmative procedure in the Welsh Assembly be required?

**Question 5. Do you agree that Welsh regulations on single use carrier bag charging should be included in the Primary Authority scheme? Please explain your answer and provide evidence.**

5. Yes. ACS supports the extension of Primary Authority in all areas where it can help provide greater clarity and assurance for retailers, and foster further partnership working between retailers and local authorities. The ability to obtain assured advice in relation to the Welsh carrier bag levy would be beneficial for retailers and help to ensure a consistent approach to enforcement across Welsh Local Authorities.

6. However, with the introduction of a new category for Primary Authority of 'welsh regulations', there are also a number of potential complications should similar regulations be introduced in future in England. For example, would a company trading in both regions need two separate primary authority agreements in place for compliance in England and Wales (if the regulations were similar), or would there be some scope for joining these up in future?
7. We recognise and welcome that Primary Authority schemes already permit businesses to engage with two Primary Authority Partnerships through a single agreement. However, to ensure consistency in application across all stores in England and Wales it would be useful if, where similar regulations are in place but introduced separately in both England and Wales, this could in future be dealt with by one authority in either area.

**Question 6. Do you have any comments on the proposed analytical approach outlined above? Do you believe that the current assumptions are reasonable and that all impacts of the proposal are accounted for? Please provide practical examples where possible.**

8. We agree that the proposed analytical approach is reasonable and comprehensive, however would also request that our concerns over potential future duplication of work for the 'welsh regulations' category also be taken into consideration.
9. If you would like any further information, please contact [Jacqui.Gracey@acs.org.uk](mailto:Jacqui.Gracey@acs.org.uk),

January 2013