



ACS Submission: Unlocking the Potential of Primary Authority

ACS (the Association of Convenience Stores) welcomes the opportunity to respond to Regulatory Delivery's consultation on unlocking the potential of Primary Authority. ACS represents 33,500 local retailers, including the Co-Op, SPAR, Costcutter, Nisa Retail, and thousands of independent retailers, many of whom benefit from our established Primary Authority scheme, ACS Assured Advice.

Convenience retailing is a highly regulated sector, with retailers having to comply with a variety of product regulations, including licensing requirements for alcohol, age restricted sales rules on products such as fireworks, fuel, lottery and tobacco; regulations affecting all physical businesses, such as health and safety, fire safety and food safety regulations; and employment law.

In 2014, ACS launched its own Primary Authority scheme in partnership with Surrey County Council, which is accessible to even the smallest convenience retail businesses. The ACS Assured Advice scheme provides comprehensive, tailored advice on regulatory compliance issues that specifically affect convenience store retailers. We also have a Primary Authority partnership with Woking Borough Council for fire safety and have established a Primary Authority Partnership in Wales with Bridgend County Borough Council.

Please see below for our response to the relevant questions.

What are your views on the list of proposed supporting regulators and their functions?

We welcome the proposed list of initial supporting regulators, in particular, we welcome the addition of the Health and Safety Executive, Food Standards Agency and the Competition and Markets Authority. Health and safety and food safety will cover a large number of regulated areas that take place in the convenience sector.

Going forward, we would welcome further engagement with stakeholders on other national regulators to approach to take part in Primary Authority. We would welcome further national regulators to be included within the scope of Primary Authority such as the Committee of Advertising Practices and the Advertising Standards Authority.

What benefits do you envisage these arrangements, with these specific regulators, will bring for business and for local and national regulators?

We can imagine that there may be a number of benefits from the list of proposed supporting regulators being included within the scope of Primary Authority. As stipulated above, convenience retailing is a highly regulated sector with retailers having to comply with a range of regulations, many of which will fall under the functions of the Health and Safety Executive and the Food Standards Agency.

Including the Food Standards Agency within the scope of Primary Authority will be of particular benefit to ACS. The FSA is in the process of undertaking a review of their current regulatory framework and enforcement activities, otherwise known as Regulating Our Future. They have set an objective to deliver a new system of regulating food businesses by 2020. As part of their review, they are looking into putting in place a firmer registration process or a permit to trade for food businesses. With the FSA's plans to change the regulatory landscape for food businesses, it would be extremely useful for ACS to receive additional support through the Primary Authority scheme.

What demand might there be from your organisation, or from those you represent, for the additional support given by the proposed supporting regulators? Will this be over and above what they already provide by way of advice and guidance? For businesses and coordinators, would you be willing to pay, on a cost recovery basis, for support from these regulators?

We are still determining what additional support that ACS could provide members of our Assured Advice scheme from the proposed supporting regulations. At this stage, we cannot confirm or rule out whether we would be willing to pay on a cost recovery basis for the support from the listed regulators.

Do you have any comments on the proposed regulations in relation to Scotland and Northern Ireland?

We do not have any specific comments about the proposed regulations relating to Scotland and Northern Ireland.

However, we believe that the Scottish Government should be considering extending their Primary Authority partnership further to allow trade associations to form Primary Authority partnerships given the success of the scheme in England and Wales. In the current proposals in Scotland, Primary Authority partnerships would only be available to the biggest businesses who can afford the time and financial cost of developing a Primary Authority partnership. We think that the benefits of the Primary Authority scheme should not be limited to large businesses but should be extended to smaller operators through their trade association.

Is the proposed regulation sufficiently clear as to what constitutes enforcement action, and what is not enforcement action? Is anything missing?

We believe the proposed regulation is sufficiently clear.

Is the proposed regulation sufficiently clear as to the types of enforcement action which can be notified to the primary authority retrospectively? Is anything missing?

We believe the proposed regulation is sufficiently clear.

Do you have any comments on the proposal to replace categories with a system based on the regulatory scope of the local authority?

There seems to be confusion around how the proposal to replace categories with a system based on the regulatory scope of the local authority will affect both direct and coordinated Primary Authority partnerships. While ACS may not be affected by the proposal (more

information below), we would welcome further clarity from Regulatory Delivery on the practicalities of this proposal.

If you are in a partnership, or considering having a partnership, how will these changes affect you? Please focus on any benefits or disadvantages.

We do not believe that the proposal to replace categories with a system based on the regulatory scope of the local authority will affect ACS. ACS is in a coordinated partnership with Buckinghamshire and Surrey County Council. As part of our partnership, we have developed Assured Advice with Buckinghamshire and Surrey County Council for categories including age-restricted products, fireworks, food safety and hygiene, weights and measures, fair trading, and product safety¹.

The only exception is that we also have a coordinated partnership with Woking Borough Council for one category, fire safety. ACS' fire safety advice was developed by Buckinghamshire and Surrey County council, Woking Borough Council and Surrey Fire and Rescue Service. Following consultation with our Primary Authority partners at Buckinghamshire and Surrey County council, we do not believe that the proposal will affect our partnership with Woking Borough Council.

For more information about our submission, please contact Julie Byers, ACS Public Affairs Executive at Julie.Byers@acs.org.uk or call 01252 515001.

¹ [ACS Assured Advice](#)