
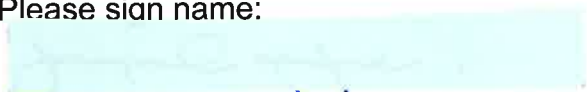


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EXECUTIVE DECISION RECORD

A1 Service Area	Regulatory Services
A2 Title	Primary Authority Partnership- Punch Taverns
A3 Decision Taken By	Deputy Leader
A4 Chief Officer	Please print name: Paul Costiff Please sign name: 
A5 Leader / Deputy Leader	Please print name: Cllr Jacqui Jones Please sign name: 
A6 Date of Decision	31/08/16

Confidentiality

A7 Is this Decision confidential by containing exempt information as described in Schedule 12A of the Local Government Act 1972?	No
A7.1 If yes, please state relevant paragraph from Schedule 12A LGA 1972.	N/A

Scrutiny

A8 Which Scrutiny Committee should this decision be submitted to?	(Please tick as appropriate) ✓
Scrutiny (Promoting Local Economic Growth) Committee	<input checked="" type="checkbox"/>
Scrutiny (Value for Money Council Services) Committee	<input type="checkbox"/>
Scrutiny (Protecting and Strengthening Communities) Committee	<input type="checkbox"/>
Scrutiny (East Staffordshire Health) Committee	<input type="checkbox"/>

<p>B1 What is the Decision?</p>	<p>To enter into a primary authority agreement with Punch Taverns, subject to application to Regulatory Delivery - Department for Business, Energy and Industrial Strategy</p>
<p>B2 What are the reasons for the Decision?</p>	<p>Punch Taverns own around 3800 pubs nationwide, nearly all of which are leased. In essence they support a large network of small businesses across the country. They are also increasing the number of directly managed pubs that they own, which can also benefit from a partnership. Furthermore, some of their main suppliers are Burton based businesses such as Molson Coors.</p> <p>The partnership will take the form of a co-ordinated partnership for the leased pubs and a direct partnership for the managed pubs. East Staffordshire Borough Council will have individual partnerships with each of the individual pub operators which will be co-ordinated by Punch Taverns as well as a direct partnership with Punch themselves to support the managed pubs. This means that Punch Taverns will request advice from East Staffordshire Borough Council on behalf of the individual pub operators (as well as directly for their own pubs) and will then be responsible for disseminating this advice.</p> <p>The partnership will initially cover the regulatory areas of food safety and hygiene and health, safety and welfare. Further regulatory areas can be included in the partnership at a later date at Punch Taverns' request.</p> <p>The primary authority partnership will replace the previous partnership agreement with Spirit Group Plc which began in January 2013 and ended in June 2016.</p>
<p>B3 What are the contributions to Corporate Priorities?</p>	<p>The partnership demonstrates the Councils commitment to promoting local economic growth through supporting local enterprise and business growth and development through collaborative working.</p> <p>The partnership also enables the Council to use more efficient ways of regulatory delivery supporting the delivery of value for money services.</p>

B4 What are the Human Rights considerations?	There are no Human Rights issues arising from this decision.
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Financial Implications

B5 What are the financial implications?	The main financial issues arising from this decision are as follows:
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Revenue	2016/17	2017/18	2018/19
<p>The partnership will be resourced through the current Environmental Health Staffing resources using a nominated lead and supporting officer.</p> <p>The primary authority scheme allows the Council to operate the partnership on a cost recovery basis.</p> <p>It is anticipated that the total cost per annum for the partnership will be similar to the previous primary authority partnership with Spirit group. In the initial year of setup this equates to £2600 (66 hours) with subsequent years averaging at £4000 (100 hours)</p>	£2600	£4000	£4000

Capital	2016/17	2017/18	2018/19
None			

The finance section has been approved by the following member of the Financial Management Unit:	Anya Murray
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Policy Framework

B6 Is the Decision wholly in accordance with the Council's policy framework?	Yes
B6.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	NA
B6.2 Has it got the appropriate approvals under those provisions?	NA
B7 Is the Decision wholly in accordance with the Council's budget?	Yes
B7.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	NA
B7.2 Has it got the appropriate approvals under those provisions?	NA

Equalities Implications

B8 What are the Equalities implications:
B8.1 Positive (Opportunities/Benefits): NA
B8.2 Negative (Threats): NA
B8.3 The subject of this decision is not a policy, strategy, function or service that is new or being revised. An equality impact assessment is not required.
B8.4 The equality impact assessment identified the following actions to be carried out: NA

Risk Assessment

B9 What are the Risk Assessment implications:
B9.1 Positive (Opportunities/Benefits): <ul style="list-style-type: none">• The primary authority partnership allows Punch Taverns to access assured advice on compliance, that must be respected by other local authorities, thus addressing business concerns about consistency and giving them confidence. It also allows for the co-ordination of proactive inspection activities, thereby improving the effectiveness of local activities and reducing duplication of effort.• The partnership enables the council to work constructively with a business to improve compliance, and assists in leading and shaping the regulation of Punch Taverns and its associated national outlets by providing tailored, assured regulatory advice and by guiding the way that other local authorities regulate the company so that it is both effective and efficient.• The partnership will benefit Punch by providing authoritative and legally binding advice on enforcement which they will be able to rely on. Furthermore it will benefit each of the small pub businesses they work with throughout the country by ensuring that they have the appropriate policies and procedures to use, which will help them to comply with the law and ensure the safety of their operations to their customers. It will also benefit East Staffordshire Borough Council by raising our profile nationwide as a local authority that supports business and will also provide excellent development opportunities for our officers whilst remaining cost neutral.

B9.2 Negative (Threats):

- The success of the partnership is dependent on a good working relationship between both parties and adequate available resources for the delivery of the partnership. Following the recent restructure of the Environmental Health Team there is a larger pool of officers that are competent, or working towards gaining competence in food law enforcement that will be able to provide additional resilience for the delivery of a primary authority partnership.
- Following a recent legal case in which primary authority advice has been overruled by a court, a liability clause has been included into the memorandum of understanding. Liability is limited to the amount paid by the co-ordinator on behalf of participating businesses in that calendar year (for the primary authority's services) or £5,000 (five thousand pounds), whichever is the higher amount.

B9.3 Any financial implications to mitigate against these risks are considered above. The risks are referred to in the Risk Register.

Legal Considerations

B10 What are the Legal Considerations:

B10.1The main legal issues arising from this decision are as follows:
The primary authority scheme was established by the Regulatory Enforcement and Sanctions Act 2008, therefore the scheme has a statutory footing, is prescriptive in nature and governed by Regulatory Delivery, part of Department for Business, Energy and Industrial Strategy. Standard terms and conditions are available which are signed up to by both parties. The said terms and conditions have been reviewed by legal colleagues and are deemed to be acceptable. There is also a wealth of guidance available for local authorities to access to support all aspects of the primary authority scheme.

This section has been approved by the following member of the Legal Team:

Angela Wakefield

Sustainability Implications

B11 What are the Sustainability implications:
B11.1 The proposal would not result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures). The positive/negative impacts are set out below (please refer to guidance notes).
B11.2 Positive (Opportunities/Benefits): NA
B11.3 Negative (Threats): NA

Health & Safety Implications

B12 What are the Health & Safety implications:
B12.1 A Risk Assessment has not been carried out and entered into Harriet for all significant hazards and risks because there are no significant hazards or risks arising from this decision.
B12.2 NA
B12.3 NA
B12.3.1 Positive (Benefits) NA
B12.3.2 Negative (Threats) NA

Key Decision

B13 Is this a Key Decision?	No
<p>Note: A Key Executive Decision is one where:</p> <ol style="list-style-type: none"> 1. REVENUE – Any contract or proposal with an annual payment or saving of more than £100,000 2. CAPITAL – Any capital project with a value in excess of £150,000 3. A decision which significantly affects communities living or working in an area comprising two or more wards. 	
B13.1 If this is a Key Decision, is this an urgent decision such that a delay caused by use of the Call-in Procedure would seriously prejudice the public interest?	NA
B13.2 If yes, has the Mayor or in his/her absence the Deputy Mayor or in his/her absence the Chair of the relevant Scrutiny Committee agreed that the decision will be exempt from Call-in?	NA

NOTE: If this decision is subject to the Call-in Procedure it will come into force, and may then be implemented, on the expiry of 3 working days after publication – unless 10 Members of the Council call in the decision.

Please send the original signed document to andrea.davies@eaststaffsbc.gov.uk