



Home Authority Principle

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Introduction

The Home Authority Principle is supported by local authority food and trading standards services throughout the United Kingdom.

A local authority acting as a home or originating authority will place special emphasis on the legality of goods and services originating within its area. It aims to prevent infringements by offering advice and guidance at source in order to maintain high standards of public protection at minimum cost.

The Principle underpins the principles of free trade *'in fit products and services'* and acknowledges that local priorities need to be considered in the context of national and European obligations. In Summary:-

- Businesses recognise that the Home Authority Principle enables them to reduce compliance costs and implement the law in a spirit of consultation rather than confrontation. Good enforcement practices are also effective in minimising duplication and reducing public expenditure.

N.B. The Guidelines cannot remove the onus of compliance from business itself; nor remove the primary responsibility for enforcement from the authority in whose area a specific incident has taken place.

Definitions

Local authorities have three distinct roles as:

Home Authority: the authority where the relevant decision making base of an enterprise is located.

Originating Authority: an authority in whose area a decentralised enterprise produces goods and services.

Enforcing Authority: all authorities when undertaking an inspection, sampling or investigative role.

The Home Authority

A local authority acting as *home authority* has a particularly important role within the system. The function of giving advice on regulation, good practice and remedial action is a legitimate aspect of enforcement. The *home authority* will prioritise surveillance of the practices and policies of businesses based within its area. In particular it will:

- act on behalf of originating and enforcing authorities as the primary regulatory link to businesses within its area;
- liaise promptly with originating authorities likely to have special knowledge of problems at the point of production or service delivery;
- name contact officers and identify the scope of its home authority service;
- maintain a record of relevant incidents, company policies, diligence systems and advice;

- make clear in offering advice that whilst the home authority may not institute proceedings this would not preclude other authorities from taking legal action;
- assist enforcing authorities in their conduct of necessary investigations and encourage businesses to offer all reasonable assistance; and
- be transparent and be willing to amend advice found to be inappropriate.

The Originating Authority

An *originating authority* will closely monitor production and should acknowledge that advice and surveillance at source minimises duplication, enabling *enforcing authorities* to concentrate on hazard, fraud and complaint. It may also:

- review a business's quality and diligence procedures and liaise with the home authority, where appropriate;
- accept that the operational arrangements of businesses vary widely and acknowledge there will be circumstances when the originating authority may need to undertake the functions of the home authority.

The Enforcing Authority

All authorities are *enforcing authorities* and accept that, notwithstanding the Home Authority Principle, each local authority retains its ultimate statutory responsibility for the enforcement of the law. However it should:

- liaise with the home authority before embarking on detailed investigations or legal actions;
- communicate with the home authority in specific terms, preferably in writing, indicating details of the issue; the nature of the assistance required and whether or not, it is content to leave action to the judgement of the home authority;
- ensure that the relevant documents, formal cautions, decisions to prosecute and the results of legal proceedings are notified to the home authority.
- take account of advice given to a business by the home or originating authority.

The Role of Business

The Principle is designed to help and guide business. However, businesses must cooperate and accept they have the onus of compliance. Businesses should:

- be willing, when seeking advice, to disclose relevant details of control, standards, recipes, specifications and diligence procedures;
- be prepared to supply evidence in support of statements, procedures or claims;
- accept that the advice given by a home authority is given in good faith and that it may subsequently have to be amended in the light of new evidence or circumstances.

Synopsis

The Home Authority Principle has been developed by food and trading standards authorities as an aid to good enforcement practice. Practices which protect the consumer, encourage fair trading, consistency and common sense. It aims to:

- encourage authorities to place special emphasis on goods and services originating within their area;
- provide businesses with a home authority source of guidance and advice;
- support efficient liaison between local authorities;
- provide a system for the resolution of problems and disputes.

The Principle commands the support of local authorities, central government, trade and industry associations, consumer and professional regulatory bodies.

The Role of LACORS (Local Authorities Coordinators of Regulatory Services)

LACORS, a local government Central Body, has pioneered the Home Authority Principle and is committed to its implementation and development. It will

- assist individual businesses with the identification of an appropriate home authority;
- encourage home and originating authorities involved with specific types of businesses to liaise, when necessary;
- provide consensus advice and national guidance in respect of problems referred by local authority liaison groups or trade associations;
- provide on request a 'fast track' conciliation procedure to resolve enforcement differences between authorities likely to impact on a business; [NB: This service is not available for issues which are subjudice; nor for differences between a single authority and an enterprise]
- maintain a home authority database;
- monitor the Home Authority Principle and report on the number and nature of legal actions taken contrary to the advice of a home authority or LACORS National Panel.

European Footnote

LACORS has advocated the development of the Principle throughout the European Union. Its principles are central to the single market and to LACORS appointment as the United Kingdom Liaison Body under the EC Additional Food Control Measures Directive