

TRADING STANDARDS



THE PRINCIPLE OF HOME AUTHORITY

INTRODUCTION

Along with other local authority food and trading standards services throughout the United Kingdom, we support the 'Home Authority' principle. This document is intended to explain the principle and its implications for dealings between locally based businesses and the department's food and trading standards services.

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.

Many 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.

DEFINITIONS

Local authorities have three distinct roles within this context:

- 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 in relation to a particular set of circumstances, this should 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 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 co-operate 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. It:-

- encourages authorities to place special emphasis on goods and services originating within their area;
- provides businesses with a home authority source of guidance and advice;
- supports efficient liaison between local authorities;
- provides 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.

This leaflet is a brief summary of the law and is intended for general guidance only and should not be taken as being an authoritative legal document. For specific advice please contact Wigan Trading Standards at:-

**Wigan Council
Trading Standards Section
Town Hall
Library Street
WIGAN
WN1 1YN**



Telephone Wigan (01942) 827666
Internet mail: ts@wiganmbc.gov.uk