

EAST DUNBARTONSHIRE COUNCIL

PROTECTIVE SERVICES

**POLICY ON HOME
AUTHORITY PRINCIPLE**

Version 2 April 2005

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1.0 Introduction

- 1.1. The Local Authorities Co-ordinators of Regulatory Services (LACORS) Home Authority Principle is a tool to aid efficiency, minimise duplication and provide an effective means of communication between Local Authorities.
- 1.2. It is the policy of Protective Services to adopt the LACORS Home Authority Principle, where appropriate, when dealing with food hygiene and food standards issues within the U.K.
- 1.3. It is the policy of Protective Services to adopt the European Forum of Food Law Enforcement Practitioners (FELP) European Principle of the Home Authority where appropriate when dealing with food hygiene and food standards issues arising in other member states of the E.C.
- 1.4. In accordance with the Home Authority Principle, Protective Services shall have three distinct roles namely:
 - 1.4.1 As **Home Authority** where the relevant decision making base of a food business is based within East Dunbartonshire Council's area.
 - 1.4.2 As **Originating Authority** where the product(s) of a food business are produced or packaged within East Dunbartonshire Council's area (most enterprises in the U.K. operate from a single base and in such circumstances the functions of Home Authority and Originating Authority are combined).
 - 1.4.3 As **Enforcing Authority** where East Dunbartonshire Council undertakes inspections, receives complaints or detects infringements where there is no Home or Originating Authority.
 - 1.4.4 The definition of **Home, Originating and Enforcing Authority** when dealing with food issues arising in other member states of the E.C. shall be those detailed in the current Scottish Practice Guidance.

(The Policy on Home Authority Principle has been approved by Development and Environment Committee of East Dunbartonshire Council on 19th April 2005)

2.0 Home Authority Principle

- 2.1 When East Dunbartonshire Council is the Home Authority, and/or Originating Authority i.e. where the manufacturing or packaging base is within this Council's area, then Protective Services in accordance with Home Authority Principle shall offer advice or guidance on compliance with the law and on good practice. Protective Services are not bound to find a solution to a particular problem encountered by a business and shall under no circumstances compromise its legal responsibilities and duties as Food Authority.
- 2.2. All enquiries in relation to Protective Services role as Home and/or Originating Authority should be logged by the Authorised Officer on the Departmental Management Information System against the premises in question, this would also include all significant advice.
- 2.3 Acting as Home Authority, Protective Services shall undertake to provide an appropriate response to enquiries from other Authorities. Requests for information tend to fall into one of the following three categories and the appropriate response would be as outlined:
 - (I) A request for information where the issue of concern is of minor significance and no enforcement action is envisaged. The Authorised Officer should review the premises file, computer record and provide the appropriate information.
 - (II) If a serious issue, but no prosecution is likely, the Authorised Officer shall visit the food premises and undertake a thorough investigation into the matter. Dependant on the outcome of the investigation, an appropriate course of action should be determined with regard to the business, and a written response provided to the Authority who made the original enquiry.
 - (III) If a serious issue, where the Enforcing Authority has indicated that a prosecution is likely or desirable, a thorough investigation should be undertaken by two Authorised Officers. Dependant on the outcome of the investigation an appropriate course of action should be determined with regard to the business, and documentation forwarded to the Authority in question.
- 2.4 All requests for East Dunbartonshire Council to undertake a formal agreement to act as a Home Authority for a food business should be referred to the Principal Officer - Food Safety for consideration, thereafter the matter should be discussed with Head of Service before an agreement is finalised with the Company in question.
- 2.5 In all instances where formal enforcement action is being considered by an Authorised Officer, and the Home Authority Principle is applicable then he/she should undertake prior liaison with the relevant Authority advising where formal action is being instituted and the outcome of any subsequent Prosecution. This is particularly applicable where the action involves a national Company or multiple food businesses.

- 2.6 If an Authorised Officer is seeking formal assistance of a Home Authority (and if applicable Originating Authority) he/she should do so in accordance with Protective Services Policy and Procedure on Food Complaints.

- 2.7 Where the Authorised Officer experiences difficulty in adhering to the Home Authority Principle then the matter should be brought to the attention of the Principal Officer - Food Safety or a relevant Senior Officer. It is the policy of Protective Services that thereafter such concerns should be discussed with LACORS/SFELC and ultimately where appropriate the Food Standards Agency.