

The principle of the Home Authority

Introduction

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

The main idea behind the Principle is that a local authority places special emphasis on the legality of goods and services which originate from its area; and offers advice and guidance to companies whose head office or main base is within their area. Duplication is reduced, as the home authority of a business can act on behalf of many other local authorities, rather than each taking individual action.

Businesses recognise that the Home Authority Principle helps them to reduce compliance costs and implement the law in a spirit of consultation rather than confrontation.

The Home Authority Principle helps to give high standards of public protection at minimum cost.

The Home Authority

A company's home authority is the one where their head office is based. The home authority has an important role to play in giving advice on regulation, good practice and remedial action; and it prioritises surveillance of the practices and policies of businesses based within its area. In particular it:

- acts on behalf of other local authorities as the main link with businesses;

- maintains a record of relevant incidents, company policies, diligence systems and advice;
- makes clear in its advice that while the home authority may not institute proceedings this would not stop other authorities from taking legal action;
- assists other authorities in their conduct of investigations and encourages businesses to offer all reasonable assistance.

The Originating Authority

Companies which produce goods or services in different geographical locations also work with the local authorities which cover those areas. These originating authorities monitor production and, liaising with the home authority, offer advice and surveillance at source.

The Enforcing Authority

All local authorities have an enforcement role within their own area, when they inspect, take samples, and investigate. However, the Home Authority Principle means that they will liaise with the home authority before embarking on detailed investigations or legal actions; they will take account of advice given to a business by the home authority; and may leave decisions to the judgement of the home authority. They will also make sure that the home authority is kept informed of all relevant action against companies.

Please turn over...

For help and advice on complying with consumer protection laws

Trading Standards, Loxley House, Station Street, Nottingham NG2 3NG Address for correspondence only

Tel: 0115 844 5018 Email: trading.standards@nottinghamcity.gov.uk

Website: www.nottinghamcity.gov.uk/tradingstandards

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. Both home and enforcing authorities expect businesses to act on advice they are given, particularly when this relates to compliance with the law. Enforcing authorities also expect businesses to cooperate with their investigations.

In particular, 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.

Local Government Regulation

Local Government Regulation (formerly LACORS) pioneered the Home Authority Principle and is committed to its implementation and development. Its role includes:

- helping businesses to identify their appropriate home authority;
- encouraging home and originating authorities involved with specific types of businesses to liaise;
- providing advice and national guidance to local authority liaison groups and trade associations;
- providing a conciliation procedure to resolve enforcement differences between authorities;
- monitoring the Home Authority Principle.

In brief

The Home Authority Principle has been developed by food and trading standards authorities as an aid to good enforcement practice which protects the consumer and encourages fair trading, consistency and commonsense. 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 is supported by local authorities, central government, trade and industry associations, consumer and professional regulatory bodies.

Your Contact Officer

Nottingham City Council Trading Standards appoints a Contact Officer for each business for which we act as home authority. If you would like further advice or guidance on the Home Authority Principle please speak to your Contact Officer.

This leaflet is a brief summary of the Home Authority Principle. It is not an authoritative document on the law and is only intended for guidance. For further advice please contact Trading Standards.