



FPC AND SOUTH HOLLAND DISTRICT COUNCIL – PRIMARY AUTHORITY PARTNERSHIP

A guide for FPC members

Introduction

A Primary Authority Partnership enables one local authority to act as the single point of advice and interpretation of certain legislation for a single company or members of a trade association. Until recently Primary Authority Partnerships were only available to commercial companies and not to trade associations acting on behalf of their members.

The Fresh Produce Consortium has established a Primary Authority Partnership with South Holland District Council which will offer members the opportunity to access advice and information to support their business via FPC acting as the co-ordinator.

1. *What does the primary authority partnership with South Holland District Council cover?*

FPC's partnership with South Holland District Council will cover the provision of advice relating to matters of food safety and food hygiene in England. The intention is to provide a consistent and coordinated approach to the interpretation of relevant food safety and hygiene legislation.

The partnership has stemmed from collaboration in 2018 between FPC and South Holland District Council to review and update the FPC guidance to members '*Stowaways on board vehicles carrying fresh produce into the UK*'.

2. *Does the Primary Authority Partnership just relate to incidents of stowaways on board vehicles?*

The partnership can cover broader aspects of advice on food safety and hygiene; it is not restricted to incidents where consignments may be compromised due to stowaways on board a vehicle.

3. *What will the Primary Authority Partnership not cover?*

The partnership covers England only - not the devolved nations or overseas. However, these nations may have due regard to the advice provided through the partnership. The partnership will not cover issues outside the scope of food safety and food hygiene.

4. *What is the benefit to FPC members of this partnership?*

Any current member of the Fresh Produce Consortium is eligible to raise a request for advice or information via the partnership. As well as providing advice to members on individual queries, we anticipate that there are likely to be some mutual areas of advice from which all FPC members could benefit, thus raising consistency in standards across the UK fresh produce industry.



5. *How can I use the Primary Authority Partnership as a member of FPC?*

Initially you should contact FPC (email: kshields@freshproduce.org.uk or telephone: 01733 237117). We will check whether your inquiry fits within the scope of the partnership and then pass on your enquiry to the Environmental Health team at South Holland District Council.

6. *Can I go direct to South Holland District Council?*

No; the partnership is co-ordinated by FPC so you should contact FPC in the first instance.

7. *How quickly can I expect to receive a response if my query goes through the partnership?*

South Holland District Council will acknowledge a request within five working days and will indicate an anticipated date for completion.

8. *My company already has a Primary Authority Partnership. Which partnership should I be using? Which partnership takes precedence and why?*

If your company already has a Primary Authority Partnership which covers food safety and hygiene, then you may decide to maintain your partnership and not be a member of the FPC Primary Authority Partnership. You should advise FPC of this and have the opportunity to 'opt out'.

9. *My company is not located within the jurisdiction of South Holland District Council. How should I access local authority advice?*

You may use the FPC partnership to obtain advice regardless of your business location (provided it is based in England). The principle of a Primary Authority Partnership is that any advice given by the Primary Authority (in this case South Holland District Council) should be shared with and followed by other local authorities. South Holland District Council will, as appropriate, liaise with your local authority.

10. *My local Environmental Health Officer has given his/her opinion. Can I get a second opinion via South Holland District Council?*

If your company already has a Primary Authority Partnership which covers food safety and hygiene then this should take precedence over the FPC partnership to take into account any specific individual circumstances you may have. However, you may wish to check with FPC if you want a second opinion and we would liaise with South Holland District Council as to whether this would be appropriate on a case by case basis.

11. *What happens if advice I have already received from my local Environmental Health Officer differs from that of South Holland District Council?*

See answer to Q10. above.



12. Is there a charge for paying for advice? Who pays for this advice?

The FPC will cover the reasonable cost of providing advice to members where the request is accepted by FPC as appropriate under the partnership agreement and advice is commissioned through FPC.

FPC reserves the right to recharge the costs incurred to member(s) to source the advice requested. The decision to recharge (if applicable) will be confirmed in writing once the costs and delivery timescale have been confirmed by South Holland District Council.

Where a member's request is highly specific to individual circumstances and does not come under the scope of the agreement then the company will be advised. FPC may support the member to approach South Holland District Council for a direct partnership between the company and the Primary Authority through which it could give advice.

13. I want some confidential advice. What should I do?

You can speak to FPC in the first instance to discuss how FPC can assist. All queries will remain confidential.

14. Will information on advice provided be made publicly available?

FPC and South Holland District Council will look to publish information and advice where it is relevant and of benefit to other FPC members and is not deemed to be confidential.

FPC will advise members of the partnership of any changes to Primary Authority advice and of any published documents.

15. What is the legal status of advice which is given through this partnership?

Primary Authority advice is provided by competent officers with relevant skills, qualifications and experience in food safety and hygiene. Under the Partnership Agreement advice may be 'Primary Authority advice' or informal advice.

FPC members will be expected to follow any Primary Authority advice provided via this partnership.

The Primary Authority shall not be liable for any advice or services provided in good faith. The Primary Authority can only assist FPC members in meeting their own legal obligations. It is the expectation of the Primary Authority and FPC that each member shall satisfy itself on the appropriateness of such advice before implementing it and that the responsibility for complying with food legislation remains with the Food Business Operator.

FPC shall not be liable for any loss or damage arising as a result of acting as a co-ordinator for the primary authority partnership.

Primary authority advice is assured which means that, provided you abide by the advice given, you will not need to follow conflicting advice from other sources. Your business should be protected against the risk of enforcement action from enforcing authorities that have different views on what you should be doing to achieve compliance.



16. *Will any information I provide be shared with other FPC members and made publicly available?*
FPC and South Holland District Council may seek to publish information and advice only where it is relevant and of benefit to other FPC members and not deemed to be confidential.

17. *What recourse do I have if I don't agree with the advice which is given under the partnership?*
The intention of the partnership is to provide consistent and coordinated advice on food safety and hygiene legislative matters.

The Primary Authority also has a corporate complaints procedure, which can be provided upon request in the unlikely event that bi-lateral agreement cannot be reached.

You may also opt out of membership of the Primary Authority partnership by advising FPC in writing that you do not wish to be included.

18. *What happens if my company suffers a loss financially or reputationally as a result of following advice which we have received through this partnership?*

The Primary Authority shall not be liable for any advice or services provided in good faith. The Primary Authority can only assist FPC members in meeting their own legal obligations. It is the expectation of the Primary Authority and FPC that each member shall satisfy itself on the appropriateness of such advice before implementing it and that the responsibility for complying with food legislation remains with the Food Business Operator.

FPC shall not be liable for any loss or damage arising as a result of acting as a co-ordinator for the primary authority partnership.

19. *How long will this Primary Authority Partnership last?*

The partnership is not time-limited but is reviewed annually prior to the contract being re-signed between FPC / SHDC. FPC will advise members if there is any change to the partnership and will advise members in advance of the partnership ceasing.

20. *I don't want to participate in this Primary Authority partnership. Can I opt out?*

The service is available for FPC members to use as they wish. You can tell FPC if you do not wish to be included in the membership of this partnership, whereby you are indicating that you do not intend to use this service or to be bound at any time to follow advice which is given under the partnership agreement.

21. *Where can I get more information?*

Contact Kelly Shields at FPC; email: kshields@freshproduce.org.uk tel: 01733 237117.