

Primary Authority determination summary

Date of determination: 04 January 2019

Applicant (enforcing authority): Dudley Metropolitan Borough Council (Dudley)

Primary Authority: Reading Borough Council (Reading)

Business: Stonegate Pub Company Ltd (Stonegate)

Summary

Dudley proposed enforcement action against Stonegate under The Food Safety and Hygiene (England) Regulations 2013 in relation to inadequate procedures to control pests.

Reading blocked the enforcement action on the basis that it considered it to be inconsistent with its Primary Authority advice provided to Stonegate.

Dudley disagreed with the direction from Reading not to take the proposed enforcement action and subsequently made an application to the Secretary of State (SoS) for consent to reference for a determination by the Secretary of State.

The SoS granted the reference and determined on 4 January 2019 that the proposed enforcement action was inconsistent with the Primary Authority advice provided and that the Primary Authority advice was correct. The SoS confirmed Reading's direction for Dudley not to take the enforcement action.

Background

Reading had issued Primary Authority Advice to Stonegate that included advice that its pest control policies and procedures are adequate.

Dudley's application relates to whether the Primary Authority Advice or guidance issued by Reading was correct. Dudley argue that Stonegate's pest control procedures are not adequate, and that Reading's "approval" of Stonegate's policy on pest control was incorrect.

The National Regulator was consulted and expressed the view that the Primary Authority advice issued to Stonegate in relation to pest control policies and procedures was correct.

Decision

The SoS found that the proposed enforcement action was inconsistent with the Primary Authority Advice which was correct and properly given. The SoS confirmed the direction of the Primary Authority in accordance with paragraph 2(2)(a) of Schedule 4A to the Regulatory Enforcement and Sanctions Act 2008.