

**THE HIGHLAND COUNCIL**  
**PLANNING, DEVELOPMENT AND INFRASTRUCTURE**  
**COMMITTEE**  
**3 JUNE 2015**

Agenda Item	6
Report No	PDI 27/15

**TRADING STANDARDS 2015-16 OPERATIONAL PLAN**

**Report by Director of Development & Infrastructure Service**

**Summary**

This report sets out the factors that have been taken into account in setting the priorities for Trading Standards in the year ahead, and places before Members for approval the Trading Standards Operational Plan for 2015/16.

Annual approval of the plan is identified as an enabling action (Ref. OS.7.1 within the Development & Infrastructure Service Plan<sup>1</sup>) in support of the Council's Key Performance Result for Trading Standards.

**1. Background**

- 1.1 The overall objective of Trading Standards is to fulfil the Council's statutory duties under numerous pieces of consumer protection and trading standards legislation to ensure that trade in the Highlands is carried out in accordance with relevant statutory requirements and, in so doing, to protect the safety and the economic interests of consumers and businesses.
- 1.2 The statutory sources of these duties, often cited as numbering more than 250 individual pieces of legislation, are listed in the annex to the Trading Standards Enforcement Policy<sup>2</sup>.
- 1.3 Within these many and varied statutes the duties to enforce their provisions are assigned to the Council, or in some cases its appointed "enforcement officers", "inspectors", etc. through the Council's statutory designation as the "Local Weights and Measures Authority", the "Local (Consumer Safety) Authority" or simply as the "Enforcement Authority".
- 1.4 How the Council and its appointed officers fulfil these duties is subject to a number of factors, either contained in the statute itself or is reliant on agreed codes of conduct. These factors primarily focus on the policies and procedures to be followed, rather than specifying exactly what needs to be done or the extent of that work. This has inevitably led to significant variations between the approaches taken and the resources assigned to Trading Standards function delivery by local authorities. This variance is reflected in the Audit Scotland report on the future of Trading Standards, ("Protecting Consumers" Report<sup>3</sup>) published in January 2013.

<sup>1</sup>[http://www.highland.gov.uk/download/meetings/id/66286/item\\_7\\_draft\\_service\\_plan\\_201417\\_development\\_and\\_infrastructure\\_service\\_plan\\_201417](http://www.highland.gov.uk/download/meetings/id/66286/item_7_draft_service_plan_201417_development_and_infrastructure_service_plan_201417)

<sup>2</sup>[http://www.highland.gov.uk/downloads/file/11630/enforcement\\_policy](http://www.highland.gov.uk/downloads/file/11630/enforcement_policy)

<sup>3</sup>[http://www.audit-scotland.gov.uk/docs/local/2013/nr\\_130131\\_protecting\\_consumers.pdf](http://www.audit-scotland.gov.uk/docs/local/2013/nr_130131_protecting_consumers.pdf)

- 1.5 At this point, albeit in the absence of national service standards against which to measure our performance, Highland Council Trading Standards service capability remains, in the opinion of the Trading Standards Manager, an effective operational team, but one that is fragile with limited strength in depth and that can only remain effective by the careful prioritisation of resource allocation and continuity planning.
- 1.6 At a time of increasing financial pressure, more, rather than less, external pressure is being exerted by the revision of consumer protection legislation; greater demands by the UK Government to reduce what are seen as unnecessary burdens on business, changes to the consumer protection landscape in Scotland that appear likely as a result of the devolution settlement, the increasing expectations of the Scottish Government on the enforcement of tobacco controls and other topics such as New Psychoactive Substances (so called Legal Highs), e-cigarettes etc. Whilst many of these changes are welcomed, they do still make increasing demands on limited resources that have been recognised as being essential to ensuring consumers and legitimate law abiding businesses are protected and able to thrive.
- 1.7 The 2015/15 Operational Plan, attached to this report as **Appendix 1**, sets out the proactive work programme for the year ahead at each point referencing the relevant statutory responsibilities: the Highland Council, Scottish Government, and other relevant priorities which have been taken into account in the drafting of the plan.
- 1.8 In addition to the programme of work identified in the plan however, complaints, referrals from other regulatory and advice agencies, ongoing intelligence driven work and responding to service requests, makes up a significant proportion of our overall operational activities. A report on both those proactive and reactive activities undertaken during the year is included in the Trading Standards Performance Review reported to Committee each autumn.

## 2. 2015/16 Priorities

- 2.1 The absence of specific reference to Trading Standards functions within the Highland Council's Single Outcome Agreement<sup>4</sup>; and the Council's "Working together for the Highlands"<sup>5</sup> means that it is to the high level outcomes and objectives cited within these documents, together with those contained in the Scottish Government's National Outcomes<sup>6</sup> that our priorities have been aligned or take account of.
- 2.2 Those high level outcomes and objectives from the aforementioned sources that align most closely with the regulatory work Trading Standards is involved in delivering are as follows:

### 2.2.1 Scottish Government National Outcomes

- **Business** - We live in a Scotland that is the most attractive place for doing business in Europe
- **Crime** - We live our lives safe from crime, disorder and danger
- **A Wealthier and Fairer Scotland** - By making Scotland wealthier and fairer, we will: generate more opportunities to work; make Scotland a more attractive place to live, work and invest; and ensure that the benefits of increased national prosperity are shared fairly across Scotland.
- **Healthier Lives** - We live longer, healthier lives. Relevant to this outcome is the Scottish Government's published Tobacco Control Strategy - Creating a

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<sup>4</sup> <http://www.highland.gov.uk/NR/rdonlyres/9B923133-9CF5-4C6F-B11C-6427F95D79EB/0/SOA3.pdf>

<sup>5</sup> <http://www.highland.gov.uk/NR/rdonlyres/6C4FABC0-37A8-4BDD-9856-CF8C285F1FD0/0/ProgrammeforTheHighlandCouncil.pdf>

<sup>6</sup> <http://www.scotland.gov.uk/About/Performance/scotPerforms/outcome>

Tobacco-Free Generation<sup>7</sup> which also identifies a specific role for Trading Standards in its delivery.

### 2.2.2 The Highland Council “Single Outcome Agreement”

- Economic Recovery and Growth
- Safer and stronger communities and reducing re-offending
- Outcomes for older people
- Health inequalities

### 2.2.3 The Highland Council’s programme “Working Together for the Highlands”

- The economy
- Children and young people
- Strong and safe communities

### 2.2.4 CoSLA - 2015/16 Trading Standards Scotland, National Team Priorities

- Doorstep Crime
- Illicit Trade
- Scams (Initial focus is on establishing effective intelligence sharing)
- NPS (To gather intelligence and explore the potential for Trading Standards to combat the problem)

### 2.2.5 UK Consumer Protection Partnership 2015/16 Priorities<sup>8</sup>

- Online Markets - Subscription Traps / Use of Personal Data / Adverts on Social Media and Search Engines
- Unfair Terms and Conditions - Unfair cancellation terms in contracts / Consumer Rights at Retail Level
- Travel - Car hire / Holiday Products • Quality of Services – Intermediaries

## 3. Locally agreed Commitments

3.1 The final piece of the jigsaw in deciding where best to allocate what is a very limited resource involves an in-house assessment of what specifically local issues not identified within other agreed priorities are considered to present a significant risk to the economic welfare and safety of Highland residents.

3.2	<p>Those issues that are selected as local priorities are based on an analysis of complaints, non-compliances found, input from partner organisations etc. and an assessment of the risk and/or detriment involved. Those currently identified include:</p> <ul style="list-style-type: none"><li>• Tourist Accommodation &amp; Services</li><li>• E-commerce (including Delivery Charges)</li><li>• Private Rented Housing</li><li>• Credit</li><li>• Motor Trade</li><li>• Remote Rural Petrol Filling Stations</li></ul>
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## 4 Implications

There are no legal, resource, equality, climate change/Carbon Clever, risk, Gaelic or rural implications arising as a direct result of this report.

<sup>7</sup> <http://www.scotland.gov.uk/Resource/0041/00417331.pdf>

<sup>8</sup> <http://www.cas.org.uk/system/files/publications/PPP%20Priorities.pdf>

**Recommendation**

Members are asked to approve the Trading Standards 2015/16 Operational Plan.

Designation: Director of Development and Infrastructure

Date: 17 April 2015

Author: Gordon Robb, Trading Standards Manager



## **TRADING STANDARDS**

## **2015/16 OPERATIONAL PLAN**

# Trading Standards Operational Plan

## Influencing Factors

### 1. Statutory Duties

- 1.1. The list of Trading Standards and Consumer Protection legislation generated by the Scottish and UK governments and the European Union that place a statutory duty on Local Authorities to enforce is a long one. It is not reproduced here, but is published as an appendix to the current Trading Standards Enforcement Policy<sup>9</sup>.
- 1.2. The main areas of trade that are subject to these statutory duties are:-
- Fair Trading (Including Criminal and Civil breaches with respect to false, misleading aggressive or otherwise undesirable trade practices relating to Prices, Credit, Hallmarking, etc.)
  - Intellectual Property (Counterfeiting and Trademarks infringements)
  - Weights & Measures
  - Product Safety & EU Standard Conformity (Including Age Restricted Sales)
  - Petroleum & Explosives Storage (Licensing function)
  - Agriculture (Animal Feed & Fertiliser Quality Standards)
  - Environmental Protection (Energy Performance Claims)
  - Tobacco Marketing Controls

### 2. 2015/16 Priorities

- 2.1. The current absence within the Highland Council's Single Outcome Agreement; and the Council's "Working together for the Highlands" programme of any specific reference to the statutory functions undertaken by Trading Standards has meant that it is to the high level outcomes and objectives cited within these documents, together with those contained in the Scottish Government's National Outcomes that our priorities have been aligned or take account of.
- 2.2. Those high level outcomes and objectives from the aforementioned sources that align most closely with the regulatory work Trading Standards is involved in delivering are as follows:-
- 2.3. **Scottish Government National Outcomes**
- **Business** - We live in a Scotland that is the most attractive place for doing business in Europe
  - **Crime** - We live our lives safe from crime, disorder and danger
  - **A Wealthier and Fairer Scotland** - By making Scotland wealthier and fairer, we will: generate more opportunities to work; make Scotland a more attractive place to live, work and invest; and ensure that the benefits of increased national prosperity are shared fairly across Scotland.
  - **Healthier Lives** - We live longer, healthier lives. Relevant to this outcome is the Scottish Government's published (Tobacco Control Strategy)<sup>10</sup>, Creating a Tobacco-Free Generation which also identifies a specific role for Trading Standards in its delivery.
- 2.4. **The Highland Council "Single Outcome Agreement"**
- Economic Recovery and Growth
  - Safer and stronger communities and reducing re-offending
  - Outcomes for older people
  - Health inequalities

<sup>9</sup> [http://www.highland.gov.uk/downloads/file/11630/enforcement\\_policy](http://www.highland.gov.uk/downloads/file/11630/enforcement_policy)

<sup>10</sup> <http://www.scotland.gov.uk/Publications/2013/03/3766/0>

## 2.5. The Highland Council's programme "Working Together for the Highlands"

- the economy;
- children and young people;
- strong and safe communities.

## 2.6. CoSLA - 2015/16 Trading Standards Scotland, National Team Priorities

Trading Standards Scotland, located within CoSLA was established to accommodate the National Teams responsible for Illegal Moneylending, Scambusters, and more recently e-crime. Their remit is to provide additional capacity to Local Authority Trading Standards teams and specifically to take on cases that overlap between local authority and national boundaries.

As part of their function, it was agreed that they should facilitate the identification of priorities for the national teams and for 2015/16 those identified were as follows:-

- Doorstep Crime
- Illicit Trade
- Scams (Initial focus is on establishing effective intelligence sharing)
- NPS (To gather intelligence and explore the potential for Trading Standards to combat the problem)

## 2.7. UK Consumer Protection Partnership 2015/16 Priorities

The Consumer Protection Partnership (CPP) was formed in April 2012 as another part of the Government's institutional reform of the consumer landscape. The CPP includes the National Trading Standards Board, Trading Standards Scotland, the Department for Enterprise, Trade and Investment Northern Ireland, the Office of Fair Trading (and subsequently the Competition and Markets Authority), the Financial Conduct Authority, the Trading Standards Institute, Consumer Council for Northern Ireland, and the Citizens Advice Service.

The CPP's primary purpose is to bring together the key partners within the new consumer landscape to identify and prioritise areas where there is greatest harm caused to consumers, agreeing and coordinating collective action to tackle such detriment, and using all available tools at the disposal of each member.

The 2015/15 priorities relevant to Trading Standards operations are: -

- Online Markets - Subscription Traps / Use of Personal Data / Adverts on Social Media and Search Engines
- Unfair Terms and Conditions - Unfair cancellation terms in contracts / Consumer Rights at Retail Level
- Travel - Car hire / Holiday Products • Quality of Services – Intermediaries

## 2.8. Local Priorities

The final piece of the jigsaw in deciding where best to allocate what is a very limited resource involves an in-house assessment of what specifically local issues not identified within other agreed priorities are considered to present a significant risk to the economic welfare and safety of Highland residents.

Those issues that are selected as local priorities are based on an analysis of complaints, non-compliances found, input from partner organisations etc. and an assessment of the risk and/or detriment involved. Those currently identified include:-

- Tourist Accommodation & Services
- E-commerce (including Delivery Charges)
- Private Rented Housing
- Credit
- Motor Trade
- Remote Rural Petrol Filling Stations

### 3. Service Delivery Commitments

3.1. Originally established in 2011/12, revised for the 2013/14 Operational Plan, the agreed service commitments have been retained for 2015/16.

These service commitments have been designed to complement a number of the identified priorities and statutory obligations, and drive not just what we do, but with whom we work and how we can achieve the best outcomes for the community and businesses.

These commitments (not in any priority order), are to:-

- **Work with business and our partners, in particular the Police, HMRC, The Intellectual Property Office and other UK Trading Standards Services to protect legitimate business interests and consumers by combating Intellectual Property Crime and reduce the availability of counterfeit and illicit products.**
- **Work with the Scottish Government, businesses and communities to reduce the underage sales of tobacco to young people and also working with our partners at HMRC to combat the supply of counterfeit and other illicit tobacco products.**
- **Work with partners, especially the Police, other Local Authorities, the UK and Scottish Governments, to improve community safety by working to reduce: crime and fear of crime; e-commerce and doorstep related crime.**
- **Work with partners, including CitACS and other UK Trading Standards Services, to reduce the economic detriment suffered by consumers as a result of breaches of civil and criminal legislation committed by businesses based in and who do business in Highland**
- **Develop partnership with the Citizens Advice Bureaux network and Citizens Advice Scotland on local consumer empowerment through joint campaigns and close working on consumer advice and assistance.**
- **Work with partners, especially other UK Trading Standards Services, the UK and Scottish Governments, to improve community safety by reducing the number of unsafe products offered for supply.**
- **Work with the tourist industry and our partners Visit Scotland to maintain the reputation of the Highlands as a tourist destination by responding effectively to complaints about visitor accommodation and service standards.**

3.2. Over and above this the UK government and more recently the Scottish Government has placed some specific controls on how we operate in the form of a statutory Regulator's Code<sup>11</sup> and Scottish Strategic Regulators Code<sup>12</sup>.

- 3.3. The primary objectives of the Regulator's Code are that regulators should: -
- Carry out their activities in a way that supports those they regulate to comply and grow.
  - Provide simple and straightforward ways to engage with those they regulate and hear their views.
  - Base their regulatory activities on risk.
  - Share information about compliance and risk.
  - Ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply.

<sup>11</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300126/14-705-regulators-code.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf)

<sup>12</sup> <http://www.gov.scot/Resource/0046/00467429.pdf>

3.4. The Scottish Strategic Regulators Code's stated objective is to seek to promote consistent, proportionate and effective regulation and places a statutory duty on listed regulators to exercise functions in a way which contributes to achieving sustainable economic growth.

3.5. The relevant principles of these codes and other statutory constraints and directions that impact on our regulatory activities are expanded upon in the Trading Standards Enforcement Policy<sup>13</sup>.

## 4. The Plan in Detail

4.1. The Plan that now follows uses a number of main headings, namely **Community Safety; Fair Trading; Quality Standards and Advice & Conciliation** that have been adopted to group various priority and statutory activities together in a way that can hopefully be clearly understood.

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<sup>13</sup> [http://www.highland.gov.uk/downloads/file/11630/enforcement\\_policy](http://www.highland.gov.uk/downloads/file/11630/enforcement_policy)

# Trading Standards Operational Plan 2015/2016 - Appendix 1

## OPERATIONAL PLAN

	Main heading	Sub-heading
1.	<b>Community Safety</b>	<p><b>Doorstep Selling Crime</b> (<i>Statutory Function; National TS Priority; THC Programme - Working together for strong and safe communities</i>)–</p> <p>To continue working with partner organisations, community representatives and the business community to address the existing levels of doorstep selling crime in Highland and continue to develop operational practices to reduce both the incidence and the fear of such crime</p> <p><b>Including:-</b></p> <ul style="list-style-type: none"> <li>• A six month project to create and promote a web-based toolkit for use by community groups/organisations who may wish to start a new Cold Call Control Zone (CCCZ) in Highland; <b>Target: Establishment of toolkit by 30 June 2015</b></li> <li>• Following a need as a result of enforcement action, work with partners including HC Building Standards to establish a cost efficient professional witness scheme within Highland. <b>Target: Establishment of a professional witness scheme by 31 March 2016</b></li> <li>• The continued participation in multi-agency operational activities targeting doorstep crime – <b>Target: Complete 4 joint operations by 31 March 2015.</b></li> </ul>

# Trading Standards Operational Plan 2015/2016 - Appendix 1

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	Main heading	Sub-heading
2.	<b>Community Safety</b>	<p><b>Age Restricted Products</b> (<i>Statutory Function; SG Priority for Tobacco Products; THC Programme - Working together for strong and safe communities &amp; Working together for our children and young people</i>)–</p> <p>To reduce the incidence of age restricted products getting into the hands of young people;</p> <p><b>Specifically</b></p> <ul style="list-style-type: none"> <li>• In partnership with Police Scotland and other partner organisations to continue to recruit and retain young volunteers to carry out test transactions, improve intelligence gathering and build upon test transaction activity for tobacco and other age restricted products from previous years.</li> </ul> <p><b>Evidence: Number of test transactions operations completed and results.</b></p> <ul style="list-style-type: none"> <li>• Following recent legislative changes regarding tobacco display banning for small retailers, undertake an inspection programme on a varied selection of small retailers to assess compliance.</li> </ul> <p><b>Evidence: Number of inspections conducted and levels of compliance.</b></p> <ul style="list-style-type: none"> <li>• Although not an age restricted product at this time, concerns are growing over the supply of E-cigarettes and LATSS are being consulted by Government on the supply of such products with a view to legislating an age restriction.</li> </ul> <p><b>Evidence: Report on availability and method of sale of e-cigarettes within Highland.</b></p>

# Trading Standards Operational Plan 2015/2016 - Appendix 1

## OPERATIONAL PLAN

	Main heading	Sub-heading
3.	Community Safety	<p><b>Product Safety</b> (<i>Statutory Function; National TS Priority; THC Programme - Working together for strong and safe communities</i>)-            Increase product safety standards locally by undertaking an effective market surveillance programme and by responding effectively to RAPEX (EU based product safety risk system) and other recognised non-food safety notification mechanisms to ensure the removal of offending products from the market.</p> <p><b>Including</b></p> <ul style="list-style-type: none"> <li>To maintain the effective surveillance of Highland based producers (i.e. Manufacturer, Importer).  <b>Target: Maintain an accurate and up to date record of producers and interact with all newly identified producers and 100% of producers classified as high risk.</b></li> <li>The regular interrogation of all relevant non-food safety notification mechanism portals.  <b>Target: Interrogate RAPEX and other portals weekly.</b></li> <li>Participation in an agreed programme of proactive market surveillance projects proposed either by the SCOTSS and National Product Safety Groups, or in-house, which have been assessed to be relevant and beneficial to Highland consumers and businesses.  <b>Target: Complete programme</b> (see Operational Team Plan for details).</li> <li>Undertake engagement with the Youth Enterprise Scheme locally, as a preventative measure, to educate and empower those involved; developing understanding of product safety and its importance to businesses involved.  <b>Target: Establish contact locally and provide guidance materials to assist young business.</b></li> <li>To take a proactive approach to the increasing concerns that have been raised in relation to the supply of New Psychoactive Substances (NPS)  <b>Evidence: Extent of highland based on-line and on street retail suppliers of NPS; exploring enforcement within existing regulatory frameworks, working with partners where appropriate.</b></li> </ul>

# Trading Standards Operational Plan 2015/2016 - Appendix 1

OPERATIONAL PLAN		
	Main heading	Sub-heading
4.	<b>Community Safety</b>	<p><b>Petroleum &amp; Explosives Licensing</b> (<i>Statutory Function; Local Priority; THC Programme - Working together for the economy &amp; Working together for strong and safe communities</i>)– Maintain and improve where necessary public safety, by ensuring high overall compliance levels of operational filling stations and ensure that redundant Petrol Filling Stations that present a significant safety risk are safely decommissioned in accordance with Council standards.</p> <p><b>Including</b></p> <ul style="list-style-type: none"> <li>The routine inspection of existing licensed petroleum storage premises that are assessed to present a higher risk.</li> </ul> <p><b>Target: Conduct at least one inspection every two years for higher risk sites.</b></p> <ul style="list-style-type: none"> <li>The provision of additional support where necessary for existing and proposed new petrol filling stations serving remote rural communities.</li> </ul> <p><b>Evidence: Number of sites where additional support is provided.</b></p> <ul style="list-style-type: none"> <li>Decommissioning activity and reducing the number of abandoned/mothballed sites.</li> </ul> <p><b>Evidence: Number of non-operational (i.e. abandoned/mothballed) sites decommissioned.</b></p>
5.	<b>Community Safety/ Fair Trading</b>	<ul style="list-style-type: none"> <li>Monitor the supply of second hand motor vehicles being offered for sale through 'back street' means, with a view to identifying safety or authenticity issues, and any unlicensed trading activity.</li> </ul> <p><b>Evidence: Project Report for amalgamation with other car trade issues into single heading</b></p>

# Trading Standards Operational Plan 2015/2016 - Appendix 1

OPERATIONAL PLAN		
	Main heading	Sub-heading
6.	Community Safety/ Fair Trading (Metrology)	<p><b>Taxis &amp; Private Hire Car Operation</b> ( <i>Implied Statutory Function; Local Priority; THC Programme - Working together for strong and safe communities</i>)– Maintain and where necessary improve existing public safety and fair trading standards of Taxis &amp; PHC via the rigorous application of the Penalty Points System and ensuring the accurate calibration of taximeters.</p> <p><b>Specifically</b></p> <ul style="list-style-type: none"> <li>Licensed vehicle standards will continue to be monitored within the scope of the penalty points system and continued reduced ‘on rank’ monitoring will take place.</li> </ul> <p><b>Target: Conduct 22 ‘on rank’ inspections in the year.</b> <b>Evidence: Monthly analysis of penalty points system and associated enforcement action taken;</b></p> <ul style="list-style-type: none"> <li>To participate in intelligence led multi-agency enforcement activity.</li> </ul> <p><b>Evidence: Number of multi-agency activities undertaken.</b></p>
7.	Fair Trading	<p><b>General Fair Trading – (Statutory Function; CPP UK National Priority - Consumer Rights at Retail Level; THC Programme- Working together for the economy &amp; Working together for strong and safe communities)-</b> <b>To monitor general fair trading law compliance levels, by targeting available resources on selected areas of business that available intelligence would indicate problems exist and by the provision of advice and enforcement action where necessary to achieve compliance.</b></p> <p><b>Including</b></p> <ul style="list-style-type: none"> <li>Investigations initiated by complaints and other information obtained indicating breaches of Fair Trading legislation. Compliance advice for traders and enforcement action taken as necessary.</li> </ul> <p><b>Evidence: Number of investigations and outcomes.</b></p> <ul style="list-style-type: none"> <li>Further development joint working within the Development and Infrastructure service, in particular with Business Gateway, tourism officers, Highland Opportunities, Economy &amp; Regeneration, Planning Enforcement, Building Standards.</li> </ul> <p><b>Evidence: Annual report</b></p>

# Trading Standards Operational Plan 2015/2016 - Appendix 1

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	Main heading	Sub-heading
8.	Fair Trading	<p><b>Tourist Accommodation &amp; Services – (Statutory Function; Formal Partnership Agreement; THC Programme - Working together for the economy &amp; Working together for strong and safe communities)</b></p> <p>To ensure that a high level of compliance with fair trading law is achieved across the tourism sector by improving the availability of relevant advice to business; the proactive assessment of online marketing information provided by tourist related businesses and by facilitating in partnership with Visit Scotland, the receipt and effective resolution of complaints, including the taking where necessary of enforcement action.</p> <p><b>Specifically</b></p> <ul style="list-style-type: none"> <li>• Carry out a detailed and systematic analysis of complaint information from VisitScotland and Citizens Advice Consumer Service, with a view to detailed enquiries into possible problem traders and enforcement action as appropriate. Compare complaint numbers and types with information from previous years to identify trends.</li> </ul> <p><b>Evidence: Production of analysis report.</b></p> <ul style="list-style-type: none"> <li>• Work with Business Gateway and VisitScotland to carry out a programme of Business Education for Highland tourist trade.</li> </ul> <p><b>Evidence: Annual report.</b></p>

# Trading Standards Operational Plan 2015/2016 - Appendix 1

## OPERATIONAL PLAN

	Main heading	Sub-heading
9.	Fair Trading	<p><b>E-Commerce – (Statutory Function; UK National Priority; CPP UK National Priority - Online Markets; THC Programme - Working together for the economy &amp; Working together for strong and safe communities)</b>  <b>To improve the service’s capacity to investigate and regulate online commercial activity including scams etc. and to improve the compliance levels of online business based or doing business in Highland.</b>  <b>To continue to pursue and bring into compliance e-commerce businesses that are failing to comply with the law relating to the delivery of goods and services to remote communities.</b>  <b>Specifically</b></p> <ul style="list-style-type: none"> <li>• <b>Delivery charges and other delivery issues on multi-seller e-marketplaces (e.g. eBay, Amazon, Autotrader). Previous work on delivery charges has highlighted problems connected to e-marketplaces that have not been specifically addressed.</b></li> </ul> <p><b>Evidence: Project Report</b></p> <ul style="list-style-type: none"> <li>• <b>Promote the Statement of Principles for Parcel Deliveries. Continued engagement with a wide range of stakeholders (including the UK Government, the Scottish Government, Citizens Advice Scotland, Trading Standards Institute and relevant representative business organisations to further explore ways to ensure that Highland consumers and businesses get a fair deal on delivery.</b></li> </ul> <p><b>Evidence: Annual Report</b></p> <ul style="list-style-type: none"> <li>• <b>Compile a report on the work of Trading Standards on the issue of internet delivery to the Highlands and circulate to a wide range of interested parties in local and central government, business and the third sector.</b></li> </ul> <p><b>Evidence: Report</b></p> <ul style="list-style-type: none"> <li>• <b>Lead a Scotland-wide business compliance and education based project on the rapidly expanding marketplace of “s-commerce”, i.e. selling through social media such as Facebook.</b></li> </ul> <p><b>Evidence: Project Report</b></p> <ul style="list-style-type: none"> <li>• <b>Lead a Scotland-wide project which aims to ensure compliance with new Distance Selling requirements by sellers in Scotland. Approach will be consultative and looking to assist business reach compliance with enforcement only used where necessary.</b></li> </ul> <p><b>Evidence: Project Report</b></p> <ul style="list-style-type: none"> <li>• <b>To explore innovative ways to tackle the growing problem of e-crime scams that use fictitious Highland addresses that may damage Highland’s reputation as a place to visit or to do business.</b></li> </ul> <p><b>Evidence: Annual Report</b></p> <ul style="list-style-type: none"> <li>• <b>To build on the significant progress made to date, to further develop e-crime investigative capacity, through investment in in-house capability and in the development of effective partnerships with other regulatory bodies and technical centres of excellence.</b></li> </ul> <p><b>Evidence: Annual Report</b></p>

# Trading Standards Operational Plan 2015/2016 - Appendix 1

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	Main heading	Sub-heading
10.	Fair Trading	<p><b>Credit – (Statutory Function; Local TS Priority; THC Programme - Working together for strong and safe communities)</b></p> <p>To continue to target undesirable lending, debt management and debt collection activities and to assimilate recent changes in this complex area of law to ensure the continued competency of officers to provide good quality advice to businesses and to bring them into compliance where necessary by enforcement action.</p> <p><b>Specifically</b> Develop working relationship with the Financial Conduct Authority (FCA) to ensure protection of Highland consumers when accessing credit. Several joint activities are ongoing and this initiative will look to bring these together and regularise the relationship. Evidence: Annual Report</p>

# Trading Standards Operational Plan 2015/2016 - Appendix 1

## OPERATIONAL PLAN

	Main heading	Sub-heading
11.	Fair Trading	<p><b>Motor Trade –(Statutory Function; CPP UK Priority - Consumer Rights at Retail Level; THC Programme - Working together for strong and safe communities-&amp; Working together for the economy)- To continue to work to identify and deal with those car dealers who chose to work outside the legitimate licensed trade and to reduce the level of consumer complaints in this area of business by continuing to focus resources onto businesses assessed to present a higher risk.</b></p> <p><b>Specifically</b></p> <ul style="list-style-type: none"> <li>• <b>Tackling fake products in the car trade. Intelligence suggests that there are counterfeit products in circulation and use in the car trade, including servicing and diagnostic software, car parts and instruction manuals. This project will involve wide engagement with the trade, offering advice and assistance and taking enforcement action as and when necessary.</b></li> </ul> <p><b>Evidence: Project Report</b></p> <ul style="list-style-type: none"> <li>• <b>Car Trade Business Advice. Periodic “newsletters” will be produced on Trading Standards issues of interest to the car trade. Newsletters distributed over the last three years have been very well received by the trade.</b></li> </ul> <p><b>Evidence: Number of newsletters produced and businesses distributed to.</b></p>

# Trading Standards Operational Plan 2015/2016 - Appendix 1

## OPERATIONAL PLAN

	Main heading	Sub-heading
12.	Fair Trading	<p><b>Intellectual Property --(Statutory Function; Scottish national enforcement priority - Illicit Trade – counterfeit goods which undermine the fabric of legitimate and taxation revenue ; THC Programme - Working together for strong and safe communities-&amp; Working together for the economy)- Together with targeted market surveillance on known problem areas, to work closer with partner agencies to improve intelligence gathering and its effective use in combating the supply of counterfeit and other illicit goods.</b></p> <p><b>Including</b></p> <ul style="list-style-type: none"> <li>• <b>Analysis of local Intellectual Property intelligence, and investigations as appropriate. This will involve detailed and focused analysis of all intelligence and other information received on the topic of IP crime. Consideration will be given to crime prevention work such as the production and distribution of a consumer education video on IP.</b></li> </ul> <p><b>Evidence: Annual Report</b></p> <ul style="list-style-type: none"> <li>• <b>An in-depth look at the local Storage Units industry. This is a business sector which has grown rapidly in recent years and there has been limited engagement with Trading Standards. This project will involve developing a detailed understanding of the trade locally, providing business advice on IP matters and seek to build understanding on future co-operation.</b></li> </ul> <p><b>Evidence: Project Report</b></p> <ul style="list-style-type: none"> <li>• <b>Explore options for implementing the “Real Deal” locally. This initiative seeks to eliminate the supply of counterfeit goods at markets and similar outlets and this project will consider Highland options.</b></li> </ul> <p><b>Evidence: Project Report</b></p>

# Trading Standards Operational Plan 2015/2016 - Appendix 1

## OPERATIONAL PLAN

	Main heading	Sub-heading
13.	Fair Trading	<p><b>Consumer Advice, Conciliation &amp; Consumer Education --(Support of a Statutory Function; CPP UK Priority - Consumer Rights at Retail Level; THC Programme - Working together for strong and safe communities-&amp; Working together for the economy)-</b>  <b>To continue to work with Citizens Advice Consumer Service and other partners in the provision of advice and education to consumers and in cases referred to Trading Standards to provide high quality 2nd Stage consumer advice, where appropriate conciliating between consumers and traders with a view to assisting in the resolution of consumer disputes. To develop a strong local partnership with the Highland Citizens Advice Bureaux and Citizens Advice Scotland to promote consumer advice, assistance and empowerment.</b></p> <p><b>Specifically</b></p> <ul style="list-style-type: none"> <li>• <b>Continue to develop the “Highland Consumer Partnership” with the eight Highland Citizens Advice Bureaux and Citizens Advice Scotland. This will involve a wide range of activities, including:</b> <ul style="list-style-type: none"> <li>○ <b>Joint campaigning on matters of consumer detriment,</b></li> <li>○ <b>Further exploring mechanisms for sharing intelligence</b></li> <li>○ <b>The provision of specialist advice to CAB advisers</b></li> <li>○ <b>The production of consumer education/crime prevention materials including information videos</b></li> </ul> </li> </ul> <p><b>Evidence: Annual Report</b></p> <ul style="list-style-type: none"> <li>• <b>Carry out an ongoing and detailed survey of all consumers who are users of the consumer advice and conciliation services.</b>  <b>Target: 80% satisfaction rate on full-year questionnaire returns.</b></li> <li>• <b>Young Consumers of the Year Competition. The North of Scotland Young Consumers of the Year Competition will be organised and participation in the Scottish Final as appropriate</b>  <b>Evidence: Annual Report</b></li> <li>• <b>National Consumer Week. Publicity work will be organised around TSI’s National Consumer Week in November.</b>  <b>Evidence: Annual Report</b></li> <li>• <b>Scams Awareness Month in July. Publicity in partnership with CAS/CABx</b>  <b>Evidence: Annual Report</b></li> </ul>

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OPERATIONAL PLAN		
	Main heading	Sub-heading
14.	Fair Trading	<p><b>Civil Enforcement --(Statutory Function; CPP UK Priority – Unfair contract terms and Consumer Rights at Retail Level; THC Programme - Working together for strong and safe communities-&amp; Working together for the economy)-</b>  <b>To monitor the activities of businesses that sell goods and services to Highland consumers in terms of compliance with the requirements of a range of “civil ” consumer legislation, in particular the law relating to: the sale of goods, supply of services, distance selling, unfair contract terms and provision of guarantees. To identify traders who significantly breach these requirements and take appropriate action under the Enterprise Act 2002.</b></p> <p><b>Specifically</b></p> <ul style="list-style-type: none"> <li>• <b>Lead a Scotland-wide project on new doorstep selling rules. Significant changes to laws relating to businesses that form contracts in consumers’ homes came in during June 2014. Over 800 Highland businesses were contacted with guidance and self-assessment questionnaires. This is now to be followed by a more detailed and targeted piece of work to ensure that the main businesses affected across Scotland are compliant. Visits and detailed business advice will be undertaken.</b></li> </ul> <p><b>Evidence: Project Report</b></p> <ul style="list-style-type: none"> <li>• <b>The Consumer Rights Bill proposes a wide range of changes to civil consumer law in areas such as: sale of goods, supply of services, digital content and unfair contract terms. A variety of responses from Trading Standards are required, including consumer education, business education, inspections and enforcement action where required. The Bill is expected to come in to law in October 2015.</b></li> </ul> <p><b>Evidence: Project Report</b></p> <ul style="list-style-type: none"> <li>• <b>Carry out a project taking a concerted look at the private rented housing sector. Joint working with CABx and other partners has led to several Trading Standards investigations. This project will involve detailed engagement with both of the main business types involved in this sector, i.e. letting agents and landlords.</b></li> </ul> <p><b>Evidence: Project Report</b></p>

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<b>OPERATIONAL PLAN</b>		
	<b>Main heading</b>	<b>Sub-heading</b>
15.	<b>Quality Standards</b>	<p><b>Animal Feedstuff Standards (Statutory Function/ Code of Practice; THC Programme - Working together for strong and safe communities-&amp; Working together for the economy)-</b>  <b>To ensure compliance with feed hygiene and quality standards by the targeted surveillance of producers and feed businesses and the taking, where considered necessary, of product sampling for analysis.</b></p> <p><b>Including</b></p> <ul style="list-style-type: none"> <li>• <b>Conducting a Food Standards Scotland agreed inspection programme.</b></li> </ul> <p><b>Target: Complete 100% of programme.</b></p> <ul style="list-style-type: none"> <li>• <b>Conduct necessary product sampling activity.</b></li> </ul> <p><b>Target: Respond appropriately to 100% of negative test results.</b></p>
16.	<b>Quality Standards</b>	<p><b>Fertiliser Standards/ Safety –</b>  <b>Ensure compliance with fertiliser quality standards and compliance of imported High Nitrogen fertiliser (with detonation resistance standards) by targeted market surveillance of higher risk producers/importers and the monitoring and sampling for analysis and test, where necessary, of shipments of product.</b></p> <p><b>Specifically</b></p> <ul style="list-style-type: none"> <li>• <b>Conduct targeted market surveillance to identify producers/importers.</b></li> </ul> <p><b>Evidence: Number of producers/importers/ports interacted with.</b></p> <ul style="list-style-type: none"> <li>• <b>To respond to all importation notifications as and when received.</b></li> </ul> <p><b>Evidence: Number of notifications received, responded to and action taken.</b></p>