

Agenda Item	11
Report No	RES/19/19

HIGHLAND COUNCIL

Committee: Corporate Resources

Date: 23 May 2019

Report Title: Trading Standards – Review of Activity and Proposed Plan for 2019/20

Report By: Chief Executive

1. Purpose/Executive Summary

- 1.1 This report presents a Review of the activities of the Council's Trading Standards team in the year 2018-19.
- 1.2 The report also sets out the factors that have been taken into account in setting the priorities for Trading Standards in the year ahead and places the Trading Standards Operational Plan for 2019-20 before Members for approval.

2. Recommendations

- 2.1 Members are asked to:
 - i. Note the Review of activities of the Council's Trading Standards team in 2018-19.
 - ii. Agree the draft Operational Plan for the team for 2019-20.

3. Background

- 3.1 The Council has a range of statutory duties surrounding the protection of consumers and reputable businesses, covering such topics as Fair Trading, Weights and Measures, Consumer Safety and Licensing. The full list of legislation can be found in Annex D to the Trading Standards Enforcement Policy.¹ These functions are the responsibility of the Council's Trading Standards team and ensure the maintenance of a fair and safe trading environment in the Highlands. The work is mostly carried out in a consultative and constructive fashion, with local businesses voluntarily complying with requirements that boost their profits through treating customers well. The team also deals with some rogue traders and criminals, using formal and punitive sanctions.
- 3.2 The Trading Standards team is situated in the Corporate Governance section of the Chief Executive's Office. It is led by a Manager, with an operational Team Leader and twelve fully-operational officers. The team covers the full range of functions across the Highlands. In 2016 the team was restructured becoming 30% smaller than its previous size. This resulted in the team focussing on statutory work and ceasing non-statutory functions of consumer advice and "Conciliation" (i.e. mediation in individual consumer disputes) and a reduction of other essential duties to the statutory minimum. The team reacted positively to this change and the new structure has bedded in well. With this changed resource and altered approach, the team still achieves significant benefits for the people of the Highlands.
- 3.3 Each year a review of the work of the team is produced. Appendix 1 to this report contains the report for 2018-19. The team works to a set operational plan, which has built-in flexibility to allow for appropriate reaction to unanticipated events. The proposed plan for 2019-20 is at Appendix 2 to this document.

4. Annual Review of Activities 2018-19

- 4.1 In previous eras, Trading Standards work was assessed in very quantitative terms: numbers of routine cyclical inspections were counted and time taken to resolve individual consumer disputes was measured. Nowadays, neither of these types of work is carried out by Trading Standards, the former being untargeted, inefficient and a poor use of resources, the latter being a function for which the Council has no duty to perform. Accordingly, the Review is mostly qualitative in nature: demonstrating outcomes and impact of Trading Standards work, rather than inputs. There are some figures and some counting, where that is appropriate to the topic in question.
- 4.2 There remains only one national Performance Indicator for Trading Standards: ENV5a - Cost of Trading Standards per 1000 population. The most recent figure for Highland is £2095, a figure that is one of the lowest in Scotland (and even then does not take account of geographical factors) and is much reduced from the 2015-16 figure of £4041.

5. Operational Plan 2019-20

- 5.1 Modern Trading Standards work must be targeted and the draft plan concentrates on activities which are justified on the basis that breaches are occurring (or are very likely to occur) and they cause real harm to the consumers and reputable businesses of the Highlands. Each activity is justified on these terms and relates to robust analyses that have identified priorities.

¹ http://www.highland.gov.uk/downloads/file/11630/enforcement_policy

5.2 There are four sources of priorities for the plan:

1. “Local Voices, Highland Choices” Programme of The Highland Council 2017-22, in particular relating to the following high-level aims to:
 - Protect the vulnerable in our communities, promote fairness and welcome diversity.
 - Work collaboratively to drive economic growth and champion innovation as well as ensuring our infrastructure meets the needs of businesses as well as citizens and visitors.
 - Help to safeguard and enhance Highland’s significant reputation and standing nationally and internationally.
2. COSLA Trading Standards Scotland Priorities 2016-19:
 - Tackling Illicit trade and Scams
 - Doorstep Crime
3. UK-wide Consumer Protection Partnership (CPP) Priorities 2016-19:
 - Parcel Surcharges
 - Reference Pricing
4. Locally identified Trading Standards priorities:
 - All elements of internet delivery to the Highlands
 - Financial protection of vulnerable Highland residents
 - Importance of rural petrol filling stations

5.3 The plan does not include various support activities undertaken by the team, e.g. management and development of intelligence; the details of ongoing partnerships and liaison; internal staff training and mentoring.

5.4 Virtually all of the activities listed in the plan involve some measure of partnership working. The team’s long list of close partner organisations includes: other local authority Trading Standards services; Police Scotland; CAB/CAS; NHS Highland; Competition and Markets Authority, Office for Product Safety and Standards, Chartered Trading Standards Institute, Scottish Government (CCPU), UK Government (BEIS), VisitScotland.

6. Implications

There are no direct Resource, Legal, Equalities, Climate Change/Carbon Clever, Risk, Gaelic or Rural implications.

Designation: Head of Corporate Governance

Date: 13 May 2019

Author: David MacKenzie, Trading Standards Manager

Background Papers:

Appendix 1 – Trading Standards Review of Activities 2018-19

Appendix 2 – Trading Standards Operational Plan 2019-20

Trading Standards: Review of Activities in 2018-19

1. Introduction and Policy

This document provides a summary of the work carried out by Highland Council's Trading Standards team during the year 2018-19. All of this work is carried out to further the goals of The Highland Council, in particular the following elements of the Council Programme "Local Voices, Highland Choices":

Paragraph 3.1.4: A Place to Live: Identify and recognise the unique challenges of living in rural and remote areas of the Highlands and ensure council policies and the provision of services have local people in mind. Work with the Scottish Government to do the same. In particular through work on Fair Trading, e-Crime/e-Commerce, Business Advice and Protection, Weights and Measures, Taxis/private hire cars (PHCs), Animal Feedstuffs.

Paragraph 3.3.2: A Place to Thrive: Build on the work of the City Region Deal to help businesses to fully cultivate commercial opportunities including the development of international markets. In particular through work on Fair Trading, e-Crime/e-Commerce, Business Advice and Protection, Product Safety, Weights and Measures.

Paragraph 3.3.8: A Place to Thrive: Support children to be protected, healthy, safe and responsible by delivering a whole system approach to integrated children's services. In particular through work on Tobacco Control, Nicotine Vapour Product (NVP) control and tackling underage sales of restricted products.

Paragraph 3.4.5 A Welcoming Place: Work with partners to ensure people in Highland benefit from stronger, safer and more resilient communities. In particular through work on Doorstep Crime, Scams and Illicit Trade, Petroleum Licensing, Product Safety, Taxi/PHCs, Tobacco Control.

In conducting its work, The Highland Trading Standards team works to two central tenets:

- **Intelligence:** work is targeted at real problems known to be occurring, according to information from a wide range of sources, e.g. consumer complaints, information from businesses, intelligence from the Police, anonymous tip-offs, and observations of officers.
- **Detriment:** work is targeted at problems which cause actual harm (or an unacceptable risk of harm) to consumers and reputable businesses, be it financial, health, safety or environmental harm.

As outlined in the Trading Standards Operational Plan for 2018-19, the strategy is implemented through a number of types of work activity, including:

- Investigation of breaches of consumer and trading laws: taking statements from witnesses, gathering documentary evidence, etc.
- Visits to business premises to check goods, equipment, records and procedures.
- Specific advice to individual businesses and general recommendations to trade sectors to ensure future compliance.
- Crime prevention activities targeted at both consumer and business audiences.
- Formal legal actions such as prosecutions, civil court enforcement orders, accepting formal undertakings, issuing statutory notices and issuing fixed penalty fines.

2. Internet Delivery Charges

A central part of the team's e-Crime and e-Commerce work is centred on the thorny issues surrounding internet delivery to the Highlands such as unfair surcharges, misleading information about delivery fees and unreasonable refusals to deliver to certain areas. This has involved very widespread partnership working with various bodies across the UK for several years. Further, it has involved several hundred individual investigations into specific companies, the vast majority of which have ended with improvements for Highland buyers. However, despite these successes, the internet continues to grow, with new businesses coming online every day and with others growing in size and importance. It is impossible for one small Trading Standards team to "police" the whole of UK e-Commerce.

Accordingly, a new strategy was developed in 2018-19: in addition to continuing investigative, partnership and "lobbying" activities, an extra effort was made on prevention, culminating in the launch of a new website www.deliverylaw.uk.

After lobbying by Highland Trading Standards and others, the UK Consumer Protection Partnership ("CPP", which brings together a wide range of consumer bodies) launched an investigation on delivery surcharges. This was carried out by The UK Competition and Markets Authority (CMA) and relied on detailed information provided by Highland Trading Standards. The resultant recommendations included a range of measures aimed at helping consumers in remote and rural areas like the Highlands, such as engagement with the big online e-marketplaces. They also included a recommendation to set up an online "one stop shop" to provide information about the topic. Highland Trading Standards was commissioned to set up the website, with 100% funding supplied from Trading Standards Scotland.

The website was launched in the summer of 2018 and has proved a success, in the following ways:

- **Improving Consumer Understanding:** the site has had an average of over 1000 users per day. Feedback from specific consumers is positive, citing clarity and usability.
- **Encouraging consumers to pursue cases through self-help or reporting.** Relevant Complaints to the Citizens Advice national helpline increased significantly after the website launched.
- **Improving Business Understanding.** 20% of users of the site are businesses, with several thousand individual requests, with significant positive feedback received. The site has been used by Trading Standards in several authorities to explain obligations to online sellers, with positive results.
- **Increased support across the "Consumer Landscape".** The following have formally endorsed the site and participated in its promotion: Advertising Standards Authority (ASA); Citizens Advice; CMA; Chartered Trading Standards Institute; Financial Conduct Authority; National Trading Standards, Business Departments of both the UK and Scottish Governments.
- **More investigations by other regulators and taking the load off Highland.** Highland has launched 45% fewer investigations during the period since the launch of the site.

Complaints have been successfully routed by the site to other Trading Standards authorities throughout the UK and ASA.

The site is “owned” by the CPP but the content and operation is controlled by Highland Council. In order to get full “buy-in” from national businesses and organisations, it is deliberately not branded as a Highland product, but as a definitive and authoritative UK website. Highland Trading Standards’ approach is use whatever means and strategy is required to improve the lives of Highlanders.

In November 2018, the establishment of the new delivery website was recognised with a Highland Council Quality Award for Category 3: Making Highland a Welcoming Place where People Succeed in Life and Business.

3. Doorstep Crime

Doorstep Crime is a form of domestic fraud and involves bogus workmen cold calling members of the public at their homes. They offer work, usually exterior home maintenance, and if accepted by the householder can involve either seriously substandard or non-existent works for very high amounts of money. Tackling this type of criminal behaviour is a national priority for both Trading Standards and Police Scotland.

In 2018-19, Trading Standards received a total of 94 reported incidents, this figure is approximately a third of the 2011 figure, before the subject was prioritised and before the involvement of Police Scotland. This is partly explained by the efforts of Trading Standards and the Police bringing about a reduction in this type of crime: the criminals involved are often itinerants who travel across the country and many are now deterred from coming here due to the targeted attempt to tackle them. However the actual level of incidents reported to Police Scotland is not known to Trading Standards. It is suspected that members of the public now report incidents using the general Police number 101 as it is more commonly known and simpler to use than reporting to Trading Standards through our advice partner portal.

The team regularly undertake joint investigations with Police Scotland to make full use of the enforcement remits of both agencies to tackle offenders. Operations have included vehicle “stop and checks” involving several agencies, including Trading Standards and Police Scotland, but also Driver & Vehicle Standards Agency (DVSA), HMRC, SEPA and the Department of Work and Pensions (DWP). Although capture of offenders is limited, such operations give a strong message to legitimate traders and communities that the enforcement agencies work together to tackle such crimes. These events also help build up a strong body of intelligence.

Preventative measures formed the bulk of the input by Trading Standards into tackling doorstep crime in 2018-19. This included the introduction of another Cold Call Control Zone, this time in the Drakies area of Inverness, and presentations to groups of adults who could be considered targets. These presentations have connected Trading Standards closer to communities and have identified many individuals in need of support. In March, the “Banking Protocol” was introduced to the Highland Council area: a national initiative to prevent bank funds being delivered to bogus traders, whilst also reporting, as a 999 emergency call, the incident for immediate response by Police Scotland who may then ask for Trading Standards assistance.

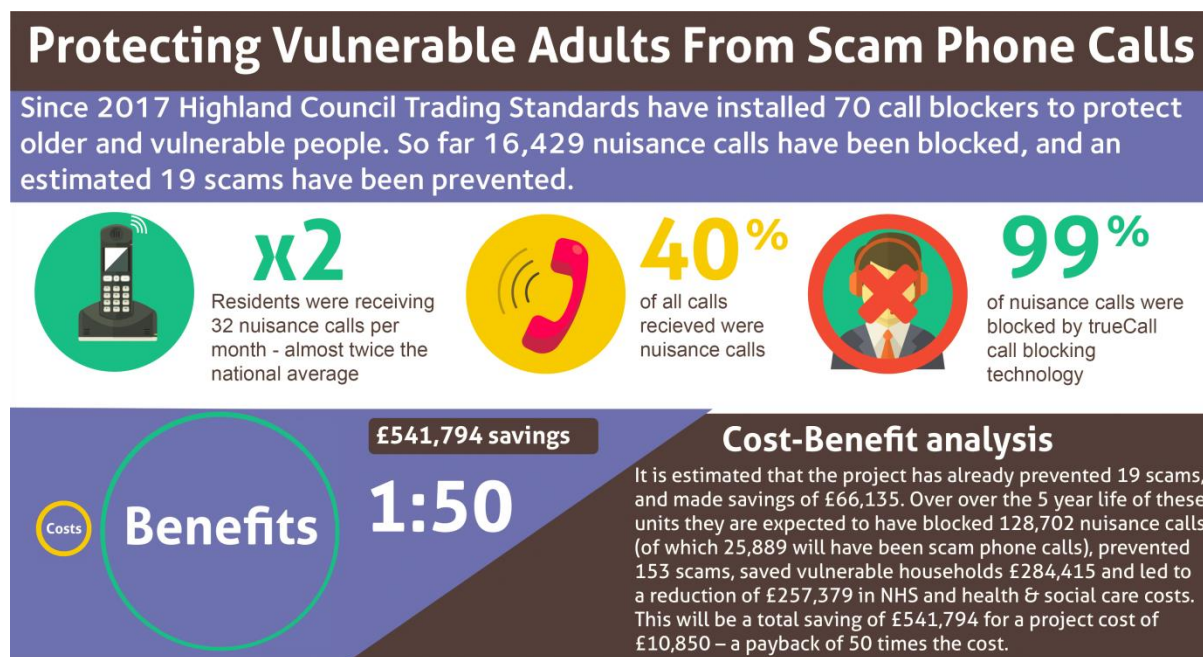
4. Tackling Scams

Scams are the non-doorstep crime incidents, where a fraudster does not call at the door but enters the house by other means, such as telephone, mail and email. The Trading Standards input here is very much preventative as the offenders can be anywhere in the world. The role is to work with partners to identify those individuals in our community that may be a target of, or have been a target, of scammers. Preventative measures can be put in place to protect the individuals concerned.

The infographic below details the work done in relation to the installation of “call blocker” devices in homes where there is information to suggest a number of scam phone calls have been received. Call blockers prevent scam calls from reaching the householder, while still allowing them to receive calls from trusted sources such as family, friends and their GP.

The team engaged with NHS Highland in the identification of such individuals, particularly the Dementia Care element. The process involves Trading Standards staff installing and monitoring the device, which is connected to a national network. The devices, for the time being, are funded in limited supply by national governments. As can be seen below, the benefit of such devices being deployed is very significant. Trading Standards will continue to install such devices whilst they are available.

As a result of this preventative work to protect vulnerable adults Trading Standards sit on the Financial Harm Improvement Group of the Adult Protection Committee.



Comments from those protected by the trueCall call blockers



This made a huge difference and enable my mother to continue to live in her own home for longer



My mother no longer gets anxious and agitated. I cannot impress on you the positive impact this has made.



Thanks for making my phone my friend again!



5. Investigations Review

A key part of Trading Standards work is the conducting of full-scale investigations into allegations of significant breaches of consumer law. These vary widely: from straightforward issues that can be quickly resolved at one extreme, to lengthy inquiries involving months of work and a court case, at the other. Outcomes also vary, as illustrated in Table 1. Very formal outcomes such as court cases and Undertakings are reserved for the most serious cases, or where a trader has failed to co-operate. In most investigations, businesses recognise the issues in hand and agree to make changes to their future practices, often also recompensing consumers. 43% of the investigations are in the categories “Dealt with by Advice” or “Compliance achieved”, both of which involve such practical, informal outcomes which benefit business and consumers alike.

These “informal” outcomes should not be viewed as a “soft touch”. Although relatively relaxed in comparison with court proceedings, the “advice” involved is often in writing. Further, in many cases enforcement powers will have been used: to require documents, test-purchase goods or even seize items. The business is under no illusions that they must not repeat these contraventions. Most businesses are successfully brought into line.

Some investigations uncover legal breaches which apply across the UK and may be better dealt with by the “Home Authority” (i.e. the Trading Standards Service for the area in which the company’s head office is based), see Code JHA in Table 1. Code “JID” refers to cases where the investigation has reached an impasse, perhaps because there is insufficient evidence, or an individual trader has left the area. Such “dormant” cases are re-opened if circumstances change..

Table 1: Full Investigations in 2018-19

Investigation Outcome Type	Investigations
JA0 : No Breach Identified	22
JAA : Dealt with by advice	19
JAC : Compliance achieved	34
JAF : Formal written warning	3
JAR: Report to P-F	1
JES : Enterprise Act Court Order	1
JEU : Enterprise Act Formal Undertaking	2
JHA : Home Authority referral	22
JID : Investigation dormant	13
JSR: Product Recall	1
JTP: Fixed Penalty Notice issued	4
JWT: Website Takedown	3
TOTAL	125

The following case studies illustrate some of the kinds of investigation undertaken.

Itinerant Trader - doorstep crime (Outcome code JAR: Report to Procurator Fiscal)

The trader cold-called an elderly and disabled Highland resident to say that his roof needed to be repaired. The householder agreed and over the course of several weeks, the trader took payment of over £35,000 from the householder, for a range of house and garden works, some of which were found to have been carried out to a very poor standard, with other work not done at all. The case was investigated jointly by Trading Standards and the Police and a report sent to the PF for prosecution. If convicted, the suspect faces a jail term.

Local Business - Sale of Fake Goods Online (JES: Enterprise Act Court Order)

A local woman was found to be selling a range of counterfeit goods online, including handbags, football strips, clothing, footwear, sunglasses, aftershave and perfume. Her premises were raided and a large quantity of fake goods seized. She was known to be sourcing the goods abroad and a joint operation with UK Border Force resulted in her being stopped at Edinburgh Airport and a further significant quantity of fake goods seized. When taken to court, a stringent Order was imposed upon her regarding future conduct, breach of which could result in imprisonment.

Local garden business – Very poor standard of work (JEU: Enterprise Act Formal Undertaking)

A number of consumers complained to Trading Standards about a local garden and landscaping business which demanded up-front payment and the subsequent work was either left incomplete or not started at all. On other cases, work that had been carried out was shoddy and required to be redone. After a full investigation, Trading Standards accepted a formal written Undertaking from the firm, breach of which will result in fast-tracked court action. Further, several thousand pounds compensation was secured for the consumers involved.

Pyramid Sales Scheme – Online presence removed (JWT: Website Takedown)

A pyramid scheme operated through Facebook was targeting Highland consumers. Officers worked with the CMA to put a case to Facebook to disable the account and remove the perpetrator from the site, thus protecting consumers from being scammed.

Gin Sales – Weights & Measures issues rectified (JAC: Compliance achieved)

A new local business bottling gin had very little knowledge of weights and measures requirements and insufficient controls, causing short measure to buyers. After initial reluctance, the business co-operated with officers and took advice to purchase new equipment and introduce appropriate measure controls. The business is now fully compliant, treating all consumers fairly and is profitable.

Delivery Charges – Changes to Website (JHA: Home Authority referral)

A medium-sized company based in the English Midlands and selling toys and baby items across the UK, was found to be charging undeclared and excessive delivery charges to Highland buyers. Officers compiled the information and tailored business advice and passed the case to the company's local Trading Standards in Wolverhampton. That authority's officers visited the

company and changes were made to the website and policies that ensures that Highland consumers will be treated fairly in future.

Product Safety – nation-wide product withdrawal (JSR: Product Recall)

A local retailer was found to be selling a new vaping refill product which had potentially unsafe levels of nicotine. The goods were seized from the business and further enquiries revealed they had been distributed in other parts of the country. The distributor recalled the goods and some were re-labelled and others destroyed. The Highland business co-operated throughout and was not subject to formal action.

Local Shop - Sale of Tobacco Products to Underage Buyers (JTP: Fixed Penalty Notice issued)

Intelligence was received that a local shop was selling cigarettes to children. A test purchase was carried out using an underage volunteer, resulting in an illegal sale. Further enquiries revealed that the shop had no system for dealing with age verification and failed to comply with other tobacco control laws. A fixed penalty notice of £250 was issued, which was paid promptly.

Shop employee – sale of counterfeit tobacco (JAF: Formal written warning)

An employee of a local business was found to be in possession at work of a moderate quantity of fake cigarettes. He confessed to selling such items, which clearly had nothing to do with his place of work. He was issued with a formal written warning, on the proviso that any repeat in the future would result in formal action to court.

National Car Parking Company – penalty charges (JAC: Compliance achieved)

A Highland car park operated by a large national company was the subject of a high volume of complaints to Trading Standards, relating to a variety of matters. Consumer laws were not written with this type of scenario in mind and so their interpretation and application was challenging. Officers took legal advice, investigated thoroughly and engaged closely with the company. Very significant improvements were put in place by the company in relation to signage, site layout, payment meters and penalty charging policies. A very sharp reduction in complaints followed. A total of over £15,000 in redress was achieved for Highland consumers.

Tourist business – illegal card surcharges (JAC: Compliance achieved)

All credit and debit card surcharges are now illegal: the amount paid must be the same as if cash was used. In this case, Trading Standards received complaints from two visitors to the Highlands who had been unlawfully surcharged. Although involving small amounts per transaction, this is an issue which causes much irritation to consumers and gives an unfair advantage over competitors. The business was visited and agreed to remove all surcharges.

6. Motor Trade

Used cars are still the most common topic for consumer complaints to Trading Standards. Citizens Advice Scotland in April 2016 reported¹ that “Used car purchased from an independent dealer” was almost universally the number one issue reported in each Scottish local authority area over a number of years.

¹ http://www.cas.org.uk/system/files/publications/consumer_snapshot_2014-15.pdf

Over the years, Highland Trading Standards has had a constructive relationship with the local car trade, providing advice and guidance which has been generally well-received and acted on by the trade. This preventative and early stage remedial work has significantly boosted consumer protection, while allowing reputable car dealers to make a fair profit, and is much favoured over formal enforcement which is always a last resort.

New consumer laws from 2015 saw an increase in requests for advice from the trade, but there was no up-to-date national guidance material to assist this work. Instead of tailoring advice for each request, officers in Highland realised that it would be more efficient in the long run to write new guidance. This was duly done and in time endorsed by the Society of Chief Officers of Trading Standards in Scotland (SCOTSS) as Scotland-wide guidance. Strong support and engagement also came from the Scottish Motor Trade Association, the National Franchise Dealers Association and the Competition and Markets Authority (CMA). The guidance is now being considered for UK-wide approval.

The guidance was launched in the spring of 2018 after a period of consultation -

www.scotss.org/files/carguidance2018.pdf and www.scotss.org/cars/SCOTSScarsalesguide.pdf

Highland Council Trading Standards immediately set about [promoting](#) the guidance locally on a dedicated motor trade webpage www.highland.gov.uk/motortrade. Following the launch it was agreed to visit every car dealer in the Highland Council area to disseminate and promote the benefits of the guidance. The focus of these visits was to encourage the Highland motor trade to use the guidance to inform their day-to-day dealings with consumers and to also establish whether there were any other improvements or inputs that could help the overall task of improving consumer protection outcomes.

A total of 77 dealers were visited throughout 2018-19, ranging from the larger Inverness-based franchise showrooms to small part-time car dealers licensed to sell cars from their own home. The visits were tailored to the type of dealer, focusing on the key new legal requirements such as a 30-day consumer right to reject faulty goods (rather than accept a repair) and a further provision which gives traders one opportunity to repair a fault (if after 30 days), putting a stop to those sometimes never-ending attempts at resolving problems, focusing efforts on getting the issue sorted at the first attempt.

The project was designed to focus on several themes including:

1. Improving contacts with Highland car dealers
2. Sharing the new car guidance and explaining its benefits
3. Closer focus on target dealers where intelligence suggests issues
4. Further develop e-links with car trader and to look to re-instate regular e-newsletter
5. Consider servicing-related complaints and consider enforcement options

Cyclical inspection visits are no longer Trading Standards policy, so most dealers had not been visited for several years. A number of car dealers had ceased trading over the past few years, for example in the Skye/Kyle area, 60% of the car dealers on the database had already closed. There has clearly been a rationalisation in the number of car dealers in Highland, in common with other sectors. Most vehicle dealers welcomed the opportunity to have a one-to-one catch-up on consumer protection issues and to go through the new guidance in detail.

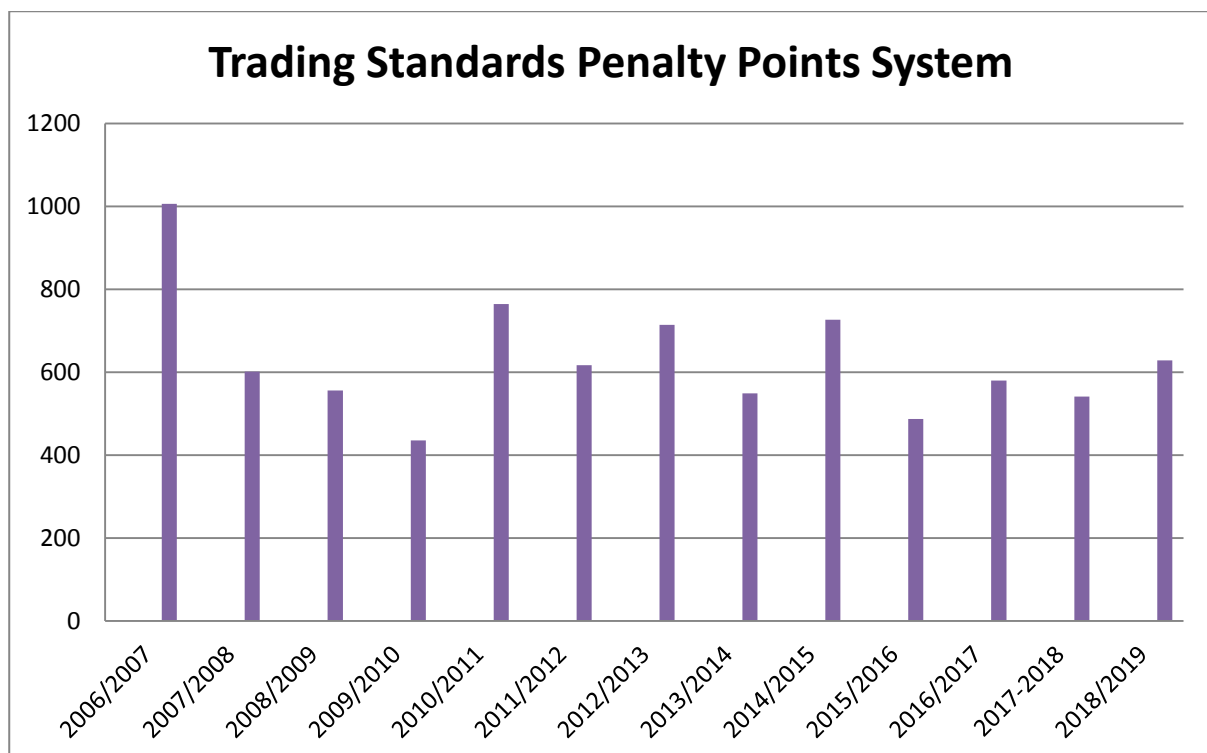
Distance selling of cars is clearly beginning to develop in the motor sector. The advantages of being able to search the whole UK for your ideal car has meant that consumers are prepared to buy vehicles at a distance or at least make the first steps towards buying cars away from their locality. Trading Standards have been aware of this trend for a few years, especially in Highland where consumers have traditionally sought cars in the central belt. However, consumers are now just as likely to come to the Highlands for a specific vehicle.

Officers found that social media is increasingly being used to sell cars and ‘disguised business selling’ has also perhaps become an issue. This is when car dealers pose as private sellers and do not indicate they are in trade, which is a criminal offence. Disguised dealers both remove important consumer rights from consumers as well as harming the mainstream car sector by subjecting them to unfair competition. Accordingly Trading Standards plan to prioritise examining online vehicle marketplaces in 2019-20.

7. Taxis and Private Hire Cars (“PHCs”)

Trading Standards is responsible for the enforcement of the licensing regime for taxis and PHCs. This involves monitoring the safety and standards of the vehicles and their drivers, and the treatment of customers. Highland has a “penalty points” system – [unique in Scotland](#) – whereby failings by drivers and operators are penalised. When a driver or operator reaches a set threshold of points, a report is submitted to the licensing committee for possible further action. Serious breaches are dealt with immediately.

The year saw the Penalty Points System produce a four-year high in terms of points allocated, 628 points, although this figure still below the average for the system since its introduction in 2006 and is broadly in line with the last few years. The points summary is detailed below:



The Penalty Points System remains a very successful deterrent method of achieving compliance, with no reports to the Licensing Committee over the year.

The Council Contractor for conducting vehicle inspections conducted 1076 inspections in the year, with a “Fail and Dangerous” outcome of only 2%, and an overall Fail rate of just 7.5%. All vehicles that failed were prohibited from operating until a subsequent inspection was passed.

Taxi meters must be tested by Trading Standards to ensure accuracy before first use, and after any significant repair. A total of 747 taxi meters were tested during the year. This is a higher than usual figure, due to a taxi tariff change which resulted in officers testing all taxi meters in operation at the time of the change.

8. Tobacco, NVPs and Age Restricted Sales

Scotland has strict tobacco control laws, covering supply, advertising and age restrictions. These have been extended to NVPs (“nicotine vapour products”, i.e. vaping, or e-cigarettes). Further, there are age restrictions on supply of a range of other products, including fireworks, DVDs, lighter refills and spray paints. Trading Standards ensures compliance through a mix of prevention and enforcement.

In 2018-19, Highland Council Trading Standards collaborated with NHS Highland Health Improvement, the University of Highlands and Islands and Inverness Highlands and Islands Student Association in ASH Scotland’s #notafavour campaign. This campaign aims to stop the proxy purchase of tobacco for a person under 18 by a person over 18.

The use of targeted videos on social media along with strategically placed #notafavour pavement stickers, news releases and visits to local retailers lead to a very successful campaign that reached over 49,000 people on Facebook and Instagram.

This was acknowledged by ASH Scotland as the campaign won a Tobacco-free Generation Award in recognition of the important contributions all the organisations are making towards creating a tobacco-free generation.

Highland Council Trading Standards also met all Scottish Government targets for Tobacco and Nicotine Vapour Product (NVP) advice visits and test purchases in 2018-19. A total of 23% (84) of traders who sell tobacco and 29% (41) of traders who sell NVPs in the Highlands were visited to ensure compliance through detailed advice and guidance. This exceeded the Scottish Government target of 20% for both.

Where any breaches of legislation were discovered, advice and information was given to the trader on how to comply and any non-compliance followed up. This resulted in compliance in the vast majority of cases and only two cases where this was not achieved. These traders were then issued with Fixed Penalty Notices for £250, both of which were paid and the traders thereafter complied with the legislation.

A total of 10% (37) of traders who sell tobacco and 12% (17) of traders who sell NVPs were test purchased with the help of an underage test purchaser. This was slightly more than the Scottish Government target of 10% for both.

Four traders failed the tobacco test purchase and sold cigarettes to the underage test purchaser. Advice on how to avoid underage sales was given to three of these premises and follow up test purchases were carried out which all traders passed. The fourth trader had already been given advice on how to avoid underage sales and therefore Fixed Penalty Notices for £250 were given to

both the seller and the owner. Both fines were paid and the trader passed the follow up test purchase. All traders who were subject to NVP test purchases passed.

Highland Council Trading Standards also test purchased several nicotine free e-liquids made by a Highland manufacturer. These e-liquids were then sent to a testing laboratory to ensure that they were safe to remain on the market. The testing showed that the e-liquids were safe and could remain for sale. This is thought to be the first testing of this kind to be carried out in Scotland.

In October 2018, Highland Council Trading Standards officers along with a tobacco detection dog and handler carried out 40 visits to premises in the Easter Ross and Inverness area with the aim of detecting illicit tobacco. Although no illicit tobacco was found in most of these premises a total of 1,680 illicit cigarettes were sniffed out by the dog at one premises and thereafter seized by officers. The cigarettes found were not in plain packaging and the health warnings were not in English, meaning UK tax had not been paid. The person in charge of the premises at the time was subsequently interviewed and given a formal warning. The cigarettes were destroyed.

9. Weights and Measures (“Metrology”)

One of the oldest forms of consumer protection, the team’s metrological work continues to make an important contribution to the lives of consumers and businesspeople in the Highlands.

Highland Council outsources its own metrological equipment calibration to external test houses. In the year a contract change took place for some of this equipment and a contract was agreed with Aberdeen City Council Trading Standards. This agreement has reduced calibration costs and affirmed a positive relationship in the newly created Trading Standards North Partnership. The parallel joint EU Notified Body agreement ensures delivery of initial verification of weighing and measuring equipment by Highland Council for Highland businesses. This covers key equipment such as quarry weighbridges, shop scales, petrol pumps and domestic fuel tanker meters.

Metrological certification is a chargeable service, in the open market, and income generated has been reinvested to grow this element of the business. A more commercial approach in 2018-19 saw an increase in equipment certification fees to £9000.

Trading Standards participated in a SCOTSS Project focussing on gin production, bottling and methods of sale. This identified a number of gin producers in the area which Trading Standards engaged with to ensure legal compliance and provide business advice. Ongoing work as a result of this will continue into 2019/20.

The consortium partnership with Fife Council and others for a “Heavy Test Unit” (an articulated lorry with a number of ½ tonne weights) continued and resulted in the inspection of 50% of Highland’s weighbridges. This work ensures that bulk transactions of goods are accurate when sold by weight, but also gives reassurance that our roads network is not being overloaded and asked to perform outwith its intended purpose. Partnership with local Road Policing also ensures that appropriate weighbridges are used for road traffic enforcement purposes.

10. Product Safety

Much of Trading Standards work involves protecting the economic interests of Highland consumers and businesses. Another strand covers the protection of consumers from harmful products.

One such product type is Explosives, storage of which requires a licence from Trading Standards. A total of 43 premises were licensed during 2018-19, many for the sale of fireworks. Ongoing monitoring of these matters continues throughout the year but is particularly focused around the lead up to Bonfire Night. Traders are given detailed advice on compliance and safety rules are strictly enforced.

Other safety work focuses on ensuring that only safe products are made and supplied. Some significant examples from the year include:

- Advice to a number of the 36 cosmetics manufacturers that operate in the Highland Council area. As personal products, cosmetics are subject to stringent safety rules and Trading Standards expertise can be essential to these small businesses.
- Investigations into a number of individual products that caused harm to consumers, including shampoo, microwave, tumble drier, LED lights, novelty contact lenses, car screen wash, upholstered furniture. These resulted in a range of outcomes: from no safety breaches found to removal of products from the marketplace.
- Trading Standards also licenses knife dealers, with 24 currently on the register, by far the highest number of any Scottish local authority. Advice was given to several during the year.

11. Petroleum

The Trading Standards team is responsible for safety at petrol filling stations. Petrol vapour is highly explosive and strict rules are imposed on site operators to protect public safety. There are two main strands to this: closely scrutinising new builds and redevelopments; ongoing monitoring of existing sites.

One major redevelopment took place during 2018-19 was on Skye. Closely overseen by the Petroleum Officer, the works were completed in accordance with current standards and the site re-opened early.

An inspection and compliance project on retail petrol filling stations was conducted on a total of 24 sites that have Unattended Self-Service facilities or undertake Driver Controlled Delivery. This work was deemed necessary to establish compliance levels on operations that would attract a high risk should additional safety measures for such sites not be adhered to. The project also gained a newly trained officer valuable experience in such inspection work. The majority of sites were found to be in compliance at time of inspection; however some minor and more serious non-compliances were detected which required detailed guidance and remedial actions to be carried out by the site owners.

12. Highland Consumer Partnership

The Highland Consumer Partnership is a flexible network for joint working between Trading Standards and eight Citizens Advice Bureaux across Highland. This network is the only of its kind in Scotland and has provided strong links with remote communities and consumers through contact with local CAB advice workers and events.

Highlights from 2018-19 included:

- UHI Inverness Campus – Freshers' Week (September 2018): Trading Standards and Inverness, Badenoch & Strathspey CAB (Inverness B & S CAB) held a stall for students

attending “Freshers Fayre” at Inverness College, UHI Campus, Inverness on 12 September 2018 which focused on students renting private accommodation for the first time and also informing students of their rights in regard to recent changes such as ‘tenancy deposit schemes’ and new tenancy agreement rights. The “Thinking of Renting a Flat – Make sure you’re clever like Pat” campaign included a [news release and social media information](#).

- UHI Inverness Campus - Refreshers Week (February 2019): a follow-up event was held during “Refreshers Week” in February. The theme stayed with accommodation issues and included information on ‘Register My Appliance’ day which informs consumers to ensure their electrical appliances are registered through a national portal. This ensures product safety recalls are quickly and efficiently carried out and consumers are informed if this product requires modification, has become unsafe or developed a fault. Students in private rented accommodation were advised to contact their landlord as part of this campaign and ask whether such appliances had been checked for safety. Other information included advice on “buying your first” car and what to look out for when entering credit agreements.
- Highland Gathering, Strathpeffer (March 2019): this is the North CABs’ big annual get-together and is well attended by CAB Advisors. Trading Standards held a stall providing general information about Trading Standards and requesting information from delegates about what they thought were areas of concern. Feedback included: care home contracts; home improvement problems and buying goods online.
- Intelligence Sharing: Trading Standards continue to receive intelligence from local CABs regarding areas of concern and particular traders whose practices may be harmful to consumers. An example of joint working related to an elderly woman who lost £32,000 to a “boiler room” scam. Intelligence was passed on regarding the practices of this firm, leading to the rogue company director being [convicted of fraud](#). The vulnerable consumer and her family were reassured and has since had installed a Truecall Call Blocker as part of a Trading Standards project and £8300 was secured for their client from the confiscation order.

13. National Fair Trading Projects

The team took part in four national initiatives during the year, each of which has resonance in the Highlands:

13.1 Care Homes

In November 2017 the CMA [published its market study](#) into the residential and nursing care home sector in the UK for people over 65. The study was about the consumer law issues and not about quality of care, for which there are other regulators. It found that there is a risk of residents and their families being treated unfairly and that some care homes may potentially be breaching consumer law. Problems included:

- Clarity of pricing
- How deposits and extra charges are communicated
- Ensuring contract terms are clear and fair
- Complaints procedures and processes

The CMA work mainly dealt with large national companies and SCOTSS decided to organise some further work looking at the local picture in Scotland. The care sector is not an area in which trading standards has routinely taken an active role. The findings of the CMA study however indicate that poor trading practices may exist which are unfair to vulnerable consumers and possibly in breach of consumer law. The focus of the project is to identify independent providers and examine their contracts and practices.

The work was ongoing at the end of March 2019 and findings will be reported during 2019-20.

13.2 Operation Sapphire: Fake goods on Social Media

An increasing problem for Trading Standards authorities across Scotland is the sale of counterfeit goods that are advertised through social media platforms. Fake goods cheat buyers and are often unsafe, defraud the legitimate holder of the trade marks involved, and provide unfair competition to reputable Highland businesses. The purpose of the project was to identify locally-based suppliers of such goods and take action.

A range of actions were taken on identified Highland targets. These included formal court action for the most serious offenders and notifications to desist to smaller scale operators (many of whom were not found to continue their sales). Further, disruption tactics were setup with the Anti-Counterfeiting Group to request that their members (the trade mark holders) assist with requesting that Facebook remove selling pages that advertise and sell counterfeit goods.

A summary of the findings and action in Highland:

- Identified 66 traders who were selling suspected counterfeit goods which ranged from clothing, shoes, jewellery, perfume, handbags and tobacco.
- Added 32 reports to the national intelligence database to alert other authorities and enforcement agencies.
- Three Facebook pages were removed after requests were actioned.
- Worked with Police Scotland, Border Force and the Anti-Counterfeiting Group.
- Out of the traders we identified, eleven were subject to full investigations under the Trade Marks Act and the Consumer Protection from Unfair Trading Regulations.
- One investigation led to a warrant been executed and 200 counterfeit items seized from a trader in the Highlands. The investigation resulted in an Enforcement Order been granted under the Enterprise Act 2002. The case was well publicised in the Highland press.
- Another investigation has resulted in a test purchase of Amber Leaf rolling tobacco. Both pouches were confirmed by Gallaher Ltd as counterfeit. The investigation is on-going and it is to be dealt by Enterprise Act court action.

13.3 Estate Agents

This was a SCOTSS nationwide project in which Highland Council Trading Standards took part. The aim of the project was to ensure that local estate agents are members of one of the two approved redress schemes and identify property sale practices (e.g. descriptions/pricing) that may require further business advice and discussion with businesses.

A total of 49 Highland estate agents were included in this project and compliance was found to be high. Only one Highland estate agent was found not to be registered with an approved redress scheme. This business was contacted and thereafter registered with one of the redress schemes.

13.4 Secondary Ticketing

This was a project run by Trading Standards Scotland into secondary ticket selling. Highland Council Trading Standards were asked to check online resellers (Ticketmaster, StubHub, Viagogo, eBay and Gumtree) for specified events to see if the ticket listings complied with Chapter 5 of the Consumer Rights Act 2015. Ticket listings should have the area, row and seat numbers in the advert, any restrictions limiting the use of the tickets, the face value of the ticket and whether the seller is a business. The team also noted whether the seller was selling more tickets than the initial purchase limit.

A total 45 breaches of the Consumer Rights Act 2015 were identified during this project and this information was passed to Trading Standards Scotland for further investigation. None of the

perpetrators were based in Highland, but Highland consumers are affected by these practices which are the subject of regular complaints to Trading Standards

14. Use of Social Media

Publicity as an educative and deterrent tool has long been a tactic of Trading Standards, through the traditional media of press, TV and radio. These days, communication strategies must also take account of the increasing importance of social media. 2018-19 saw a significant scaling up of Highland Trading Standards' use of social media to disseminate information. This utilised the Facebook page @HCTradingStandards and regular contributions to The Highland Council's other social media channels, especially Twitter but also YouTube and Flickr.

Over the last 12 months topics were covered ranging from Scams & Fraud Awareness, Doorstep Crime, Product Safety recalls, e-commerce, counterfeiting (intellectual property crime), subscriptions traps, general fair trading and general consumer rights issues.

Specific initiatives included:

- May 2018 – “SCAM YOU!” Highlighting the dangers of buying online and what you should look out for particularly in relation to counterfeit goods.
- May 2018 – Beat Bogus Callers – Police Scotland & Op Monarda.
- June 2018 – Scams Awareness Month with theme ‘Don’t miss a trick – be scam aware’ – covered all types of scams - Citizens Advice
- 6 June – World Anti-Counterfeiting Day
- 27 June 2018 – National Sunglasses Day – we focused on checking for CE marking and #BuyReal
- 22 June 2018 - launch of the Trading Standards Deliverylaw.uk website
- July 2018 – Highlighted new Package Travel and Linked Travel Arrangements Regulations 2018
- July 2018 – Counterfeit car parts – Intellectual Property campaign
- August 2018 – Protect your ID – Get Safe Online campaign
- August 2018 – ‘Thinking of Renting a Flat - Make sure you're clever like Pat’
- Sept 2018 – UHI Fresher’s Fayre
- Sept 2018 - #SafeFresher – Get Safe Online
- Sept 2018 – #NotAFavour campaign
- 17-23 Sept - Gas Safety week – Gas Safe campaign
- Oct 2018 – Halloween – highlighting safety and buying real etc.
- Oct/Nov – Fireworks – OPSS
- Nov 2018 – Product Safety Week Safer ProductsOnline - OPSS
- Nov 2018 – Black Friday and Cyber Monday
- Nov – National Consumer Week – online marketplaces - CAS
- 27 Nov – Fair Delivery Day
- Nov/Dec 2018 - Buy A Puppy Safely – SSPCA – SG Safer Scotland
- Dec 2018 – Festive Safe campaigns and fake free Christmas – IPO, Journal of Trading Standards, TSS, Action Fraud, Police Scotland and lots of other partners.
- Jan – Register My Appliance Day
- Jan – Burns Night - #BuyReal alcohol
- 5 Feb – Safer Internet Day
- Feb 2019 – Valentine’s Day - #BuyReal
- March 2019 – World Book Day – highlighted safety of fancy dress costumes
- March 2019 - #SafeJob searching campaign – Get Safe Online

- 15th March 2019 – World Consumer Rights Day – focused on Smart Products and IoT and we also included general consumer rights info
- March 2019 – White Goods Safety - SFRS

15. Animal Feedstuffs

Trading Standards is responsible for “Official Feed Controls”. As with all of the team’s work, this is carried out in terms of the twin principles of intelligence and detriment. During the work planning process for 2018-19, it was decided that carrying out proactive work was not a justified use of resources.

Accordingly, in the year no official feed control inspection programme was undertaken; only a response to complaints, incidents and the giving of business advice took place. Official Controls are currently subject to Food Standards Scotland (FSS) delivery appraisal across Scotland, and this function may be relocated to FSS in due course.

The Highland Council Trading Standards Team

Operational Plan 2019-20

Part 1: Policy

1. Trading Standards Team

The Highland Council's Trading Standards Team is part of the Corporate Governance section of the Chief Executive's Office. It undertakes a wide range of statutory duties in relation to the regulation of trade and protection of consumers and reputable businesses. Since a restructure in 2016, the team no longer carries out any non-statutory functions.

2. Statutory Duties

The Council has numerous Trading Standards statutory duties from EU, UK and Scottish sources. The full list of this legislation is contained in Annex D to the Council's Trading Standards Enforcement Policy.¹ The main subject areas are: Fair Trading; Doorstep Crime; Scams and Illicit Trade; e-Crime/e-Commerce; Petroleum and Explosives; Safety of consumer products; Business Advice and Protection; Weights & Measures; Taxis and Private Hire Cars; Tobacco, Nicotine Vapour Products and Age Restricted Sales; Animal Feed & Fertiliser Quality Standards.

3. Work activities

The work of the team is carried out in a number of ways, including:

- Investigation of breaches of consumer and trading laws: taking statements from witnesses, gathering documentary evidence, etc.
- Visits to business premises to check goods, equipment, records and procedures.
- Specific advice to individual businesses and general recommendations to trade sectors to ensure future compliance.
- Crime prevention activities targeted at both consumer and business audiences.
- Formal legal actions such as prosecutions, civil court enforcement orders, accepting formal undertakings, issuing statutory notices and issuing fixed penalty fines.

4. Priorities

The team has two guiding themes to focus its work activities:

- "Intelligence-led": in previous decades much Trading Standards work was carried out through untargeted cyclical "inspections" of all businesses in the area. This is not an efficient method of operation in the modern world and in

¹ www.highland.gov.uk/downloads/file/11630/enforcement_policy

any event there are insufficient resources to work in that way. Now, resources are targeted at areas of trade and specific businesses that have been involved in breaches of consumer and trading law. This approach is heavily dependent on information received from a wide variety of sources including: consumer complaints; information from agencies such as other Trading Standards offices, the Police, local CABs and Citizens Advice Scotland (CAS); “tip-offs” from businesses and the public; observations of officers.

- “Detriment”: work is focused on breaches of the law that cause significant harm. Consumer detriment is judged in a variety of ways, including: the amount of money involved in related transactions; level of physical danger to consumers; effect on vulnerable consumer groups; effect on rural consumers; effect on young people (e.g. age restricted products). Business detriment includes: high-value losses by local businesses; non-compliant companies gaining an unfair advantage over their law-abiding competitors; negative reputational effects on key Highland industries, e.g. tourism.

The analysis of intelligence and detriment is central to all apportioning of resources in the team on the basis of priority topics. The detailed priorities of this Operational Plan are guided by three authoritative goal-setting sources:

1. “Local Voices, Highland Choices” Programme of The Highland Council 2017-22², in particular relating to the following high-level aims to:
 - Protect the vulnerable in our communities, promote fairness and welcome diversity.
 - Work collaboratively to drive economic growth and champion innovation as well as ensuring our infrastructure meets the needs of businesses as well as citizens and visitors.
 - Help to safeguard and enhance Highland’s significant reputation and standing nationally and internationally.
2. COSLA Trading Standards Scotland Priorities 2016-19
3. UK-wide Consumer Protection Partnership (CPP)³ Priorities 2016-19

The work activities that put the priorities into practice in 2019-20 are in Part 2.

5. Regulators’ Codes

The contents of the Plan and all work carried out under it must be in accordance with the requirements of the UK Regulators’ Code⁴ and the Scottish Regulators’ Strategic Code of Practice.⁵ These are governed by the “five principles of Better Regulation”, i.e. work is: Proportionate, Consistent, Accountable, Transparent and Targeted.

² https://www.highland.gov.uk/info/695/council_information_performance_and_statistics/381/our_priorities

³ The CPP identifies and prioritises areas where there is greatest harm caused to consumers and coordinates action by its members which include a wide range of consumer and government bodies:

<https://www.gov.uk/government/publications/consumer-protection-partnership-update-report-2017>

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf

⁵ <http://www.gov.scot/Resource/0046/00467429.pdf>

6. Partnership Working

The desired outcomes of this Plan can only be achieved through a series of well-established and confident partnerships with other organisations. There are a number of these, the most prominent of which are with:

- North Trading Standards Partnership: this is a new initiative between the Trading Standards services of the following local authorities: Aberdeen City, Aberdeenshire, Argyll & Bute, Comhairle nan Eilean Siar, Highland, Moray, Shetland. It formalises some existing good practices on collaboration and extend these to include the sharing of resources and specialisms and concerted enforcement activities on problem topic areas.
- Police Scotland: following excellent and productive joint working with Northern Constabulary, Highland Trading Standards now has a close partnership with N Division of Police Scotland. This is particularly important in tackling the serious crime elements of Trading Standards work such as doorstep crime, scams and anti-counterfeiting. The partnership encompasses both intelligence sharing and operational matters and is one of the closest in Scotland.
- CAB/CAS: the Highland Consumer Partnership brings together Trading Standards with CAS and the eight Highland CABs to work jointly on cases, crime prevention campaigns and other initiatives. It was the first of its kind in Scotland and plays a crucial in connecting Trading Standards to Highland communities.
- NHS Highland: the Highland Tobacco Strategy brings the Council together with the NHS to tackle tobacco use in Highland. Trading Standards take the lead on enforcement of retail tobacco and NVP products (“vaping”) laws, including combatting underage sales. Joint publicity and awareness campaigns are undertaken. In relation to the identification of potential vulnerable adults requiring consumer protection, NHS Highland work with Trading Standards to identify and facilitate the necessary protective measures required.
- National bodies: very regular contact with the Competition and Markets Authority, the Office for Product Safety and Standards, the Chartered Trading Standards Institute, the Scottish Government (CCPU) and the UK Government (BEIS) enables Highland Trading Standards to both influence national policy in favour of Highland interests and be well-informed of current practice and future developments.

7. Details

The particular initiatives and work activities are listed in Part 2. Many of these are Highland-specific although several involve collaboration with other local authorities (through the Society of Chief Officers of Trading Standards in Scotland, “SCOTSS”). The “economies of scale” created by such joint working can be more effective in bringing about the outcomes desired. The team will only participate in initiatives that are relevant to the objectives of the Highland Council Programme.

Part 2: Detailed Work Activities

Topic	Fair Trading
Priorities	<p>Highland Council Programme- Part 3 Priorities</p> <p>3.1.4: We will use to the full the centres of influence we have to ensure that the needs of the Highlands are articulated and represented.</p> <p>3.3.2: We will support children and young people to be protected, healthy, safe and responsible by continuing the delivery of a whole system approach to integrated children’s services.</p> <p>3.4.8: With our partners and business organisations we will promote the region as a place for business to invest, thrive and grow.</p> <p>3.6.8: With our partners (public and 3rd sector) we will develop collaborative and decentralised approaches to public Services.</p> <p>COSLA Priorities – Tackling Illicit trade and Scams.</p> <p>CPP Priorities - Reference Pricing</p>
Objective	<p>To ensure that Highland consumers are treated fairly by assisting legitimate businesses and taking firm action against rogue traders.</p> <p>To target resources on areas of highest consumer detriment and on topics for which intelligence shows that consumers are being treated unfairly.</p>
Details	<p>The largest portion of this work involves investigating cases originating from consumer complaints and other sources of intelligence. All intelligence will initially be considered on a daily basis by the Duty Officer and further analysed at fortnightly tasking meetings. Cases will be progressed to an appropriate conclusion, including both formal disposals (e.g. prosecution or Enterprise Act Court Order) and informal disposals (e.g. written warning or advice to trader).</p> <p>In addition to the individual casework described above, there will be a series of planned initiatives to tackle areas of trade identified through complaints and other intelligence to require attention Trading Standards in the Highlands from. These are:</p> <ul style="list-style-type: none"> • Second-hand car dealers - North Partnership Project. Still the subject of more complaints than any other product or service type, this industry received significant attention in 2018/19 through the provision of advice and guidance to the trade, including distribution of a new detailed publication. 2019/20 will see coordinated work across the North of

	<p>Scotland, focusing particularly on online vehicle sales.</p> <ul style="list-style-type: none"> • Care Homes – SCOTSS Project: The UK Competition and Markets Authority (CMA) has identified problems in this market, including a lack of transparency in pricing and unfairness of contract terms. This project will address these issues in Scotland which have the potential to significantly disadvantage two types of consumers: elderly people who may be in poor health; and their children, under pressure dealing with the emotional circumstances of organising for their parent to enter a care home. This is a continuation of project started in 2018/19. • Jewellery: Hallmarking and Prices – SCOTSS project. Hallmarking of precious metals is one of the oldest forms of consumer protection and remains important in the modern age. Following some intelligence received across Scotland suggesting an increase in the supply of unhallmarked items and unfair pricing practices, this work will ensure that Highland consumers are being fairly treated in this market through visits and advice to businesses. • “Black Friday” Pricing Practices – SCOTSS Project. In recent years, a new phenomenon of “Black Friday” price promotions has sprung up across the UK. There are some doubts over whether the price comparison claims are fair and little work has been done to check these. This project will monitor a range of such price promotions and assess them for fairness.
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Topic	Doorstep Crime
Priorities	<p>Highland Council Programme-</p> <p>3.2.3 We will work with our partners to do all we can to promote the contribution our older people make to our communities and help them to live independently in their own homes with appropriate support.</p> <p>COSLA Priorities – Doorstep Crime</p>
Objective	<p>To protect vulnerable Highland consumers from doorstep crime through close collaboration with partner agencies such as Police Scotland, NHS and other Trading Standards authorities.</p> <p>To continue to develop operational practices to reduce both the incidence and the fear of such crime.</p>
Details	<p>Doorstep Crime refers to the activities of rogue traders offering home improvement services. Although any householder could be scammed, these activities are often targeted at elderly and vulnerable people. The potential for consumer detriment is very high. The response of Trading Standards on this subject involves close partnership working with Police Scotland and adult</p>

	<p>protection services and includes:</p> <ul style="list-style-type: none"> • Reacting to complaints and intelligence received and taking appropriate action. • Engaging in multi-agency operations to detect itinerant trading activity. • Providing an analysis of doorstep selling activity within Highland • Working with colleagues across Scotland to produce effective standard operating procedures for doorstep crime work.
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Topic	Scams and Illicit Trade
Priorities	<p>Highland Council Programme-</p> <p>3.2.3 We will work with our partners to do all we can to promote the contribution our older people make to our communities and help them to live independently in their own homes with appropriate support.</p> <p>COSLA Priorities – Tackling Illicit trade and Scams</p>
Objective	<p>To protect Highland consumers from scams perpetrated through a range of media - e.g. by letter, telephone, email, online - with particular attention to the effect on vulnerable consumers.</p> <p>To reduce the supply of illicit goods in the Highlands, including counterfeit consumer products.</p>
Details	<p>All Highland consumers are at some stage targeted by scammers, often operating from outwith the area and outside the UK. Given that the fraudsters are often “out of reach”, Trading Standards must look at innovative ways to protect consumers, based on disruption and prevention. Vulnerable consumers such as those elderly or unwell are particularly targeted and officers work closely with other agencies such as the Police and NHS to find solutions.</p> <p>The sale of counterfeit and other illicit goods has a variety of negative impacts on the Highlands: buyers receive shoddy and often unsafe products; legitimate local businesses unfairly lose out on sales; regional and national organised crime groups receive profits. Officers will follow up intelligence received to prosecute offenders and disrupt supply.</p> <p>Three particular initiatives in the field of scams and illicit trade for 2018-19 are:</p> <ul style="list-style-type: none"> • Officers will work closely with Adult Protection Services to continue the roll-out of Truecall “Call blocker” devices which protect vulnerable consumers from telephone scams. • A growing problem in the Highlands of counterfeit goods being sold on Facebook and other social media will be tackled

	<p>through participation in “Operation Sapphire”, a SCOTSS project which will seek to systematically disrupt this illicit trade throughout Scotland, through targeted investigations and “take-downs”. This continues work started in 2018/19.</p> <ul style="list-style-type: none"> • Current links with Royal Mail will be strengthened to promote a joint approach to tackling scams perpetrated by post.
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Topic	e-Crime/ e-Commerce
Priorities	<p>Highland Council Programme-</p> <p>3.1.4: We will use to the full the centres of influence we have to ensure that the needs of the Highlands are articulated and represented.</p> <p>3.4.8: With our partners and business organisations we will promote the region as a place for business to invest, thrive and grow.</p> <p>COSLA Priorities – Tackling Illicit trade and Scams</p> <p>CPP Priorities – Parcel Delivery Surcharges</p>
Objective	<p>To recognise the importance of online sales to the people of the Highlands by focusing on the laws relating to the delivery of goods and services to remote communities.</p> <p>To improve the service’s capacity to investigate and regulate online commercial activity.</p>
Details	<p>Some of this work is integrated into the activities in Section 1 “Fair Trading”. In addition there are two specific initiatives for 2019/20:</p> <ul style="list-style-type: none"> • Internet Delivery Charges: Significant improvements have been achieved through work on this topic, culminating in it being accepted as a UK-wide priority area through the CPP and the commissioning of Highland Trading Standards to produce a website www.deliverylaw.uk to advise consumers, businesses and practitioners and further improve the market and protect consumers. Work will continue to: promote and develop this UK-wide website; engage with business, government and third sector to seek further market improvements; investigate cases and take action. • Tackling “Hoax Location Scams”, an emerging problem of e-crime scams that use fictitious Highland addresses that may damage our reputation as a place to visit or to do business. Significant work on this has already been carried out, including a webpage to warn consumers, and these activities will be developed further to tackle this reputational risk to the Highlands.

Topic	Petroleum Licensing
Priorities	Highland Council Programme- 3.4.8: With our partners and business organisations we will promote the region as a place for business to invest, thrive and grow.
Objective	To protect the Highland public by ensuring the safe storage of petroleum and the safe operation of petrol filling stations.
Details	<p>Including:</p> <ul style="list-style-type: none"> • Liaising with developers, site owners and others to ensure safety requirements are being achieved. • Responding to complaints and intelligence received. • Working with site owners, developers and others to decommission sites where necessary. <p>Two particular initiatives for 2019-20 are:</p> <ol style="list-style-type: none"> 1. Undertake risk assessment inspection programme for selected retail installations. 2. Further develop officer competence on this specialised topic with a view to staff succession planning

Topic	Business Advice and Protection
Priorities	<p>Highland Council Programme- 3.4.8: With our partners and business organisations we will promote the region as a place for business to invest, thrive and grow. 3.6.7: We will aspire to work more closely with our public sector partners and businesses to understand and, where we can, to support their priorities.</p> <p>COSLA Priorities – Tackling Illicit trade and Scams</p> <p>CPP Priorities – Parcel Delivery Surcharges</p>
Objective	To help Highland businesses comply with consumer laws through advice and guidance and promote a culture of “economic

	<p>success through best practice”.</p> <p>To provide advice to Highland businesses who are the victims of unfair trading in their purchases.</p>
Details	<p>There are three ongoing strands to this work:</p> <ul style="list-style-type: none"> • Providing “enforcement by advice” through both reactive and proactive action, ensuring compliance in a measured and proportionate way. This mainly involves responding to specific queries from businesses about how they can comply with consumer laws. It also involves providing general guidance, e-newsletters and seminars where appropriate. • Investigating breaches of the Business Protection from Misleading Marketing Regulations 2008 and taking appropriate action. • Providing “1st Line” advice to local SMEs who make a complaint about purchases they have made from other traders. • Exploring opportunities to produce more detailed guidance products for which a charge can be made to increase income generation.

Topic	Product Safety
Priorities	<p>Highland Council Programme-</p> <p>3.3.2: We will support children and young people to be protected, healthy, safe and responsible.</p> <p>3.4.8: With our partners and business organisations we will promote the region as a place for business to invest, thrive and grow.</p>
Objective	To protect the Highland public from dangerous consumer products and help Highland businesses achieve high levels of consumer safety in their trading activities.
Details	<p>Including:</p> <ul style="list-style-type: none"> • Considering all consumer complaints and other intelligence relating to product safety and taking any action that is necessary to ensure the safety of Highland consumers. • Providing advice and guidance to Highland businesses on all product safety compliance matters. • Participating in SCOTSS Product Safety Group projects and other joint initiatives, to be considered on a case-by-case basis in terms of their relevance to the Highlands. • Proactive engagement with explosives storage licensees, including inspection visits where necessary.

Topic	Weights & Measures
Priorities	Highland Council Programme- 3.4.8: With our partners and business organisations we will promote the region as a place for business to invest, thrive and grow.
Objective	To ensure Highland consumers and businesses receive fair measure in their purchases To provide an efficient high quality calibration and weighing & measuring equipment service to business.
Details	Including: <ul style="list-style-type: none"> • Maintaining metrological equipment in accordance with national standards. • Responding to complaints and intelligence received. • Responding to requests for service from Highland businesses. • Participating in joint “Notified Body” with other northern local authorities • Participating in SCOTSS Metrology Group projects and other joint initiatives, to be considered on a case-by-case basis in terms of their relevance to the Highlands.

Topic	Taxis & Private Hire Cars (PHCs)
Priorities	Highland Council Programme- 3.4.8: With our partners and business organisations we will promote the region as a place for business to invest, thrive and grow.
Objective	To ensure that visitors to the Highlands and local residents enjoy high quality taxi and PHC services. To maintain public safety and fair trading standards of Taxis & PHC via the rigorous application of the Penalty Points System and ensuring the accurate calibration of taximeters.
Details	Including: <ul style="list-style-type: none"> • Monitoring licensee performance via Penalty Points system • Responding to complaints and intelligence received. • Responding to requests for Taxi meter testing. • Participate in arrangements for tariff changes when required.

Topic	Tobacco, Nicotine Vapour Products (NVPs) and Age Restricted Sales
Priorities	Highland Council Programme- 3.3.2: We will support children and young people to be protected, healthy, safe and responsible. 3.4.8: With our partners and business organisations we will promote the region as a place for business to invest, thrive and grow
Objective	To protect young people in the Highlands by preventing the supply to them of harmful age restricted products. To promote public health through ensuring compliance with Tobacco and NVP legislation.
Details	Including: <ul style="list-style-type: none"> • Carrying out necessary “proactive” work on age restricted sales, tobacco and NVPs as per specific Scottish Government funding. • Responding to intelligence received about underage sales and tobacco and NVP infringements by carrying out investigations and taking enforcement action where necessary. • Providing advice and guidance to Highland businesses on age restricted sales, tobacco and NVP compliance matters. <p>Specific initiatives for 2019-20 include:</p> <ol style="list-style-type: none"> 1. Continued proactive enforcement of relatively new NVP legislation through inspection visits, publicity campaigns and test purchasing programmes. 2. Some proactive enforcement of Tobacco legislation, including test purchasing programmes.

Topic	Animal Feedstuffs & Fertilisers
Priorities	Highland Council Programme- 3.4.8: With our partners and business organisations we will promote the region as a place for business to invest, thrive and grow
Objective	To ensure compliance with quality standards for animal feed and fertilisers by the targeted surveillance of producers and feed businesses.
Details	Including: <ul style="list-style-type: none"> • Completing annual Food Standards Scotland (FSS) Official Feed return. • Responding to FSS feed incidents. • Taking action as necessary regarding Fertilisers