



**TRADING
STANDARDS
TEAM PLAN
2016-2020**

APRIL 2019

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1. INTRODUCTION

Welcome to the Aberdeenshire Council Trading Standards Team Plan for 2016-19. It will continue in use for 2019-20 until various staff changes take effect.

It is aimed primarily at staff but is also available publicly via our webpages. It sets out our priorities for the 3 years and highlights significant changes anticipated over the forthcoming period.

Home Improvements has been added as one of our priority areas to attempt to tackle the consistently high level of complaints in this field. While some of these are related to Doorstep Crime it is considered worthy of inclusion in its own right. Age Related Sales has been removed from our priorities although the commitment remains to meet the Scottish Government Enhanced Tobacco Sales Enforcement Programme. The other priorities remain unchanged.

The UK government has introduced some changes in response to concerns around product safety enforcement and has created a new Office for Product Safety and Standards. This is likely to lead to a renewed focus on product safety matters and has the potential to be a great benefit to local trading standards services.

The Council Strategic Priorities over the next five years are listed below. Trading Standards have a contribution to make to many of these, but of particular relevance is the aim of supporting a strong, sustainable, diverse and successful economy.

Council Priorities 2017-2022

- Support a strong, sustainable, diverse and successful economy
- Have the best possible transport and digital links across our communities
- Provide the best life chances for all our children and young people by raising levels of attainment and achievement
- Work with parents and carers to support children through every stage of their development
- Encourage active lifestyles and promote well-being with a focus on obesity and mental health
- Have the right mix of housing across all of Aberdeenshire
- Support the delivery of the Health and Social Care strategic plan
- Work to reduce poverty and inequalities within our communities
- Deliver responsible, long-term financial planning
- Have the right people, in the right place, doing the right thing, at the right time
- Protect our special environment, including tackling climate change by reducing greenhouse gas emissions.

Aberdeenshire Council's Vision is;

Serving Aberdeenshire from mountain to sea – the very best of Scotland

The Council expects Services to support people in Aberdeenshire to enjoy the best quality of life in safe, friendly and lively communities. Trading Standards have an important role to play in contributing to these aims.

The Trading Standards Vision is;

Working Together for the people of Aberdeenshire to create a fair and safe trading environment-

- **Protecting consumers from unfair, illegal and unsafe trading practices**
- **Empowering consumers by providing advice, education and support**
- **Protecting reputable and legitimate local businesses from illegal trading practices and unfair competition**
- **Supporting local businesses by providing inspection, advice and support services**

2. CHALLENGES AND OPPORTUNITIES

The Government have created a new Office for Product Safety and Standards (OPSS) tasked with identifying consumer risks nationally and managing responses to large scale product recalls of unsafe goods. This was set up in response to a report by product and fire safety experts investigating the failings of the current system highlighted by issues such as the Whirlpool tumble dryer fire risk.

OPSS will provide support and advice for local authority Trading Standards teams, providing co-ordination where action is needed on a national scale and will ensure the UK continues to carry out appropriate border checks on imported products once the UK leaves the European Union.

It has also absorbed the government department, Regulatory Delivery, which encompasses the former National Measurement Regulation Office and Primary Authority arrangements.

A strategic review of trading standards across Scotland was concluded in 2016 with a recommendation to form larger regional groups. Further work has now been carried out by the Improvement Service and COSLA has agreed 3 recommendations. That COSLA continue to work with the Scottish and UK Governments in order to ensure that Consumer Protection is properly considered and resourced throughout the Brexit process; that their Employers Organisation look at the future workforce pressures for trading standards and develop a proposal for securing and training the future workforce; and lastly consider how best trading standards might be integrated into inclusive growth delivery with the aim of developing resilience within the service.

Alongside this work, authorities across the North of Scotland are in discussions about a formal joint working collaboration. The aims of this partnership are to pool resources and share expertise, increasing resilience and effectiveness to produce better outcomes for consumers and legitimate businesses.

Food Standards Scotland are also currently considering the most appropriate model of service delivery for feed hygiene enforcement. A regional authority model is the favoured option with Aberdeenshire nominally identified as the enforcement authority covering Aberdeenshire, Aberdeen City and Shetland. Changes are unlikely to take place before Autumn 2018.

The Criminal Justice (Scotland) Act 2016 is expected to introduce changes requiring us to review our enforcement guidelines. A Code of Practice will be issued covering information to be provided to a suspect before questioning and the recording of interviews.

The General Data Protection Regulation comes into force on 25 May 2018. This will have an impact on our service, requiring the introduction of Privacy Notices and a review of our processes and procedures.

Tactical Tasking and Coordination is embedded in our processes now and help focus our attention on both local and national priorities. Fortnightly meetings are held involving all Officers during which information is shared on ongoing investigations and emerging issues. The trading standards intelligence database is used locally and nationally to help identify areas of significant consumer detriment requiring our intervention.

In targeting resources appropriately, it is important that we are aware of new businesses and ensure they are inspected and risk rated, informing future actions. It is also an opportunity for new businesses to be given the chance to obtain direct advice. These businesses are now proactively identified, enabling Officers to carry out an appropriate assessment of the business and offer advice on compliance if required. For the forthcoming year, we will improve our liaison with organisations such as Business Gateway to try and encourage new businesses to seek our advice at an early stage.

We continue to work in partnership with Citizens Advice. Complainants are directed to their telephone helpline service- Citizens Advice Consumer Helpline for initial advice. If this doesn't resolve the matter or if any criminal breaches of legislation are identified, complaints are then referred to Trading Standards for further help. This service has also provided important intelligence on the issues affecting consumers and we regularly interrogate their central consumer complaints database.

The introduction of Uniform has allowed us to analyse complaints notified to us as well as those referred for further action. The following figures are therefore higher than has been reported prior to 2017 and so can't be directly compared. It is also important to note that some complaints are notified to us more than once. The most complained about goods and services in Aberdeenshire in 2017-18 were second hand cars 360, home improvements 270, furniture 116, car servicing 98, and energy and heating 92.

Efforts will be targeted to ensure businesses operating in the home improvement and car sales sectors are aware of their obligations under the Consumer Rights Act, Consumer Contracts Regulations and the Alternative Dispute Regulations.

Complaints against doorstep sellers also remain high and there were 265 complaints and notifications where doorstep selling was involved. These are of particular concern as the harm caused to victims can be substantial in terms of financial loss and can have a major detrimental impact on the victims' health and wellbeing.

The Banking Protocol was introduced on 5 March 2018. This is a joint initiative with the police, trading standards and banks, whereby bank staff are trained to spot potential scam victims uncharacteristically looking to withdraw large sums of money. They will report any suspicions to the police. On a related matter, trading standards will seek to set up a protocol within the Council, to provide the police and trading standards with expert witness reports to support rogue trader investigations.

We will continue to work with the National Scams Hub receiving referrals of Aberdeenshire residents who may be scams victims and offer advice and education to help them protect themselves. Referrals will be via a new web-based system, Compass, which will streamline the procedure and facilitate improved research and analysis of the problem. We are also working with the Royal Mail to raise awareness

of mail scams with local staff so that they can report them through their own procedures. We will also continue to provide information on ways to protect residents from nuisance calls and carry on with the provision of a free loan service of call blockers.

Sales on the internet are increasing year on year and we received 413 complaints and notifications last year where the purchase was made via the internet. It is convenient for consumers but not without its risks and so extremely important that we carry out a programme of monitoring.

New legislation controlling the sale of nicotine vaping products came into force on 1 April 2017. This required retailers to register and imposes similar restrictions on their sale as currently applies to cigarettes, such as banning sales to under 18-year olds and outlawing proxy purchasing. An assessment of the effectiveness of this legislation will be undertaken across several local authorities, by members of the proposed North of Scotland Trading Standards Collaboration, and if non-compliances are identified a joint enforcement initiative will be undertaken.

The service continues to operate a metrology laboratory as a shared resource with Aberdeen City. Services offered include certifications of accuracy for weights and measures equipment and a weights hire service for local businesses. A number of local authorities have now formed a North of Scotland Notified Body Group which will help share expertise and maintain competencies across the metrology verification service.

Our Civica premises and complaints database was replaced by 'Uniform' in April 2016. The review of the data is ongoing to ensure the business register is up to date and accurate. The introduction of the document management system has been delayed but it is hoped progress will be made this year to allow for the introduction of more efficient processes in the year ahead.

Appropriate and effective communications with businesses and consumers is crucial to an effective trading standards service. We have reviewed our feedback procedures to ensure we meet the requirements of the Scottish Regulators' Strategic Code of Practice and will continue to take opportunities to improve and extend our communication and engagement with those we regulate. We will continue to publicise our work using media releases, Twitter and the Aberdeenshire Council website.

Our staff are well trained and highly motivated and show an encouraging commitment to continuous professional development. This is extremely important against a background, not only of changing legislation, but also changes to the way trading standards services are delivered throughout the UK. We are committed to developing staff and currently have 6 officers studying for qualifications as part of the Trading Standards Qualification Framework.

3. PRIORITIES FOR 2019-20

In setting our priorities we consider national priorities identified by bodies such as Trading Standards Scotland, the National Measurement and Regulation Office (NMRO), Food Standards Scotland and the Consumer Protection Partnership. We also carry out an analysis of central consumer complaints data to establish the areas causing most concern to residents of Aberdeenshire.

These are considered alongside Aberdeenshire Council's Single Outcome Agreement and national strategies such as

- Letting our Communities Flourish, A Strategy for Tackling Serious Organised Crime in Scotland and
- Creating a Tobacco-Free Generation, A Tobacco Control Strategy for Scotland.

Our operational priorities for 2019-20 are;

- Doorstep Crime
- Home Improvements
- Second Hand Car Sales
- Internet Sales (E- Crime)
- Mass Marketing Scams

During 2019-20 we will: -

- (a) Prioritise doorstep crime complaints with a view to reducing harm caused to consumers. This will include awareness raising and increased publicity, closer cooperation with partner agencies and neighbouring authorities, identifying and adopting best practice. In addition, the possibility of additional support/ expert witness reports provided by Aberdeenshire Council to assist in rogue trader investigations will be explored.
- (b) Prioritise Home Improvement complaints ensuring the circumstances are thoroughly investigated for compliance with the Consumer Protection from Unfair Trading Regulations 2008, The Consumer Rights Act 2015, the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 and the Alternative Disputes Regulations 2015. Traders with the highest level of justified complaints will be offered tailored advice at regular intervals to improve their level of compliance.
- (c) Continue to provide information on the Consumer Rights Act to Aberdeenshire based car dealers and consumers with a view to improving knowledge of their legal rights and obligations. Traders with the highest level of justified complaints will be offered tailored advice at regular intervals to improve their level of compliance.
- (d) Monitor the internet at regular intervals to identify and secure compliance of any Aberdeenshire based traders and traders adversely affecting Aberdeenshire residents.

- (e) Continue work to protect vulnerable adults from financial harm, including providing advice and assistance to those on the 'Scams List'. Provide information on call blocking services to vulnerable residents and supply call blockers where this is the most appropriate protection for them. We will also work with staff at Royal Mail sorting offices to help them identify other victims and to take appropriate action.
- (f) Conduct advice visits and test purchase exercises with a view to monitoring and enforcing legislation controlling the sale of age restricted products. This will include nicotine vapour products, cigarettes and fireworks.
- (g) Visit all high-risk premises during the year and visit businesses rated as upper medium as resources allow. High risk premises include animal feed mills and large food packers. Major non-compliances will be fully investigated and monitored until compliance is achieved.
- (h) Assess and if necessary visit all new businesses within 3 months of coming to the attention of the service.
- (i) Visit all licensed explosives stores during the year and visit all petroleum storage premises over two years.
- (j) Carry out a sampling programme of animal feeding stuffs from manufacturers' premises for compliance with hygiene and compositional standards.
- (k) Carry out selected, additional projects identified by national and regional groups.
- (l) Continue to liaise with other Local Authorities to explore and exploit opportunities for closer joint working, identifying efficiencies and making best use of available resources in providing a Trading Standards Service. This will include the formation of a North of Scotland Notified Body Group.

