

PERTH AND KINROSS COUNCIL

TRADING STANDARDS INVESTIGATION POLICY

Introduction and Mission Statement

The Trading Standards Service of Perth and Kinross Council is located within the Environment Service, Pullar House, 35 Kinnoull Street, Perth PH1 5GD. Trading Standards carry out a wide range of statutory duties in the sphere of consumer protection. The legislation enforced is aimed at ensuring a fair, safe and equitable trading environment in which responsible businesses can succeed and consumers are protected from unfair and irresponsible trading practices.

The service aims to: -

- Increase consumer confidence
- Improve business awareness of consumer law
- Promote the concept of a fair and safe trading environment
- Ensure uniformity of enforcement
- Monitor trading practices
- Carry out the risk-based inspection of trade premises
- Investigate alleged breaches of relevant legislation.

Trading Standards Investigations

The follow criteria will apply to investigations carried out by the Trading Standards Service: -

- Duly authorised officers have the right to enter trade premises at any reasonable time, and can enter without advance notice or making an appointment. Officers must produce their identification if requested.
- Investigations can be carried out for a variety of reasons and are not confined to responding to complaints about breaches of the criminal legislation enforced by the service. Investigations can be initiated as a result of intelligence gathered by the service or from other agencies.
- Duly authorised officers may have the right to purchase or sample goods, seize goods or records or take copies as the case may be.

Investigations will be carried out with regard to the policies of the Council regarding age, gender, infirmity, disability or ethnic origin.

Authorisation of Officers

Duly authorised officers with credentials certifying their appointment and authorisation to exercise the powers in relation to the legislation specified therein will carry out investigations

Enforcement Actions

The Trading Standards Service has an Enforcement Policy based on the requirements of the Enforcement Concordat. What traders can expect from officers during investigations are set out as follows: -

- Advice from officers will be put clearly and simply and will, where necessary or requested, be confirmed in writing explaining why remedial action is necessary and over what timescale.
- Where immediate action is considered necessary, an explanation of why such action is required will be given at the time and confirmed in writing.
- Before formal action is taken, officers will provide an opportunity to discuss the circumstances of the case and, where possible, resolve any points of difference.
- Officers can also issue a wide range of statutory notices under the various Acts of Parliament they are authorised to enforce.
- If enforcement action is taken against a business with national interests' officers will have regard to the Home Authority Principle.

Partnership Working

Trading Standards is committed to working in partnership with other agencies and Trading Standards Services to achieve a more joined-up approach to investigation.

- We will participate in joint visits to the local Sunday markets with Tayside Police, HM Customs and Excise, Benefits Agency and other agencies, where this is appropriate.
- We have a memorandum of understanding with the Inland Revenue and will maintain close links with the local tax inspectorate to target problem and black economy traders.
- In partnership with other Scottish Trading Standards Services we have established an intelligence-sharing forum to tackle counterfeiting issues.

Service Standards

Trading Standards staff will have regard to the following service standards, when carrying out investigations as follows: -

- All staff will respond to traders in a courteous, helpful and professional manner and produce their identification when requested.
- Provide reasons for enforcement action in writing where necessary-100% of letters/notices sent within 10 working days from the event leading to the action.
- In order to ensure the integrity of all goods seized, formally sampled or otherwise detained officers shall adhere to the evidence handling and control protocols set out in the Trading Standards Manual.
- Prosecution reports will be treated as an absolute priority and completed without undue delay.

- Officers will not carry out or be involved in investigations if they have a personal involvement with the trader or other conflict of interest.

Confidentiality

Confidentiality is one of the fundamental principles of the Trading Standards Service. All staff actively involved in the delivery of the service have signed a declaration of confidentiality.

In general, confidential information must not be disclosed except in the following circumstances: -

- As required by law
- As authorised by the Council
- When there is a perceived danger to a person/persons.
- Where the disclosure is made with the knowledge and consent of the relevant person.

People Management

Relevant Trading Standards staff will possess the skills and knowledge required to carry out an enforcement role.

Staff will receive support and supervision appropriate to their level of skill and knowledge.

Training will be provided in accordance with the Environment Service policy.

Commitment to Quality and Continuous Improvement

We will continue to look for ways of improving the service and will regularly assess our performance and review procedures.

Complaints and expressions of dissatisfaction will be viewed as opportunities to identify possible weaknesses in the inspection process. The service does not have a 'blame culture'. When things go wrong, it is rarely the fault of one officer and is much more likely to be a combination of factors, many of which are determined by the systems operated by the section. Where a trader makes a complaint or expresses dissatisfaction with an investigation, the Trading Standards Manager will be notified as soon as possible. This information will be used to examine possible action to improve the service.

The trader will be given the opportunity to utilise the Council's corporate complaint's procedure.

Public Performance Information

As a public service, Trading Standards believe that it is important to let the public and other stakeholders know how well we have performed, and how much our service costs.

As a section of the Environment Service our statutory performance indicator results will be published annually in accordance with Council policy.