

**NORTH LANARKSHIRE COUNCIL
REPORT**

To: PLANNING AND ENVIRONMENT (PROTECTIVE SERVICES) SUB COMMITTEE	Subject:
From: DIRECTOR OF PLANNING AND ENVIRONMENT	REVIEW OF TRADING STANDARDS ENFORCEMENT POLICY
Date: 9 August 2005	Ref: CM/PF

1. Purpose of Report

- 1.1 This report will provide members of the sub committee with a summary of the Trading Standards Service policy document in relation to the Enforcement & Projects teams aim of being open and fair in dealing with business.
- 1.2 It is recognised that the vast majority of businesses take great diligence and care to ensure they operate within the law. Those whose job it is to enforce regulations have a duty to help businesses to do so without creating unnecessary delay, worry or expense.

2. Background

- 2.1 North Lanarkshire Council, in common with the majority of Scottish local authorities, agreed to adopt the CoSLA *Concordat on Good Enforcement*. The Trading Standards arm of the Protective Services Division produced its own Enforcement Policy and a complementary Guidance Leaflet ("Summary of Policy and Procedures") thereby meeting the Concordat aims.
- 2.2 The original policy document drawn up in 2001 has been updated to reflect both changes within the Trading Standards service and recent legislative movements. It continues to form part of the service's effort to engage with local businesses in order to highlight the fair and equitable means employed by trading standards staff in enforcing consumer protection legislation.

3. Considerations

- 3.1 A copy of the Enforcement Policy will be placed in the Local Government Library.
- 3.2 The Trading Standards functions include the promotion of the quality of life and economic wellbeing of consumers and business by:
 - (a) encouraging confident and knowledgeable consumers and businesses,
 - (b) supporting competitiveness and enterprise in the community, and
 - (c) ensuring a fair, safe and just environment, through the,
 - provision of advice to consumers and businesses
 - education
 - working in partnership with businesses, consumer organisations, schools and colleges
 - securing compliance with legislation and codes of practice.

- 3.3 In order to work in partnership with businesses it is imperative to inform potential partners and clients of policies and procedures that may impinge upon their operations. The principles of good enforcement, adopted by the Trading Standards Service, ensure that standards expected from our officers are subject to consultation with appropriate businesses. The Policy document seeks those views. Copies of the revised Enforcement Policy will be sent to major retailers and small business representatives for perusal and comment.
- 3.4 The Trading Standards Service has undertaken to provide any information and guidance to businesses on the rules that the service applies in plain English, notwithstanding that the service will make copies of all relevant guidance in any language requested. Copies in Urdu and Cantonese are being prepared.
- 3.5 The Trading Standards Service believes in preventing offences wherever possible rather than prosecuting offenders. This pro-active role will involve working with businesses to develop mechanisms for fair trading as opposed to pursuing businesses that transgress consumer protection legislation, or by reacting to complaints. This approach does not preclude transgressors from being reported to the Procurators Fiscal, after due consideration of all relevant facts, but does ensure that any action taken by the Service is commensurate with all of those facts.
- 3.6 In common with all North Lanarkshire Council Departments, standard procedures exist for complaints. The Trading Standards procedures are detailed in the Policy document and extend from complaints about enforcement actions to complaints about how staff members interact with businesses.
- 3.7 Copies of the Summary of Policies and Procedures guidance leaflet will be given to each commercial activity visited by trading standards enforcement officers. This leaflet will invite businesses to comment on the service provision and help shape future policy. By engaging businesses in such partnership, it is envisaged that the economic wellbeing of consumers and business will be addressed in a positive manner. The leaflet will also advise traders on how to access further free and confidential information on their rights and obligations.

4. Corporate Considerations

- 4.1 The recommendations to the Committee are consistent with policy and there are no financial, personnel, legal or property implications in the report.

5. Recommendations

- 5.1 The following recommendation is made to the Sub-Committee:-
- 5.1.1 That the Sub-Committee endorses the partnership approach to enforcement as an avenue to harmonious fair trading within North Lanarkshire.

C. Morgan

for
David M. Porch
DIRECTOR OF PLANNING AND ENVIRONMENT
(30 June 2005)

Local Government Access to Information Act: for further information about this report, please contact Peter Fergie, Trading Standards Team Leader, on 01698 302007