

The Highland Council

Transport, Environmental And Community Services Committee
19 September 2013

Agenda Item	4
Report No	TEC 64/13

Trading Standards Performance Review – 2012/13

Report by Director of Transport, Environmental and Community Services

Summary

This report invites Members to review the work of Trading Standards during 2012/13.

The submission and approval of the report is one of the key Trading Standards performance indicators in the TECS Service Plan.

1. Background

- 1.1 The overall objective of Trading Standards is to ensure that trade in the Highlands is carried out in accordance with the relevant statutory requirements within our jurisdiction and to protect the safety and economic interests of consumers, whilst ensuring that businesses are allowed to operate in a fair commercial environment, free from unnecessary regulatory burdens.
- 1.2 In striving to achieve this objective Trading Standards aims to work with businesses, assisting them wherever possible to understand and comply with often complex pieces of trading standards law, thereby allowing them to remain competitive and avoid the damaging costs associated with the taking of retrospective remedial action and/or being subject to civil and criminal penalty.
- 1.3 In cases where things do go wrong, Trading Standards works wherever practicable with partner organisations and other Council services to respond to requests for advice and assistance by individual consumers and business, where necessary confronting those businesses whose activities are identified as breaching the criminal law and/or where their failure to comply with the civil law results in a detrimental impact on the general economic interests of consumers.
- 1.4 Where certain business activities are subject to permissioning regimes that Trading Standards have been given responsibility, e.g. the licensing of the storage of petrol at petrol filling stations, the storage of fireworks and other pyrotechnics, taxis etc. these business activities are subject to a more rigorous, albeit still proportionate regulatory approach.

2. Performance and Other Indicators

- 2.1 The absence of any meaningful performance indicators for Trading Standards was identified by Audit Scotland in their "[Protecting Consumers](http://www.audit-scotland.gov.uk/docs/local/2013/nr_130131_protecting_consumers.pdf)"¹ report published in

¹ http://www.audit-scotland.gov.uk/docs/local/2013/nr_130131_protecting_consumers.pdf

January 2013, which was the subject of a separate [report to the TECS Committee in May 2013](#)².

- 2.2 Since then the recently formed Trading Standards Scotland team within COSLA, has identified this issue for further work and together with Councils is participating in a benchmarking pilot being taken forward by APSE (Association for Public Service Excellence).
- 2.3 Until such time that the output from these initiatives produces something that would enable our performance to be assessed against any future national outcome measures agreed, this report provides Members with details of the projects, initiatives, examples of case work and where reasonable to do so the outcomes and impacts that can be attributed to the work undertaken, asking that this is assessed against the [2012/13 Operational Plan](#)³ that was approved by TECS Committee in August 2012.
- 2.4 The use of indicators, not of performance, but of what is going on in the external environment, to support the decisions that have been made in prioritising the work Trading Standards does and to at least point towards the outcomes that we strive to achieve are however relevant and are referred to both within the body of the Annual Review document and for ease of reference have also been tabulated separately in an Appendix 2 to the Review document.

3. Annual Performance Review 2012/13

- 3.1 The Annual Performance Review document is available online at the following link [Trading Standards Annual Performance Review 2012/13](#)⁴. A limited number of hard copies are also available in the Members' Lounge.
- 3.2 A presentation covering the main area of the Annual Performance Review will be made at the Committee

4. Tobacco Marketing Controls

- 4.1 Within the 2012/13 Annual Performance Review document, details are provided in the body of the document and in the Table 1.3 in Appendix 2 that relate to the enforcement of the tobacco marketing controls introduced in the Primary Medical Services (Scotland) Act 2010.
- 4.2 This information is provided to Members with the necessary evidence to ensure the Council's obligation under the Act to carry out a relevant programme of enforcement has been undertaken in accordance the Operational Plan for 2012/13.

² <http://www.highland.gov.uk/NR/rdonlyres/BE90ACFD-66DC-42C7-B6DB-0107A4A45507/0/Item12TEC4513.pdf>

³ <http://www.highland.gov.uk/NR/rdonlyres/705E40C7-25F1-46EA-9050-E72358092AE0/0/Item10TEC3912.pdf>

⁴ <http://www.highland.gov.uk/NR/rdonlyres/792CD17A-BAD0-42FA-B9C8-AFC0FD5E172E/0/TradingStandardsPerformanceReview.pdf>

5. Implications

- 5.1 There are no resource implications arising from this report, and the work undertaken is funded from the TECS Revenue Budget.
- 5.2 There are no legal implications arising as a direct result of this report.
- 5.3 There are no equality implications arising as a direct result of this report.
- 5.4 There are no climate change or carbon clever implications arising as a direct result of this report.
- 5.5 There are no risk implications arising as a direct result of this report.

<h2>6. Recommendation</h2>

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| <ul style="list-style-type: none">6.1 Members are invited to approve the Trading Standards Operational Review for 2012/13. |
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Designation: Director of Transport, Environmental and Community Services

Date: 6 September 2013

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